

JOHN TOMPECK
Chair

FRANK FENDER
Vice Chair

DAVE KURZMAN
Board Member

KAIJA MAYFIELD
Board Member

TOWN OF SEWALL'S POINT



ROBERT DANIELS-ICMA-CM
Town Manager

APRIL C. STONCIUS, MMC
Town Clerk

TINA CIECHANOWSKI
Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Local Planning Agency
March 12, 2024
5:00 p.m.

I. CALL TO ORDER

a. Pledge of Allegiance to the Flag

b. Roll Call

II. PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES. *If the thirty (30) minute time period has been exhausted, the LPA Board will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.*

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

a. LPA Meeting Minutes - July 18, 2023

V. PUBLIC HEARING - SECOND READING OF ORDINANCE

VI. PUBLIC HEARING - FIRST READING OF ORDINANCE

a. Ordinance No. 458 - Amending Land Development Regulations – Development Review Process

VII. BOARD MEMBER AND STAFF CLOSING COMMENTS

a. STAFF

b. BOARD MEMBERS

VIII. ADJOURN

CIVILITY CLAUSE: It is the policy of the Sewall's Point Town Commission that all persons addressing a town board or attending a Town board meeting shall conduct themselves in a manner that does not disrupt the orderly and efficient conduct of the meeting. Boisterous or unruly behavior; threatening or inciting an immediate breach of the peace; or use of profane, slanderous or obscene speech will not be tolerated and could result in ejection from the meeting after warning from the presiding officer. In accordance with the provisions of the Americans with Disabilities Act (ADA) this document may be requested in an alternate format. persons in need of a special accommodation to participate in this proceeding shall, within 3 working days prior to any proceeding, contact the Town Clerk's office, One South Sewall's Point Road, Sewall's Point, Florida 34996 (772)287-2455. If any person decides to appeal any decision made by the Town Commission with regard to any matter considered at such meeting or hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

JOHN TOMPECK
Chair

DAVID KURZMAN
Vice Chair

JAMES W. CAMPO, CFP
Board Member

FRANK FENDER
Board Member

KAIJA MAYFIELD
Board Member

TOWN OF SEWALL'S POINT



ROBERT DANIELS
Town Manager

APRIL C. STONCIUS, CMC
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Chief of Police

JACK REISINGER, CBO
Building Official/PW Director

MARIA PIERCE
Finance/HR Director

Local Planning Agency Meeting Minutes
July 18, 2023
5:00 p.m.

I. CALL TO ORDER

Chair Tompeck called the meeting to order at 5:00 p.m.

a. Pledge of Allegiance to the Flag

Chair Tompeck lead the assembly in the Pledge of Allegiance.

b. Roll Call

The Town Clerk called the roll with the following Board Members present: Chair Tompeck, Vice Chair Kurzman, Board Member Campo, Board Member Fender, and Board Member Mayfield.

II. PUBLIC COMMENT ON NON-AGENDA ITEMS- PLEASE SUBMIT A COMMENT CARD TO THE TOWN CLERK PRIOR TO THE START OF THE MEETING AND LIMIT YOUR COMMENTS TO THREE MINUTES. *If the thirty (30) minute time period has been exhausted, the LPA Board will entertain any remaining comments near the end of the meeting with the same three (3) minute per person time limitation.*

Chair Tompeck called for any public comments, to which there were none.

III. APPROVAL OF AGENDA

There being no discussion, Board Member Fender **moved** to approve the Agenda as written. Vice Chair Kurzman **seconded** the motion, which **passed unanimously** by roll call vote.

IV. CONSENT AGENDA

a. Minutes – September 13, 2022, November 29, 2022 and December 13, 2022

There being no discussion, Vice Chair Kurzman **moved** to approve the Consent Agenda. Board Member Fender **seconded** the motion, which **passed unanimously** by roll call vote.

V. PUBLIC HEARING - SECOND READING OF ORDINANCE

There was nothing scheduled under this item.

VI. PUBLIC HEARING - FIRST READING OF ORDINANCE

a. Ordinance No. 449 - Tree Ordinance

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

The Town Manager introduced the item and pointed out that the ordinance was under the Land Development Regulations, which was required to be heard by the LPA prior to first reading at the upcoming Commission meeting.

Chair Tompeck called for any public comments, to which there were none.

Board Member Fender stated that the ordinance was brought forward to amend in order to rectify a gap in the procedure, as there was not a tree mitigation plan requirement when modifications to a lot were done. He pointed out that it was an important part of the permitting process when building a project. Board Member Fender commented that there were a couple of typos that needed to be corrected as follows: Page 2 of the ordinance, mitigation plan: 'tree removal' should not be plural and Page 5 of the ordinance, Section 70-23 - Permit Not Required for Tree Removal, Section 2 needed a space between obviously and dead. Board Member Fender stated that Section 70-23 was unnecessary, as there was always a requirement to obtain a tree removal permit, whether it was with a fee or without a fee, which was approved by the Town Manager. He recommended residents check with Town Hall prior to cutting down any trees. The Assistant Town Attorney commented that 2-inch caliber needed to be corrected in the Section 70-22 to 2-inch caliper.

The Assistant Town Attorney advised that language was in place as a foundation for the tree ordinance and that it was important to include Section 70-23. She pointed out that the state statute did not require a permit to remove a tree. Board Member Fender explained that the intent was to have residents check with Town Hall prior to cutting down any tree.

Board Member Mayfield referenced Section 70-21, Minimum Tree Requirements for Residential Properties, and stated that the article addressed existing single-family lots and the trees that were required. She recommended that the language be referenced in the section regarding new or substantial improvements for clarity instead. Board Member Mayfield said that under Section 70-42, Permit Required for Tree Removal, 'a tree removal and mitigation plan' should be included. She stated that in reference to Section 70-81, Permit Location and Expiration, the three-month expiration period should remain and not be changed to 30 days if work had not commenced. Board Member Mayfield referenced Section 70-83, Emergencies, and stated that instead of the Town Manager waiving regulations in an emergency, it should include the Mayor, the Town Manager, or other designee. She recommended that the mitigation plan be added to Section 70-85, Permit Application Procedures for Single-Family Lots, as it laid out the procedures to abide by when applying for a permit. The Assistant Town Attorney remarked that it would be added to subsection f.

Board Member Fender stated that the mitigation plan terminology should also be referenced

in Section 70-85 (a) (1), which referenced a scaled sketch, site plan, or survey. Board Member Mayfield continued that in Section 70-87, Permit Issuance or Denial, (3) a. should be amended to indicate that an existing home did not have to be reconfigured. She pointed out that Section 70-139, No Signs or other Attachments to Trees, was to be removed previously that referenced signs or other attachments prohibited being affixed to trees. Board Member Mayfield stated that in Section 70-155, Mitigation, inch-for-inch was agreed upon previously regarding the replacement of trees or protected vegetation.

Board Member Campo requested that the Assistant Town Attorney advise the LPA Board accordingly should there be a discussion that violated the state law during the meeting. He requested clarification on Section 70-44, Prohibited Species Removal, which allowed for prohibited species to be cut with a permit and no fee. Board Member Campo objected to the addition of the following language: 'the minimum tree requirements must be met.' The Town Manager asked for guidance on the Ficus trees that were exotic and on the state's prohibited species list.

Board Member Campo concurred that Section 70-81, Permit Location and Expiration, should remain with three months as opposed to 30 days, and that in Section 70-83, the Town Manager would declare a state of emergency. He stated that in Section 70-84, the Code Enforcement Board should be considered when a permit was appealed, and in Section 70-87, 3 a), the last line was not necessary and did not make sense. He requested that the sentence end at the word 'size.' Board Member Campo said that he agreed with Section 70-139, as residents should be able to display their preference of flags, and concurred with Commissioner Mayfield that Section 70-155 should indicate inch-for-inch.

Chair Tompeck stated that Section 70-44, Prohibited Species Removal, end in the redline at approved, to read 'but a tree removal permit application must be approved.' Vice Chair Kurzman said that a banyan tree could be considered an exotic species, but that they were well-established in the Town. He pointed out that there was a difference between invasive exotics such as Australian pines and pepper trees, and that the strangler figs were distinct which added character to the Town. Vice Chair recommended adding the prohibited species list to the ordinance, to which Board Member Campo concurred. The Assistant Town Attorney recommended that copies of the Florida Exotic Pest Plan Council's 2017 list of Invasive Plant Species be available at Town Hall through the Town Clerk.

Board Member Fender requested that Section 70-23, Permit Not Required for Tree Removal, be removed, as it convoluted the ordinance. Board Member Mayfield disagreed. Board Member Campo reiterated that if the Assistant Town Attorney heard board member discussion that violated the state law that she clarify it. The Assistant Town Attorney advised that the Town was required to allow residents to remove trees and that they were not required to go through the permitting process for the removal of a tree on a residential property.

There being no further discussion, Board Member Fender **moved** to recommend approval of Ordinance No. 449, with the amendments, to the Town Commission for further review at the Regular Commission meeting on July 18, 2023. Board Member Mayfield **seconded** the

motion, which **passed unanimously** by roll call vote.

b. Ordinance No. 450 - Building Elevations

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Planner, Bonnie Landry, provided an overview of the next three items and stated that the ordinances were being updated for clarity regarding compliance and enforcement.

Chair Tompeck called for any public comments, to which there were none.

Board Member Campo inquired as to how often building applications were amended because of the height restriction. The Building Official responded that 70% of the applications were rejected because of height and had to be resubmitted. Board Member Campo recommended that the height requirement be adjusted to 32 feet.

Board Member Mayfield stated that Section 50-176 (c) Building Height Limits, 'may' should be replaced with 'shall' be measured from the base flood elevation. She was not in favor of the 32-foot height restriction and recommended that it remain at 30 feet.

There being no further discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 450, with the maximum height of 32 feet, to the Town Commission. Vice Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, and Board Member Campo voting in favor, and Board Member Mayfield and Board Member Fender voting against.

c. Ordinance No. 451 - Amending Chapter 58-96 - Definitions

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Chair Tompeck called for any public comments, to which there were none.

There being no discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 451, with the maximum height of 32 feet, to the Town Commission. Vice Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, Board Member Campo, and Board Member Fender voting in favor, and Board Member Mayfield voting against. Chair Tompeck stated that he received a letter of support from H.B. Barrett regarding the amendments.

e. Ordinance No. 452 - Update Zoning Regulations

The Assistant Town Attorney, Susan Garrett, read the ordinance title into the record.

Chair Tompeck called for any public comments, to which there were none.

There being no discussion, Board Member Campo **moved** to recommend approval of Ordinance No. 452, with the maximum height of 32 feet, to the Town Commission. Vice

Chair Kurzman **seconded** the motion, which **passed** by roll call vote with Chair Tompeck, Vice Chair Kurzman, and Board Member Campo, and Board Member Fender voting in favor, and Board Member Mayfield and Board Member Fender voting against.

VII. BOARD MEMBER AND STAFF CLOSING COMMENTS

a. STAFF

There was nothing heard under this item.

b. BOARD MEMBERS

There was nothing heard under this item.

VIII. ADJOURN

There being no further business, the meeting adjourned at 6:25 p.m.

APPROVED:

Chair John Tompeck, Presiding Officer

ATTEST:

April C. Stoncius, MMC, Town Clerk

Minutes approved at the meeting of: March 12, 2024

TOWN OF SEWALL'S POINT



TO: Mayor and Commissioners
FROM: Robert Daniels, Town Manager
SUBJECT: Public Hearing Ordinance No. 458
DATE: Local Planning Agency (LPA) Meeting March 12, 2024

EXECUTIVE SUMMARY: This is the Local Planning Agency (LPA) Public Hearing for Ordinance Number 458 (*ATTACHMENT A.*)

This ordinance resulted from the drafting of Standard Operating Procedures (SOP) for staff to process development applications. Staff is recommending that the Land Development Regulations be amended so that construction plans for developments would be approved administratively to streamline the process for both the Town and the applicants.

Tonight's Public Hearing will focus on the LPA's review of the strikethrough and underline of the correctly adopted LDRs (*ATTACHMENT A.*)

ORDINANCE TITLE AND ADVERTISEMENT:

ORDINANCE NO. 458

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTERS 30, 46, 54, 78 AND 82, TO REMOVE CONFLICTING LANGUAGE, UPDATE AND STREAMLINE THE DEVELOPMENT REVIEW PROCESS, PROVIDE FOR ADMINISTRATIVE APPROVALS, REMOVE REFERENCES TO PRELIMINARY PLANS, REMOVE REFERENCES TO MAJOR AND MINOR SITE PLANS; PROVIDE FOR SEVERABILITY; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE.

BACKGROUND:

The Town of Sewall's Point is developing Standard Operating Procedures (SOP) for the processing of development applications to assist staff in this task. When drafting the SOP, it was discovered that, with the current code, the applicant could essentially be subject to three public hearings of the commission: site plan, construction plan, and final plat approvals. Due to the technical nature of construction plans, staff is recommending that they be approved by the Building Official only. While this change is being made, staff recommended other changes which included the strikethrough of any specific fees as well as minor changes to terminologies throughout the

document for consistency. It is important to note that if/when application fees do change in the Town, a fee study is required, and the final fee schedule would be reviewed and approved by the Town Commission at a public meeting.

RECOMMENDATION:

Staff recommends one of the following motions:

1. "The LPA recommends the Town Commission approve Ordinance 458 as drafted and schedule the second reading for March 26, 2024 and listen to any public comment on the matter."
2. "The LPA recommends the Town Commission approve Ordinance 458 with changes and schedule the second reading for March 26, 2024 and listen to any public comment on the matter."

ATTACHMENTS:

- ATTACHMENT A: Ordinance 458



ORDINANCE NO. 458

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTERS 30, 46, 54, 78 AND 82, TO REMOVE CONFLICTING LANGUAGE, UPDATE AND STREAMLINE THE DEVELOPMENT REVIEW PROCESS, PROVIDE FOR ADMINISTRATIVE APPROVALS, REMOVE REFERENCES TO PRELIMINARY PLANS, REMOVE REFERENCES TO MAJOR AND MINOR SITE PLANS; PROVIDE FOR SEVERABILITY; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the Town of Sewall's Point, was chartered by the Florida Legislature in 1957; and

WHEREAS, the Town of Sewall's Point, adopted a Code of Ordinances in 1978 which includes Land Development Regulations; and

WHEREAS, the Town of Sewall's Point updated its Land Development Regulations in January 2023 to comply with the 2022 update to its Comprehensive Plan; and

WHEREAS, the Town of Sewall's Point desires to remove conflicting language; provide consistency of reference throughout and further streamline the process for site plan applications, review and approvals;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA THAT:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the Town Commission of the Town of Sewall's Point.

Section 2. CHAPTER 30 HISTORIC PRESERVATION

Sec. 30-5. - Certificate of authorization for work affecting historic resources.

- (a) *Required.* A certificate of authorization shall be issued by the town commission prior to approving any preliminaryconcept plan involving alteration, demolition, relocation, reconstruction, excavation or new construction upon any site which will result in a change to the original appearance of an archaeological site or historic resource listed on the Florida Master Site File.

Sec. 30-8. - Construction or exploration on archaeological site.

- (a) *Certificate of authorization required for construction.* A certificate of authorization for construction shall be required prior to the preliminaryconcept plan approval for activity within an archaeological site listed on the Florida Master Site File. An application for a certificate of authorization for construction shall be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site.

Section 3. CHAPTER 46 ADMINISTRATION

Sec. 46-31. Payment for in-house costs and professional services rendered by town.

- (a) Each applicant for ~~a development order, building permit, rezoning, comprehensive plan amendment, special exception, variance, major or minor subdivision, plat approval, letter of determination, or any other type of application relating to land development, land use, or land improvement (collectively, "development applications")~~ any proposed development shall pay a filing fee. Unless otherwise established by ordinance, such filing fees shall be set from time to time by resolution and will be available at the Town Hall and posted on the Town's website. Such costs include, but are not limited to, postage, publication, and staff services. Each filing fee shall be paid at the same time the application is filed with the town. If the costs incurred by the town exceed the filing fee, the town may invoice the applicant for the balance of the costs, and the applicant shall pay such costs upon receipt of the invoice. If any fee or cost is not timely received by the town, the application may be deemed incomplete and its processing may be delayed.
- (b) Outside professional consultants, including but not limited to, engineers, attorneys, scientists, planners, and their respective assistants and staff, may be engaged by the town, in its discretion, as needed to provide technical support in connection with a development application. Each applicant shall pay to the town the actual reasonable cost of all such outside professional consultant services upon receipt of the invoice for the services. The town may ~~request~~require the applicant to pay a retainer deposit (at the time application is made) to cover the estimated costs of the outside professional consultant(s). If the outside professional consultant fees exceed or are anticipated to exceed the retainer deposit the town may request additional retainer deposits or may choose to invoice the applicant for such costs. Any unused retainer deposit shall be returned to the applicant when the application process has been

ATTACHMENT A

completed. If an applicant fails to pay a retainer deposit or any invoice for outside professional consultant services, the application may be deemed incomplete and its processing may be delayed.

- (c) No permit shall be issued or development application approved until such time as all filing fees, ~~costs~~ and retainer deposits ~~professional fees~~ have been paid in full.
- (d) This section shall not apply to applications by governmental authorities or public utilities.

Section 4. Chapter 54 CONCURRENCY MANAGEMENT SYSTEM

Sec. 54-4. Definitions.

Development order means an order granting, with or without conditions, an application for ~~rezoning, a special exception, a minor subdivision, a preliminary plan, a subdivision plat, a building permit a proposed development~~, or any other official action of the town having the effect of permitting the development of land and containing a specific plan for development, including the determination of density and/or intensity of use.

Section 5. Chapter 78 LAND DEVELOPMENT REGULATIONS ARTICLE

I. IN GENERAL

Sec. 78-6. Definitions.

~~*Preliminary-Concept plan* means a generalized map or drawing representing the land to be subdivided, upon which basic information has been shown to indicate the general manner in which the land is proposed to be developed illustrating the assessment and possible suitable development of a site.~~

ARTICLE III. PLANNING

DIVISION 1. SUBDIVISION OF LAND

Sec. 78-11. Lot splits.

- (b) *Application.* Application for a lot split shall be in a form prescribed by the building official. Filing fee must be paid at time of application submission. (Refer to Sec. 4631).

Sec. 78-12. Lot mergers or consolidations.

- (a) *Application.* Application for a lot merger shall be in a form prescribed by the building official. Filing fee must be paid at time of application submission. (Refer to Sec. 4631).

Sec. 78-13. Administrative changes to plats and lot line adjustments.

ATTACHMENT A

- (1) Applications and associated fees for minor changes to approved subdivision plats will be established by the building department. Filing fee must be paid at time of application submission. (Refer to Sec. 46-31)

Sec. 78-14. Plat approval procedure.

- (2) Filing fee and Retainer deposit of \$750.00 for anticipated costs incurred by the town. (Refer to Sec. 46-31). The retainer deposit shall be for anticipated costs incurred by the town including but not limited to for such items as the recording fee, or recording the approval of the town commission, should such approval be given, as required by section 78-87, engineering fees for services provided by the town engineer, planning services provided by the town planner and attorney's fees for services provided by the town attorney, all of which are provided for the benefit of the applicant in connection with the plat review and approval process regardless of whether the plat is approved or not. There shall be no cost to the town as a result of the application for a plat. Throughout the time of review, if retainer deposit is exhausted, the applicant is required to replenish this fund. Failure to do so will result in a pause of the review of the plat until the replenishment funds have been received. Any amount remaining from that deposit at the conclusion of the review will be returned to the applicant upon final decision of the commission on the plat.
- (3) Two copies of a boundary survey of the platted lands on 24-inch x 36-inch sheets of material format in conformity with F.S. Ch. 177 that:

Sec. 78-17.02. Advertising costs.

- (a) All costs of publication that exceed the filing fee shall be paid by the applicant or petitioner, ~~and any costs so incurred by the town shall be reimbursed to the town by the applicant or petitioner~~ at least five days before the public hearing.

DIVISION 2. SITE PLANS

Sec. 78-20. Pre-application for site plans.

- (1) *Submittal requirements:*
 - a. Three paper copies in 24 × 36 format of the ~~conceptual site~~ plan and one digital file of the entire submittal.
 - b. *Filing fee.* (Refer to Sec. 46-31) ~~The filing fee shall be \$250.00 for each lot shown on the site plan or plat and shall be paid to the town at the time the pre-application is tendered to the town.~~

ATTACHMENT A

- c. *Retainer deposit for anticipated costs incurred by town.* ~~The retainer deposit shall be for anticipated costs incurred by the town including but not limited to engineering fees for services provided by the town engineer, planning services provided by the town planner and attorney's fees for services provided by the town attorney, all of which are provided for the benefit of the applicant in connection with the site plan review and approval process, regardless of whether the site plan is approved or not. The town manager, or designee shall require a deposit for review of the application by consultant(s) to ensure that the town will be reimbursed for any and all costs expended on behalf of the developer and all costs incurred for the developer's benefit.~~ Throughout the time of the review, if retainer deposit is exhausted, applicant is required to replenish this fund. Failure to do so will result in a pause of the review of the application until the replenishment funds are received. Any amount remaining from that deposit at the conclusion of the review will be returned to the applicant upon issuance of the development order.
- d. *Contents.* The following information shall be submitted and included as part of the conceptual plan:

Sec. 78-21. Site plan and development application requirements.

- (b) *Submittal documents.* Certified copies of the site plan shall be prepared in a form acceptable to the town and submitted to the building official, or designee for review and approval. The following is required for all site plan applications: (2) **Application Filing** fee. (Refer to Sec. 46-31)
- (c) *Contents.* The site plan shall include the following:
 - (2) *Proposed site activities and design.*
 - b. *Building and other structures.*
 3. The location of all adjacent off-site sidewalks ~~required by section 30-547.~~

Sec. 78-23. Final development order approval.

- (d) *Town commission public hearing.*
 - a. At the public hearing, the town commission shall hear from all interested parties regarding whether the ~~major-proposed~~ development ~~plan-application~~ complies with the requirements of this Code. The town commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the development department, and the comments presented to the town commission during the course of the public hearing.

Sec. 78-82. Construction drawings, specifications and proposed plat.

- (a) Prior to commencement of construction for any proposed ~~major subdivision development~~, the developer shall submit to the town ~~commission-building official, or their designee~~, for ~~its~~ their review of all construction drawings and specifications for the proposed improvements, together with the proposed subdivision plat. The construction drawings and specifications shall bear the signature and impression seal of the engineer.
- (b) The following additional information shall be submitted with the construction drawings, specifications and proposed plat and shall be considered by the town ~~commission-building official, or their designee~~, before approving, modifying or denying the request for construction approval:
 - (1) A letter from the county health department indicating that the land in the proposed subdivision is generally suitable for the installation and use of septic tanks, if individual waste disposal systems are to be utilized.
 - (2) A copy of the permit and other accompanying data issued by the state department of environmental protection for the construction of any central sewage collection, treatment and disposal system, if this method of waste disposal is to be used for the proposed subdivision.
 - (3) A letter from the county utilities department or its successor, indicating that it can and will serve the proposed subdivision with water, and that the proposed construction of the water utility shown on the drawings and defined in the specifications meets its requirements.
 - (4) A copy of the permit issued by the South Florida Water Management District for the drainage and related water control aspects of the proposed subdivision.
 - (5) A letter from each utility owner indicating that it will extend service to the subdivision and that easements have been provided in the necessary locations and widths and meet the requirements of the utility owner.
 - (6) Evidence of approval by any other local, state or federal agency that may be required for any aspect of the proposed subdivision.
 - (7) A letter from Florida Power and Light Company or its successor, indicating that the easements for the installation and maintenance of street lighting and fixtures shown on the applicant's construction drawings and specifications are suitable for the proposed subdivision.
- (c) The town ~~commission-building official, or their designee~~, shall review the construction drawings, specifications, proposed plat and other data enumerated in this section and shall approve, deny or recommend modifications for construction of the subdivision. If the project is denied or modifications are recommended, the town ~~commission-building official, or their designee~~, shall notify the developer in writing the reasons for denial or the nature of the recommended modifications.

ATTACHMENT A

- (d) No land clearing or other construction shall commence on the proposed subdivision until the town ~~commission~~ building official, or their designee, has approved the construction drawings, specifications and proposed plat.

Sec. 78-86. Final plat review and approval.

Prior to final plat review and approval, the developer shall submit to the town commission evidence that all improvements have been completed in accordance with the approved plans, final development order, and that any other necessary requirements have been met. The following documents, data and information shall be given the town commission by the developer for review:

- (1) The subdivision plat, prepared in accordance with the provisions of F.S. ch. 177, and to the dimensions and in the manner prescribed by the office of the clerk of the circuit court of the county. The plat shall contain all data and information required by F.S. ch. 177, and the wording of required certificates shall be subject to the approval of the town attorney. All signatures necessary for final approval by the town commission shall appear on the plat at the time it is presented.
- (2) ~~Any and all fees required for final approval and filing.~~ Filing fee and retainer deposit for anticipated costs incurred by the town. (Refer to Sec. 46-31)

Section 6. Chapter 82 ZONING

Sec. 82-271. - Lot area.

Lot areas shall not be less than 15,000 square feet for any lot existing on February 8, 1984, and not less than 18,000 square feet for any lot created after February 8, 1984 until December 21, 1999, and not less than 30,000 square feet for any lot created (or subdivision originally approved) after December 21, 1999. 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 unexpired preliminary concept plan approval was granted by the town for such subdivision.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ATTACHMENT A

Section 8. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 10. Effective Date. This ordinance shall take effect immediately upon adoption.

_____ offered the Ordinance for its first reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER III, VICE MAYOR	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 12th day of March, 2024.

_____ offered the Ordinance for its second reading and moved its adoption. The motion was seconded by _____, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
JOHN TOMPECK, MAYOR	_____	_____
FRANK FENDER III, VICE MAYOR	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

ATTACHMENT A

Passed second reading at the Regular Meeting of the Town Commission held on the 26th day of March, 2024. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 26 day of March, 2024.

TOWN OF SEWALL'S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

Approved as to form and legal sufficiency:

April Stoncius, MMC, Town Clerk
(TOWN SEAL)

Glen J. Torcivia, Town Attorney
Florida Bar No. 343374