

Friday, April 9, 2021

The following issues have come up recently at plan review or during inspections and are not addressed or clearly defined in the Muni code. The following excerpts have been taken from Pompano Beach Code of Ordinances for reference.



Figure 155.5302.F.1: Fence with finished side out.

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and other does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. (See [Figure 155.5302.F.1](#): Fence with finished side out.) However, in the event that a wood fence is constructed against a significant obstacle on the adjoining property such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence provided that the horizontal rails are at least 50% covered by boards on the side facing away from the property on which the fence is constructed.

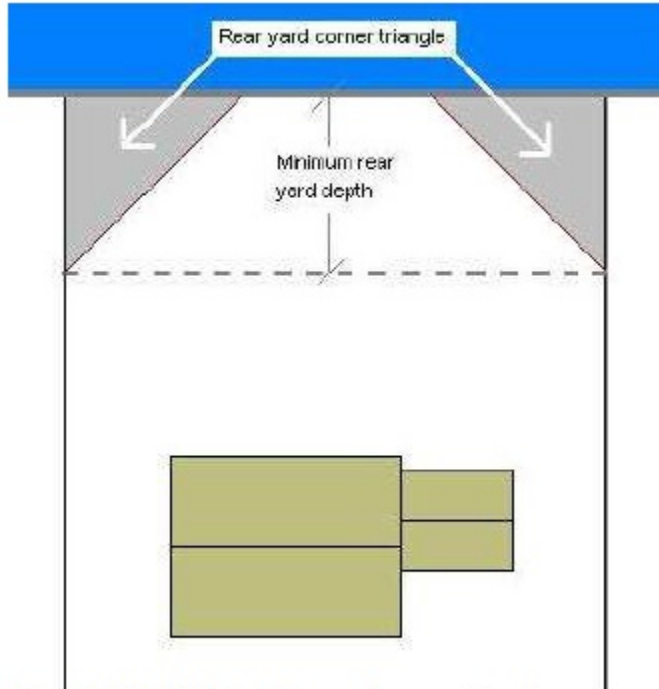


Figure 155.5302.D.5.a: Rear yard corner triangle

## 2. Fences and Walls in Residential Districts

Except as otherwise provided in [155.5302.D.5](#), Fences and Walls Adjacent to Waterways, the following height limits shall apply to fences and walls within Residential zoning districts:

a. No fence or wall within a front yard or a street side yard shall exceed a height of four feet, provided that a fence or wall in a street side yard may be up to six feet in height if set back at least four feet from the street side lot line. Fence posts, including decorative finials, may extend up to six inches above the maximum fence height.

b. No fence or wall within an interior side yard or a rear yard shall exceed a height of six feet.

## 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

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.)

**c. 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. Atop Sea Wall**

No wall or fence shall be erected atop a seawall.

**ACCESSORY USES AND STRUCTURES**

**155.4302. GENERAL**

**A. Applicability**

This part applies to uses that are customarily incidental and subordinate to a principal use of the same lot. Further this part also applies to any non-habitable structure that is detached from a principal structure on the same lot that is incidental and subordinate in use and size to the principal structure and principal use of the same lot. ...

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

**1. Relationship to Principal Use or Structure**

a. Except as otherwise authorized in Section [155.4403.J](#), Temporary Use of an Accessory Structure as a Principal Dwelling, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.

b. If the principal use or structure is destroyed or removed, the accessory use or structure shall be removed. This includes fences, except those allowed under Section 155.5302.C.1., Fences Prohibited on Vacant Lots.

c. Unless otherwise provided for in a use-specific standard in [Article 4: Part 2, Principal Uses and Structures](#), or in Section [155.4303, Standards for Specific Accessory Uses and Structures](#), the maximum cumulative aggregate gross floor area of all accessory uses or structures on a parcel shall be 49% of the gross floor area of a principal building or use on the development site.

## **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:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;
- e. An area designated as a parking area on an approved site plan;
- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of the historic dune vegetation line.

## **155.5202. BEST MANAGEMENT PRACTICES; ADMINISTRATIVE MANUAL**

### **155.5203. LANDSCAPING**

#### **3. Demolition Sites**

a. If all or any existing structures on a lot are being, or have been, totally demolished drought-resistant sod or drought-resistant ground cover shall be installed on the entire demolition and/or disturbed areas before close-out of the demolition Building Permit and thereafter maintained. All asphalt, rock, and other non-natural materials shall be removed and refilled to the undisturbed lot level with clean soil before any planting or installation of the required drought-resistant sod or ground cover. Such vegetative restoration of a demolition site shall be subject to the standards of this section if conditions stated above are met; or

b. If any or all existing structures on a lot are being, or have been, demolished in preparation for new development in accordance with a valid Development Order and Building Permit, and the construction of a principal structure will commence within 30 days after the demolition has been completed, the owner of the lot shall restore the lot to its pre-demolition elevation, brush-cut the lot, and keep the lot free of debris, trash, and invasive plant materials until start of the permitted construction. A nonliving material adequate to avoid the shifting, blowing, or other dissemination of dust, soil, gravel, or fill may be used until start of the permitted construction. A perimeter berm no more than four feet high and planted with ground cover in accordance with Section [155.5203.B.2.e](#), Groundcover, may be installed and used during the construction period; and

c. If demolition activity is proposed to occur in the drip-line of an existing tree, a Tree Permit is required in accordance with Section [155.5204.B.1.b](#) before start of the demolition activity.

## Need Clear Definition

A question came up about using the “Mean Annual Flood Line” as delineated on a survey as a point of reference for the purpose of establishing building setback.

I visited the survey company and they explained to me this line is a moving line and is used primarily for elevation requirements for septic systems or other reasons where water level will interact with the construction project. Sea Ranch Lakes properties include this line on all surveys due to the septic systems.

To clear up any confusion verbiage stating “Property line shall always govern” or something similar for setback requirements regardless of lake water level. During high water levels property lines can occur in the water.

Building Official

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