



TOWN OF HIGHLAND BEACH

ORDINANCE NO 17-004 O

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 20 "PLANNING AND DEVELOPMENT", ARTICLE II "PLANNING BOARD", SECTION 20-26 "ESTABLISHED; MEMBERSHIP; FUNCTION", TO REMOVE THE REQUIREMENT FOR ANNUAL REVIEWS OF THE COMPREHENSIVE PLAN AND ZONING CODE BY THE PLANNING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, this ordinance will remove the requirement for the Planning Board to review the comprehensive plan and zoning code on an annual basis as it is not necessary; and

WHEREAS, the Town Commission believes the amendment to the Town of Highland Beach Code of Ordinances as specified in this Ordinance is in the best interest 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 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. The Town of Highland Beach Code of Ordinances, Chapter 20 "Planning and Development", Article II "Planning Board", Section 20-26 "Established; membership; function" is hereby amended to read as follows:

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 on all comprehensive plan and zoning code amendments.
- (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.~~ The Town Clerk shall maintain all official minutes and records of the planning board meetings. All members of the planning board shall execute the official minutes upon approval by the board. Members of the planning board shall appoint one (1) member to serve as chairperson and appoint one (1) member to serve as vice chairperson on an annual basis.
- (e) Meetings of the planning board shall be held at the call of the town manager.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH ON THIS 7th DAY OF November, 2017.

TOWN OF HIGHLAND BEACH, FLORIDA

ATTEST:

By: Lanelda Gaskins
Lanelda Gaskins, Town Clerk

September 5, 2017

First Reading

September 5, 2017

Posted after First Reading

October 28, 2017

Published

November 7, 2017

Final Reading

November 7, 2017

Posted after Final Reading

Carl Feldman
Carl Feldman, Mayor

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

Rhoda Zelniker
Rhoda Zelniker, Commissioner

George Kelvin
George Kelvin, Commissioner

Elyse Riesa
Elyse Riesa, Commissioner

APPROVED AS TO FORM AND LEGALITY:

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

