



Town Council Meeting

June 24, 2024 at 6:00 PM

Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/88375074478?pwd=5aCsaK2BjjDCa9Dz8p82KmAWxxS6IA.1>
Meeting ID: 883 7507 4478 | **Passcode:** 233254

AGENDA

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag
Invocation by Councilor Reneé Lannamañ
Reading of a Poem by Mr. Jim Steele

ROLL CALL

Acknowledgement of Quorum

AGENDA APPROVAL/REVIEW

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the Month DD, YYYY Town Council Meeting.

PUBLIC HEARING

2. Consideration and Recommendation: **440 Avila PL Variance Application**
3. Consideration and Approval: (adoption hearing) **Ordinance 2023-013 - Comprehensive Plan Amendment - Future Land Use Element**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE ELEMENT (FLUE) OF THE TOWN'S ADOPTED COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184 OF FLORIDA STATUTES; DESCRIBING THE ANALYSIS AND REEVALUATION UNDERTAKEN BY TOWN COUNCIL REGARDING RESIDENTIAL DENSITIES AND LOT SIZES IN POST-2010 RESIDENTIAL DEVELOPMENT IN THE TOWN; AMENDING CERTAIN FLUE POLICIES AND TABLES (i) TO MODIFY THE REQUIREMENTS IN THE "VILLAGE TOWN CENTER" AND "MEDIUM DENSITY RESIDENTIAL" LAND-USE DESIGNATIONS REGARDING DWELLING UNITS PER ACRE, LOT SIZES, MAXIMUM BUILDING HEIGHTS, OPEN-SPACE REQUIREMENTS, AND PARKS AND RECREATION

REQUIREMENTS AND (ii) TO ADD A LAND-USE DESIGNATION FOR HIGH-DENSITY RESIDENTIAL DEVELOPMENT; AMENDING OTHER RELATED REQUIREMENTS FOR THOSE LAND-USE DESIGNATIONS; PROVIDING CONFORMING CHANGES; AMENDING POLICY 1.2.6 OF THE FUTURE LAND USE ELEMENT TO LIMIT THE AREAS WHERE THE TOWN MAY ALLOW RESIDENTIAL DEVELOPMENT ON LOTS SMALLER THAN ONE-FOURTH ACRE (10,890 SQ. FT.); PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Mayor MacFarlane will read the Ordinance title.
- Town Planner will explain Ordinance 2023-013.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2023-013.
- Council Discussion.
- Roll Call Vote.

4. Consideration and Approval: (First Reading) Ordinance 2024-007 Esch Parcel Comprehensive Plan Amendment

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 4.45-ACRE PARCEL LOCATED ON THE WEST SIDE OF STATE ROAD 19, SOUTH OF REVELS ROAD, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM ITS CURRENT DESIGNATION OF "VILLAGE MIXED USE" TO THE DESIGNATION OF "NEIGHBORHOOD COMMERCIAL"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- Mayor MacFarlane will read the Ordinance title
- Town Planner will explain Ordinance 2024-007
- Mayor MacFarlane will allow the applicant to make their presentation.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2024-007
- Town Council Discussion
- Roll Call Vote

OLD BUSINESS

NEW BUSINESS

5. Consideration and Approval: (First Reading) Ordinance 2024-008 - Esch Parcel Rezoning to Neighborhood Commercial

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 4.45-ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF STATE ROAD 19 AND SOUTH OF REVELS ROAD AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 02-21-25-0002-000-00500 AND ALTERNATE KEY NUMBER 1704171; AMENDING THE TOWN'S ZONING MAP TO ZONE THE PROPERTY FROM "VILLAGE MIXED USE PLANNED USE DEVELOPMENT" TO "NEIGHBORHOOD COMMERCIAL"; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

- Mayor MacFarlane will read the Ordinance title
- Town Planner will explain Ordinance 2024-008
- Mayor MacFarlane will allow the applicant to make their presentation.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2024-008
- Town Council Discussion
- Roll Call Vote

6. Discussion: **Introduction of Lake County Fire Rescue - Chief Vitta**
7. Consideration and Approval: **Selection of Dates for FY24-25 Budget Workshops**
8. Discussion: **Central Lake CDD Agreement**

DEPARTMENT REPORTS

9. Town Manager

COUNCIL MEMBER REPORTS

10. Mayor Pro Tem Gallelli
11. Councilor Lehning
12. Councilor Miles
13. Councilor Lannamañ
14. Mayor MacFarlane

PUBLIC COMMENTS

Any person wishing to address the Mayor and Town Council and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker.

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STS) and Enhanced Speech to Speech.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: **Town Council Meeting**

Time: **Jun 24, 2024 06:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/88375074478?pwd=5aCsaK2BjjDCa9Dz8p82KmAWxxS6IA.1>

Meeting ID: 883 7507 4478

Passcode: 233254

Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 883 7507 4478

Passcode: 233254

Find your local number: <https://us06web.zoom.us/j/88375074478>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk
FROM: Tomas Harowski, AICP, Planning Consultant
SUBJECT: 440 Avila Place Workshop Variance
DATE: June 14, 2024

The property owner at 440 Avila Place has applied for a variance to permit a workshop to be constructed in the side yard. The workshop was installed without a permit, and the variance request is a follow-up action to a code enforcement notice of violation. The applicant is seeking approval to place the workshop in the side yard within a fenced area and to paint the workshop to match the color of the house. Staff prepared a report for the Planning Board, and the case was reviewed by the Planning Board at their May 23, 2024 regular meeting.

The Planning Board recommended the Town Council grant the variance with the workshop painted to match the house color and workshop placement as shown on the drawing submitted with the application.



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: 440 Avila Place Variance Request
DATE: May 1, 2024

The property owner at 440 Avila Place has requested variances from Section 5.01.10 Workshops to allow placement of a workshop on the applicant's property in the street side yard. The proposed workshop is already in place, and the requested variances would allow the workshop to remain. Section 5.01.10 reads as follows:

5.01.10 Workshops

A workshop is an accessory structure used for actively pursuing a craft or hobby such as pottery, woodcraft, etc. A workshop shall be served by electricity and shall conform to the standards for storage sheds (5.01.09) and to the standards for all accessory structures (5.01.03).

Sections 5.01.09 and 5.01.03 are attached as part of this report. As noted the workshop locational requirements are the same as required for sheds and for all accessory structures. The applicant is seeking relief from Section 5.01.09 C which requires workshops to be placed in rear yards at least five feet from the rear property line, and from Section 5.01.03 B and 5.01.09 D which require workshops in excess of 144 square feet to have the same finish as the house and be painted a neutral color matching the primary color of the house.

The applicant has submitted a survey showing the proposed location for the workshop and submitted a statement as to the conditions that support the variance request. The survey shows the house with a pool and pool deck to the rear of the house. The pool and pool deck use all of the area available to the rear of the house thus forcing any accessory structure to be placed in a side yard. The side yard to the left of the house is too small for the planned workshop, thus leaving the street side yard as the available location. The survey shows a 6-foot high fence set 10-feet off of the property line to enclose the street side yard area where the proposed workshop is to be located. As noted above the fence is already in place with the workshop placed behind the fence. The workshop roof is visible above the fence.

The proposed workshop is a kit design that has a barn-style roof. The applicant reports the workshop size is 12 feet by 24 feet for a total of 288 square feet. The data supplied by the applicant states the sehd height is 11 feet at the center peak of the roof and a little over six feet in height at the eave area. The applicant stated the building would be served by electric power and contain a work bench meeting the definition for a workshop. The roof of the workshop is visible above the fence.

The proposed placement as shown on the survey does not fully match the description in the application. The application states the building would be located five feet from the rear property line and three feet from the side property line. The assumption is that the three foot spacing would be from the fence rather than the side property line. The drawing on the survey shows different dimensions with the measurement to the rear propety line being 4'8" and 2'5" from the fence. The building would be located 11'9" off of the pool deck according to the note on the survey drawing. The survey shows 33'7" from the edge of the house to the property line suggesting the proposed dimensions will not work. Adding the distance from the property line to the fence (10'0"), the distance from the fence to the workshop (2'5"), the width of the workshop (12'0") and the proposed distance from the pool deck (11'9") gives a distance of 36'2". The workshop, if approved, will likely need to be placed closer to the edge of the pool deck. It is also important to keep sufficient distance between the proposed workshop and the fence to allow the area between the two to be properly maintained. Access to the side yard was not available during the site visit to confrim the dimensions as they currently exist.

The house is painted stucco as are most of the homes in the Talichet subdivision. The applicant claims that the workshop building design will not support a stucco coating and is asking for approval to paint the building to match the primary house color.

Summary of the Request

To properly frame the issue being presented to the Planning Board for consideration, **the applicant is asking for approval to place the proposed workshop in the street side yard and to paint the building to match the house primary color rather than match both color and material.** There is more than sufficient area to allow the proposed structure to meet the five-foot rear setback for accessory structures, so a lesser setback should not be considered. The actual impacts physically and visually can be assessed since the structure is in place, presumably without a permit.

In the written application, the applicant stated that the workshop is medically necessary to support therapudic hobby activity, and the structure would not support the additional weight required for the addition of a stucco finish. The choice of the property owner to add a pool behind the house forces the workshop into the street side yard where it is proposed. The proposed fence should shield much of the proposed structure from public view, although the roof projects about five feet above the top of the fence.

In order to recommend the variance, the Board must find that criteria A, B and C are met. If the applicant plces the building at least five feet from the rear property line and sufficiently far from the proposed fence to allow adequate room for maintenance,

criteria D and E can be met. In this case the applicant chose to construct a pool behind the house using all of the area that would allow for the placement of a workshop fully in compliance with the code. The Board can determine if the choice to prioritize a pool over a workshop obviates the opportunity for a variance or whether the applicant is entitled to both activities thus supporting the variance.

Criteria for Granting a Variance

Section 4.13.04 of the land development code lists the criteria for granting a variance. These criteria are listed below.

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district,
- B. That the special conditions and circumstances do not result from the actions of the applicant,
- C. That literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant,
- D. That the variance created is the minimum variance that will make possible the reasonable use of the land, building or structure, and
- E. That the granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- F. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this LDC. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this LDC.

5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. There shall be no more than two (2) accessory buildings (shed, workshop, etc.) on a residential lot, not including a detached garage. Detached garages shall not exceed 625 square feet on the first floor. Detached garages and workshops that exceed 144 square feet shall have the same building finishes as the primary structure, including exterior materials (i.e., stucco, siding, brick) and color.
- C. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- D. Accessory structures shall be included, if applicable, in all calculations of impervious surface and stormwater runoff requirements. (Some structures such

as fences and playground equipment would not constitute an impervious surface.)

- E. With the exception of signs and fencing, accessory structures shall not be located in any required buffer or landscape area.
- F. All accessory buildings shall comply with the setback requirements as outlined in the zoning district regulations. Gazebos and similar accessory structures of 300 square feet or less may not be placed closer than ten (10) feet to the rear and side lot lines, and are not permitted in the front yard.

5.01.09 Storage Sheds

- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not be permitted beyond the plane of the side of the principal structure on a street side yard.
- C. Storage sheds shall be placed in rear yards at least five (5) feet from rear property lines and shall not extend beyond the plane of the sides of the principal structure.
- D. Storage sheds that exceed 144 square feet shall be painted a neutral color matching the base color of the dwelling. Where the principal structure is constructed of a natural material such as brick or stone, sheds exceeding 144 square feet shall be painted a neutral color matching primary structure or complementary to the color of the principal structure. Sheds which are site built shall use the same materials and colors as the principal structure whenever possible. Sheds over 144 square feet shall comply with the setback requirements for accessory structures as set forth in Section 5.01.03F.
- E. Storage cabinets measuring less than 30-inches in depth and 36-inches in width and less than 72-inches in height may be placed on a property without permit provided the storage cabinet is placed adjacent to the rear of the principal structure, detached garage, or storage shed. Storage cabinets shall not count towards the two permitted accessory structures.
- F. The Planning Board may approve the placement of shed in another location on the subject property based upon a finding that a location complying with Subsections B and C above is not practical due to specific site conditions such as steep slopes, tree preservation, site access limitations or other conditions that the Planning Board finds relevant. In no case shall the Planning Board approve a shed location in any front yard. This section is not intended to prohibit a property owner from seeking variance to the code using the procedures set forth in Chapter 4.



VARIANCE APPLICATION

Howey-in-the-Hills

PLEASE PRINT LEGIBLY

Property Owner (if there are multiple owners, please provide all the information on the attached ownership list): Nardy Graves

Property Owner's Contact Information (If multiple owners, please provide mailing address, daytime phone, and fax and/or email for each owner):

First Owner:

Mailing Address: 440 Avila Place Howey In The Hills, FL 34737
Daytime Phone: 305-407-4670
Fax and/or Email: EricnRoxyGraves@gmail.com

Second Owner:

Mailing Address: _____
Daytime Phone: _____
Fax and/or Email: _____

If more than two owners, please attach additional information.

Applicant (If different from owner): _____

Mailing Address: _____
Daytime Phone: _____
Fax and/or Email: _____

If the Applicant does not own the property, or is not the sole owner, please complete the Authorized Agent Affidavit form, attached.

If the Applicant is Not the Owner of the Property, is the Applicant:

- _____ A Tenant
- _____ An Authorized Agent for the Owner
- _____ Other (please explain): _____

Property's Physical Address: 440 Avila Place Howey In The Hills, FL 34737
The attached Verified Legal Description Form must also be completed as part of the application.

A survey of the property, showing all current improvements on the site, to scale, is required as part of the application submittal. The survey can be no larger than 11" X 17" in size.

An additional copy of the survey or a site plan drawn to scale should be included as part of the application which specifically shows any improvements that are being requested as part of the variance. Again, this site plan can be no larger than 11" X 17" in size.

4/10/24 ST CK
2109567880
2109567881
PAID

The applicant should provide any additional information that may be helpful to the Town in rendering a decision on the requested variance.

The workshop is for a therapeutic wood working hobby that has been active in my life for years to combat PTSD. The workshop is professionally constructed and engineered and is aesthetically pleasing. Neighbors are OK with it.

Additional information may be necessary. The applicant is required to provide a daytime telephone number where he/she can be reached.

The applicant is required to provide the names and mailing addresses of all property owners within 300 feet of the subject property, in the form of mailing labels. Three (3) sets of labels are required. These names and addresses may be obtained from the Lake County Property Appraiser's Office.

The Town will also provide a sign which must be posted on the subject property, visible from the adjacent right-of-way or road access. The sign must be posted at least one week prior to the Planning and Zoning Board meeting where this application will be on the agenda and the sign must remain posted until the Town Council public hearing.

A \$400 application fee is due and payable at the time this application is submitted to the Town. In addition to this application fee, a \$1,000 review deposit is required. By signing this application, the applicant acknowledges that the \$400 application fee covers advertising costs, mailings, and the time spent on the application by the Town Clerk. The applicant also acknowledges by his/her signature below that he/she understands he or she will be responsible for any additional costs that the Town incurs as a result of having Town consultants review the application. Once those additional costs are paid by the applicant, the Town will return the balance of the \$1,000 review deposit to the applicant. By signing this application, the applicant also acknowledges that he/she understands that variances expire if not acted upon within the timeframes outlined in the Town's Land Development Regulations.

Witnesses:

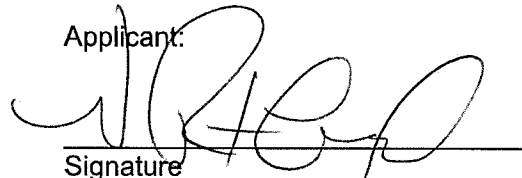
Signature

Print Name

Signature

Print Name

Applicant:



Signature

Nardy R. Graves

Print Name

Property Information: Tax Parcel ID: ⁰³⁹⁰⁰ 26-20-25-0010-000 Alt Key #: 3922832

Please identify below the current land uses located on the site and all adjacent properties. For example, land uses would be identified as single family home, office, grocery store, etc.

Subject Site: Single Family Home

Adjacent property to the North: Single Family Home

Adjacent property to the South: Street

Adjacent property to the East: Single Family Home

Adjacent property to the West: Street (Avila Place)

Does the property currently have:

- Town Water: YES NO
- Central Sewer: YES NO
- Potable Water Well: YES NO
- Septic Tank: YES NO

How long has the current owner owned the property? 01/28/2022 - 04/2024

Please attach property tax records or other documentation to verify how long the current owner has owned the property.

What specific Code requirement is the applicant seeking a variance from?

Section 5.01.10 Land code, Finishes must match the House. The Prefab workshop has siding the house has stucco. I would like to only paint to match.

What, in the applicant's point of view, are the specific special conditions or circumstances that exist on the property?

The workshop must be placed on the side of the house because of the ~~Pool~~ swimming pool. 5' rear setback and 3' side setback.

What, in the applicant's point of view, is the unnecessary and undue hardship that exists to provide justification for the variance?

The structure of the shed is prefabricated and is not designed for additional load of stucco application which could be a life safety issue. The setbacks were amended after I applied to the HOA & TOWN. They are now 10' but these are not appropriate setbacks considering lot size in the community. Would like to maintain current setbacks of the 5' off rear lot line 3' off side lot line. Will have power and work bench.



Ownership List

(must be completed by all owners)

Owner's Name: Nardy Graves
Ownership Interest: _____
Mailing Address: 440 Avila Place
Howey In The Hills, FL 34737
Legal Description: TALICHET AT VENEZIA NORTH PG 73 PG 78-81 LOT 39 ORB
5892 PG 1814

[Signature]
Signature

04/10/2024
Date

The foregoing instrument was acknowledged before me on April 10th, 2024 by Nardy Graves who is personally known to me or has presented Florida Driver License as identification and who did or did not take an oath.



CARLOS BERRUT-SANTANA
Notary Public
State of Florida
Comm# HH412372
Expires 6/19/2027

[Signature]
Notary Public

Seal

Owner's Name: _____
Ownership Interest: _____
Mailing Address: _____
Legal Description: _____

[Signature]
Signature

04/10/2024
Date

The foregoing instrument was acknowledged before me on _____ by _____ who is personally known to me or has presented _____ as identification and who did or did not take an oath.

Notary Public

Seal

MULTIPLE COPIES OF THIS FORM MAY BE MADE AND ATTACHED AS NECESSARY.



Authorized Agent Affidavit

STATE OF FLORIDA
COUNTY OF LAKE

Before me, the undersigned authority, this day personally appeared Nardy Graves hereinafter "Owner", and Nardy Graves hereinafter "Applicant", who, being by me first duly sworn, upon oath, depose and says:

1. The Applicant is the duly authorized representative of the Owner, on the real property as described and listed on the pages attached to this affidavit and made a part of hereof.
2. That all Owners have given their full and complete permission for the Applicant to act in their behalf as set out in the accompanying application.
3. That the attached ownership list is made a part of the Affidavit and contains the legal description(s) for the real property, and the names and mailing addresses of all Owners having an interest in said land.

FURTHER Affiant(s) sayeth not.

Sworn to and subscribed before me this 10th day of April, 2024

Carlos
Notary Public
State of Florida at Large
My Commission Expires: 06/19/2027

[Signature]
Owner



CARLOS SERRUT-SANTAMARIA
Notary Public
State of Florida
Comm# HH412372
Expires 6/19/2027

Sworn to and subscribed before me this ___ day of _____, 20__

Notary Public
State of Florida at Large
My Commission Expires: _____

Owner

Sworn to and subscribed before me this ___ day of _____, 20__

Notary Public
State of Florida at Large
My Commission Expires: _____

Owner

Sworn to and subscribed before me this ___ day of _____, 20__

Notary Public
State of Florida at Large
My Commission Expires: _____

Owner

Please hand deliver completed application and fee to:

Town Clerk
Town of Howey in the Hills
101 N. Palm Avenue
Howey in the Hills, FL 34737

Please make application fee and review deposit checks payable to the Town of Howey in the Hills.

The Town Clerk may be reached at 352-324-2290 or by visiting Town Hall during normal business hours.

FOR TOWN CLERK OFFICE USE ONLY

Date Received: _____

_____ 3 sets of labels attached?
_____ current survey attached?
_____ site plan attached showing proposed improvements?
_____ verified legal description form attached?
_____ authorized agent affidavit attached?
_____ ownership list attached?

APPLICATION NO. _____

Reviewed and Accepted By: _____

Provided to Town Planner on: _____

Planning & Zoning Board meeting date: _____

Town Council meeting date: _____

Robert Brown

512 Avila PL

Howey in the Hills FL. 34737

Richard Monaghan

516 Avila PL

Howey in the Hills FL. 34737

David Peckins

444 Avila PL.

Howey in the Hills FL. 34737

TOWN OF HOWEY-IN-THE-HILLS
CASH RECEIPT

Printed 13:39:18 - 04/10/24

Batch:14624
Transaction:19

Reference Number: VARIANCE DEPOSIT
Name: NARDY GRAVES
Address: 440 AVILA PLACE [HOWEY FL]

Item(s) Description:	
VARIANCE FEES	1000.00
Check # 2109567801	1000.00
Cash Paid	
Credit Paid	
Less Change Given	()
TOTAL:	1000.00

TOWN OF HOWEY-IN-THE-HILLS
CASH RECEIPT

Printed 13:36:31 - 04/10/24

Batch:14624
Transaction:18

Reference Number: VARIANCE FEE
Name: NARDY GRAVES
Address: 440 AVILA PLACE [HOWEY FL]

Item(s) Description:	
VARIANCE FEES	400.00
Check # 2109567880	400.00
Cash Paid	
Credit Paid	
Less Change Given	()
TOTAL:	400.00

Halsey Beshears, Secretary

Ron DeSantis, Governor

January 27, 2023

Todd Gunter

Leonard Aluminum Utility Buildings, LLC
630 W. Independence Blvd, Suite 3
Mount Airy, NC 27030

RE: Manufacturer Certification, ID MFT-14344; Expiration Date: January 27, 2026

Dear Todd Gunter

It is my pleasure to inform you that Leonard Aluminum Utility Buildings, LLC, located at 249 Douglas Street, Valdosta, GA 31601, has been approved under the Manufactured Buildings Program, as provided for under Chapter 553, Part I, Florida Statutes, to manufacture Storage Sheds for installation in Florida.

Construction or modification on a manufactured building cannot begin until the Third Party Agency has approved the plans in accordance with the current Florida Building Code. Your Third Party Agency is a contractor for the Department and has statutory authority and responsibilities that must be met to maintain approved status. You may expect and demand quality plans review and inspections.

Each Code change will make your plans obsolete until they have been reviewed, approved and indicated [on the cover page of the plans] for compliance with the Code by your Third Party Agency for plans review. Please ensure that your plans are in compliance and are properly posted on our website. All site-related installation issues are subject to the local authority having jurisdiction.

The Department's contractor will make unannounced monitoring visits at least once each year. You must grant complete access to your manufacturing facility and records to remain in compliance with the rules and regulations of this program.

Your certification is approved for three years from this date. You will receive a renewal notice by Email generated by the BCIS (www.floridabuilding.org) for online renewal. If you have questions you may contact Robert Lorenzo at 850-717-1835 or our FAX at 850-414-8436.

Please visit our website at www.floridabuilding.org to see valuable information on the Florida Manufactured Buildings Program. A copy of this letter must accompany applications for local building permits.

Sincerely,



Robert Lorenzo
Manufactured Buildings Program

cc: Top Line Engineering, LLC

January 18, 2024

Mr. Thomas Campbell
Florida Department of Business and Professional Regulation
2601 Blair Stone Road, Building C
Tallahassee, Florida 32399-6563

**RE: Plan Approval
Leonard-Cook VALDOSTA
Plan # LOFTED BARN-23**

Dear Mr. Campbell,

Pursuant to the requirements of the Department of Business & Professional Regulation, the above referenced documents have been reviewed for compliance with:

**2023 Florida Building Code, 8th Edition
2020 National Electrical Code (NFPA-70)**

All mandatory comments have been satisfied and plans are approved for construction by a currently approved modular building manufacturer.

These documents were reviewed for only what is to be constructed in the factory. Any work performed at the site, such as the foundation, is under the authority and jurisdiction of the local Building Official.

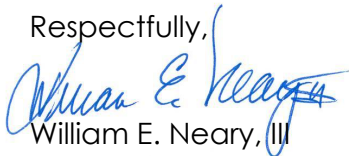
Third Party Agency approval in no way alleviates the builder/manufacturer from complying with all the applicable codes, which may or may not be identified in this review. Approval also does not preclude the local building official from requiring work be performed that was not previously reviewed, approved, and constructed under the State of Florida's Manufactured (Modular) Building Program to make the building, code compliant, for the intended use.

A signed and sealed set of plans are maintained on file with Top Line Engineering, LLC.

If you require my assistance in any way, please do not hesitate to contact me.

Thank you.

Respectfully,



William E. Neary, III
Plans Examiner
SMI-79, SMP-51, ICC 5185040, LSUCCC U02478
Business Partner
Top Line Engineering, LLC
BILL.TLE@yahoo.com

PLEASE NOTE:

Any questions regarding local permitting should be directed to the Manufacturer. The Manufacturer's contact information can be found in the title block of the plans.

LEONARD BUILDINGS

DBA COOK PORTABLE WAREHOUSES

100 DOUGLAS ST., VALDOSTA, GA 31601

132 CENTRAL INDUSTRIAL ROW, PURVIS, MS 39475

1398 HWY 95 NORTH, BASTROP, TX 78602

NOT APPROVED FOR HVHZ

LOFTED BARN SHED STATE OF FLORIDA

Design Criteria	
BUILDING CODE	2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22
ELECTRICAL CODE	2020 NEC, NFPA70
BUILDING TYPE	RESIDENTIAL LAWN STORAGE SHED
MANUFACTURER	LEONARD BUILDINGS
AGENCY	TOP LINE ENGINEERING
AGENCY PLAN NUMBER	LOFTED BARN 2023 FBC
CONSTRUCTION TYPE	V-B
FIRE PROTECTION	B
FIRE SUPPRESSION SYSTEM	NO
OCCUPANCY	U - UTILITY
NUMBER OF OCCUPANTS	0
ALLOWABLE # OF STORIES	1
WIND INFORMATION	160 MPH ULTIMATE, $V_{ASD} = 124$ MPH, EXPOSURE C, CATEGORY I; ENCLOSED; +/- 0.18 INTERNAL PRESSURE COEFFICIENT; 15' HEIGHT
FLOOR LIVE LOAD	40.0 PSF
FLOOR DEAD LOAD	4.0 PSF
ROOF LIVE LOAD	20.0 PSF
ROOF DEAD LOAD	7.0 PSF
WALL DEAD LOAD	3.0 PSF
UNINHABITED LOFT LIVE LOAD	10.0 PSF
GROUND SNOW LOAD	0.0 PSF
FIRE RATING OF EXTERIOR WALLS	0
"R" RATING OF FLOOR, WALL, AND ROOF	R-0, R-0, R-0
MODULES PER BUILDING	1
SQUARE FOOTAGE	LESS THAN 719 SQ. FT.
EXEMPT FROM ENERGY CONSERVATION CODE?	YES
APPROVED FOR HURRICANE PROTECTION USAGE?	NO
DESIGNED FOR HURRICANE PUBLIC SHELTER?	NO

SITE INSTALLED ITEMS:
NOTE THAT THIS LIST DOES NOT NECESSARILY LIMIT THE ITEMS OF WORK AND MATERIALS THAT MAY BE REQUIRED FOR A COMPLETE INSTALLATION. ALL SITE RELATED ITEMS ARE SUBJECT TO LOCAL JURISDICTION APPROVAL.

1. THE COMPLETE FOUNDATION SUPPORTING AND TIE-DOWN SYSTEM.
2. RAMPS, STAIRS, AND GENERAL ACCESS TO THE BUILDING IF NECESSARY.
3. GUTTERS AND DOWN SPOUTS ON ALL BUILDINGS WITH EAVES OF LESS THAN 6 INCHES HORIZONTAL PROJECTION EXCEPT FOR GABLE END RAKES.

OCCUPANCY NOTE:
THIS BUILDING IS NOT DESIGNED FOR HUMAN HABITATION AND DOES NOT HAVE RUNNING WATER OR SANITATION SERVICES. THIS BUILDING IS DESIGNED AS A UTILITY SHED TO STORE LAWN EQUIPMENT SUCH AS WHEEL BARROWS, GARDENING SUPPLIES, FLOWER POTS, AND CARDBOARD BOXES WITH VARIOUS SMALL ITEMS.

NOTE:
FLOOD VENTS TO BE INSTALLED ON SITE BY OTHERS.

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Please note: Any questions regarding local permitting should be directed to the Manufacturer. The Manufacturer's contact information can be found in the title block of the plans.

2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

TLE TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS
William E. Neary, III
SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

Kent M. Bice PE - This item has been electronically signed and sealed by Kent M. Bice using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



01/18/24

1552 6TH ST., WINTER HAVEN, FL 33880
(863)865-6502

COVER SHEET

DATE: 12/08/20 DRAWN BY: RD
SCALE: AS NOTED CHECKED BY: KMB

SHEET:
S-1
SHEET 1 OF 20

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.


GENERAL NOTES:

1. THIS STRUCTURE WAS DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22, (2023 FBC).
2. ALL MATERIALS AND LABOR SHALL BE IN ACCORDANCE WITH THE ABOVE CODE AND ALL OTHER APPLICABLE LOCAL CODES AT THE TIME OF MANUFACTURE.
3. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
4. THE FOUNDATION PLAN IS A SEPARATE SET OF PLANS FOR APPROVAL BY LOCAL MUNICIPALITIES.
5. EXTERIOR DIMENSIONS CAN VARY BETWEEN LIMITS SHOWN AT 2' O.C. BUT MEMBER SPACING SHALL NOT EXCEED LIMITS AS INDICATED.
6. ALL THE FOLLOWING LUMBER SHALL BE PRESSURE TREATED IN ACCORDANCE WITH AWPAC USE CATEGORY UC4B (GROUND CONTACT, HEAVY DUTY)-SKIDS.
7. ALL THE FOLLOWING LUMBER SHALL BE PRESSURE TREATED IN ACCORDANCE WITH AWPAC USE CATEGORY UC3B (EXTERIOR ABOVE GROUND, UNCOATED OR POOR WATER RUNOFF)-FLOOR JOISTS, PLYWOOD FLOOR DECKING, AND EXTERIOR RATED WOOD STRUCTURAL PANEL SIDING.
8. ALL FASTENERS AND CONNECTORS IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE HOT DIPPED GALVANIZED (G185) OR STAINLESS STEEL.
9. ALL WINDOWS WITHIN 24" OF DOORS, AND ALL GLASS IN DOORS SHALL BE SAFETY, TEMPERED, OR ACRYLIC PLASTIC SHEET.
10. FOR ROOFS WITH ASPHALT SHINGLES AND A SLOPE BETWEEN 2 TO 12 AND 4 TO 12 SHALL HAVE A DOUBLE UNDERLAYMENT APPLICATION AS REQUIRED IN ACCORDANCE WITH SECTION 1507.2.2 OF THE 2023 FBC OR PER SHINGLE MANUFACTURER INSTRUCTIONS.
11. UNDERLAYMENT SHALL CONFORM WITH SECTION 1507.2.3 OF THE 2023 FBC OR PER SHINGLE MANUFACTURER INSTRUCTIONS.
12. ASPHALT SHINGLES SHALL CONFORM WITH SECTION 1507.2.5 OF THE 2023 FBC ATTACHMENT OF ASPHALT SHINGLES SHALL CONFORM WITH 1507.2.7 OF THE 2023 FBC.
13. FASTENERS FOR ASPHALT SHINGLES SHALL CONFORM TO SECTION 1507.2.6 OF THE 2023 FBC.
14. TIE-DOWNS SHALL MEET THE REQUIREMENTS OF ALL APPLICABLE CODES.
15. THESE PLANS HAVE NOT BEEN DESIGNED FOR HVHZ REQUIREMENTS AS SET FORTH IN THE 2023 FBC OR FOR USE AS A COMMERCIAL BUILDING.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY AND PLACEMENT OF LAWN STORAGE UNIT TO ENSURE THE INTEGRITY OF THE BUILDING AND ITS COMPONENT PARTS.
18. NO FIELD REVISIONS TO ANY STRUCTURAL COMPONENTS OR DEVIATIONS FROM THESE DRAWINGS SHALL BE MADE.
19. THE OWNER AND THE CONTRACTOR SHALL HOLD HARMLESS THE ENGINEER FROM AND AGAINST ALL LIABILITY CLAIMS, DAMAGES, LOSSES AND EXPENSES INCLUDING LEGAL FEES ARISING OUT OF OR RESULTING FROM ERRORS OR OMISSIONS IN THE PERFORMANCE OF THE WORK BY THE CONTRACTOR.
20. SECTIONS AND DETAILS ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL APPLY AT ALL SIMILAR LOCATIONS, UNLESS OTHER SECTIONS AND DETAILS ARE SPECIFICALLY REFERENCED.
21. REFER TO SUPPLIED FASTENING SCHEDULE FOR FASTENING BASED ON CONNECTION AND LOCATION OF MEMBERS AS PER 2023 FBC TABLE 2304.10.1 UNLESS NOTED OTHERWISE.
22. BUILDINGS HAVE BEEN DESIGNED FOR LP SMARTSIDE PRECISION PANEL SIDING, LP SMARTSIDE PRECISION LAP SIDING SHALL NOT BE USED.
23. FASTENERS IN LP SMARTSIDE PRECISION PANEL SIDING MUST NOT BE INSTALLED IN PANEL SIDING GROOVES IN THE FIELD OF THE PANEL SIDING OR WHEN THE PANEL SIDING GROOVES OCCUR AT CUT EDGES OF THE PANEL SIDING.
24. REFER TO THE ICC-ES EVALUATION REPORT ESR-1301 FOR ADDITIONAL DATA AND SPECIFICATIONS OF LP SMARTSIDE PRECISION PANEL SIDING.
25. MAX OPENINGS WIDTHS MUST COMPLY WITH DESIGN RATIOS AS PER ANSI/AF&PA SDPWS-2015. BUILDINGS HAVE BEEN DESIGNED TO HAVE ONLY OPENINGS WITH MAX WIDTHS EQUAL TO THOSE IN THE ENDWALL SHEAR WALL CHART.
26. PER SECTION 1609.1.2 OF THE 2023 FBC, STORAGE SHEDS THAT ARE NOT DESIGNED FOR HUMAN HABITATION AND THAT HAVE A FLOOR AREA OF 720 SQUARE FEET OR LESS ARE NOT REQUIRED TO COMPLY WITH THE MANDATORY WIND-BORNE-DEBRIS-IMPACT STANDARDS OF THE 2023 FBC.
27. BUILDINGS HAVE BEEN DESIGNED TO HAVE ANCHORS DIRECTLY ATTACHED TO ALL FOUR CORNERS OF THE BUILDING TO RESIST TENSION FORCES FROM LATERAL WIND LOADS. THIS DESIGN CONSIDERATION MUST BE MADE BY INSTALLER WHEN ATTACHING ANCHORING SYSTEM TO BUILDING.
28. UNLESS NOTED OTHERWISE, ATTACH ALL MANUFACTURED PRODUCTS IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.
29. 2X4 SP #2 PRESSURE TREATED LUMBER SHALL BE SUBSTITUTED FOR 2X4 SPF #2 LUMBER IN WALLS FOR USE IN FLOOD PLAINS.
30. PER APA PRODUCT REPORT PR-N124, LP SMARTSIDE PRECISION SERIES TREATED-ENGINEERED-WOOD PANEL SIDING IS PERMITTED ON WALLS FOR USE IN FLOOD PLAINS.
31. 19/32" LP PROSTRUCT FLOORING WITH SMARTFINISH IS PERMITTED IN LIEU OF 5/8" APA RATED STRUCTURAL SHEATHING ON FLOOR. INSTALL PER MANUFACTURER INSTRUCTIONS.
32. BUILDINGS ARE APPROVED FOR RESIDENTIAL LAWN STORAGE ONLY.
33. IN ACCORDANCE WITH FLORIDA STATUTE 553.80 (1) D F.S., LAWN STORAGE BUILDINGS AND STORAGE SHEDS BEARING THE INSIGNIA OF APPROVAL OF THE DEPARTMENT ARE NOT SUBJECT TO S. 553.842. (FLORIDA PRODUCT APPROVALS) BUT SHALL MEET THE DESIGN WIND LOAD REQUIREMENTS OF THE 2023 FBC, 8TH EDITION. COMPONENTS AND CLADDING PRODUCTS USED TO CONSTRUCT THE SHED ARE SUBJECT TO SECTION 553.8425, F.S., AND SECTIONS 1703.5-1703.5.4, OF THE FLORIDA BUILDING CODE.
34. IN ACCORDANCE WITH FBC 1609.1.2 (3), AND FBC SECTION 1626.1 EXCEPTION (F): STORAGE SHEDS THAT ARE NOT DESIGNED FOR HUMAN HABITATION AND THAT HAVE A FLOOR AREA OF LESS THAN 720 SQUARE FEET OR LESS ARE NOT REQUIRED TO COMPLY WITH THE MANDATORY WINDBORNE DEBRIS IMPACT STANDARDS OF THIS CODE.
35. IN ACCORDANCE WITH FBC 1010.1.1, EXCEPTION (10.) BUILDINGS THAT ARE 400 SQUARE FEET OR LESS AND THAT ARE INTENDED FOR USE IN CONJUNCTION WITH ONE-AND TWO-FAMILY RESIDENCES ARE NOT SUBJECT TO THE DOOR HEIGHT AND WIDTH REQUIREMENTS OF THIS CODE.
36. THIS BUILDING IS EXEMPT FROM THE FECC PER SECTIONS R101.4.2.4, R402.1. EXCEPTION 1.2
37. IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE CODE RULE 61-41.009, PHOTOCOPIES OF APPROVED PLANS SHALL BE SUFFICIENT FOR LOCAL PERMIT APPLICATION DOCUMENTS OF RECORD FOR THE MODULAR BUILDING PORTION OF THE PERMITTED PROJECT.
38. IN ACCORDANCE WITH FBC 107.3, EXCEPTION (1), BUILDING PLANS APPROVED PURSUANT TO SECTION 553.77(5), FLORIDA STATUTES, AND STATE-APPROVED MANUFACTURED BUILDINGS ARE EXEMPT FROM LOCAL CODES ENFORCING AGENCY PLAN REVIEWS EXCEPT FOR PROVISIONS OF THE CODE RELATING TO ERECTION, ASSEMBLY, OR CONSTRUCTION AT THE SITE. ERECTION, ASSEMBLY, AND CONSTRUCTION AT THE SITE ARE SUBJECT TO LOCAL PERMITTING AND INSPECTIONS.
39. ALL WINDOWS AND DOORS SHALL MEET THE MINIMUM SPECIFICATIONS PER THE APPROVED PLANS AND THE 2023 FBC, 8TH EDITION.
40. COMPONENTS/CLADDING SHALL BE IN COMPLIANCE WITH THE 2023 FBC 8TH EDITION.
41. METAL FLAT STRAPS ARE TO BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS. FLAT METAL STRAPS CAN BE BENT AROUND STRUCTURAL MEMBERS, WALL STUDS, TRUSSES, CHORDS, ETC. TO HELP SECURE THESE MEMBERS, PROVIDED THAT THE ADDED BEND DOES NOT INTERFERE WITH ANY OF THE EXISTING BREAKS/BENDS IN THE STRAP PER THE MANUFACTURER'S SPECIFICATIONS.
42. HVHZ COMPONENTS UTILIZED FOR SHEDS REQUIRE THAT INSTALLATION SHALL BE PER MANUFACTURER'S INSTRUCTIONS.
43. FOUNDATION PLANS ARE NOT PART OF THIS PLAN SET AND ARE GOVERNED BY LOCAL JURISDICTION.
44. REFER TO TIE DOWN DETAILS FOR PROPER INSTALLATION REQUIREMENTS TO MEET CODE.
45. GUTTERS SHALL BE SITE INSTALLED AND SHALL BE APPROVED BY THE AUTHORITY HAVING JURISDICTION AND SHALL COMPLY WITH LOCAL REQUIREMENTS FOR PERMITTING.
46. SHEDS LOCATED IN FLOOD HAZARD AREAS MUST COMPLY WITH THE LOCAL FLOOD ZONE REGULATIONS.
47. IF A WALL IS FRAMED FOR FUTURE HVAC UNITS, UNIT INSTALLATION SHALL BE APPROVED BY THE AUTHORITY HAVING JURISDICTION AND SHALL COMPLY WITH LOCAL REQUIREMENTS FOR PERMITTING.
48. WINDOWS AND DOORS INSTALLED BY THE CUSTOMER SHALL BE APPROVED BY THE AUTHORITY HAVING JURISDICTION AND SHALL COMPLY WITH LOCAL REQUIREMENTS FOR PERMITTING.

2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

Item 2.

Kent M. Bice PE - This item has been electronically signed and sealed by Kent M. Bice using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.


 TOP LINE ENGINEERING, LLC
 STRUCTURAL ENGINEERS
 William E. Neary, III
 SMP-51, SMI-79, ICC 5185040
 10649 Oakview Pointe Terrace
 Gotha, Florida 34734

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



1552 6TH ST., WINTER HAVEN, FL 33880
(863)865-6502

GENERAL NOTES

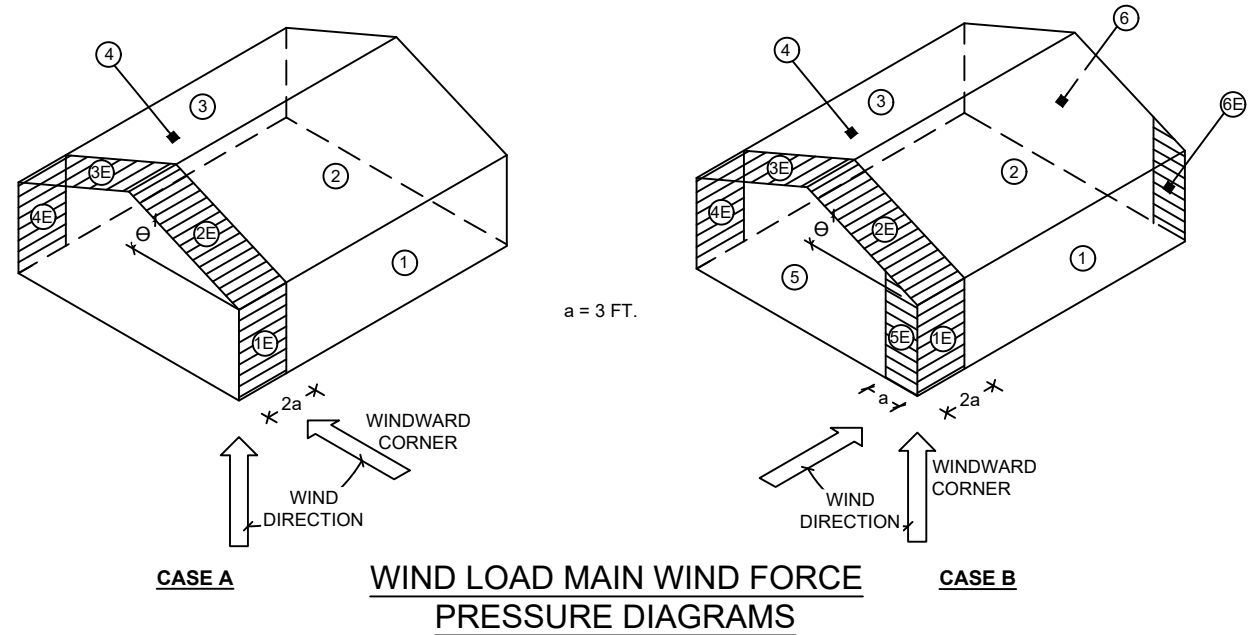
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

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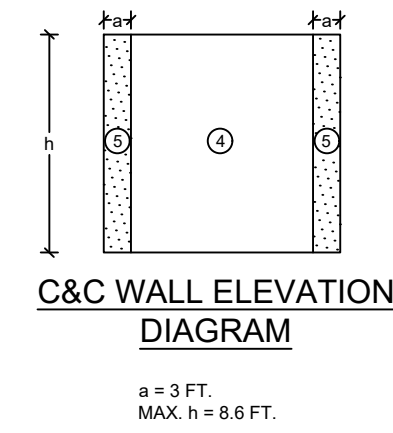
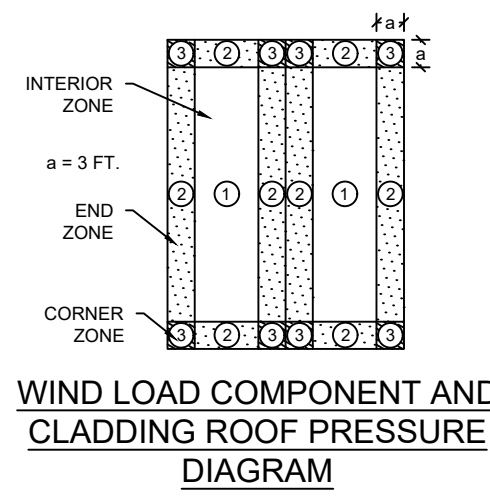
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SHEET 2 OF 2

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.



BUILDING DATA		ASCE 7-22 WIND	
WIND VELOCITY V_{ULT}	160 MPH	INTERNAL PRESSURE COEFFICIENT	± 0.18
WIND VELOCITY V_{ASD}	124	(ENCLOSED BUILDING ASCE 7-22)	
BUILDING CATEGORY	I	HEIGHT & EXPOSURE ADJUSTMENT COEFFICIENT	1.21
		ROOF DEAD LOAD RESISTING UPLIFT (PSF)	7.0
ROOF ANGLE, ° (DEGREES)	60 DEGREES 38 DEGREES ON AVERAGE	MEAN ROOF HEIGHT	15
WIND EXPOSURE CATEGORY	C		



- NOTES:
- FOR EFFECTIVE AREAS BETWEEN THOSE GIVEN ABOVE THE LOAD MAY BE INTERPOLATED, OTHERWISE USE THE LOAD ASSOCIATED WITH THE LOWER EFFECTIVE AREA.
 - PLUS AND MINUS SIGNS SIGNIFY PRESSURES ACTING TOWARD AND AWAY FROM THE SURFACES, RESPECTIVELY.
 - PRESSURES SHOWN ARE APPLIED NORMAL TO THE SURFACE.
 - REFER TO PRESSURE ZONE DIAGRAMS PROVIDED FOR CORRESPONDING ZONES.
 - ROOF COVERINGS, FINISHES, ETC SHALL BE DESIGNED FOR THE FULL NEGATIVE DESIGN PRESSURE.

DESIGN WIND LOADS - WINDOWS, DOORS, COMPONENTS AND CLADDING

ROOF				WALLS			
ZONE	AREA (FT ²)	DESIGN PRESSURE (PSF)		ZONE	AREA (FT ²)	DESIGN PRESSURE (PSF)	
		POSITIVE	NEGATIVE			POSITIVE	NEGATIVE
1	10	50.9	-55.8	4	10	55.8	-60.5
1	20	49.6	-52.9	4	20	53.2	-58.0
1	50	47.7	-49.1	4	50	49.9	-54.6
1	100	46.2	-46.2	4	100	47.4	-52.2
2	10	50.9	-65.2	5	10	55.8	-74.7
2	20	49.6	-62.3	5	20	53.2	-69.6
2	50	47.7	-58.6	5	50	49.9	-62.9
2	100	46.2	-55.8	5	100	47.4	-58.0
3	10	50.9	-65.2				
3	20	49.6	-62.3				
3	50	47.7	-58.6				
3	100	46.2	-55.8				

Kent M. Bice PE - This item has been electronically signed and sealed by Kent M. Bice using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS
William E. Neary, III
SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



DESIGN WIND LOADS - MWFRS

LOAD CASE A	WALL				ROOF			
	SURFACE 1	SURFACE 1E	SURFACE 4	SURFACE 4E	SURFACE 2	SURFACE 2E	SURFACE 3	SURFACE 3E
	35.0	41.2	-26.0	-31.3	24.0	27.9	-27.9	-32.8

LOAD CASE B	SIDE WALL				ROOF				GABLE WALL			
	WINDWARD		LEEWARD		WINDWARD		LEEWARD		WINDWARD		LEEWARD	
	SURFACE 1	SURFACE 1E	SURFACE 4	SURFACE 4E	SURFACE 2	SURFACE 2E	SURFACE 3	SURFACE 3E	SURFACE 5	SURFACE 5E	SURFACE 6	SURFACE 6E
	-29.8	-31.3	-29.8	-31.3	-41.2	-59.2	-26.0	-33.6	27.5	37.4	-22.3	-28.9

1552 6TH ST., WINTER HAVEN, FL 33880
(863)865-6502

WIND LOAD TABLES	
DATE: 12/08/20	DRAWN BY: RD
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SHEET:
S-3
SHEET 3 OF 22

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.

FASTENING SCHEDULE

CONNECTION	FASTENING ^{a, k}	LOCATION
1. JOIST TO SILL OR GIRDER	3 - 8d COMMON (2½" X 0.131") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	TOENAIL
2. BRIDGING TO JOIST	2 - 8d COMMON (2½" X 0.131") 2 - 3" X 0.131" NAILS 2 - 3", 14 GAGE STAPLES	TOENAIL EACH END
3. SOLE PLATE TO JOIST OR BLOCKING	16d (3½" X 0.135") AT 12" O.C. 3" X 0.131" NAILS AT 12" O.C. 3", 14 GAGE STAPLES AT 12" O.C.	FACE NAIL
4. SOLE PLATE TO JOIST OR BLOCKING AT BRACED WALL PANEL	3 - 16d (3½" X 0.135") AT 16" O.C. 4 - 3" X 0.131" NAILS AT 16" O.C. 4 - 3", 14 GAGE STAPLES AT 16" O.C.	FACE NAIL
5. TOP PLATE TO STUD	2 - 16d (3½" X 0.162") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	END NAIL
6. STUD TO SOLE PLATE	4 - 8d COMMON (2½" X 0.131") 4 - 3" X 0.131" NAILS 4 - 3", 14 GAGE STAPLES	TOENAIL
	2 - 16d COMMON (3½" X 0.162") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	END NAIL
7. DOUBLE STUDS	16d (3½" X 0.162") AT 24" O.C. 3" X 0.131" NAILS AT 16" O.C. 3", 14 GAGE STAPLES AT 16" O.C.	FACE NAIL
8. TOP PLATE TO TOP PLATE	16d (3½" X 0.162") AT 16" O.C. 3" X 0.131" NAILS AT 12" O.C. 3", 14 GAGE STAPLES AT 12" O.C.	FACE NAIL
	8 - 16d COMMON (3½" X 0.162") 12 - 3" X 0.131" NAILS 12 - 3", 14 GAGE STAPLES	FACE NAIL AT LAP SPLICE
9. BLOCKING BETWEEN JOISTS OR RAFTERS TO TOP PLATE	3 - 8d COMMON (2½" X 0.131") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	TOENAIL
10. RIM JOIST TO TOP PLATE	8d (2½" X 0.131") AT 6" O.C. 3" X 0.131" NAILS AT 6" O.C. 3", 14 GAGE STAPLES AT 6" O.C.	TOENAIL
11. TOP PLATES, LAPS AND INTERSECTIONS	2 - 16d COMMON (3½" X 0.162") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	FACE NAIL
12. CONTINUOUS HEADER (2) PIECES	16d COMMON (3½" X 0.162")	16" O.C. EACH EDGE, FACE NAIL
13. CEILING JOISTS TO PLATE	3 - 8d COMMON (2½" X 0.131") 3 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	TOENAIL
14. CONTINUOUS HEADER TO STUD	4 - 8d COMMON (2½" X 0.131")	TOENAIL
15. RAFTER TO PLATE	3 - 16d (3½" X 0.162") 4 - 3" X 0.131" NAILS 4 - 3", 14 GAGE STAPLES	TOENAIL
16. 1" DIAGONAL BRACE TO EACH STUD AND PLATE	2 - 8d COMMON (2½" X 0.131") 2 - 3" X 0.131" NAILS 3 - 3", 14 GAGE STAPLES	FACE NAIL
17. BUILT-UP CORNER STUDS	16d (3½" X 0.162") 3" X 0.131" NAILS 3" 14 GAGE STAPLES	12" O.C. FACE NAIL

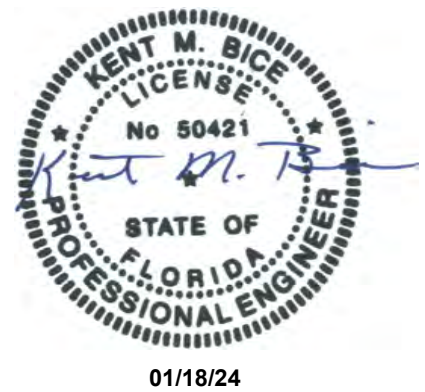
FASTENING SCHEDULE 2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

CONNECTION	FASTENING ^{a, k}	LOCATION
18. BUILT-UP GIRDER AND BEAMS	20d COMMON (4" X 0.192") at 32" O.C. 3" X 0.131" NAIL AT 24" O.C. 3" 14 GAGE STAPLE AT 24" O.C. AND	FACE NAIL AT TOP AND BOTTOM STAGGERED ON OPPOSITE SIDES
	2 - 20d COMMON (4" X 0.192") OR 3 - 3" X 0.131" NAIL OR 3 - 3" 14 GAGE STAPLE	FACE NAIL AT ENDS AND AT EACH SPLICE
19. COLLAR TIE TO RAFTER	3 - 10d COMMON (3" X 0.148") 4 - 3" X 0.131" NAILS 4 - 3" 14 GAGE STAPLES	FACE NAIL
20. ROOF RAFTER TO 2-BY RIDGE BEAM	3 - 10d COMMON (3½" X 0.148") 4 - 3" X 0.131" NAILS 4 - 3" 14 GAGE STAPLES	TOENAIL
21. JOIST TO BAND JOIST	3 - 16d COMMON (3½" X 0.162") 4 - 3" X 0.131" NAILS 4 - 3" 14 GAGE STAPLES	END NAIL
22. WOOD STRUCTURAL PANELS AND PARTICLEBOARD ^b , SUBFLOOR, ROOF AND WALL SHEATHING (TO FRAMING)	½" AND LESS 6d ^{c, j} 2⅜" X 0.113" NAIL ^l 1¾" X 16 GAGE ^m STAPLE 8d ^d OR 6d ^e	6" O.C. AT EDGES AND 12" O.C. AT INTERMEDIATE, 4" O.C. AT COMPONENT AND CLADDING EDGE STRIP # ZONE 3 [REFER TO FIGURE ON SHEET S-3]
	19/32" TO ¾"	
SINGLE FLOOR, COMBINATION SUBFLOOR-UNDERLAYMENT TO FRAMING	7/8" TO 1" 8d ^c 1⅛" TO 1¼" 10d ^d OR 8d ^e	
23. PANEL SIDING TO FRAMING	½" OR LESS 6d ^f 5/8" 8d ^f	6" / 12" O.C. AT EDGES / INTERMEDIATE
24. FIBERBOARD SHEATHING	1/2"	3" / 6" O.C. AT EDGES / INTERMEDIATE FOR STRUCTURAL APPLICATIONS 6" / 12" O.C. AT EDGES / INTERMEDIATE FOR NON-STRUCTURAL APPLICATIONS
	25/32"	

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FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



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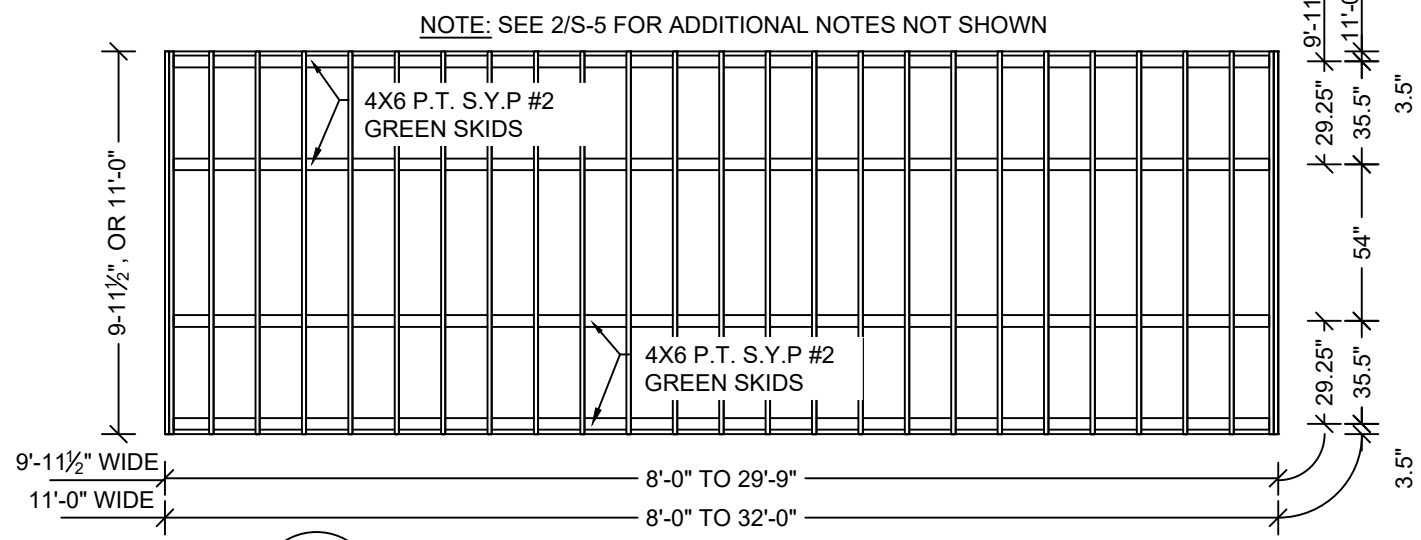
FASTENING SCHEDULE	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-4
SHEET 4 OF 23

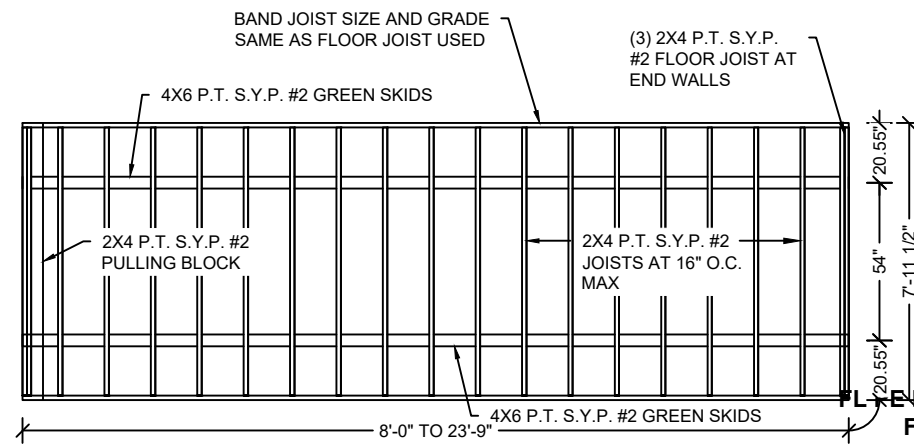
NOTES:

- a. COMMON OR BOX NAILS ARE PERMITTED TO BE USED EXCEPT WHERE OTHERWISE STATED.
- b. NAILS SPACED AT 6" O.C. AT EDGES, 12" AT INTERMEDIATE SUPPORTS EXCEPT 6" AT SUPPORTS WHERE SPANS ARE 48" OR MORE. NAILS FOR WALL SHEATHING ARE PERMITTED TO BE COMMON, BOX OR CASING.
- c. COMMON OR DEFORMED SHANK (6d - 2" x 0.113"; 8d - 2 ½" x 0.131"; 10d 3" x 0.148").
- d. COMMON (6d - 2" x 0.113"; 8d - 2 1/2" x 0.131"; 10d x 0.148").
- e. DEFORMED SHANK (6d - 2" x 0.113"; 8d - 2 1/2" x 0.131"; 10d 3" x 0.148").
- f. CORROSION-RESISTANT SIDING (6d - 1 7/8" x 0.106"; 8d 2 3/8" x 0.128") OR CASING (6d 2" x 0.099"; 8d 2 1/2" x 0.113") NAIL.
- g. FASTENERS SPACED 3" O.C. AT EXTERIOR EDGES AND 6" O.C. AT INTERMEDIATE SUPPORTS, WHEN USED AS STRUCTURAL SHEATHING. SPACING SHALL BE 6" O.C. ON THE EDGES AND 12" O.C. AT INTERMEDIATE SUPPORTS FOR NONSTRUCTURAL APPLICATIONS.
- h. CORROSION-RESISTANT ROOFING NAILS WITH 7/16" DIAMETER HEAD AND 1 ½" LENGTH FOR 1/2" SHEATHING AND 1 3/4" LENGTH FOR 25/32" SHEATHING.
- i. CORROSION-RESISTANT STAPLES WITH NOMINAL 7/16" CROWN OR 1" CROWN AND 1 1/4" LENGTH FOR 1/2" SHEATHING AND 1 1/2" LENGTH FOR 25/32" SHEATHING. PANEL SUPPORTS AT 16" (20" IF STRENGTH AXIS IS THE LONG DIRECTION OF THE PANEL, UNLESS OTHERWISE MARKED).
- j. FOR ROOF SHEATHING APPLICATIONS, 8d NAILS (2 1/2" x 0.113") ARE THE MINIMUM REQUIRED FOR WOOD STRUCTURAL PANELS.
- k. STAPLES SHALL HAVE A MINIMUM CROWN WIDTH OF 7/16".
- l. FOR ROOF SHEATHING APPLICATIONS, FASTENERS SPACED 4" O.C. AT EDGES, 8" O.C. AT INTERMEDIATE SUPPORTS.
- m. FASTENERS SPACED 4" O.C. AT EDGES, 8" O.C. AT INTERMEDIATE SUPPORTS FOR SUBFLOOR AND WALL SHEATHING AND 3" O.C. AT EDGES, 6" AT INTERMEDIATE SUPPORTS FOR ROOF SHEATHING.
- n. FASTENERS SPACED 4" O.C. AT EDGES, 8" AT INTERMEDIATE SUPPORTS.

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.



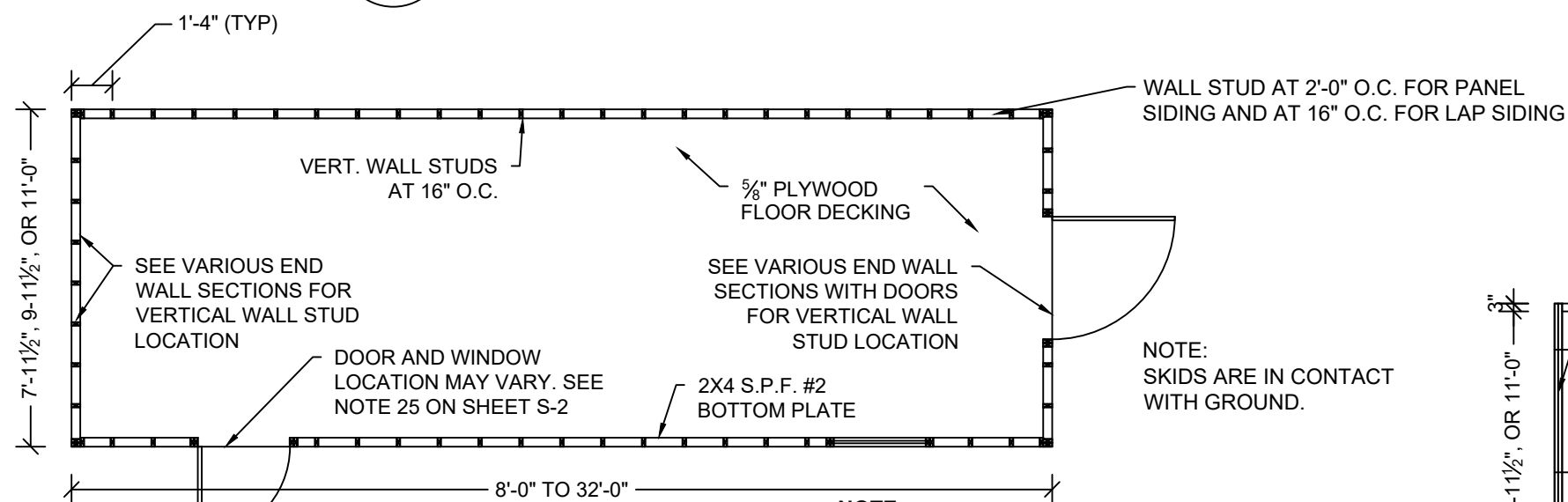
1 FLOOR FRAMING PLAN -9'-11 1/2\"
 S-5 SCALE: 3/16" = 1'-0"



2 FLOOR FRAMING PLAN -7'-11 1/2\"
 S-5 SCALE: 3/16" = 1'-0"

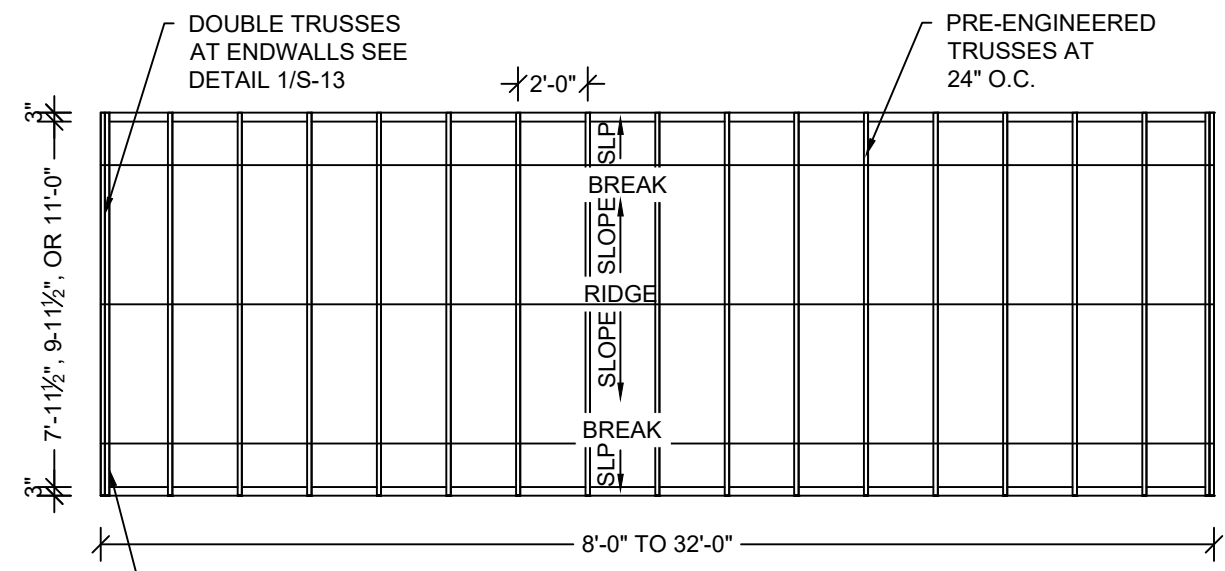


01/18/24

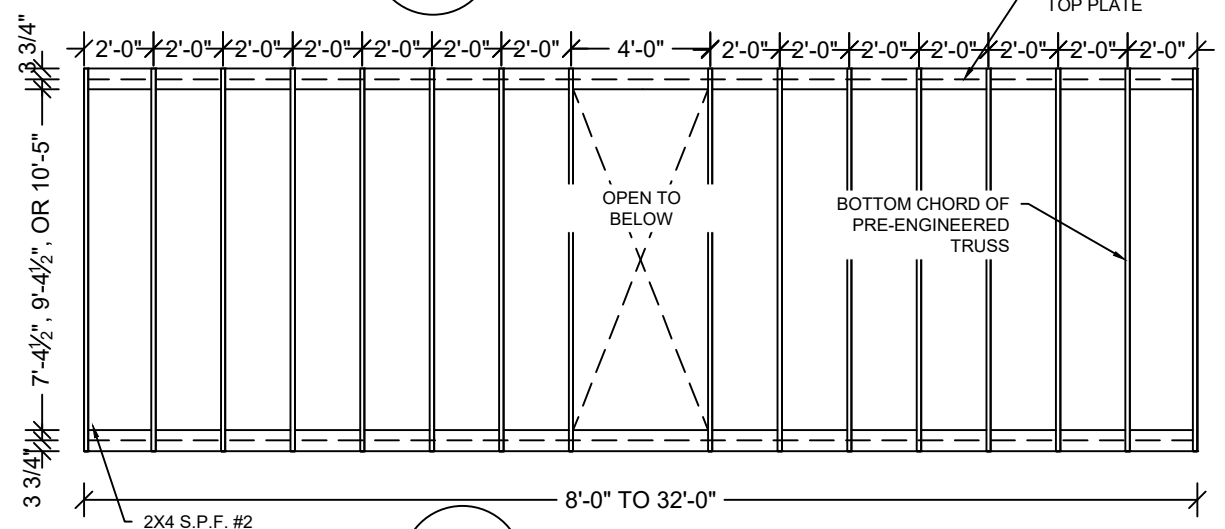


3 FLOOR DECK PLAN
 S-5 SCALE: 3/16" = 1'-0"

NOTE:
 IF 1 9/32" SIDING IS CHOSEN. WALL STUDS ARE TO BE 2'-0" O.C



4 ROOF FRAMING PLAN
 S-5 SCALE: 3/16" = 1'-0"



5 LOFT FRAMING PLAN
 S-5 SCALE: 3/16" = 1'-0"

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 Gotha, Florida 34734

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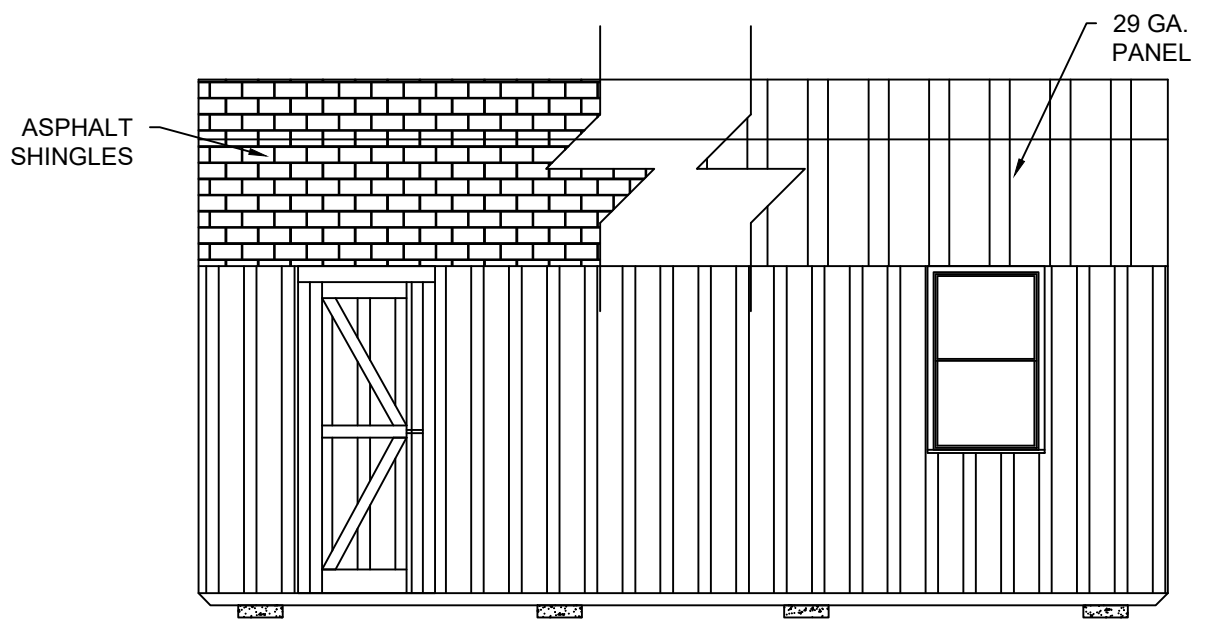
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FRAMING PLANS	
DATE: 12/08/20	DRAWN BY: RD
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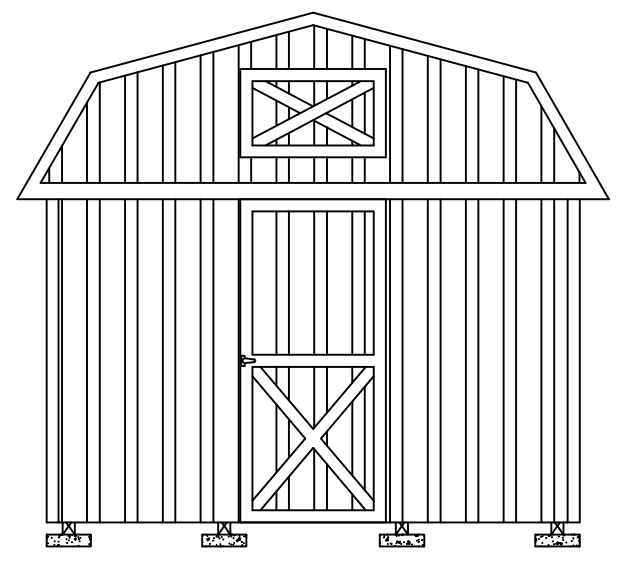
SHEET:
S-5
 SHEET 5 OF 24

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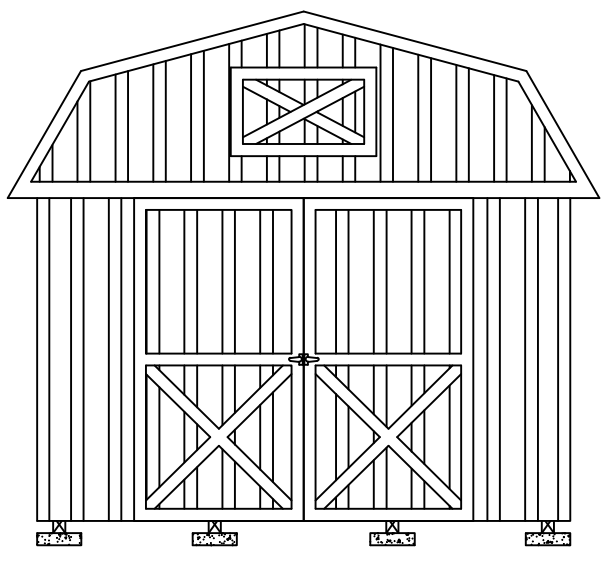
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1 SIDE WALL ELEVATION WITH PANEL SIDING
 S-6 SCALE: 1/4" = 1'-0"



SAMPLE: 11'-0" WIDE UNIT WITH 3'-0" DOOR



SAMPLE: 11'-0" WIDE UNIT WITH 7'-0" DOOR

2 ENDWALL ELEVATION WITH PANEL SIDING
 S-6 SCALE: 1/4" = 1'-0"

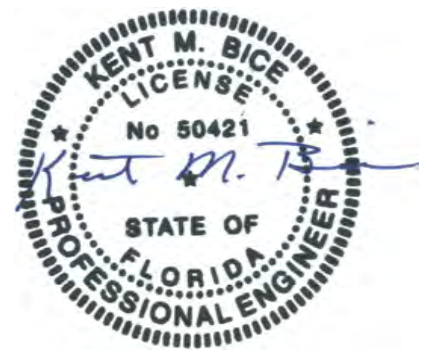
SHEARWALL WITH 3/8" LP SMART SIDING		
FLOOR WIDTH (FT)	OPENING WIDTH	
	LONG SIDE WALL	SHORT END WALL
7'-11 1/2"	2'-0", 3'-0", 4'-0", 6'-0"	2'-0", 3'-0", 4'-0"
9'-11 1/2"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0"	2'-0", 3'-0", 4'-0", 6'-0"
		7'-0"
11'-0"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0", 8'-0"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0"
		8'-0"

- NOTES:**
- 3/8" LP SMART SIDING APA RATED SIDING 303-24" O.C. SHALL BE FASTENED USING DEFORMED (0.113" x 2 3/8") SHANK NAILS AT 6" O.C. IN FIELD AND 3" O.C. AT EDGES.
 - WINDOWS AND DOORS MAY BE LOCATED IN EITHER THE SIDE WALL OR ENDWALL. DOORS ARE PERMITTED TO BE IN BOTH ENDWALLS OR ENDWALL AND SIDEWALL IF REQUESTED BY CUSTOMER. LIMITATIONS ON THE TOTAL DIMENSIONS SHALL BE BASED ON THE SHEAR WALL HEIGHT TO WIDTH RATIO OF 3.5:1 AND SHALL NOT EXCEED (2/3) OF THE TOTAL LENGTH OF BUILDING.
 - DOOR AND WINDOW SHALL BE LOCATED SUCH THAT THEY ARE AT LEAST 3'3" APART.
 - EDGE NAILING SHALL BE PROVIDED AT TOP PLATE IN ALL END WALLS.
 - PROVIDE BLOCKING AT ALL UNSUPPORTED EDGES OF WALL SHEATHING.

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 FL COA #: 30468



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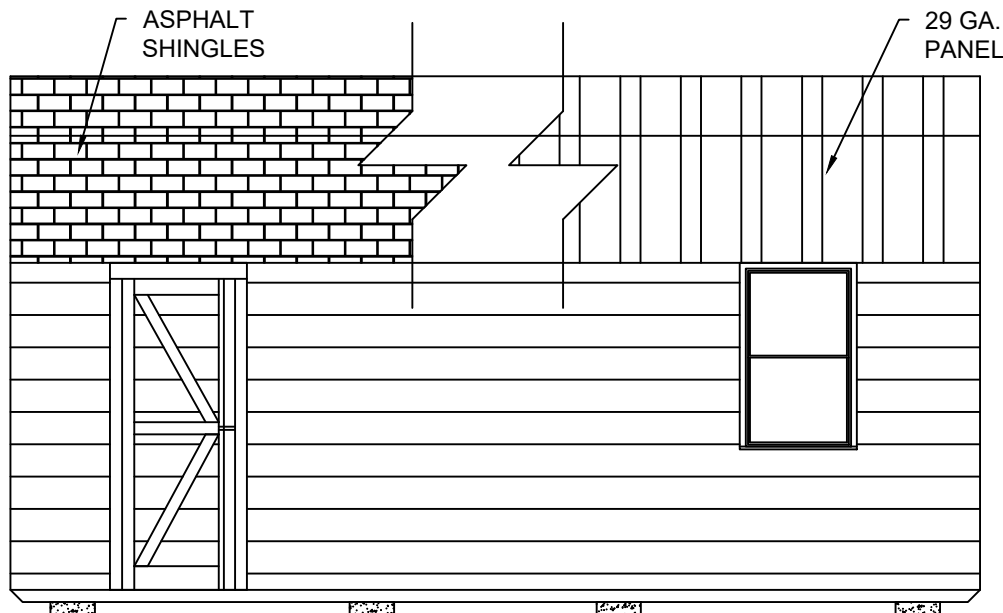
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ELEVATIONS AND SHEARWALL

DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-6
 SHEET 6 OF 25

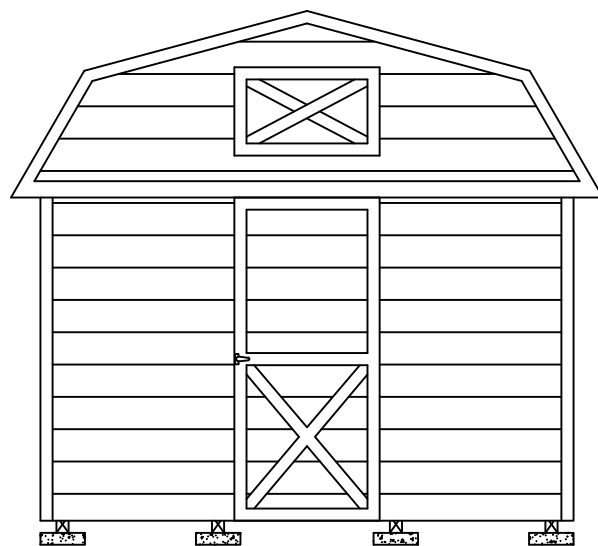
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1 SIDE WALL ELEVATION WITH LAP SIDING
S-6A SCALE: 1/4" = 1'-0"

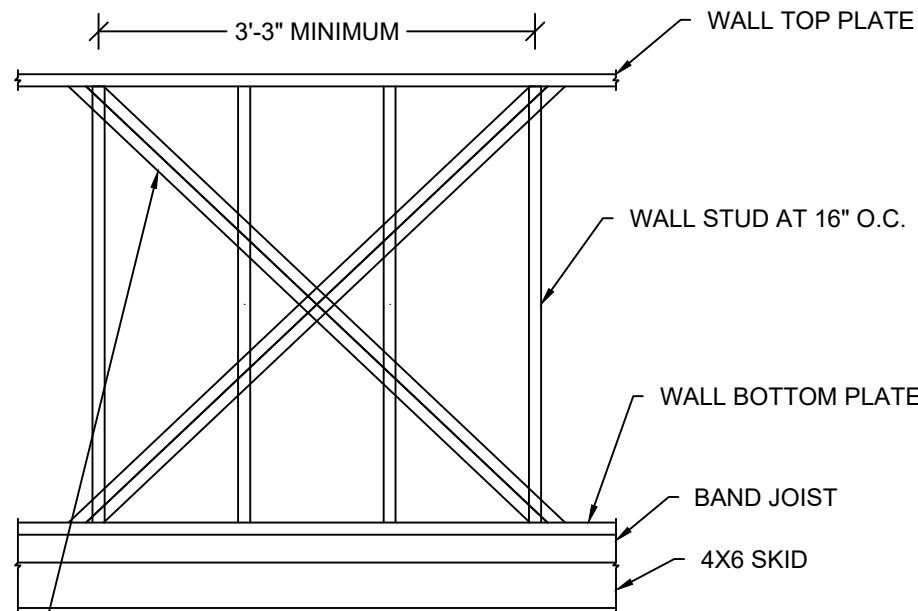
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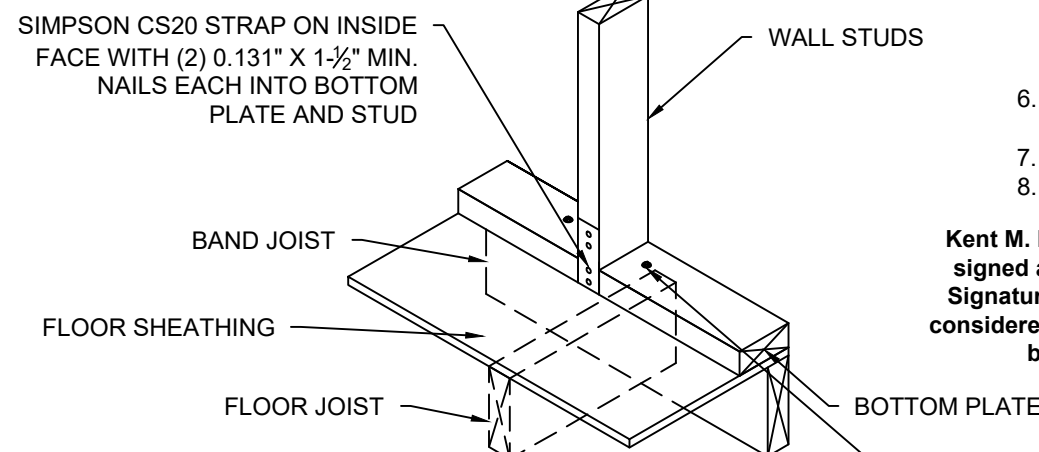
SAMPLE: 11'-0" WIDE UNIT WITH 3'-0" DOOR

4 ENDWALL ELEVATION WITH LAP SIDING
S-6A SCALE: 1/4" = 1'-0"



2 PARTIAL SIDE WALL FRAMING ELEVATION WITH LAP SIDING
S-6A SCALE: NTS

(2) SIMPSON CS20 (33MIL X 1-1/4", GRADE 40 STEEL, G60 COATING) X-STRAP OR EQUIVALENT ON INSIDE FACE OF WALL STUD. ATTACH STRAPS TO WALL TOP & BOTTOM PLATES WITH (5) 0.131" x 2-1/4" NAILS STAGGERED. STRAP MAY BE WRAPPED AROUND WALL TOP & BOTTOM PLATES.
ALTERNATE: 7/16" APA RATED SHEATHING ON OUTSIDE FACE OF WALL STUD FASTENED WITH 8d COMMON OR DEFORMED (0.131" x 2-1/2") NAILS AT 6" O.C. IN FIELD AND 3" O.C. AT EDGES.



(2) 1/4" x 4" HEX LAG SCREWS WITHIN 3" ON EITHER SIDE OF STUD AT X-BRACE END LOCATIONS AND CENTERED THRU BAND JOIST. PREDRILL MAX. 1/4" DIA. HOLE THRU BOTTOM PLATE AND 0.15" DIA. HOLE THRU SHEATHING AND BAND JOIST.

3 WALL STUD TIEDOWN FOR X-BRACE OPTION
S-6A SCALE: NTS

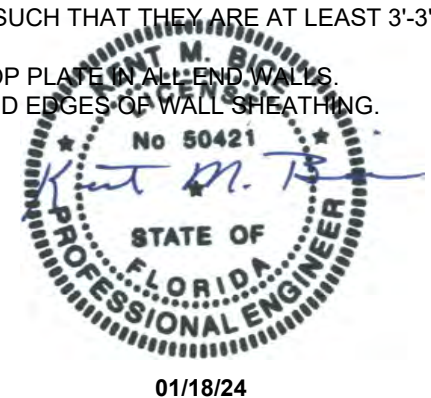
SHEARWALL WITH LP SMARTSIDE LAP SIDING ¹			
FLOOR WIDTH (FT)	OPENING WIDTH		MAX BUILDING LENGTH
	LONG SIDE WALL ²	SHORT END WALL ^{3,4}	
7'-11 1/2"	2'-0", 3'-0", 4'-0", 6'-0", 8'-0"	2'-0", 3'-0", 4'-0"	23'-9"
9'-11 1/2"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0", 8'-0"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0"	29'-9"
11'-0"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0", 8'-0"	2'-0", 3'-0", 4'-0", 6'-0", 7'-0", 8'-0"	32'-0"

NOTES:

- MIN. 0.45" THICK LP SMARTSIDE 12" BOLD PROFILES DOUBLE 5" FIBER SUBSTRATE LAP SIDING PER ICC-ES ESR 3090, TABLES 2A, 2B AND 2C
- ON LONG SIDE WALL, ATTACH LAP SIDING TO EACH WALL STUD WITH MINIMUM 8d SINKER NAILS (0.113" X 2-3/8") AT 3/8" FROM EACH END, AND 3 NAILS PER STUD -- 3" FROM TOP EDGE, IN THE MIDDLE AND 1-1/2" FROM BOTTOM EDGE. PROVIDE X-STRAP OR SHEATHING ON WALL PER 2/S-6A.
- ON SHORT END WALL, ATTACH LAP SIDING TO SHEATHING WITH MINIMUM 8d SINKER NAILS (0.113" X 2-3/8") AT 3/8" FROM EACH END, AND 3 NAILS PER 16" SPACING -- 3" FROM TOP EDGE, IN THE MIDDLE AND 1-1/2" FROM BOTTOM EDGE.
- ON SHORT END WALL WITHOUT AN OPENING, PROVIDE MIN. 7/16" APA RATED SHEATHING ON EXTERIOR FACE FASTENED TO STUDS WITH 8d COMMON OR DEFORMED (0.131" x 2-1/2") NAILS AT 6" O.C. IN FIELD AND 4" O.C. AT EDGES. ON SHORT END WALL WITH AN OPENING, PROVIDE 19/32" APA RATED SHEATHING ON EXTERIOR FACE FASTENED TO STUDS WITH 8d COMMON OR DEFORMED (0.131" x 2-1/2") NAILS AT 6" O.C. IN FIELD AND 3" O.C. AT EDGES. ALTERNATE FOR SHORT END WALL WITH OPENING:
ON EXTERIOR FACE OF TRUSS - PROVIDE PANEL SIDING PER SHEET S-6
ON EXTERIOR FACE OF WALL - PROVIDE LAP SIDING AND
ON INTERIOR FACE OF WALL - PROVIDE 19/32" APA RATED SHEATHING.
- WINDOWS AND DOORS MAY BE LOCATED IN EITHER THE SIDE WALL OR ENDWALL. DOORS ARE PERMITTED TO BE IN BOTH ENDWALLS OR ENDWALL AND SIDEWALL IF REQUESTED BY CUSTOMER. LIMITATIONS ON THE TOTAL DIMENSIONS SHALL BE BASED ON THE SHEAR WALL HEIGHT TO WIDTH RATIO OF 3.5:1 AND SHALL NOT EXCEED (2/3) OF THE TOTAL LENGTH OF BUILDING.
- DOOR AND WINDOW SHALL BE LOCATED SUCH THAT THEY ARE AT LEAST 3'-3" APART.
- EDGE NAILING SHALL BE PROVIDED AT TOP PLATE IN ALL END WALLS.
- PROVIDE BLOCKING AT ALL UNSUPPORTED EDGES OF WALL SHEATHING.

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FL COA #: 30468



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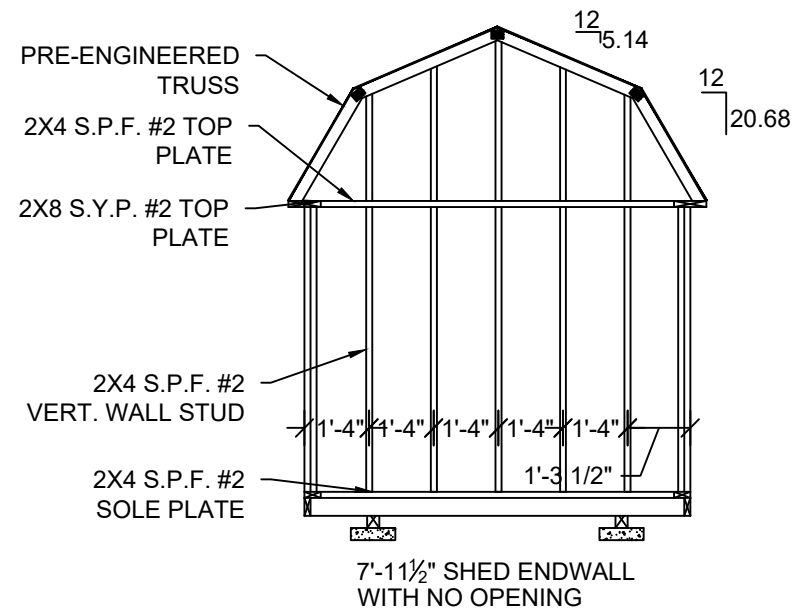
ELEVATIONS AND SHEARWALL

DATE: 12/08/20 DRAWN BY: RD
SCALE: AS NOTED CHECKED BY: KMB

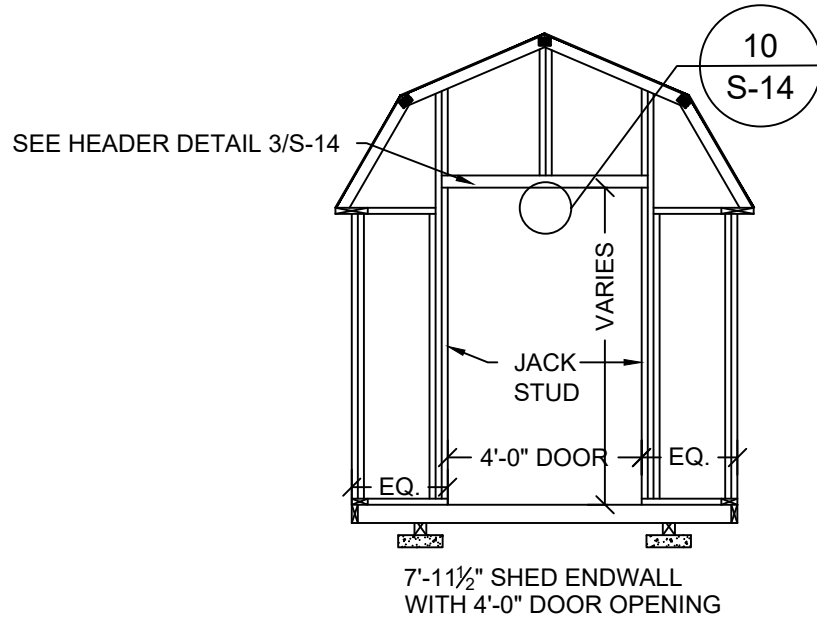
SHEET:
S-6A
SHEET 7 OF 26

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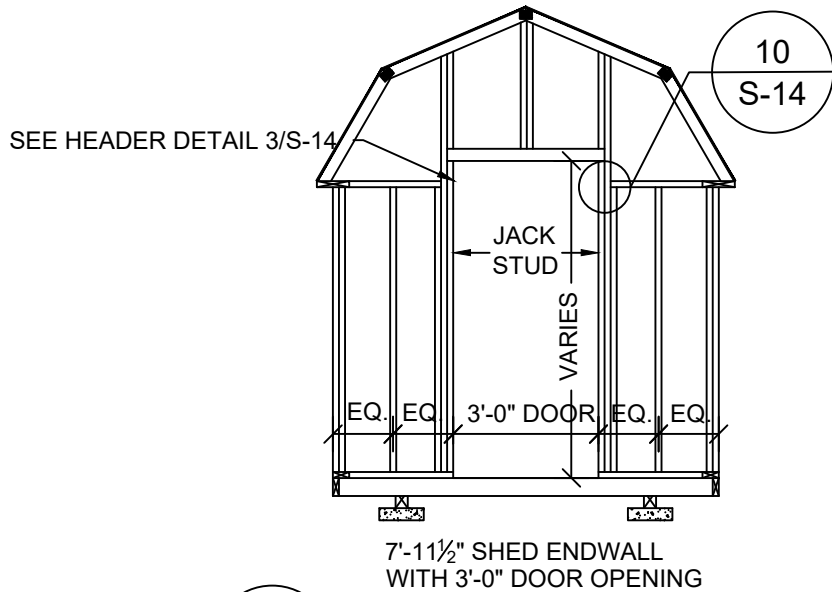
Item 2.



1
 S-7 **FRAMING ELEVATION**
 SCALE: 1/4" = 1'-0"



2
 S-7 **FRAMING ELEVATION**
 SCALE: 1/4" = 1'-0"

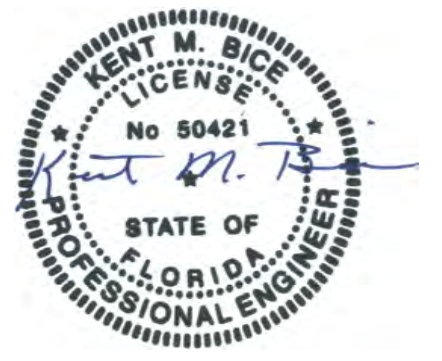


3
 S-7 **FRAMING ELEVATION**
 SCALE: 1/4" = 1'-0"

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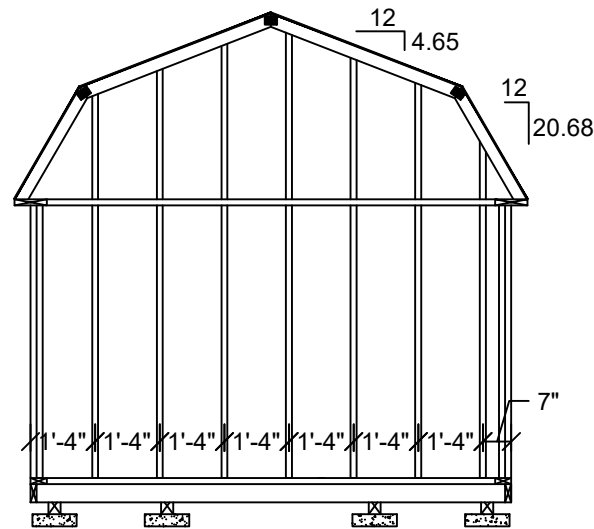
7'-11 1/2" SHED
 FRAMING ELEVATIONS

DATE: 12/08/20 DRAWN BY: RD
 SCALE: AS NOTED CHECKED BY: KMB

SHEET:
S-7
 SHEET 8 OF 27

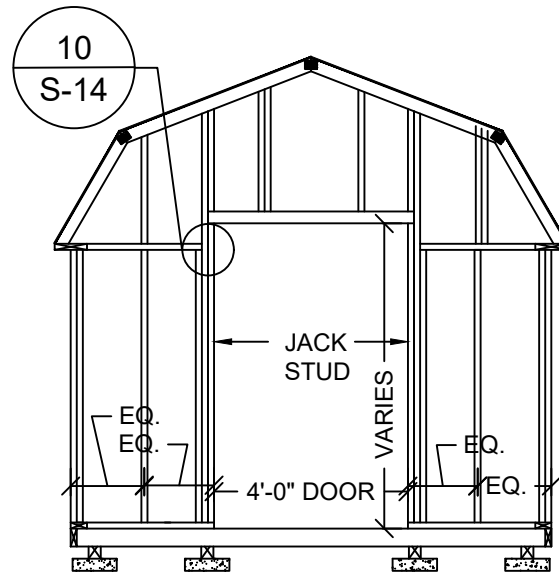
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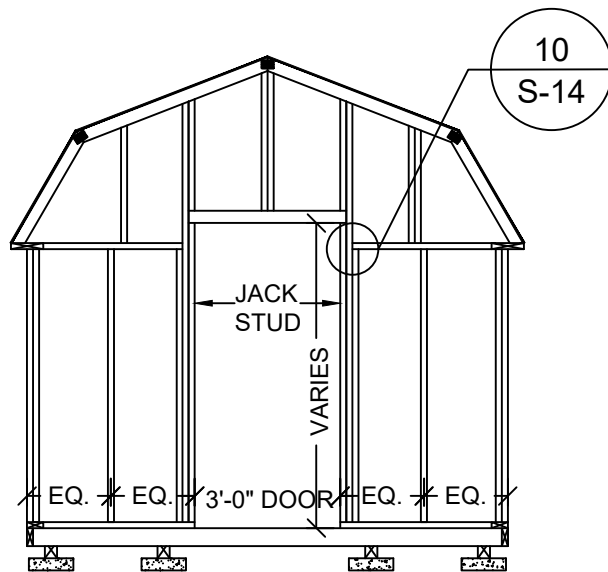
9'-11 1/2" SHED ENDWALL WITH NO OPENING

1 FRAMING ELEVATION S-8 SCALE: 1/4" = 1'-0"



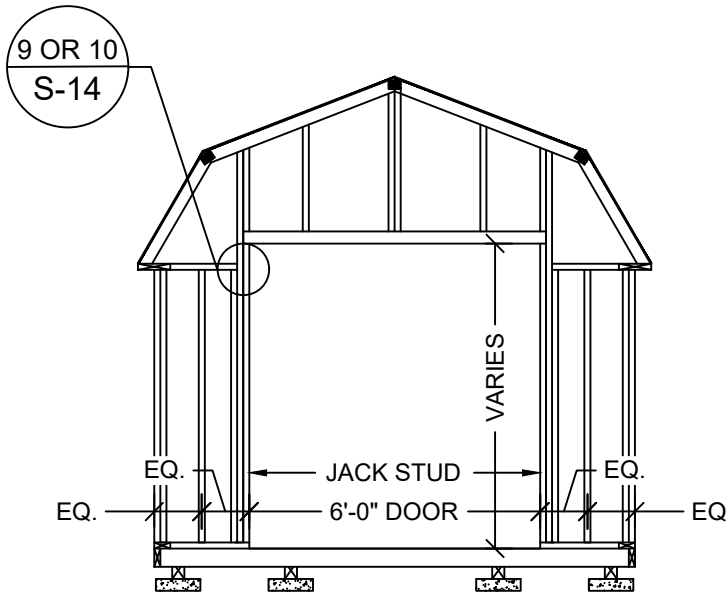
9'-11 1/2" SHED ENDWALL WITH 4'-0" DOOR OPENING

2 FRAMING ELEVATION S-8 SCALE: 1/4" = 1'-0"



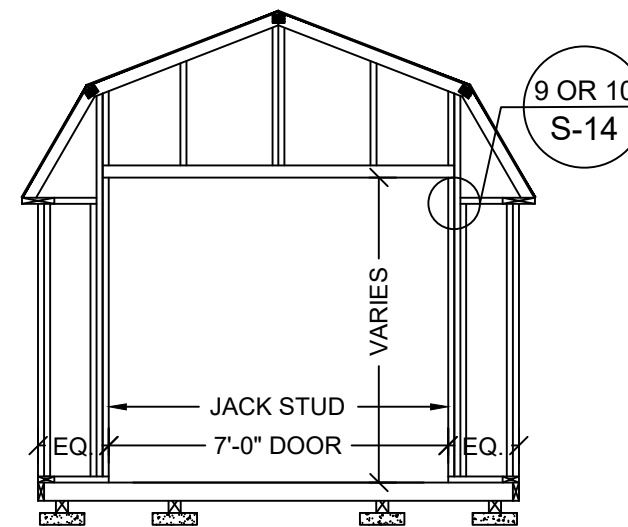
9'-11 1/2" SHED ENDWALL WITH 3'-0" DOOR OPENING

3 FRAMING ELEVATION S-8 SCALE: 1/4" = 1'-0"



9'-11 1/2" SHED ENDWALL WITH 6'-0" DOOR OPENING

4 FRAMING ELEVATION S-8 SCALE: 1/4" = 1'-0"



9'-11 1/2" SHED ENDWALL WITH 7'-0" DOOR OPENING

5 FRAMING ELEVATION S-8 SCALE: 1/4" = 1'-0"

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FL PE Name: Kent M. Bice FL PE #: 50421 FL COA #: 30468



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9'-11 1/2" SHED FRAMING ELEVATIONS

DATE: 12/08/20

DRAWN BY: RD

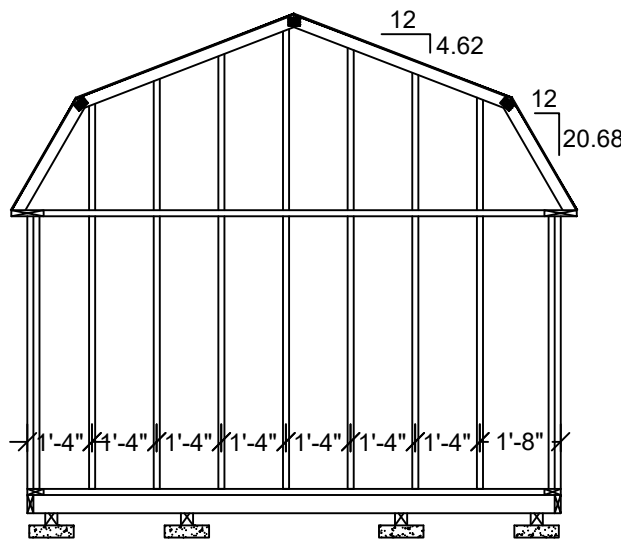
SCALE: AS NOTED

CHECKED BY: KMB

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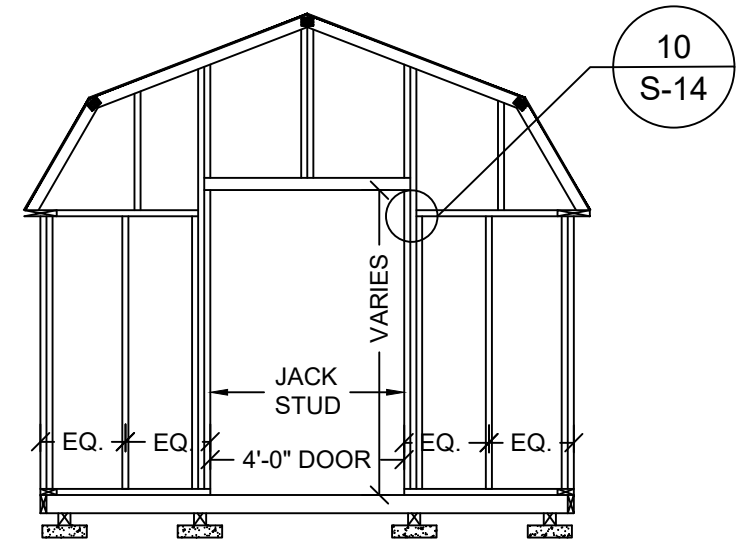
S-8

SHEET 9 OF 2



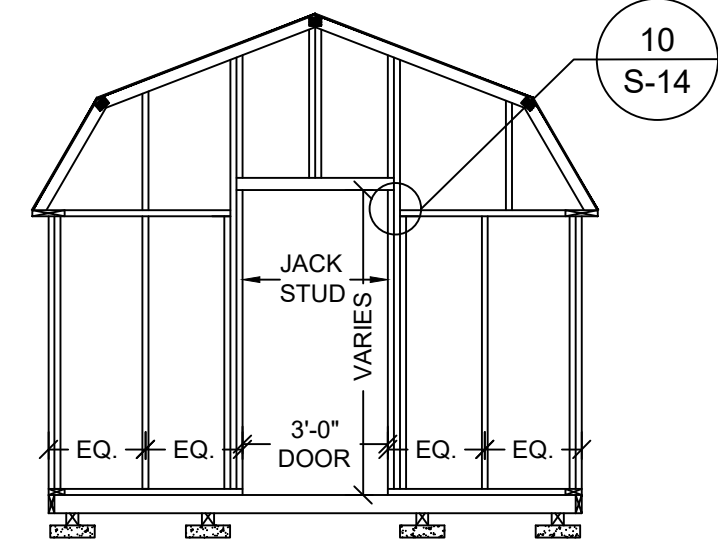
11'-0" SHED ENDWALL WITH NO OPENING

1 FRAMING ELEVATION
S-9 SCALE: 1/4" = 1'-0"



11'-0" SHED ENDWALL WITH 4'-0" DOOR OPENING

2 FRAMING ELEVATION
S-9 SCALE: 1/4" = 1'-0"



11'-0" SHED ENDWALL WITH 3'-0" DOOR OPENING

3 FRAMING ELEVATION
S-9 SCALE: 1/4" = 1'-0"

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Gotha, Florida 34734

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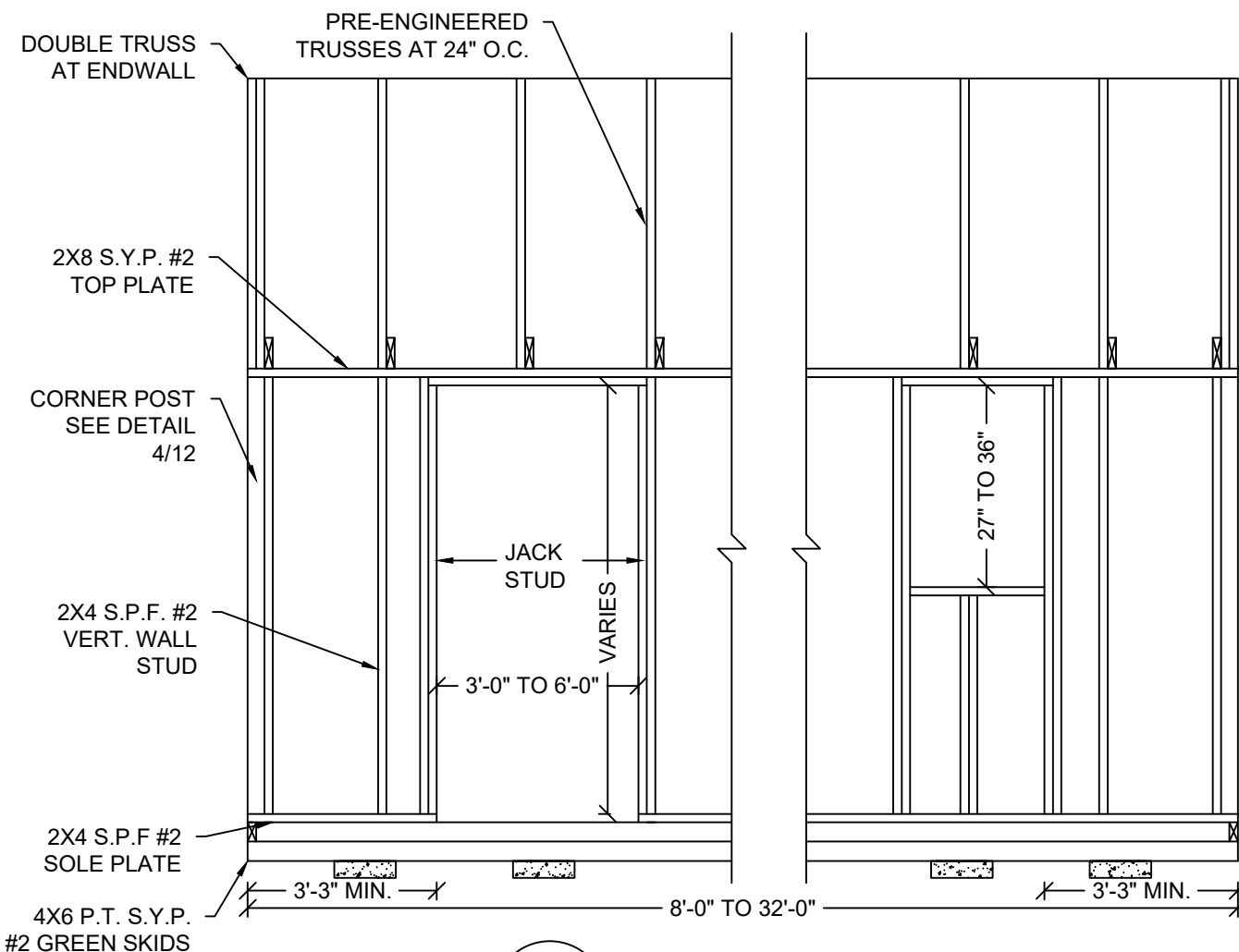
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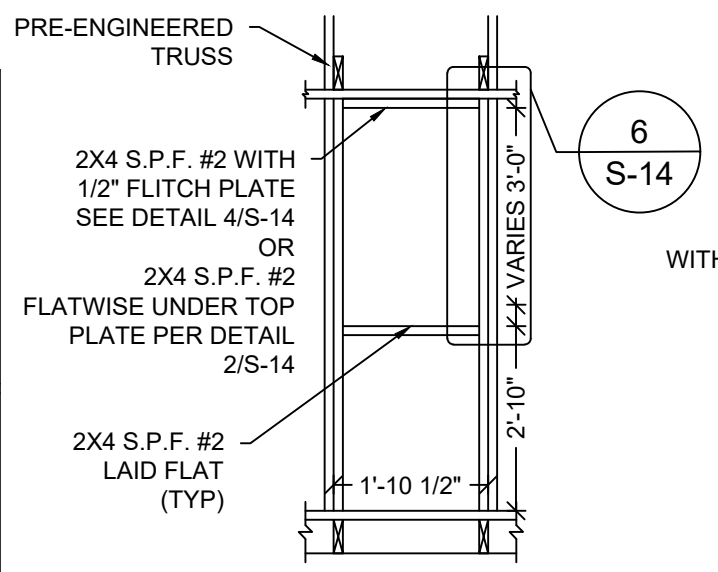
11'-0" SHED FRAMING ELEVATIONS

DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

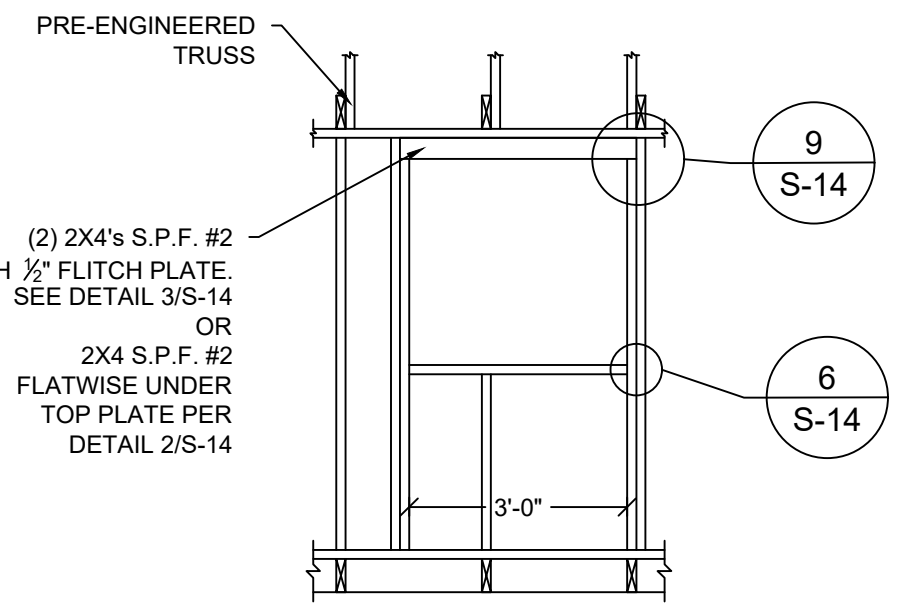
SHEET:
S-9
SHEET 10 OF 29



1 FRAMING ELEVATION
S-10 SCALE: 3/8" = 1'-0"



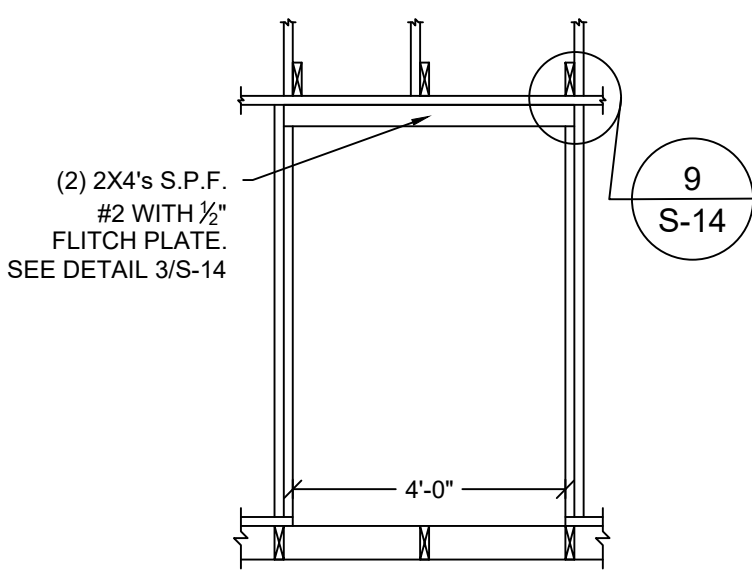
2 FRAMING ELEVATION
S-10 SCALE: 3/8" = 1'-0"



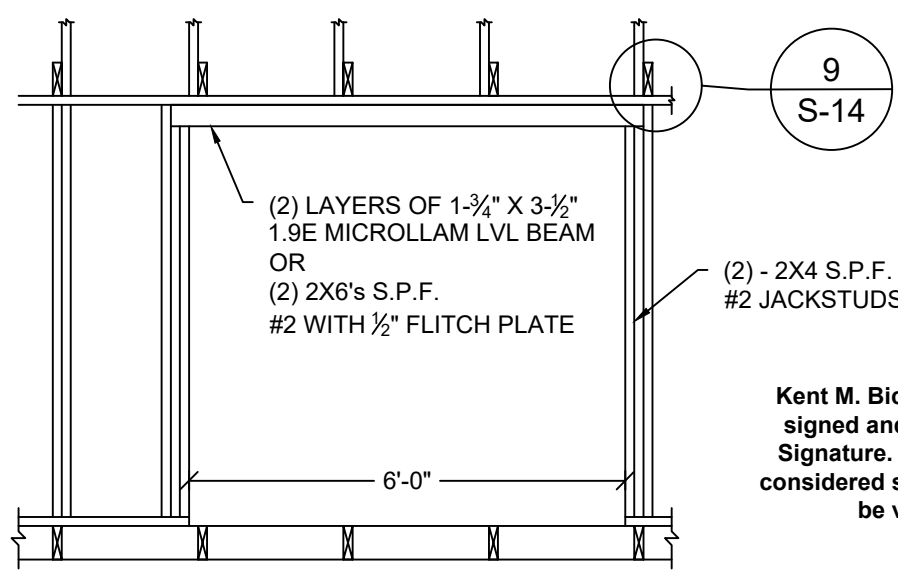
3 FRAMING ELEVATION
S-10 SCALE: 3/8" = 1'-0"

NOTE:
FOR ALL FASTENING OF FRAMING MEMBERS NOT NOTED ON THIS SHEET REFER TO FASTENING SCHEDULE ON SHEET S-4.

