

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2017 – 0956

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 42, “LAND DEVELOPMENT CODE”, ARTICLE IV, “ZONING”, DIVISION 5, “SUPPLEMENTAL REGULATIONS AND REQUIREMENTS FOR SPECIFIC USES, SECTION 42-376, “WALLS, FENCES, HEDGES IN NONWATERFRONT RESIDENTIAL LOTS” OF THE CITY OF LIGHTHOUSE POINT CODE OF ORDINANCES TO INCREASE THE ALLOWABLE HEIGHT FOR HEDGES ON CERTAIN PORTIONS OF NONWATERFRONT RESIDENTIAL LOTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 24, 2017, the City Commission adopted Ordinance 2017-0953 in order provide for the proper maximum height of walls, fences and hedges in relation to the adjusted minimum finished floor elevations required by FEMA; and,

WHEREAS, at the October 24, 2017, City Commission meeting, the City Commission discussed regulations relating to the parking of boats on side yards and the required screening of such boats, and directed that the City Administration propose an ordinance to increase the height limits for hedges on certain portions of residential lots within the City; and,

WHEREAS, the City Commission finds that the amendments hereinafter set forth are in the best interest of the citizens and property owners of the City.

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 incorporated herein by this reference.

Section 2. Chapter 42 of the City of Lighthouse Point Code of Ordinances entitled “Land Development Code,” Article IV, “Zoning,” Division 5, “Supplemental Regulations and Requirements for Specific Uses,” Section 42-376, “Walls, fences, and hedges in nonwaterfront residential lots” is hereby amended to read as follows:

Sec. 42-376. - Walls, fences, hedges in nonwaterfront residential lots.

- (a) In nonwaterfront residential lots, walls, or 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 rear lot line to a maximum height of not more than six feet from normal ground level, or not more than six feet plus one-half of the required increase of the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the

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crown of the road, measured from normal ground level. By way of example, if FEMA requires the finished floor elevation to exceed 18” above the crown of the road by twelve additional inches (12”), then the maximum height of the wall, or fence, or hedge for the nonwaterfront residential lot may increase by six inches (6”), so then the maximum height of the wall or fence, or hedge shall not exceed six feet, six inches (6’ 6”) as measured from normal ground level.

- (b) Walls, or 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, or not more than six feet plus one-half of the required increase of the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road, measured from normal ground level. By way of example, if FEMA requires the finished floor elevation to exceed 18” above the crown of the road by twelve additional inches (12”), then the maximum height of the ~~wall, wall or fence, or hedge~~ between the rear setback line and the front building setback line may increase by six inches (6”), so then the maximum height of the ~~wall, wall or fence, or hedge~~ shall not exceed six feet, six inches (6’ 6”) as measured from normal ground level. From the front setback line to the front lot line the maximum height of any wall, or fence, or hedge shall exceed no more than five feet from normal ground level.

(c) Hedges may be erected and maintained as follows:

1. Along the rear lot line to a maximum height of not more than eight feet (8’) from normal ground level, subject to adjustment for FEMA required minimum floor elevation as permitted by subsections (6) and (7) below;
2. On or between the rear lot line and the front setback line to a maximum height of not more than eight feet (8’) from normal ground level, subject to adjustment for FEMA required minimum floor elevation as permitted by subsections (6) and (7) below;
3. Hedges that face the street at or behind the front setback line in a straight line, parallel to the front setback line, from the side lot line to the corner on the same side of the main residential structure nearest to the front setback, may be erected and maintained to a maximum height of not more than eight feet (8’) from normal ground level, subject to adjustment for FEMA required minimum floor elevation as permitted by subsections (6) and (7) below;
4. From the front setback line to the front lot line the maximum height of any hedge shall exceed no more than five feet (5’) from normal ground level.

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5. All other permitted hedges to a maximum height of not more than six feet (6') from normal ground level, subject to adjustment for FEMA required minimum floor elevation as permitted by subsections (6) and (7) below;
6. The maximum heights shall be permitted to be increased by one-half of the required increase of the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18" above the crown of the road, measured from normal ground level. By way of example, if FEMA requires the finished floor elevation to exceed eighteen inches (18") above the crown of the road by twelve additional inches (12"), then the maximum height of the hedge for the lot may increase by six inches (6"), so then the maximum height of the hedge otherwise permitted to be eight feet shall not exceed eight feet, six inches (8' 6") as measured from normal ground level.
7. Hedges installed on properties directly adjacent to a property that is required by FEMA to increase the minimum finished floor elevation, and does increase the finished floor elevation, may be erected and maintained at the height authorized by this subsection as if they were subject to the FEMA mandated increased finished floor elevations of the adjacent property.

~~1-8.~~ 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.

~~2-9.~~ Except as provided in subsection (f), a wall or fence which faces a street whether on the property line or within the building setback area shall be landscaped with a hedge. The hedge must be a minimum of 18 inches at time of planting. The hedge must be irrigated, trimmed, and maintained at a height of a minimum of three feet to the maximum hedge height permitted by this ordinance at the location of the wall or fence. 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.

~~3-10.~~ The following shall not be required to meet the landscaping requirements of subsection (e):

- (1) Fences which are 75 percent see-through or portions thereof, except chainlink fences;

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- (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.

Section 3. 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 4. 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 5. 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, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

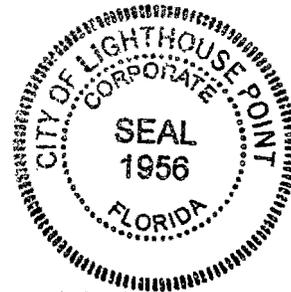
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 23rd DAY OF January, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 13th DAY OF February, 2018.

BY: Sandy Johnson
Sandy Johnson, Commission President

ATTEST:

Jennifer M. Oh
Jennifer M. Oh, City Clerk



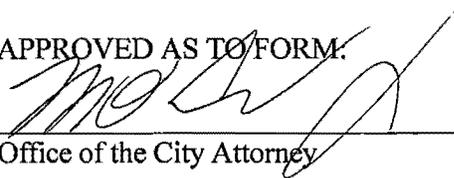
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APPROVED AS TO FORM:



Office of the City Attorney

	Yes	No	Absent
Commission President Sandy Johnson	<u>x</u>	_____	_____
Commissioner Vice President Jason D. Joffe	<u>x</u>	_____	_____
Commissioner Michael S. Long	<u>x</u>	_____	_____
Commissioner Earl Maucker	<u>x</u>	_____	_____
Commissioner Kyle Van Buskirk	<u>x</u>	_____	_____

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