

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2018 – 0958

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 42-377, "WALLS, FENCES, HEDGES AND PATIOS ON WATERFRONT RESIDENTIAL LOTS" OF THE CITY OF LIGHTHOUSE POINT CODE OF ORDINANCES TO INCREASE THE ALLOWABLE HEIGHT FOR HEDGES ON CERTAIN PORTIONS OF WATERFRONT 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 42-377, "Walls, fences, hedges and patios on waterfront residential lots" is hereby amended to read 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.

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- (2) Chainlink 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 feet NAVD (seven feet six inches NGVD) above mean sea level. 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.
 - (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 chainlink 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, 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

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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 waterfront residential lot may increase by six inches (6"), so then the maximum height of the wall, 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. No such wall- ~~or, 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) Hedges located on the property other than between the rear setback line and the rear or side yard property line adjacent to a canal may be erected and maintained as follows:

1. On or between rear building setback line, as extended, and the front building 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 (5) and (6) below;
2. 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 (5) and (6) below;
3. 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;
4. All other permitted hedges in areas of the property addressed in this subsection (e) 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 (5) and (6) below
5. The maximum heights of hedges in areas of the property addressed in this subsection (e) 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

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permitted to be eight feet shall not exceed eight feet, six inches (8' 6") as measured from normal ground level.

6. 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.

~~(e)(f)~~ Except as provided in subsection ~~(fg)~~, 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. 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 fencesix 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)(g)~~ The following shall not be required to meet the landscaping requirements of subsection ~~(ef)~~:

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

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

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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.

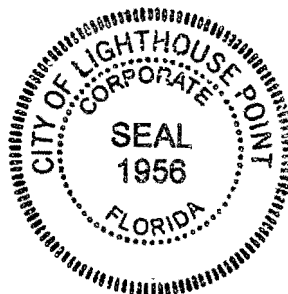
BY: *Sandy Johnson*
Sandy Johnson, Commission President

ATTEST:

Jennifer M. Oh
Jennifer M. Oh, City Clerk

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney



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

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