



Cover Memorandum/Staff Report

File #: 25-930

Agenda Date: 8/12/2025

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services
THROUGH: Terrence R. Moore, ICMA-CM
DATE: August 12, 2025

RESOLUTION NO 133-25: 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 THE PROPERTY LOCATED AT 228 SE 3rd AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommended Action:

Consider Resolution No 133-25, 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 the property addressed as 228 SE 3RD Avenue.

Background:

The subject property, 228 SE 3RD Avenue, consists of Lot 19 and the north 18 inches of the west 26 feet of lot 20, Block 87, Linn's Addition to Osceola Park, according to the plat thereof as recorded in Plat Book 1, Page 133 in the Public Records of Palm Beach County. 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 the rear of the home is located on the rear property line.

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. Prior to the adoption of Ordinance No. 20-06, which included this provision, lots between 40 and 50 feet in width were considered unbuildable. The request is to maintain the property in its original plat configuration for the construction of a non-workforce housing residential structure.

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. This lot only has 45 feet of frontage on SE 3rd Avenue and therefore, is considered not buildable unless developed as workforce housing. A waiver from the workforce housing provisions are required to develop the lot for a market-rate house.

Pursuant to LDR 2.4.11(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 frontages on Block 87 in Linn's Addition to Osceola Park's original plat range from 43 feet to 50 feet and are developed in a mix of configurations. Individual lots, combinations of two lots, combinations of multiple lots, and re-orientations of the original lots have occurred over time. The existing, individually developed lots are market-rate homes, rather than required to be workforce housing, even though the lots are smaller.

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

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

(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 would be granted under similar circumstances on other property for another applicant or owner.

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 302 SE 4th Street, 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 - and targeted remnant parcels. However, some areas of the City have legal lots of record that are consistent in size with the general pattern of market rate homes. Additionally, requests to develop lots that were previously developed as one, conforming property into two original lot configurations have become more common. Ultimately, the City Commission has to decide if allowing the individual development of lots that were previously developed together on lots with less than 50 feet of frontage without the income limitation is appropriate in areas with smaller lots sizes in the original plat.

City Attorney Review:

Resolution No. 133-25 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable

Timing of Request:

Resolution No. 133-25 will be effective immediately upon adoption.