

Aug. 20

ORDINANCE NO. 2016- 53

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4302., "GENERAL," TO PROVIDE RESTRICTIONS FOR LOCATION OF ACCESSORY USES AND STRUCTURES NEAR DUNE VEGETATION LINES; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE STANDARDS FOR UNCOVERED PORCHES, DECKS, PATIOS, TERRACES AND WALKWAYS ON PROPERTIES WHICH INCLUDE AREA SEAWARD OF DUNE VEGETATION LINES; BY CREATING SECTION 155.9301., "REAR PROPERTY LINE AS RELATED TO MEASUREMENTS," TO PROVIDE MEASUREMENT AND BOUNDARY STANDARDS FOR PROPERTIES ABUTTING THE BEACH; BY AMENDING SECTION 155.9401., "MEASUREMENT," TO MODIFY REQUIREMENTS FOR MEASUREMENT OF LOT AREA AND LOT COVERAGE FOR PROPERTIES ABUTTING THE BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.4302., "General," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4302. GENERAL

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B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

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2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

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- g. In front of the principal structure; ~~and~~
- h. Within 15 feet of a waterway or canal; and
- i. Within 25 feet of a Dune Vegetation Line.

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SECTION 2. That Section 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

KK. UNCOVERED PORCHES, DECKS, PATIOS, TERRACES, AND WALKWAYS

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3. Standards

Uncovered porches, decks, patios, terraces, and walkways are subject to the following standards:

- a. They may be located in a required rear yard setback, but they shall be located at least by a distance equal to or greater than the uncovered structures height.

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- d. For properties which include area seaward of the Dune Vegetation Line as defined herein, uncovered at-grade

porches, patios, and walkways may be located seaward of the Dune Vegetation Line subject to all the following standards:

- i. A minimum of 80% of the property seaward of the Dune Vegetation Line shall be pervious.
- ii. The at-grade porch, patio, and walkway shall be designed to have minimal impact on the existing dune. Any impact to the dune shall be mitigated.
- iii. An elevated walkway may be permitted only if necessary to protect the existing dune.

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SECTION 3. That Section 155.9301., "Rear Property Line as Related to Measurements," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby created to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PART 3 ~~RESERVED~~ MEASUREMENTS FOR PROPERTIES ABUTTING BEACH

§ 155.9301. REAR PROPERTY LINE AS RELATED TO MEASUREMENTS.

- A. For properties which include area seaward of the Dune Vegetation Line as defined herein, the Dune Vegetation Line is considered the rear property line for the purposes of calculating lot area, lot coverage, and the pervious area, and for purposes of measuring the rear yard corner triangle.
- B. For properties which include area seaward of the Erosion Control Line as defined in Section 161.151 of the State Statutes, the Erosion Control Line is considered the rear property line for the purposes of calculating density.

SECTION 4. That Section 155.9401., "Measurement," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

ARTICLE 9: DEFINITIONS AND INTERPRETATION

PART 4 MEASUREMENT, EXCEPTIONS, AND VARIATIONS OF INTENSITY AND DIMENSIONAL STANDARDS

§ 155.9401. MEASUREMENT

- A. Lot Area**

Lot area shall be determined by measuring the total horizontal land area (in square feet) within the lot lines of the lot—excluding any area within existing or proposed public street rights-of-way or private street easements. ~~If the property includes area seaward of the Erosion Control Line as defined in Section 161.151 of the State Statutes, the Erosion Control Line will become the rear property line for the purposes of calculating lot area.~~

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E. Lot Coverage

Lot coverage (expressed as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by all principal and accessory structures on the lot, dividing that coverage area by the total lot area (See subsection A above.), and multiplying the result by 100. ~~If the property includes area seaward of the Dune Vegetation Line as defined herein, the Dune Vegetation Line will become the rear property line for the purposes of calculating lot coverage.~~

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SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 8th day of March, 2016.

PASSED SECOND READING this 22nd day of March, 2016.



LAMAR FISHER, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

/jrm
2/17/16
L:ord/ch155/2016-127