



## Cover Memorandum/Staff Report

File #: 25-1562

Agenda Date: 12/1/2025

Item #: 7.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** December 1, 2025

RESOLUTION NO. 265-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER TO SECTION 4.4.3(F)(2)(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW 34.2 PERCENT LOT COVERAGE; APPROVING A WAIVER TO SECTION 4.4.3(F)(2)(B) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A FLOOR AREA RATIO OF 0.42 FOR THE PROPERTY LOCATED AT 417 LAKE DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider a resolution approving a waiver request to the maximum lot coverage and the maximum floor area ratio for 417 Lake Drive.

### **Background:**

The subject property is zoned Single Family Residential R-1-AA and is located within the Lake Ida Overlay District. In addition to the requirements of Land Development Regulations (LDR) Section 4.3.4(K), which establishes setbacks, properties located within the Lake Ida Neighborhood Overlay District are subject to additional development standards in LDR) Section 4.4.3(F)(2) to help regulate scale and mass. The house under construction at 417 Lake Drive is not in compliance with the Lake Ida Overlay development standards related to Lot Coverage and Floor Area Ratio.

### **Lot Coverage**

Pursuant to LDR Section 4.3.4 (G), "Lot coverage. Formerly "ground floor building area", lot coverage is the maximum amount of the lot which may be devoted to coverage by a structure or structures." While all R-1 properties must provide a minimum of 25% non-vehicular open space, properties in the Lake Ida Overlay area also subject to LDR Section 4.4.3(F)(2)(a), which stipulates a maximum lot coverage for a multi-story building is 30%.

The applied practice of measuring lot coverage is to include all roofed areas in the calculation, but to exclude the area under cantilevered elements, like balconies and roof eaves.

The data table on the permit set did not include the open-air roofed entry (100 SF) or the covered lanai (289 SF) in the lot coverage calculation. Including these elements results in a **lot coverage of 34.2%**. The project meets the 30% limit counting the A/C area and garage space.

### **Floor Area Ratio**

Pursuant to LDR Appendix A- Definitions, The term "Floor Area Ratio (FAR) " *shall mean the ratio of the "total floor area" of the structure(s) to the area of the lot. "Total Floor Area" shall be defined as the*

*gross horizontal areas of all floors of all buildings measured from the exterior walls or other types of enclosures and shall include garages, carports and port-cocheres. The floor areas of attics (unless used as a living space), enclosed decks or patios, covered porches, exterior balconies (covered or uncovered) or crawl spaces are excluded from the total floor area used in the Floor Area Ratio calculation.*

LDR Section 4.3.4(F)(1) states, “*In single family detached units and duplex structures, the floor area shall be all enclosed space in the principal structure exclusive of terraces and unroofed areas and 50 percent of the area for attached garages, carports, and screened porches.*”

The applied practice of the code for single family residential units has been to count all interior (A/C) areas, ½ the garage area, and to exclude open air elements, like porches or covered balconies.

The Lake Ida Overlay regulations direct in LDR 4.4.3(F)(2)(b) “*The maximum Floor Area Ratio is .35 for a multi-story house. Property with frontage on Lake Ida are allowed a Floor Area Ratio of .40 for a multi-story house.*”

Based on the lot size of 9,377 sf, the allowable area of the house is  $9,377(.35) = 3,282$  SF  
The interior (A/C) area plus half of the garage measures  $2,307 \text{ sf} + 1,366 \text{ sf} + 257 = 3,930$  SF  
The house is 648 SF over the FAR limit, **resulting in an FAR of 0.42.**

The permit was issued on June 10, 2025, and the house is nearing completion. A Certificate of Occupancy cannot be issued without approved waivers.

LDR Section 2.4.11(B)(5) requires the approving body to make a finding that the granting of a waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under a similar circumstance on other property for another applicant or owner

Findings (a) and (d) apply for consideration. The regulations adopted in 2008 are intended to regulate mass and scale to ensure neighborhood compatibility. For lot coverage, the open air elements are the areas that tip the house beyond the limits. The omission of the open air elements appears to be a misunderstanding of the code requirement. For the FAR limit, the regulation was not included in the data tables on the plan set - and reviewing staff did not request the information to ensure compliance. While the design professional sealing the plans is ultimately responsible for meeting all regulations, including local ordinances, the City issued the permit and construction is underway. If the areas of noncompliance were identified during permit plan review, approving larger houses than the code prescribes would be considered a special privilege. However, construction is nearing completion and the issue at hand is whether the departure from the regulations warrants physical correction at this point, or if the approval of the waivers is a reasonable request.

### **City Attorney Review:**

Reviewed to form and legal sufficiency

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The house is under construction cannot be completed without a determination on the waiver requests.