MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING

TUESDAY **DECEMBER 3, 2024** **9:00 A.M.**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller called the meeting to order at 9:00 A.M. Roll was called with the Commission members and staff present as listed below.

Town Commission:
Mayor Dawn Miller
Vice Mayor Barbara Baldasarre
Commissioner Jane Reiser
Commissioner Vinnie Andreano
Commissioner David A. Ravanesi

Town Staff:
Town Manager William "Mac" Serda, ICMA-CM
Donald J. Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC
Jay Szesnat, Police Chief

APPROVAL OF AGENDA

Town Attorney Doody requested to amend the agenda to include Site Plan Review with Ordinance No. 2024-11 consideration of approval. He indicated the items are related and if ORD 2024-11 is approved on second reading the site plan should be included in its adoption.

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to amend the Agenda to include Site Plan review with Ordinance 2024-11. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to approve the Agenda as amended. In a roll call vote, the **motion** passed unanimously (5-0).

I. APPROVAL OF MINUTES

A. October 1, 2024 Board of Zoning & Appeals
B. October 1, 2024 Regular Commission Meeting
C. November 12, 2024 Regular Commission Meeting
D. November 12, 2024 Local Planning Agency

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve the minutes of October 1, 2024 Board of Zoning and Appeals, October 1, 2024 Regular Commission Meeting, November 12, 2024 Regular Commission Meeting, and the November 12, 2024 Local Planning Agency. In a roll call vote, the **motion** passed unanimously (5-0).

II. PRESENTATIONS

None.

III. ORDINANCES

A. Ordinance No. 2024-11 Rezoning Property Located at 1174-1185 Hillsboro Mile from RM-16 District to the Coastal Dune Conservation Zoning District (SECOND READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH REZONING APPROXIMATELY 10.998 GROSS ACRES OF PROPERTY LOCATED AT 1174-1185 HILLSBORO BEACH, LEGALLY DESCRIBED AS PARCELS A AND B OF THE ENCLAVE OF HILLSBORO BEACH, PLAT BOOK 154, PAGE 31, FROM THE MULTIPLE-FAMILY DWELLING RESIDENTIAL DISTRICT WITH 3-STORY MAXIMUM LIMIT (RM-16) TO THE COASTAL DUNE CONSERVATION (CD) ZONING DISTRICT; PROVIDING FOR APPROVAL OF A PREVIOUSLY APPROVED SITE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney DJ Doody read the Ordinance by title only.

Planning Consultant Jim Hickey, CG&A, explained that the Applicant, Hillsboro Property Owner LLC, requests rezoning of 10.998 gross acres of property at 1174-1185 Hillsboro Mile. Its current zoning district is RM-16, which is a multi-family residential district. The request would change this zoning designation to Coastal Dune Conservation (CD) zoning district.

If granted, the request would officially amend the Town's zoning map by rezoning parcels into the newly created CD district. This district was adopted on November 12, 2024.

Three items were considered during Staff's analysis of the request:

- Determination of whether the proposed rezoning is consistent with the goals, objectives, and policies set forth in the Town's Comprehensive Plan
- Review of regulations set forth in Section 12-107, entitled "CD District Regulations," to ensure conformity of the Site Plan with the Town's Land Development Code (LDC)
- Review of findings of fact regarding the Application to determine whether there is a basis on which the Town Commission should consider and ultimately approve the rezoning Application

Staff considered the consistency of the proposed zoning with the Town's Comprehensive Plan. The existing property has a future land use designation of Residential Medium, which permits a maximum density of 16 units. The Comprehensive Plan does not establish a maximum height by land use, but only by maximum density. The maximum height in any zoning district within the Town is set by LDC and not the Comprehensive Plan.

The proposed Site Plan reflects a density of fewer than 10 units per acre. The proposed rezoning is in compliance with the Comprehensive Plan with respect to density. The proposed rezoning is also consistent with the Broward County Plan, known as Broward NEXT, which also designates the property as Residential Medium.

Staff identified several elements within the Comprehensive Plan with which the request is consistent:

- Land Use Element
- Housing Element
- Recreation and Open Space Element
- Transportation Element
- Coastal Management Element
- Conservation Element
- Capital Improvement Element
- Land Implementation Section

Mr. Hickey further clarified that the Application is consistent with Recreation and Open Space Policy 4.1.1, which requires review of future land development applications that support the Town's subdivision layout and Site Plan site design standards by providing for individual lot access to the beach or Intracoastal Waterway. The Site Plan also

provides access for the Town during times of emergency or beach renourishment projects.

Policy 4.2.1 requires beach and multi-family developments to include on-site recreational amenities. The Site Plan includes a number of these, as well as personal amenities that will be located on-site.

The Application is also consistent with Coastal Management Element Policy 6.1.1, which uses land development regulations plus all applicable coastal regulatory activities of the Environmental Protection Agency (EPA), the Florida Department of Transportation (FDOT), the Florida Department of Environmental Regulation and Natural Resources, the South Florida Water Management District, the Broward County Environmental Quality Control Board, and other applicable entities in the review of beachfront developments. Policy 6.3.1 prohibits the destruction of the remaining undeveloped dune communities located east of the Town's setback line.

The proposed rezoning and Site Plan conform to the Town's LDC as identified in the Staff Report. Staff have identified every aspect of the CD zoning district, including qualified developments and permitted uses. One aspect of qualified development is that it shall be no less than five gross acres in size. The subject property is 10.998 acres in size.

The height proposed in the Site Plan is 130 ft. for the building located on Parcel B. Code makes allowances in all Town zoning districts to allow decorative features to extend an additional 15 ft., which in this case would be a maximum of 145 ft. This height has not changed since the original approval of the Site Plan in 2022.

On Parcel A, the west side of the property, the proposed height is 35 ft., also with an additional 15 ft. for decorative features, raising the maximum height to 50 ft.

The front yard setback for the property will be more than 105 ft. to the actual structure. A lower podium/parking area is set back 45 ft.

The side yards propose a width of 107 ft. on the beach side. On Parcel A, this setback is 30 ft. on the north side and 27 ft. on the south side. The rear yard is set back 45 ft. on Parcel B and 29 ft. on Parcel A.

The number of units proposed for the project is 92 units. The maximum number of units allowed on the site, based on the Code, would be 10 units per acre, or 109 units.

The project meets ground coverage, floor area regulations, and emergency power requirements. The percentage of open area is consistent with the requirements of the CD district.

The corresponding Site Plan submitted October 4, 2024 is substantially consistent with the Site Plan approved by the Town Commission on February 1, 2022. Mr. Hickey advised that he conducted an analysis of both the previous and updated Site Plans and determined this consistency.

One of the main differences between the two Site Plans is the number of units: the Site Plan approved in 2022 included 100 units. During the site development of the actual structure, interior walls were moved, and the number of proposed units was reduced to 92.

Other requirements are attributable to Florida Statutes. Chapter 166.0331 states that any development permit or development order must have written findings supporting the Town's decision on the development order. Mr. Hickey reviewed these as follows:

- The proposed rezoning conforms with the Town's Comprehensive Plan regarding density, intensity, and permitted uses of both the previously approved and currently proposed Site Plans
- The proposed rezoning is consistent with the goals, objectives, and policies set forth in the Land Use, Housing, Transportation, Recreation/Open Space, Coastal Management, Conservation, Capital Improvements, and Implementation sections of the Land Use Element
- The maximum height of any structure is regulated by the zoning district within the Town's LDC; the height of the proposed development meets the requirements established within the CD zoning district
- Zoning is subject to Site Plan regulations set forth within the CD zoning district, including qualified developments, uses permitted, parking, height, yard area, density, emergency power, storage, sanitation, and Site Plan approval
- All notices of advertising have been satisfied per Florida Statutes and the Town's Code of Ordinances and verified by the City Clerk

Mr. Hickey concluded that based on sound technical analysis and the findings of fact in the Agenda Memorandum, there is a basis by which the Town Commission may approve the rezoning. He concluded that it is his recommendation that the Commission adopt Ordinance 2024-11 to rezone the property at 1174-1185 Hillsboro Mile from the RM-16 to the CD zoning district upon second reading, providing that the Town Commission finds that:

- The proposed rezoning is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan
- The proposed rezoning is compliant with all requirements of the Town's LDC, with specific reference to Section 12-107
- The Site Plan dated October 4, 2024, is substantially consistent with the previously approved Site Plan dated February 1, 2022, as well as the regulations set forth in the Town's LDC, including Section 12-107

Mayor Miller requested confirmation that the Application, including the Site Plan, complies with all requirements such that Staff can recommend approval. Mr. Hickey confirmed this.

Jeffrey Bass, representing the Applicant, requested clarification that the Staff Report, Staff's recommendation, and the presentation made at today's second reading, as well as the record of the Town's Local Planning Agency (LPA), are included in the record, as well as all other records related to first reading of the Ordinance.

Mr. Bass also presented a copy of the legislative history related to the adoption of the CD district regulation to the City Clerk at this time. He also provided copies of the election results from the last few elections, pointing out that the project has been an election issue.

Mr. Bass advised that the Site Plan includes one non-substantive revision: units have been combined without any changes to the location, functionality, or material components of the structure. This resulted in the proposal of fewer units than originally planned. He pointed out that the density of the CD zoning district represents a considerable reduction from the density permitted in the RM-16 zoning district. The amended Site Plan updates this change in the number of proposed units.

Mr. Bass emphasized that the rezoning request will reduce density, increase open space, increase setbacks, and protect the coastal dune environment while developing a significant parcel that has been vacant in the center of the Town. The result will be a corridor with lush landscaping that can be enjoyed by vehicles and pedestrians passing through the area.

The Site Plan, for which the Applicant is also requesting approval, allows for the development of luxury units with beach resort architecture which will preserve environmental resources. In addition, the project also proposes plans on the Intracoastal Waterway side of the development. The change in setbacks from RM-16 to CD also results in a building that is farther away from both its neighbors and the roadway.

Ray Fort, architect representing the Applicant, requested that his prior comments be incorporated into the record of today's proceedings.

Mr. Fort showed slides of the subject property, which consists of two parcels of approximately five acres each. He noted that certain aspects of the CD zoning district will affect the public realm, including:

- Significant increase of setbacks over what is required in RM-16 districts, resulting in the avoidance of a "street wall" appearance; setbacks will preserve the neighborhood feel of the area
- Design that exceeds CD-required setbacks
- Parcel B, which is the oceanfront side, shows significant space between the proposed building and A1A; it also preserves the dune element and open space along the beach
- Parcel A also shows a great difference between its setbacks and those of neighboring properties

Mr. Fort focused on the building planned for Parcel A, pointing out that its design draws from Florida Modern architecture and fits into the context of its Intracoastal setting. He characterized the site as vertically arranged single-family homes, providing a similar amount of outdoor living space to what is found in a single-family home. The development proposes 23 pools for 22 units on the Intracoastal side, which means each unit will have its own private pool, with one additional common-area pool. Each unit is approximately 5600 sq. ft. and has 4350 sq. ft. of outdoor space.

Mr. Fort also addressed dune height on the ocean side, recalling that a question was raised about this component at first reading of the proposed Ordinance. He showed a representation of the landscape height of the coastal dune, which has a crest elevation of 19 ft. National Geodetic Vertical Datum (NGVD). Landscaping on the dune itself is variable and may extend up to 30 ft. above this height.

At this time Mayor Miller opened the public hearing.

Mark Ginsberg, 1221 Hillsboro Mile, speaking via Zoom, stated that the Town appears willing to allow the Applicant to "do as it pleases" despite court rulings that hold there is no basis for such a tall structure in the subject area. He expressed concern that this will be even greater height with the additions proposed for the roof. He also asserted that the Town allowed the Applicant to write the proposed CD district Ordinance in order to allow a height that was ruled unlawful by a court.

Mr. Ginsberg continued that litigation is ongoing for Ordinance 2022-12, which allowed the project to proceed. Regarding Ordinance 2024-06, he stated that this is not a district,

as it does not include contiguous land but different properties in different areas of the Town. He also stated that the maximum height listed in the Ordinance does not allow the Applicant to build to 130 ft. by right, as the effects of this height on neighboring properties must be considered. He felt neighbors would prefer smaller side setbacks and less height than what is proposed, and urged the Commission to ask the developer to submit a plan with a height of 50 ft. or less.

Rich Crusco, 1194 Hillsboro Mile, speaking via Zoom, stated that he opposed the rezoning request and would continue to pursue legal means to stop the proposed development of the subject property. He emphasized the importance of peace and tranquility to nearby residents, and declared that the proposed Ordinance would allow spot zoning, which conveys privileges that are not extended to other parcels in the vicinity. This practice is prohibited by the Florida Supreme Court.

Mr. Crusco continued that he and other residents are committed to litigating against the Ordinance to compel the Town to limit height, and have indicated that a compromise could be easily reached.

With no other individuals wishing to speak at this time, Mayor Miller closed the public hearing.

Mr. Bass addressed one of the objections to the Application which suggested the Town is "ignoring the will of the people." He pointed out that the individual who made the objection had run for local office but was not elected. He concluded that the Item has been brought before the people of the Town and adopted by the Commission in their capacity as an elected body.

Mr. Bass continued that the Item complies with the regulations adopted by the Commission and is consistent with the Town's Comprehensive Plan. He pointed out that the Town has indicated this issue is not about a single property, as other properties are also eligible for the CD zoning district.

Regarding the allegation of spot zoning, Mr. Bass asserted that the parcels are among the largest in the Town, while spot zoning typically applies to a small parcel. He reiterated that the Applicant proposes fewer units than permitted by density regulations. The height of the proposed structure is consistent with the heights of other existing buildings in Hillsboro Beach and is authorized by the CD district.

Mr. Bass concluded that the individuals objecting to the Application have failed to demonstrate how allowing the development to go forward would affect them, which he stated gives them no standing to sue. He characterized the objection as a disagreement based upon taste rather than a legal objection, and pointed out that the Commission has

heard testimony from professional Staff which constitutes competent and substantial evidence.

Mr. Bass requested that the Commission adopt the findings of the Town Staff as described during Mr. Hickey's presentation. The Applicant also asks that the Commission find the Application consistent with the Town's Comprehensive Plan as well as with regulations for the CD district.

Mr. Bass also noted a typographical error in the draft Ordinance which should be corrected: the date of the Applicant's Site Plan should be October 4, 2024.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to amend the date of the October 4, 2024 Site Plan.

Town Attorney Doody requested that the **motion** and **second** to amend be withdrawn. Commissioner Ravenesi and Commissioner Andreano withdrew their **motion** and **second** respectively.

Town Attorney Doody read the Ordinance into the record, pointing out that it clarifies the date of the October 4, 2024 Site Plan Application to ensure consistency of the testimony provided in relation to that Application. He further clarified that the testimony provided for the Site Plan submitted in 2022 indicates both Site Plans are substantially the same. He recommended that the Commission amend Section 7 as follows:

> The Town Commission of the Town of Hillsboro Beach hereby approves the October 4, 2024 Site Plan Application submitted by Hillsboro Mile Property Owner, LLC and finds that the site plan application is consistent and complies with the Town's Comprehensive Plan, the Town's Land Development Regulations, and other Ordinances of the Town of Hillsboro Beach, Florida.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to amend Section 7 of the Ordinance. In a roll call vote, the **motion** passed unanimously (5-0).

Town Attorney Doody requested that the Commission also address Section 4, which includes language indicating that the Town Commission will find, determine, and enumerates more findings, finding that 1 through 5 set forth in the Ordinance are consistent and have been determined by the Town Commission to be accurate. He wished to ensure that the record reflects this is a separate finding.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanesi, that after hearing the testimony of the Town's consultant and entertaining public comments

provided during the public hearing, the Town Commission finds and determines the five items as set forth on pp. 164-165, Section 4. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Ravenesi, seconded by Commissioner Reiser, to approve Ordinance 2024-11 as amended. In a roll call vote, the **motion** passed unanimously (5-0).

B. Ordinance No. 2024-12 Amend Ordinance, Election Event Permits (SECOND READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 5 ENTITLED "ELECTIONS" BY SPECIFICALLY AMENDING SECTION 5-2 ENTITLED "ELECTION EVENTS; PERMITS"; PROVIDING FOR TENT LOCATIONS AND PERMITTED HOURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the Ordinance by title only.

Town Attorney Doody noted that there have been no changes to Ordinance 2024-12 between the first and second readings.

Mayor Miller referred the Commissioners to line 8 of Section 2.C of the Ordinance, requesting that the word "violates" be amended to "violate."

Motion made by Commissioner Reiser, seconded by Commissioner Andreano, to amend Ordinance 2024-12 as described above. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Reiser, seconded by Commissioner Andreano, to adopt Ordinance 2024-12 as amended. In a roll call vote, the **motion** passed unanimously (5-0).

C. Ordinance No. 2024-13 Amend Ordinance, Political Signs (SECOND READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE BY AMENDING CHAPTER 12 DIVISION 6 BY SPECIFICALLY AMENDING SECTION 12-382 ENTITLED "POLITICAL

SIGNS"; PROVIDING FOR LOCATION OF POLITICAL SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFCATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Doody read the Ordinance by title only.

Town Attorney Doody clarified that there have been no changes to Ordinance 2024-13 between first and second readings.

Commissioner Reiser recalled that during the election period of 2024, all the Commissioners had followed existing regulations as best they could; however, candidates from outside the Town were not aware of these regulations. She emphasized that if the Ordinance is adopted, it be applied to all candidates for office.

It was confirmed that the public hearing on this Item was advertised as required.

At this time Mayor Miller opened the public hearing. With no individuals wishing to speak at this time, Mayor Miller closed the public hearing.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve Ordinance 2024-13. In a roll call vote, the **motion** passed unanimously (5-0).

D. Ordinance No. 2024-10 Requires Property Addresses on the Atlantic Ocean (Beach) and Intracoastal Waterway Side for Single-Family Homes and Multi-Unit Condo Buildings (FIRST READING, tabled from 11/12/2024 agenda)

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 AMENDING SECTION 12-65 ENTITLED "BEACH STEPS AND PLATFORMS"; PROVIDING FOR POSTED PROPERTY ADDRESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller requested an amendment to this Item to include a date certain of April 1, 2025 for its enforcement. The amendment would be made to Section 7, which currently refers to an effective date within 15 days. There was consensus to proceed with this amendment.

Town Attorney Doody read the Ordinance by title only.

Motion made by Commissioner Andreano, seconded by Commissioner Reiser, to amend Section 7 of the Ordinance to read "This Ordinance shall be effective April 1, 2025." In a roll call vote, the **motion** passed unanimously.

Clarification was requested of how buildings and homes would be notified of this change. Town Manager William "Mac" Serda replied that the Ordinance would be included in social media efforts, as well as the condominium forum and via flyers. After April 1, 2025, it will be enforced through fines and in other manners. In addition to the Business Impact Statement, Mr. Serda reached out to the Hillsboro Club and Hillsboro Resort but neither business took issue with the proposal.

Motion made by Commissioner Andreano, seconded by Commissioner Reiser, to adopt Ordinance 2024-10 as amended on first reading. In a roll call vote, the **motion** passed unanimously (5-0).

IV. SITE PLAN REVIEW

A. Site Plan Review for Property Located at 1174-1185 Hillsboro Mile, Hillsboro Beach, Florida 33062.

Property Owner: Hillsboro Mile Property Owner, LLC
Address: 1174-1185 Hillsboro Mile, Hillsboro Beach, Florida 33062
Staff: Jim Hickey, Planning Dept. Director, CG&A

This Item was previously addressed under Ordinance 2024-11.

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-48

Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Approving and Authorizing the Appropriate Town Officials to Execute a Renewal Agreement with the United Healthcare for Employees 2025 Medical/Dental/Vision Benefits Package

Town Manager Serda read the Resolution by title only.

Town Attorney Doody explained that this Item addresses the Town's medical/vision/dental insurance package for its employees. Each year the Town goes out to bid to ensure that its insurance rates are competitive. His recommendation was to remain with the current provider and broker and make no changes to the plans. The plans' increases ranged from 6% to nearly 16%, and the renewal reflects an overall increase of 12%. The Town had budgeted for a 15% increase.

Mayor Miller requested clarification that the rate for vision insurance would remain the same. Town Attorney Doody confirmed this.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanesi, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

B. Resolution No. 2024-49
Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Approving and Authorizing the Appropriate Town Officials to Execute a Third Amendment to the Employment Agreement Between the Town of Hillsboro Beach and William "Mac" Serda.

Town Attorney Doody read the Resolution by title only.

Vice Mayor Baldasarre and Mayor Miller asserted that Town Manager Serda is a great asset to the Town.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanesi, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

C. Resolution No. 2024- 50
Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Approving and Adopting the 2025 Town Commission Meeting Schedule.

Town Attorney Doody read the Resolution by title only.

Town Manager Serda encouraged the Commission to review the proposed meeting dates to ensure a smooth meeting schedule.

Mayor Miller explained that while the Commission typically meets on the first Tuesday of each month, there will be some alterations to the 2025 meeting schedule. She reviewed the proposed meeting dates as follows:

- Keep the July 1, 2025 meeting date
- Change the September 2, 2025 meeting date to Tuesday, September 9, 2025
- Change the November meeting date to Wednesday, November 5, 2025

It was also proposed that the April 8, 2025 meeting date be moved to Tuesday, April 1, 2025. The Commissioners accepted this proposed additional change by consensus.

Motion made by Commissioner Ravenesi, seconded by Commissioner Reiser, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

D. Resolution No. 2024-51

Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Approving and Authorizing the Appropriate Town Officials to Execute the Florida Department of Transportation Landscape Maintenance Memorandum

Town Attorney Doody read the Resolution by title only.

Mayor Miller advised that the Rosewood development project proposes to install landscaping along their property line within the FDOT right-of-way. In order to approve this landscaping, FDOT requires a landscape maintenance memorandum of agreement.

Town Manager Serda recalled that in the presentation of Ordinance 2024-11, the Applicant had proposed lush landscaping parallel to A1A. FDOT requires an agreement with the Town to ensure that hedges and trees are trimmed properly. Property owners are responsible for maintaining the right-of-way between the northbound and southbound lanes of A1A, and it will be the Town's obligation to enforce Code to ensure this maintenance of the streetscape and landscape. This is consistent with what is already required by the Town.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve Resolution 2024-51. In a roll call vote, the **motion** passed unanimously (5-0).

VII. CONSENT

A. INVOICES FOR APPROVAL

	Vendor	Invoice #	Date	Amount	Description
1.	Inframark	#136716	Oct 2024	$8,398.29	
2.	GCDE	#62669	Nov 2024	$7093.50	General Matters
3.	GCDE	#62672	Nov 2024	$780.00	Crusco Doherty Ord 2024-06

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

VIII. BEACH REPORT

Town Manager Serda reported that the Town has issued an invitation to bid for beach renourishment, which is scheduled to close next week. The Town has also issued an addendum to all contractors and vendors clarifying that the Rosewood development has committed to providing beach access for renourishment on their northern parcel where the easement access road will be established. This means the Town does not have to coordinate with the City of Deerfield Beach for beach renourishment access, which has created friction between the two jurisdictions in the past. He estimated that this would save the Town up to $250,000.

Town Manager Serda continued that he has scheduled a conference call with the owner of an adjacent property to the south (1206 Hillsboro Mile) which is expected to be a staging area for beach renourishment trucks. It is expected that this property owner will make some arrangements for the Town and its contractors.

Once the bids from contractors have been opened, the recommended bid will be brought before the Commission for consideration and approval.

Town Attorney Doody advised that the property owner to the south will want to prepare a license agreement. Town Manager Serda explained that the Town is not contracting with that owner: the contractor will reach out to them. The Town does not need to approve the arrangement. The Town's bid solicitation will facilitate contact between the contractor and the owners of individual parcels, but the Town is not engaging in a construction access agreement.

Commissioner Reiser asked if use of the adjacent property is expected to cost the Town any money. Town Manager Serda replied that he would not have the answer to this until the conference call has been made and the schedule is farther along. He noted that if there is a significant cost, the Town may seek another solution.

Vice Mayor Baldasarre asked if the proposed access road would be a hard-surfaced road or a dirt road. Town Manager Serda replied that he anticipated a compacted dirt road but did not have full information at this time. He briefly reviewed potential traffic and staging scenarios, concluding that an area of at least one block may be used as a staging area.

Commissioner Ravanesi noted that the Related Group, which is the entity responsible for the Rosewood development, would have a positive impact on the Town's finances by providing access that would allow the Town not to use Deerfield Beach access, which would have been a much more expensive option. Mayor Miller agreed that using

the Rosewood parcel would present both practical and financial advantages, as well as ongoing harmonious relations with Deerfield Beach.

Commissioner Andreano also pointed out that a 25 ft. accessway would provide a major enhancement that would continue over time, as it could be used for future beach renourishment as well. Town Manager Serda added that there is an additional item in the Town's beach solicitation which would include the removal of a dirt pile near Deerfield Beach's Public Works building. Deerfield Beach would be able to piggyback on the Town's solicitation for this service.

IX. STAFF UPDATES

A. Police Department
Chief Jay Szesnat

Police Chief Jay Szesnat reported that the Police Department is continuing community engagement through events. Officers continue to consistently address the safety of cyclists and motorists and continue with increased patrols in specific targeted areas. They have partnered with local cycling organizations to promote safe habits.

The most recent Coffee with a Cop event was a success. The intent of these events is to strengthen the bonds between the Police Department and the community while fostering a better understanding of both entities' roles. The next event is scheduled for December 11, 2024 and will include a year-in-review presentation.

Chief Szesnat encouraged community members to remain engaged and report any suspicious activities, particularly during the upcoming holiday season. He emphasized the importance of the role the community can play in working with the Police Department.

B. Building / Permits Department
George Folles, Building Official, CG&A

Building Official George Folles reported that activity has slowed but is expected to pick up in January 2025. Regarding the Rosewood project, Parcel A, which is on the Intracoastal Waterway side, is expected to receive its master permit soon. Parcel B submitted its Site Plan and has driven a number of test piles in November with no issues. Parcel A is still awaiting engineering approval from Broward County so their permit can be issued.

Building Official Folles continued that the Town is working with a management company so any resident can access the 40-year plans for their buildings, as well as

other milestone reports. The Town is currently working on a way to specify an address for common areas, so they do not have to attach those areas to specific residents. Once this is done, he will bring the results before the Commission.

Town Manager Serda further clarified that the software to which Building Official Folles had referred, Forerunner, is a package purchased with Building Fund revenue which provides enhanced reporting for flood plain management, flood maps, and other information used by engineering, title agencies, and real estate professionals during transactions. The Town is also using this package for milestone building safety reporting. The database will be posted on the Town's website so the public can access this information directly.

Mayor Miller asked if buildings are required to publicly disclose these reports. Building Official Folles replied that this is public information; however, milestone reports are not due every year. Forerunner also keeps a record of the number of individuals who use the site and have accessed information about the Town.

C. Code Compliance
Bernard Pita, Code Compliance Supv, CG&A

It was noted that Code Compliance Supervisor Bernard Pita was not present at tonight's meeting.

X. TOWN MANAGER REPORT

A. Holiday Program, December 5, 2024 at 5:30 p.m.

B. Little Smiles Annual Holiday Toy Drive

C. Upcoming Town Events:

Town Manager Serda noted that the Mayor's Tea event was very well-attended. He added that the Town's holiday program is scheduled for December 5, 2024 from 5:30 p.m. until 7 p.m., and concluded that toy collection baskets for Little Smiles are located in the lobby of the Police Department as well as Town Hall.

XI. TOWN ATTORNEY REPORT

None.

XII. TOWN COMMISSION COMMENTS/REPORTS

Mayor Miller recognized Town Clerk Sherry Henderson and Town Manager Serda for their assistance with the Mayor's Tea event. She thanked all who attended.

Commissioner Reiser encouraged all Condo Board Members and Property Managers to attend the upcoming Condo Forum via zoom on December 11, 2024. Attorney Dan Wasserstein will be the guest speaker providing valuable insight for our condo associations in Town.

XIII. PUBLIC COMMENTS

At this time Mayor Miller opened the public comments, which she closed upon receiving no input.

XIV. ADJOURNMENT

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to adjourn at 10:40 a.m. In a roll call vote, the **motion** passed unanimously (5-0).

ADOPTED THIS 4th DAY OF February, 2025.

By: _____
Dawn Miller, Mayor

ATTEST:
Sherry D. Henderson
Sherry D. Henderson, Town Clerk
2/4/2025

TOWN OF HILLSBORO BEACH
1210 HILLSBORO MILE
HILLSBORO BEACH, FL 33062

ENTERED INTO THE RECORD

Published with the Official Meeting Minutes

- Hand-outs Distributed or Presented at Meeting
- Written Comments emailed to Town Clerk

DECEMBER 3, 2024

Regular Town Commission Meeting

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

BASS LAW

VIA HAND DELIVERY &
ELECTRONIC MAIL

December 3, 2024

Ms. Sherry D. Henderson
Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
shenderson@townofhillsborobeach.com

Re: Rezoning Request – RM-16 Zoning District to CD Zoning District
Property: 1174-1185 Hillsboro Mile ("Property")
Property Owner: Hillsboro Mile Property Owner, LLC ("Owner")

Dear Ms. Henderson:

We represent the Owner in the above-referenced rezoning request. We most politely and respectfully request that the Town include within the record of the rezoning hearings: (i) the legislative record of Ordinance No. 2024-06 (creating the CD District) and (ii) the Town's election results from 2021 through 2024. For convenience, we have attached copies of (i) and (ii) to this correspondence.

Thanking you as always for your professionalism and public service. Please do not hesitate to contact us if we can be of further assistance.

Best Regards,

/s/ Jeffrey S. Bass
For the Firm

Encls.

cc: Donald J. Doody, Esq., Town Attorney (DDoody@gorencherof.com)

ATTACHMENTS

Legislative History of Ordinance 2024-06

City Commission July 9, 2024

1. Agenda
2. Minutes
3. Tab 3-D
4. Staff Report
5. Draft Ordinance (First Reading)

City Commission September 10, 2024

6. Agenda
7. Minutes
8. Agenda Item Cover Memo
9. Staff Report
10. Draft Ordinance (Second Reading)
11. Map Lot Widths MF 5 Acres Plus
12. Sun Sentinel Ad
13. Public Notice

City Commission October 1, 2024

14. Agenda
15. Draft Minutes
16. Draft Items Entered in Record
17. Agenda Item Cover Memo
18. Draft Ordinance (Third Reading)
19. Sun Sentinel Ad
20. Public Notice

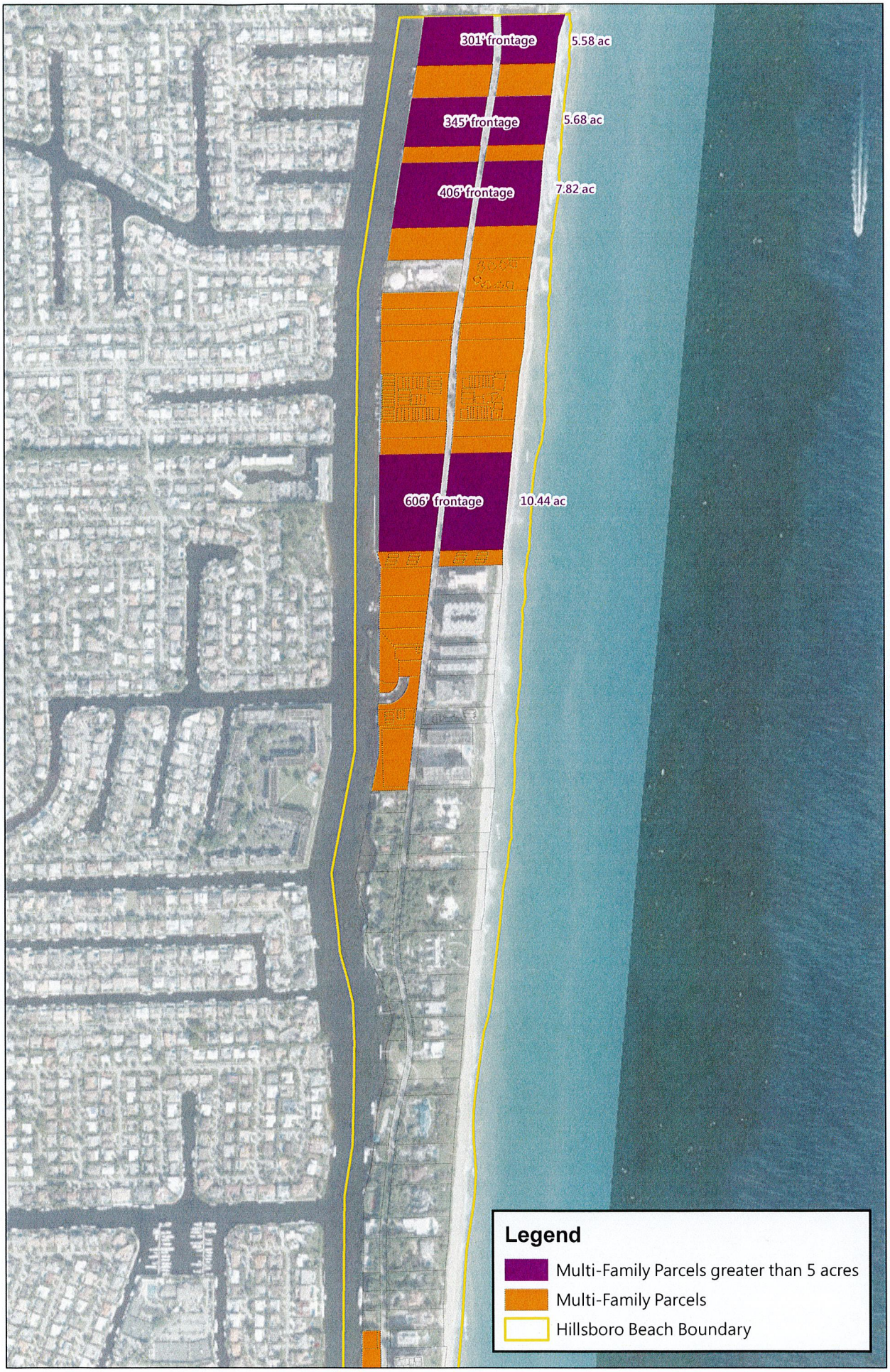
Town Election Results

21. March 9, 2021
22. March 8, 2022
23. March 14, 2023
24. March 19, 2024

LOT COMPARISON

LOT SIZE	*ACRES*
HILLSBORO CLUB	*19.13*
HILLSBORO MILE OCEAN APARTMENTS	*7.78*
OPAL TOWERS	*6.19*
ROSEWOOD	*10.98*
SEA CLUB	*7.82*
1125 HILLSBORO MILE	*6.2*

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301' frontage
5.58 ac
345' frontage
5.68 ac
406' frontage
7.82 ac
606' frontage
10.44 ac
Legend
Multi-Family Parcels greater than 5 acres
Multi-Family Parcels
Hillsboro Beach Boundary

ROSEWOOD RESIDENCES DECEMBER 3, 2024

ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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LOCATION MAP

1174-1185 HILLSBORO MILE

SE 14th Dr
SE 14th Dr
SE 14th Ct
SE 15th Ct
NE 29th Ave
NE 52nd St
NE 30th Ave
NE 30th Terrace
NE 31st Ave
NE 51st St
A1A Jimmy
Hillsboro Mile
PARCEL A
PARCEL B
A1A Jimmy Buffett Mem Hwy

ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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MINIMUM SETBACKS - RM-16



RM-16 ZONING DISTRICT

ARQUITECTONICA

HILLSBORO BEACH

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MINIMUM SETBACKS - CD DISTRICT



RM-16 ZONING DISTRICT

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SETBACKS

CURRENT DESIGN

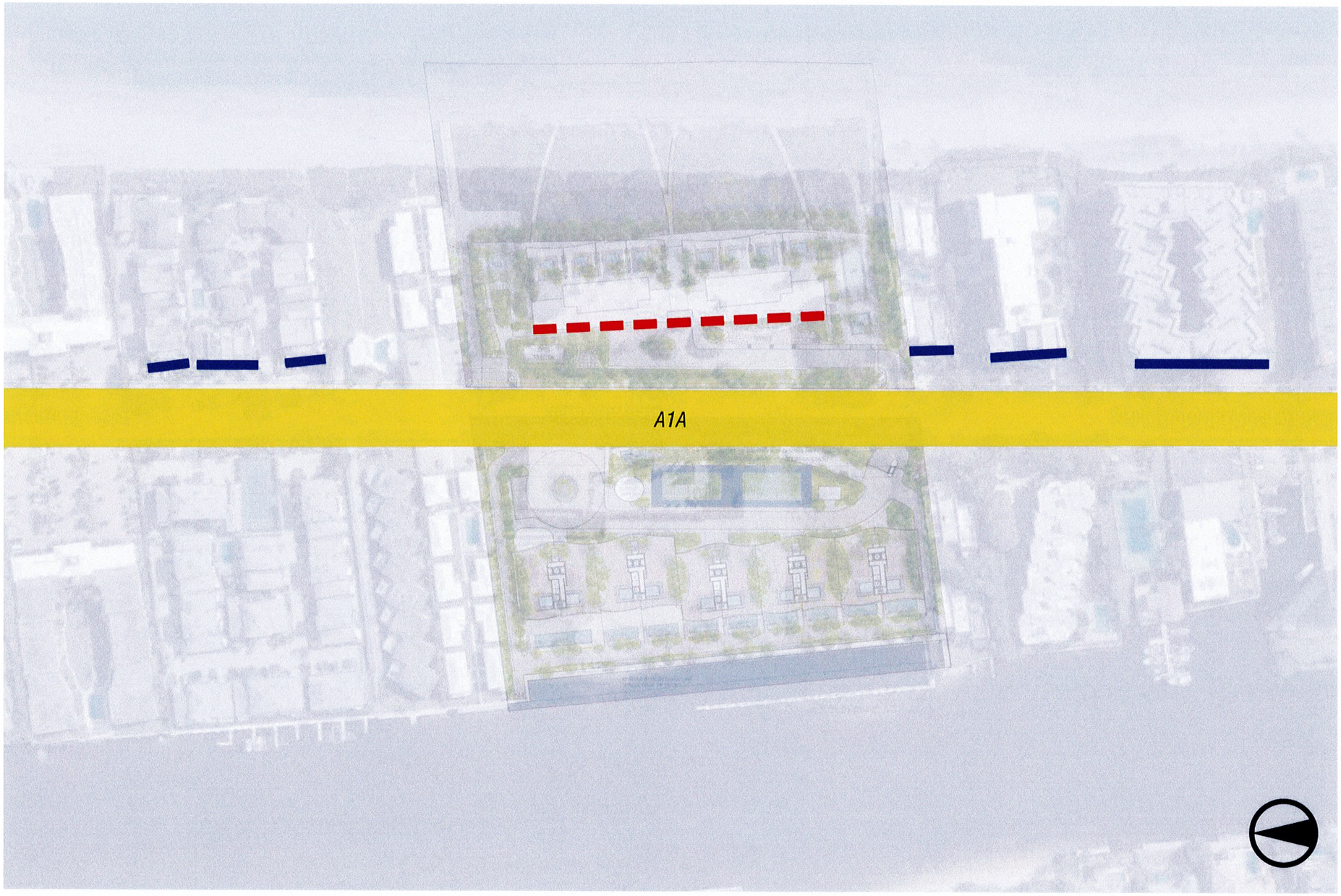


RM-16 ZONING DISTRICT

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PARCEL B - COMPARISON TO EXISTING PROJECTS

AS BUILT / SETBACKS FROM A1A



ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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PARCEL B - COMPARISON TO EXISTING PROJECTS

AS BUILT /OCEANFRONT SETBACKS



ARQUITECTONICA

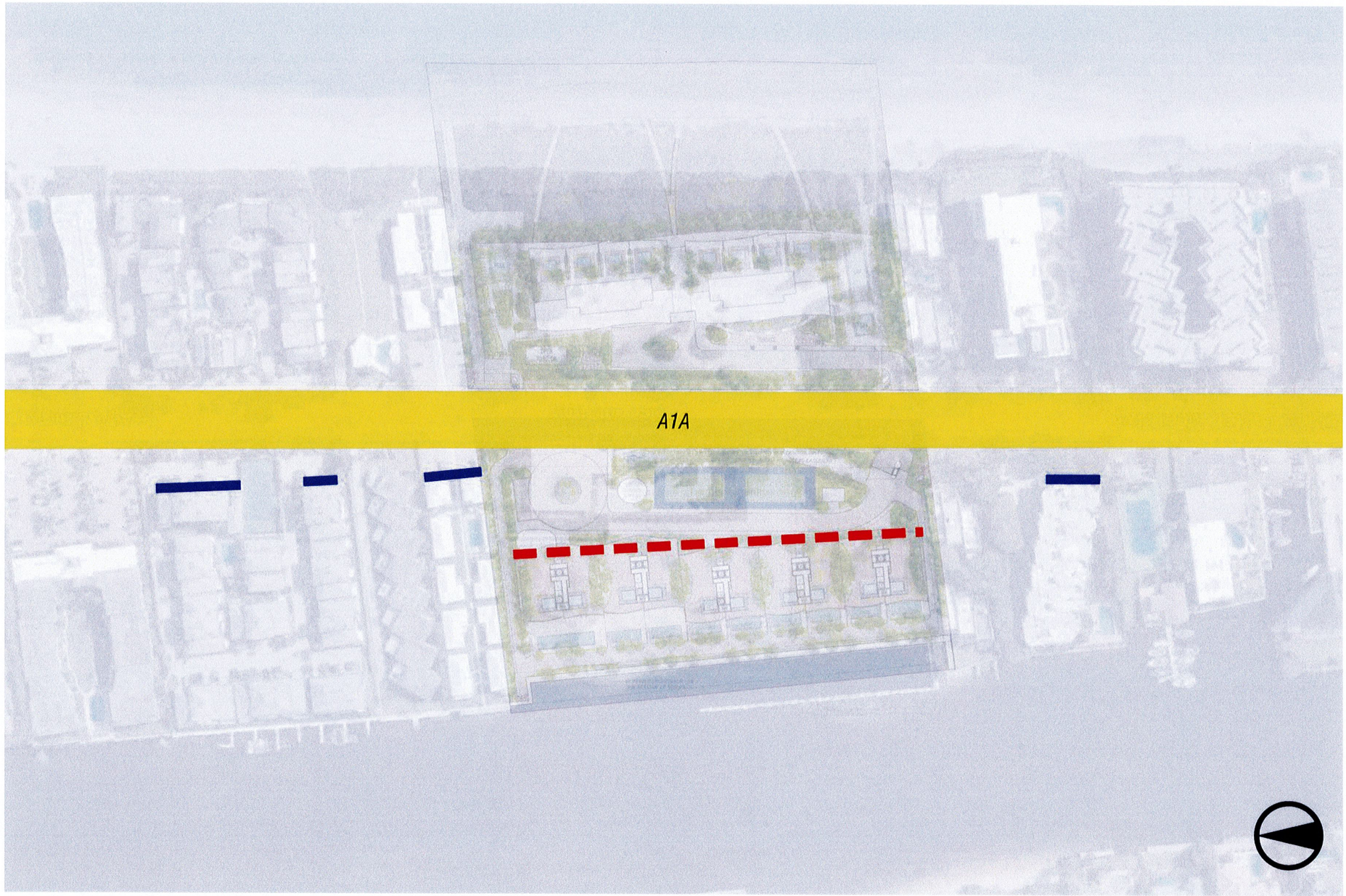
HILLSBORO BEACH

DECEMBER 2024

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PARCEL A - COMPARISON TO EXISTING PROJECTS

AS BUILT / SETBACKS FROM A1A



ARQUITECTONICA

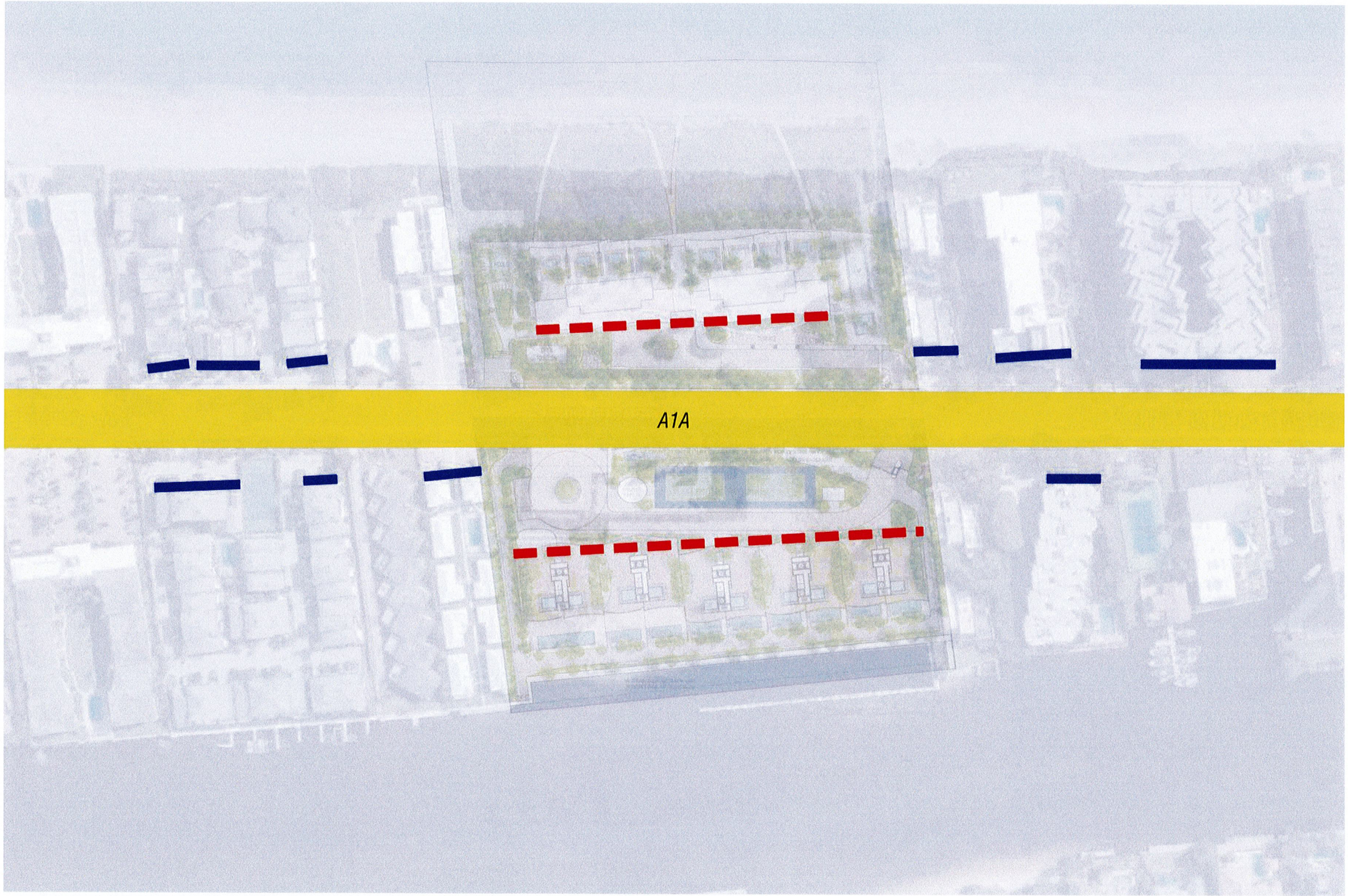
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DECEMBER 2024

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PARCEL A & B - COMPARISON TO EXISTING PROJECTS

AS BUILT / SETBACKS FROM A1A



ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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RENDERINGS

CURRENT DESIGN



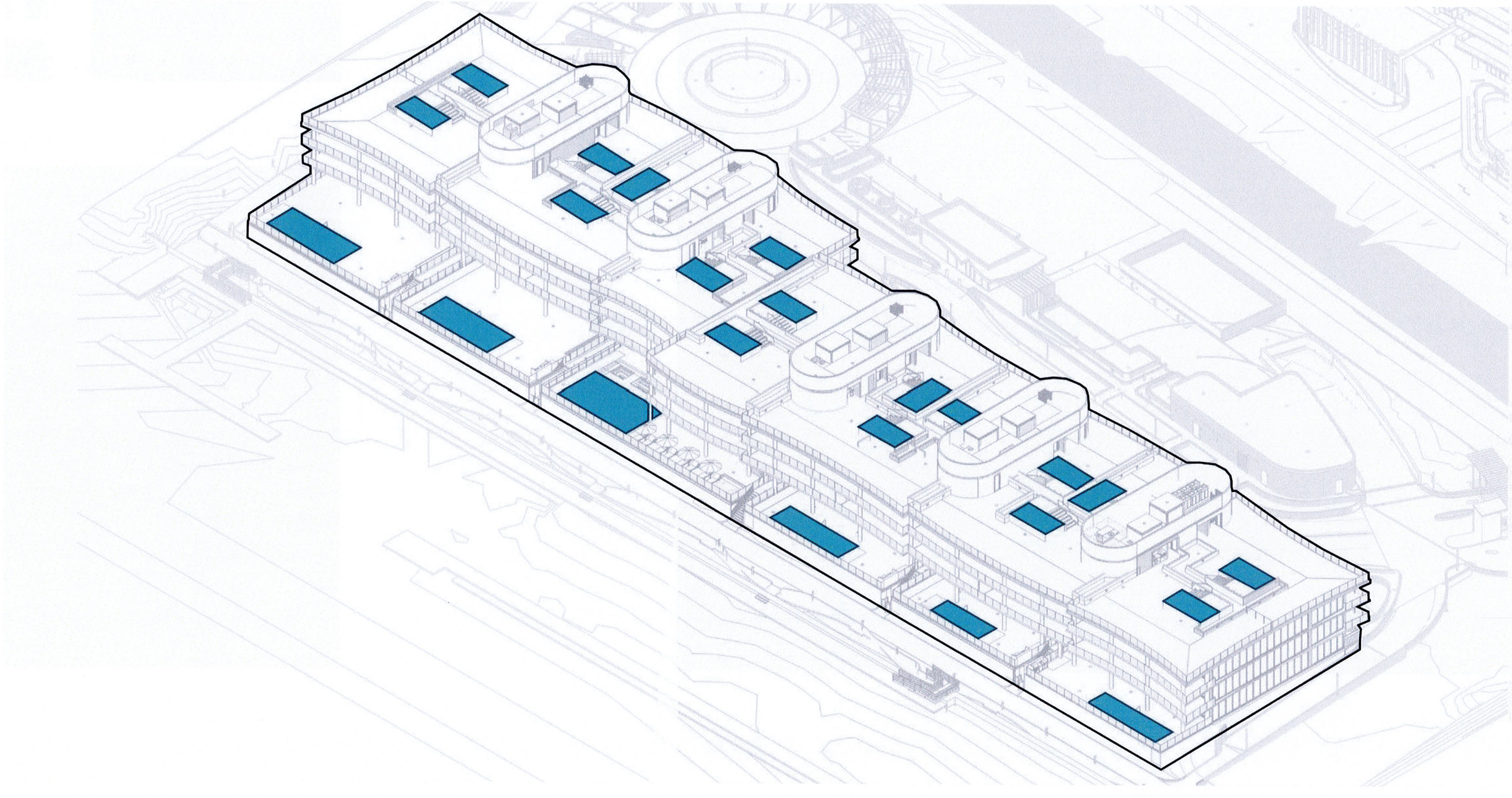




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POOL:UNIT RATIO = 23 POOLS : 22 UNITS

PARCEL A



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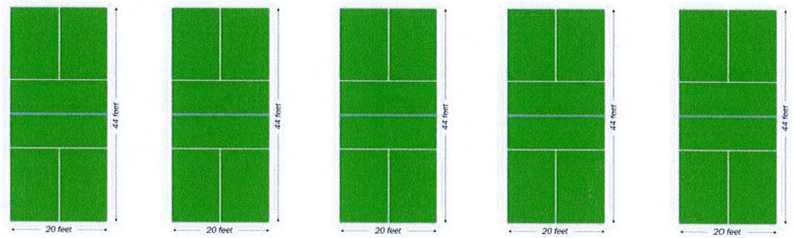
ROSEWOOD HILLSBORO OPEN SPACE PER UNIT

GROUND LEVEL UNIT PARCEL A



THIS TERRACE = 4,348 SF

4,348 SF= 5 PICKLEBALL COURTS

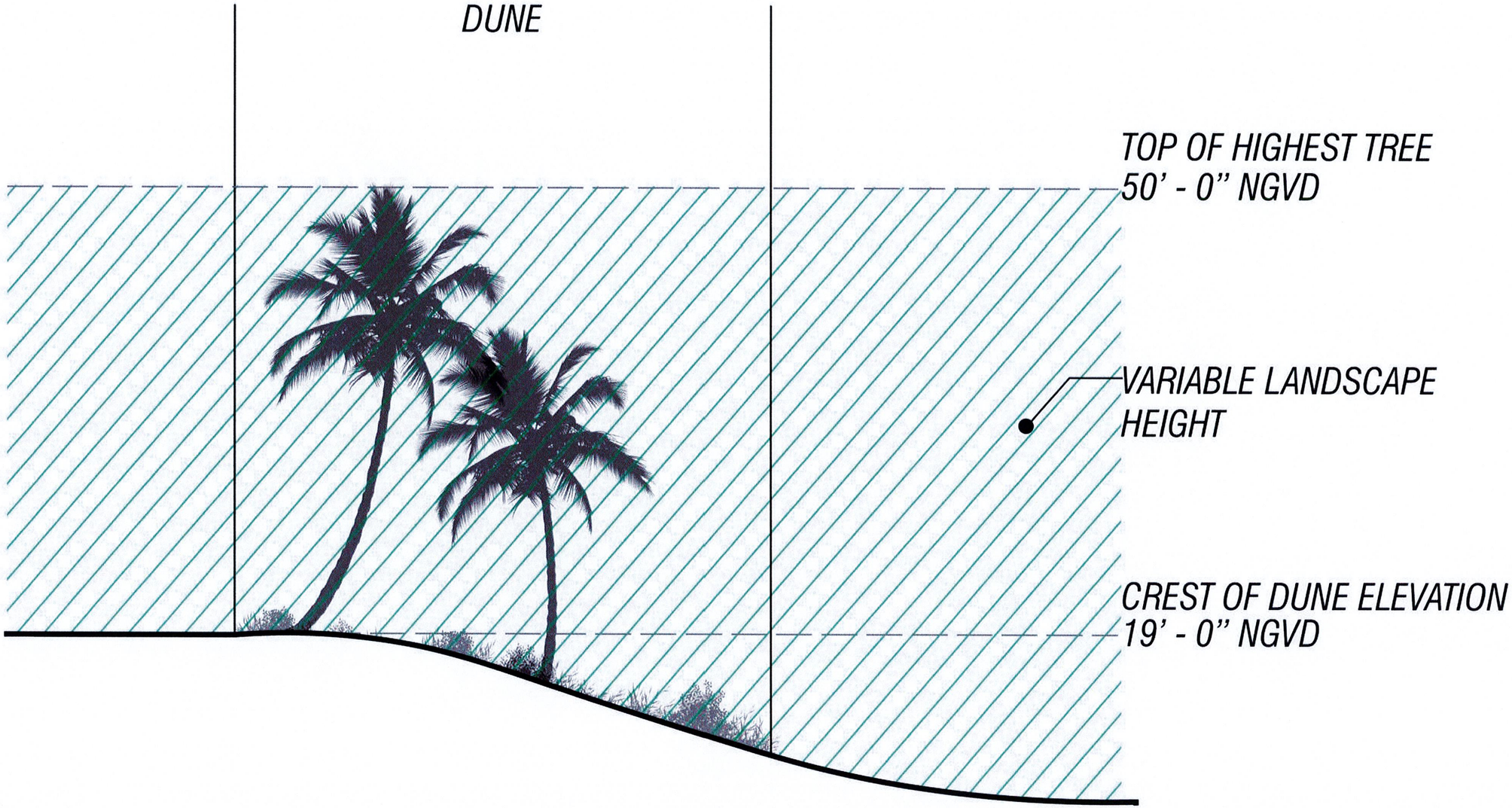


RM-16 ZONING DISTRICT

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HEIGHT OF LANDSCAPE IN RELATION TO DUNE

SECTION



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ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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LOT COMPARISON

LOT SIZE	*ACRES*
HILLSBORO CLUB	*19.13*
HILLSBORO MILE OCEAN APARTMENTS	*7.78*
OPAL TOWERS	*6.19*
ROSEWOOD	*10.98*
SEA CLUB	*7.82*
1125 HILLSBORO MILE	*6.2*

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LOT COMPARISON

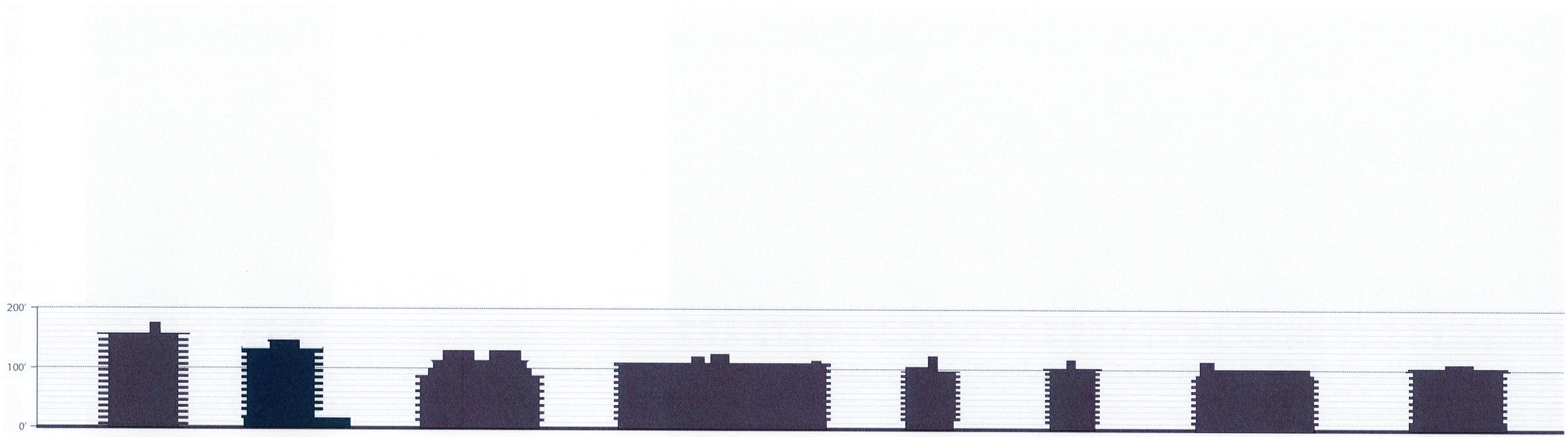


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HEIGHT CONTEXT

EXISTING BUILDINGS - 100FT OR TALLER



*HEIGHTS LISTED TO TOP OF MECHANICAL FEATURES

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HILLSBORO MILE ADJACENT STREET CONDITION

EXISTING CONTEXT VS CURRENT DESIGN



EXISTING HILLSBORO MILE



CURRENT DESIGN FOR HILLSBORO MILE

ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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ARCHITECTURAL DESIGN

EXISTING CONTEXT VS CURRENT DESIGN



EXISTING CONTEXTUAL DESIGN



CURRENT PROJECT DESIGN

ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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CD DISTRICT SETBACKS

INCREASED SETBACKS



ARQUITECTONICA

HILLSBORO BEACH

DECEMBER 2024

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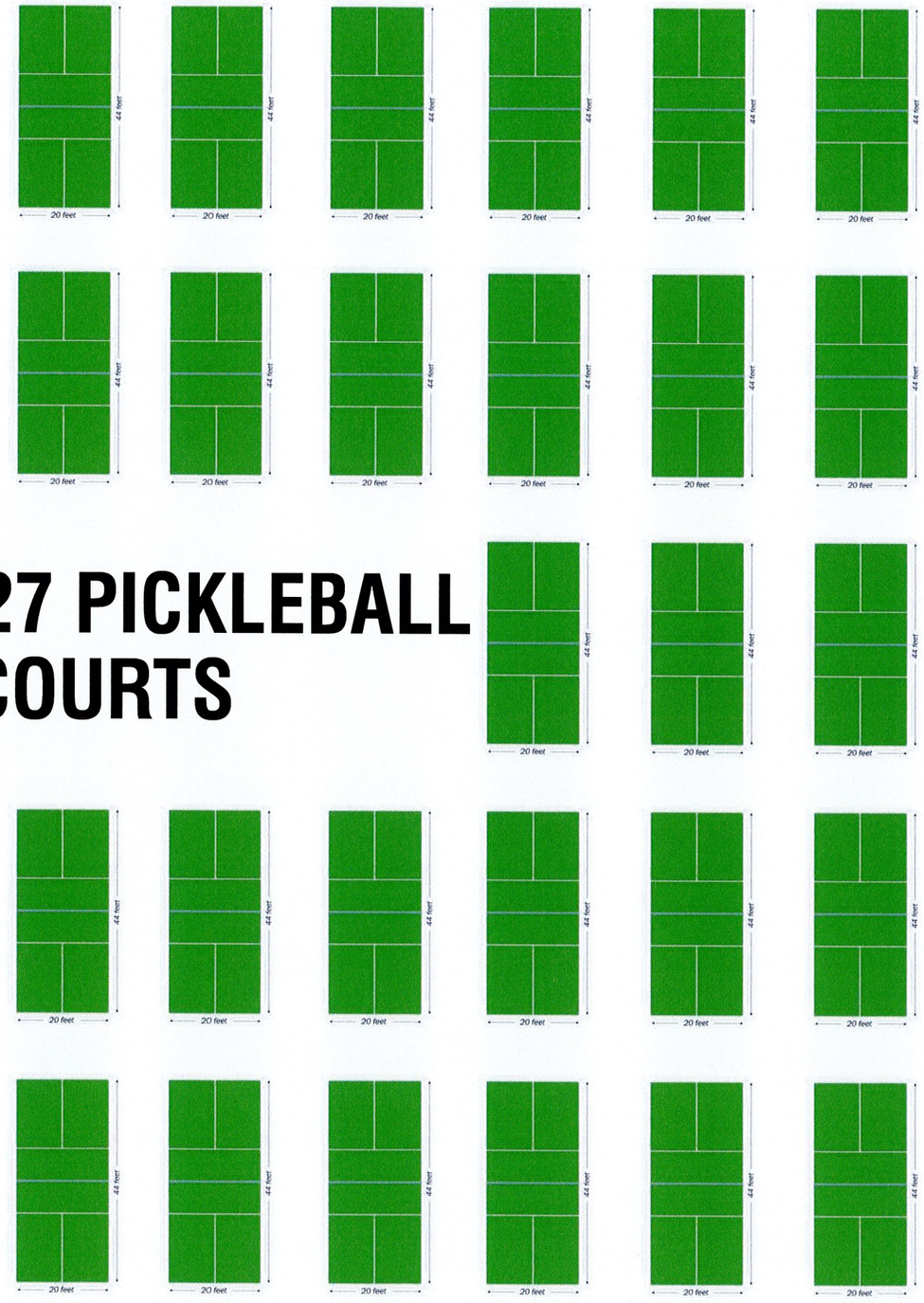
OPEN SPACE

RM-16 VS CD DISTRICT

RM-16 ZONING: 50% OPEN AREA
CD DISTRICT: 55% OPEN AREA

=

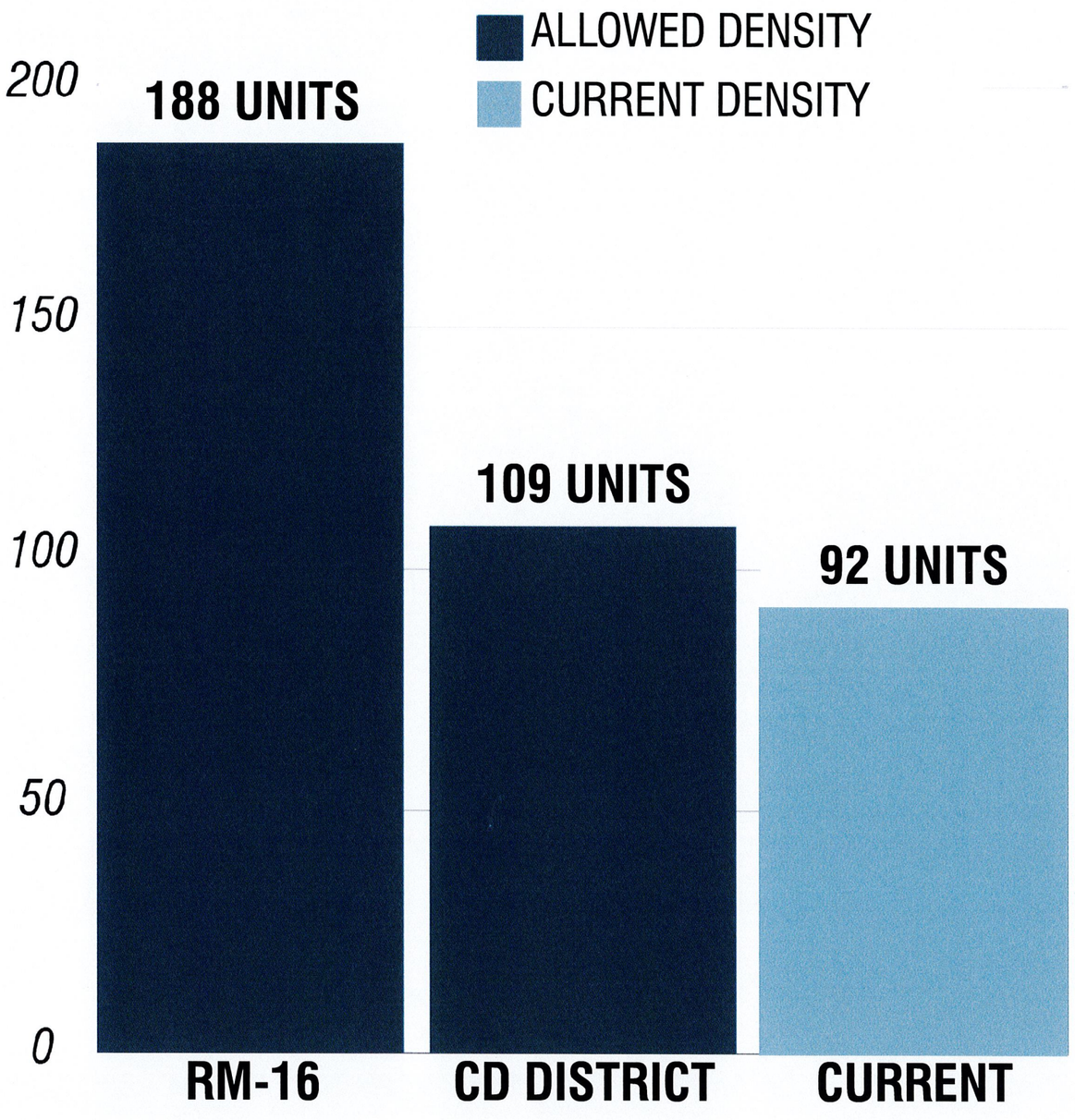
INCREASE OF 23,931 SF = 27 PICKLEBALL COURTS



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CD DISTRICT REDUCES DENSITY

RM-16 VS CD DISTRICT



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RENDERINGS

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Town of Hillsboro Beach
Commission Meeting Agenda

July 9, 2024
9:30 AM

Established 1939

MAYOR
Honorable Dawn Miller

VICE MAYOR
Honorable Barbara Baldasarre

COMMISSIONERS
Honorable Jane Reiser
Honorable David A. Ravanesi
Honorable Vinnie Andreano

TOWN MANAGER
Mac Serda, ICMA-CM

TOWN ATTORNEY
Donald J. Doody

TOWN CLERK
Sherry D. Henderson, CMC

HILLSBORO BEACH TOWN HALL
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
954-427-4011

www.TownofHillsboroBeach.com

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile, Hillsboro Beach, Florida 33062

July 9, 2024 | 9:30 AM

REGULAR TOWN COMMISSION MEETING AGENDA

MAYOR DAWN MILLER
VICE MAYOR BARBARA BALDASARRE
COMMISSIONER JANE REISER
COMMISSIONER DAVID RAVANESI
COMMISSIONER VINNIE ANDREANO

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

Refer to the end of the Agenda for the Commission Meeting RULES OF DECORUM (Resolution No. 2023-36), adopted 9/12/2023
NEW - Commission Meetings are streamed LIVE and recorded on the town's website

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

I. APPROVAL OF MINUTES

A. June 4, 2024 Commission Meeting

II. PRESENTATIONS

A. Marty Kiar, Broward County Property Appraiser
www.bcpa.net

B. Hands Across the State: Virtual Mindfulness Event, July 12, 2024, at 12:00 pm
Mid-Day Break for Mental Wellness in Florida's Communities, Florida League of Mayors, Inc.

III. ORDINANCES

A. Ordinance No. 2024-03 Update Flood Insurance Study Date, Flood Insurance Rate Maps and Revised Definition of Market Value. **(SECOND READ)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA AMENDING SECTIONS 4-98 AND 4-144 OF THE TOWN'S LAND DEVELOPMENT CODE TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR A REVISED DEFINITION OF MARKET VALUE; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

B. Ordinance No. 2024-04 Deletion of Sec. 3-25 of Chapter 3 Entitled "Dogs & Cats". **(SECOND READ)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 3 ENTITLED "DOGS AND CATS", BY SPECIFICALLY DELETING IN ITS ENTIRETY SECTION 3-25 ENTITLED "BITCHES IN HEAT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance No. 2024-05 Amendment to Sec. 12-50 "Construction Site Management" of the Land Development Code to Include Sodding of Vacant Lots. (FIRST READ)

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Ordinance No. 2024-06 Coastal Dune Conservation District (FIRST READ)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

IV. SITE PLAN REVIEW

A. PUBLIC HEARING - Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on 7/11/2023 for Property Located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062.

Owner: Land Banc Trust
Authorized Agent: Morris Flancbaum
Staff: Graham Long, Development Planner, CG&A
Address: 1085 Hillsboro Mile, HIllsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023

B. PUBLIC HEARING - Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on 12/7/2021 for Property Located at 1009 Hillsboro Mile, Hillsboro Beach, FL 33062.

Owner: Benjamin and Rachel Bayless
Authorized Agent: Paul S. Catania II, PLA, ASLA, Partner w/ Landscape Architecture Planning & Design Group
Staff: Graham Long, Development Planner, CG&A
Address: 1009 Hillsboro Mile, HIllsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Issued and Granted 12/7/2021

C. PUBLIC HEARING - Authorized Agent is Seeking Approval for Amendments to Site Plan Originally Approved on 2/4/2020 for Property Located at 957 Hillsboro Mile, Hillsboro, FL 33062

Owner: John Wu
Authorized Agent: Nikolas Arvanitopoulos, Arvani Building Works
Staff: Graham Long, Development Planner, CG&A
Address: 957 Hillsboro Mile, Hillsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Issued and Granted 2/4/2020

D. PUBLIC HEARING - Authorized Agent is Seeking Approval for Amendments to Site Plan Originally Approved on 7/10/2018 for Property Located at 999 Hillsboro Mile.

Owner: Wilson Terra Firma, LP
Authorized Agent: Bob G. Mayer, Bomar Builders
Staff: Graham Long, Development Planner, CG&A
Address: 999 Hillsboro Mile, Hillsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Granted and Issued July 10, 2018

V. DISCUSSION & POSSIBLE ACTION

A. Discussion on the Procedures to Issue Proclamations and Awards
(RES 2022-20, adopted 6/7/2022)

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-25
Consideration to Accept Proposal and Authorize the Appropriate Town Officials to Execute Agreement for Continuing Contract Consulting Services with Coastal Protection Engineering LLC (CPE) To Provide Professional Coastal Consulting Services for the Regulatory Support, Engineering Design, Bidding Assistance, Construction Administration, and Coordination of the Storm Damage Repair Beach Nourishment Project for Lump Sum fee of $289,187.10 Pursuant to the Terms and Conditions of RFQ #21-15-JW Joint Beach Nourishment Project Contract.

B. Resolution No. 2024-26
A Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Adopting and Authorizing the Appropriate Town Officials to Execute the Mutual Aid Agreement Between the Florida Division of Emergency Management and the Town of Hillsboro Beach, Florida.

C. Resolution No. 2024-27
A Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Authorizing the Appropriate Town Officials to Execute a Second Addendum to the Agreement Between the Town and Moffatt and Nichol, Inc.

D. Resolution No. 2024-28
A Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Authorizing the Use of $3,820.00 of Federal Forfeiture Funds to Purchase Callyo Surveillance Equipment and Waive Competitive Procurement.

E. Resolution No. 2024-29
A Resolution of the Town Commission of the Town of Hillsboro Beach, Florida Adopting the Town's Social Media Policy.

VII. CONSENT

A. INVOICES FOR APPROVAL

1. CG&A Invoice # 440226 May 2024 $76,084.26
2. LSF Invoice # 24-0531-26 May 2024 $6,498.86
3. GCDE Invoice # 60427 July 2024 $7,204.05
4. GCDE Invoice # 60428 July 2024 $2,280.00
5. GCDE Invoice # 60430 July 2024 $2,926.10
6. Inframark Invoice # 124221 April 2024 (Variable Expenses) $81.18
7. Inframark Invoice # 124720 May 2024 $8,398.29
8. Inframark Invoice # 126107 June 2024 $8,398.29
9. Inframark Invoice # 123345 March 2024 $97.18
10. CG&A Invoice# 532093 June 2024 $44,087.35

VIII. BEACH REPORT

IX. STAFF UPDATES

A. Police Department
Jay Szesnat, Police Chief

B. Building Department
George Folles, Building Inspector, CG&A Solutions

C. Code Compliance
Bernard Pita, Code Compliance Supv, CG&A Solutions

X. TOWN MANAGER REPORT

A. 1. First Friday Ice Cream Social

XI. TOWN ATTORNEY REPORT

XII. TOWN COMMISSION COMMENTS/REPORTS

A. Mayor Dawn Miller's graduation from the Florida League of Cities Institute for Municipal Elected Officials (IMEO)

XIII. PUBLIC COMMENTS

XIV. ADJOURNMENT

RULES OF DECORUM

- The goal of Commission Meetings and Public Hearings is to accomplish the public's business in an environment that encourages fair discussion and exchange of ideas.
- Everyone will have three (3) minutes when recognized for public comment, participants should step forward to the podium ai state their name & address for the record.
- All comments shall be directed to the commission or board as a body, through its presiding officer. Comments shall not be addressed to a single member of the commission or board, or to Town staff including the attorney, the manager, or the clerk, unless a majority of the members present on the commission or board shall so agree.
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input.
- Anger, rudeness, ridicule, personal attacks, profane language, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
- If a person refuses to abide by these rules of civility and decorum, a commissioner may request a motion to temporarily rece
- Continued disruptions by any person may result in the request of the person to depart the meeting.

Resolution No. 2023-36, adopted 9-12-2023

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, IIMC-CMC, Town Clerk (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.

MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING

TUESDAY JULY 9, 2024 9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller called the meeting to order at 10:00 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:
Mayor Dawn Miller
Vice Mayor Barbara Baldasarre
Commissioner Jane Reiser
Commissioner Vinnie Andreano
Commissioner David A. Ravanesi

Town Staff:
Town Manager William "Mac" Serda, ICMA-CM
Donald J. Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt the agenda as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

I. APPROVAL OF MINUTES

A. June 4, 2024 Commission Meeting

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve the minutes of the June 4, 2024, Regular Meeting as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

III. PRESENTATIONS

A. Marty Kiar, Broward County Property Appraiser

Broward County Property Appraiser Marty Kiar gave a presentation regarding the responsibilities and programs of his office, including valuation adjustments, tax saving exemptions, and title fraud prevention for homeowners. He reported on taxable values,

stating that taxable values are significantly up throughout Broward County and Hillsboro Beach has seen a 6.75 percent increase over 2023 values, putting the taxable value at $1.92 billion. He explained that as a result, if the Town adopts a flat Millage Rate for FY2025, the Town budget will see an increase of $425,112 in revenue. He noted the Millage Rate was among the lowest in the Broward County. He reviewed the breakdown of property, market values, and exemptions in the community, as well as sales. In closing, Mr. Kiar discussed the Owner Alert program created to protect residents from title fraud. He highlighted recent legislation which made information collected through the program exempt from other uses and shared example scenarios encountered.

Commissioner Andreano encouraged everyone to share the Owner Alert program with the community. Mr. Serda stated flyers on the program were in the lobby and information was on the Town website.

B. Hands Across the State: Virtual Mindfulness Event, July 12, 2024, at 12:00 p.m.

Mayor Miller shared the details of an event organized by the Florida League of Mayors across the State to have a collective pause in recognition of mental health awareness. Mr. Serda stated flyers were in the lobby and information was on the Town website and would be distributed via email.

III. ORDINANCES

A. Ordinance No. 2024-03
Updates for Date of the Flood Insurance Study, Flood Insurance Rate Maps and Revised Definition of Market Value (Second Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA AMENDING SECTIONS 4-98 AND 4-144 OF THE TOWN'S LAND DEVELOPMENT CODE TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR A REVISED DEFINITION OF MARKET VALUE; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt Ordinance No. 2024-03. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Ordinance No. 2024-04
Deletion of Sec. 3-25 of Chapter 3 Entitled "Dogs & Cats". (Second Reading)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 3 ENTITLED "DOGS AND CATS", BY SPECIFICALLY DELETING IN ITS ENTIRETY SECTION 3-

25 ENTITLED "BITCHES IN HEAT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt Ordinance No. 2024-04. In a roll call vote, the **motion** passed unanimously. (5-0)

Mr. Doody noted Ordinance No. 2024-03 should be reconsidered as the item had been advertised as a public hearing.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to reconsider Ordinance No. 2024-03. In a roll call vote, the **motion** passed unanimously. (5-0)

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt Ordinance No. 2024-03. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Ordinance No. 2024-05
Amendment to Sec. 12-50 "Construction Site Management" of the Land Development Code to Include Sodding of Vacant Lots (First Reading)

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Mr. Doody asked that the Commission consider an amendment to Section 12-2 for further clarification. He advised it presently reads "The Town Commission shall designate the Town Manager to act as Development Official or designee," and he would suggest an amendment to provide the language read, "The Town Commission shall designate a Development Review Official or designee who shall be responsible for the coordination, review, and enforcement of development orders."

Commissioner Reiser asked for clarification on the amendment and expressed concern the City Manager had other responsibilities. Mr. Doody advised the change would clarify that the official was not automatically the Town Manager. Mr. Serda noted the decision was at the discretion of the Commission. Discussion continued.

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to amend Ordinance No. 2024-05 as represented by the Town Attorney. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to adopt Ordinance No. 2024-05 as amended on first reading. In a roll call vote, the **motion** passed unanimously. (5-0)

Commissioner Reiser asked about the timeline contemplated and whether it included removal of debris. Mr. Doody clarified, noting debris would be Code violation. Discussion ensued regarding enforcement.

Mr. Serda stated there was still background information to fill in as to administration of the ordinance. Mr. Doody pointed out this was the first reading, and enhancement as to enforceability could be made between the first and second reading.

D. Ordinance No. 2024-06
Coastal Dune Conservation District (First Reading)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT"; WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR THE DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATIONS BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Ordinance by title only.

Jim Hickey, Planning Consultant, CG&A, provided a brief summary of the proposed ordinance. He explained a text amendment had been requested by the applicants of the property located at 1174 and 1185. He stated this ordinance would put that text into the Code

as the first step. He advised that in addition to creation of the district, the property would require a rezoning. He noted that process would require public hearing and notification within 300 feet. He stated the request was consistent with the Town's Comprehensive Plan and with Broward Next, both of which have an identification of density, but not height. He stated this amendment would allow height up to 130 feet, and discussed criteria, highlighting that density would be lower, and the setbacks would be larger than required by Code.

Mr. Doody clarified the change was being brought forth in response to an application filed by a developer or property owner. Mr. Hickey confirmed the ordinance was being brought forward based on the application by the property owner.

Mayor Miller commented that this would be the first step in creating a Coastal Dune Conservation District. Mr. Hickey advised that 25 percent of the property would need to be designated as conservation area with Broward County.

Attorney Jeffrey Bass, Bass Law made a presentation on behalf of the developer. He commented on a discussion during the Board of Zoning and Appeals meeting related to Code changing over time and keeping Millage Rates down while providing services for the Town. He noted those on the dais understand why the proposed project is good for the Town. He highlighted key points within the ordinance, pointing out it would allow for a height of 10 stories without a variance, a lower density, larger setbacks, and reduced building area. He asked that the Commission not allow a few disgruntled residents to drown out their legislative voice as they speak for vision for the Town. Mr. Bass distributed a survey of building heights in Town. He noted height is among the principal objections to the project. He pointed out there were several buildings in Town that were 10 stories or more. He reviewed the language of the ordinance briefly.

Commissioner Ravanesi stated he is in favor due to the cost of beach nourishment, beach access, tax revenue, and benefits of the project to the Town such as undergrounding of utilities and increased property values. He commented that those against the project consider this action to be spot zoning to benefit a few, and asserted the project would raise everyone's property values, and the Commission has a fiduciary duty to the Town.

Commissioner Ravanesi asked counsel whether spot zoning was illegal. Mr. Doody commented on the term of spot zoning as determined by Florida Courts that it was not consistent with Florida law. He provided clarification on the new district created by the ordinance.

Commissioner Andreano asked how many more properties designated for the Coastal Dune Conservation District the Town has. He stated this was the only one (1). Mr. Doody explained that would be up to the property owner. He noted the prior owner of the property in question had created the easement with the County.

Mayor Miller advised District A through F currently exist, and the ordinance would create District G, which would apply to properties larger than five (5) acres with at least 25 percent dedicated to dune conservation. Mr. Doody pointed out the ordinance language was proposed, and the Commission could refer it to the Town Planner with instructions as to what criteria they find acceptable. Discussion continued.

Vice Mayor Baldasarre asked for clarification on whether the dune acreage contemplated was aggregated. Mr. Bass advised in the draft the acreage was aggregated and noted an increase in the minimum acreage could be reviewed between the first and second reading.

Vice Mayor Baldasarre stated she would also like to consider a reduction in density. Mr. Bass stated the applicant would be happy to come back on second reading with a lower density. Mayor Miller commented that she agreed.

Vice Mayor Baldasarre stated she had been with the project from the beginning and would like to see it come to fruition while keeping the best of the Town in mind.

Commissioner Reiser asked counsel if he remembered a previous ordinance where a third party had come before the Commission with an ordinance. Mr. Doody stated it was common in other municipalities. He noted the Town had not experienced an acceleration of development until recent times.

Commissioner Reiser stated that there had been misinformation circulated that the Commission had changed the zoning to accommodate this project, but they had not. She stated there had been a variance for the height. She noted the Commission had already approved everything, and they were now changing the zoning after saying they were not.

Mayor Miller stated they were not rezoning for unlimited building, they are saying that when a property is large enough and the property owner is setting aside 25 percent for conservation, there is a district. She commented on the direction provided by the ordinance, incentivizing dune preservation, and lowered densities.

Commissioner Reiser referenced the sizes of other properties in Town and asserted five (5) acres was not suitable. Discussion continued. Mayor Miller agreed there should be more green space, more setbacks, and less density.

Motion made by Commissioner Reiser, seconded by Commissioner Ravanesi, to amend the minimum acreage in Ordinance No. 2024-06 to 10 acres. In a roll call vote, the **motion** passed unanimously. (5-0)

Vice Mayor Baldasarre stated she was assuming the applicant was going to go back and look at the density. Mr. Bass confirmed.

Commissioner Andreano asked for clarification on the density of the project as approved and as outlined in the ordinance. Mr. Bass advised the RM-16 allowed for 16 units per acre and the project approved under the RM-16, but they had voluntarily restricted the density to 100 total units. He noted the applicant was willing to cap the density to 10 units per acre. Discussion continued regarding the approved densities and the number of units.

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to amend the maximum density in Ordinance No. 2024-06 to 10 units per acre. In a roll call vote, the **motion** passed unanimously. (5-0)

Vice Mayor Baldasarre asked if the 25 percent of the project property that is not buildable was included in the calculation. Mr. Doody confirmed it would be calculated in the gross acreage.

Commissioner Andreano asked if any property could designate a conservation area. Mr. Doody confirmed the application would have to go through Broward County.

Mr. Doody advised a public hearing would take place on second reading, at which time it would be properly noticed.

Commissioner Reiser commented on the previous approvals. Discussion ensued and Mr. Doody stated pending litigation should not be discussed on the dais.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to approve Ordinance No. 2024-06 on first reading as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. SITE PLAN REVIEW

A. Public Hearing – Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on July 11, 2023, for Property Located at 1085 Hillsboro Mile, Hillsboro Mile, FL 33062.

Mayor Miller read the Ordinance by title only and sought a motion to table the ordinance due to the tabling of the related variance during the Board of Zoning and Appeals meeting.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to table the public hearing to the September regular meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Public Hearing – Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on December 7, 2021, for Property Located at 1009 Hillsboro Mile, Hillsboro Mile, FL 33062.

Mr. Doody read the item by title only and swore in those wishing to testify.

Graham Long, Planning Consultant, Calvin, Giordano, & Associates, provided a brief summary of the proposed amendments to a site plan originally approved on December 7, 2021. He stated the modifications would include an additional driveway entrance, modified parking area, modified landscaping, increase in size of pool and air conditioning area. He noted there was a pre-existing nonconforming wall at the front of the property and the applicant was requesting to remove part of the wall. He stated the remainder of the application was in compliance with Town Code.

Commissioner Reiser asked if the seawall was up to current Code. Mr. Long advised the seawall was not included in the scope of work for the amendment.

Paul S. Catania II, PLA, ASLA, Partner with Landscape Architect Planning and Design Group, authorized agent for Benjamin and Rachel Bayless, explained the changes the owner was looking to make to the site plan.

Mayor Miller asked if everything as outlined in the staff recommendation was in conformity aside from the pre-existing nonconforming wall which was eight (8) feet from edge of pavement instead of 10 feet. Mr. Long confirmed.

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Motion made by Commissioner Andreano, seconded by Vice Mayor Baldasarre, to approve site plan amendments to the site plan for 1009 Hillsboro Mile (with conditions). In a roll call vote, the **motion** passed unanimously. (5-0)

C. Public Hearing – Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on February 4, 2020, for Property Located at 957 Hillsboro Mile, Hillsboro Mile, FL 33062.

Mr. Doody read the item by title only and swore in those wishing to testify.

Graham Long, Planning Consultant, Calvin, Giordano, & Associates, provided a brief summary of the proposed amendments to a site plan originally approved on February 4, 2020. He stated the modifications would include several changes to the front yard and paved area.

Niko Arvanitopoulos Jr., agent for the applicant, and Dan Richey, Project Architect, made a brief presentation regarding the improvements. Mr. Richey advised the materials would be of the earth and indigenous and reviewed the plan briefly. He noted the Florida Department of Transportation had increased the required setback on the property during their

preliminary review of the application from 10 feet from A1A to 30 feet from the centerline.

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve site plan amendments to the site plan for 957 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Public Hearing – Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on July 10, 2018, for Property Located at 999 Hillsboro Mile, Hillsboro Mile, FL 33062.

Mr. Doody read the item by title only and swore in those wishing to testify.

Graham Long, Planning Consultant, Calvin, Giordano, & Associates, provided a brief summary of the proposed amendments to a site plan originally approved on July 10, 2018. He stated the modifications would include the addition of a second driveway entrance, relocation of the main driveway, new front and side yard walkways and a reconfiguration of the site walls along the property frontage.

Mayor Miller inquired as to whether everything in the application was in compliance with the Code. Mr. Long confirmed there were no variances required.

Mr. Doody asked the applicant whether the improvements to the house consistent with the 2018 site plan had been made. Bob Mayer with Bomar Builders, agent for the applicant, confirmed it was built, but did not yet have a Certificate of Occupancy.

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Andreano, to approve site plan amendments to the site plan for 999 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. DISCUSSION & POSSIBLE ACTION

A. Discussion on Procedure to Issue Proclamations and Awards

Mr. Serda briefly outlined the procedure to request a proclamation or award.

Vice Mayor Baldasarre commented that the procedure had been previously approved by the Commission. Mr. Serda noted Resolution No. 2022-20 was approved in 2022.

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-25

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT FOR CONTINUING CONTRACT CONSULTING SERVICES BETWEEN THE TOWN OF HILLSBORO BEACH AND COASTAL PROTECTION ENGINEERING, LLC, PURSUANT TO THE TERMS AND CONDITIONS OF RFQ NO. 21-15-JW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Andreano, seconded by Ravanesi, to adopt Resolution 2024-25. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2024-26

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ADOPTING AND AUTHORIZING THE TOWN OFFICIALS TO EXECUTE THE MUTUAL AID AGREEMENT BETWEEN THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND THE TOWN OF HILLSBORO BEACH, FLORIDA.

Mr. Doody read the Resolution by title only.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Andreano, to adopt Resolution 2024-26. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2024-27

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ADOPTING AND AUTHORIZING THE TOWN OFFICIALS TO EXECUTE A SECOND ADDENDUM TO THE AGREEMENT BETWEEN THE TOWN AND MOFFAT AND NICHOL, INC.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt Resolution 2024-23 and accept the addendum. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2024-28

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AUTHORIZING THE USE OF $3,820.00 OF FEDERAL FORFEITURE FUNDS TO PURCHASE CALLYO SURVEILLANCE EQUIPMENT AND WAIVE COMPETITIVE PROCUREMENT.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adopt Resolution 2024-23 and waive competitive procurement. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Resolution No. 2024-29
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ADOPTING THE TOWN'S SOCIAL MEDIA POLICY.

Mr. Doody read the Resolution by title only.

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldasarre, to adopt Resolution 2024-29. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. CONSENT AGENDA

	Vendor	Invoice Number	Date	Amount	Description
1.	CG&A	440226	May 2024	**$76,084.26**	
2.	LSF	24-0531-26	May 2024	**$6,498.86**	
3.	GCDE	60427	July 2024	**$7,204.05**	General Matters
4.	GCDE	60428	July 2024	**$2,280**	Development - Related
5.	GCDE	60430	July 2024	**$2,926.10**	R Crusco & C Doherty (Ord 12-269)
6.	Inframark	124221	April 2024	**$81.18**	Variable Expenses
7.	Inframark	124720	May 2024	**$8,398.29**	
8.	Inframark	126107	June 2024	**$8,398.29**	
9.	Inframark	123345	March 2024	**$97.18**	
10.	CG&A	532093	June 2024	**$44,087.35**	

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to approve the Consent Agenda as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

VII. BEACH REPORT

Mr. Serda stated the two (2) Resolutions (re: Coastal Protection Engineering #2024-25 and Moffatt & Nichol #2024-27) passed by the Commission would assist with reimbursements for the beach renourishment and put the design in motion. He stated procurement recommendations would be presented in September or October to award construction of the beach project.

VIII. STAFF UPDATES

A. Police Department

Police Chief Jay Szesnat shared his report. He stated Independence Day had been successful for the Town and its neighbors, with no real issues aside from traffic. He noted a landscape truck had experienced some theft, and flyers were created in an attempt to be proactive against the behavior.

Commissioner Andreano highlighted Coffee with a Cop on July 10 at 6:30 p.m. with a focus on hurricane preparedness. Police Chief Szesnat stated it would be on the second Wednesday of every month.

B. Building Department

George Folles, Building Official, CG&A, provided his report. He stated parcel B of the Related Group project had passed everything for permits to be issued except zoning, and that before permits are issued, a pre-construction meeting would set expectations. He stated review items are outstanding on parcel A. He reviewed the initial work briefly.

Mr. Folles advised that permitting activity has been steady, with minimal issues. He noted work continues on contact related to the 25-year and 40-year inspection reports. He stated the Town had hired Forerunner, a floodplain management company, to assist with floodplain mapping and reporting, and a website for residents is in progress. Mr. Serda added that funds from the Building Department, not tax dollars, had been used to purchase the new application. He pointed out the goal of discounts on flood insurance.

C. Code Compliance

Bernard Pita, Code Enforcement, CG&A, presented his report. He reviewed all open cases, including 26 cases related to 25-year and 40-year inspections, several cases of construction site management, and property maintenance.

Mr. Serda advised Vice Mayor Baldasarre had forwarded a complaint regarding sediment and debris in the bicycle lanes on the southern part of Hillsboro Mile. He discussed the response and improvements in the conditions since. Discussion continued.

Mr. Pita continued with a review of the case action report and performance report, pointing out the artificial lighting turtle inspections completed at night.

Mr. Serda followed up on a request at the May meeting regarding the fire violations. He stated he would forward the report via email.

Commissioner Reiser commented on the number of open cases in a single location. Mr. Pita explained on multi-family locations, he usually has to notify every single parcel to meet compliance with Florida Statute.

IX. TOWN MANAGER REPORT

A. First Friday Ice Cream Social

Mr. Serda shared that the Town had hosted a First Friday Ice Cream Social on July 5, and would be repeating the event on August 2 from noon to 1 p.m. He advised the Governor had denied the Town's request for funding for a water project, so Florida Department of Environmental Protection (FDEP) resiliency grants were now being sought. He reminded residents to remove coconuts ahead of the hurricane season.

X. TOWN ATTORNEY REPORT

Mr. Doody advised that the series of site plan approvals dating back to 2018, 2020, and 2021 on this meeting's agenda raised legal issues as to the applicability of current Code provisions. He sought consensus to look at the issue and consider a potential expiration date on site plan approval and allowing for an extension, but verifying in the Code what provisions would apply. He noted this would provide for consistency in the Town. Discussion ensued and consensus was to move forward with the review.

XI. TOWN COMMISSION COMMENTS/REPORTS

A. Mayor Dawn Miller

Mayor Miller shared an update from her recent attendance at the Florida League of Cities Institute of Municipal Elected Officials event she attended June 7-8, 20254 in Palm Beach Gardens. She stated it was a wonderful program and she had learned a lot about districts in Florida, revenue, and the history of Home Rule.

B. Commissioner Jane Reiser

Commissioner Reiser announced that the Condo Forum would be held on Thursday, July 11, with Town Clerk Sherry Henderson discussing the responsibilities of the Clerk's Office and upcoming primary election. She commented that the June meeting had two

(2) speakers from Castle Group Property Management to share vital information on the newly required Structural Integrity Reserve Study (SIR) for condominiums long-term maintenance or replacement of vital structures, as well as the Milestone Inspection Requirements.

XII. PUBLIC PARTICIPATION

Marc Ginsberg, 1221 Hillsboro Mile, commented on Ordinance 2024-06, including the legal history of the project referenced, and stated the proposed ordinance constituted unlawful spot zoning for this one (1) property. He stated impacts should be measured of the immediate neighborhood, much of which was a height of 35 feet or less, and asserted the tone showed a lack of consideration to those residents. He expressed concern that the developer was leading the Town into unlawful spot zoning.

Richard Crusco, 1194 Hillsboro Mile, spoke in opposition to Ordinance 2024-06. He stated it was being brought forward when most residents are away for the summer and did not show care for the residents. He asserted the variances had been found illegal and was an attempt to sidestep decisions. He commented on the density of the project and asked about the impact of multiple bedrooms on the number of people and cars.

Bob Mayer, Bomar Building, commented on the expiration of site plan approvals, noting the lengthy permit process and the impact of Covid-19 causing construction delays. He stated house construction can be a very lengthy process for various reasons.

XIII. ADJOURNMENT

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to adjourn the meeting at 12:44 p.m. In a roll call vote, the **motion** passed unanimously. (5-0)

ADOPTED THIS 10th DAY OF Sept., 2024

By: _____
Dawn Miller, Mayor

ATTEST:

_____
Sherry D. Henderson, Town Clerk
9/10/2024

TAB 3-D

ORDINANCES

ORD 2024-06

Ordinance No. 2024-06 (FIRST READ)
Coastal Dune Conservation District

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
Fax: (954) 427-4834

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Jim Hickey, Planning Consultant
DATE: July 1, 2024
SUBJECT: Land Development Code Text Amendment to Establish the Coastal Dune Conservation District
LOCATION: Town-wide

This Agenda report is regarding a request for a text amendment to the Town's Land Development Code (Code) by Hillsboro Mile Property Owner, LLC, and its agent, Jeffrey Bass, to create a new zoning district within the Town of Hillsboro Beach. The applicant wishes to establish a new zoning district category for the property located at 1174-1185 Hillsboro Mile (Property), the current site of Rosewood Residences project. This request is to place the appropriate language into the City's Land Development Code to establish this district. The applicant will also need to submit a separate application to rezone the Property from the current RM-16 to the proposed zoning district. As this approval requires an ordinance, the Town Commission must hold two readings on this item for adoption. The corresponding rezoning application will also require two readings by the Town Commission to consider the change in zoning.

Background

The Town's Board of Zoning Appeals reviewed the proposed site plan and variance application for the Property on February 1, 2022, and unanimously approved both applications. Since that time there have been pending legal issues as well as a text amendment to address this development. In an effort to have a distinct zoning district to adequately address the requirements of this development, the applicant has requested a Code amendment. The proposed district, entitled the "Coastal Dune Conservation Easement" was drafted to maintain the existing recorded conservation easement which is established as a Local Area of Particular Concern per Broward County while allowing for development on the property. In addition, as the existing RM-16 district has a height restriction of 3 floors or 35 feet, and the proposed district would allow for a height of 130 feet.

Staff Analysis

Consistency with the Town's Comprehensive Plan and Broward Next

In reviewing this application, the Town's planning consultant reviewed the Town of Hillsboro Comprehensive Plan to determine if the proposed zoning district is consistent with the Plan. The Property has a future land use designation of the site of Residential Medium (16 DU/AC Max.) which allows for a maximum of 16 residential dwelling units per acre. The Comprehensive Plan does not set a maximum height within the plan only the maximum density. The proposed rezoning would be consistent with the requirements set forth in the Comprehensive Plan with respect to the density and permitted uses of the site. Specifically, as stated in the Town's Comprehensive Plan:

Section 3. Zoning as to Permitted Uses and Densities

3.01 Town zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

As the Town's Comprehensive plan is based on the density of a particular parcel and not the height or other zoning regulations, this proposed district would be consistent with the Comprehensive Plan.

Likewise, the corresponding land use designation on the Broward County Land Use Plan (Broward Next) is Medium (16) Residential, corresponding to the Town's density of 16 residential units per acre. Broward Next does not set height restrictions within the Plan, only density. Therefore, the rezoning is consistent with Broward Next.

Existing Zoning District
Within the existing regulations within the Town's Code, Section 12-102 identifies the RM-16 district as the "RM-16 multiple-family dwelling residential district with 3-story maximum limit. Because of this restriction, the applicant applied for a variance from this height maximum. With the proposed Code amendment, there would not be a need to apply for a variance from height as the proposed district would allow additional height in the district.

The proposed language, as drafted would provide for this property to develop the existing site plan for Rosewood Residences. It has the maximum zoning regulations of the proposed development which includes the zoning regulations identified below:

	East Parcel (Parcel B)	**West Parcel (Parcel A)**
Maximum Height	130 feet	35 feet
Setbacks		
Front	100 feet (15 feet above grade) 45 feet (below 15-foot grade)	100 feet (15 feet above grade) 45 feet (below 15-foot grade)
Side	100 feet (15 feet above grade) 35 feet (below 15-foot grade)	25' from roof overhang
Rear	Easterly building line	15 feet from easterly ROW line of Intracoastal or seawall
Plot size	Minimum 5 acres	Minimum 5 acres
Density	12 units/acre	12 units/acre
Dwelling Unit Size	2,900 SF	2,900 SF

Other regulations, such as permitted uses, accessory uses, parking, floor area, emergency power, storage, and employee sanitary requirements would be consistent with other sections of the Town Code.

Staff Recommendation

The Town planning consultant is requesting the Town Commission consider the first reading of the proposed ordinance.

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission find that it is in the best interests of the residents of the Town of Hillsboro Beach to consider the proposed text amendments to the Code of Ordinances as submitted to the Town by the property owner in its capacity as a private party;

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

WHEREAS, the Town Commission finds and acknowledges the importance of maintaining the integrity of the natural coastal dunes existing on the beach area of the Town;

WHEREAS, coastal dunes are essential to maintaining the natural balance of the barrier island upon which the Town of Hillsboro Beach is located.

WHEREAS, it is a goal and objective of the Town Commission to strike a balance between measured development and the preservation of the coastal dune system as it presently exists in Hillsboro Beach;

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; Words in underlined type are additions.

SECTION 2. Chapter 12 entitled "Land Development Code" of the Code of Ordinances is hereby amended by amending Section 12-100 and Section 12-102 and by the creation Section 12-115 to be entitled "**Coastal Dune Conservation District**" as follow:

ARTICLE IV. – DISTRICTS AND GENERAL REGULATIONS THEREOF

Sec. 12-100. - In general.

In order to regulate and restrict the location and use of buildings and land for residents; to regulate and restrict the height and size of buildings hereafter erected or structurally altered; to regulate the size of yards and open spaces and the density of population, the Town of Hillsboro Beach is hereby divided into districts of which there shall be ~~5~~ 6 in number known as:

(A) RS-2; single-family residential district;

(B) RM-16; multiple-family dwelling residential district with 3-story maximum limit;

(C) RM-30; multiple-family dwelling residential district with 7-story maximum limit;

(D) RPC; private club multiple-family dwelling residential district ocean and intracoastal sides east and west of State Highway A1A;

(E) PRC; private recreation—conservation district; ~~and~~

(F) CF; community facilities district~~.~~; and

(G) CDC; coastal dune conservation district.

SECTION 3. Section 12-107 entitled "Annexation of Territory" is deleted in its entirety and is replaced as follows:

Sec. 12-107. –Coastal Dune Conservation District.

Coastal Dune Conservation District ("CDC District") shall comprise the following described lands, situate, lying and being in Broward County, Florida, within the confines of the Town of Hillsboro Beach, Florida:

"Parcel B of The Enclave at Hillsboro Beach, according to the plat thereof, as recorded in Plat Book 154, Page 31 of the Public Records of Broward County, Florida LESS the portion thereof lying seaward of the Erosion Control Line."

and

"Parcel A, less the North 100 feet of the South 200 feet, of The Enclave at Hillsboro Beach, according to the plat thereof, as recorded in Plat Book 154, Page 31 of the Public Records of Broward County, Florida."

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and

"The North 100 feet of the South 200 feet of Parcel A, of The Enclave at Hillsboro Beach, according to the plat thereof, as recorded in Plat Book 154, Page 31 of the Public Records of Broward County, Florida.

CDC District Regulations.

(A) *Purpose*. The purpose of this district is to implement the Town's legislative priority of protecting its beaches and existing natural resources. To accomplish this objective, the Coastal Dune Conservation District is designed to protect and preserve environmentally sensitive lands that exist within the Town by providing the ability for property owners to develop their lands while promoting the preservation of space and recorded conservation areas and preserving the Town's vitally important environmental coastal resources. To accomplish these objectives, the CDC District requires the preservation of conservation areas and important natural resources, greater setbacks and open space all in exchange for greater height than allowed within the Town's other zoning districts. Because the heights authorized and setbacks required by this district are best suited for larger parcels, the district is only appropriate for developments comprising of five (5) acres of land or more. The land under common ownership on the east and west sides of SR A1A is eligible for this zoning district even where the conservation area is solely located on lands east of SR A1A.

(B) *Qualifying Developments*. The CDC District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan containing more than 25% of the plot area; and

(3) Shall comprise five (5) acres or more.

(C) *Uses Permitted*. Any use permitted in the RM-16 Multiple-Family Residential Dwelling District, including any uses permitted accessory thereto including accessory structures, recreational uses, private amenities, and docks and piers as described in Sec. 12-141.

(D) *Height Regulations*. For property on the east side of SR A1A, no building or structure shall be erected or altered to a height exceeding 130 feet above the dune elevation and shall not exceed 10 stories above the dune elevation. For property on the west side of SR A1A, no building or structure shall be erected or altered to a height exceeding 35 feet and shall not exceed 3 stories above the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The height limitations of this article shall not apply to: master radio or television antennae, chimneys, flag poles, or elevator components.

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(2) *Decorative Features*. Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas and not covering more than 20 percent of the roof area may be erected to an additional height not to exceed 15 feet, provided that the overall height of the building or structure shall not exceed 145 feet for property on the east side of SR A1A and 50 feet for property on the west side of SR A1A.

(3) *Shade Features and Landscaping.* Pergolas (or similar shade features), planters, and landscaping shall be exempt from the 20 percent roof area limitation set forth in D(2) above.

(E) *Parking Regulations*. Shall be the same as described in Sec. 12-143 which is incorporated by reference into this section.

(F) *Yard Regulations*. For purposes of yard calculations within the CDC District, given the presence of coastal dunes within it, grade shall be defined for property on the east side of SR ~~A1~~ A1A as the average dune elevation and for property on the west side of SR A1A as the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The yard regulations of this article shall not apply to:

(a) Master radio or television antennae, chimneys, flag poles, or elevator components.

(b) Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas.

(c) Pergolas (or similar shade features), planters, and landscaping.

(2) *Front Yard*. Every plot shall have a front yard of not less than 100 feet in depth measured from the center line of State Highway A1A for structures more than 15 feet above grade and 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.

(3) *Side Yard*. For property on the east side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 100 feet measured from the roof overhang and a minimum side yard of 35 feet for structures or portions of structures equal to or less than 15 feet above grade. For property on the west side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 25 feet measured from the roof overhang.

(4) *Rear Yard*. No building or part of building shall be erected closer than 15 feet to the easterly right-of-way line of the Intracoastal Waterway, or 15 feet east of any seawall which is erected east of the easterly right-of-way line of the Intracoastal Waterway or easterly beyond the line shown on the plat of easterly building line.

(G) *Area and Density Regulations.*

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(1) *Plot Size*. Every plot for a multiple-family residential dwelling shall not be less than 400 feet in width, not less than 100 feet in depth, and contain not less than 217,800 square feet (five acres) in area.

(2) *Plot Area and Density*. Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit or exceed a maximum gross density of 12 dwelling units per acre.

(3) *Ground Coverage*. Ground coverage of building or building above ground, shall not exceed 30 percent of the total area of the plot. Driveways and parking areas which must be paved shall not exceed 15 percent of the total area of plot.

(4) *Open Area*. Every site plan approved within the CDC District shall include:

(a) A minimum of 55 percent of the total area set aside for open recreational and green areas.

(b) A maximum of 15 percent of the total area set aside as a paved recreational area, which will include, but not be limited to swimming pools, pool decks, shuffleboard and ~~tennis~~ racquet courts.

(c) A minimum of 35 percent of the total area shall be set aside as a green area. All green areas shall be planted and maintained in lawn and/or landscaping.

(H) *Floor Area Regulations.* Shall be the same as described in Sec. 12-146 which are incorporated by reference into this section.

(I) *Emergency Power Requirements.* Shall be the same as described in Sec. 12-147 which are incorporated by reference into this section.

(J) *Storage Requirements*. Shall be the same as described in Sec. 12-148 which are incorporated by reference into this section.

(K) *Employee Sanitary Requirements*. Shall be the same as described in Sec. 12-149 which are incorporated by reference into this section.

(L) *Prior Site Plans Recognized*. Where the Town has previously voted by super majority at a public hearing to approve a site plan for development that complies with the standards set forth in this district, the development may proceed in accordance with said site plan without further notice, public hearing, or additional site plan review.

SECTION 4. 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.

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SECTION 5. 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 6. 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 7. 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 _____DAY OF _____, 2024.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS _____DAY OF _____, 2024.

TOWN OF HILLSBORO BEACH, FLORIDA

_____,
Dawn Miller, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC

APPROVED AS TO FORM:

_____
Donald J. Doody, Town Attorney

CODING: Words in ~~struck through~~ type are deletions from existing law; Words in underlined type are additions.



Town of Hillsboro Beach
Commission Meeting Agenda

September 10, 2024
10:00 AM

Established 1939

MAYOR
Honorable Dawn Miller

VICE MAYOR
Honorable Barbara Baldasarre

COMMISSIONERS
Honorable Jane Reiser
Honorable David A. Ravanesi
Honorable Vinnie Andreano

TOWN MANAGER
Mac Serda, ICMA-CM

TOWN ATTORNEY
Donald J. Doody

TOWN CLERK
Sherry D. Henderson, CMC

HILLSBORO BEACH TOWN HALL
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
954-427-4011

www.TownofHillsboroBeach.com

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile, Hillsboro Beach, Florida 33062

September 10, 2024 | 10:00 AM

REGULAR TOWN COMMISSION MEETING AGENDA

MAYOR DAWN MILLER
VICE MAYOR BARBARA BALDASARRE
COMMISSIONER JANE REISER
COMMISSIONER DAVID RAVANESI
COMMISSIONER VINNIE ANDREANO

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

Refer to the end of the Agenda for the Commission Meeting RULES OF DECORUM (Resolution No. 2023-36), adopted 9/12/2023
NEW - Commission Meetings are streamed LIVE and recorded on the town's website

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

I. APPROVAL OF MINUTES

A. July 9, 2024 Board of Zoning & Appeals

B. July 9, 2024 Regular Commission Meeting

C. July 23, 2024 Special Commission Meeting

II. PRESENTATIONS

III. SITE PLAN REVIEW

A. PUBLIC HEARING - 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Extension of Site Plan Approval and an Amendment to the Final Site Plan, Per Section 12-48(G) of the Town's Code of Ordinance. **(Applicant Request Postponement for 10/1/2024)**

Owner: Land Banc Trust
Property Owner: Morris Flancbaum
Staff: Graham Long, Development Planner, CG&A
Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023

B. PUBLIC HEARING - 925 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Extension of Site Plan Approval and an Amendment to the Final Site Plan, Per Section 12-48 (G) of the Town's Code of Ordinance.

Owner: 925 Land Trust
Authorized Agent: Brian Horowitz
Staff: Graham Long, Development Planner CG&A
Date of Original Site Plan Approval: Development Order Granted and Issued 4/5/2022

IV. ORDINANCES

A. Ordinance No. 2024-05 Construction Site Management to Include Sodding of Vacant Lots and Designation of Development Review Official (SECOND READING)

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

B. Ordinance No. 2024-06 Coastal Dune Conservation District (SECOND READING)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance No. 2024-07 Prohibit Gas Powered Leaf Blowers **(FIRST READING)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY AMENDING ARTICLE VI ENTITLED "NUISANCES"; PROVIDING FOR THE REGULATIONS ON THE USE OF LEAF BLOWERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

V. DISCUSSION & POSSIBLE ACTION

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-33
Consideration to Approve and Authorize the Joint Filing of Local Government Funding Request (LGFR) with the City of Deerfield Beach for Beach Management Funding Assistance for Fiscal Year 2025/2026 with the Florida Department of Environmental Protection.

B. Resolution No. 2024-34
Consideration to Approve Calvin Giordano & Associates, Inc. (CG&A) Proposal No. 20-4197.4 for

Necessary Professional Planning Services to Update the Town's Comprehensive Plan, Not to Exceed $24,000; In Accordance with Terms and Conditions of Executed Agreement Per RFQ 2021-01 Continuing Professional Architectural and Engineering Services.

C. Resolution No. 2024- 35
Consideration to Accept Recommendation of Award to _____for RFP 2024-04-01 Disaster Debris Removal Services and Authorize the Appropriate Town Officials to Execute an Agreement.

D. Resolution No. 2024-36
Consideration to Approve and Authorize the Purchase and Installation of 15 Ocean Regulatory Buoys with American Underwater Contractors for $22,950 to include Installation, Freight, Mobilization, Commercial Dive Boat, Dive Team and All Equipment at Pre-identified Locations Along the Perimeter Line in the Atlantic Ocean East of the Town of Hillsboro Beach.

E. Resolution No. 2024-37
Resolution of the Town of Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute the Law Enforcement Mutual Aid Agreement with Broward County Sheriff's Office for Boating Safety Enforcement and Enforcement of the Laws of Florida.

F. Resolution No. 2024-38
Resolution of the Town of Hillsboro Beach Mayor and Town Commissioners Authorizing the Appropriate Town Officials to Execute Agreement with Limousines of South Florida for Community Shuttle Services Piggybacking on the City of Margate, Florida Same Terms and Conditions of RFP 2023-007 Community Shuttle Services.

VII. CONSENT

A. CONSIDERATION FOR APPROVAL

LSF	Invoice # 24-0630-26	June 2024	$5,615.88
LSF	Invoice # 24-0731-26	July 2024	$6,551.86
GCDE	Invoice #60759	July 2024	$2,102.40 (Crusco & Doherty)
GCDE	Invoice #60756	July 2024	$6,657.90 (General Matters)
GCDE	Invoice #60757	July 2024	$300.00 (Development-Related)
GCDE	Invoice #61032	Aug 2024	$6,489.45 (General Matters)
GCDE	Invoice #61033	Aug 2024	$188.50 (Development-Related)
GCDE	Invoice #61037	Aug 2024	$2,490.00 (Crusco & Doherty)
Inframark	Invoice #129884	June 2024	$88.49
Inframark	Invoice #130325	July 2024	$83.20
Inframark	Invoice #130424	Aug 2024	$8,398.29

Proclamation Recognizing the 7th Annual Broward Mental Health Summit September 12, 2024

VIII. BEACH REPORT

IX. STAFF UPDATES

A. Finance Department
FY2024 3rd Quarter Report - June 2024
Stephen Bloom, Finance Director, Inframark

B. Police Department
Jay Szesnat, Police Chief

C. Building Department
George Folles, Building Official, CG&A

D. Code Compliance
Bernard Pita, Code Compliance Supv, CG&A

X. TOWN MANAGER REPORT

A. RFP 2024-08-01 Police Department Communications & Interoperability Infrastructure Plan

B. ITB No.2024-08-02 Water Treatment Plant Clearwell Storage Tank Replacement (ARPA Funded)

C. Upcoming Town Events:

Coffee with a Cop - Wednesday, September 11, 2024, 10:00 A.M.

Second and Final FY2025 Budget Hearing - Monday, September 16, 2024, 5:01 P.M.

Music on the Green - Thursday, October 10, 2024, 7:00 PM

Shred, Electronic Recycling and Blood Drive - Saturday, October 26, 2024, 9:00 A.M.-12:00 P.M.

Christmas Tree and Menorah Lighting Holiday Event - Thursday, December 5, 2024, 5:30 P.M.- 7:00 P.M.

XI. TOWN ATTORNEY REPORT

XII. TOWN COMMISSION COMMENTS/REPORTS

XIII. PUBLIC COMMENTS

XIV. ADJOURNMENT

RULES OF DECORUM

- The goal of Commission Meetings and Public Hearings is to accomplish the public's business in an environment that encourages fair discussion and exchange of ideas.
- Everyone will have three (3) minutes when recognized for public comment, participants should step forward to the podium ar state their name & address for the record.
- All comments shall be directed to the commission or board as a body, through its presiding officer. Comments shall not be addressed to a single member of the commission or board, or to Town staff including the attorney, the manager, or the clerk, unless a majority of the members present on the commission or board shall so agree.
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input.
- Anger, rudeness, ridicule, personal attacks, profane language, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
- If a person refuses to abide by these rules of civility and decorum, a commissioner may request a motion to temporarily rece
- Continued disruptions by any person may result in the request of the person to depart the meeting.

Resolution No. 2023-36, adopted 9-12-2023

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, IIMC-CMC, Town Clerk (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.

MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING

TUESDAY **SEPTEMBER 10, 2024** **10:00 A.M**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller called the meeting to order at 10:17 A.M. Roll was called with the Commission members and staff present as listed below.

Town Commission:
Mayor Dawn Miller
Vice Mayor Barbara Baldasarre
Commissioner Jane Reiser
Commissioner Vinnie Andreano
Commissioner David A. Ravanesi

Town Staff:
Town Manager William "Mac" Serda, ICMA-CM
Donald J. Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC
Police Chief, Jay Szesnat

APPROVAL OF AGENDA

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to amend the agenda by removing Item E, Resolution No. 2024-37, and bring it back at a later date. In a roll call vote, the **motion** passed unanimously. (5-0)

I. APPROVAL OF MINUTES

A. July 9, 2024 Board of Zoning & Appeals

Motion made by Commissioner Baldasarre, seconded by Commissioner Andreano, to approve the minutes of the July 9, 2024 Board of Zoning and Appeals as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

B. July 9, 2024 Regular Commission Meeting, and
C. July 23, 2024 Special Commission Meeting

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve the minutes of the July 9 Regular Commission Meeting and the July 23, 2024 Special Commission Meeting collectively, both as presented. In a roll vote, the **motion** passed unanimously. (5/0)

II. PRESENTATIONS

None.

III. SITE PLAN REVIEW

A. PUBLIC HEARING - 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Extension of Site Plan Approval and an Amendment to the Final Site Plan, Per Section 12-48(G) of the Town's Code of Ordinance.

Owner: Land Banc Trust
Property Owner: Morris Flancbaum
Staff: Graham Long, Development Planner, CG&A
Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023
(Applicant Requested Postponement for 10/1/2024)

Mayor Miller read the item into the record by name and title only. She stated that it had been tabled at the last meeting, and that the applicant requested that the item be postponed until October 1, 2024.

Motion by Commissioner Reiser, seconded by Commissioner Ravanesi, to table the variance request hearing for property located at 1085 Hillsboro Beach, FL 33062 until October 1, 2024. In a roll vote, the **motion** passed unanimously. (5/0)

B. PUBLIC HEARING - 925 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Extension of Site Plan Approval and an Amendment to the Final Site Plan, Per Section 12-48 (G) of the Town's Code of Ordinance.

Owner: 925 Land Trust
Authorized Agent: Brian Horowitz
Staff: Graham Long, Development Planner CG&A
Date of Original Site Plan Approval: Development Order Granted and Issued 4/5/2022

Town Attorney DJ Doody swore in those giving testimony at the hearing.

Graham Long, Development Planner, CG&A, explained that this application is for an extension to the original approved site plan and for an amendment to the final site plan. The original site plan was approved on April 5, 2022 but had expired. The West side of the parcel had a building permit issued, and the East side parcel did not have a building permit issued; that permit was issued after the site plan expired so they are attempting to clean that up by seeking an extension for one year for the full lot given that it is technically one lot. Mr. Long affirmed that the applicant is in agreement with the request as stated.

The applicant did not wish to speak about this item.

Motion by Commissioner Andreano, seconded by Commissioner Reiser, to extend the site plan approval for the full lot for a period of one year. In a roll vote, the **motion** passed unanimously. (5/0)

Town Attorney DJ Doody stated that the second action before the Commission is the amendment to the final site plan. He inquired about the position of the applicant, given that the variance was denied.

Mr. Long explained that the site plan before the Commission is for the full lot and includes the gate that triggered the variance request at the previous meeting. He stated that the site plan, as amended, would not be compliant because of that gate, and that there were other items that are non-compliant as stated in his report. Mr. Long recommended that the application be tabled, and the applicant come back with a revised site plan with the minor change of removing the gate. As an alternative, the Commission could condition approval, subject to removal of the gate. He stated that the better option would be to table the item and the other changes.

Mr. Mark Rothenberg of 2766 N.E. 29 Street, Lighthouse Point, stated that he is the owner of the company that will construct the main house, and that he had built the guest house on the property. Mr. Rothenberg requested that the Commission approve the site plan modification for the main house with the understanding that the gate on the West side has been denied so that they can commence construction.

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

Mr. Rothenberg confirmed he would be happy to submit a modified site plan absent of the gate.

Motion by Commissioner Baldasarre, seconded by Commissioner Reiser, to approve the site plan, subject to the amendment removing the gate being made and submitted in a timely manner. In a roll vote, the **motion** passed unanimously. (5/0)

IV. ORDINANCES

A. Ordinance No. 2024-05 - Construction Site Management to Include Sodding of Vacant Lots and Designation of Development Review Official (SECOND READING)

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney DJ Doody read the item into the record.

Graham Long, Development Planner, CG&A, highlighted that this was the second reading, and the Commission would be addressing identification of who the DRO is and the role of the Commission. Mr. Long stated that what was added between the first and this second reading was the qualifier related to sod for parcels that are scheduled for demolition. A time-certain was added of 90 days from either the approval or start of the demolition before requiring that the parcel be sodded. Mr. Long indicated that the areas added were on Page 3 of the Ordinance, in lines 9-21, as was discussed at the last meeting.

Mayor Miller opened the public hearing on Ordinance No. 2024-05.

Ms. Deb Tarrant of 1083 Hillsboro Mile provided comments by via Zoom. Ms. Tarrant wanted to ensure that the grass being planned would not require irrigation given that there are periods of drought; she recommended that it be stipulated.

Town Manager Serda clarified that Ms. Tarrant was referring to the 'highway' grass and that could be a consideration, he would have to think through that since dead grass

would require maintenance and be a code issue as well. Mr. Serda added that they could require a specific type of grass.

Mayor Miller closed the public hearing on Ordinance No. 2024-05, there being no others that wished to speak.

Mayor Miller stated upon reviewing the changes made to the Ordinance, she was not certain that they comported with changes discussed and voted on at the first reading; she pointed to language in Section 12-2. Town Manager Serda agreed it was not correct as the Commission was to appoint the DRO, and recommended the item be tabled so they could also look at the grass and make the necessary edits.

Motion by Commissioner Ravanesi, seconded by Commissioner Reiser, to table Ordinance No. 2024-05. In a roll vote, the **motion** passed. (5/0)

B. Ordinance No. 2024-06 Coastal Dune Conservation District (SECOND READING)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT"; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney DJ Doody read the item into the record by name and title only. He then directed the attention of the Town Commission to the memo received from Planning Consultant Jim Hickey dated September 10, 2024. He highlighted the amendments made after the first reading on July 9, 2024 and stated that the ordinance is before the Commission based on a proposed text amendment submitted by a property owner

represented by counsel. The property owner is seeking development of the parcel, and this ordinance is being brought forward based on the proposed text amendment.

Mr. Hickey stated that the staff report he had was based on the draft from August 15, 2024, then referenced the two potential changes proposed by the Commission: (1) Amend the minimum acreage from 5 acres to 10 acres; and (2) Amend the density from 12 units to the acre to 10 units to the acre. Mr. Hickey then presented his analysis and stated that the applicant would present additional changes being requested.

Mr. Hickey clarified that the total number of properties is four, including this property, and five acres would be the minimum.

Mr. Jeffrey Bass of 1515 Sunset Drive, attorney/agent for the owner, circulated a document that he described as containing recommended clarifying language from a technical drafting perspective. Mr. Bass presented proposed language for formulating new policy relative to the new zoning district category. In addition, he suggested the Commission consider whether the height proposed was suitable for the scale of the land, instead of height alone. Mr. Bass stated that the applicant agrees with the staff report and that the City Planner found the ordinance to be consistent with the comprehensive plan for the City as well as the Broward County plan. Mr. Bass argued that this was the most potent evidence that the proposal was not spot zoning because it was consistent with the comprehensive plan.

Mr. Doody amplified for the benefit of the public that this is indicated as a legislative act; that the Commission is considering adding another zoning classification to the Code of Ordinances, and that it would by no means rezone any property. Mr. Doody recommended that should this ordinance be adopted; it be brought back before the Commission for a third reading in October in its final form. He added that this was for purposes of clarity and consistency due to the number of suggested revisions. Mr. Bass stated that the applicant did not object to that recommendation.

Mayor Miller opened the public hearing.

Siobahn Carty of 1187 Hillsboro Mile stated that her property was just North of the proposed development and that Virginia Kaye would be the most impacted by the development of this large structure. She added that there appeared to be a disregard for the tenants of the community and that they were here because the builder continues to search for loopholes, instead of adhering to the established codes in place when the property was purchased. Ms. Carty referenced the earlier mention of scale by Mr. Bass, and stated given the large scale of this property, the size of the structure built should be 'even more considered' within the scale of the community. Ms. Carty is opposed to approval of the ordinance.

Mary Beth Williams of 1170 Hillsboro Mile stated she had been a resident for 30 years and that many residents share the concern of overdevelopment of the unique and fragile piece of coastal property. She cited traffic congestion, lack of aesthetics and green space, in addition to overdevelopment. Ms. Williams mentioned allowing overdevelopment with rising water lines, beach erosion, exposure to catastrophic hurricanes, traffic density, police and EMS services, wild life and environmental conservation as concerns and questioned how the Commission could approve a '145-foot structure', that the charm and character of the unique town will be forever changed with the developer making huge profits. Ms. Williams also expressed concern for the construction impact on surrounding mature structures. She is opposed to the 2024-06 ordinance citing overdevelopment as her primary concern.

Paul Phillips of 1161 Hillsboro Mile stated that his family had owned his condominium since 1967 and highlighted logistical concerns with the construction including storage of materials, use of cranes and associated the timeline, traffic congestion with heavy trucks and large industrial forklifts parking on A1A. He said he agreed with the thoughts of previous speakers.

Beverly Olini of 1170 Hillsboro Mile said she reiterated what previous speakers had said, and she had been a resident for 36 years because of the charm and beauty of the town which will be eliminated. She observed that the density study was done in the Summer instead of the Winter season, and the Town is not ready to handle the height and scale of the building proposed.

Mark Ginsberg of 1221 Hillsboro Mile participated via Zoom; he pointed out what he felt Mr. Bass had left out about legislative policy. Mr. Ginsberg cited the decision being made to trade 20-25% of land for conservation area in exchange for granting a 300% height increase, stating that it warranted instead a 25% increase in height. He stated that a massive financial interest is dictating an ordinance which will impact other properties in the area and cause the loss of historic buildings as well as green space at the cost of possibly four 135-foot buildings. Mr. Ginsberg stated he had no objection to a coastal zone district as long as it is within reason, and asked the Commission to develop their own plan without influence from those with financial interest to do it in their favor.

Manny Penate of 1170 Hillsboro Mile stated he is on the board of Harborside, and he felt the previous speaker voiced his concern very well. Mr. Penate acknowledged that the Commission was trying to improve the circumstances and tax basis of the Town to improve property values, general ambiance, and maintenance of the community. He asked that they bring the two opposing sides together; strive to find a happy medium, and reconsider the size while continuing progress.

Kim Williams of 1251 Hillsboro Mile inquired about the purpose of the original ordinance tapping the height at 35 feet and asked what had changed since then. Ms. Williams stated that she did not understand why the developer would purchase the property knowing the restrictions, unless they felt they could go around the Town's Code. She added that the situation compromises the integrity of everyone: the Town, Commission and the developer; that it was a 'slippery slope' and the Town would look like Galt Ocean Mile in Fort Lauderdale.

Jim Lambert of 981 Hillsboro Mile stated he had lived on both ends of town, had been a resident since the early 1990s and was a former Commissioner. He pointed out the development had been approved by the previous Commission and that he had received many communications with a range of comments; this included comments on the 20% that goes to taxes. Mr. Lambert stated that 20% is a large sum of money in this case and many do not realize how much it costs to run the Town. Mr. Lambert explained 2,500 taxable units at $6 million is approximately $2,500 per address whereas the project would bring $28,000 per address which would be windfall of funding for the community; those funds could solve the beach renourishment financing problems and other issues.

Javier Garcia 1203 Hillsboro Mile stated that the proposed budget will have a 9% increase in funding, and a 7% increase on expenditures. He thanked the Commission for running a tight budget and noted that 70% of the residents are on a fixed income. Mr. Garcia felt that the Town had been left behind in development; the code is ancient; there is no such thing as cheap land and the past Commission made a decision, so the Town needs to learn how to evolve. He stated that he is not against development as long as it helps to sustain the budget, and everyone can live in the community. Mr. Garcia asked that the Commission 'figure out a way.'

Richard Crusco of 1194 Hillsboro Mile provided comments via Zoom. He stated that for the past three years, supporters of Save Hillsboro Beach have voiced their opposition to this massive project. His observation was that the developer came up with another attempt to circumvent court decisions which said this is 'wrong and illegal'. Mr. Crusco objected to the excessive height and stated that a long legal fight was not their intention, so he is hoping to come to a compromise. Mr. Crusco stated that the sole benefactor would be the developer who would make a windfall at the expense of their neighbors and it is not fair to the residents as the small town 'feel' will be lost. Mr. Crusco also stated that according to Florida law, spot zoning in certain instances is illegal so they will continue to pursue legal action and opposition. Mr. Crusco stated that he had contacted Mr. Serda regarding preliminary construction on the West side after observing that the developer was not complying with DEP laws and was issued multiple violations for failure to protect the waterway. Mr. Crusco objected to the passing of ORD. 2024-06.

Jonathan Azoulai of 1169 Hillsboro Mile provided comments via Zoom. He stated that the proposed change offers much needed funding to the Town, and it is essential that any such change reflects fairness and shared responsibility. He added that developers can provide financial benefits, but if the Commission permits increased building height on the Rosewood site and the other 4 parcels, they should adjust all other locations within the Town as well to ensure the benefits and impacts of the zoning change are equally distributed.

Michael Weinberg of 1169 Hillsboro Mile participated via Zoom and stated that he strongly agrees with most of the prior comments, except for those given by the gentleman at 981 Hillsboro Mile. He stated, 'we can fund the sand if we need to' and that he recently saw a rendering of the building proposed. Mr. Weinberg was shocked to see how it dwarfed the surrounding area and is against an ordinance that would allow 10 floors. He inquired what safe guards are being put in place to ensure the project follows all rules and regulations from all government bodies. Mr. Weinberg suggested the Commission require, for the public record, that the developer commit to curing verifiable damages without question or litigation.

Charles Doherty of 1194 Hillsborough Mile provided comments via Zoom and stated that he objects to Ordinance 2024-06. Mr. Doherty said that the change from 10 acres to 5 acres appears to be a cynical workaround of spot zoning laws by Related. He felt that by trying to lower acreage to 5 acres, they would make three additional properties eligible for similar heights and he is not in favor of changing the character of the Town. Mr. Doherty suggested the Commission look at the long-term ramifications because the Town could eventually have four buildings 135 feet in height which would not be good for the community. Mr. Doherty indicated that Related paid $30 million for the property, and the zoning change would significantly increase the value so the Town should get more than $4 million in enhancements.

Claudio Petrocelli of 1170 Hillsboro Mile provided comments via Zoom. He inquired how the developer could buy the property knowing about the 35-foot limitation, and obtain a variance for 10 floors. He suggested that they must have had a sense they would receive an increase in density and that this should be explained. Mr. Petrocelli felt the infrastructure would have to be improved and that land speculators are benefitting instead of the community.

Brock Erickson of 1069 Hillsboro Mile stated that he did not feel that the Town is hurting for money. He questioned the quality of life the project would bring as that area is already one of the 'denser' parts of the Town, and a choke point on a normal weekend. He stated his issue is about the precedence the Commission would be setting and added it would be a 'Pandora's box and slippery road' with no control over the density or traffic patterns.

Laura Fish of 1169 Hillsboro Mile acknowledged that she wrote some very strong letters and stated that she felt the community is being disrespected by the project. She added that the 10 stories would dwarf and not represent the community if the Commission allowed it to be built.

Carla Palmore of 1057 Hillsboro Mile provided comments via Zoom. She stated that the height variance would be ridiculous based on the initial 35-foot maximum limit. Ms. Palmore referenced the wording of an article in the Town newsletter about the Coastal Conservation District and inquired what builder would build on the front section of the property along the ocean's edge. Ms. Palmore felt the 25% area is common sense and stated that she is against allowing an increased height variance without a specified limit. She stated the Commission should specify the absolute maximum height that would be allowed.

Dana Topper of 1169 Hillsboro Mile provided comments via Zoom, and stated that she came to the Town for its charm and lack of high-rises. She felt the owner of the property decided to purchase it with a hidden agenda because they knew the parameters of the law. Ms. Topper felt the Town would be dwarfed and the project is not acceptable. She recalled when the hotel first opened, that there was grave concern about the number of people it would bring to the beaches so she is against allowing a large building that will impact the beaches, infrastructure, human resources, and landscape of the Town.

Deb Tarrant of 1083 Hillsboro Beach provided comments via Zoom. She thanked the persons who understood the finances of the Town for speaking earlier and stated that the property is zoned for 188 units whereas the developer is proposing 92 units, making the project 'tremendously favorable' for the Town in terms of density. Ms. Tarrant added that is important to understand the parameters, and there will be construction regardless of what eventually goes there. She stated that this is not a wealthy town; there are many properties that pay zero dollars in taxes due to exemptions, and many that are capped by the Save a Home 3% cap so the income base is drastically reduced. Ms. Tarrant pointed out that single family homes subsidize fire protection and sanitation as Hillsboro Beach is the only ad valorem tax-based town.

Mayor Miller closed the public hearing as there were no others to speak.

Commissioner Ravanesi stated that this is a tough issue to vote on. He stated that he went back to when the property was first considered by the Commission and there were 41 buildings between two and 15 floors; he added that none of those would give over $2 million in taxes or $4.5 million to underground utility lines and provide easement to the beach. The town does not currently have an easement to the beach. Commissioner Ravanesi said no one wants additional assessments for beach nourishment given the other assessments and insurance they will already need to pay. He added that one more

10 story building would not change the ambience with condominiums priced at $5 million to $17 million, especially considering the blight currently in that space. Commissioner Ravanesi did not believe that traffic would be considerably impacted and stated that the project would increase property values for all property owners in Town.

Commissioner Baldasarre stated that she was part of the Commission when it was decided to pursue the project and had major reservations at first until she talked to people in the town over the past 7-8 years; she found that the majority support the project and trust that the Commission makes the best decision for the Town. Commissioner Baldasarre stated that she believes the project will be a benefit to the whole town and agreed with Commissioner Ravanesi on the financial impact of assessments he referenced; she felt a lot of people will find it hard to afford to live in the Town so any financial support for the residents is favorable. She referenced the comment about only 20% in taxes and advised that some areas only collect 12% so the project is certainly an advantage to the Town tax base.

Commissioner Reiser stated that both Commissioners Baldasarre and Ravanesi had made good points and added that she was also on the Commission when the development was initially considered. She stated that the Town needs an influx of money, and she realized residents would now have to pay for fully funded reserves in addition to rising insurance rates. She encouraged people that criticize the Commission to run for it and inquired whether anyone had been to the sales office to see what they are offering. Commissioner Reiser felt the project will bring a good quality of life to the Town and asked that those present try to see the big picture of what the developer has laid out; she stated it would change the perspective of the community because it is gorgeous and something the Town needs.

Commissioner Andreano added that the Town needs a reserve because hurricanes and windstorms are becoming more prevalent; everyone is being burdened with increasing maintenance fees and other rising costs. He added that the Town had no toll roads or other funding mechanisms aside from major assessments in the future; he stated that the Town needs to manage improvements so the funds can be generated. Commissioner Andreano stated that the building would be 10 floors and that he sees many buildings of similar height; the proposed building will be beautiful with a setback of 100 feet which none of the other buildings have so it will enhance the neighborhood and generate the reserves that are needed.

Mayor Miller stated that before the Commission is a Coastal Conservation District ordinance which addresses their priorities; she recapped that it allows certain properties of 5 acres or more to build taller so long as they set aside 20% of the property for conservation; for half the density in going from 16 to 10 units per acre, and 100-foot setbacks on either side. She pointed out that the ordinance stipulates a maximum allowed

height of 130 feet under (D) Height Regulations on Page 3. Mayor Miller clarified that this is not about four more properties; that three additional would be eligible if they apply for and meet the requirements.

Mayor Miller stated that Hillsboro Beach is faced with a very heavy burden and challenge to keep and protect the things that mean the most to the Town. She cited the beach as one of those things and the Town has to have money to retain it; the police force is another important and expensive item in the budget which must be funded, preferably without assessments; and she also does not want more traffic. She highlighted that instead of 188 rental units, the project will have 92 units which is half the number so less strain and burden on infrastructure. Mayor Miller explained that they have a responsibility and obligation to fulfill; the Commission hears that no one wants a tall building next to them but the 100-foot setback must be considered. She stated that if the project does not go forward, she did not know what would happen in the future.

Mayor Miller acknowledged that it was an important consideration that the Related Groupo was willing to subsidize some of their impact with $2.2 million for burying the power lines at one point in construction, and another $2.2 million in another. She stated that would improve the quality of life, and added they are at a point in the Town journey where properties need to be improved and maintained. Rosewood is proposing an extraordinary, beautiful property and she knows they will maintain it. She pointed out that tall buildings are distributed from the South to North side of town.

Mayer Miller said she appreciates everyone taking the time to come and have their voices heard and while she respects their opinion, they will be unable to satisfy everyone and the Commission is trying to do their job, which is the best for the Town.

Commissioner Ravanesi shared that he had heard from a number of people via email that were in favor of this project, and they will be part of the public record.

Mayor Miller stated that she read all the letters and that one expressed a concern about the payment not going to the Town; she briefly explained it is based on 27.650 in taxes paid per year to the Town which is over $2 million. She added that the Town has to have money for the beach nourishments, and they are obligated to participate with Deerfield in order to receive government assistance. Mayor Mille highlighted that the Town beach is private so it has to be financially maintained without public contribution.

Mayor Miller said she had spoken to a lot of people who were overwhelmingly in favor of the Rosewood Residence property without discussion on the ordinance and hopes they can move forward from a policy standpoint as it comports with the vision of how the Town should move forward.

Town Attorney Doody emphasized this is the creation of a zoning classification, not the final approval of any particular project and the Commission would be focusing on the text of the proposed amendment, in consultation with Mr. Hickey.

Mr. Doody stated they were going to create a new zone category, the seventh, referred to as the Coastal Dune Conservation District. He recapped the recommendations, and indicated this is for four parcels. Discussions ensued and included the percentage of lot area to be designated as a conservation easement; Mr. Hickey recommended designating the area on the East parcel, maximizing it at 35% to preserve the strip along the beach. It was also clarified that the West side would still be limited to 35 feet in height. With regards to Plot Area and Density Regulation, Mr. Hickey recommended removing the words 'ground area' in reference to the 2,900 square feet; it should be 10 dwelling units. With regards to Ground Coverage, 30% of the net area was confirmed. Under Open Area, the minimum of the total area, including East and West was discussed; Mr. Hickey recommended keeping item (c). Under Provision L, Site Plan Approval was highlighted.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to incorporate the amendments as discussed into the ordinance. In a roll call vote, the **motion** passed unanimously. (5-0)

Town Attorney Mr. Doody reminded the Commission that the ordinance would come back for a third and final reading on October 1, 2024.

C. Ordinance No. 2024-07 - Prohibit Gas Powered Leaf Blowers (FIRST READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY AMENDING ARTICLE VI ENTITLED "NUISANCES"; PROVIDING FOR THE REGULATIONS ON THE USE OF LEAF BLOWERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney DJ Doody read the ordinance by name and title only.

Town Manager Serda illuminated that there is a window of opportunity to limit the use of gas-powered leaf blowers in town, he indicated this had been implemented in Miami Beach with a 9-month education period and 9-month warning period, but that was not his recommendation. Mr. Doody amplified a state legislative issue with Winter Park.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to consider the ordinance. In a roll call vote, the **motion** passed unanimously. (5-0)

It was determined this would begin on October 15, 2024 with a 3-month education period through January, followed by a 3-month warning period and enforcement beginning on May 1, 2025 to begin enforcement; the violator would be the parcel owner.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to incorporate the revisions discussed for this ordinance. In a roll call vote, the **motion** passed by majority vote. (4-1, with Vice Mayor Baldasarre opposed)

V. DISCUSSION & POSSIBLE ACTION

None

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-33

Consideration to Approve and Authorize the Joint Filing of Local Government Funding Request (LGFR) with the City of Deerfield Beach for Beach Management Funding Assistance for Fiscal Year 2025/2026 with the Florida Department of Environmental Protection.

Mayor Miller introduced the resolution. County Attorney DJ Doody read the resolution by title only into the record.

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, for favorable action on the resolution. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2024-34

Consideration to Approve Calvin Giordano & Associates, Inc. (CG&A) Proposal No. 20-4197.4 for Necessary Professional Planning Services to Update the Town's Comprehensive Plan, Not to Exceed $24,000; In Accordance with Terms and Conditions of Executed Agreement Per RFQ 2021-01 Continuing Professional Architectural and Engineering Services.

Town Attorney DJ Doody read the resolution by title only in to the record.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanesi, for favorable action on the resolution. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2024- 35

Consideration to Accept Recommendation of Award to TFR Enterprises, Inc. for RFP 2024-04-01 Disaster Debris Removal Services and Aftermath Disaster Recovery, Inc as the Secondary Contractor and Authorize the Appropriate Town Officials to Execute Agreements.

Town Attorney DJ Doody referred the Commission to the recommendation set forth by the Town Manager in a memorandum dated August 9, 2024, and read the resolution by title only in to the record. He stated that the action is to consider the award of a contract to a primary and secondary contractor for disaster debris removal. It was established by Town Manager Serda that an RFP was put out in compliance with FEMA regulations, as well as State regulations and the procurement policy of the town was complied with; he concurred with the selection committee recommendation of TFR as the primary contractor, and Aftermath Disaster Recovery as the secondary. It was clarified that the services would be on an as-needed basis, typically during a FEMA-declared recurring or non-recurring disasters. It was noted that the recommendation from Donna Rockwell, the procurement manager, is TFR for primary and Aftermath for secondary.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to approve TFR Enterprises as the primary contractor and Aftermath Disaster Recovery as the secondary contractor. In a roll call vote, the **motion** passed unanimously. (5-0)

Town Attorney Doody read the resolution by title only, naming the approved primary and secondary contractors into the record.

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to adopt the resolution. In a roll call vote, the **motion** passed unanimously. (5-0)

D. Resolution No. 2024-36

Consideration to Approve and Authorize the Purchase and Installation of 15 Ocean Regulatory Buoys with American Underwater Contractors for $22,950 to include Installation, Freight, Mobilization, Commercial Dive Boat, Dive Team and All Equipment at Pre-identified Locations Along the Perimeter Line in the Atlantic Ocean East of the Town of Hillsboro Beach.

Town Attorney Doody read the resolution by title only into the record.

Mayor Miller referenced the agenda cover memo drafted by Town Manager Serda; it could be two months before the buoys are installed.

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to approve and authorize the purchase and installation by American Underwater Contractors. In a roll call vote, the **motion** passed unanimously. (5-0)

E. Resolution No. 2024-37

Resolution of the Town of Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute the Law Enforcement Mutual Aid Agreement with Broward County Sheriff's Office for Boating Safety Enforcement and Enforcement of the Laws of Florida.

Mayor Miller stated that Resolution 2024-37 was removed from the agenda.

F. Resolution No. 2024-38

Resolution of the Town of Hillsboro Beach Mayor and Town Commissioners Authorizing the Appropriate Town Officials to Execute Agreement with Limousines of South Florida for Community Shuttle Services Piggybacking on the City of Margate, Florida Same Terms and Conditions of RFP 2023- 007 Community Shuttle Services.

Town Attorney Doody read the resolution by title only.

Town Manager Serda highlighted points for consideration by the Commission. Discussion ensued, including on shuttle and alternative transportation services; an app license option, pre-determined stop locations and ADA stop requirements.

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldasarre, to approve favorable action on resolution No. 2024-38. In a roll call vote, the **motion** passed unanimously. (5-0)

VII. CONSENT

A. CONSIDERATION FOR APPROVAL

	Vendor	Invoice #	Date	Amount	Description
1.	LSF	24-0630-26	June 2024	$5,615.88	
2.	LSF	24-0731-26	July 2024	$6,551.86	
3.	GCDE	60759	July 2024	$2,102.40	Crusco & Doherty
4.	GCDE	60756	July 2024	$6,657.90	General Matters
5.	GCDE	60757	July 2024	$300.00	Development-Related
6.	GCDE	61032	Aug 2024	$6,489.45	General Matters
7.	GCDE	1033	Aug 2024	$188.50	Development-Related

8. GCDE	61037	Aug 2024	$2,490.00	Crusco & Doherty
9. Inframark	129884	June 2024	$88.49	
10. Inframark	130325	July 2024	$83.20	
11. Inframark	130424	Aug 2024	$8,398.29	
12. Proclamation Recognizing the 7th Annual Broward Mental Health Summit September 12, 2024				

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, to approve the Consent Agenda as presented. In a roll call vote, the **motion** passed unanimously. (5-0)

VIII. BEACH REPORT

None.

IX. STAFF UPDATES

A. Finance Department
FY2024 3rd Quarter Report - June 2024

Mr. Stephen Bloom, Finance Director, Inframark reviewed a PowerPoint slide presentation on the third quarter financial report which was favorable, a copy of which is available for the public record in conjunction with these minutes. There was a brief discussion regarding a workers' compensation insurance claim.

B. Police Department

Deputy Police Chief Rob O'Neil reviewed the Police report on behalf of Police Chief Szesnat, who could not be present. Police Chief O'Neil stated that the department had some success with ongoing investigations, and the recruit was voted president of his class in the academy. The Police Department looks forward to that recruit coming onboard in mid-November. The next Coffee with a Cop event was scheduled for September 11, 2024.

C. Building Department

Mr. George Folles, Building Official, CG&A provided his report. He stated that permitting and inspections have been steady, and the department is still working with property managers and engineers on their 25-year and 40-year reports. Mr. Folles reported that Parcel A of the Related Group is still going through the plan review and requires a resubmit for fire, engineering, and plumbing. He reported that they split the permit up between the building and site plan for Parcel B; the site plan had been approved for Parcel B. The Related Group is still working on their paperwork for the Parcel B building permit. After receiving some complaints, he now automatically receives

a text when they hit the vibration threshold so he can investigate and determine how to remedy those situations.

A vibration test pile will be conducted next month. Mr. Serda indicated that the Town would have representatives present for the test to experience the vibrations first-hand. Mr. Folles clarified the procedure that would be followed should vibrations exceed the FDOT threshold. Mr. Folles confirmed that the seawall work which caused complaints about vibrations was complete. It was clarified that Related hired the engineer that does the vibration monitoring as required in the building permit. The initial voluntary contribution of $2.2 million for underground wiring would be made once the building permit is issued; that did not apply to the sales center. Mr. Serda highlighted the pre-site plan meeting which would set expectations as it relates to traffic, noise, litter, and other issues prior to the start of construction. It was confirmed that they had started to move dirt for the project.

D. Code Compliance

Bernard Pita, Code Compliance Supervisor, CG&A reviewed his June 2024 Code Compliance reports. The property that they had issues with had complied within a timely manner. Top violations were 40-year and 50-year inspections in June as well as in July report. There were 46 inspections and re-inspections in June 2024 with overgrown grass being the top violation. In July there were a total of 14 inspections and re-inspections; top violations were on construction sites. Mr. Pita explained the violations reported for Ocean Crest in the June Case Action Report.

X. TOWN MANAGER REPORT

A. RFP 2024-08-01 Police Department Communications & Interoperability Infrastructure Plan

Item was not discussed.

B. ITB No.2024-08-02 Water Treatment Plant Clearwell Storage Tank Replacement (ARPA Funded)

Item was not discussed.

C. Upcoming Town Events:

Town Manager Serda highlighted the following events:

- Coffee with a Cop - Wednesday, September 11, 2024, 10:00 A.M.
- Second and Final FY2025 Budget Hearing - Monday, September 16, 2024, 5:01 P.M.
- Ice Cream Social on September 18, 2024, 12:00 P.M.
- Music on the Green - Thursday, October 10, 2024, 7:00 PM
- Shred, Electronic Recycling & Blood Drive - Saturday, October 26, 2024, 9:00 A.M.-
  - 12:00 P.M.
- Christmas Tree and Menorah Lighting Holiday Event - Thursday, December 5, 2024, 5:30 P.M.- 7:00 P.M.

XI. TOWN ATTORNEY REPORT

Nothing to report.

XII. TOWN COMMISSION COMMENTS/REPORTS

Nothing to report.

XIII. PUBLIC COMMENTS

Mayor Miller opened the public hearing, however there being none to speak, she closed the public hearing.

XIV. ADJOURNMENT

Motion made by Commissioner Baldassare, seconded by Commissioner Reiser, to adjourn the meeting at 1:52 P.M. All were in favor.

TOWN OF HILLSBORO BEACH FLORIDA

ADOPTED THIS 12th DAY OF November 2024.

By: _____
Dawn Miller, Mayor

ATTEST:

_____
Sherry D. Henderson, CMC Town Clerk

11/12/2024

TOWN OF HILLSBORO BEACH
1210 HILLSBORO MILE
HILLSBORO BEACH, FL 33062

Hand-outs Provided or Presented at Meeting - Entered into the Record and/or Written Comments emailed to Town Clerk, Entered into the Record.

SEPTEMBER 10, 2024

REGULAR COMMISSION MEETING

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

Sherry D. Henderson

From: frankjkolbjr@gmail.com
Sent: Monday, September 2, 2024 4:26 PM
To: shenderson@townofhillsborobeach.com
Subject: FW: Objection to Proposed Ordinance 2024-06
Attachments: Mayor August Newsletter and Town website.pdf

Madame Clerk,

Kindly make this correspondence part of the record with regard to Ordinance 2024-06

From: frankjkolbjr@gmail.com <frankjkolbjr@gmail.com>
Sent: Monday, September 2, 2024 4:23 PM
To: pdbm17@gmail.com; dmiller@townofhillsborobeach.com; Jane Reiser <jreiser@townofhillsborobeach.com>; Barbara Baldasarre <bbaldasarre@townofhillsborobeach.com>; vandreano@townofhiilsborobeach.com; dravanesi@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Cc: Mary-Beth Williams <mbwilliams123@gmail.com>; 'Richard Crusco' <rcrusco28@gmail.com>; Charles Doherty <Cd@rebartonage.com>; 'Chris Fleck' <cfleck@yahoo.com>; 'Gardner Tony (tony@customplasticcard.com)' <tony@customplasticcard.com>; Mark RAPHAEL <mraphael@riverrealty.com>; joe@joecampanelli.com; Jan Tighe <tighes9613@gmail.com>; 'Nancy Davis' <nlmedia@icloud.com>; Koren C. Kolb <kory@ehlaw.com>; 'John Gonzalez' <zelagonz31@gmail.com>; twochamps@me.com; Alan Meltzer <ammeltzer@comcast.net>
Subject: Objection to Proposed Ordinance 2024-06

The Town of Hillsboro Beach website (copy attached) states, in part, "The Town official population is approximately 2,000, although the population increases significantly in the winter months as property owners return to seasonally occupy their residences". It goes on to say there is only one hotel and no commercial properties. Looks to me like the intent is to give the impression that the Town is a small low key residential town. This sentiment was amplified by Mayor Miller in her August quarterly Newsletter (copy attached) she wrote, when referring to proposed ORDINZACE NO 2024-06, "The District would be consistent with the Town's goals of creating and conserving green space and ***keeping the number of new units low to minimize the stress on our infrastructure and to avoid increased traffic."*** (Copy attached)

For the last several years we have had a large, wealthy developer trying to change laws to increase their profits – attempting to build 10 stories in a 3-story zone. The Commission supported Related Group, granting permission to build a 10-story structure in what is a 3-story zone, but that granting was struck down in in Court multiple times. Related Group now comes yet again before the Hillsboro Beach Commission with its proposal to amend the law governing the Related parcel and get permitted to build 10 stories in a 3-story zone. More than 3 times that was allowed under the

laws, codes and ordinances that were in place AT THE TIME OF THEIR PURCHASE of the PROPERTY NOW REFERRED TO AS ROSEWOOD.

When my wife and I purchased in 1992 we relied upon the zoning laws and regulations in effect that restricted the use of the Related property in part, in reliance on existing zoning on the large vacant lot to our immediate north then owned by John Kennerly that we would not have anything exceeding 3 stories and have to deal with all associated and incidental issues associated with a building height more than three times that allowed under the law at the time of our purchase and current law.

Everyone who owns property in town knew what the restrictions were on the property at the time of their purchase AS DID RELATED GROUP when they purchased. They purchased the property zoned for three stories at a purchase price based on the 3-story zone and now want the windfall which would be gifted to it if the zone change is granted.

The granting of the variance to allow 10 stories in a three-story zone was declared by two courts as illegal. Now we see an "end run" to achieve what courts have said was wrong and hence illegal.

I wonder time and time again how Related Group could have such stature, pull, influence etc. to get the Town of Hillsboro Beach Commission to grant 10 stories in a three-story zone.

Related in the past has used "scare tactics" such as we can build apartments under current law that would be less than pleasing or as they did in asking for 15 stories then "graciously" agreeing to reduce their request to 10 stories. Did they really want anyone to really believe they wanted to substantially cut their profits and build rental apartments?

Kindly recall that at prior Town meetings addressing this issue the number of taxpayers that spoke against the height of more than stories as opposed to those in favor. If my recollection is correct, it was less than 10 in favor.

Kindly keep in mind Related is allowed to build the three stories as allowed at the time of their purchase they just want to increase their profits approximately 233.33%.

Increased tax revenue due to a taller building to the Town has been touted as a benefit to the Town. That is disingenuous, at least in part for many reasons such as:

Look at your current tax bill and do it carefully and you will see about 20 % is earmarked for the Town and the remaining 80% goes to Broward County. Look again, I proffer no benefit to the Town. Related toots the tax benefit to the Town but, taxes are paid to the County and only about 20% of the tax payments come to the Town.

Property taxes are levied in an amount sufficient to fund necessary governmental services such as police, fire, employees, Town manager, Commission wages etc. but not to generate a profit.

Increased residents will cause an increase in the amount of taxes needed to provide necessary governmental services.

Our fire and EMS services are outsourced. Does anyone think the Provider (BSO) will not increase the charges proportionally increase the charges at contract renewal.

Does the entity who provides fire services to the Town have a ladder truck or any other apparatus to service a 10-story building?

I ask who will get the benefit of the increased taxes if Related is allowed to build a structure more than 3 times that allowed now and at the time of their purchase.

Traffic, tower cranes, loss of quiet enjoyment, be stuck in traffic three times longer than if only three stories were constructed, etc.

If granted you are taking negatively effecting current property owners' quality of life issues such as quiet enjoyment, increased traffic congestion, noise etc. and giving to Related roughly speaking, if 10 stories are built rather than, 3 as allowed, that is approximately 70 more residents above current law.

Why does this ONE new property owner get the windfall and benefit they want and leave the rest of the citizens and voters burdened.

So, at the end of the day, if ten stories are allowed Related Group fills their pockets and leaves Town. Those of us who lived in Town during the construction, experienced road closure, noise increased traffic, 3 times the period of construction and Tower Cranes and thereafter more traffic, stress on the infrastructure etc.?

Related is asking the Commission to waive its magic wand and transform 3 stories to 10. Good trick.

Quarterly Newsletter: August 2024

Dear Neighbors,

Happy Summer! I hope all of you are staying cool and safe during these extraordinarily high temperatures. I write to update you on town happenings.

ROSEWOOD: Site work for the Rosewood project has commenced and construction is expected to start in the fall. I will keep you updated. Plaintiffs in the lawsuit against the Town amended their filing on June 24, 2024, without adding material facts. A copy of the filing is available should you wish to review it.

COASTAL CONSERVATION DISTRICT: The Commission is considering a text amendment for the formation of a new Coastal Conservation District in Town, which would allow properties of more than 5 acres to build to an increased height so long as they dedicate 25 percent of the property as a coastal conservation area that will not be developed and substantially limit the number of units they build, capping it at 10 units per acre. The District would be consistent with the Town's goals of creating and preserving green space and keeping the numbers of new units low to minimize the stress on our infrastructure and to avoid increased traffic.

OCEAN CREST: Ocean Crest, at 1189 Hillsboro Mile, was sold. While a formal site plan has not been submitted, the owner has met informally with some residents and some Commissioners individually to discuss the possibility of building four stories, with 8 units on the ocean side and 12 units on the intracoastal side of A1A. The Town is not reviewing any applications related to the site at this time.

THE BUDGET: The Budget process has begun. Every year, between July and September, the Commission reviews the prior year's events and sets new goals as we develop our budget that starts in October. It is a time of reflection and priority-setting as we allocate our Town's resources in ways that are of greatest utility and benefit for our residents. We balance the budget each year while also considering all of the needs of the Town. In the past few months, we launched our new social media presence on X and Facebook, where residents can stay informed, especially during emergencies, such as hurricanes and evacuations. Additionally, the Police have rolled out SaferWatch, an app that enables users to send and receive information. Within Town Hall, we are using outside funds (not taxpayer money) to convert a storage room into a hi-tech multifunction room, where the Building Department can begin to accept and review plans digitally. The Building Department and Commissioners can utilize the room to meet with residents and contractors to discuss Town issues. The room will also serve as an overflow room when needed for Commission meetings.

THE BEACH: Our single greatest expense is related to our single greatest resource: our private beach. We will have to continue investing in beach nourishments going forward. We will not be able to fund them without raising new revenue. That revenue could come from projects such as Rosewood, or from substantial assessments for all residents, which is something the Commission does not want to be forced to do.

We are completing steps for our next beach nourishment, to be completed in March/April 2025. We have outside funding for approximately 87% of the $5 million it is expected to cost. The Town will fund the remaining 13%.

WATER PLANT: Our Water Plant passed the state audit. We are now working with engineers to finish design and begin construction on a new water storage tank at our site in Pompano. This new tank will more than double the capacity of the current tank, ensuring a high-quality and adequate water supply for many years to come and additional surplus water for firefighting. The Town had secured partial funding from the state, but the governor vetoed all water projects throughout Florida. We have provided for funding in our current budget as we follow up with alternative funding recommended by the governor's office.

I welcome your input and would love to hear from you. It is my privilege to serve you.



About Hillsboro Beach



ABOUT TOWN OF HILLSBORO BEACH

Florida's Magnificent Mile

The Town of Hillsboro Beach is beautifully situated on a narrow peninsula between the shimmering Intracoastal Waterway and the clear blue Atlantic Ocean. The Town's Southern boundary is punctuated by the Hillsboro Inlet and the majestic and historic Hillsboro Lighthouse. The Town's total length is about 3 miles and at its widest part is only about 900 feet.

The Hillsboro Lighthouse is one of the Town's most prominent attractions. As early as 1855 this portion of the Atlantic Ocean was designated as being hazardous for the safe navigation of shipping, and the Federal government was requested to fund a lighthouse to provide the necessary warnings to mariners. This request, however, was rejected 17 times over the years, and took an additional 46 years before the Federal government in 1901 finally agreed to provide $90,000 to build a "first-order light at or near Hillsboro Point". After various construction delays and with major components of the lighthouse coming from such diverse locations as Detroit, Michigan and

Paris, France, the light house was finally put into service in 1907. This structure marks the northern end of the Florida Reef and extends 138 feet skyward. It is capped with a 5.5 million candle power light, making it one of the tallest and most well-lit lighthouses on the east coast of The United States and provides an outstanding view in all directions. The lighthouse is open for tours on a very limited basis conducted by the Hillsboro Lighthouse Preservation Society.

Unique to the Town is that it has only one road, with this road running north-south for the entire length of the Town. Travelers through the Town will see views of large estate homes and beachside condominiums. The Town is almost exclusively residential. There are approximately 50 single-family residences, and the rest of those residing in Town live in condominiums. There is only one hotel for visitors and there are no commercial properties within the Town. The Town takes pride in its protection of its high concentration of sea turtle nests during the nesting season. At the south end of Town is the Hillsboro Inlet which provides safe navigational passage for boats crossing between the Intercoastal Waterway and the Atlantic Ocean. Located within the Hillsboro Inlet is a marina containing an extensive fleet of charter boats available for excellent daily deep water fishing trips and other marine excursions.

The Town's official population is approximately 2,000, although the population increases significantly in the winter months as property owners return to seasonally occupy their residences.

1210 Hillsboro Mile | Hillsboro Beach, Florida 33062 | Ph: 954-427-4011 | Fx: 954-427-4834

Sherry D. Henderson

From: Sherry D. Henderson
Sent: Thursday, September 5, 2024 10:06 AM
To: 'Dawn Miller'; Vice Mayor Barbara Baldasarre; Commissioner Jane Reiser ; Commissioner David A. Ravanesi; Commissioner Vinnie Andreano
Cc: Mac Serda
Subject: RE: Ordinance 2024-06 (Email from Marylou Carlson)

Hello Governing Body:

For reference, please note the attached email below submitted by a resident re: ORD 2024-06.

Sherry D. Henderson, Town Clerk
TOWN OF HILLSBORO BEACH

-----Original Message-----
From: Marylou Carlson <marcar602@aol.com>
Sent: Wednesday, September 4, 2024 5:57 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

Please note for the public record Marylu and Don Carlson residents of 1169 Hillsboro mile unit 107 are against the ordinance 2024-06. The 150 ft height is almost double our 8 story building.
Regards, Marylu Carlson
Sent from my iPhone

Sherry D. Henderson

From:	michael weinberg <yanks4@gmail.com> on behalf of michael weinberg
Sent:	Wednesday, September 4, 2024 11:25 PM
To:	jreiser@townofhillsborobeach.com; bbaldasarre@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; Shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Rosewood project

I am an owner at the Hillsboro Windsor, have been for 17 years. Bought into the "Hidden Jewel" on the Magnificent Mile. Hillsboro Beach was the hidden jewel, with it's small town charm, pristine peaceful landscape, sacred dunes and rules that were in place to guarantee that feeling.
I would like to voice my displeasure with respect to the Related Rosewood project. Not only did they come in with their guns blazing, they felt that they could get what they wanted by throwing large sums of money at the Town to seemingly circumvent ordinances, use the dunes as their hardship and then disrespect the dunes once "in". As a Town we feel as if we were deceived, sure they went down quickly from 15 down to 10 stories, but 5 stories of garage below, that's 15 stories in my book!
Now that the project that will dwarf it's neighbors is being allowed to proceed, I believe that both the Town of Hillsboro Beach and the Related Group bear the responsibility to insure that their surrounding neighbors are well protected from their environmental disruptions, including monitoring of seismic vibrations emanating from the build site. The Town must enforce all regulations and Related should insure that their neighbors are not damaged in any way.
I would like my comments to be made part of the public record.
Thank you,
Michael Weinberg
Hillsboro Windsor

Sherry D. Henderson

From: Dawn Miller <dmiller@townofhillsborobeach.com> on behalf of Dawn Miller
Sent: Thursday, September 5, 2024 9:36 PM
To: michael weinberg
Cc: Shenderson@townofhillsborobeach.com; Mac Serda
Subject: Re: Rosewood project

Dear Mr. Weinberg,

Thank you for your email. I am happy to hear from long-time residents and appreciate you taking the time to write.

The Town requested, and Related/Rosewood agreed, to install vibration monitoring equipment. The Town's engineer confirms that the vibrations during the seawall construction did not exceed FDOT limits. I will be sending a letter to residents shortly that incudes the Interval report related to activity from July through August.

Please feel free to reach out if you have further questions or concerns.

Best,
Dawn Miller
Mayor
Town of Hillsboro Beach

> On Sep 4, 2024, at 11:24 PM, michael weinberg <yanks4@gmail.com> wrote:
>
> I am an owner at the Hillsboro Windsor, have been for 17 years. Bought into the "Hidden Jewel" on the Magnificent Mile. Hillsboro Beach was the hidden jewel, with it's small town charm, pristine peaceful landscape, sacred dunes and rules that were in place to guarantee that feeling.
> I would like to voice my displeasure with respect to the Related Rosewood project. Not only did they come in with their guns blazing, they felt that they could get what they wanted by throwing large sums of money at the Town to seemingly circumvent ordinances, use the dunes as their hardship and then disrespect the dunes once "in". As a Town we feel as if we were deceived, sure they went down quickly from 15 down to 10 stories, but 5 stories of garage below, that's 15 stories in my book!
> Now that the project that will dwarf it's neighbors is being allowed to proceed, I believe that both the Town of Hillsboro Beach and the Related Group bear the responsibility to insure that their surrounding neighbors are well protected from their environmental disruptions, including monitoring of seismic vibrations emanating from the build site. The Town must enforce all regulations and Related should insure that their neighbors are not damaged in any way.
> I would like my comments to be made part of the public record.
> Thank you,

Sherry D. Henderson

From:	Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent:	Thursday, September 5, 2024 3:00 PM
To:	michael weinberg; Jane Reiser; Barbara Baldasarre; Vinnie andreano; David A. Ravanesi; Sherry D. Henderson; Dawn Miller
Subject:	RE: Rosewood project

Good afternoon Mr. Weinberg,

Thank you for the email and your interest in the Town's activities. You have a few details incorrect, and you may be unaware of some of the project's positive attributes that ultimately the Commission considered when voting in favor of the project.

If you'd like to discuss the project in person, or over the phone, I am happy to make myself available to you.

Thank you,

Mac Serda
Town Manager
Hillsboro Beach
Ofc: 954-427-4011

-----Original Message-----
From: michael weinberg <yanks4@gmail.com>
Sent: Wednesday, September 4, 2024 11:25 PM
To: jreiser@townofhillsborobeach.com; bbaldasarre@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; Shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Rosewood project

I am an owner at the Hillsboro Windsor, have been for 17 years. Bought into the "Hidden Jewel" on the Magnificent Mile. Hillsboro Beach was the hidden jewel, with it's small town charm, pristine peaceful landscape, sacred dunes and rules that were in place to guarantee that feeling.
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Now that the project that will dwarf it's neighbors is being allowed to proceed, I believe that both the Town of Hillsboro Beach and the Related Group bear the responsibility to insure that their surrounding neighbors are well protected from their environmental disruptions, including monitoring of seismic vibrations emanating from the build site. The Town must enforce all regulations and Related should insure that their neighbors are not damaged in any way.
I would like my comments to be made part of the public record.
Thank you,
Michael Weinberg
Hillsboro Windsor

Sherry D. Henderson

From: Scott Tuel <tuel_tractor@msn.com> on behalf of Scott Tuel
Sent: Friday, September 6, 2024 11:08 AM
To: shenderson@townofhillsborobeach.com
Subject: Opposition to Ordinance 2024-06

Please include my opposition to Ordinance 2024-06 (the Rosewood Project) as part of Public Record.

John Scott Tuel
1150 Hillsboro Mile Apt 904
Hillsboro Beach FL, 33062
Ph 303 680 0283

Sherry D. Henderson

From: Scott Tuel <tuel_tractor@msn.com> on behalf of Scott Tuel
Sent: Friday, September 6, 2024 10:44 AM
To: shenderson@townofhillsborobeach.com
Subject: Please respect the law!

NO to 150' buildings!

Sherry D. Henderson

From:	rkelly6448@aol.com
Sent:	Friday, September 6, 2024 10:35 AM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Vacant Lot

Good morning to all, I hope you are all doing well. I just want to voice my opinion. I am against the proposed height of the new construction on the East side of Hillsboro Mile.

Even if you are in flavor of this, the only fair way to do it would be to have the residents of Hillsboro Beach vote for or against.

Thank you,

Robert & Jean Kelly
1161 Hillsboro Mile #201
Hillsboro Beach, FL 33062
954-895-6817

Sherry D. Henderson

From:	Charles Doherty <cd@rebartonage.com> on behalf of Charles Doherty
Sent:	Monday, September 9, 2024 4:24 PM
To:	Commissioner Barbara Baldasarre:; Commissioner Jane Reiser:; David A. Ravanesi; Mac Serda; Sherry D. Henderson; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc:	Richard Crusco; Ralf Brookes
Subject:	Objection to Ordinance 2024-6
Attachments:	cd ord 2024 06.pdf

Dear Ms Henerson and Mr Serda,
Please enter the following into the Public record at tomorrow's Town Commission meeting.

I am a Hillsboro Beach Resident and live within 500-0 feet of the Related/Rosewood property. I strongly object to Ordinance 2024-06. I, along with all of my neighbors, purchased our properties aware of, AND because of, the limitations of the **RM 16** zoning district.
I and my neighbors support smart development of the Related parcel **IN CONFORMANCE** with the current zoning laws. I, along with many members of the Hillsboro Beach community, are opposed to changing the character and charm of Hillsboro Beach by building a 150-0 highrise and are opposed to the Town Commission trading away the quiet enjoyment of our homes so that a deep pocketed developer can generate even more profit.
Further, I object to Ordinance 2024-06 because:

1. **Illegal Spot Zoning** The Ordinance as promulgated constitutes an illegal spot zoning by shifting allowable building heights for one large parcel over 400%, from 35-0 height to over 145-0. The illegal spot zoning of 145-0 is not compatible with the surrounding area, will only benefit one owner, and will be to the detriment of residents in the immediate neighborhood.
2. **Improper Notice** Ordinance 2024-6 constitutes a change to the Land Development Code and as such, the Town has failed to properly notice adjacent neighbors and nearby property owners.
3. **Financial Windfall** Ordinance 2024-06 will provide a substantial, inappropriate and unfair financial windfall to the owner at the expense of the neighboring properties. The Town Commission is giving away tens of millions of dollars in value to the developer for a few million in public improvements.
4. **Illegal Variance** The Town Commission had granted an illegal variance to Related. That illegal variance was struck down by the court and also found to be illegal by the appeals court. This is just another attempt by the Town Commission to circumvent the law and the Court's decision on behalf of a favored deep pocketed developer.
5. **Sensitive Environmental Area** According to the Florida Department of Environmental Protection, Related/Rosewood has already **FAILED** the community in its responsibility to build in an environmentally safe manner.

