

RESOLUTION NO. 139-22

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.

WHEREAS, the Section 4.6.19 of the Land Development Regulations ("LDRs") of the Code of Ordinances of the City of Delray Beach ("City") promotes the preservation of trees and palms in all development proposals; and

WHEREAS, the LDR Section 4.6.19(D) allows for removal when an applicant demonstrates the preservation of trees and palms in place or relocation off-site is not feasible; and

WHEREAS, the LDR Section 4.6.19(E) sets forth an in-lieu fee for the tree removal, but does not regulate such a fee specific to the palm removal; and

WHEREAS, an in-lieu fee for the palm removal is studied based on the current market cost of palm plantings, and therefore it requires a separate in-lieu fee schedule rather than using the in-lieu fee set for the tree removal; and

WHEREAS, an in-lieu fee for the tree and palm removal without obtaining a proper approval is needed to be codified and consolidated to improve the readability of regulations for applicants; and

WHEREAS, the City Commission of the City of Delray Beach ("Commission") desires to increase in-lieu fees to discourage removal of trees and palms and attain the City's tree preservation goal, provide appropriate cost for mitigation required for the tree and palm removal, be consistent with the market cost of replanting, and allow for suitable administrative expenses associated with the review and process of such applications; and

WHEREAS, the Commission is authorized by Section 2.4.3(K) to establish fees by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City of Delray Beach shall establish the in-lieu fee schedule as follows:

A. In-Lieu Fee Schedule for Tree and Palm Removal.

1. An in-lieu fee schedule for the tree removal shall be calculated on an escalating scale based on Diameter at Breast Height (DBH) measurement, as provided in the table below.

Tree with a condition rating equal to or greater than 50%

DBH 0 inch through 8 inches are calculated at \$450.00/DBH inch

DBH 9 inches through 12 inches are calculated at \$650.00/ DBH inch

DBH 13 inches through 18 inches are calculated at \$850.00/DBH inch

DBH 19 inches and greater are calculated at \$1,000.00 per DBH inch

- Example 1 for a tree with 6 DBH inches:

$$(\$450.00 \times 6") = \$2,700.00$$

- Example 2 for a tree with 21 DBH inches:

$$(\$450.00 \times 8") + (\$650.00 \times 4") + (\$850.00 \times 6") + (\$1,000.00 \times 3") = \$3,600.00$$

+

$$\$2,600.00 + \$5,100.00 + \$3,000.00 = \$14,300.00$$

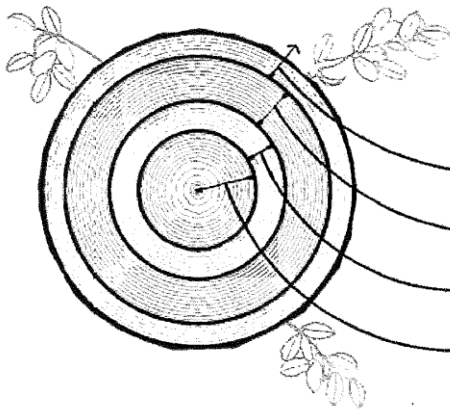


Figure 4.6.19.E.5.d

DBH	In-Lieu Fee (\$ / DBH inch)
> 18"	\$1000
>12"-18"	\$850
>8"-12"	\$650
0"- 8"	\$450

Trees with a condition rating less than 50%:

The in-lieu fee shall be calculated at 50% of the above escalating scale.

2. The in-lieu fee schedule for the palm removal shall be calculated based on a Clear Trunk (CT) measurement, as provided in the table below.

Palm with a condition rating equal to or greater than 50%
\$75 per one-foot clear trunk.
<ul style="list-style-type: none"> ▪ Example 1 for coconut palm with 16-foot clear trunk: 16 feet X \$75 = \$1,200 ▪ Example 2 for sabal palm with 20-foot clear trunk: 20 feet X \$75 = \$1,500
Palm with a condition rating less than 50%: The in-lieu fee shall be calculated at 50% of the above scale.

B. In-lieu fee Schedule for Canopy Replacement for Removed Trees and Palms in square feet (sq.ft.)

Removed trees with a canopy 899 sq.ft.: \$450 per 100 sq.ft.
Removed trees with a canopy 900 sq.ft to 1,599 sq.ft : \$850 per 100 sq.ft
Removed trees with a canopy 1,600 sq.ft and larger: \$1250 per 100 sq.ft
Removed palms: \$450 per 200 sq.ft, but no less than \$450 per a palm

C. In-Lieu Fee Schedule for a Specimen Tree, as defined in LDR Appendix A – Definitions

\$1,000 per DBH inch, or \$1,000 per 100 sq.ft. of the tree canopy removed
\$1,000.00 fine per tree in addition to mitigation (DBH/Caliper inch-per-inch basis) or an in-lieu fee for a removed specimen tree.

Section 3. One copy of the Fee schedule as set forth herein and established by resolution of the City Commission shall be identified as an official copy and shall be kept on file with the City Clerk for public use, inspection, and examination.

Section 4. One copy of the Fee schedule as set forth herein shall be identified as a copy, and shall be kept on file with the Development Services Department for public use, inspection and examination for use, inspection, and examination by City Staff and any applicant(s).

Section 5. One digital copy of the official copy of the Fee schedule as set forth herein shall be posted to the City's website with development applications.

Section 6. All resolutions or parts of resolutions in conflict with this resolution are to the extent of such conflict hereby repealed.

Section 7. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on this ____ day of _____, 2022.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney