

**CITY OF LIGHTHOUSE POINT
FLORIDA**

ORDINANCE NO. 2017 – 0947

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING CHAPTER 42, “LAND DEVELOPMENT CODE”, ARTICLE IV, “ZONING”, DIVISION 4, “DISTRICT REGULATIONS”, SECTION 42-341, “RS-3 SINGLE FAMILY RESIDENTIAL DISTRICT”, SECTION 42-342, “RS-5 SINGLE FAMILY RESIDENTIAL DISTRICT”, SECTION 42-343, “RD-10 TWO FAMILY RESIDENCE DISTRICT”, SECTION 42-344, “RM-16, FOUR-FAMILY RESIDENTIAL DISTRICT”, AND SECTION 42-345, “RM-25, APARTMENT DISTRICTS”, OF THE CITY OF LIGHTHOUSE POINT CODE OF ORDINANCES TO PROVIDE FOR ADJUSTMENT OF THE MAXIMUM HEIGHT OF A STRUCTURE FOR BUILDINGS LOCATED IN THE RS-3, RS-5, RD-10, RM-16, AND RM-25 ZONING DISTRICTS TO ACCOMMODATE FEMA REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Lighthouse Point is aware that the Federal Emergency Management Agency (“FEMA”) has adopted an updated flood zone map for the City of Lighthouse Point (“City”), which also provides for adjusted minimum finished floor elevations for structures within the City; and,

WHEREAS, as a result of the updated flood zone map, the City Commission finds that it is necessary to adjust the maximum height of a structure located in the RS-3, RS-5, RS-10, RM-16, and RM-25 zoning districts, in order to accommodate the minimum finished floor elevations required by FEMA; and,

WHEREAS, the City Commission finds that by adjusting the maximum height of the structure, property owners will be permitted to construct residential structures that meet the City’s maximum height requirements for structures in the RS-3, RS-5, RS-10, RM-16, and RM-25 zoning districts to the benefit of property owners; and,

WHEREAS, the City Commission finds that the limitations hereinafter set forth are reasonably related to health, safety, issues for the citizens, property owners, and invitees of the City.

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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 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 4, “District Regulations,” Section 42-341, “RS-3, single-family residential districts” is hereby amended to read as follows:

Sec. 42-341. - RS-3, single-family residential districts.

* * * *

(d) *Building height limitation.* Limitations on Number of Stories and Building Height. No building in the RS-3 district shall exceed two stories. The maximum height of a building in the RS-3 district shall not be more than 34.5 feet above the crown of the adjoining roadway, or no higher than 33 feet above 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 at to the highest point of any roof or parapet. In addition, no building shall exceed a height of more than 28.5 feet above the crown of the adjoining roadway, or no higher than 27 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road, at any setback line or within any setback area. An additional setback, from any applicable setback line, of two (2) feet horizontal for every one (1) foot vertical is required for any portion of the building above 28.5 feet to the maximum height limitation. Chimneys and ornamental features, such as spires and weather vanes, shall not exceed a height of 36.5 feet above the crown of the adjoining roadway, or no higher than 35 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road. A roof-top observation platform above the second story is permitted only if it is not roofed or covered in any manner, does not exceed 400 square feet in area, and does not exceed the roof height limitation at the top of the safety railing or parapet. No equipment, fixtures or furniture shall be placed on any such observation platform located above the second floor.

Section 3. Chapter 42 of the City of Lighthouse Point Code of Ordinances entitled “Land Development Code,” Article IV, “Zoning,” Division 4, “District Regulations,” Section 42-342, “RS-5, single-family residential districts” is hereby amended to read as follows:

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Sec. 42-342. - RS-5, single-family residential district.

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- (d) *Building height limitation.* Limitations on Number of Stories and Building Height. No building in the RS-5 district shall exceed two stories. The maximum height of a building in the RS-5 district shall not be more than 34.5 feet above the crown of the adjoining roadway, or no higher than 33 feet above 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 at to the highest point of any roof or parapet. In addition, no building shall exceed a height of more than 28.5 feet above the crown of the adjoining roadway, or no higher than 27 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road, at any setback line or within any setback area. An additional setback, from any applicable setback line, of two (2) feet horizontal for every one (1) foot vertical is required for any portion of the building above 28.5 feet to the maximum height limitation. Chimneys and ornamental features, such as spires and weather vanes, shall not exceed a height of 36.5 feet above the crown of the adjoining roadway, or no higher than 35 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road. A roof-top observation platform above the second story is permitted only if it is not roofed or covered in any manner, does not exceed 400 square feet in area, and does not exceed the roof height limitation at the top of the safety railing or parapet. No equipment, fixtures or furniture shall be placed on any such observation platform located above the second floor.

