



## Legislation Details (With Text)

**File #:** 080214. **Version:** 2 **Name:** PROPORTIONATE FAIR-SHARE (B)  
**Type:** Ordinance **Status:** Adopted  
**File created:** 11/20/2008 **In control:** City Attorney  
**On agenda:** **Final action:** 12/4/2008  
**Title:** PROPORTIONATE FAIR-SHARE (B)

Ordinance No. 0-08-68; Petition No. 88TCH-08 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code relating to Proportionate Fair-Share for transportation concurrency, by amending sections 30-38 and 30-39 to: be consistent with state law by providing additional findings, providing for multi-modal and system-wide transportation improvement projects, limiting developer's responsibility with respect to transportation backlogs; by correcting scrivener's errors; and by revising the transit cost calculation; by amending section 30-40 to correct a scrivener's error; 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. 080214\_petition\_20080821.pdf, 2. 080214A\_staff ppt\_20080821.pdf, 3. 080214\_propfairshare\_20081120.pdf, 4. 080214A\_staff ppt\_20081120.PDF, 5. 080214\_ordinance\_20081204.pdf

Date	Ver.	Action By	Action	Result
12/4/2008	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
11/20/2008	2	City Commission	Adopted on First Reading (Ordinance)	Pass
8/21/2008	0	City Commission	Approved (Petition)	Pass

### PROPORTIONATE FAIR-SHARE (B)

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The City Commission adopt the proposed ordinance.

### PLANNING AND DEVELOPMENT DEPARTMENT SERVICES STAFF REPORT

Per the requirements of State law, the City adopted a Proportionate Fair-Share ordinance in 2006. In 2007, House Bill 7203 amended some of the State requirements concerning Proportionate Fair-Share. The City delayed updating the Proportionate Fair-Share section of the Land Development Code because the Florida Department of Transportation (FDOT) was expected to release an updated model ordinance that reflected the HB 7203

amendments. Unfortunately, FDOT never released the updated model ordinance due to budget and time constraints.

City staff then noted that several proposed bills in the 2008 legislative session might create changes to the Proportionate Fair-Share regulations. Staff awaited the outcome of the 2008 legislative session to make Land Development Code changes. None of those bills passed during the 2008 session. As a result, it is timely that the City now updates its Proportionate Fair-Share regulations to properly reflect current State law.

The major changes noted in HB 7203 that impact Proportionate Fair-Share are as follows.

1. State law now specifically states that proportionate fair-share mitigation improvements may address one or more modes of travel. This is a shift in emphasis from the prior focus, which was on road widening or new road construction. This direct recognition of multi-modal projects as being eligible for proportionate fair-share mitigation is an important tool for the City. The revisions proposed in this petition reflect this shift in available projects eligible for fair-share contributions.
2. The revised law also limits the developer's responsibility for fair-share mitigation to mitigating the development's impacts on the transportation system, and it clearly adds that the developer is not responsible for the additional cost of reducing or eliminating transportation backlogs.
3. Proportionate Fair-Share funding of any modifications that significantly benefit the impacted transportation system satisfies transportation concurrency requirements as a mitigation of the development's impact on the overall transportation system even if other impacted facilities continue to fail.

In addition, when staff reviewed the City's existing Proportionate Fair-Share regulations, several scriveners' errors were discovered that are being corrected or clarified in this ordinance.

Finally, after the Plan Board and City Commission public hearings on the petition, staff received new information about how transit assessment area costs are calculated in other communities and what the recommendations are from FDOT. Transit assessment area costs can and should include both capital and operating costs. And, a different time period for assessment cost can be included for existing transit routes with average to high ridership versus new routes that have to be established. The assessment cost time period for new routes should be longer than for existing routes. This new aspect has been incorporated into this proposed ordinance.

At its meeting on July 17, 2008, the City Plan Board, by a vote of 6-0, recommended the City Commission approve the Petition. The City Commission, at its meeting of September 2, 2008 approved the Petition by a vote of 6-0.

#### CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, December 4, 2008.