

Staff Report

File #: LN-659

PLANING AND ZONING BOARD
Meeting Date: NOVEMBER 20, 2024

Text Amendment to Zoning Code related to the height and location of Gazebos/Tikis/Chickees and the required Rear Yard Corner Triangle

Request:	Text Amendment (Staff Initiated)
P&Z#	N/A
Owner:	N/A
Project Location:	N/A
Folio Number:	N/A
Land Use Designation:	N/A
Zoning District:	N/A
Commission District:	N/A
Agent:	N/A
Project Planner:	Max Wemyss (954-786-4671 / Max.Wemyss@copbfl.com)

Summary:

Staff is recommending text amendments to the Zoning Code regarding height and location of Gazebos/Tikis/Chickees and the required Rear Yard Corner Triangle. The amendments occur in Article 4 (Use Standards) and Article 5 (Development Standards) of the Zoning Code. The amendments are summarized below. Attached to this item is the complete text amendment in strikethrough and underline format.

Following concerns raised to staff, appointed, and elected officials, Staff has been directed to identify a solution to the prevalence of Code Compliance issues (both reported and unreported) related to the location of Tiki or Chickee Huts (categorized as Gazebos in the Zoning Code). Water-abutting Single-Family homeowners frequently prefer that Tiki/Chickee huts are as close to the water as feasible and typically abutting the interior lot lines. This puts them in conflict with the following Zoning Code Standards:

1. The requirement that accessory structures be set back 15 feet from property lines abutting a waterway ([155.4302.B.2.h < https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45542>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45542)); and
2. The requirement for an unobstructed rear yard corner triangle ([155.5302.D.5a < https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39060>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-39060)).

Staff proposes to eliminate all rear yard corner triangle standards (remove fence and vegetation transparency, no structures or obstructions over 3 feet in height) and to create an exemption for Gazebos/Tikis/Chickees to allow them within 3 feet of a rear lot line abutting a waterway or canal. Such structures are already permitted within 3 feet of an interior side lot line when a six-foot-high solid fence exists; otherwise, a 5-foot setback is required. The overhang of the Gazebo/Tiki/Chickee roof shall not be permitted within 1 foot of the interior side setback. This way, there is no scenario where the roof of the structure is 0 feet from the shared property line. Additionally, Staff proposes to modify the maximum height of the structure to 15 feet rather than the 10 feet that is required for a Gazebo or Tiki. A true chickee hut can have a height of 15 ft. But as is often the case, a chickee “becomes” a tiki over time when plumbing, electrical and/or other non-native materials are added. In such cases, the height is then required to be reduced to 10 feet, creating additional code compliance issues. Therefore, a uniform height requirement of 15 feet is proposed.

Eliminating the Rear Yard Corner Triangle section will have impacts beyond just permitting Gazebo/Tiki/Chickees in those locations.

Fences will now be permitted to run the length of the property line at a uniform height (up to 6 feet) without the required transparency. Additionally, landscaping may be permitted as well. The intent of the Rear Yard Corner Triangle is to preserve the view of a neighbor's property across the subject property when located against a waterway or canal. While this change will not affect the view of a property across their own property line, it may reduce the visibility across a neighbor's.

Amendment Summary

Use Specific Standards - Gazebo (Tiki or Chickee)

- Modifying the height to be consistent with a Chickee

- Amending the setback required when abutting a waterway or canal, where 15 feet is generally required for all accessory uses.

- Adding that the roof overhang of such a structure shall never abut a shared property line, regardless of the proximity of the structure.

Rear Yard Corner Triangle

- Remove this section, references, and renumber

Staff's Request

Staff is requesting that the Board recommend approval of the proposed changes to the Zoning Code to the City Commission for adoption.

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

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NN. Gazebo

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
A	A				A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

A gazebo is an ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a tiki or chickee hut, which has a thatched roof of palm or palmetto materials.

3. Standards

Gazebos are allowed as an accessory structure subject to the following standards:

a. Height and Area

- The structure shall not exceed ~~ten~~ 15 feet in height; ~~however a chickee hut as provided for in F.S. 553.73(9)(i) may be constructed to a height not to exceed 15 feet.~~
- The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

- The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line, including property lines abutting a waterway or canal.
- The structure located closer than five feet to an interior side or rear lot line shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.
- The roof overhang shall not extend closer than one foot to any side or rear property line, unless it is abutting a waterway or canal, in which case the overhang may extend to the waterway or canal property line.

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155.5302. FENCES AND WALLS

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D. Height Requirements for Fences and Walls

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5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

~~a. Within Rear Yard Corner Triangle~~

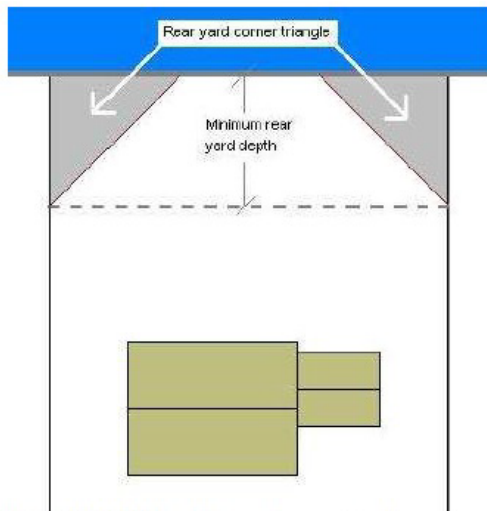


Figure 155.5302.D.5.a: Rear yard corner triangle

~~—Except as otherwise provided in subsection e below, where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area may be as high as 42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.)~~

b~~a~~. On a Rear Yard Terrace or Patio

Except as otherwise provided in subsection a above, the height of a fence or wall erected on a terrace or patio located or extending into the rear yard may be up to 42 inches high if it is at least 66 percent see-through and does not obstruct view of the canal or waterway from abutting lots.

c~~b~~. Adjacent to Sea Wall

Except as otherwise provided in subsection a above, where a lot line abuts a canal or waterway along a sea wall that is less than four and one-half feet above mean sea level, the height of a fence or wall adjacent to the lot line may be up to seven and one-half feet above mean sea level.

d~~c~~. Atop Sea Wall

No wall or fence shall be erected atop a seawall.

e~~d~~. On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue)

On all properties abutting the east right-of-way line of Harbour Drive (NE 26th Avenue) a site visibility area shall be provided as follows:

i. The sight visibility area shall be that private property which lies 25 feet north and 25 feet south of the centerline of a canal and east of the east right-of-way line of Harbour Drive (NE 26th Avenue) to the edge of the permitted seawalls as they exist on November 25, 2003.

ii. No walls or fences shall be constructed or maintained within the sight visibility area.