

ORDINANCE NO. 54

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AMENDING ORDINANCE NO. 46. LAND DEVELOPMENT REGULATIONS. AS AMENDED BY ORDINANCE NO. 50 AT SECTION 1.05. DEFINITIONS. BY REPEALING DEFINITION NUMBER (266) VARIANCE. AND REPLACING IT WITH A REVISED DEFINITION; AMENDING SECTION 10.01. ADMINISTRATIVE REGULATIONS. BY AMENDING SUB-SECTION 10.02.1 TO PROVIDE FOR THE DESIGNATION OF THE VILLAGE LOCAL PLANNING AGENCY AND ADOPTING AN ENTIRELY NEW SECTION TO BE NUMBERED 10.041. AND ENTITLED "VARIANCES"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF ORDINANCE NO. 46. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Golf has developed a unique residential character over the past forty (40) years which is based on the harmonious relationship between residences and the natural environment, including the open space of the Golf Course; and

WHEREAS, the Village Council of the Village of Golf, Florida has adopted land development regulations and design guidelines to preserve the unique character of this community; and,

WHEREAS, as redevelopment occurs within the Village, circumstances may exist which would prevent property owners from improving their property in strict compliance with said regulations and guidelines, although said improvements may be in keeping with the character and scale of the Village; and

WHEREAS, the Village Council of the Village of Golf, Florida desires to amend its Land Development Regulations to provide for a procedure to process requests for variances in these situations and to codify the designation of the Village Council as the Village's Local Planning Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1.: Ordinance No. 46. is hereby amended at Section 1.05. Definitions. by repealing and readopting definition number 266. Variance. to read as follows:

(266) Variance. A variance is a deviation from the district requirements of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the physical characteristics of that particular property and not the result of the actions of the owner, agent, or applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Section 2.: Ordinance No. 46. is hereby amended at Section 10.01. Administrative Regulations. by repealing section 10.02 and readopting it as revised along with an entirely new section 10.041 to read as follows:

Section 10.02. General Provisions.

1. No land in the Village of Golf shall be used for any purposes other than those purposes set forth in this code.
  - a. All proposed land development regulations or amendments thereto shall be reviewed by the Village's Local Planning Agency.
  - b. The Village Council is hereby designated as the Village's Local Planning Agency pursuant to Chapter 163.3174, Florida Statutes, and shall perform all duties as prescribed in Chapter 163.3174(4), Florida Statutes.

Section 10.03 – 10.04 (Shall remain the same as previously adopted.)

Section 10.041. Variances.

The Village Council shall have the duty and authority to hear applications for variances as set forth herein and make a final determination on said applications. When an application for variance is submitted to the Village, such application shall first be submitted to the Village Manager and Building Official for recommendation to the Village Council. Upon determination by the Village that the application is complete, a public hearing shall be held by the Village Council on said application.

- (A) *Standards.* In considering a variance application, the Village Council must consider that variances may only be permitted where there are unusual and practical difficulties in carrying out the provisions of this ordinance due to an irregular shape of the lot, topographical irregularities, or other specific site conditions. The Village Council shall consider, whether, owing to these special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Village Council must find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and that these conditions and/or circumstances are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;

3. The granting of the variance requested will not confer upon the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
4. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
6. The grant of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(B) *Conditions of Approval.* When approving applications for variance, the Village Council may prescribe appropriate conditions and safeguards in conformity with this code. A final determination to approve, to approve with conditions, or to deny the variance shall be made by the Village Council at the public hearing and a written order shall be issued within ten (10) days of the hearing date.

(C) *Notice Requirements.* Due public notice as herein required shall be deemed sufficient when a notice is published once in a newspaper of general circulation within the Village, approximately ten (10) days before the public hearing date. A copy of such notice shall be provided to all owners of property within a 300-foot radius of the boundary lines on the property for which the variance is requested. The notice shall state the substance of the request and the time and place for the public hearing before the Village Council. Any party may appear in person or by agent or attorney at the public hearing.

Additionally, the Village Clerk shall mail a copy of said application to:

7. President of The Country Club of Florida
8. President of the Village of Golf Homeowner's Association

No application shall be heard less than ten (10) days after the provision of notice to property owners directly affected as herein required, and all applications will be heard at regular meetings of the Village Council unless otherwise ordered by the Council and duly advertised.

(D) *Violations; time limitations.* Violations of such conditions and safeguards as prescribed by the Village Council when made a part of the terms under which the

variance is granted, shall be deemed a violation of this section and the variance shall be considered void. Variances shall become void if not exercised within six (6) months of the date granted. Before this six (6) month period has expired, the applicant may make a written request to the Village Council for an additional six (6) month's extension. Any further extensions of time shall require a new application to be processed as a new case. If the variance is denied, no new application for the same request may be submitted for a period of one (1) year.

(E) *Application process for variances; filing fee.* A written application for variance shall be submitted in a form provided by the Village including a statement from the applicant as to why the variance is requested, indicating the section of the zoning code from which relief is sought, and how the request meets the six (6) standards set forth in section (A) above. The applicant shall also submit the following:

a. One (1) original and eight (8) copies of the application for variance package to include, along with the application form:

i. a development concept plan or site plan on one or more sheets of paper measuring not more than 24" x 36" and drawn to a scale not smaller than 100 feet to the inch. The following shall be provided on the plan:

1. scale, date, north arrow, vicinity sketch, title of project and total gross acreage;
2. the boundaries and dimensions of the property and its relationship to the surrounding road system including the width of the existing travelway (pavement);
3. the location and dimension of existing man-made features such as existing roads and structures with indication as to which are to be removed, renovated or altered;
4. the location of existing easements, section lines, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project;
5. the location and delineation of existing trees (properly identified) and information as to which trees will be removed.

ii. identification of the zoning of the petitioned site.

iii. a layout of the proposed lots and/or building sites including the following site data:

1. finished floor elevation
2. generalized landscaping and buffer areas
3. internal circulation patterns including off-street parking and loading facilities, if applicable
4. total project density
5. percentage of open space areas
6. the shape, size, location and height of all structures

iv. a traffic impact analysis, if required by the Village or its designated engineer, to include:

1. future right-of-way dedications
2. intersection improvements
3. traffic control devices
4. traffic generation analysis
5. distribution and assignment of traffic
6. additional roadway needs

v. the proposed phasing of construction for the project, if applicable.

vi. a legal description of the subject property.

vii. a drainage statement or drainage plan, if required by the Village or its designated engineer.

viii. for uses other than residential, the number of employees, hours or operation, estimated seating, and estimated number of users, the size location and orientation of signs.

ix. proposed lighting of the premises (commercial projects only).

b. A filing fee in an amount as established by resolution of the Village Council to defray costs of administering, processing, reviewing, and publishing notice of the application. Said fee shall not be refundable.

The Village Manager, Village Building Official or the Village Council may waive any of the foregoing items that are not relevant to the variance request.

Section 3.: Each and every other section and subsection of Ordinance No. 46 shall remain in full force and effect as previously adopted.

Section 4.: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5.: Should any section or provision of this Ordinance or any portion thereof, any paragraph sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

Section 6.: Specific authority is hereby given to codify this Ordinance.

Section 7.: This Ordinance shall take effect immediately upon second reading and final passage.

FIRST READING THIS 25<sup>th</sup> DAY OF OCTOBER, 2000.

SECOND AND FINAL READING THIS 29<sup>th</sup> DAY OF November, 2000.

PASSED AND ADOPTED THIS 29<sup>th</sup> DAY OF November, 2000.

☒ Aye ☐ Nay

☒ Aye ☐ Nay

☐ Aye ☐ Nay

☒ Aye ☐ Nay

☒ Aye ☐ Nay

Attest: Carol Marciano  
Village Clerk

VILLAGE OF GOLF

Michael E. Botos  
Mayor Michael E. Botos

Douglas K. Raborn  
Vice Mayor Douglas K. Raborn

John P. Ottaway, Jr.  
Treasurer John P. Ottaway, Jr.

Donald H. Gustafson  
Councilman Donald H. Gustafson

Erik E. Joh  
Councilman Erik E. Joh

(seal)

Approved as to form and  
legal sufficiency.

Paula White  
Village Attorney