

ORDINANCE No. 01-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREZES, FLORIDA AMENDING CHAPTER 153. LAND DEVELOPMENT. SECTIONS 140-149 SIGNS; REGULATIONS. TO CONFORM TOWN CODE TO RECENT LEGAL PRECEDENT REGARDING SIGNS AND TO PROVIDE INTERNAL CONSISTENCY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 153. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE; A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Briny Breezes (the "Town") finds and determines that the Town's land development regulations are required to regulate signs as provided by Section 163.3202(2)(f), *Florida Statutes*; and

WHEREAS, the Town Council does not wish to censor speech, but desires to provide for the public welfare by regulating signage in the Town in a manner that enhances the aesthetics of the community, reduces visual pollution, provides clear information and minimizes distractions to drivers in the interests of traffic safety; and

WHEREAS, the Town Council desires to modify and update its regulation of temporary signs in conformance with recent caselaw including *Reed v. Town of Gilbert*, 135 S. 9 Ct. 2218, 192 L. Ed. 2d 236 (2015); and

WHEREAS, the Town Council finds and determines that the regulations provided in this ordinance allow for and leave open adequate alternative means of communications, including but not limited to newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising and communicating on AM and/or FM radio, satellite radio and internet radio, communicating via direct mail, communicating via social media outlets, and other avenues of communication available in the Town [*see State v. J & J Painting*, 167 N.J., Super. 384, 400 A.2d 1204, 1205 (Super. Ct. App. Div. 1979); *Board of Trustees of State University of New York v. Fox*, 492 U.S. 469, 477 (1989); *Green v. City of Raleigh*, 523 F.3d 293, 305-306 (4th Cir. 2007); *Naser Jewelers v. City of Concord*, 513 F.3d 27 (1st Cir. 2008); *Sullivan v. City of Augusta*, 511 F.3d 16, 43-44 (1st Cir. 2007); *La Tour v. City*

of Fayetteville, 442 F.3d 1094, 1097 (8th Cir. 2006); *Reed v. Town of Gilbert*, 587 F.3d 866, 980-981 (9th Cir. 2009)]; and

WHEREAS, the Town Council believes these code revisions will be in the best interests of the Town of Briny Breezes, and will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, THAT:

Section 1: Chapter 153. Land Development. of the Code of Ordinances of the Town of Briny Breezes is hereby amended at Sections 140-149 Signs; Regulations. to revise the Town's sign code in accordance with recent revisions to state and federal law; providing that Chapter 153, Sections 140-149 Signs; Regulations. shall hereafter read as follows:

SIGNS; REGULATIONS

§ 153.140 INTENT, SCOPE AND PURPOSE.

(a) Intent. The regulations and requirements as herein set forth in this subchapter are intended to preserve the character of the town by controlling the size, location and use of signs within the town. It is further intended to protect property values and to create a more attractive, economic, and business friendly climate through the reinforcement and encouragement of graphic excellence and to reduce conflicts between signs. It is the goal of the town to promote the town's interest in aesthetics, to reduce urban clutter, to eliminate nuisance forms of advertising and to promote traffic safety by the avoidance of distractions to motorists by objectionable signage. ~~It is not the intent or purpose of this subchapter to impermissibly regulate signage by giving commercial speech greater protection than non-commercial speech, nor to discriminate among various non-commercial messages exhibited or conveyed by signs. Any sign which is authorized by this subchapter is allowed to contain non-commercial copy in lieu of any other copy.~~

(b) Substitution of copy. It is not the intent of this subchapter to regulate or control the copy, content, or viewpoint of signs. Nor is it the intent of this subchapter to afford greater protection to commercial speech than to noncommercial speech. Any sign, display or device allowed under this subchapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that complies with all other requirements of this subchapter. The noncommercial message may occupy the entire sign area or any portion thereof and may substitute for or be combined with the commercial message. The sign message may be changed from commercial

to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this subchapter.

(c) Scope.

(1) The provisions of this subchapter shall govern the number, size, location, and character of all signs which may be permitted under the terms of this subchapter. No signs shall be permitted in the Town except in accordance with the provisions of this subchapter.

(2) This subchapter does not regulate the following:

(a) Government signs on government property, including but not limited to Town signs on easements or property, including public or private easements, owned, or controlled by the Town, the County, or the State of Florida.

(b) Wayfinding, directional, hazard, life safety, traffic control device, construction control, and similar signs authorized, required, or installed by a government agency on private property.

(c) Notices required to be posted by law or ordinance on private property.

(d) Regulations strictly enforced. It shall be unlawful for any persons to post, display, change, or erect a sign or sign structure that requires a permit without first having obtained a permit therefor in accordance with this subchapter. Signs not in conformance with this subchapter shall be deemed in violation of the Town's Code of Ordinances and it shall be mandatory to obtain a permit, if required, comply with the Town's Codes, or remove the sign immediately. All signs not expressly permitted by this subchapter are strictly prohibited.

(E) Severability. If any part, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other part, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter.

§ 153.141 DEFINITIONS FOR SIGNS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-FRAME SIGN. A sign which is designed with two sign faces constructed in a manner representing a triangular formation such as "A".

ANIMATED SIGN. Any sign which has any visible moving parts, flashing lights, visible mechanical movement of any description, or other apparent visible movement achieved by any

means.

BUILDING IDENTIFICATION SIGN. A sign on which copy is limited to the name and address of a building or institution.

BUSINESS IDENTIFICATION SIGN. An on-site sign which serves to identify only the name, address and lawful use of individual businesses and sets forth no other advertisement.

CONSTRUCTION SIGN. A temporary sign which identifies the future occupant, purpose for which the building is proposed, and the names, addresses and telephone numbers of those individuals or businesses directly participating in construction on the property on which the sign is located.

COMMERCIAL SPEECH. Speech that proposes a commercial transaction, identifies a person or entity with whom a commercial transaction is offered, or identifies a place or location at which a commercial transaction is offered.

CONVENIENCE SIGN. A sign which conveys information, such as "no parking", "entrance", "exit", "restrooms", "open", "closed", "business hours" and the like, but does not contain brands, trade or business identification and is designed to be viewed on-site or adjacent to the site by pedestrians and/or motorists.

DIRECTIONAL SIGN. An on-site premises sign designed to guide or direct pedestrian and/or vehicular traffic and which is non-advertising in nature.

ILLUMINATED SIGN. A sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

NEON SIGN. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

NONCOMMERCIAL SPEECH. Speech that does not propose a commercial transaction.

ON-SITE PREMISES ADVERTISING DISPLAY. Any structure, housing, sign, device, figure, statuary, painting, display, message placard or other contrivance, or any part thereof which has been designed, constructed, created, intended or engineered to have a useful life of 15 years or more, and is intended or used to advertise, or to provide data or information in the nature of advertising, for any of the following purposes:

- (1) To designate, identify or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or
- (2) To advertise the business conducted, services available or rendered, or the goods produced, sold or available for sale upon the property where the advertising display has been lawfully erected.

PERMANENT SIGN. A sign that, when installed, is intended for permanent use. Where it is not otherwise specified by this subchapter, any sign with an intended use in excess of one year from the date of installation shall be deemed a permanent sign.

PORTABLE SIGN. A sign which is capable of being carried or readily moved from one location to another and which is not permanent in nature. Such signs include, but are not limited to, A-frame signs, sandwich board signs, signs on wheels or signs which lean onto a stationary object, building or structure.

SAFETY SIGNS. A sign which warns of a dangerous condition in or about the area posted or states an operational limitation in effect for such area, such as "no wake", "slow zone", "hazardous area" and the like.

SIGN. An object or device which is designed, intended, used or located so as to be visible by the public from outdoors for the purpose of advertising the property, establishment or enterprise, including goods and services, upon which the sign is located, or to convey a non-commercial message. This definition shall include all parts, portions, frame, background, structure, support, and anchorage thereof.

