

**ORDINANCE NO. 24-15**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 46. MOTOR VEHICLES AND TRAFFIC, AT ARTICLE III. PARKING, STOPPING OR STANDING, BY AMENDING DIVISION 2. "PARKING OF COMMERCIAL VEHICLES, TRUCKS AND RECREATIONAL VEHICLES" AT SECTIONS 46-73 AND 46-74 TO REVISE SCREENING REQUIREMENTS FOR BOATS ON TRAILERS IN ZONING DISTRICTS R-1A, R-1, R-2 AND R-3; AND AT SECTION 46-71 TO PROVIDE DEFINITIONS FOR THE TERMS "EFFECTIVELY SCREENED ON THREE SIDES", AND "FULLY SCREENED"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 46. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village Council of the Village of Tequesta desires to amend the Village Code of Ordinances at Chapter 46. Motor Vehicles and Traffic, Article III. Parking, stopping or standing, Sections 46-73 and 46-74 to revise the screening requirements for boats on trailers in the R-1A, R-1, R-2 and R-3 zoning districts, and to define the term "effectively screened on three sides"; and

**WHEREAS**, during a Village Council workshop meeting on November 2, 2015, Village residents in the boating community, who are directly affected by these regulations, offered supportive comments for the proposed revisions contained in this ordinance; and

**WHEREAS**, the Village Council of the Village of Tequesta, having heard the comments from Village residents, as well as Village staff regarding this issue, believes it to be in the best interests of the health, safety, and welfare of the citizens of the Village of Tequesta that the Village amend its code as set forth in this ordinance.

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

**Section 1:** Chapter 46. Motor Vehicles and Traffic. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article III. Parking, stopping or standing, Division 2. “Parking of Commercial Vehicles, Trucks and Recreational Vehicles”; at Section 46-71, to provide a definition for the term “effectively screened on three sides”; and at Sections 46-73 and 46-74, to revise the screening requirements for boats on trailers in the R-1A, R-1, R-2 and R-3 zoning districts; providing that Sections 46-71, 46-73 and 46-74 shall hereafter read as follows:

### **ARTICLE III. - PARKING, STOPPING OR STANDING**

#### **DIVISION 2. PARKING OF COMMERCIAL VEHICLES, TRUCKS AND RECREATIONAL VEHICLES**

##### **Sec. 46-71. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Carport* means space for the housing or storage of vehicles and enclosed on not more than two sides by walls.

*Commercial vehicle* means any vehicle of any nature which is used or designed or intended to be used for hire or in the furtherance of commerce, work or for profit. Any vehicle that has commercial lettering, markings or advertising shall be considered to be a commercial vehicle unless the lettering, markings or advertising is on a removable or concealable sign which is removed or concealed when the vehicle is parked.

*Effectively screened on three sides* means screening that conceals from view the items behind the screening device in relationship to any space where public view is normal and customary (e.g. from a sidewalk or street, from a golf course or from a waterway that is accessible to the public), on three of the four sides of the screened items. Effective screening can be accomplished with vegetative (hedge) material or with fences or walls. The required height of such screening shall be pursuant to the applicable code section in this Division. Effective screens must also be opaque, and must not allow any “through-view” of the item being screened. To this end, chain-link fence material shall not be considered to provide effective screening under any circumstances.

*Fully screened* means screening that conceals from view the items behind the screening device in relationship to any space where public view is normal and customary (e.g. from a sidewalk or street, from a golf course or from a waterway that is accessible to the public), on all four of the four sides of the screened items. Full screening can be accomplished with vegetative (hedge) material or with fences or walls. The required height of such screening shall be pursuant to the applicable code section in this Division. Full screening must be opaque and must not allow any “through-view” of the item being screened. To this end, chain-link fence material shall not be considered to provide full screening under any circumstances.

*Garage, private* means 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.

*Motor home.* See *Travel trailer*.

*Recreational vehicle* means a vehicular type unit primarily designed for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailers, camping trailers, truck campers, buses, motor homes, boats, boat trailers, private motor coaches, van conversions, park trailers, fifth wheel trailers and all-terrain vehicles (ATVs).

*Trailer* means a separate vehicle, not driven or propelled by its own power, but drawn by some independent power, to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, swamp buggies, half-trucks and the like.

*Travel trailer* means any vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power. Such vehicles or structures shall have a body width not exceeding eight feet, and a body length not exceeding 45 feet.

*Truck* means any motor vehicle designed, used or maintained for transporting or delivering property or material used in trade or commerce in general, including any motor vehicle having space designed for and capable of carrying property, cargo, or bulk material and which space is not occupied by passenger seating but shall not include passenger vans or panel vans with side passenger windows and rear passenger seats, or sport utility vehicles such as Jeep Grand Cherokee and similar vehicles.

*Vehicle* means any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, and scooters, and recreational vehicles.

**Sec. 46-73. Parking of certain commercial vehicles, trucks and recreational vehicles in R-1, R-2 and R-3 districts.**

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Commercial vehicles, trucks and trailers of not over three-quarters ton rated capacity, and recreational vehicles, parked on a lot containing a single-family residence in R-1, R-2 and R-3 zoning districts within the village, shall be parked subject to the following conditions:

- (1) The vehicles and equipment parked pursuant to this section must be owned by and used primarily by a resident of the premises; provided, however, that a guest of the resident of the premises may park a motor home in the driveway for not more than three consecutive days in any 30-day period. For the purpose of this subsection, any part of a 24-hour period, measured from midnight to midnight, shall be considered as one day.
- (2) The location for such parked vehicles and equipment shall be in the rear yard or in the side yard to the rear of a line established by the front building line adjacent to the side yard where the equipment is located;

provided, however, that such equipment is fully screened on all four sides against direct view from abutting properties as well as the street in front of the subject lot, as follows: Boats on trailers may be no longer than 30 feet, and excluding items such as "T-tops," antennas and outriggers, no higher than 10 feet off the ground. Such boats on trailers shall be screened to six feet in height the top of the gunwale. All other vehicles shall be screened to the top of the vehicle. Required screening shall be in place immediately upon the commencement of parking of any such vehicle. If vegetation is utilized for any portion of required screening, all such vegetation shall be supported with landscape irrigation. For the screening of boats on trailers; however, screening by use of vegetation shall be deemed in compliance with this requirement if, within two weeks of the commencement of parking of the boat on trailer, five gallon sized cocoplum (or equivalent), is planted in sufficient quantity to form the required screening upon growth to maturity.

- (3) Any of the vehicles or equipment described in this section may be parked in an enclosed private garage or fully screened carport; provided, however, that no portion of the vehicle or equipment shall extend beyond the roofline.
- (4) The screening requirements set forth above shall apply only to vehicles that had not been lawfully parked and screened prior to the adoption of the ordinance from which this code was derived. Any vehicle which would otherwise be subject to the screening requirements of this division, but which had been lawfully parked on the subject lot prior to the adoption of the ordinance from which this code was derived (prior to July 10, 2014) in compliance with prior screening regulations shall be subject to such prior regulations which generally required such vehicles to be "effectively screened on three sides."
- (5) All vehicles and equipment parked pursuant to this section, and the area utilized for parking shall be maintained in a clean, neat and presentable manner, and the vehicles and equipment shall be in usable condition at all times.
- (6) All vehicles and equipment parked pursuant to this section shall at all times have attached a current vehicle registration and/or license plate as required by law, and if required, a current inspection sticker.
- (7) No major repairs or other work on any vehicles or equipment shall be made or performed while such vehicles or equipment are parked pursuant to this section.
- (8) Vehicles and equipment parked pursuant to this section shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any service connection lines, except as may periodically be required to maintain such vehicles and equipment.
- (9) No vehicle or piece of equipment parked pursuant to this section may be parked in the area between the street lot line and the structure or in the right-of-way adjacent to the subject lot; however, one such vehicle or

piece of equipment may be parked in the front driveway for a cumulative period not exceeding four hours in any one 24-hour period.

- (10) No more than two vehicles or pieces of equipment regulated by this section may be parked on any one residential lot at any one time.
- (11) The exceptions set forth in section 46-72 shall be applicable to the vehicles and equipment parked pursuant to this section and shall not count toward the two vehicle limit.
- (12) The provisions and conditions set forth in this section are not intended to regulate the parking of vehicles only used for personal transportation and not used or intended to be used for commercial purposes.
- (13) In the case of doubt as to the proper classification of a specific vehicle under the terms of this section, the determination by the state motor vehicle commission shall be controlling. The body description and classification on the motor vehicle certificate of title shall be prima facie evidence of such determination.

**Sec. 46-74. Parking of certain commercial vehicles and recreational vehicles in the R-1A district.**

Commercial vehicles, trucks and trailers of not over three-quarters ton rated capacity, and recreational vehicles, parked on a lot containing a single-family residence in R-1A zoning district within the village, shall be parked subject to the following conditions:

- (1) The vehicles and equipment parked pursuant to this section must be owned by and used primarily by a resident of the premises; provided, however, that a guest of the resident of the premises may park a motor home in the front driveway for not more than three consecutive days in any 30-day period. For the purpose of this subsection, any part of a 24-hour period, measured from midnight to midnight, shall be considered as one day.
- (2) The location for such parked vehicles and equipment shall be in the rear yard or in the side yard to the rear of a line established by the front building line adjacent to the side yard where the equipment is located; provided, however, that such equipment is **fully** screened on all four sides so as not to be visible from abutting properties, any roadway, waterway, or golf course, **as follows:** Boats on trailers **may be no longer than 30 feet, and excluding items such as "T-tops," antennas and outriggers, no higher than 10 feet off the ground. Such boats on trailers** shall be screened to **six feet in height** ~~the top of the gunwale.~~ All other vehicles shall be screened to the top of the vehicle. Required screening shall be in place immediately upon the commencement of parking of any such vehicle. If vegetation is utilized for any portion of required screening, all such vegetation shall be supported with landscape irrigation. For the screening of boats on trailers;

however, screening by use of vegetation shall be deemed in compliance with this requirement if, within two weeks of the commencement of parking of the boat on trailer, five gallon sized cocoplum (or equivalent), is planted in sufficient quantity to form the required screening upon growth to maturity.

- (3) Any of the vehicles or equipment described in this section may be parked in an enclosed private garage; provided, however, that no portion of the vehicle or equipment shall extend beyond the roofline.
- (4) The screening requirements set forth above shall apply only to vehicles that had not been lawfully parked and screened prior to the adoption of the ordinance from which this code was derived. Any vehicle which would otherwise be subject to the screening requirements of this division, but which had been lawfully parked on the subject lot prior to the adoption of the ordinance from which this code was derived (prior to July 10, 2014) in compliance with prior screening regulations shall be subject to such prior regulations which generally required such vehicles to be “effectively screened on three sides.”
- (5) All vehicles and equipment parked pursuant to this section, and the area utilized for parking shall be maintained in a clean, neat and presentable manner, and the vehicles and equipment shall be in usable condition at all times.
- (6) All vehicles and equipment parked pursuant to this section shall at all times have attached a current vehicle registration and/or license plate as required by law, and if required, a current inspection sticker.
- (7) No major repairs or other work on any vehicles or equipment shall be made or performed while such vehicles or equipment are parked pursuant to this section.
- (8) Vehicles and equipment parked pursuant to this section shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any service connection lines, except as may periodically be required to maintain such vehicles and equipment.
- (9) No vehicle or piece of equipment parked pursuant to this section may be parked in the area between the street lot line and the structure or in the right-of-way adjacent to the subject lot; however, one such vehicle or piece of equipment may be parked in the front driveway for a cumulative period not exceeding four hours in any one 24-hour period.
- (10) No more than two vehicles or pieces of equipment regulated by this section may be parked on any one residential lot at any one time.
- (11) The exceptions set forth in section 46-72 shall be applicable to the vehicles and equipment parked pursuant to this section and shall not count toward the two vehicle limit.
- (12) The provisions and conditions set forth in this section are not intended to regulate the parking of vehicles only used for personal transportation and not used or intended to be used for commercial purposes.

(13) In the case of doubt as to the proper classification of a specific vehicle under the terms of this section, the determination by the state motor vehicle commission shall be controlling. The body description and classification on the motor vehicle certificate of title shall be prima facie evidence of such determination.

**Section 2:** Each and every other Section and Subsection of Chapter 46. Motor Vehicles and Traffic. shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** 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 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon passage.