

ORDINANCE NO. 06-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, APPENDIX A, "DEFINITIONS," BY UPDATING THE DEFINITION OF "TREE TRUST FUND" TO INCLUDE A PROVISION FOR USE OF IN-LIEU FUNDS TO OFFSET MAINTENANCE COSTS FOR TREES AND PALMS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations ("LDR") of the City of Delray Beach ("City") Code of Ordinances provide authority for the City Commission to amend, change, supplement, or repeal the LDR from time to time; and

WHEREAS, on December 12, 2023, the City Commission directed staff to update the definition of the "Tree Trust Fund" to include the ability to utilize said funds for maintenance of trees and palms planted throughout the City using in-lieu funds; and

WHEREAS, the City Commission recognizes the importance of maintaining newly planted trees to ensure their ability to survive and grow thereby adding to the City's tree canopy; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on January 22, 2024 and voted 4 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan.

Section 3. Appendix A, "Definitions," of the Land Development Regulations of the City of Delray Beach, Florida, A is hereby amended as follows:

~~TREE TRUST FUND. An account established by the City's Finance Department into which in-lieu funds fees for the planting or replacement of trees or palms owners and/or developers who are unable or unwilling to comply with the tree or palm planting/replacement requirements of the City's Land Development Regulations may deposit the in-lieu funds. These funds shall be used are deposited to off-set the City's costs for future trees and palms, and tree trimming, and tree maintenance for parks and streetscapes. No more than 10% of the annual balance may be used for tree trimming and maintenance.~~

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6. Specific authority is hereby given to the City Clerk to codify this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the ____ day of _____, 2024.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney