

ATTACHMENT A
ORDINANCE NO. 2021-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING CHAPTER 12-109, ENTITLED "DISTRICT EXCEPTIONS AND PROVISIONS"; BY SPECIFICALLY AMENDING SECTION 12-109 (B), ENTITLED "DISTRICT HEIGHT LIMITS", TO CREATE SECTION (B)(2) TO PROVIDE FOR INCREASED HEIGHT APPROVAL SUBJECT TO SPECIFIED CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hillsboro Beach recognizes and affirms the importance of maintaining and preserving the Town's residential character and beach and coastal dune system;

WHEREAS, the Town of Hillsboro Beach is endeavoring to reduce the impacts of new development and redevelopment upon State Road A1A;

WHEREAS, the Town's Comprehensive Plan, Goal 6.0, currently requires that all development and redevelopment within the Town be implemented in a manner that will minimize potential natural and financial impacts to developed upland properties while preserving beach and shoreline while enhancing resilience to sea level rise impacts;

WHEREAS, the Town of Hillsboro Beach recognizes that innovative development regulations can further numerous Goals, Objectives and Policies of the Town's Comprehensive Plan;

WHEREAS, the Town Commission hereby finds it is in the best interest of the Town to amend the Town Code of Ordinances to provide a mechanism within the Town Zoning Code whereby development and redevelopment can be provided increased height than otherwise permitted in exchange for developing buildings which are of superior architectural design and incorporate green building standards, reducing permitted density, increasing side yards, requiring the preservation and/or restoration of the Town's beach and coastal dune system and contributing to identified Town capital improvements; and

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.

Section 2. Town Code of Ordinances Chapter 12-109, entitled “DISTRICT EXCEPTIONS AND PROVISIONS” is amended to revise Section 12-109 (B) entitled “DISTRICT HEIGHT LIMITS” to read:

Sec. 12-109 (B) (1) District height limits.

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located unless increased height is approved pursuant to Section 12-109 (B) (2).

Section 12-109(B)(2)

a. Purpose: The provision of additional height for new development may be utilized to: (i) reduce the impacts of new development and redevelopment upon State Road A1A by reducing project density below that permitted by the existing land use and zoning of the subject property, (ii) create greater separation between existing and proposed uses by increasing side yard beyond that required by the existing zoning of the subject property, (iii) protect and enhance environmental qualities by preserving and/or restoring the coastal dune hammock within the subject property, and (iv) generally advance the goals, objectives and policies of the Town Comprehensive Plan.

b. Application for increased height: Developers that wish to obtain additional height, referred to as a "Height Exchange", may request, in conjunction with seeking site plan approval, the approval of additional height above that permitted by existing district height limits provided that the proposed site plan for such development meets the following criteria:

(1) The proposed new construction provides superior architectural design, placement and orientation of buildings and attainment of Florida Green Building Council (FLGC) certification or LEED certification of individual buildings and/or other similar state, national or city-recognized programs;

(2) The proposed development's landscaping is provided in a manner which maximizes tree canopy, emphasizes native vegetation, improves the aesthetic appearance of A1A and provides opportunities for storm water infiltration;

(3) The development parcel (defined to include all portions of the property included in a pending site plan and having unified ownership) comprises a minimum of 10 acres;

(4) For buildings within a development parcel which exceed the existing zoning district height limits, the side yards shall be six inches per foot of building height plus a minimum of 10% greater; provided, however, that for high-rise buildings which include a podium and tower, the side yards will be measured separately relative to the measured height of the podium and the measured height of the tower;

(5) The project density is a minimum of 20% less than the permitted density pursuant to the Town Land Use Plan;

(6) The site plan includes the preservation and/or restoration of the coastal dune in an area comprising not less than 20% of the development parcel (defined to include all portions of the property included in a pending site plan and having unified ownership);

(7) The site plan includes an access easement for beach maintenance and/or renourishment for use by the Town and Town residents responsible for beach maintenance; and

(8) The developer agrees to construct and/or partially fund a capital improvement that is not generally required for development of the proposed project, but is a capital improvement that is planned pursuant to adopted goals, objectives and policies of the Town Comprehensive Plan; provided, further, any payments due pursuant to this criteria will be made in 2 installments, half prior to issuance of the first building permit for a principle building within the development parcel and the balance prior to the issuance of the first certificate of occupancy for a principle building within the development parcel.

c. Maximum height in Town: In no event will any building exceed a measured height of 175 feet exclusive of decorative features such as cupolas, railings, mechanical area, elevator overruns, elevator vestibule, private recreation areas (e.g. roof top pools and cabanas), provided that all such permitted roof top features do not: (i) excluding elevator overruns, exceed 15 feet of additional height, (ii) contain any other living area, (iii) include any signs, or (iv) excluding private recreation areas, cover more than 20 percent of the roof area.

Section 3. 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 4. 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 5. 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 6. 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 _____, 2021.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS ____ DAY OF _____, 2021.

By: _____
Deborah L. Tarrant, Mayor

ATTEST:

By: _____
Sherry D. Henderson, CMC
Town Clerk

APPROVED AS TO FORM:

Donald J. Doody, Town Attorney