

TOWN OF GOLDEN BEACH, FLORIDA**ORDINANCE NO. 548.11**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 46, WATERWAYS, SPECIFICALLY BY AMENDING SECTION 46-87, TO PROVIDE APPROPRIATE SETBACKS FOR PRIVATE RESIDENTIAL DOCKING FACILITIES INCLUDING VESSELS; 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. Chapter 46 of the Town Code is amended by making modifications to Section 46-87, in the following particulars:

Section 46-87. Proximity of lot lines

* * *

(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, or any type of floating dockage or similar device, and no portion of any vessel ~~a boat~~ elevated above the water, or otherwise moored at a dock or seawall of any kind, shall protrude into the waterway, unless it is (1) set back at least five (5) feet from the waterward projection of side property lines, or in the case of properties with waterway frontage of 80 feet or greater, is set back at least ten (10) feet from the waterward projection of side property lines; and (2) is maintained entirely 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 on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of 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:

* * *

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.

FAILED

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by

_____, seconded by _____, and on roll call the following vote
ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED on first reading this 28th day of June, 2011.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY