

1 TOWN OF JUNO BEACH, FLORIDA

2
3 ORDINANCE NO. 650

4
5 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO**
6 **BEACH, FLORIDA, RELATING TO SITE PLAN AND APPEARANCE**
7 **APPROVALS; ALLOWING THE TOWN COUNCIL TO EXTEND SITE**
8 **PLAN AND APPEARANCE APPROVALS EXPIRING BETWEEN**
9 **SEPTEMBER 1, 2008 AND JANUARY 1, 2012 UNDER SPECIFIED**
10 **CIRCUMSTANCES; PROVIDING FOR SEVERABILITY, CONFLICTS**
11 **AND AN EFFECTIVE DATE.**

12
13 WHEREAS, Section 34-119(a) of the Town Code generally provides that a site
14 plan and appearance approval is valid for two years from the date of such approval; and

15
16 WHEREAS, Section 34-119(b) of the Town Code allows the Town Council to
17 grant extensions to such approvals when requested prior to the expiration of the two-
18 year period; and

19
20 WHEREAS, Mercury Rising, LLC, the holder of a site plan and appearance
21 approval that expired on November 8, 2009, filed an application to amend the Town
22 Code to allow persons or entities issued site plan and appearance approvals expiring
23 between September 1, 2008 and January 1, 2012 to seek four-year extensions of such
24 approvals; and

25
26 WHEREAS, this request is generally consistent with prior extensions granted by
27 the Florida Legislature in Chapters 2009-96 and 2010-147, Laws of Florida (extending
28 local government development orders having an expiration date between September 1,
29 2008 and January 1, 2012 for a period of two years if requested by December 31, 2009)
30 and in Chapter 2011-139, Laws of Florida (extending such local government
31 development orders for an additional two years if requested by December 31, 2011);
32 and

33
34 WHEREAS, having considered the recommendation of the Planning and Zoning
35 Board, the Town Council determines that the adoption of this Ordinance is in the best
36 interests of the health, safety and welfare of the residents and citizens of the Town of
37 Juno Beach.

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39 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
40 TOWN OF JUNO BEACH, FLORIDA as follows:

41
42 **Section 1.** The foregoing "Whereas" clauses are hereby ratified as true and
43 correct and are incorporated herein.

1 **Section 2.** Notwithstanding the provisions of Section 34-119(a) and 34-119(b)
2 of the Town Code of Ordinances, persons or entities issued site plan and appearance
3 approvals expiring between September 1, 2008 and January 1, 2012 may apply for an
4 extension of such approval through December 31, 2015 by filing an application with the
5 Town no later than December 30, 2011. Applicants shall identify the approval for which
6 they are seeking an extension and an anticipated timeframe for commencing
7 development.
8

9 **Section 3.** Notwithstanding the authority granted in Section 2, the Town
10 Council shall not consider applications for extension of time where:
11

- 12 A. The applicant is in significant noncompliance with a condition of approval
13 as established through the issuance of a written warning or notice of
14 violation or the initiation of enforcement action by the Town; or
15
16 B. The extension of the approval would delay or prevent compliance with a
17 court order.
18

19 **Section 4.** Any approval extended pursuant to this Ordinance shall continue to
20 be governed by the rules and regulations in effect at the time the Town issued the
21 approval, except where the Town Council determines that the application of any rule or
22 regulation in effect at the time the approval was issued would pose a threat to the public
23 health or safety. Any major modification to an approved project will be treated as a
24 new application and will be subject to the rules and regulations in effect at the time of
25 modification. The Town Council's extension of a site plan and appearance approval
26 shall not relieve the property owner's continued obligation to maintain and secure the
27 property in a safe and sanitary condition as required by all applicable laws and
28 ordinances.
29

30 **Section 5.** If any section, paragraph, sentence, clause, phrase, or word of this
31 Ordinance is for any reason held by a court of competent jurisdiction to be
32 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
33 Ordinance.
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35 **Section 6.** All ordinances or parts of ordinances of the Town of Juno Beach,
36 Florida, which are conflict with this Ordinance, are hereby repealed to extent of such
37 conflict.
38

39 **Section 7.** This Ordinance shall be effective immediately upon adoption.
40

41 *[Remainder of page intentionally blank]*
42

FIRST READING this 26th day of October, 2011.

SECOND, FINAL READING AND ADOPTION this 9th day of November, 2011.

✓
AYE NAY

Morton Levine
MORTON LEVINE, MAYOR

✓
AYE NAY

Bill Greene
BILL GREENE, VICE MAYOR

✓
AYE NAY

Ellen Andel
ELLEN ANDEL, VICE MAYOR PRO TEM

✓
AYE NAY

Jim Lyons
JIM LYONS, COUNCILMEMBER

✓
AYE NAY

John Callaghan
JOHN CALLAGHAN, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Vanessa M. Dunham
VANESSA M. DUNHAM
TOWN CLERK

Leonard G. Rubin
LEONARD G. RUBIN
TOWN ATTORNEY