During preliminary construction, the **Florida Department of Environmental Protection** conducted a **Compliance Evaluation Inspection** and **"multiple violations were discovered."** Specifically, "...perimeter controls were found to be **insufficient to protect surface waters from potential pollutants.**"

Additionally, the following potential violations were observed:

- ***Failure*** *to conduct inspections according to the construction generic permit.*
- ***Failure*** *to maintain records for the construction generic permit.*
- *Failure to develop a Stormwater Pollution Prevention Plan for the construction generic permit.*
- ***Failure*** *to properly install/implement Best Management Practices for the construction generic permit.*
- ***Failure*** *to properly operate/maintain Best Management Practices for the construction generic permit.*

Therefore, in order to protect our incredibly beautiful beach and intracoastal environment, Related/Rosewood **CANNOT be trusted** to be the manager of the proposed **Coastal Dune Conservation District.**

For all of the reasons stated above, I object to the passing of Ordinance 2024-06.

Thank you,

Charles Doherty
1194 Hillsboro Mile # 27
Hillsboro Beach, FL 33062

Charles Doherty

1194 Hillsboro Mile #27

Hillsboro Beach, FL 33062

I am a Hillsboro Beach Resident and live within 500-0 feet of the Related/Rosewood property. I strongly object to Ordinance 2024-06. I, along with all of my neighbors, purchased our properties aware of, AND because of, the limitations of the **RM 16** zoning district.
I and my neighbors support smart development of the Related parcel **IN CONFORMANCE** with the current zoning laws. I, along with many members of the Hillsboro Beach community, are opposed to changing the character and charm of Hillsboro Beach by building a 150-0 highrise and are opposed to the Town Commission trading away the quiet enjoyment of our homes so that a deep pocketed developer can generate even more profit.
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3. **Financial Windfall** Ordinance 2024-06 will provide a substantial, inappropriate and unfair financial windfall to the owner at the expense of the neighboring properties. The Town Commission is giving away tens of millions of dollars in value to the developer for a few million in public improvements.
4. **Illegal Variance** The Town Commission had granted an illegal variance to Related. That illegal variance was struck down by the court and also found to be illegal by the appeals court. This is just another attempt by the Town Commission to circumvent the law and the Court's decision on behalf of a favored deep pocketed developer.
5. **Sensitive Environmental Area** According to the Florida Department of Environmental Protection, Related/Rosewood has already **FAILED** the community in its responsibility to build in an environmentally safe manner.
   During preliminary construction, the **Florida Department of Environmental Protection** conducted a **Compliance Evaluation Inspection** and "**multiple violations were discovered.**" Specifically, "...perimeter controls were found to be **insufficient to protect surface waters from potential pollutants**."

Additionally, the following potential violations were observed:

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- ***Failure*** *to properly install/implement Best Management Practices for the construction generic permit.*
- ***Failure*** *to properly operate/maintain Best Management Practices for the construction generic permit.*

Therefore, in order to protect our incredibly beautiful beach and intracoastal environment, Related/Rosewood **CANNOT be trusted** to be the manager of the proposed **Coastal Dune Conservation District.**

For all of the reasons stated above, I object to the passing of Ordinance 2024-06.

Thank you,

Charles Doherty

Sherry D. Henderson

From:	Sherry D. Henderson
Sent:	Monday, September 9, 2024 3:27 PM
To:	'Pat Engle'; Barbara Baldasarre; Vinnie andreano; Jane Reiser; David A. Ravanesi; Dawn Miller
Cc:	'Pat Engle'; Mac Serda
Subject:	Oppose Ord 2024-06 (Email from Pat Engle)

Good Afternoon, Pat:

Thank you for stopping by Town Hall this afternoon, I regret you were having difficulties emailing our Town Commission.
But It looks like everything was sorted and the Town Commission received your email accordingly. I simply wanted to acknowledge receipt of your message for the record.
Thank you again for your time.

Mayor& Town Commission:

I oppose the adoption of any of the Related Groups Ordinance 20 24–6 requests to circumvent our current laws, including, but not limited to a change of zoning laws from RM-16: multifamily dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Pat Engle
Hillsboro Windsor
Sent from my iPhone

Respectfully,

Hillsboro Beach FLORIDA

Sherry D. Henderson, CMC
TOWN CLERK
TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
954-427-4011 Email | Website

The State of Florida has a very broad public records law. Most written communications to Town Officials regarding Town business are public records available to the public and media upon request.
Your e-mail communications may be subject to public disclosure as set forth in the Public Records Act Chapter 119, Florida Statutes.

-----Original Message-----
From: Pat Engle <putterduck42@gmail.com>
Sent: Monday, September 9, 2024 3:16 PM
To: bbaldasarre@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: Pat Engle <Putterduck42@gmail.com>; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject: Oppose Ord 2024-06

Mayor& Town Commission:

I oppose the adoption of any of the Related Groups Ordinance 20 24–6 requests to circumvent our current laws, including, but not limited to a change of zoning laws from RM-16: multifamily dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Pat Engle
Hillsboro Windsor
Sent from my iPhone

Sherry D. Henderson

From: Jeff Tolmei <jeff@allseasonstravel.us> on behalf of Jeff Tolmei
Sent: Monday, September 9, 2024 2:50 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com
Subject: Rosewood

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Sincerely,
Jeff Tolmei
Hillsboro Imperial

Sherry D. Henderson

From: Janice Solis <janicesolis@mac.com> on behalf of Janice Solis
Sent: Monday, September 9, 2024 3:28 PM
To: shenderson@townofhillsborobeach.com
Subject: Hillsboro Beach Ordinance 2024-06

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Janice Solis Hillsboro Windsor

Sherry D. Henderson

From: Sherry D. Henderson <sherrydhenderson@gmail.com> on behalf of Sherry D. Henderson
Sent: Monday, September 9, 2024 2:40 PM
To: Sherry D. Henderson
Subject: Fwd: FW: Opposition to Ordinance 2024-06

From: Scott Tuel <tuel_tractor@msn.com>
Sent: Friday, September 6, 2024 11:07 AM
To: mserda@townofhillsborobeach.com
Subject: Opposition to Ordinance 2024-06

Please include my opposition to Ordinance 2024-06 (the Rosewood Project) as part of Public Record.

John Scott Tuel

1150 Hillsboro Mile Apt 904

Hillsboro Beach FL, 33062

Ph 303 680 0283

Sherry D. Henderson

From: Scott Williams <scott@wowadvisors.com> on behalf of Scott Williams
Sent: Monday, September 9, 2024 1:04 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: mbwilliams123; Jacob
Subject: Town Ordinance 2024-06

Distinguished Commissioners:

Can you please record my objection to Ordinance 2024-06 at tomorrow's meeting as part of public record.

My reasons have been expressed by multiple neighbors so no need to reiterate here; however please note the following:

-the Ordinance seems to be moving forward in spite of the of our neighbors objections which seems to the vast majority of residents; why is it no board member is questioning the wisdom of this mass project.

-we are all aware of the tax benefits of a $1billion dollar project vs. $200million; but is the town so desperate for funds to give up a part of its character forever (and leading to future over-development)?

-is it possible that the difference in the two potential sales benefits (more than half a BILLION dollars) of the size projects is providing too much motivation for the developer to prevail at all costs over the residents?

-and aesthetics and overcrowding: have any of you driven past the two large Related developments two miles to the south in Pompano; is this what the commission wants the future of our town to look like?

In spite of my objections above, thank you for your service.

Scott & Mary Beth Williams

Sherry D. Henderson

From: Scott Williams <scott@wowadvisors.com> on behalf of Scott Williams
Sent: Monday, September 9, 2024 1:04 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: mbwilliams123; Jacob
Subject: Town Ordinance 2024-06

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-and aesthetics and overcrowding: have any of you driven past the two large Related developments two miles to the south in Pompano; is this what the commission wants the future of our town to look like?

In spite of my objections above, thank you for your service.

Scott & Mary Beth Williams

Sherry D. Henderson

From: jimrauh@comcast.net
Sent: Monday, September 9, 2024 12:51 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; 'David A. Ravanesi'; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: NO Vote to ordinance adoption

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please state to make this part of the public record

Sincerely,

James and Valorie Rauh

Hillsboro Windsor #603

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 2:02 PM
To: Dawn Miller; Barbara Baldasarre; David A. Ravanesi; Jane Reiser; Vinnie andreano
Cc: Sherry D. Henderson
Subject: FW: Rosewood Project

Importance: High

Pls see attached

-----Original Message-----
From: Alfred DiBlasi <dibs5@aol.com>
Sent: Monday, September 9, 2024 1:56 PM
To: Mac Serda <mserda@townofhillsborobeach.com>
Subject: Rosewood Project
Importance: High

To Mac Serda and the Commissioners of Hillsboro Beach:

Just a short note to state that I am in favor of the Rosewood project. From what I have read in addition to discussions with other neighbors, I feel that it will yield a great benefit to the Town of Hillsboro Beach and its residents. I look forward to seeing the result of tomorrow's vote.

Regards,

Alfred DiBlasi

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 2:11 PM
To: Sherry D. Henderson
Subject: FW: Town Ordinance 2024-06

Pls see below.

Mac

From: Scott Williams <scott@wowadvisors.com>
Sent: Monday, September 9, 2024 1:04 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: mbwilliams123 <mbwilliams123@gmail.com>; Jacob <jacobwilliamssouthflorida@yahoo.com>
Subject: Town Ordinance 2024-06

Distinguished Commissioners:

Can you please record my objection to Ordinance 2024-06 at tomorrow's meeting as part of public record.

My reasons have been expressed by multiple neighbors so no need to reiterate here; however please note the following:

-the Ordinance seems to be moving forward in spite of the of our neighbors objections which seems to the vast majority of residents; why is it no board member is questioning the wisdom of this mass project.

-we are all aware of the tax benefits of a $1billion dollar project vs. $200million; but is the town so desperate for funds to give up a part of its character forever (and leading to future over-development)?

-is it possible that the difference in the two potential sales benefits (more than half a BILLION dollars) of the size projects is providing too much motivation for the developer to prevail at all costs over the residents?

-and aesthetics and overcrowding: have any of you driven past the two large Related developments two miles to the south in Pompano; is this what the commission wants the future of our town to look like?

In spite of my objections above, thank you for your service.

Scott & Mary Beth Williams

Sherry D. Henderson

From: Brian Ems <Brian_Ems@campbells.com> on behalf of Brian Ems
Sent: Monday, September 9, 2024 11:37 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Rosewood ordinance

Dear Commissioners,

First of all, thank you for all your support and service.

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please vote to preserve what is so unique and special about Hillsboro Beach!

Please make this part of the public record

Sincerely,

Brian Ems

Hillsboro Windsor Unit 605

****

This e-mail and any files transmitted with it may contain confidential information and is intended solely for use by the individual to whom it is addressed. If you received this e-mail in error, please notify the sender, do not disclose its contents to others and delete it from your system.

****

Sherry D. Henderson

From: Rosalie <703rga@gmail.com> on behalf of Rosalie
Sent: Monday, September 9, 2024 9:50 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Ordinance 2024-6 Opposition

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Sincerely,

Rosalie Ambrosio

Antoinette Graziano

Hillsboro Windsor

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 10:37 AM
To: RG Ghattas; Barbara Baldasarre; Jane Reiser; David A. Ravanesi; Sherry D. Henderson; Vinnie andreano; Dawn Miller
Subject: RE: Objection to Ordinance 2024-06 for Related project on Hillsboro Mile

Good Morning Dr Ghattas,

Thank you for your interest and involvement in our Town's activities.

If you have time today, or even this week, perhaps we can have a discussion on the phone. All of your concerns expressed below, will **benefit** from the change to the code because to qualify for the extra height, the developer must *reduce* the density, and therefore minimize the impact to all the services you identified (e.g. congestion, life-safety services, water, sewer and our beautiful beach).

Call or email me anytime.

Mac Serda
Town Manager
Hillsboro Beach
Ofc: 954-427-4011

From: RG Ghattas <rgdevry@gmail.com>
Sent: Monday, September 9, 2024 8:01 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Objection to Ordinance 2024-06 for Related project on Hillsboro Mile

We object to the proposed change of building hight from the current three stories to a taller building for the following reasons:
1. The cost of our services like Fire and police Departments will increase our taxes.
2. Traffic congestion on our section of A-1-A Will worsen especially in high season.
3. Safety of pedestrians and bike riders will be compromised.
4. Safety of elderly residents in this area depending on emergency services will be impacted.
5. Beach degradation.

Many more services like water, sewer, power, etc. Wil be stressed.

The project will be handsomely profitable within the current restrictions..
We purchased our residence here on the basis of current densities and conditions. Very unfair to change them on us after the fact.

Sincerely,

Dr. R. Ghattas
Mrs. M Ghattas
1147 Hillsboro Mile
PH 6S
Hillsboro Beach, FL 33062
954-591-5494

Sherry D. Henderson

From: Melissa <melissapdm700@aol.com> on behalf of Melissa
Sent: Sunday, September 8, 2024 7:08 PM
To: Mac Serda town manager Hillsboro Beach; Sherry D. Henderson
Subject: Hillsboro Beach Rosewood property

I am in favor of the Rosewood project. I think our Hillsboro Beach commissioners have made good decisions regarding the Rosewood property development. I trust that they will continue to make decisions that are in the best interest of the town.

Melissa Waring
Port de Mer condo owner and resident

Sherry D. Henderson

From:	markwboettcher@gmail.com
Sent:	Monday, September 9, 2024 10:57 AM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc:	Boettcher, Sue-main
Subject:	Objection to the Proposed Height Variance for the Related Group property

To our Hillsboro Beach Commissioners and Mayor,

We oppose the proposed height variance for the Related Group property in Hillsboro Beach. Please vote NO this Tuesday.

Sincerely,

Susan and Mark Boettcher
1212 Hillsboro Mile, Villa 16
Hillsboro Beach, FL

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 10:37 AM
To: RG Ghattas; Barbara Baldasarre; Jane Reiser; David A. Ravanesi; Sherry D. Henderson; Vinnie andreano; Dawn Miller
Subject: RE: Objection to Ordinance 2024-06 for Related project on Hillsboro Mile

Good Morning Dr Ghattas,

Thank you for your interest and involvement in our Town's activities.

If you have time today, or even this week, perhaps we can have a discussion on the phone. All of your concerns expressed below, will **benefit** from the change to the code because to qualify for the extra height, the developer must *reduce* the density, and therefore minimize the impact to all the services you identified (e.g. congestion, life-safety services, water, sewer and our beautiful beach).

Call or email me anytime.

Mac Serda
Town Manager
Hillsboro Beach
Ofc: 954-427-4011

From: RG Ghattas <rgdevry@gmail.com>
Sent: Monday, September 9, 2024 8:01 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Objection to Ordinance 2024-06 for Related project on Hillsboro Mile

We object to the proposed change of building hight from the current three stories to a taller building for the following reasons:
1. The cost of our services like Fire and police Departments will increase our taxes.
2. Traffic congestion on our section of A-1-A Will worsen especially in high season.
3. Safety of pedestrians and bike riders will be compromised.
4. Safety of elderly residents in this area depending on emergency services will be impacted.
5. Beach degradation.
Many more services like water, sewer, power, etc. Wil be stressed.

The project will be handsomely profitable within the current restrictions..
We purchased our residence here on the basis of current densities and conditions. Very unfair to change them on us after the fact.

Sincerely,

Dr. R. Ghattas
Mrs. M Ghattas
1147 Hillsboro Mile
PH 6S
Hillsboro Beach, FL 33062
954-591-5494

Sherry D. Henderson

From:	Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent:	Sunday, September 8, 2024 2:58 PM
To:	dmiller@townofhillsborobeach.com; Barbara Baldasarre; Jane Reiser; Sherry Henderson; Vinnie andreano; David A. Ravanesi
Cc:	Sherry Henderson
Subject:	Fwd:

Pls see below an email in support of the Rosewood project.

Mac Serda
Town Manager
Hillsboro Beach

Sent from my iPhone

Begin forwarded message:

> **From:** AUSTIN IODICE <aiodice@aol.com>
> **Date:** September 7, 2024 at 6:47:40 PM EDT
> **To:** mserda@townofhillsborobeach.com
>
> 8/7/2024
> Dear Mr Serda I live at the Mediterranean and own properties at Sunrise and Port De Mer.
> I want to express my strong support for the Rosewood Project. I personally think it's a positive
> move for the town and I would like to be on record as a strong supporter.
> Sincerely
> Austin Iodice

Sherry D. Henderson

From: Pamela Bialkin <pbialkin@gmail.com> on behalf of Pamela Bialkin
Sent: Monday, September 9, 2024 11:15 AM
To: bbaldasarre@townofhillsborobeach.com; dmiller@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com
Subject: Hillsboro Beach Ordinance 2024-06

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please state to make this part of the public record.

Sincerely,

Pamela Bialkin (Apt. 715)

Hillsboro Windsor

Sherry D. Henderson

From: Lisa Goodlin <lgoodlin54@gmail.com> on behalf of Lisa Goodlin
Sent: Monday, September 9, 2024 4:28 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Fwd: Hillsboro Beach Ordinance 2024-06

Forwarded Conversation

Subject: Hillsboro Beach Ordinance 2024-06

From: **Hillsboro Windsor** <noreply@goenumerate.com>
Date: Mon, Sep 9, 2024 at 8:52 AM
To: lgoodlin54@gmail.com <lgoodlin54@gmail.com>

HILLSBORO WINDSOR CONDOMINIUM INC.

Powered By Enumerate Central

Hillsboro Beach Ordinance 2024-06

If you oppose the Rosewood ordinance to vote NO. Please use the below message and send to the commissioners today.

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Sincerely, **Name of resident**

Hillsboro Windsor

bbaldasarre@townofhillsborobeach.com

jreiser@townofhillsborobeach.com

dravanesi@townofhillsborobeach.com

mserda@townofhillsborobeach.com

shenderson@townofhillsborobeach.com

vandreano@townofhillsborobeach.com

dmiller@townofhillsborobeach.com

For questions or comments, please reply to this email or contact Hillsboro Windsor at hwmanager@alliedpropertygroup.net. This email was generated by the Enumerate Central platform.

From: **Hillsboro Windsor** <noreply@goenumerate.com>
Date: Mon, Sep 9, 2024 at 10:25 AM
To: lgoodlin54@gmail.com <lgoodlin54@gmail.com>

HILLSBORO WINDSOR CONDOMINIUM INC.

Powered By Enumerate Central

Hillsboro Beach Ordinance 2024-06

If you oppose the Rosewood ordinance to vote NO. Please use the below message and send to the commissioners today.

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please state to make this part of the public record

Sincerely, **Name of resident**

Hillsboro Windsor

bbaldasarre@townofhillsborobeach.com

jreiser@townofhillsborobeach.com

dravanesi@townofhillsborobeach.com

mserda@townofhillsborobeach.com

shenderson@townofhillsborobeach.com

vandreano@townofhillsborobeach.com

dmiller@townofhillsborobeach.com

For questions or comments, please reply to this email or contact Hillsboro Windsor at hwmanager@alliedpropertygroup.net. This email was generated by the Enumerate Central platform.

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 4:46 PM
To: Dawn Miller; Barbara Baldasarre; David A. Ravanesi; Jane Reiser; Vinnie andreano
Cc: Sherry D. Henderson
Subject: FW: Rosewood Residences

Pls see below.

Mac

From: Joel Rosenstein <jvrpt@verizon.net>
Sent: Monday, September 9, 2024 4:16 PM
To: mserda@townofhillsborobeach.com
Subject: Rosewood Residences

Mac,
Prior to tomorrow's commission meeting I would like to express my position with regard to Rosewood Residences. I am by no means an attorney nor an expert on zoning and variances, however, I trust that those making the decisions have satisfied those requirements. My feeling on the project is based on the trust that I have in our elected and appointed officials. I have seen **3** administrations all express that this project is in the best interest of the majority of Hillsboro Beach residents. As elected officials, they swear to adhere to their fiduciary responsibility to do what is best for the Town. I saw first hand how dedicated the Commissioners are to this duty when we were dealing with the Hotel. In the end, **that** decision was made based on what was best for the residents of the Town rather than the owners of the Hotel. This situation is similar, and there is no reason to think that their motivation is any different. I also feel that this last election was not specifically about Rosewood but rather a choice of Commissioners who the residents felt were committed to making the most prudent decisions on our behalf with Rosewood being one of those decisions.
Knowing the Commissioners first hand, I take exception to anyone questioning that their motivation with regards to this issue is anything but honest and sincere.
Thank you for hearing my position, and feel free to use it as you feel appropriate at tomorrow's meeting.
Joel Rosenstein

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 4:48 PM
To: Dawn Miller; Barbara Baldasarre; David A. Ravanesi; Jane Reiser; Vinnie andreano
Cc: Sherry D. Henderson
Subject: FW: Hillsboro Beach Ordinance 2024-06

Was not asked to be part of the record, but sharing as FYI.

Mac

From: Janice Solis <janicesolis@mac.com>
Sent: Monday, September 9, 2024 3:28 PM
To: mserda@townofhillsborobeach.com
Subject: Hillsboro Beach Ordinance 2024-06

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Janice Solis Hillsboro Windsor

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 6:05 PM
To: Dawn Miller; Barbara Baldasarre; David A. Ravanesi; Jane Reiser; Vinnie andreano
Cc: Sherry D. Henderson
Subject: FW: Rosewood Project

For the public record.

Thanks,
Mac

From: Xfinity <manter43@comcast.net>
Sent: Monday, September 9, 2024 5:31 PM
To: Mac Serda <mserda@townofhillsborobeach.com>
Subject: Rosewood Project

Mac Serda

Town Manager
Hillsboro Beach, Florida
33062

With reference to the upcoming Commissioners meeting regarding the Rosewood Development Project, I would like to humbly offer a few points to be considered:

1. Appropriateness of the geometric design of the site has been demonstrated by the architects and the developers, they in my opinion, have diligently researched the environment to allow the structures to blend into the surroundings.

2. The Developers have worked with our local authorities, regarding our great concern of the sewage issue and the safety of our dunes.

They reduced the size of the original project to accommodate our reservations

3. Rosewood Development, in order to demonstrate good intentions, and certainly

show us that they want to improve the Mile, will be burying their electrical wires and will contribute appropriately $4 million dollars to the town if we should choose to follow suit and bury all electrical on the mile.

4. Additional tax revenue will be generated to the town of Hillsboro Beach by an estimated $1.5 to $2 million dollars annually.

5. Rosewood Development will provide an Easement on the Eastern side of A1A. Thereby, providing emergency vehicles access, as well as enabling the town with a pathway for sand replacement or any other essential need required to keep the beach pristine and healthy.

In Conclusion, when the endowments are so beneficial, not significantly damaging, and can only increase our town's desirability, it seems best to be pragmatic, but not lose sight of the vision.

Respectfully,

Manny Hernandez

Please be so kind as to distribute to the Honorable Commissioners and make part of record.

Manny Hernandez Sent from my iPhone

Sherry D. Henderson

From:	Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent:	Monday, September 9, 2024 5:22 PM
To:	Dawn Miller; Barbara Baldasarre; David A. Ravanesi; Jane Reiser; Vinnie andreano
Cc:	Sherry D. Henderson
Subject:	RE: How are you Mac? My name is Angelo gurino I live at 1228 Hillsboro mile apartment 301. I lived there for 25 years. I think what's going on with the rosewood project would be a plus for the community. I think it's gonna be bring a high-end element of p

The "email" was sent in an awkward format, but sharing.

Mac

RE: How are you Mac? My name is Angelo gurino I live at 1228 Hillsboro mile apartment 301. I lived there for 25 years. I think what's going on with the rosewood project would be a plus for the community. I think it's gonna be bring a high-end element of p

-----Original Message-----
From: Angelo Gurino <angelogurino@gmail.com>
Sent: Monday, September 9, 2024 11:03 AM
To: mserda@townofhillsborobeach.com
Subject: How are you Mac? My name is Angelo gurino I live at 1228 Hillsboro mile apartment 301. I lived there for 25 years. I think what's going on with the rosewood project would be a plus for the community. I think it's gonna be bring a high-end element of peopl

Sent from my iPhone

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 5:18 PM
To: Sherry D. Henderson
Subject: FW: Conservation Area Ordinance

Importance: High

From: Deborah Tarrant <deborahtarrant@aol.com>
Sent: Monday, September 9, 2024 11:35 AM
To: Dawn Miller <dmiller@townofhillsborobeach.com>; Barbara Baldasarre <bbaldasarre@townofhillsborobeach.com>; David A. Ravanesi <dravanesi@townofhillsborobeach.com>; vandreano@townofhillsborobeach.com; Jane Reiser <jreiser@townofhillsborobeach.com>
Cc: Mac Serda <mserda@townofhillsborobeach.com>
Subject: Conservation Area Ordinance
Importance: High

Good morning Mayor, Vice Mayor and Commissioners. I wanted to take a moment to share my thoughts on the proposed amendment on tomorrow's agenda regarding future redevelopment/conservation areas. While change is never easy, sometimes it is necessary. Given the astronomical cost of trying to maintain a private beach here in Town, all potential revenue streams must be considered. Although the agreement we have with Deerfield Beach gives us the opportunity to apply for state funding every five years, there will always be times in the interim when Hillsboro Beach must address the health and sustainability of our beach because of natural conditions like storms and hurricanes. In order to do that, the Town MUST establish a beach reserve. In order to establish a beach reserve, a source of revenue has to be identified.

There are a number of communities in Town that are in need of extensive maintenance, and there is a possibility that redevelopment will be proposed. Before that happens, it would serve residents well to have a plan in place. The conservation ordinance being proposed addresses many aspects of potential redevelopment in a positive way. First and foremost, the days of allowing dune destruction during development are over, and in fact, protecting the dune and greenspaces should be a primary goal. For properties over five acres, requiring 25% of the property to be held as conservation area and requiring 100' side set-backs accomplishes this. In addition, the consideration of additional height in exchange for drastically reduced density addresses other concerns held by most residents – namely increased traffic and strain on our infrastructure.

Realistically speaking, given the crazy increase in the cost of beach nourishments and the lack of better alternatives, in order to be prepared the Town only has three options: 1) Become a public beach; 2) Levy huge assessments on current residents; or 3) Manage redevelopment in a thoughtful, controlled, advantageous fashion. When you consider the big picture, is there really any other choice but to lay out guidelines for redevelopment that allow Hillsboro Beach to remain a private enclave with a private beach?

Thank you for your service and for your consideration,

Deb Tarrant
1083 Hillsboro Mile.

Sherry D. Henderson

From: penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent: Monday, September 9, 2024 7:50 PM
To: Michael Weinberg; bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Dawn Miller
Subject: ordinance 2024-6

Dear Commissioners:

Please note for the record, I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.
Please vote with the majority of the community and just say NO!

Sincerely,

Penny Weinberg
Hillsboro Windsor

Sherry D. Henderson

From: michael weinberg <yanks4@gmail.com> on behalf of michael weinberg
Sent: Monday, September 9, 2024 7:06 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Dawn Miller
Subject: Ordinance 2024-6

Dear Commissioners:
Please note for the record, I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions. Please vote with the majority of the community and just say NO!

Sincerely,

Michael Weinberg
Hillsboro Windsor

Sherry D. Henderson

From:	RAYMOND COLADONATO <rrcolad@cox.net> on behalf of RAYMOND COLADONATO
Sent:	Monday, September 9, 2024 7:03 PM
To:	bbaldasarre@townofhillsborobeach.com
Cc:	jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Opposition to related groups ordinance, 20 24–6

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Sincerely, **Raymond and Anna Coladonato**

Hillsboro Windsor Resident

Sherry D. Henderson

From:	kwoody0322@aol.com
Sent:	Monday, September 9, 2024 6:37 PM
To:	Mayor Dawn Miller; bbaldasarre@townofhillsborobeach.com; Commissioner Jane Reiser; David A. Ravanesi; Vinnie Andreano
Cc:	Mac Serda; shenderson@townofhillsborobeach.com
Subject:	Re: Ordinance No. 2024 - 06

Dear Mayor and Commissioner's:

Most of you are aware from my previous emails that I am opposed to the 150ft. development of the Related project. Unfortunately once again, the Commission will be voting on another proposal by Related to amend the law governing the Related parcel zoned for 3 stories which they were well aware of when they purchased the parcels. They were successful once, why not try again.

When talking about the tax savings to the residents of Hillsboro Beach, you are being very disingenuous. It is quite obvious on our yearly tax statement where the majority of our County taxes go, and it is not to Hillsboro Beach.

It is also not surprising that Related once again brings another proposed amendment change to our Ordinance before the Commission this time of year when a majority of the residents are not here. Honestly, I am extremely disappointed at how the Related development has been handled from the beginning. The courts have said this was wrong and Related keeps coming back for another piece of the pie. That is what greedy, mega developers do. It turns my stomach.

Hillsboro Beach is a Town that many have gravitated to for the shear fact that a large portion of the 3.2 miles is private homes, some high-rise condominiums, and then the quaintness of the North end where most other cities to our South and North are nothing but walls of concrete and glass. Some may look at it as progress and modernizing our look, but there is something to be said for remaining true to your beginnings of being special and unique.

It is my hope that a majority of you will vote against this proposed Ordinance change.

Requesting that my opinion be made part of public record.

Sincerely,

Karen Olsen
1160

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, September 9, 2024 5:20 PM
To: Sherry D. Henderson
Subject: FW: Hillsboro Beach Ordinance 2024-06

From: Pamela Bialkin <pbialkin@gmail.com>
Sent: Monday, September 9, 2024 11:15 AM
To: bbaldasarre@townofhillsborobeach.com; dmiller@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com
Subject: Hillsboro Beach Ordinance 2024-06

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please state to make this part of the public record.

Sincerely,

Pamela Bialkin (Apt. 715)

Hillsboro Windsor

Sherry D. Henderson

From: Bob Dahlstrom <Rdahlstrom@clunegc.com> on behalf of Bob Dahlstrom
Sent: Tuesday, September 10, 2024 9:50 AM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: susanstarrdahlstrom@gmail.com
Subject: Hillsboro Beach Ordinance 2024-06

Dear Commissioners:

Please note for the record,
We oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Sincerely, **Susan & Bob Dahlstrom**

Hillsboro Windsor

Bob Dahlstrom and Susan Dahlstrom
213-760-8318

Sherry D. Henderson

From:	Pamela Bialkin <pbialkin@gmail.com> on behalf of Pamela Bialkin
Sent:	Tuesday, September 10, 2024 12:10 PM
To:	bbaldasarre@townofhillsborobeach.com; dmiller@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com
Subject:	Re: Hillsboro Beach Ordinance 2024-06

Dear Commissioners:
With all due respect, it appears your minds were already made up well before this hearing. What was the purpose of the hearing today and listening to the resident's concerns? Sadly, the outcome was predictable.
Regards,
Pam

On Mon, Sep 9, 2024 at 11:15 AM Pamela Bialkin <pbialkin@gmail.com> wrote:

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circumvent our current laws including but not limited to a change of zoning laws from RM-16 : Multi family dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 foot additional rooftop additions.

Please state to make this part of the public record.

Sincerely,

Pamela Bialkin (Apt. 715)

Hillsboro Windsor

Sherry D. Henderson

From: PAUL GOLTZ <paulgoltz@cs.com> on behalf of PAUL GOLTZ
Sent: Friday, September 13, 2024 12:00 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Fw: Hillsboro Beach Ordinance 2024-06

Dear Commissioners:

Please note for the record,
I oppose the adoption of any of the Related Group's Ordinance 2024-6 requests to circum our current laws including but not limited to a change of zoning laws from RM-16 : Multi fa dwelling residential district of maximum 35 foot limit to their request of 130 foot with +15 additional rooftop additions.

Sincerely, **Paul R. Goltz**

Hillsboro Windsor

bbaldasarre@townofhillsborobeach.com

jreiser@townofhillsborobeach.com

dravanesi@townofhillsborobeach.com

mserda@townofhillsborobeach.com

shenderson@townofhillsborobeach.com

vandreano@townofhillsborobeach.com

dmiller@townofhillsborobeach.com

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Wednesday, September 11, 2024 3:51 PM
To: Sherry D. Henderson
Subject: FW: Sep 10, 2024 Meeting-Agenda Item: Second Reading Proposed Ordinance 2024-06

Mr. Ginsberg, despite speaking at the meeting, would like this email part of the record.

Mac

From: Marc Ginsberg <mginsbergseaclub@yahoo.com>
Sent: Tuesday, September 10, 2024 9:09 AM
To: Mac Serda <mserda@townofhillsborobeach.com>
Subject: Sep 10, 2024 Meeting-Agenda Item: Second Reading Proposed Ordinance 2024-06

Mr. Serda:

I am not certain I can attend the Sep 10, 2024 commission meeting and request this statement be made part of the official record.

Aside from the technical legal deficiencies with respect to Notice requirements, substantively the proposed ordinance is a clear attempt by the Town to grant this developer "spot zoning" so that its project can proceed despite the fact that a prior variance was rejected by the Courts and a second attempt by a likely doomed 2022 "property rights" ordinance will be rejected by the Courts for failure to follow statutory notice requirements.

The technical failures are that the proposed ordinance was (1) not legally and adequately described in the title and (2) was not legally noticed to neighboring property owners next to the parcel to be rezoned.

What is spot zoning? Spot zoning is not governed by the City Code, but by Florida common law as established in Florida case law. Spot zoning is "universally condemned" practice by Florida courts. See e.g. *Parking Facilities, Inc. v. City of Miami Beach, 88 So. 2d 141, 143 (Fla. 1956)* The Florida Supreme Court identified the following 4 factors when making a spot zoning determination:

1) the size of the spot;

2) the compatibility with the surrounding area;

3) the benefit to the owner and

4) the detriment to the immediate neighborhood.

The Town's insistence on granting the developer's *requested specific use of the parcel* as a 10 story 135' tall structure in what is a 35' height restricted zone is not "zoning." Zoning is for a large area encompassing multiple properties. Rather this ordinance is direct governmental control of the actual use of this parcel of land. The following cases have found this to be unlawful spot zoning. Porpoise Point P'ship v. St. Johns County, 470 So. 2d 850, 851 (Fla. 5th DCA 1985). Palmer Trinity Private Sch., Inc. v. Vill. of Palmetto Bay, 31 So. 3d 260, 263 (Fla. 3d DCA 2010). Elwyn v. City of Miami, 113 So.2d 849 (Fla.3rd D.C.A. 1959); Friedland v. City of Hollywood, 130 So.2d 306 (Fla.2nd D.C.A.1961); Board of Adjustment of City of Fort Lauderdale v. Kremer, 139 So.2d 448, (Fla.2nd D.C.A.1962); 35 Fla.Jur., Zoning Laws, § 16. Bd. of Cty. Comm'rs v. Lowas, 348 So. 2d 13, 18 (Fla. 3d DCA 1977)

The Florida Supreme Court has long held that "spot zoning generally connotes zoning in favor of a few at the expense of the general community. It has been characterized as "the worst thing that can happen to a city" *Miami Beach United Lutheran Church v. City of Miami Beach, 82 So. 2d 880, 882 (Fla. 1955)*.

The Florida Supreme Court then described spot zoning as violating "the integrity of the district and plant therein a growth which could well spread and destroy the character of the neighborhood" *Parking Facilities, Inc. v. City of Miami Beach, 88 So. 2d 141, 143 (Fla. 1956)."* 3 Florida Real Estate Transactions § 38.10.

"In its discussion of the concept of spot zoning, Florida courts have characterized spot zoning as the piecemeal rezoning of small parcels of land to a greater density, leading to disharmony within surrounding areas and giving preferential treatment to one parcel at the expense of the zoning scheme as a whole. *Southwest Ranchers Homeowners Ass'n, Inc. v. County of Broward, 502 So. 2d 931, 935–937 (Fla. 4th DCA 1987)*." 3 Florida Real Estate Transactions § 38.10.

In *City of Miami Beach v. Robbins, 702 So. 2d 1329 (Fla. 3d DCA 1997), a* city rezoning ordinance was overturned as illegal spot zoning despite the fact that proposed amendments to the city's comprehensive plan as well as a study by local architectural experts were offered in support of the rezoning."

The Ordinance's provision that 25% of the parcel be undeveloped does not justify the 300% increase in height allowance. Rather, the height allowance should be commensurate with the area

designated by the ordinance to be undeveloped. Here, 25% of 35' equals 9 a foot height adjustment, not a 100' height adjustment.

Additionally, there does not appear to be other parcels in Hillsboro Beach that meet the dual requirements for qualification- (1) at least 5 acres **and** (2) be a designated area of Local Concern on the Broward County Nature Resource Map. I, for example, own at the Sea Club. We are more than 5 acres but as far as I can tell we are not a designated Local Area of Particular Concern. But even if we were designated as a Local Area of Particular Concern, this proposed ordinance could completely destroy the character of the Sea Club. For 70+ years we have almost 50% of our property as open space with 1 , 2 and 3 story structures constructed on the property edges. If this ordinance applies to the Sea Club, this ordinance would allow a developer to come in and build a massive 10 story condo on the beach side using significantly more land completely changing the character of the north area of Hillsboro Beach zoned for 35.'

Thank you,

Marc
Marc R Ginsberg, Esq.
marcginsberg@mg-trialattorneys.com
off: 305-358-1181 x 104
cel: 305-725-5993

Handout submitted by Jeff Bass
at Sept 10, 2024 Comm. Meeting

CURRENT LANGUAGE PROPOSED

(B) *Qualifying Developments.* The CD District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan containing more than 25% of the plot area or the designation of a conservation easement to be located on the parcel to be rezoned; and

(3) Shall be no less than five (5) gross acres or more.

(4) The designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach consisting of approximately _____ percent of the land.

PROPOSED CHANGE IN REDLINE

(B) *Qualifying Developments.* The CD District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan ~~containing more than~~consisting of twenty percent (20~~5~~%) or more of the ~~plot area~~land to be rezoned or, alternatively the designation of a conservation easement~~ in favor of Broward County or the Town of Hillsboro Beach consisting of twenty percent (20%) or more of the land~~ to be ~~located on the parcel to be~~ rezoned; and

(3) Shall be no less than five (5) gross acres or more.

~~(4) The designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach consisting of approximately _____ percent of the land.~~

PROPOSED CHANGE IN CLEAN

(B) *Qualifying Developments.* The CD District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan consisting of twenty percent (20%) or more of the land to be rezoned or, alternatively the designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach consisting of twenty percent (20%) or more of the land to be rezoned; and

(3) Shall be no less than five (5) gross acres or more.

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

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

Agenda Item Cover Memo

Agenda Item: **Ordinance No. 2024-06 Coastal Dune Conservation District** (SECOND READING)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Submitting Dept: **Town Clerk, Sherry Henderson, Town Clerk**

Agenda Date: **September 10, 2024**

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS:

1. Staff Report - Coastal Dune Conservation District - 2nd Reading 9-10-2024
2. 06 - Coastal Dune Conservation District (2nd Read 9-10-2024)
3. Lot Widths MF 5 Acres Plus

TOWN OF HILLSBORO BEACH

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4. Sun-Sentinel Ad

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
Fax: (954) 427-4834

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Jim Hickey, Planning Consultant
DATE: September 10, 2024
SUBJECT: Land Development Code Text Amendment to Establish the Coastal Dune Conservation District – Second Reading
LOCATION: Citywide

This Agenda report is regarding a request for a text amendment to the Town's Land Development Code (Code) by Hillsboro Mile Property Owner, LLC, and its agent, Jeffrey Bass, to create a new zoning district within the Town of Hillsboro Beach. The applicant wishes to establish a new zoning district category for the property located at 1174-1185 Hillsboro Mile (Property), the current site of Rosewood Residences project. This request is to place the appropriate language into the Town's Land Development Code to establish this district. The applicant will also need to submit a separate application to rezone the Property from the current RM-16 to the proposed zoning district. As this approval requires an ordinance, the Town Commission must hold two readings on this item for adoption. The corresponding rezoning application will also require two readings by the Town Commission to consider the change in zoning.

The Town Commission heard the first reading of the ordinance on July 9, 2024. The Town Commission had discussions regarding the proposed language and proposed two potential changes to the language of the ordinance.

1. Amend the minimum acreage from 5 acres to 10 acres; and
2. Amend the density from 12 units to the acre to 10 units to the acre.

The Town's consultant planner completed an analysis of the size of larger parcels within the Town. As per existing parcel sizes only one parcel is greater than 10 acres in RM-16 zoning district. There are 4 parcels greater than 5 acres within the Town. Based on these lot sizes, a 5-acre maximum would allow other property owners to utilize this district for redevelopment in the future. In addition, the percentage of the parcel set aside as conservation will need to be adjusted to be in keeping with existing site plans as well as site plans in the future. The recommended percentage should be 19%.

Other additional changes include:

A. Sec 12-100, Page 1, line 13: Change number of districts from 5 to 7;
B. Sec 12-107 (B), Page 2, line 13: Amend percentage of size of conservation area;
C. Sec 12-107 (G)(1), Page 4, line 32: Amend 400-foot minimum frontage to 300 feet;
D. Sec 12 -107 (G)(2), Page 4, line 34: Amend plot ground area from 2,900 to 21,780 square feet;
E. Sec 12 -107 (G)(2), Page 4, line 36: Amend density from 12 units/acre and 10 units/acre;
F. Sec 12-107(L), Page 5, line 23: add language, "…per Sec. 12-4 or Sec. 12-269.

Background

The Town's Board of Zoning Appeals reviewed the proposed site plan and variance application for the Property on February 1, 2022, and unanimously approved both applications. Since that time there have been pending legal issues as well as a text amendment to address this development. In an effort to have a distinct zoning district to adequately address the requirements of this development, the applicant has requested a Code amendment. The proposed district, entitled the "Coastal Dune Conservation Easement" was drafted to maintain the existing recorded conservation easement which is established as a Local Area of Particular Concern per Broward County while allowing for development on the property. In addition, as the existing RM-16 district has a height restriction of 3 floors or 35 feet, and the proposed district would allow for a height of 130 feet.

Staff Analysis

Consistency with the Town's Comprehensive Plan and Broward Next

In reviewing this application, the Town's planning consultant reviewed the Town of Hillsboro Comprehensive Plan to determine if the proposed zoning district is consistent with the Plan. The Property has a future land use designation of the site of Residential Medium (16 DU/AC Max.) which allows for a maximum of 16 residential dwelling units per acre. The Comprehensive Plan does not set a maximum height within the plan only the maximum density. The proposed rezoning would be consistent with the requirements set forth in the Comprehensive Plan with respect to the density and permitted uses of the site as a reduction in density is in compliance with the Plan. Specifically, as stated in the Town's Comprehensive Plan:

> *Section 3. Zoning as to Permitted Uses and Densities*
>
> *3.01 Town zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.*

As the Town's Comprehensive plan is based on the density of a particular parcel and not the height or other zoning regulations, this proposed district would be consistent with the Comprehensive Plan.

