

# Regular Council

## STAFF MEMO



**Meeting:** Regular Council - Apr 09 2026

**Staff Contact:** Jay Hubsch

**Department:** Community Development

### TITLE

ORDINANCE 03-26, SECOND READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 14. BUILDING AND BUILDING REGULATIONS; PROVIDING MULTIPLE RECOMMENDED BUILDING AND BUILDING REGULATION CODE UPDATES; AMENDING CHAPTER 14 AT ARTICLE I. – IN GENERAL TO MODIFY CONSTRUCTION WORK HOURS; AT ARTICLE IV CREATING A NEW GREEN BUILDING INCENTIVE PROGRAM; AT ARTICLE VIII. – CONSTRUCTION SITE MAINTENANCE REQUIRING TEMPORARY CONSTRUCTION SITE FENCING; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS 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.

### SUMMARY:

Ordinance No. 03-26 includes a series of amendments to Chapter 14 (Buildings and Building Regulations) of the Village Code. This ordinance is part of a broader, comprehensive code update that will amend several chapters of the Village Code. Each chapter amendment will be adopted through a separate ordinance. In total, approximately six (6) ordinances will be considered as part of this effort.

Due to the volume of revisions and the number of code sections being amended, Village staff proposes to adopt the code updates in two (2) phases to improve clarity, efficiency, and ease of review for the Planning and Zoning Board and Village Council. The first phase will come to Village Council at the March 12th Council meeting, and the second phase at a future meeting.

#### **Summary of Chapter 14 amendments included in Ordinance 03-26:**

1. Section 14-1-Hours of Construction This amendment revises Section 14-1 to align the permitted hours of construction with Section 30-361 of the Village Code. Section 30-361 was amended in 2025 to modify Saturday construction hours from 7:00 a.m.–6:00 p.m. to 8:00 a.m.–5:00 p.m.; however, Section 14-1 was not updated concurrently. This amendment eliminates conflicting provisions and ensures consistency within the Code.

2. Article IV. Green Building Incentives (Sections 14.91 through 14.96) This section establishes a Green Building Incentive Program. Development of this program has been a priority initiative of the Village Council and the Environmental Advisory Committee (EAC). The proposed incentives were workshopped with both the EAC and Village Council in 2025 and are intended to encourage sustainable development practices within the Village.

3. Section 14-181 (f-h)-Construction Site Requirements These provisions codify requirements that are currently implemented administratively through the Building Department's Construction Site Policy. Incorporating these standards into the Code improves transparency, enforceability, and consistency.

### **Planning and Zoning Board Recommendation**

The Planning and Zoning Board, sitting as the Local Planning Agency, reviewed Ordinance 03-26 at its February 19, 2026, meeting, and voted 5-0 to recommend approval to Village Council.

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### **BUDGET INFORMATION:**

**BUDGET AMOUNT NA                      AMOUNT AVAILABLE NA                      EXPENDITURE AMOUNT: NA**

**FUNDING SOURCES: NA**

**IS THIS A PIGGYBACK:**

Yes  N/A

**DID YOU OBTAIN 3 QUOTES?**

Yes  N/A

**COMMENTS/EXPLANATION ON SELECTIONNA**

### **ATTACHMENTS:**

[Ordinance 03-26-Updating Chapter 14 Building and Building Regulations](#)

[Ordinance 03-26-Business Impact Statement](#)

**ORDINANCE NO. 03-26**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 14. BUILDING AND BUILDING REGULATIONS; PROVIDING MULTIPLE RECOMMENDED BUILDING AND BUILDING REGULATION CODE UPDATES; AMENDING CHAPTER 14 AT ARTICLE I. – IN GENERAL TO MODIFY CONSTRUCTION WORK HOURS; AT ARTICLE IV CREATING A NEW GREEN BUILDING INCENTIVE PROGRAM; AT ARTICLE VIII. – CONSTRUCTION SITE MAINTENANCE REQUIRING TEMPORARY CONSTRUCTION SITE FENCING; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS 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 Planning and Zoning Department has undertaken a comprehensive review of Chapter 14 Buildings and Building Regulations; and

**WHEREAS**, Chapter 14 is in need of numerous quality of life updates including definitional changes, changes to the current construction standard regulations, and other changes to match best practices; and

**WHEREAS**, the Village of Tequesta Building regulations do not currently contain any green building incentives, and it is the recommendation of the Planning and Zoning Department to adopt such incentives; and

**WHEREAS**, the Village of Tequesta Building regulations do not currently contain minimum housing standards, and it is the recommendation of the Planning and Zoning department to adopt minimum housing standards to ensure the health and safety of housing within the Village; and

**WHEREAS**, the Village Council of the Village of Tequesta finds the adoption of this ordinance updating chapter 14 Building and Building Regulations will generally promote the public health, safety and welfare of the Village.

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

**Section 1:** Chapter 14 – Buildings and Building Regulations of the Code of Ordinances

of the Village of Tequesta is hereby amended at Article I. – In General; Section 14-1 and shall hereafter read as follows:

**Sec. 14-1. Limitations on days and hours of work on buildings.**

(a) No person shall conduct the erection (including excavating), demolition, alteration or repair of any building or structure in the village on Sundays or on the following recognized legal holidays, unless approval to conduct work on Sundays or on such holidays has been granted in advance by the village council: New Year's Day, MLK Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day.

(b) No person shall conduct the erection (including excavating), demolition, alteration or repair of any building ~~on weekdays, including Saturdays,~~ other than between the hours of 7:00 a.m. and 6:00 p.m. ~~on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturday.~~ except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building official should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(c) No person shall deliver building supplies or materials during the hours when erection, demolition, alteration or repair of any building or structure is forbidden by this section.

(d) There shall be no contracted labor or services, excluding janitorial services, performed on any yard or building or structure in the village on Sunday or legal holidays, and on weekdays, including Saturdays, other than between the hours of 7:00 a.m. and 6:00 p.m., unless approval to do so has been granted by the village council.

(e) The conduct described in this section may be carried on in cases of urgent necessity where health or safety is involved.

**Section 2:** Chapter 14. – Buildings and Building Regulations is amended at Article IV. –

Reserved, Article IV. – Reserved shall hereafter read as follows:

ARTICLE IV. – ~~RESERVED~~ GREEN BUILDING INCENTIVES

**Sec. 14-91. - Intent**

The Village seeks to encourage and incentivize the utilization of green building techniques for new development and redevelopment. Future Land Use Policy 1.11.3 and Conservation Policy 2.14.2 of the Comprehensive Plan state that “The Village shall encourage the implementation of low impact development techniques and green building standards that reduce the negative

environmental impacts of development and redevelopment by: promoting energy conservation through design, landscaping and building techniques (i.e. solar power, increased tree canopies); promoting water conservation through landscaping and building design; ensuring environmentally friendly building practices (i.e. use of environmentally friendly building materials, recycled materials), and considering the development of a Green Building Ordinance and a related Green Certification programs for development and redevelopment.” This division establishes incentives for green building certification.

**Sec. 14-92. - Green Building Incentive Program**

a. Eligibility

To qualify for green building incentives, interested participants must submit documentation at the time of application submittal demonstrating intent to certify under one of the Green Building Certification programs listed in 14-92 (b). Certification must be obtained within 12 months of Certificate of Occupancy to obtain the full value of the incentive.

b. Recognized Certification Programs and Tiers

The following Green Building Certification programs may be used to obtain incentives: Leadership in Energy and Environmental Design (LEED), Florida Green Building Coalition (FGBC), National Green Building Standard (NGBS), and Energy Star. Green Building Incentives are granted based on the tier of the certification obtained.

<u>Program</u>	<u>Tier I</u>	<u>Tier II</u>	<u>Tier III</u>	<u>Tier IV</u>
<u>LEED</u>	<u>Certified</u> <u>(2.5%)</u>	<u>Silver (5%)</u>	<u>Gold</u> <u>(7.5%)</u>	<u>Platinum</u> <u>(10%)</u>
<u>FGBC</u>	<u>Bronze</u> <u>(none)</u>	<u>Silver</u> <u>(2.5%)</u>	<u>Gold</u> <u>(5%)</u>	<u>Platinum</u> <u>(7.5%)</u>
<u>NGBS</u>	<u>Bronze</u> <u>(none)</u>	<u>Silver</u> <u>(2.5%)</u>	<u>Gold</u> <u>(5%)</u>	<u>Emerald</u> <u>(7.5%)</u>
<u>Energy Star</u>	<u>n/a</u>	<u>Certified</u> <u>(2.5%)</u>	<u>n/a</u>	<u>n/a</u>

**Sec. 14-93. - Incentives**

(a) The following incentives shall be available to qualifying projects based on certification tier:

1. Expedited Review Processing

Tier II and above: Eligible for priority scheduling of development review committee (DRC) meetings, plan reviews, and building inspections.

2. Permit Fee Reduction

Building permit fees shall be reduced in accordance with the tier percentages listed in subsection (c), applied to the total building permit fee amount (excluding impact fees, surcharges, or third-party review fees).

### 3. Recognition and Promotion

Projects receiving Tier III or Tier IV certification shall be recognized on the Village's website and in a quarterly newsletter and may receive a *Green Development Award from the Village Council.*

### 4. Signage and Registry.

Projects seeking Green Building Certification may display a Village-provided "Certified Green Project" sign during construction and will be listed in a public green building registry maintained by the Community Development Department upon completion of program.

## **Sec. 14-94. - Green Building Incentive Management**

(a) Projects that do not achieve the final green building certification will not be eligible for program incentives. Permit fees will remain-in full and not refunded. Any signage or recognition material, provided to the applicant to identify their participation in the program, must be returned to the Village within 60 days.

(b) One time extension requests may be granted upon review of the Building Official.

(1) Residential Projects: A single extension of up to six (6) months may be granted for residential projects upon written request. The request must demonstrate one or more of the following:

- a. Substantial progress toward certification, or
- b. Documented delays caused by the certifying body.

If granted the extension period will begin from the original twelve-month deadline following the issuance of the CO, not from the date the request is made. Extension requests must be submitted before the original deadline expires.

2. Commercial Projects: A single extension of up to nine (9) months may be granted for commercial projects upon written request. The request must demonstrate the following:

- a. Substantial progress toward certification,
- b. Documented delays caused by the certifying body.

If granted the extension period will begin from the original twelve-month deadline following the issuance of the CO, not from the date the request is made. Extension requests must be submitted before the original deadline expires.

(c.) Failure to comply with Extensions. If the project does not obtain certification within the granted extension period or fails to meet the certification requirements by the final deadline, the

project will be deemed non-compliant with the Village's Green Building Incentive Program. The applicant will forfeit any incentives that are a part of the green building program. Any signage or recognition material, provided to the applicant to identify their participation in the program, must be returned to the Village within 60 days.

#### **Sec. 14-95. Request for Reimbursement**

a. Upon obtaining the Green Building Certificate, the applicant will provide the Building Department with a reimbursement request for the incentive earned. Reimbursements shall apply only to permit fees paid and shall not exceed the incentive percentage applicable to the tier obtained. The reimbursement shall not count towards any impact fees, surcharges, or third-party review fees.

b. If a project achieves a lower certification tier than initially applied for, the incentives shall be granted for the tier that was actually achieved.

c. To request reimbursement under the Village of Tequesta Green Building Incentive Program, the applicant must submit a written request for reimbursement, identifying:

- 1) The project address
- 2) The applicant's name and contact information
- 3) The certification program and level achieved (e.g., LEED Silver, FGBC Bronze)
- 4) A copy of the Certificate of Occupancy
- 5) A copy of the final green building certification

d. Additional documentation may be requested by the Finance Department to process the reimbursement. After review and approval, the Village of Tequesta shall issue reimbursement within 60 days.

#### **Sec. 14-96. Administrative Authority**

The Building Official, shall have the authority to interpret, clarify, and administer the provisions of this Green Building Incentive Program. The Building Official may adopt administrative procedures, forms, and guidelines necessary to implement the program and may make minor adjustments to program requirements, to respond to changes in industry standards, certification programs, provided such adjustments remain consistent with the purpose and intent of this code. However, no incentive percentages or eligibility criteria may be altered.

**Section 3:** Chapter 14 – Buildings and Building Regulations of the Code of Ordinances

of the Village of Tequesta is hereby amended at Article VIII. – Construction Site Maintenance; Section 14-181; Section 14-181. – Site Maintenance and appearance generally shall hereafter read as follows:

**Sec. 14-181. Site maintenance and appearance generally.**

- (a) All building and construction sites within the village shall at all times be kept free of loose debris, paper, construction material waste, scrap construction material and other trash produced from the site. All materials and equipment used, placed or stored upon any building or construction site shall be maintained within the perimeter of the building site.
- (b) All building construction sites within the village shall provide suitable on-site commercial containers, as determined and designated by the village, for the collection of loose debris, paper, construction material waste, scrap construction material and other trash produced from the site. The construction container shall be provided with a cover or covering that will prevent spilling or blowing of material from the container. The size and number of containers shall be adequate, as determined by the village, for the amount of material generated on the building or construction site. All such materials shall be containerized by the end of each day. All such containers shall be located on the subject lot or parcel and shall not be placed within any adjacent right-of-way.
- (c) Nothing in this section shall be deemed to permit the owner, general contractor or any of their employees, agents or representatives to remove or dispose of debris, paper, construction material waste, scrap construction material and other trash produced from or on the site by on-site burning or by the piling or storage of such materials or equipment in the public streets or on property adjacent to the construction site.
- (d) During construction, off-street parking for all personal vehicles and construction equipment shall be provided and shall be utilized to prevent on-street parking by construction personnel and equipment. If it is determined necessary to use on-street parking, a parking plan shall be provided to the village and permits shall be requested for the number of on-street parking spaces required. Such permits only to be granted upon the showing of good cause that there is need for the parking and that there is no off-street parking available.
- (e) Where concrete or any other substance permanently affixes itself to any road surface, public or private, causing the surface to be uneven or defaced, it shall be immediately removed by the person responsible. Where mud or excessive dirt is tracked or deposited, by vehicle or otherwise, onto any road surface, public or private, it shall be immediately removed by the person responsible. The person responsible, as identified in this section, shall mean the driver of the vehicle which deposited the substance onto the road surface, his employer, the owner of the real property containing the construction or demolition site and/or the general contractor in charge of a site from where the substance originated.
- (f) A temporary construction fence is required on all construction sites undergoing land disturbing construction or land development activities. The fencing specifications provided in the Village’s Construction Site Policy document shall be followed. All

construction/demolition activities, as well as all dumpsters, portable toilets, storage facilities, materials, and any other item related to construction must be located inside the temporary construction fence area. A fence may not be required where a property abuts the Atlantic Ocean, Intracoastal Waterway, or where there is a sufficient barrier such as a fence, wall, or landscaping where the property abuts an adjacent property. Before the temporary construction fence may be erected, a site plan depicting the materials, location and access gates must be approved as part of the fence permit issuance. A temporary construction fence shall not be erected more than ten days prior to the commencement of land disturbing construction or land development activity. All temporary fencing shall be removed within 10 days of permit expiration or completion. The Building Official may allow relief from temporary construction fencing requirements where it can be demonstrated to not harm the public health, safety, and welfare.

- (g) Within fifteen days of removal of temporary construction fences, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with this Code. Alternate forms of ground cover may be approved by the Building Official.
- (h) A silt fence is required on all construction sites undergoing land disturbing construction or land development activities. Installation shall utilize best management practices and shall prevent sediment, debris, and other materials from leaving the construction site and entering adjacent properties, public rights-of-way, storm drainage systems, or natural water bodies. The Building Official may allow relief from silt fencing requirements where it can be demonstrated to not harm the public health, safety, and welfare.
- (fi) If at any time the building official notifies the owner or general contractor, personally or through their agent or representative, in writing, that construction activities are being conducted, or the construction site or any part thereof is being maintained, in violation of the provisions of this section, such violations shall be corrected within 24 hours of the notice. If the owner or general contractor does not satisfactorily correct the situation within 24 hours of such notification, in addition to any other enforcement actions available to the village pursuant to this code or otherwise provided by law, upon written notice from the building official given to the owner of the property, or to the general contractor, or to their agent or representative, or the person doing the work, work on the site shall immediately cease. Such written notice shall also state the conditions under which work may be resumed. Upon being notified of the elimination of the violation of the provisions of this section, the building official shall inspect the site for compliance and allow resumption of work.
- (gi) The owner of the property and the general contractor shall be jointly and severally responsible for compliance with the provisions of this section.
- (hk) The owner or general contractor, personally or through their agent or representative, shall have the right to appeal the decision of the building official ordering the cessation of all work and to appear before the code enforcement special magistrate at a specified time and place to show cause why they should not comply with the notice.

- (i) The enforcement procedures contained in this section are in addition to, and not in lieu of, any other enforcement procedures or remedies available to the village for the enforcement of this code.

**Section 4:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 5:** 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 6:** Specific authority is hereby granted to codify this Ordinance.

**Section 7:** This Ordinance shall take effect immediately upon adoption.

# Business Impact Estimate

ORDINANCE 03-26, FIRST READING, AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING CHAPTER 14. BUILDING AND BUILDING REGULATIONS; PROVIDING MULTIPLE RECOMMENDED BUILDING AND BUILDING REGULATION CODE UPDATES; AMENDING CHAPTER 14 AT ARTICLE I. – IN GENERAL TO MODIFY CONSTRUCTION WORK HOURS; AT ARTICLE IV CREATING A NEW GREEN BUILDING INCENTIVE PROGRAM; AT ARTICLE VIII. – CONSTRUCTION SITE MAINTENANCE REQUIRING TEMPORARY CONSTRUCTION SITE FENCING; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 14. BUILDINGS AND BUILDING REGULATIONS 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.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

## **1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

1. Section 14-1-Hours of Construction This amendment revises Section 14-1 to align the permitted hours of construction with Section 30-361 of the Village Code. Section 30-361 was amended in 2025 to modify Saturday construction hours from 7:00 a.m.–6:00 p.m. to 8:00 a.m.–5:00 p.m.; however, Section 14-1 was not updated concurrently. This amendment eliminates conflicting provisions and ensures consistency within the Code.

2. Article IV. Green Building Incentives (Sections 14.91 through 14.96) This section establishes a Green Building Incentive Program. Development of this program has been a priority initiative of the Village Council and the Environmental Advisory Committee (EAC). The proposed incentives were workshopped with both the EAC and Village Council in 2025 and are intended to encourage sustainable development practices within the Village.

3. Section 14-181 (f-h)-Construction Site Requirements These provisions codify requirements that are currently implemented administratively through the Building Department's Construction Site Policy. Incorporating these standards into the Code improves transparency, enforceability, and consistency.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in Tequesta, if any:**  
No impact

**3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:** Zero