

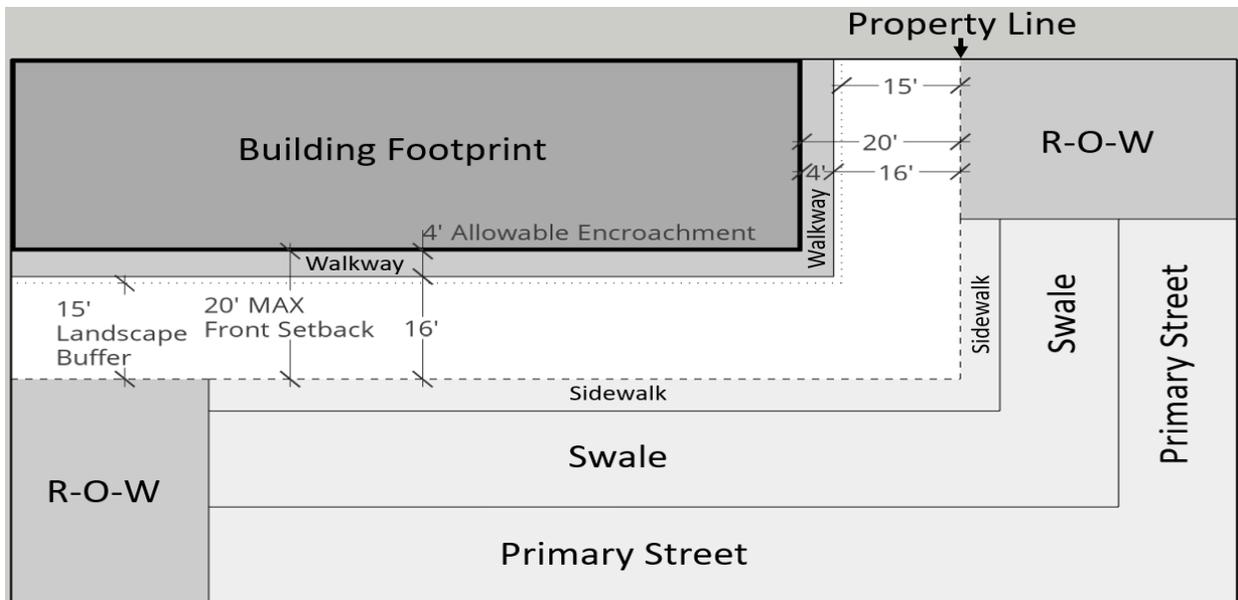
**Sec. 78-211. Tequesta Drive Overlay.**

- (a) Purpose and intent. The Tequesta Drive Overlay is established to preserve and protect the local “hometown” village character and aesthetics, by limiting uses permitted within the corridor in a manner that balances convenience with the delivery of limited services in a way that is not disruptive to residential areas.
- (b) Conflicts with other regulations. In the event that overlay district regulations conflict with general zoning or special district regulations, the overlay district regulations supersede and control over the general zoning or special district regulations.
- (c) Design. Aesthetic considerations within the Tequesta Drive Overlay as set forth in the November 10, 2022 Commercial Corridor Master Plan should be incorporated into all new development and re-development in this Overlay Zone. Specific architectural styles are neither mandated nor banned; however, new development and re-development should strive to reflect the architectural styles listed in Appendix D (Architectural Design Guidelines) of the Commercial Corridor Master Plan.
- (d) Streets. Streets within the Tequesta Drive Overlay shall be designated as primary and secondary streets. Tequesta Drive, Seabrook Road, and Cypress Drive are the only designated primary streets. All other streets are designated as secondary streets.
- (e) Location of building and off-street parking.
  - (1) Building Location.
    - a. Front Setbacks; encroachments. The maximum front setback is 20 feet and the minimum landscape buffer is 15 feet; however, the following frontage types as detailed in Appendix C of the Village of Tequesta Commercial Corridor Master Plan may encroach a maximum of four (4) feet into the minimum 15 foot landscape buffer as set forth in Table 1 and depicted in Figure 1 below:

| <b><u>Tequesta Drive Overlay Permissible Front Landscape Buffer Encroachments</u></b> |                                   |                             |                             |
|---|-----------------------------------|-----------------------------|-----------------------------|
| <b><u>Permitted Frontage Types</u></b>  | <b><u>Tequesta Drive West</u></b> | <b><u>Seabrook Road</u></b> | <b><u>Cypress Drive</u></b> |
| <b><u>Porch</u></b>   | <b><u>Yes</u></b>                 | <b><u>Yes</u></b>           | <b><u>No</u></b>            |

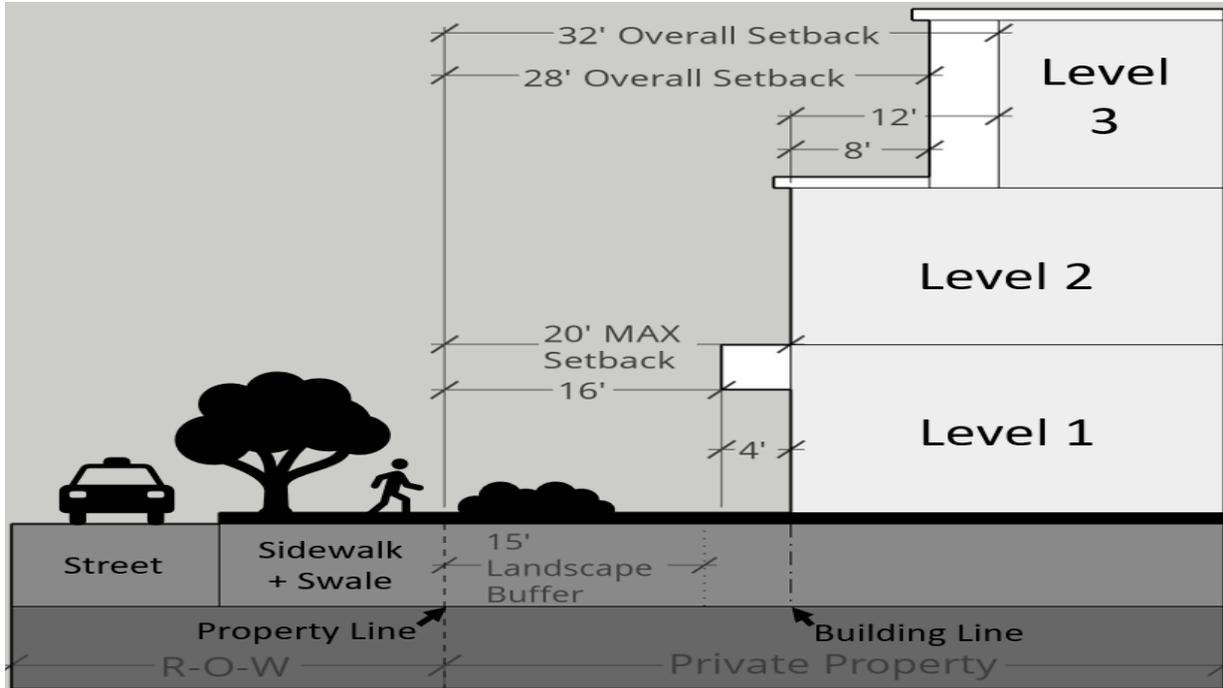
| <b>Tequesta Drive Overlay Permissible Front Landscape Buffer Encroachments</b> |            |            |            |
|--|------------|------------|------------|
| <b>Stoop</b>   | <u>Yes</u> | <u>Yes</u> | <u>No</u>  |
| <b>Bracketed Balcony</b>   | <u>No</u>  | <u>No</u>  | <u>No</u>  |
| <b>Forecourt</b>   | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> |
| <b>Arcade</b>  | <u>No</u>  | <u>No</u>  | <u>No</u>  |
| <b>Shopfront</b>   | <u>Yes</u> | <u>No</u>  | <u>Yes</u> |

**Table 1:** Tequesta Drive Overlay



**Fig. 1:** Tequesta Drive Overlay

- b. Front façades on any third story and above must have front setback of eight (8) to twelve (12) feet in addition to the first floor setback, as depicted in Figure 2 below:



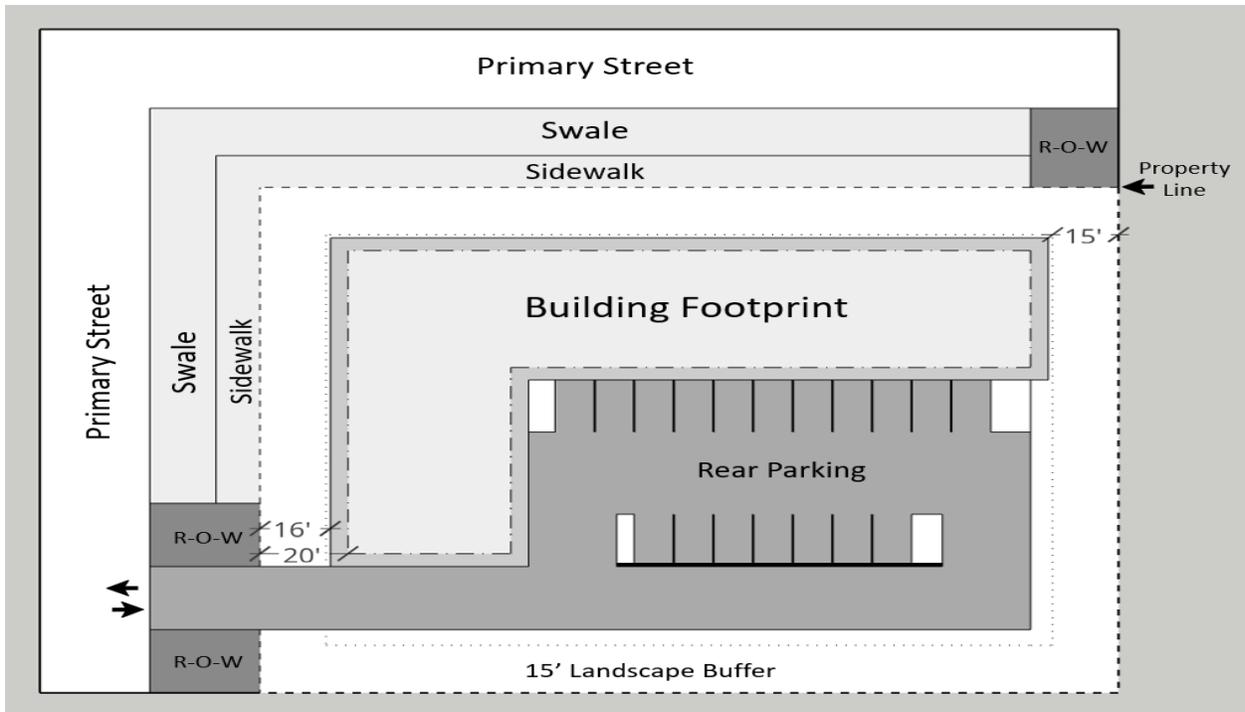
**Fig 2:** Tequesta Drive Overlay

c. Building facades along a street frontage shall provide the appropriate façade transparent elements such as glass windows or other approved openings to eliminate the creation of blank and stark walls along street frontages.

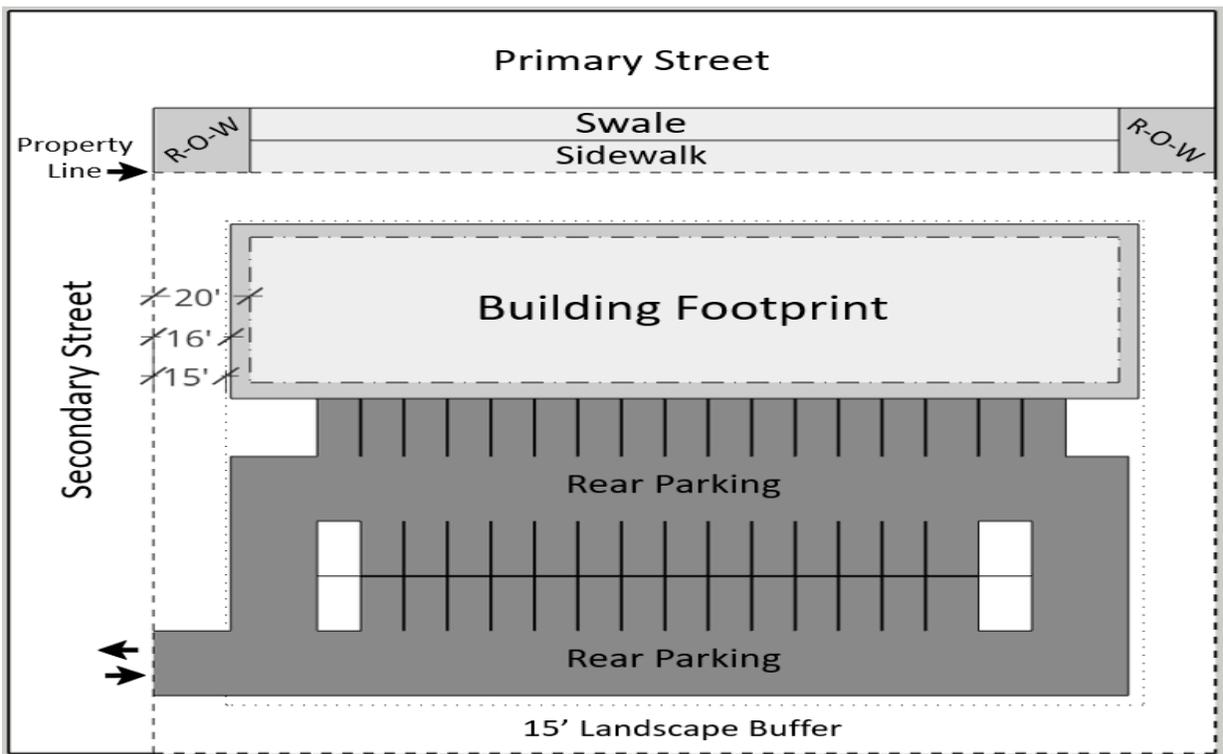
d. Buildings fronting on two (2) streets must have a pedestrian entrance on both streets.

(2) Location of off-street parking.

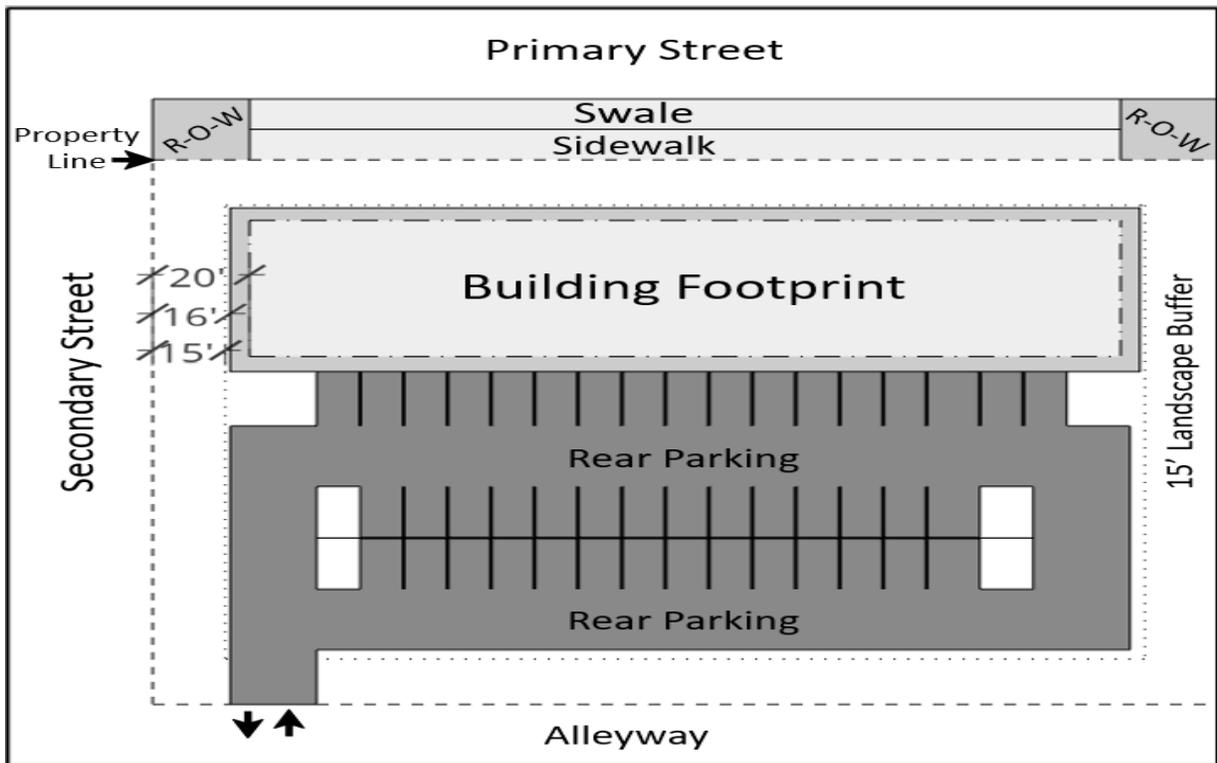
a. Parking is not permitted in the front setbacks or in the side setbacks facing streets, parks, or civic open spaces. Figures 3, 4, and 5 below are guidelines for illustrative purposes and depict minimum requirements.



**Fig. 3: Tequesta Drive Overlay**



**Fig. 4: Tequesta Drive Overlay**



**Fig. 5:** Tequesta Drive Overlay

- b. Surface parking lots shall be screened from public view, when possible, by either buildings or landscaping.
- c. Shared parking in compliance with the requirement of Section 78-706 of the Village Code of Ordinances is encouraged.
- (f) Formula businesses, restaurants, retail and drive through facilities.
  - (1) Formula restaurants, formula retail, and drive through facilities are prohibited in the Tequesta Drive Overlay. However, existing drive through facilities may be used for the same use the building was constructed for.
  - (2) Formula business. Formula businesses that conform with the intent and integrity of the district are permitted in the Tequesta Drive Overlay as a special exception use, subject to the following conditions:
    - a. The proposed formula business shall comply with the special exception requirements of Village Code Sections 78-363 and 78-364. New formula businesses within existing developments shall qualify for expedited special exception review by Village Council, provided there is no expansion to the existing development. Special exception applications that are submitted at

least 30 days in advance of a Village Council meeting, and are deemed sufficient, shall be brought forward to that Village Council meeting for review.

- b. The proposed formula business will not alter the identity of the zoning district in a way which detracts from its local uniqueness.
- c. The proposed formula business will contribute to a diverse and appropriate blend of businesses in the district.
- d. The proposed formula business will complement the existing businesses in the district and help promote and foster the local economic base.
- e. The proposed formula business will be compatible with existing surrounding uses.
- f. The proposed formula business has been designed and will be operated in a nonobtrusive manner to preserve the local neighborhood character and ambiance and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.
- g. Architectural style, design, exterior facade colors shall be compatible with the surrounding neighborhood.
- h. The proposed formula business' corporate structural elements and signage will be designed to be in harmony with architectural features and elements of the building and neighborhood as approved by the Village Council.
- i. Drive through facilities are prohibited, except that existing drive through facilities may be used for the same use the building was constructed for.

(g) Civic open space.

(1) Amount required. New development or re-development which adds gross floor area of 20 percent or more to the existing development is required to provide civic open space equal to five (5) percent of the total site's square footage. Civic open space shall be counted towards the required minimum landscaped open space.

(2) Types of civic open spaces. Civic open space shall be designed as one of the following types, and shall be identified on the site plan:

- a. **Green.** A green is at least 1,000 square feet in size and adjoins streets on

- at least two sides or a street and a pedestrian passageway or main building entry. Greens are designed primarily for passive uses, consisting primarily of lawn with either formally or informally arranged landscaping.
- b. ***Plaza***. A plaza is at least 1,000 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Plazas are mostly hardscaped with formally arranged landscaping and a water feature.
- c. ***Playground***. A playground is at least 2,500 square feet in size. Playgrounds provide children's play equipment and shaded seating. Playgrounds adjoin a street on at least one side and the configuration should ensure easy surveillance of the area from adjacent buildings and streets.
- d. ***Square***. A square is at least 10,000 square feet and adjoins streets on at least three sides. Squares may be up to 50 percent hardscaped, with formal landscaping. Squares accommodate both passive uses and community gatherings.
- e. ***Attached Green***. An attached green is generally 2,000 to 6,000 square feet and spans the entire length of a block. Attached greens shall be at least 30 feet wide and are appropriate on the short end of a block. Attached greens are primarily lawns with formally arranged landscaping.
- f. ***Forecourt***. A forecourt is an open area in front of the main building entrance(s) designed as a small garden or plaza. Low walls or balustrades no higher than three feet six inches in height may enclose the forecourt. Forecourt walls are constructed of similar material as the principal building or are composed of a continuous, maintained hedge. A forecourt may afford access to one or more first floor residential dwelling units or incorporate storefronts for commercial uses. The forecourt is suitable for outdoor seating for residents or restaurants. Forecourts are typically associated with multifamily, mixed-use, and commercial buildings.
- g. ***Pedestrian passageway***. A pedestrian passageway is open to the sky connecting the front of the property to the rear, at least ten feet in width, and containing a minimum of 50% pervious, landscaped area, with decorative

elements of interest, such as benches, trellises, sculptures, and water features which complement the design style of the building. Outdoor use areas may be provided adjacent to but not within the minimum required pedestrian passageway area.

h. For civic open space requirements less than 250 square feet, the space may incorporate elements such as: fountain, living wall, mural, or sculpture facing a street or a pedestrian passageway.

(3) Maintenance and operation of civic open space. Civic open space areas may be dedicated to the Village for maintenance and operations purposes. The Village Council shall not be obligated to accept the dedication of civic open space if it is not in the best interest of the Village. Otherwise, maintenance and operations shall be the responsibility of the owner. If a civic open space is dedicated to the Village, the Village shall assume all liability and responsibility for the property. The assumption of liability and responsibility shall be included in the dedication and shall be recorded in the public records of Palm Beach County.

(4) Payment in lieu. In lieu of dedication of land for civic open space, the Village Council at its discretion may accept a fee in lieu of land for properties consisting of 2 acres or less. Such fee shall be equal to the appraised value of the amount of land that would otherwise be dedicated for civic open space purposes. Appraised value shall be based upon the market value of the land in its present state, prior to the proposed subdivision and/or development, as determined by the county tax assessor's appraised value.

a. A fee in lieu of land dedication may be accepted by the Village Council when the location, size, natural condition, or other similar condition exists where the dedication of land would not be in the best interest of the Village. An example of such a condition is when there is existing land available for recreational use within the immediate area of the proposed subdivision and/or land development or re-development.

b. In determining whether to accept a fee in lieu of land the Village Council shall consider the age groups of residents to be served, the availability and

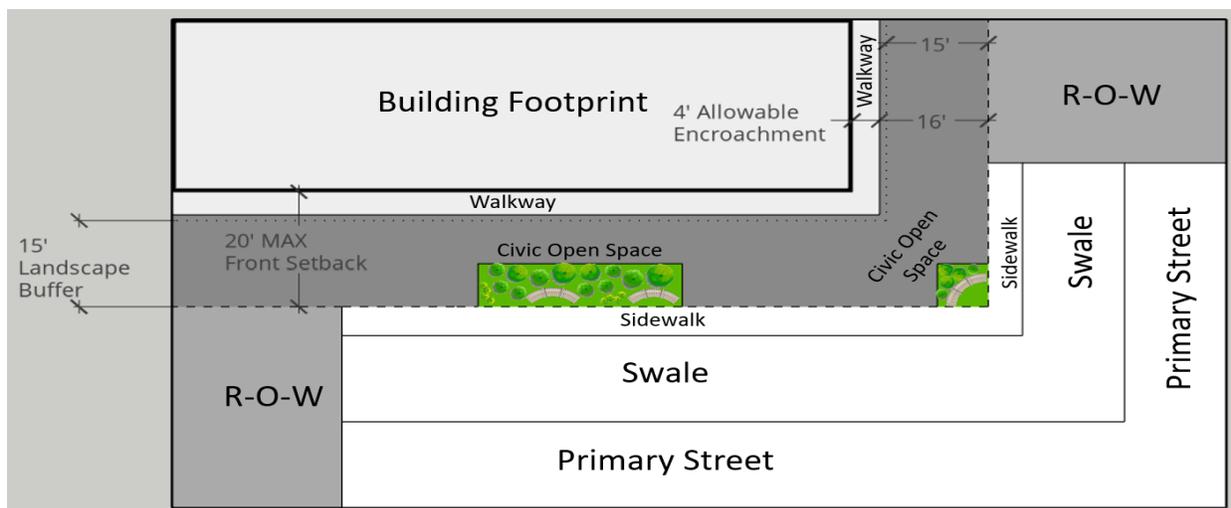
service capabilities of existing recreational facilities in the Village, and the general physical characteristics of the proposed civic open space.

c. Fees in lieu shall be used for the acquisition, enhancement, expansion and/or development of the Village's existing parks, recreation, land systems, or streetscapes.

d. Fees paid in lieu may be used in conjunction with waivers. If an applicant is granted a partial waiver regarding the provision of civic open space, the applicant is required to pay the fee lieu for the remaining un-waived portion.

(h) Landscape buffers and waivers.

(1) Landscape buffers on the front and side may be reduced by no greater than 25% of each area to accommodate civic open space, as depicted in Figure 6 below.



**Fig. 6:** Tequesta Drive Overlay

(2) Waivers. Waivers from site or landscape requirements may be requested from certain overlay zone regulations. All waivers must be granted by the Village Council in conjunction with a site plan review application. Waivers cannot be used to:

a. Add uses that are not permitted in the overlay or zoning district.

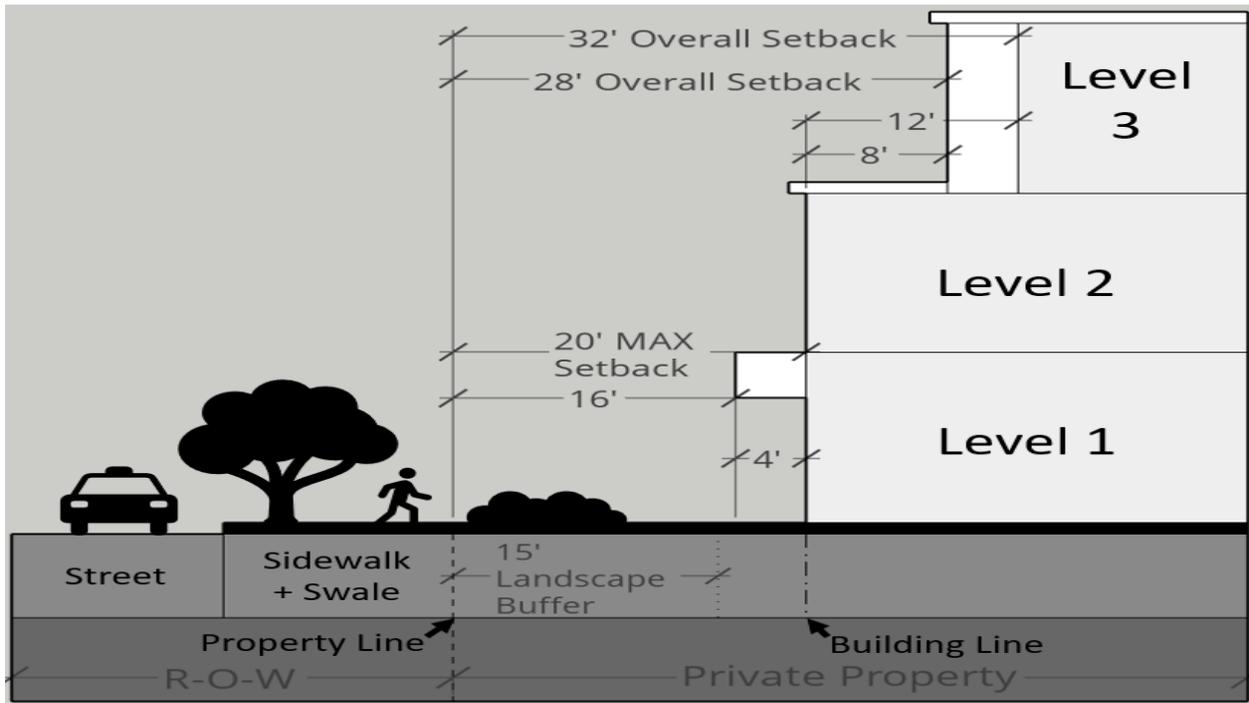
b. Increase the maximum allowed density/intensity.

c. Increase the maximum allowed building height.

**Sec. 78-202. US Highway One Overlay.**

- (a) Purpose and intent. The US Highway 1 Overlay is established to encourage and provide for a pedestrian friendly commercial corridor with enhanced physical appearance through increased landscaping of public and private property; clustering of complementary uses throughout various locations within the corridor; and construction of pedestrian oriented facilities in both public and private realms along US Highway 1.
- (b) Conflicts with other regulations. In event that the overlay district regulations conflict with general zoning or special district regulations, the overlay regulations supersede the general zoning or special district regulations.
- (c) Design. Aesthetic considerations within the US Highway 1 Overlay as set forth in the November 10, 2022 Commercial Corridor Master Plan should be incorporated into all new development and re-development in this Overlay Zone. . Specific architectural styles are neither mandated nor banned; however, new development and re-development should strive to reflect the architectural styles listed in Appendix D (Architectural Design Guidelines) of the Commercial Corridor Master Plan.
- (d) Streets. Streets within the US Highway 1 Overlay shall be designated as primary and secondary streets. Tequesta Drive and US Highway 1 are the only designated primary streets. All other streets are designated as secondary streets.
- (e) Location of building and off-street parking.
- (1) Building Location.
- a. Front Setbacks; encroachments. The maximum front setback is 20 feet and the minimum landscape buffer is 15 feet; however, the following frontage types as detailed in Appendix C of the Village of Tequesta Commercial Corridor Master Plan may encroach a maximum of four (4) feet into the minimum 15 foot landscape buffer as set forth in Table 1 and depicted in Figure 1 below:





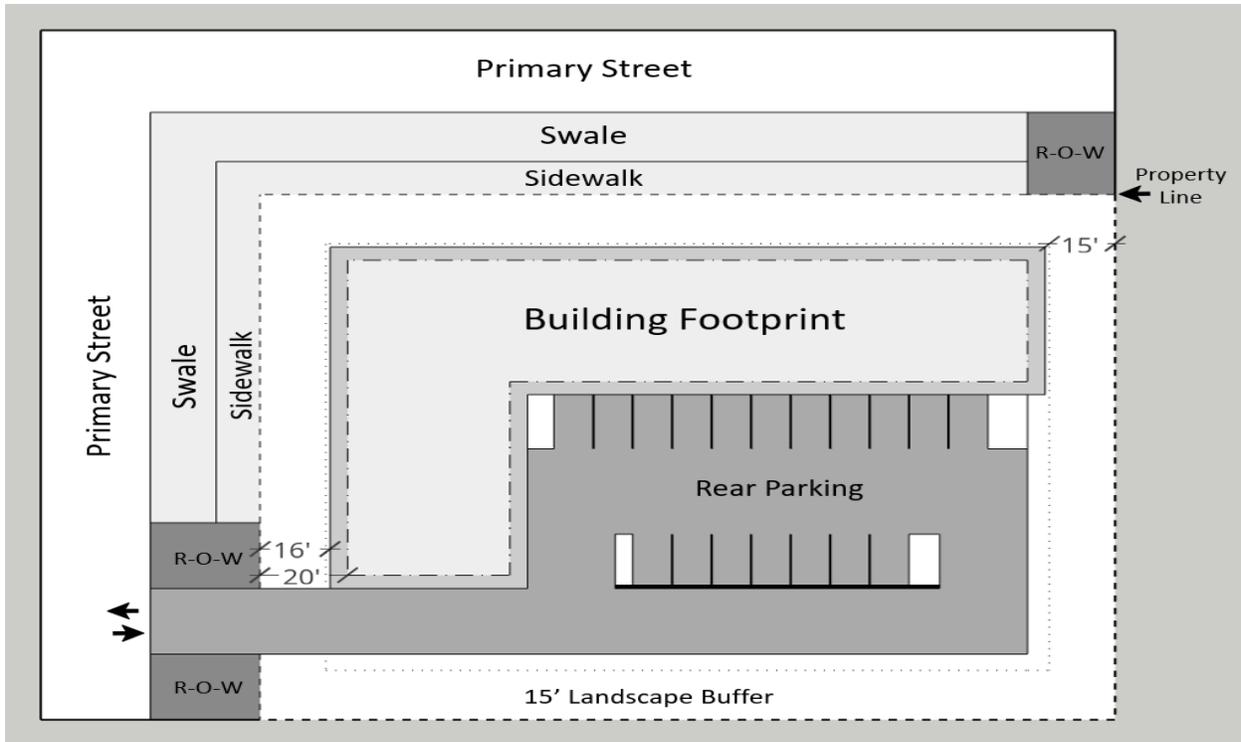
**Fig 2:** US Highway One Overlay

c. Building facades along a street frontage shall provide the appropriate façade transparent elements such as glass windows or other approved openings to eliminate the creation of blank and stark walls along street frontages.

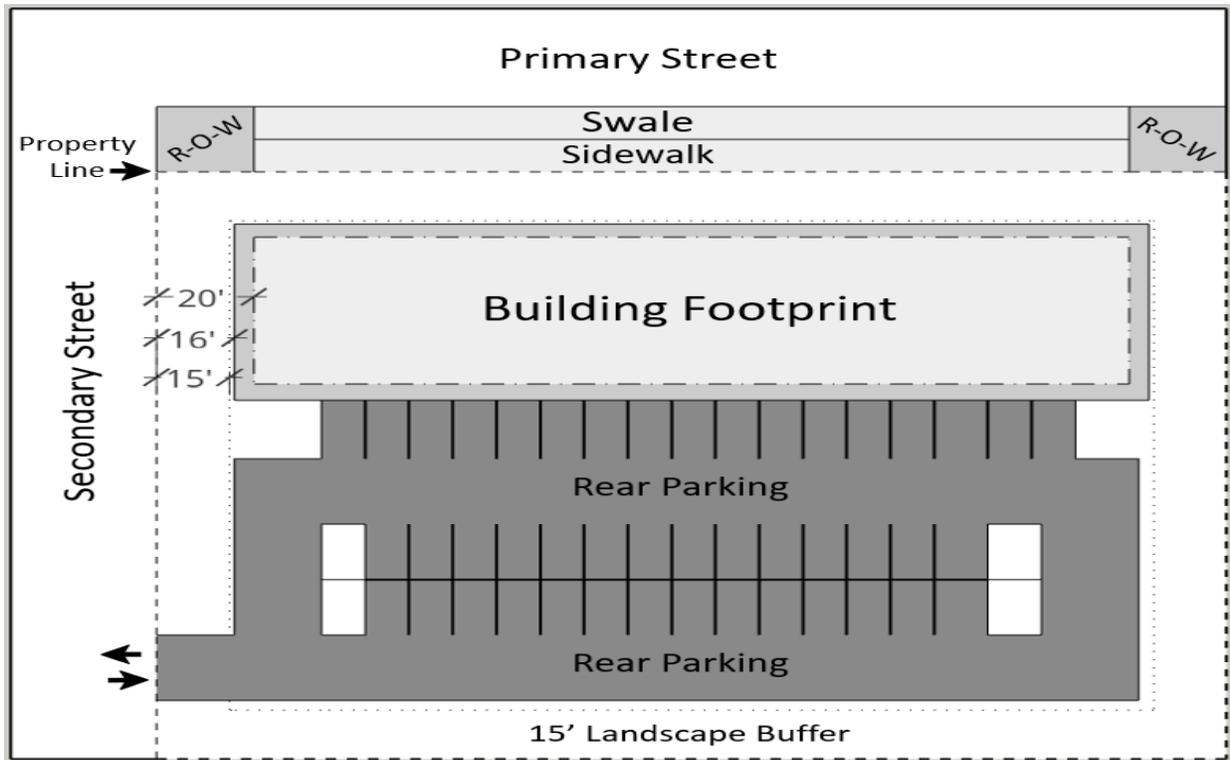
d. Buildings fronting on two (2) streets must have a pedestrian entrance on both streets.

(2) Location of off-street parking.

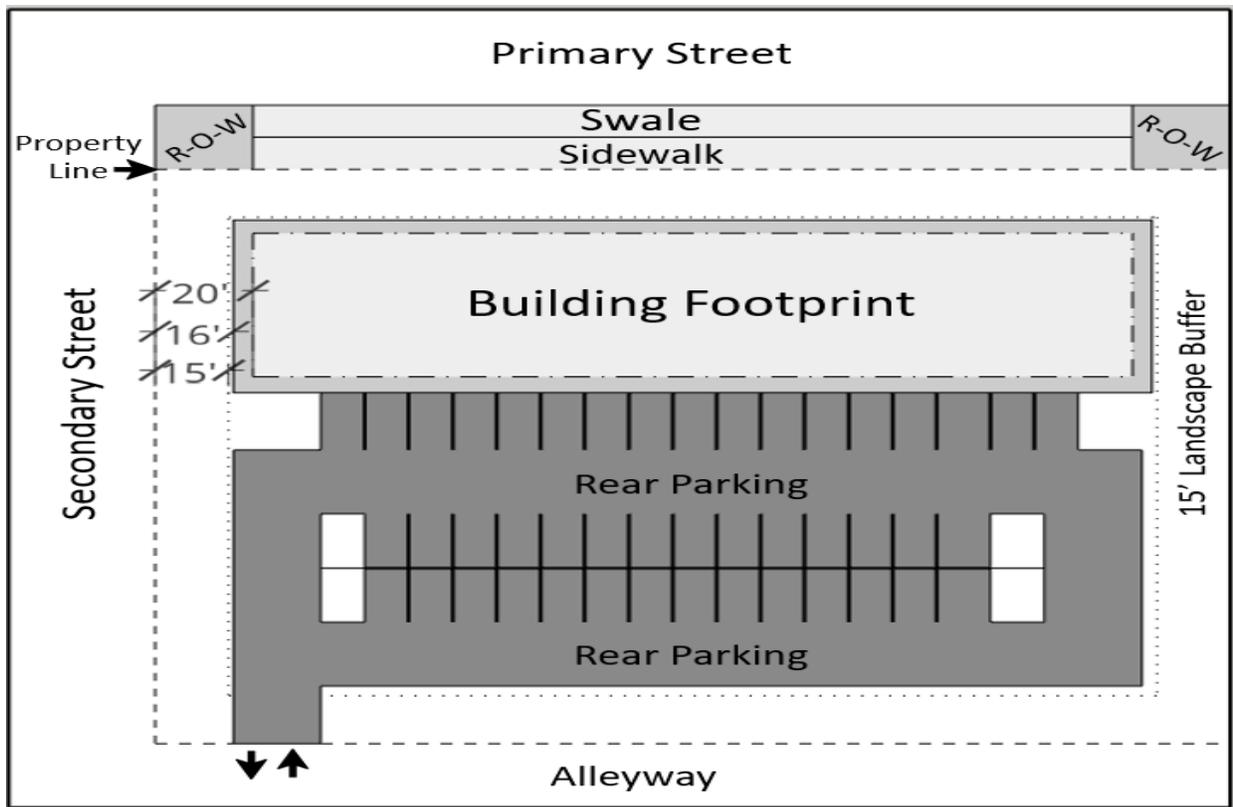
a. Parking is not permitted in the front setbacks or in the side setbacks facing streets, parks, or civic open spaces. Figures 3, 4, and 5 below are guidelines for illustrative purposes and depict minimum requirements.



**Fig. 3: US Highway One Overlay**



**Fig. 4: US Highway One Overlay**



**Fig. 5:** US Highway One Overlay

- b. Surface parking lots shall be screened from public view, when possible, by either buildings or landscaping.
- c. Shared parking in compliance with the requirement of Section 78-707 of the Village Code of Ordinances is encouraged.
- (f) Formula businesses, restaurants, retail, and drive through facilities.
  - (1) New drive through facilities are permitted on the side and rear of the building and shall be screened from public view by landscaping.
  - (2) Full-service fuel stations or gasoline service stations shall only be located within the US Highway 1 Overlay. Full-service fuel stations or gasoline service stations shall be located a minimum of 500 lineal feet from existing or previously approved stations; however, full-service fuel stations are not permitted in those portions of the US Highway One Overlay Zone with an underlying zoning designation of Mixed Use.
  - (3) New drive through facilities shall not be located on a building façade that faces a public right-of-way, except for full-service fuel stations, which must be

screened from public view.

(4) Formula restaurants. Formula restaurants are permitted in the US Highway 1 Overlay as a special exception use subject to the following conditions:

- a. The proposed formula restaurant shall comply with the special exception requirements of Village Code Sections 78-363 and 78-364. New formula restaurants within existing developments shall qualify for expedited special exception review by Village Council, provided there is no expansion to the existing development. Special exception applications that are submitted at least 30 days in advance of a Village Council meeting, and are deemed sufficient, shall be brought forward to that Village Council meeting for review.
- b. The proposed formula restaurant will not alter the identity of the zoning district in a way which detracts from its uniqueness.
- c. The proposed formula restaurant will contribute to a diverse and appropriate blend of businesses in the district.
- d. The proposed formula restaurant will complement the existing businesses in the district and help promote and foster the local economic base.
- e. The proposed formula restaurant will be compatible with existing surrounding uses.
- f. The proposed formula restaurant has been designed and will be operated in a nonobtrusive manner to preserve the community's character and ambiance and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.
- g. Architectural Style, design, exterior facade colors shall be compatible with the surrounding neighborhood.
- h. The proposed formula restaurant corporate structural elements and signage will be designed to be in harmony with architectural features and elements of the building and neighborhood as approved by the Village Council.
- i. Drive through facilities must comply with paragraphs (f)(1) and (f)(3) of this subsection.

(5) Formula business and formula retail are permitted in the US Highway 1 Overlay

in the same manner that non-formula business and non-formula retail are permitted.

(g) Civic open space.

(1) Amount required. New development or re-development which adds gross floor area of 20 percent or more to the existing development is required to provide civic open space equal to five (5) percent of the total site's square footage. Civic open space shall be counted towards the required minimum landscaped open space.

(2) Types of civic open spaces. Civic open space shall be designed as one of the following types, and shall be identified on the site plan:

a. **Green.** A green is at least 1,000 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Greens are designed primarily for passive uses, consisting primarily of lawn with either formally or informally arranged landscaping.

b. **Plaza.** A plaza is at least 1,000 square feet in size and adjoins streets on at least two sides or a street and a pedestrian passageway or main building entry. Plazas are mostly hardscaped with formally arranged landscaping and a water feature.

c. **Playground.** A playground is at least 2,500 square feet in size. Playgrounds provide children's play equipment and shaded seating. Playgrounds adjoin a street on at least one side and the configuration should ensure easy surveillance of the area from adjacent buildings and streets.

d. **Square.** A square is at least 10,000 square feet and adjoins streets on at least three sides. Squares may be up to 50 percent hardscaped, with formal landscaping. Squares accommodate both passive uses and community gatherings.

e. **Attached Green.** An attached green is generally 2,000 to 6,000 square feet and spans the entire length of a block. Attached greens shall be at least 30 feet wide and are appropriate on the short end of a block. Attached greens are primarily lawns with formally arranged landscaping.

f. **Forecourt.** A forecourt is an open area in front of the main building

entrance(s) designed as a small garden or plaza. Low walls or balustrades no higher than three feet six inches in height may enclose the forecourt. Forecourt walls are constructed of similar material as the principal building or are composed of a continuous, maintained hedge. A forecourt may afford access to one or more first floor residential dwelling units or incorporate storefronts for commercial uses. The forecourt is suitable for outdoor seating for residents or restaurants. Forecourts are typically associated with multifamily, mixed-use, and commercial buildings.

g. **Pedestrian passageway.** A pedestrian passageway is open to the sky connecting the front of the property to the rear, at least ten feet in width, and containing a minimum of 50% pervious, landscaped area, with decorative elements of interest, such as benches, trellises, sculptures, and water features which complement the design style of the building. Outdoor use areas may be provided adjacent to but not within the minimum required pedestrian passageway area.

h. For civic open space requirements less than 250 square feet, the space may incorporate elements such as: fountain, living wall, mural, or sculpture facing a street or a pedestrian passageway.

(3) Maintenance and operation of civic open space. Civic open space areas may be dedicated to the Village for maintenance and operations purposes. The Village Council shall not be obligated to accept the dedication of civic open space if it is not in the best interest of the Village. Otherwise, maintenance and operations shall be the responsibility of the owner. If a civic open space is dedicated to the Village, the Village shall assume all liability and responsibility for the property. The assumption of liability and responsibility shall be included in the dedication and shall be recorded in the public records of Palm Beach County. .

(4) Payment in lieu. In lieu of dedication of land for civic open space, the Village Council at its discretion may accept a fee in lieu of land for properties consisting of 2 acres or less. Such fee shall be equal to the appraised value of the amount of land that would otherwise be dedicated for civic open space purposes.

Appraised value shall be based upon the market value of the land in its present state, prior to the proposed subdivision and/or development, as determined by the county tax assessor's appraised value.

a. A fee in lieu of land dedication may be accepted by the Village Council when the location, size, natural condition, or other similar condition exists where the dedication of land would not be in the best interest of the Village. An example of such a condition is when there is existing land available for recreational use within the immediate area of the proposed subdivision and/or land development or re-development.

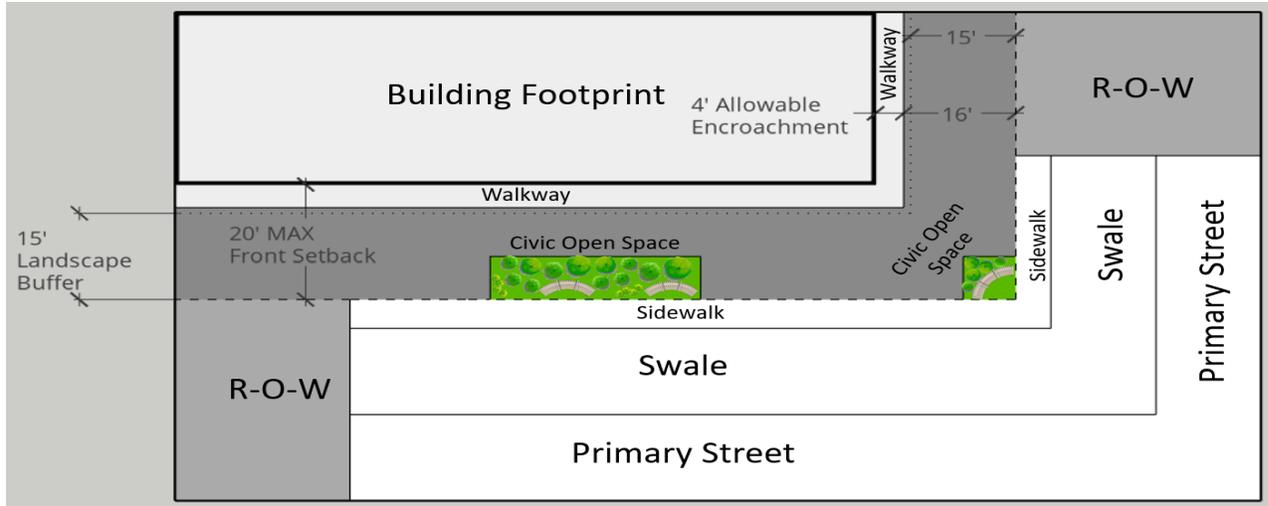
b. In determining whether to accept a fee in lieu of land the Village Council shall consider the age groups of residents to be served, the availability and service capabilities of existing recreational facilities in the Village, and the general physical characteristics of the proposed civic open space.

c. Fees in lieu shall be used for the acquisition, enhancement, expansion and/or development of the Village's existing parks, recreation, land systems, or streetscapes.

d. Fees paid in lieu may be used in conjunction with waivers. If an applicant is granted a partial waiver regarding the provision of civic open space, the applicant is required to pay the fee lieu for the remaining un-waived portion.

(h) *Landscape buffers and waivers.*

(1) Landscape buffers on the front and side may be reduced by no greater than 25% of each area to accommodate civic open space, as depicted in Figure 6 below.



**Fig. 6:** US Highway One Overlay

- (2) Waivers. Waivers from site or landscape requirements may be requested from certain overlay zone regulations. All waivers must be granted by the Village Council in conjunction with a site plan review application. Waivers cannot be used to:
- a. Add uses that are not permitted in the overlay or zoning district.
  - b. Increase the maximum allowed density/intensity.
  - c. Increase the maximum allowed building height.