Likewise, the corresponding land use designation on the Broward County Land Use Plan (Broward Next) is Medium (16) Residential, corresponding to the Town's density of 16 residential units per acre. Broward Next does not set height restrictions within the Plan, only density. Therefore, the rezoning is consistent with Broward Next.

Existing Zoning District

Within the existing regulations within the Town's Code, Section 12-102 identifies the RM-16 district as the "RM-16 multiple-family dwelling residential district with 3-story maximum limit. Because of this restriction, the applicant applied for a variance from this height maximum. With the proposed Code amendment, there would not be a need to apply for a variance from height as the proposed district would allow additional height in the district.

The proposed language, as drafted would provide for the property located to 1174-1185 Hillsboro Mile (Applicant's parcel) to develop the existing site plan for Rosewood Residences. It has the maximum zoning regulations of the proposed development which includes the zoning regulations identified below:

	East Parcel (Parcel B)	**West Parcel (Parcel A)**
Maximum Height	130 feet	35 feet
Setbacks		
Front	100 feet (15 feet above grade) 45 feet (below 15-foot grade)	100 feet (15 feet above grade) 45 feet (below 15-foot grade)
Side	100 feet (15 feet above grade) 35 feet (below 15-foot grade)	25' from roof overhang
Rear	Easterly building line	15 feet from easterly ROW line of Intracoastal or seawall
Plot size	Minimum 5 acres	Minimum 5 acres
Density	10 units/acre	10 units/acre

Other regulations, such as permitted uses, accessory uses, parking, floor area, emergency power, storage, and employee sanitary requirements would be consistent with other sections of the Town Code.

Staff Recommendation

The Town planning consultant is requesting the Town Commission consider the second reading of the proposed ordinance with the proposed changes.

2ND READING 9/10/2024

JB 8.26.24 – with JH edits

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission find that it is in the best interests of the residents of the Town of Hillsboro Beach to consider the proposed text amendments to the Code of Ordinances as submitted to the Town by a property owner in its capacity as a private party;

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

WHEREAS, the Town Commission finds and acknowledges the importance of maintaining the integrity of the natural coastal dunes as well as native barrier island landscape species existing within the Town;

WHEREAS, coastal dunes and native plant species are essential to maintaining the natural balance of the barrier island upon which the Town of Hillsboro Beach is located.

WHEREAS, it is a goal and objective of the Town Commission to strike a balance between measured development and the preservation and expansion of the unique ecosystem consisting of the coastal dune system as it presently exists in Hillsboro Beach;

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

CODING: Words in ~~struck through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

SECTION 1. The foregoing "Whereas" clauses are 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 amending Section 12-100 and Section 12-102 and by the creation Section 12-115 to be entitled "**Coastal Dune Conservation District**" as follow:

ARTICLE IV. – DISTRICTS AND GENERAL REGULATIONS THEREOF

Sec. 12-100. - In general.

In order to regulate and restrict the location and use of buildings and land for residents; to regulate and restrict the height and size of buildings hereafter erected or structurally altered; to regulate the size of yards and open spaces and the density of population, the Town of Hillsboro Beach is hereby divided into districts of which there shall be ~~5~~ 7 in number known as:

(A) RS-2; single-family residential district;

(B) RM-16; multiple-family dwelling residential district with 3-story maximum limit;

(C) RM-30; multiple-family dwelling residential district with 7-story maximum limit;

(D) RPC; private club multiple-family dwelling residential district ocean and intracoastal sides east and west of State Highway A1A;

(E) PRC; private recreation—conservation district; ~~and~~

(F) CF; community facilities district~~.~~; and

(G) CD; coastal dune conservation district.

SECTION 3. Section 12-107 entitled "Annexation of Territory" is deleted in its entirety and is replaced as follows:

Section 12-107. CD District Regulations.

(A) *Purpose*. The intent and purpose of creating a Coastal Dune Conservation District (CD) is to implement the Town's legislative priority of protecting its beaches and existing dune system both of which are essential to the barrier island upon which the Town of Hillsboro Beach is located. To accomplish this objective, the Coastal Dune Conservation District is designed to protect and preserve environmentally sensitive lands that exist within the Town by providing the ability for property owners to develop their lands while promoting the preservation of space and the creation of conservation areas and preserving the integrity of the Town's vitally important environmental coastal resources. To accomplish these objectives, the CD District requires the preservation of existing conservation areas, the

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development and extension of the existing dune system and important natural resources, greater setbacks and open space all in exchange for greater height than allowed within the Town's other zoning districts. Because the heights authorized and setbacks required by this district are best suited for larger parcels, the district is only appropriate for developments comprising of five (5) gross acres of land or more. The land under common ownership on the east and west sides of SR A1A is eligible for this zoning district even where the conservation area is solely located on lands east of SR A1A.

(B) *Qualifying Developments*. The CD District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan containing more than 25% of the plot area or the designation of a conservation easement to be located on the parcel to be rezoned; and

(3) Shall be no less than five (5) gross acres or more.

(4) The designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach consisting of approximately _____ percent of the land.

(C) *Uses Permitted.* Those uses permitted within the CD shall be those uses as allowed within the RM-16 Multiple-Family Residential Dwelling District, including any uses permitted accessory thereto including accessory structures, recreational uses, private amenities, and docks and piers as described in Sec. 12-141.

(D) *Height Regulations*. For property on the east side of SR A1A, no building or structure shall be erected or altered to a height exceeding 130 feet above the dune elevation and shall not exceed ten (10) stories above the existing dune elevation or dune system to be created. For property located on the west side of SR A1A, no building or structure shall be erected or altered to a height exceeding 35 feet and shall not exceed 3 stories above the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The height limitations of this article shall not apply to: master radio or television antennae, chimneys, flag poles, or elevator components.

(2) *Decorative Features*. Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas and not covering more than 20 percent of the roof area may be erected to an additional height not to exceed 15 feet, provided that the overall height of the building or structure shall not exceed 145 feet for property on the east side of SR A1A and 50 feet for property on the west side of SR A1A.

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(3) *Shade Features and Landscaping.* Pergolas (or similar shade features), planters, and landscaping shall be exempt from the 20 percent roof area limitation set forth in D(2) above.

(E) *Parking Regulations*. Shall be the same as described in Sec. 12-143 which is incorporated by reference into this section.

(F) *Yard Regulations*. For purposes of yard calculations within the CD District, given the presence of coastal dunes or areas to be designated for coastal dunes within it, grade shall be defined for property on the east side of SR ~~A1~~ A1A as the average dune elevation and for property on the west side of SR A1A as the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The yard regulations of this article shall not apply to:

(a) Master radio or television antennae, chimneys, flag poles, or elevator components.

(b) Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas.

(c) Pergolas (or similar shade features), planters, and landscaping.

(2) *Front Yard*. Every plot shall have a front yard of not less than 100 feet in depth measured from the center line of State Highway A1A for structures more than 15 feet above grade and 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.

(3) *Side Yard*. For property on the east side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 100 feet measured from the roof overhang and a minimum side yard of 35 feet for structures or portions of structures equal to or less than 15 feet above grade. For property on the west side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 25 feet measured from the roof overhang.

(4) *Rear Yard*. No building or part of building shall be erected closer than 15 feet to the easterly right-of-way line of the Intracoastal Waterway, or 15 feet east of any seawall which is erected east of the easterly right-of-way line of the Intracoastal Waterway or easterly beyond the line shown on the plat of easterly building line.

(G) *Area and Density Regulations*.

(1) *Plot Size*. Every plot for a multiple-family residential dwelling shall not be less than 400 feet in width, not less than 100 feet in depth, and contain not less than 217,800 square feet (five acres) in area.

(2) *Plot Area and Density*. Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit or exceed a maximum gross density of 12 dwelling units per acre.

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(3) *Ground Coverage*. Ground coverage of building or building above ground, shall not exceed 30 percent of the total area of the plot. Driveways and parking areas which must be paved shall not exceed 15 percent of the total area of plot.

(4) *Open Area*. Every site plan approved within the CD District shall include:

(a) A minimum of 55 percent of the total area set aside for open recreational and green areas.

(b) A maximum of 15 percent of the total area set aside as a paved recreational area, which will include, but not be limited to swimming pools, pool decks, shuffleboard and ~~tennis~~ racquet courts.

(c) A minimum of 35 percent of the total area shall be set aside as a green area. All green areas shall be planted and maintained in lawn and/or landscaping.

(H) *Floor Area Regulations.* Shall be the same as described in Sec. 12-146 which are incorporated by reference into this section.

(I) *Emergency Power Requirements.* Shall be the same as described in Sec. 12-147 which are incorporated by reference into this section.

(J) *Storage Requirements*. Shall be the same as described in Sec. 12-148 which are incorporated by reference into this section.

(K) *Employee Sanitary Requirements*. Shall be the same as described in Sec. 12-149 which are incorporated by reference into this section.

(L) *Site Plan Approval.* Upon the favorable determination by the planning director that a site plan complies with the requirements of this district, the Commission shall be authorized to approve a site plan together with a rezoning to the CD District.

SECTION 4. 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 5. 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 6. 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.

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SECTION 7. 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 9th DAY OF JULY, 2024.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS _____DAY OF _____, 2024.

TOWN OF HILLSBORO BEACH, FLORIDA

_____,
Dawn Miller, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC Town Clerk

APPROVED AS TO FORM:

_____
Donald J. Doody, Town Attorney

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301' frontage
5.58 ac
345' frontage
5.68 ac
406' frontage
7.82 ac
606' frontage
10.44 ac
Legend
Multi-Family Parcels greater than 5 acres
Multi-Family Parcels
Hillsboro Beach Boundary

SunSentinel
MEDIA GROUP

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Order ID: 7665145

* Agency Commission not included

GROSS PRICE * : **$160.74**

PACKAGE NAME: SSC_Notice of Public Meeting

Order ID: 7665145

* Agency Commission not included

GROSS PRICE * : **$160.74**

PACKAGE NAME: SSC_Notice of Public Meeting

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Zone: Full Run
Color Spec. B/W

Preview

TOWN OF HILLSBORO BEACH, FLORIDA
PUBLIC HEARING
Tuesday, September 10, 2024, at 9:00 am
ORDINANCE NO. 2024-06
Coastal Dune Conservation District

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the Second Reading of Ordinance No. 2024-06 a PUBLIC HEARING will be held on Tuesday, September 10, 2024, at 9:00 a.m. in Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. The Public can attend in person or provide comments via Live Zoom Video Conference.

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CON-

Order ID: 7665145

* Agency Commission not included

GROSS PRICE * : **$160.74**

PACKAGE NAME: SSC_Notice of Public Meeting

FLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting in-person at Town Hall or attend virtually via Zoom Video, and be heard with respect to the proposed Ordinance, which may be inspected by the public in the Office of The Town Clerk, Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.

Zoom meeting Log-in details available on website.

Sherry D. Henderson, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA
08/30/2024 7665145

TOWN OF HILLSBORO BEACH, FLORIDA
PUBLIC HEARING

Tuesday, September 10, 2024, at 9:00 am

ORDINANCE NO. 2024-06
Coastal Dune Conservation District

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the **Second Reading** of Ordinance No. 2024-06 a **PUBLIC HEARING** will be held on **Tuesday, September 10, 2024, at 9:00 a.m.** in Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. The Public can attend in person or provide comments via Live Zoom Video Conference.

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting in-person at Town Hall or attend virtually via Zoom Video, and be heard with respect to the proposed Ordinance, which may be inspected by the public in the Office of The Town Clerk, Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.

Zoom meeting Log-in details available on website.

Sherry D. Henderson, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA
7/10/2024



Town of Hillsboro Beach
Commission Meeting Agenda

October 1, 2024
9:00 AM

Established 1939

MAYOR
Honorable Dawn Miller

VICE MAYOR
Honorable Barbara Baldasarre

COMMISSIONERS
Honorable Jane Reiser
Honorable David A. Ravanesi
Honorable Vinnie Andreano

TOWN MANAGER
Mac Serda, ICMA-CM

TOWN ATTORNEY
Donald J. Doody

TOWN CLERK
Sherry D. Henderson, CMC

HILLSBORO BEACH TOWN HALL
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
954-427-4011

www.TownofHillsboroBeach.com

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile, Hillsboro Beach, Florida 33062

October 1, 2024 | 9:00 AM

REGULAR TOWN COMMISSION MEETING AGENDA

MAYOR DAWN MILLER
VICE MAYOR BARBARA BALDASARRE
COMMISSIONER JANE REISER
COMMISSIONER DAVID RAVANESI
COMMISSIONER VINNIE ANDREANO

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

Refer to the end of the Agenda for the Commission Meeting RULES OF DECORUM (Resolution No. 2023-36), adopted 9/12/2023
Commission Meetings are streamed LIVE and recorded on the town's website

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

I. APPROVAL OF MINUTES

A. September 4, 2024 First FY25 Budget Public Hearing

II. PRESENTATIONS

III. SITE PLAN REVIEW

A. PUBLIC HEARING - Authorized Agent for Property Owner is Seeking Approval for Amendments to Site Plan Originally Approved on 7/11/2023 for Property Located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062. (Tabled 7/9/2024, request postponement 12/3/2024)

Owner: Land Banc Trust
Property Owner: Morris Flancbaum
Staff: Graham Long, Development Planner, CG&A
Address: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023

IV. ORDINANCES

A. Ordinance No. 2024-05 PUBLIC HEARING (SECOND READING, Tabled 9/10/2024)
Construction Site Management to Include Sodding of Vacant Lots and Designation of Development Review Official

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED

"CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

B. Ordinance No. 2024-06 PUBLIC HEARING (THIRD READING)
Coastal Dune Conservation District

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

C. Ordinance No. 2024-07 PUBLIC HEARING (SECOND READING)
Prohibit Gas Powered Leaf Blowers

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY AMENDING ARTICLE VI ENTITLED "NUISANCES"; PROVIDING FOR THE REGULATIONS ON THE USE OF LEAF BLOWERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Ordinance No. 2024-08
Require Digital Photographs of Existing Structures to Be Submitted As Part of the Construction Site Management Plan (Demolition). (FIRST READING)

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 AMENDING SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT"; PROVIDING FOR DIGITAL PHOTOGRAPHS OF ALL STRUCTURES PRESENT ON A LOT PRIOR TO ANY DEMOLITION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

E. Ordinance No. 2024-09 Require Renderings Be Submitted with Site Plan Review Applications. (FIRST READING)

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 AMENDING SECTION 12-48 ENTITLED "APPLICATION FOR FINAL SITE PLAN APPROVAL"; PROVIDING FOR RENDERINGS REFLECTING IMPROVEMENTS ON PROPOSED SITE PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

V. DISCUSSION & POSSIBLE ACTION

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-41
Resolution of the Town of Hillsboro Beach Mayor and Commissioners Approving and Adopting a Fee to Allow for Alternative Plans Review and Inspections for Private Providers to Provide Plan Review and Building Inspections In Lieu of the Building Department, per Florida Statute 553.791 and Authorize the Appropriate Town Officials to Update the Town's Comprehensive Fee Schedule.

B. Resolution No. 2024-42
Resolution of the Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute Agreement with Port Consolidated, Inc. for Unleaded and Diesel Fuel Piggybacking on the City of Pompano Beach, Florida Same Terms and Conditions of RFP No. E-03-22 Unleaded Gasoline & Diesel Fuel for Southeast Florida Governmental Purchasing Cooperative Group.

C. Resolution No. 2024-43
Resolution of the Town of Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute the Agreement Between Broward County and the Town of Hillsboro Beach for the Enhanced Marine Law Enforcement Grant Program FY 2024/2025.

VII. CONSENT

A. INVOICES FOR APPROVAL

CG&A	Invoice #719912	August 2024	$35,004.86	
LSF	Invoice # 24-0831-26	August 2024	$5,649.27	
GCDE	Invoice #61661	Aug/Sept 2024	$6,572.60	(General Matters)
GCDE	Invoice #61663	Aug/Sept 2024	$1,050.00	(Crusco/Doherty ORD)
GCDE	Invoice #61662	Aug/Sept 2024	$90.00	(Development-Releated)

VIII. BEACH REPORT

IX. STAFF UPDATES

A. Police Department
Jay Szesnat, Police Chief

B. Building Department
George Folles, Building Official, CG&A

C. Code Compliance
Bernard Pita, Code Compliance Director, CG&A

X. TOWN MANAGER REPORT

A. Music on the Green, featuring Patti & Jozay - 10/10/2024
FREE Shred, Electronic Recycle, Blood Drive & more - 10/26/2024
Christmas Tree & Menorah Lighting Holiday Program - 12/5/2024

XI. TOWN ATTORNEY REPORT

XII. TOWN COMMISSION COMMENTS/REPORTS

XIII. PUBLIC COMMENTS

XIV. ADJOURNMENT

UPCOMING MEETINGS AND EVENTS

A.	Coffee With A Cop (surviving an active assailant)	Wed Oct 9, at 2pm
	Music on the Green	Thu Oct 10, at 7pm

Shred, Electronic Recycle, Blood Drive & more!	Sat Oct 26, at 9am
General Election	Tue Nov 5, 7am-7pm
Commission Meeting	Tue Nov 12, at 9am
Holiday Program	Thu Dec 5, at 5:30pm

RULES OF DECORUM

- The goal of Commission Meetings and Public Hearings is to accomplish the public's business in an environment that encourages fair discussion and exchange of ideas.
- Everyone will have three (3) minutes when recognized for public comment, participants should step forward to the podium ai state their name & address for the record.
- All comments shall be directed to the commission or board as a body, through its presiding officer. Comments shall not be addressed to a single member of the commission or board, or to Town staff including the attorney, the manager, or the clerk, unless a majority of the members present on the commission or board shall so agree.
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input.
- Anger, rudeness, ridicule, personal attacks, profane language, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
- If a person refuses to abide by these rules of civility and decorum, a commissioner may request a motion to temporarily rece
- Continued disruptions by any person may result in the request of the person to depart the meeting.

Resolution No. 2023-36, adopted 9-12-2023

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, IIMC-CMC, Town Clerk (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.

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MINUTES
TOWN OF HILLSBORO BEACH
REGULAR COMMISSION MEETING

TUESDAY **OCTOBER 1, 2024** **9:00 A.M.**

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller called the meeting to order at 9:02 A.M. Roll was called with the Commission members and staff present as listed below.

Town Commission:
Mayor Dawn Miller
Vice Mayor Barbara Baldasarre
Commissioner Jane Reiser
Commissioner Vinnie Andreano
Commissioner David A. Ravanesi

Town Staff:
Town Manager William "Mac" Serda, ICMA-CM
Sean Schwartz, Acting Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to approve the Agenda. In a roll call vote, the **motion** passed unanimously (5-0).

I. APPROVAL OF MINUTES

A. September 4, 2024 First FY25 Budget Public Hearing

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldasarre, to approve the minutes of the September 4, 2024 Public Hearing. In a roll call vote, the **motion** passed unanimously (5-0).

II. PRESENTATIONS

None.

III. SITE PLAN REVIEW

A. PUBLIC HEARING - 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

Authorized Agent for Property Owner is Seeking Approval and Amendments to Site Plan Originally Approved on 7/11/2023 for Property Located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062. (Tabled 7/9/2024, request postponement 12/3/2024.)

Owner: Land Banc Trust
Property Owner: Morris Flancbaum
Staff: Graham Long, Development Planner, CG&A
Address: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
Date of Original Site Plan Approval: Development Order Granted and Issued 7/11/2023

Mayor Miller noted the Variance Request was tabled by the Board of Zoning and Appeals until 12/3/2024 and thus the Site Plan Review was tabled until Dec. 3, 2024 meeting as well .

Motion by Commissioner Reiser, seconded by Commissioner Ravanesi, to defer the Site Plan Review until 12/3/2024. In a roll call vote, the **motion** passed unanimously (5-0).

IV. ORDINANCES

A. Ordinance No. 2024-05 – Construction Site Management to Include Sodding of Vacant Lots and Designation of Development Review Official (SECOND READING)

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 AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION", PROVIDING FOR THE DESIGNATION OF A DEVELOPMENT REVIEW OFFICIAL (DRO); PROVIDING FOR AN AMENDMENT TO SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT" TO REQUIRE SODDING OF VACANT LOTS IN THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Sean Schwartz read the item into the record.

Town Manager William "Mac" Serda, ICMA-CM, advised that Ordinance 2024-05 designates a Development Review Officer and clarifies the Staff member who will be

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responsible for the planning review process. It also establishes sod requirements for parcels that come before the Town Commission for demolition but do not have a Site Plan. The Commission's recommendation was to require the addition of sod.

Mr. Serda continued that there have also been discussions regarding whether or not the type of sod should be clarified. He explained that Bahia grass is typically the covering laid by the Florida Department of Transportation (FDOT) on the Turnpike and similar locations. He noted that it is more important to ensure that any grass laid on a site is not allowed to die and is properly maintained than to mandate which type of grass should be used. Code Compliance is asked to ensure maintenance, including mowing and landscaping.

Mayor Miller asked if the Code Section referenced in the Ordinance should include a provision addressing maintenance. Town Manager Serda replied that maintenance is addressed in another element of Code, adding that that element should also be strengthened in relation to Ordinance 2024-05 and will be brought back the following month.

Mayor Miller also asked if the Ordinance should mention replacement of the sod if it dies. Town Manager Serda clarified that the Commission may add the replacement of dead sod as an aspect of maintenance when that element is brought back to a subsequent meeting. He added that artificial sod is also an option.

Commissioner Ravanesi pointed out that Code Compliance will be responsible for monitoring the site and alerting the owner of any need to maintain or replace the sod. It was also noted that the intent of sodding a site is to prevent eroded dirt from flowing out onto a roadway.

Commissioner Reiser suggested the use of artificial turf, which would not die and would not require irrigation. Mayor Miller expressed concern with the effect of this material on erosion. Town Manager Serda confirmed that artificial turf, if properly installed, would minimize erosion as well.

It was suggested that information related to maintenance be included in Ordinance 2024-05 as well so property owners will be able to review it without reading all of Code. Town Manager Serda explained that when a property owner brings forth a Site Plan or demolition plan, they meet with Staff to discuss site requirements. He added that if a property owner is looking for maintenance requirements in Code, they should refer to the maintenance rather than the demolition section. He confirmed, however, that Staff can add references to maintenance requirements if that is the Commission's wish, reiterating that maintenance requirements will need to be strengthened at the next meeting.

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Mayor Miller recommended that the Ordinance includes the clarification that sod shall be kept in good condition for the duration of the period. Town Manager Serda confirmed that this could be added.

Motion by Commissioner Andreano, seconded by Commissioner Ravanesi, to amend Section 4D. In a roll call vote, the **motion** passed unanimously (5-0).

Mayor Miller opened the public hearing.

Mark Ginsberg, 1221 Hillsboro Mile, speaking via Zoom, stated that it would be a mistake to limit beautification requirements to the addition of sod. He pointed out that zero-scaping, planting, mulch, and other options would be preferable to the waste of water on sod over a long period of time.

Bob Mayer, representing Bomar Builders, speaking via Zoom, advised that artificial turf costs roughly $12 per square foot, which would make it very expensive to sod a large lot with this material. He felt it would be unreasonable to ask a client to invest this type of expense in temporary covering. He also noted that Bahia grass does not require the installation of an irrigation system.

Mayor Miller closed the public hearing.

Town Manager Serda clarified that the sod requirement would take effect 90 days after a property owner has received their demolition permit.

Commissioner Reiser acknowledged Mr. Ginsberg's point during the public hearing, as there is no mention of using materials other than grass. It was clarified, however, that neither mulch nor rock would be desirable solutions. It was also suggested that a site's visibility from the street might be taken into consideration, which would mean an owner may not need to sod an entire site at significant expense.

Mayor Miller observed that the Ordinance states sod shall be placed as ground cover on the section of the lot consisting of open soil or sand. Town Manager Serda emphasized the importance of preventing stormwater or sediment runoff, stating that he had felt the intent was to place ground cover on a site.

It was asked whether an owner would need to landscape a site once they have purchased it. Mayor Miller clarified that the Ordinance would apply only to land on which demolition has occurred or where no ground cover is present. Town Manager Serda reiterated that a property owner must also control stormwater runoff from their site.

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Town Manager Serda further clarified that there is currently an open Code case involving a vacant parcel from which sediment runs onto the road. He emphasized the need for maintenance and control of storm runoff after demolition.

Motion made by Commissioner Reiser, seconded by Commissioner Andreano, to approve the Ordinance, including "in good condition" to Section 4D-7. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Reiser, seconded by Commissioner Ravanesi, to adopt the Code Section that is Ordinance 2024-05 as amended. In a roll call vote, the **motion** passed unanimously (5-0).

B. Ordinance No. 2024-06 Coastal Dune Conservation District (SECOND READING)

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT"; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the item into the record by name and title only.

Planning Consultant Jim Hickey stated that this Item was requested by Hillsboro Mile Property Owner, LLC, represented by agent Jeffrey Bass, to create a new district within the Town entitled the Coastal Dune Conservation District. He provided the Commission with an Agenda Memo summarizing the process and considering the potential changes related to Ordinance 2024-06.

Mr. Hickey recalled that at the previous Commission meeting, there had been significant discussion of height. He emphasized that the proposed structure, known as the

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Rosewood building, would not be the tallest structure in the Town, as it is at least 30 feet lower than the Landmark building. He also addressed consistency with the Town's Comprehensive Plan, noting that the Plan's Land Use Element calls for the development of a coastal resort-oriented residential community characterized by uses which reflect a balance of the needs of both the year-round and seasonal populations, as well as minimal disruptions to natural systems.

The Comprehensive Plan's Conservation Element calls for preserving environmentally sensitive lands and local areas of particular concern, using land development regulation procedures for their protection and preservation. This involves the notification and protection of private property owners' rights, balancing conservation areas with development.

Mr. Hickey also noted that the creation of a Conservation District would involve a reduction in density. The current density allows 16 units per acre. The proposed zoning district would reduce density to 10 units per acre. The current zoning would permit 188 units, while the Site Plan proposes the development of fewer than 100 units.

Mr. Hickey continued that the Ordinance would only amend the text in the Town's Land Development Code. An applicant would still need to file a rezoning application, which would be reviewed by the Commission at two public hearings.

Mr. Hickey recommended the following changes:

- P.2 of the Ordinance, line 13: change "…hereby divided into districts where there shall be five" to "…shall be seven"
- P.4 of the Ordinance, line 31: change reference under "Plot, Area, and Density" to designate a minimum square footage for units; he proposed consideration of a minimum of 2000 sq. ft. of ground area per multi-family unit

Mayor Miller referred to the Plot, Area, and Density Section, stating that she had understood this would specify not exceeding a maximum gross density of 10 dwelling units per acre rather than size of unit. Mr. Hickey replied that if the Commission is comfortable with the proposed density, there is no need to establish a minimum square footage; the reason it is proposed would be to require any developer with lower density to have larger units than what is required by Code. He recommended establishing a minimum square footage per dwelling unit, as larger units typically accompany lower density.

Mayor Miller asked if this will mean a developer must seek a variance if they wish to construct smaller units, such as studio units. Mr. Hickey confirmed this, reiterating that lower density is already accomplished without specifying unit size.

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Commissioner Reiser asked how the Ordinance's density requirement would affect smaller properties. She pointed out that there will also be side yard and other requirements which will affect the number and size of units on a parcel. Mr. Hickey confirmed that the size of the property itself will ultimately determine a project's density, adding that the Ordinance refers to a minimum acreage of five acres.

Mayor Miller further clarified that the Commission would ensure that their goal of capping density on the site is met, and the developer may decide how to allocate those units in terms of space. Mr. Hickey also noted that the minimum unit size square footage would not be calculated for purposes of density, but for the price point.

Mayor Miller referred to p.2 of the Ordinance, "Qualifying Developments," which list the requirements of a parcel to qualify for consideration as part of the Coastal Conservation District. She noted that the figure "30%" appears twice in this Section, and asked if it was recommended that the Commission remove "consisting of 30% or more of the land to be rezoned." This removal would leave the following language: "…includes a local area of particular concern as designated on the Nature Resource Map Series of the Broward County Land Use Plan."

Mayor Miller continued that an alternative to this suggestion would be "…designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach, consisting of 30% or more of land to be rezoned." Mr. Hickey replied that both references to 30% are needed in order to cover both alternatives.

Jeffrey Bass, 1515 Sunset Drive, representing the Applicant, briefly highlighted some aspects of the policy discussion, pointing out that the Commission has conducted an extraordinary amount of public hearing on this matter, providing all respondents with ample time. They have held three public hearings when only two are required, all of which include public input.

Mr. Bass requested that the Commission adopt the Ordinance before them due to the reasons discussed in Mr. Hickey's presentation. He noted that Ordinance 2024-06 reduces density and therefore traffic. He also felt the Ordinance addresses overdevelopment by not only reducing density but increasing open space and setbacks and would allow properties that have lain fallow to be used to increase the Town's tax base and pay for Town services.

Mr. Bass continued that the Ordinance will also protect the Town's beaches, creating an incentive for property owners to voluntarily reduce their density and increase setbacks in exchange for greater height.

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Mr. Bass observed that Ordinance 2024-06 is consistent with the Town's Comprehensive Plan, as mentioned during Mr. Hickey's presentation. With regard to the regulation of unit size, he suggested that the Commission leave this decision to the market rather than regulating it, or impose a minimum unit size no greater than 2000 sq. ft. He explained that the proposed development will include amenity guest suites smaller than 2000 sq. ft. which could be used by health care workers, family members, guests, or others. He added that the Applicant wished to ensure that any minimum unit size would not apply to those suites.

Mr. Bass concluded by requesting a small amount of time for rebuttal in case the Applicant needed to respond to any issues that may arise.

Town Attorney DJ Doody swore in those giving testimony at the hearing.

Commissioner Andreano pointed out that the Application does not refer to smaller facilities for guests, health care workers, or others. Mayor Miller clarified that the Applicant would need to allocate the size of these units, most likely making them smaller while allowing other units would be larger.

Mayor Miller opened the public hearing.

Kim Williams, 1221 Hillsboro Mile, asked if Town Staff has discussed the proposed development, including existing Code regulations, with the Applicant. She recalled that in previous discussions of the development, the Commission had emphasized that the variance would apply only to 10-acre properties, which would mean it was limited to the Applicant's property only; however, the discussion now includes five-acre properties. Ms. Williams concluded that this change led her to question the integrity of the discussion regarding the proposed development, and she found it to be disheartening.

Mark Ginsberg, 1221 Hillsboro Mile, speaking via Zoom, stated that the remarks made by the Mayor and Commissioners at the September 10, 2024, Commission meeting, as well as comments made at today's meeting, suggested the real reason for the proposed Ordinance was the desire to see a building constructed to 130 ft. despite court orders disallowing that height on the basis of zoning. He pointed out that the Commission has already approved this height and wishes to allow construction of the building to proceed.

Mr. Ginsberg continued that the Commission appeared to be acting on behalf of the developer rather than the residents who would be affected by the project, and pointed out that even at a lower height, the building could still generate significant tax revenue. He recalled that the Commission amended the qualifying lot size to 10 acres upon approval at first reading; however, this size was later lowered to five acres.

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Mr. Ginsberg asserted that the proposed Ordinance would transform three properties of more than five acres in the northern portion of the Town, allowing them to be developed to 130 ft. in height. He concluded that the Ordinance would not survive a legal challenge, and requested that the Commission reconsider the height limit.

Richard Crusco, 1194 Hillsboro Mile, speaking via Zoom, stated that the Applicant is seeking to circumvent a court decision as well as the Town's zoning laws. He advised that members of the Commission had made assurances and guarantees to residents that safeguards were in place to prevent additional properties from building to a height of 130 ft. In addition, at the July 9, 2024 first reading of the proposed Ordinance, it was stated that five-acre properties were not suitable for the proposed type of development, and the Commission had voted unanimously to amend the minimum acreage to 10 acres.

Mr. Crusco continued that if other properties are developed to the same proposed height as the Applicant's property, it would be to the detriment of other neighboring properties. He felt the proposed Ordinance, if passed, would be challenged in court by residents, and urged the Commission to modify the proposed height allowance.

Charles Dougherty, 1194 Hillsboro Mile, speaking via Zoom, requested that the written objections he had transmitted to the Commissioners and the Town Clerk be entered into the record of tonight's meeting. He objected to approval of the proposed Ordinance, pointing out that the issue of guest suites, which was first raised at today's meeting, sounded similar to short-term rental properties, which should not be allowed under Zoning Code for the proposed condominium.

Debbie Sabin, 1221 Hillsboro Mile, speaking via Zoom, stated that lowering the minimum parcel size from 10 acres to five acres "placed a target" on the back of her property as well as that of other smaller condominium properties. She requested that the Commission reconsider their decision and retain existing green space.

Mayor Miller closed the public hearing.

Mr. Bass, representing the Applicant, asserted that both developers and residents may come before the Commission to express their positions on this issue. He characterized the ability to request a zoning change as a Constitutionally protected petitioning activity and took exception to the suggestion that any party's integrity may have been compromised.

Regarding the issue of unit size, Mr. Bass stated that the proposed amenity suites are not vacation rentals, but are suites of less than 2000 sq. ft. The Applicant wished the Commission to indicate that a minimum unit size would apply to the sale of units but not for common areas such as these.

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Mr. Bass concluded that there are no variances before the Commission, but a legislative decision to change Zoning Code, which has been done many times over the years. He requested that the Commission adopt the Ordinance with an amendment that if the minimum unit size is decreased to 2000 sq. ft., there would be a clear expression of legislative intent that the restriction would not apply to common area amenities.

Commissioner Ravanesi stated that he was tired of having the Commission's character and integrity being questioned, and emphasized the importance of decisions relating to the economy and stability of the Town. He pointed out that beach renourishment assessments are likely pending in the Town's future and revenue must be generated for this purpose.

Commissioner Andreano advised that he did not find it important how much revenue a building may generate, as his only concern was for the benefit of the Town. He noted the importance of placing utilities underground to minimize the effects of hurricanes, and pointed out that the Applicant is willing to help the Town make this improvement.

Commissioner Andreano continued that there are many buildings in the Town which range in height between eight and 15 stories and help the Town financially as well as maintaining its beauty and uniqueness. He also noted that most of the sand purchased by the Town goes toward improving the subject area. He concluded that residents should look at the proposed development more broadly and recognize that the entire Town is "in this together," and that they would be proud of the building once it has been constructed.

Commissioner Ravanesi also addressed the purchase of sand, recalling that in 2025, the Town will need to undertake further beach renourishment, which will come at a significant cost. He pointed out that the Town must contribute 12.5% from its reserves toward the purchase of sand, which he estimated at between $750,000 and $770,000, and that this money will need to be replaced to continue sound financial operations within the Town.

Commissioner Reiser requested clarification of properties in the Town which are greater than five acres in size. Town Manager Serda confirmed that these include the Sea Club and Flamingo properties.

Commissioner Reiser also noted that the Mayor and Commissioners are required to file financial documents which attest to their integrity. She recalled that the previous Commission saw the proposed project as a win for the Town and concluded that she wanted the project to proceed.

Regarding height, Commissioner Reiser confirmed that the Landmark building is the tallest in the Town at 15 stories in height. She also advised that the Rosewood building was intended to be a "one-and-done" project, and recalled that the Commissioners had campaigned on this issue. She added that she understood why a variance was granted for a Coastal Conservation

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Area and concluded that while she was in favor of the Rosewood project, she questioned the Coastal Conservation Area zoning. This variance has been granted for the specific reason of protecting the Rosewood property.

Commissioner Reiser continued that she was concerned about possible future developments such as the Sea Club and the Royal Flamingo. While she felt the Town needs the Rosewood project and she wanted to see it brought to fruition, she questioned why Code needed to be changed.

Vice Mayor Baldasarre recalled that the Rosewood project has been under discussion for several years, and the original discussion included a 25-story structure. It has taken several years to bring the project to a more acceptable format. She added that she has discussed the project with many residents, the majority of whom support it, and pointed out that there are few changes the Commission could impose that would be acceptable to the residents who do not support the project.

Vice Mayor Baldasarre concluded that she was comfortable supporting the proposed 10-story building as well as Ordinance 2024-06. She also took exception to individuals' questioning of the Commission's integrity.

Mayor Miller thanked the residents in attendance for sharing their views and concerns, clarifying that the Town is creating a new zoning district which would meet the legal obligation of allowing other similarly situated properties to make the same change as the Applicant.

Mayor Miller continued that due to the proposed density reduction, the building's footprint would be significantly smaller despite its height. This would allow sites to retain more green space, including 100 ft. setbacks on each side, while reducing density and shrinking the building's footprint. If an applicant meets the criteria, they would be allowed to build to 150 ft.

Mayor Miller also addressed the change from 10 to five acres, stating that there are very few properties in the Town which meet the zoning change's size criteria. The application of the new zoning district would be based on the size of the parcel, including the ability to meet requirements for 100 ft. setbacks and green space, rather than its location.

Mayor Miller cited several buildings in the Town which are over 10 stories in height, many of which are located near private single-family residences. She concluded that while part of the appeal of the Rosewood project is its revenue, the proposal also allows for responsible and reasonable development with certain protections for the Town.

Mayor Miller also addressed comments which had mentioned litigation, noting that there is

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no legislation which prevents the Commission from making decisions on how the Town's land is used. She reiterated that most residents are in favor of the Rosewood project and acknowledged the concerns of residents who oppose it.

Mayor Miller also referred to the proposed 25 ft. easement as critically important to the project, as it would provide for continued beach renourishment in the future. She also pointed out that the Town has its own access points to the beach for the purpose of renourishment, and that the cost of renourishment is greater than many may realize.

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to amend the Ordinance as written to make the change on p.2, line 13, changing the number of districts from five to seven, and then on p.4, line 31 of the Ordinance. In a roll call vote, the **motion** passed unanimously (5-0).

Motion made by Commissioner Ravanesi, seconded by Commissioner Andreano, to approve the Ordinance as amended. In a roll call vote, the **motion** passed 4-1 (Commissioner Reiser dissenting).

Motion made by Commissioner Andreano, seconded by Commissioner Ravanesi, to adopt the Ordinance. In a roll call vote, the **motion** carried 4-1 (Commissioner Reiser dissenting).

C. Ordinance No. 2024-07 - Prohibit Gas Powered Leaf Blowers (SECOND READING)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 6 ENTITLED "GARBAGE AND TRASH DISPOSAL" BY SPECIFICALLY AMENDING ARTICLE VI ENTITLED "NUISANCES"; PROVIDING FOR THE REGULATIONS ON THE USE OF LEAF BLOWERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller noted that there has been a request to defer Ordinance 2024-07.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Reiser, that this Ordinance be deferred. In a roll call vote, the **motion** passed unanimously (5-0).

D. Ordinance No. 2024-08 – Require Digital Photographs of Existing Structures to be Submitted as Part of the Construction Site Management Plan (Demolition). (FIRST READING)

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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 AMENDING SECTION 12-50 ENTITLED "CONSTRUCTION SITE MANAGEMENT"; PROVIDING FOR DIGITAL PHOTOGRAPHS OF ALL STRUCTURES PRESENT ON A LOT PRIOR TO ANY DEMOLITION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the Ordinance by name and title only.

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldasarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

E. Ordinance No. 2024-09 – Require Renderings Be Submitted with Site Plan Review Applications. (FIRST READING)

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 AMENDING SECTION 12-48 ENTITLED "APPLICATION FOR FINAL SITE PLAN APPROVAL"; PROVIDING FOR RENDERINGS REFLECTING IMPROVEMENTS ON PROPOSED SITE PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Attorney Schwartz read the Ordinance by name and title only.

Motion made by Commissioner Ravanesi, seconded by Vice Mayor Baldasarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

V. DISCUSSION & POSSIBLE ACTION

None

VI. RESOLUTIONS & CONTRACTS

A. Resolution No. 2024-41

Resolution of the Town of Hillsboro Beach Mayor and Commissioners Approving and Adopting a Fee to Allow for Alternative Plans Review and Inspections for Private Providers to Provide Plan Review and Building Inspections in Lieu of the Building Department, per Florida Statute 553.791 and Authorize the Appropriate Town Officials to Update the Town's Comprehensive Fee Schedule.

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Mayor Miller introduced the Resolution. Acting Town Attorney Schwartz read the resolution by title only into the record.

Town Manager Serda explained that Florida Statutes allow parcel owners the option of using private providers for land review and inspections, which bypasses most Building Department authority or requests. This would mean the Building Department serves only as the custodian of records. He emphasized the need for the Town to have a plan in place to respond to these requests as well as a path for owners who choose this option. The Town must also establish a discount available to owners who choose to proceed with private providers.

Mayor Miller asked if the Town anticipates any further action with respect to this statutory requirement. She pointed out that the Town must also establish a standard operating private provider audit procedure. Town Manager Serda replied that the Town would take custody of the records and review them; if the Building Official feels the inspection was not carried out by qualified individuals or in a timely or proper manner, they may step in and discuss clarification. The Building Official may also withhold a Certificate of Occupancy (CO) until any deficiencies have been corrected.

Commissioner Reiser observed that the Town may develop its own protocol to follow up on the Building Official's decision. Town Manager Serda replied that the Building Official must feel comfortable with the private provider's qualifications and certification. Once they have received the private provider's reports, they may issue the CO, which is ultimately the Building Official's responsibility.

Motion made by Vice Chair Baldasarre, seconded by Commissioner Reiser, to approve 2024-41. In a roll call vote, the **motion** passed unanimously (5-0).

B. Resolution No. 2024-42

Resolution of the Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute Agreement with Port Consolidated, Inc. for Unleaded and Diesel Fuel Piggybacking on the City of Pompano Beach, Florida Same Terms and Conditions of RFP No. E-03-22 Unleaded Gasoline and Diesel Fuel for Southeast Florida Governmental Purchasing Cooperative Group.

Mayor Miller introduced the Resolution, and Acting Town Attorney Schwartz read the Resolution by title only into the record.

Town Manager Serda explained that this is a housekeeping item. The Town purchases fuel and dispenses it to the vehicles and/or vessels in question; however, the Town's

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procurement policy allows them to "piggyback" on another municipality's contract, following the policy established by lead agencies in the Broward Cooperative Purchasing Coalition. He concluded that this is a transparency issue.

