

ORDINANCE NO. 105

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, AMENDING THE VILLAGE LAND DEVELOPMENT CODE ADOPTED BY ORDINANCE NO. 86., AS AMENDED BY ORDINANCES NO. 94, 103 & 104, AT SECTION 1.05 DEFINITIONS; BY ADOPTING AN ENTIRELY NEW DEFINITION NUMBERED AS 219.1 ENTITLED "PLACE OF ASSEMBLY" TO DEFINE A NEW PERMITTED SPECIAL EXCEPTION USE WITHIN THE LIMITED COMMERCIAL ZONING DISTRICT; AMENDING SECTION 3.04 LIMITED COMMERCIAL; BY REPEALING SUBPARAGRAPH 2. OF SUB-SECTION A. USES PERMITTED; AND READOPTING IT TO PROVIDE FOR ONE (1) ADDITIONAL SPECIAL EXCEPTION USE OF "PLACE OF ASSEMBLY (75 SEATS OR LESS)" IN THE LIMITED COMMERCIAL DISTRICT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ORDINANCE NO. 86., AS AMENDED BY ORDINANCES NO. 94, 103 AND 104 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Golf desires to update the Land Development Code to provide for a new use definition and one additional special exception use to be entitled "Place of assembly (75 seats or less)" in the Limited Commercial zoning district; and

WHEREAS, the notice and hearing requirements provided for in the Village Code of Ordinances and state statutes have been satisfied where applicable; and

WHEREAS, the Village Council of the Village of Golf has determined that such amendments to the Land Development Code are in the best interests of the general welfare of the Village of Golf.

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

Section 1. Ordinance No. 86, as amended by Ordinances No. 94, 103, & 104, is hereby amended at Section 1.05. Definitions; by adopting an entirely new definition to be entitled "Place of assembly" to be inserted alphabetically at new definition No. 219.1.; providing that this new definition shall hereafter read as follows:

219.1. Place of assembly. Place of assembly means a building or portion of a building in which facilities are provided for civic, fraternal, educational, political, religious, or social purposes, including but not limited to, "Church/House of worship" or "Club" as these terms are defined hereinabove.

Section 2. Ordinance No. 86 as amended by Ordinances No. 94, 103, & 104, is hereby amended at 3.04. Limited Commercial; at Sub-section A. uses permitted; by repealing subparagraph 2. Special Exception Uses; and readopting subparagraph 2 along with an entirely new permitted special exception use at new sub-sub-paragraph c.; providing that Section 3.04 shall hereafter read as follows:

3.04 Limited Commercial

- A. (Shall remain the same as previously adopted.)
- 1. (Shall remain the same as previously adopted.)
- 2. Special Exception Uses:
 - a. - b. (Shall remain the same as previously adopted.)
 - c. "Place of assembly (75 seats or less)"
- 3. (Shall remain the same as previously adopted.)

Section 3: Each and every other section and subsection of Ordinance No. 86, as amended by Ordinances No. 94, 103 and 104, shall remain in full force and effect as previously adopted.

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

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

Section 6: Specific authority is given to codify this Ordinance, if so desired, and providing that the definition and special exception use adopted by this Ordinance may be inserted into the existing, applicable pages within the Village of Golf Land Development Code in order to become a part thereof.

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

FIRST READING this 16th day of July, 2014.

SECOND AND FINAL READING this 9th day of September, 2014.

✓
Aye Nay

✓
Aye Nay

✓
Aye Nay


✓
Aye Nay


✓
Aye Nay


VILLAGE OF GOLF


Mayor Thomas E. Lynch


Vice Mayor J. Marshall Duane, III.


Councilmember Michael E. Botos


Councilmember Robert C. Buchanan

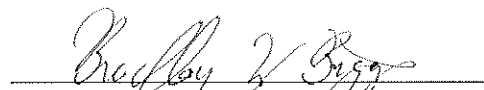

Councilmember Winstone Windle

ATTEST:

(SEAL)


Donn Lynn, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


Bradley W. Biggs, Village Attorney

**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF GOLF**

Case No.: SE 14-01 – Request for the Special Exception use of “Place of Assembly (75 Seats or less)” pursuant to Section 3.04 A.2.c. of the Village of Golf Land Development Code to allow the applicant to operate an assembly use in the commercial plaza located at 3475 West Woolbright Road, Unit #8, in the Limited commercial zoning district.

In Re: Applicant Generation to Generation, Inc., d/b/a Congregation L’Dor Va-Dor (Lessee)

Property Location: 3475 West Woolbright Road, FL 33462

Legal Description: 36-45-42, LWY 1139.36 FT OF NW ¼ LYG N OF & ADJ TO WEST WOOLBRIGHT RD (LES SLY 157.99 FT OF ELY 174.42 FT OF WLY 1114 FT. (PLAZA UNIT #19)
PLAZA PCNs: 66-42-45-36-00-000-3130 & 3020.

ORDER APPROVING APPLICATION

This cause came on to be heard upon the above application and the Village of Golf Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed, and the Village Council having considered the Village Staff’s and Applicant’s testimony and being otherwise duly advised,

THEREUPON, THE VILLAGE OF GOLF COUNCIL FINDS AS FOLLOWS:

1. The property which is the subject of said application is classified and zoned within the Limited Commercial Zoning District by the Land Development Code of the Village of Golf.
2. According to the Village Land Development Code, the use of the property for the purposes noted in the application is prohibited without a Special Exception.
3. Pursuant to Sections 3.04A.2.c., 10.05. and 10.06. of the Village Land Development Code, the applicant seeks approval of the Special Exception use of “Assembly (75 Seats or less)” in order to operate an assembly use on the Property.
4. Under the provisions of such code, the Village Council has the right, power, and authority to act upon the application herein made.
5. In the judgment of the Village Council, the public convenience and welfare will best be served by **APPROVING** the application.

IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, AS FOLLOWS:


The application for Special Exception, Case No. SE 14-01 with reference to the above described property within the Village of Golf, Palm Beach County, Florida, to permit the the

special exception use of "Assembly (75 Seats or less)" on the commercial property located in the Limited Commercial Zoning District at 3475 West Woolbright Road, Unit # 19, is hereby **APPROVED** since the Village Council hereby finds that the applicant meets all of the standards set forth in Section 10.05 of the Village Land Development Code with the following conditions:

1. The maximum size of the congregation shall be limited to 75, even though this occupancy is below the maximum occupancy of approximately 105 allowed within this specific leasehold unit according to the Florida State Fire Code;
2. There shall be no sound emanating beyond the property line of the plaza;
3. All activities shall be contained inside the building;
4. This assembly use shall not operate any school or child care facilities on this property;
5. To avoid potential parking problems with the other plaza occupants, the applicant's programs shall attempt as much as reasonably possible to reduce such vehicle impacts either by utilizing parking spaces at the rear of the plaza or, to the extent feasible, spaces not directly adjacent to other plaza commercial uses while those uses are active and open for business; and
6. This special exception use approval shall be valid only for Generation to Generation, Inc., d/b/a Congregation L'Dor Va-Dor at the subject property and may not be transferred or assigned to another assembly use at this location or to any other person or entity without the approval of the Village Council. Such assignment, transfer or relocation shall automatically render this special exception null and void.

Pursuant to Section 10.05 G.1. of the Village Land Development Code, all Special Exceptions shall become void if not exercised within twelve (12) months of the date granted. Before the twelve (12) months has expired, the applicant may make a written request to the Village Council for an additional six (6) month extension. Any further extension of time shall require a new application and will be processed as a new case.

DONE AND ORDERED THIS 9th DAY of SEPTEMBER, 2014.


MAYOR THOMAS E. LYNCH

ATTEST:


DONN LYNN, VILLAGE CLERK

cc: Original/File
Certified Copy/Applicant
Copy/Agenda File
Copy/Village Attorney