

**ORDINANCE NO. 22 -1718**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-57. - "MARINE STRUCTURES", TO PROVIDE FOR REGULATIONS FOR CONSTRUCTION OF DOCKS, PIERS AND MOORINGS ON WATERFRONT LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1       **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida  
2 Statutes, provide municipalities with the authority to exercise any power for municipal purposes,  
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4       **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it  
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in  
6 order to update regulations and procedures to maintain consistency with state law, to implement  
7 municipal goals and objectives, to clarify regulations and address specific issues and needs that  
8 may arise; and

9       **WHEREAS**, the Town has waterfront lots along its perimeter and within Point Lake and is in  
10 need of updating its dock or marine structure regulations in order to ensure safe and adequate  
11 navigation of Town waterways and water bodies; and

12       **WHEREAS**, the Town Commission wishes to amend the Town Code, by repealing and  
13 replacing Section 90-57. – Marine Structures, to provide for specific regulations for waterfront lots  
14 with water frontage on two sides, specific waterfront lots fronting portions of Point Lake that are  
15 particularly vulnerable to obstructions to navigation, other waterfront lots on Point Lake, waterfront  
16 lots on Biscayne Bay and Indian Creek, adding setbacks for docks, protecting unobstructed passage  
17 on waterways, and requiring owners to provide courtesy notices of a building permit application  
18 for a dock to all owners within 300 feet prior to building permit; and

19       **WHEREAS**, the Town Commission finds that revising and updating its dock or marine  
20 structures regulations to provide for more specificity of location and size of marine structures based  
21 on location of waterfront lots, coupled with protections for unobstructed passage of vessels on

<sup>1</sup>Additions to the text are shown in underline. Deletions are shown in ~~strikethrough~~.

22 waterways, setbacks and notices to adjoining owners, is necessary and in the best interests of the  
23 Town and its residents; and

24 **WHEREAS**, on November 9, 2021 at its regular monthly meeting, the Town Commission  
25 directed staff to evaluate and prepare an ordinance amending Section 90-57. – Marine Structures,  
26 to address numerous concerns raised by residents along waterfront lots; and

27 **WHEREAS**, the Town Commission held its first public hearing on December 14, 2021 and  
28 recommended approval of the proposed amendments to the Code of Ordinances having complied  
29 with the notice requirements in the Florida Statutes; and

30 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held  
31 its hearing on the proposed amendment on January 27, 2022 with due public notice and input; and

32 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on  
33 these regulations as required by law on February 8, 2022 and further finds the proposed changes to  
34 the Code are necessary and in the best interest of the community.

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36 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
37 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

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39 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by  
40 this reference:

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42 **Section 2. Town Code Amended.** Section 90-57. – “Marine Structures”, of the Surfside  
43 Town Code of Ordinances is hereby amended, and repealed and replaced, with the following<sup>1</sup>:

44 **Sec. 90-57. – Marine Structures.**

45 ~~The following regulations shall apply to boat docks, piers, and mooring piles, in any~~  
46 ~~district:~~

47 ~~(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or~~  
48 ~~established bulkhead lines shall be limited as follows, subject to final approval by Miami-Dade~~  
49 ~~County and any other authority having jurisdiction:~~

50 ~~a. — Biscayne Bay: 35 feet except if the applicant provides evidence that Miami-Dade~~  
51 ~~County requires a greater dock length to avoid or minimize adverse environmental impact to~~  
52 ~~marine resources.~~

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

53           b. ~~Indian Creek: 35 feet.~~

54           c. ~~Point Lake: 35 feet.~~

55           (2) ~~Under no circumstances shall any dock or pier be constructed so as to project into~~  
56 ~~any waterway for a distance equal to more than ten percent of the width of such waterway's~~  
57 ~~frontage.~~

58           (3) ~~For all properties requesting a marine structure permit as described in this section,~~  
59 ~~the town manager or designee shall send a mailed courtesy notification to all property owners~~  
60 ~~within 300 feet of the property requesting the permit submitted to the building department.~~

61           Construction of a dock, pier, or mooring structure (each is a "marine structure") for a  
62 waterfront lot may be permitted subject to the following:

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64           (a) Lots with Water Frontage on Two Sides. For any lot that has water frontage on  
65 two or more sides, a marine structure shall be permitted only on the side fronting  
66 on the widest adjacent waterway.

67           (b) Maximum Projection of Specific Lots on Point Lake. For the following lots with  
68 water frontage on Point Lake, a marine structure may be constructed to project  
69 into a waterway no more than the lesser of either (1) 10% of the width of the  
70 lot's frontage on the waterway, or (2) 10 feet:

71                 (i) Lots 1-4, Block 23A, of Second Amended Plat of Normandy Beach  
72 (recorded in Plat Book 16, Page 44); and

73                 (ii) Lots 9-18, Block 27 of Second Amended Plat of Normandy Beach  
74 (recorded in Plat Book 16, Page 44), as amended by the Second  
75 Revised Plat of Blocks 26-27, Second Amended Plat of Normandy  
76 Beach (recorded Plat Book 41, Page 6)

77           (c) Maximum Projection of Other Lots on Point Lake. For any other lot with water  
78 frontage on Point Lake, or North Canal or South Canal, a marine structure may  
79 be constructed to project into the waterway no more than the lesser of either (i)  
80 10% of the width of the adjacent waterway, or (ii) 10 feet.

81           (d) Maximum Projection of Lots on Biscayne Bay and Indian Creek. For any lot  
82 with water frontage on Biscayne Bay or Indian Creek, a marine structure may be  
83 constructed to project into the waterway no more than the lesser of (i) 10% of  
84 the width of the adjacent waterway, or (ii) 15 feet, unless the Miami-Dade  
85 County Department of Economic Resources or Florida Department of  
86 Environmental Protection determines that environmental resources require a  
87 further dock extension, in which case a finger pier not to exceed 8 feet in width,  
88 and any mooring piles, boat lifts, or other appurtenances, shall be allowed to

- 89 project into the waterway no more than 35 feet, and vessels shall be required to  
90 dock along the side of the finger pier rather than at the end of the finger pier.  
91 (e) Unobstructed Passage. No marine structure shall be permitted where the dock  
92 projection and moored vessel together would reduce the adjacent waterway to  
93 less than a 25 foot-wide channel at any point along the entire width of the lot's  
94 water frontage, in order to ensure that the adjacent waterway allows for the free  
95 and safe navigability of typical waterborne vessels in the adjacent waterway.  
96 (f) Setbacks. Any marine structure shall be set back at least ten (10) feet from the  
97 waterward extension of any property line of the subject lot.  
98 (g) Determination of the "width of the waterway." For the purpose of this section,  
99 the "width of the waterway" shall be the narrowest lineal distance from the  
100 waterward side of the sea wall of the subject lot to the nearest land mass or sea  
101 wall that is perpendicular to any portion of the subject lot's water frontage.  
102 (h) Determination of "maximum projection." The projection of a marine structure  
103 shall be measured from the waterward side of the seawall of the subject lot.  
104 (i) Notice. The owner of the subject lot shall provide courtesy notices of a building  
105 permit application for a marine structure to all owners within 300 feet of the lot  
106 by first class mail return receipt requested, and shall provide evidence of such  
107 mailing to the Town Planner. A building permit for the marine structure shall  
108 not be issued earlier than fifteen (15) calendar days from the date that proof of  
109 courtesy notices is submitted to the Town Planner.

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112 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
113 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
114 in no way affect the validity of the remaining portions of this Ordinance.

115 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is  
116 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of  
117 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to  
118 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other  
119 appropriate word.

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121 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or  
122 resolutions in conflict herewith are hereby repealed.

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124 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

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126 **PASSED and ADOPTED** on first reading this 14<sup>th</sup> day of December, 2021.

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**PASSED** and **ADOPTED** on second reading this 8<sup>th</sup> day of February, 2022.

On Final Reading Moved by: Commissioner Kesl

On Final Reading Second by: Commissioner Salzhauer

**First Reading:**

Motion by: Commissioner Kesl

Second by: Vice Mayor Paul

**Second Reading:**

Motion by: Commissioner Kesl

Second by: Commissioner Salzhauer

**FINAL VOTE ON ADOPTION**

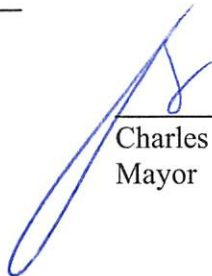
Commissioner Charles Kesl Yes

Commissioner Eliana R. Salzhauer Yes

Commissioner Nelly Velasquez Yes

Vice Mayor Tina Paul Yes


Mayor Charles W. Burkett No

  
\_\_\_\_\_  
Charles W. Burkett  
Mayor

**ATTEST:**

  
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Sandra N. McCready, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney