

ORDINANCE NO. 2872-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, IMPOSING AND EXTENDING A TEMPORARY MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT CLINICS"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2840-11, the City of Winter Park adopted a temporary moratorium for three hundred twenty (320) days, on the issuance of, business tax receipts, business licensure and land use approvals for the operation of "pain management clinics"; and

WHEREAS, the City of Winter Park, Florida adopts by this reference and incorporates herein all other findings made by the City Commission in Ordinance No. 2840-11; and

WHEREAS, Section 9 of Ordinance No. 2840-11 contemplates up to an additional ninety (90) days for the temporary moratorium, upon finding that additional time is needed for staff to conclude its review of the problems associated with pain management clinics within the City and for the drafting of regulation of those businesses as set forth in Ordinance No. 2840-11; and

WHEREAS, additional time is reasonably required to adequately address the issues described in Ordinance No. 2840-11 facing the City of Winter Park; and

WHEREAS, the City Commission of the City of Winter Park by this Ordinance, after holding a public hearing, specifically does make those findings, i.e. that the problems giving rise to the need for the temporary moratorium established by Ordinance No. 2840-11, continue to exist, that reasonable progress is being made in carrying out a specific and prompt plan of corrective action, and that additional time is reasonably needed to adequately address the issues facing the City as set forth in Ordinance No. 2840-11.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER PARK HEREBY ORDAINS, AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated herein by reference.

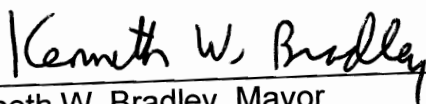
Section 2. Extension of Temporary Moratorium. The temporary moratorium enacted and imposed by Ordinance No. 2840-11, by this City Commission, on or about April 25, 2011, is hereby extended, an additional forty-five (45) days, on the issuance of any business tax license or receipt, permit, conditional use approval, site plan approval, and any other official action of the City of Winter Park having the effect of permitting or allowing construction and/or operations of certain businesses within the City of Winter Park related to the operation of pain clinics and pain management clinics as defined in Ordinance No. 2840-11. All definitions, terms, conditions and requirements contained in and imposed by the temporary moratorium (Ordinance No. 2840-11) are hereby adopted by this reference and extended for an additional forty-five (45) days.

Section 3. Repeal of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida, and pursuant to City Charter.

ADOPTED by the City Commission of the City of Winter Park, Florida, in a regular meeting held on the 12th day of March, 2012.


Kenneth W. Bradley, Mayor

Attest: 
Cynthia S. Bonham, City Clerk