

Instrument Prepared By  
and Return to:

Christina Bilenki, Esq.  
Dunay, Miskel & Backman, LLP  
14 SE 4<sup>th</sup> Street, Suite 36  
Boca Raton, FL 33432

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**DECLARATION OF UNITY OF CONTROL**

THIS DECLARATION OF UNITY OF CONTROL ("Declaration") is made this 27 day of March, 2019, by CLERMONT REALTY LLC, a New York limited liability company, and NEWTOWN HALL LLC, a New York limited liability company, and 40TH STREET LLC, a New York limited liability company, and WHITNEY 1 LLC, a New York limited liability company (collectively referred to herein as "Declarant"). Declarant is the fee simple owner of property identified by folios 4842 2419 0010, 4842 2419 0012, 4842 2419 0220 and 4842 2419 0060, and as further described herein as Exhibit "A" (herein referred to as the "Subject Property"), which is located in the City of Pompano Beach, Florida. Declarant does hereby make the following declaration of conditions, limitations, and restrictions on said lands, hereinafter to be known and referred to as a "Declaration of Unity of Control," as to the following particulars

1. **Unified Control.** The aforesaid plot or combination of separate lots, plots, parcels acreage, or portions thereof shall hereinafter be regarded and is hereby declared to be under unified control such that:

- a. The portion of the Subject Property as described herein as Exhibit "B" ("Outparcel Property") shall be developed in substantial conformity with the site plan and development order approved as Planning & Zoning No. 18-12000002 and Exhibit "C" attached hereto and incorporated herein by reference (the "Site Plan") and, together with the balance of the Subject Property, shall be considered an undivided parcel for zoning purposes.
- b. Declarant shall not convey any portion of the Subject Property to other parties unless and until the Declarant has executed and recorded a separate Declaration of Restrictions which provides that the Subject Property shall be bound by the requirements of the Site Plan, and easement documents which shall, among other things, provide:
  - i. For appropriate easement over the private roads and accessways to provide vehicular and pedestrian ingress and egress between and among each of the uses constructed or to be constructed within the Subject Property; and
  - ii. For appropriate easements for parking, drainage and other shared infrastructure within the Subject Property between and among each of the uses constructed or to be constructed upon the Shared Property.

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2. **Covenant Running with the Land.** This Declaration on the part of the Declarant shall constitute a covenant running with the title to the Subject Property and shall remain in full force and effect and be binding upon the undersigned Declarant, and its heirs, successors and assigns unless and until the same is modified or released by the City of Pompano Beach Development Services Director.
3. **Term.** This Declaration is to run with title to the Subject Property and shall be binding upon the Subject Property for a period of thirty (30) years from the date this Declaration is recorded in the public records of Broward County, after which time it shall be extended automatically for successive periods of ten (10) years each, unless modified, amended or released as provided herein.
4. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Subject Property, or any portion thereof, by a written instrument executed by the Declarant and the City of Pompano Beach, as provided in Paragraph 2 above.
5. **Enforcement.** The Declarant on behalf of itself and its heirs, successors and assigns to the Subject Property, hereby acknowledges and agrees this Declaration may be enforced by the City by injunctive relief. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such attorneys' fees as the Court may adjudge to be reasonable. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
6. **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
7. **Recording.** This Declaration shall be filed of record in the public records of Broward County, Florida.
8. **Restriction and Encumbrances.** Noting contained herein is intended to prevent or inhibit the recordation of a Declaration of Covenant against the Subject Property, nor is this Declaration of Unity of Control intended to prevent or inhibit the imposition of mortgages or other encumbrances upon all or a portion of the Subject Property.

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IN WITNESS WHEREOF, this instrument is executed on the day and year first written below.

Signed, sealed and delivered in the presence of:



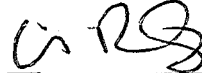
Printed Name: Cassandra Webb



Printed Name: Cynthia Partridge

Declarant

CLERMONT REALTY LLC

BY: 

Print Name: Chris Partridge

Print Title: Manager

STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 2019, by Christopher Partridge, the owner (title) of CLERMONT REALTY LLC on behalf of the corporation. He/She personally appeared before me, is personally known to me or produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Notary: \_\_\_\_\_  
Print Name: Jessica Lower  
Notary Public, State of Florida  
My Commission expires: 9/6/22

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4/4/23

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8/2/2022

Signed, sealed and delivered in the presence of:

*Kenneth D. Mount*

Printed Name: Kassim M. Mordoh

*Charles E. Smith*

Printed Name: Cynthia Pettridge

**Declarant**

**NEWTOWN HALL LLC**

BY: W. R. S.

BY: W. 108  
Print Name: Chris Partidge

Print Title: Manager

STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 2019, by Christopher Parmidge the Owner (title) of NEWTOWN HALL LLC on behalf of the corporation. He/She personally appeared before me, is personally known to me or produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Notary: \_\_\_\_\_

Print Name: Jessica Lower

Notary Public, State of Florida

My Commission expires: 9/6/22

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Signed, sealed and delivered in the presence of:

Printed Name:

Printed Name: Cynthia Cartridge

**Declarant**

**40TH STREET LLC**

BY:

Print Name:

Print Title:

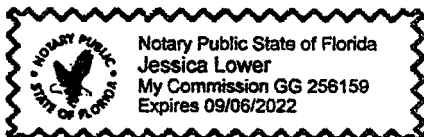
STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 21<sup>th</sup> day of March, 2019, by Christopher Partridge, the owner (title) of 40TH STREET LLC on behalf of the corporation. He/She personally appeared before me, is personally known to me or produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Notary:

Print Name: JESSICA WINTER

Notary Public, State of Florida

My Commission expires: 9/10/27

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4/4/23

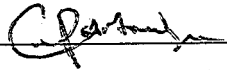
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8/2/2022

Signed, sealed and delivered in the presence of:



Printed Name: Kristina M. West



Printed Name: Cynthia Feltz

Declarant

WHITNEY 1 LLC

BY: Chris P. Pardo

Print Name: Chris Pardo

Print Title: Manager

STATE OF FLORIDA )

) SS:

COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of March, 2019, by Christopher Pardo, the Owner (title) of WHITNEY LLC on behalf of the corporation. He/She personally appeared before me, is personally known to me or produced \_\_\_\_\_ as identification.

[NOTARIAL SEAL]



Notary: \_\_\_\_\_  
Print Name: Jessica Lower  
Notary Public, State of Florida  
My Commission expires: 9/6/22

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4/4/23

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8/2/2022

EXHIBIT A

Legal Description of Subject Property

Lots 1 and 2 and the East 33 feet of Lot 17, TOGETHER WITH Lots 18, 19 and 20, Block 1, and Parcel "A", LESS the North 15 feet of said Parcel "A", CRESTHAVEN NO. 9 RE-PLAT, according to the Plat thereof recorded in Plat Book 46, Page 1, of the Public Records of Broward County, Florida; AND LESS that part of said Parcel "A" which is included in the external area formed by a 25 foot radius arc, which is tangent to the West line of said Parcel "A" and tangent to a line 15 feet SOUTH of and parallel to the North line of said Parcel "A"; AND LESS that part of said Parcel "A" which is included in the external area formed by a 25 foot radius arc, which is tangent to the East line of said Parcel "A" and tangent to a line 15 feet South of and parallel to the North line of said Parcel "A".

LESS AND EXCEPT THEREFROM those lands conveyed to Broward County by Warranty Deed recorded October 15, 1997 in Official Record Book 27143, Page 282; FURTHER LESS AND EXCEPT those lands contained in Parcel No. 108 as described in County Deed recorded August 14, 1997 in Official Record Book 26853, page 991; AND FURTHER LESS AND EXCEPT those lands conveyed to Broward County by Warranty Deed recorded May 13, 1997 in Official Record Book 26416, Page 92.

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5 No. 9 Re-Plat, recorded in Plat Book 46, Page 1; as affected by Agreement recorded February 12, 1909 in Official Records Book 29232, Page 001

- FLOOD NOTE

Investment Limited Partnership and Bee Bath & Beyond Inc. recorded August 31, 2004 in Official Record Book 30110, Page 1021.

- [illegible]

1998



AND PROPERTY CONTAINS AN AREA OF 22.111 ACRES (903,152 SQUARE FEET)

- [illegible]

Estimated from a 36-foot radius arc, which is tangent to the East line of said Parcel "A," including the area paralleled off in block no. 2, fig. 7, of the 5000 record as shown on the plat attached to said block no. 2, fig. 7, of the 5000 record.

LESS AND EXCEPT THEREFROM those lands conveyed to Howard County by Warranty Deed recorded October 11, 1897 in Official Record Book 27,144, Page 232; THURMONT LESS AND EXCEPT those lands contained in Parcel No. 108 as described in County Deed recorded August 14, 1897 in Official Record Book 28,853, Page 991; AND PLATTED LESS AND EXCEPT those lands conveyed to Howard County by Warranty Deed May 13, 1897 in Official Record Book 26,616, Page 82.

**Shopper's Haven**  
B&C Project No. 201603289, 001  
3569 North Federal Highway, Pompano Beach, FL

**BASED UPON TITLE COMMITMENT NO. 6934847  
OF PUBLIC RECORDS BOOK 10, PAGE 10  
BEARING AN EFFECTIVE DATE OF NOVEMBER 4, 2016 @ 8:00 A.M.**


ALSO:  
I, MARK G. LEIST, HEREBY CERTIFY  
THE STANDARDS OF PRACTICE FOR  
OF LAND SURVEYORS, PURSUANT  
FLORIDA ADMINISTRATIVE CODE.

MARK Q. LEIST  
REGISTRATION NO. PSM 6636  
IN THE STATE OF FLORIDA  
DATE OF FIELD SURVEY: SEPTEMBER 8, 2016  
DATE OF LAST REVISION: NOVEMBER 17, 2016  
NETWORK PROJECT NO. 201603289-1

8111 BLAINE COURT, SUITE B  
SARASOTA, FL 34240  
PHONE: (800) 787-8395 FAX: (941) 376-3083  
EMAIL: NAVJINDER@BOCCANDCLARK.COM  
THIS SURVEY IS CERTIFIED TO DATE OF FIELD SURVEY, NOT DATE OF SIGNATURE, NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. SHEET 1

**Bock & Clark**  
EMBEDDING/ASSESSMENT  
SURVEY/CONSULTING

**National Coordinators**  
**1-(800)-SURVEYS (787-8399)**  
Bock & Clark Corporation  
3550 W. Market Street, Suite 200, Akron, Ohio 44333  
mayweather@bockandclark.com  
www.bockandclark.com



The image displays two side-by-side examples of a red 'AAC' stamp. Each stamp is positioned over a document header that includes a date and an ID number. The left stamp is dated 4/4/23 and the right stamp is dated 8/2/2022. Both stamps are identical in appearance, featuring the letters 'AAC' in a bold, red, sans-serif font.

Stamp Date	Stamp ID
4/4/23	PZ21-12000004
8/2/2022	PZ21-12000004

EXHIBIT B

Legal Description of Outparcel Property

A portion of Parcel "A", CRESTHAVEN NO. 9 RE-PLAT, according to the Plat thereof recorded in Plat Book 46, Page 1, of the Public Records of Broward County, Florida, being more particularly described as follows:

Commencing at the Northeast corner of said Parcel "A"; thence South 06°51'36" West along the East line of said Parcel "A", for 282.73 feet; thence South 88°45'57" West 2.02 feet to the Point of Beginning; thence South 06°51'36" West along a line lying 2.00 feet west of said East line of Parcel "A", also being the West right-of-way line of North Federal Highway (U.S. No. 1) as depicted by Official Records Book 26416, Page 92 of said Public Records 256.80 feet; thence North 83°11'39" West 99.78 feet; thence North 59°07'01" West 59.86 feet; thence North 38°45'30" West 65.07 feet to the beginning of a non-tangent curve concave Northeasterly from which a radial line bears North 65°13'49" East; thence Northwesterly and Northerly along the arc of said curve to the right, having a radius of 400.00 feet and a central angle of 23°07'27", an arc distance of 161.44 feet; thence North 88°45'57" east 258.55 feet to the Point of Beginning.

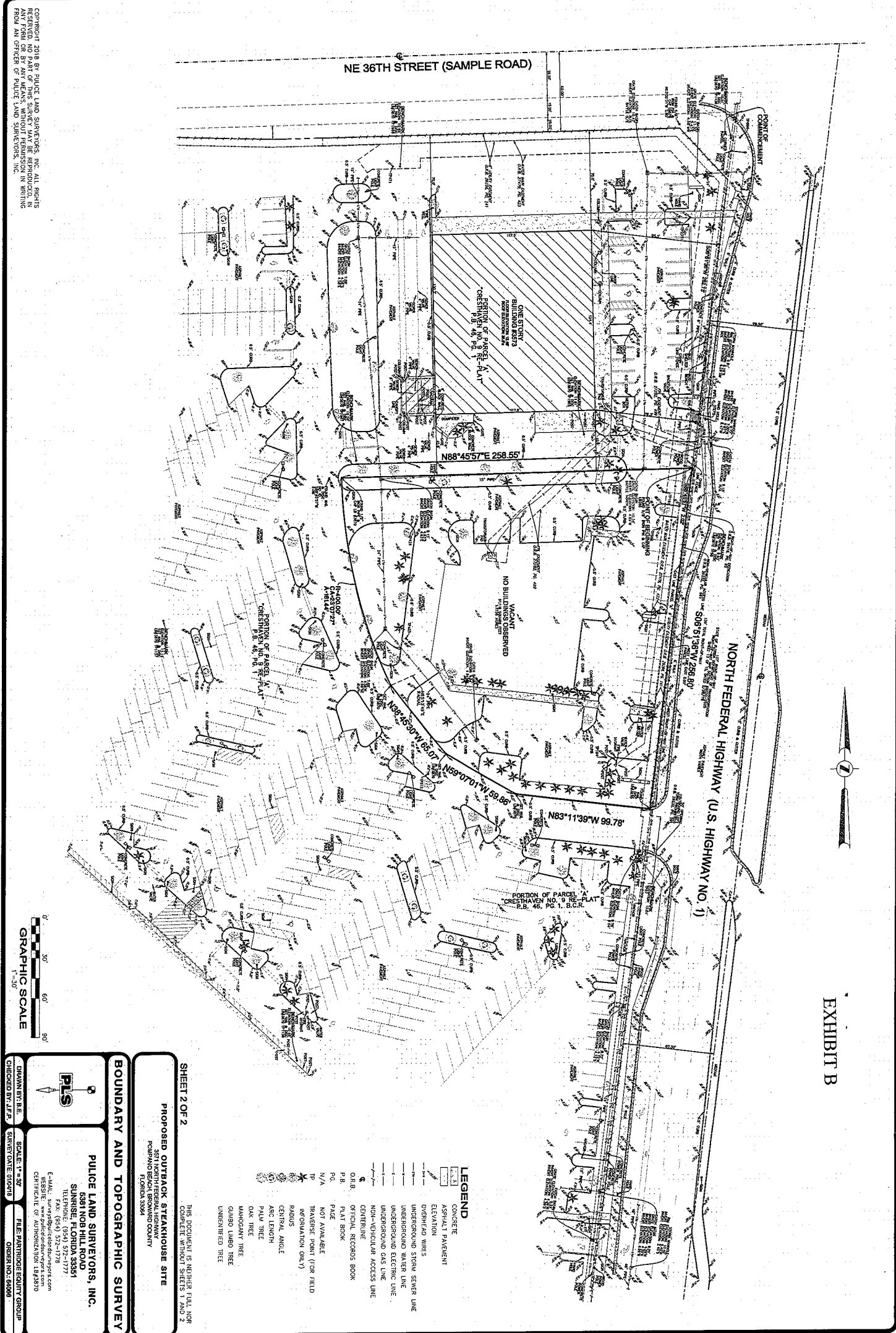
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EXHIBIT C



# DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director  
E: david.recor@copbfl.com | P: 954.786.4664 | F: 954.786.4504

December 12, 2018

PZ 18-02000224

Christina Bilenki, Esq.  
Dunay, Miskel, & Backman, LLP  
14 S.E. 4th Street, Suite 36  
Boca Raton, FL 33432

Exhibit C 1 of 12

RE: Outback at Shopper's Haven - Minor Deviation  
3301 N Federal Hwy and 3571 N Federal Hwy

Dear Mrs. Bilenki,

The City has received your letter and plans seeking a Minor Deviation from the site plan approved by the Planning and Zoning Board (PZB) on September 26, 2018 (Site Plan PZ no. 18-12000002). The applicant obtained approval from the Board to construct a new 6,697 sq. ft. restaurant on an existing outparcel in the Shopper's Haven Shopping Center.

According to the letter and plans you have submitted, the requested Minor Deviation proposes to amend configuration of the main entrance from Federal Highway, which is located on the south end of the proposed restaurant development (See **Exhibit A, B and C**, attached to this letter). Section 155.2407. H. [Minor Deviations] of the City's Code of Ordinances provides that certain deviations to an approved Site Plan may be approved by the Development Services Director as follows:

*Subsequent applications for a Zoning Compliance Permit, or other development permits reviewed under this Code, for development authorized by a development order for a Site Plan, may include minor deviations from the approved plans and conditions without the need to amend the Site Plan. Such deviations, however, are limited to changes that the Development Services Director determines would not:*

1. Increase or significantly decrease the density of residential development;
2. Increase or decrease the number of building stories;
3. Materially alter the drainage, streets, or other engineering design;
4. Adversely impact the management of stormwater quality or stormwater quantity;
5. Substantially affect the terms of the original approval;
6. Result in significant adverse impacts on the surrounding properties or the city at large; or
7. Increase or significantly decrease the intensity of nonresidential development that affects the overall character of the project.

It is staff's determination that the proposed changes are made only to configuration of the main entrance in the shopping center and does not significantly affect the overall character of the project or result in significant adverse impacts on the surrounding properties. Furthermore, the requested Minor Deviation does not include an increase of the building area (intensity) nor does it materially alter the development.

Be advised that the Development Order of the site plan is valid, and conditions in the Order must be addressed for Zoning Compliance Permit approval (enclosed as **Exhibit D**).

G:\Zoning 2009\Site Plans\2018\18-12000002 Shoppers Haven - Outback Rest\Post Decision Action\18-02000224 Post Decision Action\_Minor Deviation.docx

[pompanobeachfl.gov](http://pompanobeachfl.gov)

100 West Atlantic Boulevard | Pompano Beach, FL 33060 | Phone: 954-786-4600

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4/4/23

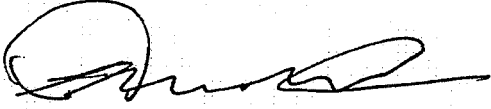
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Based on staff's determination that the nature of changes to the main entrance configuration do not constitute an amendment to the site plan pursuant to Section 155.2407. H. [Minor Deviations], therefore the Minor Deviation is approved as requested.

Please feel free to contact me directly if you have questions or need additional information.

Respectfully,



David L. Recor, ICMA-CM  
Director of Development Services

Exhibit C 2 of 12

G:\Zoning 2009\Site Plans\2018\18-12000002 Shoppers Haven - Outback Rest\Post Decision Action\18-02000224 Post Decision Action\_Minor Deviation.docx

[pompanobeachfl.gov](http://pompanobeachfl.gov)

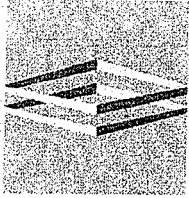
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8/2/2022



**DUNAY  
MISKEL  
BACKMAN** LLP

Gary Dunay  
Bonnie Miskel  
Scott Backman  
Hope Calhoun  
Dwayne Dickerson

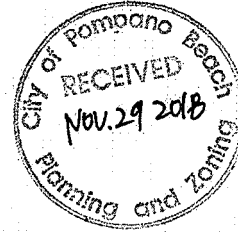
Ele Zachariades  
Matthew H. Scott  
Christina Bilenki  
Heather Jo Allen  
Lauren G. Odom

November 26, 2018

**EXHIBIT A**

Jae Eun Kim, Planner  
Planning & Zoning, Development Services Department  
City of Pompano Beach  
100 W Atlantic Boulevard  
Pompano Beach, FL 33060

Exhibit C 3 of 12



**Re: Modification to Site Plan #18-12000002**

Dear Ms. Kim,

WHITNEY LLC, 40TH STREET LLC, NEWTOWN HALL LLC, and CLERMONT REALTY LLC (collectively referred to herein as "Petitioner") are the owners of the +/- 20.2 acre property located at 3301-3571 N Federal Highway, which is generally located on the southwest corner of Sample Road and North Federal Highway ("Property") in the City of Pompano Beach ("City"). The Property is designated Commercial on the City's Land Use Map and is zoned B-3, General Business. The Property is currently developed with a +/- 200,376 square foot shopping center known as Shopper's Haven that includes Winn-Dixie, Bed Bath & Beyond, Youfit, Party City and Bealls, among other smaller retail and service establishments ("Shopping Center"). On the east side of the Property, adjacent to Federal Highway and south of the existing Walgreens, Petitioner recently demolished a +/- 6,600 square foot building that was formerly a restaurant.

On September 26, 2018, the City's Planning and Zoning Board approved Site Plan application #18-12000002 to allow for the redevelopment the area of the former restaurant with a vibrant, new +/- 6,697 square foot Outback Steakhouse restaurant ("Project"). The Project includes a brand new, modern restaurant building and significant landscape improvements in the affected area. The new restaurant development will also enhance the appearance of the Shopping Center from Federal Highway with the addition of this attractive new development and will help spark future redevelopment in the area.

As part of the original approval for the Project, Petitioner proposed reconfiguration of the main entrance from Federal Highway, adjacent to the proposed Outback Steakhouse. The arrangement of parking stalls and parking aisles in the vicinity of this entrance were also modified to accommodate the reconfigured access. More specifically, the main access from Federal Highway and just south of the proposed Outback restaurant was originally proposed to have a traffic circle internal to the property that would guide vehicles north towards the proposed Outback and existing Walgreens, southwest towards the main retail area or east for vehicle to exit the Shopping Center back onto Federal Highway. The parking areas closest to the south and west portions of the reconfigured drive aisles were also modified to accommodate this reconfiguration. While Petitioner still intends to modify the access and improve circulation on the Property, it has been determined that these improvements would be better suited as part of the larger

14 S.E. 4th Street, Suite 36, Boca Raton, FL 33432 Tel: (561) 405-3300 Fax: (561) 409-2341 www.dmbblaw.com

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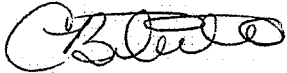
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scale improvements Petitioner is planning for the Shopping Center in the near future. As such, Petitioner is seeking an administrative modification to the site plan approval to retain the current access configuration from the main point of ingress and egress off North Federal Highway. Through the proposed modification, the terminal parking islands of two (2) parking aisles will be improved, while the remaining access and parking areas will remain in their current condition. The modification proposes no significant changes to the development parcel with the approved Outback.

Should you have any questions or require additional information, please do not hesitate to contact me at 561-405-3323.

Sincerely,



Christina Bilenki, Esq.  
*Dunay, Miskel & Backman, LLP*

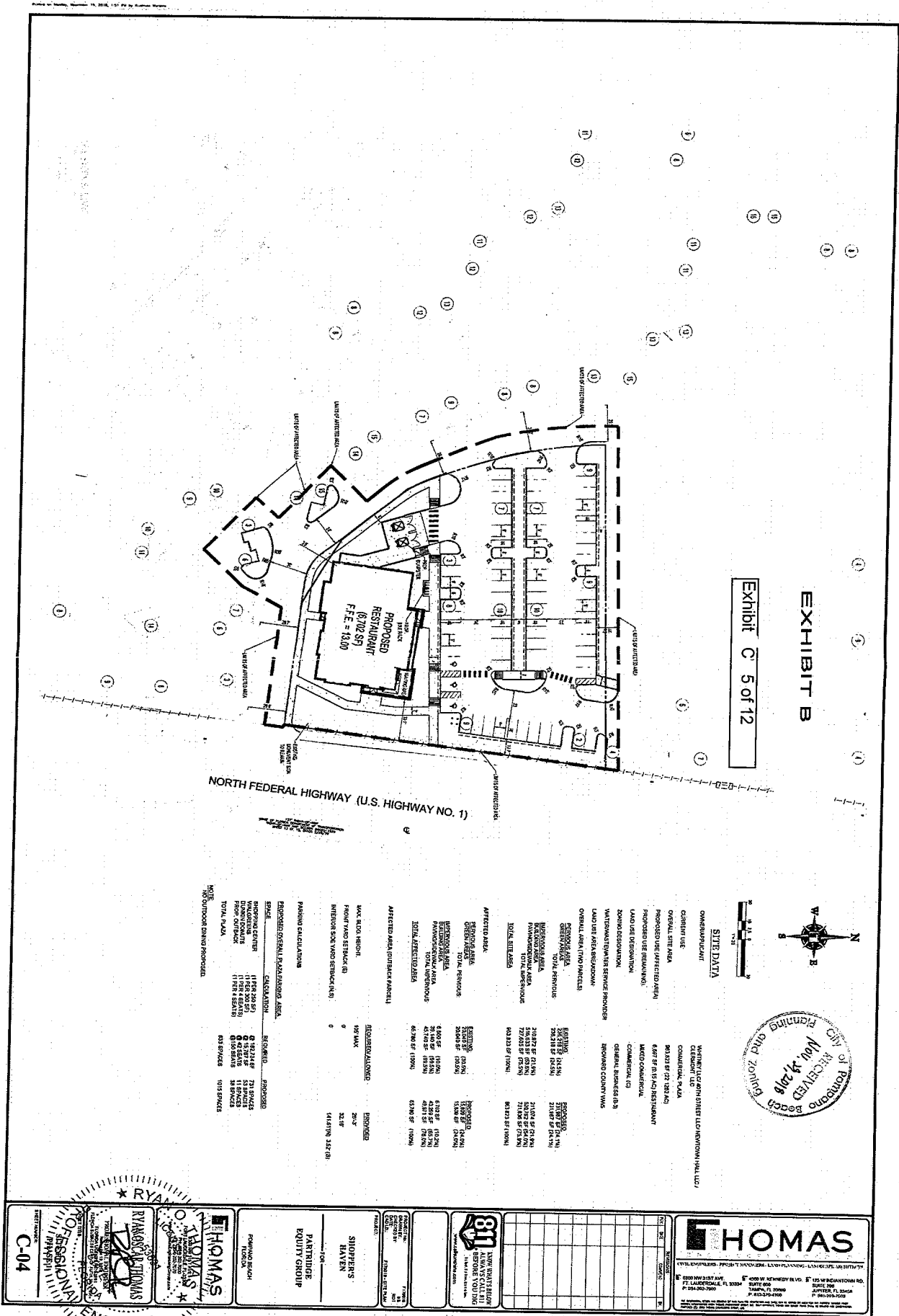
Exhibit C 4 of 12

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8/2/2022



CITY OF POMPANO BEACH  
BROWARD COUNTY  
FLORIDA

EXHIBIT D

DEVELOPMENT ORDER

1 of 6

PLANNING AND ZONING NO. 18-12000002

Exhibit C 7 of 12

A DEVELOPMENT ORDER ISSUED BY THE PLANNING AND ZONING BOARD (LOCAL PLANNING AGENCY) OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, PURSUANT TO CHAPTER 155 OF THE CODE OF ORDINANCES; APPROVING WITH CONDITIONS THE APPLICATION FOR DEVELOPMENT PERMIT FOR THE CITY OF POMPANO BEACH.

WHEREAS, Section 155.2407, of the Code of Ordinances, defines the specific application for Development referenced above as a Major Site Plan Review; and

WHEREAS, Section 155.2204, of the Code of Ordinances, authorizes the Planning and Zoning Board (Local Planning Agency) to review and issue a final development order with respect to the Applicant's request to construct a new 6,697 sq. ft. restaurant on an existing outparcel on the Shopper's Haven shopping center site (Project). The Project encompasses the following properties: 3571, 3151, 3301, 3305, 3311, 3313, 3321, 3329, 3333, 3359, 3401, 3415, 3435, 3439, 3445, 3449, 3459, 3501, 3505, 3509, 3517, 3521, 3525, 3529, 3541, 3555, 3559, 3563, 3571, 3573 N Federal Highway and 1769, 1777, 1785 NE 33 Street; which are more specifically described as follows:

LOTS 1 AND 2 AND THE EAST 33 FEET OF LOT 17, TOGETHER WITH LOTS 18, 19 AND 20, BLOCK 1, AND PARCEL "a", LESS THE NORTH 15 FEET OF SAID PARCEL "A", CRESTHAVEN NO. 9 RE-PLAT, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 46, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND LESS THAT PART OF SAID PARCEL "A" WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY 25 FOOT RADIUS ARC, WHICH IS TANGENT TO THE WEST LINE OF SAID PARCEL "A" AND TANGENT TO A LINE 15 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID PARCEL "A", AND LESS THAT PART OF SAID PARCEL "A" WHICH IS INCLUDED IN THE EXTERNAL AREA FORMED BY A 25 FOOT

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DEVELOPMENT ORDER  
Planning and Zoning Board/Local Planning Agency  
Planning and Zoning No. 18-12000002  
Page 2

Exhibit C 8 of 12

2 of 6

RADIUS ARC, WHICH IS TANGENT TO THE EAST LINE OF SAID PARCEL "A" AND TANGENT TO A LINE 15 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID PARCEL "A". LESS AND EXCEPT THEREFROM THOSE LANDS CONVEYED TO BROWARD COUNTY BY WARRANTY DEED RECORDED OCTOBER 15, 1997 IN OFFICIAL RECORDS BOOK 27143, PAGE 282; FURTHER LESS AND EXCEPT THOSE LANDS CONTAINED IN PARCEL NO. 108 AS DESCRIBED IN COUNTY DEED RECORDED AUGUST 14, 1997 IN OFFICIAL RECORDS BOOK 26853, PAGE 991; AND FURTHER LESS AND EXCEPT THOSE LANDS CONVEYED TO BROWARD COUNTY BY WARRANTY DEED RECORDED MAY 13, 1997 IN OFFICIAL RECORDS BOOK 26416, PAGE 92.

WHEREAS, the Development Review Committee has met to review this Project and has provided the Applicant with written comments; and

WHEREAS, the Application for Development Permit is not in compliance with the applicable standards and minimum requirements of this Code, but the developer has agreed in writing that no building permit will be issued until those conditions the Development Services Director finds reasonably necessary to insure compliance are met; and

WHEREAS, copies of the survey and final site plan are on file with the Department of Development Services, stamped with the meeting date of September 26, 2018.

**IT IS THEREFORE ORDERED** by the Board that the requested Major Site Plan Application for the above Project is hereby **GRANTED**, with the following conditions to which the Applicant has agreed to comply with:

**Obtain approval and revise affected plans to address the following issues prior to Zoning Compliance Permit approval:**

1. The proposed development requires a Unity of Title or an equivalent legal document for both the subject property and the shopping center, pursuant to §155.2401.C.
2. Provide the required 30 ft. rear yard setback for the building and the required five (5) ft. yard setback for the dumpster enclosure or successfully obtain a Unity of Title or an equivalent legal document.
3. Pursuant to §155.5102.D.5, the number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required. Revise plans accordingly or successfully obtain a Unity of Title or an equivalent legal document.

LG  
10/10/18

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4/4/23

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8/2/2022

## DEVELOPMENT ORDER

Planning and Zoning Board/Local Planning Agency

Planning and Zoning No. 18-12000002

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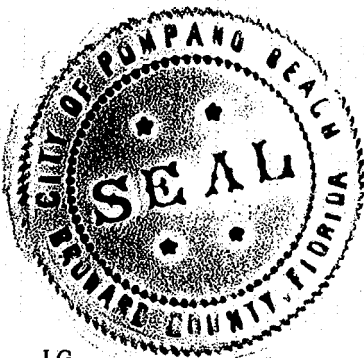
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4. Structures are prohibited in any easements unless specified in §155.4403. Relocate the building accordingly or obtain an easement vacation successfully.
5. Provide evidence that the project will achieve at least twelve sustainable development points, pursuant to §155.5802. B, Sustainable Development Options and Points.
6. Provide the CPTED Plan approved by the Broward Sheriff's Office and illustrate the CPTED features on building elevations for inspection purposes, as shown on the Plan.
7. Illustrate locations of light fixtures with a 15 ft. radius circle centering on the light fixture on the landscape plan to verify conflicts with tree trunks, pursuant to §155.5203.B.2.g. Relocate light fixtures that are within 15 ft. of a tree.
8. Ensure that wall packs on buildings and upwardly-directed lighting illuminating building facades are in accordance with §155.5401.G & I, and provide a cut-sheet or product information for proposed light fixtures.
9. Revise both building facades as follows or seek vernacular or superior design alternative approval, pursuant to §155.2408, Vernacular Alternative:
  - a. Demonstrate at least 30 percent of windows or doorways at the ground-level of the street-facing facade as measured from the grade to the top of the parapet, pursuant to §155.5602.C.7.a.
  - b. Demonstrate transparency of all ground level windows on street-facing facades on elevations. Mirrored or heavily tinted glass that prevents views into the building is prohibited on street-facing front building facades, pursuant to § 155.5602.C.7.b.
  - c. Revise parapet walls to have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane, pursuant to § 155.5602.C.8.b.
10. Provide an actual material board with paint color and actual samples for inspection purposes.
11. Remove signs not facing a public right-of-way and note that sign requires a separate permit.
12. All mechanical equipment shall be screened, pursuant to §155.5301. A.

Be advised that pursuant to Section 155.2308(B)(1) of the Pompano Beach Code of Ordinances, this DEVELOPMENT ORDER shall expire if a Zoning Compliance Permit is not obtained within two years.

Heard before the Planning and Zoning Board/Local Planning Agency and Ordered this 26<sup>th</sup> day of September, 2018.



LG  
10/10/18

Fred Stacer  
Chairman  
Planning and Zoning Board/Local Planning Agency

AAC

PZ21-12000004  
4/4/23

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PZ21-12000004  
8/2/2022

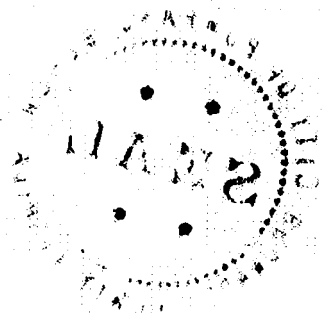
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Filed with the Advisory Board Secretary this 11 day of October, 2018.

  
Lauren Gratz  
Zoning Technician



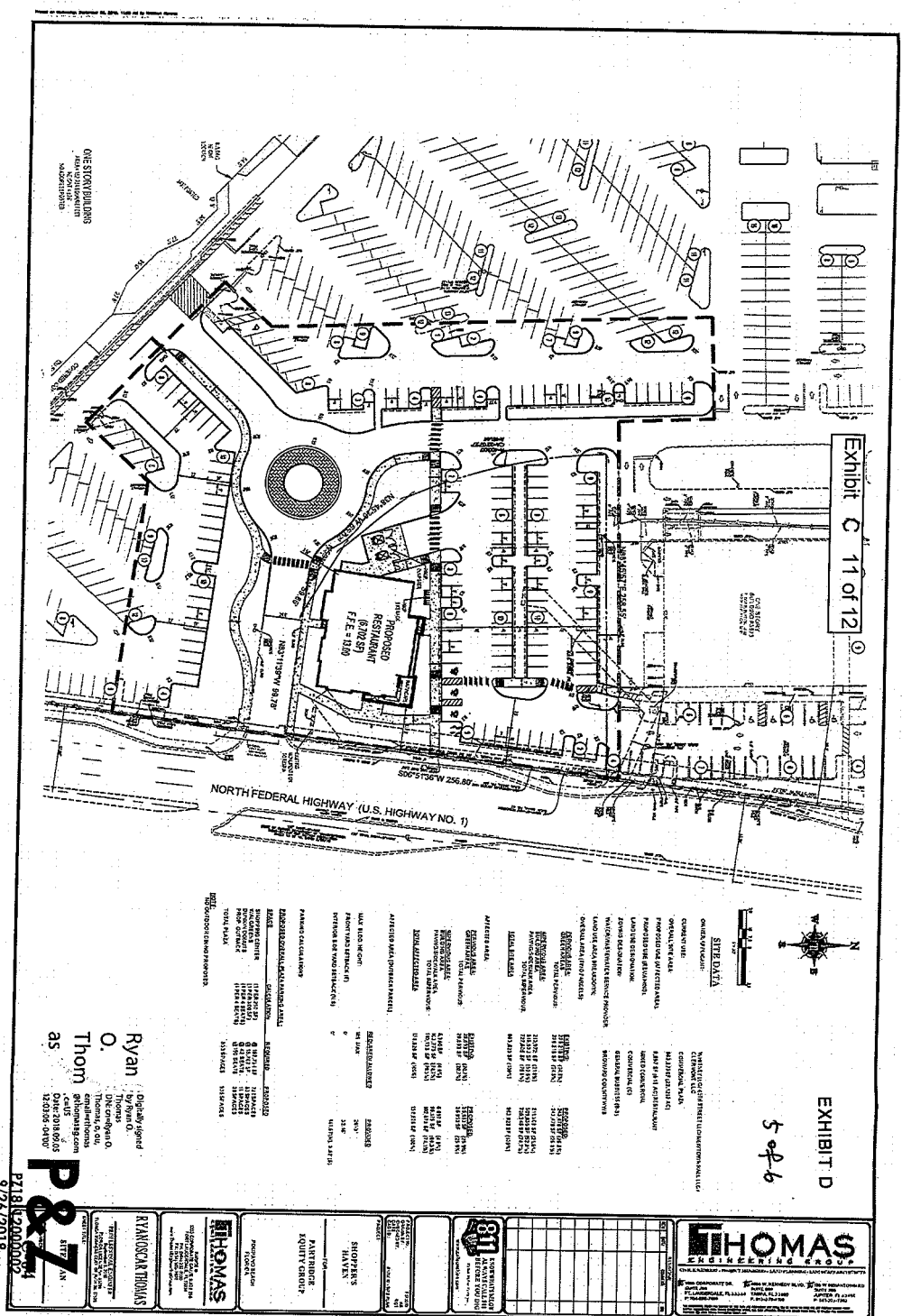
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