

ORDINANCE 1670

AN ORDINANCE OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF COCOA BEACH TO REVISE COMPREHENSIVE PLAN APPROVAL REQUIREMENTS; PROVIDING FOR A REFERENDUM ON THE QUESTION OF APPROVAL OF THE PROPOSED AMENDMENT; PROVIDING FOR QUESTION NUMBERING; PROVIDING FOR FILING THE REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission is authorized by City Charter Section 9.01 to propose amendments to the City Charter; and

WHEREAS, a public hearing on the proposed Charter amendment hereinafter described was duly advertised and held by the City Commission of the City of Cocoa Beach, and at such hearing interested parties and citizens for and against the proposed amendment were heard; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA:

SECTION 1. CHARTER AMENDMENT. Upon approval of this charter amendment at referendum, the following portions of Article VI, Section 6.07 of the Cocoa Beach City Charter are amended to read as follows:

Sec. 6.07. - Comprehensive Plan adoption requirements.

Any adoption or amendment to the City of Cocoa Beach Comprehensive Plan, ~~with the exception of issues increasing permissible building and structure height or allowable development density and/or intensity,~~ shall require an affirmative vote by four (4) city commissioners. ~~Any city comprehensive plan adoption or amendment that addresses increasing permissible building and structure height or allowable development density and/or intensity shall require an affirmative vote by five (5) city commissioners.~~

SECTION 2. REFERENDUM. The question of amendment of the Charter of the City of Cocoa Beach, Florida, as provided in this Ordinance shall be submitted to a vote of electors of the City at a referendum election to be held in the City of Cocoa Beach on November 8, 2022.

SECTION 3. BALLOT TITLE AND BALLOT SUMMARY. The ballot title and ballot summary that shall appear on the referendum election ballot for this proposed charter amendment are as follows:

Question No. 1
**COCOA BEACH CITY CHARTER AMENDMENT
REVISING COMPREHENSIVE PLAN APPROVAL REQUIREMENTS**

Shall the City Charter be amended to revise, from all five commissioners to four commissioners, the number of affirmative commissioner votes necessary to approve Cocoa Beach Comprehensive Plan amendments increasing permissible building and structure height or allowable development density and intensity?

Yes
 No

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SECTION 4. QUESTION NUMBERING. The aforementioned ballot title and ballot summary shall appear on the ballot designated as "Question No. 1".

SECTION 5. COORDINATION WITH SUPERVISOR OF ELECTIONS. The City Clerk is hereby authorized and directed to instruct and coordinate with the Supervisor of Elections of Brevard County, Florida, to include the ballot question set forth in Section 3 on the ballot of the General Election to be held in the City of Cocoa Beach and Brevard County, Florida, on November 8, 2022.

SECTION 6. CONFLICTS. All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 7. SEVERABILITY. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein. It will be presumed that the City Commission for the City of Cocoa Beach did not intend to enact any invalid or unconstitutional provision. It shall further be presumed that the City Commission would have enacted the remainder of this Ordinance without any invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 8. EFFECTIVE DATE. Upon adoption of the proposed Charter amendment by a majority of the electors voting in the referendum, the City Commission shall have said amendments incorporated into the City Charter and shall file the revised Charter with the Florida Department of State as provided by Chapter 166, Florida Statutes, at which time the revised Charter provision will go into effect.

Upon Motion by Commissioner Woulas, seconded by Commissioner Miller, this Ordinance was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 7 day of July, 2022.

Ayes: 4
Nays: 1
Absent or Abstaining: 0


Ben Malik,
Mayor-Commissioner

ATTEST:

Loredana Kalaghchy, MMC
City Clerk

First Reading: 06-16-22
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