

ORDINANCE NO. 02 - 07

AN ORDINANCE OF THE TOWN OF BRINY BREEZES, FLORIDA, PURSUANT TO SECTIONS 163.3161 AND 163.3184, FLORIDA STATUTES; AMENDING TOWN ORDINANCES NO. 01-80 AND 1-89 IN THEIR ENTIRETY, BEING THE PRIOR COMPREHENSIVE PLANS OF THE TOWN; PROVIDING FOR THE APPROVAL OF A COMPREHENSIVE PLAN AMENDMENT, INCLUDING CHANGES TO THE PERMITTED USES OF LAND AND CHANGES IN LAND USE CATEGORIES IN THE FUTURE LAND USE ELEMENT; REPLACING THE GOALS, OBJECTIVES AND POLICIES OF THE BRINY BREEZES COMPREHENSIVE PLAN; REPLACING EXISTING DATA AND ANALYSIS SECTIONS; APPROVING TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER APPROPRIATE PUBLIC AGENCIES; PROVIDING FOR AN EFFECTIVE DATE OF THE PROPOSED COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Section 163.3161, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Town of Briny Breezes to (a) plan for the Town's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof, to guide future growth and development of the Town; (c) implement adopted or amended comprehensive plans by adoption of appropriate land development regulations; and, (d) establish, support and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, the Town Council of the Town of Briny Breezes, Florida, on August 14, 1980, adopted Ordinance No. 01-80 which adopted a Comprehensive Plan, including a Future Land Use Element, which was subsequently amended on July 13, 1989 by Ordinance No. 1-89, entitled 1989 Town of Briny Breezes Comprehensive Plan, As Approved By The Town Council January 1989 But With Responses to State Comments Added (the "1989 Plan"); and,

WHEREAS, the Town has held several special and regular meetings and public hearings by the Town Council and by the Local Planning Agency of the Town of Briny Breezes to discuss aspects of a proposed Comprehensive Plan Amendment and to entertain suggestions and input from the public; and,

WHEREAS, the Town Council of the Town of Briny Breezes, after due public notice and public hearings on the Comprehensive Plan Amendment, and after effectively providing for full public participation, broad dissemination of proposals, opportunity for written comments, communication and consideration in response to public and official comments, accepted and approved a proposed Comprehensive Plan Amendment and approved transmittal of the

Comprehensive Plan Amendment to the Florida Department of Community Affairs, pursuant to Section 163.3184 Florida Statutes; **NOW THEREFORE,**

**BE IT ORDAINED BY THE MAYOR AND ALDERMEN
OF THE TOWN OF BRINY BREEZES, FLORIDA:**

SECTION 1. Legislative Findings of Fact.

The Town Council of the Town of Briny Breezes hereby finds that the facts contained in the preamble hereof are true and correct and are incorporated herein by reference as legislative findings of fact.

SECTION 2. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Florida Statutes, Section 163.3215, as amended.

SECTION 3. Prior Ordinance Adopting the Comprehensive Plan and Amendment.

Prior Town Ordinances 01-80 and 1-89 adopted a Comprehensive Plan for the Town of Briny Breezes and amended same. These Ordinances are hereby amended in their entirety and the subject matter thereof is restated in full by this Ordinance as a new and superseding enactment.

SECTION 4. Title of Proposed Comprehensive Plan.

The Proposed Comprehensive Plan, which is the revised version of the 1989 Plan, shall be entitled "Comprehensive Plan Amendment of the Town of Briny Breezes, 2007," a copy of which is attached hereto and incorporated herein and made a part of this Ordinance.

SECTION 5. Copy of Proposed Comprehensive Plan Amendment.

A copy of the proposed Comprehensive Plan Amendment, which is attached hereto and made a part of this enactment by reference, shall be kept permanently on file in the office of the Town Clerk and shall be available for the use, information and inspection of the general public and all interested persons during the hours in which the Town Hall is opened.

SECTION 6. Transmittal of Proposed Comprehensive Plan Amendment.

The Town Clerk is hereby directed to transmit the proposed Comprehensive Plan Amendment and supporting data, analysis and other relevant material, to the Department of Community Affairs and other appropriate public agencies, and upon adoption of this Ordinance, is further directed to ensure that this Ordinance and all other necessary documents are forwarded to the Department of Community Affairs and other public agencies in accordance with Section 163.3184(3), Florida Statutes.

SECTION 7. Effective Date of Proposed Comprehensive Plan.

The effective date of this Proposed Comprehensive Plan Amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finds the amendment in compliance in accordance with Section 163.3184(1)(b), whichever is applicable.

SECTION 8. Severability.

If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reasons 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 portion thereof, respectively.

SECTION 9. Codification.

Permission to codify this Ordinance is hereby granted and the codifier may make formal, nonsubstantive changes in the body hereof insofar as it is necessary to do so to embody the same into a unified code.

SECTION 10. Penalty.

Any person violating any of the provisions of this Ordinance upon conviction thereof, may be sentenced to pay a fine, not to exceed One Hundred (\$100.00) Dollars. Any act, which is a violation of this ordinance and which by its nature, is continuous, shall be deemed a separate violation for each day such violation exists.

SECTION 11. Repeal.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 12. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Briny Breezes, Florida, in special session, pursuant to public hearing and public participation requirements set forth in Section 163.3184(15), Florida Statutes, on the ____ day of April, 2007.

TOWN OF BRINY BREEZES, FLORIDA

MAYOR, ROGER BENNETT

PRESIDENT WARREN BAILEY

ALDERMAN LAWRENCE BRAY

(TOWN SEAL)

ALDERMAN SHARON KENDRIGAN

ALDERMAN DENNIS SMITH

ATTEST:

NANCY BOCZON, Town Clerk

ALDERMAN JANET ZERULL

APPROVED AS TO FORM AND CORRECTNESS:

JEROME F. SKRANDEL, Attorney for
TOWN OF BRINY BREEZES