

LEGAL NOTICE

Notice is hereby Given that the following proposed ordinance will be introduced in writing and read for the second time at the regular meeting of the Sewall's Point Town Commission on Wednesday, September 12, 1984 at the Sewall's Point Town Hall, 1 South Sewall's Point Road, Sewall's Point, Florida, at 7:30 p.m. or as soon thereafter as is practical.

Full copies of said proposed ordinance 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 this proposed ordinance.

The Town Commission of the Town of Sewall's Point, Florida.
John C. Guenther,
Mayor

ORDINANCE #154

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, CREATING SUBSECTION E OF SECTION XIII OF APPENDIX B - ZONING, CODE OF ORDINANCES, TOWN OF SEWALL'S POINT, FLORIDA, PRESCRIBING THE PROCEDURES TO BE USED IN OBTAINING A SPECIAL EXCEPTION FOR A USE THAT WOULD NOT BE APPROPRIATE GENERALLY THROUGHOUT A PARTICULAR ZONING DISTRICT; PROVIDING FOR INSERTION IN THE TOWN CODE; PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PROVIDING FOR SEPARATION IN THE EVENT A SECTION OF PORTION IS DECLARED TO BE UNCONSTITUTIONAL; PROVIDING FOR AN EFFECTIVE DATE.

Publish: August 15, 1984.

First Draft
July 26, 1984 (0060K)

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

* * * * *

ORDINANCE NO. 154

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, CREATING SUBSECTION E OF SECTION XIII OF APPENDIX B - ZONING, CODE OF ORDINANCES, TOWN OF SEWALL'S POINT, FLORIDA, PRESCRIBING THE PROCEDURES TO BE USED IN OBTAINING A SPECIAL EXCEPTION FOR A USE THAT WOULD NOT BE APPROPRIATE GENERALLY THROUGHOUT A PARTICULAR ZONING DISTRICT; 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 ordinances; and

WHEREAS, the Town Commission of the Town of Sewall's Point has determined that it is necessary and appropriate to amend its existing zoning ordinances to provide for a procedure to be used to apply and obtain a special exception for a use that would not be appropriate generally throughout a particular zoning district; and

WHEREAS, the current zoning ordinance has no provisions pertaining to the application and standards necessary for approval of a special exception for a use not appropriate generally throughout a particular zoning district and it is deemed by the Town Commission of the Town of Sewall's Point, Florida, to be in the best public interest to provide for this procedure and standards for approval.

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 a subsection to Section XIII, Appendix B - Zoning, to be numbered E, which subsection reads as follows:

E. Special Exceptions. Notwithstanding any portion of this Chapter to the contrary, the Town Commission may, in its sole discretion, grant a special exception for a use that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, will not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. A special exception from the terms of the Zoning Ordinance shall not be granted by the Town Commission unless and until the following requirements are fulfilled:

1. A written application for a special exception shall be submitted to the Town Clerk in a form prescribed by the Town Commission, together with a filing fee of \$75.00 and a deposit for costs sufficient to cover the engineering and legal fees, expenses of publication, postage, and any other expenses that may be incurred by the Town in connection with the application, it being intended that the Town shall be reimbursed for all costs incurred in connection with any application for special exception.
2. Before granting any special exception, the Town commission shall find that:
 - a. Granting the special exception will not adversely affect the public health, the public interest, safety, comfort, good order, appearance, convenience, morals, or the general welfare; and
 - b. Granting the special exception will not be detrimental to neighboring property and improvements and is compatible and in harmony with uses provided for in the zoning district.
3. In granting any special exception, the Town Commission may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance and the comprehensive plan. A violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of the Zoning Ordinance.
4. The Town Commission may prescribe a reasonable time limit within which the action for which the special exception is required shall be commenced or completed or both.
5. Before granting any special exception, the Town Commission shall hold a public hearing to consider the application. Notice of the public hearing shall be posted on the property for which the special exception is sought and upon the Town Hall bulletin board. Notice shall also be published at least fifteen (15) days before the public hearing in a newspaper of general circulation printed in Martin County, and notice shall be sent by certified mail, return receipt requested, by applicant and at applicant's expense, to all record owners of real property located within three hundred (300) feet of any part of the real property involved in the application, with the mailing of the notice being at least fifteen (15) days before the date of the hearing. At or before the public hearing, the applicant shall present proof of the identity and addresses of the persons entitled to receive notice by mail and of the mailing of the notice to all such persons.

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 8th day of August, 1984.

Passed second reading at the regular meeting of the Town Commission held on the 10th day of September, 1984.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

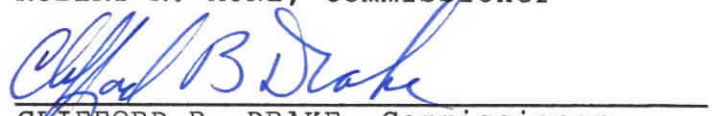
John O. Guenther
JOHN O. GUENTHER, Mayor -
Commissioner

Approved as to form and
correctness:

M. Lanning Fox
M. LANNING FOX, Town
Attorney

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


ROBERT R. AUNE, Commissioner


CLIFFORD B. DRAKE, Commissioner

HELENA B. TOWL, Commissioner