



Cover Memorandum/Staff Report

File #: 24-1475

Agenda Date: 11/19/2024

Item #: 7.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: November 19, 2024

RESOLUTION NO. 226-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW CONSTRUCTION OF A NON-WORKFORCE HOUSING SINGLE-FAMILY RESIDENTIAL STRUCTURE ON LOT 2 OF THE PROPERTY LOCATED AT 302 SE 4th STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommended Action:

Consider Resolution No. 226-24, a waiver request to Sections 4.1.4(B) and 4.1.4(D) of the Land Development Regulations (LDR), to approve the construction of a single-family, non-workforce housing unit for Lot 2 of the property addressed as 302 SE 4th Street.

Background:

The subject property, 302 SE 4th Street, consists of two lots of record - Lots 1 and 2, Block 4, Osceola Park, as recorded in Plat Book 3, Page 2 in the Public Records of Palm Beach County. Lots 1 and 2 have only been combined for tax purposes, not a legal instrument. The property has Low Density (LD) land use, and Single Family (R-1-A) zoning. Currently, a single-family home is located on the property and straddles the platted lot line of Lots 1 and 2.

Pursuant to LDR Section 4.1.4(B), a residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. LDR Section 4.1.4(D), adjusts this regulation for legal lots of record with at least 40 feet of frontage in the R-1-A, RL, and RM zoning districts for the express purpose of workforce housing. The request is to maintain the property in its original plat configuration for the construction of a non-workforce housing residential structures.

The applicant initially requested a waiver to develop both lots without the workforce housing requirement; however, a waiver is only required for Lot 2 (the eastern platted lot). Frontage is defined as "A lot boundary adjoining a street," therefore, any lot boundary that adjoins a street for at least 50 feet provides sufficient Frontage to allow the development of a residential structure on a Lot of Record without requiring workforce housing. Lot 1 has 130 feet of frontage on SE 3rd Avenue, therefore, it can be developed as market rate housing without the need for a waiver. Lot 2 only has 46.8 feet of frontage on SE 4th Street, and therefore requires new development to be workforce housing. A waiver from the workforce housing provision to develop the lot for a market-rate house independently of Lot 1. In terms of setbacks, SE 4th Street would still be considered the front for both lots for setback purposes.

Pursuant to LDR 2.4.7(B)(5) Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

(a) Shall not adversely affect the neighboring area;

The lot sizes on Blocks 4 and 5 in Osceola Park's original plat range from 46.8 feet to 46.9 feet and are developed in a mix of configurations. Individual lots, combinations of two lots, and re-orientations of the original lots have occurred over time. The existing, individually developed lots are market-rate homes, rather than a workforce product.

(b) Shall not significantly diminish the provision of public facilities;

Granting of the waiver will have not have a significant impact on public facilities as the neighborhood is already serviced for water and sewer. Another driveway will be required for access.

(c) Shall not create an unsafe situation; and,

Granting of the waiver will not create an unsafe situation.

(d) Does not result in the grant of a special privilege in that the same waiver

If granted, the non-workforce residential structures would not necessarily be considered a special privilege, as the surrounding area has lots of similar sizes developed with market rate homes. Similar waivers were granted to 822 N Lake Avenue, but denied for 211 SE 12th Street.

The development of market rate lots meets the intent of the of the Housing Element of the Comprehensive Plan, *"Promote the supply of high quality housing that accommodates the needs, preferences, and financial resources of existing and future residents"* because the demand for housing is so high in the City. However, the provision of workforce housing is high priority for the City and is supported by numerous comprehensive plan policies, including Policy HOU 3.2.7 *Diversify affordable housing options by allowing the construction of non-conventional single-family residences on non-conforming lots of record located east of Interstate 95.* Allowing the development of lots that would otherwise not be allowed was offered as incentive in the LDRs for the creation of workforce housing units.

City Attorney Review:

Resolution No. 226-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Resolution No. 226-24 will be effective immediately upon adoption.