



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Development Services Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 22, 2019

### TREE CANOPY POLICY, TREE PRESERVATION ORDINANCE, AND TREE TRUST FUND PRESENTATION

#### **Recommended Action:**

Provide direction.

#### **Background:**

##### TREE CANOPY POLICY

The City of Delray Beach's (City) Comprehensive Plan (Plan) has several policies in the Conservation Element and the Open Space and Recreation Element that address trees, planting, and maintaining existing landscape at a high level, but the City does not currently have a specific policy regarding tree canopy. The proposed update to the Comprehensive Plan (Always Delray) has expanded the objectives and policies related to tree canopy and preservation in several Elements. The proposed objectives and policies are provided as an excerpt of the Plan and attached.

Specifically, Policy OPR 3.5.1 references conducting a formal study of the existing tree canopy. In this regard, the City has undertaken a tree canopy assessment. This assessment provides us with additional information to guide tree planning investments. The report of the assessment is attached and the key findings include:

- overall citywide canopy coverage is 23%
- the lowest percentage of canopy is in the industrial area between SW 10th St and Linton Blvd and the NW/SW Neighborhoods
- it would require 105 acres of trees (2,300 trees) to increase the canopy by 1 percent; Delray Beach currently has 2,405 acres of trees

#### Recommendations:

- Preserve existing canopy with a Urban Forestry "Management" Plan
- Establish/provide an arborist in departments with responsibilities over trees
- Periodically evaluate tree preservation ordinance
- Support local and non-profit tree advocates by sourcing trees, in-kind service support, (co) sponsoring tree-planting events
- Ensure current ordinances are enforced, as properties lose trees overtime
- Tree Planting Plan - especially along 257 miles of City roads, and publicly-owned lands including the cemetery, retention area, park edges, and in coordination with the PBC School Board.
- Incentivize private owners to plant trees - especially churches, and neighborhood

associations, and underdeveloped lots

- Organize tree giveaways for residents with a program to nurture the trees

## TREE PRESERVATION ORDINANCE

On August 2, 2017, the City of Delray Beach City Commission adopted Ordinance No. 19-17 (Ordinance) amending Section 4.6.19 of the Land Development Regulations (LDRs) entitled "Tree Preservation, Protection, Enforcement, and Maintenance" (attached). The Ordinance was proposed to address issues raised regarding removal and replacement of trees in the community, particularly existing trees impacted by proposed development. The Ordinance made significant changes to the referenced LDR section including:

- clarifying when caliper versus diameter at breast height (DBH) is used
- applying the requirements for preservation/mitigation for all trees greater than 4 inches DBH; previously only addressed 4 to 12 inches and greater than 24 inches
- emphasizing preserving in place first, followed by relocating on site, or relocating off site to a location agreed to by the City; last option is mitigation for removal
- providing "flexible site design options" to encourage preservation in place or on site
- clarifying tree mitigation standards to ensure replacements are within City standards
- adding "canopy replacement" of trees with a graduated value for replacement
- modifying mitigation fees for tree removal; fees increases and included a graduated value increase based upon the diameter of the tree proposed for removal

In the period of nearly a year and half since the Ordinance adoption, the LDR changes have greatly contributed to the preservation of existing trees, supported the relocation of many trees (particularly within public rights-of-way), and significantly added to the funds within the Tree Trust Fund (discussed below).

## Recommendations:

- adopt additional funding requirement for watering for trees relocated offsite
- modify DBH to caliper calculations to establish a "multiplier" based on overall "value" of the tree which would require additional trees or larger trees to address those trees relocated offsite or removed
- require Fund contributions for projects in the Central Business District (CBD) which occupy full site

## TREE TRUST FUND

The Tree Trust Fund (Fund) was established in 2006 (Ordinance No. 37-06). In 2006, the tree trust fund was "needed to provide funds to enforce the codes as well as for tree trimming/maintenance and landscape elements for streetscapes". The Fund is defined in Appendix A Definitions of the LDRs as "an account established by the City's Finance Department into which in-lieu funds for 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 to off-set the City's costs for future trees and palms and tree trimming for parks and streetscapes."

With a fund value in February 2017 starting at approximately \$64,210, an additional \$289,605 has been contributed to the Tree Trust Fund. In October 2017, approximately \$20,000 was spent on the Beach Master Plan to replace the Silver Buttonwoods, damaged by a hurricane, with Thrinax Palms. More recently \$78,700 is being spent on several projects including replacing trees destroyed by Hurricane Irma, citywide tree canopy assessment, replacement of trees on Atlantic Avenue and Linton Boulevard, and miscellaneous tree/stump removal, irrigation replacement, and a tree watering contract.

**City Attorney Review:**

N/A

**Funding Source/Financial Impact:**

The current balance of the Tree Trust Fund is approximately \$138,365; an additional \$139,800 is anticipated from the Midtown project.

**Timing of Request:**

N/A