

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**

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**  
31 **development orders.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (e) Should the Director revoke a development permit (which  
31 includes an exception, variance, waiver, or any other zoning

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

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

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

1 force and effect the Ordinance being deemed amended to the least  
2 degree legally permissible.

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

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7 Form Approved:

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9 /s/ *Margaret M. Sidman*

10 Office of General Counsel

11 Legislation Prepared By: Paige H. Johnston

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