

Regular Council

STAFF MEMO



Meeting: Regular Council - Oct 08 2026

Staff Contact: Jay Hubsch

Department: Community Development

TITLE

ORDINANCE 16-26: FIRST READING: AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 22, "COMMUNITY DEVELOPMENT," ARTICLE II, "COMMUNITY APPEARANCE," DIVISION 3, "SUPPLEMENTAL CRITERIA AND PROCEDURAL RULES," BY AMENDING SECTION 22-82, "GENERAL REQUIREMENTS RELATIVE TO SITE PLAN REVIEW," TO ESTABLISH RESIDENTIAL COMPATIBILITY STANDARDS APPLICABLE TO CERTAIN REZONINGS, SUBDIVISIONS, AND SITE PLAN APPROVALS; PROVIDING FACTORS FOR ASSESSING RESIDENTIAL COMPATIBILITY; PROVIDING MEASURES FOR MITIGATING OR MINIMIZING POTENTIAL INCOMPATIBILITIES; PROVIDING REQUIREMENTS FOR COMPATIBILITY REVIEW AND FINDINGS; PROVIDING FOR IMPLEMENTATION OF SECTION 163.3194(7), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SUMMARY:

INTRODUCTION

Ordinance No. 16-26 proposes amendments to Section 22-82 of the Village Code to address recent changes to Florida law concerning compatibility between allowable residential uses.

During the 2026 legislative session, the Florida Legislature adopted CS/CS/CS/HB 399, which created Section 163.3194(7), Florida Statutes, effective January 1, 2027. The new statutory provisions require local government comprehensive plans and land development regulations to include factors for evaluating the compatibility of allowable residential uses within residential zoning districts and residential Future Land Use categories. The law also requires land development regulations to include measures for mitigating or minimizing potential incompatibilities and establishes requirements related to the review and denial of certain applications based on residential compatibility.

Ordinance No. 16-26 amends Section 22-82 of the Village Code to establish these residential compatibility standards and procedures. Companion Ordinance No. 15-26 proposes related amendments to the Future Land Use Element of the Village Comprehensive Plan.

BACKGROUND

The Village Code currently includes general compatibility standards as part of the site plan review process. However, HB 399 establishes more specific requirements for evaluating compatibility between allowable residential uses, as well as specific procedures applicable to the review of residential projects through rezonings, subdivisions, and site plan applications.

Companion Ordinance No. 15-26 establishes the overall compatibility policy framework within the Comprehensive Plan. Ordinance No. 16-26 provides the implementing regulations within the Village

Code, including specific factors for evaluating residential compatibility, potential mitigation measures, and requirements for compatibility review and findings. The proposed standards apply to applications for rezoning, subdivision, or site plan approval involving allowable residential uses within a residential zoning district and residential Future Land Use category.

PROPOSED CODE AMENDMENTS

Section 22-82(b) – Residential Compatibility Standards

A new subsection (b) establishes factors for evaluating compatibility between residential uses. The Village will consider the following factors, as applicable:

- **Density and development pattern**, including the density of the proposed development and its relationship to surrounding development;
- **Building scale and form**, including building height, mass, bulk, orientation, placement, and relationship to adjacent residential structures;
- **Site design**, including lot size and configuration, lot coverage, setbacks and building separation, parking, access and circulation, and accessory and service areas;
- **Buffers and screening**, including landscaping, existing vegetation, walls, fences, and other screening between residential uses; and
- **Operational and privacy impacts**, including lighting, noise, mechanical equipment, refuse and service areas, windows, balconies, outdoor living areas, and other site characteristics that may affect adjacent residential properties.

Section 22-82(c) – Mitigation Measures

A new subsection (c) identifies measures that may be used to address potential incompatibilities. Depending on the circumstances, these may include increased setbacks or building separation, changes in building height or placement, additional landscaping or screening, preservation of existing vegetation, relocation or screening of service areas, modifications to access or circulation, and other site or design modifications related to the identified compatibility concern.

Section 22-82(d) – Residential Compatibility Review and Findings

A new subsection (d) establishes procedures for addressing compatibility concerns during the development review process. When Village staff identifies a potential incompatibility, staff must identify the specific area of concern and may identify potential mitigation measures for consideration by the applicant.

If an applicant proposes mitigation measures, an application may not be denied on residential compatibility grounds unless written findings determine that the proposed measures are inadequate and feasible mitigation measures do not exist. Any denial based on residential compatibility must identify the specific areas of incompatibility and applicable standards and address the mitigation measures considered.

The proposed language also incorporates specific limitations established by HB 399, including that references to “community character” or “neighborhood feel,” standing alone, are not sufficient grounds for denial based on residential compatibility. Approval of an application may include reasonable conditions necessary to mitigate or minimize identified compatibility concerns.

PLANNING AND ZONING BOARD REVIEW

The Planning and Zoning Board, sitting as the Village's Local Planning Agency voted 4-1 to recommend approval of the Ordinance, with Alternate 1 Sapirie voting to recommend denial.

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ADDITIONAL REQUIREMENTS:

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 SELECTION NA

ORDINANCE: IF THIS IS AN ORDINANCE, DOES IT REQUIRE A BUSINESS IMPACT ESTIMATE PER FS 166.041(4a)? IF SO, PLEASE INCLUDE IT AS BACKUP.

☐ Yes ☐ No

ATTACHMENTS:

[Ordinance 16-26](#)

[BUSINESS IMPACT ESTIMATE-Ordinance 16-26](#)

ORDINANCE NO. 16-26

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES AT CHAPTER 22, "COMMUNITY DEVELOPMENT," ARTICLE II, "COMMUNITY APPEARANCE," DIVISION 3, "SUPPLEMENTAL CRITERIA AND PROCEDURAL RULES," BY AMENDING SECTION 22-82, "GENERAL REQUIREMENTS RELATIVE TO SITE PLAN REVIEW," TO ESTABLISH RESIDENTIAL COMPATIBILITY STANDARDS APPLICABLE TO CERTAIN REZONINGS, SUBDIVISIONS, AND SITE PLAN APPROVALS; PROVIDING FACTORS FOR ASSESSING RESIDENTIAL COMPATIBILITY; PROVIDING MEASURES FOR MITIGATING OR MINIMIZING POTENTIAL INCOMPATIBILITIES; PROVIDING REQUIREMENTS FOR COMPATIBILITY REVIEW AND FINDINGS; PROVIDING FOR IMPLEMENTATION OF SECTION 163.3194(7), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Tequesta has adopted land development regulations pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Florida Legislature enacted CS/CS/CS/HB 399 during the 2026 legislative session, creating subsection 163.3194(7), *Florida Statutes*, effective January 1, 2027; and

WHEREAS, Section 163.3194(7), *Florida Statutes*, requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category and requires land development regulations to incorporate measures for mitigating or minimizing potential incompatibility; and

WHEREAS, Section 163.3194(7), *Florida Statutes*, further establishes requirements applicable to the review and denial of certain rezoning, subdivision, and site plan applications on residential compatibility grounds; and

WHEREAS, the Village Council desires to amend Section 22-82 of the Village Code to establish residential compatibility standards, mitigation measures, and review and findings requirements consistent with the requirements of Section 163.3194(7), *Florida Statutes*; and

WHEREAS, the Village Council finds that the amendments set forth herein are consistent with the Village of Tequesta Comprehensive Plan, comply with the requirements of Section 163.3194(7), *Florida Statutes* and are in the best interests of the public health, safety, and welfare.

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

Section 1: The foregoing recitals are true and correct and are hereby incorporated into this ordinance as if fully set forth herein.

Section 2: The Code of Ordinances of the Village of Tequesta is hereby amended at Chapter 22, "Community Development," Article II, "Community Appearance," Division 3, "Supplemental Criteria and Procedural Rules," by amending Section 22-82, "General Requirements Relative to Site Plan Review," to establish residential compatibility standards applicable to certain rezonings, subdivisions, and site plan approvals; providing factors for assessing residential compatibility; providing measures for mitigating or minimizing potential incompatibilities; providing requirements for compatibility review and findings; providing that Sec. 22-82 shall hereafter read as follows:

Sec. 22-82. General requirements relative to site plan review, subdivisions, and rezonings.

The planning and zoning board or the village council, as applicable, shall review, and recommend or take final action, as applicable, pursuant to subsection 22-53(a) and (b). In making such review, the planning and zoning board or the village council, as applicable, shall apply the following general requirements:

(a) General Site Plan Review Standards.

[THIS SUBSECTION SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED]

(b) Residential Compatibility Standards.

For applications for rezoning, subdivision, or site plan approval involving allowable residential uses within a residential zoning district and residential Future Land Use category, compatibility between residential uses shall be evaluated in accordance with this subsection and F.S. § 163.3194(7), as may be amended. In assessing compatibility between residential uses, the Village shall consider the following factors, as applicable:

- (1) *Density and development pattern*, including the density of the proposed development and its relationship to surrounding development.
- (2) *Building scale and form*, including building height, mass, bulk, orientation, placement, and relationship to adjacent residential structures.

(3) *Site design*, including lot size and configuration, lot coverage, setbacks and building separation, parking, vehicular and pedestrian access and circulation, and the location of accessory and service areas.

(4) *Buffers and screening*, including landscaping, existing vegetation, walls, fences, and other screening between residential uses.

(5) *Operational and privacy impacts*, including exterior lighting, noise, mechanical equipment, refuse and service areas, windows, balconies, outdoor living areas, and other site characteristics that may affect adjacent residential properties.

(c) Mitigation measures.

Where a potential incompatibility is identified pursuant to Section 22-82 (b), measures to mitigate or minimize the incompatibility may include, as applicable, increased setbacks or building separation; reductions or transitions in building height, mass, bulk, density, or intensity; changes to building placement or orientation; additional landscaping, buffering, walls, fences, or screening; preservation of existing vegetation; relocation or screening of parking, mechanical equipment, refuse or service areas; modifications to access or circulation; lighting or privacy screening; or other site or design modifications reasonably related to the identified incompatibility.

(d) Residential compatibility review and findings.

(1) Where Village staff identifies a potential incompatibility in its review of an application for rezoning, subdivision, or site plan approval subject to the compatibility requirements of F.S. § 163.3194(7), staff shall identify with specificity each area of incompatibility and may identify potential mitigation measures for consideration by the applicant.

(2) If an applicant proposes mitigation measures to address an identified incompatibility, the application shall not be denied on residential compatibility grounds unless the denial includes written findings that the proposed mitigation measures are inadequate and that feasible mitigation measures do not exist.

(3) Any denial of an application on residential compatibility grounds shall specify with particularity each area of incompatibility, the applicable standards, and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that feasible mitigation measures do not exist.

(4) References to “community character” or “neighborhood feel,” standing alone, shall not constitute sufficient grounds for denial based upon residential compatibility.

(5) Approval of an application may include reasonable conditions necessary to mitigate or minimize identified compatibility concerns.

Section 3: Each and every other section and subsection of Chapter 22. Community Development, shall remain in full force and effect as previously adopted.

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

As required by Sec. 166.041(4), Florida Statutes (2024), this "Business Impact Estimate" is provided for Ordinance No. 16-26:

ORDINANCE NO. 16-26

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This ordinance is exempt from the requirements of a business impact statement pursuant to Florida Statute 166.041(4)(c)1.