

# **REQUEST FOR CITY COUNCIL CONSIDERATION**

**Meeting Date: January 8, 2007**

Agenda Item: 7(C)	Prepared By: Steve Olmsted, Comm. Dev. Director Date: December 22, 2006
Agenda Section: Business: Ordinance – First Reading	
Subject: Transportation Concurrency – Proportionate Fair Share Ordinance Department: Community Development	

## **BACKGROUND:**

Pursuant to amendments to the State Growth Management Legislation and Senate Bill 360 as adopted by the Florida Legislature in 2005, all local communities in Florida are required to adopt an ordinance for proportionate fair share mitigation of development impacts on transportation corridors. The required ordinance is intended to provide applicants for development an opportunity to proceed under certain conditions, in the event concurrency is not met, by contributing their proportionate fair share of the cost of improving impacted transportation facilities.

Currently, a proposed development may be considered and approved provided it does not cause levels of service to deteriorate lower than local levels of service adopted in the City's Comprehensive Plan. The proposed Proportionate Fair Share Ordinance would allow for a development to proceed, notwithstanding failure of transportation concurrency, provided the developer pays for the fair share of the cost to improve the transportation facility as necessary to meet adopted levels of service. The "proportionate fair share" cost is determined in accordance with a formula provided within the proposed ordinance.

The proposed Proportionate Fair Share Ordinance would amend Chapter 30, the Land Development Code portion of the City of Marco Island Code of Ordinances, Article X, Concurrency Management. The proposed ordinance is based upon a model ordinance developed by the Florida Department of Transportation.

While the proposed ordinance is a legislative mandate, it is anticipated that it will have little or no impact for Marco Island due to the limited influence of development and transportation concurrency.

Following review and consideration of the proposed ordinance at advertised public hearings on November 17, 2006 and December 8, 2006, the City of Marco Island Planning Board voted to forward the proposed ordinance to City Council with a recommendation for approval.

## **RECOMMENDED ACTION:**

Conduct Public Hearing and adopt ordinance on first reading

Reviewed by Department Director	Reviewed by City Manager
Council Action: Motion by:	Second by: