

## **ORDINANCE NO. 1256**

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, AMENDING THE 2030 CITY OF MAITLAND COMPREHENSIVE DEVELOPMENT PLAN PURSUANT TO FLORIDA STATUTES, CHAPTER 163; PROVIDING FOR AUTHORITY; PROVIDING FOR POLICIES TO SUPPORT THE ADOPTION OF A MOBILITY PLAN AND MOBILITY DISTRICT(S) AND A MOBILITY FEE SCHEDULE; AND PROVIDING POLICIES TO SUPPORT THE OPTION OF CITY COUNCIL TO REPLACE TRANSPORTATION/ROAD IMPACT FEES, PROPORTIONATE SHARE, PROPORTIONATE FAIR-SHARE AND FAIR-SHARE PROGRAMS, AND THE 2009 TRANSPORTATION CONCURRENCY EXCEPTION AREA, THE CITYWIDE TRANSPORTATION CONCURRENCY EXCEPTION AREA AND TRANSPORTATION CONCURRENCY PROGRAM, AND TO INCLUDE THE MOBILITY PLAN IN THE CAPITAL IMPROVEMENT ELEMENT OF THE CDP, AND TO AMEND OTHER APPLICABLE ELEMENTS OF THE CDP AND FUTURE LAND USE MAP SERIES AS NEEDED TO BE AMENDED. PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3187, Florida Statutes, provides for a local government to amend a local government comprehensive plan; and

**WHEREAS**, on September 27, 2010, the City Council adopted a comprehensive plan by Ordinance 1201, entitled Maitland Comprehensive Development Plan 2030, pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the 2011 Florida Legislative session eliminated state mandated concurrency and made concurrency optional for local governments; and

**WHEREAS**, the 2013 Legislative Session further recognized the ability of local governments to adopt alternative transportation mitigation ~~concurrency~~ systems; and

**WHEREAS**, House Bill 319, passed by the Florida Legislature in 2013 and signed into law by the Governor, established Mobility Plans and associated Mobility Fees as an the preferred alternative mitigation ~~concurrency~~ system by which local governments can allow development consistent with an adopted Comprehensive Plan to equitably mitigate its transportation impact; and

**WHEREAS**, Mobility Plans are intended to serve as a blueprint for how a community intends to provide mobility for its residents, visitors and businesses and to allow for new development and redevelopment to equitably and predictably mitigate for its transportation impact; and

**WHEREAS**, in an effort to simplify the transportation mitigation ~~concurrency~~ and contribution systems, the City is proposing to adopt a mobility plan to include mobility district(s) and a fee schedule; and

**WHEREAS**, the intent of the Mobility Plan and Mobility Fee is to provide an alternative transportation mitigation scheme for ~~combine transportation concurrency~~, proportionate share and impact fees making into a simplified, one-time payment by which developments can mitigate their impact to the transportation system based upon the projects and mobility strategies established in an adopted Mobility Plan; and

**WHEREAS**, it is the City's intent to modify text of the 2030 CDP Transportation Element to establish the framework for the adoption of a Mobility Plan and Mobility Fees; and

**WHEREAS**, the Maitland Local Planning Agency held a public hearing on March 6, 2014 to provide for public comment; and

**WHEREAS**, the Maitland Local Planning Agency, at its meeting on April 3, 2014, recommended approval of the amendment to the Transportation Element of the 2030 CDP, (subject to the Planning and Zoning Commission Recommendation Report for Petition No. 2014 -01 (ALU) dated April 3, 2014 prepared for transmittal to the Florida Department of Economic Opportunity (DEO); and

**WHEREAS**, the City submitted its proposed amendment, Petition 2014-01 (ALU), to the DEO, functioning as the Florida Land Planning Agency, for review and comment by that agency, as well as the East Central Florida Regional Planning Council, Orange County, Florida, and all other governmental agencies required by law and those which had requested copies of the proposed revisions to the 2030 Comprehensive Development Plan, for review and comment by those entities; and

**WHEREAS**, the City of Maitland received comments from the agencies to which the revised 2030 Comprehensive Development Plan was transmitted and has responded to those comments; and

**WHEREAS**, the Maitland Local Planning Agency has found the amendment to the Comprehensive Development Plan to be internally consistent, and that the revised plan will promote the public health, safety, welfare, economic order and aesthetics of both the region and the community; and

**WHEREAS**, the City Council concurs in the foregoing findings; and

**WHEREAS**, in accordance with Sections 163.3184, 163.3187 and 166.041, Florida Statutes, the City has advertised and held three public hearings, on March 6, 2014, April 14, 2014, and June 9, 2014 to consider the adoption of the amendment to the Transportation Element;

**NOW THEREFORE, BE IT ENACTED** by the City Council, that:

**SECTION 1.** The Transportation Element of the City of Maitland's 2030 CDP is amended as evidenced on Exhibit A attached hereto and incorporated herein.

**SECTION 2. Severability Clause.** In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal or unenforceable term, provision, clause, sentence or section did not exist.

**SECTION 3. Ordinances and Resolutions in Conflict.** All ordinances or resolutions or parts thereof, which may be determined to be in conflict herewith, are hereby repealed.

**SECTION 4. Effective Date.** The effective date of this plan amendment shall be the date a final order is issued by the DEO or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the DEO.

ADOPTED by the City Council of the City of Maitland, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF MAITLAND, FLORIDA

By: \_\_\_\_\_  
Howard Schieferdecker, Mayor

Attest: \_\_\_\_\_  
Maria Waldrop, City Clerk

## EXHIBIT “A”

### Transportation Element – Goal 2

GOAL 2: The City shall meet existing and future transportation needs through a comprehensive, sustainable, effective and energy efficient multi-modal transportation system and mobility plan that provides multi-modal travel options to achieve the City’s mobility goal.

OBJECTIVE 2.1: The City shall use the Transportation Concurrency Exception Area (TCEAs), Mobility Plan and Mobility Tiers as ~~a~~ tools for promoting infill development and redevelopment. These tools shall be supported by land use and transportation strategies to support and fund mobility.

POLICY 2.1.1: The City has established and shall maintain the 2009 TCEA which includes portions of the CRA, TOD Study Area A and a portion of TOD Study Area B. The 2009 TCEA boundary is illustrated in Map 1-A.

POLICY 2.1.1.a: In an effort to simplify the existing transportation concurrency and contribution systems, the City will adopt a mobility plan to include mobility district(s) and a mobility fee schedule for the 2009 TCEA and the citywide TCEA described in Policy 2.12 and illustrated in Map 1-B.

POLICY 2.1.1.b: When the City adopts a mobility plan, such action shall ~~it may elect to~~ replace existing transportation/road impact fees, proportionate share, proportionate fair-share and fair-share programs, the 2009 TCEA, the citywide TCEA or transportation concurrency with the Mobility Plan and Mobility Fees.

POLICY 2.1.1.c: ~~When-Should~~ the Council ~~elect to~~ replaces transportation/road impact fees, proportionate share, proportionate fair-share and fair-share programs, the 2009 TCEA, the citywide TCEA and transportation concurrency, the Mobility Plan will be included in the Capital Improvement Element (CIE) and other applicable elements of the CDP and Future Land Use Map (FLUM) Series may be amended. The mobility plan will be updated and incorporated into the CIE annually thereafter.

OBJECTIVE 2.6: Maintain a Future Transportation Map Series and Capital Improvements Program, which support the Future Land Use Map Series and Policies. Together, the Future Land Use Map Series and the Transportation Element Map Series illustrate land use and transportation strategies to support and fund mobility; and collectively illustrate the ~~City’s~~ City of Maitland’s Mobility Plan. Coordinate population densities, housing, employment patterns, and land uses with transportation modes and services.