

Melbourne Beach

Evaluation and Appraisal

Report

Acknowledgments

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INTRODUCTION

Chapter 163, Florida Statutes requires that every municipality and county adopt a Comprehensive Plan that guides the long range planning process within their jurisdictional boundaries. The Comprehensive Plan is intended to be a dynamic document. It can be amended to address changing development patterns, the provision of public facilities and services, the protection of environmental resources, and to encourage cooperation between local governments. Florida Statutes set forth a method to periodically assess the effectiveness of the Comprehensive Plan. The Evaluation and Appraisal Report is the planning tool that is utilized in the assessment process. This process has two stages beginning with preparation of the Evaluation and Appraisal Report and ending with the adoption of the amendments to the Comprehensive Plan recommended in the Evaluation and Appraisal Report.

The due date for submission of the Melbourne Beach Evaluation and Appraisal Report to the Florida Department of Community Affairs is March 1, 2008. This report examines the effectiveness of the goals, objectives, and policies in the Comprehensive Plan. The purpose of the Evaluation and Appraisal Report is to provide a summary analysis of major planning issues identified by the Town and determine any actions that are required to address these issues. The results of the Evaluation and Appraisal Report are then used to update the goals, objectives, and policies included in the Comprehensive Plan.

The Evaluation and Appraisal Report is divided into four major sections to address the requirements of Chapter 163, Florida Statutes, and Sections 9J-5 and 9J-11, Florida Administrative Code. Section 1.0 is the community-wide assessment that provides the population projections, data and geographic information studies on which much of the Evaluation and Appraisal Report is based. Section 2.0 provides a brief assessment of the successes and challenges of the current Comprehensive Plan. Section 3.0 addresses the major issues important to Melbourne Beach. Section discusses the new requirements for Comprehensive Plans.

Melbourne Beach adopted the current Comprehensive Plan on September 6, 1988 under the auspices of the 1985 Growth Management Act. Since that time, there have been several significant trends in development patterns throughout Brevard County and the State, as well as new trends in urban design, citizen participation, and the development of technology available to local governments to monitor and accurately evaluate land use changes at the local level. Because of the nearly build out condition of Melbourne Beach these trends had little impact on the community. The Evaluation and Appraisal Report is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. This report is based on the analysis of major issues in Melbourne Beach and how they impact attainment of community goals. The Evaluation and Appraisal Report evaluates and assesses the effectiveness of the Comprehensive Plan in accomplishing its adopted objectives as they relate to the issues, and will include suggested modifications or amendments that may be needed to update the Plan including updated or otherwise revised objectives, policies and standards.

Prior to the preparation of the Evaluation and Appraisal Report, the Town of Melbourne Beach participated in a Visioning process. The process resulted in establishment of 6 goals designed to

protect and enhance the character of the Town. Needs resulting in amendments to Comprehensive Plan policies were not identified.

In general, the Melbourne Beach Comprehensive Plan addresses the wide array of issues required by the State as well as those of local interest. Most of the objectives have been achieved and their implementation is ongoing.

1.0 COMMUNITY-WIDE ASSESSMENT

1.1 Changes in Land Area and Population

Geographic Profile

Melbourne Beach is located along the central portion of the State of Florida Atlantic coastline. The Town of Indianalantic (north), Indian River Lagoon (west), Brevard County (south), and the Atlantic Ocean (east) border Melbourne Beach. The total land area of Melbourne Beach is approximately 627 acres. There have been no changes in land area since adoption of the 1989 Comprehensive Plan.

Population Profile

Table 1

POPULATION PROJECTIONS, TOWN OF MELBOURNE BEACH

TOWN OF MELBOURNE BEACH POPULATION ESTIMATES AND PROJECTIONS

Year	Population
1986*	3094
1990*	3284
1995*	3636
2000**	3335
2006***	3308
2011	3319
2016	3331

* Estimate from current 1996/1997 Evaluation and Appraisal Report

** U.S. Census Bureau Counts

*** April 1, **2006** population estimates from the Bureau of Economic and Business Research, University of Florida.

Population projections for 2011 and 2016 are based on the number of vacant properties and the type of housing allowed on those properties. A significant change in the demographic characteristics and redevelopment at higher densities are potential factors that would influence future population growth. However, development densities are not permitted to be increased without a voter referendum and the entire town lies within the Coastal High Hazard Area. It is extremely unlikely that density increases will occur. Demographic characteristics also remain stable. Without these factors population growth in Melbourne Beach will not become an issue.

There are 18 vacant single family lots and one vacant multiple family residential site in Melbourne Beach. The multiple family residential site may be developed for non-residential uses according to the Melbourne Beach Code of Ordinances. The projections are based on one additional residential unit being added per year for the next 10 years with 2.31 average occupants per unit.

Table 2 below provides a comparison of age of residents from the 2000 Census.

TABLE 2
AGE OF RESIDENTS

2000 CENSUS		
AGE CATEGORY	Number	% of Total
0-15	561	16.80
16-24	240	7.20
25-44	821	24.60
45-64	963	28.90
OVER 65	750	22.50

Source: US Census Bureau

Table 4 below provides a comparison of gender of residents from the 2000 census.

TABLE 3
GENDER COMPARISON 1989 TO 2004

GENDER	2000 CENSUS	% OF TOTAL
MALE	1694	50.79
FEMALE	1641	49.21

Source: US Census Bureau

1.2 Location of Existing Development in Relation to the Future Land Use Map

Table 5 below provides an overview of the existing land uses in Melbourne Beach.

TABLE 4
EXISTING LAND USE

LAND USE	ACRES	% OF TOTAL
Single Family Residential	427.40	68.17
Multiple Family Residential	25.28	4.00
Commercial	12.17	1.90
Recreational	8.25	1.30
Public/Semi-Public	25.77	4.10
Rights-of-Way	117.60	18.80
Vacant	10.53	1.64
TOTAL	627.00	100.00

Table 6 below provides a summary of the Future Land Use Plan categories.

TABLE 5
FUTURE LAND USE

LAND USE	ACRES	% OF TOTAL
Single Family Residential	436.52	69.60
Multiple Family Residential	26.69	4.30
Public/Semi Public	34.02	5.40
Public Building	1.55	0.20
Recreation	8.25	1.30
Churches	6.32	1.00
Schools	17.90	2.90
Commercial	12.17	1.94
Rights-of-Way	117.60	18.80
Total	627.00	100.0*

* rounded

Maps 1 and 2 on the following pages depict existing and future land use.

MAP 1

EXISTING LAND USE MAP TO BE INSERTED ON THIS PAGE

MAP 2

FUTURE LAND USE MAP TO BE INSERTED ON THIS PAGE

1.3 Financial Feasibility of Maintaining Concurrency

Melbourne Beach has interlocal and private agreements and contracts for the provision of potable water, sanitary sewer, and solid waste disposal services. Demand for these services is stable and estimates for the future include continuation of the current demand levels. All services are available consistent with current level of service standards included in the Comprehensive Plan. These services are financed by the providers in the form of user fees. Financial impacts to the Town as a result of continuation of these agreements and contracts are not anticipated. Any capital projects required to accomplish continued compliance with level of service standards will be included in the Capital Improvements Element of the Comprehensive Plan. **Since any capital improvements associated with these services are the responsibility of the service providers there will no financial impact to the Town government for continuance of these services.**

Melbourne Beach also has adopted service level standards for storm water drainage that are required for future development. Property owners and/or developers are responsible for the costs associated with meeting these service level standards.

~~Recreation levels of service have been adopted based on facilities per population threshold. Melbourne Beach continues to meet the level of service standards. The minor anticipated increases in population will not require additional recreational facilities.~~

Should any unanticipated capital improvements become necessary to meet service level standards the Town will include the capital project in the Capital Improvements Element of the Comprehensive Plan.

The adopted standards for minor arterial, urban collector and collector roadways in Melbourne Beach ranges between Level of Service B and Level of Service D. State Road A-1-A, Riverside Drive, Ocean Avenue and Oak Street are the only public roadways within the jurisdictional limits of Melbourne Beach that are these types of roadways. Current Florida Department of Transportation traffic reports indicates ~~the two way peak season average daily traffic on the segment of State Road A-1-A that runs through Melbourne Beach is 14,000 trips. Average daily trips of 13,800 or less meets the level of service C standard. The acceptable level of service on this roadway segment is D. Development activity in Melbourne Beach is not expected to result in capacity increasing capital improvements on State Road A-1-A. Other roadways operate well within acceptable service level standards and will not require capacity increasing capital improvements within the planning horizon. There is no financial impact of maintaining transportation concurrency.~~ **that segments immediately north and south of the Town limits on State Road A-1-A and the segment at Oak Street to Atlantic Street do not meet service levels in the adopted Comprehensive Plan. Analysis provided by the Florida Department of Transportation indicates that the Town should revise the Comprehensive Plan accordingly. The DOT suggests no improvements and acknowledges the very limited potential future development will not significantly affect the existing conditions on SR A-1-A. The DOT further indicates that if the Town adequately addresses the existing deficiency then no further analysis of future conditions is necessary at this time. When level of service standards are adjusted there will be no financial impacts to the Town.**

The Town of Melbourne Beach provides recreational facilities as indicated in the adopted Comprehensive Plan. Population growth resulting in noncompliance with adopted level of service standards is not projected.

It continues to be financially feasible to maintain concurrency for any redevelopment projects that will add to the demand on municipal infrastructure. Based on the density allowed in the Comprehensive Plan, the existing infrastructure, and the current demand for services, infrastructure capacity increases will not be necessary in the 5 or 10 year planning horizon.

2.0 MAJOR ISSUES

Legislative changes that occurred in 1998 allow local government Evaluation and Appraisal Reports to focus on key local issues. The process of identifying key local issues in Melbourne Beach included public meetings with the Local Planning Agency participation. During a series of 7 visioning workshops between October 2006 and May of 2007 issues of importance to the Town were discussed at length. The Town Commission and Local Planning Agency were also provided a matrix of all objectives and policies included in the Comprehensive Plan to review and utilize in consideration of major issues.

In addition to these public meetings, a Scoping meeting was held on May 7, 2007 in attempt to identify any major issues that were of concern to surrounding local governments, the Brevard County School Board, the Florida Department of Transportation, the St. Johns River Water Management District, the East Central Florida Regional Planning Council, or the Florida Department of Community Affairs.

Topics discussed during these meetings included transportation concurrency, school concurrency, sanitary sewer capacity, potable water capacity, changing demographics and the potential for service needs, recreational services, redevelopment, storm water drainage, hurricane evacuation, and protection of the quality of life within Melbourne Beach. None of these topics were determined to be major issues or issues that would impact adjacent local governments or the region.

Virtually all of the land within Melbourne Beach is developed. The only potential for new development consistent with the Comprehensive Plan is 18 single family homes and approximately 8 multiple family residential units. These new units, if built, would represent approximately a 1.6 percent increase in the number of units in Melbourne Beach. A minimal increase in demand on services and the traffic generated on State Road A-1-A by the Town is anticipated based on this increase in residential units. This 1.6 percent increase would not have an impact that would result in lowering of service level standards or cause any concurrency concerns.

Based on the input received during the visioning and Evaluation and Appraisal Report process, and consideration of the existing service delivery system the most important issue identified is to maintain the built environment at the current level of density and intensity as redevelopment occurs in the future. All infrastructure and services are in place and operating sufficiently to sustain this density.

Proposed changes in objectives and policies identified in the EAR are to clarify the current objectives and policies and to bring the Comprehensive Plan into compliance with Florida Statutes and Florida Administrative Code. The major emphasis for the town, that is nearly 100 percent built out, is to preserve the Town character. Impacts of the Comprehensive Plan changes will be virtually transparent to the citizens of the Town.

The Comprehensive Plan Assessment Matrix in Section 3 provides a discussion of the current conditions and a synopsis of proposed amendments to the Comprehensive Plan that will be further developed upon completion of the EAR.

3.0 ASSESSMENT OF THE COMPREHENSIVE PLAN

The Town of Melbourne Beach adopted the Comprehensive Plan on September 6, 1988.

The primary concerns of the Town were protection of the existing quality of life and preservation of natural resources. These concerns were a major focus of the Comprehensive Plan and remain issues of significance. The Comprehensive Plan included the required eight elements and Goals, Objectives, and Policies designed to perpetuate the quality of life and provide services at acceptable levels.

CONSERVATION/COASTAL ZONE MANAGEMENT ELEMENT

Most objectives in the Conservation/Coastal Zone Management Element have been achieved or partially achieved. Only minor changes to the policies are warranted and the updates will be made with the EAR based amendments. Changes to the Coastal High Hazard Area definition that occurred in 2008 will be reflected in the Comprehensive Plan revisions as well.

RECREATION AND OPEN SPACE ELEMENT

The objectives in the Recreation and Open Space Element were focused on maintaining and enhancing the existing recreational facilities. The extent of build out in the Town resulted in little projected demand for additional recreational facilities. The Town made progress on all objectives in the element. Only minor updates will be necessary as the Comprehensive Plan is amended.

FUTURE LAND USE ELEMENT

Objectives in the Land Use Element focused on preservation of the status quo and strengthening land development regulations where there may allow for changes to the character of the Town. The Town implemented these objectives and continued to update the implementing land development regulations throughout the planning period.

HOUSING ELEMENT

Virtually all Housing Element objectives were implemented. During the planning period updates to statutes regarding group homes were adopted. The Land Development Code has not been updated regarding these changes in accordance with Housing Element objectives.

INTERGOVERNMENTAL COORDINATION ELEMENT

Objectives in the Intergovernmental Coordination Element are being implemented on a continual basis. Amendments will be necessary to address school siting requirements and 10 year water supply planning since the source of water for the Town is the City of Melbourne.

TRAFFIC CIRCULATION ELEMENT

To the extent feasible the objectives in this element were implemented. Traffic levels of service on portions of State Road A-1-A fell below adopted standards. The Town has little ability to affect these levels of service as development to the north and south create the additional traffic impacts. Virtually all land in the Town is developed and the remaining parcels will have a very small impact on the level of service on State Road A-1-A. Amendments to the Comprehensive Plan to lower the level of service will be required as the Town can not fund roadway expansion that will result in higher service levels.

The objective will also have to be amended to address a common methodology for measuring traffic impacts with other adjacent and nearby jurisdictions.

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

The Town has accomplished most of the objectives in this element. Continued compliance through infrastructure upgrades where necessary has also been achieved. Amendments will be necessary to address 10 year water supply planning requirements.

CAPITAL IMPROVEMENTS ELEMENT

The Town has implemented many objectives in the Capital Improvements Element. Updating of the policies to reflect current statutes, rules, and local procedures will be necessary. Financial feasibility of the plan will also need to be addressed.

The following matrix augments this brief assessment of the objectives and provides ~~an~~ assessment an indication of the objectives and policies of each element of the Comprehensive Plan where anticipated changes are necessary. As the Comprehensive Plan amendment process occurs other changes may be determined necessary or desirable.

Many of the policies cite sections of 9J-5 that the policy addresses. The citations are removed from the Evaluation Matrix and will be removed from the Comprehensive Plan with the other amendments.

1997 EVALUATION AND APPRAISAL REPORT BASED COMPREHENSIVE PLAN AMENDMENTS

The 1997 Evaluation and Appraisal Report identified several plan amendments for consideration related to updated data, map amendments, private property rights, permitting process for housing, low income housing, economic feasibility of affordable housing, level of service standards regarding water quality standards for storm water, level of service standards for State Road A-1-A, measurability of objectives, and the goals, objectives, and

policies in the Conservation/Coastal Management Element for consistency with the Indian River Lagoon Conservation Master Plan.

These identified Comprehensive Plan amendments have not been implemented since approval of the EAR. In order to adequately address the issues the identified 1997 EAR based amendments are included by reference into this EAR. Each issue will be addressed for relevance and consistency with current statutes and rules.

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> Protect the coastal dune system, associated native vegetative communities and beaches from the impacts of development.</p>	<p><u>POLICY 1.1:</u> Complete a review of existing ordinances directed at protection of the beaches, dune system, and dune vegetative communities and strengthen if necessary by January 1, 1990.</p> <p><u>POLICY 1.2:</u> Establish administrative procedures, which would insure cooperation and coordination among the various regulatory agencies involved in assuring adequate dune, dune vegetation and beach protection by January 1989.</p> <p><u>POLICY 1.3:</u> Review existing ordinance regarding clearing and/or grading of the dune area to ensure that regulations are consistent with those of other governmental agencies and develop administrative procedures which will insure on-going cooperation and coordination of the activities of the various agencies.</p>	<p>Regulations needed to be updated.</p> <p>Procedures to protect the coastal dune system did not exist.</p> <p>Ordinance needed to be updated and strengthened.</p>	<p>Chapters 4A and 5A related to Coastal Setbacks were adopted.</p> <p>Administrative procedures requiring cooperation with State and other agencies with jurisdiction were implemented.</p> <p>A Storm Water ordinance was enacted and new Chapters 4A and 5A were adopted</p>	<p>No change to current policy is proposed.</p> <p>No change to current policy is proposed</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 2.0:</u> Enhance and improve existing dune systems, and maintain permanent public access to the beaches and shores according to the level of service standards outlined in the Recreation Open Space Element.</p>	<p><u>POLICY 2.1:</u> Develop ordinances, which prohibit pedestrian and/or vehicular use of the dune systems by January 1989.</p> <p><u>POLICY 2.2:</u> Improve community awareness of the dune system and its importance to the community through existing community information systems.</p> <p><u>POLICY 2.3:</u> Increase vegetation on the dune system to prevent erosion and plant “barrier vegetation” adjacent to dune crossovers to discourage pedestrian access around the structure.</p>	<p>Ordinances to protect the dune from pedestrian and vehicular traffic did not exist.</p> <p>No formal community awareness process was present.</p> <p>Limited activity to protect dune system was occurring.</p>	<p>Ordinance 40-1 and 40-3 designed to protect the dune system were adopted.</p> <p>Town produces newsletter and an environmental calendar to improve community awareness of the importance of the dune system and other issues.</p> <p>Dune fences were installed. Plans to Re-vegetate the dune were prepared.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 2.4:</u> Identify funding sources, and through preparation and submission of grant applications, endeavor to secure funding, and cooperate with extra-jurisdictional agencies, such as Brevard County and the Florida Department of Natural Resources.</p> <p><u>POLICY 2.5:</u> Improve aesthetic quality of beach and/or river accessways</p> <p>i. Control vehicular uses of existing unimproved accessways through the use of signs and/or traffic control devise.</p> <p>ii. Develop landscape and/or parking plans for the various beach and river accessways.</p> <p>iii. Encourage public and private participation in the implementation of such plans within the Capital Improvement Program.</p>	<p>Limited local funding was available. Some grant funding was available.</p> <p>Limited signage and traffic control devices and vegetation existed.</p>	<p>Town continues to review grant opportunities and submit applications when appropriate.</p> <p>Signage, traffic control and landscaping improvements were accomplished at the beach access points.</p>	<p>Update policy to correctly identify the Florida Department of Environmental Protection rather than the Florida Department of Natural Resources.</p> <p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 3.0:</u> Protect the Indian River lagoon system, its fisheries and marine habitat from further water quality degradation where such protection is within the Town's jurisdiction.</p>	<p><u>POLICY 3.1:</u> Strengthen stormwater management practices within the corporate limits of the Town by developing ordinances, which would require all new construction or substantial reconstruction to retain on-site the first ½ inch of runoff and treat stormwater prior to discharging into the drainage system by December 1989.</p> <p><u>POLICY 3.2:</u> Complete a drainage and stormwater management study in order to identify methods of capturing and treating stormwater before it is discharged into the lagoonal system, by December 1989.</p> <p><u>POLICY 3.3:</u> The Town will cooperate and coordinate its activities directed toward protecting the Indian River Lagoon with the Town of Indialantic, Brevard County, and other units or local and regional government.</p>	<p>The Town did not have a storm water ordinance.</p>	<p>A storm water ordinance and level of service standards were adopted.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 4.0:</u> Protect the sea turtle, the manatee other wildlife and wildlife habitat from the adverse effect of human interference and enhance Melbourne Beach as a wildlife breeding area.</p>	<p><u>POLICY 4.1:</u> Improve community awareness of the existence of the sea turtle and the fragile nature of its nesting and hatching habits through existing community information systems.</p> <p><u>POLICY 4.2:</u> Strictly enforce existing ordinances dealing with lighting on the beach and enforce existing laws and aggressively prosecute, to the fullest extent possible, all those caught disturbing sea turtles or their nests.</p> <p><u>POLICY 4.3:</u> Maintain the Town's status as a bird sanctuary.</p> <p><u>POLICY 4.4:</u> Place limits upon the speed of boats in areas frequented by manatee, within canals within the town.</p>	<p>No formal community awareness process was present.</p> <p>Regulations governing lighting on the beach existed in the Code of Ordinances.</p> <p>The Town was designated as a bird sanctuary.</p> <p>Speed limits were in place.</p>	<p>Sea Turtle awareness signs have been posted and information is included on the environmental calendar.</p> <p>Ordinances remain in the Code.</p> <p>Status as a bird sanctuary has been maintained.</p> <p>Speed limits continue to be in effect.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<u>OBJECTIVE 5.0:</u> The establishment of shoreline land uses shall be consistent with the land-uses outlined on the Future Land Use Map.	<u>POLICY 5.1:</u> Continue to enforce existing zoning and development regulations.	Land development regulations were in place but not complete.	Land development regulations consistent with the Future Land Use Map were adopted.	No change to the current policy is proposed.
<u>OBJECTIVE 6.0:</u> Encourage the preservation of the historical value of structures and archaeological sites deemed to be of historical or archaeological significance.	<u>POLICY 6.1:</u> Identify structures or sites of local historical or archaeological significance to encourage development or redevelopment that maintains the historical integrity of the site or building, by requesting assistance from groups and/or organizations with expertise in identifying and preserving archaeological sites and historical structures.	Efforts were underway to identify historic structures and sites.	Continuing efforts to identify structures have occurred. Some renovation of historical sites has been accomplished. The Town has appointed a board to deal exclusively with historical buildings and sites. Language was added to the Land Development Code that recognizes historical areas of the Town and encourages development and redevelopment consistent with the character of the historic areas.	No change to the current policy is proposed.

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 7.0:</u> The Level of Service Standards for the coastal area shall be the same as those established in the various elements of the Comprehensive Plan for the Town as a whole.</p>	<p><u>POLICY 7.1:</u> Infrastructure necessary to serve new construction within the coastal area will be available concurrent with the need for such service.</p>	<p>Regulations existed to implement this policy.</p>	<p>Infrastructure continues to be adequate to serve existing development and new construction on the few remaining vacant sites within the Town.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 8.0:</u> The Town shall prepare and adopt a water conservation ordinance by 1990.</p>	<p><u>POLICY 8.1:</u> Local building codes will be amended pursuant to the proposed water conservation ordinance, which will require low volume plumbing fixtures for all new construction. <u>POLICY 8.2:</u> The Town shall take steps to educate the public of wasteful water usage through existing public information systems. <u>POLICY 8.3:</u> The Town shall adopt a water conservation plan consistent with the emergency water shortage contingency plans developed by the St. John's River Water Management District.</p>	<p>Code did not adequately address the policy.</p> <p>No public education system existed.</p> <p>No water conservation plan existed.</p>	<p>Code amendments were adopted that require low water volume plumbing fixtures.</p> <p>Town utilizes a newsletter to provide public education on water saving and other important public issues.</p> <p>The Town's water supply comes from the City of Melbourne. The Town endorsed the City of Melbourne Plan.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>A regional water supply plan will be adopted and will address this issue.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
COASTAL ZONE MANAGEMENT/CONSERVATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 10.0:</u> Insure that public funds are not expended to financially assist new development in the coastal high hazard area.</p>	<p><u>POLICY 10.1:</u> Infrastructure improvements within the coastal high hazard area shall be for the purpose of serving existing developed areas, in order to discourage intensification of development and reducing pollutants.</p> <p><u>POLICY 10.2:</u> The Town will establish procedures to insure that areas needing redevelopment, those with unsafe conditions, and/or inappropriate uses are eliminated as opportunities arise. Such problems do not currently exist within the Town.</p> <p><u>POLICY 10.3:</u> The area identified on Map 10, as being east of the Coastal Construction Control Line is designated as the Coastal High Hazard Area. The Town will continue to enforce existing ordinances regarding development in these areas.</p>	<p>Virtually all lots in Melbourne Beach were developed and infrastructure was in place to serve the existing development as well as infill on the few undeveloped lots.</p> <p>Few procedures existed.</p> <p>Limited ordinances existed that regulated development in the Coastal High Hazard Area and east of the Coastal Construction Control Line.</p>	<p>New infrastructure is not being build or proposed to allow for intensification of use.</p> <p>The Town has updated ordinances and has an active Code enforcement program.</p> <p>The Coastal High Hazard Area was amended to include the entire town. New Chapters 4A and 5A were added to the Code of Ordinances to address development east of the Coastal Construction Control Line and in the Coastal High Hazard Area and other coastal issues.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
RECREATION AND OPEN SPACE ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> Insure that, as minimum, recreational facilities and open space areas are provided to meet the needs of Melbourne Beach residents as outlined in the level of service standards.</p>	<p><u>POLICY 1.1:</u> The levels of service standards outlined in Table 8 are hereby adopted. <u>POLICY 1.2:</u> Continue funding of maintenance activities through the annual budget process in order to maintain existing facilities in a safe useable condition. <u>POLICY 1.3:</u> Secure funding to improve the handicap beach accessways to the ocean in order to make for easier access for handicapped persons. <u>POLICY 1.4:</u> Review all development regulations and adopt amendments, which shall provide specific open space and recreation definitions and standards, consistent with the level of service standards outlined in Table 8 that will require a minimum percent of open space, for all new construction.</p>	<p>The plan adopted level of service standards.</p> <p>Maintenance was accomplished with available funding.</p> <p>Funding was not available.</p> <p>Some open space requirements existed.</p>	<p>Level of service standards continue to exist and are monitored to ensure consistency between the Land Development Code and the Comprehensive Plan.</p> <p>Funding sufficient to maintain and upgrade the existing facilities to keep them in a safe and usable condition is included in the annual budget.</p> <p>This policy has not been accomplished. Money is included in the proposed 2007/08 budget that will be combined with grant, if approved to improve handicapped beach access.</p> <p>Open space requirements are included in all zoning districts. There are very few vacant lots available for new construction. Any redevelopment will occur at current densities. Infill development will not result in the need to increase recreational facilities. Levels of Service provide adequate recreational opportunities.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES- EVALUATION MATRIX
RECREATION AND OPEN SPACE**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 2.0:</u> Provide leisure resources for the Town's residents to enhance their health and well-being.</p>	<p><u>POLICY 2.1:</u> Identify roadways where adequate pavement width exists and designate bikepaths by striping and signs. <u>POLICY 2.2:</u> BY 1990 develop a Pathways Plan which will address right-of-way requirements, pavement requirements and locational needs for bikepaths and sidewalks.</p>	<p>Some bike paths were designated.</p> <p>A plan did not exist.</p>	<p>A county wide bike path plan was adopted. Melbourne Beach cooperated with the County in this effort. A bike path has been designated in Melbourne Beach.</p> <p>A county wide plan has been completed.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
RECREATION AND OPEN SPACE**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 3.0</u> Ensure permanent public access (including handicap) to The Atlantic Ocean and to the Indian River, by maintaining, as a minimum, all existing access areas.</p>	<p><u>POLICY 3.1:</u> As demand for river access increases as identified in future updates of this document, existing points of access should be improved to accommodate the need.</p> <ul style="list-style-type: none"> i. Signs to identify public access and control parking and permitted uses. ii. Where space is available, install improvements such a picnic tables, shelters, benches, parking areas, etc. iii. While significant funding for such improvements is not currently a necessity, such funding should be identified in a Capital Improvements Program, well in advance of the need. 	<p>Some improvements at river access points had been accomplished.</p>	<p>Maintenance program has continued. The major access point at the pier has been significantly improved. Renovations to the pier and park were completed in 2001.</p> <p>Demand for river access has not increased significantly.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
RECREATION AND OPEN SPACE**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 3.2:</u> Improve aesthetic quality of beach and/or river accessways</p> <ul style="list-style-type: none"> i. Control vehicular uses of existing unimproved accessways through the use of signs and/or traffic control devices. ii. Develop landscape an/or parking plans for the various beach and river accessways. iii. Encourage public an private participation in the implementation of the plans iv. Establish timetable and funding mechanisms for the implementation of such plans within the Capital Improvement Program well in advance of the need. 	<p>Some aesthetic improvements to beach and river access points had been accomplished.</p>	<p>Maintenance continues. The Town seeks grant monies when available to continue aesthetic improvements. Vehicular traffic is not permitted on the beach and appropriate controls are in place to prohibit access to the beach by vehicular traffic. Beach and some river access points have been landscaped.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
RECREATION AND OPEN SPACE**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>Objective 4.0:</u> Cooperate with the County, State and Federal Governments as well as private enterprise in acquiring, accessing, and funding quality park and recreational needs</p>	<p><u>POLICY 4.1:</u> If the need for activity based recreation increases such that the level of service standards are not being met, the Town shall seek agreements with the Brevard County School Board, other local governments and private enterprise in a n effort to meet the increased demand for activity based recreational facilities.</p>	<p>Level of service standards were based on meeting the needs of Melbourne Beach residents with adequate recreational facilities.</p>	<p>Demand for recreational areas or facilities has not resulted in a failure to provide recreation facilities at adopted level of service standards. The level of service will continue to be monitored and if demand increases then interlocal agreements with the School Board and Brevard County will be considered.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> Insure that new construction, expansion and/or redevelopment within existing neighborhoods maintains the scale and character of existing structures.</p>	<p><u>POLICY 1.1:</u> Review zoning and construction codes by October 1990, to insure that redevelopment, expansion and renovation seeks to remain in harmony with surrounding residential properties, and adopt ordinance amendments if existing regulations are found deficient.</p> <p><u>POLICY 1.2:</u> Continue to enforce existing requirements for site plan review in order to insure that all new development makes adequate provision for drainage, stormwater management, open space, parking and safe convenient on-site traffic flow.</p>	<p>Code of Ordinances did not adequately address all policies of the Comprehensive Plan</p> <p>Many of the requirements existed at the time of plan adoption.</p>	<p>Land Development regulations have been adopted to be consistent with the Comprehensive Plan.</p> <p>Land development regulations were augmented as necessary to insure adequate provisions for drainage, storm water management, open space, and on-site traffic flow are adequate.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 4.0:</u> Encourage the preservation of the historical value of structures and archaeological sites deemed to be of historical or archaeological interest to the town.</p>	<p><u>POLICY 4.1:</u> Identify structures of local historical or archaeological significance to encourage development or redevelopment that maintains the historical integrity of the site or building, by requesting assistance from groups and/or organizations with expertise in identifying and preserving archaeological sites and historical structures.</p>	<p>Several structures of local historical significance had been identified.</p>	<p>A Historical Preservation Committee has been formed. The desire for historical preservation to occur is included in the purpose and intent sections of Zoning districts where historical structures are present.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 5.0:</u> Insure that existing regulations are adequately enforced.</p>	<p><u>POLICY 5.1:</u> Insure that zoning and/or other land use decisions are consistent with the uses envisioned on the Future Land Use Map (Map 12). The Zoning Map and the Future Land Use Maps are currently consistent.</p> <p><u>POLICY 5.2:</u> Insure that all personnel responsible for enforcement of development/redevelopment and/or other land-use regulations are adequately trained and are knowledgeable in the need for such regulation.</p>	<p>Much of the zoning was consistent with the Future Land Use Map.</p> <p>All personnel were not adequately trained.</p>	<p>Requirements are in place that require land uses to be compatible with the Future Land Use Map.</p> <p>Building Official, Town Planner and others involved in land development regulations have adequate training and experience.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 6.0:</u> Improve existing land development regulations.</p>	<p><u>POLICY 6.1:</u> Periodically review existing development regulations to insure that they are consistent with changes within the community and that they reflect, to the extent possible, improvements in methods and practices in the regulation of land-uses.</p>	<p>Periodic review was occurring.</p>	<p>The Local Planning Agency continually reviews changes in the community and the need for ordinance updates.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 7.0:</u> Insure all new construction and/or redevelopment is consistent with requirements for flood prone areas and that residential densities are consistent with county and regional Hurricane evacuation plans.</p>	<p><u>POLICY 7.1:</u> Maintain up-to-date copies of State and Federal Regulations regarding development and/or redevelopment within flood prone areas and insure that developments within areas identified on the Flood Hazard Boundary Map and/or the Flood Insurance Rate Map comply with appropriate requirements.</p> <p><u>POLICY 7.2:</u> Insure that Ordinances of the Town are in conformance with County, State and Federal Rules and Regulations regarding development and redevelopment within “Coastal High Hazard Areas.”</p> <p><u>POLICY 7.3:</u> Adopt provisions within the Coastal Setback Ordinance regarding reconstruction of damage properties, which do not conform to minimum requirements by October 1989.</p>	<p>Flood damage prevention rules were in effect.</p> <p>Development was prohibited in the Coastal High Hazard Area.</p> <p>Some coastal setback provisions existed.</p>	<p>Flood damage prevention rules as they have been amended continue to be enforced.</p> <p>The definition of the Coastal High Hazard area was changed to include the entire Town. The Town modified development rules accordingly and ensures conformance with Federal, State, County, and Town regulations.</p> <p>Provisions regarding coastal setback construction and reconstruction were adopted.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p><u>Amendment to the definition based on 2008 legislation will be included in the Comprehensive Plan</u></p> <p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 7.4:</u> Periodically review and revise as necessary, permitted densities within the zoning ordinance to insure that the population densities do not exceed those recommend by the Hurricane Evacuation Plan.</p>	<p>This had not been accomplished to date.</p>	<p>Density increases in Melbourne Beach are not allowed. Virtually all land is developed. Infill development will not have a noticeable impact on evacuation times.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 8.0:</u> Coordinate future land uses with the appropriate topography, soil conditions, and the availability of facilities and services.</p>	<p><u>POLICY 8.1:</u> Adopt ordinances, which would prohibit development, which is not consistent with sound engineering practices considering existing topography and soil conditions, by October 1990.</p> <p><u>POLICY 8.2:</u> Prior to the issuance of building permits and/or development orders, the Town shall insure that the locally established and adopted "Level of Service Standards" are being met or that facility improvements will be available concurrently with the impact of new construction or development such that the level of service standards are maintained.</p>	<p>The issue limiting development due to failure to comply with sound engineering practices considering soil conditions and topography was not addressed adequately.</p> <p>No policy existed.</p>	<p>Ordinances have been adopted to require development to be consistent with sound engineering practices related to topography and soil.</p> <p>Level of service standards and review procedures were adopted in Chapters 2A and 3A of the Code of Ordinances.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<u>OBJECTIVE 9.0:</u> Insure the availability of suitable land for utility facilities necessary to support future development	<u>POLICY 9.1:</u> Adopt ordinances, which will allow the installation of utility facilities in a manner consistent with surrounding land-uses, by October 1990.	Policy was not in place.	Utility facilities consistent with surrounding land uses are permitted in all zoning districts.	No change to the current policy is proposed.
<u>OBJECTIVE 10.0:</u> Maintain those areas where commercial development areas that will not detract from residential neighborhoods or encourage conversion of residential properties.	<u>POLICY 10.1:</u> Insure that the zoning map conforms with the Future Land-Use Map.	There were some inconsistencies between the Future Land Use Map and the Zoning Code.	The zoning map conforms with the Future Land Use Map.	No change to the current policy is proposed.

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 11.0:</u> Provide suitable buffers between residential properties and commercial uses.</p>	<p><u>POLICY 11.1:</u> Establish criteria within the various land development regulations which provide standards upon which commercial land-use plan amendments and rezoning requests may be reviewed to insure that such uses are consistent with the surrounding area and will not encourage further request for conversions into areas where such land-use would not be deemed appropriate, by October 1990.</p>	<p>Some criteria was in place.</p>	<p>Land Development Regulations provide the required standards.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 12.0:</u> Improve the aesthetics of the major commercial area within the Town.</p>	<p><u>POLICY 12.1:</u> Conduct an in-depth study of the Ocean Avenue Corridor to improve its visual impact upon the Town and adjoining properties. Such study should identify public improvements to be made, sources of funding and encourage voluntary improvements to existing facilities by the property owners. <u>POLICY 12.2:</u> Continue to enforce the existing sign ordinance.</p>	<p>A study had not been completed.</p>	<p>A study was completed in 1989 and updated in 2000. Portions of the recommendations have been implemented.</p>	<p>No change to the current policy is proposed. No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
FUTURE LAND-USE DEVELOPMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 13.0:</u> Encourage compatible commercial development in defined areas.</p>	<p><u>POLICY 13.1:</u> Discourage spot zoning and strip zoning. <u>POLICY 13.2:</u> Develop standardized procedures for site plan review.</p>	<p>Policies governing spot and strip zoning were limited in scope. Some standard procedures were in place.</p>	<p>The Comprehensive Plan includes policies that discourage spot and strip zoning. Comprehensive standardized procedures are now in place.</p>	<p>No change to the current policy is proposed. No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 14.0:</u> Maintain and/or strengthen tree preservation and landscape ordinances, encouraging the use of indigenous vegetation.</p>	<p><u>POLICY 14.1:</u> Review and/or develop tree preservation and landscape ordinances to insure that minimum standards are consistent with the desires of the community, are easily understood and enforceable.</p>	<p>Tree protection and landscape ordinance provided limited protection.</p>	<p>Additional protections were added to the ordinance consistent with the desires of the community.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 15.0:</u> Provide for the best visual image of the Town along A-1-A and Ocean Avenue through streetscaping.</p>	<p><u>POLICY 15.1:</u> Develop, as a minimum, streetscape plans for Ocean Avenue and A-1-A, keeping in mind F.D.O.T standards for street trees, ease of maintenance, and tolerance for the environment.</p>	<p>Plans had not been accomplished.</p>	<p>Plans were completed in 1989 and updated in 2000.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
HOUSING ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<u>OBJECTIVE 1.0</u> Insure that all residential structures are maintained in a safe sanitary condition.	<u>POLICY 1.1.</u> Adopt a minimum housing code, such as a Standard Housing Code, prepared by the Standard Building Code Congress, by 1990.	Minimum housing code was not in place.	The Standard Housing Code was adopted in March of 1996. The Code has been updated as building Code amendments have occurred.	No change to the current policy is proposed.
<u>OBJECTIVE 2.0</u> Maintain the residential character of the Town to instill community pride and prevent blighting influences.	<u>POLICY 2.1.</u> Insure that the zoning map remains consistent with the requirements of the Future Land Use Element.	The map required a review for consistency.	Zoning map is consistent with the Future Land Use Map.	No change to the current policy is proposed.
<u>OBJECTIVE 3.0</u> Insure that persons displaced by actions of governmental agencies are provided fair and uniform treatment consistent with Florida Statute.	<u>POLICY 3.1</u> Develop administrative policies which will establish procedures to insure the requirement of State Statutes are met.	Administrative policies were not in place.	Town is committed to following Florida Statutes if relocation becomes necessary due to displacement of persons as a result of government action. This however, is unlikely because the town is virtually built out.	No change to the current policy is proposed.

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
HOUSING ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 5.0</u> Identify housing of historical significances and develop the means of preserving and/or maintaining such structures.</p>	<p><u>POLICY 5.1.</u> Secure the assistance of groups, such as the Brevard County Historical Society and/or state or federal agencies in inventorying and identifying historical structures.</p>	<p>Some work on identification of historical structures was underway.</p>	<p>Two historical structures have been identified and one has been renovated.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 6.0</u> Insure that development regulations do not prevent the provision of low and/or moderate income housing.</p>	<p><u>OBJECTIVE 6.0</u> Insure that development regulations do not prevent the provision of low and/or moderate income housing.</p>	<p>Low and moderate income housing was not excluded prior to adoption of the Comprehensive Plan.</p>	<p>There are no Town ordinances that prohibit low and moderate income housing.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 7.0:</u> The Town shall insure that housing units are available to all residents regardless of age, race, handicaps, sex or family size.</p>	<p><u>POLICY 7.1:</u> The Town shall encourage members of the home building profession, financial institutions, real estate firms and community organizations to adopt coordinated affirmative marketing plans that comply with the Federal Fair Housing requirements</p>	<p>No active encouragement was occurring.</p>	<p>The Town supported this initiative and continues to support actions consistent with the Federal Fair Housing Requirements.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
INTERGOVERNMENTAL COORDINATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> Maintain membership in organizations such as the Brevard League of Cities in order to foster informal intergovernmental relationships.</p>	<p><u>POLICY 1.1:</u> Insure that annual membership fees in such organizations are budgeted and Town Representatives attend the organizations meetings</p>	<p>No formal arrangement existed.</p>	<p>The Town Commission and Town Manager actively participate in intergovernmental coordination efforts.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 2.0:</u> The Town shall review for compatibility, all comprehensive planning elements and subsequent updates of neighboring jurisdictions. Brevard County, the Brevard County School System, the Florida Department of Transportation, and other units of local government providing services to the Town in order to coordinate with the planning activities of each jurisdiction.</p>	<p><u>POLICY 2.1:</u> Continue to work with the Brevard County Comprehensive Planning Steering Committee. <u>POLICY 2.2:</u> The Town of Melbourne Beach shall seek to resolve conflicts with other units of local government through the East Central Florida Regional Planning Council's informal mediation process.</p>	<p>The Town was represented on this committee. No formal conflict resolution mechanism existed.</p>	<p>The Town now participates with the spin off organizations (Metropolitan Planning Organization and Intergovernmental Coordination Committee). In the event of a conflict the Town will utilized the regional planning council process.</p>	<p>Update policy to accurately identify the interlocal coordination committees. No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
INTERGOVERNMENTAL COORDINATION ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 2.3:</u> The Town shall coordinate its activities with respect to future growth and development with the City of Melbourne, Brevard County, and Harris Sanitation, and provide these agencies with information regarding such growth and development such that these service providers may require.</p> <p><u>POLICY 2.4:</u> The Town of Melbourne Beach shall insure that any annexation is compatible with the Comprehensive Plans of Brevard County, conflicts which may arise as a result of such annexation shall be resolved through the regional planning council's informal mediation process.</p>	<p>Limited informal coordination occurred.</p> <p>No formal mechanism to accomplish this policy existed prior to plan adoption.</p>	<p>Active coordination is the responsibility of the Town Manager.</p> <p>The intergovernmental coordination committee is in place to address annexation and other issues.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
INTERGOVERNMENTAL COORDINATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 3.0:</u> Through cooperative efforts with Brevard County and the City of Melbourne, develop inter local agreements for the provision of sewer service, solid waste disposal and water service which includes a minimum acceptable level of service and an allocation of plant capacity to the Town of Melbourne Beach.</p>	<p><u>POLICY 3.1.</u> The Town will initiate efforts to negotiate or renegotiate agreements with the appropriate jurisdictions by January 1990</p>	<p>Agreements existed but capacity allocations were not included.</p>	<p>Amended agreements included capacity allocations and concurrency review ensures allocations are not exceeded.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 4.0:</u> The Town of Melbourne Beach will insure that development within its jurisdiction does not adversely affect surrounding units of local governments.</p>	<p><u>POLICY 4.1:</u> Any development which may necessitate an amendment to the Comprehensive Plan of the Town of Melbourne Beach shall be reviewed with respect to the relationship such development may have upon compatibility with comprehensive plans of surrounding units of local and regional government.</p>	<p>Coordination of development impacts to adjacent jurisdictions was very limited.</p>	<p>The review process allows adjacent local governments, the City of Melbourne and Brevard County to review proposed amendments for compatibility.</p>	<p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
INTERGOVERNMENTAL COORDINATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 4.2:</u> The Town shall insure that its activities are coordinated with Brevard County, the Town of Indialantic, the Florida Department of Natural Resources, the Florida Department of Environmental Regulation, and the St. Johns River Water Management District in order to provide for coordinated management of the resources on the Indian River.</p>	<p>Some coordination occurred.</p>	<p>Town takes an active role in coordinating with State and regional agencies.</p>	<p>Update policy to correct state agency names.</p>
<p><u>OBJECTIVE 5.0:</u> Through cooperative efforts with affected state and regional jurisdictions (such as the Florida Department of Transportation, Brevard County) insure that established level of service standards are consistent with the operational and maintenance needs of the affected agency.</p>	<p><u>POLICY 5.1:</u> The Town will seek input from the various agencies regarding the impact of the adopted level of service standards upon the maintenance and operational needs, on an annual basis as this comprehensive plan is reviewed.</p>	<p>Levels of service were not measured.</p>	<p>The Town monitors levels of service and participates with State agencies and adjacent jurisdictions in addressing the need for infrastructure upgrades.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
TRAFFIC CIRCULATION ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS												
<p>OBJECTIVE 1.0: Prohibit development that will result in deterioration of the level of service below that level indicated as acceptable.</p>	<p>POLICY 1.1: The Town hereby adopts the following peak hour Level of Service Standard for each listed facility segment as indicated below:</p> <ul style="list-style-type: none"> • A-1-A <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">South of Ocean</td> <td style="text-align: right;">LOS C</td> </tr> <tr> <td>Ocean between Oak St. and A-1-A</td> <td style="text-align: right;">LOS C</td> </tr> <tr> <td>Oak St. N. of Ocean</td> <td style="text-align: right;">LOS D</td> </tr> <tr> <td>Ocean Ave. West of Oak St.</td> <td style="text-align: right;">LOS B</td> </tr> <tr> <td>Riverside Dr.</td> <td style="text-align: right;">LOS B</td> </tr> <tr> <td>Oak St. S. of Ocean</td> <td style="text-align: right;">LOS B</td> </tr> </table>	South of Ocean	LOS C	Ocean between Oak St. and A-1-A	LOS C	Oak St. N. of Ocean	LOS D	Ocean Ave. West of Oak St.	LOS B	Riverside Dr.	LOS B	Oak St. S. of Ocean	LOS B	<p>Levels of service were not adopted or measured.</p>	<p>Levels of service standards are in place and affected roadways are monitored for compliance.</p> <p><u>Level of service standards on all segments of A-1-A are exceeded.</u></p>	<p>No change to the current policy is proposed.</p> <p><u>The plan should be amended to reflect the current levels of service on State Road A-1-A as being acceptable.</u></p>
South of Ocean	LOS C															
Ocean between Oak St. and A-1-A	LOS C															
Oak St. N. of Ocean	LOS D															
Ocean Ave. West of Oak St.	LOS B															
Riverside Dr.	LOS B															
Oak St. S. of Ocean	LOS B															
<p>OBJECTIVE 2.0: Traffic circulation planning will be coordinated with the Future Land Uses shown on the Future Land Use Map (Map 12), the Florida Department of Transportation 5 Year Transportation Plan, plans of Brevard County Metropolitan Planning Organization and plans of neighboring jurisdiction. Additionally, the Town will cooperate with the Brevard County Metropolitan Planning Organization and the Florida Department of Transportation in developing an acceptable alignment for A-1-A.</p>	<p>POLICY 2.1: The Town shall review updated versions of the Florida Department of Transportation 5 Year Transportation Plan, as well as the Traffic Circulation Elements of Brevard County and the Town of Indialantic, in order to update or modify this element, if necessary.</p> <p>POLICY 2.2: All proposed amendments to this Element shall include a statement of findings supporting such amendments.</p>	<p>Limited coordination existed.</p> <p>Requirements were not in place.</p>	<p>The Town participates with the Metropolitan Planning Organization to update the Comprehensive Plan as determined necessary.</p> <p>The Town will comply if amendments are necessary.</p>	<p>No change to the current policy is proposed.</p> <p><u>Amendments will be made that address a common methodology to measure traffic impacts with adjacent and nearby jurisdictions.</u></p> <p>No change to the current policy is proposed.</p>												

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
TRAFFIC CIRCULATION ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 3.3:</u> Continue to enforce the requirements of the Zoning Ordinance regarding the construction and maintenance of sidewalks by adjoining property owners.</p>	<p>Limited maintenance was accomplished by the Town.</p>	<p>Town maintains sidewalks. Damage to sidewalks by a property owner is the property owner's responsibility.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 4.0:</u> Continue to enforce existing requirements for Site Plan review to insure safe efficient on-site traffic circulation</p>	<p><u>POLICY 4.1:</u> Continue to enforce the requirements of Article VII Sections 1, 2, and 3 of the Town's Zoning Ordinance, in order to insure safe efficient on-site traffic circulation.</p> <p><u>POLICY 4.2:</u> The Town will develop an ordinance which outlines objective criteria for the issuance of driveway and/or curb-cut permits which will include standards for minimum and maximum width, minimum frontage requirements, distance from intersecting streets, and minimum separation, within one year from the adoption of this element.</p>	<p>Code requirements were in place but in need of updating.</p> <p>The Town ordinances required minimum street frontages but had limited requirements regarding curb cuts.</p>	<p>Safe and efficient on-site traffic circulation is a requirement in the Code of Ordinances.</p> <p>Current standards require minimum driveway widths, minimum lot width and intersection protection criteria.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER
AND NATURAL GROUNDWATER RECHARGE ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> The Town will insure that sanitary sewer service is maintained to serve all existing and future residents.</p>	<p><u>POLICY 1.1:</u> The Town will seek to secure an interlocal agreement with Brevard County, which will establish as a minimum level of service the treatment of 92 gallons/person/day and allocate plant capacity sufficient to meet the projected needs of the Town through the year 2000.</p>	<p>Brevard County determined the capacity needs for the Town.</p>	<p>Adequate capacity exists. Concurrency review is accomplished by Brevard County, the supplier of waste water treatment facilities.</p>	<p>Policy will be updated to include a new planning horizon a minimum of 10 years into the future.</p>
<p><u>OBJECTIVE 2.0:</u> The Town will continue to insure that solid waste collection and disposal is available to all residents and that the parties responsible for collection and disposal shall have adequate facilities necessary to meet the needs of the Town.</p>	<p><u>POLICY 2.1:</u> The minimum level of service for the collection and disposal of solid waste shall be equivalent to 7.7 lbs per person per day for 1988, 8.9 lbs per person per day by 1992 and 10.4 lbs per person per day by the year 2000. <u>POLICY 2.2:</u> Upon the expiration of the existing contract for solid waste collection the Town shall seek a contract which establishes the above minimum levels of service.</p>	<p>Level of Service Standards did not exist. Level of Service Standards did not exist.</p>	<p>Level of service standards were adopted in the concurrency ordinance. The contract was extended and includes service level standards and capacity expansion if necessary.</p>	<p>Policy will be updated to include a new planning horizon a minimum of 10 years into the future. No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
 SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER
 AND NATURAL GROUNDWATER RECHARGE ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 2.3:</u> The Town shall seek an interlocal agreement with Brevard County insuring the disposal of solid waste in an amount equivalent to the minimum levels of service outlined above and an allocation of plant capacity.</p>	<p>An interlocal agreement existed at the time of plan adoption.</p>	<p>A concurrency system was adopted that requires Brevard County review and approval of new development.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES – EVALUATION MATRIX
 SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER
 AND NATURAL GROUNDWATER RECHARGE ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 3.0:</u> The Town shall insure that new and/or replacement drainage structures meet minimum design standards.</p>	<p><u>POLICY 3.1:</u> The minimum level of service for all new and replacement drainage facilities and structures shall be based upon the 25 Year 24 Hour Rainfall Event.</p> <p><u>POLICY 3.2:</u> Prepare and adopt drainage regulations which impose as a minimum that all new construction subject to the requirements for Site Plan review are designed to retain on-site run-off generated by the 25 year 24 hour event in excess of the pre-developed run-off, with a discharge rate not to exceed the pre-developed rate, with the overflow treated prior to disposal into the drainage system.</p> <p><u>POLICY 3.3:</u> Strengthen the requirements for stormwater retention and treatment for all construction and/or substantial reconstruction to provide for as a minimum the retention and treatment of the first ½ inch of storm water.</p>	<p>Standards did not exist prior to plan adoption.</p> <p>Only polices enforced by the Department of Environmental Regulation existed prior to Plan adoption.</p> <p>Local standards did not exist prior to plan adoption.</p>	<p>Standards have been adopted and are enforced along with the St. Johns River Water Management District permit requirements.</p> <p>Standards have been adopted and are enforced along with the St. Johns River Water Management District permit requirements.</p> <p>The Code of Ordinances was amended to include storm water retention requirements consistent with the Comprehensive Plan.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER
AND NATURAL GROUNDWATER RECHARGE ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 4.0:</u> The Town shall take steps to reduce pollutant loads being discharged into the Indian River, and insure that replacement structures comply with the minimum design standards outlined above.</p>	<p><u>POLICY 4.1:</u> Complete a drainage and stormwater management study in order to identify methods of capturing and treating stormwater before it is discharged into the lagoonal system, by December 1989.</p>	<p>Study had not been accomplished prior to Plan adoption.</p>	<p>An initial study was completed and treatment devices were installed in several strategic locations. Ongoing updates and implementation activities have occurred and the Town is in the process of constructing new storm water capture and treatment facilities.</p>	<p>No change to the current policy is proposed.</p>
<p><u>OBJECTIVE 5.0:</u> Following completion of the drainage and stormwater management study, the Town will prepare and adopt ordinances which will insure the protection of functions of the natural drainage features.</p>	<p><u>POLICY 5.1:</u> The Town shall prepare and adopt regulations, upon completion of the drainage and stormwater management study which will insure the protection of the function of natural drainage features, by controlling grading, requiring on-site retention and controlling the rate and direction of drainage discharge points.</p>	<p>Few storm water management regulations existed prior to adoption of the Plan.</p>	<p>The Town adopted storm water management regulations and is continuing to improve storm water management infrastructure.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
 SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER
 AND NATURAL GROUNDWATER RECHARGE ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 6.0:</u> The Town shall insure that potable water is available to all residents at adequate volumes and pressures.</p>	<p><u>POLICY 6.1:</u> The minimum acceptable level of service will be to supply 125 gallons per person per day, at a pressure sufficient to maintain a fire insurance rating of ISO 4 (as it pertains to the water distribution system only). <u>POLICY 6.2:</u> The Town will seek to amend the inter local agreement with the City of Melbourne, in order to establish a minimum level of service and allocate plant capacity sufficient to meet the projected needs of the Town through the year 2000.</p>	<p>Minimum level of service standards were not in place. Water supply at this time was not a significant issue to the Town.</p> <p>The Town of Melbourne Beach entered into a service agreement with the City of Melbourne to provide services.</p>	<p>Minimum level of service standards are included in the Comprehensive Plan and Concurrency Ordinance.</p> <p>Minimal changes to existing agreement. Rate increases have occurred since approval of the agreement.</p>	<p>No change to the current policy is proposed. <u>The town will adopt a 10 year water supply plan within one year of approval of the Evaluation and Appraisal Report to ensure this policy is implemented.</u> The policy will be amended to include requirement to complete a regional water supply plan that addresses water supply, and levels of service, allocation of plant capacity and a new planning horizon.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 1.0:</u> Capital improvements will be provided to correct existing deficiencies, to accommodate growth consistent with the Future Land Use Map and to replace worn out or obsolete facilities as indicated in the Inventory of Capital Improvement Needs.</p>	<p><u>POLICY 1.1:</u> The Town shall include all projects identified in the other elements of the Comprehensive Plan and determined to result in the expenditure of funds in excess of \$10000, as capital improvements projects for inclusion with the Inventory of Capital Improvement needs.</p> <p><u>POLICY 1.2:</u> The Town shall implement a Capital Improvement Program as part of its annual budget process. This will include the current years Capital Improvement Budget and plan for funding anticipated capital improvements with the Inventory of Capital Improvement Needs.</p> <p><u>POLICY 1.3:</u> Proposed capital improvement projects to, include the replacement and/or renewal of capital facilities shall be evaluated and ranked in order to priority according to the following guidelines:</p>	<p>A inventory of Capital Improvement needs had not been accomplished.</p> <p>The Capital Improvement budget was not tied to Comprehensive Plan based needs.</p> <p>Formal guidelines to prioritize Capital Improvements were not in place.</p>	<p>The adopted Plan listed Capital Improvement needs and the list is amended annually in the budgeting process.</p> <p>The Town evaluates Capital Improvement needs in the annual budget process. Capital improvement needs to implement Comprehensive Plan policies are also addressed.</p> <p>The Town uses the guidelines in Policy 1.3 to prioritize Capital Improvement needs.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p>i. Is the project needed to protect public health and safety? Does it fulfill the Town's legal commitment to provide facilities and services, does it preserve or achieve full use of existing facilities, or does it correct an existing deficiency?</p> <p>ii. Does the project increase the efficiency of existing facilities, prevent or reduce future improvement costs, provide service to developed areas lacking service or promote in fill development?</p> <p>iii. Does the improvement represent a logical extension of existing facilities and/or service within the service area?</p> <p>iv. What is the impact of the proposed project upon the local budget?</p> <p>v. Is the project financially feasible?</p> <p>vi. Is the project consistent with the plans of state and regional agencies?</p>			

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 2.0:</u> Public expenditure will not be utilized to subsidize new development in the coastal high hazard area. Improvements in this area will be limited to those improvements identified in the Coastal Zone Management Element. 9J-5.016(3)(b)2.</p>	<p><u>POLICY 2.1:</u> The Town shall only expend funds in the coastal high hazard area for the replacement and renewal of existing public facilities, except for the provision of public access to coastal resources. <u>POLICY 2.2:</u> The Town shall continue to participate in the Brevard County Beach and River Front Acquisition Program to provide or develop recreation facilities within the coastal high hazard area.</p>	<p>The Town did not have a policy regarding expending funds in the Coastal High Hazard Area.</p> <p>The Town participated in this activity at the time of Plan adoption.</p>	<p>The definition of Coastal High Hazard Area was amended by the State, after adoption of the Plan. Currently the entire Town is within the Coastal High Hazard Area.</p> <p>The Town continues to participate in this program.</p>	<p>The policy will be amended based on the revised definition of Coastal High Hazard Area. The amended policy will indicate that public monies will not be utilized to increase infrastructure capacity in order to allow for addition density or intensity within the Coastal High Hazard Area.</p> <p>No change to the current policy is proposed.</p>

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p>OBJECTIVE 3.0: Future development shall bear a proportionate share of the cost of facility improvements necessitated by the development in order to maintain adopted level of services standards.</p>	<p>POLICY 3.1: Development consistent with the Future Land Use Map will not result in less than an acceptable level of service as identified through the Year 2000.</p> <p>POLICY 3.2: The Level of Service Standards outlined below (next page) are hereby adopted. Such facilities necessary to meet these minimum level of service standards shall be available concurrently with the impact of development.</p> <p>POLICY 3.3: Development which requires public facility improvements shall bear the costs of such improvements.</p>	<p>Level of service standards were not in place.</p> <p>Level of service standards were not in place.</p> <p>This policy was in place prior to plan adoption.</p>	<p>Development has been monitored to ensure that it is consistent with the Future Land Use Map and level of service standards.</p> <p>New development proposals are reviewed to assure consistency with level of service standards.</p> <p>Policy continues to be enforced.</p>	<p>Policy needs to be updated to reflect a new planning horizon.</p> <p>Policy needs to be updated to clarify Level of Service Standards for Drainage and Natural Groundwater recharge area. The storm event is specified however the rainfall amount is not specified. Typically the first one inch of rainfall is included in the service level standard.</p> <p>No change to the current policy is proposed.</p>

**CAPITAL IMPROVEMENTS ELEMENT POLICY 3.2
LEVEL OF SERVICE STANDARDS**

RECREATION	FACILITY	LEVEL OF SERVICE	SERVICE AREA
	Parks	1.5 Acres per 1000 population	1 Mile Radius
	Ball field	1.0 per 2000 population	
	Multi-purpose field	1.0 per 2000 population	
	Handball/Racquetball	1.0 per 4000 population	
	Tennis Court	1.0 per 2000 population	
	Shuffleboard Court	1.0 per 5000 population	
	Playgrounds	1.0 per 4000 population	
	Community Center	1.0 per 5000 population	2 mile radius
	Beach Access	1.0 per 500 population	0.5 mile radius
	River Access	1.0 per 500 population	0.5 mile radius

TRAFFIC CIRCULATION	Facility Segment	Functional Classification	Lowest Acceptable Level of Service
	A1A		
	S. of Ocean Avenue	Minor Arterial	C
	Ocean between Oak St and A1A	Minor Arterial	C
	Oak St. N. of Ocean	Minor Arterial	D
	Riverside Drive N. of Ocean Ave.	Urban Collector	B
	Ocean Avenue West of Oak St.	Urban Collector	B
	Oak St. S. of Ocean Avenue	Collector	B

SEWER	Minimum of 92 Gallons per person per day
SOLID WASTE	10.4 pounds per person per day
DRAINAGE	Design standard based on 25 year 24 hour event
POTABLE WATER	125 gallons per person per day at pressure sufficient for fire insurance rating of ISO 4
NATURAL GROUNDWATER RECHARGE	Design standard based on 25 year 24 hour event

**COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT**

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p><u>OBJECTIVE 5.0:</u> The Town will take steps to insure that the Comprehensive Plan is implemented in a timely manner, is updated as conditions within the area change, and to insure that all interested citizens are given ample opportunity to participate in the planning process.</p>	<p><u>POLICY 5.1:</u> The LPA will conduct at least one public hearing, advertised pursuant to the provisions of rule 9J-5 F.A.C., on an annual basis to review the performance of the Town's implementation of the Comprehensive Plan, to determine if amendments are necessary and to seek public comment on the status of the Comprehensive Plan. Such public hearing shall be held in conjunction with the annual updates of this element as required by Rule 9J-5. The Local Planning Agency will prepare a recommendation to the Town Commission on its finding.</p>	<p>Generally public meetings were held regarding planning and land use issues prior to adoption of the Comprehensive Plan.</p>	<p>The Town continues to meet public meeting and public hearing requirements as required by Rule 9J-5.</p>	<p>No change to the current policy is proposed.</p>

COMPREHENSIVE PLAN OBJECTIVES - EVALUATION MATRIX
CAPITAL IMPROVEMENTS ELEMENT

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
	<p><u>POLICY 5.2:</u> The Town Commission, upon receipt of the above referenced report from the Local Planning Agency will hold at least one public hearing, advertised pursuant to the provisions of Rule 9J-5 F.A.C., to consider the recommendations of the L.P.A. and to initiate amendments to the Comprehensive Plan as required.</p> <p><u>POLICY 5.3:</u> All meetings held to consider modifications, amendments, and/or evaluations of the Comprehensive Plan shall be advertised pursuant to the provisions of Rule 9J-5 F.A.C.</p> <p><u>POLICY 5.4:</u> The Local Planning Agency shall prepare and adopt as soon as possible, procedures for insuring public participation in all matters concerning the preparation, review and implementation of the Comprehensive Plan, insuring compliance with the minimum requirements of Rule 9J-5 F.A.C.</p>	<p>The Town Commission held public hearings necessary to comply with Statutes and Rules.</p> <p>All amendments complied with Statutes and Rules governing public hearing and advertising.</p> <p>The Town had public participation procedures in place prior to adoption of the Plan.</p>	<p>The Town continues to comply with public hearing requirements.</p> <p>All amendments complied with Statutes and Rules governing public hearing and advertising.</p> <p>Procedures were updated to be in compliance with the Statutes and Rules.</p>	<p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p> <p>No change to the current policy is proposed.</p>

4.0 EVALUATION AND ASSESSMENT OF STATE AND REGIONAL PLANS, LEGISLATION, AND RULES

Chapter 163.3191 (2)(f) F. S. requires that the Evaluation and Appraisal Report (EAR) contain an evaluation and assessment of relevant changes to the state comprehensive plan (187.201, F.S.), Chapter 163, F.S. Rule 9J-5 and the East Central Florida Regional Planning Council's Strategic Regional Policy Plan since adoption of the last Evaluation and Appraisal Report based Comprehensive Plan amendments. Since Melbourne Beach has not completed Evaluation and Appraisal Report Based Amendments, this analysis was conducted utilizing all of the changes that have occurred to these documents since 1989, when Melbourne Beach adopted its Comprehensive Plan. When an inconsistency was identified, such as a requirement not currently addressed in the Melbourne Beach Comprehensive Plan, the appropriate element is identified for update. The sections containing the assessment of changes to Chapter 163, F.S. and Rule 9J-5, F.A.C. are presented in the tables below.

State Comprehensive Plan. The State Comprehensive Plan was amended in 1999 by Chapter 99-378 to include policies related to urban policy in the State Comprehensive Plan. Goal 17 identified as Downtown Revitalization was amended and entitled Urban and Downtown Revitalization. The goal was modified by addition of policies 4 through 12 as follows:

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.
5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.
6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.
7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.
8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding education facilities in urban areas, including planning functions, the development of joint facilities and the reuse of existing buildings.
9. Encourage the development of mass transit systems for urban centers, including multi-modal transportation feeder systems, as a priority of local, metropolitan, regional and state transportation planning.
10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage the private sector development.
11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.
12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

Chapter 2002-387 repealing the education goals and policies 187.201(1) of the State Comprehensive Plan also amended policies in 2002.

The Melbourne Beach Comprehensive Plan has not been revised to address these provisions. However, the Town is almost completely built out and the current comprehensive plan embraces the concepts included in the State Comprehensive Plan to the extent that they are applicable. The Melbourne Beach Comprehensive Plan is consistent with State Comprehensive Plan in Chapter 187.F.S. The EAR based amendments may include some refinements to the goals, objectives, and policies of the Melbourne Beach County Comprehensive Plan that further its consistency with these added state Comprehensive Plan policies.

East Central Florida Regional Policy Plan. Chapter 186, F.S. governs the adoption and revision of the Strategic Regional Policy Plans (SRPP) by Regional Planning Councils. The Melbourne Beach County Comprehensive Plan remains consistent with the East Central Florida Regional Policy Plan that was adopted in July of 1998 with minor exceptions. These exceptions are due to changes in amendments to Chapter 163, F. S. and Rule 9J-5 and will be addressed in the Evaluation and Appraisal Report and subsequent Evaluation and Appraisal Report based Comprehensive Plan Amendments.

Changes to Chapter 163, F.S. Chapter 163 Part II provides GROWTH POLICY; COUNTY AND MUNICIPAL PLANNING, LAND DEVELOPMENT REGULATION. Subsection 163.3164, F.S. known as the Local Government Comprehensive Planning and Land Development Regulation Act, governs comprehensive planning in the State of Florida.

An analysis of all changes to Chapter 163, F.S. that have occurred since the adoption of the Melbourne Beach Comprehensive Plan in 1987 is provided in Table 4.1 below.

The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Melbourne Beach Comprehensive Plan. If the change is not applicable, no change is required. A summary of how the relevant issues will be addressed is included in the following table. Further, in those instances in which an amendment is needed, the element that needs to be amended is identified in the last column.

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
1986: [Ch. 86-191, SS.7 - 12, & 18 - 31, <u>Laws of Florida</u>]					
1	The requirement that plans include soil surveys which indicate the suitability of soils for septic tanks moved from the Capital Improvements Element to the General Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element, by striking Subparagraph 163.3177(3)(a)4., and adding the last sentence of Paragraph 163.3177(6)(c).	163.3177(6)(c)	X		Pre-Melbourne Beach Plan Adoption
2	A Future Land Use Element must have "goals, policies, and measurable objectives ," rather than "measurable goals, objectives, and policies."	163.3177(6)(a)	X		Pre-Melbourne Beach Plan Adoption
3	Eliminated the 12-month delay for consistency with the comprehensive regional policy plans.	163.3177(9)(c)	X		Pre-Melbourne Beach Plan Adoption
4	<p>Approved 9J-5, F.A.C.</p> <p>Defined "consistency," "compatible with," and "furthers."</p> <p>Required each local government to review and address all State Comprehensive Plan provisions relevant to that jurisdiction.</p> <p>Support data shall not be subject to the compliance review process, but that goals and policies must be clearly based on appropriate data. The Department of Community Affairs authorized to reject data if not collected in a professionally accepted manner, but forbidden to require a particular professionally accepted methodology. 9J-5 does not require original data collection.</p>	163.3177(10)	X		Pre-Melbourne Beach Plan Adoption

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	<p>Recognized that local governments are charged with setting level-of-service standards.</p> <p>Public facilities and services needed to support development shall be available concurrent with the impacts of development.</p> <p>Established the "shield" against rule challenges to 9J-5 until July 1, 1987.</p>				
5	Required the comprehensive master plan for each deepwater port to be submitted to the appropriate local government at least 6 months before the due date of the local plan; defined "appropriate local government," and provided for sanctions for deepwater ports which are not part of a local government and which fail to submit their comprehensive master plan.	163.3178(2)(k)	X		Pre-Melbourne Beach Plan Adoption
6	Substantially reworded Section 163.3184, " Process for adoption of comprehensive plan or amendment thereto," to basic format in place today.	163.3184	X		Pre-Melbourne Beach Plan Adoption
7	Extended development of regional impact exemption from twice-a-year plan amendments to Florida Quality Developments.	163.3187(1)(b)	X		Pre-Melbourne Beach Plan Adoption
8	Exempted small scale amendments from the twice-a-year limitation.	163.3187(1)(c)	X		Pre-Melbourne Beach Plan Adoption
9	Required the local planning agency's evaluation and appraisal report to be transmitted to DCA, and required the governing body of the local government to adopt, or adopt with changes, the local planning agency's report within 90 days after receipt. Authorized transmittal of the	163.3191(1) & (4) [Note: 163.3191 was amended and reworded in 1998. Check statutes for current wording.]	X		Pre-Melbourne Beach Plan Adoption

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	EAR plan amendments, rather than the entire plan as amended, to DCA.				
10	Delayed implementation of concurrency until 1 year after due date for submittal of the comp plan.	163.3202(2)(g)	X		Pre-Melbourne Beach Plan Adoption
11	Initial adoption of the Florida Local Government Development Agreement Act .	[Now: 163.3220-.3243]	X		Pre-Melbourne Beach Plan Adoption
1987: [Ch. 87-224, SS. 24, 25 & 26, <u>Laws of Florida</u> (Revisor's bill), and Ch. 87-338, <u>Laws of Florida</u>]					
12	Extended date for DCA to adopt schedule for submittal of local plans from October 1, 1986 to October 1, 1987, and extended the latest date for submission by non-coastal counties from July 1, 1990 to July 1, 1991.	[Now: 163.3167(2)]	X		Pre-Melbourne Beach Plan Adoption
1988: None					
1989: None					
1990: None					
1991: [Ch. 91-45, SS. 31 and 32, <u>Laws of Florida</u>] Nothing substantive.					
1992: [Ch. 92-129, <u>Laws of Florida</u> , and Ch. 92-279, S. 77, <u>Laws of Florida</u>]					
13	Clarified that the procedures for approval of the original plans also applied to plan amendments .	[Now: 163.3189(2)(a)]		Procedural	
14	Provided that the local planning agency should prepare plan amendments.	163.3174 163.3164(13)[Now: (14)] 163.3221(10)[Now: (11)]		Procedural	
15	Added " spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports" to the definition of "public facilities."	163.3164(24)	X		
16	Added requirement that independent special districts submit a public facilities report to the appropriate local government.	163.3177(6)(h)2. [Now: 163.3177(6)(h)3.]	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
17	Extended " shield " against challenges to the portion of Rule 9J-5 that was adopted before October 1, 1986, from July 1 1987 to April 1, 1993.	163.3177(10)(k)		Procedural	
18	Recognized the need for innovative planning and development strategies to address the anticipated continued urbanization of the coast and other environmentally sensitive areas. Stated that plans should allow land use efficiencies within existing urban areas, and should also allow for the conversion of rural lands to other uses. Provided that plans and land development regulations (LDRs) should maximize the use of existing facilities and services through redevelopment, urban infill , and other strategies for urban revitalization.	163.3177(11)(a) (11)(b) (11)(c)	X		
19	Amended definition of "affected person" to clarify that the affected person's comments, recommendations, or objections have to be submitted to the local government after the transmittal hearing for the plan amendment and before the adoption of the amendment.	163.3184(1)(a)		Procedural	
20	Required the local government to include such materials as DCA specifies by rule with each plan amendment transmittal.	163.3184(3)(b)		Procedural	
21	Gave the local government 120 days , rather than 60 days, after receipt of the objections, recommendations, and comments to 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	163.3184(7)(a) [Now: 163.3184(7)(c)1]		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	the adopted plan or amendment be transmitted to the regional planning council.				
22	Provided that the Secretary of DCA, as well as a "senior administrator other than the Secretary" can issue a notice of intent (NOI) .	163.3184(8)(b)		Procedural	
23	Required that the Division of Administrative Hearings hearing must be held "in the county of and convenient to" the affected local jurisdiction.	163.3184(9)(b) & (10)(a)		Procedural	
24	Provided that new issues cannot be raised concerning plan compliance more than 21 days after publication of the NOI.	163.3184(10)(a)		Procedural	
25	Added a procedure for Compliance Agreements .	163.3184(16)		Procedural	
26	<p>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)		Procedural	
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.	163.3187(1)(e) [Now: 163.3187(1)(d)]		Procedural	
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 .	163.3187(5)		Procedural	
29	Created an alternative process for amendment of adopted comprehensive plans	163.3189		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
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.	163.3191(5) [Now: 163.3191(13)]		Procedural	
31	Amended the Development Agreement Act by providing: <ul style="list-style-type: none"> • Development agreements are not effective unless the comp plan or plan amendments related to the agreement are found in compliance. • Development agreements are not effective until properly recorded and until 30 days after received by DCA. 	163.3235 163.3239		Procedural	
1993: [Ch. 93-206, <u>Laws of Florida</u> (aka the ELMS bill) and Ch. 93-285, S. 12, <u>Laws of Florida</u>]					
32	Amended the intent section to include that constitutionally protected property rights must be respected.	163.3161(9)		Procedural	
33	Added definitions for "coastal area", "downtown revitalization", "Urban redevelopment", "urban infill", "projects that promote public transportation", and "existing urban service area."	163.3164		Procedural	
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)		Procedural	
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 	163.3177(6)(f)1.		Housing Element	Housing element policies will be reviewed for compliance with amended requirements. Polices will be amended or added as determined appropriate.

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	each local government in preparing the EAR report and amendments, unless DCA allows the local government to prepare its own needs assessment.	(f)2.			
36	<p>Amended the intergovernmental coordination element (ICE) by:</p> <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 extra jurisdictional 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. • 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. <p>Requiring DCA to:</p> <ul style="list-style-type: none"> • Adopt rules to establish minimum criteria for ICE. • Prepare a model ICE. <p>Establish a schedule for phased completion and transmittal of ICE plan amendments.</p>	<p>163.3177(6)(h)1. and 2.</p> <p>[Note: Requirement deleted in 1996]</p> <p>[Now: 163.3177(9)(h) 163.3177(9)(h) 163.3177(6)(h)5]</p>		Intergovernmental Coordination Element, where applicable	Augment Intergovernmental coordination element to include required activities
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.		Procedural	
38	Requiring a transportation element for urbanized areas.	163.3177(6)(h) [Now: 163.3177(6)(j)]		Transportation Element	Change name of element to Transportation Element
39	Adding an optional hazard mitigation/post disaster	163.3177(7)(l)	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	redevelopment element for local governments that are not required to have a coastal management element.				
40	Requiring DCA to consider land use compatibility issues in the vicinity of airports .	163.3177(10)(l)	X		
41	<p>Amended the coastal management element by:</p> <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. 	<p style="text-align: center;">163.3178</p> <p style="text-align: center;">(2)(h)</p> <p style="text-align: center;">(5)</p> <p style="text-align: center;">(6)</p> <p style="text-align: center;">(7)</p> <p style="text-align: center;">(8)</p>		<p>Coastal Zone Management Element</p>	<p>Amend Coastal Management Element to include entire town within Coastal High Hazard Area</p> <p><u>Amended Coastal High Hazard Area to reflect area identified in SLOSH model based on statutory amendments.</u> Other provisions not applicable</p>
42	<p>Created a new section for concurrency which:</p> <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. • 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. 	163.3180	X	<p>Concurrency requirements are included in the current Comprehensive Plan. The changes are generally not applicable Virtually all land within the Town is developed. Infill development will not result in a significant number of additional</p>	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	<ul style="list-style-type: none"> • 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. 			school aged children in Melbourne Beach or a significant impact on public infrastructure.	
43	Provided a procedure to ensure public participation in the approval of a publicly financed capitol improvement.	163.3181(3)		Procedural	
44	Amended the procedure for the adoption of plans and plan amendments as follows: <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 	163.3184		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	specified in DCA's rules. <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. 				
45	Provided that local governments cannot amend 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)]		Procedural	
46	Changed the Alternative Process for the amendment of adopted comp plans to the Exclusive Process.	163.3189(1)		Procedural	
47	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)		Procedural	
48	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)		Procedural	
49	Authorizing the local government to demand formal or informal mediation , or expeditious resolution of the amendment proceeding.	163.3189(3)(a)		Procedural	
50	Amended the EARs section to require additional statements of: <ul style="list-style-type: none"> • The effect of changes to the state comprehensive plan, ch. 163, part II, 9J-5 and the strategic regional policy plan. • The identification of any actions that need to be taken to 	163.3191 [Note: 163.3191 was amended and reworded in 1998. Check statutes for current wording.]		Evaluation and Appraisal Report 2008	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
address the planning issues identified in the report. <ul style="list-style-type: none"> • Proposed or anticipated amendments. • A description of the public participation process. • Encourage local governments to use the EAR to develop a local vision. • Allows DCA to grant a 6 month extension for the adoption of plan amendments required by the EAR. • Requires plan amendments to be consistent with the report. • Allows municipalities of less than 2,500 to submit the EAR no later than 12 years after initial plan, and every 10 years thereafter. • Authorized DCA to review EAR for sufficiency, but not for compliance. DCA authorized to delegate review to the regional planning council . • Administration Commission is authorized to impose sanctions for failure to timely implement the EAR. • DCA authorized to enter into agreement with municipalities of less than 5,000 and counties of less than 50,000 to focus planning efforts on selected issues when updating the plans. 					
1994 [Ch. 94-273, S. 4, <u>Laws of Florida</u>]					
51	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, <u>Laws of Florida</u>]					
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)		Procedural	
53	Added a definition for “transportation corridor management” [Subsection 163.3164(30)] and allowed the designation of transportation corridors in the required	163.3177(6)(j)9.	X	Transportation Corridors are optional and not included in the Plan.	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	traffic circulation and transportation elements and the adoption of transportation corridor management ordinances.				
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)		Procedural	
55	Prohibited any initiative or referendum process in regard to any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)		Procedural	
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)		Procedural	
57	Amended the requirements for the advertisement of DCA’s notice of intent .	163.3184(8)(b)		Procedural	
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)		Procedural	
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)		Procedural	
60	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)		Procedural	
61	Required local planning agencies to provide opportunities	163.3174(1)		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	for involvement by district school boards and community college boards.				
62	Required that the future land use element clearly identify those land use categories where public schools are allowed.	163.3177(6)(a)		Procedural	
63	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)]		Procedural	
1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, <u>Laws of Florida</u>]					
64	Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation.	163.3187(1)(c)		Procedural	
65	Revised the objectives in the coastal management element to include the maintenance of ports.	163.3177(6)(g)9.	X	No ports within Town	
66	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), and (5)	X		
67	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation.	163.3177(6)(a)	X		
68	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)			Amend Intergovernmental coordination element to include necessary language
69	Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)			Amend Intergovernmental coordination element to include revised procedures
70	Required that within 1 year after adopting their ICE each county and all municipalities and school boards therein	163.3177(6)(h)2.			Amend Intergovernmental

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	establish by interlocal agreement the joint processes consistent with their ICE.				coordination element to include revised procedures
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		<u>School concurrency standards will be added to the intergovernmental coordination element</u>
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.]		Procedural	
1997: [Ch. 97-253, ss. 1-4, <u>Laws of Florida</u>]					
74	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)		Procedural	
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 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, <u>Laws of Florida</u>]					
78	Exempted brownfield area amendments from the twice-a-year limitation .	163.3187(1)(g)		Procedural	
79	Required that the capital improvements element set forth standards for the management of debt .	163.3177(3)(a)4.		Capital Improvements Element	Amend Capital Improvements Element to include debt management

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
					standards.
80	Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)			Amend Comprehensive plan to include required planning periods
81	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	
82	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		Procedural	
83	Established the requirements for a public school facilities element .	163.3177(12)	✗	Public Schools element not included.	Issue will be addressed as determined appropriate after review of current situation with the Brevard County School Board. A public elementary school is located in Melbourne Beach. Land is not available for additional school facilities. School age children population growth in Melbourne Beach will have a very minor impact on the Brevard County School system. <u>A public schools facilities element will be added to the Comprehensive Plan</u>
84	Established the minimum requirements for imposing school concurrency .	163.3180(12) [Now: Section (13)]			Minimum requirements will be reviewed to

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
					determine applicability of school concurrency to Melbourne Beach.
85	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section14]	✕		<u>Melbourne Beach will comply with adopted minimum criteria of a public schools facilities element.</u>
86	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)]		Growth in school age children population in Melbourne Beach will have extremely minor impact on Brevard County School system.	If determined necessary after coordinating with the School Board Additional coordination of the Comprehensive Plan will occur and school concurrency will be added to the Comprehensive Plan.
87	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Procedural	
88	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 required 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		
89	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)		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
90	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports .	163.3191		Procedural	
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, <u>Laws of Florida</u>]					
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	No spoil disposal responsibilities	
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)		Procedural	
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 diversity local economies.	163.3177(6)(a)	X		
95	Added the Growth Policy Act to Ch. 163 , Part II to promote urban infill and redevelopment .	163.2511,163.25,14,163.2517,163.2520,163.2523, and 163.2526		Procedural	
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)	X		Compliance issues will be addressed with the Brevard County School Board and the Comprehensive Plan will comply if it does not do so already. During Scoping meeting School Board representative did

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
					not attend.
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)		Procedural	
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)		Procedural	
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural (Melbourne Beach does not have multimodal transportation districts)	
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: (i) and (j)]		Procedural	
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)		Procedural	
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, <u>Laws of Florida</u>]					
104	Repealed Section 163.3184(11)(c), F.S. , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) [Now: Repealed]		Procedural	
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]		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
106	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15) [Now: Repealed]		Procedural	
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		
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.		Procedural	
2001: [Ch. 2001-279, s. 64, <u>Laws of Florida</u>]					
109	Created the rural land stewardship area program.	163.3177(11)(d)	X		
2002: [Ch. 2002-296, ss. 1 - 11, <u>Laws of Florida</u>]					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board .	163.3174		Procedural	
111	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)	X	Water is supplied by the City of Melbourne.	A regional water supply plan will be adopted and implemented.
112	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural	
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)	X	No new water supply facilities are necessary	The issue will be addressed in the regional water supply 10 year work plan.
114	Required consideration of the regional water supply plan in the preparation of the conservation element.	163.3177(6)(d)			Regional Water Supply plan will be considered regarding any amendments to the Conservation element.

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
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)			The intergovernmental coordination element will be updated to include the new requirement.
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 a 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.			Intergovernmental Coordination Element will be amended to include requirement to participate in the development of the required agreements.
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003.	163.3177(6)(h)9.		Procedural	
119	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	X		
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		Procedural	
121	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment	163.3180(4)(c)	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	for urban infill and redevelopment areas.				
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)		Procedural	
123	Expanded the definition of “in compliance” to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural	
124	Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural	
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)		Procedural	
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)		Procedural	
127	Required EARs 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)		EAR No changes in density have occurred in Coastal High Hazard Areas	
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		Procedural	
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		Procedural	
130	Added a provision to Section 380.06(24), Statutory	163.3187(1)		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	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 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).				
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)		Procedural	
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, <u>Laws of Florida.</u>]					
132	Creates the Agricultural Lands and Practices Act . (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.	163.3162	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	(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)		Procedural	
134	Provides for certain airports to abandon DRI orders.	163.3177(6)(k)	X		
135	Amended to conform to the repeal of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)		Procedural	
136	Amended to conform to the repeal of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)©, (2)(e)-(f), (3)©, (4), (6)(b)		Procedural	
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, <u>Laws of Florida.</u>]					
137	(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. (13): Created to require local governments to identify adequate water supply sources to meet future demand. (14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167	X		Water supply sources will be identified in the Capital Improvements Element and the Regional Water Supply Plan.
138	(1): Provides legislative findings on the compatibility of	Creates 163.3175.	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<p>exempts such amendment from the limitation on frequency of adoption of amendments.</p> <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 multicounty 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</p>		<p></p> <p>X</p> <p></p> <p>X</p> <p></p> <p>X</p> <p>X</p> <p></p> <p>X</p>		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	redevelopment ; requires DCA to provide technical assistance to local governments.		X		
140	<p>(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> <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>	Creates 163.31771		Procedural	
141	Amends the definition of “in compliance” to add language referring to the Wekiva Parkway and Protection Act .	163.3184(1)(b)	X		
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.	163.3187		Procedural	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<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> <p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(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.</p> <p>(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 selected by the local government to meet its water supply needs.</p> <p>(6)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(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.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of</p>		X	Procedural	Update will be accomplished when Regional Water Supply Plan is adopted.
		X		
		X		
		X		
		X		
		X		
		X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<p>stewardship credits within a rural land stewardship area.</p> <p>(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.</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 colocation, 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>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>Procedural</p> <p>Procedural</p> <p>Procedural</p>	

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	(14): (New section) Encourages local governments to develop a “ 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).		X		
146	163.31776 is repealed	163.31776 [Now: Repealed]		Procedural	
147	(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. (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. (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.	163.31777	X		Issue will be addressed with the School Board to determine how to best address concurrency issue.
148	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178	X		
149	(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	163.3180	X		Concurrency ordinances will be updated to include school level of service review criteria.

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<p>supplies” to serve new development is available by the date of issuance of a certificate of occupancy.</p> <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> <p>(4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <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> <p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records</p>		X	<p>Current concurrency policies address this issue.</p> <p>Procedural</p> <p>Procedural</p>	<p>Amend concurrency policy to include new timeframe.</p>
		X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<p>(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).</p> <p>(13)(c)2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.</p> <p>(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.</p> <p>(13)(e): Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(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:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <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</p>		X		added to the Concurrency policies and ordinances.
		X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006	Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
<p>redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p> <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> <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> <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> <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> <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>				

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
	<p>a school interlocal agreement or a public school facilities element, to determine in the EAR whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The EAR must determine whether the local government has met its various water supply requirements, including development of alternative water supply projects.</p> <p>(2)(o): (New 2005 provision) The EAR must evaluate whether its Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The EAR must assess methodology for impacts on transportation facilities.</p> <p>(10): The EAR-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>		X		Will be included in the Regional Water Supply Plan
			X	Procedural	
153	<p>(10) New section designating Freeport as a certified community.</p> <p>(11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.</p>	163.3246	X		
			X		
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, <u>Laws of Florida</u>]					
154	<p>Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.</p>	163.3162(5)	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
155	Defines agricultural enclave . Ch. 2006-255, LOF.	163.3164(33)	X		
156	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.		Procedural	
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.	163.31771(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)		Procedural	
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)		Procedural	
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)	X		

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
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)	X		
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)			Future Land Use Element Coastal Management Element
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)	X		
165	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse 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.		Procedural	
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		Future Land Use Element	Include new locational policies for substations

EVALUATION AND ASSESSMENT OF CHANGES TO CHAPTER 163 F.S.

