

**ORDINANCE NO. 247**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY MODIFYING POLICY 7.A.3.4 TO ADD A NEW FUTURE LAND USE CATEGORY; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR ADOPTION OF AMENDMENT 19-1 ; 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 Sections 166.021 and 163.3177 (3) (b), Florida Statutes, and the Cinco Bayou Comprehensive Plan.

**Section 2: PURPOSE.**

The purpose of this Ordinance is to amend Policy 7.A.3.4 of the Cinco Bayou Comprehensive Plan. The purpose of the amendment is to add a new Future Land Use category that can be used to facilitate small scale residential developments and utilize the small scale amendment process, which process is less expensive than the conventional amendment process and can be completed in a more timely manner.

**Section 3: LEGISLATIVE FINDINGS OF FACT.**

**WHEREAS**, The Town desires to reduce costs associated with the development process, and;

**WHEREAS**, The new Land Use category is one way to lessen the burden on both the Town and private property owners, 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 and the amendments to Policy 7.A.3.4 adopted hereby are in the best interests of the Town and its citizens.

**Section 4: ADOPTION OF AMENDMENT 19-1.**

Amendment 19-1 to Policy 7.A.3.4 as shown and delineated in Attachment "A" to this Ordinance is hereby adopted and Attachment "A" is incorporated herein by reference.

**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 Amendment 19-1.


**Section 6: EFFECTIVE DATE.**


The effective date of this ordinance and plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the Town that the plan amendment package is complete. If the amendment is timely challenged, this amendment and ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

**PASSED AND ADOPTED ON SECOND READING BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA ON THIS 13th DAY OF FEBRUARY, 2020.**

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



**Attachment “A”**

**Ordinance No. 247**

**Amendment 19-1ESR**

Words underlined are additions and words ~~stricken~~ are deletions.



**Policy 7.A.3.4** – The LDC, adopted pursuant to Policy 7.A.1.1 shall include regulations pursuant to Policy 7.A.1.2 (b) with the following residential densities:

a. The Low Density Residential (LDR) category is limited to residential uses, customary accessory uses, recreation uses, places of worship and planned unit developments. Lands in this category may be developed with up to 6 units per gross acre. Non-residential uses, if any, shall be governed by the floor area ratios shown in in the Commercial category below.

b. The Medium Density residential category is limited to residential uses, customary accessory uses, recreation uses, places of worship and planned unit developments. Small scale neighborhood commercial uses may be allowed if such uses are part of a planned unit development. Lands in this category may be developed with up to 15 dwelling units per gross acre and non-residential uses, if any, shall be governed by the floor area ratios shown in the Commercial category below.

c. The Medium Density Limited Residential (MDLR) land use category is limited to residential uses, customary accessory uses, recreation uses and places of worship. Specific uses allowed include single-family and multi-family residential structures, planned unit developments and other uses allowed in the Low Density Residential category. Small scale neighborhood commercial uses and businesses may be allowed if such uses are part of a planned unit development.

Land in this category may be developed with a gross density of up to 9.99 units per acre.

d. Compatible uses ancillary to the residential land use categories will be allowed under stipulated conditions.

e. The densities and intensities within the Commercial land use category are defined by the following floor area ratios:

One story building - .39;

Two story building - .56;

Three story building - .74.

f. The Mixed Use land use category is limited to areas that exhibit an existing or planned development pattern reflecting a variety of uses, densities and non-residential uses.

Specific residential uses allowed in this category include single-family residential and multi-family residential. Specific non-residential uses include recreation uses, neighborhood and general commercial and business uses, offices, restaurants,

motels, hotels and other temporary lodging facilities, clinics and medical facilities, churches and places of worship, when such uses do not create any adverse off-site impacts to other properties or to protected environmental resources. Other similar uses may be allowed based on compatibility with existing nearby uses. PUD are allowed and encouraged in this category.

The residential density for this category is up to 15 units per gross acre. Through density bonus provisions, the density may be increased by up to 10% for a specific parcel or property so qualifying (see Section 7.03.00 of the Land Development Code, adopted February 1, 1991 for density bonus provisions and requirements). If the density bonus is based on the provision of affordable housing as defined by Rule 9J-5.003, FAC, the density for the parcel or property may be increased by up to 20%.

The intensity of non-residential uses is limited by a Floor Area Ratio (FAR) of 1 and an impervious surface coverage of 75%.

Where low density lands or single family neighborhoods exist adjacent to a property proposed for development in this category, compatibility shall be demonstrated using the criteria established in the Land Development Code. Such criteria includes, but is not limited to, the scale, density/intensity of the proposed development and existing development, existing and proposed building heights and orientation, site design, buffers and setbacks and orderly transitions from lower density/intensity uses to higher density/intensity uses. Typically, lower density uses will be near the perimeter of a development site or the adjacent low density land or uses and higher density uses will be internal to the site or transitioned for the adjacent low density area.

The mix of uses shall be approximately 50% residential and 50% non-residential on a category wide basis. The mix of uses for any single application for development under this category shall be as specified on the development plans approved by the Town for the proposed development. It is the intent of this provision to encourage mixed use re-development projects, but single use developments or re-developments may also be approved.

Applicants are encouraged to refer to Appendix A of the Town Code for height, area and bulk restrictions within any land use category and zoning district.