

**PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENT
HOUSING AND URBAN PLANNING DIVISION**

STAFF REPORT

26-T1: Transportation Concurrency

I. Proposed Amendment

The Housing and Urban Planning Division proposes to amend the Broward County Comprehensive Plan's Broward Municipal Services District, Capital Improvements, and Transportation Elements to delete provisions related to road and transportation concurrency. Transportation Districts and areawide level-of-service standards are being maintained in order to identify projects and allocate resources for transportation improvements.

A. Broward Municipal Services District Element:

1. Policy BMSD 1.1.1:
 - Replaces references to "Transportation Concurrency Management Areas" and Transportation Concurrency Districts with a reference to "Transportation Districts."
2. Policy BMSD 1.4.4:
 - Replaces references to "maintaining transportation level-of-service standards and concurrency management systems", with reference to "supporting and encouraging improvements that advance district level-of-service standards".

B. Capital Improvements Element:

1. Policy CI1.1:
 - Requires level of service standards to be maintained or advanced, as appropriate, when developing evaluating capital projects.
2. Policy CI1.6:
 - Replaces reference to budgeting to "meet adopted level-of-service standards" with reference to budgeting to "maintain or advance level-of-service standards and assign a high priority to transportation projects designed to improve deficiencies."
3. Objective CI3:
 - Requires land use decisions and development orders to be issued based on maintaining or advancing, as appropriate, level-of-service standards.
4. Policy CI3.1:
 - Requires future development to bear a proportionate share of the cost of providing infrastructure required to maintain or advance, as appropriate, adopted level-of-service standards.
5. Policy CI3.2:
 - Requires future land use changes to include an analysis of infrastructure planned to support the area.
6. Policy CI3.3:
 - Requires development orders to be issued based on the availability of infrastructure required to maintain or advance, as appropriate, the adopted level-of-service discussed in other elements of this Comprehensive Plan.
7. Policy CI3.4:
 - Requires transportation districts to be used to support and encourage improvements to the transportation system that advance areawide level-of-service standards.

8. Policy CI3.5:
 - Requires existing public facilities deficiencies for which the County is financially responsible, to be eliminated or minimized, as appropriate, in the County's annually adopted five-year Capital Improvement Plan.
9. Policy CI3.6:
 - Requires the County to construct infrastructure necessary to maintain or advance, as appropriate, the adopted level-of-service standards identified in the Broward County Comprehensive Plan.
10. Policy CI3.7:
 - Deletes the Policy since the County is repealing transportation concurrency.
11. Policy CI3.8:
 - Deletes the Policy since the County is repealing transportation concurrency.

C. Transportation Element:

1. POLICY T1.1.1:
 - Deletes agency names from the membership of the Complete Streets Team.
2. POLICY T2.2.1:
 - Eliminates transportation concurrency fee credits as an incentive to encourage transit-oriented development within Activity Centers.
3. OBJECTIVE T2.3:
 - Replaces references to the maintain the concurrency system with references to studying and identifying improvements to the transportation system.
4. POLICY T2.3.1:
 - Provide for Broward County to collaborate with municipalities and transportation partners to study and identify opportunities to enhance the transportation system.
5. POLICY T2.3.2:
 - Replaces references to Concurrency districts, including Transportation Concurrency Management Areas and Standard Concurrency Districts with references to Transportation Districts.
 - Provides for Transportation Districts to be compact geographic areas that utilize n areawide level-of-service standards to identify projects and allocate resources for transportation improvements.
6. POLICY T2.3.3:
 - Deletes the concurrency management system that links Transportation Concurrency Management Areas and concurrency level-of-service standards with the issuance of development orders and permits.
 - Retains the existing level-of-service standards and shifts the focus from concurrency to advancing Transportation District level-of-service standards.
7. POLICY T2.3.4:
 - Provides for inclusion of projects within the Capital Improvements Element that are expected to advance the level-of-service standards, rather than achieve level-of-service standards.
8. POLICY T2.3.5:
 - Deletes the requirement for a Transportation Concurrency Satisfaction Certificate prior to approval of a building permit.
 - Adds a requirement to ensure that the Capital Improvement Program is financially feasible, updated annually, and its transportation component consistent with the Broward Metropolitan Planning Organization's Metropolitan Transportation Plan.
9. POLICY T2.3.6:

- Deletes entire policy that exempts building permit applications from additional regional transportation impact fees when such applications are subject to a Transportation Concurrency Assessment.
10. POLICY T2.3.10:
- Deletes the requirement to monitor level-of-service attainment within Transportation Concurrency Management Areas.
 - Adds a requirement to monitor the advancement of level-of-service standards and assign a high priority to transportation projects that improve transportation deficiencies when developing the Capital Improvement Program and Element.
11. OBJECTIVE T2.4:
- Provides for analysis of long-range transportation impacts due to land use changes based on a context sensitive methodology, rather than an automobile-oriented methodology.
12. POLICY T2.4.1:
- Requires Broward County and the Broward County Planning Council to develop recommendations for analyzing level-of-service advancement when assessing the mobility impacts of new development.
13. POLICY T2.4.2:
- References the Florida Department of Transportation's most recent level-of-service policy for the State Highway System.

II. Staff Recommendation – Summary of Findings.

Staff reviewed the proposed amendment for consistency with the BCCP's GOPs. The proposed amendment is consistent with Goal 2 of the Transportation Element that provides for Broward County to plan "the mobility and built environment to foster (re)development that complements multimodal transportation investments."

III. Background.

The premise of the proposed Broward County Comprehensive Plan amendment is three-fold:

1. Comply with state statute,
2. Eliminate transportation concurrency until such time as an impact fee study that meets the requirements of Florida Statutes is completed and accepted by the Board.
3. Monitor and advance transportation level of service through capital facilities planning for transportation improvements.

Below is a timeline of key events related to the proposed amendment:

- June 25, 2024: The Florida Governor approved CS/HB 479: Alternative Funding Systems and Impact Fees that amended Florida Statutes (Sections 163.3164 and 163.3180). One of its requirements is that the calculation of local government impact fees be based on a study using the most recent and localized data available within four years of the current impact fee update.
- September 17, 2024: The Board of County Commissioners (Board) enacted Ordinance 2024-34 amending the Broward County Land Development Code, Section 5-182.- Development review requirements to suspend the collection of impact fees, effective October 1, 2024, including Transportation Concurrency Assessments, road impact fees,

regional park impact fees, and Broward Municipal Services District (local) park impact fees.

The Fiscal Impact Statement provided with the agenda item for Ordinance 2024-34 indicated the following fiscal impact due to the suspension of impact fees:

- \$6,829,877: Transportation Concurrency Assessments;
 - \$459,421: Road Impact Fees;
 - \$1,265,909: Regional and Broward Municipal Services District Park Impact Fees.
- October 1, 2024: Broward County stopped collecting fees for the following:
- Transportation Concurrency Assessments;
 - Road Impact Fees;
 - Regional and Broward Municipal Services District Park Impact Fees.

IV. Comprehensive Plan Consistency.

The proposed amendments are internally consistent with the Broward County Comprehensive Plan.

V. Attachments

Exhibit 1: Proposed Ordinance