

ORDINANCE NO. 235

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY REPEALING AND REPLACING PLAN CHAPTER 3 - DEFINITIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA AS FOLLOWS:

Section 1: AUTHORITY.

The authority for enactment of this Ordinance is Chapter 163, Part II and Section 163.021, Florida Statutes, and the Cinco Bayou Comprehensive Plan.

Section 2: PURPOSE.

The purpose of this Ordinance is to amend the adopted Comprehensive Plan so as to repeal and replace Comprehensive Plan Chapter 3 – Definitions.

Section 3: LEGISLATIVE FINDINGS OF FACT.

WHEREAS, the Town Council finds that since Florida Administrative Code Rule 9J-5 has been repealed and the Town's Plan had relied on the definitions within the rule, it is necessary to create a new definitions chapter (element) to insure the completeness of the Plan, and ;

WHEREAS, the Town Council finds that there is no opportunity for urban sprawl within the town and that development or redevelopment results in compact orderly growth and;

WHEREAS, a public hearing precedent to final adoption of this Ordinance has been duly noticed and conducted by the Town Council, and;

WHEREAS, this Ordinance contains an amendment to the Comprehensive Plan which amendment is treated as a unit, and;

WHEREAS, this Ordinance amends Ordinance no. 135, as amended, and;

WHEREAS, this Ordinance and the amendment adopted hereby are in the best interests of the Town and its citizens.

Section 4: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT.

The amendment shown and delineated in Attachment "A" to this Ordinance is hereby adopted and Attachment "A" is incorporated herein by reference. In addition, Chapter 3 of the Plan as existing prior to this amendment is hereby repealed.

Section 5: SEVERABILITY.

It is declared the intent of the Town Council of the Town of Cinco Bayou that if any subsection, clause, sentence, provision or phrase of this Ordinance or the amendment adopted hereby is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional any remaining provisions of this Ordinance or Amendments.


Section 6: EFFECTIVE DATE.


The effective date of this Ordinance and the Comprehensive Plan Amendments adopted hereby shall be thirty-one (31) days after the State Land Planning Agency notifies the Town that the amendment package is complete. If timely challenged, this Ordinance and the Comprehensive Plan Amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the Plan Amendment to be in compliance.

PASSED AND ADOPTED ON SECOND READING BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 9th DAY OF JUNE, 2016.

ATTEST:


THE TOWN OF CINCO BAYOU, FLORIDA

BY: 
Keith Williams
Town Manager/Clerk

BY: 
Jean Hood
Mayor

(SEAL)

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney


C. Jeffrey McInnis, Town Attorney





TOWN OF CINCO BAYOU

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PAULA ANDREWS
TOWN MANAGER/CLERK
KEITH WILLIAMS
TOWN ATTORNEY
C. JEFFREY MCINNIS
TOWN ENGINEER
JOE RECTOR
TOWN PLANNER
JACK DORMAN

June 10, 2016
LETTER OF TRANSMITTAL

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
Division of Community Development
107 East Madison Street
Caldwell Bldg., MSC 160
Tallahassee, FL 32399-0800

Dear Mr. Eubanks:

1. This Letter of Transmittal is in accordance with Chapter 163, Part II, Florida Statutes, Section 9J-11.006, Florida Administrative Code and guidance provided by the Department. Transmitted herewith is an adopted amendment (16-1ESR) to the Comprehensive Plan of the Town of Cinco Bayou.
2. The purpose of this text amendment is to revise and replace the definitions element (Chapter 3) of the Plan. The current element relies on the definitions in the now repealed rule 9J-5, F.A.C. The revised element is needed to ensure the completeness of the Plan. . The Town requests an **expedited plan review** by the Department and review agencies.
3. On June 9, 2016, the Town Council conducted a duly noticed Public Hearing on the amendment.. At the conclusion of the Hearing, the Council voted to adopt Ordinance No. 235 on second and final reading, which Ordinance adopts the amendment.
4. The Town rescinded concurrency for schools and transportation in 2012.
5. By letter dated April 13, 2016, the Department provided several comments, but no objections, regarding the proposed amendment. The comments of the Department proved very helpful and all have been incorporated into the Amendment. The changes include: A revised definition of Coastal High Hazard Area; Revised definitions of developer and development; Renumbered one section; and added a clarifying sentence to Section 3.01.00 regarding conflicts with Florida Statutes; The definition of Floor Area Ratio has been clarified.
6. One paper copy and two compact disks in the pdf format are included in this transmittal.

7. By copy of this letter, the amendment package (paper) is being provided directly to:

- A. The West Florida Regional Planning Council;
- B. The Florida Department of Transportation, District 3;
- C. The Northwest Florida Water Management District;
- D. The Florida Department of Environmental Protection;
- E. The Florida Department of State;
- F. Okaloosa County; and
- G. Eglin AFB

8. The local contact person is:

Jack Dorman, President
J.E. Dorman & Associates, Inc.
P.O. Box 5354
Destin, Fl 32540
(850) 654-1788 – phone
jedorman@cox.net – e-mail

Thank you in advance for an expedited, favorable review of this submittal. If you have any questions or required additional information, please do not hesitate to contact Mr. Dorman or me.

Sincerely,



Jean Hood, Mayor

CC: Town Council
Okaloosa County
WFRPC, NFWMD, FDOT, FDEP, FDOS
Eglin AFB
J. E. Dorman & Associates, Inc.