

ORIDNANCE NO. 144

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR THE ADOPTION OF THE LAND DEVELOPMENT CODE AND THEREBY IMPLEMENTING THE TOWN'S COMPREHENSIVE PLAN 2000; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the Florida Legislature has enacted the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes 1989) which mandates the preparation of comprehensive plans and unified land development codes for all units of local government; and

WHEREAS, the Town Council of the Town of Cinco Bayou, Florida has determined that the Comprehensive Plan 2000, Ordinance No. 135, is compatible with and furthers the State Comprehensive Plan, the West Florida Comprehensive Regional Policy Plan and the Okaloosa County Comprehensive Pla,; and

WHEREAS, the adoption of a unified land development code is required to implement the Comprehensive Plan;, and

WHEREAS, Section 163.3194 (1)(b), F.S 1989 requires that land development regulations be consistent with the Comprehensive Plan and Section 163.3202, F.S. 1989 details the minimum requirements for content of the Town's Land Development Code (LDC); and

WHEREAS, the Town Council of the Town of Cinco Bayou finds that the regulations contained within this LDC are necessary to protect the public safety, general welfare, natural environment and economic vitality of the Town.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, that Ordinance No. 144 is hereby adopted in conformance with the provisions of Chapter 163, F.S. 1989.

SECTION 1. Title: This ordinance shall be known as the "CINCO BAYOU LAND DEVELOPMENT CODE".

SECTION 2. Jurisdiction: The lands subject to this ordinance shall include all areas within the corporate limits of the Town of Cinco Bayou, Florida.

SECTION 3. Intent: This ordinance provides public policy mechanisms and regulations for growth management (development and redevelopment) in order to serve the residents and property owners of Cinco Bayou and maintain and improve the quality of life for all citizens of the Town. This ordinance is intended to implement the Cinco Bayou Comprehensive Plan and, toward that end, is to be construed liberally in favor of the goals, objectives and policies of the plan.

SECTION 4. Abrogation: This ordinance is not intended to repeal, abrogate or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of the Town or Okaloosa County.

SECTION 5. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.



Adopted this 14th day of January, 1991.

Approved:

Charles R. Leginess
Mayor

Attest:

Ann B. Borchert
Town Manager/Clerk