

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH AMENDING CHAPTER XXIV OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING SECTION 24-84, ENTITLED "BOATS, DOCKS AND PIERS" TO PROHIBIT THE DOCKING, PARKING, STORAGE OF COMMERCIAL BOATS AND WATERCRAFTS IN RESIDENTIAL DISTRICTS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of North Miami Beach seek to protect the public safety and preserve the quality of life within the City; and

WHEREAS, there is a widespread concern that the use of residential docking facilities for commercial purposes is impacting the quality of life of residents; and

WHEREAS, it is necessary to preserve the residential character of residential waterways in the City, the safety, peace and welfare of the residents of the City by prohibiting the docking of commercial watercrafts within residential waterways; and

WHEREAS, the Mayor and City Commission of the City of North Miami Beach find that it is in the best interests of its citizens to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. That the recitals and finding contained in the forgoing "whereas" clauses are adopted by reference and incorporated as if fully set forth in this section.

Section 2. That Chapter XXIV, entitled "Zoning and Land Development," Article VIII, entitled "Supplemental Regulations," Section 24-84 entitled "Boats, Docks and Piers" shall be amended as follow (*deletions and additions are identified using a strike-through and underline format, respectively*):

Sec. 24-84 - Boats, Docks and Piers.

(A) Dockage space and facilities for the mooring of pleasure boats, yachts, and other

noncommercial watercraft may be permitted in any residential district on any waterway as an accessory use, provided that:

- (1) No boat may be used or maintained for overnight sleeping or living purposes or as a place of residence.
- (2) No docks, piers or mooring posts or combinations thereof, may project more than eight (8) feet from any bulkhead line, nor extend nearer than ten (10) feet to any adjacent property line. Dolphin pilings may project up to twenty-five (25) feet from a bulkhead line.
- (3) No perpendicular docking or mooring of boats shall be permitted.
- (4) No boathouse or other permanent boat covering shall be permitted, except that a canvass or plastic shelter with removable structural supports may be allowed to cover a dock area.
- (5) All commercial marinas shall provide a sewage pumpout facility.
- (6) No commercial repairs and/or sales of boats shall be permitted. A residential boat owner may sell or repair his own boat from his property. However, more than one (1) self-owned boat sold by such property owner in any given year will be presumed to be a commercial sale unless proven otherwise to the satisfaction of the City Manager.
- (6) Commercial boat parking and docking shall be strictly prohibited. No person shall park, store, or knowingly permit another person to dock, park or store, any commercial watercraft or boat upon any right-of-way or waterway at any time within any residentially zoned district.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Ordinance is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Ordinance.

Section 5. It is the intention of the City Commission of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or re-lettered to accomplish this intention and the word "Ordinance" may be changed to "Section," "Article," or other word as the codified may deem appropriate.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on this first reading this 20th day of July, 2021.

APPROVED AND ADOPTED on second reading this 21st day of September, 2021.

ATTEST:



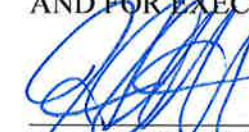
ANDRISE BERNARD, CMC
CITY CLERK



ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



HANS OTTINOT,
INTERIM CITY ATTORNEY

Sponsored by: Commissioner Fortuna Smukler