

ORDINANCE NO. 08-19

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 78. ZONING. ARTICLE I. IN GENERAL, SEC. 78-4. DEFINITIONS. BY AMENDING THE DEFINITIONS FOR “FRONTAGE FOR BUILDINGS” AND “LOT FRONTAGE” TO PROVIDE UPDATED CLARIFICATIONS FOR THESE DEFINITIONS; AND AT ARTICLE IX. SUPPLEMENTAL REGULATIONS, SEC. 78-284. WALLS AND FENCES. BY PROVIDING CROSS REFERENCE TO FENCING REQUIREMENTS FOR COMMERCIAL PROPERTIES AND RESIDENTIAL PROPERTIES SCREENING CERTAIN BOATS AND OTHER VEHICLES, AND BY PROVIDING CLARIFICATION TO THE APPLICATION OF WALL AND FENCE REGULATIONS TO CORNER LOTS; ALSO AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 46. MOTOR VEHICLES AND TRAFFIC. ARTICLE III. PARKING, STOPPING OR STANDING. DIVISION 2, SEC. 46-72, SEC. 46-73 AND SEC. 46-74. BY CLARIFYING REGULATIONS REGARDING CARPORTS AND ENCLOSED GARAGES, BY PROVIDING REGULATIONS FOR SCREENING ON CORNER LOTS, AND BY REPEALING THE WAIVER PROVISION AT SEC. 46-76; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTERS 78 AND 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 clarify and update certain provisions of the Village’s zoning code for walls and fences, and vehicle parking / screening code for certain boats, trailers and recreational vehicles relative to application of these provisions to corner lots; and

WHEREAS, the Village Council believes these code revisions will be in the best interests of the Village of Tequesta, and will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article I. In General. Sec. 78-4. Definitions. by amending the definitions for

“Frontage for buildings” and “Lot frontage” to provide updated definitions that more clearly define these terms; providing that these definitions shall hereafter read as follows:

Sec. 78-4. - Definitions.

The following words, terms and phrases, when used in this chapter, unless otherwise specified, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. 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. The word "person" includes a firm, corporation or Municipal Corporation as well as a natural person. The word "map" shall mean the official zoning map of the village. The term "council" shall mean the Council of the Village of Tequesta and the word "village" shall mean the Village of Tequesta, 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.

Frontage for buildings means the linear dimension of a building which faces upon a public street, and is roughly parallel to it. Where a building faces two or more streets, the frontage containing the principal roadway street address shall be designated as the building frontage. all the property on one side of a dedicated public street or place between two 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 side between an intersecting dedicated public street or place and the dead-end of the dedicated public street or place. The term also includes dedicated ingress egress easements when used for the only means of access. See Sec. 78-284 regarding application of “Frontage” to wall and fence placement on corner lots. See Sec. 46-73 and 46-74 regarding application of “Frontage” to vehicle and equipment parking on corner lots in the R-1A, R-1, R-2 and R-3 zoning districts.

Lot frontage means The front of a lot shall be construed to be the portion of a lot nearest the street; also the front property line. Where a building has two sides that face two or more streets, the side associated with the street address shall be designated as having lot frontage, or the front property

line. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this section. See Sec. 78-284 regarding application of "Frontage" to wall and fence placement on corner lots. See Sec. 46-73 and 46-74 regarding application of "Frontage" to vehicle and equipment parking on corner lots in the R-1A, R-1, R-2 and R-3 zoning districts.

Section 2: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations. Sec. 78-284. Walls and fences. by providing cross reference to fencing requirements for commercial properties and residential properties screening certain boats and other vehicles, and by providing clarification to the application of wall and fence regulations to corner lots; providing that Sec. 78-284 shall hereafter read as follows:

Sec. 78-284. - Walls and fences.

- (a) Walls and fences may be erected or maintained within or adjacent to a property line to a height not exceeding six feet. No wall or fence shall be permitted to extend forward of the adjacent or nearest portion of the building front, regardless of the actual, allowed building setback line, on any lot or parcel (see Fig. a), except for lots or parcels located along and fronting upon County Club Drive, where walls not exceeding five feet in height may be located forward of the front building line. Commercial property abutting a residential property shall comply with Village Code Sec. 78-403 regarding walls and fences.
- (b) If a wall or fence is erected or located on a corner lot (in which case the building front shall be considered to be the side of the building facing the right-of-way associated with the property's street address), a vehicular and pedestrian visibility triangle (see Village Code Sec. 78-303) shall be maintained for 25 feet in both directions from the point of intersecting lot lines. The maximum height of any wall or fence within the visibility triangle, including those on Country Club Drive, shall be two and one-half feet (see Fig. b).
- (c) Fences and walls for the screening of boats, trailers, recreational vehicles and the like on property in the R-1A, and R-1 zoning districts shall also comply with the requirements of Village Code Chapter 46, Article III. Division 2.

~~Fences associated only with accessory structures may be permitted if such fences are screened from public view with a hedge of not less than six feet in height nor more than~~

~~eight feet in height. However, if a wall, fence, or living hedge is erected or located on a corner lot or a double frontage lot, a vehicular and pedestrian visibility triangle of a size and dimension which complies with the current traffic engineering standards of the American Association of State Highway and Transportation Officials (AASHTO) and the county shall be provided for in both directions from the intersecting point of property lines. The maximum height of any wall, fence or hedge within the visibility triangle, as defined at section 78-303, shall be two and one-half feet.~~

- (~~b~~ d) ~~Notwithstanding the above,~~ Entry features consisting of masonry columns not exceeding six feet in height, with or without gates, are not deemed to be walls or fences and are specifically allowed in the R-1A and R-1 zoning districts and in the residential areas within a mixed use development located in the MU zoning district. Such entry features must be compatible with the architecture of the residence and the streetscape, must be set back a minimum of ten feet from the edge of the road pavement or the lot side of any sidewalk, must provide a minimum clear width of 12 feet for access by emergency vehicles, and shall not be located in the village right-of-way. Gates, if any, must swing inward or slide to the side to prevent obstructions to the roadway or sidewalk. A building permit and approval by the planning and zoning board in accordance with these regulations is required prior to the commencement of construction.

Figure a.

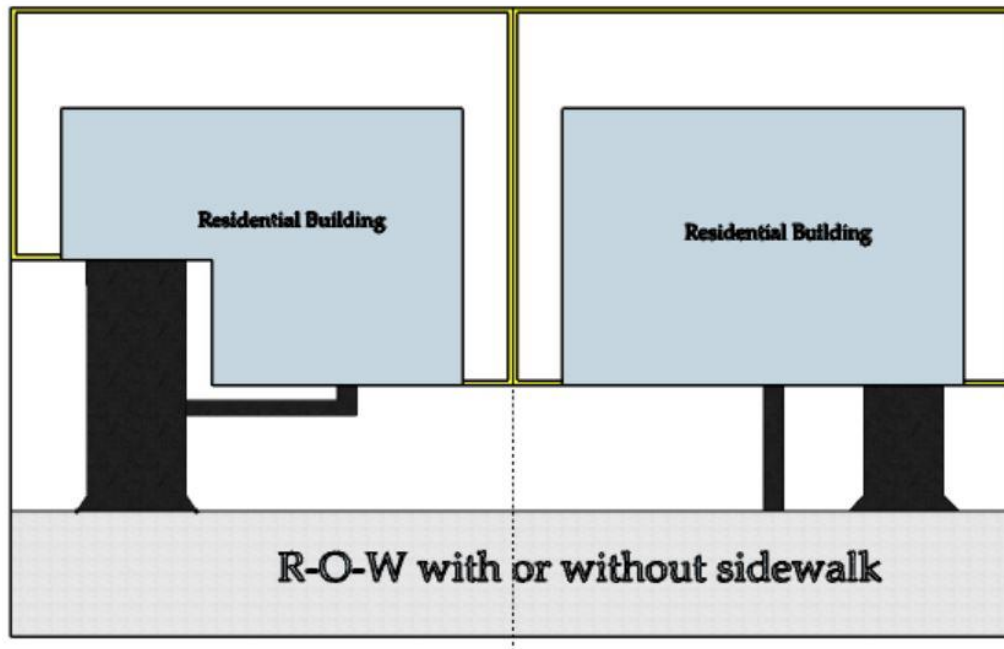
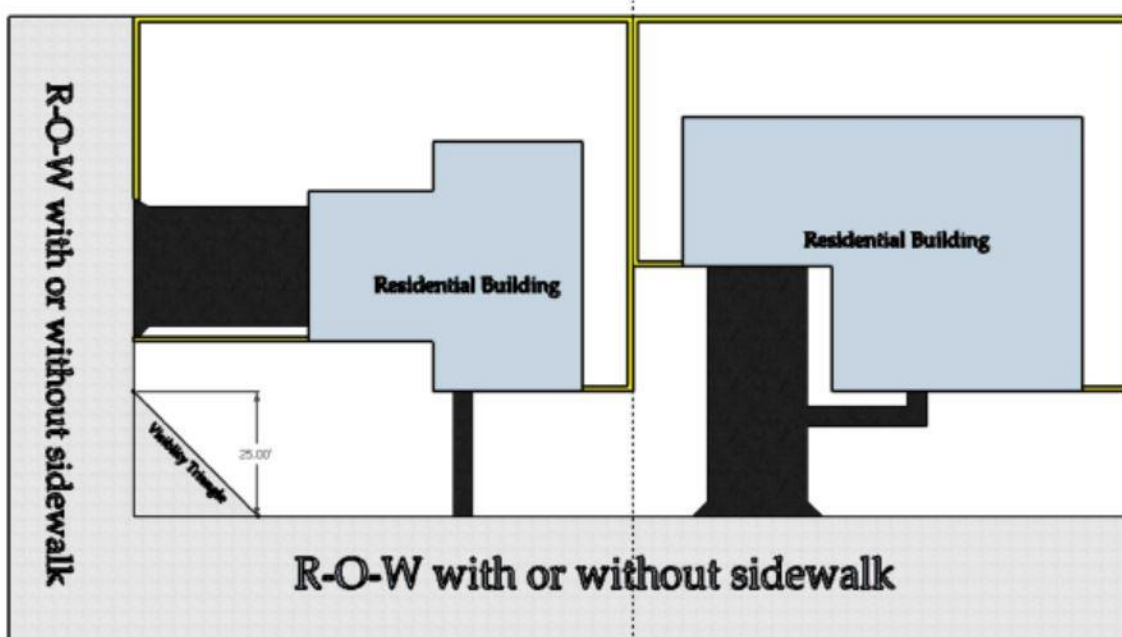


Figure b.



Section 3: 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, Sec. 46-72, Sec. 46-73 and Sec. 46-74. by clarifying regulations regarding carports and enclosed garages, by providing regulations for screening on corner lots, and by repealing the waiver provision at Sec. 46-76; providing that Sec. 46-72, Sec. 46-73 and Sec. 46-76 shall hereafter read as follows:

Sec. 46-72. - Parking of certain commercial vehicles and trucks prohibited in residential areas.

- (a) No commercial vehicles or trucks over three-quarters ton rated capacity may be parked on any property or right-of-way within a residential area, subject to the exceptions listed below.
- (b) For purposes of this division, residential areas include all areas within the R-1A, R-1, R-2 and R-3 and Mixed Use zoning districts ~~village other than C-1, C-2, C-3, and R/OP.~~
- (c) This restriction shall not apply to the temporary, daytime parking of such vehicles on private property in residential districts upon which construction is underway and for which a current and valid building permit has been issued by the village and such permit is properly displayed on the premises.
- (d) This restriction shall not apply to routine deliveries by tradesmen or the use of commercial vehicles or 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.
- (e) This restriction shall not apply to the parking of emergency vehicles, provided that the time parked is actually necessary for the emergency. Further, the restriction shall not apply to volunteer emergency vehicles driven by residents of the village and parked on their property.
- (f) 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 district for longer than the time allowed in this section. However, any such vehicle shall be removed from the residential district within 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.

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

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 the 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) (a) 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. On a corner lot, the building front shall be considered to be the side of the building facing the right-of-way associated with the property's street address. ~~provided, however, that such equipment is~~ Vehicles and equipment parked pursuant to this section shall be fully screened on all four sides against direct view from abutting properties as well as the adjacent street ~~in front of the subject lot~~, as follows:
 - (b) Boats, and boats on trailers must be less than 33 feet in length as identified on the vessel registration, and excluding items such a "T-tops," windshields, antennas and outriggers, no higher than ten feet off the ground as measured from the adjacent grade. Such boats, or boats on trailers shall be screened to six feet in height.
 - (c) Prior to parking/storing any boat that requires a State of Florida Vessel Registration, a no-fee permit shall be obtained from the village. Any boat parked pursuant to this section prior to the effective date of this permit requirement shall have 180 days from the effective date of the ordinance from which this permit requirement is derived (April 14, 2016) to comply and obtain the required permit.
 - (d) 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.

- (e) 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~~ a carport that is screened on all sides except the vehicle entrance/exit; provided, however, that no portion of the vehicle or equipment shall protrude out of the vehicle entrance/exit in front of ~~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." A "grandfathered" vehicle under this paragraph shall lose its "grandfathered" status in the event that it is not parked pursuant to this section for 90 or more consecutive days.
- (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 front of the building, which for a corner lot shall be the

side of the building facing the right-of-way associated with the property's street address, 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) (a) 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. On a corner lot, the building front shall be considered to be the side of the building facing the right-of-way associated with the property's street address. ~~provided, however, that such equipment is~~ Vehicles and equipment parked

pursuant to this section shall be fully screened on all four sides so as not to be visible from abutting properties, any roadway, waterway, or golf course, as follows:

- (b) Boats, and boats on trailers must be less than 33 feet in length as identified on the vessel registration, and excluding items such a "T-tops," windshields, antennas and outriggers, no higher than ten feet off the ground as measured from the adjacent grade. Such boats, or boats on trailers shall be screened to six feet in height.
- (c) Prior to parking/storing any boat that requires a State of Florida Vessel Registration, a no-fee permit shall be obtained from the village. Any boat parked pursuant to this section prior to the effective date of this permit requirement shall have 180 days from the effective date of the ordinance from which this permit requirement is derived (March 10, 2016) to comply and obtain the required permit.
- (d) 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.
- (e) 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 protrude out of the garage door opening in front of ~~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." A "grandfathered" vehicle under this paragraph shall lose its "grandfathered" status in the event that it is not parked pursuant to this section for 90 or more consecutive days.

- (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 front of the building, which for a corner lot shall be the side of the building facing the right-of-way associated with the property's street address, 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. 46-76. – Reserved Waivers.

~~Any part or the whole of this division 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 the hardship. No waiver granted pursuant to this section may violate or in any way be contrary to any requirement of chapter 78 article XII, flood damage prevention.~~

Section 4: Each and every other Section and Subsection of Chapter 46. Motor Vehicles and Traffic., and Chapter 78. Zoning., shall remain in full force and effect as previously adopted.

Section 5: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 6: 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 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon passage.