



TOWN OF HIGHLAND BEACH TOWN COMMISSION AGENDA

Tuesday, November 04, 2025 AT 1:30 PM

**TOWN HALL COMMISSION CHAMBERS, 3614 S. OCEAN
BLVD., HIGHLAND BEACH, FL**

Town Commission

**Natasha Moore
David Stern
Donald Peters
Judith M. Goldberg
Jason Chudnofsky**

**Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner**

**Marshall Labadie
Lanelda Gaskins
Leonard G. Rubin**

**Town Manager
Town Clerk
Town Attorney**

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- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. INVOCATION**
 - 5. APPROVAL OF THE AGENDA**
 - 6. PRESENTATIONS / PROCLAMATIONS**

A. Resolution No. 2025-027

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

B. Veterans Day Proclamation

7. PUBLIC COMMENTS

Public Comments will be limited to five (5) minutes per speaker.

8. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

None.

- 9. CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

October 07, 2025 Town Commission Meeting Minutes

- 10. UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Building Department Recertification Program Update

B. Florida Department of Transportation (FDOT) RRR Project Update

- 11. NEW BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Introduction of a Proposed Ordinance providing reasonable accommodation procedure for certified recovery residences.

B. Introduction of a Proposed Resolution adopting procedures for the initiation and adoption of Town ordinances.

12. TOWN COMMISSION COMMENTS

Commissioner Jason Chudnofsky

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Vice Mayor David Stern

Mayor Natasha Moore

13. TOWN ATTORNEY'S REPORT

14. TOWN MANAGER'S REPORT

15. ANNOUNCEMENTS

Board Vacancies

Code Enforcement Board

One (1) vacancy for a three-year term

Natural Resources Preservation Advisory Board One (1) vacancy for an unexpired term end April 30, 2027

Meetings and Events

November 05, 2025 11:00 A.M. Natural Resources Preservation Advisory Board Regular Meeting

November 11, 2025 Town Hall closed in observance of Veteran's Day

November 12, 2025 1:00 P.M. Special Magistrate Hearing

November 13, 2025 9:30 A.M. Planning Board Regular Meeting

November 27-28, 2025 Town Hall closed in observance of Thanksgiving

Board Action Report

None.

16. ADJOURNMENT

NOTICE: If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript).

Pursuant to the provision of the Americans with Disabilities Act, any person requesting special accommodations to participate in these meetings, because of a disability or physical impairment, should contact the Town at 561-278-4548 at least five calendar days prior to the Hearing.

File Attachments for Item:

A. Resolution No. 2025-027

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting

MEETING DATE November 15, 2025

SUBMITTED BY: Jaclyn DeHart, Deputy Town Clerk

THROUGH Lanelda Gaskins, Town Clerk

SUBJECT: Resolution No. 2025-027

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

SUMMARY:

Consideration of Resolution No. 2025-027 ratifying the selection, appointments, and term of office of a member of the Planning Board Appeals; and providing for an effective date.

In November of 2022 the Town Commission appointed Mr. Brown to the Planning Board to serve a three-year term that ends November 15, 2025, and is seeking to serve a full three-year term ending November 04, 2028.

To conclude, Mr. Brown has met the qualifications for reappointment that a person shall be a resident of the Town domiciled within the corporate limits and has been a registered voter of Highland Beach for a year at least one year prior to reappointment. These results were corroborated by records from the Palm Beach County Property Appraiser and the Palm Beach County Supervisor of Elections Offices websites.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Roger Brown Application
Resolution No. 2025-027

RECOMMENDATION:

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2025-027 for the applicants to serve a term as outlined in the resolution.



RESOLUTION NO. 2024-027

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, RATIFYING THE SELECTION, APPOINTMENTS AND TERM OF OFFICE OF MEMBERS OF THE PLANNING BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 20, Article II, Sec. 20-26 of the Town's Code of Ordinances establishes the Planning Board and governs the membership, qualification, function, and rules of the Planning Board; and

WHEREAS, these provisions of the Code establish the selection, appointment, and terms of office of members of the Planning Board; and

WHEREAS, on November 15, 2022, Roger Brown was appointed by Town Commission to fill a three-year term ending November 15, 2025, and is eligible for reappointment for a three-year term; and

WHEREAS, pursuant to Sec. 2-99(1)(a) of the Town's Code of Ordinances, the chairperson of each board shall interview applicants for the board and provide a recommendation to the Town Commission; and

WHEREAS, the chairperson of the Planning Board interviewed the applicant and recommends that the Town Commission appoint one (1) applicant to the Board; and

WHEREAS, Town residents interested in serving on or continuing to serve on the Planning Board have submitted a board application for the Town Commission's consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:

Section 1. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission.

Section 2. Consistent with the Town’s Code of Ordinances, one (1) member has been selected by the Town Commission to serve on the Planning Board for a three-year term as follows.

Board Member	<u>Roger Brown</u>	<u>Term ends on November 04, 2028</u>
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Section 3. This Resolution shall become effective upon adoption.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida,
this **4th** day of November 2025.

ATTEST:

Natasha Moore, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Donald Peters
Commissioner Judith Goldberg
Commissioner Jason Chudnofsky



Town of Highland Beach
Town Clerk's Office
3614 S. Ocean Boulevard
Highland Beach, Florida 33487
Phone: (561)278-4548 Fax: (561)265-3582



BOARDS AND COMMITTEES APPLICATION

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card*.

PLEASE NOTE: Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: Roger Brown PHONE: 561 302 6086

HOME ADDRESS: 4314 Tranquility Drive APT. NO. _____

SUBDIVISION: Bel Lido EMAIL ADDRESS: roger3265@aol.com

PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 5, WITH 1 BEING YOUR FIRST CHOICE AND 5 THE LEAST CHOICE. (A description of the responsibilities of each Board is on the back of this application.)

- | | |
|--|---|
| ☐ Board of Adjustment & Appeals | ☐ Code Enforcement Board |
| ☐ Financial Advisory Board | ☐ Natural Resources Preservation Board |
| ☒ Planning Board | ☐ Other Board /Committee |

PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:

- Are you a resident of Highland Beach? Yes ☒ No ☐
- Are you a registered voter in Highland Beach/Palm Beach County, FL? Yes ☒ No ☐
- Are you currently serving on a Town Board? Yes ☐ No ☒
- Have you ever served on a Town Board/Committee? Yes ☐ No ☒
- If so, please indicate the Board(s)/Committee(s)? _____ Date of Service: _____
- Are you willing to attend monthly board meetings? In Person / Telecom Yes ☒ No ☐
- Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes ☒ No ☐

Please list any special talent, qualification, education or professional experience that would contribute to your service on the Board/Committee you have selected?

I HAVE BEEN INVOLVED IN CONSTRUCTION, PROCESSES AND DEVELOPMENT ALL MY LIFE. ADDITIONALLY, I HAVE BUILT, DEVELOPED, MANAGED AND SOLD MANY LARGE COMPANIES AND HAVE OBJECTIVE VIEWS ON CREATING VALUE AND DOING SO WITH FAIRNESS. I ALSO HAVE AN ACUTE UNDERSTANDING OF ARCHITECTURAL DRAWINGS

Please summarize your volunteer experience(s):

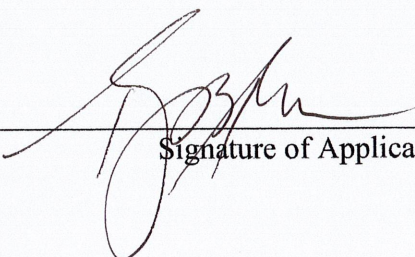
KOMEN FOR THE CURE
HABITAT FOR HUMANITY
BAHAMAS RELIEF

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.



Signature of Applicant

12/20/19

Date

☐ Resume Attached.

File Attachments for Item:

B. Veterans Day Proclamation



Town of Highland Beach, Florida

Proclamation

Recognizing November 11, 2025, as Veterans Day and Honoring All Who Have Served and Are Serving Our Country

WHEREAS, the United States of America stands as a beacon of liberty, justice, and democracy, values preserved by the unwavering dedication of the brave men and women who have served and continue to serve in our nation's military; and

WHEREAS, the freedoms we hold dear come at a tremendous cost, borne not only by those in uniform but also by their families, who have shared in the sacrifices that service demands; and

WHEREAS, on this Veterans Day, we gather as a community to recognize and honor the courage, resilience, and selflessness of veterans and active-duty personnel, both past and present, whose sacrifices have safeguarded our way of life; and

WHEREAS, it is fitting and proper that we, as a community, honor our local veterans, including our residents and employees who have worn the uniform, expressing our gratitude for their service and steadfast commitment to our nation; and

WHEREAS, our community stands united in appreciation, recognizing that our veterans' bravery has enabled us to live in peace and freedom, and are committed to honor their legacy through gratitude and support.

NOW, THEREFORE, I, NATASHA MOORE, MAYOR of the Town of Highland Beach, Florida, on behalf of the Town Commission, do hereby proclaim November 11, 2025, as

Veterans Day

in our community. I encourage all citizens to recognize the service and sacrifice of our veterans and their families and to join together in honoring their dedication, courage, and contributions to our nation.

IN WITNESS WHEREFORE, I have hereunto set my hand and caused the official seal of the Town of Highland Beach, Florida to be affixed this 4th day of November 2025.

NATASHA MOORE
MAYOR

File Attachments for Item:

A. Approval of Meeting Minutes

October 07, 2025 Town Commission Meeting Minutes

DRAFT



TOWN OF HIGHLAND BEACH TOWN COMMISSION MINUTES

TOWN HALL COMMISSION CHAMBERS
3614 S. OCEAN BLVD., HIGHLAND BEACH, FL

Date: October 07, 2025
Time: 1:30 PM

1. CALL TO ORDER

Mayor Moore called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner Jason Chudnofsky
Commissioner Judith Goldberg
Commissioner Donald Peters
Vice Mayor David Stern
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Lenonard Rubin
Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

The Town Commission led the Pledge of Allegiance to the United States of America.

4. INVOCATION

None.

5. APPROVAL OF THE AGENDA

MOTION: Goldberg/Peters – A motion was made seconded to approve the agenda as presented. The motion passed unanimously 5 - 0.

6. PRESENTATIONS / PROCLAMATIONS

A. Resolution No. 2025-026

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustments and Appeals; and providing for an effective date.

Mayor Moore read the title of Resolution No. 2025-026. followed by Town Commission expressing their support for Mr. Donaldson's appointment. They noted his impressive professional background, previous service to the town in various capacities including as a commissioner, and his contributions to the town including the design of the town sign.

Barry Donaldson spoke about his professional background and previous experience serving on various town boards.

MOTION: Goldberg/Stern - A motion was made and seconded to adopt Resolution No. 2025-026. Upon roll call: Commissioner Goldberg (Yes); Vice Mayor Stern (Yes); Commissioner Chudnofsky (Yes); Commissioner Peters (Yes); and Mayor Moore (Yes). The motion passed unanimously 5 to 0

B. State of Education Report by School Board Member Erica Whitfield, District 4 School District of Palm Beach County

School Board Member Erica Whitfield delivered a comprehensive update on the Palm Beach County School District.

Town Commission discussed enrollment, technology, and autism services. Mayor Moore commended the district's advanced academic and trade-focused programs at Boca High, highlighting its AP and ACE offerings.

Mayor Moore allowed comments from the public.

Mr. Jack Halpern provided comments.

C. Domestic Violence Awareness Month Proclamation

Mayor Moore read the proclamation declaring October 2025 as Domestic Violence Awareness Month. She presented the proclamation to Ms. Pam O'Brien, President and CEO from Aid to Victims of Domestic Abuse, Inc. (AVDA)

Ms. Pam O'Brien thanked the Town Commission for their support. She highlighted that the organization reaches approximately 11,000 people annually through their violence prevention programming. She also expressed gratitude to Police Chief Hartmann.

7. PUBLIC COMMENTS (Public Comments will be limited to five (5) minutes per speaker.)

Joanne Ryan, Highland Beach Permit Holder and President of the Highland Beach Sea Turtle Team, Inc., thanked the Town Commission for their continued support of sea turtle conversation efforts. She commented on the diverse group of volunteers and their impact on young people.

Mr. Jack Halpern expressed concerns about recycling practices in his condominium building. He questioned whether Highland Beach was properly tracking recycling and whether the town was receiving any financial benefit from recyclable materials.

Town Manager Labadie responded that the town recycled approximately 400 tons last year, but the volume does not generate revenue for the town.

8. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Proposed Ordinance (First Reading/First Public Hearing)

An Ordinance of the Town Commission of the Town of Highland Beach, Florida amending the Town's Comprehensive Plan to implement the Town's evaluation and appraisal review; adding data and analysis section; modifying the goals, objectives and policies of the Future Land Use Element, the Transportation and Mobility Element, the Housing Element, the Infrastructure Elements, the Coastal Management/Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, Capital Improvements Element, and the Property Rights Element; modifying the map series in accordance with statutory requirements; providing for transmittal; providing for severability; providing for conflicts; and providing an effective date.

Mayor Moore read the title of the Proposed Ordinance.

Town Planner Ingrid Allen introduced this item. She explained that Florida statute requires local governments to evaluate their comprehensive plans at least once every seven years. The town submitted notification to the state in December 2024 that amendments would be made to the plan.

The plan involves nine elements with over 200 goals, objectives, and policies. The amendments included a new proposed data and analysis section along with corresponding maps and changes to existing goals, objectives, and policies. The Planning Board reviewed the amendments on July 10th and August 14th and made recommendations.

Chris Dougherty and Emily Guerrevre from Inspire Placemaking Collective, the town's planning consultant, presented the amendments. They explained that the updates extend the plan to the 2045 planning horizon and incorporate several statutory requirements and preemptions.

During discussion, Mayor Moore expressed concern that some language in the future considerations section of the evaluation and appraisal review didn't align with Highland Beach's unique situation. She noted that Highland Beach differs from many Florida municipalities in that it is already built out, with traffic and environmental concerns being more pressing than population growth. She

suggested removing language that presented population stability or decline as problematic.

Other Commissioners offered their perspectives:

Commissioner Chudnofsky supported the plan, noting that when growth stops, decay begins, and saw the plan as an opportunity for upgrading existing properties.

Commissioner Goldberg appreciated the Planning Board's work and felt the document was realistic about the town's situation

Commissioner Peters noted that while some language about transportation might seem alarming (like the potential for bus service), the Planning Board had effectively modified it to be more permissive

Vice Mayor Stern agreed with most of the Planning Board's recommendations

Mayor Moore opened public comments:

Ms. Evelyn David from the Planning Board clarified that their focus was on housing units rather than population, emphasizing the importance of allowing buildings to be rebuilt at their original density after catastrophes

Mr. Rick Greenwald thanked everyone for their work on the document and emphasized the importance of maintaining flexibility for future improvements

After discussion, Town Manager Labadie suggested that some language could be softened while keeping the process moving forward, with more substantial changes to be made after state review.

MOTION: Moore/Stern – Moved to approve the Proposed Ordinance and authorized the transmittal incorporating all changes, including those recommended by the Planning Board, except for Policy FLU 1.1.4. The motion further directed staff to incorporate all Town Commission comments regarding future considerations and to refine or remove them as appropriate. Upon roll call: Mayor Moore (Yes); Vice Mayor Stern (Yes); Commissioner Chudnofsky (Yes); Commissioner Goldberg (Yes); and Commissioner Peters. The motion passed unanimously on a 5 to 0.

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

September 02, 2025 Town Commission Meeting Minutes

September 04, 2025 Town Commission First Public Hearing Budget Meeting Minutes

September 18, 2025 Town Commission Second Public Hearing Budget Meeting Minutes

MOTION: Goldberg/Peters – A moved to approve the Consent Agenda, which passed unanimously 5 to 0.

10. UNFINISHED BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Building Department Recertification Program Update

Building Official Jeff Remus provided an update on the building recertification program. He noted that the community was making good progress, though some older buildings present challenges due to their configuration and limited space for updates to systems like fire pumps.

B. Florida Department of Transportation (FDOT) RRR Project Update

Town Manager Labadie reported that the FDOT project was proceeding but had been slowed by recent rain. He noted the current work includes grading right-of-ways and finishing driveways. The project is still targeting mid to late November for completion. He noted that the town's sanitary sewer lining project is tied to these completion dates.

11. NEW BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

None.

12. TOWN COMMISSION COMMENTS

There were no additional comments from the Commissioners.

13. TOWN ATTORNEY'S REPORT

Town Attorney Rubin had nothing to report.

14. TOWN MANAGER'S REPORT

Town Manager Labadie briefly mentioned upcoming roof replacement projects for town buildings. He noted that staff is considering changing from the current S-tiles to metal roofing with a bronze finish, which would have a 50–60-year lifespan compared to the current 15-20 years. He mentioned that the Library and Public Works buildings would be done in the next two years, and that he would share photos with the Commission for their consideration.

15. ANNOUNCEMENTS

Mayor Moore read the announcement as follows:

Board Vacancies

Code Enforcement Board	One (1) vacancy for a three-year term
Natural Resources Preservation Advisory Board	One (1) vacancy for an unexpired term end April 30, 2027

Meetings and Events

October 09, 2025	9:30 A.M.	Planning Board Regular Meeting
October 13, 2025		Town Hall closed in observance of Columbus Day
October 14, 2025	1:00 P.M.	Special Magistrate Hearing
October 23, 2025	10:00 A.M.	Board of Adjustment and Appeals Board Meeting
	5:00 - 8:00 P.M.	Homecoming Food Truck Event
November 04, 2025	1:30 P.M.	Town Commission Meeting

Board Action Report

None.

16. ADJOURNMENT

The meeting adjourned at 3:33 P.M.

APPROVED: November 04, 2025 Town Commission Meeting.

Signed Minutes on file in the
Town Clerk's Office

ATTEST:

Natasha Moore, Mayor

Transcribed by
Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

Date

File Attachments for Item:

A. Introduction of a Proposed Ordinance providing reasonable accommodation procedure for certified recovery residences.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE November 4, 2025

SUBMITTED BY: Leonard G. Rubin, Town Attorney

SUBJECT: Introduction of Ordinance Providing Reasonable Accommodation Procedure for Certified Recovery Residences.

SUMMARY:

The Town's enforcement and application of its land development regulations is subject to a number of federal and state legislative acts, including, but not limited, the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA). Persons undergoing substance abuse treatment are considered disabled under both the ADA and FHA. Such persons often reside in recovery residences which may or may not be affiliated with a licensed substance abuse treatment program. These residences are intended to allow disabled persons to undergo recovery in an integrated, community-based setting.

Consistent with applicable case law interpreting these acts and their legislative history, the Town must provide a procedure whereby disabled individuals and qualifying entities serving disabled persons may request a reasonable accommodation from the Town's land development regulations to resolve possible unintended violations of the law, thereby exhausting their administrative remedies. The State of Florida has established procedures for the certification of recovery residences, as well as the certification of the persons who manage the residence and supervise the residents and staff.

During its last session, the Florida Legislature amended Section 397.487, Florida Statutes to require the governing body of each municipality to adopt an ordinance establishing procedures for the review and approval of certified recovery residences in its jurisdiction, including a process for requesting reasonable accommodation. The statute also provides specific application requirements and timelines.

The attached Ordinance provides procedures for processing reasonable accommodation requests by entities wishing to establish a certified recovery residence in the Town.

- A qualifying entity must provide proof of any licensable service component the entity holds pursuant to Chapter 397, Florida Statutes.
- All qualifying entities or other providers of housing to persons in recovery must provide proof that they are a certified recovery residence and the person responsible for overseeing the management of the residence is a certified recovery residence administrator.

- The applicant, whether an individual, qualifying entity or housing provider, must provide proof that a reasonable accommodation is sought because of a disability.
- The applicant shall have the burden of establishing that the individuals on whose behalf the application is filed are disabled and protected under applicable laws, including the FHA and ADA.

All applications for reasonable accommodation shall be considered by a special magistrate appointed by the Town Commission within sixty (60) days after receipt of a completed application or the application shall be deemed approved. The magistrate shall be a retired judge or practicing attorney with at least five (5) years of experience in the field of local government land use, and the code enforcement special magistrate may service in this capacity. The magistrate may grant the application in whole or in part, with or without conditions, or deny the application, stating with specificity the objective, evidence-based reasons for denial. The magistrate's decision shall constitute a final order and may only be appealed to the circuit court. Finally, any reasonable accommodation may be revoked if the applicant violates any condition of approval or the applicant's required certifications lapse or are revoked and not reinstated within one hundred and eighty (180) days.

FISCAL IMPACT:

Staff costs for processing the applications and cost of special magistrate to consider reasonable accommodation applications (when applicable).

ATTACHMENTS:

Draft Ordinance

RECOMMENDATION:

Staff recommends that the Town Commission consider the proposed Ordinance and provide direction. Because the proposed Ordinance amends the Town's Zoning Code, the Ordinance must first be presented to the Town Planning Board for a recommendation prior to formal consideration by the Commission.



TOWN OF HIGHLAND BEACH

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE VII, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW SECTION 30-124, "REASONABLE ACCOMMODATION PROCEDURE FOR CERTIFIED RECOVERY RESIDENCES;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach's application of its land development regulations and related rules, policies, and practices is governed by ever evolving case law addressing the rights of applicants and affected parties under the Fair Housing Act, the Americans with Disabilities Act and other applicable state and federal regulations; and

WHEREAS, persons undergoing substance abuse treatment are considered disabled within the meaning of both the Fair Housing Act and the Americans with Disabilities Act, and the Town Commission wishes to assure that its land development regulations treat such persons in a non-discriminatory manner while maintaining the Town's fundamental land use authority; and

WHEREAS, pursuant to Section 397.487(1), Florida Statutes, the Florida Legislature determined that: (1) persons suffering from addiction have a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while undergoing or after completing treatment from a licensed service provider; and (2) the state and its subdivisions, including municipalities, have a legitimate interest in protecting persons suffering from addiction, who represent a vulnerable consumer population in need of adequate housing; and

WHEREAS, the Florida Legislature has further determined that persons suffering from addiction who live in recovery residences can be better protected by programs providing for both the certification of recovery residences and the certification of recovery residence administrators to ensure that such administrators adhere to certain core competencies; and

1 WHEREAS, Section 397.487(15), Florida Statutes, requires the governing body of each
2 municipality to adopt an Ordinance establishing procedures for the review and approval of certified
3 recovery residences within its jurisdiction, including a process for requesting reasonable
4 accommodation from any land use regulations that serve to prohibit the establishment of a certified
5 recovery residence; and

6 WHEREAS, the Town Commission determines that the certification of recovery
7 residences and the management and supervision of such residences by a certified recovery
8 residence administrator is necessary and appropriate to further the health, safety, and general
9 welfare of the residents of recovery residences and the general public; and

10 WHEREAS, the Town's Planning Board has conducted a public hearing on this Ordinance
11 and provided its recommendation to the Town Commission; and

12 WHEREAS, the Town Commission has determined that the adoption of this Ordinance is
13 in the best interests of the health, safety and welfare of the residents of the Town of Highland
14 Beach.

