



Adopted by the Hillsboro Beach Mayor and Commission on this 5<sup>th</sup> day of November, 2019.

**ORDINANCE NO. 2019-09**

**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," DIVISION 5 ENTITLED "ZONING," BY SPECIFICALLY AMENDING ARTICLE XIII ENTITLED "ADDITIONS, EXCEPTIONS AND MODIFICATIONS"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission has determined that it is in the Town's best interest to address safety issues related to retaining walls located on property lines; and

**WHEREAS**, the Town Commission deems it a matter of public safety to amend the Code of Ordinances to insure that the height of retaining walls promote and preserve the public health safety and welfare of the residents of Hillsboro Beach; 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.** The Town Commission of the Town of Hillsboro Beach, Florida hereby amends the Town's Code of Ordinances by amending Chapter 12 entitled "Land Development Code" and Article XIII entitled "Additions, Exceptions and Modifications" as follows:

Sec. 12-263. - Use regulations.

(A) *Fences and walls.*

(1) *In general.*

(a) Fences or walls constructed of processed materials and not exceeding 6 feet in height measured from either the adjoining property or the original topography of the property, without berming, whichever is more restrictive, with the exception of tennis court fences, may be erected within or along the boundaries of a lot or yard area, providing, however, that no fence or wall shall be erected on ocean side of State Highway A1A east of the easterly building line shown on the district map as elsewhere defined, nor any closer than 10 feet to the edge of the pavement of State Road A1A.

(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 A1A.

- (c) Fence posts shall not exceed 7 feet in height and shall be not less than 20 feet apart, except as provided in subsection (A)(2) below, with lights and decorative features not exceeding 8 feet in height. These requirements shall be minimum standards subject to the approval of the Town Commission. All permits for fences and walls adjacent and parallel to State Road A1A shall be reviewed by and subject to the approval of the Town Commission prior to the issuance of a permit if not previously approved during site plan review.

- (2) *Fence post separation exemptions.* The 20-foot minimum separation for fence posts required by subsection (A)(1) above shall not apply in the following instances:

- (a) Entryway posts where entry gate columns can be a maximum height of 9 feet with lights and decorative features not exceeding 10 feet in height; and
- (b) Posts for chain-link or other similar type fences where the posts are the primary means of support for the fence.

### (3) Retaining Walls

- a) *Height.* When a wall positioned between lots functions as a retaining wall, that wall shall not exceed the following height limitations:

- i) The height of a retaining wall parallel to the side yard property line shall not exceed a height of 6 feet;
- ii) A minimum of 3 feet of the maximum 6-foot retaining wall shall be dedicated as a header to allow for drainage and the prevention of water from sheeting over onto the abutting neighboring property while also acting as a fall protection measure. As it relates to retaining walls, a header shall be defined as the top portion of the wall which extends above the existing or proposed infill of grade.

- b) *Measurement.* All retaining wall heights shall be measured from the abutting property's grade opposite such point of measurement. This will be calculated by measuring elevation points on the abutting property's side property line adjacent to the proposed retaining wall every 25 feet and or at grade change.

- c) *Drainage.* Drainage shall be provided in the form of yard drainage, French drains or exfiltration systems to allow for the retention of on-site stormwater.

- d) *Grading.* Where a development proposal includes provisions for deposit of fill, the grade resulting from such deposit shall not exceed a slope of four to horizontal to one vertical.

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2 (4) *Tennis court fences.* On any portion of land on which any tennis court exists or is  
3 hereafter constructed, a chain link fence with wind screen may be erected and exist in connection  
4 with the tennis court. No such fence shall exceed 10 feet in height above the ground, shall be any  
5 closer to any side lot line than 15 feet, shall be no closer to the easterly right-of-way line of the  
6 intracoastal waterway than 15 feet or closer to the centerline of State Road A1A than 45 feet, all  
7 such distances measured perpendicularly to the lot line or right-of-way line, respectively. In all  
8 cases in which tennis court fences exist or are erected, the court must be screened on all sides  
9 visible from adjacent properties and rights-of-way as follows:

10 (a) Each such side shall contain a continuous hedge made up of plants having a minimum  
11 height at the time of installation of 3 feet and spaced no further apart than 3 feet on center;  
12 and

13 (b) Each such side shall contain trees having a minimum height of that of the highest fence  
14 on such side and spaced no further apart than 30 feet on center. The trees shall be located  
15 no further than 20 feet from the fence on each side. Existing trees shall be considered in  
16 meeting this requirement.  
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18 (B) *Driveway location.* No driveway entrance or exit shall be within 8 feet of the intersection of  
19 a side lot line and State Highway A1A, or street giving access to the lot, and this minimum  
20 requirement shall continue for a distance of not less than 45 feet from the center line of the state  
21 highway or street.  
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23 (C) *Temporary construction and sales office.*

24 (1) Temporary buildings or trailers which are used in conjunction with construction work  
25 or sales promotion may be permitted in any district during the period that the construction  
26 work is in progress. The temporary buildings or trailers shall not be used as living quarters,  
27 and shall be removed upon the completion of the construction work and prior to an issuance  
28 of the certificate of occupancy.

29 (2) In the use of trailers as construction offices, it shall be required that they be anchored  
30 by guy-wires in such a fashion as to withstand hurricane force winds, and that a permit  
31 certifying to such proper anchorage be issued by the Building Department prior to the use  
32 of the trailer.  
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34 (D) *Docks and piers.* No docks and piers shall be permitted along the Atlantic Ocean. Docks,  
35 boat davits and piers may be constructed along the Intracoastal Waterway, provided that no part  
36 of the pier or dock shall be higher than the top of the adjoining seawall or the established grade  
37 of the seawall if none exists. Mooring piles and boat davits may exceed this height.  
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1 (E) *Ocean front impediments*. No structure, including but not limited to groins, seawalls, jetties,  
2 breakwaters, docks, piers, bulkheads, shall be built out into the ocean from any lot in the Town  
3 of Hillsboro Beach unless the construction has been approved by the Town of Hillsboro Beach in  
4 accordance with an overall plan.

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6 (F) *Floating residences*. No boat, house boat or floating home shall be maintained or used as a  
7 place of residence within the town limits of the Town of Hillsboro Beach, or waters adjacent  
8 thereto.

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10 **Section 3.** It is the intention of the Town Commission of the Town of Hillsboro Beach,  
11 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances  
12 of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered,  
13 re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word  
14 or phrase in order to accomplish such intention.

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16 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of  
17 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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

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22 **Section 6.** This Ordinance shall be effective fifteen (15) calendar days subsequent to  
23 its passage and adoption by the Town Commission of the Town of Hillsboro Beach.  
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1 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO  
2 BEACH, FLORIDA, ON FIRST READING, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2019.

3  
4 PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO  
5 BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 5 DAY OF NOV, 2019.

6 By: Deborah L. Tarrant  
7  
8 Deborah L. Tarrant  
9 Mayor

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11 ATTEST:

12  
13 By:

14 Sherry D. Henderson  
15 Sherry D. Henderson, CMC  
16 Town Clerk



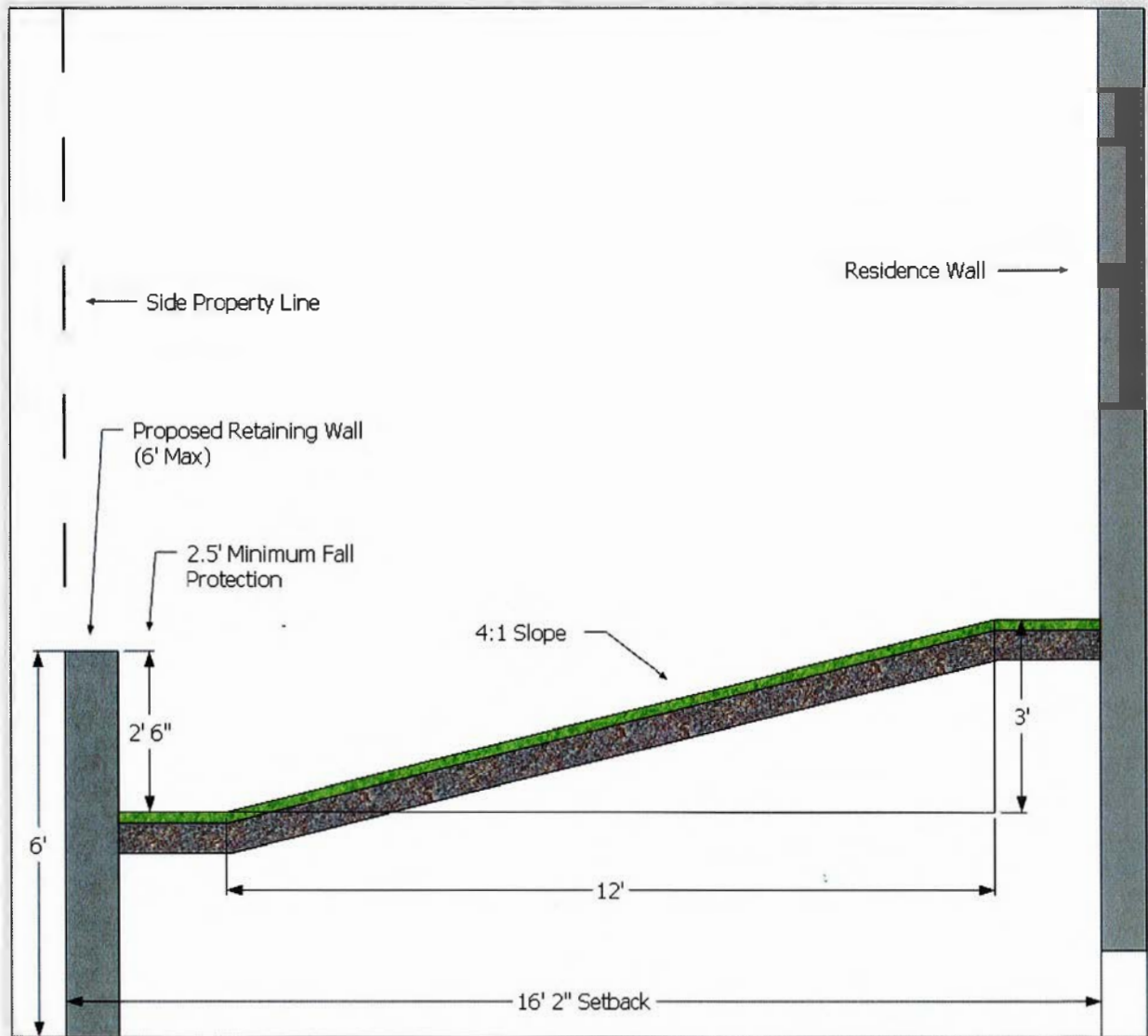
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21 APPROVED AS TO FORM:

22 Donald J. Doody  
23 Donald J. Doody  
24 Town Attorney

25  
26  
27  
28  
ORDINANCE NO. 2019-09

RECORD OF TOWN COMMISSION VOTE:

	<u>YES</u>	<u>NO</u>
MAYOR D. TARRANT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR I. KIRDAHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER V. FEAMAN <i>motion</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER B. BALDASARRE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER A. BROWN <i>second</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Town of Hillsboro Beach  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

SUN-SENTINEL

SUN-SENTINEL

Published Daily

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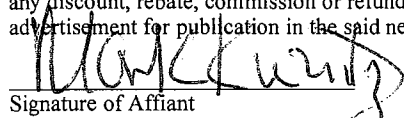
State Of Florida

County Of Broward

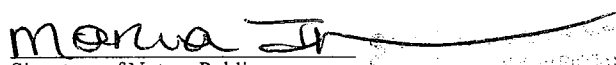
Before the undersigned authority personally appeared MARK KUZNITZ, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11700-Advertisement for Bids ,  
Town of Hillsboro Beach  
Base Floor Elevation & Slope/Retaining Wall Tuesday, November 5, 2019  
at 9:00 a.m.  
Was published in said newspaper in the issues of; Oct 26, 2019

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, each day and has been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised, any person, firm or corporation, any discount, rebate, commission or refund, for the purpose of securing this advertisement for publication in the said newspaper.

  
Signature of Affiant

Sworn to and subscribed before me this: October 28, 2019.

  
Signature of Notary Public

Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Sold To:**

Town Of Hillsboro Beach - CU00114721  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

**Bill To:**

Town Of Hillsboro Beach - CU00114721  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062

**Affidavit Delivery Method:** U.S. Mail

**Affidavit Email Address:**  
6488819

**TOWN OF HILLSBORO BEACH, FLORIDA  
PUBLIC HEARING**

**Base Floor Elevation & Slope/Retain-  
ing Wall Tuesday, November 5, 2019  
at 9:00 a.m.**

NOTICE IS HEREBY GIVEN that prior to the Town of Hillsboro Beach Commission's consideration of the Second Reading of Ordinance 2019-09, a Public Hearing will be held at a Special Commission Meeting on Tuesday, November 5, 2019 at 9:00 a.m. in the Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. TOWN OF HILLSBORO BEACH, FLORIDA Base Floor Elevation & Slope/Retaining Wall ORDINANCE NO. 2019-09 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", DIVISION 5 ENTITLED "ZONING", BY SPECIFICALLY AMENDING ARTICLE XII ENTITLED "ADDITIONS, EXCEPTIONS AND MODIFICATIONS", PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at said meeting 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. Sherry D. Henderson, CMC Town Clerk 10/25/2019 10/26/2019 6488819

Town of Hillsboro Beach  
1210 Hillsboro Mile  
Hillsboro Beach, FL 33062