

BAL HARBOUR VILLAGE, FLORIDA

EVALUATION AND APPRAISAL REPORT OF THE ADOPTED COMPREHENSIVE PLAN



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BAL HARBOUR VILLAGE, FLORIDA EVALUATION AND APPRAISAL REPORT

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TABLE OF CONTENTS

I. INTRODUCTION	PAGE
Introduction	2
Village History / Profile	4
Purpose	7
Public Participation Process	7
Local Issues Identified	8
II. LOCAL ISSUES	
Land Use	
Issue 1 Redevelopment Pressures / Opportunities	10
Issue 2 Scarcity / Cost of Land for Development	12
Transportation	
Issue 3 Congestion on Collins Avenue / 96 th Street During Peak Hour and Peak Season Periods	15
Infrastructure	
Issue 4 Potable Water Needs – 10-year Water Supply Planning (WASA)	17
Issue 5 Stormwater Issues – Finalizing Remaining Localized Flooding Problems	19
Housing	
Issue 6 Housing Affordability – Continue / Expansion of Accessory Worker Quarters and other Alternatives	19
Issue 7 Scarcity and Cost of Land / Cost of Construction	22
Parks and Recreation	
Issue 8 Land and Facilities Analysis – Changing Demographics / Needs	23
Issue 9 Shortage of Land if Tract “A” (Beach Club) is Redeveloped	23
Issue 10 Beach Re-Nourishment / Beach Stabilization	24
III. ANALYZING THE ISSUES	
Change in Population	27
Change in Land Area	29
Vacant Land for Future Development	30
Demands of Growth on Infrastructure/Financial Feasibility	33
- Roads	33
- Pedestrian and Bicycle Facilities	35
- Mass Transit	35
- Potable Water and Wastewater	35-38
- Stormwater and Drainage Facilities	38
- Solid Waste	39
- Parks, Open Space and Recreation	39
Location of Development	41
School Facilities (Capacity and Location)	43
Plans of the Water Management District	44
Property Rights in Coastal High-Hazard Area	45
Concurrency Exception Areas Analysis	47
Transportation Facility Methodology Assessment	48

IV. ANALYZING THE PLAN ELEMENTS (SUCCESSSES AND SHORTCOMINGS)

Future Land Use Element	50
Transportation Element	55
Housing Element	58
Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Aquifer Recharge Element	60
Coastal Management	63
Conservation Element	69
Recreation and Open Space Element	71
Capital Improvement Element	74
Intergovernmental Coordination Element	76

V. ASSESSMENT OF STATE AND REGIONAL PLANS AND POLICIES

Consistency with the State of Florida Comprehensive Plan	80
Consistency with the South Florida Regional Planning Council Strategic Regional Policy Plan (June 2004)	80

VI. RECOMMENDATIONS (ACTIONS AND CORRECTIVE MEASURES) 82

APPENDICES

Appendix A - Changes to Chapter 163 Florida Statutes (FS) Matrix	84
Appendix B - Changes to Rule 9J-5 Florida Administrative Code (FAC) Matrix	128
Appendix C - Changes to South Florida Regional Policy Plan Matrix	144
Appendix D - Changes to the State of Florida Comprehensive Plan Matrix	163
Appendix E - Shimberg Center Data for Bal Harbour	166
Appendix F - Greenhouse Gas (GHG) Reduction / HB 697 Analyses	171

MAPS

Map 1 - Location Map	6
Map 2 - 2006 Vacant Land Inventory	32
Map 3 - Major Redevelopment since 1997	42

TABLES

Table 1 -Historical Population Changes 1990-2005	27
Table 2 - Age of Population Changes from 1990-2000	28
Table 3A -Village and County Population Projections 2005-2025 (FHDC)	28
Table 3B - Village and County Population Projections 2005-2025 (MMPA)	28
Table 4 - Historical Housing Changes 1990-2000	29
Table 5 - Total Land Area Distribution 1995 & 2005	30
Table 6 - Historical Traffic Growth and LOS Collins Ave and 96 th Street	34
Table 7 - Potable Water Level of Service & Potential Total Requirement	36
Table 8 - Sanitary Water Level of Service & Potential Total Requirement	38
Table 9 - Public School Capacity / Enrollment	43
Table 10 - Bal Harbour Village School Enrollment Projections	44
Table 11 - Coastal High-Hazard Area Current Dwelling Units and Density	47
Tables 12 – 20 – Comprehensive Plan Element Objective Assessment Matrices	51

I. INTRODUCTION

INTRODUCTION

The State of Florida's Local Government Comprehensive Planning law, Chapter 163, Part 2, Florida Statutes (F.S.), requires that all counties and municipalities throughout Florida maintain long-range comprehensive planning programs and that comprehensive planning should be a continuous and ongoing process. As a part of this process, local governments are required to monitor community characteristics relating to development, provision of services, environmental protection and governmental activities, and periodically prepare what are referred to as Evaluation and Appraisal Reports (EARs) addressing implementation of the Comprehensive Plan. The purpose of the EAR is to evaluate and assess the effectiveness, successes and failures of the local adopted Comprehensive Plan in accomplishing its adopted objectives, and to suggest changes or amendments needed to update the Comprehensive Plan including reformulated goals, objectives, policies or standards. Moreover, the law provides that the EAR process shall be the principal process for updating local Comprehensive Plans 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.

As required by Section 163.3191(2), F.S., the EAR must contain information addressing the following:

1. The Village must discuss changes in population since the plan was last amended and compare the changes to the population projections in the Plan. Based on the analysis and projected growth, new population projections will be included in the EAR – Chapter 163.3191(2)(a), F.S.
2. The Village must identify the amount / location of vacant land, its suitability and availability for development - Chapter 163.3191(2)(b), F.S.
3. The Village must discuss the extent to which the community has been able to meet the demands of growth on infrastructure, maintain level of service standards, provide public services and facilities, and evaluate financial feasibility of the Plan – Chapter 163.3191(2)(c), F.S.
4. The Village must discuss whether development has occurred at the locations where it was anticipated in the Plan as last amended – Chapter 163.3191(2)(d), F.S.
5. The Village must identify major issues and analyze their potential social, economic and environmental impacts – Chapter 163.3191(2)(e).
6. The Village must identify changes that have occurred to the Florida Statutes (F.S.), Florida Administrative Code (F.A.C.), and the South Florida Regional Planning Council's Strategic Regional Policy Plan (SRPP) as they relate to the adopted Plan and recommend necessary amendments – Chapter 163.3191(2)(f), F.S. This will include: The State Comprehensive Plan; Chapter 163, Florida Statutes; Rule 9J-5, Florida Administrative Code; The Strategic Regional Policy Plan (SRPP) for South Florida.

7. The Village must assess whether the plan objectives and/or policies within each element have been achieved or not achieved. If they were not achieved a reason will be provided as to why it was not achieved. The EAR will identify if any unforeseen or unanticipated changes have occurred which resulted in opportunities or problems – Chapter 163.3191(2)(g), F.S.
8. The Village must briefly assess the successes and shortcomings of each element of the Plan – Chapter 163.3191(2)(h), F.S.
9. The Village must identify any actions or corrective measures, including proposed plan amendments anticipated to address the issues. This will include new population forecasts, revised planning horizons, revised maps, an updated Capital Improvement Element and new and/or revised Goals, Objectives and Policies – Chapter 163.3191(2)(i), F.S.
10. The Village must provide a summary of the public participation programs and activities undertaken preparing the report – Chapter 163.3191(2)(j), F.S.
11. The Village will assess the success or failure of coordinating residential land uses and school facilities planning, including the use of joint population projections – Chapter 163.3191(2)(k), F.S.
12. The Village will evaluate the Plan with respect to the South Florida Water Management District's (SFWMD) Regional Water Supply Plan and evaluate the need to revise the Potable Water Sub-element to include provisions of the Water Supply Facilities Work Plan covering at least a 10-year planning period – Chapter 163.3191(2)(l), F.S.
13. The Village will evaluate whether any past reductions in land use density impaired the property rights of current residents when re-development occurs in the Coastal High Hazard Area (CHHA) – Chapter 163.3191(2)(m), F.S.
14. The Village will not be required to address the new 2005 legislative statutory requirement to evaluate compatibility with military installation, as none are in or in proximity to the Village – Chapter 163.3191(2)(n), F.S.
15. The Village will not be required to evaluate the extent to which concurrency exception areas, concurrency management areas or multi-modal transportation districts achieved their purpose and complied with Chapter 163.380, as the Village has not designated any exception areas in the Village. The Miami-Dade County's TCEA only applies if municipalities request it and if the local Comprehensive Plan includes designations as well. The Village's plan does not currently include any such designations – Chapter 163.3191(2)(o), F.S.
16. The Village will assess the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing a concurrency management system in coordination with other cities and county – Chapter 163.3191(2)(p), F.S.

The municipality of Bal Harbour Village adopted its initial Comprehensive Plan in 1979 pursuant to the State of Florida's 1975 Growth Management Act. In accordance with state law at that time, that plan was not required by statute to be legally binding. However, pursuant to the State's 1985 revisions to the Growth Management Act, a new legally binding Comprehensive Plan was prepared and adopted on December 6th, 1988. The Village completed its last Evaluation and Appraisal Report (EAR) in July 1995. Subsequently, in 1997 the Village adopted EAR-Based Comprehensive Plan amendments to incorporate the plan recommendations listed in the 1995 EAR. Since that time there have been no significant amendments to the Comprehensive Plan. The community was master-planned in the 1940s and has been built in general conformance with that master plan. The Village is essentially built-out and has been for many years. The scope of the current EAR reflects the Village's best interpretation of current major issues including those identified in the Department of Community Affairs (DCA) Letter of Understanding, as well as those in the Florida Statutes, Administrative Rules and other guidance documents issued by DCA. Michael Miller Planning Associates (MMPA), the Village Consultant Planner, prepared the current EAR and will process the document for approval by the state. This EAR was initially reviewed by the designated Local Planning Agency (LPA) – the Village Council, prior to formal review by the Village Council, as the Local Governing Body, and transmittal to DCA and other required review agencies.

VILLAGE HISTORY / PROFILE

Development in Bal Harbour Village began in 1929, when sand dunes and mangroves were razed, drained, filled and bulk headed. During World War II, the entire area of the Village was leased by its developers to the U.S. Government for a prisoner of war camp and as a military training facility. In 1946, the owners, Miami Beach Heights, Inc., incorporated the land into a municipality and retained the services of Harland Bartholomew and Associates to develop a master plan for the new municipality. During the 1950's most of the development in the Village included single-family homes, while in the 1960's most of the development was hotels and apartment houses. During the 1970's condominium buildings were built along the oceanfront, and some redevelopment occurred, as some hotels and apartment buildings were transformed into condominiums. The Village experienced little change in the 1980's and 1990's. Since 2000, the Village has experienced occasional redevelopment of some of the original development including both single-family homes and oceanfront high-rise development. Four (4) oceanfront sites have been or are in the process of being redeveloped – two (2) of these sites have mixed-uses (residential / hotel).

Bal Harbour is situated in northeast Miami-Dade County on the Atlantic Ocean. The Village is surrounded by water on three sides (Atlantic Ocean to the east; the northernmost section of Biscayne Bay and Indian Creek to the west; and Baker's Haulover Cut to the north) and borders the Town of Surfside on its southern limits (96th Street). Across Indian Creek to the west lies the Town of Bay Harbor Islands. Bal Harbour Village and Bay Harbor Islands are connected by a four-lane bridge that crosses over the Indian Creek. 96th Street extends westward through the municipality of Bay Harbor Islands (known as Kane Concourse in Bay Harbor Islands) and across Biscayne Bay via the Broad Causeway connecting both municipalities with the mainland at 123rd Street in the City of North Miami. Across Baker's Haulover Cut to the north lies Haulover Beach, Haulover Park and Haulover Marina all within unincorporated Miami-Dade County and owned and operated by the Miami-Dade Parks and Recreation Department. Haulover Park and Beach are connected with Bal Harbour by a four-lane bridge that is part of State Road A1A.

The Village's boundaries have not changed since its original incorporation in 1946 and include approximately 290 total acres, 245 acres of which are upland developed land. According to the 2000 U.S. Census, the population of Bal Harbour was 3,305 persons with 3,150 dwelling units. However, in 2007 the Bureau of Economic and Business Research (BEBR) at the University of Florida has estimated approximately 3,058 persons representing a 7.5% decrease since 2000. It is believed the decrease in population noted in 2007 was due to the demolition of the former Harbour House North apartment building and the renovation of the adjoining Harbour House South building, as all residents were removed during the construction period. In 2008 BEBR estimated that approximately 3,299 persons now reside in the Village, almost even (-6 persons) with the 2000 US Census numbers.

The Village offers services including police protection, public works and maintenance, water and sewer utilities, code enforcement and occupational licensing, and parks and recreation.

POPULATION CHARACTERISTICS

- Population 1990 3,045 total
- Forecast in 1997 – Pop. 2000 3,257 total
- Population 2000 (Census) 3,305 total
- BEBR Estimated Population in 2008 3,299 total

HOUSING CHARACTERISTICS	1990	2000	2008
Single-Family Detached	203	182	183
Multiple-Family	2,563	2,955	2,831
Mobile Homes / Other	31	0	0
Total Housing Units	2,797	3,137	3,014

EXISTING LAND USES	1995	2008
Residential	30.74%	31.6%
Commercial	3.83%	4.0%
Recreation / Open Space	4.07%	4.7%
Municipal / Institutional	0.57%	0.4%
Water / Beaches	50.32%	50.0%
Streets / Highways	8.32%	8.3%
Vacant	2.15%	1.0%
Total	100%	100%

PURPOSE

The Purpose of the Evaluation and Appraisal Report (EAR) is to look back over the years since the last EAR of the Comprehensive Plan was adopted and evaluate how well the Plan is serving the Village. Specifically, according to state law, the purpose of the evaluation process is to:

- Identify major issues for the Village
- Review past actions of the Village in implementing the plan since the last EAR
- Assess the degree to which Plan objectives have been achieved
- Assess both successes and shortcomings of the Plan
- Identify ways that the Plan should change (respond to changing conditions and trends affecting the Village; respond to the need for new data; respond to changes in state requirements regarding growth management and development; respond to changes in regional plans)
- Ensure effective intergovernmental coordination

PUBLIC PARTICIPATION

Because the Village is mostly built out and little has changed over the last 10 years, Bal Harbour felt it was not necessary to conduct a Scoping Meeting with representatives from state, regional, local agencies and adjacent local governments to discuss the Village's Scope of Work and propose a List of Major Local Issues that would serve as the basis for the Evaluation and Appraisal Report. The Village developed a Scope of Work and draft List of Major Local Issues and presented it at a Town Council public workshop, wherein all agencies, entities and/or individuals had an opportunity to provide comments on May 3rd, 2006. The Village Council, acting as the Local Planning Agency, approved the Scope of Work and List of Major Local Issues on May 16th, 2006 and then forwarded them to the Florida Department of Community Affairs (DCA). On June 8th, 2006 DCA issued the Village a Letter of Understanding approving the identified Major Local Issues and the Scope of Work as the basis for preparing the Village's EAR. The Village held a community workshop on the draft EAR on March 4th, 2009, which was well attended (notice sent to all property owners). A few minor amendments were made to the draft EAR as a result of the public comments received. Due to a municipal election and summer vacation schedules the matter was not acted upon until the fall. The Village held a public hearing on October 20th, 2009 before the Local Planning Agency (LPA) to discuss and issue a recommendation to the Village Council. However, the matter was deferred at the LPA meeting in order to hold another community workshop meeting. This second community workshop meeting was held on November 5th, 2009. The Village's LPA re-convened on November 17th, 2009 and forwarded a recommendation of approval with revisions to the Village Council. The Village Council discussed the draft EAR and the recommendation of the LPA at its November 17th, 2009 regular monthly meeting and approved the submittal of the draft EAR to DCA and other required review agencies for their preliminary review. After receiving comments from DCA on the draft EAR on January 27th, 2010 the Village's consultant planner coordinated with DCA staff to address each of their preliminary sufficiency comments. A document was prepared to set forth the DCA / agency comments, the Village's responses and list suggested changes to the draft EAR. DCA staff has reviewed the consultant planner's response document and approved the modifications. The Village will hold its adoption public hearing for the revised EAR on April 20th, 2010.

LOCAL ISSUES IDENTIFIED

Based on the Letter of Understanding received from DCA on June 8th, 2006, the agreed Major Local Issues for the Village of Bal Harbour are:

Land Use:

Issue 1 Redevelopment Pressures / Opportunities

Issue 2 Scarcity / Cost of Land for Development

Transportation:

Issue 3 Congestion on Collins Avenue / 96th Street During Peak Hour and Peak Season Periods

Infrastructure:

Issue 4 Potable Water Needs – 10-year Water Supply Planning (WASA)

Issue 5 Storm water Issues – Finalizing Remaining Localized Flooding Problems

Housing:

Issue 6 Housing Affordability – Continue / Expansion of Accessory Worker Quarters and other Alternatives

Issue 7 Scarcity and Cost of Land / Cost of Construction

Parks and Recreation:

Issue 8 Land and Facilities Analysis – Changing Demographics / Needs

Issue 9 Shortage of Land if Tract "A" (Beach Club) is Redeveloped – Consider Alternatives

Coastal Management:

Issue 10 Beach Re-nourishment / Beach Stabilization

II. MAJOR LOCAL ISSUES

FORMAT FOR ISSUE ANALYSIS

The Florida Department of Community Affairs (DCA) has created the following suggested format to examine the Major Local Issues. The process includes (1) the definition of the issue, (2) a description of what the issue means, (3) a description of why it is an issue and (4) identification of the impacts of the issue. Once this is done, the analysis should compare the past and the present of the issue and whether there have been changes in circumstances that were not anticipated. The analysis should discuss whether the changes resulted in problems or opportunities. The analysis should recite what the adopted plan says about the issue and assess if any Objectives in the plan have been or have not been achieved. Finally, the analysis should identify recommendations and / or actions to address the issues. For each of the Village's identified Major Local Issues, this format has been followed as closely as possible.

LAND USE

ISSUE 1 – Redevelopment Pressures/Opportunities

Location, property values, quality development and lifestyle are responsible for most of the redevelopment pressures within the Village. Originally envisioned as a community with extraordinarily high standards, existing development within the Village is maintained at a very high level and is not permitted to deteriorate. However, as buildings continue to age the Village has been experiencing an increasing demand for newer, larger more luxurious development with more modern amenities and designs.

Located abutting the Atlantic Ocean, Biscayne Bay and Indian Creek and midway between Miami Beach and Broward County make the Village an ideal location for people wanting to reside or invest in the South Florida region. Bal Harbour, being a planned community dating to the 1940's, has always been a quality community with a lifestyle that many want to ascend to. Housing prices in Bal Harbour have always been higher than surrounding communities. This adds to the redevelopment pressures. Redevelopment is not always based on more units; rather, it is based on a demonstrated desire for larger dwelling units in both the condominium and single family markets. A drive through the single family areas clearly demonstrates the continuing trend of redeveloping single family home sites by replacing existing homes with significantly larger homes. It should be noted that although many of the newer homes are larger than the existing homes the emphasis has always been on quality not quantity.

As the Village is now 98.6% built-out, opportunities for redevelopment are mostly based on redevelopment of existing developed parcels rather than vacant or available land. This is true for single-family homes, oceanfront parcels and commercial parcels within the Village. In the last 10+/- years the Village has reviewed and approved four (4) redevelopment projects along the oceanfront (Bellini / Harbour House North & South / Sheraton Hotel). It is possible that other oceanfront properties, including but not limited to the Beach Club site, could also be redeveloped in the next 10 years. Since 2000, single-family lots have been redeveloped at a rate of about 5 per year on average. Notwithstanding the increased cost of land and materials over the past several years and the unpredictable and ever changing real estate market, it is conceivable that, due to the location, high quality and lifestyle in Bal Harbour that there will continue to be a demand for redevelopment in the Village. In the past few years the owner of the Bal Harbour Shops also expressed interest in possible future expansions. In August 2005 the mall owner (through a law firm) requested DCA to consider whether or not the proposed expansion plans would require a full DRI review based upon the development scenario

submitted. During late 2005 and most of 2006 the matter was reviewed by DCA and other governmental agencies. On December 18th, 2006 the DCA binding letter request was withdrawn by the applicant; therefore, no decision was made by DCA. Although there are 29 low-rise medium density residential multifamily parcels in the Village, at present none are vacant. Due to the fact that during the past 10+/- years none of those low-rise medium density parcels were redeveloped or proposed for redevelopment, and the fact they are maintained at a very high level, it is not anticipated that the Village will experience significant redevelopment of those areas in the near future. Both density and building height limitations in the Charter, Comprehensive Plan and Zoning Code control what may be built on those land parcels.

The Village has been developed generally consistent with the original master plan prepared by Harland Bartholomew and Associates. The Village's adopted Comprehensive Plan identifies that future redevelopment would primarily be from reconstruction of single-family homes and/or redevelopment of existing commercial, multifamily or hotel properties, which is consistent with the redevelopment proposals reviewed and approved by the Village in the past several years. No amendments to the Comprehensive Plan have been required as each of these development proposals has been found consistent with both the original master plan and the adopted intensity and density standards found in the adopted Comprehensive Plan. In fact, some of the redevelopment proposals have resulted in a reduction in density to comply with the current Comprehensive Plan limitations.

These redevelopment proposals have presented certain opportunities. Examples of opportunities include the Village's successful coordination / negotiation with developers to replace or upgrade various portions of the Village's now aging infrastructure and gaining an additional access to the beach across private land, although temporary at this time (Bal Harbour Club requires \$50 fee / liability waiver). The possible redevelopment of any open space areas, including but not limited to the Beach Club and/or Yacht Club, will create challenges for the Village and the property owner(s), in that a redevelopment from open space / recreation use to high density residential may reduce the current inventory of creditable parks and recreation acreage provided within the Village currently utilized to meet the currently adopted Level of Service Standard (LOS). Any such reduction may cause a deficiency in the level of service currently being provided unless such a reduction is offset by acquisition of additional open space or modification of either the adopted LOS standard or the method of calculating the current inventory of open space credited toward meeting the adopted LOS. This issue will be addressed in greater detail in later sections of this report. The Goals, Objectives and Policies of the Comprehensive Plan currently addressing this issue relate to the Village's adopted Concurrency Management System (CMS) and require that no development can be permitted without mitigation of their impact on all public facilities to insure no degradation of adopted LOS.

The first Goal of the Future Land Use Element indicates that the high quality of the built environment will be maintained by insuring that all development activities adhere to the Village's Land Development Regulations. This goal contains a support policy which states density and intensity standards in the Future Land Use Element shall be enforced rigidly. As referenced previously all redevelopment has been found consistent with the intensity and density standards of the plan and all development within the Village is maintained at a very high standards.

The second Goal of the Future Land Use Element is to maintain the existing character of the Village while honoring the Future Land Use Map. This Goal includes Objective 9J-5.006(3)(b)1 which indicates coordination of future land uses with availability of public facilities and services and supporting policies which do not allow adverse impacts on the resources of the Village and requires all proposed development to mitigate their impact on public facilities. This Goal also

contains Objective 9J-5-006(3)(b)3 which states that no land uses shall be inconsistent with the community character and future land uses. These Objectives and support policies have been successful, as all development has been consistent with the original master plan, future land use map and all public facilities / services are provided to meet adopted levels of service.

The Village's adopted Comprehensive Plan has been an effective tool to maintain the character and high standards of the community and insure that the Village's needs are addressed in the review of recent redevelopment proposals. As future redevelopment is anticipated to remain consistent with the Future Land Use Map and original master plan these objectives and support policies remain relevant. No significant amendments are anticipated. The data and analysis of the plan needs to be updated to insure future projects and redevelopment will continue to meet the high standards of the Village at the same time as insuring that the Village's existing and future needs are met.

ISSUE 2 – Scarcity / Cost of Land for Development

Bal Harbour is approximately 98.6% built-out with only 4.08 acres of vacant land remaining. The Comprehensive Plan identified that in 1997 there were 4.69 acres of vacant land in the Village. This indicates that only .61 acres of vacant land has been consumed in the last 10 years. Therefore, since 1997 essentially all development or redevelopment has occurred on existing developed properties. All vacant land remains designated for single-family use and due to the continued high property values, Bal Harbour is priced at the upper cost end of the real estate market.

A review of two recent interior, non-waterfront lot sales indicates values are in the range of \$113 to \$160 per square foot or an equivalent price of \$4.9 million to \$6.9 million per acre (\$1.2 to \$1.7 million +/- per lot). Single-family homes in the Village are priced at the upper end of the market with several recent sales / listings ranging in price from \$1.7 million to a high of \$25 million. Specifically, waterfront lot recent sales / listings indicate a range from \$7.5 million to a high of \$25 million. The average waterfront home sale price, excluding the noted single highest value, is \$8.85 million. Non-waterfront or interior lots have recent sales / listing ranges of \$1.7 million to \$4.5 million indicating an average of \$3.4 million.

According to the 1997 update to the Comprehensive Plan, the Village had 4.69 acres of vacant land, all of which was within the Low Density Residential Land Use category (Single-Family Residential Zone). At that time there were 212 single family lots, 181 existing single family homes and 16 vacant lots. As part of the current EAR process, MMPA conducted a windshield survey of the Village, analyzed aerial maps and Miami-Dade County Property Appraiser information and has updated the Village's vacant land inventory (See Vacant Land Inventory). Based on the current inventory, there are 212 single family lots with 183 single family homes and 14 vacant lots. While the Village has experienced redevelopment of single-family lots in the last 10 years, the number of homes and vacant lots has remained largely the same (only 2 vacant lots consumed). An interesting point to note about the vacant single-family lots are that 5 of the 14 lots are owned by adjoining property owners and that 10 of 14 were vacant in 1987 based on information from the Village's original Comprehensive Plan. In many instances the vacant lots are used for private open space / recreation. Therefore, although there has been activity in the single-family area, there does not appear to be a strong demand for the consumption and/or release of the remaining vacant lands. It is not anticipated that these lots will be developed prior to 2010 and some may never be developed.

Medium Density Residential Land Use has remained unchanged in 10 years. The Village has 29 low-rise medium density multi-family parcels. None are vacant and none have been redeveloped in the last 10 years. No additional land is anticipated to be needed for medium density residential use.

Commercial Land Use has also remained unchanged in 10 years. As referenced previously, the owner of the Bal Harbour Shops expressed a desire for future expansion and in August 2005 DCA was requested to evaluate if such an expansion would require a full DRI approval process. During late 2005 and most of 2006 DCA and other review agencies reviewed the binding letter request; however, no decision was reached by DCA, as the application / analysis was deemed incomplete. On December 16th, 2006 the binding letter request was withdrawn. Bal Harbour Shops is located on the northwest corner of Collins Avenue (SR A1A) and 96th Street. This existing regional shopping center surrounds both Village Hall (on 2 sides) and the Church-by-the-Sea (on three sides). As of the date of this EAR neither the Village nor church are willing to convey their lands to the mall developer, which has inhibited the expansion design plans. There is no vacant land abutting the shopping center; therefore, any expansion would require the redevelopment of existing developed properties and may require amendments of the Comprehensive Plan and Zoning Codes.

High Density residential land has also remained unchanged since the plan was adopted 19 years ago, as all development / redevelopment has occurred on existing developed properties. All demand for new higher density residential use is being accommodated by redevelopment of existing older developed properties. No additional land is anticipated to be needed for High Density Residential Use and none is available. Furthermore, the private sector has demonstrated that any such future need can be met via redevelopment of existing properties. The Town has noted a recent trend for more mixed-use type developments with both residential and hotel uses. This will benefit the Village by generating additional revenue from resort taxes at the hotels. The Seaview Hotel with 200 rooms remains from the 1950s. The former Harbour House North rental complex was redeveloped into the One Bal Harbour mixed-use development, including 124 hotel rooms. The former Sheraton Bal Harbour resort hotel (663 rooms / convention facilities) was demolished in 2007 and will be replaced with a mixed-use residential / hotel (266 rooms) project under the St. Regis name. This will result in a loss of 273 hotel rooms in the Village. However, the types of new hotel rooms are very high-end. Finally, one of the future expansion concepts at the Bal Harbor Shops proposed to add a moderate hotel component.

The 1997 adopted Comprehensive Plan identified that future land uses were expected to be the same as those found existing at present. The Comprehensive Plan further projected that all remaining vacant land would be consumed by 2010 and that the only anticipated development would be from construction or reconstruction of single family homes or the redevelopment of existing commercial, multifamily or hotel properties. Therefore, a need for additional land was not anticipated by the Comprehensive Plan. This is due primarily to the fact that the Village has been developed in accordance with the original master plan, the Village is 98.6% built out and that there is no land which is available for annexation.

Although the Comprehensive Plan did not anticipate that additional land would be needed to serve future populations, the plan identified that a change in demographic characteristics could impact the Village's need for public facilities and services. Such an impact could result in an increased need for land on which to provide additional public facilities and services including administration, public works, parks and recreation, police, fire or other. The Village has seen a shift in the population demographics, including an increase in the number of young children and

a decrease in number of persons 65 or older. According to the 1990 US Census, between 1990 and 2000 the number of school aged children (5-18) increased from 86 to 235 (increase of 173%). In the same time period the percentage of the Village's population 65 years of age or older decreased from 59% to 37%. In order to address the changing needs for public facilities and services the Village performed staff office space studies and constructed additional improvements at Village Hall and other municipal sites to accommodate staff and to maximize the efficiency of space utilized to provide needed public services. At present the Village does not anticipate the need for further expansions of its facilities. However, should the Village identify additional needs for expansion of existing facilities the scarcity and high costs of land within the Village will present significant challenges.

Another issue that will impact the need for land to serve future development in the Village is possible redevelopment, including but not limited to the Beach Club site (Tract "A"). First, the possible redevelopment of the Beach Club will reduce the acreage of creditable parks and recreation acreage in the Village and may contribute to the Village falling below its adopted level of service (Village currently receives 50% credit for the acreage of the private Beach Club). Second, any increase in population associated with new residential redevelopment will increase the Village's demand of parks and recreation acreage. It is important to note that any proposed redevelopment will be required to comply with the Village adopted Concurrency Management System which prohibits development that would adversely impact Village resources and requires developers to mitigate for impacts to public facilities. Therefore, before any proposed redevelopment could be approved impacts to all public facilities, including parks and recreation, must be mitigated. This issue will be addressed in more detail in later sections of this report

In order to address the changing conditions in the Village, the Comprehensive Plan stated that the Village would continuously monitor the economic environment of certain of its land uses, resulting in an insufficiency or inadequacy of public services and facilities. The second Goal of the Future Land Use Element is to maintain the existing character of the Village while honoring the Future Land Use Map. This goal contains Objective 9J-5.006(3)(b)1 which indicates coordination of future land uses with availability of public facilities and services and supporting policies which do not allow adverse impacts on the resources of the Village and requires all proposed development to mitigate their impact on public facilities. These Objectives and support policies have been successfully implemented as the Village has continuously monitored the changing needs of its residents and has responded to the increase in number of children with the addition of .65 acres of additional parkland and construction of the new tot lot during the last planning period. Furthermore, all development has been consistent with the original master plan and future land use map and all public facilities and services are provided in accordance with adopted level of service.

Based upon the number of redevelopment projects currently being constructed within the Village it is evident that the demand for new development can be met by the private sector via redevelopment of existing developed properties. In this regard the scarcity and cost of land has not proven to be an impediment to the private sector. Therefore, it is not anticipated that additional land will be needed for private sector development.

However changing demographic trends and redevelopment may increase land needs for public facilities and services to serve future population. The Village should continue to implement the Comprehensive Plan to insure that all proposed developments mitigate their impacts to existing facilities and comply with the Village's Concurrency Management System. The Comprehensive Plan should be revised / updated to include the current population demographic characteristics and identify any resulting increased needs for public facilities and services to identify that the

Village is utilizing their existing facilities in the most efficient way. If found acceptable to the Village Council it could re-evaluate existing creditable lands that can be included in the open space / recreational credits and modify the plan / LDRs accordingly. For example, because the Village was master-planned in the 1940s, long before current level of service standards were developed, the Village has whatever open space that was in the original master plan. The beachfront of the community adjoining the Atlantic Ocean has always been used as open space / recreation by its residents and guests. Most of the beachfront multiple-family developments have on-site recreation facilities such as swimming pools, cabanas, spas, tennis courts, etc. While the beach and the on-site facilities provide recreational opportunities, under the Miami-Dade County Concurrency Management System (CMS), as currently applied, few / none of those may be counted in the creditable open space.

TRANSPORTATION

ISSUE 3 – Congestion on Collins Avenue / 96th Street during Peak Hour and Peak Season Periods

Traffic has continued to increase since the last update to the Comprehensive Plan in 1997. At that time the primary roads within the Village were all operating at or above the adopted Level of Service – LOS D. While the traffic has increased on the primary roads they remain within the adopted Level of Service of the controlling jurisdiction. Despite the fact that the roadways are technically operating within acceptable LOS, the Village experiences occasional congestion on 96th Street and Collins Avenue during peak hours and peak season.

96th Street is a 4 lane divided (4LD) roadway, the centerline of which is the boundary between Bal Harbour Village and the neighboring Town of Surfside to the south. In some sections of 96th Street (west of Harding Avenue) there are landscape medians; however, there is no median on the segment between Collins Avenue and Harding Avenue. Collins Avenue is a six-lane divided (6LD) road from 96th Street north. South of 96th Avenue within the Town of Surfside the road is split into two one-way arterial streets about one block apart, with Collins Avenue southbound being only a 3-lane roadway turning into Harding Avenue which is also a 3-lane roadway. Collins Avenue within the Town of Surfside is a northbound only 3-lane (3L) roadway. Because the Town of Surfside allows on-street parking on both Harding and Collins Avenue, the area becomes congested during peak hours and in some cases during non-peak hours, as vehicles must merge from 3-lanes into one at this point.

The State of Florida Department of Transportation (FDOT District 6) has two monitoring stations located within the Village. Station No. 132 is located on 96th Street at the bridge between Bal Harbour Village and the Town of Bay Harbor Islands, located west of the Indian Creek. Station No. 540 is located on Collins Avenue at the south approach of the Haulover Bridge. Traffic counts prepared by FDOT in 2006 indicate that since 2000 traffic has increased by about 8% at Station 540 and by about 2% as Station 132. However, traffic at both monitoring stations remains at or above the adopted Level of Service (LOS) of the controlling jurisdiction.

During the AM Peak Hour, 96th Street is currently impacted by the Ruth K. Broad K-8 Center (RKB) located in the Town of Bay Harbor Islands, as its hours of operation are from 8:30 AM until 3:00 PM with a current enrollment of about 895 students. The entire Village is boundaried into this public school, but many children attend private schools. In recent years the Miami-Dade School Board has constructed new schools in the general area to relieve school capacity issues at the RKB Elementary School and other area schools. As part of this effort to address overcrowding the RKB School was converted from an Elementary School into a K-8 facility. As

a result of the School Board's efforts to address overcrowding, with construction of new schools and conversion of the RKB into a K-8 facility, enrollment at the RKB dropped 30% (from 1,282 in recent years to 895 in 2008). This reduction in enrollment has also reduced school bus traffic and the number of students being driven to the school and will continue to have positive impacts on traffic patterns, primarily during the AM Peak Hours north on Collins Avenue, as some of the students previously attending RKB have been diverted to the new David Lawrence Center in Sunny Isles Beach.

Redevelopment activity occurring in the Village should also help alleviate some of the traffic on Collins Avenue as well as 96th Street. The conversion of the Sheraton Bal Harbour from a 663-room hotel / convention center facility to a high-end St. Regis hotel and condominiums is estimated to reduce the overall number of trips by approximately 21%. The St. Regis hotel will not have any convention facilities. The condominium units will be at the high-end of the market and traditionally these units have served as second homes or seasonal homes.

Objective IV-1 of the adopted Comprehensive Plan identifies that the Village will provide a safe and efficient motorized and non-motorized transportation system. Support Policies for this Objective indicate the Village will coordinate with state, regional, metropolitan agencies to insure LOS D or better is maintained on the Village's roadways and coordinate with FDOT regarding signal timing and roadway maintenance on Collins Avenue and 96th Street. Objective IV-3 indicates the Village will coordinate with Miami-Dade County, FDOT and the MPO and adjacent municipalities on regional resource management plans with support policies that include coordination regarding transportation planning. In accordance with these objectives and support policies the Village closely coordinates with FDOT and other agencies to insure that Collins Avenue and 96th continue to operate at an acceptable LOS. In 2000 the Village adopted a resolution requesting FDOT District 6 to perform a corridor analysis to identify any needs for future improvements to Collins Avenue in the area. As a result, in 2003 a FDOT engineering consultant conducted a corridor analysis of Collins Avenue from 96th Street to north of the Sunny Isles Causeway (SR 826). The study determined that all intersections and north / south approaches were operating at acceptable levels (LOS D or better). It should be noted that the study indicated that the intersections and north / south approaches in the Village were operating at LOS B or better. Furthermore, the study determined that the roadway was currently operating at an acceptable LOS (LOS D or better) and was expected to have adequate capacity through the year 2015.

In addition to coordinating with FDOT, Miami-Dade County and the MPO, the Village has taken steps to help alleviate traffic conditions by providing a community shuttle. Within the last planning timeframe (1995 thru 2006), the Village implemented the Bal Harbour Express, which runs six days a week with 24 stops throughout the Village, including stops in Bay Harbor Islands, Surfside, Sunny Isles Beach and Aventura. In addition to the bus service provided to its citizens, the Village has implemented an initiative in van-pooling for its employees. The Village now leases three (3) vehicles for van-pooling for its employees.

The Village is currently located in an area designated by Miami-Dade County as a Transportation Concurrency Exception Area (TCEA). The TCEA is intended to provide incentives for infill development by exempting development in the TCEA from complying with normal roadway concurrency requirements. Although the Village area has been designated by Miami-Dade County, Bal Harbour has not, to date, adopted the TCEA designation in its plan; therefore, proposed developments in the Village are still required to adhere to the Village's concurrency requirements. There has been a massive amount of redevelopment in adjoining communities during the last 10 years, primarily in Sunny Isles Beach to the north and Miami

Beach to the south. Some of that traffic passes through the Village. Due to the fact that Collins Avenue has been widened to the maximum extent feasible and there are no capacity related improvements planned in the future, it is conceivable that future redevelopment projects that would increase traffic may not be able to comply with the concurrency requirements in the Village Comprehensive Plan and would therefore not be allowed. During preparation of the EAR-Based Amendments the Village Council should consider whether or not they desire to incorporate the TCEA designation into the Village Comprehensive Plan. MMPA recommends the Village give positive consideration to this designation. Otherwise, Village property owners would be penalized while adjoining communities will continue to grow / add traffic in the future.

A review of the Village's adopted land development regulations reveals that at present the Village Zoning Code requires a different Level of Service (LOS) for commercial properties versus residential properties. In other words, in order for additional commercial development to proceed, the traffic on Collins and 96th Street must meet a minimum Level of Service of "C" while residential development must only meet the Level of Service standard "D". Both LOS are inconsistent with FDOT/Miami-Dade criteria. During preparation of EAR-Based Amendments the Village should evaluate the appropriateness of the differing level of service standards.

The Village's Transportation Element has served as a good tool for insuring that the Village's transportation system continues to function at an accepted Level of Service. The Transportation Element was the first municipal element in the county to be prepared and found "In Compliance" by DCA. It should be updated to include more current data and analysis as presented herein.

INFRASTRUCTURE

ISSUE 4 – Potable Water needs - 10-Year Water Supply Planning

The Village does not contain any potable water treatment plants or wells. Rather the Village purchases water, as a "Consecutive User", from the Miami-Dade County Water and Sewer Department to provide potable water to its residents and non-residential uses. In conjunction with Miami-Dade County's application for a new Consumptive Use Permit, the SFWMD requested the County to obtain 20-year service agreements with each of its volume municipal water customers. In accordance with this requirement, in July 2007, the Village renewed its contract with Miami-Dade County for a new period of 20 years. The agreement between Miami-Dade County and the Village provides for cost-sharing of maintenance, renewal and replacement costs for Miami-Dade County's regional water distribution system on a pro-rata share based on flow. Therefore, the Village pays a share of all costs associated with the maintenance, renewal and replacement costs of the Miami-Dade County system servicing the Village. The agreement also requires coordination of population projections with Miami-Dade County and participation in the water conservation programs.

On November 27th, 2007 Miami-Dade County approved a draft 20-Year Work Plan that was transmitted to DCA for review in December of 2007. It is anticipated that final adoption of the Miami-Dade County 20-Year Work Plan will take place in 2008. The Work Plan contains a capacity analysis of the Miami-Dade County system, service area population projections, historical water use and water demand projections, goals for water conservation and reuse as well as a Water Supply Facilities Work Plan. The plan will be updated by Miami-Dade County every 5 years consistent with the SFWMD Lower East Coast Supply Plan. Included within the Work Plan are capital improvement projects designed not only to meet the projected needs of the service area but also to improve the efficiency/conservation and reuse of the existing service

area. The Miami-Dade plan concludes that adequate capacity for finished water will be available to meet service area demands, including Bal Harbour Village, through the year 2030.

Pursuant to Chapter 163.3177(4)(a) Florida Statutes Local Governments are required to coordinate their Comprehensive Plans with the appropriate Water Management Districts Regional Water Supply Plan. Chapter 163.3177 further requires local governments that are subject to a regional water supply plan to adopt amendments to their Comprehensive Plan addressing specific water supply and planning issues no later than 18 months following adoption of the regional water supply plan by the appropriate water management district. The Village is located within the boundaries of the SFWMD and is subject to the requirement to prepare amendments within 18 months of the adoption date of the Lower East Coast Water Supply Plan (February 15th, 2007). The Village is required to incorporate provisions in the Comprehensive Plan addressing the water supply planning. Since the Village is only now preparing its EAR and subsequent EAR-Based Comprehensive Plan Amendments will not be prepared for some time, in order to address these requirements, in 2008 the Village prepared and adopted a Water Supply Facilities Work Plan (WSFWP) and associated Comprehensive Plan amendments which are currently being reviewed by the State of Florida and required review agencies.

Due to the fact that the Village is 98.6% built out there is not anticipated to be significant changes to the Village's demand for potable water. The strict adherence to the density and intensity standards of the Comprehensive Plan has insured that development that has occurred has been in line with the existing development levels and there has not been significant fluctuation in the Village's demand for potable water since 2000. The only significant new re-development that may occur are the potential redevelopment of the Beach Club and the possible expansion of the Bal Harbour Shops. With the loss of the 663-room Sheraton Bal Harbour hotel with convention facilities, it is believed potable water use will decline. As has been the case with all redevelopment projects reviewed and approved by the Village, these projects will be required to comply with the adopted Concurrency Management System prior to receiving approval. During review of any proposed redevelopment all public facilities will be evaluated and any needed improvements will be required to be completed by the developer concurrent with the impact of the proposed development.

Objective X-1 of the Intergovernmental Coordination Element (ICE) identifies that the Village will continue to maintain existing interagency agreements for service for the Village. Objective X-2 of the element identifies that the Village will coordinate with other local government units to regarding comprehensive planning issues that affect the Village. This Objective contains support policies which indicate the Village will share information with service providers to insure adequate planning, preparation of and the provision of adequate infrastructure facilities. Objective X-4 of the element identifies that the Village will coordinate with other agencies regarding Level of Service within the Village. The Village has consistently complied with these Objectives and Policies as the Village staff regularly coordinates with Miami-Dade County regarding regional issues including conservation, population projections and with respect to water supply to the Village. On October 21st, 2008 the Village transmitted a draft Water Supply Facilities Work Plan (WSFWP) and associated amendments to its Comprehensive Plan to comply with the statutory requirements for coordination with the Lower East Coast Water Supply Plans and adoption of an appropriate 10-Year Water Supply Plan. DCA and other required agencies reviewed the draft and requested one minor modification. The Village incorporated the additional change as requested by DCA / SFWMD, adopted the updated WSFWP and transmitted the documents to DCA for a compliance determination on March 12th, 2009.

ISSUE 5 – Storm water Issues – Finalize Remaining Localized Flooding Problems

A positive drainage system was provided for in the original streets and roadways of the Village when it was originally developed in the 1940's. As the system has aged the Village has actively undertaken improvements to insure adequacy of drainage with significant improvements having been completed in 1982 and again in 1996-97. Since 1997, additional minor improvements have been made including the replacement of aging drainage piping and inlets along Harbour Way and at roadway crossings; a new stormwater pumping station with 2 pumps and 8 shallow injection wells were added near the Yacht Basin and within the Harbour Way median areas, and a new stormwater pumping station with 2 pumps and 4 shallow injection wells has been added by FDOT for 96th Street. Additionally, as redevelopment occurs, the Village coordinates with developers to insure that needed improvements are made to insure adequacy of drainage facilities.

At present the Village drainage system functions well with the exception that there are some areas in the northern portion of the Village that experience minor localized flooding during periods of heavy rainfall. As stated above, the Village has made numerous improvements in these areas to modify existing catch basins and inlets but some portions of the drainage system in this area have not been replaced. This flooding is mostly due to the fact that these areas are located at the "end" of the system and during periods of heavy rainfall the system backs up. As the drainage dissipates the flooding is eliminated within a few hours.

The Infrastructure Element includes an Objective that identifies that the Village will correct capacity deficiencies, shortfalls, unreliability and the existence of old or worn out components in the existing storm drainage system. The Village has actively maintained and improved its stormwater system in accordance with the Comprehensive Plan directives. The Village should continue to evaluate the necessity and feasibility of improvements to address the drainage system in the northern portion of the Village and include identified improvements in the Capital Improvement Schedule, if determined to be financially feasible.

HOUSING

ISSUE 6 - Housing Affordability – Continue / Expansion of Accessory Worker Quarters and Other Alternatives

As indicated below property values and income levels in Bal Harbor have consistently been in the upper percentages of Miami-Dade County, the State of Florida and the nation. According to the 2000 US Census, which is now far out of date:

- Median value of owner occupied housing in Bal Harbour was 5.35 times higher than the value of owner occupied housing in Miami-Dade County (\$664,300 vs. \$124,000).
- Median rent in renter occupied housing in Bal Harbour was nearly double (1.7 times) the median rent in Miami-Dade County (\$1,118 vs. \$647).
- Median family income in Bal Harbour was 2 times higher than Miami-Dade County (\$83,570 vs. \$40,260)
- Per capita income was 3.65 times higher than Miami-Dade County (\$67,680 vs. \$18,497).

Due to the relatively small size of the Village and the fact that the majority of the Village is developed as residential, it is not anticipated that there is a significant demand for affordable housing generated from within the Village. Like many smaller coastal communities there are opportunities for affordable housing on the mainland or inland areas in close proximity to the Village. However, within the Village there are a total of 48 units that are used as accessory housing for domestic help serving the residential areas of the City. These units are located in the rear of many of the medium density multi-family units on the west side of Collins Avenue. Many of those same developments have units that are quite small in size, as they were originally designed for seasonal or retiree use. In addition, it is common for single-family housing to include accommodations for domestic help. The Village should seek to retain and encourage the accessory housing units and promote additional units when possible.

While the Village has experienced some redevelopment in recent years, there are few options in promoting additional housing affordability, especially considering the cost of land in the Village and increasing cost of construction that is being experienced in the entire region. Given the high cost of land the redevelopment of existing properties within the Village for new affordable housing uses appears to be economically infeasible. Since the Village is within the Coastal High Hazard Area (CHHA), state law prohibits any increase in density in the area.

The recent downturn in the real estate market beginning in October 2005 has resulted in declining property values in the South Florida Region over the past few years. Even in this market the property values in Bal Harbour have remained significantly higher than the mainland areas. It can be expected that the reduced property values will increase the opportunities for affordable housing within the mainland areas west of Biscayne Bay and Intracoastal Waterway, particularly for work force housing, and possibly provide additional opportunities for affordable housing to low and very low income groups.

Notwithstanding the relatively high income levels in the Village, the University of Florida Shimberg Center for Affordable Housing has identified that there are a number of households that are considered "Severely Burdened" with respect to housing costs. A household that spends more than 50% of income in housing costs is considered to be severely burdened. However, commonly households with retired elderly persons or households with considerable family assets that report little annual income negatively influence the data. This is felt to be the case in the Village.

Percentage of Income Spent on Housing, All Households, 2002								
County	Place	Less than 30%	Percent of Less than 30% (%)	30-50%	Percent of 30-50% (%)	50+ %	Percent of 50+ % (%)	Total
Miami-Dade	Bal Harbour	1122	61.9	340	18.8	350	19.3	1812

Shimberg Center for Affordable Housing

State law requires each municipality to include, as a common source, the housing data estimates in their Comprehensive Plan and EAR analysis. The Shimberg Center for Affordable Housing analyzes the housing costs for low income households (household with incomes below 80% of area median income) to identify the current and future needs for affordable housing in a given area. The following table identifies the Affordable Housing Needs as identified by the Shimberg Center for Bal Harbour Village. It should be noted that the Shimberg Center has projected that the number of severely burdened households will decrease for all income levels throughout the planning period.

Affordable housing Need Detail 2002-2025. Number of severely cost burdened(50%+) households with income less than 80% AMI by tenure and income level

Tenure: Owner							
Place	Household Income as % of AMI	2002	2005	2010	2015	2020	2025
Bal Harbour	<20%	30	29	26	24	22	22
Bal Harbour	20-29.9%	25	23	21	19	17	17
Bal Harbour	30-39.9%	16	14	14	13	13	13
Bal Harbour	40-49.9%	12	14	12	11	11	10
Bal Harbour	50-59.9%	9	9	8	9	9	8
Bal Harbour	60-79.9%	10	9	9	9	9	9
Bal Harbour	Total	102	98	90	85	81	79

Shimberg Center for Affordable Housing

Based upon the Shimberg Center analysis, they have projected the anticipated number of affordable units that would be required to meet the expected number of households or the "Constriction Need". Due to the projected decreases in severely cost burdened households the Shimberg Center has projected that the Construction Need also diminishes throughout the planning period.

Construction Need for Low-Income Households by Income as a Percentage of AMI

Place	Household Income as % of AMI	2002-2005	2002-2010	2002-2015	2002-2020	2002-2025
Bal Harbour	<20%	-6	-9	-9	-7	-7
Bal Harbour	20-29.9%	-7	-9	-8	-6	-5
Bal Harbour	30-39.9%	-4	-6	-6	-5	-4
Bal Harbour	40-49.9%	-4	-6	-6	-5	-4
Bal Harbour	50-59.9%	-4	-6	-6	-5	-4
Bal Harbour	60-79.9%	-8	-11	-11	-9	-8
Bal Harbour	80-119.9%	-12	-19	-19	-16	-14
Bal Harbour	120+ %	-25	-38	-39	-32	-29
Bal Harbour	Total	-70	-104	-104	-85	-75

Shimberg Center for Affordable Housing

Objectives 9J-5.010(3)(b)(1) and (3)(b)(3) identify, in accordance with state law, that the Village will maintain sites for affordable housing to meet the needs of anticipated populations and provide for adequate siting for very low and low income household including manufactured and mobile homes. However, both of these Objectives identify that due to the fact that the Village is built-out and is located on a coastal barrier island (CHHA) these policies are generally not applicable, because there is no vacant land for additional housing and the barrier island is not an appropriate location for mobile homes or increased concentrations of population. Due to the fact that the Village is built-out and there is no vacant land available for additional housing, with the exception of the individual single-family lots, it is anticipated that the high property values and cost of land in the Village continue to render the provision of new opportunities for affordable housing in Bal Harbour economically infeasible.

The current Comprehensive Plan's Housing Element should be updated to include new data that is available and reflect the desire to retain the accessory units within the Plan's GOPs.

ISSUE 7 - Scarcity and Cost of Land / Cost of Construction

Bal Harbour is a master-planned community and has been built-out for many years. As discussed in other sections of this report the demand for newer and more modern housing products has been met by the private sector via the rehabilitation and reconstruction of existing single-family homes and redevelopment of existing hotel and/or multifamily properties. Due to the fact that the number of vacant lots designated for low density single-family has remained relatively unchanged it is not anticipated that there will be an increased demand for additional single-family housing nor is it anticipated that the remaining vacant lots will be consumed within the next five years. Aside from single-family development, it is anticipated that any future demand for additional housing will continue to be met via the redevelopment of existing properties. The current market over-supply of multiple-family housing, coupled with financing and insurance costs, have depressed the real estate market. Many previously approved developments are not being constructed at this time.

Due to the scarcity and cost of land and the cost of construction, the new units created as a result of redevelopment in Bal Harbour are always at the high-end of the real estate market. One sector of the real estate market which has been particularly impacted by the slowdown has been the demand for condominium units in coastal communities. Prior to 2005 there was a robust demand for the conversion of existing rental and hotel units to condominium units and for the redevelopment of existing older multifamily into larger more modern units. This demand has been demonstrated in Bal Harbour as evidenced by the approval of three (3) redevelopment proposals since 2000. This demand has also been experienced in surrounding communities with the conversion of hotels to residences in Surfside and major redevelopment occurring in Sunny Isles Beach. This demand was fueled not only by a demand for housing but also by a tremendous market for speculative investors wishing to capitalize on the increasing property values and take advantage of flexible lending practices and loan programs including 100% financing, negative amortization and adjustable interest rates, and/or interest only loans with little or no money required as a down payment. Recently as a result of the declining values, many investors have chosen to walk away from contracts and substantial deposits rather than close on units and take an immediate loss and/or they have closed on units only to place them back on the market for rent and or sale at lower than market price or rent to minimize losses. This has resulted in significantly slower absorption rates for new or redeveloped properties as well as significant surpluses of newly developed or redeveloped properties on the market in the South Florida Region. In some scenarios buildings have opened with significant vacancies due to investors either not closing or not occupying the units. In some of the worst cases some developers have not been able to complete projects due to a lack of absorption and lack of a continued willingness of banking and lending institutions to continue financing these types of projects. Recently it was reported that foreign investors have been acquiring many now deeply discounted dwelling units, as the monetary currency levels in other countries is favorable. Exactly how the decline in the real estate market will impact Bal Harbour and the current redevelopment activities occurring in the Village remains to be seen. This is an issue that the Village should evaluate during preparation of EAR-Based Amendment as well as during the review of any proposed redevelopment projects.

During preparation of the EAR-Based amendments the Village will update data and analysis in the Future Land Use and Housing Elements and identify any identified impacts the declining real estate market has had on the current redevelopment efforts.

PARKS AND RECREATION

ISSUE 8 - Land and Facilities Analysis – Changing Demographics / Needs

In 1990, Village residents over 65 years of age accounted for 60% of the total Village population, while in 2000 the same group accounted for just 37.5% of the total population. The 2000 US Census figures indicated that Village residents over 65 years of age dropped by 31.4% while the number of school aged children increased by 173.2%. This change in demographics for the Village is continuing today and is expected to continue into the next decade and have impacted the demand for public facilities provided by the Village's and other service providers such as the School District. For example, the increasing percentage of younger persons and children has increased the Village's demand for the provision of active recreation facilities and/or programming. The Village has responded to the changing conditions by constructing a Tot Lot on 96th Street and converting a former public works building into a community Recreation Center. Together these improvements have added an additional .65 acres of publicly owned park land to the Village's inventory.

The current Comprehensive Plan does not directly deal with this issue. The current plan actually states "Because of this [the high number of persons 65 or older] the need for active recreation facilities is very small." The Future Land Use Element identifies that significant changes in demographics may alter the Villages needs for public facilities. As stated above, in response to these changing needs the Village has made some recreational improvements since 1997. 0.65 acres of publicly owned recreational space has been added which now includes Founders Circle, the 96th Street Tot Lot, and the Recreation Center. The Village also made \$1.5 million of improvements to the beachfront area that included an active walking/jogging path and landscaping. All new facilities are being actively used by Village residents and guests.

The Village needs to monitor the land and facilities needs of its residents to determine its current needs and potential future needs, along with a plan of how the needs will be met. This information should be included in a revised Recreation and Open Space Element of the Village's Plan. Also to be considered in the land analysis and a recreational needs assessment are the impacts of possible redevelopment, which may include but is not limited to the possible redevelopment of the Beach Club "Tract A" which has been used for recreational purposes for over 60 years, but was rezoned to "Ocean Front" and could be redeveloped into a high density residential project. As discussed previously, any increase in population or reduction in the current inventory of parks and recreation facilities arising from future redevelopment may impact the Village's ability to meet the adopted LOS for parks and recreation. This subject is discussed further in Issue 9. Also to be discussed is how redevelopment of existing high and medium density residential parcels can play a role in addressing the recreational and open space needs of the community. (Also see Parks, Open Space and Recreation discussion in Section III: Analyzing the Issues).

ISSUE 9 - Shortage of Land if Tract "A" (Beach Club) is Redeveloped – Consider Alternatives

The Village's 1988 Comprehensive Plan identified the Beach Club parcel as "Residential High" (RH) use on the Future Land Use Map (FLUM). However, Tract "A" had been zoned Private Club (PC) since 1974 when the original Zoning Code of the Village was adopted and has been used as a private beach club since the 1940s. In the late 1990's, representatives of the owners of the Beach Club filed a rezoning petition with the Village to change the zoning of the land from Private Club (PC) to Ocean Front (OF) to be consistent with the other parcels along the

oceanfront which are designated RH on the FLUM and were zoned OF. The OF Zoning District allows the property to be redeveloped to a maximum 55 dwelling units per acre / 100 hotel rooms per acre as permitted within the RH Future Land Use designation. A lawsuit ensued and the result was that the property was rezoned in 2000 from PC to OF. Since that time, the property has not been redeveloped, but could be at anytime. There were a number of litigation matters involved with the equity members of the Beach Club and contract purchasers that backed out of real estate deals.

The current Comprehensive Plan identifies that there are some 86.2 acres of land devoted to recreational or open space uses in the Village. During preparation of this EAR MMPA analyzed updated property appraiser maps and recorded plats and determined that this number was miscalculated in the 1997 plan and should have been 88.86 acres. Included in this inventory are 28.62 acres of beaches, 39.67 acres of Bays and Harbors, .96 acres of publicly owned lands (Founders Circle, Tot Lot and Recreation Center), 8.26 acres of privately owned open space (Linear Parks and pocket parks throughout Village) and 11.35 acres of recreational space consisting of the Yacht Club and the Beach Club. In 1990, instead of creating a separate Concurrency Management System (CMS), the Village chose to adopt by reference the adopted Concurrency Management System of Miami-Dade County, known originally as Administrative Order (AO) No. 4-85). As applied, the Miami-Dade requirements did not and do not currently allow for the use of the beaches and water towards meeting the LOS provisions of public and private recreational facilities. Therefore the only acreage available to be credited toward the LOS provided in the Village are the publicly owned lands (.96 acres @ 100% creditable) and private recreation areas and open space (19.61 acres @ 50% creditable = 9.81 acres). If the Beach Club property is redeveloped the Village may lose approximately 2.7 acres of creditable private open space that it counts towards meeting the currently adopted LOS standard for parkland which may cause the Village to fall below the adopted level of service. In addition, any new high-density residential development may need to provide for parks and open spaces for its new residents. The Village currently has a small surplus of land to permanent population.

Objective 9J-5.006(3)(b)1 of the Future Land Use Element indicates coordination of future land uses with availability of public facilities and services and supporting policies which do not allow adverse impacts on the resources of the Village. This Objective requires all proposed development to mitigate their impact on public facilities. The redevelopment of the beach club will be subject to the Village Concurrency Management System and cannot be approved until it is determined that the existing LOS in the Village is met, the impacts stemming from the loss of 2.7 acres of creditable private parks land have been mitigated and land/facilities is available for any new residents.

The Village needs to consider options and alternatives to meet its LOS requirements with this potential loss. This should be considered as part of the land availability and recreational needs assessment study that was discussed in Issue 8. Recommendations should then be placed in the Recreation and Open Space Element as part of the EAR-Based Amendment process.

ISSUE 10 – Beach Re-nourishment / Beach Stabilization

Following severe beach loss and several failed attempts, a major beach re-nourishment project was undertaken in the mid 1970's by the US Army Corps of Engineers. The project included extending and redesigning the jetty at Baker's Haulover Inlet, diverting non-beach drainage to the Inlet and extensive sand fill was brought in. The project has proven to be successful with only periodic re-nourishment being needed. The Army Corps of Engineers conducted supplemental re-nourishment in 1989 and 1994 and the County (DERM) has continued to

supply the Village with sand for re-nourishment when they dredge Baker's Haulover Inlet. Historically these re-nourishment projects utilized sand sources in areas offshore of Miami-Dade County. However due to the completion of numerous re-nourishment projects over the years these convenient and cost-effective sand sources have, for the most part, been depleted and the area is currently experiencing a sand shortage. Miami-Dade County in conjunction with the Army Corps of Engineers initiated efforts to identify new sand sources. However, Federal Legislation has been passed prohibiting the use of non-domestic sand sources until such time as it can be determined that there are no viable domestic sources. The Army Corps of Engineers has since been unable to identify a viable local source of sand, as inland quarries have proved to be too costly (trucking) and borrow areas in Martin, St. Lucie and Palm Beach counties have met with opposition due to ongoing re-nourishment projects of their own. In June of 2007 the Army Corps completed a report which was to be forwarded to regional and national headquarters which concluded that there are no viable domestic sand sources and they have requested permits to utilize non-domestic sources of sand. Although it may be that a viable source of sand is identified as a result of the Corps and Miami-Dade County's efforts, the estimated cost of acquiring sand from non-domestic source identified by the Army Corps of Engineers is about double the cost of previous sand sources, which will in effect double the costs of the projects. In addition to lack of viable sand sources, 75% of the funds for these programs consist of Federal appropriations. Given the ongoing Federal and State budgetary constraints, Miami-Dade County has identified that funding for these programs is less certain. Miami-Dade County formulated a Coastal Municipality Working Group to address these and other issues relating to the beach re-nourishment and operation within Miami-Dade County. Bal Harbour participates in the Working Group discussions.

Objective 1.5 of the Coastal Management Element regarding beach and dunes contains a support Policy that indicates Village will continue to support the beach re-nourishment projects current proposed by the Army Corps of Engineers and continue to act as local sponsor. Objective 5.1 of the Coastal Management Element indicates the Village will coordinate with local agencies to manage coastal resources. This Objective contains support Policy 5.1.01 which indicates the Village will develop joint planning programs with Miami-Dade County and adjacent governments for a variety of issues, including beach re-nourishment. These Objectives and Policies have been successfully implemented, as the Village closely coordinates with the County, local governments and agencies regarding re-nourishment efforts.

The beach is an important component to the Village and the Village will continue to monitor and evaluate the need for re-nourishment and stabilization. The Village should incorporate additional Policies into the Coastal Management and Intergovernmental Coordination Elements to continue coordination with Miami-Dade County and others to identify sand and funding sources to facilitate future renourishment projects.

III. ANALYZING THE ISSUES

CHANGE IN POPULATION

The Tables below identify the changes that have occurred in the Village pursuant to information provided in the US Census for 1990 and 2000 and estimates for the years 2005 and 2008 as published by the University of Florida, Bureau of Economic & Business Research (BEBR).

Table 1
Historical Population Changes
1990 - 2008

	1990 Census	2000 Census	1990-2000 %Change	2005 BEBR Est.	2000-2005 %Change	2008 BEBR Est.	2000-2008 %Change
Population	3,045	3,305	8.5%	3,185	-3.6%	3,299	<1%

Population 2000	3,257	Projection from the 1997 Comprehensive Plan Update
Population 2005	3,266	Projection from the 1997 Comprehensive Plan Update

During the last 15 years the population of Bal Harbour has remained relatively stable with minor fluctuations. Between 1990 and 2000 the population of the Village was reported by the US Census to increase by 8.5%. During the same time period the County's population increased by 16.3%. The actual number of residents in 2000 exceeded the estimate found in the 1997 Comprehensive Plan update by only 48 persons. The BEBR 2005 estimate for the Village indicates a 3.6% decrease in population since 2000 but the population returned to almost exactly the 2000 estimate by 2008. This decrease is not seen as a general trend - it was due to the redevelopment of the One Bal Harbour and Harbour House South developments, which were recently completed and temporarily removed almost 800 dwelling units from the real estate market.

In reviewing the 2000 US Census figures further, there are several age of population characteristics that are interesting to note about the Village's changing population. First is the change in the percentage of residents over 65 years of age (37.5%). This percentage was substantially lower than reported in the 1990 US Census (59.2%). Secondly and related is the Village's relatively high median age of 55.2 years compared to the County's overall median age of 35.6 years. Lastly, is the dramatic 173.2% rise in school-aged children in the Village since 1990 (See Table 2).

The Florida Housing Data Clearinghouse has provided population projections for the Village as indicated in the Table 3. These projections indicate that the Village population may increase by 8.8% by 2025 and the County will grow by 25.4%. Those projections do not take into consideration the 7.6% decrease (from 2000) that the BEBR 2007 estimate indicated for the Village. The Village believes those estimated population increases may be too low, given the recent redevelopment activities in the Village. Once the current redevelopment is completed, the Village population should remain fairly constant in the future, given the built-out nature of the community. When the current redevelopment is completed and normal occupancy of the One Bal Harbour, Harbour House South and St. Regis occurs, if the historical persons per dwelling unit (PPDU) and seasonal occupancy trends stay constant, approximately 468 additional permanent residents may reside in the Village. If added to the existing 3,058 population estimate by BEBR from 2007, the Village population will be about 3,526 permanent persons.

**Table 2
Age of Population Changes from 1990 to 2000**

	1990 Census	2000 Census	1990-2000 %Change	2000 % of Total
65 years and over	1,804	1,238	-31.4%	37.5%
Children (<19 years of age)	145	337	+132.4%	10.2%
School-aged Children (5-19)	86	235	+173.2%	7.1%
Median Age	*	55.2		

Note: * Median Age not calculated in 1990 US Census

**Table 3A
Village and County Population Projections 2005 to 2025**

	2005	2010	2015	2020	2025
Bal Harbour	3,365	3,450	3,529	3,600	3,662
Miami-Dade County	2,393,697	2,544,800	2,696,998	2,852,500	3,002,402

Source: Florida Housing Data Clearinghouse

**Table 3B
Village and County Population Projections 2005 to 2025**

	2007*	2010	2015	2020	2025
Bal Harbour	3,058	3,249	3,526	3,526	3,526
Miami-Dade County	2,393,697	2,544,800	2,696,998	2,852,500	3,002,402

Source: MMPA 2008 - Based on current redevelopment activities including redevelopment of the Beach Club with 302 DU. When completed only a few single-family lots will remain.

Note: * BEBR 2007 Estimate

The Table 4 compares the 1990 and 2000 housing and household data from the US Census and indicates where changes have occurred. While the overall number of housing units increased slightly (12.6%), the number of vacant units used for seasonal, recreational, or occasional use has greatly increased (63.4%). It is important to note that 85% of vacant units in the Village are held for seasonal use and that the seasonal units account for 33% of total housing units.

Also of interest to note is while the number of rented units decreased by 7.7%, the number of owner occupied units increased by only 2.2%. Since the year 2000 the Village has approved an additional 141 net dwelling units (Bellini - +41 DU / St. Regis - +268 DU / One Bal Harbour - (167) DU).

Table 4
Historical Housing Changes 1990 to 2000

	1990 Census	2000 Census	1990 – 2000 % Change
Housing Units	2,797	3,150	+12.6%
Vacant	830	1,242	+49.6%
Vacant - Seasonal	653	1,067	+63.4%
Renters	1,032	952	-7.7%
Owners	935	956	+2.2%
Average HH Size	1.55	1.73	+11.6%
Median Rent	\$981	\$1,118	+13.8%
Median Value*	\$359,700	\$664,300	+84.7%
Median Income	\$39,773	\$47,148	+18.5%

* For Single-Family Detached Units

The current Comprehensive Plan for the Village needs to be amended to include the 2000 Census information and other updated information on the Village's population.

CHANGE IN LAND AREA

Between 1997 and 2008, the Village has not experienced any changes in land area or annexations (or de-annexations). During review of the Land Distribution acreages provided in the adopted Comprehensive Plan MMPA identified that the adopted inventory slightly undercounted the current inventory of Recreation and Open Space in the Village by 2.02 acres. The 1997 Comprehensive Plan identified that in 1995 there were 17.91 acres of land devoted to recreation and open space in the Village. During preparation of the EAR MMPA has identified that, in 1995 there was actually 19.92 acres of land devoted to recreation and open space. MMPA believes the undercounting resulted from an undercounting of acreage for the Yacht Club by approximately 1.53 acres and undercounting of acreage for open space by .49 acres (including but not limited to a possible omission of Founders Circle). MMPA has corrected the 1995 acreage in the following Table 5. Bal Harbour remains surrounded by water on three sides and the Town of Surfside to the south. Table 5 shows how land use acreages have changed in the Village over the last 10 years. Other minor development/redevelopment activity which has occurred has been a 0.61 decrease in vacant land which was developed into Low Density Residential (single-family), a 0.65 decrease in municipal / institutional land use and gain in recreation / open space land use which is the result of the Village water tank site being converted into the 96th Street Tot Lot and the former Public Works Director's residence being converted into a new Recreation Center.

Table 5
Total Land Area Distribution

Existing Land Use	Land Area (Acres) 1995	Land Area (Acres) 2008	Amount Changed (acres)
Residential	137.59	138.20	+0.61
Low Density	60.40	61.01	+0.61
Medium Density	21.56	21.56	0
High Density	55.63	55.63	0
Commercial	17.50	17.50	0
Municipal / Institutional	2.52	1.87	-0.65
Recreation / Open Space	19.92	20.57	+0.65
Water / Beach	219.18	219.18	0
Streets / Highways	36.55	36.55	0
Vacant	4.69	4.08	-0.61
Total	438	438	

Source: MMPA 2008

VACANT LAND FOR FUTURE DEVELOPMENT

According to the 1997 update to the Comprehensive Plan, the Village had 4.69 acres of vacant land all of which was within the Low Density Residential Land Use (Single Family Residential Zone). At that time, there were 212 single family lots, 181 existing single family homes and 16 vacant lots. As part of the current EAR process, MMPA conducted a windshield survey of the Village as well as an analysis of aerial maps and Miami-Dade County Property Appraiser information and has updated the Village's vacant land inventory (See map exhibit). Based on the current inventory (2008), there are 212 single family lots with 183 single family homes and 14 vacant lots. While the Village has experienced redevelopment of single-family lots in the last 10 years, the number of homes and vacant lots has remained largely the same. The current vacant lots combine for approximately 4 acres. It is interesting to note that the vacant single family lots (5 of 14) are owned by adjoining property owners and that 10 of 14 were vacant in 1987 based on information from the Village's original Comprehensive Plan.

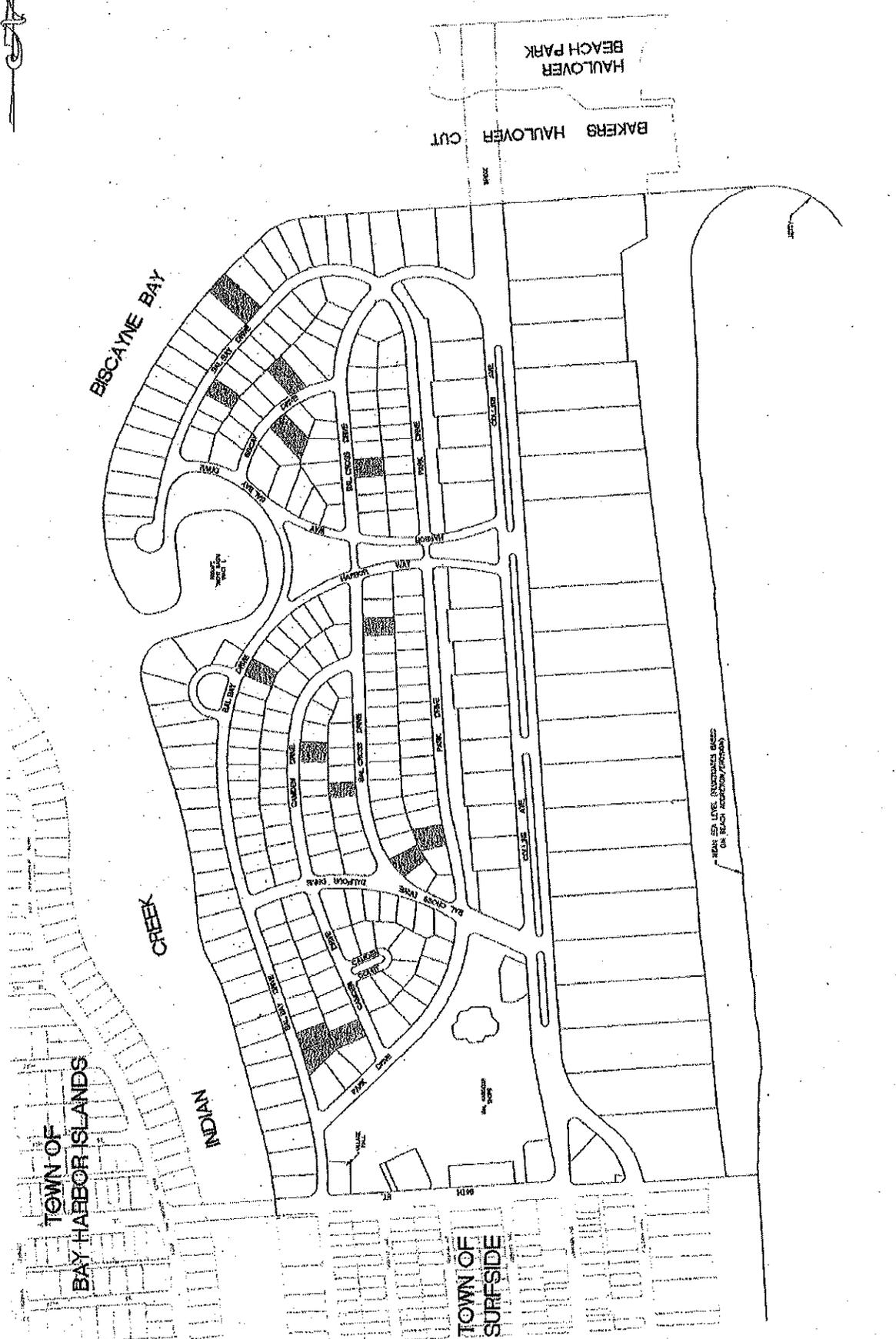
Medium Density Residential Land Use has remained unchanged in the last 10 years. The Village has 29 Medium Density Residential multi-family parcels. None are vacant and none have been redeveloped in the last 10 years.

High Density Residential Land Use is limited to the oceanfront parcels east of Collins Avenue. In 1997, The Village had 19 parcels that fell into this category, but only 14.5 of the parcels were used for multi-family developments and two of the parcels were combined with two other parcels resulting in only 12 high-rise multi-family structures. The other 4.5 parcels of High Density

Residential Land Use were used for two hotels (the Village has no zoning code distinction between hotel and condominium/apartment land use). All of the oceanfront parcels have been within the High-Density FLUM category since the plan was adopted in 1988. All of those sites, except one have been in the OF Oceanfront Zoning District since the early 1970s. However, since 1997 there has been one additional oceanfront parcel (Beach Club – Tract “A”) that was rezoned from PC “Private Club” to OF “Oceanfront”. The site is still used for a private recreational land use (beach club). The OF “Oceanfront” zoning on that site will allow for High-Density residential land use similar to the surrounding parcels (residential / hotel). During the last 10-year planning period one high-rise apartment building (Harbour House North - 352 DU) was torn down and was rebuilt as a mixed-use building (One Bal Harbour - 185 DU / 124 hotel rooms). One apartment building was completely renovated into condominiums (Harbour House South - 452 DU). Finally, one hotel (Sheraton – 663 Rooms) was demolished and is now under construction as a mixed-use development site (St. Regis - 268 DU / 266 Rooms). Based on the current inventory, there are now 20 High-Density Residential Land Use parcels of which 4 parcels are used for mixed-use (condo/hotel), 1.5 parcels is used by the Seaview Hotel, 13.5 parcels are used by 11 residential buildings, and one parcel is used for recreation/private club. See Location of Development section for more information on redevelopment activities within the Village.

All other land uses within the Village have remained as they were in 1997 including the two commercial use lots, the six municipal use lots, and the one institutional use lot containing the Church-by-the-Sea.

The Comprehensive Plan identifies that additional vacant land will not be needed as the Village is a master planned community that is 98.6% built-out and there is virtually no vacant land available for future development. The Comprehensive Plan further identifies that any demand for future development in the Village will be met by the redevelopment of existing properties and the Future Land Use Element identifies that all development will strictly adhere to the adopted density and intensity standards. This remains true today. Therefore, it is not anticipated that any additional vacant land will be needed to serve future development, as all anticipated future development will involve the redevelopment of existing properties and will be consistent with the Future Land Use Map (FLUM).



SHEET NO. 1	
PREPARED BY MICHAEL MILLER PLANNING ASSOCIATES, INC. 7700 YACON BL. SUITE 1000 CORAL GABLES, FLORIDA 33134 TEL. (305) 444-1111 FAX. (305) 444-1112	PROJECT 00-182-249
PREPARED FOR BAL HARBOUR VILLAGE	
2008 EVALUATION AND APPRAISAL REPORT (EAR) VACANT LAND INVENTORY	
DATE 08/20/08	SCALE 1" = 200'

DEMANDS OF GROWTH ON INFRASTRUCTURE / FINANCIAL FEASIBILITY

The Village was master-planned in 1946 and the community was built in general conformance with the plan. The entire roadway system, potable water, sanitary sewer and stormwater systems were built at one time and were generally sized to accommodate future growth at build-out. Over the years various repairs, replacements and occasional upsizing have occurred based on need. The Village has the financial feasibility, through ad valorem taxes and other means, to implement its Comprehensive Plan and provide appropriate infrastructure to achieve and maintain the Village's adopted Level of Service (LOS) standards and sustain concurrency management systems through its Capital Improvement Program (CIP). Since the time of the last update to the Comprehensive Plan in 1997, the Village has primarily been in a "maintain and modernize mode" of its existing and aging infrastructure.

Roadways

The road system of Bal Harbour has two basic components. One is the internal access and circulation of the residential neighborhood within the community. The other is the external component that serves as the link to surrounding communities. The internal component is maintained by the Village or the private homeowners association. The external component forms part of the Miami-Dade traffic circulation network and is maintained by FDOT. The Village has made significant landscaping and hardscaping improvements to the medians and edges of Collins Avenue and 96th Street. The Village has an inter-local agreement with FDOT for maintenance of landscaping, sidewalks, lighting and bus shelters.

The main arterials of the external component are Collins Avenue (State Road A1A) which runs north-south and 96th Street (State Road 922) which runs east-west and connects the Village with the mainland. Village collector roads of the internal circulation system are Bal Bay Drive from the Yacht Club entrance to 96th Street and Harbour Way from the Yacht Basin to Collins Avenue. All other roads of the Village are internal local roads.

As identified in the Village's Comprehensive Plan the Village closely coordinates with Miami-Dade County, the Metropolitan Planning Organization and FDOT to monitor traffic levels and identify needed improvements on the City's main arterials, Collins Avenue and 96th Street. The following table presents a historical analysis of traffic growth on these roadways at the 2 count stations monitored by FDOT.

**Table 6
Historical Traffic Growth and Operating LOS
Collins Avenue and 96th Street**

Location	1995	2000	% Increase (1995-2000)	2007	% Increase (2000-2007)
Collins Avenue Bridge (Site 540)					
AADT	36,000	45,000	+25%	48,500	+8%
Capacity LOS D Village	40,320	48,900		49,200	
Village LOS	C	D		E	
Capacity LOS E @ 120% M-D County	N/A	61,680		62,160	
M-D LOS	N/A	C		C	
Directional Split	70% SB / 30% NB (Peak Hour)	45% SB / 55% NB (AADT)			
96 th Street Bridge (Site 132)	21,000	23,500	+12%	24,000	+2%
Capacity LOS D Village	23,520	32,500		32,700	
Village LOS	B	B		C	
Capacity LOS E @ 120% M-D County	N/A	40,800		41,400	
M-D LOS	N/A	B		B	
Directional Split	30% EB / 70% WB (Peak Hour)	49% EB / 51% WB (AADT)			

The Village's Transportation Element contains traditional LOS values (A-F) based on the 2002 FDOT Manual tables. Miami-Dade County uses much lower capacity values for major roadways. Within the Village the county's adopted LOS is "E @ 120%", which significantly increases the theoretical roadway capacity. This is the adopted LOS within the Urban Infill Area (UIA) and for areas with high mass transit service. As may be observed from the data in Table 6, traffic volumes on 96th Street increased by 12% between 1995 and 2000, but only by 2% between 2000 and 2006. Due to the fact that the roadway is currently functioning at LOS C and the new redevelopment in the Village is anticipated to reduce traffic levels, this roadway is anticipated to continue to have adequate capacity to serve the Village for the next planning period. This is despite the fact that some surrounding cities have allowed massive redevelopment to occur. Many of those newer buildings are just being completed or are under construction. Also, the recent real estate market decline (2005 – present) has resulted in many prospective buyers walking away from closings; therefore, many units are not occupied. The impact of full occupancy of all dwelling units will not be known for some time.

In October of 2002 the Village requested FDOT to conduct a study to analyze existing and projected traffic needs for Collins Avenue / SR A1A to determine the need for possible expansion or completion of other capacity related improvements as part of the One Bal Harbour redevelopment adjoining the Baker's Haulover Bridge. In November of 2002, FDOT initiated a corridor study of Collins Avenue / SR A1A which was completed by the firm of Miller Engineering Consulting, Inc. in May of 2003. The report concluded that Collins Avenue was anticipated to have adequate capacity to function at acceptable levels through the year 2015. The study did identify the need for certain roadway improvements, including resurfacing and access management improvements.

Notwithstanding the fact that the above Table indicates Collins Avenue was operating at 99% of LOS D capacity in 2006 (Village LOS), based upon the conclusions of the above referenced report prepared by FDOT and the fact that the recent Village redevelopment proposals discussed in earlier sections of this report are anticipated to reduce traffic levels on Collins Avenue, it is anticipated at this time that Collins Avenue will have adequate capacity to function at an acceptable level of service. The Village should continue to monitor traffic levels on Collins Avenue and coordinate with FDOT and the MPO to identify and complete any needed improvements. The Village is located within the Miami-Dade County Urban Infill Area (UIA) which allows the eastern urbanized areas to continue to develop or redevelop, despite the fact that certain roadways are over capacity. This was a growth management means to encourage urban infill and avoid urban sprawl to the west. However, the Village has not included the UIA designation in the local plan; therefore, the local LOS standards apply.

Pedestrian and Bicycle Facilities

The primary pedestrian walkways are along Collins Avenue and 96th Street. The current Transportation Element includes a list and a map of major pedestrian crosswalks and destinations. There are no internal walkways in the single-family residential areas of the Village, nor is there a desire to install them. There are no dedicated bicycle facilities within Bal Harbour. Bicycling is prohibited by local ordinance on sidewalks, the beachfront jogging path, and the beach area itself. However, a new recreational bikeway corridor was established just east of the oceanfront development sites.

Mass Transit

Inter-County bus service is provided by Miami-Dade Transit. Routes H, K, R, S, T, and 246 serve Collins Avenue and provide transfer serve to Metro-Mover and Metro-Rail. Miami-Dade Transit service on 96th Street was discontinued for a period of time due to weight limitations on the Broad Causeway, but was re-opened when the bridge was repaired in 2006-07. The Bal Harbour Express Bus provides residents with additional limited bus shuttle service.

Potable Water System

The Village supplies potable water to all properties within the Village. The potable water is received from the Miami-Dade Water and Sewer Department (WASD) as a "Consecutive Large User" from a 30" water transmission main which connects to the Village from the City of North Miami across the Broad Causeway to 96th Street. Potable water is also supplied to the Town of Bay Harbor Islands and the Town of Surfside through the same water transmission main. The current 30" water main replaced the original supply transmission lines to the Village and eliminated the need for the storage tank. The storage tank was removed in 2001-2002 and the 96th Street Tot-Lot was built in its place. A previous 16" and 12" transmission mains have been

interconnected to provide better fire flow and more reliable service. The previous 16" transmission line that connects to the Village on the north side is still used as an emergency connection. In the single-family residential area some of the water lines run along the back property lines of non-waterfront lots. This has created some problems, especially for meter reading and repairs. In 2000 the old manual read meters were replaced with radio automatic meter reading (AMR) water meters and are currently being upgraded (project will be complete in 2008-09). As redevelopment occurs along the oceanfront properties, the Village has been requesting improvements to the existing 60 year old water mains adjacent to the properties. Unbilled water loss has averaged less privately 6% over the past 10 years and was 6% for the most recent 12 month cycle. The Town Engineer would like to establish an unaccounted for water level of service standard of 10% or less.

Based on the established Level of Service for domestic use (not including irrigation) identified in the 1997 Comprehensive Plan update, the Village had a potential potable water system average daily flow requirement (ADF) of 1.01 MGD or 701 GPM and a Peak ADF of 2.53 MGD or 1,754 GPM. Today, based on revised inventory numbers, the Village has a potential potable water system average daily flow requirement of 1.02 MGD. The actual potable water system average daily flow used in 2007 as reported from WASD billing information is 1.27 MGD. Because of the demolition of the Sheraton Hotel (with convention facilities) and the reduction in density of the One Bal Harbour development, the future potable water demand for domestic use should decline. In 2007 the Village renewed the Interlocal Agreement for the provision of potable water with Miami-Dade County for the next 20 years. As was the case in 1997, the entire potable water system continues to have adequate capacity to meet the current and future projected development within Bal Harbour. According to Miami-Dade County there is sufficient capacity to meet the demands of their service area through the next 20 years. The analysis below reflects the loss of 150,000 GPD for the former Sheraton Hotel convention facilities and the loss of about 420 hotel rooms in the Village.

**TABLE 7
2008 POTABLE WATER LEVEL OF SERVICES & POTENTIAL REQUIREMENTS**

LEVEL OF SERVICE

Single Family Home	400 gal/day
Multi-Family Units	200 gal/day
Hotel Rooms	160 gal/day
All Other Uses	0.1 gal/sq.ft.

POTENTIAL TOTAL REQUIREMENTS

<u>Contributing Land Uses</u>	<u>(Inventory) Demand</u>	<u>LOS</u>	<u>Avg. Daily Flow Total Req'mt.</u>
Single Family Homes	183 units	400 gal/day	73,200
Multi-Family Units	2,869 units	200 gal/day	573,800
Hotel Rooms	564 units	160 gal/day	90,240
All Other Uses	664,000 sq. ft.	0.1 gal/sq.ft.	<u>66,400</u>
TOTAL			803,640

Wastewater System

The Village supplies sanitary sewer to all properties within the Village. Wastewater service is provided by a sanitary sewer system that is comprised of two subsystems. The west system was built in 1946 and discharges at Pump Station #1 (Yacht Basin). The east system was built in 1964 and discharges at Pump Station #2 (Founders Park). The two systems are interconnected across Collins Avenue. The pump stations discharge through a force main that is shared with the Town of Surfside and terminates at a flow meter which connects to a 24-inch diameter interceptor force main that is part of the City of Miami Beach sanitary sewer system. The sewage is re-pumped twice more by Miami Beach before being discharged in the Miami-Dade County WASD system. Currently, treatment of the Village's wastewater occurs at the Miami-Dade Water and Sewer Department's Central Regional Wastewater Treatment Plant at Virginia Key. There is currently no capacity limit within the Interlocal Agreement with the Miami-Dade Water and Sewer Department for the treatment of the Village's wastewater. A revenue bond was recently approved by voters which would construct a new sanitary sewer force main for Bal Harbour, the Town of Bay Harbor Islands, and the Town of Surfside which would head north along Collins Avenue to the 163rd Street/Sunny Isles Boulevard Bridge and proceed to the Miami-Dade Water and Sewer Department's North Treatment Plant adjacent to the FIU campus in the City of North Miami. The North Treatment Plant is much closer to the Village and would reduce capacity at the Central Treatment Facility. Since the last update to the Comprehensive Plan, the Village completely redesigned and upgraded Pump Station #2 which was completed in October 2004. Pump Station #1 is scheduled to be replaced in FY2008/09. Various gravity sewer mains have been replaced or repaired on an on-going basis as required and along Collins Avenue as redevelopment has occurred.

Based on the established Levels of Service identified in the 1997 Comprehensive Plan, the Village had a potential sanitary sewer system average daily flow (ADF) of 1.01 MGD and a Peak ADF of 2.53 MGD. Today, based on revised inventory numbers, the Village has a potential sanitary sewer system average daily flow requirement of 1.02 MGD. The actual sanitary sewer system average daily flow used in 2007 as reported from WASD billing information is .720 MGD. As was the case in 1997, the sanitary sewer system continues to have adequate capacity to meet the current needs within Bal Harbour. However, the oceanfront section of the system is nearing capacity and may need improvements if future development is proposed above current levels. The analysis below reflects the loss of 150,000 GPD for the former Sheraton Hotel convention facilities and the loss of about 420 hotel rooms in the Village.

**TABLE 8
2008 SANITARY SEWER LEVEL OF SERVICES & POTENTIAL REQUIREMENTS**

LEVEL OF SERVICE

Single Family Home	400 gal/day
Multi-Family Units	200 gal/day
Hotel Rooms	160 gal/day
All Other Uses	0.1 gal/sq.ft.

POTENTIAL TOTAL REQUIREMENTS

<u>Contributing Land Uses</u>	<u>(Inventory) Demand</u>	<u>LOS</u>	<u>Avg. Daily Flow Total Req'mt.</u>
Single Family Homes	183 units	400 gal/day	73,200
Multi-Family Units	2,869 units	200 gal/day	573,800
Hotel Rooms	564 units	160 gal/day	90,240
All Other Uses	664,000 sq. ft.	0.1 gal/sq. ft.	<u>66,400</u>
TOTAL			803,640

Stormwater and Drainage Facilities

As the Village developed in the late 1940's, a positive drainage system was provided for the streets and roadways that included catch basins and curb inlets that drained directly to Biscayne Bay and other adjoining water bodies. The original system proved over the years to be increasingly inadequate and major improvements were made to the system in 1982 and 1996-97. Recent additional improvements have been made including extensive replacement of aging drainage piping along Harbour Way and at roadway crossings; a new stormwater pumping station with 2 pumps and 8 shallow injection wells in the Yacht Basin and Harbour Way areas, and a new stormwater pumping station with 2 pumps and 4 shallow injection wells in conjunction with FDOT for 96th Street. The Village participates along with Miami-Dade County on NPDES permit enforcement, reporting and monitoring. The current stormwater drainage system continues to exceed established Level of Service which includes:

Storm Frequencies

- Arterial Roadways – 10 year
- Collector Roads – 5 year
- Residential Streets – 5 year
- Parking Lots – 2 year
- Residential and Commercial Areas, Unpaved – 2 year

Permissible Ponding

- Paved Surfaces – 2 hour duration – 3 inch depth
- Open Spaces – 12 hour duration – 6 inch depth

Solid Waste

Bal Harbour provides collection for all of the Village's residents and businesses. The Village also provides a collection point where residents can bring yard clippings near the Yacht Basin. The Village then disposes most of the solid waste at the Miami-Dade Northeast Transfer Station, where it is then transferred to the 58th Street Processing Facility where it is shredded, slurried and burned to produce electricity. The residues are land-filled at a controlled facility. All of the facilities used after the solid waste leaves the Village are owned and operated by the Miami-Dade County Public Works Department - Solid Waste Division. In 1995 the Level of Service standards for solid waste was 28.71 pounds / capita / day for single-family units (2.68 tons per day), 1.5 pounds / capita / day for the low-rise multi-family development on the west side of Collins Avenue (.38 tons per day), and 3.03 pounds / capita / day for the oceanfront multi-family development and commercial development (7.74 tons per day). The Public Works Department has confirmed that the solid waste generated in 2007 are similar to the quantities listed above.

Parks, Open Space and Recreation

The Town continues to adhere to the adopted Level of Service of 2.75 acres of local parks and recreational land for every 1,000 permanent residents, as recommended by Miami-Dade County. The 1997 update to the Bal Harbour Comprehensive Plan indicates that at that time the Village had 37.57 acres of park and recreational land (publicly owned beach 28.62 acres) + 50% (17.91 acres of privately owned recreation and open space); however, not all of that land could have been counted as meeting minimum LOS requirements. For example, 28.62 acres of that acreage was beach acreage that may not be counted under the Miami-Dade County Concurrency Management System (CMS) as applied. In 2008 the Village owns .96 acres of open space / parkland. In addition, only 50% of the 19.61 acres of privately owned open space / parkland in the Village may be counted. The privately owned parkland includes the oceanfront Beach Club (Tract A), the Yacht Club (Tract E) and various other parcels of land throughout the Village (single-family area) which are privately owned by the residents of that area. The 1990 US Census indicated that the Village had a population of 3,045 permanent residents which required 8.37 acres of parkland. However, since Miami-Dade County's Level of Service for Park and Recreation, as applied, does not provide that beaches can be counted towards meeting LOS. Therefore, if the publically owned beach is deleted, the Village had 10.11 acres of parkland (does not include tot lot or Recreation Center) in 1997 resulting in a 1.74 acre surplus.

Since 1997, the Village has added 0.65 acres of publicly owned parkland which includes the 96th Street Tot Lot (former water tank site), and the new Recreation Center (former public works administrator house). MMPA conducted an analysis of the public and privately owned park and open space land within the Village based on Miami-Dade County Property Appraiser information, which determined that there was 20.57 acres of public and privately owned park and open space land (.96 acres public and 19.61 acres private). The following is a current listing of the parks and open space land parcels in the Village according to the Village Subdivision Plats, adopted Comprehensive Plan and Miami-Dade Property Appraiser information:

PUBLICLY OWNED LANDS

Founders Circle	13,925 sq. ft. / .32 acres
96 th St. Tot Lot	19,036 sq. ft. / .44 acres
Recreation Center	9,000 sq. ft. / .21 acres

Subtotal **41,961 sq. ft. / .96 acres**

PRIVATELY OWNED LANDS

Linear Park South	99,601 sq. ft. / 2.29 acres
Linear Park North	80,094 sq. ft. / 1.84 acres
Beach Club (Tract A)	241,188 sq. ft. / 5.54 acres
Yacht Club Land (Tract E)	253,084 sq. ft. / 5.81 acres
Balfour Dr. Park (Blk 4)	10,552 sq. ft. / .24 acres
Balfour Dr. Park (Blk 6)	11,745 sq. ft. / .27 acres
Collins Ave. Linear Park	10,890 sq. ft. / .25 acres
Harbour Way Parks	124,969 sq. ft. / 2.87 acres
Bal Bay Drive Park	17,181 sq. ft. / .39 acres
Camden Court Park	4,795 sq. ft. / .11 acres

Subtotal **854,099 sq. ft. / 19.61 acres**

Counting 100% of the publicly owned land (.96 acres) and 50% of the privately owned (19.61 acres X 50% = 9.81 acres) land would give the Village 10.77 acres of creditable open space / parkland. The 2000 US Census indicated that the Village had a permanent population of 3,305 which would require 9.09 acres of open space / parkland. The 2007 BEBR population estimate of 3,058 permanent residents would require 8.40 acres of parks, while the Florida Data Clearinghouse 2025 population projection of 3,662 permanent residents would require 10.07. Based on the 2000 US Census and the BEBR 2007 estimate and estimates for 2025, the Village currently has sufficient land to provide the adopted level of service for parks and recreation and there is sufficient land to meet the needs of the 2025 projected population if conditions stay the same.

Looking to the future, there are several important matters that may impact the LOS conditions in the Village over the next 5 to 10 years. First is the rezoning and possible development of the Beach Club (Tract A) from a private recreational club to a high rise multiple-family development which permits high-density (55 DUA) residential uses and/or hotels. If this parcel is redeveloped into high-density residential use, the Village may lose 2.7 acres (50% of the total property acreage) of creditable parkland used toward its LOS standard. In addition, the new residents in such a development would require additional acreage to meet LOS standards (.87+/- acres based on 305 DU @ 60% permanent residents). The Village would then have to look at options to increase park acreage such as acquiring additional land or converting other privately held parkland into publicly owned parkland allowing for 100% count. Secondly, changing demographics of the Village residents could also cause changes. According to the 2000 US Census, Village residents over 65 years of age dropped by 31.4% while the number of school aged children increased by 173.2%. While the Village has added a Tot Lot in the last several years, if past population trends continue, the Village will need to monitor the changing recreation and open space needs of its residents. Lastly it is important to note that due to the Village's adoption of Miami-Dade County's Concurrency Management System in 1990 (Administrative Order 4-85) the beach area is not currently counted towards LOS standards for parkland.

However, the beach area does represent a highly used 28+/- acre open space / parkland feature of the Village. The beach area has been improved with an active walking path that winds through the beach dunes / landscaping that the Village has installed. The Village is also surrounded by bays and harbors which offer open vistas / recreational opportunities and Haulover Park, a County owned 177 acre park, is just to the north of the Village that offers convenient recreational opportunities for the Village residents. Haulover Park includes a public marina, boat launch, restaurant, fishing pier, picnic areas, beach, ocean walk, and many other passive activities.

LOCATION OF DEVELOPMENT

The location of development or redevelopment has remained consistent with what was expected in the 1997 update to the Comprehensive Plan. At that time it was expected that future land uses would remain the same. The plan indicated that during the time period from 1995 to 2010 the only anticipated construction would be the result of reconstruction of single-family or redevelopment of existing commercial, multi-family or hotel properties. The only other possible changes that the existing Comprehensive Plan envisioned was the possible redevelopment of the 5.5 acre Beach Club - Tract "A" (from Recreational Land Use to High Density Residential Land Use), the Church-by-the-Sea parcel (from Institutional Land Use to Commercial Land Use), and land around the solid waste transfer station (from Recreational Land Use to Municipal Land Use). The Beach Club - Tract "A" was rezoned in 2000 from "Private Club" to "Oceanfront", but the use has remained the same. No changes have occurred to date at the Church-by-the-Sea or the solid waste transfer site.

As discussed in the vacant land inventory, single-family homes continue to be redeveloped while the number of homes and number of vacant parcels has remained largely the same. In 1995 there were 181 single family homes and today there are 183. Since 2000 the Village's Building Department has issued 30 building permits for new home construction. Three of the permits were for parcels listed as vacant in 1995, the remaining 27 required demolition of existing structures.

During the last 10 years, the commercial, multi-family / hotel, and institutional parcels have remained largely the same. Redevelopment has primarily occurred along the oceanfront parcels. The property known as Kenilworth House (10225 Collins Avenue) was demolished and the Bellini was built, an 81 condominium unit building (40 DU increase). The property known as Harbour House North (10295 Collins Avenue) was demolished in 2004 and construction was recently completed as a mixed-use high-rise condominium / hotel building (185 dwelling units and 124 hotel rooms). The property known as Harbour House South (10275 Collins Avenue) was completely renovated and will retain 452 dwelling units. Finally, the Village approved a redevelopment proposal at 9701 Collins Avenue (the former Sheraton Bal Harbour Hotel / Conference Center). The former hotel was located on three parcels and is now under construction as a mixed-use condominium / hotel that currently includes 266 hotel rooms, 268 dwelling units, 11,932 square feet of public assembly area, 7,070 square feet of restaurant use, 20,333 square feet of spa use and 4,308 square feet of retail use. See Map 3 for location of redevelopment since 1997.



BISCAYNE BAY

CREEK

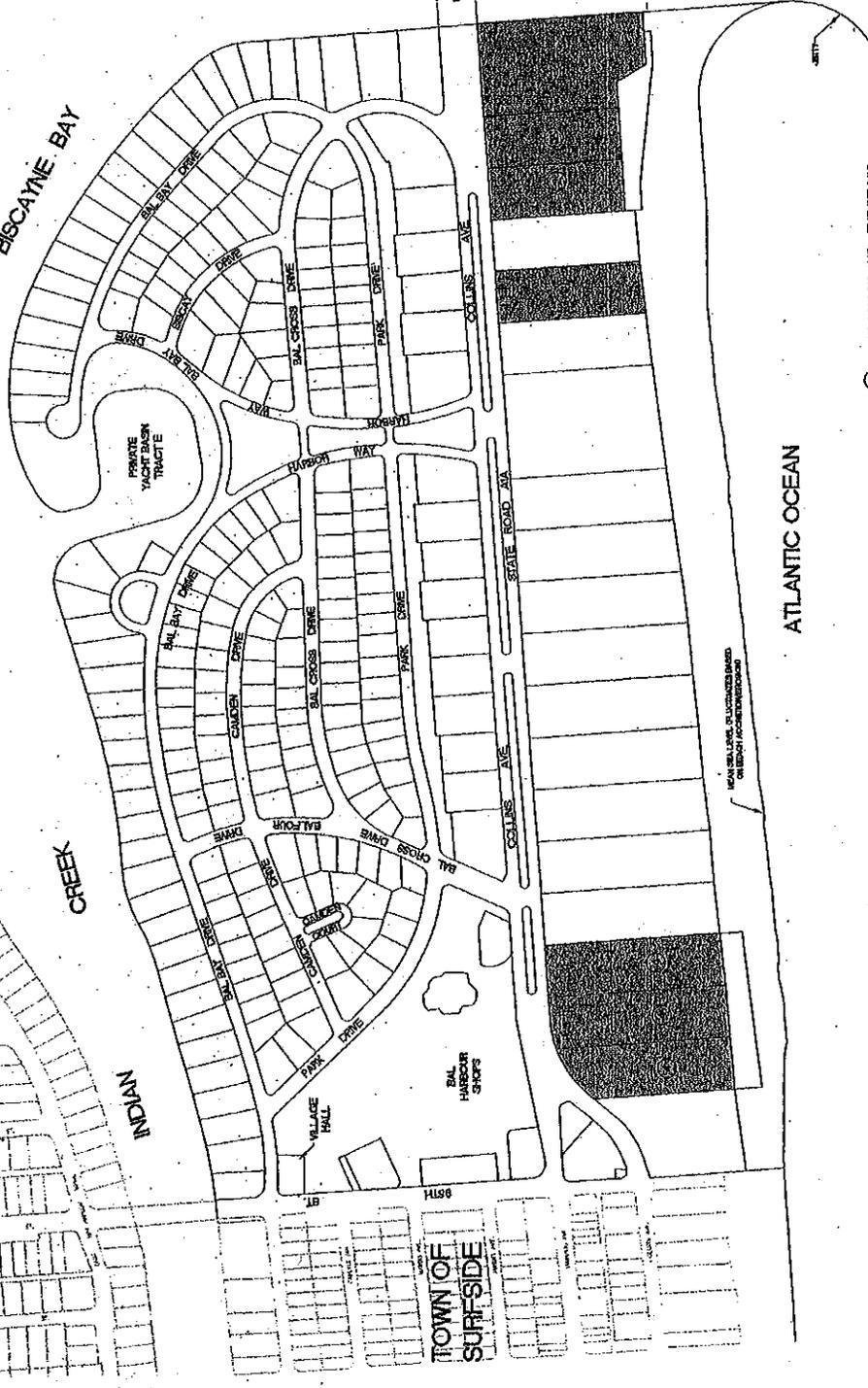
TOWN OF
BAY HARBOR ISLANDS

INDIAN

TOWN OF
SURFSIDE

HAULOVER BEACH PARK
BAKERS HAULOVER CUT

ATLANTIC OCEAN



- ① 10225 COLLINS AVE - THE BELLIN
- ② 10275 COLLINS AVE - HARBOR HOUSE SOUTH
- ③ 10295 COLLINS AVE - HARBOR HOUSE NORTH
- ④ 9701 COLLINS AVE - SHERATON HOTEL AND CONFERENCE CENTER

DATE: 1/11/97
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 PROJECT: BAL HARBOUR VILLAGE
 SHEET: 1 OF 1

2008 EVALUATION AND APPRAISAL REPORT (EAR)
 MAJOR REDEVELOPMENT SINCE 1997

PREPARED FOR:
 BAL HARBOUR VILLAGE

MICHAEL, MILLER PLANNING ASSOCIATES, INC.
 7200 Village Hall Drive, Suite 2000
 Coral Gables, FL 33134
 Tel: (305) 757-7800 Fax: (305) 757-7808

Client: _____
 Date: _____
 Drawn: _____
 Checked: _____

NO.	DATE	REVISION

SCHOOL FACILITIES (CAPACITY AND LOCATION)

The State requires coordination of the Comprehensive Plan with the local public school board. In 2003 the School Board of Miami-Dade County, Miami-Dade County and the majority of municipalities (non-exempt cities) within Miami-Dade County, entered into an Inter-local Agreement (ILA) addressing Public School Facility Planning as required by Sections 163.3177 and 1013.33, F.S. Bal Harbour Village is not a party to the Interlocal Agreement, as there are no schools within its boundaries and the Village is essentially built-out. Therefore, DCA issued a letter finding the Village "exempt" from school concurrency in 2002. As part of the current EAR the Village re-analyzed growth in the community since 2002 and submitted an updated school exemption form to the Miami-Dade School Board / DCA proving the Village was still exempt because of the limited growth (all redevelopment). A copy of the form is attached.

While the Village has no schools within its boundaries and the 2000 US Census revealed a majority of children attended private schools, the Village is serviced by the Miami-Dade County Public School system which has public schools located in nearby municipalities. The Table below indicates the primary public schools that serve the Village in 2008. The School Board does not have records of the number of students that reside within a given municipality; therefore, the 2000 US Census has been relied upon to indicate the estimated number of school age children residing within the Village (See Table 2).

**Table 9
Bal Harbour Village School Capacity/Enrollment**

School	October 2007 FISH	Capacity of Relocatables	Total FISH Capacity	Oct. 2007 Enrollment	Over (Under)	% Utilization
Ruth K. Broad Elementary	615	99	714	1,261	547	177%
Nautilus Middle	1,047	0	1,047	1,014	(33)	97%
Miami Beach High	2,186	0	2,186	1,958	(228)	90%

Source: School Board of Miami-Dade County, 10/22/2007

As can be seen in Table 9 the current middle and high school serving the Village were under enrolled while the elementary school is over enrolled. The capacity of the schools is inclusive of the existing relocatable buildings on site. The elementary school has been converted to a K-8 school with a new capacity of approximately 1,210. Also, the School District is constructing two new elementary schools in the northeast coastal area of the county which will relieve the busing / driving of students to RKB. With the conversion and updating of the school and other construction, the elementary school serving the Village will also be under enrolled.

According to the Miami-Dade School Board projections (Table 10) the middle school and high school will either continue to be under enrolled or become under enrolled in the short term planning horizon and meet the LOS. The elementary school in the short term planning horizon will become under enrolled and meet the LOS as two contributing factors come into play; as

noted above, the school is being converted to a K-8 including an addition bringing the capacity of the school to approximately 1,210; the School District is also opening two new elementary schools in the area which is anticipated to divert approximately 600 students away from Ruth K. Broad Elementary.

**Table 10
Bal Harbour Village
Enrollment – Future Projections**

School	Total FISH Capacity	Capacity Additions	Total FISH With Additions 2013	Projected Enrollment 2013	Over (Under) 2013	% Utilization
Ruth K. Broad / Bay Harbor Elementary	714	496	1,210	1,135	(75)	94%
Nautilus Middle	1,047	0	1,047	960	(87)	92%
Miami Beach High	2,186	189	2,375	1,489	(886)	63%

Source: School Board of Miami-Dade County, 2007

PLANS OF THE WATER MANAGEMENT DISTRICT

Pursuant to Chapter 163.3177(4)(a) Florida Statutes Local Governments are required to coordinate their Comprehensive Plans with the appropriate Water Management Districts Regional Water Supply Plan. Chapter 163.3177 further requires local governments that are subject to a regional water supply plan to adopt amendments to their Comprehensive Plan addressing specific water supply and planning issues no later than 18 months following adoption of the Regional Water Supply Plan by the appropriate Water Management District. The Village is located within the boundaries of the South Florida Water Management District and is subject to the 2005-2006 update to the Lower East Coast Water Supply Plan adopted February 15th, 2007. The Village purchases potable water from the Miami-Dade County Water and Sewer Department as a "Consecutive User" to provide potable water to its residents / property owners via a bulk service agreement. On November 27th, 2007 Miami-Dade County approved a draft 20-Year Work Plan and transmitted it to DCA for review in December of 2007. It is anticipated that final adoption the Miami-Dade County 20-Year Work Plan will take place in mid - 2008. Despite the fact that the Village is not a direct provider of water, the Village is required to adopt certain amendments to the Comprehensive Plan to address the specific issues identified in Chapter 163.3177. Due to the fact that the EAR and EAR-Based Amendments are not completed, on October 21, 2008 the Village adopted, on first reading, a Water Supply Facilities Work Plan and related amendments to the Comprehensive Plan to address the required subject matter. DCA and other review agencies reviewed the draft Work Plan and issued an ORC Report. The Village addressed the ORC Report items and adopted the revised WSP and related amendments on February 17th, 2009. DCA issued the Notice of Intent (NOI) finding the amendments "In Compliance" on April 23rd, 2009.

The Village has no input on what source WASD obtains the water supply from. If WASD is required to alter the water supply source, the Village will be involved only to the extent of increased rates. Future water supply increases are necessary only for newly developing or redeveloping areas. Since the Village has received potable water from WASD or others since its inception and the Village is built-out with only a handful of developable single-family lots remaining in the Village, the Village has little impact on water supplies. The Village is also experiencing some redevelopment of its high-density properties; however, the redevelopment has been consistent with existing development, in fact, less intensive and no significant increases are anticipated.

PROPERTY RIGHTS IN COASTAL HIGH-HAZARD AREAS (CHHA)

Chapter 163.319(2)(m) F.S. requires all local governments located in a Coastal High Hazard Areas (CHHA) to perform an evaluation on any past reduction in land use density that may impair the property rights of current residents when redevelopment occurs. Property rights of current residents must be balanced with public safety considerations. The Coastal High Hazard Area (CHHA) is the area subject to high velocity waters caused by, but not limited to, hurricane wave wash and is defined by Rule 9J-5 of the Florida Administrative Code as "the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government." This area, defined as Zone A by the Miami-Dade County Office of Emergency Management, includes all barrier islands of the County which includes all of the Village of Bal Harbour. Chapter 163.3178(2)(h) F.S. has been revised to include a new definition of the CHHA. This definition now defines the CHHA as those areas that are below the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Village's current FLUM identifies the old definition of the CHHA and therefore includes the entire Village as being located in the Coastal High Hazard Area. The SLOSH model is not finalized and cannot be used as yet. During the EAR-Based Amendments the Village will update the FLUM based upon the new defined boundaries pursuant to Florida Statutes.

The current FLUM designations for Low and Medium Density Residential are not exceeded by any parcel within those designations. However, there are several parcels within the High Density Residential FLUM designation which exceed the current 55 dwelling units per acre maximum. These older developments were constructed prior to the establishment of the Village's current density limits. The Table below shows a listing of all development currently within this area and an estimate of the development density.

The Village did not adopt its first Zoning Code until 1974 which was after the majority of the Village was developed. Prior to 1974, it is unknown how residential density limits were established. The maximum density in the original 1974 Oceanfront Zoning District was 70 dwelling units per acre. Subsequently, the Village adopted amendments to the Oceanfront Zoning District regulations in 1977, including lowering of the maximum allowable density to the current 55 dwelling units per acre. The five parcels that exceed the current maximum were all in existence prior to 1974.

The Bal Harbour Comprehensive Plan must be updated to include alternatives for permitting these units to be replaced in the event of their destruction by a natural disaster. The Village may elect any number of policies to address this issue.

The State has identified five strategies that may be employed; however the Village is not limited to those strategies.

- Allow the non-conformity to continue until redevelopment
- Allow non-conforming development to be re-established in the event of a natural disaster.
- Purchase of development rights.
- Transfer of development rights (TDR).
- Eliminate the non-conformity by changing the Future Land Use Map to the appropriate land use category that would be consistent with the existing density and use.

All of the recent redevelopment projects were required to comply with current day density limitations, which resulted in a decrease in density. All of the State strategies listed above as well as any from Miami-Dade County should be discussed by the Village and evaluated to weigh the public safety against the private property rights of those individuals being impacted by the current non-conformity. Commonly, if a natural disaster occurs such as a hurricane, the number of existing units is allowed to be rebuilt. However, if a site is voluntarily redeveloped, it must meet current density limitations. Public safety concerns include, but are not limited to (1) evacuation of coastal residents during emergencies and hurricanes consistent with mandated evacuation timeframes and (2) the repair of older structures to current standards in the case of an event.

**Table 11
Coastal High-Hazard Area Current Dwelling Units and Density**

Property Name Address	Number of Units	Acreage	DU or Hotel Rooms (hr) Per Acre
Majestic Condominium 9601 Collins Avenue	165	3.14 ac.	52.5 du/ac
St. Regis Hotel / Condominium 9701 Collins Avenue (UC)	266 hotel rooms 268 DU	8.98 ac.	29.62 hr/ac 29.84 du/ac
Balmoral Condominium 9801 Collins Avenue	423	6.08 ac.	69.6 du/ac
Sea View Hotel 9909 Collins Avenue	200 hotel rooms	4.50 ac	44.4 hr/ac
Bal Harbour Tower Condo. 9999 Collins Avenue	116	4.45 ac.	26.1 du/ac
The Palace Condominium 10101 Collins Avenue	105	2.93 ac.	35.8 du/ac
Bal Harbour 101Condo 10155 Collins Avenue	172	2.89 ac.	59.5 du/ac
Tiffany Condominium 10175 Collins Avenue	135	2.83 ac.	47.7 du/ac
Plaza Condominium 10185 Collins Avenue	302	2.77 ac.	109.0 du/ac
Kenilworth Condominium 10205 Collins Avenue	150	2.62 ac.	57.3 du/ac
Bellini Condominium 10225 Collins Avenue	81	2.59 ac.	31.3 du/ac
Carlton Terrace Condominium 10245 Collins Avenue	88	2.55 ac.	34.5 du/ac
(Harbour House South) 10275 Collins Avenue	452	4.72 ac.	95.7 du/ac
One Bal Harbour 10295 Collins Avenue	185 DU 124 hotel rooms	4.70 ac.	40.6 du/ac 24.2 hr/ac
Beach Club 10201 Collins Avenue	0	5.54 ac.	0 du/ac
Total	2,642 DU 590 hotel rooms		

EVALUATION OF THE SUCCESS OF CONCURRENCY EXCEPTION AREAS, CONCURRENCY MANAGEMENT AREAS OR MULTI-MODAL TRANSPORTATION DISTRICTS IN ACHIEVING THEIR PURPOSE

Although the Village is located within a Miami-Dade County Urban Infill Area (UIA), also known as Traffic Concurrency Exception Area (TCEA) / Concurrency Management Area (CMA), the Village has not incorporated this designation into the Village's Comprehensive Plan. During preparation of EAR-Based Comprehensive Plan Amendments the Village will analyze whether or not they desire to include the designation within their adopted Future Land Use and Transportation Element. As the Village is mostly built-out and the roadways are currently

operating at acceptable LOS, this is not currently a problem. However, nearby municipalities have allowed very high intensity redevelopment over the last few years, much of which is unoccupied. If future redevelopment in the Village was requested, in theory it could not proceed, despite the fact other cities were continuing to allow new development. This would be unfair to Village property owners.

ASSESSMENT IF CHANGES ARE REQUIRED TO DEVELOP A COMMON METHODOLOGY FOR MEASURING IMPACTS ON TRANSPORTATION FACILITIES FOR THE PURPOSE OF IMPLEMENTING A COORDINATED CONCURRENCY MANAGEMENT SYSTEM

The Village's Comprehensive Plan contains numerous directives indicating that the Village will coordinate with surrounding communities and appropriate agencies regarding transportation issues and Level of Service. Due to the fact that the Village strictly applies the intensity and density standards contained in its Comprehensive Plan it is anticipated that the increases in traffic volumes that have occurred in recent years have occurred, in large part, as a result of development and/or redevelopment occurring in surrounding communities. In an effort to address the increasing traffic and to insure that an acceptable level of service continues to be provided on roadways the Village will continue to coordinate with surrounding municipalities and appropriate agencies regarding level of services issues. To the extent that an effort to implement a coordinated Concurrency Management System (CMS) is deemed appropriate and will insure continued maintenance of adopted Level of Service standards the Village's Comprehensive Plan would require minor amendment to modify the adopted Level of Service standard and methodology for implement the coordinated CMS. For example, the Miami-Dade County adopted LOS for the Village's major arterial roadways (Collins Avenue / 96th Street is LOS "E" @ 120% of capacity because of the high amount of mass transit service. The Village currently uses LOS D for those roadways. Technically the roadway is an FDOT roadway; therefore, the Village should use the FDOT / County's LOS standard. During preparation EAR-Based Amendments this Village will evaluate the incorporation of amendments to participate in a coordinated Concurrency Management System.

IV. ANALYZING THE PLAN ELEMENTS (Successes and Shortcomings)

FUTURE LAND USE ELEMENT

A. Successes and Shortcomings of Plan Element

In 2008, the Village remains virtually built-out. Since 1997, redevelopment has occurred generally as planned and most of the Future Land Use Element's Objectives have been met. Construction has occurred as the result of reconstruction of single-family and oceanfront parcels as was envisioned by the 1997 plan update. The redevelopment activity along the oceanfront includes the Bellini at 10225 Collins Avenue which is complete; Harbour House North / One Bal Harbour (10295 Collins Avenue) and Harbour House South (10275 Collins Avenue) which are now complete and the Sheraton Bal Harbour Hotel redevelopment as a St. Regis Hotel / Condominium mixed-use development at 9701 Collins Avenue which is now under construction. Also envisioned in the 1997 plan update of the Future Land Use Element was the possible rezoning of the 5.54 acre Beach Club - Tract "A" site (from Recreational Land Use to High Density Residential Land Use), which occurred in 2000. However, no redevelopment plans have been submitted to date.

The Future Land Use Element identified that a significant shift in demographics may impact the demand on Public Facilities and Services provided within the Village. As discussed in earlier sections between 1990 and 2000 the percentage of persons 65 years and over in the Village decreased by nearly 20% and the number of school aged children more than doubled. At the same time the number of units held for seasonal use increased by 63.4%. These shifting demographics may impact the demand for facilities and services and in accordance with the Comprehensive Plan, the Village responded with the construction of additional recreational facilities (Tot Lot / Recreational Center) to serve the increasing number of children. The Village must continue to monitor the shifting demographics to identify any corresponding changing demand for public facilities and services.

The Future Land Use Element contains two (2) goals. These include the maintenance of the high quality built environment through ensuring that development adheres to the Village's Land Development Code and the maintenance of the existing character of the existing Village while honoring the Future Land Use Map. As existing development continues to be maintained at a high level, all public facilities are currently provided at or above the adopted level of service and all development activity remains consistent with the density and intensity standards in the Comprehensive Plan these Goals have been met and there have been no identifiable shortcomings of the Future Land Use Element.

B. Recommendations

Update the data and analysis contained in the Comprehensive Plan with particular attention to changing demographic characteristics. Continue to monitor the changing demographic characteristics in the Village and identify any impacts on the demand for public services and facilities. Update the Future Land Use Map series to include the new state definition of the Coastal High Hazard Area (CHHA) and to include an energy conservation map(s). Add measurable criteria for all Objectives and develop a different numbering system for the FLUE GOPs so that they are more easily referenced. The Village will also modify existing Objective 9J-5.006(3)(b)8 to be consistent with HB 697 addressing greenhouse gas (GHG) emission reduction strategies and energy conservation and will add new Policies as needed (See Appendix F for more detail).

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 12 FUTURE LAND USE ELEMENT				
<p>Objective 9J-5.006(3)(b): Maintain and enforce a current comprehensive set of Land Development Regulations (LDR's).</p>	<p>Maintain and enforce LDRs</p>	<p>Village adopted LDR provisions in 1990.</p>	<p>Village LDRs continue to guide redevelopment</p>	<p>On-going. No Change to the plan is needed.</p>
<p>Policy: Annually review LDR's to ensure they properly address all land development activities.</p>	<p>Conduct an annual review</p>	<p>Village adopted LDR provisions in 1990.</p>	<p>No changes identified as being necessary.</p>	
<p>Objective 9J-5.006(3)(b)1: Coordinate future land uses with: Topography: Bal Harbour has a flat topography; therefore all proposed land uses are suitable. No policies are necessary. Soil Conditions: Future land uses are of the same types as current uses; therefore all proposed land uses are equally suited. No policies are necessary. Availability of facilities and services.</p>	<p>Coordinate future land uses with topography, soil conditions and availability of facilities and services</p>	<p>All proposed land uses were suitable for the Village's topography (generally flat), and soils. All facilities and services were adequate at that time.</p>	<p>Village reviews all redevelopment proposals to make sure that there exists adequate facilities and services.</p>	<p>No changes needed based upon current conditions.</p>

<p>Objective 9J-5.006(3)(b)2: Renewal of blighted areas.</p>	<p>Eliminate blighted areas</p>	<p>No blighted areas existed, but Village was concerned with maintaining that status</p>	<p>Village continues to have no blighted areas, maintains a community appearance code and continues to attract redevelopment proposals.</p>	<p>No change is needed</p>
<p>Policy: Annually review the incentives used by other municipalities around the state and country in the redevelopment of properties, and report to the Council as to how Bal Harbour may implement similar programs.</p>	<p>Annual review of other municipality incentives for possible implementation</p>	<p>No blighted areas existed, but Village was concerned with maintaining that status</p>	<p>Village continues to have no blighted areas, maintains a community appearance code and continues to attract redevelopment proposals.</p>	<p>No change</p>
<p>Objective 9J-5.006(3)(b)3: There shall be no land uses that are inconsistent with community's character and with future land uses.</p>	<p>No inconsistent land uses guided by objectives policies</p>	<p>No inconsistent land uses existed; established appearance code, zoning code and LDRs</p>	<p>All still enforced</p>	<p>No change is needed</p>
<p>Objective 9J-5.006(3)(b)4: Protect natural and historical resources.</p>	<p>Protect natural and historical resources through objective policies</p>	<p>No regulations existed</p>	<p>Village continues to enforce codes and LDRs to protect resources. Village has requested grant funding 3 times from FDOS but been denied.</p>	<p>Village has applied to FDOS in 2006, 2008 and 2009 for grant funding of a historic structure survey but has been denied (low ranking / limited funding). Add new policies on needed survey and identification.</p>

<p>Policy: By 1998, the Village shall identify any structure which may have reached or will soon reach the age that would be deemed significant by the Department of State. A report shall be prepared and updated during each EAR update identifying the residences, their current status and suggested actions, if any.</p>	<p>Report by 1998 any significant structures and update during each EAR period.</p>	<p>No structures of significance existed at that time and no regulations existed.</p>	<p>The Village is seeking State Small Matching Grant Funds to conduct a Historic Structure Survey.</p>	<p>Policy needs to be updated</p>
<p>Objective 9J-5.006(3)(b)5: Require provisions for hurricane preparedness and evacuation.</p>	<p>Provisions for hurricane preparedness and evacuation.</p>	<p>Dade County Emergency Operations Plan</p>	<p>Village adopted County's plan and participates with intergovernmental emergency planning</p>	<p>No change is needed</p>
<p>Objective 9J-5.006(3)(b)6: The Village Council shall annually review Dade County's and the South Florida Regional Planning Council's recommendations relating to the Hurricane Evacuation Report, and all land use shall be coordinated with recommendations deemed appropriate by the Village Council.</p>	<p>Annual review of Miami-Dade County's and SFRPC's recommendations on hurricane evacuation</p>	<p>Followed Dade County's Emergency Operations Plan</p>	<p>Village continues to follow County's and SFRPC's recommendations on hurricane evacuation.</p>	<p>No change is needed</p>
<p>Objective 9J-5.006(3)(b)7: Comply with the Florida State Comprehensive Plan.</p>	<p>Comply with State Comp Plan</p>	<p>Village complied with State Comp Plan</p>	<p>As part of the EAR process, the Village is required to review State Comp Plan. No major inconsistencies were identified. See Appendix for more information</p>	<p>No change is needed</p>

<p>Objective 9J-5.006(3)(b)9: Ensure availability of land for public facilities and support utilities.</p>	<p>Ensure availability of land for facilities and utilities</p>	<p>Public facilities were available and adequate</p>	<p>Public facilities and utilities are still available and the Village reviews all redevelopment proposals for LOS standards</p>	<p>No change is needed</p>
<p>Objective 9J-5.006(3)(b)10: Encourage use of innovative land development techniques.</p>	<p>Encourage innovative land development techniques</p>	<p>Village ordinances were not permissible of innovative land development techniques.</p>	<p>LDRs were amended in 1992 to permit mixed uses and PDs in the Oceanfront District. Since 1997 several parcels have been approved for PD mixed use development</p>	<p>No change is needed</p>
<p>Policy: Amend the Bal Harbour Village Code to permit mixed-use and planned unit development to form part of any redevelopment of the ocean-front district</p>	<p>Encourage innovative land development techniques</p>	<p>Village code did not permit mixed use along oceanfront district</p>	<p>LDRs were amended in 1992 to permit mixed uses and PDs in the Oceanfront District.</p>	<p>Policy needs to be eliminated or modified.</p>
<p>Objective 9J-5.006(3)(b)11: Monitor Dade County's activities on the dredge spoil disposal sites within Biscayne Bay by annual inspection and through Intergovernmental Coordination.</p>	<p>Monitor and annually inspect through objective's policies</p>	<p>No coordination</p>	<p>Village coordinates with Miami-Dade as needed</p>	<p>No change is needed</p>

TRANSPORTATION ELEMENT

A. Successes and Shortcomings of Plan Element

As the Village is about 98.6% built-out and all regional and local travel patterns are well established, the overall Goal as stated in the adopted Transportation Element is to maintain the existing transportation network including arterial and collector roads and residential streets. The intent of the Goal is to insure that the Village's multimodal transportation system continues to provide acceptable level of services to meet the needs of its residents, property owners and guests. The Village's internal access and circulation system which consists of the local roads within the community is maintained by a private homeowners association and continues to function well above the adopted LOS. Recognizing the fact that a large amount of development and redevelopment has occurred in the surrounding communities and the Village, there are imitations as to the Village's ability to effect capacity related improvements to the external component of the Transportation System, which is part of the overall Miami-Dade traffic circulation network. In this regard the Village continues to rely heavily upon coordination with Miami-Dade County, the MPO, FDOT District 6 and other agencies to insure that the major components of the Village's external transportation system are maintained and continue to provide an acceptable level of service of the controlling jurisdiction. As identified previously all roadways continue to function at or above the adopted level of service. As mentioned previously, the Village should consider adopting the current Miami-Dade County LOS for the arterial roadways (LOS E + 20%) as opposed to the Village LOS D, even though the roads are anticipated to function in the future at LOS D.

As to mass transit, there continues to be excellent mass transit service in the Village by Miami-Dade Transit. The Village implemented a mini-bus shuttle system during the last planning period. This should be added into the plan.

In this regard, the Village has successfully implemented the Goals, Objectives and Policies and there have been no identifiable shortcomings other than the data and analysis contained within the element needs to be updated.

B. Recommendations

Update the data and analysis contained in the Transportation Element. The Village will also consider amendments that may be needed in the element to comply with HB 697 addressing greenhouse gas (GHG) emission reduction strategies and energy conservation (See Appendix F for more detail).

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 13 TRANSPORTATION ELEMENT				
Objective IV-1: Provide for a safe and efficient motorized and non motorized transportation system.	Provide a safe and efficient transportation system by implementing 13 policies identified	Coordinated with FDOT and Miami-Dade County and surrounding communities	Village coordinates with all agencies and surrounding communities as necessary.	No change is necessary
Objective IV-2: Coordinate traffic circulation system with future land uses.	Maintain existing system	Village is built out and all roadways operate at an acceptable Level of Service	Traffic studies are required for all large-scale redevelopment proposals	No change is needed
Objective IV-3: Coordinate with the Dade County Metropolitan Planning Organization, public transportation agencies, Florida DOT, and any regional resource management plan.	Maintain intergovernmental coordination mechanisms	Coordination and consistency existed	Village continues to maintain intergovernmental coordination mechanisms on transportation related issues	No change is needed
Objective IV-4: Protect present and future public rights-of-way from building encroachment.	Continue to enforce existing LDR setbacks	No conflicts existed	No conflicts exist	No change is needed
Objective IV-5: Provide for a safe, convenient and energy efficient multi-modal transportation system.	Continue to provide enhancements to Bus Stops	Village provided enhancements along Collins Avenue to bus related system	Village continues to provide and maintain bus stops along Collins Avenue	No change is needed

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p>Objective IV-6: Coordinate with Dade County to provide efficient public transit services for all land uses and to accommodate the special needs of the transportation disadvantaged.</p>	<p>Coordinate with Miami-Dade County on Public Transit and provide for those with special needs</p>	<p>Village coordinated with Miami-Dade County</p>	<p>Village continues to coordinate with Miami-Dade. In 2005, Village started a Village Shuttle Bus system.</p>	<p>No change is needed</p>

HOUSING ELEMENT

A. Successes and Shortcomings of Plan Element

The current Housing Element of the Comprehensive Plan discusses that the Village is fully developed with no practical room to grow (except by increasing density); therefore, the stated Goal of the Housing Element is to maintain the existing high quality and character of the present housing stock. The Element further indicates that it is a moot argument as to whether the Village can provide accommodations for its future growing population because growth is limited due to the lack of available land for additional development. These arguments remain the same today with no change. The Village has been developed in accordance with the original master plan for the community and no significant changes have occurred. All redevelopment has remained consistent with the original master plan and consistent with the Future land Use Map and no amendments to increase density have been proposed or are anticipated. The only significant additional housing which could occur is the redevelopment of the Beach Club from a private recreational facility to high density residential use consistent with the adjacent oceanfront multifamily housing development. This redevelopment has been anticipated by the Comprehensive Plan and will not require an increase in density as the Future Land Use Map designates the site for High Density Residential use. As identified previously the demographic characteristics of the Village are shifting to a younger population with more children. The Shimberg Center for affordable housing has identified that there are households within the Village that are severely cost burdened with respect to housing costs. The Shimberg Center's findings will need to be analyzed and incorporated into the Comprehensive Plan during the preparation of the EAR-Based Amendment process. The Goal of the Housing Element has been achieved in that development in the Village continues to be maintained at a high level and that all redevelopment has been consistent with the high quality and character of the Village. The only shortcoming of the existing element is that the data and analysis are outdated and must be updated to reflect any changing needs of the Village.

B. Recommendations

Update and amend the current Housing Element to include current data from the Shimberg Center / 2010 US Census and other data and information as needed. Based upon analysis of the updated data identify any needed amendments and incorporate them during the EAR-Based Amendment Process. The Village will revise the element as needed to bring it into compliance with the current state laws such as the State Energy Code requirements related to new and redevelopment construction within the Village and as needed will amend the element to comply with HB 697 addressing greenhouse gas reduction (GHG) strategies and energy conservation (See Appendix F for more detail). In addition, the element's GOPs will be amended with a different numbering system so that they can be more easily referenced.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
Table 14 HOUSING ELEMENT				
<p>Objective 9J-5.010(3)(b)2: Require the elimination of: substandard housing conditions and for the structural and aesthetic improvements of existing housing.</p> <p>Objective 9J-5.010(3)(b)5: Provide for the conservation of historically significant structures, and for the rehabilitation or demolition of deteriorated housing.</p>	<p>Continue to enforce building and appearance codes</p> <p>Conserve historically significant structure and demolition deteriorating structures as needed</p>	<p>Less than 5% structures considered substandard</p> <p>No structure designated historically significant</p>	<p>Few structures exist that are substandard. Those that due are elected items or guest/servant quarters.</p> <p>The Village is seeking State Small Matching Grant Funds to conduct a Historic Structure Survey.</p>	<p>No change is needed</p> <p>Policy needs to be updated</p>
<p>Policy: Require that the architectural review board annually updates guidelines for evaluating housing for historical value, by the end of 1997.</p>	<p>ARB to annually update guidelines on evaluating historic value</p>	<p>No structure designated historically significant</p>	<p>No structures of significance.</p>	<p>Date needs to be eliminated</p>
<p>Policy: Require that the architectural review board annually updates guidelines for determining when a structure is in need of rehabilitation or demolition.</p>	<p>ARB to annual update guidelines for determining need of rehab or demolition</p>	<p>No structures deemed in need of rehab or demolition</p>	<p>No structures in need of demolition or rehabilitation.</p>	<p>No change is needed</p>

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

A. Successes and Shortcomings of Plan Element

The Goal of the Infrastructure Element of the Village's Comprehensive Plan is to provide for a high quality, efficient, reliable, safe and healthful sanitary sewer, solid waste, drainage and potable water facilities to meet the needs of the present and future residents of the Village to promote public health and welfare, protect private property and preserve the environment. Pursuant to the directives of the Comprehensive Plan, the Village actively monitors the condition of the existing infrastructure system and identifies / corrects needed improvements. Needed improvements have been incorporated into the annual budget Capital Improvement Plan, and are completed on an as needed basis. Beginning in December 2008 the Capital Improvement Element (CIE) will need to be updated annually. Since 1997, the Village has continued make improvements to its infrastructure and has met all Element objectives. Major improvements have been made to the sanitary sewer, potable water, and drainage systems of the Village since the time of the last update to the Comprehensive Plan.

These improvements include:

1. Sanitary Sewer System - complete replacement of Pump Station #2 in 2004; Pump Station #1 was replaced in FY 08/09; and other gravity mains have been replaced/ repaired as needed;
2. Stormwater and Drainage - two new stormwater pump stations have been added with 12 shallow injection wells; also have completed extensive replacement of aging drainage piping along Harbour Way and at road crossings;
3. Potable Water System - Village now receives its water from a new 30" transmission main from WASD; removed the storage tank which is no longer needed; interconnected the system; and maintained old connections in the case of an emergency.

As all infrastructure systems continue to operate at an acceptable Level of Service and the Village continues to successfully implement the directives of the Comprehensive Plan there have been no identifiable shortcomings of the Infrastructure Element. In accordance with statutory requirements, the Village will need to incorporate the required water supply planning projections and coordination into the various elements of the Comprehensive Plan. The Village will be preparing these amendments prior to the EAR-Based Amendments.

B. Recommendations

Update and amend the current Element update data and reflect current conditions and include all required coordination, water supply planning and conservation activities into the Comprehensive Plan.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 15 SANITARY SEWER, SOLID WASTE, STORMWATER MANAGEMENT, POTABLE WATER, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT				
Objective: Correct deficiencies in capacity, enhance reliability and replace worn-out components of sanitary sewer system.	Continue pump station renovations and continue infiltration/inflow problems with sanitary sewer system.	Pump station failing or near capacity. Suspected infiltration/inflow problems	Complete replacement of Pump Station #2 in 2004. Pump Station #1 was replaced in FY 08/09. Other gravity mains have been replaced/ repaired as needed.	On-going. No change is needed.
Objective: Enforce adopted LOS standards for sanitary sewer facilities, solid waste facilities, drainage facilities and potable water facilities.	Adhere to LOS standards.	Village was built out and systems were adequate.	Village continues to monitor LOS standards within the Village and in new development proposals.	No change is needed
Objective: Correct capacity deficiencies, short-falls in reliability and existence of worn-out components of the storm drainage system.	Prepare analysis on system improvements. Continue normal maintenance.	Periodic flooding was occurring Some system components were inadequate	Two new stormwater pump stations have been added with 12 shallow injection wells. Also have completed extensive replacement of aging drainage piping along Harbour Way and at road crossings.	On-going. No change is needed.

<p>Objective: Provide potable water storage, pumping and distribution for maximum day, peak hour and fire emergency demands, to the levels established in the LOS.</p>	<p>Provide LOS standards for potable water</p>	<p>System was adequate</p>	<p>Village now receives its water from a new 30" transmission main; has a interconnected system; maintains old connections in the case of an emergency. Storage is no longer needed and tank was removed in 2001-2002.</p>	<p>On-going. Storage no longer needed and should be taken out of objective.</p>
<p>Objective: Conserve potable water.</p>	<p>Adopt SFWMD and Miami-Dade water conservation programs. Minimize leaking.</p>	<p>Conservation was not a priority</p>	<p>LDRs require native plantings and xeriscaping. WASD is requiring a water conservation plan be prepared.</p>	<p>On-going. No change is needed.</p>

COASTAL MANAGEMENT

A. Successes and Shortcomings of Plan Element

The beach and shore areas in Bal Harbour consists of a 28.62 acres strip of land running from 96th Street north to Baker's Haulover Cut between the Erosion Control Line (ESL) and the Atlantic Ocean. This area, owned by the State but maintained by the Village, continues to be a significant asset to the Village and has been improved with a walking/jogging path and numerous dune plantings to enhance this area and promote increased usage by residents / guests. The Coastal Management Element contains 5 separate Goals including balancing growth, redevelopment and coastal resources, reducing vulnerability to hurricanes, increasing public access to coastal resources, provision of infrastructure at adopted LOS, and intergovernmental coordination to protect coastal resources. Overall the Village has met the Goals of the Coastal Management Element in that the Village consults the Coastal Management Element in review of all proposed oceanfront development and redevelopment and all such activity has been found consistent with the Comprehensive Plan, the necessary infrastructure is available to meet with adopted level of service, the Village has maintained and/or enhanced public access to the beach via coordination with private developers and/or construction of Village funded improvements, the Village has completed NPDES related improvements to reduce the level of polluted runoff from the Village and the Village routinely coordinates with other agencies to insure continued maintenance, protection and improvement of the beach and coastal resources. Overall the Coastal Management Element of the plan has met the needs of the Village; however, there are a few issues which have arisen that the Village should analyze and address during preparation of the EAR-Based Amendments.

As discussed in preceding sections of this document, due to the use of previous domestic sand sources for beach re-nourishment, the source of sand for future re-nourishment projects is unknown at this time. The Village is coordinating with Miami-Dade County DERM and other agencies to identify sand sources for future re-nourishment; however, the costs of acquiring / shipping sand are anticipated to be significantly increased which will create severe funding challenges. The Village should continue to coordinate with the Miami-Dade County Coastal Municipality Working Group to address future beach re-nourishment projects and funding.

Since the last update to the plan in 1997, there have been three (3) additional supplemental beach re-nourishment projects. According to information obtained from DERM, in 1998 about 282,852 CY of sand were added. In 2003 about 45,000 CY were again added. Finally, in 2006 about 30,000 CY were again added. Currently planned for FY 2009-10 is a major jetty / groin field modification costing in total about \$5 million. The existing rubble mound / timber groin field installed in the early 1970s will be replaced with a series of T-head groins

Since 1997, the State has approved changes related to Private Property Rights within the Coastal High Hazard Area to allow older higher density developments to be rebuilt as is if a natural disaster were to occur. As discussed previously in this document, the Village needs to address this issue. The Village also needs to review its current hurricane preparedness and evacuation procedures to make sure that they are consistent with Miami-Dade County and the South Florida Regional Planning Council.

B. Recommendations

Update and amend the current Coastal Management Element to include new data and analysis where needed and reflect additional data and analysis relative to beach renourishment and continued coordination with the Coastal Municipality Working Group. The Private Property Rights issue will also be addressed and hurricane preparedness and evaluation procedures will be reviewed and updated as needed.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 16 COASTAL MANAGEMENT ELEMENT				
Objective 1.1 Protecting Native Vegetation and Wetlands: Each development or redevelopment proposed at Bal Harbour shall protect, conserve or enhance native vegetation wherever such exists to the maximum practical extent.	Protect native vegetation and wetlands through objective's policies	Weak or no provisions in LDRs	LDRs adopted in 1990. Require native vegetation. No wetlands in village.	No changes needed
Objective 1.2 Protection of Wildlife: To the maximum extent possible, Bal Harbour Village shall protect species with special status from adverse impacts caused by development or redevelopment.	Protect wildlife through objective's policies	Village code provided for protection. No provisions in LDRs	LDRs adopted in 1990.	No changes needed
Objective 1.3 Estuarine Water Quality: The Village of Bal Harbour shall take appropriate steps to maintain or improve estuarine water quality.	Maintain or improve estuarine water quality through objective's policies	No regulations existed	LDRs adopted in 1990.	No changes needed
Objective 1.4 Water Dependent/Water-Related Land Uses: Bal Harbour Village shall provide criteria or standards for prioritizing shoreline uses, giving priority to water dependent uses.	Provide criteria or standards for shoreline use	No regulations existed other than basic setbacks	LDRs adopted in 1990.	No changes needed

<p>Objective 1.5 Beach and Dunes: Bal Harbour Village shall protect the beach and dunes, establish construction standards which minimize the impacts of man-made structures on the beach and dune systems and restore the beach and dunes which have been altered by storms or other man induced actions.</p>	<p>Protect Beach and dunes through objective's policies</p>	<p>No regulation existed. Periodic beach renourishment provided by the Army Corps of Engineers. State established CCCL</p>	<p>Beach erosion continues to be a problem. Approximately every 5 years the County dredges Haulover Cut and gives dredged sand to Village.</p>	<p>No change is needed</p>
<p>Objective 2.1 Hurricane Evacuation: Bal Harbour Village shall work cooperatively with Dade County to maintain or reduce hurricane evacuation times.</p>	<p>Coordinate with Miami-Dade on hurricane evacuation times</p>	<p>Coordinated with Miami-Dade but notices were inconsistent</p>	<p>Village coordinates with Miami-Dade County every season on hurricane evacuation times</p>	<p>No change is needed</p>
<p>Objective 2.2 Hazard Mitigation and Coastal High-Hazard Areas: The Village of Bal Harbour shall ensure that building, development, and redevelopment activities are carried out in a manner which minimizes the danger to life and property from hurricanes. Development within coastal high-hazard areas shall be restricted and public funding for facilities with coastal high-hazard areas shall be curtailed.</p>	<p>Minimize danger to life and property in Coastal High Hazard Area</p>	<p>No provisions in LDRs. Outdated Hurricane Procedures Plan.</p>	<p>LDRs where adopted in 1990. Village coordinates with Miami-Dade and SFRPC on hurricane evacuation and preparedness.</p>	<p>No change is needed</p>

<p>Objective 2.3 Post-Disaster Redevelopment: Bal Harbour Village shall provide immediate response to post-hurricane situations in concert with a post-disaster redevelopment plan which will reduce or eliminate the exposure of human life and public and private property to natural hazards.</p>	<p>Provide immediate response with post-disaster redevelopment plan (see objective policies)</p>	<p>A Plan existed but nothing in LDRs and no capital reserve.</p>	<p>LDRs adopted in 1990. Overhauled its contingency fund. Has adopted a post-disaster redevelopment plan that is coordinated with Miami-Dade</p>	<p>No Change is needed</p>
<p>Objective 3.1 Providing Adequate Public Access: Existing shoreline access shall be retained and maintained and Bal Harbour Village shall endeavor to establish at least one additional public beach access point as circumstances permit.</p>	<p>Retain and maintain shoreline access points</p>	<p>Current access points existed at 96th Street and easement at jetty.</p>	<p>2 public access points remain. North access was improved as part of the One Bal Harbour project. A temporary private access has been established on Tract "A" (owner requires a \$50 fee / liability waiver)</p>	<p>No change is needed</p>
<p>Objective 4.1 Levels of Service: The level of service standards described elsewhere in the comprehensive Plan for facilities at Bal Harbour Village and the additional standards under this objective shall be applied whenever development orders or permits are requested.</p>	<p>Apply LOS standards for all development</p>	<p>LOS standards not established</p>	<p>Village reviews all development proposals for LOS</p>	<p>No change is needed</p>
<p>Objective 4.2 Required Improvements, timing and funding: All public facilities shall be available at least by the time they are needed to serve new development or redevelopment.</p>	<p>Public facilities to be in place at time of need</p>	<p>Village built out. All facilities in place.</p>	<p>Village still requires improvements to be in place</p>	<p>No change is needed</p>

<p>Objective 5.1 Coordinating with Local Governments: An intergovernmental coordination mechanism shall be established in order to manage coastal resources affecting or affected by governments other than Bal Harbour Village.</p>	<p>Coordinate with local governments on all coastal related issues</p>	<p>No formal coordination existed</p>	<p>Village established and is maintaining coordination on coastal issues</p>	<p>No changes are needed</p>
<p>Objective 5.2 Coordinating with Existing Resource Protection Plans: The Village shall implement appropriate portions of existing resource protection plans which address Biscayne Bay and the public beach.</p>	<p>Continue to implement appropriate portions of the Biscayne Bay Aquatic Preserve Management Plan</p>	<p>Village had not adopted plan</p>	<p>Village continues to implement Plan</p>	<p>No changes are needed</p>

CONSERVATION ELEMENT

A. Successes and Shortcomings of Plan Element

Since 1997, the Village has successfully followed the Objectives and Policies in the Plan. No shortcomings have been identified. The Village continues to issue NPDES reports to the State DEP on an annual basis. As related to the new requirement for local governments to prepare a 10-year Water Supply Plan, on February 17th, 2009 the Village adopted a 10-Year Water Supply Facilities Work Plan (WSFWP) and associated plan amendments including several new policies under Objective 9J-5.013(2)(b)2 which expanded the Village water conservation policies and DCA found it "In Compliance" on April 23rd, 2009.

B. Recommendations

Update and amend the current Element where needed. Specifically the element will be amended to include within the Future Land Use Element map series an energy conservation maps(s) and additional GOPs as needed will be added to comply with HB 697 addressing greenhouse gas (GHG) reduction strategies and energy conservation (See Appendix F for more detail). In addition, the element's GOPs will be amended with a different numbering system so that they can be more easily referenced.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 17 CONSERVATION ELEMENT				
Objective 9J-5.013(2)(b)1: Protect air quality.	Coordinate with Miami-Dade County on air quality programs.	Village Code contains provision to protect air quality.	Village continues to cooperate with Miami-Dade.	No change is needed
Objective 9J-5.013(2)(b)2: The Village shall coordinate with DERM, the State of Florida and the Federal Government to protect the waters of the Atlantic Ocean, Bakers Haulover Cut, Indian Creek and Biscayne Bay through participation in the National Pollutant discharge elimination System permit.	Protect water quality through objective's policies.	Village had direct outfalls into waterways.	Village continues to cooperate with Miami-Dade County on water quality programs and requirements. Also continues to enforce Village Code and cooperate with SFWMD.	No change is needed
Objective 9J-5.013(2)(b)3: Regulate trees and other landscaping.	Enforce Miami-Dade County landscape code. Adopt own landscape code.	No requirements	Village adopted its own Landscape Code in 1996 and continues to enforce and plan by it.	No change is needed
Objective 9J-5.013(2)(b)4: Protect wildlife and animals as they exist in the Village.	Protect wildlife by continuing to enforce Village Code Chapter 5	Village Code had provision on animal protection.	Village continues to enforce Village Code. Also added provision to protect sea turtles in LDRs.	No change is needed

RECREATION AND OPEN SPACE ELEMENT

A. Successes and Shortcomings of Plan Element

The Village has been successful since the time of the 1997 Comprehensive Plan update in achieving Objectives and Policies of the Recreation and Open Space Element. The Village has added several recreation facilities since the time of the last update, including a Recreation Center and a new mini-park where the former Village water tank was located. Village also prepared a Beach Master Plan and installed upgrades to the landscaping and walking/jogging path along the beachfront (\$1.5 million of improvements).

The current element identifies that in 1990 63% of the population was 65 years of age or older; therefore, the Village had only a small need for active recreation facilities. As referenced in earlier sections of this report, the percentage of Village population over 65 has dropped by more than 20% to 39% and the number of children has increased by 173%. These trends indicate the likelihood of changing demands for more active recreation facilities in the Village. The Village has been monitoring the shifting demographics and has completed improvements to the recreation facilities provided which have included construction of a tot lot and a Recreation Center at the old water tank site. The Village should continue to monitor the changing demand for park / open space services and facilities.

The current element indicates the Village is presently providing an acceptable level of parks and recreation acreage to meet the adopted level of service. The potential redevelopment of the Beach Club may have a significant impact on the level of service currently being provided, in that the Village will be confronted with losing 2.7 acres of creditable acreage and, in addition, will need to find additional acreage for its new residents. This reduction may cause a deficit in the current level of creditable parks and recreation acreage for current Village residents, not to mention future residents of the beach club property, and the Village may no longer comply with the adopted level of service. Pursuant to Florida's Growth Management Laws regarding implementation of concurrency, the Village's adopted Comprehensive Plan and Land Development Regulations no redevelopment can be approved until such time as there are adequate public facilities in place to support the proposed development at the adopted level of service, or if the proposed redevelopment will cause the current Level of Service to be degraded below adopted levels. As with any proposed redevelopment, this issue will be addressed during review of any proposed redevelopment plans. The Village should analyze alternatives for providing additional parks and recreation facilities should the need arise

The current Comprehensive Plan identifies that there are some 86.2 acres of land devoted to recreational or open space uses in the Village. During preparation of this EAR MMPA analyzed updated property appraiser maps and recorded plats and determined that this number was miscalculated in the 1997 plan and should have been 88.86 acres. Included in this inventory are 28.62 acres of beaches, 39.67 acres of Bays and Harbors, .96 acres of publicly owned lands (Founder Circle, Tot Lot and Recreation Center), 8.26 acres of privately owned open space (Linear Parks and pocket parks throughout Village) and 11.35 acres of privately owned recreational space consisting of the Yacht Club and the Beach Club. Due to the Village's implementation of Miami Dade County's Concurrency Management system (Miami Dade AO No. 4-85), as currently applied, the Village is not currently able to take credit for the acreage of the beaches and waters in the marina toward meeting the acreage requirement. Therefore, the only acreage available to be credited toward the level of services provided in the Village are the public and private recreation areas and open space. During preparation of the EAR-Based

Amendments as the Village considers the current and future needs for parks and recreation acreage and adopted level of service the Village should consider whether amendments are necessary to the Park and Recreation standards themselves which may or may not include an amendment to allow for the crediting of the beach and water facilities.

B. Recommendations

Update and amend the current Recreation and Open Space Element to include current data and information. Analyze opportunities for the provision of additional park recreation facilities to meet the changing needs of its residents.

The Village needs to consider options and alternatives to meet its LOS requirements with the potential loss of the Beach Club. This should be considered as part of a park land availability and recreational needs assessment study that was discussed in Issue 8. Recommendations should then be placed in the Recreation and Open Space Element as part of the EAR-Based Amendment process.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 18 RECREATION AND OPEN SPACE ELEMENT				
Objective IX-1: Do periodic routine maintenance and repairs on public facilities.	Schedule and budget annual routine maintenance	Prepared schedule and costs at budget times.	Continues routine maintenance as needed	No change is needed
Objective IX-2: Preserve, protect and enhance the beachfront areas as the major attraction for recreation and open space.	Preserve, protect and enhance beachfront	No regulations existed. Periodic beach renourishment supplied by Army Corps of Engineers.	Continues to coordination with County, State and Federal agencies as needed	No change is needed
Objective IX-3: The adopted level of services (LOS) for the provision of recreation and open space is 2.75 acres per 1,000 persons within the Village.	Adopt LOS	No LOS existed	Village is monitoring and maintaining LOS	No change is needed
Objective IX-4: The Village shall ensure the continued maintenance of public and private recreational and open space areas so as not to allow the existing high quality of these areas to be lessened.	Continue maintenance of recreation and open space	Public and private recreation and open space was maintained.	Village continue to ensure the continued maintenance if public and private recreation and open spaces.	No change is needed

CAPITAL IMPROVEMENT ELEMENT

A. Successes and Shortcomings of Plan Element

Since 1997, the Village has been annually adopting a budget which has included a schedule for capital improvements, when needed. No capital improvements are required to meet any adopted Level of Service. Capital improvements are only for modernization, replacement and maintenance. As discussed in preceding sections of this report, the Village has successfully completed numerous capital improvements to infrastructure systems, public facilities, local roadways and recreational facilities to improve performance, address aging systems, statutory requirements, coordination with service providers and changing demands. All public services and facilities are being provided in accordance with the adopted level of services standards. No significant changes are needed to the Capital Improvement Element. As stated previously, state law now requires each local government to update its Capital Improvement Element, including an updated 5-year schedule which illustrates an ability to pay for the listed improvements, by December 1st of each year. Once the annual budget is adopted, the new capital improvement list can be added to the CIP.

B. Recommendations

Update and amend the current Element.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 19 CAPITAL IMPROVEMENT ELEMENT				
Objective 1: Capital improvements will be put in place to correct performance and reliability deficiencies of drainage and sewerage systems. These improvements are to be effected in accord with the 5-year schedule of this element. This schedule sequences the improvements by priority rank.	Improvements to be made to drainage and sewer system	Several infrastructure facilities were in need of improvement	The Village has made numerous improvements to the Village's infrastructure systems.	The Village should continue to identify improvements and incorporate them into an updated 5-year schedule.
Objective 2: Capital improvements will be put in place to enhance the aesthetic and public safety features of the Village. These improvements are to be effected in accord with the 5-year schedule of this element.	Improvements to be made to enhance the aesthetics and public safety features	Several items were of concern	Continues to make public improvements to enhance the aesthetic and public safety features of the Village. Since the last EAR improvements were made to the Village Hall, the Beachfront and along 96 th Street.	No change is needed
Objective 3: The Village shall preserve and maintain the Atlantic Ocean Beach through, continued coordination with Dade County's Department of Environmental Resource Management (DERM), Army Corp of Engineers, FDEP and establishment of an annual review of the status of the beach.	Preserve and maintain beach through continued coordination and annual review	Periodic beach renourishment was occurring	Continues to coordination with County, State and Federal agencies as needed	No change is needed

INTERGOVERNMENTAL COORDINATION ELEMENT

A. Successes and Shortcomings of Plan Element

Since 1997, the Village has been successful in continuing to coordinate with various governmental agencies as needed on Comprehensive Plan related issues. This includes surrounding municipalities, Miami-Dade County, the South Florida Regional Planning Council, and the State. The State also requires local government to coordinate with the local school board and, if applicable, enter into an Interlocal Agreement for Public School Facilities Planning to better coordinate on growth and school construction. Since Bal Harbour does not have any school facilities or any available sites for future schools, the Village was not required to and did not enter into this agreement with the school board as did other municipalities within Miami-Dade in 2003. The Village does coordinate with the school board on other issues as needed.

B. Recommendations

Update and amend the current Element as needed.

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
TABLE 20 INTERGOVERNMENTAL COORDINATION ELEMENT				
Objective X-1: Maintain existing intergovernmental agreements for services to the Village.	Maintain existing agreements	Village revised and approved as needed	Manager continues to monitor all intergovernmental agreements for service and advises the Council as needed.	No change is needed
Objective X-2: Coordinate with the School Board and other units of local government on comprehensive planning matters which affect the village.	Coordinate with School Board and other local governments	Periodically attended meetings and informally notified adjacent communities	Coordinates with Miami-Dade School Board as needed. No schools or sites within Village limits.	No change is needed
Objective X-3: Coordinate with adjacent communities on development matters which are judged by the Village to have impacts outside of the Village Limits.	Develop criteria can contact as necessary	Periodically attended meetings and informally notified adjacent communities	Coordinate as needed	No change is needed
Objective X-4: Coordinate with appropriate state, regional, county or other agencies responsible for establishing level of service standards on their facilities within the Village.	Coordinate and monitor LOS of other agencies.	No formal coordination	Coordinate as needed	No change is needed

OBJECTIVE	TARGET	CONDITIONS WHEN PLAN WAS ADOPTED	CURRENT CONDITIONS	COMMENTS
<p>Objective X-5: Ensure that Village impacts primarily stormwater runoff, affecting adjacent waterways are coordinated with and consistent with adopted management plans for those areas and applicable permit conditions.</p>	<p>Coordinate on waterway issues</p>	<p>No formal coordination</p>	<p>Village annually submits NPDES report.</p>	<p>No change is needed</p>
<p>Objective X-6: Recognize those regionally significant resources and facilities in the adopted South Florida Regional Planning Council's Strategic Regional Policy Plan.</p>	<p>By 1998, identify all regional resources and facilities that affect Village</p>	<p>Not identified</p>	<p>Village coordinates with SFRPC as needed on regionally significant resources</p>	<p>No change is needed</p>

V. ASSESSMENT OF STATE AND REGIONAL PLANS AND POLICIES

CONSISTENCY WITH THE STATE OF FLORIDA COMPREHENSIVE PLAN

Since the time of the last update to the Village's Comprehensive Plan, the State of Florida Comprehensive Plan (Chapter 187.201) has been amended several times. The Education Goals and Policies have been repealed and changes were made to the Downtown Revitalization Goals, including renaming it "Urban and Downtown Revitalization." The Village's Comprehensive Plan was found to be consistent with the changes to the State's Plan. See Appendix D for more detail.

The Bal Harbour's Comprehensive Plan consistency with changes to Chapter 163, F.S. and Rule 9J-5, F.A.C. can be found in Appendix A and B.

CONSISTENCY WITH SOUTH FLORIDA REGIONAL PLANNING COUNCIL STRATEGIC REGIONAL POLICY PLAN (JUNE 2004)

The South Florida Regional Planning Council's Strategic Regional Policy Plan was adopted in June 2004. Major changes and additions to the plan are reviewed along with Bal Harbour's Comprehensive Plan's consistency with those changes in Appendix C. The Village's Comprehensive Plan is found to be consistent with the Strategic Regional Policy Plan except as noted in the Matrix in Appendix C.

**VI. RECOMMENDATIONS
(ACTIONS AND CORRECTIVE MEASURES)**

RECOMMENDATIONS

In addition to the recommendations for specific amendments contained in the preceding sections of this Evaluation and Appraisal Report, the Village of Bal Harbour includes the following recommendations for its Comprehensive Plan to be updated upon adoption:

1. UPDATE ALL DATA AND TABLES WITHIN THE COMPREHENSIVE PLAN

Since the last update to the Village's Plan, the US Census Bureau has completed the 2000 Census and the 2010 US Census will occur shortly, the University of Florida's Bureau of Economic and Business Research (BEER) has updated information and population projections, the Shimberg Service Center has updated housing data, and changes to infrastructure has occurred. Updated data from these sources and others will be incorporated into the Village's Comprehensive Plan. Add new provisions to address HB 697 as per Appendix F.

2. ANALYZE CHANGES TO UPDATED DATA

Based on the updated data gathered for Recommendation 1, the Village will analyze the changes within the Village and will process appropriate changes to the Comprehensive Plan.

3. UPDATE THE COMPREHENSIVE PLAN'S GOPs

Based on information and analysis performed in Recommendations 1 and 2, the Village will update its Goals, Objectives, and Policies within the Comprehensive Plan. In the Analyzing the Plan Elements Section (Section IV) of this report, the Matrices prepared for each element begin to show where some of the changes to the GOPs will need to take place.

4. ADEQUACY STUDY OF FACILITIES (CONCURRENCY)

The Village will analyze all data sources as they relate to Levels of Service (LOS). Each LOS will be evaluated and possibly modified based on updated information.

5. ADOPT AMENDMENTS FOR CONSISTENCY WITH F.S. 163, F.A.C. 9J-5, THE STATE COMPREHENSIVE PLAN, THE SFRPC STRATEGIC REGIONAL POLICY PLAN, AND THE MIAMI-DADE COMPREHENSIVE DEVELOPMENT MASTER PLAN.

As identified in the matrices in this EAR document, the Village will update and amend all elements, goals, objectives, and policies for consistency with FS 163, FAC 9J-5, the State Comprehensive Plan, the SFRPC Strategic Policy Plan, and the Miami-Dade County Comprehensive Development Master Plan. Particular attention will be given to developing new GOPs related to reducing greenhouse gas emissions and energy conservation as required by HB 697 and discussed throughout the EAR document.

APPENDICES

APPENDIX A – CHANGES TO CHAPTER 163 FLORIDA STATUTES MATRIX

Appendix A
Changes to Chapter 163.F.S.

	Changes to Chapter 163, F.S. 1986-2007 1986: [Ch. 86-191, SS. 7 - 12, & 18 - 31, Laws of Florida]	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
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)	N/A		
2	A Future Land Use Element must have "goals, policies, and measurable objectives," rather than "measurable goals, objectives, and policies."	163.3177(6)(a)		All Objectives in Future Land Use Element have been found In Compliance by DCA	No amendment necessary
3	Eliminated the 12-month delay for consistency with the comprehensive regional policy plans.	163.3177(9)(c)			No amendment necessary
4	Approved 9J-5, F.A.C. Defined "consistency," "compatible with," and "furtherers." Required each local government to review and address all State Comprehensive Plan provisions relevant to that jurisdiction. 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. Recognized that local governments are charged with setting level-of-service standards. Public facilities and services needed to support development shall be available concurrent with the impacts of development.	163.3177(10)		DCA has found Village Comprehensive Plan In Compliance	No amendment required.

Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Established the "shield" against rule challenges to 9J-5 until July 1, 1987.				
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)	N/A No Port		
6 Substantially reworded Section 163.3184, "Process for adoption of comprehensive plan or amendment thereto," to basic format in place today.	163.3184		Village follows Statutory Requirements	No amendment necessary
7 Extended development of regional impact exemption from twice-a-year plan amendments to Florida Quality Developments.	163.3187(1)(b)		No Florida Quality Developments in Village	No amendment required
8 Exempted small scale amendments from the twice-a-year limitation.	163.3187(1)(c)		Village follows procedures for small-scale amendments	No amendment required
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 EAR plan amendments, rather than the entire plan as amended, to DCA.	163.3191(1) & (4) [Note: 163.3191 was amended and reworded in 1998. Check statutes for current wording.]		Village follows required procedures	No amendment required
10 Delayed implementation of concurrency until 1 year after due date for submittal of the comp plan.	163.3202(2)(g)		Comp Plan found In Compliance	No amendment required
11 Initial adoption of the Florida Local Government Development Agreement Act.	[Now: 163.3220-.3243]			No amendment necessary
1987: [Ch. 87-224, SS. 24, 25 & 26, Laws of Florida (Revisor's bill), and Ch. 87-338, Laws of Florida]				
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)]	N/A		No amendment necessary

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	1988: None				
	1989: None				
	1990: None				
	1991: [Ch. 91-45, SS. 31 and 32, Laws of Florida] Nothing substantive.				
	1992: [Ch. 92-129, Laws of Florida, and Ch. 92-279, S. 77, Laws of Florida]				
13	Clarified that the procedures for approval of the original plans also applied to plan amendments.	[Now: 163.3189(2)(a)]		Village's original plan found In Compliance	No amendment necessary
14	Provided that the local planning agency should prepare plan amendments.	163.3174 163.3164(13)[Now: (14)] 163.3221(10)[Now: (11)]		Village follows correct procedure for all proposed amendments	No amendment required
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)		Statutory definitions apply in Village	No amendment necessary.
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.]			
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)		N/A Date has Passed	
18	(11)(a): Recognized the need for innovative planning and development strategies to address the anticipated continued urbanization of the coast and other environmentally sensitive areas. (11)(b): 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. (11)(c): Provided that plans and land development regulations (LDRs) should maximize the use of existing facilities and services	163.3177		See Future Land Use Element Objective (3)(b); (3)(b)1; and (3)(b)(10)	No amendment necessary

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	through redevelopment, urban infill, and other strategies for urban revitalization.				
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)		Village complies with all requirements during adoption of plan amendments	No amendment necessary
20	Required the local government to include such materials as DCA specifies by rule with each plan amendment transmittal.	163.3184(3)(b)		Village complies with all requirements during adoption of plan amendments	No amendment necessary
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 the adopted plan or amendment be transmitted to the regional planning council.	163.3184(7)(a) [Now: 163.3184(7)(c)]		Village complies with all requirements during adoption of plan amendments	No amendment necessary
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)	N/A		No amendment necessary
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)	N/A		No amendment necessary
24	Provided that new issues cannot be raised concerning plan compliance more than 21 days after publication of the NOI.	163.3184(10)(a)		Village complies with all requirements	No amendment necessary
25	Added a procedure for Compliance Agreements.	163.3184(16)			No amendment necessary
26	Changed the requirements for small scale amendments: <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. 	163.3187(1)(c)		Village complies with all requirements during adoption of plan amendments	No amendment necessary

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> 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. 				
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)]		Village complies with all requirements during adoption of plan amendments	No amendment necessary
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)		Village complies with all requirements during adoption of plan amendments	No amendment necessary
29	Created an alternative process for amendment of adopted comprehensive plans	163.3189		Village complies with all requirements during adoption of plan amendments	No amendment necessary
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)]		Village completes EAR's as required	No amendment necessary
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			No amendment necessary
1993: [Ch. 93-206, Laws of Florida (aka the ELMS bill) and Ch. 93-285, S. 12, Laws of Florida]					
32	Amended the intent section to include that constitutionally protected property rights must be respected.	163.3161(9)		Village complies with all requirements	No amendment needed
33	Added definitions for "coastal area", "downtown revitalization",	163.3164		Statutory definitions	No amendment

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) apply in Town	Amendment Needed By Element
34	<p>"Urban redevelopment", "urban infill", "projects that promote public transportation", and "existing urban service area."</p> <p>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.</p>	163.3167(11)		Not specifically referenced	Need amendment to articulate new visions if adopted by Village
35	<p>Amended the requirements for the housing element by:</p> <ul style="list-style-type: none"> • Having the element apply to the jurisdiction, rather than the area. • Including very-low income housing in the types of housing to be considered. • Provided guidance that the creation or preservation of affordable housing should minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas. • Required DCA to prepare an affordable housing needs assessment for all local jurisdictions, which will be used by each local government in preparing the EAR report and amendments, unless DCA allows the local government to prepare its own needs assessment. 	163.3177(6)(f)1. (f)2.		Housing Element includes Objective 9J-5.010 (3)(b)(1); (3); and (4) but since Village is built out, they do not apply.	Need amendment to include updated Shimberg Center Data
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 extrajurisdictional impacts in the jurisdiction in which they occur. • A dispute resolution process. • A process for modification of DRI development orders without loss of recognized development rights. 	163.3177(6)(h)1. and 2. [Note: Requirement deleted in 1996]		All items covered in ICE under Objective X-1 through X-6 and their associated Policies	No amendment needed

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> 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>[Now: 163.3177(9)(h) 163.3177(9)(h) 163.3177(6)(h)5]</p>	N/A*		
37	<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>Now: 163.3177(6)(h)5.</p>		Not specifically referenced.	ICE Element may need modification.
38	<p>Requiring a transportation element for urbanized areas.</p>	<p>163.3177(6)(h) [Now: 163.3177(6)(i)]</p>		Transportation Element adopted	No amendment necessary.
39	<p>Adding an optional hazard mitigation/post disaster redevelopment element for local governments that are not required to have a coastal management element.</p>	<p>163.3177(7)(i)</p>		Coastal Management Element Adopted	
40	<p>Requiring DCA to consider land use compatibility issues near airports.</p>	<p>163.3177(10)(i)</p>	N/A		
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 	<p>163.3178 (2)(h) (5) (6)</p>		Statutory Definitions apply within the City. No deepwater ports	Need amendment to Coastal Management Element to include countywide Marina Siting Plans and identify spoil

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	<p>marina siting plans.</p> <ul style="list-style-type: none"> 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. 	(7) (8)	N/A*		disposal sites, if any.
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. 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. 	163.3180 [New]		Concurrency Management system adopted all public facilities.	Need amendment regarding timing standards of concurrency and to the Transportation Element allowing de minimus transportation impacts.

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	<ul style="list-style-type: none"> 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. 				
43	Provided a procedure to ensure public participation in the approval of a publicly financed capitol improvement.	163.3181(3)		Not addressed	Need amendment
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 specified in DCA's rules. 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. 	163.3184		Village complies with all requirements for proposed amendments	No amendment necessary
45	Prohibited local governments from amending their comp plans	163.3187(5)		Village complies with	No amendment

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element required
	after the date established for submittal of the E.A.R report unless the report has been submitted.	[Now: 163.3187(6)(a)]		all requirements for EARs.	required
46	Changed the Alternative Process for the amendment of adopted comp plans to the Exclusive Process.	163.3189(1)		Village complies with all requirements for amendments	No amendment required
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)		Village complies with all requirements for amendments	No amendment required
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)		Village complies with all requirements for amendments	No amendment required
49	Authorizing the local government to demand formal or informal mediation, or expeditious resolution of the amendment proceeding.	163.3189(3)(a)		Policy X-2.1 of the ICE adopts SFRPC's mediation process	No amendment necessary
50	Amended the Evaluation and Appraisal Report section of the statute.	163.3191 [Note: 163.3191 was amended and reworded in 1998. Check statute for current wording.]		Village complies with all requirements for Evaluation of Comprehensive Plans	No amendment necessary
1994	[Ch. 94-273, S. 4, Laws of Florida]				
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)]	N/A No Facilities		
1995	[Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, and 12, Laws of Florida]				
52	Required opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied by a local government [Subsection 163.3181(4)] and prior to a hearing where a plan or plan amendment was determined by the DCA to be not in compliance.	163.3184(10)(c)			No amendment necessary
53	Added a definition for "transportation corridor management"	163.3177(6)(j)9.		Village complies with	No amendment

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	[Subsection 163.3164(30)] and allowed the designation of transportation corridors in the required traffic circulation and management ordinances.	[New]		all requirements	necessary
54	Amended the definition of "public notice" and certain public notice and public hearing requirements to conform to the public 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)		Village complies with all requirements	No amendment necessary
55	Prohibited any initiative or referendum process concerning any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.	163.3167(12)			No amendment necessary
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)			No amendment necessary
57	Amended the requirements for the advertisement of DCA's notice of intent.	163.3184(8)(b)			No amendment necessary
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)			No amendment necessary
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)			No amendment necessary
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)			No amendment necessary
61	Required local planning agencies to provide opportunities for involvement by district school boards and community college boards.	163.3174(1)	N/A		
62	Required that the future land use element clearly identify those land	163.3177(6)(a)		Public Education	No amendment

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	use categories where public schools are allowed.			Facilities discussed in FLUE but Village is built out - no land exists	necessary
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)]	N/A		
1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, Laws of Florida]					
64	Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation.	163.3187(1)(c)			No amendment necessary
65	Revised the objectives in the coastal management element to include the maintenance of ports.	163.3177(6)(g)9.	N/A No Ports		
66	Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), and (5)	N/A No Ports		
67	Allowed a county to designate areas on the future land use plan for possible future municipal incorporation.	163.3177(6)(a)	N/A no Land Available		
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)		See Objective X-2 ICE	No amendment needed
69	Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)		Not specifically addressed	ICE to be amended
70	Required that within 1 year after adopting their ICE each county and all municipalities and school boards therein establish by interlocal agreement the joint processes consistent with their ICE.	163.3177(6)(h)2.		Not specifically addressed	ICE to be amended
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)]	N/A		
72	Permitted a county to adopt a municipal overlay amendment to	163.3217	N/A		

	Changes to Chapter 163, F.S. 1986-2007	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	address future possible municipal incorporation of a specific geographic area.				
73	Authorized DCA to conduct a sustainable communities demonstration project.	163.3244 [Now: Repealed.]			No amendment necessary
1997: [Ch. 97-253, ss. 1-4, Laws of Florida]					
74	Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)		Statutory Definitions apply in Village	No amendment necessary
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)			No amendment necessary
76	Amended the criteria for the annual effect of Duval County (Jacksonville) small scale amendments to a maximum of 120 acres.	163.3187(1)(c)1.a.III	N/A		
77	Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)			No amendment necessary
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]					
78	Exempted brownfield area amendments from the twice-a-year limitation.	163.3187(1)(g)			No amendment necessary
79	Required that the capital improvements element set forth standards for the management of debt.	163.3177(3)(a)4.		Addressed in Capital Improvement Element	No amendment necessary
80	Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)			No amendment necessary
81	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)			No amendment necessary
82	Defined “optional sector plan” and created Section 163.3245 allowing local governments to address DRJ issues within certain identified geographic areas.	163.3164(31) and 163.3245	N/A		
83	Established the requirements for a public school facilities element.	163.3177(12)	N/A		
84	Established the minimum requirements for imposing school concurrency.	163.3180(12) [Now: Section (13)]	N/A		
85	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section 14)]	N/A		

Changes to Chapter 163, F.S., 1986-2007		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
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)]		Village complies with all EAR requirements	No amendment necessary
87	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)			No amendment necessary
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)			No amendment necessary
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)		Village complies with all EAR requirement and Plan Amendment Requirements	No amendment necessary
90	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports.	163.3191		Village complies with all EAR requirements	No amendment necessary
91	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(f)		Village complies with all requirements	No amendment necessary
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comp plan.	163.3178(7)		Spoil areas not addressed, no land available	Amendment may be needed
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)	N/A		
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)	N/A Not Rural		
95	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment.	163.2511, 163.25, 14, 16 3.2517, 163.2520, 163.2		Village promotes infill	No amendment

Changes to Chapter 163, F.S. 1986-2007		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
		523, and 163.2526 [New]		development and redevelopment throughout the Land Use and Transportation Element of the Comprehensive Plans	necessary
96	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		No sites available	No amendment needed
97	Made transportation facilities subject to concurrency.	163.3180(1)(a)			No amendment necessary
98	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Village complies with all requirements	No amendment necessary.
99	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)			No amendment needed
100	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)			No amendment needed
101	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		No districts exist in Village	No amendment necessary
102	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation.	163.31879(1)(b) and (i) [Now: (i) and (j)]	N/A		
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)	N/A		No amendment necessary
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	Repealed Section 163.3184(1)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(1)(c) [Now: Repealed]	N/A		Repealed
105	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan	163.3187(7) [Now: Repealed]	N/A		Repealed