

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

**ORDINANCE 2023-323-E**

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), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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

**Section 1.**

urpose), Chapter 94 (Tree Commission), *Ordinance Code*, is hereby amended to read as follows:

**CHAPTER 94 - TREE COMMISSION**

\* \* \*

**Sec. 94.105. - Purpose.**

The Commission is established for the following general purposes:

\* \* \*

(e)

Amend.

To provide

he 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**

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**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 within 30 days of the date of the applicable written decision.

- (3) The Notice of Appeal shall contain evidence of the species of trees removed, the application of any exception or exemption to the trees removed as provided for in Part 12 (Landscape and Tree Protection Regulations), Chapter 656 (Zoning Code), Ordinance Code, and any other relevant information used to dispute the Notice of Violation and the calculation of monies owed to the City, including expert analysis and geographical data.
- (4) The Director of Public Works, as staff to the Tree Commission, shall:
- (i) Set the matter for a hearing before the Commission within 45 days of the date of the Notice of Appeal, unless otherwise extended by agreement of the Chief or Director, as applicable, and the appellant; and
- (ii) Maintain the record of the proceedings.
- (5) 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".
- (6) The Commission shall issue a written decision concerning the appeal, which written decision shall be deemed to be the final decision of the City, and may be appealed by any person with standing under state law by common law certiorari in the circuit court. The written decision shall be mailed by the Public Works Department to the appellants within seven (7) days after the written decision.

**Section 3. Codification Instructions.** The Codifier and the Office of General Counsel are authorized to make all chapter

and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any others necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

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

Form Approved:

          /s/ Mary E. Staffopoulos          

Office of General Counsel

Legislation Prepared By: Cherry S. Pollock and Susan Grandin

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