



AGENDA
Town of Indialantic
Local Planning Agency/Zoning and Planning Board
216 Fifth Avenue, Indialantic, FL 32903, Council Chamber
Tuesday, January 23, 2024 at 5:30 p.m.

A. Call to Order:

Rick Bertel, Chair
Ed Mackiewicz, Vice Chair
Dan Sullivan, Member
Michael Lentini, Member
Alan King, Member
Jeanne Allen, 1st Alternate
Erin Trauger, 2nd Alternate
(Vacant), School Board Representative

B. Approval of Prior Meeting Minutes:

December 12, 2023 Meeting Minutes

C. New Business:

1. Ordinance 2024-02 *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 *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. Discuss Town Code Article 5- Signs

D. Unfinished Business (discussion):

1. Article VIII Section 103-245 of our building code as it pertains to commercial buildings:

The Town Council will provide guidance to the Zoning and Planning Board to update the color palette ordinance to be consistent with a beach-town look and feel, taking into consideration such municipalities as Sanibel or Naples, also allowing for their own ideas and input.

E. Reports – Building Official

F. Adjourn:

NOTICE: Pursuant to Section 286.0105, Florida Statutes, the Town hereby advises the public that if a person decides to appeal a decision made by this Board with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based, as the Town does not provide one. Americans with Disabilities Act: Persons planning to attend the meeting who require special assistance must notify the Office of the Town Clerk at 321-723-2242 no later than 48 hours prior to the meeting.

Meeting Minutes
Town of Indialantic
Local Planning Agency/Zoning and Planning Board
216 Fifth Avenue, Indialantic, FL 32903, Council Chamber
Tuesday, December 12, 2023 at 5:30 p.m.

A. Call to Order:

A regular meeting of the Indialantic Local Planning Agency / Zoning and Planning Board was called to order at 5:33 p.m. by Chairperson Bertel with the following members present:

Present:

Rick Bertel	Chairperson
Ed Mackiewicz	Vice Chairperson
Alan King	Member
Jeanne Allen	1st Alternate
Erin Trauger	2 nd Alternate

Absent:

Michael Lentini	Member
Dan Sullivan	Member

Also attending:

Michael Casey	Town Manager
Mollie Carr	Town Clerk
Paul Gougelman	Town Attorney
Mark McDermott	Mayor
Doug Wright	Councilmember
Loren Strand	Councilmember

B. Approval of Prior Meeting Minutes:

September 27, 2023- Meeting Minutes

Motion by Member King, seconded by Member Allen to approve the meeting minutes.

AYES: Bertel, Mackiewicz, King, Allen, Trauger

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

C. New Business:

1. Article VIII Section 103-245 of our building code as it pertains to commercial buildings:

The Town Council will provide guidance to the Zoning and Planning Board to update the color palette ordinance to be consistent with a beach-town look and feel, taking into consideration such municipalities as (To Be Determined), also allowing for their own ideas and input.

Chairperson Bertel read the Town Council's request.

Town Manager Casey informed the Board that the Town Council is requesting the Board review the current ordinance as it pertains to the paint palette for commercial buildings.

Discussion ensued and the following items were discussed:

- Attorney Gougelman confirmed that the Board may be more restrictive and prohibit certain colors.
- The ordinance will address only commercial properties.
- Attorney Gougelman suggested the Board consider not only the allowable colors but the possible color combinations.
- The Board has free reign to recommend colors be allowable or prohibited, as well as certain color combinations.
- It was established that the Board will have no definitive timeline for completion.
- The Board was advised that the current color palette is by Sherwin Williams and the four lightest shades on each color sample are allowable by Code.

Public Comments-

Mayor Mark McDermott, 137 Eighth Ave, Indialantic- Mayor McDermott said they have previously discussed having an architectural committee, because he feels there is a general feeling that change is coming and right now there are no architectural guidelines for the commercial area. Mayor McDermott explained that an architectural committee is a huge undertaking, and the color code is probably the easiest thing to check on. Mayor McDermott does not care for the look or color of the ABC building; it is brown and not beachy. He said the general feeling people think of is Sanibel or Naples, not necessarily the commercial development but the feel, they have a nice, classy beach feel.

Councilmember Doug Wright, 321 Tampa Ave, Indialantic- Councilmember Wright thanked the Board for getting together at the Council's request. He said the color code has not been reviewed lately and feels its review is part of a larger initiative of how we can control our own destiny. Councilmember Wright said he feels this is an opportunity to come together in a non-contentious form to see what we can do to make Indialantic better.

Councilmember Loren Strand, 120 Ormond Drive, Indialantic- Councilmember Strand said he feels this is more about pride, he is hearing a lot of residents want to feel good about coming into our community. Councilmember Strand stated he feels we have a "hodge podge" and people would like to see something more cohesive. Councilmember Strand advised the Board that they are free to reach out for professional advice and they will have very broad discretion. Councilmember Strand explained that he sees this as a way to engage businesses for potential economic development, it is an opportunity to forge a relationship with the businesses.

Discussion ensued and the following items were discussed:

- The initiative is proactive on the Town Council's part, it does not come from citizen complaints or concerns.

- Member Mackiewicz advised he likes the way the Town looks and feels we need to lay low and stop the development, stop the influx, and stop the traffic and get back to maintaining the beach lifestyle.
- The 5th Avenue Committee brought to light some of the struggles the local businesses face such as foot traffic.

Motion by Member King, seconded by Member Trauger to put the discussion regarding the Town's color palette on the next agenda.

AYES: Bertel, Mackiewicz, King, Allen, Trauger

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

2. **Reports** – Attorney Gougelman informed the Board that they will have two new Ordinances on the upcoming agenda. The Ordinances will address Townhome in Zones T-Tourist, RP- Residential Professional and R-3 Residential; and Replatting.

3. Adjourn: 6:32 p.m.

Motion by Member Trauger, seconded by Member Mackiewicz to adjourn.

AYES: Bertel, Mackiewicz, King, Allen, Trauger

THE MOTION CARRIED UNANIMOUSLY. (5 TO 0)

Rick Bertel, Chairperson

Attested by:

Mollie Carr, Town Clerk

Memorandum

To: Zoning and Planning Board
From: James G. LaRue, FAICP
Date: January 8, 2024
Subject: Planning Consistency Review of Ordinance No. 2024-02

The Zoning and Planning Board will be asked to review Ordinance No. 2024-02, (relating to platting and replatting and subdivisions). The Board will determine consistency of the ordinance with the Town's Comprehensive Plan and Code Section 17-37 (duties of Zoning and Planning Board).

Our Comprehensive Plan contains the following Goals, Objectives and Policies that are pertinent to a determination of Plan consistency by the Zoning and Planning Board.

Future Land Use Element:

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.)
- b. Regulate the use of land and water consistent with this Element and ensure that land uses are compatible with adjacent land uses in the County and the Town of Melbourne Beach.
- c. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- d. Regulate signage and ensure safe and convenient on-site traffic flow and vehicular parking needs.
- e. Protect aquifer recharge areas. (There are no potable water wellfields in the Town.)
- f. Protect environmentally sensitive areas adjacent to the Indian River Lagoon and the Atlantic Ocean.
- g. Provide that development orders and permits will not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Plan.
- h. Regulate the development of single-family residential lots .

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.

Objective 7:

Encourage the use of innovative land development regulations.

Transportation Element:

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.

Policy 3.3: The Town shall require consideration of pedestrian safety in the planning, design, and construction of all transportation facilities.

Policy 3.7: Although no new construction of roads is anticipated, the Town shall continue to review land development regulations to provide for the safe and efficient location of the connections and access points of driveways and roads to roadways.

Coastal Management and Conservation Element:

Policy 1.4: Review and revise, as necessary, the stormwater management regulations to ensure that the maximum protection to the Indian River Lagoon has been given and ensure that the Town's goals, objectives and policies are consistent with those of the Indian River Lagoon Comprehensive Conservation and Management Plan.

The proposed ordinance is consistent with the Future Land Use Element as it will lead and regulate subdivisions, provide public facilities that need to be built concurrent with new development and encourage the use of innovative regulation techniques. Consistency with the Transportation Element will assist in planning daily trips and peak hour traffic, as well as permit the planning of sidewalks and pedestrian safety, while minimizing direct access to certain roads. Lastly, subdivision planning allows the inclusion of stormwater regulations thereby showing consistency with the Coastal Management and Conservation Element.

From the above discussion, there seems to be enough evidence that the Zoning and Planning Board will be able to give a recommendation of approval to the Council for Ordinance No. 2024-02, because it is consistent both with the review factors of Section 17-37 (3) and the Town's Comprehensive Plan. If there are any questions at the meeting, staff or the attorney will be present to answer them.

42 provisions necessary to implement the Comprehensive Plan,
43 and which as a minimum:

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

46 * * *

47 h. Regulate the development of single-family
48 residential lots; and
49

50 WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 1.1,
51 because it will lead to and regulate land subdivision as provided in the Comprehensive
52 Plan; and
53

54 WHEREAS, Future Land Use Element Policy 6.1 of the Comprehensive Plan
55 provides:
56

57 Policy 6.1: The Town will continue to condition development
58 orders, including but not limited to building permits, upon the
59 availability of the public facilities and services necessary to
60 serve the proposed development at the levels of service
61 adopted by the Town in the Plan; and
62

63 WHEREAS, this Ordinance is consistent with Future Land Use Element Policy 6.1,
64 because public facility concurrency can be better implemented through subdivision
65 regulation; and
66

67 WHEREAS, Future Land Use Element Objective 7 of the Comprehensive Plan
68 provides:
69

70 Objective 7: Encourage the use of innovative land
71 development regulations.
72

73 WHEREAS, this Ordinance is consistent with Future Land Use Element Objective
74 7, because platting and subdivision regulation is hereby found to be an innovative land
75 development regulation technique; and
76

77 WHEREAS, Transportation Element Goal 1 of the Comprehensive Plan provides:
78

79 Goal 1: Support a coordinated, well integrated, cost effective,
80 and environmentally sound transportation system which will
81 adequately serve current and future needs of the Town.
82

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

124 stormwater management systems in an effort to minimize flooding and providing for
125 treatment of stormwater runoff; and
126

127 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
128 with the Comprehensive Plan and in particular Future Land Use Element Objective 7 and
129 Policies 1.1 and 6.1, Transportation Element Goal 1 and Policies 3.3 and 3.7, and Coastal
130 Management and Conservation Element Policy 1.4; and
131

132 WHEREAS, the Town Council adopts the findings of the Zoning and Planning
133 Board; and
134

135 WHEREAS, the Town Council finds that this Ordinance is in promotion of the
136 public health, safety, welfare, and aesthetics of the Town by providing for design
137 regulations for new subdivisions and that this Subdivision Code will implement chapter
138 177, Florida Statutes.
139

140 NOW, THEREFORE, BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:
141

142 SECTION 1. Recitals. Each and all of the recitals (“WHEREAS” clauses) are
143 hereby incorporated herein.
144

145 SECTION 2. That Section 1-2 of the Code of Ordinances of Indialantic, Florida, is
146 hereby amended to read as follows:
147

148 **Sec. 1-2. Definitions, rules of construction.**
149

150 In the construction of this Code the following rules shall be observed unless such
151 construction would be inconsistent with the manifest intent of the council:
152

153 *General rule.* All words and phrases shall be construed and understood according to the
154 common and approved usage of the language, but technical words and phrases and such
155 others as may have acquired a peculiar and appropriate meaning in the law shall be
156 construed and understood according to such peculiar and appropriate meaning.
157

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

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* * *

Gender. The masculine includes the feminine and neuter and vice versa.

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

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

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

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

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

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

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

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

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

Number. The singular includes the plural and vice versa ~~vice versa~~.

Oath includes affirmations.

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

206
207 *Owner.* The word "owner," applied to a building or land, shall include any part owner, joint
208 owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of
209 the whole or of part of such building or land.

210
211 *Person.* The word "person" includes individuals, children, firms, associations, joint
212 ventures adventures, limited liability companies, partnerships, estates, trusts, business
213 trusts, syndicates, fiduciaries, corporations, and all other groups or combinations of legal
214 entities.

215
216 *Personal property.* Personal property shall extend and be applied to every species of
217 property except real property.

218 * * *

219
220
221 *State.* The words "the state" or "this state" shall mean the State of Florida.

222
223 *Statutory citations.* Citations herein, unless otherwise specified, are to Florida Statutes,
224 and are intended and shall be construed merely as a convenience to the user of this code.
225 The fact that a citation herein may be rendered no longer appropriate or correct because
226 of subsequent enactments of the legislature shall not invalidate or otherwise affect the
227 meaning of the provision in which the citation appears, and such citation shall be deemed
228 to refer to the appropriate provisions under such subsequent legislation.

229
230 *Tense.* The present tense includes the past and future and vice versa ~~vice versa~~.

231
232 *Town.* The words "the town" or "this town" shall be construed as if the words "of
233 Indialantic" followed the word "town," and shall extend to and include its several officers,
234 agents and employees.

235
236 *Town code.* The words "town code" shall refer to the town code of ordinances.

237
238 *Week.* The word "week" shall be construed to mean seven (7) days; ~~and but~~ publication
239 in a newspaper or any notice or other matter indicated to be for a stated number of weeks
240 shall be construed to mean one insertion in each week, unless specifically stated to be for
241 each day of the week or for more than one day in each week.

242
243 *Will.* The term "will" is to be construed as being mandatory and not permissive.

244
245 *Written or writing* includes handwriting, printing, typewriting, and all other methods and
246 means of forming letters and characters upon paper, stone, wood, or other materials. The

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

249
250 Year. A year is 365 consecutive days, and unless the text so provides, a year shall not
251 necessarily refer to a calendar year. ~~The term "year" means a calendar year.~~
252

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

255
256 **Sec. 111-1. - Short title; Definitions.**

257
258 (a) Short title. This chapter shall be known and may be cited as the
259 "Subdivision Code of the Town of Indialantic, Florida."

260
261 (b) Definitions. The following words and phrases, when used in this chapter,
262 shall have the meanings ascribed to them in this section, except where the context
263 clearly indicates a different meaning:

264
265 Arterial road or arterial street. (See definition of "street.")

266
267 As-built drawings means drawings which show the location of all required improvements
268 as installed by the subdivider or developer of the subdivision and approved by the town
269 engineer.

270
271 Bikeways (bicycle ways) means a facility within the street, within the street right-of-way,
272 or within a separate right-of-way or easement improved for use by bicyclists.

273
274 Block means that tier or group of property abutting on a street on one side of such street
275 and lying between or within well-defined and fixed boundaries including, the two nearest
276 intersecting streets or waterway, park, or other open space, and having an assigned
277 number, letter, or other name through which it may be identified.

278
279 Board means the board appointed by the governing body known as the local planning
280 agency/zoning and planning board.

281
282 Building official means the official charged with administration and enforcement of
283 building regulations, as provided for in chapter 6 of the town code.

284
285 Building lines means lines established by the zoning code along the front, rear and sides
286 of a lot which govern the location of structures on a lot.
287

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

290
291 *Collector road or collector street.* (See definition of "street.")

292
293 *Cul-de-sac.* (See definition of "street.")

294
295 *Dedication* means the deliberate donation or appropriation of land, or an easement, by its
296 owner for any general public uses, reserving to himself no other rights than such as are
297 compatible with the full exercise and enjoyment of the public uses to which the property
298 has been devoted, and acceptance thereof by the town.

299
300 *Developer* means the person who applies for approval of a plat of a subdivision pursuant
301 to this code or constructs the subdivision improvements required by this code.

302
303 *Development* Development shall be defined as set forth in F.S. ss. 163.3164 or 380.04,
304 with the exception of mining or demolition but shall include construction within
305 rights-of-way.

306
307 *Director* means and refers to the individual town employee appointed to act as the
308 planning and zoning director by the town manager, an independent consultant contracted
309 by the town to act as the planning and zoning director, or their respective designee.

310
311 *Easement* means an area of land created by a subdivider reserved for ingress or egress,
312 public utilities, drainage, sanitation, access, gas, communications, telephone, cable
313 television, other public services, conservation, or other specifications having limitations,
314 the title to which shall remain in the name of the property owners, subject to the right of
315 use designated in the reservation of a servitude.

316
317 *Engineer* means a professional engineer registered in the state who has been admitted to
318 practice by and is in good standing with the state board of professional engineers,
319 pursuant to chapter 471, F.S.

320
321 *Environmental impact assessment* means a report providing the description and location
322 of protected species of wildlife or plants, wildlife habitats, wetlands, surficial aquifer
323 recharge areas, physical features, and natural resources identified in the town
324 comprehensive plan, designated as endangered, threatened, rare species, or species of
325 special concern, by federal or Florida, or designated pursuant to Florida or federal law or
326 regulation as wetlands, and proposed preservation measures and/or management plan to
327 preserve such protected species and their habitats.

328

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

334
335 Fill dirt means soil materials (excavated earth) used to change the elevation or existing
336 grade of the development. This material may be obtained from on-site or brought in from
337 another location.

338
339 Final plat means the final map or drawing on which the subdivider's plan of subdivision is
340 presented to the town council for approval, and which, if approved, will be submitted to the
341 clerk of the circuit court of this county for recording in the public records of the county.

342
343 Frontage means distance measured along a public or private street right-of-way.

344
345 Governing body means the town council of the town.

346
347 Group development means a development of land which comprises two or more buildings,
348 such as a group of apartments, but where the land is not subdivided into the customary
349 street and lot layout.

350
351 Improvements means street pavements, curbs and gutters, sidewalks, bikeways, alley
352 pavements, water mains, water reuse lines, sanitary sewers, pedways, stormwater
353 management systems, signs, landscaping, luminaries or lighting, or any other physical
354 construction benefiting a subdivision required by the governing body and this code.

355
356 Infrastructure/construction (maintenance) warranty bonds means the placement of a
357 bond executed by a town approved surety company or a cash payment in the amount of
358 ten percent (10%) of the total construction cost of the subdivision improvements, as
359 determined by the town engineer, lasting two (2) years from the date of issuance of a
360 certificate of completion to insure maintenance and repair of all improvements installed by
361 the subdivider. Maintenance bond monies shall not be used for routine subdivision
362 ground maintenance, tract management, landscape repair and replacement or other
363 maintenance generally required to be performed by the developer or a homeowners or
364 property owners association. The bond shall include provisions for both payment and
365 performance of maintenance and repair of the improvements, including labor, materials,
366 and supplies, and insure the town against losses, damages, expenses, costs, and
367 attorneys' and paralegals' fees that the town may sustain because of a default by the
368 principal under bond. The bond may be in the form of cash, a money order, a certified or
369 cashier's check, or a letter of credit, issued by a bank or savings and loan association

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

375
376 Local street or local road. (See definition of "street.")

377
378 Lot means a parcel of land of at least sufficient size to meet minimum zoning
379 requirements for use, coverage, and area, and to provide such yards and other open
380 spaces as are herein required. Such lot shall have frontage on an improved public street,
381 or on an approved private street, and may consist of a single lot of record; a portion of a
382 lot of record; a combination of complete lots of record, or complete lots of record and
383 portions of lots of record, or of lots of record; a parcel of land described by metes and
384 bounds; provided, that in no case of division or combination shall any residual lot or parcel
385 be created which does not meet the requirements of the town code.

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

388 (2) Dimensions of lots.

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

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

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

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

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

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

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

413
414 Lot grading plan means a plan prepared as part of the subdivision construction plans
415 indicating the proposed lot elevations of each lot and tract to be constructed in the
416 proposed subdivision with references indicating the elevations in tenths of a foot on each
417 corner of a lot or tract, indicating the proposed finished floor elevations.

418
419 Marginal access/service road. (See definition of "street.")

420
421 Monument means a survey marker which must:
422 (1) Be composed of a durable material.
423 (2) Have a minimum length of 18 inches.
424 (3) Have a minimum cross-section area of material of 0.2 square inches.
425 (4) Be identified with a durable marker or cap bearing either the Florida
426 registration number of the professional surveyor and mapper in responsible charge or the
427 certificate of authorization number of the legal entity, which number shall be preceded by
428 LS or LB as applicable.

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

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

433
434 Newspaper of general circulation ~~Newspaper of general circulation~~ means a newspaper
435 meeting the requirements of F.S. ss. 50.011 and 50.031, F.S., and shall include
436 publication in a publicly accessible internet web-site as provided in F.S. s. 50.0311.

437
438 Official map or official plan means any of the latest maps or plans approved and in use by
439 the town council as a guide for development of the town, such as the land use map in the
440 comprehensive plan.

441
442 Pedway (pedestrian way) means a physical course or improvement provided within a
443 right-of-way or access easement used exclusively by pedestrians or bicyclists.

444
445 P.C.P. means permanent control point and shall be considered a reference monument.

446 (1) "P.C.P.s" set in impervious surfaces must:
447 a. Be composed of a metal marker with a point of reference; and
448 b. Have a metal cap or disk bearing either the Florida registration number
449 of the professional surveyor and mapper in responsible charge or the certificate of
450 authorization number of the legal entity, which number shall be preceded by LS or LB as
451 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
466 *P.R.M.* means a permanent reference monument which must:

- 467 (1) Consist of a metal rod having a minimum length of 18 inches and a minimum
468 cross-section area of material of 0.2 square inches. In certain materials, encasement in
469 concrete is optional for stability of the rod. When used, the concrete shall have a minimum
470 cross-section area of 12.25 square inches and be a minimum of 24 inches long.
471 (2) Be identified with a durable marker or cap with the point of reference marked
472 thereon bearing either the Florida registration number of the professional surveyor and
473 mapper in responsible charge or the certificate of authorization number of the legal entity,
474 which number shall be preceded by LS or LB as applicable and the letters "P.R.M."
475 (3) Be detectable with conventional instruments for locating ferrous or magnetic
476 objects.
477 If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate
478 monumentation may be used that is durable and identifiable.

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

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

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

502
503 *Preliminary plat* means the preliminary map, drawing or chart indicating the proposed
504 layout of the subdivision to be submitted to the director, the town engineer, and the zoning
505 and planning board for recommendations, to the town council for approval or the taking
506 of other appropriate actions.

507
508 *Private street.* (See definition of "street.")

509
510 *Residential street lights* means lights installed by the town, a developer, or Florida Power
511 and Light Co., in accordance with the National Electrical Code, and Florida Department
512 of Transportation and town standards for the purpose of providing lighting.

513
514 *Right-of-way* means land dedicated, deeded, conveyed, reserved, or used for a street,
515 alley, walkway, boulevard, pedway, bikeway, drainage facility, access for ingress and
516 egress or other public purpose, certain designated persons, or public governmental
517 entities.

518
519 *Roadways.* (See definition of "street.")

520
521 *Sketch plan* means a graphic presentation or map drawn to approximate scale depicting
522 a proposed method of land subdivision.

523
524 *State plane coordinates* means the system of plane coordinates which has been
525 established by the National Ocean Service for defining and stating the positions or
526 locations of points on the surface of the earth within the state and shall hereinafter be
527 known and designated as the "Florida State Plane Coordinate System." For the purpose
528 of the use of this system, the zones shall be as set forth in s. 177.151(2), F.S., shall be
529 used, and the appropriate projection and zone designation shall be indicated and
530 included in any description using the Florida State Plane Coordinate System.

531
532 *Stormwater maintenance plan or stormwater maintenance study* means a report
533 prepared by a state licensed engineer evaluating the hydrologic conditions of a site

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

537
538 *Stormwater maintenance system* means the designed features of the property which
539 collect, convey, channel, hold, inhibit, or divert the movement of stormwater.

540
541 *Streets and alleys* means any accessway such as a street, road, lane, highway, avenue,
542 boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also
543 includes all of the land lying between the right-of-way lines as delineated on the plat
544 showing such streets, whether improved or unimproved, but shall not include those
545 accessways such as easements and rights-of-way intended solely for limited utility
546 purposes, such as for electric power lines, gas lines, telephone lines, water reuse lines,
547 potable water lines, drainage and sanitary sewers, cable television, and easements of
548 ingress and egress.

549 (1) *Arterial street:*

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

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

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

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

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

575 subdivisions.

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

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

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

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

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

588
589 Street (roadway) segment means a single linear section of roadway or street extending
590 from one street intersection to another street intersection. A cul-de-sac shall be
591 considered as one street segment. Roadway segments shall be constructed with a single
592 uniform width.

593
594 Subdivider means any person commencing proceedings under this chapter to effect a
595 subdivision of land hereunder for the subdivider or for another person.

596
597 Subdivision means a division of a parcel of land or platting of real property into three or
598 more lots, parcels, tracts, tiers, blocks, sites, units, or the division of land for the purpose
599 of a transfer of ownership *and* building development. The term includes resubdivision,
600 replat, revised plat, or amended plat and, when appropriate to the context, shall relate to
601 the process of subdividing or to the land subdivided. A group development which is
602 developed so that it might be broken into smaller parcels at some future time shall also be
603 considered a subdivision and shall meet the requirements of this code. Creation of a
604 single condominium, other than a land condominium, shall not be construed to be a
605 subdivision. Condominiums including three or more separate parcels of land owned by
606 a condominium association or other legal entity, excluding condominium units, and the
607 condominium itself shall not be construed to be a single condominium. ~~means and refers~~
608 ~~to the division of real property into three (3) or more tracts or parcels of land.~~

609
610 Survey data means all information shown on the face of a plat that would delineate the
611 physical boundaries of the subdivision and any parts thereof.

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

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

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

620
621 Surveyor means a state-registered land surveyor and mapper, registered under chapter
622 472, F.S., who is in good standing with the state Board of Professional Land Surveyors
623 and Mappers.

624
625 Town engineer means a professional engineer, registered in the state, employed or
626 appointed by the town, to perform the duties of that position.

627
628 Traffic calming measures means the combination of mainly physical measures that are
629 designed and implemented to reduce the negative effects of motor vehicle use, alter
630 driver behavior, and improve conditions for non-motorized street users.

631
632 Tree survey means a graphic drawing indicating the location of all trees and a tabular
633 listing indicating the size and species of all trees.

634
635 Tri-party agreement means an agreement between the town, site developer, and
636 mortgagee of said development site by which the proceeds of the mortgage are pledged
637 as collateral for installation and construction of the project's subdivision improvements.
638 The mortgage must contain sufficient proceeds to fund construction and installation of the
639 subdivision improvements. A tri-party agreement may only be consummated with an
640 institutional lender including only a banking corporation or savings and loan association
641 chartered by the United States of America or the state comptroller, and based in or with
642 offices in this state.

643
644 Utilities means, but is not limited to, water systems, electrical power systems, fiber optics,
645 gas systems, sanitary sewer systems, water reuse systems, storm drainage systems,
646 telephone systems, and cable television systems.

647
648 SECTION 4. That Section 111-2 of the Code of Ordinances of Indialantic, Florida,
649 is hereby amended to read as follows:

650
651 **Sec. 111-2. – Jurisdiction; Purpose; Approval required prior to filing plats.**

652
653 (a) Jurisdiction. The chapter shall govern all subdivisions of land within the
654 corporate limits of the town, as now or hereafter established, except that no requirements
655 in this chapter shall be retroactively applied to subdivision plats approved by the town
656 prior to April 1, 2024. Nor is it intended by this chapter to repeal, abrogate, annul or in any

657 way impair or interfere with existing provisions of other laws or ordinances, except those
658 in conflict with this code, or with private restrictions placed upon property by deed,
659 covenant or other private agreement. Where this chapter imposes a greater restriction
660 upon land than is imposed or required by such existing provisions of law, ordinance,
661 contract, agreement, covenant, or deed, the provisions of this code shall control.
662

663 (b) *Purpose.* The purpose of this chapter is to establish procedures and
664 standards for the development and subdivision of real estate within the town, in an effort
665 to, among other things, ensure proper legal description, identification, monumentation
666 and recording of real estate boundaries; further orderly layout and appropriate use of land;
667 provide safe, convenient, and economic circulation of vehicular traffic; provide suitable
668 building sites which drain properly and are readily accessible to emergency vehicles;
669 assure the installation of improvements; help conserve and protect the physical and
670 economic resources of the town; and promote the public health, safety, aesthetics, and
671 general welfare. All subdivision of properties within the town shall at a minimum meet the
672 requirements of this code and chapter 177, F.S.; provided, however, that no subdivider
673 shall be required to plat in the manner provided hereunder or to meet the requirements of
674 this code as a pre-condition to the alienation of real property (i.e., deeding or leasing real
675 property; conveyancing of an easement). Property owners shall be on constructive notice
676 by virtue of the adoption of this code that no development of land shall be permitted on
677 properties proposed to be subdivided after April 1, 2024, unless a plat shall have been
678 approved by the town council and recorded in the public records of the county, all in a
679 manner required by this code.
680

681 **[Drafter’s Note: See *Kass v. Lewin*, 104 So.2d 572 (Fla. 1958).]**
682

683 (c) ~~(a)~~ No person shall file for record or cause to be filed for record any plat or map
684 of a subdivision of any tract of land, or portion thereof, located within the town, whereby
685 the tract or portion thereof is shown on the plat or map to be subdivided into lots and
686 blocks, either with or without street rights-of-way, unless the plat or map, before filing for
687 record, shall have been submitted to and approved by the town council. All ~~plats or maps~~
688 of the subdivision of any tract of land, or portion thereof, submitted to the town council
689 shall be prepared consistent with the regulations in Chapter 177, Florida Statutes.
690

691 (d) *Conveyance by reference to unapproved plat.* It shall be unlawful to convey
692 property by reference to a plat or map of a subdivision of any tract of land, or portion
693 thereof, located within the town, unless the plat or map: (i) has been previously approved
694 by the town council or other governmental body, and (ii) was recorded in the public
695 records of the county. This provision shall not be interpreted to eliminate the requirement
696 of bonding for improvements not previously made by the time of recording.
697

698 (e) Mandatory platting of land for development or redevelopment shall be
699 required if a subdivision is created. Further, no application for a building permit for the
700 construction of a principal building on a subdivided parcel of land shall be granted
701 unless a plat including such parcel of land has been approved by the town and recorded
702 in the official public records of this county subsequent to April 1, 2024. No application
703 for a building permit for the construction of a principal building on a parcel of land
704 proposed to be developed as a townhouse residential unit development of more than
705 two units shall be granted unless a plat including each such townhouse unit has been
706 approved by the town and recorded in the official public records of this county
707 subsequent to April 1, 2024.
708

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

711
712 **Sec. 111-3. Platting; Procedure for securing approval of subdivisions.**
713

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

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

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

737
738 (b) Submission of preliminary plat. Submission of a preliminary plat, unless

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

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

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

746 1. 12 black or blue line prints on paper 24 inches by 36
747 inches and a digital version of the plan, of the proposed subdivision prepared in
748 accordance with the design standards as set forth in section 111-4. All wording shall be
749 in type that is at least one-tenth of an inch in height.

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

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

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

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

761 b. *Service charges and cost recovery.*

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

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

776 3. Any costs or charges associated with the need to
777 re-advertise or re-notice an application shall be borne by the party responsible for the
778 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

820 approximate dimensions;
821 7. Proposed parks, school sites, tracts, parcels, or other
822 public open spaces, if any;
823 8. Title, date of preparation, date of draft revisions, job or
824 project number, true north point, and graphic scale;
825 9. Name and address of owner, surveyor, and engineer
826 who prepared the plat and surveyed the property;
827 10. Total acreage in each tract;
828 11. Total acreage in public or other land usage, including
829 tracts;
830 12. Average lot size;
831 13. Total number of lots; and
832 14. Building line setbacks.
833 15. Current vicinity map showing relationship between
834 area proposed for development and the surrounding area.
835 b. A survey of the property, including topographic and location
836 data drawn at the same scale as the preliminary plat certified to the town for reliance, and
837 prepared by a state registered land surveyor showing:
838 1. The location of existing property lines, streets,
839 buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes,
840 water mains, water reuse lines, town limit lines, and any public utility easements, if any;
841 2. Wooded areas, marshes, wetlands, scrub vegetation
842 and any other physical conditions affecting the site; and
843 3. Contours and spot elevations based on National
844 Geodetic Survey datum with a contour interval of one foot. Contours and spot elevations
845 shall extend a minimum distance of 25 feet beyond property lines or a greater distance if
846 topographic conditions warrant.
847 c. Preliminary construction plans showing and meeting the
848 standards in section 111-5.
849 1. Existing ground contours at one foot intervals and
850 proposed elevation of area proposed for development;
851 2. Typical cross sections of proposed grading, streets,
852 sidewalks bikeways, and pedways;
853 3. Preliminary layout of potable water distribution,
854 sanitary and stormwater sewers, and water reuse lines, with grades and sizes indicated
855 streets, sidewalks, and pedways; and
856 4. Preliminary lot grading plan prepared according to
857 town standards and specifications.
858 d. Environmental impact assessment.
859
860 (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

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

904
905 No dedicated utility or road work shall be undertaken prior to a pre-construction
906 conference, which shall be scheduled by the town manager in consultation with the town
907 engineer. Regardless of the option exercised, all work shall conform to all town
908 regulations and shall be subject to the inspection and approval of the town manager, who
909 shall be regularly consulted by the subdivider and kept advised by the subdivider of each
910 new phase of work being done. The town engineer, or his designee, shall make regular
911 inspections to assure that the work meets all code requirements.

912
913 (d) *Submission of the final plat.* Submission of a final plat shall be required of
914 every subdivider, and no street shall be accepted and maintained by the town, nor shall
915 any permit be issued by any administrative agent or department of the town for the
916 construction of any building upon land on which a plat is required to be approved, unless
917 and until a final plat has been approved by the town council and duly recorded by the clerk
918 of the circuit court of this county.

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

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

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

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

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

943 the section of the project where the CO is requested.
944 (3) Final plat approval procedure. The procedure for obtaining final plat
945 approval is as follows:

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

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

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

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

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

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

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

984 application for final plat approval.
985 a. The final plat shall be drawn on a mylar at a scale of not less
986 than 100 feet to the inch, meeting all the platting requirements of the town and state, and
987 shall substantially conform to the preliminary plat as approved. The plat shall be drawn on
988 mylar, as described above, 24 inches wide by 36 inches long at a scale of not less than
989 100 feet to one inch. A margin of one inch shall be left on the top, bottom and right side
990 of each sheet with a three-inch margin on the left side of each sheet for binding purposes.
991 The final plat shall constitute only that portion of the approved preliminary plat which the
992 subdivider proposes to record and develop at the time; provided, however, that such
993 portion conforms to all requirements of this code. All legal documents set forth in section
994 111-3(d)(4)g. or other documents to be recorded prior to or simultaneous with the final
995 plat shall be submitted to the town prior to or simultaneously with the final plat. The final
996 plat shall be prepared by a surveyor, who shall be qualified by law to prepare plats for
997 recording in the public records of the county, and shall show all of the following
998 information:
999 1. Each plat shall show the applicable section, township,
1000 and range of the property to be platted, and, if a land grant, the plat will so state.
1001 2. The name of the town, county, and state in which the
1002 land being platted is situated shall appear under the name of the plat as applicable.
1003 3. Each plat shall show a metes and bounds legal
1004 description of the lands subdivided, and the description shall be exactly the same in the
1005 title certification required to be submitted by section 111-3(d)(4)c., of this code. The
1006 description must be so complete that from it, without reference to the plat, the starting
1007 point and boundary can be determined.
1008 4. Vicinity map indicating the location of the subdivision in
1009 proximity to arterial and collector streets and adjoining land uses.
1010 5. Name of surveyor/engineer of record with seal,
1011 signature, and a date of survey and plat preparation.
1012 6. Title, date, name of the subdivision, true north point,
1013 and graphic scale.
1014 7. The circuit court clerk's certificate and the land
1015 surveyor's certificate and seal.
1016 8. All section lines and quarter section lines occurring in
1017 the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate
1018 words and figures. The point of beginning shall be indicated, together with all bearings
1019 and distances of the boundary lines. If the platted lands are in a land grant or are not
1020 included in the subdivision of governments surveys, then the boundaries are to be defined
1021 by metes and bounds and courses. The initial point in the description shall be tied to the
1022 nearest government corner or other recorded and well established corner.
1023 9. Location, width, and names of all streets, waterways,
1024 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

1066 pursuant to the town code.
1067 22. The plat shall include in a prominent place the following
1068 statement: NOTICE: There may be additional restrictions that are not recorded on this
1069 plat that may be found in the public records of this county.

1070 23. Location and widths of reservation, easements, tracts,
1071 and any areas to be dedicated for public use or sites for other than residential or
1072 commercial uses with notes stating their purpose and any limitations.

1073 24. A note stating: All platted public utility easements shall
1074 also be easements for the construction, installation, maintenance, and operation of cable
1075 television services; provided, however, no such construction, installation, maintenance,
1076 and operation of cable television services shall interfere with the facilities and services of
1077 an electric, telephone, gas, or other public utility. In the event a cable television company
1078 damages the facilities of a public utility, it shall be solely responsible for the damages.
1079 This section shall not apply to those private easements granted to or obtained by a
1080 particular electric, telephone, gas, or other public utility. Such construction, installation,
1081 maintenance, and operation shall comply with the National Electrical Safety Code as
1082 adopted by the Florida Public Service Commission.

1083 25. Information and certificates as required by ss. 177.071
1084 and 177.081, F.S.

1085 26. Text dimensions. All text and numerical data shown on
1086 the plat must be a minimum of one-tenth inch in height. Details should be added where
1087 appropriate. Neatness and clarity on the plat is mandatory.

1088 b. Where the required improvements have not been completed
1089 prior to the submission of the final plat, the approval of the plat shall be subject to the
1090 subdivider, guaranteeing the installation of said improvements by filing a performance
1091 and payment bond executed by a surety company authorized to do business in this state
1092 by the state insurance commissioner; cash escrow; tri-party agreement; or a letter of
1093 credit issued by a Florida bank or savings and loan association, located in the state and
1094 licensed by the federal government or the state comptroller to do business in Florida as
1095 a bank or savings and loan association in the amount of 110 percent (110%) of the
1096 construction cost, including fill dirt, as determined by the town engineer. The bond
1097 instrument may provide that portions of the security may be partially released,
1098 proportionate to the work completed on the installation of public improvements, to the
1099 subdivider, from time to time, as work progresses; but the amount to be released shall be
1100 determined by the town engineer in accordance with the foregoing. All instruments shall
1101 be in form and substance satisfactory to and approved by the town attorney.

1102 c. Every plat of a subdivision submitted to the approving agency
1103 of the town must be accompanied by a title opinion by an attorney-at-law licensed to
1104 practice in the state or a certification by an abstractor or a title insurance company,
1105 authorized to do business as such by the Florida Insurance Commissioner, confirming
1106 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.

1148 The articles of incorporation shall satisfy all requirements of chapters. 607 or 617, F.S.,
1149 relating to corporations. The articles of incorporation shall include a provision stating that
1150 the town is not required to take title to or to operate any of the improvements in the
1151 subdivision upon dissolution of the association. The provision shall also provide that said
1152 provision cannot be amended or terminated without consent of the town. Upon approval
1153 of the articles of incorporation, they shall be filed with the state secretary of state at the
1154 expense of the subdivider. Prior to recording of the final plat, copies of the corporate
1155 charter and articles of incorporation marked "Filed" in the secretary of state's office shall
1156 be submitted to the town attorney. It is recommended, although not required by the town,
1157 that the original corporate charter and articles of incorporation marked "Filed" in the
1158 secretary of state's office be recorded in the public records of this county, simultaneous
1159 with the recordation of the final plat;

1160 2. Declaration of covenants, conditions, and restrictions
1161 for the subdivision, if the property to be platted includes more than one parcel of property
1162 to be platted. This document shall include provisions providing: that the covenants shall
1163 be covenants running with the land; that the common areas are subject to the jurisdiction
1164 of the association incorporated above in sub-paragraph f.1; that the association shall be
1165 responsible for maintenance of the common areas; that the association shall have the
1166 power to assess the various lots in the subdivision for funds to maintain the common
1167 areas; that upon failure to pay said assessments, the association may place a lien against
1168 said lots; restrictions on use of portions of the property to be subdivided; and for a method
1169 by which the covenants and restrictions may be enforced. The covenants and restrictions
1170 shall continue in force for so long as the subdivision may exist. The common areas shall
1171 include entry areas for landscaping and display of subdivision related signage,
1172 stormwater retention/detention facilities, drainage parcels or easements, recreational
1173 areas, and other subdivision related facilities, and may include conservation areas;

1174 3. Deed conveying parcels of the common areas to the
1175 association incorporated above in subparagraph f.1. The deed shall be a statutory
1176 warranty deed;

1177 4. Easements to the town or public utility for water, sewer,
1178 drainage, conservation, or other purposes, whether on- or off-site. No easement shall be
1179 conveyed unless requested by the town or the public utility. All easements shall warrant
1180 title, that the grantor holds title to the property and has the power to convey title, and that
1181 the grantor will defend the town against all claims against the title;

1182 5. Stormwater maintenance agreement substantially
1183 conforming to the form approved by the town;

1184 6. Water and sewer agreements required as a condition
1185 of construction plan approval;

1186 7. Letter from the St. Johns River Water Management
1187 District acknowledging receipt of the documents listed in this subparagraph;

1188 8. Receipt for payment of applicable impact fees, if any;

1189 and
1190 9. Form of infrastructure/construction (maintenance)
1191 warranty bond. Upon approval of the form of infrastructure/construction (maintenance)
1192 warranty bond, letter of credit, or cash escrow which shall be consummated and filed with
1193 the town prior to recordation of the final plat.
1194

1195 The instruments set forth in subparagraphs f.1.-5. shall be joined in and consented to by
1196 mortgagees and lienholders of record at the time of recording of the final plat. All
1197 documents must be in form and substance acceptable to the town manager and town
1198 attorney. All costs for recording, documentary stamp taxes, and other applicable taxes
1199 and fees shall be paid by the subdivider.

1200 g. Installation of permanent reference monument and
1201 permanent reference points. Upon approval of the final plat by the town council, but prior
1202 to the recording of the final plat the subdivider shall cause a registered surveyor to install
1203 permanent reference monument (P.R.M.) points. Permanent reference monument points
1204 shall be placed in accordance with the following requirements:

1205 1. Subdivision corner tie. At least one corner of the
1206 subdivision shall be designated by course and distance (tie) from a readily discernible
1207 reference marker, such as a U.S. government marker, section corner or quarter-section
1208 corner. When such a monument or station is not available, the tie shall be made to some
1209 pertinent and readily recognizable landmark or identifiable point, physical object or
1210 structure.

1211 2. Permanent reference monuments. Permanent
1212 reference monuments shall be placed at each corner or change in direction on the
1213 boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310
1214 feet (unless the bend is shorter), but shall not be more than 1,400 feet apart. In all cases,
1215 there shall be a minimum of four "P.R.M.s" placed on the boundary of the lands being
1216 platted. Additional "P.R.M.s" shall be placed by the subdivider where required by the
1217 town engineer. Where such corners are in an inaccessible place, "P.R.M.s" shall be set
1218 on a nearby offset with the boundary of the plat, and such offset shall be noted on the plat.
1219 Where corners are found to coincide with a previously set "P.R.M.," the number on the
1220 previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state.
1221 Permanent reference monuments shall be set before the recording of the plat, and this
1222 will be so stated in the surveyor's certificate on the plat. Such "P.R.M." shall be shown on
1223 the plat by an appropriate designation.

1224 3. Permanent control points. "P.C.P.s" shall be set at the
1225 intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s,"
1226 "P.T.s," "P.R.C.s" and "P.C.C.s" and no more than 1,000 feet apart, on a tangent,
1227 between changes of direction, or along the street right-of-way or block lines at each
1228 change in direction, no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the
1229 plat by an appropriate designation. "P.C.P.s" shall be set prior to the expiration of the

1230 bond or other surety or guarantee insuring the installation of subdivision improvements. It
1231 is the land surveyor's responsibility to furnish the town engineer with said surveyor's
1232 certificate that the "P.C.P.s" have been set and the dates the "P.C.P.s" were set.

1233 4. Accuracy. The angular error of closure for surveys
1234 shall not exceed 25 seconds times the square root of the number of angles turned. The
1235 total error shall be no greater than 40 seconds. The linear error of closure for surveys
1236 shall not exceed one foot per 7,500 feet measured on the perimeter (1:7500).

1237 h. Recording of the final plat. Within 90 days after the final plat
1238 has been approved by the town council, it shall be recorded with the clerk of the circuit
1239 court of this county by the applicant, unless such recording within 90 days is prevented by
1240 some legal regulation or requirement of the clerk of the circuit court, in which case, the
1241 recording shall be accomplished as soon as the subdivider has satisfied such regulation
1242 or requirement. If the subdivider fails to satisfy all requirements of approval which are a
1243 condition precedent to recording the final plat and fails to record the plat within 90 days
1244 following town council approval, the final plat approval shall automatically terminate,
1245 unless the foregoing time is extended by the town council for good cause. Filing of a
1246 lawsuit or other administrative action within said 90 day period shall automatically stay the
1247 aforesaid time period.

1248 ~~(a) Approval. No lot or parcel of property shall be platted or replatted without prior~~
1249 ~~approval of the town council.~~

1250 ~~(b) Application. An application for platting or replatting may be obtained from the~~
1251 ~~town clerk and shall be completed by the applicant.~~

1252 ~~(c) Notice of hearing. Upon receipt of the application, the town clerk shall cause a~~
1253 ~~notice of the application and the time and place of the hearing thereon to be published at~~
1254 ~~least fifteen (15) days and not more than thirty (30) days prior to such hearing, in a~~
1255 ~~newspaper of general circulation, and shall post a copy of said notice in the town hall. The~~
1256 ~~town clerk shall also send by certified mail a notice to those persons owning property~~
1257 ~~within the~~
1258 ~~radius of two hundred (200) feet of the property lines affected by the application.~~

1259 ~~(d) Mailed notice. The mailed notice shall include the following:~~

1260 ~~(1) That any persons owning property within the said radius above shall~~
1261 ~~have the right to protest the platting or replatting requested.~~

1262 ~~(2) That protests may be filed in writing in the office of the town clerk not~~
1263 ~~more than ten (10) days after the date the notice was published.~~

1264 ~~(3) That the person who has timely filed a written protest may be heard at~~
1265 ~~the hearing, giving the time, date, and place of same.~~

1266 ~~(4) The particulars of the platting application.~~

1267 ~~(5) That any person desiring to appeal the determination of the town council~~
1268 ~~may need to ensure that a verbatim transcript of the hearing is prepared.~~

1269 ~~(e) Protests. Prior to the public hearing the town clerk shall forward to the town~~
1270 ~~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

1312 the subdivision and is considered as a conditional certificate of completion. After
1313 completion of construction of all improvements and preliminary acceptance by the town
1314 engineer, the subdivider shall provide reproducible as-built drawings to the town for the
1315 purpose of maintaining a permanent record. Said drawings shall be prepared by a Florida
1316 registered surveyor and certified by a Florida registered professional engineer, under seal,
1317 and certified to and in favor of the town. The certificate of completion shall not be issued
1318 until the drawings are delivered to and approved by the town engineer. The certificate of
1319 completion shall also signify acceptance of the town of all dedicated improvements.

1320
1321 (b) *Street improvements.* The following requirements shall apply to all streets
1322 within the subdivision.

1323 (1) *General requirements.*

1324 a. The location and width of all proposed streets and bridges
1325 shall be in conformity with official plans and maps of the town, the comprehensive plan,
1326 and the town code.

1327 b. The proposed street layout of subdivisions with public streets
1328 shall be integrated with the street system of the surrounding area. Existing streets shall
1329 be extended to provide a connection with adjacent compatible developments where
1330 platted public rights-of-way or other public streets abut the parcel being considered for
1331 subdivision approval. Parcels being developed for subdivision approval adjacent to other
1332 vacant parcels shall provide street rights-of-way and street improvements to the boundary
1333 of the adjacent parcel providing a future connection to the non-platted parcel if the land
1334 use and/or zoning of the adjacent parcel is compatible with the proposed plat.
1335 Connections shall be provided as required in section 111-5(b)(4)m. Subdivisions
1336 constructed with private streets shall be required to provide street connections to adjacent
1337 development to vacant parcels, except that a temporary wall, gate, landscaped barrier, or
1338 other acceptable barrier may be permitted between the private street of a subdivision and
1339 the vacant parcel. Public pedestrian ways may be permitted, if desired, to provide a
1340 connection between subdivisions.

1341 c. Where it is possible to provide for street access to an
1342 adjoining property, proposed streets shall be extended, by dedication to the boundary of
1343 such property and a temporary turnaround shall be required, unless waived by the town
1344 due to public safety or for environmental protection. An easement for the turnaround shall
1345 be conveyed to the town in form and substance acceptable to the town manager and town
1346 attorney. The easement property shall be free of liens and security interests or consented
1347 to and joined in by all lienholders.

1348 d. There shall be no private streets or tracts platted in any
1349 subdivision, except where their control is dedicated or conveyed by warranty deed to the
1350 homeowners, or property owners, association with rights of use and right of reversion
1351 granted to the town under conditions set forth on the deed and stipulated on the final plat.
1352 The property shall be free of liens and security interests or the deed shall be consented

1353 to and joined in by all lienholders. The warranty deed shall be in form and substance
1354 required by the town manager and town attorney. All private streets shall conform with
1355 town standards for design and construction.

1356 e. *Auxiliary lanes.* Auxiliary lanes refer to acceleration,
1357 deceleration, and storage lanes. Developments that generate a.m. or p.m. peak hour
1358 traffic that exceeds the following thresholds shall provide the following site related
1359 acceleration, deceleration, and storage lanes:

1360 1) If more than 20 left turning vehicles per hour on a two-lane arterial or
1361 collector roadway, then left-turn lanes are warranted.

1362 2) If more than 50 right turning vehicles per hour on a two-lane arterial
1363 or collector roadway, then right-turn lanes are warranted.

1364 3) If more than 80 right turning vehicles per hour on a four-lane arterial
1365 or collector roadway, then a right-turn lane is warranted.

1366 4) If more than 100 right turning vehicles per hour on a six-lane arterial
1367 or collector roadway, then a right-turn lane is warranted.

1368 5) If an applicant for a development objects to the requirement for a turn
1369 lane, then a traffic analysis shall be submitted per the requirements outlined in the latest
1370 edition of the state department of transportation (FDOT) Transportation Technical
1371 Manual.

1372 6) A left-turn lane is recommended for any intersection that exceeds 30
1373 vehicles per hour on multi-lane roadways. Exclusive left-turn lanes are identified as a
1374 required base on Highway Capacity Manual level of service analysis for multi-lane
1375 collector roadways. Two-way continuous left-turn lanes shall be designed as per the
1376 FDOT guidelines.

1377
1378 Notwithstanding the above-referenced thresholds, the town engineer will make the final
1379 determination whether to require an auxiliary lane in the interest of public safety. Special
1380 consideration will be given to commercial areas containing substantial pedestrian traffic,
1381 as well as roadways that are maintained by other governmental agencies. There may be
1382 cases where it will be desirable to provide room for right-turn deceleration, but an entirely
1383 separate deceleration lane is either too difficult to install due to design constraints, or is
1384 not reasonable. In such cases, a right-turn curb taper may be provided in accordance
1385 with FDOT standards. Right-turn acceleration lanes shall not be provided.

1386 f. The proposed street layout of subdivisions with residential
1387 public streets shall be reviewed for conditions which would promote or result in operating
1388 speeds greater than the posted speed or which unreasonably attract traffic volumes
1389 beyond the immediate street or area streets within or in close proximity to the subdivision.

1390 A town or other traffic engineer may require the redesign of the road pattern to address
1391 traffic safety issues including the construction of traffic calming measures.

1392 (2) *Street names.* Proposed streets that are obviously in alignment with
1393 other existing and named streets, shall bear the assigned name of the existing streets. In

1394 no case shall the name for a proposed street duplicate or be phonetically similar to
 1395 existing street names, and the fact that the name is sought to be distinguished only by
 1396 employing a different designation of the type of public way, such as street, avenue,
 1397 boulevard, drive, place, court and the like, shall not suffice. Street names shall require the
 1398 approval of the town engineer, town manger, and the county 911 emergency system.
 1399 Street name and other regulatory signs including pavement markings and signal systems
 1400 shall be provided within the subdivision by the subdivider. All traffic control devices shall
 1401 be in accordance with the most recent edition of the Manual of Uniform Traffic Control
 1402 Devices (MUTCD).

1403 (3) *Design standards for streets.* The following street design standards
 1404 shall be considered minimum requirements for rights-of-way within subdivisions and for
 1405 rights-of-way for all facilities in the town:

1406 a. *Right-of-way widths.* Minimum street right-of-way widths shall
 1407 be in accordance with the major street plan and shall not be less than the following:

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

1408 b. *Paving.* Road base and paving shall be installed in
 1409 accordance with the specifications and standards of the town or as approved by the town
 1410 manager and the town engineer.

1411 c. *Pavement widths.* All street or roadway segments shall be
 1412 constructed with a single uniform width. Pavement widths measured from back-to-back
 1413 of curb shall be not less than the following and shall apply to all streets within subdivisions
 1414 and for all other facilities in the town:

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

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

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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.	Arterial streets	300
2.	Collector streets	200
3.	Residential streets	100
4.	Street intersections	55

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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:

1440 1. Streets shall intersect as nearly as possible at right
1441 angles, and no street shall intersect at less than 60 degrees.

1442 2. Intersections with a major arterial shall be at least 800
1443 feet apart measured from centerline to centerline, or meet the minimum separation
1444 requirements established by the jurisdiction having authority over the maintenance of the
1445 roadway, whichever is greater.

1446 3. Property lines at street intersections shall be rounded
1447 with a minimum radius of 25 feet. At an angle of intersection of less than 75 degrees and
1448 greater radius may be required.

1449 4. A centerline offset of at least 125 feet shall be provided
1450 at street jogs.

1451 5. On any major or minor arterial within 150 feet of its
1452 intersection with another major or minor arterial, the right-of-way width shall be increased
1453 by 12 feet on both sides to permit proper intersection design. This additional right-of-way
1454 shall be dedicated or conveyed as a public right-of-way easement or deeded to the
1455 jurisdiction having operational and maintenance authority over the roadway.

1456 k. Cul-de-sac. Permanent dead-end streets shall not exceed
1457 1,000 feet in length, and shall be provided with a turnaround having a right-of-way radius
1458 of at least 50 feet and with a paving radius of at least 42.5 feet. Culs-de-sac less than 300
1459 feet in length may provide a paved circular turn around of 79 feet in diameter measured
1460 back-of-curb to back-of-curb. However, no parking shall be permitted in culs-de-sac with
1461 less than an 85-foot paved surface diameter. Temporary dead-end streets shall be
1462 constructed with a turnaround radius of at least 39.5 feet. Temporary turnarounds shall be
1463 constructed in accordance with the town's specifications and provided by executing a
1464 cul-de-sac agreement pursuant to section 111-5 of the town code.

1465 l. Alleys. Alleys shall be provided to the rear of all lots used for
1466 other than residential purposes, unless other provisions are made for service access and
1467 are approved by the town council. Alleys in residential blocks must be recommended by
1468 the zoning and planning board and approved by the town council. All alleys shall be
1469 constructed in accordance with town specifications and standards.

1470 m. Blocks. The maximum and minimum lengths and widths of
1471 blocks shall be as follows:

1472 1. Length. Blocks shall not exceed 1,500 feet nor be less
1473 than 500 feet.

1474 2. Nonresidential blocks. Such blocks shall require a
1475 length sufficient to serve the intended use without adversely affecting traffic circulation of
1476 existing or proposed surrounding streets. The width shall be sufficient to provide
1477 adequate service areas and parking without requiring excessive points of ingress and
1478 egress on abutting streets, and without requiring vehicular maneuvering on public
1479 right-of-way. Lots within such blocks shall require a common vehicular access easement
1480 dedicated to the use, maintenance and benefit of all lots within the block, or a marginal

1481 access street shall be provided, to prevent points of ingress and egress from each lot to
1482 the abutting street.

1483 n. *Traffic calming measures required.* When in the opinion of the
1484 town engineer, the design of the street system within a subdivision could likely create the
1485 potential for excessive speeds or excessive traffic volumes due to restrictive or hindered
1486 design options available to develop a subdivision, the town engineer is authorized to
1487 require the construction of traffic calming measures within the street system of the
1488 subdivision as a condition of preliminary plat review and approval and subdivision
1489 construction plan review and approval.

1490 (4) *Right-of-way landscaping.* All unpaved areas, and above ground
1491 utility facility locations within street rights-of-way shall be properly treated with top soil,
1492 sprigged, and maintained until growth is relatively permanent. The plan for such
1493 landscaping shall be in conformance with currently approved standards of the town, and
1494 the design for landscaping at intersections adopted by FDOT, Roadway and Traffic
1495 Design Standards, Index No. 546 with most current revisions. Landscaped islands or
1496 medians may be permitted within the right-of-way of all subdivisions including entrances.
1497 These islands shall be designated on the plat and in the subdivision covenants,
1498 conditions, and restrictions or stormwater maintenance agreement, as separate tracts to
1499 be maintained by an incorporated homeowners' or property owners' association having
1500 an enforceable right of assessment for maintenance purposes. The tracts shall at the
1501 time of recordation of the final plat in the public records be conveyed by warranty deed to
1502 the homeowners' or property owners' association. The islands shall meet applicable town
1503 landscaping requirements. Subdivision identification signs may be constructed
1504 consistent with town standards and town custom, gatehouses, guard stations, and other
1505 such structures, if any, constructed at the entrances of subdivisions or other commercial
1506 or residential developments, shall be placed so that a minimum of 20 feet of horizontal
1507 clearance is maintained for both access drives or travel lanes. Such structures shall not
1508 obstruct sight distance at intersections and shall be setback at least ten feet from the
1509 pavement edge of the public street intersecting the subdivision entry streets. Such
1510 structures shall be provided and constructed in platted tracts.

1511 (5) *Sidewalks.* As a condition of the issuance of a building permit for any
1512 construction project, the town may require the subdivider or developer to construct a
1513 sidewalk, if required by the town, along the subdivider/developer's street frontage at the
1514 time of development.

1515 a. Unless waived by the town manager or the town council, all
1516 development, including subdivisions, shall provide sidewalks adjacent to the roadway on
1517 which the subdivision or development fronts. Unless waived by the town council,
1518 sidewalks shall also be provided on both sides of all arterials, collectors, local streets, and
1519 marginal access streets located within a subdivision, or on streets abutting the
1520 subdivision, unless otherwise provided in this code or in the town comprehensive plan.

1521 b. All sidewalks shall be placed within a right-of-way if possible.

1522 Whenever this is not possible, sidewalks shall be provided through the creation of
1523 easements conveyed to the town.

1524 c. Location and width. All sidewalks shall be placed as far from
1525 the roadway as practical and shall be free of all obstructions. The location criteria
1526 established in the "FDOT Manual of Uniform Minimum Standards for Design,
1527 Construction and Maintenance for Streets and Highways" should be followed. If a
1528 sidewalk must be placed immediately adjacent to the curb, a wider sidewalk shall be
1529 required. Sidewalks along arterial and collector streets shall be a minimum of five feet in
1530 width. Sidewalks no less than four feet in width shall be required along both sides of local
1531 residential streets, unless waived by the town.

1532 d. Unless waived by the town council or the town manager, the
1533 owner/subdivider shall be responsible for constructing sidewalks in common areas,
1534 including tracts, and such sidewalks shall be installed prior to the final inspection of the
1535 subdivision improvements for the issuance of a certificate of completion. Each sidewalk
1536 shall extend to a curb cut at all street intersections which provides access connections to
1537 the sidewalk from the street. All access connections shall provide Americans with
1538 Disabilities Act handicapped accessible ramps consistent with requirements to implement
1539 the Americans with Disabilities Act, 42 USC §12101 et seq. All sidewalks shall be
1540 constructed in accordance with the provisions set forth in town standards or as provided
1541 by FDOT.

1542
1543 (c) Utilities. Sanitary sewer, water distribution, and reclaimed water systems
1544 shall be designed in accordance with requirements of the utility provider to the
1545 specifications and standards in effect at the time of construction plan submittal, and the
1546 systems shall be installed by the subdivider and subject to town approval. The number
1547 and location of fire hydrants and the size of water mains supplying the hydrants shall be
1548 reviewed by the town fire chief and subject to approval by the town engineer. In
1549 residential subdivisions developed after January 1, 2021, utility service connections to
1550 individual properties of electric, telephone, gas, and cable television communication shall
1551 be placed underground. All utilities shall be installed within rights-of-way, tracts with
1552 utility easements, or within utility easements designated on the plat.

1553 (1) Utility easements. Utility easements shall be provided for all lots as
1554 follows:

1555 a. Width of easements. All lots in subdivisions platted after
1556 January 1, 2021, shall have a minimum of a ten-foot wide easement along the front lot line
1557 parallel to the street for public utilities and all lots, except those utilizing zero lot line
1558 construction, shall have a minimum of a 7.5-foot wide easement centered on common
1559 side and rear lot lines. Utility easements to be used for storm sewer, sanitary sewer, or for
1560 water lines and water reuse lines six inches or greater in diameter, centered on common
1561 lot lines shall be a minimum of 20 feet wide. Other easements in subdivisions platted after
1562 January 1, 2021, desired by the subdivider for access, or for the installation of gas mains,

1563 reclaimed water lines and water lines less than six inches in diameter, telephone lines,
1564 electric service lines and conduits, and cable television lines shall be a minimum of ten
1565 feet wide centered on the side and/or rear lot line and meet the requirements of this code.

1566 b. Structures. Structures or other obstructions not pertaining to
1567 public utilities or public sidewalks shall not be located in any utility easements; provided
1568 that fences or walls may be installed but may be removed by the town or the utility
1569 provider. Neither the town nor the utility provider shall be required at its expense to
1570 re-install or erect such fences or walls removed.

1571 (2) Oversized utility facilities. The town or the utility provider may
1572 participate in the cost of facilities and improvements which must be designed to serve
1573 more extensive areas than the subdivision, if in the opinion of the town council, an
1574 unnecessary burden would be imposed on the subdivider.

1575 (3) Luminaries. Luminaries including street lights shall be installed within
1576 the street rights-of-way and shall conform to the latest state or town approved edition of
1577 the National Electrical Code and any applicable FDOT or town design standards in effect
1578 at the time of construction plan approval for residential development or commercial
1579 development, depending on the type of subdivision. All street light utility systems shall be
1580 provided with minimum separation and shall be designed to reduce glare on non-public
1581 property. Street light locations shall be approved by the town engineer. Luminaries shall
1582 be provided throughout the subdivision upon issuance of a certificate of completion.
1583 Luminaries shall be placed no closer than 300 feet to one another, except in cul-de-sacs
1584 or as determined by the town engineer during construction plan review. For the purposes
1585 of providing uniformity in street lighting standards, street lights may be installed in
1586 strategic areas in the subdivision prior to issuance of a certificate of completion. Street
1587 lights situated on rights-of-way or easements shall be maintained free from vegetation
1588 and/or other obstructions that may block, deflect or redirect light patterns, or potentially
1589 interfere with street light operation or maintenance of cause a fire.

1590
1591 (d) Stormwater management.

1592
1593 (1) A complete stormwater maintenance system plan, in conformance
1594 with chapter 14 of the town code and meeting the minimum or greater requirements of
1595 regulations of the St. Johns River Water Management District, shall be provided for all
1596 areas of the subdivision for conveying and storing stormwater runoff within or across the
1597 subdivision lands. All drainage improvements shall be installed in accordance with the
1598 town approved stormwater maintenance system plan and all specifications and standards
1599 of the town and meeting the minimum or greater requirements of regulations of the St.
1600 Johns River Water Management District, and shall be platted as tracts or parcels for
1601 treatment facilities, and shall include necessary easements for conveyance.

1602

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.

1625
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

1642 required to be taken. Should the legal entity fail, within 30 days of the notice, to
1643 complete such corrective action, the town may enter upon the property, take the
1644 necessary corrective action, and file a lien upon the properties responsible for the
1645 maintenance of the stormwater system for the cost of such action.

1646 e. The town may, but shall not be obligated to, enter at any
1647 time, with or without notice, in an emergency to maintain the system. In the event an
1648 emergency situation is determined to exist by the code enforcement official after
1649 consulting with the town engineer, which endangers persons and/or property, the town
1650 may take corrective action. Any town actions and costs incurred may be recovered by
1651 the placement of a lien on the properties responsible for the maintenance of the
1652 stormwater system.

1653 f. The legal entity shall execute and record a document
1654 acceptable to the town attorney and town manager, which defines its authority and
1655 responsibility for maintenance of the stormwater management system, defines how the
1656 maintenance is to be performed, and provides a legal mechanism assuring the
1657 perpetuation of the maintenance.

1658 g. Maintenance of stormwater facilities shall include the
1659 performance of the system as originally designed and permitted by the town and/or
1660 appropriate governmental agencies and as stated in the written plan.

1661 h. Maintenance shall include compliance with town building
1662 and construction codes, town nuisance codes, and other applicable town codes.

1663 (4) Upon approval and execution of the plan into a binding stormwater
1664 maintenance agreement, the agreement shall be recorded in the public records of the
1665 county. The agreement shall be joined in and consented to by any mortgage, lien, or
1666 security interest holder of property, any portion of which is to be encumbered by the
1667 agreement. All town costs of the preparation of the agreement and recording thereof
1668 shall be paid by the subdivider.

1669 (e) *Bulkheads.* Bulkheads, if any, shall be designed by a registered state
1670 professional engineer and constructed along the waterfront perimeter of all landfills, one
1671 foot within the property line. The top of the bulkheads shall be not less than three feet
1672 above mean sea level. Construction shall meet town specifications and standards.

1673 (f) *Concurrency; Parks and open space in platted subdivisions.* Standards
1674 shall be as set forth in the town code, if any, shall be adhered to by subdividers.

1675 (g) *Lots.* All lots shall front upon a public or private street paved to town or
1676 FDOT specifications. Double-frontage lots, except for corner lots, are to be avoided if
1677 possible. Where land is subdivided into larger parcels than ordinary building lots, such
1678 parcels shall be arranged so as to allow for the opening of future streets and logical
1681 parcels shall be arranged so as to allow for the opening of future streets and logical

1682 further subdivision. The size, shape and orientation of nonresidential lots shall be
1683 appropriate for the type of development and use contemplated. All lots and lot
1684 dimensions shall comply with the requirements of the town zoning ordinance as to width,
1685 depth and area. In addition, the following requirements shall apply to residential lots:

1686 (1) Width. All lots fronting on a curve shall have a minimum width at the
1687 front lot line meeting town approved requirements. If no requirement exists, the
1688 requirement shall be as designated by the town engineer, using town standards as a
1689 guide.

1690 (2) Orientation. Side lot lines shall be substantially at right angles or
1691 radial to street lines.

1692 (3) Building lines. The minimum setback from property lines shall be as
1693 required by the town land development regulations.

1694 (h) Special buffers for residential subdivisions. Where a residential subdivision
1695 borders on or contains a collector or an arterial street, an opaque buffer screen of
1696 decorative masonry, or a landscaped berm with plant materials, shall be required in the
1697 design. Such buffers shall be provided with an easement in favor of the homeowners' or
1698 property owners' association on the platted lots or within a tract to be owned and
1699 maintained by the homeowners' or property owners' association. The buffer easement
1700 width shall be a minimum of five (5) feet wide and may contain a wall or landscaped area
1701 and/or berm. When an easement is provided, the area of the easement shall be
1702 considered a side or rear yard where applicable.

1703
1704 SECTION 8. That the Code of Ordinances of Indialantic, Florida, is hereby
1705 amended by adding a new section, to be numbered section 111-6, which said section
1706 reads as follows:

1707
1708 **Sec.111-6. – Subdivision variances.**

1709
1710 (a) The town council may authorize a variance to the extent that these
1711 regulations are inconsistent with the town comprehensive plan, as amended from time to
1712 time. Alternatively, a variance from this code may be granted, if the subdivider
1713 demonstrates by a preponderance of the evidence that:

1714 (1) There are circumstances or conditions affecting the property which
1715 are such that the strict application of the provisions of this code would substantially limit
1716 the applicant in the reasonable use of his land;

1717 (2) The variance is necessary for the preservation and enjoyment of a
1718 substantial property right of the petitioner;

1719 (3) That the granting of the variance will not be detrimental to the public
1720 welfare or injurious to other property in the territory in which the property is situated;

1721 (4) Compliance with the requirements in this code causes a practical
1722 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

1764 town code and its implementing regulations as a whole and not by taking specific words
1765 or clauses in isolation.

1766 b. Interpretation of the provisions of this subdivision code and its
1767 implementing regulations shall be made in writing, shall state the code provision or
1768 regulation being interpreted, the interpretation made, the basis for the interpretation, and
1769 advise the recipient that appeals may be taken to the town council. The time within which
1770 an appeal must be taken and the manner of filing an appeal shall also be included within
1771 the director's letter of interpretation.

1772 c. After the town manager interprets the code or implementing
1773 regulation, copies of the interpretation shall be promptly distributed to the party seeking
1774 the interpretation, the town engineer, building official, the director, and the town clerk.
1775 Upon receipt of the letter of interpretation, the town clerk, or said clerk's designee, shall
1776 promptly log on the letter of interpretation the date that the letter of interpretation was filed
1777 in the clerk's office. This date is the date of rendition of the interpretation. The town clerk
1778 shall keep an index of letters of interpretation indexed by code or implementing regulation
1779 section.

1780 d. The town council shall have the authority to hear and decide
1781 appeals from the decision of the town manager, where it is alleged that there is an error in
1782 any decision or determination made by the town manager in interpreting this chapter.

1783 (2) *Hearings; appeals; notice.*

1784 a. Appeals to the town council may be taken by any person
1785 aggrieved by any decision of the town manager in the interpretation of any portion of this
1786 chapter. A person aggrieved by an interpretation of the town manager is an individual
1787 who is affected in a manner differently than the community as a whole or greater in
1788 degree than the community as a whole.

1789 b. A fee for the filing of the appeal may be charged, as set from
1790 time to time by resolution of the town council.

1791 b. Such appeal must be initiated, if at all, within a reasonable
1792 time not to exceed 30 days following the date of rendition of the interpretation by filing with
1793 the town clerk a notice of appeal. The notice of appeal shall specify the section or
1794 subsection of the subdivision code or regulation involved, and the interpretation appealed
1795 from. The notice of appeal shall also briefly state the grounds upon which the appeal is
1796 based.

1797 c. Upon the filing of the notice of appeal, the town clerk shall
1798 note the date of filing of the appeal, collect any fees for the appeal, fix a time for hearing
1799 of the appeal, and give public notice thereof. Copies of the interpretation and any
1800 supporting information shall be forwarded to the town council and shall automatically
1801 comprise a part of the record of the proceedings.

1802 d. At the hearing, the town manager, town engineer, building
1803 official, director, or aggrieved person may appear in person and be heard by the town
1804 council.

1805 e. Decisions of the town manager shall be made in the form of
1806 a final order, which shall be filed with the town clerk. The written order shall include the
1807 date that the order was filed in the records of the town clerk.

1808 (3) Stay of proceeding. An appeal stays all proceedings in furtherance
1809 of the action appealed from, unless the town manager certifies to the town council after
1810 the notice of appeal is filed, that by reason of facts stated in the notice of appeal, a stay
1811 would, in said individual's opinion, cause imminent peril to life and property. In such
1812 cases proceedings shall not be stayed other than by a restraining order which may be
1813 granted by the town council or by a court of competent jurisdiction on application.

1814
1815 SECTION 10. That the Code of Ordinances of Indialantic, Florida, is hereby
1816 amended by adding a new section, to be numbered section 111-8, which said section
1817 reads as follows:

1818
1819 **Sec. 111-8. - Technical specifications and standards.**

1820
1821 (a) The town manager, public works director, and the town engineer may
1822 create technical specifications and standards implementing this code controlling
1823 construction practices and materials and any policies applicable, all at the direction of the
1824 town council or the town manager.

1825
1826 (b) Technical specifications that may be adopted by resolution pursuant to this
1827 section to implement this code include:

- 1828 (1) Street design specifications.
- 1829 (2) Water system specifications.
- 1830 (3) Sewer system specifications.
- 1831 (4) Stormwater system specifications.
- 1832 (5) Landscaping specifications.
- 1833 (6) Sidewalk and bike path specifications.
- 1834 (7) Illumination specifications.
- 1835 (8) Thoroughfare plan.
- 1836 (9) Lift station specifications.
- 1837 (10) Reclaimed water system specifications.
- 1838 (11) Cross connection control manual.
- 1839 (12) Driveway specifications.
- 1840 (13) As-built drawing requirements.

1841
1842 SECTION 11. Severability Clause/Interpretation.

1843
1844 (a) In the event that any term, provision, clause, sentence or section of
1845 this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly

1846 unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or
1847 unenforceability shall not affect any of the other or remaining terms, provisions, clauses,
1848 sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied
1849 as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did
1850 not exist.

1851
1852 (b) That in interpreting this Ordinance, underlined words indicate additions to
1853 existing text, and ~~stricken through~~ words include deletions from existing text. Asterisks
1854 (* * * *) indicate a deletion from the Ordinance of text, which exists in the Code of
1855 Ordinances. It is intended that the text in the Code of Ordinances denoted by the
1856 asterisks and not set forth in this Ordinance shall remain unchanged from the language
1857 existing prior to adoption of this Ordinance.

1858
1859 SECTION 12. Effective Date. This Ordinance shall be effective upon adoption.
1860

1861 PASSED by the Town Council of the Town of Indialantic on first reading on the
1862 ____ day of _____, 2024, and ADOPTED by the Town Council of the Town of
1863 Indialantic, Florida on final reading on the ____ day of _____, 2024.

1864
1865

1866 TOWN OF INDIALANTIC
1867

1868
1869

1870 _____
1871 Mark McDermott
1872 Mayor

1873 ATTEST: _____
1874 Mollie Carr, Town Clerk



MEMORANDUM

TO: Zoning & Planning Board Chairman and Members

FROM: Paul Gougelman, Town Attorney

SUBJECT: Zoning for Townhouses

DATE: November 28, 2023

Over the past few years, the most popular form of new development in the Town has been townhouse development. There are several reasons for this, including:

- 1) The single-family residential areas have been almost completely developed; and
- 2) The cost of new housing beachside has sky-rocketed due to the beach areas being almost completely developed and the desirability of beachside living;

As a result, the new residential development trend in the Town has been toward multifamily development, and the trend of multi-family development has been toward townhouses. There are several reasons for this. For one, townhouses do not have to be condominium. They can be separate deeded subject to ownership in much the same fashion of single-family homes. For another reason, condominium development has taken on a negative view in the minds of some consumers due to state regulation, condominium association abuse and corruption especially in South Florida, and recent problems with condominium building maintenance such as the building collapse in Surfside, Florida. A final reason for the trend toward townhouse development is for deed multi-family residences, it allows for developers to maximum the number of units on a lot without going for the condominium form of ownership.

Consequently, the Town Manager and I have asked the Town Planner, Jim LaRue, to develop some minimal standards to regulate townhouse development. The attached ordinance does the following:

- 1) Provides for townhouse development in the R-3, R-P, and T zoning districts;
 - 2) Provides that the maximum density in the R-P and R-3 districts will be 15 units an acre, which it is doubtful can be achieved with townhouse development as provided for in this ordinance. In the T zoning district, the maximum density permitted will be 20 units per acre, because the T zoning district is in a high density land use category permitting at least 15 units per acre;
 - 3) Provides a minimum average of 2,000 square feet per unit, similar to a small residence;
 - 4) Provides uniform standards for front and rear yards that conform to the standards for other residence in the particular zoning district;
-

- 5) Provides a cap of 35 feet or three stories in building height in the T zoning district consistent with the town maximum height and a cap of 30 feet or two stories in building height in the R-3 and R-P zoning district, which is consistent with the standards for that zoning district; and
- 6) Requires that all new townhouse units will be platted for ease of conveyancing, the unit boundary lines of which form the boundary lines of the plat lot.

The Zoning and Planning Board is being asked to recommend approval to the Town Council, together with any other comments. In addition, the Board is being asked to find the ordinance consistent with the Town's Comprehensive Plan and in the promotion of the public health, safety, welfare, economic order, and aesthetics, all for reasons set forth in the recitals to the Ordinance.

At your hearing, we will ask Mr. LaRue to attend if only by telephone.

PRG/mb

pc: Mike Casey, Town Manager
Cliff Stokes, Building Official
Jim LaRue, Town Planner

Memorandum

To: Zoning and Planning Board
From: James G. LaRue, FAICP
Date: January 8, 2024
Subject: Planning Consistency Review of Ordinance No. 2024-03

The Zoning and Planning Board will be asked to review Ordinance No. 2024-03, (setting standards for approving townhouse residential units in the R-3, T and R-P Zoning Districts). The Board will determine consistency of the ordinance with the Town's Comprehensive Plan and Code Section 17-37 (duties of Zoning and Planning Board). Providing townhouse development regulations governing setbacks, density, and minimum lot size, will make efficient, economical, and aesthetically pleasing use of the land, while preserving the compatibility of the surrounding area.

Our Comprehensive Plan contains the following Goals, Objectives and Policies that are pertinent to a determination of Plan consistency by the Zoning and Planning Board.

Future Land Use Element:

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

Policy 1.1: Adopt new regulations or implement existing land development regulations that will contain specific and detailed provisions necessary to implement the Comprehensive Plan, and which as a minimum:

- a. Regulate the subdivision of land if necessary. (The entire Town is already platted.)
- b. Regulate the use of land and water consistent with this Element and ensure that land uses are compatible with adjacent land uses in the County and the Town of Melbourne Beach.
- c. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- d. Regulate signage and ensure safe and convenient on-site traffic flow and vehicular parking needs.
- e. Protect aquifer recharge areas. (There are no potable water wellfields in the Town.)
- f. Protect environmentally sensitive areas adjacent to the Indian River Lagoon and the Atlantic Ocean.

- g. Provide that development orders and permits will not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Plan.
- h. Regulate the development of single-family residential lots .

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.

Objective 7:

Encourage the use of innovative land development regulations.

Housing Element:

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.

Objective 1:

Encourage the provision of adequate and affordable housing sites for all income groups and ensure that the housing supply meets the needs of existing and anticipated population based upon the DCA Affordable Housing Needs Assessment.

This ordinance strives for the balance of supporting the medium density residential character within the Town while perpetuating the residential fabric of Indialantic with all other uses being secondary in nature. The above policies support the townhouse regulations being consistent and compatible with the Town's Comprehensive Plan.

In reference to Section 17-37 (3)(A) even though an absence of this legislation would not endanger or harm the public health, welfare, economic order, aesthetics, safety or public interests of the Town, this ordinance will promote these important concerns of the Town.

From the above discussion, there seems to be enough evidence that the Zoning and Planning Board will be able to give a recommendation of approval to the Council for Ordinance No. 2024-03, because it is consistent both with the review factors of Section 17-37 (3) and the Town Comprehensive Plan. If there are any questions at the meeting, staff or the attorney will be present to answer them.

32 WHEREAS, based in part on the report of the Zoning and Planning Board, the
33 Town Council finds that there is a reasonable relationship between the exercise of the
34 police power of the Town and the protection of the public health, welfare, economic order,
35 aesthetics, safety, or public interest included within this Ordinance; and

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

39 WHEREAS, based in part on the report of the Zoning and Planning Board, the
40 Town Council has examined this Ordinance, and finds that the Ordinance is being
41 adopted to allow some flexibility for the development of design and width of townhouse
42 residential units; and

43 WHEREAS, pursuant to Section 163.3174(4), Florida Statutes, and Section
44 113-65 of the Town Code of Ordinances, the Zoning and Planning Board, sitting as the
45 Local Planning Agency, has examined this Ordinance and reported its findings to the
46 Town Council with regard to consistency of the Ordinance with the Comprehensive Plan;
47 and

48 WHEREAS, Goal 1 of the Future Land Use Element of the Town Comprehensive
49 Plan states:

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

55
56 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
57 with Goal 1 of the Future Land Use Element, because this Ordinance, while supporting
58 medium density development, will maintain and perpetuate the residential character of
59 the Town with all other uses of land being secondary in nature; and

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

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

65 Policy 1.2: Land development regulations adopted to
66 implement the Plan will be based on and be consistent with
67 the following standards for residential densities: low density -
68 0 to 4 units per acre; medium density - greater than 4 up to 15
69 units per acre; high density - greater than 15 up to 20 units per
70 acre.

71 Policy 1.5: Maintain the existing zoning pattern which protects
72 the single family areas from the encroachment of
73 incompatible uses and which provides for a mix of residential
74 and non-residential use consistent with the low density
75 residential character of the Town; and
76

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

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

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

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

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

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

95
96 WHEREAS, the Zoning and Planning Board finds that this Ordinance is consistent
97 with Goal 1 and Objective 1 of the Housing Element, because this Ordinance supports
98 improvement of the medium density housing stock by providing for an alternative form of
99 multi-family development; and

100 WHEREAS, the Zoning and Planning Board has found, and the Town Council
101 finds, that this Ordinance in all manner is consistent with the Town's Comprehensive
102 Plan; and

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

105 BE IT ENACTED BY THE TOWN OF INDIALANTIC, FLORIDA:

106
107 SECTION 1. Recitals. Each and all of the foregoing recitals ("WHEREAS"
108 clauses) be and the same are hereby incorporated herein as if specifically set forth in this
109 Section.

110
111 SECTION 2. That Section 113-4 of the Code of Ordinances of Indialantic, Florida,
112 is hereby amended to read as follows:

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

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

117 * * *

118 *Lot* means a piece, parcel or plot of land of at least sufficient size to meet minimum zoning
119 requirements, occupied or to be occupied by one principal building ~~and its~~ or use with the
120 appropriate accessory buildings, and including any required open spaces.

121 * * *

122 *Tourist court.* See *Motel.*

123 *Townhouse or townhouse residential unit* means a single-family dwelling unit not
124 exceeding three stories in height (unless further restricted by this code) constructed in a
125 group of two or more attached units with property lines separating such units in which
126 each unit extends from the foundation to the roof and with a yard or public way on not less
127 than two sides.

128 **[DRAFTER’S NOTE:** This definition is the same as the definition appearing in the Floria
129 Building Code Residential.]

130
131 *Town manager* means the town manager or said manager's designee.

132 * * *

133 SECTION 3. That Section 113-334 of the Code of Ordinances of Indialantic,
134 Florida, is hereby amended to read as follows:

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

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

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

- 138 a. Single-family dwellings.
- 139 b. Parish houses.
- 140 c. Essential municipal uses.
- 141 d. Public utilities serving the neighborhood area, excluding towers,
142 buildings or storage areas.
- 143 e. Gardening activities customarily incidental to single-family dwellings.
- 144 f. Duplex family living units.
- 145 g. Multiple family living units.

- 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 900
- 154 square feet, and the average size of the townhouses in any grouping shall be 1,000
- 155 square feet.
- 156 4. No townhouse residential unit shall exceed two stories or 30
- 157 feet in height.
- 158 5. No townhouse residential unit shall be less than 18 feet in
- 159 width, and the average width of the townhouses in any grouping shall be 20 feet.
- 160 6. Grouping length. A grouping of townhouse residential units
- 161 shall not exceed 150 feet in length and shall not contain more than six units.
- 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.

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

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

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

179 b. All accessory buildings and structures located in the rear yard shall
180 be set back not less than four feet from all lot lines. Utility sheds may be placed as
181 permitted by .

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

184 a. All uses which are not permitted uses.

185 b. Vacation rentals.

186 c. Bed and breakfast facilities.

187 d. Medical marijuana treatment center dispensing facility.

188 (4) *Building height limitation.*

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

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

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

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

201 a. Depth: 100 feet.

- 202 b. Width at building line: 100 feet.
- 203 (7) *Front yards.* Front yards shall be not less than 25 feet in depth.
- 204 (8) *Side yards.* Side yards shall be not less than:
- 205 a. Interior lots: ten feet in depth on each side.
- 206 b. Where side yard of a corner lot abuts one of two intersecting
- 207 streets: 25 feet in depth on the side abutting the street and ten feet in depth on the other
- 208 side.
- 209 (9) *Rear yards.* Rear yards shall be not less than 25 feet in depth.
- 210 (10) *Living area.* The minimum living area of any dwelling shall be:
- 211 a. Single-family units: 1,350 square feet.
- 212 b. Duplexes: 1,000 square feet for each unit.
- 213 c. Apartments (except townhouse residential units): 800 square feet
- 214 for each unit. For new apartments the building permit for which is issued after April 1,
- 215 2024, the square footage shall be a minimum of 1,000 square feet.
- 216 d.——~~Condominiums: 1,000 square feet per unit.~~

217 **[DRAFTER’S NOTE:** Reference to condominium is deleted, because a condominium is

218 a form of ownership, not a use, and the zoning code is not intended to regulate forms of

219 ownership. See §718.507, Fla.Stat.; City of Miami Beach v. Arlen King Cole

220 Condominium Association, Inc., 302 So.2d 777 (Fla. 3d DCA 1974), *cert denied*, 308

221 So.2d 116 (Fla. 1975). Section 718.507, Florida Statutes, provides in relevant part that:

222 All laws, ordinances, and regulations concerning buildings or zoning shall

223 be construed and applied with reference to the nature and use of such

224 property, without regard to the form of ownership. No law, ordinance, or

225 regulation shall establish any requirement concerning the use, location,

226 placement, or construction of buildings or other improvements which are,

227 or may thereafter be, subjected to the condominium form of ownership,

228 unless such requirement shall be equally applicable to all buildings and

229 improvements of the same kind not then, or thereafter to be, subjected to

230 the condominium form of ownership. . . .]

- 233 (11) *Parking spaces.* Section 113-232 applies.
- 234 (12) *Ground covering.* In addition to meeting the following requirements, a
- 235 landscape plan shall be submitted to the town along with architectural plans:

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

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

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

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

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

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

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

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

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

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

259 a. Single-family dwellings.

260 b. Parish houses.

261 c. Essential municipal uses.

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

- 264 e. Gardening activities customarily incidental to single-family
265 dwellings.
- 266 f. Duplex family living units.
- 267 g. Multiple family living units, except townhouse residential units.
- 268 h. Satellite dish antenna in the manner specified in section 113-243.
- 269 i. The professional activities listed below, to the extent that they do
270 not involve the manufacture, preparation, or sale of an article or commodity on or from
271 within the premises except that uses accessory to the principal permitted uses shall be
272 allowed:
- 273 1. Accountants.
 - 274 2. Architects.
 - 275 3. Attorneys.
 - 276 4. Barber shops/beauty salons.
 - 277 5. Chiropractors.
 - 278 6. Dental labs.
 - 279 7. Dentists.
 - 280 8. Engineers.
 - 281 9. Existing church building.
 - 282 10. Insurance brokers.
 - 283 11. Optometrists.
 - 284 12. Osteopaths.
 - 285 13. Physicians.
 - 286 14. Real estate brokers.
 - 287 15. Consultants to the above.
 - 288 16. Professional activities similar and conforming to the
289 standards governing the above and not more detrimental, objectionable, or annoying to
290 the community.
- 291 j. Community residential home (level I or level II facilities) subject to
292 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 900
- 300 square feet and the average size of the townhouses in any grouping shall be 1,000
- 301 square feet.
- 302 3. No townhouse residential unit shall be less than 18 feet in
- 303 width and the average width of the townhouses in any grouping shall be 20 feet.
- 304 4. Grouping length. A grouping of townhouses shall not exceed
- 305 150 feet in length and shall not contain more than six units.
- 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.

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

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

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

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

330 a. All uses which are not permitted uses.

331 b. Vacation rentals.

332 c. Bed and breakfast facilities.

333 d. Medical marijuana treatment center dispensing facility.

334 (4) *Building height limitation:*

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

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

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

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

347 a. Depth: 100 feet.

348 b. Width at building line: 100 feet.

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

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

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

356 (9) *Rear yards.* Except as otherwise provided herein for townhouse
357 residential units, rear Rear yards shall be not less than 20 feet in depth.

358 (10) *Living and professional use areas.*

- 359 a. The minimum living area of any dwelling shall be:
360 1. Single-family dwellings: 1350 square feet.
361 2. Duplex dwellings: 800 square feet per unit.
362 3. Multifamily dwellings (except townhouse residential units)::
363 800 square feet per unit. For multifamily dwellings subject to a building permit issued
364 after April 1, 2024, the minimum living area shall be 1,000 square feet.
365 4. ~~Condominiums: 1,000 square feet per unit.~~

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

371
372 All laws, ordinances, and regulations concerning buildings or zoning shall
373 be construed and applied with reference to the nature and use of such
374 property, without regard to the form of ownership. No law, ordinance, or
375 regulation shall establish any requirement concerning the use, location,
376 placement, or construction of buildings or other improvements which are,
377 or may thereafter be, subjected to the condominium form of ownership,
378 unless such requirement shall be equally applicable to all buildings and
379 improvements of the same kind not then, or thereafter to be, subjected to
380 the condominium form of ownership. . . .]

- 381
382 b. The minimum area for any professional use shall be 1000 square
383 feet per unit.

384 (11) *Parking spaces.*

385 a. All off-street parking facilities shall meet the requirements of section
386 113-232.

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

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

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

392 (14) *Buffer wall.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

438 **Sec. 113-337. T Tourist Districts.**

439 Within T Tourist Districts, the following regulations shall apply:

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

- 442 a. Uses permitted in R-P Residential—Professional Districts.
- 443 b. Any multiple-living unit, hotels, motels. Hotels or motels must contain
- 444 not less than ten rental units.
- 445 c. Hotels and motels of not less than ten rental units are permitted to
- 446 have related service activities such as restaurants or shops, provided such uses are
- 447 situated on and are part of the hotel or motel building and that the sale of alcoholic
- 448 beverages shall conform to the provisions of this code. Total floor area devoted to shops
- 449 operated within a hotel or motel building shall be no greater than 1,000 square feet.
- 450 There shall be no more than three such establishments per hotel or motel.
- 451 d. Clubs.
- 452 e. Lodges.
- 453 f. Bed and breakfast facilities.
- 454 g. Vacation rentals.
- 455 h. Townhouse residential units, subject to the following restrictions.
- 456 1. Density shall be no greater than 20 units per acre.
- 457 2. Lot area for each unit. No townhouse residential unit site shall
- 458 be less than 2,000 square feet, and each unit shall have its foundation on its individual
- 459 site, except where the units are separated by a common party wall in which the foundation
- 460 may be installed equidistant on each side of the lot line for the length of the party wall and
- 461 its extension along the offset of the townhouses on abutting lots.
- 462 3. No townhouse residential unit shall be smaller than 900
- 463 square feet, and the average size of the townhouses in any grouping shall be 1,000
- 464 square feet.
- 465 4. No townhouse residential unit shall exceed three stories or 35
- 466 feet in height.
- 467 5. No townhouse residential unit shall be less than 18 feet in
- 468 width, and the average width of townhouses in any grouping shall be 20 feet.

469 6. Grouping length. A grouping of townhouses shall not exceed
470 150 feet in length and shall not contain more than six units.

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

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

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

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

482 (2) *Accessory buildings and uses.*

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

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

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

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

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

492 a. All uses which are not permitted uses.

493 b. Medical marijuana treatment center dispensing facility.

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

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

- 498 a. Depth: 90 feet.
- 499 b. Width: 100 feet.
- 500 (6) *Front yards.* Front yards shall be not less than 25 feet in depth.
- 501 (7) *Side yards.* Except as otherwise provided herein, side ~~Side~~ yards on
502 interior lots shall be not less than ten feet in depth on each side. Side yards on corner
503 lots shall be not less than 20 feet on the street side.
- 504 (8) *Rear yards.* Except as otherwise provided herein, rear ~~Rear~~ yards shall be
505 not less than 15 feet in depth.
- 506 (9) *Living area.* The minimum living area of any dwelling shall be:
- 507 a. Motels: 300 square feet per unit.
- 508 b. Apartments (construction commenced or building permit issued
509 prior to October 1, 2007): 500 square feet per unit.
- 510 c. Condominiums/apartments/vacation rentals (except townhouse
511 residential units): 1,000 square feet per unit.
- 512 d. Bed and breakfast facilities: 200 square feet per dwelling room or
513 suite, which may include a bathroom, with at least one common area for the use of
514 guests from all dwelling rooms or suites only.
- 515 (10) *Parking spaces.*
- 516 a. There shall be provided off-street parking for each living or rental
517 unit as designated in each of the following categories:
- 518 1. Hotels, motels: One space per unit.
- 519 2. Duplexes and apartment houses with rental units: 1½ spaces
520 per unit.
- 521 3. Separately and/or privately owned apartments, triplexes,
522 condominiums, vacation rentals, or co-op apartments: Two spaces per unit.
- 523 4. Restaurants and lounges will be required to meet an
524 additional parking requirement of one parking space for every five seats.
- 525 5. Bed and breakfast facility: one space per unit (dwelling
526 room).

527 b. All off-street parking areas shall meet the requirements of section
528 113-232(b).

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

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

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

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

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

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

542 (14) *Building height limitation.* The maximum height (see definition, section
543 113-4) of any building shall be 35 feet and the building shall not exceed three stories.

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

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

550 (17) *Breezeways.* A minimum 30 percent breezeway will be maintained on all
551 property in the tourist zone. The term "breezeway" means a clear, open vertical area
552 free of construction or buildings running from the ocean to Highway A1A. The 30 percent
553 calculation is measured on a line parallel to Highway A1A to include the percentage of
554 open distance (breezeway) from the building to the property lines perpendicular to
555 Highway A1A. This provision requires a 30 percent breezeway defined by rectangular

556 dimensions (running basically east to west) with a clear and open line of sight from
557 Highway A1A to the ocean. This requirement shall apply regardless of the configuration
558 of platted lots of record (or portions thereof) and regardless of the configuration of a
559 building site (or portion thereof) based on ownership of that site.

560 (18) *Grading and drainage.* Chapter 14, article V applies.
561

562 SECTION 6. Severability Clause/Interpretation.

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

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

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

577 SECTION 7. Effective Date. This Ordinance shall become effective upon
578 adoption of this Ordinance.

579 PASSED by the Town Council of the Town of Indialantic on first reading on the 10th day
580 of January, 2024, and ADOPTED by the Town Council of the Town of Indialantic,
581 Florida on final reading on the 14th day of February, 2024.

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TOWN OF INDIALANTIC, a
Florida Municipal Corporation

Mark McDermott
Mayor

ATTEST: _____
Mollie Carr, Town Clerk

ARTICLE V. SIGNS¹

Sec. 113-301. Signs.

- (a) *Generally.* This article shall be known as the "Indianalantic Sign Ordinance" and may be cited as "the sign code." Its intent is to make it possible to erect adequate, yet decorous, identifying signs. This article accomplishes that goal. This article is enforceable under section 1-9. Violators will receive written notification from the code enforcement officer, requesting compliance within a specified time. Noncompliance by that time will result in the issuance of a written notice of hearing before the code enforcement board which has the authority to levy substantial daily penalties.
- (b) *Purpose.* It is the intent of this article to promote and protect the public health, safety, general welfare and aesthetics of the town by regulating the existing and proposed posting, display, erection, use and maintenance of signs and advertising structures within the town. Signs placed on land or on a building for identification or advertising shall be deemed to be accessory and incidental to subject land, building or use.
- (1) It is hereby recognized that regulation of location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities, without difficulty and confusion, and to prevent wasteful use of natural resources in competition among businesses for attention. It is specifically intended to avoid excessive proliferation and clutter among such competing businesses.
- (2) It is further intended to prevent hazards to life and property and to assure the continued attractiveness of the community, to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, and to preserve the scenic natural beauty of the town.
- (3) It is further determined that signs which may lawfully be erected and maintained under the provisions of this article are consistent with customary usage. Signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage and are an unwarranted invasion of the rights of legitimate business interests and of the public.
- (c) *Definitions.* For the purposes of this article, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attached sign means a removable sign attached to the building to which it is related.

Awning means a roof-like cover, securely fastened on one side or end to a building, and the balance of which extends over or before a place (as over walkway or before a window) as a shelter and whose bottom edge is at least seven feet above the highest grade level beneath it.

Awning sign means a sign which is suspended from, attached to, applied to, or forms any part of any awning or canopy, and which does not extend beyond the limits of the awning either horizontally or vertically.

Banner means any advertising device, composed primarily of paper, fabric or other material, supported by wire, rope or similar means, including decorative streamers, with or without lettering thereon.

¹State law reference(s)—Sign regulations required, F.S. § 163.3202(2)(f).

Building means any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, accessory buildings, carports, animal kennels, and similar structures whether stationary or movable.

Business area means a defined area, consisting of at least 240 square feet, either on a plot of land or in a building such as a store or office, which is owned or rented by an occupant and used for other than residential purposes.

Canopy means a covering over a walkway extending from a building wall.

Changeable copy sign means a sign on which the message may be changed manually.

Construction sign means a sign, placed on the property of a construction project, listing names of the people or firms engaged in the project.

Convenience store means a retail establishment that stocks limited quantities of popular items such as milk, bread, etc., and usually is open for business earlier and later than other stores.

Detached sign means a sign which is attached to and supported by mountings other than the structure itself to which it is related.

Directional sign means:

- (1) A sign, consisting of three or less words, which may have an arrow, placed beside a roadway to point the direction to a place or building;
- (2) Off-premises sign of a temporary nature to direct the public to a special event or function.

Flashing light means illumination produced by any type of source which turns on and off, or appears to turn on and off, at a rate other than that rate used by street lights.

Illuminated sign. Types of illuminated signs include the following:

- (1) Externally illuminated means any sign which reflects light from a source that is intentionally directed upon the sign;
- (2) Internally illuminated means any sign designed to provide artificial light through translucent material from a light source within the sign concealed from exterior view.

Light source means any manmade product which produces illumination.

Marquee sign means an identification placard or board mounted on a permanent roof-like projection over the entry to a building.

Mobile or portable sign means any visual advertising, identification or informational device or placard which is readily movable.

Mural means a mural is a type of sign which consists of a painting or artistic work composed of pictures or arrangements of color. Murals are applied to and made integral with a wall or ceiling surface.

Nonconforming sign means a sign or sign structure which does not conform to the requirements of this article.

Occupant means one who is in possession of a premises under title, lease or other rental plan.

Painted wall sign means any sign painted directly on any exterior building wall or door surface.

Permanent window sign means any sign which is painted, applied or attached on the interior or exterior surface of windows or doors, or any sign which is three-dimensional in character and is affixed with screws, bolts, nails, etc., to the interior surface of the window or door.

Perpendicular means being at right angles to, and projecting outward from, the exterior wall of a building or structure.

Placard means a notice posted in a public place.

Political sign means a sign concerning candidacy for public office or urging action on any ballot issue in a forthcoming election.

Real estate sign means a temporary sign erected by the owner or agent advertising the real property upon which the sign is located for rent, for lease, for sale, or open house.

Rider sign means a small sign bearing a word or short phrase to be attached above or below a real estate sign.

Roof overhang or underhang signs mean signs which project from the roof line that abut or nearly abut a building, to identify the various businesses in the building.

Roof sign means a sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof above the eave line in any way.

Sign means every ground sign, mural, wall sign, flag, banner, pennant, balloon, temporary sign, marquee, awning sign, announcement, declaration, figure, writing, graphic or pictorial presentation, number, illustration, figure, insignia, symbol, picture, painted wall sign, drawing or three-dimensional figure, which is used to announce, display, direct attention to, or otherwise make anything known, when the same is placed out-of-doors in view of the general public or designed to be viewed from public rights-of-way, alleys, other public property, and/or the areas visible to the public.

Structure means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

Temporary sign means a sign whose uses are limited to political, real estate, construction, garage sales and directional purposes.

Transient sign means a sign made of paper, cardboard or particle board placed on the inside of windows and doors.

Window sign means any sign which is painted on, applied to, attached to, or projected upon or within the interior or exterior of a window area, including doors.

(d) *Building identification.* Letters or numbers, or both, placed on a building to designate the name of the building are permitted and are not to be considered an occupant's sign. Said name and numbers are not to exceed nine square feet.

(e) *Permits.*

(1) *Permit required.* Any person or firm intending to construct, erect, alter, change colors, install, replace, or relocate any sign on any building, structure, awning, lot or right-of-way within any zoning district shall first obtain a sign permit from the building official.

(2) *Permit waived.* Permits are not required for those temporary signs that are specifically authorized in section 113-304(1) through (5). Temporary signs are limited in the number that may be used and will be supervised by the town's code enforcement officer and the police department. They are: Construction signs, real estate signs, garage sale signs, directional signs, and political signs. However, no such signs shall be placed on any tree or utility pole.

(3) *Permit fees.* Application, initial inspection and square footage fees are required for all signs, with the exception of subsection (e) of this section. A fee schedule may be obtained at the town hall.

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- (4) *Penalty fee.* Double the usual fees may be assessed for signs that are or have been erected prior to receiving an official sign permit from the town.
 - (5) *Fees waived.* Sign permits or fees are not required for the replacement signs which are the exact duplicates of signs damaged during a town council declared "natural disaster." Application, inspection and square footage fees are not required in cases of minor alterations, such as changes in color, provided a permit is obtained from the building official prior to work commencing.

(Code 1993, § 17-106; Ord. No. 84-344, § 4, 3-20-1984; Ord. No. 84-349, § 1, 6-19-1984; Ord. No. 91-9, § 1, 1-15-1991; Ord. No. 97-6, § 4, 5-6-1997; Ord. No. 04-08, § 1, 4-20-2004; Ord. No. 10-10, § 1, 8-17-2010; Ord. No. 14-10, § 17, 7-15-2014; Ord. No. 14-10, § 2, 7-15-2014)

Sec. 113-302. Sign plan and construction standards.

- (a) *Plan required.* Applications for permits shall be accompanied by a dimensioned plan, sketch or scale drawing clearly showing the proposed sign with lettering superimposed thereon in correct proportion and type style and with notation of the type of materials and lettering. A dimensioned plan, sketch or scale drawing shall be furnished, clearly showing the proposed location of the sign, either on a plot plan for a detached sign, or on an elevation drawing of the building for an attached or painted sign. Locations and types of lighting shall be given.
- (b) *Construction standards.* All signs must be aesthetically pleasing, artistically created, and of professional quality. All signs must be designed, constructed and maintained in accordance with the state building code. All signs shall be able to withstand the force of 130 miles per hour wind. The top of all poles, on which signs are mounted, shall not be above the top horizontal edge of the sign unless the poles are part of the design of the sign.
- (c) *Lighting.* The source of light of illuminated signs or illumination in shop windows, display windows and displays, in or upon any land or ground, building or structure, shall be concealed from exterior view except as specifically permitted. Intensities of illumination shall not exceed those stipulated in the building code. All electric lights on all types of signs (wood, plastic, metal, etc.) shall be grounded in accordance with the National Electrical Code.
- (d) *Neon signs.* Nonflashing, nonmoving neon signs, not to exceed in area ten percent of each window's total area or three square feet in area, whichever is smaller, may be mounted on or near the inside surface of store windows. A nonflashing, nonmoving neon sign bearing the word "Open" may occupy all of the glass area of a transom over the doorway to the street.
- (e) *Warning signs.* Signs with words or symbols denoting "Danger" are permitted only on buildings, equipment, fences or other locations, provided that actual danger to life and limb could result from trespassing or ignorance of proper precautions.
- (f) *Content.* All signs, except for murals, shall be limited to identifying the occupant, the street number, and the street name; and the type of products or merchandise or services sold, handled, or conducted on the premises on which the sign is located. If desired, the sign may include a picture of, or a miniature of, or a full-size sample of, one of the wares available on the premises, provided that all of the information, including the ware is contained within the size limitations of the sign.
- (g) *Permit number.* Each sign shall include in an unobtrusive area its sign permit number, directly following or directly underneath the words "permit no." and such words and number shall be legible for inspection from ground level.

(Code 1993, § 17-106.1; Ord. No. 84-344, § 4, 3-20-1984; Ord. No. 11-17, § 2, 8-16-2011; Ord. No. 14-10, § 3, 7-15-2014)

Sec. 113-303. Prohibited signs.

The following types of signs are specifically prohibited:

- (1) *Obsolete signs.* Any sign, except for a mural, displayed which no longer identifies a bona fide business or service organization conducted upon the premises (or identifies a service no longer conducted on the premises) shall be removed, taken down, or completely obliterated within 30 days after written notice by the building official or the code enforcement officer.
- (2) *Other prohibited signs.* Other prohibited signs include the following:
 - a. Mobile, portable, billboard, flags (except as part of a sidewalk sale, grand opening, special event, or anniversary sale conducted pursuant to section 28-4 or chapter 113), or banner (except as specifically authorized by the town council or as part of a sidewalk sale, grand opening, special event, or anniversary sale conducted pursuant to section 28-4 or chapter 113). The official flags of the state and the United States of America, as well as all other flags of all other nations, are excluded from the definition of the term "prohibited signs";
 - b. Signs which will constitute a hazard or a potential menace to life or limb or which will endanger public safety in any manner. The building official may require the removal of any sign which is not properly maintained or which otherwise shows evidence of neglect or which, in his opinion, will become unsafe and constitute a hazard to life, limb or property or in any other manner endanger public health and safety. Should such sign not be removed after the expiration of a 24 hour written notification from the building official, properly receipted by the owner or tenant, regarding the inherent danger of said sign then town employees shall have the power to remove said sign and the code enforcement officer shall send to the owner of said sign a written notice of hearing before the code enforcement board;
 - c. Any sign that has any intentional motion or rotation of any part of the structure or of the sign, or the display of intermittent, rotating, flowing or flashing lights;
 - d. Real estate "Sold" signs;
 - e. Any sign using the word "Stop" or "Danger" (except as provided in section 113-302(e)) or implying the need of a requirement of stopping or the existence of danger, or which is a copy of or imitation of official traffic signs, unless such sign has been installed by an authorized governmental agency;
 - f. Any sign that would or does obstruct the view of the operator of a vehicle approaching corners or obstruct any direction of the operator's vision needed to safely pilot the vehicle;
 - g. A sign or any portion of a sign that overhangs or is installed in any street right-of-way except permitted temporary real estate and garage sale signs and related directional signs;
 - h. Any sign that is suspended across any public street, avenue, alley or other public road except those signs established by town, county, state, and federal governments;
 - i. A sign that is painted, printed, posted, nailed, placed or otherwise affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, bridge or structure within the right-of-way of any street, avenue, alley or other public thoroughfare within the town limits, except those signs established by town, county, state or federal governments;
 - j. A sign that is placed in such manner as to obstruct physical egress through any door, window or fire escape of any building;

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- k. Any sign that is animated, which has physical action or motion, or the appearance thereof including that which may be referred to as an electronically controlled changeable message sign.
- (3) *Disposition of removed signs.* Signs removed by town employees will be stored on town property for a period of 30 days. After that time all unclaimed signs will, at the option of the town manager, be destroyed.

(Code 1993, § 17-106.2; Ord. No. 84-344, § 4, 3-20-1984; Ord. No. 94-7, § 3, 1-18-1994; Ord. No. 09-09, § 1, 4-21-2009; Ord. No. 11-17, § 3, 8-16-2011; Ord. No. 14-10, § 4, 7-15-2014)

Sec. 113-304. Permitted temporary signs.

The following temporary signs are permitted:

- (1) *Real estate signs.* The following regulations govern the use and placement of temporary real estate signs. These are small signs advising that the property upon which they are placed is "For Sale," "For Rent," or "For Lease." They shall be removed within 48 hours after the property has been sold, rented or leased.
- a. The permitted wording on, and size of, real estate signs shall consist of only the following:
 - 1. The owner's or the realtor's name, address, telephone number, and the insignia of his organization;
 - 2. The words "For Sale," "For Rent," or "For Lease";
 - 3. If desired, not more than two "rider" signs, not more than six inches in height and 20 inches in length, each of which may bear words such as "Pool" or "By Appointment Only" or "Owner Financed", etc., may be attached to the 20 inch by 24 inch sign;
 - 4. The above signs shall not exceed 20 inches by 24 inches in overall dimension.
 - b. The sign shall not be located closer than 15 feet from any edge of the pavement of any street, except that signs in vacant lots shall be placed at least two feet inside the lot line.
 - c. There shall not be more than one sign showing the owner or principal broker, except that for corner properties there may be one such sign on each street.
 - d. In addition, one sign not exceeding overall dimensions of 20 inches by 24 inches, with the words "Open House" to indicate that a building is open for inspection, may be displayed at all times. In the case of corner properties there may be one such sign on each street.
 - e. The signs permitted may not be illuminated, flashing, rotating or moving types. No other flags, banners or other displays may be used. All signs shall be removed from the property within 48 hours from the time a contract has been executed between the seller and the buyer of the property for the sale of the property.
 - f. Any real estate sign that has been erected for more than 24 consecutive months or 30 total months within a three-year period shall be and is hereby deemed to be nontemporary, and shall require a permit to remain erected, with the applicant demonstrating good cause why same should not be removed.
- (2) *Construction signs.* One temporary construction sign may be displayed on a lot or plot on which construction work is in progress, in accordance with the following provisions:
- a. The sign shall be located inside the property lines;

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- b. In all districts, except residential zoning districts, the sign shall not exceed 32 square feet in area. In residential zoning districts, the sign shall not exceed 20 inches by 24 inches in overall dimension;
 - c. The sign shall display nothing more than: the names of the owner, financial institution, architect, contractor or builder and subcontractors; the use of the structure; the words "Now Leasing," "Now Selling," or "Now Available"; and telephone numbers. A picture or drawing may be included on the sign. No other wording, numbers or other information is permitted;
 - d. In the residential districts, those signs required by law, such as building permits, shall be posted without a permit;
 - e. The sign shall not be illuminated; and
 - f. The sign is to be removed within 48 hours after issuance of the final unconditional certificate of occupancy.
- (3) *Garage sale signs.* Temporary garage sale signs shall be allowed on property, provided:
- a. The sign shall not exceed 20 by 24 inches in overall dimension;
 - b. The sign shall not be located closer than 15 feet to any edge of any pavement of any street;
 - c. There shall not be more than one sign stating:
 - 1. The words "Garage Sale" and street address;
 - 2. Not more than three names of the days of the week on which the garage sale is to be conducted;
 - 3. The hours of the day during which the sale will be conducted;
 - d. The same information can appear on both sides of the sign;
 - e. No sign shall be illuminated, nor moving, nor have lights. No flags, banners, nor other displays shall be used;
 - f. All garage sale signs shall be removed from the property within 30 minutes after the closing hour of each day of the garage sale.
- (4) *Directional signs.* A maximum of two temporary directional signs shall be allowed on various rights-of-way, provided:
- a. The sign shall not exceed 12 inches in height by 18 inches in length;
 - b. The sign shall not be located closer than 15 feet to any edge of any pavement of any street, except that signs placed on vacant lots shall be placed at least two feet inside the lot line. The sign shall not exceed 36 inches in height above the ground;
 - c. The words on the sign shall be either "Garage Sale" or "Open House," with an arrow pointing horizontally either to the right or the left. The same words may appear on both sides of the sign. The direction of the arrow may be reversed on the opposite side of the sign;
 - d. The signs shall not be illuminated nor moving. No flags, banners, lights, nor other displays shall be used;
 - e. Directional signs shall be removed from each and every right-of-way within 30 minutes after the closing hour of each day of the garage sale or the open house.
- (5) *Political signs.*

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- a. *Temporary political signs on public property.* If the sign becomes a hazard to public health and safety, the police, the building official, the public works director, or the code enforcement officer hereby shall have the authority to remove the sign immediately.
1. Persons hand carrying political signs may stand on sidewalks or nonpaved portions of public rights-of-way or in parks but on no other public property.
 2. No political signs shall be placed in the sidewalk or paved portion of the right-of-way.
 3. On an area in front of or alongside of a lot, on a public right-of-way, or a combination thereof in the following land use classifications: R-1-A, R-1-B, R-2, R-3, R-P and T, there shall be not more than four non-illuminated political signs, each not more than four square feet in area. The top of the sign shall not exceed a height of 36 inches above the crest of the road. Temporary political signs may not otherwise be placed on public rights-of-way. Any such political sign may only be installed with the express consent of the owner or lessee of the abutting lot or principal structure or portion of said principal structure. Said owner or lessee shall be responsible for the placement and removal of such signs.
 4. For county, state and national elections, no political sign shall be erected or displayed earlier than 35 days before the date on which the qualifying period opens for the candidate whose name is advertised on the political sign. In the case of political signs advertising a referendum issue subject to such an election ballot, no such sign shall be erected or displayed earlier than 75 days before the referendum election at which the referendum issue advertised on said political sign shall be voted upon. For all town elections, no political sign shall be erected or displayed earlier than 45 days prior to the election in which the candidate or referendum issue will be voted on. Political signs which advertise issues or points of view not subject to a referendum election shall not be subject to this subsection (5)a.4.
 5. No political sign is to remain displayed to the public on said lot longer than 48 hours after the closing of the polls for the campaign for which the political sign was erected. The term "campaign," as used in this subsection, shall include all primaries, special elections, and general elections at which the candidate's name or referendum to be voted upon by electors shall appear on the ballot. Political signs which advertise issues or points of view not subject to a referendum election shall not be subject to this subsection (5)a.5.
 6. For all town elections candidates for any town office, or in the case of town referendum issues (including, but not limited to, charter or ordinance amendments), any individual or the chairperson of any political committee, seeking to place a referendum issue on the ballot, shall be requested to sign a form containing a statement that the candidate, individual, or political committee chairperson agrees to comply with the requirements of this section. The town clerk shall place said form in the qualifying packets of all town candidates. Failure to sign said form shall not invalidate or otherwise operate to deny any person the right to qualify for elective office or to have placed on the ballot a referendum issue.
- b. *Temporary political signs on private property.*
1. No political sign shall be placed or displayed on or within 50 feet from any polling place on the day of any election, unless permitted by the supervisor of elections or the clerk of the election precinct, or unless the sign is erected and displayed as permitted by F.S. § 102.031.
 2. On each lot a maximum of four non-illuminated political signs, each not more than four square feet in area, shall be permitted. Any such political sign may only be hand-carried or installed with the express consent of the owner or lessee of the lot or principal structure or

portion of said principal structure, all on said lot. Said owner or lessee shall be responsible for the placement and removal of such signs.

3. For county, state and national elections, no political sign shall be erected or displayed earlier than 35 days before the date on which the qualifying period opens for the candidate whose name is advertised on the political sign. In the case of political signs advertising a referendum issue subject to such an election ballot, no such sign shall be erected or displayed earlier than 75 days before the referendum election at which the referendum issue advertised on said political sign shall be voted upon. For all town elections, no political sign shall be erected or displayed earlier than 45 days prior to the election in which the candidate or referendum issue will be voted on. Political signs which advertise issues or points of view not subject to a referendum election shall not be subject to this subsection (5)b.3.
 4. No political sign is to remain displayed to the public on said lot longer than 48 hours after the closing of the polls for the campaign for which the political sign was erected. The term "campaign," as used in this subsection, shall include all primaries, special elections, and general elections at which the candidate's name or referendum to be voted upon by electors shall appear on the ballot. Political signs which advertise issues or points of view not subject to a referendum election shall not be subject to this subsection (5)b.4.
 5. For all town elections candidates for any town office, or in the case of town referendum issues (including, but not limited to, charter or ordinance amendments), any individual or the chairperson of any political committee, seeking to place a referendum issue on the ballot, shall be requested to sign a form containing a statement that the candidate, individual, or political committee chairperson agrees to comply with the requirements of this section. The town clerk shall place said form in the qualifying packets of all town candidates. Failure to sign said form shall not invalidate or otherwise operate to deny any person the right to qualify for elective office or to have placed on the ballot a referendum issue.
- (6) *Sidewalk sales, special events, and anniversary sales.* As part of and during any sidewalk sale, special event, or anniversary sale, a merchant (for a duration not exceeding seven consecutive days as permitted) may display:
- a. One banner or one flag not exceeding a size of three feet by five feet. Display of any banner or flag, any part of which exceeds 14 feet in height above ground level, shall be prohibited;
 - b. Strings of pennants may be displayed, provided that:
 1. The display of pennants is conducted such that no part of any pennant is displayed at a height exceeding 14 feet above ground level; and
 2. No pennant has any wording or symbol upon it; and
 - c. Signage, the wording of which is not legible from any paved roadway.
- (7) *Removal of signs.* Failure to remove temporary signs within the allotted period may result in a summons to the code enforcement board, which has the power to assess substantial daily penalties.
- (8) *Special event.*
- a. Signs, banners, and flags (without wording or symbols) may be temporarily erected in recognition of special events (e.g., town birthdays) as determined by the town council. A non-fee permit must be obtained from the town manager who will be responsible for authorizing the location of such temporary signs, banners, and flags. The signs, banners, or flags cannot extend over a curb

or sidewalk in the street and their placement will not be erected for more than two weeks prior to the event and will be removed within 48 hours of the conclusion of the event.

- b. Signs, banners and flags (without wording or symbols) may be temporarily erected at a special event during the special event as authorized by section 8-7, subject to the sole discretion of the town manager or his designee.

(Code 1993, § 17-106.3; Ord. No. 84-344, § 4, 3-20-1984; Ord. No. 84-349, § 2, 6-19-1984; Ord. No. 86-24, § 1, 11-18-1986; Ord. No. 91-9, § 2, 1-15-1991; Ord. No. 94-7, § 4, 1-18-1994; Ord. No. 95-2, § 1, 11-30-1994; Ord. No. 00-12, § 1, 10-17-2000; Ord. No. 04-02, §§ 1, 2, 2-17-2004; Ord. No. 04-12, § 1, 9-14-2004; Ord. No. 06-09, § 2, 6-20-2006; Ord. No. 09-09, § 2, 4-21-2009; Ord. No. 11-02, §§ 1, 2, 12-16-2010; Ord. No. 12-06, § 1, 3-5-2012; Ord. No. 14-01, § 1, 11-17-2013)

Sec. 113-305. Signs authorized in the various zoning districts.

Only those types of signs that are listed below are permitted in the following zoning districts:

- (1) *R-1-A Single-Family Residence Districts.* Only the following temporary signs: real estate (see section 113-304(1)), construction (see section 113-304(2)), garage sale (see section 113-304(3)), directional (see section 113-304(4)) and political (see section 113-304(5)).
 - a. Building numbering is required in accordance with section 28-10;
 - b. Any sign that is affixed to a fence must be comprised of plastic or metal and must be placed in such a manner that it faces a street adjacent to the property upon which the fence has been installed unless otherwise permitted by law.
- (2) *R-1-B Single-Family Residence Districts.* Only the temporary signs permitted for R-1-A.
 - a. Building numbering is required in accordance with section 28-10;
 - b. Any sign that is affixed to a fence must be comprised of plastic or metal and must be placed in such a manner that it faces a street adjacent to the property upon which the fence has been installed unless otherwise permitted by law.
- (3) *R-2 Duplex Residence Districts.* Only the temporary signs permitted for R-1-A. Building numbering is required in accordance with section 28-10.
- (4) *R-3 Multifamily Districts.*
 - a. The temporary signs permitted for R-1-A;
 - b. One attached, mural, or painted sign; (See definition of the term "attached signs."); the area enveloped by the sign shall not exceed 24 square feet and must comply with all of the other requirements of signs authorized in C and C-I districts;
 - c. One detached sign. The same regulations apply as for attached signs. The sign must be erected inside the lot lines;
 - d. Building numbering is required in accordance with section 28-10.
- (5) *RP Residential—Professional Districts.*
 - a. *Residential use.* Temporary signs as permitted for district R-1-A, except that garage sales are permitted only for the remaining residences in these districts. Building numbering is required in accordance with section 28-10;
 - b. *Professional use.*

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1. Only the following temporary signs are permitted: Real estate (see section 113-304(1)), construction (see section 113-304(2)), directional (see section 113-304(4)), and political (see section 113-304(5));
 2. Grand opening signs are permitted only once for each occupant or change of ownership of the property, or only once after each extensive remodeling of the premises, which must cost at least 15 percent of the assessed valuation of the building. Grand opening signs shall not exceed 18 inches by 48 inches in size and shall not be displayed for more than seven days;
 3. One attached sign identifying professional offices is permitted; provided, that the attached sign does not exceed 12 square feet in area and does not protrude more than one foot beyond the exterior wall of the building. The attached sign may be a mural. Only one such sign is permitted for each business or service, except for offices occupying a corner lot where one such identical sign is permitted on each street side. Where parking is provided in the area, an identical sign is permitted on the rear of the building;
 4. The height of all attached signs shall not exceed the eave line of the building or structure;
 5. A grand opening banner may be permitted for a duration not exceeding seven consecutive days as permitted provided that the banner does not exceed a size of three feet by five feet. Display of any banner, any part of which exceeds 14 feet in height above ground level shall be prohibited. Grand opening banners are permitted only once for each occupant or change of ownership of the property, or only once after each extensive remodeling of the premises which must cost at least 15 percent of the assessed valuation of the building;
 6. Building numbering is required in accordance with section 28-10.