Town Manager Serda further clarified that the Town is one of many participants in the Broward Cooperative Purchasing Coalition, which pools its purchasing resources. Each agency takes the lead on a different resource. This system provides greater purchasing power for municipalities.

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Andreano, to approve Resolution 2024-42. In a roll call vote, the **motion** passed unanimously (5-0).

C. Resolution No. 2024- 43

Resolution of the Hillsboro Beach Mayor and Commissioners Authorizing the Appropriate Town Officials to Execute the Agreement Between Broward County and the Town of Hillsboro Beach for the Enhanced Marine Law Enforcement Grant Program FY 2024/2025.

Mayor Miller introduced the Resolution. Acting Town Attorney Schwartz read the Resolution into the record by title only.

Police Chief Jay Szesnat advised that this Resolution extends the Town's annual agreement with the Enhanced Marine Law Enforcement Grant (EMLEG) program into fiscal year (FY) 2024/2025. The agreement is a matching grant for 416 hours per week and 304 hours of aggressive services. It has increased to $40,440. It funds the hourly rate used by the Town for Marine Patrol services. The grant pays for most of these services.

Commissioner Andreano requested clarification of the word "aggressive." Chief Szesnat explained that this depends upon hours: aggressive hours typically begin after 2 p.m. The Marine Patrol seeks to use at least 304 of these hours per year.

Motion made by Commissioner Andreano, seconded by Vice Mayor Baldasarre, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

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VII. CONSENT

A. CONSIDERATION FOR APPROVAL

	Vendor	Invoice #	Date	Amount	Description
1.	CG&A	719912	August 2024	$35,004.86	
2.	LSF	24-0831-26	August 2024	$5,649.27	
3.	GCDE	61661	Aug/Sept 2024	$6,572.60	General Matters
4.	GCDE	61663	Aug/Sept 2024	$1,050.00	Crusco/Doherty ORD
5.	GCDE	61662	Aug/Sept 2024	$90.00	Development-Related

Motion made by Vice Mayor Baldasarre, seconded by Commissioner Ravanesi, to approve the Consent Agenda. In a roll call vote, the **motion** passed unanimously (5-0).

VIII. BEACH REPORT

Town Manager Serda reported that the Town will proceed with beach renourishment in February or March 2025. The Town is in discussion with the City of Deerfield Beach and engineers are coordinating the effort. The delivery schedule and maintenance of traffic (MOT) are currently being determined. Once the plan is formalized, it will be submitted to Deerfield Beach for approval.

IX. STAFF UPDATES

A. Police Department

Police Chief Szesnat reported that the Police Department is actively observing cyclist traffic and preparing for the coming season. He noted that "Coffee with a Cop" is scheduled for October 9, 2024, which is the second Wednesday of the month. The event will be regularly scheduled on that date, although the time will fluctuate.

B. Building Department

Building Official George Folles stated that the Building Department issued a Site Plan permit to the Related Group at their September 16, 2024 meeting. The site is being monitored by the Police Department to ensure that the developer adheres to the Town's hours of operation. The Building Department is still awaiting a response regarding Parcel A, which is located on the Intracoastal Waterway. No construction permits have been issued for either Parcel A or Parcel B. If approved, work will begin on Parcel B and will

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be preceded by a pre-construction meeting with all Departments involved, as well as with the contractor and developer.

Commissioner Reiser asked if structural and zoning permits must be approved before the Town sees any funding toward the undergrounding of utilities. Town Manager Serda replied that his interpretation of this schedule was that 50% of funding will be provided at the issuance of the first primary building permit, with the remaining 50% to be provided at issuance of the CO. He did not expect bifurcation of the two parcels to affect funding.

Mayor Miller asked if the Building Department expects to receive submittals from condominiums related to their milestone reports. Mr. Folles explained that the Broward County Board of Appeals has addressed this issue as part of the Broward County Inspection Report. He expects to receive both milestone reports and building safety inspection reports. He was not certain, however, of the procedure for buildings whose milestone inspections were just approved one to two years ago.

Mr. Folles continued that the Broward County Board of Appeals oversees two different safety inspection programs: structural and electric. He did not believe a building was required to provide a new milestone report if their previous inspection just occurred one to two years ago but expected their next milestone inspection would be in 10 years. If the building wished to submit a report in relation to a problem, however, he would like to see that document. All milestone reports are kept on file at Town Hall.

Mayor Miller asked what is expected of a property owner when they receive a letter stating that a permit has expired. Mr. Folles replied that a letter is mailed to the property owner which encourages the owner to call the Building Official if there is any unusual circumstance related to the expiration. Each situation may be different.

C. Code Compliance

Bernard Pita, Code Compliance Supervisor, CG&A, briefly reviewed Code Compliance cases for which notices have been issued.

Mr. Pita noted that the majority of the open cases were related to annual fire inspections, and all of these cases involved multi-family properties. He has contacted the appropriate property managers for these buildings and connected them with the Fire Inspector so they know what must be done to bring the property into compliance.

Mr. Pita continued that Code Compliance continues to work with properties that have received either courtesy notices or Notices of Violation. The Town's top priorities have

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been noise from construction sites, construction site management, and obstructions of rights-of-way.

Commissioner Reiser noted that one of the buildings at which multiple inspection notices were issued is a relatively new structure on the Hillsboro Mile. Mr. Pita explained that these may include maintenance issues as well as Fire Code violations.

X. TOWN MANAGER REPORT

A. Music on the Green, Featuring Patti & Jozay – 10/10/2024
FREE Shred, Electronic Recycle, Blood Drive and more – 10/26/2024
Christmas Tree & Menorah Lighting Holiday Program – 12/05/2024

Nothing to report.

XI. TOWN ATTORNEY REPORT

Nothing to report.

XII. TOWN COMMISSION COMMENTS/REPORTS

Nothing to report.

XIII. PUBLIC COMMENTS

Mayor Miller opened the public hearing.

Susan Maybee, 1187 Hillsboro Mile, complimented Town Staff, including the Chief of Police. She also requested clarification of how the Rosewood project would affect the underground burying of utility lines. Mayor Miller replied that the developer will follow their own schedule to complete this project.

With no other individuals wishing to speak, Mayor Miller closed the public hearing.

Mayor Miller reminded all present that Coffee with a Cop is scheduled for October 9, 2024 at 2 p.m. She also briefly reviewed the events listed under the Town Manager Report, and added that the General Election will be held on November 5, 2024. The next Commission meeting is scheduled for November 12, 2024.

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XIV. ADJOURNMENT

Motion made by Commissioner Ravanesi, seconded by Commissioner Reiser, to adjourn the meeting at 11:19 A.M. All were in favor.

ADOPTED THIS _____ DAY OF _____, 2024.

By: _____
Dawn Miller, Mayor

ATTEST:

_____
Sherry D. Henderson, CMC
Town Clerk

Hand-outs Provided or Presented at Meeting - Entered into the Record and/or Written Comments emailed to Town Clerk, Entered into the Record.

OCTOBER 1, 2024

REGULAR COMMISSION MEETING

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

September 13, 2024

To Town of Hillsboro,

My name is George Del Pino and I own Unit 406 at the Landmark. I wanted to give my full support for the Rosewood Residences development. The website with the plans is spectacular. I am also grateful that they will only be having 92 units instead of the potential 188 that it is zoned for. The additional revenue it will bring the Town is also another benefit we should not overlook.

Thank you,

George Del Pino

561-716-1218

Sherry D. Henderson

From: Carol Siatkowski Keane <carolskeane@icloud.com> on behalf of Carol Siatkowski Keane
Sent: Friday, September 20, 2024 12:28 PM
To: shenderson@townofhillsborobeach.com
Subject: Residence Rosewood project. I am in favor of the rosewood Residence project. I t will benefit the community greatly. Lgreatly.

Sent from my iPhone

Sherry D. Henderson

From: Nadia Cromwell <nadia.cromwell58@gmail.com> on behalf of Nadia Cromwell
Sent: Friday, September 20, 2024 12:18 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood

I am in favor of the new Rosewood Residence. I think it will enhance our already beautiful neighborhood.
Thank you
Nadia Cromwell
Sent from my iPhone

Sherry D. Henderson

From: Kentos Rock <rockbrg@yahoo.com> on behalf of Kentos Rock
Sent: Friday, September 27, 2024 1:46 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

The previous Commission told the residents of Hillsboro Beach that if they approved "one" developer to build OUTSIDE our zoning regulations, you would NOT let this become a pandora's box of "approvals"! And yet... here we are with Ordinance 2024-06! Was the Commission's word not true? We are angry! DO NOT LET ORDINANCE 2024-06 pass. We DO NOT want our beautiful residential Hillsboro Beach to become a high-rise money-making gold mine for rich developers - who will quickly leave AFTER they do their damage. ***NO*** to Ordinance 2024-06!

Paul & Geri Rock, over 35 years resident of Hillsboro Island House

Gmail

Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Rosewood Residence

Cosmic Kitchen <cosmickitchenhomer@gmail.com> Mon, Sep 23, 2024 at 6:06 PM
To: shenderson@townofhillsborobeach.com

To the Mayor, Board, and Town Clerk of Hillsboro Beach,
I am in favor of the Rosewood Residence project. It will benefit the town and all of our residents. From my understanding, it will help fund the underground wiring and beach nourishment in Hillsboro Beach. The tax dollars will help future projects as well. Rosewood Residence has my support. Please enter this into public record.
Michelle Wilson

Sent from my iPhone

Sherry D. Henderson

From: ALICIA OLSEN <olsenrun@msn.com> on behalf of ALICIA OLSEN
Sent: Friday, September 20, 2024 2:15 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Residential Project

Hello Sherry,
I want to let you know how wonderful to see the Rosewood project get started! I see these residential developments
as a great benefit to our town's financial well-being now and for its future growth. And, they will add architectural beauty to our town as well.
Please add this to any public record you feel is appropriate.

Sincerely,
Alicia Olsen
Lebaron resident

Get Outlook for Android

Sherry D. Henderson

From:	Mark Cifarelli <mark@2010autosales.com> on behalf of Mark Cifarelli
Sent:	Saturday, September 28, 2024 3:27 PM
To:	CommissionerBarbara Baldasarre:"; jreiser@townofhillsborobeach.com; David A. Ravanesi; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Mayor Dawn Miller
Subject:	New Ordinance Opposition

Good Afternoon
Please let it be known that I, Mark Cifarelli, object to the new ordinance that will allow building up to 130 ft on 5 acres.
I own a unit in Virginia Kaye and I absolutely love the 'old Florida' feel and look of the community. It will now be dwarfed by a massive building on one side and I am very concerned that once you allow developers to circumvent the current 3 story rule, that we will open the floodgates for more gigantic projects.
We will next have to deal with the Ocean Crest project on the other side of our complex. 2 Large projects on either side at the same time will not be fun to deal with.
I oppose allowing large developers to erect massive buildings that will change the landscape of this wonderful town.
I am not against development. It is my opinion that projects could adhere to the current rules and be a welcome addition to the town and generate a generous amount of revenue that the town is looking for.
All of the residents I know oppose such gigantic development, but would not be opposed to smaller projects that would enhance the town's upscale look and feel, without making it a mini downtown Ft Lauderdale.
As elected officials, please give serious consideration to resident and owners wishes over developers and money.

David- The Last tme I sent an email you were the only one who responded and I appreciate that very much. It is my fault we have not been able to connect for the call we talked about.
I will do my best to reach out this week.

Thank you all for reading,
Mark

Mark Cifarelli
Owner
2010 Auto Sales
343 2nd Ave
Troy, N.Y. 12182
518.238.0263
www.2010autosales.com

Sherry D. Henderson

From:	Phyllis Farfaras <pfarfaras@aol.com> on behalf of Phyllis Farfaras
Sent:	Sunday, September 29, 2024 12:52 PM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Ordinance 2024-06 ---

Good Morning,
I am quite concerned over what is happening in our town.
It appears that the only reason there is to rezone our community is to accommodate the developer(s). This is reprehensible. If there is another reason, I would like to hear it.

Changing the Ordinance will enable a host of developers to flock into Hillsboro Beach and do the same thing, destroying the very essence of our small peaceful town.

Do any one one of you live near where these buildings will be built? If so, do you really think this is necessary? My thought is you would think differently if you do and intend to remain in Hillsboro Beach.

Please think ...
Long after you are gone, your legacy will be how you assisted in allowing a big pocketed developer to persuade you in voting to destroy one of the last small towns in South Florida. Is that how you want to be remembered? Or doesn't it matter to you?

Surely there could have been a compromise, please reconsider. We should not have "this" dividing our town. Again, I ask- please reconsider.

Phyllis Farfaras
1194 Hillsboro Mile #23
Hillsboro Beach, Florida 33062

email- pfarfaras@aol.com
cell- (561) 663-1049

Sherry D. Henderson

From: Gail Wiser <gailwiser@outlook.com> on behalf of Gail Wiser
Sent: Sunday, September 29, 2024 5:35 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Ordinance 2024-06

Dear Commissioners,
I vehemently oppose the ordinance 2024-06 that would allow 3 more properties of 5 acres to build large 130' high buildings in our part of Hillsboro Beach where the ordinance is for 3 stories maximum. What are you looking to create? A north end of mini-high rise building in place of our community that we all bought into? Has services been studied for the impact of the possibilities of these structures? Water/sewer? police? Traffic?

When people purchase into a neighborhood they investigate many aspects of the area. Many of us have chosen Hillsboro Beach because of the atmosphere and beauty of the neighborhood. Now, you commissioners are changing our neighborhood while most of you drive south to your unaffected homes.
At the last meeting, a homeowner at the south end of town asked for consideration to build a fence to prevent trespassers and cars from turning around on his property. You commissioners where thoughtful in your questioning and concerned about the traffic problems at the bridge. I mention this because more than one commissioners stated that the owner knew the ordinance when he bought his property and build his pool. Exactly! So why are you not consistent with these developers! They knew of the 3 story height variance when they bought. I can only conclude either you are greedy with the promise of dollars from the developers and/or you really don't care what the north side of Hillsboro Beach looks like with 2-3 story condos dwarfed between 150+' monsters

Some people have called this "progress". Destruction of the charm when feeling close to nature/beach is taking our culture backwards.

Gail Wiser
Hillsboro Island House

Sherry D. Henderson

From: Paul Rock <prock1937@yahoo.com> on behalf of Paul Rock
Sent: Sunday, September 29, 2024 9:52 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

I am firmly against Ordinance 2024-06 amendment. The Commission told Hillsboro Beach residents that Rosewood was a one-time exception. Now we are looking at Ordinance 2024-06 amendment! I believe this Commission is opening Hillsboro Beach up for future wealthy developers to again abuse our zoning laws, make a LOT of money, and leave - with our community picking up the pieces. These builders knew our laws when they bought property! These wealthy developers' goal was to use our beautiful community to make money! They obviously are not concerned with our community and our laws/zoning. I think this Commission is more concerned with short-term money than with the impact this will have on Hillsboro Beach. I want this on public record.

Sherry D. Henderson

From: Gary Kliza <gklizax2@yahoo.com> on behalf of Gary Kliza
Sent: Saturday, September 21, 2024 1:01 PM
To: Town of Hillsboro Beach
Subject: Rosewood

I am in favor of the Rosewood project. It will benefit the community and all of the residents.

Sherry D. Henderson

From:	Pat Marmousez <marmousezpat@gmail.com> on behalf of Pat Marmousez
Sent:	Monday, September 30, 2024 12:43 PM
To:	bbaldasarre@townofhillsborobeach.com
Cc:	jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Ordonance2024-06

My name is Patricia Marmousez and I chose this place instead of Miami. Hillsboro Beach was a paradise and you will destroy it. The only reason for visiting Miami Beach today, it is for his preserved neighborhood : Art Deco Ocean Drive. Think about that. This place is not for the buildings. Brickell is a business district, North Miami or Pompano Beach.... look their buildings today and think about what Hillsboro will be without sun on the beach in the afternoon. Goodbye the calm, goodbye turtles, goodbye paradise for which I left everything. I know you don't care because of money. But look walls on the beaches from Miami to Hillsboro. The most expansive parts are places without awful buildings. Think for the future and not just for now please. We will lose what we are here for

Sherry D. Henderson

From:	Laura Fish <fishonthemile@gmail.com> on behalf of Laura Fish
Sent:	Monday, September 30, 2024 11:22 AM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject:	Ordinance 2024-06
Attachments:	image0.jpeg; image1.jpeg; image2.jpeg; image3.jpeg; Untitled attachment 00328.txt

Hello Mayor and Commissioners,
Please add my comments for the public record that I am vehemently opposed to the rewritten ordinance by Related Group or any of their team for any parcels no matter what their size to be able to bypass our current zoning laws in this zone of 35 feet.

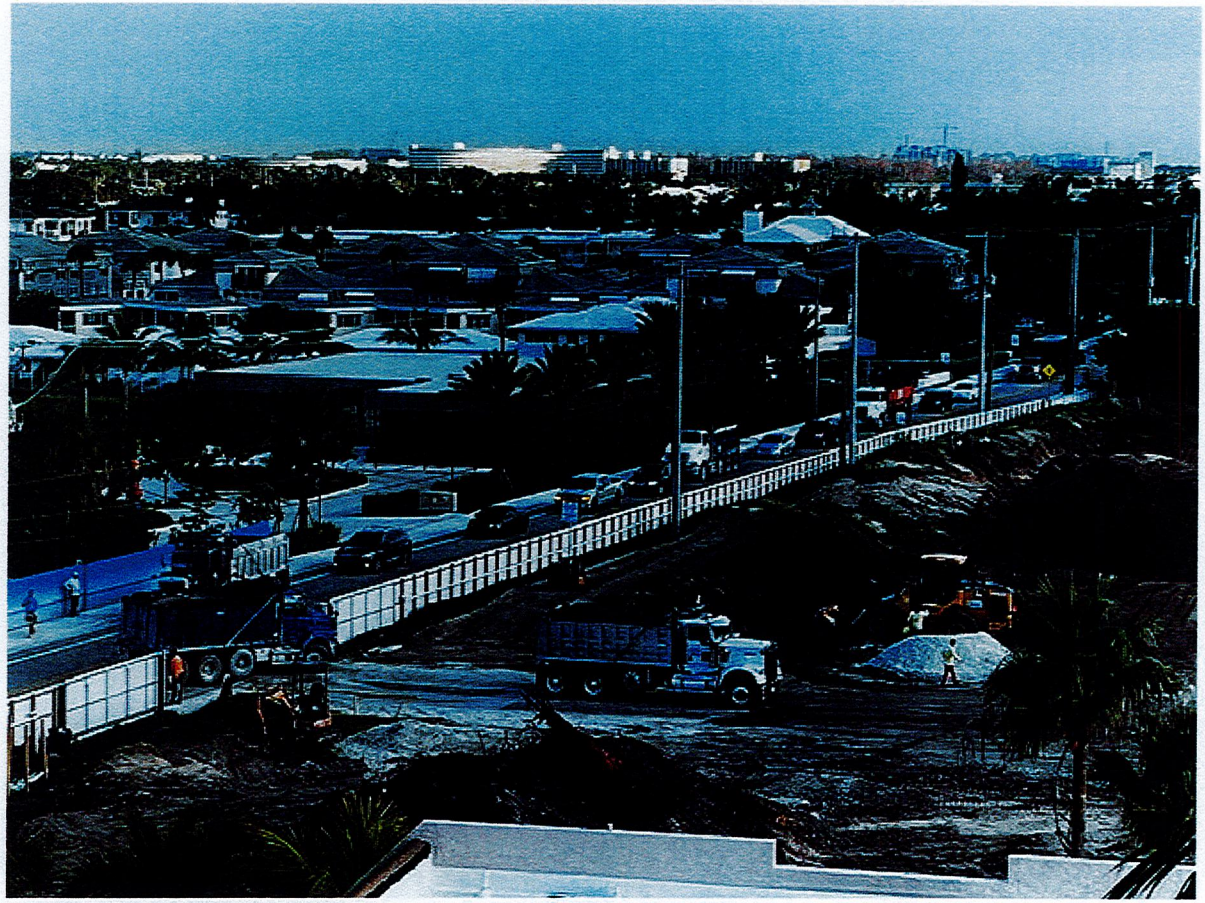
This vote if approved, will destroy the balance and beauty of our community.

If it's additional tax dollars you are looking for this can just as easily be done without increasing the height 3 times the current legal zoning laws of 35 feet. Even a 100% increase in height would have and could be a windfall for any developer- and at least more palatable for the north side of the community.

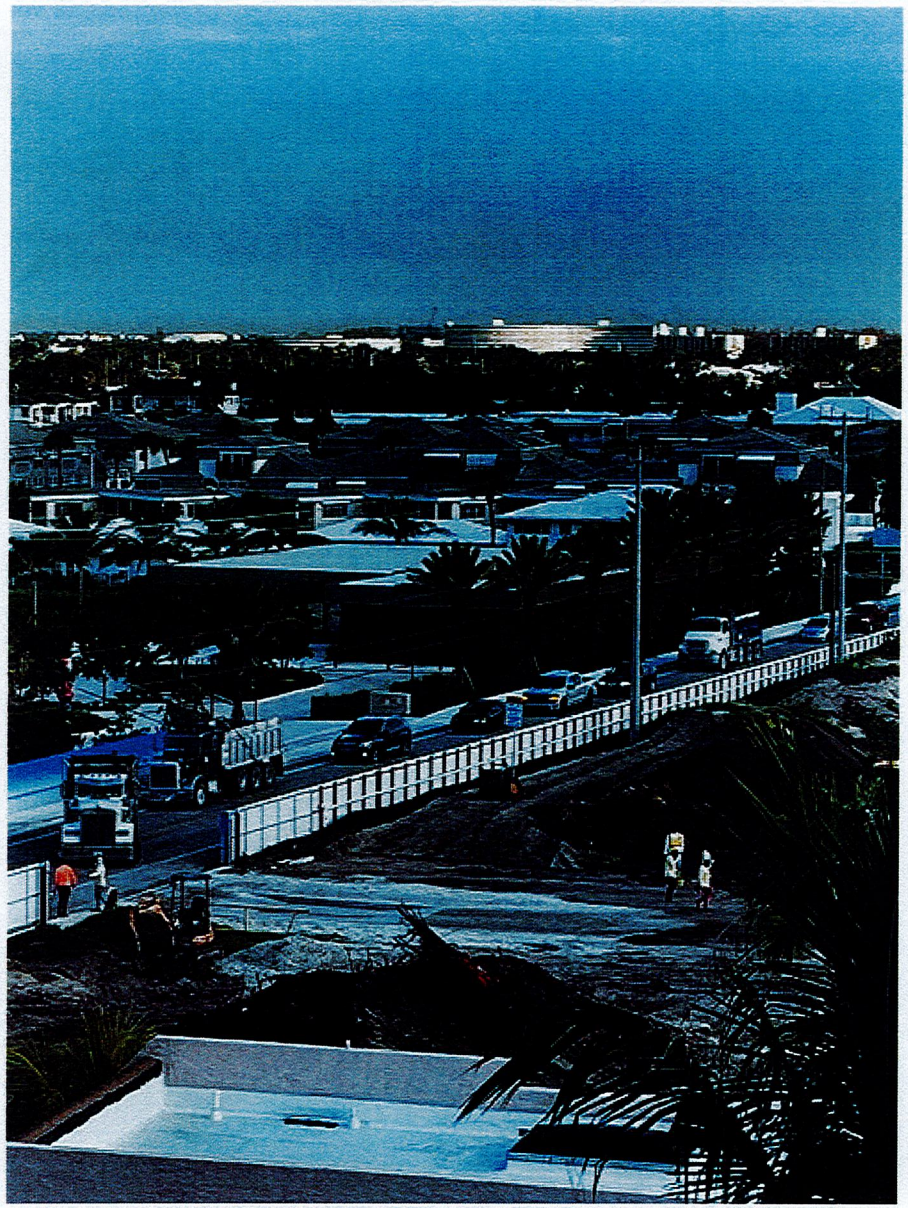
Please reconsider this updated zone change debacle in our community and change your votes to no.
Please protect and represent the north side of your constituents by voting NO on this ordinance.

I have included pics of just one example of how dangerous and disturbing the Related Groups initial sand removal has been and how I almost got killed trying to get out of my driveway on the way to work going south.
Our driveways were blocked as workmen stopped northbound traffic and angry frustrated drivers did not want me to inch out to go south. Once inching out I could not see the south bound drivers coming and almost got hit. This is life threatening and needs to be addressed.

Sincerely Laura Fish. Hillsboro Windsor









Sherry D. Henderson

From:	penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent:	Tuesday, October 1, 2024 4:16 AM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; Dawn Miller; vandreano@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject:	Ordinance 2024-06

Dear Mayor and Commissioners,

My opposition to this variance of our current laws takes into consideration the devastation to our environment both now and in the future. Not only are we digging into porous and unstable sand the blocking of the sunlight to our very protected and fragile dunes can have devastating effects in the future, unknown to present principles. In my experience of residential building when a building of this height and depth penetrates the ground and uses the land surface it causes fissures or cracks in the ground surface. This will also cause water to be displaced from its natural flow causing a change in the environmental habitat. What new wind tunnels will be created by a building of this size and mass? It will cause a shift in the direction of the wind possibly negatively affecting the surrounding buildings. How will the blocking of the sun affect the dunes that were used as a hardship but are now being cantilevered over? Who will police the people walking on the ramp over the dunes down into the beach from doing harm to our dunes? Will the money collected by the city cover the need for outside fire departments to come in the event they are needed? I am seriously hoping that the Town of Hillsboro Beach was not negatively convinced by the money thrown at it that they overlooked three judges decisions against the developer for getting a variance of the current laws not to exceed 35 feet. In addition, I feel that most of the meetings and decisions were made when a lot of the people who live in Town we're not around to voice their opinions. There is no amount of money that can be collected to replace the quiet enjoyment and peaceful environment that has been created in Hillsboro Beach. It used to be known as the hidden jewel, but years worth of traffic, debris, dust and noise will change that moniker to be Fort Lauderdale North. I feel that the commission and the mayor has closed their eyes and sold us out for the sake of money and the need for an easement to bring sand down to the beach which could've been gotten from a building within the rules.
Rules are made to be followed not broken and worked around.

Penny Weinberg
Sent from my iPhone

Sherry D. Henderson

From: michael weinberg <yanks4@gmail.com> on behalf of michael weinberg
Sent: Monday, September 30, 2024 7:40 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; Shenderson@townofhillsborobeach.com; Mac Serda; Dawn Miller
Subject: Ordinance 2024-06

Mayor and Commissioners,

I request that you add my comments to the public record. I strongly oppose the rewritten ordinance allowing the Related Group to somehow work around our current zoning laws of a 35' limit on building. I was told that the Town of Hillsboro Beach needs the easement for sand created by allowing them to build a building of 150'. Can we not get the same easement by not letting them bend the rules. After all I believe that a judge turned down their request three times. Do these court cases mean anything? I find it odd that the Town kept going against the judges decisions by keep trying to find ways to appease Related for what, more money. Wouldn't a project within the current zoning bring much needed revenue? Did we have to have more at the expense of long time residents quiet enjoyment and at the expense of losing our laid back charm with this ogre of a building.

These are not true or even nice people, it's all about the almighty dollar. The claim to want to be neighborly, I don't see it:

When they initially pitched the project, they said that if there were damages made to The Windsor since we were just going to paint our building, I remember clearly them saying that if there was any dust, dirt or debris, causing an effect to the paint, it would be cured by them. They backed off on that. We asked for one seismic monitor to be placed on our property line, that request came with a whole list of legal stipulations, even stating that we could not complain.

At that initial meeting, I asked if any independent traffic studies were being done to see the impact. The answer that I received was that they lowered the density from 180 to 120 apartments. That does not answer the question about the traffic impact the correct answer would've been what does 120 additional units bring to the traffic study. I am still looking for that answer.

Which brings me to the point that Laura Fish of the Hillsboro Windsor brought up. I am not in Hillsboro now, but I did see the pictures that she sent to you. It's appalling that this is happening at this time. Roads are blocked, people are angry, traffic is backed up and it's dangerous and it's not even season yet. What is it going to be like this winter in the town of Hillsboro Beach?

I am not opposed to building on the property but not to this level. I ask that you change your vote to no for the sake of preserving the charm and tranquility that we all deserve.

This Commissions legacy along with that of the previous Mayor, will be, those are the people who helped Related circumvent the rules and allowed this to happen.

Disappointed,
Michael Weinberg
Hillsboro Windsor

Sherry D. Henderson

From: David Rock <david_k_rock@yahoo.com> on behalf of David Rock
Sent: Monday, September 30, 2024 7:09 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Subject: Rejection of Ordinance 2024-06

Hillsboro Beach Town Commission:

I, as a long-time owner-resident of Hillsboro Beach (30+ years), am writing to be on Public Record that I adamantly OPPOSE Ordinance 2024-06.

It is constantly amazing to me that every year someone with the desire to make a quick buck tries to change our beautiful seaside township and trample on the wishes of the people who have been peacefully residing there for years. In short, we have had the rules limiting high-rises in our area for a reason--and this ordinance is yet another attempt to break those rules for a small number of self-interested people.

As it is, the traffic along AIA through Hillsboro Beach is already congested, certainly during high season, and changing the by-laws and adding significantly more congestion will only make that situation worse. The waterborne traffic will additionally increase and with it the noise, hastening the deterioration of the intracoastal embankments and adding to the cost of existing refurbishments, without even mentioning the impact on the environment! Why? Because instead of going to Miami Beach some developer thought it would be cheaper for him to build in our town?

I strongly OPPOSE any amendment to our town's ordinances such as Ordinance 2024-06.

Thank you,
David K. Rock
Hillsboro Island House
1160 Hillsboro Mile

Sherry D. Henderson

From: David Rock <david_k_rock@yahoo.com> on behalf of David Rock
Sent: Monday, September 30, 2024 7:09 PM
To: bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
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As it is, the traffic along AIA through Hillsboro Beach is already congested, certainly during high season, and changing the by-laws and adding significantly more congestion will only make that situation worse. The waterborne traffic will additionally increase and with it the noise, hastening the deterioration of the intracoastal embankments and adding to the cost of existing refurbishments, without even mentioning the impact on the environment! Why? Because instead of going to Miami Beach some developer thought it would be cheaper for him to build in our town?

I strongly OPPOSE any amendment to our town's ordinances such as Ordinance 2024-06.

Thank you,
David K. Rock
Hillsboro Island House
1160 Hillsboro Mile

Sherry D. Henderson

From: Charles Doherty <cd@rebartonage.com> on behalf of Charles Doherty
Sent: Tuesday, October 1, 2024 8:18 AM
To: Commissioner Barbara Baldasarre:; Commissioner Jane Reiser:; David A. Ravanesi; Mac Serda; Sherry D. Henderson; vandreano@townofhillsborobeach.com; dmiller@townofhillsborobeach.com
Cc: Richard Crusco; Ralf Brookes
Subject: Re: Objection to Ordinance 2024-6

Dear Ms Henderson, Mr Serda and Hillsboro Beach Commissioners,

I am again writing to object to Ordinance 2024-6 and request that you include this correspondence, documenting my objection, into the public record at the third reading of the proposed ordinance at today's Commission meeting.

I am a Hillsboro Beach Resident and live within 500-0 feet of the Related/Rosewood property. I strongly object to Ordinance 2024-06. I, along with all of my neighbors, purchased our properties aware of, AND because of, the limitations of the **RM 16** zoning district.
I and my neighbors support smart development of the Related parcel **IN CONFORMANCE** with the current zoning laws. I, along with many members of the Hillsboro Beach community, are opposed to changing the character and charm of Hillsboro Beach by building a 150-0 highrise and are opposed to the Town Commission trading away the quiet enjoyment of our homes so that a deep pocketed developer can generate even more profit.
Further, I object to Ordinance 2024-06 because:

1. **Illegal Spot Zoning** The Ordinance as promulgated constitutes an illegal spot zoning by shifting allowable building heights for one large parcel over 400%, from 35-0 height to over 145-0. The illegal spot zoning of 145-0 is not compatible with the surrounding area, will only benefit one owner, and will be to the detriment of residents in the immediate neighborhood.
2. **Improper Notice** Ordinance 2024-6 constitutes a change to the Land Development Code and as such, the Town has failed to properly notice adjacent neighbors and nearby property owners.
3. **Financial Windfall** Ordinance 2024-06 will provide a substantial, inappropriate and unfair financial windfall to the owner at the expense of the neighboring properties. The Town Commission is giving away tens of millions of dollars in value to the developer for a few million in public improvements.
4. **Illegal Variance** The Town Commission had granted an illegal variance to Related. That illegal variance was struck down by the court and also found to be illegal by the appeals court. This is just another attempt by the Town Commission to circumvent the law and the Court's decision on behalf of a favored deep pocketed developer.
5. **Sensitive Environmental Area** According to the Florida Department of Environmental Protection, Related/Rosewood has already **FAILED** the community in its responsibility to build in an environmentally safe manner.

During preliminary construction, the **Florida Department of Environmental Protection** conducted a **Compliance Evaluation Inspection** and "**multiple violations were discovered.**" Specifically, "...perimeter controls were found to be **insufficient to protect surface waters from potential pollutants.**"

Additionally, the following potential violations were observed:

- ***Failure*** *to conduct inspections according to the construction generic permit.*
- ***Failure*** *to maintain records for the construction generic permit.*
- *Failure to develop a Stormwater Pollution Prevention Plan for the construction generic permit.*
- ***Failure*** *to properly install/implement Best Management Practices for the construction generic permit.*
- ***Failure*** *to properly operate/maintain Best Management Practices for the construction generic permit.*

Therefore, in order to protect our incredibly beautiful beach and intracoastal environment, Related/Rosewood **CANNOT be trusted** to be the manager of the proposed **Coastal Dune Conservation District.**

For all of the reasons stated above, I object to the passing of Ordinance 2024-06.

Thank you,

Charles Doherty
1194 Hillsboro Mile # 27
Hillsboro Beach, FL 33062

Sherry D. Henderson

From: mcphee2@comcast.net
Sent: Tuesday, October 1, 2024 8:38 AM
To: jkirdahy@townofhillsborobeach.com; bbaldasarre@townofhillsborobeach.com; dmiller@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; drawanes@townofhillsboro.com; mserda@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; vandreano@townofhillsborobeach.com
Subject: Ordinance 2004-06 Final Vote

Dear Hillsboro Beach Commissioners,

We are residents of the Hillsboro Island House. We are **vehemently opposed to this Ordinance.** Hillsboro Beach is an extraordinary beautiful island with a three mile stretch of private beach ,residential neighborhoods and very affluent residents.

With that said, **we cannot understand why the Commission would even entertain the idea of allowing these big-time developers, who are in this to make themselves millionaires ! If you do anything, encourage them to go to Pompano Beach and Boca Raton and continue to spoil their beaches.**

The time has come to stand up to these big-time developers and take full control of our island!

Thank you.

Linda McPhee

Sherry D. Henderson

From:	penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent:	Tuesday, October 1, 2024 6:27 PM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; Dawn Miller; vandreano@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject:	: Ordinance 2024-06

> Dear Mayor and Commissioners,
> I would like these comments added to the public record.
> My opposition to this variance of our current laws takes into consideration the devastation to our environment both now and in the future. Not only are we digging into porous and unstable sand the blocking of the sunlight to our very protected and fragile dunes can have devastating effects in the future, unknown to present principles. In my experience of residential building when a building of this height and depth penetrates the ground and uses the land surface it causes fissures or cracks in the ground surface. This will also cause water to be displaced from its natural flow causing a change in the environmental habitat. What new wind tunnels will be created by a building of this size and mass? It will cause a shift in the direction of the wind possibly negatively affecting the surrounding buildings. How will the blocking of the sun affect the dunes that were used as a hardship but are now being cantilevered over? Who will police the people walking on the ramp over the dunes down into the beach from doing harm to our dunes? Will the money collected by the city cover the need for outside fire departments to come in the event they are needed? I am seriously hoping that the Town of Hillsboro Beach was not negatively convinced by the money thrown at it that they overlooked three judges decisions against the developer for getting a variance of the current laws not to exceed 35 feet. In addition, I feel that most of the meetings and decisions were made when a lot of the people who live in Town we're not around to voice their opinions. There is no amount of money that can be collected to replace the quiet enjoyment and peaceful environment that has been created in Hillsboro Beach. It used to be known as the hidden jewel, but years worth of traffic, debris, dust and noise will change that moniker to be Fort Lauderdale North. I feel that the commission and the mayor has closed their eyes and sold us out for the sake of money and the need for an easement to bring sand down to the beach which could've been gotten from a building within the rules.
> Rules are made to be followed not broken and worked around.
>
> Penny Weinberg

Sherry D. Henderson

From:	penny weinberg <artypenny@gmail.com> on behalf of penny weinberg
Sent:	Tuesday, October 1, 2024 6:27 PM
To:	bbaldasarre@townofhillsborobeach.com; jreiser@townofhillsborobeach.com; dravanesi@townofhillsborobeach.com; Dawn Miller; vandreano@townofhillsborobeach.com; shenderson@townofhillsborobeach.com; mserda@townofhillsborobeach.com
Subject:	: Ordinance 2024-06

> Dear Mayor and Commissioners,
> I would like these comments added to the public record.
> My opposition to this variance of our current laws takes into consideration the devastation to our environment both now and in the future. Not only are we digging into porous and unstable sand the blocking of the sunlight to our very protected and fragile dunes can have devastating effects in the future, unknown to present principles. In my experience of residential building when a building of this height and depth penetrates the ground and uses the land surface it causes fissures or cracks in the ground surface. This will also cause water to be displaced from its natural flow causing a change in the environmental habitat. What new wind tunnels will be created by a building of this size and mass? It will cause a shift in the direction of the wind possibly negatively affecting the surrounding buildings. How will the blocking of the sun affect the dunes that were used as a hardship but are now being cantilevered over? Who will police the people walking on the ramp over the dunes down into the beach from doing harm to our dunes? Will the money collected by the city cover the need for outside fire departments to come in the event they are needed? I am seriously hoping that the Town of Hillsboro Beach was not negatively convinced by the money thrown at it that they overlooked three judges decisions against the developer for getting a variance of the current laws not to exceed 35 feet. In addition, I feel that most of the meetings and decisions were made when a lot of the people who live in Town we're not around to voice their opinions. There is no amount of money that can be collected to replace the quiet enjoyment and peaceful environment that has been created in Hillsboro Beach. It used to be known as the hidden jewel, but years worth of traffic, debris, dust and noise will change that moniker to be Fort Lauderdale North. I feel that the commission and the mayor has closed their eyes and sold us out for the sake of money and the need for an easement to bring sand down to the beach which could've been gotten from a building within the rules.
> Rules are made to be followed not broken and worked around.
>
> Penny Weinberg

Sherry D. Henderson

From: Nancy Griffin <1050nancy@att.net> on behalf of Nancy Griffin
Sent: Friday, October 4, 2024 9:45 AM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Project - Support

To the Hillsboro Beach Town Commission:

As a resident I want to express my support for the Rosewood Development project. Please enter this into public record:

> As a town resident, I wish to express my input that the Rosewood project will benefit Hillsboro Beach in several ways with our community improvements, including the underground wiring and our on-going beach renourishment. Additionally, in the process it will help to ease the burden on the rest of the town residents.

Thank you,

Nancy L. Griffin
1050 Hillsboro Mile, PH4

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
Fax: (954) 427-4834

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Jim Hickey, Planning Consultant
DATE: October 1, 2024
SUBJECT: Land Development Code Text Amendment to Establish the Coastal Dune Conservation Zoning District – Third Reading
LOCATION: Citywide

This Agenda report is regarding a request for a text amendment to the Town's Land Development Code (Code) by Hillsboro Mile Property Owner, LLC, and its agent, Jeffrey Bass, to create a new zoning district within the Town of Hillsboro Beach. The applicant wishes to establish a new zoning district category, entitled the Coastal Dune Conservation (CD) district, for the property located at 1174-1185 Hillsboro Mile (Property), the current site of Rosewood Residences project. This request is to place the appropriate language into the City's Land Development Code to establish this district. As this text amendment requires approval by an ordinance, the Town Commission must hold two readings on this item for adoption.

The applicant will need to submit a separate application to rezone the Property from the current RM-16 to the proposed CD zoning district which will change the City's official zoning map. This rezoning application will also require an ordinance which will include two readings by the Town Commission at future meetings.

The Town Commission heard the first reading of the ordinance on July 9, 2024. The City Commission had discussions regarding the proposed language and proposed two potential changes to the language of the ordinance.

1. Amend the minimum acreage from 5 acres to 10 acres; and
2. Amend the density from 12 units to the acre to 10 units to the acre.

On September 10, 2024, the Town Commission held a second reading for this application. Based on the recommendation of the Planning Consultant, the Commission voted to establish the minimum acreage of 5 acres for this zoning district. There were also some minor changes that were recommended which include:

A. Sec 12-107 (B)(2) Page 2, line 13: Amend percentage of size of conservation area to 30%;
B. Sec 12-107 (G)(1), Page 4, line 29: Amend 400-foot minimum frontage to 300 feet in width;
C. Sec 12 -107 (G)(2), Page 4, line 31: Amend plot ground area from 2,900 to 21,780 square feet;
D. Sec 12 -107 (G)(2), Page 4, line 36: Amend density from 12 units/acre and 10 units/acre;
E. Sec 12-107(L), Page 5, line 23: add language, "…per Sec. 12-4 or Sec. 12-269.

Proposed Changes

Based on additional review and input received from the Town Commission, the Planning Consultant is recommending two additional changes to the language within the Ordinance:

A. Sec 12-100, Page 1, line 13: Change number of districts from "5" to "7" as there will be 7 zoning districts if the text amendment is approved;
B. Sec 12 -107 (G)(2), Page 4, line 31: Amend language from, "Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit..." to,
"Every unit shall have no less than 2,000 square feet in area for each multiple-dwelling unit ..."

Background

The Town's Board of Zoning Appeals reviewed the proposed site plan and variance application for the Property on February 1, 2022, and unanimously approved both applications. Since that time there have been pending legal issues as well as a text amendment to address this development. In an effort to have a distinct zoning district to adequately address the requirements of this development, the applicant has requested a Code amendment. The proposed district, entitled the "Coastal Dune Conservation Easement" was drafted to maintain the existing recorded conservation easement which is established as a Local Area of Particular Concern per Broward County while allowing for development on the property. In addition, as the existing RM-16 district has a height restriction of 3 floors or 35 feet, and the proposed district would allow for a height of 130 feet.

