

(Chapter 10 is added as follows in Amendment #2, Ordinance No. 2007-03-02):

CHAPTER 10

EXACTIONS

10.1 EXACTIONS (10-9-508)

The city may impose an exaction or exactions on proposed land use development if:

- (1) an essential nexus exists between a legitimate governmental interest and each exaction, and
- (2) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

For each exaction, the city should conclude that the proposed development both caused the need for the exaction and caused the need in a roughly proportionate relationship to the exaction. If not, it is illegal to require the exaction without paying for it either monetarily or by additional compensatory density with which the developer agrees.