



ORDINANCE 2018-157-E

City of Jacksonville, FL DEVELOPMENT SERVICES DEPARTMENT

Sec. 518.213 - Drainage not in compliance with approved plans or which creates a public nuisance; enforcement by Planning and Development Department

(a) It shall be a violation of this subsection for any property owner, developer or contractor to alter the drainage from a plan or permit that has been approved by the Planning and Development Department, Development Services Division or the Building Inspection Division.

(b) It shall also be a separate violation of this subsection for any property owner, developer or contractor to alter the pre-existing flow of stormwater or surface water from a development, property or construction activity to create a nuisance on off-site, downgradient properties.

This subsection may be enforced in any manner authorized in this Chapter by the Planning and Development Department, Chief of the Development Services Division, who shall have all powers and authority provided in Subparts C and D, Part 1 of this Chapter. Additionally, the Chief shall be empowered to issue a stop-work order to halt all development activities on a site whenever a violation of this subsection is found. The Chief is authorized to enter into consent orders and compliance plans to administratively resolve violations or alleged violations.

(Ord. 2018-157-E, § 1)

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:

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6 **ORDINANCE 2018-157-E**

7 AN ORDINANCE AMENDING CHAPTER 518
8 (JACKSONVILLE PROPERTY SAFETY AND MAINTENANCE
9 CODE), PART 2 (IMPROVED OR UNIMPROVED LOTS AND
10 EXTERIOR CONDITIONS OF RESIDENTIAL AND
11 COMMERCIAL PROPERTIES) TO AMEND SECTION
12 518.213 (RESERVED) AND REPLACE IT WITH A NEW
13 SECTION 518.213 (DRAINAGE NOT IN COMPLIANCE
14 WITH APPROVED PLANS OR WHICH CREATES A PUBLIC
15 NUISANCE; ENFORCEMENT BY PLANNING AND
16 DEVELOPMENT DEPARTMENT) TO AUTHORIZE
17 ENFORCEMENT WHENEVER A PROJECT FAILS TO COMPLY
18 WITH APPROPRIATE DRAINAGE REQUIREMENTS OR
19 CREATES A PUBLIC NUISANCE; PROVIDING AN
20 EFFECTIVE DATE.

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23 **WHEREAS**, developers of residential and commercial projects
24 must provide the City with drainage plans to address off-site
25 impacts associated with stormwater and surface water flows that are
26 altered as a result of the development and may, if not properly
27 addressed, create negative public health, safety and welfare
28 impacts on adjacent and downgradient properties; and

29 **WHEREAS**, a developer's drainage plan must certify that
30 stormwater and surface water impacts from these properties will not

1 result in the creation of a nuisance on adjacent and downgradient
2 properties; and

3 WHEREAS, the City relies on the assertions made by the
4 developer in certifying that the project will not result in
5 improper and detrimental impacts to off-site properties; and

6 WHEREAS, the City also relies on the project's development of
7 the project to be in conformance with the approved and certified
8 drainage plans, and when there are alterations to those drainage
9 plans made during development, those assertions and certifications
10 that the project will not be a nuisance are no longer available;
11 and

12 WHEREAS, property owners, and those working on their behalf,
13 of existing developed property who alter the grading of their
14 property must do so in a manner that does not create a nuisance to
15 adjacent and downgradient properties; and

16 WHEREAS, the City needs an enforcement mechanism tailored to
17 prevent improper developments that create nuisance conditions on
18 off-site properties due to the uncertified and unapproved improper
19 discharge of stormwater and surface water flow as well as to stop
20 all work on a project found to be in violation to prevent
21 exacerbation of the violation or to prevent waste associated with
22 continued development when there may be foundation, grading, or
23 other drainage corrections needed; now therefore:

24 BE IT ORDAINED by the Council of the City of Jacksonville:

25 Section 1. Chapter 518 (Jacksonville Property Safety and
26 Maintenance Code); Part 2 (Improved or Unimproved Lots and Exterior
27 Conditions of Residential and Commercial Properties); Section
28 518.213 (Reserved) is amended as follows:

29 Sec. 518.213. ~~Reserved.~~ Drainage not in compliance with
30 approved plans or which creates a public nuisance; enforcement by
31 Planning and Development Department.

1 (a) It shall be a violation of this subsection for any
2 property owner, developer or contractor to alter the drainage from
3 a plan or permit that has been approved by the Planning and
4 Development Department, Development Services Division or the
5 Building Inspection Division.

6 (b) It shall also be a separate violation of this subsection
7 for any property owner, developer or contractor to alter the pre-
8 existing flow of stormwater or surface water from a development,
9 property or construction activity to create a nuisance on off-site,
10 downgradient properties.

11 This subsection may be enforced in any manner authorized in
12 this Chapter by the Planning and Development Department, Chief of
13 the Development Services Division, who shall have all powers and
14 authority provided in Subparts C and D, Part 1 of this Chapter.
15 Additionally, the Chief shall be empowered to issue a stop-work
16 order to halt all development activities on a site whenever a
17 violation of this subsection is found. The Chief is authorized to
18 enter into consent orders and compliance plans to administratively
19 resolve violations or alleged violations.

20 Section 2. Effective Date. This ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature. 23

24 Form Approved: 25

26 /s/ Paige Hobbs Johnston

27 Office of General Counsel

28 Legislation Prepared By: Jason R. Teal 29

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