

Staff Report on
Proposed 2015B Series Text Amendment
To The Future Land Use Element of
2030 Comprehensive Plan

ORDINANCE 2017-838

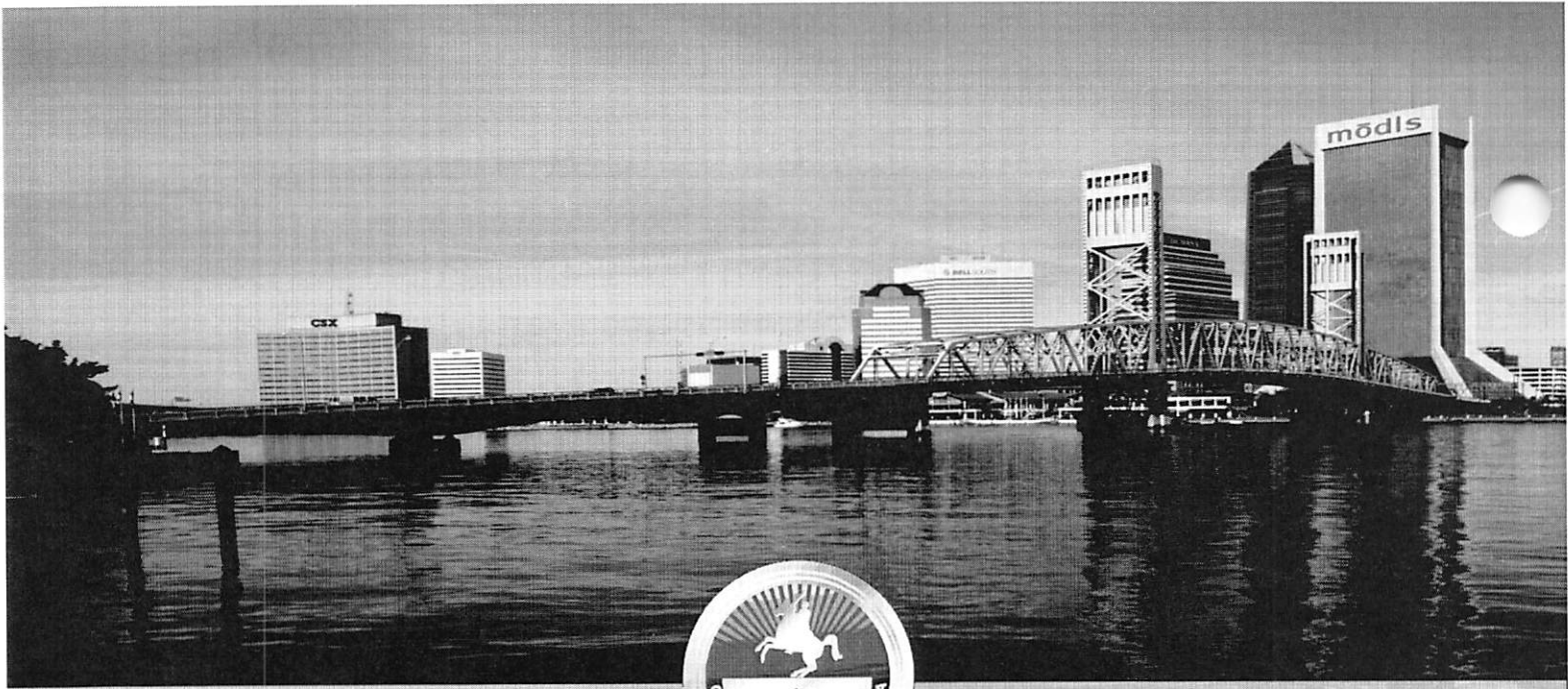
As indicated in EXHIBIT 1 for Ordinance 2017-838, a text amendment is being proposed to amend the 2030 Comprehensive Plan Conservation/Coastal Management Element (CCME) to adopt the Duval Manatee Protection Plan (MPP) 4th Edition (November 2017) by reference into the comprehensive plan. Ordinance 2017-837 is companion legislation which approves the 4th Edition of the MPP.

The CCME text amendment was approved in 2015 for transmittal to the state review agencies for comment pursuant to adopted Ordinance 2015-063-E. Ordinance 2015-063-E was based on the 3rd Edition MPP which was adopted by Ordinance 2014-383-E. The state review agencies provided letters of no comment on the proposed text amendment in July of 2015. However, the subsequent adoption of the text amendment was delayed due to negotiations between the Planning and Development Department, the Downtown Investment Authority (DIA), Florida Fish and Wildlife Commission (FWC) and the United States Fish and Wildlife Service (USFWS) regarding the number of slips permitted in the 3rd Edition MPP. The city requested the addition of 175 boat slips within the Downtown Development of Regional Impact (DRI) area.

On November 16, 2017 the FWC and USFWS approved the request for 175 additional boat slips within the Downtown DRI area. This approval required revising the MPP to the 4th Edition and revisions to the text of the proposed CCME amendment to recognize the updated 4th Edition MPP. The only change to the proposed CCME amendment from adopted Ordinance 2015-063-E to this pending amendment is the reference to the 4th Edition of the MPP rather than the 3rd Edition.

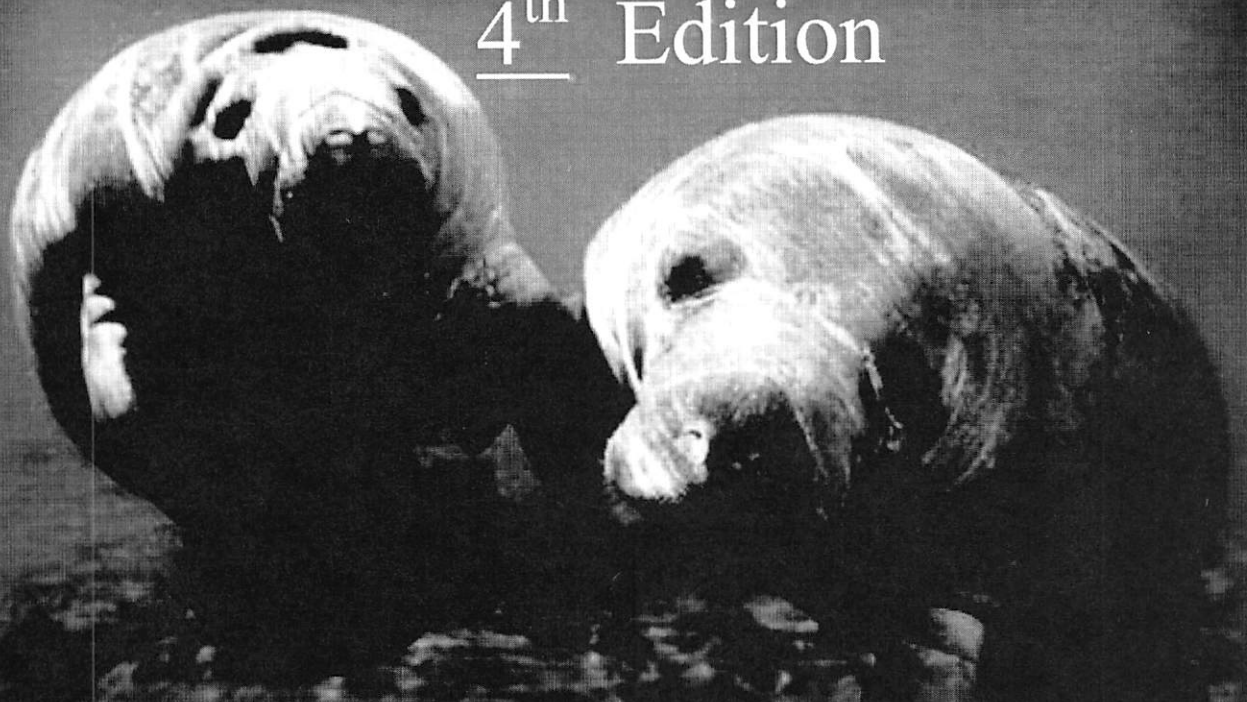
The goals, objectives and policies of the CCME relating to manatee protection have been revised for consistency with the approved 4th Edition MPP (November 2017).

