

ORDINANCE NO. 02-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRINY BREEZES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT TITLE XV LAND USAGE, CHAPTER 150 COASTAL CONSTRUCTION, TO UPDATE THIS CHAPTER IN CONFORMANCE WITH CURRENT STATE LAW; PROVIDING THAT ALL UNAMENDED SECTIONS AND SUBSECTIONS OF CHAPTER 150 COASTAL CONSTRUCTION, 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 Legislature of the State of Florida previously adopted the Coastal Zone Protection Act of 1985 which regulates certain construction activities in coastal communities; and

WHEREAS, the Town of Briny Breezes adopted this Act by reference in 1986; and

WHEREAS, originally adopted Town Code has not been amended in the past to conform to state law amendments that have been adopted from time to time; and

WHEREAS, the Town Council has determined that it is in the public interest to amend the Briny Breezes Code of Ordinances Title XV Land Usage, Chapter 150 Coastal Construction, to conform Town Code to current state law.

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, Chapter 150 Coastal Construction, is hereby amended to update this chapter in conformance with current state law; providing that Chapter 150, Coastal Construction, shall hereafter read as follows:

CHAPTER 150: COASTAL CONSTRUCTION

Section

150.01 Coastal Zone Protection Act of 1985 Adopted by Reference. ~~State Community Affairs Coastal Construction Code; adoption~~

150.02 Coastal Building Zone established

§ 150.01 COASTAL ZONE PROTECTION ACT OF 1985 ADOPTED BY REFERENCE.
STATE COMMUNITY AFFAIRS COASTAL CONSTRUCTION CODE; ADOPTION.

The Coastal Zone Protection Act of 1985 as more fully set forth in Chapter 161 Florida Statutes, Part III, Sections 161.52 through 161.58 (2024), as that Part may be amended from time to time, is hereby adopted by reference. There is hereby adopted by reference the ~~Model Coastal Construction Code, as prepared by the Florida Department of Community Affairs, pursuant to the Coastal Zone Protection Act of 1985, being F.S. §§ 161.52 through 161.58. Such Code shall be in full force and effect in the town as if fully printed herein.~~

§ 150.02 COASTAL BUILDING ZONE ESTABLISHED.

As more fully defined in Sec. 161.54, Florida Statutes (2024), as that section may be amended from time to time, there is hereby established a Coastal Building Zone which is defined as that land area 1,500 ~~5,000~~ feet landward from the coastal construction control line as established pursuant to Sec. 161.053, Florida Statutes (2024) as that section may be amended from time to time. ~~F.S. § 161.053.~~

Section 3: Each and every other section and subsection of Chapter 150 shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: 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 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This Ordinance shall take effect immediately upon adoption.

FIRST READING this 24th day of October 2024.

SECOND AND FINAL READING this 12th day of December 2024.


TOWN OF BRINY BREEZES

ORD 02-2024 Second Reading December 12, 2024

TOWN COUNCIL OF THE TOWN OF BRINY BREEZES



Ted Gross, Mayor



Elizabeth 'Liz' Loper, President



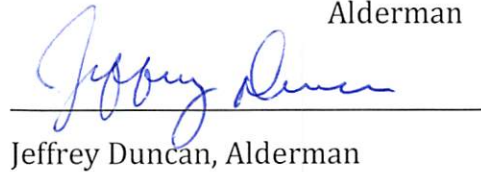
Bill Birch, Alderman

TOWN SEAL





Alderman



Jeffrey Duncan, Alderman

Keith Black, Alderman

ATTEST:



Sandi DuBose, Town Clerk

APPROVED AS TO FORM AND CORRECTNESS:



Trey Nazzaro

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.