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 PERMITTED HEIGHT WITHIN ANY ZONING DISTRICT UPON THE 11 **EXPIRATION OF THE LIMITATIONS SET FORTH IN SECTION 14 OF** 12 CHAPTER 2023-304, LAWS OF FLORIDA; PROVIDING FOR THE FORM 13 14 OF THE QUESTION; PROVIDING FOR THE BALLOT TITLE AND EXPLANATORY LANGUAGE: PROVIDING FOR ADVERTISING: 15 PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND 16 AN EFFECTIVE DATE; PROVIDING FOR A REPEALER; AND FOR 17 18 OTHER PURPOSES. 19 20 WHEREAS, in accordance with Article VII, Section 3 of the Town Charter, the Town's Charter Review Committee ("Committee") reviewed the provisions of the Charter 21 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 to referendum vote. 33 34 35 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows: 36 37 38 The foregoing "Whereas" clauses are hereby ratified as true and Section 1. 39 correct and are incorporated herein. 40 **Section 2.** The Town Council hereby amends Article III, "Legislative," Section 7, 41 "Procedure," of the Town Charter to read as follows (additional language is underlined): 42 43 44 ARTICLE III. LEGISLATIVE

Sec. 7. Procedure.

45 46 47

48

1 2	* * *
3 4 5 6	(g) <u>Variances</u> . Commencing on the date of the expiration of the <u>limitations on the adoption of more restrictive or burdensome</u>
7 8 9 10	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)
11 12 13	councilmembers. Section 3. The amendment to the Town Charter set forth in Section 2 above
14 15 16 17	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.
18 19 20 21	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:
22 23 24	AN AMENDMENT TO ARTICLE III OF THE TOWN CHARTER RELATING TO HEIGHT VARIANCES
25 26 27 28 29 30 31 32 33	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.
34 35	SHALL THE ABOVE-DESCRIBED AMENDMENT BE ADOPTED?
36 37	YES NO
38 39 40 41	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.
42 43 44	Section 6. The provisions of this Ordinance shall become and be made part of the Charter of the Town of Juno Beach, Florida.
45 46	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

unconstitutional, inoperative, or void, such holding shall not affect the remainder of the 1 2 Ordinance. 3 4 **Section 8.** All ordinances or parts of ordinances of the Town of Juno Beach, 5 Florida, which are in conflict with this Ordinance, are hereby repealed to the extent of 6 such conflict. 7 8 **Section 9.** This Ordinance shall become effective upon approval of a majority of the electors casting their votes at the March 19, 2024 election. If not approved by a 9 10 majority of the voters voting in the election, this Ordinance shall be automatically 11 repealed. 12 FIRST READING this day of , 2023. 13 14 SECOND, FINAL READING AND ADOPTION this day of , 2023. 15 16 17 18 AYE NAY ALEXANDER COOKE, MAYOR 19 20 21 AYE NAY PEGGY WHEELER, VICE MAYOR 22 23 24 AYE MARIANNE HOSTA, VICE MAYOR PRO TEM 25 NAY 26 27 AYE NAY ELAINE K. COTRONAKIS, COUNCILMEMBER 28 29 30 AYE DD HALPERN, COUNCILMEMBER NAY 31 32 33 34 APPROVED AS TO FORM AND LEGAL ATTEST: 35 SUFFICIENCY: 36 37 CAITLIN COPELAND-RODRIGUEZ 38 LEONARD G. RUBIN 39 TOWN CLERK TOWN ATTORNEY 40