

**ORDINANCE NO. 239**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY UPDATING THE TEXT IN THE COASTAL MANAGEMENT ELEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENT; 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 by updating the Coastal Management text to reflect recent changes in Florida law.

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

**WHEREAS**, the legislature recently added additional required provisions in local government comprehensive plans, and;

**WHEREAS**, the Town is required to update its comprehensive plan to reflect changes in law, and;

**WHEREAS**, the Town submitted the proposed changes to the State for review prior to adoption and the State had no objections to such changes, 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.

**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 the 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 11th DAY OF JANUARY, 2018.**

**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

