

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2023-323

Introducer/Sponsor(s): Council Member Becton

Date of Introduction: May 9, 2023

Committee(s) of Reference: R, LUZ

Date of Analysis: May 11, 2023

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 94 – Tree Commission – to add language providing that the Tree Commission shall be the final City agency to take action regarding quasi-judicial appeals from decisions regarding the Landscape and Tree Protection Regulations found in Part 12, Ordinance Code Chapter 656 (Zoning Code). It provides that the Tree Commission shall hear appeals of decisions made by: a) the Chief of Development Services, Planning and Development Department, regarding the Final Assessment of Clearcutting Contribution Amount, pursuant to Section 656.1208(d); and b) the Director of the Planning and Development Department, regarding a Request to Reduce Assessment of Fines, pursuant to Section 656.1208(g). It provides for a process and timeline for filing and processing appeals, and states that “the sole issue to be determined by the Commission is whether the Chief or the Director’s decision concerning the item on appeal was ‘clearly erroneous’”.

NOTE: see companion Ordinances 2023-312 and 2023-324

Background Information: The Public Trust Environmental Legal Institute of Florida, Inc. (Public Trust) and three City residents filed suit against the City alleging that the City was using funds generated from tree mitigation payments collected pursuant to activities regulated by Article 25 of the City Charter in a manner not consistent with the intent of the citizen-initiated Charter amendment. To end the litigation the parties negotiated a mutually agreeable settlement that was approved by the Council via Ordinance 2017-395-E. The plaintiffs have proposed to amend that settlement agreement to allow for modifications to Exhibits A and D of that agreement and have requested that the Council enact their proposed Ordinance Code amendments to address unanticipated situations that have arisen in the enforcement of the tree regulations since the effective date of the settlement agreement.

Policy Impact Area: Tree mitigation regulations

Fiscal Impact: Undetermined

Analyst: Clements