

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY  
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RECORDED AT 11:11:00 AM

## ORDINANCE NO. 1437

**AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING ORDINANCE NO. 1419, UPDATING ADMINISTRATIVE FACILITIES IMPACT FEE; PROVIDING FOR COMPLIANCE WITH THE FLORIDA IMPACT FEE ACT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council retained the firm of Tindale-Oliver & Associates, Inc. in 2004 to study the need to update the City's existing impact fees; and

WHEREAS, Tindale-Oliver & Associates, Inc. prepared and presented to the City Council a report titled, "City of Oviedo Impact Fee Update," (Technical Report) dated July 12, 2006, which has determined:

- 1) that impact fees are necessary to offset the costs to the City associated with meeting the necessary public service and facility demand created by projected new residential and non-residential development;
- 2) that the amount of the impact fees bears a reasonable relationship to the burden imposed upon the City to provide the new public facilities addressed in the Technical Report to new development;
- 3) the expenditure of impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit, by type and per increment of non-residential development;
- 4) that an "essential nexus" exists between the projected new development and the need for additional public facilities to be funded via the development fees; and
- 5) that the amount of the development fees is "roughly proportional" to the fair share of the additional public facilities needed to provide adequate service to new development; and,

WHEREAS, the City Council adopted Ordinance No. 1371 on September 6, 2006:

- 1) adopting and accepting the Technical Report as a composition of legislative findings relating to the enactment of Ordinance No. 1371;
- 2) deleting Article X of the City of Oviedo 2006 Land Development Code;
- 3) updating Impact Fees For Fire and Rescue (Emergency Medical Service); Law Enforcement, Recreation and Parks, and Transportation Facilities;
- 4) establishing an Administrative Facilities Impact Fee;
- 5) providing for compliance with the Florida Impact Fee Act;
- 6) providing for Codification; and
- 7) providing for Conflict, Severability, and an Effective Date; and,

WHEREAS, pursuant to Section 2, Part I, Subsection 12.2 of Ordinance No. 1371 which requires the impact fee schedule to be adjusted annually to account for inflationary increases in the costs to the City of providing public facilities to new development, Ordinance No. 1419 was adopted by the City Council on December 3, 2007; and,

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*(City of Oviedo)*

**WHEREAS**, the City's impact fee consultant, Tindale-Oliver & Associates, Inc., has recommended that anytime any individual index is greater than 15% (i.e., whenever the five-year average of land values, ENR, or CPI is greater than 15%), the City should cap that index at 15%, the 15% cap was utilized in formulating Ordinance No. 1419; and,

**WHEREAS**, a typographical error has been identified in Appendix B, Table B-1, *Vacant Land Sales Analysis (1 to 5 acres)* of the report titled, "City of Oviedo Impact Fee Update," (Technical Report) dated July 12, 2006, this error was corrected in Ordinance No. 1419; and,

**WHEREAS**, this ordinance (Ordinance No. 1437) is intended to correct a calculation error that was identified in the Administrative Facilities Impact Fee schedule as adopted in Ordinance No. 1419; and,

**WHEREAS**, the calculation error that was identified in the Administrative Facilities Impact Fee schedule as adopted in Ordinance No. 1419 was due to the incorrect use of an 11-hour functional population coefficient rather than the correct use of a 24-hour population coefficient; and,

**WHEREAS**, pursuant to § 163.31801, *Florida Statutes* (Chapter 2006-218, Laws of Florida), the impact fees recommended therein, are based on the most recent and localized data, and the Technical Report; and,

**WHEREAS**, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Oviedo.

**WHEREAS**, the City Council of the City of Oviedo hereby finds and determines that the provisions of this Ordinance are consistent with the *Comprehensive Plan of the City of Oviedo* and the controlling provisions of State law; and,

**WHEREAS**, the City Council of the City of Oviedo hereby finds and determines that it has taken all actions relating to the enactment of this Ordinance in accordance with the requirements and procedures mandated by State law.

**NOW, THEREFORE, BE IT ORDAINED BY** the City Council of the City of Oviedo as follows:

**SECTION 1.** Section 1, Part II, Section 5.0 of Ordinance No. 1419 is hereby repealed and replaced with the following update of the City's impact fee schedule Administrative Facilities:

**Section 5.0 Administrative Facilities Impact Fee**

**(5.1) Administrative Facilities Impact Fee Schedule:** An administrative facilities impact fee shall be assessed and collected from new development, pursuant to all applicable provisions of this Ordinance, in accordance with the following fee schedule:

<b>City of Oviedo Administrative Facilities Impact Fee Schedule</b>		
<b>Land Use</b>	<b>Impact Unit</b>	<b>Impact Fee/ Unit</b>
<b>Residential</b>		
Single Family	du	\$459.00
Multi Family	du	\$256.00
Mobile Home	du	\$535.00
<b>Transient, Assisted, Group</b>		
Hotel	room	\$169.00
Motel	room	\$169.00
Nursing Home / ACLF	bed	\$243.00
<b>Recreational</b>		
Golf Course	hole	\$273.00
Golf Driving Range	tee	\$193.00
Movie Theater with Matinee	screen	\$1,519.00
Racquet Club/Health Club/Spa/Dance Studio	1,000 sf	\$784.00
Regional Park	acre	\$106.00
City/Local Park	acre	\$37.00
Ice Rink	1,000 sf	\$182.00
<b>Institutions</b>		
Hospital	1,000 sf	\$418.00
Day Care Center	1,000 sf	\$228.00
Elementary School	student	\$15.00
Middle School	student	\$17.00
High School	student	\$19.00
Junior/Community College	student	\$15.00
University/College	student	\$32.00
Church	1,000 sf	\$144.00
<b>Office</b>		
Office 50,000 SF or less	1,000 sf	\$423.00
Office 50,001 - 100,000 SF	1,000 sf	\$327.00
Office 100,001 - 200,000 SF	1,000 sf	\$278.00
Office 200,001 - 400,000 SF	1,000 sf	\$238.00
Office greater than 400,000 SF	1,000 sf	\$202.00
Medical Office/Clinic	1,000 sf	\$434.00
<b>Retail</b>		
Specialty Retail, including Bars/Taverns	1,000 sf	\$380.00
Retail 50,000 GSF or less	1,000 sf	\$728.00
Retail 50,001 GSF to 99,999 GSF	1,000 sf	\$667.00

<b>City of Oviedo Administrative Facilities Impact Fee Schedule</b>		
<b>Land Use</b>	<b>Impact Unit</b>	<b>Impact Fee/ Unit</b>
Retail 100,000 GSF to 299,999 GSF	1,000 sf	\$538.00
Retail 300,000 GSF to 499,999 GSF	1,000 sf	\$594.00
Retail 500,000 GSF to 999,999 GSF	1,000 sf	\$518.00
Retail 1,000,000 GSF to 1,250,000 GSF	1,000 sf	\$477.00
Retail over 1,250,000 GSF	1,000 sf	\$451.00
Pharmacy/Drug Store w/Drive-Thru	1,000 sf	\$477.00
Home Improvement Superstore	1,000 sf	\$451.00
Quality Restaurant	1,000 sf	\$1,720.00
High-Turnover Restaurant	1,000 sf	\$1,796.00
Fast Food Rest w/ Drive-Thru	1,000 sf	\$2,223.00
Gas/Service Station	fuel pos.	\$503.00
Quick Lube	bay	\$294.00
Supermarket	1,000 sf	\$515.00
Convenience Store	1,000 sf	\$1,054.00
Convenience Store w/Gas Pumps	1,000 sf	\$1,593.00
Convenience/Gas/Fast Food	1,000 sf	\$1,816.00
Auto Repair or Body Shop	1,000 sf	\$744.00
Tire Store	1,000 sf	\$878.00
New and Used Car Sales	1,000 sf	\$434.00
Self Service Car Wash	bay	\$479.00
Bank/Savings Walk-in	1,000 sf	\$652.00
Bank/Savings Drive-in	1,000 sf	\$527.00
Paint/Hardware Store	1,000 sf	\$319.00
Video Store	1,000 sf	\$531.00
<b>Industrial</b>		
General Industrial	1,000 sf	\$174.00
Business Park	1,000 sf	\$256.00
Manufacturing	1,000 sf	\$126.00
Mini-Warehouse	unit	\$2.00
Warehouse	1,000 sf	\$98.00
Utility Substation	acre/ station	\$223.00
<b>Abbreviations:</b> du – dwelling unit      GSF – gross square feet fuel pos. – fueling position      SF or sf – square feet		

(5.2) **Administrative Facilities Impact Fee Account:** There is hereby established an administrative facilities impact fee account into which all administrative impact

fees collected shall be deposited. Administrative facilities impact fee revenues shall be spent only on administrative facilities and administrative facilities capital costs as provided in this Ordinance.

**SECTION 2. Notice.** The City Manager or his designee is hereby authorized to provide the 90-day notice of the effective date of the updated impact fees in accordance with Section 163.31801, *Florida Statutes*.

**SECTION 3. Savings.** The provisions of this Ordinance shall apply for all administrative facilities impact fees hereinafter levied and imposed by the City for the purposes set forth in this Ordinance.

**SECTION 4. Codification.** The provisions of this Ordinance shall be codified as and become and be made a part of the *City of Oviedo Code of Ordinances*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2, 3, 4, 5, 6, and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**SECTION 5. Conflict.** To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portion hereof.

**SECTION 7. Effective Date.** This Ordinance shall become effective immediately upon completion of the ninety-day (90) notice period required by Section 163.31801, *Florida Statutes*.

FIRST READING: March 17, 2008

SECOND READING: April 7, 2008

PASSED AND ADOPTED this 7th day of April, 2008.

Mary Lou Andrews  
MARY LOU ANDREWS  
MAYOR of the City of Oviedo, Florida

ATTEST:

Barbara J. Barbour  
BARBARA J. BARBOUR  
CITY CLERK

