

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO MODIFY DEFINITIONS, PROCEDURES AND REQUIREMENTS; AND AMENDING SECTION 91.11, "WATERWAYS OR CANALS," TO MODIFY TERMINOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 91.10, "Docking and Living Aboard Boats," of Chapter 91, "Boats and Water Recreation," of the Pompano Beach Code of Ordinances is hereby amended as follows:

§ 91.10 DOCKING AND LIVING ABOARD BOATS VESSELS.

(A) For the purposes of this article the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions which that may be included in other documents or manuals including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

COMMON DOCKING AREA. The Terminus of a canal river basin or waterway, excluding the Navigational Channel, that is shared by Lots adjacent to each other and created when the outer boundary Lot lines intersect with the adjacent shared Lot line when extended into a canal or waterway.

~~(A) — It shall be unlawful for any person to live aboard any boat or other waterborne craft, unless the boat or watercraft is docked at a marina.~~ **LIVE ABOARD BOATS VESSELS.** means aAny vessel used solely as a residence; or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. However, the definition of **LIVE ABOARD** shall not apply to vessels falling under the definition of **WATER TAXIS** as set forth in § 91.14(A).

LOT. Shall be defined as it is presently or as it may hereafter be amended in Chapter 155.4215.

MOORING STRUCTURE. A vessel dock, slip, davit, hoist, vessel lift, floating vessel platform, personal watercraft/jet ski platform, mooring pile or similar structures attached to land or a Tidal Flood Barrier, to which a vessel can be moored.

NAVIGATIONAL CHANNEL. Shall be defined as the 45% of the width of a canal, river, basin, or waterway with a width of greater than 40 feet. All other canals, rivers, basins, or waterways 40 feet or less, the Navigational Channel is 55% of the width of the canal, river basin, or waterway. The center of the Navigational Channel shall coincide with the centerline of the canal, river, basin, or waterway. Where the Navigational Channel runs to the Terminus of a dead-end canal, river, basin or waterway, the Navigational Channel shall end a distance from the dead-end canal, river, basin or waterway that is equal to the distance between the Navigational Channel and Tidal Flood Barrier, Rip Rap or Shoreline as measured along the same canal, river, basin or waterway but before the Terminus of a dead-end canal, river, basin or waterway.

RAFTING. A first vessel being docked or moored at a Tidal Flood Barrier, Rip-Rap or Shoreline of a dock and a second vessel being docked at the same Tidal Flood Barrier, Rip-Rap or Shoreline but distant from the Tidal Flood Barrier, Rip-Rap or Shoreline so that the first vessel is in between the second vessel and the seawall.

REVERSE CORNER LOT. Any Lot when its boundary line abutting a canal or waterway that is concave.

RIP-RAP. A foundation of unconsolidated boulders, stone, rubble, concrete without protruding rebar or similar materials placed on or near a Shoreline to mitigate wave impacts and prevent erosion.

SHORELINE. The tidally influenced area where land meets water.

TERMINUS. The ending point of a canal, river, basin or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said vessel or watercraft to be docked parallel to the Tidal Flood Barrier, Rip Rap or Shoreline.

TIDAL FLOOD BARRIER. Any structure or Shoreline feature, including but not limited to, berms, canal banks, green-grey infrastructure, Mooring Structures, seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal waters from flowing onto adjacent property or public rights- of-way, located within or along a tidally-influenced area. This definition is not meant to include rip rap, derelict erosion control structures or permeable earthen mounds that do not provide an impermeable water barrier to tidal flooding.

VESSEL. A watercraft used or capable of being used as a means of transportation on water, except:

- (1) A seaplane;
- (2) An amphibious vehicle for which a certificate of title is issued pursuant to F.S. Chapter 319 or a similar statute of another state;
- (3) Non-motor-powered watercraft less than 16 feet in length;
- (4) Watercraft that operate only on a permanently fixed, manufactured course and the movement of which is restricted to or guided by means of a mechanical device to which the watercraft is attached or by which the watercraft is controlled;
- (5) A stationary floating structure that:
 - (a) Does not have and is not designed to have a mode of propulsion of its own;
 - (b) Is dependent for utilities upon a continuous utility hookup to a source originating on shore; and
 - (c) Has a permanent, continuous hookup to a shoreside sewage system;
- (6) Watercraft owned by the United States, a state, or a foreign government or a political subdivision of any of them; or
- (7) Watercraft used solely as a lifeboat on another watercraft.

