

ORDINANCE NO. 230

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING, REVISING AND UPDATING THE LAND DEVELOPMENT CODE TO REFLECT CHANGED CONDITIONS AND CHANGES IN LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR ADOPTION OF REVISED AND UPDATED LAND DEVELOPMENT CODE; PROVIDING FOR PRODUCTION AND DISTRIBUTION OF REVISED LAND DEVELOPMENT CODE; PROVIDING FOR INCORPORATION INTO CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; 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, Section 163.021, Section 166.021 and Section 166.041, Florida Statutes, and the Cinco Bayou Comprehensive Plan.

Section 2: PURPOSE.

The purpose of this Ordinance is to update and revise the adopted Land Development Code to reflect changed conditions, changes in law, add new provisions and delete old, out-of-date provisions.

Section 3: LEGISLATIVE FINDINGS OF FACT.

WHEREAS, the Town Council finds that the updated Land Development Code adopted herein will promote compact, orderly development and discourage urban sprawl, and;

WHEREAS, public hearings precedent to final adoption of this Ordinance have been duly noticed and conducted by the Local Planning Agency and the Town Council, and;

WHEREAS, this Ordinance fulfills the purposes set forth in Section 2, above, and;

WHEREAS, the provisions in the revised and updated Land Development Code adopted hereby are the minimum necessary to conform the Code to changes in law, changes in the rules governing local government development regulations and changed conditions, and;

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

Section 4: ADOPTION OF REVISED AND UPDATED LAND DEVELOPMENT CODE.

The revised and updated Land Development Code shown and delineated in Attachment "A" to this Ordinance is hereby adopted and Attachment "A" is incorporated herein by reference.

Section 5: PRODUCTION AND DISTRIBUTION OF REVISED LAND DEVELOPMENT CODE.

The document shown in Attachment "A" and adopted in Section 4, above, shows all changes to the current Land Development Code in the strike-through and underlined format and it contains a series of notes explaining provisions moved, merged, added or deleted. The Town Council hereby authorizes the production of a final version of the revised and updated Land Development Code by deleting the provisions shown as deleted, deleting the underlining of provisions added and deleting the notes within the document. In addition, the Town Council authorizes the distribution of the final version to all appropriate entities.

Section 6: INCORPORATION INTO CODE OF ORDINANCES.

The final version of the revised and updated Land Development Code authorized by Section 5 above, shall be incorporated into the Town of Cinco Bayou's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 7: CONFLICTING PROVISIONS.

Town Ordinances and Town Resolutions, or parts thereof, in conflict with the provisions of the revised and updated Land Development Code adopted herein are hereby repealed by this Ordinance to the extent of such conflict.

Section 8: 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 amendments 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 9: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its final passage and adoption by the Town Council and signature of the Mayor..

PASSED AND ADOPTED ON SECOND READING BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 9th DAY OF JANUARY, 2014.

ATTEST:

THE TOWN OF CINCO BAYOU, FLORIDA

BY: Nell Dykes
Nell Dykes
Town Manager/Clerk

BY: Theresa Farley
Theresa Farley
Mayor

(SEAL)

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

C. Jeffrey McInnis
C. Jeffrey McInnis, Town Attorney

