

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN OF JUPITER TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND TOWN OF JUPITER RESOLUTION NO. 28-83.

WHEREAS, by its Resolution No. 28-83 the Town of Jupiter has requested permission from the Board of County Commissioners of Palm Beach County to Rezone the property described therein after Annexation of same into the Corporate Limits of the Town; and

WHEREAS, the property is currently zoned RS - Single Family Residential and is subject to County Land Use Controls; and

WHEREAS, the Town proposes to Rezone the property to R-2 Residential Single Family Duplex Zoning District; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Very Low Residential land use designation; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed development is not consistent with the County's current zoning of RS allowing for three units per acre and is also not consistent with the Very Low land use designation of the Comprehensive Plan which allows for only one unit per 2 1/2 acres. The Town is proposing a zoning density of R-2 which would allow for five units per acre; and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinances 81-27 and 82-26) provides that the Board of County Commissioners may find the proposed waiver request compatible with the Comprehensive Plan if the uses and/or densities proposed will have no significant effect upon County systems, or such effect is mitigated by compliance with the Performance Standards; and

WHEREAS, the Town of Jupiter, in its Ordinance No. 33-83, attached hereto and made a part hereof, has amended their Comprehensive Plan to designate the lands annexed as being "Medium Density Residential not to exceed five (5) units per acre,"; and

WHEREAS, the Town of Jupiter has accepted a Declaration Of Covenants To Run With The Land from the owner of the parcel that is the

subject of this Resolution; said Declaration attached hereto and made a part hereof. Said Declaration was voluntarily executed and limits the development of the land; and

WHEREAS, the Planning Division has determined that although the Town's proposed densities are not consistent with the County's Comprehensive Plan, they will not have a significant impact upon County Systems; and

WHEREAS, Florida Statutes, §171.062, requires that when a City desires to Rezone property which was previously subject to County Land Use control that the City must request and receive such permission for such change from the Board of County Commissioners of the respective County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that.

1. The foregoing recitals are hereby affirmed and ratified.
2. This Board finds that the Rezoning proposed by the Town of Jupiter will have no significant impact upon County Systems.
3. The request of the Town of Jupiter in its Resolution No. 28-83, attached hereto and made a part hereof, is hereby approved.

The foregoing resolution was offered by Commissioner Wilken, who moved its adoption. The motion was seconded by Commissioner Koehler, and upon being put to a vote, the vote was as follows:

COMMISSIONER KEN SPILLIAS - AYE
 COMMISSIONER DOROTHY H. WILKEN - AYE
 COMMISSIONER PEGGY B. EVATT - AYE
 COMMISSIONER DENNIS P. KOEHLER - AYE
 COMMISSIONER BILL BAILEY - ABSENT

The Chairman thereupon declared the resolution duly passed and adopted this 10th day of April, 1984.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

John B. Dunkle, Clerk

By John B. Dunkle
County Attorney

By Phyllis A. House
Deputy Clerk

FILED THIS 10TH DAY OF April 1984
 AND RECORDED IN RESOLUTION
 MINUTE BOOK NO 337 AT
 PAGE 335-473 RECORD VERIFIED
 JOHN B DUNKLE CLERK

BOOK 334 336

D O A

Inter-Office Communication
PALM BEACH COUNTY

713-12
goe to town
27 Feb 84

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation/Rezoning/Request for Waiver - Town of Jupiter
Ordinance No. 28-83 (Darlin Real Estate and Development)

DATE February 21, 1984
FILE

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and County Ordinance 82-26, amendment to the Intergovernmental Coordination Element of the County's Comprehensive Plan. The following comments are offered.

Background Information

The Town of Jupiter has recently annexed 1.3 acres of land located at the east end of Saturn Street, and approximately 150 feet west of Du Bois Park, and contiguous to the northeasterly town boundaries. The request is now for the purpose of rezoning the land from the County Zoning Classification RS (Residential Single Family) to the Town's Zoning Classification R-2, Single Family Duplex Zoning District. A neighborhood petition with over 100 signatures opposes the granting of the two year waiver (copy enclosed).

Land Use Plan Designation and Zoning District

- a) The proposed annexation area is currently zoned Residential Single Family by the County allowing for a maximum of three units per acre in a standard subdivision. Since the size of the parcel (1.3 acres) is such that it is under the minimum size of three acres to qualify for a PUD Development; any increase over three units per acre would not be allowed under the Zoning Code of Palm Beach County.
- b) The Town of Jupiter proposes to classify the proposed annexation property as R-2 Residential Single Family Duplex Zoning District which has a maximum gross density not to exceed 5 dwelling units per acre.
- c) The difference between the Town's proposed zoning density R-2 (5 units per acre) and the County's zoning density of RS (in this case three units per acre) is significant in that the Town of Jupiter's proposed Zoning Classification of R-2 density is two units greater than that of the County's existing zoning density for the subject site.
- d) The County's Land Use Plan identifies the proposed annexation area as being in the Very Low Residential Category which allows a maximum density of one unit per 2 1/4 acres in a Standard Subdivision.
- e) The Town of Jupiter's proposed Zoning Classification of R-2 (5 units per acre) for the annexation area is not consistent with the County's current zoning of RS (three units per acre) and also not consistent to the Very Low land use designation of the County's Comprehensive Plan which allows for just one unit per 2 1/4 acres. The County's RS

R 84 473

SIGNED _____

BOOK 334 337

Stan Redick
February 21, 1984
Page 2

Zoning District for the subject site is in conflict with the County's Comprehensive Plan Land Use Designation of Very Low Density.

Waiver Considerations

If you will recall a 1.25 acre parcel of land (Helm Property) adjacent to the Darlin Property was annexed into the Town of Jupiter in 1982. The request for waiver of County Zoning on this land was presented to the Board of County Commissioners at their workshop meeting of August 31, 1982. At that time the Board elected to receive and file the request rather than approve the waiver of the two year moratorium on rezoning because the requested densities were not consistent with the County's Comprehensive Plan. The Board did agree to reconsider the request if two conditions were met a) Jupiter would amend its Comprehensive Plan to recognize the potential for a six (6) unit maximum on the 1.25 acre property and, b) The owner of the property impose a deed restriction limiting the potential of the land to a maximum of six (6) units. Both conditions were satisfied and the waiver was granted.

The present property in question (Darlin Property) has similar circumstances. The Town of Jupiter's proposed Zoning Classification of R-2 (5 units per acre) for the annexed area is not consistent with the County's current zoning of RS (three units per acre) and also not consistent to the Very Low land use designation of the County's Comprehensive Plan which allows for just one unit per 2 1/2 acres.

However, it should be noted that the requested densities will have no significant impact on County Systems.

Recommendation

Although the Town's proposed densities are not consistent with the County's Comprehensive Plan, the Board of County Commissioners, under the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find the proposed waiver compatible with the Plan if "the uses and or densities in the Municipal Plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County Systems "

Since the proposed annexation will not have a significant impact on County Systems, the Board has the option to grant or deny the waiver request

If the Board elects to grant the waiver, it is recommended that the owner(s) of the property impose a deed restriction limiting the potential of the property to a maximum of six units. This would be

R 84 473

BOOK 334 338

Stan Redick
February 21, 1984
Page 3

consistent with the conditions imposed on the previously approved waiver on the adjacent property (Helm Property). Under Ordinance No. 33-83 the Town has previously changed the Comprehensive Plan to reflect "Low" Density Residential not to exceed five (5) Dwelling Units Per Acre for the subject parcel of land.

Richard F. Marley

RM:cjs
Encls.

R 84 473

BOOK 334 339

Board of County Commissioners
West Palm Beach, Florida 33401

November 23, 1983

The enclosed list of petitioners requests this Board of County Commissioners not to waive the two year waiting period on the application of Darlin Real Estate Development Corporation. This 1.3 acre (more or less) property, located in Jupiter, abuts the property of Mr. and Mrs. John DuBois and Mr. and Mrs. Charles Kindt on DuBois Road in DuBois Park. Both are single family, one storey homes.

Mr. Hanky, the recent buyer of this land, has just finished building a 6 unit, one building, condominium and two large garages on an adjacent 1.2 acre piece of land after annexing into Jupiter. The reality overwhelms the adjacent property to the East, owned by Mr. Russell Wilson of DuBois Road. There is no feathering down to the Park.

The DuBois family (and Kindts) will have no privacy if Mr. Hanky and Mr. Culpepper, his agent, are granted R-3 density to build 6 houses on this property.

Saturn Street is two-tenths of a mile long dead ending at this property. The North side is entirely residential - Suni Sands and Jupiter Inlet Condominiums (2 storey buildings with acres of green open space).

For five years we have had continuous commercial construction on the West side of the street, and this past year construction of the 6 unit condominium to the East. Saturn Street used to be a quiet residential area. Today the traffic never stops, and has become hazardous; there are 12 roadways or driveway openings onto this short street. Additionally, the traffic volume on Saturn Street is past its maximum load as a result of the construction.

Mr. Dick Morley of Planning and Zoning for the County informed me that the County zoning for this parcel was "Very Low Density Residential" and it was in conflict with your Land Use Plan.

We sincerely hope you will not grant the petition for the two year waiver.

Sincerely yours,

Esther R. Driscoll

Esther R. Driscoll
755 Saturn St - 101C
Jupiter, FL 33458

Jh
enc: Petition
Legal Notice

R 84 473 -

BOOK 334 340

210 S Perry Avenue
Jupiter, Florida 33458



Town of Jupiter

Telephone 748-5134
Police Dept. 748-5780

RECEIVED
FEB 17 1984
PLANNING DIVISION

February 10, 1984

Mr John Sandsbury
Palm Beach County Board of Commissioners
300 N Dixie Highway - Suite 107
West Palm Beach, Florida 33401

REFERENCE: Town of Jupiter Annexation

Dear Mr Sandsbury,

Please be advised that, by virtue of the passage of Town of Jupiter Ordinance #28-83, in October of 1983, the Town of Jupiter annexed 1.3 acres of land contiguous to the town of Jupiter near DuBois Park. A copy of the above referenced ordinance is herewith enclosed.

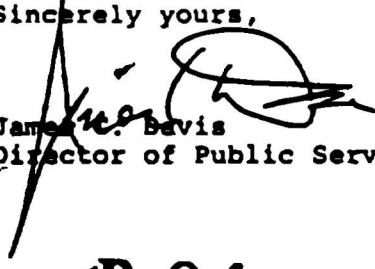
Additionally, the Town of Jupiter passed Ordinance #33-83, which updated our Comprehensive Plan to accommodate this particular annexation. Copy of the above-referenced ordinance is also included.

According to the Town records, these particular ordinances had already been transmitted to the County, however, it was recently brought to our attention by the landowner that, in his attempt to apply for a waiver of the two-year moratorium on the property, it appeared that the County had no record of the accident by the Town of Jupiter. Therefore, we are re-submitting these particular documents at this time.

Please note that, in Section 12 of Ordinance 23-83, the Town of Jupiter officially requests the Board of County Commissioners to waive the two-year moratorium.

In the event you have any particular questions pertaining to this matter, do not hesitate to contact either me or Mrs Jean Beck, Interim Town Manager.

Sincerely yours,


James W. Davis
Director of Public Service

JCD/lb
Enclosures

CC Jean Beck
Richard Morley, County Planning Staff
James Helm

R 84

473

BOOK 334 341

Inter-Office Communication

PALM BEACH COUNTY

TO Commissioner Wilken DATE December 15, 1983
FROM Richard Morley FILE
Principal Planner - Planning, Zoning & Building Department
RE Response to Your Request Concerning Letter/Petition From
Esther Driscoll

I have been in communication with Esther Driscoll regarding her efforts to deny the waiver of the two year moritorium on the 1 3 acre site of Darlin Real Estate, now annexed in to the Town of Jupiter, Florida.

The Town of Jupiter has recently annexed The subject site and they are now in the process of asking the County to waive the two year moritorium. As of yet, I have not received the official wa&ver request from the Town.

As I understand the proposal, the requested and approved density of 6 units by the Town on the 1 3 acre site is in conflict with the County's Land Use Plan which identifies the site as having "Very Low Density" (1 unit per 2 1/2 acres)

However, it appears that the project will have "no significant impact" on County systems Since there is no significant impact on County systems, the Board has an option to approve the 6 units on the site if they so desire

I expect to receive the waiver request from the Town sometime in mid-January At that time, a report will be submitted for Board of County Commission workshop review

I hope this information will be helpful to you

If you have any questions please contact me

R 84

473

RM cjs

BOOK 334 342

SIGNED

Richard F. Morley

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, PURSUANT TO CHAPTER 171.044, FLORIDA STATUTES, PROVIDING FOR THE VOLUNTARY ANNEXATION OF LAND, ACCEPTING THE ANNEXATION PETITION OF DARLIN REAL ESTATE AND DEVELOPMENT, INC., A FLORIDA CORPORATION, AS AND ON BEHALF OF THE OWNERS OF APPROXIMATELY 1.3 ACRES OF LAND PRESENTLY IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, LOCATED IN SECTION 31, TOWNSHIP 40 SOUTH, RANGE 43 EAST, AT THE EAST END OF SATURN STREET, AND APPROXIMATELY 150 FEET WEST OF DUBOIS PARK, AND CONTIGUOUS TO THE NORTHEASTERLY TOWN BOUNDARIES OF THE TOWN OF JUPITER; ANNEXING SAID LANDS INTO THE TOWN OF JUPITER; REVISING ~~ARTICLE II OF THE AMENDED CHARTER OF THE TOWN OF JUPITER, BEING THE CHARTER BOUNDARY ARTICLE, TO~~ INCLUDE THE TERRITORY ANNEXED BY THIS ORDINANCE, ACKNOWLEDGING THAT THE LANDS ANNEXED WERE SUBJECT TO THE PALM BEACH COUNTY LAND USE PLAN, COUNTY ZONING REGULATIONS AND COUNTY SUBDIVISION REGULATIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL OTHERWISE PROVIDED BY LAW; AND REQUESTING A WAIVER BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY OF THE TWO YEAR DELAY FOR CHANGE OF REGULATIONS.

WHEREAS, on or about July 28, 1983, Darlin Real Estate and Development, Inc., a Florida Corporation, as and on behalf of the owners of approximately 1.3 acres of land located at the east end of Saturn Street, and approximately 150 feet west of DuBois Park, and contiguous to the northeasterly town boundaries of the Town of Jupiter, which lands are legally described in exhibit "A" attached hereto and made a part hereof, petitioned the Town of Jupiter for annexation of said property into the Town limits, and,

WHEREAS, the Jupiter Planning and Zoning Commission has considered and reviewed the proposed annexation and has made its recommendations thereon to the Town Council, and,

WHEREAS, the Town Council of the Town of Jupiter, after due notice and public hearing, considers it to be in the best interest of its citizens and residents, both present and prospective, to grant said petition and to annex said lands into the Town pursuant to this annexation ordinance, NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF JUPITER, FLORIDA, THAT
BOOK 334 . 343

R 24 473

Section 1. The property owned and represented by Darlin Real Estate and Development, Inc., a Florida Corporation, consists of approximately 1.3 acres of land in the unincorporated area of Palm Beach County, located in Section 31, Township 40 South, Range 43 East, located at the east end of Saturn Street, and approximately 150 feet west of DuBois Park, and contiguous to the northeasterly town boundaries of the Town of Jupiter. The legal description of said land is set forth on exhibit "A" attached hereto and made part hereof.

Section 2. The said property is reasonably compact and is located solely within the boundaries of Palm Beach County, Florida and its annexation will accommodate the future growth of the Town of Jupiter

Section 3. The aforesaid lands are about to undergo intensive development for residential purposes, and are hereby declared to be urban in character. A long range legislative prospective by the Town of Jupiter is necessary to plan the orderly development of this urban area

Section 4 The voluntary annexation pursuant to this Ordinance will not result in the creation of enclaves, pockets or finger areas in the Boundaries of the Town of Jupiter

Section 5 The petition of DARLIN REAL ESTATE AND DEVELOPMENT, INC., a Florida Corporation, for voluntary annexation of said lands bears the signature of all owners of property in the area proposed to be annexed and the Town hereby accepts the aforesaid annexation petition

Section 6 Prior to the date of adoption hereof, this Ordinance has been duly published once a week for four (4) consecutive weeks in a newspaper qualified for publication of legal notices in the Town of Jupiter

— 334 344

Section 7 This Annexation Ordinance is adopted for the purpose of extension of the territorial limits of the Town of Jupiter

R Q 1

170

Section 8. - Pursuant to the provisions of Chapter 171 044, Florida Statutes, the Town of Jupiter hereby annexes the lands legally described in exhibit "A" which is attached hereto and made a part hereof, into the Town of Jupiter and the Town boundaries shall be redefined to include the said lands, so annexed.

Section 9 Article II of the Charter of the Town of Jupiter being the legal description of the municipal boundaries of the Town of Jupiter, is hereby revised to include the territory and lands hereby annexed. A certified copy of this Ordinance shall be filed as a revision of the Town Charter with the Department of State of the State of Florida within thirty (30) days from the date of enactment as required by Chapter 166.044 (3) and 171.091, Florida Statutes, at which time the revised Charter shall take effect

Section 10. The lands hereby annexed to the Town of Jupiter are declared subject to all laws, ordinances and regulations in force in the Town of Jupiter and are entitled to the same privileges and benefits as the other parts of said municipality

Section 11 The Town of Jupiter, hereby acknowledges that the area annexed was at the time of annexation, subject to the Palm Beach County Land Use Plan, the County Zoning Regulations and the County Subdivision Regulations, and that said regulations shall remain in full force and effect until otherwise provided by law

Section 12 The Town of Jupiter hereby requests a waiver by the Board of County Commissioners of Palm Beach County of the two year delay in changing the development regulations for this land and increasing or decreasing the allowable density under the present Palm Beach County ordinances pursuant to Chapter 171 062(2), Florida Statutes

Section 13. The Town Clerk is hereby directed to file a certified copy of this Annexation Ordinance with the Clerk of the Circuit Court of Palm Beach County and with the Department of State of the State of Florida.

BOOK 334 345

Section 14. This Ordinance shall take effect immediately upon its adoption

D O A

A 72

On first reading this 12th day of September, 1983, the foregoing Ordinance was offered by Council member Edwin Pedersen who moved its adoption. The motion was seconded by Council member Charles H. Johnston; and upon being put to a roll call vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	<u>✓</u>	—
Vice Mayor, EDWIN P. PEDERSEN	<u>✓</u>	—
Councilmen, CHARLES ALTWEIN	<u>absent</u>	—
Councilman, CHARLES H. JOHNSTON	<u>✓</u>	—
Councilman, TERRY VERNER	<u>✓</u>	—

On second reading this 18th day of October, 1983, the foregoing Ordinance was offered by Council member Edwin Pedersen who moved its adoption. The motion was seconded by Council member Terry Verner, and upon being put to a roll call vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	<u>✓</u>	—
Vice Mayor, EDWIN P. PEDERSEN	<u>✓</u>	—
Councilman, CHARLES ALTWEIN	<u>✓</u>	—
Councilman, CHARLES H. JOHNSTON	<u>✓</u>	—
Councilman, TERRY VERNER	<u>✓</u>	—

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 18th day of October, 1983.

TOWN OF JUPITER

(TOWN SEAL)

BY MARY HINTON, MAYOR

WITNESSES

BY Jean H. Beck
JEAN H. BECK, Town Clerk

R 84 . 473

BOOK 334 346

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, PURSUANT TO CHAPTER 163 3161, ET SEQ FLORIDA STATUTES, ~~AMENDING ORDINANCE NO. 2-79, BEING THE COMPREHENSIVE PLAN OF THE TOWN OF JUPITER, PROVIDING FOR AN AMENDMENT OF A PORTION OF THE FUTURE LAND USE PLAN ELEMENT THEREOF WHICH INVOLVES LESS THAN 5% OF THE TOTAL LAND AREA OF THE LOCAL GOVERNMENTAL UNIT, INCLUDING THE 1 1/3 ACRES, MORE OR LESS, OF LAND OWNED BY DARLIN REAL ESTATE AND DEVELOPMENT, INC., SECTION 31, TOWNSHIP 40 SOUTH, RANGE 43 EAST, IN JUPITER, PALM BEACH COUNTY, FLORIDA LYING AT THE EAST END OF SATURN STREET AND APPROXIMATELY 150 FEET WEST OF DUBOIS PARK, AS A PART OF THE PROPOSED LAND USE MAP OF THE COMPREHENSIVE PLAN; AND DESIGNATING SAID LAND AS BEING "LOW" DENSITY RESIDENTIAL NOT TO EXCEED FIVE (5) DWELLING UNITS PER ACRE.~~

WHEREAS, the Town Council of the Town of Jupiter, Florida, on March 6, 1979, adopted Ordinance No. 2-79, being an "Ordinance adopting a Comprehensive Plan, including a Future Land Use Element", for the Town of Jupiter, pursuant to the "Local Government Comprehensive Planning Act of 1975", as amended, being Section 163 3161, et seq., Florida Statutes, and,

WHEREAS, after hearings held upon due public notice, the Town of Jupiter Planning and Zoning Commission sitting as the local planning agency for the Town of Jupiter, has reviewed the proposed change to the proposed change to the Future Land Use Element of the Comprehensive Plan of the Town of Jupiter, as adopted by Ordinance No. 2-79, in accordance with the requirements of Ordinance No. 3-78, as amended, being the Town of Jupiter, Zoning Ordinance, and has made its recommendations to the Town Council of the Town of Jupiter regarding the adoption of said change, and,

BOOK 334 347

R 84 473

WHEREAS, the Town Council of the Town of Jupiter, after due notice and public hearings, deems it to be in the best interest of the public safety, health and general welfare to adopt, by Ordinance, the proposed change to a portion of the future Land Use Plan Element of the Comprehensive Plan of the Town of Jupiter, which involves less than 5% of the total land area of the local governmental unit; NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF JUPITER, FLORIDA

Section 1 The Comprehensive Plan of the Town of Jupiter is hereby amended by amending a portion of the future Land Use Plan Element thereof which involves less than 5% of the total land area of the local governmental unit by including the 1 1/3 acres, more or less owned by Darlin Real Estate and Development, Inc., in Section 31, Township 40 South, Range 43 East, in Jupiter, Palm Beach County, Florida lying at the east end of Saturn Street, approximately 150 feet west of DuBois Park, at the easterly limits of the Town of Jupiter. The legal description of said land is contained on Exhibit A, which is attached hereto and made a part hereof, as part of the Proposed Land Use Map of the Comprehensive Plan, which map is set forth in the Comprehensive Plan as Map No. 7, dated November 1978, as incorporated into Ordinance 2-79 in Section 2 2 thereof, by reference.

Section 2. The aforesaid lands hereby included in the Future Land Use Plan Element of the Comprehensive Plan of the Town of Jupiter, are hereby designated as being "medium density residential ~~not to exceed five (5) units per acre~~" on said Proposed Land Use Map.

Section 3. This amendment to Future Land Use Plan Element of the Jupiter Comprehensive Plan shall have the legal status as the original Comprehensive Plan, as set forth and contained in Chapter 163 3194 of the Florida Statutes, together with such further additional powers authority and obligations as may thereafter be created by law.

Section 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word ever be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Permission to codify this Ordinance is hereby granted.

Section 7. This Ordinance shall take effect immediately upon its adoption.

R 84, 473

BOOK 334 349

1 reading this 29th day of November
 Ordinance was offered by Council member Edwin P. Pedersen
 and its adoption. The motion was seconded by Council member
Terry Verner, and upon being put to a roll call vote, the
 as follows.

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	<u>x</u>	—
Vice Mayor, EDWIN P. PEDERSEN	<u>x</u>	—
Councilman, CHARLES ALTWEIN	—	<u>x</u>
Councilman, CHARLES H. JOHNSTON	—	<u>x</u>
Councilman, TERRY VERNER	<u>x</u>	—

Second reading this 6th day of December, 1983,
 foregoing Ordinance was offered by Council member Charles Altwein
Tom who moved its adoption. The motion was seconded by Council
Terry Verner, and upon being put to a roll call
 the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	<u>absent</u>	—
Vice Mayor, EDWIN P. PEDERSEN	<u>x</u>	—
Councilman, CHARLES ALTWEIN	<u>x</u>	—
Councilman, CHARLES H. JOHNSTON	<u>x</u>	—
Councilman, TERRY VERNER	<u>x</u>	—

Mayor thereupon declared the foregoing Ordinance duly passed
 adopted this 6th day of December, 1983

TOWN OF JUPITER
 BY Mary Hinton
 MARY HINTON, Mayor

(TOWN SEAL)

WITNESSES

BY Jean H. Beck
 JEAN H. BECK, Town Clerk

R 84 . 473

BOOK 334 350

ORDINANCE NO. 34-83

AN ORDINANCE OF THE TOWN OF JUPITER, FLORIDA, AMENDING SECTION 302 OF THE ZONING CODE BEING THE OFFICIAL ZONING MAP OF THE TOWN OF JUPITER BY ZONING THE 1 1/3 ACRES, MORE OR LESS, OF LAND OWNED BY DARLIN REAL ESTATE AND DEVELOPMENT, INC. LYING AT THE EAST END OF SATURN STREET AND APPROXIMATELY 150 FEET WEST OF DUBOIS PARK AS R-2, RESIDENTIAL, SINGLE FAMILY DUPLEX ZONING DISTRICT

WHEREAS, the Jupiter Planning and Zoning Commission has reviewed a proposed revision of the Jupiter Zoning Map, and considered the appropriate zoning category to be assigned to the property owned by Darlin Real Estate and Development Inc which has been annexed into the Town of Jupiter, and has made its recommendation thereon to the Town Council; and,

WHEREAS, the Town Council of the Town of Jupiter, after due notice and public hearing, deems it to be in the best interest of the public safety, health and general welfare to zone said 1 1/3 acres, more or less, of land as R-2, Residential, Single Family Duplex Zoning District and to adopt the revision of the Zoning Map, NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER FLORIDA

Section 1 That section 302 of the Zoning Code of the Town of Jupiter, being the Official Zoning Map, is hereby amended by zoning the 1 1/3 acres, more or less, of land owned by Darlin Real Estate and Development Inc annexed into the Town of Jupiter and lying at the east end of Saturn Street and approximately 150 feet west of Dubois Park, as R-2, Residential, Single Family Duplex Zoning District The legal description of said land is contained on Exhibit A, which is attached hereto and made a part hereof

Section 2. That the said zoning change hereby enacted shall be entered upon the fact of the official zoning map of the Town of Jupiter

Section 3 This Ordinance shall take effect immediately

on first reading this 27th day of November 1983, the foregoing Ordinance was offered by Council member Edwin P. Pedersen who moved its adoption. The motion was seconded by Council member Terry Verner, and upon being put to a roll call vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	<u>X</u>	—
Vice Mayor, EDWIN P. PEDERSEN	<u>X</u>	—
Councilman, CHARLES ALTWEIN	—	<u>X</u>
Councilman, CHARLES H. JOHNSTON	—	<u>X</u>
Councilman, TERRY VERNER	<u>X</u>	—

on second reading this 3rd day of January 1984, the foregoing Ordinance was offered by Council member Edwin P. Pedersen who moved its adoption. The motion was seconded by Council member Terry Verner, and upon being put to a roll call vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Mayor, MARY HINTON	—	—
Vice Mayor, EDWIN P. PEDERSEN	—	—
Councilman, CHARLES ALTWEIN	—	—
Councilman, CHARLES H. JOHNSTON	—	—
Councilman, TERRY VERNER	—	—

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 3rd day of January, 1984.

TOWN OF JUPITER

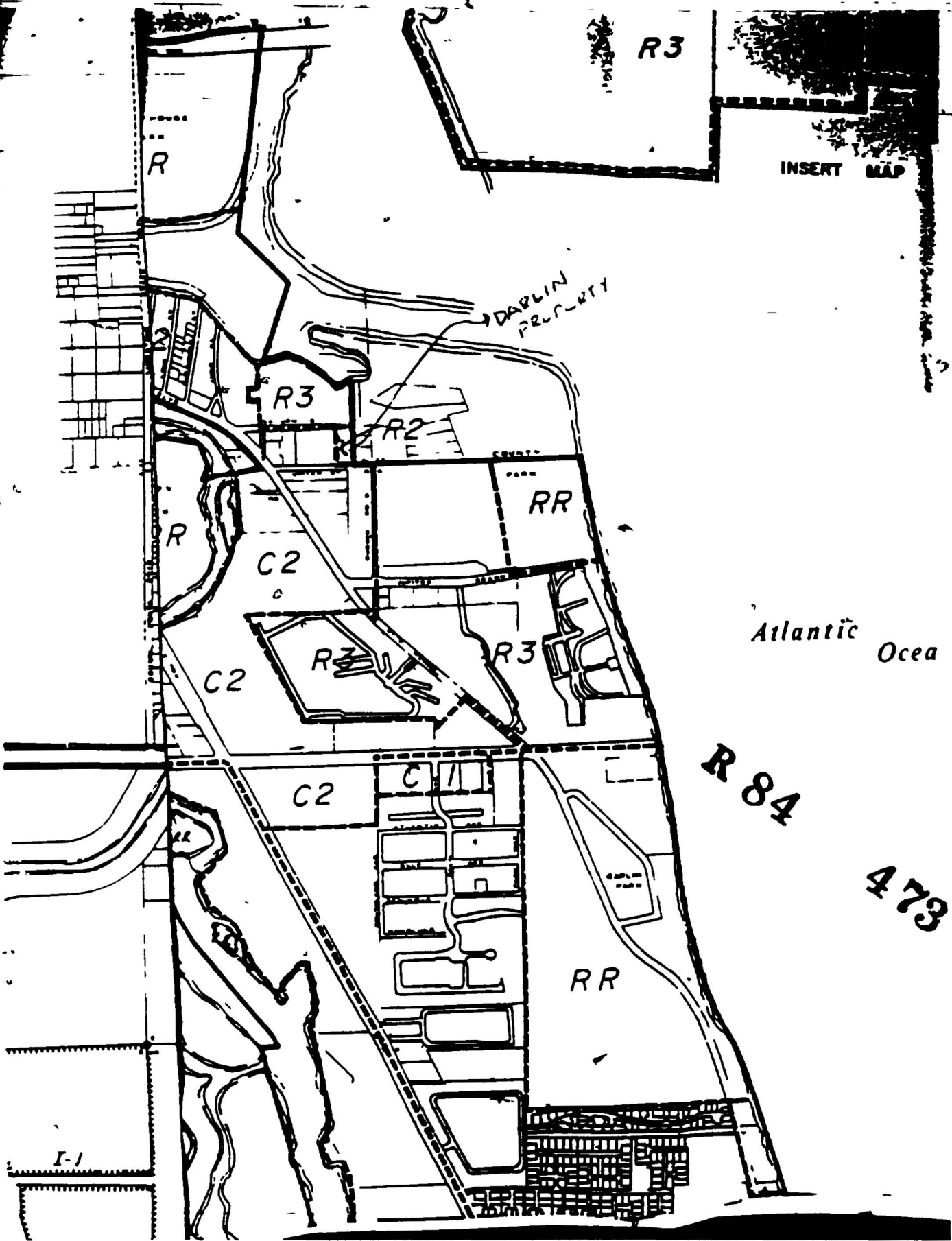
(TOWN SEAL)

BY MARY HINTON, MAYOR

ATTEST
 BY Sharon L. Wright
 SHARON L. WRIGHT, Deputy Town Clerk

BOOK 334 352

R 84 473



10 Legal Notices

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY FLORIDA

PROBATE DIVISION
File Number 83-2883 CF
October

IN RE ESTATE OF ALBERTA M LEWIS Deceased

NOTICE OF ADMINISTRATION

TO ALL PERSONS HAVING CLAIMS OR DEMANDS AGAINST THE ABOVE ESTATE AND ALL OTHER PERSONS INTERESTED IN THE ESTATE

YOU ARE HEREBY NOTIFIED that the administration of the estate of Alberta M Lewis, deceased...

All persons having claims or demands against the estate are required to file with the court...

All persons interested in the estate to whom a copy of the Notice of Administration has been mailed...

Robert S Lewis As Personal Representative of the Estate of Alberta M Lewis Deceased

Attorney for Personal Representative Robert S Lewis 1 Kings Highway East Haddonfield New Jersey 08033 856-428-4332

Pub September 25, 29 1983 NOTICE OF PUBLIC HEARING

TO ALL WHOM IT MAY CONCERN PLEASE TAKE NOTICE THAT ON THE 15th DAY OF October 1983 at 7:30 P.M. or as soon thereafter as the matter may be heard in the Council Chambers in the Municipal Building 7th S Perry Avenue Jupiter Florida the Town Council shall consider the enactment of the following Ordinance.

ORDINANCE NO 70-43 AN ORDINANCE OF THE TOWN OF JUPITER FLORIDA PURSUANT TO CHAPTER 178 FLORIDA STATUTES PROVIDING FOR THE VOLUNTARY ANNEXATION OF LAND; ACCEPTING THE ANNEXATION PETITION OF DARLIN REAL ESTATE AND DEVELOPMENT INC A FLORIDA CORPORATION AS

10 Legal Notices

AND ON BEHALF OF THE OWNERS OF APPROXIMATELY 1.3 ACRES OF LAND PRESENTLY IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY LOCATED IN SECTION 31 TOWNSHIP 48 SOUTH RANGE 43 EAST AT THE EAST END OF SATURN STREET AND APPROXIMATELY 185 FEET WEST OF GUBBINS PARK, AND CONTIGUOUS TO THE NORTHEAST ERLY TOWN BOUNDARIES OF THE TOWN OF JUPITER ANNEXING SAID LANDS INTO THE TOWN OF JUPITER REVENUE ARTICLE 8 OF THE AMENDED CHARTER OF THE TOWN OF JUPITER, BEING THE CHARTER BOUNDARY ARTICLE TO INCLUDE THE TERRITORY ANNEXED BY THIS ORDINANCE...

The full text of the above Ordinance may be inspected by the Public at the Municipal Building, Jupiter, Florida, Monday through Friday from 9:00 A.M. to 4:30 P.M. and all interested parties may appear at the above stated time and place and be heard with the respect to the above proposed ordinance.

Anyone desiring to request a deferral of the providing body on matters considered at this meeting or hearing will need a record of the proceedings. He may need to ensure that a verbatim record is made including the testimony and evidence on which the appeal is based.

