

**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," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO CREATE A NEW SUBSECTION REGULATING COASTAL DUNE MANAGEMENT AND PRESERVATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board has reviewed and approved the revised Zoning Amendments; and

**WHEREAS**, advertisements have been published in a newspaper of general circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of a public hearing on this proposed Ordinance, in accordance with Section 166.041(3)(a), Florida Statutes; and

**WHEREAS**, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings 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 155.5204., "Tree Preservation," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach by creating a new subsection H. "Dunes," to read as follows:

**H.     Dunes**

Coastal dunes are habitat for wildlife and support a high biodiversity of flora and fauna. They also keep beaches healthy by accreting sand and minimizing beach erosion rates. The dunes protect coastal infrastructure and upland properties from storm damage by blocking storm surge and absorbing wave energy. Therefore, a healthy dune system is an invaluable asset to coastal communities like Pompano Beach. The intent of this Section is to foster and maintain a healthy, stable, and natural dune system that is appropriate for its location. This Section shall guide beachfront property owners in preserving the natural and man-made dunes in a manner most similar to a natural system and ensuring the dune provides storm protection, erosion control, and a biologically-rich habitat for local species.

## **1. Applicability**

- a. All new development and redevelopment seaward of the Coastal Construction Control Line, or that abuts the Dune Vegetation Line, or that impacts or disrupts existing dunes or associated ecosystems shall follow the standards of this Section.
- b. All existing development seaward of the Coastal Construction Control Line or that abuts the Dune Vegetation Line shall maintain the existing dune, associated ecosystem, planting condition, or the condition most recently approved in accordance with a landscape plan on record.

## **2. Invasive Vegetation Removal**

Invasive Vegetation shall be regularly removed by means that are the least damaging to the existing dune ecosystem. All cleared vegetation shall be removed from the site and shall not be placed, stored, or relocated elsewhere within the dune protection zones.

- a. Targeted Species - Property owners shall be responsible for the physical removal of all vegetative mass, including leaves, stems, and trunks, plus all gross roots of, at a minimum, Category I and II Invasive exotic Pest Plants, as identified by the Florida Exotic Pest Plant Council (FLEPPC), including *Scaevola taccada* (Hawaiian naupaka), *Shinus terebinthifolius* (Brazilian pepper), *Casuarina equisetifolia* (Australian pine) and *Sophora tomentosa* var. *occidentalis* (necklace pod). Problem native species, such as *Dalbergia ecastophyllum* (coin vine) and *Ceasalpinia bonduc* (gray nickerbean), must also be removed, unless otherwise specified by the City.
- b. Plant Disposal - All removed invasive exotic plant mass shall be legally disposed of off-site. No on-site shredding or chipping will be allowed. Organic wrack such as seaweed and other native seagrasses that have washed ashore shall remain in place as a potential seedbank of other beneficial native dune species.

- c. Removal Methods - Removal of smaller and medium sized exotic clusters should be done by hand cutting and digging to remove roots. Mechanized equipment may be used when it is possible to gain access without impact to the existing dune. Post and rope fencing and sand fencing may be temporarily removed for access, but must be replaced upon completion of each section. Property owners shall replace rope and post fencing and/or sand fencing damaged during exotic removal or pruning efforts in accordance with approved permits.
- d. Removal of invasive plant species shall be mitigated by providing restoration and enhancement in accordance with Section 155.5203.H.3 below.
- e. Native Species - To Be Protected - Sites may include a mixture of native dune species and targeted/non-native species. Property owners shall take special precautions to ensure minimal impact to the existing dune during the invasive vegetation removal efforts. The use of herbicides is prohibited.

### **3. Restoration and Enhancement**

All properties that include development seaward of the Coastal Construction Control Line, abut the Dune Vegetation Line, or that impact or disrupt existing dunes or associated ecosystems shall provide dune restoration and enhancement in accordance with the following:

- a. Dune width: 50 to 100 feet as measured perpendicular (shore-normal) to the shoreline.
- b. Dune height: 3 to 4 feet above the back-beach berm (surface of sand).
- c. Dune Crest Elevation (NAVD): +11.5 to +13.0 feet above mean sea level.
- d. Distance from mean high water line: landward of the ECL or minimum 100 feet landward of mean high water line.
- e. Slope: 1:10 to 1:5 on seaward slope; 1:1.5 max. on dune ridge (peak); average 1:3 on landward slope.
- f. Vegetation: minimum 3 species indigenous to area; > 70 percent composed of dune grasses; zoned seaward pioneers (railroad vine, seaside purslane), middle sand trapping grasses (sea oats, bitter panicum, marshhay), landward dune grasses and shrubs (saw palmetto, sea grape, bay cedar, sea lavender, necklace pod, etc.).

- g. Sand: Sand placed on the beach or seaward of the frontal dune shall follow Florida Department of Environmental Protection (FDEP) guidelines, and shall match the characteristics and properties of the native sand.
- h. Hard Surfaces, Paths and Walkovers
  - i. Refer to Standards for Specific Accessory Structures (155.4303.KK. Uncovered Porches, Decks, Patios, Terraces, and Walkways) for additional standards for hard surface and walkway development within dune areas.
  - ii. Sand paths: 3 feet wide maximum for single family, 5 foot wide maximum width for multifamily or non-residential; dune plantings and paths shall be angled so that the sand path is not perpendicular to the ocean.
  - iii. Walkovers 4 feet wide maximum for single family, 6-ft. wide maximum width for multifamily or non-residential;
  - iv. Sand paths are acceptable for lower height dunes (<11.5 ft NAVD);
  - v. The use of beach mats to enhance accessibility is permitted in dune areas to the minimum extent practicable.
- i. Post and rope: permitted in high traffic areas in accordance with Florida Department of Environmental Protection (FDEP) guidelines.
- j. Sand fences: not permitted due to concerns with interference with sea turtle nesting.

**SECTION 2.** If any provision of this Ordinance or its application 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 3.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**KERVIN ALFRED, CITY CLERK**

MEB/mcm

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