

090183

City of
Gainesville

Inter-Office Communication

Item No. 9

TO: City Plan Board **DATE:** June 25, 2009
FROM: Planning Division Staff
SUBJECT: Petition PZ-09-66 TCH. City Plan Board. Amend Division 3 of the Land Development Code concerning Proportionate Fair-Share to make it consistent with Senate Bill 360 changes to State Growth Management Laws.

Recommendation

Staff recommends approval of Petition PZ-09-66 TCH.

Explanation

This petition is a text change to the Proportionate Fair-Share section of the Land Development Code. There are three primary purposes for this petition:

1. To amend the Proportionate Fair-Share section of the Code to make it consistent with the 2009 Senate Bill 360 (SB 360) changes in Growth Management laws that impact Gainesville's transportation concurrency management procedures.
2. To provide clarity for the City, the development community, and the public as to the implementation of the new, state-mandated Transportation Concurrency Exception Area (TCEA) during the interim period prior to adoption of comprehensive plan amendments, thus reducing the potential for moratoria or unacceptable lack of transportation alternatives to support development.
3. To implement short-term strategies that fund transportation mobility needs for the area within city limits that the State of Florida designated as a Transportation Concurrency Exception Area (referred to as the "state-mandated-TCEA").

Background

On June 1, 2009, SB 360 (now known as Chapter Law No. 2009-96), which amends portions of the State Growth Management regulations, was signed into law. One of the primary changes enacted is that Dense Urban Land Areas (DULAs) are designated as Transportation Concurrency Exception Areas (TCEA). The City of Gainesville anticipates being designated as a DULA on or before July 8, 2009.

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A DULA in 2009 SB 360 is defined as:

- (a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;
- (b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or
- (c) A county, including the municipalities located therein, which has a population of at least 1 million.

The City meets the definition under (a) as a municipality that has a total population of more than 5,000 and approximately 2,064 persons per square mile of land area as of April 1, 2008 (the last official date for population estimates). Taking into account the recent Butler Plaza and SW 20th Avenue annexations in 2008 and 2009, the City still meets the DULA definition (June 1, 2009 population estimate of 131,639/62.58 square miles of city area) with approximately 2,103 persons per square mile.

The City first established a TCEA (Zones A and B) in 1999 with the adoption of the Concurrency Management Element. In 2005, Zone C was added to the TCEA by a Comprehensive Plan amendment. Those zones covered a sizable portion of the Gainesville city limits. However, as annexations occurred after 2005, the City did not extend the TCEA limits.

With the adoption of 2009 SB 360 and Gainesville's expected DULA designation, the entire area within city limits will be a TCEA. To clarify the TCEA discussion in this report, the following terminology will be used consistently.

Existing TCEA refers to TCEA Zones A, B, and C as adopted in the City's Comprehensive Plan prior to the date the City is designated as a Dense Urban Land Area (DULA).

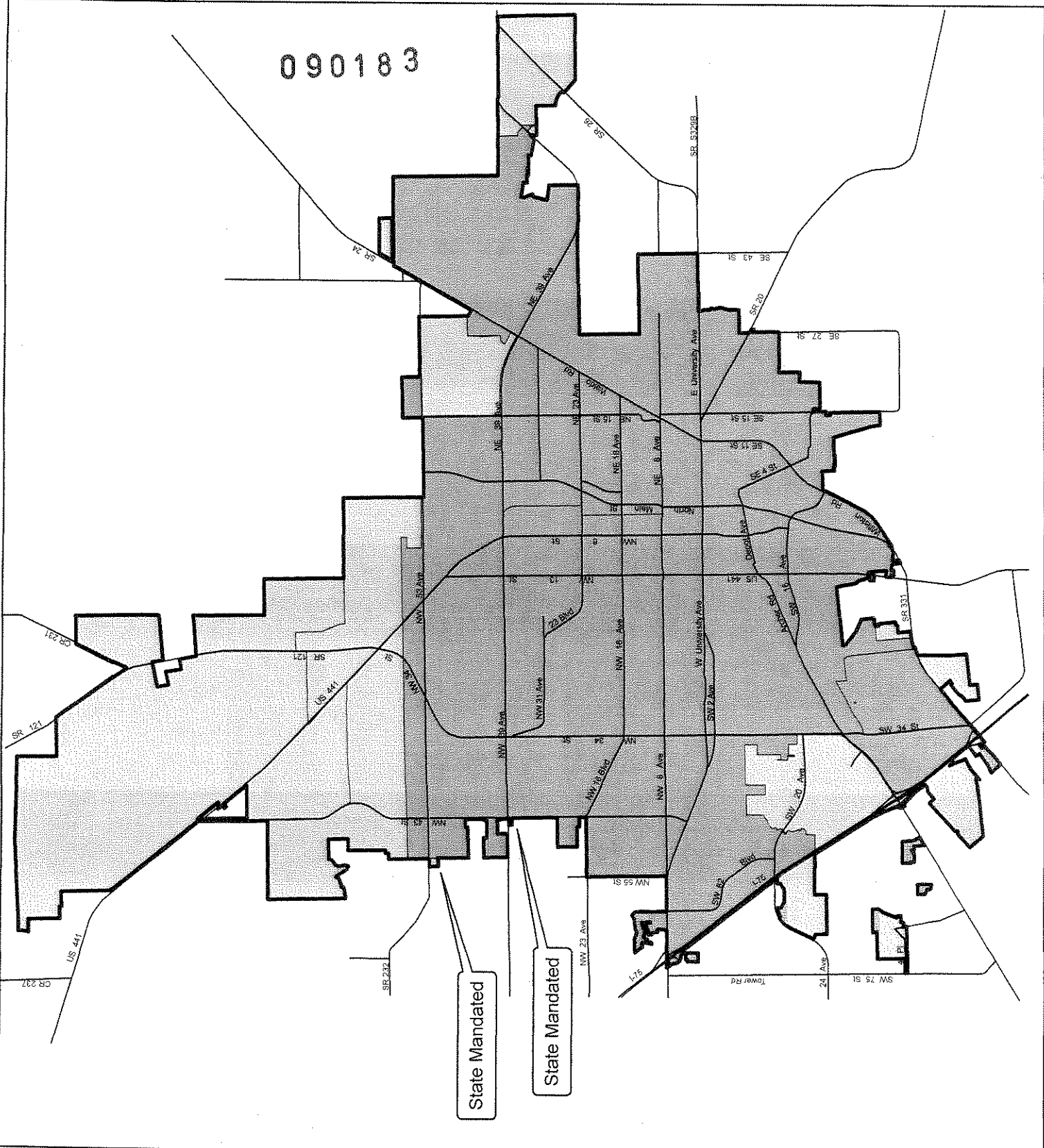
State-mandated TCEA refers to the areas outside of the Existing TCEA that will become a TCEA upon official DULA designation by the State Department of Community Affairs (DCA).

Map 1 illustrates the Existing and State-mandated TCEA areas.

Development in the Existing TCEA is regulated by objectives and policies in the Concurrency Management Element. In order to clarify and implement the development regulations in the state-mandated TCEA, the City is proposing Land Development Code changes to provide short-term procedures through amendments to the Proportionate Fair-Share section.

This is consistent with a provision in 2009 SB 360 (Chapter 163.3180 (f)) that states, "The designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees."

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State Mandated

State Mandated

MAP 1

Existing and State Mandated TCEA Areas

-  Existing TCEA
-  State Mandated TCEA
-  City Limits

State Mandated Call-Outs
Parcel Numbers:

- 06054-001-000
- 06111-001-000
- 06111-003-001

NOTE: Existing TCEA is the TCEA area adopted in the Comprehensive Plan prior to the City's designation as a Dense Urban Land Area (DULA).



City of Gainesville
Planning Dept. - GIS Section



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Procedures and new regulations

Revisions to the Proportionate Fair-Share section of the Code and the addition of a new Division 4. State-Mandated Transportation Concurrency Exception Area provide procedures for implementing the new state-mandated TCEA. See Attachment 1 for the proposed text change language. The state-mandated TCEA regulations in Division 4 follow the general philosophy and procedures of the City's Existing TCEA, thus providing clarity about regulations.

In addition, the adoption of Division 4 creates an equitable situation for developments inside and outside of the Existing TCEA based on geographic region (zone) and transportation needs in the zone.

Procedures are established for:

1. Developments that had filed an application for a final development order prior to the City's designation as a DULA and were being processed with a requirement to comply with the proportionate fair-share program.
2. Developments that file an application for a final development order after the City's designation as a DULA.
3. Development on annexed property that has not received a City land use designation.

Each of these situations will be discussed below.

Application filed prior to DULA designation and processed with a proportionate fair-share requirement

Any development outside the Existing TCEA that filed an application for a final development order prior to DULA designation that was processed with a condition that a proportionate fair-share agreement be signed may choose to enter into a proportionate fair-share agreement with the City to expedite the final development order.

Alternatively, the development may choose to wait on the final adoption of the ordinance associated with this petition and proceed under the Division 4. State-mandated Transportation Concurrency Exception Area section of the Code.

Application filed after DULA designation

Any development outside the Existing TCEA that files an application after the City is designated a DULA shall be processed under the proposed Division 4. State-mandated Transportation Concurrency Exception Area section of the Code.

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This section places state-mandated TCEA areas in zones (see Map 2) for the purpose of outlining transportation mitigation strategies appropriate to the area. In some cases, properties were added to existing Zones A, B, or C.

Three new zones have been created for other areas. Zone D is the area west of I-75 that falls within city limits. The primary strategy in this area is support for the extension of SW 40th Boulevard from SW Archer Road to SW 47th Avenue to provide a parallel road facility for I-75 relief. Other strategies include mitigation support for the construction of a new or expanded bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities).

Zone E is the northern area of the city that primarily consists of vacant lands distant from the city core. The primary transportation mobility strategy in this area involves the widening of SR 121 (the extension of NW 34th Street) past US 441 to CR 231. This strategy is appropriate because much of the vacant land shares the use of SR 121 with truck and industrial traffic in the area. Other strategies include mitigation support for the construction of a new or expanded bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities).

Zone M contains the Butler Plaza and SW 20th Avenue annexed areas that are anticipated to be more densely and intensely developed with commercial and residential uses as part of the Butler Plaza expansion and the Urban Village overlay plan. Zone M is designated primarily as a multi-modal zone with strategies to support transit, pedestrians, bicyclists, and a more gridded street network in the area (including the extension of SW 62nd Boulevard and the construction of Hull Road as approved in Option M by the MTPO).

Development on annexed property without a City land use designation








Development on annexed property within the state-mandated TCEA that does not have a City land use designation (either pre- or post-DULA status) shall be regulated for concurrency in accordance with Future Land Use Element Objective 4.4 and its sub-policies and Section 171.062(2), which state that such developments shall continue to be subject to the County land use plan and county zoning regulations until such time as the City places its land use designation on the property. The County's transportation level of service standards and concurrency management procedures shall apply to these properties.

Additional regulations

As can be noted in Attachment 1, in addition to the zone designations and mitigation requirements, there are additional regulations that mirror rules in the Existing TCEA. Redevelopment credits are still emphasized in order to incentivize redevelopment over greenfield

MAP 2

**State Mandated TCEA
With Sub-Zones**

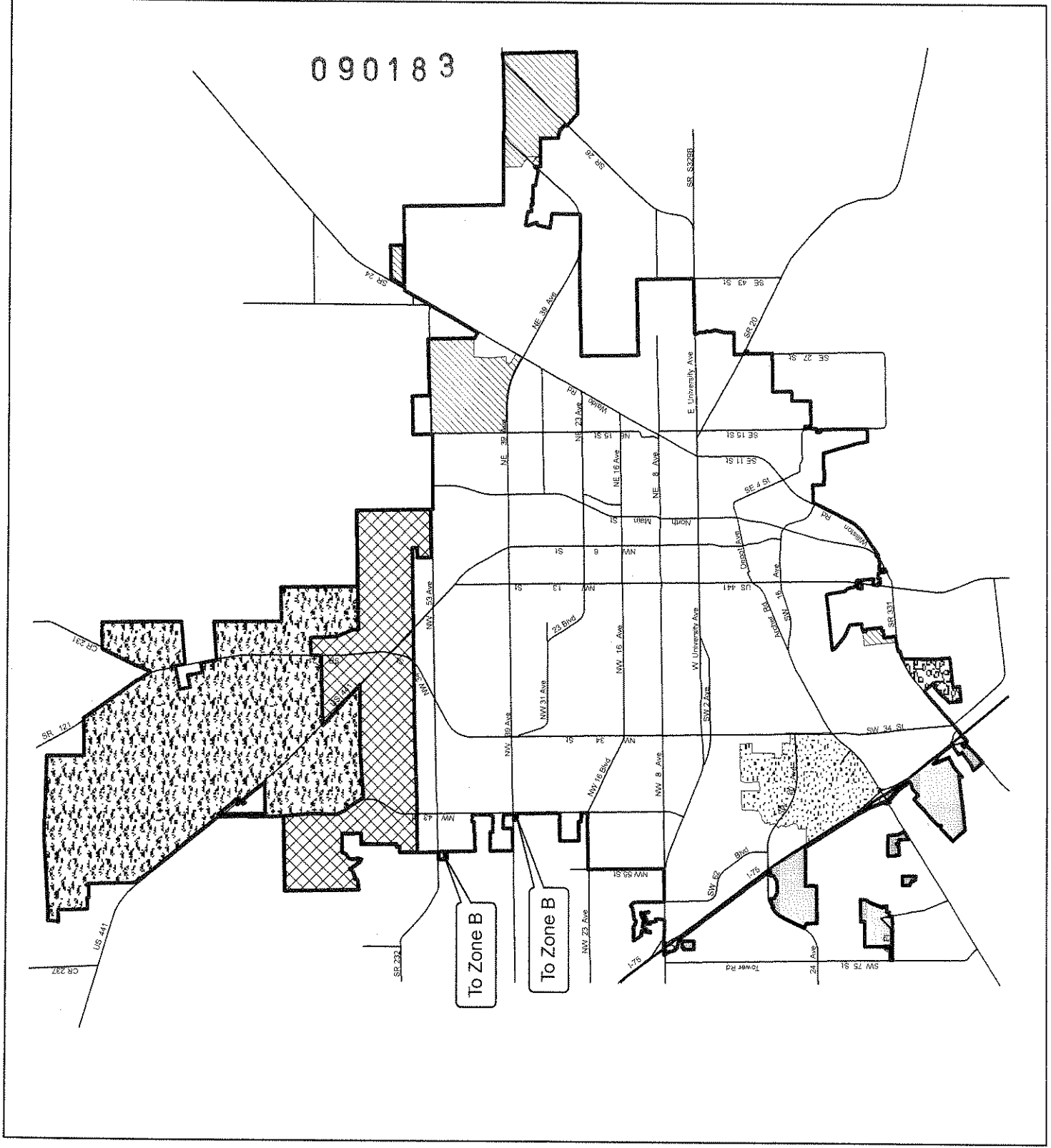
-  Zone A
-  Zone B
-  Zone C
-  Zone D
-  Zone E
-  Zone M
-  City Limits



City of Gainesville
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To Zone B

To Zone B

development. There are special regulations for auto-oriented uses, design policies, streetscaping and landscaping requirements, and restrictions on excess parking.

Impact on Affordable Housing

This petition will not have a direct impact on the provision of affordable housing. However, since it relates to the expansion of the TCEA, more affordable housing may become available as a result of changing the strict adherence to transportation concurrency requirements, which limits development potential in areas with roads not meeting adopted LOS standards.

Respectfully submitted,


Ralph Hilliard
Planning Manager

RH:ORL

DIVISION 3. PROPORTIONATE FAIR-SHARE**Sec. 30-37.1 Intent and purpose.**

The purpose of this division is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(16).

Sec. 30-3837.2. Findings.

The city commission finds that transportation capacity is a commodity that has a value to both the public and private sectors, and that the City of Gainesville Proportionate Fair-Share Program:

- (1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
- (2) Allows developers of property ~~outside the city's transportation concurrency exception area (TCEA)~~ to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation modification;
- (3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
- (4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the city to expedite transportation modifications by supplementing funds currently allocated for transportation modifications in the capital improvements element (CIE).
- (5) Is consistent with F.S. § 163.3180(16), and Policies 1.2.1 and 1.2.6 in the city's CIE.
- (6) Allows proportionate fair-share mitigation to be directed toward one or more specific transportation modifications reasonably related to the mobility demands created by a development and such modifications may address one or more modes of travel.
- (7) Limits proportionate fair-share contributions to ensure that a development meeting the mitigation requirements is not responsible for the additional cost of reducing or eliminating backlogs.

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- (8) Recognizes that the funding of any modification that significantly benefits the impacted transportation system can satisfy transportation concurrency requirements as a mitigation of the development's impact upon the overall transportation system even if there remains a failure of transportation concurrency on other impacted facilities.

Sec. 30-3937.3. Procedures.

(a) *Applicability.* Except as listed below in this subsection (a), ~~The proportionate fair-share program shall apply to all developments outside the city's TCEA that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City of Gainesville Concurrency Management System (CMS), including transportation facilities maintained by the Florida Department of Transportation (FDOT) or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of this section. The proportionate fair-share program does not apply to:~~

- (1) ~~developments of regional impact (DRIs) using proportionate fair-share under F.S. § 163.3180(12); or to~~
- (2) ~~developments exempted or excepted from concurrency as provided in the concurrency management element of the comprehensive plan, including without limitation, developments within the city's TCEA Zones A, B and C, as adopted in the city's comprehensive plan prior to the date the city is designated as a dense urban land area in accordance with Senate Bill 360 (2009 regular session) now known as Chapter Law No. 2009-96; or~~
- (3) ~~developments excepted from concurrency by virtue of being located within the state-mandated TCEA that receive a final development order after the city is designated as a dense urban land area in accordance with Chapter Law No. 2009-96. Developments in the state-mandated TCEA shall be required to meet the applicable standards in Division 4 of this Article. Notwithstanding the foregoing, any applicant that filed an application for a development order with the city prior to the date the city is designated as a dense urban land area and was being processed with a requirement to comply with the proportionate fair-share program, may elect to proceed with its development under the proportionate fair share program by entering into a proportionate fair share agreement with the city ; or~~
- (4) ~~developments on annexed property located within the state-mandated TCEA that does not yet have city land use. In accordance with Objective 4.4 and its sub-policies in the city's future land use element and Section 171.062(2), Florida Statutes, such developments shall continue to be subject to the County land use plan and county zoning or subdivision regulations until such time as the city adopts a comprehensive plan amendment placing city land use on the annexed property.~~

(b) *General requirements.* An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:

- (1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
- (2) The five-year schedule of capital improvements in the city's CIE or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation modification(s) that, upon completion, will satisfy the requirements of the city's transportation CMS. The provisions of subsection (b)(3) may apply if a project or projects needed to satisfy concurrency are not presently contained within the city's CIE or an adopted long-term schedule of capital improvements.
- (3) The city may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share program by contributing to a transportation modification that, upon completion, will satisfy the requirements of the city's transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
 - a. The city adopts by resolution a commitment to add the transportation modification(s) to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. Additionally, to qualify for consideration under this section, the proposed transportation modification must be: determined to be financially feasible by the city commission for city transportation facilities, or by the governmental entity or entities maintaining the impacted transportation facility for county and state roads, pursuant to F.S. § 163.3180(16)(b)1.; consistent with the comprehensive plan; and in compliance with the provisions of the city's proportionate fair-share program. Financial feasibility for this section shall mean that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities.
 - b. If the funds allocated for the five-year schedule of capital improvements in the CIE are insufficient to fully fund construction of a transportation modification required by the CMS, the city may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more projects which, in the opinion of the governmental entity or entities maintaining the

transportation facility, (i) are reasonably related to the mobility demands created by the development, and (ii) will significantly benefit the impacted transportation system even if there remains a failure of concurrency on other impacted facilities (also referred to as system-wide transportation projects). In order for the city to enter into the proportionate fair share agreement, the governmental entity or entities maintaining the impacted transportation facilities must provide written findings to the city as to (i) and (ii).

- c. The system-wide transportation projects as mentioned in subsection 30-39(b)(3)b. and subsection 30-39(b)(4) shall include, but not be limited to: the traffic management system (TMS), expansions of the transit fleet to increase service frequency, bus rapid transit corridors, transit service expansion to new areas, park and ride facilities for the transit system, or other mobility projects improving the transit, pedestrian and/or bicycle level of service.
- d. The modification or modifications funded by the proportionate fair-share program shall be adopted into the five-year capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual CIE update.
- e. Any modification proposed to meet the developer's fair-share obligation must meet design standards of the city on city roads or Metropolitan Transportation Planning Organization (MTPO) for locally maintained roadways and those of the FDOT for the state highway system.

(c) *Application process.* Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified of the opportunity to satisfy transportation concurrency through the proportionate fair-share program pursuant to the requirements of section 30-39.

- (1) Prior to submitting an application for concurrency certification that involves a proportionate fair-share agreement, a pre-application staff conference shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The pre-application meeting may be held in conjunction with a traffic study meeting. If the impacted facility is on the strategic intermodal system (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.
- (2) The applicant shall submit a completed application for concurrency certification at the time of application for development plan review, special use permit approval, subdivision or minor subdivision approval, or planned development rezoning that includes:

Name, address and phone number of owner(s), developer and agent;

Phasing schedule, if applicable;

Trip generation and trip distribution; and,

Description of the proportionate fair-share mitigation method(s) that will be provided.

- (3) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- (4) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding proportionate fair-share agreement will be prepared by the city manager or designee and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, Alachua County for any proposed proportionate fair-share mitigation on a county-maintained facility, or any other municipality whose road facility is significantly impacted and for which proposed proportionate fair-share mitigation is required. No proportionate fair-share agreement will be effective until fully executed by the applicant and the city manager or designee. The agreement shall specify the date or dates on which payments, dedications, and/or completed construction of projects by the developer are due.

(d) *Determining proportionate fair-share obligation.* As provided in F.S. § 163.3180(16)(c), the proportionate fair-share mitigation method for transportation concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities. Construction and contribution of facilities shall be subject to final inspection and approval by the appropriate governmental agency. Proportionate fair-share mitigation may be directed toward one or more specific transportation modification(s) reasonably related to the mobility demands created by the development and such modification(s) may address one or more modes of travel.

- (1) As provided in F.S. § 163.3180(16)(c), a development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation. Proportionate fair-share mitigation shall be limited to ensure that a development meeting the requirements of this section mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs.
- (2) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180 (12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

$$\text{Proportionate Fair-Share} = \sum \left[\left[\frac{\text{Development Trips}_i}{\text{SV Increase}_i} \right] \times \text{Cost}_i \right]$$

Where:

Development Trips_i = Those net, new peak hour trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase_i = Service volume increase provided by the eligible improvement/modification to roadway segment "i" per this section;

Cost_i = Adjusted cost of the modification to segment "i". Cost shall include all modifications and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (3) For the purposes of determining proportionate fair-share obligations, the city shall determine modification costs based upon the actual cost of the modification as obtained from the CIE, the MTPO/TIP or the FDOT Work Program. Where such information is not available, modification cost shall be determined using one of the following methods:
- a. An analysis by the city manager or designee of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the city manager or designee. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor; or
 - b. The most recent issue of FDOT *Transportation Costs*, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with FDOT District 2.

- c. If the city has accepted a modification project proposed by the applicant, then the value of the modification shall be determined using one of the methods provided in this section.
 - d. If the city has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication by fair market value established by an independent appraisal provided to the city by the applicant, at the applicant's expense. The appraisal is subject to review and approval by the city. The applicant, at its own expense, shall supply to the city: a certified survey and legal description of the land and an owner's title policy insuring the city for the appraised value. If the right-of-way dedication is for either a county-maintained or FDOT roadway facility, the dedication shall be to the appropriate agency and under the same provisions as listed above. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city-estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.
- (4) At the discretion of the city, the proportionate fair-share obligation, as calculated in subsection 30-39(d), can be used to fund system-wide transportation project(s) as described in subsection 30-39(b)(3)c., that, in the opinion of the governmental entity or entities having maintenance authority over the impacted transportation facility, (i) are reasonably related to the mobility demands created by the development, and (ii) will significantly benefit the impacted transportation system even if there remains a failure of concurrency on other impacted facilities. In order for the city to enter into the proportionate fair share agreement, the governmental entity or entities maintaining the impacted transportation facilities must provide written findings to the city as to (i) and (ii).
- (5) Pursuant to the provisions of subsection (b)(3)b. and c., the city, at its discretion, may allow smaller developments generating fewer than 1,000 average daily trips (ADT) or 100 peak hour trips (whichever produces the smaller development size in terms of square footage or residential units) to contribute proportionate fair-share funds to system-wide transportation projects. The development shall contribute to both the TMS and the transit system, and all proportionate fair-share calculations shall be based on the total number of peak hour trips. For the purposes of determining proportionate fair-share obligations for system-wide transportation projects such as the TMS or transit services, the city shall determine modification costs based upon the actual cost of the modification as obtained from the city's public works department and regional transit service. These costs shall be updated annually.

- a. The TMS cost shall be calculated as follows:
1. Average the daily traffic counts per TMS corridors within city limits and sum them;
 2. Translate to peak hour trips using the locally derived 9.1 percent ratio per city studies;
 3. Calculate the TMS cost minus corridors outside city limits;
 4. Divide the sum of all p.m. peak hour corridor counts into the TMS cost within the city limits to obtain a cost per peak trip.

- b. The transit costs shall be calculated as follows:

Development's net, new peak hour trip generation X (TAA Costs/TAA new peak trips) /CF where,

TAA Cost = Transit Assessment Area Cost (3 years) of capital and operating costs for enhancements to existing transit service routes that demonstrate the need for service expansion (i.e., full buses, high productivity, customer requests); 5 years of capital and operating costs for new transit service routes).

TAA new peak trips = the new transit trips available in the peak hour based on the enhancements.

CF = the conversion factor of person-trips to vehicle trips (= the current vehicle occupancy rate per the local transportation model is 1.09).

- (6) If the city designates any multimodal transportation districts (MMTD), the proportionate fair-share assessments shall be based on the expected costs and transportation benefits of all the required multimodal modifications within the MMTD. The proportionate fair-share assessment shall be based on the percentage of proposed development net, new peak hour trips divided by the total number of trips projected for the MMTD multiplied by the cost to provide all needed mobility modifications within the MMTD.

(e) *Proportionate fair-share agreements.* Upon execution of a proportionate fair-share agreement (agreement), the applicant shall receive a city certificate of preliminary and/or final concurrency (as appropriate). Should the applicant fail to apply for a development permit within the timeframe provided in the land development code, then the agreement shall be considered null and void, and the applicant shall be required to reapply.

- (1) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order, special use permit, second reading of the PD ordinance, or recording of the final plat, whichever is the first to occur, and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required modification at the time of payment, pursuant to subsection 30-39(d) and adjusted accordingly.
- (2) All developer modifications authorized under this section must be completed prior to issuance of a building permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required modification(s). It is the intent of this section that any required modification(s) be completed before issuance of building permits.
- (3) Dedication of necessary right-of-way for facility modifications pursuant to an agreement must be completed prior to issuance of the final development order or recording of the final plat.
- (4) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation. If a requested change to a development project reduces its traffic impact subsequent to a development order and prior to the issuance of a certificate of occupancy, the applicant may request that the proportionate fair-share agreement be amended and the contribution reduced to reflect the revised mitigation required, if the city has not appropriated the funds. Applicants may submit a letter to withdraw from the proportionate fair share program at any time prior to the execution of an agreement.

(f) *Appropriation of fair-share revenues.* Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled modifications in the city's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the city, proportionate fair-share revenues may be used for operational modifications prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

- (1) In the event a schedule facility modification is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another modification within that same corridor or sector that is found to mitigate the impacts of development pursuant to the requirements of subsection 30-39(b)(3)b.
- (2) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as

provided in F.S. § 339.155, the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the city commission through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(g) *Impact fee credit for proportionate fair-share mitigation.* If the city adopts transportation impact fees, the following provisions shall apply:

- (1) Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the city's impact fee ordinance.
- (2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the proportionate fair-share agreement as they become due per the city's impact fee ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city pursuant to the requirements of the city impact fee ordinance.
- (3) Major projects not included within the city's impact fee ordinance or created under subsection 30-39(b)(3)a. and b. which can demonstrate a significant benefit to the impacted transportation system may be eligible at the local government's discretion for impact fee credits.
- (4) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the city's impact fee ordinance.

Sec. 30-4037.4. Intergovernmental coordination.

(a) *Cross jurisdictional impacts.* Pursuant to policies in the intergovernmental coordination element of the City of Gainesville Comprehensive Plan, the city shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(b) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the city may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall provide for application of the methodology in this section to address the cross jurisdictional transportation impacts of development.

(c) A development application submitted to the city subject to a transportation concurrency determination meeting all of the following criteria shall be subject to this section:

- (1) All or part of the proposed development is located within .25 mile(s) of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government or generates more than 1,000 net, new ADT; and,
- (2) Using its own concurrency analysis procedures, the city concludes that the additional traffic from the proposed development would use five percent or more of the adopted peak hour LOS maximum service volume of a regional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted regional facility"); and,
- (3) The impacted regional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.

(d) Upon identification of an impacted regional facility pursuant to subsection 30-40(c)(1)--(3), the city shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

(e) The adjacent local government shall have up to 30 days in which to notify the city of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of F.S. § 163.3180(16). Should the adjacent local government decline proportionate fair-share mitigation under this section, then the provisions of this section would not apply and the applicant would be subject only to the proportionate fair share requirements of the city.

(f) If the subject application is subsequently approved by the city, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied.

APPENDIX A. METHOD FOR COST ESCALATION

This Appendix contains a method to estimate growth in costs, through the computation of a three-year average of the actual cost growth rates. This will provide a growth rate that should

be smoothed to avoid overcompensating for major fluctuations in costs that have occurred due to short term material shortages.

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost_growth}_{3\text{yr}})^n$$

Where:

Cost_n = The cost of the improvements in year n;

Cost_0 = The cost of the improvement in the current year;

$\text{Cost_growth}_{3\text{yr}}$ = The growth rate of costs over the last three years;

n = The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

$$\text{Cost_growth}_{3\text{yr}} = [\text{Cost_growth}_{-1} + \text{Cost_growth}_{-2} + \text{Cost_growth}_{-3}]/3$$

Where:

$\text{Cost_growth}_{3\text{yr}}$ = The growth rate of costs over the last three years;

Cost_growth_{-1} = The growth rate of costs in the previous year;

Cost_growth_{-2} = The growth rate of costs two years prior;

Cost_growth_{-3} = The growth rate of costs three years prior.

**DIVISION 4. STATE MANDATED TRANSPORTATION CONCURRENCY
EXCEPTION AREA**

Sec. 30-38.1 Intent and purpose.

The purpose of this division is to implement short-term strategies for the area within the city limits that the State of Florida designated as a transportation concurrency exception area as identified in Map 1 (the "state-mandated TCEA") through its enactment of Senate Bill 360 (2009 regular session) now known as Chapter Law No. 2009-96. The intent of this division is to eliminate uncertainty within the development community as to which transportation mobility regulations apply, to encourage urban infill development and redevelopment by providing an exception to the City's Transportation Concurrency Management System and Proportionate Fair-Share Program, to fund transportation mobility needs in accordance with state law, to reduce traffic congestion, and to provide for a range of transportation alternatives that benefits the overall transportation system.

Sec. 30-38.2 Findings.

The city commission finds that a range of transportation alternatives benefits the overall transportation system and has value to both the public and private sectors, that there is a need for short-term strategies to provide for and fund mobility needs until such time as long-term strategies can be adopted into the city's comprehensive plan, and that the short-term strategies for the state-mandated TCEA set forth in this Division:

- (1) Provide a method by which developers of property within the state-mandated TCEA can support and fund mobility needs created by development;
- (2) Contribute to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable lack of transportation alternatives to support development;
- (3) Maximize the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the city to expedite transportation modifications by supplementing funds currently allocated for transportation mobility modifications in the capital improvements element (CIE); and
- (4) Are consistent with Chapter Law No. 2009-96, and Objective 1.10 and its sub-policies in the city's concurrency management element.

Sec. 30-38.3 Procedures.

(a) *Applicability.* These short-term strategies shall apply to all development within the state-mandated TCEA identified in Map 1 that receives a final development order after the city is designated as a dense urban land area in accordance with Chapter Law No. 2009-96. Notwithstanding the foregoing, any applicant that filed an application for a development order

with the city prior to the date the city is designated as a dense urban land area and was being processed with a requirement to comply with the proportionate fair-share program , may elect to proceed with its development under the proportionate fair-share program by entering into a proportionate fair-share agreement with the city. These short-term strategies do not apply to:

(1) developments within the city's TCEA Zones A, B and C, as adopted in the city's comprehensive plan prior to the date the city is designated as a dense urban land area, this area is identified as "Existing TCEA" in Map 1 and continues to be subject to the TCEA requirements set forth in the city's adopted concurrency management element; or

(2) developments on annexed property located within the state-mandated TCEA that does not yet have city land use. In accordance with Objective 4.4 and its sub-policies in the city's future land use element and Section 171.062(2), Florida Statutes, such developments shall continue to be subject to the county land use plan and county zoning or subdivision regulations until such time as the city adopts a comprehensive plan amendment placing city land use on the annexed property. The following shall apply when the city places city land use on the annexed property:

a. Properties that involve a large-scale land use amendment shall be placed in a TCEA zone as part of the large-scale amendment process for the property. This shall be done by simultaneous amendment to the appropriate TCEA maps in the Comprehensive Plan; or

b. Properties that involve a small-scale land use amendment shall be placed in a TCEA zone during the next large-scale amendment cycle, with appropriate TCEA map amendments. During the interim period, after obtaining city land use but prior to placement in a TCEA zone, development on property east of I-75 shall provide for and fund mobility needs by meeting the standards and requirements of the most physically proximate TCEA zone. Development on property west of I-75 shall meet the standards and requirements for Zone D.

(b) Requirements. Within the state-mandated TCEA, the city designates property into sub-areas designated as Zone A, B, C, D, E and M as identified in Map 2.

(1) Within Zone A, development or redevelopment shall provide the following:

a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage.

b. Cross-access connections/easements or joint driveways, where available and economically feasible.

c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities and/or bus shelters. Such deeding or

conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement (executed by the property owner and the City) for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding or conveyance of easements if agreeable to the City. The License term shall be for a minimum of 10 years.

d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code.

e. Safe and convenient on-site pedestrian circulation such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

Transportation modifications which are required due to traffic safety and/or operating conditions and which are unrelated to transportation mobility needs shall be provided by the developer.

(2) Within Zones B, C, D, E, or M new development or redevelopment shall provide all of the items listed in (b)(1) a. through e. and meet required standards, as specified in the zone requirements (as relevant to its respective Zone), to address transportation mobility needs within the TCEA. Transportation modifications which are required due to traffic safety and/or operating conditions and which are unrelated to transportation mobility needs shall be provided by the developer and any such items provided shall not count towards meeting required standards relevant to the Zone.

(3) Within Zone B, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign a development agreement or contract with the City of Gainesville for the provision of these standards. The choice of standards shall be subject to the final approval of the City during the plan approval process. The standards chosen shall relate to the particular transportation conditions and priorities in Zone B or adjacent areas. The developer may choose to provide one or more standards off-site with the City's approval. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting two or more standards.

