

Business Impact Estimate

To: Jenni Lamb, P.E., City Manager
Thru: Cindy Dittmer, AICP, Community Development Director
From: Sandy Ramseth, AICP, Planner
Date: March 18, 2025
Re: Ordinance No. 2025-19 – Land Development Regulation Text Amendment (TEXT2025-0009) Preservation and Landscape Code

Summary of the Proposed Ordinance

The proposed ordinance makes revisions and updates to the “Preservation and Landscape Design” section of City Code in order to: update the definitions, enhance usability, add current specifications for arboricultural and horticultural practices, consolidate all landscape requirements made throughout Code, and to remove and/or revise language that is ambiguous or antiquated in practice. A separate resolution will incorporate tree removal fees that are being with this ordinance, however, are also reviewed in this estimate.

The intent of this section of code is to preserve Melbourne's unique natural character through regulations, which protect the city's natural plant communities and promote sound landscaping practices for required landscape installations. A healthy, vibrant urban forest is known to provide critical benefits to people and wildlife and is accomplished through both the preservation of trees and the installation of new landscaping on developing sites. Urban forests help to filter air and water, control storm water, conserve energy, and provide animal habitat and shade; they add beauty, form, and structure to urban design

The Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes, and may be revised following its initial publication and prior to adoption of the proposed ordinance.

Estimate of Direct Economic Impact of the Proposed Ordinance on Private, For-Profit Businesses

a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

Overall, for any development that proposes tree removal as part of their project, the proposed initial application cost is \$100, which is an \$85 increase since the 2003 fee of \$15 per application. This fee, offsets staff review of the application.

Generally, compliance with the proposed changes will have an insignificant impact on the cost of landscape design. While the landscape design changes are substantive, such as providing for recommended trees to be used under/around powerlines, requiring a diversity in tree species as the number of trees increase, and allowing for a greater selection of trees to be code compliant, these changes do not incur any significance in cost to the developer.

While the Business Impact Estimate focuses on increased costs, the proposed text amendment will provide some cost savings to the developer. For example, staff is proposing a technique known as “sampling” for tree surveys on properties of ten-acres and greater. This technique allows for a minimum of three, one-acre areas, to be surveyed for trees. This information is then extrapolated to the whole site. While the removal fees will be the same, sampling can be a reduction in tree surveying costs.

In addition, low and very-low affordable housing projects are excluded from the proposed tree removal fee increase and will utilize the existing tree removal fees of \$10 per tree with a cap of \$1,000 for multi-family development, and is entirely waived for single-family residential.

Another cost reduction is in the number of trees required at time of certificate of occupancy for one-, two-, and three-family residences depending on lot size. Currently, all one-, two-, and three-family residential lots, regardless of size, are required four trees, two which must be native canopy trees, to be installed. Staff has proposed to reduce that number to two trees for lots 2,000 sf and less and three trees for lots 2,001-7,499 sf. This will be a cost savings for developments of smaller lots. Lots of 7,500 sf and greater will remain the same, requiring four trees

b. Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:

Businesses that will be impacted by the proposed fees are anyone planning either residential or non-residential development on properties that contain existing native trees with a four-inch diameter trunk or greater, and native palms with a clear trunk of six-feet or greater. The fees will only be charged for those trees that are to be removed. Tree preservation is not only encouraged, but rewarded by reducing the number of trees that need to be installed later by requirement.

The proposed cost per tree to be removed will increase from the 2003 flat-fee cost of \$10 per tree, with a cap of \$100 for residential and \$1,000 for commercial. The proposed fees will be based on the size of the tree and property size.

The proposed fees are \$100, \$125, or \$150 per diameter at breast height (dbh)-inch, depending on the size of the property ranging from less than an acre, to 1-acre to 5

acres, to over 5 acres, respectively. The total cost of tree removal will depend on the size and number of trees to be removed, with emphasis on the preservation of existing trees. The removal of palms will be a flat fee of \$100 per palm to \$125, and \$150, depending on development site size, as above.

For Grand Trees, those that measure 36-inches in diameter and greater, the proposed removal fee will be \$300 per dbh-inch. The intent is to preserve these trees unless indisputably not possible, and every effort has been made to accommodate them on-site.

Sites that have been previously cleared or are naturally tree-less, will not have to pay removal fees. However, they will be required to install all their required trees.

The total impact for a site will be dependent upon the number of trees on the lot and the number of trees to be removed. A review of neighboring municipalities revealed very similar fee schedules for tree removal; it is the lack of keeping pace with fee implementation since 2003 that has caused the city's tree removal fees to increase.

c. An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

It is expected that the City's regulatory cost will be increased to review the tree removal application; therefore, the tree removal application cost increases from \$15 to \$100.

With the proposed fee increase, it is hoped developers will more selectively choose trees for removal, requiring a more thorough staff review of the tree survey. This will be particularly important to ensure no Grand Trees are present, and if present, to work collaboratively to safeguard their preservation.

Good Faith Estimate of Number of Businesses Likely to Be Impacted by the Proposed Ordinance

The types of development that will be most impacted by the proposed fee changes are single-family and non-residential development. While other types of development, such as small-scale redevelopment and infrastructure improvements may see some impact, it is the former two that has the greatest number of permits and approvals on an annual basis. Based on previous years, we can likely expect to see on-average 89 single-family permits, and 37 engineering construction plans annually.