Therefore, the Planning and Development Department recommends **Approval** of the text amendment in the attached **EXHIBIT 1** and submitted as **Ordinance 2017-838**.



Manatee Protection Plan

4th Edition



City of Jacksonville
Planning and Development Department
November 2017

- i. Acceptable With Conditions - Development in an Acceptable With Conditions area may occur at up to five (5) slips for every 100 feet of shoreline owned or controlled by the applicant. For example: A site has 342 feet of shoreline. In order to calculate the allowable number of slips, 342 is rounded up to the next one hundred foot increment (400), then divided by 100 which equals 4. That number is multiplied by the slip to shoreline ratio (5). In this example, 20 would be the allowable number of slips.
- ii. Unacceptable – Development may occur in an Unacceptable area if the development is proposed at a level of one slip for every 100 feet of shoreline owned or controlled by the applicant. For example: A site has 442 feet of shoreline. In order to calculate the allowable number of slips, 442 is rounded up to the next one hundred foot increment (500), then divided by 100 which equals five (5). That number is multiplied by the slip to shoreline ratio one (1). In this example, five (5) would be the allowable number of slips.

B. Special Development Area – Development in the following locations is allowable as detailed below:

- i. Downtown Development of Regional Impact (DRI) Area - Slips within this area will be limited to the 789 slips authorized by the Consolidated Downtown (DRI) Consolidated Order as of 2012 (see attached Appendix C, DRI location map). These ~~789~~ 964 slips to be distributed to locations within the Special Development area as specified in the DRI consolidated order, some of which may already be permitted and existing.
- ii. Ortega River Working Waterfront Zone – Development on the parcels with riparian rights at the six (6) marina sites in that zone (Huckins Yacht, Cedar Point Marina, Lambs Yacht Center, Lakeshore Dry Storage and Sadler Point Marina) is unrestricted from a manatee management perspective.
- iii. Property Parcel North of Atlantic Boulevard on Pablo Creek – A maximum of 650 slips (wet and dry) as authorized by City of Jacksonville Ordinance 2009 – 621-E are allowable within this area.
- iv. City of Jacksonville Public Boat Ramps - The following planned expansions and one new public boat ramp are allowable as detailed below:
 - a) Wayne B. Stevens Park Boat Ramp at 4555 Ortega Farms Boulevard – 10 additional boat trailer parking spaces at this location. For a total of 59 trailer parking spaces (49 existing + 10 additional).
 - b) Lighthouse Marine Boat Ramp at 5434 San Juan Avenue – Four (4) additional boat trailer parking spaces at this location. For a total of 20 trailer parking spaces (16 existing + 4 additional).
 - c) Bert Maxwell Park Boat Ramp at 500 Maxwell Road - 15 additional boat trailer parking spaces at this location. For a total of 60 trailer parking spaces (45 existing + 15 additional).
 - d) Lonnie Wurn Boat Ramp at 4131 Ferber Road – Five (5) additional boat trailer parking spaces at this location. For a total of 14 trailer parking spaces (9 existing + 5 additional).
 - e) Oak Harbor Boat Ramp at 2428 Seaway Street – Four (4) additional boat trailer parking spaces at this location. For a total of 32 trailer parking spaces (28 existing + 4 additional).

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

4 **ORDINANCE 2017-838**

5 AN ORDINANCE ADOPTING 2015B SERIES TEXT AMENDMENT
6 TO THE CONSERVATION/COASTAL MANAGEMENT ELEMENT OF
7 THE 2030 COMPREHENSIVE PLAN OF THE CITY OF
8 JACKSONVILLE REVISING CONSERVATION/COASTAL
9 MANAGEMENT OBJECTIVES AND POLICIES IN ACCORDANCE
10 WITH THE REVISED MANATEE PROTECTION PLAN AS
11 ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE
12 STATE OF FLORIDA AND THE U. S. FISH AND WILDLIFE
13 SERVICE; PROVIDING AN EFFECTIVE DATE.
14

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

25 **WHEREAS**, the City by the adoption of Ordinance 2015-63-E approved
26 this text amendment to the 2030 Comprehensive Plan May 26, 2015 for
27 transmittal to the Florida Department of Economic Opportunity ("DEO"),
28 as the State Land Planning Agency and other required state agencies,
29 for review and comment; and

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

1 proposed amendment; and

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

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

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

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

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

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

1 deficiencies, and deal effectively with future problems that may result
2 from the use and development of land within the City of Jacksonville;
3 now therefore,

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

5 **Section 1. Purpose and Intent.** This ordinance is adopted to
6 carry out the purpose and intent of, and exercise the authority set out
7 in the Local Government Comprehensive Planning and Land Development
8 Regulation Act, Sections 163.3161 through 163.3248, *Florida Statutes*
9 and Chapter 166, *Florida Statutes*, as amended. This Comprehensive Plan
10 text amendment revises Conservation/Coastal Management Element
11 objectives and policies in accordance with the revised Manatee
12 Protection Plan as adopted by the City Council and approved by the
13 State of Florida and the U. S. Fish and Wildlife Service.

14 **Section 2. Amendment to Comprehensive Plan.** The *2030*
15 *Comprehensive Plan* is hereby amended to include this revision to the
16 text of the *2030 Comprehensive Plan* in the Conservation/Coastal
17 Management Element from the 2015B Series which has been initiated by
18 the Planning and Development Department, as more particularly set forth
19 in **Exhibit 1, attached hereto**, and incorporated herein by reference.

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

23
24 Form Approved:

25
26
27 /s/ Susan C. Grandin

28 Office of General Counsel

29 Legislation Prepared By: Kristen Reed

30 GC-#1171841-v1-LS_Txt_Amd_CCME.doc

Adoption Ordinance 2017-838

2015B Series Text Amendment City of Jacksonville 2030 Comprehensive Plan

Conservation/Coastal Management Element (CCME)

GOAL 3

Manage, preserve and enhance viable native ecological communities in order to protect and improve the functions of natural systems and the distribution, productivity and diversity of native plants, animals and fisheries, particularly those species which are endangered, threatened, of special concern, or have high ecological, recreational, scientific, educational, aesthetic, or economic value.

* * *

Objective 3.7

~~The City shall implement and update the City of Jacksonville Manatee Protection Plan 4th Edition, dated November 2017 (MPP), as approved by the State on June 24, 1999 as adopted by the City Council and approved by the State of Florida and the U.S. Fish and Wildlife Service, is hereby incorporated into the City of Jacksonville Comprehensive Plan by reference. The City shall implement the MPP in order to ensure both immediate and long-term plans for manatee and manatee habitat protection including consistency review of the boat facility siting plan located in the Manatee Protection Plan. enforced speed limits, careful siting and design of boat facility and port facilities, and changes in boating equipment.~~

Policies 3.7.1

~~The City shall implement the provisions and requirements identified in the MPP. Implementation shall include but not be limited to consistency reviews with the boat facility siting plan of the Manatee Protection Plan, data collection, coordination of law enforcement activities, and manatee awareness and education. The City shall review the motorboat speed zones previously adopted to protect the manatee. Enforcement of such zones will be coordinated with the FF&WCC, the USFWS, the FDEP, and the JSO Marine Unit. To ensure that enforcement is adequate and consistent, at least annually the Jacksonville Waterways Commission shall agenda a meeting with these to review the motorboat speed zones, enforcement efforts, boat facility siting criteria, educational opportunities and innovative technology.~~

3.7.2

~~Port expansion and construction activities shall not proceed without consideration of modifications of construction activities, and if necessary, mitigation of any threats to the survival of manatees or any other listed species.~~

3.7.3

~~All new port facilities shall be designed to prevent the crushing of manatees between vessels and docking structures. Existing port facilities shall be evaluated as to their potential for causing injury to manatees and recommendations concerning retrofitting with fenders or other features to minimize the hazard to manatees shall be made.~~

3.7.4

~~The City shall continue to meet with the Manatee Coordinator of the U.S. Fish and Wildlife Service and the DEP, and provide informative brochures and signs to increase public awareness and compliance with laws protecting manatees and other listed species. The brochures will be distributed at boating stores, bait shops, etc. Signs will be placed at all public boat ramps in the vicinity of areas known to be frequented by manatees.~~

3.7.5

~~The City shall update the Manatee Protection Plan by 2011. In preparing updates to the Manatee Protection Plan, the City shall consider alternative methods for reduction in watercraft-caused Florida manatee mortality, including those contained in the Florida Manatee Recovery Plan. Alternatives to be considered shall also include development of an education and awareness program for the marine industry similar to those used for the North Atlantic Wright Whale, adoption of manatee procedures to be followed by port stakeholders, and development of placard to be given to all vessel captains entering the port.~~

* * *

GOAL 10

To provide for the siting and operation of boat facilities in such a manner as to protect water quality, maintain propagation of fish and wildlife, and maintain fishing, recreation, and swimming in a manner consistent with the Future Land Use Element, the Recreation and Open Space Element and Conservation/Coastal Management Element of the 2030 Comprehensive Plan, and the Manatee Protection Plan, dated November 2017 (MPP) as approved- adopted by the City Council and approved by Florida Fish and Wildlife Conservation Commission (FWCC)- and the U.S. Fish and Wildlife Service (USFWS).

Objective 10.1

Boat facilities shall be sited in a manner which is compatible with existing and future land uses and consistent with the Boat Facilities Siting Plan of the MPP ~~Manatee Protection Plan as approved by the FDEP (now FWC).~~

Policies 10.1.1

The location of future boat facilities shall be consistent with the recommendations within the Future Land Use Element and the Recreation and Open Space Element of the 2030

Comprehensive Plan, as well as any ~~District~~ Vision Plan, and any other special study or plan adopted by the City, such as the Boat Facilities Siting Plan located in the MPP.

10.1.2

New boat facilities shall be prohibited in the following areas:

~~A.~~ Areas approved or conditionally approved by the Florida Fish and Wildlife Conservation Commission (FFWCC) for shellfish harvesting or potential shellfish harvesting.

~~B.~~ Areas described by the Inter-State Shellfish Sanitation Conference (ISSSC) buffer zone calculation for individually proposed boat facilities.

~~C.~~ ~~Areas designated in the Conservation/Coastal Management Element as potential areas to be opened for shellfish harvesting.~~

~~C.~~ ~~D.~~ The Nassau River/St. Johns River Marshes Aquatic Preserve north of Hecksher Drive at the St. Johns River and west of the Atlantic Ocean excluding Jim King Park. as described in Official Records Volume 3183, pages 547-552, current public records of Duval County, Florida and in Official Records Book 108, pages 232-237, current public records of Nassau County, Chapter 18-20.002 (7) (a) (2) F.A.C., and other Aquatic Preserves, as designated by the State.

~~D.~~ ~~E.~~ Outstanding Florida Waters north of the St. Johns River and west of the Atlantic Ocean.

~~E.~~ ~~F.~~ Class II Waters.

~~F.~~ ~~G.~~ Other new boat facility prohibition areas specified in Special Management Area management plans. and Boat Facility Zones 2, 6, 7, 10, 11, 12, 13S, and 17 as defined in the Manatee Protection Plan.

~~The following are considerations in the development and use of the Boat Facility Siting Strategy:~~

~~A.~~ ~~New facility construction or existing facility expansion should have no or minimal impact to submerged aquatic vegetation (SAV). Adverse impacts to habitat should be avoided, reduced and minimized as required by state, federal and local regulations.~~

~~B.~~ ~~New facility or existing facility expansion construction should have no or minimal dredging and thereby avoid adverse impact to benthic communities and native submerged vegetation.~~

~~C.~~ ~~The Boat Facility Siting Strategy complements other existing resource protection, waterway management initiatives and programs including, but not necessarily limited to:~~

~~i.~~ ~~Florida Department of Agriculture and Consumer Services designation of areas approved or conditionally approved for shellfish harvesting.~~

~~ii.~~ ~~Florida Department of Environmental Protection surface water quality classification and Outstanding Florida Waters designations.~~

~~iii.~~ ~~Aquatic Preserve and other conservation area management plans.~~

~~D.~~ ~~The following practices for the design and operation of facilities are encouraged:~~

- ~~i. Preserve or establish shoreline stabilization using appropriate native wetland vegetation.~~
- ~~ii. Utilize rip rap materials, pervious interlocking brick systems and other similar stabilization methods in lieu of vertical sea walls where feasible.~~
- ~~iii. Piling construction and other non-dredge/non-fill techniques rather than bulkheading or dredging where possible.~~
- ~~iv. Open wet slips rather than covered wet slips to reduce shading of water bodies which results in lower biological productivity~~

10.1.3

New or expanding boat facilities shall preserve any historical and archaeological sites found on the property, and sensitively incorporate them into their development plans in accordance with the Historic Preservation Element, or mitigate impacts in accordance with the guidelines of the State's Division of Historic Resources.

10.1.4

~~The City has prepared a Manatee Protection Plan, which includes a Boat Facilities Siting Plan. The Boat Facility Siting Plan incorporates manatee protection, fish nursery preservation and other environmental concerns, economic need, and feasibility. , and provides for the implementation of the following criteria: A. Boat facility construction shall be directed away from the following areas:~~

- ~~Areas of high manatee use~~
- ~~Areas where wetlands supporting manatee habitat will be disturbed~~
- ~~Areas of highly productive habitat~~
- ~~Areas of high manatee mortality~~
- ~~Sensitive, undisturbed natural areas frequented by manatees~~

~~B. Boat facility construction shall be directed towards the following areas:~~

- ~~All structures and other activities shall be within the riparian rights — area of the applicant and shall be designed in a manner that will not — restrict or otherwise infringe upon the riparian rights of adjacent — upland riparian owners~~
- ~~Locations in or near well flushed, deep water areas where the least — maintenance or dredging is required~~
- ~~Areas where the water quality benefits of existing water circulation — are maximized~~
- ~~Locations as close as possible to public demand~~
- ~~Areas of minimal manatee use and mortality (except where — otherwise provided within specified boat facility siting zones)~~
- ~~Areas with no or minimal amounts of native submerged aquatic — vegetation~~
- ~~The facility shall be adjacent to speed zones as designated in the — Manatee Protection Plan~~

10.1.54

The City shall review the application for any proposed boat facility to ensure consistency with Conservation/Coastal Management Element policies and objectives, and with respect to Permit applications for all new or expanding boat facilities, including single family docks and dry storage, shall be evaluated on a case by case basis, in the context of cumulative impacts on manatees and other freshwater and marine resources. Impacts will be considered with respect to Manatee Protection Plan studies and criteria set by the Boat Facilities Siting Plan, the MPP. Development orders will not be issued for boat facilities that do not satisfy criteria of the Boat Facilities Siting Plan. are not consistent with the MPP and the 2030 Comprehensive Plan.

10.1.6

~~If there is an increase in manatee mortality as defined within Appendix D of the Manatee Protection Plan within a boat facility siting zone or on a county wide basis, the need for more restrictive speed zones and the appropriateness of siting additional, or expanding, boat facilities in the vicinity shall be assessed. If the increase is at an unacceptable level according to the standards contained in Appendix D, no further boat facilities shall be permitted in that zone until its classification is reassessed. An unacceptable level of manatee mortalities means:~~

- ~~a) 3 or more watercraft caused mortalities, or 5 or more mortalities from any cause except natural, within the last 12 months within a boat facility siting zone (or averaged for two zones if near a zone boundary) OR~~
- ~~b) 5 or more watercraft caused mortalities in all county waters (without regard to boat facility siting zone or size of vessel), or 10 or more mortalities from all causes except natural in all county waters, within the last 12 months.~~

* * *

Objective 10.4

All boat facilities must ensure protection of water quality consistent with the Boat Facilities Siting Plan requirements and other water quality requirements of the 2030 Comprehensive Plan.

Policies 10.4.1

New or expanding boat facilities shall demonstrate the capability to control and treat storm water run-off by demonstrating compliance with the requirements of the SJRWMD and the DEP prior to final approval.

10.4.2

All boat facilities must handle sewage in accordance with applicable standards by means of on site pump-out with adequate on site treatment facilities, connection to a wastewater treatment plant, as required by federal, State and local regulations.

10.4.3

Prior to approval, all new or expanding boat facilities must demonstrate that construction and operation of the facility will comply with State water quality standards and any other local regulations.

* * *

Objective 10.6

New or expanding boat facilities must be designed to minimize environmental disruptions and mitigate for such disruptions when unavoidable.

Policies 10.6.1

Construction and operation of boat facilities shall be designed to minimize or eliminate adverse impacts on fish and wildlife habitat. Special attention and consideration shall be given to endangered and threatened species habitat.

10.6.2

To the maximum extent possible, shoreline stabilization must be accomplished through preservation or establishment of appropriate native wetland vegetation. Rip rap materials, sloping revetment rubble mound, pervious interlocking systems and other similar stabilization methods must be utilized as a primary method of stabilization wherever possible

10.6.3

Piling construction and other non-dredge fill techniques shall be utilized where possible to minimize habitat destruction, ~~as defined in the Boat Facilities Siting Plan.~~

10.6.4

Mitigation for impacts to fish and wildlife and water quality shall be as required by DEP and the USACOE or local regulations, pursuant to the policies in this element.

~~10.6.5~~

~~All public boat facilities shall distribute a manatee awareness booklet which contains reminders for protection of the manatee and its habitat public boat facilities shall display and maintain informational signs explaining the manatee protection zones established in the manatee protection plan mandated by the Governor and the Cabinet.~~

10.6.65

The City shall provide regulatory protection zones for the protection of the manatee and its habitat in areas frequented by manatees.

10.6.76

In reviewing applications for new boat facilities or the expansion of existing facilities, ways to improve, mitigate, or restore adverse environmental impacts caused by previous activities shall be explored. Criteria for the review will include the following: shallowing dredged areas, restoring wetland or submerged vegetation, or marking navigational channels. Such mitigation or restoration may be required as condition of approval for new or expanded facilities.

Objective 10.7

The City ~~must~~ can ensure adequate enforcement of the above objectives through consistency with the 2030 Comprehensive Plan, the Boat Facilities Siting Plan and of the Manatee Protection Plan and ~~the reduce~~ reduction of permitting overlaps among agencies.

Policies 10.7.1

~~Subject to available funds and staffing, N~~new boat facilities shall be inspected at least once during construction, and all boat facilities ~~must~~ may be inspected on an annual basis to ensure compliance with all requirements. ~~EQD will design and implement a water quality monitoring program for boat facilities within the City. If it can be determined that the boat facility and/or the riparian uplands are causing water quality violations, then the lessee will be given written notice to correct the problems, in accordance with The EQD's August 1986 Water Pollution Activity Enforcement Standard Operating Procedure.~~

10.7.2

The City shall continue to coordinate and enter into interagency agreements with regulatory and planning agencies to enforce regulatory functions effectively and efficiently.