

ORDINANCE NO. 02-21

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 78. ZONING. BY AMENDING SECTIONS 78-4, 78-296, 78-299, AND 78-335 TO PROVIDE FOR INTERNAL CONSISTENCY AND PROPER INTRA-CODE CROSS REFERENCING; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF 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, as part of a periodic update of the Village of Tequesta Code of Ordinances, certain inconsistent, incomplete or erroneous definitions, terms, and code references have been identified in various parts of the Village's Zoning Code which require updating to ensure internal consistency and accurate cross-referencing within the Village of Tequesta Code of Ordinances; and

WHEREAS, the Village Council desires to adopt such revisions to the Village's Zoning Code to ensure internal consistency and cross referencing; 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, 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. by amending Section 78-4. Definitions. to provide for consistency between the definitions for 'places of assembly' and 'professional services' and their respective regulations; providing that Section 78-4 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.

Place of assembly means a building, portion of a building or other site in or at which facilities are provided for civic, fraternal, educational, political, religious, cultural or social purposes. As set forth more fully in article VI, schedule of district regulations, division 2, schedule of use regulations, places of assembly are generally permissible throughout the village pursuant to the following table:

Places of Assembly Table

	Use Capacity	Building Sq. Ft.	R-1A	R-1	R-2	R-3	C-1	C-2	C-3	MU	R/OP
A	Places of assembly	Max. 750 sq. ft.	SE	SE	P	P	P ¹	P ¹	P ¹	P ¹	SE P ²
B	Places of assembly	Max. 1,500 sq. ft.	SE	SE	SE	SE	SE ¹	P ¹	P ¹	P ¹	SE P ²
C	Places of assembly	Min. 1,515 sq. ft.	SE	SE	SE	SE	SE ¹	SE ¹	SE ¹	SE ¹	SE P ²
P—Permitted uses. SE—Special exception uses.											

Notes:

- 1 Place of assembly shall be within a separate, freestanding building in C-1, C-2, C-3 and MU zoning districts.
- 2 All permitted uses in the R/OP zoning district are subject to special exception review as required by Sec. 78-179(d).

Professional service means the conduct of business in any of the following related categories: architectural, engineering, planning, law, ~~medicine (including health care facilities and medical or dental offices)~~, music, art, interior design, ~~dentistry~~, accounting, insurance, real estate, finance and securities investments and any similar type business. This definition does not include veterinary offices, health care facilities, or medical or dental offices.

[All other definitions shall remain the same as previously adopted.]

Section 2: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations. Division 1. Generally. by amending Section 78-296. Full-service fuel stations or gas stations. to provide for internal consistency among existing regulations and uses within the MU zoning district; providing that Section 78-296 shall hereafter read as follows:

Sec. 78-296. - Full-service fuel stations or gas stations.

No full-service fuel station or gas station shall be erected within the village unless the station is located fronting along U.S. Highway 1 in the MU and C-2 zoning districts or is located within the C-3 zoning district.

Section 3: Chapter 78. Zoning. of the Code of Ordinances of the Village of Tequesta is hereby amended at Article IX. Supplemental Regulations. Division 1. Generally. by amending Section 78-299. Location and screening of emergency generators, air conditioners, pool equipment and similar mechanical equipment. to provide for internal consistency among existing height requirements for screened areas; providing that these sections shall hereafter read as follows:

Sec. 78-299. - Location and screening of emergency generators, air conditioners, pool equipment and similar mechanical equipment.

(a) — (b) [These subsections shall remain in full force and effect as previously enacted.]

(c) *Regulations.*

(1) Emergency generators, air conditioning equipment, pool equipment and similar

mechanical equipment shall not be located in any front yard area or any closer than five feet from any side or rear lot line.

(2) All emergency generators, air conditioning equipment, pool equipment and similar mechanical equipment shall be screened from public view, from public streets, and from abutting properties.

(3) Screening shall be opaque in nature and be constructed in conformity with material approved by the Florida Building Code, or shall be composed of vegetation that does not violate the village's landscaping code at division 4 of this article.

- (4) Buffering shall be of a material that blends in with the architecture of the building, and/or landscaping of the site, when possible. Screening may not exceed six feet in height ~~five feet high~~. The height of the equipment may not protrude above the screening. Equipment that exceeds six ~~five~~ feet in height must comply with the setback requirements for accessory structures set forth at section 78-143.
- (5) The regulations in this section cover all existing and future development within the village. In the case of new development, the location of the equipment shall be shown on the approved site plan.
- (6) All existing nonconforming equipment in the village on the date of the passage of Ordinance No. 14-12 shall be deemed to be in compliance with this section.
- (7) Appeals of the decisions of the village staff concerning these matters may be implemented by the appeal process to the planning and zoning board as described in this chapter.

(d) [This subsection shall remain in full force and effect as previously enacted.]

Section 4: 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. by amending Section 78-335. Reviewing authority. to correct scrivener's errors as necessary; providing that Section 78-335 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) — (2) [These subsections shall remain in full force and effect as previously enacted.]

- (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 were ~~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. — 6. [These subparagraphs shall remain in full force and effect as previously enacted.]

Section 5: Each and every other section and subsection of Chapter 78. Zoning. shall remain in full force and effect as previously enacted.

Section 6: All Ordinances or parts of Ordinances in conflict herewith 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 become effective immediately upon passage.