

ORDINANCE NO. 2024-1044

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 11 ENTITLED “COMMUNITY STANDARDS,” BY AMENDING SECTION 11-161, ENTITLED “DOCKING OR MOORING POSITION” TO REGULATE DIRECTION OF DOCKING FOR VESSELS ON INTRACOASTAL WATERWAY; AND BY AMENDING CHAPTER 33, ENTITLED “SHORELINE DEVELOPMENT,” SECTION 33-16, ENTITLED “DOCKS AND PIERS” TO PROVIDE FOR REGULATION OF SETBACKS, WIDTH REQUIREMENTS, FRONTAGE PLACEMENT, AND THE EXTENSION OF DOCKS ON WATERFRONT PARCELS ADJACENT TO THE INTRACOASTAL WATERWAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, changing conditions affect the safety and accessibility of docks on waterfront properties adjacent to the Intracoastal Waterway; and

WHEREAS, the Marine Advisory Board finds it in the best interest of the City to amend the regulations for docks on the Intracoastal Waterway; and,

WHEREAS, the Planning and Zoning Board reviewed the proposed ordinance at its April 2, 2024, meeting and recommended approval; and,

WHEREAS, the City Commission hereby finds that amending the City Code of Ordinances for docks on the Intracoastal Waterway will benefit the health, safety, and welfare of the residents and citizens of the City of Lighthouse Point.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA:

Section 1: That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Chapter 11, entitled “Community Standards,” Article XI, entitled “Boats and Water Safety,” Section 11-161, entitled “Docking or Mooring Position,” is amended as set forth below:

Sec. 11-161 - Docking or Mooring Position

(a) Other than at a duly licensed yacht club or marina located within the City, or at a duly licensed business or a multifamily apartment building located in the City which business or multifamily apartment building has a dock or docks constructed perpendicular to the property line on October 8, 1985, or a dock that is constructed into the Intracoastal

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Waterway on a property adjacent to, and has water frontage on, the Intracoastal Waterway and complies with the regulations of Section 33-16, no vessel shall be anchored or moored other than parallel to the land or seawall at which such vessel is being docked or moored.

(1) In waterways and canals where the waterward lot line is parallel to the waterway or canal no portion of the docked vessel shall be located any further than 30 feet from the waterward lot line; provided, where the waterward lot line is not parallel to the waterway or canal the docked vessel shall not be located any further than 30 feet from the waterward lot line at the point of the vessel which is closest to the waterward lot line;

(2) In waterways or canals of 80 feet in width it shall be unlawful to place any portion of any vessel further than 27 feet from the waterward lot line;

(3) In waterways or canals of 70 feet in width it shall be unlawful to place any portion of any vessel further than 22 feet from the waterward lot line; provided further, in waterways or canals of 60 feet in width it shall be unlawful to place any portion of any vessel further than 17 feet from the waterward lot line;

(4) In waterways where the waterway banks are riprap and the docks are perpendicular to an access pier from the upland, then the landward side of the dock shall be considered the waterward lot line and measuring point regarding waterway width. The intent being that a 26-foot wide access channel shall be maintained approximately on the centerline of all waterways in the City;

(5) 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; and

(6) It is not 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 or 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. There shall be an exception for the temporary rafting of two vessels for a 72-hour period during any given ten - day period.

(b) No vessel shall drop anchor and remain anchored at any time between the hours of 12:00 midnight and 8:00 a.m. the following morning in any canal or waterway within the City unless the vessel is docked or moored at a dock or a duly licensed marina within the City.

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(c) The owner of any vessel, or should the owner of the vessel not be in possession of the vessel, then the person in possession or control of the vessel which is in violation of any of the provisions of this Section, shall both be in violation of this Section and shall both be liable for such violations and shall be punishable as provided for in Section Chapter 21 - General Provisions, Article II I – Code Enforcement, Violations and Penalties, of this Code.

Section 3: Chapter 33, entitled “Shoreline Development,” Article II, entitled “Docks and Seawalls,” Section 33-16, entitled “Docks and Piers,” is amended as set forth below:

Sec. 33-16 - Docks and Piers

Docks and piers located within a canal or waterway within the City shall comply with the following:

Table 33-16 – Docks and Piers Width and Extension

Width of Canal or Waterway	Maximum Extension of Dock or Pier into Canal or Waterway (1)	Maximum Width of Dock or Pier
Less than 100 feet	8 feet	6 feet
100 feet or Greater	10 feet	8 feet
<u>Intracoastal Waterway</u>	<u>46 feet</u> <u>(2)</u>	<u>(2)</u>
Footnotes:		
(1)	Measurement shall be from the landward side of the seawall cap or from the property line, whichever is closer to the water	
(2)	<u>Refer to Sec. 33-16(d)</u>	

(a) *Safety and Maintenance.* All docks shall be equipped with safety ladders from the dock or pier to the low-water mark of the canal. Safety ladders shall be installed at every 101 lineal feet of the dock or pier. All docks and safety ladders shall be maintained in a safe condition, with no signs of excessive deterioration or any negligence as set forth in Section 11-93 - Minimum Maintenance Standards for Unoccupied Commercial and Multifamily Properties or Section 11-94 - Minimum Maintenance Standard for One-Family and Two-Family Residential Properties.

