



**TOWN OF HIGHLAND BEACH
TOWN COMMISSION**

ORDINANCE NO 15-008

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE V, "CODE ENFORCEMENT BOARD", SECTION 2-101, "CONDUCT OF HEARING"; CHAPTER 20, "PLANNING AND DEVELOPMENT", ARTICLE II, "PLANNING BOARD", SECTION 20-26, "ESTABLISHED; MEMBERSHIP; FUNCTION"; AND ARTICLE III, "BOARD OF ADJUSTMENT AND APPEALS; ADMINISTRATION", SECTION 20-48, "MEETINGS; FILINGS OF MINUTES" TO MODIFY WHO MAY CALL MEETINGS FOR ADVISORY BOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Commission wishes to clarify how meetings may be called for the Town's advisory boards; and

WHEREAS, the Town Commission determines that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Highland Beach.

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

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Commission hereby amends Article V, "Code Enforcement Board," of Chapter 2, "Administration" of the Town Code of Ordinances by amending Section 2-101, "Conduct of hearing" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 2-101. - Conduct of hearing.

- (a) Upon request of the code enforcement officer, ~~or at such other times as may be necessary, the chairman of the enforcement board~~ the Town Manager may call hearings of the enforcement board, ~~or the special magistrate may schedule a code enforcement hearing. The enforcement board or the special magistrate should attempt to convene no less frequently than once every two (2) months, but may meet more or less often as the demand necessitates. Minutes shall be~~

kept of all hearings by the enforcement board or the special magistrate and all hearings shall be open to the public. The town clerk shall provide clerical and administrative personnel as may be reasonably required by the enforcement board or the special magistrate.

- (b) Each case before the enforcement board or the special magistrate shall be presented by either the town attorney firm or by a member of the town's administrative staff.
- (c) The enforcement board or the special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board or the special magistrate shall take testimony from the code enforcement officer and the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (d) At the conclusion of the hearing, the enforcement board or the special magistrate shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by that date.

Section 3. The Town Commission hereby amends Article II, "Planning Board," of Chapter 20, "Planning and Development" of the Town Code of Ordinances by amending Section 20-26, "Established; membership; function" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 20-26. - Established; membership; function.

- (a) A planning board is hereby established. Such board shall consist of seven (7) regular members appointed by the town commission. Prior to appointment, all applicants must complete the town's application form and must be residents of the town. The members shall serve staggered terms commencing with the date of their appointment. All regular appointments shall be made for a term of three (3) years. No member shall serve for more than six (6) consecutive years. Members may miss no more than three (3) consecutive regular meetings. Unexcused absence from three (3) consecutive regular meetings will be considered as resignation subject to automatic acceptance. Excused absences may be given in the discretion of the chairman and must be noted in the minutes of the missed meeting or the meeting immediately thereafter.
- (b) The planning board shall review all matters of community planning, site plan reviews, plat reviews for subdivisions and any other division of land, with a

recommendation of approval, approval with conditions or disapproval by a majority vote being submitted to the building official for transmittal to the town commission. Prior to such submittal, all plans shall be signed by the members, with their voting noted, and dated. Acting as the local planning agency, the planning board shall be responsible for annual reviews of the comprehensive plan and zoning code, making recommendations to the town commission.

- (c) The planning board shall process plans in the manner described in Chapter 30 of this Code. See also Chapter 30 regarding application for building permit and regarding certificates of occupancy.
- (d) The planning board shall keep minutes of all meetings. The minutes shall be signed by all members of the planning board and retained in the building department of the town. A chairman and other officers deemed necessary to the operation of the board shall be elected yearly for one-year terms by the planning board members.

(e) Meetings of the planning board shall be held at the call of the Town Manager.

Section 4. The Town Commission hereby amends Article III, "Board of Adjustment and Appeals; Administration," of Chapter 20, "Planning and Development" of the Town Code of Ordinances by amending Section 20-48, "Meetings; filing of minutes" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 20-48. - Meetings; filing of minutes.

Meetings of the board of adjustment and appeals shall be held at the call of the ~~chairman and at such times as the board may determine~~ town manager. Minutes of the board shall be filed promptly by the secretary in a secure place.

Section 5. It is the intention of the Town Commission of the Town of Highland Beach that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Highland Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other word or phrase in order to accomplish such intention.

Section 6. All Ordinances or parts thereof and Resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion thereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or application of this Ordinance.

Section 8. This Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
HIGHLAND BEACH ON THIS 5 DAY OF January, 2016.**

ATTEST:

By: Valerie Oakes
Valerie Oakes, CMC, Town Clerk

12-01-2015
First Reading

12-01-2015
Posted after First Reading

12-13-2015
Published

01-05-2016
Final Reading

01-05-2016
Posted after Final Reading

TOWN OF HIGHLAND BEACH, FLORIDA

Bernard Featherman
Bernard Featherman, Mayor

William A. Weitz, Ph.D.
William A. Weitz, Ph.D., Vice Mayor

Carl Feldman
Carl Feldman, Commissioner

Louis P. Stern
Louis P. Stern, Commissioner

Rhoda Zelniker
Rhoda Zelniker, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: Glen J. Torcivia
Glen J. Torcivia, Town Attorney
Town of Highland Beach, Florida

TOWN OF
HIGHLAND BEACH, FLORIDA
NOTICE OF PUBLIC HEARING

ORDINANCE NO. 15-008 O

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All interested parties are invited to appear and be heard at the following meeting to be held at the Highland Beach Commission Chambers, 3614 S. Ocean Blvd., Highland Beach, Florida.

Public Hearing and consideration for Adoption scheduled for Regular Meeting, January 5, 2016 at 1:30 PM.

A copy of the proposed Ordinance is available for public inspection in the Town Clerks Office, Town Hall.

Each person who decides to appeal any decision made by the Town Commission with respect to any matter considered at the Hearing will need a record of the proceedings and for such purposes, the person may need to ensure that a verbatim record of all proceedings is made, including the testimony and evidence upon which said appeal is based.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this Meeting should contact Town Hall at 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance.

Valerie Oakes, CMC
Town Clerk

PUB: The Palm Beach Post
12-13/ 2015 #526035

Signed

Sworn to and subscribed before me
Who is personally known to me.



TOWN OF HIGHLAND BEACH PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 12/13/2015 and last date of Publication 12/13/2015 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. Notice of Public Hearing Ad ID: 999114 Ad Cost: 216.72