



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2022-007**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, READOPTING 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, pursuant to Section 163.3177(6)(i), Florida Statutes, each local government is required to adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021 or the date of the next scheduled evaluation and appraisal of its comprehensive plan; and

WHEREAS, readoption of the small-scale amendment to correct a scrivener's error is required given the amendment was initially adopted on January 18, 2022 (Ordinance No. 2022-001) prior to the Town's adoption of a property rights element; and

WHEREAS, on June 7, 2022, the Town Commission authorized the transmittal of the property rights element to the Department of Economic Opportunity and will be considering the adoption of a property rights element into the Comprehensive Plan (via a separate Ordinance) prior to readopting the small-scale amendment; 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 readoption 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 readopts a small-scale amendment to the Town Comprehensive Plan by readopting 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 forgoing Ordinance was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a 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 the 6th day of October 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED
SUFFICIENCY**

FOR

LEGAL

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach