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AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA; AMENDING CHAPTER 59 OF THE LAND DEVELOPMENT CODE BY RENUMBERING PART 10, DEFINITIONS, AS PART 11; BY CREATING NEW PART 10 REGARDING A PROPORTIONATE FAIR SHARE PROGRAM; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the State Legislature mandates that each local government shall adopt by ordinance a methodology by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors **so that developments which might otherwise be delayed due to transportation concurrency impacts, can move forward**; and

WHEREAS, the methodology by which the impacts of development on transportation facilities can be mitigated **has been designated by is addressed in** the State Legislature as a proportionate fair-share program; and

WHEREAS, the State Legislature **further** mandates that, in its transportation concurrency management system, a local government shall include methodologies that will be applied to calculate proportionate fair-share mitigation; and

WHEREAS, the City of Orlando has a transportation concurrency management system **in place**, adopted by ordinance as Chapter 59 of the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION ONE: CHAPTER 59 PART 10. of the Code of the City of Orlando be, and the same is hereby, amended as follows:

PART 10- 11. DEFINITIONS

SECTION TWO: CHAPTER 59 of the Code of the City of Orlando be, and the same is hereby, amended to include the following new PART 10:

PART 10. PROPORTIONATE FAIR SHARE PROGRAM

Sec. 59.1000. Purpose and Intent

The purpose of this part 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 §163.3180(16), F.S.

Sec. 59.1001. Findings

DRAFT

(1) The Orlando City Council finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors. The City also finds and determines that the City Proportionate Fair-Share Program:

(a) 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;

(b) Allows developers to proceed under certain conditions, notwithstanding the failure to meet transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility that will mitigate the impacts of the development;

~~(b)~~ (c) 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;

~~(b)~~ (d) 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 improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvement Element (CIE).

(e) Is consistent with §163.3180(16), F.S., and supports the following policies in the City Comprehensive Plan:

- a. Capital Improvement Element Policy 1.1.1
- ~~a~~.b. Capital Improvement Element Policy 1.1.6
- ~~a~~.c. Capital Improvement Element Policy 1.1.7
- ~~a~~.d. Capital Improvement Element Policy 1.1.8
- ~~a~~.e. Capital Improvement Element Policy 1.1.9
- ~~a~~.f. Capital Improvement Element Policy 1.4.1
- ~~a~~.g. Capital Improvement Element Policy 1.4.2
- ~~a~~.h. Capital Improvement Element Policy 1.4.4
- ~~a~~.i. Transportation Element Policy 3.2.1
- ~~a~~.j. Transportation Element Policy 3.2.2
- ~~a~~.k. Transportation Element Policy 3.2.3
- ~~a~~.l. Transportation Element Policy 3.2.4

Sec. 59.1002. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility ~~in~~under the City Concurrency Management System (CMS), including transportation facilities maintained by the Florida Department of Transportation (FDOT) or ~~in~~other jurisdictions that are relied upon by the City for concurrency determinations, pursuant to the requirements of this Chapter. The Proportionate Fair-Share Program does not apply to Developments of Regional Impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency

DRAFT

as provided in Part 1 of this Chapter, and Chapter 163.3180, F.S., regarding exceptions and de minimis impacts.

Sec. 59.1003. General Requirements

(1) An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, if both of the following requirements are met:

(a) The proposed development is consistent with the City's comprehensive plan and all applicable land development regulations, and City Code.

~~(a)~~ (b) 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 CMS includes a transportation improvement(s) that, upon completion, will satisfy the transportation concurrency requirements of the development under the City's transportation CMS. The provisions of Section 59.1003- (2) may apply if a transportation 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.

(2) The City may ~~choose to~~ allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to a transportation improvement 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 if either of the following apply:

(a) The City adopts, by resolution or ordinance, a commitment to add the **transportation** improvement 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 CIE update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Municipal Planning Board, and determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the City's comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully ~~mitigate impacts on~~ **fund** the transportation ~~facilities~~ **improvement**.

(b) If the funds allocated for the five-year schedule of capital improvements in the City's CIE are insufficient to fully fund

DRAFT

construction of a transportation improvement required by the City's CMS **to mitigate impacts of the development**, 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 transportation improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system, **and satisfy the requirements of the City's Transportation CMS.**

The transportation improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the City's Growth Management Plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

- (3) Any transportation improvement project proposed to meet the developer's proportionate fair-share obligation must meet the City's design standards for locally maintained roadways and those of the FDOT for the state highway system.

Sec. 59.1004. Intergovernmental Coordination

Pursuant to policies in the Intergovernmental Coordination Element of the City's Growth Management 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.

Sec. 59.1005. Application Process

- (1) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the **option** ~~opportunity~~ to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 59.1003.
- (2) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held with City staff to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. 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.
- (3) Eligible applicants shall submit an application to the City that includes the non-refundable concurrency resolution fee in accordance with the City's listed schedule of permitting fees as amended from time to time and, **at a minimum**, the following:

DRAFT

- (a) Name, address and phone number of owner(s), developer and agent;
 - (b) Property location, including parcel identification numbers;
 - ~~(b)~~ (c) Legal description and survey of property;
 - ~~(b)~~ (d) Detailed Project description, including type, intensity and amount of development;
 - ~~(b)~~ (e) Phasing schedule, if applicable;
 - ~~(b)~~ (f) Description of requested proportionate fair-share mitigation method(s); and
 - ~~(b)~~ (g) Copy of transportation concurrency application.
- (4) The Concurrency Management Official (CMO) shall review the application and certify whether the application is sufficient and complete within 10 business days of submittal ~~of the complete application~~ to the City. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the City's Proportionate Fair-Share Program as indicated in Ch. 59, then the applicant will be notified in writing of the reasons for such deficiencies within ~~2+0~~ 20 business days of submittal of the application. If the applicant does not remedy such deficiencies within 30 days of receipt of the written notification, then the application will be deemed abandoned **and the fee shall be forfeited**. The CMO may, in their discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- (5) Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit, **as part of the application**, evidence of an agreement between the applicant and the FDOT providing for FDOT's consent to the proposed proportional fair share mitigation, for inclusion in the proportionate fair-share agreement.
- (6) At the time an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or the applicant with direction from the City 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, no later than 60 days from the date at which the applicant received the notification of a sufficient application ~~and no less than 14 days prior to the Orlando City Council meeting when the agreement may be considered~~.
- (7) The City shall notify the applicant regarding the date of the Orlando City Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by City Council.

Sec. 59.1006. Determining Proportionate Fair-Share Obligation

DRAFT

(1) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively contributions of ~~private~~ funds, contributions of land, and construction and contribution of facilities consistent with §163.3180(16)(c), F.S.

~~(1)~~(2) A development shall not be required to pay more than its proportionate fair-share, as defined in this Ordinance. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation as provided in §163.3180(16)(c), F.S.

~~(1)~~(3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180(12), F.S., 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

Proportionate Fair-Share =

$$\sum [(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$$

Where:

Development Trips_i = Those PM peak hour directional 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 to roadway segment "i" per Section 59.1003.;

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements 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.

(4) For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the City's CIE, the Metroplan Transportation Improvement Program (TIP) or the FDOT Work Program, as applicable. Where such information is not

DRAFT

available, improvement cost ~~shall~~ **may** be determined using one or both of the following methods as appropriate:

- (a) An analysis by the City of costs by cross-section type that incorporates data from recent projects **which data** ~~and is~~ updated annually and approved by the FDOT. In order to accommodate increases in construction material costs, project costs shall be adjusted in accordance with inflation factors from the most recently published FDOT *Transportation Costs Handbook*; or
- ~~(a)~~ **(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~~ **may** be determined using this method in coordination with the FDOT Local District Office.
- (5) If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined **by the City** using ~~one of~~ the methods provided in this section.
- ~~(5)~~ **(6)** If the City has accepted right-of-way dedication for the proportionate fair-share payment, ~~credit for the value~~ **dedication of the non-site related right-of-way that has been dedicated shall be determined on the date of the dedication** ~~valued on the date of the dedication in the manner provided for impact fee credits in Ch. 56, City Code.~~ The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City, **showing that title to the right-of-way is free and clear of all encumbrances.** 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 **State and** federal law and regulations. **Right-of-Way dedicated to the City to satisfy a proportionate fair share contribution may form the basis of a transportation impact fee credit under this Chapter 59, but not as a credit under Chapter 56, City Code.**
- ~~(6)~~ **(7) Developments generating 1,000 daily trips or less and affecting more than 1% of the maximum service volume at the adopted level of service standard for affected state transportation facility(ies) as determined by the City, may, at the Developer's option satisfy the concurrency requirements of the City by either making a proportionate fair-share contribution equal to half of the development's estimated anticipated transportation impact fees, as determined by the City or otherwise following the methodology described under this Section.**

DRAFT

Developments shall not be phased or apportioned so as to meet the requirements of this subsection (7).

Sec. 59.1007. Impact Fee Credit for Proportionate Fair-Share Mitigation

- (1) Proportionate fair-share contributions, as calculated in subsection (5) herein, shall be applied as a credit, **as calculated herein**, against transportation 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 transportation impact fee ordinance.
- (2) Impact fee credits for the proportionate fair-share contribution, if any, will be determined when the transportation impact fee obligation is calculated for the proposed development, consistent with Section 59.1007.(5) calculations and City Code. Impact fees owed by the applicant will then be reduced per the Proportionate Fair-Share Agreement as they become due per the City Impact Fee Ordinance, and City Code. If the applicant's proportionate fair-share **credit, as determined herein**, obligation is less than the development's anticipated transportation 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, and City Code.
- ~~(3) Major projects not included or created under Chapter 59, City Code, which can demonstrate a significant benefit to the impacted transportation system may be eligible at the City's sole discretion for transportation impact fee credits.~~
- (3) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any transportation 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 transportation impact fee ordinance.
- ~~(5)~~(4) The impact fee credit **for the payment of a proportionate fair-share obligation**, will be calculated using the following formula:

$$\text{Credit} = (\text{Project VMT} / \text{Total VMT}) \times \text{Impact Fees}$$

Where:

Project VMT = **Weekday** ~~Project~~ project trips for which a proportionate fair-share is calculated times length of segment **(in miles)** for which a proportionate fair-share is calculated

Total VMT = Vehicle miles of travel generated by the **development** project

DRAFT

Total VMT = ~~LU~~ * ~~TGR~~ * ~~TGF~~ ADT * ATL * NTF * 1/2

~~LU~~ = ~~Development size by land use category.~~

~~TGR~~ = ~~Trip Generation Rate in average daily trip ends generated per unit of development.~~

~~TGF~~ = ~~Trip Generation Factor. The percentage of average daily trips, expressed as a decimal, that constitute new or additional vehicle trips added to the road network.~~

ADT = Trip ends during a weekday.

ATL = Average trip length (in miles) by land use.

NTF = New Travel Factor. The percentage of traffic or vehicle miles of travel, expressed as a decimal, that constitute new or additional vehicle traffic added to the road network by land use. This factor is used to adjust the new miles of travel for "passer-by" or diverted trips already on the road network.

1/2 = A constant that assigns one half (1/2) of the new miles of travel to the land development(s) at the other end of the trip(s).

All of the coefficients defined above are consistent with the Transportation Impact Fee Formula included in Technical Report #20 (Independent Fee Calculations).

(65) If the length of any road segment for which a proportionate fair-share is calculated is longer than the Average Trip Length (ATL) of the Impact Fee formula, impact fee credit calculations for the fair-share contributions shall only be allowed up to the Average Trip Length (ATL) of the Impact Fee formula.

(76) If the percent of development trips on any road segment for which a proportionate fair-share is calculated is greater than 50%, no impact fee credits shall be allowed for proportionate fair-share contributions along those segments because they are necessary to provide direct access to the development and are site related and are therefore not creditable, pursuant to Ch. 56, City Code.

(87) Because any proportionate fair-share contributions include project-specific design, engineering, right-of-way and construction costs, and Transportation Impact Fees only addresses average costs of new lane miles and have been further reduced by policy discounts and other factors, impact fee credits for which a calculated with reference to a proportionate fair-share contribution is calculated shall also be reduced by the same Transportation Impact Fee policy discount factors to ensure the equity values of both payments and credits.

DRAFT

~~(9) Transportation Impact Fee credits for which a proportionate fair-share is calculated shall be adjusted by the same cost escalation factors from Sec. 59.1010 to ensure the equity values of both payments.~~

Sec. 59.1008. Proportionate Fair-Share Agreements

(1) Upon execution of a proportionate fair-share agreement (herein "the Agreement", pursuant to Section 59.1005(6)) the applicant shall receive a capacity reservation certificate. Should the applicant fail to apply for a development permit, by submitting a complete application for said development, within twelve (12) months of the effective date of the Agreement, then the Agreement shall be considered null and void, all fees forfeited and the applicant shall be required to reapply.

~~(1)~~ (2) Payment of the proportionate fair-share contribution is due in full prior to issuance of any development order, or any building permit, related to the development referenced in the Agreement or recording of any plat related to the development referenced in the Agreement 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 City's best estimate of the construction cost of the required improvement at the time of payment, pursuant to Chapter 59. and adjusted accordingly.

~~(1)~~ (3) All transportation improvements to be constructed by Developer and dedicated to the public, pursuant to under this ordinance, must be completed prior to issuance of a building or development permit for the development related said to the transportation improvements, or as otherwise established in a binding agreement that is accompanied by a security instrument, approved by the City, that is sufficient to ensure the completion of all required improvements. Any required transportation improvements must be completed prior to the issuance of a Certificate of Occupancy for any portion of building permits, for the development related to the transportation improvements.

~~(1)~~ (4) Satisfactory Dedication to the public or the City of necessary right-of-way for transportation improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of a building permit certificate of occupancy or recording of the plat, for the development related to the dedication of right-of-way.

~~(1)~~ (5) Any requested change to a development project may be subject to additional proportionate fair-share contributions to the extent the change would generate additional impacts traffic that would require mitigation.

~~(1)~~ (6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any

DRAFT

associated advertising costs ~~paid by the developer to the City~~ will be non refundable.

- ~~(1)~~(7) The City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, ~~consistent with the terms of this Chapter 59.~~

Sec. 59.1009. Appropriation of Fair-Share Revenues

- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for the immediate funding of scheduled improvements in the City's CIE, or as otherwise established by City Code or in the terms of the proportionate fair-share agreement. At the discretion of the City, proportionate fair-share revenues may be used for operational improvements 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% local match for funding under the FDOT's Transportation Regional Incentive Program (TRIP) or other State funding mechanisms as they become available.

- ~~(1)~~(2) In the event a scheduled facility improvement is removed from the City's CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 59.1003. (2)(b).

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., then 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's TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

- (3) Where an applicant constructs a transportation facility ~~and actually incurs costs~~ that exceed~~s~~ the applicant's proportionate fair-share obligation calculated under Section 59.1006, the City may, at its sole discretion, ~~enter into an agreement with the applicant providing for reimbursement to the applicant for the excess contribution using one or more of the following methods:~~

- (a) ~~If consistent with Ch. 56, City Code, a~~An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the City, and consistent with City Code. ~~The account shall be maintained, and the credit available, for a period not to exceed six years from the effective date of the agreement, after which the agreement shall terminate, the~~

DRAFT

account shall be closed, and the remaining credit if any, shall be forfeited.

(a)(b) As limited by law, ~~An~~ account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the ~~transportation~~ facility. The account shall be maintained, and payments accepted, for a period not to exceed six years from the effective date of the agreement, after which, the agreement shall terminate, the account shall be closed and any remaining funds distributed to the applicant. Any fair-share payments made after termination of the agreement shall be processed consistent with the terms of this ordinance.

~~The City may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the City and the applicant.~~

Sec. 59.1010. Method For Calculating Cost Escalation

This section provides the ~~The~~ method to estimate growth in costs, for purposes of this Part 10, Chapter 59, through the computation of a ~~threeten~~-year average of the actual cost growth rates. This will provide a growth rate that ~~should be smoothed to~~ avoids overcompensating for major fluctuations in costs that have occurred due to short-term material shortages.

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost_growth}_{3\text{yr}} \text{growth}_{10\text{yr}})^n$$

Where:

Cost_n = The cost of the improvements in year n;

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

$\text{Cost_growth}_{3\text{yr}} \text{growth}_{10\text{yr}}$ = The growth rate of costs over the last ~~three~~ ten 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;~~

DRAFT

~~Cost_growth_2 = _____ The growth rate of costs two years prior;~~

~~Cost_growth_3 = _____ The growth rate of costs three years prior.~~

Cost escalation factors of the segment for which a proportionate fair-share contribution is calculated may be negotiated at the City's sole discretion and generally consistent with the terms of this Section, at the time the developer and the City enter into the concurrency resolution process and shall be stipulated in the Proportionate Fair-Share agreement(s).

Sec. 59.1011. Proportionate Fair-Share Transit Option

(Reserved)

SECTION THREE: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION FOUR: This ordinance shall take effect on _____, 2007.

ADVERTISED: _____, 2007.

READ FIRST TIME: _____, 2007.

READ SECOND TIME AND ADOPTED: _____, 2007.

Mayor/Pro Term

ATTEST:

Alana C. Brenner, City Clerk

APPROVED AS TO FORM AND LEGALITY for the use and reliance of the City of Orlando, Florida, only.
_____, 2007.

Assistant City Attorney
Orlando, Florida

Definitions to add:

DRAFT

Transportation Concurrency: Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. (§163.3180(2)(c), F.S.).

Add language underlined in existing Definitions:

Concurrency Management Official: The CMO shall be the Planning Official for the administration of all facilities and services covered by this Chapter except for transportation concurrency, which shall be administered by the Director of Transportation or his/her designee.

Development Permit. (for purposes of 59.1008)

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