

REQUESTED COMMISSION ACTION:

Consent     
  Ordinance     
  Resolution     
  Consideration/ Discussion     
  Presentation

SHORT TITLE

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 155 "ZONING CODE", BY AMENDING SECTION 155.4302, "GENERAL"; BY AMENDING SECTION 155.4303 "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES"; 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"; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**Summary of Purpose and Why:**

The proposed text amendments address the rear property line for properties abutting the beach. Staff determined these revisions were necessary in order to ensure the Zoning regulations for beachfront properties was consistent with the City's Comprehensive Plan, Coastal Zone Management Element. For properties whose property lines are seaward of the city's historic sand dune system, the Dune Vegetation Line will be considered the rear property line for all measurements and considerations. For those properties that are both seaward of the dune system and the state-determined Erosion Control Line, the Erosion Control Line will be considered the rear property line for measuring density. The text amendments also address accessory structures setback from the Dune Vegetation Line. Finally, the text amendments clarify that only at-grade walkways or paved areas can be situated seaward for the Dune Vegetation Line, with limitations on the location and amount of pavement. The text amendments were unanimously recommended at the January 27, 2016 Planning and Zoning Board meeting (A copy of the draft Minutes are attached).

- (1) Origin of request for this action: Development Services Dept.
- (2) Primary staff contact: Robin M. Bird/ Karen Friedman *YBF* Ext. 7792
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	01/26/2016	Approval	Memo #16-050 <i>[Signature]</i>
City Attorney			<i>Memo 2016-531 [Signature]</i>
X Planning and Zoning Board		Approval	Memo #16-009 (02/12/2016) <i>[Signature]</i>
X City Manager			<i>[Signature]</i>

<u>Ordinance Workshop</u>	<u>Resolution</u>	<u>Consideration</u>
1 <sup>st</sup> Reading	1 <sup>st</sup> Reading	Results:
2 <sup>nd</sup> Reading		



**City Attorney's Communication #2016-531**

February 17, 2016

**TO:** Karen Friedman, AICP, Principal Planner

**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance Amending Sections 155.4302., 155.4303., 155.9301. and 155.9401

As requested in your e-mail of February 17, 2016, the following form of Ordinance, relative to the above-referenced matter, has been revised and is attached:

**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.**

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

/jrm  
l:cor/dev-srv/2016-531

Attachment

**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**

...

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

...

**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:

...

- 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.

...

**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**

...

**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 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.

...

**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.~~

...

**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.~~

...

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

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

Mehran Farahmandpour (3996 Orchard Lane Long Grove, Illinois) introduced himself to the Board as the project's architect. The Applicant stated that the architecture will be consistent with the Laundromat and the three parcels are now one. The Applicant displayed an elevation on the projector and gave a brief explanation of the architectural features. The Applicant stated that he agrees with the conditions of Staff.

Mr. Stacer asked the Board if they had any questions of the applicant and received no response.

**MOTION** made by Dwight Evans and seconded by Richard Klosiewicz to approve the major site plan request, subject to the eight (8) conditions of staff. All voted in favor of the above motion; therefore, the motion passed.

**I.     OTHER BUSINESS**

**7. Chapter 155 Zoning Code Text Amendments, Properties Abutting the Beach**

Staff is recommending text amendments to the Zoning Code regarding properties abutting the beach. The proposed revisions are consistent with the City's Comprehensive Plan, Coastal Zone Management Element, and in particular with Objective 10.04.00 and Policy 10.04.02.

Mrs. Friedman introduced herself to the Board and stated that the proposed text amendments addressed properties abutting the beach and they are all consistent with Objective 10.04.00 of the Coastal Zone Management Element which speaks to the City's desire to maintain the dune system. The text amendments will address how accessory structures will be treated. The Dune Vegetation Line will be treated as the rear property line when it comes to the allowance of accessory structures. There are additional considerations given for specific accessory structures. For example, an at-grade porch or walkway. Additionally, a new section of the code will be created that includes all of the standards related to how the rear property lines are measured for properties abutting the beach. The Dune Vegetation Line would be considered the rear lot line for purposes of calculating the: lot area, lot coverage, pervious area and the rear yard corner triangle. For those lots that exceed the Dune Vegetation Line and abuts the Erosion Control Line, they will be able to use the Erosion Control Line for purposes of measuring density.

Mrs. Friedman added that there is also a proposed text amendment for the definition of lot coverage. The intent is to clarify that only roofed structures are included in the calculation for lot coverage.

Mr. Stacer asked if there were any questions for Staff. Mr. Evans asked if Policy 10.04.02 refers to new development. Mrs. Friedman answered that this policy shows the City's longstanding support for maintaining the dune system. The recommendations regarding setbacks and lot coverage all relate to the dune vegetation line. The recommendations impact all development (building permit, minor site plan and major site plan). Mr. Evans asked if this will affect existing development. Mrs. Friedman answered

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem

that people will not have to tear apart parts of their properties if they are exceeding the standards.

Mr. Evans asked about the “Minimal impact on the dune” and if there is a definition for “Minimal impact.” Mrs. Friedman stated that those types of determinations are made by the Urban Forester and the Registered Landscape Architects on the Development Services Staff.

Mr. Evans asked why the text amendment for the clarification to the definition of lot coverage is included when it affects more than only the properties abutting the beach. Mrs. Friedman answered that lot coverage is related to the issue at hand. Mr. Evans asked if there should be a separate proposal or a notice requirement since it will affect the entire City. Mrs. Friedman responded that if the subject matter was misleading, Staff could bring the item back to the Board independently. Mr. Evans responded that this would be preferable.

Mr. Stacer asked if these text amendments would impact the two restaurants approved to be built north of the pier. Mrs. Friedman responded that she is not familiar enough with the projects to answer the question. Mrs. Gomez responded that these projects have already received a variance for their rear setback requirements and therefore would not be impacted by the code changes at hand.

**MOTION** made by Joan Kovac and seconded by Dwight Evans to recommend approval of the proposed text amendments, excluding the addition of the word “roofed” to Code Section 155.9401.E Lot Coverage. All voted in favor of the above motion; therefore, the motion passed.

**8. Chapter 155 Zoning Code Text Amendments, Revisions to AOD Parking Modifications**

Staff is recommending text amendments to the Zoning Code, requested by the CRA, regarding parking modifications in the AOD for Hotels and Residential Uses provided as part of a mixed-use development.

Mrs. Friedman introduced herself to the Board and stated that this will be the third time this Board has been asked to consider changes to the parking standards in the Atlantic Boulevard Overlay District. Previously, at the November 30<sup>th</sup>, 2015 Special Set hearing, the item was tabled. At the December 16<sup>th</sup>, 2015 Planning and Zoning Board Hearing, several text amendments were presented. Since then, the Pompano Beach CRA has requested additional uses be eligible for parking modifications. Mrs. Friedman explained that any of the text changes in the backup that are highlighted in yellow are new proposed changes.

Mrs. Friedman stated that the proposed reductions would reduce parking for Hotels as follows:

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Any person who decides to appeal any decision of the PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // kem



**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY  
MEMORANDUM #16-009**

**DATE:** February 12, 2016  
**TO:** City Commission  
**FROM:** Planning and Zoning Board/ Local Planning Agency  
**SUBJECT:** Proposed Text Amendments to the Zoning Code,  
Properties Abutting the Beach

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At the meeting of the Planning and Zoning Board/ Local Planning Agency held on January 27, 2016, the Board considered proposed text amendments to Article 4 (Use Standards) and Article 9 (Definitions and Interpretation) of the Zoning Code, as set forth in the Department of Development Services Administrative Report 16-050.


Staff recommends requiring accessory structures to be setback twenty-five feet from the Dune Vegetation Line (DVL) with exceptions for uncovered, at-grade porches and walkways which meet specific criteria.

Regarding properties seaward of the DVL, Staff recommends clarifying that the DVL is considered the rear property line for purposes of calculating Lot Area, Lot Coverage, Pervious Area, and the Rear Yard Corner Triangle.

Regarding properties seaward of the Erosion Control Line (ECL), Staff recommends clarifying that the ECL is considered the rear property line for purposes of calculating Density.

Additionally, staff recommends a text amendment that clarifies the definition of Lot Coverage.

With a unanimous vote for the approval of the amendment, it is the recommendation of the Board that the text amendments be approved, excluding the addition of the word "roofed" to Zoning Code Section 155.9401.E Lot Coverage. The Board prefers this text amendment be heard as a separate request because it affects properties City-wide and not only those abutting the beach.



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Fred Stacer  
Chairman  
Planning and Zoning Board/ Local Planning Agency

# MEMORANDUM

## Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-050

DATE: January 26, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KBF*

RE: Proposed Revisions to §155.4302 and Article 9 Regarding Properties Abutting Beach (**Amended**)

Staff has prepared text amendments addressing properties abutting the beach. The proposed revisions are consistent with the City's Comprehensive Plan, Coastal Zone Management Element, and in particular with Objective 10.04.00 and Policy 10.04.02 (below):

**Objective Beach Protection**

**10.04.00** *The City will continue to actively work toward stabilizing the beach area and /or decreasing the amount of erosion taking place along the shoreline; beach renourishment shall be undertaken only if the sand dynamics (current accretion) changes.*

**Policy 10.04.02** *Modify the Land Development Regulations to require beachfront properties to construct a sand dune system along the beach frontage as part of redevelopment.*

The proposed text amendments, therefore, address the following:

- Require accessory structures to be setback 25 feet from the Dune Vegetation Line (DVL)
  - The Zoning Code Interpretation addressing Accessory Structure Setbacks for Properties Abutting a Waterway or Canal, dated May 5, 2015, will be amended to also apply to the DVL setback (**copy of existing Interpretation attached**)
  - Uncovered, at-grade porches and walkways will be permitted to extend beyond the DVL provided they do not cover more than 20% of the area east of the DVL. They also have to have minimal impact on the dune. An elevated walkway would be permitted only if it is to ensure no impact to dune.
- For properties which are seaward of the DVL, clarify that the DVL is considered the rear property line for purposes of calculating Lot Area, Lot Coverage, Pervious Area, and Rear Yard Corner Triangle
  - Principal structures are required to be setback 25 feet from the DVL
  - This is consistent with Ord. 72-44 and how the City has historically measured these calculations. (**copy of Ordinance attached**)
- For properties which are seaward of the Erosion Control Line, clarify that the Erosion Control Line is considered the rear property line for purposes of calculating Density.
  - All land seaward of the ECL is owned by the State per FL SS 161.191(1) which states "...Title to all lands seaward of the erosion control line shall be deemed to be vested in the state by right of its sovereignty..." (**copy of FL SS 161.191(1) attached**)

# MEMORANDUM

## Development Services

- o Measuring density from the ECL is consistent with Broward County Planning Council's calculations which will calculate density to the property line.

Finally, the proposed amendments also include clarifying how the City measures Lot Coverage citywide. The revision clarifies that only "roofed" structures are included in the calculation.

### **Staff's Request**

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

ARTICLE 9: USE STANDANRDS

§155.4302. GENERAL

B. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

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:

- 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.

§155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

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

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.

b. They may be located in a required front yard setback, required street side yard setback, or required interior side yard setback if they are less than 12 inches in height.

c. They may be located in an easement or in front of the principal structure if they are less than 12 inches in height and/or at grade.

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.

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.

...

**§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.~~

...

- 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 **roofed** principal and **roofed** 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.~~



# MEMORANDUM

## Development Services

§155.2423, Zoning Code Interpretation

Title: Accessory Structure Setbacks for properties abutting a waterway or canal, 155.4302.B.2

Effective Date: May 12, 2015

**155.4302 General**

**B. General Standards for All Accessory Uses and Structures**

**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:

- f. A required yard setback;
- h. Within 15 feet of a waterway or canal.

**The following interpretations are effective this date:**

- For properties located along a waterway or canal, the prevailing "prohibited location" for accessory structures is the distance from the waterway or canal (155.4302.B.2.h).
- All above-ground accessory structures, except for fences, shall be setback at least 15 feet from the waterway or canal.
- All at or below-ground accessory structures, including swimming pools and decks / patios, may follow the use-specific modified rear-yard setback as the setback from waterways or canals.

