

ORDINANCE NO. 43

AN ORDINANCE AMENDING ORDINANCE NO. 30 OF THE TOWN OF SEWALL'S POINT, FLORIDA, AS AMENDED, ENTITLED, "AN ORDINANCE OF THE TOWN OF SEWALL'S POINT, FLORIDA, TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF SEWALL'S POINT, FLORIDA; TO REGULATE AND RESTRICT THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, AND OTHER OPEN SPACES, OF BUILDINGS, STRUCTURES AND LAND AND WATER FOR RESIDENCE AND OTHER PURPOSES; TO DIVIDE THE TOWN INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; TO PROVIDE FOR SPECIAL EXCEPTIONS IN THE EVENT OF HARDSHIP; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF: (1) BY PROVIDING THAT PARAGRAPH 2 OF SUB-PARAGRAPH A, SECTION V, WILL BE AMENDED TO PROVIDE THAT GUEST HOUSES AND BEACH HOUSES CAN ONLY BE BUILT ON LOTS THAT HAVE AN AREA OF OVER 22,500 SQUARE FEET OF LAND, (2) BY PROVIDING THAT PARAGRAPH 3 OF SUB-SECTION A, OF SECTION V, BE AMENDED TO PROVIDE THAT GARDEN, GREEN HOUSES OR SLAT HOUSES SHALL BE ONLY OF A REASONABLE SIZE IN COMPARISON WITH THE LOT OR PARCEL OF LAND WHERE MAIN HOUSE IS LOCATED, (3) BY PROVIDING THAT PARAGRAPH D, OF SECTION V, BE AMENDED TO PROVIDE THAT THE SIZE OF THE BUILDING LOT AREA BE ENLARGED AND DEFINED AND TO EXCLUDE ANY ROAD EASEMENT AREA IN COMPUTING THE AREA SIZE OF A LOT AND TO PROVIDE FOR A FURTHER DEFINING OF ROAD FRONTAGE NECESSARY FOR A BUILDING SITE, (4) BY PROVIDING THAT PARAGRAPH "G" OF SECTION V, BE AMENDED TO INCLUDE PATIOS AND COURTS ALONG WITH OTHER AREAS DESCRIBED IN SAID PARAGRAPH "G" IN DETERMINING AREA THAT IS NOT CONSIDERED A PART OF MAIN HOUSE IN COMPUTING AREA OF HOUSE, (5) BY ADDING A NEW PARAGRAPH DESIGNATED AS PARAGRAPH "H" TO SECTION V, TO IMMEDIATELY FOLLOW PARAGRAPH "G" AND SAID PARAGRAPH "H" SHALL CONTAIN PROVISIONS PERTAINING TO INSTALLATION OF SEPTIC TANKS AND DRAINFIELDS, WELLS, LOCATION OF SAME, PROVIDING FOR PERMITS AND INSPECTION OF SEPTIC TANK INSTALLATIONS AND DRAINFIELD INSTALLATIONS AND PROVIDING THAT THEY SHALL BE BUILT ACCORDING TO FLORIDA SANITARY CODE, (6) BY PROVIDING THAT PARAGRAPH "C" OF SECTION VII, BE AMENDED BY CHANGING THE WORD "MAY" TO "MAKES" AS SET OUT IN FIRST LINE AND BY ELIMINATING THE WORDS "WILL BE" ON THE SECOND LINE OF SAID PARAGRAPH "C", SECTION VII, (7) BY PROVIDING THAT PARAGRAPH "D", SUB-PARAGRAPH 1, OF SECTION VII, BE AMENDED BY PROVIDING TENNIS COURTS, SWIMMING POOLS AND TERRACES SHALL BE SUBJECT TO SET-BACK LINE REGULATIONS

(8) BY PROVIDING THAT PARAGRAPH 7, OF SECTION VII BE AMENDED BY INSERTING THE WORD "HEDGES" FOLLOWING THE WORD FENCES ON THE SECOND LINE, (9) BY PROVIDING THAT PARAGRAPH 8, OF SECTION VII, BE AMENDED BY ELIMINATING THE PROVISIONS FOR A PUBLIC HEARING PERTAINING TO APPROVAL OF PLANS FOR CHANGE IN SHORELINE, (10) BY PROVIDING THAT PARAGRAPH "G" OF SECTION VII, BE AMENDED BY PROVIDING THAT BOATS CANNOT BE STORED OR PARKED ON RESIDENTIAL PROPERTY AS WELL AS OTHER VEHICLES AND OBJECTS DEFINED IN SAID SECTION, (11) BY AMENDING PARAGRAPH 1, OF SUB-SECTION "B" OF SECTION IX, OF SAID ORDINANCE BY PROVIDING THAT PERMITS FOR INTERNAL IMPROVEMENTS ARE NOT REQUIRED EXCEPT FOR PLUMBING AND ELECTRICAL WORK, (12) BY AMENDING PARAGRAPH 2, OF SUB-PARAGRAPH "B", SECTION IX OF SAID ORDINANCE BY PROVIDING THAT 3 COPIES OF LAY-OUT OR PLAT PLAN BE SUBMITTED INSTEAD OF 2 COPIES AND THAT SAID PLAN SHOW THE LOCATION OF SAID LOT OF THE PROPOSED WELL AND SEPTIC TANK, AND THAT THE APPROVAL OF SAID PLAN BE BY THE MAYOR OR VICE-MAYOR, AND TOWN BUILDING INSPECTOR.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. Paragraph 2, of Sub-Paragraph "A", Section V, of Ordinance No. 30 entitled "An Ordinance of the Town of Sewall's Point, Florida, to promote the health, safety, morals and general welfare of the inhabitants of the Town of Sewall's Point, Florida; to regulate and restrict the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, of buildings, structures and land and water for residence and other purposes; to divide the Town into Districts of such number, shape and area as may be best suited to carry out these regulations and amendments; to provide for its enforcement; to provide for special exceptions in the event of hardship; and to provide penalties for the violation hereof", is amended to provide that guest houses and beach houses can only be built on lots that have an area of 22,500 square feet or more, so that Paragraph 2, of Sub-Section A, Section V, will read as follows:

Other customary accessory uses and buildings provided such uses are incidental to the principle use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principle building. Such permitted accessory buildings and uses shall include private garages, tennis courts and swimming pools.

Guest houses and beach houses are permitted where the property is 22,500 square feet or more.

Section 2. Paragraph 3 of Sub-Section "A" of Section V, of said Ordinance No. 30 is amended by providing that gardens, greenhouses or slat houses shall be only a reasonable size in comparison with the lot or parcel of land where main house is located, so that Paragraph 3, of Sub-Section A, Section V, will read as follows:

3. A greenhouse, or slathouse only of a reasonable size in comparison with the lot or parcel of land where mainhouse is located shall be permitted, provided, however, that no manure or odor or dust-producing substance shall be stored or used within fifty feet of any adjoining lot line, that no greenhouse heating plant shall be operated within fifty (50) feet of any adjoining lot line and that no products, either flowers or vegetables, shall be produced for commercial purposes, and at no times shall the plants, vegetables or flowers be grown under artificial light, unless, through the use of some device, such lights are made completely invisible off the immediate premises.

Section 3. Paragraph "D" of Section V, is amended to provide that the size of the building lot area be enlarged and defined and to exclude any road easement area in computing the area size of a lot and to provide for a further defining of road frontage necessary for a building site, so that Paragraph "D" of Section V, will read as follows:

D- Required Lot Area:

Lot area shall not be less than 15,000 square feet exclusive of any private road, right-of-way, and/or easement to be used for access to or egress from another lot or road. No residential lot shall have a width exclusive of private road, right-of-way or easement for access to another lot or street of (100) feet except in the case of irregularly shaped lots where the average width of front and back lot lines shall be a min. of (75) feet provided, however, that neither

front or rear line shall be less than (50) feet. However, in case of a cul-de-sac or turn around area the street frontage may be less than (50) feet if so approved by the Town Commission and if a proper front set back line which meets with the approval of the Town Commission. In case of a corner lot either of the two street lines may be used to determine requisite lot width. In the determination of lot size, submerged land is not to be included in the measurement, except where a part of the whole lot as shown on the approved plat is used as a boat slip bounded on three (3) sides by land. In no case, however, shall the submerged portion constitute more than thirty (30) per cent of the required lot size.