SIGN AREA. The entire area within a single continuous perimeter ~~composed of squares or rectangles~~ which enclose the extreme limits of the advertising message, announcement, display, logo, picture or any figure of a similar nature, together with any frame, background area of sign, structural trim or other material, color or condition which forms an integral part of the display excluding the necessary supports or uprights on which such sign is placed.

SIGN COPY. Any words, letters, numbers, figures, designs, logos, or other symbolic representation incorporated into a sign.

SIGNS, ELECTRIC. The terms "electric sign" and "illuminated sign" shall apply to any sign with electric wiring and lighting therein or used in conjunction with the sign, including the use of neon tubing.

SIGN STRUCTURE. Any edifice or framework which supports or is capable of supporting a sign.

SNIFE SIGN. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects with the message appearing thereon not applicable to the present use of the premises or structures upon which the sign is located.

TEMPORARY SIGN. A sign which is ~~constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood, metal or plastic~~ which is not a permanent sign and is intended to be displayed for a limited period of time, typically less than one year.

TRAFFIC CONTROL DEVICE. Any device used to regulate traffic flow and described and

identified in the Manual or Uniform Traffic Control Devices approved by the Federal Highway Administration as the National Standard and as may be revised from time to time.

VEHICLE SIGN. Any sign placed, maintained, displayed, or carried on a truck, automobile, trailer, or other vehicle for the purpose of on-site advertising. This does not include signs affixed to vehicles for identification purposes as required by licensing regulations of governmental entities.

WALL SIGN. A single-faced sign attached to and parallel with the building facade.

WINDOW SIGN. Any sign which is attached or painted, either permanently or temporarily, on the interior or exterior of a window or which is placed within 12 inches of the face of such window and is intended to be viewed from the outside.

§ 153.142 APPLICATION PROCEDURE.

Provided the application complies with this subchapter and other applicable codes and regulations, the Building Official shall issue a building permit which will allow the construction, erection and location for each permanent sign applied for. The Building Official shall retain a copy of such permit and a copy of the complete drawings of said sign for his or her records. A permit is not required for placement of a temporary sign.

§ 153.143 CONTENTS OF SIGN PERMIT APPLICATION FOR PERMANENT SIGNS.

The application for sign permits for permanent signs shall contain the following information:

- ~~(A)~~ (1) Type of sign or high voltage tube lighting authorized by said permit;
- ~~(B)~~ (2) The legal description of the property upon which the sign is to be located, the name of the owner or lessee of such property, and evidence of the legal interest or ownership by the applicant in such property;
- ~~(C)~~ (3) The location upon the property where the sign is to be permitted;
- ~~(D)~~ (4) The name of the person, firm, corporation, or association erecting the sign;
- ~~(E)~~ (5) The amount of the fee paid for such permit; and
- ~~(F)~~ (6) The date of permit issuance.

§ 153.144 COMPLIANCE WITH BUILDING CODE; SIGN MAINTENANCE.

(a) In addition to the requirements of the preceding section, all permanent freestanding signs in excess of 24 square feet shall be designed, signed, and certified by a registered state

engineer, who shall submit sufficient calculations to enable the Building Official to determine whether the sign complies with the Florida Building Code.

(b) All permanent signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the Florida Building Code, the electrical codes adopted by the town, and this subchapter. All permanent signs shall be kept free of rust, broken parts, mildew, damage, peeling or faded paint, or any other deficiency that must be corrected to ensure a like new appearance at all times. The vegetation around the base of all permanent signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris shall be permitted under or near the sign.

(c) Temporary sign maintenance is regulated at Sec. 153.147 below.

§ 153.145 PROHIBITED SIGNS.

(a) *Prohibited types of signs.* The following types of signs shall be prohibited throughout the town:

- (1) Flashing, moving or fluttering signs, feather banners, and signs which emit smoke, visible vapors or particles, sound, or odor;
- (2) Signs producing glare;
- (3) Snipe signs; and
- (4) Signs of such a design or character that they may be mistaken for a traffic control signal or device.

(b) *Prohibited locations for signs.* Signs are prohibited in the following locations:

- (1) Signs so located with respect to a street or roadway that they interfere with or compete for attention with a traffic control signal device. This shall include any sign visible from the public right-of-way which uses an arrow device or the word "STOP";
- (2) Any freestanding or projecting sign located along the right-of-way within 30 feet from an intersecting right-of-way, except directional signs less than three feet in height; and
- (3) Any sign located in a public right-of-way, except those owned or operated by a duly constituted government or governmental agency.
- (4) Any sign erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on any tree, utility pole, utility post, street sign pole or traffic sign pole.
- (5) Temporary signs are also regulated at Sec. 15.147, below.

(c) *Prohibition of unsafe signs.* Any sign (permanent and temporary) which presents a safety hazard or any sign which encroaches upon a public right-of-way is prohibited. ~~Such signs may be removed by the town without notice.~~

(d) Prohibition of illegal signs prohibited. Any outdoor advertising sign (permanent and

~~temporary) containing commercial speech or structure now or hereafter existing which no longer advertises commercial transactions a business conducted or product sold on the premises which it is located, or any sign which is contrary to the application for its permit and use, or any sign (permanent and temporary) which is otherwise illegal, is prohibited, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which such sign may be found, within 30 days after written notification from the Building Official.~~

(e) Prohibition of Public nuisances. Any signs (permanent and temporary) not erected in accordance with the provisions of this subchapter or which exist in violation hereof shall be deemed to be a public nuisance and are prohibited.

(f) Enforcement by Building Official. If the Town Building Official shall find that any sign regulated herein is unsafe, or encroaches upon a public right-of-way in accordance with subsection (c) above, such sign may be removed by the Town immediately without notice. Otherwise, if the Town shall find that a sign is prohibited in accordance with this section, or is not properly maintained in accordance with Sections 153.144 or 153.147 as applicable, or insecure, or is a menace to the public or has been constructed or erected on or over public property to a greater extent than is permitted by these regulations, or has not been renewed, the Town he or she shall give written notice to the permittee or owner thereof that such sign is in violation of Town code, prohibited. If the permittee or owner fails to remove or alter the sign or otherwise cure the violation so as to comply with standards set forth in this subchapter within 30 days after such notice, such sign may be removed or altered to comply by the Town Building Official at the expense of the permittee or owner, or person having the right to the use and possession of the property upon which the sign is located. In addition, the Town may prosecute such violations before the code enforcement special magistrate.

§ 153.146 PERMANENT SIGNS PERMITTED SIGNS.

(a) *Types and designations for permitted signs.* Subject to the other provisions of this subchapter, the following types of permanent signs are permitted throughout the town:

- (1) (P-1) All signs and signals owned or operated by governments or governmental agencies;
- (2) (P-2) Identification signs for public and semi-public facilities, such as clubs and public buildings;
- (3) (P-3) Nameplates identifying the owner or resident of a private property;
- (4) (P-4) Memorial or historical markers or tablets;
- (5) (P-5) Signs indicating the private nature of a road, driveway or other premises,

and signs controlling the use of private property, such as the prohibition of parking or trespassing;

(6) (P-6) Directional signs indicating the route or direction to a place, establishment, or activity;

(7) (P-7) Commercial or office "point of purchase" signs, attached to the building, for individual establishments in commercial districts; and

(8) (P-8) Freestanding directory and/or identification signs in commercial districts to be located on the site of the business premises.

(b) *Size and space requirements for permitted signs.* The size and space requirements for each type of the permanent signs permitted within the town, and the standards and specifications to which they must conform, are shown on the following table.

Sign Types		P2	P3	P4	P5	P6	P7	P8
1. Maximum area for one sign (sq. ft.)	-	32	2	12	4	2	See below	6, plus 1 per foot of building frontage, max. of 100
2. Maximum number of signs per use	-	2	1 per dwelling	1	1 per 100 ft. of street frontage	See below	1 per 100 ft. of street frontage at the building and 1 per major entrance for each street on which building	-
3. Minimum setback from public right-of-way (ft.)	-	10	-	-	-	10	10	10
4. Maximum height if sign attached to building (ft.)	-	1 above height of building	8 above	8 above	8 above	-	6 above	Height of building
5. Maximum height to top if freestanding (ft.)	-	10	8	8 above grade	8	-	Same as building height for applicable zoning district	Same as building height for applicable zoning district
6. Maximum projection from building face if attached parallel to building face (ft.)	-	13	12	12	12	18	18	N/A

7. Maximum projection from building face if perpendicular to building face (ft.)	-	6	2	6	6	2	6	N/A
8. Minimum height to bottom of sign (ft.)	-	-	-	-	-	-	10 if elevated	10 if elevated
9. Maximum area of all signs (2 or more signs)	-	-	-	-	-	-	See below	As determined by items 1 and 2

(c) *Additional requirements for P-7 signs.* In addition to the requirements shown on the sign table set forth in the preceding section, type P-7 signs are subject to the following regulations. The maximum permitted area for each P-7 sign shall be 10 % of the square footage of the building face fronting on the primary street of its location, and 5% of the square footage facing on a secondary or side street. If a building is located on a corner lot, it may have a sign on both the front and side street frontages. The area of the building face is determined by multiplying the height of the building, not to exceed 20 feet, by the width of the building. When there is more than one use in any building, each use shall be permitted a sign for each frontage, provided that the total area of all such signs shall not exceed the maximum allowable sign area on each frontage.

§ 153.147 TEMPORARY SIGNS PERMITTED.

(a) *Size limitations.* ~~Subject to the other provisions of Where permitted by this subchapter, temporary signs, including construction signs and portable signs, shall be permitted within the town, provided such temporary signs shall not exceed ten square feet in size.~~

(b) *Materials; maintenance* Temporary signs shall be manufactured of a material that is durable and made to withstand limited exposure to the elements. Temporary signs shall be maintained at all times in a "like-new" condition. Any temporary sign permitted by this Chapter that evidences weathering or damage shall be immediately removed or replaced by the owner. Failure to do so shall subject the sign to the enforcement provisions of Sec. 153.144 above.

(c) *Storm Events.* All Temporary signs permitted by this Chapter shall be removed and safely stored within a structure upon the declaration by the State of Florida, Palm Beach County, or the National Weather Service of a tropical storm or hurricane watch or warning that includes the

Town of Briny Breezes within the scope of the declaration and shall not be displayed until after the storm system has completely passed the Town and the declaration has been lifted.

(d) *Construction signs.* Construction signs as defined herein, including signs identifying architects, engineers, contractors, tradesman, and others engaged in construction work, are allowed to be posted on the premises of commercially zoned (C-1) property wherein their work is proceeding. One sign per work site is allowed. Such sign shall be removed as soon as the work ceases or is completed.

(e) *Portable signs.* Portable signs as defined herein, are permitted, including A-frame, sandwich or double-faced signs, on which the text may be changed from day to day. Such portable signs shall not be placed or located except on commercially zoned (C-1) private property, and shall be removed from public view during non-business hours. Compliance with this provision does not eliminate the need to comply with applicable Corporation rules and regulations.

(f) *Temporary signs for definite events.* Temporary signs associated with a definite event shall be permitted on commercially zoned (C-1) property beginning 30 days prior to the event. By way of example: religious services for a particular holiday are one definite event; multiple candidates running for office as well as individual ballot questions related to a particular issue all occurring at the same election are each a separate definite event; a birthday party is one definite event; Association sponsored events are each a separate definite event. Signs shall be removed promptly upon the conclusion of the event. One such temporary sign per event per C-1 parcel or lot is permitted.

(g) *Temporary signs not for definite events.* Temporary signs which are not associated with a definite event shall be permitted on commercially zoned (C-1) property at all times. By way of example, these are signs generally expressing allegiance (or opposition) to a school or sports team; or signs generally expressing support (or opposition) to an ideological, social, familial or political concept generally, but that are not associated with any particular election. One such temporary sign per C-1 parcel or lot is permitted.

(h) Temporary signs containing commercial speech are prohibited on all residentially zoned parcels or lots.

(i) Temporary signs are prohibited in the Parking and Landscape (PL-1) District. Temporary signs are prohibited in the Public / Semi-Public (PSP-1) District and the Recreation (R-1) District except pursuant to official regulations duly adopted and published by the Corporation Board of Directors.

~~§ 153.148 TEMPORARY POLITICAL CAMPAIGN SIGNS.~~

~~(a) — *Political campaign signs allowed.* Temporary political campaign signs shall be permitted and allowed within the town, subject to the following regulations. It is not the intent of these provisions to unduly limit or restrict the freedom of political speech in any impermissible way. All parties posting temporary political campaign signs are requested to exercise a reasonable degree of restraint to avoid causing an undue and unbecoming proliferation of such signs.~~

~~(b) — *Time for sign removal.* Each candidate, whether for a federal, state, county, district or town office, shall make a good faith effort to remove all of the candidate's political campaign signs within five days after:~~

- ~~(1) — *Withdrawal of his or her candidacy;*~~
- ~~(2) — *Having been eliminated as a candidate; or*~~
- ~~(3) — *Being elected to office.*~~

~~(c) — *Exceptions for sign removal.* A candidate is not expected or required to remove those political campaign signs which are in the form of signs used by an outdoor advertising business as provided in F.S. Ch. 479. The provisions herein do not apply to advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.~~

~~(d) — *Notice to remove signs.* If the candidate's political campaign signs are not removed within the specified period, the town shall give notice, by mail or delivery, to the candidate or person advocating the vote described on the sign, explaining the nature of the violation of this subchapter and requesting that they remove such sign or correct such violation within five days.~~

~~(e) — *Failure to remove signs.* Thereafter if the signs are not removed as requested, such signs shall properly be treated and considered as abandoned. The town shall thereafter have the authority to remove same and may charge the candidate the actual cost for such removal. Funds collected for removing such signs shall be deposited to the general revenue of the town.~~

~~(g) — *Limitation on posting political signs.* No political campaign signs shall be erected, posted, painted, tacked, nailed or otherwise displayed, placed or located on any tree, utility pole, utility post, street sign or traffic sign.~~

~~(h) — *Avoidance of safety hazards.* No political campaign signs shall be located so as to create a hazard by obstructing the vision of motorists, or interfering with the lawful flow of traffic upon the streets and roadways, or denying pedestrians lawful access or flow on the sidewalks.~~

~~(i) — *Public nuisances.* Any political campaign signs not posted in accordance with the provisions of this subchapter or which exist in violation hereof shall be deemed to be a public nuisance and shall be subject to removal by the candidate, property owner or when a proposition is involved, the person advocating the vote described on the sign, and upon their failure to do so, may be removed by the Building Official.~~

~~(j) — *Information to candidates.* The Town Clerk shall inform candidates for election to office for the town of the provisions of this section at the time the candidate qualifies to run for said office.~~

§ 153.149 APPEALS.

Any person aggrieved by a decision of the Town Building Official regarding the interpretation or application of this subchapter may have such decisions reviewed on a summary basis by the Board of Adjustment of the town, pursuant to the procedure for same so made and provided. such appeal shall be scheduled for hearing at the next regular Town Council meeting, provided that notice of the proposed appeal is given to the Town Clerk at least ten days prior to such meeting.

Section 2: Each and every other section and subsection of Chapter 153. Land Development. shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 22 day of April 2021

SECOND AND FINAL READING this 27th day of May 2021

PASSED AND ADOPTED by the Town Council of the Town of Briny Breezes, Florida, in regular session on first reading on April 22, 2021, and in regular session on second reading on May 27, 2021.

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES


MAYOR SAMUEL G. ADAMS


PRESIDENT SUE THALER


ALDERMAN CHRISTINA ADAMS

(SEAL)


ALDERMAN CHICK BEHRINGER


ALDERMAN BILL BIRCH

ABSENT
ALDERMAN KATHLEEN GROSS



Attest:


SANDI DUBOSE, TOWN CLERK

Approved as to Form and Legal Sufficiency:


KEITH W. DAVIS, TOWN ATTORNEY
TOWN OF BRINY BREEZES