



ORDINANCE NO. 2022-002

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REZONING THREE (3) PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 1.03 ACRES LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO ZONING DESIGNATION TO THE RESIDENTIAL MULTIPLE-FAMILY LOW DENSITY (RML) ZONING DISTRICT TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; 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 have no zoning district designation; and

WHEREAS, according to the Town Zoning Map, all 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 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 is not reflected on the current Town Zoning Map; and

WHEREAS, the current Town Zoning Map is in a different mapping format than the Town Zoning Map adopted in 1990 (Ordinance No. 594) and therefore this may have contributed to the unintentional scrivener's error; and

WHEREAS, the proposed correction of a scrivener's error to the Town Zoning Map is consistent with the Town Comprehensive Plan; and

WHEREAS, the Town Planning Board, as the designated Local Planning Agency, conducted a public hearing on the proposed rezoning and provided its recommendation to the Town Commission; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to correct this scrivener's error to the Town Zoning Map and determines that the adoption of this Ordinance is in the best interests of the residents and citizens 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. In order to correct the scrivener's error, the Town Commission hereby amends the Official Zoning Map of the Town of Highland Beach, Florida, to reflect a zoning classification of Residential Multiple Family Low Density (RML) for the three parcels described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3. The Town of Highland Beach Official Zoning Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

SECTION 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

VOTES: YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

PASSED AND ADOPTED on final reading at the Regular Commission meeting held on this 18th day of January, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach