

ORDINANCE NO. 261

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE SECTION 7.06.00 TO ADD A ZONING DISTRICT TO BE KNOWN AS "PUBLIC USE"; FURTHER AMENDING THE LAND DEVELOPMENT CODE TO RE-NUMBER CURRENT SECTION 7.06.07 TO BECOME 7.06.08; FURTHER AMENDING THE LAND DEVELOPMENT CODE TO CREATE A NEW SECTION 7.06.07 TO BE ENTITLED PUBLIC USE (PU); PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE; PROVIDING FOR LEGISLATIVE FINDINGS OF FACT; PROVIDING FOR ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP TO DESIGNATE PUBLIC USE DISTRICT AREAS; PROVIDING FOR PRODUCTION AND DISTRIBUTION OF AMENDED LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; 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, §163.021 and §§166.021 and 166.041, *Florida Statutes*, and the Town of Cinco Bayou, Florida (the "Town") Comprehensive Plan.

SECTION 2: PURPOSE.

The purpose of this Ordinance is to adopt amendments to the Town of Cinco Bayou Land Development Code to amend Section 7.06.00 creating a Public Use (PU) district, re-number former Section 7.06.07 and add a new Section 7.06.07 creating the Public Use zoning district and to amend the Official Zoning Map to designate certain properties for Public Use. The PU district is intended to accommodate governmental, civic, recreational and related public and institutional uses and to ensure consistency between the Town's Land Development Code and existing land use patterns within the Town.

SECTION 3: LEGISLATIVE FINDINGS OF FACT.

WHEREAS, the Town Council finds that the creation of a Public Use (PU) zoning district is necessary to implement the Town's Comprehensive Plan and to provide appropriate zoning for publicly owned and quasi-public lands; and

WHEREAS, the Town Council finds that the amendments to the Land Development Code adopted herein will add a necessary land use category to reflect existing public, civic, recreational and institutional uses and changed land use conditions within the Town; and

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

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

WHEREAS, the Town Council finds that this Ordinance promotes the public health, safety and welfare and ensures the orderly development of land within the Town; and

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

SECTION 4: ADOPTION OF AMENDMENTS TO TOWN OF CINCO BAYOU LAND DEVELOPMENT CODE.

4.00-Section 7.06.00 of the Town of Cinco Bayou Land Development Code, entitled “Zoning districts” is hereby deleted in its entirety and replaced with the following provision:

7.06.00 – Zoning Districts

In order to classify and regulate the uses of land and buildings, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the intensity of land use, the Town of Cinco Bayou is divided into six (6) zoning districts to be known as:

- R-1 Low Density Residential
- R-2 Medium Density Residential District
- C-1 Limited Commercial District
- C-2 General Commercial District
- MU Mixed Use District
- PU Public Use District

4.01-Section 7.06.07 of the Town of Cinco Bayou Land Development Code, entitled “Additional height and area regulations” shall be renumbered as Section 7.06.08.

4.02 A new Section 7.06.07 to be entitled “Public Use District” shall be added to the Town of Cinco Bayou Land Development Code as follows:

7.06.07 – Public Use District

A. *Uses permitted.* Within any Public Use District, no buildings, structures, land or water shall be used except for one or more of the following uses:

1. Governmental, civic, and public uses.
2. Educational uses.
3. Public safety uses.

4. Public parks, playgrounds, and recreational facilities.
 5. Lands for public access, and trails.
 6. Open space, natural areas, conservation areas.
 7. Stormwater management facilities.
 8. Cemeteries.
 9. Essential public services, utilities and infrastructure.
 10. Other public or institutional uses that serve the health, safety and welfare of the community.
- B. Building height regulations: No building or structure shall exceed forty-five (45') feet in height unless otherwise allowed by this Land Development Code.
- C. Building site area regulations: None.
- D. Yard/setback regulations:
Setbacks shall be measured as the horizontal distance from the property line of the nearest edge of any vertical structure element of a building or structure.
 1. Front yard/setback. There shall be a front yard setback having a depth of not less than ten (10') feet from the property line.
 2. Side yard/setback. None, except when the side of a lot abuts a residential district, there shall be a side setback of not less than ten (10') feet on that side; or if the side yard abuts a street the side yard setback shall have a depth of not less than ten (10') feet.
 3. Rear yard/setback. There shall be a rear yard setback having a depth of not less than ten (10') feet. Accessory buildings shall be seven and one-half (7½') feet from the rear line.
- E. Off-street parking regulations: See Section 6.06.06 of this Code.
- F. Parks and recreation regulations: See Section 34 of this Code.

SECTION 5. AMENDMENT TO OFFICIAL ZONING MAP.

The Official Zoning Map of the Town of Cinco Bayou, Florida, is hereby amended to designate certain properties, as identified and depicted on Exhibit "A", as Public Use (PU), as shown on Exhibit "A" attached hereto and incorporated herein by reference. The PU designation reflects existing public, civic, recreational, and institutional uses and is intended to ensure consistency between the Land Development Code and existing land use patterns within the Town. This designation is not intended to expand or authorize uses beyond those permitted by the Land Development Code.

SECTION 6: PRODUCTION AND DISTRIBUTION OF AMENDED LAND DEVELOPMENT CODE.

The amendments to the Land Development Code in Section 4, above, show the changes to the current Land Development Code in the strike-through and underlined format. The Town Council hereby authorizes the production of a final version of the amended Land Development Code by deleting the provisions shown as deleted, deleting the underlining of provisions added. In addition, the Town Council authorizes the distribution of the final version to all appropriate entities.

SECTION 7: CODIFICATION.

It is the intent of the Town Council that the provisions of this Ordinance shall be codified and incorporated into the Town of Cinco Bayou Land Development Code. The codifier is authorized to make necessary formatting, numbering, and editorial changes consistent with the intent of this Ordinance.

SECTION 8: CONFLICTING PROVISIONS,

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

SECTION 9: SEVERABILITY.

It is the declared intent of the Town Council of the Town of Cinco Bayou that if any subsection, clause, sentence, provision or phrase of this Ordinance 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.

SECTION 10: 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 BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA ON SECOND READING ON THIS _____ DAY OF _____ 2026.

**THE TOWN OF CINCO BAYOU,
FLORIDA**

ATTEST:

Keith Williams, Manager/Town Clerk

By: _____
Jean Hood, Mayor

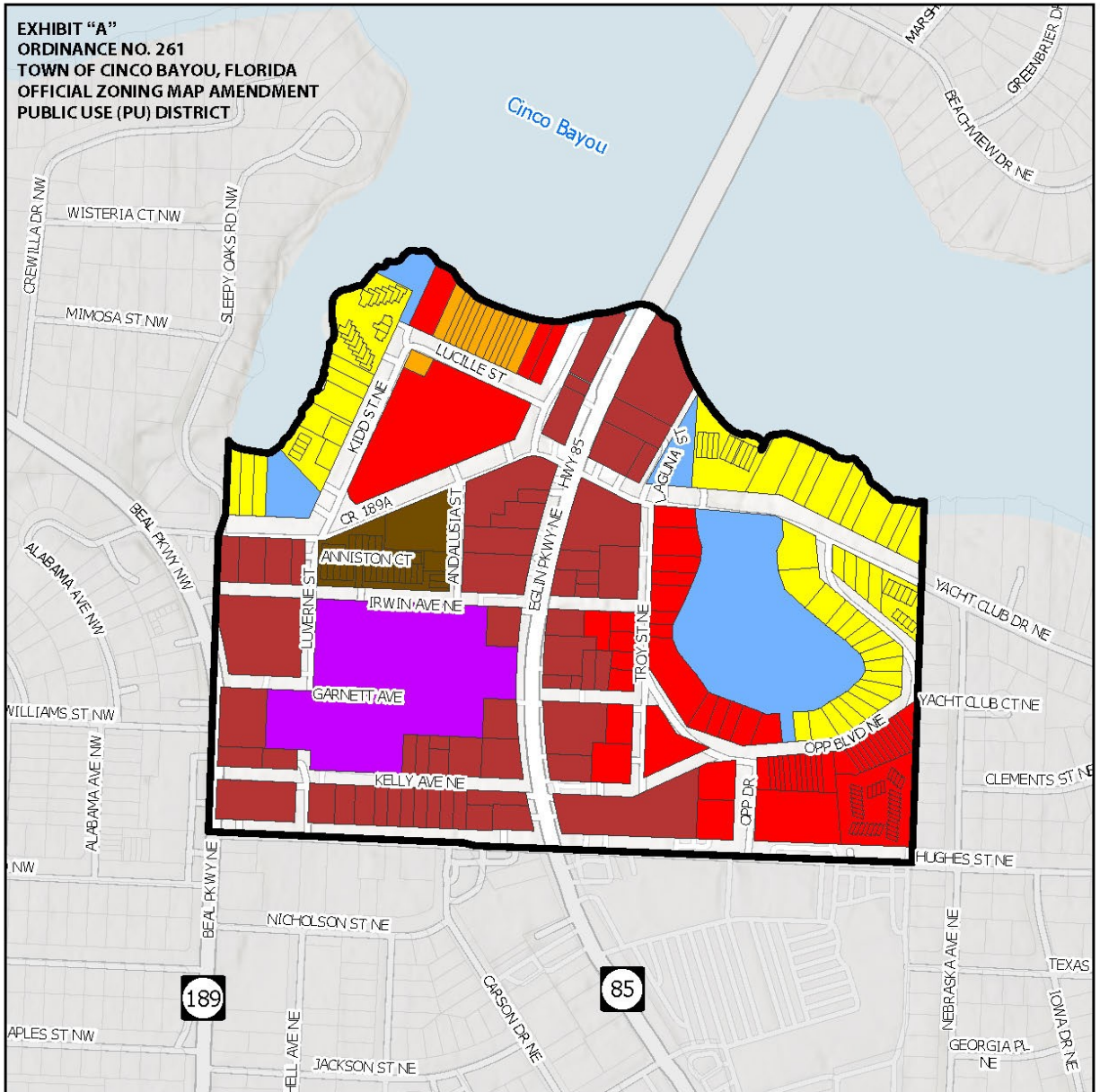
The form and legal sufficiency of the forgoing
instrument has been reviewed and approved by
the Town Attorney.

C. Jeffrey McInnis, Town Attorney

First Reading: _____

Second Reading: _____

EXHIBIT "A"
ORDINANCE NO. 261
TOWN OF CINCO BAYOU, FLORIDA
OFFICIAL ZONING MAP AMENDMENT
PUBLIC USE (PU) DISTRICT



Zoning

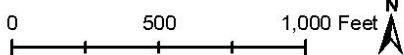
Legend

- Municipal Boundary
- Parcel Boundaries

Zoning

- R-1, Low Density Residential
- R-2, Medium Density Residential

- C-1, Limited Commercial
- C-2, General Commercial
- MU, Mixed-Use
- PMDD, Planned Medium Density Development
- PU, Public Use



This map depicts the properties designated as Public Use (PU) pursuant to Ordinance No. 261 and shall amend the Official Zoning Map of the Town of Cinco Bayou. PU-designated areas reflect existing public, civic, recreational, and institutional.



Source: ESR 1
 Date: 12/3/2025