<u>Net, new average daily trip generation</u>	<u>Number of standards which must be met</u>
<u>Less than 50</u>	<u>At least one standard</u>
<u>50 to less than 100</u>	<u>At least two standards</u>
<u>100 to 400</u>	<u>At least three standards</u>
<u>400 to 999</u>	<u>At least five standards</u>
<u>Greater than 1,000 trips but less than 5,000 trips</u>	<u>At least eight standards</u>
<u>Greater than 5,000 trips</u>	<u>At least twelve standards and meet a. or b. below:</u> <u>a. Be on existing transit route</u> <u>b. Provide funding for a new transit route</u>

Zone B Standards

- a. Intersection and/or signalization modifications to improve level of service and safety and address congestion management. This may include, but is not limited to: signal timing studies, fiber optic inter-connection for traffic signals, roundabouts, OPTICOM signal preemption, and/or implementation of elements of the Gainesville Traffic Signalization Master Plan Update. Implementation of the Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- b. Funding for the construction of a new or expanded bus maintenance/operations facility.
- c. Construction of bus shelters built to City specifications or bus shelter lighting using solar technology designed and constructed to City specifications.
- d. Construction of bus turn-out facilities.
- e. Provision of bus pass programs provided to residents and/or employees of the development. The bus passes must be negotiated as part of a contract with the Regional Transit System.
- f. Payments to the Regional Transit System, which either increase service frequency or add additional bus service, including express transit service or bus rapid transit, where appropriate.

- g. Construction of public sidewalks where they are not currently existing. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA standards.
- h. Widening of existing public sidewalks to increase pedestrian mobility and safety.
- i. Deeding of land for the addition and construction of bicycle lanes, or construction of bicycle lanes to City specifications.
- j. Provision of ride sharing or van pooling programs.
- k. Use of joint driveways or cross-access to reduce curb cuts.
- l. Provision of park and ride facilities.
- m. Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.
- n. Business operations that can be proved to have limited or no peak hour roadway impact.
- o. Provision of shading through awnings or canopies over public sidewalk areas to promote pedestrian traffic and provide protection from the weather so that walking is encouraged. The awning or canopy shall provide pedestrian shading for a significant length of the public sidewalk in front of the proposed or existing building.
- p. Provision of additional bicycle parking over the minimum required by the Land Development Code. Additional bicycle parking may be used to substitute for the required motorized vehicle parking.
- q. In order to increase the attractiveness of the streetscape and reduce visual clutter along roadways, which promotes a more walkable environment, provision of no ground-mounted signage at the site for parcels with 100 linear feet or less of property frontage. Or, removal of non-conforming signage or billboards at the site. Signage must meet all other regulations in the Land Development Code.
- r. Enhancements to the City's greenway system (as shown in the Transportation Mobility Map Series) which increase its utility as a multi-modal transportation route. Such enhancements may include, but not be limited to: 1.) trail amenities such as benches, directional signage, or safety systems; 2.) bicycle parking at entry points or connecting with

transit lines; 3.) land acquisition for expansion or better connectivity of the greenway system; 4.) additional entry points to the greenway system; 5.) bridges spanning creeks or wetland areas; and/or, 6.) appropriate trail surfacing.

s. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.

t. Clustering of and design of the development for maximum density, or maximum FAR, at the site which preserves open space, reduces the need for development of vacant lands, enhances multi-modal opportunities and provides transit-oriented densities or intensities.

u. Construction of new road facilities which provide alternate routes to reduce congestion.

v. Addition of lanes on existing road facilities (including, but not limited to, the expansion of SR 121 north of US 441 to 4 lanes), where acceptable to the City and/or MTPO, as relevant.

w. An innovative transportation-related modification or standard submitted by the developer, where acceptable to and approved by the City.

(4) Within Zone C, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign an agreement with the City of Gainesville for the provision of these standards. The choice of standards shall be subject to the final approval of the City during the plan approval process. The standards chosen shall relate to the particular transportation conditions and priorities in Zone C or adjacent areas. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting two or more standards.

<u>Net, new average daily trip generation</u>	<u>Number of standards which must be met</u>
<u>Less than 50</u>	<u>At least one standard</u>
<u>50 to less than 100</u>	<u>At least three standards</u>
<u>100 to 400</u>	<u>At least 4.5 standards</u>
<u>400 to 999</u>	<u>At least 7.5 standards</u>
<u>Greater than 1,000 trips but less than 5,000 trips</u>	<u>At least twelve standards</u>
<u>Greater than 5,000 trips</u>	<u>At least eighteen standards and meet a. or b. below:</u> <u>a. Be on existing transit</u> <u>b. Provide funding for a new transit route</u>

Zone C Standards

a. Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects, and may include projects outside the limits of the TCEA that can be demonstrated to be a direct benefit to the transportation system in the area of the TCEA:

1. extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue;
2. extension of SW 47th Avenue to connect from its terminus east and south to Williston Road; and,
3. in areas where redevelopment occurs: extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity; and,
4. extension of SW 40th Place from SW 27th Street to SW 47th Avenue.

Developers may deed land for right of way and/or construct roadway extensions to City specifications. Prior to the donation of the right of way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the City for purposes of establishing value, subject to review by the City.

b. Intersection and/or signalization modifications to improve level of service and safety and address congestion management. This may include, but is not limited to: signal timing studies, fiber optic inter-connection for

traffic signals, roundabouts, OPTICOM signal preemption, and/or implementation of elements of the Gainesville Traffic Signalization Master Plan Update. Implementation of the Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.

- c. Construction of bus shelters built to City specifications.
- d. Bus shelter lighting using solar technology to City specifications.
- e. Construction of bus turn-out facilities to City specifications.
- f. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or transit hubs or deeding of land for the addition and construction of bicycle lanes or trails.
- g. Payments to the Regional Transit System, which either increase service frequency or add additional bus service, including express transit and bus rapid transit, where appropriate.
- h. Construction of public sidewalks where they are not currently existing or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA standards. The priority for sidewalk construction shall be:
 - 1. along SW 35th Place east from SW 34th Street to SW 23rd Street;
 - 2. along SW 37th Boulevard/SW 39th Boulevard (north side) south from Archer Road to SW 34th Street;
 - 3. along SW 27th Street from SW 35th Place to Williston Road for pedestrian/transit connectivity; and,
 - 4. along the west side of SW 32nd Terrace from SW 35th Place to the terminus of the University Towne Centre sidewalk system (at the property line).
- i. Use of joint driveways or cross-access connections to reduce curb cuts.
- j. Funding of streetscaping/landscaping on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.

k. Pedestrian-scale lighting in priority areas including:

1. SW 35th Place;
2. SW 37th/39th Blvd.;
3. SW 23rd Terrace; and,
4. Williston Road.

l. Business operations that can be proven to have limited or no peak hour roadway impact.

m. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.

n. Provision of matching funds for transit or other transportation mobility-related grants.

o. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.

p. Funding for the construction of a new or expanded bus maintenance/operations facility.

q. An innovative transportation-related modification or standard submitted by the developer, where acceptable to and approved by the City.

(5) The City establishes the following priority for projects in Zone C. For developments east of SW 34th Street in Zone C the priority shall be:

a. Construction of an off-street pedestrian path on one side of SW 35th Place from SW 34th Street to SW 23rd Terrace.

b. A roundabout at SW 23rd Terrace and SW 35th Place.

For developments west of SW 34th Street in Zone C the priority shall be:

a. Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.

b. Funding for the construction of a new or expanded bus maintenance/operations facility.

(6) Within Zone D, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign an agreement with the City of Gainesville for the provision of these standards. The choice of standards shall be subject to the final approval of the City during the plan approval process. The standards chosen shall relate to the particular transportation conditions and priorities in Zone D or adjacent areas. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting two or more standards.

<u>Net, new average daily trip generation</u>	<u>Number of standards which must be met</u>
<u>Less than 50</u>	<u>At least 1.5 standards</u>
<u>50 to less than 100</u>	<u>At least four standards</u>
<u>100 to 400</u>	<u>At least six standards</u>
<u>400 to 999</u>	<u>At least ten standards</u>
<u>Greater than 1,000 trips but less than 5,000 trips</u>	<u>At least sixteen standards</u>
<u>Greater than 5,000 trips</u>	<u>At least 24 standards and meet a. or b. below:</u> <u>a. Be on existing transit route with minimum fifteen minute frequencies in the a.m. and p.m. peak hours for RTS</u> <u>b. Provide funding for a new transit route or provide funding to improve transit headways to minimum fifteen minute frequencies in the a.m. and p.m. peak hours for RTS. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions shall include capital and operating costs for three years.</u>

Zone D Standards

a. Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects, and may include projects outside the limits of the TCEA or Zone D that can be demonstrated to be a direct benefit to the transportation system in the area of the TCEA:

1. extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue;
2. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity

Developers may deed land for right of way and/or construct roadway extensions to City specifications. Prior to the donation of the right of way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the City for purposes of establishing value, subject to review by the City.

- b. Construction of bus shelters built to City specifications.
- c. Bus shelter lighting using solar technology to City specifications.
- d. Construction of bus turn-out facilities to City specifications.
- e. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or transit hubs or deeding of land for the addition and construction of bicycle lanes or trails.
- f. Payments to the Regional Transit System, which either increase service frequency or add additional bus service, including Express Transit and Bus Rapid Transit, where appropriate.
- g. Construction of public sidewalks where they are not currently existing or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA standards.
- h. Funding for the construction of a new or expanded bus maintenance/operations main facility.
- i. Business operations that can be proven to have limited or no peak hour roadway impact.
- j. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.

- k. Provision of matching funds for transit or other transportation mobility-related grants.
- l. Construction of Park and Ride facilities built to RTS standards and requirements for the area.
- m. An innovative transportation-related modification or standard submitted by the developer, where acceptable to and approved by the City.

(7) The City establishes the following priority for projects in Zone D.

- a. Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.
- b. Funding for the construction of a new or expanded bus maintenance/operations facility.

(8) Within Zone E, development or redevelopment shall be required to meet the following development standards, provided at developer expense, based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The developer shall sign an agreement with the City of Gainesville for the provision of these standards. The choice of standards shall be subject to the final approval of the City during the plan approval process. The standards chosen shall relate to the particular transportation conditions and priorities in Zone E or adjacent areas. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting two or more standards.

<u>Net, new average daily trip generation</u>	<u>Number of standards which must be met</u>
<u>Less than 50</u>	<u>At least 1.5 standards</u>
<u>50 to less than 100</u>	<u>At least four standards</u>
<u>100 to 400</u>	<u>At least six standards</u>
<u>400 to 999</u>	<u>At least ten standards</u>
<u>Greater than 1,000 trips but less than 5,000 trips</u>	<u>At least sixteen standards</u>
<u>Greater than 5,000 trips</u>	<u>At least 24 standards and meet a. or b. below:</u> <u>a. Be on existing transit route with minimum fifteen minute frequencies in the a.m. and p.m. peak hours for RTS</u> <u>b. Provide funding for a new transit route</u>

	<p><u>or provide funding to improve transit headways to minimum fifteen minute frequencies in the a.m. and p.m. peak hours for RTS. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions shall include capital and operating costs for three years.</u></p>
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Zone E Standards

a. Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects, and may include projects outside the limits of Zone E or the TCEA that can be demonstrated to be a direct benefit to the transportation system in the area of the TCEA:

1. widening of SR 121 to 4 lanes north of US 441 to CR 231;
2. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity;

Developers may deed land for right of way and/or construct roadway extensions to City specifications. Prior to the donation of the right of way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the City for purposes of establishing value, subject to review by the City.

- b. Construction of bus shelters built to City specifications, where transit service is available.
- c. Bus shelter lighting using solar technology to City specifications, where transit service is available.
- d. Construction of bus turn-out facilities to City specifications, where transit service is available.
- e. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or transit hubs or deeding of land for the addition and construction of bicycle lanes or trails.

f. Payments to the Regional Transit System, which either increase service frequency or add additional bus service, including Express Transit and Bus Rapid Transit, where appropriate.

g. Construction of public sidewalks where they are not currently existing or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA standards.

h. Funding for the construction of a new or expanded bus maintenance/operations main facility.

i. Business operations that can be proven to have limited or no peak hour roadway impact.

j. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.

k. Provision of matching funds for transit or other transportation mobility-related grants.

l. Construction of Park and Ride facilities built to RTS standards and requirements for the area.

m. An innovative transportation-related modification or standard submitted by the developer, where acceptable to and approved by the City.

(8) The City establishes the following priority for projects in Zone E and shall work with the Metropolitan Transportation Planning Organization (MTPO) to add these items to the MTPO list of priorities. The City shall also pursue matching grants and other funding sources to complete these projects.

a. widening of SR 121 to 4 lanes north of US 441 to CR 231.

b. Funding for the construction of a new or expanded bus maintenance/operations facility.

(9) Within Zone M, development or redevelopment shall be required to meet standards by making a proportionate share payment of the planned costs to fund mobility, including transit, pedestrian, bicycle, and vehicular needs, in the zone. This may include projects outside the limits of Zone M (in adjacent areas) that can be demonstrated to be a direct benefit to the transportation system in the area of Zone M. The proportionate share shall be based on the development's (including all phases) trip generation and proportional impact on transportation mobility facilities. The mobility needs in Zone M shall be identified in the City's 5-Year

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Schedule of Capital Improvements and the City's Capital Improvements Plan. The developer shall sign an agreement with the City of Gainesville for the provision of mobility needs. It shall be anticipated that the provision of all mobility needs in Zone M may span a 20 to 30 year time period. The following is a list of mobility projects in Zone M:

a. Roadway projects to: provide a more interconnected transportation network in the area, provide alternate routes to reduce congestion, and reduce pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. These projects include, but are not limited to the following projects:

1. extension of Hull Road consistent with MTPO Option M;

2. extension of SW 62nd Boulevard to SW Archer Road in accordance with the MTPO design; and,

3. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity;

Developers may deed land for right of way and/or construct roadway extensions to City specifications. Prior to the donation of the right of way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this standard. In the event the parties cannot agree as to the value of the land, the developer may submit an appraisal acceptable to the City for purposes of establishing value, subject to review by the City.

b. 8 articulated buses.

c. Funding for the construction of a new or expanded bus maintenance/operations facility.

d. Construction of 4 transit superstops on SW 20th Avenue built to City specifications.

e. A Park and Ride facility with a minimum of 100 spaces, including transfer station and restrooms/information center, built to RTS specifications.

f. Traffic management system equipment for transit vehicles operating in Zone M.

g. Payments to the Regional Transit System for the capital and operating costs associated with Route 62, which includes 2 new buses.

h. Construction of public sidewalks where they are not currently existing or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TCEA requirements.

i. Business operations that can be proven to have limited or no peak hour roadway impact.

j. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.

k. Funding for bus rapid transit, where appropriate.

l. An innovative transportation-related modification or standard submitted by the developer, where acceptable to and approved by the City.

(c) *Redevelopment policies in the state-mandated TCEA.*

(1) Redevelopment or expansions of existing developments, which generate fewer than ten net, new average daily trips or two net, new p.m. peak hour trips (based on adjacent street traffic), shall not be required to meet (b)(1)-(9) above.

(2) Within Zones B, C, D, E, or M, in order to encourage redevelopment and desirable urban design and form, developments meeting standards such as neo-traditional, new urbanist, or mixed-use development which includes a mix of both residential and non-residential uses at transit oriented densities shall be provided credits, in relation to the multi-modal amenities provided, toward meeting the standards in (b)(3)-(9) above, as relevant.

(3) In order to encourage the redevelopment of chronically vacant buildings located within 1/4 mile of the property lines of an existing or potential transit hub (as shown in the Existing & Potential Transit Hubs map adopted in the Transportation Mobility Element) and to reduce or prevent blight, the City shall reduce the number of trips for standards (as relevant for the zone) that must be met in these areas by 20 percent for redevelopment or expansion/conversion projects.

(d) *Design Policies in the state-mandated TCEA.*

(1) The City shall use the Central Corridors Overlay District design standards in the Land Development Code for development/redevelopment projects within the TCEA. These standards include consideration of building placement, location of parking, sidewalks, building wall articulation, and placement of mechanical equipment and shall be the guiding design standards for development/redevelopment on roadways in the TCEA which are listed in the annual level of

service report produced by the North Central Florida Regional Planning Council. Within Zone C, the build-to line may be modified on Archer Road, SW 34th Street, and Williston Road due to right-of-way or utility constraints, consistent with requirements as described in the Special Area Plan for Central Corridors, City Land Development Code. These design standards requirements shall not override design standards adopted as part of a Special Area Plan, Overlay District, or Planned Development.

(2) New development of automotive-oriented uses located within the TCEA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed to locate service bays and fueling (gas) pumps to the rear of buildings located on the site. These design standards shall not apply in industrial zoning districts. The number of fueling positions shall be regulated by TCEA policies.

(e) Auto-oriented uses in the state-mandated TCEA. Automobile-oriented developments/uses including drive-through facilities, surface parking lots as a principal use, parking garages, car washes, and gasoline service stations shall be regulated as follows within the TCEA.

(1) The City may establish pedestrian-, transit-, and bicycle-oriented areas, through a special area plan overlay zone adopted within the Land Development Code, which prohibit or further regulate automobile-oriented developments/uses beyond the standards set by the TCEA.

(2) Special Area Plan overlay district regulations (such as the College Park Special Area Plan and the Traditional City) that prohibit and regulate automobile-oriented developments/uses, as described in (e) above, shall not be modified by provisions or policies of the TCEA.

(3) New development of surface parking lots as a principal use shall be required to obtain a Special Use Permit. In addition to the review criteria set in the Land Development Code for Special Use Permits, the approval of the Special Use Permit shall be based on consideration of the size/scale of the proposed surface parking lot and the inclusion of design and access features which maintain pedestrian, bicycle and transit safety and do not discourage pedestrian, bicycle and transit use in the area.

(4) Drive-through facilities shall be defined to include banking facilities, payment windows, restaurant, food and or/beverage sales, dry cleaning, express mail services and other services that are extended mechanically or personally to customers who do not exit their vehicles. The following uses shall not be considered drive-throughs: auto fuel pumps and depositories which involve no immediate exchange or dispersal to the customer, such as mail boxes, library book depositories, and recycling facilities.

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(5) In addition to the review criteria set in the Land Development Code for Special Use Permits, the following review standards for drive-through facilities shall be included:

- a. maximization of pedestrian and bicycle safety and convenience;
- b. adequate queuing space for vehicles such that there is no back-up of traffic onto adjacent roadways;
- c. provision of a by-pass lane or sufficient driveway area around the drive-through lanes to assist internal vehicular circulation;
- d. minimization of the visual impacts of the drive-through lanes on street frontage areas;
- e. minimization of the total number of drive-through lanes based on site conditions and the operating conditions of the impacted roadway segments;
- f. minimization of the number of access points to roadways;
- g. design of access points and ingress/egress directional flows to minimize impacts on the roadway and non-motorized traffic;
- h. design of internal pedestrian access and safety as related to the position of the drive-through lane(s); and,
- i. meeting any additional design criteria established in the Land Development Code.

(6) Unless otherwise prohibited or regulated by a Special Area Plan, the development of new free-standing drive-through facilities or expansion of or development activity at existing free-standing drive-through facilities, not meeting the provisions of (e)(7) below, shall be required to obtain a Special Use Permit. These drive-through facilities shall meet the Special Use Permit criteria shown in the Land Development Code and review criteria shown in (e)(5) above. In addition, drive-through facilities not developed under the provisions of (e)(7) or (e)(8) below shall also meet the following standards:

- a. There shall be a minimum distance of 400 feet between the driveways of sites with free-standing drive-through facilities on roadways operating at 85 percent or more of capacity. Roadway capacity shall be measured using the latest version of Art-Plan or a method deemed acceptable by the Technical Advisory Committee Subcommittee of the Metropolitan Transportation Planning Organization. Available capacity

shall include consideration of reserved trips for previously approved developments and the impacts of the proposed development. The 400 foot distance requirement shall not apply if any of the following criteria are met:

1. Joint driveway access or common access is provided between the sites with free-standing drive-through facilities.
2. Cross access is provided with an adjoining property.
3. A public or private road intervenes between the two sites.
4. The development provides a functional design of such high quality that the pedestrian/sidewalk system and on-site/off-site vehicular circulation are not compromised by the drive-through facility. This determination shall be made as part of the Special Use Permit and development plan review process and shall be based on staff and/or board review and approval.

b. There shall be no credit for pass-by trips in association with the drive-through facility. Standards which must be met under (b)(3), (4), (6), (8), or (10) above, as relevant to the zone, shall be based on total trip generation for the use and shall not include any net reduction for pass-by trips.

(7) Unless otherwise prohibited or regulated by a Special Area Plan, the development of new free-standing drive-through facilities or expansion of or development activity at existing free-standing drive-through facilities shall be permitted, by right, only within shopping centers or mixed-use centers. No direct access connections from the street to the drive-through shall be allowed. Access to the drive-through shall be through the shopping center or mixed-use center parking area. Mixed-use centers shall be defined as developments regulated by a unified development plan consisting of three or more acres, having a minimum of 25,000 square feet of gross floor area, and providing centralized motorized vehicle access and a mix of at least three uses which may include residential or non-residential uses in any combination. Mixed-use centers may include Planned Developments which meet the criteria listed in this policy. Development plan approval for the drive-through facility shall be based on the inclusion of appropriate pedestrian, bicycle and transit features which facilitate and encourage convenience, safety, and non-motorized use of the site; design of safe internal pedestrian access as related to the position of the drive-through lane(s); and meeting design criteria established in the Land Development Code. Drive-through facilities meeting the criteria shown in this policy shall also receive an internal capture trip credit and credit for pass-by trips.

(8) The development of new drive-through facilities shall be permitted, by Special Use Permit, when part of a single, mixed-use building, having more than one business or use at the site, where the minimum square footage of the mixed-use building is 25,000 square feet. Only one drive-through use at such sites shall be allowed. In addition to the review criteria set in the Land Development Code for Special Use Permits, the approval of the Special Use Permit shall be based on the inclusion of pedestrian, bicycle and transit features which facilitate and encourage convenience, safety and non-motorized use of the site; design of safe internal pedestrian access as related to the position of the drive-through lane(s); and meeting design criteria established in the Land Development Code. Drive-through facilities meeting the criteria shown in this policy shall also receive an internal capture trip credit and credit for pass-by trips.

(9) Within the TCEA, retail petroleum sales at service stations and/or car washes, either separately, or in combination with the sale of food or with eating places, shall be required to obtain a Special Use Permit. In addition to the review criteria set in the Land Development Code for Special Use Permits, the following review standards shall be included:

a. Site design shall enhance pedestrian/bicycle access to any retail or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.

b. The number and width of driveways shall be minimized.

c. Except where more stringently regulated by a Special Area Plan or overlay district, the maximum number of fueling positions shall be set as follows:

1. No limitation on fueling positions in the Industrial zoning categories;

2. Six fueling positions in the Mixed Use Low land use category or Mixed Use 1 zoning district;

Until adoption, in the Land Development Code, of specific architectural and design standards, six fueling positions in all other zoning categories where gasoline service stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

- a. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;
- b. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;
- c. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;
- d. The architectural and site design are of such high quality that they enhance the site area and promote the City's multi-modal and design goals. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points.
- e. Cross-access or joint driveway usage is provided to other adjacent developments.
- f. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged. The retail convenience goods sales or restaurant building and development shall meet all of the following requirements:
1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;
 2. A minimum of 30 percent window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80 percent transparent;
 3. A pedestrian entry is provided from the public sidewalk on the property frontage; or, near a building corner when the building is on a corner lot;
 4. Off-street parking shall be located to the side or rear of the building;
 5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.

Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.

(10) Within the TCEA, development plans for the placement of new parking garages as a principal or accessory use shall address:

- a. minimizing conflict with pedestrian and bicycle travel routes;
- b. providing parking for residents, employees, or customers in order to reduce the need for on-site surface parking;
- c. being located and designed to discourage vehicle access through residential streets;
- d. designing facilities for compatibility with neighborhoods by including ground floor retail, office, or residential use/development (as appropriate for the zoning district) when located on a public street. The facility shall also have window and facade design that is scaled to relate to the surrounding area.

(f) Streetscaping and landscaping requirements in the state-mandated TCEA.

(1) New development within Zones B, C, D, E, and M shall be required to plant minimum 65-gallon-sized trees, 18 feet tall and 3.5 inches in trunk caliper, or their equivalent in winter-dug and hardened-off balled and burlapped trees for the required landscaping along roadways within Zone B as listed in the annual level of service report produced by the North Central Florida Regional Planning Council, selected from the Tree List in the Land Development Code.

(2) Within Zones C, D, E, and M the 65-gallon tree landscaping requirement shall apply to all public or private streets. If 65-gallon or equivalent trees are not available, the number of required shade trees can be appropriately increased with the approval of the City Arborist or designee.

(3) All new development sites within Zone B and Zone C shall also be required to install an automated irrigation system to preserve new landscaping. Redevelopment sites shall be required to meet this landscaping policy at a 50 percent rate. Redevelopment sites where 40 percent or more of the developed area (as defined in the Land Development Code) of the site is being altered shall also be required to meet the automated irrigation system requirement.

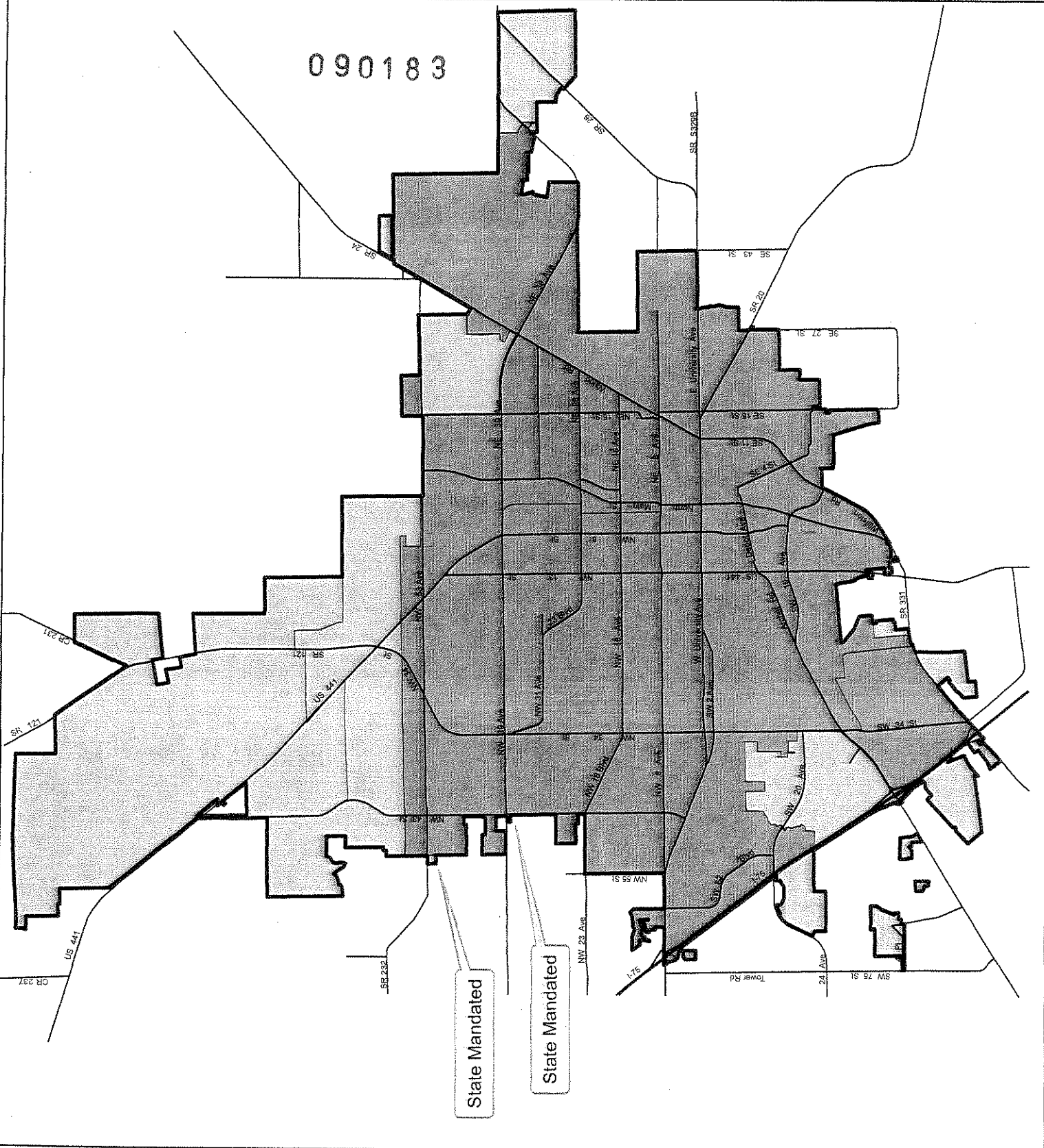
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(4) Trees shall be planted on private property within buffer areas or on right-of-way, if approved by the City. Land Development Code regulations shall specify the type, size, and other standards for trees planted to meet TCEA requirements.

(5) Developments within areas designated in the Land Development Code as landscape exempt, areas within Special Area Plans with pedestrian-oriented build-to line provisions, area within the approach and clear zone areas as specified on the Gainesville Regional Airport master plan, and developments meeting the criteria for Rapid Review as shown in the Land Development Code shall be excluded from these requirements.

(g) *Parking in the state-mandated TCEA.* Within the TCEA, parking in excess of the minimum required by the Land Development Code shall not be allowed. Developments may apply for a parking reduction based on criteria in the Land Development Code.




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State Mandated

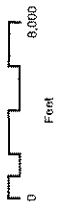
State Mandated

MAP 1
Existing and State
Mandated TCEA
Areas

-  Existing TCEA
-  State Mandated TCEA
-  City Limits

State Mandated Call-Outs
Parcel Numbers:
06054-001-000
06111-001-000
06111-003-001

NOTE: Existing TCEA is the TCEA area adopted in the Comprehensive Plan prior to the City's designation as a Dense Urban Land Area (DULA).



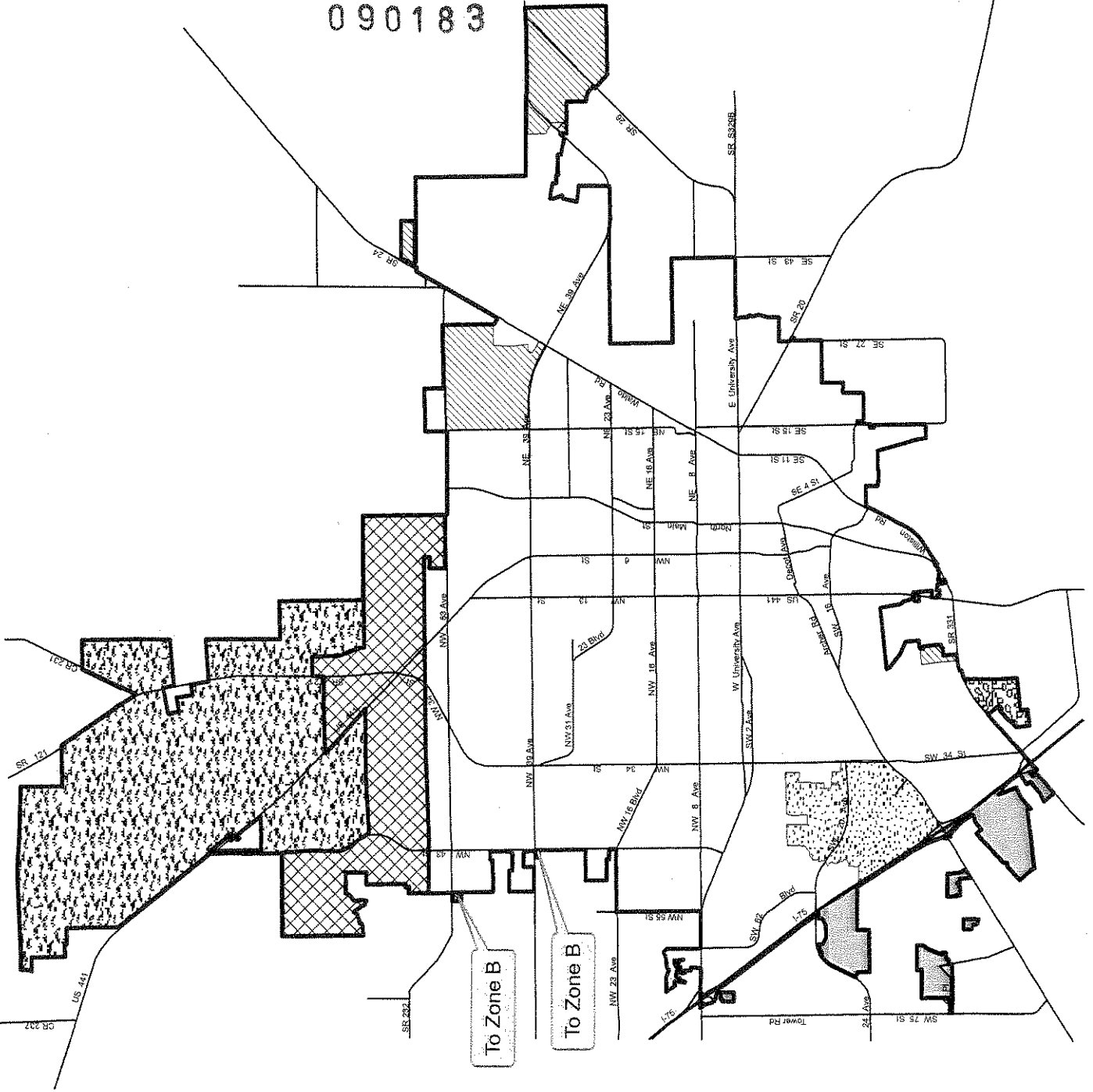
City of Gainesville
Planning Dept. - GIS Section



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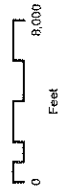


MAP 2

State Mandated TCEA
With Sub-Zones

-  Zone A
-  Zone B
-  Zone C
-  Zone D
-  Zone E
-  Zone M

City Limits



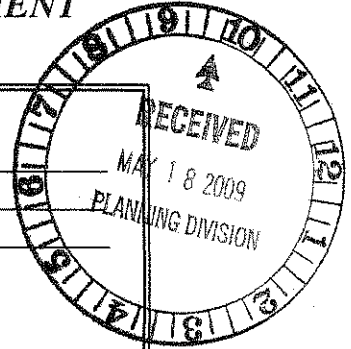
City of Gainesville
Planning Dept
GIS Section



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APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PZ-09-00066</u>	Fee: \$ _____
1 st Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 []	
Account No. 001-670-6710-1124 (Enterprise Zone) []	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) []	



Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name:	<u>CITY Plan Board</u>
Applicant/Agent Address:	
City:	
State:	Zip:
Applicant/Agent Phone:	Applicant/Agent Fax:

Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT		
Check applicable request below:		
Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text <input type="checkbox"/>	Other <input type="checkbox"/>
Section/Appendix No.:	Element & Goal, Objective or Policy	Specify:
<u>Division 3 Proportionate Share</u>		

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):
<u>Amend Division 3 of the Land Development Code concerning Proportionate Fair-Share to make it consistent with SB 360 changes to State Growth Management and Laws.</u>

Certified Cashiers Receipt:

