



## Cover Memorandum/Staff Report

File #: 23-1156

Agenda Date: 9/18/2023

Item #: 9.C.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 18, 2023

ORDINANCE NO. 23-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO SINGLE FAMILY R-1-A, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/QUASI-JUDICIAL)

### **Recommended Action:**

Review and consider Ordinance No. 23-23, a privately initiated rezoning request rezoning request from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A), totaling 5.08 acres, located west of Barwick Road and north of the Lake Worth Drainage District L-31 Canal.

### **Background:**

The rezoning request for the 5.08-acre parcel at 4594 133<sup>rd</sup> Road South is related to a voluntary petition for annexation and Land Use Map amendment. The applicant is requesting rezoning from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A).

The applicant has requested R-1-A, Single Family Residential zoning. *Single Family Residential Districts have been created to provide areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses.* The R-1 zoning District is the preferred Implementing Zoning District for the requested Low Density (LD) Land Use designation.

If the rezoning request is approved, the property owner has identified an intention to construct 16 single family homes. Pursuant to LDR Section 4.4.3(B), conventionally sited single family detached residences are permitted by right, including in the R-1-A zoning district. At this time, no site plans have been submitted.

Pursuant to LDR Section 3.1.1, Required Findings, *prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.* The attached Planning and Zoning Board

staff report provides a full analysis of compliance with this and other required findings relative to the request.

Rezoning to Single family residential (R-1-A) will maintain compatibility in the area with similar uses.

On July 17, 2023, the Planning and Zoning Board voted to deny the recommendation for the rezoning request 5 to 2 (Brown and Howell dissenting). The applicant appealed the request, and the City Commission voted 4 to 1 to overturn the denial of the Planning and Zoning Board via Resolution No. 180-23 at its meeting on September 5, 2023.

**City Attorney Review:**

Ordinance No. 23-23 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Ordinance No. 23-23 will be effective concurrent with the approval date of Ordinance No. 21-23 and Ordinance No. 22-23, anticipated for October 24, 2023.