



THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The Planning Board for the City of Key West

From: Ron Ramsingh, Assistant City Attorney

Date: May 10, 2011

RE: Ordinance revision to Sec. 110-287; Tree Commission Funds

Action statement:

A proposed ordinance revision to Sec. 110-287 to allow for expanded expenditures regarding educational programs for city staff and the Tree Commission as sponsored by Commissioner Lopez.

Background: Currently, Sec. 110-287 provides that funds received as a result of compliance settlement agreements, fines imposed by the special magistrate and any other compensation paid to the city for damage to trees belonging to the city shall be spent for education about city tree programs and to finance protection, replacement or additional plantings of trees in the city.

It is the desire of the Tree Commission and city landscaping staff through Commissioner Lopez to expand the permissible expenditures of the Tree commission fund to include education (including travel expenses) of the Tree Commission, the Urban Forestry Program Manager and all relevant city landscaping staff as determined by the City Manager.

Furthermore, the undersigned has reviewed the criteria for approving amendments to the official zoning map and land development regulations contained in 90-521 and 90-522. However, this proposal is not a typical requested change to a zoning map, conditional use, comprehensive plan or the like. Nonetheless the analysis is as follows:

1. *Consistency with plan:* This proposal is not inconsistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
 2. *Conformance with requirements:* This proposed ordinance is in conformance with all applicable requirements of the Code of Ordinances.
 3. *Changed conditions:* Neither “land use” nor “development conditions” would change as a result of the adoption of this ordinance revision. This proposal simply seeks to expand the permissible expenditures of the Tree Commission fund.
 4. *Land use compatibility:* This proposed ordinance revision will not create any incompatible land uses.
 5. *Adequate public facilities:* The adoption of this ordinance revision would not impose any additional impacts on any public facilities, services including transportation, water, wastewater, solid waste, disposal, drainage, recreation, education, or emergency services.
 6. *Natural Environment:* The adoption of this ordinance revision would not impose any additional adverse impact to the natural environment.
 7. *Economic Effects:* This proposed ordinance revision does have an economic effect in that it is a revision that is solely related to financial expenditures of the Tree Commission fund. It is the belief of the sponsor that education in this complicated field can only serve to improve the level of service that the landscaping staff and the Tree Commission provides to the community and most importantly; the tree canopy of the city and therefore would not have an “adverse effect on property values in the area or the general welfare.”
 8. *Orderly development:* The adoption of this ordinance revision will not create a negative effect on any “land use pattern”.
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9. *Public interest; enabling act:* The adoption of this ordinance revision serves the public interests in furthering the education of those charged with the responsibility of preserving and protecting the tree canopy of the city.

Options:

1. To pass this ordinance revision upon reading before the Planning Board as well as before the City Commission after first and second reading and to have an immediate effective date. The effect of passage will be to allow the Urban Forestry Program Manager, sitting Tree Commissioners as well as all relevant city landscaping staff to travel to and attend educational programs and seminars regarding Arboriculture and to have those expenditures paid from the Tree Commission fund. The current limitation on expenditures for education about city tree programs and to finance protection, replacement and additional plantings will continue as well.
 2. To not pass the ordinance revision regarding Tree Commission funds thereby continuing the limitation on expenditures solely for education about city tree programs and to finance protection, replacement and additional plantings in the city.
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