



Legislation Details (With Text)

**File #:** 060494.      **Version:** 3      **Name:** PROPORTIONATE FAIR SHARE FOR TRANSPORTATION CONCURRENCY (B)

**Type:** Ordinance      **Status:** Adopted

**File created:** 11/13/2006      **In control:** City Attorney

**On agenda:**      **Final action:** 11/27/2006

**Title:** PROPORTIONATE FAIR SHARE FOR TRANSPORTATION CONCURRENCY (B)

Ordinance No. 0-06-126; Petition 136TCH-06 PB  
 An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, by creating a new Division 3, section 30-37 through 30-41, under Article III, relating to proportionate fair share for transportation concurrency; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 060494\_200610231300.pdf, 2. 060494\_200610231300.pdf, 3. 060494\_200611131300.pdf, 4. 060494\_200611271300.pdf, 5. 060494\_20061127.pdf

Date	Ver.	Action By	Action	Result
11/27/2006	3	City Commission	Adopted on Final Reading (Ordinance)	Pass
11/13/2006	2	City Commission	Adopted on First Reading, as amended (Ordinance)	Pass
10/23/2006	1	City Commission	Approved (Petition)	Pass

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The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition creates a new proportionate fair-share ordinance as required by Chapter 163.3180(16) Florida Statutes. The new ordinance must be adopted by December 1, 2006.

The 2005 amendments to Florida's Growth Management legislation require that each local government enact an ordinance that will allow developers to meet transportation concurrency requirements on failing roadways through a proportionate share contribution under certain conditions. The developer must contribute a fair share of the cost of improving the impacted transportation facility.

Under previous State law, local governments could not issue development orders for developments impacting roads operating at a deficient level of service (LOS) unless certain Comprehensive Plan tools had been implemented such

as Transportation Concurrency Exception Areas (TCEAs), Multi-Modal Transportation Districts (MMTDs), or Transportation Concurrency Management Areas (TCMAs). The City of Gainesville implemented a TCEA to address our transportation concurrency deficiencies in 1999 and updated it in 2005 to add an additional Zone C.

The State now has added proportionate fair-share as a new tool for meeting transportation concurrency requirements outside of TCEAs, MMTDs, or TCMAs. Proportionate fair-share is a pay-as-you-go method that does not require immediate resolution of the roadway LOS deficiency, but transportation projects satisfying the LOS deficiencies on these facilities must be programmed for improvement in the 5-Year Schedule of Capital Improvements or a long-term concurrency management system.

Public notice was published in the Gainesville Sun on September 5, 2006. The Plan Board held a public hearing September 21, 2006. The Plan Board heard and approved the Petition, as revised, by a vote of 4-0.

**CITY ATTORNEY MEMORANDUM**

This ordinance requires two public hearings. The ordinance was adopted on first reading with revisions that were suggested by the Builders Association of North Central Florida.

None