

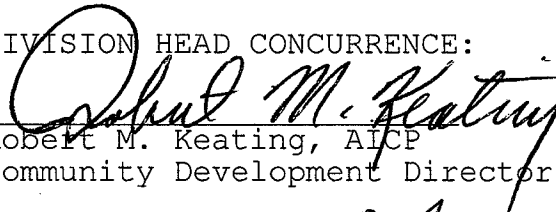
INDIAN RIVER COUNTY, FLORIDA

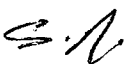
M E M O R A N D U M

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**TO:** Members of the Affordable Housing Partnership Committee

DIVISION HEAD CONCURRENCE:

  
Robert M. Keating, AICP  
Community Development Director

**FROM:** Sasan Rohani, AICP   
Chief, Long-Range Planning

**DATE:** May 8, 2006

**SUBJECT:** REVIEW OF PARTIAL DRAFT OF THE INDIAN RIVER COUNTY  
COMPREHENSIVE PLAN HOUSING ELEMENT EVALUATION AND  
APPRAISAL REPORT

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It is requested that the data herein presented be given formal consideration by the Affordable Housing Partnership Committee (AHPC) at its regular meeting of June 8, 2006.

**DESCRIPTION AND CONDITIONS:**

Recognizing that an effective comprehensive plan cannot remain static, Section 163.3191, F.S. requires that local planning should be a continuous and ongoing process. As part of this process, each local government in the state must periodically assess the success or failure of its comprehensive plan, address changing conditions, and update its plan to reflect changes in state policy on planning and growth management. As part of its Evaluation and Appraisal Report (EAR), each local government must identify major unresolved issues in its jurisdiction. Based on its EAR assessment, a local government's comprehensive plan must then be updated and revised to ensure that the plan continues to provide sufficient guidance for the local government to make appropriate land development decisions.

Section 163.3191(2), F.S. lists the major components of an Evaluation and Appraisal Report (EAR). At a minimum, the EAR must address the following:

- (a) Population growth and changes in land area, including annexation.
- (b) The extent of vacant and developable land.
- (c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element.
- (d) The location of existing development.
- (e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.
- (f) Relevant changes to the state comprehensive plan.
- (g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved.
- (h) A brief assessment of successes and shortcomings related to each element of the plan.
- (i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report.
- (j) A summary of the public participation program and activities undertaken by the local government in preparing the report.
- (k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s.1013.35.
- (l) Consideration of the appropriate water management district's regional water supply plan approved pursuant to s.373.0361.
- (m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster.
- (n) An assessment of whether the criteria adopted pursuant to Section 163.3177(6)(a) were successful in achieving compatibility with military installations.

- (o) An assessment of concurrency exception requirements and multimodal transportation district designations.
- (p) An assessment of changes needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing the concurrency management system.

Section 163.3191(7) specifies that the EAR must include findings and recommendations regarding items (a) through (p), listed above. In addition, section 163.3191, F.S. requires that the EAR identify changes needed to update the plan, including revised objectives, policies and standards. Section 163.3131(10), F.S. also states that any EAR-based plan amendments must be consistent with and implement the findings and recommendations of the EAR.

Section 163.3191(4), F.S. states that the Local Planning Agency (LPA) shall prepare the evaluation and appraisal report and shall make recommendations to the governing body. The local planning agency shall also hold at least one public hearing, with public notice, on the proposed report. According to state rules, Indian River County must submit its EAR to the state by December 1, 2008.

**ANALYSIS:**

In order to address state Evaluation and Appraisal Report preparation requirements, staff has prepared an Evaluation and Appraisal Report Public Participation Plan. This public participation plan will be reviewed by the Board of County Commissioners in June 2006 and then will be submitted to the State Department of Community Affairs (DCA).

As indicated in the EAR public participation plan, the Affordable Housing partnership Committee is charged with developing the housing element section of the Evaluation and Appraisal Report. In this capacity, the Affordable Housing Advisory Committee should review staff reports, hold public meetings (at its regularly scheduled meetings), solicit public input, and provide direction to staff.

As a first step in this process, staff prepared an Evaluation and Appraisal Report work program and began collecting data and compiling information. To prepare the housing element Evaluation and Appraisal Report, the following steps must be taken:

- Assemble Baseline Data
- Identify housing conditions at the time of plan adoption (1998)
- Identify existing housing conditions (2005/06)
- Compare housing data at the time plan adoption (1998) with current data
- Evaluate the achievement of housing element objectives
- Evaluate the implementation of housing element policies
- Identify major issues related to housing and affordable housing
- Analyze development trends and conditions, and determine why certain objectives may not have been achieved
- Identify future actions
- Identify anticipated amendments

The attached partial draft of the Evaluation and Appraisal Report addresses current housing conditions and housing conditions existing at the time of last plan adoption (1998). The draft EAR also provides an evaluation of the achievement of housing element objectives and identifies anticipated future needs.

According to section 9J-5.010(1)(a), F.A.C., the housing element inventory section must utilize the latest decennial United States Census information or more recent estimates, if available. The majority of the data in the adopted housing element is from the 1990 Census which is now 15 years old. This information must be compared to more recent data, 2000 Census or later estimates if available.

The EAR will also examine each objective of the housing element to determine if the objective has been achieved. Further EAR components will include the analysis of the effects of land use and development trends and legislative or planning changes on housing. Finally, the EAR must identify and recommend actions to address any planning issues, including necessary amendments to the comprehensive plan.

At the June 8, 2006 AHPC meeting, staff will provide further information on the EAR process, provide examples of data comparisons that are part of the EAR, and present the partial draft of the housing element EAR.

At this time, the Affordable Housing Partnership Committee should focus on the data presented in the report and the report's assessment of the achievement level of plan objectives. While doing so, the AHPC should identify any major problems or issues that need to be addressed in a revised plan.

**RECOMMENDATION:**

Staff recommends that the Affordable Housing Partnership Committee review staff's report and provide direction to staff.

**ATTACHMENTS:**

1. Copy of Section 163.3191, F.S., Evaluation and Appraisal of Comprehensive Plan
2. Copy of the 9J-5.010 F.A.C., Housing Element
3. Copy of the existing Housing Element
4. Copy of the proposed EAR public participation plan
5. Partial Draft of the Evaluation and Appraisal Report of the Housing Element



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### 163.3191 Evaluation and appraisal of comprehensive plan.--

(1) The planning program shall be a continuous and ongoing process. Each local government shall adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the local government's comprehensive plan. Furthermore, it is the intent of this section that:

(a) Adopted comprehensive plans be reviewed through such evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

(b) After completion of the initial evaluation and appraisal report and any supporting plan amendments, each subsequent evaluation and appraisal report must evaluate the comprehensive plan in effect at the time of the initiation of the evaluation and appraisal report process.

(c) Local governments identify the major issues, if applicable, with input from state agencies, regional agencies, adjacent local governments, and the public in the evaluation and appraisal report process. It is also the intent of this section to establish minimum requirements for information to ensure predictability, certainty, and integrity in the growth management process. The 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. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards. The report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government chooses to do so.

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(a) Population growth and changes in land area, including annexation, since the adoption of the original plan or the most recent update amendments.

(b) The extent of vacant and developable land.

(c) The financial feasibility of implementing the comprehensive plan and of providing needed infrastructure to achieve and maintain adopted level-of-service standards and sustain concurrency management systems through the capital improvements element, as well as the ability to address

infrastructure backlogs and meet the demands of growth on public services and facilities.

(d) The location of existing development in relation to the location of development as anticipated in the original plan, or in the plan as amended by the most recent evaluation and appraisal report update amendments, such as within areas designated for urban growth.

(e) An identification of the major issues for the jurisdiction and, where pertinent, the potential social, economic, and environmental impacts.

(f) Relevant changes to the state comprehensive plan, the requirements of this part, the minimum criteria contained in chapter 9J-5, Florida Administrative Code, and the appropriate strategic regional policy plan since the adoption of the original plan or the most recent evaluation and appraisal report update amendments.

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes in circumstances have resulted in problems or opportunities with respect to major issues identified in each element and the social, economic, and environmental impacts of the issue.

(h) A brief assessment of successes and shortcomings related to each element of the plan.

(i) The identification of any actions or corrective measures, including whether plan amendments are anticipated to address the major issues identified and analyzed in the report. Such identification shall include, as appropriate, new population projections, new revised planning timeframes, a revised future conditions map or map series, an updated capital improvements element, and any new and revised goals, objectives, and policies for major issues identified within each element. This paragraph shall not require the submittal of the plan amendments with the evaluation and appraisal report.

(j) A summary of the public participation program and activities undertaken by the local government in preparing the report.

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to s. 1013.35. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. For those counties or municipalities that do not have a public schools interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177 (6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.

(l) The extent to which the local government has been successful in identifying alternative water supply projects and traditional water supply projects, including conservation and reuse, necessary to meet the water needs identified in s. 373.0361(2)(a) within the local government's jurisdiction. The report must evaluate the degree to which the local government has implemented the work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the element as necessary to serve existing and new development.

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

(o) The extent to which a concurrency exception area designated pursuant to s. 163.3180(5), a concurrency management area designated pursuant to s. 163.3180(7), or a multimodal transportation district designated pursuant to s. 163.3180(15) has achieved the purpose for which it was created and otherwise complies with the provisions of s. 163.3180.

(p) An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).

(3) Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report. The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (2). If scoping meetings are held, the local government shall invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

(4) The local planning agency shall prepare the evaluation and appraisal report and shall make recommendations to the governing body regarding adoption of the proposed report. The local planning agency shall prepare the report in conformity with its public participation procedures adopted as required by s. 163.3181. During the preparation of the proposed report and prior to making any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed report. At a minimum, the format and content of the proposed report shall include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps, and figures; a title and sources for all included tables; a preparation date; and the name of the preparer. Where applicable, maps shall include major natural and artificial geographic features; city, county, and state lines; and a legend indicating a north arrow, map scale, and the date.

(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.

<sup>2</sup>(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.

(7) The intent of the evaluation and appraisal process is the preparation of a plan update that clearly and concisely achieves the purpose of this section. Toward this end, the sufficiency review of the state land planning agency shall concentrate on whether the evaluation and appraisal report sufficiently fulfills the components of subsection (2). If the state land planning agency determines that the report is insufficient, the governing body shall adopt a revision of the report and submit the revised report for review pursuant to subsection (6).

<sup>3</sup>(8) The state land planning agency may delegate the review of evaluation and appraisal reports, including all state land planning agency duties under subsections (4)-(7), to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region may elect to have its report reviewed by the regional planning council rather than the state land planning agency. The state land planning agency shall by agreement provide for uniform and adequate review of reports and shall retain oversight for any delegation of review to a regional planning council.

(9) The state land planning agency may establish a phased schedule for adoption of reports. The schedule shall provide each local government at least 7 years from plan adoption or last established adoption date for a report and shall allot approximately one-seventh of the reports to any 1 year. In order to allow the municipalities to use data and analyses gathered by the counties, the state land planning agency shall schedule municipal report adoption dates between 1 year and 18 months later than the report adoption date for the county in which those municipalities are located. A local government may adopt its report no earlier than 90 days prior to the established adoption date. Small municipalities which were scheduled by chapter 9J-33, Florida Administrative Code, to adopt their evaluation and appraisal report after February 2, 1999, shall be rescheduled to adopt their report together with the other municipalities in their county as provided in this subsection.

(10) The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (2), pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the

state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

(11) The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to adopt and submit a report, or that fails to implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

(12) The state land planning agency shall not adopt rules to implement this section, other than procedural rules.

(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the effectiveness of the evaluation and appraisal report process.

**History.**--s. 11, ch. 75-257; s. 10, ch. 85-55; s. 11, ch. 86-191; s. 10, ch. 92-129; s. 13, ch. 93-206; s. 6, ch. 95-322; s. 29, ch. 96-410; s. 5, ch. 96-416; s. 4, ch. 98-146; ss. 6, 14, ch. 98-176; s. 5, ch. 98-258; s. 17, ch. 2000-158; s. 9, ch. 2002-296; s. 905, ch. 2002-387; s. 4, ch. 2004-230; s. 8, ch. 2005-290; s. 12, ch. 2005-291.

<sup>1</sup>**Note.**--As amended and substantially reworded by s. 14, ch. 98-176. Former paragraph (12)(a) was also amended by s. 5, ch. 98-258, without reference to the substantial rewording of the section by s. 14, ch. 98-176. As amended by s. 5, ch. 98-258, only, paragraph (12)(a) reads:

(12)(a) The state land planning agency may enter into a written agreement with a municipality of fewer than 5,000 residents or a county with fewer than 75,000 residents so that such a jurisdiction may focus planning resources on selected issues or elements when updating its plan, if the local government includes such a request in its report and the agency approves the request. Approval of the request does not authorize the local government to repeal or render ineffective any existing portion or element of its local plan.

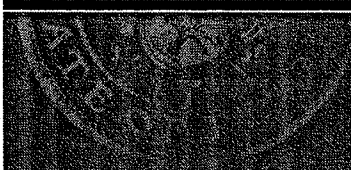
<sup>2</sup>**Note.**--As amended and substantially reworded by s. 14, ch. 98-176. Former subsection (9) was also amended by s. 4, ch. 98-146, without reference to the substantial rewording of the section by s. 14, ch. 98-176; material similar to that found in former subsection (9) is now located in subsection (6), as amended by s. 14, ch. 98-176. As amended by s. 4, ch. 98-146, only, subsection

(9), redesignated as subsection (6) to conform to the placement of material by s. 14, ch. 98-176, reads:

(6) The state land planning agency shall conduct a sufficiency review of each report to determine whether it has been submitted in a timely fashion and contains the prescribed components. The agency shall complete the sufficiency determination within 60 days of receipt of the report. The agency shall not conduct a compliance review. However, a local government may request that the department provide substantive comments regarding the report or addendum during the department's sufficiency review to assist the local government in the adoption of its plan amendments based on the evaluation and appraisal report. Comments provided during the sufficiency review are not binding on the local government or the department and will not supplant or limit the department's consistency review of the amendments based on the adopted evaluation and appraisal report. A request for comments must be made in writing by the local government and must be submitted at the same time the adopted report is submitted for sufficiency review.

<sup>3</sup>**Note.**--As amended and substantially reworded by s. 14, ch. 98-176. Former subsection (10) was also amended by s. 4, ch. 98-146, without reference to the substantial rewording of the section by s. 14, ch. 98-176; material similar to that found in former subsection (10) is now located in subsection (8), as amended by s. 14, ch. 98-176. As amended by s. 4, ch. 98-146, only, subsection (10), redesignated as subsection (8) to conform to the placement of material by s. 14, ch. 98-176, reads:

(8) The state land planning agency may delegate the review of reports to the appropriate regional planning council. When the review has been delegated to a regional planning council, any local government in the region, except for areas of critical state concern, may elect to have its report reviewed by the council rather than the agency. The agency shall adopt rules for accepting requests for delegation and for uniform and adequate review of reports. The agency shall retain oversight for any delegation of review to a regional planning council. Any plan amendment recommended by the report shall be reviewed by the agency pursuant to s. 163.3184 and be adopted by the local government pursuant to s. 163.3189.



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## ATTACHMENT 2

(k) Evaluation of factors. Each of the land use types and land use combinations analyzed in paragraph (5)(h) above will be evaluated within the context of the features and characteristics of the locality, individually and together (as appropriate), as listed in paragraph (5)(i). If a local government has in place a comprehensive plan found in compliance, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of preexisting indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

(l) Innovative and flexible planning and development strategies. Notwithstanding and as a means of addressing any provisions contained in subparagraphs 9J-5.006(3)(b)8., 9J-5.011(2)(b)3. and subsection 9J-5.003(140), F.A.C., and this subsection, the Department encourages innovative and flexible planning and development strategies and creative land use planning techniques in local plans. Planning strategies and techniques such as urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development and sector planning that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services, will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, F.S., and this chapter regarding discouraging the proliferation of urban sprawl.

(6) Multimodal Transportation District. Multimodal transportation districts may be established by local option for areas for which the local government assigns priority for a safe, comfortable, and attractive pedestrian environment. The local government must establish community design standards for the district to reduce vehicle miles traveled and to support an integrated, multimodal transportation system that includes the elements for community design specified in Section 163.3180(15)(b), F.S.

*Specific Authority 163.3177(9), (10), 163.3180(14) FS. Law Implemented 163.3177(1), (2), (4), (5), (6)(a), (d), (8), (9), (10), (11), 163.3178, 163.3180(13), (15) FS. History—New 3-6-86, Amended 10-20-86, 4-2-92, 3-23-94, 5-18-94, 3-21-99, 2-25-01.*

### 9J-5.010 Housing Element.

The purpose of this element is to provide guidance to local governments to develop appropriate plans and policies to meet identified or projected deficits in the supply of 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. These plans and policies shall address government activities as well as provide direction and assistance to the efforts of the private sector.

(1) Housing Element Data Requirements. The element shall be based upon the following data requirements pursuant to subsection 9J-5.005(2), F.A.C.

(a) An inventory taken from the latest decennial United States Census or more recent estimates, including the affordable housing needs assessment, when available, which shall include the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio.

(b) Each municipality shall compare those housing characteristics in paragraph (a) deemed significant by the municipality with those housing characteristics of its county.

(c) An inventory using data from the latest decennial United States Census, or more recent estimates, including the affordable housing needs assessment, showing the number of dwelling units that are substandard. Substandard units are those that fail to meet the applicable building code, the minimum housing code, or that lack complete plumbing; lack complete kitchen facilities; lack central heating; or are overcrowded. Local governments may determine that units without heating are not substandard if they are located in areas where the temperature extremes do not indicate heating as a life safety factor. The inventory shall include an estimate of the structural condition of housing within the

local government's jurisdiction, by the number and generalized location of dwelling units in standard and substandard condition. The inventory shall also include the methodology used to estimate the condition of housing.

(d) An inventory of renter-occupied housing developments currently using federal, state or local subsidies. For each development listed, show the subsidy program, and number of units.

(e) An inventory of group homes licensed by the Florida Department of Children and Family Services, including the type, number, generalized location and capacity.

(f) An inventory of existing mobile home parks licensed by the Florida Department of Children and Family Services and mobile home condominiums, cooperatives and subdivisions including the generalized location and capacity.

(g) An inventory of historically significant housing listed on the Florida Master Site File, National Register of Historic Places or designated as historically significant by or in accordance with a local ordinance, and shall include their generalized locations.

(h) An inventory of the amount of housing construction activity affecting changes in the number of housing units within the local government's jurisdiction based on new construction, conversions, mobile home placements, and removals, in number of units for the years since the latest decennial United States Census.

(2) Housing Analysis Requirements. The element shall be based upon following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.

(a) A projection of the anticipated number of households by size and income range derived from the population projections in paragraph 9J-5.005(2)(e), F.A.C.;

(b) The housing need of the current and anticipated future residents of the jurisdiction, including an affordable housing needs assessment, when available, and including separate estimates of need for rural and farmworker households, by number, type, cost or

rent, tenure, and any other special housing needs, and shall include estimates for the replacement of housing units removed and for the maintenance of an adequate vacancy rate. Each local government shall utilize the data and analysis from the state land planning agency's affordable housing needs assessment as one basis for the housing element. The local government, at its option, may supplement the affordable housing needs assessment with locally generated data which more accurately assesses housing need for very low- or low-income households;

(c) The land requirements for the total estimated housing need;

(d) The portion of the housing need which can be projected to be met by the private sector within current market conditions. The housing expected to be supplied shall be shown by type, tenure, cost or rent, and income range of households served;

(e) The existing housing delivery system, including the private sector housing delivery process, with regard to land, services, financing, regulations and administrative roles of government agencies to identify problems and opportunities affecting the capacity of such housing delivery system, with the objective of effecting improvements to that system to increase its efficiency in meeting the goals of this element; and

(f) Means for accomplishment of each of the following:

1. The provision of housing with supporting infrastructure for all current and anticipated future residents of the jurisdiction with particular emphasis on the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction;

2. The elimination of substandard housing conditions and for the structural and aesthetic improvement of housing;

3. The provision of adequate sites for housing for very-low-income, low-income and moderate-income households, and for mobile homes;

4. The provision of adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Services; and

5. The identification of conservation, rehabilitation or demolition activities, and historically significant housing or neighborhoods.

(3) Requirements for Housing Goals, Objectives and Policies.

(a) The element shall contain one or more goal statements which establish the long-term end toward which housing programs and activities are ultimately directed.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(6)(f), F.S., and which provide for:

1. The creation and/or preservation of affordable housing for all current and anticipated future residents of the jurisdiction, and households with special housing needs including rural and farmworker housing;

2. The elimination of substandard housing conditions, and for the structural and aesthetic improvement of existing housing;

3. Adequate sites and distribution of housing for very-low-income, low-income and moderate-income households, and adequate sites for mobile and manufactured homes;

4. Adequate sites in residential areas or areas of residential character for group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Services;

5. The conservation, rehabilitation or demolition of housing, including the identification of historically significant housing;

6. Relocation housing; and

7. The formulation of housing implementation programs.

(c) The element shall contain one or more policies for each objective which address implementation activities for the:

1. Involvement, including partnerships, of local government with the private and non-profit sectors to improve coordination among participants involved in housing production;

2. Specific programs and actions to streamline the permitting process and minimize costs and delays for housing, especially affordable housing;

3. Establishment of standards addressing the quality of housing, stabilization of neighborhoods and identification and improvement of historically significant housing;

4. Establishment of principles to guide conservation, rehabilitation and demolition program techniques and strategies;

5. Establishment of principles and criteria guiding the location of housing for very-low-income, low-income and moderate-income households, mobile homes, manufactured homes, group homes and foster care facilities, and households with special housing needs including rural and farmworker households, and including supporting infrastructure and public facilities.

6. Establishment of principles and criteria consistent with Chapter 419, F.S., guiding the location of group homes and foster care facilities licensed or funded by the Florida Department of Children and Family Services that foster non-discrimination, and encourage the development of community residential alternatives to institutionalization including supporting infrastructure and public facilities;

7. Utilization of federal, state and local subsidy programs;

8. The utilization of job training, job creation and economic solutions to address a portion of their affordable housing concerns is an optional policy area encouraged by Section 163.3177(6)(f)1.g., F.S.;

9. Provision of relocation housing; and

10. Confirming current arrangements with other local governments concerning affordable housing. If it is not economically feasible to meet affordable housing needs within its jurisdiction because of unusually high property values within its jurisdiction, or if meeting that demand within its jurisdiction would require the direction of populations toward coastal high hazard areas, a local government may satisfy this criterion by having entered into an interlocal agreement with a nearby local government; and

11. Designating within its jurisdiction sufficient sites at sufficient densities to accommodate the need for affordable housing over the planning timeframe.

*Specific Authority 163.3177(9), (10) FS. Law Implemented 163.3177(1), (5), (6)(f), (8), (9), (10), 163.3178 FS. History—New 3-6-86, Amended 10-20-86, 3-23-94, 5-18-94, 2-25-01.*

**9J-5.011 Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer**

**Recharge Element.**

The purpose of this element is to provide for necessary public facilities and services correlated to future land use projections.

(1) Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water, and Natural Groundwater Aquifer Recharge Element Data and Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2), F.A.C.

(a) Each local government shall address in the data and analyses required by this subsection those facilities which provide service within the local government's jurisdiction.

(b) Local governments which provide facilities to serve areas within other local government jurisdictions shall also address those facilities in the data and analyses required by this subsection, using data from the comprehensive plan for those areas for the purpose of projecting facility needs as required in this subsection.

(c) For shared facilities, each local government shall indicate the proportional capacity of the systems allocated to serve its jurisdiction.

(d) Public and private sanitary sewer facilities, solid waste facilities, stormwater management, and potable water facilities, as defined in Rule 9J-5.003, F.A.C., shall be identified.

(e) The following data shall be included for the facilities identified above:

1. The entity having operational responsibility for the facility;

2. The geographic service area of the facility and the predominant types of land uses served by the facility;

3. The design capacity of the facility;

4. The current demand on the facility capacity; and

5. The level of service provided by the facility.

(f) Existing and projected sanitary sewer, solid waste, stormwater management and potable water facility needs shall be identified based on the following analyses:

1. A facility capacity analysis, by geographic service area, indicating capacity surpluses and deficiencies for:

a. Existing conditions, based on the facility design capacity and the current demand on the facility capacity;

b. The initial increment of the planning period, at least five years in length, based on the projected demand at current local level of service standards for the facility, resulting from development permitted by local government, the projected population, land use distributions as indicated in the future land use element, and available surplus capacity identified in the existing conditions capacity analysis; and

c. The remaining increment of the planning period, in the same manner as the initial incremental capacity analysis, using the appropriate projected population and future land



# **Indian River County 2020 Comprehensive Plan**

## **Chapter 7**

# **Housing Element**

Indian River County Community Development Department  
Adopted: March 17, 1998