

## **REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

### **ORDINANCE 2018-537**

**AN ORDINANCE REGARDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE; CREATING A NEW SECTION 656.113 (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 DEVELOPMENT ORDER AND PROCEDURES FOR SAME; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

#### **I. GENERAL INFORMATION**

This bill creates a new section 656.113 (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.

#### **II. EVALUATION**

##### ***A. The need and justification for the change***

Currently, the Zoning Code does not contain any language that permits the Planning and Development Department Director to revoke, suspend or modify any development order in non-compliance. The legislation indicates that the Director 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.

*B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.*

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by providing additional means to enforce the Zoning Code.

*D. Consistency with the Comprehensive Plan.*

The Comprehensive Plan is silent with regard to this topic. However, the Zoning Code is used to implement the Comprehensive Plan. The creation of Section 656.113 gives the Director additional authority to enforce the Zoning Code, thus further implementing the Comprehensive Plan.

### **III. RECOMMENDATION**

The Planning and Development Department recommends that **Ordinance 2018-537 be approved.**