

ORDINANCE NO. 134

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF AMENDING THE VILLAGE LAND DEVELOPMENT REGULATIONS BY ADDING SECTION 10.15 TO ESTABLISH AN ARCHITECTURAL REVIEW COMMITTEE, AMENDING SECTION 10.07 (DEVELOPMENT SITE PLAN REVIEW) TO REQUIRE REVIEW OF BUILDING DESIGN ELEMENTS BY SUCH COMMITTEE AND AMENDING SECTION 1.05 (DEFINITIONS); PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, for over twenty (20) years the Village of Golf (Village) has provided for regulation of building design elements in its Land Development Regulations (LDRs); and

WHEREAS, an informal architectural review committee has reviewed site plan applications that contain building design elements and made recommendations to the Village Council from time to time; and

WHEREAS, Florida Statutes, Chapter 163 was amended in 2021 to add Section 163.3202(5)(a)(7) which provides that a Village-established architectural review committee is required to enforce regulation of building design elements as that term is defined in the statute; and

WHEREAS, amendment to the LDRs is required to establish an architectural review committee in compliance with the Florida Statutes.

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

SECTION 1: The Village Land Development Regulations are amended as follows:

10.15 ARCHITECTURAL REVIEW COMMITTEE:

A. Creation. An architectural review committee (ARC) for the Village of Golf is hereby created in compliance with Section 163.3202, Florida Statutes. The purpose of the ARC is to assist the Village Council with enforcement of the building design elements as defined by and contained within these Land Development Regulations. All other elements of development applications not included in the statutory definition of building design elements remain the exclusive jurisdiction of the Village Council.

B. Composition.

- (1) The ARC shall consist of five regular members who shall be residents of the Village.
- (2) The Village Manager shall serve as an ex-officio member of the ARC.

C. Appointment, term and officers.

- (1) Members of the ARC shall be appointed by the Village Council by resolution. A term shall consist of two years or the completion of an unexpired term and the subsequent two years. For the initial organization of the ARC, three members shall serve for two years from the date of appointment and two members shall serve for one year. A member may serve beyond the expiration of a term until the appointment of a replacement of the member or the member's reappointment to the ARC.
- (2) The ARC shall elect from its members a chairperson and a vice-chairperson. Elections shall be held at the ARC's first regular meeting of each fiscal year (October 1 through September 30). The chairperson shall call all meetings of the ARC to order and shall conduct business pursuant to Roberts Rules of Order, as revised. In the absence of the chairperson, the vice-chairperson shall call and conduct meetings. In the event of a vacancy in an office, the ARC shall hold a special election for any such vacancy after a full membership has been appointed by the Village Council. An officer may succeed him or herself.
- (3) No member of the ARC shall serve more than two consecutive terms.

D. Removal from Office.

- (1) Members shall serve at the pleasure of the Village Council and may be removed by the Village Council without cause at any time.
- (2) If any member fails to attend three consecutive regular ARC meetings without an excused absence, or four or more meetings within any twelve (12) month period, with or without an excused absence, the Village Council shall terminate the appointment of such person as a member. Participation for less than three-fourths of a meeting shall constitute lack of attendance.
- (3) Excused absence constitutes absence due to illness, absence from Palm Beach County or personal hardship, if approved by a majority vote of the ARC. Excused absence shall be entered into the minutes of the meetings.
- (4) Members removed from office shall be terminated immediately and shall not continue to serve until a new appointment is made by the Village Council.

E. Meetings, Quorum and Voting.

(1) The ARC shall hold regular meetings at the request of the Village Manager as often as may required for review of pending development site plan or other design review applications. All meetings of the ARC shall be duly noticed, open to the public and held at Village Hall. The Village Council may determine from time to time that such meetings may also be attended by the public by Zoom or other electronic telecommunication means that afford public attendance to the ARC meetings. All members of the ARC are required to attend ARC meetings in person.

(2) Three members of the ARC shall constitute a quorum.

(3) A vote of the majority of the ARC is required to make a recommendation to the Village Council.

(4) The Village Clerk or Deputy Clerk shall serve as secretary of the ARC and shall prepare minutes of each ARC meeting.

(5) Members of the ARC shall serve without compensation.

F. Duties, powers and responsibilities.

(1) The ARC is an advisory committee. All final decisions regarding applications involving regulation of building design elements are the exclusive jurisdiction of the Village Council. The ARC has the authority to review any and all site plan review or other design applications that involve regulation of building design elements as that term is defined in Section 1.05, Definitions, and to make such recommendations to the Village Council as it deems consistent with such building design elements.

(2) The ARC does not have the authority to require a continuance of any pending development site plan or other design review application. Failure to make a recommendation shall result in the application being presented to the Village Council without a recommendation.

(3) Provide such additional duties related to building design elements as may be requested by the Village Council.

G. Compliance with Laws and Conflict of Interest.

(1) All members of the ARC are required to comply with all applicable federal, state, and local laws, specifically including laws relating to public meetings, public records and ethics of government officials, employees and appointed advisory members as regulated by the Florida Statutes.

(2) No member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a member of the ARC.

and

Additions are indicated by underline. Deletions are indicated by ~~strikethrough~~.

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~~recommendation by the ARC to the extent such application involves building design elements as defined in Section 1.05 and approval by the Village Council.

and

1.05 DEFINITIONS:

Building Design Elements. Pursuant to Section 163.3202, building design elements means: the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

SECTION 2: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

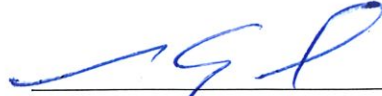
SECTION 3: Severability. Should any section or provision of this Ordinance or any portion hereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon passage.

FIRST READING this 15th day of December 2021.


SECOND READING AND FINAL PASSAGE this 26th day of January 2022.

VILLAGE OF GOLF



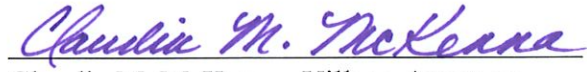
Michael E. Botos, Mayor

ATTEST:



Donn M. Lynn, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Claudia M. McKenna, Village Attorney

(SEAL)

