



CITY OF OVIEDO FLORIDA
400 ALEXANDRIA BLVD, OVIEDO, FL 32765
COUNCIL AGENDA REGULAR SESSION
MONDAY, OCTOBER 5, 2026
CITY HALL 6:30 PM

1. **Ordinance No. 1778**, Amendments to the Land Development Code (LDC) Article II Administration, Article III Development Agreements, Orders, and Permits, and Article IV Zoning Districts and Regulations.

Pursuant to Section 286.0105, Florida Statutes, any person desiring to appeal any decision made by the City Council, with respect to any matter considered at any meeting or hearing, will need a record of the proceedings and may need to ensure that a verbatim record of the processing is made which includes the testimony and evidence upon which the appeal is to be based. This record is not provided by the City of Oviedo.

All services, programs and activities of the City of Oviedo are offered and solicited without regard to race, color, national origin, age sex, religion, disability or family status. For information regarding the City's Title VI nondiscrimination policy, plan and procedures please visit www.cityofoviedo.net.

In accordance with the Americans with Disabilities Act, persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-971-5500 at least 48 hours in advance of the meeting.

Agenda Memorandum

To: Honorable Mayor and City Council Members

Prepared By: Debra Pierre, Deputy Development Services Director

From: Bryan Cobb, City Manager

Date: October 5, 2026

Subject: **Ordinance No. 1778**, Amendments to the Land Development Code (LDC) Article II Administration, Article III Development Agreements, Orders, and Permits, and Article IV Zoning Districts and Regulations.

Procedure: Call Up Item
Presiding Officer Asks Attorney to Read Ordinance No. 1778 by Title Only
City Manager Background
Public Hearing
Council Motion & Discussion
Council Action

Introduction: This is a request for the City Council to adopt amendments to the City's Land Development Code (LDC) Articles II Administration, Article III Development Agreements, Orders, and Permits, and Article IV Zoning Districts and Regulations to provide general references to the City's 2050 Comprehensive Plan and provide clarifying language for both Statutory and Non-Statutory Development Agreements.

Discussion: LDC Sections 2.4(D) and (E) require the Local Planning Agency to review proposed land development regulations, codes, or amendments thereto, conduct a public hearing and make recommendations regarding adoption of, or amendments to, the LDC to the City Council. LDC Section 2.5 states that the City Council shall have final approval authority over the adoption of, or amendments to, the LDC and shall conduct a public hearing as required by controlling state law prior to acting on adoption of, or amendments to, the LDC. Section 166.041, Florida Statutes requires a local government body to hold two (2) advertised public hearings for Ordinance No 1778. Therefore, Ordinance No. 1778 shall undergo three (3) public hearings. This is the third and final public hearing.

The recommended LDC amendments accomplish the following:

1. Provides for revisions to references of the City's 2050 Comprehensive Plan. The City's 2050 Comprehensive Plan was adopted by Ordinance No. 1760 on July 6, 2026. As part of the adoption, the Comprehensive Plan's objectives and policies were revised, resulting in changes to the policy numbering. These changes affected the references to Comprehensive Plan policies within the City's Land Development Code. Accordingly, the Land Development Code must be updated to reflect the correct references to the City's 2050 Comprehensive Plan. To avoid similar issues in the future if the Comprehensive Plan is amended and policy numbering

changes, references in the Land Development Code will refer only to the applicable Comprehensive Plan element rather than to specific policies.

2. Provides for clarifications to Land Development Code Article III, Section 3.3, Development Agreements, including Section 3.3(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements, on the types of standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement.
3. Provides for the inclusion of zoning permits as development permits in Article III, Section 3.5 Development Permits (A)(8).

A summary of the proposed amendments in Ordinance No. 1778 is provided in the table below:

SUMMARY			
Page	Section	Existing Language	Proposed Language
18	Article II, Section 2.8 (A)(1)(d)	(d) Mobility Strategies. The list of Mobility Strategies provided in Section 2.8(B) may be counted according to the same scale as a mitigative technique, if not used as a Mobility Strategy per Policy 2-2.2.10 of the Comprehensive Plan.	(d) Mobility Strategies. The list of Mobility Strategies provided in Section 2.8(B) may be counted according to the same scale as a mitigative technique, if not used as a Mobility Strategy per the Transportation Element ~~Policy 2-2.2.10~~ of the Comprehensive Plan.
19	Article II, Section 2.8(B)	(B) Mobility Strategies. According to the trip generation threshold established by Policy 2-2.2.10 of the Comprehensive Plan, the project shall be required to provide mobility strategies as a mitigation. Such mitigation shall be provided according to the following mobility strategy techniques:	(B) Mobility Strategies. According to the trip generation threshold established in the Transportation Element ~~by Policy 2-2.2.10~~ of the Comprehensive Plan, the project shall be required to provide mobility strategies as a mitigation. Such mitigation shall be provided according to the following mobility strategy techniques:
30	Article III, Section 3.3 Development Agreements (A)(3)	3) Statutory development agreements may be entered into under the authority of the Development Agreement Act as set forth in controlling State law and processed in accordance with the requirements of State law.	(3) Statutory development agreements may be entered into under the authority of the Development Agreement Act as set forth in controlling State law and processed in accordance with the requirements of State law. Statutory development agreements may modify any quantifiable standard in this LDC, provided that such

SUMMARY			
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			<u>modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC. Statutory development agreements may modify any non-quantifiable standard in this LDC, including but not limited to modifications to permitted, special exception, and prohibited uses, upon a finding of public benefit resulting from such modification, and provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.</u>
30	Article III, Section 3.3 Development Agreements (A)(4)	(4) Non-statutory development agreements may be entered into under the authority of the home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida Chapter 166, Florida Statutes, and other controlling law.	(4) Non-statutory development agreements may be entered into under the authority of the home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida Chapter 166, Florida Statutes, and other controlling law. <u>Non-statutory development agreements may modify any quantifiable standard in this LDC, provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.</u>
39	Article III, Section 3.5 Development Permits (A)(8)	(A) General. A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:	(A) General. A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:

SUMMARY			
Page	Section	Existing Language	Proposed Language
		(1) Building permits including the following: (a) Sign Permit (b) Residential clearing, grading, and tree removal permit. (2) Commercial clearing, grading, and tree removal permit. (3) Commercial tree harvest permit. (4) Right-of-way utilization permit. (5) Site construction permit. (6) Special event permit. (7) Tree restoration plan for Individual Residential Lots.	(1) Building permits including the following: (a) Sign Permit (b) Residential clearing, grading, and tree removal permit. (2) Commercial clearing, grading, and tree removal permit. (3) Commercial tree harvest permit. (4) Right-of-way utilization permit. (5) Site construction permit. (6) Special event permit. (7) Tree restoration plan for Individual Residential Lots. <u>(8) Zoning Permit.</u>
65	Article IV, Section 4.4 Permissible Uses and Special Exceptions (A)(3)	(3) "M" indicates that the use is not a primary permissible use and is a secondary permissible use only allowed consistent with the requirements of the Comprehensive Plan Future Land Use Element Table 1.1.	(3) "M" indicates that the use is not a primary permissible use and is a secondary permissible use only allowed consistent with the requirements of the Comprehensive Plan Future Land Use Element Table 1.1.
95	Article IV, Section 4.14 Density/Intensity Bonuses For Public Benefit	General Standards. The following sections describe the quantity of bonus density and/or intensity that may be granted based on each benefit provided, per Policy 1-1.1.6 of the Comprehensive Plan. Where both intensity and density bonuses are available in a category, the applicant may receive both the intensity and density bonus except as otherwise stated. In no case shall the bonus from any single category or any combination of categories exceed the maximum thresholds established by the Comprehensive Plan.	General Standards. The following sections describe the quantity of bonus density and/or intensity that may be granted based on each benefit provided, per <u>the Future Land Use Element Policy 1-1.1.6</u> of the Comprehensive Plan. Where both intensity and density bonuses are available in a category, the applicant may receive both the intensity and density bonus except as otherwise stated. In no case shall the bonus from any single category or any combination of categories exceed the maximum thresholds established by the Comprehensive Plan.
96	Article IV, Section 4.14 Density/Intensity Bonuses For	(2) If a development is projected to receive a certification from LEED, SITES, or FGBC, or similar certification as accepted	(2) If a development is projected to receive a certification from LEED, SITES, or FGBC, or similar certification as accepted by the

SUMMARY			
Page	Section	Existing Language	Proposed Language
	Public Benefit (C)(2)	by the LUA, the applicant will be eligible for a percentage of the maximum available bonus for the applicable future land use designation per Policy 1-1.1.6 Density/Intensity Bonus of the Comprehensive Plan. The percentage of bonus applicable for each level of green building certification is listed in Table 4.14.1:	LUA, the applicant will be eligible for a percentage of the maximum available bonus for the applicable future land use designation per the Future Land Use Element Policy 1-1.1.6 Density/Intensity Bonus of the Comprehensive Plan. The percentage of bonus applicable for each level of green building certification is listed in Table 4.14.1:
96	Article IV, Section 4.14 Density/Intensity Bonuses For Public Benefit (D)(2)	(2) If five percent (5%) or more of the net buildable area of the site above the minimum LDC requirement is devoted to an active public space or passive open space, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per Policy 1-1.1.6 of the Comprehensive Plan. If both active and passive public spaces are provided, the acreage eligible for bonus credit may be based on the combined amount of active and passive public space and the applicant may determine which acreage is counted towards the minimum requirements and which acreage is counted towards the bonus in order to maximize bonus credit.	(2) If five percent (5%) or more of the net buildable area of the site above the minimum LDC requirement is devoted to an active public space or passive open space, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per the Future Land Use Element Policy 1-1.1.6 of the Comprehensive Plan. If both active and passive public spaces are provided, the acreage eligible for bonus credit may be based on the combined amount of active and passive public space and the applicant may determine which acreage is counted towards the minimum requirements and which acreage is counted towards the bonus in order to maximize bonus credit.
96	Article IV, Section 4.14 Density/Intensity Bonuses For Public Benefit (D)(3)	(3) If five percent (5%) or more of the net buildable area of the site is devoted to public schools, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per Policy 1-1.1.6 of the Comprehensive Plan.	(3) If five percent (5%) or more of the net buildable area of the site is devoted to public schools, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per the Future Land Use Element Policy 1-1.1.6 of the Comprehensive Plan.

The Local Planning Agency conducted a public hearing at its Tuesday, September 15, 2026, meeting, and thereat, recommended adoption of Ordinance No. 1778.

Budget Impact: No budgetary impacts are associated with adoption of the Ordinance No. 1778.

Strategic Impact: Economic Vitality: Foster innovation, advance a vibrant and sustainable economy, and amplify the overall quality of life through strategic economic activity in the community.

Business Impact Estimate: Ordinance No. 1778 provides for correct references to the City's 2050 Comprehensive Plan; clarifications to Land Development Code Article III, Section 3.3, Development Agreements,(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements regarding standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement; and amendments Article III, Section 3.5 Development Permits (A)(8) to include Zoning Permits. A Business Impact Estimate Form is provided in Attachment 1.

Recommendation: It is recommended that City Council read Ordinance No. 1778 by title only, conduct a public hearing, and adopt Ordinance No. 1778.

Attachment(s): 1. Business Impact Estimate
 2. Staff's Presentation

City of Oviedo

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Oviedo has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Oviedo may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO; AMENDING ARTICLE II ADMINISTRATION, ARTICLE III DEVELOPMENT AGREEMENTS, ORDERS, AND PERMITS, AND ARTICLE IV ZONING DISTRICTS AND REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - ☐ Development orders and development permits, as those terms are defined in s. 163.3164 and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;

- ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Oviedo hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

The proposed ordinance amends the City's Land Development Code to provide correct references to the City's 2050 Comprehensive Plan; clarifications to Land Development Code Article III, Section 3.3, Development Agreements,(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements regarding the types of standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement; and amendments Article III, Section 3.5 Development Permits (A)(8) to include Zoning Permits.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Negligible to none, as Ordinance No. 1778 amends the City's Land Development Code to provide correct references to the City's 2050 Comprehensive Plan; clarifications to Land Development Code Article III, Section 3.3, Development Agreements,(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements regarding the types of standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement; and amendments Article III, Section 3.5 Development Permits (A)(8) to include Zoning Permits. There is no impact to businesses.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

- (c) **An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

Negligible to none, as Ordinance No. 1778 amends the City's Land Development Code to provide correct references to the City's 2050 Comprehensive Plan; clarifications to Land Development Code Article III, Section 3.3, Development Agreements,(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements regarding the types of standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement; and amendments Article III, Section 3.5 Development Permits (A)(8) to include Zoning Permits. There is no impact to businesses.

3. **A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

Negligible to none, as Ordinance No. 1778 amends the City's Land Development Code to provide correct references to the City's 2050 Comprehensive Plan; clarifications to Land Development Code Article III, Section 3.3, Development Agreements,(A)(3), Statutory Development Agreements, and Section 3.3(A)(4), Non-Statutory Development Agreements regarding the types of standards that may be modified through either a Statutory Development Agreement or a Non-Statutory Development Agreement; and amendments Article III, Section 3.5 Development Permits (A)(8) to include Zoning Permits. There is no impact to businesses.

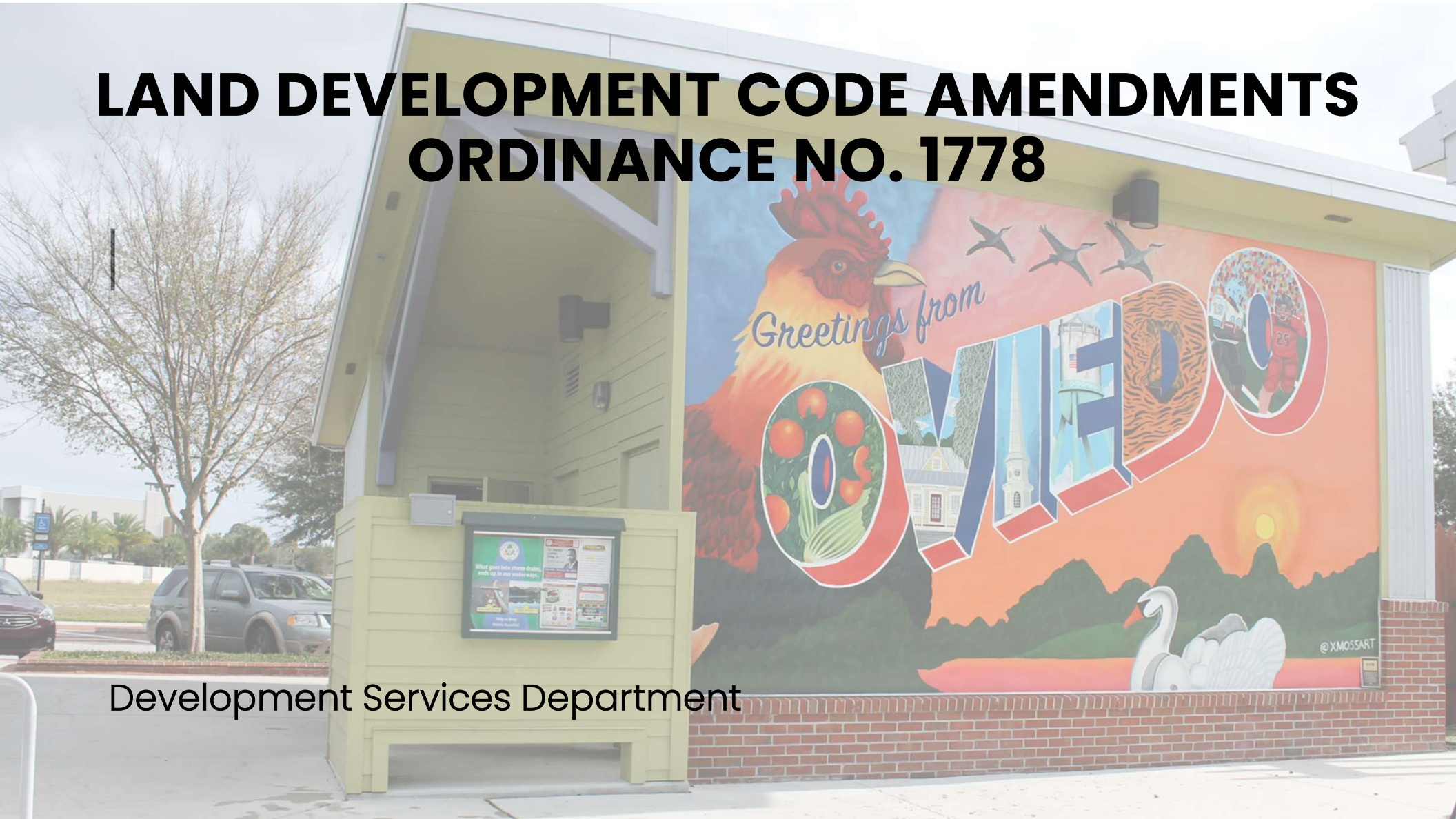
4. **Additional information the governing body determines may be useful (if any):**

N/A

Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.

LAND DEVELOPMENT CODE AMENDMENTS ORDINANCE NO. 1778

Development Services Department





LAND DEVELOPMENT CODE SECTION 2.8(A)(1)(d)

Mobility Strategies. The list of Mobility Strategies provided in Section 2.8(B) may be counted according to the same scale as a mitigative technique, if not used as a Mobility Strategy per [the Transportation Element](#) ~~Policy 2-2.2.10~~ of the Comprehensive Plan.



LAND DEVELOPMENT CODE SECTION 2.8(B)

Mobility Strategies. According to the trip generation threshold established in the Transportation Element ~~by Policy 2-2.2.10~~ of the Comprehensive Plan, the project shall be required to provide mobility strategies as a mitigation. Such mitigation shall be provided according to the following mobility strategy techniques:



LAND DEVELOPMENT CODE SECTION 3.3(A)(3)

Statutory development agreements may be entered into under the authority of the Development Agreement Act as set forth in controlling State law and processed in accordance with the requirements of State law. Statutory development agreements may modify any quantifiable standard in this LDC, provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC. Statutory development agreements may modify any non-quantifiable standard in this LDC, including but not limited to modifications to permitted, special exception, and prohibited uses, upon a finding of public benefit resulting from such modification, and provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.



LAND DEVELOPMENT CODE SECTION 3.3(A)(4)

Non-statutory development agreements may be entered into under the authority of the home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida Chapter 166, Florida Statutes, and other controlling law. Non-statutory development agreements may modify any quantifiable standard in this LDC, provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.



LAND DEVELOPMENT CODE SECTION 3.5(A)(8)

(A) **General.** A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:

(1) Building permits including the following:

(a) Sign Permit

(b) Residential clearing, grading, and tree removal permit.

(2) Commercial clearing, grading, and tree removal permit.

(3) Commercial tree harvest permit.

(4) Right-of-way utilization permit.

(5) Site construction permit.

(6) Special event permit.

(7) Tree restoration plan for Individual Residential Lots.

[\(8\) Zoning Permit.](#)



LAND DEVELOPMENT CODE SECTION 4.4(A)(3)

"M" indicates that the use is not a primary permissible use and is a secondary permissible use only allowed consistent with the requirements of the Comprehensive Plan Future Land Use Element ~~Table 1.1~~.



LAND DEVELOPMENT CODE SECTION 4.14

General Standards. The following sections describe the quantity of bonus density and/or intensity that may be granted based on each benefit provided, per [the Future Land Use Element](#) ~~Policy 1-1.1.6~~ of the Comprehensive Plan. Where both intensity and density bonuses are available in a category, the applicant may receive both the intensity and density bonus except as otherwise stated. In no case shall the bonus from any single category or any combination of categories exceed the maximum thresholds established by the Comprehensive Plan.



LAND DEVELOPMENT CODE SECTION 4.14(c)(2)

If a development is projected to receive a certification from LEED, SITES, or FGBC, or similar certification as accepted by the LUA, the applicant will be eligible for a percentage of the maximum available bonus for the applicable future land use designation per the Future Land Use Element ~~Policy 1-1.1.6 Density/Intensity Bonus~~ of the Comprehensive Plan. The percentage of bonus applicable for each level of green building certification is listed in Table 4.14.1:



LAND DEVELOPMENT CODE SECTION 4.14(D)(2)

If five percent (5%) or more of the net buildable area of the site above the minimum LDC requirement is devoted to an active public space or passive open space, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per [the Future Land Use Element](#) ~~Policy 1-1.1.6~~ of the Comprehensive Plan. If both active and passive public spaces are provided, the acreage eligible for bonus credit may be based on the combined amount of active and passive public space and the applicant may determine which acreage is counted towards the minimum requirements and which acreage is counted towards the bonus in order to maximize bonus credit.



LAND DEVELOPMENT CODE SECTION 4.14(D)(3)

If five percent (5%) or more of the net buildable area of the site is devoted to public schools, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per the Future Land Use Element Policy ~~1-1.1.6~~ of the Comprehensive Plan.

LOCAL PLANNING AGENCY

The Local Planning Agency conducted a public hearing at its September 15, 2026, meeting, and thereat, recommended adoption of Ordinance No. 1778.





QUESTIONS?

|

ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO; AMENDING ARTICLE II ADMINISTRATION, ARTICLE III DEVELOPMENT AGREEMENTS, ORDERS, AND PERMITS, AND ARTICLE IV ZONING DISTRICTS AND REGULATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Oviedo (the "City Council") amended its Land Development Code ("LDC") in its entirety via Ordinance No. 1752 on November 18, 2024; and

WHEREAS, the City Council adopted Ordinance No. 1756 on May 5, 2025, amending the Land Development Code of the City of Oviedo, Florida to clarify requirements relating to temporary signs; and

WHEREAS, the City Council adopted Ordinance No. 1762 on February 2, 2026, amending the Land Development Code of the City of Oviedo, Florida to clarify requirements, address statutory changes, correct typographical errors, and change the zoning district of properties with conflicting zoning districts and future land use designations; and

WHEREAS, the City Council adopted Ordinance No. 1767 on July 6, 2026, amending the Land Development Code of the City of Oviedo, Florida related to Special Events; and

WHEREAS, the City Council deems it necessary to amend the Land Development Code of the City of Oviedo, Florida to address amendments related to changing citations related to the Comprehensive Plan, addressing Statutory and Non-Statutory Development Agreements, and include zoning permit as a development permit; and

WHEREAS, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency"; and

WHEREAS, Article II, Section 2.4 of the LDC established a Local Planning Agency for the City of Oviedo; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, provides that the Local Planning Agency shall review proposed land development regulations and make recommendations to the governing body as to consistency of the proposed land development regulations with the adopted Comprehensive Plan; and

WHEREAS, Article II Section 2.4 (D) (1) (d) of the LDC authorizes the LPA to hold public hearings and make recommendations as to proposed amendments to the text of the LDC; and

WHEREAS, the LPA held a properly noticed public hearing on September 15, 2026, to receive public comment on the subject matter of this Ordinance and to make its recommendation to the City Council; and

WHEREAS, the City Council held properly noticed public hearings at first and second reading of this Ordinance to review the recommendations of the LPA and to receive public comment on the subject matter of this Ordinance; and

WHEREAS, the City Council finds that its action serves the public health, safety, and welfare of the citizens of the City of Oviedo, Florida.

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 staff report and City Council agenda memorandum relating to this Ordinance are incorporated into the provisions of this Ordinance, as if fully set forth herein.

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

(c) The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Oviedo and incorporated into this Ordinance as if set forth in haec verba.

SECTION 2. Amendments to the Land Development Code Articles. The following portions of the City of Oviedo Land Development Code are hereby amended as set forth herein.

(a) Article II Administration Section 2.8(A)(d) Mobility Strategies is amended as set forth below:

(d) Mobility Strategies. The list of Mobility Strategies provided in Section 2.8(B) may be counted according to the same scale as a mitigative technique, if not used as a Mobility Strategy per the Transportation Element ~~Policy 2-2.2.10~~ of the Comprehensive Plan.

(b) Article II Administration Section 2.8(B) Mobility Strategies is amended as set forth below:

(B) Mobility Strategies. According to the trip generation threshold established in the Transportation Element ~~by Policy 2-2.2.10~~ of the Comprehensive Plan, the project shall be required to provide mobility strategies as a mitigation. Such mitigation shall be provided according to the following mobility strategy techniques:

- (c) Article III Development Agreements, Orders, and Permits Section 3.3(A)(3) is amended as set forth below:

- (3) Statutory development agreements may be entered into under the authority of the Development Agreement Act as set forth in controlling State law and processed in accordance with the requirements of State law. Statutory development agreements may modify any quantifiable standard in this LDC, provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC. Statutory development agreements may modify any non-quantifiable standard in this LDC, including but not limited to modifications to permitted, special exception, and prohibited uses, upon a finding of public benefit resulting from such modification, and provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.

- (d) Article III Development Agreements, Orders, and Permits Section 3.3(A)(4) is amended as set forth below:

- (4) Non-statutory development agreements may be entered into under the authority of the home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida Chapter 166, Florida Statutes, and other controlling law. Non-statutory development agreements may modify any quantifiable standard in this LDC, provided that such modification is consistent with the Comprehensive Plan, and is consistent with the purposes and intents of this LDC.

- (e) Article III Development Agreements, Orders, and Permits Section 3.5(A) is amended as set forth below:

- (A) **General.** A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:

- (1) Building permits including the following:

(a) Sign Permit

(b) Residential clearing, grading, and tree removal permit.

(2) Commercial clearing, grading, and tree removal permit.

(3) Commercial tree harvest permit.

(4) Right-of-way utilization permit.

(5) Site construction permit.

(6) Special event permit.

(7) Tree restoration plan for Individual Residential Lots.

(8) Zoning Permit

- (f) Article IV Zoning Districts and Regulations Section 4.4 Permissible Uses and Special Exceptions (A) Table of Permissible Land Uses (3) is amended as set forth below:

- (3) "M" indicates that the use is not a primary permissible use and is a secondary permissible use only allowed consistent with the requirements of the Comprehensive Plan Future Land Use Element ~~Table 1.1.~~

- (g) Article IV Zoning Districts and Regulations Section 4.14 Density/Intensity Bonuses For Public Benefit is amended as set forth below:

General Standards. The following sections describe the quantity of bonus density and/or intensity that may be granted based on each benefit provided, per the Future Land Use Element Policy 1-1.1.6 of the Comprehensive Plan. Where both intensity and density bonuses are available in a category, the applicant may receive both the intensity and density bonus except as otherwise stated. In no case shall the bonus from any single category or any combination of categories exceed the maximum thresholds established by the Comprehensive Plan.

- (h) Article IV Zoning Districts and Regulations Section 4.14 Density/Intensity Bonuses For Public Benefit (C) Green Building (2) is amended as set forth below:

- (2) If a development is projected to receive a certification from LEED, SITES, or FGBC, or similar certification as accepted by the LUA, the applicant will be eligible for a percentage of the maximum available bonus for the applicable future land use designation per the Future Land Use Element Policy 1-1.1.6 ~~Density/Intensity Bonus~~ of the Comprehensive Plan. The percentage of bonus applicable for each level of green building certification is listed in Table 4.14.1:

- (i) Article IV Zoning Districts and Regulations 4.14 Density/Intensity Bonuses For Public Benefit (D) Publicly accessible plaza, courtyards, open space, and public schools (2) is amended as set forth below:

- (2) If five percent (5%) or more of the net buildable area of the site above the minimum LDC requirement is devoted to an active public space or passive open space, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per the Future Land Use Element Policy 1-1.1.6 of the Comprehensive Plan. If both active and passive

public spaces are provided, the acreage eligible for bonus credit may be based on the combined amount of active and passive public space and the applicant may determine which acreage is counted towards the minimum requirements and which acreage is counted towards the bonus in order to maximize bonus credit.

- (j) Article IV Zoning Districts and Regulations 4.14 Density/Intensity Bonuses For Public Benefit (D) Publicly accessible plaza, courtyards, open space, and public schools (3) is amended as set forth below:

- (3) If five percent (5%) or more of the net buildable area of the site is devoted to public schools, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per the Future Land Use Element Policy 1-1.1.6 of the Comprehensive Plan.

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 and activities of the City of Oviedo relating to the comprehensive planning and land development regulatory programs and actions of the City are hereby ratified and affirmed.

SECTION 5. Codification; Scrivener's Errors.

(a) Section 2 of this Ordinance shall be codified in the Land Development Code 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 4. Conflicts. All ordinances or part 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon enactment.

FIRST READING: September 21, 2026

SECOND READING: October 5, 2026

PASSED AND ADOPTED this 5th day of October, 2026.

MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ATTEST:

ELIANNE RIVERA
CITY CLERK