

ORDINANCE NUMBER 206

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE CHAPTER 94, ARTICLE II, SECTION 94-114(a)(20) AND SECTION 94-115(a)(12) 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 94-114(a)(20) TO DELETE REFERENCE TO BILLBOARDS; PROVIDING AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 94, ZONING AND LAND USE CONTROLS, SECTION 94-115(a)(12) TO DELETE REFERENCE TO BILLBOARDS; 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, Sections 94-114(a)(20) and 94-115(a)(12) of the Town of Cinco Bayou Code of Ordinances, to delete references to billboards; 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 the Town's Sign Ordinance and is in the best interests of the Town and its citizens.

SECTION 3: PURPOSE.

The purpose of this Ordinance is to amend the Code of Ordinances to remove certain provisions of Chapter 94 in order to consolidate the regulation of signs under Chapter 83 of the Town of Cinco Bayou Code of Ordinance. The amendments are set forth herein.

SECTION 4: AMENDMENT TO CHAPTER 94, Article II, Section 94-114(a)(20), TOWN OF CINCO BAYOU CODE OF ORDINANCES.

Section 94-114(a)(20), of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended in its entirety to read as follows:

- (20) No outdoor sales or display of merchandise or products will be permitted in connection with any of the foregoing uses.

SECTION 5: AMENDMENT TO CHAPTER 94, Article II, Section 94-115(a)(12), TOWN OF CINCO BAYOU CODE OF ORDINANCES.

Section 94-115(a)(12) of the Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended to read as follows:

- (12) Advertising signs, panels and structures shall not exceed 35 feet in height from the ground.

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.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA ON THIS 12th DAY OF AUGUST 2004.

ATTEST:

THE TOWN OF CINCO BAYOU, FLORIDA

BY: Nell Webb

BY: Norm Frucci

Nell Webb
Town Manager/Clerk

Norm Frucci
Mayor



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



C. Jeffrey McInnis
Town Attorney