

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 775

4
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO
6 BEACH, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT
7 TO ARTICLE III, "LEGISLATIVE," SECTION 7, "PROCEDURE," OF THE
8 TOWN CHARTER TO REQUIRE A UNANIMOUS VOTE OF ALL FIVE
9 MEMBERS OF THE TOWN COUNCIL SITTING AS THE ZONING BOARD
10 OF ADJUSTMENT AND APPEALS TO GRANT A VARIANCE TO THE
11 PERMITTED HEIGHT WITHIN ANY ZONING DISTRICT UPON THE
12 EXPIRATION OF THE LIMITATIONS SET FORTH IN SECTION 14 OF
13 CHAPTER 2023-304, LAWS OF FLORIDA; PROVIDING FOR THE FORM
14 OF THE QUESTION; PROVIDING FOR THE BALLOT TITLE AND
15 EXPLANATORY LANGUAGE; PROVIDING FOR ADVERTISING;
16 PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND
17 AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; AND FOR
18 OTHER PURPOSES.

19
20 WHEREAS, in accordance with Article VII, Section 3 of the Town Charter, the
21 Town's Charter Review Committee ("Committee") reviewed the provisions of the Charter
22 and recommended certain amendments; and

23
24 WHEREAS, the Committee recommended a revision to Article III, Section 7 of the
25 Town Charter to require a unanimous vote of all five members of the Town Council sitting
26 as the Zoning Board of Adjustment and Appeals to grant a variance to permitted height
27 within any zoning district upon the expiration of the limitations on the adoption of more
28 restrictive or burdensome procedures concerning the review or approval of development
29 permits set forth in Section 14 of Chapter 2023-304, Laws of Florida; and

30
31 WHEREAS, the Town Council determines that it is in the best interests of the
32 residents of the Town of Juno Beach to submit the proposed Town Charter amendment
33 to referendum vote.

34
35 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
36 TOWN OF JUNO BEACH, FLORIDA as follows:

37
38 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
39 correct and are incorporated herein.

40
41 **Section 2.** The Town Council hereby amends Article III, "Legislative," Section 7,
42 "Procedure," of the Town Charter to read as follows (additional language is underlined):

43
44 **ARTICLE III. LEGISLATIVE**

45
46 * * *

47
48 **Sec. 7. Procedure.**

* * *

(g) Variances. Commencing on the date of the expiration of the limitations on the adoption of more restrictive or burdensome procedures concerning the review or approval of development permits set forth in section 14 of Chapter 2023-304, Laws of Florida, any order granting a variance to the permitted height within any zoning district shall require an affirmative vote of all five (5) councilmembers.

Section 3. The amendment to the Town Charter set forth in Section 2 above shall not take effect unless and until it is submitted to the electors of the Town of Juno Beach. The amendment shall be submitted at the Town’s general election to be held on Tuesday, March 19, 2024.

Section 4. The title of the ballot and explanatory statement setting forth the substance of the amendment to the Town Charter shall appear on the ballot and shall read as follows:

**AN AMENDMENT TO ARTICLE III OF THE TOWN CHARTER
RELATING TO HEIGHT VARIANCES**

THIS AMENDMENT REQUIRES A UNANIMOUS VOTE OF ALL FIVE MEMBERS OF THE TOWN COUNCIL SITTING AS THE ZONING BOARD OF ADJUSTMENT AND APPEALS TO GRANT A VARIANCE TO THE PERMITTED HEIGHT WITHIN ANY ZONING DISTRICT UPON THE EXPIRATION OF THE LIMITATIONS ON ADOPTING MORE RESTRICTIVE OR BURDENSOME PROCEDURES CONCERNING THE APPROVAL OF DEVELOPMENT PERMITS SET FORTH IN SECTION 14 OF CHAPTER 2023-304, LAWS OF FLORIDA.

SHALL THE ABOVE-DESCRIBED AMENDMENT BE ADOPTED?

YES _____ NO _____

Section 5. The Town Clerk is hereby authorized and directed to advertise the referendum election contemplated herein in accordance with Section 100.342, Florida Statutes, and Section 8-6 of the Town Code of Ordinances.

Section 6. The provisions of this Ordinance shall become and be made part of the Charter of the Town of Juno Beach, Florida.

Section 7. 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

