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**ORDINANCE NO. 2016-283**

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**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, AMENDING CHAPTER 12 ENTITLED "LAND DEVELOPMENT CODE" BY SPECIFICALLY AMENDING DIVISION 7 ENTITLED "LANDSCAPING FOR PROTECTION OF WATER QUALITY AND QUANTITY" TO PROVIDE FOR AN AMENDMENT TO SECTION 12-396 ENTITLED "APPROPRIATE PLANT SELECTION, LOCATION AND ARRANGEMENT"; PROVIDING FOR THE USE OF ARTIFICIAL PLANTS AND VEGETATION SUBJECT TO CONDITIONAL USE APPROVAL; PROVIDING FOR REVIEW CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, in 2010 the Town Commission of Hillsboro Beach adopted a comprehensive approach to maintaining and providing for a geographic distribution of plant species indigenous to all or part of the State of Florida; and

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**WHEREAS**, the legislative intent and purpose of the Town Commission adopting Ordinance No. 283 was to encourage the residents of the Town of Hillsboro Beach to plant species within the Town identified as indigenous to Barrier Islands; and

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**WHEREAS**, the Town Commission has agreed to consider alternatives to the plant species deemed to be native vegetation as defined by the Code of Ordinances; and

**WHEREAS**, the Town Commission hereby deems it in the best interest of the residents of the Town of Hillsboro Beach amend its Code of Ordinances to allow the use of artificial plants and vegetation by residents when approved as a conditional use by the Town Commission; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF 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 Code of Ordinances is amended to create Section 12-396 (L) to read as follows:

(L) The use of artificial plants and vegetation shall be substituted for natural plants and vegetation only in those instances where a conditional use application is filed by the property owner and the application is approved by the Town Commission. The Conditional Use allowing for the use of artificial plants and vegetation for landscaping shall be subject to the following:

1 (1) Procedure. All conditional uses shall be subject to approval of the Town Commission, and  
2 no conditional use shall be approved until after a public hearing by the Town Commission, at  
3 which time all interested parties shall have an opportunity to be heard.

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6 (2) Review criteria. The Town Commission shall not approve a conditional use, unless and until  
7 it finds that:

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10 (a)The use of artificial plants and vegetation is deemed desirable for the public  
11 convenience or welfare, and the use is in harmony with the purpose and intent of this chapter and  
12 will not be detrimental or injurious to the Town.

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14 (b)When granting approval for a conditional use, the Town Commission may attach  
15 conditions and safeguards, as it may determine is necessary for the protection and aesthetic  
16 appearance of the Town.

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18 (c)The application shall meet all of the following criteria, where appropriate:

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21 (i)Harmony with adjacent uses (existing or zoned).

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23 (ii)Use not hazardous to the Town.

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25 (iii)The landscape plan identifying the location and dimension of the use of  
26 artificial plants and vegetation is compatible with the character and aesthetics of the  
27 Town of Hillsboro Beach.

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29 (3) Conditional use approval amendments. A conditional use approval is specific to the  
30 Landscape Plan and any supplemental conditions approved. Modifications to any of the specifics  
31 or conditions of the approval shall be deemed a code violation and subject to code enforcement  
32 action and/or revocation of the conditional use approved.

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34 4) Each application for a conditional use under this section shall be submitted with a landscape  
35 plan and accompanied by a check made payable to the Town in an amount set from time to time  
36 by Resolution adopted by the Town Commission to offset administrative fees and costs.

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39 **SECTION 4.** If any section, subsection, sentence, clause or provision of this  
40 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

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42 **SECTION 5.** That all ordinances or parts of ordinances and all resolutions or parts of  
43 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

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45 **SECTION 6.** It is the intention of the Town Commission of the Town of Hillsboro  
46 Beach, that the provisions of this Ordinance shall become and be made a part of the Code of

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Ordinances of the 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 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 11th DAY OF MAY, 2016.**

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 7th DAY OF JUNE, 2016.**

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

ATTEST:  
By: *Yude Alvarez*  
Yude Alvarez, CMC



*approved as to form  
by locally  
Town Attorney*