

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  
60 SE 5<sup>th</sup> Avenue, Fourth & Fifth Delray**

1. This waiver request came before the City Commission on December 4, 2018.
2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the waiver request for 60 SE 5<sup>th</sup> Avenue. 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 4.6.7(F)(i)(1)

B.

Pursuant to LDR Section 4.6.7(F)(i)(1) Temporary Identification Signs; Temporary shall be subject to the following standards: one sign per street frontage; non-illuminated with a sign area of not more than 32 square feet.

- 1. Should the waiver to Section 4.6.7(F)(i)(1) to allow signs to be placed on the construction fencing on intermittently on SE 5<sup>th</sup> Avenue and SE 4<sup>th</sup> Avenue be allowed?**

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 4th day of December 2018, by a vote of \_\_\_\_in favor and \_\_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Shelly Petrolia, Mayor

\_\_\_\_\_  
Katerri Johnson, CMC., City Clerk

Approved as to legal form  
And sufficiency:

\_\_\_\_\_  
City Attorney