

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 553.11

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 46, WATERWAYS, SPECIFICALLY BY ADDING SECTION 46-55 and 46-87, TO PROVIDE APPROPRIATE SETBACKS FOR PRIVATE RESIDENTIAL VESSELS DOCKING AT PRIVATE FACILITIES INCLUDING FLOATING DOCKS AND OTHER STRUCTURES THAT MAY BE INSTALLED; AND PROVIDING FOR A NEW BASE FOR THE D-5 TRIANGLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Building Official has identified a need for the Town Code to provide regulations addressing applicability of regulations and location of private residential docking facilities and vessels; and

WHEREAS, the Building Official's proposal has been reviewed by the Town's Building Regulation Advisory Board, which has submitted its recommendations to the Town Council; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town residents to approve certain amendments to the Town's regulations.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. Article III – Boats. Chapter 46 of the Town Code is amended by adding Section 46-55, and revising Section 46-87 in the following particulars:

* * *

Section 46-55 Vessels, floating docks, and other structures moored or installed at a seawall or dock

Vessels, floating docks, or other structures that are moored or installed at a dock or seawall; (1) shall protrude no further than twenty-five (25) feet into the waterway from the face of the seawall or bulkhead, (2) shall maintain a set back of at least ten (10) feet from the waterward projection of the side property lines, and (3) shall be maintained entirely within the established setback.

* * *

Section 46-87. Proximity of lot lines.

(b) ...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.~~

(1) The base of the D5 triangle for all lots is set back five feet inside each of the side property lines.

~~(4)~~ (2) 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.

Section 3. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 4. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Isackson-Rojas, seconded by Vice Mayor Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED on first reading this 18th day of October, 2011.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Vice Mayor Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>

PASSED AND ADOPTED on second reading this 15th day of November, 2011.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY