

**AGENDA**  
**Town of Indialantic**  
**Local Planning Agency/Zoning and Planning Board**  
**216 Fifth Avenue, Indialantic, FL 32903, Council Chamber**  
**Tuesday, April 26, 2022 at 5:30 P.M.**

**A. Call to Order:**

Rick Bertel, Chair  
Ed Mackiewicz, Vice Chair  
Dan Sullivan, Member  
Christopher Mullen, Member  
Michael Lentini, Member  
Alan King, 1st Alternate  
Jeanne Allen, 2<sup>nd</sup> Alternate  
Les Hatter, School Board Representative

**B. Approval of Prior Meeting Minutes:**

January 25, 2022 Regular Meeting Minutes

**C. New Business:**

*Ordinance 2022-05 Relating to Accessory Structures and Sheds:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-225, 113-285, 113-331(2), 113-332(2), 113-333(2), 113-334(2), 113-335(17), TOWN CODE OF ORDINANCES TO PERMIT SHEDS IN CERTAIN AREAS OF A SIDE YARD, ALL IN THE R-1A, R-1B, R-2, R-3, AND R-P, ZONING DISTRICTS; AMENDING PROVISIONS RELATING TO ACCESSORY STRUCTURES AND UTILITY SHEDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**D. Reports – Building Official**

**E. Adjourn:**

NOTICE: Pursuant to Section 286.0105, Florida Statutes, the Town hereby advises the public that if a person decides to appeal a decision made by this Board with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based, as the Town does not provide one.

Americans with Disabilities Act: Persons planning to attend the meeting who require special assistance must notify the Office of the Town Clerk at 321-723-2242 no later than 48 hours prior to the meeting.

**Meeting Minutes  
Town of Indialantic  
Local Planning Agency/Zoning and Planning Board  
216 Fifth Avenue, Indialantic, FL 32903, Council Chamber  
Tuesday, Jan. 25, 2022 at 5:30 P.M.**

A. Call to Order:

A meeting of the Local Planning Agency/Zoning and Planning Board was called to order by Vice Chair Mackiewicz at 5:31 p.m. with the following members present:

Ed Mackiewicz, Vice Chair  
Dan Sullivan, Member  
Christopher Mullen, Member  
Michael Lentini, Member  
Alan King, 1st Alternate

B. Approval of Prior Meeting Minutes:

December 14, 2021 Regular Meeting Minutes

**Motion by Member Mullen, seconded by Member Sullivan, and vote unanimous to approve the meeting minutes. Motion carried 5-0.**

C. Election of Chair and Vice Chair:

**Motion by Vice Chair Mackiewicz, seconded by Member Sullivan, to elect Rick Bertel as Chairman. Motion carried 5-0.**

**Motion by Member Mullen, seconded by Member Sullivan, and vote unanimous to elect Ed Mackiewicz as Vice Chair. Motion carried 5-0.**

D. New Business:

1. Site Plan – 8<sup>th</sup> Avenue Townhomes

Address: 30, 40, & 50 Eighth Ave., also described as lots 13 & 14, Block 38

Applicant/Owner: Clayton Bennett, P.E., Bennett Engineering & Consulting, LLC / MJS Development, LLC

Project Description: Construction of a 3-unit Triplex multi-family development with associated site improvements

Vice Chair Mackiewicz read the project description. He commented that he received an email from property owner Robert Finlayson of 312 Wave Crest Avenue. Paper copies were distributed and made part of the record<sup>1</sup>.

Building Official Stokes explained that the project meets all the code requirements and the drainage was reviewed and approved by the town's contracted engineer. A Coastal Construction Control Line variance was applied for and approved by the Board of Adjustment earlier this month. Staff recommends approval of the site plan.

Clayton Bennett, P.E., 4940 Ranchland Road, Melbourne, engineer of record for the project, answered the board members' questions. There was discussion regarding the applicability of a note on the plans regarding vegetation preservation.

There was discussion regarding a waterline on Eighth Avenue; Mr. Bennett explained that they will bore underground to avoid disturbing vegetation in the right-of-way on Eighth Avenue.

Town Attorney Gougelman inquired if the owner would be willing to replat the property; Mr. Bennett advised it could be replatted if necessary. Mr. Gougelman suggested it be a stipulation for the site plan approval.

**Public Comments:**

Rob Finlayson, 312 Wave Crest Avenue, spoke regarding a 30+ year old sea grape removed from the property. He is concerned that sod won't provide erosion control or privacy. Even if the code doesn't require landscaping, he hopes the owner will consider planting green buttonwood or a similar plant. He feels it is a quality of life issue and with the rapid growth of the town, he suggested the town consider updating its code to preserve the flavor of the town.

Mr. Bennett agreed to put the developer in touch with Mr. Finlayson to discuss landscaping. It was noted that the site plan meets all the town's requirements but the developer and neighbor can discuss landscaping on their own if they wish. Town Manager Casey asked to have a stormwater maintenance agreement added as a condition for site plan approval.

**Motion by Member Mullen, seconded by Member Sullivan, to approve the site plan with two conditions: the owner agrees to replat the property and enter into a stormwater maintenance agreement with the town. Motion carried 5-0.**

Discussion ensued regarding updating the code; Mr. Gougelman said the board can put together recommendations to send to the town council. Changes to the code are addressed first by the Zoning and Planning Board. It was noted that with the majority of the town being

built out, there hasn't been much push to update the code, but, with redevelopment occurring it may be something to consider.

E. Reports – Building Official

Building Official Stokes spoke briefly about current projects underway and new ones that will be under review in coming months.

F. Adjourn:

**Motion by Member Mullen, seconded by Member Sullivan, and vote unanimous to adjourn the meeting at 6:09 p.m.**

**Motion carried 5-0.**

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Ed Mackiewicz, Vice Chair

Attested by:

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Rebekah Raddon, Town Clerk

1 - Letter, Rob Finlayson, 312 Wave Crest Avenue

Dear board members,

The agenda of the upcoming Zoning Board meeting this Tuesday includes the development project at the NE corner of 8th and A1A.

Our property is on Wavecrest and 8th Avenue and shares our west property line with the proposed project.

My family moved here 50 years ago and I am a 35 year resident and property and business owner here in town.

Our company is a 20+ year gold seal member of the local Chamber of Commerce and I personally have served as a town board member and volunteer fireman, although both those positions were quite a few years ago at this point.

We may or may not be able to attend the meeting due to a prior appointment in Tampa at Moffitt Cancer Center, but after looking over the plans for the project, we have two questions which Mr. Stokes has asked us to address to the Zoning Board.

If we can't get back in time, we hope that you please review the questions below and hopefully consider and address them during your meeting.

#1). During the clearing of the lot in question a 100' long hedge row of very mature and well established seagrape trees were removed which had previously served well over the decades to stabilize erosion along with being a wonderful privacy hedge row. If coastal erosion is a concern, the seagrape hedge row certainly dealt with it wonderfully through the many hurricanes we've had.

The trees were so large and well established that there was no way to just rip them out of the ground, even using the huge crane they employed for the task. They initially tried to do just that, but wound up pulling a portion of our fence down as the root systems running under the fencing gave way. So they chose to cut the large trees down and grind the stumps.

On Sheet #1 of the plans linked below is a paragraph explicitly referring to the requirement that those trees be replaced, but there is no indication of that in the submitted plans. Currently the only trees they propose to plant are a few sable palms near the proposed driveways.

The remaining root systems of those old trees are still in place and holding the existing berm in place for now, but that obviously won't last as the root systems rot away.

As one of the photos included below shows, due to the fact that the rest of the lot was void of stabilizing vegetation there is a gradient from the pre-existing seagrape row hedge to the rest of the lot.

**Will the developer replace those trees in order to retain the stabilization and if so will they do so with "like kind" trees that will not only serve to abate erosion, but also create a privacy barrier for both properties?**

Given that the 3 story project is a slim 10' from our property line with no less than 9 second and third story windows looking directly into the private gardens, balconies and

living spaces of our property, the hope is that the developer will choose to do what they can to retain privacy for both the properties they want to sell and our property. Other recent development projects in town have not addressed the privacy issue and have significantly degraded the privacy, quality of life and value potential of the bordering residences.

One example is the 2 story townhome development at 216 6th Avenue across the street from the Village Market. As seen below the second floor of all the units look directly into the bordering residential properties with no vegetation privacy barrier of any sort.

More multi-unit lots are currently being bought and developed, so it might be a good time for the town to direct some attention to the impact on the bordering properties before too many other residences have been negatively effected both in quality of life and potential value.

We've worked hard to protect our quality of life and our neighborhoods in this little town. It would be a shame to see a surge in development of the remaining multi-unit lots degrade those valiant efforts by the town to retain our quality of life.

Although we have been able to upgrade the fence on our side over the years, the side facing their newly purchased property was very difficult to access due to the enormous trees.

In that we have always worked diligently to maintain our property to the highest standards over the decades, we certainly intend to address the fence, but will welcome any cooperative assistance the developer would like to offer. Perhaps a noise abating wall like the one the developer installed behind the 216 6th Ave townhouse development would be more appropriate.

#2) Sheet #2 of C-2 shows a water line being installed along the north side of 8th Ave up to a new hook up installation on Wavecrest.

As shown below currently there is landscaping comprising a very old and well established seagrape hedge and 5 very tall palms trees in the path of the proposed water line.

**We would certainly like to be informed as to how that intended water line installation will effect that landscaping.**

The trees were planted decades ago as part of a benevolent donation of trees by a long time town resident to be planted along Wavecrest Avenue. The oceanside trees regrettably died due to a lack of watering, but the ones on the west side of the road and along 8th Avenue survived because property owners provided irrigation for the trees. With the town's permission we also purchased and donated the seagrapes at the time to match up with the already well established seagrape trees along the west side of our property.

It would seem a shame to now just rip them all out to accommodate more development; if there were any other possible option.

Currently there is nothing in the submitted plans that addresses the effect on or replacement of the existing well established landscaping.

In consideration of retaining that landscaping along 8th Avenue we suggest to offer the possibility of an easement for the water line installation along the north side setback of our property which won't effect any landscaping.

Thank you for your time in reviewing this letter. It is our hope that the developer will be willing to work the us and the town to retain the privacy, residential flavor and ongoing stabilization of our town's delicate oceanfront.

And of course feel free to reach out with any and all comments and questions.

Sincerely,  
Rob Finlayson

~~~Beach Bungalow~~~  
Oceanfront Vacation Villas  
312 Wavecrest Avenue  
Indialantic by the Sea, Florida 32903 USA  
cell: 321-984-1330  
Email: [rfin88@gmail.com](mailto:rfin88@gmail.com)  
20+ year Chamber of Commerce member  
FL license #TAP1505304

Plans:

<https://www.indialantic.com/wp-content/uploads/1-25-2022-Zoning-and-Planning-Agenda-Packet-1.pdf>

Our property:



The seagrape hedge row during removal. Other than a single palm tree, it was the only vegetation on the lot and was entirely rooted along the mutual property line.



Mutual property line after removal of the seagrape trees and showing the gradient.



Current 8th Avenue landscaping

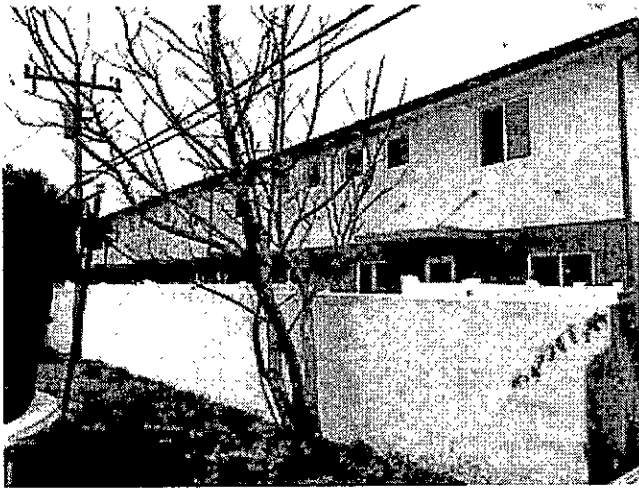


216 6th Ave. The pictured property is a 2 story townhouse development with a 20' setback which has significantly impacted the privacy of the bordering residences.

The proposed development project at 8th and A1A is a 30' tall 3 story townhouse development with a mere 10' setback.

From both floors they will easily be able to look directly into not only our entire back gardens, but also the living rooms, back balconies and bedrooms.

Also notice the block wall the developer installed to replace the pre-existing fence lines.



**SUBJECT: Ordinance 2022-05**

**Staff Report – Town of Indialantic**

**Meeting Date: April 26, 2022**

**Summary:**

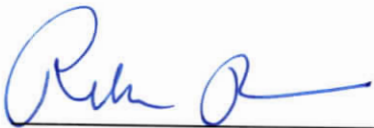
Based on council discussion at the March 9 meeting of the Town Council, town attorney Gougelman drafted Ordinance 2022-05 to improve clarity in the town code regarding accessory structures. The ordinance allows flexibility for homeowners to install a utility shed in a side yard adjacent to their home while at the same time maintaining a 4-foot setback from the principal structure and a 4-foot side setback.

**Recommendation:**

MOTION:

Submitted by:

Approved for agenda:



Rebekah Raddon  
Town Clerk

*MC*

Michael L. Casey  
Town Manager

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**AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE: MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-225, 113-285, 113-331(2), 113-332(2), 113-333(2), 113-334(2), 113-335(17), TOWN CODE OF ORDINANCES TO PERMIT SHEDS IN CERTAIN AREAS OF A SIDE YARD, ALL IN THE R-1A, R-1B, R-2, R-3, AND R-P, ZONING DISTRICTS; AMENDING PROVISIONS RELATING TO ACCESSORY STRUCTURES AND UTILITY SHEDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council desires to consider allowing utility sheds in the side yard of any residential zoning district; and

WHEREAS, the Town Council finds it to be in the public interest to define the terms “land development code” and “land development regulation;” and

WHEREAS, pursuant to Section 113-65 of the Town Code of Ordinances, the Zoning and Planning Board has examined this Ordinance, and has reported its findings to the Town Council; and

WHEREAS, based in part on the report of the Zoning and Planning Board, the Town Council finds that while the absence of this regulation would not endanger or harm the public health, welfare, economic order, aesthetics, safety, or public interest of the Town, that this Ordinance will promote the public health, welfare, economic order, aesthetics, safety, or public interest of the Town for the following reason:

\* Utility sheds will be permitted in the side yard with a 4-foot setback from the property line but with the required 4-foot setback from the principal structure, thereby

allowing for a greater area in which a shed may be erected on a residentially zoned lot;  
and

WHEREAS, based in part on the report of the Zoning and Planning Board, the Town Council finds that there is a reasonable relationship between the exercise of the police power of the Town and the protection of the public health, welfare, economic order, aesthetics, safety, or public interest included within this Ordinance, especially given requirements to ensure compatibility between properties wherein a shed is erected on one of the properties; and

WHEREAS, pursuant to Section 113-65 of the Town Code of Ordinances, the Zoning and Planning Board has examined this Ordinance and reported its findings to the Town Council; and

WHEREAS, based in part on the report of the Zoning and Planning Board, the Town Council has examined this Ordinance, and finds that the Ordinance is being adopted to allow some flexibility for homeowners in the erection of a utility shed in side yards adjacent to their home while at the same time maintaining a 4-foot setback from principal structures for fire protection purposes and maintenance of the public safety and a 4-foot side yard setback for lessening intrusiveness to a neighbor's property; and

WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, and Section 113-65 of the Town Code of Ordinances, the Zoning and Planning Board, sitting as the Local Planning Agency, has examined this Ordinance and reported its findings to the Town Council with regard to consistency of the Ordinance with the Comprehensive Plan; and

WHEREAS, Goal 1, Objective 1, Policy 1.1, Policy 1.3, and Policy 1.5 of the Future Land Use Element of the Town Comprehensive Plan state:

Goal 1: Maintain and perpetuate the primarily low density residential character of the Town with all other uses of land being secondary in nature while at the same time providing for commercial and professional areas to meet the needs of the residents.

Policy 1.1: Adopt new regulations or implement existing land development regulations that will contain specific and detailed provisions necessary to implement the Comprehensive Plan.

\* \* \*

h. Regulate the development of single-family residential lots; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 of the Future Land Use Element, because this Ordinance will maintain and perpetuate the primarily low density residential character of the Town with all other uses of land being secondary in nature, because it will permit shed location in residential districts while continuing to prohibit commercial uses; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 of the Future Land Use Element, because this Ordinance will maintain the residential character of the Town and compatibility with nearby development patterns; and

WHEREAS, this Ordinance is consistent with Goal 1 and Policy 1.1 of the Future Land Use Element; and

WHEREAS, the Zoning and Planning Board has found, and the Town Council finds, that this Ordinance is consistent with the Town's Comprehensive Plan; and

WHEREAS, the Town Council finds this Ordinance to be in the best interests of the Town and promote the public health, safety, welfare, and aesthetics of the Town.

BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

SECTION 1. That Section 113-4 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 113-4. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Accessory use, accessory building or accessory structure* means a subordinate use or building which is customarily incidental to the principal use, used for non-living purposes such as storage, located on the lot or building site with the main building, which shall not cause any of the following nuisances to be detectable to the normal senses off the lot: Noise, vibrations, glare, fumes, odors, powders, hazardous materials, liquids, electrical interference in any radio or television receivers, or fluctuations in power line voltage. Factors to be considered in determining whether a building, structure or use is "subordinate" and "customarily incidental" include the size of the lot or parcel, the uses of adjacent lots or parcels, and the size, shape, height, and roof type (if any) of the building or structure.

\* \* \*

*Junkyard* means the use of more than ten square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk.

*Land Development Code, LDC or Land Development Regulation* means ordinances enacted by the town council for the regulation of any aspect of development and includes any town zoning, rezoning, subdivision, building construction, or sign regulations or any

other regulations controlling the development of land. In the town code of ordinances, subpart B includes land development regulations and is the land development code.

*Levels* mean as follows:

(1) Level I facility - No more than six assigned residents.

(2) Level II facility - Seven to 14 assigned residents.

\* \* \*

*Use* means the purpose of which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

*Utility Shed* means an accessory structure used for storage purposes that is designed without electricity or plumbing. The structure is intended to store lawn, garden, pool or other household equipment.

*Vacant* means a building or parcel of land either not occupied or used or in non-operative status for a period of one year.

\* \* \*

SECTION 2. That Section 113-225 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 113-225. - Accessory buildings and structures in residential zoning districts.**

The following regulations shall apply to accessory buildings and accessory structures located upon any lot within a residential zoning district:

(1) No accessory building or accessory structure shall be:

a. Erected in any front or required side yard; provided, however, that any utility shed may be located in a side yard as permitted by this code;

b. Used for living quarters, home occupations or professional use; or

c. Permitted on any lot without a pre-existing primary structure on the same building site.

(2) Construction, installation or alteration of any accessory building, accessory structure, or utility shed, shall comply with all requirements of building

permits prior to final inspection and issuance of a certificate of occupancy or certificate of completion.

(3) There shall be no more than one accessory building and ~~two~~ ~~one~~ utility ~~sheds~~ ~~shed~~ permitted on each lot or building site. The total square footage of an accessory building and a utility ~~shed~~ ~~shed~~ located on the same lot or building site shall not exceed 30 percent of the required rear yard of the zoning district in which the accessory structures are ~~it is~~ to be located.

(4) Barbecue pits. Barbecue pits shall be located in the rear yard only and shall be set back at least ten feet from all lot lines and from any building.

(5) Private garages. Accessory buildings designed to be used for a private garage shall not exceed 600 square feet and shall conform to the architectural, structural and installation requirements for hurricane force winds the same as the principal building.

(6) Utility sheds. Accessory buildings used as utility sheds or for storage shall be located in the rear yard or the side yard only, ~~and~~ shall not exceed 300 square feet in size for each utility shed, and shall meet the structural and installation requirements for hurricane force winds the same as the principal structure. Prefabricated units or kits are required to meet installation requirements of the current coastal building code in effect at the time of erection or reconstruction. Each utility shed must be located behind the building line. For public safety and fire safety purposes, each utility shed shall be setback at least four feet from any principal structure. For aesthetic, public safety reasons and to reduce the opportunity for encroachment on an adjacent building site, each utility shed shall be located and setback at least four feet from any property line or outer boundary of a building site. If a utility shed is located on an easement, upon request of the easement holder, the utility shed owner shall be responsible for any costs of removal or damages due to removal of the utility shed from easement to permit the easement holder to have access to or make use of the easement. Each utility erected within ten feet of any building site property line shall be buffered from the adjacent building site by a fence. No utility shed shall be permitted

on a building site without an existing principal structure. No utility shed shall have a height of eight feet above grade of the lot. Behind the building line buffering property adjacent to the rear or side yard in which the utility shed is to be erected, a fence or masonry wall not higher than six feet above the lot grade shall be erected and permanently maintained by the property owner on whose lot the adjacent utility shed is located.

SECTION 3. That Section 113-331(2) of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 113-331. - R-1-A Single-Family Residence Districts.**

Within R-1-A Single-Family Residence Districts the following regulations shall apply:

\* \* \*

(2) *Accessory buildings, structures and uses.*

a. Accessory buildings, structures and uses customarily incidental to any use permitted by this section shall be allowed.

a. All accessory buildings and structures located in the rear yard shall be set back not less than four feet from all lot lines. Utility sheds may be placed as permitted by section 113-225 of this code. On corner lots when the lot abuts two intersecting streets, accessory use structures shall be set back not less than 25 feet from any lot line abutting a street or public right-of-way. All accessory use structures shall be set back not less than five feet from any principal or primary permitted use.

c. All accessory uses shall meet the requirements of section 113-225.

\* \* \*

SECTION 4. That Section 113-332(2) of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 113-332. - R-1-B Single-Family Residence Districts.**

Within R-1-B Single-Family Residence Districts the following regulations shall apply:

\* \* \*

(2) *Accessory buildings, structures and uses.*

a. Accessory buildings, structures and uses customarily incidental to any use permitted by this section shall be allowed.

b. All accessory buildings and structures located in the rear yard shall be set back not less than four feet from all lot lines. Utility sheds may be placed as permitted by section 113-225 of this code. On corner lots when the lot abuts two intersecting streets, accessory use structures shall be set back not less than 25 feet from any lot line abutting a street or public right-of-way. All accessory use structures shall be set back not less than five feet from any principal or primary permitted use.

c. All accessory uses shall meet the requirements of section 113-225.

\* \* \*

SECTION 5. That Section 113-333(2) of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

**Sec. 113-333. - R-2 Duplex Residence Districts.**

Within R-2 Duplex Residence Districts the following regulations shall apply:

\* \* \*

(2) *Accessory buildings, structures and uses.*

a. Accessory buildings, structures and uses customarily incidental to any use permitted by this section shall be allowed.

b. All accessory buildings and structures located in the rear yard shall be set back not less than four feet from all lot lines. Utility sheds may be placed as permitted by section 113-225 of this code. On corner lots when the lot abuts two intersecting streets, accessory use structures shall be set back not less than 25 feet from any lot line abutting a street or public right-of-way. All accessory use structures shall be set back not less than five feet from any principal or primary permitted use.

c. All accessory uses shall meet the requirements of section 113-225.

\* \* \*

SECTION 6. That Section 113-334(2) of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

218 **Sec. 113-334. - R-3 Multifamily Residence Districts.**

219 Within R-3 Multifamily Residence Districts the following regulations shall apply:

220 \* \* \*

221 (2) *Accessory buildings, structures and uses.*

222 a. Accessory buildings, structures and uses customarily incidental to  
223 any use permitted by this section shall be allowed.

224 b. All accessory buildings and structures located in the rear yard shall  
225 be set back not less than four feet from all lot lines. Utility sheds may be placed as  
226 permitted by section 113-225 of this code. On corner lots when the lot abuts two  
227 intersecting streets, accessory use structures shall be set back not less than 25 feet  
228 from any lot line abutting a street or public right-of-way. All accessory use structures  
229 shall be set back not less than five feet from any principal or primary permitted use.

230 c. All accessory uses shall meet the requirements of section 113-225.

231 \* \* \*

232 SECTION 7. That Section 113-335(17) of the Code of Ordinances of Indialantic,  
233 Florida, is hereby amended to read as follows:

234 **Sec. 113-335. - R-P Residential—Professional Districts.**

235 Within R-P Residential—Professional Districts, the following regulations shall apply:

236 \* \* \*

237 (17) *Accessory buildings, structure and uses.*

238 a. Accessory buildings, structures and uses customarily incidental to  
239 any use permitted by this section shall be allowed.

240 b. All accessory buildings and structures located in the rear yard shall  
241 be set back not less than four feet from all lot lines. Utility sheds may be placed as  
242 permitted by section 113-225 of this code. On corner lots when the lot abuts two  
243 intersecting streets, accessory use structures shall be set back not less than 25 feet  
244 from any lot line abutting a street or public right-of-way. All accessory use structures  
245 shall be set back not less than five feet from any principal or primary permitted use.

c. All accessory uses shall meet the requirements of section 113-225.

\* \* \*

#### SECTION 8. Severability Clause/Interpretation.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks (\* \* \*) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall become effective upon adoption of this Ordinance.

PASSED by the Town Council of the Town of Indialantic on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2022, and ADOPTED by the Town Council of the Town of Indialantic,

272 Florida on final reading on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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TOWN OF INDIALANTIC, a  
Florida Municipal Corporation

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\_\_\_\_\_  
David Berkman  
Mayor

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ATTEST:\_\_\_\_\_

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Rebekah Raddon, Town Clerk

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