(b) *Height of Dock.* No dock shall be constructed to a height greater than four inches above the height of the seawall. In the event a seawall is not constructed, a dock shall be limited in height to 4.0 feet NAVD 88 (5.5 feet NGVD 29) above mean sea level. Any extension of a terrace or patio past the landward side of the seawall shall be considered part of the dock and the height limitations continued herein shall apply to such terrace or patio extension.

(c) *Wall, Hedge and Other Structure.* No wall, hedge, step, or other structure shall be erected upon a seawall or dock, with the exception that a chain-link or aluminum fence of 90 percent see-through visibility, not more than four feet above the top of the seawall or dock, may be erected only upon the seawall or dock along the side property line or extension of the adjacent side property line.

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(d) Docks on Intracoastal Waterway Properties. On those residential waterfront properties within the City that are adjacent to, and have water frontage on, the Intracoastal Waterway the following criteria shall apply for docks constructed into the Intracoastal Waterway:

- (1) Docks shall not extend more than 46 feet from the landward side of the seawall cap or from the property line, whichever is closer to the water.
- (2) The maximum length of a dock parallel to the waterline shall not exceed one half of the lot's water frontage up to a maximum of 50 feet.
- (3) Docks extending perpendicular to the waterline must be centered on the lot to the extent possible.
- (4) A dock exceeding the provisions of Table 33-16 or Sec. 33-16(d)(2) shall be at the discretion of the Development Review Official.
 - a. Criteria. Discretionary review may be required if the proposed dock is on a property with a rip rap shoreline, where a seawall is not constructed, or where environmental conditions, including submerged conditions or changes in surveyed boundaries, do not permit the construction or repair of a dock in a configuration that meets the provisions of Table 33-16 or Sec. 33-16(d)(2).
- (5) An application for construction of a dock on the Intracoastal Waterway shall be reviewed by the Development Review Official and be approved administratively.

Section 4: All Ordinances and Resolutions or parts of Ordinances and Resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

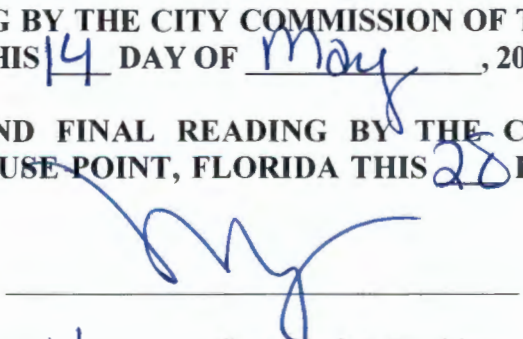
Section 5: If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 6: It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code and Ordinances of the City of Lighthouse Point, Florida.

Section 7: This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, THIS 14 DAY OF May, 2024.

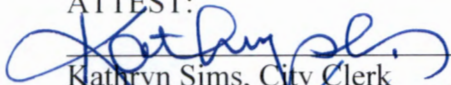
PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THIS 25 DAY OF May, 2024.

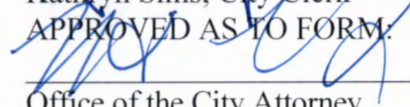


Michael Long, Commission President

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ATTEST:



Kathryn Sims, City Clerk
APPROVED AS TO FORM:


Office of the City Attorney

	Yes	No	Absent
Commission President <u>Michael Slom</u>	<input checked="" type="checkbox"/>	_____	_____
Commission Vice President <u>Ratty Rebore</u>	<input checked="" type="checkbox"/>	_____	_____
Commissioner <u>Jason Joffe</u>	<input checked="" type="checkbox"/>	_____	_____
Commissioner <u>Everett Marshall III</u>	<input checked="" type="checkbox"/>	_____	_____
Commissioner <u>Abby J. Stafford</u>	<input checked="" type="checkbox"/>	_____	_____



Business Impact Estimate

This form should be included in the agenda backup for ordinances on first reading, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Ordinance title/reference:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 11 ENTITLED "COMMUNITY STANDARDS," BY AMENDING SECTION 11-161, ENTITLED "DOCKING OR MOORING POSITION" TO REGULATE DIRECTION OF DOCKING FOR VESSELS ON INTRACOASTAL WATERWAY; AND BY AMENDING CHAPTER 33, ENTITLED "SHORELINE DEVELOPMENT," SECTION 33-16, ENTITLED "DOCKS AND PIERS" TO PROVIDE FOR REGULATION OF SETBACKS, WIDTH REQUIREMENTS, FRONTAGE PLACEMENT, AND THE EXTENSION OF DOCKS ON WATERFRONT PARCELS

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the City;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Lighthouse Point:

3. Estimate of direct compliance costs that businesses may reasonably incur:

4. Any new charge or fee imposed by the proposed ordinance:

5. Estimate of the City of Lighthouse Point's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

7. Additional information (if any):

Prepared by: _____
Name and Title

Date: _____

**CITY OF LIGHTHOUSE POINT, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT
MEETING DATE – May 28, 2024**

AGENDA ITEM NO. - 2

PREPARED BY – Dave Dixon, Consultant City Planner ADMINISTRATOR APPROVAL - 

SUBJECT: Second Reading and Public Hearing of Ordinance 2024-1044 to Amend Section 11-161 Entitled “Community Standards,” and Section 33-16 Entitled “Docks and Piers.”

1. BACKGROUND/HISTORY

In recent years several residential property owners have requested and were granted variances to construct docks on the Intracoastal Waterway (ICW).

Such variances have been requested to extend dock structures into the ICW and to moor vessels other than parallel to the land or seawall, exceeding allowable standards of Code Sections 11-161 and 33-16. Changing physical conditions on the ICW that may prevent adequate access and use of vessels are often cited as justification for the requests.

The City’s Planning and Zoning Board (PZB) advised staff to determine a process to allow residential property owners to repair, replace, or construct new dock structures on the ICW and not elsewhere by providing for standards that do not require variance requests.

At their November 2, 2023 meeting, the City’s Marine Advisory Board (MAB) made a motion to recommend staff prepare standards for PZB approval that utilize – to the extent possible – the Department of the Army Corps of Engineers (ACOE) placement and setback guidelines for ICW dock structures.

On May 14, 2024, a proposed ordinance containing the amendments mentioned above was approved on first reading by the City Commission.

2. CURRENT ACTIVITY

The Consultant City Planner performed an analysis of existing conditions and recommended additional standards to the ACOE guidelines to satisfy the health and safety of all residents on ICW properties, including the following:

1. Establish a maximum perpendicular extension of 46 feet for docks on the ICW to avoid creation of non-conforming structures. This extension does not interfere with the westerly edge of the Federal navigation channel with an exception along the 4000 block of NE 31st Avenue.
2. Establish a standard for a maximum width parallel to the shoreline that is one third the length of the property line to allow for adequate use of vessels and to avoid future spatial conflicts.
3. Require all ICW dock applications to be reviewed by the Development Review Official or Zoning Official to determine if unique characteristics apply that may require any additional determinations.

At their February 2, 2024 meeting, the PZB discussed the proposed standards and recommended the length of dock structures parallel to the waterline be a maximum of one half the lot’s water frontage up to a maximum of 50 feet, rather than one third of the water frontage and up to 40 feet. The PZB made a motion to recommend the following standards, in summary:

1. Dock structures may be permitted to extend 46 feet into the ICW.
2. The maximum structure length parallel to the waterline shall be a maximum of one half of the lot frontage up to 50 feet.

3. Docks or structures extending perpendicular to the waterline must be centered on the lot to the extent possible.
4. All permits for dock structures on the ICW will be reviewed by the Development Review Official or Zoning Official. Structures that exceed the proposed standards must obtain approval by the Development Review Official or Zoning Official.
5. Properties on the ICW are permitted to moor vessels perpendicular on any boat lift or other mooring structure if the application meets all proposed requirements.

The motion was approved unanimously.

FINDINGS

The Consultant City Planner finds the proposed recommendations and amended standards are compliant with the intent of the Comprehensive Plan.

The Consultant City Planner finds the proposed recommendations are compatible with all applicable Code sections and the regulations of other agencies.

3. ATTACHMENTS

Ordinance 2024-1044
Business Impact Statement

4. FINANCIAL IMPACT

None

5. ACTION OPTIONS/RECOMMENDATION

The City's Consultant Planner requests the City Commission conduct a public hearing and consider approval of the second reading of Ordinance 2024-1044.