



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2021-006**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 30-66 “OTHER REQUIREMENTS” AND SECTION 30-68 “SUPPLEMENTAL DISTRICT REGULATIONS” OF THE TOWN CODE OF ORDINANCES TO MODIFY CERTAIN ENCROACHMENTS INTO SETBACKS FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 30-66 and Section 30-68 of the Town Code of Ordinances allows specific encroachments including hard surfaces and screen enclosures into certain setbacks of all residential zoning districts; and

WHEREAS, the Town Commission wishes to amend certain encroachments for those properties abutting a waterway, canal or lake; and

WHEREAS, the Town Commission has determined that the amendment to the Code of Ordinances is in the best interest of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 30 “Zoning Code,” Article IV “Zoning Districts,” to read as follows (deleting is ~~stricken through~~ and adding is underlined):

Sec. 30-66. – Other requirements.

(c) *Encroachments into setbacks in the RE, RS, RML, RMM and RMH zoning districts:*

- (1) Unless otherwise provided in the Code, the following structures are allowed in the side or rear required setbacks as set forth herein.
 - a. Walkways, patios and other hard surfaces for walking, gathering, and sitting shall be constructed of porous/pervious based materials, no closer than four (4) feet to the closest property line provided the height of the areas does not extend more than four (4) inches above the finished grade. Notwithstanding the foregoing, when such walkways, patios and other hard surfaces abut a waterway, canal or lake, such hard surfaces ~~are not required but are encouraged to may~~ be constructed of ~~nonporous/nonpervious~~ based materials (although porous/pervious based materials are encouraged) and may encroach up to the property line or seawall abutting the water, whichever is further landward, so long as adequate onsite drainage, as prepared by a registered design professional, is provided for such hard surfaces.
 - b. Overhangs, pursuant to section 30-68(p).
 - c. Air conditioner condensers, pool heaters, pool equipment or heat pumps, not to exceed five (5) feet in height, from the finished grade, unless otherwise approved by the building official due to flood elevation requirements, shall not extend any closer than seven (7) feet to the closest property line.
 - d. Steps/stairways for the principal building shall not extend any closer than seven (7) feet to the closest property line.
 - e. Electric meters, fuse boxes, generator control boxes and tankless hot water heaters shall be allowed to be mounted on a wall or structure, provided such attachments do not horizontally extend beyond the roof overhang or two (2) feet from the exterior face of the wall, whichever is less. Hose bibs shall be allowed to extend no further than two (2) feet horizontally from the exterior face of the wall.
 - f. If the rear property line borders a ~~public~~ body of water, screen enclosures may extend to not less than five (5) feet from the right-of-way line or bulkhead line, whichever is further landward.

Sec. 30-68. – Supplemental district regulations

(f) *Swimming pools:*

- (1) *Required setbacks.* Swimming pools, as measured from the edge of the pool, shall meet the setbacks established below.
 - a. Swimming pools must be set back at least twenty-five (25) feet from the front property line and ten (10) feet from rear or side lot lines.
 - b. Swimming pool decks must be set back at least twenty (20) feet from the front property line and at least four (4) feet from rear or side lot lines.
 - ~~e. If the rear property line borders a public body of water, the pool deck or decks or screen enclosures may extend to not less than five (5) feet from the right-of-way line or bulkhead line, whichever is further landward.~~
 - cd. Alternate setbacks and clearances for pool decks or decks are permitted, subject to approval of the building official and the Planning Board. The building official is permitted to require an investigation and recommendation of a registered design professional to demonstrate that the intent of this section and the code has been satisfied. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristic of the slope material.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by Commissioner David, seconded by Vice Mayor Moore and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

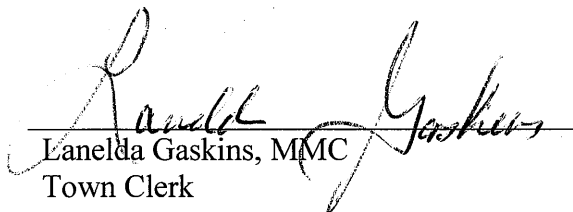
PASSED on first reading at the Regular Commission meeting held on this 18th day of May 2021.

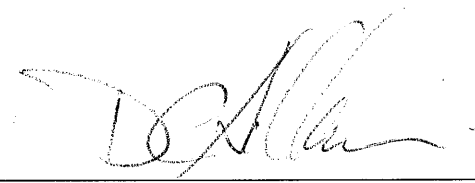
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VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 1st day of June 2021.

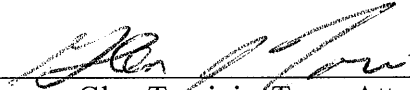
ATTEST:


 Eanelda Gaskins, MMC
 Town Clerk



 Douglas Hillman, Mayor

REVIEWED FOR LEGAL SUFFICIENCY



 Glen Torcivia, Town Attorney
 Town of Highland Beach