



# City of Deerfield Beach

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Deerfield Beach, FL  
33441  
954-480-4200

## Face Sheet File Number: I.D. 2022-1379

**Agenda Date:** 8/2/2022

**Status:** DEPARTMENTAL BUSINESS

**In Control:** City Commission

### Title

**ORDINANCE 2022/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CITY LAND DEVELOPMENT CODE BY AMENDING SECTION 98-71 "LOT REGULATIONS" AND SECTION 98-87 "DOCKING AND MOORING FACILITIES" REGARDING THE MINIMUM ELEVATION AND LIGHTING REQUIREMENTS FOR DOCKS AND MAXIMUM WIDTH OF SEAWALL CAPS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

### Recommended Action

Commission to vote on Resolution

### Voting Requirement

Commission to vote on Ordinance and set public hearing for August 16, 2022

### Background/History

The Planning & Development Services department is proposing changes to the Land Development Code as it relates to supplementary regulations.

Broward County will permit elevation differences for construction prior to 2035 instead of 2050. With this, City staff has re-reviewed the code amendment approved by the City Commission at the January 4, 2022 meeting (Ordinance No. 2022/003) and is recommending the City permit docks to be constructed prior to 2035 at an elevation of four (4) feet NAVD88 and not five (5) feet NAVD88. Along with this significant change to Section 98-87, City staff is also recommending minor changes to this section as well as minor changes to Section 98-71. Proposed changes to these sections are as follows:

#### 98-71 - Lot Regulations

1. Updates to the retaining wall setbacks for consistency with chapter 98-87;
2. Allowing improvements to vacant lots for sea walls for erosion control;
3. Adding an additional requirement that temporary buildings are not permitted within a required setback

#### 98-87 - Docking and mooring facilities

4. Definition of "upland stem wall" for understanding of terminology related to flood barriers;
5. Increase of 42 inches as maximum allowable seawall cap width and clarification on projection to ensure improvement standards of the City and County are achievable;
6. Adding bulb watt intensity for additional clarification.

On July 7, 2022, Planning and Zoning Board voted to recommend approval of the modifications to the City Commission.

**Recommendation**

Recommendation to the City Commission on the proposed code amendment.

**ORDINANCE NO. 2022**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 “LAND DEVELOPMENT REGULATIONS” OF THE CITY LAND DEVELOPMENT CODE BY AMENDING SECTION 98-71 “LOT REGULATIONS” AND SECTION 98-87 “DOCKING AND MOORING FACILITIES” REGARDING THE MINIMUM ELEVATION AND LIGHTING REQUIREMENTS FOR DOCKS AND MAXIMUM WIDTH OF SEAWALL CAPS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE**

**WHEREAS**, Section 98-71 of the City Land Development Code provides for the lot regulations; and

**WHEREAS**, Section 98-87 of the City Land Development Code provides for the regulation of docking and mooring facilities; and

**WHEREAS**, Broward County currently permits elevation differences for construction prior to 2035 instead of 2050; and

**WHEREAS**, in light of Broward County’s permitted elevation differences for construction, staff reviewed the code amendment approved by the City Commission at the January 4, 2022 meeting (Ordinance No. 2022/003); and

**WHEREAS**, staff recommends the City Commission adopt this ordinance, amending Land Development Code Section 98-87 to revise and update the relevant provisions to permit docks to be constructed prior to 2035 at an elevation of four (4) feet NAVD88 and not five (5) feet NAVD88 and to clarify the lighting standards for docks and maximum width of seawall caps, and to make clarifications to the lot regulations in Land Development Code Section 98-87; and

**WHEREAS**, staff recommends the City Commission adopt this ordinance, amending City Land Development Code Sections 98-71 “Lot Regulations”, and 98-87, “Docking and Mooring Facilities” as provided herein.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:**

**Section 1.** The above “WHEREAS” clauses are true and correct and are made a part of this Ordinance.

**Section 2.** Chapter 98 “Land Development Regulations” of the City’s Land Development Code is hereby amended by amending Section 98-71, “Lot regulations” and Section 98-87, “Docking and mooring facilities” to read as follows:<sup>1</sup>

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<sup>1</sup> Additions to existing Code text are shown in underline. Deletions to existing Code text are shown in ~~strike through~~.

## Chapter 98 Land Development Regulations

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### ARTICLE IV. SUPPLEMENTARY REGULATIONS

#### Sec. 98-71. - Lot regulations.

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(c) *Yard encroachments.* Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted below:

- (1) Sills or belt courses may project not over 12 inches into a required yard.
- (2) Roof overhangs, cornices, or eaves may project not over  $\frac{1}{3}$  of the required yard provided ~~it~~ such structure does not exceed five feet; further provided that where the yard is less than five feet in width such projections shall not exceed  $\frac{1}{2}$  the width of the yard.
- (3) Chimneys, fireplaces or pilasters may project not over two feet into a required yard.
- (4) Awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than one foot to any lot line.
- (5) Fire escapes, stairways and balconies which are unroofed and unenclosed may project not over five feet into a required rear yard, or not over three feet into a required side yard.
- (6) Retaining walls, and steps are permitted in waterfront yards provided that said structures may not extend in height above the finish grade elevation of the principal building lot, and ~~extend no closer than five feet from side lot lines~~ adhere to the standards set forth in Land Development Code Section 98-87.
- (7) Excessive use of lighting shall be considered a yard encroachment. Exteriors may be used to illuminate property for safety purposes and for temporary holiday events but may not be used to advertise, draw considerable attention to or cause adjacent properties to be unable to utilize said property in a manner that is consistent with the neighborhood.

