

Introduced by Council Member Carrico:

ORDINANCE 2025-536-E

AN ORDINANCE CREATING A NEW SECTION 654.143
(WRITTEN DECISIONS, INTERPRETATIONS AND
APPEALS), CHAPTER 654 (CODE OF SUBDIVISION
REGULATIONS), *ORDINANCE CODE*, TO PROVIDE A
PROCESS FOR WRITTEN DECISIONS, INTERPRETATIONS
AND APPEALS OF WRITTEN DECISIONS AND
INTERPRETATIONS OF CHAPTER 654 OF THE CODE;
PROVIDING FOR CODIFICATION INSTRUCTIONS;
PROVIDING AN EFFECTIVE DATE.

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

Section 1. Creating a New Section 654.143 (Written decisions, interpretations and appeals), Chapter 654 (Code of Subdivision Regulations), *Ordinance Code*. A new Section 654.143 (Written decisions, interpretations and appeals), Chapter 654 (Code of Subdivision Regulations), *Ordinance Code*, is hereby created to read as follows:

CHAPTER 654 - CODE OF SUBDIVISION REGULATIONS

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Sec. 654.143. - Written decisions, interpretations and appeals.

(a) The Director shall have the duty and authority to interpret the provisions of this Chapter. A written interpretation may be requested by any resident, landowner or any person or entity having a contractual interest in land in the City, and who is, or stands to be, an adversely affected person as a result of the implementation of any provision of this Chapter. In addition, a written decision regarding the application or enforcement of any

1 provision of this Chapter may be requested by any resident,
2 landowner or any person or entity having a contractual interest
3 in land in the City, and who is, or stands to be an adversely
4 affected person as a result of the application or enforcement
5 of any provision of this Chapter. Before a written
6 interpretation or decision is made by the Director, a Request
7 for Written Interpretation or Written Decision, as applicable,
8 shall be submitted to the Director on the form established by
9 the Director. Within five (5) working days after a Request for
10 Written Interpretation or Written Decision has been received,
11 the Director shall determine whether the request is complete.
12 If the Director determines the request is not complete a written
13 notice shall be sent to the applicant specifying the
14 deficiencies. The Director shall take no further action on the
15 Request for Written Interpretation or Decision until the
16 deficiencies are remedied. Within ten (10) working days after
17 a Request for Written Interpretation or Decision has been
18 determined to be complete, the Director shall review and
19 evaluate the request in light of this Chapter, and other
20 statutes, codes, ordinances and regulations, to the extent
21 applicable, consult with the Office of General Counsel, or other
22 affected City staff, and then render an interpretation or
23 decision, as applicable. The Written Interpretation or Written
24 Decision shall be in writing, approved as to form by the Office
25 of General Counsel and mailed to the applicant by certified
26 mail, return receipt requested.

- 27 (b) An adversely affected person receiving a Written Decision or
28 Written Interpretation of the Director may appeal said Written
29 Interpretation or Written Decision to the City Council by filing
30 a Notice of Appeal of Written Interpretation or Written
31 Decision, as applicable, with the Legislative Services Division.

- (1) The Notice of Appeal shall contain the following:
- (i) A copy of the Written Interpretation or Written Decision to be reviewed;
 - (ii) A statement of the interest of the person seeking review which is sufficient to show how that person is adversely affected;
 - (iii) A statement which explains the specific error alleged as the grounds for the appeal;
- (2) The Notice of Appeal shall be filed with the Legislative Services Division within thirty (30) calendar days of the date the Written Interpretation or Decision was rendered by the Director. Within five (5) working days of the filing of a Notice of Appeal, the Legislative Services Division shall notify the Council President, the chairman of the appropriate committee of Council, the affected district Council Member, the owner of the property that is the subject of the Written Interpretation or Written Decision being appealed, if applicable, and the Director and shall request the Office of General Counsel to prepare a resolution concerning the appeal to be introduced by the appropriate committee of Council. Upon notification by the Legislative Services Division of the filing of a Notice of Appeal, the Department shall forward a copy of the Department file on the matter to the Office of General Counsel.
- (3) Upon a determination by the Office of General Counsel that the Notice of Appeal is sufficient, timely filed, and that the appellant has standing to file the appeal, the resolution shall be filed with the Legislative Services Division and the Chairman of the committee of reference shall schedule a public hearing concerning the appeal. The

Legislative Services Division shall notify the appellant and the owner of the property that is the subject of the Written Interpretation or Written Decision being appealed, if applicable, of the date, time and location of the public hearing. The written notices shall be mailed at least fourteen (14) calendar days prior to the date of the scheduled public hearing.

(4) If the Office of General Counsel determines that the Notice of Appeal is not sufficient, timely filed, or that the appellant does not have standing to file the appeal, the attorney shall prepare a written recommendation concerning the deficiencies for consideration by the committee of reference. After the committee of reference makes a determination concerning the deficiencies, the Office of General Counsel shall notify the appellant in writing of the deficiencies. No further action shall be taken until the appellant remedies the deficiencies and the committee of reference thereafter determines the Notice of Appeal to be complete. The deficiencies must be remedied within thirty (30) calendar days, or the resolution is subject to withdrawal by the Council at any time thereafter.

(5) The committee of reference hearing the appeal shall conduct a *de novo* public hearing and prepare a proposed recommended written order for consideration by the Council. The Council's action on the appeal shall be the final action of the City.

Section 2. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "table of contents" consistent with the changes set forth herein. Such editorial changes and any other changes necessary to make the *Ordinance Code* consistent with the intent of this legislation

1 are approved and directed herein, and the changes to the *Ordinance*
2 Code shall be made forthwith and when inconsistencies are discovered.

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/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Mary E. Staffopoulos

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