



TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062
July 25, 2023 | 11:30 AM

SPECIAL COMMISSION MEETING

MAYOR IRENE KIRDAHY
VICE MAYOR BARBARA BALDASARRE
COMMISSIONER JANE REISER
COMMISSIONER VINNIE ANDREANO
COMMISSIONER DAVID A. RAVANESI

TOWN MANAGER WILLIAM 'MAC' SERDA, ICMA-CM
TOWN ATTORNEY DONALD J. DOODY, ESQ
TOWN CLERK SHERRY D. HENDERSON, CMC

Notice is Hereby Given, the Town Commission of the Town of Hillsboro Beach, Florida, will hold a Special Commission Meeting on Tuesday, July 25, 2023, at 11:30 A.M. or immediately following the FY2024 Budget Workshop, whichever occurs sooner. The Public may attend in-person or virtually via Zoom video.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

I. DISCUSSION

A. Overview & Discussion of Ordinance No. 2022-12 Multi-Family Site Plan Requirements.

II. RESOLUTIONS & CONTRACTS

A. **Resolution No. 2023-33** Resolution of the Town Commission of the Town of Hillsboro Beach, Florida, Appointing _____ To Serve as Special Counsel to the Town for the Appeal of the Town's Ongoing Litigation: Richard Crusco, Charles Doherty and Frank J. Kolb, Jr. vs. Town of Hillsboro Beach and Hillsboro Mile Property Owner, LLC.

III. TOWN COMMISSION COMMENTS/REPORTS

IV. PUBLIC COMMENTS

V. ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Sherry D. Henderson, Town Clerk at (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. Shenderson@townofhillsborobeach.com



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Overview & Discussion of Ordinance No. 2022-12 Multi-Family Site Plan Requirements.

Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk

Agenda Date: July 25, 2023

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: 1. ORD 2022-12 Multi Family Site Plan Requirements (approved 1-10-2023)

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE", BY SPECIFICALLY AMENDING ARTICLE III ENTITLED "DEFINITIONS" TO ADD A DEFINITION FOR BUILDING SEPARATION; AMENDING ARTICLE VI ENTITLED "RM-16 MULTIPLE FAMILY DWELLING RESIDENTIAL DISTRICT REGULATIONS (WITH 3-STORY MAXIMUM LIMIT)" TO PROVIDE FOR SETBACK REQUIREMENTS AND FOR MAXIMUM BUILDING LENGTH; PROVIDING FOR THE PROHIBITION OF STRUCTURES IN THE REQUIRED SIDE YARD SETBACK; PROVIDING FOR A LANDSCAPE BUFFER FOR MULTI-FAMILY RESIDENTIAL DWELLINGS; AMENDING ARTICLE VII ENTITLED "RM-30 MULTIPLE-FAMILY DWELLING RESIDENTIAL DISTRICT (WITH 7-STORY MAXIMUM LIMIT)" TO PROVIDE FOR SETBACK REQUIREMENTS AND BUILDING FRONTAGE; PROVIDING FOR A LANDSCAPE BUFFER FOR MULTI-FAMILY DWELLINGS; PROVIDING FOR A PROPERTY RIGHTS PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission hereby finds it is in the best interest of the Town to amend the Town Code of Ordinances, by amending Chapter 12 entitled "Land Development Code"; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2. Chapter 12 entitled "Land Development Code" of the Code of Ordinances is hereby amended by specifically amending ARTICLE III entitled "Definitions" as follow:

...

ARTICLE III. – DEFINITIONS

Section 12-90. - Delineation

...

Building Separation. The distance between two or more buildings on the same plot of land.

...

Section 3. Chapter 12 entitled "Land Development Code" of the Code of Ordinances is hereby amended by specifically amending ARTICLE VI entitled "RM-16 Multiple Family Dwelling Residential District Regulations (With 3-Story Maximum Limit)" as follow:

ARTICLE VI. - RM-16 MULTIPLE FAMILY DWELLING RESIDENTIAL DISTRICT REGULATIONS (WITH 3-STORY MAXIMUM LIMIT)

...

Sec. 12-141. - Use regulations.

...

A building or premises shall be used only for the following purposes.

...

(B) *Uses accessory to multiple-family residential dwellings.*

(1) Accessory structures within the RM-16 Multiple-Family Dwelling Residential District shall be limited to free standing shade structures within a pool deck (cabanas, gazebo, tiki huts, trellises, pergolas), decks, patios, carports, sauna units, hot tubs, gym and spa buildings, athletic play areas, and recreational equipment.

(a) No such accessory structures shall be permitted within the minimum required side yard.

(b) Freestanding shade structures shall be open on all sides, no greater than twelve (12) feet in height as measured from the ground to the top of the structure and shall be limited in size to a maximum of three hundred (300) gross square feet in area. For lots having a width greater than two hundred (200) feet along State Highway A1A, an additional one hundred (100) square feet of freestanding shade structures shall be permitted for every one hundred (100) feet of additional lot width.

(c) Carports shall have a minimum front yard setback of fifteen (15) feet from the property line, and a maximum height of ten (10) feet, and shall be open on all sides, except for when attached to the principal building.

(d) Hot tub and spa structures shall provide a ten (10) foot rear yard setback.

(e) Laundry and vending machines, sauna units and sewage treatment facilities: Shall be fully enclosed within the main building, or in the enclosed garage or parking areas.

(f) Gyms and other habitable structures are not permitted within the minimum required side yard.

Sec. 12-143. - Parking regulations.

(B) Open Parking.

(3) Parking areas located east of State Highway A1A must be shielded from State Highway A1A with landscaping of a minimum height of six (6) feet at the time of planting. Parking areas located west of State Highway A1A must be shielded from the highway by appropriate landscaping. The area between State Highway A1A and the parking space area shall be appropriately landscaped with trees or shrubbery. A minimum of 10 feet in width, immediately adjacent to the paved edge of State Highway A1A and adjoining bicycle lane, shall consist of ground cover landscaping which naturally grows and/or can be maintained at a height no less than eighteen (18) inches and no greater than thirty (30) inches. This 10-foot area shall be green and contain no obstructions. Exceptions to the 10-foot requirement:

(a) In any area of the Town of Hillsboro Beach in which there is not more than 15 feet distance between the westerly paved edge of State Highway A1A and adjoining bicycle lane and the mean high-water line along the easterly shore of the Intracoastal Waterway, only one (1) parallel paved parking space, not more than 10-feet by 20-feet in dimension, shall be permitted. The remainder of this area shall consist of ground cover landscaping which naturally grows and/or can be maintained at a height no less than eighteen (18) inches and no greater than thirty (30) inches. No additional parking, other than for emergency purposes, shall be permitted in any of the areas to which this exception applies.

Sec. 12-144. - Yard regulations.

- 1 ...
2 (B) Side yard & Building Separation.
- 3 (1) Dimension. There shall be a minimum required side yard on each side of the building
4 having a width of not less than 15 feet measured from the roof overhang, or 6 inches per
5 foot of building height, whichever is greater. For parcels with a lot width greater than
6 two hundred (200) feet along State Highway A1A, the minimum required side yard shall
7 have a width of not less than 20 feet measured from the roof overhang, or 6 inches per
8 foot of building height, whichever is greater.
- 9 (2) Building Separation. If 2 or more buildings are constructed on the same plot of land the
10 Building Separation shall be 35 feet measured between the roof overhang of each
11 building or 6 inches per foot of building height, whichever is greater. Accessory uses and
12 structures are allowed within this building separation, provided:
- 13 (a) The site is developed as one development site with a recorded unity of title.
14 (b) A maximum height of one story up to 16 feet is allowed.
15 (c) There shall be no dwelling units within the building separation.
16 (d) There shall be a minimum setback of 100 feet from the centerline of A1A.
17 (e) Pedestrian connections and walkways are also allowed within the building
18 separation.
- 19 (3) Landscaping. Each minimum required side yard shall include a minimum eight- (8) foot
20 wide Side Yard Landscaped Buffer which shall consist solely of landscaping as defined
21 in Sec. 12-90, so as to create a privacy screening effect, to include:
- 22 (a) Trees and/or large shrubbery no less than fourteen (14) to sixteen (16) feet in height
23 at time of planting. Palm trees shall be a minimum of eighteen (18) feet in height at the
24 time of planting.
25 (b) Hedges and/or other natural products no less than four (4) feet in height at the time
26 of planting.
27 (c) Trees, including palm trees, and/or shrubs or hedges of an intermediate height
28 between four (4) feet and fourteen (14) feet.
29 (d) Exception: internal side yards as required under (B)(2) above.
30 (e) Fences and walls as set forth in 12-263.
- 31 (4) Encroachments into Minimum Required Side Yards. Unless otherwise provided in the
32 Code of Ordinances, only the following structures are allowed in the minimum required
33 side yard, but not within the minimum eight- (8) foot wide Side Yard Landscaped Buffer.
- 34 (a) Air conditioning equipment, pool equipment and pool heaters provided that:
- 35 (i) None shall be separated from the primary structure a greater distance than is
36 necessary for installation, operation and maintenance thereof as determined by
37 manufacturers' specifications.
38 (ii) Landscaping shall screen all such accessory equipment from horizontal view
39 from all points off the lot on which it is situated.
40 (iii) Equipment that emits noise, odors or fumes shall be fully shielded and screened
41 in such a way to minimize such noise, odor or fumes as required by the building
42 official prior to the issuance of a permit.
- 43 (b) Open unenclosed staircases and walkways, pursuant to Sec. 12-262(D).
44 (c) Generators shall not be permitted in the minimum required side yard, and their
45 location or future proposed location shall be provided on a site plan.
- 46 ...
47 Sec. 12-145. Area, building frontage and density regulations.
- 48
49 (A) Plot size, single-family residential dwelling. Every plot for a single-family dwelling shall be
50 not less than 100 feet in width and 12,000 square feet in area.

