

## **ORDINANCE NUMBER 224**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE CHAPTER 94, ARTICLE II, SECTION 94-112(c) OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 94, ZONING AND LAND USE CONTROLS, SECTION 94-112(c) TO INCLUDE A BUILDING SITE AREA MINIMUM FRONT LOT WIDTH FOR SINGLE-FAMILY DETACHED DWELLINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN OF CINCO BAYOU, FLORIDA ("TOWN"), AS FOLLOWS:**

### **SECTION 1: AUTHORITY.**

The authority for the enactment of this Ordinance is Chapter 163, Part II, *Florida Statutes*; and Sections 166.021 and 166.041, *Florida Statutes*.

### **SECTION 2: FINDINGS OF FACT.**

**WHEREAS**, this Ordinance amends Chapter 94, Article II, Section 94-112(c) of the Town of Cinco Bayou Code of Ordinances, to include a building site area minimum front lot width for single-family detached dwellings; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Cinco Bayou Town Council sitting as the Local Planning Agency with its recommendations reported to the Town Council; and

**WHEREAS**, public hearings have been conducted by the Town Council after due public notice; and

**WHEREAS**, the Town Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interests of the Town and its citizens.

### **SECTION 3: PURPOSE.**

The purpose of this Ordinance is to amend the Town of Cinco Bayou Code of Ordinances to include certain provisions of Chapter 94 in order to include a building site area minimum front lot width for single-family detached dwellings under Chapter 94, Article II, Section 94-112(c) of the Town of Cinco Bayou Code of Ordinance. The amendments are set forth herein.

**SECTION 4: AMENDMENT TO CHAPTER 94, Article II, Section 94-112(c), TOWN OF CINCO BAYOU CODE OF ORDINANCES.**

Section 94-112(c), of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended in its entirety to read as follows:

(c) *Building site area.* The minimum building site area shall be one lot or a parcel of land 5,000 square feet in area for each single-family dwelling; for each two-family dwelling, 3,000 square feet; and, for each multiple-family dwelling, 1,500 square feet. Such parcels or lots, for single-family detached dwellings, shall have a minimum front width of at least 50 feet. Where a lot or parcel of land has an area of less than the minimum required by this subsection and was recorded as such at the time of the passage of this Code, the lot may be occupied by a one-family dwelling; provided, however, that the minimum side and front yard requirements set out in this section are conformed with.

**SECTION 5: REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.**

All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

**SECTION 6: SEVERABILITY.**

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7: EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon passage.

**WAS PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 8TH DAY OF DECEMBER 2011.**

**ATTEST:**

BY: Nell Dykes  
Nell Dykes, Town Manager/Clerk

**THE TOWN OF CINCO BAYOU, FLORIDA**

BY: Theresa Farley  
Theresa Farley, Mayor

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

C. Jeffrey McInnis  
Town Attorney

