



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE 1/18/2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: 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.

SUMMARY:

In January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels including parcel control number 24-43-47-04-01-000-1128 located within the Boca Cove development had no zoning district designation. Upon further research by staff, it was determined that of the three (3) parcels with no zoning district designation, only parcel control number (24-43-47-04-01-000-1128) did not have a corresponding Future Land Use designation. According to the Future Land Use Map of the Town Comprehensive Plan, all 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. Parcel control number 24-43-47-04-01-000-1128 is a 0.8315 acre parcel that is owned by the Boca Cove Property HOA and includes a private roadway as well as common areas.

Upon review of the Future Land Use Map adopted by Ordinance No. 581 (Attachment No. 1), 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, in error, this Future Land use designation is not reflected on the current Future Land Use Map of the Town Comprehensive Plan (which is in a different mapping format than the Future Land Use Map adopted under Ordinance No. 581). In order to correct this scrivener's error to the Future Land Use Map, a small-scale amendment to the Town's Comprehensive Plan is required. *Note a separate Ordinance is provided concurrently with this*

amendment that corrects a scrivener's error pertaining to the zoning district designation for three (3) parcels located within the Boca Cove development).

As a courtesy, Town staff reached out (via telephone and certified letter) to the Boca Cove property management company (Vesta Property Services, Inc.) prior to the scheduling of public hearings to advise them of the scrivener's error as it pertains to both the Zoning and Future Land Use Maps (Attachment No. 2). Town staff did not receive any comments from Boca Cove residents or the property management company as it pertained to the courtesy letter.

Pursuant to Section 163.3187(2) Florida Statutes, small-scale amendments to the Comprehensive Plan require only one (1) public hearing which shall be an adoption hearing.

PLANNING BOARD ACTION:

At the December 9, 2021 Planning Board ("Board") meeting, the Board recommended approval of the small-scale amendment to the Town Comprehensive Plan which corrects a scrivener's error to the Future Land Use designation of parcel control number 24-43-47-04-01-000-1128 from no designation to Multi Family Low Density (motion carried 6-0).

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment No. 1 – Future Land Use Map (adopted via Ord. No. 581 on 9-19-1989).
Attachment No. 2 – Letter to Boca Cove property management company.
Ordinance (includes proposed Future Land Use Map changes – Exhibit A).

RECOMMENDATION:

Approval of Ordinance.

ATTACHMENT NO. 1

ORDINANCE NO. 581

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 163, PART II, OF THE LAWS OF THE STATE OF FLORIDA.

WHEREAS, Chapter 163, Part II, Laws of Florida (Local Government Comprehensive Planning and Land Development Regulation Act), requires that each municipality prepare and adopt a Comprehensive Plan of the type and manner as set out in that Act; and

WHEREAS, the Town of Highland Beach has prepared a Comprehensive Plan of the type and in the manner as set out in that Act and the administrative rules promulgated by the Department of Community Affairs pursuant to said Act, including public hearings with due public notice by the Town of Highland Beach Planning Board as the local planning agency for the Town and including advertised public hearings on the proposed Comprehensive Plan by the Planning Board and Town Commission of the Town of Highland Beach; and

WHEREAS, the Town Commission deems it necessary to adopt such Comprehensive Plan for the Town to promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, morals, and the general welfare; to conserve the value of land, buildings and resources, and to protect the character and maintain the stability of this residential community and to promote its orderly development.

NOW THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach, Florida:

The Comprehensive Plan for the Town of Highland Beach, entitled "Comprehensive Plan Town of Highland Beach, Florida", dated September 19, 1989, a copy of which is attached hereto as Exhibit "A" to this Ordinance and incorporated herein by reference, is hereby adopted for the area of jurisdiction of the Town of Highland Beach pursuant to the Chapter 163, Part II, of the the Laws of the State of Florida.

PASSED AND ADOPTED by the Town Commission of the Town of
Highland Beach this 19TH day of SEPTEMBER, 1989. This
Ordinance to be effective on the 19TH day of SEPTEMBER,
1989.

ATTEST:

Mary Ann Mariano
TOWN CLERK

9/5/89

FIRST READING

Joseph A. Boulay
JOSEPH A. BOULAY, MAYOR

John J. Basso
JOHN J. BASSO, COMMISSIONER
VICE MAYOR

9/6/89

POSTED AFTER FIRST READING

-ABSENT -

MARVIN WALDMAN, COMMISSIONER

9/14/89

PUBLISHED

Doris R. Rome
DORIS R. ROME, COMMISSIONER

9/19/89

FINAL READING

Betty Jean Stewart
BETTY JEAN STEWART, COMMISSIONER

9/20/89

POSTED AFTER FINAL READING

9/19/89

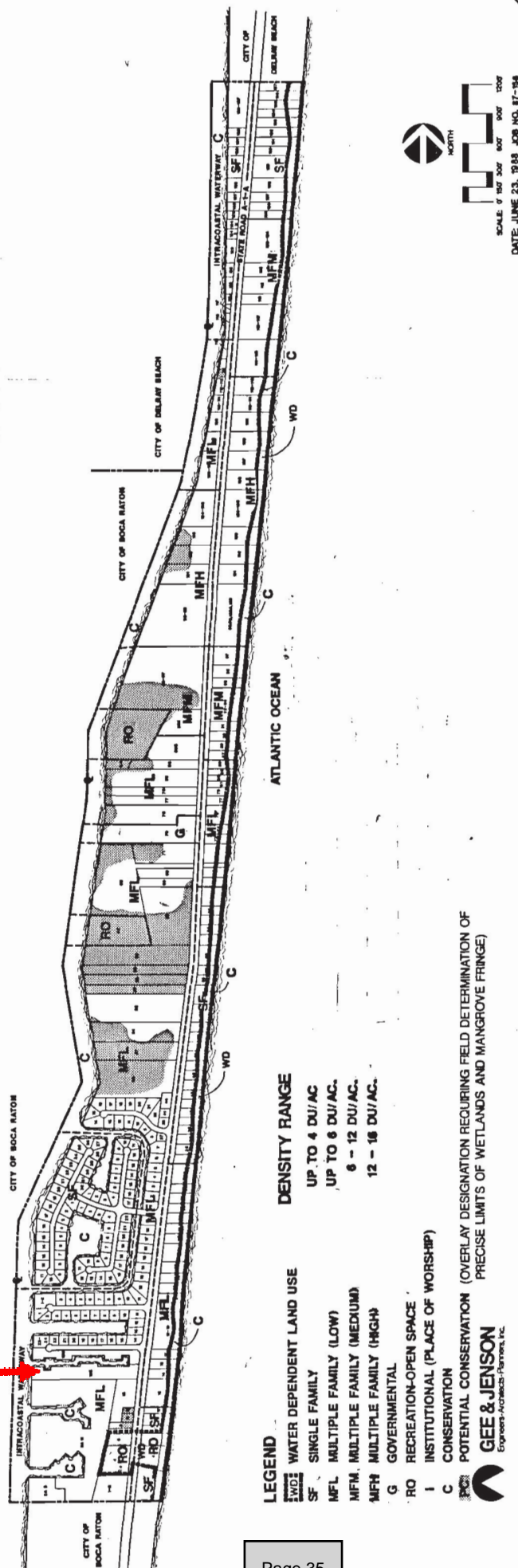
PUBLIC HEARINGS HELD

Adopted as part of
the 1989
Comprehensive Plan
(Ord. No. 581)

Boca Cove

TOWN OF HIGHLAND BEACH, FLORIDA

FUTURE LAND USE YEAR 2000





Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

August 16, 2021

Mr. James Demos
Vesta Property Services, Inc.
751 Park of Commerce Drive, Suite 118
Boca Raton, FL 33487

Dear Mr. Demos:

Earlier this year, the Town of Highland Beach was advised by the Palm Beach County Property Appraiser that the following parcel control numbers (PCNs) located within the Boca Cove development do not have a designated zoning district:

PCN	PARCEL ADDRESS	PROPERTY OWNER
24434704010001131	1123 Boca Cove Lane	Bonnie H and Michael K Mazor
24434704000060250	NA	Boca Cove HOA
24434704010001128	NA	Boca Cove HOA

According to the Town's Zoning Map, all the parcels located within the Boca Cove development (with the exception of the parcels noted above) are zoned RML - Residential Multiple Family Low Density (Attachment No. 1). Upon review of Town Ordinance No. 594, which adopted the Zoning Map in 1990, it is clear that these three (3) parcels were located within the RML Zoning District (Attachment No. 2); however, in error, the current Zoning Map (which is in a different mapping format than the Zoning Map adopted under Ordinance No. 594) does not provide any zoning designation for these parcels. In order to remedy this Zoning Map scrivener's error, Town staff will draft an Ordinance that will correctly designate RML as the applicable zoning district for the above referenced PCNs. The Ordinance will be reviewed and considered in a public hearing format (to be determined) by both the Planning Board and the Town Commission.

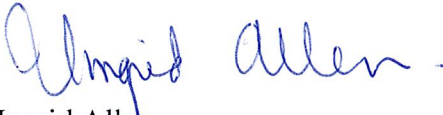
In addition, PCN 24434704010001128 does not have a corresponding Future Land Use designation as provided in the Town's Comprehensive Plan (Attachment No. 3). The remaining two (2) parcels, as noted above, as well as the entire Boca Cove community has a Future Land Use designation of Multi Family Low Density. Therefore, an amendment to the Future Land Use Map of the Town Comprehensive Plan will be required to correct this additional scrivener's error pertaining only to PCN 24434704010001128.

According to Section 30-46 of the Town Code of Ordinances, amendments to the Zoning and Future Land Use Maps requires that written notice of the scheduled public hearings be provided to each property owner located within 500 feet of the parcels in question. In anticipation of the latter, I am reaching out to you as a courtesy and in advance of such public notice requirements

so that you may advise the community of the map errors that the Town will be correcting. I will be glad to meet with the HOA to address any questions regarding the anticipated correction of these scrivener's errors. Note, there will be no cost to the HOA or individual property owners to correct the Zoning and Future Land Use maps.

Please feel free to contact me at 561-278-4540 (press option 3) if you or any residents should have any questions regarding this matter.

Sincerely,



Ingrid Allen
Town Planner

cc: Marshall Labadie, Town Manager

Attachment No. 1 – Town Zoning Map

Attachment No. 2 – Town Ordinance No. 594

Attachment No. 3 - Town Future Land Use Map

TOWN OF HIGHLAND BEACH OFFICIAL ZONING MAP

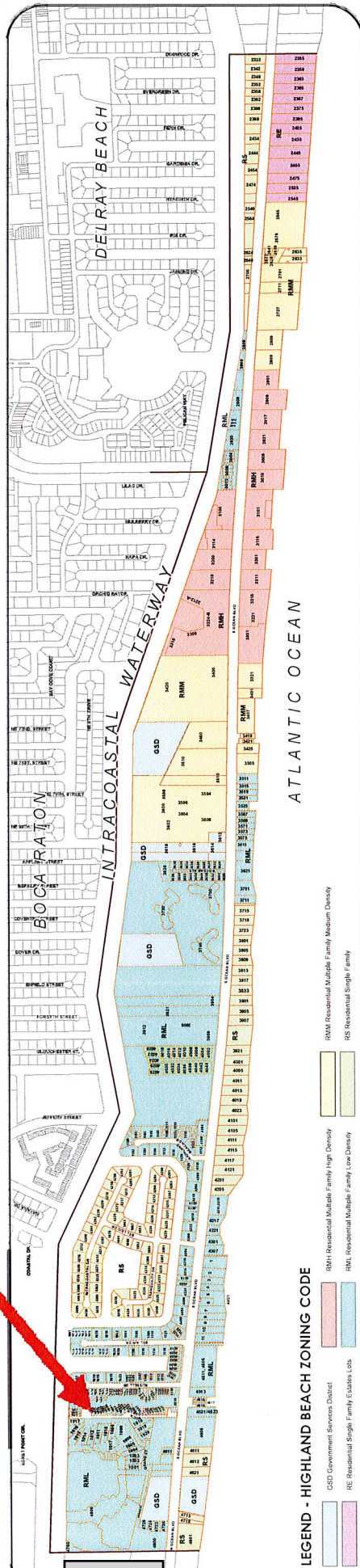


SCALE



1 inch = 500 feet

Boca Cove Development



LEGEND - HIGHLAND BEACH ZONING CODE



ATTESTATION

VALERIE OAKES, Town Clerk
ADOPTED
ORDINANCE NO.

PLANNING BOARD

CAROL STERN, Chair
ILYNE MENDELSON, Vice Chair
RONALD CLARK
STEPHEN GOLDING
HARVEY MART
CHARLES SHANE
WILLIAM SVENSTRUP

TOWN COMMISSION

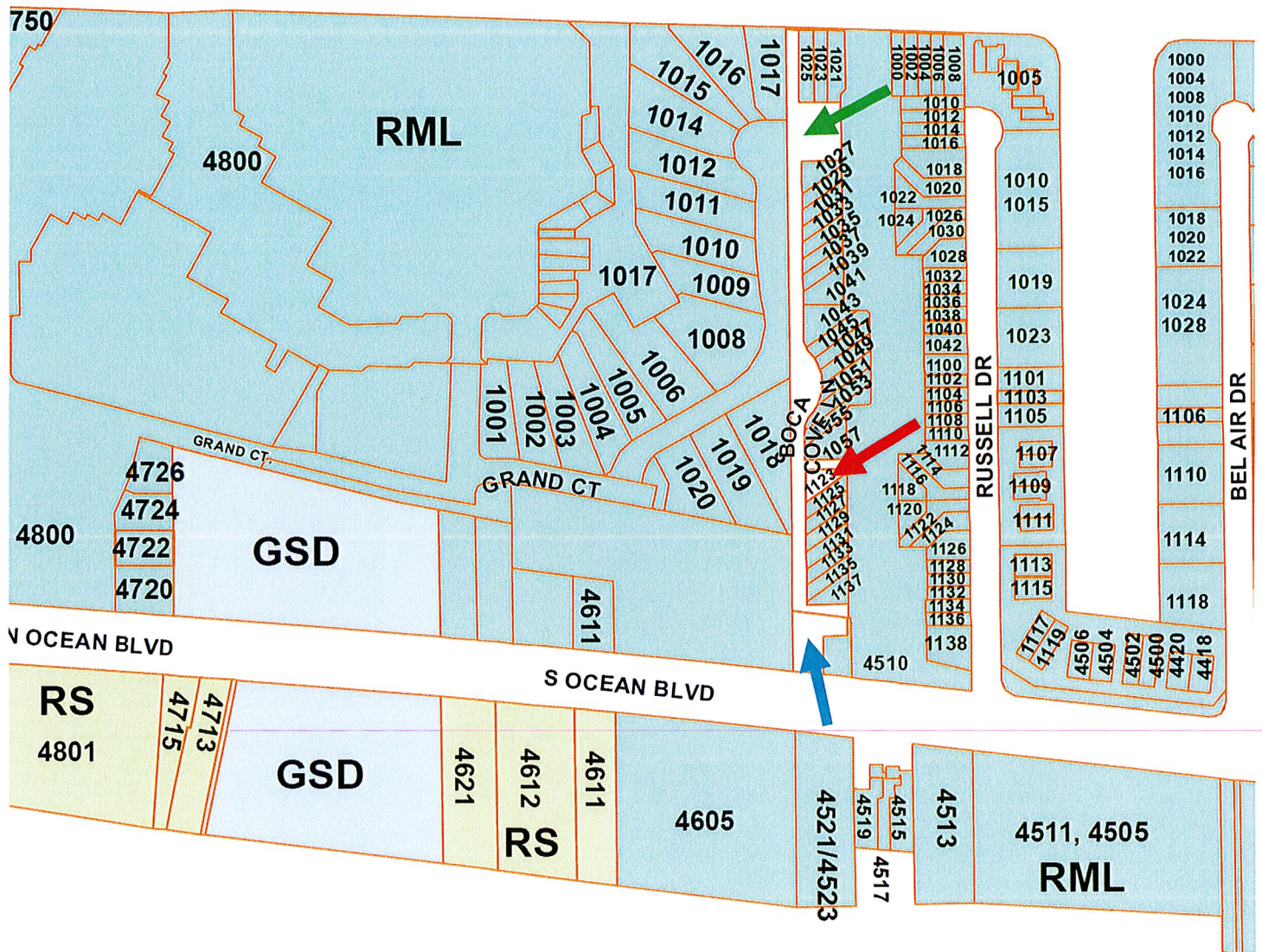
BERNARD FEATHERMAN, Mayor
WILLIAM WEITZ, PhD, Vice Mayor
LOUIS P. STERN, Comm.
CARL FELDMAN, Comm.
RHODA ZELNIKER, Comm.

