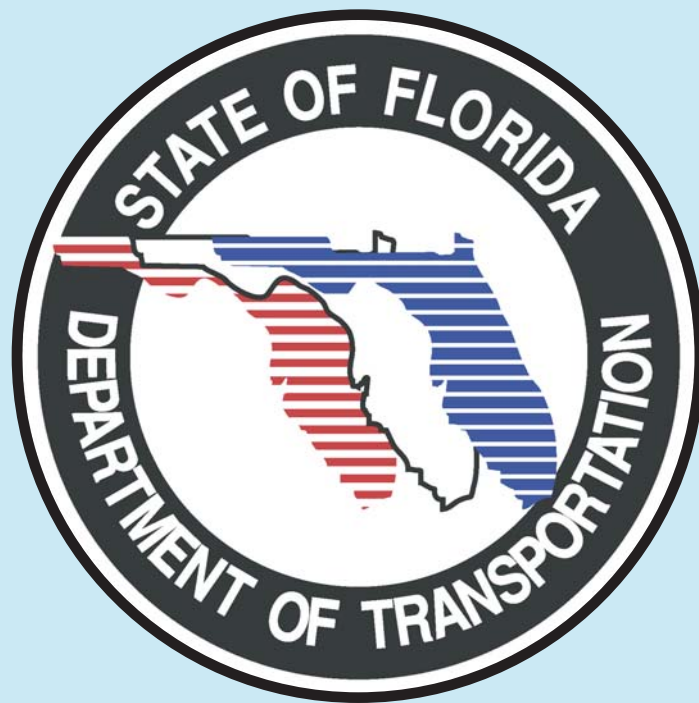


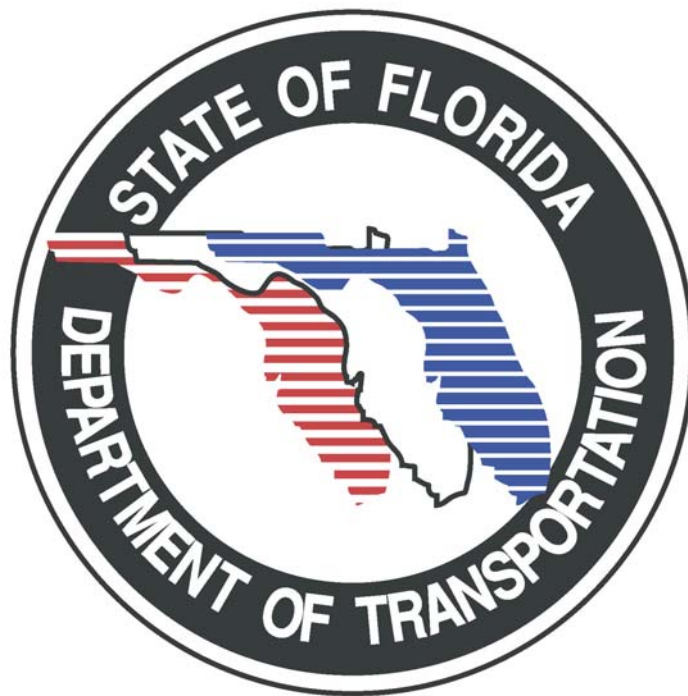
Working with Transportation Concurrency Exception Areas



September 2006

Presented by the Florida Department of Transportation

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What is the purpose of this guide?

The purpose of this Florida Department of Transportation (FDOT) guide is to provide information and guidance to District staff on how FDOT reviews and coordinates with local governments as they establish and maintain Transportation Concurrency Exception Areas (TCEAs) F.S. 163.3180(5)(f). The information provided in this document is consistent with the growth management legislation that was passed during the 2005 legislature session (SB 360).

What is a TCEA?

A TCEA is an urban area delineated by a local government where infill and redevelopment are encouraged, and where exceptions to the transportation concurrency requirement are made, providing that alternative modes of transportation, land use mixes, urban design, connectivity, and funding are addressed. The primary purpose of a TCEA is to allow development to occur in urbanized areas where infrastructure already exists, thereby reducing urban sprawl. The TCEA concurrency exceptions apply to all land uses, development and types of facilities within the TCEA. Local governments must specifically consider the impacts of the exception areas on the Strategic Intermodal System (SIS) and, prior to designation, the local government must also consult with FDOT regarding mitigation of impacts to the SIS. Existing TCEAs must be updated to meet the new standards by July 1, 2006, or at the time of the Evaluation and Appraisal Report (EAR) based amendments, whichever is later.



Why were TCEAs created?

TCEAs were created by Florida's Legislature because they determined that, under limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities and services be available concurrent with the impacts of development. Often the unintended result of the concurrency requirement for transportation facilities is the discouragement of urban infill development and redevelopment. Such unintended results directly conflict with the goals and policies of the state comprehensive plan. Therefore, exceptions from the concurrency requirement for transportation facilities may be granted under specific circumstances.

What is Concurrency?

Concurrency is the growth management concept intended to ensure that the necessary public facilities are available concurrent with the impacts of development. To carry out transportation concurrency, local governments must define what constitutes an adequate level of service (LOS) and measure whether the infrastructure and service needs of a new development exceed existing capacity and/or new capacity created by any scheduled improvements in the Capital Improvements Element (CIE) of the local government comprehensive plan. Concurrency was entered into Florida law in 1985, through F.S. 163.3180.

Besides a TCEA, what other concurrency approaches are there?

- Local governments can also establish **Transportation Concurrency Management Areas (TCMA)** to promote infill development and redevelopment. TCMA's can be designated in a local government comprehensive plan and must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide LOS standard for a TCMA based upon analysis that justifies the areawide LOS, identifies how urban infill development or redevelopment will be promoted, and describes how mobility will be accomplished within the TCMA.
- **Long-Term Transportation Concurrency Management Systems** can be established by local governments with a planning period of up to ten years for specially designated districts or areas where significant backlogs exist. This can include interim LOS standards on certain facilities, but must rely on the local government's schedule of capital improvements for up to ten years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency period can also be extended to fifteen years if certain conditions apply.



- **Multimodal Transportation Districts** are areas established under a local government comprehensive plan which are delineated on the future land use map where the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel, and that support an integrated, multimodal transportation system.

The areas described above must be established using sufficient data and analysis to justify the need for the area and to address its possible transportation impacts. Additionally, these areas must be approved by FDOT and the Florida Department of Community Affairs (DCA) prior to implementation.

Are there different uses for a TCEA?

Yes. In fact, a local government may grant an exception from transportation concurrency requirements if the proposed development is otherwise consistent with the adopted local government comprehensive plan, and is a project that promotes public transportation (the comprehensive plan must identify specific criteria to determine how projects will meet this designation) or is located within an area designated in the comprehensive plan for:

1. Urban infill development,
2. Urban redevelopment,
3. Downtown revitalization, or
4. Designated urban infill and redevelopment areas

How are TCEAs established?

Local governments can designate a geographic area for transportation concurrency exception to encourage urban infill development and redevelopment, providing supporting policies are in the comprehensive plan. In addition, the goals of the TCEA must be consistent with the other goals and policies of the state comprehensive plan, such as promoting the development of public transportation. There must be a clearly identified plan for mobility, and FDOT must be consulted with in order to ensure that impacts to the SIS are being properly addressed.



What is required to designate a TCEA?

- ✓ The TCEA must be compatible with and further the various portions and elements of the local comprehensive plan.
- ✓ The size and boundaries of each TCEA must be supported by data and analysis in the local government's plan supporting documentation. A local government should coordinate with FDOT and the local metropolitan planning organization when designating TCEA boundaries.
- ✓ TCEAs may transcend jurisdictional boundaries when appropriate, and must be designated in each applicable comprehensive plan consistent with the statutory provisions.
- ✓ Specific policies, objectives, and strategies must be adopted into the plan that address land use mix, densities, intensities, mobility strategies, and connections to other regional systems. Also, the plan must identify strategies and projects in the CIE which fund the mobility strategies of the TCEA.

What happens if there is not enough capacity on the road?

If adequate capacity is not available, the local government cannot permit development unless certain conditions apply as provided for in statute, such as exceptions for developments having only minor impacts or concurrency exception areas to encourage infill and redevelopment.

However, by December 1, 2006, each local government is required to adopt by ordinance a method for assessing proportionate fair-share mitigation options if adequate capacity is not available.

Can proportionate fair-share be collected in a TCEA?

Yes. In fact, new growth management legislation tightened requirements for TCEAs by requiring local governments to adopt and implement strategies to support and fund mobility within these areas. Proportionate fair-share ordinances should be designed to allow for payments to be used for this purpose. Because TCEAs tend to involve significant multimodal improvements and often have constrained roadways, an area-wide approach that uses proportionate fair-share payments as a portion of the funding plan is suggested.

What should the Districts do to properly coordinate with local governments on TCEAs?

The guidelines and/or policies and programs implementing a TCEA must demonstrate by supporting data and analysis how mobility will be provided in a TCEA, including short and long-range traffic analysis, that consideration has been given to the impact of proposed development within the TCEA on the SIS.

(For more detail, see the TCEA Checklist on Page 13)



Does the local government comprehensive plan need to be amended to establish a TCEA?

Yes. To implement a TCEA, a local government must adopt as an amendment to its comprehensive plan, guidelines and/or policies which support the TCEA. The guidelines may incorporate a wide range of strategies including timing and staging plans, parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and utilization of creative financing tools for the provision of transportation services and facilities.

The local government must adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception, and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area is to be accompanied by data and analysis justifying the size of the area.

Additionally, the TCEA must demonstrate financial feasibility through inclusion of TCEA mobility strategies in the CIE.

How are geographic areas for urban infill areas established?

Each TCEA must designate a specific geographic area, or areas, delineated in the local government comprehensive plan for urban infill development pursuant to F.S. 163.3164(27). The local comprehensive plan must contain objectives and policies which specify actions and programs to promote urban infill development. An area delineated for urban infill development must also meet the following requirements:

- A specific geographic area delineated in the local government comprehensive plan for downtown revitalization within the designated central business district. The comprehensive plan must contain objectives and policies which specify actions and programs to promote downtown revitalization.
- The infill area contains not more than ten percent of **infill** developable vacant land. The developable vacant land cannot include water bodies or land designated for conservation use, natural reservations, public road rights-of-way, public recreation sites, or related activities or uses designated in the local government's comprehensive plan as unavailable for development.



- For areas where residential use is the predominant type of use comprising greater than 60 percent of the developed land, the average residential density shall be at least five dwelling units per gross residentially developed acre of land use. For areas where nonresidential use is the predominate type of use comprising greater than 60 percent of the developed land, the average nonresidential density shall be at least a floor area ratio of 1.0 per gross nonresidentially developed acre of land use. If neither residential nor nonresidential uses comprise greater than 60 percent of the developed land, then both the existing residential use and nonresidential use shall meet the appropriate density and intensity criteria prescribed above.
- A specific geographic area, or areas, delineated in the local government comprehensive plan for **urban redevelopment** which does not contain more than 40 percent developable vacant land. A designated urban redevelopment area may include a Community Redevelopment Area when these areas exist within an urban infill area or an Existing Urban Service Area as designated in the local comprehensive plan.

What should the FDOT Districts do to help local governments ensure that the adopted level of service for the SIS is maintained?

Prior to the designation or update of a TCEA, FDOT must be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted LOS standards established for SIS facilities and roadway facilities funded under the Transportation Regional Incentive Program (TRIP).

Further, the local government must, in cooperation with FDOT, develop a plan to mitigate any impacts to the SIS, including, if appropriate, the development of a long-term concurrency management system, parallel facilities, or multimodal options. The exceptions may be available only within the specific geographic area of the TCEA.

As a result of the Growth Management Legislation passed in 2005 (SB 360), TCEAs existing prior to July 1, 2005 must meet the above provisions by July 1, 2006, or at the time of the comprehensive plan update pursuant to the EAR, whichever occurs last.

(For more detail, see the TCEA Checklist on Page 13)



Is there a checklist that FDOT Districts can use to review TCEAs in coordination with local governments?

Yes, the following is intended to address the issues that the Districts should be most aware of when coordinating with local governments. The Florida Department of Community Affairs (DCA) also completes a comprehensive review of the comprehensive plan and land use considerations.

TCEA Review Checklist

Comprehensive Plan Consistency

- The TCEA is consistent with the local government comprehensive plan. The TCEA must be documented and supported in the comprehensive plan and be consistent with future land use, transportation, and capital improvement elements.
- If the comprehensive plan is not consistent, documentation is provided that demonstrates that amendments will support the TCEA in the future.
- The TCEA must outline how implementation strategies will support mobility within the exception area, including alternative modes and corridors.

Comprehensive Plan Consistency

- All planned improvements and mobility strategies must be demonstrated to be financially feasible, and the CIE of the comprehensive plan must include the identified mobility options.
- There should be a funding mechanism(s) identified, such as the establishment of a Community Redevelopment Agency (CRA), where tax increment financing could be employed, or developer contributions, including those from proportionate fair-share payments or impact fees.
- The land use analyzed for the TCEA must be consistent with the land use in the future land use map of the comprehensive plan, and should also be consistent with both the capital improvements and transportation elements.

Policies must be identified which implement the TCEA and the supporting mitigation and/or mobility strategies, such as urban design, land use mixes, intensities, and network connectivity, specifically for developments within the TCEA.
- TCEAs should be evaluated during both the EAR and the comprehensive plan amendment processes to ensure the TCEA and supporting strategies are being addressed and achieved. This evaluation should include consideration of whether land uses are changing over time, the integrity of the SIS is being protected, and the overall implementation strategies are being supported and achieved.



Mobility

- ☑ How mobility will be provided within the TCEA boundary must be justified and documented. The mobility option that is being provided, such as transit, bicycle or pedestrian (or all of the above), should be documented and should make sense from the standpoint that these “other” modes will, in fact, reduce automobile trips throughout the area. In addition, mobility strategies should address Transportation Demand Management and parking strategies.

Transportation Impacts

Where impacts to the SIS are identified, the FDOT District must be consulted prior to the designation of a TCEA. This must be completed to determine the extent of impacts to the adopted level of service on the SIS. Local governments must also consult with FDOT to establish mitigation strategies for impacts to the SIS or where TRIP funding is being used.

TCEAs should be reviewed by the FDOT Districts to ensure that the integrity of the SIS is maintained. The following is a list of considerations for use in these reviews:

- ☑ Has the local government shown a commitment to provide alternatives that will protect the SIS? Some of the strategies which can be used include:
 - Designation of alternative corridors
 - Transit alternatives
 - Provision of a Bicycle & Pedestrian Network
 - Provision of additional through lanes
 - Transportation Demand Management (TDM)
 - Establishment of a long-term TCMA
 - Parking strategies

Transportation Impacts

- Does the TCEA area have a regional transit system serving it from other areas to reduce trips to and from the TCEA? Some examples of this type of system would be the West Palm Beach TCEA being served by Tri-Rail in District 4 and the Orlando TCEA being served by the LYNX system in District 5.
- Does the area have a parking strategy that is coordinated with the goals of the SIS? Are the parking facility entrances and exits located in areas that have the least impact to SIS facility interchanges? If parking facilities have a negative impact on SIS facilities, such as those on the interstate, mitigation alternatives can be explored which may include ramp metering or the relocation of parking facilities where they do not have a negative impact.
- Does the TCEA area make sense? For example, the Districts should review the area for land use balance, and, if necessary, additional coordination with DCA may be needed. Does the TCEA area have a combination of residential, office and commercial uses to reduce trip lengths and commuting distances? Are there strategies that have been developed to provide this type of land use mix? Will the densities and intensities support public transit?
- For non-SIS roadways, the supporting data and analysis should demonstrate that no adverse conditions are created on the roadways surrounding the TCEA. If the TCEA does create adverse conditions on the surrounding roadway network, strategies should be identified to mitigate the impacts and provide acceptable operating conditions.



What criteria is FDOT going to use to evaluate TCEAs?

In addition to the preceding TCEA checklist, FDOT can further assist local government by considering strategies within TCEAs that address transportation impacts in terms of *supply* and *demand* side strategies. For example, when considering how to minimize impacts to the SIS from a TCEA, there are strategies that add capacity (supply side strategies) and those that reduce impacts (demand side strategies). TCEA applications should clearly state how these strategies are to be implemented. FDOT should review TCEAs to ensure that they clearly state how both supply and demand strategies are to be used and that the use of these strategies is well balanced.

Supply Strategies

- | | |
|---|-----------------------------------|
| Construct Additional Lanes | ITS Traveler Information |
| Reconfigure Existing Lanes to Provide Through Lanes | ITS Commercial Vehicle Operations |
| Construct Additional Interchange Access/Ramps | ITS Ramp Metering Technologies |
| Access Management Strategies | Intermodal Freight Systems |
| ITS Signal Strategies | Regional Transit Opportunities |
| ITS Incident Management | |

Demand Strategies

- | | |
|-------------------------------------|---|
| Ramp Metering Technologies | Carpooling |
| Transit Investment Strategies | Park and Ride Facilities |
| Employment/Housing Land Use Balance | Traffic Calming |
| Transit Oriented Development | HOV Priorities |
| Parking Strategies | Road/Congestion Pricing/Toll Facilities |
| Bicycle and Pedestrian Alternatives | |

TCEAs in Existence Prior to July 1, 2005

TCEAs in existence prior to July 1, 2005 must meet the preceding provisions prior to July 1, 2006, or at the time of the next comprehensive plan update or EAR, whichever occurs last. See the following table for the TCEA update schedule.

Districts can recommend more frequent monitoring and review requirements if necessary. At a minimum, Districts should review the TCEAs during the EAR process (every five years) to evaluate their effectiveness in achieving the purposes for which they were created, as well as recommend modifications to the TCEAs that will enhance mobility and ensure that the goals of the SIS are maintained. If needed, possible remedies should be suggested to the local government as outlined in this guide to address these needs.



TCEA Update Schedule

June 2006

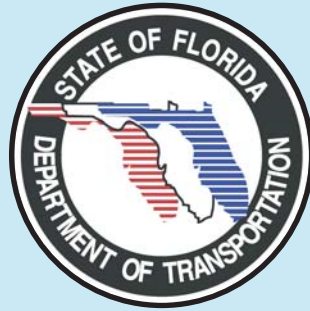
District	Municipality	Due Date for EAR(1) Adoption	Projected TCEA Update Deadline	Size (in Acres)	Justification for TCEA	SIS Facility Impacted
1	City of Sarasota	11/1/2005	8/1/2007	640	Urban Redevelopment, Downtown Revitalization, Downtown Revitalization	None
1	Collier County	1/1/2004	7/1/2006	1,073	Urban Infill, Urban Redevelopment, Public Transit	None
2	Gainesville	11/1/2010	8/1/2012	19,704	Urban Redevelopment	I-75, SR 26
2	Jacksonville	N/A	Approved	1,740	Urban Redevelopment	I-95, I-10
3	Panama City Beach	12/1/2007	9/1/2009	1,910	Urban Redevelopment	None
3	Pensacola	8/1/2008	5/1/2010	1,308	Urban Infill, Urban Redevelopment	I-110
3	Tallahassee	7/1/2007	4/1/2009	925	Urban Infill, Downtown Revitalization	None
4	Boynton Beach	11/1/2005	8/1/2007	669	Urban Redevelopment	I-95
4	Delray Beach	1/1/2006	10/1/2007	436	Urban Redevelopment, Downtown Revitalization	I-95
4	Lake Worth	8/1/2006	5/1/2008	338	Urban Redevelopment	I-95
4	Riviera Beach	1/1/2007	10/1/2008	645	Urban Redevelopment	SR 710
4	Stuart	10/1/2009	7/1/2011	581	Urban Infill, Urban Redevelopment	None
4	West Palm Beach	3/1/2007	12/1/2008	786	Urban Infill, Downtown Revitalization	None
4	Westgate (Palm Beach County)	10/1/2004	7/1/2006	1,170	Urban Infill, Urban Redevelopment	I-95, SR 80

(1)Evaluation and Appraisal Report

TCEA Update Schedule (continued)

District	Municipality	Due Date for EAR(1) Adoption	Projected TCEA Update Deadline	Size (in Acres)	Justification for TCEA	SIS Facility Impacted
5	Daytona Beach	9/1/2007	6/1/2009	310	Downtown Revitalization	I-95, I-4
5	Ocala	4/1/2011	1/1/2013	2,381	Urban Infill, Urban Redevelopment	US 27, I-75
5	Orlando	11/1/2007	8/1/2009	26,132	Urban Redevelopment, Urban Infill, Downtown Revitalization	I-4, FL Turnpike, SR 408
5	Oviedo	3/1/2008	12/1/2009	500	Urban Redevelopment, Downtown Revitalization	None
5	Sanford	4/1/2008	1/1/2010	357	Urban Redevelopment	SR 46
6	Coral Gables	4/1/2006	1/1/2008	1,123	Urban Infill, Urban Redevelopment	None
6	Miami-Dade County	11/1/2003	7/1/2006	128,000	Urban Infill, Urban Redevelopment, Public Transit	I-75, I-95, FL Turnpike, SR 826, SR 836, SR 112
7	New Port Richey	3/1/2006	12/1/2007	150	Downtown Revitalization	None
7	Tampa	8/1/2006	5/1/2008	42,337	Urban Infill, Downtown Revitalization	I-4, I-275, SR 589, SR 60
7	Largo- Clearwater/ Largo Road	1/1/2007	10/1/2008	407	Urban Redevelopment	None
7	Largo- West Bay Drive	1/1/2007	10/1/2008	77	Urban Redevelopment	None
7	Safety Harbor	4/1/2007	1/1/2009	110	Urban Redevelopment, Downtown Revitalization, Public Transit	None
7	St. Petersburg	6/1/2007	3/1/2009	22,632	Urban Infill, Urban Redevelopment	I-275, I-375, I-175
7	Temple Terrace	9/1/2006	6/1/2008	225	Urban Redevelopment	None

(1)Evaluation and Appraisal Report
Source: <http://www.dca.state.fl.us/fdcp/dcp/transportation/TCEASchedule.pdf>



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For more information regarding the Florida Department of
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If you have questions or comments concerning this document,
please contact Robert Magee at (850) 414-4800.