

**PLANNING BOARD RESOLUTION  
NUMBER 2011-041**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
RECOMMENDING AMENDMENT OF SECTION 110-287  
OF THE CODE OF ORDINANCES PERTAINING TO THE  
TREE COMMISSION ENTITLED "FUNDS" IN PART B,  
LAND DEVELOPMENT REGULATIONS; AND  
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Legal Department, at the request of City Commissioner Lopez drafted changes to the Land Development Regulations in conformance with the attached proposed revisions that expand the permissible expenditures of the Tree Commission fund to include costs associated with the attendance of Tree Commission members as well as relevant city staff to Arboriculture related continuing education seminars in conformance with the City's travel policy and City Manager approval; and

WHEREAS, the Planning Board held a noticed public hearing on August 18, 2011, where the Board, where based on the consideration of recommendations by the City Attorney the Board recommended approval of the proposed amendments; and

**BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

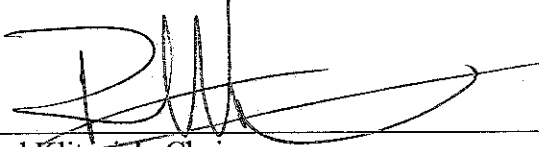
**Section 2.** That AMENDMENT OF SECTION 110-287 OF THE CODE OF ORDINANCES PERTAINING TO THE TREE COMMISSION ENTITLED "FUNDS" IN PART B, LAND DEVELOPMENT REGULATIONS is hereby recommended for approval; a copy of the recommended modifications to the code is attached.

  
Chairman  
Planning Director

**Section 3.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

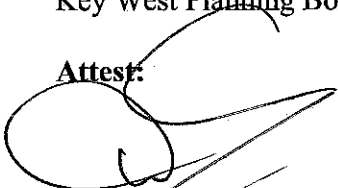
Read and passed at a regular meeting held this 18th day of August 2011.

Authenticated by the Chairman of the Planning Board and the Planning Director.

  
\_\_\_\_\_  
Richard Klitenick, Chairman  
Key West Planning Board


8/26/2011  
Date

**Attest:**

  
\_\_\_\_\_  
Donald Leland Craig, AICP  
Planning Director

8/20/2011  
Date

**Filed with the Clerk:**

  
\_\_\_\_\_  
Cheryl Smith, City Clerk

8/30/2011  
Date

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 110 ENTITLED  
"TREE PROTECTION" BY AMENDING SECTION  
110-287 "FUNDS", PROVIDING FOR EXPANDED  
EXPENDITURES FOR EDUCATIONAL PROGRAMS;  
PROVIDING FOR SEVERABILITY; PROVIDING  
FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West recognizes the importance of protecting and promoting the tree canopy of the city; and

WHEREAS, the City of Key West recognizes the importance of having an educated body such as the tree commission and landscaping staff in making specialized decisions in the field of Arboriculture;

WHEREAS, an amendment to 110-287 providing for an expenditure of tree commission funds to allow for said educational programs of tree commissioners, landscape staff and the Urban Forestry Program Manager is in the best interests of the City of Key West to meet those educational concerns,

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

Section 1: That Section 110-287 of the Code of Ordinances is hereby created as follows:

**Sec. 110-287. - Funds.**

The city manager shall establish within the city's operating budget a special account which shall include all funds donated to the work of the tree commission by any person, all funds donated to the city pursuant to section 110-327(7), all funds received from compliance settlement agreements as established in section 110-291, all funds received by the city from fines imposed in enforcement of this article by the code enforcement special master, and any other compensation paid to the city for damage to trees belonging to the city. Funds in the special account shall be spent only as requested by the tree commission and

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.) language added at 1<sup>st</sup> reading is underlined twice; language deleted at first reading is ~~struck through twice~~)

approved by the city commission and shall be used to finance Arboriculture related educational programs and courses benefitting the Urban Forestry Program Manager, all relevant city employed landscaping staff as determined by the city manager and sitting tree commissioners in compliance with the City's travel policy. Funds shall also be used to finance Arboriculture related educational programs for the general public ~~about city tree programs~~ and to finance protection, replacement, or additional plantings of trees in the city.

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 there from 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 the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Filed with the Clerk \_\_\_\_\_, 2011.

\_\_\_\_\_  
CRAIG CATES, MAYOR

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK