

PLANNING AND DEVELOPMENT DEPARTMENT



April 6, 2017

The Honorable Lori Boyer, President
The Honorable Danny Becton, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No. 2017-177**

Text Amendment to the Future Land Use Element

Dear Honorable Council President Boyer, Honorable Council Member and LUZ Chairman Becton and Honorable Members of the City Council:

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **Approved** Ordinance 2017-177 on April 6, 2017.

- P&DD Recommendation APPROVE
- PC Issues: None
- PC Vote: 7-0 APPROVE

| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Daniel Blanchard, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Abel Harding, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Nicole Sanzosti Padgett, Secretary | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Joshua Garrison | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marshall Adkinson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Hagan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Davis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dawn Motes | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Respectfully,

Kristen D. Reed, AICP
Chief of Community Planning

**Staff Report on
Proposed 2016B Series' Text Amendment
to Future Land Use Element of 2030 Comprehensive Plan**

ORDINANCE 2017-177

As indicated in EXHIBIT 1 for Ordinance 2017-177, a text amendment is being proposed to amend the Future Land Use Element (FLUE) to add and update policies in accordance with Florida Statutes Sections 163.3177(6)(a)(4) and 163.3177(6)(a)(8). These sections of the Florida Statutes require that the FLUE include principles that provide for a balance of uses while allowing for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business. They also require that the analysis of future land use map amendments include consideration of the minimum amount of land needed to achieve market flexibility.

These requirements are the result of growth management changes during the 2011 and 2012 legislative sessions. Before the changes the statutes focused on the control and distribution of population densities and building and structure intensities as well as on establishing the minimum amount of land required to accommodate development.

The proposed amendments bring the 2030 Comprehensive Plan into compliance with the Florida Statutes.

Section 163.3177, F.S. Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

* * *

4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall accommodate at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under s. 380.05, including related rules of the Administration Commission.

* * *

8. Future land use map amendments shall be based upon the following analyses:
- a. An analysis of the availability of facilities and services.
 - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
 - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

This amendment was previously approved for transmittal to the state review agencies under Ordinance 2016-632-E. No comments were received regarding the proposed amendment. However, during review of the text amendment language to process adoption legislation, proposed Policy 1.1.7 was modified to ensure that the policy clearly states the intent that each rezoning shall be evaluated in regards to their effect on the provision of a balance of uses as called for in Policy 1.1.5.

The policy as proposed in Ordinance 2016-632-E and the revised policy are provided below for comparison.

Ordinance 2016-632-E

Policy 1.1.7 Future rezonings must include consideration of how the allocation of the various residential and non-residential zoning districts furthers the intent of FLUE Policy 1.1.5. The Planning and Development Department shall monitor the implementation of the Future Land Use Element by ensuring that the allocation of the various residential zoning districts permissible within each functional land use classification does not exceed the projected holding capacity reflected in Background Report of this Element. The results of this analysis shall ensure that the allocation of residential zoning districts in the Land Development Regulations will be consistent

~~with the range in density and holding capacity established in the above policy. Final Development Orders will not be issued where holding capacity is exceeded.~~

Ordinance 2017-177

Policy 1.1.7 Future rezonings shall include consideration of how the rezoning furthers the intent of FLUE Policy 1.1.5. ~~The Planning and Development Department shall monitor the implementation of the Future Land Use Element by ensuring that the allocation of the various residential zoning districts permissible within each functional land use classification does not exceed the projected holding capacity reflected in Background Report of this Element. The results of this analysis shall ensure that the allocation of residential zoning districts in the Land Development Regulations will be consistent with the range in density and holding capacity established in the above policy. Final Development Orders will not be issued where holding capacity is exceeded.~~

The Planning and Development Department recommends **APPROVAL** of the text amendment in the attached **EXHIBIT 1** and submitted as **Ordinance 2017-177**.

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2017-177**

5 AN ORDINANCE ADOPTING 2016B SERIES TEXT AMENDMENT
6 TO THE FUTURE LAND USE CATEGORY OF THE 2030
7 COMPREHENSIVE PLAN OF THE CITY OF JACKSONVILLE TO
8 UPDATE AND ADDITION OF POLICIES TO INCLUDE
9 PRINCIPLES WITHIN THE FUTURE LAND USE ELEMENT TO
10 PROVIDE FOR A BALANCE OF USES THAT ALLOW FOR THE
11 OPERATION OF REAL ESTATE MARKETS TO PROVIDE
12 ADEQUATE CHOICES FOR PERMANENT AND SEASONAL
13 RESIDENTS AND BUSINESS, CONSISTENT WITH SECTION
14 163.3177, *FLORIDA STATUTES*; PROVIDING AN
15 EFFECTIVE DATE.
16

17 **WHEREAS**, the Planning and Development Department has initiated
18 certain revisions and modifications to the text of the *2030*
19 *Comprehensive Plan* in accordance with the procedures and requirements
20 set forth in Chapter 650, Part 4, *Ordinance Code* to facilitate the
21 appropriate and timely implementation of the plan, and has provided the
22 necessary supporting data and analysis to support and justify the
23 amendments determined to be required and accordingly has proposed
24 certain revisions and modifications which are more particularly set
25 forth in **Exhibit 1, attached hereto**, and incorporated herein by
26 reference; and

27 **WHEREAS**, the City by the adoption of Ordinance 2016-632-E
28 approved this text amendment to the *2030 Comprehensive Plan* on November
29 9, 2016 for transmittal to the Florida Department of Economic
30 Opportunity ("DEO"), as the State Land Planning Agency and other
31 required state agencies, for review and comment; and

1 **WHEREAS**, by various letters and e-mails, the DEO and other state
2 reviewing agencies transmitted their comments, if any, regarding this
3 proposed amendment; and

4 **WHEREAS**, the Planning and Development Department reviewed the
5 proposed revisions, considered all comments received, prepared a
6 written report and rendered an advisory recommendation to the Council
7 with respect to these proposed text amendments; and

8 **WHEREAS**, the Planning Commission, as the Local Planning Agency,
9 held a public hearing on this proposed amendment to the *2030*
10 *Comprehensive Plan*, with due public notice having been provided, and
11 reviewed and considered all comments received during the public
12 hearing, and made a recommendation to the City Council; and

13 **WHEREAS**, pursuant to Section 650.408 *Ordinance Code*, the Land Use
14 and Zoning (LUZ) Committee held a public hearing in accordance with the
15 requirements of Chapter 650, Part 4, *Ordinance Code*, on this proposed
16 amendment and has made its recommendation to the City Council; and

17 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes* and
18 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
19 hearing with public notice having been provided on this proposed
20 amendment to the *2030 Comprehensive Plan*; and

21 **WHEREAS**, the City Council further considered all oral and written
22 comments received during public hearings, including the data collection
23 and analysis portions of this proposed amendment to the *2030*
24 *Comprehensive Plan*, the recommendations of the Planning and Development
25 Department and the Planning Commission, the final recommendations of
26 the LUZ Committee, and the comments, if any, of the DEO and the other
27 state agencies; and

28 **WHEREAS**, in the exercise of its authority, the City Council has
29 determined it necessary and desirable to adopt this proposed amendment
30 to the *2030 Comprehensive Plan* to preserve and enhance present

1 advantages, encourage the most appropriate use of land, water and
2 resources, consistent with public interest, overcome present
3 deficiencies, and deal effectively with future problems that may result
4 from the use and development of land within the City of Jacksonville;
5 now therefore,

6 **BE IT ORDAINED** by the Council for the City of Jacksonville:

7 **Section 1. Purpose and Intent.** This ordinance is adopted to
8 carry out the purpose and intent of, and exercise the authority set out
9 in the Local Government Comprehensive Planning and Land Development
10 Regulation Act, Sections 163.3161 through 163.3248, *Florida Statutes*
11 and Chapter 166, *Florida Statutes*, as amended. The amendment amends
12 the Future Land Use Element (FLUE) to update policies to include
13 principles within the Future Land Use Element to provide for a balance
14 of uses that allow for the operation of real estate markets to provide
15 adequate choices for permanent and seasonal residents and business,
16 consistent with Section 163.3177, *Florida Statutes* subject to certain
17 criteria.

18 **Section 2. Amendment to Comprehensive Plan.** The *2030*
19 *Comprehensive Plan* is hereby amended to include this revision to the
20 text of the *2030 Comprehensive Plan* in the Future Land Use Element from
21 the 2016B Series which has been initiated by the Planning and
22 Development Department, as more particularly set forth in **Exhibit 1,**
23 **attached hereto,** and incorporated herein by reference.

24 **Section 3. Effective Date.** This ordinance shall become
25 effective upon the signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

27 Form Approved:
28

29 /s/ Susan C. Grandin
30 Office of General Counsel
31 Legislation Prepared By: Kristen Reed
32 GC-#676542-v1-LS_TX_AM_#5_FLUE.doc

Ordinance 2017-177

2016B Series Text Amendment
City of Jacksonville 2030 Comprehensive Plan

Future Land Use Element (FLUE)

GOAL 1

To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

* * *

1.1.5

The amount of land designated for future development should provide for a balance of uses that:

- A. Fosters vibrant, viable communities and economic development opportunities;
- B. Addresses outdated development patterns;
- C. Provides sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.

~~The Land Development Regulations shall contain several zoning districts in each residential category, which will allow a range of residential densities in order to ensure that the total population capacity in any land use category does not exceed the holding capacity determined in Appendix in the FLUE for each planning district.~~

1.1.5A

The Land Development Regulations shall contain several zoning districts in each residential and non-residential category. These zoning districts will allow for a range of densities and intensities and shall encourage mixed-used development in appropriate locations in order to achieve the requirements of FLUE Policy 1.1.5.

1.1.6

The City of Jacksonville is divided into six planning districts along census tract boundaries. The City should evaluate and ~~medify~~ consider modifying the Planning District boundaries to achieve smaller districts or sub-districts which have common characteristics and will enable the City to address the various nuances of existing neighborhoods and more precise evaluations of needs and improvements.

1.1.7

~~Future rezonings shall include consideration of how the rezoning furthers the intent of FLUE Policy 1.1.5. The Planning and Development Department shall monitor the implementation of the Future Land Use Element by ensuring that the allocation of the various residential zoning districts permissible within each functional land use classification does not exceed the projected holding capacity reflected in Background Report of this Element. The results of this analysis shall ensure that the allocation of residential zoning districts in the Land Development Regulations will be consistent with the range in density and holding capacity established in the above policy. Final Development Orders will not be issued where holding capacity is exceeded.~~

* * *

1.1.21

Future amendments to the Future Land Use Map series (FLUMs) shall include consideration of their potential to further the goal of meeting or exceeding ~~must be based on~~ the amount of land required to accommodate anticipated growth and the projected population of the area and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business consistent with FLUE Policy 1.1.5. The projected growth needs and population projections must be based on relevant and appropriate data which is collected pursuant to a professionally acceptable methodology. In considering the growth needs and the allocation of land, the City shall also evaluate land use need based on the characteristics and land development pattern of localized areas. Land use need identifiers include but may not be limited to, proximity to compatible uses, development scale, site limitations, and the likelihood of furthering growth management and mobility goals.