

Fourth Draft
November 21, 1983

Coding: Words underscored are deletions from existing ordinance;
words in **BOLDFACE** type are additions

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ORDINANCE NO. 144

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING TOWN OF SEWALL'S POINT CODE OF ORDINANCES; PROVIDING FOR REGULATIONS AND RESTRICTIONS ON THE CONSTRUCTION OF SATELLITE TELEVISION ANTENNA SYSTEMS WITHIN THE TOWN; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARED TO BE UNCONSTITUTIONAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Florida Statutes, and the Town Charter of the Town of Sewall's Point, styled Chapter 57-1865, Laws of Florida, the Town of Sewall's Point has the authority to enact zoning ordinances; and

WHEREAS, the Planning and Zoning Board of the Town of Sewall's Point, Florida, has recommended and referred to the Town Commission additions to the zoning ordinances regulating the installation and use of satellite television antenna systems within the Town of Sewall's Point, and has held a public hearing thereon, with due public notice, and submitted in writing its recommendations on the proposed legislation to the Town Commission for official action; and

WHEREAS, the Town Commission of the Town of Sewall's Point is concerned with the protection and preservation of the appearance, character and value of property within the Town in order to promote the general welfare by providing for installation and maintenance of screening around satellite television antenna systems and other regulations for such systems to perpetuate the aesthetic characteristics and qualities of the Town; and

WHEREAS, the Town Commission of the Town of Sewall's Point is concerned with the promotion of public health and safety by requiring that satellite television antenna systems are constructed and located in such manner as not to create an unreasonable danger of injury to person or property within the Town by exposure to electrical shock or flying debris during extreme weather conditions; and

WHEREAS, the Town Commission has determined that it is possible to permit the use of satellite television antenna systems and still promote and preserve the aesthetic characteristics and qualities of the Town and protect the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by adding an item to Appendix B - Zoning, Section XI, Supplementary Regulations, to be designated N, which item reads as follows:

N. Satellite Television Antenna Systems:

1. **Definitions:** For the purposes of this section, the term "satellite television antenna system" shall mean any system of equipment, usually including a dish antenna, designed to receive television, radio and other communication signals, primarily from orbiting satellites. The term does not apply to any community antenna or cable television system that is governed by a separate Town franchise.
2. **Location:** All satellite television antenna systems shall be permanently and securely mounted at ground level and shall serve only a single location. No such system shall be located within any front or side yard or within any required setback area in any residential district, or closer than thirty (30) feet from any common property line or street in any other district within the Town, unless no part of the system is visible to persons standing at ground level on adjacent properties or streets.
3. **Appearance:** No satellite television antenna system shall exceed thirteen (13) feet in height or thirteen (13) feet in width. All such systems shall be painted (to the extent possible without significantly impairing their performance) with natural colors blending with the colors of surrounding vegetation and structures. An opaque hedge, wall or fence shall be required between the satellite television antenna system and all adjacent properties and streets so as to conceal the system from the view of persons standing at ground level on the adjacent properties or streets to the extent reasonably possible without violating the height limitations set forth elsewhere in this Code and without significantly impairing the performance of the system.
4. **Permit:** All satellite television antenna systems shall be deemed accessory uses and structures and shall require a building permit before construction. An application for the permit shall be made to the Town Building Inspector, accompanied by a site plan sketch showing the dimensions and location of the proposed satellite television antenna system in relation to the boundaries, set-back lines and existing structures on the property; and a document signed and sealed by a licensed professional engineer registered in the State of Florida showing the method of permanently mounting the system, listing the materials to be used and certifying that the system is able to withstand winds up to one hundred twenty (120) miles per hour.

SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 9th day of November, 1983.

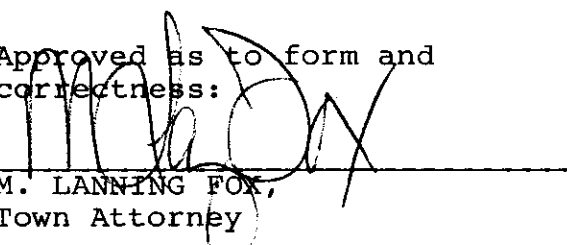
Passed second reading at the regular meeting of the Town Commission held on the 14th day of December, 1983.

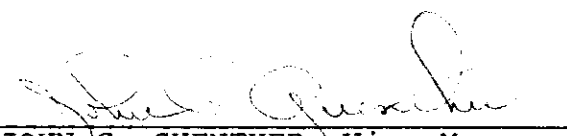
ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Gilbert C. Strubell
GILBERT C. STRUBELL,
Mayor-Commissioner

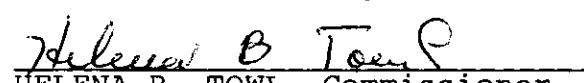
Approved as to form and
correctness:


M. LANNING FOX,
Town Attorney


JOHN C. GUENTHER, Vice-Mayor -
Commissioner


CLIFFORD B. DRAKE, Commissioner


EDWARD H. GLUCKLER, Commissioner


HELENA B. TOWL, Commissioner