Robin M. Bird, Development Services Director

ORDINANCE NO. 72 - 44

CITY OF POMPANO BEACH  
Broward County, Florida

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 50.02(81a) AND 50.02(14) BY DEFINING THE OCEANFRONT LOT LINE AND THE AREA, NET SITE; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT.

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WHEREAS, there is a need to more clearly define the "Oceanfront Lot Line" and the "area, Net Site" for purposes of establishing other zoning criteria, and

WHEREAS, public notice of this proposed amendment to the zoning code has been given and a public hearing held, and

WHEREAS, the City Commission finds that future maintenance of zoning criteria including setbacks, building area, coverage (open area and green area), density and similar computations requires dependence upon a stable land area to sustain oceanfront building development, and

WHEREAS, the vegetation line has historical and engineering stability and shores seaward of the vegetation line are naturally unstable and undependable, and

WHEREAS, the City Commission finds it in the public interest, based upon the facts presented at the hearing, to make certain changes in definition in the Code of Ordinances; now, therefore,

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

Section 1: Code of Ordinances, Section 50.02(14) is hereby amended to read as follows:

50.02(14) **Area, net site:**

The net site area is the total area within the lot lines of a project excluding external streets or alleys. **The net site area shall not include area seaward of the oceanfront lot line.**

Section 2: Code of Ordinances, Section 50.02(81a)

is hereby amended to read as follows:

50.02(81a) Oceanfront Lot Line.

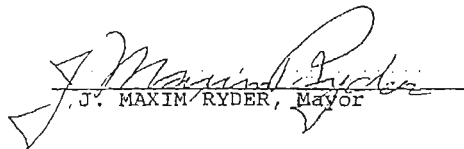
Oceanfront lot line is the line of vegetation as established by the City Engineer upon the survey photograph map filed with the City Clerk, dated October 14, 1959, adopted and confirmed herewith.

Section 3: Should any section or provision of this ordinance or any portion of any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the remainder hereof or any part hereof other than the part declared to be invalid.

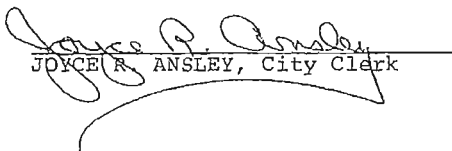
Section 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

PASSED FIRST READING this 23 day of May , 1972.

PASSED SECOND READING this 6 day of June , 1972.

  
J. MAXIM RYDER, Mayor

ATTEST:

  
JOYCE R. ANSLEY, City Clerk



Select Year:  

## The 2015 Florida Statutes

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Title XI  
COUNTY ORGANIZATION AND  
INTERGOVERNMENTAL RELATIONS

Chapter 161  
BEACH AND SHORE  
PRESERVATION

View Entire  
Chapter

**161.191 Vesting of title to lands.—**

(1) Upon the filing of a copy of the board of trustees' resolution and the recording of the survey showing the location of the erosion control line and the area of beach to be protected as provided in s. [161.181](#), title to all lands seaward of the erosion control line shall be deemed to be vested in the state by right of its sovereignty, and title to all lands landward of such line shall be vested in the riparian upland owners whose lands either abut the erosion control line or would have abutted the line if it had been located directly on the line of mean high water on the date the board of trustees' survey was recorded.

(2) Once the erosion control line along any segment of the shoreline has been established in accordance with the provisions of ss. [161.141-161.211](#), the common law shall no longer operate to increase or decrease the proportions of any upland property lying landward of such line, either by accretion or erosion or by any other natural or artificial process, except as provided in s. [161.211\(2\)](#) and (3). However, the state shall not extend, or permit to be extended through artificial means, that portion of the protected beach lying seaward of the erosion control line beyond the limits set forth in the survey recorded by the board of trustees unless the state first obtains the written consent of all riparian upland owners whose view or access to the water's edge would be altered or impaired.

History.—s. 6, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.