



Legislation Text

File #: 18-483, **Version:** 1

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, Planning, Zoning and Building Director
THROUGH: Mark R. Lauzier, City Manager
DATE: September 6, 2018

REQUEST FOR A WAIVER TO LDR SECTION 4.6.5(C) TO ALLOW THE INCREASE IN HEIGHT OF PROPOSED FENCE ON THE OUTSIDE COURTYARD TO 12 FEET LOCATED AT 5440 LINTON BLVD. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to approve the waiver request to LDR Section 4.6.5(C)) to increase the maximum fence height from eight to 12 feet for Tenet Healthcare Corporation (Delray Medical Center) which is located at 5440 Linton Blvd, as presented.

Background:

The applicant, Delray Medical Center, has a health program called Fair Oaks Pavilion at 5440 Linton Blvd. The clinical program requires patients to go outside, as patients are generally required to stay the length of 7 days. The existing fence at 8 feet located in the outside courtyard is not sufficient in preventing patient elopements.

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 feet in height. 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.

The granting of this waiver will not adversely affect the neighboring area, diminish the provision of public facilities nor create an unsafe situation. The applicant states that the existing fence at 8 feet has proven inadequate, as some of the patients have figured out ways to get over the 8 feet fence. The program requires a higher fence that can prevent future elopements. Thus, the applicant is requesting for a waiver to install a 12 feet tall, 1" hole black vinyl mini mesh fence.

City Attorney Review:

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Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A