

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 110 OF THE CODE OF
ORDINANCES, ENTITLED "RESOURCE PROTECTION" BY
AMENDING ARTICLE VI ENTITLED "TREE
PROTECTION", CREATING SECTION 110-261 TO BE
TITLED "HERITAGE TREES", TO PROVIDE FOR THE
CREATION OF A HERITAGE TREE PROGRAM; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that some trees are historically significant, associated with a notable local or regional historical event, person, structure, or landscape, has been dedicated or planted as a public memorial, or its species is important to the history of Key West; and

WHEREAS, The Planning Board for the City of Key West approved this ordinance revision at their meeting of November 15, 2018; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Section 110-261 of the Code of Ordinances is hereby amended as follows*:

Sec. 110-261. - Heritage Trees.

- (a) The Tree Commission shall create a Heritage Tree Program. Applications will be accepted in a form accepted by the Tree Commission for consideration of trees into the Heritage Tree Program. The Urban Forester shall process the applications for consideration. The Tree Commission shall review complete applications and make the final determination.
- (b) Applications for the Heritage Tree Program must meet at least one of the following criteria:
1. Trees that are historically significant to the history of Key West;
 2. Trees that are associated with a notable local or regional historical event, person, structure, or landscape;
 3. Trees that have been dedicated or planted as a public memorial;
 4. Trees whose species is important to the history of Key West.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

- (c) If a Heritage Tree application is approved by majority vote of the Tree Commission, such tree(s) shall enjoy the same protections as Specially Protected Trees pursuant to Sec. 110-253.
- (d) A designation of a Heritage Tree by the Tree Commission may be appealed to the city commission pursuant to Sec. 110-337 by the current owner of the Heritage Tree at the time the appeal is made.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2018.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2018.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2018.

Filed with the Clerk _____, 2018.

Mayor Teri Johnston	_____
Commissioner Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK