

1 Introduced by Council Member Becton:
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4 **ORDINANCE 2023-323**

5 AN ORDINANCE CONCERNING CHAPTER 94 (TREE
6 COMMISSION), *ORDINANCE CODE*; AMENDING SECTION
7 94.105 (PURPOSE) TO CREATE AND ADD A NEW
8 SUBSECTION (E) TO INCLUDE HEARING QUASI-
9 JUDICIAL APPEALS FROM NOTICES OF VIOLATIONS
10 PURSUANT TO SECTION 656.1208, *ORDINANCE CODE*
11 AND SECTION 94.106 (DUTIES), TO CREATE AND ADD
12 A NEW SUBSECTION (L) AUTHORIZING THE TREE
13 COMMISSION AS THE APPROPRIATE FORUM FOR
14 APPEALS OF NOTICES OF VIOLATIONS PURSUANT TO
15 PART 12 (LANDSCAPE AND TREE PROTECTION
16 REGULATIONS), *ORDINANCE CODE*; PROVIDING FOR
17 CODIFICATION INSTRUCTIONS; PROVIDING AN
18 EFFECTIVE DATE.

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

21 **Section 1. Amending Section 94.105 (Purpose), Chapter 94**
22 **(Tree Commission), *Ordinance Code*.** Section 94.105 (Purpose),
23 Chapter 94 (Zoning Code), *Ordinance Code*, is hereby amended to read
24 as follows:

25 **CHAPTER 94 - TREE COMMISSION**

26 * * *

27 **Sec. 94.105. - Purpose.**

28 The Commission is established for the following general
29 purposes:

30 * * *

31 (e) To provide the final agency action regarding quasi-

1 judicial appeals from decisions regarding the Landscape
2 and Tree Protection Regulations, Part 12, Chapter 656
3 (Zoning Code).

4 **Section 2. Amending Section 94.106 (Duties), Chapter 94**
5 **(Tree Commission), Ordinance Code.** Section 94.106 (Duties), Chapter
6 94 (Zoning Code), *Ordinance Code*, is hereby amended to read as
7 follows:

8 **CHAPTER 94 - TREE COMMISSION**

9 * * *

10 **Sec. 94.106. - Duties.**

11 In implementing the purposes under this chapter, the
12 Commission shall have the following duties:

13 * * *

14 (1) Appeals.

15 (1) Any adversely affected property owner, permit holder
16 or contractor regarding a subject property may
17 appeal the decision of:

18 (i) The Chief of Development Services, Planning
19 and Development Department, regarding the
20 Final Assessment of Clearcutting Contribution
21 Amount, pursuant to Section 656.1208(d),
22 Ordinance Code.

23 (ii) The Director of the Planning and Development
24 Department, regarding a Request to Reduce
25 Assessment of Fines, pursuant to Section
26 656.1208(g), Ordinance Code.

27 (2) An appellant shall file a Notice of Appeal of the of
28 the applicable decision with the Office of General
29 Counsel and the Tree Commission staff person
30 responsible for Tree Commission notices and minutes
31 within 30 days of the date of the applicable written

1 decision.

2 (3) The Notice of Appeal shall contain evidence of the
3 species of trees removed, the application of any
4 exception or exemption to the trees removed as
5 provided for in Part 12 (Landscape and Tree
6 Protection Regulations), Chapter 656 (Zoning Code),
7 Ordinance Code, and any other relevant information
8 used to dispute the Notice of Violation and the
9 calculation of monies owed to the City, including
10 expert analysis and geographical data.

11 (4) The Director of Public Works, as staff to the Tree
12 Commission, shall:

13 (i) Set the matter for a hearing before the
14 Commission within 45 days of the date of the
15 Notice of Appeal, unless otherwise extended by
16 agreement of the Chief or Director, as
17 applicable, and the appellant; and

18 (ii) Maintain the record of the proceedings.

19 (5) The sole issue to be determined by the Commission is
20 whether the Chief or the Director's decision
21 concerning the item on appeal was "clearly
22 erroneous".

23 (6) The Commission shall issue a written decision
24 concerning the appeal, which written decision shall
25 be deemed to be the final decision of the City, and
26 may be appealed by any person with standing under
27 state law by common law certiorari in the circuit
28 court. The written decision shall be mailed by the
29 Public Works Department to the appellants within
30 seven (7) days after the written decision.

31 **Section 3. Codification Instructions.** The Codifier and

1 the Office of General Counsel are authorized to make all chapter
2 and division "tables of contents" consistent with the changes set
3 forth herein. Such editorial changes and any others necessary to
4 make the *Ordinance Code* consistent with the intent of this
5 legislation are approved and directed herein, and changes to the
6 *Ordinance Code* shall be made forthwith and when inconsistencies are
7 discovered.

8 **Section 4. Effective Date.** This Ordinance shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

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12 Form Approved:

13
14 /s/ Susan Grandin

15 Office of General Counsel

16 Legislation prepared by: Cherry S. Pollock and Susan Grandin

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