

Superseded ORD #46 1-31-90

ORDINANCE NO. 1

Z O N I N G O R D I N A N C E

VILLAGE OF GOLF

COUNTY OF PALM BEACH

FLORIDA

1957

AN ORDINANCE TO PROMOTE THE GENERAL WELFARE OF THE INHABITANTS OF THE VILLAGE OF GOLF, FLORIDA; TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, AND STRUCTURES FOR RESIDENCE OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS; TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF ALL BUILDINGS AND STRUCTURES AND THE SIZE OF ALL YARDS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT THE DENSITY OF POPULATION; TO DIVIDE THE TOWN INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS AND AMENIMENTS; TO PROVIDE FOR ITS ENFORCEMENT; PROVIDING FOR SPECIAL EXCEPTIONS IN EVENT OF HARDSHIP, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF

PREAMBLE

WHEREAS, pursuant to the provisions of the Act of the Legislature of the State of Florida establishing the Village of Golf, after due, deliberate and careful consideration, the Village Council has caused to be prepared this Zoning Ordinance; and

WHEREAS, the Village Council did meet and carefully review a preliminary draft of the Zoning Ordinance and a Zoning Map of the Village of Golf, Florida; and

WHEREAS, due and proper notice was given to the landowners of the Village of Golf, of a public hearing in relation to the adoption of the said Zoning Ordinance, at which hearing parties in interest and citizens had an opportunity to be heard, and

WHEREAS, it was made to appear to the Village Council that the general welfare of the landowners and the inhabitants of the Village of Golf dictated that the character of the Village of Golf be established mainly as a country club type of community with homes, fine rental cottages, hotels and apartments, a golf course and the attendant country club operation,

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

SECTION I

DISTRICTS AND BOUNDARIES THEREOF

A. The Village of Golf, Florida, is hereby divided into districts of which there shall be three (3), known as "Residence District A", "Cottage-Hotel-Apartment District B", and "Golf Course-Country Club District C". The boundaries of the districts are shown upon the map accompanying this ordinance and are made a part hereof and entitled "Zoning Map of the Village of Golf, Florida", which said original map bears the following legend:

"Adopted the 16th day of December, 1957, as a part of the Zoning Ordinance of the Village of Golf, Florida, 1957"

Following this legend appear the original signatures of the Mayor and the Village Clerk and the corporate seal of the municipality. The Zoning map and all the notations, references and other information shown thereon are a part of this ordinance as if such information set forth on the map were all fully described and set forth herein.

B. Boundaries of such districts as are shown upon the map adopted by this ordinance or any subsequent amendments thereto, are hereby adopted and approved, and the regulations of this ordinance governing the use of land and buildings, the height of buildings, building site areas, the size of yard about buildings and other matters as hereinafter set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

SECTION II

EXCEPT AS HEREINAFTER PROVIDED,

No building shall be erected or altered nor any building or land be used which does not comply with all the district regulations established by this ordinance for the district in which the building or land is located.

SECTION III

RESIDENCE DISTRICT "A"

A. Uses permitted in Residence District A shall be only dwellings for occupancy by one family only and accessory buildings, swimming pools and uses customarily incident to the above uses, not involving the conduct of a business.

B. No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

C. No main residence building shall be constructed or allowed with a fully enclosed first floor areas of less than 1500 sq. feet for a one story dwelling, 1200 sq. feet for a two or two and one-half story dwelling, or 1200 sq. feet for a one and one-half story dwelling, exclusive of detached garages and open porches.

D. The minimum building site area shall be one lot or parcel of land 15,000 square feet in area for each one (single) family dwelling.

E. No building shall be constructed nearer than fifty (50) feet from the lot line or lot lines parallel to the street or streets or easements therefor.

F. There shall be side yards of not less than twenty (20) feet on each side of the building, including porches, projections, cornices and eaves, and no building shall be nearer than forty (40) feet from any other building on the adjoining lot.

G. There shall be a rear yard having a depth of not less than twenty (20) feet within which no structures including but not limited to swimming pools, may be constructed. Provided that on lots 47 through 55, inclusive, Village of Golf, Unit 1, structures, including swimming pools, may be constructed within five (5) feet of the rear lot lines. The rear yard shall be that part of the lot not facing a street or street easement.

H. All walls or fences outside of building lines shall not be over six (6) feet in height and shall not be constructed within any easement for streets or public utilities. No hedges, fences or walls may be constructed within the rear yard as provided in paragraph G above if said rear yard borders the golf course.

SECTION IV

COTTAGE-HOTEL-APARTMENT DISTRICT B

A. Uses permitted in Cottage-Hotel-Apartment District B shall be any use permitted in Residence District A and in addition thereto buildings containing multiple living units for rental purposes.

B. The same provisions as to building height limits and hedges, walls and fences set out in Section III are applicable to cottages and residences in Cottage-Hotel-Apartment District B.

C. No hotels or apartments shall be constructed in Cottage-Hotel-Apartment District B except upon special application to and approval by the Village Council of the entire plans and specifications therefor.

D. Accessory buildings and uses customarily incident to rental cottages including but not limited to utility buildings and swimming pools, shall be permitted in Cottage-Hotel-Apartment District B, subject to paragraph C of this Section IV.

E. Parking regulation. Where a lot is occupied by a multiple dwelling there shall be provided accessible parking space on the lot or land parcel, either garage or service area, adequate to accommodate one and one-half cars for each dwelling unit.

SECTION V

GOLF COURSE-COUNTRY CLUB DISTRICT C

A. Uses permitted in Golf Course-Country Club District C shall be for a private country club, including all necessary appurtenances, such as a club house with restaurant, bar, offices, locker rooms and other facilities, and swimming pools, tennis courts, golf shop, employees 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 golf course and country club.

SECTION VI

GENERAL PROVISIONS

A. No land in the Village of Golf shall be used for any purposes other than those purposes outlined above and in the manner aforesaid.

B. No building shall be erected, arranged or altered anywhere in the Village of Golf without there first being submitted to the Village Council the plans and specifications for such building or alteration prepared by a registered architect as well as site planning in connection therewith, and such plans and specifications are approved by at least three members of the Village Council and evidence thereof is issued in the form of a building permit. The fee for such permit shall be established by the Village Council. Until such time as a building code shall be enacted for the Village of Golf, all construction shall be constructed in accordance with the provisions of the Southern Building Code as utilized by the City of Delray Beach, Florida. All power and telephone lines servicing buildings within the Village shall be installed below the surface of the ground from the main power and telephone service lines.

C. No trailers of any kind or nature shall be moved on to and allowed to remain on property in the Village of Golf.

D. No cocoanut palms shall be planted in the Village of Golf and in considering site plans, the use of planting native to the area will be encouraged and protection and preservation of existing pines and other native trees shall be stressed.

SECTION VII

CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any building or premises thereon hereafter created or erected, changed 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.

SECTION VIII

SPECIAL EXCEPTIONS

A. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, application to the Village Council may be made by any person aggrieved to grant special exceptions, in specific cases to the terms of this ordinance where the same shall not be contrary to the community interest.

B. Every person requesting a specific exception as herein contemplated shall make written application to the Village Council therefor and file the same and eight (8) copies thereof with supporting facts and data with the Village Clerk. Thereupon a copy of said application shall be mailed to the owners of the property immediately adjacent thereto and across the street or street easement therefrom, and to the owners of the property zoned as District C (Golf Course Property), at 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 on said application before the Village Council. No application shall be heard less than ten (10) days after the mailing of the notice to property owners directly effected as herein provided and all applications will be heard at regular or special meetings of the Village Council.

SECTION IX

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 reason, 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.

SECTION X

ENFORCEMENT, VIOLATIONS AND PENALTIES

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

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

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

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

SECTION XI

VALIDITY

Should any section, clause or provision of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Introduced and read first time in full, November 30, 1957.

Read second time, December 16, 1957.

Passed and adopted on second reading, December 16, 1957.

VILLAGE COUNCIL

By CARLETON BLUNT (signed)
Mayor

Attest:

ROBERT D. TYLANDER (Signed)
Village Clerk