

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

A. Call to Order:

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

Ed Mackiewicz, Vice Chair
Dan Sullivan, Member
Michael Lentini, Member
Jeanne Allen, 2nd Alternate

Also present:

Michael Casey, Town Manager
Cliff Stokes, Building Official
Mollie Carr, Building Dept.
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk

B. Approval of Prior Meeting Minutes:

Motion by Member Sullivan, seconded by Member Lentini, and vote unanimous to approve the January 25, 2022 Regular Meeting Minutes. Motion carried 4-0.

C. New Business:

Ordinance 2022-05 Relating to Accessory Structures and Sheds:

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

Town Attorney Gougelman provided background information on the ordinance, noting that the town council requested changes to the code regulating sheds. The council would like clarification regarding the definitions for utility sheds and accessory buildings, and would like to allow sheds to be located in side yards in addition to rear yards. Setback requirements would still be applicable for fire-safety and aesthetic purposes. Mr. Gougelman explained that the building official, after reviewing the ordinance, suggested the following changes:

Remove the stricken-through language and insert the underlined:

Page 1, line 27 ... property line ~~but with the required~~ and a...

Page 5, line 115 ...without ~~electricity or plumbing~~...

Page 6, line 156 ...from any property line or outer boundary of a building site, and shall be set back five feet from any principal structure in the rear yard. If a utility shed is to be located on an easement, prior to issuance of a building permit, a written consent to encroachment must be obtained from the easement holder.

Line 160-161: ~~Each utility erected within ten feet of any building site property line shall be buffered from the adjacent building site by a fence.~~

Lines 162-163: No utility shed shall have a height ~~of greater than~~ eight feet...

Line 167: ~~Behind the building line buffering property 164 adjacent to the rear or side yard in which the utility shed is to be erected, a fence or 165 masonry wall not higher than six feet above the lot grade shall be erected and 166 permanently maintained by the property owner on whose lot the adjacent utility shed is 167 located.~~

Mr. Gougelman noted that the recitals on pages 1-3 illustrate that the ordinance is consistent with the town's comprehensive plan. As such, staff would like the board to find the ordinance consistent with the comprehensive plan and make a favorable recommendation to the council for adoption. Brief discussion ensued; in summary, it was noted that this ordinance relaxes the requirements for sheds. Written consent would have to be obtained from the easement holder if the owner wishes to install a shed on an easement.

Public Comments:

Dave Berkman, 220 Eighth Ave., spoke in support of the ordinance, noting that most municipalities allow sheds in side yards and many residents have them. Many homes built in the 1960's are set far back on the lot and don't have room for a shed in a backyard. Currently, residents would have to apply for a variance which comes with a \$500 fee.

Building Official Stokes answered the board members questions. He explained that for homes on a corner lot, sheds would have to be located on the interior side yard. The setback from the primary structure is for fire prevention.

Motion by Member Sullivan, seconded by Member Lentini to find the ordinance consistent with the comprehensive plan and recommend it for adoption with changes as noted.

Motion carried 4-0.

D. Reports – Building Official

Mr. Stokes spoke briefly regarding development in town. Mr. Gougelman commented that the 7-Eleven rezoning may be on May 24 agenda.

E. Adjourn:

Motion by Member Sullivan, seconded by Member Allen, and vote unanimous to adjourn the meeting at 5:55 p.m.

Ed Mackiewicz, Vice Chair. Signature on file.

Attested by: Rebekah Raddon, Town Clerk. Signature on file.