Changes to Chapter 163, F.S. 1986-2006		Chapter 163, F.S. Citations	N/A *	Addressed (where/how)	Amendment needed By Element
168	Creates a new section preventing a local government from requiring a permit or other approval for vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way . Ch. 2006-268, LOF.	163.3209		Infrastructure Element	Include new pruning policies.
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; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.		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.		X		

EVALUATION AND ASSESSMENT OF CHANGES TO RULE 9J-5 FLORIDA ADMINISTRATIVE CODE

Rule 9J-5 F.A.C. establishes the minimum criteria for the preparation, review and determination of compliance of the comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163,F.S. An analysis of all of the changes to Rule 9J-5, F.A.C. that has occurred since the adoption of the Melbourne Beach Comprehensive Plan is provided in table below. The changes are summarized by year including appropriate citations. Each change is classified by relevance to the Melbourne Beach Comprehensive Plan. If the change is procedural, or not applicable, a plan amendment is not required. If the change is relevant, the Plan was reviewed and identification about whether the requirement was addressed or not is included. In those instances in which an amendment is needed the elements that need to be amended are identified in the last column.

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		Procedural	
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		Concurrency Management System	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
4	Required the capital improvement element to include requirements to ensure an adequate concurrency management system is implemented.	9J-5.016	X	Town is virtually built out. No new construction above existing density/intensity levels is allowed.	
5	Clarified requirements relating to projected revenue sources that are contingent upon ratification by public referendum.	9J-5.016(4)(a)2.		Procedural	
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		Procedural	
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		Procedural, Melbourne Beach does not have a transportation concurrency management area	
8	Required transportation concurrency management areas to be shown on the future land use map.	9J-5.006(4)(a)	X		
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					

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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		Procedural	
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		Procedural	
12	Repealed definitions of availability or available, transportation concurrency management area, and transportation mobility element .	9J-5.003		Procedural	
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)©	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)		EAR	
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		Procedural	

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		Infrastructure element, Capital Improvements Element	Include polices that address revised requirements.
17	Repealed provisions authorizing establishment of optional transportation concurrency management areas and providing requirements for such areas.	9J-5.0057		Procedural	
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	No dredge spoil sites or responsibilities	
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		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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		
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)			Transportation Element
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		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
24	<p>Required the Housing Element inventory and analysis to:</p> <ul style="list-style-type: none"> § Use data from the affordable housing needs assessment; § Address housing needs of existing and future residents; § Avoid the concentration of affordable housing; and <p>Address the needs of very-low income families as well as low and moderate income families.</p>	9J-5.010(1) and (2)			Language will be added to the Housing element to address the new requirements.
25	<p>Required Housing Element objectives to address:</p> <ul style="list-style-type: none"> § Housing needs of current and future residents; § Sites and distribution of housing for very-low income and low-income families; and <p>Use of job training, job creation and economic solutions to address affordable housing concerns.</p>	9J-5.010(3)			Language will be added to the Housing element to address the new requirements.
26	Required Coastal Management Element inventories and analyses to be coordinated with the countywide marina siting plan .	9J-5.012(2)	X		
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		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
28	Required affected local governments to incorporate the marina siting plan in the Coastal Management Element.	9J-5.012(4)	X		
29	Required objectives of the Intergovernmental Coordination Element to: § 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 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.	9J-5.015(3)	X		
30	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.	9J-5.019			Transportation Element
May 18, 1994					
31	Added provisions for settlement of conflicts through compliance agreements .			Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	<p>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.</p> <p><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></p>	9J-5.003		Procedural	
33	<p>Revised definitions of areas subject to coastal flooding, conservation uses, deepwater ports, estuary, low income household, mobile home, natural reservations, and oceanic waters.</p>	9J-5.003		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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.	9J-5.005(1)		Procedural	
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 .	9J-5.005(2)		Procedural	
36	Required goals, objectives and policies to establish standards for the use of land and guidelines for land development regulations.	9J-5.005(6)		Procedural	
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)		Procedural	
38	Authorized local governments to recognize in their comprehensive plans, statutory and common law vested rights .	9J-5.005(8)		Not addressed, optional	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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	No well fields;	
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)		Procedural	

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	X		
44	Required the Housing Element analysis to address the existing housing delivery system.	9J-5.010(2)			Housing element will be amended to address the Housing delivery system.
45	Required objectives of the Housing Element to address adequate sites for mobile and manufactured homes.	9J-5.010(3)(b)			Appropriate amendments will be added to the Housing element.
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)		Current Housing element.	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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)	X		
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)		St. Johns Water Management District Standards are utilized	
49	Required the Conservation Element to identify and analyze groundwater and important fish or shellfish areas .	9J-5.013(1)	X		
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)	X		
February 20, 1996					
51	Repealed rule requirements for the Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element . <i>Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.</i>	9J-5.007, 9J-5.008, and 9J-5.009		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
52	Repealed rule requirements for the Recreation and Open Space Element . <i>Note: Section 163.3177, F.S., requires local governments to prepare this element.</i>	9J-5.014		Procedural	
53	Repealed rule requirements for consistency of local government comprehensive plans with Comprehensive Regional Policy Plans and with the State Comprehensive Plan . <i>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.</i>	9J-5.021		Procedural	
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		
March 21, 1999					
55	Defined public transit and stormwater management facilities	9J-5.003		Procedural	
56	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands .	9J-5.003		Procedural	
57	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family .	9J-5.003		Procedural	
58	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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)		Procedural	
60	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural	
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		
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		
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	9J-5.015(4)		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Community Affairs (DCA)				
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		
65	Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
	<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; 		X		
	<ul style="list-style-type: none"> • Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system; 		X		
	<ul style="list-style-type: none"> • Coordination ports, airports, and related facilities plans with plans of other transportation providers; and 		X		
	<ul style="list-style-type: none"> • Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation. 		X		
66	Required policies of the Transportation Element to:	9J-5.019(4)(c)			
	<ul style="list-style-type: none"> • Provide for safe and convenient on-site traffic flow; 			Transportation element by existing objectives and policy	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> Establish measures for the acquisition and preservation of public transit rights-of-way and corridors; 		X		
	<ul style="list-style-type: none"> Promote ports, airports and related facilities development and expansion; 		X		
	<ul style="list-style-type: none"> Mitigate adverse structural and non-structural impacts from ports, airports and related facilities; 		X		
	<ul style="list-style-type: none"> Protect and conserve natural resources within ports, airports and related facilities; 		X		
	<ul style="list-style-type: none"> Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and 		X		
	<ul style="list-style-type: none"> Protect ports, airports and related facilities from encroachment of incompatible land uses. 		X		
67	Added standards for the review of land development regulations by the Department.	9J-5.022		Procedural	
68	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural	
February 25, 2001					
69	Defined general lanes	9J-5.003		Procedural	
70	Revised the definition of “ marine wetlands. ”	9J-5.003		Procedural	
71	Repeal the definition of “ public facilities and services. ”	9J-5.003		Procedural	
72	Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Procedural	

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
73	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	9J-5.0053		Procedural	
74	Revised concurrency management system requirements to include provisions for establishment of public school concurrency .	9J-5.005(1) and (2)		Procedural	
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 substandard dwelling units and repealed the requirement that the housing	9J-5.010(1)(c)	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
	inventory include a locally determined definition of standard and substandard housing conditions.				
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)		Procedural	
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)			Issues regarding school concurrency will be addressed with the School Board and the Comprehensive plan will be amended if determined necessary.
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	<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; 			Intergovernmental Coordination Element	Review element policies and cooperate with Indianantic and Brevard County regarding joint service areas.
	<ul style="list-style-type: none"> • Recognize campus master plan and provide procedures for coordination of the campus master development agreement; 		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
	<ul style="list-style-type: none"> Establish joint processes for collaborative planning and decision-making with other units of local government; 			Intergovernmental Coordination Element	
	<ul style="list-style-type: none"> Establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities; 		X		
	<ul style="list-style-type: none"> Establish joint processes for the siting of facilities with county-wide significance; and 		X		
	<ul style="list-style-type: none"> Adoption of an interlocal agreement for school concurrency. 				Agreement will be discussed with the school board and adopted by the Town if determined necessary.
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts , if locally established.	9J-5.016(4)(a)	X		
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		

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
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		

5.0 SUMMARY OF PROPOSED COMPREHENSIVE PLAN CHANGES

Following is a summary of the Comprehensive Plan amendments that will be initiated upon the Department of Community Affairs finding the EAR sufficient.

Update data

Address need for policy amendments identified in the 1997 Evaluation and Appraisal that have not been addressed to date.

Coastal Management Element

Policy 2.4 - Update the agency name from Florida Department of Natural Resources to Florida Department of Environmental Protection.

Policy 8.3 - Amend the policy to indicate a Regional Water Supply Plan will be prepared, adopted, and incorporated into the Comprehensive Plan.

Amend the Coastal Management Element to include the entire Town in the area defined as the Coastal High Hazard Area.

Future Land Use Element

Amend the definition of Coastal High Hazard Area and provide a map of the area consistent with Statutory amendments in 2008 that reference the SLOSH Model. All references in the Comprehensive Plan regarding Coastal High Hazard Area will be appropriately amended.

Intergovernmental Coordination Element

Policy 2.1 - Update the policy to include current interlocal coordination committees.

Update the Intergovernmental Coordination Element to insure that components required by Florida Statute 163.3177 (6) (h) 1 and 2 are included.

Amend the Intergovernmental Coordination Element to include consideration of the Brevard County School Board and other local governments that provide services in Melbourne Beach but do not have regulatory authority over use of land in Melbourne Beach.

Amend the Intergovernmental Coordination Element to establish that Melbourne Beach will complete a plan for joint processes and procedures regarding school concurrency with the Brevard County School Board and Brevard County Government. **School concurrency standards will be added to the Comprehensive Plan.**

A public schools facilities element will be added to the Comprehensive Plan.

Traffic Circulation Element

Change the name of the Traffic Circulation Element to Transportation Element to meet the Statutory requirement that all Comprehensive Plans include a Transportation Element.

Amend level of service on State Road A-1-A to reflect current level of service.

Adopt a policy regarding a consistent methodology with Brevard County and nearby jurisdictions to measure traffic impacts.

Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Ground Water Recharge Element

Amend the planning horizons for providing adequate water and waste water services.

Policy 6.2 - Amend policy to include requirement to complete a regional water supply plan and include the plan in the Comprehensive Plan.

Adopt a 10 year water supply plan and incorporate the plan into the Comprehensive Plan.

Adopt a policy that will ensure potable water is available at the time of issuance of a building permit.

Capital Improvements Element

Policy 2.1 - Amend policy base on revised definition of the Coastal High Hazard Area (CHHA).

Policy 3.1 - Update policy to reflect new planning horizons.

Amend the Capital Improvements Element to include two planning periods of at least 5 years and at least 10 years.

Identify water sources in the Capital Improvements Element and in the Regional Water Supply Plan.

Update the Concurrency policies to include a level of service for schools.

Amend traffic concurrency to reflect a five year time frame for transportation facilities to be in place after issuance of a development order.

Policy 3.2 - Update policy to clarify Level of Service standards for drainage and natural ground water recharge areas. Currently the storm event is specified however, the rainfall amount is not specified.

Amend Level of Service table to remove shuffle board, handball, and racquetball courts. The Town no longer provides these facilities as demand has reduced significantly.

Housing Element

Review and revise polices in the Housing Element to assure consistency with Florida Statutes Section 163.3177 (6) (f) regarding very low income housing based on the needs assessment prepared by the Department of Community Affairs.

6.0 PUBLIC PARTICIPATION

As required in Section 163.3191 (2)(j) Florida Statutes, the following provides a summary of public participation activities accomplished during preparation of the Town of Melbourne Beach Evaluation and Appraisal Report.

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|--------------------|---|
| December 12, 2006 | Visioning and Evaluation and Appraisal Report process overview presented a the Town Commission meeting. |
| January 11, 2007 | Published article in the Town newsletter regarding Visioning and the Evaluation and Appraisal Report. |
| January 30, 2007 | Planning and Zoning (serving as the Local Planning Agency) Board Meeting to review visioning process and Evaluation and Appraisal Report process. |
| February 27, 2007 | Visioning workshop with Planning and Zoning Board. |
| March 19, 2007 | Visioning workshop with Planning and Zoning Board. |
| April 24, 2007 | Visioning workshop with Planning and Zoning Board. |
| May 7, 2007 | Evaluation and Appraisal Report Scoping Meeting. |
| May 22, 2007 | Visioning workshop with Planning and Zoning Board |
| June 4, 2007 | Review draft Vision Document with Planning and Zoning Board. |
| July 2, 2007 | Planning and Zoning Board endorses Vision and transmits to Town Commission for consideration. |
| July 18, 2007 | Town Commission accepts Vision document |
| September 10, 2007 | Draft Evaluation and Appraisal Report distributed to the Planning and Zoning Board. |
| October 29, 2007 | Planning and Zoning Board holds public hearing on Evaluation and Appraisal Report. |
| December 19, 2007 | Town Commission transmission public hearing |

Note: During the Visioning portion of the process a citizen survey was distributed and public comments were welcomed in any form.