(6) *C, C-1, and C-2 Commercial Districts.*

- a. *Temporary signs.* The following temporary signs are allowed: Real estate (see section 113-304(1)), construction (see section 113-304(2)), political signs on private property (see section 113-304(5)(b)), sidewalk sale (see section 113-304(6)), grand opening sign (see section 113-305(6)(b)), grand opening banner (see section 113-305(6)(g)), grand opening sign (see section 113-305(6)(i)). The following temporary signs are not allowed: garage sale (see section 113-304(3)), political signs on public property (see section 113-304(5)(a)), and directional (see section 113-304(5)(b)).
- b. *Attached and painted (on the building surface) signs.* The following conditions regulate signs attached or painted upon any front, rear or side surface of the occupant's building, which include, but is not limited to, mural signage, provided the signs comply with all other requirements of this section:
 1. Only one wall of the building may have an attached sign, except in the case of buildings with rear entrances and buildings on corner lots. The signs on this wall shall be subject to the following restrictions:
 - (i) There shall not be more than one sign per occupant;
 - (ii) No sign shall exceed 32 square feet in area;
 - (iii) The area of the sign, or combined area of the sign, shall not exceed ten percent of the surface area of the wall. Calculation of the surface area shall include doors and windows.
 2. In the case of rear entrances, each such entrance may have one sign not to exceed 12 square feet in area over or beside the rear entrance.

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3. In the case of buildings located on corner lots, a sign not to exceed 32 square feet is permitted on the wall which is closest to the side street, unless the property owner requests a different but parallel wall that faces the side street (only one wall facing the particular side street may have signs).
 4. The zoning and planning board has the authority, upon application, to permit an attached sign on any one face (and on the side street face of corner lot buildings) to encompass an area up to five percent of the total exposed face of the building. This provision is applicable to large buildings whereon such sized signs will be proportional to those permitted for smaller buildings. The board will evaluate such proposed sign in relation to the size of the building, its general appearance, and its architectural similarity to neighboring buildings.
 5. The sign may be constructed of multiple parts and its content shall be limited to permanent letters, numerals, insignia, and a picture of, or a miniature of, or a full-size sample of one of the wares available on the premises, provided that all of the information, including the ware is contained within the size limitations of the sign. No portion of an attached sign shall protrude more than one foot beyond the wall on which the sign is attached.
 6. The height of attached signs shall not exceed the eave line of the building.
- c. *Permanent door and window signs.* (See definition, section 13-301(c).) Permanent signs may be attached to or painted upon doors and windows provided that:
1. No more than 25 percent of the total door and window area shall be covered, but in no event shall the coverage exceed 58 square feet;
 2. All window areas between three feet and four feet above the crown of the building's street shall be free from any type of sign or any other obstruction;
 3. All areas in glass doors, or in windows in other types of doors, shall be kept free of any type of sign or any other obstruction which prevents clear sight for ingress and egress, except signs warning of hazards to health and safety;
 4. The construction of the permanent sign shall be limited to long-lasting letters, numbers and insignia. An interior message composed of replaceable letters and numerals may be changed without obtaining a sign permit.
- d. *Detached signs.* (See definition, section 13-301(c).) Exactly the same information may appear on both sides of any sign. The following provisions shall apply:
1. Each building may have one 32 square foot sign which may be shared by all business areas within the building;
 2. Or, where the signs can be placed at least 20 feet apart, each business area may have a separate detached sign not to exceed nine square feet in area;
 3. Or, if there are more than four business areas located in one building, the building may have two detached signs, each having a maximum of 24 square feet, provided the signs are at least 50 feet apart;
 4. A detached sign may not be placed within 20 feet of any other detached sign;
 5. Where the building is accessible from the rear and does not abut a residential district, a second detached sign, not to exceed 32 square feet, permanently anchored in the ground, is permitted in the rear for each business. For property abutting a residential district a second detached sign, not to exceed nine square feet, permanently anchored in the ground, is permitted in the rear for each business. However, if several businesses are

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- served by one common driveway, each such sign shall be permanently affixed to the same common mounting permanently anchored in the ground;
6. Detached signs may be illuminated in accordance with section 113-302(c);
 7. The height of detached signs shall not exceed the top of the roof or 14 feet above the ground level at the front of the building, whichever is the lesser;
 8. There shall be at least seven feet clearance below the bottom of the sign, unless the top of the sign is not higher than six feet above the ground level at the front of the building;
 9. The top of all poles, on which signs are mounted, shall not be above the top horizontal edges of the sign unless the poles are part of the design of the sign.
- e. *Transient signs.* A sign made of paper, cardboard, or particle board placed on the inside of windows and doors.
1. Transient signs may be affixed to the inside of doors and windows or otherwise displayed from inside structures, provided that:
 - (i) No more than 25 percent or 58 square feet less the square footage for any permitted permanent door and window signs, whichever is the lesser, of the total door and window area is covered;
 - (ii) No portion of any transient sign shall exceed 14 feet in height above ground level;
 - (iii) All window areas, between three feet and four feet above the crown of the building's street level, shall be free from any type of sign or any other obstruction;
 - (iv) All areas in glass doors, or in windows in other types of doors, shall be kept free of any type of sign or any other obstruction which prevents clear sight for ingress and egress, except signs warning of hazards to health and safety;
 - (v) The message on a sign containing movable letters and numerals may be changed without obtaining a sign permit;
 - (vi) No transient sign shall be erected, placed, or otherwise displayed on any property, lot, or parcel of land, without a sign permit obtained from the town. Sign permits may be obtained at no cost from the town manager or said manager's designee at any time during regular business hours of the town hall. All permit applicants must include in their application the name, address, and telephone number of both the property owner and lessee, if any, and the permit applicant. The application must be executed by the applicant who must have written approval from the property owner or lessee to obtain sign permits from the town. The application shall include the text, symbols, pictures, wording and the like to be placed on the sign;
 - (vii) Sign permits shall be issued for a period of not more than 30 consecutive calendar days but permits are renewable.
 2. Transient signs pertaining to civic affairs such as town birthdays, parades, Police Explorer's car wash, Halloween party, etc., after obtaining a gratuitous permit from the town manager, may be temporarily erected for not more than two weeks prior to the affair, provided the signs are placed at least 15 feet away from any edge of any street, except that the signs may be located between the curb and the sidewalk on Fifth Avenue and Miramar Avenue provided that no part of the sign extends over the curb.

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- f. *Banner.* A banner may be permitted for a duration not exceeding 75 consecutive days as permitted provided that the banner does not exceed a size of three feet by five feet. Display of any banner, any part of which exceeds fourteen 14 feet in height above ground level shall be prohibited.
 - 1. Strings of pennants may be displayed, provided that the display of pennants is conducted such that no part of any pennant is displayed at a height exceeding 14 feet above ground level and no pennant has any wording or symbols on it. Such strings of pennants may not be displayed for more than 30 consecutive days.
 - 2. Only one banner (which is suggested for a business opening soon, celebrating a grand opening, celebrating an anniversary, or experiencing a major remodeling) may be permitted in a calendar year unless ownership changes.
 - g. *Banner.* A sidewalk sale, special event, and anniversary sale opportunity may result in a permit being issued for a banner for a duration not exceeding seven consecutive days as permitted (see section 113-304(6)).
 - h. *Opening soon and/or grand opening sign.* Opening soon and/or grand opening signs are permitted only once for each occupant or change of ownership of the property. Grand opening signs are allowed after each extensive remodeling of the premises, which must cost at least 15 percent of the assessed valuation of the building. Opening soon and/or grand opening signs shall not be more than 18 inches by 48 inches in size and shall not be displayed more than a combined 75 days. Opening soon signs are permitted only during a period of time prior to the property being allowed to open for business.
- (7) *S-C Shopping Center Districts.* All provisions of the C and C-1 districts apply except as modified below:
- a. Attached signs, excluding murals, may be mounted on the roof;
 - b. The height of attached signs shall not exceed the height of the roof at the ridge-pole;
 - c. Each business area may have an attached sign not to exceed, in area, 32 square feet or ten percent of the total exposed building face's square feet, whichever is greater;
 - d. Detached signs are not permitted, except one detached sign is permitted for each shopping center. The actual sign area shall not exceed ten feet in height and 15 feet in width. The supporting structure shall not exceed 20 feet in height and 20 feet in width. The total height of the entire structure and sign shall not exceed 30 feet in height;
 - e. Where the business unit is available from the rear, a second sign not to exceed nine square feet in area may be attached to the rear of the building unit;
 - f. In the case of buildings located on corner lots, a sign not to exceed 32 square feet is permitted on the wall which is closest to the side street, unless the property owner requests a different but parallel wall that faces the side street, and a wall that is perpendicular to the side street instead.
- (8) *T-Tourist Districts.* All sign provisions for the C and C-1 districts apply, except that:
- a. Garage sale and directional signs are permitted only for residences;
 - b. The attached sign and detached sign may contain, in addition to other allowed material, not more than five of the words or pseudo-phrases which follow: "No Vacancy," "Vacancy," "Housekeeping Units," "Kitchenettes," "Ocean View," "Pets Welcome," "No Pets," or such other words as are specifically authorized upon application to the zoning and planning board;
 - c. Signs permitted on property used for single-family residences and duplexes are the same as permitted in the R-1-B district;

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- d. Signs permitted on property used for multifamily residences are the same as permitted in the R-3 district;
 - e. Signs permitted for nonresidential property are the same as permitted in the C and C-1 districts, except that not more than one detached sign is permitted;
 - f. Lighting of signs for a bed and breakfast facility shall only be external to the sign.
- (9) *CH-Church Districts.*
- a. Bulletin boards, attached signs (including, but not limited to, murals), and similar signs of churches shall be permitted (instead of commercial detached signs) and shall not exceed 32 square feet in area, shall not exceed eight feet in height, shall be located within the property lines, and shall not exceed one sign facing each street;
 - b. The bulletin boards may contain changeable letters and numerals, both of which may be changed without obtaining a sign permit.
- (10) *Private parking lots signs.*
- a. Detached, attached or paint-on structure, signs in black and white or uniform in color to the building exterior to regulate parking lots are permitted as follows:
 - 1. One detached directional sign per entry, and one per exit, to and from a parking lot, is permitted. The content of these signs shall be limited to one or two of the following words: "Enter," "Entrance," "In," "Exit," "Egress," "Out," "Only," and may bear a directional arrow. Each sign shall have a maximum area of two square feet, the top of the sign and its support shall not be more than three feet above the ground, and it shall be located not less than three feet from the edge of the pavement of any street, except, where a paved sidewalk exists, it shall be located on the property side of the sidewalk, not closer than one foot to the sidewalk;
 - 2. Markings on the surface of the paved parking areas shall be limited to arrows and traffic-flow-directional words, such as "Drive-up Window," "Drive-up Lane," "Drive-up Tellers";
 - 3. In addition, one parking space identification sign lettered only on concrete car stops or curbs is permitted per parking space, not to exceed three inches in height and 18 inches in length;
 - 4. In addition, one parking lot identification sign per street from which there is an entrance to said lot is permitted. The content of this sign shall be limited to any or all of the following words: "Private Parking for Customer Of _____," plus only the name or identifying symbol and the address of the business, institution, professional association, or service corporation. The maximum size of each such sign shall not exceed four and 4½ square feet. If the nine square foot "Tow Away" sign described in subsection (10)a.5 of this section is used, the above information must be included on the tow away sign in lieu of a separate sign;
 - 5. Any property owner desiring to use vehicle tow away signs must do so in accordance with F.S. § 715.07, as amended from time to time. Signs shall not exceed nine square feet;
 - 6. Signs for disabled persons' parking spaces as provided in F.S. ch. 316;
 - 7. For establishments selling beer, wine or other alcoholic beverages, as defined in chapter 4, not exceeding two parking lot signs meeting the requirements of section 4-8(c).

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- b. Sign permits must be obtained from the town prior to painting, construction and erection of the above signs, with the exception of subsection (3) of this section; but the provisions of subsection (3) of this section, must be fully complied with.

- (11) *Beautification recognition signs.* Signs representing an award for beautification of grounds or buildings presented by the town, after obtaining a gratuitous permit from the town manager, may be temporarily erected for not more than 30 days, provided the signs are placed at least 15 feet away from the edge of any street pavement. These signs may be placed in any zoning district.

(Code 1993, § 17-106.4; Ord. No. 84-344, § 4, 3-20-1984; Ord. No. 84-349, § 3, 6-19-1984; Ord. No. 86-11, § 3, 4-15-1986; Ord. No. 90-8, § 1, 2-20-1990; Ord. No. 95-1, § 2, 11-30-1994; Ord. No. 97-1, § 3, 12-3-1996; Ord. No. 97-7, 5-6-1997; Ord. No. 02-07, § 1, 4-16-2002; Ord. No. 03-06, § 1, 4-15-2003; Ord. No. 04-01, § 1, 12-16-2003; Ord. No. 05-02, § 1, 12-16-2004; Ord. No. 05-11, § 1, 6-21-2005; Ord. No. 06-01, § 1, 12-14-2005; Ord. No. 07-01, § 1, 11-21-2006; Ord. No. 09-9, §§ 3—5, 4-21-2009; Ord. No. 11-17, § 4, 8-16-2011; Ord. No. 13-15, § 1, 10-15-2013; Ord. No. 14-10, § 5, 7-15-2014; Ord. No. 15-06, § 1, 9-9-2015; Ord. No. 16-02, § 1, 11-12-2015; Ord. No. 16-15, § 2, 10-12-2016; Ord. No. 17-13, § 2, 8-9-2017)

Sec. 113-306. Nonconforming signs.

A nonconforming sign or sign structure existing within the town limits on or after the effective date of the ordinance from which this article is derived shall be subject to removal. Removal of such signs, signs that were or are erected without a permit, "grandfathered" nonconforming signs, abandoned signs, damaged signs or other nonconforming signs, shall be achieved as follows:

- (1) *At the time of owner or occupant change.* All nonconforming signs in existence, at the time a property is sold or rented as a new and separate business area, shall be made to conform or shall be replaced after 30 days notice by the code enforcement officer;
- (2) *All others.* All other owners of nonconforming signs shall be granted a reasonable period, as set forth below, in which to amortize the cost of such signs. In return for such amortization period, all nonconforming signs must be maintained in good condition by their owners. At the conclusion of the time periods herein set forth, all such nonconforming signs shall be removed in accordance with subsection (7) of this section:
 - a. Nonconforming signs consisting of materials that have a monetary value of less than \$500.00 shall be removed within five years from March 20, 1984 (the effective date of Ordinance No. 84-344, from which this article is derived). The monetary value shall be determined by the building official, whole opinion may be appealed to the board of adjustment;
 - b. Nonconforming signs consisting of materials that have a monetary value of at least \$500.00 but less than \$1,000.00 shall be removed within ten years from March 20, 1984 (the effective date of Ordinance No. 84-344, from which this article is derived). The monetary value shall be determined by the building official, whose opinion may be appealed to the board of adjustment;
 - c. Nonconforming signs consisting of materials that have a monetary value of at least \$1,000.00 shall be removed within 15 years from March 20, 1984 (the effective date of Ordinance No. 84-344, from which this article is derived);
 - d. The zoning and planning board may extend the period of use of a nonconforming sign for up to an additional five years beyond the initial period, when, in its judgment, the useful life of the sign has not been completely amortized. In no event, however, shall any nonconforming sign remain in existence for more than 20 years from March 20, 1984 (the effective date of Ordinance No. 84-344, from which this article is derived);

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- (3) *Fee waived.* At the time a nonconforming sign is replaced, a permit for a conforming sign shall be issued with no fee attached;
 - (4) *Abandoned signs.* A landowner shall not permit any sign which has been erected upon his land to be abandoned upon such land. Thirty days after the cessation of business at such location, it shall be presumed that an on-premises sign has been abandoned. On-premises signs whose words, numbers or other symbols are completely obliterated by paint or other neutralizing agent are not deemed abandoned by this section;
 - (5) *Occupancy change.* Any change in the type of occupancy of property on which any nonconforming sign is located, shall cause the removal of all nonconforming signs within 30 days;
 - (6) *Mixture of conforming with nonconforming signs prohibited.* No conforming sign or sign structure shall be erected on the same premises with an existing nonconforming sign until the nonconforming sign has been removed or made conforming. However, in residential-professional, commercial, shopping center or tourist districts, the fact that one particular business or activity has a nonconforming sign or sign structure will not prohibit another business or activity on the same premises from erecting a conforming sign or sign structure;
 - (7) *Removal of nonconforming signs.* Nonconforming or abandoned signs erected in the town shall be removed in accordance with the procedures established by the code enforcement board.

(Code 1993, § 17-106.5; Ord. No. 84-344, § 4, 3-20-1984)

Secs. 113-307—113-330. Reserved.