

ORDINANCE NO. 07-19

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING ITS CODE OF ORDINANCES AT CHAPTER 22. COMMUNITY DEVELOPMENT., ARTICLE II. COMMUNITY APPEARANCE., DIVISION 2. PLANNING AND ZONING BOARD. TO AMEND SECTION 22-53. POWERS AND DUTIES. TO REVISE THE APPLICATION TYPES AND MONETARY THRESHOLDS OVER WHICH THE PLANNING AND ZONING BOARD HAS RECOMMENDATION AUTHORITY AND FINAL AUTHORITY; AT CHAPTER 78. ZONING., ARTICLE IX. SUPPLEMENTAL REGULATIONS., DIVISION 2. SITE PLAN REVIEW. TO AMEND SECTION 78-331. REQUIRED; DEVELOPMENT STANDARDS; REQUIRED FACILITIES AND INFRASTRUCTURE. TO ONLY REQUIRE NEW SPECIAL EXCEPTION USES ACCOMPANIED BY ADDITIONAL EXTERIOR MODIFICATIONS AND EXPANSIONS, ENLARGEMENTS OR REVISIONS TO THE SITE OF AN EXISTING SMALL SCALE EXTERIOR OR LARGE SCALE SPECIAL EXCEPTION USE TO UNDERGO SITE PLAN REVIEW AND TO ADD ENTIRELY NEW SECTION 78-335. REVIEWING AUTHORITY. TO ESTABLISH THE REVIEWING AUTHORITY FOR VARIOUS DEVELOPMENT APPLICATIONS AND ALLOW FOR ADMINISTRATIVE APPROVAL OF LIMITED APPLICATION TYPES; AND AT CHAPTER 78. ZONING., ARTICLE IX. SUPPLEMENTAL REGULATIONS., DIVISION 3. SPECIAL EXCEPTION USES. TO AMEND SECTION 78-362. APPLICABILITY. TO ENSURE CONSISTENCY WITH THE REVISIONS TO SECTIONS 22-53 AND 78-331; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 22. COMMUNITY DEVELOPMENT. AND CHAPTER 78. ZONING. 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 of Tequesta desires to update several of its Code sections pertaining to development applications and the processing thereof in order to increase efficiency and streamline the review and approval process; and

WHEREAS, the Village Council believes the code amendments contained in this ordinance will be in the best interests of the citizens of the Village of Tequesta.

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

Section 1: Chapter 22. Community Development. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article II. Community Appearance., Division 2. Planning and Zoning Board., to amend Section 22-53. Powers and duties. to revise the application types and monetary thresholds over which the Planning and Zoning Board has recommendation authority and final authority; providing that Section 22-53. Powers and duties. shall hereafter read as follows:

Sec. 22-53. - Powers and duties.

The planning and zoning board shall have general authority (provided that, in order to provide for proper budgetary allocations, any request requiring extensive staff or attorney time must first be approved by the village manager) to:

(a) Review and make recommendations to the village council regarding applications for:

(1) Site plan review or site plan modification including aesthetic review in accordance with regulations of this article as well as the requirements of article IX, division 2 of the village zoning code, except as provided in section (b) below.

(2) Signage requested in conjunction with site plan review or site plan modification in accordance with article XI of the village zoning code.

(3) Site plan modifications affecting items previously granted variances.

(34) Any other reviews, related to planning, zoning and development specifically requested of the planning and zoning board by the village council.

(b) Review and make a final determination regarding applications for:

(1) Site plan modifications that do not exceed \$50,000.00 ~~\$10,000.00~~ in estimated cost (labor and materials) and that do not involve a change to the footprint, lot coverage, density, height, number of stories or square footage of any building.

(2) Aesthetic modifications to exterior building color or finish when not accompanied by any other site plan modification, except as allowed by section (b)1. above.

- (3) ~~New free standing signs not part of a site plan review application.~~ Revisions to previously approved landscape plans when not accompanied by any other site plan modification.
- (4) Certain entry features on property located in the R-1A and R-1 zoning districts as specified at section 78-284.
- (c) Pursuant to chapter 78 zoning, article III appeals and variances, hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of chapter 78, zoning; or of any ordinance adopted pursuant thereto, related to single-family properties and structures located within the R-1A and R-1 single-family dwelling districts of the village.
- (d) Pursuant to chapter 78 zoning, article III appeals and variances, authorize upon application in specific cases such variance from the terms of chapter 78, zoning, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of that chapter will result in unnecessary hardship, related to single-family properties and structures located within the R-1A and R-1 single-family dwelling districts of the village.
- (e) Pursuant to F.S. ch. 163, and chapter 62 of the Village of Tequesta Code of Ordinances, sit as the village's local planning agency.
- (f) The planning and zoning board may adopt such rules and procedures as are necessary to perform its duties.

Section 2: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations., Division 2. Site Plan Review., to amend Section 78-331. Required; development standards; required facilities and infrastructure. to only require new special exception uses accompanied by additional exterior modifications and expansions, enlargements or revisions to the site of an existing small scale exterior or large scale special exception use to undergo site plan review; providing that Section 78-331. Required; development standards; required facilities and infrastructure. shall hereafter read as follows:

Sec. 78-331. - Required; development standards; required facilities and infrastructure.

By the terms of this chapter, all permitted uses in all zoning districts except R-1A and R-1, all special exception uses as approved by the village council which also include additional exterior modifications, all requests to expand, enlarge or revise the site of an existing small scale exterior or large scale special exception use, all planned residential development (PRD), planned commercial development (PCD), and planned mixed-use development (PMUD), all miscellaneous development and redevelopment, all subdivisions, and all uses or construction lying partially or entirely in special flood hazard areas shall comply with the following:

(a) Site plan review is required.

(b)-(r) [Shall remain the same as previously adopted.]

Section 3: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations., Division 2. Site Plan Review. to add entirely new Section 78-335. Reviewing Authority. to establish the reviewing authority for various development applications and allow for administrative approval of limited application types; providing that Section 78-335. Reviewing authority. shall hereafter read as follows:

Sec. 78-335. - Reviewing authority.

Development applications, unless otherwise provided by this chapter, shall be initially reviewed by the Planning and Zoning Board at a public meeting. The Planning and Zoning Board shall review and make a final determination on all applications over which it has final jurisdiction in accordance with the provision of section 22-53. The Planning and Zoning Board shall make an advisory recommendation to the Village Council on applications over which the Board does not have final jurisdiction. The Village Council shall review all applications over which it has final jurisdiction and decision-making authority in accordance with provisions of section 22-53.

(1) Applications requiring review at a public hearing before the Planning and Zoning Board, Local Planning Agency, Board of Adjustment and/or the Village Council include:

(a) Text amendments to land development regulations;

(b) Zonings or rezonings;

(c) Special exception uses;

(d) Variances relating to single-family properties and structures located within the R-1A and R-1 single-family dwelling districts of the village;

(e) Site plan reviews, site plan modifications, and extensions thereof;

(f) Amendments to the comprehensive plan, an element or a portion thereof, including land use maps;

(g) Abandonments of public property, including Village-owned roadways and rights-of-way; and

(h) Modifications to any approved development order.

(2) Applications for variances, except those within the jurisdiction of the planning and zoning board pursuant to subpart (1)(d) above, shall be reviewed and final action taken thereon by the Village Council at a public hearing.

(3) Applications requiring administrative review by the community development director only include:

(a) All wall signs.

(b) Proposed new free standing signs not part of a site plan review application.

(c) Minor amendments to approved site plans and special exceptions. Minor amendments to a site plan or special exception that was previously approved by the Village Council may be approved by the Director of the Community Development Department in consultation with other Village staff, as appropriate. The following types of amendments are not considered to be minor, and therefore are subject to review by the Village's Planning and Zoning Board and/or the Village Council pursuant to section 22-53:

1. Any proposed increase or reduction in:
 - a. The square footage to any building;
 - b. Density;
 - c. The number of structures;
 - d. The number of residential dwelling units in a residential or mixed use zoning district;
 - e. The building height of any building as specified by the adopted site plan that results in increasing the number of stories;
 - f. An existing building or buildings proposed to be removed and replaced with a new building or buildings; or
 - g. New businesses requesting approval for outdoor seating.
2. Significant changes to the approved site plan and/or special exception that create cumulative impacts, including but not limited to increases in traffic, parking, additions of square footage, changes in uses, recreation facilities and amenities, greenspace, and/or other similar modifications which have the potential for a negative, adverse, or undesirable impact as determined by Village staff.
3. Any increase in the project's traffic.
4. Any amendments, which would significantly alter the character, and/or the appearance of the development, or result in a decrease in the amount or quality of the approved amenities. Such amenities shall include, but not be limited to, pools, clubhouses, common parking areas for large vehicles and boats, exercise trails, public access to waters or beaches, marinas, boat docks, tennis courts and racquetball courts.

5. Significant changes in architectural styles, colors or building materials that are inconsistent with the approved site plans.

6. Changes to such items as a phasing plan or developer control, that substantially impact the development.

Section 4: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations., Division 3. Special Exception Uses. to amend Section 78-362. Applicability. to ensure consistency with the revisions to Sections 22-53 and 78-331; providing that Section 78-362. Applicability. shall hereafter read as follows:

Sec. 78-362. - Applicability.

All initial requests for special exception uses as listed in this chapter, along with their related accessory uses shall be subject to the requirements of this division. In addition, any modification to the use of a previously granted special exception, except for a modification that changes said use to a permitted use as listed in this chapter, shall be subject to the requirements of this division. Requests to expand, enlarge or revise the site of an existing special exception use shall be classified and processed pursuant to the following three categories;

(1) Small scale, interior - interior expansion, enlargement or revision of less than ten percent (10%) of the originally approved special exception site square footage and having construction costs of less than \$50,000.00 ~~\$10,000.00~~, once within any eighteen month period (this category contemplates uses located in existing shopping centers or similar structures, where no change to the overall building footprint is required).

a. Applicant shall submit the processing fee in an amount established by resolution of the village council and on file in the village clerk's office.

b. Review and approval is provided by the community development director, following which, the applicant may apply for building permits.

(2) Small scale, exterior - exterior expansion, enlargement or revision of less than ten percent (10%) of the originally approved special exception site square footage and having

construction costs of less than ~~\$50,000.00~~ \$10,000.00 once within any eighteen month period (this category contemplates a change to the existing structure's footprint, and other site related revisions that flow therefrom).

- a. Applicant shall submit the processing fee in an amount established by resolution of the village council and on file in the village clerk's office.
- b. Review and approval regarding the continuing special exception use is provided by the community development director, following which, the applicant shall submit an application for site plan modification.

When reviewing small scale expansion, enlargement or revision, the community development director shall make a determination that such expansion, enlargement or revision does not result in a violation of the requirements of sections 78-363 or 78-364, or a violation of any previously imposed condition of approval.

- (3) Large scale - any expansion, enlargement or revision to the site of an existing special exception use that does not qualify as either small scale interior or small scale exterior. Such expansion, enlargement or revision is subject to the requirements of this division.

Section 5: Each and every other Section and Subsection of Chapter 22. Community Development. and Chapter 78. Zoning. shall remain in full force and effect as previously adopted.

Section 6: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 7: 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 8: Specific authority is hereby granted to codify this Ordinance.

Section 9: This Ordinance shall take effect immediately upon passage.

FIRST READING this ____ day of March, 2019.

SECOND AND FINAL READING this ____ day of April, 2019.