Mary Hinton Mayor-Councilperson

Jean M Best Town Clerk

Pub September 18 25 October 2 9 1983

10 Legal Notices

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF THE TOWN OF JUPITER, FLORIDA

TO ALL PARTIES IN INTEREST AND TO ALL WHOM IT MAY CONCERN

Please take notice that a Public Hearing will be held in the Meeting Room at 210 S Perry Jupiter Florida on Tuesday October 11 1983 at 7:30 PM before the Planning & Zoning Commission and before the Jupiter Town Council on Tuesday October 25 1983 at 7:30 P.M. or as soon as may be heard to consider the following application for a Change in the Comprehensive Plan and Change in Zoning Classification insofar as same is applicable to the following described property in the Town of Jupiter to wit:

The South 378 of the West 130' of the East 300' of Government Lot 7, Section 31, Township 48 South, Range 43 East, Palm Beach County Florida, less the South 378 thereof

This is the application of Darlin Real Estate Development Corp 24 Lozahatchee Dr., Ste 2, Jupiter Fl 33458 for a Change in the Comprehensive Plan and in the Zoning Classification for 1.3 acres of land located between Saturn and Park way Sts just east of Parkway Plaza from County's R-3 to Jupiter's R-3 zoning.

At such time and place the Planning & Zoning Commission and the Jupiter Town Council will hear all evidence and arguments in support of or in opposition to such a Change in the Comprehensive Plan and Zoning. Anyone desiring to appeal a decision of the presiding body on matters considered at this meeting or hearing will need a record of the proceedings. He may need to ensure that a verbatim record is made including the testimony and evidence on which the appeal is based. YOU WILL PLEASE GOVERN YOURSELVES ACCORDINGLY

Mary Hinton Mayor-Councilperson

Pub September 28 October 3 1983

Jupiter Town Council Regular Council Meeting - November 15, 1983 - Page 2

- 5 Darlin, #44-CZC-83 and change in Comprehensive Plan - Application of Darlin Real Estate Development Corp., 24 Lozahatchee Dr., Suite 2, Jupiter, Fla., to amend the future Land Use Map, regulate the use of the land and to assign a zoning district classification of R-3

- 1) Presentation
2) Staff and Planning Zoning recommendations
3) Motion on floor
4) Council discussion - Public to be heard
5) Poll of Council by Clerk

Referred to Nov 29, 1983 - Tues.

R 84

473

BOOK 334

354

DECLARATION OF COVENANTS TO RUN WITH THE LAND

Darlin Real Estate and Development, Inc., a Florida Corporation, hereinafter called Declarant, is the owner in fee simple of certain real property located in the Town of Jupiter, Palm Beach County, Florida, which shall be subject to the following declaration of covenants to run with the land, which said property is legally described as follows:

* The South 379 feet of the West 150 feet of the East 300 feet of Government Lot 7, Section 31, Township 40 South, Range 43 East Palm Beach County, Florida, less the South 379 feet thereof

For purpose of enhancing and protecting the value, attractiveness and desirability of the subject property, for harmony with existing private and public land uses in the immediate area, including DuBoise Park located nearby, for consistency with the Jupiter Comprehensive Land Use Plan, for coordination with the Comprehensive Land Use Plan of Palm Beach County and cooperation with its planning and development activities, for prevention of over crowding said land and avoidance of undue concentration of population; to better facilitate the adequate and efficient provision for the traffic, utilities, parks and recreational facilities of this neighborhood, and, to preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement, fire prevention and general welfare of this and the surrounding properties in the Town of Jupiter, Declarant hereby declares that all of the real property described above and each and every part thereof, should subsequent conveyances of any part thereof be hereafter made, is being held, used enjoyed, sold and conveyed, now and hereafter, only subject to the following covenants, conditions and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title or interest in the above described property or any part thereof,

BOOK 334 355

THIS INSTRUMENT PREPARED BY:
Jerome F Skrandel
Old Port Cove Plaza
1200 U S Highway One
North Palm Beach, Florida 33408

R 84

473

1984 FEB -2 AM 6:58 BY UCTUDU

1750

B4150 P0713

Town of Jupiter

their heirs, successors, and assigns and shall inure to the benefit of each owner thereof, as well as to the general welfare and community benefit of the Town of Jupiter, a municipal corporation, its successors and assigns and the County of Palm Beach, a political subdivision of the State of Florida, its successors and assigns, derived by reason of the orderly growth and planned development of said lands and the harmony thereof with the use and development of the adjoining land areas

NOW THEREFORE, the Declarant hereby covenants and agrees as to the above described lands as follows:

1. The said property shall be used only for low density residential purposes, and developed at a maximum allowable density not to exceed four (4) dwelling units per acre.

2 No residential building(s) or structure(s) shall be constructed, erected or maintained on the subject property which comprise, permit or allow more than five (5) individual single family dwelling or living units to exist thereon.

3 No building(s) or structure(s) shall be constructed, erected or maintained on or upon the easterly 30 feet of the subject property

4 No building(s) or structure(s) shall be constructed, erected or maintained on the subject property which have a height of more than two (2) stories as defined under the Jupiter Zoning Code

5 On that portion of the subject property which is opposite the two existing single story residences which are presently located on the lands immediately to the east thereof, no building(s) or structure(s) shall be constructed, erected or maintained thereon which have a height of more than one (1) story, as defined under the Jupiter Zoning Code

6. Declarant, or any owner of the premises described herein, or the Town of Jupiter or Palm Beach County or the respective heirs, successors or assigns of any of them, shall have the

BOOK 334 356

R 84

473

B4150 P0714

right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, easements, reservation, liens and charges now or hereafter imposed by provision of this declaration. Failure by any of the aforesaid persons, their respective heirs, successors or assigns to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter

7 Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way effect any other provisions, which shall remain in full force and effect.

8. No breach of any of the conditions herein contained or re-entry by reason of such breach shall defeat or render invalid the lien of any mortgage made in good faith and for value as to the subject premises or any part thereof, provided, however, that such conditions shall be binding on any owner whose title is acquired by foreclosure, trustee's sale or otherwise

9 This Declaration of Covenants shall run with and bind the land for a period of 99 years from the date hereof. Thereafter, it shall be automatically extended for additional periods of 99 years unless otherwise mutually agreed to by the owners of the subject premises and the Town of Jupiter a municipal corporation, its successors and assigns.

IN WITNESS WHEREOF, the owner, as Declarant and the Town of Jupiter, in acceptance thereof, have hereunto set their hands and seals this 12 day of JAN, 1984.

ATTEST

DECLARANT

Darfin Real Estate and Development, Inc. a Florida Corporation

Bonnie Carroll
Secretary

Robert L. Foster, President

(Corporate Seal)

Accepted by the TOWN OF JUPITER
A Municipal Corporation

[Signature]
Town Clerk

BY: [Signature]
Mayor of Jupiter

(Town Seal)

BOOK 334

357

R 84

473

84150 P0715

NOTARY CERTIFICATES

STATE OF FLORIDA,
COUNTY OF PALM BEACH.

I HEREBY CERTIFY that on this 12th day of January
1984, before me personally appeared MARY H. DYER Mayor
and TRAM W. BEEK Town Clerk; respectively of TOWN OF JUPITER, a
municipal corporation operating under the laws of Florida, to me known
to be the persons who signed the foregoing instrument, as such officers,
and each of whom acknowledged the execution thereof to be their free act
and deed as such officers for the uses and purposes therein mentioned, and
they affixed thereto the official seal of said corporation, and that the
said instrument is the act and deed of said corporation, and such execution
having been authorized by the governing body thereof.

WITNESS my signature and official seal at said County and State,
the day and year last aforesaid

Sharon A. Wright
Notary Public
Notary Public, State of Florida
My Commission Expires June 19 1985
Bonded thru Tru-Tec Insurance Inc.

STATE OF FLORIDA
COUNTY OF Palm Beach

I HEREBY CERTIFY that on this 12th day of January
1984, before me personally appeared John A. ...
to me known to be the person who signed the foregoing instrument for the
uses and purposes therein mentioned.

WITNESS my signature and official seal at Jupiter, Fla.
said County and State, the day and year last aforesaid

[Signature]
Notary Public
Notary Public, State of Florida at Large
My Commission Expires February 8, 1984
Bonded thru Maynard Bonding Agency

STATE OF FLORIDA
COUNTY OF ...

I HEREBY CERTIFY that on this ... day of ...
19..., before me personally appeared ...
and ... respectively, of ...
... a corporation
under the laws of the State of Florida, to me known to be the persons
who signed the foregoing instrument as such officers, and each of whom
acknowledged the execution thereof to be their free act and deed as such
officers for the uses and purposes therein mentioned, and they affixed
thereto the official seal of said corporation, and the said instrument is
the act and deed of said corporation, such execution having been authorized
by the governing body thereof.

WITNESS my signature and official seal at said County and
State, the day and year last aforesaid

[Signature]
Notary Public
Notary Public, State of Florida at Large
My Commission Expires February 8, 1984
Bonded thru Maynard Bonding Agency

04100 PU/16

John R. DuBois

18045 DuBois Rd.

Susan D. Knelt 18055 DuBois Rd.

Virginia Wilson 18105 DuBois Rd.

Theresa Wilson 18105 " "

Charles W. DuBois 18069 DuBois Rd.

Charles Knelt 18083 DuBois Rd.

John D. Baker 755 SATURN ST

Bonnie Baker 755 SATURN ST.

Franklin Knelt 755 Saturn St

Warren Knelt 755 SATURN ST

Margaret H. Knelt 755 Saturn St

Alfred Knelt " "

Norman Knelt " "

Norman Knelt " "

Angela Knelt 755 Saturn St.

John Knelt 755 Saturn St.

Anna Knelt 755 Saturn St.

Lois Beckman 755 Saturn St.

Ray Beckman 755 Saturn St.

W. H. Overitt 755 ✓ ✓

Lillian H. Overitt " ✓ ✓

Miss R. V. Smith 755 Saturn St

R. V. Smith 755 Saturn St

Mary E. Kelly 755 Saturn St

John W. Kelly 755 Saturn St

Margaret Marie 206E

Edward C. Mart 201-1E

John J. Mart 203K

Harriet Mart 204 D

John Mart 101 A

John Mart 101-A

John Mart 101-A

S. C. Knelt 18055 DuBois Rd.

Laura Thayer 18045 DuBois Rd.

BOOK 334 359

755 Saturn St CPT 206E

" " 206E

201-1E

203K

204 D

101 A

101-A

18055 DuBois Rd

18045 DuBois Rd

R 84
473

11/1/1

Edith Stark	755 Saturn St	
Constance Stark	"	
Constance Stark	"	
Harriet Stark	"	
Carol Ferguson	"	
Ellen Stark	755	" "
Edith Stark	755	" "
Ethel Stark	"	
Margaret E. Stark	755	207 F
Elizabeth Stark	"	
Edith Stark	755	
Edith Stark	"	
Edith Stark	755	
Edith Stark	"	
Edith Stark	755	
Edith Stark	755	
Edith Stark	755	
Edith Stark	755	207 F
John D. Lane	755 SATURN	202-F
Madelaine E. Lane	"	"
Leo Janzowski	"	102 F
Marian Janzowski	"	102 F
Pauline Janzowski	"	
Thomas J. Parker	"	
Celia Parker	"	
Edith Parker	105C	755 Saturn St
Mary E. Parker	105C	755 Saturn St
Harriet Parker	102A	755 Saturn Street
Edith Parker	"	
Edith Parker	206F	755 Saturn
Edith Parker	755	Saturn St 106F
Edith Parker	755	Saturn St 106F

R 84 **473**
BOOK 334 360

