

ADMINISTRATIVE MEMORANDUM NO. 19-307

TO: Planning and Zoning Board
VIA: David L. Recor, ICMA-CM, Director of Development Services
VIA: Jennifer Gomez, AICP, Assistant Director of Development Services
FROM: Matthew R. Edge, CNU-A, Planner
SUBJECT: Historic Dune Vegetation Line Definition Zoning Code Amendments
October 23rd, 2019 P&Z Meeting
DATE: October 8, 2019

Background

In 1959, the City of Pompano Beach's City Engineer 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.

The Zoning Code (prior to 2012) made reference to the *1959 line* as the means to establish a rear lot line for properties that extended on or past the beach. However, when the Zoning Code was revised in 2012, the definition of "Dune Vegetation Line" no longer referenced the *1959 line*; which has created confusion. The Dune Vegetation Line has historically, and still is, considered the rear property line for the purposes of calculating lot area, lot coverage, pervious area, setbacks, etc.

To provide clarity going forward, the City hired an engineering firm to survey the previously photographic map. The proposed text amendment will rename the Dune Vegetation Line to *Historic Dune Vegetation Line* and the definition will be updated to reference the recent survey. All cross references have also been revised. The report from Timothy Gray, Senior Project Manager with Keith, is included in the back-up.

Please note, this is not the establishment of a new line, but simply referencing the existing and developed Dune Vegetation Line with a definition and format that is easier to locate geographically, for use by developers, the City of Pompano Beach, and any other interested party. As such, the digitalization of this line will not make any currently existing properties non-conforming.

Text Amendments

The attached text amendments include changes to Chapter 155 Article 3, 4, 5, and 9 as well as Appendix B. The following table lists and briefly describes the proposed changes. Attached is also the ~~Strike Through~~ & Underline draft of the code amendments for your reference.

Page	Section	Change
1-3	155.3208.C 155.3209.C 155.3210.C 155.3211.C 155.3212.C 155.3303.C 155.3304.C 155.3305.C 155.3502.C	Revised language to change “a dune vegetation line” to “the historic dune vegetation line” in the dimensional standards tables.
3	155.4302.B.2.i	Revised language to change “a dune vegetation line” to “the historic dune vegetation line” in the list of prohibited locations for accessory structures.
3	155.4303.KK.3.d	Revised language to change “the dune vegetation line” to “the historic dune vegetation line” in the list use-specific standard for uncovered porches, patios, terraces, and walkways.
3	155.5402.C.2	Revised language to change “the dune line” to “the historic dune vegetation line” in the regulations of lights that can be seen from the beach.
4	155.9301.A	Revised language to change “the dune vegetation line” to “the historic dune vegetation line” in the code section that explains how measurements are taken.
4	Ch. 155, Article 9, Part 5	Struck the current definition of Dune Vegetation Line and added a definition of Historic Dune Vegetation Line.
4	Appendix B	Revised language to change “a dune vegetation line” to “the historic dune vegetation line” in note 14 of the Consolidated Intensity and Dimensional Standards table.

Staff Request

Staff recommends approval of the proposed code amendments.

155.3208.C:

...

Setback from a waterway or canal, minimum (ft)	25
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 ^{2,5}

...

155.3209.C:

...

Setback from a waterway or canal, minimum (ft)	25
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	8 ^{2,4,6}

...

155.3210.C:

...

Setback from a waterway or canal, minimum (ft)	25
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 ^{2,4,5}

...

155.3211.C:

...

Setback from a waterway or canal, minimum (ft)	25
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 ^{2,5,6}

...

155.3212.C:

...

Setback from a waterway or canal, minimum (ft)	25
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	10 ^{2,6,7}

...

155.3303.C:

...

Setback from a waterway or canal, minimum (ft)	15
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	0 ^{2,5}

...

155.3304.C:

...

Setback from a waterway or canal, minimum (ft)	15
Setback from a the historic dune vegetation line, minimum (ft)	25
Interior side yard setback, minimum (ft)	0 ^{2,5}

...

155.3305.C:

...

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

...

155.3502.C:

...

Setback from a waterway or canal, minimum (ft) ²	15
Setback from a the historic dune vegetation line, minimum (ft) ²	25
Interior side yard setback, minimum (ft)	25

...

155.4302.B.2.i:

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:

...

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

155.4303.KK.3.d:

Uncovered porches, decks, patios, terraces, and walkways are subject to the following standards:

...

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.

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.

155.5402.C.2:

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

...

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).

155.9301.A:

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.

Chapter 155, Article 9, Part 5:

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 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 2019-XX, on Date, indicating the most seaward edge of lands with historical and engineering stability.

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.

...



June 1, 2019

Revised September 26, 2019

Surveyor's report:

"Dune Vegetation Line"

As part of the development and zoning plans, the City of Pompano Beach has limited and defined development and zoning regulations for properties within the city that abut the Atlantic Ocean. Maintenance of said zoning criteria (including setbacks, building area, coverage, and other similar computations) depends upon a stable land area. To define that area, a line separating lands of historical engineering stability from lands that are naturally unstable and undependable is required. That line is the **Dune Vegetation Line (DVL)**.

The **Dune Vegetation Line (DVL)** is defined by Chapter 155, Article 9, Part 5 of the municipal code of the City of Pompano Beach as the landward edge of a concentration of native plant materials located on the ocean beach sand dune. It is further defined as the most seaward edge of lands with historical and engineering stability; lands lying seaward of that line are naturally unstable and undependable. The DVL is the dividing line required for the maintenance of zoning and land ownership and use calculations.

The importance of the Dune Vegetation line as the seaward edge of lands with historical and engineering stability should be reflected in the definition. A recommended definition for said DVL would be as follows:

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 2019-XX, on Date, indicating the most seaward edge of lands with historical and engineering stability.

The DVL was established by the City Engineer and presented upon a survey photograph map filed with the City Clerk, dated October 14, 1959, and further adopted and confirmed in Ordinance No. 72-1 on June 6, 1972. It is the purpose of this report to explain the methodology in re-establishing and presenting that line digitally - as a shape file - for use by the City of Pompano Beach.

Note that this is not the establishment of a new line, but it is providing the existing and developed Dune Vegetation Line in a new format that is easier to locate geographically, for use by developers, the City of Pompano Beach, and any other interested party. As such, the digitation of this line will not make any currently existing properties non-conforming.

Once the DVL was established by the City Engineer, its location was perpetuated by recording the distances, as measured along the north or south boundary and/or property lines of recorded parcels from established lines (primarily the easterly Right of Way line of State Road A1A), creating Points of Intersection.

Running northerly, from the south line of Pompano Beach (also the south line of the Wittington Condominium, as recorded in ORB 4320, Pg. 1) to the south Right of Way line of NE 16th Street, there are 48 such Points of Intersection that define the DVL, with dimensions listed within the attached spreadsheet. Northerly of NE 16th Street, the DVL is not relevant, as the line is easterly of the no longer existing Lighthouse Drive (which now falls in the Atlantic Ocean.) Additionally, intersection points 20-23 lie within the Public Beach and are within City of

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301 E Atlantic Blvd
Pompano Beach
FL 33060
954.788.3400

Miami-Dade County
5805 Blue Lagoon Drive
Suite 218
Miami, FL 33122
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Broward County
2312 S Andrews Ave
Fort Lauderdale
FL 33316
954.788.3400

Palm Beach County
120 N Federal Hwy
Suite 208
Lake Worth, FL 33460
561.469.0992

Orange County
2948 E Livingston Street
Suite 1
Orlando, FL 32803
954.788.3400

Pompano Beach property.

In addition to being recorded on said survey photograph, those dimensions to the Points of Intersection were transferred to the City of Pompano Beach Office of the City Engineer Right of Way Maps. All plats recorded after the establishment of said DVL also showed those ties, further perpetuating the DVL location.

Those plats recorded after the establishment of the DVL (and indicate its location) show that line coincident with that location originally established by the City Engineer, with one exception:

While the distance between South Ocean Boulevard and the DVL, as measured along the south line of Ocean Land Pompano Beach Resort (Plat Book 178, Page 127) is coincident with the line as established by the engineer, the distance between South Ocean Boulevard and the DVL, as measured along the north line differs between the plat and the City Engineer Right of Way Map. As a result, the line has been reestablished seawardly at this vertex, ceding more land west of the line to parcels north (Broward Tax Folio 494305000051) and south (Broward Tax Folio 494306560010). This deviation from the Right of Way Map is supported by the constructed improvements, the plat, and a recorded Beach Storm Damage Reduction Easement (ORB 32703, Pg. 1878, BCR).

The measurements used to establish the Dune Vegetation Line, as well as the recording information, are provided in the attached spreadsheet.



Timothy H. Gray, PSM 6604
Keith and Associates, Inc.
LB # 6860



POMPANO BEACH VEGETATION LINE
EXHIBIT

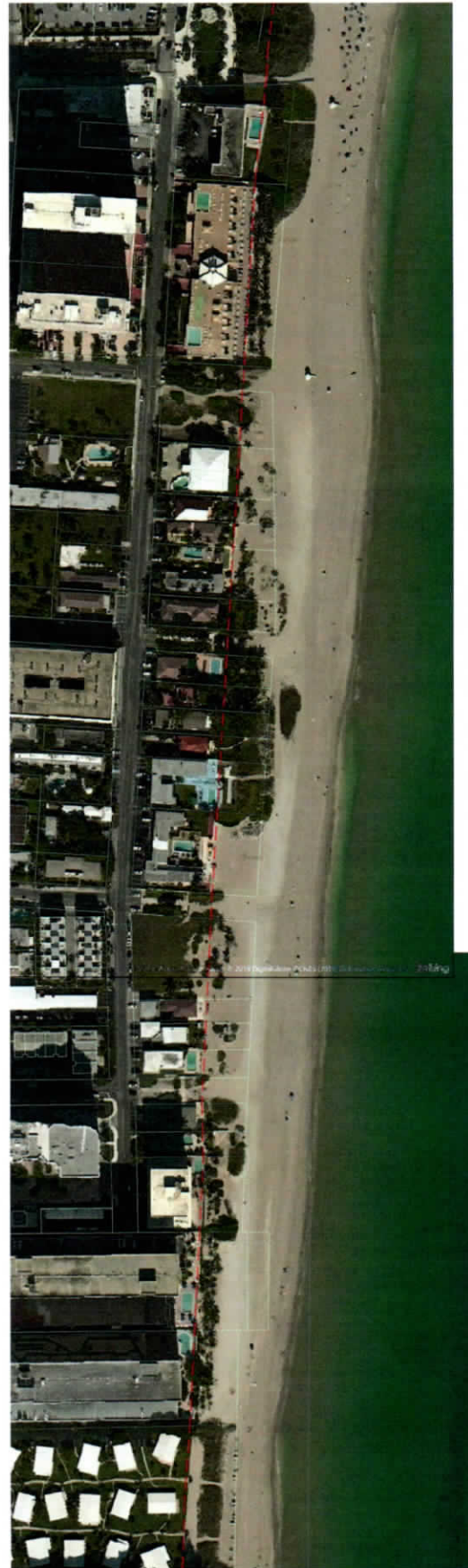
CITY OF POMPANO BEACH, BROWARD COUNTY, FL

301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
EMAIL: mail@KEITHHEARN.COM LB NO. 6660



DATE: 12-12-18
SCALE: 1" = 100'
FIELD BOOK: N/A
DRAWN BY: TS
CHECKED BY: TS

DATE	REVISION	BY



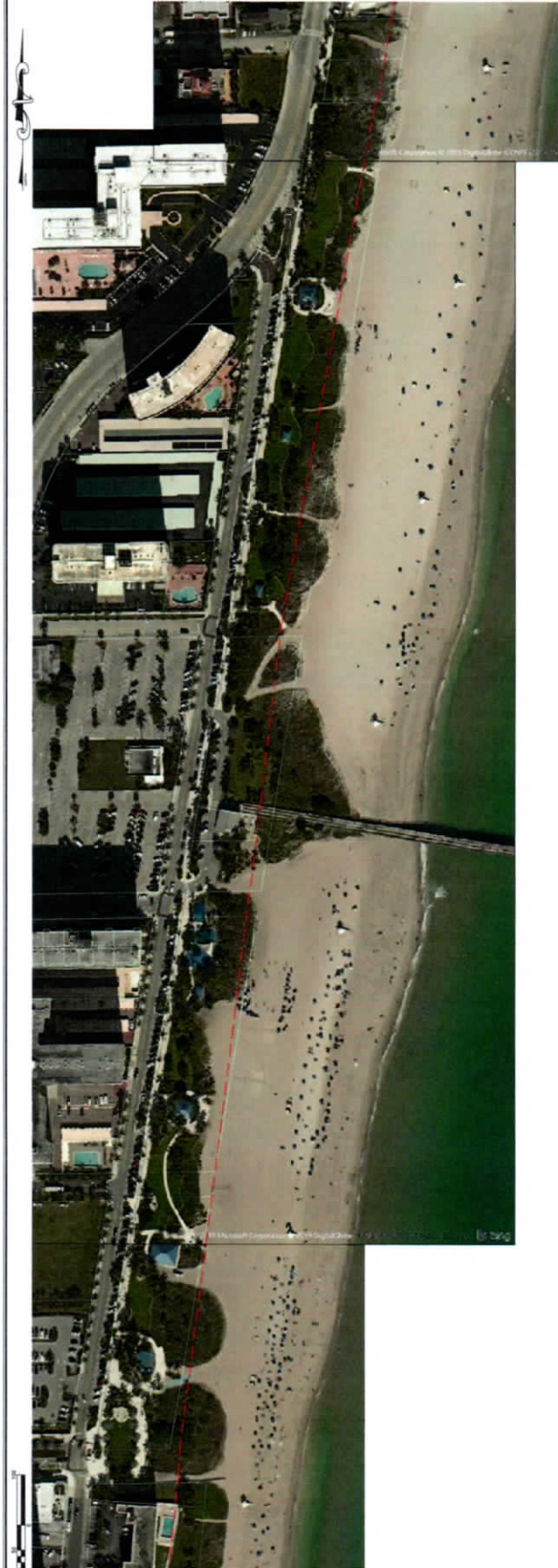
POMPANO BEACH VEGETATION LINE
EXHIBIT

CITY OF POMPANO BEACH, BROWARD COUNTY, FL

KEITH
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
EMAIL: m@KEITH.com LB NO. 6660

DATE 12-17-18
SCALE 1" = 100'
FIELD BOOK N/A
DRAWN BY TJ
CHECKED BY TJ

DATE	REVISION	BY



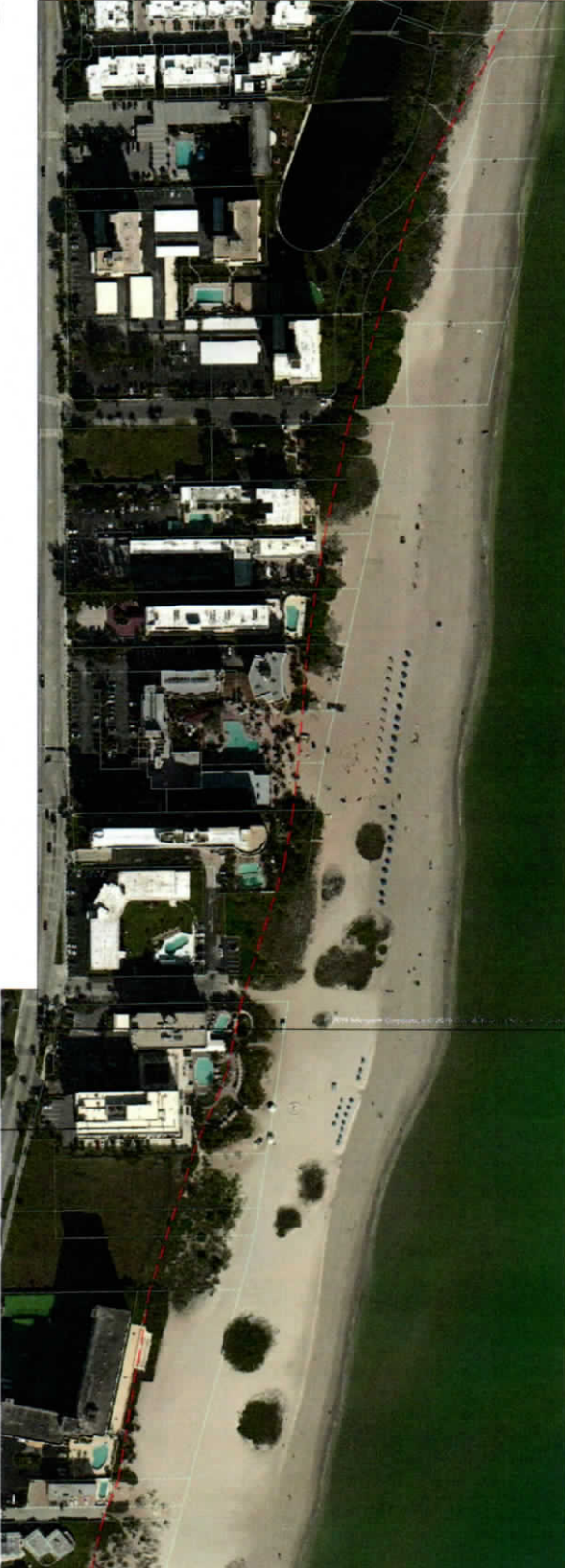
POMPANO BEACH VEGETATION LINE EXHIBIT

CITY OF POMPANO BEACH, BROWARD COUNTY, FL

SHEET 3 OF 3
PROJECT NUMBER
1000032

KEITH
301 EAST ATLANTIC BOULEVARD
POMPANO BEACH, FLORIDA 33060-6643
EMAIL: mjb@KEITH-BIRM.COM LB NO. 6860
(954) 788-3400

DATE	12-12-18
SCALE	1" = 100'
FIELD BOOK	N/A
DRAWN BY	TG
CHECKED BY	TG
DATE	
REVISION	
BY	



PI #	R/W	Location
1	Map #	
1	370'	(along South line) from SW corner, Wilmington Condo, as recorded in ORB 4320, Pg. 1, BCR
2	360'	(along North line) from NW corner, Wilmington Condo, as recorded in ORB 4320, Pg. 1, BCR
3		Intersection of the north line of BF Pompano Plat (PB 180, Pg. 2) & 50' offset line, westerly of the Mean High Water Base line (PB 2, Pg. 48, BCR)
4		Intersection of the north line of Ocean Land Pompano Plat (PB 180, Pg. 2) & 50' offset line, westerly of the Mean High Water Base line (PB 2, Pg. 48, BCR)* * note that this deviates from the line shown, but matches the distances, on Engineering Right of Way map # 33. This also keeps it in line with plat and existing improvements.
5	360'	(along South line) from SW corner, Criterion Condo
6	390'	(along North line) from NW corner, Criterion Condo
7	410'	(along North line) from NW corner, Beachcomber Villas Condo
8	405'	(along North R/W line, 12th Street) from SW corner, Ocean Ranch Condo
9	410.64'	(along North line, Ocean Ranch Condo) from Section line
10	435'	(along a line 155' south of the North line, Pompano Surf Club), from Section Line
11	424.22'	(along North line) from NW corner, Pompano Surf Club
12	120'	along the south line, from the SW corner of Lot 5, Block 2, Morang & Parks (PB 2, Pg. 28)
13	130.5'	along the south line, from the SW corner of Lot 2, Block 2, Morang & Parks (PB 2, Pg. 28)
14	130.42'	along the south line, from the SW corner of Lot 1, Block 2, Morang & Parks (PB 2, Pg. 28)
15	130'	along the north line, from the NW corner of Lot 1, Block 2, Morang & Parks (PB 2, Pg. 28)
16	158'	along the south line, from the SW corner of Lot 9, Block 3, Blount Brothers Pompano (PB 2, Pg. 43)
17	158'	along the south line, from the SW corner of Lot 4, Block 1, Blount Brothers Pompano (PB 2, Pg. 43)
18	170'	along the south line, from the SW corner of Lot 1, Block 1, Blount Brothers Pompano (PB 2, Pg. 43)
19	165.9'	along the north line, from the NW corner of Lot 1, Block 1, Blount Brothers Pompano (PB 2, Pg. 43)
20	170'	along the south line, from the SW corner of Lot 1, Block 11, Pompano (PB 2, Pg. 95, PBCR)
21	120'	along a line parallel and south of the south line of Lot 3, Block 7, Pompano (PB 2, Pg. 95, PBCR) from the intersection of said line with the East R/W of Pompano Beach Blvd
22	105'	along the centerline of NE 3rd Street, extended, from the intersection of said centerline with the East R/W of Pompano Beach Blvd.
23	122'	along the north line, from NW corner of lot 1, Block 1, Pompano (PB 2, Pg. 95, PBCR)
24	107'	along the south line of lot 1, from the intersection of said south line with the East R/W line of N Ocean Blvd (80' R/W), Silver Beach (PB 22, Pg. 32)
25	110'	along the north line of lot 3, from the intersection of said north line with the East R/W line of N Ocean Blvd (80' R/W), Silver Beach (PB 22, Pg. 32)
26	124.77'	along the north line of lot 4, from the NW corner of said lot 4, Silver Beach (PB 22, Pg. 32)
27	135'	along the north line of Silver Thatch Condo, from NW corner
28	135'	along the north line of Ocean Townhouses Condo, from NW corner
29	150'	along the north line, from NW corner of Lot 3, Blue Water Beach (PB. 26, Pg. 28)
30	150'	along the north line, from NW corner of Lot 2, Blue Water Beach (PB. 26, Pg. 28)
31	136.75'	along the south line of Sea Gardens Ocean Palms Condo Timeshare, from the SW corner.
32	165'	along the north line of Sea Gardens Ocean Palms Condo Timeshare, from the NW corner.
33	185'	along the south line of The Breakers Condo, from the SW corner
34		As shown and layed out, PB 176, Pg. 167
35	101	As shown and layed out, PB 176, Pg. 167
36	278'	along the south line of Sea Point Condominium, from the intersection of said line with the East R/W line of A1A
37	295'	along the south line of Beach Villas Condominium, from the intersection of said line with the East R/W line of A1A
38	320'	along the section line, from the intersection of said line with the East R/W line of A1A
39	321'	along the north line (extended) of lot A, Block 11, Pompano By The Sea (PB 1, Pg. 22) from the intersection of said line with the East R/W line of A1A
40	284.50'	along the south line of lot 9 (extended), Block 13, Pompano By The Sea (PB 1, Pg. 22) from the intersection of said line with the east section line of section 30-48-43.
41	250'	along the south line of lot 14 (extended), Block 13, Pompano By The Sea (PB 1, Pg. 22) from the intersection of said line with the east section line of section 30-48-43
42	315'	along the south line of lot 17, Block 13, Pompano By The Sea (PB 1, Pg. 22) from the intersection of said line with the east section line of section 30-48-43
43	325'	along the north line, from the NW corner of Lot 18, Block 13, Pompano By The Sea (PB 1, Pg. 22)
44	380'	along the south line of Lot 13, Plat of Gov't lot 3 (PB 1, Pg. 25), from the intersection of said line with the east R/W line of A1A
45	400'	along the south line of Lot 14, Plat of Gov't lot 3 (PB 1, Pg. 25), from the intersection of said line with the east R/W line of A1A
46	438'	along the south line of Lot 17, Plat of Gov't lot 3 (PB 1, Pg. 25), from the intersection of said line with the east R/W line of A1A
47	472'	along the south line of Lot 19, Plat of Gov't lot 3 (PB 1, Pg. 25), from the intersection of said line with the east R/W line of A1A
48	520'	along the north line of Lot 20, Plat of Gov't lot 3 (PB 1, Pg. 25), from the intersection of said line with the east R/W line of A1A