

## LEGAL NOTICE

Notice is hereby given that the following proposed Ordinances will be introduced in writing and read for the second time at the regular commission meeting of the Sewall's Point Town Commission at the Town Hall, 1 South Sewall's Point Road, Sewall's Point, Florida on Wednesday, February 8, 1984 at 7:30 p.m. or as soon thereafter as is practicable.

Full copies of said proposed ordinances may be inspected at the Town Hall in Sewall's Point during regular business hours. All interested parties may appear at said meeting and be heard with respect to these proposed Ordinances.

The Town Commission of the Town of Sewall's Point, Florida.

by: Gilbert Strubell,  
Mayor

**ORDINANCE #145  
AN ORDINANCE OF  
THE TOWN OF  
SEWALL'S POINT,  
FLORIDA, AMEND-  
ING SECTION VI,  
APPENDIX B,  
ZONING, CODE OF  
ORDINANCES,  
TOWN OF SEWALL'S  
POINT, FLORIDA;  
PROVIDING MINI-  
MUM REQUIRED  
LOT AREA OF NOT  
LESS THAN 18,000  
SQUARE FEET AND  
SIDE YARD WIDTH  
OF NOT LESS THAN  
TWENTY (20) FEET  
IN RESIDENTIAL  
DISTRICTS;  
PROVIDING FOR  
INSERTION IN THE  
TOWN CODE; PRO-  
VIDING REPEAL OF  
ORDINANCES AND  
RESOLUTIONS IN  
CONFLICT THERE-  
WITH; PROVIDING  
FOR SEPARATION  
IN THE EVENT A  
SECTION OR POR-  
TION IS DECLARED  
TO BE UNCONSTI-  
TUTIONAL; PRO-  
VIDING FOR AN EF-  
FECTIVE DATE**

Fourth Draft  
January 4, 1984

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

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ORDINANCE NO. 145

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA,  
AMENDING SECTION VI, APPENDIX B, ZONING, CODE OF  
ORDINANCES, TOWN OF SEWALL'S POINT, FLORIDA;  
PROVIDING MINIMUM REQUIRED LOT AREA OF NOT LESS THAN  
18,000 SQUARE FEET AND SIDE YARD WIDTH OF NOT LESS  
THAN TWENTY (20) FEET IN RESIDENTIAL DISTRICTS;  
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; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Florida Statutes, and the  
Town Charter of the Town of Sewall's Point, Florida, 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 amendments to the zoning regulations increasing to  
18,000 square feet minimum required lot areas and increasing to  
twenty (20) feet minimum side yard widths for lots in residential  
districts 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 change to the Town Commission  
for official action; and

WHEREAS, the Town Commission has determined that it is  
necessary and appropriate to amend the existing zoning ordinances  
to provide for a greater required lot area and side yard width in  
residential districts within the Town for the following reasons:

(a) The increase in required lot width within such  
districts from one hundred (100) to one hundred twenty (120) feet  
adopted by the Town in Ordinance No. 95 on November 17, 1976,  
without a corresponding requirement that lot area and side yard  
width be increased has resulted in the proliferation of lots  
having a depth, total area and side yard width less than that  
desirable for the protection of the public health, safety and  
welfare of the residents of the Town; and

(b) The current lot area and side yard width requirements allow for a density of population that threatens the public health, safety and welfare of the residents of the Town because of increased traffic, water use and waste disposal requirements; and

(c) The current lot area and side yard width requirements allow development of residential lots having a size and appearance that will adversely affect property values to the injury of the general welfare of residents and property owners within the Town; and

(d) The current lot area and side yard width requirements, when applied in conjunction with the lowest floor elevation requirements under Chapter 6.1 of the Code of Ordinances, Town of Sewall's Point, Florida, may result in finished lot grades so contoured as to increase the risk of personal injury, create an unsightly appearance and produce unnecessary rainwater loss by runoff; and

(e) The increase in the lot area and side yard width requirements will result in greater open space within residential districts, which will promote the general welfare by enhancing the appearance, character and value of property within the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Sewall's Point, Florida, that Appendix B, Zoning, Section VI.A.2.b.(3)(1), Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Each side yard width shall be twenty-five (25) feet instead of fifteen (15) feet; and

BE IT FURTHER ORDAINED by the Town Commission of the Town of Sewall's Point, Florida, that Appendix B, Zoning, Section VI.D., Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

**Required Lot Area:** Lot area shall not be less than fifteen thousand (15,000) square feet for any lot existing on [the date of this Ordinance], and not less than eighteen thousand (18,000) square feet for any lot created thereafter. The area of any private road, right-of-way or easement to be used for access to or egress from another lot or a street shall be excluded in the determination of required lot area. For the purposes of this provision, lots within a subdivision shall be deemed to be created on the

date that an unterminated preliminary plan approval was granted by the Town for such subdivision.

BE IT FURTHER ORDAINED by the Town Commission of the Town of Sewall's Point, Florida, that Appendix B, Zoning, Section VI.G.2., Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended to read as follows:

Each side yard width - Twenty (20) feet on any lot having an area of eighteen thousand (18,000) square feet or more and a width of one hundred twenty (120) feet or more unless a single-family dwelling is located on such lot on [the date of this ordinance]; on all other lots, fifteen (15) feet.

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 14<sup>th</sup> day of December, 1983.

Passed second reading at the regular meeting of the Town Commission held on the 8<sup>th</sup> day of February, 1984.

ATTEST:

Joan Barrow  
JOAN BARROW, Town Clerk

Approved as to form and correctness:

M. Lanning Fox  
M. LANNING FOX,  
Town Attorney

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

John C. Guenther  
JOHN C. GUENTHER, Vice-Mayor -  
Commissioner

Clifford B. Drake  
CLIFFORD B. DRAKE, Commissioner

Edward H. Gluckler  
EDWARD H. GLUCKLER, Commissioner

Helena B. Towl  
HELENA B. TOWL, Commissioner