15 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
16 TOWN OF HIGHLAND BEACH, FLORIDA as follows:

17 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and confirmed and
18 are incorporated herein.

19 **Section 2.** The Town Commission hereby amends Article VII, "Administration and
20 Enforcement," of Chapter 30, "Zoning Code," of the Town Code of Ordinances by adopting a new
21 Section 30-124 to provide as follows:

22 **Sec. 30-124. Reasonable accommodation procedure for certified recovery**
23 **residences.**
24

25 (a) *Purpose.* The purpose of this section is to provide procedures for
26 the review and approval of certified recovery residences within the town as required
27 by Section 397.487(15), Florida Statutes.

28 (b) *Definitions.* When used in this section, the following terms shall
29 have the meanings ascribed to them:

30 *Certified recovery residence* means a recovery residence that holds a valid
31 certificate of compliance pursuant to Section 397.487, Florida Statutes, and is
32 actively managed by a certified recovery residence administrator.

1 *Certified recovery residence administrator* means a recovery resident
2 administrator who holds a valid certificate of compliance pursuant to Section
3 397.487, Florida Statutes.

4 *Disabled individual or a disabled person* means an individual that
5 qualifies as disabled and/or handicapped under the Fair Housing Act, the
6 Americans with Disabilities Act or other state or federal regulation and who: (i)
7 has a physical or mental impairment which substantially limits one or major life
8 activities; (ii) has a record of having such impairment; and (iii) is regarded as
9 having such impairment.

10 *Licensed service provider* means a public agency under Chapter 397,
11 Florida Statutes, a private for-profit or not-for-profit agency under Chapter 397,
12 Florida Statutes, a physician or any other private practitioner licensed under this
13 chapter, or a hospital that offers substance abuse services through one or more
14 licensed service components.

15 *Qualifying entity* shall mean, a licensed service provider in the State of
16 Florida as defined by Section 397.311(25), Florida Statutes, or an entity who is in
17 the business of providing recovery residences for individuals disabled due to
18 substance abuse.

19 *Recovery residence* means a residential dwelling unit or other form of
20 group housing that is offered or advertised through any means by any person or
21 entity as a residence that provides a peer-supported, alcohol-free, and drug-free
22 living environment.

23 *Recovery residence administrator* means the person responsible for the
24 overall management of the recovery residence, including but not limited to, the
25 supervision of residents and staff employed by, or volunteering for, the residence.

26 *Service component or component* means a discrete operational entity
27 within a service provider which is subject to licensing as defined by the rules
28 adopted to implement Chapter 397, Florida Statutes.

29 *Substance abuse* means the misuse of, or dependence on alcohol, illicit
30 drugs, or prescription medications.

31 (c) *Application procedure.* Any applicant, whether a disabled
32 individual or a qualifying entity, who wishes to operate a certified recovery

1 residence within the town may apply for a reasonable accommodation with
2 respect to the town's land development regulations, zoning laws, codes, rules,
3 practices, and/or procedures by submitting an application for a reasonable
4 accommodation pursuant this section.

5 (1) All qualifying entities shall submit, as part of its application for
6 a reasonable accommodation, proof of any licensable service
7 component the qualifying entity holds pursuant to Chapter 397,
8 Florida Statutes.

9 (2) All qualifying entities or other providers of housing to persons in
10 recovery shall submit such information as the town may deem
11 sufficient to demonstrate that the entity is a certified recovery
12 residence under state law.

13 (3) All qualifying entities and other providers of housing to persons in
14 recovery shall submit such information as the town may deem
15 necessary to demonstrate that the administrator responsible for the
16 overall management and the supervision of residents and staff is a
17 certified recovery residence administrator under state law.

18 (4) Applicants making application for a reasonable accommodation,
19 whether individually or through a qualifying entity, shall submit
20 proof that each individual is seeking a reasonable accommodation
21 due to the individual's handicap or disability.

22 (5) An applicant for a reasonable accommodation under this section
23 shall apply using the form available from the town clerk's office.
24 In addition to the information required above, the application shall,
25 at a minimum:

- 26 a. Provide the name and contact information of the applicant
27 or the applicant's authorized representative.
- 28 b. Identify the property address and the parcel identification
29 number; and
- 30 c. Describe the accommodation requested and the specific
31 regulation or policy from which relief is sought.

1 (6) The town shall display a notice on the town's website advising the
2 public that an application for reasonable accommodation as
3 provided in this section has been submitted to the town.

4 (7) A disabled individual, qualifying entity, or other provider of
5 housing to persons in recovery who has applied for a reasonable
6 accommodation may be represented at all stages of the reasonable
7 accommodation proceedings by a person designated by the
8 disabled individual as their authorized agent. Any authorized agent
9 representing an individual, or, if applicable, a qualifying entity or
10 housing provider, shall submit a written authorization designating
11 the individual as the agent authorized to legally bind the applicant
12 to the representations in the application, or any conditions agreed
13 to or imposed as part of the order of the special magistrate.

14 (8) No application fee shall be imposed by the town in connection with
15 an application for a reasonable accommodation.

16 (d) *Completed applications.* All applications for a reasonable
17 accommodation shall be date-stamped by the town clerk and reviewed by the town
18 building official or designee. If additional information is required, the town
19 building official or designee shall notify the applicant within thirty (30) days of
20 receipt of the application and allow the applicant at least thirty (30) days to
21 respond.

22 (e) *Special magistrate process.*

23 (1) All completed applications shall be considered by a special
24 magistrate appointed by the town commission. The special
25 magistrate shall be:

- 26 a. a retired judge who has served in either the circuit court or a
27 higher Florida court or as a federal district judge or circuit
28 federal judge; or
29 b. a practicing member of the Florida Bar with at least five (5)
30 years of experience in the field of local government or land
31 use law.

1 The code enforcement special magistrate may serve as the special
2 magistrate pursuant to this section.

3 (2) The town shall be responsible for mailing via certified mail a notice
4 containing the date and time of the special magistrate's hearing to
5 consider the application. All applications shall be considered by
6 the special magistrate within sixty (60) days after receipt of a
7 completed application or the application shall be deemed approved
8 unless the town and the applicant agree in writing to a reasonable
9 extension of time.

10 (3) Upon consideration of the application and at the conclusion of the
11 hearing, the special magistrate may:

- 12 a. grant the reasonable accommodation application as
13 requested in whole or in part, with or without conditions;
14 or
15 b. deny the reasonable accommodation application, stating
16 with specificity the objective, evidence-based reasons for
17 denial and identifying deficiencies or actions necessary for
18 reconsideration, if any.

19 (4) All decisions of the special magistrate shall be in writing. The
20 written decision of the special magistrate shall constitute a final
21 order and shall be sent to the applicant by certified mail, return
22 receipt requested, at the address specified by the applicant on the
23 application form. If denied, the applicant may appeal the final
24 order by petition for writ of certiorari within thirty (30) days of the
25 date it is rendered.

26 (f) *Revocation of approval.* Any reasonable accommodation granted
27 pursuant to this section shall be revoked if:

- 28 (1) the applicant violates any conditions of approval; or
29 (2) the applicant's required certifications lapse or are revoked and not
30 reinstated within one hundred and eighty (180) days.

31 **Section 3.** The provisions of this Ordinance shall become and be made a part of the
32 Code of the Town of Highland beach, Florida.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

Section 5. All ordinances or parts of ordinances and resolutions or parts of resolutions of the Town of Highland beach, Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall be effective immediately upon adoption. The forgoing Ordinance, on first reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED on first reading at the Regular Commission meeting held on the ____ day of _____, 2025.

The forgoing Ordinance, on second reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Natasha Moore	_____
Vice Mayor David Stern	_____
Commissioner Judith Goldberg	_____
Commissioner Don Peters	_____
Commissioner Jason Chudnofsky	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on the ____ day of _____, 2025.

ATTEST: _____
Natasha Moore, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

ORDINANCE INITIATION

The initiation of a new ordinance may originate from several different sources:

- Commissioner/Staff initiative
- Citizen concerns expressed through public comments
- Response to state and federal actions
- Advisory Board Initiative

INTRODUCTION TOWN COMMISSION

A proposal for a new ordinance is presented to the commission for consideration. If approved in concept, the commission directs Town Manager and Town Attorney to research the subject matter and create a draft ordinance. Draft ordinance forwarded to the appropriate Advisory Board for recommendation.

Staff/Legal Team
Research & Draft
Ordinance

ADVISORY BOARD(S)

The appropriate advisory board reviews and proposes any edits to draft ordinance. This process may involve multiple meetings for review and to solicit public comments. Once a draft is settled upon, the advisory board provides a recommendation with the final draft to the commission for consideration for a First reading.

TOWN COMMISSION -- 1st READING

Commission discusses the public merits of the ordinance along with the recommendations of the assigned advisory board(s). Public input provided. Commission may move forward to 2nd Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

TOWN COMMISSION -- 2nd READING/PUBLIC HEARING

After public hearing and final discussion, the commission votes to approve and enact ordinance. The Commission may request additional modifications.