Section 4. Chapter 42 of the City of Lighthouse Point Code of Ordinances entitled “Land Development Code,” Article IV, “Zoning,” Division 4, “District Regulations,” Section 42-343, “RD-10, two-family residence district” is hereby amended to read as follows:

Sec. 42-343. - RD-10, two-family residence district.

* * * *

- (d) *Building height limitation.* (d) Limitation on Number of Stories and Building Height. No building in the RD-10 district shall exceed two stories. The maximum height of a building in the RD-10 district shall not be more than 34.5 feet above the crown of the adjoining roadway, or no higher than 33 feet above 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 at to the highest point of any roof or parapet. In addition, no building shall exceed a height of more than 28.5 feet above the crown of the adjoining roadway, or no higher than 27 feet

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above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road, at any setback line or within any setback area. An additional setback, from any applicable setback line, of two (2) feet horizontal for every one (1) foot vertical is required for any portion of the building above 28.5 feet to the maximum height limitation. Chimneys and ornamental features, such as spires and weather vanes, shall not exceed a height of 36.5 feet above the crown of the adjoining roadway, or no higher than 35 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road. A roof-top observation platform above the second story is permitted only if it is not roofed or covered in any manner, does not exceed 400 square feet in area, and does not exceed the roof height limitation at the top of the safety railing or parapet. No equipment, fixtures or furniture shall be placed on any such observation platform located above the second floor.

Section 5. Chapter 42 of the City of Lighthouse Point Code of Ordinances entitled “Land Development Code,” Article IV, “Zoning,” Division 4, “District Regulations,” Section 42-344, “RM-16, four-family residence district” is hereby amended to read as follows:

Sec. 42-344. - RM-16, four-family residential district.

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- (e) *Building height limitations.* No building in the RM-16 district shall exceed two stories in height except three-story townhouse developments as a conditional use nor more than 34.5 feet above the crown of the adjoining roadway, or no higher than 33 feet above 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 at ~~to~~ the highest point of any roof or parapet. Chimneys and ornamental features, such as spires and weather vanes, shall not exceed a height of 36.5 feet above the crown of the adjoining roadway, or no higher than 35 feet above the minimum finished floor elevation when FEMA requires the finished floor elevation to be raised more than 18” above the crown of the road. A roof-top observation platform above the second story is permitted only if it is not roofed or covered in any manner, does not exceed 400 square feet in area, and does not exceed the roof height limitation at the top of the safety railing or parapet. No equipment, fixtures or furniture shall be placed on any such observation platform located above the second floor. There shall be a further exception to this height limitation which shall apply to church steeples and church bell towers, the height of which steeple or bell tower shall not exceed 66.5 feet above the crown of the adjoining roadway.

Section 6. Chapter 42 of the City of Lighthouse Point Code of Ordinances entitled “Land Development Code,” Article IV, “Zoning,” Division 4, “District Regulations,” Section 42-345, “RM-25, apartment districts” is hereby amended to read as follows:

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Sec. 42-345. - RM-25, apartment districts.

* * * *

(c) *Building height limitations.* No building in the RM-25 district shall exceed three stories in height nor more than 46.5 feet above the crown of the adjoining roadway, or no higher than 45 feet above 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 at to the highest point of any roof or parapet.

Section 7. 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 8. 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 9. 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 10. 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 11th DAY OF JULY, 2017.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 22nd DAY OF August, 2017.

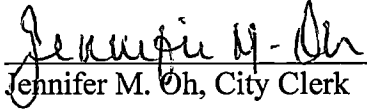
BY: 
Sandy Johnson, Commission President

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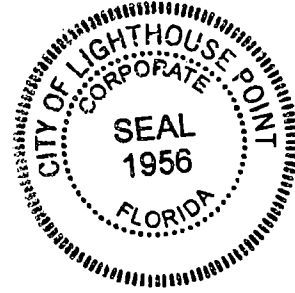
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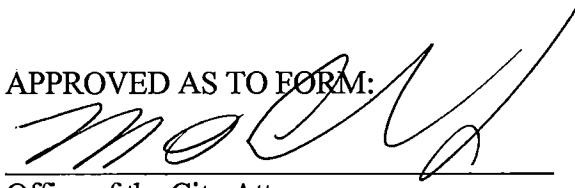
ATTEST:



Jennifer M. Oh, City Clerk



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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