

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.

WHEREAS, ACS Properties South LLC (“Owner”), is the owner of a parcel of land measuring approximately 0.22 acres located at 417 Lake Drive (“Property”), as more particularly described in Exhibit “A”; and

WHEREAS, the Property is zoned Single Family Residential R-1-AA and is located within the Lake Ida Neighborhood Overlay District; and

WHEREAS, on June 10, 2025, the City of Delray Beach, Florida (“City”), issued a Building Permit (File No. 24-221112) to construct a two-story single-family house (“Project”); and

WHEREAS, City received an application (File No. PZ-000336-2025) requesting approval of waivers to the maximum lot coverage and floor area ratio; and

WHEREAS, Section 4.4.3(F)(2)(a) of the Land Development Regulations of the City of Delray Beach (“LDR”) allows a maximum lot coverage of 30 percent for multi-story houses and 34.2 percent is requested; and

WHEREAS, LDR Section 4.4.3(F)(2)(b) allows a maximum floor area ratio of 0.35 and 0.42 is requested; and

WHEREAS, 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; and

WHEREAS, on December 1, 2025, the City Commission considered the waiver requests as well as the Comprehensive Plan and respective criteria and findings as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission makes positive findings that the requested waivers (1) do not adversely affect the neighboring area, (2) do not significantly diminish the provision of public facilities, (3) do not create an unsafe situation, and (4) do 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.

Section 3. The City Commission approves the waiver request to LDR Section 4.4.3(F)(2)(a) to allow a lot coverage of 34.2 percent.

Section 4. The City Commission approves the waiver request to LDR Section 4.4.3(F)(2)(b) to allow a floor area ratio of 0.42.

Section 5. The City Commission approves the Project by finding that the approved waivers are consistent with the Comprehensive Plan and meet the respective criteria and findings as set forth in the Land Development Regulations.

Section 6. The City Clerk, or designee, is directed to send a certified copy of this Resolution to ACS Properties South, LLC, 724 Sunshine Drive Delray Beach, Florida 33444.

Section 7. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 8. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the _____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

Exhibit "A"

LOT 3, BLOCK 4, TOTTERDALE ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 151, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.