(B) Plot size and building frontage, multiple-family residential dwelling. Every plot for a multiple-family residential dwelling shall not be less than 100 feet in width, not less than 100 feet in depth, and contain not less than 25,000 square feet in area. Building frontage along Hillsboro Mile (A1A) shall be a maximum of 200 linear feet. Any additional buildings onsite shall have a minimum building separation set forth in 12-144(B).

...
Section 4. Chapter 12 entitled "Land Development Code" of the Code of Ordinances is hereby amended by specifically amending ARTICLE VII entitled "RM-30 Multiple-Family Dwelling Residential District (With 7-Story Maximum Limit)" as follow:

ARTICLE VII. - RM-30 MULTIPLE-FAMILY DWELLING RESIDENTIAL DISTRICT (WITH 7-STORY MAXIMUM LIMIT)

...
Sec. 12-161. - Use regulations.

...
A building or premises shall be used only for the following purposes.

...
(B) *Uses accessory to multiple-family residential dwellings.*

(1) Accessory structures within the RM-30 Multiple-Family Dwelling Residential District shall be limited to free standing shade structures within a pool deck (cabanas, gazebo, tiki huts, trellises, pergolas), decks, patios, carports, sauna units, hot tubs, gym and spa buildings, athletic play areas, and recreational equipment.

(a) No such accessory structures shall be permitted within the minimum required side yard.

(b) Freestanding shade structures shall be open on all sides, no greater than twelve (12) feet in height as measured from the ground to the top of the structure and shall be limited in size to a maximum of three hundred (300) gross square feet in area. For lots having a width greater than two hundred (200) feet along State Highway A1A, an additional one hundred (100) square feet of freestanding shade structures shall be permitted for every one hundred (100) feet of additional lot width.

(c) Carports shall have a minimum front yard setback of fifteen (15) feet from the property line, and a maximum height of ten (10) feet, and shall be open on all sides, except for when attached to the principal building.

(d) Hot tub and spa structures shall provide a ten (10) foot rear yard setback.

(e) Laundry and vending machines, sauna units and sewage treatment facilities: Shall be fully enclosed within the main building, or in the enclosed garage or parking areas.

(f) Gyms and other habitable structures are not permitted within the minimum required side yard.

...
Sec. 12-163. - Parking regulations.

...
(B) Open Parking.

(2) Parking areas located east of State Highway A1A must be shielded from State Highway A1A with landscaping of a minimum height of six (6) feet at the time of planting. Parking areas located west of State Highway A1A must be shielded from the highway by appropriate landscaping. The area between State Highway A1A and the parking area shall be appropriately landscaped with trees or shrubbery. A minimum of 10 feet in width, immediately adjacent to the paved edge of State Highway A1A and adjoining bicycle lane, shall consist of ground cover landscaping which naturally grows and/or can be maintained at a height no less than eighteen (18) inches and no greater than thirty (30) inches. This 10-foot area shall be green and contain no obstructions. Exceptions to the 10-foot requirement:

- (a) In any area of the Town of Hillsboro Beach in which there is not more than 15 feet distance between the westerly paved edge of State Highway A1A and adjoining bicycle lane and the mean high-water line along the easterly shore of the Intracoastal Waterway, only one (1) parallel paved parking space, not more than 10 feet by 20 feet in dimension, shall be permitted. The remainder of this area shall consist of ground cover landscaping which naturally grows and/or can be maintained at a height no less than eighteen (18) inches and no greater than thirty (30) inches. No additional parking, other than for emergency purposes, shall be permitted in any of the areas to which this exception applies.

...

Sec. 12-164. - Yard regulations.

...

(B) Side yard & Building Separation.

- (1) Dimension. There shall be a minimum required side yard on each side of the building having a width of not less than 15 feet measured from the roof overhang, or 6 inches per foot of building height, whichever is greater. For parcels with a lot width greater than two hundred (200) feet along State Highway A1A, the minimum required side yard shall have a width of not less than 20 feet measured from the roof overhang, or 6 inches per foot of building height, whichever is greater.
- (2) Building Separation. If 2 or more buildings are constructed on the same plot of ground land, the building separation shall be 35 feet measured between the roof overhang of each building or 6 inches per foot of building height, whichever is greater. Accessory uses and structures are allowed within this building separation, provided:
- (a) The site is developed as one development site with a recorded unity of title.
 - (b) A maximum height of one story up to 16 feet is allowed.
 - (c) There shall be no dwelling units within the building separation.
 - (d) There shall be a minimum setback of 100 feet from the centerline of A1A.
 - (e) Pedestrian connections and walkways are also allowed within the building separation.
- (3) Landscaping. Each minimum required side yard shall include a minimum eight- (8) foot wide Side Yard Landscaped Buffer which shall consist solely of landscaping as defined in Sec. 12-90, so as to create a privacy screening effect, to include:
- (a) Trees and/or large shrubbery no less than fourteen (14) to sixteen (16) feet in height at time of planting. Palm trees shall be a minimum of eighteen (18) feet in height at the time of planting.
 - (b) Hedges and/or other natural products no less than four (4) feet in height at the time of planting.
 - (c) Trees, including palm trees, and/or shrubs or hedges of an intermediate height between four (4) feet and fourteen (14) feet.
 - (d) Exception: internal side yards as required under (B)(2) above.

(e) Fences and walls as set forth in 12-263.

(4) Encroachments into Minimum Required Side yards. Unless otherwise provided in the Code of Ordinances, only the following structures are allowed in the minimum required side yard, but not within the minimum eight- (8) foot wide Side Yard Landscaped Buffer.

(a) Air conditioning equipment, pool equipment and pool heaters provided that:

(i) None shall be separated from the primary structure a greater distance than is necessary for installation, operation and maintenance thereof as determined by manufacturers' specifications.

(ii) Landscaping shall screen all such accessory equipment from horizontal view from all points off the lot on which it is situated.

(iii) Equipment that emits noise, odors or fumes shall be fully shielded and screened in such a way to minimize such noise, odor or fumes as required by the building official prior to the issuance of a permit.

(b) Open unenclosed staircases and walkways, pursuant to Sec. 12-262(D).

(c) Generators shall not be permitted in the minimum required side yard, and their location or future proposed location shall be provided on a site plan.

...
Sec. 12-165. Area, building frontage and density regulations.

(A) Plot size, single-family residential dwelling. Every plot for a single-family dwelling shall be not less than 100 feet in width, and shall contain not less than 12,000 square feet in area.

(B) Plot size and building frontage, multiple-family residential dwelling. Every plot for a multiple-family residential dwelling shall not be less than 100 feet in width, not less than 100 feet in depth, and contain not less than 25,000 square feet in area. Building frontage along Hillsboro Mile (A1A) shall be a maximum of 200 linear feet. Any additional buildings onsite shall have a minimum building separation set forth in 12-164(B).

...
ARTICLE XIII. - ADDITIONS, EXCEPTIONS AND MODIFICATIONS

...
Sec. 12-269. Property rights provision.

(A) With respect to properties zoned multi-family residential as of the date of this ordinance, platted lots of record as of the date of this regulation with a north/south width in excess of 400 feet which are proposed for development and meet the dimensional and density criteria set forth below, may have a permitted maximum height of 25% of the north/south width of such platted lot, not to exceed 10 stories or 150 feet.