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 584, AND IS AN AMENDMENT OF THE OFFICIAL ZONING MAP REFERRED IN SECTION ONE OF ORDINANCE NO. 503 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.



Boca Cove: Zoning Map

scrivener's errors to be corrected



LEGEND - HIGHLAND BEACH ZONING CODE

	GSD Government Services District		RMH Residential Multiple Family High Density		RMI Residential Multiple Family Medium Density
	RE Residential Single Family Estates Lots		RML Residential Multiple Family Low Density		RS Residential Single Family

Green arrow = PCN #24434704010001128 (0.8315 acres)

Red arrow = PCN #24434704010001131 (1123 Boca Cove Lane) (0.05 acres)

Blue arrow = PCN #24434704000060250 (0.15 acres)

Source: Palm Beach County Property Appraiser

ORDINANCE NO. 594

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA RELATING TO REZONING, PROVIDING FOR THE AMENDMENT OF THE "OFFICIAL ZONING MAP" OF THE TOWN OF HIGHLAND BEACH AS INCORPORATED BY REFERENCE IN ORDINANCE NO. 503; PROVIDING FOR THE APPROPRIATE REVISION OF THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Board, after notice and public hearing has reviewed the Town's current Comprehensive Plan to determine what changes should be made to "Official Zoning Map" of the Town of Highland Beach as incorporated by reference in Ordinance No. 503, in order that the zoning of properties in the Town will be consistent with the Comprehensive Plan as mandated by Florida Statute § 163.3194(b); and

WHEREAS, the Planning Board has found, after receiving recommendations from the Town's land planners, that the zoning depicted on the map attached hereto as Exhibit "A" is consistent with the Comprehensive Plan, and has recommended that the Town Commission approve such zoning for the land located within the corporate limits of the Town of Highland Beach; and

WHEREAS, the Town Commission has taken the recommendation of the Planning Board into consideration, and has also considered the appropriateness of the zoning for the properties located within the Town; and

WHEREAS, the Town Commission deems it necessary to amend the "Official Zoning Map" as incorporated by reference in Ordinance No. 503, to reflect the zoning depicted on the map attached hereto as Exhibit "A" in order that the zoning of all properties within the Town will be consistent with the Comprehensive Plan;

WHEREAS, all applicable requirements of Chapters 163 and 166 Florida Statutes and Chapter 30 of the Town's Code of Ordinances has been met:

NOW THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach that:

1. The "Official Zoning Map" incorporated by reference in Ordinance No. 503 is hereby amended to reflect the zoning

depicted on the map attached to this ordinance as Exhibit "A".

2. The Town Manager is hereby directed to cause the "Official Zoning Map" of the Town of Highland Beach as incorporated by reference in Ordinance No. 503 to be amended in accordance with this ordinance.

3. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Highland Beach this 22nd day of August, 1990.

ATTEST:

Anne M. Kovale
TOWN CLERK

Joseph A. Boulay
JOSEPH A. BOULAY, MAYOR

August 7, 1990
FIRST READING

William E. Paul
WILLIAM E. PAUL, COMMISSIONER
VICE MAYOR

August 7, 1990
POSTED AFTER FIRST READING

Marvin Waldman
MARVIN WALDMAN, COMMISSIONER

August 8, 1990
PUBLISHED

(Absent)
Betty Jean Stewart COMMISSIONER

August 22, 1990
FINAL READING

Harold C. Chambers
HAROLD C. CHAMBERS, COMMISSIONER

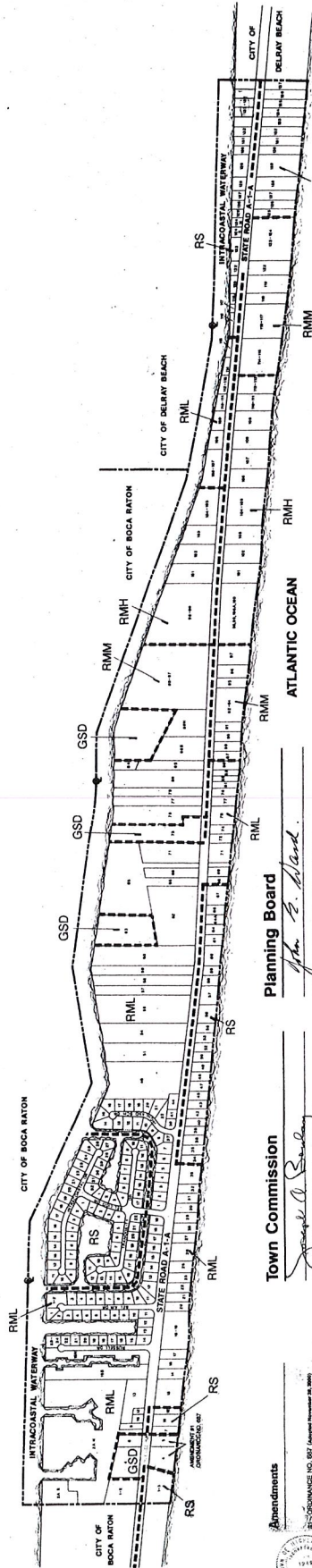
August 22, 1990
POSTED AFTER FINAL READING

August 7 and August 22, 1990
PUBLIC HEARING HELD

TOWN OF HIGHLAND BEACH, FLORIDA

OFFICIAL ZONING MAP

- LEGEND**
- RE RESIDENTIAL SINGLE FAMILY ESTATE LOTS
 - RS RESIDENTIAL SINGLE FAMILY
 - RML RESIDENTIAL MULTIPLE FAMILY LOW DENSITY
 - RMM RESIDENTIAL MULTIPLE FAMILY MEDIUM DENSITY
 - RMH RESIDENTIAL MULTIPLE FAMILY HIGH DENSITY
 - GSD GOVERNMENT SERVICE DISTRICT



Town Commission

JOSEPH A. BOULAY, MAYOR
WILLIAM E. PAUL, VICE MAYOR
HAROLD C. CHAMBERS, COMMISSIONER
BETTY JEAN STEWART, COMMISSIONER
MARVIN A. WALDMAN, COMMISSIONER

Planning Board

JOHN E. WARD, CHAIRMAN
AMELIE LENG
ARTHUR R. KELLER
HAROLD R. HAGELMANN

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 594, PASSED BY THE TOWN BOARD OF HIGHLAND BEACH, FLORIDA, REFERRED TO IN SECTION 1 OF ORDINANCE NO. 593 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.



