

1 Introduced by Council Member Becton and amended by the Rules
2 Committee:

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5 **ORDINANCE 2023-323-E**

6 AN ORDINANCE CONCERNING CHAPTER 94 (TREE
7 COMMISSION), *ORDINANCE CODE*; AMENDING SECTION
8 94.105 (PURPOSE) TO CREATE AND ADD A NEW
9 SUBSECTION (E) TO INCLUDE HEARING QUASI-
10 JUDICIAL APPEALS FROM NOTICES OF VIOLATIONS
11 PURSUANT TO SECTION 656.1208, *ORDINANCE CODE*
12 AND SECTION 94.106 (DUTIES), TO CREATE AND ADD
13 A NEW SUBSECTION (L) AUTHORIZING THE TREE
14 COMMISSION AS THE APPROPRIATE FORUM FOR
15 APPEALS OF NOTICES OF VIOLATIONS PURSUANT TO
16 PART 12 (LANDSCAPE AND TREE PROTECTION
17 REGULATIONS), CHAPTER 656 (ZONING CODE),
18 *ORDINANCE CODE*; PROVIDING FOR CODIFICATION
19 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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

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

26 **CHAPTER 94 - TREE COMMISSION**

27 * * *

28 **Sec. 94.105. - Purpose.**

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

31 * * *

(e) To provide the final agency action regarding quasi-judicial appeals from decisions regarding the Landscape and Tree Protection Regulations, Part 12, Chapter 656 (Zoning Code).

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

CHAPTER 94 - TREE COMMISSION

* * *

Sec. 94.106. - Duties.

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

* * *

(1) Appeals.

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

(i) The Chief of Development Services, Planning and Development Department, regarding the Final Assessment of Clearcutting Contribution Amount, pursuant to Section 656.1208(c)(3)(iii), Ordinance Code.

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

(2) An appellant shall file a Notice of Appeal of the applicable decision with the Office of General Counsel and the Tree Commission staff person responsible for Tree Commission notices and minutes

1 within 30 days of the date of the applicable written
2 decision.

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

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

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

19 (ii) Maintain the record of the proceedings.

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

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

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

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

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13 Form Approved:

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15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Cherry S. Pollock and Susan Grandin

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