

2030 Comprehensive Plan Policies Related to the Jacksonville Waterways Commission Review of Proposed Comprehensive Plan Future Land Use Map Amendments

Pursuant to Section 95.106(e), Municipal Code in implementing its purposes under this Chapter, the Commission shall have the following duty:

To cooperate with the Planning and Development Department in the accomplishment of its purpose, act as a specialized adviser on the St. Johns River, all tidal waters and all saltwater, estuarine and riverine wetlands (Class I and Class II as defined in the 2030 Comprehensive Plan) in Duval County to the Planning and Development Department and provide such assistance to the Department as it may require when the Department has under consideration any plans or projects concerning the improvement, development and protection of the St. Johns River, all tidal waters, and all saltwater, estuarine and riverine wetlands (Class I and Class II) in Duval County, including recommendations on land use changes. Proposed land use amendments consisting of property less than one acre or which would yield less than five total residential units or less than 10,000 square feet of commercial, office or industrial uses total shall be considered de minimis and shall not be considered by the Commission.

Below is a listing of goals, objectives and policies included in the 2030 Comprehensive Plan that relate to this charge:

Future Land Use Element (FLUE)

FLUE Goal 7

To consider the impact on the St. Johns River and its tributaries when reviewing development, land development regulations, public infrastructure and investment, and other City actions that present opportunities for improving water quality health and the overall sustainability of Jacksonville within its environment.

FLUE Objective 7.1

The City shall consider the impact on the St. John's River and its tributaries when reviewing development, land development regulations, public infrastructure and investment, and other City actions that present opportunities for improving water quality health and the overall sustainability of Jacksonville within its environment.

FLUE Policy 7.1.1

The Planning and Development Department shall consider the land use impact on the St. Johns River and its tributaries by reviewing the future land use designation and land development regulations of those properties that are contiguous with and immediately adjacent to a water body. The following concerns will be considered for those properties:

- Wetlands
- Impervious surface potential

- Coastal High Hazard Area (CHHA)
- Septic Tank Failure Areas
- Environmentally Sensitive Areas
- Flood zones
- Aquifer recharge zones
- Wellhead protection areas

FLUE Policy 7.1.2

The Planning and Development Department shall continue to consider the impact on the St. John's River and its tributaries through submission of proposed land use amendments, subject to Policy 7.1.1, to the Waterways Commission for review; implementation of the St. John's River Accord; and through the City's participation in the St. John's River Alliance.

Conservation/Coastal Management Element (CCME)

CCME Goal 2

Preserve, conserve, appropriately use, protect and improve the quality and quantity of current and projected water resources, including waters that flow into estuarine waters or oceanic waters, estuarine waters, groundwater and other waters in the City. The City shall require that all water conservation options be fully explored and employed for new development.

CCME Objective 2.7

The City shall protect the hydrological and ecological benefits of flood plain areas, such as water quality, fish and wildlife habitat, and prevention of downstream flooding.

CCME Policy 2.7.1

The City shall continue to define the surface hydrology of the area to determine floodplain vulnerability and sensitivity, and will determine appropriate protection measures.

CCME Policy 2.7.3

The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:

- A. Land acquisition or conservation easement acquisition;
- B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
- C. Incentives, including tax benefits and transfer of development rights.

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.

CCME Policy 3.3.3

The City shall encourage landowners and developers to protect or preserve Environmentally Sensitive Lands within developments, where feasible. Developers will be informed, through development review processes, and provided options for preservation of these areas.

CCME Goal 4

To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetlands resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

CCME Objective 4.1

The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes. In order to achieve this objective and its associated policies, the City shall continue to work with the applicable regional, state and federal agencies charged with these regulatory responsibilities.

CCME Policy 4.1.1

The City of Jacksonville has identified three categories of wetlands, as more specifically depicted on Maps C-3 and L-5:

- Category I wetlands shall mean those wetlands classified as Saltwater Marshes;
- Category II wetlands shall mean those wetlands classified as Riverine/Estuarine; and
- Category III wetlands shall mean those wetlands not classified as Category I or II wetlands.

CCME Policy 4.1.3

The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

(a) Encroachment

Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and

(b) No net loss

Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:

- i the habitat of fish, wildlife and threatened or endangered species,
- ii the abundance and diversity of fish, wildlife and threatened or endangered species,
- iii the food sources of fish and wildlife including those which are

threatened or endangered,

- iv the water quality of the wetland, and
- v the flood storage and flood conveyance capabilities of the wetland;
and

(c) Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

(d) Stormwater quality

In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
- ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems

(e) Septic tanks

Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and

(f) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

CCME Policy 4.1.4

Public utilities and roadways located in Category I, II, or III wetlands shall be subject to the requirements of (a), (b), and (d) as noted in the performance standards outlined in Policy 4.1.3 above.

CCME Policy 4.1.5

The permitted uses within Category I and II wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs):

(1) Conservation uses, provided the following standards are met:

(a) Dredge and fill

Dredging or filling of the Category I and II wetlands shall not exceed more than 5% of the wetlands on-site; and

(b) Vegetation

For Category I wetlands:

All native vegetation outside the development area is maintained in its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(2) Residential uses, provided the following standards are met:

(a) Density/Dredge and fill

Where lots, except for lots of record as defined in the Future Land Use Element, are located totally within the wetlands:

i density shall not exceed one (1) dwelling unit per five (5) acres; and

ii buildings shall be clustered together to the maximum extent practicable; and

iii dredging or filling shall not exceed 5% of the wetlands on-site; and

(b) Vegetation

For Category I wetlands:

All native vegetation outside the development area is maintained in its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

- (3) Water-dependent and water-related uses, provided the following standards are met:

(a) Vegetation

For Category I wetlands:

All native vegetation outside the development area is maintained in its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(b) Boat facilities siting and operation

Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of this element.

- (4) Access to a permitted use, subject to the requirements of (a), (b), and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

- (5) Any use which can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

- (6) For Category II wetlands only, silvicultural uses are allowed, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

CCME Policy 4.1.6

The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

(a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

CCME Policy 4.1.11

Mitigation shall be considered only as a last resort, and only if it is determined that encroachment in the wetland is the least damaging alternative and no practicable onsite alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions and shall be subject to all applicable local, State and Federal permitting and regulations.

CCME Policy 4.1.12

The City shall consider cumulative impacts when reviewing proposals for construction within wetlands. In deciding whether to grant or deny a development order for construction in wetlands which will affect wetlands, the City shall consider:

A. The impact of the development for which the development order is sought.

B. The impact on developments which are existing, under construction, or for which land development orders have been previously issued.

C. The impact of developments which are under review, approved, or vested pursuant to Section 380.06, F.S., or other developments which may reasonably be expected to be located within wetlands based upon applications for final development orders pending at the time of the review.

CCME Objective 4.3

The City shall regulate land development activities in wetlands so as to complement and not duplicate existing wetland protection programs of the Florida Department of Environmental Protection DEP, St. Johns River Water Management District (SJRWMD) and the U.S. Army Corps of Engineers (USACOE).

CCME Policy 4.3.3

The City's wetland protection program shall not duplicate existing federal, State, or water management district programs. Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 373, F.S., a dredge and fill permit pursuant to Chapter 403, F.S., or a dredge and fill permit pursuant to the Federal Clean Water Act provides the assurances necessary that the encroachment, no net loss, stormwater treatment, hydrology, cumulative impacts and mitigation standards have been complied with but shall not include assurances as to the permitted land uses within each wetland classification or the following related standards (i) septic tanks, (ii) dredge and fill percentage, (iii) density, (iv) vegetation and (v) boat facilities siting and operation, which the City shall review independently.

CCME Objective 4.4

The City shall consider incentives and other market-based programs to protect high functional valued wetlands and environmentally sensitive lands that are critical to the health of the City's waterways and water quality.

CCME Policy 4.4.1

The City shall encourage the placement of all watercourses, water bodies, buffer areas, and wetlands having high functional values to be placed in a Conservation land use category, Conservation zoning district and/or conservation easement as part of an application for a land use amendment, rezoning and/or site plan approval process.

CCME Policy 4.4.3

The City shall act as applicant for property owners who voluntarily place their high functional valued wetland into the Conservation land use category and/or Conservation zoning district.

CCME Policy 4.4.4

The City shall consider density bonuses and/or cluster development in appropriate areas of the City to encourage placement of high functional wetlands and other environmentally sensitive lands to Conservation.

CCME Objective 6.7

The City shall consider the impact of development on the river and its tributaries during the land development review process.

CCME Policy 6.7.1

The Planning and Development Department shall encourage coordination between infrastructure and land planning in order to ensure that future development will contribute to the sustainability of the river and the City's water supply