

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2015 – 0922

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 38, ENTITLED “FLOODPLAIN MANAGEMENT,” AND CHAPTER 42, ENTITLED “LAND DEVELOPMENT CODE, OF THE CITY’S CODE OF ORDINANCES, TO CONFORM TO THE 2014 FLOOD INSURANCE RATE MAPS BY UPDATING REFERENCES FROM THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD) TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD), AND TO CONVERT HEIGHT AND ELEVATION MEASUREMENTS IN THE CODE OF ORDINANCES FROM NGVD TO NAVD; AMENDING CHAPTER 42, ENTITLED “LAND DEVELOPMENT CODE,” ARTICLE IV, ENTITLED “ZONING,” DIVISION 5, ENTITLED “SUPPLEMENTAL REGULATIONS AND REQUIREMENTS FOR SPECIFIC USES,” SECTION 42-380, ENTITLED “DOCKS, PIERS, AND PILINGS ON CANALS,” AND SECTION 42-381, ENTITLED “SEAWALL HEIGHT AND RAISING OR CAPPING SEAWALLS,” TO INCREASE THE PERMISSIBLE HEIGHTS OF SEA WALLS, AND DOCKS CONSTRUCTED WHERE SEAWALLS ARE NOT PRESENT, TO FOUR FEET NAVD (FIVE AND ONE-HALF FEET NGVD); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Broward County went into effect August 18, 2014; and,

WHEREAS, until recently, the FIRMs referred to the National Geodetic Vertical Datum of 1929, abbreviated to NGVD, as to elevation measurements; and,

WHEREAS, the City’s Land Development Codes and Ordinances referred to and relied upon the NGVD to establish elevation and height requirements for improvements within the City; and,

WHEREAS, on August 18, 2014, FEMA put into effect the updated FIRM, which referenced the North American Vertical Datum of 1988, abbreviated to NAVD; and,

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WHEREAS, the difference between the measurements, or “datums,” depends on latitude and longitude, and in the City of Lighthouse Point the NAVD is 1.57 feet less than the NGVD, which the City Engineer recommends be rounded to 1.50 feet; and,

WHEREAS, the City Engineer recommends that references to the NGVD, as well as the correlated measurements, in the City’s Land Development Codes and Code of Ordinances, be updated to be consistent with the current FEMA FIRM; and,

WHEREAS, at its October 22, 2013, meeting, the City Commission discussed the height regulations for seawalls in the City, and adopted a motion declaring a zoning in progress relating to increasing the range of permissible seawall heights not less than an additional six (6) inches; and,

WHEREAS, the City’s Marine Advisory Board, at its November 6, 2014, meeting, recommended that the permitted heights for seawalls in the City be increased by one (1) foot, to a maximum height of 5.5 feet NGVD, which pursuant to the City Engineer converts to 4.0 feet NAVD; and,

WHEREAS, the City Administration recommends approval of this ordinance, to convert and update all measurements that reference NGVD to NAVD, as well as to amend the City’s Land Development Codes relating to the permissible height of seawalls and docks where seawalls are not present, consistent with the recommendations of the Marine Advisory Board; and,

WHEREAS, at its January 6, 2014, meeting, the City’s Planning and Zoning Board considered this ordinance and recommended its approval.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Chapter 38, entitled "Flood Plan Management," Article II, entitled "Definitions," Section 38-55, entitled "Definitions," is hereby amended to amend the definition of "Base flood elevation" as follows:

Sec. 38-55. - Definitions.

The following definitions shall apply to this chapter:

. . .

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]. In the City of Lighthouse Point, the conversion between NAVD and NGVD is 1.50 feet (NAVD = NGVD – 1.50')

. . .

Section 3. Chapter 42, entitled "Land Development Code," Article III, entitled "Subdivision and Platting," Division 2, entitled "Plats," Section 42-196, entitled "Final plat approval procedural requirements," subparagraph (a), entitled "Submission requirements," is amended as follows:

Sec. 42-196. - Final plat approval procedural requirements.

- (a) *Submission requirements.* An application for final plat approval shall include the following documents and be delivered to the development review official as provided for in subsection 42-73 (10): The final plat linen, an original title certificate or an attorney's

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opinion of title, tax letter or receipt from the county revenue collection division for tax letter preparation, subdivision plat filing form, plat review service charge form, review fee, and one blueprint of the plat. The final plat linen shall be an original drawing, prepared pursuant to F.S. ch. 177, and containing original signatures. The overall size shall be 24 inches by 36 inches, with proper borders clear of all writing except for the space for plat book and page, and office of planning plat file number, drawn to a scale no smaller than one inch equals 100 feet, except when a smaller scale is approved by the county engineering division, plat section, and showing the following additional information:

...

(21) The surveyor's certificate shall state conformity with:

- a. F.S. ch. 177.
- b. North American Vertical Datum (NAVD) ~~National Geodetic Vertical Datum (NGVD)~~ and ~~National Ocean Survey Third Order Vertical Control Standards.~~
- c. Applicable sections of F.A.C. ch. 61G17-6

...

Section 4. Chapter 42, entitled "Land Development Code," Article IV, entitled "Zoning," Division 1, entitled "Generally," Section 42-242, entitled "Definitions," is amended by amending the definition of "Mean sea level," as follows:

Sec. 42-242. - 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:

...

Mean sea level means the mean sea level measurement as established by the North American Vertical Datum of 1988 (NAVD) ~~National Geodetic Vertical Datum of 1929 (NGVD)~~.

...

Section 5. Chapter 42, entitled "Land Development Code," Article IV, entitled "Zoning," Division 5, entitled "Supplemental Regulations and Requirements for Specific Uses,"

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Section 42-377, entitled “Walls, fences, hedges and patios on waterfront residential lots,” is amended as follows:

Sec. 42-377. - Walls, fences, hedges and patios on waterfront residential lots.

- (a) On waterfront residential lots, walls, fences, hedges and similar structures or continuous plantings may be located between the rear setback line and the rear or side yard property line adjacent to a canal as follows:
- (1) Solid fence or wall and contiguous hedge as not to exceed three feet in height over normal ground level.
 - (2) Chain-link fences which are 90 percent see-through not to exceed four feet in height over normal ground level.
 - (3) Picket fences with spindles which are no thicker than 1½ inches by 1½ inches with a clear separation between spindles of at least four inches and which fence shall not exceed four feet in height over normal ground level.
- (b) A terrace or patio constructed to a point between the rear setback line and the rear lot line may be constructed with the following conditions:
- (1) Construction of the terrace or patio should be at least six inches below the horizontal line extended from the residence ground floor level.
 - (2) The height of the terrace or patio at the seawall shall not exceed three feet above the height of the seawall or in the event there is no seawall, six (6) feet NAVD (seven feet six inches NGVD) above mean sea level (NGVD). As the terrace or patio recedes away from the seawall, the elevation thereof may increase one-half foot in height for each one foot distance from the seawall. The terrace or patio may never be higher than six inches below the horizontal extension of the lowest floor elevation in the house.
 - (3) A wall or fences, which shall not exceed four feet in height, that is constructed so as to be at least 75 percent see-through and which does not obstruct the view of the canal from the immediately adjacent lots may be erected and maintained on any terrace or patio.

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- (4) Terraces and patios shall not extend beyond the seawall. Any extension of the terrace or patio past the landward side of the seawall shall be considered part of the dock and the height limitations of docks shall apply to such terrace or patio extension.
- (c) 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.
- (d) Walls, fences or hedges of either open or solid design and construction may be erected and maintained on or between the rear building setback line, as extended, and the front building setback line, to a maximum height of not more than six feet from normal ground level. From the front setback line to the front lot line the maximum height of any wall, fence, or hedge shall exceed no more than five feet from normal ground level. No such wall, fence or hedge, erected or maintained on a corner lot within 25 feet of the corner, shall obstruct the vision of drivers of vehicles approaching the street intersection.
- (e) Except as provided in subsection (f), a wall or fence which faces a front or side street yard or a wall or fence within the front or side street yard setback which faces the street or streets shall be landscaped with a hedge. The hedge must be a minimum of 18 inches at time of planting, irrigated, trimmed, and maintained at a height of three to six feet; but under no circumstance shall the height of the hedge exceed the allowable height of the wall or fence. The hedge must be installed along a minimum of two-thirds of the length of the wall or fence which faces a street excluding gates and other openings. When a fence or wall is adjacent to a city sidewalk or street pavement, a setback of a minimum of two feet will be required between the sidewalk or street pavement and fence or wall to allow for the installation of a hedge.
- (f) The following shall not be required to meet the landscaping requirements of subsection:
- (1) Fences which are 75 percent see-through or portions thereof, except chain-link fences;
 - (2) Fences and walls determined by the city's planner to be decorative based upon guidelines established by the city's administration;
 - (3) A wall or fence setback 25 feet from the front street property line.

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Section 6. Chapter 42, entitled “Land Development Code,” Article IV, entitled “Zoning,” Division 5, entitled “Supplemental Regulations and Requirements for Specific Uses,” Section 42-380, entitled “Docks, piers, and pilings on canals,” is amended as follows:

Sec. 42-380. - Docks, piers and pilings on canals.

- (a) No dock on any canal or waterway within the city shall extend more than eight feet from the landward side of the seawall cap or from the property line, whichever is closer to the water. Where canals or waterways are at least 100 feet wide, such docks or piers shall not extend more than ten feet from the landward side of the seawall cap or from the property line, whichever is closer to the water. In no case, however, may the width of the dock be more than six feet wide on a canal less than 100 feet, or more than eight feet wide on a canal 100 feet wide or greater.
- (b) All docks shall be provided with safety ladders from the dock or pier to the low-water mark of the canal.
- (c) All docks, pilings and safety ladders shall be maintained in a safe condition.
- (d) For the purpose of assisting in the mooring of boats parallel to adjoining property, freestanding pilings or dolphins unconnected to any dock, may be placed in the waterways and canals of the city, subject to the provisions of this section. A freestanding piling or dolphin installed within a waterway or canal within the city shall be constructed and maintained in conformance with the following requirements:
 - (1) Number of pilings. The number of individual pilings which may be installed adjacent to any property shall be as follows:

Properties With Eight (8) Foot Side Setbacks		Properties With Seven and One-Half (7½) Foot Side Setbacks	
Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed	Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed
0—60	0	0—60	0

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Over 60—136	2	Over 60—135	2
Over 136—176	3	Over 135—175	3
Over 176 +	4	Over 175 +	4

- (2) Distance from centerline and rear lot line. Pilings shall be placed at least 25 feet from the centerline of a waterway or canal that is 100 feet or more in width. For a waterway or canal that is less than 100 feet in width, pilings shall be placed at least 20 feet from the centerline of the canal or waterway. In no case, however, shall a piling be placed more than 30 feet from the rear lot line.

- (3) Side setback requirement. Pilings shall not be placed within the area bounded by the extension of the adjacent side property line extended into the canal and the extension of the adjacent side setback line extended into the canal.

- (4) Construction and removal. Pilings shall be constructed of preservative-treated wood, with a minimum butt diameter of at least 12 inches, and a length of 30 feet. Wrapping of pilings with any protective materials, such as but not limited to, metal, plastic or other similar materials, is prohibited. The piling shall be set in the canal or waterway so that, after being driven into the bottom of the canal or waterway, the piling extends no less than six feet nor more than eight feet above the water level at mean high tide. All pilings shall have reflective devices installed parallel to the canal or waterway located no more than two feet below the top of the piling. Any piling that is broken, or has lost at least 50 percent of the diameter of the wood at any location on the piling due to deterioration or damage shall be removed. Concrete or cement patches are prohibited to be used to repair or replace pilings. Property owners shall not install pilings or dolphins unless all necessary permits or approvals are obtained from other agencies that may have regulatory authority, such as but not limited to the United States Army Corps of Engineers, the Florida Department of Environmental Protection and Broward County Department of Planning and Environmental Protection, and the Property Owner shall be responsible for obtaining all such necessary permits or approvals.

- (5) Two or more pilings bound together, commonly referred to as a "dolphin," may not be installed in any canal or waterway of the city other than the intracoastal waterway. Each dolphin must meet all requirements of this subsection (d). For purposes of this subsection (d), each dolphin shall be considered to be the equivalent of one piling and all references to pilings shall include dolphins.

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- (6) Subsequent to the installation of the piling, the property owner shall provide the city with a certified survey depicting the actual location of the installed piling(s).
- (e) 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 (~~4.5~~ 5.5 feet NGVD) ~~four feet six inches~~ above mean sea level (~~NGVD~~). 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.

Section 7. Chapter 42, entitled “Land Development Code,” Article IV, entitled “Zoning,” Division 5, entitled “Supplemental Regulations and Requirements for Specific Uses,” Section 42-381, entitled “Seawall height and raising and capping of seawalls,” is amended as follows:

Sec. 42-381. - Seawall height and raising or capping seawalls.

- (a) All seawalls within the city shall have a cap elevation of 4.0 feet NAVD (4½ 5.5 feet NGVD) above mean sea level (~~NGVD~~). Owners of all real property on canals or waterways in the city as described in all waterfront property in Blocks 48, 51, 52, 57, 58, 60, 61, 63, 64, Venetian Isles 3rd Section, Plat Book 47, Page 13 of the public records of the county are hereby authorized to raise or cap existing seawalls to a height after improvement of 4.0 4-1/2 NAVD (5.5 feet NGVD) feet above mean sea level. In recognition of construction difficulties and soils settling, a seawall cap elevation of not less than three feet eight inches nor more than four feet four inches NAVD (not less than five foot two inches nor more than five feet ten inches NGVD) ~~four feet two inches nor more than four feet ten inches~~ above mean sea level shall be considered to be in conformance with this subsection.
- (b) Any seawalls existing as of the effective date of this section with a cap elevation of less than ~~four feet two inches~~ three feet eight inches NAVD above mean sea level shall be permitted to remain, except that the seawall shall be reconstructed to meet the requirements in subsection (a) above when an area of 50 percent or more of the existing seawall is repaired or reconstructed or when the property is developed or redeveloped for a new principal building or for improvements exceeding 50 percent of the value of existing improvements on the property.

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- (c) Any seawalls existing as of the effective date of this section with a cap elevation greater than four feet ~~four ten-inches~~ NAVD (five feet ten inches NGVD) above mean sea level shall be permitted to remain, provided that the seawall is structurally sound. When an existing seawall is to be repaired, the seawall shall be inspected by a licensed structural engineer and, if the engineer certifies that the seawall is structurally sound, the seawall may remain at its current height. If the seawall is determined not to be structurally sound, or if the seawall is to be removed and reconstructed, then the seawall shall be reconstructed to meet the requirements of subsection (a).
- (d) If a retaining wall is constructed behind a seawall, then the retaining wall shall be independently supported, and the top of any such retaining wall shall not exceed a height of three feet or an elevation of six (6) feet NAVD (7.5' NGVD), at the seawall cap, whichever is less.

Section 8. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 9. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 10. Codification. It is the intention of the City Commission of the City of Lighthouse Point that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lighthouse Point, Florida, that the Sections of this ordinance may be renumbered, re-lettered, that the remaining sections in Chapter 18, Article I be re-numbered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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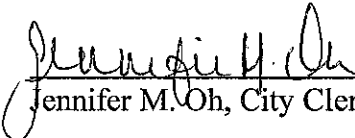
Section 11. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

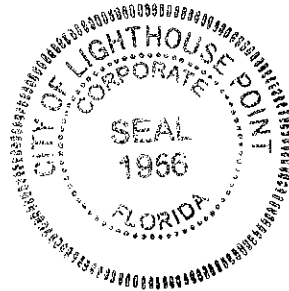
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 13th DAY OF JANUARY, 2015.

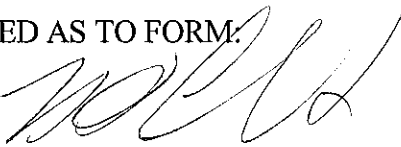
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 27th DAY OF JANUARY, 2015.

BY: 
Earl Maucker, Commission President

ATTEST:

BY: 
Jennifer M. Oh, City Clerk



APPROVED AS TO FORM:
BY: 
Office of the City Attorney

	Yes	No	Absent
Commission President Maucker	<u>x</u>	_____	_____
Commission Vice President Becky Lysengen	<u>x</u>	_____	_____
Commissioner Michael S. Long	<u>x</u>	_____	_____
Commissioner Sandy Johnson	<u>x</u>	_____	_____
Commissioner Kyle Van Buskirk	<u>x</u>	_____	_____