

**ORDINANCE NO. 01-2026**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT TITLE XV LAND USAGE, MODIFYING CHAPTER 153 SECTION 153.049 PROCEDURES FOR SUBMISSION, TO AMEND THE PLAT APPROVAL PROCEDURE TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF PLATS AS REQUIRED BY SB 784 (2025) AND FLORIDA STATUTE 177.071; DELETING SECTION 153.196 PROCEDURE FOR PLAT APPROVALS. IN ITS ENTIRETY, PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF TITLE XV LAND USAGE, 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 Florida Legislature adopted SB 784 during the 2025 legislative session which requires all municipalities to adopt an administrative process for plat approvals and prohibits board review; and

**WHEREAS**, the Town's code currently requires Council review of plat approvals and must be amended to conform to the new statutory requirement; and

**WHEREAS**, the Town Council has determined that adoption of this ordinance is in the best interest of the Town and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Briny Breezes, Florida as follows:

**Section 1:** The foregoing recitals are true and correct and are hereby incorporated into this ordinance as if fully set forth in this section.

**Section 2:** The Briny Breezes Code of Ordinances Title XV Land Usage, is hereby amended at section 153.049 and shall hereafter read as follows:

**§ 153.049 PROCEDURES FOR SUBMISSION.**

- (A) *Compliance with law.* A subdivision shall be platted and subdivided, and shall be developed in accordance with the requirements and regulations of this subchapter. In addition, all subdivisions and land development shall comply with the minimum requirements of F.S. Ch. 177.011 through 177.151, Part 1.
- (B) *Areas which may be developed.* In no case shall any subdivision take place which creates a parcel of ground which cannot be developed under the zoning requirements or land development requirements of the town.

- (C) *Plat Submission to Town Council.* Prior to any subdivision of lands within the town as set forth above, a plat of subdivision application must be made to the Town Manager or designee. Upon receipt of such application, the Town Manager or designee shall within 10 business days provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat and provide the applicant information relating to the approval process including the timeline for approval/denial. ~~Prior to any subdivision of lands within the town as set forth above, a plat of subdivision shall be prepared.~~ Said plat shall be administratively reviewed and approved by the Town Manager or designee ~~Town Council~~ and evidence of its approvals placed thereon before a plat is recorded in the public records of the county.
- (D) *Unsuitable lands.* Unless adequate methods of correction are formulated and approved in accordance with the provisions of this subchapter, land which is determined to be unsuitable, by the engineer retained by the town, for subdivision or land development due to poor soil quality, flooding or drainage or other features likely to be harmful to the health, safety and general welfare of future residents, shall not be subdivided or developed.
- (E) *Exceptions to submission requirements.* In the case of subdivision or land development of a small tract of land not exceeding one acre in size, for purposes of lots for residential mobile home use, upon petition to the Town Manager or designee ~~Town Council~~ by the developer or owner, the Town Manager or designee ~~Town Council~~ may at its his or her option waive all or portions of this subchapter ~~as the Town Council may desire.~~
- (F) *Submission of preliminary plat.* Where land is to be subdivided or developed, a preliminary plat, which shall mean the same as the preliminary site plan of the development, shall be prepared by an architect or engineer, licensed by the state, which shows the following:
- (1) The location, size and topography of the site;
  - (2) Land ownership;
  - (3) Existing and proposed streets and easements;
  - (4) Location, size and use of existing and proposed building and structures;
  - (5) Traffic circulation plan;
  - (6) Traffic impact statement;
  - (7) Landscaping plan;
  - (8) Lighting and signage;
  - (9) Proposals for disposing of sanitary waste and storm water and for providing public water facilities prepared by a registered professional engineer;
  - (10) Proposed density of land use for each development parcel within the project; and
  - (11) The location, size of open space and recreation areas.

- (G) *Design criteria.* For all new subdivisions, the applicant shall follow the design criteria established pursuant to the county subdivision ordinance. Changes, variations and alterations to this design criteria shall be allowed provided that they are agreed to in writing by the Town Manager or designee ~~Town Council~~ and the applicant, and such changes are consistent with this chapter.
- ~~(H) *Review by Planning and Zoning Board.* The Planning and Zoning Board shall review the application for the proposed plat, which is the same as the site plan for the development, and make its recommendation to the Town Council.~~
- (H) *Preliminary approval by Town Manager or designee ~~Town Council~~.* The Town Council Manager or designee shall receive review the proposed plat with the recommendation of the Planning Board for its review. Upon finding all conditions for platting having been met, the Town Council Manager or designee shall grant preliminary approval of the plat within the timeline specified in section 153.049(C) and shall instruct the applicant to prepare the final plat document in the form and content required for filing in the official records of the county. If the plat is denied the Town Manager or designee shall provide the applicant with a written notice identifying all areas of noncompliance with specific citations to each requirement the proposed plat has failed to meet.
- (I) *Changes to preliminary plat.* The developer's surveyor may at any time, after approval of the preliminary plat or development plan present the final plat for review by Town Manager or designee and the engineer retained by the town. The plat shall be prepared by a registered surveyor and shall comply with F.S. Ch. 177, and amendments thereto.
- (J) *Review and Final Plat Approval ~~submission to Town Council~~.* The Town Manager or designee and engineer retained by the town shall review the final plat for compliance to these regulations. and submit it to the Town Council for approval. The town shall furnish the developer's surveyor written notice of the Town Council's Town Manager or designee's approval when the plat is found to comply. If deficiencies are found in the plat, the engineer retained by the town shall furnish through the Town Clerk a written statement of the deficiencies. ~~The Town Council,~~ at it's the Town Manager or designee at his or her discretion, may refuse to process a plat of an additional unit of a subdivision or land development in which previous units have not been completed.
- (K) *Final plat recording requirements.* Final plats for subdivisions in the town shall not be recorded until the developer has installed the required improvements or has guaranteed to the satisfaction of the town that such improvements will be installed.

**Section 3:** The Briny Breezes Code of Ordinances Title XV Land Usage, is hereby amended at section 153.196 Procedure for Plat Approvals which is hereby deleted in its entirety.

**Section 4:** Each and every other section and subsection of Title XV Land Usage shall remain in full force and effect as previously adopted.

**Section 5:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 6:** 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 7:** Specific authority is hereby granted to codify this Ordinance.

**Section 8:** This Ordinance shall take effect immediately upon adoption.

FIRST READING this 26th day of February 2026.

SECOND AND FINAL READING this 26th day of March 2026.

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES

Bill Birch

Bill Birch, Mayor

Elizabeth Loper

Elizabeth 'Liz' Loper, President

VACANT

SEAT 5, Alderman

Jeffrey Duncan

Jeffrey Duncan: Alderman

Holly A. Linta

Holly Reitnauer, Alderman

David White

David White, Alderman

TOWN SEAL



ATTEST:

Sandi DuBose

Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:

Keith Davis

Keith Davis

Attorney For Town of Briny Breezes

For relevant testimony, discussion, or oral reports, etc. please refer to the audio CD available at the Town Hall.