

1 Introduced by Council Members Wilson, Crescimbeni and Anderson:
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4 **ORDINANCE 2018-537**

5 AN ORDINANCE REGARDING CHAPTER 656 (ZONING
6 CODE), *ORDINANCE CODE*; CREATING A NEW SECTION
7 656.112 (SUSPENSION, REVOCATION OR
8 MODIFICATION OF A DEVELOPMENT ORDER), PART 1
9 (GENERAL PROVISIONS), SUBPART B
10 (ADMINISTRATION), CHAPTER 656 (ZONING CODE),
11 *ORDINANCE CODE*, TO PROVIDE FOR SUSPENSION,
12 REVOCATION OR MODIFICATION OF DEVELOPMENT
13 ORDER AND PROCEDURES FOR SAME; PROVIDING FOR
14 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
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16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Creating a new Section 656.112 (Suspension,**
18 **Revocation or Modification of Development Order), Part 1 (General**
19 **Provisions), Subpart B (Administration), Chapter 656 (Zoning Code),**
20 **Ordinance Code.** Section 656.112 (Suspension, Revocation or
21 Modification of Development Order), Part 1 (General Provisions),
22 Subpart B (Administration), Chapter 656 (Zoning Code), *Ordinance*
23 *Code*, is hereby created to read as follows:

24 **CHAPTER 656. ZONING CODE.**

25 **PART 1. GENERAL PROVISIONS**

26 * * *

27 **SUBPART B. ADMINISTRATION**

28 * * *

29 **Sec. 656.112. Suspension, revocation or modification of**
30 **development orders.**

31 (a) The Director may suspend, revoke or modify any development

1 order issued pursuant to this Chapter, following written
2 notice to the permittee and after providing the permittee a
3 reasonable opportunity to respond to the notice (not less than
4 ten days), in any of the following circumstances:

- 5 (1) If the Director finds that the approval of the permit was
6 based on incorrect information furnished by the applicant
7 for the permit.
- 8 (2) If the Director finds that the permittee, or its agents,
9 successors or assigns, has exhibited a repeated or
10 chronic failure to comply with the permit or conditions
11 set forth therein.
- 12 (3) If the Director finds that the permittee, or its agents,
13 successors or assigns, has continued with, or caused to
14 be continued, any development activity on a site for
15 which a development order was issued, while the site is
16 under a stop work order.
- 17 (4) If the Director finds that permittee, or its agents,
18 successors or assigns, has exhibited repeated or chronic
19 failure to comply with other provisions of the *Ordinance*
20 *Code* as to the subject property.
- 21 (5) If the Director finds that permittee, or its agents,
22 successors or assigns, refuses lawful inspection of the
23 subject property pursuant to a request made by the
24 Planning and Development Department, the Municipal Code
25 Compliance Division, or the Solid Waste Division for
26 investigation of an alleged *Ordinance Code* violation.
- 27 (6) If the Director finds that significant changes have
28 occurred since approval of the development order (i.e.,
29 the use has been increased or expanded beyond the use
30 originally contemplated in the development order or
31 additional uses not disclosed or permitted are occurring

1 on the property) and that continuance of the development
2 activity or continued operation of a use as permitted
3 would be detrimental to the public health or safety, the
4 environment or the property of others.

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

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

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

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

28 (iii) If the Planned Unit Development that is revoked by the
29 Director pursuant to this section was approved in
30 conjunction with an application for land use change, the
31 permittee, or its successors or assigns shall submit an

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

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

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

29 (e) Should the Director revoke a development permit (which
30 includes an exception, variance, waiver, or any other zoning
31 permit approved pursuant to this Chapter), the use(s) or

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

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

27 **Section 2. Severability.** The provisions of this Ordinance
28 are intended to be severable and if any provision is declared
29 invalid or unenforceable by a court of competent jurisdiction, such
30 provision shall be severed and the remainder shall continue in full
31 force and effect the Ordinance being deemed amended to the least

1 degree legally permissible.

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

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6 Form Approved:

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8 /s/ Paige Hobbs Johnston

9 Office of General Counsel

10 Legislation Prepared By: Paige H. Johnston

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