



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 6, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE 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.

SUMMARY:

On January 18, 2022, the Town Commission unanimously adopted a small-scale amendment to the Comprehensive Plan in order to correct a scrivener's error pertaining to the Future Land Use designation of a 0.8315 acre parcel located in the Boca Cove development (Ordinance No. 2022-001). The latter parcel was not designated with the Multi Family Low Density Future Land Use classification which corresponds to all other parcels within the Boca Cove development.

Upon transmitting a copy of the adopted small-scale amendment to the State Land Planning Agency (Department of Economic Opportunity - DEO), staff received an acknowledgement letter from Department indicating that their records did not reflect that the Town adopted a Property Rights Element and therefore the Town should consult with legal staff to determine if the adopted amendment should be rescinded and readopted after the Property Rights Element is adopted. Staff advised the Department that given the small-scale amendment was to correct a scrivener's error, the consideration of a Property Rights Element was not triggered at a result of this amendment. The Department restated their position, as noted above, and the Town Attorney has indicated that the small-scale amendment to correct a scrivener's error can be readopted after the Town adoption of the Property Rights Element. Note that the Commission will be considering the adoption of the Property Rights Element on the same meeting agenda but prior to considering the readoption of the small-scale amendment.

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:

Ordinance

Commission Agenda Memorandum, January 18, 2022, regarding adoption of small-scale amendment to correct a scrivener's error pertaining to a 0.8315 acre parcel.

DEO acknowledgement letter dated January 24, 2022.

RECOMMENDATION:

Approval of Ordinance.