

09.12

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING ARTICLE 3, “ZONING DISTRICTS” OF THE ZONING CODE, TO MODIFY REFERENCES TO THE DUNE VEGETATION LINE TO THE HISTORIC DUNE VEGETATION LINE IN THE DIMENSIONAL STANDARDS TABLES; BY AMENDING SECTION 155.4302., “GENERAL,” SECTION 155.4303., “STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES,” SECTION 155.5402., “LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION,” AND SECTION 155.9301., “REAR PROPERTY LINE AS RELATED TO MEASUREMENTS,” TO MODIFY REFERENCES; BY AMENDING ARTICLE 9, PART 5, TERMS AND CONDITIONS,” TO MODIFY DEFINITIONS AND DEFINE HISTORIC DUNE VEGETATION LINE; BY AMENDING APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS, TO MODIFY REFERENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** in 1959, the City of Pompano Beach established a “Dune Vegetation Line” on a survey photograph map filed with the City Clerk. This map, dated October 14, 1959, provided measurements from the Dune Vegetation Line to the right-of-way at various points. The line is also referenced in the plat maps on file with the city; and

**WHEREAS,** the city’s Zoning Code made reference to the Dune Vegetation Line as a means to establish a rear lot line for properties that extended on or past the beach. When the Zoning Code was revised in 2012, the definition of “Dune Vegetation Line” no longer referenced the 1959 line, thus creating confusion. The Dune Vegetation Line has historically been considered the rear property line for the purposes of calculating lot area, lot coverage, pervious area, setbacks, etc.; and

**WHEREAS,** to provide clarity, the city hired an engineering firm to survey the previously photographic map. As a result of the new survey, the Dune Vegetation Line definition will be

updated to reference Historic Dune Vegetation Line, which will make it easier to locate geographically; and

**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 Article 3: "Zoning Districts," Part 2: "Residential Base Zoning Districts," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**ARTICLE 3: ZONING DISTRICTS**

**PART 2: RESIDENTIAL BASE ZONING DISTRICTS**

...

**§ 155.3208. MULTIPLE-FAMILY RESIDENCE 7 (RM-7)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	25
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 <sup>2,5</sup>
...	

**155.3209. MULTIPLE-FAMILY RESIDENCE 12 (RM-12)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	25
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 <sup>2,4,6</sup>
...	

**155.3210. MULTIPLE-FAMILY RESIDENCE 20 (RM-20)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	25
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 <sup>2,4,5</sup>
...	

**155.3211. MULTIPLE-FAMILY RESIDENCE 30 (RM-30)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	25
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 <sup>2,5,6</sup>
...	

**155.3212. MULTIPLE-FAMILY RESIDENCE 45 (RM-45)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	25
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 <sup>2,6,7</sup>
...	

**SECTION 2.** That Article 3: “Zoning Districts,” Part 3: “Commercial Residential Base Zoning Districts,” of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**ARTICLE 3: ZONING DISTRICTS**

**PART 3: COMMERCIAL BASE ZONING DISTRICTS**

...

**155.3303. COMMUNITY BUSINESS (B-2)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	15
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	0 <sup>2,5</sup>
...	

**155.3304. GENERAL BUSINESS (B-3)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	15
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	0 <sup>2,5</sup>
...	

**155.3305. HEAVY BUSINESS (B-4)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft)	15
Setback from a <u>the historic</u> dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	0 <sup>3</sup>
...	

**155.3502. PARKS AND RECREATION (PR)**

...

**C. INTENSITY AND DIMENSIONAL STANDARDS <sup>1</sup>**

...	
Setback from a waterway or canal, minimum (ft) <sup>2</sup>	15
Setback from a <u>the historic</u> dune vegetation line, minimum (ft) <sup>2</sup>	25
Interior side yard setback, minimum (ft)	25
...	

...

**SECTION 3.** 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**

**A. APPLICABILITY**

...

**B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES**

**1. Relationship to Principal Use or Structure**

...

**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:

- a. Any platted or recorded easement;

...

- i. Within 25 feet of a the historic dune vegetation line.

...

**SECTION 4.** 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**

**A. ACCESSORY DWELLING UNIT**

...

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

**1. Districts Where Permitted**

...

**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.

...

- d. For properties which include area seaward of the historic dune vegetation line as defined herein, uncovered at-grade porches, patios, and walkways may be located seaward of the historic dune vegetation line subject to all the following standards:

- i. A minimum of 80% of the property seaward of the historic dune vegetation line shall be pervious.

...

**SECTION 5.** That Section 155.5402, "Lighting Requirements for Marine Turtle Protection," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**155.5402. LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION**

**A. PURPOSE**

...

**C. EXISTING BEACHFRONT LIGHT AND DEVELOPMENT**

All lighting of existing structures and associated grounds or facilities that can be seen from the beach shall comply with the following standards.

- 1. Existing artificial lights used to illuminate buildings or associated grounds or facilities shall be shielded or screened so they are not visible from the beach, or shall

...

2. Lights that directly, indirectly, or cumulatively illuminate dune crosswalks in any areas seaward of the historic dune vegetation line shall be turned off between sunset and sunrise during nesting season of sea turtles (March 1 through October 31 of each year).

...

**SECTION 6.** 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 amended to read as follows:

**155.9301. REAR PROPERTY LINE AS RELATED TO MEASUREMENTS**

- A. For properties which include area seaward of the historic dune vegetation line as defined herein, the historic 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.

**SECTION 7.** That Article 9, “Definitions and Interpretation,” 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 5 TERMS AND USES DEFINED**

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

...

**~~DUNE VEGETATION LINE~~**

~~The landward edge of a concentration of native plant materials located on the ocean beach sand dune.~~

...



**HISTORIC DISTRICT**

A geographically definable area containing properties possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas that are united historically or aesthetically by plan or physical development-and that is designated by the city through the placement of the district on the Local Register of Historic Places. A historic district may be comprised of individual resources that are separated geographically but are linked by association or history.

**HISTORIC DUNE VEGETATION LINE**

The landward edge of a concentration of native plant materials located on the ocean beach sand dune, as established by the City Engineer and presented upon a survey photograph map filed with the City Clerk, dated October 14, 1959, and geographically digitized and adopted by Resolution, indicating the most seaward edge of lands with historical and engineering stability.

...

**SECTION 8.** That Appendix B: Consolidated Intensity and Dimensional Standards of Chapter 155, “Zoning Code,” of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

**APPENDIX B: CONSOLIDATED INTENSITY AND DIMENSIONAL STANDARDS**

...

- 13. Those portions of a structure extending above a height of 20 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 20 ft.
- 14. 25 ft from a the historic dune vegetation line.
- 15. Not applicable within a Multifamily Residential 45 High-Rise (RM-45 HR) Overlay District.

...

**SECTION 9.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any 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 10.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**SECTION 11.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 28th day of January, 2020.

**PASSED SECOND READING** this 11th day of February, 2020.

  
\_\_\_\_\_  
**REX HARDIN, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
12/30/19  
L:ord/ch155/2020-66