

VILLAGE OF GOLF



Land Development Code

Ordinance No. 103
9/18/2013

Village of Golf
Land Development Code

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LAND DEVELOPMENT CODE

1.01 TITLE:

This manual shall be known as, cited as, and referenced to as the Village of Golf “Land Development Code”. It may, in subsequent sections, be referred to as the “Land Development Regulations” or the “Code”.

1.02 AUTHORITY:

The Village of Golf Land Development Code is adopted pursuant to Chapter 163, Part II, and 166 *Florida Statutes*, and Chapters 9J-5, and 9J-24, Florida Administrative Code.

1.03 FINDINGS:

The Village Council finds that:

- A. A unified set of administrative procedures for making all land use decisions promotes efficiency, equitability, and citizen participation and knowledge.
- B. All development proposals must undergo a development review process to assure compliance with the requirements of this Code, and the Village adopted Comprehensive Development Plan, which was determined to be “IN COMPLIANCE” by the State of Florida Department of Community Affairs on August 20, 2007; which became a Final Order on September 10, 2007.

1.04 PURPOSE AND INTENT:

The primary purpose of the Land Development Regulations is to implement the adopted Comprehensive Development Plan of the Village of Golf and said regulations must be consistent with the goals, objectives and policies of the approved Village Comprehensive Development Plan.

The objectives of this Land Development Code are to provide for the following: efficiency and economy in the process of development; appropriate and best use of land; preservation, protection, development and conservation of the natural resources of land, water, and air; availability of affordable housing and group homes in residential areas; healthful and convenient distribution of population; adequate public utilities and facilities; promotion of the civic amenities of beauty and visual interest; promoting the orderly development or redevelopment of residential land use through implementation of land use categories and provision of adequate open space; convenience of traffic and circulation of people; for the provision all land development regulations stated in Section 163.3202, *Florida Statutes*; and for development in accordance with the adopted Comprehensive Plan.

To accomplish these purposes, the Village Council has divided the entire Village into land use categories pursuant to the Land Use Element of the Village Comprehensive Development Plan, and within these land use designations may regulate, determine and establish:

- A. Height, number of stories, size, bulk, location, erection, construction, addition, repair, reconstruction, and alteration of structures;
- B. Use of buildings for trade, professional, residential and other purposes;
- C. Use of land and water for trade, professional, residential and other purposes;
- D. Size of yards and other open spaces;
- E. Percentage of lot that may be occupied;
- F. Density and intensity of development allowed;
- G. Conditions under which various classes of non-conformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of non-conforming uses and/or buildings;
- H. Use, type and size of structures in those areas subject to seasonable or periodic flooding and/or storm damage so that danger to life and property in such areas will be minimized; and
- I. Performance standards for use of property and location of structures thereon.

All such regulations shall be uniform throughout each land use classification, but the regulations in one land use category may differ from those in other land use categories. In or for each land use category designated for the location of commercial enterprises, residences or buildings designed for specific use, regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

1.05 DEFINITIONS:

- A. For the purpose of this code, the following words and phrases shall have the meanings respectively ascribed to them by this section:
- B. All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word “building” includes the word “structure” the word “shall” is mandatory and the word “person” includes a firm, corporation or municipal corporation as well as a natural person. The word “map” shall mean the “Official Land Use Map of the Village of Golf”. The term “Council” shall mean the Council of the Village of Golf and the word “Village” shall mean the Village of Golf, a municipal corporation of the State of Florida. The word “used” shall be deemed to include the words “arranged”, “designed” or

“intended to be used”, and the word “occupied” shall be deemed to include the words “arranged”, “designed” or “intended to be occupied”. Any word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization.

1. **Abutting.** Having a common border with, or being separated from such common border by, an alley or easement.
2. **Access.** The principal means of ingress and egress to property from a publicly dedicated right-of-way.
3. **Accessory Structure (appurtenant structure).** A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as that of the principal structure or use. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports and storage sheds.

[added; Ord. No 75; September 21, 2005]
4. **Accessory Use.** A use customarily incident and accessory to the principal use of land or building located on the same lot.
5. **Acre, Gross.** A tract of land consisting of forty-three thousand five hundred sixty (43,560) square feet. As it relates to density, it is the quotient of the total number of dwelling units divided by the overall size of a site in acres.
6. **Acreage.** That land lying within the village limits which has not been subdivided according to the records on file in the office of the Clerk of the Circuit Court, in and for the County of Palm Beach.
7. **Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
8. **Adjacent.** That which lies near or close to, not widely separated or necessarily touching.
9. **Adjoining.** That which is joined or united, actually touching.
10. **Advertising Structure.** Any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, device or other

advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed, or displayed, provided, however, that said term shall not include buildings.

11. **Alley.** A dedicated public right-of-way other than a street, which provides only a secondary means of access to abutting property, is not over twenty (20) feet in width and is not intended for general traffic circulation.
12. **Alteration.** Any modifications, additions, deletions, or change in construction, or change and arrangement in the structural parts of a building; whether by extending a side or by increasing or decreasing in height; or the moving from one location to another.
13. **Apartment.** Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other with their own separate cooking facilities in a building designed with separate entrances for each unit.
14. **Apartment, Efficiency.** A dwelling unit consisting of one (1) or two (2) rooms, other than a bathroom, providing cooking facilities.
15. **Appeal.** A request for a review of the Village's interpretation of any provision of this code, a request for a variance or a means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Code.
16. **Arcade:**
 - a. **Game/Video.** Any establishment, room, place or business location in which there are available to the public more than three (3) coin or token operated amusement devices which are coin or token operated or where a fee is charged for the operation of such devices.
 - b. **Structural.** A permanently roofed, arched covered continuous area or passageway at ground level, open to a street, plaza, open space or building, which is accessible and open to the public at all times.
17. **Area of Shallow Flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

[added; Ord. No 75; September 21, 2005]

18. **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. This term is synonymous with the phrase “special flood hazard area”.
[added; Ord. No 75; September 21, 2005]
19. **Awning.** Any movable roof like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.
20. **Bakery.** An establishment engaged solely in the retail sale directly to the consumer of products such as breads, cakes, pies, pastries, etc., which are based or produced and sold on premises.
21. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” and the “regulatory flood”). Base flood is the term used throughout this chapter.
[added; Ord. No 75; September 21, 2005]
22. **Base Flood Elevation (BFE).** The water-surface elevation associated with the base flood.
[added; Ord. No 75; September 21, 2005]
23. **Basement.** That portion of a building having its floor subgrade (below ground level) on all sides or less than four (4) feet-six (6) inches above grade. The basement is not considered as part of any living area and shall not be used as living area, however, a basement shall be considered as part of the overall building height.
[added; Ord. No 75; September 21, 2005]
24. **Bedroom.** A room other than a kitchen, dining room, living room, bathroom, or closet, which is marketed, designed, or otherwise likely to function primarily for sleeping.
25. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines, or shorelines of waterways, or corporate boundary lines of the Village.
26. **Bookstore.** An establishment engaged in the retail sale of new books, magazines and accessory supplies.
27. **Breakaway Wall.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

28. **Breezeway.** A roofed, open-sided passageway connecting two (2) separate structures, or two (2) separate portions of the same structure.
29. **Building.** A single structure which is permanently affixed to the land; and has one (1) or more floors and a room. A building may, for example, consist of a one-family residence; a series of townhouses; a row of apartments with individual entrances; or an apartment house; a single store or a row of stores (depending on location of lot lines); or any structure built for support, shelter, or enclosure for any occupancy or storage. Carports and garages which are not an integral part of the main building will be considered accessory buildings as defined herein; See “Structure”.
[added; Ord. No 75; September 21, 2005]
30. **Building, Accessory.** See “Accessory Building”.
31. **Building Code, State Minimum.** See “State Minimum Building Code”.
32. **Building, Detached.** A building having no party walls in common with another building.
33. **Building, Elevated.** See “Elevated Building”.
34. **Building Front.** That exterior wall of a building which faces a front lot line of the lot line.
35. **Building, Height of.** The vertical distance from grade to the highest finished roof surface; exclusive of cooling towers, elevator rooms, stair towers, mechanical equipment rooms, parapets and approved antennas, in the case of flat roofs, or to a point at the average height of roof’s having a pitch or more than one (1) foot in twelve (12) feet. Basements shall be considered as part of the overall building height.
36. **Building Line.** A line on a lot generally parallel to a lot line or road right-of-way line, located a sufficient distance there from to provide the minimum yards required by this ordinance. The building line delimits the area in which buildings are permitted subject to all applicable provisions of this ordinance.
37. **Building, Nonconforming.** A legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, location, and use) set forth in this chapter applicable to the land use category in which this building is located.
38. **Building Official.** That person who is appointed by the Village Manager and is charged with the responsibility of enforcing and administering the various land and building regulations of the Village of Golf.

39. **Building Permit.** The document or certificate issued by the Village which verifies adherence to all applicable development regulations and gives permission to the permit applicant to proceed with the actions for which the permit was requested.
40. **Building, Principal.** A building in which is conducted, or in which is intended to be conducted, the main or principle use of the lot on which it is located.
41. **Building Site.** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.
42. **Building Support Structure.** Any structure which supports floor, wall, or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.
43. **Bulk.** The term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines.
44. **Business Service.** An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis not involving the sale of any goods or commodities available on the premises and not dispensing a personal service. Such establishments include such activities as real estate, insurance, accounting or bookkeeping, financial institution, management or consulting, or other similar uses.
45. **Canopy.** A roof like structure made of any material which projects from the wall of a building and overhangs in a public way.
46. **Carport.** Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.
47. **Certificate of Occupancy.** Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.
48. **Charter.** The document issued to the Village of Golf and established pursuant to the applicable laws of Florida creating the Village as a public corporation and defining its privileges, purposes, powers and duties.

49. **Church/House of Worship.** A building, structure, or premise wherein persons regularly assemble for religious worship which is specifically designed and used only for such purpose and is maintained and controlled by a religious body organized to sustain public worship.
50. **Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment, by one (1) person or group of persons licensed by the State of Florida as a physician, dentist, chiropractor, therapist or other similar health related profession.
51. **Club.** Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
52. **Club, Private.** See “**Private Club**”.
53. **Coastal High Hazard Area.** means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 B V30, VE, or V.
[added; Ord. No 75; September 21, 2005]
54. **Commercial Building.** A building used only for commercial use.
55. **Commercial Use.** An establishment which supplies commodities and services to the general public, including retail consumer goods, professional, business and personal services.
56. **Commercial Vehicle.** Any vehicle of any nature, which is used, for hire or for profit.
57. **Common Area.** The total area not designed for rental to tenants and which is available for common use by all tenants or groups of tenants and their invitees, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public restrooms, truck and service facilities, etc.
58. **Compatible Use.** A use, which is capable of existing in harmony with other uses situated in its immediate vicinity.
59. **Comprehensive Development Plan.** The composite of the Village Comprehensive Development Plan, all accompanying maps, charts and explanatory material adopted by the Village Council, and all amendments thereto,

- all in accordance with applicable State of Florida Local Government Comprehensive Planning requirements.
60. **Confectionery.** Establishments engaged solely in the preparation and production of candy products for direct retail sale to the consumer on premises.
 61. **Construction, Major.** The building of a new structure or *substantial improvement* to any *structure*, inclusive of the clearing, filling, or excavation of any land, which requires a building permit pursuant to Sec 105.1, Chapter 1. Administration. of the Florida Building Code. It shall also mean any of the following: exterior change in a structure for which a building permit is required; *alterations* in a *building support structure*, both interior or exterior; or any *alteration* in the size or use of any existing structure or the appearance of any land. **[amended: Ord. 103; September 18, 2013]**
 62. **Construction, Minor.** Work performed on a structure or upon its lands, including repair or replacement work involving a structure and its lands, which is deemed to be exempt from a building permit pursuant to Sec 105.2, Chapter 1. Administration. of the Florida Building Code. Such *minor construction* activity may occur throughout the year and is exempt from the construction time period restrictions set forth in this Code at Sec. 10.03. Construction Period., unless it threatens to adversely affect neighboring property owners, at which point such construction period regulations may be made applicable by the building official. **[added: Ord. 103; September 18, 2013]**
 63. **Construction, Start of.** See “**Start of Construction**”.
 64. **Convenience Store.** A retail establishment which is usually open for extended daily hours of business (12 to 24 hours), located as a single entity or in a strip building configuration along arterial road-ways, is normally self-service facility not dependent upon comparison shopping and by its manner of display and merchandising usually sells a limited selection of items and brands, candy, beverages, dairy products or sundries, all of which are frequently purchased for immediate use, and may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as a full service fuel station and there shall be stringent limitations and controls placed upon the nature, size, delivery, storage, location, and type of said fuel sales or dispensing facilities, in order to provide maximum possible protection to adjacent properties and it must meet the specific zoning requirements of a full service station.
 65. **Corner Lot.** See “**Lot, Corner**”.
 66. **Cornice.** The horizontal projecting part of the roof crowning the wall of a building. The juncture which connects a vertical wall to the horizontal portion of the roof at the roof line.
 67. **Court.** An open, unoccupied space on the same lot, and fully enclosed on at least three (3) adjacent sides by walls of the buildings. An outer court facing for its full required width on a street, or on any other required open space not a court. An inner court is any other required court.
 68. **Coverage, Ground.** See “**Lot Coverage**”.
 69. **Curb Level.** The level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean

elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

- 70. **Curb Cut.** In indentation or depression through or into a raised curb forming a driveway or walkway.
- 71. **Datum.** A reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.
[added; Ord. No 75; September 21, 2005]
- 72. **Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee interest, including an easement.
- 73. **Density.** The relationship between the number of existing or proposed amount of dwelling units on a specific land area, usually expressed in terms of the number of dwelling units per gross acre.
- 74. **Development.** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, or any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or the permanent storage of materials for which permission may be required this ordinance.
- 75. **Development Plan.** See “**Comprehensive Development Plan**”.
- 76. **Drainage.** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion/sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.
- 77. **Drive-in or Drive-Through Facility.** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods, while remaining in their motor vehicles.
- 78. **Driveway.** That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

79. **Dual Front.** A building designed or constructed so as to present the appearance of having two (2) fronts.
80. **Duplex.** A single-story or two-story building designed to accommodate two (2) families living independently of each other. The building will have two (2) addresses, kitchens, electric and water meters.
81. **Dwelling.** Any building or structure designed exclusively for residential occupancy. It shall be deemed and construed to include both the main portion of such structure and all projections therefore, such as windows, bays, exterior chimneys, covered porches, or porticoes, including any garages or carports incorporated within or forming a part thereof, but shall not include the eaves of such structures, nor any open patio, nor any uncovered porch, stoop or steps. A dwelling may be designed and built for the use of one family, or multiple-family occupancy, but it does not include a hotel, club, motel, boarding or lodging house, or automobile, house trailer, or any recreation vehicle whether such trailer or vehicle is mobile or located in a stationary fashion on blocks or other foundation.
82. **Dwelling, Attached.** One which is joined to another dwelling at one (1) or more sides by a party wall or walls.
83. **Dwelling, Detached.** One which is entirely surrounded by open space on the same lot.
84. **Dwelling, Group.** A group of two (2) or more one-family, two-family, or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.
85. **Dwelling, Multiple.** A building or portion thereof used for occupancy by (3) or more families living independently of each other, and doing their own cooking in the building, including apartments, group houses, and row houses.
86. **Dwelling, Row.** A row of attached or semi-detached one-family dwellings or two-family dwellings, containing a total of three (3) or more dwelling units, or a building in such a row.
87. **Dwelling, Single-Family.** A building designed for or occupied exclusively by one (1) family.
89. **Dwelling, Two-Family.** See “Duplex.”
90. **Dwelling Unit.** One (1) or more rooms in a residential building or residential portion of a building, which are arranged, designed, used or intended for family

purposes and which include lawful cooking space and lawful sanitary facilities reserved for the use of the single-family occupants thereof.

91. **Easement.** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.
92. **Efficiency Unit.** See “**Apartment, Efficiency**”.
93. **Erect.** To build, construct, attach, hang, place, suspend, or affix, and shall also include the attachment of wall signs.
94. **Elevated Building.** A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, pilings, columns, posts, piers, or shear walls.

[revised; Ord. No 75; September 21, 2005]
95. **Elevation.** Shall mean:
 - a. The vertical distance above or below a fixed reference level; or
 - b. A flat scale drawing of the front, rear, or side of a building or structure.
96. **Encroachment.** The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

[added; Ord. No 75; September 21, 2005]
97. **Engineer, Registered (Civil).** A professional engineer registered by the State of Florida.
98. **Enlargement or To Enlarge.** An enlargement is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.
99. **Erosion.** The detachment and movement of soil or rock fragments by water.
100. **Establishment.** An economic unit, generally at a single physical location, where business is conducted or services are offered.
101. **Existing Construction.** For the purposes of floodplain management, structures for which “the start of construction” commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction means, for the purposes of determining rates structures for which the Astart of construction@ commenced before the effective date of the first FIRM or before January 1, 1975, for FIRM’s effective before that date. This term may also be referred to as “existing structures”.

[added; Ord. No 75; September 21, 2005]

102. **Facing or Surface.** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
103. **Family.** One (1) or more persons related by blood, marriage, adoption or guardianship, or not more than three (3) persons not so related, occupying a dwelling unit and living as a single housekeeping unit in a dwelling.
104. **Financial Institution.** Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges and brokers, and other similar uses.
105. **Flood, Base.** See “**Base Flood**”.
106. **Flood or Flooding.**
- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) the overflow of inland or tidal waters;
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) (1) of this definition.
[added; Ord. No 75; September 21, 2005]
107. **Flood Boundary and Floodway Map (FBFM).** The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.
[added; Ord. No 75; September 21, 2005]

108. **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been identified as only approximate Zone A. **[amended; Ord. No 75; September 21, 2005]**
109. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
110. **Flood Insurance Study (FIS).** Is the official hydraulic & hydrologic report provided by the Federal Emergency Management Agency. The report contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as FIRM, FHBM (where applicable), and other related data and information. **[added; Ord. No 75; September 21, 2005]**
111. **Flood, One Hundred Year.** The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of being flooded each year).
112. **Floodplain.** Any land area susceptible to being inundated by water from any source (See “**Flooding**”). **[added; Ord. No 75; September 21, 2005]**
113. **Floodplain Administrator.** Is the individual appointed by the Village to administer and enforce the Village=s floodplain management regulations. **[added; Ord. No 75; September 21, 2005]**
114. **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. **[added; Ord. No 75; September 21, 2005]**
115. **Floodplain Management Regulations.** This chapter and other zoning codes, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. **[added; Ord. No 75; September 21, 2005]**

116. **Floodproofing.** Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. **[added; Ord. No 75; September 21, 2005]**
117. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that much be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
118. **Floodway Fringe.** That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis. **[added; Ord. No 75; September 21, 2005]**
119. **Floor.** The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles. **[added; Ord. No 75; September 21, 2005]**
118. **Floor Area.** See “**Net Floor Area**”; “**Gross Floor Area**”; “**Gross Leasable Area**”; “**Ground Floor Area**”.
119. **Floor Area Ratio.** The gross floor area of all buildings or structures on a lot divided by the total lot area. Building shall include garages, any covered terrace, breezeway, porch or patio. Pools and uncovered patios are not included in Floor Area Ratio. **[added; Ord. 50; March 24, 1999]**
120. **Free of Obstruction.** Any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is not allowed. This requirement applies to the structures in velocity zones (V-Zones). **[added; Ord. No 75; September 21, 2005]**
121. **Freeboard.** The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions. **[added; Ord. No 75; September 21, 2005]**
122. **Frontage.** All the property on one (1) side of a dedicated public street or place between two (2) intersecting dedicated public streets or places measured along the line of the dedicated public street or place, or if the dedicated public street or place is deadened, then all of the property abutting on one (1) side between an

intersecting dedicated public street or place and the dead-end of the dedicated public street or place. Also includes dedicated ingress-egress easements when used for the only means of access.

123. **Full-Service Fuel Station.** A retail establishment, which primarily sells, dispenses and installs automotive fuels and lubricants and products. Such establishments may include the sale of typical convenience store items, but must sell and install tires, batteries, lubricants, similar accessories and products, and perform minor repair work and services in order to maintain its definition classification, and regulation as a full-service fuel station.
124. **Functionally Dependent Use.** A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
[added; Ord. No 75; September 21, 2005]
125. **Garage Apartment.** An accessory building which contains living facilities for not more than one (1) family and a private garage for one (1) or more automobiles.
126. **Garage, Parking.** A building or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.
127. **Garage, Private.** A building or space used as an accessory to or a part of a main building permitted in any residence district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
128. **Gas Station.** A retail establishment which sells automotive fuels, oils and lubricants only, with no sale or installation of tires, batteries or similar accessories. A gasoline station is not a Full-Service Fuel Station or a convenience store. (For additional reference, see also “**Full Service Fuel Station**”.
129. **Golf Course Lots.** Residential Lots within the Village of Golf shall be deemed “Golf Course Lots” when all or a portion of the residential property abuts or is contiguous to property owned by The Country Club of Florida, its successors and assigns, (except for the property south of Country Road South on which the maintenance facility is located) as well as Lots 4, 5, and 8B of Unit 2A.
[added; Ord. 50; March 24, 1999]
130. **Governmental Use.** Public land areas and facilities which are utilized for daily administration and operation of government business which house personnel,

records, equipment and the like belonging to the local, county, state, or federal government, or special district or agency.

- 131. **Grade.** A reference plane representing the average finished ground level adjoining the building at all exterior walls.
- 132. **Grade, Highest Adjacent.** See “**Highest Adjacent Grade**”.
- 133. **Greenhouse.** An enclosed building, permanent or portable, which is used for the growth of small plants.
- 134. **Gross Acre.** See “**Acre, Gross**”.
- 135. **Gross Floor Area.** The sum of the total areas taken on a horizontal plane of a floor or several floors of a building measured between the outside face of the exterior walls, exclusive of areas open and unobstructed to the sky. Gross floor area is used by the Village for determining valuation for the issuance of a building permit.
- 136. **Gross Leasable Area (GLA).** The total floor area designed for tenant occupancy and exclusive use; including basement, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. GLA is all that area on which the tenants pay rent; it is the area producing income, and is the square footage amount used by the Village for determining required parking area. GLA includes all areas less common areas. (See “**Common Area**”).
- 137. **Hardscape.** Any surface, which serves as a ground covering such as decking, patios, paverbricks, concrete, or asphalt. Landscaping is not to be considered hardscape. **[added; Ord. 50; March 24, 1999]**
- 138. **Hardship.** As related to variances from the floodplain section (11.01 et. seq.), means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. As related to all other section of this code, see Section 10.041. **[added; Ord. No 75; September 21, 2005]**

139. **Height of Building or Structure.** See “**Building, Height of**”.
140. **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
141. **Historic Structure.** Is any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By the approved Florida program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior.
- [added; Ord. No 75; September 21, 2005]**
142. **Hospital.** A facility licensed by the State of Florida providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and the institution, related facilities such as laboratories, outpatient facilities as training facilities.
143. **Hotel.** Any building principally containing sleeping rooms in which transient guests are lodged with or without meals, with no provisions made for cooking in any individual room or suite. Such facility may have one (1) or more dining rooms, restaurants or cafes as accessory uses. Such facility also, would structurally and for purposes of safety, be obliged to conform to the laws of the State of Florida regulating hotels.

144. **Illuminated Sign.** Any sign, which has characters, letters, figures, designs, or outline illuminated by electric lights, or from a remote position.
145. **Impervious Surface.** Impervious surfaces are those, which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.
146. **Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.
147. **Improvement, Substantial.** See “**Substantial Improvement**”.
148. **Incombustible Material.** Any material which will not ignite at or below a temperature of one thousand two hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
149. **Incompatible Use.** A use, which is incapable of existing in harmony with other uses situated in its immediate vicinity.
150. **Institutional Use.** A non-profit corporation or a non-profit establishment for public use.
151. **Intersection.** Any street or public way or court, which joins another at an angle, whether or not it crosses the other.
152. **Intent.** The objective toward which any section of this ordinance strives or for which it exists.
153. **Landscape Plan.** A detailed sketch to scale illustrating the type, size, location and number of plants to be placed in a development.
154. **Land Use Category.** A contiguous area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.
155. **Landscape Strip.** A strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.
156. **Landscaping.** Landscaping shall consist of any of the following or combination of: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in the landscape, such as, but not limited to, rocks, pebbles, mulch, sand, walls or fences, benches, fountains, paving for pedestrian use (but excluding paving for vehicles), exterior landscape accent lighting fixtures and other item of exterior landscape furniture.

157. **Laundromat.** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.
158. **Laundry.** A retail sales and service establishment which provides for the drop-off of clothing, linens, and the like to be washed, dry-cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same and specifically no machines or equipment available for self-service directly by the consumer.
159. **Loading Space, Off Street.** An off street loading space of not less than twelve (12) feet wide, fifty (50) feet long, and having a minimum vertical clearance height of fourteen (14) feet, exclusive of access aisles and drives, for the short term parking of a vehicle while loading or unloading merchandise or materials.
160. **Local Planning Agency.** The agency designated to prepare the Comprehensive Plan or Amendments and to review Land Development Regulations required by Chapter 163, *Florida Statutes*. The Village Council has been so designated in the Village of Golf. **[added; Ord. No. 86; September 26, 2007]**
161. **Lot.** A parcel of land occupied or to be occupied by one (1) main building or buildings and their accessory buildings with such open and parking spaces as may be required by provisions of this ordinance, and having their principal frontage upon a public or private street.
162. **Lot Area.** The area contained within the boundary lines of a lot.
163. **Lot, Building.** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the land use category in which land is situated, and having it and required by this ordinance for a lot in the district in which such land is situated, and having its principle frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.
164. **Lot, Corner.** A lot abutting two (2) or more streets at their intersection.
165. **Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
166. **Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and

through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “yards” in this section.

- 167. **Lot, Interior.** A lot other than a corner lot.
- 168. **Lot Line.** A line bounding a lot, which divides one (1) lot from another or from a street or any other public or private space.
- 169. **Lot Line, Rear.** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered the rear lot line. In the case of lots, which have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- 170. **Lot Line, Side.** Any lot line other than a front or rear lot line.
- 171. **Lot Line, Street.** In the case of a lot abutting only one (1) street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front yard requirement in which case one (1) of two (2) opposing yards shall be a rear yard.
- 172. **Lot of Record.** A part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of Palm Beach County, Florida.
- 173. **Lot, Through.** A lot, other than a corner lot, having frontage on more than one (1) street.
- 174. **Lot Width.** The mean horizontal distance between the side lot line measured at right angles to those side lot lines at the building line. Where there is only one (1) side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.
- 175. **Lounge.** A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises.
- 176. **Lowest Adjacent Grade.** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure. **[added; Ord. No 75; September 21, 2005]**
- 177. **Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building=s lowest floor; provided, that such enclosure is not built so as to render

the structure in violation of the applicable non-elevation design requirements of this Chapter.
[added; Ord. No 75; September 21, 2005]

- 178. **Main Building.** See “**Building, Principal**”.
- 179. **Major Structure.** See “**Structure, Major**”.
- 180. **Maneuvering Space.** The unobstructed area needed for a truck to back in a single movement directly from the access street into a loading space, the depth of which is measured perpendicular to and from the front of the loading space to the curb side of the most remote traffic lane in the access street.
- 181. **Mangrove Stand.** An assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).
[added; Ord. No 75; September 21, 2005]
- 182. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.
- 183. **Manufactured Housing.** See “**Manufactured Home**”.
- 184. **Map, Flood Hazard Boundary.** See “**Flood Hazard Boundary Map (FHBM)**”.
- 185. **Map, Flood Insurance Rate.** See “**Flood Insurance Rate Map (FIRM)**”.
- 186. **Map, Official Zoning.** See “**Official Zoning Map**”.
- 187. **Market Value.** The building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.
[added; Ord. No 75; September 21, 2005]

188. **Marquee.** See “**Canopy**”.
189. **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.
[added; Ord. No 75; September 21, 2005]
190. **Minimum Living Area.** The area within the outside perimeter of the walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky, and not to include garages, carports, open porches, open breezeways, or store rooms, or screened-in porches, or basements.
191. **Minor Structure.** See “**Structure, Minor**”.
192. **Mixed Use Zoning.** Zoning which permits a combination of usually separated uses within a single development.
193. **Mobile Home.** See “**Manufactured Home**”.
194. **Mobile Home Park.** A place set aside and offered to the general public by a person or public body for the accommodation of six or more mobile home utilized for residential purposes for either direct or indirect remuneration to the owner, lessor or operator of such place.
195. **Motel.** A building or group of buildings, which contain sleeping accommodations for transient occupancy, and which has individual entrances from outside the building to serve each such sleeping unit. No provisions shall be made for the cooking in any individual room or suite of rooms. Motels may have one (1) or more dining rooms, restaurants or cafes as accessory uses.
196. **Motor Home.** See “**Recreational Vehicle**”.
197. **Multiple-Family Dwelling.** See “**Dwelling, Multiple**”.
198. **Museum.** A non-profit non-commercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects or interest or works of art, not including the regular sale or distribution of the objects collected.
199. **National Geodetic Vertical Datum (NGVD) of 1929.** A vertical control used as a reference for establishing varying elevations within the floodplain.
[added; Ord. No 75; September 21, 2005]

200. **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of this ordinance; for floodplain management purposes, new construction means any structure for which the “start of construction” commenced on or after the effective date of this chapter. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after December 31, 1974, and includes any subsequent improvements to such structures. **[added; Ord. No 75; September 21, 2005]**
201. **Nonconforming Use.** Any building, structure, or land lawfully occupied by a use at the effective date of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment with the use requirements of this district in which it is situated.
202. **Non-habitable Major Structure.** See “**Structure Non-Habitable, Major**”.
203. **North American Vertical Datum (NAVD) of 1988.** A vertical control used as a reference for establishing varying elevations within the floodplain. **[added; Ord. No 75; September 21, 2005]**
204. **Nuisance.** The use of property of course of conduct that interferes with the legal rights of others which shall cause damage, annoyance, inconvenience, or tend to injure the health, safety, or morals of village residents.
205. **Nursery.** An enterprise, establishment, or portion thereof which conducts the retail or wholesale sale of plants grown on the site as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.
206. **Occupancy.** Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.
207. **Official Land Use Map.** The graphic document bearing the official seal and signature of the Village of Golf, which depicts the geographic location of land use categories, is formally adopted as a part of this ordinance, and is referred to as the Village of Golf Official Land Use Map.
208. **Off Street Parking.** The minimum off-street, on-site parking of vehicles, which shall be provided under the appropriate terms of this ordinance.

209. **On-Site.** Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.
210. **One Hundred Year Flood.** See “**Flood, One Hundred Year**”.
211. **One Hundred (100) Year Storm.** A shore incident, hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one (1%) percent chance of being equaled or exceeded in any given year, during any 100 year interval.
212. **Open Space.** The part of a lot, including courts or yards, which is open and unobstructed and is available for entry and use from its lowest level to the sky, and is available for entry and use by the occupants of the building or buildings on the premises and may include space located and treated to enhance the amenity of the development by providing landscaping and/or screening for the benefit of the occupants or neighboring areas. Open space may include water surfaces that comprise not more than ten (10) percent of total open space, however, buffer areas, required setbacks or required parking shall not be computed as required open space.
213. **Open Storage.** See “**Storage, Open**”.
214. **Out Parcel.** A tract of land of any size or dimension, which is not included in a land development proposal or site plan and is specifically indicated as such on the proposal or plan.
215. **Out Building.** A separate building or accessory structure not physically connected to the principal building(s).
216. **Outdoor Sale(s).** The selling of any goods, material, merchandise, or vehicles for more than twenty-four (24) hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way.
217. **Parking Lot.** Off-street facility used for the storage or parking of motor vehicles to provide an accessory service to a commercial, industrial, or residential use.
218. **Party Wall.** A wall used or adapted for joint service between two (2) buildings or units.
219. **Personal Service.** Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios, electrolysis service; manicurist and the like.
220. **Plat.** A map, plan or layout of the village, section or subdivision indicating the location and boundaries of individual properties.

221. **Plot.** A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.
222. **Porch, Open.** A roofed open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.
223. **Premises.** Land and all building and structures thereon.
224. **Principal Building.** See “**Building, Principal**”.
225. **Principal Use.** See “**Use, Principal**”.
226. **Private Club.** Organizations, which are privately owned and operated by their members and not operated for profit, which maintain recreational, dining and athletic facilities for the exclusive use of its members and their guests and uses accessory or incidental thereto.
227. **Professional Office.** The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.
228. **Professional Service.** The conduct of business in any of the following related categories: Architectural, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments and any similar type business.
229. **Program Deficiency.** A defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program. **[added; Ord. No 75; September 21, 2005]**
230. **Public Agency.** Any government or governmental agency, board, commission, authority or public body of the Village of Golf, Palm Beach County, State of Florida, of the United States Government, or any legally constituted district.
231. **Public Building.** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state or county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.
232. **Public Improvement.** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: Vehicular and pedestrian circulation systems, storm sewers, flood

control improvement, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

233. **Public Use.** The use of any land, water, or building by a public agency for the general public.
234. **Public Safety and Nuisance.** Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
[added; Ord. No 75; September 21, 2005]
235. **Public Utility.** Includes any publicly or privately owned utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, telephone lines, whether underground or overhead.
236. **Recorded Lot.** See “**Lot of Record**”
237. **Recreational Vehicle.** A vehicular type unit primarily designed for recreational, camping, or travel use, which either has its own motive power or is mounted on or is drawn by another vehicle. The basic entities are: Travel trailer, camping trailer, truck camper, and motor home, boats, and all terrain vehicles (ATV’s).
238. **Recreation/Open Space Use.** Any privately or publicly-owned passive or active park, playground, golf course, access easement, beach, parkway, or other recreation areas and open space as well as areas designated as such in the recreation/open space land use category.
239. **Regulatory floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
[added; Ord. No 75; September 21, 2005]
240. **Remedy a Deficiency or Violation.** To bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
[added; Ord. No 75; September 21, 2005]
241. **Repetitive Loss.** Every NFIP-insured property that, since 1978 and regardless of any change(s) of ownership during that period, has experienced:

- a. Four (4) or more paid flood losses of more than \$1,000 each; *or*
- b. Two (2) paid flood losses within a 10-year period that, in the aggregate, equal or exceed the current value of the insured property; *or*
- c. Three (3) or more paid flood losses that, in the aggregate, equal or exceed the current value of the insured property.

[added; Ord. No 75; September 21, 2005]

242. **Residence.** See “**Dwelling**”.

243. **Residential Use.** Use of land or structure(s) thereon, or portion thereof, as a dwelling place for one (1) or more families or households; but not including occupancy of a transient nature such as in hotels, motels, or time-sharing uses.

244. **Restrictive, More (Less).** A regulation imposed by this ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

245. **Restaurant.** See “**Retail Food Establishment**”.

246. **Retail Food Establishment.** Any fixed or mobile place or facility at or in which food or beverage is offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of these regulations.

- a. Restaurant. An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose decision and method of operation includes any of the following:
 - (1) Patrons place their order at their table from an individual hand held menu, which displays or describes the food and beverage available to them.
 - (2) Preparation, service and consumption of food and beverages takes place within a completely enclosed building accommodating at least eighty (80) percent of the establishments permitted seating capacity.
 - (3) Outside table dining is permitted in areas permanently designated for such use, and shall not exceed twenty (20) percent of the establishment’s permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.

- (4) Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.
 - b. Fast Food Restaurant. Any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:
 - (1) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (2) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (3) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (4) The kitchen is in excess of fifty (50) percent of the total floor area.
 - c. Carry-Out Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:
 - (1) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (2) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (3) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (4) The kitchen is in excess of fifty (50) percent of the total floor area.
247. **Retail Sales and Service.** The selling of goods in small quantities directly to the consumer in establishments, which provide a service or offer a product to the general public.

248. **Retail Sales Area.** The area in square feet devoted exclusively for the sale or display of goods or commodities.
249. **Right-of-Way.** A street, alley, or other thoroughfare or easement, whether physically accessible or not, which has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.
250. **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. **[added; Ord. No 75; September 21, 2005]**
251. **Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach. **[added; Ord. No 75; September 21, 2005]**
252. **School.** A place for systematic instruction in any branch or branches of knowledge.
253. **Seasonal High Water Line.** The line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.
254. **Setback.** A distance from the property line, or other line specifically established by zoning ordinance, within which buildings are prohibited. **[added; Ord. 48; September 18, 1997]**
256. **Setback, Center Line.** See “Street Centerline Setback”.
257. **Shallow Flooding, Area.** See “Area of Shallow Flooding”.
258. **Shopping Center.** A group of architecturally unified commercial establishments built on a site, which is planned, developed, owned and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves.
259. **Sign.** Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or water or on any other structure, produced by attaching on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure or surface. Signs placed or erected by government agencies or non-profit civic associations for a public purpose in the public interest shall not be included herein, nor shall this include signs, which are a part of the architectural design of a building. Every sign, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, and street clock, (which) shall include any announcement, declaration, demonstration, illustration or insignia

used to advertise or promote the interests of any person when the same is placed in view of the general public is included in this definition.

260. **Single-Family Dwelling.** See “**Dwelling, Single-Family**”.
261. **Site Plan.** A graphic and textual presentation of a developmental proposal in accordance with the appropriate sections of this ordinance.
262. **Special Exception.** A use that would not be appropriate generally or without restriction throughout a land use category, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the area and the community. Such uses may be permitted in such land use category as special exceptions, only if specific provision for such special exceptions is made in the ordinance.
263. **Special Flood Hazard Area.** See “**Area of Special Flood Hazard**”.
[added; Ord. No 75; September 21, 2005]
264. **Standard Building Code.** The building code adopted by a municipality or county pursuant to the requirements of Section 553.73, *Florida Statutes*.
265. **Start of construction.** For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a structure, whether or not that alteration affects the external dimensions of the structure.
[added; Ord. No 75; September 21, 2005]
266. **Storage, Open.** The safekeeping of any goods or products in an unoccupied space open to the sky for eventual removal not expected within seventy-two (72) hours, or for continuous replacement by same or similar goods or products.

267. **Storm Cellar.** Means a place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.
[added; Ord. No 75; September 21, 2005]
268. **Story.** That portion of a building included between the upper surface of any floor, and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.
269. **Street.** Any public or private thoroughfare, which affords the principal means of access to abutting property. It may be designated on the map as a street, avenue, boulevard, drive, place, court, road, terrace, way, circle, lane, walk, path, or otherwise.
270. **Street Centerline.** The line midway between the street right-of-way lines of the surveyed and platted centerline of a street, which may or may not be the line midway between the existing right-of-way lines or pavement.
271. **Street Centerline Setback.** The minimum distance measured from the street centerline required for the preservation of existing right-of-way and future right-of-way expansion.
272. **Street Intersection.** See “**Intersection**”.
273. **Street Line.** The line between the street and abutting property also referred to as right-of-way line.
274. **Street Tree.** Landscape plantings located alone or within rights-of-way, which are conducive to the aesthetics and safety of said rights-of-way.
275. **Structure.** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure, or that which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes but is not limited to, platforms, radio towers, sheds, storage bins, tents, and display signs. Fences and walls of less than three (3) feet in height and walkways and other landscaping elements such as birdbaths, fountains and like items of less than three (3) feet in height, flagpoles, lampposts, basketball backboards, statues and mailboxes shall not be considered as structures. For flood plain management purposes, structure means a walled and roofed building that is principally above ground, a manufactured home, a including gas or liquid storage tank, or other manmade facilities or infrastructures.

- 276. **Structure, Accessory.** See “**Accessory Structure**”.
- 277. **Structural Alteration.** Any change in the supporting members of a building.
- 278. **Structural Trim.** The molding battens, capping, nailing strips, latticing, and platforms, which are attached to the sign structure.
- 279. **Subdivision.** The division or separation of a parcel of land into two (2) or more lots or parcels by means of mapping, platting, conveyance, change or rearrangement of boundaries. All subdivisions are also developments and shall be in conformance with subdivision regulations of the Village of Golf.
- 280. **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
[added; Ord. No 75; September 21, 2005]
- 281. **Substantial Improvement.** Any combination of repairs, reconstruction, alteration, rehabilitation, addition, or other improvements to a structure, taking place in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the Astart of construction@ of the improvement.
[added; Ord. No 75; September 21, 2005]
- 282. **Swimming Pool.** Any structure designed for swimming, wading or other aquatic recreational purposes, capable of containing a body of water eighteen (18) inches or more in depth and forty (40) square feet or more of water surface area, and top edge of pool not to exceed two (2) feet above average finished grade.
- 283. **Temporary Use.** See “**Use, Temporary**”.
- 284. **Terrace.** An open porch without a permanent roof.
- 285. **Theater.** A building or part of a building, devoted to showing motion pictures, or for dramatic, musical or live performances.
- 286. **Time-Share.** The use of any residential dwelling unit under which the exclusive right of use, occupancy or possession of such unit circulates among various occupants in accordance with a fixed time schedule on a periodically occurring basis for a period of time established by such schedule.
- 287. **Trailer.** A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or

vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, swamp buggies, half trucks and the like.

288. **Travel Trailer or Recreational Vehicle.** Any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one (1) or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power. Such vehicles or structures shall have a body width not exceeding eight (8) feet, and being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds or being of any weight provided its body length does not exceed twenty-nine (29) feet.
289. **Trim.** See “**Structure Trim**”.
290. **Two-Family Dwelling.** See “**Duplex**.”
291. **Use.** The purpose of activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
292. **Use, Accessory.** An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance; and (4) is customarily incidental to the principal structure or use.
293. **Use, Principal.** The specific primary purpose or function for which land is used.
294. **Use, Temporary.** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.
295. **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. Variance from the floodplain section means a grant of relief from Sections 11.01 et seq. **[revised; Ord. No 75; September 21, 2005]**
296. **Vehicle.** Any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, and scooters, and recreational vehicles.

297. **Video Sales and Rental.** Commercial establishments engaged in the sale and rental of video equipment, tapes, and accessories for home entertainment.
298. **Violation.** The failure of a structure or other development to be fully compliant with the requirements of this code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the floodplain chapter is presumed to be in violation until such time as that documentation is provided. **[added; Ord. No 75; September 21, 2005]**
299. **Warehouse.** A building used primarily for the storage of goods and materials.
300. **Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. **[added; Ord. No 75; September 21, 2005]**
301. **Water Surface Elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. **[added; Ord. No 75; September 21, 2005]**
302. **Wholesale.** The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
303. **Yard.** The unoccupied and unobstructed open spaces on the same lot with the main building, which extend from the ground upward.
- a. **Front Yard.** The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
 - b. **Rear Yard.** The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
 - c. **Side Yard.** The open space between the main building and side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

304. **Zone.** The area within certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required, lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

1.06 JURISDICTION:

The development regulations contained herein apply to all properties and lands within the corporate limits of the Village of Golf, Florida, as they exist now or as they may be legally altered.

1.07 LAND USE CATEGORIES:

For purposes of the Land Development Code, the following land use classifications are used to describe current land uses in the Village of Golf:

- A. Residential
- B. Commercial
- C. Agricultural
- D. Recreational/Open Space
- E. Conservation
- F. Public Building and Facilities

The boundaries of the land use classifications are as shown in the Existing Land Use and Future Land use map of the adopted Village of Golf Comprehensive Development Plan which was found to be "IN COMPLIANCE" by the State of Florida Department of Community Affairs ~~in~~ on August 20, 2007; which became a Final Order on September 10, 2007.

2.01 SUBDIVISION OF LAND:

2.02 PURPOSE:

Provide for the development of suitable and compatible land uses which will preserve, protect, enhance and be within the established character of the Village of Golf (Future Land Use Element, Goal 1.0.0)

DEVELOPMENT PLANS REQUIRED:

Unplatted areas or parcels of land within the Village of Golf, Palm Beach County, Florida shall not be subdivided into smaller areas or parcels of land until a plat of or development plan for such subdivision, showing location and size of proposed smaller areas or parcels of land, rights of way and easements, has been submitted to and formally approved by the Village Council. The

Village Council shall not approve a development plan, which results in a reduction in the level of services provided by the Capital Improvement and Infrastructure Element of the adopted Village of Golf Comprehensive Development Plan. The subdivision of land must also adhere to Florida State Statutes Chapter 177.

3.01 LAND AND WATER USE REGULATIONS FOR LAND USE CLASSIFICATIONS:

3.02 PURPOSE:

To promote the health, safety, morals, and general welfare of the present and future residents of The Village by:

- A. Giving effect to the goals, objectives and plan recommendations of the Future Land Use Element of the current adopted Village of Golf Comprehensive Development Plan.
- B. Regulating the use of land and water for those existing land use classifications included in the current adopted Village of Golf Comprehensive Development Plan.
- C. Controlling and regulating the growth of the Village concentrating development in areas where only adequate infrastructure can be provided.
- D. Preventing the overcrowding of land, and protecting landowners from adverse impacts on adjoining developments.
- E. Preserve and Protect open space and recreational areas (Recreation/Open Space Element, Goal 1.0.0).

3.03 RESIDENTIAL:

A. Within the residential land use category depicted on the Land Use Map of the Village of Golf Comprehensive Development Plan, no building, structure, land or water shall be used except for one of the following uses:

- 1. Permitted Uses:
 - a. Single-family dwellings including accessory buildings, rental cottages, swimming pools and uses customarily incident to the above uses or approved special exception uses, not involving the conduct of business. All applications for use in the residential land use category shall adhere to

the land development application requirements set forth in the Administrative Section of this Code.

2. Special Exception Uses:

- a. Adult living facilities Special exception uses and their related accessory uses shall be permitted only after Site Plan approval by the Village Council and compliance with the regulations set forth herein at Sections 10.05 - 10.06.

3. Building and site regulations.

- a. Minimum lot area 1 acre* see below for nonconforming lots.
[amended; Ord. 50; March 24, 1999; amended; Ord. No. 86, September 26, 2007]
- b. Density Maximum density allowed in the Residential Zoning District is one (1) dwelling units per acre, located on a minimum one (1) acre lot. However, to prevent creating additional non-conformities, one (1) single-family unit may be built on each of the residential platted vacant lots existing as of June 27, 2007; and existing single-family dwelling units may be re-developed on the existing lot, even though the lot size may be non-conforming.
[added; Ord. 50; March 24, 1999; amended; Ord. No. 86, September 26, 2007]
- c. Minimum Front Setback
50 feet; measured from the centerline of the street bordering the lot frontage of the property.
[amended; Ord. 50; March 24, 1999]
- d. Minimum Rear Yard Setback

(1) Structures

- (a) Golf Course Lots- 40 feet for vacant property; however, if 51% of the total exterior wall area of the structure, or 51% of the footage of the exterior footprint of the building, measured on a linear basis around the footprint of the structure is requested to be demolished, then the structure shall be classified as a new structure, and must conform to the current setback of 40 feet unless this action is as a result

of a natural disaster, such as a hurricane or fire, in which case the structure may be rebuilt as it stood previous to the natural disaster. **[amended; Ord. 50; March 24, 1999; Ord. No. 56; November 29, 2000]**

- (b) Golf Course Lot Additions- An addition to an existing structure on a Golf Course lot may be constructed utilizing the rear setback of the existing structure in place as of the effective date of this Ordinance, if the addition utilizes at least two walls of the existing structure and does not extend beyond the outside walls of the house. Any addition that extends beyond the outside walls of the house must meet the 40-foot set back.

[added; Ord. No. 50; March 24, 1999; Ord. No. 56; November 29, 2000]

- (c) All other lots- All structures, new or additions, must meet a 20-foot setback. **[amended; Ord. 50; March 24, 1999; Ord. No. 56; November 29, 2000]**

- (2) Hardscape 10 feet, i.e. for open area such as patios or porches without a roof.

[added; Ord. 50; March 24, 1999]

- (3) Swimming Pools 20 feet, except for Golf Course lots which shall undergo site plan review by the Village Council in accordance with standards relating to proximity to the Golf Course.

[added; Ord. 50; March 24, 1999]

- e. Minimum Side Setback

20 feet each side (No building shall be nearer than 40 feet from any other building on the adjoining lot.) **[added: Ord. 50; March 24, 1999]**

- f. Maximum structure height

- (1) Golf Course lots:

Homes on these lots shall not exceed one-story. One story homes shall not exceed 25 feet in height measured from the finished floor elevation

to the peak or ridge of the roof. Chimneys, decorative cupolas or other decorative features shall not extend more than 5 feet above the peak or ridge of the roof. Renovations or additions to existing homes shall not exceed the height of the home existing as of the effective date of Ordinance Number 50, (March 24, 1999) or twenty-five feet (25') whichever is less. All renovations or additions shall utilize the same architecture, roof pitch and style as the existing home. **[amended: Ord. 72; March 30, 2005 and Ord. 94; January 19, 2011]**

(2) All other lots:

Homes may be one-story or two-story on all other lots within the Village. If a home is one-story, the maximum height shall not exceed 25 feet measured from the finished floor elevation to the peak or ridge of the roof. Chimneys, decorative cupolas, or other decorative features shall not extend more than 5 feet above the peak or ridge of the roof. If a home is two-story, the maximum height shall be 35 feet measured from the finished floor elevation to the peak or ridge of the roof. Renovations and/or additions to existing structures shall not exceed the height of the structure existing as of the effective date of Ordinance Number 94, (January 19, 2011) or twenty-five feet (25') for single story homes, whichever is less. Two story renovations and/or additions to homes on Turtle Grove Lane may be permitted after the effective date of Ordinance Number 94, (January 19, 2011). All renovations or additions shall utilize the same architecture, roof pitch and style as the existing home. **[amended: Ord. 72; March 30, 2005 and Ord. 94; January 19, 2011][Editor's note: the language formerly contained in the asterisk paragraph is now incorporated into this paragraph for organization and clarification.]**

4. Other Regulations

a. **Fences, walls and hedges**

The installation of a fence, wall or continuous hedge must be approved by the Village prior to installation. No fence, wall or hedge may be constructed within any easement for streets or public utility. All fences must be landscaped to screen them from public view and all walls must be landscaped to be aesthetically compatible with the surrounding area. All chain link fences must be coated with brown or green coating and must be fully landscaped and screened at the time of installation. The maximum height of a fence or wall is six (6) feet, except that a maximum

height of eight (8') feet is allowed for walls and fences at the following locations: on the rear lot line of Lots 18 through 34, Unit 1, Country Road; on the rear lot line of Lots 7 through 17, Unit 2, Country Road; on property adjacent to Golf Road and north of Country Road owned either by the Village of Golf or The Country Club of Florida, Inc.; on the side lot lines adjacent to Golf Road for Lot 1, Unit 1 and Lots 5, 6, and D, Unit 2; and a maximum height of only four (4) feet is allowed on lot lines adjacent to Golf Course property. All fences and walls allowed at the height of eight (8) feet must be fully landscaped and screened from public view. No fence or wall may be constructed within the rear yards of Lots 47 through 55, Unit 1, Pine Lane West. Gates to enclose any fence, wall, or hedge may only be installed in the rear or side yard, or in the front yard at a setback equal to the front wall of the main home. No gate shall be installed under the following circumstances: a gate that extends the front yard beyond the wall of the main home; a gate installed on a residential Lot line along Golf Road; or a gate installed to close off a driveway. There shall be no freestanding gates permitted in any location.

[amended; Ord. No. 55; November 29, 2000; Ord. No 84; April 25, 2007]

- b. **Screening** No screened pools or screened roofed patios shall be constructed on Golf Course lots. Pools may be screened on non-Golf Course lots, however, they must be landscaped so as not to be visible from the road and must be screened from view of the adjoining properties.

c. **Mechanical Equipment**

All mechanical equipment (air conditioning, pool filters and pumps, etc.) shall be setback a minimum of 20 feet from the rear property line and must be screened from view of adjoining properties.

d. **Construction**

All construction shall conform to the Standard Building Code.

e. **Separate Structures**

All guest homes, detached garages or other separate structures on a lot must be connected visually to the main home, either by a wall, hedge, or other decorative permanent feature, approved as part of the site plan.

f. Non-Conforming Structures or Lots

Homes not meeting the requirement of this Zoning Code, as of the effective date of this ordinance shall be considered legal non-conforming structures and shall be allowed to remain as is and may be repaired. Complete replacement structures, except, as a result of a natural disaster, must conform to the current Code; however existing single-family dwelling units may be re-developed on the existing lot even though the lot size may be non-conforming and residential platted vacant non-conforming lots existing as of June 27, 2007 may be utilized for single-family dwelling units so long as the other requirements of the Zoning Code are met; See Section 3.03A.3.b

[Ord. No. 86, September 26, 2007]

g. Subdivision; Platting

No property or portion of property may be combined, subdivided, re-subdivided or platted without prior approval from the Village Council.

[a.-g. added; Ord. No. 50; March 24, 1999]

h. Permitted floor slab heights

For all homes, the floor slab shall be a minimum of 18 inches above the crown of the road and a maximum of 24 inches above the crown, unless site conditions warrant otherwise. For floor slabs not meeting this requirement, engineering justification must be submitted.

[h. added; Ord. 72; March 30, 2005]

4. Floor Area Ratio (FAR)

- A. Definition: FAR is a measure of land use intensity, expressing the mathematical relationship between the floor area of a building, including covered terraces, porches, outdoor patios, and recreation areas (but not open patios) and the gross area of the property. It is calculated by dividing the gross floor area of all buildings on a lot by the gross area of that lot.
- B. Formula Used; Residential: The following FAR formula shall be applied to all residential lots within the Village of Golf to determine the maximum floor area of all buildings on a lot, which shall be permitted to be constructed:

Lot Size:	Maximum FAR
First 21,780 square feet:	.20
Square footage in excess of 21,781 square feet	.10

- C. Maximum Size Cap: In addition to the above FAR, there shall be a maximum size cap of 12,000 square feet of building(s) on a single-family lot regardless of lot size. **[added; Ord. 50; March 24, 1999]**

- D. Formula Used; Non-Residential:
Non-residential

FAR = 1.0

[added; Ord. 86, September 26, 2007]

5. Design Guidelines.

While the Village of Golf has a variety of architectural styles, the preferred styles are Bermuda, British or Dutch Colonial, Traditional Mediterranean, French Country, or Traditional. The following design guidelines are established to set forth parameters to apply to all residential construction within the Village of Golf to promote the goals of consistency of neighborhood character and consistency of color and materials. The design standards are either mandatory or discretionary. The use of the terms “preferred” or “discouraged” are discretionary. The preferred items are design elements that whenever possible should be used in order to maintain the desired existing character of the Village. Discouraged items are design elements that should not be used in order to maintain the desired existing character of the Village. These items are not typically found in the Village and incorporating discouraged items into a design decreases the probability of project approval and may result in project denial. The Guidelines are as follows:

- A. **Roof:** Roofs are a major visual element and similarities in roof types create visual continuity in a neighborhood:
1. The plate height or roof-bearing height of a single story structure shall not exceed 12 feet.
 2. The plate height or roof-bearing height of a two-story structure shall not exceed 24 feet.
 3. The pitch of the roof shall be no steeper than 8:12 and no less than 4:12, excluding any flat roof area.
 4. Flat roofs shall be allowed only over porches or patio areas, and shall not exceed 10% of the total roof area. Portions of a hip or gable roof that appear flat are not to be included in this calculation.
 5. Roof colors shall be white or natural earth tones; no bright or primary colored tiles or shingles are permitted.
 6. Hip roof designs are preferred, with roof overhangs not to exceed 3 feet.

- B. **Windows and shutters:** Windows provide light and ventilation, as well as adding to the aesthetics of a building by creating proportion and articulation. The window style should conform to the building's architectural style, in addition to adhering to the following guidelines:

1. On a single story home, the vertical dimension of the window shall not exceed 8 feet.
2. Muntin windows are preferred.
3. Casement, single hung, or double hung windows are preferred.
4. There shall be a higher percentage of wall covering per wall than window treatment. Window areas should not exceed 50% of any single elevation and sliding glass or French doors are not considered windows in reviewing a design plan for compliance.
5. Hurricane resistant impact glass is preferred; however shutters are acceptable and should be proportional to the size of the window.

- C. **Exterior materials, colors, driveways, and miscellaneous:**

1. Vinyl, metal, or aluminum siding is not permitted.
2. Half elevation treatments, unfinished exposed concrete block, or logs (milled or rough), are not permitted as exterior treatments.
3. All sides of the house should relate to each other and the front of the house should not look substantially different from the other sides.
4. Earth tones or soft pastel colors should be the exterior color palette and no more than two colors of paint (excluding trim) should be used.
5. Porte Cochere (covered entry porches which vehicles can drive through) is not permitted.
6. Enclosed garages are preferred, as opposed to carports.
7. Pervious surfaces, such as pavers are preferred for driveways.
8. Continuous columns that exceed 20 feet in height are discouraged.
9. Permanent foundation planting is required on all four elevations, as well as area planting.
10. At least 30% of the total lot area must be open green space, landscaped or sodded.
11. Stand-alone storage sheds are prohibited.
12. Swimming pools on Golf Course lots, which are too close to the tee or green area and which would interfere with the normal play on the course are prohibited. Determination of location approval will only be made after submittal of a site plan, a survey, a physical inspection of the property by staff, and an affirmative vote of the Village Council.

- D. **Denial:** Any project which does not adhere to the requirements of these guidelines, or which does not, in the sole determination of the Village Council, include sufficient preferred design features or which incorporates discouraged design guidelines such that the property is not harmonious with the surrounding homes, may be denied by the Village Council.
[added; Ord. No. 57; November 29, 2000]

6. Adult Living Facilities

A limited care facility, child care center, nursing home, group care home with no more than ten (10) residents including staff; an emergency shelter with no more than six (6) persons other than staff or a recovery home with no more than ten (10) persons or residents including staff, may be constructed upon any residential land use category upon strict conformance with the Florida State Statutes, Village of Golf Administrative Procedures for special exceptions, Standard Building Code, the Village Land Development Code for new development and the following:

A. Building and site regulations:

Minimum lot area	43,560 square feet (1 acre)
Minimum front set back	100 feet
Minimum rear set back	50 feet
Minimum side yards	50 feet from adjacent property line
Maximum structure heights	21 feet or one and one-half story
Minimum living area	To avoid unsafe or unhealthy conditions that may be produced by overcrowding of persons living in facilities, a minimum floor area per person shall be required, measured from interior walls of all rooms and closet space as follows:

1. Total interior living space: minimum of four hundred (400) square feet of interior living space provided per facility resident, staff or non-staff, not including areas of common use.
2. Minimum sleeping areas: minimum of one hundred fifty (150) square feet provided in each sleeping space per facility resident, staff or non-staff.
3. Density Limitations: measured from the closest property line, no residential care facility shall be permitted within one thousand

(1000) feet from another such facility of the same type, without regard to size. One Congregate Living Facility per lot.

4. Residential Character: all parts of the structure and facilities shall be maintained in a residential character, both interior and exterior.

B. Other Regulations:

1. Only congregate living facilities licensed by the Department of Health and Rehabilitative Services of the State of Florida shall be permitted.
2. No temporary or permanent identification, directional or similar sign denoting name or purpose of establishment shall be permitted.
3. One parking space is required for each staff member, including part-time staff, and one and one-half (1-1/2) parking spaces are required for each non-staff members.
4. The perimeter of all use areas, including buildings, parking areas, recreational facility installations and other such physical structures shall be landscaped with hedgerow that will attain no less than six (6) feet in height to be reached in no more than one (1) year from planting.
5. Sprinkler systems shall be required in all sleeping areas and all food preparation areas.
6. There shall be a minimum of one (1) full-time staff member, resident or non-resident for each non-staff person or resident.
7. No existing structures within the municipal boundaries of the Village of Golf shall be reconstructed or converted into a Group Home.

3.04 LIMITED COMMERCIAL

A. Uses permitted. Within the commercial land use category depicted on the Lane Use Map of the Village of Golf Comprehensive Development Plan, no building, structure, land or water shall be used except for one or more of the following uses:

1. Permitted Uses:
 - a. Personal Services establishments such as barber shops, beauty parlors, medical and dental clinics, restaurants, retail stores, professional and other

- offices, parking garages and lots, shoe repair, tailoring, watch and clock repairs, locksmith and mail facilities.
- b. Theaters, except drive-in theaters.
 - c. Limited service establishments such as television and appliance sales and repairs, pet shops, bicycle repair shops, drug stores, dental, beauty and barber supply shops, cutlery sharpening and office supplies, provided that all activity be conducted entirely within an enclosed building.
 - d. Gasoline pumping service stations providing no major repairs.
 - e. Dry cleaning shops intended to serve the “walk-in-public” and modern automatic dry cleaning systems with a completely enclosed process and with solvent and vapor recovery units designed to prevent the emission of objectionable odors and effluents, provided that the cleaning solvents be a nonflammable agent and have the endorsement of the Board of Life Underwriters and Palm Beach County Fire Rescue.

2. Special Exception Uses:

- a. Hotels and motels when located on sites having a lot area of at least twenty thousand (20,000) square feet, an average lot frontage at the base building line of at least one hundred (100) feet and a minimum lot area per sleeping unit of one thousand (1000) square feet.
- b. “Adult day care center” as this term is defined by state law and which is a state licensed facility pursuant to Part III of Chapter 429. Assisted Care Communities, *Florida Statutes*, (See Secs. 429.90-429.931, *Florida Statutes*.) Such center may not apply to be additionally designated as a “specialized Alzheimer’s services adult day care center” for Alzheimer’s disease or dementia-related disorder (ADRD) participants without obtaining additional special exception review and approval pursuant to Sec 10.05 of the Code.
[added: Ord. 103; September 18, 2013]

3. Building and site regulations:

- a. Front Yards – Not less than thirty (30) feet from the ultimate right of way line to the building.
- b. Side Yards – No side yard shall be required for commercial buildings except on a street side yard in which case the criteria for Front Yards shall apply.
- c. Rear Yards – Not less than five (5) feet where an alley exists and fifteen (15) feet where no alley exists, provided that the minimum alley width is not less than ten (10) feet.
- d. Maximum structure height – No building or structure may be erected, converted, established, altered or enlarged to a height exceeding fifty (50) feet.
- e. Maximum Floor Area Ratio – 1.0.
- f. All building and parking regulations must conform to the Standard Building Code.

3.05 RECREATION/OPEN SPACE:

A. Land and water uses permitted in the recreation land use category depicted on the Land Use Map of the Village Comprehensive Development Plan shall be for the following:

1. Permitted Uses: One private country club, including all necessary appurtenances, such as a clubhouse with restaurant, bar, offices, locker rooms and other facilities, and swimming pools, tennis courts, golf shop, employee quarters, caddie house, shelters, maintenance buildings and garages and any other structures, drainage ditches and other facilities necessary to the proper and efficient operation of the land and water uses for Recreation and passive open spaces.
2. Special Exception Uses: All Proposed new development. See Section 10.06 of the Land Development Code. Applications must adhere to Goal 1.0.0 of the Recreation Element of the Village Comprehensive Plan.
3. Building and site regulations:
 - a. May be set by the Village Council through the Special Exception process, but may not exceed a Maximum Floor Area Ratio of 1.0.

3.06 PUBLIC FACILITIES OWNERSHIP:

A. Uses permitted. Within the Public Facility land use category depicted on the Land Use Map of the Village Comprehensive Development Plan, a building, structure, facility, land or water may be used for one or more of the following purposes:

1. Permitted Uses:
 - a. Utilities facilities such as water treatment, storage and distribution; wastewater collection, lift stations, treatment and evaporation-percolation.
 - b. Administrative offices, security and maintenance facilities.
 - c. Parks and recreational facilities.
 - d. Vehicle fuel service station.
2. Building and site regulations.
 - a. Maximum structure height 35 feet
 - b. Minimum front set back 50 feet
 - c. Minimum rear set back 20 feet
 - d. Minimum side yards 20 feet from adjacent property line
 - e. Maximum Floor Area Ratio 1.0

3.07 AGRICULTURE:

A. Uses permitted. Within any agriculture land use category depicted on the Land Use Map of the Village of Golf Comprehensive Plan, no building, structure or land use shall be allowed except one or more of the following:

1. Permitted Uses:
 - a. Horse stables for the breeding, training, raising and training of saddle and harness horses for sale.
 - b. Buildings such as attendant residency, equipment shelters and the like whose use is incidental to an approved agricultural use.
 - c. Preservation or conservation uses intended to maintain the general open space or vegetation on the land for environmental, educational or open space reason, without any commercial activity.
2. Special Exception Uses: Commercial purposes, i.e. horse exhibition, public riding lesson, produce, farm animals or other related commercial uses. Proposed uses must adhere to the special exception application process set forth in the Administration section of the Land Development Code. (See Section 10.06)
3. Building and Site Regulations.
 - a. Density acres Maximum of one (1) dwelling unit per 9.5
 - b. Minimum lot size 9 acres
 - c. Maximum Structure Height 35 feet in height, not to exceed two and one-half (2 ½ stories)
 - d. Maximum Floor Area Ratio 1.0

**[amended; Ord. No 55; November 29, 2000;
Ord. No 86, September 26, 2007]**

3.08 ADJACENT LAND USES:

New development shall ensure that land use compatibility between the Village and adjacent properties, which consist of low to medium density residential communities, remain intact.

4.01 STORM WATER MANAGEMENT/DRAINAGE:

4.02 PURPOSE:

To promote public safety, water quality, groundwater recharge and ecological factors by preventing flooding and environmental damage through the impositions of storm water management requirements on new development.

4.03 REQUIREMENTS:

- A. New development must meet the adopted level of service specified in the Drainage Sub-Element, Policy 1.1.4 of the Village Comprehensive Development Plan for all new development.
- B. Site plans must specify the flow and control of water through elevation and swales (Drainage Sub-Element, Policy 1.1.2).
- C. Post development runoff volumes shall not exceed pre-development runoff volumes.
- D. New development must meet South Florida Water Management District (SFWMD) Lake Worth Drainage District (LWDD), Federal Emergency Management Flood Damage Prevention or the Village of Golf requirements for drainage facilities, whichever is more stringent.
- E. New Development must comply with the requirements of Chapter 17-25, Florida Administrative Code known as the Stormwater Rule, which is regulated by the Florida Department of Environmental Regulation (D.E.R.). The purpose of this rule is to prevent pollution of Florida waters by storm water discharge from new, expanded or modified development.
- F. New development will be located in areas of minimal flooding on the Flood Prone Area Map, Village Comprehensive Development Plan, Future Land Use Element, Figure 3.
- G. New development must meet the following levels of service for protection from flooding and inundation shall be used as a basis for establishing minimum design for drainage requirements to support proposed new development:

DEVELOPMENT FEATURES	LEVEL OF SERVICE
1. Lowest habitable space of residential and commercial buildings	100-year, 3-day rainfall, assuming zero discharge; or 100 -year flood elevation per Flood Insurance Rate Map or 100-year flood elevation as stated by South Florida Water Management District rule, whichever is more restrictive.
2. Residential Subdivision Lots	Drainage Sub-Element, Comprehensive Plan.
3. Local Roadways	Drainage Sub-Element, Comprehensive Plan.

4. Thoroughfare Plan Streets	In accordance with applicable requirements, per Florida Department of Transportation Drainage Manual.		
5. Residential Parking Lots	Drainage	Sub-Element,	Comprehensive Plan.
6. Commercial Parking Lots	Drainage	Sub-Element,	Comprehensive Plan.
7. Recreation/Open Space	Drainage	Sub-Element,	Comprehensive Plan.

5.01 ENVIRONMENTAL REGULATIONS:

5.02 PURPOSE:

The following specific requirements for landscaping and conservation for land development in the Village are necessary to implement the Village of Golf Comprehensive Development. These regulations shall be consistent with the Comprehensive Plan. The Environmentally sensitive lands designated in the Village of Golf Comprehensive Development Plan must be protected from development impacts. The Village Council is committed to ensuring the protection of soils, groundwater, surface water, shorelines, fisheries, vegetative communities, and wildlife habitat.

5.03 LANDSCAPING REQUIREMENTS:

A. Prior to the issuance of any building permit, a landscape plan shall be submitted to and approved by the Village Council. This applies to all Land Use Classifications identified in the Village Comprehensive Development Plan. The landscape plan shall be drawn to scale, including dimensions and distances, and delineate the existing and proposed parking spaces, or other vehicular uses, access, aisles, driveways, sprinklers or water outlet locations, and size of building if any to be served, and shall designate by name and location of the plant material to be installed or, if existing, to be used in accordance with the requirements hereof. No building permit or Certificate of Occupancy shall be issued for such building or paving unless such landscape plan complies with the provisions herein. All inspections to determine compliance with the approved site plan shall be conducted by the Building Inspector.

1. Landscaping of open land uses: Open land uses shall mean open air parking lots, private or public; and parking areas serving and commercial area. Any open land use area, which abuts any public street right-of-way or abuts or is across an alley from any land used for residential use shall be required to provide a planting strip inside the property line. Such planting strip on the front property line shall be not less than three (3) feet in width and shall be provided with a hedge of not less than

- one (1) or more than four (4) feet in height to form a continuous screen between the open land use and the public street right-of-way.
2. Necessary access ways from public rights-of-way through all required landscaped areas shall be permitted to service the open land use.
 3. All landscaped areas and plantings shall be provided with automatic irrigation facilities. Drainage levels of services must be identified in the landscape plan and must conform to the Drainage Sub-Element of the Village Comprehensive Development Plan.
 4. In cases where hedges or continuous screening or a structure already exists on the front property line to a height of at least four (4) feet no planting strip or trees shall be required.
 5. In all commercial parking areas there shall be one (1) tree planting area, of not less than one hundred (100) square feet, protected by a raised curb, for each twenty (20) parking spaces. Such planting area shall be located within the parking area in a manner acceptable to the Village. Trees of the species designated by the Building Official shall be planted in each planting area and shall meet the landscaping requirements of the Village.
 6. In commercial parking areas where one (1) off-street parking area adjoins or abuts another such parking area under different ownership or use, a landscaped planting strip not less than five (5) feet wide maintained in good condition shall be required.
 7. The Village shall require the use of native vegetation, whenever possible, in landscaped area and removal of exotic tree species, which is, listed in the Conservation Regulations below:

5.04 CONSERVATION REQUIREMENTS:

A. No existing pine or native tree with a diameter of 2 inches or more at the base may be removed without prior Village Council approval. Dead and diseased trees may be removed on notification to the Village Manager. The following native trees shall be protected but do not represent an exhaustive list:

Coccolabe uvifera, Lysiloma bahamensis, Conocapsus erectus,
Coccoloba diversifolia, Simarouba glauca, Bucida buceras,
Quercus virginiana, Hibiscus tiliaceus, Sea Grape, Wild Tamarind,
Silver Buttonwood, Pigeon Plum, Paradise Tree, Live Oak, Mahoe,
Bursera simaruba, Corgia Sebestena, Royalstonea elata, Sabal

palmetto, Gumbo Limbo, Geiger Tree, Royal Palm, Sabal Palm.
(Conservation Element Objective 1.3.0)

B. Melaleuca and Brazilian Pepper tree species shall not be planted as part of any proposed landscape plan. The reasons to prohibit them include: shallow roots which make them susceptible to wind damage; that they grow in dense stands crowding out native vegetation; can cause serious health problems to allergic individuals, and they are prolific propagators that encroach into native vegetative areas.

A removal plan for these non-native trees must be included in the landscape plan.

C. The Village will promote water conservation strategies in new development.
(Conservation Element)

D. The Village of Golf will encourage the use of xeriscaping in new development.
(Conservation Element)

The landscape plans must adhere to the Conservation requirements mentioned previously.

6.01 POTABLE WATER WELLFIELDS:

6.02 PURPOSE:

To protect and safeguard the health, safety, and welfare of the Village of Golf Utility System Users by providing criteria for regulating, and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future Village of Golf potable water supply wells and wellfields pursuant to the Palm Beach County Wellfield Protection Ordinance and the Adopted Village of Golf Comprehensive Development Plan.

6.03 DEFINITIONS:

The definitions are set forth in the Palm Beach County Wellfield Protection Ordinance which is available for public review at the Village Administrative Office and the Utilities Department.

6.04 ZONES OF INFLUENCE:

A. Wellfield Zones: The Palm Beach County Wellfield Protection Ordinance establishes three (3) wellfield zones.

The Zones of Influence indicated on the Palm Beach County Department of Environmental Resources Management's Zone of Influence Maps are as follows:

1. Zone 1: The land area situated between the well(s) and the thirty (30) day travel time contour.
2. Zone 2: The land area situated between the thirty (30) day and the two hundred ten (210) day travel time contours.
3. Zone 3: The land area situated between the two hundred ten (210) day and the five hundred (500) day travel time contours, or the two hundred ten (210) day and the one foot drawdown contour, whichever is greater.

B. Permits: No building permit for any proposed development shall be issued by the Village of Golf that would allow development or construction in Zones 1, 2, or 3 that is contrary to the restrictions and provisions in the Palm Beach County Wellfield Protection Ordinance.

7.01 SIGNAGE/NEWSRACK REGULATIONS:

7.02 PURPOSE:

To promote the Village Aesthetics, traffic safety and proper conveyance of information.

7.03 REQUIREMENTS:

A. Permitted Signs: The erection, display and maintenance of a sign on any property or building within the Village of Golf is prohibited except the following, which are permitted:

1. Signs required by the Village of Golf or other governmental agencies where required by law and those which are necessary and incidental to the performance of governmental activities and responsibilities.
2. Signs required by a club, as defined in the Code designating and naming the club, as well as those signs providing notice to the public designed to prevent trespassing and/or the use of the club's property by persons other than those authorized by said club.
3. Signs required by owners of private property including their agents and contractors, which shall be limited to:
 - a. Only one sign which identifies contractors and/or subcontractors and their building or renovation activities and only in relation to such activities as are being conducted on the particular property on which the sign is to be erected, displayed and maintained. Such sign shall be permanently removed prior to the issuance of a certificate of occupancy or final inspection for the building or renovation activity described on the sign.

4. Owners of private property may erect, display and maintain a sign identifying their name or ownership, entrance and exit roads and street number identifying said property. All properties should have street number for emergency services.
5. Except for the designation of resident name, property owner, location, or address, the erection, display, and maintenance of an illuminated sign on any property is strictly prohibited.
6. Signs violating the building or electrical codes; signs constituting a safety hazard; blank temporary signs; portable signs; signs with motion; and signs erected on public property without Council approval are expressly prohibited.
7. Approved signs in a commercial lease with Village Square owners are permitted.
8. All erected signs within the Village limits shall require a building permit.
9. No newsrack shall be placed, used or maintain in a right-of-way.
10. No newsrack may be chained, bolted or otherwise attached to any fixture located in a right-of-way.

8.01 CONCURRENCY MANAGEMENT:

8.02 PURPOSE:

In order to establish that the concurrency requirements of Florida State Statutes Chapter 163.3177 (3) (a) and rule 9J5.005(3), Florida Administrative Code have been met, the following sections described the procedures and requirements for reviewing proposed Building permit applications to ensure maintaining the level of service (L.O.S.) standards adopted in the Capital Improvements Element of the Village Comprehensive Development. State law requires that no development be approved for which services and facilities are not available concurrent with the impact of development. It is the intent of this section to describe those level of service requirements for the following public facilities.

8.03 LEVEL OF SERVICE:

A. Potable Water: Treatment and distribution must be provided to meet the needs of development at the adopted level of service of three hundred fifty (350) gallons per Equivalent Residential Connection (ERC) per day average daily flow for Potable Water Service. (Capital Improvements Element, and Potable Water Sub-Element Village Comprehensive Plan).

B. Sanitary Sewer: The adopted level of service shall be three hundred fifty (350) gallons per day average daily flow for sanitary service. (Capital Improvements Element).

C. Traffic Circulation: The adopted level of service shall be “C” for average daily traffic conditions and level of service “D” for peak season peak hour traffic conditions (Capital Improvements Element, Policy 1.2.4).

D. Drainage: Compliance with the provisions of the Drainage Sub-Element and Policy 1.2.4 of the Capital Improvements Element shall constitute the acceptable level of service.

E. Solid Waste: The level of service for solid waste shall be seven (7) pounds per capita per day (Capital Improvements Element Policy 1.2.6, Solid Waste Sub-Element)

F. Recreation: Compliance with the provisions of the Recreation/Open Space Element and Policy 1.2.3 of the Capital Improvements Element.

8.04 CONCURRENCY MANAGEMENT SYSTEM:

8.05 PURPOSE:

Recognizing the primary intent of Florida’s Growth Management Act is for facilities and services needed to support development to be in place concurrently with the impacts of the development, a concurrency management system, based upon a realistic and financially feasible schedule of capital improvements and adequate implementing regulations has been developed to assure that development orders and permits are issued in a manner that the necessary facilities and services are available to accommodate the impact of the proposed development. The Village of Golf Concurrency Management System shall ensure that the adopted level of service standards require for roadways, potable water, sanitary sewer, solid waste, drainage and recreation will be maintained prior to the issuance of any building permit.

8.06 APPLICATION OF CONCURRENCY MANAGEMENT SYSTEM:

The provisions of this section shall apply to any application received after February 1, 1990 for a building permit (as defined herein), rezoning Land Use Plan Amendment, site plan approval, plat approval, or other official action by the Village of Golf having the effect of permitting the development of land. This does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the South Florida Building Code.

8.07 CONCURRENCY FINDINGS:

A. As provided herein, no building permit shall be issued where levels of service for all public services and facilities in section 8.03 will not meet or exceed the adopted Level of Service Standards or where the issuance of the Development Order (building permits) would result in a reduction in the level of service for any service or facility below those Level of Service (L.O.S.) standards.

B. Where any public service or facility is currently operating below the adopted level of service standards, or where the issuance of a building permit will result in a reduction in the level of service for any service or facility below the level of service standards as set forth in Section 8.03 assurances that facilities or services necessary to serve the proposed development shall be made by one or more of the following means:

1. The necessary facilities are under construction at the time the building permit is issued; or
2. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time the building permit is issued; or
3. The necessary facilities are funded and programmed for construction in year one of the Village Capital Budget; or

C. Where public facilities and services for a development are provided by the Village or owner/developer, they shall be included in an enforceable developer agreement.

8.08 REVIEW PROCEDURE FOR CONCURRENCY:

A. Building Permits. The adequacy of facilities and services at the time of issuance of building permits (as defined herein) shall be the review responsibility of the Village Manager. Referencing the review criteria of section 8.03, the manager shall utilize the worksheet format included in section 8.10. If the review of “concurrency” finds that the proposed building permit will cause a public facility or service deficiency as described in this section, then that application shall be recommended to the Village Council that it be denied.

B. All other required reviews. The Village Manager or his/her designee shall receive for review all applications and supporting documents for any proposed rezoning, Land Use Plan amendment, re-plat or waiver of plat. The applicant shall provide eight (8) copies of all supporting documents. The Village Manager shall review each application for adequacy of submitted information. This review will include the Village of Golf Utilities (Water & Sewer) and the Building Inspector.

C. Each reviewing official shall prepare written comments and recommendations with respect to the adequacy of public services and facilities to meet the projected needs of the development at the adopted levels of services. After review of these comments and other available information and the criteria set forth by this Code, the Manager shall make a recommendation for approval or denial or approval with conditions to the Village Council. The Village shall not issue a building permit unless there is a finding that the proposed new development will not cause public services or facilities to fall below the adopted levels of service.

8.09 PUBLIC FACILITY CRITERIA:

A. Potable Water: A finding that potable water service is available must be based upon a demonstration that the Village of Golf water treatment facility has reserved sufficient plant and distribution capacity to provide for reserved sufficient plant and distribution capacity to provide for the potable water needs of the application and for other developments in the Village of Golf utility service area which are occupied, available for occupancy, for which building permits are in effect for which potable water treatment capacity has been reserved. If potable water service is not available, an enforceable developer agreement providing for expansion of the Village of Golf water treatment facilities necessary to serve the proposed development at the level of service set forth in Section 8.03 shall be entered into prior to the issuance of the building permit within the Village Utility Service Area Map, Exhibit 3A, Infrastructure Element of the current Village Comprehensive Development Plan.

B. Wastewater: A finding that wastewater service is available shall be based upon a demonstration that an existing wastewater collection and treatment facility has reserved sufficient treatment and disposal capacity to provide for the sanitary sewer needs of the application and for other developments in the Village of Golf Utility Service which are either occupied, available for occupancy, or for which building permits are in effect or for which wastewater treatment capacity has been reserved. If the wastewater service is not available, a developer agreement providing for expansion of the wastewater treatment facilities necessary to serve the proposed development at the level of service set forth in Section 8.03 shall be entered into prior to the issuance of the development permit.

C. Solid Waste: A finding that solid waste facilities and services will be available to serve the needs of the proposed development shall be based upon the availability to serve the needs of capacity on the Palm Beach County Dyer Landfill and resource recovery facilities.

D. Recreation: All building permits for new development must meet the minimum Level of Service Standards adopted in the Village Comprehensive Development Plan and set forth in Section 8.03.

E. Traffic: A finding that the levels of services set forth in Section 8.03 will be available to accommodate the needs of the proposed development shall be based upon a Traffic Impact Analysis.

F. Drainage: A finding that the Drainage levels of service set forth in Section 8.03 will be available to serve the needs of the proposed development.

8.10 CONCURRENTLY MANAGEMENT WORKSHEET:

DATE: _____

PERMIT NO: _____

VILLAGE OF GOLF, FLORIDA
CONCURRENTLY MANAGEMENT SYSTEM
Worksheet to accompany a building permit for new development.

Part I. Location/Name: _____

Street address: _____

Block/Lot: _____

Type of activity applied for: _____

Part II Concurrency Findings.

1. Water Service. Is the application for building permit accompanied by a valid service approval from the Village of Golf Utilities Department?

YES _____ (Attach and proceed to #2)

NO _____ (Stop process)

2. Sanitary Sewer Service. Is the application for building permit accompanied by a valid service approval from the Village of Golf Utilities Department?

YES _____ (Attached and proceed to #3)

NO _____ (Stop process)

3. Traffic Impact. If the application for the building permit is proposing a new or widened driveway connection to Military Trail or Woolbright Road, does the applicant have a permit from Palm Beach County Traffic Engineering Department and/or Florida Department of Transportation. (F.D.O.T.)?

NOT APPLICABLE (Proceed)

YES _____ (Attach)

NO _____ (Stop process)

New development must pay applicable Impact Fees to the Village when the building permit is issued. The Village remits the Fees less the 2% administrative fee to Palm Beach County.

SIGNED

DATE

8.11 PROPORTIONATE FAIR-SHARE PROGRAM:

[added; Ord. No. 80; November 29, 2006]

A. Purpose and Intent. The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with §163.3180(16), F.S.

B. Applicability. The Proportionate Fair-Share Program shall apply to all developments that fail to meet the standards of this Land Development Code and the Village's Comprehensive Plan on a roadway within the Village that is not the responsibility of Palm Beach County, the Florida Department of Transportation (FDOT) or another agency. The Proportionate Fair-Share Program does not apply to the following:

1. Collector and arterial roads which are not the responsibility of the Village pursuant to Section 1.3(4) of the Charter of Palm Beach County, Florida. However, a traffic concurrency letter from the county is required to be submitted by the applicant certifying compliance with the county-wide Traffic Performance Standards Ordinance adopted pursuant to the County Charter prior to the issuance of a development order by the Village.
2. Developments of Regional Impact (DRIs) using proportionate fair-share under §163.3180(12), F.S.
3. Projects exempted from this chapter by state law.
4. Projects that received traffic concurrency approval prior to December 1, 2006.
5. Individual single-family homes.
6. Vested projects.

C. General Requirements. An applicant may choose to satisfy the LOS for transportation by making a proportionate fair-share contribution, so long as each of the following requirements are met:

1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
2. The road improvement necessary to maintain the LOS for transportation is identified in the five-year schedule of capital improvements in the CIE.
3. Any improvement project proposed to meet the developer's fair-share obligation shall meet the Village's design standards for locally maintained roadways.

D. Intergovernmental Coordination. Pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan, the Village shall coordinate with Palm Beach County and other affected jurisdictions such as FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation.

E. Application Process

1. In the event of a lack of capacity, to maintain the LOS for transportation, the applicant shall have the opportunity to satisfy LOS for transportation requirements through the Proportionate Fair-Share Program subject to the requirements of subsection C.
2. Prior to the submittal of an application, eligible applicants shall schedule a pre-application meeting with Village staff. Subsequent to the pre-application meeting, eligible applicants shall submit a completed development application and all documentation requested by the Village. The Applicant shall be required to pay a reasonable fee for the cost of reviewing the application, said fee to be set by Resolution of the Village Council. If the impacted facility is on the Strategic Intermodal System (SIS), then FDOT will be notified and invited to participate in the pre-application meeting. The Village shall also have the option of notifying and inviting Palm Beach County.
3. Village staff shall review the application and certify that the application is sufficient and complete within 14 working days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in subsection C, then the applicant will be notified in writing of the reasons for such deficiencies. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed withdrawn and all fees forfeited to the Village, unless the Village determines that the applicant is working toward a remedy of the stated deficiencies in good faith, in which case the Village may extend the deadline as deemed appropriate by the Village.
4. Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
5. When an application is deemed sufficient and complete in accordance with subparagraph E.3, above, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement prepared by the Village shall be executed by the applicant and delivered to the appropriate parties for

review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient and complete application. If the agreement is not received by the Village within these 60 days, then the application will be deemed withdrawn and all fees forfeited to the Village, unless the Village determines that the applicant is working toward a remedy of the stated deficiencies in good faith, in which case the Village may extend the deadline as deemed appropriate by the Village.

6. No proportionate fair-share agreement will be effective until approved by the Village through an administrative approval.

F. Determining Proportionate Fair-Share Obligation

1. Proportionate fair-share mitigation for transportation LOS impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
2. A development eligible for participation under the Proportionate Fair-Share Program shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate a development's proportionate fair-share obligation shall be as provided for in §163.3180(12), F.S., as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = $\sum [(Development\ Trips_i) / (SV\ Increase_i)] \times Cost_i$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the Village's concurrency management system;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i" per subsection F.3;

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs

directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the Village Engineer shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction will occur.
5. If an improvement is proposed by the applicant, then the value of the improvement shall be based on an engineer's certified cost estimate provided by the applicant and approved by the Village Engineer or by some other method approved by the Village Engineer.

G. Impact Fee Credit for Proportionate Fair-Share Mitigation

1. Proportionate fair-share contributions shall be applied as a credit against road impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by road impact fees which may hereafter be established by the Village.
2. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed project. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed project cannot be transferred to any other project.

H. Proportionate Fair-Share Agreements

1. Upon execution of a proportionate fair-share agreement ("Agreement"), the applicant shall receive a certification of concurrency reservation for capital road facilities. Should the applicant fail to apply for a development permit within 12 months, then the Agreement shall be considered null and void, and the applicant shall be required to reapply, unless the Village and the applicant mutually agree to an extension.
2. Payment of the proportionate fair-share contribution is due in full no later than issuance of the first building permit, and shall be non-refundable. If the payment is submitted more than 90 days from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment, pursuant to subsection 8.11F and adjusted accordingly.
3. In the event an Agreement requires the applicant to pay or build 100 percent of one or more road improvements, all such improvements shall be commenced prior to issuance of a building permit and assured by a binding agreement that is

accompanied by a Performance Security, as determined by the Village, which is sufficient to ensure the completion of all required improvements.

4. Dedication of necessary rights-of-way for facility improvements pursuant to a proportionate fair-share agreement shall be completed prior to issuance of the first building permit.
5. Any requested change to a development subsequent to the issuance of a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require additional mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to the Village will be non-refundable.

J. Appropriation of Fair-Share Revenues

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for State and Federal grant programs as may be allowed by law.
2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within the Village that would mitigate the impacts of development pursuant to the requirements of subsection 8.11C.

9.01 ONSITE TRAFFIC FLOW:

9.02 PURPOSE:

To implement the Traffic Circulation Element of the Village Comprehensive Development Plan and to ensure safe and convenient traffic flow, considering needed vehicle parking regulations.

9.03 REQUIREMENTS:

A. Off-Street Parking Required. No multiple family residential or commercial permitted accessory or special exception use or structure shall be located, erected, constructed, added on to, repaired, reconstructed or altered unless adequate off-street parking and loading/unloading is provided as hereinafter set forth.

B. Off-Street Parking. Size and access. An off-street parking space shall consist of a parking space having minimum dimensions of ten (10') feet in width by twenty (20') feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width of an access drive shall be ten (10'). Minimum width of an aisle designed and intended for the maneuvering of an automobile into a parking space shall be sufficient to allow for such maneuvering. Each off street parking space shall have direct connection to an access drive or aisle so that each automobile may be placed and removed from parking space without the necessity of moving any other automobile to complete the maneuver; tandem parking spaces are not permitted.

C. Number of Parking Spaces Required. There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, or at the time any use or occupancy of any existing building is changed to a use or occupancy which increases the requirements for off-street parking, minimum off-street parking facilities with adequate provisions for ingress and egress, in accordance with sub-paragraph (1) of this section and the following schedule of off-street parking requirements.

<u>USE</u>	<u>SPACES REQUIRED PER UNIT</u>
1. Single and two family dwellings	Two (2) per dwelling unit
2. Multiple-family dwellings	Two (2) per dwelling unit plus one (1) for each Two (2) units or portion thereof
3. Hotels	One and one-tenth (1-1/10) per dwelling unit. A dwelling unit for the purpose of this requirement is composed of two (2) or less rooms
4. Libraries	One (1) for every five hundred (500) square feet
5. Medical or dental offices or clinics Restaurants, or other eating places or other related uses	Five (5) for each doctor or dentist One (1) for three (3) seats as established by the latest standards of the Standard Building Code or one (1) for three (3) proposed fixed seats, whichever is greater
6. Retail, commercial and personal service establishments, offices banks and financial institutions	One (1) for two hundred twenty-five (225) square feet of gross leasable floor area

D. Location of parking spaces. Parking spaces for all uses or structures, which are provided as required parking in conformance with the foregoing schedule of off-street parking and other applicable provisions shall be located on the same lot or lot of record and have the same land development classification as the principal use or structure they are intended to serve and shall be within five hundred (500') feet of the premises. The Village Council may permit as a special exception the establishment of supplemental off-street parking facilities which are in addition to those facilities required in accordance with the foregoing schedule of off-street parking for a permitted or approved special exception use and which are in addition to other parking requirements; this additional parking may be supplemental parking located on the same lot or supplemental offsite parking located on a directly adjoining lot or a lot which would be directly adjoining except for the location of a street or public way; provided, however, that all other provisions for special exceptions as set forth herein are complied with and further, that the granting of such supplemental on-site or supplemental off-site parking is not construed as permission to expand, enlarge, alter, renovate or modify the use of any structure except in accordance with the requirements of this Ordinance.

9.04 TRAILERS OR TEMPORARY STRUCTURES OR VEHICLES:

A. On construction sites, trailers, temporary structures, or vehicles used for construction offices on a construction site or in a sub-division shall be permitted during the period of construction only after a building permit for the construction job has been issued; such trailer or trailers, temporary structures, or vehicles, must be removed from the building site following the issuance of the final certificate of occupancy. Extension periods of a additional thirty (30) days may be granted by the Building Official for good cause shown. Such permitted trailers, structures, or permission of the Village Council, and shall be permitted only after receiving a permit from the building official for each such trailer.

B. The intermittent or continual placement or utilization of any trailer, temporary structure, or vehicle for the use, such as, but not limited to, storage, shall be prohibited in all land development classifications.

9.05 COMMERCIAL VEHICLES AND TRUCKS, RECREATIONAL VEHICLES ON PRIVATE LOTS:

A. No commercial vehicles or trucks may be parked on any property or right-of-way within the residential land development classifications.

1. Residential classifications include all areas within the Village of Golf as shown on the land use map.
2. This restriction shall not apply to the temporary parking of such vehicles on private property in residential classifications whereon construction is underway for which a current and valid building permit has been issued by the Village of Golf and said permit is properly displayed on the premises.

3. This restriction shall not apply to routine deliveries by tradesmen or the use of trucks in making service calls, providing that such time period is actually in the course of business deliveries or servicing, as the case may be.
4. This restriction shall not apply to the parking of emergency vehicles, providing that the time parked is actually necessary for the emergency vehicles driven by residents of the Village Of Golf and parked on their property.
5. This restriction shall not apply to a situation where such vehicle becomes disabled, and as a result of such emergency, is required to be parked within a residential classification for longer than the time allowed herein. However, any such vehicle shall be removed from the residential area within twenty-four (24) hours by wrecker towing, if necessary, regardless of the nature of the emergency, and the cost of such towing shall be at the expense of the owner of the vehicle.

B. Construction equipment, panel trucks, pickup trucks, vans, or similar types of trucks used for commercial purposes, recreational boating and camping equipment in the form of travel and camping trailers, boat trailers, boats on trailers and truck trailers designed and used as temporary living quarters for recreation, boating, camping or travel uses, parked on a lot containing a single-family residence in any residential area within the Village is not permitted.

These restrictions shall not apply to the parking of emergency vehicles, providing that the time parked is actually necessary for the emergency. Further, the restrictions shall not apply to volunteer emergency vehicles driven by residents or the Village of Golf and parked on their property.

C. The provisions and conditions set forth in subsection (2) above are intended to regulate the parking of vans or similar types of vehicles only used for personal transportation rather than commercial purposes.

D. In the case of doubt as to the proper classification of a specific vehicle under the terms of this subsection, the determination by the motor vehicle commission of the State of Florida shall be controlling.

E. All new development must conform to Policy 2.1.1 of the Traffic Circulation Element and must adhere to the requirements stated in the concurrency regulations for traffic in the Land Development Code.

F. Any part or the whole of this section may be waived by the Village Council on the filing of a written application for such action setting forth the reasons for the request. Such application must set forth a hardship on the part of the applicant, and granting of the request by the Village Council must be based on hardship.

G. Any person violating the provisions of this subsection shall, upon a finding of violation being issued, be fined up to two hundred fifty dollars (\$250.00) for each violation and for each day such violation continues.

10.01 ADMINISTRATIVE REGULATIONS:

10.02 GENERAL PROVISIONS:

A. Uses allowed. No land in the Village of Golf shall be used for any purposes other than those purposes set forth in this code.

B. Local Planning Agency.

1. 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*.
2. All proposed land development regulations or amendments thereto shall be reviewed by the Village's Local Planning Agency.

[amended: Ord. No. 54; November 29, 2000]

10.03 CONSTRUCTION PERIOD:

A. Except as provided herein, complete plans for major construction, site, swimming pool, and associated landscape projects must be submitted and approved prior to a date which falls fifteen (15) days after Easter or April 15, whichever date is earlier, for the construction period set forth at sub-section C. below. No building permit shall be issued for major construction projects after April 15 of each year except permits for that scope of work which is certified pursuant to paragraph D. below as being able to be completed within the said construction period after permit issuance. The Village may accept applications after this date and issue building permits on projects for which the owner or general contractor has offered certification pursuant to paragraph D below.

B. At all times other than during the periods allowing for major construction as set forth in this paragraph, all major construction activity, including but not limited to, utilities, streets, sodding, heavy landscaping, pruning and the use of heavy equipment or the production of loud noises **is prohibited** except to the extent that such construction activity is deemed necessary for emergency repair in the interest of public health, safety and welfare. Notwithstanding this general prohibition, any major construction work within the scope of existing permits scheduled only for the interior of the project that does not threaten to create adverse effects for neighboring properties, may occur after November 1 until December 15, so long as such work is not allowed to continue during the Thanksgiving holiday period beginning from the Saturday prior to Thanksgiving through to the following Sunday. However, these specific prohibitions against major construction activities shall not be construed to be applicable to general landscaping maintenance activities also utilizing heavy equipment with associated loud noises since such landscaping activities are specifically permitted from 7:00 A.M. through 7:00 P.M. throughout the year, except on Sundays and holidays when they are prohibited.

C. Major construction activity will be permitted Monday through Saturday at the following times during the specified periods of the year: from 7:00 A.M. to 7:00 P.M., from a date which falls fifteen (15) days after Easter or April 15, whichever is earlier, through October 31; and from 7:00 A.M. to 5:00 P.M. from November 1 through December 15, subject to paragraph B regulations hereinabove. Major construction activity will not be permitted at any other times or on Sundays and holidays, except as permitted by the provisions of Section 10.03.

D. The owner and general contractor shall certify by affidavit that major construction will start-either on or after the initial date of the construction time period set forth in paragraph C. and will be completed

by October 31 of that year, including the scope of work associated with landscaping, pool, and other approved accessory uses, unless otherwise permitted by the provisions of Sec. 10.03.

E. The Construction Period Regulations contained in paragraphs A-D in this Section will apply only to property, regardless of zoning classification, located south of Golf Road. Property located north of Golf Road, regardless of zoning classification, may apply for land development approval and after receiving the appropriate approvals (site plan and building permit approval) may commence major construction at anytime during the year. **[added: Ord. No. 57; November 29, 2000] [amended: Ord. 103; September 18, 2013]**

10.04 CERTIFICATE OF OCCUPANCY:

It shall be unlawful to use or permit the use of any building or premises thereof hereafter created or erected, changes or converted wholly or partly in its use or structure until a certificate of occupancy to the effect that the building or premises or part thereof and the proposed use thereof conform to the provisions of this Ordinance shall have been issued by the officer designated by the Village Council.

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 undo 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 issue 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 mailed via First Class Mail approximately twelve (12) days before the public hearing date to all property owners within a 500 foot radius of the boundary lines of the property for which the variance is requested. The notice shall state the substance of the request, the time and the 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 variance application to:

1. President of The Country Club of Florida
2. President of the Village of Golf Homeowner's Association

No application shall be heard less that twelve (12) days after the provision of notice to property owners directly affected as herein required, and all applications will be heard at a regular meeting of the Village Council unless otherwise ordered by the Council and duly advertised. **[Sec. (C) revised; Ord. 71; March 30, 2005]**

- 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:

1. One (1) original and eight (8) copies of the application for variance package to include, along with the application form:
 - a. a development concept plan or site plan on one or more sheets of paper measuring not more than 24"x36" 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 travel way (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.
 - b. identification of the zoning of the petitioned site.
 - c. 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
 - d. 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
 - e. the proposed phasing of construction for the project, if applicable.
 - f. a legal description of the subject property.
 - g. a drainage statement or drainage plan, if required by the Village or its designated engineer.
 - h. for uses other than residential, the number of employees, hours of operation, estimated seating, and estimated number of users, the size, location, and orientation of signs.
 - i. proposed lighting of the premises (commercial projects only).
2. 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.

[added; Ord. No. 54; November 29, 2000]

10.05 SPECIAL EXCEPTIONS:

A. Where listed in the specific zoning district, application to the Village Council may be made for a specific special exception use.

1. Every person requesting a specific exception as herein contemplated shall make written application to the Village Council and shall file the same and eight (8) copies thereof with supporting facts and data with the Village Clerk.

The clerk shall mail a copy of said application to:

- a. Owners of the property immediately adjacent thereto and across the street or street easement therefrom.
 - b. President of The Country Club of Florida (Owners of Golf Course Property).
 - c. President of the Homeowner's Association, Village of Golf.
2. Notices would be mailed to an address recorded with the Village Clerk (if such address is not so recorded no such copy need be mailed), together with a notice

from the Village Clerk advising the time of the hearing of said application before the Village Council. No application shall be heard less than ten (10) days after the mailing of the notice to property owners directly effected as herein provided and all applications will be heard at regular or special meetings of the Village Council.

NOTE; Zoning changes, replating or existing lots, etc. require an ordinance to amend. Therefore, public notice would be made to all property owners of the Village of Golf as required by ordinance procedure.

B. Criteria: Special exception uses and their related accessory uses or any expansion, enlargement, or modification or an existing special exception use shall be permitted only upon authorization of the Village Council provided that such uses shall be found by the Village Council to comply with the following requirements and other applicable requirements as set forth in this ordinance:

1. That the proposed use is a permitted special exception use as set forth in the schedule of use regulations in the land development code.
2. That the use is so designed located and proposed to be operated so that the public health, safety, welfare and morals will be protected.
3. That the use will not cause substantial injury to the value of other property in the Village where it is to be located.
4. That the use will be compatible with adjoining development and the proposed character of the land class where it is to be located.
5. That adequate landscaping and screening is provided as required herein.
6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic or abutting roadways.
7. That the use conforms with all applicable regulations governing the land use where located.
8. That the use meets all the requirements in the land development code and conforms to the comprehensive plan.

C. Findings: Before any special exception is granted, the Village Council shall apply the standards set forth herein and shall determine that satisfactory provision and arrangement of the following factors have been met by the petitioner, where applicable:

1. Compliance with all elements of the Village of Golf Comprehensive Plan;

2. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
3. Off-street parking and loading area where required with particular attention to the items in (2) above;
4. Refuse and service areas with particular reference to items (2) and (3) above;
5. Nuisance factors detrimental to adjacent and nearby properties and the Village as a whole. Nuisance factors shall include by not necessarily be limited to: noise, odor, smoke, glare, electrical interference and/or mechanical vibrations;
6. Utilities, with reference to location, availability and compatibility;
7. Screening and buffering with reference to type, dimensions and character;
8. Signs and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the land use category;
9. Required yards and other open space;
10. General compatibility with adjacent properties and other property in the land use category;
11. Whether the change suggested is out of scale with the needs of the neighborhood or the Village;
12. Any special requirements set out in the Schedule of Site Regulations for the particular use involved.

D. Conditions and safeguards: In addition to the standards listed above and specific conditions listed for each particular special exception listed within any particular zoning land use category, the Village Council may impose other such conditions and safeguards as it deems appropriate in conformity with these zoning regulations for the protection of the surrounding properties and the neighborhood or general welfare of the public.

E. Denial: Should the Village Council deny a special exception, it shall state fully for the record the reasons for doing so. Such reasons shall take into account the factors under subsection C above and all other conditions and particular regulation relating to the specific special exception requested.

F. Limitations on the filing of a special exception:

1. Whenever Village Council has denied an application for a special exception, the Village shall not thereafter consider any further application for special exception on any part or all of the same property for a period of twelve (12) months from the date of such action.
2. The time limits of subsection 1. above may be waived by three (3) affirmative votes of Village Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the Village.

G. Time limits for special exceptions:

1. Special exception shall commence within twelve (12) months from the date of grant of the special exception unless extended by action of Village Council.
2. Only one extension shall be permitted and shall not exceed six (6) months.
3. Special exception granted to any governmental unit shall be exempt from the provisions of this subsection (G), unless a time limitation is made a specific condition of the special exception.

10.06 SPECIAL EXCEPTION APPLICATION PROCESS:

A. A written petition for special exception shall be submitted indicating the section of the land development regulations under which the special exception is sought and stating the grounds on which it is requested, with particular reference to the written findings in subsection C. and any other specific condition(s) if applicable which the Village Council should address. The petition shall include all material necessary to meet the requirements of the development concept plan listed below and any additional information that will demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these zoning regulations.

B. A petitioner seeking special exception approval shall submit a development concept 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 Development Concept Plan:

1. Scale, date, north arrow, vicinity sketch, title of the 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, watercourses, 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 and information as to which trees will be removed. (properly identified)
6. Identification of surrounding land development use, zoning and existing buildings within one hundred (100) feet of the petitioned site, as well as the zoning of the petitioned site.
7. A layout of the proposed lots and/or building sites including the following site data:
 - a. Finished floor elevation
 - b. Common open areas
 - c. Generalized landscaping and buffer areas
 - d. Internal circulation patterns including off street parking and loading facilities
 - e. Total project density
 - f. Percentage of building coverage
 - g. Percentage of impervious surface coverage
 - h. Percentage of open space area
 - i. The shape, size, location and height of all structures
8. A traffic impact analysis as may be required by the Village or its designated engineer including the following:
 - a. Future right-of-way dedications
 - b. Intersection improvements
 - c. Traffic control devices
 - d. Traffic generation analysis
 - e. Distribution and assignment of traffic
 - f. Additional roadway needs
9. The proposed phasing of construction for the project if applicable.
10. Commercial, office and uses other than residential shall provide the estimated square footage of the structure(s), the number of employees, estimated seating, and the estimated number of users of the facility, such as members, students and patients.

11. Proposed hours of operation for commercial uses.
12. A drainage statement or drainage plan as may be required by the Village or its designated engineer.
13. Size, location and orientation of signs.
14. Proposed lighting of the premises.
15. Ten (10) aerial maps at a minimum scale of 1" = 300' showing the site in question with paved boundaries superimposed.
16. A legal description of the land proposed for development.

C. The application shall be reviewed by the appropriate Village staff within 30 days of the submission deadline. Upon staff review and analysis of all submitted materials, building official and manager shall forward a recommendation to the Village Council.

D. A public hearing shall be held by the Village Council. The property owner may appear personally or by agent or attorney. The Council encourages the owner(s) of said property to be in attendance.

E. Notice of public hearing shall be sent ten (10) days in advance of the public hearing by U.S. Mail. The owner of the property for which special exception is sought or his agent or attorney designated by him on the submitted petition shall be notified by mail. Notice shall be given by mail to all owners of property within a three hundred (300) foot radius of the boundary lines of the property for which special exception is requested. Notice of the public hearing shall be prominently posted other than residential land use categories on the property by the applicant for which a special exception is sought. Notwithstanding any other provision herein contained, failure to provide written notice to any adjacent property owners shall not constitute a jurisdictional defect provided that proper legal notice has been published.

F. Filing fee: Upon filing an application for special exception, the applicant shall pay a fee to the Village at the time of filing of said application. Said fee shall be in the amount as established by Resolution of the Village Council, shall not be reimbursable and is intended to defray costs of administering, processing, and reviewing the application.

10.07 JUDICIAL INTERPRETATION:

A. In the event any court of competent jurisdiction should hold that any provision of this ordinance or the zoning map which is made a part hereof, is unconstitutional or unenforceable as to any particular parcel of land or building within the Village of Golf, because the use allowed for such parcel of land or building under this ordinance amounts to taking property without due process of law, or for any other reasons, then and in that event such piece or parcel of land or building is hereby declared to be, and is hereby classified under the Village's zoning laws in the next less restrictive classification.

10.08 ENFORCEMENT, VIOLATIONS AND PENALTIES:

A. This ordinance shall be enforced by the Village Council of the Village of Golf, Florida.

B. If upon the examination of any building, street, place or premises, there is found to be a violation of any of the provisions of this ordinance, the owner or agent of the building or premises where the violation of this ordinance has been committed or shall exist, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided; that in addition to the foregoing remedy, the Village may through its Council, Mayor or other proper officer maintain and prosecute in any court of competent jurisdiction, an action or injunction, or otherwise, to restrain any violation of this ordinance. In addition to all of the above any person violating any of the provisions hereof shall be subject to arrest and trial in the Village Court of said Village for any violation actually committed.

C. Any person found guilty of any violation of any of the provisions of this ordinance relative to the use and occupancy of property shall upon conviction be fined not less than \$25.00 nor more than \$500.00 or imprisonment not more than 30 days in the common jail of the Village. Each day's violation of any of the provisions of this ordinance shall constitute a separate offense and shall be punishable accordingly.

D. Any tenant or lessee who shall knowingly violate or be a party to the violation of any provision of this ordinance, or shall continue the violation of any provision of this ordinance after being notified to cease and desist, shall be guilty of a misdemeanor and shall be punished as provided in the preceding paragraph.

10.09 UNITY OF TITLE DECLARATION:

A. Where it reasonably appears that a certain proposed use of property, as set forth in an application for a building permit, may subsequently be charged by the sale or transfer of a portion of said property and that such change would negate the application of zoning requirements relating to the proposed use, the Village shall require the property owner(s) to execute a unity of title declaration as a condition precedent to the approval of the site plan, or the issuance of a building permit for the proposed use. The unity of title declaration shall apply to all the property necessary for the proposed use, and shall declare that no portion of said property shall be sold or transferred by the owner(s) or successors in interest apart from the whole.

B. In the event a sale or transfer in contravention of a unity of title declaration, no building permit will be issued for any portion of the property contained in the unity of title declaration. Declaration shall remain in effect until a release of unity of title declaration is executed by the Village.

C. The unity of title declaration shall be filed at the expense of the owner(s) in the public records of Palm Beach County, Florida. Proof of such filing shall precede the issuance of a building permit.

10.10 NON CONFORMING USES:

A. The lawful use of any building, structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions thereof; provided however, the following conditions are met:

1. Unsafe structures or buildings: Any structure or building or portion thereof declared unsafe may be restored to a safe condition.
2. Construction approved prior to ordinance: Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently carried on within six (6) months of the date of such permit.
3. Alterations: A nonconforming building may be maintained and repairs and alterations may be made, except that in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law including eminent domain proceedings. Repairs such as plumbing or changing of partitions or other interior alterations are permitted.
4. Extensions: Buildings or structures or uses of land, which are nonconforming, shall not be extended or enlarged.
5. Nonconforming use of land: When a nonconforming use of land has been discontinued for a period of ninety (90) days, its future use shall revert to the uses permitted in the land use category in which said land is located.
6. Abandonment: A nonconforming use of land or of a building which has been vacated or abandoned for ninety (90) days shall not thereafter be occupied by any nonconforming use.
7. Destruction by fire or other act: Nothing in this Chapter shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) percent of its assessed value by flood, fire, explosion or other casualty, or act of God or the public enemy, nor the continued occupancy of use of such building or part thereof which existed at the time of such partial destruction. The restoration of a building destroyed more than fifty (50) percent of its assessed value by flood, fire, explosion or other casualty, or act of God, or the public enemy, must meet the requirements of all applicable provisions of this section. Restoration under this section must be started within ninety (90) days. Notwithstanding the above, an existing single family may be replaced on an existing platted lot even though the lot size may be or remain non-conforming.
8. Existing screened swimming pool enclosures may be replaced in the same location with a structure built within the same exterior dimensions and height as the existing structure shall be enclosed with solid walls or roof.

9. Existing newsracks are not exempted from Section 7.03 (I) and (J) of the Land Development Code.

10.11 BUILDING PERMIT APPLICATION FEES:

- A. The Village Council may by resolution, establish appropriate Building, Demolition and Moving permit fees.
- B. Applicable Palm Beach County Impact Fees shall be collected by the Village upon issuance of a building permit. The Village shall adhere to the Palm Beach County Impact Fee Ordinance and appropriate fees.
- C. Applicable State of Florida Radon Fees shall be collected by the Village upon issuance of a building permit. The Village shall adhere to the State of Florida Radon Trust Fund rules and procedures.

11.01 FLOOD PROTECTION AND CONTROL:

- A. Statutory Authorization: The Legislature of the State of Florida has in Chapter 166 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Village Council of the Village of Golf, Florida does make the following findings:
- B. Findings of Fact:
 1. While the Village of Golf is not in a special flood hazard area, certain portions of the community are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
- C. Statement of Purpose: It is the purpose of Section 11.01 et. seq. to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage throughout their intended life span;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives: The objectives of Section 11.01 et. seq. are:

1. To protect human life, health and to eliminate or minimize property damage;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges and culverts located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
7. To insure that potential homebuyers are notified that property is in a flood hazard area.

11.02 DEFINITIONS:

All definitions applicable to this section are found Section 1.05 of this Code.

11.03 LANDS TO WHICH SECTION 11.01 ET. SEQ. APPLIES:

Section 11.01 et. seq. shall apply to all areas of the Village which now or in the future qualify as special flood hazard areas.

11.04 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD:

The areas of special flood hazard identified by the Federal Emergency Management Agency, for the Village of Golf, with accompanying flood insurance rates and other supporting data, if any, and any subsequent revision thereto, are adopted by reference and declared to be a part of this chapter.

11.05 ESTABLISHMENT OF DEVELOPMENT PERMIT:

A development permit shall be required in conformance with the provisions of Section 11.01 et. seq. prior to the commencement of any development activities.

11.06 COMPLIANCE:

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

11.07 ABROGATION AND GREATER RESTRICTIONS:

Section 11.01 et. seq. is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where Section 11.01 et. seq. and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11.08 INTERPRETATION:

In the interpretation and application of Section 11.01 et. seq. all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

11.09 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by Section 11.01 et. seq. is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These requirements shall not create liability on the part of the Village of Golf or by any officer or employee thereof for any flood damages that result from reliance on Section 11.01 et. seq. or any administrative decision lawfully made thereunder.

11.10 PENALTIES FOR VIOLATION:

Any person who violates any provision of Section 11.01 et. seq. or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Golf and/or its Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

11.11 DESIGNATION OF VILLAGE FLOOD PLAIN ADMINISTRATOR:

The Village Manager is hereby appointed to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

11.12 PERMIT PROCEDURES:

Application for a development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Application Stage:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 11.12B and Section 11.15B;
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
5. Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and or reviewed the structural designs, specifications and plans of the construction and certified that

are in accordance with accepted standards of practice in Coastal High Hazard Areas.

B. *Construction Stage:* Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the bottom of the lowest horizontal structural member of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder=s risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

11.13 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

Duties of the Floodplain Administrator shall include, but not be limited to:

A. Review all development permits to assure that all sites are reasonably safe from flooding and that the permit requirements of this chapter have been satisfied;

B. Advise permittee that additional Federal, state or local permits may be required, and if such additional permits are necessary, especially as it relates to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, *Florida Statutes*, require that copies of such permits be provided and maintained on file with the development permit;

C. Notify adjacent communities, the Department of Community Affairs, Division of Emergency Management, the South Florida Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse; and submit evidence of such notification to the Federal Emergency management Agency.

D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

E. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) (A-Zones) or bottom of the lowest horizontal structural member of the lowest floor (V-Zones) of all new or substantially improved structures, in accordance with Sections 11.15A, 11.15B and 11.23B;

F. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 11.15B;

G. Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular structure, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Section 11.15B of this ordinance. In Coastal High Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed and securely anchored to pilings or columns in order to withstand velocity waters and hurricane wave wash. Additionally in Coastal High Hazard Areas, if the area below the lowest horizontal structural member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with non-supporting breakaway walls that meet the standards of Section 11.23F of this chapter;

H. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;

I. When base flood elevation data or floodway data have not been provided in accordance with Section 11.04 then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Sections 11.14 – 11.30;

J. Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA;

K. Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Sections 11.15A and B, respectively; and

L. All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

11.14 PROVISIONS FOR FLOOD HAZARD REDUCTION; GENERAL STANDARDS:

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- A. New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- I. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of New construction as contained in this ordinance;
- J. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;

K. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:

1. South Florida Water Management District(s): in accordance with Chapter 373.036 F.S., Section (2)(a) B Flood Protection and Floodplain Management.
2. Department of Community Affairs: in accordance with Chapter 380.05 F.S., Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code.
3. Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems.
4. Department of Environmental Protection, Coastal Construction Control Line: in accordance with Chapter 161.053 F.S. Coastal Construction and Excavation.

L. Standards for Subdivision Proposals and other Proposed Development:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

11.15 SPECIFIC STANDARDS:

In all A-Zones where base flood elevation data have been provided (Zones AE, A1B30, and AH), as set forth in Section 11.04. the following provisions shall apply:

A. *Residential Construction.* All new construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Section 11.15C (AElevated Buildings@ hereinbelow).

B. *Non-Residential Construction.* All new construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including

basement, elevated to no lower than one (1) foot above the base flood elevation. Structures located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

C. *Elevated Buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
2. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
3. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

11.16 STANDARDS FOR MANUFACTURED HOMES AND RECREATIONAL VEHICLES:

A. All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a

new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, the lowest floor be elevated on a permanent foundation to **{no lower than one foot above}** the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A-1, AH, and AE, that are not subject to the provisions of paragraph A of this section, must be elevated so that either:

1. The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 36 inches **{48 inches if one foot of freeboard adopted}** in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

C. All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days,
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or
3. Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with provisions 11.16A and B of this section.

11.17 ADEQUATE DRAINAGE PATHS AROUND STRUCTURES SHALL BE PROVIDED ON SLOPES TO GUIDE WATER AWAY FROM STRUCTURES:

11.18 STANDARDS FOR STREAMS WITH ESTABLISHED BASE FLOOD ELEVATIONS, WITHOUT REGULATORY FLOODWAYS:

Located within the areas of special flood hazard established in Section 11.04 where small streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE and A1B30), the following additional provisions shall also apply:

A. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

B. Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies B with the community=s endorsement B for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.

11.19 FLOODWAYS:

Located within areas of special flood hazard established in Section 11.04 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

B. Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies B with the community=s endorsement B for a conditional FIRM revision, and receives the approval of FEMA.

C. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Sub-section A above.

11.20 STRUCTURES SEAWARD OF COASTAL CONSTRUCTION CONTROL LINE:

For all structures located seaward of the Coastal Construction Control Line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with Section 11.04 whichever is higher. All non-elevation design requirements of Section 11.23 shall apply.

11.21 SPECIFIC STANDARDS FOR A-ZONES WITHOUT BASE FLOOD ELEVATIONS AND REGULATORY FLOODWAYS:

Located within the areas of special flood hazard established in Section 11.04 where small streams there exist A Zones for which but where no base flood elevation data and regulatory floodway have been provided or where no floodways have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

- A. Require standards of Section 11.14.
- B. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Section 11.15 shall apply. The Floodplain Administrator shall:
 - 1. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - 2. Obtain, if the structure has been floodproofed in accordance with the requirements of Section 11.15B the elevation in relation to the mean sea level to which the structure has been floodproofed, and
 - 3. Maintain a record of all such information.
- C. Notify, in riverine situations, adjacent communities, the State of Florida, Department of Community Affairs, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- D. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- E. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.
- F. When the data is not available from any source as in paragraph 11.21B of this section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.

G. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

11.22 STANDARDS FOR AO-ZONES:

Located within the areas of special flood hazard established in Section 11.04 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as ~~to~~ the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least to no less than two feet above the highest adjacent grade.

B. All new construction and substantial improvements of non-residential structures shall:

1. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as ~~to~~ the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least two feet above the highest adjacent grade, or
2. Together with attendant utility and sanitary facilities be completely floodproofed to that level to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy meet the floodproofing standard specified in Section 11.15B.

C. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

11.23 COASTAL HIGH HAZARD AREAS (V-ZONES):

Located within areas of special flood hazard established in Section 11.04 are Coastal High Hazard Areas, designated as Zones V1B30, VE, or V (with BFE). The following provisions shall apply for all development activities:

A. Meet the Requirements of Sections 11.12, 11.14, 11.15. except 11.19, 11.21 and 11.22.

B. All new construction and substantial improvements in Zones V1BV30, VE, and V (with BFE) shall be elevated on pilings or columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than one foot above the base flood elevation whether or not the structure contains a basement; and
2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading will be those values associated with the base flood. Wind loading values will be those required by applicable State of Florida or local, if more stringent than those of the State of Florida, building standards.

C. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.

D. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The Floodplain Administrator shall maintain a record of all such information.

E. All new construction and substantial improvements shall be located landward of the reach of mean high tide.

F. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable Florida or local, if more stringent than those of the State of Florida, building standards.

3. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be finished, partitioned into multiple rooms, or temperature-controlled.

G. Prohibit the use of fill for structural support. No development permit shall be issued for development involving fill in coastal high hazard areas unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures. Placement of fill that would result in an increase in the base flood elevation or cause adverse impacts by wave ramping and deflection may be permitted, provided that the permit applicant first applies for and receives a conditional FIRM revision, fulfilling the requirements for such revisions as established by FEMA.

H. Prohibit man-made alteration of sand dunes and mangrove stands that would increase potential flood damage.

I. For all structures located seaward of the Coastal Construction Control Line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or the base flood elevation, whichever is the higher. All non-elevation design requirements set forth at Sub-sections 11.23B through 11.23I hereinabove inclusive shall apply.

J. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, in coastal high hazard area, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood nor cause any adverse impacts to adjacent properties by wave ramping and deflection.

11.24 DESIGNATION OF VARIANCE AND APPEALS BOARD:

The Village Council of the Village of Golf shall hear and decide appeals and requests for variances from the requirements of Sections 11.01 – 11.30.

11.25 DUTIES OF VARIANCE AND APPEALS BOARD:

The Village Council of the Village of Golf shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of Sections 11.01 – 11.30. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.

11.26 VARIANCE PROCEDURES:

In acting upon such applications, the Village Council of the Village of Golf shall consider all technical evaluations, all relevant factors, standards specified in other sections of the floodplain regulations Sections 11.01 – 11.30, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger of life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

11.27 CONDITIONS FOR VARIANCES:

- A. Variances from this section of the code (Sections 11.00 et. seq.) shall only be issued when there is:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

B. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.

C. Variances shall not be granted after-the-fact.

D. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

11.28 VARIANCE NOTIFICATION:

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

A. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

B. Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

11.29 HISTORIC STRUCTURES:

Variances may be issued for the repair or rehabilitation of historic structures meeting the definition in this ordinance upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

11.30 STRUCTURES IN REGULATORY FLOODWAY:

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.