



Agenda
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, March 13, 2024, at 6:00 p.m.

A. Call to Order:

Honorable Mark McDermott, Mayor
Honorable Stu Glass, Deputy Mayor
Honorable Doug Wright, Councilmember
Honorable Loren Strand, Councilmember
Honorable Brett Miller, Councilmember

1. Pledge of Allegiance:

2. Changes to Agenda:

3. Presentations:

- Presentation of a proclamation for “Florida’s Water Conservation Month” presented to the Water Management Districts by Mayor McDermott.
- Presentation of a proclamation for “Monarch Butterflies”.

4. Public Comments, Non-Agenda Items:

Persons wishing to address the Town Council on a matter not listed on the agenda may speak at this time. Speakers must provide their name and address, observe the 3-minute time limit, and speak only after being recognized by the Mayor.

5. Public Announcements:

- There are openings on the following boards and committees:
Board of Adjustment; Budget and Finance; Civil Service; Code Enforcement; Parks, Recreation and Beautification Committee; and Pension Board – General Employees

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes February 14, 2024
2. Approve agreement with Joseph G. Colombo, P.A., Code Enforcement Board Attorney
3. Approve Seasonal Lifeguard agreement with Brevard County
4. Approve Resolution 07-2024 Budget Adjustment #1
5. Approve quotes from Atlantic Development for the following projects
 - a. Three top replacements along South Riverside Drive
 - b. 1304 South Riverside Drive riprap
 - c. South Riverside Drive pipe crossing at Orlando Boulevard

C. Ordinances and Public Hearings:

1. Ordinance 2024-02, Second/Final Reading/Public Hearing, *relating to platting and subdivisions:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PLATTING AND SUBDIVISIONS; MAKING FINDINGS; AMENDING SECTION 1-2, TOWN CODE OF ORDINANCES, REVISING AND ADDING DEFINITIONS AND A SHORT TITLE TO SECTION 111-1, TOWN CODE; AMENDING SECTION 111-2, TOWN CODE, TO ADD A JUSTIFICATION AND PURPOSE AND AMENDING PROVISIONS REQUIRING PLAT APPROVAL PRIOR TO FILING OF A PLAT; AMENDING SECTION 111-3, TOWN CODE, DELETING TEXT AND PROVIDING FOR A PLAT APPROVAL PROCESS; AMENDING SECTION 111-4, TOWN CODE, PROHIBITING THE RECORDING OF A PLAT ON OR AFTER APRIL 1, 2024, THAT HAS NOT BEEN DESIGNED AND APPROVED SUBJECT TO THIS ORDINANCE; PROVIDING SECTION 111-5, TOWN CODE, SETTING FOR REQUIRED IMPROVEMENTS, DESIGN, PLANS, AND DRAWINGS; PROVIDING SECTION 111-6, TOWN CODE, PROVIDING FOR SUBDIVISION VARIANCES; PROVIDING SECTION 111-7, TOWN CODE, SETTING FORTH THE METHOD OF INTERPRETATION AND AMENDMENT TO THE SUBDIVISION CODE; PROVIDING SECTION 111-8, TOWN CODE, RELATING TO TECHNICAL SPECIFICATIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Ordinance 2024-03, Second/Final Reading/Public Hearing, *relating to the zoning code:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Ordinance 2024-05, Second/Final Reading/Public Hearing, *relating to the Solid Waste Collection:*

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SOLID WASTE COLLECTION; MAKING FINDINGS; CREATING SECTION 26-18, TOWN CODE OF ORDINANCES KNOWN AS THE DICK DUNN SOLID WASTE COLLECTION ORDINANCE; AMENDING SECTIONS 26-19, 26-20, 26-21, 26-22, AND 26-23, TOWN CODE OF ORDINANCES, RELATING TO YARD TRASH, COLLECTION THEREOF, AND DUTY TO DISPOSE OF SAME; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

D. Unfinished Business:

1. Discuss Capital Improvement Plan
2. Discuss Shipping Containers

E. New Business:

1. Discuss paid parking at Sunrise Park (Wright)
2. Discuss Election Qualification Period
3. Discuss using an urban planner to develop a concept for the Boardwalk (McDermott)

F. Administrative Reports:

1. Town Attorney
2. Town Manager

G. Council Reports:

H. Staff Reports:

I. Adjournment:

Notice: Pursuant to Section 286.0105, Florida Statutes, the Town hereby advises the public that if a person decides to appeal any decision made by this board, agency, or council with respect to any matter considered at its meeting or hearing, they will need a record of the proceedings, and that for such purpose, affected persons may 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. This notice does not constitute consent by the Town for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. Americans with Disabilities Act: Persons planning to attend the meeting who need special assistance must notify the office of the town clerk at 321-723-2242 no later than 48 hours prior to the meeting.

Proclamation

Town of Indialantic Brevard County, Florida

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, The State of Florida, Water Management Districts and the Town of Indialantic are working together to increase awareness about the importance of water conservation; and

WHEREAS, the Town of Indialantic and the State of Florida have designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the Town of Indialantic, I do hereby proclaim the month of April as

“Water Conservation Month”

and call upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

Mark McDermott, Mayor

Attest:

Mollie Carr, Town Clerk

PROCLAMATION

TOWN OF INDIALANTIC Brevard County, Florida

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, 22 years ago, more than one billion Eastern monarch butterflies migrated to Mexico, but in the winter of 2014, only 60 million made the trip; and

WHEREAS, cities, towns and counties have a critical role to play to help save the monarch butterfly; and

WHEREAS, every resident of the Town of Indialantic can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and pollinators in locations where people live, work, learn, play and worship; and

WHEREAS, the Town of Indialantic has committed to the removal of invasive species to support the re-establishment of native habitats for monarch butterflies and other pollinators.

NOW, THEREFORE, I do hereby PROCLAIM this, April 22, 2024, Mayors' Monarch Pledge Day.

TOWN OF INDIALANTIC

Mark McDermott, Mayor

ATTEST: _____
Mollie Carr, Town Clerk

Meeting Minutes
Town of Indialantic
Regular Meeting of the Town Council
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Wednesday, February 14, 2024, at 6:00 p.m.

A. Call to Order:

A regular meeting of the Indialantic Town Council was called to order at 6:00 p.m. by Mayor McDermott.

Present:

Honorable Mark McDermott, Mayor
Honorable Doug Wright, Councilmember
Honorable Loren Strand, Councilmember
Honorable Brett Miller, Councilmember

Excused Absence:

Honorable Stu Glass, Deputy Mayor
Mollie Carr, Town Clerk

Also present:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Victoria Mercer, Administrative Assistant
Chief Connor, Indialantic Police Department
Chief Flamm, Indialantic Fire Department
Joe Gervais, Public Works Director
Cliff Stokes, Building Official
Sgt. Holstine, Indialantic Police Department
Jim LaRue, Town Planner- by telephone

1. Pledge of Allegiance:

2. Changes to Agenda:

The following items were removed from the agenda-

- Surfrider Foundation Presentation
- Item E-2- Discuss qualifying period

3. Presentations:

- Mayor McDermott read the Proclamation and presented the Proclamation to Dr. Ken Lindeman.

- Cancelled- The Indialantic Parks, Recreation and Beautification Committee and Surfrider Foundation Presentation.
- Introduction and confirmation of the new Fire Chief Keith Maddox- Town Manager Casey introduced Chief Maddox and gave a brief background synopsis about Chief Maddox.

Motion by Councilmember Strand, seconded by Councilmember Wright, to confirm Keith Maddox as the new Indialantic Fire Chief.

Public Comments- None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

4. Public Comments, Non-Agenda Items:

Pam Dunn, 330 Tampa Avenue, Indialantic- Ms. Dunn reminded everyone to join the Indialantic Garden Club for the Pollinator Fair at Nance Park, on March 3, 2024.

5. Mayor McDermott read the following Public Announcements:

- There are openings on the following boards and committees:
Budget and Finance Committee; Civil Service Board; Code Enforcement Board; Heritage Committee; Parks, Recreation and Beautification Committee; and Pension Board – General Employees
- Town Hall will be closed on Monday, February 19th, in observance of President's Day

B. Consent Agenda:

1. Approve Council Regular Meeting Minutes January 10, 2024
2. Approve First Class Grass Amendment to Current Agreement
3. Approve the following appointments:
 - a) Parks, Recreation and Beautification Committee- Logan Watters
 - b) Code Enforcement Board- Isaac Allen
4. Approve the following Reappointments:
 - a) Parks, Recreation and Beautification Committee- Carol DeLuccia
 - b) Parks, Recreation and Beautification Committee- Stacie Miller
5. Approve South Riverside Drive Removal and Replacement of Curbing
6. Approve Piling Removal and Installation at Crossovers
7. Approve the Parks, Recreation and Beautification Committee Easter Event

Councilmember Strand requested Consent Agenda Item #2 and #6 be pulled for discussion.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve the Consent Agenda with items #2, #6 and #7 being pulled for discussion.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #2- Approve First Class Grass Amendment to Current Agreement- Councilmember Strand clarified with Joe Gervais that the increase on the contract was \$12,210 and asked why we would choose to accept the price increase with this vendor and not go out for bid. Mr. Gervais explained that he feels it is a fair assessment based on the increased cost of fuel and materials, and he has done a phenomenal job. Mr. Casey advised the contract does not have any CPI included.

Motion by Councilmember Strand, seconded by Councilmember Wright, to approve The Consent Agenda item #2 First Class Grass Amendment to Current Agreement.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #6- Approve Piling Removal and Installation at Crossovers- Councilmember Strand went over the proposed project with Joe Gervais.

Motion by Councilmember Wright, seconded by Councilmember Strand, to approve The Consent Agenda item #6 Piling Removal and Installations at Crossovers.

Public Comment: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

Item #7- Approve the Parks, Recreation and Beautification Committee Easter Event- Town Manager Casey explained this item is being removed from consideration because food trucks are specifically prohibited at Orlando Park.

C. Ordinances and Public Hearings:

1. Ordinance 2024-02, First Reading/Public Hearing, *relating to platting and subdivisions*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PLATTING AND SUBDIVISIONS; MAKING FINDINGS; AMENDING SECTION 1-2, TOWN CODE OF ORDINANCES, REVISING AND ADDING DEFINITIONS AND A SHORT TITLE TO SECTION 111-1, TOWN CODE; AMENDING SECTION 111-2, TOWN CODE, TO ADD A JUSTIFICATION AND PURPOSE AND AMENDING PROVISIONS REQUIRING PLAT APPROVAL PRIOR TO FILING OF A PLAT; AMENDING SECTION 111-3, TOWN CODE, DELETING TEXT AND PROVIDING FOR A PLAT APPROVAL PROCESS; AMENDING SECTION 111-4, TOWN CODE, PROHIBITING THE RECORDING OF A PLAT ON OR AFTER APRIL 1, 2024, THAT HAS NOT BEEN DESIGNED AND APPROVED SUBJECT TO THIS ORDINANCE; PROVIDING SECTION 111-5, TOWN CODE, SETTING FOR REQUIRED IMPROVEMENTS, DESIGN, PLANS, AND DRAWINGS; PROVIDING SECTION 111-6, TOWN CODE, PROVIDING

FOR SUBDIVISION VARIANCES; PROVIDING SECTION 111-7, TOWN CODE, SETTING FORTH THE METHOD OF INTERPRETATION AND AMENDMENT TO THE SUBDIVISION CODE; PROVIDING SECTION 111-8, TOWN CODE, RELATING TO TECHNICAL SPECIFICATIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title. Attorney Gougelman explained that the Town has already been platted and more recently development opportunities have changed, and this gives the Town an opportunity to set development standards. Attorney Gougelman advised that replatting is a benefit to the Brevard County Property Appraiser's office and allows the property to be defined without a surveyor. Attorney Gougelman said the ordinance is less regulatory and more administrative. Attorney Gougelman advised the ordinance has been reviewed by the Town Planner, Jim LaRue and was recommended for adoption by the Local Zoning and Planning Board.

Jim LaRue advised that there are provisions for variances in the ordinance and the Local Zoning and Planning Board found it consistent.

Discussion ensued and the following items were discussed:

- The ordinance mainly comes into play with redevelopment.
- The ordinance has no bearing on current requirements.
- The ordinance has minimal impact on single family home development.
- The ordinance does not control aesthetics such as architectural design but does control the process by which the proper layout of a project occurs.
- The purchase of small portions of adjacent properties could be addressed within the ordinance.

Motion by Councilmember Wright, seconded by Councilmember Strand, to accept Ordinance 2024-02 as presented.

Public Comments: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

2. Ordinance 2024-03, First Reading/Public Hearing, *relating to the zoning code*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS;

PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title. Attorney Gougelman explained that currently the Town has no set standards for Townhouses, this ordinance will set minimum standards for Townhouses, without changing the permitted density. Attorney Gougelman advised the ordinance will require the replatting of Townhouse developments and will be more regulatory in nature than the platting ordinance.

Jim LaRue explained the ordinance will require a minimum square footage for the Townhouses as well as requiring all the standard setbacks. Mr. LaRue advised the ordinance is consistent with the Comprehensive Plan.

Attorney Gougelman advised that the Local Zoning and Planning Board voted the ordinance was consistent with the Comprehensive plan and recommended the Town Council adopt the ordinance.

Discussion ensued and the following items were discussed:

- The ordinance did not change existing height restrictions.
- Some existing Townhouses would possibly not have been approved with the ordinance.
- The ordinance does not affect existing properties or commercial development.
- The ordinance will assist developers and the building official by providing clear guidelines.
- The ordinance will encourage a more residential feel.
- The ordinance says it promotes public interest, to define for a particular type of development with a minimal standard.
- The ordinance promotes economic order by setting minimal standards and parameters for Townhouse development.
- The ordinance addresses Zones R-3, R-P and T-tourist.
- Councilmember Miller advised he believes the term “grouping” needs to be clearly defined.
- Attorney Gougelman suggested the following changes in line 159, 160, 302, 303, 465 and 466, add a comma after “length” and at the end of the sentence insert “for each building in the grouping” before the period.
- The ordinance does not change the current setback requirements.

Motion by Councilmember Strand, seconded by Councilmember Miller, to accept Ordinance 2024-03 as amended by the Town Attorney.

Public Comments: None

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

3. Ordinance 2024-04, Second and final Reading/Public hearing, *relating to the required residency prior to qualifying to run for Town Council*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE REQUIRED RESIDENCY PRIOR TO QUALIFYING TO RUN FOR TOWN COUNCIL; AMENDING SECTION 2.02, TOWN CHARTER; MAKING FINDINGS; PROVIDING FOR A REFERENDUM ELECTION AND BALLOT LANGUAGE; AMENDING THE TOWN CHARTER TO PROVIDE THAT A CANDIDATE FOR TOWN COUNCIL MUST HAVE BEEN A RESIDENT FOR A CONTINUOUS PERIOD OF ONE (1) NON-CALENDAR YEAR IMMEDIATELY PRECEDING QUALIFYING TO RUN FOR TOWN COUNCIL; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand thanked Council for clarifying that and she thinks it will help.

Motion by Councilmember Wright, seconded by Councilmember Strand, to accept Ordinance 2024-03 as presented.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

4. Ordinance 2024-05, First Reading/Public hearing, *relating to the Solid Waste Collection*:

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SOLID WASTE COLLECTION; MAKING FINDINGS; AMENDING SECTIONS 26-19, 26-20, 26-21, 26-22, AND 26-23, TOWN CODE OF ORDINANCES, RELATING TO YARD TRASH, COLLECTION THEREOF, AND DUTY TO DISPOSE OF SAME; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Gougelman read the ordinance title, explained the origin of the ordinance, and gave a brief summation.

Discussion ensued and the following items were discussed:

- Councilmember Wright and Councilmember Miller feel four days is too short a time frame.
- Councilmember Strand suggested changing "Harris Sanitation" to "approved solid waste collector."

- Councilmember Strand suggested the words “at the time of pile creation” be added to line 189 after the word amount.
- Councilmember Strand asked that the words; strewn, compact, and curbside be added to the definition section.
- Town Manager Casey will clarify the desired location of pick-up with Waste Management and Attorney Gougelman will update the ordinance on the second reading.
- Line 206 after the word “via” strike the words “telephone or email” and insert the words “method approved by the solid waste vendor”.
- Line 247 add the words “published on the Town’s website”.
- Line 217 after the words “or trash” insert the phrase “visible from the street”.
- Line 234 after the words “the charges, or” and before the words “the code enforcement inspector may” insert “if there have been two previous incidents of a noticed violation that has come into compliance before a hearing”.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand thanked Mr. Dunn for bringing the issue up. Ms. Strand asked that the Town publicize the most effective way to contact Waste Management.

Mike Borysiewicz, 443 Tenth Avenue, Indialantic- Mr. Borysiewicz said his biggest concern is the impression of hostility between the Town and residents and he asked that the Town notify Waste Management of the piles. He said there should be consideration for the elderly and disable residents. He asked if there will be an exception during storms. He asked if there is any specific evidence required for proof of the pick-up request.

Vinnie Taranto, 313 Tenth Terrace, Indialantic- Mr. Taranto asked that the ordinance direct the differently abled individuals to contact the solid waste provider for assistance.

Motion by Councilmember Strand, seconded by Councilmember Miller, to accept Ordinance 2024-03 with specified revisions.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

D. Unfinished Business:

1. Discussion about auditing/updating the Town Code (Miller)- Councilmember Miller advised that the board and committee members have been asked to provide input and he is waiting for additional feedback. Councilmember Miller will prepare a report for the Council on the items to be addressed.

Public Comments:

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand informed the Council that she was at the Zoning and Planning Board meeting when they discussed the color palette and the board expressed there was nothing on the books and she feels the Board handed it back to the Council. She said some people might not be clear on what is within their purview.

2. Discuss Capital Improvement Plan- by consensus, this item was tabled until the March Council meeting.

3. Discuss Shipping Containers- Attorney Gougelman asked this item to be deferred until the March meeting so the Building Official Cliff Stokes can reach out to Brevard County regarding the county code and building restrictions affecting shipping containers. Attorney Gougelman cautioned the Council about creating regulations for aesthetic or architectural control because it is no longer within the law.

Public Comments:

Jim Vaidic, 110 Melbourne Avenue, Indialantic- Mr. Vaidic asked if someone was able to build a single-family home out of shipping containers. Councilmember Wright advised they were only addressing shipping containers as accessory structures at this time. Mr. Vaidic said he does not feel someone would spend the amount of money for a lot within the town and put a mobile home on it.

E. New Business:

1. Discuss Potential Form 6 Litigation (Glass)- Attorney Gougelman gave background and overview on the proposed litigation.

Discussion ensued and the following items were discussed:

- Councilmember Strand said he declared his business interests of Form 1 which would have shown a conflict if one existed. He believes Form 6 will show a person's debt in more detail than Form 1.
- Attorney Gougelman said that assets can be shown as a threshold on Form 1 and Form 6 requires more detail.
- Attorney Gougelman expressed his concern regarding information security.
- Councilmember Miller feels this is a grievous unconstitutional overreach.
- The litigation is based on the two-pronged theory of free speech and the right to privacy.
- Currently 22 cities and approximately 60 individual councilmembers have chosen to participate.
- Councilmembers named as plaintiffs will be covered if an injunction is received, unnamed plaintiffs may or may not be covered by the injunction.
- Attorney Gougelman advised that regardless of the findings of the case, he feels there will be an appeal.

- Councilmember Miller explained that on Form 1, you are required to disclose assets or liabilities over \$10,000 but not the dollar amount, with Form 6 the dollar amount is \$1,000 and the specific dollar amount is required along with your net worth.
- Form 6 was challenged in the 1970's when it was applied to the senate. In the 1990's the Florida Supreme court determined that your right to privacy applies to your financial information.
- Councilmember Miller stated that he plans to comply by listing where all his assets and liabilities are but not listing the dollar amounts.
- Deputy Mayor Glass is not present but expressed to the Town Manager that he supports this resolution.
- Councilmember Strand said he spoke to both past councilmembers as well as future potential councilmembers and the number one reason they declined to serve is based on the disclosure of Form 6.
- Councilmember Strand encourages people to search the Form 6 information on various elected officials.
- Only assets under your direct control must be reported.
- Councilmember Strand supports joining the suit but feels the fee needs to come from donations, not tax dollars.
- The City of Melbourne voted in favor of joining the lawsuit.
- Councilmember Wright feels that funding the lawsuit off the Town budget would show a higher bar.
- To be named as an individual plaintiff is an individual decision that does not have to be voted on by the Council.
- Deputy Mayor Glass is not present but confirmed with Town Manager Casey that he will be named as an individual plaintiff in the lawsuit.
- Attorney Gougelman added the following amendments to the resolution; interjected the Town of Indialantic to the title of the resolution and changed the term city in last whereas on the first page of the resolution to the Town of Indialantic and all references to the "City" be changed to the "Town." Additionally, add the words mayor and Councilmembers to the last whereas. On page four, the first full whereas change the City to the Town of Indialantic, any reference to city be changed to town. The resolving clause, "now therefore it be resolved by the town council of the Town of Indialantic Florida as follows", section two; the town council rather than city council, hereby authorizes the participation of the town and any individual named members of the town council, including but not limited to Stuart Glass, who chose to participate as plaintiffs. Section three- four references to the city which should be the town. Change wording to "The firm will charge a flat fee inclusive of attorney's fees and cost of \$10,000 to be paid exclusive of public funds, non-tax payer's monies to represent to Town and the individual elected official who wish to participate as plaintiff's for the litigations for the trial court"
- The monies will need to be received by February 23, 2024, made payable to the Town of Indialantic.

Public Comments:

Mike Borysiewicz, 443 Tenth Avenue, Indialantic- Mr. Borysiewicz says that from personal experience that this can be very disturbing. Mr. Borysiewicz said people use all sorts of different strategies to avoid disclosing financial information. Mr. Borysiewicz feels that most people in the Town will support them but feels that using taxpayer money to fund could be a conflict.

Dick Dunn, 220 Tampa Avenue, Indialantic- Mr. Dunn asked when the resolution was due. Mr. Dunn suggested that the Council donate their salary to this project and not be paid for the rest of the year.

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand advised some people are choosing not to run because of the form 6 and she knows they would support the council.

Motion by Councilmember Strand, seconded by Councilmember Wright, to approve the Resolution Authorizing Participation in the Form 6 Litigation as amended.

Public Comment:

Dick Dunn, 220 Tampa Avenue, Indialantic- Mr. Dunn suggested that the Town contact their accountants or CRIs because they will be auditing you at some point in time and it is better, they know this is occurring beforehand.

John Greco, 418 Seventh Avenue, Indialantic- Mr. Greco said he worked in the federal government for 30 years and he had to submit similar disclosures. Mr. Greco said it is apparent that the resolution is supporting the councilmembers, but if it is representing the Town of Indialantic so it can maintain a high standard of elected officials than the money should be coming from the Town of Indialantic and not donations. He has no problem with the Town of Indialantic paying the \$10,000. He feels that if the resolution supports the Town that the council members making donations toward the fee sends a mixed message.

Pam Dunn, 220 Tampa Avenue, Indialantic- Ms. Dunn asked Attorney Gougelman how other towns paid for the attorney fees. Attorney Gougelman said he does not know about all of them, but he knows some just wrote a check.

Gabrielle Strand, 120 Ormond Drive, Indialantic- Ms. Strand agrees with what most of council is saying and she understands what Mr. Greco is saying but there is a strong push for transparency, and she feels that using public funds make look wrong to some people.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

2. Discuss Election Qualification Period- this item was tabled until the March Council meeting.

3. Discuss Fifth Avenue Christmas decorations and light pole banners (McDermott)- this item was tabled until the March Council meeting.

4. Discuss Fifth Avenue median landscape lighting plan <https://www.fxl.com/luxor-2> (McDermott)-

Discussion ensued and the following items were discussed:

- Mayor McDermott would like to direct the Town Manager to get a plan for the median landscape lighting.
- The plan would be submitted to the local FDOT for approval.
- The Town Manager will try to have a progress report on the landscaping plan within 30 days.
- FX Luminaire offers programmable lighting.

Public Comment: None

By consensus, the Town Council directed the Town Manager to proceed with obtaining a lighting plan for the Fifth Avenue Median.

5. Discuss Town Hall Sign

Discussion ensued and the following items were discussed:

- The Town does not lose money by switching to the non-digital sign.
- The LED displays on the new sign do not meet our town code.
- Many residents were concerned with the sign affecting the character of the Town.
- The replacement will be a reader board, with a manual changing message board.
- Councilmember Strand feels that any items that might raise concerns or be controversial should be brought before the Town Council first.

Motion by Councilmember Wright, seconded by Councilmember Miller, to direct the Town Manager to replace the digital sign with a reader board cabinet and the two digital signs will be returned for a full refund and approve the Town Manager to sign the agreement with Kendal Signs.

Ayes: McDermott, Wright, Strand, and Miller

THE MOTION CARRIED UNANIMOUSLY. (4 TO 0)

F. Administrative Reports:

1. Town Attorney- No Report
2. Town Manager- The Town Manager explained that the Boardwalk was hit again and that the Town's administrative assistant, Sandy, resigned today.

G. Council Reports:

1. Mayor McDermott- None

2. Councilmember Wright- The new website is up and running and thanked the Town Manager. He thanked Councilmember Strand for his attendance in Tallahassee and he thanked Councilmember Strand and Ms. Strand for the contribution of covering the expenses.
3. Councilmember Strand- Councilmember Strand advised that he would include two reports in the meeting minutes. He advised that there is a scholarship being offered by the Space Coast League of Cities, the deadline is March 1, 2024. Councilmember Strand also announced that on March 18, 2024, in Cocoa there will be a meeting on how to fill out Form 6. Councilmember Strand expressed his appreciation for the updated Code Report. He thanked Joe Gervais and Town Manager Casey for the updated street information. He thanked Joe Gervais for the detailed Public Work's report this month.
4. Councilmember Miller- None

H. Staff Reports:

1. Chief Connor- No Report

I. Adjournment:

There being no further discussion, the meeting was adjourned at 9:39 p.m.

Mark McDermott, Mayor. Signature on file.

Attested by: Mollie Carr, Town Clerk. Signature on file.

SUBJECT: Approve agreement with Joseph G. Colombo

Staff Report – Town of Indialantic Meeting Date: March 13, 2024

Summary:

The Town Council is being requested to approve the Town Manager, Michael Casey, to enter the Town into an agreement with Joseph G. Colombo, to provide his services as the Code Enforcement Board's Attorney. Mr. Colombo has represented the Code Enforcement Board since 2009. The term of this agreement is for a period of four years with the option to extend the agreement an additional two years.

Recommendation:

No action.

MOTION:

Motion to approve the agreement with Joseph Colombo for services as the Code Enforcement Board attorney.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

_____, 2024

Town of Indialantic
Attn: Michael Casey, Town Manager
216 5th Avenue
Indialantic, Florida 32903

**Re: Town of Indialantic
Representation as Code Enforcement Attorney**

Dear Mr. Casey:

I am very pleased that you have decided to engage Joseph G. Colombo, P.A. to perform legal services as the Town of Indialantic's (hereinafter "the Town") Code Enforcement Department Attorney. This letter is intended to set forth our mutual understanding as to the nature and scope of said representation, the manner in which my firm's fees will be determined and the terms upon which my firm will be paid.

Scope of Services. To represent the Town's Code Enforcement Department.

Fees for Legal Services. You will be charged the following hourly rates for all services rendered:

\$235.00 per hour for all work performed by Joseph G. Colombo, Esq.;

\$80.00 per hour for all work performed by paralegals and law clerks.

Costs and Expenses. In connection with the Town Code Enforcement Department's engagement of my firm, certain expenses and costs may be necessarily incurred and advanced by my firm on the Town Code Enforcement Department's behalf, which include process server fees, clerk fees, court reporter fees, filing fees, travel and lodging expenses, outside copying costs, Federal Express, Airborne, Express, delivery/courier charges, postage charges, consultants and experts retained, depositions, computerized research and the like. Travel to and from Indialantic Town Hall is not deemed "travel" as it pertains to claiming a travel expense.

Retainer. There is no retainer required.

Payment of Fees and Costs. The firm will send to your attention statements for the Town Code Enforcement Department's representation. These statements will include a detailed itemization of the costs incurred and the legal services performed by all personnel of my firm. When you receive these statements, I encourage you to review them carefully. Do not hesitate to discuss with me any questions you might have

concerning any of the items referred to in the statements. The law firm's invoice statements are due to be paid upon receipt.

Term of Agreement: This Agreement becomes effective on March 1, 2024. This Agreement supersedes and terminates all past agreements. The term of this Agreement is initially for a four-year term terminating on February 29, 2028; provided, that the Town shall have a right to renew and extend this Agreement for an additional two-year term, terminating on February 28, 2030.

Termination of Agreement.

A. In the event this Agreement is terminated for convenience or cause, all finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for Joseph G. Colombo, P.A., under this Agreement shall be made available to and for the exclusive use of the TOWN.

B. The TOWN may terminate this Agreement for any reason or for its convenience (without cause) by giving written notice to Joseph G. Colombo, P.A., including the effective date of termination. Joseph G. Colombo, P.A., may terminate this Agreement for any reason or for its convenience (without cause) by giving ninety (90) days written notice to the TOWN, including the effective date of termination; provided, however, that in terminating this Agreement, Joseph G. Colombo, P.A., shall honor the provisions of Rule 4-1.16, of the Code of Professional Conduct of the Florida Bar.

Fees for Legal Services. You will be charged the following hourly rates for all services rendered: \$235.00 per hour for all work performed by Joseph G. Colombo; \$80.00 per hour for all work performed by paralegals and law clerks. On October 1st of each year during the term of this Agreement, Joseph G. Colombo, P.A., may increase the hourly billing rate by 3% over the previous year's rate.

Lastly, to be consistent with Section 119.0701, Fla.Stat., relating to public records, we need to add the following to this Agreement:

Public Records.

A. Joseph G. Colombo, P.A., shall comply with all applicable public records laws, including but not limited to Chapter 119, Florida Statutes, specifically to: (1) Keep

and maintain public records, as defined below, that ordinarily and necessarily would be required by Joseph G. Colombo, P.A., in order to perform the service; (2) Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided Chapter 119, Florida Statutes, or as otherwise provided by law; (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (4) Meet all requirements for retaining public records and transfer, at no cost, to Joseph G. Colombo, P.A.

All public records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

At the time of termination of this Agreement, Joseph G. Colombo, P.A., will transfer, at no cost, to the TOWN all public records in possession of Joseph G. Colombo, P.A., and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the TOWN.

B. Anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the TOWN and may not be copyrighted, patented, or otherwise restricted as provided by Florida Statutes. Neither the CONTRACTOR nor any other individual employed under this Agreement shall have any proprietary interest in any product(s) delivered under this Agreement. The reasonable cost of preparing and photocopying the documents for the TOWN may be charged for said services.

C. Disclosure of Public Records.

1. The term “public record” as used in this Article shall include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. Although the foregoing items related to the TOWN as generated by or at the direction of Joseph G. Colombo, P.A., are “public records,” a public record prepared by Joseph G. Colombo, P.A., or prepared at Joseph G. Colombo, P.A.'s express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or at the direction of Joseph G. Colombo, P.A., in anticipation of threatened or pending litigation and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from disclosure under the Chapter 119, Florida Statutes, and s. 24(a), Art. I of the State Constitution, until the conclusion of the litigation or adversarial administrative proceedings. This exemption is not waived by the release of such public record to another public employee or officer of the TOWN or any person consulted by Joseph G. Colombo, P.A. Without the permission of the TOWN’s Council or the TOWN’s Town Manager, public records subject to the foregoing exemption shall not be released, except to the TOWN Governing Board or the TOWN’s Town Manager or the TOWN staff.

2. No TOWN public record that is confidential under Florida or federal law shall be released to other than the TOWN without the approval of the TOWN’s Town Manager or the TOWN’s Council. No TOWN public record that is exempt from the public records law, Chapter 119, Florida Statutes, shall be released to other than the TOWN without the approval of the TOWN’s Town Manager or the TOWN Governing Board. When Joseph

G. Colombo, P.A., seeks to withhold from the public any TOWN public record, Joseph G. Colombo, P.A., shall immediately contact the TOWN's Town Manager and seek a determination whether to release the record or not to a party requesting the same. The TOWN shall be responsible for all costs, compensation, and expenses related to Joseph G. Colombo, P.A.'s withholding any public record from release to anyo

3. When asserting the right to withhold a public record pursuant to this paragraph, Joseph G. Colombo, P.A., shall identify the parties to any such potential or actual criminal or civil litigation or adversarial administrative proceedings on the face of the public record with a conspicuous warning that the public record is not to be released to other than the TOWN.

IF JOSEPH G. COLOMBO, P.A., HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO JOSEPH G. COLOMBO, P.A.'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

Town Clerk
Town of Indialantic
216 Fifth Avenue
Indialantic, FL 32903
321.723.2533
mcarr@Indialantic.com

The name and address of the custodian of Public Records may be unilaterally changed from time to time by the Town by affording to Joseph G. Colombo, P.A., notice.

The foregoing section 8. shall survive the termination of this Agreement.

Warranties and Miscellaneous. You understand that my law firm and I make no representations or warranties concerning the successful conclusion of the Town Code Enforcement Department's representation. All statements of professional personnel from my firm, including myself, are statement of opinion only. Unless otherwise stated in writing, this is the entire agreement between us concerning the Town Code Enforcement Department's representation for this matter, and all oral representations are deemed void and merged into this agreement. This agreement may only be modified, changed, or altered by a writing signed by the Town Manager and me.

If the foregoing is agreeable, please sign where indicated below and return the original to me. As soon as I receive an executed copy of this engagement letter, I will begin my above-referenced representation. I have also enclosed a copy of this agreement to be retained for your records. Thank you for the opportunity to be of service to you.

Sincerely,

Joseph G. Colombo, P.A.

JGC/cbs
enc

ACCEPTANCE OF REPRESENTATION AGREEMENT

The foregoing representation agreement was reviewed, understood and agreed on
the _____ of _____, 2024.

Town of Indialantic by the Sea

By: _____

Its: _____

Agenda Item B-3

SUBJECT: Annual Ocean Rescue Lifeguard Agreement – 2024 Season

Staff Report – Town of Indialantic Meeting Date: March 13, 2024

Summary:

The annual Ocean Rescue Lifeguard Agreement for the 2024 season. This agreement with the Board of County Commissioners provides lifeguard services from mid-March through Labor Day. For reference, last year's cost was \$41,509.07; this year's cost will be \$44,828.80 which is an 8% increase. This is the last year of the agreement where the Town of Indialantic is paying for two seasonal lifeguard towers.

Recommendation:

APPROVE THE 2024 OCEAN RESCUE LIFEGUARD AGREEMENT WITH THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS.

<p>MOTION: Approve the 2024 Ocean Rescue lifeguard agreement with the Brevard County Board of County Commissioners</p>

Submitted by:

Approved for agenda:

Mollie Carr
Mollie Carr
Town Clerk

Michael Casey
Michael L. Casey
Town Manager

Addendum 1
Town of Indialantic and Brevard County Seasonal Lifeguard Interlocal Agreement
Annual Update per Agreement

Seasonal Service

Dates for year 3 of 5

Lifeguard personnel shall be on duty for the following time periods:

- 1 Weekend only coverage from March 23, 2024 - May 26, 2024 (10:00 a.m. - 5:00 pm).
- 2 Spring Break, March 25, 2024 - March 29, 2024 (10:00 a.m. to 5:00 p.m. daily).
- 3 Summer coverage, commencing May 27, 2024, and ending the day before Brevard County Public Schools resume the 2024/2025 school year (10:00 a.m. to 5:00 p.m. daily including weekdays, weekends, and holidays) August 11, 2024.
- 4 Weekend coverage will continue from the weekend after the start of Brevard County Public School 2024/2025 school year August 12, 2024, through September 1, 2024 (10:00 a.m. to 5:00 p.m. daily) (Weekends, and Holidays).
- 5 Additional Holiday, Labor Day, September 2, 2024 (10:00 a.m. to 5:00 p.m.).

Payment

2023			2024		
Indialantic	CPI	Increase	New Amount	Payments	Monthly Amount
\$ 41,509.07	8.0%	\$3,320.73	\$44,829.80	5	\$8,965.96

By signing below, you agree to the schedule and payments for the Lifeguard seasonal coverage per the current 5-year agreement effective March 1, 2022.

TOWN OF INDIALANTIC, FLORIDA

BREVARD COUNTY, FLORIDA

By: _____
Michael Casey, Town Manager

By: _____
Matthew Wallace, Public Safety Director

WITNESS:

WITNESS:

(Signature/Title Printed)

(Signature/Title Printed)

Agenda Item B-4

SUBJECT: Resolution No. 07-2024- First Budget Adjustment- FY 2024

Staff Report – Town of Indialantic Meeting Date: March 13, 2024

Summary:

Council is being requested to approve the first budget adjustment for FY-2024. Adjustments were made to reflect actual expenditure based on departmental activity.

Recommendation:

Adopt Resolution No. 07-2024- Final Budget Adjustment- FY 2024

MOTION:

Adopt Resolution No. 07-2024- Final Budget Adjustment- FY 2024

Submitted by:

Approved for agenda:

Mollie Carr

Mollie Carr
Town Clerk

Michael Casey

Michael L. Casey
Town Manager

RESOLUTION 07-2024

A RESOLUTION AMENDING THE BUDGET FOR THE TOWN OF INDIALANTIC FOR FISCAL YEAR 2023-2024

WHEREAS, it is necessary to adjust certain line items of the FY 2023-2024 budget;

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIALANTIC, FLORIDA, AS FOLLOWS:

Section 1. That the adopted budget for the General Fund in the amount of \$6,866,434 be amended to increase the General Fund portion by \$44,617 for a total General Fund budget of \$6,911,051. That the adopted budget for the Enterprise Fund in the amount of \$747,612 be amended to increase the Enterprise Fund by \$10,295 for a total Enterprise budget of \$757,907.0

Section 2. That the budget line items adjusted are listed in Attachment A & B.

THIS RESOLUTION WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

PASSED AND ADOPTED on the 13th day of March 2024.

TOWN OF INDIALANTIC

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr
Town Clerk

FY 23/24 BUDGET ADJUSTMENT #1

GENERAL FUND REVENUE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
338-141	Florida Firefighters Asst. Grant	8,960
369-900	Miscellaneous	24,000
382-400	WW5K	11,657
	Total	44,617

GENERAL FUND EXPENSE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
511-1200	Salaries	(2,000)
513-322	Bookkeeping	7,800
515-314	Web Maintenance	3,200
519-493	Election Expenses	(10,000)
521-526	Other Equipment	11,000
521-550	Training	(4,500)
521-640	Capital	15,000
522-526	Other Equipment	12,460
541-313	Engineering	10,000
552-310	Professional Services	(10,000)
572-920	Park Projects	5,993
572-930	WW5K	5,664
	Total	44,617

FY 23/24 ENTERPRISE FUND REVENUE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
421-369-900	Miscellaneous Income	9,236
422-369-900	Miscellaneous Income	1,059
	Total revenue adjustments	10,295

ENTERPRISE FUND EXPENSE ADJUSTMENTS

Acct. No.	Name	Increase/ (Decrease)
421-545-313	Engineering	6,600
421-545-342	Computer Maintenance	(3,200)
421-545-463	Vehicle Maintenance	4,236
421-545-468	Boardwalk/crossover maintenance	(8,300)
421-545-520	Operating Supplies	(3,400)
421-545-640	Capital	13,300
422-546-463	Vehicle Maintenance	1,059
	Total expense adjustments	10,295



TOWN OF INDIALANTIC
216 Fifth Avenue, Indialantic, Florida 32903
321-723-2242 Fax 321-984-3867

MAYOR
Mark McDermott
DEPUTY MAYOR
Stuart Glass
COUNCIL MEMBERS
Doug Wright
Brett Miller
Loren Strand
Michael Casey, Town Manager
Mollie Carr, Town Clerk

TO: Michael Casey, Town Manager

FROM: Joseph F. Gervais, Public Works Director

DATE: March 06, 2024

SUBJECT: Three top replacements along S. Riverside Drive
1304 S. Riverside Drive riprap
S. Riverside Drive pipe crossing at Orlando Blvd.

Mike, after receiving quotes for the following jobs, it turns out that Atlantic Development of Cocoa, Inc. is the best pricing for the following: Three catch basin tops along S. Riverside Drive, coming in at \$65,874.50. 1304 S. Riverside Drive riprap, coming in at \$19,481.40. And the S. Riverside Drive pipe crossing at Orlando Blvd., which must be repaired with C.I.P.P. first, with a quote of \$8,876.10 from Shenandoah Pipe Inspection & Restoration Specialist.

Sincerely,

Joseph Gervais
Director of Public Works

ATLANTIC DEVELOPMENT OF COCOA, INC.

2185 W. King Street • Cocoa, Florida 32926

Phone: 321-639-8788 • Fax: 321-639-0936

ggrignon@atlanticdevelopmentofcocoa.com

QUOTE**S. RIVERSIDE & PALMETTO INLETS TOPS****3/7/2024****ADC# 24-013**

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION	1	LS	\$2,500.00	\$2,500.00
MOT	1	LS	\$8,255.00	\$8,255.00
REMOVE EXIST INLET TOP	3	EA	\$1,875.00	\$5,625.00
GROUT/SEAL RCP IN STRUCTURES	11	EA	\$355.00	\$3,905.00
INSTALL NEW INLET TOP W/ USF 6611 GALV GRATE & APRON	2	EA	\$6,885.50	\$13,771.00
INSTALL NEW INLET TOP W/USF 580E RING & COVER	1	EA	\$7,418.50	\$7,418.50
REMOVE & REPLACE MIAMI CURB	190	LF	\$85.00	\$16,150.00
ASPHALT PATCH	10	TNS	\$655.00	\$6,550.00
REGRADE & SOD DISTURBED AREA	2000	SF	\$0.85	\$1,700.00
				\$0.00
TOTAL				\$ 65,874.50

EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

Accepted by:



Proposal #: 030524-1R

Date: 3/05/24

Submitted to: Joe Gervais

Company: City of Indialantic

Email: jgervais@indialantic.com

2320 Beardall Ave, Sanford, FL 32771

P.O. BOX 291671-32129 (386) 882-6200

State License #CUC 1224744

Job Description: Palmetto & S. Riverside Inlet Top Replacement

We are pleased to quote labor & materials to include:

- **Mobilization** to include all required MOT.
- **Remove** (3) existing damaged inlet tops.
- **Hauling & Disposal** of removed items & debris.
- **Furnish & Install** – (1) Inlet top with USF 580 R&C.
- **Furnish & Install** – (2) Inlet tops with USF 6611 Grate & Apron
- **Furnish & Install** – Approximately 190ft of Miami curbing.
- **Furnish & Install** – Chemical grout to stop ground water infiltration.
- **Furnish & Install** – Approximately 10 tons Asphalt patch
- **Restoration** of sites when complete.

TOTAL: \$68,441.00

NOTE:

Terms Net 30 Days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

Authorized Signature:

Raymond Rogers

(386) 886-6200

raymond@danusutilities.com

ATLANTIC DEVELOPMENT OF COCOA, INC.

2185 W. King Street • Cocoa, Florida 32926

Phone: 321-639-8788 • Fax: 321-639-0936

ggrignon@atlanticdevelopmentofcocoa.com

QUOTE**1304 S. Riverside outfall Rip-Rap****2/28/2024****ADC# 24-016**

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION & MOT	1	LS	\$1,875.00	\$1,875.00
JACKHAMMER EXIST BOULDER & SPREAD ROCKS	1	LS	\$1,875.00	\$1,875.00
IMPORT & PLACE 8"-20" RIP-RAP	60	TNS	\$185.00	\$11,100.00
IMPORT FILL, PLACE & COMPACT	36	CY	\$38.65	\$1,391.40
REGRADE & SOD DISTURBED AREAS (roadway to rip-rap)	4500	SF	\$0.72	\$3,240.00
				\$0.00
				\$0.00
TOTAL			\$	19,481.40

EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

Accepted by:**Date:****(Signature)**



Proposal #: 030524-2R

Date: 3/05/24

Submitted to: Joe Gervais

Company: City of Indialantic

Email: jgervais@indialantic.com

2320 Beardall Ave, Sanford, FL 32771

P.O. BOX 291671-32129 (386) 882-6200

State License #CUC 1224744

Job Description: 1304 S. Riverside Outfall Rip Rap

We are pleased to quote labor & materials to include:

- **Mobilization** to include all required MOT.
- **Remove** existing rock, boulder & debris.
- **Hauling & Disposal** of removed items & debris.
- **Furnish & Install** – (61 tons) 8" to 20" Rip Rap materials.
- **Furnish & Install** – (37CY) Clean import fill & compaction.
- **Restoration** of site when complete.

TOTAL: \$23,911.00

NOTE:

Terms Net 30 Days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

Authorized Signature:

Raymond Rogers

(386) 886-6200

raymond@danusutilities.com

ATLANTIC DEVELOPMENT OF COCOA, INC.

2185 W. King Street ♦ Cocoa, Florida 32926

Phone: 321-639-8788 ♦ Fax: 321-639-0936

ggrignon@atlanticdevelopmentofcocoa.com

QUOTE**ORLANDO AVE & RIVERSIDE DR. ROAD REPAIR****1/8/2023****ADC# 24-002**

DESCRIPTION	QTY	UNIT	PRICE/ITEM	TOTAL
MOBILIZATION & MOT	1	LS	\$4,525.00	\$4,525.00
EXCAVATE & HAUL OFF EXIST BASE, ASPHALT	85	SY	\$68.50	\$5,822.50
FLOWABLE FILL	36	CY	\$355.00	\$12,780.00
ASPHALT PATCH	85	SY	\$76.84	\$6,531.40
				\$0.00
				\$0.00
				\$0.00
TOTAL				\$ 29,658.90

JOB TOTAL				29,658.90
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EXCLUSIONS

All items affected by cost of petroleum products are subject to any future price escalations of said petroleum products. (including, but not limited to, concrete curb, concrete sidewalk, asphalt, etc.) Unless otherwise noted proposal does not include connection charges, fees, bonds, testing, permits, NPDES Monitoring, construction lay out, as built drawing, relocation of any utility, rock excavation, de-mucking, concrete flat work, sod, seed, mulch or any unforeseen obstructions or obstacles, or the replacement of any unsuitable materials. Earthwork prices are submitted based upon all on-site excavated material being suitable for structural fill. Earthwork prices do not include removal and/or replacement of any organic or hardpan materials underlying the retention area, building pads or roadways. Unless a lump sum price is to be paid for the foregoing work, and is clearly so stated, it is understood and agreed that the quantities referred to above the estimates only and that payment shall be made at the stated unit prices on the actual quantities of work performed by the contractor as determined upon completion of the work and based on field measurements. This proposal expires thirty (30) days from the date here of, but may be accepted at any later date at the sole option of Atlantic Development of Cocoa, Inc. Bids and proposals are not commitment to do a job. All jobs are subject to credit approval and funds availability. Atlantic Development reserves the right to withdraw any bid provided.

Accepted by:

Date:

(Signature)



Proposal #: 030524-3R

Date: 3/05/24

Submitted to: Joe Gervais

Company: City of Indialantic

Email: jgervais@indialantic.com

2320 Beardall Ave, Sanford, FL 32771

P.O. BOX 291671-32129 (386) 882-6200

State License #CUC 1224744

Job Description: Riverside Dr & Orlando Ave Road Repair

We are pleased to quote labor & materials to include:

- **Mobilization** to include all required MOT.
- **Excavate** (85 SY) asphalt roadway & base material.
- **Hauling & Disposal** of removed items & debris.
- **Furnish & Install** – (36 CY) Flowable fill
- **Furnish & Install** – (85 SY) Asphalt road patch
- **Restoration** of site when complete.

TOTAL: \$32,557.00

NOTE:

Terms Net 30 Days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. This proposal is subject to acceptance within 30 days and is void thereafter at the option of the undersigned.

Authorized Signature:

Raymond Rogers

(386) 886-6200

raymond@danusutilities.com

1888 NW 22nd Street
(772) 202-3260



SHENANDOAH

Pipe Inspection & Restoration Specialist

Pompano Beach, FL, 33069
shenandoahus.com

DATE: October 19, 2023
SUBMITTED TO: Indialantic, City of
STREET: 216 5th Ave.
CITY, STATE & ZIP: Indialantic, Florida 32903
PHONE: (321) 265-2455
FAX:
EMAIL: jgervais@indialantic.com
JOB NAME: S Riverside
ATTENTION: Joe Gervais

PROPOSAL #P32084

We propose to furnish a crew and all necessary equipment to Clean, Pre tv, CIPP liner at the above mentioned job location. This work will be performed at our following hourly and/or unit prices:

72 Heavy Clean 24 in	(at \$7.00)	65	\$455.00
1 Video	(at \$6.00)	65	\$390.00
25 CIPP Line 24 in	(at \$118.94)	65	\$7,731.10
125 MOB	(at \$300.00)	1	\$300.00
Estimated Total:			\$8,876.10

This pricing reflects the Broward College Storm Drain Cleaning, Repairs and Maintenance RFP-2018-167-EH contract.

NOTE: Due to the fragile condition of the existing pipe(s), the possibility of the pipe collapsing exists during the construction phase. If this unlikely event occurs, we will provide you with an additional estimate for a necessary point repair to complete the lining process. Due to the poor condition of the original host pipe, residual settling may appear at the surface grade, post lining. This condition is not covered under warrantee.

This proposal may be withdrawn if not accepted within 30 days. Payment terms net 30 days.
(If we encounter an Insurance compliance fee requirement, this fee will be invoiced in addition to the above rates.)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Price above is only an estimate of foreseen conditions. Unforeseen conditions can affect the amount of time to complete the work, therefore increasing or decreasing estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Unless noted above engineering, permits, testing and bonds are not included in the pricing. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. Parties to this proposal/contract expressly waive all tort claims against each other and limit their remedies to breach of contract.

SIGNATURE:

SHENANDOAH GENERAL CONSTRUCTION CO.
Garret Kulp

TITLE
Estimator

DATE
10/19/2023

ACCEPTANCE OF PROPOSAL / SIGN & RETURN

The above prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

SIGNATURE: _____

COMPANY NAME:
REPRESENTATIVE:

DATE:
TITLE:

Agenda Item C-1

SUBJECT: Ordinance 2024-02, Second/Final Reading/Public Hearing, relating to platting and subdivisions

Staff Report – Town of Indialantic

Meeting Date: March 13, 2024

Summary:

Attorney Gougelman presented the proposed Ordinance 2024-02, relating to platting and subdivisions to the Indialantic Local Zoning and Planning Board on January 23, 2024. Attorney Gougelman advised the ordinance is needed to address properties with single family homes being redeveloped into townhouses. Platting clearly defines property lines, easements and common areas. The platting ordinance is an administrative ordinance. The Board voted unanimously that the ordinance is consistent with the comprehensive plan and recommended the Town Council approve and adopt.

Recommendation: Approve and adopt Ordinance 2024-02- Relating to platting and subdivisions, on second/final reading/public hearing.

MOTION:

Approve and adopt Ordinance 2024-02- relating to platting and subdivisions, on second/final reading/public hearing.

Submitted by:

Approved for agenda:

Mollie Carr

Mollie Carr
Town Clerk

Michael Casey

Michael L. Casey
Town Manager

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA RELATING TO PLATTING AND SUBDIVISIONS; MAKING FINDINGS; AMENDING SECTION 1-2, TOWN CODE OF ORDINANCES, REVISING AND ADDING DEFINITIONS AND A SHORT TITLE TO SECTION 111-1, TOWN CODE; AMENDING SECTION 111-2, TOWN CODE, TO ADD A JUSTIFICATION AND PURPOSE AND AMENDING PROVISIONS REQUIRING PLAT APPROVAL PRIOR TO FILING OF A PLAT; AMENDING SECTION 111-3, TOWN CODE, DELETING TEXT AND PROVIDING FOR A PLAT APPROVAL PROCESS; AMENDING SECTION 111-4, TOWN CODE, PROHIBITING THE RECORDING OF A PLAT ON OR AFTER APRIL 1, 2024, THAT HAS NOT BEEN DESIGNED AND APPROVED SUBJECT TO THIS ORDINANCE; PROVIDING SECTION 111-5, TOWN CODE, SETTING FOR REQUIRED IMPROVEMENTS, DESIGN, PLANS, AND DRAWINGS; PROVIDING SECTION 111-6, TOWN CODE, PROVIDING FOR SUBDIVISION VARIANCES; PROVIDING SECTION 111-7, TOWN CODE, SETTING FORTH THE METHOD OF INTERPRETATION AND AMENDMENT TO THE SUBDIVISION CODE; PROVIDING SECTION 111-8, TOWN CODE, RELATING TO TECHNICAL SPECIFICATIONS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Zoning and Planning Board has determined that it is in the public interest to adopt land development regulations relating to platting of subdivisions; and

WHEREAS, the need and justification of this Ordinance is to implement Chapter 177, Florida Statutes, to provide land development regulations providing for subdividing and platting of property as provided for in the Comprehensive Plan, and to promote a subdivision plan for future redevelopment of the town; and

WHEREAS, Future Land Use Policy 1.1 of the Comprehensive Plan provides:

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,
and which as a minimum:

a. Regulate the subdivision of land if necessary. (The
entire town is already platted.)

* * *

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

WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 1.1,
because it will lead to and regulate land subdivision as provided in the Comprehensive
Plan; and

WHEREAS, Future Land Use Element Policy 6.1 of the Comprehensive Plan
provides:

Policy 6.1: The Town will continue to condition development
orders, including but not limited to building permits, upon the
availability of the public facilities and services necessary to
serve the proposed development at the levels of service
adopted by the Town in the Plan; and

WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 6.1,
because public facility concurrency can be better implemented through subdivision
regulation; and

WHEREAS, Future Land Use Element Objective 7 of the Comprehensive Plan
provides:

Objective 7: Encourage the use of innovative land
development regulations.

WHEREAS, this Ordinance is consistent with Future Land Use Element Objective
7, because platting and subdivision regulation is hereby found to be an innovative land
development regulation technique; and

WHEREAS, Transportation Element Goal 1 of the Comprehensive Plan provides:

Goal 1: Support a coordinated, well integrated, cost effective,
and environmentally sound transportation system which will
adequately serve current and future needs of the Town.

83 WHEREAS, this Ordinance is consistent with Transportation Element Goal 1,
84 because platting and subdivision regulation will assist in planning of average daily trips
85 and peak hour traffic thereby allowing planning of a transportation system free of
86 congestion; and

87
88 WHEREAS, Transportation Element Policy 3.3 of the Comprehensive Plan
89 provides:

90
91 Policy 3.3: The Town shall require consideration of pedestrian
92 safety in the planning, design, and construction of all
93 transportation facilities; and
94

95 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.3,
96 because platting will permit planning for and provision of sidewalks and pedestrian safety;
97 and
98

99 WHEREAS, Transportation Element Policy 3.7 of the Comprehensive Plan
100 provides:

101
102 Policy 3.7: Although no new construction of roads is
103 anticipated, the Town shall continue to review land
104 development regulations to provide for the safe and efficient
105 location of the connections and access points of driveways
106 and roads to roadways; and
107

108 WHEREAS, this Ordinance is consistent with Transportation Element Policy 3.7,
109 because subdivision platting and regulation will permit plan approval by minimizing direct
110 access to certain roads; and
111

112 WHEREAS, Coastal Management and Conservation Element Policy 1.4 of the
113 Comprehensive Plan provides:

114
115 Policy 1.4: Review and revise, as necessary, the stormwater
116 management regulations to ensure that the maximum
117 protection to the Indian River Lagoon has been given and
118 ensure that the Town's goals, objectives and policies are
119 consistent with those of the Indian River Lagoon
120 Comprehensive Conservation and Management Plan; and
121

122 WHEREAS, this Ordinance is consistent with Coastal Management and
123 Conservation Policy 1.4, because new subdivision planning will allow for preparation of

stormwater management systems in an effort to minimize flooding and providing for treatment of stormwater runoff; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with the Comprehensive Plan and in particular Future Land Use Element Objective 7 and Policies 1.1 and 6.1, Transportation Element Goal 1 and Policies 3.3 and 3.7, and Coastal Management and Conservation Element Policy 1.4; and

WHEREAS, the Town Council adopts the findings of the Zoning and Planning Board; and

WHEREAS, the Town Council finds that this Ordinance is in promotion of the public health, safety, welfare, and aesthetics of the Town by providing for design regulations for new subdivisions and that this Subdivision Code will implement chapter 177, Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

SECTION 1. Recitals. Each and all of the recitals ("WHEREAS" clauses) are hereby incorporated herein.

SECTION 2. That Section 1-2 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 1-2. Definitions, rules of construction.

In the construction of this Code the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the council:

General rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Computation of time. In computing any period of time prescribed or allowed by this code ~~Code~~, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

* * *

165
166
167 *Gender.* The masculine includes the feminine and neuter and vice versa.
168

169 *Interpretation.* In the interpretation and application of any provision of this code, it shall be
170 held to be the minimum requirement adopted for the promotion of the public health,
171 safety, comfort, convenience and general welfare. Where any provision imposes greater
172 restrictions upon the subject matter than the general provisions imposed by this Code, the
173 provision imposing the greater restriction or regulation shall be controlling.
174

175 *Holiday.* The word "holiday" shall refer to a town designated holiday.
176

177 *Joint authority.* All words purporting to give a joint authority to three (3) or more town eity
178 officers or other persons shall be construed as giving such authority to a majority of such
179 officers or other persons unless it shall be otherwise expressly declared.
180

181 *Keeper and proprietor.* The terms "keeper" and "proprietor" include persons, acting by
182 themselves or through a servant, agent or employee.
183

184 *Land development regulation* means the provisions in the town code for regulation of any
185 aspect of development and includes zoning, rezoning, subdivision, building construction,
186 sign regulation, or any other regulation controlling the development of land, as set forth in
187 subpart B of the town code of ordinances.
188

189 *May.* The term "may" is to be construed as being permissive.
190

191 *May not.* The term "may not" has a prohibitory effect and states a prohibition.
192

193 *Month.* A month is 30 consecutive days, and unless the text so provides, a month shall
194 not necessarily refer to a calendar month.
195

196 *Must.* The term "must" is to be construed as being mandatory.
197

198 *Number.* The singular includes the plural and vice versa ~~vice versa~~.
199

200 *Oath* includes affirmations.
201

202 *Officers, departments, agencies.* Whenever reference is made herein to any office,
203 officer, department or agency, it shall mean such office, officer, department or agency of
204 the town and shall include the duly authorized personnel and subordinates of such office,
205 officer, department or agency.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of part of such building or land.

Person. The word "person" includes individuals, children, firms, associations, joint ventures ~~adventures~~, limited liability companies, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations of legal entities.

Personal property. Personal property shall extend and be applied to every species of property except real property.

* * *

State. The words "the state" or "this state" shall mean the State of Florida.

Statutory citations. Citations herein, unless otherwise specified, are to Florida Statutes, and are intended and shall be construed merely as a convenience to the user of this code. The fact that a citation herein may be rendered no longer appropriate or correct because of subsequent enactments of the legislature shall not invalidate or otherwise affect the meaning of the provision in which the citation appears, and such citation shall be deemed to refer to the appropriate provisions under such subsequent legislation.

Tense. The present tense includes the past and future and vice versa ~~vice versa~~.

Town. The words "the town" or "this town" shall be construed as if the words "of Indialantic" followed the word "town," and shall extend to and include its several officers, agents and employees.

Town code. The words "town code" shall refer to the town code of ordinances.

Week. The word "week" shall be construed to mean seven (7) days; ~~and but~~ publication in a newspaper or any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

Will. The term "will" is to be construed as being mandatory and not permissive.

Written or writing includes handwriting, printing, typewriting, and all other methods and means of forming letters and characters upon paper, stone, wood, or other materials. The

word "writing" also includes information which is created or stored in any electronic medium and is retrievable in perceivable form.

Year. A year is 365 consecutive days, and unless the text so provides, a year shall not necessarily refer to a calendar year. ~~The term "year" means a calendar year.~~

SECTION 3. That Section 111-1 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 111-1. - Short title; Definitions.

(a) Short title. This chapter shall be known and may be cited as the "Subdivision Code of the Town of Indialantic, Florida."

(b) Definitions. The following words 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:

Arterial road or arterial street. (See definition of "street.")

As-built drawings means drawings which show the location of all required improvements as installed by the subdivider or developer of the subdivision and approved by the town engineer.

Bikeways (bicycle ways) means a facility within the street, within the street right-of-way, or within a separate right-of-way or easement improved for use by bicyclists.

Block means that tier or group of property abutting on a street on one side of such street and lying between or within well-defined and fixed boundaries including, the two nearest intersecting streets or waterway, park, or other open space, and having an assigned number, letter, or other name through which it may be identified.

Board means the board appointed by the governing body known as the local planning agency/zoning and planning board.

Building official means the official charged with administration and enforcement of building regulations, as provided for in chapter 6 of the town code.

Building lines means lines established by the zoning code along the front, rear and sides of a lot which govern the location of structures on a lot.

Code means the subdivision code of the town, as amended from time to time; alternatively, the term *town code* refers to the codification of town ordinances.

Collector road or collector street. (See definition of "street.")

Cul-de-sac. (See definition of "street.")

Dedication means the deliberate donation or appropriation of land, or an easement, by its owner for any general public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted, and acceptance thereof by the town.

Developer means the person who applies for approval of a plat of a subdivision pursuant to this code or constructs the subdivision improvements required by this code.

Development Development shall be defined as set forth in F.S. ss. 163.3164 or 380.04, with the exception of mining or demolition but shall include construction within rights-of-way.

Director means and refers to the individual town employee appointed to act as the planning and zoning director by the town manager, an independent consultant contracted by the town to act as the planning and zoning director, or their respective designee.

Easement means an area of land created by a subdivider reserved for ingress or egress, public utilities, drainage, sanitation, access, gas, communications, telephone, cable television, other public services, conservation, or other specifications having limitations, the title to which shall remain in the name of the property owners, subject to the right of use designated in the reservation of a servitude.

Engineer means a professional engineer registered in the state who has been admitted to practice by and is in good standing with the state board of professional engineers, pursuant to chapter 471, F.S.

Environmental impact assessment means a report providing the description and location of protected species of wildlife or plants, wildlife habitats, wetlands, surficial aquifer recharge areas, physical features, and natural resources identified in the town comprehensive plan, designated as endangered, threatened, rare species, or species of special concern, by federal or Florida, or designated pursuant to Florida or federal law or regulation as wetlands, and proposed preservation measures and/or management plan to preserve such protected species and their habitats.

Escrow agreement means an instrument which provides for a financial agreement between the developer or subdivider, the escrow agent, and the town to hold the construction funds for subdivision improvements in an account to be disbursed in accordance with a specified schedule. Such agreements shall be in form and substance acceptable to the town attorney and town manager.

Fill dirt means soil materials (excavated earth) used to change the elevation or existing grade of the development. This material may be obtained from on-site or brought in from another location.

Final plat means the final map or drawing on which the subdivider's plan of subdivision is presented to the town council for approval, and which, if approved, will be submitted to the clerk of the circuit court of this county for recording in the public records of the county.

Frontage means distance measured along a public or private street right-of-way.

Governing body means the town council of the town.

Group development means a development of land which comprises two or more buildings, such as a group of apartments, but where the land is not subdivided into the customary street and lot layout.

Improvements means street pavements, curbs and gutters, sidewalks, bikeways, alley pavements, water mains, water reuse lines, sanitary sewers, pedways, stormwater management systems, signs, landscaping, luminaries or lighting, or any other physical construction benefiting a subdivision required by the governing body and this code.

Infrastructure/construction (maintenance) warranty bonds means the placement of a bond executed by a town approved surety company or a cash payment in the amount of ten percent (10%) of the total construction cost of the subdivision improvements, as determined by the town engineer, lasting two (2) years from the date of issuance of a certificate of completion to insure maintenance and repair of all improvements installed by the subdivider. Maintenance bond monies shall not be used for routine subdivision ground maintenance, tract management, landscape repair and replacement or other maintenance generally required to be performed by the developer or a homeowners or property owners association. The bond shall include provisions for both payment and performance of maintenance and repair of the improvements, including labor, materials, and supplies, and insure the town against losses, damages, expenses, costs, and attorneys' and paralegals' fees that the town may sustain because of a default by the principal under bond. The bond may be in the form of cash, a money order, a certified or cashier's check, or a letter of credit, issued by a bank or savings and loan association

located in and licensed by the federal government or state comptroller to do business in this state; or bond issued by a surety authorized to do business in the state as a surety by the state insurance commissioner. The bond issuer shall have permanent offices within the state. All instruments shall be in form and substance acceptable to the town's legal counsel.

Local street or local road. (See definition of "street.")

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, or complete lots of record and portions of lots of record, or of lots of record; a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the town code.

(1) Corner lot means any lot situated at the intersection of two streets and abutting such streets.

(2) Dimensions of lots.

a. Depth of lot or lot depth. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the standpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

b. The width of a lot is the distance between the side lines thereof if such side lines are parallel to each other; if side lines are not parallel, width shall be construed as mean width. Provided, however, width between wide lot lines at their foremost points where they intersect with the street lines shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle cul-de-sac, where the eighty percent (80%) requirement shall not apply; provided, however, that all lots shall have a minimum of 25 feet facing a street.

c. A flag lot may be created from a parent lot only if the flag lot and the remaining lot meet the minimum lot requirements pertaining to lot size and building setback. Any flag lot shall maintain at least a 25-foot wide accessway connecting the main portion of the lot to a public or private street. No flag lot shall be created which would result in the creation of a substandard lot or lot dimension. For flag lots, the lot width, lot depth and side and rear lot lines shall be established by the boundaries of the main body of such lot exclusive of the 25-foot wide strip of land providing access to a platted or deeded right-of-way.

(3) Interior lot means a lot other than a corner lot with only one frontage on a street.

(4) Lot line means the boundary line of a lot.

(5) Lot of record. A lot whose existence, location and dimensions have been

legally recorded or registered in a deed, or on a plat, recorded in the public records of this county.

Lot grading plan means a plan prepared as part of the subdivision construction plans indicating the proposed lot elevations of each lot and tract to be constructed in the proposed subdivision with references indicating the elevations in tenths of a foot on each corner of a lot or tract, indicating the proposed finished floor elevations.

Marginal access/service road. (See definition of "street.")

Monument means a survey marker which must:

(1) Be composed of a durable material.

(2) Have a minimum length of 18 inches.

(3) Have a minimum cross-section area of material of 0.2 square inches.

(4) Be identified with a durable marker or cap bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable.

(5) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the monument falls in a hard surface, such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

~~*Newspaper of general circulation*~~ *Newspaper of general circulation* means a newspaper meeting the requirements of F.S. ss. 50.011 and 50.031, F.S., and shall include publication in a publicly accessible internet web-site as provided in F.S. s. 50.0311.

Official map or official plan means any of the latest maps or plans approved and in use by the town council as a guide for development of the town, such as the land use map in the comprehensive plan.

Pedway (pedestrian way) means a physical course or improvement provided within a right-of-way or access easement used exclusively by pedestrians or bicyclists.

P.C.P. means permanent control point and shall be considered a reference monument.

(1) "P.C.P.s" set in impervious surfaces must:

a. Be composed of a metal marker with a point of reference; and

b. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

452 (2) "P.C.P.s" set in pervious surfaces must:

453 a. Consist of a metal rod having a minimum length of 18 inches and a
454 minimum cross-section area of material of 0.2 square inches. In certain materials,
455 encasement in concrete is optional for stability of the rod. When used, the concrete shall
456 have a minimum cross-section area of 12.25 square inches and be a minimum of 24
457 inches long.

458 b. Be identified with a durable marker or cap with the point of reference
459 marked thereon bearing either the Florida registration number of the professional
460 surveyor and mapper in responsible charge or the certificate of authorization number of
461 the legal entity, which number shall be preceded by LS or LB as applicable and the letters
462 "P.C.P."

463 (3) "P.C.P.s" must be detectable with conventional instruments for locating
464 ferrous or magnetic objects.

465 *P.R.M.* means a permanent reference monument which must:

466 (1) Consist of a metal rod having a minimum length of 18 inches and a minimum
467 cross-section area of material of 0.2 square inches. In certain materials, encasement in
468 concrete is optional for stability of the rod. When used, the concrete shall have a minimum
469 cross-section area of 12.25 square inches and be a minimum of 24 inches long.

470 (2) Be identified with a durable marker or cap with the point of reference marked
471 thereon bearing either the Florida registration number of the professional surveyor and
472 mapper in responsible charge or the certificate of authorization number of the legal entity,
473 which number shall be preceded by LS or LB as applicable and the letters "P.R.M."

474 (3) Be detectable with conventional instruments for locating ferrous or magnetic
475 objects.

476 If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate
477 monumentation may be used that is durable and identifiable.

