

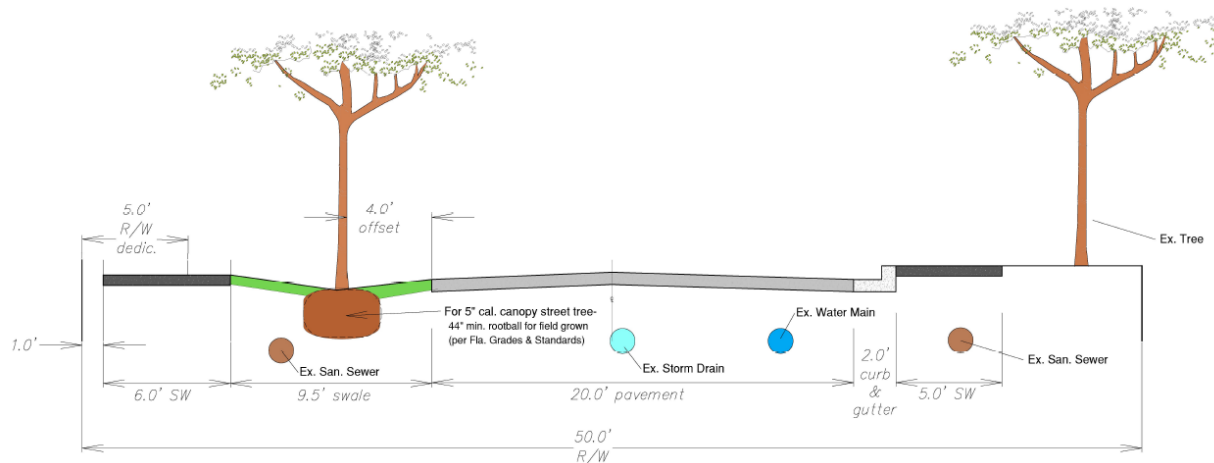
Alexia Howald, Senior Planner
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

April 7, 2026

Re: Request for Waiver related to Section 4.6.16(H)(6) – Street Trees for New Residential Developments

Dear Alexia Howard,

This letter is a waiver request pursuant to Section 2.4.11(B)(5) of the Delray Beach Land Development Regulations ("LDRs"). This request for waiver is related to Section 4.6.16(H)(6) **Street trees for new residential developments**. The code section requires street trees as follows: "One street tree shall be required for every 40 linear feet of street frontage with a minimum of one tree per property. Street trees shall be located between the **inside edge of sidewalk and edge of road pavement**." The significant requirement of this code section is the specific location listed for planting of the street trees in the strip of land between the edge of pavement and the sidewalk. The requirement relates to the typical city street cross section but does not consider the typical locations of water, sewer, and drainage pipes. Generally, utility pipes are placed within the right of way. Standards for pipe separation between pipes (10 feet typical) results in the majority of the right of way being occupied by utility pipes. In addition to the utilities, Section 4.6.16(H)(6) requires street trees to be installed within the same right of way which in this case results in a conflict with an existing sewer pipe. The sewer line is located directly under the area that is designated by code for the location of the street trees. Therefore, the **request for waiver is to delete the requirement to install 4 street trees due to the sewer utility conflict**. The required 4 street trees will be placed on the subject site outside of the right of way. See the exhibit below that shows the proximity of the existing sewer line to the location of the proposed street tree (the tree on the left) being too close to the sewer line with no alternative as to where the tree could be planted because the code section is very specific as to the location of street trees. The landscape plan exceeds the code which requires 10 trees to be provided. The calculation of required trees for the subject site is 2 trees for vehicular use/ adjacent property, 4 trees for foundation planting, and 4 street trees totaling 10 trees required including the 4 street trees. As per the proposed landscape plan an additional 17 trees are being provided totaling 27 trees being provided for the project along with 367 shrubs and 197 ground cover plants on site. The 4 street trees required that are subject to the waiver are being provided on site in locations that are not in conflict with utility lines.



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As a point of information, the issue of street trees conflicting with utilities has been an ongoing issue with various code and standard requirements requiring trees in locations that will most likely be in conflict with utilities. As stated above in a 50 foot wide right of way, most of the right of way is occupied by water, sewer, and drainage pipes. Section 4.6.16(H)(6) specifies the location for planting of the street trees in the strip of land between the edge of pavement and the sidewalk as it relates to the typical city street cross section. The area specified varies between 4.5 feet and 9 feet depending on the road pavement width and the location of sidewalks. Section 4.6.16(D)(4)(b) states trees shall not be planted within ten feet of any underground utilities. If the utility pipes are closer than 10 feet there is an issue. However, the Engineering Standards manual has a provision that a tree ball can be as close as 4 feet to a utility pipe if a root barrier is installed. In many cases there is still not adequate space to install the trees due to spacing conflicts. The other conflict that is created during the review process is the requirement to provide a 10 foot utility easement adjacent to the right of way for the undergrounding of phone, cable TV, and electric to service the site which also creates a conflict for the planting of trees in front yards. The request to provide a 10 foot utility easement in the front yards behind the right of way has been requested.

The code should be evaluated related to the effect utility conflicts have on compliance with landscaping requirements. Which in many cases leave no alternative but to request a waiver. Having administrative options built into the code in the event of utility conflicts would help to simplify the design and approval process. Section 4.6.16(D)(4)(b) should include a provision to waive the requirement in the event of utility conflicts that prohibit the installation of street trees with no alternative location available.

This request for waiver is to delete the street tree requirement due to conflicts with existing utilities. Shade trees have been placed in the front yards behind the requested 10 foot utility easement which is adjacent to the right of way line in an attempt to provide as much landscaping as possible in the front yards and the 4 required street trees have been provided on site.

As per the Land Development Regulations, **Section 2.4.11(B)(5)** requires that the governing body make positive findings to support the granting of a waiver based on the following:

✓ **The waiver shall not adversely affect the neighboring area.**

The granting of the waiver will not affect the neighboring area as there is a parking lot for the courthouse and library across the street that has large street trees. Landscaping has been provided in the front yard to soften the façade of the building. Therefore, the granting of the waiver will not adversely affect the neighboring area.

✓ **The waiver shall not significantly diminish the provision of public facilities.**

The granting of a waiver will not increase demands on public facilities. The granting of the waiver will not significantly diminish public facilities.

✓ **The waiver shall not create an unsafe situation.**

The granting of the waiver will not create an unsafe condition.

✓ **The waiver does not result in the granting of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.**

No special privilege will result from the granting of this waiver and under similar circumstance this type of waiver could be granted for other developments.

As per the above items, positive findings with respect to LDR **Section 2.4.11(B)(5)** can be made with regards to all standards listed and therefore, the request for the waiver can be approved.

Please feel free to email or call if you have any questions or need additional information.

Sincerely,
Covelli Design Associates, Inc.

A handwritten signature in blue ink, appearing to read "Michael J. Covelli".

Michael J. Covelli, ASLA/ AICP