

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
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June 8, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-323**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition. Council Member Becton explained the genesis of the ordinance and why it is needed. The Commissioners agreed there is a need for the change to the Code.

Planning Commission Vote: 7-0

Alex Moldovan, Chair Aye

Ian Brown, Vice Chair Aye

Jason Porter, Secretary Aye

Marshall Adkison Aye

Daniel Blanchard Aye

Jordan Elsbury Aye

David Hacker Aye

Morgan Roberts Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission; Land Use and Zoning Committee; and City Council its comments and recommendations on:

ORDINANCE 2023-323

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

I. GENERAL INFORMATION

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.

II. EVALUATION

A. The need and justification for the change

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.

- B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

The proposed ordinance does not conflict with the 2045 Comprehensive Plan.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2023-323 be approved.**