

1  
2 **TOWN OF HIGHLAND BEACH**

3  
4 **ORDINANCE NO. \_\_\_\_\_**

5  
6 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**  
7 **HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE II,**  
8 **“SPECIFICATIONS GOVERNING PLATS,” OF CHAPTER 26,**  
9 **“SUBDIVISIONS,” OF THE TOWN CODE OF ORDINANCES TO**  
10 **PROVIDE FOR ADMINISTRATIVE APPROVAL IN COMPLIANCE**  
11 **WITH SECTION 177.071, FLORIDA STATUTES; PROVIDING FOR**  
12 **CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING**  
13 **FOR AN EFFECTIVE DATE.**

14  
15 WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality  
16 having such power and authority conferred upon it by the Florida Constitution and Chapter 166,  
17 Florida Statutes, including the authority to regulate the subdivision of land and approval of plats;  
18 and

19 WHEREAS, Section 177.071, Florida Statutes, as recently amended, requires that plats be  
20 administratively approved by a designated authority of the local government, and no further action  
21 or approval by the governing body is required if the plat complies with the statutory requirements;  
22 and

23 WHEREAS, the amended statute further requires that each local government designate, by  
24 ordinance or resolution, an administrative authority to receive, review, and process the plat  
25 submittal and an administrative official responsible for approving, approving with conditions, or  
26 denying the proposed plat; and

27 WHEREAS, the Town Commission wishes to amend Chapter 26 of the Town Code of  
28 Ordinances to comply with the requirements of Section 177.071, Florida Statutes, and determines  
29 that the adoption of this Ordinance is in the best interests of the health, safety, and welfare of the  
30 residents of the Town of Highland Beach.

31 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
32 TOWN OF HIGHLAND BEACH, FLORIDA as follows:

33 **Section 1.** The foregoing “Whereas” clauses are hereby ratified as true and confirmed and  
34 are incorporated herein.

35 **Section 2.** The Town Commission hereby amends Article II, “Specifications Governing  
36 Plats,” of Chapter 26, “Subdivisions,” of the Town Code of Ordinances as follows (additional  
37 language underlined and deleted language ~~stricken through~~):

1 **ARTICLE II. SPECIFICATIONS GOVERNING PLATS**

2 **Sec. 26-26. Definitions.**

3 The following words, terms and phrases, when used in this chapter, shall have the  
4 meanings ascribed to them in this section, except where the context clearly indicates  
5 a different meaning:

6 ~~*Commission* means the mayor and town commission.~~

7 *Current*, with reference to specifications, design standards, etc., means the  
8 time when a plat or development plan is presented for acceptance or approval.

9 *Dead end* means a road or street that terminates within the subdivision, as  
10 distinguished from one that terminates at the subdivision's boundary.

11 *Developer's engineer* means a professional engineer registered in the state and  
12 engaged by the developer of the subdivision to plan and supervise the construction of  
13 the work.

14 *State department of transportation specifications* means the latest current road  
15 and bridge specifications adopted as standard by the state department of  
16 transportation.

17 *Surveyor* means a land surveyor registered in the state and engaged by the  
18 developer to survey and plat the land proposed for subdivision.

19 *Work* means all construction, and facilities and features of every kind in, under  
20 and over the dedicated rights-of-way and drainage easements within, and furnished in  
21 connection with the plat, except gas, electric power, telephone and street lighting  
22 facilities and related facilities.

23 **Sec. 26-27. General information.**

24 (a) *Overall requirements and conditions.* In order to file a plat for any purpose  
25 except merely to record the boundaries of an ownership, the roads, streets,  
26 alleys and publicly owned parking areas shall be paved according to the town's  
27 requirements, and all the requirements of this chapter shall be met.

28 (b) *Town's jurisdiction.* All facilities and construction of every kind built or  
29 performed within the public rights-of-way and drainage easements, including  
30 but not limited to clearing, grubbing, earthwork, stabilization, bases, prime  
31 coats, seal coats, asphalt surface treatment, asphalt pavement, concrete bases  
32 and pavements, curbs, gutters, turnouts, sidewalks, sprigging, landscaping,

1 culverts, storm sewers, side drains, inlets, catch basins, manholes, junction  
2 boxes, headwalls, endwalls, retaining walls, bridges and bridge work of all  
3 kinds, seepage wells, french drains, ditch paving, rip-rap and other erosion-  
4 control facilities, swales, ditches, canals and the like shall be subject to the  
5 town's requirements in full. In addition, the town shall have jurisdiction over  
6 the locations of poles, braces, guy wires, meter boxes, valve boxes, light  
7 standards, fire hydrants and the like, to the extent of requiring them to be in  
8 the area which would become the planting space in the ultimately complete  
9 construction of roads and streets, or within one foot of the sidewalk;  
10 jurisdiction over the locations and elevations of water piping, sanitary sewers,  
11 fire mains, underground cables and conduits, gas mains and the like, to the  
12 extent of requiring that none of them be located under present pavement areas,  
13 except where it is necessary to cross under the pavements, in which case the  
14 minimum cover from top of future pavement to top of the underground  
15 installation shall be at least thirty (30) inches; jurisdiction of the top elevations  
16 of meter boxes, inlets, catch basins, manholes, valve boxes and the like, to the  
17 extent of requiring that they be flush with the finished construction  
18 surrounding them; jurisdiction over the scope of utility installation to the  
19 extent of requiring that all water, sewer, gas, electric and communication stubs  
20 and the like, which cross under the pavement, be provided as part of the  
21 subdivision's development; and jurisdiction over the sequence of construction  
22 to the extent of requiring that all underground installations of every kind that  
23 come under the pavement to be currently constructed, or within eight (8) feet  
24 of its edges, shall be installed prior to the stabilization of subgrade and  
25 construction of pavement, to the end that the subgrade or pavement shall not  
26 be cut after it is built.

27 (c) *Administration.* The town manager shall administer this chapter ~~under the~~  
28 ~~direction of the commission.~~

29  
30 **Sec. 26-28. General procedure for filing plats.**

31 (a) *Preparing plat and development plan.* When land is to be subdivided, a plat  
32 and a development plan shall be prepared. The plat shall be prepared by a

1 registered surveyor, and the development plan by a registered engineer, all in  
2 accordance with this chapter. To aid in avoiding unnecessary expense and  
3 delay, it is urged that the surveyor and the engineer furnish tentative plats and  
4 tentative development plans to the town ~~engineer~~ building official or designee  
5 for review prior to the preparation of final plats and plans. Pursuant to Section  
6 177.071, Florida Statutes, the building department shall be the administrative  
7 authority for receiving, reviewing, and processing plat submittals. As a further  
8 aid in the case of large tracts which are to be developed in two (2) or more  
9 increments, the town building official or designee, in coordination with the  
10 town engineer, if necessary, will review and give tentative approval of  
11 proposed plats and proposed development plans of the whole of such tracts,  
12 whereupon the developer may proceed with final plats, plans and development  
13 of the increments one at a time. Tentative plats and tentative development  
14 plans will be reviewed by option holders, prospective buyers, etc., as well as  
15 for owners.

16 (b) *Review of plat and development plan.* The plat and two (2) white prints of the  
17 development plan shall be submitted to the town's building department. The  
18 building department shall acknowledge receipt of the submittal in writing  
19 within seven (7) business days and notify the applicant of any missing  
20 documents or information necessary to process the plat submittal as well as  
21 the applicable timeframes and procedures for review. The town building  
22 official or designee shall, in coordination with the town engineer, if necessary,  
23 ~~who shall review them~~ the plat and development plan for conformity with the  
24 requirements of this chapter and Section 177.091, Florida Statutes. The  
25 building official shall forward the results of such review to the town manager,  
26 who shall, pursuant to Section 177.071, Florida Statutes, serve as the  
27 administrative official responsible for approving, approving with conditions,  
28 or denying the proposed plat. The town manager ~~He~~ shall furnish the  
29 developer's surveyor with a written tentative approval of the plat if it is found  
30 to comply, otherwise ~~he~~ the town manager shall furnish a written statement of  
31 its deficiencies. ~~He shall furnish the developer's engineer with a written~~  
32 ~~approval of the development plan if it is found to comply with this chapter,~~

1 otherwise he shall furnish a written statement of its deficiencies. One white  
2 print of the development plan shall be submitted to the county health  
3 department.

4 (c) *Construction work.* After the development plan has been approved the  
5 developer shall proceed according to one of the following methods:

6 (1) The work shall thereupon be constructed under the supervision of the  
7 developer's engineer;

8 (2) The developer shall furnish a surety company bond guaranteeing the  
9 completion of the work within twelve (12) months; or

10 (3) The developer shall enter into engineering and construction contracts  
11 for completion of the work within a realistic time limit specified by  
12 the ~~commission~~ approving body but not exceeding twelve (12)  
13 months, and place funds in escrow to finance such contracts.

14 (d) *Filing the plat.*

15 (1) Should the developer elect to construct the work without a bond or escrow  
16 agreement, in accordance with paragraph (c)(1) above, his engineer shall,  
17 upon completion of the work, furnish the town engineer with a written  
18 certificate of such completion, accompanied by certain records and plans as  
19 hereinafter prescribed, whereupon the town engineer shall recheck the plat  
20 and, if same is found to comply with this chapter, the ~~commission~~ town  
21 manager shall, on the recommendation of the town engineer, accept the plat  
22 for filing.

23 (2) Should the developer elect to furnish a bond guaranteeing completion of the  
24 work within twelve (12) months, in accordance with paragraph (c)(2) above,  
25 the town engineer shall recheck the plat and, if same is found to comply with  
26 this chapter, the ~~commission~~ town manager shall, on the recommendation of  
27 the town engineer, accept the plat for filing contingent on the approved bond  
28 being furnished within ten (10) calendar days. If the bond is not thus furnished,  
29 unless the time for filing bond is extended by the town ~~commission~~ manager,  
30 the acceptance of the plat shall automatically be voided, and the plat shall not  
31 be filed. On completion of the work the developer's engineer shall furnish the  
32 town engineer with a written certificate of such completion, certifying that all

1 such work complies with this chapter and accompanied by certain records and  
2 plans as hereinafter prescribed, whereupon the ~~commission~~ town manager, on  
3 the recommendation of the town engineer, shall accept the work and release  
4 the bond.

5 (3) Should the developer elect to enter into engineering and construction contracts  
6 for completion of the work within a realistic time limit specified by the  
7 commission but not exceeding twelve (12) months, and place funds in escrow  
8 to finance the contracts, in accordance with paragraph (c)(3) above, the town  
9 engineer, after the required contracts and escrow agreement have been made  
10 and approved, shall recheck the plat and, if same is found to comply with this  
11 chapter, the ~~commission~~ town manager shall, on the recommendation of the  
12 town engineer, accept the plat for filing; and upon completion of the work the  
13 developer's engineer shall furnish the town engineer with a written certificate  
14 of such completion, accompanied by certain records and plans as hereinafter  
15 prescribed, whereupon the ~~commission~~ town manager, on the  
16 recommendation of the town engineer, shall authorize final payments from  
17 escrow on the contract, release the escrow agreement, and shall accept the  
18 work, provided the developer's engineer and contractor have been paid in full.

19 \* \* \*

20 **Section 3.** The provisions of this Ordinance shall become and be made a part of the  
21 Code of the Town of Highland beach, Florida.

22 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this  
23 Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional,  
24 inoperative, or void, such holding shall not affect the remainder of the Ordinance.

25 **Section 5.** All ordinances or parts of ordinances and resolutions or parts of resolutions  
26 of the Town of Highland beach, Florida, which are in conflict with this Ordinance, are hereby  
27 repealed to the extent of such conflict.

28 **Section 6.** This Ordinance shall be effective immediately upon adoption.  
29 The forgoing Ordinance, on first reading, was moved by Commissioner \_\_\_\_\_, seconded by  
30 Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

31  
32 Mayor Natasha Moore \_\_\_\_\_  
33 Vice Mayor David Stern \_\_\_\_\_  
34 Commissioner Judith Goldberg \_\_\_\_\_

1 Commissioner Donold Peters \_\_\_\_\_  
2 Commissioner Jason Chudnofsky \_\_\_\_\_  
3 PASSED on first reading at the Regular Commission meeting held on the \_\_\_ day of \_\_\_\_\_,  
4 2026.

5  
6 The forgoing Ordinance, on second reading, was moved by Commissioner \_\_\_\_\_, seconded  
7 by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 8  
9 Mayor Natasha Moore \_\_\_\_\_  
10 Vice Mayor David Stern \_\_\_\_\_  
11 Commissioner Judith Goldberg \_\_\_\_\_  
12 Commissioner Donald Peters \_\_\_\_\_  
13 Commissioner Jason Chudnofsky \_\_\_\_\_  
14

15 PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on  
16 the \_\_\_ day of \_\_\_\_\_, 2026.

17  
18  
19 \_\_\_\_\_  
20 Natasha Moore, Mayor

21 ATTEST:  
22 **REVIEWED FOR LEGAL SUFFICIENCY**

23 \_\_\_\_\_  
24 Lanelda Gaskins, MMC  
25 Town Clerk

\_\_\_\_\_  
Leonard G. Rubin, Town Attorney  
Town of Highland Beach