

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, TO REDUCE CERTAIN RESTRICTIONS TO DEVELOPMENT WITHIN REAR YARD CORNER TRIANGLES, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY THE STANDARDS FOR A GAZEBO; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO APPLY GENERAL LANDSCAPING REQUIREMENTS TO PLANTS MAINTAINED WITHIN A REAR YARD CORNER TRIANGLE; BY AMENDING SECTION 155.5302., "FENCES AND WALLS," TO ELIMINATE REQUIREMENTS FOR STANDARDS RELATED TO REAR YARD CORNER TRIANGLES ADJACENT TO WATERWAYS AND MODIFYING REQUIREMENTS PERTAINING TO SEAWALLS; AND BY AMENDING SECTION 155.9301., "REAR PROPERTY LINE AS RELATED TO MEASUREMENTS," TO REMOVE REFERENCE TO REAR YARD CORNER TRIANGLES AS A MEASUREMENT FOR REAR PROPERTY LINE WHEN ABUTTING THE HISTORIC DUNE VEGETATION LINE; 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 statutory requirement cited 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 155.4303., "Standards for Specific Accessory Uses and Structures," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

NN. Gazebo

...

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

- i. The structure shall not exceed ~~ten~~ 15 feet in height; ~~however a chickee hut as provided for in F.S. 553.73(9)(i) maybe constructed to a height not to exceed 15 feet.~~
- ii. 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

- i. 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.
- ii. The structure located closer than five feet to an interior side or rear lot line, except where abutting a waterway or canal property 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.

- ...
iii. 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. When the roof overhang abuts a waterway or canal, the overhang may extend to the waterway or canal property line.

...
SECTION 2. That Section 155.5203., "Landscaping," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.5203. LANDSCAPING

...
B. General Requirements for Landscaping

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6. Maintenance of Landscaping

...
~~viii. Plants shall be maintained in a way that does not obstruct sight visibility above a height of three feet within the triangular land area formed by the intersection of a rear lot line abutting a canal or waterway 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 rear yard depth, and the third side being a line connecting the ends of the other two sides.~~

~~ix~~viii. All landscaping shall be maintained to minimize property damage and public safety hazards, including the removal of dead or decaying plant material, and removal of low hanging branches next to bikeways and walkways.

~~xix~~. All prohibited plant species shall be eradicated from the site and re-establishment of prohibited species shall not be permitted.

...
SECTION 3. That Section 155.5302., "Fences and Walls," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

155.5302. FENCES AND WALLS

...

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~~

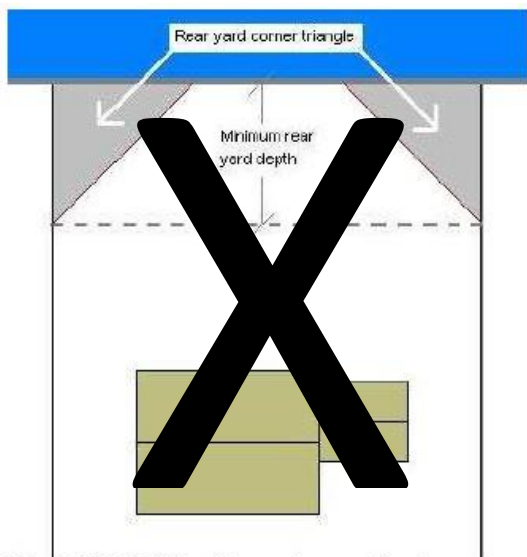


Figure 155.5302.D.5.a: Rear yard corner triangle

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. ~~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.~~

ea. Adjacent to Sea Wall

~~Except as otherwise provided in subsection a above, w~~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~~ that lot line may be up to seven and one-half feet above mean sea level.

eb. Atop Sea Wall

~~No wall or fence shall be erected atop a seawall~~ No fence or railings shall be attached onto a Mooring Structure, Tidal Flood Barrier, or Seawall Cap, as defined in Chapter 151, Beaches and Waterways.

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

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SECTION 4. 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 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.~~

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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 _____ day of _____, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

JES/mcm
4/10/25
l:ord/ch/155/2025-121