

ORDINANCE NO. 826

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, REPEALING SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; REPEALING DIVISION 3 OF ARTICLE III OF CHAPTER 2, "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES; DIVISION 4 OF ARTICLE II OF CHAPTER 2, "CODE ENFORCEMENT HEARING OFFICER; ENFORCEMENT HEARINGS AND PROCEDURE;" CHAPTER 6, "ALCOHOLIC BEVERAGES;" CHAPTER 10, "AMUSEMENTS AND ENTERTAINMENT;" ADOPTING A NEW "LAND DEVELOPMENT CODE" INCLUDING ARTICLE I, "GENERAL PROVISIONS," ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS," ARTICLE III, "SPECIAL DISTRICTS AND DEVELOPMENT OPTIONS," ARTICLE IV, "GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS," ARTICLE V, "NATURAL RESOURCES," ARTICLE VI, "ADEQUATE PUBLIC FACILITIES," ARTICLE VII, "SIGNS," ARTICLE VIII, "ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES," ARTICLE IX, "INTERPRETATIONS AND NONCONFORMITIES," ARTICLE X, "BUILDINGS AND BUILDING REGULATIONS," AND ARTICLE XI, "DEFINITIONS;" PROVIDING FOR CONFLICTS AND REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida, ("City") is a municipal corporation duly created and existing pursuant to the Constitution and laws of the State of Florida; and,

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, pursuant to Section 1.03 of the Charter of the City of Brooksville, the City may exercise any power for municipal purposes except when expressly prohibited by law; and,

WHEREAS, the City Council of the City of Brooksville has the authority to prepare, adopt and enforce this Code pursuant to the Florida Constitution, Chapter 163 Florida Statutes, Chapter 166 Florida Statutes, the City of Brooksville Comprehensive Plan, and such other authorities and provisions established in statutory or common law; and

WHEREAS, it is the purpose of the City Council of the City of Brooksville to establish the standards, regulations and procedures for review and approval of all proposed development of property in the City of Brooksville and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the City of Brooksville Comprehensive Plan; and

WHEREAS, the City Council of the City of Brooksville has determined this Land Development Code is consistent with the City's Comprehensive Plan and it is in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE, AS FOLLOWS:

SECTION 1. CONFLICTS AND REPEALER. The following provisions of the City of Brooksville Code of Ordinances are hereby repealed in their entirety: Division 3 of Article III of Chapter 2, "Code Enforcement;" Division 4 of Article III of Chapter 2, "Code Enforcement Hearing Officer; Enforcement Hearings and Procedure;" Chapter 6, "Alcoholic Beverages;" Chapter 10, "Amusements and Entertainment;" Chapter 101, "General and Administrative," Chapter 102, "Animals and Fowl," Chapter 103, "Reserved," Chapter 104, "Reserved," Chapter 105, Buildings and Building Regulations," Chapter 106, "Reserved," Chapter 107, "Reserved," Chapter 108, "Reserved," Chapter 109, "Environmental Protection and Natural Resources," Chapter 110, "Reserved," Chapter 111, "Reserved," Chapter 112, "Reserved," Chapter 113, "Flood Prevention and Protection," Chapter 114, "Reserved," Chapter 115, "Reserved," Chapter 116, "Reserved," Chapter 117, Manufactured Homes and Trailers," Chapter 118, "Reserved," Chapter 119, "Reserved," Chapter 120, "Reserved," Chapter 121, "Roads and Transportation Facilities," Chapter 122, "Reserved," Chapter 123, "Reserved," Chapter 124, "Reserved," Chapter 125, "Signs," Chapter 126, "Reserved," Chapter 127, "Reserved," Chapter 128, "Reserved," Chapter 129, "Subdivision Regulations," Chapter 130, "Reserved," Chapter 131, "Reserved," Chapter 132, "Reserved," Chapter 133, "Telecommunications Facilities," Chapter 134, "Reserved," Chapter 135, "Reserved," Chapter 136, "Reserved," and Chapter 137, "Zoning and Land Use." In addition, all other ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 2. LAND DEVELOPMENT CODE. The Land Development Code of the City of Brooksville shall be as set forth in Exhibit A of this Ordinance which is attached hereto and incorporated herein in *haec verba*. The Land Development Code shall include Article I, "General Provisions," Article II, "Zoning Districts, Uses and Lot Requirements," Article III, "Special Districts and Development Options," Article IV, "General Requirements and Supplemental Regulations," Article V, "Natural Resources," Article VI, "Adequate Public Facilities," Article VII, "Signs," Article VIII, "Administration, Application and Appeal Procedures," Article IX, "Interpretations and Nonconformities," Article X, "Buildings and Building Regulations," and Article XI, "Definitions."

SECTION 3. CODIFICATION. The Land Development Code of the City of Brooksville shall be codified as Subpart B of Part II of the City's Code of Ordinances. It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida. The Code codifier is granted authority to codify the provisions of this Ordinance.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

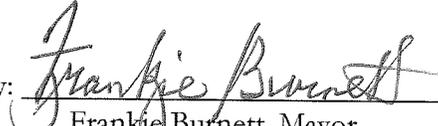
SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE

Attest:


Janice L. Peters, CMC, City Clerk

By:


Frankie Burnett, Mayor

PASSED on First Reading October 3, 2011
NOTICE Published on October 7, 2011
PASSED on Second & Final Reading October 17, 2011

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:


Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini	<u>AYE</u>
Bradburn	<u>AYE</u>
Burnett	<u>AYE</u>
Hohn	<u>AYE</u>
Johnston	<u>AYE</u>