

**KEY WEST TREE COMMISSION
RESOLUTION NO.2021-0001**

A RESOLUTION OF THE TREE COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RECOMMENDING THAT THE CITY COMMISSION APPROVE AN AMENDMENT TO CHAPTER 110 OF THE CITY OF KEY WEST 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 ANNUAL FEE ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-487 (b) of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Land Development Regulations by resolution; and

WHEREAS, there are currently no fees attached to Tree Commission applications or Urban Forestry Manager reviews; and

WHEREAS, the creation of a fee schedule is necessary to help the Urban Forestry Division review applications for compliance to the Land Development Regulations in a timely manner; and

WHEREAS, the Tree Commission finds that an amendment to the Code of Ordinances is necessary to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services; and

WHEREAS, the Tree Commission finds the proposed fees are commensurate with anticipated costs; and

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

Section 1: That the proposed Tree Commission and Urban Forestry
Manager Fee Schedule (attached "Exhibit A"), are hereby approved.

Section 2: That the fees shall increase by 5% annually, to
become effective upon passage of the Ordinance by the City
Commission, and each year thereafter, until or unless amended by
Resolution to the City Commission

Section 3: That this Resolution shall go into effect
immediately upon its passage and adoption and authentication by
the signature of the Presiding Officer and the Clerk of the Tree
Commission

Passed and adopted by the Key West Tree Commission at a
meeting held on this 7th day of September 2021.

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

Filed with the Clerk _____, 2021.

MISHA McRae, CHAIRMAN

ATTEST:

CHERYL SMITH, CITY CLERK

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 for the City of Key West finds that applications to the Tree Commission and Urban Forestry Manager requires 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 for 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 _____, 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 is attached hereto as Exhibit A and may be changed by Resolution by the City Commission.

*(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.)

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.

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



STAFF REPORT

To: Tree Commission

From: Karen DeMaria, Urban Forestry Manager

Meeting Date: September 7st, 2021

RE: Text Amendment of the Land Development Regulations-Section 110-323,
Tree Commission and Urban Forestry Manager Fee Schedule

Request: That the Tree Commission approve the Resolution creating a text amendment to the Land Development Regulations- A resolution of the City of Key West Tree Commission recommending approval of an ordinance to the City Commission to amend 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.

Background:

Currently, there is no language in the Land Development Regulations regarding fees for the processing and reviews of applications by the Tree Commission or Urban Forestry Manager, therefore, a text amendment to the Land Development Regulations (LDRs) is needed.

Pursuant to Section 90-487 (b), establishment of fees, charges, and expenses imposed by the Land Development Regulations (LDRs) will be established by Resolution. The fees presented in the attached proposed Fee Schedule (Exhibit A) will establish a reasonable fee schedule to compensate for the necessary time taken by staff to review a Tree Commission application, a development project and facilitation of project through the review process, and building permit application reviews. The goal is to ensure that costs associated with implementing the LDRs are borne by those parties deriving the benefit of such services.

Staff Analysis:

The proposed fee schedule (Exhibit A) will generate necessary funds to cover the time that staff takes to review each application and project to assure completeness, quality, and compliance with the LDRs and to facilitate projects through the development review process. Staff has determined the time and labor spent processing these applications and projects is substantial and has led to the recommendation of a Fee Schedule for the associated applications and reviews.

Currently, there are no fees attached to the processing of Tree Commission permit applications, Development Plan Landscape reviews and approval by the Tree Commission and Urban Forestry Manager regarding compliance to Section 108 and Section 110 of the LDRs, or Urban Forestry Manager building permit reviews for compliance to the LDRs. The proposed Ordinance and Resolution will allow the City of Key West to establish and implement those fees.

The proposed fee schedule was created by reviewing fee schedules for numerous municipalities in the South Florida area (Exhibit B). The actual time required to do the tasks involved was also documented and used as a fee determination and current fees charged by the Planning Department and HARC were also used as a guideline.

Based on the proposed fee schedule (Exhibit A) and reviewing past Tree Commission applications and Urban Forestry Manager reviews, the potential total fee amounts for the 2019 and 2020 years would have been:

	<u>2019</u>	<u>2020</u>
Tree Commission Permitting	\$ 34,770	\$ 20,675
Development Plan Landscape Reviews	\$ 5,900 *does not include per tree fee	\$ 3,000
Building Permit Reviews	\$ 46,350 *median average used for calculation	\$ 47,200
Additional Fees	\$ 3,630	\$ 4,810
TOTAL	\$ 90,650	\$ 75,685

Options/Advantages/Disadvantages:

Option 1: Approve the proposed ordinance establishing a Tree Commission and Urban Forestry Manager application fee and proposed resolution approving the fee schedule.

1. **Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would provide enhanced services consistent with mission and vision of the City.
2. **Financial Impact:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for Tree Commission and Urban Forestry functions to serve citizens.

Option 2: Do not approve the addition of fees and fee clarification.

1. **Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would not be consistent with providing cost effective services for the citizens wherein the applicant for a discretionary service pays for that privilege.
2. **Financial Impact:** There would continue to be a negative impact on the fiscal health of the City in that fees are not collected for professional services provided.

Recommendation

Option 1 is recommended.



PROPOSED TREE COMMISSION AND URBAN FORESTRY MANAGER FEE SCHEDULE, CITY OF KEY WEST, FLORIDA•

1300 White Street • Key West, Florida 33040 • 305-809-3725 • www.cityofkeywest-fl.gov

Application Type	Fees
Tree Commission Permitting	
Residential Staff Approval application base fee	\$ 20.00
Multifamily/Condo/HOA Staff Approval application base fee	\$ 30.00
Commercial Staff Approval application base fee	\$ 40.00
*add for each Palm rootball removal (per palm)	\$ 10.00
*add for each Palm trunk maintenance trim (per palm)	\$ 5.00
*add for Palm transplant (per palm)	\$ 5.00
*add for palm permit trimming using spikes	\$ 10.00
*add for each dicot tree-maintenance trim (per tree)	\$ 25.00
*add for each dicot tree transplant (per tree)	\$ 20.00
*add for each dicot tree tree removal-Tree Commission Review (per tree)	\$ 50.00
*add for Emergency Permit Processing (flat fee-no per tree/palm fee)	\$ 30.00
Permit Extension: reissuance of permit w/new number (flat fee)	\$ 50.00
Permit for Approved Development Plans (flat fee)	\$ 30.00
Permit Close out Inspection (each inspection-flat fee)	\$ 10.00
Fees Not To Exceed a Total of \$100.00 for Residential, \$150 for Multifamily/Condo/HOA, and \$200 for Commercial Applications	
Development Plan Landscape Plan Review	
Basic Plan review/Pre-Application Conference	\$ 100.00
Major and Minor Development Plan Reviews:	
Conceptual Plan Review Approval-Base Fee	\$ 400.00
*add for each palm removal (per palm)	\$ 20.00
*add for each dicot/canopy and palm transplant (per tree/palm)	\$ 25.00
*add for each dicot/canopy tree removal (per tree)	\$ 30.00
Final Landscape Plan Review Approval-Tree Commission Flat Fee	\$ 300.00
Final Landscape Plan Review Approval-Staff Approval Flat Fee	\$ 150.00
Landscape Inspection (each inspection)	\$100.00
Right of way Review	\$ 50.00

CITY OF KEY WEST, FLORIDA • TREE COMMISSION AND URBAN FORESTRY MANAGER
 FEE SCHEDULE

Building Permits Application Review Fee – Based on Construction Cost

Costs less than \$2,500	\$ 25.00
Costs \$2,501 - \$15,000	\$ 50.00
Costs \$15,001 - \$25,000	\$ 75.00
Costs \$25,001 - \$50,000	\$ 100.00
Costs more than \$50,001 – \$350.00 plus \$35.00 per additional 20,000 or fraction of	

Additional Fees

Endangered Species Assessment Reviews	\$ 200.00
Enforcement Case Processing Fee	\$ 250.00
Close out inspection	\$ 50.00
Environmental Assessment and Biological Reviews (per hour)	\$ 60.00

All Fees Will be Double for All After The Fact Projects

All Fees are Non Refundable

AREA	SINGLE FAMILY	MULTI-FAMILY	COMMERCIAL	ATF	INSPECTION/OTHER
Lee County	\$30 plus \$1 per tree (not to exceed \$25 for trees)	\$30 plus \$1 per tree (not to exceed \$25 for trees)	\$30 plus \$1 per tree (not to exceed \$25 for trees)	x2	\$60 reinspection fee
Miami Dade	\$63 plus \$12 per tree (not to exceed \$320 for trees)	\$80 plus \$12 per tree (not to exceed \$395 for trees)	\$105 plus \$12 per tree (not to exceed \$660 for trees)	x2	*Environmental Assessment Fee \$690 *\$35 inspection fee
Miami Beach	\$190 (plan review)	\$235 (plan review)	\$280 (plan review)	x2	*permit extensions pay 1/2 the original application fee *\$91 inspection fee plus \$25 per tree
Ft. Lauderdale	?	\$170 plus \$25 per tree	\$170 plus \$25 per tree	x4	Landscape application fee \$90
Broward County	\$75 base fee plus \$25 per tree (if tree <18"dbh)	\$100 plus \$25 per tree (if tree <18"dvh)	\$150 plus \$25 each tree (if tree <18" dbh)	x2 or x4	
Hollywood	\$36 per tree		\$122 processing and \$36 each tree		*tree removed without a permit is a fee of \$105 per tree plus processing fee
Hillsborough	\$81.65 Application fee				
St. Petersburg	\$25 initial inspection fee then \$25 permit fee	\$35 permit fee for first tree then \$10 for each additional tree	\$35 permit fee for first tree then \$10 for each additional tree		
Sarasota	\$30 permit fee plus \$5 for each tree		plus \$20 per tree (non residential)		plus \$100 for each grand tree removed
Monroe County					*\$66 tree & landscape fee if <\$5,000 *\$194 tree & landscape fee if >\$5,000 *\$60 per hour Biologist review *\$280 Biologist site visit *\$140 Endangered species review