

ORDINANCE NO. 448

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTER 78, MAJOR SUBDIVISIONS, TO PROVIDE THE REQUIREMENTS FOR THE SUBMITTAL OF SITE PLAN APPLICATIONS, TO PROVIDE A PROCEDURE FOR REVIEWING SITE PLAN APPLICATIONS, PROVIDING FOR THE HEARING PROCESS FOR APPROVAL OF FINAL PLATS, PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND TO PROVIDE FOR AN EFFECTIVE DATE.

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, desires to provide a clear process for the review of site plan and other development applications; and

WHEREAS, the Town of Sewall's Point, desires to include its updated standards for the on-site retention of stormwater runoff in this review process;

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. Standards for Site Plan review.

DIVISION 2. SITE PLANS

Sec. 78-18. General provisions.

A site plan review shall be conducted on proposed development of three (3) or more lots to ensure that the plan meets all applicable development codes, provides for adequate public facilities and services (potable water, sanitary sewer, solid waste disposal, surface water runoff drainage, roads, and

recreation) concurrent with impact of the development, and is compatible with existing and anticipated development within the site's immediate area.

Sec. 78-19. Exemptions.

A development permit may be issued for the following development activities in the absence of a [site plan](#).

- a) Lot split as provided in Sec. 78-11.
- b) Lot merger or lot consolidation as provided in Sec. 78-12.
- c) Development activity necessary to implement a valid site plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- d) The construction or alteration one single-family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- e) The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site. The applicant may seek to change a use of an existing building or structure by applying for issuance of an occupational license so long as it does not adversely impact the following, including, but not limited to, parking and the level of service.
- f) The re-surfacing of a vehicle use area that conforms with all requirements of this Code.

~~Sec. 78-81. Preliminary plan~~ -20. Pre-application for site plans.

Purpose and Intent. In consideration of the applicant, the town requires a pre-application meeting for all site plan applications. The purpose of this meeting is to inform the developer of any potential issues with the proposed development prior to expending costs toward design.

Pre-application process. Before submitting a formal application, for a site, the applicant, or his/her representative shall meet with the building official and any other town manager designee, to discuss the site plan review process and for guidance in meeting the town comprehensive plan and the land development regulations. No person may rely upon any comment made by anyone at this conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

a) Submittal requirements:

- 1) Three paper copies in 24x26 format of the conceptual site plan and one (1) digital file of the entire submittal.
- 2) *Filing fee.* 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.
- 3) *Retainer deposit for anticipated costs incurred by town.* The town manager, or designee shall require a deposit for anticipated costs 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 the application until this is done. Any amount remaining from that deposit at the conclusion of the review will be returned to the applicant upon issuance of the development order.
- 4) *Contents.* The following information shall be submitted and included as part of the conceptual plan:
 - a. The name, parcel identification number(s) and location map of the proposed development.
 - b. The name, address and telephone number of the developer.
 - c. The name, address and telephone number of the developer's engineer and land surveyor.
- 5) A boundary and topographic survey of the proposed subdivision showing property lines, adjacent street rights-of-way, existing improvements, existing elevations and contour lines based upon mean sea level datum, north arrow, scale, date and name of the land surveyor who prepared the survey. The boundary and topographic survey shall be signed and sealed by an appropriately licensed professional, demonstrating that the proposed new construction or substantial improvement meets the requirements of this Code.
- 6) A conceptual layout of the proposed development.

b) *Review process*

1) The building official shall submit the proposed site plan to the appropriate town staff and the town consultants(s) for their determination of the plan's feasibility, suitability, and conformity with official town plans, policies, and the requirements of the comprehensive plan land development regulations. The town staff and town engineer shall communicate their initial findings and

recommendations to the building official in a written pre-application review summary.

2) *Review criteria.* The town staff and consultant(s) shall consider the following minimum factors:

- a. Consistency with the town's comprehensive plan and requirements of this Code.
- b. Design concept and functional compatibility within the development and the town.
- c. Provision for maintenance and conservation of common open space, if any.
- d. Provision for surface water runoff management and conservation of natural resources, including the St. Lucie River and the Indian River Lagoon.

- 3) Thereafter, the building official, or designee shall submit the pre-application review summary to the applicant and the town manager. Applicant may request to meet with appropriate staff and/or consultants.
- 4) Applicant will address all comments and include a response to them with the submittal of a formal site plan application.

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

- a) *General provisions.* Site plans shall be signed and sealed by an appropriately licensed professional(s). Surveys and drawings, where required, shall be prepared in accordance with chapter 80 of this Code titled, "Surveys and drawings".
- 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:
 - 1) Development Application, one paper copy.
 - 2) Application fee.
 - 3) *Retainer deposit for anticipated costs incurred by town.* The town manager, or designee shall require a deposit for anticipated costs for review of the application by consultant(s) to ensure that the town will be reimbursed for all costs expended on behalf of the developer of any subdivision for any and all costs incurred for the developer's benefit. Throughout the time of 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 the application until this is done. Any amount remaining from that deposit at the conclusion of the review will be returned to the applicant upon issuance of the development order.

- 4) One digital copy of the entire submittal.
- 5) Detailed project narrative describing the proposed improvements and project scope.
- 6) Pre-application report with applicant's responses to any comments.
- 7) Three paper copies in 24x36 format of the site plan and any other required design documents.
- 8) The individual who certifies the site plan will include the following signed statement to the plan:

"To the best of my knowledge, this site plan complies with the Town of Sewall's Point Land Development Regulations."

c) *Contents.* The site plan shall include the following:

1) *Existing conditions*

- a. A soil map of the site. Existing USDA soil conservation service maps are acceptable.
- b. A map of existing vegetative cover, signed and sealed by a landscape architect, licensed by the State of Florida, with the location and common name of all protected trees. Groups of protected trees may be designated as clusters, with the estimated total number noted. This information shall be summarized in tabular form on the plan.
- c. A topographic survey.
- d. A detailed project-area map showing existing hydrography and runoff patterns, as well as the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
- e. Existing surface waters, wetlands, and canals within the proposed development site, including mean high-water line and attendant drainage areas for each.
- f. A map showing the locations of any soil borings or percolation tests required by this chapter. Percolation tests representative of design conditions shall be performed if the surface water runoff management system includes swales, percolation (retention), or exfiltration (detention with filtration) designs.

- g. A scale drawing of the site and all land within ~~500~~200 feet of any property line of the site.
- h. The location of any underground or overhead utilities, culverts, and drains on the property and within 100 feet of the proposed development boundary.
- i. The location, names, and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public spaces, and similar information regarding abutting property.
- j. The 100-year flood elevation, minimum required floor elevation, and boundaries of the 100-year floodplain for all parts of the proposed site.
- k. Drainage basin or watershed boundaries, identifying locations of the routes of off-site waters onto, through, or around the project.
- l. Location of wells.
- m. Location of any historic resources. If none, please note this in project narrative.

2) Proposed site activities and design.

1. Generally.

- 1. Area and percentage of total site area to be covered by an impervious surface.
- 2. Grading plans, including perimeter grading.

2. Buildings and other structures.

- 1. Building footprint, showing the location, dimensions, floor area, and proposed use of buildings.
- 2. Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
- 3. The location of all off-site sidewalks required by section 30-547.
- 4. Minimum floor elevations of buildings within any 100-year floodplain.
- 5. The location, dimensions, type, composition, and intended use of all other structures.

c. Utilities.

1. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
2. Location of the nearest available potable water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
3. Boundaries of proposed dedicated utility easements.
4. Exact locations of existing and proposed fire hydrants within 500 feet of the site.
5. Location of irrigation wells.

d. Streets, parking, and loading.

1. The layout of streets and driveways, showing proposed elevations, grades, paving, and drainage plans and profiles.
2. A layout showing the total number and dimensions of proposed parking spaces and loading areas, as well as all proposed ingress and egress, including proposed public street modifications and projected on-site traffic flow.
3. The location of all exterior lighting.
4. The location and specifications of any proposed garbage enclosures.
5. Cross sections and specifications of all proposed pavement.
6. Typical and special roadway and surface water runoff drainage sections and summary of quantities.

e. Tree removal and protection.

1. All Florida Native trees to be removed.
2. Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
3. A statement of measures to be taken to protect the retained trees.
4. A statement of proposed tree relocations.

f. Landscaping.

1. Location and dimensions of proposed landscaped areas, access aisles, and driveways.
2. A description of existing and proposed plants for landscaped areas, including species (scientific and common names), variety and size.
3. An irrigation plan for landscaped areas. Irrigation within areas that have native plants that can be damaged by spray type irrigation due to salinity conditions must utilize other methods such as soaker or drip hoses.

g. Surface water runoff management.

1. A plan that describes the type and location of measures to control erosion and sedimentation, the stage of development at which they will be put into place or used, and maintenance provisions for the control measures.
2. A description of the proposed surface water runoff management system, including:
 - (i) Channel, direction, flow rate, and volume of surface water that will be conveyed from the site, with a comparison to natural or existing conditions.
 - (ii) Detention and retention areas, including plans for the discharge of contained waters, maintenance, and impact on receiving surface waters.
 - (iii) Areas of the site to be used or reserved for percolation, including an assessment of the impact on groundwater quality.
 - (iv) Location of all water bodies to be included in the surface water runoff management system (natural and

- artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
- (v) Linkages with existing or planned surface water runoff management systems.
- (vi) Location of on- and off-site rights-of-way and easements for the system.
- (vii) The entity or agency responsible for the operation and maintenance of the surface water runoff management system.
- (viii) The location of off-site surface water runoff management systems that will be used by the proposed development, showing the names and addresses of the owners of the systems.
- (ix) Runoff calculations, which shall be in accord with South Florida Water Management District regulations.

h. Environmentally sensitive lands identified in this chapter.

- 1. Exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal, including estimated quantities of excavation or fill materials computed from cross sections.
- 2. Percentage of the site's land surface that is covered with natural vegetation and percentage of natural vegetation to be removed by development.
- 3. Distances between development activities and the boundaries of protected, environmentally sensitive lands.
- 4. The manner in which habitats of endangered, threatened, and special-concern species will be protected.

i. Signs. Location of all proposed signs.

j. Subdivision. The proposed number, minimum area, and location of lots if development involves a subdivision of land.

k. Land use and dedications.

- 1. The location and amount of area on the site devoted to all existing and proposed land uses, including schools, open space, churches, and residential and commercial uses.
- 2. The total number of dwelling units per acre.

3. The location of all land to be dedicated or reserved for all public and private uses, including rights-of-way, easements, special reservations, and the like.

Sec. 78-22. Site plan and development application review procedures.

General provisions. Site Plan applications will be processed in the following way:

a) *Sufficiency review.*

- 1) The town building official, or designee, will, within 30 days of receiving an application for a development permit or development order, review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient.
- 2) If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.
- 3) Once the application is deemed to be complete, the town building official, or designee shall route the application to each reviewing department or contract consultant.
- 4) Each reviewer shall submit written comments to the town building official, or designee within 20 working days after receipt.
- 5) At any time during the application review process, the applicant and the town may agree to a reasonable extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

b) *Compliance review.*

- 1) Once deemed complete, the town building official, or designee shall facilitate a compliance review of the application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code, and/or the comprehensive plan, and/or state statute.
- 2) The building official or designee shall determine if the application is either in compliance or not in compliance.
- 3) If not in compliance, the building official, or designee, shall prepare a staff report which provides specific reasons the application is not in compliance and recommended actions to correct any deficiencies. Such report shall be provided to the applicant in writing.
- 4) The applicant may submit an amended application within 60 days of the staff report to address the non-compliance issue(s).

- 5) The building official or designee shall route the application to reviewers who will provide comments within 20 working days after receipt.

Sec. 78-23. Final development order approval.

- a) *Final development approval procedures.* After the application has been reviewed for compliance with the comprehensive plan and the land development regulations, the building official, or designee, shall set a time and place for a town commission public hearing to consider whether the development plan application complies with all local regulations. Such public hearing will be conducted as a quasi-judicial proceeding wherein the commission applies the policies and codes to evidence presented by the parties.
- b) *Report to the town commission.* The building official, or designee, will prepare a staff report and recommendation for consideration by the town commission concerning whether the application complies with the requirements of the Code
- c) *Town commission public hearing notice.* Notice of the public hearing shall be as provided in Sec. 78-17.

d) *Town commission public hearing.*

- 1) At the public hearing, the town commission shall hear from all interested parties regarding whether the major 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.
- 2) During the public hearing, the town commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
- 3) At the conclusion of the public hearing or within 30 working days thereafter, the town commission shall determine whether the application is in compliance with the requirements of this Code. The town commission shall adopt a resolution setting forth its determination.

4) The determination of the town commission shall be in the form of a motion to find the application:

- a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
- b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised development plan with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The building official, or designee, shall review the plan for a finding of in compliance; or
- c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

d) *Recordation.* Upon approval of a resolution for a development order, the resolution together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Secs. 78-24—78-81. Reserved.

Section 3. Plats.

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:

- a) 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.
- b) Any and all fees required for final approval and filing.

- c) Certification of the developer's engineer that all improvements have been completed in accordance with the approval plans and specifications.
- d) Results of all required laboratory tests taken of the improvements.
- e) A set of as-built construction drawings.
- f) A letter from the town engineer stating that he has inspected the completed improvements and that he recommends acceptance of the improvements and plat.
- g) A letter from each utility owner stating that the subdivision work has been completed in a manner satisfactory to the company, insofar as the interests of the company are concerned.
- h) A letter from each local, state or federal agency, if applicable, that any aspect of the subdivision work performed under that agency's jurisdiction or permit is acceptable.
- i) Evidence satisfactory to the town attorney that all legal requirements of platting have been met.

(Ord. No. 106, § C(13), 11-9-1977)

Section 4. Approvals and Administrative Deviations and Appeals.

Sec. 78-87. Evidence of approval.

Evidence that the town commission has approved a final plat shall be in the form of a resolution furnished to the developer for filing in the public records of the county, at no expense to the town commission and in accordance with the requirements of F.S. ch. 177 and the requirements of the clerk of the circuit court of the county, the approved and signed plat.

(Ord. No. 106, § C(14), 11-9-1977)

Sec. 78-88. Expiration of approval.

If all improvements required as part of a development approval or development order are not completed and accepted by the town commission within one year of final plat approval, all approvals for the development shall automatically terminate. This period may be extended by the town commission only after termination. The burden of proof to demonstrate an extension is justified shall be upon the applicant. Extensions of time may be granted for periods not to exceed one year from termination. If the required improvements have not been completed and accepted by the town commission within one year after termination, the developer will be required to meet the standards and review

procedures for new developments and shall in all respects be treated as a new development.

(Ord. No. 106, § C(15), 11-9-1977)

Sec. 78-89. Administrative deviations.

Administrative deviations.

- a) Provisions where deviations are authorized. The building official is authorized to grant deviations from the setback provisions contained in sections 82-241 through 82-362 (various zoning district regulations) for street, rear, side, or waterbody setbacks to permit structures to encroach with regard to a specific setback only under the following circumstances:
 - 1) Bay windows, chimneys and similar architectural features that may encroach into the setback provided the encroachment does not protrude beyond a two-foot overhang.
 - 2) Where American Disability Act (ADA) standards will be applied, street, rear, side, or waterbody setbacks may be modified to permit construction of access (walks, paths, steps, ramps, parking spaces, doorways, etc.) for disabled persons.
 - 3) Street, rear, side, or waterbody setbacks may be modified to allow the replacement of stairs or decking that provides access into an existing dwelling unit.
- b) Criteria for administrative deviations. Administrative deviations may be granted only where the building official, or designee finds that the following criteria have been met:
 - 1) The alternative proposed to the standards contained herein is based on sound engineering practices.
 - 2) The granting of the deviation does not violate and is not inconsistent with any specific policy directive of the town commission, any other town regulation, or any comprehensive plan provision.
 - 3) The modifications will be the minimum required.
- c) Submittal requirements. The submittal requirements for a deviation include the following:
 - 1) A completed deviation application form provided by the town.
 - 2) Plans, sealed by a registered professional engineer, that accurately reflect the applicant's alternative proposal.

- 3) A written statement showing how the proposed alternative meets the criteria in subsection (b) above.
- 4) Any other materials and/or calculations requested by the building official, or designee to aid in the decision.

When submittals may be made. Requests for deviations may be submitted contemporaneously with the applicant's original site plan review application, or at any time thereafter, so long as the application has not been withdrawn.

Sec. 78-90. Appeals process.

Any person aggrieved by a final decision of the Town of Sewall's Point Commission granting or denying a final development order and/or final plat approval may appeal such decision to the circuit court in Martin County, Florida, in the manner provided by applicable state statutes and rules of court.

Secs. 78-91—78-110. Reserved.

Section 5. Design Standards and On-site Retention.

DIVISION 4. DESIGN STANDARDS

Sec. 78-141. Applicability.

The design and construction specifications in this division shall apply to all improvements provided in connection with development and are considered to be minimum standards. Use and application of these minimum standards do not relieve the developer of the responsibility for correcting deficiencies in the improvements from conditions not specifically covered in this chapter prior to the town commission's acceptance of the improvements for maintenance and platting of a subdivision. Criteria and requirements not covered in this chapter shall conform to recognized and accepted engineering and construction practice and shall be those which will not result in structural, functional or safety deficiencies once the improvement is completed.

Sec. 78-143. Drainage and water control facilities.

- (a) *General standards.* Drainage and water control facilities shall be designed and constructed as required to protect the subdivision improvements and property from stormwater runoff. Provision shall be made to handle not only the land being subdivided, but also other lands or property that may drain

over, under or through the proposed subdivision. Runoff to and ultimate runoff from the subdivision shall be conveyed to positive gravity outfalls that can be maintained permanently, practicably and legally. Rights-of-way or easements shall be conveyed to the town commission for permanent maintenance of all drainage and water control improvements. Side ditches or swales along public streets may not be accepted as suitable outfalls, unless specifically approved by the town commission. If any aspect of the drainage and water control features come under the jurisdiction of the South Florida Water Management District, evidence of district approval for the system shall be provided to the town commission.

- (b) *Design frequency.* All drainage and water control facilities shall be designed and constructed to accept and pass stormwater runoff resulting from a rainfall having a return frequency of five years over a 24-hour period.
- (c) *Design storm stage.* The design shall accommodate runoff to prevent water from rising higher than the edge of the pavement for swale drainage systems, or higher than the crown of the road for curb and gutter systems. All design shall be calculated for peak flow and the drainage and water control improvements shall be sized to accommodate this flow. The drainage features of all subdivisions shall be designed to prevent further aggravation of drainage problems along Sewall's Point Road.
- (d) *Storm sewers and culverts.* All elements of an enclosed storm sewer system, including but not necessarily limited to inlets, culverts, junction boxes and outfall works, shall be designed to accept, convey and discharge the peak design flow. Storm sewers and culverts shall be sized to maintain velocities between 2.5 and 5.0 feet per second at the design flow. Culverts shall be reinforced concrete, bituminous-coated corrugated steel, or corrugated aluminum; except that bituminous-coated steel pipe shall not be used in areas where it may be exposed to saline water. The minimum acceptable culvert size for drainage purposes shall be 15 inches in diameter. All materials and construction methods shall conform to DOT specifications.
- (e) *Swales.* Roadside swales shall have a minimum bottom width of one foot, side slopes not steeper than four horizontal to one vertical, and a depth not less than eight inches and not more than 18 inches below the street crown and shall be constructed wholly outside the limits of the shoulder. Driveways over shallow swales may be permitted, provided the driveway is paved to the proper elevation and shape to maintain the integrity of the swale cross section. Driveways over deeper swales shall require culverts having a minimum diameter of 15 inches, or equivalent arch culvert.

- (f) *Outfall ditches.* Ditches or swales used for outfall purposes shall have a minimum bottom width of three feet and side slopes not steeper than three horizontal to one vertical. Design treatment of the juncture of outfalls with the receiving water body of water shall be sufficient to ensure the free and unimpeded flow of water at all times.
- (g) *Street and swale grades.* Curb and gutter and roadside swale drainage systems shall have a minimum longitudinal gradient of 0.3 percent. Longitudinal gradients for roadside swale drainage shall not exceed that amount which will result in scour or erosion.
- (h) *Preservation of water quality.* In order to minimize the degradation of water quality in receiving bodies, the developer shall provide the proposed subdivision with landscaped areas, grassed areas or other vegetated areas to receive runoff from buildings, pavement or other impermeable areas to the degree that pollutants from these areas may be absorbed by the vegetation or percolated into the soil. Runoff from such impervious areas may be discharged directly into an inlet or storm sewer; however, prior to final discharge into receiving waters, such discharge shall pass through a vegetated area within the subdivision. All potential areas of soil erosion shall be protected to minimize siltation transport by flowing water.
- i) *On-site retention of stormwater runoff for water quality treatment.* Each new or substantial improvement project and/or site shall maintain on-site stormwater for water quality treatment and storage volume based upon the provisions set for in Sec. 52-24 of this code.

Section 6. 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.

Section 7. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. 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 9. 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	_____	_____
DAVE KURZMAN, VICE MAYOR	_____	_____
JAMES W. CAMPO, COMMISSIONER	_____	_____
FRANK FENDER, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed first reading at the Regular Meeting of the Town Commission held on the 13th day of December, 2022.

_____ 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	_____	_____
DAVE KURZMAN, VICE MAYOR	_____	_____
JAMES W. CAMPO, COMMISSIONER	_____	_____
FRANK FENDER, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

Passed second reading at the Regular Meeting of the Town Commission held on the ____ day of _____, 2023. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this ____ day of _____, 2023.

TOWN OF SEWALL'S POINT, FLORIDA

John Tompeck, Mayor

ATTEST:

April Stoncius, CMC, Town Clerk
(TOWN SEAL)

Approved as to form and legal sufficiency:

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