(B) Dimensional & density criteria.

(1) A minimum side yard of 100 feet for structures or portions of structures more than 15 feet above grade;

(2) a minimum side yard of 35 feet for structures or portions of structures equal to or less than 15 feet above grade;

(3) a minimum front setback of 100 feet from the centerline of State Road A1A for structures more than 15 feet above grade;

(4) a minimum front setback of 45 feet from the centerline of State Road A1A for structures equal to or less than 15 feet above grade;

- (5) the total number of residential units is a minimum of 45% less than the maximum number of units permitted by the underlying land use and zoning of the subject property; and
- (6) include a conservation area equal to at least 20% of the acreage of the land within the entire applicable plat.

(C) Property rights provision administrative process and procedure.

- (1) The process and procedure set forth within this section applies only to properties that previously received an affirmative super-majority vote for site plan approval by the Town Commission prior to the change in law created by the Property Rights Provision of Section 12-269.
- (2) Where a proposed site plan is in substantial compliance with a site plan that previously received an affirmative super-majority vote by the Town Commission prior to the adoption of the Property Rights Provision of Section 12-269, no further public hearing site plan review or public hearing approval shall be required provided that the site plan applicant:
- (a) submits a Development Application for site plan review;
 - (b) pays the filing fee for site plan review;
 - (c) requests a compliance determination from the Town Planner that the proposed site plan:
 - (i) is in substantial compliance with the site plan that previously received the Town Commission's affirmative super-majority vote;
 - (ii) complies with the dimensional and density criteria set forth within this section; and
 - (iii) has only minor deviations from the plan that received the Town Commission's affirmative super-majority vote; and
 - (d) receives a compliance determination approval from the Town Planner confirming that the site plan satisfies sub-sections C(2)(c)(i)-(iii) above.
- (3) For purposes of this section, a "minor deviation" shall be a deviation that does not substantially modify the overall site plan and does not modify any significant attributes of the site plan including, but not limited to, density, height, architectural features, setbacks, front, side and rear yards, parking garage, parking areas, property access, relocation of amenities, conservation area, or other such changes, as determined by the Town Planner.
- (4) Within 5 days of rendering a compliance determination approval, the Town Planner shall forward it to the Town Manager and within 5 days of receipt, the Town Manager will post such compliance determination approval in Town Hall and on the Town website, as well as publish notice of such determination in a newspaper of general circulation. Any prior condition of approval voluntarily proffered by the applicant and accepted by the Town Commission at a public hearing shall be made a part of any such administrative site plan approval under this section.

...

Secs. 12-270—12-279. - Reserved.

Section 5. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 6. That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. It is the intention of the Town Commission of the Town of Hillsboro Beach, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 8. This Ordinance shall be effective fifteen (15) days after its passage and adoption by the Town Commission of the Town of Hillsboro Beach.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 6th DAY OF December, 2022.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 10th DAY OF January, 2023.

TOWN OF HILLSBORO BEACH, FLORIDA

Irene Kirdahy, Nunc Pro Tunc
Irene Kirdahy, Mayor



ATTEST:

By: Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk

APPROVED AS TO FORM:

Donald J. Doody
Donald J. Doody, Town Attorney

ORDINANCE NO. 2022-12 Multi Family Site Plan Requirements
RECORD OF TOWN COMMISSION VOTE: Passed 5-0

	<u>YES</u>	<u>NO</u>
MAYOR DEBORAH L. TARRANT	☒	☐
VICE MAYOR IRENE KIRDAHY (Motion)	☒	☐
COMMISSIONER VICKY FEAMAN (Second)	☒	☐
COMMISSIONER BARBARA BALDASARRE	☒	☐
COMMISSIONER JANE REISER	☒	☐



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
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Agenda Item Cover Memo

Agenda Item: Resolution No. 2023-33 Resolution of the Town Commission of the Town of Hillsboro Beach, Florida, Appointing _____ To Serve as Special Counsel to the Town for the Appeal of the Town's Ongoing Litigation: Richard Crusco, Charles Doherty and Frank J. Kolb, Jr. vs. Town of Hillsboro Beach and Hillsboro Mile Property Owner, LLC.

Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk

Agenda Date: July 25, 2023

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: None