

**ORDINANCE NO. 2023-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 30-7 “OFFICIAL ZONING MAP” OF THE TOWN CODE OF ORDINANCES TO UPDATE INFORMATION PERTAINING TO THE DATE OF THE MOST RECENT AMENDMENT TO TOWN’S OFFICIAL ZONING MAP AS SET FORTH IN ORDINANCE NO. 2022-002; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Official Zoning Map of the Town of Highland Beach was adopted in 1990 (Ordinance No. 594); and

**WHEREAS**, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels (Parcel control numbers 24-43-47-04-01-000-1131, 24-43-47-04-00-006-0250, and 24-43-47-04-01-000-1128) located within the Boca Cove development had no zoning district designation; and

**WHEREAS**, according to the Town Zoning Map, all of the parcels located within the Boca Cove development, with the exception of the three (3) parcels noted above, are zoned Residential Multiple Family Low Density (RML); and

**WHEREAS**, upon review of the Town Zoning Map adopted by Ordinance No. 594, the three (3) parcels, noted above, were in fact located within the Residential Multiple Family Low Density (RML) zoning district; however, this zoning district designation was not reflected on the current Town Zoning Map; and

**WHEREAS**, the Town Zoning Map was in a different mapping format than the Town Zoning Map adopted in 1990 (Ordinance No. 594) and the change in format may have contributed to the unintentional scrivener’s error; and

**WHEREAS**, as a result of this unintentional scrivener’s error, the Town Commission approved the rezoning of the three (3) parcels referenced above on January 18, 2022 (Ordinance No. 2022-002) from no zoning designation to the RML zoning district; and

**WHEREAS**, Section 30-7 of the Town of Ordinances provides for the adoption or amendment date and other relevant information regarding the Town’s Official Zoning Map that needs to be updated as set forth Ordinance No. 2022-002; and

**WHEREAS**, the Town Commission wishes to update the amendment date and other relevant information regarding the Town’s Official Zoning Map; and

**WHEREAS**, the Town Commission of the Town of Highland Beach has determined that the amendment to the Code of Ordinances is in the best interest of the Town of Highland Beach;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA that:**

**SECTION 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**SECTION 2.** The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 30 "Zoning Code," Article I “General Provisions,” Section 30-7 “Official zoning map” to read as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 30-7. Official zoning map.**

(a) *Official zoning map.* The official zoning map shall be adopted, and amended as necessary, by the town commission. The map shall be signed by the mayor, whose signature shall be attested by the town clerk. The map shall bear the official seal of the Town of Highland Beach. The official zoning map of the Town of Highland Beach, last adopted or amended by Ordinance No. 2022-002 594 on ~~dated~~ January 18, 2022 ~~August 22, 1990~~, is hereby adopted by reference and without change, and is made a part of this chapter.

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**SECTION 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. Codification.** Section 2 of the Ordinance shall be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon adoption at second reading and shall only apply prospectively.

The forgoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_ day of \_\_\_\_\_, 2023.

The forgoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Natasha Moore, Mayor

ATTEST:

**REVIEWED FOR LEGAL SUFFICIENCY**

\_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

\_\_\_\_\_  
Glen Torcivia, Town Attorney  
Town of Highland Beach