

**PUBLIC HEARING NOTICE
CITY OF RIVIERA BEACH, FLORIDA**

The City Council of the City of Riviera Beach, Palm Beach County, Florida will conduct a Public Hearing on Wednesday, March 3, 2010 at 6:30 PM in the Council Chambers at the Municipal Complex, 600 W. Blue Heron Blvd., Riviera Beach, Florida, to consider enactment of the below proposed Ordinance. Interested persons may appear and be heard with respect to the proposed Ordinance; and it may be examined in its entirety in the Office of the City Clerk between the hours of 8:30 AM and 5:00 PM, except holidays.

ORDINANCE NO. 3076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE VI ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED "RESIDENTIAL DOCKS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

PLEASE BE ADVISED, persons who wish to appeal any decision made by the City Council with respect to any matter considered at this hearing will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Said person shall have the responsibility at own expense.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceedings should contact the Legislative Office at 561-845-4095 no later than 96 hours prior to the proceedings. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.

Carrie E. Ward, Master Municipal Clerk
City Clerk

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Palm Beach Post
RBTV 18

ORDINANCE NO. 3076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING ARTICLE VI, ENTITLED "SUPPLEMENTAL DISTRICT REGULATIONS" BY INCLUDING A NEW SECTION ENTITLED "RESIDENTIAL DOCKS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances controls and directs the development of land within the municipal limits of the City; and

WHEREAS, the City Council implemented a Zoning In Progress on July 1, 2009 to develop regulations for Residential Docks in conformance with the Land Development Code; and

WHEREAS, the Planning and Zoning Board voted on February 11, 2010 to recommend approval of the draft regulations for Residential Docks; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That Chapter 31 "Zoning", Article VI, "Supplemental District Regulations", is amended by adding the following regulations entitled "Residential Docks", as follows:

RESIDENTIAL DOCKS

RESIDENTIAL DOCKS AND RELATED MARINE FACILITIES AND VESSELS

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat lift means any device fixed to the ground, a seawall, post, piling or a dock, designed to lift watercraft clear of the water.

Canal means a stream or river or an artificial waterway with a width of less than 500 feet, which is not surrounded by land on all sides.

Canal dead end means the terminus or closed end section of a canal.

Dock means a floating, cantilevered, or pile supported structure, with a horizontal top surface, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. The term *dock* shall include piers.

Dolphin means a single pile or cluster of closely driven piles used as a fender for a dock or as a mooring or guide for watercraft, but not used as a channel marker or as a dock piling.

Finger Dock means a section of dock which extends roughly perpendicular to a shore-normal dock, but which is not a marginal dock. The term *finger dock* shall include "T" and "L" heads.

Marginal Dock means a dock with the long axis is parallel to the shoreline, and which abuts the shoreline along its length.

Shore-normal Dock means a dock with the long axis roughly perpendicular to the shoreline.

Mooring means any appliance used to secure a vessel other than to a dock or seawall.

Moored means attached to a dock or mooring facility.

Piling means the vertical support member of a dock, or a vertical member of relatively symmetrical cross-section, installed into the substrate and extending above the water to provide lateral support for a vessel.

Residential Docks and Related Marine Facilities means any structures and appurtenances thereto extending into or above any body of water from a residential zoning district, designed and used primarily for the securing of watercraft in the water, fishing, swimming or other water-related activity. It shall include docks, piers, terminal platforms, marginal docks, finger docks, boat lifts, wave attenuators, pilings, and dolphins.

Seawall means a vertical or near vertical wall between the water and the land, designed to hold back the soil, and prevent erosion of the soil.

Shoreline – In canals, the *shoreline* is the platted property line of the subject property which is closest to and generally parallel to the canal. In all other waterbodies, the *shoreline* is the mean or ordinary high water line.

