

ORDINANCE NO. 2741-08

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA, RESCINDING ORDINANCE 2720-07 ADOPTED
ON AUGUST 27, 2007 THAT ADOPTED A NEW
COMPREHENSIVE PLAN FOR THE CITY OF WINTER PARK
AND AMENDED CHAPTER 58 "LAND DEVELOPMENT
CODE" ARTICLE I, "COMPREHENSIVE PLAN".**

Whereas, on August 27, 2007 the City of Winter Park adopted Ordinance 2720-07 relating to adoption of a proposed new Comprehensive Plan (the "2007 Proposed Comprehensive Plan") which, if effective, would have replaced the previous Comprehensive Plan; and

Whereas, following the adoption of Ordinance 2720-07, the City of Winter Park submitted the 2007 Proposed Comprehensive Plan to the Florida Department of Community Affairs for its statutorily required review process; and

Whereas, the Florida Department of Community Affairs has issued a Notice of Intent to find the 2007 Proposed Comprehensive Plan not in compliance with Chapter 163, *Florida Statutes*, and regulations promulgated by the Department thereunder, based on certain deficiencies in the 2007 Proposed Comprehensive Plan, all as set forth in the Notice of Intent served on the City; and

Whereas, based upon the Notice of Intent the City has been made a defendant/respondent in an administrative proceeding in the Florida Department of Administrative Hearings, Case No. 07-5681GM, styled *Department of Community Affairs vs. City of Winter Park, Florida*, in which the Florida Department of Community Affairs seeks a declaration and legally binding ruling that the 2007 Proposed Comprehensive Plan is not in compliance with the governing legal standards; and

Whereas, the Florida Department of Community Affairs has confirmed that repeal or rescission of the 2007 Proposed Comprehensive Plan, and adoption of a plan which eliminates, to the extent possible, the deficiencies referenced in the Notice of Intent, would be an acceptable way to proceed, and would result in dismissal of the administrative proceeding referenced above; and

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the City Commission for the adoption of this Ordinance.

SECTION 2. The City Commission hereby officially and expressly rescinds and repeals Ordinance No. 2720-07, previously adopted on August 27, 2007. A copy of this

Ordinance shall, upon passage, be filed with the Florida Department of Community Affairs, and the Department shall be requested to have DOAH Case No. 07-5681GM dismissed.

SECTION 3. All ordinances or portions or ordinances in conflict herewith are hereby repealed. This ordinance shall become effective immediately upon its final passage and adoption, pursuant to Section 166.041(4), *Florida Statutes*.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 12th day of May, 2008.



Mayor David C. Strong

ATTEST:



City Clerk Cynthia Bonham