478 *Plat* means a map or delineated representation of the subdivision of lands, being a
479 complete and exact representation of the subdivision and other information in compliance
480 with the requirements of all applicable sections of this code, chapter 177, Florida Statutes,
481 and other land development regulations, and may include the terms "plat," "replat,"
482 "amended plat," "revised plat," or "final plat."

483 *Practical difficulty.* In the case of a subdivision variance, a practical difficulty is a standard
484 which is similar to but less rigorous than the unnecessary hardship standard. It may be
485 a non-self created or self-created condition of a development. The standard asks
486 whether a literal enforcement of the subdivision code will create a practical difficulty in the
487 platting, use, and development of a parcel of land for the purpose or in the manner for
488 which it is zoned. Some of the factors that *may* be considered in determining whether a
489 practical difficulty exists include: (i) how substantial the variance is in relation to the
490

requirement sought to be varied; (ii) whether a substantial change will be produced in the character of the adjacent neighborhood; (iii) whether the difficulty can be obviated by some method feasible for the subdivider to pursue other than by a variance; and (iv) whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance. Finding that factors (i) that the variance requested is not substantial; (ii) that a substantial change in the character of the neighborhood will not occur if the variance is granted; (iii) that the difficulty occurring can only be obviated by grant of the variance; and (iv) that the interest of justice will be served by granting of the variance, are all factors in support of the variance.

Preliminary plat means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the director, the town engineer, and the zoning and planning board for recommendations, to the town council for approval or the taking of other appropriate actions.

Private street. (See definition of "street.")

Residential street lights means lights installed by the town, a developer, or Florida Power and Light Co., in accordance with the National Electrical Code, and Florida Department of Transportation and town standards for the purpose of providing lighting.

Right-of-way means land dedicated, deeded, conveyed, reserved, or used for a street, alley, walkway, boulevard, pedway, bikeway, drainage facility, access for ingress and egress or other public purpose, certain designated persons, or public governmental entities.

Roadways. (See definition of "street.")

Sketch plan means a graphic presentation or map drawn to approximate scale depicting a proposed method of land subdivision.

State plane coordinates means the system of plane coordinates which has been established by the National Ocean Service for defining and stating the positions or locations of points on the surface of the earth within the state and shall hereinafter be known and designated as the "Florida State Plane Coordinate System." For the purpose of the use of this system, the zones shall be as set forth in s. 177.151(2), F.S., shall be used, and the appropriate projection and zone designation shall be indicated and included in any description using the Florida State Plane Coordinate System.

Stormwater maintenance plan or stormwater maintenance study means a report prepared by a state licensed engineer evaluating the hydrologic conditions of a site

related to groundwater location, permeability rates, location, and flow of surface water systems, and the soil conditions on-site. This detailed analysis shall meet the standards required by the town code and the St. Johns River Water Management District.

Stormwater maintenance system means the designed features of the property which collect, convey, channel, hold, inhibit, or divert the movement of stormwater.

Streets and alleys means any accessway such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on the plat showing such streets, whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water reuse lines, potable water lines, drainage and sanitary sewers, cable television, and easements of ingress and egress.

(1) *Arterial street:*

a. *Principal (major) arterial.* A street that primarily provides traffic movement services, serving longer distance trips and traffic traveling through a given area. Vehicles on these facilities generally operate at higher speeds, and there is little direct access to abutting properties. Turning movements to and from these facilities occur primarily at roadway intersections.

b. *Minor arterial.* A street that serves medium to long distance trips and traffic traveling within a given area. Vehicles on this facility generally operate at high to moderate speeds, and there is little to moderate direct access permitted to abutting properties. Turning movements to and from these facilities occur primarily at roadway intersections and major traffic generator driveways.

(2) *Collector road or collector street.* Collector roads provide both land access and traffic circulation service within residential, commercial, and industrial areas. Their primary function is to move traffic from local roads and streets to the arterial highway system, while providing some direct access to abutting property. While not dominated by signalized intersection traffic control, these facilities do tend to have more frequent intersection control such as stop and yield signs.

(3) *Local road or local street.* Local roads provide for direct access and traffic circulation to abutting lands within residential, commercial, and industrial areas. These roadways have frequent access points and frequent intersection control such as stop signs. Trip length on local streets is short, feeding trips to collectors and arterials. There are two sub-categories of local streets. They include:

a. *Major local.* This type of street serves commercial areas and higher density residential areas. Major local streets also may provide direct access for residential subdivisions to the collector and arterial roadway. Local streets with an average daily traffic of greater than 600 trips constitute major local streets in residential

subdivisions.

b. Minor local. This type of local street provides access and circulation in residential areas and carries average daily traffic volumes of 600 or less trips per day.

(4) Marginal access/service road. A marginal access/service road provides direct access to abutting property and is parallel or adjacent to arterial or collector roads. Access to an adjacent arterial/collector street is provided at limited intersections.

(5) Private street. Private street means a private right-of-way for vehicular and pedestrian traffic dedicated and held and maintained in common ownership usually by an incorporated homeowners or property owners association.

(6) Cul-de-sac. A cul-de-sac is a street terminated at the end by a vehicular turnaround.

(7) Alley. An alley is a right-of-way providing a secondary means of access and service to adjoining property.

Street (roadway) segment means a single linear section of roadway or street extending from one street intersection to another street intersection. A cul-de-sac shall be considered as one street segment. Roadway segments shall be constructed with a single uniform width.

Subdivider means any person commencing proceedings under this chapter to effect a subdivision of land hereunder for the subdivider or for another person.

Subdivision means a division of a parcel of land or platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or the division of land for the purpose of a transfer of ownership and building development. The term includes resubdivision, replat, revised plat, or amended plat and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. A group development which is developed so that it might be broken into smaller parcels at some future time shall also be considered a subdivision and shall meet the requirements of this code. Creation of a single condominium, other than a land condominium, shall not be construed to be a subdivision. Condominiums including three or more separate parcels of land owned by a condominium association or other legal entity, excluding condominium units, and the condominium itself shall not be construed to be a single condominium. ~~means and refers to the division of real property into three (3) or more tracts or parcels of land.~~

Survey data means all information shown on the face of a plat that would delineate the physical boundaries of the subdivision and any parts thereof.

(2) Point of tangency, written "P.T." means the point where a tangent circular curve ends and becomes tangent.

(3) Point of compound curvature, written "P.C.C." means the point where two circular curves have a common point of tangency, the curves lying on the same side of the

common tangent.

(4) Point of reverse curvature, written "P.R.C." means the point where two circular curves have a common point of tangency, the curves lying on opposite sides of the common tangent.

Surveyor means a state-registered land surveyor and mapper, registered under chapter 472, F.S., who is in good standing with the state Board of Professional Land Surveyors and Mappers.

Town engineer means a professional engineer, registered in the state, employed or appointed by the town, to perform the duties of that position.

Traffic calming measures means the combination of mainly physical measures that are designed and implemented to reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users.

Tree survey means a graphic drawing indicating the location of all trees and a tabular listing indicating the size and species of all trees.

Tri-party agreement means an agreement between the town, site developer, and mortgagee of said development site by which the proceeds of the mortgage are pledged as collateral for installation and construction of the project's subdivision improvements. The mortgage must contain sufficient proceeds to fund construction and installation of the subdivision improvements. A tri-party agreement may only be consummated with an institutional lender including only a banking corporation or savings and loan association chartered by the United States of America or the state comptroller, and based in or with offices in this state.

Utilities means, but is not limited to, water systems, electrical power systems, fiber optics, gas systems, sanitary sewer systems, water reuse systems, storm drainage systems, telephone systems, and cable television systems.

SECTION 4. That Section 111-2 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 111-2. – Jurisdiction; Purpose; Approval required prior to filing plats.

(a) Jurisdiction. The chapter shall govern all subdivisions of land within the corporate limits of the town, as now or hereafter established, except that no requirements in this chapter shall be retroactively applied to subdivision plats approved by the town prior to April 1, 2024. Nor is it intended by this chapter to repeal, abrogate, annul or in any

way impair or interfere with existing provisions of other laws or ordinances, except those in conflict with this code, or with private restrictions placed upon property by deed, covenant or other private agreement. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract, agreement, covenant, or deed, the provisions of this code shall control.

(b) *Purpose.* The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the town, in an effort to, among other things, ensure proper legal description, identification, monumentation and recording of real estate boundaries; further orderly layout and appropriate use of land; provide safe, convenient, and economic circulation of vehicular traffic; provide suitable building sites which drain properly and are readily accessible to emergency vehicles; assure the installation of improvements; help conserve and protect the physical and economic resources of the town; and promote the public health, safety, aesthetics, and general welfare. All subdivision of properties within the town shall at a minimum meet the requirements of this code and chapter 177, F.S.; provided, however, that no subdivider shall be required to plat in the manner provided hereunder or to meet the requirements of this code as a pre-condition to the alienation of real property (*i.e.*, deeding or leasing real property; conveyancing of an easement). Property owners shall be on constructive notice by virtue of the adoption of this code that no development of land shall be permitted on properties proposed to be subdivided after April 1, 2024, unless a plat shall have been approved by the town council and recorded in the public records of the county, all in a manner required by this code.

[Drafter's Note: See *Kass v. Lewin*, 104 So.2d 572 (Fla. 1958).]

(c) ~~(a)~~ No person shall file for record or cause to be filed for record any plat or map of a subdivision of any tract of land, or portion thereof, located within the town, whereby the tract or portion thereof is shown on the plat or map to be subdivided into lots and blocks, either with or without street rights-of-way, unless the plat or map, before filing for record, shall have been submitted to and approved by the town council. ~~All plats or maps of the subdivision of any tract of land, or portion thereof, submitted to the town council shall be prepared consistent with the regulations in Chapter 177, Florida Statutes.~~

(d) *Conveyance by reference to unapproved plat.* It shall be unlawful to convey property by reference to a plat or map of a subdivision of any tract of land, or portion thereof, located within the town, unless the plat or map: (i) has been previously approved by the town council or other governmental body, and (ii) was recorded in the public records of the county. This provision shall not be interpreted to eliminate the requirement of bonding for improvements not previously made by the time of recording.

(e) Mandatory platting of land for development or redevelopment shall be required if a subdivision is created. Further, no application for a building permit for the construction of a principal building on a subdivided parcel of land shall be granted unless a plat including such parcel of land has been approved by the town and recorded in the official public records of this county subsequent to April 1, 2024. No application for a building permit for the construction of a principal building on a parcel of land proposed to be developed as a townhouse residential unit development of more than two units shall be granted unless a plat including each such townhouse unit has been approved by the town and recorded in the official public records of this county subsequent to April 1, 2024.

SECTION 5. That Section 111-3 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 111-3. Platting; Procedure for securing approval of subdivisions.

(a) Submission of sketch plan and pre-application conference.

(1) Applicants are encouraged, but not required, to have a pre-application meeting with the town manager, so that the town can prepare for an accelerated review procedure. Prior to submission of a preliminary plat application, the subdivider may submit in writing a pre-application notice in the form of a letter with a sketch drawing to the town engineer for the proposed development and may confer with the town manager, the director and the town engineer to become familiar with the regulations affecting the land to be subdivided. This procedure does not require a formal application or fee. The sketch plan so submitted shall be considered by the town manager, as a means of advising the subdivider of the general requirements for development and the preliminary plat and to permit the subdivider to explain the general plan of development and obtain suggestions pertaining to it beneficial to the subdivider and the town.

(2) During the pre-application conference, the town manager is authorized to waive the submittal of certain items set forth in section 111-3(b), or to waive the requirement of a preliminary plat, if determined based on the location, size, condition of the property to be subdivided, and nature of the proposed subdivision such requirement is not necessary. An aggrieved developer or property owner may appeal the decision of the town manager to the town council, if the appeal is filed with the town clerk within ten (10) days of the rendition of the town manager's decision. The appeal shall be de novo, and the standard of review shall be to demonstrate that the town manager made an error in determining not to waive the requirement of the preparation of a preliminary plat. The fee for an appeal may be set by resolution of the town council from time to time.

(b) Submission of preliminary plat. Submission of a preliminary plat, unless

waived by the town manager, shall be a prerequisite to the development of any subdivision. The preliminary plat shall be submitted before the final plat.

(1) *Procedure.* The procedure for obtaining preliminary plat review and approval is as follows:

a. The subdivider shall submit a completed application with all required exhibits as set forth in section 111-3(b)(2) to the town clerk. The application and exhibits shall include:

1. 12 black or blueline prints on paper 24 inches by 36 inches and a digital version of the plan, of the proposed subdivision prepared in accordance with the design standards as set forth in section 111-4. All wording shall be in type that is at least one-tenth of an inch in height.

2. Three preliminary construction plan prints at the same scale of the proposed subdivision prepared in accordance with the specifications and required exhibits as set forth in section 111-5(b)(2).

3. Two signed and sealed surveys by a state registered land surveyor certified to and for reliance by the town.

4. Two signed statements describing the proposed use of the land, and a draft of the subdivision restrictive covenants and a copy of the homeowner's or property owner's association articles of incorporation and bylaw to be applied to the subdivision, if any.

5. Two certified copies of an environmental impact assessment report including a tree survey.

b. *Service charges and cost recovery.*

1. At the time of submission of the preliminary plat, the subdivider shall pay to the town a fee for the cost of administrative processing of the application, as set from time to time by resolution of the town council.

2. In addition to the administrative processing fees collected above, the town will impose a consultant fee for the various costs attributable to the use by the town of outside consultants, such as but not limited to engineer, attorney, planning and zoning, and surveying, for reviewing and processing the preliminary and final plat application request. Such consultant fee(s) shall be equal to the various costs of the consultant time expended and actual expenses. The town will establish a schedule for initial deposits for plat applications. The town will account for the deposit as well as the town's actual costs incurred and may require additional deposits if the initial deposit is exhausted prior to a final decision on the final plat application. The subdivider will be refunded the unexpended balance of the deposit within 60 days of a final plat development order being issued.

3. Any costs or charges associated with the need to re-advertise or re-notice an application shall be borne by the party responsible for the delay which requires a re-notice.

779 4. The town and its outside consultants will maintain
780 adequate financial records which track monthly charges of hours and expenses to be
781 charged to the applicant.

782 c. Before acting on the preliminary plat, the director shall receive
783 written reports from the public works director, the police and fire departments, the town
784 engineering department, the building division, the town attorney, and such other public
785 officials or agencies determined to be necessary by the town manager or the director.
786 Such report or reports shall comment on factors relating to the preliminary and final plat
787 which bear upon the public interest, consistency of the plat with the comprehensive plan,
788 and relationship of the plat to town land development regulations. Thereafter, the director
789 shall consolidate the comments and recommendations and shall make a formal
790 recommendation of approval, approval with conditions, or denial to the town manager and
791 the zoning and planning board.

792 d. The zoning and planning board shall review the preliminary
793 plat and required exhibits to determine its conformity with the comprehensive plan and
794 these regulations. Upon completing its review, the zoning and planning board shall
795 recommend to the town council approval, approval subject to conditions, or disapproval
796 of the preliminary plat. In recommending approval subject to conditions or in
797 recommending disapproval, the reasons for such action shall be stated in writing and
798 reference shall be made to the specific sections of this code with which the preliminary
799 plat does not comply. The subdivider shall be notified of the recommendation.

800 e. The town council shall consider the recommendation of the
801 zoning and planning board and approve, approve subject to conditions, or disapprove the
802 preliminary plat. All preliminary plat approvals are conditioned upon the subdivider's
803 compliance with the requirements of section 111-3(d)3.a., town code.

804
805 (2) Required exhibits.

806 a. A preliminary plat shall be drawn at a scale of not less than
807 100 feet to one inch on paper 24 inches by 36 inches, by a state registered surveyor
808 and/or by a state registered professional engineer, depicting the criteria below and
809 meeting the standards listed in sections 111-3 and 111-5:

810 1. Boundaries of tract shown with bearings, distance,
811 closures and bulkhead lines;

812 2. Location, width, and depth of canals and waterways, if
813 any;

814 3. Names of adjoining subdivisions;

815 4. Zoning classification, both on the land to be developed
816 and on adjoining lands;

817 5. Proposed street rights-of-way, street names, other
818 proposed rights-of-way or easements, and their locations, widths, and purposes, if any;

819 6. Proposed lot lines, lot and block numbers (if any), and

approximate dimensions;
7. Proposed parks, school sites, tracts, parcels, or other
public open spaces, if any;
8. Title, date of preparation, date of draft revisions, job or
project number, true north point, and graphic scale;
9. Name and address of owner, surveyor, and engineer
who prepared the plat and surveyed the property;
10. Total acreage in each tract;
11. Total acreage in public or other land usage, including
tracts;
12. Average lot size;
13. Total number of lots; and
14. Building line setbacks.
15. Current vicinity map showing relationship between
area proposed for development and the surrounding area.
b. A survey of the property, including topographic and location
data drawn at the same scale as the preliminary plat certified to the town for reliance, and
prepared by a state registered land surveyor showing:
1. The location of existing property lines, streets,
buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes,
water mains, water reuse lines, town limit lines, and any public utility easements, if any;
2. Wooded areas, marshes, wetlands, scrub vegetation
and any other physical conditions affecting the site; and
3. Contours and spot elevations based on National
Geodetic Survey datum with a contour interval of one foot. Contours and spot elevations
shall extend a minimum distance of 25 feet beyond property lines or a greater distance if
topographic conditions warrant.
c. Preliminary construction plans showing and meeting the
standards in section 111-5.
1. Existing ground contours at one foot intervals and
proposed elevation of area proposed for development;
2. Typical cross sections of proposed grading, streets,
sidewalks bikeways, and pedways;
3. Preliminary layout of potable water distribution,
sanitary and stormwater sewers, and water reuse lines, with grades and sizes indicated
streets, sidewalks, and pedways; and
4. Preliminary lot grading plan prepared according to
town standards and specifications.
d. Environmental impact assessment.

(c) Construction plan approval.

861 (1) Construction plans meeting the standards in section 111-5 and
862 technical provisions adopted pursuant to section 111-8 and showing the following:
863 a. Water plan (profile required at utility crossings).
864 b. Sanitary sewer plan and profile.
865 c. Stormwater management study and stormwater management
866 system plan, profile, and sections.
867 d. Sidewalks, pedways, and bikeways plans.
868 e. Streets plan and profile.
869 f. Reuse/reclaimed water plan.
870 g. Lot grading plan with lot corner elevations.
871 (2) Approval of the preliminary plat shall not be construed as authority
872 for filing of the plat with the clerk of the circuit court of this county, nor as authority for the
873 sale of lots in reference thereto. Approval of the preliminary plat shall, however, authorize
874 the subdivider to exercise either of the following options preparatory to submitting the final
875 plat:
876 a. *Option 1. Complete construction.* Prepare construction plans
877 and specifications for all required improvements which shall meet the approval of the
878 town engineer and this code. After receiving an erosion and sedimentation control permit
879 issued by the town, and receiving written approval of construction plans from the town
880 engineer, a tree removal permit may be considered for issuance by the building
881 department. Upon issuance thereof the subdivider is allowed to install all required
882 improvements, including fill dirt, in accordance with the approved plans and specifications
883 and shall complete the required improvements within 365 days from the date of
884 construction plan approval. Time extensions to complete construction may be granted, if
885 approved by the town engineer. Dependent upon the location of the proposed subdivision,
886 the subdivider may be required to construct sidewalks in accordance with section
887 111-6(b)(7). The subdivider shall construct the required sidewalk for vacant lots within
888 365 days from the date of issuance of a certificate of completion of the required
889 subdivision improvements. In the interim, the subdivider shall post a bond, cash escrow,
890 or letter of credit issued by a bank having offices in this state, for sidewalks in the amount
891 of 110 percent (110%) of the cost of construction of said sidewalks, as estimated by the
892 town engineer as a condition of final approval and acceptance of a certificate of
893 completion. The bond, cash escrow, or letter of credit shall satisfy the requirements of
894 section 111-3(d)4.b. The subdivider may periodically reduce the bond amount to account
895 for the units already constructed.
896 b. *Option 2. Surety for completion of improvements.* Prepare
897 construction plans and specifications for all required improvements which shall meet the
898 approval of the town engineer as described for option 1 and this code and provide a bond
899 or other similar surety, cash escrow, or letter of credit, to guarantee construction and
900 completion of all improvements as provided for in subsection 111-5(d)4.b. The
901 bond/surety, cash escrow, or letter of credit issue by a bank with offices in the state shall

be in the amount of 110 percent (110%) of the construction costs, including fill dirt, as estimated by the town engineer.

No dedicated utility or road work shall be undertaken prior to a pre-construction conference, which shall be scheduled by the town manager in consultation with the town engineer. Regardless of the option exercised, all work shall conform to all town regulations and shall be subject to the inspection and approval of the town manager, who shall be regularly consulted by the subdivider and kept advised by the subdivider of each new phase of work being done. The town engineer, or his designee, shall make regular inspections to assure that the work meets all code requirements.

(d) *Submission of the final plat.* Submission of a final plat shall be required of every subdivider, and no street shall be accepted and maintained by the town, nor shall any permit be issued by any administrative agent or department of the town for the construction of any building upon land on which a plat is required to be approved, unless and until a final plat has been approved by the town council and duly recorded by the clerk of the circuit court of this county.

(1) *Sale of land with reference to unrecorded plats.* Until a final plat is submitted, reviewed by the zoning and planning board, approved by the town council, and recorded by the clerk of the circuit court in the public records of the county, no sale of lots or tracts with reference to said plat shall be consummated, nor shall the town accept any streets or other improvements which are intended to be dedicated to the public.

(2) *Issuance of building permits on unrecorded plat.* No more than one building permit for single-family model home, for a multiple-family building, or for a commercial building may be issued by the building official prior to final plat approval in a proposed subdivision if:

a. A preliminary plat has been approved;
b. Construction plans have been approved;
c. The portion of the unrecorded plat on which the building is to be located must meet all requirements of town code, including meeting the definition of a "lot"

d. Improvements have been completed which provide fire service and fire access including a stabilized road and water service to the area where the model will be located; and

e. Any other improvement that the town manager in consultation with the building official or town engineer may deem necessary for safety. No certificate of occupancy (CO) or certificate of completion shall be issued, or any additional permits for construction of residential or commercial units be issued, unless and until: i) a town approved final plat is recorded by the clerk of the circuit court of this county for the section of the project in which the CO is requested; and ii) all subdivision improvements and related requirements have been completed and approved by the town engineer for

the section of the project where the CO is requested.

(3) Final plat approval procedure. The procedure for obtaining final plat approval is as follows:

a. The subdivider shall submit to the town manager an original mylar, one reproducible copy and 12 black or blueline prints of the final plat. Failure to commence construction of site improvements or to file an application for final plat approval within 365 days of the preliminary plat approval or any extension granted by the town council upon written request by the subdivider, shall result in the preliminary plat approval expiring and being automatically terminated.

b. At the time of submission of the final plat, the subdivider shall pay to the town, a fee as prescribed from time to time by resolution of the town council. The final plat shall be properly signed and executed by the subdivider and the subdivider's surveyor.

c. Before the zoning and planning board acts on the final plat, the town engineer will certify compliance with or deviations from, the approved preliminary plat and the requirements of these regulations and that all subdivision improvements shall be or are constructed as provided in option 1 or option 2 as set forth herein above.

d. The zoning and planning board shall review the final plat and required exhibits to determine conformity with the comprehensive plan and the preliminary plat. Upon completing its review, the planning and zoning board shall ensure the applicants have completed all application requirements and recommend to the town council approval, approval subject to conditions, or disapproval of the final plat. In recommending approval subject to conditions or in recommending disapproval, the reasons for such action will be stated in writing and reference shall be made to the specific sections of this code with which the final plat does not comply. The subdivider shall be notified of the recommendations.

e. The town council shall consider the final plat and recommendations of the zoning and planning board and approve, approve subject to conditions, or disapprove the final plat.

f. Action of the town council and the zoning and planning and zoning board shall be noted on the original mylar, the reproducible copy, and on the 11 prints of the final plat. The original mylar and required documents are to be recorded with the clerk of the circuit court of this county. One reproducible copy and 11 prints of the plat and one copy of the recorded subdivision documents shall be retained by the town for administrative records. All fees and documents required by the clerk of the circuit court of this county for the filing and recording of approved final plats and any subdivision documents shall be deposited by the subdivider with the clerk of the circuit court when final approval is received.

(4) Required exhibits. Exhibits a. through f., conforming to the requirements hereinafter set forth, shall be provided by the subdivider at the time of

application for final plat approval.

a. The final plat shall be drawn on a mylar at a scale of not less than 100 feet to the inch, meeting all the platting requirements of the town and state, and shall substantially conform to the preliminary plat as approved. The plat shall be drawn on mylar, as described above, 24 inches wide by 36 inches long at a scale of not less than 100 feet to one inch. A margin of one inch shall be left on the top, bottom and right side of each sheet with a three-inch margin on the left side of each sheet for binding purposes. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this code. All legal documents set forth in section 111-3(d)(4)g. or other documents to be recorded prior to or simultaneous with the final plat shall be submitted to the town prior to or simultaneously with the final plat. The final plat shall be prepared by a surveyor, who shall be qualified by law to prepare plats for recording in the public records of the county, and shall show all of the following information:

1. Each plat shall show the applicable section, township, and range of the property to be platted, and, if a land grant, the plat will so state.

2. The name of the town, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.

3. Each plat shall show a metes and bounds legal description of the lands subdivided, and the description shall be exactly the same in the title certification required to be submitted by section 111-3(d)(4)c., of this code. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

4. Vicinity map indicating the location of the subdivision in proximity to arterial and collector streets and adjoining land uses.

5. Name of surveyor/engineer of record with seal, signature, and a date of survey and plat preparation.

6. Title, date, name of the subdivision, true north point, and graphic scale.

7. The circuit court clerk's certificate and the land surveyor's certificate and seal.

8. All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. The point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of governments surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well established corner.

9. Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

1025 10. All contiguous properties shall be identified by zoning,
1026 subdivision title, and plat book and page, or, if unplatted, the land shall be so designated.
1027 If the subdivision to be platted is a resubdivision of a part or the whole of a previously
1028 recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the
1029 earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be
1030 stated as a subtitle following the name of the subdivision wherever it appears on the plat.
1031 11. All lots shall be numbered either by progressively
1032 higher numbers or, if in blocks, progressively higher numbered in each block, and the
1033 blocks progressively numbered or lettered, except that blocks in numbered additions or
1034 phases bearing the same name may be numbered consecutively throughout the several
1035 additions or phases.
1036 12. Block corner radii dimensions shall be shown.
1037 13. Sufficient survey data shall be shown to positively
1038 describe the bounds of every lot, block, tract, street, easement, and all other areas shown
1039 on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the
1040 major portion of that lot or subdivision shall be enclosed by a witness line showing
1041 complete data, with distances along all lines extended beyond the enclosure to the
1042 irregular boundary shown with as much certainty as can be determined or as "more or
1043 less," if variable. Lot, block, street, and all other dimensions except to irregular
1044 boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall
1045 refer to horizontal plane and be in accordance with the definition of the U.S. survey foot
1046 or meter adopted by the National Institute of Standards and Technology.
1047 14. Curvilinear lots shall show the radii, arc distances, and
1048 central angles or radii, chord, and chord bearing, or both. Radial lines will be so
1049 designated. Direction of non-radial lines shall be indicated.
1050 15. Sufficient angles, bearings, or azimuth to show
1051 direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown
1052 to the nearest second of an arc.
1053 16. The centerlines of all streets shall be shown with
1054 distances, angles, bearings or azimuth, "P.C.s," "P.T.s," "P.R.C.s," "P.C.C.s," arc
1055 distance, central angles, tangents, radii, chord, and chord bearing or azimuth, or both.
1056 17. Park and recreation parcels as applicable shall be so
1057 designated.
1058 18. A certificate of consent and joinder to the plat,
1059 dedication of lands upon the plat, and recording of the plat executed by any mortgagee
1060 and lien holder, in form and substance reasonably acceptable to the town attorney.
1061 19. The purpose of all areas dedicated must be clearly
1062 indicated or stated on the plat.
1063 20. When it is not possible to show curve detail information
1064 on the map, a tabular form may be used.
1065 21. A note stating that fences are regulated in easements

pursuant to the town code.

22. The plat shall include in a prominent place the following statement: NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

23. Location and widths of reservation, easements, tracts, and any areas to be dedicated for public use or sites for other than residential or commercial uses with notes stating their purpose and any limitations.

24. A note stating: All platted public utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

25. Information and certificates as required by ss. 177.071 and 177.081, F.S.

26. Text dimensions. All text and numerical data shown on the plat must be a minimum of one-tenth inch in height. Details should be added where appropriate. Neatness and clarity on the plat is mandatory.

b. Where the required improvements have not been completed prior to the submission of the final plat, the approval of the plat shall be subject to the subdivider, guaranteeing the installation of said improvements by filing a performance and payment bond executed by a surety company authorized to do business in this state by the state insurance commissioner; cash escrow; tri-party agreement; or a letter of credit issued by a Florida bank or savings and loan association, located in the state and licensed by the federal government or the state comptroller to do business in Florida as a bank or savings and loan association in the amount of 110 percent (110%) of the construction cost, including fill dirt, as determined by the town engineer. The bond instrument may provide that portions of the security may be partially released, proportionate to the work completed on the installation of public improvements, to the subdivider, from time to time, as work progresses; but the amount to be released shall be determined by the town engineer in accordance with the foregoing. All instruments shall be in form and substance satisfactory to and approved by the town attorney.

c. Every plat of a subdivision submitted to the approving agency of the town must be accompanied by a title opinion by an attorney-at-law licensed to practice in the state or a certification by an abstractor or a title insurance company, authorized to do business as such by the Florida Insurance Commissioner, confirming that record title to the land as described and shown on the plat is in the name of the

1107 person or legal entity executing the dedication, if any, as it is shown on the plat and, if the
1108 plat does not contain a dedication, that the subdivider has record title to the land. The title
1109 opinion or certification shall also show all mortgages or other liens not satisfied nor
1110 otherwise terminated by law on the land to be platted and all other encumbrances or
1111 easements. The title opinion shall be certified to and in favor of the town and the county
1112 commission and clerk of the circuit court. Said opinion shall be in form and substance
1113 acceptable to the town attorney. No title opinion shall be more than 90 days old as of the
1114 date of recording of the final plat. As of the date of recording of the final plat, the
1115 subdivider shall certify under oath to and for reliance by the town and the clerk of the
1116 circuit court that there have been no changes in the state of title as depicted on the title
1117 opinion.

1118 d. Any proposed subdivision within a flood hazard area must
1119 comply with chapter 107 of the town code. If proposed structure elevations are contingent
1120 upon a letter of map change as defined by the Federal Emergency Management
1121 Administration (FEMA), no certificates of occupancy (CO) shall be issued for a structure
1122 on any platted lot formerly located in FEMA designated flood zone A, AE, AO, AH, V, or
1123 VE until a map amendment or letter of map revision (LOMR) has been obtained for said
1124 lot or structure indicating that such structure has been removed from a special flood
1125 hazard area as acknowledged by FEMA as a result of construction improvements. All lots
1126 where no change in the status of the special flood hazard area has occurred shall remain
1127 eligible for building permits; provided, that the lowest floor elevation is elevated 1.33 feet
1128 above the base flood elevation. No building permit or permit for subdivision
1129 improvements will be issued until the construction has been approved by the town's
1130 floodplain administrator pursuant to chapter 107, town code.

1131 e. A stormwater maintenance agreement substantially, in a form
1132 approved, from time to time, by resolution of the town council specifying the location,
1133 function, ownership, maintenance responsibility and access responsibilities for the
1134 stormwater management system consistent with chapter 14, town code, and consistent
1135 with the requirements of the St. Johns River Water Management District, shall be
1136 executed by the owner of the properties to be platted and joined in and consented to by
1137 any mortgagee or lienholder of the aforesaid. The agreement shall be in form and
1138 substance acceptable to the town attorney and town manager.

1139 f. The subdivider shall submit for review and approval to the
1140 town manager the documents set forth in this sub-paragraph. These documents shall be
1141 reviewed by the town attorney. Upon review and approval of the documents, the
1142 documents shall be recorded with the Florida division of corporations or in the public
1143 records of this county, simultaneous with the recordation of the final plat:

1144 1. Articles of incorporation for a homeowner's, property
1145 owner's, or condominium association, if the property to be platted includes more than one
1146 parcel of property to be platted. The town manager may waive this requirement at the
1147 time of final plat approval, if there are no private improvements serving more than one lot.

The articles of incorporation shall satisfy all requirements of chapters. 607 or 617, F.S., relating to corporations. The articles of incorporation shall include a provision stating that the town is not required to take title to or to operate any of the improvements in the subdivision upon dissolution of the association. The provision shall also provide that said provision cannot be amended or terminated without consent of the town. Upon approval of the articles of incorporation, they shall be filed with the state secretary of state at the expense of the subdivider. Prior to recording of the final plat, copies of the corporate charter and articles of incorporation marked "Filed" in the secretary of state's office shall be submitted to the town attorney. It is recommended, although not required by the town, that the original corporate charter and articles of incorporation marked "Filed" in the secretary of state's office be recorded in the public records of this county, simultaneous with the recordation of the final plat;

2. Declaration of covenants, conditions, and restrictions for the subdivision, if the property to be platted includes more than one parcel of property to be platted. This document shall include provisions providing: that the covenants shall be covenants running with the land; that the common areas are subject to the jurisdiction of the association incorporated above in sub-paragraph f.1; that the association shall be responsible for maintenance of the common areas; that the association shall have the power to assess the various lots in the subdivision for funds to maintain the common areas; that upon failure to pay said assessments, the association may place a lien against said lots; restrictions on use of portions of the property to be subdivided; and for a method by which the covenants and restrictions may be enforced. The covenants and restrictions shall continue in force for so long as the subdivision may exist. The common areas shall include entry areas for landscaping and display of subdivision related signage, stormwater retention/detention facilities, drainage parcels or easements, recreational areas, and other subdivision related facilities, and may include conservation areas;

3. Deed conveying parcels of the common areas to the association incorporated above in subparagraph f.1. The deed shall be a statutory warranty deed;

4. Easements to the town or public utility for water, sewer, drainage, conservation, or other purposes, whether on- or off-site. No easement shall be conveyed unless requested by the town or the public utility. All easements shall warrant title, that the grantor holds title to the property and has the power to convey title, and that the grantor will defend the town against all claims against the title;

5. Stormwater maintenance agreement substantially conforming to the form approved by the town;

6. Water and sewer agreements required as a condition of construction plan approval;

7. Letter from the St. Johns River Water Management District acknowledging receipt of the documents listed in this subparagraph;

8. Receipt for payment of applicable impact fees, if any;

and

9. Form of infrastructure/construction (maintenance) warranty bond. Upon approval of the form of infrastructure/construction (maintenance) warranty bond, letter of credit, or cash escrow which shall be consummated and filed with the town prior to recordation of the final plat.

The instruments set forth in subparagraphs f.1.-5. shall be joined in and consented to by mortgagees and lienholders of record at the time of recording of the final plat. All documents must be in form and substance acceptable to the town manager and town attorney. All costs for recording, documentary stamp taxes, and other applicable taxes and fees shall be paid by the subdivider.

g. Installation of permanent reference monument and permanent reference points. Upon approval of the final plat by the town council, but prior to the recording of the final plat the subdivider shall cause a registered surveyor to install permanent reference monument (P.R.M.) points. Permanent reference monument points shall be placed in accordance with the following requirements:

1. Subdivision corner tie. At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker, such as a U.S. government marker, section corner or quarter-section corner. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

2. Permanent reference monuments. Permanent reference monuments shall be placed at each corner or change in direction on the boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310 feet (unless the bend is shorter), but shall not be more than 1,400 feet apart. In all cases, there shall be a minimum of four "P.R.M.s" placed on the boundary of the lands being platted. Additional "P.R.M.s" shall be placed by the subdivider where required by the town engineer. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset with the boundary of the plat, and such offset shall be noted on the plat. Where corners are found to coincide with a previously set "P.R.M.," the number on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat, and this will be so stated in the surveyor's certificate on the plat. Such "P.R.M." shall be shown on the plat by an appropriate designation.

3. Permanent control points. "P.C.P.s" shall be set at the intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s," "P.T.s," "P.R.C.s" and "P.C.C.s" and no more than 1,000 feet apart, on a tangent, between changes of direction, or along the street right-of-way or block lines at each change in direction, no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate designation. "P.C.P.s" shall be set prior to the expiration of the

bond or other surety or guarantee insuring the installation of subdivision improvements. It is the land surveyor's responsibility to furnish the town engineer with said surveyor's certificate that the "P.C.P.s" have been set and the dates the "P.C.P.s" were set.

4. *Accuracy.* The angular error of closure for surveys shall not exceed 25 seconds times the square root of the number of angles turned. The total error shall be no greater than 40 seconds. The linear error of closure for surveys shall not exceed one foot per 7,500 feet measured on the perimeter (1:7500).

h. *Recording of the final plat.* Within 90 days after the final plat has been approved by the town council, it shall be recorded with the clerk of the circuit court of this county by the applicant, unless such recording within 90 days is prevented by some legal regulation or requirement of the clerk of the circuit court, in which case, the recording shall be accomplished as soon as the subdivider has satisfied such regulation or requirement. If the subdivider fails to satisfy all requirements of approval which are a condition precedent to recording the final plat and fails to record the plat within 90 days following town council approval, the final plat approval shall automatically terminate, unless the foregoing time is extended by the town council for good cause. Filing of a lawsuit or other administrative action within said 90 day period shall automatically stay the aforesaid time period.

(a) Approval. No lot or parcel of property shall be platted or replatted without prior approval of the town council.

(b) Application. An application for platting or replatting may be obtained from the town clerk and shall be completed by the applicant.

(c) Notice of hearing. Upon receipt of the application, the town clerk shall cause a notice of the application and the time and place of the hearing thereon to be published at least fifteen (15) days and not more than thirty (30) days prior to such hearing, in a newspaper of general circulation, and shall post a copy of said notice in the town hall. The town clerk shall also send by certified mail a notice to those persons owning property within the radius of two hundred (200) feet of the property lines affected by the application.

(d) Mailed notice. The mailed notice shall include the following:

(1) That any persons owning property within the said radius above shall have the right to protest the platting or replatting requested.

(2) That protests may be filed in writing in the office of the town clerk not more than ten (10) days after the date the notice was published.

(3) That the person who has timely filed a written protest may be heard at the hearing, giving the time, date, and place of same.

(4) The particulars of the platting application.

(5) That any person desiring to appeal the determination of the town council may need to ensure that a verbatim transcript of the hearing is prepared.

(e) Protests. Prior to the public hearing the town clerk shall forward to the town council the application and any protests filed regarding same.

1271 (f) ~~Costs. The costs incurred by the town for the required publication of notice(s)~~
1272 ~~and for the required mailing of copies of such notice(s) shall be paid by the applicant~~
1273 ~~submitting the proposed plat or replat.~~
1274

1275 SECTION 6. That Section 111-4 of the Code of Ordinances of Indialantic, Florida,
1276 is hereby amended to read as follows:
1277

1278 **Sec. 111-4. Construction of new subdivision on unplatted lands.**
1279

1280 No recording of an approved plat ~~development of a subdivision on or after October~~
1281 1,2025, shall be undertaken on unplatted land without the recommendation of the zoning
1282 and planning board and approval of the plat by the town council, all of which is subject to
1283 these regulations and designed as provided in these regulations.
1284

1285 SECTION 7. That the Code of Ordinances of Indialantic, Florida, is hereby
1286 amended by adding a new section, to be numbered section 111-5, which said
1287 section reads as follows:
1288

1289 **Sec. 111-5. - Required improvements.**
1290

1291 (a) Minimum standards of design; plans and drawings. The design of the
1292 preliminary plat and final construction drawings, shall comply with the requirements
1293 herein. Approval of the final plat shall be subject to the subdivider's having installed the
1294 improvements hereinafter designated or having guaranteed, with bond or other surety as
1295 aforesaid, the installation of the improvements. The town engineer shall be responsible
1296 for approving all plans and specifications, for the required improvements, assuring
1297 adequate inspection of construction for compliance with the approved plans and
1298 specifications and for issuing a certificate of completion upon the acceptable completion
1299 of the work and installation of the improvements, subject to the required maintenance
1300 period. All plans shall be prepared by a registered Florida professional engineer, sealed
1301 by said engineer, and certified to and in favor of the town. All improvements shall be
1302 constructed by the subdivider and inspected and approved by the town engineer prior to
1303 acceptance by the town. All construction and inspection shall comply with the
1304 requirements of the town, state, and federal agencies, including, but not limited to, the
1305 Florida Department of Environmental Protection, the U.S. Fish and Wildlife Service, the
1306 Florida Fish and Wildlife Conservation Commission, the Florida Department of
1307 Transportation, and the Florida Department of Health, all as applicable. Upon completion
1308 of the streets, stormwater systems, water, sewer, and reclaimed water systems (if any),
1309 electric, gas, telephone utilities, cable television, and traffic control devices, acceptable to
1310 the town engineer and town manager, the town engineer may issue a certificate of
1311 substantial completion. This certificate does not certify completion of all improvements in

the subdivision and is considered as a conditional certificate of completion. After completion of construction of all improvements and preliminary acceptance by the town engineer, the subdivider shall provide reproducible as-built drawings to the town for the purpose of maintaining a permanent record. Said drawings shall be prepared by a Florida registered surveyor and certified by a Florida registered professional engineer, under seal, and certified to and in favor of the town. The certificate of completion shall not be issued until the drawings are delivered to and approved by the town engineer. The certificate of completion shall also signify acceptance of the town of all dedicated improvements.

(b) *Street improvements.* The following requirements shall apply to all streets within the subdivision.

(1) *General requirements.*

a. The location and width of all proposed streets and bridges shall be in conformity with official plans and maps of the town, the comprehensive plan, and the town code.

b. The proposed street layout of subdivisions with public streets shall be integrated with the street system of the surrounding area. Existing streets shall be extended to provide a connection with adjacent compatible developments where platted public rights-of-way or other public streets abut the parcel being considered for subdivision approval. Parcels being developed for subdivision approval adjacent to other vacant parcels shall provide street rights-of-way and street improvements to the boundary of the adjacent parcel providing a future connection to the non-platted parcel if the land use and/or zoning of the adjacent parcel is compatible with the proposed plat. Connections shall be provided as required in section 111-5(b)(4)m. Subdivisions constructed with private streets shall be required to provide street connections to adjacent development to vacant parcels, except that a temporary wall, gate, landscaped barrier, or other acceptable barrier may be permitted between the private street of a subdivision and the vacant parcel. Public pedestrian ways may be permitted, if desired, to provide a connection between subdivisions.

c. Where it is possible to provide for street access to an adjoining property, proposed streets shall be extended, by dedication to the boundary of such property and a temporary turnaround shall be required, unless waived by the town due to public safety or for environmental protection. An easement for the turnaround shall be conveyed to the town in form and substance acceptable to the town manager and town attorney. The easement property shall be free of liens and security interests or consented to and joined in by all lienholders.

d. There shall be no private streets or tracts platted in any subdivision, except where their control is dedicated or conveyed by warranty deed to the homeowners, or property owners, association with rights of use and right of reversion granted to the town under conditions set forth on the deed and stipulated on the final plat. The property shall be free of liens and security interests or the deed shall be consented

to and joined in by all lienholders. The warranty deed shall be in form and substance required by the town manager and town attorney. All private streets shall conform with town standards for design and construction.

e. Auxiliary lanes. Auxiliary lanes refer to acceleration, deceleration, and storage lanes. Developments that generate a.m. or p.m. peak hour traffic that exceeds the following thresholds shall provide the following site related acceleration, deceleration, and storage lanes:

1) If more than 20 left turning vehicles per hour on a two-lane arterial or collector roadway, then left-turn lanes are warranted.

2) If more than 50 right turning vehicles per hour on a two-lane arterial or collector roadway, then right-turn lanes are warranted.

3) If more than 80 right turning vehicles per hour on a four-lane arterial or collector roadway, then a right-turn lane is warranted.

4) If more than 100 right turning vehicles per hour on a six-lane arterial or collector roadway, then a right-turn lane is warranted.

5) If an applicant for a development objects to the requirement for a turn lane, then a traffic analysis shall be submitted per the requirements outlined in the latest edition of the state department of transportation (FDOT) Transportation Technical Manual.

6) A left-turn lane is recommended for any intersection that exceeds 30 vehicles per hour on multi-lane roadways. Exclusive left-turn lanes are identified as a required base on Highway Capacity Manual level of service analysis for multi-lane collector roadways. Two-way continuous left-turn lanes shall be designed as per the FDOT guidelines.

Notwithstanding the above-referenced thresholds, the town engineer will make the final determination whether to require an auxiliary lane in the interest of public safety. Special consideration will be given to commercial areas containing substantial pedestrian traffic, as well as roadways that are maintained by other governmental agencies. There may be cases where it will be desirable to provide room for right-turn deceleration, but an entirely separate deceleration lane is either too difficult to install due to design constraints, or is not reasonable. In such cases, a right-turn curb taper may be provided in accordance with FDOT standards. Right-turn acceleration lanes shall not be provided.

f. The proposed street layout of subdivisions with residential public streets shall be reviewed for conditions which would promote or result in operating speeds greater than the posted speed or which unreasonably attract traffic volumes beyond the immediate street or area streets within or in close proximity to the subdivision. A town or other traffic engineer may require the redesign of the road pattern to address traffic safety issues including the construction of traffic calming measures.

(2) Street names. Proposed streets that are obviously in alignment with other existing and named streets, shall bear the assigned name of the existing streets. In

no case shall the name for a proposed street duplicate or be phonetically similar to existing street names, and the fact that the name is sought to be distinguished only by employing a different designation of the type of public way, such as street, avenue, boulevard, drive, place, court and the like, shall not suffice. Street names shall require the approval of the town engineer, town manger, and the county 911 emergency system. Street name and other regulatory signs including pavement markings and signal systems shall be provided within the subdivision by the subdivider. All traffic control devices shall be in accordance with the most recent edition of the Manual of Uniform Traffic Control Devices (MUTCD).

(3) *Design standards for streets.* The following street design standards shall be considered minimum requirements for rights-of-way within subdivisions and for rights-of-way for all facilities in the town:

a. *Right-of-way widths.* Minimum street right-of-way widths shall be in accordance with the major street plan and shall not be less than the following:

		(feet)
1.	Major arterial	130
2.	Minor arterial	100
3.	Collectors (4 lane and 5 lane)	90
4.	Collectors (3 lane)	66
5.	Collectors (2 lane)	60
6.	Local street	50
7.	Cul-de-sac, radius	50
8.	Marginal access streets	40
9.	Residential traffic circle, radius	57
10.	Alleys	20
11.	Pedways and bikeways	12

b. *Paving.* Road base and paving shall be installed in accordance with the specifications and standards of the town or as approved by the town manager and the town engineer.

c. *Pavement widths.* All street or roadway segments shall be constructed with a single uniform width. Pavement widths measured from back-to-back of curb shall be not less than the following and shall apply to all streets within subdivisions and for all other facilities in the town:

		(feet)
1.	Major arterial (4 lane div.)	84
2.	Major arterial (5 lane)	72
3.	Major arterial (4 lane div.)	64
4.	Collector (5 lane)	72
5.	Collector (4 lane div.)	64
6.	Collector (3 lane)	48

7.	Collector (2 lane)	36
8.	Local street (major)	32
9.	Local street (minor)	28
10.	Cul-de-sac, radius:	
	Less than 300 feet in length	39.5
	Greater than 300 feet in length	42.5
11.	Marginal access streets	24
12.	Traffic circle (one way no parking)	16
13.	Alleys	20
14.	Bikeways and pedways (two way)	8

d. Pavement repairs. Materials for making pavement repairs shall conform to the town's specifications for street construction.

e. Curbs and gutters. Combination curb and gutter shall be installed in accordance with the specifications and standards of the town except for residential alleys.

1. Gutter slopes shall be a minimum of 0.28 percent.
2. Standard curb and gutter shall be provided on both sides of arterial and collector streets.

3. Miami curb may be permitted on all other streets.

f. Horizontal curves. Where a centerline deflection angle of more than two degrees occurs, a circular curve shall be introduced, having a centerline radius of not less than the following:

	(feet)
1. <u>Arterial streets</u>	<u>300</u>
2. <u>Collector streets</u>	<u>200</u>
3. <u>Residential streets</u>	<u>100</u>
4. <u>Street intersections</u>	<u>55</u>

g. Vertical curves. Vertical curves are required when the algebraic difference of the intersecting grades is equal to or exceeds one percent (1%). The required minimum length for vertical curves shall be as follows: On both sag vertical curves and crest vertical curves, the length required for the site difference shall be based on the designed speed.

h. Minimum grade. Minimum slope for all streets shall be 0.28 percent (.28%). Finished grades shall be approved by the town engineer. Street crowns shall be according to town specifications.

i. Tangents. A tangent of not less than 100 feet in length shall be provided between reverse curves on all collector and major streets.

j. Intersections. Street intersections shall be laid out as follows:

1. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees.

2. Intersections with a major arterial shall be at least 800 feet apart measured from centerline to centerline, or meet the minimum separation requirements established by the jurisdiction having authority over the maintenance of the roadway, whichever is greater.

3. Property lines at street intersections shall be rounded with a minimum radius of 25 feet. At an angle of intersection of less than 75 degrees and greater radius may be required.

4. A centerline offset of at least 125 feet shall be provided at street jogs.

5. On any major or minor arterial within 150 feet of its intersection with another major or minor arterial, the right-of-way width shall be increased by 12 feet on both sides to permit proper intersection design. This additional right-of-way shall be dedicated or conveyed as a public right-of-way easement or deeded to the jurisdiction having operational and maintenance authority over the roadway.

k. Cul-de-sac. Permanent dead-end streets shall not exceed 1,000 feet in length, and shall be provided with a turnaround having a right-of-way radius of at least 50 feet and with a paving radius of at least 42.5 feet. Culs-de-sac less than 300 feet in length may provide a paved circular turn around of 79 feet in diameter measured back-of-curb to back-of-curb. However, no parking shall be permitted in culs-de-sac with less than an 85-foot paved surface diameter. Temporary dead-end streets shall be constructed with a turnaround radius of at least 39.5 feet. Temporary turnarounds shall be constructed in accordance with the town's specifications and provided by executing a cul-de-sac agreement pursuant to section 111-5 of the town code.

l. Alleys. Alleys shall be provided to the rear of all lots used for other than residential purposes, unless other provisions are made for service access and are approved by the town council. Alleys in residential blocks must be recommended by the zoning and planning board and approved by the town council. All alleys shall be constructed in accordance with town specifications and standards.

m. Blocks. The maximum and minimum lengths and widths of blocks shall be as follows:

1. Length. Blocks shall not exceed 1,500 feet nor be less than 500 feet.

2. Nonresidential blocks. Such blocks shall require a length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of ingress and egress on abutting streets, and without requiring vehicular maneuvering on public right-of-way. Lots within such blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block, or a marginal

access street shall be provided, to prevent points of ingress and egress from each lot to the abutting street.

n. *Traffic calming measures required.* When in the opinion of the town engineer, the design of the street system within a subdivision could likely create the potential for excessive speeds or excessive traffic volumes due to restrictive or hindered design options available to develop a subdivision, the town engineer is authorized to require the construction of traffic calming measures within the street system of the subdivision as a condition of preliminary plat review and approval and subdivision construction plan review and approval.

(4) *Right-of-way landscaping.* All unpaved areas, and above ground utility facility locations within street rights-of-way shall be properly treated with top soil, sprigged, and maintained until growth is relatively permanent. The plan for such landscaping shall be in conformance with currently approved standards of the town, and the design for landscaping at intersections adopted by FDOT, Roadway and Traffic Design Standards, Index No. 546 with most current revisions. Landscaped islands or medians may be permitted within the right-of-way of all subdivisions including entrances. These islands shall be designated on the plat and in the subdivision covenants, conditions, and restrictions or stormwater maintenance agreement, as separate tracts to be maintained by an incorporated homeowners' or property owners' association having an enforceable right of assessment for maintenance purposes. The tracts shall at the time of recordation of the final plat in the public records be conveyed by warranty deed to the homeowners' or property owners' association. The islands shall meet applicable town landscaping requirements. Subdivision identification signs may be constructed consistent with town standards and town custom, gatehouses, guard stations, and other such structures, if any, constructed at the entrances of subdivisions or other commercial or residential developments, shall be placed so that a minimum of 20 feet of horizontal clearance is maintained for both access drives or travel lanes. Such structures shall not obstruct sight distance at intersections and shall be setback at least ten feet from the pavement edge of the public street intersecting the subdivision entry streets. Such structures shall be provided and constructed in platted tracts.

(5) *Sidewalks.* As a condition of the issuance of a building permit for any construction project, the town may require the subdivider or developer to construct a sidewalk, if required by the town, along the subdivider/developer's street frontage at the time of development.

a. Unless waived by the town manager or the town council, all development, including subdivisions, shall provide sidewalks adjacent to the roadway on which the subdivision or development fronts. Unless waived by the town council, sidewalks shall also be provided on both sides of all arterials, collectors, local streets, and marginal access streets located within a subdivision, or on streets abutting the subdivision, unless otherwise provided in this code or in the town comprehensive plan.

b. All sidewalks shall be placed within a right-of-way if possible.

Whenever this is not possible, sidewalks shall be provided through the creation of easements conveyed to the town.

c. Location and width. All sidewalks shall be placed as far from the roadway as practical and shall be free of all obstructions. The location criteria established in the "FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" should be followed. If a sidewalk must be placed immediately adjacent to the curb, a wider sidewalk shall be required. Sidewalks along arterial and collector streets shall be a minimum of five feet in width. Sidewalks no less than four feet in width shall be required along both sides of local residential streets, unless waived by the town.

d. Unless waived by the town council or the town manager, the owner/subdivider shall be responsible for constructing sidewalks in common areas, including tracts, and such sidewalks shall be installed prior to the final inspection of the subdivision improvements for the issuance of a certificate of completion. Each sidewalk shall extend to a curb cut at all street intersections which provides access connections to the sidewalk from the street. All access connections shall provide Americans with Disabilities Act handicapped accessible ramps consistent with requirements to implement the Americans with Disabilities Act, 42 USC §12101 et seq. All sidewalks shall be constructed in accordance with the provisions set forth in town standards or as provided by FDOT.

(c) Utilities. Sanitary sewer, water distribution, and reclaimed water systems shall be designed in accordance with requirements of the utility provider to the specifications and standards in effect at the time of construction plan submittal, and the systems shall be installed by the subdivider and subject to town approval. The number and location of fire hydrants and the size of water mains supplying the hydrants shall be reviewed by the town fire chief and subject to approval by the town engineer. In residential subdivisions developed after January 1, 2021, utility service connections to individual properties of electric, telephone, gas, and cable television communication shall be placed underground. All utilities shall be installed within rights-of-way, tracts with utility easements, or within utility easements designated on the plat.

(1) Utility easements. Utility easements shall be provided for all lots as follows:

a. Width of easements. All lots in subdivisions platted after January 1, 2021, shall have a minimum of a ten-foot wide easement along the front lot line parallel to the street for public utilities and all lots, except those utilizing zero lot line construction, shall have a minimum of a 7.5-foot wide easement centered on common side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for water lines and water reuse lines six inches or greater in diameter, centered on common lot lines shall be a minimum of 20 feet wide. Other easements in subdivisions platted after January 1, 2021, desired by the subdivider for access, or for the installation of gas mains,

reclaimed water lines and water lines less than six inches in diameter, telephone lines, electric service lines and conduits, and cable television lines shall be a minimum of ten feet wide centered on the side and/or rear lot line and meet the requirements of this code.

b. Structures. Structures or other obstructions not pertaining to public utilities or public sidewalks shall not be located in any utility easements; provided that fences or walls may be installed but may be removed by the town or the utility provider. Neither the town nor the utility provider shall be required at its expense to re-install or erect such fences or walls removed.

(2) Oversized utility facilities. The town or the utility provider may participate in the cost of facilities and improvements which must be designed to serve more extensive areas than the subdivision, if in the opinion of the town council, an unnecessary burden would be imposed on the subdivider.

(3) Luminaries. Luminaries including street lights shall be installed within the street rights-of-way and shall conform to the latest state or town approved edition of the National Electrical Code and any applicable FDOT or town design standards in effect at the time of construction plan approval for residential development or commercial development, depending on the type of subdivision. All street light utility systems shall be provided with minimum separation and shall be designed to reduce glare on non-public property. Street light locations shall be approved by the town engineer. Luminaries shall be provided throughout the subdivision upon issuance of a certificate of completion. Luminaries shall be placed no closer than 300 feet to one another, except in cul-de-sacs or as determined by the town engineer during construction plan review. For the purposes of providing uniformity in street lighting standards, street lights may be installed in strategic areas in the subdivision prior to issuance of a certificate of completion. Street lights situated on rights-of-way or easements shall be maintained free from vegetation and/or other obstructions that may block, deflect or redirect light patterns, or potentially interfere with street light operation or maintenance of cause a fire.

(d) Stormwater management.

(1) A complete stormwater maintenance system plan, in conformance with chapter 14 of the town code and meeting the minimum or greater requirements of regulations of the St. Johns River Water Management District, shall be provided for all areas of the subdivision for conveying and storing stormwater runoff within or across the subdivision lands. All drainage improvements shall be installed in accordance with the town approved stormwater maintenance system plan and all specifications and standards of the town and meeting the minimum or greater requirements of regulations of the St. Johns River Water Management District, and shall be platted as tracts or parcels for treatment facilities, and shall include necessary easements for conveyance.

1603 (2) The provisions of the plan shall meet the following general
1604 requirements:

1605 a. All proposed stormwater management systems shall be
1606 designed to not create flood, safety or health hazards, or increase the net loading of
1607 TN, TP or sediment to the receiving waters.

1608 b. All stormwater management systems shall be designed to
1609 enhance groundwater recharge while reducing pollution. However, in an area
1610 designated as groundwater recharge area, the developer shall limit runoff from the
1611 proposed site to the greatest practicable extent. In addition, the town engineer, while
1612 enforcing standards set for pollution and sedimentation control, may encourage or
1613 request innovative approaches to achieve the above-stated purpose.

1614 c. Concurrent control of erosion, sedimentation, water
1615 pollution and flooding shall be mandatory.

1616 d. The name and address of the maintenance agencies,
1617 property or homeowners association, or legal entity, providing for continuous proper
1618 maintenance and operation.

1619 e. Documentation sufficient to demonstrate that the
1620 maintenance agency is the legal entity empowered and obligated to perpetually
1621 maintain the stormwater management systems.

1622 f. A written description of the methods to be used to maintain
1623 stormwater management systems sufficiently to comply with the standards as provided
1624 by this sub-section (d) and as may be required by chapter 14 of the town code.

1626 (3) Stormwater management plans shall be approved by the town
1627 engineer when it can be demonstrated that the proposed development activity has been
1628 planned, designed and will be constructed and maintained to meet each of the following
1629 performance standards:

1630 a. The installed system required by this sub-section (d) shall
1631 be maintained by the legal entity responsible for maintenance.

1632 b. The town engineer shall approve a written maintenance
1633 plan upon a finding that the plan meets the terms of this article. The approved
1634 construction and maintenance plans shall become a part of the maintenance plan.

1635 c. The stormwater management system to be maintained by
1636 the legal entity shall have adequate easements to permit the town to inspect, and, if
1637 necessary, to take corrective action should the legal entity fail to maintain the system
1638 properly.

1639 d. If inspection reveals that the legal entity is not maintaining
1640 the stormwater management system in accordance with this section, the code
1641 enforcement division shall give the legal entity written notice of the corrective action

required to be taken. Should the legal entity fail, within 30 days of the notice, to complete such corrective action, the town may enter upon the property, take the necessary corrective action, and file a lien upon the properties responsible for the maintenance of the stormwater system for the cost of such action.

e. The town may, but shall not be obligated to, enter at any time, with or without notice, in an emergency to maintain the system. In the event an emergency situation is determined to exist by the code enforcement official after consulting with the town engineer, which endangers persons and/or property, the town may take corrective action. Any town actions and costs incurred may be recovered by the placement of a lien on the properties responsible for the maintenance of the stormwater system.

f. The legal entity shall execute and record a document acceptable to the town attorney and town manager, which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, and provides a legal mechanism assuring the perpetuation of the maintenance.

g. Maintenance of stormwater facilities shall include the performance of the system as originally designed and permitted by the town and/or appropriate governmental agencies and as stated in the written plan.

h. Maintenance shall include compliance with town building and construction codes, town nuisance codes, and other applicable town codes.

(4) Upon approval and execution of the plan into a binding stormwater maintenance agreement, the agreement shall be recorded in the public records of the county. The agreement shall be joined in and consented to by any mortgage, lien, or security interest holder of property, any portion of which is to be encumbered by the agreement. All town costs of the preparation of the agreement and recording thereof shall be paid by the subdivider.

(e) *Bulkheads.* Bulkheads, if any, shall be designed by a registered state professional engineer and constructed along the waterfront perimeter of all landfills, one foot within the property line. The top of the bulkheads shall be not less than three feet above mean sea level. Construction shall meet town specifications and standards.

(f) *Concurrency; Parks and open space in platted subdivisions.* Standards shall be as set forth in the town code, if any, shall be adhered to by subdividers.

(g) *Lots.* All lots shall front upon a public or private street paved to town or FDOT specifications. Double-frontage lots, except for corner lots, are to be avoided if possible. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical

further subdivision. The size, shape and orientation of nonresidential lots shall be appropriate for the type of development and use contemplated. All lots and lot dimensions shall comply with the requirements of the town zoning ordinance as to width, depth and area. In addition, the following requirements shall apply to residential lots:

(1) Width. All lots fronting on a curve shall have a minimum width at the front lot line meeting town approved requirements. If no requirement exists, the requirement shall be as designated by the town engineer, using town standards as a guide.

(2) Orientation. Side lot lines shall be substantially at right angles or radial to street lines.

(3) Building lines. The minimum setback from property lines shall be as required by the town land development regulations.

(h) Special buffers for residential subdivisions. Where a residential subdivision borders on or contains a collector or an arterial street, an opaque buffer screen of decorative masonry, or a landscaped berm with plant materials, shall be required in the design. Such buffers shall be provided with an easement in favor of the homeowners' or property owners' association on the platted lots or within a tract to be owned and maintained by the homeowners' or property owners' association. The buffer easement width shall be a minimum of five (5) feet wide and may contain a wall or landscaped area and/or berm. When an easement is provided, the area of the easement shall be considered a side or rear yard where applicable.

SECTION 8. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 111-6, which said section reads as follows:

Sec.111-6. – Subdivision variances.

(a) The town council may authorize a variance to the extent that these regulations are inconsistent with the town comprehensive plan, as amended from time to time. Alternatively, a variance from this code may be granted, if the subdivider demonstrates by a preponderance of the evidence that:

(1) There are circumstances or conditions affecting the property which are such that the strict application of the provisions of this code would substantially limit the applicant in the reasonable use of his land;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated;

(4) Compliance with the requirements in this code causes a practical difficulty; and

1723 (5) Approval of the variance is consistent with the town comprehensive
1724 plan.

1725
1726 (b) In granting any variance, the town council shall prescribe only conditions
1727 that it deems necessary to or desirable for the public interest. In making its findings as
1728 required herein below, the town council shall take into account the nature of the proposed
1729 use of the land and the existing use of the land in the vicinity.

1730
1731 (c) Application for any such variance shall be submitted in writing by the
1732 subdivider to the town manager for review by the director and town engineer and
1733 reviewed by the zoning and planning board at the time the preliminary plat is considered.
1734 The petition shall state fully the grounds for the application and all the facts relied upon by
1735 the subdivider. All such applications shall be considered and studied by the zoning and
1736 planning board who shall make written recommendations to the town council concerning
1737 such application, which recommendations shall become a part of the final record of the
1738 town in connection with said application. In considering such application, the zoning and
1739 planning board shall use the criteria set forth in subsection (a) of this section.

1740
1741 SECTION 9. That the Code of Ordinances of Indialantic, Florida, is hereby
1742 amended by adding a new section, to be numbered section 111-7, which said section
1743 reads as follows:

1744
1745 **Sec. 111-7. - Amendments; interpretations.**

1746
1747 (a) Amendments. The town council shall from time to time on its own motion,
1748 or on recommendation of the zoning and planning board or any other department or
1749 agency of the town, amend, supplement, or repeal the regulations and provisions of this
1750 code to ensure consistency with federal, state, and local law.

1751
1752 (b) Interpretation.

1753 (1) Town manager to interpret. All questions of interpretation relating to
1754 this subdivision code and any regulations promulgated pursuant hereto shall be first
1755 presented to the town manager. Interpretations of this subdivision code may include, but
1756 shall not be limited to, ascertaining the meaning and application of words, terms, and
1757 provisions herein and regulations promulgated pursuant hereto.

1758 a. In interpreting this code and the regulations promulgated
1759 pursuant hereto, the town manager shall consult with the town attorney and, as
1760 appropriate, the director, building official, or the town engineer. In making an
1761 interpretation, the town manager shall be guided first by the plain meaning of the word
1762 and terms in this code and the implementing regulations and second by the intent
1763 expressed herein, if any. The town manager shall make interpretations by interpreting the

town code and its implementing regulations as a whole and not by taking specific words or clauses in isolation.

b. Interpretation of the provisions of this subdivision code and its implementing regulations shall be made in writing, shall state the code provision or regulation being interpreted, the interpretation made, the basis for the interpretation, and advise the recipient that appeals may be taken to the town council. The time within which an appeal must be taken and the manner of filing an appeal shall also be included within the director's letter of interpretation.

c. After the town manager interprets the code or implementing regulation, copies of the interpretation shall be promptly distributed to the party seeking the interpretation, the town engineer, building official, the director, and the town clerk. Upon receipt of the letter of interpretation, the town clerk, or said clerk's designee, shall promptly log on the letter of interpretation the date that the letter of interpretation was filed in the clerk's office. This date is the date of rendition of the interpretation. The town clerk shall keep an index of letters of interpretation indexed by code or implementing regulation section.

d. The town council shall have the authority to hear and decide appeals from the decision of the town manager, where it is alleged that there is an error in any decision or determination made by the town manager in interpreting this chapter.

(2) Hearings; appeals; notice.

a. Appeals to the town council may be taken by any person aggrieved by any decision of the town manager in the interpretation of any portion of this chapter. A person aggrieved by an interpretation of the town manager is an individual who is affected in a manner differently than the community as a whole or greater in degree than the community as a whole.

b. A fee for the filing of the appeal may be charged, as set from time to time by resolution of the town council.

b. Such appeal must be initiated, if at all, within a reasonable time not to exceed 30 days following the date of rendition of the interpretation by filing with the town clerk a notice of appeal. The notice of appeal shall specify the section or subsection of the subdivision code or regulation involved, and the interpretation appealed from. The notice of appeal shall also briefly state the grounds upon which the appeal is based.

c. Upon the filing of the notice of appeal, the town clerk shall note the date of filing of the appeal, collect any fees for the appeal, fix a time for hearing of the appeal, and give public notice thereof. Copies of the interpretation and any supporting information shall be forwarded to the town council and shall automatically comprise a part of the record of the proceedings.

d. At the hearing, the town manager, town engineer, building official, director, or aggrieved person may appear in person and be heard by the town council.

e. Decisions of the town manager shall be made in the form of a final order, which shall be filed with the town clerk. The written order shall include the date that the order was filed in the records of the town clerk.

(3) Stay of proceeding. An appeal stays all proceedings in furtherance of the action appealed from, unless the town manager certifies to the town council after the notice of appeal is filed, that by reason of facts stated in the notice of appeal, a stay would, in said individual's opinion, cause imminent peril to life and property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the town council or by a court of competent jurisdiction on application.

SECTION 10. That the Code of Ordinances of Indialantic, Florida, is hereby amended by adding a new section, to be numbered section 111-8, which said section reads as follows:

Sec. 111-8. - Technical specifications and standards.

(a) The town manager, public works director, and the town engineer may create technical specifications and standards implementing this code controlling construction practices and materials and any policies applicable, all at the direction of the town council or the town manager.

(b) Technical specifications that may be adopted by resolution pursuant to this section to implement this code include:

- (1) Street design specifications.
- (2) Water system specifications.
- (3) Sewer system specifications.
- (4) Stormwater system specifications.
- (5) Landscaping specifications.
- (6) Sidewalk and bike path specifications.
- (7) Illumination specifications.
- (8) Thoroughfare plan.
- (9) Lift station specifications.
- (10) Reclaimed water system specifications.
- (11) Cross connection control manual.
- (12) Driveway specifications.
- (13) As-built drawing requirements.

SECTION 11. 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 12. Effective Date. This Ordinance shall be effective upon adoption.

PASSED by the Town Council of the Town of Indialantic on first reading on the ____ day of _____, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the ____ day of _____, 2024.

TOWN OF INDIALANTIC

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr, Town Clerk

SUBJECT: Ordinance 2024-03, Second/Final Reading/Public Hearing, the zoning code

Staff Report – Town of Indialantic Meeting Date: March 13, 2024

Summary:

Attorney Gougelman presented the proposed Ordinance 2024-03, relating to platting and subdivision to the Indialantic Local Zoning and Planning Board on January 23, 2024. The proposed ordinance will set a minimum standard for townhouses. The Board voted unanimously to recommend the Town Council approve and adopt with the following amendments: change the minimum square feet to 1000 square feet with a minimum 20-foot width with no grouping average if found consistent with the comprehensive plan.

- During the February Council Meeting, Attorney Gougelman suggested the following changes in line 159, 160, 302, 303, 465 and 466, add a comma after “length” and at the end of the sentence insert “for each building in the grouping” before the period.

Recommendation:

Approve and adopt Ordinance 2024-03- Relating to the zoning code, on second/final reading/public hearing.

MOTION:

Approve and adopt Ordinance 2024-03- relating to the zoning code, on second/final reading/public hearing.

Submitted by:

Mollie Carr
Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey
Michael L. Casey
Town Manager

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to consider setting zoning standards for townhouse residential units in the R-3, T, and R-P zoning districts; and

WHEREAS, the Town Council finds it to be in the public interest to define the terms “townhouse” or “townhouse residential unit”; 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 the absence of this regulation would not endanger or harm the public health, welfare, economic order, aesthetics, safety, or public interest of the Town, given that this Ordinance sets minimal standards for certain types of multi-family residential housing; and

WHEREAS, this Ordinance will promote the public health, welfare, economic order, aesthetics, safety, or public interest of the Town for the following reasons:

* Minimal standards are set for yard size for townhouse residential units to provide an environment similar to that of other residential dwelling units within the Town; and

* This Ordinance sets minimal dwelling size square footage for townhouse residential units providing for improved habitability; 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; 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 the development of design and width of townhouse residential units; 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 of the Future Land Use Element of the Town Comprehensive Plan states:

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.

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 of the Future Land Use Element, because this Ordinance, while supporting medium density development, will maintain and perpetuate the residential character of the Town with all other uses of land being secondary in nature; 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 compatibility of development with nearby development patterns; and

WHEREAS, Policies 1.2 and 1.5 of the Future Land Use Element of the Town Comprehensive Plan state:

Policy 1.2: Land development regulations adopted to implement the Plan will be based on and be consistent with the following standards for residential densities: low density - 0 to 4 units per acre; medium density - greater than 4 up to 15 units per acre; high density - greater than 15 up to 20 units per acre.

Policy 1.5: Maintain the existing zoning pattern which protects the single family areas from the encroachment of incompatible uses and which provides for a mix of residential and non-residential use consistent with the low density residential character of the Town; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Policies 1.2 and 1.5 of the Future Land Use Element, because this Ordinance supports medium density development within areas of the town land use planned in the comprehensive plan for medium density and will perpetuate the residential character of the Town with all other uses of land being secondary in nature; and

WHEREAS, Objective 7 of the Future Land Use Element of the Town Comprehensive Plan states:

Objective 7: Encourage the use of innovative land development regulations; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Objective 7 of the Future Land Use Element, because this Ordinance provides flexible development standards for a type of development, that of townhouses, previously not provided for in the Town's zoning code; and

WHEREAS, Goal 1 of the Housing Element of the Town Comprehensive Plan state:

Goal 1: Ensure that the current housing stock is maintained in standard condition, that infill housing is compatible with existing housing, and that there is the opportunity for affordable housing to all income levels.

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 and Objective 1 of the Housing Element, because this Ordinance supports improvement of the medium density housing stock by providing for an alternative form of multi-family development; and

WHEREAS, the Zoning and Planning Board has found, and the Town Council finds, that this Ordinance in all manner 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. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses) be and the same are hereby incorporated herein as if specifically set forth in this Section.

SECTION 2. 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:

146 h. Townhouse residential units subject to the following restrictions.

147 1. Density shall be no greater than 15 units per acre.

148 2. Lot area for each unit. No townhouse residential unit site shall

149 be less than 2,000 square feet, and each unit shall have its foundation on its individual

150 site, except where the units are separated by a common party wall in which the foundation

151 may be installed equidistant on each side of the lot line for the length of the party wall and

152 its extension along the offset of the townhouses on abutting lots.

153 3. No townhouse residential unit shall be smaller than 1,000

154 square feet.

155 4. No townhouse residential unit shall exceed two stories or 30

156 feet in height.

157 5. No townhouse residential unit shall be less than 20 feet in

158 width.

159 6. Grouping length. A grouping of townhouse residential units

160 shall not exceed 150 feet in length, and shall not contain more than six units, for each

161 building in the grouping.

162 7. Front yards for a townhouse residential unit shall be not less

163 than 25 feet.

164 8. Rear yards for a townhouse residential unit shall be not less

165 than 25 feet.

166 9. Side yards for a townhouse residential unit shall be not less

167 than 10 feet at each end of the group of townhouses.

168 10. For all individual townhouse residential units the building

169 permit for which is issued after April 1, 2024 and which unit is not subject to a

170 condominium form of ownership, said individual townhouse residential unit shall be

171 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of

172 the individual townhouse residential unit.

i. ~~h.~~ Satellite dish antenna in the manner specified in section 113-243.
j. ~~h.~~ Community residential home (level I or level II facilities) subject to satisfying the standards set forth in section 113-246.

(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 .

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation.*

a. The maximum height (see definition, section 113-4) of any building other than an accessory use shall be 30 feet and the building shall not exceed two stories.

b. The maximum height permitted for an accessory use structure shall be eight feet, if the use is set back at least four feet from the rear and side lot lines. The maximum height permitted for an accessory use structure shall be increased 1½ feet to a maximum of 14 feet for each additional one foot that the accessory structure is set back, in excess of four feet, from the rear and side lot lines.

(5) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of any lot shall be 10,000 square feet.

(6) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 100 feet.

- b. Width at building line: 100 feet.
- (7) *Front yards.* Front yards shall be not less than 25 feet in depth.
- (8) *Side yards.* Side yards shall be not less than:
- a. Interior lots: ten feet in depth on each side.
- b. Where side yard of a corner lot abuts one of two intersecting streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other side.
- (9) *Rear yards.* Rear yards shall be not less than 25 feet in depth.
- (10) *Living area.* The minimum living area of any dwelling shall be:
- a. Single-family units: 1,350 square feet.
- b. Duplexes: 1,000 square feet for each unit.
- c. Apartments (except townhouse residential units): 800 square feet for each unit. For new apartments the building permit for which is issued after April 1, 2024, the square footage shall be a minimum of 1,000 square feet.
- d. ~~Condominiums: 1,000 square feet per unit.~~
- [DRAFTER'S NOTE:** Reference to condominium is deleted, because a condominium is a form of ownership, not a use, and the zoning code is not intended to regulate forms of ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:
- All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership. . . .]
- (11) *Parking spaces.* Section 113-232 applies.
- (12) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted to the town along with architectural plans:

a. At least 20 percent of the parcel of land must be devoted to lawn or plants. At least one-half of the minimum required landscaping must be contained in the front yard area.

b. A landscape buffer of not less than five feet wide shall be provided between parking areas and near side lines.

c. A landscape buffer of not less than five feet wide shall be provided along front property line except for ingress and egress areas.

(13) *Density*. The maximum density for this zone shall be not greater than 15 units per acre.

(14) *Buffer wall*. Where the property abuts property in the R-1-A district, R-1-B district, or R-2 district, a solid wall, six feet high and at least six inches thick, constructed of brick, block, mortar, or similar building materials, and sufficient to obstruct the view of such abutting residential property, shall be provided. The buffer wall shall be placed at the common property line of the R-3 district and the R-1-A district, R-1-B district or R-2 district and shall parallel the length of the common boundary. A wooden fence is strictly prohibited.

(15) *Grading and drainage*. Chapter 14, article V., ~~section 14-107, et seq.~~ applies.

SECTION 4. That Section 113-335 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

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

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

(1) *Permitted uses*. The following uses only shall be permitted:

a. Single-family dwellings.

b. Parish houses.

c. Essential municipal uses.

d. Public utilities serving the neighborhood area, excluding towers, buildings or storage areas.

- e. Gardening activities customarily incidental to single-family dwellings.
- f. Duplex family living units.
- g. Multiple family living units, except townhouse residential units.
- h. Satellite dish antenna in the manner specified in section 113-243.
- i. The professional activities listed below, to the extent that they do not involve the manufacture, preparation, or sale of an article or commodity on or from within the premises except that uses accessory to the principal permitted uses shall be allowed:
1. Accountants.
 2. Architects.
 3. Attorneys.
 4. Barber shops/beauty salons.
 5. Chiropractors.
 6. Dental labs.
 7. Dentists.
 8. Engineers.
 9. Existing church building.
 10. Insurance brokers.
 11. Optometrists.
 12. Osteopaths.
 13. Physicians.
 14. Real estate brokers.
 15. Consultants to the above.
 16. Professional activities similar and conforming to the standards governing the above and not more detrimental, objectionable, or annoying to the community.
- j. Community residential home (level I or level II facilities) subject to satisfying the standards set forth in section 113-246.

293 k. Townhouse residential units subject to the following restrictions:
294 1. Lot area for each unit. No townhouse residential unit site shall
295 be less than 2,000 square feet, and each unit shall have its foundation on its individual
296 site, except where the units are separated by a common party wall in which the foundation
297 may be installed equidistant on each side of the lot line for the length of the party wall and
298 its extension along the offset of the townhouses on abutting lots.
299 2. No townhouse residential unit shall be smaller than 1,000
300 square feet.
301 3. No townhouse residential unit shall be less than 20 feet in
302 width.
303 4. Grouping length. A grouping of townhouses shall not exceed
304 150 feet in length, and shall not contain more than six units, for each building in the
305 grouping.
306 5. Side yards for a townhouse residential unit shall be not less
307 than 10 feet at each end of the group of townhouses.
308 6. For all individual townhouse residential units the building
309 permit for which is issued after April 1, 2024 and which unit is not subject to a
310 condominium form of ownership, said individual townhouse residential unit shall be
311 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of
312 the individual townhouse residential unit.

313 (2) *Standards governing permitted uses.* The following standards shall
314 govern uses:

315 a. No odor, dust, fumes, gas, smoke or other atmospheric pollutants
316 shall be disseminated beyond the boundaries of the immediate site of the building in
317 which the use is conducted.

318 b. Noise level from operations shall be negligible. No noise or
319 vibration resulting from or in connection with the use shall be perceptible from any part
320 of any residence district.

c. There shall be no glare resulting from or in connection with the use that is observable from outside the boundaries of the R-P Residential-Professional district.

d. The vehicular traffic resulting from or in connection with the use shall not add materially to the traffic on streets that primarily serve residence districts.

e. The use shall not be otherwise detrimental, objectionable, or annoying to the owners or occupants of nearby property.

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation:*

a. The maximum height (see definition, section 113-4) of any building other than an accessory use shall be 30 feet, and the building shall not exceed two stories.

b. The maximum height permitted for an accessory use structure shall be eight feet, if the use is set back at least four feet from the rear and side lot lines. The maximum height permitted for an accessory use structure shall be increased 1½ feet to a maximum of 14 feet for each additional one foot that the accessory structure is set back, in excess of four feet, from the rear and side lot lines.

(5) *Lot area.* Except as otherwise provided herein, the The minimum area of any lot shall be 10,000 square feet.

(6) *Lot dimensions.* Except as otherwise provided herein for townhouse residential units, the The minimum dimensions of any lot shall be:

a. Depth: 100 feet.

b. Width at building line: 100 feet.

(7) *Front yards.* Front yards shall be not less than 25 feet in depth.

(8) *Side yards.* Except as otherwise provided herein for townhouse residential units, side Side yards shall be not less than:

- a. Interior lots: ten feet in depth on each side;
- b. Where side yard of a corner lot abuts one of two intersecting streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other side.

(9) *Rear yards.* Rear yards shall be not less than 20 feet in depth.

(10) *Living and professional use areas.*

- a. The minimum living area of any dwelling shall be:
 1. Single-family dwellings: 1350 square feet.
 2. Duplex dwellings: 800 square feet per unit.
 3. Multifamily dwellings (except townhouse residential units):: 800 square feet per unit. For multifamily dwellings subject to a building permit issued after April 1, 2024, the minimum living area shall be 1,000 square feet.
 4. ~~Condominiums: 1,000 square feet per unit.~~

[DRAFTER'S NOTE: Reference to condominium is deleted, because a condominium is a form of ownership, not a use, and the zoning code is not intended to regulate forms of ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:

All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership. . . .]

- b. The minimum area for any professional use shall be 1000 square feet per unit.

(11) *Parking spaces.*

a. All off-street parking facilities shall meet the requirements of section 113-232.

b. For professional uses, one parking space for every 400 square feet of floor area devoted to such use, excluding storage space, shall be provided.

(12) *Rental use.* Renting rooms shall be permitted, provided the area devoted to such use shall not exceed 25 percent of the total area of any dwelling unit.

(13) *Signs.* Article V of this chapter applies.

(14) *Buffer wall.*

a. Where the property abuts property in the R-1-A district, R-1-B district, R-2 district, or R-3 district, a solid wall, six feet high and at least six inches thick, constructed of brick, block, mortar, or similar building materials, and sufficient to obstruct the view of such abutting residential property, shall be provided.

b. The buffer wall shall parallel the length of the common boundary between the subject property located within the R-P district and the R-1-A district, R-1-B district, R-2 district, or R-3 district. The buffer wall shall be placed at the common property line of the R-P district and the R-1-A district, R-1-B district, R-2 district, or R-3 district. A wooden fence is strictly prohibited.

c. The buffer wall shall be installed when there is a substantial improvement to the R-P zoned property. As used in this section, the term "substantial improvement" means:

1. A change in the use of a major and material nature. For example, a change from a residential use to a professional office use would constitute a major and material change;

2. Clearing of an entirely undeveloped property and making use of the property. For example - use of the property as a parking lot;

3. Demolition of an existing principal structure and construction of a new principal structure for use as a professional office;

4. An expansion of the floor area of an existing professional office structure by ten percent or more; or

5. Construction of a professional office structure on undeveloped property.

(15) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted to the town along with architectural plans.

a. At least 20 percent of the parcel of land must be devoted to lawn or plants. At least one-half of the minimum required landscaping must be contained in the front yard area.

b. A landscape buffer of not less than two feet wide along the side property lines shall be provided.

(16) *Density.* The maximum density for this zone shall be not greater than 15 units per acre.

(17) *Accessory buildings, structure 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.

(18) *Grading and drainage.* Chapter 14, article V applies.

SECTION 5. That Section 113-337 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 113-337. T Tourist Districts.

Within T Tourist Districts, the following regulations shall apply:

(1) *Permitted uses.* The following uses only shall be permitted, subject to prior review and approval of plans by the zoning board:

- 441 a. Uses permitted in R-P Residential—Professional Districts.
- 442 b. Any multiple-living unit, hotels, motels. Hotels or motels must contain
- 443 not less than ten rental units.
- 444 c. Hotels and motels of not less than ten rental units are permitted to
- 445 have related service activities such as restaurants or shops, provided such uses are
- 446 situated on and are part of the hotel or motel building and that the sale of alcoholic
- 447 beverages shall conform to the provisions of this code. Total floor area devoted to shops
- 448 operated within a hotel or motel building shall be no greater than 1,000 square feet.
- 449 There shall be no more than three such establishments per hotel or motel.
- 450 d. Clubs.
- 451 e. Lodges.
- 452 f. Bed and breakfast facilities.
- 453 g. Vacation rentals.
- 454 h. Townhouse residential units, subject to the following restrictions.
- 455 1. Density shall be no greater than 20 units per acre.
- 456 2. Lot area for each unit. No townhouse residential unit site shall
- 457 be less than 2,000 square feet, and each unit shall have its foundation on its individual
- 458 site, except where the units are separated by a common party wall in which the foundation
- 459 may be installed equidistant on each side of the lot line for the length of the party wall and
- 460 its extension along the offset of the townhouses on abutting lots.
- 461 3. No townhouse residential unit shall be smaller than 1,000
- 462 square feet.
- 463 4. No townhouse residential unit shall exceed three stories or 35
- 464 feet in height.
- 465 5. No townhouse residential unit shall be less than 20 feet in
- 466 width.

6. Grouping length. A grouping of townhouses shall not exceed 150 feet in length, and shall not contain more than six units, for each building in the grouping.

7. Front yards for a townhouse residential unit shall be not less than 25 feet.

8. Rear yards for a townhouse residential unit shall be not less than 25 feet.

9. Side yards for a townhouse residential unit shall be not less than 10 feet at each end of the group of townhouses.

10. For all individual townhouse residential units the building permit for which is issued after April 1, 2024 and which unit is not subject to a condominium form of ownership, said individual townhouse residential unit shall be subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of the individual townhouse residential unit.

(2) *Accessory buildings and uses.*

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

b. Where a parcel of land is developed with more than one building, buildings will be spaced by at least 20 feet between outside walls.

c. All accessory buildings shall be located in the rear yard and set back not less than four feet from all lot lines.

d. Satellite dish antenna in the manner specified in section 113-243.

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Medical marijuana treatment center dispensing facility.

(4) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of any lot shall be 10,000 square feet.

(5) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 90 feet.

b. Width: 100 feet.

(6) *Front yards.* Front yards shall be not less than 25 feet in depth.

(7) *Side yards.* Except as otherwise provided herein, side ~~Side~~ yards on interior lots shall be not less than ten feet in depth on each side. Side yards on corner lots shall be not less than 20 feet on the street side.

(8) *Rear yards.* Except as otherwise provided herein, rear ~~Rear~~ yards shall be not less than 15 feet in depth.

(9) *Living area.* The minimum living area of any dwelling shall be:

a. Motels: 300 square feet per unit.

b. Apartments (construction commenced or building permit issued prior to October 1, 2007): 500 square feet per unit.

c. Condominiums/apartments/vacation rentals (except townhouse residential units): 1,000 square feet per unit.

d. Bed and breakfast facilities: 200 square feet per dwelling room or suite, which may include a bathroom, with at least one common area for the use of guests from all dwelling rooms or suites only.

(10) *Parking spaces.*

a. There shall be provided off-street parking for each living or rental unit as designated in each of the following categories:

1. Hotels, motels: One space per unit.

2. Duplexes and apartment houses with rental units: 1½ spaces per unit.

3. Separately and/or privately owned apartments, triplexes, condominiums, vacation rentals, or co-op apartments: Two spaces per unit.

4. Restaurants and lounges will be required to meet an additional parking requirement of one parking space for every five seats.

5. Bed and breakfast facility: one space per unit (dwelling room).

b. All off-street parking areas shall meet the requirements of section 113-232(b).

(11) *Advertising signs.* Section 113-301 applies.

(12) *Floor area ratio.* The floor area ratio is defined as the gross floor area of a building on a lot or parcel, divided by the total area of the lot or parcel. The maximum floor area of buildings or structures erected after April 1, 1971, in a T district shall be determined by a floor area ratio of 2.0.

(13) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted along with architectural plans.

a. At least 20 percent of the parcel of land must be devoted to lawn or plants.

b. A landscape buffer of not less than five feet wide shall be provided between parking areas and near side lines.

c. A landscape buffer of not less than five feet wide shall be provided along front property line except for ingress and egress areas.

(14) *Building height limitation.* The maximum height (see definition, section 113-4) of any building shall be 35 feet and the building shall not exceed three stories.

(15) *Density.* The maximum density for this district shall be not greater than 25 units per acre for motels and not greater than 20 units per acre for all other multifamily uses.

(16) *Oceanfront setbacks.* All buildings must be set back not less than 25 feet from the bluff line or not less than 50 feet of the mean high-water line along the Atlantic Ocean (see section 113-220), whichever is greater.

(17) *Breezeways.* A minimum 30 percent breezeway will be maintained on all property in the tourist zone. The term "breezeway" means a clear, open vertical area free of construction or buildings running from the ocean to Highway A1A. The 30 percent calculation is measured on a line parallel to Highway A1A to include the percentage of

open distance (breezeway) from the building to the property lines perpendicular to Highway A1A. This provision requires a 30 percent breezeway defined by rectangular dimensions (running basically east to west) with a clear and open line of sight from Highway A1A to the ocean. This requirement shall apply regardless of the configuration of platted lots of record (or portions thereof) and regardless of the configuration of a building site (or portion thereof) based on ownership of that site.

(18) *Grading and drainage.* Chapter 14, article V applies.

SECTION 6. 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.

(c) Drafter's Notes shall not be codified.

SECTION 7. 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 14th day of February, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 13th day of March, 2024.

TOWN OF INDIALANTIC, a
Florida Municipal Corporation

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr, Town Clerk

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE TOWN OF INDIALANTIC, BREVARD COUNTY, FLORIDA, RELATING TO THE ZONING CODE; MAKING FINDINGS; AMENDING SECTIONS 113-4, 113-334, 113-335, AND 113-337, TOWN CODE OF ORDINANCES, TO PROVIDE FOR TOWNHOUSE RESIDENTIAL UNIT DEVELOPMENT WITHIN THE R-3, R-P, AND T ZONING DISTRICTS; DEFINING "TOWNHOUSE RESIDENTIAL UNIT;" SETTING STANDARDS; PROVIDING A SEVERABILITY/ INTERPRETATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to consider setting zoning standards for townhouse residential units in the R-3, T, and R-P zoning districts; and

WHEREAS, the Town Council finds it to be in the public interest to define the terms “townhouse” or “townhouse residential unit”; 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 the absence of this regulation would not endanger or harm the public health, welfare, economic order, aesthetics, safety, or public interest of the Town, given that this Ordinance sets minimal standards for certain types of multi-family residential housing; and

WHEREAS, this Ordinance will promote the public health, welfare, economic order, aesthetics, safety, or public interest of the Town for the following reasons:

* Minimal standards are set for yard size for townhouse residential units to provide an environment similar to that of other residential dwelling units within the Town; and

* This Ordinance sets minimal dwelling size square footage for townhouse residential units providing for improved habitability; 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; 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 the development of design and width of townhouse residential units; 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 of the Future Land Use Element of the Town Comprehensive Plan states:

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.

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 of the Future Land Use Element, because this Ordinance, while supporting medium density development, will maintain and perpetuate the residential character of the Town with all other uses of land being secondary in nature; 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 compatibility of development with nearby development patterns; and

WHEREAS, Policies 1.2 and 1.5 of the Future Land Use Element of the Town Comprehensive Plan state:

Policy 1.2: Land development regulations adopted to implement the Plan will be based on and be consistent with the following standards for residential densities: low density - 0 to 4 units per acre; medium density - greater than 4 up to 15 units per acre; high density - greater than 15 up to 20 units per acre.

Policy 1.5: Maintain the existing zoning pattern which protects the single family areas from the encroachment of incompatible uses and which provides for a mix of residential and non-residential use consistent with the low density residential character of the Town; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Policies 1.2 and 1.5 of the Future Land Use Element, because this Ordinance supports medium density development within areas of the town land use planned in the comprehensive plan for medium density and will perpetuate the residential character of the Town with all other uses of land being secondary in nature; and

WHEREAS, Objective 7 of the Future Land Use Element of the Town Comprehensive Plan states:

Objective 7: Encourage the use of innovative land development regulations; and

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Objective 7 of the Future Land Use Element, because this Ordinance provides flexible development standards for a type of development, that of townhouses, previously not provided for in the Town's zoning code; and

WHEREAS, Goal 1 of the Housing Element of the Town Comprehensive Plan state:

Goal 1: Ensure that the current housing stock is maintained in standard condition, that infill housing is compatible with existing housing, and that there is the opportunity for affordable housing to all income levels.

WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent with Goal 1 and Objective 1 of the Housing Element, because this Ordinance supports improvement of the medium density housing stock by providing for an alternative form of multi-family development; and

WHEREAS, the Zoning and Planning Board has found, and the Town Council finds, that this Ordinance in all manner 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. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses) be and the same are hereby incorporated herein as if specifically set forth in this Section.

SECTION 2. 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:

146 h. Townhouse residential units subject to the following restrictions.
147 1. Density shall be no greater than 15 units per acre.
148 2. Lot area for each unit. No townhouse residential unit site shall
149 be less than 2,000 square feet, and each unit shall have its foundation on its individual
150 site, except where the units are separated by a common party wall in which the foundation
151 may be installed equidistant on each side of the lot line for the length of the party wall and
152 its extension along the offset of the townhouses on abutting lots.
153 3. No townhouse residential unit shall be smaller than 1,000
154 square feet.
155 4. No townhouse residential unit shall exceed two stories or 30
156 feet in height.
157 5. No townhouse residential unit shall be less than 20 feet in
158 width.
159 6. Grouping length. A grouping of townhouse residential units
160 shall not exceed 150 feet in length, and shall not contain more than six units, for each
161 building in the grouping.
162 7. Front yards for a townhouse residential unit shall be not less
163 than 25 feet.
164 8. Rear yards for a townhouse residential unit shall be not less
165 than 25 feet.
166 9. Side yards for a townhouse residential unit shall be not less
167 than 10 feet at each end of the group of townhouses.
168 10. For all individual townhouse residential units the building
169 permit for which is issued after April 1, 2024 and which unit is not subject to a
170 condominium form of ownership, said individual townhouse residential unit shall be
171 subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of
172 the individual townhouse residential unit.

i. h. Satellite dish antenna in the manner specified in section 113-243.
j. h. Community residential home (level I or level II facilities) subject to satisfying the standards set forth in section 113-246.

(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 .

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation.*

a. The maximum height (see definition, section 113-4) of any building other than an accessory use shall be 30 feet and the building shall not exceed two stories.

b. The maximum height permitted for an accessory use structure shall be eight feet, if the use is set back at least four feet from the rear and side lot lines. The maximum height permitted for an accessory use structure shall be increased 1½ feet to a maximum of 14 feet for each additional one foot that the accessory structure is set back, in excess of four feet, from the rear and side lot lines.

(5) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of any lot shall be 10,000 square feet.

(6) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 100 feet.

- b. Width at building line: 100 feet.
- (7) *Front yards.* Front yards shall be not less than 25 feet in depth.
- (8) *Side yards.* Side yards shall be not less than:
- a. Interior lots: ten feet in depth on each side.
- b. Where side yard of a corner lot abuts one of two intersecting streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other side.
- (9) *Rear yards.* Rear yards shall be not less than 25 feet in depth.
- (10) *Living area.* The minimum living area of any dwelling shall be:
- a. Single-family units: 1,350 square feet.
- b. Duplexes: 1,000 square feet for each unit.
- c. Apartments (except townhouse residential units): 800 square feet for each unit. For new apartments the building permit for which is issued after April 1, 2024, the square footage shall be a minimum of 1,000 square feet.
- d. ~~Condominiums: 1,000 square feet per unit.~~
- [DRAFTER'S NOTE:** Reference to condominium is deleted, because a condominium is a form of ownership, not a use, and the zoning code is not intended to regulate forms of ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:
- All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership. . . .]
- (11) *Parking spaces.* Section 113-232 applies.
- (12) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted to the town along with architectural plans:

a. At least 20 percent of the parcel of land must be devoted to lawn or plants. At least one-half of the minimum required landscaping must be contained in the front yard area.

b. A landscape buffer of not less than five feet wide shall be provided between parking areas and near side lines.

c. A landscape buffer of not less than five feet wide shall be provided along front property line except for ingress and egress areas.

(13) *Density*. The maximum density for this zone shall be not greater than 15 units per acre.

(14) *Buffer wall*. Where the property abuts property in the R-1-A district, R-1-B district, or R-2 district, a solid wall, six feet high and at least six inches thick, constructed of brick, block, mortar, or similar building materials, and sufficient to obstruct the view of such abutting residential property, shall be provided. The buffer wall shall be placed at the common property line of the R-3 district and the R-1-A district, R-1-B district or R-2 district and shall parallel the length of the common boundary. A wooden fence is strictly prohibited.

(15) *Grading and drainage*. Chapter 14, article V., ~~section 14-107, et seq.~~ applies.

SECTION 4. That Section 113-335 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

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

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

(1) *Permitted uses*. The following uses only shall be permitted:

a. Single-family dwellings.

b. Parish houses.

c. Essential municipal uses.

d. Public utilities serving the neighborhood area, excluding towers, buildings or storage areas.

- e. Gardening activities customarily incidental to single-family dwellings.
- f. Duplex family living units.
- g. Multiple family living units, except townhouse residential units.
- h. Satellite dish antenna in the manner specified in section 113-243.
- i. The professional activities listed below, to the extent that they do not involve the manufacture, preparation, or sale of an article or commodity on or from within the premises except that uses accessory to the principal permitted uses shall be allowed:
1. Accountants.
 2. Architects.
 3. Attorneys.
 4. Barber shops/beauty salons.
 5. Chiropractors.
 6. Dental labs.
 7. Dentists.
 8. Engineers.
 9. Existing church building.
 10. Insurance brokers.
 11. Optometrists.
 12. Osteopaths.
 13. Physicians.
 14. Real estate brokers.
 15. Consultants to the above.
 16. Professional activities similar and conforming to the standards governing the above and not more detrimental, objectionable, or annoying to the community.
- j. Community residential home (level I or level II facilities) subject to satisfying the standards set forth in section 113-246.

k. Townhouse residential units subject to the following restrictions:

1. Lot area for each unit. No townhouse residential unit site shall be less than 2,000 square feet, and each unit shall have its foundation on its individual site, except where the units are separated by a common party wall in which the foundation may be installed equidistant on each side of the lot line for the length of the party wall and its extension along the offset of the townhouses on abutting lots.

2. No townhouse residential unit shall be smaller than 1,000 square feet.

3. No townhouse residential unit shall be less than 20 feet in width.

4. Grouping length. A grouping of townhouses shall not exceed 150 feet in length, and shall not contain more than six units, for each building in the grouping.

5. Side yards for a townhouse residential unit shall be not less than 10 feet at each end of the group of townhouses.

6. For all individual townhouse residential units the building permit for which is issued after April 1, 2024 and which unit is not subject to a condominium form of ownership, said individual townhouse residential unit shall be subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of the individual townhouse residential unit.

(2) *Standards governing permitted uses.* The following standards shall govern uses:

a. No odor, dust, fumes, gas, smoke or other atmospheric pollutants shall be disseminated beyond the boundaries of the immediate site of the building in which the use is conducted.

b. Noise level from operations shall be negligible. No noise or vibration resulting from or in connection with the use shall be perceptible from any part of any residence district.

c. There shall be no glare resulting from or in connection with the use that is observable from outside the boundaries of the R-P Residential-Professional district.

d. The vehicular traffic resulting from or in connection with the use shall not add materially to the traffic on streets that primarily serve residence districts.

e. The use shall not be otherwise detrimental, objectionable, or annoying to the owners or occupants of nearby property.

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Vacation rentals.

c. Bed and breakfast facilities.

d. Medical marijuana treatment center dispensing facility.

(4) *Building height limitation:*

a. The maximum height (see definition, section 113-4) of any building other than an accessory use shall be 30 feet, and the building shall not exceed two stories.

b. The maximum height permitted for an accessory use structure shall be eight feet, if the use is set back at least four feet from the rear and side lot lines. The maximum height permitted for an accessory use structure shall be increased 1½ feet to a maximum of 14 feet for each additional one foot that the accessory structure is set back, in excess of four feet, from the rear and side lot lines.

(5) *Lot area.* Except as otherwise provided herein, the The minimum area of any lot shall be 10,000 square feet.

(6) *Lot dimensions.* Except as otherwise provided herein for townhouse residential units, the The minimum dimensions of any lot shall be:

a. Depth: 100 feet.

b. Width at building line: 100 feet.

(7) *Front yards.* Front yards shall be not less than 25 feet in depth.

(8) *Side yards.* Except as otherwise provided herein for townhouse residential units, side Side yards shall be not less than:

- a. Interior lots: ten feet in depth on each side;
- b. Where side yard of a corner lot abuts one of two intersecting streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other side.

(9) *Rear yards.* Rear yards shall be not less than 20 feet in depth.

(10) *Living and professional use areas.*

- a. The minimum living area of any dwelling shall be:
 1. Single-family dwellings: 1350 square feet.
 2. Duplex dwellings: 800 square feet per unit.
 3. Multifamily dwellings (except townhouse residential units):: 800 square feet per unit. For multifamily dwellings subject to a building permit issued after April 1, 2024, the minimum living area shall be 1,000 square feet.

~~4. Condominiums: 1,000 square feet per unit.~~

[DRAFTER'S NOTE: Reference to condominium is deleted, because a condominium is a form of ownership, not a use, and the zoning code is not intended to regulate forms of ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:

All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership. . . .]

- b. The minimum area for any professional use shall be 1000 square feet per unit.

(11) *Parking spaces.*

a. All off-street parking facilities shall meet the requirements of section 113-232.

b. For professional uses, one parking space for every 400 square feet of floor area devoted to such use, excluding storage space, shall be provided.

(12) *Rental use.* Renting rooms shall be permitted, provided the area devoted to such use shall not exceed 25 percent of the total area of any dwelling unit.

(13) *Signs.* Article V of this chapter applies.

(14) *Buffer wall.*

a. Where the property abuts property in the R-1-A district, R-1-B district, R-2 district, or R-3 district, a solid wall, six feet high and at least six inches thick, constructed of brick, block, mortar, or similar building materials, and sufficient to obstruct the view of such abutting residential property, shall be provided.

b. The buffer wall shall parallel the length of the common boundary between the subject property located within the R-P district and the R-1-A district, R-1-B district, R-2 district, or R-3 district. The buffer wall shall be placed at the common property line of the R-P district and the R-1-A district, R-1-B district, R-2 district, or R-3 district. A wooden fence is strictly prohibited.

c. The buffer wall shall be installed when there is a substantial improvement to the R-P zoned property. As used in this section, the term "substantial improvement" means:

1. A change in the use of a major and material nature. For example, a change from a residential use to a professional office use would constitute a major and material change;

2. Clearing of an entirely undeveloped property and making use of the property. For example - use of the property as a parking lot;

3. Demolition of an existing principal structure and construction of a new principal structure for use as a professional office;

4. An expansion of the floor area of an existing professional office structure by ten percent or more; or

5. Construction of a professional office structure on undeveloped property.

(15) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted to the town along with architectural plans.

a. At least 20 percent of the parcel of land must be devoted to lawn or plants. At least one-half of the minimum required landscaping must be contained in the front yard area.

b. A landscape buffer of not less than two feet wide along the side property lines shall be provided.

(16) *Density.* The maximum density for this zone shall be not greater than 15 units per acre.

(17) *Accessory buildings, structure 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.

(18) *Grading and drainage.* Chapter 14, article V applies.

SECTION 5. That Section 113-337 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 113-337. T Tourist Districts.

Within T Tourist Districts, the following regulations shall apply:

(1) *Permitted uses.* The following uses only shall be permitted, subject to prior review and approval of plans by the zoning board:

- 441 a. Uses permitted in R-P Residential—Professional Districts.
- 442 b. Any multiple-living unit, hotels, motels. Hotels or motels must contain
- 443 not less than ten rental units.
- 444 c. Hotels and motels of not less than ten rental units are permitted to
- 445 have related service activities such as restaurants or shops, provided such uses are
- 446 situated on and are part of the hotel or motel building and that the sale of alcoholic
- 447 beverages shall conform to the provisions of this code. Total floor area devoted to shops
- 448 operated within a hotel or motel building shall be no greater than 1,000 square feet.
- 449 There shall be no more than three such establishments per hotel or motel.
- 450 d. Clubs.
- 451 e. Lodges.
- 452 f. Bed and breakfast facilities.
- 453 g. Vacation rentals.
- 454 h. Townhouse residential units, subject to the following restrictions.
- 455 1. Density shall be no greater than 20 units per acre.
- 456 2. Lot area for each unit. No townhouse residential unit site shall
- 457 be less than 2,000 square feet, and each unit shall have its foundation on its individual
- 458 site, except where the units are separated by a common party wall in which the foundation
- 459 may be installed equidistant on each side of the lot line for the length of the party wall and
- 460 its extension along the offset of the townhouses on abutting lots.
- 461 3. No townhouse residential unit shall be smaller than 1,000
- 462 square feet.
- 463 4. No townhouse residential unit shall exceed three stories or 35
- 464 feet in height.
- 465 5. No townhouse residential unit shall be less than 20 feet in
- 466 width.

6. Grouping length. A grouping of townhouses shall not exceed 150 feet in length, and shall not contain more than six units, for each building in the grouping.

7. Front yards for a townhouse residential unit shall be not less than 25 feet.

8. Rear yards for a townhouse residential unit shall be not less than 25 feet.

9. Side yards for a townhouse residential unit shall be not less than 10 feet at each end of the group of townhouses.

10. For all individual townhouse residential units the building permit for which is issued after April 1, 2024 and which unit is not subject to a condominium form of ownership, said individual townhouse residential unit shall be subject to a plat or replat, the lot lines of which shall be coincident with the boundaries of the individual townhouse residential unit.

(2) *Accessory buildings and uses.*

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

b. Where a parcel of land is developed with more than one building, buildings will be spaced by at least 20 feet between outside walls.

c. All accessory buildings shall be located in the rear yard and set back not less than four feet from all lot lines.

d. Satellite dish antenna in the manner specified in section 113-243.

(3) *Prohibited uses.* The following are specifically prohibited uses. Merely because a use is not specifically listed does not mean that the use is not prohibited.

a. All uses which are not permitted uses.

b. Medical marijuana treatment center dispensing facility.

(4) *Lot area.* Except as otherwise provided herein, the ~~The~~ minimum area of any lot shall be 10,000 square feet.

(5) *Lot dimensions.* Except as otherwise provided herein, the ~~The~~ minimum dimensions of any lot shall be:

a. Depth: 90 feet.

b. Width: 100 feet.

(6) *Front yards.* Front yards shall be not less than 25 feet in depth.

(7) *Side yards.* Except as otherwise provided herein, side ~~Side~~ yards on interior lots shall be not less than ten feet in depth on each side. Side yards on corner lots shall be not less than 20 feet on the street side.

(8) *Rear yards.* Except as otherwise provided herein, rear ~~Rear~~ yards shall be not less than 15 feet in depth.

(9) *Living area.* The minimum living area of any dwelling shall be:

a. Motels: 300 square feet per unit.

b. Apartments (construction commenced or building permit issued prior to October 1, 2007): 500 square feet per unit.

c. Condominiums/apartments/vacation rentals (except townhouse residential units): 1,000 square feet per unit.

d. Bed and breakfast facilities: 200 square feet per dwelling room or suite, which may include a bathroom, with at least one common area for the use of guests from all dwelling rooms or suites only.

(10) *Parking spaces.*

a. There shall be provided off-street parking for each living or rental unit as designated in each of the following categories:

1. Hotels, motels: One space per unit.

2. Duplexes and apartment houses with rental units: 1½ spaces per unit.

3. Separately and/or privately owned apartments, triplexes, condominiums, vacation rentals, or co-op apartments: Two spaces per unit.

4. Restaurants and lounges will be required to meet an additional parking requirement of one parking space for every five seats.

5. Bed and breakfast facility: one space per unit (dwelling room).

b. All off-street parking areas shall meet the requirements of section 113-232(b).

(11) *Advertising signs.* Section 113-301 applies.

(12) *Floor area ratio.* The floor area ratio is defined as the gross floor area of a building on a lot or parcel, divided by the total area of the lot or parcel. The maximum floor area of buildings or structures erected after April 1, 1971, in a T district shall be determined by a floor area ratio of 2.0.

(13) *Ground covering.* In addition to meeting the following requirements, a landscape plan shall be submitted along with architectural plans.

a. At least 20 percent of the parcel of land must be devoted to lawn or plants.

b. A landscape buffer of not less than five feet wide shall be provided between parking areas and near side lines.

c. A landscape buffer of not less than five feet wide shall be provided along front property line except for ingress and egress areas.

(14) *Building height limitation.* The maximum height (see definition, section 113-4) of any building shall be 35 feet and the building shall not exceed three stories.

(15) *Density.* The maximum density for this district shall be not greater than 25 units per acre for motels and not greater than 20 units per acre for all other multifamily uses.

(16) *Oceanfront setbacks.* All buildings must be set back not less than 25 feet from the bluff line or not less than 50 feet of the mean high-water line along the Atlantic Ocean (see section 113-220), whichever is greater.

(17) *Breezeways.* A minimum 30 percent breezeway will be maintained on all property in the tourist zone. The term "breezeway" means a clear, open vertical area free of construction or buildings running from the ocean to Highway A1A. The 30 percent calculation is measured on a line parallel to Highway A1A to include the percentage of

open distance (breezeway) from the building to the property lines perpendicular to Highway A1A. This provision requires a 30 percent breezeway defined by rectangular dimensions (running basically east to west) with a clear and open line of sight from Highway A1A to the ocean. This requirement shall apply regardless of the configuration of platted lots of record (or portions thereof) and regardless of the configuration of a building site (or portion thereof) based on ownership of that site.

(18) *Grading and drainage.* Chapter 14, article V applies.

SECTION 6. 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.

(c) Drafter's Notes shall not be codified.

SUBJECT: Ordinance 2024-05, Second/Final Reading/Public Hearing

Staff Report – Town of Indialantic

Meeting Date- March 13, 2024

Summary:

Based upon discussion about yard debris at previous Council meeting and lacking the ability to enforce how yard trash/debris is placed for pickup for both containerized and large bulk piles. Attorney Gougelman prepared Ordinance 2024-05 addressing the changed method of pick up of yard trash/debris with Waste Management and giving code enforcement the ability to enforce the compliance of the code.

A copy of the ordinance with the amendments requested in the February Council meeting is attached, along with a clean copy of the ordinance.

Recommendation:

Approve and adopt Ordinance 2024-05- Relating to yard trash/debris, on second/final reading/public hearing

MOTION: Approve and adopt Ordinance 2024-05 – Relating to yard trash/debris, on second/final reading/public hearing.

Submitted by:

Approved for agenda:

Mollie Carr
Mollie Carr
Town Clerk

Michael Casey
Michael L. Casey
Town Manager

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE TOWN OF INDIAN LANTIC, BREVARD COUNTY, FLORIDA, RELATING TO SOLID WASTE COLLECTION; MAKING FINDINGS; CREATING SECTION 26-18, TOWN CODE OF ORDINANCES KNOWN AS THE DICK DUNN SOLID WASTE COLLECTION ORDINANCE; AMENDING SECTIONS 26-19, 26-20, 26-21, 26-22, AND 26-23, TOWN CODE OF ORDINANCES, RELATING TO YARD TRASH, COLLECTION THEREOF, AND DUTY TO DISPOSE OF SAME; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY/ INTERPRETATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, throughout the Town there has been an accumulation of yard trash and debris from residential properties; and

WHEREAS, the yard trash has either not been properly prepared for collection or the residential property occupant does not timely and properly coordinate with Harris Sanitation, Inc., a Florida Corporation, the Town's approved solid waste collector; and

WHEREAS, the uncollected piles of yard trash violate the public aesthetics because uncollected piles of refuse occur throughout the Town's residential areas; and

WHEREAS, the uncollected piles of yard trash violate the public health and safety because uncollected piles of refuse become breeding grounds and habitats for rodents and other vermin resulting in unsanitary conditions from which disease can be generated; and

WHEREAS, Section 26-20 of the Town Code of Ordinances, provides that it is illegal to permit the accumulation of yard trash and other debris that might endanger the public health and safety; and

WHEREAS, Section 26-21 of the Town Code of Ordinances, provides that it is illegal for yard trash to accumulate on residential property in the Town for over four (4) days; and

42
43 **WHEREAS**, Section 26-23 of the Town Code of Ordinances, provides that
44 residents or occupants of residential dwellings are required to coordinate with the
45 Town's solid waste collector to remove yard trash; and
46

47 **WHEREAS**, Section 26-23(a) of the Town Code of Ordinances, provides:
48

49 Sec. 26-23. - Duty to use contract collector; fees.
50

51 (a) *Residential.* All residents or occupants of
52 residential dwellings, houses and units in the town, wherever
53 situated as to zoning, shall be required to have
54 accumulations of garbage and trash removed and disposed
55 of by the collector holding a contract or franchise agreement
56 with the town, and for such service shall pay the collector
57 such fees and charges as are agreed upon by the terms of
58 the franchise agreement. Fees and charges for garbage and
59 trash shall be chargeable on newly constructed residential
60 units immediately upon occupancy or whenever the first
61 garbage and trash collection is made by the contractor,
62 whichever shall occur first; and
63

64 **WHEREAS**, the purpose of this Ordinance is to provide standards for the
65 collection of yard trash, to stop the accumulation of piles of yard trash in the Town's
66 residential area, and to set forth standards for an enforcement program; and
67

68 **WHEREAS**, the Town Council of the Town of Indialantic, Florida, hereby finds this
69 Ordinance is needed to protect and will promote the public health, safety, welfare, and
70 aesthetics of the community by stopping the proliferation of yard trash in the residential
71 neighborhoods and is in the best interests of the public health, safety, and welfare of
72 the citizens of Indialantic.
73

74 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF**
75 **INDIALANTIC, FLORIDA:**
76

77 SECTION 1. Recitals. The foregoing recitals ("WHEREAS" clauses) are hereby
78 fully incorporated herein by this reference as legislative findings and the intent and
79 purpose of the Town Council of the Town of Indialantic.
80

81 **SECTION 2. That section 26-18 of the Code of Ordinances of Indialantic, Florida,**
82 **is hereby amended to read as follows:**
83

84 **Sec. 26-18. Title.**

85
86 **This article shall be commonly referred to as the Dick Dunn Solid Waste Collection**
87 **Ordinance.**

88
89 SECTION 3. That section 26-19 of the Code of Ordinances of Indialantic, Florida,
90 is hereby amended to read as follows:

91
92 **Sec. 26-19. - Definitions.**

93
94 The following words, terms and phrases, when used in this article, shall have the
95 meanings ascribed to them in this section, except where the context clearly indicates
96 a different meaning:

97
98 *Automated garbage collection truck* means the vehicle that is partially open at the top
99 and accepts garbage conveyed from a cart provided by the collector.

100
101 *Clam shell* means a garbage and trash collector vehicle which is equipped with a
102 crane to pick up and carry away large objects for disposal.

103
104 *Contractor or collector* means the person with whom the town has entered into a
105 contract or to whom the town has granted a franchise for the collection and disposal
106 of garbage and refuse generated in the town.

107
108 *Diameter at breast height or dbh* ~~(dbh)~~ means the diameter of the trunk of a tree, or
109 the sum of the stems of a multi-stemmed tree, measured 4½ feet above natural or
110 development grade.

111
112 *Dumpster* means a large container supplied by the contract collector used to contain
113 garbage and trash usually generated by commercial concerns.

114
115 *Front loader* means the vehicle which picks up dumpsters and empties them into itself.

116
117 *Garbage* means the solid or semi-solid waste generated in both household and
118 commercial handling of food and ordinary refuse. Consistent with F.S. § 790.33,
119 ammunition shall not be included in this definition of the term "garbage."

120
121 *Garbage container or garbage receptacle* means a container of not greater than 96-
122 gallon capacity or less as provided by the collector.

Land clearing means the removal of vegetation from a vacant lot or parcel, however, the term "land clearing" does not include mowing, trimming or pruning of vegetation so as to maintain it in a healthy and viable condition.

Native vegetation means plant material indigenous to the county.

Rear loader means the vehicle into the rear of which is emptied the contents of trash containers approximately 32-gallon size.

Recyclable materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste, including:

(1) Glass (all unbroken, clear, brown, and green glass containers. Flat glass, window glass, dishes, crockery, etc., are excluded).

(2) Metal cans (aluminum and bi-metal), aluminum foil, aluminum pie tins.

(3) Newspapers (daily newspapers, including inserts), magazines, office paper, brown paper bags, junk mail, telephone books.

(4) Plastic bottles numbers one—seven.

Residential dwelling means a property with three or fewer residential units on the property.

Trash means all debris and rubbish, and all materials generated as a result of individual ground maintenance and improvements, and all items other than garbage intended for disposal, but does not include autos, auto parts, or materials that accumulate as the result of building operations, building alterations, or clearing of lots. Consistent with F.S. § 790.33, ammunition shall not be included in this definition of the term "trash."

Tree means a woody or fibrous perennial plant with one or more upright limbs with a minimum dbh of four inches, or a sum of four or more inches for multi-stemmed trees, and which will attain an average mature height of at least ten feet.

User means any customer of contract collector or a tenant of a customer of contract collector.

Vegetation means any plant material including, but not limited to, trees, shrubs, herbs and grasses.

Yard trash means vegetation, lawn, grass, or shrubbery cuttings, or clippings and dry leaf rakings, palm fronds, tree branches, bushes, or shrubs, vines, leaf cuttings, coconuts, fruits, or other matter usually created as refuse in the care of lawns and yards. Yard trash must be generated by the owner or the occupant of a residential dwelling at the residential unit wherein the yard trash is to be collected.

SECTION 4. That section 26-20 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-20. - Accumulations prohibited generally.

(a) All lands in the town shall be kept free from any kind of yard trash, trash, garbage, yard trash, or filth including, but not limited to, broken tree limbs, leaves or branches, any uncontainerized garbage or refuse, or any other type of material which might conceal pools of water, create breeding places for mosquitoes or which might be otherwise detrimental to the health or safety of the inhabitants of the town. The existence of any such trash or filth is hereby declared to be a nuisance.

(b) The occupant and the owner of a residential dwelling unit shall have a duty and is required to properly prepare all yard trash for collection by the town's solid waste collector. With regard to yard trash, the occupant of a residential dwelling unit shall either be collected by the solid waste collector's clam shell truck or placed into a garbage receptacles supplied by the solid waste collector.

(c) Preparation of yard trash generally. Regardless of the method of collection, yard trash, tree limbs, and branches, for solid waste collector pickup and removal shall not exceed four (4) feet in length or four (4) inches in diameter.

(1) Disposal by receptacle. Loose yard trash must be placed in a garbage receptacle. There are no limits on the number of garbage receptacles the owner or the occupant of a residential dwelling can use. All garbage receptacles must be placed at the curbside on the designated collection day by 6:00 a.m. in the morning. The solid waste collector shall designate one day per calendar week for garbage receptacle pickup of yard trash. The occupant and the owner of a residential dwelling may determine this day by contacting the solid waste collector, and periodically, the town, by use of the town newsletter or email alert, will provide notice of the collection day to residential dwelling occupants.

(2) Disposal by clam shell truck. When the amount of yard trash is so great that it cannot fit into a solid waste collector provided garbage receptacle, or in the case of yard trash, tree trimmings, palm fronds, and other yard trash, that are 3 cubic yards or greater in amount **at the time of creation**, disposal shall be by the solid waste collector's clam shell truck. The pile of yard trash shall be accumulated in a pile that is similar in size to a conventional picnic table which shall not exceed four feet in length or fifty pounds in weight.

The yard trash shall be placed in a compact pile rather than strewn along a driveway.

Yard trash is to be placed curbside on the lawn of a residential dwelling. If ditching bisects the property and right-of-way, the curbside then becomes the roadside of the ditch. Placing yard trash for clam shell truck disposal at the end of the residential dwelling occupant's concrete or paved driveway abutting the paved right-of-way on the lawn of a residential dwelling will result in the yard waste *not* being picked up, because the clam shell equipment can be damaged by striking concrete or a paved driveway, and the solid waste collector refuses to be held responsible for said damage. The yard trash pile shall not be placed next to a mailbox or trees as the clam truck will not be able to pick piles up.

The occupant and the owner of a residential dwelling shall have the obligation of contacting the solid waste collector via methods approved by the solid waste collector telephone or email at least 48 hours prior to the designated collection day to schedule clam shell pickup of yard trash.

SECTION 5. That section 26-21 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-21. - Accumulations longer than seven ~~four~~ consecutive days prohibited; exception.

(a) Accumulation of yard trash for more than four consecutive days. Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, it shall be unlawful to permit an accumulation of garbage, yard trash, or trash, visible from the street upon any premises in the town at any residential or commercial unit or building for a period longer more- than seven five days; without having arranged for disposal of such accumulation by the town's designated solid waste collector, or by some person qualified by the aforesaid solid waste collector to perform such services because of non-collection shall be prima facie evidence of a sanitary nuisance. Such accumulation of garbage, yard trash, trash non-collection shall be prima facie prima facie evidence of a sanitary nuisance. In such cases, and by agreement with the board of county commissioners to utilize the services of the county health officer, the latter or the town code enforcement officer shall, in coordination with town authorities, notify the person responsible for the violation to remove or cause to be promptly removed such garbage, yard trash, or trash within 24 hours, failing which the health officer may take corrective action as prescribed for similar violations within the county.

(b) Proactive code enforcement. The town code enforcement officer shall begin an active program of patrolling residential dwelling areas of the town and citing individuals who there is probable cause to believe may be in violation of section 26-21(a) of the code. Each street with residential dwellings shall be inspected at least

twice per calendar month to ascertain violations of section 26-21(a). When the code inspector has probable cause to believe that a particular residential dwelling is in violation of section 26-21(a) of this code, the code inspector shall promptly cite the occupant *and* the owner of the residential dwelling, issue a notice of violation, and timely schedule a hearing before the code enforcement board. Once cited, no case may be dismissed unless compliance is **first** obtained, or a written agreement is consummated with a schedule by which compliance will be obtained. If the alleged violator comes into compliance before the hearing, the code inspector may dismiss the charges, or **if there have been two previous instances of a violation of this section that has come into compliance before a hearing,** the code inspector may prosecute the case to establish a violation such that an additional violation will be legally viewed as a repeat violation. Notwithstanding the immediate citation of a violation, the code enforcement officer shall have a continuing duty to contact the alleged violator to seek and obtain compliance with this code.

As part of the proactive code enforcement program, authority is hereby delegated to the town manager to designate members of the town staff as code enforcement officers so that code enforcement may occur for any potential violation of the town code during evenings or weekends, or at such times that the town code inspector is not on duty.

As part of the proactive code enforcement program, the town manager shall not less often than once every 180 consecutive day time period publish in the town newsletter and give notice by residents registered to receive town emails, concerning the contents of section 26-20, 26-21, and 26-22 of this code in a non-legalistic and plain meaning english presentation.

(c) *Presumption of violation of code.* If the code inspector finds at a residential dwelling that there is probable cause to believe a violation of section 26-20 of this code may exist, the code inspector shall keep accurate records of such location and photograph the violation, and when the code inspector has probable cause to believe that the residential dwelling location is in violation of section 26-21(a), a rebuttable presumption of a violation of section 26-21(a) is created. The rebuttable presumption is created if on more than one day of inspection which subsequent day of violation is more than **seven** ~~four (4)~~ **consecutive** days after initially determining a violation of section 26-20(c)(2), an un-containerized pile of yard trash is not changed substantially as to location on the residential dwelling property, or is not substantially decreased as to size or amount, during said period. **In addition to other circumstances, the rebuttable presumption may be rebutted if it is shown to town authorities that the property owner or occupant has a demonstrated, good faith inability to contact the solid waste collector during said seven day period.**

SECTION 6. That section 26-22 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-22. - Accumulations presumed sanitary nuisance; abatement.

Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, accumulation of garbage or trash at any residential or commercial unit or building for more than five days because of non-collection shall be prima facie ~~prima facie~~ evidence of a sanitary nuisance. In such cases, and by agreement with the board of county commissioners to utilize the services of the county health officer, the latter shall, in coordination with town authorities, notify the person responsible for the violation to remove or cause to be removed such garbage or trash within 24 hours, failing which the health officer may take corrective action as prescribed for similar violations within the county.

SECTION 7. That section 26-23 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-23. - Duty to use contract collector; fees.

(a) *Residential.* All residents or occupants of residential dwellings, houses and units in the town, wherever situated as to zoning, shall be required to have accumulations of garbage, and trash, and yard trash, removed and disposed of by the collector holding a contract or franchise agreement with the town, and for such service shall pay the collector such fees and charges as are agreed upon by the terms of the franchise agreement. Fees and charges for garbage, and trash, and yard trash, collection shall be chargeable on newly constructed residential units immediately upon occupancy or whenever the first garbage, and trash, or yard trash, collection is made by the contractor, whichever shall occur first;

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

334 text. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the
335 Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by
336 the asterisks and not set forth in this Ordinance shall remain unchanged from the
337 language existing prior to adoption of this Ordinance.
338

339 SECTION 9. Effective Date. This Ordinance shall become effective upon adoption
340 of this Ordinance.
341

342 PASSED by the Town Council of the Town of Indialantic on first reading on the
343 14th day of February, 2024, and ADOPTED by the Town Council of the Town of
344 Indialantic, Florida on final reading on the 13th day of March, 2024.
345

346 TOWN OF INDIALANTIC
347
348

349 _____
350 Mark McDermott
351 Mayor
352

353 ATTEST: _____
354 Mollie Carr, Town Clerk

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WHEREAS, throughout the Town there has been an accumulation of yard trash and debris from residential properties; and

WHEREAS, the uncollected piles of yard trash violate the public aesthetics because uncollected piles of refuse occur throughout the Town's residential areas; and

WHEREAS, Section 26-20 of the Town Code of Ordinances, provides that it is illegal to permit the accumulation of yard trash and other debris that might endanger the public health and safety; and

WHEREAS, Section 26-21 of the Town Code of Ordinances, provides that it is illegal for yard trash to accumulate on residential property in the Town for over four (4) days; and

42
43 **WHEREAS**, Section 26-23 of the Town Code of Ordinances, provides that
44 residents or occupants of residential dwellings are required to coordinate with the
45 Town's solid waste collector to remove yard trash; and
46

47 **WHEREAS**, Section 26-23(a) of the Town Code of Ordinances, provides:
48

49 Sec. 26-23. - Duty to use contract collector; fees.
50

51 (a) *Residential.* All residents or occupants of
52 residential dwellings, houses and units in the town, wherever
53 situated as to zoning, shall be required to have
54 accumulations of garbage and trash removed and disposed
55 of by the collector holding a contract or franchise agreement
56 with the town, and for such service shall pay the collector
57 such fees and charges as are agreed upon by the terms of
58 the franchise agreement. Fees and charges for garbage and
59 trash shall be chargeable on newly constructed residential
60 units immediately upon occupancy or whenever the first
61 garbage and trash collection is made by the contractor,
62 whichever shall occur first; and
63

64 **WHEREAS**, the purpose of this Ordinance is to provide standards for the
65 collection of yard trash, to stop the accumulation of piles of yard trash in the Town's
66 residential area, and to set forth standards for an enforcement program; and
67

68 **WHEREAS**, the Town Council of the Town of Indialantic, Florida, hereby finds this
69 Ordinance is needed to protect and will promote the public health, safety, welfare, and
70 aesthetics of the community by stopping the proliferation of yard trash in the residential
71 neighborhoods and is in the best interests of the public health, safety, and welfare of
72 the citizens of Indialantic.
73

74 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF**
75 **INDIALANTIC, FLORIDA:**
76

77 SECTION 1. Recitals. The foregoing recitals ("WHEREAS" clauses) are hereby
78 fully incorporated herein by this reference as legislative findings and the intent and
79 purpose of the Town Council of the Town of Indialantic.
80

81 SECTION 2. That section 26-18 of the Code of Ordinances of Indialantic, Florida,
82 is hereby amended to read as follows:
83

84 **Sec. 26-18. Title.**

85
86 This article shall be commonly referred to as the Dick Dunn Solid Waste Collection
87 Ordinance.
88

89 SECTION 3. That section 26-19 of the Code of Ordinances of Indialantic, Florida,
90 is hereby amended to read as follows:

91
92 **Sec. 26-19. - Definitions.**
93

94 The following words, terms and phrases, when used in this article, shall have the
95 meanings ascribed to them in this section, except where the context clearly indicates
96 a different meaning:
97

98 *Automated garbage collection truck* means the vehicle that is partially open at the top
99 and accepts garbage conveyed from a cart provided by the collector.
100

101 *Clam shell* means a garbage and trash collector vehicle which is equipped with a
102 crane to pick up and carry away large objects for disposal.
103

104 *Contractor or collector* means the person with whom the town has entered into a
105 contract or to whom the town has granted a franchise for the collection and disposal
106 of garbage and refuse generated in the town.
107

108 *Diameter at breast height or dbh* ~~(dbh)~~ means the diameter of the trunk of a tree, or
109 the sum of the stems of a multi-stemmed tree, measured 4½ feet above natural or
110 development grade.
111

112 *Dumpster* means a large container supplied by the contract collector used to contain
113 garbage and trash usually generated by commercial concerns.
114

115 *Front loader* means the vehicle which picks up dumpsters and empties them into itself.
116

117 *Garbage* means the solid or semi-solid waste generated in both household and
118 commercial handling of food and ordinary refuse. Consistent with F.S. § 790.33,
119 ammunition shall not be included in this definition of the term "garbage."
120

121 *Garbage container or garbage receptacle* means a container of not greater than 96-
122 gallon capacity or less as provided by the collector.
123

Land clearing means the removal of vegetation from a vacant lot or parcel, however, the term "land clearing" does not include mowing, trimming or pruning of vegetation so as to maintain it in a healthy and viable condition.

Native vegetation means plant material indigenous to the county.

Rear loader means the vehicle into the rear of which is emptied the contents of trash containers approximately 32-gallon size.

Recyclable materials means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste, including:

(1) Glass (all unbroken, clear, brown, and green glass containers. Flat glass, window glass, dishes, crockery, etc., are excluded).

(2) Metal cans (aluminum and bi-metal), aluminum foil, aluminum pie tins.

(3) Newspapers (daily newspapers, including inserts), magazines, office paper, brown paper bags, junk mail, telephone books.

(4) Plastic bottles numbers one—seven.

Residential dwelling means a property with three or fewer residential units on the property.

Trash means all debris and rubbish, and all materials generated as a result of individual ground maintenance and improvements, and all items other than garbage intended for disposal, but does not include autos, auto parts, or materials that accumulate as the result of building operations, building alterations, or clearing of lots. Consistent with F.S. § 790.33, ammunition shall not be included in this definition of the term "trash."

Tree means a woody or fibrous perennial plant with one or more upright limbs with a minimum dbh of four inches, or a sum of four or more inches for multi-stemmed trees, and which will attain an average mature height of at least ten feet.

User means any customer of contract collector or a tenant of a customer of contract collector.

Vegetation means any plant material including, but not limited to, trees, shrubs, herbs and grasses.

Yard trash means vegetation, lawn, grass, or shrubbery cuttings, or clippings and dry leaf rakings, palm fronds, tree branches, bushes, or shrubs, vines, leaf cuttings, coconuts, fruits, or other matter usually created as refuse in the care of lawns and yards. Yard trash must be generated by the owner or the occupant of a residential dwelling at the residential unit wherein the yard trash is to be collected.

SECTION 4. That section 26-20 of the Code of Ordinances of Indian River County, Florida, is hereby amended to read as follows:

Sec. 26-20. - Accumulations prohibited generally.

(a) All lands in the town shall be kept free from any kind of yard trash, trash, garbage, yard trash, or filth including, but not limited to, broken tree limbs, leaves or branches, any uncontainerized garbage or refuse, or any other type of material which might conceal pools of water, create breeding places for mosquitoes or which might be otherwise detrimental to the health or safety of the inhabitants of the town. The existence of any such trash or filth is hereby declared to be a nuisance.

(b) The occupant and the owner of a residential dwelling unit shall have a duty and is required to properly prepare all yard trash for collection by the town's solid waste collector. With regard to yard trash, the occupant of a residential dwelling unit shall either be collected by the solid waste collector's clam shell truck or placed into a garbage receptacles supplied by the solid waste collector.

(c) Preparation of yard trash generally. Regardless of the method of collection, yard trash, tree limbs, and branches, for solid waste collector pickup and removal shall not exceed four (4) feet in length or four (4) inches in diameter.

(1) Disposal by receptacle. Loose yard trash must be placed in a garbage receptacle. There are no limits on the number of garbage receptacles the owner or the occupant of a residential dwelling can use. All garbage receptacles must be placed at the curbside on the designated collection day by 6:00 a.m. in the morning. The solid waste collector shall designate one day per calendar week for garbage receptacle pickup of yard trash. The occupant and the owner of a residential dwelling may determine this day by contacting the solid waste collector, and periodically, the town, by use of the town newsletter or email alert, will provide notice of the collection day to residential dwelling occupants.

(2) Disposal by clam shell truck. When the amount of yard trash is so great that it cannot fit into a solid waste collector provided garbage receptacle, or in the case of yard trash, tree trimmings, palm fronds, and other yard trash, that are 3 cubic yards or greater in amount at the time of creation, disposal shall be by the solid waste collector's clam shell truck. The pile of yard trash shall be accumulated in a pile that is similar in size to a conventional picnic table which shall not exceed four feet in length or fifty pounds in weight.

Clam pile yard trash shall be three (3) cubic yards or greater (about the size of a picnic

table) and shall be neatly stacked in one (1) pile curbside on the lawn of a residential dwelling. If ditching bisects the property and right-of-way, the curbside then becomes the roadside of the ditch. Clam pile yard trash shall not be placed in multiple piles at a residential dwelling nor stretched across the residential frontage. Clam pile yard trash shall not be placed on a driveway or other hard surface as the collection vehicle "claw" could scratch or damage the surface. The solid waste collector is not responsible for clam yard trash that is placed onto a driveway or other hard surface. Clam pile yard trash shall not be placed onto a tarpaulin or other such lawn covering as the "claw" could damage this material. Clam pile yard trash shall be placed at least three (3) feet away from trees, mailboxes, utility poles, street signs, or other stationary objects and shall not be placed under low hanging utility lines.

The occupant and the owner of a residential dwelling shall have the obligation of contacting the solid waste collector via methods approved by the solid waste collector at least 48 hours prior to the designated collection day to schedule clam shell pickup of yard trash.

SECTION 5. That section 26-21 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-21. - Accumulations longer than seven ~~four~~ consecutive days prohibited; exception.

(a) *Accumulation of yard trash for more than four consecutive days.* Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, it shall be unlawful to permit an accumulation of garbage, yard trash, or trash, visible from the street upon any premises in the town at any residential or commercial unit or building for a period longer more than seven five days; without having arranged for disposal of such accumulation by the town's designated solid waste collector, or by some person qualified by the aforesaid solid waste collector to perform such services because of non-collection shall be prima facie evidence of a sanitary nuisance. Such accumulation of garbage, yard trash, trash non-collection shall be ~~prima facie~~ prima facie evidence of a sanitary nuisance. In such cases, and by agreement with the board of county commissioners to utilize the services of the county health officer, the latter or the town code enforcement officer shall, in coordination with town authorities, notify the person responsible for the violation to remove or cause to be promptly removed such garbage, yard trash, or trash within 24 hours, failing which the health officer may take corrective action as prescribed for similar violations within the county.

(b) *Proactive code enforcement.* The town code enforcement officer shall begin an active program of patrolling residential dwelling areas of the town and citing

individuals who there is probable cause to believe may be in violation of section 26-21(a) of the code. Each street with residential dwellings shall be inspected at least twice per calendar month to ascertain violations of section 26-21(a). When the code inspector has probable cause to believe that a particular residential dwelling is in violation of section 26-21(a) of this code, the code inspector shall promptly cite the occupant *and* the owner of the residential dwelling, issue a notice of violation, and timely schedule a hearing before the code enforcement board. Once cited, no case may be dismissed unless compliance is first obtained, or a written agreement is consummated with a schedule by which compliance will be obtained. If the alleged violator comes into compliance before the hearing, the code inspector may dismiss the charges, or if there have been two previous instances of a violation of this section that has come into compliance before a hearing, the code inspector may prosecute the case to establish a violation such that an additional violation will be legally viewed as a repeat violation. Notwithstanding the immediate citation of a violation, the code enforcement officer shall have a continuing duty to contact the alleged violator to seek and obtain compliance with this code.

As part of the proactive code enforcement program, authority is hereby delegated to the town manager to designate members of the town staff as code enforcement officers so that code enforcement may occur for any potential violation of the town code during evenings or weekends, or at such times that the town code inspector is not on duty.

As part of the proactive code enforcement program, the town manager shall not less often than once every 180 consecutive day time period publish in the town newsletter and give notice by residents registered to receive town emails, concerning the contents of section 26-20, 26-21, and 26-22 of this code in a non-legalistic and plain meaning english presentation.

(c) *Presumption of violation of code.* If the code inspector finds at a residential dwelling that there is probable cause to believe a violation of section 26-20 of this code may exist, the code inspector shall keep accurate records of such location and photograph the violation, and when the code inspector has probable cause to believe that the residential dwelling location is in violation of section 26-21(a), a rebuttable presumption of a violation of section 26-21(a) is created. The rebuttable presumption is created if on more than one day of inspection which subsequent day of violation is more than seven ~~four (4)~~ consecutive days after initially determining a violation of section 26-20(c)(2), an un-containerized pile of yard trash is not changed substantially as to location on the residential dwelling property, or is not substantially decreased as to size or amount, during said period. In addition to other circumstances, the rebuttable presumption may be rebutted if it is shown to town

authorities that the property owner or occupant has a demonstrated, good faith inability to contact the solid waste collector during said seven day period.

SECTION 6. That section 26-22 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-22. - Accumulations presumed sanitary nuisance; abatement.

Except when a holiday celebrated on a normal collection day results in the closure of the county landfill, accumulation of garbage or trash at any residential or commercial unit or building for more than five days because of non-collection shall be prima facie ~~prima facie~~ evidence of a sanitary nuisance. In such cases, and by agreement with the board of county commissioners to utilize the services of the county health officer, the latter shall, in coordination with town authorities, notify the person responsible for the violation to remove or cause to be removed such garbage or trash within 24 hours, failing which the health officer may take corrective action as prescribed for similar violations within the county.

SECTION 7. That section 26-23 of the Code of Ordinances of Indialantic, Florida, is hereby amended to read as follows:

Sec. 26-23. - Duty to use contract collector; fees.

(a) *Residential.* All residents or occupants of residential dwellings, houses and units in the town, wherever situated as to zoning, shall be required to have accumulations of garbage, and trash, and yard trash, removed and disposed of by the collector holding a contract or franchise agreement with the town, and for such service shall pay the collector such fees and charges as are agreed upon by the terms of the franchise agreement. Fees and charges for garbage, and trash, and yard trash, collection shall be chargeable on newly constructed residential units immediately upon occupancy or whenever the first garbage, and trash, or yard trash, collection is made by the contractor, whichever shall occur first;

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 14th day of February, 2024, and ADOPTED by the Town Council of the Town of Indialantic, Florida on final reading on the 13th day of March, 2024.

TOWN OF INDIALANTIC

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr, Town Clerk

SUBJECT: Capital Improvement Plan

Staff Report – Town of Indialantic

Meeting Date: March 13, 2024

Summary:

The Capital Improvement Plan is needed for the Town Planner to update the comprehensive plan for the state. Attached is the Capital Improvement Plan to include information requested by Council.

Recommendation:

Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan to Council for Approval

MOTION: Approve the Capital Improvement Plan to be sent to the Town Planner so he can bring the updated comprehensive plan back to Council for Approval

Submitted by:

Approved for agenda:



Mollie Carr
Town Clerk



Michael L. Casey
Town Manager

CAPITAL IMPROVEMENT PLAN (CIP)

The CIP consists of projects funded from a combination of Town general fund, Town enterprise funds and other (grants, state, federal, other) sources over the next 5 years (2024 through 2029). The below list is an outline of the projects planned during this project, but the attachment has further details.

Projects fall into the following categories:

1. Park Improvements
2. Street Improvements
 - a. This includes milling, paving streets and curbing along the streets.
 - b. The public works director will grade the streets annually with a score rating from 1 to 3. A grade of 3 will be given the priority to be repaved.
 - c. Current assessment as of the CIP included in the Street Improvements Appendix for reference.
3. Drainage Improvements
 - a. This includes storm water management consisting of drainage, pipes, retention, boxes, and outfalls.

Parks in Indialantic

- Dewey Park – no capital improvements planned, only regular maintenance.
- Ernest-Kouwen-Hoven Park – no capital improvements planned, only regular maintenance.
- Gus Carey Park – no capital improvements planned, only regular maintenance.
- Indialantic Ocean Beach – no capital improvements planned, only regular maintenance.
- Indian River Park – pier repairs and adding of a kayak launch in FY 25 that requires additional funding source (grant, state, other) see attachment for additional information.
- Lily Park – no capital improvements planned, only regular maintenance.
- Nance Park – multiple projects from FY 24 to FY 28 planned to include funding from Enterprise funds and grants, details in attachment.
 - Nance Park Bathroom house update and repair or replace bathroom structure.
 - Nance Park Pavilion, update to look like smaller pavilion.
 - Nance Crossover, replace and update as condition of materials is deteriorating.
 - Nance Park Decking, replace and update as condition of materials is deteriorating.
- Orlando Park – replace aged equipment and add some new features FY 26
- Sea Park – replace deteriorated crossover FY 24
- Sunrise Park – replace deteriorated crossover FY 24
- Tradewinds Park – no capital improvements planned, only regular maintenance.

- Vincent Benevente Sunset Park – no capital improvements planned, only regular maintenance.
- Wavecrest Park – multiple projects from FY 24 to FY 28 planned to include funding from Enterprise funds and grants, details in attachment.
 - Wavecrest sidewalk
 - Wavecrest remaining crossovers replace and update as condition of materials is deteriorating.
 - Wavecrest decking, replace and update as condition of materials is deteriorating.
 - Wavecrest Extended Park – no capital improvements planned, only regular maintenance.
- Douglas Park – no capital improvements planned, only regular maintenance.
- Indialantic Ocean Beach Park – multiple projects from FY 24 to FY 28 to include funding from Enterprise funds and grants, details in attachment.

Drainage Improvements

- 400 Blk Oakland replace undersized pipes to help improve stormwater flow in FY 24, details in attachment.
- Ramona 6th to 7th repair pipe with CIPP for pipe integrity in FY 24, details in attachment
- 607 S. Riverside Drive repair pipe with CIPP for pipe integrity FY 24, details in attachment
- Miami 300 Blk replace pipes that have deteriorated FY 25, details in attachment.
- Watson 500 Blk no pipes exist in area to add pipes due to stormwater complaints, in FY 25, details in attachment.

Streets Improvements

- Fifth Ave. median to replace plants as approved by FDOT with partial grant from FDOT FY 24
- South Riverside Dr. mill and repave the street FY 24
- 200 & 300 blk of 6th Ave mill and repave street FY 24
- South Shannon Melbourne Ave to 5th Ave mill and repave street FY 25
- Watson Shannon Ave to Miramar mill and repave street FY 25
- 100 blk of Wayne Ave mill and repave street FY 25
- 4th Ave 400 blk mill and repave street FY 26
- South Ramona from Miami Ave. to 5th Ave mill and repave street FY 27
- S. Palm Miami Ave to 5th Ave mill and repave street FY 28
- Orlando Blvd Miramar to Riverside Dr mill and repave street FY 29

*Milling a road makes it suitable to lay new asphalt without making the height of the road increase. This also ensures the paving leaves the curbs, drainage, and other structures in the surrounding area alone. If the road currently has cracks, dings, or other signs of asphalt damage, those cracks and dings will eventually reappear. Known as reflective cracking – the top layer reflects what's going on down below. This means your new asphalt overlay will someday crack too.

Five-Year Capital Improvement Plan FY 2024 to FY 2029

Project Name	Source	FY-24	FY-25	FY-26	FY-27	FY-28	FY-29	6 Year Total
Drainage								
400 Blk Oakland	General	\$140,000						\$140,000
Ramona 6th to 7th	General	\$60,000						\$60,000
607 S. Riverside	General	\$44,000						\$44,000
Miami 300 Blk	General		\$150,000					\$150,000
Watson 500 BLK	General		\$250,000					\$250,000
Stormwater	General	\$244,000	\$400,000					\$644,000
Goal of stormwater improvements is to bring up standards to restore and/or improve flow of stormwater system								
Parks								
Riverside Pier	General		\$150,000					\$150,000
Riverside Pier	FIND		\$100,000					
Orlando Park	FRDAP			\$112,000				\$112,000
Orlando Park	General			\$48,000				\$48,000
Parks								\$310,000
Goal of parks improvements is to replace or add new amenities for residents of Indialantic.								
Streets								
Fifth Ave. median	General	\$256,300						\$256,300
South Riverside Dr.	General	\$250,000						\$250,000
6th Ave 200 & 300 Blk	General	\$30,000						\$30,000
South Ramona Miami to 5th	General				\$150,000			\$150,000
South Shannon Melbourne Ave to 6th	General		\$140,000					\$140,000
5-Way Intersection of Watson Dr N. Palm A	General		\$13,000					\$13,000
Watson Shannon to Miramar	General		\$50,000					\$50,000
100 Blk Wayne	General		\$20,000					\$20,000
4th Ave. 400 Blk	General			\$60,000				\$60,000
S. Palm Miami to 5th Ave.	General					\$175,000		\$175,000
Orlando Blvd. Miriamar to Riverside	General						\$70,000	\$70,000
Resurfacing	General	\$536,300	\$223,000	\$60,000	\$150,000	\$175,000	\$70,000	\$1,214,300

Goal of paving is to remove old asphalt by milling to correct height to allow for proper height of pavement to curbing and driveways

Five-Year Capital Improvement Plan FY 2024 to FY 2029

Enterprise

Nance Park Bathroom House	FRDAP		\$75,000						\$75,000
Nance Park Bathroom House	Enterprise		\$25,000						\$25,000
Nance Park Pavilion	Enterprise			\$70,000					\$70,000
Nance Crossover	Enterprise	\$55,000							\$55,000
Nance Park Decking	Enterprise				\$75,000				\$75,000
Wavecrest Sidewalk	Enterprise					\$48,000			\$48,000
Wavecrest remaining crossovers	Enterprise	\$7,500	\$15,000						\$15,000
Wavecrest Decking	Enterprise			\$50,000	\$50,000	\$50,000			\$150,000
Sea Parking crossover	Enterprise	\$7,500							\$7,500
Sunrise Crossover	Enterprise	\$7,500							\$7,500
Sunrise Ramp	Enterprise				\$5,000				\$5,000
Crossover #8	Enterprise	\$15,000							\$15,000
Enterprise	Enterprise	92,500	115,000	120,000	130,000	98,000	0		555,500

Goal of enterprise improvement is to replace or add new amenities for visitors and residents of Indialantic.

Total	\$872,800	\$738,000	\$180,000	\$280,000	\$273,000	\$70,000	\$2,413,800
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CIPP Lining List

Location of line to be repair:	Length:	Height:	Width:	Pipe Size:	Pipe Type:	Reason for Lining:	Fiscal Year
607 S. Rivereside Drive to Pedway	205	30	30	30	ADS	Sinkhole behind CB @ 607 S. Riverside Drive	FY 24
S. Ramona Ave. Between 6th Ave.& 7th Ave.	162	12	23	18	CMP	Sinkhole at CB @ SE Corner of 6th Ave. S. Ramona Ave.	FY 24
Across S. Riverside Drive @ Orlando Blvd.	64	19	30	28.5	ERCP		FY 24

North Street Measurements List

PAVING KEY: **1 = GOOD SHAPE,** **2 = OKAY,** **3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
Grosse Pointe Avenue (Paved 200 & 300 Block of Grosse Pointe Avenue)	1	1134	10	12/5/2017
200 Block of Chalet Avenue	1	630	20	TBD
N. Shannon Avenue from Watson Drive to Grosse Pointe Avenue	1	1088	28	TBD
100 Block of Watson Drive	2	747	22	TBD
300 Block of Watson Drive	1	595	22	TBD
400 Block of Watson Drive	1	665	22	TBD
500 Block of Watson Drive	1	1040	22	TBD
500 Block of Genesee Avenue	1	747	19	TBD
5-Way Intersection of Watson Drive and N. Palm Avenue	3	122	60	TBD
100 Block of Wayne Avenue	3	383	20	TBD
200 Block of Wayne Avenue	1	667	20	TBD
300 Block of Wayne Avenue	1	648	20	TBD
400 Block of Wayne Avenue	1	881	20	TBD
Riverside Place South of Wayne Avenue West Side of Riverside Drive	1	263	26	TBD
100 Block of Michigan Avenue	1	40	38	12/5/2017
200 Block of Michigan Avenue	1	727	18	TBD
300 Block of Michigan Avenue	2	25	18	TBD
400 Block of Michigan Avenue	2	125	18	TBD
100 Block of 1st Avenue	1	736	19	TBD
200 Block of 1st Avenue	2	647	19	TBD
300 Block of 1st Avenue	3	676	19	TBD
400 Block of 1st Avenue	1	819	19	TBD
100 Block of 2nd Avenue	1	737	16	TBD
200 Block of 2nd Avenue	1	663	16	TBD
300 Block of 2nd Avenue	1	663	16	TBD
400 Block of 2nd Avenue	1	792	16	TBD
2nd Avenue (North of Eatsminister Church)	1	243	16	3/23/2021
100 Block of 3rd Avenue	2	741	17	TBD

200 Block of 3rd Avenue	1	660	17	TBD
300 Block of 3rd Avenue	1	653	17	TBD
400 Block of 3rd Avenue	1	771	17	TBD
100 Block of 4th Avenue	1	737	24	TBD
200 Block of 4th Avenue	1	658	24	TBD
300 Block of 4th Avenue	1	666	24	TBD
400 Block of 4th Avenue	2	739	24	TBD
N. Shannon Avenue from Watson to 5th Avenue	1	1780	27	TBD
N. Palm Avenue from Watson to 5th Avenue	1	1991	20	TBD
N. Ramona Avenue from Watson to 5th Avenue	1	2175	27	TBD
Riverside Place N. (West of Eastminister Church)	1	243	16	3/23/2021

South Street Measurements List

PAVING KEY: **1 = GOOD SHAPE,** **2 = OKAY,** **3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
100 Block of 6th Avenue	1	749	22	TBD
200 Block of 6th Avenue	3	650	22	TBD
300 Block of 6th Avenue	1	659	22	TBD
400 Block of 6th Avenue	1	702	22	TBD
100 Block of 7th Avenue	1	738	20	TBD
200 Block of 7th Avenue	1	661	20	TBD
300 Block of 7th Avenue	1	659	20	TBD
400 Block of 7th Avenue	1	739	20	TBD
100 Block of 8th Avenue	1	745	17	TBD
200 Block of 8th Avenue	1	654	17	TBD
300 Block of 8th Avenue	1	656	17	TBD
400 Block of 8th Avenue	1	777	17	TBD
100 Block of 9th Avenue	1	741	17	TBD
400 Block of 9th Avenue	3	621	17	TBD
Tradewinds Terrace	2	1104	27	TBD
200 Block of 9th Terrace	1	202	27	TBD
300 Block of 9th Terrace	1	716	27	TBD
100 Block of 10th Avenue	1	738	19	TBD
400 Block of 10th Avenue	1	661	19	TBD
300 Block of 10th Terrace	2	758	27	TBD
100 Block of 11th Avenue	1	738	17	TBD
400 Block of 11th Avenue	1	650	17	TBD
300 Block of Palm Court	1	508	26	TBD
100 Block of 12th Avenue	1	744	17	TBD
400 Block of 12th Avenue	1	641	17	TBD
200 Block of 12th Terrace	1	375	27	TBD
300 Block of 12th Terrace	1	713	27	TBD

100 Block of 13th Avenue	1	732	17	TBD
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100 Block of 14th Avenue	1	741	17	TBD
100 Block of Melbourne Avenue	1	744	18	TBD
200 Block of Melbourne Avenue	1	686	18	TBD
300 Block of Melbourne Avenue	1	708	18	TBD
400 Block of Melbourne Avenue	2	704	18	TBD
500 Block of Melbourne Avenue	2	277	18	TBD
100 Block of Ormond Drive	2	738	17	TBD
200 Block of Ormond Drive	1	709	17	TBD
300 Block of Ormond Drive	1	750	17	TBD
400 Block of Ormond Drive	1	485	17	TBD
100 Block of Ocean Terrace	2	856	18	TBD
William Dewey Park East Roadway	1	111	22	TBD
100 Block of Orlando Blvd.	3	996	18	TBD
200 Block of Orlando Blvd.	1	727	18	TBD
300 Block of Orlando Blvd.	2	758	18	TBD
400 Block of Orlando Blvd.	2	429	18	TBD
500 Block of Orlando Blvd.	3	382	18	TBD
Indian River Park	1	211	18	TBD
100 Block of Cocoa Avenue	1	1040	18	TBD
200 Block of Cocoa Avenue	1	732	18	TBD
300 Block of Cocoa Avenue	1	755	18	TBD
100 Block of Tampa Avenue	1	1115	18	12/5/2017
200 Block of Tampa Avenue	1	759	18	TBD
300 Block of Tampa Avenue	2	757	18	TBD
400 Block of Palmetto Avenue	1	621	16	TBD
100 Block of Deland Avenue	1	1174	18	12/5/2017
200 Block of Deland Avenue	1	820	18	TBD
300 Block of Deland Avenue	2	779	18	TBD
100 Block of Miami Avenue	1	1198	19	TBD
200 Block of Miami Avenue	1	929	19	TBD
300 Block of Miami Avenue	1	891	19	TBD

400 Block of Miami Avenue	1	990	19	TBD
S. Shannon Avenue from Melbourne Beach to South of Orlando Blvd.	1	1419	20	TBD
S. Shannon Avenue from Orlando Blvd. to 5th Avenue	3	3336	20	TBD
S. Palm Avenue from Melbourne Beach to South of Melbourne Avenue	1	2053	18	TBD
S. Palm avenue from Melbourne Avenue to 5th Avenue	3	2490	18	TBD
S. Ramona Avenue from Melbourne Beach to 5th Avenue	2	4095	27	TBD
900 Block of Magnolia Drive	1	412	19	TBD
1100 Block of Magnolia Drive	1	1278	15	TBD
S. Riverside Drive from Melbourne Beach to 5th Avenue	3	4432	27	TBD
Riverside Place S.	1	199	19	TBD

ENTERPRISE I

PAVING KEY: **1 = GOOD SHAPE,** **2 = OKAY,** **3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names	Paving Priority:	Length:	Width:	Paved On:
N. Miramar Avenue (Sunrise Park)	1	300	37	TBD
4th Avenue Bizzaros Pizza/Surfinista Café Parking Lot	3	229	65	TBD
Zero Block of 5th Avenue Westbound	1	204	25	TBD
Zero Block of 5th Avenue Eastbound	1	209	25	TBD
Zero Block of 8th Avenue	1	246	32	TBD
Zero Block of 11th Avenue	1	247	31	TBD
Zero Block of 14th Avenue	1	250	17	TBD
Wave Crest Avenue from zero Block of 4th Avenue to South of C. O. # 15 to Include Parking Areas	2	1981	60	TBD
Wave Crest Avenue from Extension to A1A	2	1349	19	TBD
Wave Crest Avenue Sidewalk from Access # 6 to Access # 8	3	193	7	TBD
Wave Crest Avenue Sidewalk from Access # 9 to South of C.O. # 15	3	1581	9	TBD
1501 A1A Sea Park	1	190	26	TBD
Sea Park Parking Area	1	72	17	TBD
Sea Park Sidewalk	1	129	6	TBD

ENTERPRISE II

PAVING KEY: **1 = GOOD SHAPE,** **2 = OKAY,** **3= BAD, NEEDS ATTENTION**

Although a street is classified as 3, doesn't mean that'll get paved right away, will do a scoring system to determine CIPP street paving.

Street Names		Paving Priority:	Length:	Width:
James Nance Park Wave Crest Avenue	1	906	25	TBD
James Nance Park Parking Handi-Cap Area South of Restrooms	1	39	17	TBD
James Nance Park Parking Handi-Cap Area North of Restrooms (East Side)	1	144	18	TBD
James Nance Park Parking Handi-Cap Area North of Restrooms (West Side)	1	152	18	TBD
James Nance Park RV Parking	1	45	26	TBD
James Nance Park Parking Area West of RV Parking North Side	1	117	18	TBD
James Nance Park Parking Area West of RV Parking South Side	1	68	18	TBD
James Nance Park West Side of Park North of Sidewalk (West Side)	1	109	18	TBD
James Nance Park West Side of Park North of Sidewalk (West Side)	1	58	18	TBD
James Nance Park West Side of Park South of Sidewalk (East Side)	1	138	18	TBD
James Nance Park West Side of Park South of Sidewalk (East Side)	1	90	18	TBD
James Nance Parking Next to Bizzaros Parking	1	112	18	TBD
James Nance Park Parking next to Pump House	1	48	18	TBD

Paving List

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	Square Yards:	Tonnage:	Cost:	Milling Cost:	Priority:
S. Riverside Drive from Melbourne Beach to 5th Avenue.	4650	28	130,200	14,466.67	1591.33	\$193,347	\$35,443	
6th Avenue 200 Block	582	20	11,640	1,293.33	142.27	\$17,285	\$3,169	
Radius 6th Avenue @ S. Palm Avenue (east side)	37	28	1,036	115.11	12.66	\$1,538	\$282	
Radius 6th Avenue @ S. Shannon Avenue (west side)	47	23	1,081	120.11	13.21	\$1,605	\$294	
6th Avenue 300 Block	605	20	12,100	1,344.44	147.89	\$17,969	\$3,294	
Radius 6th Avenue @ S. Palm Avenue (west side)	37	28	1,036	115.11	12.66	\$1,538	\$282	
Radius 6th Avenue @ S. Ramona Avenue (east side)	47	23	1,081	120.11	13.21	\$1,605	\$294	
Orlando Blvd. 400 Block	675	18	12,150	1,350.00	148.50	\$18,043	\$3,308	
Radius Orlando Blvd. @ S. Ramona Avenue (east side)	46	30	1,380	153.33	16.87	\$2,049	\$376	
Orlando Blvd. 500 Block	723	20	14,460	1,606.67	176.73	\$21,473	\$3,936	
Radius Orlando Blvd. @ S. Riverside Drive (east side)	46	23	1,058	117.56	12.93	\$1,571	\$288	
Radius Orlando Blvd. @ S. Ramona Avenue (west side)	46	35	1,610	178.89	19.68	\$2,391	\$438	
Wayne Avenue 100 Block	280	20	5,600	622.22	68.44	\$8,316	\$1,524	
Radius Wayne Avenue @ Watson Drive (south side)	53	23	1,219	135.44	14.90	\$1,810	\$332	
Radius Wayne Avenue @ N. Shannon Avenue (east side)	40	38	1,520	168.89	18.58	\$2,257	\$414	
Watson Drive from N. Shannon Avenue to A1A	710	20	14,200	1,577.78	173.56	\$21,087	\$3,866	
Radius Watson Drive @ N. Shannon Avenue (east side)	25	20	500	55.56	6.11	\$743	\$136	
5 Way Intersection of Palm Avenue and Watson Drive	125	55	6,875	763.89	84.03	\$10,209	\$1,872	
S. Shannon Avenue from Melbourne Avenue to 5th Avenue	2300	28	64,400	7,155.56	787.11	\$95,634	\$17,531	
Michigan Avenue 300 Block.	631	18	11,358	1,262.00	138.82	\$16,867	\$3,092	
Radius Michigan Avenue @ N. Palm Avenue (west side)	49	24	1,176	130.67	14.37	\$1,746	\$320	
Radius Michigan Avenue @ N. Ramona Avenue (east side)	44	28	1,232	136.89	15.06	\$1,830	\$335	
Michigan Avenue 400 Block.	770	18	13,860	1,540.00	169.40	\$20,582	\$3,773	
Radius Michigan Avenue @ N. Riverside Drive (east side)	49	24	1,176	130.67	14.37	\$1,746	\$320	
Radius Michigan Avenue @ N. Ramona Avenue (west side)	44	28	1,232	136.89	15.06	\$1,830	\$335	
Miami Avenue Area Intersection	145	45	6,525	725.00	79.75	\$9,690	\$1,776	
			319,705	35,523	3,908	\$474,762	\$87,031	
					Tonnage of Asphalt:	3,908		
					Add 10%	391		
					Total Asphalt	4,298	\$522,238	
					Total Asphalt Cost		\$522,238	

Concrete Curbing Replacement

Location of curbing to be replaced:	Length:	Width:	Total Sq. Ft. Area:	FY Year:
650 S. Riverside Drive	8	2	16	FY 24
800 S. Riverside Drive	14	2	28	FY 24
914 S. Riverside Drive	19	2	38	FY 24
1000 S. Riverside Drive Driveway Entrance	14	2	28	FY 24
1100 S. Riverside Drive (Indian River Park Entrance)	24	4	96	FY 24
Between 1202 & 1204 S. Riverside Drive	4	2	8	FY 24
1204 S. Riverside Drive Driveway	8	2	16	FY 24
Between 1302 to 1314 S. Riverside Drive	207	2	414	FY 24
1316 S. Riverside Drive	15	2	30	FY 24
1320 S. Riverside Drive	8	2	16	FY 24
1400 S. Riverside Drive Catch Basin Top	8	8	64	FY 24
1400 S. Riverside Drive Curb Next to Catch Basin Top	2	2	4	FY 24
1301 S. Riverside Drive SE Corner of Palmetto Avenue	8	2	16	FY 24
609 S. Riverside Drive	11	2	22	FY 24
Across 8th Avenue @ S. Riverside Drive	32	4	128	FY 24
NE Corner of 8th Avenue and S. Riverside Drive	32	2	64	FY 24
Total	414	42	988	
	Total Cubic Yards		18	

Agenda Item D-2

SUBJECT: Shipping Container Discussion

Staff Report – Town of Indialantic Meeting Date: March 13, 2024

Summary:

Mayor McDermott has requested a discussion on shipping containers use as an accessory building after a situation in the unincorporated area of Indialantic. Building Official Stokes has attached some of his thoughts to the agenda on shipping containers. Building Official Stokes will be attending meeting to answer questions.

Recommendation:

Discussion

MOTION:

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager

Discussion of shipping containers used as sheds / accessory structures

Recently the topic of shipping containers has come up. Specifically for their use as a shed or accessory structure. Current town ordinances do not address them. In an effort to give homeowners this option while at the same time softening the appearance of the containers I have attached some basic language that gives the design professional the framework they need to accomplish this for the homeowner.

Requirements for shipping containers used as a shed or an accessory structure where allowed by Zoning Ordinances

Setback , height and size requirements will remain the same (already in place, no need for change)

Anchoring to meet current Florida Building Code wind speed requirements.

Outside of container shall be clad with any material allowed by The Florida Building Code Residential.

Top of container shall have a trussed roof attached and roofed with any roofing allowed by The Florida Building Code Residential.

Site specific engineering shall be required for anchoring, attachment of all components and cladding as well as the trusses and roofing.

February 15, 2024

Memo regarding shipping containers in Brevard County

After talking to Terry Talbert, Building Official for Brevard County I discovered they allow shipping containers for accessory structures as well as single family homes. Terry informed me that they do have an ordinance against stacking them on top of one another for an accessory structure. The one in question in the county area is waiting to go before the special magistrate and he did not have a date when that is supposed to take place.

Basically we are not able to prohibit them but could probably adopt a similar ordinance against stacking them only in the case of accessory structures.

A handwritten signature in cursive script, appearing to read "Cliff Stokes".

Cliff Stokes

Building Official

Town of Indialantic

Agenda Item E-1

SUBJECT: Discuss paid parking at Sunrise Park

Staff Report – Town of Indialantic

Meeting Date: March 13, 2024

Summary:

Councilmember Wright requested the Town Council discuss the possibility of returning Sunrise Park to a paid parking area.

- There are 20 spots and rarely is it above 25% full
- Would only offer pay by app, no kiosk
- Parking pass and properly registered LSV's park for free

Recommendation:

MOTION:

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager

SUBJECT: Discuss extending the Qualifying Period to two weeks

Staff Report – Town of Indialantic Meeting Date: February 14, 2024

Summary:

At the January Council Meeting, Vinnie Taranto, Sustainable Community and Resiliency Committee Member, suggested that the Town consider extending the qualifying period from one-week to two-week period. Mr. Taranto explained that he felt this would be less of a burden on the clerk as well as giving potential candidates more time to qualify.

Town Staff does not feel that there is a necessity for the change and that no problem exists that the Ordinance will correct. Currently Election forms are available at <https://dos.myflorida.com/elections/forms-publications>. The complete Town of Indialantic Election Packet will be made available online and at the Indialantic Town Hall by July 1, 2024. Town Staff feels that there is more the sufficient time for a Candiadte to qualify with the current qualifying period. The addition of another week is not beneficial in any way to the Town Staff.

Lastly, the privilege of being a Councilmember or Mayor comes with a hefty amount of responsibility. The Town Council is often tasked with processing a large amount of information that they must research, form a viewpoint, and be prepared to discuss in a public meeting, in a short amount of time. Town Staff feels that the Town Residents deserve an effective leader in our community that is readily able to prioritize timelines and goals.

Recommendation:

No action.

MOTION:

No action

Submitted by:

Mollie Carr

Mollie Carr
Town Clerk

Approved for agenda:

Michael Casey

Michael L. Casey
Town Manager



MEMORANDUM

TO: Mayor and Town Council

FROM: Paul Gougelman, Town Attorney

SUBJECT: Charter Amendment Relating to Dates of Qualifying to Run for Town Council

DATE: January 18, 2024

At the January Town Council meeting, I was asked whether the proposed charter amendment regarding required duration of residency prior to qualifying could be further modified to allow for the qualifying dates to be further expanded. I responded that such a change in the proposed ordinance might confuse voters with regard to the proposed amendment, and that I believed that Florida law does not require voter consent to amend the Town charter with regard to the qualifying dates. I advised that I would report to the Council.

Section 100.3605(2), Florida Statutes, which is a part of the Florida Election Code, provides:

100.3605 Conduct of municipal elections.—

* * *

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

Of course, charter amendments submitted to the voters by a municipality's governing body are based on the adoption of an ordinance. Consequently, this somewhat ambiguous statute does not necessarily explicitly provide for the change of qualifying dates in a charter by adoption of an ordinance without a referendum of the electorate.

However, this statute has been twice interpreted by the Attorney General to mean that a municipality's governing body may amend its charter with regard to qualifying dates by ordinance **without** a referendum. In AGO 2013-05, it was determined that the City of Arcadia could amend its charter to alter qualifying dates without a referendum pursuant to Section 100.3605, Florida Statutes, and that based on a review of that and another statute, a referendum was not required. See *also* AGO 2000-61 (similar determination for the City of Mulberry).

Mayor and Town Council

January 18, 2024

Page 2 of 2

Thus, if the Town Council wishes to expand the dates for qualifying set forth in the charter, it may do so by ordinance without a referendum of the Town electorate. If the Town Council decides to change the qualifying dates, I recommend that the Town Clerk should first coordinate with the Supervisor of Elections to ascertain what the last date for qualifying can be to accommodate the Supervisor's preparation of the 2024 general election ballot.

PRG/mb

Pc: Michael Casey, Town Manager
Mollie Carr, Town Clerk

INVOICE REGISTER FOR TOWN OF INDIALANTIC

POST DATES 02/01/2024 - 02/29/2024

POSTED PAID

BANK ACCOUNTS: GEN, ENT

Inv Ref #	Vendor	Invoice Date	Due Date	Invoice Amount	Amount Due	Status	Posted
00002364	WEISS SEROTA HELFMAN P.L.	02/06/2024		5,693.83	0.00	Paid	Y
00002377	FIRE-TEC	02/12/2024		9,035.32	0.00	Paid	Y
00002426	SHENANDOAH GENERAL CONSTRUCTION LLC	02/13/2024		22,757.75	0.00	Paid	Y
00002428	SHENANDOAH GENERAL CONSTRUCTION LLC	02/15/2024		27,069.60	0.00	Paid	Y
00002439	Florida Municipal Ins Trust	02/15/2024		32,706.37	0.00	Paid	Y
# of Invoices: 5 # Due: 0				Totals:	97,262.87	0.00	
# of Credit Memos: 0 # Due: 0				Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					97,262.87	0.00	

TOWN MANAGER'S REPORT

March 13, 2024

1. Intergovernmental Activity:

- a. **US-192/SR-500 Resurfacing:** FDOT is proposing to resurface US-192/SR-500 (aka Fifth Avenue) from the easternmost relief bridge to SR-A1A in FY-22. (04/16/18) FDOT has agreed to analyze the mid-block crossings and determine if Rectangular Rapid Flashing Beacons (RRFBs) are warranted. (06/18/18) FDOT has determined that pedestrian counts indicate that Rapid Rectangular Flashing Beacons (RRFBs) are not warranted at the Fifth Avenue mid-block pedestrian crossings. However, FDOT did recommend improving the lighting and signage at these locations which will be factored into the resurfacing project that should commence in FY-22. (04/16/19) FDOT has determined that pedestrian activated crossing signals are not warranted for mid-block crossings on Fifth Avenue at this time. (05/08/19) Resurfacing scheduled for FDOT fiscal year 2023, scheduled for 11/22 (2/3/20) FDOT notified of input meetings coming up soon.(11/4/20) FDOT sent notification of changes for crossings during repaving, adding now midblock RRFBs crossings in updated plans. Changes to crossing at Palm for school crossing (2/2/21) Had meeting with FDOT 2/24/21 was advised start date after July 2022 for the state 2023 fiscal year (3/3/21) FDOT updated information on midblock crossings and design (7/6/21) FDOT to give presentation at December Council meeting (11/2/21) FDOT hosting meeting 2/22/22 virtually and in person Eau Gallie Shriners (2/2/22) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) FDOT to May Council meeting give presentation.(3/29/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Resolution red flashing light 5th & Palm (6/6/22) Waiting for updated plans (7/11/22) Scheduled resurfacing to being 2/6/23 (11/1/22) FDOT message sign stating construction begins 2/8/2023 on causeway (1/31/23) Work has begun as of 2/23/23 (3/1/23) Work continues with on the installation of power for lights (4/6/23) Construction continues mast arms installed at Palm Ave for modified HAWK system (5/3/23) The installation of sidewalks and curbing continue to make project ADA complaint with new standards. Waiting for update from FDOT on project completion estimate (7/3/23) Expect completion fall of 2023 (8/2/23) FDOT advised project completion is the end of November (11/2/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23) Waiting on Resolution at January Council Meeting (12/29/23) Resolution given to FDOT and they have given updated plans (2/1/24) FDOT says 5 months to completion
- b. **Pedestrian Crossing Signals:** FDOT inspected the US-192 intersections at Riverside Drive and SR-A1A on 2/22/19 and are evaluating possible audible pedestrian signal improvements. (03/13/19) Spoke to DOT sent Jay email 8/15/19. FDOT looking at updating traffic lights and crossing conducting

TOWN MANAGER'S REPORT

study to work into the resurfacing in 22/23 FDOT fiscal year (2/27/20) During meeting 2/24/21 told they are being done during resurfacing in 22/23 FDOT fiscal year (3/3/21) FDOT is now placing traffic light at Palm Ave. & US-192, raised crosswalks and lowering speed limit to 30 MPH, project late summer to fall time to begin (3/2/22) After May meeting council desires to not have traffic light at median, meeting set with FDOT 5/27/2022 to discuss updates (5/27/22) Hybrid crossing at Palm/Fifth waiting updated plans(8/3/22) All mid block crossing have RRFB and flashing lights in roadway, Palm Ave crossing is Hybrid construction begins 2/8/23 (1/31/23) Mast arms installed at Palm Ave. for hybrid light (5/3/23) 200 Blk had installed speed table with bad results and removed, meetings with FDOT and looking at options. FDOT presentation at the December Council meeting (11/30/23)

- c. **Pedestrian Crossing SRA1A:** FDOT adding crossing just north of Watson expected spring of 2022. Also all crossing getting flashing lights in street from US192 to Pineda in future (12/6/21) Have begun from Pineda working south installing lights the end of February and in Satellite Beach this week (3/2/22)Progressing south prep work began (3/29/22) Finished upgrading in road lights flashing and all crosswalks, FDOT will be installing new signage post in middle of roadway in next few weeks (5/27/22) Finished all upgrades waiting for Watson & Miramar (7/14/22) Waiting for update on Watson crossing but also waiting on council decision on 11th Ave crossing (1/31/23) Submitted request to FDOT for crossing at 11th (3/1/23) FDOT has public meeting scheduled 11/30 for update placement and design for Watson crossing (11/30/23) Meeting went good positive feedback (12/29/23)
- d. **FDOT Repaving S. SRA1A from US192:** Repaving from US192 to Oak St. in fiscal year 2026 (5/4/22)

2. Fiscal Activity:

- 1. **Fifth Avenue median:** The Town is soliciting proposals from Registered Landscape Architects for consideration to develop a plan to replace the existing plants in the Fifth Avenue median. (06/18/18) A recommendation will be presented to Council for 8/8/18. (08/08/18) Staff is negotiating a contract with Susan Hall Landscape Architecture, Inc. (09/12/18) Workshop will be held 10-18-18 at 6:30 p.m. (10-10-18) Options will be presented to Council at the January meeting for approval. (01/09/19) Some coonties in the median are being relocated to Nance and Douglas parks and to the Fifth Avenue median east of SR-A1A to determine if the areas are suitable for relocation once the new plants are installed in the median. (02/13/19) The grant application was sent to FDOT on 3/7/19. (04/16/19) FDOT has approved the application with funding projected in FY-23. (05/08/19) FDOT contacted me and we are on schedule for FY-23 and working with Susan Hall Landscape Architecture, Inc on first past review of submission (7/29/19). Ryan from Susan Hall's sent preliminary information state approved first pass. Working with Ryan on Bid documents (8/1/19)

TOWN MANAGER'S REPORT

Received initial Project Schedule, Landscape Plans, ITB and Opinion of Project Costs from Susan Halls office for initial submission to DOT for review and I submitted them to FDOT for first review 8/20/19. Heard from DOT Dawn Latchum assigned project number is **442883-2-58-01** for submission (8/21/19). Received comments from FDOT and Susan Hall Landscaping Architecture, Inc is reviewing comments (9/30/19) Spoke with Ryan and his is looking into if lighting can be used (10/28/19) Ryan responded to comments from FDOT on median plans (11/1/19). FDOT wants meeting with landscape architect and town (11/15/19). Meeting wet with FDOT and Susan Hall on 1/28/20 at 2 PM FDOT Deland (11/25/19) Attending meeting and project is still moving forward. Nothing can be done until after repaving is done. Project funded in FDOT 2023 fiscal year earliest project could happen in 8/22 (2/3/20) Ryan recently responded to comments from FDOT (8/4/20) FDOT holding virtual meetings for planning (12/3/20) Updated Susan Hall on new plans for midblock crossings RRFs (2/2/21) Repaving now scheduled for 22/23 fiscal year (3/1/21) Spoke with Susan Hall gave update on paving project, she advised the final plans are due in June based upon schedule. She has some concerns about current availability and disease issues with vegetation chosen along with a council member question about trees. She would like to schedule speaking at the April Council meeting (3/2/22) FDOT to May meeting do to date change (3/15/22) Meeting with Susan Hall & Kemp on 3/24/22 (3/22/22) Had meeting with Susan Hall and she is updating plans and giving presentation to May Council meeting (3/28/22) Meeting with Susan Hall 4/27 and needs to meeting with SG, emailed presentation for May council meeting (4/25/22) After May meeting council wanted to go to Parks and Rec where Susan Hall gave presentation, Parks and Recreation Committee voted to use the Royal Palm, Ilex Stokes Dwarf, Spider Lily and for ground cover the Asiatic Jasmine, this will be on the June council agenda for final approval (5/27/22) On Council agenda 6/8/22 (6/6/22) Susan waiting on updated plans (7/11/22) Got plans from Susan Hall forwarded to FDOT & received back email from FDOT under review (8/22/22) Received questions to FDOT Susan Hall will answer (9/6/22) Working on answers for FDOT grant (9/26/22) Submitted response to Susan Hall for FDOT response (10/6/22) FDOT rejected Royal Palm, Susan Hall to present at the 11/9/22 council meeting options (11/1/22) Submitted final plans to FDOT with updated trees waiting for answer (12/5/22) Responded to FDOT questions and resubmitted (12/27/22) FDOT sent back for correction (1/3/23) Submitted response to FDOT 1/9/23 and requested JPA for the February Council meeting (1/9/23) Dates needed to be updated per FDOT and resubmitted for JPA at special council meeting 2/16//2023 5:30 PM (1/30/23) Council wanted to not remove current palms been working with FDOT and Susan Hall. Received update paperwork for keeping current palms and submitted letter a variation request to keep palms. Can take up to 30 days

TOWN MANAGER'S REPORT

to get answer, Susan Hall at March Council meeting (3/1/23) Resubmitted new information at request of FDOT after several emails and a conference call, found out only have to have JPA by end of June 2023 (4/6/23) JPA submitted and returned but heard back on variance for palm trees and they want changes (5/3/23) Sent new responses to FDOT on variance request (6/3/23) FDOT approved variance request & I have follow up meeting with Susan Hall to get timeline and bidding (7/24/23) Susan Hall to present at August Council meeting (8/1/23) Sent final timeline and package to FDOT, bid advertising is 9/7/23, pre bid meeting 9/21/23, bid opening 10/19/23 (8/31/23) Had virtual meeting with Susan Hall & FDOT and resubmitted paperwork to FDOT with changes requested by FDOT, waiting on notice to commence from FDOT (10/2/23) FDOT sent back some changes and expect the be reviewed by end of November with latest request pushed advertising for bids (11/2/23) FDOT requested changes to submission and resubmitted (11/29/23) FDOT is expecting to get approval in next few weeks, resubmitted updated plans and time table to FDOT (1/2/24) FDOT requested updated paperwork which has been supplied and waiting on NTC (2/1/24) Submitted more information to FDOT waiting on response (3/6/24)

3. **Organizational Activity:**

- a. **Swale:** Public works installing swale in at 405 Orlando Blvd.(9/30/20) Environmental task force reviewing swale ordinance to make changes, native plant portion separated at going to P&Z December meeting (12/3/20) Native plant and swale ordinance separated plant ordinance before council (2/2/21) Environmental task force working on (6/3/21) Public works installed swale 400 block Melbourne Ave. (8/3/21) EATF is working on swale ordinance again. EATF still working on updating ordinance (9/30/21) EATF still working on swale ordinance, public works installed swale at 211 Eighth (11/2/21) Stability Committee sample swale Orlando & Ramona (2/2/22) Sustainability Committee working on issues (3/29/22) Public works will be installing swale on N. Shannon in front of the Chalets to resolve standing water issue in the next few weeks (5/27/22) Public works installed swale Ormond & Ramona as requested by Sustainability Board (8/3/22) Swale installed in front of Chalet and has resolved issue. Wavecrest by Casuarina Club complaint of water standing, worked with HOA and public works will install a swale agreed by HOA (9/7/22) Locates complete public works will install January 2023 (1/3/23) Project is under construction at this time (1/31/23) Project complete and has eliminated standing water in roadway (3/1/23) Swale installed at 4th Ave & S. Riverside (1/2/24)
- b. Riverside Pier met with town engineer about the condition of pier. Pier was built in 2001 at a cost of \$141,700. Some boards on the decking have been replaced over years to repair but majority is original. Decking is in need of replacement. Working with town engineer with options and approximate cost of these repairs. Also looking at the possibility of adding a kayak launch

TOWN MANAGER'S REPORT

from pier. (10/5/21) First estimate to repair decking only \$120,000 (11/2/21) Placing money into reserves for FY 24 \$125,000 (7/14/22) Moving project to FY 25 for more funding of project (7/3/23)

- c. accident waiting on engineer expectation of cost. Money from insurance received from both crashes and town engineer working on getting quotes to award contract (2/2/22) Engineer is finalizing design to include guardrail and planters to protect area from further damage (3/29/22) Met with SG and he is making intersection crossing ADA compliant, also sent sample of planter (4/7/22) Gave SG the approval on design and he is getting quotes and bids, public works going to build planters (4/25/22) Joe has ordered planters supplies, SG is waiting on contractor to finalize prices so we can enter into contract, issues with the difficulty in getting cement also is one of the issues (5/27/22) SG working on getting bids for work and timeline (6/21/22) Sent email to SG today looking for update (7/11/22) Repairs approved by council at July meeting at work has begun (8/3/22) Concrete work expected 2nd week of September (9/7/22) Work finished on roadway and awaiting install of guardrails and replace rotted piling (10/6/22) Boardwalk back open, guardrail and planters waiting install for pipe repair (11/1/22) Temporarily installed jersey barriers to project boardwalk (1/3/23) Waiting on council approval for pipe repairs so permanent protection and planters installed (1/31/23) After Council moving pipes was decided and BSE is redesigning and getting cost estimates (3/1/23) Estimate received waiting on Mayor to see if any state funding is available (4/6/23) Awaiting meeting setup with SG, JG and planner (5/3/23) Met with SG and urban planner on 5/30/23 and waiting on follow up meeting (5/12/23) Met with urban planner mid-June and stated it would be about 90 days until he gets back with us on some information (7/3/23) Signed agreement with planner (7/19/23) Mayor and I met with urban planner is said it would take about four weeks until he completes conceptual plan and he will be speaking with individual councilmembers before giving presentation to council (8/1/23) Urban planner waiting on survey information so he can upload into CAD to create plans (11/2/23)
- d. Comp plan amendment Chapter 163, *Florida Statutes* (F.S.), requirement for local governments to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendment within 18 months of governing board approval of the CSEC RWSP per SJRWMD. Sent email to Jim LaRue (4/19/22) Expect this to be finalized for submittal in June (5/27/22) Spoke to Jim LaRue this past week and he is working on update (11/1/22)
- e. Council approved ordering new firetruck, \$400,000 from already reserved money and \$181,426.09 from ARAP funds truck ordered in April expect 22 to 24 month delivery by Chief Flamm (5/27/22) Chief Flamm and Captain Burnett scheduled preconstruction meeting with Sutphen Fire Truck (9/7/22) Fire Chief advised after preconstruction meeting deliver date expected April 2024 (10/6/22) New date expected now in November 2024 (1/2/24)

TOWN MANAGER'S REPORT

- f. Hurricane Ian damages and issues, 1400 block Miami road damage, Riverside & Orlando partial collapse, 400 block Oakland pipe issues, 400 block of Genesee, 500 block Watson, Debris pickup interlocal agreement with county put into action (10/4/22) working on FEMA estimates for county (10/6/22) All Debris material picked up and back to normal services with Waste Management (11/1/22) Working with FEMA and have follow up meetings scheduled (1/3/23) Meeting with BSE needed to discuss options (1/3/23) Meeting with BSE and camera pipe damages and BSE working up numbers for repairs for outfall by need info by 2/1 scheduled for 1/26 or 1/27 (1/23/23) BSE sent updated cost to repair for areas, report from inspection coming (1/30/23) Met with FEMA rep today and gave updated cost and they are submitting numbers from damage (1/31/23) Several meetings with FEMA this past month to include site inspections, paperwork completed and returned to FEMA for the two sites and we are waiting on response from FEMA. Also received bill for our portion of the debris pickup from Brevard County \$5,436.30 (3/1/23) Update information on Orlando repairs waiting on from SG price estimates (4/6/23) Information received and all submitted to FEMA (5/3/23) Waiting on approval from FEMA (5/30/23) Mollie had meeting with FEMA (7/19/23) Mollie submitted signed paperwork to FEMA (7/24/23) Waiting on updated plans from BSE for submittal to FEMA (11/2/23) town clerk submitted updated paperwork to FEMA per their request (2/1/24) FEMA granted extension on project (3/6/24)
- g. Spoke with Jim LaRue as the five year CPI is due in FY 24, will be working on it together in the next few months (8/31/23) Been in contact with Jim LaRue several times the past week working on getting more information (1/3/24)

Current Project List Updates March

- Repaving of 5th Ave.: FDOT advised they are having issues with the contractor's timeline and expect the project to be completed in five months.
- Paving S. Riverside Dr.: Waiting for repairs of storm boxes, curbing, and stormwater pipe repairs at Orlando Blvd. Town engineer is in the process of working on plans for milling and paving of roadway before we go out to bid on project.
- S. Riverside catch basins repairs: Waiting for Council approval.
- S. Riverside curbing: Council already approved waiting on contractor to start work.
- S. Riverside/Orlando pipe: This project will slip line the current pipe and repair the roadway base above the pipe.
- Median: FDOT has requested some paperwork be resubmitted. We are waiting for the town engineer to supply updated paperwork to resubmit to FDOT.
- Storm pipe outfall at 1304 S. Riverside: This was damaged in Hurricane Ian and been working with FEMA on getting approval. FEMA has finally issued approval of the project to partially cover the cost of repair. Waiting for Council approval.
- Stormwater issues in 400 Block of Genesse and 500 Block of Watson: No pipes are currently located in that section. The town engineer is working on plans to install new stormwater pipes to improve drainage.
- Stormwater issues in 400 block of Oakland: Project has been designed and we will be going out to bid soon.
- Beach Crossovers: Sunrise Park is being rebuilt and should be open soon. Sea Park will be demolished after Sunrise Park is complete. Crossover #8 has already been demolished and will be rebuilt when public works has the staffing.
- Council Chambers AV: Public works will begin installation of new ceiling and IM Solutions will be in the end of March completing upgrades. All work will be completed before the April Council meeting.
- Phone system: Spectrum has already run lines and will be installing equipment this week and next week. Staff will be trained on the new phone system with an expected go live date of March 20, 2024.

CODE ENFORCEMENT
FEB 2024

<u>Location:</u>	<u>Description:</u>	<u>Date:</u>	<u>Notice Frame</u>	<u>Code:</u>	<u>Extra Info:</u>	<u>Status:</u>	Notes
	<u>Notified Date</u>	<u>CB Date</u>					
Zone 1	North of Fifth Avenue/Westside						
420 Fourth Ave	No BTR for 2 businesses	01/24/24		Sec 30.19	No info on file regarding the 2 businesses located there. No BTR on file	notified	Two businesses operate out of that address - 420 Place LLC and Coat of Armor. Letter sent regarding the violations on 1/25/24. Given 7 days to comply. Ss
710 N Riverside Dr	2 Boat Trailers	01/18/24		Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	1/18/24 CS/ss observed 2 boat trailers in the front yard. Courtesy letter to be sent. Ss 1/30/24 2 Trailers are still in front yard. 2nd Notice will be sent. Ss
436 3rd Ave	Boat in driveway	01/26/24	2/7/2024	Sec 113.236(b)(3)	Boat storage/ trailers in driveway	notified	Observed by ss/ad on 1/26/24. Courtesy letter being sent. ss
Zone 2	North of Fifth Avenue/Eastside						
101 Watson Dr	Waving sign still out - permit expired	01/29/24	2/2/2024	Sec 113-303 (2) (a)	Banner displayed ; permit expired	compliant	Resident complained that a grand opening banner sign was up much longer than the permitted one week. VM phoned the owner and required him to remove the sign immediately. Ss
225 Wayne Ave	garbage cans in front of the house and not screened	02/02/24		Sec. 103-283	garbage cans not screened in front of the house	investigate	complained that garbage cans are being left out in front of the house. On 2/2/23 SS observed the cans in front of the garage doors. SS will drive by next week and see if its still there.
109 1st Ave	RV in driveway	01/02/24		Sec 113.236(b)(3)	RV in driveway	notified	On 1/2/24, CS observed RV in front of front structure line. A courtesy letter will be sent. Ss 01/18/24 & 2/7 CS/ss still not compliant. A Final letter will be sent.Ss
134 Fifth Ave	No BTR	12/20/23		Sec 30.19	No info on file regarding the business located there. No BTR on file	notified	Letter sent regarding the violation on 12/20/23. Given 7 days to comply. Ss
501 N Miramar Ave	gazebo's at Bleu Beach have code violations	01/24/24		113-222 (h), 113-337 (17), 113-337 (2) ©	gazebo's at Bleu Beach have code violations	investigated on 1/24/24	Jim Sedon sent an email to MC and PG about Bleu Beach Resort having code violations with regards to the 2 gazebo's. CS was asked to investigate. He's determined that there are violations. A meeting with the owner, MC and CS to take place week of 1/29/24. ss
501 N Miramar Ave	Amplified Music w/o a permit	01/26/24		Sec 22-57 & 22-59	Amplified music w/o a permit	investigated on 1/26/24	A complaint was called in for loud music at 19:55:18 on 1/26/24. IPD responded and advised the establishment was in violation of Town Code for using amplified music without a permit. After showing mgmt the codes, the 2 person band played acoustically. I will ask IPD to follow up to ascertain ongoing compliance. ss
501 N Miramar Ave	Noise Ordinance	12/31/23		Sec 22-33 (a)	IPD investigated noise ordinance violation after 10 PM	notified	Resident complaint to IPD, music too loud after 10 PM. Sent C/R letter to management of Bleu Beach Resort and also notified the registered owner. 1/8/24 ss SS asked IPD to investigate again to see if they were complying with Sec
Zone 3	South of Fifth Avenue/Westside						
419 10th Ave	Dead palm in front yard	01/26/24		Sec. 103-286	Dead Palm in front yard	notified	1/26/24 SS/ad observed the dead palm in the front yard. Courtesy letter to be sent. Ss
707 S Palm Ave	Boat in driveway	11/22/23		Sec 113.236 (b)(3)	Boat in Driveway	notified	On 11/22/23 CS/ss observed a boat being stored in the driveway. 7 day Courtesy letter to be sent. On 12/6/23, SS observed boat in driveway. I will send a Second Notice . Ss CS observed the property to still be non-compliant after a 2nd notice. He spoke to the resident and is giving her til March 3rd to find housing for the boat. After that date a final will be prepared with an invite to the CEB meeting if still not compliant. ss
Zone 4	South of Fifth Avenue/Eastside						
401 S Palm Ave	no address showing	01/26/24	2/7/2024	Sec. 28-10. - Building numbering.	No address showing	notified	There was no address showing on the house or the mailbox. Courtesy letter to be sent. Ss

CODE ENFORCEMENT
FEB 2024

106 Deland Ave	Boat in driveway	01/24/26	2/7/2024	Sec 113.236 (b)(3)	Boat in Driveway	notified	Observed on 1/26/24 by SS/ad. Courtesy letter to be sent . Ss
1601 S Miramar Ave	Boat in driveway	01/24/26	2/7/2024	Sec 113.236 (b)(3)	Boat in Driveway	notified	Observed on 1/26/24 by SS/ad. Courtesy letter to be sent . Ss
315 Tampa Ave	Boat in front of front structure line	01/29/24		Sec 113.236(b)(3)	Boat in front of front structure line	notified	CS observed a boat in the front yard in front of the front structure line. Will send a Courtesy Letter and the BOA interpretation of the violation. ss
120 Ormond Dr	Dead palm in front yard	01/18/24	2/7/2024	Sec. 103-286	Dead Palm in front yard	notified	1/18/24 CS/ss observed the dead palm in the front yard. Courtesy letter to be sent. Ss
117 Miami Ave	Junk and possible abandoned vehicle on ROW	01/23/24	2/7/2024	32-75,32-76, & 32-77	Vehicle no hood been in same place for 3 months	investigate on 1/26/24	1/23/24 neighbor complained about a vehicle inches from the street which has no hood and has been in the same place for over 3 months. Eyesore and believes it is an abandoned unregistered vehicle. Ss
105 11th Ave	Lg Commercial van parked overnight and on the weekend.	02/05/24		Sec 32-34	Lg Commercial van parked overnight and on the weekend.	unfounded	2/5/24 Neighbor complained that a neighbor has a commercial truck parked overnight and on the weekends. Asked IPD to observe over several late nights and weekends to verify the issue. IPD investigated the week of 2/5-2/12 with no violations noted.
250 Miami Ave	RV in front yard	1/25/2024	2/7/2024	Sec 113.236(b)(3)	RV in driveway	compliant	towards compliance and are communicating with Cliff. On 9/27/23, the west side of the property is still not in compliance. A trailer and RV are still there. CS says they've had enough time. Send 2nd notice.9/28 ss 12/12/23 boats and trailer in front of front structure line. Property is not neat and tidy. Letter sent. ss CS observed the property to be compliant on 01/02/24 where they have a permit and are building a fence to get it out of view. ss Will continue to observe property conditions.. ss 1/24/24 complaint regarding RV driveway confirmed by MC and again by CS on 1/25/24. Since the RV was corrected previously, this is considered a new event per state regulations. A Courtesy Notice is sent. ss On 2/7/24 CS/ss observed the property to be in
223 Melbourne Ave	No address showing	01/18/24	2/7/2024	Sec. 28-10. - Building numbering.	No address showing	compliant	There was no address showing on the house or the mailbox. Courtesy letter to be sent. Ss
Zone 6	Miramar & Wave Crest						
Trash Piles	Could be Containerized						
343 Orlando	No - WM Ticket						
410 4th Ave	Yes						
406 4th Ave	Yes						
900 Riverside	No						
326 Oakland	No- Piles in front/ Pile on Watson						
325 Watson	Yes						
201 Wayne Ave	Yes						
401 Wayne Ave (On Ramone Side)	Yes						
415 Wayne Ave	Yes						
530 Riverside Dr	Yes						
501 N. Riverside	Yes						
343 Michigan	Yes						
323 Michigan	Yes						
351 N. Shannon	Yes						
116 2nd Ave	Yes						
300 N. Shannon	Yes						
301 3rd Ave	Yes						
303 N. Riverside Dr	Yes						
401 2nd Ave (on 3rd Ave)	No						
610 S. Riverside Dr	Yes						
804 S. Riverside Dr	Yes						
215 Deland Ave	No						
237 Tampa	Yes						
215 Tampa	No						
164 Tampa	N/A						
301 Cocoa	Yes						
251 Orlando Ave	Yes - Trash on Palm Ave						
427 Melbourne Ave	No						
140 14th Ave	Yes						
125 11th	Yes						
145 10th Ave	Yes - Construction Debris						
215 S. Shannon Ave	No						
504 S. Riverside	No						
Florida Boys	No						

Permit List

02/29/2024

Permit #	Address	Category	Applicant Nam	Date Issued	Valuation	Amount Billed
PB24-0197	200 CHALET AVE	HVAC Replaceme	SERVICE STAR AIR COND & HEATI	02/27/2024	9,900.00	\$79.00
	Florida State Surcharge - \$4 Flat	\$4.00				
	Permit Fee	\$75.00				
PB24-0196	1101 S MIRAMAR AVE UNIT	HVAC Replaceme	COAST AIR & HEATING	02/27/2024	6,820.00	\$79.00
	Florida State Surcharge - \$4 Flat	\$4.00				
	Permit Fee	\$75.00				
PB24-0195	1101 S MIRAMAR AVE UNIT	HVAC Replaceme	COAST AIR & HEATING	02/27/2024	4,275.00	\$79.00
	Florida State Surcharge - \$4 Flat	\$4.00				
	Permit Fee	\$75.00				
PB24-0194	1101 S MIRAMAR AVE UNIT	HVAC Replaceme	COAST AIR & HEATING	02/27/2024	7,850.00	\$79.00
	Florida State Surcharge - \$4 Flat	\$4.00				
	Permit Fee	\$75.00				
PB24-0193	418 5TH AVE UNIT 418	Repair	Green Planet Construction Services,	02/27/2024	15,000.00	\$144.20
	Florida State Surcharge - 3%	\$4.20				
	Permit Fee	\$140.00				
PB24-0192	333 3RD AVE	Window, Doors &	SKT CONSTRUCTION CORPORATI	02/28/2024	25,000.00	\$195.70
	Florida State Surcharge - 3%	\$5.70				
	Permit Fee	\$190.00				
PB24-0191	1321 S MIRAMAR AVE UNIT	HVAC Replaceme	COOL GUYZ AC & HEAT INC.	02/23/2024	7,685.00	\$79.00
	Florida State Surcharge - \$4 Flat	\$4.00				
	Permit Fee	\$75.00				
PB24-0190	325 EIGHTH AVE	Roofing	JT ROOFING AND MAINT INC	02/23/2024	32,060.00	\$236.90
	Permit Fee	\$230.00				

Florida State Surcharge - 3%	\$6.90					
PB24-0189	1202 S RAMONA AVE	Addition	COASTAL BUILDERS OF BREVAR	02/26/2024	175,496.53	\$1,342.61
Permit Fee	\$869.00					
Plan Review Fee	\$434.50					
Florida State Surcharge - 3%	\$39.11					
PB24-0188	309 S SHANNON AVE	New	ERIC THE GAS MAN LLC	02/26/2024	1,075.00	\$79.00
Permit Fee	\$75.00					
Florida State Surcharge - \$4 Flat	\$4.00					
PB24-0187	151 TAMPA AVE	Replacement	SURFSIDE PAVERS	02/23/2024	16,995.00	\$154.50
Permit Fee	\$150.00					
Florida State Surcharge - 3%	\$4.50					
PB24-0186	505 ORLANDO BLVD	New	ALL AMERICAN POOLS OF WEST	02/23/2024	60,000.00	\$563.93
Florida State Surcharge - 3%	\$16.43					
Plan Review Fee	\$182.50					
Permit Fee	\$365.00					
PB24-0185	1210 S MAGNOLIA DR	Electrical Repair	PEAY'S ELECTRIC II, INC	02/23/2024	1,965.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0184	505 N MIRAMAR AVE	Fire	DYNAFIRE, LLC	02/21/2024	187.00	\$64.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0183	809 S RAMONA AVE	Roofing	Heart Roofing LLC	02/21/2024	22,395.00	\$185.40
Florida State Surcharge - 3%	\$5.40					
Permit Fee	\$180.00					
PB24-0182	100 MIAMI AVE	HVAC Replaceme	ABLE AIR INC.	02/16/2024	7,306.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					

Permit Fee	\$75.00					
PB24-0181	1315 S RIVERSIDE DR	HVAC Replaceme	ABLE AIR INC.	02/16/2024	4,037.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0180	151 TAMPA AVE	HVAC Replaceme	KEEP N COOL INC	02/14/2024	5,050.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0179	818 N MIRAMAR AVE	Electrical Remodel	WIRED UP ELECTRICAL SERVICE	02/13/2024	1,000.00	\$64.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$60.00					
PB24-0178	204 S RIVERSIDE DR	Electrical New	GRAND ELECTRIC INC DBA BOB"S	02/13/2024	2,099.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0177	131 13TH AVE	New	AAA QUALITY FENCE LLC	02/13/2024	1,220.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0176	1202 S RAMONA AVE	Demolition	COASTAL BUILDERS OF BREVAR	02/16/2024	8,200.00	\$104.00
Florida State Surcharge - \$4 Flat	\$4.00					
Building Demolition	\$100.00					
PB24-0174	500 N RIVERSIDE DR	HVAC Replaceme	FLORIDA BREEZE	02/12/2024	7,800.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0173	222 1ST AVE	Electrical New	Eau Gallie Electric Inc	02/09/2024	13,634.00	\$139.05
Florida State Surcharge - 3%	\$4.05					
Permit Fee	\$135.00					
PB24-0172	404 WAYNE AVE	HVAC Replaceme	COOL GUYZ AC & HEAT INC.	02/09/2024	3,844.00	\$79.00

Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0171	1027 WAVE CREST AVE	New	PROFESSIONAL GRADE FENCE IN	02/09/2024	7,300.00	\$109.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$105.00					
PB24-0170	50 11TH AVE UNIT CMN	HVAC New	BALLESTEROS, ROBERT	02/07/2024	2,000.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0169	451 1ST AVE	Window, Doors &	HOWARD GARAGE DOORS INC	02/07/2024	7,700.00	\$109.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$105.00					
PB24-0168	600 N RIVERSIDE DR	Window, Doors &	ANTHONY A. BROWN CARPENTR	02/06/2024	2,800.00	\$84.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$80.00					
PB24-0166	137 5TH AVE	HVAC Replaceme	PARADISE AIR & HEAT	02/02/2024	5,950.00	\$79.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$75.00					
PB24-0165	1709 S MIRAMAR AVE	Roofing	FLORIDA NATIVE ROOFING INC	02/01/2024	5,975.00	\$99.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$95.00					
PB24-0164	304 PALM CT	Replacement	FIRST QUALITY PLUMBING	02/07/2024	8,288.00	\$114.00
Florida State Surcharge - \$4 Flat	\$4.00					
Permit Fee	\$110.00					
PB24-0160	430 MICHIGAN AVE	Window, Doors &	SUNSET VIEW CONSTRUCTION	02/02/2024	34,808.27	\$247.20
Florida State Surcharge - 3%	\$7.20					
Permit Fee	\$240.00					

PB24-0105	131 13TH AVE	Roofing	Fleming Roofing and Construction	02/12/2024	4,500.00	\$94.00
Florida State Surcharge - \$4 Flat		\$4.00				
Permit Fee		\$90.00				

Number of Permits		34	Total Billed:		\$5,319.49
Total Construction Valu					\$520,214.80
Populatio	All Records				

Drywall/ Fire walls only	1
Final	16
Final - Electric	5
Final - Fire	1
Final - Mech	11
Final - Roof	18
Footer	3
Framing	2
Lathing	1
Miscellaneous	2
Pool - Deck	1
Pool - Ground and Steel	1
Pre-Lath	2
Roof Dry In	6
Roof Nail Off	1
Rough	2
Rough - Electrical	1
Rough - Mechanical	2
Rough - Plumbing	5
Service	1

Inspection Totals

Tie Beam/Lentil - 1st	1
Underground Plumbing	1
Total # of Inspections: 84	

Indialantic Fire Rescue

Monthly Report for February 2024

FIRES		
Structure Fires		
Brush Fires		
Vehicle Fires		
Trash Fires		
Other Fire Calls		
RESCUE & EMERGENCY MEDICAL		
Medical		23
Well Being Check		
Water Rescue		
Motor Vehicle/Pedestrian Accident		
Good Intent		1
Rescue Call, Other		
HAZARDOUS CONDITIONS (No Fire)		
Electrical Wiring/Equipment Problem/Gas Leak		4
GOOD INTENT CALL (citizen calls 911 for suspected incident)		
Dispatched and Cancelled Enroute		
Dispatched and Cancelled on Scene		
FALSE ALARM & FALSE CALLS		
False Alarm or False Call		1
Smoke Detector activation due to smoke or dust		
SPECIAL INCIDENT TYPE		
Public Service Calls		7
Assist Other Government Agency		
Special Type of Incident		1
TOTAL E911 RESPONSE CALLS		37
RUNNING TOTAL OF PREVIOUS MONTHS		35
TOTAL CALLS YEAR TO DATE (Calendar Year to Date)		72
Fire Inspections/Business Tax Receipt (BTR) Inspections		15
Hydrant Inspections		
Public Education Demonstrations/Talks		1
MUTUAL AIDE	GIVEN	4
	RECEIVED	1

VOLUNTEER HOURS	\$ 187.00
SAVINGS REALIZED BY THE TOWN \$ 3,740.00	

Department Activity:

The volunteer organization conducted their monthly business meeting and weekly training throughout the month. All SCBAs were tested and passed their annual bench test. Crews began annual hose testing and so far 5 sections of hose have failed and will not be replaced. The Department received a 4 gas multi-meter through the Florida Firefighter Assistance Grant. The meter has been placed into service.

All times are documented in the computer aided dispatch (CAD) system. These times are entered manually so actual times may differ from actual times.

Indialantic Police Department

Monthly Activity Report

January 2024

OPERATIONS:

* The Department Responded to 811 Incidents.

* Subpoenas were 17 issued.

* Activity	12	Arrests
	2	Felony
	4	Misdemeanor
	6	Traffic
		1 DUI & 0 Drug
	91	Traffic Citations
	216	Traffic Stops
	126	Verbal Warnings
	0	Capias Filed

TRAINING:

Beal: Basic Traffic Homicide

Indialantic Police Department
Monthly Crime Index
January 2024

Part I	Reported	Cleared	Prior	Total	%
Murder	0				0%
Sexual Battery	0				0%
Robbery	0				0%
Agg Assault	0				0%
Burglary	1	0			0%
Larceny	5	4			80%
Veh Theft	0				0%
Assault/Battery	1	0			0%
Arson	0				0%
Total Part I	7				
Part II					
Kidnapping	0				
Fraud/Forgery	1				
Criminal Mischief	0				
Weapons	0				
Sex Offenses	1				
Narcotics	0				
DUI	0				
Liquor Laws	0				
Disorderly	0				
Ordinance/Litter	4				
Trespass	3				
Total Part II	9				
Part III & IV					
Patrol Area	571				
911 Investigations	43				
Citizen Contact	9				
Juvenile	1				
Warrant	0				
Misc Traffic	34				
Traffic Accidents	6				
Sick/Injured	1				
Death	0				
Mentally Ill	1				
Suicide/Attempt/Threat	0				
Animal	3				
Information	13				
Alarm/Open Door	6				
Fire	0				
Lost/Found	7				
Disturbances	6				
Susp Incidents	40				
Assists	42				
Details	11				
Missing Persons	1				
Total III & IV	795				
Grand Total	811				

Indialantic Police Department
YTD Information Report
January 2024

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Traffic Warnings	0	0	0	0	0	0	0	0	0	0	0	0	0
Equip Warnings	0	0	0	0	0	0	0	0	0	0	0	0	0
Verbal Warnings	126	0	0	0	0	0	0	0	0	0	0	0	126
Field Interrogation	0	0	0	0	0	0	0	0	0	0	0	0	0
Parking Violations	72	0	0	0	0	0	0	0	0	0	0	0	72
Parking Fines	\$ 2,570	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,570
Traffic Citations	91	0	0	0	0	0	0	0	0	0	0	0	91
Arrests	12	0	0	0	0	0	0	0	0	0	0	0	12
DUI Charges	1	0	0	0	0	0	0	0	0	0	0	0	1
Drug Charges	0	0	0	0	0	0	0	0	0	0	0	0	0
Wavecrest Activity	24	0	0	0	0	0	0	0	0	0	0	0	24