(d) *Temporary buildings.* Temporary buildings used in conjunction with a specific project development, including those employed for models, sales, and construction work may be allowed in any zoning district, when approved by the building official in conjunction with an active building permit for which the temporary building is needed and being used. Such buildings shall be removed at the time of project completion. No other such temporary buildings may be considered. Temporary buildings may not be located in a required setback.

(e) *Use of premises without buildings.* No lot or parcel may be occupied for a permitted use without a principle structure and attendant improvements first being constructed. For the purpose of erosion and upland control, tidal flood barriers are exempt from this requirement.

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**Sec. 98-87. - Docking and mooring facilities.**

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(c) *Definitions.* For purposes of this section 98-87, the following terms shall have the definition and meanings as set forth in this subsection.

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*Upland stem wall.* (See “retaining wall”)

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(d) Standards and design criteria for docks, mooring facilities, and other water-dependent structures.

(1) *Docking facility general standards.*

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c. No dock, mooring structure, or water-dependent accessory structure shall be permitted on a property that does not have a principal structure with a certificate of occupancy.

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e. When no seawall exists, the dock shall have a minimum height of four feet as measured from the mean low water line to the top of the dock. When a seawall exists, the minimum elevation of any dock constructed prior to 2035 shall be four feet five feet NAVD88 provided they are designed and constructed to accommodate a minimum elevation of five feet NAVD88 by January 1, 2050. Notwithstanding the foregoing, docks may include appurtenances at elevations less than 4 feet NAVD88, such as lower levels containing steps or ramps, provided the majority of the dock affixed to the land at which it belongs adheres to the minimum elevation as required by this provision.

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(2) *Docking and mooring standards.*

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**Table A: Dock and Boat Lift Setbacks**

<b>WATERFRONT TYPE</b>	Minimum dock side setback; lot frontage less than 100 feet in width	Minimum dock side setback; lot frontage greater than 100 feet in width	Maximum dock projection into the water	Minimum boat lift side setback; lot frontage less than 100 feet in width	Minimum boat lift side setback; lot frontage greater than 100 feet in width	Maximum projection for docks/boat lifts/mooring structures

<b>Seawall-Tidally Influenced Properties</b>						
Properties fronting water bodies less than 100 feet wide:	5 feet	5 feet	10% of the waterbody width	10 feet	25 feet	25% of canal width
Properties fronting water bodies greater than 100 feet wide:	5 feet	5 feet	10% of the waterbody width	10feet	25 feet	25% of canal width
Shorelines along intracoastal waterway:	5 feet	5 feet	20 feet or as permitted by the Army Corps of Engineers	10 feet	25 feet	25% of Intracoastal width or 30 feet whichever is more restrictive
Canal dead ends & properties with non-parallel waterfronts:	5 feet or 10% of the length of the waterfront lot line, whichever is less	5 feet	10% of the waterbody width	10 feet	25 feet	25% of canal width
<b>Seawall-Nontidal Properties</b> (Lots with no navigable access to a tidal waterway)						
Properties fronting water bodies with a width of less than 100 feet:5	feet	5 feet	10% of the waterbody width	10 feet	25 feet	25% of canal width
Properties fronting water bodies with a width of 101 feet to 199 feet:	5 feet	5 feet	10% of the waterbody width	10 feet	25 feet	25% or 25 feet whichever is more restrictive
Properties fronting water bodies greater than 200 feet:	5 feet	5 feet	10% of the waterbody width	10 feet	25 feet	25% or 50 feet whichever is more restrictive
<b>Unaltered Waterfronts Mangrove Fringe</b>						
Properties fronting water bodies less than 100 feet wide:	5 feet	5 feet	20% of the waterbody width	10 feet	25 feet	25% of canal width
Properties fronting water bodies greater than 100 feet wide:	5 feet	5 feet	20% of the waterbody width	10 feet	25 feet	25% of canal width
Canal dead ends & properties with non-parallel waterfronts:	5 feet or 10% of the length of the waterfront lot line, whichever is less	5 feet	10% of the waterbody width	10 feet	25 feet	25% of canal width

Maximum Dock Height: No greater than seawall - No greater than 5 feet above mean high water line when no seawall exists.

Minimum Dock Height: No less than ~~5-ft.~~ 4 feet (NAVD88) w/seawall - No less than 4 feet above mean low water when no seawall exists.

All side setbacks measured from bisecting lines.

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(4) *Additional criteria; miscellaneous standards.*

- a. *Dock lighting.* Any light installed on or below a water structure shall not produce glare, shall not cause illumination in excess of 1.0 foot candles on any abutting residential property, and shall adhere to the outdoor lighting restrictions established in section 34-60 and the following design criteria:

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2. Light source shall consist of yellow bug type bulbs not exceeding 25 watts (incandescent) or 4 watts (LED) or low-pressure sodium vapor lamps;

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- b. *Tidal flood barriers and minimum elevations for coastal infrastructure within tidally influenced areas.*

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13. The width of any seawall cap shall be no less than 18 inches and no greater than ~~30~~ 42 inches.

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**Section 3.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.** The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

**Section 5.** 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 City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**Section 6.** That this Ordinance shall take effect immediately upon adoption on second reading.

PASSED 1ST READING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

PASSED 2ND READING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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BILL GANZ, MAYOR

ATTEST:

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SAMANTHA GILLYARD, CITY CLERK