

ORDINANCE 2023-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY AMENDING DIVISION 5 ENTITLED "ZONING" PROVIDING FOR AN AMENDMENT TO ARTICLE XIII ENTITLED "ADDITIONS EXCEPTIONS AND MODIFICATIONS" BY AMENDING SECTION 12-263 ENTITLED "USE REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission deems it in the best interest of the residents of the Town to accept the recommendation of the Town's planning consultant to address specific components of the Code of Ordinances regulating the location of driveways and gates;

WHEREAS, the Town Commission deems it in the best interest of the residents of Hillsboro Beach to ensure that future development aligns with the unique character of the Town of 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 is hereby made a part of this Ordinance.

Section 2. The Town Commission deems it important to preserve the unique residential character of the Town of Hillsboro Beach and therefore undertakes the following amendments to Chapter 12 of the Code of Ordinances entitled "Land Development Code" by specifically amending the following Sections.

Section 3. Article XIII entitled "Additions, Exceptions, and Modifications" is amended by specifically amending Section 12-263 entitled "Use regulations" to read as follows:

Sec. 12-263. - Use regulations.

(A) *Fences and walls.*

(1) *In general.*

...

(b) Fences erected parallel to State Road A1A in the front of a property shall be permitted to be installed level between the north and south boundary lines with the height measured from the highest point of the property along the front property line (as defined above). Gates and gate posts shall be no closer than 40 feet to the edge of the pavement of State Road Highway A1A. Gates and gate posts within the RS-2 zoning district are permitted to be a minimum of twenty-five (25) feet to the edge of pavement of the state highway provided the total distance of a driveway leading to such gates is a minimum of forty (40) feet in length (including any curvilinear distance). All call boxes and/or gate-opening devices on the street entrance side of such gates shall be located with sufficient distance to permit two vehicles to queue within the driveway.

...

(B) *Driveway location.* No driveway shall be within the minimum eight (8) foot wide Side Yard Landscaped Buffer, or within 8 feet of the intersection of a side lot line and State Highway A1A, or street giving access to the lot.

(C) ...

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.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 7th DAY OF FEBRUARY 2023.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 7th DAY OF MARCH 2023.

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:
By: Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk 3/7/2023



APPROVED AS TO FORM:

Donald J. Doody
Donald J. Doody, Town Attorney

ORDINANCE NO. 2023-01

RECORD OF TOWN COMMISSION VOTE:

	YES	NO
MAYOR DEBORAH L. TARRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR IRENE KIRDAHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER VICKY FEAMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER BARBARA BALDASARRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER JANE REISER	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Second