



Cover Memorandum/Staff Report

File #: 22-1143

Agenda Date: 9/5/2023

Item #: 8.A.1.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 5, 2023

RESOLUTION NO. 39-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.3 (K), "FEES," ADOPTING A SCHEDULE OF IN-LIEU FEES FOR MITIGATION OF TREE AND PALM REMOVAL, FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:

Review and consider Resolution No. 39-23, adopting a fee schedule for the mitigation of tree and palm removal.

Background:

This resolution is a companion action with Ordinance No. 10-23, effectively moving fees from the Land Development Regulations to adoption via resolution. This change allows for the City to more easily update fees over time. It is important to note, the resolution does not facilitate the removal of trees or palms.

Section 4.6.19 of the Land Development Regulations (LDR) of the Code of Ordinances of the City of Delray Beach promotes the preservation of trees and palms in all development proposals, and the Section also allows for removal when an applicant demonstrates the preservation of trees and palms in place or relocation on or off-site is not feasible.

LDR Section 4.6.19(E) sets forth an in-lieu fee for the tree removal based upon the diameter of the trunk at breast height (DBH), but does not regulate such a fee specific to the palm removal. Palm value is largely based upon the clear trunk of the palm, rather than the DBH. Based on the current market cost of palm plantings, a separate in-lieu fee schedule for the palm removal is required rather than using the in-lieu fee set for the tree removal. By adopting this resolution in accordance with LDR Section 2.4.3(K), a more appropriate in-lieu fee schedule for the palm removal will be effective.

Pursuant to LDR Section 2.4.3(K), City Commission of the City of Delray Beach is authorized to establish fees by resolution and may consider to increase in-lieu fees to discourage removal of trees and palms and attain the City's tree preservation goal.

City Attorney Review:

Resolution No. 39-23 was reviewed and approved as to form and legal sufficiency (as Resolution No. 139-22).

Funding Source/Financial Impact:

N/A

Timing of Request:

Resolution No. 39-23 will become effective immediately concurrent with the adoption of Ordinance No. 10-23, which is scheduled for second reading and adoption on September 5, 2023.