

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 110 OF THE CODE OF
ORDINANCES, ENTITLED "RESOURCE PROTECTION" BY
AMENDING SECTION 110-323 ENTITLED
"APPLICATION" TO PROVIDE FOR AN APPLICATION
FEE FOR APPLICATIONS TO THE TREE COMMISSION
AND URBAN FORESTRY MANAGER; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Key West finds that applications to the Tree Commission and Urban Forestry Manager require a level of staff preparation and processing of said applications that is currently not paid for or reimbursed by the applicants; and

WHEREAS, the City Commission of the City of Key West finds that it is necessary to amend Sec. 110-323 to create an application fee for items that are considered by the Tree Commission and/or Urban Forestry Manager; and

WHEREAS, at its meeting of September 7, 2021, the Key West Tree Commission recommended approval of this proposed ordinance; and

WHEREAS, at its meeting of _____, 2021, the Key West Planning Board recommended approval of this proposed ordinance; and

WHEREAS, this amendment to Chapter 110 of the Code of Ordinances will promote the health, safety and welfare of the citizens, visitors and environment of the City of Key West.

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

Section 1: That Section 110-323 of the Code of Ordinances is hereby amended as follows*:

Sec. 110-323. - Application; Fees.

All applications for a tree removal permit shall be made to the urban forestry manager. The application shall include an inventory of all existing trees in the area of proposed construction impact, including ingress to and egress from this area. The inventory shall state size, diameter and species of each tree. In order for the application to be acted upon, it must be signed by the property owner, or a notarized letter from the property owner must be attached to the application designating an authorized agent. The applicant shall be responsible for clearly marking the subject trees on the site with flagging tape.

A fee schedule for all applications to the Tree Commission and/or Urban Forestry Manager shall be established by the City Commission and may be changed by Resolution of the City Commission.

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 the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

*(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.)

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2021.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2021.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2021.

Filed with the Clerk _____, 2021.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK