

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 REQUEST FOR
Delray Medical Center, 5440 Linton Boulevard**

1. This waiver request came before the City Commission on September 6, 2018.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for Delray Medical Center. 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 4.6.5(C)

Per LDR Section 4.6.5(C) – Walls, Fences, and Hedges: Height Restrictions; Walls, fences, or hedges located in a required interior side or rear yard shall not exceed eight (8) feet in height.

1. Should the waiver to Section 4.6.5(C) to allow an increase in fence height to 12 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 6th of September, 2018, by a vote of ____ in favor and ____ opposed.

ATTEST:

Shelly Petrolia, Mayor

Katerri Johnson, City Clerk

Approved as to legal form
And sufficiency:

R. Max Lohman, City Attorney