

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

**WAIVER TO LDR SECTION 4.1.4 (B) AND (D)
For 302 SE 5th Street**

1. This waiver request came before the City Commission on January 15, 2019.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for the property located at 302 SE 5th Street. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections I.

I. WAIVERS: Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the 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 similar circumstances on other property for another applicant or owner.

A. Waiver to LDR Section 4.1.4 (B) and (D)

Pursuant to Land Development Regulations (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. Pursuant to LDR Section 4.1.4(D), lots of record having at least 40 feet of frontage may be used for Workforce Housing, as long as the workforce housing unit meets the typical designs represented by the sketches set forth in the LDRs, the lot is a minimum of 4,000 square feet and conforms to setback. The proposal is to permit residential structures on lots which have frontage of less than 50 feet (46.9 feet).

1. Should the waiver to LDR section 4.1.4(B) and (D) to allow residential structures on lots which have frontage of less than 50 feet be granted?

Yes _____ No _____

3. The City Commission has applied the Comprehensive Plan, and LDR requirements in existence at the time the original development application was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

4. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

5. Based on the entire record before it, the City Commission approves _____denies _____ this waiver request.

6. Based on the entire record before it, the City Commission hereby adopts this Order this January 15, 2019, by a vote of _____ in favor and _____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

City Attorney