



## **ORDINANCE NO. 2022-001**

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A SMALL-SCALE AMENDMENT TO THE TOWN COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE DESIGNATION OF A 0.8315 ACRE PARCEL OF LAND LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO FUTURE LAND USE CLASSIFICATION TO MULTI FAMILY LOW DENSITY TO CORRECT A SCRIVENER'S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Comprehensive Plan was adopted in 1989 (Ordinance No. 581); and

**WHEREAS**, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels including parcel control number 24434704010001128 located within the Boca Cove development had no zoning district designation; and

**WHEREAS**, upon further research by staff, it was determined that of the three (3) parcels, only parcel control number 24-43-47-04-01-000-1128 did not have a corresponding Future Land Use designation; and

**WHEREAS**, according to the Future Land Use Map of the Town Comprehensive Plan, all the parcels located within the Boca Cove development, with the exception of parcel control number 24-43-47-04-01-000-1128, have a Future Land Use designation of Multi Family Low Density; and

**WHEREAS**, upon review of the Future Land Use Map adopted by Ordinance 581, as well as subsequent amendments to the Future Land Use Map, parcel control number 24-43-47-04-01-000-1128 was located within the Future Land Use designation of Multi Family Low Density; however, this Future Land use designation is not reflected on the current Future Land Use Map of the Town Comprehensive Plan; and

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

**WHEREAS**, Section 163.3187 Florida Statutes provides procedures for small-scale amendments to the Comprehensive Plan; and

**WHEREAS**, the Town Planning Board, as the designated Local Planning Agency, conducted a public hearing on the proposed Future Land Use Amendment 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 Future Land Use Map of the Town Comprehensive Plan and determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Town of Highland Beach; and

**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 adopts a small-scale amendment to the Town Comprehensive Plan by adopting an amendment to the Future Land Use Map, as set forth in Exhibit "A" attached hereto and incorporated herein by reference. The amendment specifically reflects the correct and corresponding Future Land Use designation for parcel control number 24-43-47-04-01-000-1128. The Future Land Use Map adopted in Exhibit "A" shall be substituted for and replace in total the previously adopted Future Land Use Map.

**SECTION 3.** 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 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete or, if timely challenged, this Ordinance shall be effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The foregoing Ordinance was moved by Commissioner David, seconded by Vice Mayor Moore and upon being put to the vote, the vote was as follows:

<b>VOTES:</b>	<b>YES</b>	<b>NO</b>
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED on first reading at the Regular Commission meeting held on this 4<sup>th</sup> day of January, 2021.

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

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 18<sup>th</sup> 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