Section 4. Paragraph "G" of Section V, is amended to include patios and courts along with other areas described in said Paragraph "G" in determining area that is not considered a part of main house in computing area of house, so that Paragraph G, Section V, will read as follows:

G. The minimum enclosed living floor space with walls shall be 1200 square feet, open porch, terrace, patios, courts, breezeway, carport or garage not included.

Section 5. Ordinance No. 30 is amended by adding a new paragraph designated as Paragraph "H" of Section V, and said Paragraph "H" shall contain provisions pertaining to installation of septic tanks and drainfields, wells, location of same, providing for permits and inspection of septic tank installations and drainfield installations and providing that they shall be built according to Florida Sanitary Code, and new paragraph "H" of Section V, is as follows:

H. - Wells and Septic Tanks

A. No well, septic tank or drainfield shall be constructed or installed until a permit for such construction or installation has been obtained from the Town and in addition, a permit for septic tank and drainfield must be obtained from the County Health Officer.

B. A permit shall not be issued for an installation of septic tank and drainfield in an area determined to have unsuitable soil characteristics, a high water table during the wet season or wettest period of the year, inadequate drainage, or other influencing factors adversely affecting the operation to the extent that the system may not be expected to function satisfactorily as a sewage treatment method.

c. Septic tanks and drain fields shall be installed on the street side of the house and located as nearly as possible midway between side lot lines unless the land slopes away from the street, in which case the well shall be located on the high side and the septic tank on the low side of the house.

d. Septic tanks shall be located as far from a well as possible, and at a lower elevation. No part of a septic tank and the drainfield therefrom shall be located under any building, nor within five (5) feet thereof nor within fifty (50) feet of any water supply, well or cistern nor within 25 feet of any river. Where drain field installations already exist, no well shall be installed closer than fifty (50) feet therefrom.

e. Chapter Five (5), Florida State Sanitary Code which forms a part of this Ordinance, can be examined in Sewall's Point, Town Hall. It makes specific provisions for:

1. Construction and installation of Septic Tanks and Drain Fields.
2. Grease Interceptors where required.
3. Prohibition of use of sumps, dry wells, etc.
4. Disposal sludge from septic tanks.

f. Final Inspection. After the completion of construction or installation of a septic tank and drainfield and before covering with earth and putting into service, the installation shall be inspected by the Building Inspector for compliance with Chapter #5.

Section 6. Paragraph "C" of Section VII is amended by changing the word "May" to "Makes" as set out in first line and by eliminating the words "Will be" on the second line of said Paragraph "C", Section VII, so that Paragraph "C", Section VII will read as follows:

C. Area

1. Reduced Lot Area: No lot shall be so reduced in area that makes any required open space smaller than that prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building that is located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.

Section 7. Paragraph "D" of Sub-Paragraph 1, Section VII, of said Ordinance No. 30 is amended by providing that tennis courts, swimming pools

and terraces shall be subject to set back line regulations, so that Paragraph "D" will read as follows:

D. Yards and Lot Coverage:

1. Tennis courts, swimming pools and terraces shall not be considered a part of the building in the determination of yard sizes or percentage of lot coverage, but, nevertheless, shall be subject to set back line regulations. However, with reference to swimming pools on river front lots, these may be permitted on the river side of such lots within the 50 foot set-back area, so long as the pool does not obstruct the view of the neighbors. Such swimming pools to be located within the 50 foot set-back area must be approved by the Town. **Commission.**

Section 8. Paragraph 7 of Section VII is amended by inserting the word "hedges" following the word fences on the second line, so that Paragraph 7, Section VII will read as follows:

7. On river front lots, with the exception of Beach houses new buildings, as well as garden walls, fences, hedges and railings in excess of three (3) feet in height, shall maintain setback from the existing natural high water mark of the river of not less than fifty (50) feet. No structures shall be erected or constructed over the waters of St. Lucie or Indian River, except docks, piers, boathouses and yacht clubs.

Section 9. Paragraph 8 of Section VII is amended by eliminating the provisions for a public hearing pertaining to approval of plans for change in shoreline, so that Paragraph 8, Section VII will read as follows:

8. Plans for changing any shoreline of a stream or other waterway within the Town, by filling or by the erection of docks piers, boat houses or other structures shall be submitted to the Town Commission for examination and the granting of a permit. The Town Commission may ask the Zoning & Planning Committee to study and make its recommendation regarding the plan. Plans for such improvements shall not effect adversely adjacent properties.

Section 10. Paragraph "G" of Section VII is amended by providing that boats cannot be stored or parked on residential property as well as other vehicles and objects defined in said Section, so that Paragraph "G", Section VII, will read as follows:

G. Trailers: No trailers, travel cars or other commercial vehicles shall be occupied as living quarters, nor shall land be used for parking them on a temporary or permanent basis, however, trucks or other commercial vehicles, trailers, travel cars, boats or boats on trailers, may be parked or stored by a resident owner where they are not visible from the street or road serving the area.

Section 11. Paragraph 1 of Sub-Section "B" of Section IX, of said Ordinance is amended by providing that permits for internal improvements are not required except for plumbing and electrical work, so that Paragraph 1, of Sub-Section "B", Section IX, will read as follows:

B-Building Permits:

1. No building or structure, including piers, bulkheads, groins, boat houses, whether of a permanent or temporary character, shall be erected, added to or structurally altered until a required permit therefore has been issued by the Town Clerk, provided, however, that it will be unnecessary to obtain the issuance of such a permit for internal alterations except for plumbing and electrical work, which do not effect the external appearance of such building or structure. No such building permit or certificate of occupancy, shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this ordinance.

Section 12. Paragraph 2 of Sub-Paragraph "B", Section IX of said Ordinance is amended by providing that 3 copies of layout or plat plan be submitted instead of 2 copies and that said plan show the location of said lot of the proposed well and septic tank, and that the approval of said plan be by the Mayor or Vice-Mayor, and the Town Building Inspector, so that Paragraphs 2 and 3, of Sub-Section B, Section IX will read as follows:

B-Building Permits:

2. There shall be submitted with all applications for building permits three (3) copies of a layout or plat plan drawn to scale showing the exact size and location on the lot of the building and accessory buildings to be erected, or alterations to a building already erected, as well as the elevations of such buildings and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

3. One copy of such layout or plat plan shall be returned when approved by the Mayor or Vice-Mayor and the Town Building Inspector, together with such permits and fees as required by the Town Building Code, Electrical Code and Plumbing Code, and by such other ordinance or resolutions as may be adopted by the Town.

Section 13. In all other respects the said Ordinance No. 30 and previous amendments are hereby ratified and confirmed.

Section 14. This Ordinance shall become effective upon its due passage according to law.

PASSED first reading at the regular meeting of the Town Commission held on the 12 day of January, 1966.

PASSED second reading and became a law at the regular meeting of the Town Commission held on the 9 day of February, 1966.

ATTEST:

Ray B. Smith  
As Town Auditor-Clerk

Approved as to form and correctness this 12 day of January, 1966.

A. J. O'Connell  
As Town Attorney

J. Mergulm  
Mayor-Commissioner

John T. Dickinson  
As Town Commissioner

W. C. Patterson  
As Town Commissioner

W. M. Keenan  
As Town Commissioner

Frank D. Coyne  
As Town Commissioner



AFFIDAVIT

STATE OF FLORIDA )  
COUNTY OF MARTIN )

I, Mary G. SMITH, Clerk of the Town of Sewall's Point, Jensen Beach, Florida, do hereby state that I did post a copy of Ordinance #43 on the Town Bulletin Board, on the 9<sup>th</sup> day of February, 1966, the Ordinance being an Ordinance to amend the Town Zoning Ordinance.

Mary G. Smith  
As Town Clerk

Sworn to and subscribed before me  
this 9th. day of February, 1966.

Alda J. Bailey  
Notary Public

Notary Public, State of Florida at Large  
My Commission Expires March 29, 1968  
Bonded By American Fire & Casualty Co.