

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

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

REQUEST FOR RELIEF FROM SIDEWALK CONSTRUCTION REQUIREMENTS
FOR 1046 MELALEUCA ROAD

1. This request for relief from sidewalk construction requirements came before the City Commission on JUNE 16, 2015.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the request for relief from the sidewalk construction requirements for **1046 Melaleuca Road**. All of the evidence is a part of the record in this case.

I. RELIEF

Pursuant to LDR Section 6.1.3(C), sidewalks shall be constructed prior to the issuance of a certificate of occupancy for the property upon which they abut. In situations where it is inappropriate to install a sidewalk concurrent with development, the applicant may obtain relief from sidewalk construction requirements.

Should the relief from the sidewalk construction requirements of 6.1.3(C) for 1046 Melaleuca Road be granted?

Yes X No

If relief is not granted, no further action is required by the City Commission and the applicant is hereby required to construct a sidewalk in conformity with the requirements of the L.D.R. 6.1.3(C).

*If the City Commission grants relief to the sidewalk construction requirements, relief may be granted by only **one** of the following forms:*

a) Sidewalk deferral

Pursuant to LDR 6.1.3(C)(4), installation of the sidewalk within a residential subdivision may be deferred pursuant to an agreement which provides for the installation of the sidewalk at a given time.

Should a sidewalk deferral be granted?

Yes No

b) Waiver

Pursuant to LDR 6.1.3(D)(1)(b), where it is clear that the installation of the sidewalk system will not serve its intended purpose, a waiver to the sidewalk requirements may be granted.

Should a complete waiver to the sidewalk requirements be granted?

Yes _____ No _____

Should a partial waiver to the sidewalk requirements be granted?

Yes _____ No _____

c) Payment in lieu of installation

Pursuant to LDR Section 6.1.3(D)(3), in situations where it is inappropriate to install a sidewalk concurrent with development, the sidewalk requirements may be met by payment of funds in lieu of installation.

A fee of \$4,400 may be paid in lieu of installing 110 linear feet of sidewalk in the right of way adjacent to **1046 Melaleuca Road**. The fee shall be due upon issuance of a building permit

Should an in-lieu sidewalk installation fee of \$4,400 for 1046 Melaleuca Road be charged to the applicant?

Yes X No _____

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the original 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 which supports the findings set forth in this Order.

5. Based on the entire record before it, the City Commission approves X
denies _____ the request for relief from the sidewalk construction requirements for **1046**
Melaleuca Road and hereby adopts this Order this 16th day of June , 2015,
by a vote of 5 in favor and 0 opposed.

ATTEST:



Chevelle Nubin, City Clerk



Cary D. Glickstein, Mayor

Approved as to legal form
And sufficiency:



City Attorney

Department Head:



Timothy Stillings