

**GOLDEN BEACH, FLORIDA
ORDINANCE NO. 422.96**

Revised 03/18/97
Amended 03/18/97
Revised 03/28/97
Revised 04/11/97
Revised 05/15/97
Revised 05/19/97
Amended 05/20/97

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; AMENDING CHAPTER 46 "WATERWAYS" OF THE TOWN CODE; PROVIDING IN SECTION 46-87, THAT ELEVATED BOATS, DOCKS AND OTHER STRUCTURES ARE PROHIBITED EXCEPT WITHIN THE TRIANGLE FORMED BY CONNECTING TWO POINTS AT THE WATERSIDE EDGE OF THE PROPERTY AND AN IMAGINARY POINT IN THE WATERWAY AT 45 DEGREE ANGLES AT THE PROPERTY LINE, REGARDLESS NOT TO EXTEND MORE THAN 25 FEET INTO THE WATERWAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 46-87 of the Town Code is hereby amended to provide as follows:

"Sec. 46-87 Proximity of lot lines.

(a) No part of any dock or any other structure shall be placed nearer than ten feet, to a line formed by the projection of the sidelines of the lot.

(b) No portion of a dock, boat lift, hydrohoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points indicated below, that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect

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on the waterway side of the lot, but never to exceed 25 feet into the waterway from the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area. The base of the triangle shall be determined as follows:

1. When the waterfront is less than 65 feet, the base of the triangle extends to each of the side property lines.
2. When the waterfront is 65 feet or more, up to and including 80 feet, the base of the triangle is set back five feet inside each of the side property lines.
3. When the waterfront is greater than 80 feet, the base of the triangle is set back ten feet inside each of the side property lines.
4. When the lot line is curved, the base shall be measured at the straight line, forming the chord, connecting the two side property lines (or the two side setback lines) at the point where they cross the sea wall. The side setback shall be determined based upon the length of the chord as provided in this subsection, above.

(c) The keel of a raised vessel shall be no higher than the cap of the seawall and never higher than 4 feet above mean sea level.

(d) No dock, lift, mooring piles or moored boat shall be permitted on vacant lots. Permits for such construction will be issued after a building permit for a single family home has been issued, but the final inspection will be performed at the same time that the single family home final inspection is given.

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(e) Legal non conforming dock structures - If more than 50 percent of the value of the dock structure, lift, dolphin pile or other structure referenced in this section, is spent to repair or renovate such dock structures, then the dock structures must conform with the provisions of this section. The fair market value shall be determined by a state certified real estate appraiser or the Town Building Official. Dock structures that were not legally permitted when installed shall not be improved unless they conform to this section. If an existing residence that has a dock is demolished, the dock can remain in place with the following provisions:

1. That a new residence will be constructed and completed within two years from completion of the demolition; and

2. A Bond in an amount equal to 120% of the estimated cost of the dock demolition is filed with the Town's building and zoning department; and

3. As part of the demolition permit documents, the owners of record shall file an affidavit with the Town's building and zoning department, authorizing the Town to use the Bond funds to demolish the dock if a residence is not completed on the lot after the expiration of the two year's time limit.

Section 2. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance

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but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

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The Motion to adopt the foregoing Ordinance on first reading was offered by Councilwoman Lowrance, seconded by Councilman Fistel and on roll call the following vote ensued:

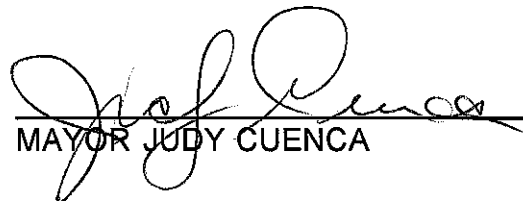
Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>AYE</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>

PASSED AND ADOPTED on first reading this 18th, day of March, 1997.

The Motion to adopt the foregoing Ordinance on second reading was offered by Vice Mayor Chikovsky, seconded by Councilwoman Lowrance and on roll call the following vote ensued:

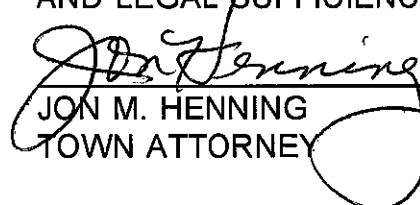
Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>ABSENT</u>
Councilman Fistel	<u>ABSENT</u>
Councilwoman Lowrance	<u>AYE</u>

PASSED AND ADOPTED on second reading this 20th day of May, 1997.


MAYOR JUDY CUENCA

ATTEST:

TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JON M. HENNING
TOWN ATTORNEY

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