

CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY

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Bill Type and Number: Ordinance 2018-537

Introducer/Sponsor(s): Council Members Wilson, Crescimbeni, and Anderson

Date of Introduction: August 14, 2018

Committee(s) of Reference: LUZ

Date of Analysis: August 14, 2018

Type of Action: Amending the *Ordinance Code* to create a new section

Bill Summary: The bill creates a new section 656.112 (Suspension, revocation or modification of a development order), Part 1 (General Provisions), Subpart B (Administration), Chapter 656 (Zoning Code), *Ordinance Code*, to provide for suspension, revocation or modification of any development order and procedures for same.

Background Information: Currently, the Ordinance Code does not contain any language that permits the Planning and Development Director to revoke, suspend or modify any development order in non-compliance. The legislation indicates that the Director of Planning and Development shall attempt to enforce conditions of a development order before suspending, revoking or modifying. The director may act accordingly in any of the following circumstances:

- the approval of the permit was based on incorrect information furnished by the applicant for the permit;
- the permittee, or its agents, successors or assigns, has exhibited a repeated or chronic failure to comply with the permit or conditions set forth therein;
- the permittee, or its agents, successors or assigns, has continued with, or caused to be continued, any development activity on a site for which a development order was issued, while the site is under a stop work order;
- the permittee, or its agents, successors or assigns, has exhibited repeated or chronic failure to comply with other provisions of the *Ordinance Code* as to the subject property;
- the permittee, or its agents, successors or assigns, refuses lawful inspection of the subject property pursuant to a request made by the Planning and Development Department, the Municipal Code Compliance Division, or the Solid Waste Division for investigation of an alleged *Ordinance Code* violation; or
- significant changes have occurred since the approval of the development order (i.e., the use has been increased or expanded beyond the use originally contemplated in the development order or additional uses not disclosed or permitted are occurring on the property) and that continuance of the development activity or continued operation of a use as permitted would be detrimental to the public health or safety, the environment or the property of others.

Policy Impact Area: Development order

Fiscal Impact: None

Analyst: Mitchell