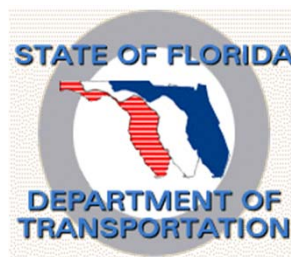

Model Proportionate Fair-Share Ordinance

FACERS Annual Meeting
Marco Island, June 28, 2006



Florida Department of Transportation
Office of Policy Planning



Center for Urban Transportation
Research, Univ. of South Florida

Legislative History

(163.3180 (16) F.S.)



- By December 1, 2005: FDOT to develop model ordinance with methodologies for assessing proportionate fair-share options
- By December 1, 2006: Local governments shall adopt by ordinance a methodology for assessing proportionate fair-share options in their transportation concurrency management system (CMS)

Proportionate Share Context

SB 360



- Tighter concurrency and financial feasibility requirements
 - ◆ Tied land use with capital infrastructure planning
 - ◆ Required local governments to address LOS deficiencies in some manner
 - ◆ DCA to review annual CIE
- Allows developers the option to mitigate transportation impacts and move forward under certain conditions

Process of Ordinance Development



- FDOT contracts with CUTR
- Technical Advisory Committee (TAC)
- “Developers Roundtable” for feedback from development sector
- “Interactive website” for interested parties (www.dot.state.fl.us/planning/gm/pfso)
- Statewide workshop in mid-December and subsequent refinements

Sections A and B

Purpose and Intent



- Establish process for mitigating impacts on transportation system through cooperative public and private sector process
- Strengthen local capital improvement planning by more closely tying developer contributions to transportation planning and improvement process

Section C

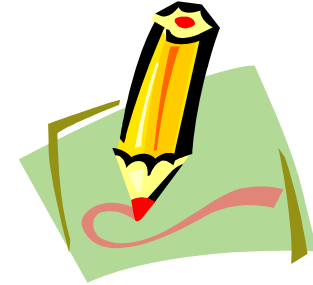
Applicability



- Applies only to developments that impact a deficient link
 - ◆ notified of lack of capacity to satisfy concurrency
- Does not apply to DRIs or developments exempt from concurrency per CMS
- Applies to all facilities relied upon for concurrency determinations, including those maintained by another jurisdiction

Section D

Definitions



“...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.”

Chapter 163.3180(1)(c)
Florida Statutes

Section E

General Requirements



- Provides conditions for proportionate share option:
 - ◆ Project consistent with comp plan and LDRs
 - ◆ Project included in 5-year Capital Improvement Element (CIE) or Long-Term Concurrency Management System (**developer right**)
 - ◆ Mutually agreed upon improvement that mitigates development impacts (**government option**)

Section E

General Requirements



- Transportation improvement(s) provided that will mitigate additional traffic (satisfy local CMS)
- Options include:
 - ◆ Widening/reconstruction
 - ◆ Transit improvements
 - ◆ Network additions or reliever roadways
 - ◆ System-wide ITS projects

Section E (2)(a)

Government Option



- Agreed upon project added to CIE after determination of financial feasibility
- Financial feasibility allows for reasonably anticipated funds up to 10 years
- DCA may not find (5 yr) CIE in non-compliance for addition of financially feasible project under this option

Section E (2)(b) General Requirements



- Allows for non-CIE projects that “significantly benefit the impacted system”
 - ◆ Project encouraged to come from existing plan
 - ◆ Project placed in next update of CIE
 - ◆ Remaining failing links addressed

Section F

Intergovernmental Coordination

- Coordinate pursuant to policies in comprehensive plan and regional plan
- Recommends use of interlocal agreements regarding allocation of fair share funds and timing of inter-jurisdictional review and decision-making



Section G

Application Process



- Require meeting prior to application
 - ◆ Determine eligibility
 - ◆ Discuss submittal requirements
 - ◆ Outline mitigation options
 - ◆ Engage FDOT if Strategic Intermodal System (SIS) facility impacted

Section G

Application Process



- Mitigation implemented through binding agreement
 - ◆ Provide evidence of agreement with FDOT for SIS facilities
- Proportionate fair-share agreement approved by council or commission at meeting
 - ◆ Option for administrative approvals by staff

Section H

Determining PFS Obligation



- Applies formula specified in statute for multi-use DRIs
 - ◆ $\Sigma[(\text{Development Trips}) / \text{SV Increase}] \times \text{Cost}$]
- Impact area determined by local CMS
- Planned improvement specified pursuant to Section E

Section H & Appendix B

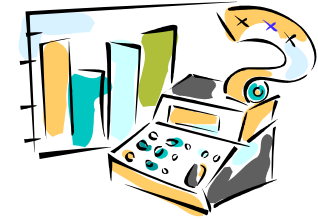
Determining Costs



- Costs of improvement based on date of construction (future)
 - ◆ Actual cost as reflected in CIE, TIP or FDOT Work Program
 - ◆ Local government calculates based on recent projects and/or cost estimates
 - ◆ Annual adjustments to account for growth in costs

Section I

Impact Fee Credit



- Must provide impact fee credit, where prop share is used to address same improvements “contemplated by the local government’s impact fee ordinance.”
 - ◆ Determined when impact fee is calculated and provided when impact fee is due
 - ◆ Cannot double charge applicant
 - ◆ Impact fee credit cannot be transferred to another location

Indian River County Example

Impact Fee Credit for PFS

- $(\text{Project VMT on prop share link}) / (\text{Total project VMT}) \times \text{Total project impact fee (\$)} = \text{CREDIT}$
- Applicant pays:
 - ◆ $(\text{Total project impact fees}) + (\text{Prop share payment}) - \text{CREDIT}$
 - ◆ Applicant never pays less than total project impact fee assessment

Slide courtesy of Bob Keating, Indian River County

www.irccdd.com/Planning_Division/Concurrency_Management.htm

Section J

PFS Agreements



- Execution of agreement results in certificate of concurrency approval
 - ◆ Developer must apply for permit within (1) year or lose certificate (**or per local CMS**)
- Payment due prior to development order or recording of final plat
 - ◆ Costs within agreement may be adjusted upward if payment is beyond 12 months of issuance of concurrency certificate (**early payment incentive**)

Section K

Appropriation of Revenues



- Placed in appropriate project account
- Allows for proportionate share capacity funds to be used for operational improvements on interim basis
- Addresses removal of proportionate share project from CIE
- Optional policy (K4) to reimburse developers for creating additional capacity

Optional Provisions



- Cross Jurisdictional Impacts
 - ◆ Address impacts of development on regional transportation facilities that cross jurisdictional boundaries
- Prop Share for TCEAs, TCMAs, and MMTDs
 - ◆ Based on expected cost and transportation benefit of improvements

Questions?

<http://www.dot.state.fl.us/planning/gm/pfso/model-ordinance.pdf>

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