

Town of Melbourne Village

EAR 2008



Town of Melbourne Village

**COMPREHENSIVE PLAN
EVALUATION & APPRAISAL
REPORT
(EAR)**

April 2008

Town of Melbourne Village

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April 1, 2008

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I. INTRODUCTION

Periodically, per Florida Statutory requirements, the Town must examine the policies and data contained within the Local Government Comprehensive Plan (LGCP) and assess the effectiveness of the Plan. The Evaluation and Appraisal Report (EAR) examines how successful Melbourne Village has been in addressing major community land use planning issues through implementation of its Plan. Based on this assessment, the EAR suggests how the LGCP should be revised to better address community objectives, changing conditions and trends affecting the community, and changes in state requirements.

The Town of Melbourne Village Comprehensive Plan was adopted in 1988 and has not been reviewed or amended since that adoption. For this reason, this EAR includes a higher than normal number of proposed amendments addressing data and statements in the LGCP that are out of date. In future reviews this will be less of an issue.

The Florida Department of Community Affairs (DCA) will review the EAR and issue a finding of sufficiency, pursuant to Florida Statutes. If the DCA finds that the EAR is not sufficient, the Town will need to provide the Department with additional information. Once the EAR is found to be sufficient, the recommendations contained within the EAR will be implemented through the Comprehensive Plan Update process. This update process will be accomplished through a series of amendments to the Comprehensive Plan over a period not to exceed eighteen months.

1. Purpose of the EAR

The purpose of this evaluation and appraisal report is to look back over the period of time since the LGCP was adopted in 1988 and evaluate how well the plan has served the Town. The report will also include a look at the current status and future projection of planning issues within the Town and consider how the plan may need to be revised to best continue to serve the Town. Specifically, the purpose of the evaluation process is to:

- Identify major issues for the community
- Review past actions of the local government in implementing the plan since the adoption of the LGCP in 1988
- Assess the degree to which plan objectives have been achieved
- Assess both successes and shortcomings of the plan
- Respond to changing conditions and trends affecting the local community
- Respond to the need for new data
- Respond to changes in state requirements regarding growth management and development
- Respond to changes in regional plans
- Identify ways that the plan should be changed

2. Town Profile

The Town of Melbourne Village is located in east-central Florida in Brevard County. The Town is 6 miles from the Atlantic coast and consists of 0.60 sq. mi. of land sandwiched between the Cities of Melbourne (north and east) and West Melbourne (south and west) with a small area contiguous with Brevard County unincorporated land to the north. According to the University of Florida Bureau of Economic and Business Research the estimated population of the Town is 719 as of April 1, 2007.

Melbourne Village was founded in 1946 as an intentional community by the American Homesteading Foundation (AHF) and incorporated in 1957. The Town is predominantly residential, with a small commercial zone abutting U.S. 192. Approximately 90% of the residences are owner occupied, and the Town has a very active homeowners group in the founding AHF, which provides most of the recreational facilities and programs in town.

As of February, 2008 the Town is virtually at build-out, with less than 20 vacant residential lots, most owned by the owner of the neighboring house, one vacant 0.80 acre multifamily site and one vacant 1.47 acre commercial parcel on U.S. 192. Most of the Town's development concerns relate to re-development of single family housing.

While the age of the existing housing is older than might be considered desirable, there are no areas of blighted housing. The Town is seeing a small but steady replacement or remodeling of 2 to 5 houses per year (often by the current occupant).

The Town of Melbourne Village has a Mayor/Commission form of government with no city manager. The Town residents are very active politically, serving on Town and AHF committees and regularly exceeding county-wide voter turnout rates by a wide margin.

3. Public Participation Process

A. Vision 2012 Process

In March of 2006, in response to concerns about out-of-scale development in Melbourne Village, predominantly in the residential zones, the Town Commission held a series of meetings of Town Committees, including the Permit & Inspection Committee, the Planning & Zoning Board, and the Board of Adjustment, and residents. These meetings resulted in the creation of a Vision 2012 Committee, charged with the following tasks:

- a) Determine a vision of what the Town will (if unregulated) and should (in the opinion of the residents) look like 5 and 10 years from now;
- b) Establish what specific features of zoning and appearance residents wish to retain or modify going forward; and
- c) Develop and recommend new policy regarding new development and/or re-development and develop new code if needed.

Membership of the Vision 2012 Committee was drawn from Town staff, Town committees including the Planning & Zoning Board/Local Planning Agency, the Permit & Inspection Committee, the Finance Committee, and the Board of Adjustments, The American Homesteading Association's Board of Directors and committees, and residents at large.

Vision 2012 held monthly meetings over the next year, all open and duly advertised. They established a web-presence and blog for citizen discussion and input. There were several articles in the Cardinal, the Town's newsletter, addressing the process and encouraging public participation. Members attended functions such as the Town's Founders' Day, identified as members of Vision 2012 and conversed with residents about their vision for the Town. The committee also distributed a survey, with face-to-face interviews when possible and a response form left when not, to all households in Town. The committee determined that approximately 75% of the residents of the Town had input into the process through one or more of these avenues.

As a result of this process a new Town code addressing development and re-development in the residential zones was drafted and presented to the Town Commission. The Commission, after several public hearings, adopted the proposed code as Town of Melbourne Village Ordinance 2007-01, Responsible Residential Growth, in April, 2007.

Following the adoption of the code several residents conducted a petition drive to repeal the code and the issue was placed on the ballot in November 2007. In a heavily participated in vote (65% voter turn-out for a single issue ballot) the code was upheld by 66% to 34% for repeal.

The findings of the Vision 2012 Committee and the provisions of Ordinance 2007-01 have been incorporated, where appropriate, in this EAR.

B. EAR Process Meetings

The Town Planning & Zoning Board/Local Planning Agency (P&Z/LPA) held a Public Hearing and meeting on the purpose and scope of the EAR prepared by town staff on January 24, 2008. This meeting was noticed on the Town Bulletin Board, in the Town Office, and by a postcard mailing, as shown below, to all households in the Town.

TOWN OF MELBOURNE VILLAGE
PUBLIC HEARING
COMPREHENSIVE PLAN REVIEW

Florida law requires each city to conduct periodic reviews of the city's Local Governmental Comprehensive Plan (LGCP) in the form of an Evaluation and Appraisal Report (EAR). The Town of Melbourne Village is scheduled to do this EAR report this spring. **This is an opportunity to update the LGCP, add topics, and to delete obsolete topics.**

As a starting point each city holds a meeting to determine the scope of the review. **Part of this meeting is a Public Hearing to give members of the public an opportunity to suggest areas they would like to see addressed in the review.**

The Town of Melbourne Village Planning & Zoning Board/Local Planning Agency will hold a public hearing for this purpose at the time and place listed below.

As always, residents are welcome to attend all meetings that will be held during this review process and participate in the discussions, but the scope of the review will be set fairly early in the process, so please attend this hearing to have input into the range of issues to be reviewed.

A copy of the current Town of Melbourne Village LGCP is available for reading in the Town Office, along with information about the EAR process. If you have questions please call the office at 723-8300.

PUBLIC HEARING – TO SET SCOPE FOR EAR
Thursday, January 24, 2008 – 7 PM
Town Office – 555 Hammock Road.

Several residents, mostly people active in the Town government, attended. Anecdotal evidence from conversations other residents had with Town staff indicates that many people felt they had expressed their concerns during the Vision 2012 process and that those concerns were being addressed by the Town. Issues raised at the Scoping meeting concerned potable water, Stormwater and drainage, and the responsible growth plan.

The P&Z/LPA met on January 31st to finalize the proposed scope and submitted it to the Town Commission, which approved it at a Special Commission Meeting, also duly noticed, on February 5th.

The P&Z/LPA met weekly through February and March to draft the EAR for presentation to the Town Commission. On Thursday, March 27, 2008 the Planning & Zoning Board/LPA recommended the EAR to the Town Commission for approval.

On March 31, 2008 the Town Commission held a Public Hearing on the Proposed EAR. This hearing was noticed on the Town Bulletin Board, in the Town Office, and by a postcard mailing, as shown below, to all households in the Town.

TOWN OF MELBOURNE VILLAGE
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COMPREHENSIVE PLAN REVIEW

Florida law requires each city to conduct periodic reviews of the city's Local Governmental Comprehensive Plan (LGCP) in the form of an Evaluation and Appraisal Report (EAR). The Town of Melbourne Village is scheduled to do this EAR report this spring. This is an opportunity to update the LGCP, add topics, and to delete obsolete topics. **The issues addressed in the EAR will provide the framework for updating the LGCP and the implementing Codes of the Town.**

The Town Planning and Zoning Board/Local Planning Agency has drafted and presented a proposed EAR to the Town Commission. The Town Commission is holding a Special Commission Meeting to consider this. **The first part of this meeting is a Public Hearing to give members of the public an opportunity to make comments and have input on the adoption of the EAR.**

The Town of Melbourne Village Town Commission will hold this public hearing at the time and place listed below.

Copies of the Proposed EAR and of the current Town of Melbourne Village LGCP are available in the Town Office, along with information about the EAR process. If you have questions please call the office at 723-8300.

PUBLIC HEARING –ON ADOPTION OF EAR
Monday, March 31, 2008 – 7 PM
Town Office – 555 Hammock Road.

Following the above notice Public Hearing, the Town Commission adopted the EAR with minor amendments, mostly editorial, and directed that it be transmitted to the Department of Community Affairs and other agencies as appropriate.

II. ANALYSIS OF ISSUES

1. Changes in Population

Florida Statute requires the City to address in the EAR the need to update population projections as part of the EAR-based amendment process.

In 1988, at the time of the adoption of the LGCP, the recorded population of the Town was 1004. In 1990 the population was 591 with 289 housing units. While no specific explanation of this difference has been determined, it is suspected that the 1980 figure was inflated by erroneous boundaries for the tabulation area. The 1990 figure is considered to be relatively accurate.

Permanent Resident Population				
1960	1970	1980	1990	2000
458	597	1004	591	706

(US Census Data)

Projections of Permanent Residents							
1990	2000	2005	2010	2015	2020	2025	2030
591	706	718	756	789	816	836	853

(Florida Housing Data Clearinghouse, Shimberg Center, University of Florida)

The 2000 population for the Town is 706 with 325 housing units. The 2006 Florida estimate of Population published by the Bureau of Economic and Business research puts Melbourne Village at 715.

The Town does not lend itself to many standard population trend models. Upward trends in overall county and state populations have less impact due to the lack of additional area for housing. Downward trends have minimal impact due to the high rate of owner occupancy and long time residency.

From 1990 to 2000 the population grew as original settlers of the Town, whose children had grown and moved away, died or left their homes for other living arrangements and sold to families with children. The Town's population will be affected primarily by fluctuating cycles of young families with children moving in vs. empty nest retired buyers. Observation of recent sales indicates a fairly even division between these groups.

Significant zoning changes are not anticipated over the next 10 years, given the current political climate in the Town and the results of the Vision 2012 surveys, and because no land owner holds, or under the deed restrictions on most of the residential land, can hold sufficient land to create a multi-family development.

The Town has added permitted accessory "guest cottage" living units at a rate of about one every three years over the last twenty years. If an economic downturn drove a spurt of development of such units as alternative living arrangements for

parents or adult children of residents, or for income production, the Town could see a resultant spurt in population. This trend has not developed at this time.

For the next 10 years, given the current zoning codes, build-out status, and development trends, the population is projected to remain in a range less than 800.

2. Changes in Vacant Land for Future Development

Since the 1988 LGCP was adopted the following changes in vacant land inventory have occurred:

- 1) Commercial Land – Most of the commercial land has been developed. There remains a single 1.47 acre parcel fronting on U.S. 192. There are no known plans for development at this time.
- 2) Multi-family Residential – The large parcel of multi-family land west of Dayton Blvd. was developed as sixteen 0.25 acre single family homesites rather than at the 6 units per acre permitted under the zoning classification. The developer has recorded deed restrictions on all lots limiting them to one home each. This development greatly reduced the potential increase in living units and population from this parcel. At present time three of these lots remain vacant, while owners of adjacent lots have purchased three lots and added them to their homesites. As a result of this the only vacant property that can be developed is a 0.80 acre site on Dayton Blvd. This site could accommodate 4 living units.
- 3) Single Family Residential (SFR) – There are currently three vacant SFR lots available for development. There are an additional fourteen lots totaling about 7 acres scattered through out the Town that are owned by adjacent property owners and have been incorporated into their homesites.

The Town has not annexed any land since the 1988 LGCP, and does not anticipate doing so.

As the developable vacant land (excluding dedicated parklands) in the Town is less than 1.5% of the total land area in Town and the largest parcel available is less than 1.5 acre the Town can, for planning purposes, be considered to be at build-out. The Town should, therefore, turn planning attention to redevelopment and improvement.

3. Current Status of and Demands of Growth on Levels of Service

A. Potable Water

The Town of Melbourne Village (Town) obtains its potable water primarily from the City of Melbourne (City). A few households have chosen to obtain their potable water from private wells, but City lines are available to them. The Town and City have entered into a Water Franchise Agreement on July 27, 1999 under which the City has agreed to provide the Town with water and provide and maintain a distribution system for same for the entire Town for a period of thirty (30) years (until July 27, 2029).

The City is a regional water supplier, which operates under a consumptive use permit (CUP) number 50301 from the St. Johns River Water Management District extending until the year 2019. The permit allows the City to use up to 21.2 MGD average from surface and ground water sources to serve a projected population of 175,035 by the year 2019, an average of about 121 gallons per day per capita.

The City issues water concurrency certificates for single family residential units and reserves 288 GPD based on a service level of 120 gallons per capita and 2.4 persons per household. Commercial reservations are based upon equivalent residential units using methodology outlined in the City code.

The designed and permitted capacity of the City's water production capacity is 26.5 MGD. The City is currently preparing a 10-year water supply facilities work plan, which will include the future water supply and distribution requirements of the Town.

Given that the Town is near build out, the distribution system is in place, and the Town's requirements, present and future, are less than 1% of the City's water production. It is not anticipated that the Town will have any measurable impact on the City's plans or facility needs.

The Town has supported and will continue to support the City in its efforts to obtain adequate water supply and to encourage conservation.

B. Sanitary Sewer

Homes in Melbourne Village are on septic systems permitted by the Brevard County Department of Health Services. Recent applications and projections indicate no difficulty in continuing this for anticipated residential development.

Some commercial properties have a contract with the City of West Melbourne for sewer connections to their system. Any future development or re-development in the commercial zones would, under the current concurrency management system, have to obtain a similar contract or a permit to operate on a septic system.

The Town does not anticipate any plans or need for providing a sanitary sewer system.

C. Stormwater/Drainage

The 1988 LGCP called for the Town to develop a stormwater masterplan. This plan was developed in 2004. The plan identified eleven areas of problems or concern, and proposed remedies. The Town has addressed five of these and has included the remaining items in the current improvement plan.

The Town of Melbourne Village operates on a system of drainage retention/detention swales and ditches. The functionality of this system relies on the swales and ditches being maintained and the culverts under driveways and roads being kept clear. In 2006 the Town purchased a vacuum system to use in providing this maintenance.

The Town system connects at several points with the Crane Creek Drainage system at the M-1, L-5, and L-7 canals. In 2005 the Town installed a baffle box system to reduce sediment flow into the M-1 canal south of Platt Circle.

The town has experienced localized flooding twice since the adoption of the LGCP in 1988 – following hurricane Erin in 1995 and following the unnamed storm event in 1998.

Much of the problem in both cases was caused by stormwater facilities outside the jurisdiction of the Town. Subsequent to these events a major M-1 culvert downstream of the Town was enlarged. Also the authorities responsible for the weirs into the Indian River Lagoon have revised their criteria for allowing additional flow in potential flooding events.

The town has not had a flooding event since 1998.

The current stormwater system is sufficient for projected development. Improvements in the system in coming years will be directed at ease of maintenance and sediment reduction.

D. Solid Waste

Brevard County handles the disposal of all solid waste for the Town of Melbourne Village. All Class I solid waste (municipal solid waste) is transferred from the Town of Melbourne Village to the Central Disposal Facility in Cocoa for disposal.

Class III solid waste (construction and demolition debris) generated in the Town of Melbourne Village is disposed of in the Sarno Road Landfill, which will reach capacity in 2010. Consideration is underway regarding the expansion of the Sarno site to increase its service life.

The solid waste collection is accomplished through a franchise agreement with Waste Management, Inc.

Recycling is part of the county's solid waste plan. Currently, the curbside recycling collection is done by the franchised hauler.

The current Brevard County level of service standard accounts for 7.51 pounds per person per day.

The Town does not anticipate any plans or need for providing solid waste pickup or disposal service other than through the franchise.

E. Recreation & Open Space

As cited in the 1988 LGCP, the Town has 44 acres of park and recreation space, owned and maintained by the American Homesteading Foundation and Dedicated to the use of the residents of the village. Since the Level of Service for Parks was set based on the then held population of 1004 and there has been no reduction of parkland since 1988, this is more than adequate for the current population of 715.

Since the 1988 LGCP was adopted the Town has added two recreational facilities, financed in large part by the South Brevard Recreation Grant:

In 2005 the Town opened the Hester Wagner Community House. This WWII barrack building was the original Village Hall, and underwent extensive renovation, while retaining its historical aspect. It is available for public and private functions. Several dance groups, public interest groups, and craft organizations meet there regularly and many residents have hosted birthday, wedding, retirement, and other parties and memorial services there.

In 2006 the Town leased a small parcel of land adjacent to the Town Office Building from the AHF and installed a playground. This is used extensively by families with small children.

Brevard County is beginning a re-development plan to increase the recreational facilities of Rodes Park, located 1.5 mi. from Town and cited in the 1988 LGCP as a nearby recreational facility.

The Town has not received any requests for additional recreational facilities. There was some interest expressed in the research for the 1988 LGCP for handball or tennis courts, but no further development of these was pursued and such facilities are readily available in the surrounding communities and at nearby county parks. The Vision 2012 studies found that the single most valued aspect of life in Melbourne Village was the amount of open green space. The Town will work with the AHF to continue to maintain this resource.

F. Transportation

At the time of the 1988 LGCP the Town reserved in the Level of Service sufficient capacity for all platted residential lots on local roads. While two additional lots have been created since then, they did not impact the LOS. The development of the multi-family land west of Dayton Blvd. as single family homes actually reduced the then-anticipated load on local roads.

The Town repaved approx. 1/3 of the local roadways within the Town in 1999 and the remaining 2/3 in 2003. Regular maintenance is planned on an annual basis.

The Town has received many complaints of a “cut-through” traffic problem on West Pine and South Drive, caused by non-residents using an alternate route to avoid the intersection of Wickham Rd. and U.S. 192. While this traffic is annoying to residents and creates a traffic enforcement issue relating to stop signs and speeding, several traffic counts over the past twenty years have shown that the volume of traffic does not exceed the established LOS.

When the large property at the corner of Dayton Blvd. and U.S. 192 was developed as a shopping center in the early 1990’s the developer was required under the Town’s Concurrency Management regulations to re-build the south 1000 feet of the road to a standard to handle the planned large truck traffic, and add a bicycle path along the rebuilt section. The Town then constructed a sidewalk from that point north to the M-1 canal crossing and installed a footbridge over the canal, to protect pedestrian traffic from the anticipated traffic to the retail development. This was done using the impact fees generated by the development.

The 1988 LGCP cited a need for a traffic light at the intersection of Dayton Blvd. and U.S. 192. This light was installed in connection with the development of the property on the south side of U.S. 192 in West Melbourne.

Level of Service for U.S. 192 – the only non-local road within the Town, is established by the Florida Department of Transportation (FDOT) and is currently at level D.

The Town does not anticipate any need for major improvements to the Town’s transportation facilities. Development on the vacant commercial parcel on U.S. 192 will require concurrency evaluation of demand to existing LOS. See Section 3B – Transportation Element – for a discussion of U.S. 192.

The Town will continue to monitor the cut-through situation on West Pine and South Drive. A significant increase of traffic there would necessitate a review of options for slowing or re-directing traffic. No plans are in place at this time for any physical changes in this area.

G. Financial Feasibility of Future Infrastructure Cost to Maintain Level of Service

The Town does not anticipate any major infrastructure expenses for creation or installation of new facilities during the planning period of ten years. The only potential exception to this would be if future studies recommended re-direction of traffic to solve the cut-through problem cited above. Any such plans would have to be developed within available funds or additional revenue sources would have to be sought.

The Town's projected major expenses related to infrastructure maintenance are for transportation and stormwater management.

The Town receives funding from gas tax revenue and other sources, a significant portion of which is set aside each year for future road resurfacing. The resurfacing projects done in 1999 and 2003 were funded from this with no need for additional assessments or revenue sources. It is anticipated that the current rate of increasing reserves will provide for this in the future. The Town Commission reviews this each year as part of the budget process.

Maintenance of the stormwater management system is currently funded from general revenues. As a result, this maintenance has been conducted in a reactive manner. The Stormwater Masterplan established a recommended program to provide for proactive maintenance of the stormwater infrastructure. The Town is considering the establishment of a stormwater utility fee to fund this program.

H. Coordination with Schools

Florida Statutes Section 163.3177 (12) (b) provides for the following exemption:

A municipality in a nonexempt county is exempt if the municipality meets all of the following criteria for having no significant impact on school attendance:

1. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality has generated fewer than 25 additional public school students during the preceding 5 years.
2. The municipality has not annexed new land during the preceding 5 years in land use categories that permit residential uses that will affect school attendance rates.
3. The municipality has no public schools located within its boundaries.

The Town of Melbourne Village applied for and received an exemption under this statute in 2006. The Town is required to review this exemption and determine if the Town still qualifies for it as part of the EAR process.

1. The Town of Melbourne Village has issued 6 permits for new residential units and 2 permits for replacement residential units in the past 5 years, well under the threshold of 50 units. The Town also has not generated 25 new students during the past 5 years.
2. The Town of Melbourne Village has not annexed any land during the past 5 years.
3. The Town of Melbourne Village has no schools located within its boundaries.

This review determines that the Town is still eligible for the exemption from the requirement of adopting a Public School Facilities Element.

This exemption will be reviewed as part of the next and subsequent EAR cycles and as required by the State.

The Town has provided a non-voting seat on the Planning & Zoning Board/LPA for a representative appointed by the School Board.

I. Coordination Regarding Water Supply

The Town, along with other cities including Melbourne Beach, Indian Harbour Beach, Indialantic, Satellite Beach, and West Melbourne, obtains its potable water primarily from the City of Melbourne under the terms of a franchise agreement. The City of Melbourne owns and maintains the distribution infrastructure in the Town.

The Town coordinates its requirements with the City of Melbourne and the Brevard Water Supply Board to which the Town is entitled to appoint a member. The Town communicates with the East Central Florida Regional Planning Council and complies with the water supply plans and policies of the St. Johns River Water Management District.

J. Concurrency Management System

The Concurrency Management System is a set of regulations applied to new development and redevelopment over a certain size to ensure that the impact of the development on services and facilities will not negatively impact the levels of service, or that required improvements to maintain levels of service are available concurrently with the development. The system includes requirements for developers to provide for improvements if those improvements are not planned by the Town within the development period.

Development within the Town has had no negative impact on LOS since the adoption of the LGCP and development code, thanks in large part to the requirements of those regulations and the consistent application thereof. All new development has met the requirements of the code, and there have been no applications to waive the requirements of the LGCP, and no applications to waive the requirements of the development code except for those regarding storm water management for single family homes.

A major commercial development on the southern end of town, abutting U.S. 192, was constructed under these regulations, and was required as a result of them to install adequate Stormwater retention, and to rebuild 1000 ft of Dayton Blvd. to bring it up to a standard to handle the anticipated large truck traffic. The Impact Fees from that project were utilized to provide a sidewalk down Dayton Blvd., and a pedestrian bridge over the M-1 canal at Dayton Blvd. and South Dr., to offset the anticipated hazard to foot traffic on Dayton Blvd. by increased traffic to the retail development.

That development also obtained a contract with the City of West Melbourne for Sewer line capacity.

While remodeling and tear-down replacement projects do not impact most of the LOS areas addressed by the LGCP, as the number of living units is not increased, the Town has been requiring major remodeling projects and all tear-down new construction to comply with the stormwater provisions, giving the Town an opportunity to gradually retrofit development predating these requirements.

In several cases issues regarding the storm water requirements for development or re-development of a single family home site have been raised. The Requirements of the current development code for on-site retention and detention have created situations where a home builder has had to remove desirable healthy trees, often upper canopy trees, in order to create a retention area sufficient to meet the requirements.

The Town engineer has recommended that the Town allow a berm around the property as an alternative to clearing and excavation as a retention method when suitable. The engineer has also recommended that the required on-site

retention/detention requirements for homes in the R-1 and R-1A zones be recalculated, taking into account the findings of the Stormwater Master Plan completed in 2003, and to include the retention/detention capacity of the abutting Town drainage system in the calculations. The roadside swales in this system would, in a new development of a subdivision, be included in calculating retention area for stormwater management plan for the new houses. The Town's engineer has advised that the same should be the case for re-development of SFR lots.

In the R-1 and R-1A zones – The Town will address changing the manner in which storm water is retained on the property to provide for compliance with current requirements while preserving the natural resource of trees:

- 1) The on-site retention/detention requirement in the current regulations should be recalculated for SFR development/redevelopment in light of the retention/detention capacity of the existing swale system.
- 2) For residential construction a berm surrounding the property with an appropriately placed outfall, height of berm to be determined by the Town Engineer but no less than six inches, should be allowed as an alternative to the standard requirements, if the Town Engineer certifies that it will accomplish the required retention policy requirements, to avoid tree and green loss.

III. Changes in Growth Management Law

1. Overview

State Law requires that the EAR contain an evaluation and assessment of relevant changes to the state comprehensive plan, the Strategic Regional Policy Plan (SRPP), Chapter 163, F.S, and Rule 9J-5, F.A.C. since the adoption of the most recent EAR-based amendments. This section contains an analysis of the Town's Comprehensive plan, to determine if it addresses those changes.

A. State Comprehensive Plan

The State Comprehensive plan has been amended several times since the adoption of the 1988 LGCP. A review of the current State Plan found no instances where the Town plan is inconsistent with the State Plan.

Much of what is addressed in the State Plan falls outside the Town's capacity to address. Issues of families, health, mass transportation, etc. are areas in which the Town relies on other agencies. The Town should continue to monitor such issues for opportunities to participate in programs for the benefit of the residents of the Town, but no changes to the LGCP are indicated.

In other areas – Land Use, Conservation, local transportation, etc. the Town plan is consistent with the State Plan.

B. Strategic Regional Policy Plan

The Town falls within the East Central Florida Regional Planning Council. The ECFRPC adopted its SRPP in 1998. The SRPP has not been amended since its adoption. The Town's Comprehensive Plan is consistent with the regional planning council's SRPP.

C. Changes to Chapter 163, FS and Rule 9J5

An analysis of all of the changes to Chapter 163, F.S. and Administrative Rule 9J-5, F.A.C., that have occurred since the adoption of the Town's LGCP in 1988 is provided on the following pages. The information is provided in the same suggested tabular format provided by DCA on its Website. The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Town's LGCP. If the change is procedural, optional, or not applicable (NA) no element change is needed. If the change is relevant, the Plan was reviewed to determine whether the requirement was addressed or not. In those instances in which an amendment is needed, the elements that should be amended are identified in the column on the right side of the table. Any needed amendments identified in this table will be addressed as part of the EAR-based amendments.

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
1988: None				
1989: None				
1990: None				
1991: [Ch. 91-45, SS. 31 and 32, Laws of Florida] Nothing substantive.				
1992: [Ch. 92-129, Laws of Florida, and Ch. 92-279, S. 77, Laws of Florida]				
13	[Now: 163.3189(2)(a)]	X		
14	163.3174 163.3164(13)[Now: (14)] 163.3221(10)[Now: (11)]		Town Code	
15	163.3164(24)	X		
16	163.3177(6)(h)2. [Now: 163.3177(6)(h)3.]	X		
17	163.3177(10)(k)	X		
18	163.3177		Town Code – Ord. 2007-02 Responsible Residential Growth Plan	
19	163.3184(1)(a)	X		
20	163.3184(3)(b)	X		
21	163.3184(7)(a) [Now: 163.3184(7)(c)1]	X		

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. 1986-2007</p> <p>adopt or adopt with changes the plan or amendment; and gives the local government 10 days, rather than 5 days, after adoption to transmit the adopted plan or amendment to DCA. Also requires that a copy of the adopted plan or amendment be transmitted to the regional planning council.</p>				
<p>22 Provided that the Secretary of DCA, as well as a "senior administrator other than the Secretary" can issue a notice of intent (NOI).</p>	163.3184(8)(b)	X		
<p>23 Required that the Division of Administrative Hearings hearing must be held "in the county of and convenient to" the affected local jurisdiction.</p>	163.3184(9)(b) & (10)(a)	X		
<p>24 Provided that new issues cannot be raised concerning plan compliance more than 21 days after publication of the NOI.</p>	163.3184(10)(a)	X		
<p>25 Added a procedure for Compliance Agreements.</p>	163.3184(16)	X		
<p>26 Changed the requirements for small scale amendments:</p> <ul style="list-style-type: none"> • Increased the geographic size from 5 to 10 acres of residential land use at a density of 10, rather than 5, units per acre; and for other land use, an increase from 3 to 10 acres. Also increased the annual total from 30 to 60 acres. • Allowed local governments to use a newspaper ad of less than a quarter page in size. • Authorized DCA to adopt rules establishing an alternative process for public notice for small scale amendments. • Provided that small scale amendments require only an adoption hearing. 	163.3187(1)(c)	X		
<p>27 Provided that a plan amendment required by a compliance agreement may be approved without regard to the twice-a-year limitation on plan amendments.</p>	163.3187(1)(e) [Now: 163.3187(1)(d)]	X		
<p>28 Stated that nothing in the statute prevented a local government from requiring a person requesting an amendment to pay the cost of publication of notice.</p>	163.3187(5)	X		
<p>29 Created an alternative process for amendment of adopted comprehensive plans</p>	163.3189	X		
<p>30 Provided that the first EAR report is due 6 years after the adoption of the comp plan, and subsequent EAR reports are due every 5 years thereafter.</p>	163.3191(5) [Now: 163.3191(13)]	X		
<p>31 Amended the Development Agreement Act by providing:</p> <ul style="list-style-type: none"> • Development agreements are not effective unless the comp plan or plan amendments related to the agreement are found 	163.3235	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> in compliance. Development agreements are not effective until properly recorded and until 30 days after received by DCA. 	163.3239			
1993: [Ch. 93-206, Laws of Florida (aka the ELMS bill) and Ch. 93-285, S. 12, Laws of Florida]					
32	Amended the intent section to include that constitutionally protected property rights must be respected.	163.3161(9)	X		
33	Added definitions for "coastal area", "downtown revitalization", "urban redevelopment", "urban infill", "projects that promote public transportation", and "existing urban service area."	163.3164	X		
34	Amended the scope of the act to provide for the articulation of state, regional, and local visions of the future physical appearance and qualities of a community.	163.3167(11)	X		
35	Amended the requirements for the housing element by: <ul style="list-style-type: none"> Having the element apply to the jurisdiction, rather than the area. Including very-low income housing in the types of housing to be considered. Provided guidance that the creation or preservation of affordable housing should minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas. Required DCA to prepare an affordable housing needs assessment for all local jurisdictions, which will be used by each local government in preparing the EAR report and amendments, unless DCA allows the local government to prepare its own needs assessment. 	163.3177(6)(f)1.		The Housing Element (Section 3) of the LGCP and the physical restraint of the small size and built-out status of the Town.	
36	Amended the intergovernmental coordination element (ICE) by: <p>Requiring each ICE to include:</p> <ul style="list-style-type: none"> A process to determine if development proposals will have significant impacts on state or regional facilities. A process for mitigating extrajurisdictional impacts in the jurisdiction in which they occur. A dispute resolution process. A process for modification of DRI development orders without loss of recognized development rights. Procedures to identify and implement joint planning areas. Recognition of campus master plans. 	163.3177(6)(h)1. and 2.		Section 7	

[Note: Requirement deleted in 1996]

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/row)	Amendment Needed By Element
	<ul style="list-style-type: none"> Requiring each county, all municipalities within that county, the school board, and other service providers to enter into formal agreements, and include in their plans, joint processes for collaborative planning and decision-making. 				
	Requiring DCA to: <ul style="list-style-type: none"> Adopt rules to establish minimum criteria for ICE. Prepare a model ICE. Establish a schedule for phased completion and transmittal of ICE plan amendments.	[Now: 163.3177(9)(h) 163.3177(9)(h) 163.3177(6)(h)5]			
37	Providing that amendments to implement the ICE must be adopted no later than December 31, 1997 [Now: 1999].	Now: 163.3177(6)(h)5.	X		
38	Requiring a transportation element for urbanized areas.	163.3177(6)(h) [Now: 163.3177(6)(i)] 163.3177(7)(i)	X		Optional – not Proposed
39	Adding an optional hazard mitigation/post disaster redevelopment element for local governments that are not required to have a coastal management element.				
40	Requiring DCA to consider land use compatibility issues near airports.	163.3177(10)(i)	X		
41	Amended the coastal management element by: <ul style="list-style-type: none"> Defining "high hazard coastal areas" as category I evacuation zones, and stated that mitigation and redevelopment policies are at the discretion of the local government. Affirming the state's commitment to deepwater ports, and required the Section 186.509 dispute resolution process to reconcile inconsistencies between port master plans and local comp plans. Encouraging local governments to adopt countywide marina siting plans. Requiring coastal local governments to identify spoil disposal sites in the future land use and port elements. Requiring each county to establish a process for identifying and prioritizing coastal properties for state acquisition. 	163.3178 (2)(h) (5) (6) (7) (8)	X		
42	Created a new section for concurrency which: <ul style="list-style-type: none"> Provides concurrency on a statewide basis only for roads, sewers, solid waste, drainage, potable water, parks and recreation, and mass transit; a local government can extend concurrency to public schools if it first conducts a study to determine how the requirement would be met. 	163.3180 [New]		Concurrency Mgmt. Regs – Town Code	Need to be added to LGCP

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<ul style="list-style-type: none"> Set timing standards for concurrency of: <ul style="list-style-type: none"> For sewer, solid waste, drainage and potable water facilities, in place no later than the issuance of the certificate of occupancy. For parks and recreation facilities, no later than 1 year after issuance of certificate of occupancy. For transportation facilities, in place or under actual construction no later than 3 years after issuance of a certificate of occupancy. Allowing exemptions from transportation concurrency for urban infill, urban redevelopment and downtown revitalization. Allowing a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency. Authorizing the designation of transportation management areas. Allowing urban redevelopment to create 110% of the actual transportation impact caused by existing development before complying with concurrency. Authorizing local governments to adopt long-range transportation concurrency management systems with planning periods of up to 10 years where significant backlogs exist. Requiring local governments to adopt the level-of-service standard established by the Department of Transportation for facilities on the Florida Intrastate Highway System. Allows development that does not meet concurrency if the local government has failed to implement the Capital Improvements Element, and the developer makes a binding commitment to pay the fair share of the cost of the needed facility. 					
<p>43 Provided a procedure to ensure public participation in the approval of a publicly financed capitol improvement.</p>	163.3181(3)	X			
<p>44 Amended the procedure for the adoption of plans and plan amendments as follows:</p> <ul style="list-style-type: none"> Proposed plans or amendments, and materials, must be transmitted to the regional planning councils, the water management districts, the Department of Environmental Protection, and the Department of Transportation as specified in DCA's rules. 	163.3184	X			

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
45	<ul style="list-style-type: none"> DCA reviews amendments only upon the request of the regional planning council, an affected person, or the local government, or those, which it wishes to review. The regional planning council's review of plan amendments is limited to effects on regional facilities or resources identified in the strategic regional policy plan and extra jurisdictional impacts. DCA may not require a local government to duplicate or exceed a permitting program of a state, federal, or regional agency. 				
46	Prohibited local governments from amending their comp plans after the date established for submittal of the EAR report unless the report has been submitted.	163.3187(5) [Now: 163.3187(6)(a)]	X		
47	Changed the Alternative Process for the amendment of adopted comp plans to the Exclusive Process.	163.3189(1)	X		
48	Provided that plan amendments do not become effective until DCA or the Administration Commission issues a final order determining that the amendment is in compliance.	163.3189(2)(a)	X		
49	Provides that the sanctions assessed by the Administration Commission do not occur unless the local government elects to make the amendment effective despite the determination of noncompliance.	163.3189(2)(b)	X		
50	Authorizing the local government to demand formal or informal mediation, or expeditious resolution of the amendment proceeding.	163.3189(3)(a)	X		
51	Amended the Evaluation and Appraisal Report section of the statute.	163.3191 [Note: 163.3191 was amended and reworded in 1998. Check statute for current wording.]	X		
1994 [Ch. 94-273, S. 4, Laws of Florida]					
52	A plan amendment for the location of a state correctional facility can be made at any time, and does not count toward the twice-a-year limitation.	163.3187(1)(f) [Now: 163.3187(1)(e)]	X		
1995 [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, and 12, Laws of Florida]					
52	Required opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied by a local government [Subsection 163.3181(4)] and prior to a hearing where a plan or plan amendment was determined by the DCA to be not in compliance.	163.3184(10)(c)	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/flow)	Amendment Needed By Element
53	Added a definition for “transportation corridor management” [Subsection 163.3164(30)] and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation corridor management ordinances.	163.3177(6)(9). [New]	X		
54	Amended the definition of “public notice” and certain public notice and public hearing requirements to conform to the public notice and hearing requirements for counties and municipalities in Sections 125.66 and 166.041, respectively.	163.3164(18), 163.3171(3), 163.3174(1) and (4), and 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)	X		
55	Prohibited any initiative or referendum process concerning any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)	X		
56	Reduced to 30 [Note: changed to 20] days the time for DCA to review comp plan amendments resulting from a compliance agreement .	163.3184(8)(a)	X		
57	Amended the requirements for the advertisement of DCA’s notice of intent.	163.3184(8)(b)	X		
58	Required the administrative law judge to realign the parties in a Division of Administrative Hearings (DOAH) proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.	163.3184(16)(f)	X		
59	Added clarifying language relative to those small scale plan amendments that are exempt from the twice-per-year limitation and prohibited DCA review of those small scale amendments that meet the statutory criteria in Paragraph 163.3187(1)(c).	163.3187(1)(c) and (3)(a)-(c)	X		
30	Required DCA to consider an increase in the annual total acreage threshold for small scale amendments . (later repealed by s. 16, Ch. 2000-158, Laws of Florida).	163.3177(7)	X		
31	Required local planning agencies to provide opportunities for involvement by district school boards and community college boards.	163.3174(1)		Town Commission Policy	
32	Required that the future land use element clearly identify those land use categories where public schools are allowed.	163.3177(6)(a)	X		
33	Established certain criteria for local governments wanting to extend concurrency to public schools. (later amended by s. 5, Ch. 98-176, Laws of Florida).	163.3180(1)(b) [Now: 163.3180(13)]	X		
1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, Laws of Florida]					
34	Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation.	163.3187(1)(c)	X		
35	Revised the objectives in the coastal management element to	163.3177(6)(g)9.	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	include the maintenance of ports.				
36	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), and (5)	X		
37	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation.	163.3177(6)(a)	X		
38	Required the ICE to include consideration of the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)			Include in section 7
39	Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)			Include in section 7
70	Required that within 1 year after adopting their ICE each county and all municipalities and school boards therein establish by interlocal agreement the joint processes consistent with their ICE.	163.3177(6)(h)2.	X		
71	Required local governments who utilize school concurrency to satisfy intergovernmental coordination requirements of ss. 163.3177(6)(h)1.	163.3180(1)(b)2. [Now: 163.3180(13)(g)]	X		
72	Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.	163.3217	X		
73	Authorized DCA to conduct a sustainable communities demonstration project.	163.3244 [Now: Repealed.]	X		
1997: [Ch. 97-253, ss. 1-4, Laws of Florida]					
74	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)	X		
75	Established that no plan or plan amendment in an area of critical state concern is effective until found in compliance by a final order.	163.3184(14)	X		
76	Amended the criteria for the annual effect of Duval County (Jacksonville) small scale amendments to a maximum of 120 acres.	163.3187(1)(c)1.a.III	X		
77	Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)	X		
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]					
78	Exempted brownfield area amendments from the twice-a-year limitation.	163.3187(1)(g)	X		
79	Required that the capital improvements element set forth standards for the management of debt.	163.3177(3)(a)4.		Policy 8-1.3.2	
80	Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)			The town will establish planning periods of 5 and

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
31	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)	X		10 years
32	Defined "optional sector plan" and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245	X		
33	Established the requirements for a public school facilities element .	163.3177(12)		Town of Melbourne Village is currently exempted from this requirement	
34	Established the minimum requirements for imposing school concurrency .	163.3180(12) [Now: Section (13)]	X		
35	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section14]	X		
36	Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]	X		
37	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)	X		
38	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify limited DCA's review of proposed plan amendments to written comments, and received DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	X		
39	Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)	X		
90	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports .	163.3191	X		
91	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	X		
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities , identify dredge disposal sites in the comp plan.	163.3178(7)	X		
93	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
94	Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversify local economies.	163.3177(6)(a)	X		
95	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment.	163.2511, 163.25.14, 163.25 17, 163.2520, 163.2523, and 163.2526 [New]	X		
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)	X		
97	Made transportation facilities subject to concurrency.	163.3180(1)(a)	X		
98	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)			Add to Policy 2-1.6.3
99	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)	X		
100	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)	X		
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)	X		
102	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation .	163.31879(1)(h) and (i) [Now: (f) and (j)]	X		
103	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also, see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)	X		
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	Repealed Section 163.3184(1)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(1)(c) [Now: Repealed]	X		
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) [Now: Repealed]	X		
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15) [Now: Repealed]	X		
107	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	X		

N/A = Not Applicable

Town of Melbourne Village EAR 2008 -- Changes to FS 163

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas.	163.2517(3)(j)2.	X		
2001: [Ch. 2001-279, s. 64, Laws of Florida]					
109	Created the rural land stewardship area program.	163.3177(11)(d)	X		
2002: [Ch. 2002-296, ss. 1 - 14, Laws of Florida]					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	163.31774		Town Commission has provided this by Policy	
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		Plan is consistent with Regional Water Supply Plan	
112	Plan amendments for school-siting maps are exempt from s. 163.318(1)'s limitation on frequency.	163.3177(6)(a)	X		
113	Required that by adoption of the EAR , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	163.3177(6)(c)		Town of Melbourne Village is dependent on City of Melbourne Plan for this	
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)		Plan is consistent with Regional Water Supply Plan	
115	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)			References need updating
116	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4.	X		
117	Required that counties larger than 100,000 population and their municipalities submit an inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.	163.3177(6)(h)6., 7., & 8.	X		
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirement repealed by Ch. 2005-290, s. 2, LOF.	163.3177(6)(h)9. [Now repealed]	X		
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with	163.31776 [New]	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/How)	Amendment Needed By Element
	the applicable school board.				
120	Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777 [New]	X		
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	X		
122	Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)	X		
123	Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)	X		
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)	X		
125	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)	X		
126	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	X		
127	Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)	X		
128	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215	X		
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	X		
130	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal	163.3187(1)	X		

N/A = Not Applicable

Changes to Chapter 163, F.S. 1986-2007

	management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
131	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	163.3194(6)	X		
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
132	Creates the Agricultural Lands and Practices Act .	163.3162 [New]	X		
	(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.				
	(3): Defines the terms “farm,” “farm operation,” and “farm product” for purposes of the act.				
	(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.				
	(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.				
	(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.				
	(4)(c): Provides that the act does not limit the powers of certain counties.				
	(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.				
133	Changes “State Comptroller” references to “Chief Financial Officer.”	163.3167(6)	X		
134	Provides for certain airports to abandon DRI orders.				
135	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.3177(6)(k)	X		
136	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	163.31777	X		
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>137</p> <p>Changes to Chapter 163, F.S. 1986-2007</p> <p>(10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.</p> <p>(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.</p> <p>(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.</p>	163.3167	X		
<p>138</p> <p>(1): Provides legislative findings on the compatibility of development with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	Creates 163.3175.	X		
<p>139</p> <p>(6)(a):</p> <ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of</p>	163.3177	X		

N/A = Not Applicable

Changes to Chapter 163, F.S. 1986-2007 amendments.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(10)(l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.</p> <p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.</p> <p>(11)(d)2.: Provides for multi-county rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.</p>				
<p>140 (1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant, which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p>	Creates 163.31771	X		

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. 1986-2007</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>				
<p>141 Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.</p>	163.3184(1)(b)	X		
<p>142 (1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.</p> <p>(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187	X		
<p>143 Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.</p>	163.3191(2)(n)	X		
<p>2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]</p>				
<p>144 Added the definition of "financial feasibility"</p>	163.3164(32) [New]	X		
<p>145 (2): Required comprehensive plans to be "financially" rather than "economically" feasible.</p>	163.3177	X		
<p>(3)(a)5.: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.</p>				5 Year Schedule to be updated and included in section 8
<p>(3)(a)6.b. 1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.</p>		X		
<p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.</p>		X		
<p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p>		X		

Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Amendment Needed By Element
(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.		X	
(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).			Include in Section 1
(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.		X	
(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.		X	
(6)(e): Added waterways to the system of sites addressed by the recreation and open space element .		X	
(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities .		X	Add to Section 7 Objective 7-1.3
(11)(d)4.c.: Required rural land stewardship areas to address affordable housing .		X	
(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area . If any listed species present, must ensure adequate provisions to protect them.		X	
(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area .		X	
(11)(d)5.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.		X	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. 1986-2007</p> <p>(12): Must adopt public school facilities element.</p> <p>(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.</p> <p>(12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p> <p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a “community vision,” which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop an “urban service boundary,” which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).</p>	<p>[New]</p> <p>[New]</p>			
<p>146</p> <p>163.31776 is repealed</p>	<p>163.31776 [Now: Repealed]</p>	<p>X</p>		
<p>147</p> <p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.</p> <p>(2)(g): Expands requirement of coastal element to include</p>	<p>163.31777</p>	<p>X</p>		
<p>148</p> <p>(2)(g): Expands requirement of coastal element to include</p>	<p>163.3178</p>	<p>X</p>		

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. 1986-2007 strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.</p>	163.3180	X		
<p>(1)(a): Added "schools" as a required concurrency item. (2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.</p>			In Concurrency regs	
<p>(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p>			In Concurrency regs	
<p>(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p>		X		
<p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p>				Include in New Concurrency section
<p>(5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be "consistent with and support a comprehensive strategy, and promote the purpose of the exceptions." Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p>		X		
<p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p>		X		
<p>(7): Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic</p>		X		

N/A = Not Applicable

Changes to Chapter 163, F.S. 1986-2007 Intermodal System.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
(9)(a): Allowed adoption of a long-term concurrency management system for schools.		X		
(9)(c): (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.		X		
(9)(d): (New section) Required evaluation in Evaluation and Appraisal Report of progress in improving levels of service..		X		
(10): Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.		X		
(13): Required school concurrency (not optional).		X		
(13)(c)1.: Requires school concurrency after five years to be applied on a " less than districtwide basis " (i.e., by using school attendance zones, etc).		X		
(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.		X		
(13)(c)3.: No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.		X		
(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.		X		
(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.		X		
(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:		X		

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>• contribution of land</p> <p>• construction, expansion, or payment for land acquisition</p> <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6. a. for similar requirement.</p>		X		
<p>(13)(g)6.a.: [Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p>		X		
<p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p>		X		
<p>(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p>	[New]	X		
<p>(15): Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p>		X		
<p>(16): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.</p>	[New]	X		
<p>(17): (New 2005 section) If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>	163.3184 [New]	X		

N/A = Not Applicable

Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the urban limitation on the frequency of plan amendments.</p>		X		
<p>151 (1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p>	163.3187	X		
<p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	[New]	X		
<p>152 (2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in s.163.3177(12).</p>	163.3191		Included in EAR - Exemption	
<p>(2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply workplan.</p>	[New]	X		
<p>(2)(o): (New 2005 provision) The Evaluation and Appraisal Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.</p>	[New]	X		
<p>(2)(p): (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities.</p>		X		
<p>(10): The Evaluation and Appraisal Report -based amendment must be adopted within a single amendment cycle. Failure to</p>		X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	adopt within this cycle results in penalties . Once updated, the comprehensive plan must be submitted to the DCA.				
153	(10) New section designating Freeport as a certified community . (11) New section exempting proposed DRLs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246 [New]	X		
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]					
154	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	163.3162(5) [New]	X		
155	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33) [New]	X		
156	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g)2. [New]	X		
157	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area . Ch. 2006-220, LOF.	163.3177(11)(d)6.	X		
158	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	163.3177(1), (2) and (4)	X		
159	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans . Ch. 2006-68, LOF.	163.3178(2)(d)	X		
160	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	163.3178(2)(h)	X		
161	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a) [New]			
162	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b) [New]	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
163	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA , and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c)	X		
164	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health, Ch. 2006-252, LOF.	163.3180(2)(a)		Section 4-2	
165	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multuse DRI must meet or exceed. Ch. 2006-220, LOF.	163.3180(12)(a)	X		
166	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.	X		
167	Creates a new section related to electric distribution substations ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	163.3208 [New]			
168	Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209 [New]	X		
169	Community Workforce Housing Innovation Pilot Program ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.	New	X		
170	Affordable housing land donation density incentive bonus ; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	New	X		

2007 Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
171	<p>(26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Ch. 2007-204, LOF.</p> <p>(32) Revises the definition of "financial feasibility" by clarifying that the plan is financially feasibility for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.</p>	163.3164	X	X	

Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.</p>	163.3177	X		
<p>(3)(a)6. Revises the citation to the MPO's TIP and long-range transportation plan. Ch. 2007-196, LOF.</p>		X		
<p>(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.</p>		X		
<p>(3)(c) Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Ch. 2007-204, LOF.</p>		X		
<p>(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s. 163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s. 163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p>	[New]	X		
<p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p>	[New]	X		
<p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	[New]	X		

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N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
174	<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.</p> <p>(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.</p> <p>(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.</p> <p>(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.</p> <p>(16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.</p> <p>(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.</p>	163.3180	X		
173		[New]	X		
174	<p>Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defines the powers of the authority to include tax</p>	163.3182 [New]	X		

N/A = Not Applicable

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.				
175	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]	X		
176	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]	X		
177	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]	X		
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229	X		
179	Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	X		
180	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement. Ch. 2007-196, LOF.	339.282 [New]	X		
181	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
November 22, 1989					
1	Defined availability or available, concurrency, concurrency management system, currently available revenue sources, and public facilities and services. <i>Note: the definition of availability or available was repealed March 23, 1994 and the definition of public facilities and services was repealed February 25, 2001.</i>	9J-5.003	X		
2	Required comprehensive plan amendments applicable to the Wekiva River Protection Area to meet requirements of section 369.301, F.S., in addition to meeting compliance requirements of section 163.3184, F.S.	9J-5.005(8)	X		
3	Required local governments to adopt a concurrency management system in their comprehensive plans and established requirements for such systems.	9J-5.0055		In Town Code 4.5	Needs to be included in LGCP - Section 8
4	Required the capital improvement element to include requirements to ensure an adequate concurrency management system is implemented.	9J-5.016		In Section 8 – Objective 8-1.2 and Objective 8-1.4	
5	Clarified requirements relating to projected revenue sources that are contingent upon ratification by public referendum.	9J-5.016(4)(a)2.	X		
April 2, 1992					
6	Defined transportation concurrency management area, transportation demand management, transportation system management, and transportation mobility element. <i>Note: the definitions of transportation concurrency management area and transportation mobility element were repealed March 23, 1994.</i>	9J-5.003	X		
7	Authorized local governments to establish optional transportation concurrency management areas and provided requirements for such areas. <i>Note: this rule was repealed March 23, 1994.</i>	9J-5.0057	X		
8	Required transportation concurrency management areas to be shown on the future land use map.	9J-5.006(4)(a)	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
9 Required the capital improvement element to include requirements to ensure concurrency management areas are implemented, if designated.	9J-5.016	X		
March 23, 1994				
10 Defined central business district, coastal area, evaluation and appraisal report, partial evaluation and appraisal report, proposed evaluation and appraisal report, sufficiency review, and very low income family. <i>Note: the definition of very low income family was repealed March 21, 1999.</i>	9J-5.003	X		
11 Revised the definition of coastal high hazard areas and modified the definition of coastal area to provide a definition of the term coastal planning area. <i>Note: the definition of coastal planning area was revised March 21, 1999.</i>	9J-5.003	X		
12 Repealed definitions of availability or available, transportation concurrency management area, and transportation mobility element.	9J-5.003	X		
13 Required local comprehensive plans to include a countywide marina siting plan for participating local governments in the coastal area and intergovernmental coordination processes.	9-5.005(1)(c)	X		
14 Revised monitoring and evaluation requirements to include a description of the public participation process and components of the evaluation and appraisal process. <i>Note: Revised February 25, 2001.</i>	9-5.005(7)	X		
15 Added procedures for transmittal and review of evaluation and appraisal reports and evaluation and appraisal amendments. <i>Note: Repealed March 21, 1999 and February 25, 2001.</i>	9J-5.0053	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
16 Revised requirements for the concurrency management system to include provisions regarding level of service standards, and minimum requirements for concurrency, and authorized local governments to incorporate within their concurrency management system optional long term concurrency management systems, transportation concurrency management areas, transportation concurrency exception areas; concurrency exceptions for projects that promote public transportation, and provisions for private contributions to local government capital improvement planning.	9J-5.0055		Policy 8-1.4.1 Level of Service Standards	
17 Repealed provisions authorizing establishment of optional transportation concurrency management areas and providing requirements for such areas.	9J-5.0057	X		
18 Required the Future Land Use Element for coastal counties and municipalities that have dredge spoil disposal responsibilities to identify any existing dredge spoil disposal sites and include an analysis of the need for additional dredge spoil disposal sites.	9J-5.006(1)(f)3 and 9J-5.006(2)(f)	X		
19 Required the Future Land Use Element to include an analysis of proposed development and redevelopment based upon hazard mitigation reports.	9J-5.006(2)(g)	X		
20 Required the Future Land Use Element to include objectives to encourage elimination or reduction of uses that are inconsistent with an interagency hazard mitigation report and ensure the availability of dredge spoil disposal sites for affected coastal counties and municipalities.	9J-5.006(3)(b)	X		
21 Required policies of the future land use element to designate dredge spoil disposal sites for affected coastal counties and municipalities and establish site selection criteria for designation of future dredge spoil disposal sites.	9J-5.006(3)(c)	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
22	Required local governments to adopt the level of service standards established by the Department of Transportation for facilities on the Florida Intrastate Highway System and adopt adequate level of service standards for all other transportation facilities. <i>Note: 9J-5.007 was repealed February 20, 1996, and has been replaced by 9J-5.019.</i>	9J-5.007(3)(c)			LOS for US192 – update 2-1.1.1 and 8-1.4.1
23	Required the Ports, Aviation and Related Facilities Element to include an analysis of the need for additional dredge spoil disposal sites for existing and proposed ports. <i>Note: 9J-5.009 was repealed February 20, 1996, and has been replaced by 9J-5.019</i>	9J-5.009(2)(c)	X		
24	Required the Housing Element inventory and analysis to: \$ Use data from the affordable housing needs assessment ; \$ Address housing needs of existing and future residents; \$ Avoid the concentration of affordable housing; and Address the needs of very-low income families as well as low and moderate income families.	9J-5.010(1) and (2)			Update data – no policy revision needed
25	Required Housing Element objectives to address: \$ Housing needs of current and future residents; \$ Sites and distribution of housing for very-low income and low-income families; and Use of job training, job creation and economic solutions to address affordable housing concerns.	9J-5.010(3)			Section 3-1 Update numbers
26	Required Coastal Management Element inventories and analyses to be coordinated with the countywide marina siting plan .	9J-5.012(2)	X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
27	<p>Required Coastal Management Element policies to:</p> <ul style="list-style-type: none"> § Incorporate recommendations from interagency hazard mitigation reports; § Address the relocation, mitigation or replacement of infrastructure within the coastal high-hazard area; § Include criteria consistent with the countywide marina siting plan; and <p>Include a procedure to resolve inconsistencies between the local comprehensive plan and the deepwater port master plan.</p>	9J-5.012(3)	X		
28	<p>Required affected local governments to incorporate the marina siting plan in the Coastal Management Element.</p>	9J-5.012(4)	X		
29	<p>Required objectives of the Intergovernmental Coordination Element to:</p> <ul style="list-style-type: none"> § Ensure coordination in the designation of new dredge spoil disposal sites; § Involve the navigation and inlet districts, state and federal agencies and the public in identifying dredge spoil disposal sites; and <p>Resolve conflicts between a coastal local government and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committee=s dispute resolution process.</p>	9J-5.015(3)	X		
30	<p>Required local governments having all or part of their jurisdiction within the urbanized area of a Metropolitan Planning Organization to prepare and adopt a transportation element which replaces the traffic circulation element, the mass transit element, and the ports, aviation and related facilities element and established requirements for the transportation element.</p>	9J-5.019	X		
31	<p>May 18, 1994 Added provisions for settlement of conflicts through compliance agreements.</p>		X		

Changes to Rule 91-5, F.A.C. 1989-2003		91-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	Defined adjusted for family size, adjusted gross income, affordable housing, agency, amendment, clustering, compatibility, composition, density, development, development controls, distribution, environmentally sensitive lands, extent, facility availability, floodprone areas, functional relationship, high recharge area, hurricane vulnerability zone, intensity, manufactured home, moderate income household, natural drainage flow, natural groundwater aquifer recharge areas or natural groundwater recharge areas, new town, Apattern, potable water wellfield, purchase of development rights, rural areas, rural village or rural activity center, stormwater basin, stormwater facilities, stormwater management system, suitability, transfer of development rights, urban area, urban sprawl, very low income household, wellhead protection area, and wetlands. <i>Note: the definitions of adjusted for family size, adjusted gross income, development, and high recharge area were repealed and the definitions of affordable housing and wetlands were revised March 21, 1999.</i>	91-5.003	X		
33	Revised definitions of areas subject to coastal flooding, conservation uses, deepwater ports, estuary, low income household, mobile home, natural reservations, and oceanic waters.	91-5.003	X		
34	Revised comprehensive plan content requirements to clarify that the future land use map or map series must be included in the adopted comprehensive plan.	91-5.005(1)		Section I page 1-8	
35	Required all goals, objectives, policies, standards, findings and conclusions of the comprehensive plan and plan amendments to be based upon analysis as well as data, explained the meaning of being based upon data, referenced the Department's guide to data sources and National Wetland Inventory Maps, and authorized local governments to submit textual portions of their plan or amendment on electronic processing storage media.	91-5.005(2)	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
36 Required goals, objectives and policies to establish standards for the use of land and guidelines for land development regulations.	9J-5.005(6)		Section 1	
37 Required plan amendments exempt from the twice-a-year restriction under the development of regional impact provision to be transmitted as required by law and revised adoption by reference requirements. <i>Note: adoption by reference requirements were further revised March 21, 1999.</i>	9J-5.005(2)(g)	X		
38 Authorized local governments to recognize in their comprehensive plans, statutory and common law vested rights.	9J-5.005(8)	X		
39 Required public potable water wells and wellhead protection areas to be shown on existing land use map or map series and provided that educational uses, public buildings and grounds and other public facilities may be shown as one land use category.	9J-5.006(1)]	X		
40 Required policies of the Future Land Use Element to address protection of potable water wellfields by designating appropriate activities and land uses within wellhead protection areas.	9J-5.006(3)	X		
41 Required public potable waterwells, wellhead protection areas, and coastal high hazard areas to be shown on the future land use map and provided that educational uses, public buildings and grounds and other public facilities may be shown as one land use category. Provided that if mixed use categories are used, policies must specify types of land uses allowed, the percentage distribution among the mix of uses or other objective measurement, and the density and intensity of each use.	9J-5.006(4)	X		
42 Provided criteria for reviewing local comprehensive plans and plan amendments for adequacy in discouraging the proliferation of urban sprawl, including indicators of sprawl and measures for evaluating land uses, local conditions, and development controls.	9J-5.006(5)	X		

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
43 Required the Housing Element to address housing for moderate income, low income, and very low income households, group homes, foster care facilities, and households with special housing needs, including rural and farmworker housing.	9J-5.010		Section 3	
44 Required the Housing Element analysis to address the existing housing delivery system.	9J-5.010(2)		Section 3	
45 Required objectives of the Housing Element to address adequate sites for mobile and manufactured homes.	9J-5.010(3)(b)	X		
46 Required policies of the Housing Element to: \$ Include specific programs and actions to streamline the permitting process and minimize costs and delays for housing; \$ Establish principles and criteria guiding the location of manufactured homes; \$ Identify interlocal agreements with nearby local governments to provide affordable housing; and \$ Designate sufficient sites at sufficient densities to accommodate affordable housing.	9J-5.010(3)(c)		Designated within size constraint	Add to Section 3 Not permitted in Town of Melbourne Village None
47 Required the data and analysis of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to identify major natural drainage features and natural groundwater aquifer recharge areas, including areas identified by the water management district as prime or high groundwater recharge areas.	9J-5.011(1)		Data element – Map 2	
48 Required the policies of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to establish water quality standards for stormwater recharge.	9J-5.011(2)			Include in referenced sections
49 Required the Conservation Element to identify and analyze groundwater and important fish or shellfish areas.	9J-5.013(1)	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
50	Required policies of the conservation element to address land uses known to affect adversely the quality and quantity of water sources, including natural groundwater recharge areas, well head protection areas and surface waters used as a source of public water supply, and the protection and conservation of wetlands.	9J-5.013(2) and (3)		Policy 5-1.2.5	
February 20, 1996					
51	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element. Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.	9J-5.007, 9J-5.008, and 9J-5.009	X		
52	Repealed rule requirements for the Recreation and Open Space Element. Note: Section 163.3177, F.S., requires local governments to prepare this element.	9J-5.014	X		
53	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan. Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.	9J-5.021	X		
October 20, 1998					
54	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025	X	Exemption cited	
March 21, 1999					
55	Defined public transit and stormwater management facilities	9J-5.003	X		
56	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	9J-5.003	X		
57	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit,	9J-5.003	X		

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
58 Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)	X		
59 Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i>	9J-5.0053(2) through (5)	X		
60 Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6	X		
61 Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)	X	No areas designated	
62 Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	9J-5.011(2)	X	No prime recharge areas identified	
63 Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	X		
64 Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements.	9J-5.019(1)	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
65	Required objectives of the Transportation Element to: <ul style="list-style-type: none"> • Coordination the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements; • Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; • Coordination ports, airports, and related facilities plans with plans of other transportation providers; and • Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 	9J-5.019(4)(b)	X		
			X		
			X		
			X		
			X		
66	Required policies of the Transportation Element to: <ul style="list-style-type: none"> • Provide for safe and convenient on-site traffic flow; • Establish measures for the acquisition and preservation of public transit rights-of-way and corridors; • Promote ports, airports and related facilities development and expansion; • Mitigate adverse structural and non-structural impacts from ports, airports and related facilities; • Protect and conserve natural resources within ports, airports and related facilities; • Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and • Protect ports, airports and related facilities from encroachment of incompatible land uses. 	9J-5.019(4)(c)	X		
			X		
			X		
			X		
			X		
			X		
67	Added standards for the review of land development regulations by the Department.	9J-5.022	X		
68	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023	X		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
February 25, 2001					
69	Defined general lanes	9J-5.003	X		
70	Revised the definition of "marine wetlands."	9J-5.003	X		
71	Repeal the definition of "public facilities and services."	9J-5.003	X		
72	Revised procedures for monitoring, evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)	X		
73	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053	X		
74	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	9J-5.005(1) and (2)			Need to include in Policy 8-1.4.1 and Concurrency Mgmt. Regs.
75	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	9J-5.0055(2)(b) and (3)(c)	X		
76	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)	X		
77	Provide that public transit facilities are not subject to concurrency requirements.	9J-5.0055(8)	X		
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	9J-5.0055(9)	X		
79	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)	X		
80	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	X		
81	Required data for the Housing Element include a description of standard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		Section 3-1.2	update

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
82 Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)	X		
83 Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency .	9J-5.015(3)(b)			Add Requirement to Section 7
84 Required the Intergovernmental Coordination Element to include: <ul style="list-style-type: none"> • Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas; • Recognize campus master plan and provide procedures for coordination of the campus master development agreement; • Establish joint processes for collaborative planning and decision-making with other units of local government; • Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; • Establish joint processes for the siting of facilities with county-wide significance; and • Adoption of an interlocal agreement for school concurrency. 	9J-5.015(3)(c)			
		X		
		X	Section 7	
		X		
		X		Add to section 7
85 Required the Capital Improvements Element to include financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital	9J-5.016(4)(a)	X		

Town of Melbourne Village EAR 2008 - Changes to Rule 9J-5, F. A. C

Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
improvements for multimodal transportation districts, if locally established.				
86 Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	X		
87 Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	X		
88 Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)	X		

IV. Local Issues

Review of the local issues raised during the scoping process for the EAR has determined that the LGCP as adopted in 1988 anticipated and provided opportunity for addressing the concerns raised. All of the suggestions and requests made are consistent with current provisions of the current LGCP.

While no amendments to the LGCP are recommended, therefore, these issues should be considered during the process of adoption of regulations, following LGCP amendment. During that process the Town will need to assess the level of support/opposition and need demonstrated for, and the feasibility of, these suggestions.

1. Age Diversity Issue

The Town has a diverse population age-wise, with minimal changes projected within the planning period. The Town recognizes that, as baby-boomers age, there will be an increase in elders.

The Town currently encourages provision of alternative housing arrangements in allowing accessory structure guest quarters in the residential zone.

One obstacle to the construction of such structures is the currently high level of impact fees imposed by the County and School Board on new living units. While such fees are important for the provision of required services, the Town could explore options of reduced impact fees for housing dedicated to elderly residents.

Some other proposals that the Town should consider are:

While no land is currently available, the Town could review options for alternative or assisted living facilities, especially if any commercial or multi-family land enters re-development status.

The Town should consider providing information regarding elder-friendly construction methods to residents planning remodeling or rebuilding projects.

The Town should explore programs to increase the Public Safety Department's ability to provide assistance – emergency and otherwise.

The Town should include issues of pedestrian safety, and particularly that of elder pedestrians, when planning road and swale maintenance, and traffic control.

2. Environmental Issues

The Town should explore options for non-potable water for irrigation, and encourage homeowners to recycle non-septic water and rain water, in manners consistent with public health, and to adopt water conservation methods.

The Town should conduct periodic information campaigns to discourage use of excessive fertilizers and pesticides which can increase undesirable effects of run-off water.

3. Quality of Life Issues

In the Vision 2012 survey, the overwhelmingly most important contribution to the Quality of Life in the town raised was green space. The Town should take every opportunity to preserve and improve the green space of the town, from open space to canopy tree coverage, both through regulation and enforcement of the Tree Code and landscaping requirements, and, with the AHF, through maintenance and development of the Parklands.

Several issues have been raised regarding perceived “eyesores”. These range from houses in poor repair or undergoing prolonged or halted construction to the parking of campers, commercial vehicles, and temporary storage units. The Town should review these issues and determine if additional regulation and/or enforcement is desirable and necessary.

4. Neighboring Development Issues

The Town is greatly affected by surrounding development in neighboring communities. The Town should monitor this development and should seek representation at meetings and on boards as appropriate to ensure that the concerns of the residents of the Town are included in planning decisions by other communities.

Some of the agencies and boards the Town should monitor are:

- The Melbourne Airport Authority
- The City of West Melbourne Planning authority
- The City of Melbourne Planning authority
- The Brevard County Planning authority
- The Brevard County Metropolitan Planning Organization

V. BRIEF ASSESSMENT OF ELEMENTS AND RECOMMENDATIONS

Based on a detailed review of the elements of the LGCP, the Town identified the successes and shortcomings of each element. This section contains a summary of those and the comprehensive plan amendments needed to address the shortcomings. Changes needed to update obsolete data, dates and references have not been listed individually but will be addressed as part of the EAR-based comprehensive plan amendments.

1. Future Land Use Element

The purpose of the future land use element is to assign future land uses to all areas within the Town based on projected land needs, protection of neighborhoods and environmental resources, and the Town's ability to provide infrastructure and services to the future population. The element includes an inventory of existing land uses, an analysis of vacant lands, and an implementation section that includes objectives and several policies under each objective. The Town's Future Land Use Map (FLUM) shows the commercial area, and medium density and low density residential areas, and parks and open space.

There have been no amendments to the Future Land Use element or the FLUM since adoption in 1988.

The effectiveness of the element was demonstrated in 2007 when a requested rezoning was rejected by the Town Commission due to the provision in this element that all commercial property should have direct access to U.S. 192.

Land Development Regulations adopted by the Town are consistent with the element. The proposed change to the Stormwater Management requirements for SFR development is consistent with the element.

This element is also consistent with the findings of the Vision 2012 survey and current public opinion.

A major factor in the Town's continuing commitment to conservation and preservation of levels of service is the low density permitted and the establishment of lot coverage limits. Density is addressed in this element. While not essential to this process the Town should consider incorporating maximum coverage limits as policy under Objective 1-1.1 – Manage and Coordinate Future Land Use.

2. Transportation Element

The purpose of the Transportation Element is to guide the Town in developing and maintaining a safe and efficient transportation system consistent with other goals, objectives and policies and coordinated with the plans of other

local, regional, state and federal agencies. The element actively encourages the development of an inter-modal transportation system that combines pedestrian, bicycling and public transportation modes.

There have been no amendments to the Transportation element since adoption in 1988.

The effectiveness of this element was demonstrated in 1991 when the Town required the developer of the large commercial development on the east side of Dayton Blvd. to rebuild 1000 feet of Dayton Blvd. to maintain LOS standards with the proposed use, and utilized the impact fee funds from that development for installation of a sidewalk and pedestrian bridge on Dayton Blvd.

The Town maintains the local roadways in a manner to provide for safe pedestrian and bicycle traffic.

This element is consistent with the findings of the Vision 2012 survey and current public opinion.

U.S. 192 is projected to fail in the future. The possibility of widening the segment between Wickham Road and Dairy Road has been considered in the past. A constrained right-of-way will make this effort difficult but not impossible. The Town should consider imposing special building setbacks along this corridor to facilitate a future widening if necessary.

Improvements to other parallel corridors may improve the situation on U.S. 192 but will not alleviate them entirely. A regional mall in the City of Melbourne exists in the center of the segment, one mile east of the Town. As the only facility of this nature within 25 miles, the mall is frequented by residents of all the adjoining municipalities.

A recent airport access study revealed the need to improve mobility to the airport facility located in the City of Melbourne. In the study, it was pointed out that there was a need to widen John Rodes Boulevard and Ellis Road, as well as construct improvements to the Wickham Road/Nasa Boulevard/Ellis Road intersections. If this is accomplished, it will reduce the overall impact to U.S. 192 and bring the roadway into an acceptable level of service.

Changes Proposed:

- A. Objective 2-1.3 indicated that the Town would coordinate with the FDOT and Brevard County MPO to attain roadway improvements needed to accommodate system demands through the year 1995. This should be amended to state that the Town shall coordinate with the Brevard MPO, FDOT, and other local jurisdictions to seek remedies for area roadways which indicate an unacceptable level of service in the 2020 forecast.

- B. Policy 2-1.3.1 Specific Roadway Improvements is out of date and should be replaced with the following

Policies

1. The city shall, through the MPO process, seek remedies and funding for improvements to the following roadway that has been determined to be deficient in the 2020 Long Range Transportation Plan – U.S. 192.

2. The city encourages the Brevard MPO and adjacent jurisdictions to seek improvements to parallel corridors to those roadways determined to be deficient in the 2020 Plan to alter traffic patterns and relieve congestion on the deficient roadways.

- C. Policy 2-1.3.2 cited a projected need for a traffic signal at the intersection of U.S. 192 and Dayton Blvd. This signal has been installed, and is adequate to the need. Recommend deleting this objective

3. Housing Element

The purpose of the Housing Element is to guide the Town in developing and maintaining regulations for providing quality housing for all income groups within the Town, within the limits imposed by the Town’s near build-out status.

The 1988 LGCP noted that the Town did not have the land inventory available for many housing alternatives, including significant affordable housing for moderate and low income individuals. Melbourne Village is a residential location of choice, not necessity. There are no large employers or areas of employment for which the Town is the closest or only housing option.

The AHNA affordable needs summary for the Town does not project a significant need for additional affordable housing in the planning period.

AHNA Affordable Housing Need Summary 2005-2030							
Number of severely cost burdened (50%+) households with income less than 80% AMI by tenure							
Place	Tenure	2005	2010	2015	2020	2025	2030
Melbourne Village	owner	19	21	21	21	23	23
Melbourne Village	renter	4	4	4	5	5	4

(Florida Housing Data Clearinghouse, Shimberg Center, University of Florida)

The 2000 census listed two to four substandard housing units in the Town.

Housing Condition Characteristics, 2000									
County	Place	Persons per Room		House Heating Fuel		Kitchen Facilities		Plumbing	
		1.01 or More Persons per Room	Share of Occupied Units(%)	No Fuel Used(%)	Share of Occupied Units(%)	Lacking Complete Facilities (%)	Share of Units (%)	Lacking Complete Facilities (%)	Share of Units (%)
Brevard	Melbourne Village	2	0.007	2	0.007	0	0	0	0

Note: A single housing unit may fall into more than one category.
(Florida Housing Data Clearinghouse, Shimberg Center, University of Florida)

This is likely a factor of the age of the housing inventory.

Year Structure Built 2000						
1939 and earlier	1940s	1950s	1960s	1970s	1980s	1990s
2	22	119	73	45	36	27

(Florida Housing Data Clearinghouse, Shimberg Center, University of Florida)

As mentioned above, the Town is seeing a significant trend towards major remodeling and tear down/rebuilding in the residential sections. The continually rising land value makes it fairly certain that problems of substandard housing and aging structures will be addressed by the private sector.

The Town should continue to monitor the housing issue and provide assistance to the private sector as possible to encourage updating of housing structures within the constraints of the Florida Building Code and the Responsible Residential Growth Plan.

No Changes are proposed for the Housing Element.

The Hurricanes of 2004 raised the issue of temporary housing for persons displaced by storm damage. The Town does not allow mobile homes as residential structures. The Town should consider adopting regulations for temporary location of mobile housing for residents displaced by natural disasters for limited periods, rather than handling this on a case by case basis. This would be consistent with the current Housing element.

4. Infrastructure Element

The Town has not identified any deficiencies in this element. Much of this element involves cooperation with surrounding communities and agencies. The Town should continue to work with these groups to identify and address issues of area infrastructure.

The regulations cited in this section have been adopted and successfully applied. The modifications proposed above for Concurrency Management of drainage on residential lots are consistent with the existing element.

The element should be updated to reflect the adoption of the Stormwater Masterplan in 2003.

5. Conservation Element

The Town has not identified any deficiencies in this element. The regulations cited in this section have been adopted and successfully applied.

A major factor in the Town's continuing commitment to conservation is the low density and lot coverage limits as mentioned above in the discussion of Future Land Use.

6. Recreation and Open Space Element

The Town has not identified any deficiencies in this element.
The regulations cited in this section have been adopted and successfully applied.

7. Intergovernmental Coordination Element

While the Town has not identified any deficiencies in this element, due to the small size and lack of staff available to attend meetings, the Town has not participated in meetings of local agencies as much as would be desirable. The Town should work with those agencies to ensure that the Town is involved in any processes which impact the Town. The Town should seek to form partnerships with other municipalities for joint or shared representation where appropriate.

8. Capital Improvements Element

The Town has not identified any deficiencies of objectives and policies in this element.

The Schedule of improvements should be updated. The road resurfacing project and the Drainage Master Plan project were accomplished, as was the installation of a traffic control system at the intersection of Dayton Blvd. and U.S. 192 (by the developer).

The updated schedule should reflect the need for future road resurfacing, projects identified in the Stormwater Masterplan that have not been accomplished, and the current status of the Wastewater Masterplan, the Potable Water Master Plan, and the Solid Waste Masterplan.

Since the adoption of the 1988 LGCP major capital improvements have included the construction of a town office building, the restoration of the Hester Wagner Community House, and remodeling of the town garage. These projects were accomplished with funds available or, in the case of the community house, grant funds.

As mentioned above, the Town should consider adopting a Stormwater Utility to fund both capital drainage and maintenance of the drainage facilities.

The Town has not identified any other capital improvements which require scheduling.

The Town will adopt an updated Capital Improvements Schedule.

VI. Schedule For Proposed EAR-Based Amendments

Following receipt of a Determination of Sufficiency from the DCA, the Town will adopt the proposed amendments to the LGCP within eighteen months. Following the LGCP amendments, the Town will adopt Code and policy amendments as required.

VII. Vacant Land Inventory

Property	Future Land Use	Area
ELTON HALL GDNS, RESUBD OF PT OF LOT 1 & S 98.24 FT OF LOT 2 BLK D & E 1/2 OF VAC SINGLETON AVE EX HWY R/W	Commercial	1.47 Acre
ELTON HALL GDNS, RESUBD OF PT OF PART OF BLK E AS DES IN ORB 97 PG 521 A/K/A THE NORTH 116.08 FT OF S 729.48 FT OF E 1/2 OF LOT 23 IN PB 1 PG 164 EX RD	Medium Density Residential	0.80 Acre
West Wind Lot 8	Medium Density Residential *	0.31 Acre
West Wind Lot 1	Medium Density Residential *	0.23 Acre
West Wind Lot 16	Medium Density Residential *	0.32 Acre
Town of Melbourne Village Lot 553	Low Density Residential	0.43 Acre
Town of Melbourne Village Lot 311	Low Density Residential	0.42 Acre
Town of Melbourne Village Lot 307	Low Density Residential	0.42 Acre

* West Wind Lots are deed restricted for Single Family Homes

VIII. Management Summary of Proposed Changes

Changes identified by review of LGCP and the history of the application thereof

- 1) Update data, dates, and references as needed throughout the LGCP
- 2) Update references to agencies and boards to reflect current responsibilities
- 3) Establish planning periods of 5 and 10 years
- 4) Update Recreation and Open Space element to reflect additional facilities
- 5) Incorporate Coverage Limits in Future Land Use element
- 6) Consider amending Concurrency requirements for SFR drainage
- 7) Update Objective 2-1.3 under Transportation element and Policy 2-1.3.1
- 8) Delete Policy 2-1.3.2 – Obsolete – Traffic control device installed
- 9) Update Infrastructure element to reflect completion of Stormwater Masterplan
- 10) Adopt new Capital Improvements Schedule

Changes identified by review of changes to FS 163 and Rule 9.5 since 1988

- 1) The Town's LGCP was adopted by Ordinance as Chapter 4.5 of the Town Code. It was codified as Article I of Section 4.5. The Concurrency Management System was adopted as Article II of section 4.5. State statute now requires that the Concurrency Management System be adopted in the LGCP. Include in Section 8.
- 2) LOS for US192 – update 2-1.1.1 and 8-1.4.1 to reflect FDOT LOS
- 3) Add policies for streamlining permitting process for Residential building – Section 3.
- 4) Include School concurrency in Concurrency Mgmt. System.
- 5) Update data for Housing Element to include Substandard Housing description.
- 6) Include Objection for adoption of Interlocal Agreements in Section 7
- 7) Add to Policy 2-1.6.3 the required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.
- 8) Include guidelines for granting concurrency exceptions