

ORDINANCE NO. 1750

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE IX CONCURRENCY MANAGEMENT OF THE LAND DEVELOPMENT CODE RELATING TO THE ADOPTION OF A MOBILITY PLAN AND MOBILITY FEE SCHEDULE; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(g) of the Florida Constitution and Chapter 166, Florida Statutes, the City has broad home rule powers to adopt ordinances to provide for and operate multimodal transportation systems, including bicycle lanes, greenways, shared-use paths, sidewalks, trails, micromobility facilities, micro transit facilities, services and programs, roadways, intersections, shared mobility services, programs, and technology within the City; and

WHEREAS, Section 163.3180(5)(f), Florida Statutes, encourages local governments (including municipalities such as the City) to develop tools and techniques including adoption of long-term strategies to facilitate development patterns that support multimodal solutions, adoption of area wide service standards that are not dependent on any single road segment function, and establish multimodal service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide an adequate level of personal mobility; and

WHEREAS, Section 163.3180(5)(i), Florida Statutes, authorizes local governments to adopt an alternative mobility funding system; and

WHEREAS, pursuant to Ordinance No. 1749, the City has adopted a mobility fee system, based on the multimodal improvements included in a mobility plan, as an alternative mobility funding system consistent with Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, pursuant to Ordinance No. 1749, the City will no longer collect City transportation impact fees from new development and redevelopment within the City nor will the City collect Seminole County mobility fees from new development and redevelopment within the City; and

WHEREAS, the City has replaced its transportation concurrency and transportation impact fee system, with the adopted mobility fee system consistent with the requirements of Section 163.3180(5)(i), Florida Statutes; and

WHEREAS, the mobility fees imposed by Ordinance No. 1749 (1) are in compliance with the "dual rational nexus test" developed under Florida case law, (2) meet the "essential nexus" and "rough proportionality" requirements established by the United States Supreme Court, in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374

(1994), (3) are consistent with the requirements set forth in Section 163.3180, Florida Statutes, and (4) are consistent with and being imposed in accordance with Section 163.31801, Florida Statutes; and

WHEREAS, the City Council noticed, advertised, scheduled, and held public workshops and hearings in compliance with Florida Statutes with respect to enactment of Ordinance No. 1749; and

WHEREAS, the City Council has determined that, as a result of the adoption of the Mobility Plan and Mobility Fee Schedule that replaces the transportation impact fees, Article IX of the Oviedo Land Development Code, entitled CONCURRENCY MANAGEMENT, should be amended to replace the language therein referring to transportation concurrency with language that refers to the adopted Mobility Plan and Mobility Fee Schedule; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and strikethrough --- shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS

SECTION 1. Legislative Findings and Intent.

(a) The City Council of the City of Oviedo hereby adopts and incorporates into this Ordinance the City Council agenda memorandum relating to this Ordinance No. 1750 as well as the recitals (whereas clauses) contained within this Ordinance.

(b) The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

SECTION 2. Amendment to ARTICLE IX – CONCURRENCY MANAGEMENT, Land Development Code of Oviedo, Florida. Article IX, entitled “Concurrency Management” of the Land Development Code of Oviedo, Florida, is hereby amended to read as set forth in Exhibit “A” attached hereto and made a part hereof.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Savings. The prior actions of the City of Oviedo in terms of the matters relating to the Mobility Plan and Mobility Fee Schedule, as well as any and all actions and activities of the City pertaining thereto or of an associated nature, are hereby ratified and affirmed.

SECTION 5. Codification; Scrivener’s Errors.

(a). Exhibit “A” of this Ordinance shall be codified in the Land Development Code of the City of Oviedo, Florida and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 6. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective on Monday, December 16, 2024.

FIRST READING: August 19, 2024

SECOND READING: September 16, 2024

PASSED AND ADOPTED this 16th day of September 2024.

MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ATTEST:

ELIANNE RIVERA
CITY CLERK