

ORDINANCE NO. 2021-02

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" BY SPECIFICALLY AMENDING SECTION 12-2 ENTITLED "DEVELOPMENT REVIEW ADMINISTRATION" TO CREATE SECTION 12-2 (H) RELATIVE TO SERVICE CHARGES AND COST RECOVERY; PROVIDING FOR REASONABLE SERVICE CHARGES, FEES, AND COST RECOVERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town of Hillsboro Beach is experiencing an increasing interest in development opportunities available to private developers; and

**WHEREAS**, the Town of Hillsboro Beach recognizes the importance of maintaining a proficient and financially efficient review process to provide for well-planned and orderly development; and

**WHEREAS**, the Town Commission of the Town of Hillsboro Beach finds and determines that it is in the best interest of the Town of Hillsboro Beach to shift the financial responsibility of development review to developer's seeking to develop properties in 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 are hereby made a part of this Ordinance.

**Section 2.** Chapter 12 entitled "Land Development Code" of the Code of Ordinances is hereby amended by specifically creating Section 12-2 (H) which shall read as follows:

**Sec. 12-2 (H).**

(i) Reasonable service charges, fees and attorney's fees, shall be collected for the administrative processing and review of applications for development permits submitted to the Town for review and approval. Prior to preliminary discussions or the submittal of a development application by any developer, the Town Manager may request from the developer or property owner an initial deposit estimated by he/she to recover costs to be

1 incurred by the Town for legal, building, planning and zoning, traffic and any other  
2 consultant's costs related to the preliminary discussions or the application for development.  
3 The schedule of service charges, fees, and attorney's fees to be collected shall be established  
4 by resolution of the Town Commission.  
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6 (ii) In addition to the service charges, fees and/or attorney's fees collected above, the Town  
7 shall impose a consultant fee for the various costs attributable to the use by the Town of  
8 outside consultants for reviewing and processing development approval requests. Such  
9 consultant fees shall be equal to the various costs of the outside fee consultant time expended  
10 and actual expenses, including but not limited to advertising, xeroxing and long- distance  
11 phone calls. The Town will establish a schedule for initial deposits of the development  
12 approval applicants. A financial account will be established for each development approval  
13 application. Depending on the review process required, additional deposits may be required.  
14 The financial account will remain active during the development review period and  
15 extending for two months beyond the granting of a development order. At that time, any  
16 remaining funds will be returned to the applicant. The Town and its outside consultants will  
17 maintain adequate financial records depicting charges of hours and expenses.  
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20 **Section 3.** If any section, subsection, sentence, clause or provision of this  
21 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such  
22 invalidity.  
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24 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts  
25 of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.  
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27 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro  
28 Beach, that the provisions of this Ordinance shall become and be made a part of the Code of  
29 Ordinances of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be  
30 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article,"  
31 or such other word or phrase in order to accomplish such intention.  
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33 **Section 6.** This Ordinance shall be effective fifteen (15) days after its passage and  
34 adoption by the Town Commission of the Town of Hillsboro Beach.  
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1  
2 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,  
3 FLORIDA, ON FIRST READING, THIS 2<sup>nd</sup> DAY OF FEBRUARY, 2021.

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6 PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH,  
7 FLORIDA, ON SECOND AND FINAL READING, THIS \_\_\_\_\_ DAY OF MARCH, 2021.

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

9 ATTEST:  
10  
11 By: Sherry D. Henderson  
12 Sherry D. Henderson, CMC  
13 Town Clerk  
14 3/2/2021

15  
16  
17 APPROVED AS TO FORM:  
18 Donald J. Doody  
19 Donald J. Doody, Town Attorney  
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**RECORD OF COMMISSION VOTE:**

MAYOR TARRANT	<u>yes</u>
VICE MAYOR KIRDAHY - <i>Second</i>	<u>yes</u>
COMMISSIONER FEAMAN - <i>Motion</i>	<u>yes</u>
COMMISSIONER BALDASARRE	<u>yes</u>
COMMISSIONER BROWN	<u>yes</u>