TOWN STAFF -- ADOPTION & IMPLEMENTATION

File Attachments for Item:

B. Introduction of a Proposed Resolution adopting procedures for the initiation and adoption of Town ordinances.



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE 11/04/2025

SUBMITTED BY: Lanelda Gaskins, Town Clerk's Office

SUBJECT: Introduction of a Proposed Resolution adopting procedures for the initiation and adoption of Town ordinances

SUMMARY:

This item is before the Town Commission as an introduction of a proposed Resolution adopting procedures for the initiation and adoption of Town ordinances.

The proposed process outlines each phase of ordinance development—from initiation and advisory board review to Town Commission approval. A corresponding Ordinance Process Flowchart is included as a visual reference to illustrate the procedural steps.

This initiative aligns with the Town Commission's 2024-2025 Strategic Priorities Plan, specifically Strategic Priority SP:22 – Evaluate Ordinance Development Process. As part of implementing this priority, the Town Clerk suggested formalizing the ordinance development process through a Commission-adopted Resolution to ensure consistency, transparency, and efficiency in legislative actions.

The proposed resolution is provided for Town Commission review and discussion. Should there be a consensus of the Town Commission to accept the proposed Resolution, Town staff will bring the item back at a subsequent meeting for formal consideration and adoption as a Resolution.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Resolution and Ordinance Process Flowchart

RECOMMENDATION:

This item is presented at the Commission's discretion.



**TOWN OF HIGHLAND BEACH
RESOLUTION NO. 2025-028**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
HIGHLAND BEACH, FLORIDA ADOPTING PROCEDURES FOR THE
INITIATION AND ADOPTION OF TOWN ORDINANCES; AND
PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, Section 166.041(1)(a), Florida Statutes, defines an “ordinance” as an official legislative action of the governing body, which action is a regulation of a general and permanent nature and enforceable as a local law; and

WHEREAS, the procedures set forth in Section 166.041, Florida Statutes, constitute the uniform method for the adoption and enactment of municipal ordinances; however, a municipality may specify additional requirements or procedures over and above the statutory requirements; and

WHEREAS, the Town Commission wishes to establish formal procedures for the initiation and adoption of Town ordinances and determines that the adoption of this Resolution is in the best interests of the Town and its residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

Section 1. The foregoing recitals are ratified and incorporated herein.

Section 2. In addition to the statutory requirements set forth in Section 166.041, Florida Statutes, the Town Commission hereby adopts the following procedures for the initiation and adoption of ordinances:

A. *Ordinance Initiation.* A new ordinance may be initiated by several different sources, including, but not limited to:

1. Commissioner or staff initiative;
2. Advisory board initiative;
3. Resident concerns expressed through public comments; or
4. Response to state or federal actions or requirements.

- B. *Introduction to the Town Commission.* Proposals for a new ordinance shall first be presented to the Town Commission for consideration. If approved in concept, the Commission shall direct the Town Manager, Town Staff, and the Town Attorney to research the subject matter and create a draft ordinance.
- C. *Advisory Board Recommendation.* If the ordinance falls within the purview of the one of the Town's advisory boards, the draft ordinance shall be forwarded to the advisory board for a recommendation. All amendments to the Town's land development regulations or zoning code must first be considered by the Town's Planning Board at a public hearing. The advisory board shall review the ordinance and propose any edits over the course of one of more public meetings. Once a majority of the board members agree to a final draft, the advisory board shall provide a recommendation to the Town Commission along with the final draft.
- D. *First Reading by the Town Commission.* On first reading, the Town Commission shall hear public comments and discuss the merits of the ordinance, along with the recommendation of the advisory board, if applicable. The Commission may either adopt the ordinance on first reading or send it back to the board and/or staff for modification or additional research.
- E. *Second Reading.* Once the ordinance is approved on first reading, it shall be presented to the Town Commission for public hearing and final discussion on second reading. Once the public hearing and Commission discussion is complete, the Town Commission votes to approve and enact the ordinance. The Town Commission may modify the ordinance previously adopted on first reading so long as the modifications do not materially alter the substance of the ordinance. If the substance of the ordinance is materially altered, Staff shall reinitiate the adoption process and proceed back to first reading.
- F. *Adoption and Implementation.* Once an ordinance is adopted, Town Staff shall take all appropriate steps to implement the ordinance.

Section 3. This Resolution shall be effective immediately upon adoption.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach,
Florida, this ____ day of _____, 2025.

Natasha Moore
Mayor

ATTEST:

**REVIEWED FOR LEGAL
SUFFICIENCY:**

Lanelda Gaskins, MMC
Town Clerk

Leonard G. Rubin
Town Attorney

VOTES:

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Donald Peters
Commissioner Judith M. Goldberg
Commissioner Jason Chudnofsky

YES NO