

**Staff Report on**  
**Proposed 2016B Series' Text Amendment**  
**to the Conservation/Coastal Management Element**  
**of the 2030 Comprehensive Plan**

**ORDINANCE 2017-627**

Florida Statutes Section 163.3178(2)(f)2, requires local government comprehensive plans to include principles to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. The goal of these provisions is to limit the impacts of increased coastal flooding in vulnerable areas. As indicated in EXHIBIT 1 for Ordinance 2017-627, a text amendment is being proposed to amend the Conservation/Coastal Management Element (CCME) to add three (3) objectives and associated policies under existing Goal 11 to meet the requirements of the Florida Statutes.

The Department's research found that the City of Jacksonville already has a strong set of established programs, policies and regulations that address coastal flooding. Proposed CCME Objectives 11.3 and 11.4 and the related policies reflect this and are directly related to existing ordinances, comprehensive plan policies, hazard activities, and building code standards as well as continued participation in the National Flood Insurance Program.

Proposed CCME Objective 11.5 and Policies 11.5.1 through 11.5.4 recognize that there will be potential future impacts of sea level rise (SLR) to low-lying coastal areas of Jacksonville. Section 163.3177(6)(g)(10), F.S. allows for the development, at local option, of an Adaptation Action Area (AAA) designation for these types of areas. The AAA is a policy tool that allows a local government to plan for sea level rise, designate vulnerable areas, and prioritize adaptation strategies. The new CCME objective and policies implement an AAA for Jacksonville and include associated policies designed to increase coastal resilience.

The geographic boundaries of the AAA are based upon sea rise research from the US Army Corps of Engineers; the National Oceanic and Atmospheric Administration (NOAA); the Southeast Florida Regional Climate Change Compact; the University of Florida's Florida Climate Institute; and the Northeast Florida Regional Council's (NEFRC) Emergency Preparedness Committee on Sea Level Rise. The assumptions on the rates of rise above current sea level ranged from 1-3 feet by 2060 and 3-6 feet by 2110. The Department selected a medium range impact of a two foot sea level rise by 2060 to establish the geographic boundaries of the AAA.

After mapping areas which would be affected by a two foot sea level rise, it was found that the AAA and the Coastal High Hazard Area (CHHA) boundaries correlate to a high degree. As such, a reasonable policy approach is to recognize the CHHA as also encompassing the AAA, which is achieved in Policy 11.5.1. Attachment A is a map of the CHHA boundary.

Policy 11.5.2 states that the AAA designation will serve to prompt consideration and discussion of the implications of intensification and densification of lands lying within the area's boundary.

Policy 11.5.3 recognizes that the area within the planned AAA is already subject to existing policies, regulations and programs targeted at hazard mitigation related to flooding and storm surge and all serve the same essential purposes as the AAA designation.

The Department is also recommending, through Policy 11.5.4, that a working group be established to continue discussion on the AAA and to develop additional responses as deemed feasible and appropriate. This group is to be established within one year of the effective date of the text amendment.

The text of the proposed amendment differs from that which was approved for transmittal this past fall under Ordinance 2016-631-E. The changes presented in the pending amendment are in direct response to concerns provided by the State Department of Economic Opportunity (DEO). DEO is tasked as the State Land Planning Agency to review text amendments to comprehensive plans for consistency with the requirements of the Florida Statutes. DEO's concerns on the transmittal amendment were that while the City identified areas subject to coastal flooding the amendment did not expressly meet the following three requirements of Section 163.3178(2)(f), F.S:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

After receipt of DEO's comments the Planning and Development Department worked with DEO to evaluate and obtain feedback on the text changes presented in this amendment.

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**Section 163.3178, F.S. Coastal Management –**

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

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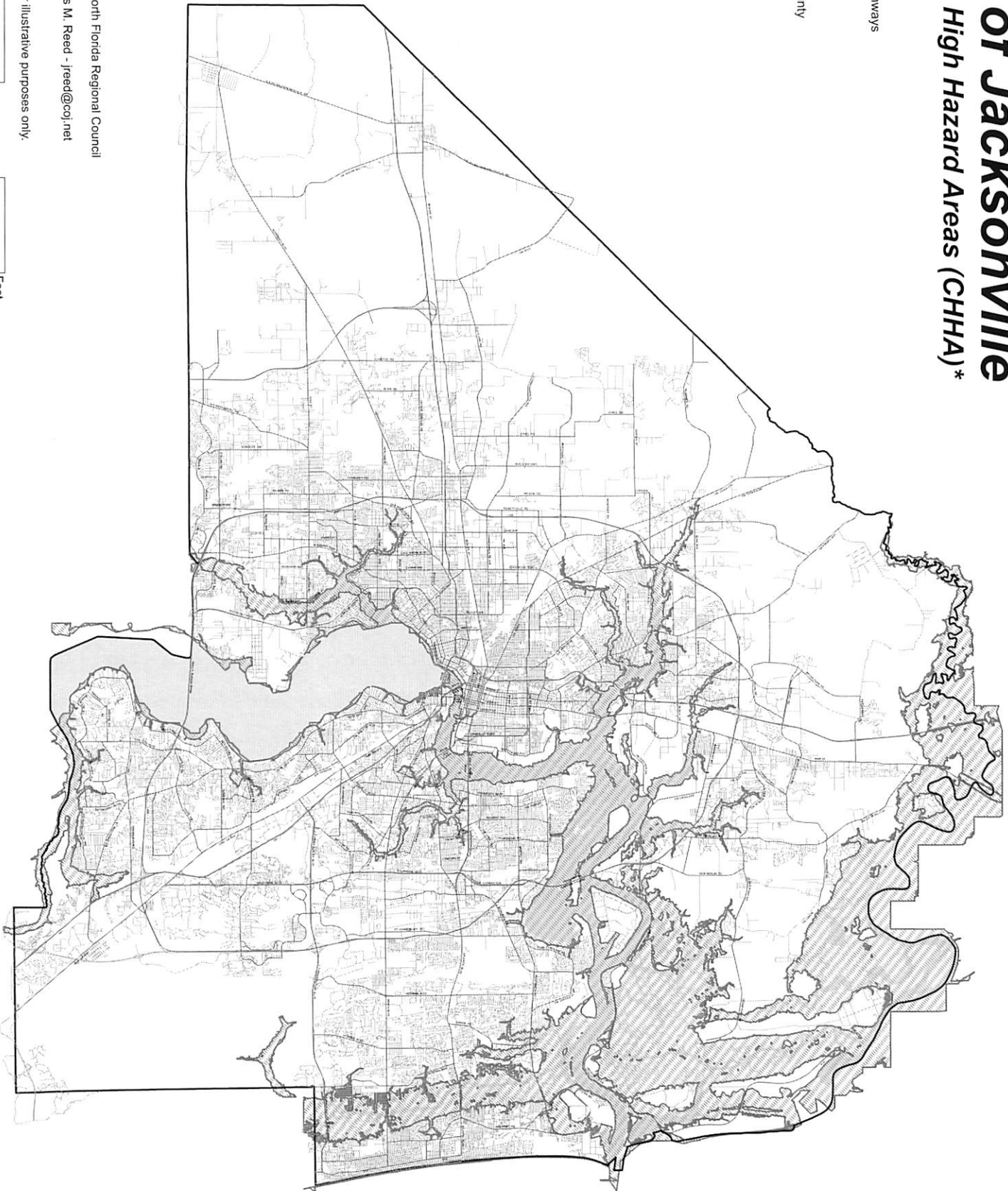
The Planning and Development Department recommends **APPROVAL** of the text amendment in the attached **EXHIBIT 1** and submitted as **Ordinance 2017-627**.

**ATTACHMENT A – CHHA MAP**

# City of Jacksonville

## Coastal High Hazard Areas (CHHA)\*

- CHHA
- Major Highways
- Roads
- River
- Duval County



\*Data provided by North Florida Regional Council  
Developed by James M. Reed - jreed@coj.net  
August 26, 2016  
Content intended for illustrative purposes only.

0 8,500 17,000 34,000 51,000 68,000 Feet



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

4 **ORDINANCE 2017-627**

5 AN ORDINANCE ADOPTING 2016B SERIES TEXT AMENDMENT  
6 TO THE CONSERVATION/COASTAL MANAGEMENT ELEMENT  
7 (CCME) OF THE 2030 COMPREHENSIVE PLAN OF THE CITY  
8 OF JACKSONVILLE FOR INCORPORATION OF OBJECTIVES  
9 AND POLICIES WITHIN THE CONSERVATION/COASTAL  
10 MANAGEMENT ELEMENT TO ADDRESS COASTAL RESOURCE  
11 MANAGEMENT CONSISTENT WITH SECTION 163.3178,  
12 *FLORIDA STATUTES*; PROVIDING AN EFFECTIVE DATE.  
13

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

24 **WHEREAS**, the City by the adoption of Ordinance 2016-631-E  
25 approved this text amendment to the 2030 Comprehensive Plan December  
26 13, 2016 for transmittal to the Florida Department of Economic  
27 Opportunity ("DEO"), as the State Land Planning Agency and other  
28 required state agencies, for review and comment; and

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

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

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

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

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

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

25           **WHEREAS**, in the exercise of its authority, the City Council has  
26 determined it necessary and desirable to adopt this proposed amendment  
27 to the *2030 Comprehensive Plan* to preserve and enhance present  
28 advantages, encourage the most appropriate use of land, water and  
29 resources, consistent with public interest, overcome present  
30 deficiencies, and deal effectively with future problems that may result

1 from the use and development of land within the City of Jacksonville;  
2 now therefore,

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

4 **Section 1. Purpose and Intent.** This ordinance is adopted to  
5 carry out the purpose and intent of, and exercise the authority set out  
6 in the Local Government Comprehensive Planning and Land Development  
7 Regulation Act, Sections 163.3161 through 163.3248, *Florida Statutes*  
8 and Chapter 166, *Florida Statutes*, as amended. The amendment allows  
9 incorporation of policies within the Conservation/Coastal Management  
10 Element regarding the coastal resource management consistent with  
11 Section 163.3178, *Florida Statutes*.

12 **Section 2. Amendment to Comprehensive Plan.** The *2030*  
13 *Comprehensive Plan* is hereby amended to include this revision to the  
14 text of the *2030 Comprehensive Plan* in the Conservation/Coastal  
15 Management Element from the 2016B Series which has been initiated by  
16 the Planning and Development Department, as more particularly set forth  
17 in **Exhibit 1, attached hereto**, and incorporated herein by reference.

18 **Section 3. Effective Date.** This ordinance shall become  
19 effective upon the signature by the Mayor or upon becoming effective  
20 without the Mayor's signature.

21  
22 Form Approved:

23  
24  
25           /s/ Susan C. Grandin          

26 Office of General Counsel

27 Legislation Prepared By: Kristen Reed

28 GC-#1153563-v1-LS\_AD\_P\_TX\_AMD\_#4\_CCME.doc



**Ordinance 2017-627**

**2016B Series Text Amendment**  
**City of Jacksonville 2030 Comprehensive Plan**

**Conservation/Coastal Management Element (CCME)**

**GOAL 11**

**To ensure that development and redevelopment within the Coastal Area is compatible with the Coastal Area's natural character and that flood risk is managed through principals, strategies and engineering solutions.**

\* \* \*

**Objective 11.3**

**The City shall implement development and redevelopment principles, strategies and engineering solutions to reduce or eliminate flood risk in coastal areas when opportunities arise.**

**Policies 11.3.1**

**The City shall protect coastal areas for the public benefit and restore degraded floodplain areas by methods such as land acquisition or conservation easement acquisition; regulation, including setbacks, buffer zones, designated wildlife corridors; low density zoning, performance standards and open space requirements and through engineering solutions adopted in the floodplain management ordinance and the Florida Building Code.(CCME 2.7.3)**

**11.3.2**

**Utilizing such programs as the Flood Mitigation Assistance Program (FMAP), Repetitive Flood Claims (RFC) and Severe Repetitive Loss (SRL), the City will continue to work with the State of Florida Division of Emergency Management (DEM), the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP) to mitigate flooding hazards through the acquisition, elevation or relocation mitigation alternatives (Local Mitigation Strategy).**

**11.3.3**

**The City will create and maintain data and information to support redevelopment efforts which will include the following inventories: non-conforming land uses, vacant lands, high hazard areas, potential property acquisition/reuse, critical priority redevelopment areas and industrial preservation areas (Post Disaster Redevelopment Plan).**

#### **11.3.4**

The City will develop and support public and private projects and programs to retrofit, relocate or acquire properties susceptible to repetitive flooding.

#### **11.3.5**

The City shall meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22 in order to reduce flood losses and achieve flood insurance premium discounts for residents. (Ordinance Code, § 652.103(h))

#### **11.3.6**

The City will continue to participate in the National Flood Insurance Program (NFIP) and will make all reasonable efforts to maintain a Community Rating System score of 6 or higher.

#### **11.3.7**

The City's Emergency Preparedness Division shall maintain a Local Mitigation Strategy which will be reviewed and updated annually in accordance with state and federal requirements to remain eligible for pre- and post-disaster funding assistance.

#### **11.3.8**

The City shall minimize public and private losses due to flooding by implementing the following regulations:

- A. Requiring the use of appropriate construction practices in order to prevent or minimize future flood damage and managing development practices which may increase flood damage or erosion potential through implementation of the floodplain management ordinance. (Ordinance Code, § 652.103(b and c))
- B. Designating a Floodplain Administrator to enforce the provisions of Chapter 652, Ordinance Code, the City's floodplain management ordinance.

#### **11.3.9**

The City has adopted and shall maintain a floodplain management ordinance that establishes engineering requirements to safeguard the public health, safety, and general welfare and minimizes public and private losses due to flooding through regulation and development of flood hazard areas. The ordinance shall include development and redevelopment regulations that:

- (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (b) Require the use of construction practices that will prevent or minimize future flood damage;
- (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

- (d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (e) Minimize damage to public and private facilities and utilities;
- (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

#### **11.3.10**

Engineering solutions shall be included in the floodplain management ordinance and shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings and structures; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

#### **11.3.11**

The Floodplain Administrator shall review permit applications and engineering plans to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development is in a flood hazard area, all site development activities, (including grading, filling, utility installation and drainage modification), all new construction and substantial improvements shall be designed and constructed with engineering methods, practices and materials to minimize flood damage and that are in accordance with city Floodplain Management Ordinance.

#### **11.3.12**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study for the City of Jacksonville, Duval County, Florida and Incorporated Areas and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, shall be adopted by reference as a part of the floodplain management ordinance and shall serve as the minimum basis for establishing flood hazard areas, along with the supporting data and flood hazard areas included in the Master Stormwater Management Plan. Flood zones shall also be depicted on Future Land Use Element Map L-4.

The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal

Emergency Management Agency, requiring revision to the floodplain management regulations to remain eligible for participation in the National Flood Insurance Program

**11.3.13**

All public utilities and facilities such as sewer, gas, electric, communications, and water systems are to be located and constructed to minimize or eliminate flood damage. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Rule 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**11.3.14**

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in the Floodplain Management Ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**11.3.15**

Development within flood hazard areas shall be required to include vulnerability reductions measures such as additional hardening, higher floor elevations or incorporation of natural infrastructure for increase resilience.

**11.3.16**

The City shall continue to implement the Florida Building code and land development regulations to enhance flood mitigation measures in vulnerable areas to reduce future risks associated with high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

**11.6.17**

The City's Land Development Regulations shall include standards and criteria for drainage and stormwater management in all types of development based on Level of Service Standards established in the 2030 Comprehensive Plan. (FLUE Policy 1.2.15)

**11.3.18**

The City shall require all development within the 100 year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations. (FLUE Policy 1.4.4)

**Objective 11.4 The City of Jacksonville shall be consistent with, or more stringent than, the flood resistant construction requirements of the Florida Building Code (FBC) and applicable flood plain management regulations (44 C.F.R. part 60). Construction activities seaward of the coastal construction control lines shall be consistent with Chapter 161, Florida Statutes.**

**11.4.1**

**The Floodplain Management Ordinance (Ordinance Code, Chapter 652) shall be administered and enforced in conjunction with the Florida Building Code and shall be consistent with the requirements of the Federal Emergency Management Agency (FEMA) and Title 44 Code of Federal Regulations. Additionally, floodplain development permits or approvals shall be issued pursuant to Chapter 652 for any development activities not subject to the requirements of the Florida Building Code. (Ordinance Code, § 652.402)**

**11.4.2**

**Limit new construction to areas landward of the primary dune line, except as provided for by Florida's Coastal Construction Control Line regulation pursuant to Chapter 161, F.S. Prohibit the use of non-emergency or maintenance vehicles on the City's primary dune system except as provided pursuant to an approved beach management plan. (FLUE Policy 1.5.8)**

**11.4.3**

**If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:**

- A. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.**
- B. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this Chapter and ASCE 24. (Ordinance Code, § 652.1004)**

**Objective 11.5**

**The City has established an Adaptation Action Area (AAA) and shall consider appropriate responses to address current and future risks related to the associated impacts of sea-level-rise.**

**11.5.1**

**The City of Jacksonville shall recognize the Coastal High Hazard Area (CHHA) identified in Map C-18 as also encompassing the Adaptation Action Area (AAA) for those low-lying coastal zones that may experience coastal flooding due to extreme high**

tides and storm surge and are vulnerable to the impacts of rising sea level. (§163.3177(6)(g)(10), F.S.) Land within the AAA is subject to potential high tide inundation under a horizon 2060 two foot sea level rise scenario.

### **11.5.2**

The City shall consider the implications of the AAA when reviewing changes to the use, intensity and density of land lying within the AAA.

### **11.5.3**

The City shall recognize existing regulations, programs and policies that overlap with the AAA and that are currently in place to limit public investment and address appropriate development and redevelopment practices related to flooding. These regulations, programs and policies include but are not limited to the floodplain management ordinance, CHHA policies, the Local Mitigation Strategy and the Post Disaster Redevelopment Plan and shall only be applied in cases where such regulation would otherwise apply to a development or redevelopment project.

### **11.5.4**

The City of Jacksonville shall create a working group to review existing programs and policies in relation to the AAA to determine the need and appropriate timing for additional and financially feasible responses to the effects of coastal flooding within the Adaptation Action Area. The working group shall be established within one year of the effective date of this policy.

## **Definitions**

Flood hazard area. The greater of the following two areas:

- (a) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- (b) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

*Floodway.* The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.