

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

APPROVAL AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR TRACT ONE-FIFTEEN TO MODIFY ARTICLE I. USE OF PROPERTY. TO ALLOW FOR THE VILLAGE COUNCIL APPROVAL OF AN EXPANSION OF USES ALLOWED ON THE PROPERTY TO INCLUDE COFFEE SHOPS WITH DRIVE-THROUGH, DRIVE-UP, AUTOMOBILE SERVICE WINDOWS ON TRACT ONE-FIFTEEN IN CONFORMANCE WITH ARTICLE V. RESERVATION OF RIGHTS. OF THE DECLARATION.

Issue:

The Village approved a Declaration of Covenants and Restrictions for Tract One-Fifteen (“Declaration”), dated July 23, 1991, which was recorded in the Official Records of Palm Beach County at Book 6903, Pages 159-164. The Declaration currently restricts the uses on the Tract 115 property to only allow financial institutions with drive-through, drive-up, automobile service windows on the property. Under Article V. Reservation of Rights. of the Declaration, the Village reserved the right to modify the Declaration to “modify, enlarge, amend, waive, terminate or add to the covenants, conditions, restrictions and other provision of this Declaration.”

The Village approved a First Amendment to Declaration of Covenants and Restrictions for Tract One-Fifteen, dated July 14, 2006, which revised Article III of the Declaration to allow for a right-in-only access driveway from Okeechobee Boulevard and was recorded at Book 20653, Pages 1666-1667.

The Village again desires to amend the Declaration to expand the uses allowed on the property to allow coffee shops with drive-through, drive-up, automobile service windows.

Recommended Action:

Approval of the Second Amendment to the Declaration of Covenant and Restrictions for Tract One-Fifteen and direction to the Village Attorney to do all things necessary to effectuate the approved modification(s).

Initiator:	Village Manager	Agenda Date	Village Council
P&Z Director	Approval	1-20-2022	Action

**RECORD AND RETURN TO:
Diane DiSanto, Village Clerk
Village of Royal Palm Beach
1050 Royal Palm Beach Boulevard
Royal Palm Beach, FL 33411**

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
TRACT ONE-FIFTEEN**

WHEREAS, the Village of Royal Palm Beach, a municipal corporation (hereinafter "Village"), approved that certain Declaration of Covenants and Restrictions for Tract One-Fifteen (the "Declaration") dated July 23, 1991 and caused same to be recorded in Official Records Book 6903, Pages 159-164, Public Records of Palm Beach County, Florida; and

WHEREAS, the Village approved that certain First Amendment to Declaration of Covenants and Restrictions for Tract One-Fifteen (the "First Amendment") dated July 14, 2006 and caused same to be recorded in Official Records Book 20653, Pages 1666-1667, Public Records of Palm Beach County, Florida; and

WHEREAS, the Village is the Declarant pursuant to the Declaration; and

WHEREAS, Article V. of the Declaration provides that Declarant has reserved unto itself the exclusive right to amend the Declaration; and

WHEREAS, the Village has agreed by unanimous vote of the Village Council at its regular meeting held on January 20, 2022 to again amend the Declaration to allow coffee shops with drive-through, drive-up, automobile service windows on the Property.

NOW, THEREFORE, for good and valuable consideration, Declarant for itself and its successors and assigns, does hereby amend the Declaration as follows:

Section 1: Article I of the Declaration entitled "Use of Property" is hereby amended to read as follows:

A. With the exception of a financial institution or a coffee shop, any and all facilities or uses utilizing a drive-through, drive-up, automobile service window, or any other similar use or accessory use designed to provide goods and services to the driver and/or occupants of the vehicle, shall be and are expressly prohibited on

the Property. Coffee shop is defined as a small, informal establishment the primary business of which is the retail sale of brewed coffee for immediate consumption and which may serve light meals and refreshments, but having no table service or full course meals offered to patrons.

B. Any and all facilities or uses providing for the sale of fuel, lubrication, parts or service for automobiles and vehicles, including without limitation gasoline service stations, gasoline pumps, oil change facilities, and/or automotive and vehicular repairs and service facilities, shall be and are expressly prohibited on the Property.

C. Any and all facilities or uses providing for the sale, lease, and/or rental of vehicles and/or automobiles shall be and are expressly prohibited on the Property.

D. Convenience stores, food and beverage stores (excluding coffee shops), and other substantially similar uses as determined by the Declarant shall be and are expressly prohibited on the Property.

E. Liquor stores, package stores, bars, lounges, night clubs, discotheques, and other substantially similar uses as determined by the Declarant as primary uses of the Property, shall be and are expressly prohibited; however, bars and lounges serving alcoholic beverages may be permitted but only as accessory uses to a primary restaurant use on the Property.

Section 2: Each and every other term and condition as set forth in the Declaration shall remain in full force and effect.

Section 3: This Second Amendment shall become effective upon its recordation in the Public Records of Palm Beach County.

IN WITNESS WHEREOF, the Village has caused this Second Amendment to be duly executed this _____ day of January, 2022.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

THE VILLAGE OF ROYAL PALM
BEACH, a municipal corporation

By: _____
FRED PINTO, MAYOR

ATTEST:

(VILLAGE SEAL)

By: _____
DIANE DISANTO, CLERK

STATE OF FLORIDA
COUNTY OF PALM BEACH

This document was acknowledged before me by means of [] physical presence or [] online notarization this ____ day of January, 2022 by Fred Pinto, as Mayor of the Village of Royal Palm Beach, who is personally known to me or who has produced a Florida driver's license as identification and who did/did not take an oath.

(SEAL)

Notary Public, State of Florida