

Second Draft
July 28, 1983

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

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ORDINANCE NO. 140

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING THE TOWN OF SEWALL'S POINT CODE OF ORDINANCES APPENDIX B - ZONING; PERMITTING HEDGES ALONG THE REAR AND SIDE LOT LINES AND BEHIND THE FRONT BUILDING LINE TO EXCEED THE SEVEN FOOT HEIGHT LIMITATION WITH CONSENT OF ADJACENT PROPERTY OWNERS; PROVIDING FOR INSERTION IN THE TOWN'S 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, Style 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 and supplements to the Zoning Regulations permitting exceptions to the maximum height limitations on certain hedges on 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 of the Town of Sewall's Point has determined that it would be beneficial to amend the Town's Zoning Code to allow exceptions to the seven foot hedge height limitation provided consent of adjacent property owners is obtained.

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

C. Wall Limitations:

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2. All walls, fences, hedges or other enclosures, outside of building lines, shall not be over five (5) feet in height

from the front line of property back to the front setback building line, and not more than seven (7) feet in height elsewhere, measured on both sides of the wall, fence, hedge or other enclosure from the finished grade of the lot, except that where the front or rear property line borders on a bay or canal, wall, fence or hedge heights shall be maintained at not in excess of three (3) feet above the finished grade of the lot or bulkhead, back to the nearest building line and no wall, fence or hedge along the property line or bulkhead on the water shall exceed three (3) feet in height.

3. Notwithstanding the foregoing, hedges located along a side lot line behind the front building line or along a rear lot line may exceed the seven (7) foot height limitation imposed in paragraph 2 above, so long as the owners of property adjacent to such lot line do not file an objection with the Building Inspector of the Town.

3. 4. On a corner lot, no fence, wall, hedge, shrubbery or other obstruction to vision (except utility poles) shall be permitted within 40 feet of the intersection of the adjacent right-of-way lines of the two streets, unless such wall, hedge or other obstruction does not exceed three (3) feet in height and is set back no less than 10 feet from the edge of the paved surface of the street or streets.

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 13th day of July, 1983.

Passed second reading at the regular meeting of the Town Commission held on the 10th day of August, 1983.

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

Helena B. Towl
HELENA B. TOWL, Commissioner

John C. Guenther
JOHN C. GUENTHER,
Commissioner

Clifford B. Drake
CLIFFORD DRAKE, Commissioner

Edward H. Gluckler
EDWARD H. GLUCKLER, Commissioner

