

MAY 07 1996 JW/RR

Effective: 5/13/96

ORDINANCE NO. 96-13

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING ORANGE COUNTY ORDINANCE NO. 91-16, WHICH ESTABLISHED THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "1990-2010 COMPREHENSIVE POLICY PLAN," AS AMENDED; PROVIDING FOR RESCISSION OF THOSE AMENDMENTS WHICH MODIFIED FUTURE LAND USE ELEMENT OBJECTIVE 1.2 AND POLICY 1.2.1 THROUGH ORDINANCE NO. 95-13, IN ACCORDANCE WITH THE STIPULATED SETTLEMENT AGREEMENT IN *DEPARTMENT OF COMMUNITY AFFAIRS V. ORANGE COUNTY*, DOAH CASE NO. 95-3752GM; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

- a. On July 1, 1991, the Orange County Board of County Commissioners adopted a new comprehensive plan pursuant to Sections 163.3161 - 163.3243, Florida Statutes, known as the "Local Government Comprehensive Planning and Land Development Regulation Act" ("Act"), which sets forth the procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan.
- b. The Board of County Commissioners ("Board") adopted this comprehensive plan by Ordinance No. 91-16.
- c. This comprehensive plan is known as the "1990-2010 Comprehensive Policy Plan" ("CPP").
- d. The Board amended the CPP through several ordinances, including Ordinance No. 95-13, approved June 6, 1995.

e. In regards to Ordinance No. 95-13, the Florida Department of Community Affairs (“Department”) issued a “Statement of Intent to Find Comprehensive Plan Amendment Not in Compliance” on July 20, 1995.

f. The County and the Department through a Stipulated Settlement Agreement in *Department of Community Affairs v. Orange County*, DOAH Case No. 95-3752GM, have agreed to those actions necessary to modify or rescind those portions of the amendments contained in Ordinance No. 95-13 which were contested.

g. Orange County has complied with the requirements of the Act and the Stipulated Settlement Agreement for amending the CPP again.

h. On April 18, 1996, the LPA held a public hearing at which it reviewed and made recommendations regarding the proposed amendments to the CPP described in Section 3 of this ordinance.

i. On May 7, 1996, the Board held an adoption public hearing to consider the proposed amendments described in Section 3 of this ordinance.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 - 163.3243, Florida Statutes, as amended.

Section 3. Amendments to the Future Land Use Element In Accordance with Stipulated Settlement Agreement in *Department of Community Affairs v. Orange County*, DOAH Case No. 95-3752GM. The CPP, as amended, is hereby further amended by amending the Future Land Use Element to rescind those amendments as adopted by Ordinance No. 95-13, Section 3, which modified Future Land Use Element Objective 1.2 and Policy 1.2.1. An excerpt

of Ordinance No. 95-13, Section 3, pertaining to Objective 1.2 and Policy 1.2.1 is attached hereto as Exhibit "A" and is incorporated herein. The remainder of Ordinance No. 95-13 and Section 3 of Ordinance No. 95-13, other than the provisions related to Future Land Use Element Objective 1.2 and Policy 1.2.1 are unaffected by this ordinance and shall remain in full force and effect. Specifically, the underlined text in Future Land Use Element Objective 1.2 and Policy 1.2.1 as shown in Exhibit "A" is hereby deleted.

Section 4.     Effective Date. This ordinance shall become effective as provided by general law.