



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

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Jacksonville, FL 32203
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August 22, 2024

The Honorable Randy White
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, FL 32202

RE: Planning Commission Advisory Report / Ordinance No. 2024-516/EAR Based Text Amendments to Various Elements of the 2045 Comprehensive Plan

Dear Honorable Council President White, Honorable Council Member and LUZ Chairman Carrico 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 2024-516 on August 22, 2024.

P&DD Recommendation	Approve
PC Issues:	None
PC Vote:	6-0 APPROVE
Charles Garrison, Chair	Aye
Lamonte Carter	Absent
Amy Yimin Fu	Aye
Julius Harden	Aye
Moné Holder	Aye
Ali Marar	Absent
Michael McGowan	Aye
Jack Meeks	Absent
Tina Meskel	Aye

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

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Sincerely,



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Staff Report on Evaluation and Appraisal Based Amendments to Various Elements of the 2045 Comprehensive Plan

ORDINANCE 2024-516

General Information

Pursuant to Section 163.3191(1), F.S., at least once every 7 years, local governments are required to evaluate their comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in s. 163.3177(5), F.S., or to reflect changes in state requirements in Chapter 163, Part II, F.S. since the last update of the comprehensive plan. Local governments are also required to notify the state land planning agency as to its determination. The City of Jacksonville's notification to the state land planning agency was due on November 1, 2023.

The notification must include a separate affidavit, signed by the chair of the governing body of the county or the mayor of the municipality, attesting that all elements of its comprehensive plan comply with this subsection. The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in s. 163.3177(5) F.S., and must cite the source and date of the population projections used in establishing the 10-year planning period.

Pursuant to Section 163.3191(2) F.S., if the local government determines amendments to its comprehensive plan are necessary to reflect changes in state requirements, the local government must prepare and transmit within 1 year such plan amendment or amendments for review pursuant to s. 163.3184, F.S.

Upon adoption of the amendments, the affidavit of compliance with 163.3191(1), F.S. will be provided to the state land planning agency.

The evaluation required pursuant to Section 163.3191(1), F.S. was approved pursuant to Ordinance 2023-670-E. In accordance with the adopted evaluation, Ordinance 2024-516 amends the various elements of the 2045 Comprehensive Plan to implement the findings approved under Ordinance 2023-670-E. Background data reports for the various elements have also been updated and are included as supporting information for this bill.

List of Exhibits:

Exhibit # 1 – Housing Element Amendments

Exhibit # 2 – Future Land Use Element Amendments

Exhibit # 3 – Public Schools and Facilities Element

Exhibit # 4 – Infrastructure Element Amendments

Exhibit # 5 – Sewer Feasibility Analysis

Exhibit # 6 - Definitions

Exhibit # 7 – AFFIDAVIT-adoption round only

Evaluation and Assessment Report (EAR) Findings and Proposed Amendments

1. EAR finding regarding if all elements of the 2045 Comprehensive Plan comply with s. 163.3191(1), F.S.

The population projections and land area analysis need to be updated to reflect the 20-year planning period based upon the most recent medium projections from the Office of Economic and Demographic Research. The revised population projections, land area analysis, and other population related text and background data will be transmitted to the state land planning agency within one year after the date of this letter. The required affidavit of compliance will be submitted to the state land planning agency upon adoption of the plan amendments.

Additionally, this evaluation and appraisal report must include a certification that the comprehensive plan contains a minimum planning period of 10 years and must cite the source and date of the population projections used in establishing the 10-year planning period. Population projections shall be either those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on 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.

Amendments and Responses to EAR Findings

- Background data reports for all relevant elements of the 2045 Comprehensive Plan have been updated consistent with the Office of Economic and Demographic Research population projections. Additionally, the text of the various elements is updated where necessary to ensure consistency throughout the Plan.
- Background reports that are updated to include the revised population projections include the Future Land Use Element Background Report, the

Housing Element Background Report, the Recreation and Open Space Element Background Report, the Capital Improvements Element Background Report, The Infrastructure Element Background Report, and the Public Schools and the Facilities Element Report.

- Update the 2045 Comprehensive Plan Housing Element (HE) Objective 1.1 to reflect the housing needs based upon updated population projections as depicted in the text below.

HE Objective 1.1 The City shall assist the private sector in providing an adequate supply of new dwelling units of various types, sizes and costs. The City needs to add an estimated 106,093 ~~92,282~~ units between 2020 and 2045 in order to keep pace with population growth and/or fluctuations in market forces and migration patterns.

- The revised population projections that have been incorporated into the Housing Element and the various background reports are provided below. Updated background data reports include the following: Future Land Use, Infrastructure, Capital Improvements, Housing, Public Schools and Facilities, and Recreation and Open Space.

**Duval County/City of Jacksonville 2045 Comprehensive Plan
Population Growth Projections, 2020 – 2045**

Planning District	2020	2025	2030	2035	2040	2045
Urban Core	33,418	36,949	35,757	34,104	32,331	30,616
Greater Arlington/Beaches	227,983	252,074	264,863	274,163	280,618	286,043
Southeast	267,874	296,180	320,104	339,512	355,256	368,918
Southwest	181,328	200,489	217,059	230,497	241,554	251,108
Northwest	128,407	141,976	142,441	141,130	138,715	136,255
North	89,640	99,113	108,451	116,387	122,707	128,370
Beaches/Baldwin	46,841	51,791	53,516	54,483	55,067	55,442
County Total	975,491	1,078,572	1,142,191	1,190,275	1,226,247	1,256,752
City Total	928,650	1,026,781	1,088,675	1,135,792	1,171,180	1,201,310

*Source: City of Jacksonville Planning and Development Department, University of Florida, Bureau of Economic and Business Research

Florida Office of Economic and Demographic Research - Projections of Florida Population Duval County, 2025–2045, with Estimates for 2022

Duval County	Estimates April 1, 2022	Projections, April 1, 2025	Projections, April 1, 2030	Projections, April 1, 2035	Projections, April 1, 2040	Projections, April 1, 2045
Total	1,033,533	1,078,572	1,142,191	1,190,275	1,226,247	1,285,024

2. EAR finding regarding the need to update the 2045 Comprehensive Plan to reflect changes in state requirements in Chapter 163, Part II, F.S. that are not currently addressed in the 2045 Comprehensive Plan?

Yes, the 2045 Comprehensive Plan must be updated to reflect changes in state requirements of Chapter 163, Part II, F.S. The changes that must be addressed to comply with s. 163.3191(1) F.S. are provided below followed by the Amendments and Responses to the EAR Findings.

- **Laws of Florida, Chapter 2019-3, Section 31**
 - *The Housing Element must address the provision of affordable workforce housing as defined in s. 380.0651(1)(h), F.S.*
 - *Affordable workforce housing is defined in s. 380.0651(1)(h), F.S., to mean housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. The term “statewide median purchase price of a single-family existing home” means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

Amendments and Responses to EAR Findings

- The Housing Element is updated to do the following:
 - Replace all references to “the Housing and Neighborhoods Department,” to the “Neighborhoods Department, Housing and Community Development Division.”

- Add references to workforce affordable housing, affordable housing, missing middle housing, and accessory dwelling units to the following goals, objectives, and policies:
 - HE Objective 1.2, HE Objective 1.3, HE Policies 1.1.1, 1.1.2, 1.2.1 1.2.15, 1.3.2, 1.3.4, 1.3.5, and 1.3.6.
- The Housing Element background data is updated to do the following:
 - Incorporate additional affordable housing programs administered by the city.
 - Address workforce affordable housing as defined in s. 380.0651(1)(h), F.S. and related housing income limits.
 - Incorporate long-term and short-term goals of the city to support affordable housing through a variety of mechanisms that include increasing supply and providing financial assistance.
 - Update the projected demand for additional housing units based on population updates included in the background data for the Future Land Use Element.
- **Laws of Florida, Chapter 2022-83, Section 1**
 - *Amend the Future Land Use Element to allow floating solar facilities as permitted uses in the appropriate land use categories and amend the land development regulations to promote the expanded use of floating solar facilities.*
 - *A floating solar facility means a solar facility as defined in s. 163.3205(2), F.S., which is located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs.*
 - *The term solar facility as defined in s. 163.3205(2), F.S. means a production facility for electric power which:*
 - *Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.*
 - *Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.*

- *May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.*

Amendments and Responses to EAR Findings

- Add the term and definition for “floating solar facility” to the 2045 Comprehensive Plan Definitions section.

Floating Solar Facility (Floatovoltaics) – A solar facility as defined in s. 163.3205(2), F.S., which is located on a wastewater treatment pond, abandoned limerock mine areas, stormwater treatment pond, reclaimed water pond, or other water storage reservoir.

- Add “floating solar facilities” to the list of permitted uses in the Agriculture Future Land Use Category description as depicted in the text below.

AGRICULTURE (AGR)

AGR - GENERAL INTENT

Agriculture (AGR) is intended to provide for agricultural uses and to preserve the existing rural character of outlying areas of the City. Most AGR lands are located in the Rural Area of the City where full urban services and facilities will not be provided by the City during the planning time frame. Accordingly, the principal activities allowed in these categories are agriculture and related uses, such as farming, horticulture, forestry and logging, storage, processing and wholesale distribution of farm supplies and products, and other resource dependent uses. In order to preserve the rural character of these areas, residential uses are permitted at very low densities.

AGR - GENERAL USES

The uses provided herein shall be applicable to all AGR sites in all Development Areas.

Principal Uses

Single-family dwellings; Farming; Horticulture; Forestry and logging; Storage, processing and wholesale distribution of farm supplies and products; Raising of farm animals and poultry; Guest ranches; Riding academies; Game preserves; Bird sanctuaries; Fish hatcheries and refuges; Watersheds; Reservoirs; Control structures and wells; Retail outlets for live plants, fruit and vegetables, feed, fertilizer and farm supplies;

Animal hospitals; Veterinary clinics; Animal boarding places; Dog kennels; Resource based activities, such as conservation, recreation, and mining activities; renewable energy facilities and uses, such as wind and solar farms, and floating solar facilities (floatovoltaics); and Marinas meeting the siting criteria of the Conservation/Coastal Management Element.

- **Laws of Florida Chapter 2022-122, Section 1**

Amend the Public Schools and Facilities Element to address that school concurrency is deemed satisfied when the developer tenders a written, legally binding commitment to provide mitigation; to clarify that the school board must notify the local government that capacity is available for a development within 30 days after receipt of a developer's legally binding commitment; and to clarify that any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified in the 5-year school board educational facilities plan or must be set aside and not spent until such an improvement has been identified that satisfies the demands created by the development in accordance with a binding developer's agreement.

Amendments and Responses to EAR Findings

- Update Policy 3.3.6 of the Public Schools and Facilities Element (PSFE) to reflect when mitigation of school impacts is deemed sufficient to proceed with development as depicted in the text below.

PSFE Policy 3.3.6

In any instance where the DCPS, in consultation with the City, has determined that a proposed development will cause level of service standards for schools to be exceeded within the testing period in both the affected School Concurrency Service Area and the adjacent School Concurrency Service areas, then the City shall coordinate with the applicant for the proposed development and the DCPS to determine whether improvements will be in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent, sufficient to provide adequate capacity to meet the adopted level of service. If adequate capacity does not exist, then the City will coordinate with the applicant for the development and the DCPS to determine whether improvements are planned in the Capital Improvement Plan with adequate capacity after the 3rd year of the Capital Facilities Plan. The City will also request that the DCPS determine whether it has the capacity to further maximize school usage in the system to

accommodate the anticipated impact without requiring the construction of new school facilities.

After all alternatives to providing sufficient capacity to provide for the adopted level of service are considered and determined not to be feasible, the City, the applicant and the DCPS may: (i) enter into a mitigation agreement whereby the applicant will pay for his proportionate share of the impacts; or (ii) some other form of acceptable mitigation will be provided, and upon execution of a legally binding mitigation agreement between the applicant, the DCPS, and the City, payment of the proportionate share mitigation, the developer will be allowed to proceed with development. DCPS shall notify the City that school capacity is available for the development within 30 days after receipt of the developer's legally binding mitigation agreement. If no mitigation agreement can be reached that is acceptable to all parties, and proportionate share mitigation is not feasible, then the school capacity deficiency shall be a basis for denial of the application.

- **Laws of Florida Chapter 2023-17, Section 5**
 - *Revise Future Land Use Element (FLUE) Policy 3.1.18 to remove residential from the list of categories where affordable housing may be permitted regardless of any law, local ordinance or regulation to the contrary, and add a statement that both single-use and mixed-use residential development is authorized.*
 - *Existing FLUE Policy 3.1.18 - The City Council may approve the development of permanent affordable housing contingent upon funding from the Florida Housing Finance Corporation, the Jacksonville Housing Finance Authority, or the U.S. Department of Housing and Urban Development HOME Investment Partnership annual grant to the City of Jacksonville on any parcel designated on the Future Land Use Map and the Zoning Atlas for residential, commercial or industrial use. Permanent affordable housing approved under this policy must comply with the definition for affordable as defined in Section 420.0004, Florida Statutes (F.S.). Development densities shall be consistent with the requirements of the funding agreements provided by the Florida Housing Finance Corporation, the Jacksonville Housing Finance Authority, or the City of Jacksonville through the HOME Investment Partnership grant program.*

The Land Development Regulations shall be amended to include the process to review and requirements to approve permanent affordable housing projects authorized under this policy.

Amendments and Responses to EAR Findings

- Update Future Land Use Element (FLUE) Policy 3.1.18 to remove residential from the land use and zoning categories where affordable housing is permitted regardless of the land use and zoning designation of a parcel as depicted in the text below.

FLUE Policy 3.1.18

The City Council may approve the development of permanent affordable housing contingent upon funding from the Florida Housing Finance Corporation, the Jacksonville Housing Finance Authority, or the U.S. Department of Housing and Urban Development HOME Investment Partnership annual grant to the City of Jacksonville on any parcel designated on the Future Land Use Map and the Zoning Atlas for ~~residential~~, commercial or industrial use. Permanent affordable housing approved under this policy must comply with the definition for affordable as defined in Section 420.0004, Florida Statutes (F.S.). Development densities shall be consistent with the requirements of the funding agreements provided by the Florida Housing Finance Corporation, the Jacksonville Housing Finance Authority, or the City of Jacksonville through the HOME Investment Partnership grant program.

The Land Development Regulations shall be amended to include the process to review and requirements to approve permanent affordable housing projects authorized under this policy.

- **Laws of Florida Chapter 2023-169, Section 1**
 - *Amend the Capital Improvements Element to identify, where applicable, a list of projects necessary to achieve the pollutant load reductions attributable to the local government, as established in a basin management action plan pursuant to s. 403.067(7), F.S.*
 - *Amend the Infrastructure Element to address coordinating the extension of, increase in the capacity of, or upgrade in treatment of facilities to meet future needs, prioritizing advanced waste treatment while maximizing the use of existing facilities and discouraging urban sprawl, conserving potable water resources; and protecting the functions of natural ground water recharge areas and natural drainage features.*

- *Amend the Infrastructure Element to consider, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the feasibility of providing sanitary sewer services within a 10-year planning horizon. The element must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments.*

Amendments and Responses to EAR Findings

- Regarding BMAP requirements, the City of Jacksonville has already addressed pollutant load reductions and, as such, the city is not required to submit additional projects at this time. Since the BMAP is an iterative process, if additional allocations are assigned to the city in future BMAP updates, projects will be added to the Capital Improvements Element.
- Add Infrastructure Element – Sewer Sub Element Objective 1.8 and Policies 1.8.1 and 1.8.2 to address the prioritization of advanced waste treatment as depicted in the text below.

IE – Sewer Sub Element

Objective 1.8 JEA shall provide waste treatment processes that protect public health, water quality, fish, wildlife, and the aesthetic appeal of the state's waterways.

1.8.1

Waste treatment facilities shall be designed and operated in accordance with all local, state, and federal permitting requirements, including Department of Environmental Protection (DEP) issued National Pollution Discharge Elimination System (NPDES) permitting requirements.

1.8.2

JEA shall coordinate the extension of, increase in capacity of, or upgrade in treatment of facilities to meet future needs while prioritizing advanced waste treatment.

- The Infrastructure Element Background Report has been updated to address advanced waste treatment.
- Add definition for “advanced waste treatment” to the Definitions section as depicted in the text below.

Advanced Waste Treatment - Advanced waste treatment is treatment that provides a reclaimed water product containing no more than the following concentrations of pollutants:

- 5 mg/l of Biochemical Oxygen Demand;
 - 5 mg/l of Suspended Solids;
 - 3 mg/l of Total Nitrogen; and
 - 1 mg/l of Total Phosphorous.
- Add Infrastructure Element – Sewer Sub Element Objective 1.9 and Policies 1.9.1 through 1.9.3 to address the prioritization of advanced waste treatment as depicted in the text below.

Objective 1.9 The City shall assess and implement programs and studies regarding elimination of on-site septic systems to promote environmental health, safety and general welfare, and the water quality of the St. Johns River.

Policies

1.9.1

Pursuant to Section 163.3177(6)(c), Florida Statutes, the City hereby incorporates the Sanitary Sewer Service Feasibility Analysis, dated May 28, 2024, reference into the Infrastructure Element. Supporting data and analysis may be attached as appendices to the Sanitary Sewer Service Feasibility Analysis, and updated from time to time, without the necessity of an amendment to the Comprehensive Plan.

1.9.2

The Sewer Feasibility Study shall incorporate projects and priorities identified pursuant to the Wastewater System Improvement Program.

1.9.3

The Sewer Feasibility Study shall be updated as needed to account for future applicable developments.

Planning and Development Department Recommendation

The Planning and Development Department recommends **APPROVAL** of the amendments and EAR responses provided in the attached **EXHIBITS 1 – 6** and in the supporting background information submitted as **Ordinance 2024-516**.