

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

September 20, 2024

Re: 2312 Spanish Trail – Waiver Request related to the required landscape strip as required per Section 4.6.16(H)(3)(a).

Dear Ms. Howard,

This letter is a waiver request pursuant to Section **2.4.11(B)** of the Delray Beach Land Development Regulations (“LDRs”). This request for waiver is as follows:

*As per Section 4.6.16(H)(3)(a) : A strip of land at least **five feet in depth** located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped, provided, however, that should the zoning code of the Delray Code of Ordinances require additional perimeter depths, that the provisions of the zoning code shall prevail. This landscape strip shall be free of any vehicular encroachment, including car overhang. The landscaping shall consist of at least **one tree for each 30 linear feet** or fraction thereof. The trees shall be located between the right-of-way line and the off-street parking or vehicular use area. Where the depth of the perimeter landscape strip adjacent to the right-of-way exceeds 15 feet, shade trees may be planted in clusters, but the maximum spacing shall not exceed 50 feet. The remainder of the landscape area shall be landscaped with grass, ground cover, or other landscape treatment excluding pavement.*

*Additionally, **a hedge, wall or other durable landscape area shall be placed along the interior perimeter of the landscape strip.** If a hedge is used, it must be a minimum of two feet in height at the time of planting and attain a minimum height of three feet above the finished grade of the adjacent vehicular use or off-street parking area within one year of planting.*

The above code section requires a 5 foot wide landscape strip with a continuous hedge between the right of way and a parking area. Additionally a street tree shall be provided every 30 linear feet. The request is to reduce the required 5 foot wide landscape strip to 2.1 feet wide. This is the result of adding an additional unit to the site that was originally classified as a duplex. The addition of the unit changed the classification of the property from duplex to multi-family which has different code requirements. The parking for the site has been situated in the front of the duplex with cars parked parallel to the street. The duplex classification did not require landscaping between the parking area and the right of way. The change to multi-family triggers the requirement for the landscape strip to be provided.

The parking area has been in existence for some time under previous ownership. The recent owner was not aware of all of the requirements and is now working to resolve issues so the property can be occupied. The existing parking area encroaches into the adjacent right of way. The front portion of the pavement will have be sawcut and removed. However, the resulting landscape strip is only 2.1 feet wide. To make the landscape strip 5 feet wide the existing trees and landscaping in front of the duplex would need to be removed to permit the parking spaces to be relocated closed to the front of the structure. The result would be the 5 foot wide strip can be provided at the right of way

line, but all trees and landscaping that is existing in front of the structure would have to be removed. Therefore, the request for waiver is to reduce the required 5 foot landscape strip to 2.1 feet wide. The 2.1 foot wide strip is adequate to plant the required hedge, but the required street trees will slightly encroach into the right of way. The proposal is to provide a landscape maintenance agreement that would permit the encroachment and require the property owner to maintain the right of way are in perpetuity.

As per the Land Development Regulations, **Section 2.4.11(B)** requires 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 adversely affect the neighborhood because the waiver preserves the existing landscaping in front of the structure while provided the required landscaping in front of the parking area. Landscaping will be enhanced as a result of granting the waiver.

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

The granting of the waiver will not increase demands on public facilities. Public facilities will not be significantly diminished by the granting of the waiver. The property owner will assume maintenance of the area.

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

The granting of the waiver will not create an unsafe condition as the required landscaping will not create a visibility hazard.

✓ **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 properties.

As per the above items, positive findings with respect to LDR 2.4.11(B) 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", is written over a light blue horizontal line.

Michael J. Covelli, ASLA/ AICP