

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

From: Karen DeMaria, Interim Urban Forestry Manager

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: July 24, 2013

Agenda Item: An ordinance of the City of Commission of the City of Key West, Amending Chapter 110 of the Code of Ordinances for the City of Key West entitled "Resource Protection, : by amending Article VI entitled "Tree Protection,; by amending Sections 110-252, through and including 110-435; amending Section 110-252 to add and amend definitions; amending Section 110-253 to adjust the list of specially protected trees; amending Section 110-254 to adjust the list of unprotected trees; amending Section 110-255 to clarify prohibited acts against coconut palm trees; amending Section 110-256 to clarify tree abuse and exceptions; amending Section 110-258 to amend the application procedure for emergency after-the-fact permits; amending Section 110-259, "Duty of Private Property Owner;" amending Section 110-260 to clarify champion tree census updates; amending Section 110-287 to clarify authority for use of funds; amending Section 110-288 to clarify hearings on violations; amending Section 110-289 for required notice of hearing; amending Section 110-290 to clarify hearing procedure; amending Section 110-291 to clarify compliance settlement agreements; amending Section 110-293 regarding statutory authority; amending Section 110-294 to provide for confirmed electronic mail notification; amending Section 110-321 to amend permit requirements; amending Section 110-322 to amend exceptions; amending Section 110-323 to require application to urban forestry manager; amending Section 110-324 to provide for determination by urban forestry manager; amending Section 110-326 to provide for a finding by urban forestry manager; amending Section 110-327 to amend approval criteria to allow replacement of dicot trees with native palms and native palms with dicot trees; establish amount of standard donation and hardship criteria; amending Section 110-331to amend issuance and

compliance provisions; amending Section 110-334 to amend urban forestry manager authority to grant renewals; amending Section 110-335 to clarify Keys Energy Service requirements; amending Section 110-336 to amend permit requirements for pruning or heavy maintenance; amending Section 110-366 to provide for barricading review by urban forestry manager; amending Section 110-396 to add and amend certain definitions; amending Section 110-402 to amend provisions for removal of live, healthy palm fronds, and use of climbing spurs; amending Section 110-431 to provide reference to Section 110-258; amending Section 110-433 to provide for direction of the urban forestry manager; amending Section 110-434 to provide for evaluation and designation by urban forestry manager; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Request: Approval of a resolution for an ordinance to amend Chapter 110 of the Code of Ordinances for the City of Key West entitled “Resource Protection” by amending Article VI entitled “Tree Protection,” Section 110-252 through and including Section 110-435.

Location: Citywide

Background: The last update to Sec 110 of the Tree Protection ordinance was in 2004.

The existing ordinance is not consistent with current policies and procedures of the Tree Commission and the Urban Forestry office. Many of the requested updates and changes to the Section 110 ordinance are being made to clarify procedures and to help the public understand clearly the policies of the Tree Commission.

Changes and updates to the ordinance were derived from comments received from the Tree Commission board and from the general public. Procedures and lists were updated by researching the websites of respected organizations including the International Society of Arborists (ISA), the University of Florida Institute of Food and Agricultural Sciences (IFAS), the Native Plant Society, and the State of Florida.

On April 30, 2013, a public workshop was held to solicit comments for possible changes to the ordinance. The meeting was attended by the full Tree Commission, the urban forester (Karen DeMaria), legal staff (Ron Ramsingh), planning director (Don Craig), City Commissioner Tony Yaniz and approximately 35 members of the public. Comments were received on

the proposed revisions to the ordinance. Additional comments regarding proposed changes and updates included information from nine speakers and five written submittals. A checklist with possible ordinance changes was offered to the Tree Commission and the public with 8 responses received.

On June 27, 2013, a public workshop was held to finalize the possible changes to the ordinance. This version of the ordinance included many suggestions received from the April 30, 2013 workshop. The meeting was attended by four Tree Commissioners, the urban forester, legal staff, and no members of the public. The Urban Forester and the Tree Commission thoroughly reviewed the proposed ordinance. The ordinance received verbal approval from the commissioners.

On July 8, 2013, the final draft ordinance was presented to the Tree Commission for their approval. The commission voted unanimously to approve the changes to the ordinance and to forward to the Planning and City Commission for final review and implementation.

Recommendation: The Planning Department recommends approval of the resolution for an ordinance to amend Chapter 110 of the Code of Ordinances for the City of Key West entitled “Resource Protection” by amending Article VI entitled “Tree Protection,” Sections 110-252 through and including Section 110-435.