

## **ORDINANCE NO. 110**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, REPEALING ORDINANCE NO. 86. WHICH ADOPTED A UNIFIED LAND DEVELOPMENT CODE FOR THE VILLAGE OF GOLF; ALSO REPEALING ORDINANCE NOS. 94, 103, 104, 105, 107 & 109, ALL OF WHICH PREVIOUSLY AMENDED ORDINANCE NO. 86; ADOPTING A NEW SET OF LAND DEVELOPMENT REGULATIONS FOR THE VILLAGE TO BE KNOWN AS THE LAND DEVELOPMENT REGULATIONS OF THE VILLAGE OF GOLF; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Village of Golf has developed a unique residential character since its creation on July 24, 1957, which is based on a harmonious relationship between residences and the natural environment, including the open space of the Golf Course; and

**WHEREAS**, the Village Council wishes to preserve the low density, small scale neighborhood and quality of life presently in existence within the Village; and

**WHEREAS**, the Village Council wishes to preserve the open space by minimizing the mass of single family structures and by minimizing the visual impact of any single residence in relation to the adjacent residences and in relation to the overall community, specifically the Golf Course; and

**WHEREAS**, while acknowledging that redevelopment will occur, the Village Council has imposed design guidelines to preserve and perpetuate the current unique character of the Village; 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 of Golf desires to update and adopt a fully revised, unified code in order to compile within a single, easily accessible document the revisions to Ordinance 86 approved after its adoption on September 26<sup>th</sup>, 2007, and in order to comply with Chapter 163, F.S.

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

Section 1: Ordinance Nos. 86, 94, 103, 104, 105, 107 & 109 are hereby repealed and the Village Council hereby adopts a new set of land development regulations which shall be known as the Land Development Regulations of the Village of Golf and which is attached hereto as Exhibit A.

Section 2: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 3: 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 of this Ordinance.

Section 4: Specific authority is hereby granted to codify this Ordinance.

Section 5: This Ordinance shall take effect immediately upon passage.

FIRST READING this 18<sup>th</sup> day of February, 2015.

SECOND AND FINAL READING this 18<sup>th</sup> day of March, 2015.

✓  
Aye

\_\_\_\_\_  
Nay

✓  
Aye

\_\_\_\_\_  
Nay

✓  
Aye

\_\_\_\_\_  
Nay

X  
Aye

\_\_\_\_\_  
Nay

✓  
Aye

\_\_\_\_\_  
Nay

VILLAGE OF GOLF

[Signature]  
Mayor Thomas E. Lynch

[Signature]  
Vice Mayor J. Marshall Duane, III

[Signature]  
Council Member Michael E. Botos

[Signature]  
Council Member Robert C. Buchanan

[Signature]  
Council Member Winstone Windle

ATTEST:

(SEAL)

[Signature]  
Donn Lynn, Village Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

[Signature]  
Bradley W. Biggs, Village Attorney



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## Land Development Regulations

February 18, 2015  
Ordinance No. 110 Exhibit "A"

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## **LAND DEVELOPMENT REGULATIONS**

### **1.01 TITLE:**

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

### **1.02 AUTHORITY:**

The Village of Golf Land Development Regulations is adopted pursuant to Chapter 163, Part II, and 166 *Florida Statutes*.

### **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 Regulations 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; 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.

**Abutting.** Having a common border with, or being separated from such common border by, an alley or easement.

**Access.** The principal means of ingress and egress to property from a publicly dedicated right-of-way or dedicated access easement.

**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. Examples of accessory structures are detached garages, and storage sheds.

**Accessory Use.** A use customarily incident and accessory to the principal use of land or building located on the same lot.

**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.

**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.

**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.

**Adjacent.** That which lies near or close to, not widely separated or necessarily touching.

**Adjoining.** That which is joined or united, actually touching.

**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.

**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.



**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.

**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.

**Arbor.** See "Pergola".

**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.

**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.

**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.

**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.

**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.

**Bookstore.** An establishment engaged in the retail sale of new books, magazines and accessory supplies.

**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.

**Breezeway.** A roofed, open-sided passageway connecting two (2) separate structures, or two (2) separate portions of the same structure.

**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 only one (1) family residence which may have a guest house. A building may also be a single store or a row of stores (depending on location of lot lines) in the commercial zone; or any structure built for support, shelter, or enclosure for any occupancy or storage. Garages which are not an integral part of the main building will be considered accessory buildings as defined herein; See "Structure".

**Building, Accessory.** See "Accessory Structure".

**Building Code, State.** See "Standard Building Code".

**Building, Detached.** A building having no party walls in common with another building.

**Building, Elevated.** See "Elevated Building".

**Building Front.** That exterior wall of a building which faces the lot line of the frontage.

**Building, Height of.** The vertical distance from finished floor elevation to the peak or ridge of the roof. Basements shall be considered as part of the overall building height.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**Business.** 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. No business use may be conducted within a residential land use area unless permitted under this Code pursuant to Sec. 3.03. Residential.

**Canopy.** A roof like structure made of any material which projects from the wall of a building and overhangs in a public way.

**Casualty.** An unforeseen or unpreventable property loss or property damage arising from a sudden, unexpected event such as an accident or from a sudden, unexpected disastrous occurrence of unusual causation.

**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.

**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.

**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.

**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.

**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.

**Club, Private.** See "Private Club".

**Commercial Building.** A building used only for commercial use.

**Commercial Use.** An establishment which supplies commodities and services to the general public, including retail consumer goods, professional, business and personal services.

**Commercial Vehicle.** Any vehicle of any nature, which is used, for hire or for profit.

**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.

**Compatible Use.** A use, which is capable of existing in harmony with other uses situated in its immediate vicinity.

**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.

**Confectionery.** Establishments engaged solely in the preparation and production of candy products for direct retail sale to the consumer on premises.

**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.

**Construction, Minor.** Work performed on the interior of a structure, and which does not increase the overall footprint of the 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.

**Construction, Start of.** See "Start of Construction".

**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.

**Corner Lot.** See "Lot, Corner".

**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.

**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.

**Coverage, Ground.** That portion of the lot area covered by the aggregate of all buildings including accessory buildings.

**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."

**Curb Cut.** In indentation or depression through or into a raised curb forming a driveway or walkway.

**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.

**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.

**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.

**Development, Large Scale.** Development site plans, other than small-scale development site plans, shall be considered Large-Scale developments and may be subject to specific site plan requirements.

**Development, Small Scale.** Development site plans for single family residences shall be considered small scale developments and may be subject to specific site plan review requirements.

**Development Site Plan.** A graphic and textual presentation of a development proposal. See *Section 10.7.*

**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.

**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.

**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.

**Dual Front.** A building designed or constructed so as to present the appearance of having two (2) fronts.

**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 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, 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.

**Easement.** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

**Erect.** To build, construct, attach, hang, place, suspend, or affix, and shall also include the attachment of wall signs.

**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.

**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.

**Engineer, Registered (Civil).** A professional engineer registered by the State of Florida.

**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.

**Erosion.** The detachment and movement of soil or rock fragments by water.

**Establishment.** An economic unit, generally at a single physical location, where business is conducted or services are offered.

**Facing or Surface.** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

**Family.** One (1) or more persons who are either related or unrelated by blood, marriage or adoption; and who also occupy a single dwelling unit and have chosen to reside as a member of an independent residence. There cannot be more than two (2) unrelated people in a single-family home without written permission granted by the Village. Each "family", however, may be subject to the maximum occupancy restrictions if adopted by the Village. The term "family" does not include the occupants of a hotel, motel, rooming house or any other living arrangements within a building or facility which is being utilized for the transient occupancy of its inhabitants.

**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.

**Finished Floor Elevation.** The finished floor elevation for buildings and structures shall be established at two (2') feet above the average elevation of the surface of the lot on which a building or structure is located.

**Floor.** The top surface of an enclosed area in a building 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.

**Floor Area.** See "Gross Floor Area"; "Gross Leasable Area".

**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.

**Frontage, Street.** 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 dead-ended, 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.

**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.

**Garage, Detached.** See "Accessory Structure"

**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.

**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.

**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").

**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.

**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.

**Grade.** A reference plane representing the average finished ground level adjoining the building at all exterior walls.

**Grade, Highest Adjacent.** See "Highest Adjacent Grade".

**Greenhouse.** An enclosed building, permanent or portable, which is used for the growth of small plants.

**Gross Acre.** See "Acre, Gross".

**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.

**Gross Leasable Area (GLA).** The total floor area designed for tenant occupancy and exclusive use; mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of join 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").



**Hardscape.** Any surface, which serves as a ground covering such as decking, patios, paver bricks, concrete, or asphalt. Landscaping is not to be considered hardscape.

**Hardship.** The community requires that the variance is exceptional, unusual, and peculiar to the property involved and not be self-imposed. 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 this code, see Standards at Section 10.041.

**Height of Building or Structure.** See "Building, Height of".

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Hospital.** A facility licensed by the State of Florida providing primary health services and medical or surgical care to persons, primarily in patients 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.

**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 and located in commercial zone. 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.

**Illuminated Sign.** Any sign, which has characters, letters, figures, designs, or outline illuminated by electric lights, or from a remote position.

**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.

**Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

**Improvement, Substantial.** See "Substantial Improvement".

**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.

**Incompatible Use.** A use, which is incapable of existing in harmony with other uses situated in its immediate vicinity.

**Institutional Use.** A non-profit corporation or a non-profit establishment for public use.

**Intersection.** Any street or public way or court, which joins another at an angle, whether or not it crosses the other.

**Intent.** The objective toward which any section of this ordinance strives or for which it exists.

**Landscape Plan.** A detailed sketch to scale illustrating the type, size, location and number of plants to be placed in a development.

**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.

**Landscape Strip.** A strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

**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.

**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.

**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.

**Lawn Accoutrements.** Art objects, lawn jockeys, statuaries or animal yard ornaments or similar items.

**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.

**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.

**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.

**Lot Area.** The area contained within the boundary lines of a lot.

**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.

**Lot, Corner.** A lot abutting two (2) or more streets at their intersection.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street which has the street address of the building facing that street.

**Lot, Interior.** A lot other than a corner lot.

**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.

**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.

**Lot Line, Side.** Any lot line other than a front or rear lot line.

**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 lot adjacent to two (2) streets, 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.

**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.

**Lot, Through.** A lot, other than a corner lot, having frontage on more than one (1) street.

**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.

**Lounge.** A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises.

**Lowest Adjacent Grade.** The lowest elevation, after the completion of construction, of the ground, sidewalk, patio, or deck support immediately next to the structure.

**Main Building.** See "Building, Principal".

**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.

**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*).

**Map, Official.** See "Official Land Use Map".

**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.

**Marquee.** See "Canopy".

**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, open porches, open breezeways, or store rooms, or screened-in porches.

**Mixed Use Zoning.** Zoning which permits a combination of usually separated uses within a single development.

**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 located in the commercial zone. 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.

**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.

**New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this ordinance. 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 August 26, 1977, and includes any subsequent improvements to such structures.

**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.

**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.

**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.

**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.

**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.

**Off Street Parking.** The minimum off-street, on-site parking of vehicles, which shall be provided under the appropriate terms of this ordinance.

**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.

**Open Air Trellis.** Considered an architectural structure, usually made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants.

**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.

**Open Storage.** See "Storage, Open".

**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.

**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.

**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.

**Party Wall.** A wall used or adapted for joint service between two (2) buildings or units.

**Pergola.** A landscape feature forming a shaded walkway, passageway, or sitting area of vertical posts or pillars that usually support cross-beams.

**Personal Service.** Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios, electrolysis service; manicurist and the like.

**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.

**Plat.** A map, plan or layout of the village, section or subdivision indicating the location and boundaries of individual properties.

**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.

**Porch, Open.** A roofed open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.

**Premises.** Land and all building and structures thereon.

**Principal Building.** See "Building, Principal".

**Principal Use.** See "Use, Principal".

**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.

**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.

**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.

**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.

**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.

**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.

**Public Use.** The use of any land, water, or building by a public agency for the general public.

**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.

**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.

**Recorded Lot.** See "Lot of Record"

**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.

**Residence.** See "Dwelling".

**Residential Use.** Use of land or structure(s) thereon, or portion thereof, as a dwelling place for one (1) or more families or households. See "Family" definition.

**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.

**Restaurant.** See "Retail Food Establishment".

**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.

**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.

**Retail Sales Area.** The area in square feet devoted exclusively for the sale or display of goods or commodities.

**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.

**School.** A place for systematic instruction in any branch or branches of knowledge.

**Screen (Screening).** To conceal; a structure of landscape planting or other suitable opaque material, for the purpose of totally concealing from view those areas so screened.

**Setback.** A distance from the property line, or other line specifically established by zoning ordinance, within which buildings are prohibited.

**Setback, Center Line.** See "Street Centerline Setback".

**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.

**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.

**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.

**Standard Building Code.** The building code adopted by a municipality or county pursuant to the requirements of Section 553.73, *Florida Statutes*.

**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 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 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 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.

**Storage Shed.** See "Accessory Structure"

**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.

**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.

**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.

**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.

**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.

**Street Intersection.** See “Intersection”.

**Street Line.** The line between the street and abutting property also referred to as right-of-way line.

**Street Tree.** Landscape plantings located alone or within rights-of-way, which are conducive to the aesthetics and safety of said rights-of-way.

**Structure.** A walled and roofed building that is principally above ground, 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, 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 including gas or liquid storage tank, or other manmade facilities or infrastructures.

**Structure, Accessory.** See “Accessory Structure”.

**Structural Alteration.** Any change in the supporting members of a building.

**Structural Trim.** The molding battens, capping, nailing strips, latticing, and platforms, which are attached to the sign structure.

**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.

**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.

**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 start of construction of the improvement.

**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.

**Temporary Use.** See “Use, Temporary”.

**Terrace.** An open porch without a permanent roof.

**Theater.** A building or part of a building, devoted to showing motion pictures, or for dramatic, musical or live performances.

**Trellis.** See “Open Air Trellis”.

**Trim.** See “Structure Trim”.

**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.

**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.

( **Use, Principal.** The specific primary purpose or function for which land is used.

**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.

**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.

**Vehicle.** Any self-propelled conveyance without commercial signage 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.

**Video Sales and Rental.** Commercial establishments engaged in the sale and rental of video equipment, tapes, and accessories for home entertainment.

( **Waiver.** A minor deviation, as described in Section 10.041.F Waiver, in lieu of Variance of the code, from zoning district requirements where such waiver will not be contrary to the public interest.

**Warehouse.** A building used primarily for the storage of goods and materials.

**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.

**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.

**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; ZONING DISTRICTS:**

For purposes of the Land Development Regulations, 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 maps 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 on August 20, 2007; which became a Final Order on September 10, 2007.

Village Zoning Districts identical in name to the Land Use classifications have been assigned to parcels with the identical land use classification except within the Commercial Land Use classification where the Village has adopted only one commercial zoning district entitled, "Limited Commercial".

## **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 SITE 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 site 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 site plan which results in a reduction in the level of services as established in 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 & 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, Policies 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:**

Within the residential land use category depicted on the Future Land Use Map of the Village of Golf Comprehensive Development Plan and zoning district of the same name, 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 structures, 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.
- b. Adult Living Facilities of six (6) or fewer residents as defined, and in accordance with Chapter 419 F.S. regulations for community residential homes located north of Golf Road.

#### **2. Building and Site Regulations**

##### **a. Minimum Lot Area**

1 acre\* see below for nonconforming lots.

##### **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.

##### **c. Minimum Front Setback**

50 feet; measured from the centerline of the street bordering the lot frontage of the property.

**d. Minimum Rear Yard Setback**

**(1) Buildings and 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.

**(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.

**(c) All Other Lots and Special Circumstances**

All structures, new or additions, must meet a 20-foot setback. Where lots whose rear yard abut a lake, pond or other water body, a minimum rear yard of twenty (20) feet from the closest edge of water to the nearest point of the building footprint as identified on a current lot survey shall be required.

**(d) Open Air Trellis Structures**

Minimum 20' setback from rear property line or edge of water where a lake or pond encroach onto a property.

**(2) Hardscape**

10 feet, i.e. for open area such as patios or porches without a roof.

**(3) Swimming Pools**

20 feet, except for Golf Course lots which shall undergo site plan review by the Village Council. Determination of location approval will only be made after submittal of a plot site plan, a survey, a physical inspection by staff and an affirmative vote of the Village Council.

**e. Minimum Side Setback**

**(1) Buildings and Structures**

20 feet each side for one (1) story buildings and 30 feet for two (2) story buildings; and, in no instance shall the second story of a dwelling exceed 60% of the total area of the first story. (No building shall be nearer than 40 feet from any other building on the adjoining lot.).



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

- (3) Swimming Pools  
20 feet, except for Golf Course lots which shall undergo site plan review by the Village Council. All other lots and special circumstances- All structures, new or additions, must meet a 20-foot setback. Where lots whose rear yard abut a lake, pond or other water body, a minimum rear yard of twenty (20) feet from the closest edge of water to the nearest point of the building footprint as identified on a current lot survey shall be required.

**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.

- (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.

**3. 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. Nothing shall be constructed

or placed in front of any easements for streets or public utilities. This applies to fences, walls, hedges, pillars, light poles, etc. Entry piers shall be setback a minimum thirteen (13') feet from the edge of road pavement to the edge of entry piers and proportionally correct. All fences must be landscaped to screen them from public view at the time of installation to a minimum of 75% of fence height. All walls must be landscaped to be aesthetically compatible with the surrounding area. All chain link fences must be coated with black or green coating and must be 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 33, 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.

**b. Screening**

No screened pool enclosures 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 at a minimum of 75% of the final landscape height at time of installation, 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, pool heaters 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. 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

of structures shall be allowed. Nothing in this Section 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 natural disaster 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 natural disaster casualty that was not self-inflicted or self-imposed, or act of God, or the public enemy shall be allowed to re-construct to 100 percent of its original size and dimensions. Restoration under this section must be started within ninety (90) days. No continued occupancy should be allowed in buildings that have been destroyed more than fifty (50%) percent of value until a Certificate of Occupancy is issued. 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.

**f. Subdivision; Platting**

No property or portion of property may be combined, subdivided, re-subdivided or platted without prior approval from the Village Council. See Section 2.01 et seq.

**g. 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 or 18" above existing grade of the property, unless site conditions or FEMA warrant otherwise. For floor slabs not meeting this requirement, engineering justification must be submitted.

**h. Lawn Accoutrements**

Any lawn accoutrements located on a lot are prohibited from being viewed from the street and must be approved by Village Council. Such accoutrements are to be consistent with surrounding properties.

**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.

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 however, existing buildings and structures with architectural designs and features that do not meet these preferred styles will be allowed for as long as the use continues. 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 Guidelines are as follows:

a. **Roof**

Roofs are a major visual element and similarities in roof types create visual continuity in a neighborhood; therefore, roof design, slope and materials shall match the architectural style of the building.

- (1) The plate height or roof-bearing height (eve height) of a single story structure shall not exceed 12 feet.
- (2) The plate height or roof-bearing height (eve 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 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 are permitted.
- (6) Hip or gable roof designs are preferred, with roof overhangs not to exceed 3 feet.
- (7) Asphalt shingles, dimensional or compositional shingles, and S-Tiles shall be prohibited; however, individual shingles and tiles can be replaced resulting from damage or age. Gutters and downspouts shall be designed as a continuous architectural feature of the building and be painted to match fascia or wall materials unless copper is utilized.
- (8) Vents, flashing and pipe shall be painted to match adjacent building surface.
- (9) Roof overhangs and exposed rafters shall be consistent with the architectural style of the building.

**b. Windows**

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. Transom windows are allowed for openings over 8 feet in height. The installation of a 2" minimum horizontal mull bar (minimum 6" visible dimension glass to glass) is required between the lower window and transom unit.
- (2) Windows on all homes shall be proportionately correct with more vertical dimension than horizontal dimension. A bank of windows over 2 windows wide requires a 6" visible vertical mull bar, measured glass to glass.
- (3) The use of muntins to divide windows into unified sections of four (4) square feet or less is preferred.
- (4) Casement, single hung or double hung windows are preferred.
- (5) 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.
- (6) Hurricane resistant impact glass is preferred; however operable hurricane shutters are acceptable and should be proportional to the size of the window.
- (7) Glazed, reflective or mirrored glass shall be prohibited.

**c. Shutters**

Shutters shall function as a visual detail as well as weather protection. The shutter style should conform to the building's architectural style and adhere to the following guidelines:

- (1) Shutters shall be functional or give the appearance of functionality when windows or doors are rated impact resistant.
- (2) Classic shutter colors that are compatible with the building colors shall be preferred; shutters painted the same color as the building shall be discouraged; and shutters with extremely bright or fluorescent colors shall be prohibited.
- (3) The use of traditional horizontal slat (louvered) or panel type shutters shall be preferred.
- (4) Shutters that are out of scale with windows shall be discouraged.

**d. 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 encouraged.
- (6) Enclosed garages are required; no carports are allowed; garage doors shall be located on the side of the dwelling, unless specifically approved by the Village Council; and, in no instance, shall a garage be located with the doors facing golf course lots.
- (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 or visible from the Golf Course shall be screened from view by use of landscaping, fencing or any other method approved by the Village Council except for total pool enclosures and must undergo site plan review by the Village Council. Determination of location approval will only be made after submittal of a plot site plan, a survey, a physical inspection of the property by staff, and an affirmative vote of the Village Council
- (13) Entry piers shall be setback a minimum thirteen (13') feet from the edge of road pavement to the edge of entry piers and be proportionally correct.
- (14) Privacy walls within 20' from edge of paved road are discouraged.

e. **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.

6. **Adult Living Facilities (ALFs)**

ALFs, as defined for this zoning district, shall conform to the following building and site regulations and the ALF regulations listed below.

ALF Regulations:

- (1) Building and Site Regulations, Other Regulations;  
Floor Area Ratios (FARs); and, design guidelines that apply to single family homes shall apply to ALFs.

- (2) ALFs shall not be located south of Golf Road and within a radius of 1000 feet of another existing home with six (6) or fewer residents. Such homes shall not be required to comply with notification provisions of Ch. 419 F.S.; provided that, prior to the licensure, the sponsoring agency provides the Village with the most recently published data compiled from the licensing entities that identifies all community residential homes within the Village limits to show that no other community residential home is within a radius of 1000 feet of the proposed home with six (6) or fewer residents. At the time of home occupancy, the sponsoring agency shall notify the Village that the home is licensed by the licensing agency.
- (3) Only adult living facilities licensed by the appropriate agency of the State of Florida shall be permitted.
- (4) No temporary or permanent identification, directional or similar sign denoting name or purpose of establishment shall be permitted.
- (5) 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.
- (6) Sprinkler systems are required in all sleeping areas and all food preparation areas in accordance with the National Fire Protection Association (NFPA 101) Life Safety Code and the Florida Fire Prevention Code (FFPC).
- (7) No existing single family homes within this zoning district of the Village of Golf shall be reconstructed or converted into any type of ALFs.

### **3.04 LIMITED COMMERCIAL**

- A. Uses permitted. Within the commercial land use category depicted on the Future Land Use Map of the Village of Golf Comprehensive Development Plan and the adopted zoning district entitled "Limited Commercial", 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 a 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.
- c. "Place of Assembly (75 seats or less)"

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 Future Land Use Map of the Village Comprehensive Development Plan and zoning district of the same name 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. Applications must adhere to Goal 1.0.0 of the Recreation and Open Space 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 BUILDINGS & FACILITIES:**

A. Uses permitted. Within the Public Buildings & Facilities land use category depicted on the Future Land Use Map of the Village Comprehensive Development Plan and zoning district of the same name, 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 AGRICULTURAL:**

A. Uses permitted. Within the Agricultural land use category depicted on the Future Land Use Map of the Village of Golf Comprehensive Development Plan and zoning district of the same name, no building, structure or land use shall be allowed except one or more of the following:

1. Permitted Uses:

- ### **3.08 ADJACENT LAND USES:**

**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.

A. New development must meet the adopted level of service specified in the Capital Improvements Element Objective 1.2.0 of the Village Comprehensive Development Plan for all new development.

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Review of the Village's existing residential developments indicates that the average lot has approximately 30% impervious area (70% pervious). Applying the Village criteria of pre and post development runoff volume and assuming the normal water table is four feet below the ground, the following table can be used for determining the amount of dry retention area needed to compensate for increases in impervious (building, pavement, etc.) areas.

Percentage of Impervious Area	Required Onsite Retention in Inches
< 30%	0
31% - 40%	0.5
41% - 50%	1.0
51% - 60%	1.5
61% - 70%	2.5

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 6247-25, Florida Administrative Code, Regulations of Storm water Discharge, which is regulated by the Florida Department of Environmental Protection (D.E.). 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 Plan. These regulations shall be consistent with the Comprehensive Development 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 LANDSCAPE PLAN/LANDSCAPING REQUIREMENTS FOR NEW CONSTRUCTION AND MAJOR RELANDSCAPING OF EXISTING PROPERTY:**

A landscape plan shall be required as part of the Development Site Plan application requirements for Large-Scale Developments defined in 10.07 **DEVELOPMENT SITE PLAN REVIEW**. The landscape plan shall be reviewed by a qualified landscape architect, or other qualified professional with equivalent training and certification designated by the Village. No building permit or Certificate of Occupancy shall be issued for such building or paving unless such landscape plan complies with the provisions of these land development regulations and is approved by the Village Council. All inspections to determine compliance with the approved landscape plan shall be conducted by a qualified landscape architect, or other qualified professional with equivalent training and certification.

When a single family lot is being developed or redeveloped, a landscape plan shall also be submitted for review and approval of the Village Council. The landscape plan can be shown on an individual plot plan. The landscape plan shall be reviewed by, and written comments provided, for Village Council consideration by a qualified landscape architect, or equivalent professional training and certification designated by the Village. No building permit or Certificate of Occupancy shall be issued for such building or paving unless such landscape plan complies with the provisions of these land development regulations and is approved by the Village Council. All inspections to determine compliance with the approved landscape plan shall

be conducted by a qualified landscape architect, or other qualified professional with equivalent training and certification.

1. All landscaped areas and plantings shall be provided with automatic irrigation facilities. All new development or construction shall provide irrigation wells on their property/site. No irrigation water shall be drawn from the lakes and ponds in the Village nor from the potable water system. All sprinkler heads shall be installed at ground level and their locations shown on the landscape plan.

2. The Village shall require the use of native vegetation, whenever possible, in landscaped area and removal of exotic tree species which are **listed in Section 5.04 Conservation Requirements**.

A. A petitioner shall submit two (2) landscape plans on one or more sheets of paper measuring not more than 24" x 36" and drawn to a scale of 1/8"=1' - 0" or 1"=10' - 0". Eight (8) additional copies shall be submitted on one or more sheets of paper measuring not more than 11" x 17". One (1) electronic file in .pdf format shall be submitted on a CD. The following shall be provided on the Landscape Plan which have been prepared and sealed by a Landscape Architect registered in the State of Florida:

1. The landscape plans (drawn at a scale of 1/8"=1' - 0" or 1"=10' - 0") and specifications must show:

- a. Address
- b. Name of Owner or Builder
- c. Scale
- d. North Arrow
- e. Entire Lot
- f. Property Lines
- g. Easements
- h. Street Pavement Edge
- i. Existing & proposed above ground utility structures (transformers, light standards, etc.)
- j. Drainage swales and catch basins
- k. Proposed vegetation, scaled to size at time of installation
- l. All plants must be Fla #1 or better, as described in Grades and Standards for Nursery Plants Part I & II latest edition published by the Florida Department of Agriculture and Consumer Services.
- m. Existing vegetation to remain (name and size)
- n. Plant List (quantity, botanical and common name, container size, and the height, spread, and caliper at time of installation) (Palm tree heights to be shown at each palm on the plan).
- o. Transplant Information (if applicable).
- p. Vegetation on neighboring property that affects the landscape design (i.e. a hedge on the property line, large side yard neighboring trees that encroach over the property line).

- q. Irrigation statement that 100% of the property will have an automatic irrigation system installed.
- r. Use of 3" layer of mulch in all planted beds.

2. Minimum Tree Planting: A minimum of three (3) shade trees shall be required for the front yard and a minimum of two (2) shade trees shall be required for the back yard. Certain lots within a community may be granted exceptions (narrow, pie-shaped cul-de-sac lots etc.). Palm Trees may be substituted for shade trees at a 3-to-1 ratio (three (3) palms to equal one (1) shade tree). Certain large, specimen palm trees may be considered a 1-for-1 trade-off for shade trees (Canary Island Date Palm, large Royal Palms, Reclinata palm cluster, etc.) as determined on a case-by-case basis.

## B. PLANT MATERIALS

Minimum Plant Heights and Widths Required at Time of Installation:

	Min. Ht. /	Min. Spread
Trees	14-16'	6-8'
Palms	14-16'	10" caliper
Shrubs	24"	18" (24" o. c. spacing)
Hedges	36"	24" (24" o. c. spacing)
Vines	36"	staked
Groundcovers	N/A	N/A

1. Trees:  
Tree species with invasive root systems which are likely to cause damage to roadways, underground utility lines, and paved areas shall not be planted. Trees shall be installed so that they are either in or out of planting beds by at least 48". Trees planted in sod areas shall have a 36" ring of mulch surrounding them. Trees shall be placed so that they will not grow into the building eaves. Use of native species trees are encouraged.
2. Palms:  
Three (3) palm trees in clusters shall equal one (1) shade tree. Palm clusters shall include a minimum 4' stagger of palm heights. A palm shall have the minimum number of fronds as required for a "Florida No. 1" designation.
3. Shrubs:  
Layout and spacing shall be done to create a tight mass of each variety with a space between each variety for ease of maintenance. Plants shall be selected and maintained to form layers or steps with the smaller plants in front of the larger growing varieties. Native, low maintenance, and flowering shrubs are encouraged.
4. Hedges:

May not exceed 6 ft. in height between properties and 8 ft. high along the rear property line, a main street, or a perimeter of the community.

5. Vines:  
Vines may be used to assist with screening out fences and/or landscape walls where there is insufficient space for a hedge to provide the screening (i.e. narrow side yards, etc.). Vines may not be substituted for hedges where space permits a hedge to be used.
6. Lawn Grass:  
Lawn areas shall be planted with St. Augustine Floritam, Zoyzia, or Bermuda Grass. Grass areas shall be sodded (solid sod), and shall be free of weeds and capable of growth and development. Sod shall continue to lake edges (water level) and edge of pavement in all cases. Odd, narrow hard-to-mow strips are discouraged because of maintenance problems. All sod edges at planting beds, walks and drives shall be neatly and evenly cut.

#### C. GENERAL LANDSCAPING GUIDELINES

1. Planting Beds:  
Planting beds are required to have 80% coverage at time of installation regardless of quantities shown on plan. The desired effect of planting groups is one of fullness, with shrubs almost bursting out of their planting areas. Ideally, one should see no ground at all. This technique aids in minimizing unwanted weed growth in the plant bed. Planting bed edges should be smooth continuous curves for ease of maintenance.
2. Understory Accent Material:  
Plants selected for understory accent planting should be of a variety that attain a maximum height of 6' at maturity.
3. Synthetic Plant Materials:  
Synthetic plant material or grass is not permitted for exterior landscape planting within public view.
4. Preservation of Existing Plant Material:  
Removal of mature, existing trees is discouraged and preservation would be preferred. The intent is to retain large, tall, mature trees so that the community has an established appearance rather than the look of a newly developed property. All attempts should be made to properly prune overbearing trees to retain their natural tree shape, to open up their canopy to allow air to properly flow through, to address root systems that may be causing paving issues, and to remove periodic tree droppings to prevent temporary staining of paving, rather than removing the trees.

5. Impeding Drainage:  
Trees, shrubs, and ground covers shall not be planted within any swale area or any other surface drainage pathway. Landscape material must not block lot drainage in any manner. Planting areas bounded by walks and patios should be raised and shaped to shed water and not create areas for water to collect.
6. Massing:  
Plants should be arranged to create a definite composition. Plant material should be massed in groups of one variety rather than multiple single specimens. Avoid delineating property lines with planting arrangements.
7. Berms:  
Berms should have smooth, gentle slopes characteristic of a golf course setting. A 3:1 slope shall be the maximum slope allowed, with 4:1 or flatter slopes preferred. This is not only more pleasing to the eye, but facilitates mowing and/or the retention of mulch. The height and width of ground forms should present an informal, gentle mounding appearance.
8. Buffering Of Wall Elevations and Roofs of Homes:  
Particular attention should be given to homes with expansive areas of plain exterior wall (areas without windows, doors, detailing, etc.), especially when these elevations are visible from golf course areas, across lakes, from roadways and from neighboring homes. Large expanses of roof area should be buffered with the same considerations.
9. Buffering Two Story Homes:  
Two story structures may require taller vertical plantings (trees and palms) to break-up the massing of the building(s).
10. Screening of Mechanical Equipment:  
To minimize negative visual intrusion, all mechanical equipment (utility and junction boxes, air conditioners, pool equipment, pool heaters, generators, water filter systems, etc.) shall be completely screened from view from any roadway, golf area or neighboring homes with a 4' minimum height wall or hedge. Playground equipment shall be screened from golf courses, neighbors, and street views with landscaping sufficient to hide such equipment.
11. Irrigation:  
Automatic underground irrigation systems will be installed to provide 100% coverage with a minimum 50% overlap of spray distribution. The use of controlled timing devices is required. The timing shall be adjusted to meet seasonal variation in watering requirements and drought restrictions. Owners are encouraged to use water conservation irrigation systems, such as drip systems and rain sensors and valves.



Irrigation systems are required to irrigate 25' from an owner's property line onto the golf course, to the edge of water at lakes, and to the edge of roadways.

12. Landscape Lighting:

Landscape lighting shall be designed to minimize off-site glare. Lamp color must be white, only. Fixtures shall be designed and installed to disappear into the landscaping. Lamp wattage, direction, and fixture-type selection shall all consider what is to be illuminated and to retain all illumination onto the owner's property.

**5.04 CONSERVATION REQUIREMENTS:**

- A. No existing pine or native tree with a diameter of four (4) 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:  
Coccoloba uvifera, Lysiloma bahamensis, Conocapsus erectus,  
Coccoloba diversifolia, Simarouba glauca, Quercus virginiana,  
Bursera simaruba, Corgia Sebestena, Royalstonea elata, Sabal  
palmetto, (Conservation Element Objective 1.3.0)

B. Prohibited Plant Materials:

Ficus Trees ( native banyan trees are permitted)  
Acacia (Acacia farnesiana)  
Rosewood (Dalbergia sissoo)  
Laurel Oak (Quercus laurifolia) - Live Oak (Quercus virginiana) shall be used in place of these  
Melaleuca (Malaleuca leucadendron)  
Brazilian Pepper (Schinus terebinthifolius)  
Australian Pine (Casuarina equisetifolia)  
Poison Wood (Metodium toxiferum)  
Washingtonia Palms (Washingtonia robusta)  
Carrotwood  
Java Plum  
Schefflera Tree

Owner/builder is required to remove these prohibited plants if they exist on the property.

- C. The Village will promote water conservation strategies in new development.  
(Conservation Element, Section 6.2 WATER CONSERVATION)

- D. The Village of Golf will encourage the preservation and protection of native vegetation and the use of xeriscaping in new development. (Conservation Element, Objective 1.3.0)

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 Hall 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 displayed and visible from the roadway for emergency services. Street number shall be a minimum of four inches (4").
  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. Snipe signs are strictly prohibited.

8. All erected signs within the Village limits shall require a building permit.
9. No news rack shall be placed, used or maintain in a right-of-way.
10. No news rack 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), Florida Statutes, 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 Plan. 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, Policy 1.2.1 Village Comprehensive Development 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, Policy 1.2.1, Village Comprehensive Development Plan).
- 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, Village Comprehensive Development Plan).
- D. Drainage: Compliance with the provisions of Policy 1.2.2 of the Capital Improvements Element, Village Comprehensive Development Plan 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.)
- 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 Community Planning Act (Ch. 163, F.S.) 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), re-zoning, Future Land Use Plan Amendment, site development plan approval, plat, re-plat or waiver of plat, 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. 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, Future Land Use Plan amendment, development site plan, plat, re-plat or waiver of plat, or other official action by the Village Council having the effect of permitting the development of land. 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 PROPORTIONATE FAIR-SHARE PROGRAM:**

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(5), F.S.

B. Applicability. The Proportionate Fair-Share Program shall apply to all developments that fail to meet the standards of the Land Development Regulations 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(5), 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(5), 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 (5), 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

$$\text{Proportionate Fair-Share} = \sum [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$$

Where:

$\text{Development Trips}_i$  = 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;

$\text{SV Increase}_i$  = Service volume increase provided by the eligible improvement to roadway segment "i" per subsection F.3;

$\text{Cost}_i$  = 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.

## I. 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 Transportation 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 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	Two (2) per dwelling unit
2. 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  |
| 3. | Libraries  | One (1) for every five hundred (500) square feet  |
| 4. | Medical or dental offices or clinics<br>Restaurants, or other eating places<br>or other related uses | Five (5) for each doctor or dentist<br>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 |
| 5. | Retail, commercial and personal service establishments, offices<br>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 an 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 B 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 Transportation Element and must adhere to the requirements stated in the concurrency regulations for traffic in the Land Development Regulations.

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, may be fined pursuant to the provisions of Ordinance 78, as may be amended, regarding code enforcement proceedings under Chapter 162, F.S. 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.

#### **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 is provided in the Resolution of the Village Council for the construction period set forth at paragraph C. below. No building permit shall be issued for major construction projects after this start date for the major construction period 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 start date which is set forth annually by Resolution of Village Council in November provided no start date is set earlier than April 1<sup>st</sup> 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 any time during the year.

#### **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 in accordance with Sec. 111. Certificates of Occupancy and Completion of Chapter 1. Administration of the Florida Building Code as adopted by Ordinance No. 96 and as such ordinance may be amended.

##### **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 after due public notices as set forth below shall be held by the Village Council on said application.

- A. *Standards.* In considering a variance application, the Village Council must consider that variances may only be permitted where there are unusual and practical difficulties in carrying out the provisions of this Ordinance due to an irregular shape of the lot, topographical irregularities, or other specific site conditions. The Village Council shall consider, whether, owing to these special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this ordinance, the Village Council must find that:
1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and that these conditions and/or circumstances are not applicable to other lands, structures or buildings in the same zoning district;
  2. The special conditions and circumstances do not result from the actions of the applicant;
  3. The granting of the variance requested will not confer upon the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
  4. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
  5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  6. The grant of the variance will be in harmony with the general intent and purpose of this ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- B. *Conditions of Approval.* When approving applications for variance, the Village Council may prescribe appropriate conditions and safeguards in conformity with this code. A final determination to approve, to approve with conditions, or to deny the variance shall be made by the Village Council at the public hearing and a written order shall be issued within ten (10) days of the hearing date.
- C. *Notice Requirements.* Due public notice as herein required shall be deemed sufficient when a notice is 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 than 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.

- 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 a Development Site Plan in conformance with **Section 10.07 DEVELOPMENT SITE PLAN REVIEW** herein.
- F. *Waiver, In Lieu of Variance.* A waiver, in lieu of variance may be granted for minor deviations equivalent to ten (10%) or less from the zoning district requirements. In no instance shall waivers be applied toward the use of property, minimum lot area, density or floor area ratio is considered.

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.

**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 affected as herein provided and all applications will be heard at regular or special meetings of the Village Council.

NOTE; Zoning text changes, zoning map amendments, etc. may require an ordinance to amend. Therefore, public notice would be made to all property owners of the Village of Golf as required by applicable ordinance adoption procedures.

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 listed in the zoning district in which it is proposed.
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.
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, where required, and ingress and egress is so designed as to cause minimum interference with traffic or abutting roadways.
7. That the use conforms to all applicable regulations governing the land use where located.
8. That the use meets all the requirements in the land development regulations 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 Development 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 zoning district;
9. Required yards and other open space;
10. General compatibility with adjacent properties and other property in the zoning district;
11. Whether the change suggested is out of scale with the needs and character of the neighborhood or the Village;
12. Any special requirements set out in the zoning district in which it is proposed.

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 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 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, 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 B. and any other specific condition(s) if applicable which the Village Council should address. The petition shall include a development site plan in accordance with **10.07 DEVELOPMENT SITE PLAN REVIEW** 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. 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.

C. 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.

D. 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.

E. 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 DEVELOPMENT SITE PLAN REVIEW:**

**A. Small-Scale Single Family Developments:** Development site plans for single family residences shall be considered small-scale developments and subject to the following requirements:

1. All applications for a small-scale single family development shall be subject to administrative review and approval by the Village Council.

2. A building permit shall not be issued until the application has been approved by the Village Council. A written approval letter of the Council's action shall be rendered to the applicant by the Village Manager.

3. A petitioner seeking small-scale development site approval shall submit two (2) development site plans 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. Eight (8) additional copies shall be submitted on one or more sheets of paper measuring not more than 11" x 17". One (1) electronic file in .pdf format shall be submitted on a CD. The following shall be provided on the Development Site Plan:

- a. Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage.
- b. The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of the existing travel way (pavement).
- c. 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.
- d. The location of existing easements, rights-of-way, watercourses, section lines, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.

- e. The location and delineation of existing trees and information as to which trees will be removed. (properly identified)
- f. A layout of the proposed lots and/or building sites including the following site data:
  - (1) Finished floor elevation
  - (2) Common open areas
  - (3) Generalized landscaping and buffer areas
  - (4) Total project density
  - (5) Percentage of building coverage
  - (6) Percentage of impervious surface coverage
  - (7) Percentage of open space area
  - (8) The shape, size, location and height of all structures
  - (9) Legal description of the proposed building site.
  - (10) Typical exterior front, side and rear elevations of the buildings.
  - (11) Size, location and orientation of signs.
  - (12) Architectural elevation
- g. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities, if applicable.

**B. Large-Scale Developments:** Development site plans, other than small-scale development site plans, shall be considered Large-Scale Development Plans and subject to the following requirements.

- 1. An application for Large-scale Development Plan shall meet all requirements for Small-scale site development plans (Reference 10.07 A. 4. above) plus the following items (2 - 15 below).
- 2. 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.
- 3. A traffic impact analysis or traffic statement, if requested by the Village.
  - 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
- 4. A drainage statement or drainage plan for the building site which is in accord with the adopted Drainage Level of Service Standard of the Village.

5. Plans prepared and sealed by a professional engineer registered in the State of Florida for disposing of sanitary waste and for providing public water facilities and other public improvements, as may be required to serve the development.
6. Landscape plan that is consistent with, and in accordance with, Sections **5.03 LANDSCAPING REQUIREMENTS** and **5.04 CONSERVATION REQUIREMENTS** of these land development regulations.
7. Off-street parking and off-street loading areas.
8. The proposed phasing of construction for the project if applicable.
9. Commercial, office and other non-residential development applications 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.
10. Proposed hours of operation for commercial uses.
11. Size, location and orientation of signs.
12. Proposed lighting of the premises.
13. Eight (8) aerial maps at a minimum scale of 1" = 300' showing the site in question with paved boundaries superimposed. Eight (8) additional copies shall be submitted on one or more sheets of paper measuring not more than 11" x 17". One (1) electronic file in .pdf format shall be submitted on a CD.
14. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities, if applicable.
15. Such additional data, maps, plans or statements as may be required by the Village for the particular use or activity involved, including impacts on affected community facilities and services created by the development.

#### **10.08 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.



#### **10.09 ENFORCEMENT, VIOLATIONS AND PENALTIES:**

This ordinance shall be enforced by the Village of Golf, Florida. The Village may exercise its authority in enforcing these provisions as provided by local, state or federal law and may seek the imposition of fines, liens, injunctive relief or seek to exercise its enforcement powers in any other manner permitted by law. Such other manner of enforcement may include, but not be limited to, proceedings as provided pursuant to Chapter 162, Florida Statutes, through a code enforcement board or special magistrate or pursuant to the enforcement procedures set forth in the Local Amendments to Chapter 1 of the Florida Building Code, adopted by Ordinance No. 96, and as such Chapter 1 local amendments may be amended in the future. In addition, appeals may be brought in circuit court by the parties as provided by law concerning quasi-judicial proceedings and the findings or orders rendered by the Village.

#### **10.10 UNITY OF TITLE DECLARATION:**

A. Where it reasonably appears that a certain proposed "development permit", as this term is defined at Sec. 163.3184, *Florida Statutes*, and as set forth in an application for a development permit, may subsequently be modified 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 development permit or such development permit would attempt to subject separate parcels to uniformly imposed regulations even though not legally joined together, the Village shall require the property owner(s) to execute a unity of title declaration as a condition precedent to the approval of the development site plan, or the issuance of a development permit. The unity of title declaration shall apply to all the property necessary for the proposed use or development permit, 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 or other development 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 or development permit.

#### **10.11 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 in accordance with Sub-section 105.3.2 of Chapter 1. of the Florida Building Code adopted by Ordinance No. 96 and as such ordinance may be amended.
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 natural disaster casualty: Nothing in this Section 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 natural disaster 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 natural disaster casualty that was not self-inflicted or self-imposed, or act of God, or the public enemy shall be allowed to re-construct to 100 percent of its original size and dimensions. Restoration under this section must be started within ninety (90) days. No continued occupancy should be allowed in building that have been destroyed more than fifty (50%) percent of value until a Certificate of Occupancy is issued. 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 news racks are not exempted from Section 7.03A.9 & 10 of the Land Development Regulations.

#### **10.12 BUILDING PERMIT APPLICATION FEES:**

- A. The Village Council may by resolution, establish appropriate Building, Demolition and Moving permit fees in accordance with Sub-section 109.2 of Chapter 1 of the Florida Building Code as adopted by Ordinance No. 96 and as may be amended.
- 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. All building permit fees (i.e. building, plumbing, electrical, mechanical, etc.) will be assessed a surcharge of 1.5% of the permit fee, or a minimum of \$2 for both the Florida Department of Business and Professional Regulation (DBPR) and the Florida Department of Economic Opportunity (FDEO).

#### **11.01 NOISE ABATEMENT AND CONTROL FOR GENERATORS:**

- A. Purpose. The purpose of this section is to minimize the exposure of citizens to the physiological and psychological dangers/discomforts of excessive noise from generators and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the down to control the level of generator noise in a manner which promotes the use, value and enjoyment of property, sleep and repose, and the quality of the environment.
- B. Findings. The problem of noise produced by existing generators in residential districts is in need of abatement. Regulations are to be followed by those installing a new generator or relocating an existing one. Abatement measures are also mandatory for existing generators not meeting the established threshold.

#### **11.02 DEFINITIONS:**

**Decibel or dB(A).** The sound level measured in decibels, using the "A" weighting scale which reflects the response characteristics of the human ear.

**Decibel level rating.** Decibel level measured from a distance of 23 feet (7m) from the noise source in order to conform with manufacturers' ratings.

**Enclosure.** A housing that accompanies the generator, usually from the manufacturer. Custom enclosures are aftermarket enclosures allowed for the sole purpose of noise reduction.

**Generator.** A permanently installed accessory powered by a fossil fuel that creates electricity.

### **11.03 REGULATIONS:**

Generators shall have a decibel level rating no greater than 72dB(A) at "full power" or "full load". Decibel level ratings vary from model and manufacturer and are found in the manual and sales information. Generators with a manufacturer rating above the 72dB(A) may be installed, provided that a custom enclosure reduces noise to 72dB(A) and has literature from the enclosure manufacturer attesting that the sound level has been met.

### **11.04 HOURS OF OPERATION:**

Generators in all residential districts may be operated for testing and scheduled maintenance purposes between the hours of 9:00 a.m. through 5:00 p.m., Monday through Friday.

Servicing for repair is permitted from 9:00 a.m. to 5:00 p.m., Monday through Saturday.

There shall be no restriction as to hours of operation when generators are operated during power outages.

### **11.05 LOCATION/SETBACKS/SCREENING:**

Generators shall meet the established setbacks as set forth in the zoning district in which it is located.

Distances are to be measured from the actual generator and excludes the generator's enclosure.

Generators must be landscaped to screen them from public view at time of installation. Landscape to be planted shall be planted to 75% of generator height.

Screening methods to be employed include, but are not limited to, the use of a concrete wall and a hedge around the perimeter of the generator.

### **11.06 NOISE REDUCTION:**

Although noise reduction is encouraged, preexisting generators that exceed the 72dB(A) decibel level rating limit are to be muffled by one or more of the following techniques:

- A. A professionally made custom enclosure specifically made to reduce the noise level to a level not to exceed 72dB(A).
- B. A noise barrier wall constructed of concrete or similar material with a minimum height equal to that of the generator plus six inches, completely obscuring the visibility of the generator from the street and abutting neighbors. All walls/screening shall be able to safely withstand any heat produced by the generator for an indefinite amount of time.
- C. The professional installation of rock wool insulation or a similar heat resistant acoustical insulation to either the interior of the generator's enclosure or lining the interior side of the noise barrier wall is recommended.