SCALE: 1" = 300' 600' 900' 1200'








ATTESTATION: *[Signature]* TOWN CLERK
ADOPTED: *[Signature]* 23, 1992
ORDINANCE NO. 594

GEE & JENSON
Engineers - Architects - Planners, Inc.

Future Land Use Map

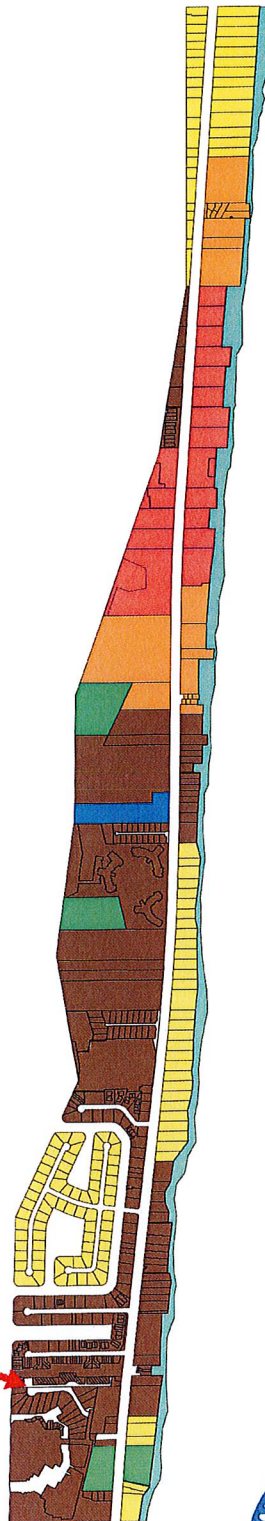
Year 2030

Legend

-  Government
-  Multi Family High Density
-  Multi Family Low Density
-  Multi Family Medium Density
-  Recreational Open Space
-  Single Family
-  Conservation

Boca Cove Development

Proposed Multi Family Low Density
designation for PCN #24434704010001128



7018 3090 0002 0478 4791

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<input checked="" type="checkbox"/> Return Receipt (hardcopy)	
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	1.40
Total Postage and Fees	7.85

Sent To

James Demoss Vesta Property Services

Street and Apt. No. or PO Box No.

751 Park of Commerce Dr. STE 118

City, State, ZIP+4®

DADE CITY, FL 33487

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

HIGHLAND BEACH, FL 33487

Postmark

AUG 19 2021

CPO #0237



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:

VOTES:	YES	NO
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 4th day of January, 2021.

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 second and final reading at the Regular Commission meeting held on this 18th day of January, 2022.

ATTEST:

Douglas Hillman, Mayor

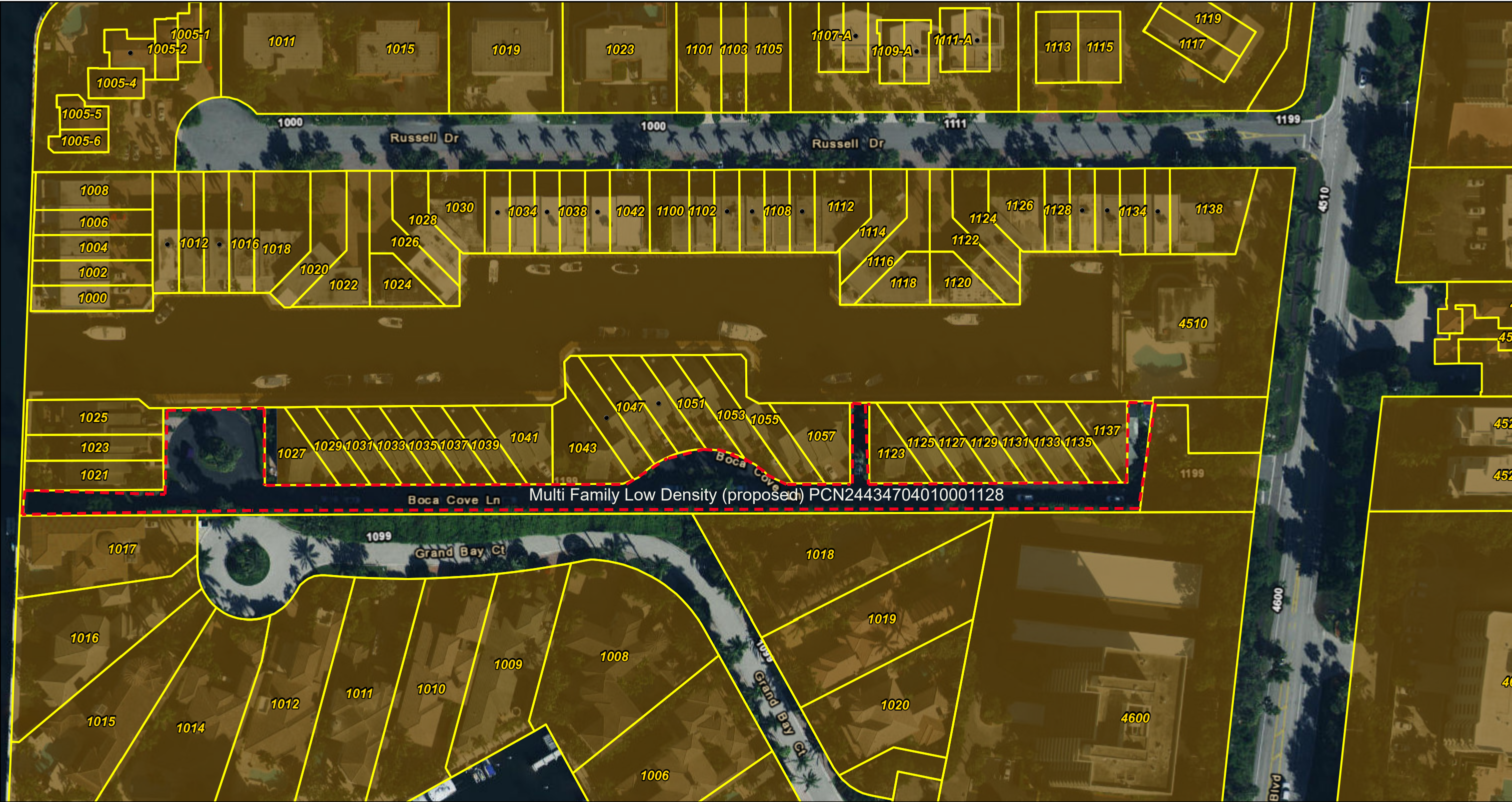
**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

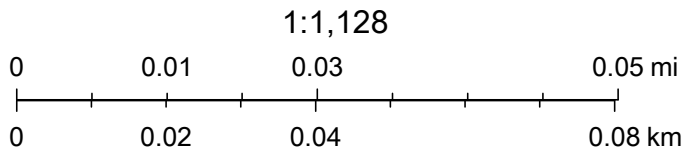
Future Land Use Map

EXHIBIT "A"



9/17/2021, 9:34:23 AM

- World Transportation
- Highland Beach Address Points
- Highland Beach Parcels
- Future Land Use
 - Multi Family Low Density



Esri, HERE, iPC, Esri, HERE, Garmin, iPC, State of Florida, Maxar, Microsoft

