

ORDINANCE NO. 643

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN OF OCEAN RIDGE TOWN CHARTER; AMENDING ARTICLE III “LEGISLATIVE”, SECTION 3.07 “PROCEDURE”, TO PROVIDE THAT THERE MUST BE THE AFFIRMATIVE VOTE OF FOUR COMMISSIONERS TO ADOPT ANY ORDINANCE OR RESOLUTION THAT INCREASES THE MAXIMUM ALLOWABLE DENSITY, BUILDING HEIGHT OR FLOOR AREA RATIO; ESTABLISHING THE DATE OF MARCH 12, 2019, FOR THE REFERENDUM; PROVIDING A BALLOT TITLE AND QUESTION; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the “Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, pursuant to § 166.021 and § 166.031, Fla. Stat., the Town of Ocean Ridge Town Charter (the “Charter”) may be amended through the Town’s exercise of its authority, including the amendment of those portions of its Charter which require a referendum, provided that a majority of the electors in a referendum affirmatively vote to amend the Charter; and

WHEREAS, the Town Commission appointed a Charter Review Committee who met on several occasions at duly noticed public meetings and recommended several amendments to the Town Charter; and

WHEREAS, §166.031, Fla. Stat. authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

WHEREAS, §100.342, Fla. Stat., requires that the Town publish two (2) notices in a newspaper of general circulation in Palm Beach County, evidencing the Town’s intention to determine whether a majority of the qualified electors of the Town approve of the proposed amendments to the Charter; and

WHEREAS, the Town shall comply with the notice requirements; and

WHEREAS, the Town Commission finds that the holding of a referendum on the amendments to the Charter set forth below (the “Referendum”) furthers the public health, safety

and general welfare of the residents and citizens of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Town Charter, Article III “Legislative”, Section 3.07 “Procedure”, is amended to read as follows:

Section 3.07. – Procedure.

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(e) The affirmative vote of four (4) Town Commissioners shall be required to adopt any ordinance or resolution that increases the maximum allowable dwelling unit density, maximum building height or maximum floor area ratio.

SECTION 3. In accordance with the Florida Constitution, Chapters 101 and 166, Florida Statutes, as amended, the Charter and the Code of Ordinances of the Town, the amendments to the Town Charter contained herein shall be submitted to the qualified electors of the Town of Ocean Ridge, Florida, for the purpose of determining the question of whether the amendments set forth in section 2 shall be adopted.

SECTION 4. A Referendum Election shall be held in the Town of Ocean Ridge, Florida, on the 12th day of March, 2019, to determine whether or not a majority of the qualified electors of the Town of Ocean Ridge, Florida, support the proposed amendments to the Town ’s Charter as set forth above in section 2 of this Ordinance.

SECTION 5. The Supervisor of Elections of Palm Beach County, Florida, shall determine polling locations or places, and all qualified electors of the Town of Ocean Ridge, Florida, who vote in the Referendum, shall vote at those designated polling places. The polls shall be opened on the date of the Referendum on the proposed Town of Ocean Ridge, Florida, Charter Amendments from 7:00 a.m. until 7:00 p.m. on the same day. Only the duly qualified electors of the Town of Ocean Ridge, Florida, shall be permitted to vote in this Referendum question.

SECTION 6. The Ballot Title shall be as follows:

“OCEAN RIDGE CHARTER AMENDMENTS TO PROVIDE FOR A SUPER MAJORITY VOTE”

SECTION 7. The following question shall be placed on a ballot for consideration by the qualified electors of the Town of Ocean Ridge, Florida. The election ballot question shall read as follows:

SHALL OCEAN RIDGE AMEND ITS CHARTER TO PROVIDE THAT THE AFFIRMATIVE VOTE OF FOUR COMMISSIONERS SHALL BE REQUIRED TO ADOPT ANY ORDINANCE OR RESOLUTION THAT INCREASES THE MAXIMUM ALLOWABLE DWELLING UNIT DENSITY, MAXIMUM BUILDING HEIGHT OR MAXIMUM FLOOR AREA RATIO?

YES _____

NO _____

SECTION 8. The Town Clerk of the Town of Ocean Ridge, Florida, is hereby authorized and directed to advertise the Referendum Election in accordance with the Town Charter and Code of Ordinances, and any other applicable law.

SECTION 9. Codification. In the event these proposed amendments are approved by referendum, the amendments set forth in section 2 shall become and be made a part of the Town Charter of the Town of Ocean Ridge, Florida. The Articles or Sections of these Charter amendments may be renumbered or re-lettered to accomplish such.

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12. Effective Date. This Ordinance shall take effect immediately upon adoption. The provisions of Section 2 of this ordinance shall only be effective upon the affirmative vote of the Town electorate approving such measures.

FIRST READING this 1st day of October, 2018.

SECOND AND FINAL READING this 5th day of November, 2018.

Commissioner _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

STEVE COZ, Mayor _____

DON MAGRUDER, Vice Mayor _____

PHILIP BESLER, Commissioner _____

JAMES A. BONFIGLIO, Commissioner _____

KRISTINE DE HASETH, Commissioner _____

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 5th day of November, 2018.

TOWN OF OCEAN RIDGE, FLORIDA

BY: _____

Steve Coz, Mayor

ATTEST: _____

Tracey L. Stevens, Town Clerk