

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 PROVIDE REQUIREMENTS FOR DOCKING OF BOATS ADJACENT TO MULTI-FAMILY AND COMMERCIAL ZONED LOTS; AND AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR VARIOUS STRUCTURES IN THE WATERWAYS; 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.

...

(C) 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 or watercraft shall be permitted, under the following conditions: provided that

(a) ~~—~~ No boat or watercraft shall be docked in any canal or waterway in such a manner as to have any part of the boat or watercraft extended within five feet of an extended boundary lot line or encroach into the “navigational channel” as defined in Chapter 151.

(2) 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 docking of boats or watercraft shall be permitted under the following conditions.

(b a) Unless otherwise provided for in this subsection, all boats or watercraft located in any canal or waterway shall be docked parallel to the seawall or shoreline. However, where the seawall or shoreline is curved or does not form a straight line and where it is impossible for the boat or watercraft to be docked parallel to the seawall or shoreline the boat or watercraft shall be docked as parallel as possible.

(e b) The parallel docking restriction for boats or watercraft located in a canal or waterway shall not apply in the following situations; however, all other applicable restrictions must be met:

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SECTION 2. That Section 151.03, "Structures in Waterways," of Chapter 151, “Beaches and Waterways,” of the Pompano Beach Code of Ordinances shall be amended as follows:

§ 151.03 STRUCTURES IN WATERWAYS.

...

(C) In a canal, river, basin or waterway which is more than 50 feet in width, wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, and/or mooring buoys must be constructed or installed pursuant to the following conditions provided that the navigational channel is not encroached upon:

(1) For the purpose of this section, the **NAVIGATIONAL CHANNEL** shall be defined as the 45% of the width of a canal, river, basin, or waterway with a minimum width of 40 feet. 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 seawall 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.

...

(6) In a canal, river, basin or waterway less than 150 feet, but more than 50 feet in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than the navigation channel boundary line as measured from the recorded property line or measurement property line. In a canal, river, basin or waterway 150 feet or greater in width, dolphin, mooring, or fender piles and/or mooring buoys may not be installed in any canal, river, basin, or waterway any further than 40 feet as measured from the recorded property line or measurement property line. Dolphin, mooring, and fender piles shall have a six inch wide fluorescent or reflective band placed two feet below the top of the piling. Mooring buoys shall have a reflective band a minimum of four inches wide. The minimum spacing between dolphin, fender, and/or mooring piles shall be ten feet.

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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 _____, 2018.

PASSED SECOND READING this _____ day of _____, 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK