

Third Draft
April 3, 1986

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

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ORDINANCE NO. 162

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT AMENDING SECTION III OF APPENDIX B OF THE ZONING CODE FOR THE TOWN OF SEWALL'S POINT: AMENDING THE DEFINITION OF BUILDING HEIGHT: PROVIDING FOR INSERTION OF THE TOWN CODE: PROVIDING REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH: PROVIDING FOR SEPARATION IN THE EVENT A SECTION OR PORTION IS DECLARAED TO BE UNCONSTITUTIONAL: PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission for the Town of Sewall's Point has determined that the following ordinance is a necessary and proper exercise of the Town's authority.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that Section III of Appendix B of the Zoning Code for the Town of Sewall's Point is hereby amended to reflect the following definition for "Building, height of":

Building, height of: The vertical distance measured from the average elevation of the existing natural grade at the front of the building to the highest point of the roof. Where fill is required by a governmental regulation (whether of the Town of Sewall's Point or other governmental regulation), the vertical distance shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof, but in no event shall the filled finished grade exceed one foot above minimum governmental requirements. In those instances where fill is not permitted by applicable governmental regulations, but elevation of the building is nonetheless required in order to comply with such regulations, the vertical distance shall be measured to the highest point of the roof from a point on the front of the building at either: (a) the elevation of the upper surface of the lowest floor, or (b) two (2) feet above minimum governmental requirements, whichever is lower.

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 of 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 of 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 14th day of May, 1986.

Passed second reading at the regular meeting of the Town Commission held on the 11th day of June, 1986.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

John C. Guenther
JOHN C. 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
ROBERT R. AUNE, Commissioner

Clifford B. Drake

CLIFFORD B. DRAKE, Commissioner

Irene E. O'Brien

IRENE E. O'BRIEN, Commissioner



The Stuart News

P.O. BOX 2870, STUART, FLORIDA 33495

Established as the Stuart Times, April 18, 1913

STUART MARTIN COUNTY FLORIDA

STATE OF FLORIDA
COUNTY OF MARTIN

Before the undersigned authority appeared Sonya L. Moeller
who on oath says that he is Accounting Manager of The Stuart News, a daily newspaper
published at Stuart in Martin County, Florida, that the attached copy of advertisement, being a
Legal Notice
in the matter of Ordinance #162

in the _____ Court, was published in said newspaper in
the issues of May 28, 1986

Affiant further says that the said The Stuart News is a newspaper published at Stuart, in said
Martin County, Florida and that the said newspaper has heretofore been continuously published in
said Martin County, Florida, each week and has been entered as second class matter at the post office
in Stuart in said County, Florida, for a period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that he has neither paid nor promised any
person, firm or corporation any discount, rebate, commission or refund for the purpose of securing
this advertisement for publication in the said newspaper

Sworn to and subscribed before me
this _____ day of _____
A.D. 19 _____

(SEAL)

NOTARY PUBLIC

SN-671-139A

A SCRIPPS HOWARD NEWSPAPER

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, June 11, 1986 at the Sewall's Point Town Hall, 1 South Sewall's Point Road, Sewall's Point, Florida at 7:30 PM or as soon thereafter as is practicable.

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 the proposed ordinance.

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

Joan Barrow, Town Clerk

ORDINANCE #162

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA AMENDING SECTION III OF APPENDIX B OF THE ZONING CODE FOR THE TOWN OF SEWALL'S POINT; AMENDING THE DEFINITION OF BUILDING HEIGHT; 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.

Pub.: May 28, 1986