

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES, ENTITLED "TREE PROTECTION" BY AMENDING ARTICLE VI ENTITLED "PERMIT", SECTION 110-331 TITLED "ISSUANCE", TO INCENTIVIZE THE PLANTING OF SPECIFIC CANOPY TREES AT A RATE OF 4:1 REPLACEMENT INCHES FOR DICOT TREES THAT ARE REMOVED AND 4.25:1 FOR REPLANTING WITH A ROYAL POINCIANA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that canopy trees, including the Royal Poinciana tree are crucial to history and sustainability of the city; and

WHEREAS, the City Commission for the City of Key West finds that creating a new incentive for residents to plant canopy trees at a rate of four caliper inches for every one inch prescribed would promote such plantings and ultimately increase the overall tree canopy of the city; and

WHEREAS, the City Commission for the City of Key West passed a Resolution number 18-172 on May 15, 2018 that recognized the Royal Poinciana as the official tree of the City of Key West; and

*(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.)

WHEREAS, The Planning Board for the City of Key West approved this ordinance revision at their meeting of July 19, 2018; and

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

Section 1: That Section 110-331 of the Code of Ordinances is hereby amended as follows*:

Sec. 110-331. - Issuance.

(1) Each approval of a tree removal permit shall be signed by the chairperson of the tree commission. Notice of its approval shall be given by the tree commission to the urban forestry manager which shall issue a permit.

(2) Permits will be finalized within five (5) business days of the tree commission approval of the permit. Final, signed permits will be held in office for one week then mailed to the applicant and representative.

(3) Compliance.

(a) Replacement palms shall be native palm trees, 4 feet tall in total height from ground to frond.

(b) Replacement dicot trees shall be measured by caliper and shall be Florida #1 grade native trees or trees listed in section 110-253.

(c) A credit of 2:1 shall be given to the homeowner/applicant for using state listed threatened or endangered plant species on replacement values for dicot trees.

(d) A credit of 4:1 shall be given to the homeowner/ Applicant for using (*Bursera simaruba*) Gumbo Limbo, (~~*Delonix regia*~~) ~~Royal Poinciana~~, (*Ficus aurea*) Strangler Fig, (*Ficus citrifolia*) Shortleaf Fig, (*Manilkara zapota*) Sapodilla, (*Melicoccus bijugatus*) Spanish Lime, (*Piscidia piscipula*) Jamaica Dogwood, and (*Swietenia mahagoni*) Mahogany trees on replacement values for dicot trees.

e) A credit of 4.25:1 shall be given to the homeowner/applicant for using (*Delonix regia*) Royal Poinciana trees on replacement values for dicot trees.

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 Craig Cates _____
Commissioner Gregory Davila _____
Commissioner Mary Lou Hoover _____
Commissioner Sam Kaufman _____
Commissioner Clayton Lopez _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK