

1 Introduced by Council Members Wilson, Crescimbeni and Anderson and
2 amended by the Land Use and Zoning Committee:

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5 **ORDINANCE 2018-537-W**

6 AN ORDINANCE REGARDING CHAPTER 656 (ZONING
7 CODE), *ORDINANCE CODE*; CREATING A NEW SECTION
8 656.113 (SUSPENSION, REVOCATION OR
9 MODIFICATION OF A DEVELOPMENT ORDER), PART 1
10 (GENERAL PROVISIONS), SUBPART B
11 (ADMINISTRATION), CHAPTER 656 (ZONING CODE),
12 *ORDINANCE CODE*, TO PROVIDE FOR SUSPENSION,
13 REVOCATION OR MODIFICATION OF DEVELOPMENT
14 ORDER AND PROCEDURES FOR SAME; PROVIDING FOR
15 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Creating a new Section 656.113 (Suspension,**
19 **Revocation or Modification of Development Order), Part 1 (General**
20 **Provisions), Subpart B (Administration), Chapter 656 (Zoning Code),**
21 ***Ordinance Code*.** Section 656.113 (Suspension, Revocation or
22 Modification of Development Order), Part 1 (General Provisions),
23 Subpart B (Administration), Chapter 656 (Zoning Code), *Ordinance*
24 *Code*, is hereby created to read as follows:

25 **CHAPTER 656. ZONING CODE.**

26 **PART 1. GENERAL PROVISIONS**

27 * * *

28 **SUBPART B. ADMINISTRATION**

29 * * *

30 **Sec. 656.113. Suspension, revocation or modification of**

1 **development orders.**

2 (a) The Director may suspend, revoke or modify any development
3 order issued pursuant to this Chapter, following written
4 notice to the permittee and after providing the permittee a
5 reasonable opportunity to respond to the notice (not less than
6 ten days), in any of the following circumstances:

7 (1) If the Director finds that the approval of the permit was
8 based on incorrect information furnished by the applicant
9 for the permit.

10 (2) If the Director finds that the permittee, or its agents,
11 successors or assigns, has exhibited a repeated or
12 chronic failure to comply with the permit or conditions
13 set forth therein.

14 (3) If the Director finds that the permittee, or its agents,
15 successors or assigns, has continued with, or caused to
16 be continued, any development activity on a site for
17 which a development order was issued, while the site is
18 under a stop work order.

19 (4) If the Director finds that permittee, or its agents,
20 successors or assigns, has exhibited repeated or chronic
21 failure to comply with other provisions of the *Ordinance*
22 *Code* as to the subject property.

23 (5) If the Director finds that permittee, or its agents,
24 successors or assigns, refuses lawful inspection of the
25 subject property pursuant to a request made by the
26 Planning and Development Department, the Municipal Code
27 Compliance Division, or the Solid Waste Division for
28 investigation of an alleged *Ordinance Code* violation.

29 (6) If the Director finds that significant changes have
30 occurred since approval of the development order (i.e.,
31 the use has been increased or expanded beyond the use

1 originally contemplated in the development order or
2 additional uses not disclosed or permitted are occurring
3 on the property) and that continuance of the development
4 activity or continued operation of a use as permitted
5 would be detrimental to the public health or safety, the
6 environment or the property of others.

7 (b) Prior to the Director invoking his or her authority under
8 subsection (a) to suspend, revoke or modify a development
9 order, the Director shall attempt to enforce the conditions of
10 such development order through the City's code enforcement
11 process and shall initiate proceedings under this section if
12 such code enforcement proceedings have been ineffective at
13 resolving the violation.

14 (c) Should the Director revoke a Planned Unit Development zoning,

15 (i) The permittee, or its successors or assigns, shall submit
16 an application, at its own expense, for rezoning of the
17 subject parcel to the Planning and Development Department
18 within 30 days of the receipt of notice of revocation by
19 the Director. The rezoning application may be for a
20 conventional zoning district or another Planned Unit
21 Development but such zoning shall be consistent with the
22 designated land use of the subject property.

23 (ii) If the permittee, or its successors or assigns, fail to
24 apply for a new zoning district within the time allotted
25 above, the Department shall be empowered to file an
26 application for rezoning on behalf of the permittee, at
27 the permittee's expense, which shall request a zoning
28 change to the least intensive zoning district within the
29 designated land use category.

30 (iii) If the Planned Unit Development that is revoked by the
31 Director pursuant to this section was approved in

1 conjunction with an application for land use change, the
2 permittee, or its successors or assigns shall submit an
3 application, at its own expense, for land use change and
4 rezoning of the subject parcel back to the original land
5 use and zoning districts to the Planning and Development
6 Department within 30 days of the receipt of notice of
7 revocation by the Director. If the permittee, or its
8 successors or assigns, fail to apply for the original
9 land use and zoning district within the time allotted
10 above, the Department shall be empowered to file
11 applications for land use and rezoning on behalf of the
12 permittee, at the permittee's expense, which shall
13 request a land use and zoning change to the original land
14 use and zoning districts.

15 (iv) Individual parcels located within a Planned Unit
16 Development that are subdivided by ownership or
17 delineated by use may be subject to revocation by the
18 Director individually without affecting the interests of
19 other parcel owners within the Planned Unit Development.
20 In the case of such parcels, the provisions of (i), (ii),
21 and/or (iii) shall only apply to the parcel owner in
22 question and shall not affect the other parcels remaining
23 within the Planned Unit Development.

24 (d) The permittee, or its successors or assigns, may appeal the
25 Director's action taken pursuant to subsections (a) or (c)
26 above to the City Council under the procedures set forth in
27 Section 656.140, *Ordinance Code*. Should an appeal be taken of
28 the Director's actions pursuant to subsection (c), the
29 application for rezoning shall be kept in abeyance until the
30 appeal has been resolved.

31 (e) Should the Director revoke a development permit (which

1 includes an exception, variance, waiver, or any other zoning
2 permit approved pursuant to this Chapter), the use(s) or
3 activity allowed pursuant to the development permit provided
4 for therein shall immediately cease upon receipt of written
5 notice of such revocation by the Director. For development
6 permits that are suspended, upon receipt of written notice of
7 suspension by the Director, the permittee shall cease the use
8 or activities of the development permit for a period of time
9 indicated in the suspension or otherwise follow the
10 instructions of the Director in the notice of suspension as to
11 the continuance of the use(s) and the conditions of moving
12 forward with that use. A permittee, or its successors or
13 assigns, who wishes to appeal the revocation, suspension, or
14 other determination made by the Director pursuant to this
15 section (e) shall file an appeal with the Planning Commission
16 under the procedures set forth in Section 656.135, *Ordinance*
17 *Code*. Should a development permit be revoked as a result of
18 this subsection, and no appeal overturns such action, the
19 permittee, or its successors or assigns, may reapply for the
20 same development order by making a new application, at its own
21 expense no earlier than 180 days from the date of revocation.

22 (f) The permittee, or its successors or assigns, may appeal the
23 Director's action taken pursuant to subsections (a) or (e)
24 above to the Planning Commission under the procedures set
25 forth in Section 656.135, *Ordinance Code*. Should an appeal be
26 taken of the Director's actions pursuant to subsection (e),
27 the revocation or suspension of the development permit shall
28 be kept in abeyance until the appeal has been resolved.

29 **Section 2. Severability.** The provisions of this Ordinance
30 are intended to be severable and if any provision is declared
31 invalid or unenforceable by a court of competent jurisdiction, such

1 provision shall be severed and the remainder shall continue in full
2 force and effect the Ordinance being deemed amended to the least
3 degree legally permissible.

4 **Section 3. Effective Date.** This ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

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10 /s/ *Margaret M. Sidman*

11 Office of General Counsel

12 Legislation Prepared By: Paige H. Johnston

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