Staff Analysis

Consistency with the Town's Comprehensive Plan and Broward Next
In reviewing this application, the Town's planning consultant reviewed the Town of Hillsboro Comprehensive Plan to determine if the proposed zoning district is consistent with the Plan. The Property has a future land use designation of the site of Residential Medium (16 DU/AC Max.) which allows for a maximum of 16 residential dwelling units per acre. The Comprehensive Plan does not set a maximum height within the plan only the maximum density. The proposed rezoning would be consistent with the requirements set forth in the Comprehensive Plan with respect to the density and permitted uses of the site as a reduction in density is in compliance with the Comprehensive Plan. Specifically, as stated in the Town's Comprehensive Plan:

> *Section 3. Zoning as to Permitted Uses and Densities*
>
> *3.01 Town zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.*

As the Town's Comprehensive plan is based on the density of a particular parcel and not the height or other zoning regulations, this proposed district would be consistent with the Comprehensive Plan.

Likewise, the corresponding land use designation on the Broward County Land Use Plan (Broward Next) is Medium (16) Residential, corresponding to the Town's density of 16 residential units per acre. Broward

Next does not set height restrictions within the Plan, only density. Therefore, the rezoning is consistent with Broward Next.

Existing Zoning District
Within the existing regulations within the Town's Code, Section 12-102 identifies the RM-16 district as the "RM-16 multiple-family dwelling residential district with 3-story maximum limit. Because of this restriction, the applicant applied for a variance from this height maximum. With the proposed Code amendment, there would not be a need to apply for a variance from height as the proposed district would allow additional height in the district.

The proposed language, as drafted would provide for the property located to 1174-1185 Hillsboro Mile (Applicant's parcel) to develop the existing site plan for Rosewood Residences. It has the maximum zoning regulations of the proposed development which includes the zoning regulations identified below:

	East Parcel (Parcel B)	**West Parcel (Parcel A)**
Maximum Height	130 feet	35 feet
Setbacks		
Front	100 feet (15 feet above grade) 45 feet (below 15-foot grade)	100 feet (15 feet above grade) 45 feet (below 15-foot grade)
Side	100 feet (15 feet above grade) 35 feet (below 15-foot grade)	25' from roof overhang
Rear	Easterly building line	15 feet from easterly ROW line of Intracoastal or seawall
Plot size	Minimum 5 acres	Minimum 5 acres
Density	10 units/acre	10 units/acre

Other regulations, such as permitted uses, accessory uses, parking, floor area, emergency power, storage, and employee sanitary requirements would be consistent with other sections of the Town Code.

Staff Recommendation

The Town planning consultant is requesting the Town Commission consider the second reading of the proposed ordinance with the proposed changes as provided below:

A. Sec 12-100, Page 1, line 13: Change number of districts from "~~5~~6" to "~~5~~7";
B. Sec 12 -107 (G)(2), Page 4, line 31: Amend language from, "Every plot shall have not less than 2,900 square feet of ground area for each multiple-dwelling unit..." to,
"Every unit shall have no less than 2,000 square feet in area for each multiple-dwelling unit ..."

Sherry D. Henderson

From: Gary Kliza <gklizax2@yahoo.com> on behalf of Gary Kliza
Sent: Saturday, September 21, 2024 1:01 PM
To: Town of Hillsboro Beach
Subject: Rosewood

I am in favor of the Rosewood project. It will benefit the community and all of the residents.

Sherry D. Henderson

From: Carol Siatkowski Keane <carolskeane@icloud.com> on behalf of Carol Siatkowski Keane
Sent: Friday, September 20, 2024 12:28 PM
To: shenderson@townofhillsborobeach.com
Subject: Residence Rosewood project. I am in favor of the rosewood Residence project. I t will benefit the community greatly. Lgreatly.

Sent from my iPhone

Sherry D. Henderson

From: Nadia Cromwell <nadia.cromwell58@gmail.com> on behalf of Nadia Cromwell
Sent: Friday, September 20, 2024 12:18 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood

I am in favor of the new Rosewood Residence. I think it will enhance our already beautiful neighborhood.
Thank you
Nadia Cromwell
Sent from my iPhone

Sherry D. Henderson

From: Kentos Rock <rockbrg@yahoo.com> on behalf of Kentos Rock
Sent: Friday, September 27, 2024 1:46 PM
To: shenderson@townofhillsborobeach.com
Subject: Ordinance 2024-06

The previous Commission told the residents of Hillsboro Beach that if they approved "one" developer to build OUTSIDE our zoning regulations, you would NOT let this become a pandora's box of "approvals"! And yet... here we are with Ordinance 2024-06! Was the Commission's word not true? We are angry! DO NOT LET ORDINANCE 2024-06 pass. We DO NOT want our beautiful residential Hillsboro Beach to become a high-rise money-making gold mine for rich developers - who will quickly leave AFTER they do their damage. ***NO*** to Ordinance 2024-06!

Paul & Geri Rock, over 35 years resident of Hillsboro Island House

Gmail

Sherry D. Henderson <shenderson@townofhillsborobeach.com>

Rosewood Residence

Cosmic Kitchen <cosmickitchenhomer@gmail.com> Mon, Sep 23, 2024 at 6:06 PM
To: shenderson@townofhillsborobeach.com

To the Mayor, Board, and Town Clerk of Hillsboro Beach,
I am in favor of the Rosewood Residence project. It will benefit the town and all of our residents. From my understanding, it will help fund the underground wiring and beach nourishment in Hillsboro Beach. The tax dollars will help future projects as well. Rosewood Residence has my support. Please enter this into public record.
Michelle Wilson

Sent from my iPhone

Sherry D. Henderson

From: ALICIA OLSEN <olsenrun@msn.com> on behalf of ALICIA OLSEN
Sent: Friday, September 20, 2024 2:15 PM
To: shenderson@townofhillsborobeach.com
Subject: Rosewood Residential Project

Hello Sherry,
I want to let you know how wonderful to see the Rosewood project get started! I see these residential developments
as a great benefit to our town's financial well-being now and for its future growth. And, they will add architectural beauty to our town as well.
Please add this to any public record you feel is appropriate.

Sincerely,
Alicia Olsen
Lebaron resident

Get Outlook for Android

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

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

Agenda Item Cover Memo

Agenda Item: **Ordinance No. 2024-06 PUBLIC HEARING (THIRD READING)**
Coastal Dune Conservation District

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Submitting Dept: **Town Clerk, Sherry Henderson, Town Clerk**
Agenda Date: **October 1, 2024**

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: 1. 06 - Coastal Dune Conservation Ord Revised for Third Reading 9.11.24 (00620026)

TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

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

2. Sun Sentinel

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission find that it is in the best interests of the residents of the Town of Hillsboro Beach to consider the proposed text amendments to the Code of Ordinances as submitted to the Town by a property owner in its capacity as a private party;

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

WHEREAS, the Town Commission finds and acknowledges the importance of maintaining the integrity of the natural coastal dunes as well as native barrier island landscape species existing within the Town;

WHEREAS, coastal dunes and native plant species are essential to maintaining the natural balance of the barrier island upon which the Town of Hillsboro Beach is located.

WHEREAS, it is a goal and objective of the Town Commission to strike a balance between measured development and the preservation and expansion of the unique ecosystem consisting of the coastal dune system as it presently exists in Hillsboro Beach;

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

CODING: Words in ~~struck through~~ type are deletions from existing law; Words in <u>underlined</u> type are additions.

SECTION 1. The foregoing "Whereas" clauses are 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 amending Section 12-100 and Section 12-102 and by the creation Section 12-115 to be entitled "**Coastal Dune Conservation District**" as follow:

ARTICLE IV. – DISTRICTS AND GENERAL REGULATIONS THEREOF

Sec. 12-100. - In general.

In order to regulate and restrict the location and use of buildings and land for residents; to regulate and restrict the height and size of buildings hereafter erected or structurally altered; to regulate the size of yards and open spaces and the density of population, the Town of Hillsboro Beach is hereby divided into districts of which there shall be ~~5~~ 6 in number known as:

(A) RS-2; single-family residential district;

(B) RM-16; multiple-family dwelling residential district with 3-story maximum limit;

(C) RM-30; multiple-family dwelling residential district with 7-story maximum limit;

(D) RPC; private club multiple-family dwelling residential district ocean and intracoastal sides east and west of State Highway A1A;

(E) PRC; private recreation—conservation district; ~~and~~

(F) CF; community facilities district~~.~~; and

(G) CD; coastal dune conservation district.

SECTION 3. Section 12-107 entitled "Annexation of Territory" is deleted in its entirety and is replaced as follows:

Section 12-107. CD District Regulations.

(A) *Purpose*. The intent and purpose of creating a Coastal Dune Conservation District (CD) is to implement the Town's legislative priority of protecting its beaches and existing dune system both of which are essential to the barrier island upon which the Town of Hillsboro Beach is located. To accomplish this objective, the Coastal Dune Conservation District is designed to protect and preserve environmentally sensitive lands that exist within the Town by providing the ability for property owners to develop their lands while promoting the preservation of space and the creation of conservation areas and preserving the integrity of the Town's vitally important environmental coastal resources. To accomplish these objectives, the CD District requires the preservation of existing conservation areas, the

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development and extension of the existing dune system and important natural resources, greater setbacks and open space all in exchange for greater height than allowed within the Town's other zoning districts. Because the heights authorized and setbacks required by this district are best suited for larger parcels, the district is only appropriate for developments comprising of five (5) gross acres of land or more. The land under common ownership on the east and west sides of SR A1A is eligible for this zoning district even where the conservation area is solely located on lands east of SR A1A.

(B) *Qualifying Developments*. The CD District is appropriate for developments constructed in whole or in part on land meeting the following requirements:

(1) Designated as "Residential Medium" on the Town's Future Land Use Map; and

(2) Includes a Local Area of Particular Concern ("LAPC") as designated on the Nature Resource Map Series of the Broward County Land Use Plan consisting of thirty (30%) percent or more of the land to be rezoned or, alternatively the designation of a conservation easement in favor of Broward County or the Town of Hillsboro Beach consisting of thirty (30%) percent or more of land to be rezoned; and

(3) Shall be no less than five (5) gross acres or more.

(C) *Uses Permitted.* Those uses permitted within the CD shall be those uses as allowed within the RM-16 Multiple-Family Residential Dwelling District, including any uses permitted accessory thereto including accessory structures, recreational uses, private amenities, and docks and piers as described in Sec. 12-141.

(D) *Height Regulations*. For property on the east side of SR A1A, no building or structure shall be erected or altered to a height exceeding 130 feet above the dune elevation and shall not exceed ten (10) stories above the existing dune elevation or dune system to be created. For property located on the west side of SR A1A, no building or structure shall be erected or altered to a height exceeding 35 feet and shall not exceed 3 stories above the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The height limitations of this article shall not apply to: master radio or television antennae, chimneys, flag poles, or elevator components.

(2) *Decorative Features*. Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas and not covering more than 20 percent of the roof area may be erected to an additional height not to exceed 15 feet, provided that the overall height of the building or structure shall not exceed 145 feet for property on the east side of SR A1A and 50 feet for property on the west side of SR A1A.

(3) *Shade Features and Landscaping.* Pergolas (or similar shade features), planters, and landscaping shall be exempt from the 20 percent roof area limitation set forth in D(2) above.

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(E) *Parking Regulations*. Shall be the same as described in Sec. 12-143 as amended from time to time which is incorporated by reference into this section.

(F) *Yard Regulations*. For purposes of yard calculations within the CD District, given the presence of coastal dunes or areas to be designated for coastal dunes within it, grade shall be defined for property on the east side of SR ~~A1~~ A1A as the average dune elevation and for property on the west side of SR A1A as the roadway crown elevation of SR A1A adjacent to the property.

(1) *Exclusions*. The yard regulations of this article shall not apply to:

(a) Master radio or television antennae, chimneys, flag poles, or elevator components.

(b) Purely decorative features such as cupolas, towers, railings, not including signs, nor containing any living areas.

(c) Pergolas (or similar shade features), planters, and landscaping.

(2) *Front Yard*. Every plot shall have a front yard of not less than 100 feet in depth measured from the center line of State Highway A1A for structures more than 15 feet above grade and 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.

(3) *Side Yard*. For property on the east side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 100 feet measured from the roof overhang and a minimum side yard of 35 feet for structures or portions of structures equal to or less than 15 feet above grade. For property on the west side of SR A1A, there shall be a side yard on each side of the building having a width of not less than 25 feet measured from the roof overhang.

(4) *Rear Yard*. No building or part of building shall be erected closer than 15 feet to the easterly right-of-way line of the Intracoastal Waterway, or 15 feet east of any seawall which is erected east of the easterly right-of-way line of the Intracoastal Waterway or easterly beyond the line shown on the plat of easterly building line.

(G) *Area and Density Regulations*.

(1) *Plot Size*. Every plot for a multiple-family residential dwelling shall not be less than 300 feet in width, not less than 100 feet in depth, and contain not less than 217,800 square feet (five acres) in area.

(2) *Plot Area and Density*. Every plot shall have no less than 2,900 square feet of ground area for each multiple-dwelling unit or exceed a maximum gross density of ten (10) dwelling units per acre.

(3) *Ground Coverage*. Ground coverage of building or building above ground, shall not exceed 30 percent of the total area of the plot. Driveways and parking areas which must be paved shall not exceed 15 percent of the total area of plot.

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(4) *Open Area.* Every site plan approved within the CD District shall include:

(a) A minimum of 55 percent of the total area set aside for open recreational and green areas.

(b) A maximum of 15 percent of the total area set aside as a paved recreational area, which will include, but not be limited to swimming pools, pool decks, shuffleboard and ~~tennis~~ racquet courts.

(c) A minimum of 35 percent of the total area shall be set aside as a green area. All green areas shall be planted and maintained in lawn and/or landscaping.

(H) *Floor Area Regulations.* Shall be the same as described in Sec. 12-146 as may be amended from time to time which are incorporated by reference into this section.

(I) *Emergency Power Requirements.* Shall be the same as described in Sec. 12-147 as may be amended from time to time which are incorporated by reference into this section.

(J) *Storage Requirements.* Shall be the same as described in Sec. 12-148 as may be amended from time to time which are incorporated by reference into this section.

(K) *Employee Sanitary Requirements.* Shall be the same as described in Sec. 12-149 as may be amended from time to time which are incorporated by reference into this section.

(L) *Site Plan Approval.* Upon the favorable determination by the planning director that a site plan complies with the requirements of this district, the Commission shall be authorized to approve a site plan together with a rezoning to the CD District.

SECTION 4. 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 5. 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 6. 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 7. This Ordinance shall be effective fifteen (15) days after its passage and adoption by the Town Commission of the Town of Hillsboro Beach.

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PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS _____DAY OF _____, 2024.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS _____DAY OF _____, 2024.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON THIRD AND FINAL READING, THIS _____DAY OF _____, 2024.

TOWN OF HILLSBORO BEACH, FLORIDA

_____,
Dawn Miller, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC

APPROVED AS TO FORM:

_____
Donald J. Doody, Town Attorney

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SunSentinel
MEDIA GROUP

Order ID: 7696326

* Agency Commission not included

GROSS PRICE * : **$170.14**

PACKAGE NAME: SSC_Notice of Public Meeting

Order ID: 7696326

* Agency Commission not included

GROSS PRICE * : **$170.14**

PACKAGE NAME: SSC_Notice of Public Meeting

Product(s): Sun Sentinel, Affidavit, Floridapublicnotices.com, Classified.ss.com_Legal
AdSize(s): 1 Column
Run Date(s): Friday, September 20, 2024
Zone: Full Run
Color Spec. B/W

Preview

TOWN OF HILLSBORO BEACH, FLORIDA
PUBLIC HEARING

TUES., OCTOBER 1, 2024, AT 9:00 AM

ORDINANCE NO. 2024-06
COASTAL DUNE CONSERVATION DISTRICT
THIRD READING

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the Third Reading of Ordinance No. 2024-06 a PUBLIC HEARING will be held on Tuesday, October 1, 2024, at 9:00 a.m. in Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. The Public can attend in person or provide comments via Live Zoom Video Conference.

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT"; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS;

Order ID: 7696326

* Agency Commission not included

GROSS PRICE * : **$170.14**

PACKAGE NAME: SSC_Notice of Public Meeting

PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting in-person at Town Hall or attend virtually via Zoom Video, and be heard with respect to the proposed Ordinance, which may be inspected by the public in the Office of The Town Clerk, Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.

Zoom meeting Log-in details available on website.

Sherry D. Henderson, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA
9/20/24 7696326

TOWN OF HILLSBORO BEACH, FLORIDA
PUBLIC HEARING

Tuesday, October 1, 2024, at 9:00 am

ORDINANCE NO. 2024-06
Coastal Dune Conservation District
Third Reading

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the **Third Reading** of Ordinance No. 2024-06 a **PUBLIC HEARING** will be held on **Tuesday, October 1, 2024, at 9:00 a.m.** in Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. The Public can attend in person or provide comments via Live Zoom Video Conference.

ORDINANCE NO. 2024-06

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 AMENDING SECTION 12-100 ENTITLED "IN GENERAL" TO CREATE A NEW DISTRICT ENTITLED "COASTAL DUNE CONSERVATION DISTRICT" ; PROVIDING FOR THE CREATION OF A NEW DISTRICT WHICH SHALL COMPRISE THE DESCRIBED LANDS, SITUATE, LYING AND BEING IN HILLSBORO BEACH IN BROWARD COUNTY, FLORIDA, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR THE PURPOSE OF THE DISTRICT; PROVIDING FOR QUALIFYING DEVELOPMENTS; PROVIDING FOR PERMITTED USES; PROVIDING FOR HEIGHT REGULATIONS FOR BOTH THE EAST SIDE AND WEST SIDE OF A1A; PROVIDING FOR PARKING AND YARD REGULATIONS; PROVIDING FOR EXCLUSIONS TO YARD REGULATION; PROVIDING FOR AREA AND DENSITY REGULATION BASED ON PLOT SIZE, AREA DENSITY, AND GROUND COVERAGE; PROVIDING OPEN AREA REGULATIONS; PROVIDING FOR FLOOR AREA REGULATIONS; PROVIDING FOR EMERGENCY POWER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting in-person at Town Hall or attend virtually via Zoom Video, and be heard with respect to the proposed Ordinance, which may be inspected by the public in the Office of The Town Clerk, Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.

Zoom meeting Log-in details available on website.

Sherry D. Henderson, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA

Town of Hillsboro Beach
Business Impact Estimate Form

This Business Impact Estimate Form is provided in accordance with ***Section 166.041(4), Florida Statutes*** *and must be included in the agenda item backup for each proposed ordinance on first reading. A Business Impact Estimate Form must be prepared and posted on the Town's website for each ordinance by the date that the notice of the proposed ordinance is published, regardless of whether the ordinance is exempted under Section A below. This Business Impact Estimate Form may be revised following its initial posting.*

Title and File ID # of proposed ordinance:

The provisions contained in this Section A. constitute exemptions as provided in Section 166.041(4)(c). If one or more boxes are checked in Section A below, a business impact estimate is not required by state law for the proposed ordinance.

Section A.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the Town;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The proposed ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If an exemption in Section A is applicable, then only Section A. needs to be completed. If there is no exemption in Section A, Section B must be completed.

Section B. This section with the business impact estimate must be completed if the proposed ordinance does not meet any of the exemptions in Section A.

1. A summary of the proposed ordinance which must include a statement of the public purpose (e.g., public health, safety, morals and welfare).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

(b) Any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

(c) An estimate of the Town's regulatory costs, including an estimate of from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information/methodology for preparation, if any:

Prepared by:_____ _____

Print name and title — Signature and Date

Select Language

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Municipal Election

Election Date: 3/9/2021

(Website last updated at: 05/18/2023 10:34:41 am)

Registered Voters:	141,884
Ballots Counted:	20,002
Voter Turnout:	14.1%

Precincts Reporting:	48 / 48
Election Day:	Completely Reported
Vote By Mail:	Completely Reported

The results shown below include the following:

--Vote By Mail Ballots--

13,544

--Election Day Ballots--

6,457

--Provisional Ballots--

1

EL52 Report - Official Results
(https://www.browardvotes.gov/Portals/Broward/Documents/results/2021-Municipal-Election/EL45A-Overs-Unders.html)

Summary Results

Filter Races

Select a race: Town Commissioner Hillsboro Beach

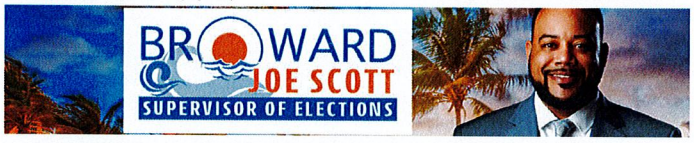
Vote Type View: Graphical

Q010 Show Detailed View

Choice	Percent	Votes
Barbara Baldasarre	26.93%	367
Vicky Feaman	24.87%	339
Frank J. Kolb Jr	16.07%	219
Deb Tarrant	32.13%	438
		1,363

Select Language

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2022 Special Election & Municipal Election

Election Date: 3/8/2022

(Website last updated at: 05/18/2023 10:25:30 am)

Registered Voters:	403,537
Ballots Counted:	47,863
Voter Turnout:	11.86%

Precincts Reporting:	
Election Day:	196 / 196
Early Votes:	Completely Reported
Vote By Mail:	Completely Reported
	Completely Reported

The results shown below include the following:

--Election Day Ballots--

8,219

--Vote By Mail Ballots--

38,500

--Early Voting Ballots--

1,142

--Provisional Ballots--

2

OFFICIAL RESULTS

EL52S

(https://www.browardvotes.gov/Portals/Broward/Documents/2022Elections/car

Summary Results

Filter Races

Select a race: Commissioner Hillsboro Beach At Large

Vote Type View: Graphical

Q010 Show Detailed View

Choice	Percent	Votes
Irene Kirdahy (NON)	36.95%	300
Manny Penate (NON)	25.86%	210
Jane Reiser (NON)	37.19%	302
		812

Select Language

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2023 Municipal Election

Election Date: 3/14/2023

(Website last updated at: 05/18/2023 10:17:33 am)

Registered Voters:	**185,983**
Ballots Counted:	**13,074**
Voter Turnout:	**7.03%**

Precincts Reporting:	**49 / 49**
Election Day:	**Completely Reported**
Vote By Mail:	**Completely Reported**

OFFICIAL RESULTS

Vote-By-Mail ballots that have been received: 6,849

Vote-By-Mail ballots that remain uncounted: 0

EL52S (https://www.browardvotes.gov/Portals/Broward/Documents/2023%20Elections/EL52S.txt)

Summary Results

Filter Races

Select a race: Hillsboro Beach, Town Commissioner, At Large

Vote Type View: Graphical

Q010 Show Detailed View

Choice	Percent	Votes
Vincent "Vinnie" Andreano	**28.39%**	**392**
Barbara Baldasarre	**28.02%**	**387**
Richard Crusco	**18.03%**	**249**
David Anthony Ravanesi	**25.56%**	**353**
		1,381

Select Language

Powered by Google Translate (https://translate.google.com)



2024 Presidential Preference Primary Election

Election Date: 3/19/2024

(Website last updated at: 04/02/2024 9:10:26 am)

Registered Voters:	331,575
Ballots Counted:	46,398
Voter Turnout:	13.99%

Precincts Reporting:	358 / 358
Election Day:	Completely Reported
Early Votes:	Completely Reported
Vote By Mail:	Completely Reported

OFFICIAL RESULTS

EL52S (https://www.browardvotes.gov/Portals/Broward/Documents/2024elections/canvassboard/E234-EL52S.txt)

Summary Results

Filter Races

Select a race: Hillsboro Beach, Town Commissioner, At-Large

Vote Type View: Graphical

Q010 Show Detailed View

Choice	Percent	Votes
Richard Crusco	25.04%	289
Dawn Miller	38.73%	447
Jane Reiser	36.22%	418
		1,154

Sherry D. Henderson

From: Mac Serda <mserda@townofhillsborobeach.com> on behalf of Mac Serda
Sent: Monday, December 2, 2024 3:42 PM
To: Richard Crusco; Sherry D. Henderson
Subject: RE: Rosewood - Second Reading - Rezoning Property

Received, confirmed as part of the official record.

Mac Serda
Town Manager
Hillsboro Beach
Ofc: 954-427-4011

From: Richard Crusco <rcrusco28@gmail.com>
Sent: Monday, December 2, 2024 2:48 PM
To: Mac Serda <mserda@townofhillsborobeach.com>; Sherry D. Henderson <shenderson@townofhillsborobeach.com>
Subject: Fwd: Rosewood - Second Reading - Rezoning Property

Hi Mac,

Hope you're doing well.

I am entering the following objections based on spot zoning. I live just a few hundred feet away from the project and I will be adversely affected by the increase in height that is not compatible with my existing use and the surrounding uses in our community. The proposed rezoning to allow additional height that is not currently allowed along this stretch of beach will not be compatible with my property, violates the current zoning district and is not compatible with the existing zoning on my property and other adjacent and nearby properties.

Florida case law prohibits "spot zoning", and this rezoning is clearly SPOT ZONING.

Spot zoning is a practice which the Florida Supreme Court, and all other courts, have universally condemned[1]. Spot zoning is a zoning action that gives a small area privileges which are not extended to other land in the vicinity. Spot zoning is not allowed when it solely benefits a particular property owner or leaves a veritable island surrounded by incompatible zoning.

Spot zoning generally connotes zoning in favor of a few at the expense of the general community, or isolated and unrelated zoning legislation.[2]

Under Florida Case Law, Rezonings cannot be approved if the rezoning is illegal spot zoning even if in compliance with the Comp Plan and Land Development Code.

The definition of spot zoning is well established by the courts which have explained "In characterizing the elements of spot zoning, a spot zoning challenge involves the examination of the following:

1) the size of the spot;

2) the compatibility with the surrounding area;

3) the benefit to the owner and

4) the detriment to the immediate neighborhood."[3]

The instant rezoning meets all 4 elements of the spot zoning test and is illegal spot zoning.

Spot zoning is the name given to the piecemeal rezoning of small parcels of land to a greater density, leading to disharmony with the surrounding area. Spot zoning is giving preferential treatment to one parcel at the expense of the zoning scheme as a whole[4].

A rezoning that creates a small island of property with restrictions on its use different from that of surrounding properties solely for the benefit of a particular property owner is spot zoning.[5]

Spot zoning is creating, in effect, a veritable zoning island or zoning peninsula in a surrounding sea of contrary zoning classification and is invalid under Florida case law.[6]

This proposed rezoning density and intensity is so dissimilar to the surrounding existing residentially zoned uses to constitute spot zoning, which is prohibited under Florida case law.

The spot zoning in this case is simply too blatant to be overlooked and too significant to be perpetuated. Spot zoning is an anomaly that is a "miscarriage of justice," appropriately described as a "fundamental departure from the controlling law."

The Florida courts have called spot zoning a "miscarriage of justice" where other like zoning classifications were not nearby and suggesting that such an egregious departure from the controlling law was more appropriately described as "melanoma zoning," rather than mere "spot zoning".[7]

MAKE NO MISTAKE, THE SITUATION AT HAND IS A CASE OF SPOT ZONING. BECAUSE IT ALLOWS EXTREMELY TALL HEIGHTS NOT ALLOWED ON MY PROPERTY THAT WAS STRICKEN BY THE COURTS AS NOT PREVIOUSLY ALLOWED ON THIS PROPERTY IN THE SAME ZONING DISTRICT AND THIS SPOT ZONE FAVORS THIS APPLICANT AT THE EXPENSE OF THE REST OF THE EXISTING ZONING DISTRICT WITH ADDITIONAL HEIGHT THAT IS INCOMPATIBLE WITH SURROUNDING, EXISTING USES.

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[1] *Rott v. Miami Beach,* 94 So. 2d 168 (Fla. 1957).

[2] *Dade County v. Valdes*, 366 So. 2d 809 (Fla. 3d DCA 1979).

[3] *Parking Facilities, Inc. v. City of Miami Beach*, 88 So.2d 141 (Fla.1956) and *Dade County v. Inversiones Rafamar S.A.,* 360 So.2d 1130 (Fla. 3d DCA 1978). *Bird-Kendall Homeowners Ass'n v. Metropolitan Dade County Bd. of County Com'rs*, 695 So.2d 908 (Fla. App. 1997).

[4] Southwest Ranches Homeowners Assoc. v. Broward County, 502 So.2d 931, 935 (Fla. 4th DCA 1987).

[5] City of Miami v. Woodlawn Park., 553 So.2d 1227, 1240 (Fla. 3d DCA 1989).

[6] *See Tollius v. City of Miami*, 96 So. 2d 122 (Fla. 1957); *City of Miami Beach v. Robbins*, 702 So. 2d 1329 (Fla. 3d DCA 1997); *City of Comm'n v. Woodlawn Park Cemetery Co.*, 553 So. 2d 1227 (Fla. 3d DCA 1989); *Debes v. City of Key West*, 690 So. 2d 700 (Fla. 3d DCA 1997); City *of Miami Beach v. Manilow*, 226 So.2d 805 (Fla. 1969), See also *7 Fla. Jur. 2d Building, Zoning & Land Controls* §161 (1997).

[7] Bird-Kendall Homeowners Ass'n v. Metro. Dade County, 695 So. 2d 908, 910, 920 n.4 (Fla. 3d DCA 1997), rev. denied, *Garcia v. Bird–Kendall Homeowners Assn.*, 701 So.2d 867 (Fla.1997)

Please advise if you will accept this into public record via email, or will I have to drop off in person. I will be speaking via zoom at tomorrow's hearing to voice my opposition to this rezoning. The Rosewood building in excess of 130 feet has already been denied in 17th circuit court as well as the 4th district court of appeals.(see attached) This building will dwarf smaller buildings immediately to the north and south as well as my property and will be completely inconsistant with where we live. (Please see renderdings attached)

Thanks,
Richard

When Can a Rezoning Be Denied?

Ralf Brookes Attorney
RalfBrookes@gmail.com

What is the correct Legal Standard for Rezoning:

Rezonings do not have to be approved, even if consistent with the Comprehensive Plan, and rezonings cannot be approved if the rezoning is inconsistent with the Comp Plan and other local code criteria.

The Florida Supreme Court established a two-step standard for review of a rezoning application by local government board in **Brevard County v. Snyder**, 627 So.2d 469 (Fla. 1993):

> "we hold that:
>
> 1. a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance.
>
> 2. At this point, the burden shifts to the governmental board to demonstrate that **maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose**."

Therefore, even if a rezoning application is consistent with the Comprehensive Plan and meets procedural requirements, under the Florida Supreme Court's standard for rezonings, a local government can still deny a rezoning request if there is any legitimate public purpose supporting the denial of the rezoning and keeping the existing zoning on the property.

Under the first prong of the analysis *Section 163.3194(3)*, Florida Statutes (1991), explains consistency as follows:

> "A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government."

But the Florida Supreme Court recognized and explained that a "comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; **a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use**. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan. Even where a denial of a zoning application would be inconsistent with the plan, the **local government should have the discretion to decide that the maximum development density should not be allowed**

provided the governmental body approves some development that is consistent with the plan and the government's decision is **supported by substantial, competent evidence."**

This leads to the second prong of the analysis, and what is a legitimate public purpose? A "legitimate public purpose" can include general public health, safety and welfare issues such as traffic safety issues, neighborhood compatibility, burdens on infrastructure, impacts to the local environment, and impacts to the public health and welfare, but does not include a denial based on race, sex, religion or national origin of the applicant or any other distinction prohibited by the constitution.

The Florida Supreme Court also explained that "the local government will have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied."

What is competent substantial evidence?

This related question has also by answered by the Florida Supreme Court as "the evidence relied upon the sustain the ultimate finding [for denial or approval] should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached." De Groot v. Sheffield, 95 So.2d 912 (Fla., 1957). Under this standard, **even layperson, or non-expert testimony in a zoning case is perfectly permissible and can constitutes substantial competent evidence, if it is fact-based**. This can include **fact witness observation testimony about relevants facts and documentary evidence including photographs, aerials and maps**. However, "mere generalized statements of opposition are to be disregarded, but fact-based testimony is not to be disregarded and can be competent, substantial evidence." Metropolitan Dade County v. Blumenthal 675 S.2d 598 (Fla. Dist. App. 3d 1996).

What are the Private Property Rights of the Applicant?

The applicant is only entitled to some reasonable economic use of their land under the Constitution, which only requires that the property retain some use and economic value, but does not guarantee a specific use or value. For example, agricultural land purchased at agricultural land prices retains value and use for agricultural purposes. The court will also look at other lands owned by the Applicant and look all possible uses on all of the parcel(s) including any co-owned adjoining parcels of land when viewed as a whole. The courts will look at the existing and what was allowed and what was not allowed under the existing zoning when the applicant purchased the property. For example, if you bought a swamp, you got a swamp and the applicant has no constitutional right to fill the swamp, and if you bought Ag zoned land you got Ag zoned land.

Florida's Bert Harris Act awards landowner's damages for a mere diminution in value caused by a **"downzoning" of property occurring after 1995**, but Bert Harris Act does not award damages for the failure to rezone property to a higher use, especially to another use of the property that was not allowed by the zoning code in 1995.

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
APPELLATE DIVISION

CHARLES DOHERTY, ET AL,
Petitioner,

v.

TOWN OF HILLSBORO BEACH, ET AL,
Respondent.

APPEAL NO.: CACE22-001479
ADMIN.HEARING:
RE: January 11, 2022,
Development Order regarding
1174-1185 Hillsboro Mile

Dated: April 21, 2023.

Petition for Writ of Certiorari from Petitioners, Charles Doherty, Richard Crusco and Frank J. Kolb Jr.

Ralf Brooks, Cape Coral, for Petitioners.

Martin J. Alexander, Miami and Jeffery Scott Bass, Shubin & Bass, Miami and Donald J. Doody, Hillsboro Beach, for Respondents.

FINAL ORDER GRANTING PETITION FOR WRIT OF CERTIORARI

PER CURIAM.

This cause, comes before the Court for consideration on Petitioners, Charles Doherty, Richard Crusco and Frank J. Kolb Jr's "Petition for Writ of Certiorari," filed on January 31, 2022. Having carefully considered the Petition and its Appendix, and the applicable law, being otherwise duly advised, the Petition for Writ of Certiorari is hereby **GRANTED** and the Final Order is hereby **QUASHED** for the reasons discussed below.

Factual and Procedural History

Hillsboro Mile Property Owner, LLC ("the Applicant") is the owner of real property located at 1174-1185 Hillsboro Mile ("the Property") in the Town of Hillsboro Beach ("Hillsboro"). The Applicant, Hillsboro and Eric Fordin are co-defendants in this case and

shall be collectively referred to herein as “Respondents.” The Applicant is the developer of the Residences at Hillsboro Mile Project that was the subject of the proceedings below. Charles Doherty, Richard Crusco and Frank J. Kolb Jr. (referred to herein collectively as “Petitioners”) are all residents of Hillsboro Beach who reside within 500 feet of the Property.

The Property consists of two parcels of land which are bisected by State Road A1A/Hillsboro Mile (“A1A”), creating two distinct parcels of land, parcel A and parcel B. Parcel B is located on the east side of A1A and is burdened with an environmentally sensitive coastal dune environment that is designated as a Local Area of Particular Concern in Broward County's Land Use Plan (“the conservation area”). Broward County required the prior owner of the parcel to agree to the conditions set forth in the Compliance with Conditions of Environmental Impact Report (“the conservation agreement”). The development of the environmentally sensitive dune area has since been prohibited through the conservation agreement with the prior owner of the Property. The conservation area is composed of 2.877 acres, roughly 47 percent of Parcel B, and renders one-third of the otherwise developable land within the parcel completely undevelopable.

The Property is zoned RM-16, as a Multiple-Family Dwelling Residential District, by the Town of Hillsboro Beach. Hillsboro’s Land Development Code (“Code”), section 12-142, limits the height of structures erected within the RM-16 district to prohibit their construction or alteration to a height exceeding 35 feet, or three stories above dune elevation.

On July 29, 2021, the Applicant submitted a site plan to Hillsboro in order to develop the site. The July 29, 2021, site plan proposed by the Applicant stipulated that the units on Parcel B would be built within a 15-story, 170-foot tower. This proposal was brought before Hillsboro’s Zoning Board of Appeals (“the Board”) at a December 7, 2021, public meeting in the form of a variance request. After the Board’s discussion, Mayor Tarrant directed the Applicant that a 10 or 11 story building would better suit the general scheme of the town, and the Board voted to table the variance until January 11, 2022, to allow the Applicant time to revise its proposal.

On December 17, 2021, the Applicant submitted a revised site plan to Hillsboro and is the subject of the variance at issue herein. The December 17, 2021, revised site plan proposes 28 residential units for Parcel A within a 3 story building and 102 units for Parcel B. The units within Parcel B would be constructed within a 10-story, 130-foot tower. On January 11, 2022, a public meeting on the revised variance request was held before the Board. At this meeting, the Board voted in favor of the variance citing difficulties resulting from the conservation area, particularly a reduction in developable space, adjustments to the way the buildings must be laid and a restricted view of the beach from the beach-front property. Petitioners timely filed suit with this Court on January 31, 2022.

Standard of Review

On a petition for writ of certiorari seeking review of the decision of an administrative agency, the reviewing court is limited to a three-part standard. *See City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982); *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995). The court must review the record to determine whether: (1) procedural due process is accorded; (2) essential requirements of the law have been observed; and (3) administrative findings and judgment are supported by competent, substantial evidence. *Id*. If the Court determines that any one of the three requirements was not met, the Court can only quash the order below but not enter an order to the contrary. *See Nat'l Adver. Co. v. Broward Cnty.*, 491 So. 2d 1262 (Fla. 4th DCA 1986) ("A court's certiorari review power does not extend to directing that any particular action be taken but is limited to denying the writ of certiorari or quashing the order reviewed.").

Standing of the Parties

Respondents maintain Petitioners lack standing to challenge the variance in question. For a court of law operating as one of the three branches of government under the doctrine of the separation of powers, standing is a threshold issue which must be resolved before reaching the merits of a case. *Solares v. City of Miami*, 166 So. 3d 887, 888 (Fla. 3d DCA 2015). Before a court can consider whether an action is illegal, the court must be presented with a justiciable case or controversy between parties who have standing. *Ferreiro v. Philadelphia Indem. Ins. Co.*, 928 So.2d 374, 376 (Fla. 3d DCA 2006)

("The issue of standing is a threshold inquiry which must be made at the outset of the case before addressing [the merits].").

Herein, the Petitioners are all residents who live within 500 feet of the Property. Charles Doherty and Richard Crusco both reside at 1194 Hillsboro Mile. Frank J. Kolb Jr. resides at 1173 Hillsboro mile, on the parcel directly south of the property that was granted the variance at issue. Thus, Petitioners will be adversely affected by the variance to a greater extent than the community in general. *See Renard v. Dade County*, 261 So. 2d 832 (Fla. 1972). The right of an adjacent or nearby home-owner directly affected by zoning action to sue is generally recognized. *Id*.; see *Elwyn v. City of Miami*, 113 So. 2d 849, 853 (Fla. 3d DCA 1959). Thus, as neighboring and proximate property owners, Petitioners have a cognizable right to sue and thus have standing.

Approval of the Variance

Section 12-283(C) of the Town of Hillsboro Beach Land Development Code ("the Code") contains the authority on which the Hillsboro Board of Zoning Appeals ("the Board") may grant a variance. The portions relevant to this analysis are as follows:

> (2) *Instances of hardship.* Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the use, construction or alterations of buildings or structures, or the use of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected.

The correct test for an applicant seeking a variance from a zoning restriction is whether the applicant can demonstrate a unique hardship in order to qualify for a variance. *Town of Indialantic v. Nance,* 485 So.2d 1318, 1320 (Fla. 5th DCA), *rev. denied,* 494 So.2d 1152 (Fla.1986). The presence of an exceptional and unique hardship to the individual landowner, unique to that parcel and not shared by other property owners in the area is a prerequisite to the granting of a zoning variance on the basis of hardship. *Id*. The requisite hardship may not be found unless there is a showing that under present zoning, no reasonable use can be made of the property. *Id.*; *Elwyn*, 113 So.2d at 851. "[T]he hardship must be such that it renders it virtually impossible to use the land for the purpose for which it is zoned." *Bernard v. Town Council of Town of Palm Beach*, 569 So. 2d 853, 855 (Fla. 4th DCA 1990); *Town of Indialantic v. Nance*, 485 So.2d at 1320.

Considering the aforementioned Code provisions regarding instances of hardship, against the decisional law for the granting of a variance based on hardship, it is clear that the essential requirements of law were not followed in the granting of the subject variance. Indeed, the record below is devoid of any indication by the Applicant that, without the variance, no reasonable use could be made of the property. In fact, an appraisal prepared by a real estate advisory and valuation service for Hillsboro shows that a low-rise structure conforming to the requirements of Hillsboro's code is entirely possible and profitable.

Respondents argue the Board's decision complies with the essential requirements of law because the plain language of the Code creates an option between two alternative standards. Respondents posit that the Code's use of the term *or* when describing unusual and practical difficulties *or* particular hardship, creates two separate and disjunctive standards under which the Board may grant a variance from the Code. The argument is essentially that one of these standards is bound by the decisional law surrounding hardship variances and the other is not so encumbered, therefore creating a lower and easier-to-meet standard.

This argument is without merit because municipal ordinances and codes are to be considered in light of the jurisprudence surrounding what criteria could serve as a basis for the granting of a variance. *See Chisholm Properties South Beach, Inc. v. City of Miami Beach*, 8 Fla. L. Weekly Supp. 689 (Fla. 11th Cir.Ct. August 9, 2001). Furthermore, the provision is entitled *Instances of Hardship*. Even if it were true that the legislative inclusion

of the word *or* created two disjunctive standards, it would not therefore mean that the *unusual and practical difficulties* standard relied upon by Respondents does not fall within the broad scope of hardship variances which must be considered in light of Florida decisional law.

This Court considered Petitioners' argument that the Board's public disclosure of ex parte communications violated Petitioners' procedural due process rights, under *Jennings v. Dade Cnty.*, 589 So. 2d 1337 (Fla. 3d DCA 1991). However, we find there was no such violation pursuant to section 286.0115, Florida Statutes.

Accordingly, it is hereby **ORDERED** that the Petition for Writ of Certiorari is **GRANTED**.

* * *

Judges J. Bowman, E. Kollra & M. Weekes, JJ., CONCUR

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