Side lines means the "projection" of the upland side property lines into the waterbody for purposes of side setbacks for residential docks and related marine structures and vessels in this chapter, as defined below:

- a. On sovereignty submerged lands, side lines are the "riparian lines."
- b. On privately owned submerged lands owned by the individual upland lot owner, the side lines are the side property lines.
- c. On all submerged lands not included in a. or b. above, side lines shall be constructed as follows:

The landward end of the side line shall in every case be the intersection of the upland side property line with the shoreline. The side line projects waterward in a straight line from this point, over an infinite length. The side line projects waterward at an angle perpendicular to the shoreline (see Figure 1 below), with the following exceptions:

Where the shoreline reaches an inflection point at its intersection with the side property line (see Figure 2 below), or within 10 feet of its intersection with the side property line on one side of the side property line only (see Figure 3 below), the side line shall extend waterward at an angle which bisects the angles of the shoreline on either side of the inflection point. Where the shoreline reaches inflection points at or within 10 feet of its intersection with the side property line on both sides of the side property line (see Figure 4 below), the side line shall extend waterward at an angle which bisects the angles of the shorelines beyond the inflection points.

For curved shorelines, the angle of the shoreline for purposes of this section is the angle of the tangent to the curve, whether it be at its intersection with the side property line, or at an inflection point (see Figures 5 and 6 below).

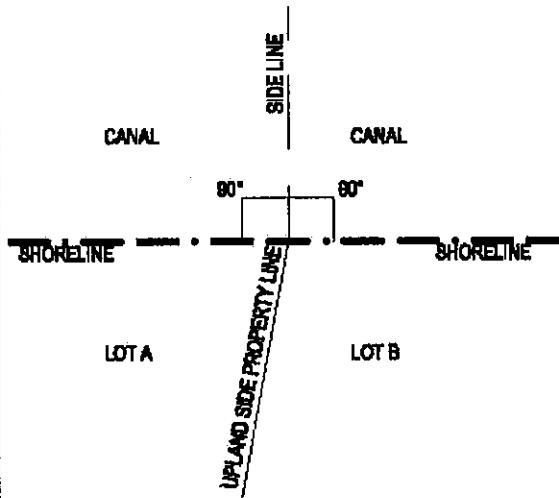


Figure 1

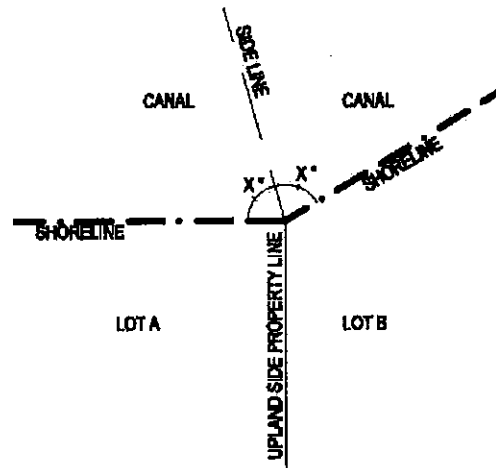


Figure 2

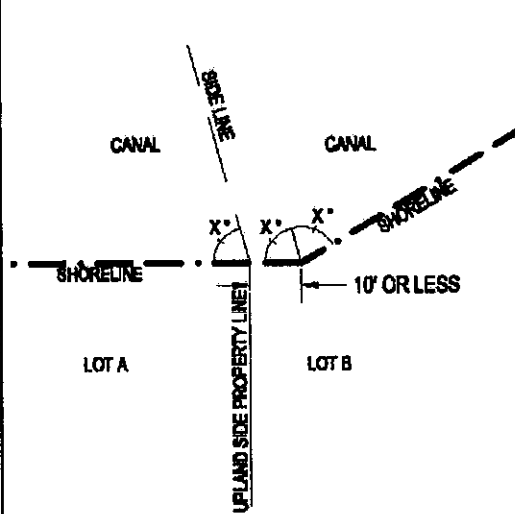


Figure 3

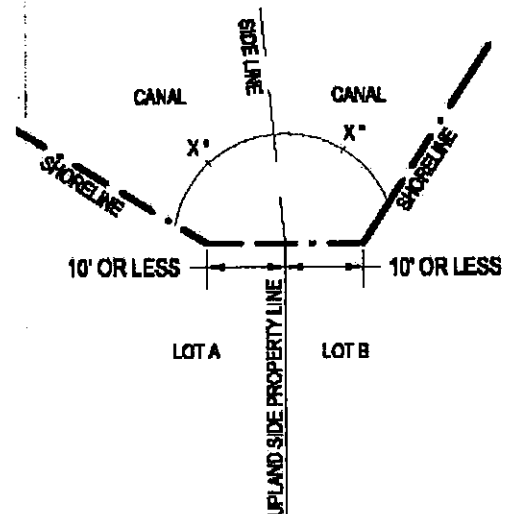


Figure 4

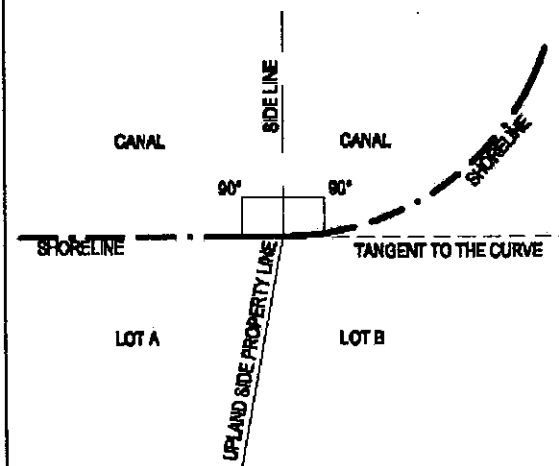


Figure 5

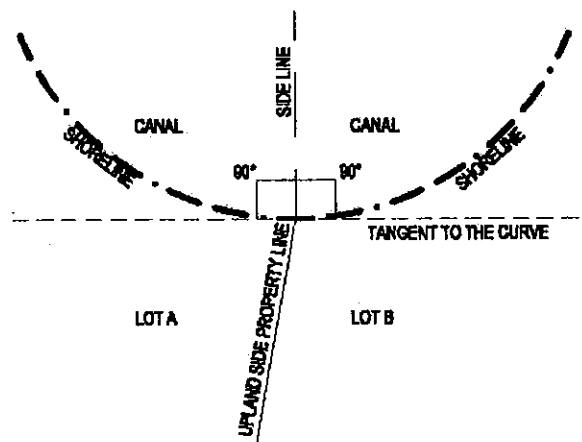


Figure 6

Vessel means a watercraft as defined in the definitions contained in Chapter 327, Florida Statutes.

Waterbody width means the distance from the shoreline of the subject property to the shoreline of the property across the *waterbody*, measured perpendicular to the shoreline of the subject property.

Docks and Related Marine Facilities Permitted as Accessory Use.

- (a) Accessory Use. Residential docks and related marine facilities, including but not limited to docks, piers, boat lifts, dolphins, pilings, and moorings are permitted as an accessory use to the principal residential structure in all residential zoning districts, subject to the requirements of this Chapter.

Regulations Governing Construction in Canals.

- (a) The following regulations apply in canals within the City, reference the Canals and Waterbody Map:

Residential docks and related marine facilities shall be setback from the side lines by 5 feet.

Except in the Shore Drive/Palm Drive canal, residential docks and related marine facilities shall not extend more than 25 percent of the waterbody width from the shoreline of the parcel to which the structure is accessory, or the following distance, whichever is less:

In the Lake Park Marina Canal, 21 feet.

In the Wilma Circle Canal, 30 feet, subject to any agreement with the submerged land property owner, Inlet Marina of Palm Beach, Ltd.

In the Gulfstream Way/Bimini Lane Canal, 30 feet.

In the Grand Bahama Lane Canal, 30 feet.

In the Morse Boulevard/Powell Drive Canal, 40 feet.

In the Sugar Sands Canal, 30 feet for properties fronting on Singer Drive, 40 feet for all other properties. The three longer, shore-normal existing docks on the south side are hereby specifically allowed to be maintained or rebuilt to the existing shore-normal and shore-parallel dimensions.

In the Yacht Harbor Canal (the finger extending east of the main harbor), 75 feet on the north and south sides, and 35 feet on the east side.

In the Shore Drive/Palm Drive canal, residential docks and related marine facilities shall not extend more than 33 percent of the waterbody width from the shoreline of the parcel to which the structure is accessory, or 25 feet, whichever is less.

On the north side of the Sugar Sands Canal, no vessel shall be moored in such a manner as to project more than 30 feet from the north side seawall.

Except in the Shore Drive/Palm Drive canal, no vessel shall be moored in such a manner as to obstruct more than 30 percent of the width of the waterbody in which the boat or other watercraft is moored.

In the Shore Drive/Palm Drive canal, no vessel shall be moored in such a manner as to obstruct more than 33 percent of the width of the canal.

Vessels shall be moored such that no part of a vessel, including anchors or lines, shall extend beyond the side lines.

Residential docks and related marine facilities shall be constructed in accordance with the following requirements and regulations:

- a. Marginal docks shall extend a maximum of eight (8) feet out from the face of the bulkhead wall.
- b. Shore-normal docks shall not exceed a width of eight (8) feet.
- c. Finger docks shall not exceed a width of eight (8) feet.
- d. No dock shall be located closer to the side property line extended than half of its extension waterside.
- e. Shore-normal docks and finger docks shall be for vessel mooring only, and shall be spaced accordingly.
- f. Wave attenuators shall not be permitted, except at the mouth of a canal.
- g. Mooring buoys and anchors shall not be installed unless they are part of at least a two-point system which will secure the vessel within the limits specified in this chapter.

Regulations Governing Construction in Waterbodies other than Canals.

- (a) The following regulations apply in waterbodies other than canals, within the City:

Residential docks and related marine facilities shall be setback from the side lines by 5 feet.

Residential docks and related marine facilities shall not be located more than 25 percent of the waterbody width, or 200 feet, whichever is less, from the shoreline of the parcel to which the structure is accessory.

No vessel shall be moored in such a manner as to obstruct more than 25 percent of the width of the waterbody in which the boat or other watercraft is moored, or to unreasonably infringe on navigation. No part of a boat shall be moored so as to extend beyond the side lines.

Residential docks and related marine facilities shall be constructed in accordance with the following requirements and regulations:

Marginal docks or piers shall extend a maximum of twelve (12) feet out from the face of the bulkhead wall.

Shore-normal docks shall not exceed a width of ten (10) feet for a single-family dock, and twelve (12) feet for a multi-family dock.

Finger docks shall not exceed a width of ten (10) feet for a single-family dock, and twelve (12) feet for a multi-family dock.

Any dock or overwater decking other than a marginal dock, and/or a single shore-normal dock and finger dock shall be for vessel mooring only and shall be spaced accordingly.

Regulations Governing Construction in All Waterbodies.

The following regulations apply in all waterbodies within the City:

Each dock shall be provided with at least 1 ladder extending from the dock surface to 1 foot below mean low water.

Enclosures Prohibited. Residential docks and related marine facilities shall not contain walls, roofs, coverings, or enclosures, other than dock boxes, covered or uncovered fish cleaning tables, utility pedestals, and trash receptacles.

Canal Dead end or inside corner. In regard to construction waterside of any platted lot at the dead end of a canal or on the inside corner of a waterbody, a dock or a pier may be placed zero (0) feet from the side line when all of the following requirements are complied with:

The lots abutting the side line shall be in a RS-5 Single Family Dwelling District.

At least one (1) of the lots abutting the side line shall have less than seventy-five (75) feet frontage on the water.

A dock or pier shall be constructed at the same time, by each of the abutting owners, with both owners' consent, on both sides of the side line in question.

The dock or pier on a lot shall be structurally independent of the dock or pier on the adjacent lot.

Commercial Use Prohibited. Use of residential docks and related marine facilities for commercial purposes is prohibited. However, the following shall not be construed to be "for commercial purposes": rental of a private residence with a dock or pier; construction by a developer of a dock or pier; or the sole act of mooring a commercial vessel at the vessel owner's private residential dock (this shall not be construed to allow commercial loading or unloading operations, or embarking or disembarking of paid personnel or passengers for hire). No dock shall contain an advertising sign.

Use of Residential Docks. Residential docks shall be used only by residents or their guests, and shall not be used by or rented or leased to nonresidents other than owners of the principal dwelling or dwellings. For the purpose of this Section, the term guest shall mean a person or persons visiting the resident. In any case, a guest vessel may not be moored at the dock more than 60 nights within one calendar year.

Lighting. Artificial lighting may be installed on a dock for security or safety. Applicant must provide documentation that lighting will not adversely affect surrounding properties. Blinking or intermittent lights are prohibited.

Floating Docks. Floating docks are permitted, subject to conformance with all requirements of this Section and all applicable building codes.

Permits Required.

(a) **Building Permit Required:**

- (1) A building permit is required for construction or expansion of all residential docks and related marine facilities, and for installation of lighting or other electrical facilities on such structures. The building permit shall be obtained prior to initiation of the construction or expansion.

- (2) A building permit is not required for non-structural repairs or maintenance, or for replacement of deck boards or something similar

(b) Additional application requirements.

- (1) Proof that the applicant is the owner of the upland residential property adjacent to the waterbody.
- (2) Two sets of construction plans prepared by and under the seal of a Florida Licensed Professional Engineer. Plans shall include a site plan drawn to scale sufficient to represent all elements of the proposed facilities, the shoreline/seawall of the upland property from which the dock will project, top of seawall elevation, the docks and related marine facilities of the adjacent properties, and the docks and related marine facilities across the waterbody from the proposed facilities, if within 100 feet of the proposed facilities. Adjacent and nearby facilities owned by others may be scaled from an aerial photograph, if indicated as such on the site plan, and if field verified by observation concurrent with preparation of the site plan.
- (3) Written authorization for the proposed dock from the Florida Department of Environmental Protection (DEP) or South Florida Water Management District (SFWMD), and the U.S. Army Corps of Engineers (Corps), is required. A printout from the DEP's self-certification website shall be sufficient to meet this requirement, if it provides the applicable authorization. Such written approval shall not be expired.

(c) Supporting Documentation.

- (1) In addition to the specific limits provided in this ordinance, the proposed residential docks and related marine facilities and vessel mooring shall not preclude abutting or adjacent property owners from constructing residential docks or related marine facilities in accordance with this section.
- (2) In addition to the specific limits provided in this ordinance, the proposed residential docks and related marine facilities and vessel mooring shall not preclude abutting or adjacent property owners from mooring, maneuvering, or usage associated with their residential docks or related marine facilities legally existing or constructed in accordance with this section.

Maintenance.

Residential docks and related marine facilities shall be maintained by the property owner in a safe, properly maintained condition as determined by the City Code Administrator. A licensed contractor or the property owner by way of owner builder building permit shall perform all work on residential docks and related marine facilities. A residential dock or related marine facility which is determined by the Building Official to be in an unsafe condition is hereby declared a public nuisance.

Nonconforming structures.

Unless otherwise provided for, any existing residential dock or related marine facility that does not meet the requirements of this chapter shall not be added to or altered in any manner so as to increase the extent to which the structure is in violation of applicable requirements. Any existing residential dock or related marine facility legally constructed prior to this ordinance may be repaired or replaced, except that if the residential dock or related marine facility has failed or been destroyed, it must be repaired or replaced within two years of its failure or destruction, or meet the other provisions of this ordinance. Such docks shall be subject to all provisions of this Code relating to unsafe structures.

Measurement of Docks and Marine Facilities.

Unless otherwise provided herein, any required measurement associated with a dock or related marine facility shall be made from the property line of the property to which the dock or facility is accessory.

SECTION 2. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 3. It is the intention of the City Council 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 Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify this Ordinance.

ORDINANCE NO. _____

PAGE 11

PASSED AND APPROVED on the first reading this _____ day of
_____ 2010.

PASSED AND ADOPTED on second and final reading this _____ day of
_____ 2010.

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APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY L. DAVIS
CHAIR PRO TEM

BILLIE E. BROOKS
COUNCILPERSON

TONYA DAVIS JOHNSON
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. _____
PAGE 13

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

B. BROOKS _____

J. DAVIS _____

T. JOHNSON _____

D. PARDO _____

S. LOWE _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

B. BROOKS _____

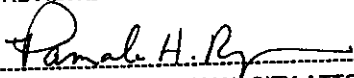
J. DAVIS _____

T. JOHNSON _____

D. PARDO _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/23/10