

ORDINANCE NO. 260

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY ADOPTING A SET OF EAR-BASED AMENDMENTS; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR THE ADOPTION OF TEXT AND MAP SERIES AMENDMENTS TO THE COMPREHENSIVE PLAN; 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 Town of Cinco Bayou Comprehensive Plan.

SECTION 2: PURPOSE.

The purpose of this Ordinance is to adopt amendments to the Town of Cinco Bayou Comprehensive Plan, including text amendments and updates to the Future Land Use Map Series, commonly referred to as EAR-based amendments, undertaken to reflect changes in state law, administrative rules, and local conditions, and processed in accordance with Section 163.3184, Florida Statutes.

SECTION 3: LEGISLATIVE FINDINGS OF FACT.

WHEREAS, the Town Council finds that this Ordinance is necessary to update, clarify, and modernize the Comprehensive Plan, improve internal consistency, and reflect current conditions and applicable law; and

WHEREAS, the Town Council finds that the amendments adopted herein will promote compact, orderly development and discourage urban sprawl; and

WHEREAS, public hearings required for transmittal and adoption have been duly noticed and conducted in accordance with applicable law; and

WHEREAS, this Ordinance contains a set of amendments to the Comprehensive Plan which amendments are treated as a unit; and

WHEREAS, this Ordinance amends Ordinance No. 219, as amended; and

WHEREAS, the amendments adopted hereby are the minimum necessary to conform the Plan to changes in law, changes in the rules governing local government comprehensive plans, changed conditions, and comments and recommendations of the Florida Department of Commerce; and

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

WHEREAS, the Town Council finds that the amendments adopted herein are consistent with and further the requirements of Chapter 163, Part II, Florida Statutes.

SECTION 4: ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.

The Town Council hereby adopts the amendments to the Town of Cinco Bayou Comprehensive Plan as set forth in Attachment “A” attached hereto and incorporated herein by reference. The amendments shall be treated as a single and integrated package, and no portion shall be deemed to have been adopted independently of the remainder.

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 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 6: EFFECTIVE DATE.

The effective date of these Comprehensive Plan Amendments, if the amendments are not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that the amendments are in compliance. If the amendments are timely challenged, or if the state land planning agency issues a notice of intent determining that the amendments are not in compliance, the amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining the adopted amendments to be in compliance. No development orders, development permits, or development dependent on these amendments may be issued or commence before they have become effective.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU,
FLORIDA, ON SECOND READING ON THIS 28TH DAY OF OCTOBER, 2026.

ATTEST:

TOWN OF CINCO BAYOU, FLORIDA

Keith Williams
Town Manager/Town Clerk

Danny Dillard
Mayor Pro Tem

(SEAL)

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

C. Jeffrey McInnis
Town Attorney

ATTACHMENT “A”
ORDINANCE NO. 260
ADOPTED OCTOBER 28, 2026

The following are the Comprehensive Plan Amendments adopted by Ordinance No. 260. These amendments include revisions to goals, objectives, and policies, updates for statutory compliance, and modifications to the Future Land Use Map Series. The Amendments affect the following Elements (Chapters) of the Plan:

Chapter 1 – Legal
Chapter 2 – Administration
Chapter 3 – Definitions
Chapter 4 – Public Participation
Chapter 5 – General Requirements
Chapter 6 – Concurrency Management System
Chapter 7 – Future Land Use Element
Chapter 8 – Transportation Element
Chapter 9 – Housing Element
Chapter 10 – Infrastructure Element
Chapter 11 – Coastal Management and Conservation Element
Chapter 12 – Recreation and Open Space Element
Chapter 13 – Intergovernmental Coordination Element
Chapter 14 – Capital Improvements Element
Chapter 15 – Property Rights Element
Future Land Use Map (FLUM) Series

All changed provisions are shown, in sequence, in the underlined and ~~strike-through~~ format (words underlined are additions and words stricken are deletions). Additional modifications made following transmittal and not previously reviewed by the Florida Department of Commerce are identified using double underlining for additions and ~~double strike-through~~ for deletions.