(B) It shall be unlawful for any person to live aboard any vessel or other waterborne craft or structure, unless the vessel or watercraft is docked at a marina, as defined in § 155.4215 of this code.

(BC) The use of docks a Mooring Structure other than as accessory to the principal residential use of the property in residentially-zoned districts (single-family and multifamily) within the city is prohibited. This includes, but shall not necessarily be limited to, the prohibition of boarding cruise parties or charter parties at a dock Mooring Structure located at or adjacent to a residentially-zoned property (single-family and multifamily) within the city, except that this provision shall not be construed to prohibit such parties on private pleasure craft or the pick-up or drop-off of passengers by a water taxi that has obtained a business tax receipt from the city.

(CD) Dockage.

(1) In canals or waterways adjacent to single-family, multi-family and commercial zoned lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, multi-family and commercial use, docking of boats vessels or watercraft shall be permitted, provided that no boat vessel or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the boat vessel or watercraft extended within five feet of an extended side boundary lot line or encroach into the “navigational channel.” as defined in Chapter 151.

(2) In canals or waterways adjacent to single-family, multi-family and commercial zoned lots where the property is improved and has been issued a Certificate of Occupancy for single-family, multi-family and commercial use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family, docking of boats or watercraft shall be permitted under the following conditions: multi-family and commercial use, there shall be no Rafting of vessels so that only one vessel may be docked or moored at any given space at a Lot or Tidal Flood Barrier Rip-Rap or Shoreline. It is not intended that this provision shall prohibit the temporary rafting of the vessel of a house guest for up to one 24-hour visit in a seven-day period; nor is it intended that this shall prohibit vessels from docking one behind or in front of the other, each adjacent to and parallel to the Tidal Flood Barrier, Rip-Rap or Shoreline but only that no two or more vessels shall be rafted. It is immaterial whether the second vessel is tied to the first vessel or directly to the Tidal Flood Barrier Rip Rap, Shoreline or Mooring Structure.

(3) In canals or waterways adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family use, mooring of

vessels or watercraft at or on a Mooring Structure shall be permitted under the following conditions.

(a) Unless otherwise provided for in this subsection, all ~~boats~~ vessels or watercraft located in any canal or waterway shall be docked parallel to the ~~seawall or shoreline~~ Tidal Flood Barrier, Rip Rap or Shoreline. However, where the ~~seawall or shoreline~~ Tidal Flood Barrier, Rip Rap or Shoreline is curved or does not form a straight line or is a Reverse Corner Lot and ~~where~~ it is impossible for the ~~boat~~ vessel or watercraft to be docked parallel to the ~~seawall or shoreline~~ the boat Tidal Flood Barrier, Rip Rap or Shoreline, the vessel or watercraft shall be docked as parallel as possible.

(E) ~~(b)~~ The parallel docking restriction ~~for boats~~ of vessels or watercraft located in a canal or waterway adjacent to single-family zoned Lots where the property is improved and has been issued a Certificate of Occupancy for single-family use or in canals or waterways adjacent to property which has been improved and issued a Certificate of Occupancy for single-family mooring of vessels or watercraft at or on a Mooring Structure, shall not apply in the following situations; however, all other applicable restrictions must be met:.

~~(1)~~ Where the city or other applicable and authorized agency has issued a permit for a ~~dock, wharf, pier, dolphin~~ mooring structure or other such structure for the purpose of docking of ~~boats~~ vessels or watercraft perpendicular to a ~~seawall or shoreline~~ Tidal Flood Barrier, Rip Rap or Shoreline prior to December 14, 1993, and where the ~~structure~~ Mooring Structure is in conformance with the approved plans.

~~(2)~~ Where the property owners within a Common Docking Area, along with the city have executed and recorded the proper documents as provided for in § 151.03~~(F)~~ or the City Engineer has divided the Common Docking Area from the seaward intersection of the extended Lot lines to the wet face of the Tidal Flood Barriers or Rip-Rap corner of the adjoining Lots as provided for in 151.03(D)(2).

~~(3)~~ Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property ~~owners~~.

~~4. — Any boat or watercraft docked at the terminus of a dead-end canal or waterway. For the purpose of this subsection **TERMINUS** shall mean the ending point of a canal, river, basin or waterway and where the lots located at said ending point have been platted or designed or developed in such a way that the longest shoreline of any lot abutting the canal, river, basin or waterway, is 30 feet or less, and, where it is impossible for said boat or watercraft to be docked parallel to the shoreline or seawall. Any and all boats or watercraft so situated shall be docked as parallel as possible to the shoreline or seawall.~~

~~5. — Any boat or watercraft docked at a **REVERSE CORNER LOT**, as defined as it is presently or as it may hereafter be amended, in Chapter 151.~~

~~(6.4) Up to four personal watercraft, which for purposes of this section are defined as vessels less than thirteen feet in length, which use either an outboard or an inboard motor powered by a jet pump as its primary source of propulsion, provided that the personal watercraft are stored out of the water on a floating platform which is in compliance with Chapter 151.~~

~~7. — Nothing contained in this subsection (C) shall prohibit the docking of boats or watercraft parallel to the seawall or shoreline provided all the applicable restrictions have been met.~~

~~(3) — On single family zoned lots where the property is improved and has been issued a Certificate of Occupancy for a single family use and which are adjacent to a canal or waterway, all boats or watercraft which are raised above the waterline by any means, mechanical or otherwise, shall be governed by the following:~~

~~(5) — Where a court of competent jurisdiction has adjudicated the docking rights of the adjoining property owners.~~

~~(a) — No part of any boat or watercraft as provided for in this subsection (C) shall be perpendicular to the seawall or shoreline. However, where the seawall or shoreline is curved or does not form a straight line Any vessel or watercraft docked at the Terminus of a dead-end canal or waterway and where the Lots located at said ending point have been platted or designed or developed in such a way that the longest Shoreline of any Lot abutting the canal, river, basin, or waterway is thirty feet or less, and where it is impossible for the boat said vessel or watercraft to be docked parallel to the seawall or shoreline, the boat Tidal Flood Barrier, Rip Rap or Shoreline. Any and all vessels or watercraft so situated shall be docked as parallel as possible; to the Tidal Flood Barrier, Rip Rap or Shoreline, however, all other applicable restrictions must be met.~~

~~(b) — For purposes of this section **LOT** shall be defined as it is presently or as it may hereafter be amended in Chapter 155.~~

~~(4) — There shall be no rafting of boats so that only one boat may be docked or moored at any given space at a lot or seawall. It is not intended that this provision shall prohibit the temporary rafting of the boat of a house guest for up to one 24 hour visit in a seven day period; nor is it intended that this shall prohibit vessels from docking one behind or in front of the other, each adjacent to and parallel to the seawall but only that no two or more boats shall be rafted. **RAFTING** shall mean a first vessel being docked or moored at a seawall of a dock and a second vessel being docked at the same seawall but distant from the seawall so that the first vessel is in between the second vessel and the seawall. It is~~

~~immaterial whether the second vessel is tied to the first vessel or directly to the seawall or dock.~~

(F) Nothing contained in this subsection (E) shall prohibit the docking of vessels or watercraft parallel to the Tidal Flood Barrier, Rip Rap or Shoreline provided all the applicable restrictions have been met.

(G) (5) Diagrams which document examples of the different docking provisions described by this section are to be maintained by and with the Code Enforcement Division.

SECTION 2. That Section 91.11, "Waterways or Canals," of Chapter 91, "Boats and Water Recreation," of the Pompano Beach Code of Ordinances is hereby amended as follows:

§ 91.11 WATERWAYS OR CANALS.

No dredge or ~~boat~~ vessel used for commercial purposes, i.e., selling of items from the ~~boat~~ vessel, shall be allowed to be or remain docked in any of the waterways or canals within the city limits for more than six hours, except when the dredge or ~~boat~~ vessel is docked in a marina, as defined in § ~~155.95~~ 155.4215 of this code.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
12/28/21
l:ord/ch91/2022-51