

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

February 18, 2021

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report / Ordinance No. 2021-040/ Accessory Dwelling Unit Text Amendment to the Future Land Use Element of the 2030 Comprehensive Plan

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairman Boylan 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 2021-040 on February 18, 2021.

P&DD Recommendation

APPROVE

PC Issues:

The Commission noted that the implementing Land Development Regulations need to be carefully considered to ensure the inclusion of reasonable siting requirements on single-family lots.

PC Vote:

5-0 APPROVE

Joshua Garrison, Chair

Aye

Dawn Motes, Vice-Chair

Absent

David Hacker, Secretary

Absent

Marshall Adkison

Aye

Daniel Blanchard

Aye

Ian Brown

Aye

Alexander Moldovan

Aye

Jason Porter

Absent

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

Sincerely,

Kristen D. Reed

Kristen D. Reed, AICP
Chief of Community Planning Division
City of Jacksonville - Planning and Development Department
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Jacksonville, FL 32202
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**Staff Report on Proposed 2021B Series Text Amendment
to the Future Land Use Element of the
2030 Comprehensive Plan**

ORDINANCE 2021-40

Ordinance 2021-40 is an amendment to the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan. This amendment adds "Accessory Dwelling Units" as an Accessory Use in the Low Density Residential land use category within all Development Areas. One "Accessory Dwelling Unit" would be permitted on a conforming single-family lot regardless of density limitations.

The amendment also adds the definition of an "Accessory Dwelling Unit" to the Future Land Use Element of the 2030 Comprehensive Plan.

Accessory Dwelling Unit – An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.

The Planning and Development Department recommends **APPROVAL** of the text amendment in the attached **EXHIBIT 1** submitted as **Ordinance 2021-40**.

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2021-40**

5 AN ORDINANCE APPROVING THE PROPOSED 2021B SERIES
6 TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF
7 THE *2030 COMPREHENSIVE PLAN* OF THE CITY OF
8 JACKSONVILLE, TO ADD ACCESSORY DWELLING UNITS AS
9 AN ACCESSORY USE IN THE LOW DENSITY RESIDENTIAL
10 LAND USE CATEGORY, FOR TRANSMITTAL TO THE STATE
11 OF FLORIDA'S VARIOUS AGENCIES FOR REVIEW;
12 PROVIDING A DISCLAIMER THAT THE AMENDMENT
13 TRANSMITTED HEREIN SHALL NOT BE CONSTRUED AS AN
14 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
15 PROVIDING AN 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 add Accessory
21 Dwelling Units as an Accessory Use in the Low Density Residential
22 land use category, which are more particularly set forth in **Exhibit**
23 **1, attached hereto**, dated December 14, 2020, and incorporated herein
24 by reference; and

25 **WHEREAS**, the Jacksonville Planning Commission, as the Local
26 Planning Agency, held a public hearing on this proposed Amendment to
27 the *2030 Comprehensive Plan*, with due public notice having been
28 provided, and reviewed and considered all comments received during
29 the public hearing, and made a recommendation to the City Council;
30 and

31 **WHEREAS**, the Land Use and Zoning (LUZ) Committee held a public

1 hearing on this proposed Amendment pursuant to Chapter 650, Part 4,
2 *Ordinance Code*, and having considered all written and oral comments
3 received during the public hearing, has made its recommendation to
4 the Council; and

5 **WHEREAS**, the City Council held a public hearing on this proposed
6 Amendment with public notice having been provided, pursuant to Section
7 163.3184(3), *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
8 *Code*, and having considered all written and oral comments received
9 during the public hearing, the recommendations of the Planning and
10 Development Department, the Planning Commission and the LUZ
11 Committee, desires to transmit this proposed Amendment through the
12 State's expedited state review process to the Florida Department of
13 Economic Opportunity, as the State Land Planning Agency, the Northeast
14 Florida Regional Council, the Florida Department of Transportation,
15 the St. Johns River Water Management District, the Florida Department
16 of Environmental Protection, the Florida Fish and Wildlife
17 Conservation Commission, the Department of State's Bureau of Historic
18 Preservation, the Florida Department of Education, and the Department
19 of Agriculture and Consumer Affairs; now, therefore

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

21 **Section 1. Approval of Amendment for Transmittal Purposes.**

22 The Council hereby approves the proposed 2021B Series Text Amendment
23 to the Future Land Use Element of the *2030 Comprehensive Plan*, as set
24 forth in **Exhibit 1, attached hereto**, dated December 14, 2020, for
25 transmittal to Florida's various required State Agencies for review.

26 **Section 2. Disclaimer.** The transmittal approved herein

27 shall **not** be construed as an exemption from any other applicable
28 local, state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use, and transmittal is based upon acknowledgement, representation

1 and confirmation made by the applicant(s), owner(s), developer(s)
2 and/or any authorized agent(s) or designee(s) that the subject
3 business, development and/or use will be operated in strict compliance
4 with all laws. Transmittal does not approve, promote or condone any
5 practice or act that is prohibited or restricted by any federal,
6 state or local laws.

7 **Section 3. Effective Date.** This Ordinance shall become
8 effective upon the signature by the Mayor or upon becoming effective
9 without the Mayor's signature.

10

11 Form Approved:

12

13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Kristen Reed

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Ordinance 2021-40
2021B Series Text Amendment
City of Jacksonville 2030 Comprehensive Plan
Future Land Use Element

Low Density Residential (LDR)

LDR - GENERAL INTENT

Low Density Residential (LDR) is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Miles Traveled and cul-de-sacs should be avoided. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

LDR - URBAN PRIORITY AREA (UPA) INTENT

LDR in the Urban Priority Area is intended to provide for low density residential development. Further, it is intended to promote neighborhoods in need of redevelopment and to provide a compact single-family development typology that is supportive of transit, neighborhood commercial uses and services. In these instances, the category provides a higher density than LDR in other Development Areas of the City. The application of this higher density should be supported by a neighborhood plan or study.

Plan amendment requests for new LDR designations are preferred in locations which are supplied with full urban services.

LDR - URBAN PRIORITY AREA USES

The uses provided herein shall be applicable to all LDR sites within the Urban Priority Area.

Principal Uses

Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other

uses associated with and developed as an integral component of TND.

Secondary Uses

Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

Accessory Uses

Accessory dwelling units, as defined in this Plan, are permitted on single-family lots. One accessory dwelling unit may be permitted on a conforming residential lot regardless of the density limitations.

LDR - URBAN PRIORITY AREA DENSITY

The maximum gross density in the Urban Priority Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

- The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available.
- The maximum gross density shall be 4 units/acre and the minimum lot size shall be $\frac{1}{4}$ of an acre if either one of centralized potable water or wastewater services are not available.
- The maximum gross density shall be 15 units/acre when there is a supporting neighborhood plan or study; except for sites within the Coastal High Hazard Area (CHHA), unless appropriate mitigation is provided consistent with the City's CHHA policies, the maximum gross density shall be 7 units/acre.

LDR - URBAN PRIORITY AREA DEVELOPMENT CHARACTERISTICS

New LDR subdivisions should meet a standard of connectivity as defined in this element and cul-de-sacs should be avoided.

LDR - URBAN AREA (UA) INTENT

LDR in the Urban Area is intended to provide for low density residential development.

Plan amendment requests for new LDR designations are preferred in locations which are supplied with full urban services.

LDR - URBAN AREA USES

The uses provided herein shall be applicable to all LDR sites within the Urban Area.

Principal Uses

Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other uses associated with and developed as an integral component of TND.

Secondary Uses

Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

Accessory Uses

Accessory dwelling units, as defined in this Plan, are permitted on single-family lots. One accessory dwelling unit may be permitted on a conforming residential lot regardless of the density limitations.

LDR - URBAN AREA DENSITY

The maximum gross density in the Urban Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

- The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available.
- The maximum gross density shall be 4 units/acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

LDR - URBAN AREA DEVELOPMENT CHARACTERISTICS

New LDR subdivisions should meet a standard of connectivity as defined in this element and cul-de-sacs should be avoided.

LDR - SUBURBAN AREA (SA) INTENT

LDR in the Suburban Area is intended to provide for low density residential development.

LDR - SUBURBAN AREA USES

The uses provided herein shall be applicable to all LDR sites within the Suburban Area.

Principal Uses

Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other uses associated with and developed as an integral component of TND.

Secondary Uses

Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail

sales and service establishments are exempt from the roadway classification and intersection requirements.

Accessory Uses

Accessory dwelling units, as defined in this Plan, are permitted on single-family lots. One accessory dwelling unit may be permitted on a conforming residential lot regardless of the density limitations.

LDR - SUBURBAN AREA DENSITY

The maximum gross density in the Suburban Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

- The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available.
- The maximum gross density shall be 4 units/acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

LDR - SUBURBAN AREA DEVELOPMENT CHARACTERISTICS

New LDR subdivisions should meet a standard of connectivity as defined in this element and cul-de-sacs should be avoided.

LDR - RURAL AREA (RA) INTENT

LDR in the Rural Area is intended to provide for low density residential development.

Plan amendment requests for new LDR designations are discouraged in the Rural Area because they would potentially encourage urban sprawl.

LDR - RURAL AREA USES

The uses provided herein shall be applicable to all LDR sites within the Rural Area.

Principal Uses

Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other uses associated with and developed as an integral component of TND.

Secondary Uses

Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

Accessory Uses

Accessory dwelling units, as defined in this Plan, are permitted on single-family lots. One accessory dwelling unit may be permitted on a conforming residential lot regardless of the density limitations.

LDR - RURAL AREA DENSITY

The maximum gross density in the Rural Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

- The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available.
- The maximum gross density shall be 4 units/acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

LDR - RURAL AREA DEVELOPMENT CHARACTERISTICS

New LDR subdivisions should meet a standard of connectivity as defined in this element and cul-de-sacs should be avoided.

DEFINITIONS:

Accessory Dwelling Unit – An ancillary or secondary living unit, that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot as the primary dwelling unit.