2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL



4 FRAMING ELEVATION
S-10 SCALE: 3/8" = 1'-0"



5 FRAMING ELEVATION
S-10 SCALE: 3/8" = 1'-0"

TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS
William E. Neary, III
SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



01/18/24

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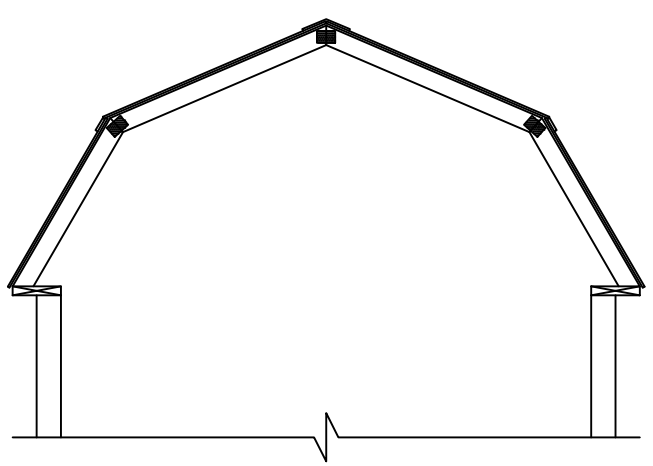
1552 6TH ST., WINTER HAVEN, FL 33880
(863)865-6502

SIDE WALL ELEVATION

DATE: 12/08/20 DRAWN BY: RD
SCALE: AS NOTED CHECKED BY: KMB

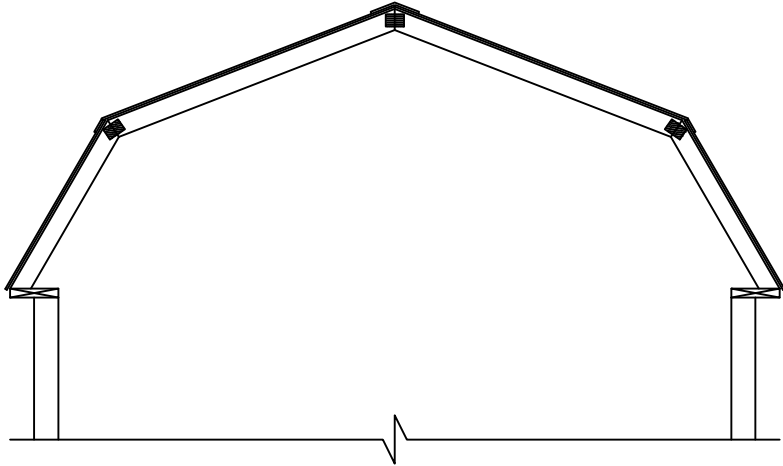
SHEET:
S-10
SHEET 11 OF 30

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.



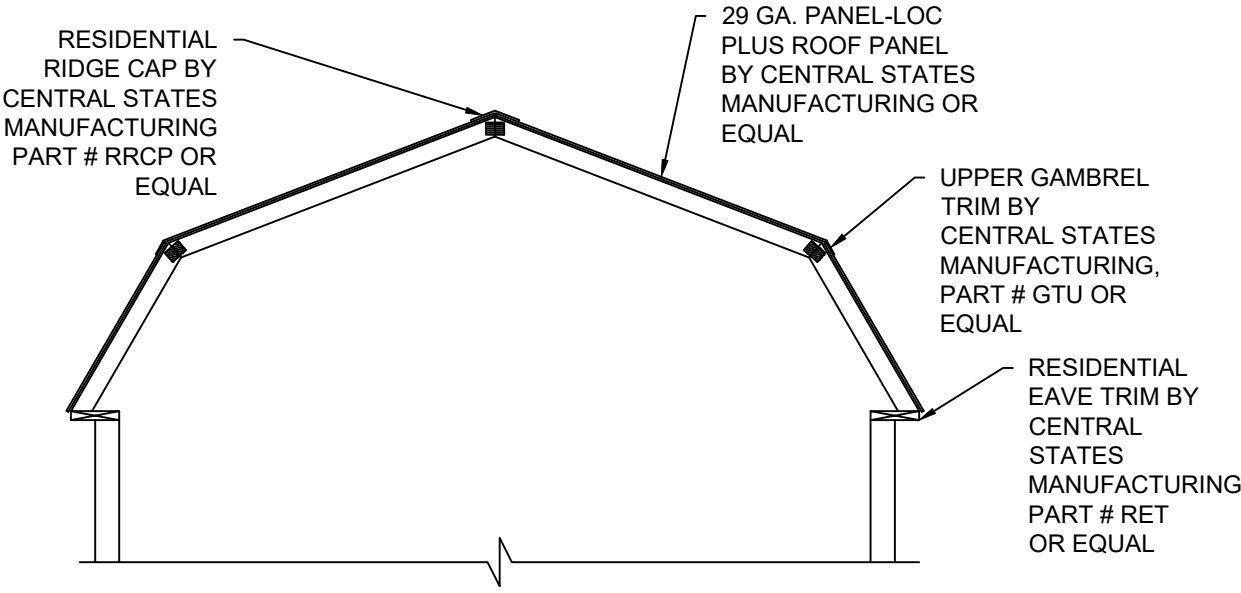
7'-11 1/2" WIDE
OPTIONAL METAL ROOF

1 CROSS SECTION
S-11 SCALE: 3/8" = 1'-0"



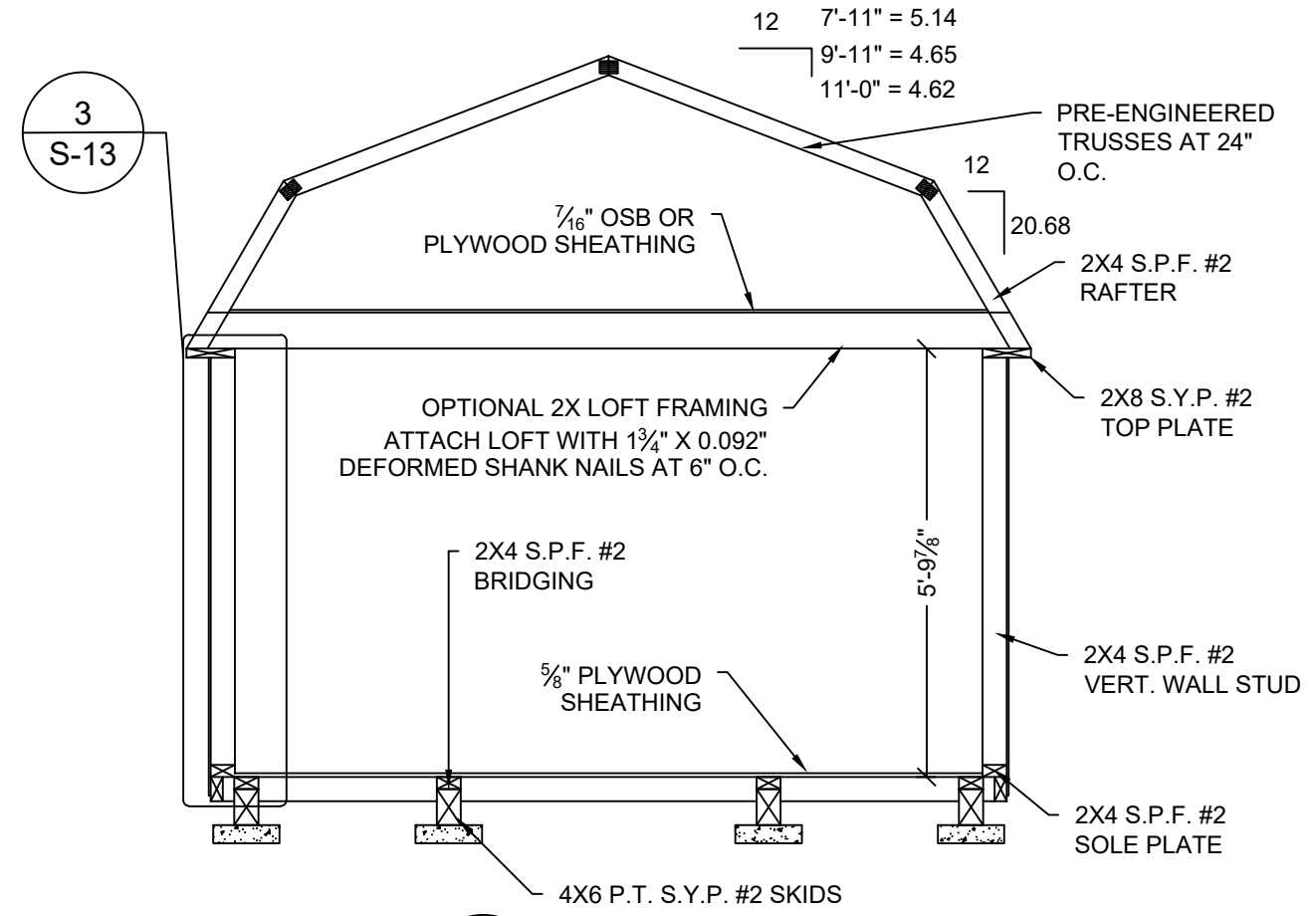
9'-11 1/2" WIDE
OPTIONAL METAL ROOF

2 CROSS SECTION
S-11 SCALE: 3/8" = 1'-0"



11'-0" WIDE
OPTIONAL METAL ROOF

3 CROSS SECTION
S-11 SCALE: 3/8" = 1'-0"



4 CROSS SECTION
S-11 SCALE: 3/8" = 1'-0"

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CROSS SECTIONS

DATE: 12/08/20 DRAWN BY: RD
SCALE: AS NOTED CHECKED BY: KMB

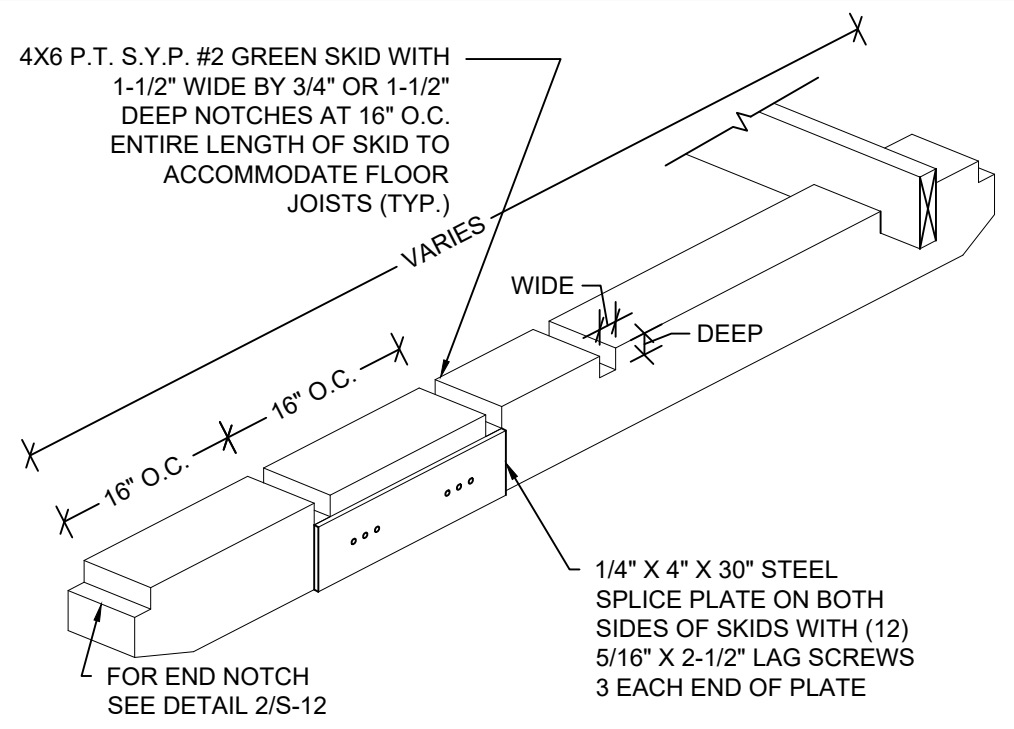
SHEET:
S-11
SHEET 12 OF 31

2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

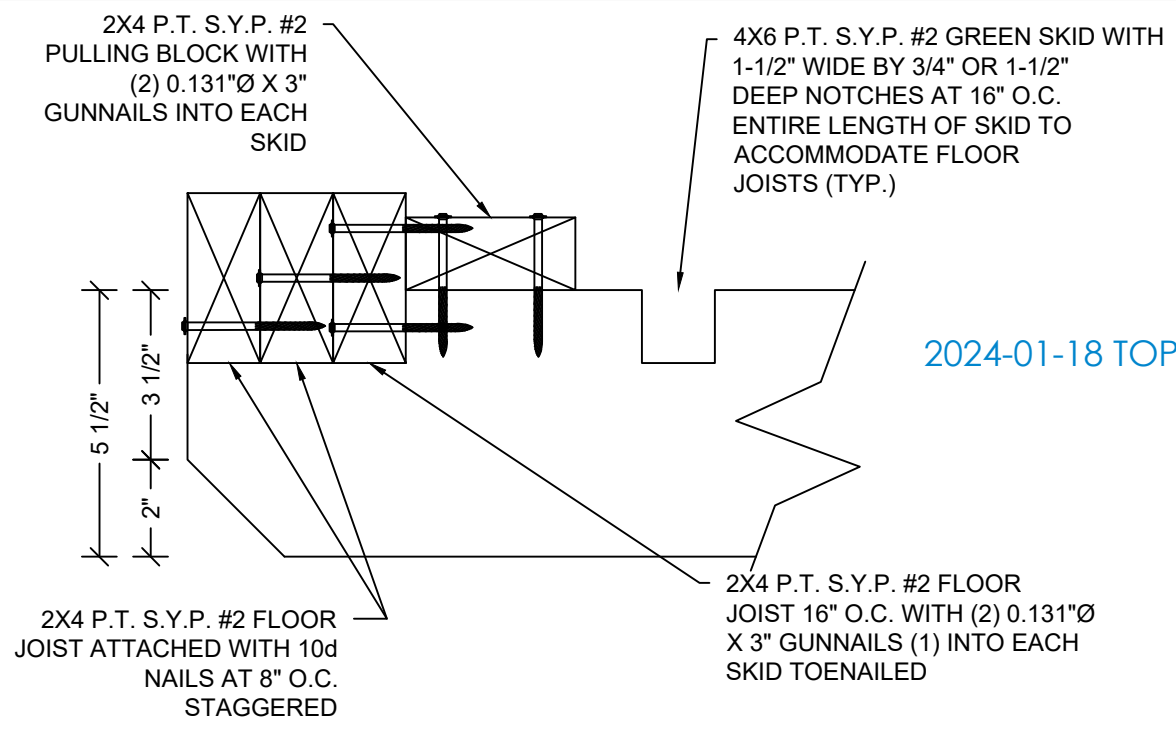
THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.

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STRUCTURAL ENGINEERS
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10649 Oakview Pointe Terrace
Gotha, Florida 34734

2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL



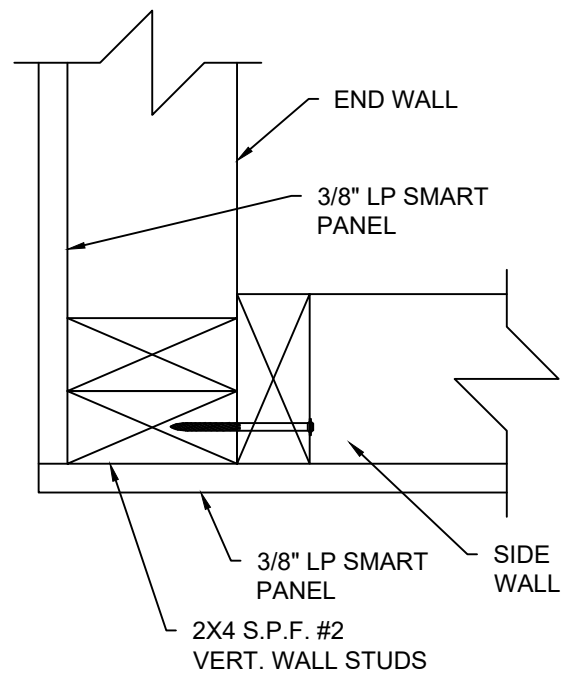
1 ISOMETRIC SKID DETAIL
S-12 SCALE: N.T.S.



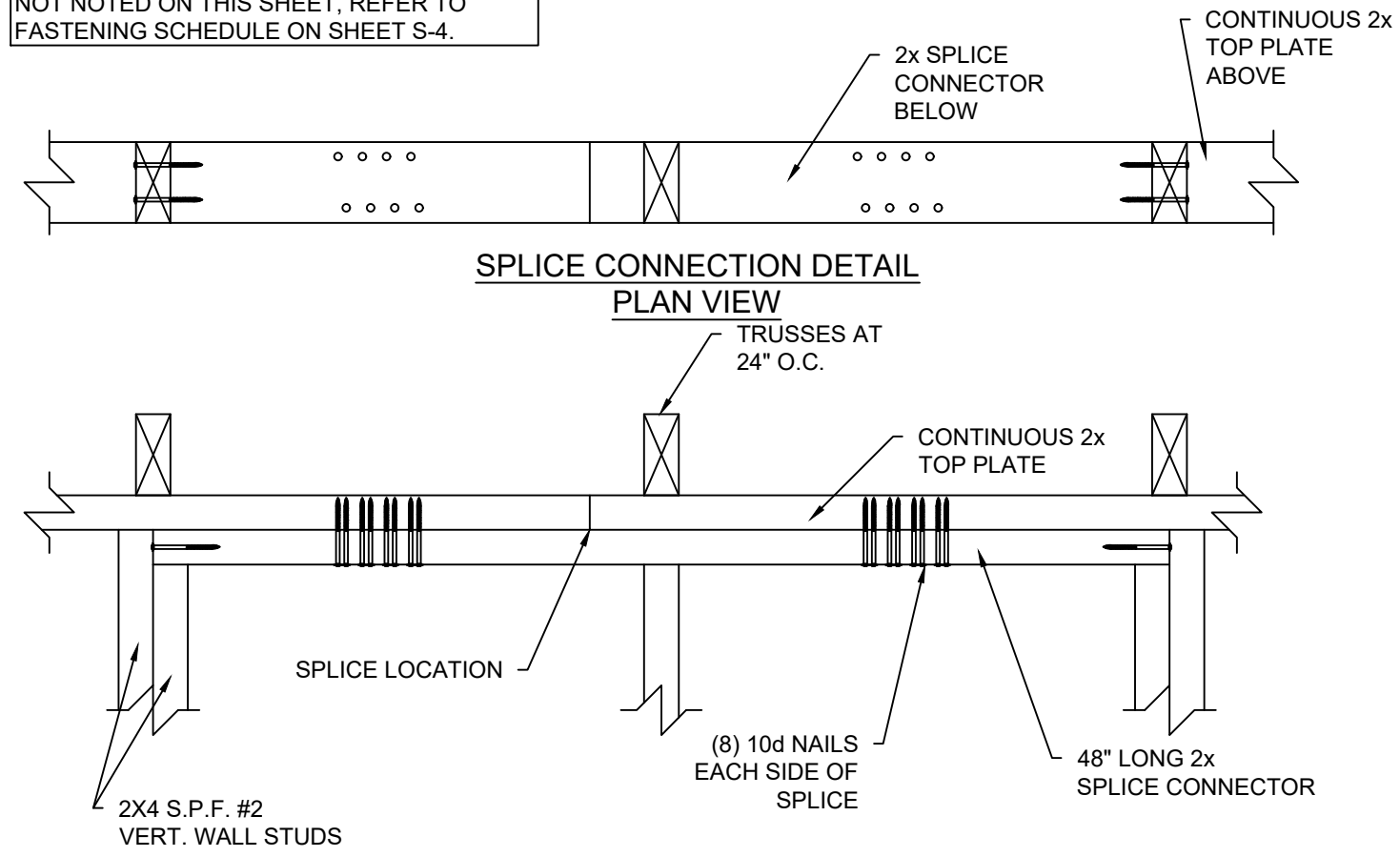
2 END WALL JOIST DETAIL
S-12 SCALE: 3" = 1'-0"

NOTE:
SKIDS ARE IN CONTACT
WITH GROUND.

NOTE:
FOR ALL FASTENERS OF FRAMING MEMBERS
NOT NOTED ON THIS SHEET, REFER TO
FASTENING SCHEDULE ON SHEET S-4.



3 CORNER CONNECTION DETAIL
S-12 SCALE 3" = 1'-0"



4 SPLICE CONNECTION DETAIL
S-12 SCALE: 1-1/2" = 1'-0"

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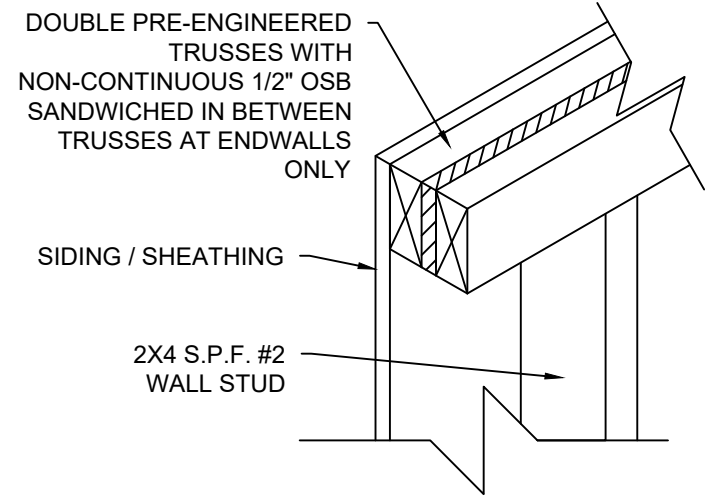


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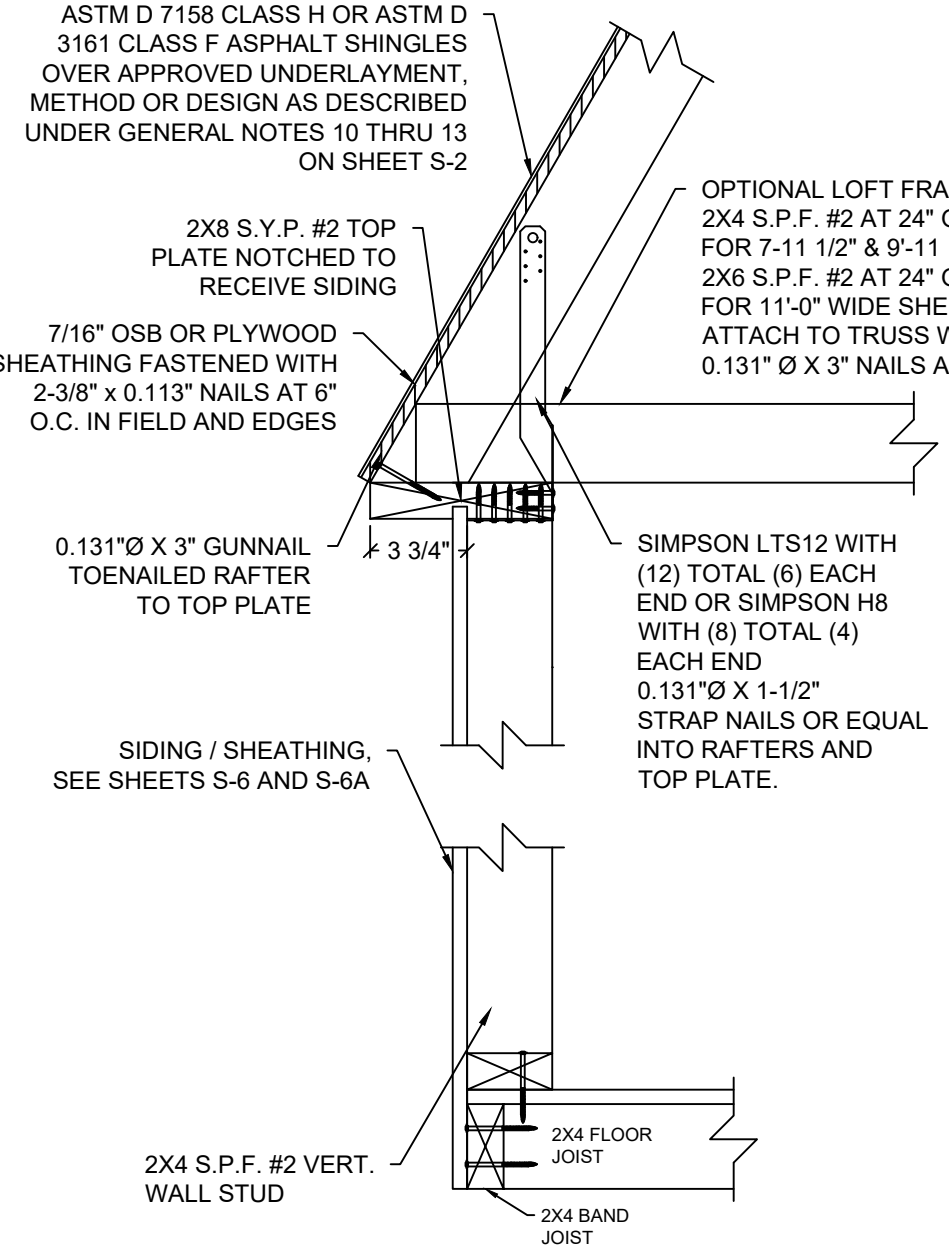
DETAILS	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-12
SHEET 13 OF 32

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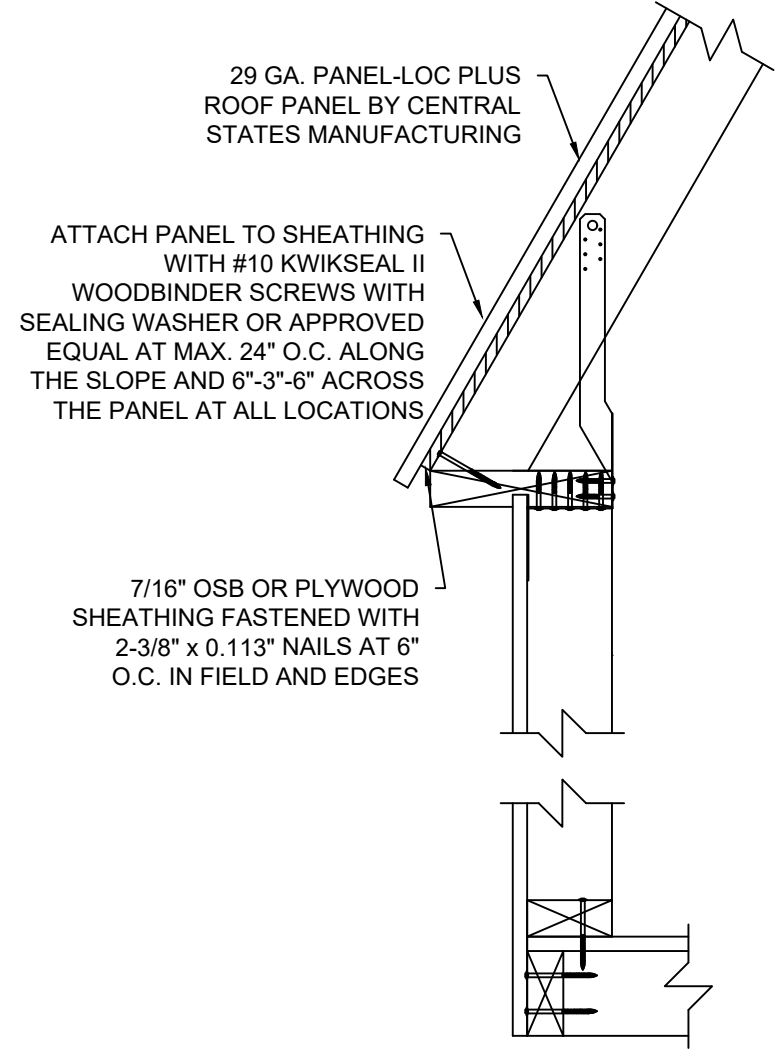


1
S-13 **DOUBLE TRUSS DETAIL**
SCALE: 1-1/2" = 1'-0"



3
S-13 **TOP PLATE TO RAFTER AND FLOOR FASTENING DETAIL**
SCALE: 1-1/2" = 1'-0"

NOTE:
FOR ALL FASTENING OF FRAMING MEMBERS NOT NOTED ON THIS SHEET, REFER TO FASTENING SCHEDULE ON SHEET S-4.



2
S-13 **TOP PLATE TO RAFTER FASTENING WITH METAL ROOF DETAIL**
SCALE: 1-1/2" = 1'-0"

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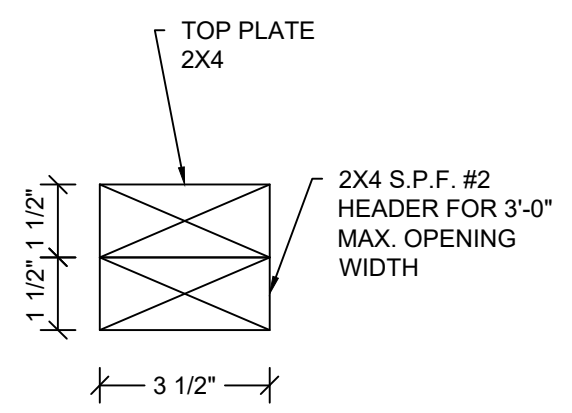
DETAILS	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-13
SHEET 14 OF 33

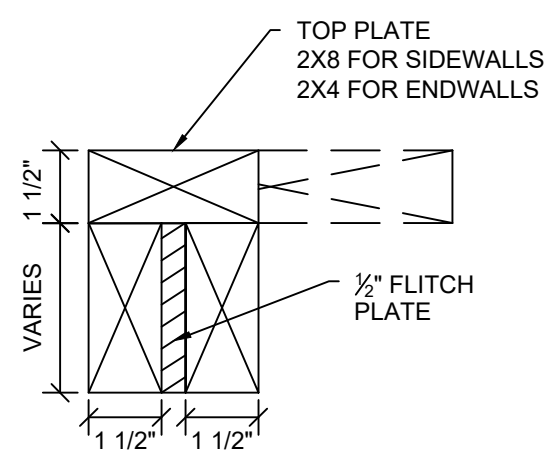


18 GA. GALVANIZED STEEL WITH (12) TOTAL (6) EACH END 0.131"Ø X 1-1/2" STRAP NAILS OR EQUAL INTO RAFTERS AND STUD WALLS

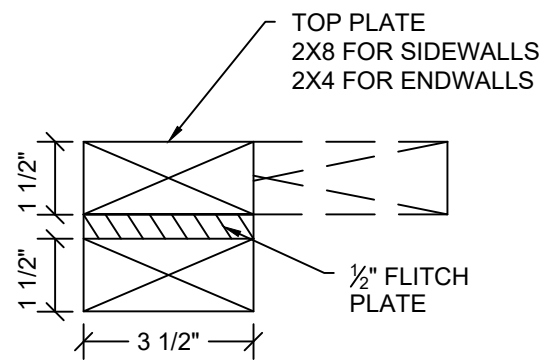
1 SIMPSON STRAP DETAIL S-14 SCALE: 3" = 1'-0"



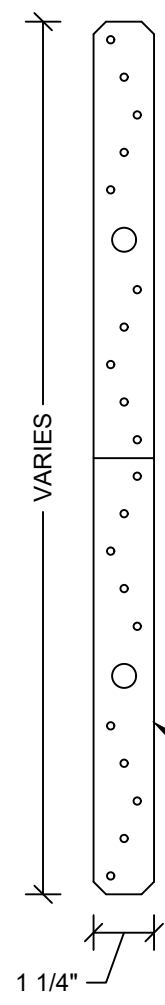
2 HEADER SECTION S-14 SCALE: 3" = 1'-0"



3 HEADER SECTION S-14 SCALE: 3" = 1'-0"



4 HEADER SECTION S-14 SCALE: 3" = 1'-0"



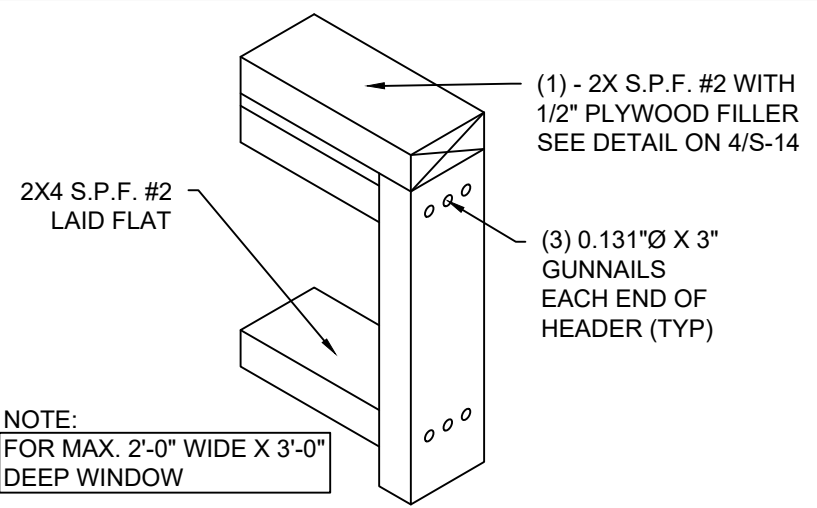
5 STRAP DETAIL S-14 SCALE: 3" = 1'-0"

NOTE: USED ON EVERY WALL STUD TO CONNECT WALL TO ROOF TRUSS.

SIMPSON CS20 20 GA X 1-1/4" GALV. STEEL STRAP WITH (18) 0.131"Ø X 2-1/4" NAILS OR EQUAL (9) INTO RAFTERS AND (9) INTO STUD WALL

NOTE: FOR MAX. 2'-0" WIDE X 3'-0" DEEP WINDOW

6 WINDOW HEADER AND SILL DETAIL S-14 SCALE: N.T.S.

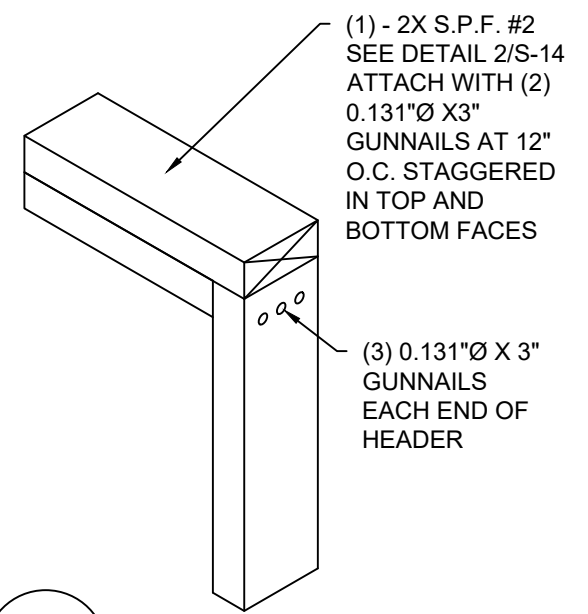


FOR MAX. 4'-0" WIDE X 5'-10" DEEP OPENINGS IN SIDE WALL - (2) 2X4 S.P.F. #2 WITH 1/2" PLYWOOD FILLER.
FOR MAX. 6'-0" WIDE X 5'-10" DEEP OPENINGS IN SIDE WALL - (2) 2X6 S.P.F. #2 WITH 1/2" PLYWOOD FILLER OR (2) 1-3/4" X 3-1/2" 1.9E MICROLLAM LVL
FOR OPENINGS IN END WALL: (2) 2X4 S.P.F. #2 WITH 1/2" PLYWOOD FILLER.

SIMPSON CS20 20GA. X 1-1/2" STRAP WRAPPED OVER HEADER. ATTACH STRAP TO EACH SIDE OF JACK STUD WITH 0.131"Ø X 2 1/4" GUNNAILS: (3) NAILS FOR UP TO 3'-0" WIDE OPENINGS (6) NAILS FOR UP TO 6'-0" WIDE OPENINGS (9) NAILS FOR UP TO 8'-0" WIDE OPENINGS

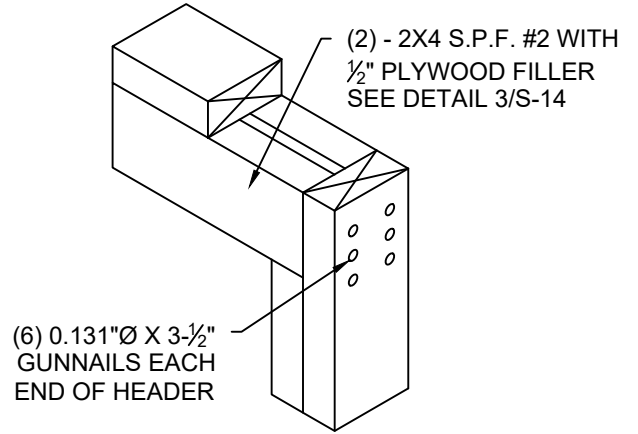
9 HEADER WITH STRAP S-14 SCALE: N.T.S.

NOTE: FOR MAX. 6'-0" WIDE X 5'-10" DEEP OPENING ON SIDE WALL AND MAX. 8'-0" WIDE X 6'-8" DEEP OPENING ON END WALL



10 HEADER WITHOUT STRAP S-14 SCALE: N.T.S.

NOTE: FOR MAX. 7'-0" WIDE X 5'-10" DEEP OPENING ON END WALL



7 CRIPPLE STUD WITH STRAP DETAIL S-14 SCALE: N.T.S.

8 HEADER WITHOUT STRAP S-14 SCALE: N.T.S. NOTE: FOR MAX. 6'-0" WIDE X 6'-8" DEEP OPENING ON END WALL

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SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

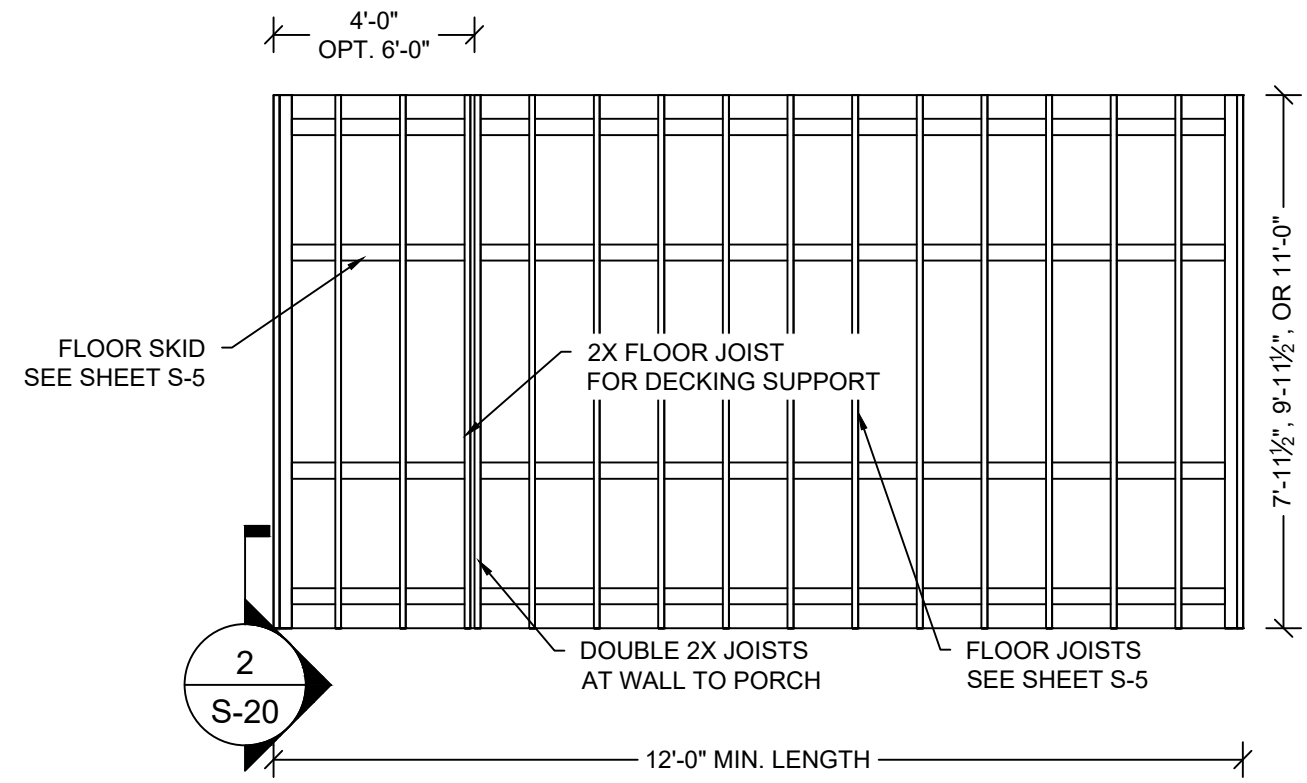
FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



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(863)865-6502

DETAILS	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

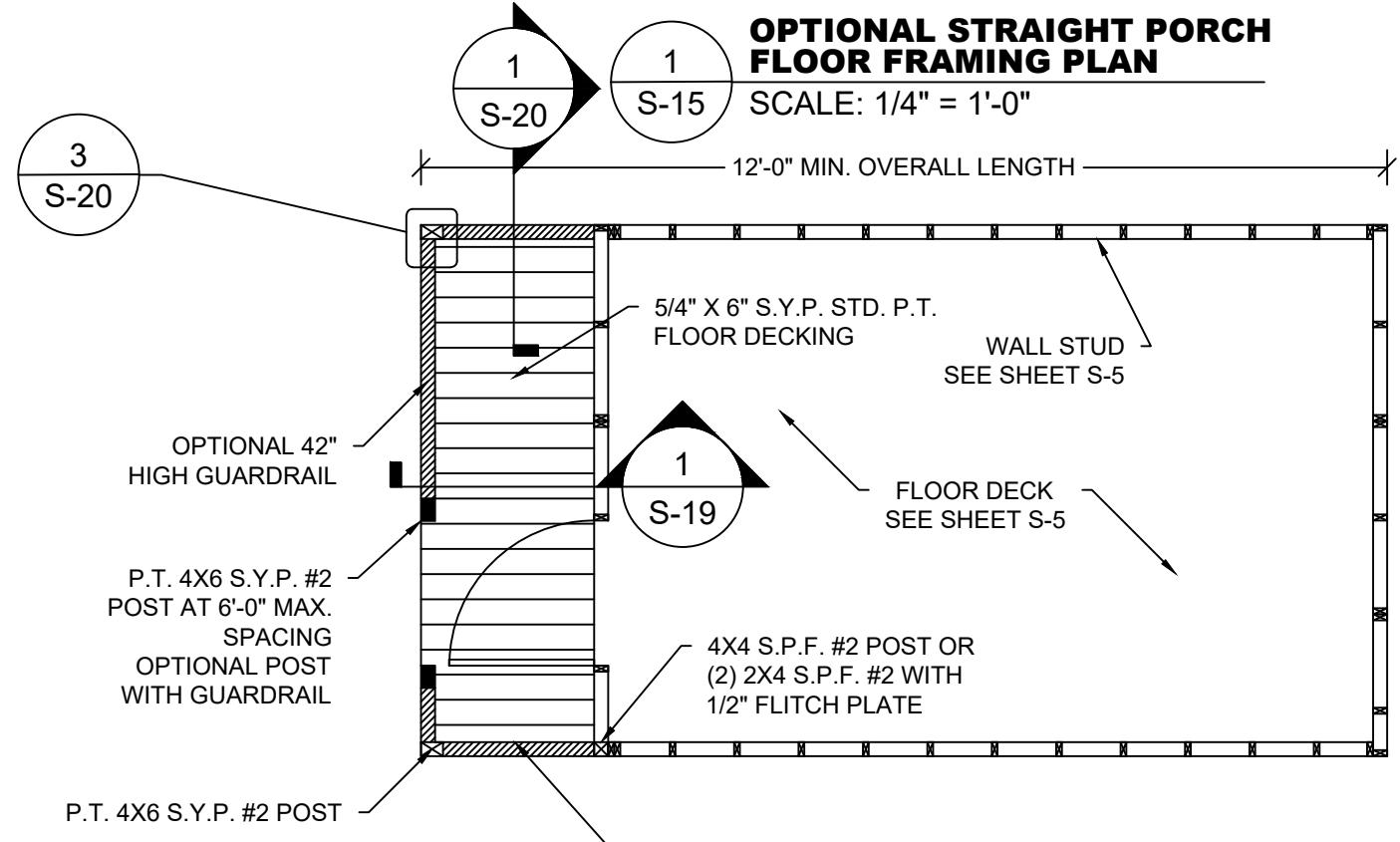
SHEET: S-14 SHEET 15 OF 34



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OPTIONAL STRAIGHT PORCH FLOOR FRAMING PLAN

SCALE: 1/4" = 1'-0"



2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

TLE TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS
William E. Neary, III
SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



01/18/24

NOTES:

1. P.T. 4X6 S.Y.P. #2 POST IS SHOWN. 4X4 POST IS OR 2X4 S.P.F. #2 WITH 1/2" FLITCH PLATE IS OPTIONAL

ON SIDE WALL FOR 4' PORCH - EXTEND TOP PLATE TO TOP OF POST WITH P.T. 2X4 S.Y.P #2 BEAM UNDER IT.
ON SIDE WALL FOR 6' PORCH - (2) 1-3/4" X 3-1/2" 1.9E MICROLLAM LVL BEAM OR P.T. (2) 2X6 S.P.F. #2 WITH 1/2" FLITCH PLATE BETWEEN THE PLIES

OPTIONAL STRAIGHT PORCH FLOOR PLAN


SCALE: 1/4" = 1'-0"

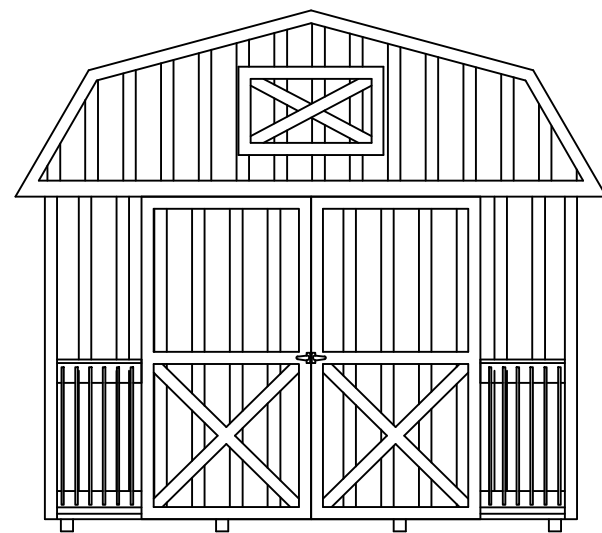
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(863)865-6502

FRAMING & FLOOR PLAN FOR STRAIGHT PORCH	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

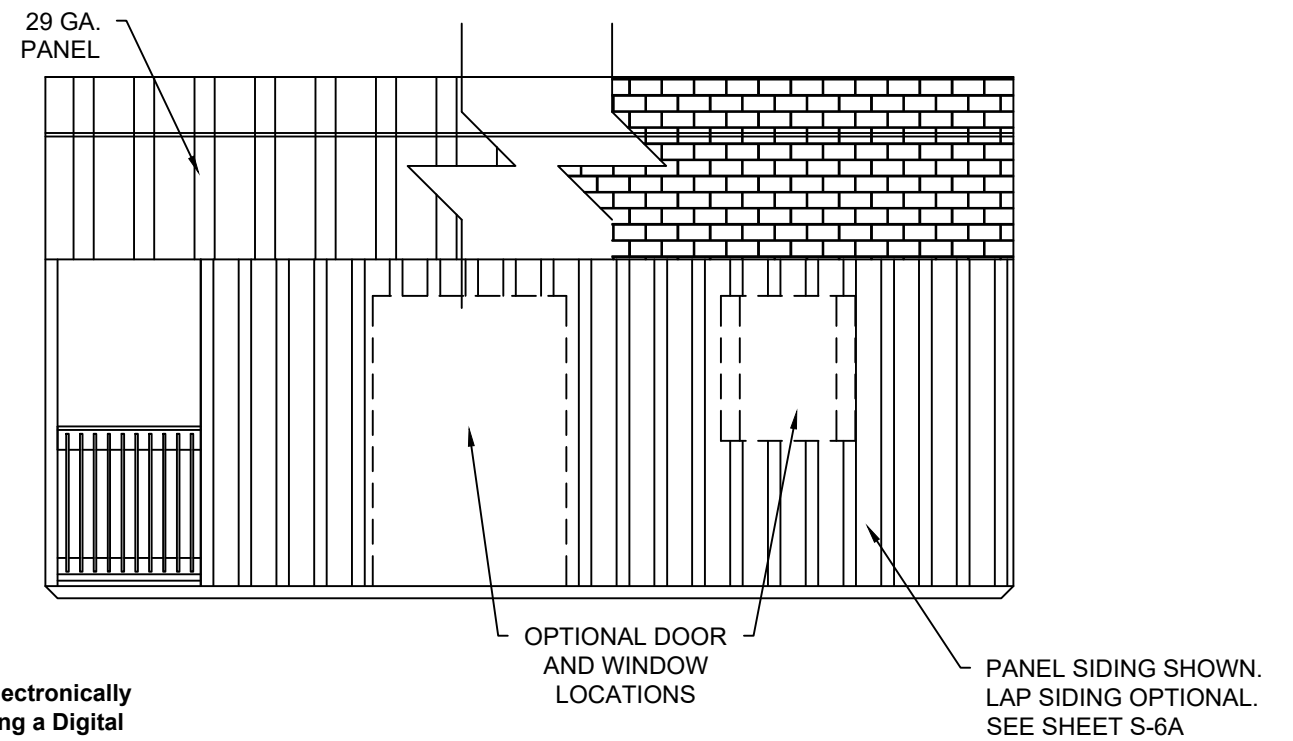
SHEET: **S-15**
SHEET 16 OF 35

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.


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 STRUCTURAL ENGINEERS
 William E. Neary, III
 SMP-51, SMI-79, ICC 5185040
 10649 Oakview Pointe Terrace
 Gotha, Florida 34734



NOTE:
ATTACH PORCH GUARD RAIL
WITH (2) #8 X 2½" SCREWS
AT EACH UPRIGHT



1
ENDWALL WITH OPTIONAL STRAIGHT PORCH ELEVATION
 S-16 SCALE: 1/4" = 1'-0"

2
SIDEWALL WITH OPTIONAL STRAIGHT PORCH ELEVATION
 S-16 SCALE: 1/4" = 1'-0"

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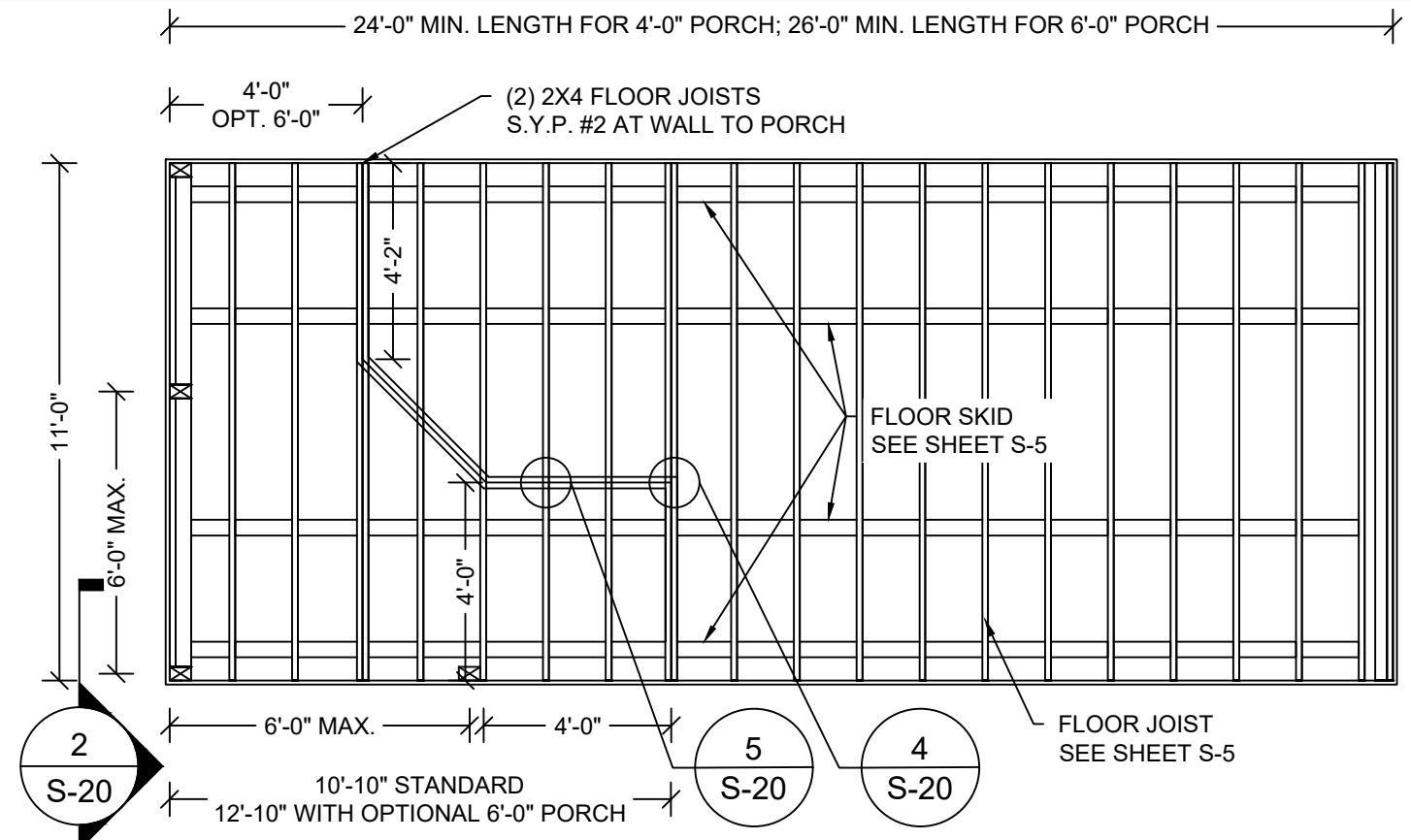
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ELEVATIONS FOR STRAIGHT PORCH

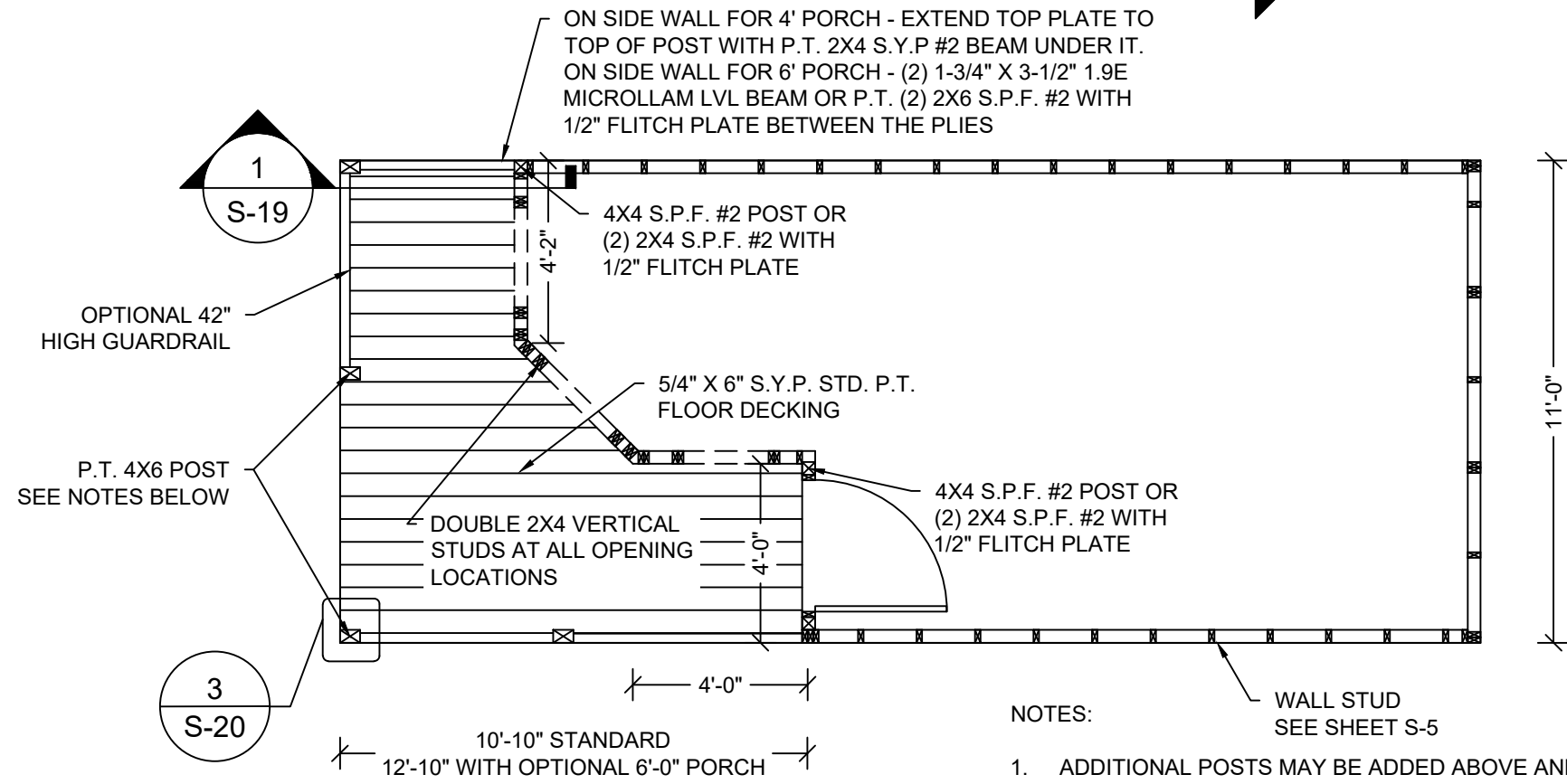
DATE: 12/08/20 DRAWN BY: RD
 SCALE: AS NOTED CHECKED BY: KMB

SHEET:
S-16
 SHEET 17 OF 2

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1
S-17
OPTIONAL CLIPPED PORCH FLOOR FRAMING PLAN
SCALE: 1/4" = 1'-0"



2
S-17
OPTIONAL CLIPPED PORCH FLOOR PLAN
SCALE: 1/4" = 1'-0"

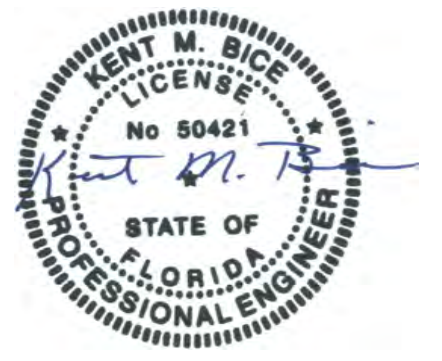
NOTES:

- ADDITIONAL POSTS MAY BE ADDED ABOVE AND BEYOND THE AMOUNT SHOWN PROVIDED THE SPACING DOES NOT EXCEED 6'-0" O.C.
- P.T. 4X6 S.Y.P. #2 POST IS SHOWN. 4X4 POST IS OR 2X4 S.P.F. #2 WITH 1/2" FLITCH PLATE IS OPTIONAL

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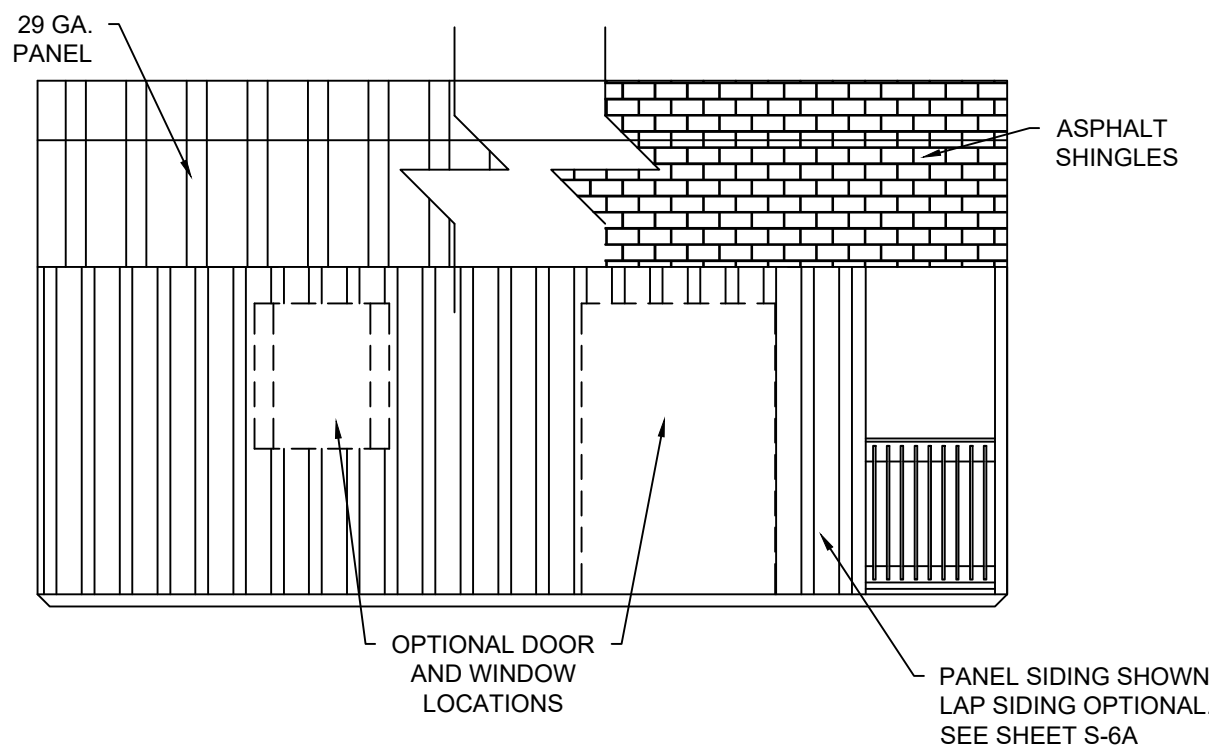
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FRAMING & FLOOR PLAN FOR CLIPPED PORCH	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-17
SHEET 18 OF 37

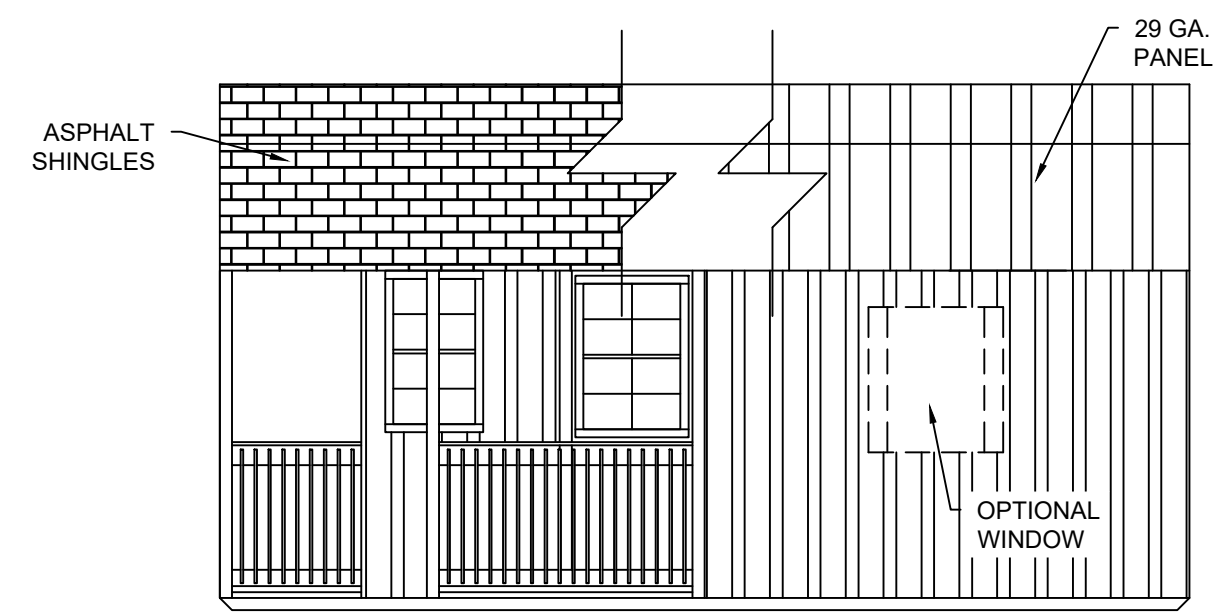
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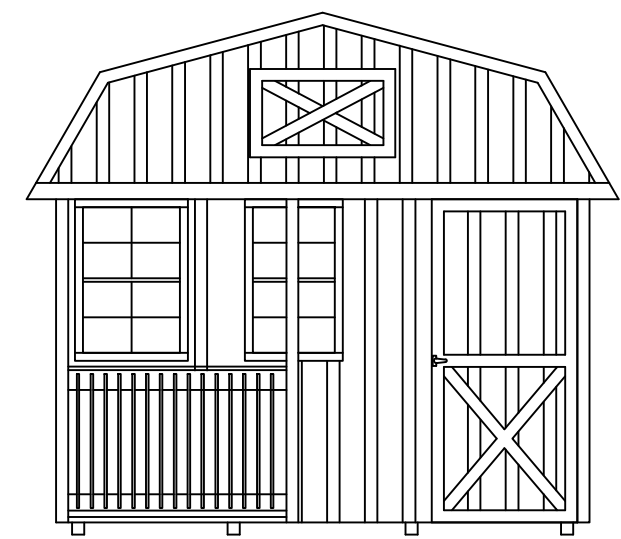


1
S-18 **OPTIONAL CLIPPED PORCH
SIDEWALL ELEVATION**
SCALE: 1/4" = 1'-0"

NOTE:
ATTACH PORCH GUARD RAIL
WITH (2) #8 X 2½" SCREWS
AT EACH UPRIGHT



2
S-18 **OPTIONAL CLIPPED PORCH
SIDEWALL ELEVATION**
SCALE: 1/4" = 1'-0"



3
S-18 **OPTIONAL CLIPPED PORCH
ENDWALL ELEVATION**
SCALE: 1/4" = 1'-0"

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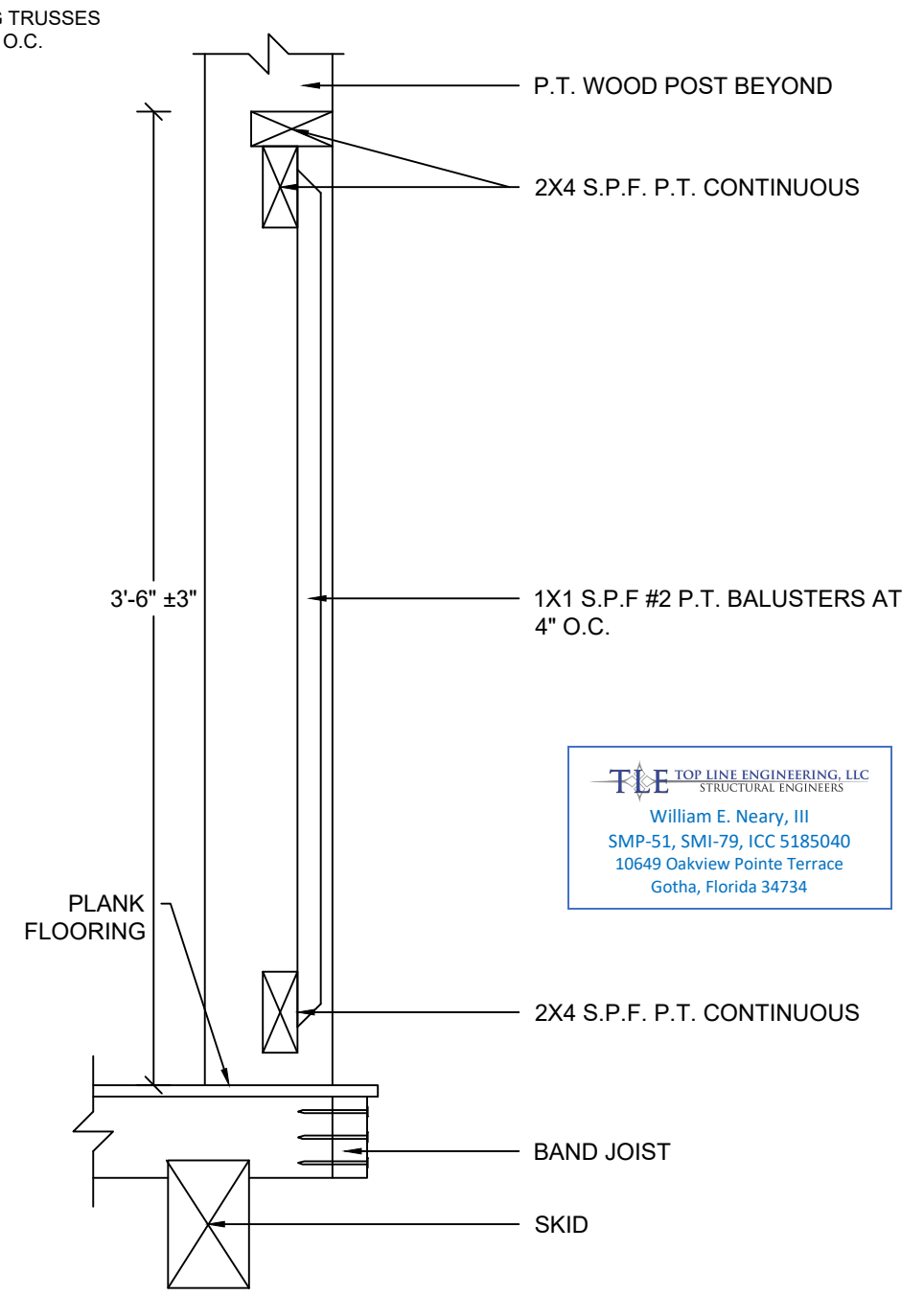
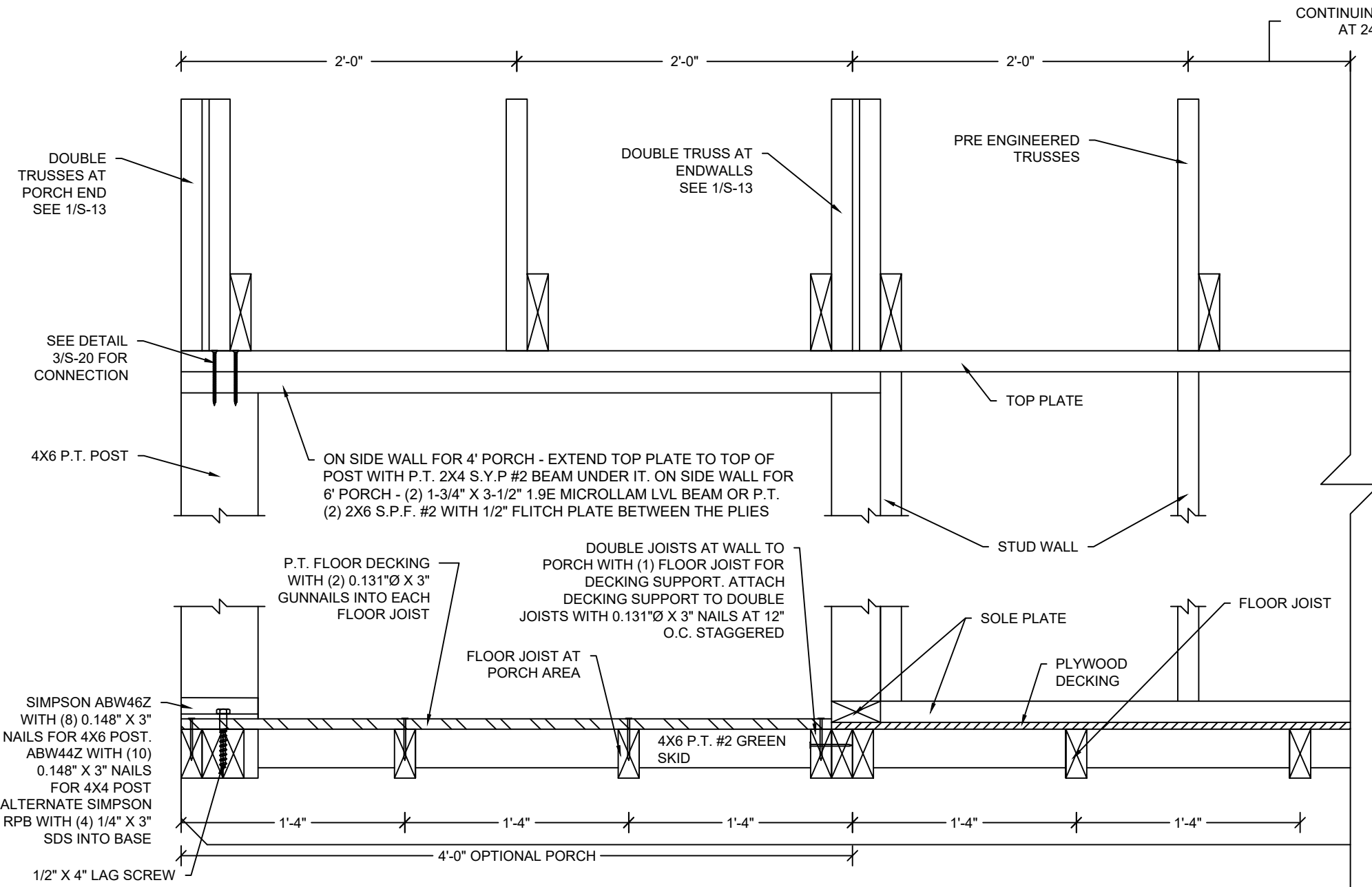


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ELEVATIONS FOR CLIPPED PORCH	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-18
SHEET 19 OF 38

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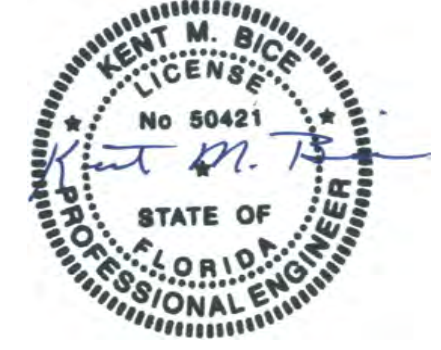


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Gotha, Florida 34734

1
S-19 **OPTIONAL PORCH SECTION**
SCALE: 1 1/2" = 1'-0"

2
S-19 **RAILING DETAIL**
SCALE: NTS

FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468



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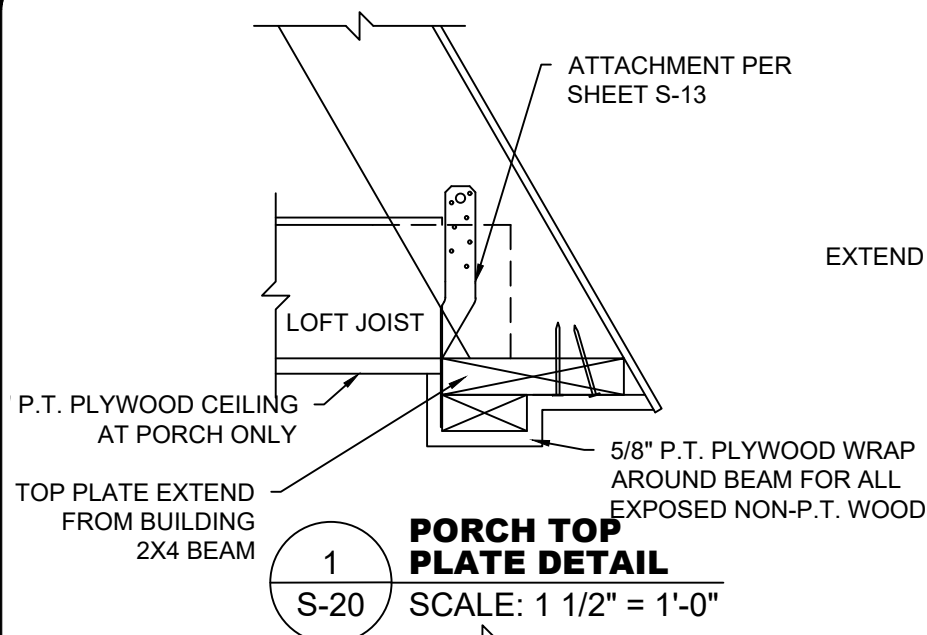
2024-01-18 TOP LINE ENGINEERING, LLC APPROVAL

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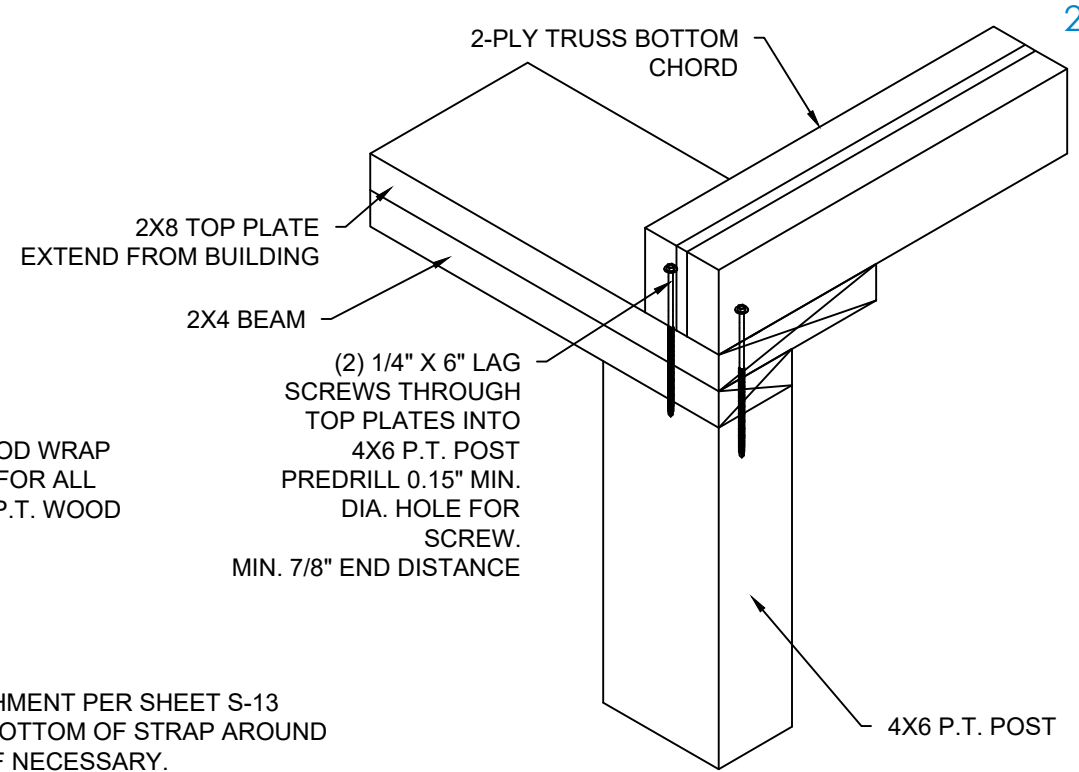
DETAILS	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-19
SHEET 20 OF 2

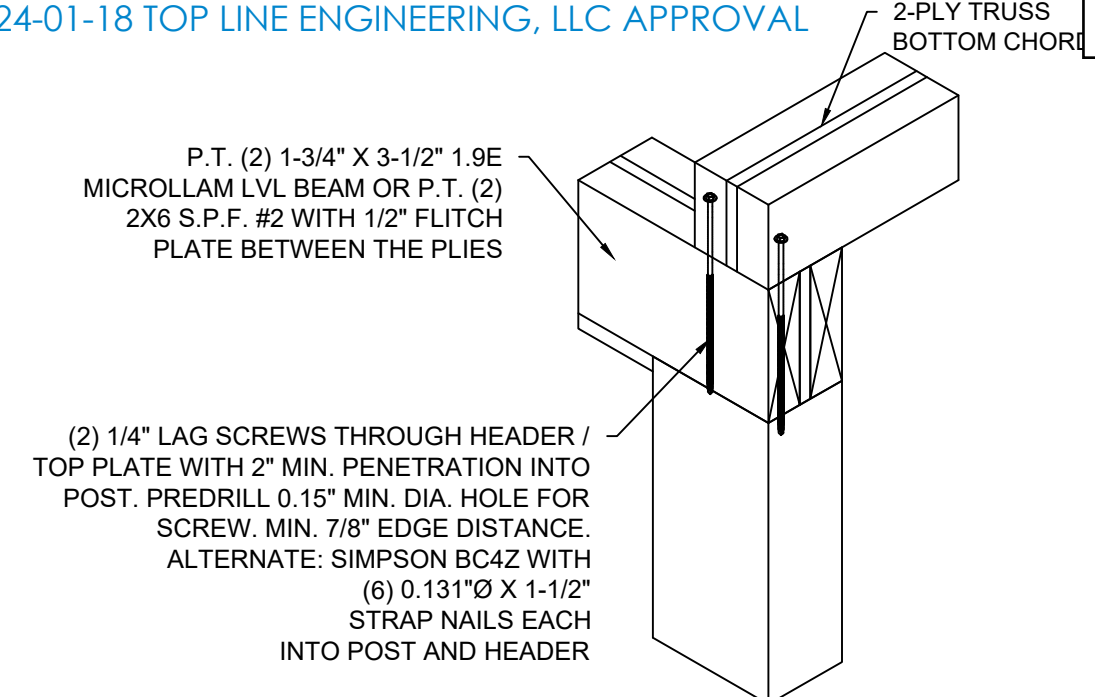
THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.



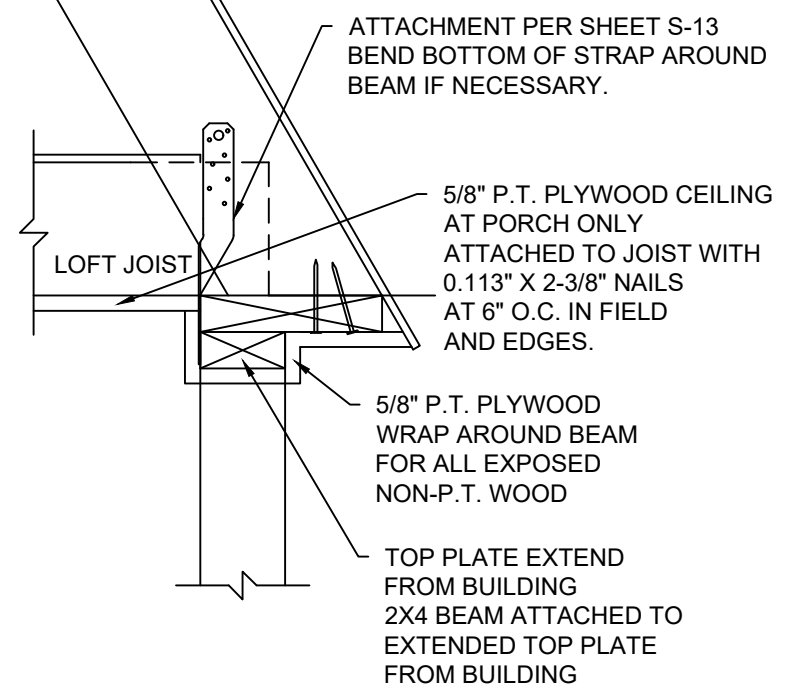
1
S-20
PORCH TOP PLATE DETAIL
SCALE: 1 1/2" = 1'-0"



3
S-20
HEADER IN SIDE WALL TO POST CONNECTION - 4'-0\"/>



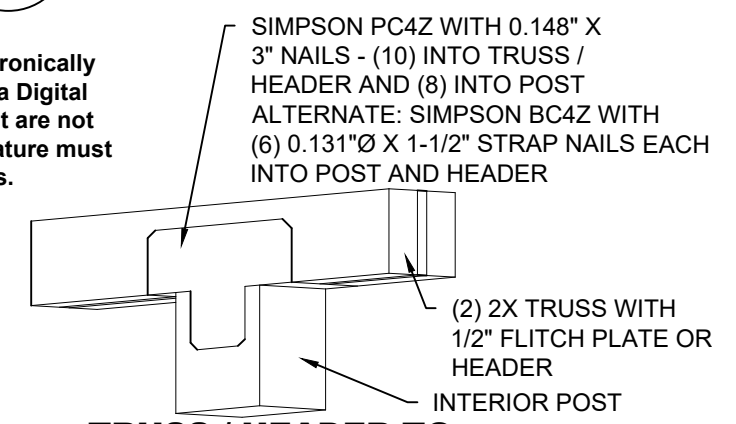
6
S-20
HEADER IN SIDE WALL TO POST CONNECTION - 6'-0\"/>



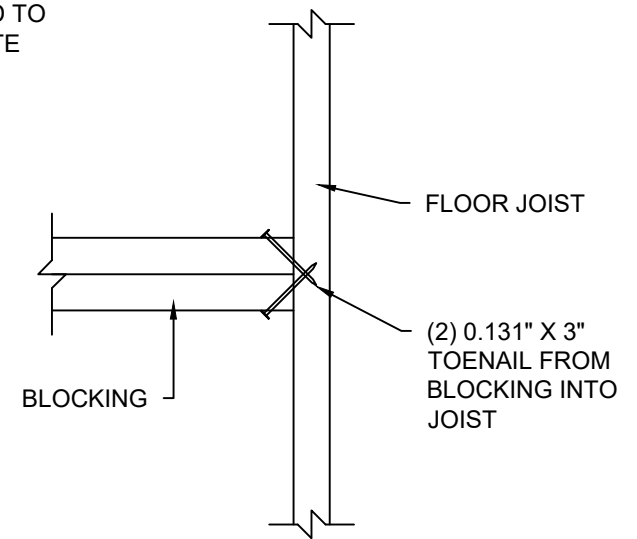
2
S-20
SECTION
SCALE: 1 1/2" = 1'-0"

TLE TOP LINE ENGINEERING, LLC
STRUCTURAL ENGINEERS
William E. Neary, III
SMP-51, SMI-79, ICC 5185040
10649 Oakview Pointe Terrace
Gotha, Florida 34734

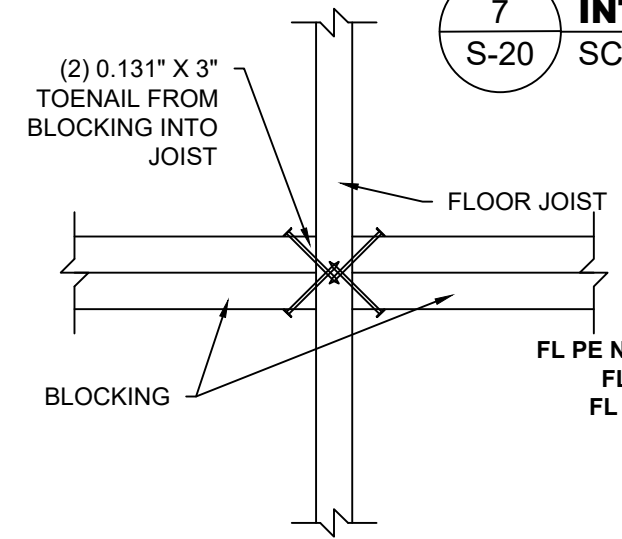
Kent M. Bice PE - This item has been electronically signed and sealed by Kent M. Bice using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



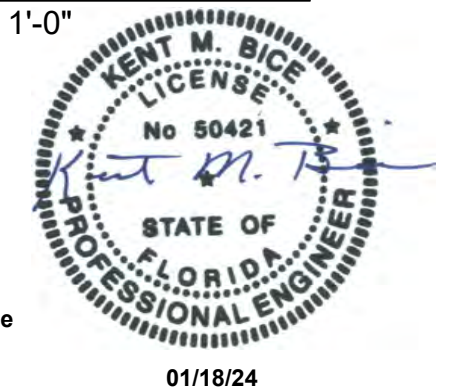
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S-20
TRUSS / HEADER TO INTERIOR POST CONNECTION
SCALE: 1 1/2" = 1'-0"



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BLOCKING ATTACHMENT DETAIL
SCALE: 1 1/2" = 1'-0"



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BLOCKING ATTACHMENT DETAIL
SCALE: 1 1/2" = 1'-0"



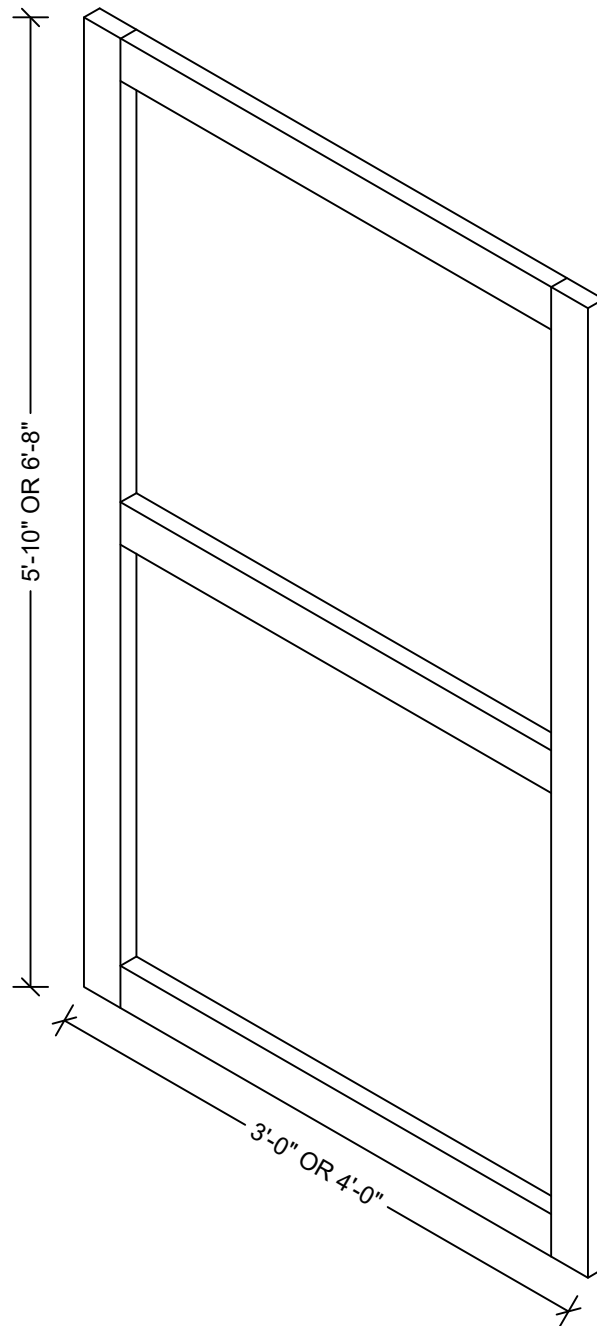
FL PE Name: Kent M. Bice
FL PE #: 50421
FL COA #: 30468

1552 6TH ST., WINTER HAVEN, FL 33880
(863)865-6502

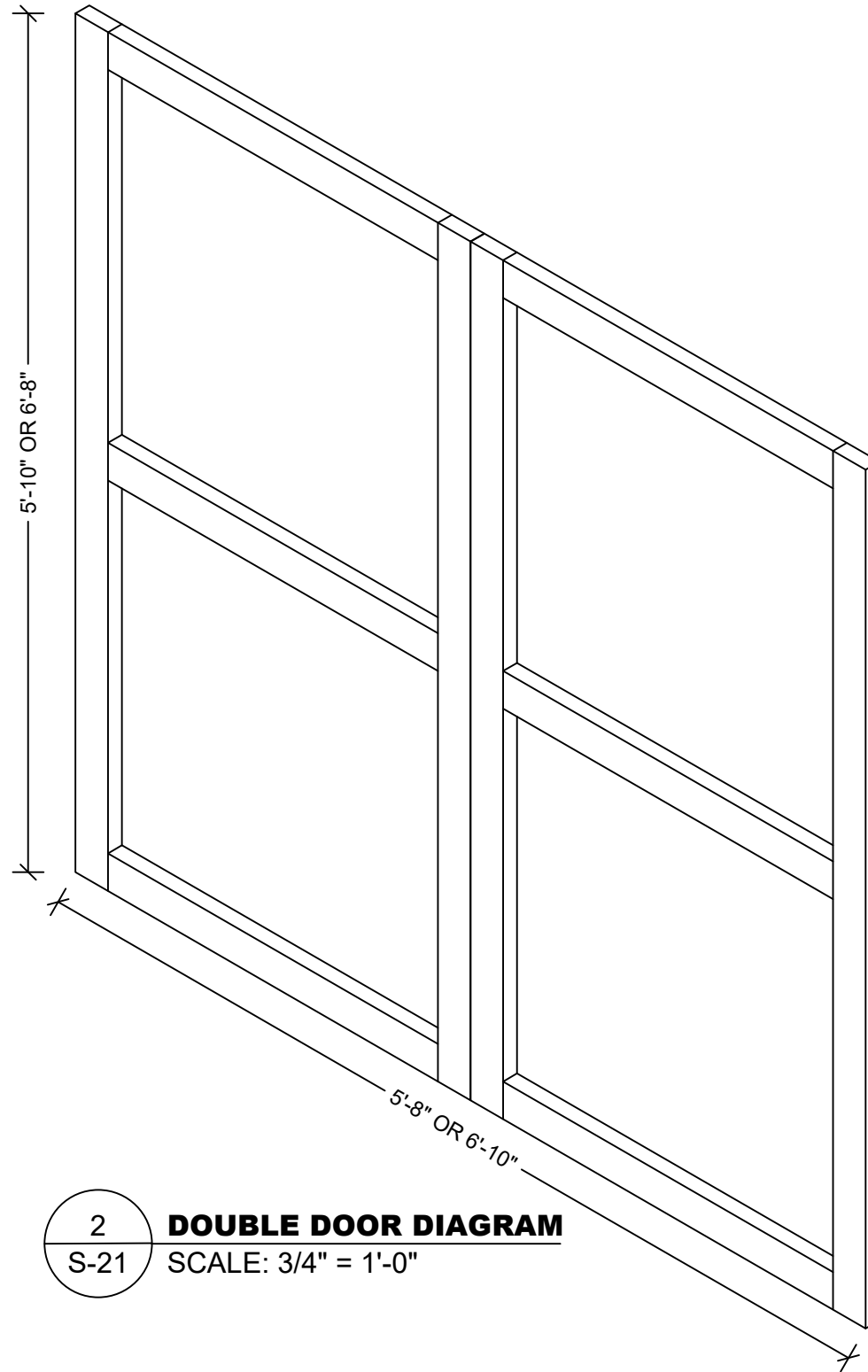
DETAILS	
DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-20
SHEET 21 OF 40

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.



1 SINGLE DOOR DIAGRAM
 S-21 SCALE: 3/4" = 1'-0"



2 DOUBLE DOOR DIAGRAM
 S-21 SCALE: 3/4" = 1'-0"

CONNECTION NOTES:

STEEL TWIST HANDLE DOOR LOCK WITH METAL D-HANDLE THAT LATCHES BEHIND THE LEFT DOOR.

4" X 3/8 SLIDE BOLT ON TOP AND BOTTOM OF LEFT DOOR.

DOOR CLOSES AGAINST 2X2 DOOR STOP NAILED INSIDE OPENING.

FRAME IS STITCHED TOGETHER AT JOINTS WITH 5 PCS OF 1" X 1" WIDE CROWN STAPLES, SIDING ATTACHED WITH 1-3/4 X .092 RING SHANK NAILS AT 8" O.C AROUND EDGES AND ACROSS MIDDLE, 1X4 TRIM ATTACHED WITH 1-3/4 BRAD NAILS.

NOTES:

EACH DOOR SECURED TO WALL WITH 3 PCS OF 6" STEEL T-HINGE, USING A TOTAL OF 8PCS #8X 2-1/2 HINGE SCREWS. (4 IN EACH END)

STEEL LATCH HANDLE SECURED WITH 3 PCS OF #8X 2-1/2 HINGE SCREWS.

CAST STEEL D-HANDLE ATTACHED TO 1/4 LOCK SHAFT WITH TINNEMAN NUT AND 1/8 SET SCREW.

DOOR OR WINDOW WIND PRESSURE TABLE	
ENTRY DOOR	+55/-60 PSF
GARAGE DOOR 10'-0"	+40.9/-46.5 PSF
GARAGE DOOR 8'-0"	+42.9/-48.5 PSF
WINDOWS (DP66)	+55/-60 PSF

Kent M. Bice PE - This item has been electronically signed and sealed by Kent M. Bice using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

TOP LINE ENGINEERING, LLC
 STRUCTURAL ENGINEERS
 William E. Neary, III
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 Gotha, Florida 34734

FL PE Name: Kent M. Bice
 FL PE #: 50421
 FL COA #: 30468



01/16/24 01/18/24

1552 6TH ST., WINTER HAVEN, FL 33880
 (863)865-6502

ISOMETRIC DOOR DIAGRAMS

DATE: 12/08/20	DRAWN BY: RD
SCALE: AS NOTED	CHECKED BY: KMB

SHEET:
S-21
 SHEET 21 OF 41

THESE PLANS WERE DESIGNED IN ACCORDANCE WITH THE 2023 FLORIDA BUILDING CODE 8TH EDITION ASCE 7-22.

PLOT PLAN

DESCRIPTION: (AS FURNISHED)

LOT 38, TALICHET AT VENEZIA NORTH

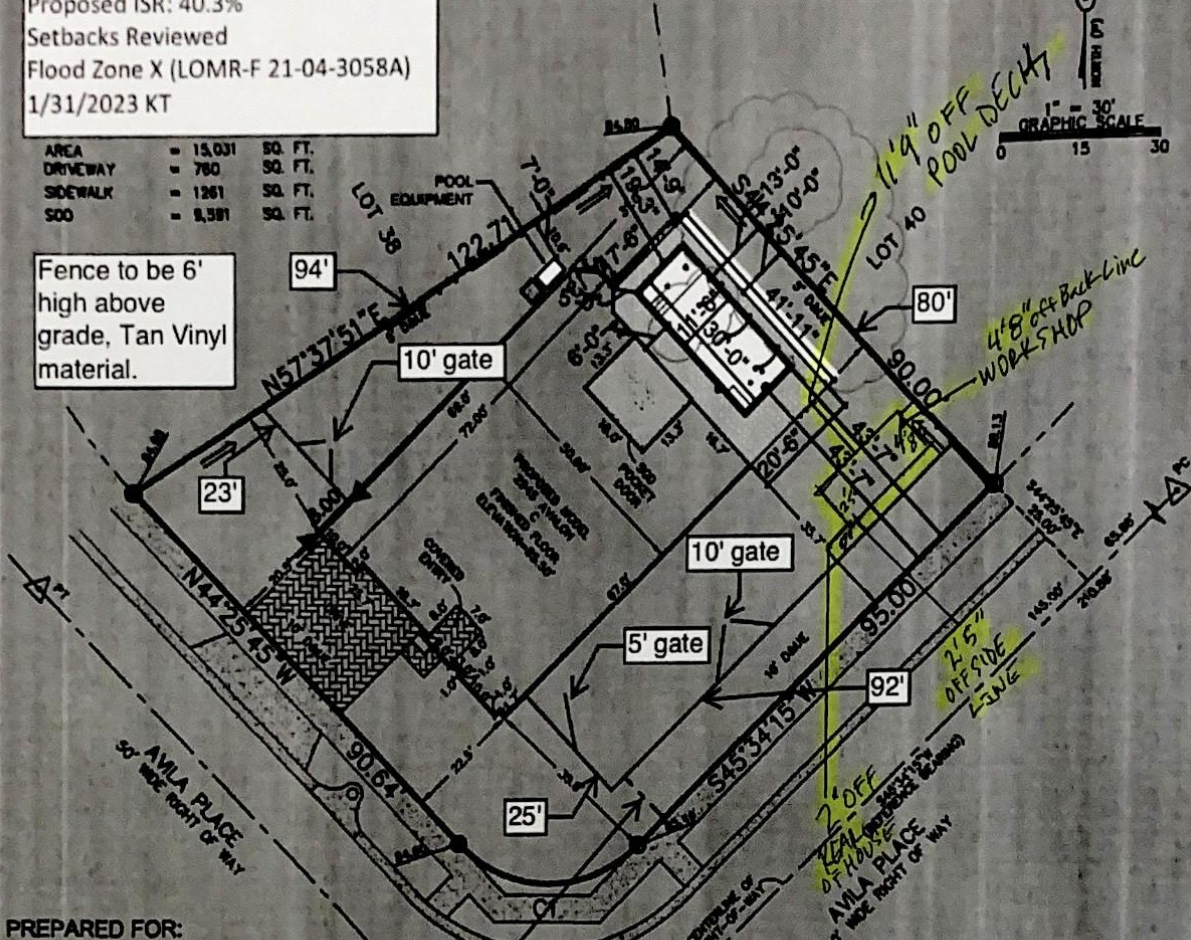
AS RECORDED IN PLAT BOOK 73, PAGE(S) 78-81, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

Zoning Review:
 Lot Area: 12,126 sf
 Pool/Patio Area: +/- 860 sf (reduced per revised site plan)
 Total Impervious Area: +/- 4,881 sf
 Existing ISR: 33%
 Proposed ISR: 40.3%
 Setbacks Reviewed
 Flood Zone X (LOMR-F 21-04-3058A)
 1/31/2023 KT

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	28.27'	25.00'	94°00'00"	S89°25'48"E	38.36'

AREA	= 15,031	SQ. FT.
DRIVEWAY	= 760	SQ. FT.
SIDEWALK	= 1261	SQ. FT.
SOO	= 9,391	SQ. FT.

Fence to be 6' high above grade, Tan Vinyl material.



PREPARED FOR:
 DREAM FINDERS

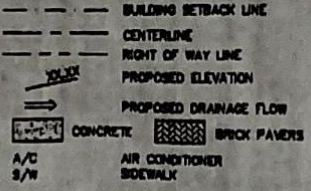
BUILDING SETBACKS
 FRONT: 20' PER CLIENT
 REAR: 15'
 SIDE: 5.5'
 SIDE STREET: 15'
 POOL: 10' REAR / 12.5' SIDE

NOTES:
 1. PROPOSED ELEVATIONS SHOWN HEREON ARE BASED ON THE APPROVED ENGINEERING PLANS PREPARED BY BESH.
 2. ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED STRUCTURE. THE CONTRACTOR AND/OR OWNER ARE REQUIRED TO VERIFY ALL SETBACKS, BUILDING DIMENSIONS, AND LAYOUT SHOWN HEREON PRIOR TO ANY CONSTRUCTION.

**THIS IS NOT A SURVEY
 THIS IS A PLOT PLAN ONLY**

FLOOD NOTE:
 I HAVE EXAMINED THE F.I.R.M. MAP NO. 12068C048E, DATED 12/18/12, AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO



LEGEND:

- PI POINT OF INTERSECTION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY
- RP RADIUS POINT
- PRC POINT OF REVERSE CURVATURE
- PCP PERMANENT CONTROL POINT
- TP TYPICAL
- CS CONCRETE SLAB
- (P) PER PLAT
- (C) CALCULATED
- PB PLAT BOOK
- PG PAGES
- PS SQ. FT.
- PSQ. FT. SQUARE FEET
- F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
- F.I.R.M. FLOOD INSURANCE RATE MAP
- NAVD NORTH AMERICAN VERTICAL DATUM
- DMUE DRAINAGE & UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT



SURVEYOR NOTES:
 1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT



TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk, T. Wilkes, Town Attorney
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Ordinance 2023-013 Comprehensive Plan Amendment
DATE: January 26, 2024

I was unable to fully participate in the workshop where the provisions for Ordinance 2013-013 were reviewed in preparation for the transmittal hearing. After reviewing the proposed amendments, there are two items that give me some concern, and I wish to call these to the Council's attention to consider modification to the policy amendments as current constructed.

Policy 1.2.6

The first item is with the revised Policy 1.2.6, page I-39, lines 20 and 21. This proposed amendment allows the Town to consider smaller lot sizes in areas supporting the Central Avenue commercial district, but the specific area cited is the Town Center Commercial (TC-C) district. Except for some provisions for existing single-family lots, the TC-C district does not allow single-family housing. Dwelling units added to this area must be done in conjunction with commercial development with the residential use located above the commercial space. Other than a handful of existing homes there will be no single-family located in the Town Center Commercial area.

A more appropriate area for designation is the Town Center Overlay. The overlay includes the Town Center Residential (TC-R) and Town Center Flex (TC-F) which do include single-family development and will allow new single-family as infill or redevelopment. If any efforts are to be made to employ single-family housing in support of the Town Center Commercial area, the Town Center Overlay area is the best option to do that.

As a practical matter nearly all of the area encompassed by the Town Center Overlay is platted and substantially developed, so the proposed policy amendment is likely to have minimal impact on the built environment. There may be a few instances where lot splits or replacement units might result in some additional units supporting the Central Avenue commercial area and limiting the lot size options to the TC-C district will exclude these opportunities.

Policy 1.1.1 Active Recreation Requirement

Policy 1.1.1 on page I-31 proposes some new rules for recreation facilities in Village Mixed Use projects. I have a concern that the wording as proposed may result in less overall recreation opportunity in these larger projects and the prospect of under-utilized and poorly maintained facilities. I understand the Council’s desire to include more items such as court games, swimming pools, playfields, playgrounds, and perhaps indoor activities in community buildings as a component of the recreation options offered in the larger communities. Facilities such as walking trails should be considered more passive recreation or they will continue to dominate the recreation provided. We presume the Council will desire a project to offer both active and passive recreation opportunities.

It is important to understand that active recreation facilities are going to be more expensive to build than passive recreation, and therefore developers are going to want to limit the active recreation insofar as possible. Passive recreation facilities tend to be large by their nature. While a project may be willing to provide an extensive area for passive recreation they will not do that if every additional passive recreation acre needs to be matched by an active facility acre. This situation creates a disincentive for including passive recreation facilities and drives the project toward the minimum level of recreation, both passive and active, required by the policy.

The current policy directs that active recreation to be 50% of the minimum park area. If we use a minimum VMU project of 100 acres, then the project is obligated to a recreation component of 10 acres (10% of the area), of which five acres are active and five acres are passive. Five acres of active recreation facility can accommodate a lot of facilities. The following table shows some comparisons for various facilities based on recommended sizes.

Facility	Size	Acres
Minimum Requirement	217,800 s.f.	5.00
Tennis Court	2,808 s.f.	0.06
Pickleball Court	880 s.f.	0.02
Basketball Court	4,700 s.f.	0.11
Swimming Pool	4,860 s.f.	0.11
Baseball Field	160,000 s.f.	3.67
Soccer Field	81,000 s.f.	1.88

Based on a minimum active requirement of five acres, the development could easily accommodate a major playfield area and a grouping and variety of play courts. We can expect a development to select active recreation facilities based on their projected

As a side note we have been very successful in negotiating the inclusion of walking trails and bicycle facilities in our village mixed use projects, including projects where active recreation facilities are included. Both Watermark and Hilltop Groves include trail networks along with active recreation opportunities. The Lake Hills development agreement also calls for both active and passive recreation opportunities while the proposed Mission Rise plan has a robust recreation component.

market. A development targeting seniors is more likely to include courts, pools and community centers than field play areas, while a family oriented developmen may chose more of a mixture.

In this example, the five acres for passive recreation is not a lot of area in a 100-acre development, but anytime the developer adds area for walking trails he has to also increase the active recreation component, and as more active facilities are added the active component can quickly outgrow the demand. At some point, more tennis courts or pickleball courts will go unused as there is insufficient demand.

Our Recreation and Open Space Element includes a population served factor for a variety of recreation facilities. This table is reproduced below.

Population Guidelines for User-Oriented Outdoor Recreation Activities

Activity	Resource* Facility	Population Served
Golf	9-hole golf course	25,000
Golf	18-hole golf course	50,000
Tennis	Tennis court	2,000
Baseball/softball	Baseball/softball field	3,000
Football/soccer	Football/soccer field	4,000
Handball/racquetball	Handball/racquetball court	10,000
Basketball	Basketball court	5,000
Swimming (Pool)	Swimming (Pool)*	8,700
Shuffleboard	Shuffleboard court	1,000
Freshwater fishing non-boat	800 feet of Fishing pier	5,000
Freshwater fishing power boating, water skiing, and sailing	Boat ramp lane	1,500

* Based on a standard community swimming pool measuring 81 ft x 60 ft (4,860 ft).

In the example used here of a minimum sized Village Mixed Use project, the expected population is 717 people. (100 acres x 3units/acre x 2.39 people/unit) As is seen from a comparison of project population to the service capacity of the facilities cited above, the minimum village mixed use project would not trigger a service demand for more than one of any of these facilities. When compared to the sizes of each type of active recreation facilities in the previous table, the active recreation demand can be met in a far smaller area than the minimum five acres required by the proposed policy. Essentially the proposed policy is demanding much more in active recreation than our comprehensive plan policies would expect from any development. A smaller active recreation requirement will enable the Town to meet active recreation needs and still negotiate for larger passive recreation areas.

Summary

The requirement for an active recreation component in the VMU development is a laudable effort. This analysis, however, suggests that the 50% minimum for active recreation, may result in facilities that exceed the probable demand. The currently proposed rule is likely to result in facilities that will be under-utilized and likely poorly maintained as a result. As structured, the requirement also serves as a disincentive to provide any recreation facilities above the minimum level required or to provide more passive recreation than the minimum requirement. The culprit seems to be the 50% active recreation requirement rather than the 10% total area requirement.

If the active recreation component were set at 30%, the project could still accommodate a soccer field, a basketball court, four tennis courts and four pickleball courts (2.42 acres) in the three acre minimum with some space left over. The policy may also need some room to negotiate a total area devoted to active recreation facilities relative to passive recreation uses. I suggest the Council consider a lesser minimum percentage for active recreation and provide a more flexible opportunity to negotiate for these types of facilities in the Village Mixed Use projects.

ORDINANCE NO. 2023-013

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AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE ELEMENT (FLUE) OF THE TOWN’S ADOPTED COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184 OF FLORIDA STATUTES; DESCRIBING THE ANALYSIS AND REEVALUATION UNDERTAKEN BY TOWN COUNCIL REGARDING RESIDENTIAL DENSITIES AND LOT SIZES IN POST-2010 RESIDENTIAL DEVELOPMENT IN THE TOWN; AMENDING CERTAIN FLUE POLICIES AND TABLES (i) TO MODIFY THE REQUIREMENTS IN THE “VILLAGE TOWN CENTER” AND “MEDIUM DENSITY RESIDENTIAL” LAND-USE DESIGNATIONS REGARDING DWELLING UNITS PER ACRE, LOT SIZES, MAXIMUM BUILDING HEIGHTS, OPEN-SPACE REQUIREMENTS, AND PARKS AND RECREATION REQUIREMENTS AND (ii) TO ADD A LAND-USE DESIGNATION FOR HIGH-DENSITY RESIDENTIAL DEVELOPMENT; AMENDING OTHER RELATED REQUIREMENTS FOR THOSE LAND-USE DESIGNATIONS; PROVIDING CONFORMING CHANGES; AMENDING POLICY 1.2.6 OF THE FUTURE LAND USE ELEMENT TO LIMIT THE AREAS WHERE THE TOWN MAY ALLOW RESIDENTIAL DEVELOPMENT ON LOTS SMALLER THAN ONE-FOURTH ACRE (10,890 SQ. FT.); PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida finds and declares the following:

- (1) Under Section 163.3184 of Florida Statutes, the Town Council adopted a comprehensive plan, which includes the statutorily required Future Land Use Element (FLUE). Among other things the FLUE sets requirements and provides certain allowances for residential development in the Town.
- (2) After 2010, substantial amounts of approved residential development were constructed at substantially increased densities and substantially smaller lot sizes than were prevalent in the Town’s development from its incorporation in 1925 to 2010.
- (3) In 2022 and 2023 the Town Council and its Planning and Zoning Board undertook an analysis and reevaluation of the post 2010 densities and lot sizes, with robust public participation in the reevaluation.
- (4) The consensus on Town Council, at the Planning and Zoning Board, and among Town residents was that the increased densities and smaller lot sizes are inconsistent with the

1 development pattern, character, and ambiance of the Town’s historical neighborhoods. For
2 that reason, the Town Council determines that adjustment of density and open-space
3 requirements in the Future Land Use Element of the Town’s adopted Comprehensive Plan is
4 justified and desirable.

5
6 (5) Under Section 163.3184 of the Florida Statutes, on February 26, 2024, the Town approved
7 the transmittal to the Florida Department of Commerce and other required review agencies of
8 the proposed amendments to the Future Land Use Element. The Town held a second public
9 hearing for adoption on the comprehensive plan amendments on June [redacted], 2024, after the
10 Town received responsive comments from the Florida Department of Commerce.

11
12 (6) The Town Council has determined that it is in the interest of the citizens, residents, and
13 property owners of the Town to adopt the proposed amendments to the Future Land Use
14 Element of the Town’s adopted Comprehensive Plan.

15
16 **Section 2. Adoption of Amendments to the Future Land Use Element.** The amendments to
17 the Future Land Use Element of the Town’s adopted Comprehensive Plan, as contained in
18 **Attachment A** to this ordinance with the underscore and strike-through format, are hereby
19 approved and adopted by the Town Council.

20
21 **Section 3. Codification.** The amendments to the Future Land Use Element are hereafter part of
22 the Town’s adopted Comprehensive Plan and are to be codified and posted on the Town’s
23 website accordingly. Goals, objectives, and policies of the Future Land Use Plan may be
24 renumbered or reorganized for editorial or codification purposes. Such renumbering or
25 reorganization shall not constitute or be deemed a substantive change to the adopted Future Land
26 Use Element.

27
28 **Section 4. Severability.** If any provision or portion of this ordinance is declared by a court of
29 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
30 provisions and portions of this ordinance shall remain in full effect. To that end, this ordinance
31 is declared to be severable.

32
33 **Section 5. Effective Date.** This ordinance takes effect 31 days after the state land planning
34 agency notifies the Town that the plan-amendment package is complete, unless challenged
35 timely, in which case this ordinance takes effect when the state land planning agency or the
36 Administration Commission, as appropriate, issues a final order determining the amendments to
37 be in compliance.

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[signatures on the following page]

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ORDAINED AND ENACTED this ____ day of June, 2024, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**

By: its Town Council

By: _____
Hon. Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for the use and reliance of the Town only)

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney

Planning and Zoning Board hearing(s) held December 21, 2023.
LPA public hearing and transmittal public hearing held February 26, 2024.
Second reading and adoption public hearing held June , 2024

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Attachment A

**Amendments
to
Future Land Use Element**

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FUTURE LAND USE ELEMENT



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TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED:
APRIL 22, 2020
JUNE [redacted], 2024

**FUTURE LAND USE ELEMENT
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CHAPTER 1
FUTURE LAND USE ELEMENT

The data and analysis presented in the Future Land Use Element and other elements of the comprehensive plan is updated from the information used to develop the 2010 Comprehensive Plan Update. Some of the data was developed in 2017 as part of the Evaluation and Appraisal Review of the comprehensive plan. Where appropriate additional data has been included in the 2018 analysis.

A. INTRODUCTION

1. Purpose

The purpose of the *Future Land Use Element* is the designation of future land use patterns as reflected in the goals, objectives and policies of the local government comprehensive plan elements.

The *Future Land Use Element* sets forth the physical plan for the future development of the Town. The *Future Land Use Element* describes the appropriate location for the future land uses and promulgates the policies regulating the location and development of all land uses. The *Future Land Use Element* sets forth not only the density and intensity of land uses, but also considers other factors affecting land use development, such as timing, cost, and current development trends.

While each *Element* within the *Comprehensive Plan* is important, the *Future Land Use Element* is arguably the most important as it must be consistent with all other *Comprehensive Plan Elements* and articulate the *Goals, Objectives and Policies* of these other *Elements* in the form of specific land use policies.

The *Existing Land Use Map* included as part of this *Element*, describes the location and distribution of land uses in Howey-in-the-Hills in 2018. The *Future Land Use Map* (also included in this *Element*) is the focus of the *Comprehensive Plan*. It indicates the proposed location and distribution of land uses in the year 2035. All policies contained within this *Plan* must be consistent with the *Comprehensive Plan* and the *Future Land Use Map*. All land development regulations in effect subsequent to the adoption of this *Plan* must be consistent with the *Future Land Use Map* and the goals, objectives and policies of the *Comprehensive Plan*.

This *Future Land Use Element* is a required element; the minimum criteria for its contents are established in Florida Statutes Chapter 163. This *Plan Element* was formulated to be consistent with relevant sections of Chapter 163, Part II, F.S., the *State Comprehensive Plan*, and the *Comprehensive East Central Florida Regional Policy Plan*.

1 **B. Population Estimates and Forecasts**

2 In order to plan for growth, it is first necessary to project the number of persons that will reside
3 in the Town. The effectiveness of a local government’s comprehensive plan depends principally
4 on the accuracy of population projections for both resident and seasonal populations. These
5 predictions for the future are the basis of planning for future land use, housing, recreation and
6 open space, and public services and infrastructure needs.
7

8 A population projection to 2035 has been prepared to coordinate with long-range utility planning
9 for water and sewer services. This estimate assumes the Town will continue to undergo a steady
10 residential development pattern based on single-family homes as the predominant housing type.
11 Projections for small populations are notoriously tricky given the small base size of the
12 population and the ability for a single project to significantly affect total population and the
13 timing of housing production. Therefore, a table presenting the major approved projects with
14 total approved unit count has been included.
15

16 The table also indicates which projects have met concurrency requirements and which projects
17 still must meet concurrency tests for water and sewer service at the time subdivision or site plan
18 approval is sought. In theory, the projects without concurrency approval are vulnerable to
19 development denial if necessary public services are not available. This “check process” should
20 provide a safety valve should the water and/or sewer demand be out of line with system capacity
21 at the time the development seeks approval. The projection for resident and seasonal populations
22 is provided below.
23

24 **TABLE 1: POPULATION ESTIMATES AND PROJECTIONS 2010 -2035**

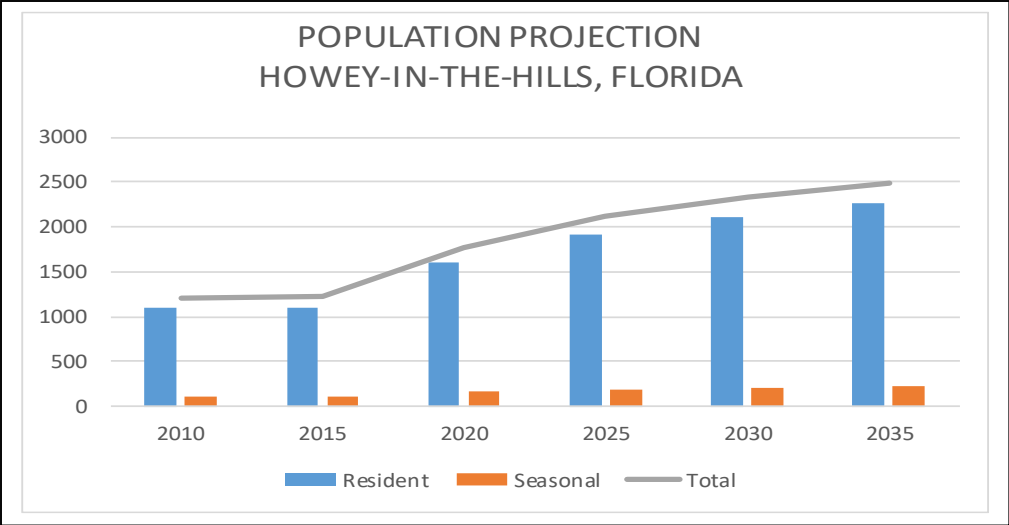
POPULATION PROJECTION HOWEY-IN-THE-HILLS, FLORIDA			
Year	Resident	Seasonal	Total
2010	1098	110	1208
2015	1106	111	1217
2020	1604	160	1764
2025	1925	193	2118
2030	2118	212	2330
2035	2266	227	2493

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39 Source: US Census, BEBR and TMH Consulting projections.
40

41 Since 2015, the Town has seen the impact of development in the Venezia South subdivision with
42 the 2017 BEBR estimate being set at 1,355 people. The projections assume this rate of
43 development will continue to 2020 resulting in a total population increase of about 45%. This
44 rate of growth is likely unsustainable over the long term, but it is also likely that at least one of
45 pending major projects will move forward as the rater of development in Venezia South slows.

Adopted - Ord. 2010-007(10-11-2010) Amended - Ord. 2024- (2024)
Amended - Ord. 2019-01(1-27-2020)

1 The projections assume a declining rate of growth over the succeeding time increments, while
 2 still projecting a significant increase. If multiple large projects move forward at the same time or
 3 if significant levels of multi-family housing enter the market, population growth will be
 4 accelerated over these projections. The graph below offers a visual representation of this data.



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The following table provides a summary of major developments that have received some level of approval through the Town’s planning and development review process. The approved projects with 2018 concurrency certifications are Venezia South and Whispering Hills. The other projects have received planning level approval but must still pass a concurrency review at the time development in the form of subdivision or site plan review is proposed. Venezia North (Talichet) is currently pursuing a new development agreement to increase the project size from 93 to 139 units.

TABLE 2: SIGNIFICANT DEVELOPMENT PROJECTS

PROJECT	SFR	MFR	TOTAL	NOTES
Venezia South	172	113	285	Already connected to systems
Talichet	93		93	
Whispering Hills	156		156	
Lake Hills			780	No SFR/MFR split available
Mission Rise	400		400	
The Reserve	403	330	733	
Total	1224	443	2447	

33

C. Existing Conditions

1. Existing Land Use

The amount of acreage located within the Town’s current boundaries is presented in Table 3 by the existing land use categories. The Town has had no annexations since 2010, and the only change in existing land use is the development of 129.31 acres of single-family residential in the Venezia South Village Mixed Use classification. This area has been deducted from the vacant Village Mixed Use Category and added to the single-family residential totals.

Table 3: Acreage within Existing Land Use Categories, 2017

Existing Land Use	Acreage	Percentage of Total
Residential (includes all residential uses except vacant Village Mixed Use)	673.63	28.71%
Single-family Residential	321.69	13.71%
Condominium	14.10	0.60%
Multi-family less than 10 units	1.07	0.05%
Vacant Residential	336.44	14.34%
Vacant Lakefront Residential	0.33	0.01%
Commercial (except Village Mixed Use)	120.09	5.12%
Vacant Commercial	114.53	4.88%
Recreation (includes golf courses, recreation other, and vacant preserve/passive park)	4.50	0.19%
Golf Courses (Mission Inn golf course is included in the Vacant Planned Unit Development/Mixed Use acreage)	1.06	0.05%
Recreation (other)	218.85	9.33%
Vacant Preserve/Passive Park (Sarah Maude Mason Preserve of 54 acres included in Conservation acreage)	0.95	0.04%
Public Use (includes utilities, roads, ROWs, educational facilities, institutional, and government facilities)	165.29	7.05%
Utilities	37.15	1.58%
Roads	4.14	0.18%
Educational Facilities	6.99	0.30%
Government Facilities	4.34	0.19%
Institutional	6.48	0.28%
Vacant Institutional	2.36	0.10%
Conservation	517.58	22.06%
Industrial	24.27	1.03%
Vacant Planned Unit Development/Village Mixed Use	780.69	33.28%
Total	2,345.94	100.00%

Source: TMH Consulting update of 2010 tabulations.

Adopted - Ord. 2010-007(10-11-2010) Amended - Ord. 2024- (2024)
Amended - Ord. 2019-01(1-27-2020)

1
2 **Residential** - This category on the *Existing Land Use Map* denotes all land used for
3 residential purposes, including single family, accessory apartments, rectories, and mobile
4 home structures, but specifically excludes recreational vehicles, travel trailers, or similar
5 vehicles. Single family residential use is permitted in all areas of the Town except the
6 public use, recreational, industrial, and conservation areas in Town. The permitted
7 density for residential lands in Howey-in-the-Hills as of the Town’s 2023 reevaluation
8 and analysis of residential land uses is featured in Table 4.

9
10 **Commercial** - This category on the *Existing Land Use Map* denotes all land used for
11 retail and wholesale trade, offices, restaurants, hotels and motels, and professional
12 services. Most of the commercial uses in Town are found along Central Avenue.
13 Commercial land use is permitted in the Town Center Overlay, Town Center Mixed Use,
14 Village Center Mixed Use, and Neighborhood Commercial. The maximum intensity for
15 commercial uses in Town is presented in Table 4.

16
17 **Industrial** – This category on the *Existing Land Use Map* denotes all land used for
18 warehousing, assembly and distribution of goods, light processing, heavy equipment,
19 large durable goods, or other land uses requiring heavy truck traffic. The Town permits
20 industrial uses on Light Industrial lots with conditions. Cell towers are also permitted in
21 this land use under certain conditions. The intensity of industrial uses permitted in Town
22 is featured in Table 4.

23
24 **Public Use** - This category on the *Existing Land Use Map* denotes all land used for
25 public service activities, water plants, electric sub-stations and telephone facilities except
26 for cell towers. On the *Existing Land Use Map*, this category includes and is used for
27 utilities, government owned facilities, and institutional facilities such as educational
28 facilities, day care facilities, churches or residential care facilities. The Town permits an
29 intensity of 0.50 impervious surface ratio or 0.25 floor area ratio (see Table 4).

30
31 **Recreation** - This category on the *Existing Land Use Map* denotes all land primarily used
32 for outdoor recreational activities such as picnicking, jogging, cycling, outdoor courts,
33 golf courses, and playing fields. These lands include both private and public recreational
34 facilities. The Town permits an impervious surface ratio of 0.30 on recreational land uses
35 (see Table 4).

36
37 **Conservation** - This category on the *Existing Land Use Map* denotes all land used for
38 wetlands, some uplands, public managed lands, floodplains, flood prone areas, and other
39 areas in which valuable natural resources are found. No buildings are allowed on
40 conservation lands in Town except for boardwalks, docks, observation decks, or similar
41 facilities allowed by the Town and all regulatory agencies.

42
43 **Planned Unit Development(PUD)/Village Mixed Use** - In 1992, the Town approved a
44 *Planned Unit Development Mixed Use District Ordinance* which permits a variety of
45 residential structures and a diversity of building arrangements as well as complementary
46 and compatible commercial uses and public or quasi-public facilities developed in

Adopted - Ord. 2010-007(10-11-2010) Amended - Ord. 2024- (2024)
Amended - Ord. 2019-01(1-27-2020)

1 accordance with an approved development plan. A large percentage of the lots in this
2 category on the *Existing Land Use Map* are vacant. The permitted maximum density and
3 intensity standards for planned unit development/mixed use are presented in Table 4.
4

5 **2. Availability of Public Facilities and Services**

6 The following data and analysis describes the availability of services and facilities to
7 support development.
8

9 **a. Sanitary Sewer**

10 The Town has entered into an agreement with the Central Lake Community
11 Development District to provide wastewater treatment for the Town. New
12 Village Mixed Use development is required to connect to sanitary sewer, and the
13 Town has begun the process of providing sanitary sewer on Central Avenue.
14 Infill development in the largely developed portions of the Town will continue to
15 use septic tanks until sanitary sewer service can be made available. The Town
16 will own and maintain the collection system (mains, lift stations, etc.) within the
17 Town limits.
18

19 **b. Potable Water**

20 The Town currently owns, operates and maintains a central potable water
21 treatment and distribution system. The Town’s potable water system provides
22 water for both residential and non-residential purposes, including fire-fighting
23 demands. The Town’s water system consists of two water plants located
24 approximately one mile apart with a total of three active wells, one out-of-service
25 well, one 500,000-gallon ground storage tank and one 15,000-gallon
26 hydropneumatic tank. The elevated storage tank remains in place but is not
27 active.
28

29 The *Comprehensive Plan* sets two different levels of service for potable water
30 usage. The first LOS standard is 242.0 gallons per day per capita for the overall
31 customer usage and the second LOS standard is 150.8 gallons per day per resident
32 for the residential customers.
33

34 The Town currently holds a consumptive use permit for 10-MGD. The permit is
35 in the process of being revised as the Town has exceeded the consumption level.
36 The permit revision is part of a larger planning process for master plans for both
37 water and sewer. These plans are expected to be completed by the end of 2018,
38 and once completed will identify projects for inclusion in the capital
39 improvements program.
40

1 Table 4: Permitted Maximum Density/Intensity within Land Use Categories
2 (as of amendments approved _____, 202__)

Future Land Use	Maximum Density/Intensity	Description
Rural Lifestyle (RL)	Must have a minimum of 2 acres for this land use. 1 dwelling unit per 2 acres; all buildings not to exceed .15 FAR; 20% max. impervious surface coverage; 50% open space required.	Primarily single-family detached homes with agricultural uses.
Low Density Residential (LDR)	2 dwelling units per acre	Primarily single-family detached homes.
Medium Density Residential (MDR)	<p>4 <u>3</u> dwelling units per acre; 25% minimum open space required</p> <p>Developments with 100 units or more shall be required to have a public recreation component.</p> <p>Developments with <u>either</u> more than 300 proposed <u>dwelling</u> units <u>or more than 100 acres</u> must use the Village Mixed Use designation.</p>	Single-family detached homes, townhomes, etc.; this category may also include support community facilities and elementary schools.

<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay District denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>).</p> <p>For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. A max. 2.0 FAR is permitted if parking requirements are achieved. Where new residential uses are constructed in the Commercial Core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, Oak street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.)</p> <p>For areas designated Office/Services or Residential, 40% max. impervious surface coverage. May live and/or work in these areas.</p> <p>For areas designated Residential, a max. of 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas</p>	<p>The size of each individual business shall be regulated through the Land Development Regulations.</p>
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Future Land Use	Maximum Density/Intensity	Description
	<p>within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.</p>	

<p>Village Mixed Use (VMU)</p>	<p>Must have a minimum of 25 100 acres for this land use.</p> <p>Maximum of three four dwelling units per acre; May be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). All single-family lots must have a minimum lot area of 10,890 square feet (1/4 acre) exclusive of any wetlands or waterbodies that might be included with the lot.</p> <p>Residential areas shall comprise a minimum of 70% of the Net Land Area and a max. of 85% of the Net Land Area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the Net Land Area and a maximum of 30% of the Net Land Area. This includes community facilities and schools.</p> <p>For developments with more than 100 acres, 5% Five percent (5%) of the non-res. land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p>The following are minimum requirements in Village Mixed Use:</p> <ul style="list-style-type: none"> i. 25% open space; ii. 10% parks and recreation; and iii. 5% active recreation uses 	<p>A mix of uses is permitted and required in this category in order to promote sustainable development, including the provisions of reducing dependence the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category.</p>
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Future Land Use	Maximum Density/Intensity	Description
	<p>The 10% and 5% requirements in ii and iii count toward the 25% requirement in i. To be counted against the 10% park/recreation requirement, parcels dedicated to park uses may be no smaller than 1/2 ac.</p> <p>The Land Development Code must require that plans for active recreation uses be submitted for approval by Town Council no later than application for final plat approval. Town Council may require a performance surety bond for park and recreation improvements.</p>	
Neighborhood Commercial (NC)	0.50 floor area ratio; 70% max. impervious surface coverage	Commercial uses to support Town residents are permitted in this category. The size of each individual business shall be regulated through the Land Development Regulations. Elementary and middle schools are also permitted in this category.
Light Industrial (LI)	70% max. impervious surface coverage; 0.6 floor area ratio	Manufacturing, distribution High schools are also permitted in this category.

Future Land Use	Maximum Density/Intensity	Description
Institutional (INST)	0.25 floor area ratio; 40% max. impervious surface coverage; 25% open space required	Educational facilities (public or private), religious facilities, day care (child and adult), government buildings (including fire and police), cemeteries, group homes, nursing homes, or community residential facilities, hospitals (general and emergency care).
Recreation (REC)	Max. 30% impervious surface coverage	Public or private recreational facilities.
Conservation (CON)	No buildings	Boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities (PUB)	0.25 floor area ratio; max. impervious surface coverage of 50%	Government buildings and essential utilities, with cell towers being a special exception or conditional use.
<u>High density</u>	<u>Includes townhouse development up to eight dwelling units per acre and other multi-family development up to 12 units per acre. Impervious surface ration is a maximum of 60%.</u>	<u>Provides for townhouse units and other types of multi-family units.</u>

- 1 Notes: Open Space: Open space is figured on the Gross Land Area. Up to ~~50%~~ 25% of the open space requirement may be met with
- 2 wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting
- 3 with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public
- 4 recreational components of developments. Most of the open space shall be permeable; however, up to 10% may be impervious
- 5 (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.
- 6
- 7 Densities shall be determined by the Net Land Area. The Net Land Area is figured by taking the Gross Land Area (total
- 8 property less any lakes or water bodies), then subtracting from that any open space requirements, then subtracting from that
- 9 any remaining unbuildable acreage (remaining wetlands).
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c. Stormwater Drainage

Stormwater drainage within the Town is currently accommodated by both natural and man-made drainage features. Although culverts and drainage pipes comprise a large portion of the stormwater system, the Town does not know where the underground pipes lead and where their outfalls are located. This system was installed decades ago and no engineering studies or plans for the drainage system are available to determine the design capacity of the system. In addition to these features, there are private retention/detention areas which were constructed to provide fill for the Mission Inn Complex. These ponds provide on-site retention/detention and a certain amount of percolation of runoff to the aquifer.

Increased development and land coverage could increase the need to construct additional drainage facilities to protect Little Lake Harris from nutrient runoff. Drainage problems do exist with stormwater runoff believed to be discharging directly from State Road 19 into Little Lake Harris. The Town has received one grant for a baffle box system to address this issue and plans to continue to seek funds to address the concern. There are no major flooding problems associated with stormwater runoff.

Level of service standards established in the *Comprehensive Plan* will continue to remain consistent with State statutes pertaining to the performance of the drainage system. The Town ensures the provision of adequate stormwater drainage systems through the development review process. Permits are also required from all applicable State, Federal, and local agencies regarding stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

d. Solid Waste

Solid waste disposal is achieved through franchise agreements with one solid waste hauler. The Town will continue to dispose refuse at the County’s incinerator facility approximately 10 miles west of Town. The County will deposit waste ash in an ash monofill south of the incinerator near the Sumter County Line. There is a separate disposal area for construction and demolition debris.

1 **e. Transportation**

2 Only two major roads provide access into Town: (1) County Road 48 and (2)
3 State Road 19. County Road 48 provides a direct connection to the City of
4 Leesburg and US 27. State Road 19 provides direct access to the Florida
5 Turnpike, cities of Groveland and Tavares. All the streets in Howey-in-the-Hills
6 are paved.

7
8 The Town’s adopted level of service is D for minor arterials, collector roadways,
9 and local roads. There are no roads in Town that are over capacity. The Town
10 requires all development to provide adequate analysis of its impact on the roads in
11 the Town to determine if the adopted LOS will be maintained. The capacities or
12 deficiencies for the Town’s road network is featured in the *Transportation*
13 *Element*.

14
15 **f. Recreation and Open Space**

16 Overall, there are about 174 acres (115 acres of golf courses, 54 acres of preserve
17 in Sarah Maude Nature Preserve, and 5 acres of other recreational facilities) of
18 recreational land available to meet the recreational needs of Howey-in-the-Hills’
19 residents and visitors.

20
21 The Town has adopted a level of service standard of 6.5 acres of park land for
22 every 1,000 residents. There are 22.93 acres of parkland in Howey-in-the-Hills.
23 The largest park in Town is the Sarah Maude Nature Preserve, which is about 54
24 acres of preserve and 17 acres of upland (the Town only includes the upland acres
25 in the overall parkland acres) and the smallest Town park is Tangerine Point Park
26 at 0.1 acres.

27
28 There is 4.5 acres designated as Recreation lands on the Town’s *Future Land Use*
29 *Map*, almost all this land is considered to be open spaces. Most of these open
30 spaces is adjacent to the lakes in Town and lack the space needed to accommodate
31 development other than small recreational uses.

32
33 There are no major public open spaces or natural preservations within a half mile
34 of the Town limits. Recreational lands within the Town are depicted on the
35 *Existing Land Use Map* and *Future Land Use Map*.

36
37 **g. Public School Facilities**

38 The Town continues to support public school concurrency and participates in an

interlocal agreement with the School district and other local governments in Lake County. School concurrency is reviewed as part of the development approval process.

3. Land Available for Development

There are about 1640 acres of vacant land (about 516 of those acres are Conservation land uses) in the Town (see the Town’s *Vacant Land Map*). Most of this land does not have any major environmental constraints and is very suitable for development. Also, most of the vacant lands in the Town currently have a *Village Mixed Use Future Land Use* category.

4. Soils and Topography

Soils are an important aspect in land development. The physical and chemical properties of soils restrict the intensity of development through limitations on road construction, septic tank operation, and building placement.

There are a variety of soil types in Howey-in-the-Hills (see the Town’s *Soils Map*). The general descriptions of the soils in the Town are found below in Table 5. All upland soils are suitable for development and show little limitation for the use of septic tanks.

The Town lies on the Lake Wales Ridge, a physiographic high that has a high potential for aquifer recharge to the Floridan Aquifer. There is little topographic relief within the Town (90 feet). The upper limit is approximately 170 feet above sea level located south of E. Revels Road, west of Sunset Drive, and east of State Road 19. Around this area, there is a difference of about 80 feet in elevation (see the Town’s *Contour Map*). This topographic relief poses little, if any, limitations to development of vacant lands. See *Conservation Element* for a further discussion of soils and soil limitations.

Table 5: Soils

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Anclote and Myakka Soils	Yes	Very Poorly Drained	High	Moderate	14.34
Apopka Sand, 0 to 5 Percent Slopes	No	Well Drained	Moderate	High	51.88
Apopka Sand, 5 to 12 Percent Slopes	No	Well Drained	Moderate	High	28.00

Adopted on October 11, 2010

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Arents	No	Somewhat Poorly Drained	Unranked	Unranked	141.21
Borrow Pits	Partially Hydric	Unranked	Unranked	Unranked	2.82
Candler Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	760.47
Candler Sand, 12 to 40 Percent Slopes	No	Excessively Drained	Low	High	3.16
Candler Sand, 5 to 12 Percent Slopes	No	Excessively Drained	Low	High	299.71
Immokalee Sand	Partially Hydric	Poorly Drained	High	High	32.30
Kendrick Sand, 5 to 8 Percent Slopes	No	Well Drained	Moderate	High	6.24
Lake Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	114.40
Lake Sand, 5 to 12 Percent Slopes	No	Excessively Drained	Low	High	12.98
Lochloosa Sand	No	Somewhat Poorly Drained	High	High	11.98
Myakka Sand	Partially Hydric	Poorly Drained	High	High	95.48
Ocoee Mucky Peat	Yes	Very Poorly Drained	High	High	4.11
Oklawaha Muck	Yes	Very Poorly Drained	High	Low	6.14
Paola Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	1.97
Placid and Myakka Sands, Depressional	Yes	Very Poorly Drained	High	High	23.83
Pompano Sand	Partially Hydric	Poorly Drained	High	Moderate	13.86
Sparr Sand, 0 to 5 Percent Slopes	No	Somewhat Poorly Drained	Moderate	High	18.44
Swamp	Yes	Very Poorly Drained	Unranked	Unranked	55.94

Adopted on October 11,
2010

Ordinance No. 2010-007

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Tavares Sand, 0 to 5 Percent Slopes	No	Moderately Well Drained	Low	High	309.40
Water	Unranked	Unranked	Unranked	Unranked	317.67
Wauchula Sand	Partially Hydric	Poorly Drained	High	High	19.59

Notes: Drainage Class - Identifies the natural drainage conditions of the soil and refers to the frequency and duration of wet periods.
Concrete Corrosion - Susceptibility of concrete to corrosion when in contact with the soil.
Steel Corrosion - Susceptibility of uncoated steel to corrosion when in contact with the soil.

Source: U.S. Department of Agriculture, Natural Resources Conservation Service’s Lake County Soils Geographic Information Systems database.

5. Natural Resource Management

In this section, natural resource protection which is applicable to Howey-in-the-Hills is discussed. The Town contains no Areas of Critical State Concern as established in Chapter 380.05, Florida Statutes. According to SJRWMD and the Army Corps of Engineers, there are no dredge spoil disposal sites within the Town.

a. Surface Waters

Lake Illinois and several unnamed lakes are within the Town limits. Additionally, the Town is adjacent to Little Lake Harris. Most of these lakes are maintained by the County. There are no lakes in Town classified as “A Florida Outstanding Water”. The lakes are used for boating, swimming, fishing and other water activities.

b. Floodplains

Floodplains are valuable resources which provide a rich diversity of vegetation and wildlife. These areas are sources for groundwater recharge that filters through soils during high water levels. The 100-year floodplains are also subject to inundation during a 100-year storm, causing potential loss of life and property, disruption of services, and economic loss. These areas cannot tolerate continued

1 development which, in effect, retards their ability to absorb water and restrict the
2 flow of water from adjacent higher elevation areas.

3
4 The County’s Geographic Information Systems (GIS) database shows that there
5 are 100-year floodplains in the Town (see the Town’s *Floodplains Map*). The
6 FEMA flood zone designations in Howey-in-the-Hills are as follows:

- 7
- 8 • Zone A – Areas with a 1% annual chance of flooding and a 26% chance of
9 flooding over the life of a 30-year mortgage. Because detailed analyses are
10 not performed for such areas; no depths or base flood elevations are shown
11 within these zones.
- 12 • Zone AE - The base floodplain where base flood elevations are provided.
13 AE Zones are now used on new format FIRMs instead of A1-A30 Zones.
- 14

15 Development within floodplains will continue to be closely scrutinized to ensure
16 compliance with established regulations.

17
18 **c. Wetlands**

19 Wetlands by definition are transitional lands between terrestrial and aquatic
20 systems where the water table is usually at or near the surface, or the land is
21 covered with shallow waters. Wetland functions are interconnected with the
22 hydrology of the area. This connection determines the presence, extent,
23 movement, and quality of water in the wetland. It is estimated that wetlands
24 account for about 515 acres in the Town (see the Town’s *Wetlands Map*).

25
26 **d. Natural Groundwater Aquifer Recharge Areas**

27 The Floridan aquifer is the principal source of drinking water for Lake County.
28 Currently almost all the ground water pumped in Lake County comes from the
29 Upper Floridan but the potential for utilizing the lower Floridan aquifer is just
30 beginning to be explored in Lake County.

31
32 Aquifer recharge is the process whereby rainfall percolates downward through the
33 soil to reach the underlying aquifers. Recharge to the Floridan aquifer occurs in
34 areas of the County where the elevation of the water table of the surficial aquifer
35 is higher than the elevation of the potentiometric surface of the Floridan aquifer.
36 In these areas, water moves from the surficial aquifer in a downward direction
37 through the upper confining unit to the Floridan aquifer. The surficial aquifer
38 system in the County is recharged by rainfall. Recharge is augmented locally by
39 artificial recharge - wastewater or reuse water land application, rapid-infiltration

1 basins, and septic systems.
2

3 Howey-in-the-Hills is in a recharge area with a recharge rate of 1 to 10 inches per
4 year and discharge rate of less than 1 inch per year.
5

6 **e. Cone of Influence**

7 Cone of influence is defined as an area around one or more major wellfields, the
8 boundary of which is determined by the government agency having specific
9 statutory authority to make such a determination based on groundwater travel or
10 drawdown depth. The term waterwell is defined by Rule 9J-5, F.A.C., as a well
11 excavated, drilled, dug, or driven for the supply of industrial, agricultural, or
12 potable water for general public consumption.
13

14 Generally, the term cone of influence can be defined as the land area surrounding
15 a well on which a present or future land use has the potential to negatively impact
16 an aquifer as a result of the induced recharge from that well's cone of depression.
17 The purpose of delineating a cone of influence is to protect the current and future
18 water supply.
19

20 The Town restricts development (except facilities related to the public water
21 system) from occurring within a 150-foot radius of any existing or proposed
22 public well (Primary Protection Zone). No septic tanks, sanitary sewer facilities,
23 or solid waste or disposal facilities are permitted within a 200-foot radius of any
24 existing or proposed public well (Secondary Protection Zone). The Town also
25 has established a 500-foot radius wellhead protection area within which
26 manufacturing or light industrial uses are prohibited. The wellhead protection
27 areas for the Town's potable water supply wells are shown on the *Existing* and
28 *Future Land Use Maps*.
29

30 **f. Air Quality**

31 Air quality is another example of a natural resource that impacts the Town's and
32 surrounding areas quality of life. The Florida Department of Environmental
33 Protection and the United States Environmental Protection Agency monitor air
34 quality data in Lake County. Lake County does not have an established program
35 dedicated to monitoring air quality. Overall, Lake County's air quality can be
36 considered good.
37

6. Historic Resources

The Florida Division of Historical Resources maintains and regularly updates the *Florida Master Site File*. The *Florida Master Site File* is a paper file archive and computer database of recorded historical cultural resources in Florida. Categories of resources recorded at the Site File include archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts. The *Site File* also holds copies of survey reports and other manuscripts relevant to Florida history and prehistory. As of March 2010, there were 7 historic structures or sites in the Town that were added to the State’s *Master Site File*. The Howey House was listed in the National Register of Historic Places (see Table 5 and the Town’s *National Register of Historic Resources Map*).

Table 6: Historic Sites and Structures

Site Name	Address/Site Type	Year Built	Architectural Style/ Archaeological culture	Date Certified
TOM Line	Pre-historic Mound		St. Johns, 700 B.C. – A.D. 1500	
Flagship 1	Land-terrestrial		Prehistoric	
Flagship 2	Land-terrestrial		20 th Century American, 1900-present	
Howey Water Tower	316 Grant Street	1926	Unspecified	
Howey Academy		1923	Unspecified	
Howey House	Citrus Street	1925	Mediterranean Revival ca. 1880-1940	1/27/1983

Site Name	Address/Site Type	Year Built	Architectural Style/ Archaeological culture	Date Certified
Griffin Airways Landing Strip	Designed Historic Landscape	1950s-1960s	Griffin Airways Landing Strip is not a man-made construction. It was a cleared dirt strip of land that served as an airstrip for Prop planes. C.V. Griffin used the strip to fly in investors to the area as he tried to foster industrial development.	

1
2 Source: Florida Department of Historical Resources, Florida Master Site File – March 2010.

3 **D. ANALYSIS**

4 **1. Economic Vitality**

5 The Town is now and plans to continue primarily as a residential community with
6 commercial support to serve the residents and visitors. The small downtown business
7 district along Central Avenue from Lakeshore Boulevard to S. Mare Avenue, primarily
8 serves the immediate convenience needs of the Town’s residents. The Town has prepared
9 a redevelopment plan for this area to include a land use plan, master stormwater system
10 and public parking areas. Various cities and towns in Lake County provide additional
11 employment and needed services within reasonable commuting areas of the Town. As
12 future development occurs in the Village Mixed Use areas, additional employment and
13 service opportunities will be made available for the Town’s residents and others. This
14 will provide for much improved sustainability for the Town over the planning period.

1
2 **2. Nonconforming and Incompatible Uses**

3 Land use conflicts arise when uses are introduced in dissimilar areas without proper
4 buffering. The *Future Land Use Map* and the Howey-in-the-Hills Land Development
5 Regulations set forth the appropriate locations for land uses in the Town in order to
6 eliminate existing land use conflicts. The Town’s Land Development Regulations
7 addresses incompatibilities through control of nonconforming uses.
8

9 **3. Availability of Facilities and Services**

10 This section provides an overview of the availability of public facilities and services in
11 Howey-in-the-Hills during the planning period.
12

13 As previously mentioned, the Town of Howey-in-the-Hills currently has a limited central
14 wastewater system. The Wastewater Treatment Facility (WWTF) is owned by the
15 Central Lake Community Development District with the Town owning and maintaining
16 the collection system up to the CDD facility. In 2006, through a wastewater impact fee
17 study performed in anticipation of possible creation of a Town-owned wastewater
18 collection and treatment system, the Town established a wastewater Level of Service
19 value of 120 gallons per person per day.
20

21 As previously mentioned, the Town’s potable water system provides water for both
22 residential and non-residential purposes, including fire-fighting demands. The system has
23 enough capacity to support the population demand during the planning period of this
24 *Comprehensive Plan (2025)*.
25

26 The Town’s solid waste level of service standard for solid waste is 6 pounds per person
27 per day. There is enough capacity in the County’s landfill to support the population
28 demand during the short-range (2011-2015) and long-range (2025) planning period.
29

30 The Town shall continue to require development to provide for the 100-year, 24-hour
31 rainfall event and provide retention for water quality consistent with new and innovative
32 techniques. The Town shall also continue to require that all new development provide
33 evidence to show that LOS ratings in stormwater conveyances serving the new
34 development will not be degraded to an LOS lower than currently exists as a result of the
35 new development’s construction and stormwater runoff contribution.
36

37 There are more than adequate recreational facilities and open spaces readily available and
38 accessible to the residents and guests of Howey-in-the-Hills. The Town shall continue to
39 coordinate with the County on establishing measures to enhance the recreation and open

1 space opportunities in and around Town. The Town will also continue to solicit grants
2 from public and private agencies and collect park impact fees to fund future parks and
3 facilities.

4
5 There are no public school facilities planned in the Town during the planning period.

6
7 **4. Groundwater Recharge**

8 As previously mentioned, Howey-in-the-Hills is in a recharge area with a recharge rate of
9 1 to 10 inches per year and discharge rate of less than 1 inch per year. There are no
10 known groundwater recharge problems in Howey-in-the-Hills. The Town shall continue
11 to protect the quality of groundwater recharge through enforcing the Town’s Land
12 Development Regulations and the guidelines established in this *Comprehensive Plan*.
13 The quality of groundwater recharge shall also be protected by ensuring that all
14 stormwater conveyances serving new development does not degrade the level of service
15 lower than currently exists as a result of the new development’s construction and
16 stormwater runoff contribution.

17
18 **5. Analysis of Existing Vacant Lands**

19 As previously mentioned, there are 1,769 acres of vacant land (516 acres of this land is
20 Conservation land use) in Town. About 51% (909 acres) of the vacant lands is in the
21 Village Mixed Use Future Land Use category and 19% (335 acres) is designated for
22 Residential uses (see the Town’s *Vacant Lands Map*). The soils on these vacant lands are
23 overall suitable for development. The elevation on these vacant lands range from 75 feet
24 mean sea level (MSL) to 170 feet MSL. There are no known sinkholes located on these
25 vacant lands. There are also no known environmentally sensitive lands or significant
26 natural resources located on these vacant lands that will prevent any development.

27
28 **6. Analysis of Land Needed to Accommodate Projected Population**

29 Most of the vacant land in the Town is in Village Mixed Use planned communities. The
30 Town has approved conceptual developments for all but one of the Village Mixed Use
31 properties. These properties contain enough land area for residential, commercial, civic
32 and recreational uses for the projected population to the end of the planning period.
33 These projects are summarized in Table 2.

34
35 **7. 2023 Analysis and Reevaluation of Residential Densities and Lot Sizes**

36
37 **In 2023 the Town Council and the Town’s Planning and Zoning Board analyzed and**
38 **reevaluated post-2010 residential development in the Town. Residential development**

1 under the Village Mixed Use designation resulted after 2010 in substantially increased
2 housing densities and substantially smaller residential lots than were prevalent in the
3 Town’s historical development.

4
5 The evaluation and analysis was accompanied by robust public participation. Public
6 sentiment agreed overwhelmingly with Town Council: the increased densities and
7 downsized lots after 2010 were inconsistent with the character, appearance, and ambiance
8 of the Town’s historical neighborhoods. Contrary to FLUE Policy 1.1.2, development in
9 Village Mixed Use had failed to “maintain the unique charm of the Town.”

10
11 Consequently, the Town Council determined that amendments to this Future Land Use
12 Element to redirect future residential densities and lot sizes were warranted and desirable.

13
14 **8. Analysis of Need for Redevelopment**

15
16 The Town Center Overlay District needs redevelopment. The Town has completed a
17 redevelopment plan for the Central Avenue business core and made recommended
18 changes to selected comprehensive plan policies in support of this plan. The Town is
19 currently working on a program for installation of sanitary sewer on Central Avenue as
20 an essential precursor to broader redevelopment proposals. Howey-in-the-Hills will
21 promote a live-work environment as well as shopping and restaurants to serve the local
22 area.

23
24 **9. Analysis of Flood Prone Areas**

25 The Town shall continue to ensure that development within floodplains will be closely
26 scrutinized to ensure compliance with established Land Development Regulations. Most
27 vacant lots in Town are very suitable for building.

28
29 **10. An analysis of Land Use Problems and Potential Use Problems**

30 No major current or potential land use problems are seen within the Town.

31
32 **11. Urban Sprawl**

33 The Town does not and will continue not to promote the approval of development that
34 will contribute to “urban sprawl.” An analysis corresponding to measures the Town
35 implements to discourage a proliferation of urban sprawl is featured in this section

- 36
37 1. Promotes, allows or designates for development substantial areas of the
38 jurisdiction to develop as low-intensity, low-density, or single-use
39 development or uses in excess of demonstrated need.

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The Town has adopted a Planned Unit Development ordinance and Village Mixed Use and Town Center Mixed Use land uses. There has not been any significant development of low intensity single family subdivisions. The Town’s Concurrency Management System, subdivision regulations, and zoning regulations discourages this type of development.

- 2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

All new development must prove that it will be served by adequate public facilities prior to the issuance of a development order. The new development must also demonstrate that it will not degrade the level of service beyond the adopted standard.

- 3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

The Town’s Village Mixed Use and Town Center Overlay Mixed Use categories preclude strip commercial-type development and isolated single uses.

- 4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

The Town protects and conserves all natural resources by enforcing the requirements of this *Comprehensive Plan* and the Town’s Land Development Regulations. The Town delineates wetlands and other environmentally sensitive lands as Conservation on the Town’s *Existing and Future Land Use Maps*. No buildings are permitted on Conservation lots in Town except for boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.

- 5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and

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prime farmlands and soils.

The Town has adopted a Rural Lifestyle land use category on the *Future Land Use Map*. This land use is primarily for single-family detached homes with allowable agricultural practices. There is a minimum of 2 acres required for this land use. There is a maximum density of 1 dwelling unit per 2 acres, 0.15 floor area ratio, 20% maximum impervious surface coverage, and 50% open space requirement on the Rural Residential lots in Town. The Town feels that the adopted standard is adequate to protect these agricultural areas in Town to serve as a buffer for nearby rural areas.

- 6. Fails to maximize use of existing public facilities and services.

The Town annually updates and adopts a Concurrency Management System Report to ensure that existing public facilities and services have enough capacity to support the population demand. All deficiencies are identified along with capital plans to address those deficiencies. Any deficiencies are incorporated in the *Capital Improvements Element*.

- 7. Fails to maximize use of future public facilities and services.

The Town annually updates and adopts a *Concurrency Management System Report* to ensure that future public facilities and services are adequately signed to address future needs.

- 8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

The Town has concurrency requirements for potable water, sewer, solid waste, drainage, parks and recreation, roads, and public schools.

- 9. Fails to provide a clear separation between rural and urban uses.

The Town feels that the adopted open space, and minimum development intensity and density standards are sufficient to ensure a clear separation between rural and urban uses.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

The Town promotes infill development or redevelopment of existing neighborhoods and communities and has created a Town Center Overlay to address infill and redevelopment in the historic Town Center.

11. Fails to encourage an attractive and functional mix of uses.

The Town has adopted a Planned Unit Development Ordinance which would permit an attractive and functional mix of uses in appropriate areas of the Town. There are about 855 acres of land designated as Village Mixed Use on the Town’s *Future Land Use Map* and majority of this land is vacant.

12. Results in poor accessibility among linked or related land uses.

Solutions to better manage traffic within the historic downtown area and to discourage additional traffic have been implemented. Uses have also been linked with bicycle paths and sidewalks. The Town requires new subdivisions or developments to address circulation, access control, off-street parking and landscaping of median strips and rights-of-way.

13. Results in the loss of significant amounts of functional open space.

The Town requires that levels of service be met for park land and open space. Each new development will include open space and recreational components.

The Town shall continue to discourage the approval of any development or redevelopment projects that will promote urban sprawl.

12. Energy Efficiency, Energy Conservation, and Greenhouse Gas Emission

The Town has identified strategies for producing energy efficient land use patterns, increasing energy conservation, and reducing greenhouse gas emissions. This section provides an overview of the energy related strategies implemented by the Town.

a. Producing Energy Efficient Land Use Patterns

The Town has adopted the Village Mixed Use and Town Center Mixed Use land

1 uses as a tool to produce energy efficient land use patterns in Howey-in-the-Hills.
2 The Town will ensure that developments within these mixed-use areas are
3 compact, walkable neighborhoods.
4

5 The Town has also established a “build-out” area (the Town’s Utility Service
6 Area) to determine the maximum extent of where urban development will be
7 approved by Town Council. During the preparation of the *Future Land Use*
8 *Map*, the Town reviewed all land uses to ensure that the higher gross density and
9 intensity standards were appropriately established in all areas planned for urban
10 development within the “build-out” area.
11

12 The Town’s minimum density and intensity standards apply to all areas planned
13 for urban development and redevelopment. These standards and the buffering
14 requirements established in the Land Development Regulations ensure that the
15 land uses in Howey-in-the-Hills will remain compatible and consistent with the
16 surrounding land uses.
17

18 **b. Increasing Energy Conservation**

19 The Town is in the process of establishing an *Energy Management Plan* to
20 increase energy conservation (see Policy 1.17.3 of this *Element*). The *Energy*
21 *Management Plan* will be used as a tool to minimize electric, fuel and water
22 resources in Town buildings, fleet vehicles and on public properties.
23

24 The Town promotes “green” development in both private and municipally-
25 supported housing. Green development specifically relates to the environmental
26 implications of development. Green building integrates the built environment with
27 natural systems, using site orientation, local sources, sustainable material
28 selection and window placement to reduce energy demand and greenhouse gas
29 emissions. The Town is in the process of amending the Land Development
30 Regulations to establish green building practices and sustainability development
31 guidelines.
32

33 The Town requires energy-efficient and water saving measures to be implemented
34 in all new construction and redevelopment projects.
35

36 **c. Reducing Greenhouse Gas Emissions**

37 The Village Mixed Use and Town Center Mixed Use land uses will serve as a tool
38 to reduce vehicle miles traveled in Town, which will reduce the greenhouse gas
39 emissions. Residents and guests of Howey-in-the-Hills can easily access the

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historical downtown or Little Lake Harris area by walking or biking. The Town is actively involved with the Lake-Sumter MPO regarding expanding the pedestrian and bicycle facilities in Town. The Town will continue to promote mixed-use developments, bicycling, and walking as a tool to reduce the greenhouse gas emissions in the Howey-in-the-Hills area.

The Town is amending its Land Development Regulations to ensure that the removal of regulatory barriers and establishment of incentives to promote energy efficiency and conservation is implemented in Howey-in-the-Hills.

E. Future Land Use Goals, Objectives, and Policies

Upon the effective date of the ordinance adopting this *Comprehensive Plan*, all rules, regulations, criteria, and principles set forth in the *Plan* become effective. Where a policy refers to the Land Development Regulations, the intent of the policy and its contents remain effective with the *Plan* adoption date. Regulations established by State or Federal statutes or administrative codes referenced in objectives or policies shall pertain to the most recent adopted regulation or code as may be amended by said parties from time to time without immediate notice to the Town.

GOAL 1: Retention of the quaint distinctive residential character of the Town by promotion of high quality residential development together with an appropriate level of supporting service and retail opportunities and live-work environments as well as preserving the natural features of the area and minimizing threats to the citizens caused by hazards, nuisances, incompatible land uses or environmental degradation while providing a sense of place and history.

OBJECTIVE 1.1: *Identifying Land Use Patterns and Permitted Densities and Intensities.* To identify the appropriate land use patterns, residential densities, and non-residential intensities of land use permitted in Howey-in-the-Hills.

POLICY 1.1.1: *Land Use Designations.* The Town shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the *Future Land Use Map* and the adopted Town Zoning Map.

Density and intensity standards for land uses in Howey-in-the-Hills are featured below

Land Use	Maximum Residential Density
Residential:	
Low Density Residential (LDR)	Up to 2.0 dwelling units per acre. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Medium Density Residential (MDR)	Up to 4.0 3.0 dwelling units per acre. A 25% minimum open space is required. Developments with 100 units or more shall be required to have a public recreation component. Developments with either more than 300 proposed dwelling units or more than 100 acres must use the Village Mixed Use designation. May include support community facilities and elementary schools. Maximum building height is 2-1/2 stories and no higher than 30 35 feet.

Adopted on October 11,
2010

Ordinance No. 2010-007

Rural Lifestyle (RL)	Up to 1.0 per 2 acres. Must have a minimum of 2 acres for this land use. A 50% minimum open space is required. All buildings shall not exceed a 0.15 floor area ratio. The maximum impervious surface coverage is 0.20. Maximum building height is 2-1/2 stories and no higher than 30 35 feet.
Land Use	Maximum Land Intensity
Neighborhood Commercial (NC)	The maximum floor area ratio is 0.50. The maximum impervious surface coverage is 0.70. The maximum building height is 35 feet and limited to two stories . The maximum building size is 5,000 sq. ft. unless a special exception is granted to the developer by the Town Council. Elementary and middle schools are also permitted in this category.
Light Industrial (LI)	The maximum impervious surface is 0.70. The maximum floor area ratio is 0.60. High schools are permitted in this category.
Institutional (INST)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.40. A 25% minimum open space is required. Maximum building height is 2-1/2 stories and no higher than 30 35 feet.
Recreation (REC)	Maximum impervious surface coverage is 0.30. Restricted to passive or active recreational facilities as established in the <i>Recreation and Open Space Element</i> or by the Town Council.
Conservation (CON)	No buildings. Restricted to boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utility (PUB)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.50. For utilities, the maximum building height is 1 story or no higher than 20 feet for a one-story building; 2 story and 35 feet for other facilities.

<p>Village Mixed Use (VMU)</p>	<p><u>Minimum of 25 100 acres</u> to apply for this land use.</p> <p>Maximum density of 4-3.0 dwelling units per acre, which may be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the net land area and a maximum of 30% of the net land area. This includes community facilities and schools.</p> <p><u>All single-family lots must have a minimum lot area of 10,890 square feet (1/4 acre) exclusive of any wetlands or waterbodies that might be included with the lot.</u></p> <p>For developments with more than 100 acres, <u>Five percent</u> (5%) of the non-residential land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met. The maximum building height is 35 feet.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p><u>The following are minimum requirements in Village Mixed Use:</u></p> <ul style="list-style-type: none"><u>i. 25% open space;</u><u>ii. 10% parks and recreation; and</u><u>iii. 5% active recreation uses</u> <p><u>The 10% and 5% requirements in ii and iii count toward the 25% requirement in i. To be counted against the 10% park/recreation requirement, parcels dedicated to park uses may be no smaller than 1/2 ac.</u></p> <p><u>The Land Development Code must require that plans for active recreation uses be submitted for approval by Town Council no later than application for final plat approval. Town Council may require a</u></p>
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	<p>performance surety bond for park and recreation improvements.</p> <p>The maximum building size is 30,000 sq. ft.; unless a special exception is granted to the developer by the Town Council.</p>
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<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay Map denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>). For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. The maximum building height is 35 feet. In order to maintain the historic character of the downtown area, the Land Development Regulations will cap the maximum size of any one business in the Town Center Overlay at 5,000 square feet. A maximum 2.0 floor area ratio is permitted if parking requirements are achieved. Where new residential uses are constructed in the commercial core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak Street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial Area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, oak Street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.</p> <p>For areas designated Office/Services or Residential, the maximum impervious surface coverage is 0.40. May live and/or work in these areas.</p> <p>For areas designated Residential, the maximum density is 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be</p>
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	<p>surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.</p>
<p>High Density Residential (HDR)</p>	<p>Up to 12.0 dwelling units per acre. Maximum density for townhouse units is 8.0 units per acre. Maximum impervious surface ration is 60%. Maximum building height is 35 feet with additional height allowed for decorative elements. Projects of 30 unites or more are required to provide recreational facilities for project residents.</p>

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POLICY 1.1.2: *Land Use Categories.* The land use categories, as depicted on the Town’s 2035 Future Land Use Map (FLUM) shall permit the following uses and activities.

Conservation – Conservation lands shall include those lands so designated on the FLUM. These areas are generally composed of open land, water, marsh and wetlands and environmentally sensitive areas. Conservation lands may be either publicly or privately owned. It is intended that the natural and open character of these areas be retained and that adverse impacts, which may result from development, shall be prohibited or minimized. Adverse impacts shall be presumed to result from activities, which contaminate or degrade wetlands and environmentally sensitive areas, or natural functions and systems associated with such areas. Permitted uses within the Conservation category shall be limited to the following and shall be further controlled by the Land Development Regulations.

- Activities intended for the conservation, re-establishment and re-nourishment, or protection of natural resources.
- Recreation uses and facilities that are customarily described as passive in nature including, but not limited to, fishing, hiking and biking, canoeing, kayaking, and the use of other similar small, quiet low-speed watercraft.

- Very low intensity outdoor or water-dependent recreational related uses (excluding commercial marinas) that are determined not to conflict with the intent of the Conservation category, subject to applicable Federal, State and local policies and permitting requirements.

Neighborhood Commercial – The Neighborhood Commercial land use category is intended to provide appropriate locations for neighborhood and community businesses providing services and retail sales for the Town and the nearby communities. Permitted uses within the Neighborhood Commercial category shall be limited to the following uses unless a special exception is granted to applicant by the Town Council.

- **General Commercial.** These areas shall include those businesses that provide retail goods and services, which serve the routine and daily needs of residents, including banks and professional services, grocery and convenience stores, retail shops, and restaurants. Public and private elementary and middle schools are also allowed.
- **Limited Commercial.** These areas shall include low intensity office, service and retail businesses that are compatible when located in close proximity to neighborhoods. These uses are intended primarily to serve the needs of the closely surrounding neighborhood.
- **Professional and Office.** These areas shall be limited to small neighborhood scale businesses and professional offices that are compatible with, and have no measurable or noticeable adverse impacts, upon surrounding residential uses. Such uses include offices for doctors and dentists (but not clinics or hospitals), accountants, architects, attorneys, engineers, land surveyors, real estate brokers, financial planners, insurance and real estate agents and the like.

Light Industrial – The Light Industrial category shall be limited to light manufacturing and production, storage, warehousing and distribution uses as further controlled by the Land Development Regulations. Light industrial uses may have outdoor storage and

1 business-related activity, but such uses shall not include processes
2 that create negative effects to surrounding properties due to noise,
3 heat, fumes, debris, chemicals or hazardous materials. High
4 schools are permitted in this category.

5
6 **Rural Lifestyle** – The Rural Lifestyle category shall be primarily
7 limited to single-family detached homes with agricultural uses.
8 Limited commercial activities are permitted such as bed and
9 breakfast establishments, horseback riding facilities, and farm
10 stands for fruits and vegetables grown on that location.

11
12 **Low Density Residential** – The Low Density Residential category
13 shall be primarily limited to single-family detached homes.
14 Residential uses in this category shall be permitted in those areas
15 so designated in accordance with the applicable permitted density
16 and as further controlled by the Land Development Regulations
17 and the Florida Building Code.

18
19 **Medium Density Residential** – The Medium Density Residential
20 category shall be primarily is limited to single-family detached
21 homes, townhomes, or similar type of uses. Support community
22 facilities and elementary schools are also permitted in this
23 category. Residential uses in this category shall be permitted in
24 those areas so designated in accordance with the applicable
25 permitted density and as further controlled by the Land
26 Development Regulations and the Florida Building Code.

27
28 **Institutional** – The Institutional category shall be primarily limited
29 to schools, religious facilities, day care facilities (child and adult),
30 government buildings, cemeteries, or similar uses as identified by
31 the Town Council.

32
33 **Recreation** – These areas generally include public parks or private
34 parks that are open and available to the public. Note: Some park
35 and open space lands may be more appropriately designated as
36 Conservation, such as lands with wetlands or other
37 environmentally sensitive areas. Permitted uses shall include
38 active and passive recreation activities including bikeways and
39 pedestrian trails, or other similar facilities as identified by the
40 Town Council.

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Public/Utility – These areas include uses such as government facilities and essential utilities, including police, fire and Town Hall buildings and wastewater facilities.

Town Center Mixed Use – Primarily intended for mixed-use development in the historical downtown area. The historical downtown area is an economic, cultural, social, historic and architectural anchor of the Town. In order to sustain these qualities, new development and redevelopment within the Town Center Mixed Use District shall be reflective of the architectural styles and fabric of the area. Consistency and compatibility with the existing built environment shall be considered in the review and issuance of development permits within the Town Center Mixed Use District. In order to preserve the quaint character of downtown Howey-in-the-Hills, size limitations will also be placed on individual businesses. Redevelopment will focus on orienting buildings and roadways to a pedestrian scale.

Village Mixed Use – Primarily intended to create sustainability and maintain the unique charm of the Town, including the provisions of reducing the dependability dependence on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category. Village Mixed Use parcels less than 100 acres shall use a planned unit development format and are not required to meet the non-residential and civic use requirements. Public recreation and open space requirements shall still apply.

High Density Residential – The high-density-residential land use category is intended to accommodate owner-occupied townhouse and condominium units in those areas where higher density development can be supported by adequate access and public services. Supporting community facilities and elementary schools are also permitted in this land-use category. Residential uses in this category are permitted in those areas so designated in accordance with the applicable permitted density as further controlled by the Town’s Land Development Code and the Florida Building Code.

1 **POLICY 1.1.3:** *Consideration of Community Facilities.* Necessary community
2 facilities shall be permitted within any future land use designation
3 except Conservation if such activity satisfies established criteria of
4 the *Comprehensive Plan* and the Town’s Code of Ordinances.
5

6 **POLICY 1.1.4:** *Interpretation of Open Space and Density Designations.* Open
7 space **is and parks/recreation requirements are** figured on the Gross
8 Land Area. Up to ~~50%~~ **25%** of the open space requirement may be
9 met with wetlands. Open space may include landscaped buffers and
10 stormwater facilities if they are designed to be a park-like setting
11 with pedestrian amenities and free form ponds. Open space may be
12 passive or active. Open space may include public recreational
13 components of developments. The majority of the open space shall
14 be permeable; however, up to 10% may be impervious (plazas,
15 recreational facilities, etc.). Wet ponds are not counted as part of that
16 10%.
17

18 Densities would be determined by the Net Land Area. The Net
19 Land Area is figured by taking the Gross Land Area (total property
20 less any lakes or water bodies), then subtracting from that any open
21 space requirements, then subtracting from that any remaining
22 unbuildable acreage (remaining wetlands).
23

24 **OBJECTIVE 1.2:** *Residential Quality and Neighborhood Cohesiveness.* Designate
25 and promote sufficient areas for quality residential development and neighborhood cohesiveness
26 and require the availability of adequate facilities to support demands necessitated by existing and
27 future housing development and associated populations.
28

29 **POLICY 1.2.1:** *Adequate Residential Land Area.* The Town shall ensure that
30 adequate residential land uses needed to support the population
31 during the planning period shall be designated on the *Future Land*
32 *Use Map*. The residential land uses shall continue to reflect a
33 pattern that promotes neighborhood cohesiveness and identity. All
34 residential uses shall be subject to the requirements established in
35 the Town’s Land Development Regulations.
36

37 **POLICY 1.2.2:** *Open Space Requirements.* The Town shall continue to ensure that
38 residential development is consistent with the open space
39 requirements established below:
40
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1

	Minimum open space requirements
Rural Lifestyle	50%
Low Density Residential	2 dwelling units per acre
Medium Density Residential	25%
Town Center Mixed Use	Within the Town Center Overlay, open space as defined herein is not required. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%.
Village Mixed Use	25%
Neighborhood Commercial	0.50 floor area ratio; 70% max. impervious surface coverage
Light Industrial	70% max. impervious surface coverage; .6 FAR
Institutional	25%
Recreation	Max. 30% impervious surface coverage
Conservation	No buildings except boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities	0.25 FAR; max. impervious surface coverage of 50%
High Density Residential	40%

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Open Space: Open space is figured on the Gross Land Area. No greater than ~~50%~~ **25%** of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting

1 with pedestrian amenities and free form ponds. Open space may be
2 passive or active. Open space may include public recreational
3 components of developments. The majority of the open space shall
4 be permeable; however, up to 10% may be impervious (plazas,
5 recreational facilities, etc.). Wet ponds are not counted as part of
6 that 10%.

7
8 **POLICY 1.2.3:** *Encroachment of Incompatible Non-residential Development.*
9 Residential areas delineated on the *Future Land Use Map* shall be
10 protected from the encroachment of incompatible non-residential
11 development. Community facilities and services which best serve
12 the health, safety, and welfare of citizens when located in
13 residential areas, shall be permitted uses therein so long as the
14 activity complies with criteria established in this *Plan* and those in
15 the Town’s Code of Ordinances.

16
17 **POLICY 1.2.4:** *Residential Screening Techniques.* The Town shall require new
18 commercial, light industrial, and manufacturing development to
19 install landscaping, visually obstructive fencing or man-made
20 berms, or other appropriate screening techniques obstructing view
21 of the commercial, light industrial, or manufacturing site from areas
22 designated for low or medium density residential if the proposed
23 commercial, light industrial, or manufacturing building is
24 incompatible with the residential area.

25
26 **POLICY 1.2.5:** *Access to and Circulation within Residential Areas.*
27 Transportation systems within designated residential areas
28 delineated on the *Future Land Use Map* shall be designed to
29 accommodate traffic conditions that maintain public safety,
30 encourage alternative modes of transportation, and limit nuisances.
31 Access to residential areas shall comply with policies established
32 within the *Transportation Element*.

33
34 **POLICY 1.2.6:** *Transition of Residential Densities.* The Town shall continue to
35 orient the transition of residential densities on the *Future Land Use*
36 *Map* toward higher densities along major transportation corridors
37 and areas adjacent to commercial or other intensive land uses,
38 while lower residential densities shall be directed towards areas
39 further from the Town center (i.e., the central commercial district)
40 and in areas adjacent to agricultural lands.

Reorientation of Residential Densities. For residential development of ten homes or more, the Town may allow lot sizes smaller than one-fourth acre (10,890 sq. ft.) only in the following locations:

- i. areas in or adjacent to the Town center (that is, the Town central overlay district);
- ii. areas abutting major arterial and collector road corridors such as state roads, county roads, and major Town collector roads such as Central Avenue and North Citrus Avenue, but not just neighborhood roads with higher traffic counts, and
- iii. areas abutting commercial or industrial land uses.

The Town shall require single family residential lots in all other areas to be one-fourth of an acre (10,890 sq. ft.) or larger.

POLICY 1.2.7: *Compatibility of Residential Densities and Public Facilities.*

Residential densities shall be compatible with available public facilities and their capacity to serve development. Residential areas designated on the *Future Land Use Map* shall be allocated according to a pattern that promotes efficiency in the provision of public facilities and services and furthers the conservation of natural resources. Public facilities shall be required to be in place concurrent within the impacts of development.

POLICY 1.2.8: *Concurrency Management System Criteria.* All public facilities and services must be in place consistent with the criteria established within the Town’s Concurrency Management System.

Development applications for new residential development shall not be approved unless water, sewer, drainage, park, transportation, solid waste, and public school capacities are available consistent with level of service standards and according to deadlines established within the Concurrency Management System.

POLICY 1.2.9: *Residential Density and the Future Land Use Map.* The Town shall ensure that residential density on the *Future Land Map* is based on the following considerations:

- past and anticipated future population and housing trends and characteristics;

- provision and maintenance of quality residential neighborhoods and preservation of cohesive neighborhoods;
- protection of environmentally sensitive lands; and
- transition of density between low, medium and high residential districts.

POLICY 1.2.10: *Group Home and Foster Care Facilities.* The Town shall continue to allow the location of group homes and foster care facilities in residential areas. These facilities shall serve as alternatives to institutionalization.

OBJECTIVE 1.3: *Conservation of Environmentally Sensitive Lands, Other Natural Resources, Historically Significant Sites.* Manage and control existing and future land uses located within or adjacent to environmentally sensitive lands, open space, other significant natural resources, and historically significant sites.

POLICY 1.3.1: *Limiting Development in Wetland Areas.* The Town shall limit development within all wetland areas to land uses supporting conservation facilities and water-related passive recreation activities, as defined in the *Recreation and Open Space Element*. Wetlands shall be identified on the *Future Land Use Map Series* as Conservation lands. No development shall be permitted in wetlands except for conservation or passive recreation uses as defined within policies cited herein.

POLICY 1.3.2: *Wetlands and Natural Buffer Zones.* Wetlands shall be protected from impacts generated by adjacent land uses through natural buffer zones.

1. No development of disturbance of area is permitted within 25 feet of a designated wetland area. These areas shall be marked with appropriate signage as conservation areas.
2. No building or impervious surface area (with the exception of wet retention areas) is permitted within 50 feet of a designated wetland area.

POLICY 1.3.3: *Protection of Floodplains.* Development within the 100 Year Floodplain shall provide necessary mitigation to maintain the natural stormwater flow regime. The 100 Year Floodplain Zone shall be delineated within the *Future Land Use Map series*. The

1 boundary of the 100 Year Floodplain Zone shall be determined by
2 the most recent Flood Insurance Maps prepared by the Federal
3 Emergency Management Agency.
4

5 **POLICY 1.3.4:**

6 ***Floodplain Mitigation.*** All development within the 100 Year
7 Floodplain shall adhere to the following:

- 8 a. ***Prohibited Land Uses and Activities.*** Storing or processing
9 materials that would, in the event of a 100 Year Storm, be
10 buoyant, flammable, explosive, or potentially injurious to
11 human, animal or plant life is prohibited. Material or
12 equipment immune to substantial damage by flooding may be
13 stored if securely anchored to prevent flotation or if readily
14 removable from the area upon receipt of a flood warning.
15 Manufacturing and light industrial land uses shall be
16 prohibited from encroaching into the 100 Year Floodplain
17 Zone.
18
- 19 b. ***Minimum Floor Height Elevation.*** All new construction
20 and substantial improvements of existing construction
21 occurring within a 100 Year Flood Zone must have the first-
22 floor elevation for all enclosed areas at eighteen inches above
23 the 100-year flood elevation.
24
- 25 c. ***Construction Materials and Methods.*** All new construction
26 and substantial improvements of existing construction shall
27 be constructed with material and utility equipment resistant
28 to flood damage and using methods and practices that will
29 minimize flood damage and prevent the pollution of surface
30 waters during a 100-year flood event.
31
- 32 d. ***Service Facilities and Utilities.*** Electrical heating,
33 ventilation, plumbing, air conditioning, and other service
34 facilities shall be designed or located to prevent water from
35 entering or accumulating within the components during a
36 base flood. All new and replacement water supply and
37 sanitary sewage systems shall be designed to minimize or
38 eliminate both infiltration of flood water into the systems and
39 discharges from the systems into flood waters.
40
- 41 e. ***Residential Subdivision Plans and Design.*** Plans for

1 subdivisions shall minimize potential flood damage by
2 locating recreation and conservation uses, if included in the
3 plans, to areas within the Flood Zone, reserving as much land
4 as possible outside the flood zone for other land uses. Also,
5 100-Year Flood Zones shall be identified on all final
6 development plans submitted to the Town.

- 7
8 f. **Stormwater Facilities.** The Town shall require development
9 to have drainage facilities in place and functioning
10 concurrent with the impacts of development, as stipulated by
11 deadlines established within its Concurrency Management
12 System. Such drainage facilities shall be designed to comply
13 with the Town’s established level of service standard.

14
15 **POLICY 1.3.5:**

16 **Aquifer Recharge.** The Town rests on an area possessing high
17 aquifer recharge potential. To maintain the natural rate of
18 percolation within aquifer recharge areas, the Town shall enforce
19 the following:

- 20 a. **Impervious Surface Ratio and Open Space.** Enforce the
21 impervious surface ratios and open space standards established
22 in this *Comprehensive Plan*.
23
24 b. **Manufacturing or Light Industrial Uses and Recharge**
25 **Areas.** Ensure that the *Future Land Use Element* does not
26 allocate any manufacturing or light industrial land use
27 activities adjacent to lake front areas or within high recharge
28 groundwater aquifer areas that generate pollutants that may
29 adversely impact the quality of surface and ground waters.
30 The guidelines established in the Town’s Land Development
31 Regulations regarding manufacturing uses permitted within
32 commercial districts and light industrial uses shall serve as a
33 guide to monitor the type and intensity of such uses in the
34 Town.
35
36 c. **Permeable Parking Lots.** Promote the application of
37 permeable parking lot surfaces for commercial developments
38 proposed within high recharge areas.
39

- 1 d. **Land Use Activities and Densities.** Promote land use activities
2 and development densities which are compatible to high
3 recharge potential percolation rates.
4

5 **POLICY 1.3.6:**

6 **Lake Shore Protection.** To protect the lake front areas from the
7 encroachment of development, a shoreline protection zone shall be
8 delineated. There shall be no disturbance within 50 feet of the
9 landward extent of wetlands as set forth in Rule 62-340, except for
10 pilings for docks or piers. There shall be no buildings, pools,
11 ponds, or other structures in this protection zone. There shall be no
12 septic tanks within 75 feet of the landward extent of wetlands as
13 set forth in Rule 62-340. All development shall be subject to the
14 building setback requirements regarding the shoreline protection
15 zone established in the Town’s Land Development Regulations.

16 **POLICY 1.3.7:**

17 **Upland Vegetative and Wildlife Habitat Protection.** Upland
18 vegetative communities and wildlife habitats (particularly those
19 identified as primary habitat for endangered or threatened species)
20 for which the Town or State deems environmentally significant
21 shall be protected from adverse impacts associated with
22 development. Upland areas identified within the *Conservation*
23 *Element* as essential breeding, feeding or habitat sites for
24 endangered or threatened flora or fauna creatures shall be protected
25 according to the following activities:

- 26 a. **Conservation Designation.** Important upland habitat may
27 be designated as conservation under the following
28 circumstances:
29
30 1. The site is owned by a government body or agency;
31 2. The site is programmed for purchase by a government
32 agency within the first three years of the *Five-Year*
33 *Schedule of Capital improvements*; and
34 3. A request to designate the site as conservation is made by
35 the land owner.
36 4. The Town requires the designation as a part of the
37 development review process.

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39 Development proposed to occur within areas designated as
40 Conservation are subject to all policies pertaining to open
41 space requirements and development restrictions.

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b. **Sites with Endangered or Threatened Species.** Any areas identified within the *Conservation Element* as refuge, breeding, feeding, or habitat areas of endangered or threatened species shall be subject to the following activities:

1. An applicant of a property designated for development shall prepare a Critical Habitat Management Plan prepared by a professional biologist, ecologist, or other related professional. As a minimum, this Plan shall analyze the following issues:

- a.) Affected species;
- b.) Land needs to support continued on-site presence of the species;
- c.) Impacts of proposed development which will disturb the species;
- d.) Recommended management plans and measures necessary to protect the subject species; and
- e.) Cost to developer to implement the recommended management plan.

The adequacy of the study shall be determined by the Town of Howey-in-the-Hills. The final development plan shall conform to recommendations determined within the study as approved by the Town Council. The Town will reserve the right to have a State agency review the Critical Habitat Management Plan and provide a written response.

POLICY 1.3.8:

Historically Significant Sites. The Town shall use the Florida Master Site File as a resource to identify archeological resources and historically significant structures. The Howey House and any other historically significant sites listed on the Florida Master File or the National Register of Historic Places shall be identified on the *Future Land Use Map Series*. In addition, the Town shall also distinguish buildings as historic if the following criteria are met:

- a. The age of the subject site exceeds fifty years;
- b. Whether the building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;

c. Whether documented proof indicates that the site played a significant role in the history of Howey-in-the-Hills, Lake County or the State of Florida.

If type, density and intensity of adjacent land use shown on the *Future Land Use Map* is not compatible to the preservation of the historic site, then appropriate buffering and screening techniques shall be requirements imposed on encroaching adjacent new development. Such requirements shall be stipulated within the Land Development Regulations.

POLICY 1.3.9:

Rehabilitating, Relocating, or Demolition of Historic Sites. Criteria established in the Land Development Regulations pertaining to the rehabilitation or relocation of a designated historic structure shall follow the U.S. Secretary of the Interior’s “Illustrated Guidelines for Rehabilitating Historic Buildings”. Additional criteria for approving the relocation, demolition, or rehabilitation of a historic structure shall include the following factors:

- a. the historic character and aesthetic interest the building, structure, or object and how it contributes to its present setting;
- b. whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding neighborhood;
- c. whether the building, structure, or object can be moved without significant and irreversible damage to its physical integrity;
- d. whether the building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;
- e. whether definite plans exist to reuse the subject property if a proposed demolition is carried out, and the effect of those plans on the character of the surroundings; and
- f. whether reasonable measures can be taken to save the building, structure, or object to a level safe for occupation.

POLICY 1.3.10:

Preventing Destruction of Discovered Archaeological Sites. Development shall cease construction activities on a development site when artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and / or developer shall contact the Florida

1 Department of State of such discovery. Construction shall not begin
2 until the State has determined the archaeological significance of the
3 discovery and the restrictions which shall be imposed on
4 development. Development may continue in areas which will not
5 impact the site of the discovery.
6

7 **OBJECTIVE 1.4:** *Commercial Planning Activities.* Ensure the Town’s
8 sustainability by allocating sufficient land area to accommodate commercial activities which
9 provide a level of employment as well as goods and services demanded by local residents and
10 guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-
11 Hills.
12

13 **POLICY 1.4.1:** *Location and Distribution of Commercial Sites.* The location and
14 distribution of commercial land use districts delineated on the
15 *Future Land Use Map* shall be determined according to the
16 following criteria:
17

- 18 a. Promote mixed use land use categories to prevent strip
19 commercial centers and reduce the dependability on the
20 automobile;
- 21 b. Promote the integration of uses to include live-work
22 environments;
- 23 c. Ability to comply with adopted performance standards for
24 preventing or minimizing nuisance impacts, such as emission
25 of air pollutants, noise, odor, and generation of hazardous
26 waste or products;
- 27 d. Impact to the conservation and preservation of natural
28 resources;
- 29 e. Demand on existing and planned public services, utilities,
30 water resources and energy resources;
- 31 f. Impact on designated scenic and aesthetic transportation
32 corridors;
- 33 g. Compatibility with surrounding land uses;
- 34 h. The size of each individual business permitted in the
35 Neighborhood Commercial, Village Mixed Use, or Town
36 Center Mixed Use land uses shall comply with the guidelines
37 established within the Policy 1.4.6; and
- 38 i. The height of each business permitted in the Neighborhood
39 Commercial, Village Mixed Use, or Town Center Mixed Use
40 land uses shall comply with the guidelines established in
41 Policy 1.4.7 of this *Element*.

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POLICY 1.4.2: *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

POLICY 1.4.3: *Availability of Facilities to Support Commercial Development.* The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this *Element*.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

POLICY 1.4.7: *Commercial Building Height Limitations.* Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and

Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.

POLICY 1.4.8: *Acceptable Uses within Commercial Areas.* Activities allowed within areas designated for commercial uses established in the Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

1. Retail business (drive-thru establishments in the Town Center Mixed Use shall be located to the rear of properties fronting on Central Avenue)
2. Community centers and fraternal lodges;
3. Hotels or motels;
4. Marinas;
5. Service businesses, Personal Services such as barber/beauty, personal training, spa, salons, pottery shops, art/painting galleries or studios, dance studios, etc.;
6. Professional and Business offices;
7. Veterinarian offices, provided the facility has no outside kennels;
8. Financial Institutions and banks;
9. Residential development, low, medium, or high density (second story);
10. Recreation and Parks;
11. Manufacturing, as permitted according to policies cited in this *Element*;
12. Elementary and middle schools in the Neighborhood Commercial land use; and
13. Elementary, middle, and high schools in the Village Mixed Use land use.

A more detailed matrix is available in the Land Development Regulations.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such annexation.

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POLICY 1.4.10: *Adequate Commercial Land and the Future Land Use Map.* The Town will ensure that adequate land is designated on the *Future Land Use Map* to support the commercial needs of the residents and guests of Howey-in-the-Hills during the planning period. All such lands shall be compatible and consistent with the surrounding land uses.

OBJECTIVE 1.5: *Limiting Manufacturing Land Uses.* Limit manufacturing land uses within the Town due to the presence of high aquifer recharge areas and lack of central sanitary sewer facilities.

POLICY 1.5.1: *Manufacturing as a Conditional Use in Light Industrial Designations.* The Town shall permit non-polluting manufacturing land uses within Light Industrial land use designations on a conditional basis.

POLICY 1.5.2: *Acceptable Manufacturing Uses.* Manufacturing uses allowed within Light Industrial designations shall be limited to those primarily involved with the assembly of goods and products processed without the use of excessive chemicals, heat, or machinery. Activities which might be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise beyond the building are prohibited.

POLICY 1.5.3: *Maximum Intensity of Use.* Maximum intensity of use for manufacturing uses shall be 0.70 for the impervious surface coverage and 0.60 for the floor area ratio.

OBJECTIVE 1.6: *Public Services and Facilities.* To assure that needed public services and facilities are developed concurrent with the impact of new development.

POLICY 1.6.1: *Coordinating Public Facilities with Land Use.* The Town shall extend public facilities only to existing and proposed land use activities, as shown on the *Future Land Use Map*, which shall require and demand such services. Undeveloped land shall not be designated for development without assurance through the *Comprehensive Plan* that public facilities shall be available concurrently with the impacts of development. The impacts of land uses, including their densities and intensities, shall be coordinated with the Town's ability to finance or require provision of necessary

1 public facilities at conditions at or exceeding the adopted minimum
2 level of service standards.

3
4 **POLICY 1.6.2:** *Coordinating Public Facilities with Concurrency Management*
5 *System.* The timing and location of public facilities shall be
6 coordinated with the Town’s Concurrency Management System to
7 assure that development occurs in an orderly and timely manner
8 consistent with the availability of facility capacities.

9
10 **POLICY 1.6.3:** *Land Use Allowed within Wellfield Protection Zones.* A wellfield
11 protection zone shall be established within a radius distance of
12 seventy-five, two hundred, and five hundred feet from potable water
13 wells. The following guidelines apply to the wellhead protection
14 zone:

- 15
16 a. No new development (except facilities related to the public
17 water system) shall be permitted within one-hundred and fifty
18 feet from a well.
19
20 b. Within a two-hundred-foot radius distance, septic tanks,
21 sanitary sewer facilities, or solid waste or disposal facilities
22 shall be prohibited.
23
24 c. Within a five-hundred-foot radius of a well, manufacturing or
25 light industrial uses shall be prohibited, including activities
26 that require the storage, use handling, production or
27 transportation of restricted substances; agricultural chemicals,
28 petroleum products, hazardous/toxic wastes, industrial
29 chemicals, etc. In addition, wastewater treatment plants,
30 percolation ponds, mining activities and similar activities are
31 prohibited. Low density single family, commercial, retail, and
32 office land uses shall be allowed within the 500-foot zone for
33 potable water wells.

34
35 d. All wells and wellhead protection zones shall be delineated on
36 the Town’s *Existing* and *Future Land Use Maps*.
37 **POLICY 1.6.4:** *Public Facility and Service Standards.* The Town shall continue to
38 ensure that public facilities and services meet or exceed the
39 standards established in the *Capital Improvements Element* required
40 by Chapter 163.3177, F.S. and are available when needed for the
41 development, or that development orders and permits are

1 conditioned on the availability of these public facilities and services
2 necessary to serve the proposed development.

3
4 **POLICY 1.6.5:** *Meeting LOS Standards.* The Town shall require, prior to approval
5 of a building permit and/or development order, that the locally
6 established “Level of Service of Standards” are being met or that
7 facility improvements will be available concurrently with the impact
8 of new construction or development such that level of service
9 standards are maintained.

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12 **OBJECTIVE 1.7:** *Land Use Coordination and Soils and Topography.* To
13 require that soil conditions, topography, and availability of facilities and services be coordinated
14 with land uses.

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16 **POLICY 1.7.1:** *Coordinating Future Land Uses with Soil Conditions.* Land use
17 activities, including their densities and intensities, shall be
18 compatible to soil types whose properties are capable of supporting
19 the structures, parking areas, ancillary uses, and facilities proposed
20 to be placed on them.

21
22 In the event the *Future Land Use Map* identifies a land use allowed
23 within an incompatible soil type, a field study may be performed
24 on the site by a professional hydrologist, registered engineer, or
25 other similar profession to delineate actual boundaries and soil
26 types exhibited on the subject site. The Town shall reserve the
27 right to have such a field study verified by the local U.S. Soil
28 Conservation Office or a comparable State agency.

29
30 **POLICY 1.7.2:** *Engineering Practices, Topography, and Soils.* The Town shall
31 maintain a unified Land Development Code and continue to require
32 that sound engineering practices be required with respect to the
33 topography and soil conditions, prior to the approval of development
34 activities in Town.

35
36 **OBJECTIVE 1.8:** *Coordination of Land Patterns, New Development, and the*
37 *Concurrency Management System.* Assure that future land use patterns and new development
38 in Howey-in-the-Hills are coordinated consistently with the Town’s Concurrency Management
39 System.
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POLICY 1.8.1: *Availability of Public Facilities.* Development orders and permits shall not be issued unless the necessary facilities and services are available concurrent with the impacts of development. Future land use allocations, including their related densities and intensities, shall not exceed the financial and legal ability of the Town to provide or require provision of public facilities to serve those land uses delineated on the *Future Land Use Map*. The Town’s Concurrency Management System shall be used to determine whether adequate public facility capacities are available to meet the demands generated by new development and redevelopment.

POLICY 1.8.2: *Efficiency in the Provision of Public Facilities.* Allocation of future land use shall occur in a manner which promotes efficient distribution and provision of public facilities. Land use allocations shall assure that future sites can be acquired for public facilities programmed within the *Five-Year Schedule of Capital Improvements* or determined necessary to meet demands generated by growth and development anticipated during the planning period.

POLICY 1.8.3: *Mandatory Compliance with the Concurrency Management System.* The Town shall issue no development order or permit for development unless the applicant demonstrates that impacts associated with the proposed development meet criteria set forth within the Town’s Concurrency Management System. All applicants of development shall demonstrate through narrative and graphic information that:

- 1.) necessary facilities and resources are in place and functional concurrent with the impacts of development; and
- 2.) the subject development shall not reduce the levels of service below the minimum adopted standard established in the *Public Facilities Element* policy for each applicable public facility.

For proposed developments which shall require public facilities or services provided by the Town, no development order or permit for development shall be issued until a maximum capacity for a public facility is assigned to and reserved for the subject development. The reservation of capacity for a public facility shall be granted to an applicant of development only upon satisfactory compliance

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with the Town’s Concurrency Management System and other applicable ordinances. All rights pertaining to the assignment and forfeit of capacity allocations shall be defined within the Town’s Concurrency Management System.

POLICY 1.8.4:

Amendments to the Comprehensive Plan. The Town shall require all applicants pursuing an amendment to the *Future Land Use Map* to demonstrate that all facilities or service capacities are currently available and shall be available concurrent with the impacts of development. Any necessary facilities or services shall be part of the *5-year CIP* or the *Long-range Capital Plan*. An amendment to the *Future Land Use Map* shall not constitute the reservation of capacity for any public facility. Reservation of capacities shall only be granted to development orders or permits which demonstrate specific impacts which a development will place on public capacities. The Town shall consult with the St. Johns River Water Management District, prior to the approval of a building permit or its functional equivalent, to determine whether adequate water supplies and related facilities to serve new development will be available no later than the anticipated date of issuance by the Town a certificate of occupancy or its functional equivalent.

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OBJECTIVE 1.9: *Blighted Areas.* Blighted areas shall be redeveloped, and the Town shall take the necessary action to prevent or limit their occurrence.

POLICY 1.9.1: *Amending the Comprehensive Plan to Address Blighted Areas.* At the time blighted areas are identified within Howey-in-the-Hills, the Town shall amend the *Comprehensive Plan* to include appropriate policies which address the redevelopment needs of that area. Such policies shall be based on an evaluation and analysis which shall be prepared within the Date Inventory and Analysis Section. The Town shall also re-evaluate the future land use designation for the blighted area to determine if a more appropriate designation, density and intensity of development would better encourage the private section to invest in redevelopment.

POLICY 1.9.2: *Identifying Blighted Areas.* The Town shall annually survey all areas of the Town to determine if blighted areas are occurring.

POLICY 1.9.3: *Code Enforcement.* The Town shall enforce its Codes to require needed improvements within the Town and discourage the creation of blighted areas in Town.

OBJECTIVE 1.10: *Urban Sprawl.* Discourage urban sprawl through a future land use pattern which promotes orderly, compact development.

POLICY 1.10.1: *Promote Orderly, Compact Growth.* Land use patterns delineated on the *Future Land Use Map* shall promote orderly, compact growth. The Town shall encourage growth and development in developed areas where public facilities and services are presently in place, and in those areas which public facilities can provide the most efficient service.

POLICY 1.10.3: *Coordination with Lake County.* The Town of Howey-in-the-Hills shall coordinate with Lake County to promote a regional development concept that directs future growth to urbanized or urban/rural transitional areas where public facilities and services are available or proposed to be available as required in the Town’s Concurrency Management System.

OBJECTIVE 1.11: *Innovative Land Development Applications.* Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of innovative land development regulations.

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POLICY 1.11.1: *Use of Mixed Use Developments.* To discourage urban sprawl and to maximize existing and planned public facilities, the Town has adopted the Village Mixed Use and Town Center Mixed Use land uses.

Mixed Use designations may include single family, multiple family, commercial, recreation, open space and institutional land uses not to exceed development densities and intensities of use established for these land uses in this *Element*.

POLICY 1.11.2: *Use of Cluster Developments.* To promote the conservation of permeable surface area and maintain the Town’s rural character, cluster developments shall be promoted by the Town during the development review process. Developers of Mixed Use/Planned Unit Developments and residential subdivisions shall be encouraged to cluster development in order to preserve open space.

POLICY 1.11.3: *Maintaining Innovative Land Development Regulations.* The Town shall maintain innovative land development regulations that encourage mixed-use developments and incorporate site design planning techniques that will enhance the quality of large scale developments or redevelopment area(s).

POLICY 1.11.4: *Establishing Architectural Guidelines.* The Town shall apply the architectural standards in the Land Development Regulations to the Town Center Mixed Use and Village Mixed Use land uses to maintain the unique and hometown charm of Howey-in-the-Hills. The Town shall encourage historical and traditional styles native to the Howey-in-the-Hills area and new and innovative architectural design when appropriate.

POLICY 1.11.5: *Requiring Underground Utilities.* The Town shall require all new subdivisions, residential and commercial developments, approved after the adoption of this *Comprehensive Plan*, to have underground telephone, cable and electrical utility lines to provide a more attractive, efficient, and safer development.

POLICY 1.11.6: *Promoting Interconnected neighborhoods.* The Town shall encourage the development of interconnected neighborhoods using pedestrian linkages, bicycle facilities, and golf carts.

POLICY 1.11.7 *Multiple access to subdivisions.* The Town shall require new developments consisting of 50 lots or more to have a minimum of two points of vehicular access. This policy shall not be construed

as prohibiting private streets or prohibiting the use of emergency access only points in addition to the standard vehicular access point.

OBJECTIVE 1.12: *Identifying a Defined Planning Area.* To identify an area surrounding the existing Town limits as the defined planning area for the Town.

POLICY 1.12.1: *Defined Planning Area Definition.* To protect the Town’s unique charm and hometown character, the Town hereby adopts the Utility Service Area as the maximum planning area (see the Town’s *Utility Service Area Map*). The Town shall not annex outside this boundary.

POLICY 1.12.2: *Defined Planning Area and Concurrency.* All land within the defined planning area established in Policy 1.12.1 that annexes into the Town shall be subject to the Town’s adopted Concurrency Management System and level of service standards. Prior to the approval of annexing land within the defined planning area, the Town shall ensure that timely development occurs before the annexation and connection to the Town’s utility service system is made available. The Town shall also ensure that the availability of public infrastructure is made only to proposed developments that are adjacent to existing developments within the Town as opposed to sporadic “leap frog” development resulting in urban sprawl.

OBJECTIVE 1.13: *Electric Infrastructure.* To maintain, encourage, and ensure adequate and reliable electric infrastructure is readily available in the Town.

POLICY 1.13.1: *Permitting New Electric Distribution Substations.* The Town shall allow new electric distribution substations in all land use categories except Conservation. The Town shall, if possible, avoid locating substations where they would be incompatible with adjacent land uses.

POLICY 1.13.2: *Compatibility of New Electric Distribution Substations.* The Town shall require the compatibility of new electric distribution substations with surrounding land uses (including heightened setback, landscaping, buffering, screening, lighting, etc.) as part of a joint public/private site planning effort.

POLICY 1.13.3: *New Electric Distribution Substation Standards.* The following standards shall apply to new distribution electric substations:

In nonresidential areas, the substation must comply with the

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setback and landscaped buffer area criteria applicable to other similar uses in that district, if any.

Unless the Town Council approves a lesser setback or landscape requirement, in residential areas, a setback of up to 100 feet between the substation property boundary and permanent equipment structures shall be maintained as follows:

1. For setbacks between 100 feet and 50 feet, an open green space shall be formed by installing native landscaping, including trees and shrub material, consistent with the relevant local government's land development regulations. Substation equipment shall be protected by a security fence consistent with the Town's Land Development Regulations.
2. For setbacks of less than 50 feet, a buffer wall 8-feet high or a fence 8-feet high with native landscaping consistent with the relevant local government's regulations shall be installed around the substation.

POLICY 1.13.4: *New Electric Distribution Substation Compliance.* All new distribution electric substations in Town shall comply with the guidelines and standards established in Chapter 163.3208, F.S.

OBJECTIVE 1.14: *Consistency and Compatibility with the Adopted Comprehensive Plan.* To ensure the Town's Land Development Regulations, Zoning Districts, and Performance Standards are consistent with and compatible to the adopted *Comprehensive Plan*.

POLICY 1.14.1: *Land Development Regulations Consistency.*

The Land Development Regulations for the Town of Howey-in-the-Hills shall be consistent with, and serve to implement the goals, objectives and policies established within the *adopted Comprehensive Plan*. To implement the goals, objectives and policies of the *adopted Comprehensive Plan*, provisions shall be incorporated into the Land Development Regulations, and shall contain specific and detailed provisions which as a minimum:

- a. Regulate the subdivision of land;
- b. Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;

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- c. Protect the environmentally sensitive lands designated in the *Comprehensive Plan*, particularly those identified in the *Future Land Use Map* series;
- d. Regulate development within areas which experience seasonal and periodic flooding;
- e. Specify drainage and stormwater management requirements;
- f. Protect potable water wellfields and aquifer recharge areas;
- g. Specify minimum design standards for sanitary sewer and septic tank systems;
- h. Regulate signage;
- i. Ensure safe and convenient on-site and off-site traffic flow and parking needs of motorized and non-motorized transportation;
- j. Require that development meet all appropriate provisions of the Town’s Concurrency Management System, including level of service standards adopted by the Town Council, prior to the issuance of a development order or permit; and
- k. Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by Chapter section 163.3177 of Florida Statutes, F.S. and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development.

POLICY 1.14.2: *Consistency of Zoning Districts with the Future Land Use Map.*
 The Town may elect to further regulate land use activities within land use districts shown on the *Future Land Use Map* through the establishment of zoning districts. Such zoning districts shall be defined within the Land Development Regulations, and a Zoning Map shall illustrate the demarcations of each district. The density and intensity of land use activities established for each zoning district shall be consistent with density and intensity qualitative standards set forth on the *Future Land Use Map* for the associated land use district.

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Land development regulations adopted to implement this *Comprehensive Plan* shall be based on and be consistent with the residential densities and non-residential intensities established herein.

POLICY 1.14.3: *Consistency with Performance Standards.* Performance standards established within the Land Development Regulations shall be consistent with the goals, objectives and policies established within the *adopted Comprehensive Plan*. By December 2012, the Land Development Regulations shall be amended to ensure that the performance standards comply with the adopted *Comprehensive Plan*.

OBJECTIVE 1.15: *Protection of Natural Resources.* To ensure the protection of natural resources in the Howey-in-the-Hills area.

POLICY 1.15.1: *Policies for Managing Environmentally Sensitive Areas.* Policies in the *Conservation Element* for managing environmentally sensitive natural systems, including but not limited to Little Lake Harris, Lake Illinois, wetlands, floodplain areas, significant vegetative communities and wildlife habitats of endangered and threatened species, shall be implemented through performance standards stipulated in the Land Development Regulations.

POLICY 1.15.2: *Intergovernmental Coordination and Natural Resource Management.* The Town shall coordinate with State agencies including, the St. Johns River Water Management District, the Florida Department of Environmental Protection, and the East Central Florida Regional Planning Council as well as Lake County and other agencies concerned with managing natural resources for the purpose of protecting the function and existence of natural systems.

POLICY 1.15.3: *Protection of Endangered and Threatened Animal and Plant Species.* The Town shall protect endangered and threatened animal and plant species by assuring the preservation of native habitat required for their propagation and survival. Policies pertaining to the adoption of performance standards and development regulations, as herein cited in this *Comprehensive Plan* shall implement the protection of habitat used by these species.

OBJECTIVE 1.16: *Compatible and Consistent Land Uses.* To ensure that land uses are compatible and consistent with surrounding land uses.

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POLICY 1.16.1: *Existing Non-Compatible Land Uses.* The Town shall reduce or eliminate existing non-complying land use activities to the greatest reasonable and practical extent without intruding on the constitutional rights of the effected landowners. No existing non-conforming structure shall be increased or expanded. The Land Development Regulations shall define circumstances under which the existing non-conforming use shall be eliminated or reduced in intensity and shall provide principles for regulating improvements to existing non-complying structures as well as changes to non-conforming uses.

POLICY 1.16.2: *Managing Future Land Use.* The *Future Land Use Map* and related policies together with the Land Development Code shall be applied as a planning and management tool in order to prevent development of land uses which do not conform to the Town’s character as reflected in the Town’s adopted *Future Land Use Map*, *Zoning Map*, and other applicable laws, ordinances, and administrative rules.

OBJECTIVE 1.17: *Renewable Energy Resources.* To encourage the development and use of renewable energy resources, efficient land use patterns, and reducing greenhouse gas emissions in order to conserve and protect the value of land, buildings, and resources, and to promote the good health of the Town’s residents.

POLICY 1.17.1: *Energy Efficient Land Use Pattern.* The Town shall maintain an energy efficient land use pattern and shall continue to promote the use of transit and alternative methods of transportation that decrease reliance on the automobile.

POLICY 1.17.2: *Promoting Walking and Bicycling.* The Town shall continue to encourage and develop the “walk-ability and bike-ability” of the Town as a means to promote the physical health of the Town’s residents, access to recreational and natural resources, and as a means to reduce greenhouse gas emissions.

POLICY 1.17.3: *Establishing an Energy Management Plan.* By December 2012, the Town shall develop and implement an Energy Management Plan to minimize electric, fuel and water resources in Town buildings, fleet vehicles and on public properties.

POLICY 1.17.4: *Solar Collectors.* No action of the Town shall prohibit or have the effect of prohibiting solar collectors, or other energy devices based on renewable resources from being installed on a building and as further set forth within Section 163.04, Florida Statutes.

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POLICY 1.17.5: ***Construction of Public Facilities and Buildings.*** Public buildings and facilities shall be constructed and adapted where reasonably feasible to incorporate energy efficient designs and appropriate “green” building standards. Green Building standards that should be observed are contained in the Green Commercial Buildings Designation Standard, Version 1.0, published by the Florida Green Building Coalition, Inc.

POLICY 1.17.6: ***Energy Efficient Design and Construction Standards.*** The Town shall continue to promote and enforce energy efficient design and construction standards as these become adopted as part of the State Building Codes. The Town shall also promote commercial and residential standards that are promulgated from time to time by the Florida Green Building Coalition, Inc.

POLICY 1.17.7: ***Promoting Mixed Use Developments.*** The Town shall continue to promote mixed-use developments in areas planning for urban development or redevelopment as a mean to produce energy efficient land use patterns and reduce greenhouse gas emissions.

POLICY 1.17.8: ***Development Incentives for Smart Growth Development.*** The Town shall revise its Land Development Regulations by December 2012 to offer incentives and flexibility for development projects that will make development application, review and approval processes easier, faster and more cost effective for projects that are consistent with the Smart Growth Principles of the *Comprehensive Plan* and that can be demonstrated to reduce infrastructure costs, promote the preservation of open space and habitat lands, provide energy efficient land use patterns, and reduce greenhouse gas emissions. Other incentives shall also be evaluated for projects that participate in energy-efficient development programs such as:

- U.S. Environmental Protection Agency's Energy Star Buildings and Green Lights Program to increase energy efficiency through lighting upgrades in buildings;
- Rebuild America;
- Building for the 21st Century;
- Energy Smart Schools;
- National Industrial Competitiveness through Energy;
- U.S. Department of Environmental Protection's Pollution Prevention (P2) Program;
- U.S. Green Building Council (LEED);
- Florida Water StarSM Program; or

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- 1 • Florida Green Building Coalition (FGBC), including
- 2 pursuing certification as a Green Government.
- 3

4 **OBJECTIVE 1.18: *Mechanism to Manage Growth and Development.*** To ensure that the

5 *Comprehensive Plan* represents the primary mechanism which manages growth and development

6 within the Town of Howey-in-the-Hills.

7

8 **POLICY 1.18.1: *Precedence Over Other Land Use Control Mechanisms.*** Growth

9 management and land use controls stipulated in the adopted

10 *Comprehensive Plan* through goals, objectives and policies shall

11 take precedence over all other land use policies established in other

12 land use control mechanisms adopted by the Town of Howey-in-

13 the-Hills, including but not limited to the Land Development

14 Regulations and other components of the Code of Ordinances.

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16 **POLICY 1.18.2: *Growth Management through Maintenance of Land Development***

17 ***Regulations.*** The Town shall maintain the Land Development

18 Regulations to reflect growth management controls established

19 within the updated *Comprehensive Plan*.

20

21 **POLICY 1.18.3: *Compliance with State and Federal Laws.*** The *Comprehensive*

22 *Plan* shall not violate Statutes established in Florida Law or

23 Administrative Rule, nor shall it violate the Constitution of the State

24 of Florida or that of the United States of America.

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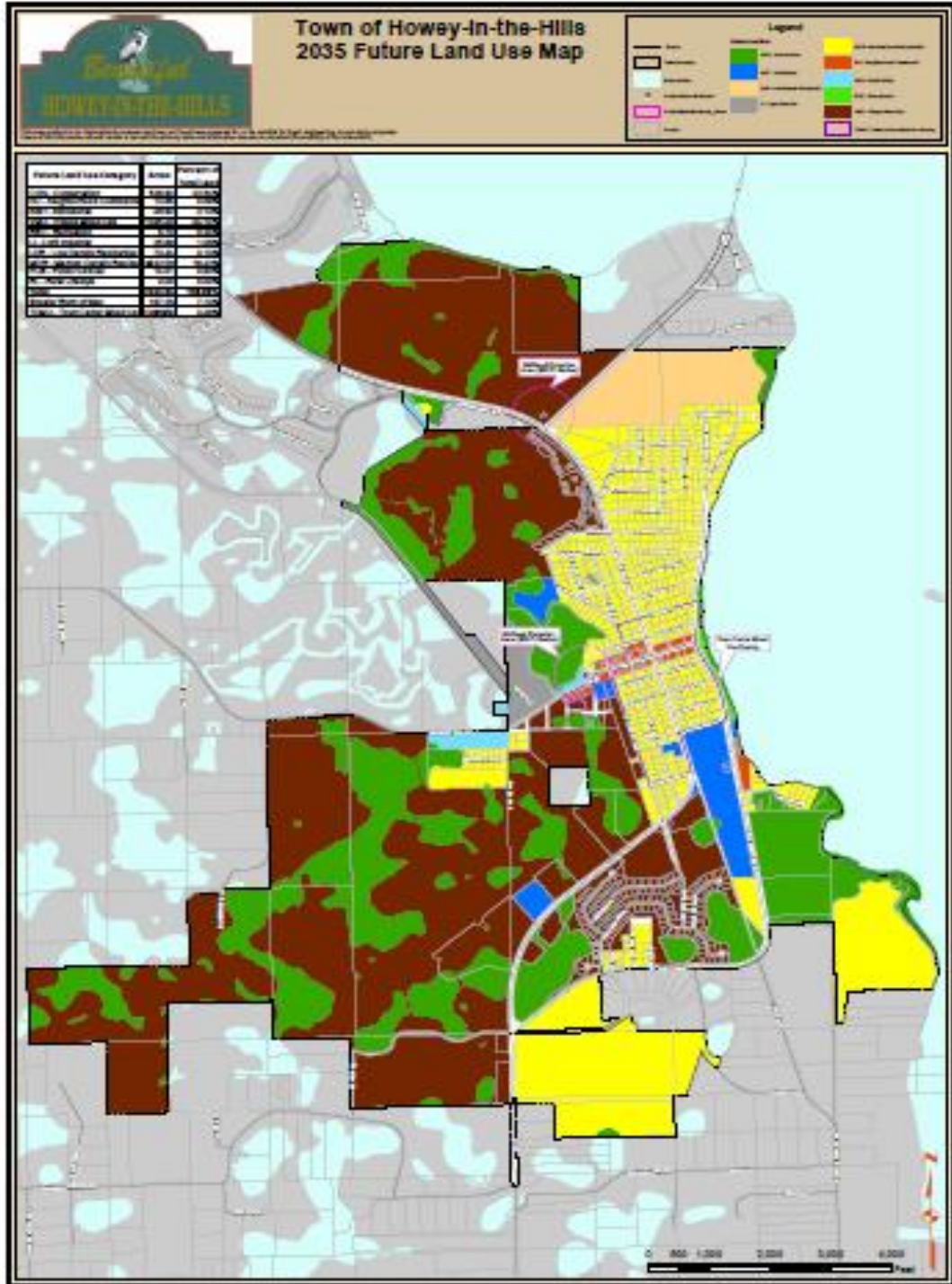
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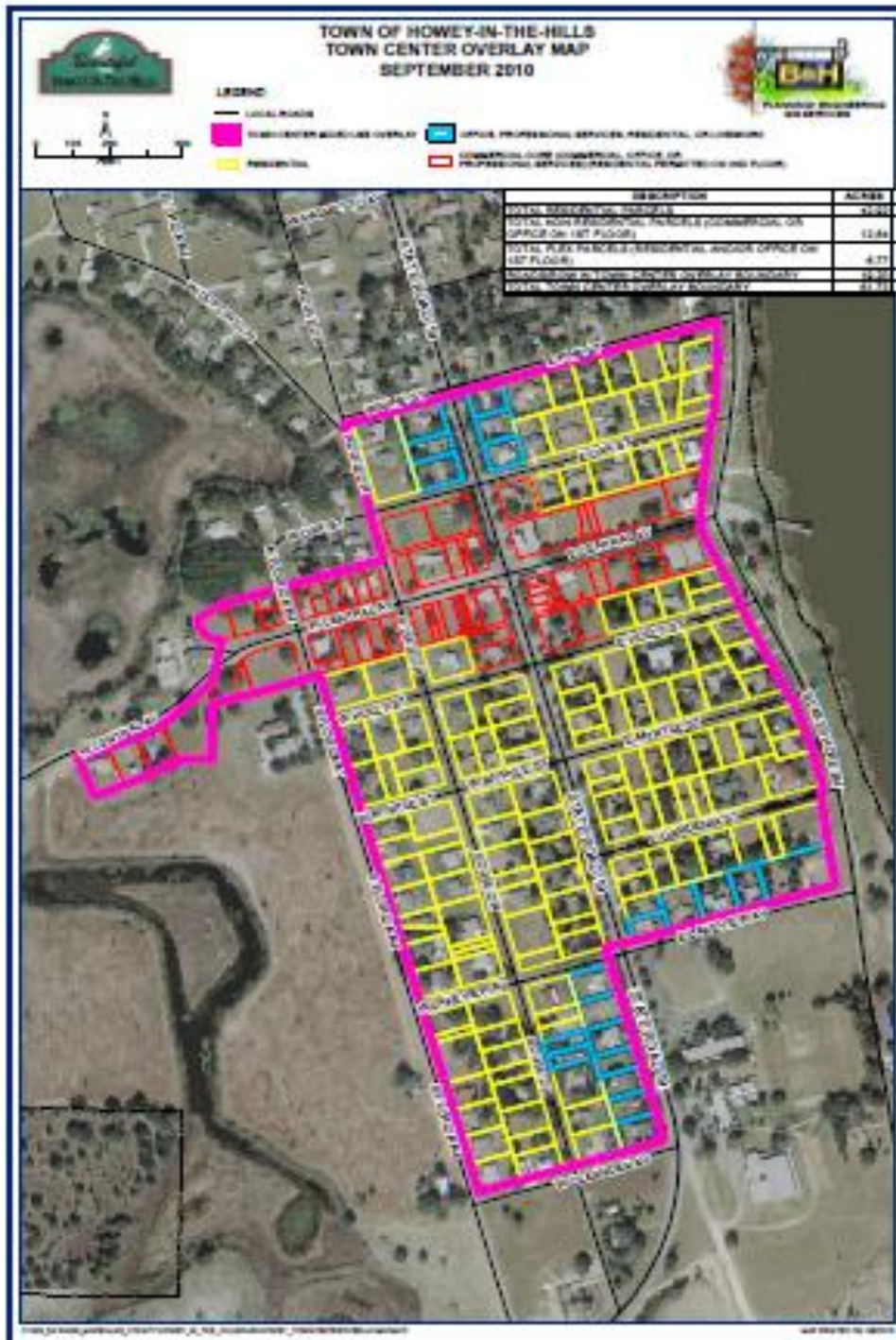
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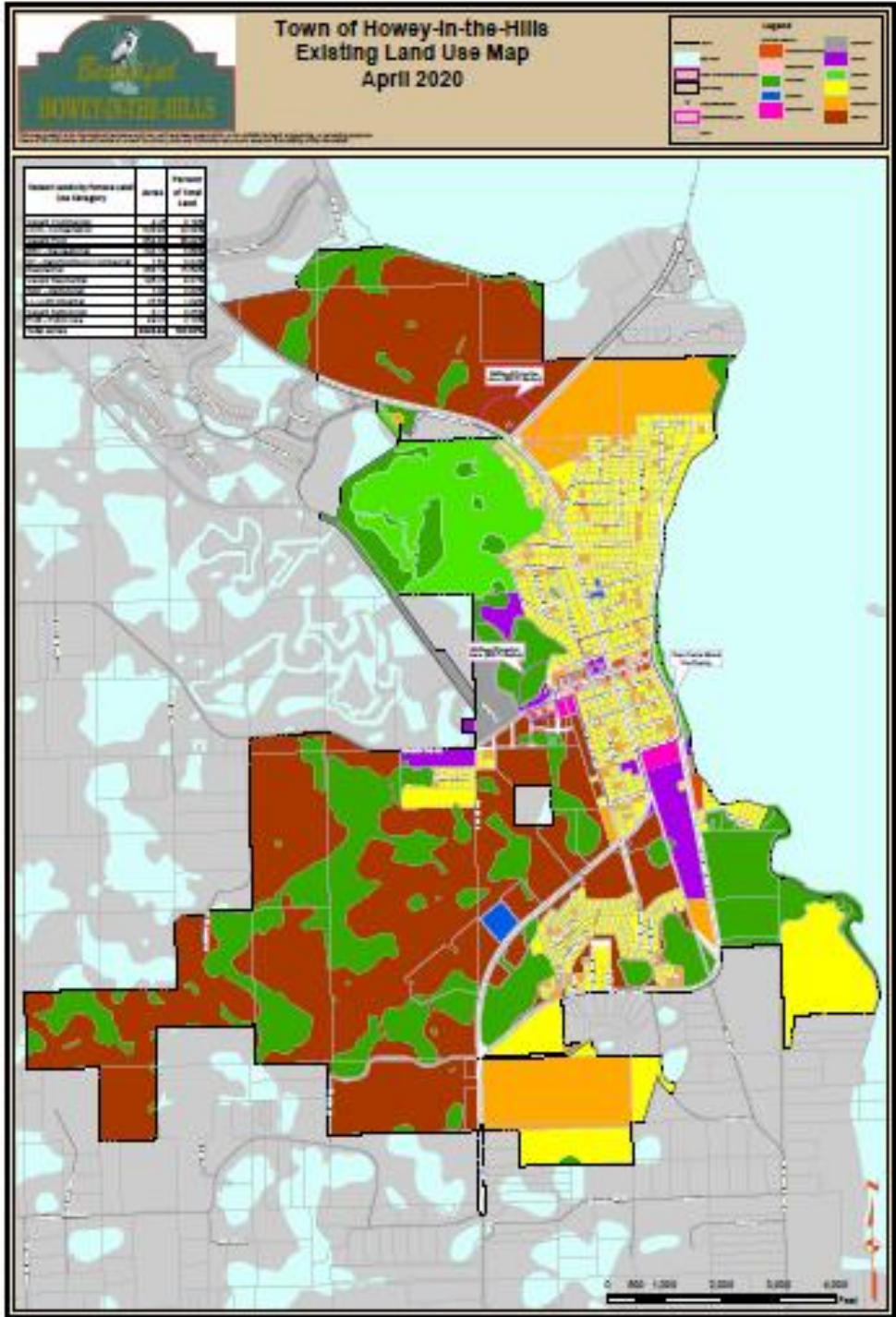
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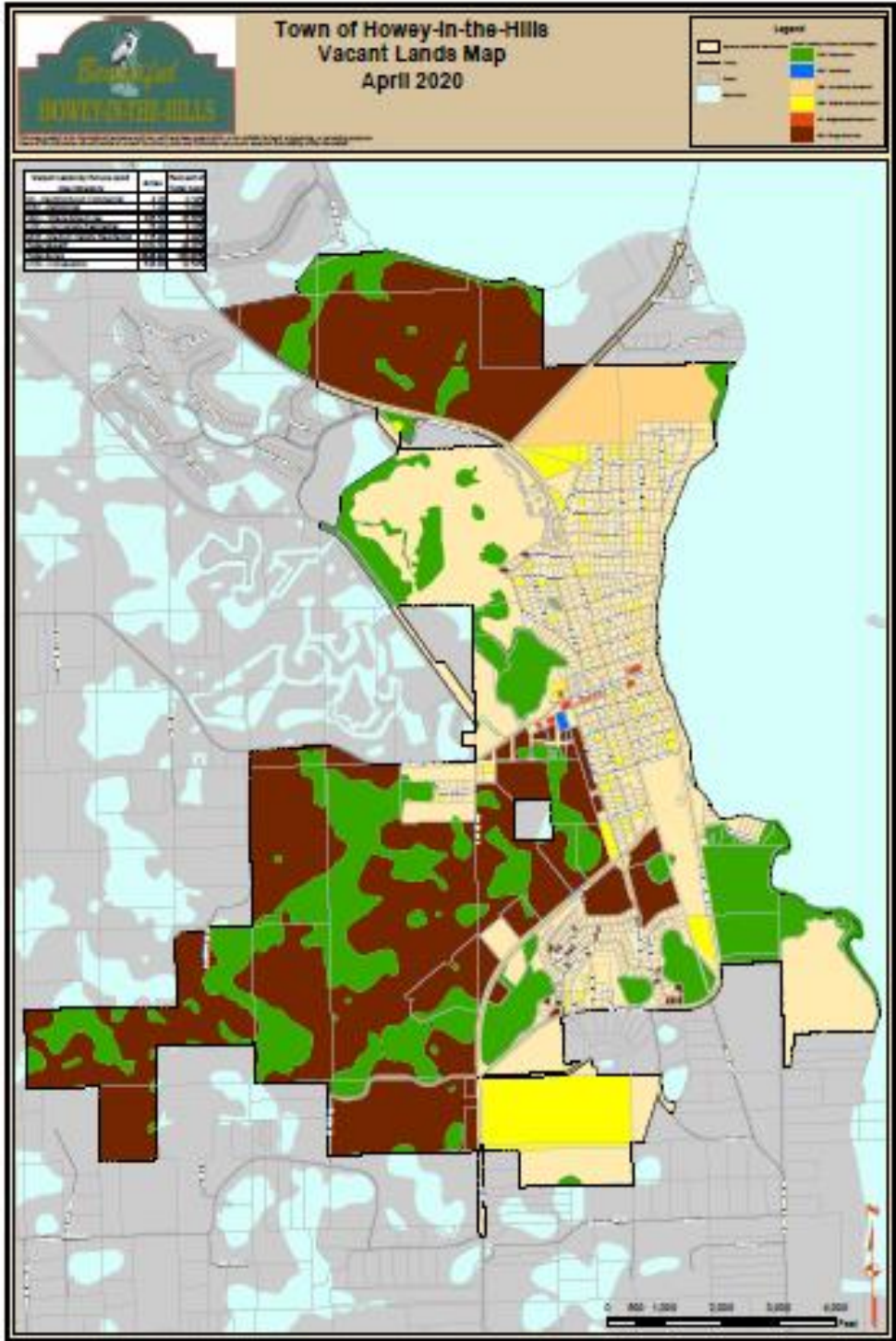
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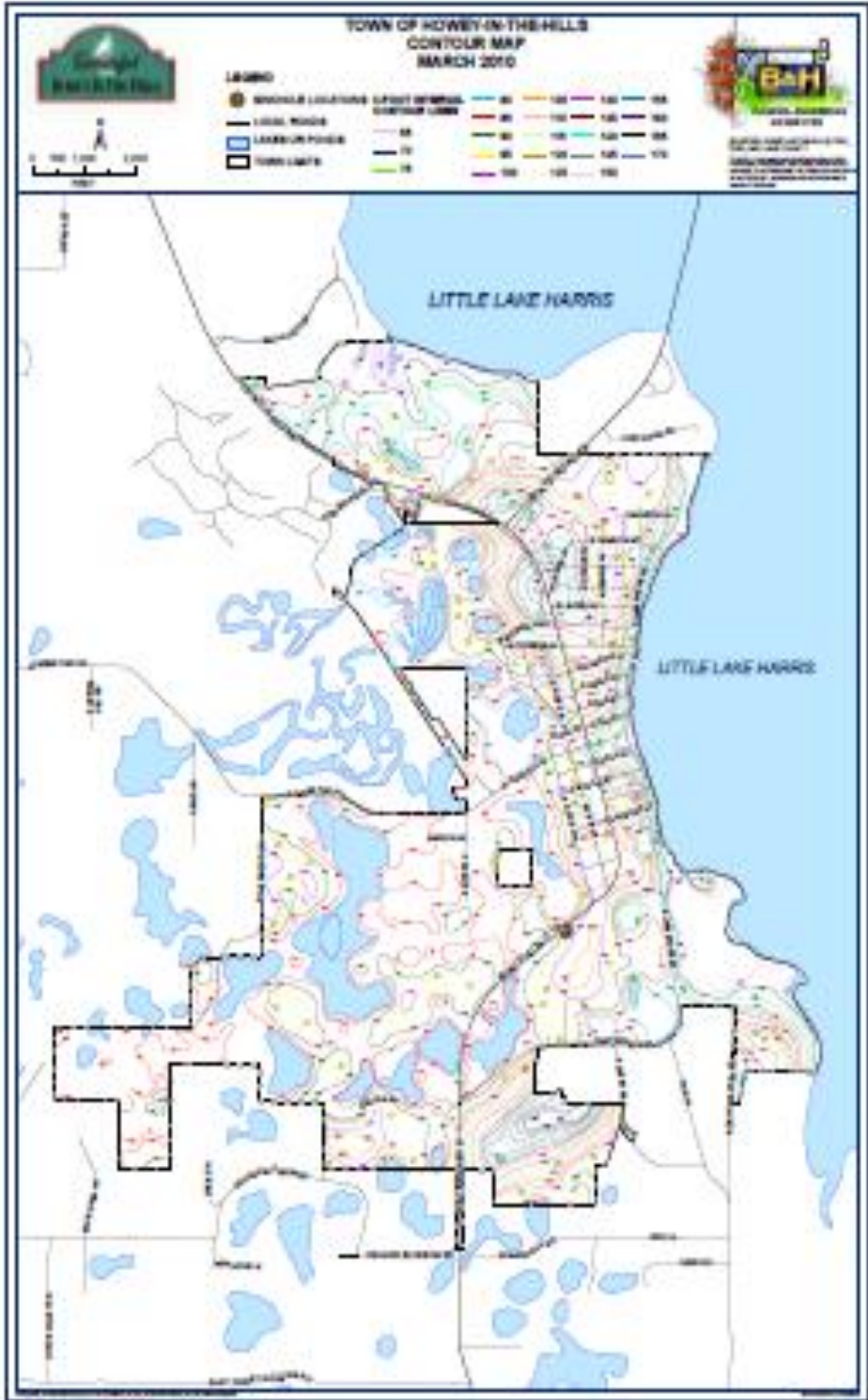
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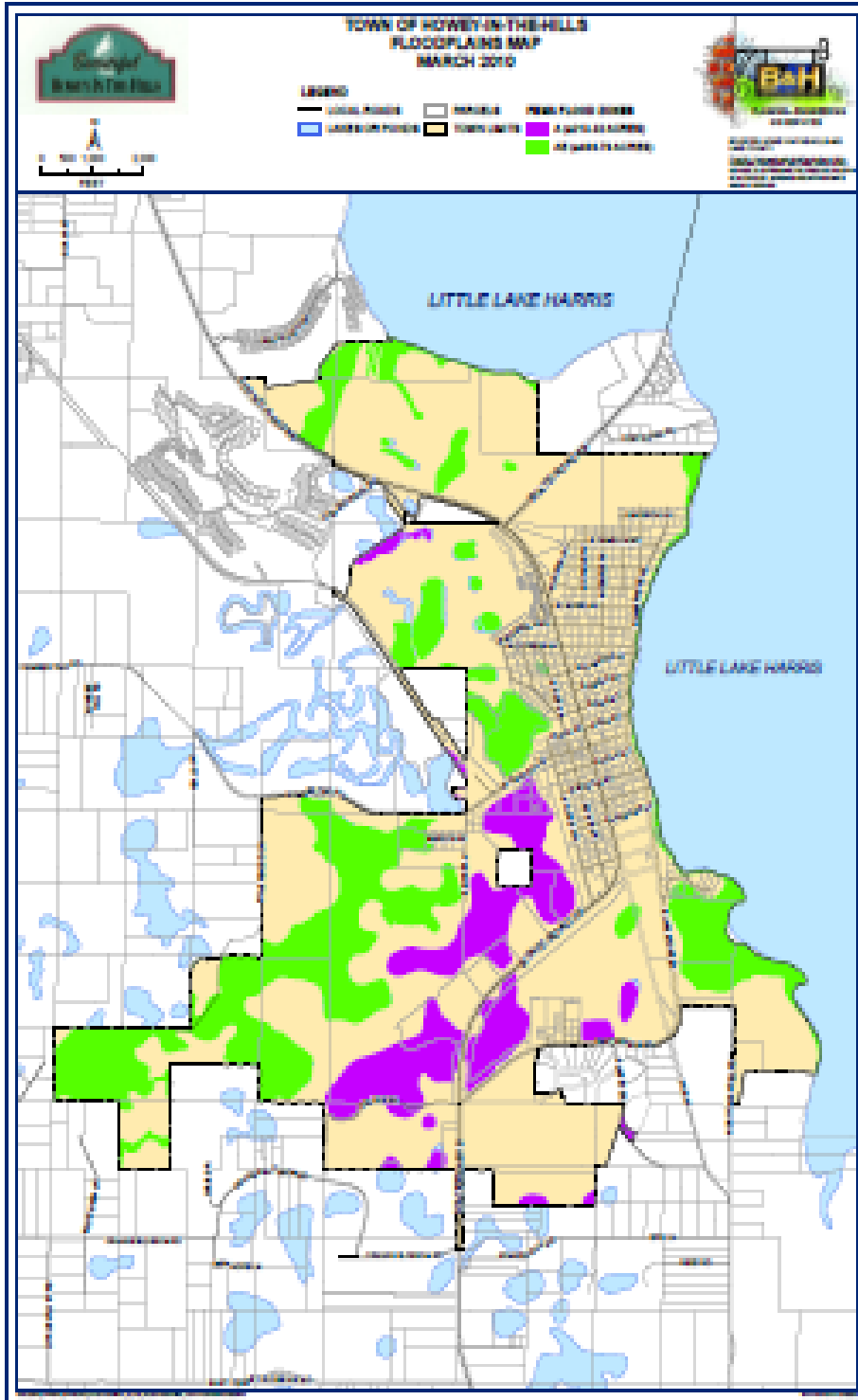
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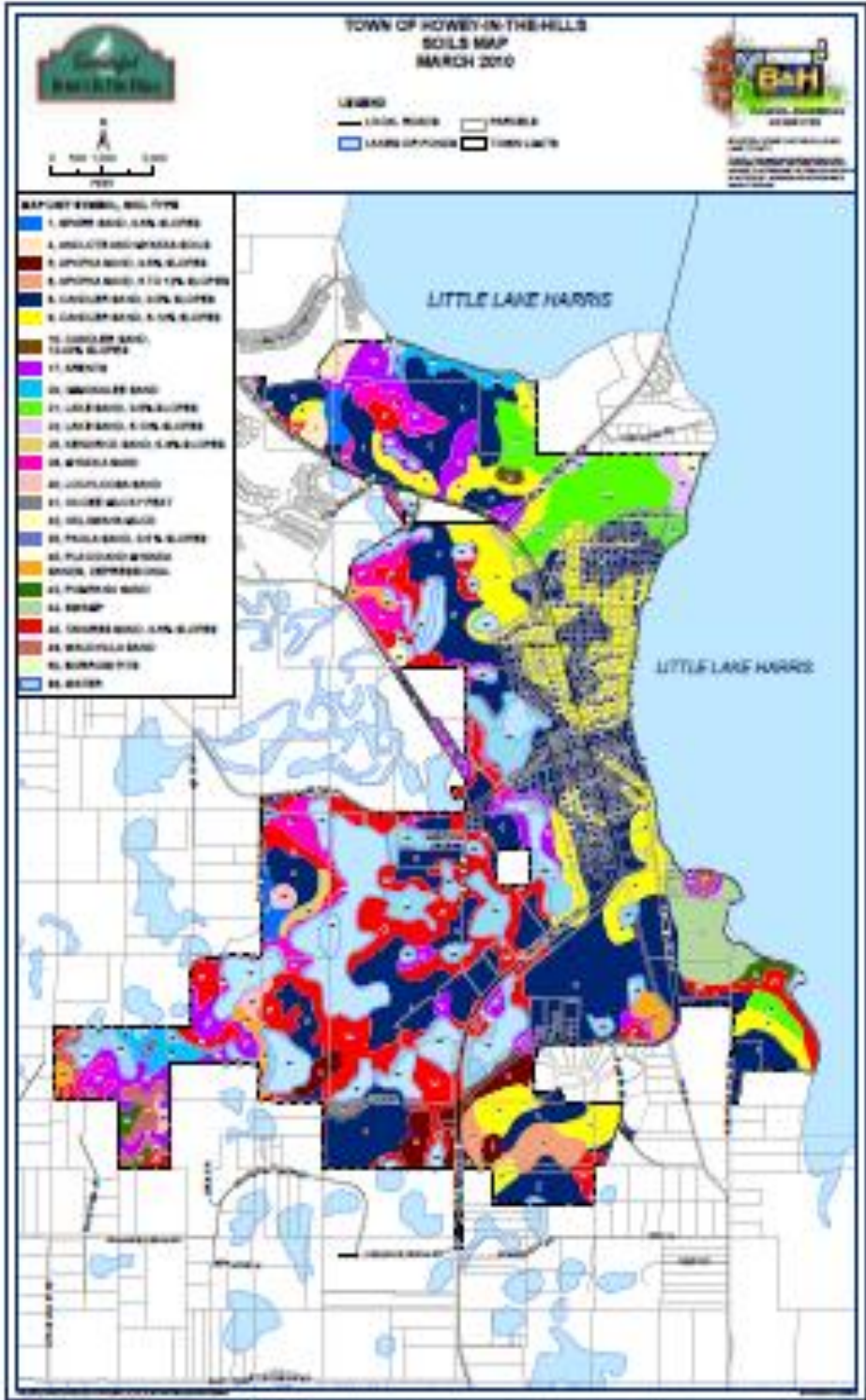
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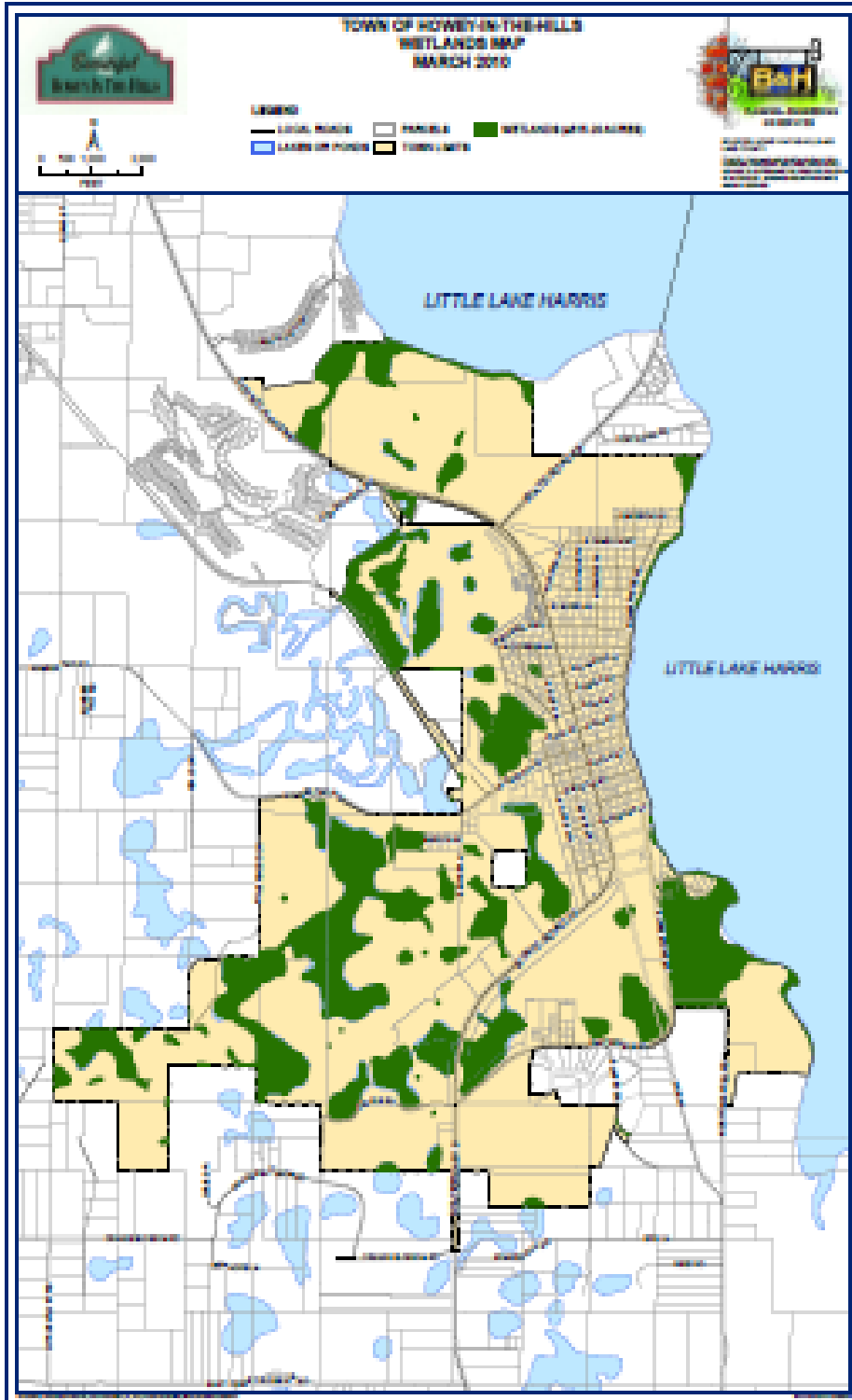
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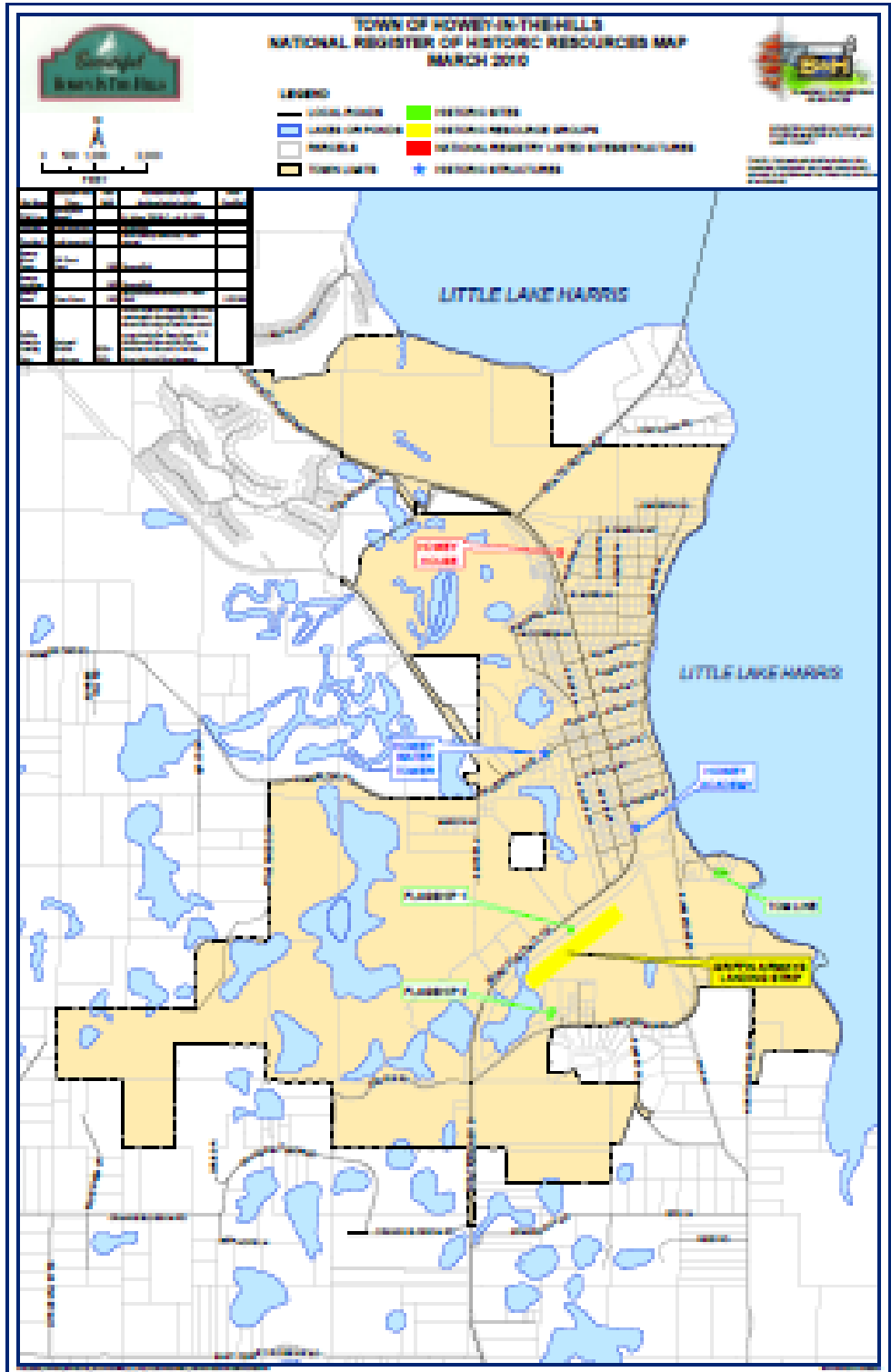
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 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Town of Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Esch Veterinary Office Development Proposal
DATE: May 15, 2024

Introduction

The subject property is a 4.45-acre parcel located on SR-19 south of Revels Road (ALT 1704171). The applicant is seeking to construct a veterinary office and provide at least one additional parcel for future office or retail use. Based on the survey, the parcel measures about 740 feet along SR 19 with a depth of 262 feet. The parcel is rectangular and slopes from SR 19 at 100 feet in elevation to the west where the elevation is approximately 85 feet at the western boundary. The environmental assessment report submitted with the application shows no wetlands on site and only a minor impact of Flood Zone A property (2012 map) along the western fringe of the site. Just off the site to the west is a wooded depressional area that likely receives stormwater runoff from the subject property. The subject parcel has some scattered trees on site.

The property is designated Village Mixed Use on the future land use map which requires PUD zoning. The future land use designation may have been applied in error when the original Mission Rise project was approved. At 4.45 acres the property is too small to meet the minimum size for VMU land use, and the Town needs to change the land use and zoning to a classification that is more suitable for the parcel. This revision is the same process used for the parcel at Revels Road and SR 19 which has been developed as a landscape business and plant nursery.

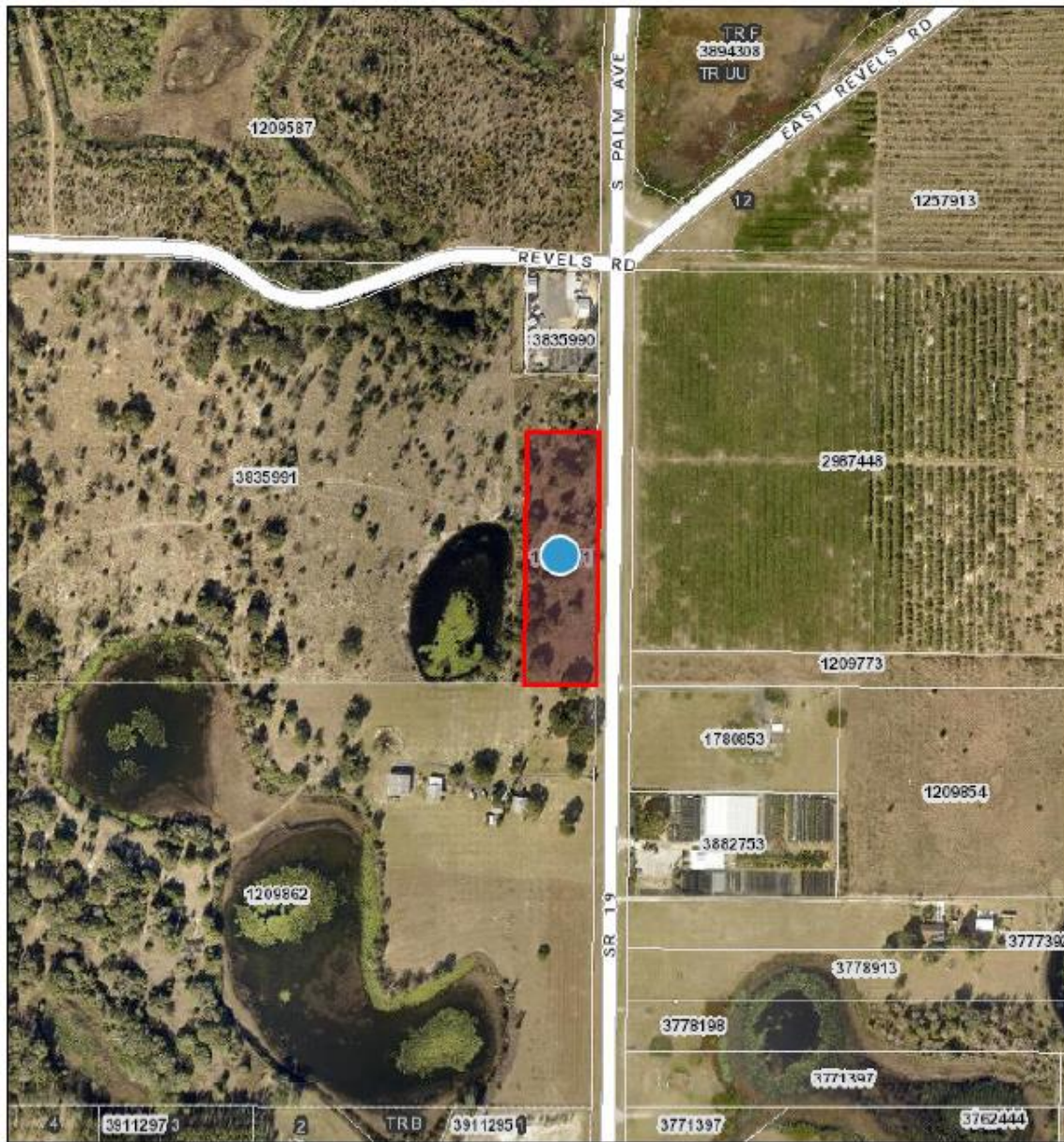
To accomplish the land use and zoning changes and to take the steps to accommodate the proposed development, the following actions are required:

1. Adopt a small-scale amendment to the future land use map.
2. Adopt zoning consistent with the future land use designation.
3. Grant a conditional use approval for a veterinary clinic.
4. Grant a variance to allow a building larger than 6,000 square feet in NC
5. Approve a preliminary site plan for the construction of any proposed buildings
6. Approve a final site plan for the proposed buildings

7. Approve a subdivision plat or lot split for any proposed lots.

The current review program will address items one through four. The Town has sufficient information to review the application for preliminary site plan approval as well, but the necessary advertising for the preliminary site plan could not be completed in sufficient time for the Planning Board meeting. However, the preliminary site plan data was used to demonstrate compliance with the comprehensive plan policies.

Esch Parcel Location



May 15, 2024

1:5,000

Comprehensive Plan Amendment

As noted in the introduction, the current land use and zoning assignment for the subject parcel require more land than is available to meet code requirements. The assignment of Village Mixed Use land use which requires Planned Unit Development (PUD) zoning may have been made in error. In 2021 the Town addressed a similar case for a property also owned by the Chon Trust. This parcel, at the southwest corner of the intersection of Revels Road with SR 19, was changed to an industrial land use to allow for the development of a conditional use – the plant nursery which is currently operating on the site. The subject parcel is seeking the same treatment, although with different land uses. Based on the comprehensive plan menu of future land uses, the land use which most closely supports the proposed use is Neighborhood Commercial. The first determination is whether the property is suitable for Neighborhood Commercial Land Use.

The parcel is the last parcel in the Town going south on SR 19. The property to the west and to the north of the subject property is in the Mission Rise development which has recently been approved by the Town for a residentially based mixed use development. The residential portion of the Mission Rise project lies west of the subject parcel. The small tract to the north of the subject parcel is proposed for use as a trail head for the bicycle system and the closest areas to west are proposed for stormwater retention area. Also to the north of the subject property is the previously discussed landscape nursery, and then across Revels Road is the beginning of The Reserve mixed use development. Opposite the subject property to the east is the Watermark residential PUD. This approved development is separated from the subject property by SR 19 and then a project buffer. To the south is land in unincorporated Lake County which is designated as Rural Transition and zoned agriculture. The Rural Transition land use allows development up to one unit per acre.

Any amendment of the future land use designation requires the proposed land use to be consistent with the goals, objectives, and policies of the comprehensive plan, to be able to be served by the necessary public services at the time of development and to avoid urban sprawl. The proposed amendment will be a small-scale map amendment. The process for approving a small-scale map amendment requires a recommendation from the planning board and approval by the Town Council with appropriate public involvement and intergovernmental coordination followed by a submittal of the amendment to the Florida Department of Commerce for review. Typically, the DOC will not conduct a detailed review of small scale map amendments, but will act if other review agencies or the general public raise issues of concern.

In addition to the application form, the applicant submitted a concept site plan showing the anticipated layout for an office building of 6,000 square feet along with parking and stormwater management facilities. This review is not a formal site plan review, but the plan submitted by the applicant will be used to analyze the request in comparison with the comprehensive plan goals, objectives, and policies.

Public Policy Considerations

The following policies are drawn from the Town’s comprehensive plan Future Land Use Element and are applicable to the requested map amendment.

Policy 1.1.1 contains a section on the Neighborhood Commercial Land Use presenting limits on density and intensity of development. The key numbers are:

Maximum Floor Area Ratio (FAR)	0.50
Maximum Impervious Surface Ratio (ISR)	0.70
Maximum Building Size	5,000 square feet
Maximum Building Height	35 feet.

Based on the proposed site layout the project will comply with all the dimensional requirements except for the maximum building size. The applicant is seeking a waiver of the 5,000 square foot building maximum.

Policy 1.1.2 contains a section on the Neighborhood Commercial Land Use listing the uses permitted in neighborhood commercial development noting general commercial categories including general commercial, limited commercial and professional office along with examples of each type.

The Neighborhood Commercial Zoning Classification lists Animal Hospital or Veterinary Clinic as a conditional use with the only condition being no outdoor kennels. The applicant has agreed to the condition.

Policy 1.2.2 lists open space requirements for various land use categories. The applicable open space minimum area for Neighborhood Commercial is 30% of the gross land area. This is the inverse of the maximum impervious surface ratio.

The proposed development plan has a maximum impervious area of 40% leaving the balance of the site for preserved flood plain area, stormwater retention and buffers.

Policy 1.2.3 requires the Town to protect residential areas from incompatible non-residential development.

The property location does not directly impact current and planned residential development. The Watermark property is separated from the subject parcel by SR-19 and their buffer area. There is no residential development to the north until the north side of Revels Road with two intervening properties including the plant nursery business. The land to the south is agricultural requiring large lot (one acre) development, and the land to west has residential lots within the Mission Rise PUD that are buffered from the subject property. The subject parcel planned development provides stormwater retention and preserved flood prone area as additional spacing from property to the west.

Policy 1.2.4 addresses screening requirements for non-residential uses.

As noted above, the site does provide some screening from the closest residential properties in addition to the buffers on the adjacent parcels. The project will provide buffers as required by Town code.

Policy 1.2.8 requires the Town to conduct a review of its ability to meet public service demands created by the application.

The property is not served by either potable water or sewer. The development will need to initially use a well and septic system until services are extended to this area. The applicant will be required to connect when services become available. The well can then be converted to irrigation use. The applicant has accepted this condition. (Note: this is the same water and sewer arrangement applied to the plant nursery property.) The applicant provided a traffic analysis and requested the project be exempt from a full traffic impact assessment based on the low volumes generated. The Town engineer has concurred with the exemption. Stormwater will be managed on site. Recreation services and school capacity do not apply to the commercial development.

Objective 1.4 of the Future Land Use Element includes a list of specific policies related to commercial development. A number of these policies address issues covered in the policies enumerated above as well as covering other topics. Objective 1.4 and supporting policies are presented below with commentary on the proposed future land use map amendment.

OBJECTIVE 1.4: *Commercial Planning Activities.* Ensure the Town's sustainability by allocating sufficient land area to accommodate commercial activities which provide a level of employment as well as goods and services demanded by local residents and guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-Hills.

POLICY 1.4.1: *Location and Distribution of Commercial Sites.* The location and distribution of commercial land use districts delineated on the *Future Land Use Map* shall be determined according to the following criteria:

- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
- b. Promote the integration of uses to include live-work environments;
- c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as

- emission of air pollutants, noise, odor, and generation of hazardous waste or products;
- d. Impact to the conservation and preservation of natural resources;
- e. Demand on existing and planned public services, utilities, water resources and energy resources;
- f. Impact on designated scenic and aesthetic transportation corridors;
- g. Compatibility with surrounding land uses;
- h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

Given the isolated nature of the site and the development commitments on the surrounding properties, the potential for strip commercial is low. The most likely direction for strip commercial is to south where the land use is controlled by Lake County and is currently agriculture with the potential for larger lot residential development. Commercial growth in any other direction is blocked. The applicants submitted an environmental assessment of the site noting only the presence of gopher tortoise, which can be managed through a permit process. The plan design avoids the limited flood prone area on the site. The applicant has submitted a concept plan showing the planned development can comply with the comprehensive plan and zoning standards for site development.

POLICY 1.4.2: *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

Project screening has been previously discussed.

POLICY 1.4.3: *Availability of Facilities to Support Commercial Development.* The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.

Service availability has been previously discussed. Major development in the area will be extending water and sewer service at some time in the near future.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this element.

Open space compliance has been previously discussed.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

The project complies with the applicable floor area ratio standards.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

The applicant is requesting a waiver to allow a 6,000 square foot building.

POLICY 1.4.7: *Commercial Building Height Limitations.* Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.

The applicant is proposing a one-story building of less than 35 feet in height.

POLICY 1.4.8: *Acceptable Uses within Commercial Areas.* Activities allowed within areas designated for commercial uses established in the Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

1. Retail business (drive-thru establishments in the Town Center Mixed Use shall be located to the rear of properties fronting on Central Avenue)
2. Community centers and fraternal lodges;
3. Hotels or motels;
4. Marinas;
5. Service businesses, Personal Services such as barber/beauty, personal training, spa, salons, pottery shops, art/painting galleries or studios, dance studios, etc.;
6. Professional and Business offices;
7. Veterinarian offices, provided the facility has no outside kennels;

8. Financial Institutions and banks;
9. Residential development, low, medium, or high density (second story);
10. Recreation and Parks;
11. Manufacturing, as permitted according to policies cited in this *Element*;
12. Elementary and middle schools in the Neighborhood Commercial land use; and
13. Elementary, middle, and high schools in the Village Mixed Use land use.

The proposed use is listed at number 7.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such

The potential for strip commercial has been previously discussed. The only route for expansion from this proposed commercial site is to the south which is controlled by Lake County.

POLICY 1.4.10: *Adequate Commercial Land and the Future Land Use Map.* The Town will ensure that adequate land is designated on the *Future Land Use Map* to support the commercial needs of the residents and guests of Howey-in-the-Hills during the planning period. All such lands shall be compatible and consistent with the surrounding land uses.

While the goal for commercial development is to direct new commercial projects to the Central Avenue corridor or to the Village Mixed Use projects, the small size and isolated nature of the subject property suggests commercial as a possible option. The currently applied land use and zoning classifications block development of the site as the site is too small to meet their minimum standards. There are no nearby residential units that might be adversely affected by a commercial project at this location, and the parcel is likely too small to support some type of multi-family development.

Proposed Zoning Amendment

The most appropriate zoning and the zoning consistent with the recommended land use designation is also Neighborhood Commercial (Section 2.02.05 in the land development code). Under the NC zoning veterinary offices and clinics are designated as a conditional use, which means that they may be permitted if specific conditions are met (Section 2.02.05 B3 k). In this case the only specific condition is that there be no outside kennels (Section 6.02.13). The applicant has agreed to abide by this condition,

and a note to this effect will be required on the approved site plan. The specific requirements of the NC Neighborhood Commercial Zoning are as follows:

Requirement	Standard	Vet Site	Future Site
Minimum Lot Size	0.5 Acres	2.0 Acres	2.45 Acres
Minimum Lot Width	100 feet	333 feet	407 feet
Minimum Lot Depth	150 feet	262 feet	262 feet
Maximum Building Height	35 feet	>35 feet	>35
Maximum FAR	0.50%	0.07%	TBD
Maximum Lot Coverage	70%	40.1%	TBD
Setbacks			
Front	30 feet	74.5 feet	TBD
Side	20 feet	44.5 feet	TBD
Side	30 feet	202.2 feet	TBD
Rear	30 feet	117.4 feet	TBD

Both of the proposed development sites will meet the minimum dimensional requirements should the applicant elect to develop them as separate parcels. The proposed veterinary building will meet the other dimensional requirements, and any future buildings will be required to complete a site plan review process where compliance with the NC standards can be confirmed.

Conditional Use

A conditional use is one that is appropriate for a zoning classification provided that a specific condition or conditions are met. The only specific standard applicable to the veterinary business is the exclusion of outdoor kennels. The use is also required to meet the minimum requirements of the NC zoning classification. The analysis provided above demonstrates that the standards can be met.

Maximum Building Size

The applicant has proposed a 6,000 square foot building as needed to support the proposed business. The Neighborhood Commercial zoning sets a cap of 5,000 square feet unless the Town Council grants a waiver. Technically buildings in excess of 5,000 square feet are listed as a conditional use in NC, but there are no specific criteria called out in Chapter 6. Policy 1.4.6 on commercial building size (see text above) gives some guidance on the criteria to be applied. The policy cites the following criteria:

1. Needs of the business
2. Compatibility with the business and business site
3. Other affected development
4. Enhanced architectural design
5. Other items

We assume the applicant has sized the building based on his current and future business needs, and the analysis to this point has demonstrated the building is

compatible with the site (meets or exceeds standards). The analysis has also demonstrated limited, if any, effect on nearby development. With regard to the architectural design, the staff recommends a condition that the buildings be designed to meet the architectural standards for non-residential development as set out in Section 4.06.05 and Section 4.06.06.

Recommendation

The Planning Board recommended to Town Council the amendment of the future land use map to designate the subject property as neighborhood commercial and assign neighborhood commercial zoning to the parcel. The Planning Board also recommended the veterinary business be approved as a conditional use provided that no outside kennels are constructed and that this limitation be noted on the the final site plan. The Planning Board also recommended the Town Council grant the waiver to allow the 6,000 square foot building provided the applicant meets or exceeds the design requirements of Section 4.06.05 and 4.06.06 of the Town's land development code. Compliance with the building design requirements are to be confirmed with the final site plan approval.



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 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Town of Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Esch Veterinary Office Development Proposal
DATE: May 15, 2024

The subject property is a 4.45-acre parcel located on SR-19 south of Revels Road (ALT 1704171). The applicant is seeking to construct a veterinary office and provide at least one additional parcel for future office or retail use. Based on the survey, the parcel measures about 740 feet along SR 19 with a depth of 262 feet. The parcel is rectangular and slopes from SR 19 at 100 feet in elevation to the west where the elevation is approximately 85 feet at the western boundary. The environmental assessment report submitted with the application shows no wetlands on site and only a minor impact of Flood Zone A property (2012 map) along the western fringe of the site. Just off the site to the west is a wooded depressional area that likely receives stormwater runoff from the subject property. The subject parcel has some scattered trees on site.

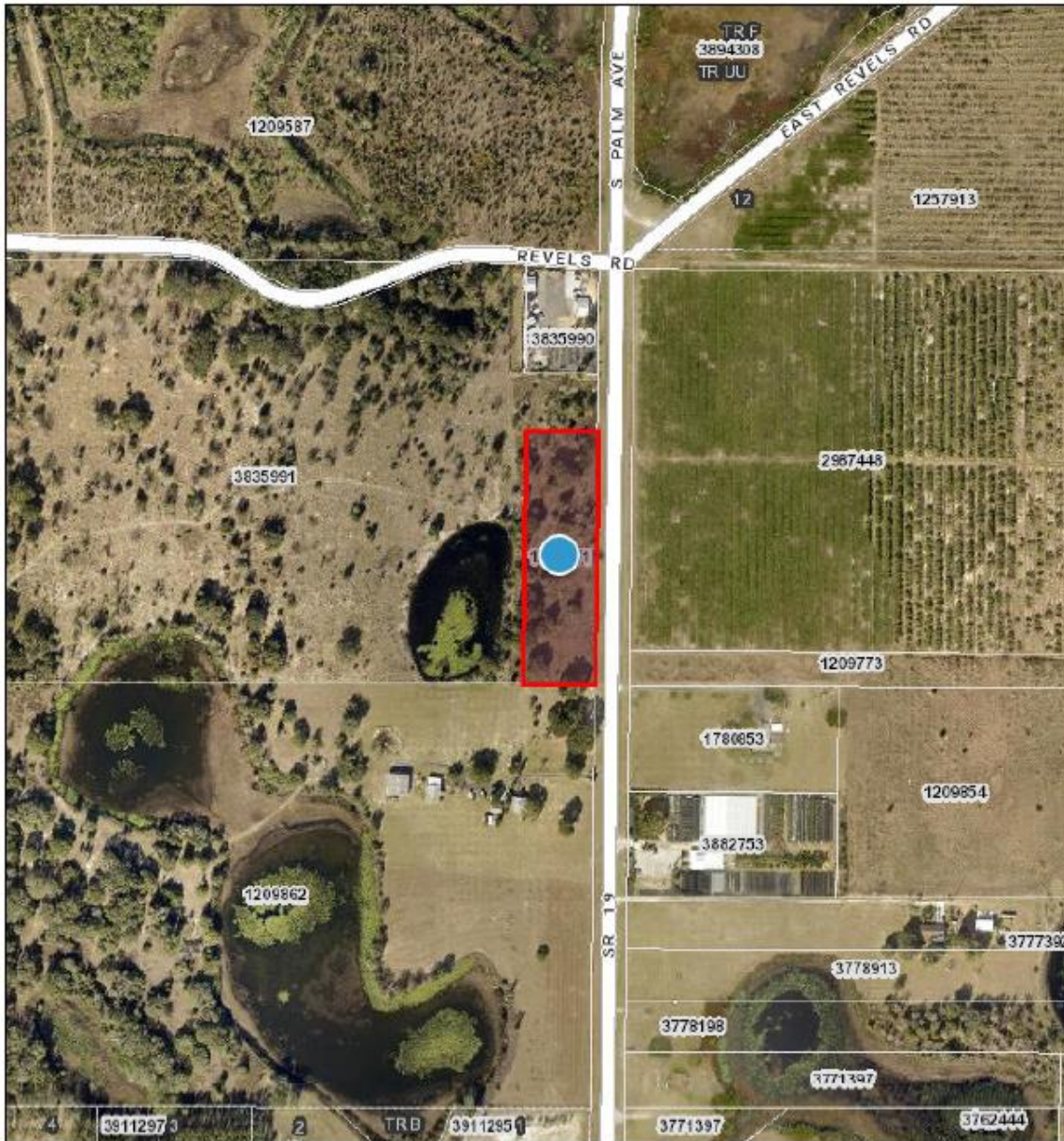
The property is designated Village Mixed Use on the future land use map which requires PUD zoning. The future land use designation may have been applied in error when the original Mission Rise project was approved. At 4.45 acres the property is too small to meet the minimum size for VMU land use, and the Town needs to change the land use and zoning to a classification that is more suitable for the parcel. This revision is the same process used for the parcel at Revels Road and SR 19 which has been developed as a landscape business and plant nursery.

To accomplish the land use and zoning changes and to take the steps to accommodate the proposed development, the following actions are required:

1. Adopt a small-scale amendment to the future land use map.
2. Adopt zoning consistent with the future land use designation.
3. Grant a conditional use approval for a veterinary clinic.
4. Grant a variance to allow a building larger than 6,000 square feet in NC
5. Approve a preliminary site plan for the construction of any proposed buildings
6. Approve a final site plan for the proposed buildings
7. Approve a subdivision plat or lot split for any proposed lots.

The current review program will address items one through four. The Town has sufficient information to review the application for preliminary site plan approval as well, but the necessary advertising for the preliminary site plan could not be completed in sufficient time for the May meeting. The preliminary site plan will need to be addressed at the June meeting.

Esch Parcel Location



May 15, 2024

1:5,000

Comprehensive Plan Amendment

As noted in the introduction, the current land use and zoning assignment for the subject parcel require more land than is available to meet code requirements. The assignment of Village Mixed Use land use which requires Planned Unit Development (PUD) zoning may have been made in error. In 2021 the Town addressed a similar case for a property also owned by the Chon Trust. This parcel, at the southwest corner of the intersection of Revels Road with SR 19, was changed to an industrial land use to allow for the development of a conditional use – the plant nursery which is currently operating on the site. The subject parcel is seeking the same treatment, although with different land uses. Based on the comprehensive plan menu of future land uses, the land use which most closely supports the proposed use is Neighborhood Commercial. The first determination is whether the property is suitable for Neighborhood Commercial Land Use.

The parcel is the last parcel in the Town going south on SR 19. The property to the west and to the north of the subject property is in the Mission Rise development which is currently under consideration by the Town for a residentially based mixed use development. The residential portion of the Mission Rise project, if approved, is west of the subject parcel. The small tract to the north of the subject parcel is proposed for use as a trail head for the bicycle system and the closest areas to west are proposed for stormwater retention area. Also to the north of the subject property is the previously discussed landscape nursery, and then across Revels Road is the beginning of The Reserve mixed use development. Opposite the subject property to the east is the Watermark residential PUD. This approved development is separated from the subject property by SR 19 and then a project buffer. To the south is land in unincorporated Lake County which is designated as Rural Transition and zoned agriculture. The Rural Transition land use allows development up to one unit per acre.

Any amendment of the future land use designation requires the proposed land use to be consistent with the goals, objectives, and policies of the comprehensive plan, to be able to be served by the necessary public services at the time of development and to avoid urban sprawl. The proposed amendment will be a small-scale map amendment. The process for approving a small-scale map amendment requires a recommendation from the planning board and approval by the Town Council with appropriate public involvement and intergovernmental coordination followed by a submittal of the amendment to the Florida Department of Economic Opportunity for review. Typically, the DEO will not conduct a detailed review small scale map amendments, but will act if other review agencies or the general public raise issues of concern.

In addition to the application form, the applicant submitted a concept site plan showing the anticipated layout for an office building of 6,000 square feet along with parking and stormwater management facilities. This review is not a formal site plan review, but the plan submitted by the applicant will be used to analyze the request in comparison with the comprehensive plan goals, objectives, and policies.

Public Policy Considerations

The following policies are drawn from the Town’s comprehensive plan Future Land Use Element and are applicable to the requested map amendment.

Policy 1.1.1 contains a section on the Neighborhood Commercial Land Use presenting limits on density and intensity of development. The key numbers are:

Maximum Floor Area Ratio (FAR)	0.50
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Maximum Building Size	5,000 square feet
Maximum Building Height	35 feet.

Based on the proposed site layout the project will comply with all the dimensional requirements except for the maximum building size. The applicant is seeking a waiver of the 5,000 square foot building maximum.

Policy 1.1.2 contains a section on the Neighborhood Commercial Land Use listing the uses permitted in neighborhood commercial development noting general commercial categories including general commercial, limited commercial and professional office along with examples of each type.

The Neighborhood Commercial Zoning Classification lists Animal Hospital or Veterinary Clinic as a conditional use with the only condition being no outdoor kennels. The applicant has agreed to the condition.

Policy 1.2.2 lists open space requirements for various land use categories. The applicable open space minimum area for Neighborhood Commercial is 30% of the gross land area. This is the inverse of the maximum impervious surface ratio.

The proposed development plan has a maximum impervious area of 40% leaving the balance of the site for preserved flood plain area, stormwater retention and buffers.

Policy 1.2.3 requires the Town to protect residential areas from incompatible non-residential development.

The property location does not directly abut current and planned residential development. The Watermark property is separated from the subject parcel by SR-19 and their buffer area. There is no residential development to the north until the north side of Revels Road with two intervening properties including the plant nursery business. The land to the south is agricultural requiring large lot (one acre) development, and the land to west has residential lots within the proposed PUD that are buffered from the subject property. The subject parcel planned development provides stormwater retention and preserved flood prone area as additional spacing from property to the west.

Policy 1.2.4 addresses screening requirements for non-residential uses.

As noted above, the site does provide some screening from the closest residential properties in addition to the buffers on the adjacent parcels. The project will provide buffers as required by Town code.

Policy 1.2.8 requires the Town to conduct a review of its ability to meet public service demands created by the application.

The property is not served by either potable water or sewer. The development will need to initially use a well and septic system until services are extended to this area. The applicant will be required to connect when services become available. The well can then be converted to irrigation use. The applicant has accepted this condition. (Note: this is the same water and sewer arrangement applied to the plant nursery property.) The applicant provided a traffic analysis and requested the project be exempt from a full traffic impact assessment based on the low volumes generated. The Town engineer has concurred with the exemption. Stormwater will be managed on site. Recreation services and school capacity do not apply to the commercial development.

Objective 1.4 of the Future Land Use Element includes a list of specific policies related to commercial development. A number of these policies address issues covered in the policies enumerated above as well as covering other topics. Objective 1.4 and supporting policies are presented below with commentary on the proposed future land use map amendment.

OBJECTIVE 1.4: *Commercial Planning Activities.* Ensure the Town's sustainability by allocating sufficient land area to accommodate commercial activities which provide a level of employment as well as goods and services demanded by local residents and guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-Hills.

POLICY 1.4.1: *Location and Distribution of Commercial Sites.* The location and distribution of commercial land use districts delineated on the *Future Land Use Map* shall be determined according to the following criteria:

- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
- b. Promote the integration of uses to include live-work environments;
- c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, odor, and generation of hazardous waste or products;

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- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

Given the isolated nature of the site and the development commitments on the surrounding properties, the potential for strip commercial is low. The most likely direction for strip commercial is to south where the land use is controlled by Lake County and is currently agriculture with the potential for larger lot residential development. Commercial growth in any other direction is blocked. The applicants submitted an environmental assessment of the site noting only the presence of gopher tortoise, which can be managed through a permit process. The plan design avoids the limited flood prone area on the site. The applicant has submitted a concept plan showing the planned development can comply with the comprehensive plan and zoning standards for site development.

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Project screening has been previously discussed.

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Service availability has been previously discussed. Major development in the area will be extending water and sewer service at some time in the near future.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this element.

Open space compliance has been previously discussed.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

The project complies with the applicable floor area ratio standards.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

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11. Manufacturing, as permitted according to policies cited in this *Element*;
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The proposed use is listed at number 7.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such

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Proposed Zoning Amendment

The most appropriate zoning and the zoning consistent with the recommended land use designation is also Neighborhood Commercial (Section 2.02.05 in the land development code). Under the NC zoning veterinary offices and clinics are designated as a conditional use, which means that they may be permitted if specific conditions are met (Section 2.02.05 B3 k). In this case the only specific condition is that there be no outside kennels (Section 6.02.13). The applicant has agreed to abide by this condition,

and a note to this effect will be required on the approved site plan. The specific requirements of the NC Neighborhood Commercial Zoning are as follows:

Requirement	Standard	Vet Site	Future Site
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Maximum FAR	0.50%	0.07%	TBD
Maximum Lot Coverage	70%	40.1%	TBD
Setbacks			
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Both of the proposed development sites will meet the minimum dimensional requirements should the applicant elect to develop them as separate parcels. The proposed veterinary building will meet the other dimensional requirements, and any future buildings will be required to complete a site plan review process where compliance with the NC standards can be confirmed.

Conditional Use

A conditional use is one that is appropriate for a zoning classification provided that a specific condition or conditions are met. The only specific standard applicable to the veterinary business is the exclusion of outdoor kennels. The use is also required to meet the minimum requirements of the NC zoning classification. The analysis provided above demonstrates that the standards can be met.

Minimum Building Size

The applicant has proposed a 6,000 square foot building as needed to support the proposed business. The Neighborhood Commercial zoning sets a cap of 5,000 square feet unless the Town Council grants a waiver. Technically buildings in excess of 5,000 square feet are listed as a conditional use in NC, but there are no specific criteria called out in Chapter 6. Policy 1.4.6 on commercial building size (see text above) gives some guidance on the criteria to be applied. The policy cites the following criteria:

1. Needs of the business
2. Compatibility with the business and business site
3. Other affected development
4. Enhanced architectural design
5. Other items

We assume the applicant has sized the building based on his business needs, and the analysis to this point has demonstrated the building is compatible with the site (meets or

exceeds standards). The analysis has also demonstrated limited, if any, effect on nearby development. With regard to the architectural design, the staff recommends a condition that the buildings be designed to meet the architectural standards for non-residential development as set out in Section 4.06.05 and Section 4.06.06.

Recommendation

The staff recommends the Planning Board recommend to Town Council the amendment of the future land use map to designate the subject property as neighborhood commercial and assign neighborhood commercial zoning to the parcel. The staff further recommends the Planning Board recommend the veterinary business as a conditional use provided that no outside kennels are constructed and that this limitation be noted on the final site plan. The staff further recommends that the Planning Board recommend the Town Council grant the waiver to allow the 6,000 square foot building provided the applicant meets or exceeds the design requirements of Section 4.06.05 and 4.06.06 of the Town's land development code. Compliance with the building design requirements are to be confirmed with the final site plan approval.

ORDINANCE NO. 2024-007

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 4.45-ACRE PARCEL LOCATED ON THE WEST SIDE OF STATE ROAD 19, SOUTH OF REVELS ROAD, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM ITS CURRENT DESIGNATION OF "VILLAGE MIXED USE" TO THE DESIGNATION OF "NEIGHBORHOOD COMMERCIAL"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. The Town Council of the Town of Howey-in-the-Hills, Florida, hereby finds and declares the following:

- a. Robert Ziegenfuss and/or Julie Farr of Z Development Services have applied on behalf of the current owner, Jeffrey S. Esch, for a change of the land use designation on the Future Land Use Map of the Town's Comprehensive Plan for the 4.45-acre parcel legally described in Attachment A to this ordinance from its current designation of "Village Mixed Use" to "Neighborhood Commercial"; and
- b. The Town Council has determined that the proposed amendment to the land-use designation for the subject parcel to "Neighborhood Commercial is consistent with the Town's Comprehensive Plan and promotes the public health, safety, and welfare.

Section 2. Approvals. The Town's Future Land Use Map is amended hereby to change the land-use designation for the subject parcel from "Village Mixed Use" to "Neighborhood Commercial."

Section 3. Severability. If any portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining portions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict between this ordinance and one or more existing ordinances, this ordinance shall supersede the existing ordinances and shall govern.

Section 5. Codification. The amendments enacted by this ordinance to the Future Land Use Map of the Town's Comprehensive Plan shall be codified and made part of the Town's Land Development Code, but not the Town's Code of Ordinances.

Section 6. Effective Date. This Ordinance takes effect upon its enactment.

ORDAINED AND ENACTED this _____ day of May, 2024 by the Town Council of the Town of Howey-in-the-Hills, Florida:

Town of Howey-in-the-Hills, Florida
By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

John Brock, Town Clerk

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town only).

Thomas J. Wilkes, Town Attorney

First reading of the ordinance held on _____, 2022
Planning and Zoning Board meeting held on _____, 2022
Second reading, public hearing and adoption held on _____, 2022

ATTACHMENT A
LEGAL DESCRIPTION

THE SOUTH 740 FEET OF THE EAST 262 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

NORTH HALF OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. LYING WEST OF THE RIGHT OF WAY FOR STATE ROAD 19.

Lake County Property Appraiser Parcel No. 02-21-25-0002-000-00500

ALTKEY No. _____

/40286/5#60414663 v1



Comprehensive Plan Amendment Application



Item 4.

Please complete the application to the best of your knowledge, and submit the completed form and any required materials to the Town of Howey-in-the-Hills, 103 N. Palm Avenue, Howey-in-the-Hills, FL 34737

REQUESTED ACTION: SMALL SCALE FUTURE LAND USE MAP AMENDMENT: X
 LARGE SCALE FUTURE LAND USE MAP AMENDMENT:
 TEXT AMENDMENT:

REQUESTED FUTURE LAND USE DESIGNATION: Neighborhood Commercial

SUPPORTING STATEMENT: (Describe reason for requested amendment. For land use map amendment, please compare the proposed land use with the current land use. Attach separate sheet if necessary.)

Current land use is vacant PUD. Proposing construction of a 6,000 sf veterinary office, with associated site and utility work. Also, there will be a future commercial use to the west with associated site and utility work.

PROPERTY INFORMATION:

SHORT PARCEL ID (12 DIGITS): 02-21-25-0002-000-00500

ADDRESS OF PROPERTY: SR 19, Howey In The Hills, FL 34737

CROSS STREETS: SR 19 AND Revels Road

SIZE OF EXISTING PARCEL: 4.45 acres total (2.0 vet) SQ. FT. ACRES circle one)

LEGAL DESCRIPTION (attach separate sheet if necessary): Attached

ZONING: PUD (Mission Rise) CURRENT FUTURE LAND USE: VMU

SURROUNDING LAND USE & ZONING DESIGNATIONS:

	LAND USE	ZONING
NORTH	Commercial	PUD
SOUTH	Vacant	PUD
EAST	Vacant / Orange Groves	ROW / Medium Density Residential
WEST	Vacant	County A - Agriculture District

APPLICANT/AGENT:

NAME: Robert Ziegenfuss and/or Julie Farr of Z Development Services	
COMPANY: Z Development Services	
ADDRESS: 1201 E Robinson Street	
CITY, STATE, ZIP: Orlando, FL 32801	
TELEPHONE: 407-271-8910	FAX:
EMAIL: permits@zdevelopmentservices.com	

OWNER (if different from applicant)

NAME: Jeffrey S. Esch	
COMPANY: n/a	
ADDRESS: 103 Blackstone Creek Road	
CITY, STATE, ZIP: Groveland, FL 34736	
TELEPHONE: 336-314-7826	FAX:
EMAIL: jeschdvm@gmail.com	

SIGNATURE OF APPLICANT: 

SIGNATURE OF OWNER (if different): 

*Please attach a notarized Authorization of Owner and/or notarized Power of Attorney, if applicant is different from owner.

*If owner of the property is a corporation or company, a corporate resolution must be submitted with the application. An original resolution currently on file in the Planning Dept. that is less than one year old may be used. The resolution must state the name of the person(s) who have been resolved by the company as having authority to execute documents on behalf of the company. It must 1) be current; 2) state a termination date; 3) be signed and certified by the secretary; 4) be embossed with the corporate seal; and 5) be an original document.

*For every person doing business under a fictitious name, an Affidavit of Publication must be submitted.

THE FOLLOWING MUST BE SUBMITTED AT THE TIME OF APPLICATION:

- One (1) current (no older than 2 years) signed and sealed survey of the subject property, including total acreage of the land use change
- Legal Description of the subject property (Word format)
- Vicinity Map
- Traffic Impact Analysis, per section 8.02.10 (see traffic evaluation request for exemption)
- n/a For residential projects, verification from the Lake County School Board of submittal of the "School Planning and Concurrency Application" (Application available from Lake County School Board web site under Growth Planning.)
- Environmental Impact Analysis, per section 4.02.06J
- Authorization of owner, power of attorney, and/or affidavit of publication, if required (see above section)



TOWN OF HOWEY-IN-THE-HILLS, FLORIDA GENERAL LAND DEVELOPMENT APPLICATION

101 N. Palm Avenue, Howey-in-the-Hills, Florida 34737
Phone: (352) 324-2290 • Fax: (352) 324-2126

Date Received: Application ID: Received By:

REQUESTED ACTION

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Comp Plan Amendment | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Site Plan (check one below) |
| <input type="checkbox"/> PUD | <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Preliminary |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision Minor | <input type="checkbox"/> Final |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Other | <input type="checkbox"/> Subdivision (check one below) |
| | | <input type="checkbox"/> Preliminary Subdivision |
| | | <input type="checkbox"/> Final Subdivision |
| | | <input type="checkbox"/> Final Plat |

Describe Request: Proposed construction of a 6,000 sf veterinary office with associated site and utility work. Also, future construction of a retail building with associated site and utility work.

APPLICANT INFORMATION:

Name: Z Development Services / Robert Ziegenfuss and/or Julie Farr E-Mail: permits@zdevelopmentservices.com
Address: 1201 E. Robinson Street Phone: 407-271-8910 Fax: _____
 Orlando, FL 32801
 Owner Agent for Owner Attorney for Owner

OWNER INFORMATION:

Name: Jeffrey S. Esch E-Mail: jeschdvm@gmail.com
Address: 103 Blackstone Creek Road Phone: 336-314-7826
 Groveland, FL 34736 Fax: _____

PROPERTY INFORMATION:

Address: SR 19, Howey In The Hills, FL 34737

General Location: SR 19, South of Revels Road, Howey in the Hills

Current Zoning: PUD

Current Land Use: VMU

Parcel Size:

Tax Parcel #: 02-21-25-0002-000-00500

Legal Description Attached Yes No

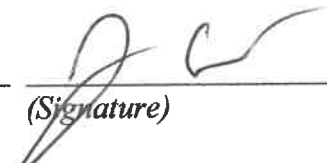
Survey Attached Yes No

Pre-Application Meeting Date: 11/2/23
(Attach Pre-Application Form)

Application Fee: \$ _____

Applicant's Signature:  4/3/24
(Signature) *(Date)*

Julie Farr
(Print)

Owner's Signature:  25 March 2024
(Provide letter of Authorization) *(Signature)* *(Date)*

Jeffrey S. Esch
(Print)

Applications must be complete to initiate the review process.



201 Basque Road
St. Augustine, FL 32080
Tel. (904) 347-9133
Fax (904) 512-0459
www.atlanticeco.com

August 14, 2023

Dr. Jeffery Esch
jeschdvm@gmail.com

RE: Howey in the Hills
Protected Species Report
Lake County, FL
AES #23-106

Dear Dr. Esch,

Atlantic Ecological Services, LLC (AES) visited the Howey in the Hills Property for the purposes of conducting a review for the presence of protected species based on direct and indirect observations, as well as to determine potential for occurrence of protected species based on suitable habitat. The site assessment was conducted on August 8, 2023. The property is located west of Highway 19, south of Revels Road, and north of Woodland Hills Court. The project area consists of Lake County Parcel ID #02-21-25-0002-000-00500, and is approximately 3.61 acres in total size. The subject property is located in Section 2, Township 21 South, Range 25 East in Lake County, Florida. Please see the attached Location and Aerial Maps.

This general area is known to be occupied by the protected gopher tortoise (*Gopherus polyphemus*) and lies within the Consultation Area for the blue-tailed mole skink (*Eumeces egregius lividus*) and sand skink (*Neoseps reynoldsi*).

Prior to clearing and grading a gopher tortoise survey is required by The Florida Fish & Wildlife Conservation Service (FWC), as well as a blue tailed mole and sand skink survey by the U.S. Fish & Wildlife Service (USFWS). The results are documented within this letter report.

METHODS

Wetland Delineation

Criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. There are no wetlands within the subject parcel.

Habitat Mapping

Each community and land use area was categorized according to the Florida Department of Transportation's (FDOT) 1999 *Florida Land Use, Cover and Forms Classification System* (FLUCCS). The boundaries of each FLUCCS code were delineated based on vegetative composition, soil characteristics, topography, and aerial interpretation. See the Results Section

below for a description of the habitats found. Please also see the attached Habitat Map depicting the findings.

Protected Species Review

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on-site. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (USFWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. Additional information was gathered from the Florida Natural Areas Inventory (FNAI) *Field Guides to the Rare Animals/Plants of Florida*, and the Florida Committee on Rare and Endangered Plants and Animals (FCREPA) *Rare and Endangered Biota of Florida: Volumes 1-5*, and the FWC's Eagle Nest Locator web site were also reviewed to obtain location data recorded by others for those species.

A review was also completed utilizing guidelines from the USFWS and FWC to determine potential habitat for blue tailed mole skink and sand skink. Based on the guidelines, properties which maintain elevations 82 feet above sea level and higher with open sand patches and suitable soils are considered potential habitat. The list of suitable soils includes; Apopka, Arredondo, Archbold, Astatula, Candler, Daytona, Duette, Florahome, Gainesville, Hague, Kendrick, Lake, Millhopper, Orsino, Paola, Pomello, Satellite, St. Lucie, Tavares, and Zuber soil series.

Mr. Jason Lynn of AES performed the protected species review on the subject property. Mr. Lynn currently holds certification from the FWC as an Authorized Gopher Tortoise Agent under permit # GTA-23-00007.

RESULTS

Habitats

Uplands

Unimproved Pasture (FLUCCS 212) – The property consists of unimproved pasture; however, no active cattle operations were observed. Vegetation comprised primarily of Bahia grass (*Paspalum notatum*) with prickly pear cactus (*Opuntia humifusa*), dog fennel (*Eupatorium capillifolium*), milk pea (*Galactia elliottii*), grape vine (*Vitis sp.*) and rag weed (*Ambrosia artemisiifolia*). Scattered canopy trees included sabal pam (*Sabal palmetto*), elephant-ear tree (*Enterolobium cyclocarpum*), cherry laurel (*Prunus laurocerasus*) and sand live oak (*Quercus geminate*). No open patches of sand were observed.

Wildlife Observations

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 1: Wildlife species observed on the project site in Lake County, Florida.

Taxon	Common Name	Scientific Name	Protected*
Birds	Carolina wren	<i>Thryothorus ludovicianus</i>	No
	American Crow	<i>Corvus brachyrhynchos</i>	No
Mammals	Marsh rabbit	<i>Sylvilagus palustris</i>	No
Reptile	Brown anole	<i>Anolis sagrei</i>	No
	Gopher Tortoise	<i>Gopherus polyphemus</i>	Yes

Protected Species

A 100% gopher tortoise survey was conducted on August 8, 2023, in accordance with the techniques outlined in the publication, *Ecology and Habitat Protection Needs of Gopher Tortoise (Gopherus polyphemus) Populations Found on Lands Slated for Development in Florida*. Mr. Jason Lynn led the survey and is currently a FWC Authorized Gopher Tortoise Agent (GTA-23-00007). A total of 5 potentially occupied burrows were identified. Surveys are valid for a period of 90 days. Prior to construction an updated survey should be completed. Any burrow located within 25 feet of construction will require FWC permitting and relocation.

The eastern indigo snake (*Drymarchon corais couperi*) has a low likelihood to occur on the subject property since the primary habitat is unimproved pasture. The eastern indigo snake is a gopher tortoise commensal species due to its association with and utilization of gopher tortoise burrows for their life requisites. All tortoise burrows identified on the site will be permitted and excavation of the burrows will occur. If commensal species are identified during the excavation of the burrows, then each will be relocated to an appropriate relocation site. Best Management Practices during construction for the eastern indigo snake will also be incorporated. Eastern indigo snake signage will be installed at the construction office for instruction on procedures if an indigo snake enters the construction area. With the above measures being incorporated, no effect to the eastern indigo snake is anticipated.

The Florida burrowing owl utilizes open dry pasture or disturbed lands such as those within the subject property. Pedestrian transects were completed throughout the entire subject property and no Florida burrowing owls or evidence of their burrows were observed.

The subject property lies within the Consultation Area for the blue-tailed mole skink and sand skink. Soils (Apopka, Tavares and Chandler sands), and elevations (82 feet above sea level and higher) within the property are considered suitable for these species. Unimproved pasture

habitats within the subject property does not provide suitable habitat for the blue-tailed skink or the sand skink. No patches of open sand were observed within the property and a formal skink survey is not recommended.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act. Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest known nest is located 2.15 miles east of the subject property. Therefore, development of the subject property is not likely to adversely affect the southern bald eagle.

No other protected flora or fauna species are expected to inhabit the subject property.

CONCLUSION

Atlantic Ecological Services, LLC conducted a site review on the Howey in the Hills property for the purposes of wetland delineation and determining the presence of and/or potential presence of state and federally protected wildlife and plant species.

No wetlands are located within the subject property.

A 100% gopher tortoise survey was completed on the subject property and a total of 5 potentially occupied burrows were located. Prior to construction any burrows within 25 feet of construction will be required to be permitted and relocated.

The subject property lies within the Consultation Area for the blue tailed mole skink and sand skink. Elevations, soils are suitable for these species, however, no suitable habitat was found and a formal survey is not recommended.

Should you have any questions or concerns please feel free to contact me at 386-314-9897 or jonathan@atlanticeco.com.

Sincerely,



Jonathan Oravetz
Project Manager

Enclosures

Technical Literature References

Chafin, L.G. 2000. *Field Guide to the Rare Animals of Florida*. Florida Natural Areas Inventory, Tallahassee, Florida.

Coile, Nancy C. 1998. *Notes of Florida's Endangered and Threatened Plants*. (Rule 5B-40 Florida's Regulated Plant Index), Botany Contribution 38, 2nd Ed. Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Gainesville, Florida. 119 pp.

Cox, Jeffrey. A. 1987 *Status and Distribution of the Florida Scrub-Jay*. Florida Ornithological Society. Special Publication No. 3, Gainesville, Florida 110 pp.

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Deyrup, Mark, Franz, Richard 1994. *Rare and Endangered Biota of Florida, Volume IV Invertebrates*. Special Committee on Invertebrates, Florida Committee on Rare and Endangered Plants and Animals.

Division of Endangered Species. *Threatened and Endangered Species System*. Web Page Address: http://ecos.fws.gov/tess_public/TESSWebpage. United States Fish and Wildlife Service, Denver, Colorado.

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Gilbert, Carter R., 1992. *Rare and Endangered Biota of Florida, Volume II Fishes*. Special Committee on Fishes, Florida Committee on Rare and Endangered Plants and Animals.

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Moler, Paul E., 1992. *Rare and Endangered Biota of Florida, Volume III Amphibians and Reptiles*. Special Committee on Amphibians and Reptiles Florida Committee on Rare and Endangered Plants and Animals.

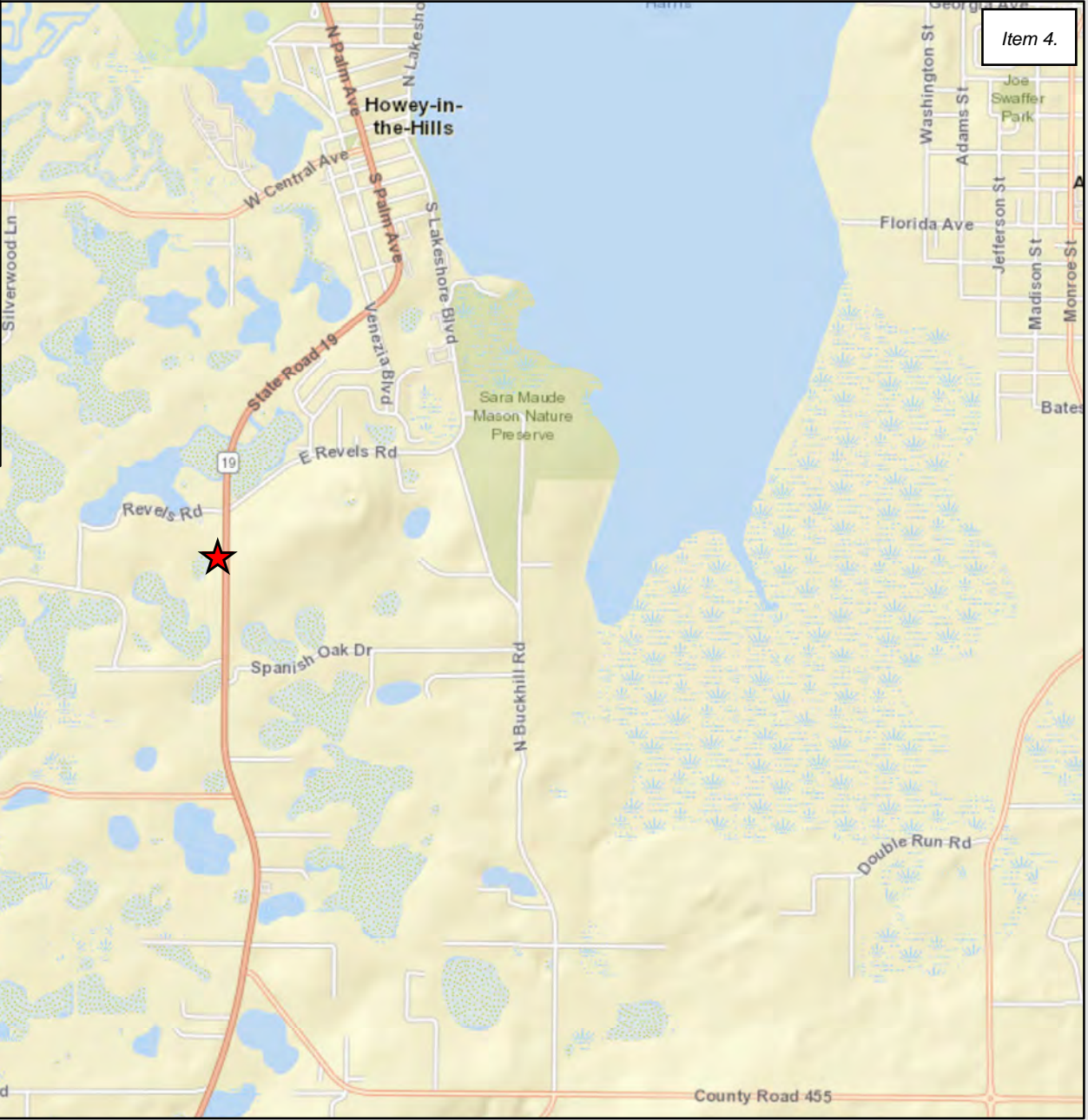
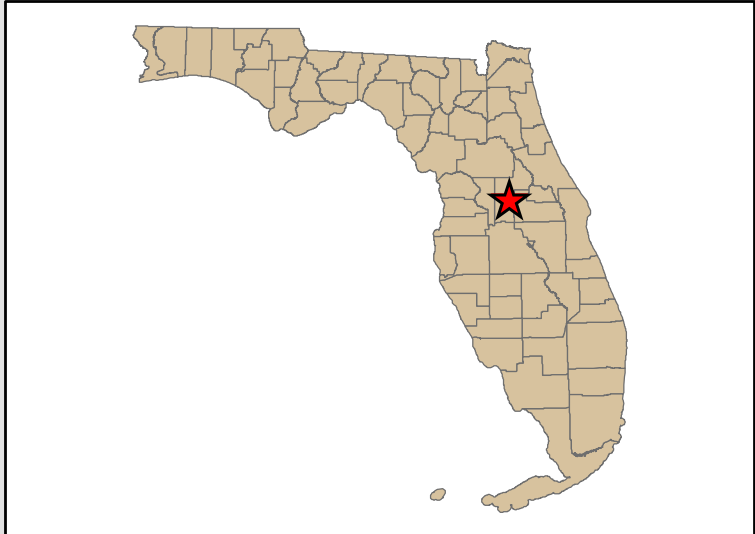
Natural Resource Conservation Service (Soil Conservation Service at time of publication). Circa 1965. *Soil Survey of Lake County, Florida*. United States Department of Agriculture.

Rogers, James A. Jr., Kale, Herbert W. III, Smith, Henry T. 1996. *Rare and Endangered Biota of Florida Volume V. Birds*. Special Committee on Birds Florida Committee on Rare and Endangered Plants and Animals.

Surveying and Mapping Office, Thematic Mapping Section. Department of Transportation. 1999. *Florida Land Use, Cover and Forms Classification System* 3rd ed. State of Florida, Department of Administration. 81 pp.

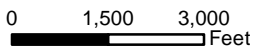
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Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants* (<http://www.plantatlas.usf.edu/>).[S. M. Landry and K. N. Campbell (application development), Florida Center for Community Design and Research.] Institute for Systematic Botany, University of South Florida, Tampa.



Latitude: 28° 41' 35.83"N
Longitude: 81° 46' 51.37"W
Section 2
Township 21 South
Range 25 East

Image Source: ESRI 2023
Date: 8-7-23



Location Map Highway 19 Howey in the Hills Property Lake County, Florida



Item 4.



 Parcel

Image: ESRI 2022
Date: 8-7-23

0 50 100 Feet



Aerial Map Highway 19 Howey in the Hills Property Lake County, Florida



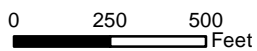
WWW.ATLANTICEC
904-347-9133 | jody@atlanticec.com
201 Basque Rd | St. Augustine, FL 32080

Item 4.



 Parcel

Image: ESRI 2022
Date: 8-7-23



Topographic Map
Highway 19 Howey in the Hills Property
Lake County, Florida



Item 4.

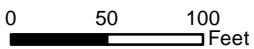


Parcel

Soil

- 5 - Apopka sand
- 8 - Candler sand
- 45 - Tavares Sand

Image: ESRI 2022
Date: 8-7-23



Soil Map

Highway 19 Howey in the Hills Property Lake County, Florida



Item 4.



Parcel
212-Unimproved Pasture - 3.61 ac.

Image: ESRI 2022
Date: 8-14-23

0 50 100 Feet



Habitat Map Highway 19 Howey in the Hills Property Lake County, Florida

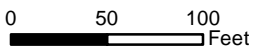


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904-347-9133 | jody@atlanticec.com
201 Basque Rd | St. Augustine, FL 32080

Item 4.



Image: ESRI 2022
Date: 8-9-23



Gopher Tortoise Burrow Location Map Highway 19 Howey in the Hills Property Lake County, Florida

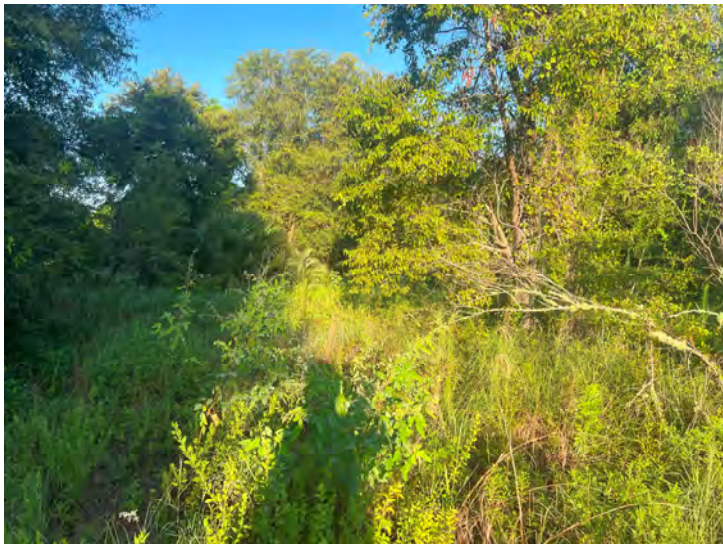


Photo Documentation
Howie in the Hills Property



Location: Habitat within parcel

Date: August 8, 2023



Location: Habitat within parcel

Date: August 8, 2023

Photo Documentation
Howie in the Hills Property



Location: Habitat within parcel

Date: August 8, 2023



Location: Habitat within parcel

Date: August 8, 2023

Photo Documentation
Howie in the Hills Property



Location: Habitat within parcel

Date: August 8, 2023



Location: Habitat within parcel

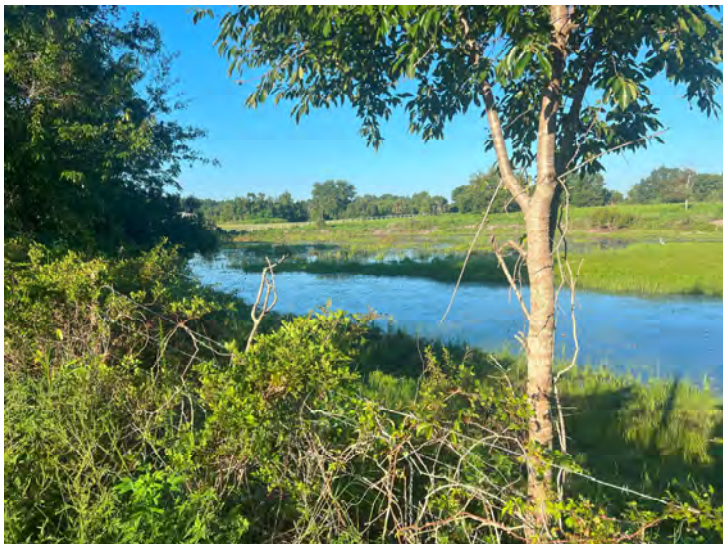
Date: August 8, 2023

Photo Documentation
Howie in the Hills Property



Location: Habitat within parcel

Date: August 8, 2023



Location: Offsite wetland

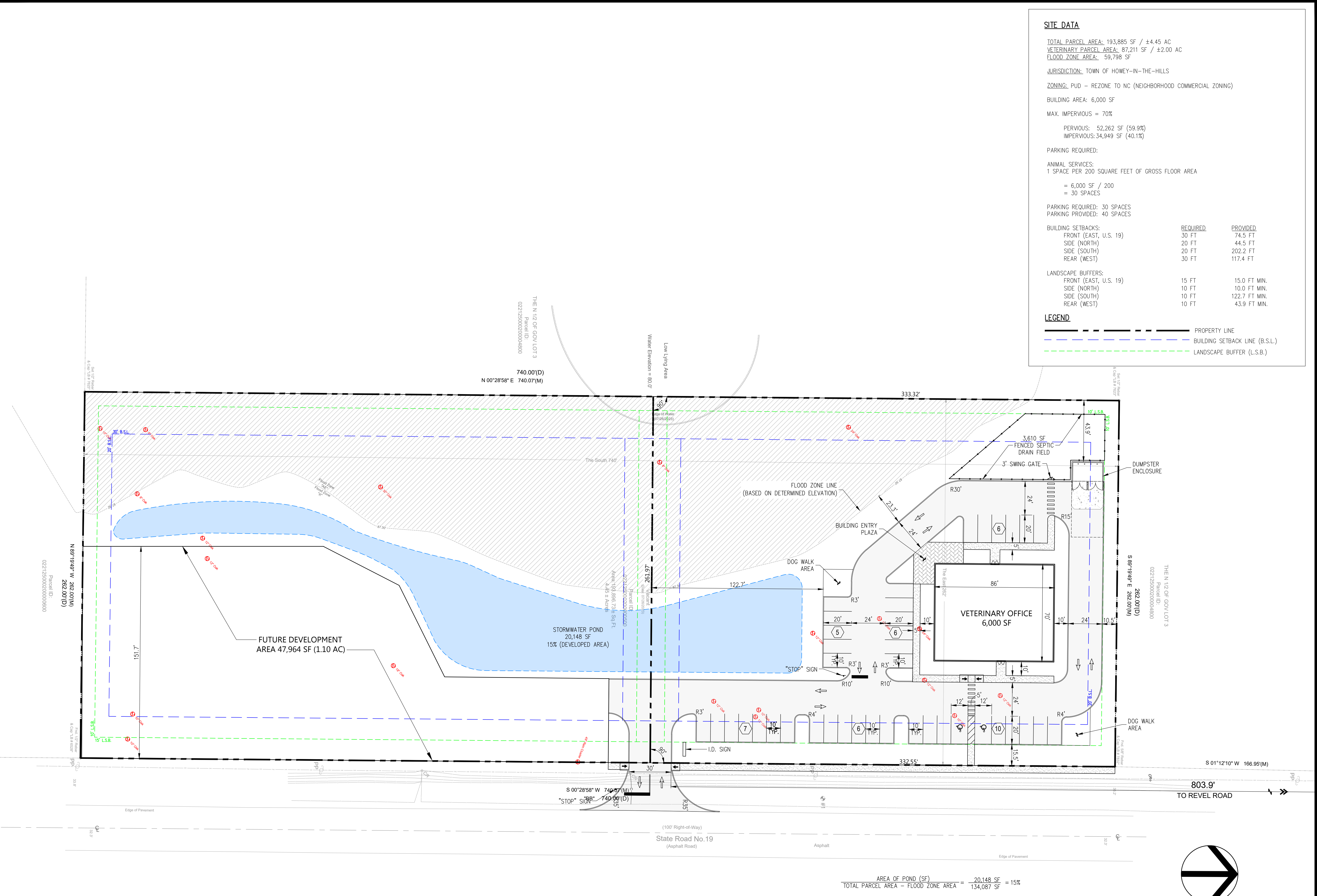
Date: August 8, 2023

Photo Documentation
Howie in the Hills Property



Location: Offsite wetland

Date: August 8, 2023



SITE DATA

TOTAL PARCEL AREA: 193,885 SF / ±4.45 AC
 VETERINARY PARCEL AREA: 87,211 SF / ±2.00 AC
 FLOOD ZONE AREA: 59,798 SF

JURISDICTION: TOWN OF HOWEY-IN-THE-HILLS
 ZONING: PUD - REZONE TO NC (NEIGHBORHOOD COMMERCIAL ZONING)
 BUILDING AREA: 6,000 SF
 MAX. IMPERVIOUS = 70%

PERVIOUS: 52,262 SF (59.9%)
 IMPERVIOUS: 34,949 SF (40.1%)

PARKING REQUIRED:
 ANIMAL SERVICES:
 1 SPACE PER 200 SQUARE FEET OF GROSS FLOOR AREA
 = 6,000 SF / 200
 = 30 SPACES

PARKING PROVIDED: 40 SPACES

PARKING REQUIRED: 30 SPACES
 PARKING PROVIDED: 40 SPACES

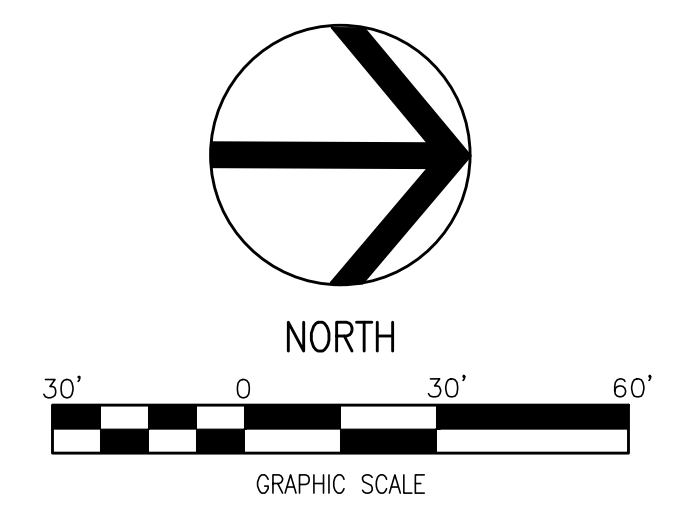
BUILDING SETBACKS:	REQUIRED	PROVIDED
FRONT (EAST, U.S. 19)	30 FT	74.5 FT
SIDE (NORTH)	20 FT	44.5 FT
SIDE (SOUTH)	20 FT	202.2 FT
REAR (WEST)	30 FT	117.4 FT

LANDSCAPE BUFFERS:	REQUIRED	PROVIDED
FRONT (EAST, U.S. 19)	15 FT	15.0 FT MIN.
SIDE (NORTH)	10 FT	10.0 FT MIN.
SIDE (SOUTH)	10 FT	122.7 FT MIN.
REAR (WEST)	10 FT	43.9 FT MIN.

LEGEND

- PROPERTY LINE
- BUILDING SETBACK LINE (B.S.L.)
- LANDSCAPE BUFFER (L.S.B.)

$$\frac{\text{AREA OF POND (SF)}}{\text{TOTAL PARCEL AREA} - \text{FLOOD ZONE AREA}} = \frac{20,148 \text{ SF}}{134,087 \text{ SF}} = 15\%$$



CONCEPTUAL SITE PLAN

REVISION	DATE	REVISION	DATE

VETERINARY OFFICE & RETAIL
STATE ROAD 19
SOUTH OF REVELS ROAD
HOWEY IN THE HILLS, FLORIDA

DATE: 01/23/24
 DRAWN: LH
 CHECKED: RZ

CP4

PROJECT NO.: 2023.179

Z DEVELOPMENT
 s e r v i c e s
 CA 29354
 1201 E. ROBINSON STREET
 ORLANDO, FL 32801
 PH: (407) 271-8910

ALTA/NSPS Land Title Survey

Boundary Survey

Legal Description: THE SOUTH 740 FEET OF THE EAST 262 FEET OF THE FOLLOWING DESCRIBED PROPERTY: NORTH HALF OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. LYING WEST OF THE RIGHT OF WAY FOR HIGHWAY NO. 19.

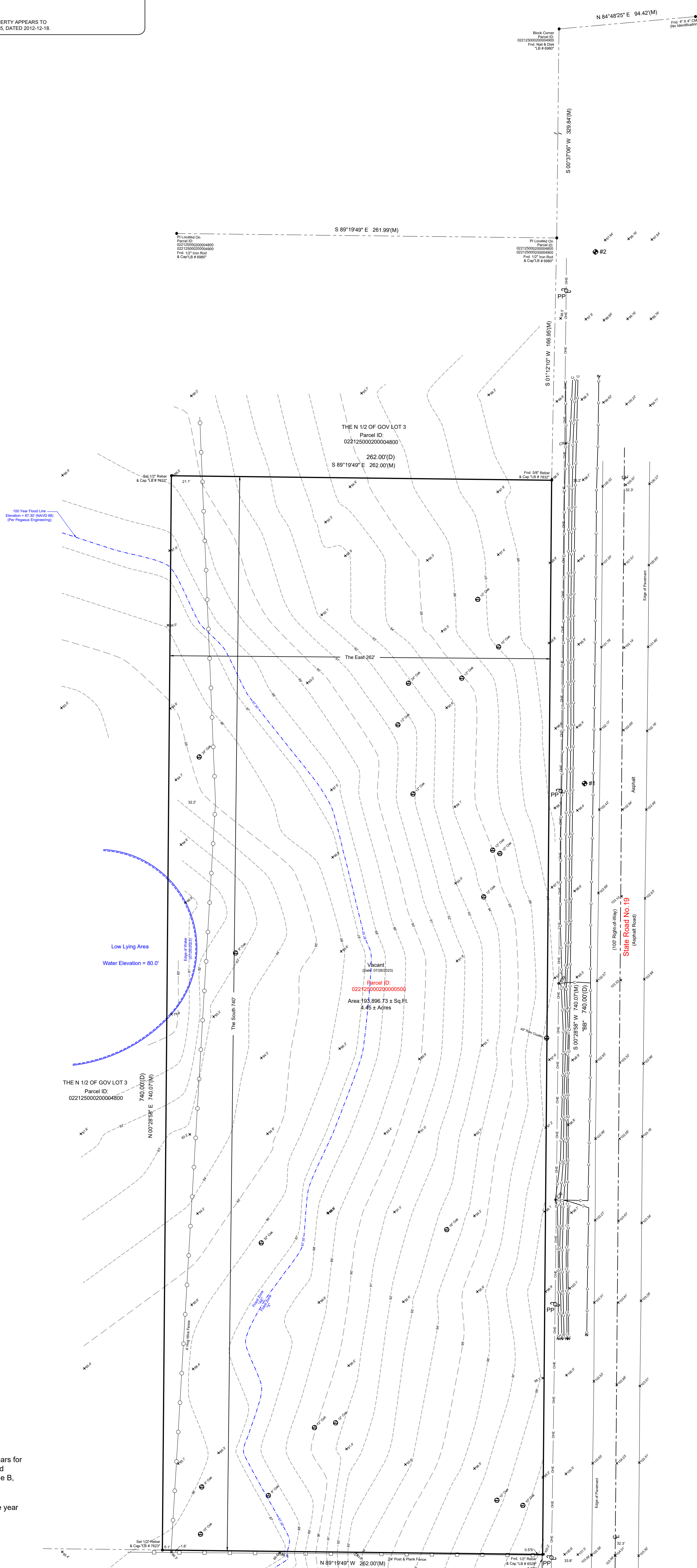
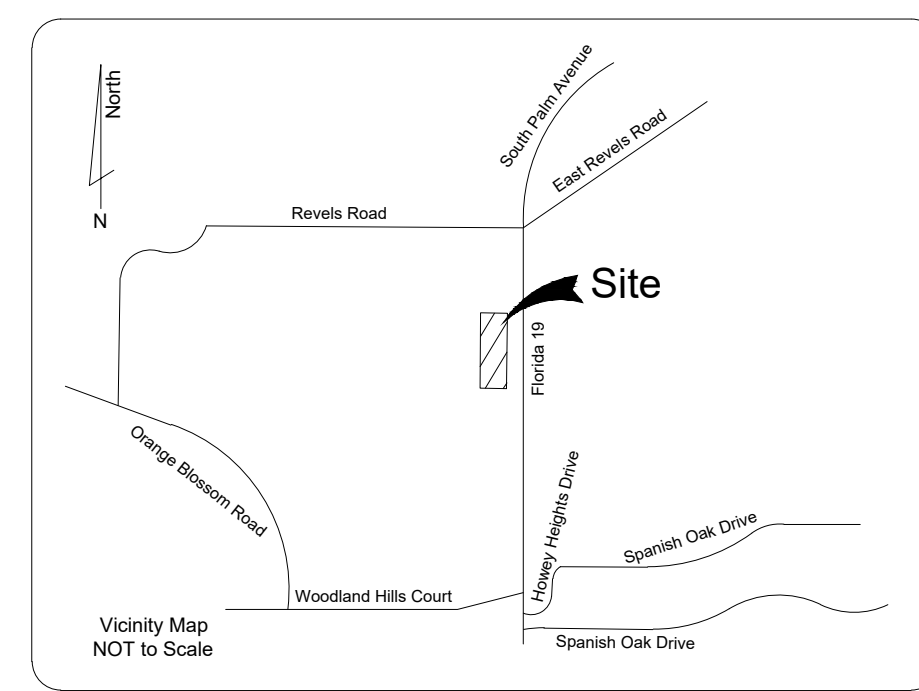
FLOOD DISCLAIMER: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONES X & A. THIS PROPERTY WAS FOUND IN LAKE COUNTY, COMMUNITY NUMBER 12595, DATED 2012-12-18.

Benchmark Information: National Geodetic Survey Datum, Designation: Z 430, PID: AB5338, Elevation: 85.88'

Survey Notes: No Wetland Flags Located at Time of Survey, Prior Survey Provided by Client by Bestman Surveying & Mapping Inc. used for Reference.

Site Benchmark Information: #1, #2

Find: 10" Rebar in Cap 1.8' x 7623", Elevation: 92.44', 92.21'



- Schedule B - II Issued by: Old Republic National Title Insurance Company, Issuing Agent: - 3728801, Commitment Number: 1422098, Issuing Office File Number: 22325 Chon, Effective Date: June 27, 2023 at 11:00 P.M.
1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. a. General or special taxes and assessments required to be paid in the year 2023 and subsequent years.
b. Rights or claims of parties in possession not recorded in the Public Records.
c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
d. Easements or claims of easements not recorded in the Public Records.
e. Any lien, or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner's Policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
4. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
5. Right of Way Easement in favor of Sumter Electric Cooperative, Inc. recorded in O.R. Book 612, Page 1497, as affected by Quit Claim Deed recorded in O.R. Book 1202, Page 595, Public Records of Lake County, Florida.
6. Rights of the lessees under unrecorded leases.
7. Coverage is excepted as to riparian and littoral rights; the possible right of the public to use beach area and/or waterways; and any Land insured herein that was formerly or is currently submerged, including any filled lands, artificially exposed lands, and lands accreted to such lands, for the rights of the United States Government and the State of Florida. If the Navigational Servitude Endorsement is attached to this policy and made a part hereof, the coverage afforded thereby shall not extend to any portion of the Land subject to a claim of ownership by the State of Florida by right of sovereignty. Commitment exception #3 is hereby deleted in its entirety.

ALTA/NSPS CERTIFICATION: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, permit conditions and adopted by ALTA and NSPS, and include items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Client: 103,896.73 ± Square Feet or 4.45 ± Acres more or less. Zone: RUD. Square footage of Buildings: 0.00 Square Feet ±. Parking Spaces: 00. In the process of conducting the feedback, no evidence of recent street or sidewalk construction or repairs were observed.

Field Date: 07/26/23, Date Completed: 07/28/23, Drawn By: SD, File Number: IS-120206. Legend: C - Calculated, CB - Concrete Block, CM - Concrete Monument, CU - Curved Utility, etc.

Notes: Survey is Based upon the Legal Description Supplied by Client. Building Property Details have NOT been Researched for Easements and/or Restrictions of Record. Existing Boundary Lines are Assumed and Based upon the Line Denoted with a "TIP".

Revisions table with columns for Date, Description, and Reviser. Includes entry for 100 Year Flood Line - 10/10/23 - TCK.

Ireland & Associates Surveying, Inc. 800 Currency Circle Suite 1020 Lake Mary, Florida 32746 www.irelandssurveying.com Office-407.678.3366 Fax-407.320.8165



Veterinary Office Traffic Evaluation Request for Exemption Letter

The purpose of this evaluation is to provide a traffic analysis for a proposed veterinary office development in Lake County and request an exemption from conducting a Traffic Impact Study (TIS). The site of the development is located on the west side of SR 19, approximately 1,000 ft south of its intersection with Revels Road in Howey in the Hills, Florida. **Figure 1** depicts the site location and its one-mile impact area. The proposed development will consist of a 6,000 square-foot veterinary clinic. The anticipated completion year of the project is 2025. Access to the site will be provided via a full access driveway on SR 19. **Figure 2** depicts the site plan and access configuration.

Trip Generation

The trip generation of the proposed development was calculated with the use of data from the 11th Edition of the ITE Trip Generation Manual. **Table 1** summarizes the trip generation, and the ITE trip generation sheets are attached. Copies of the ITE trip generation worksheets are included in Attachment A.

Table 1
Trip Generation Calculation Summary

ITE LUC	Land Use	Size (KSF)	Daily		A.M. Peak Hour				P.M. Peak Hour			
			Rate	Trips	Rate	Enter	Exit	Total	Rate	Enter	Exit	Total
640	Veterinary Clinic	6	21.50	129	3.64	15	7	22	3.67	9	13	22
Total New Trips				129	--	15	7	22	--	9	13	22

1- KSF = 1,000 square feet

2- ITE equations were used where R2>0.75

Based upon ITE data the proposed development will generate 129 daily trips, 22 A.M. peak hour trips and 22 P.M. peak hour trips.

TPD No. 5880
11/16/2023



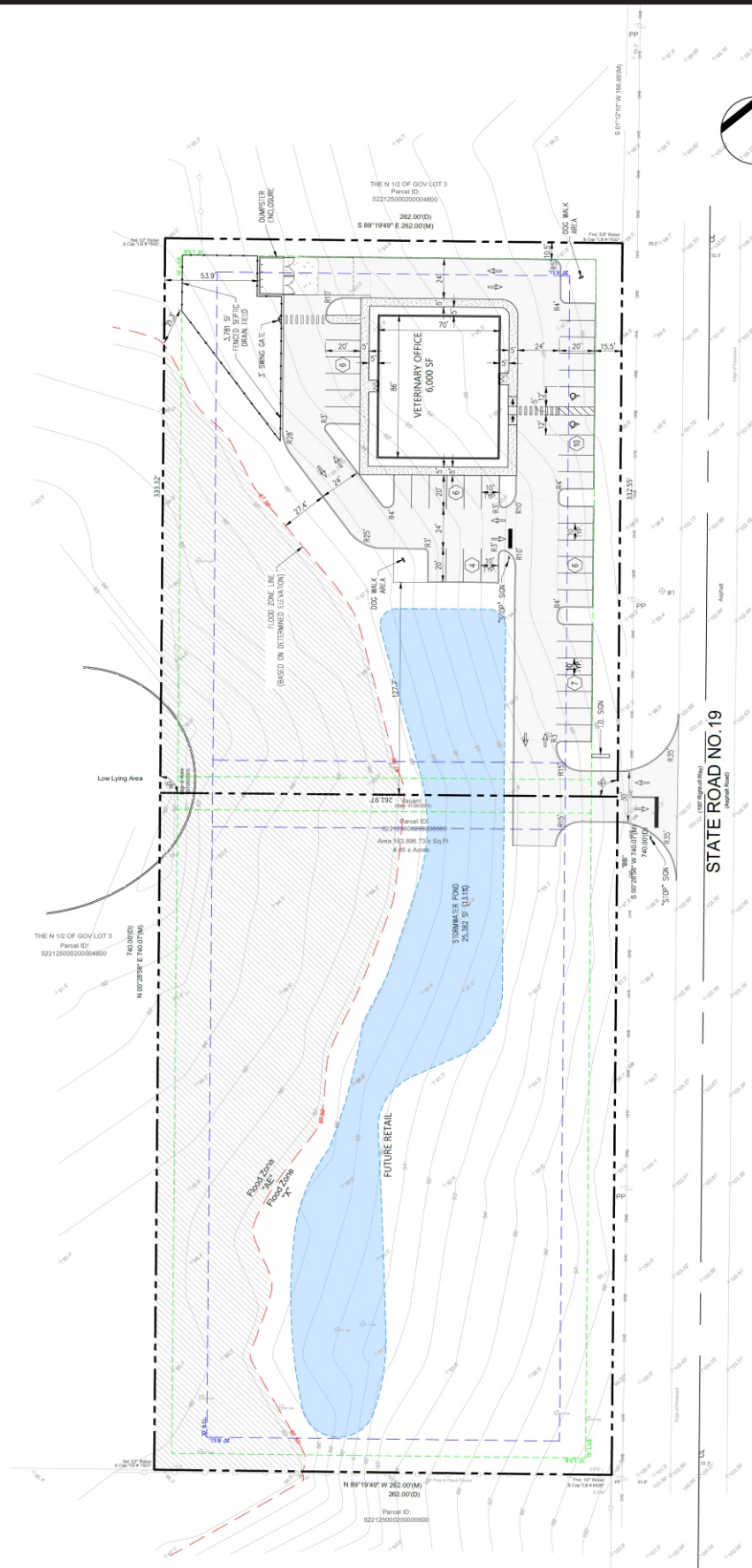
Item 4.



Site Location

Veterinary Office
Project No 5880
Figure 1





STATE ROAD NO. 19
 100' Right of Way
 100' Right of Way
 100' Right of Way



Veterinary Office
 Project № 5880
 Figure 2

Based upon our knowledge of the area and its socioeconomic characteristics, a distribution pattern for the project trips was determined as follows:

- To/From the south on State Road 19.....54%
- To/From the north on State Road 19.....46%

This distribution is illustrated in **Figure 3** which also shows the project’s daily and P.M. peak hour trips assigned to the area roadways.

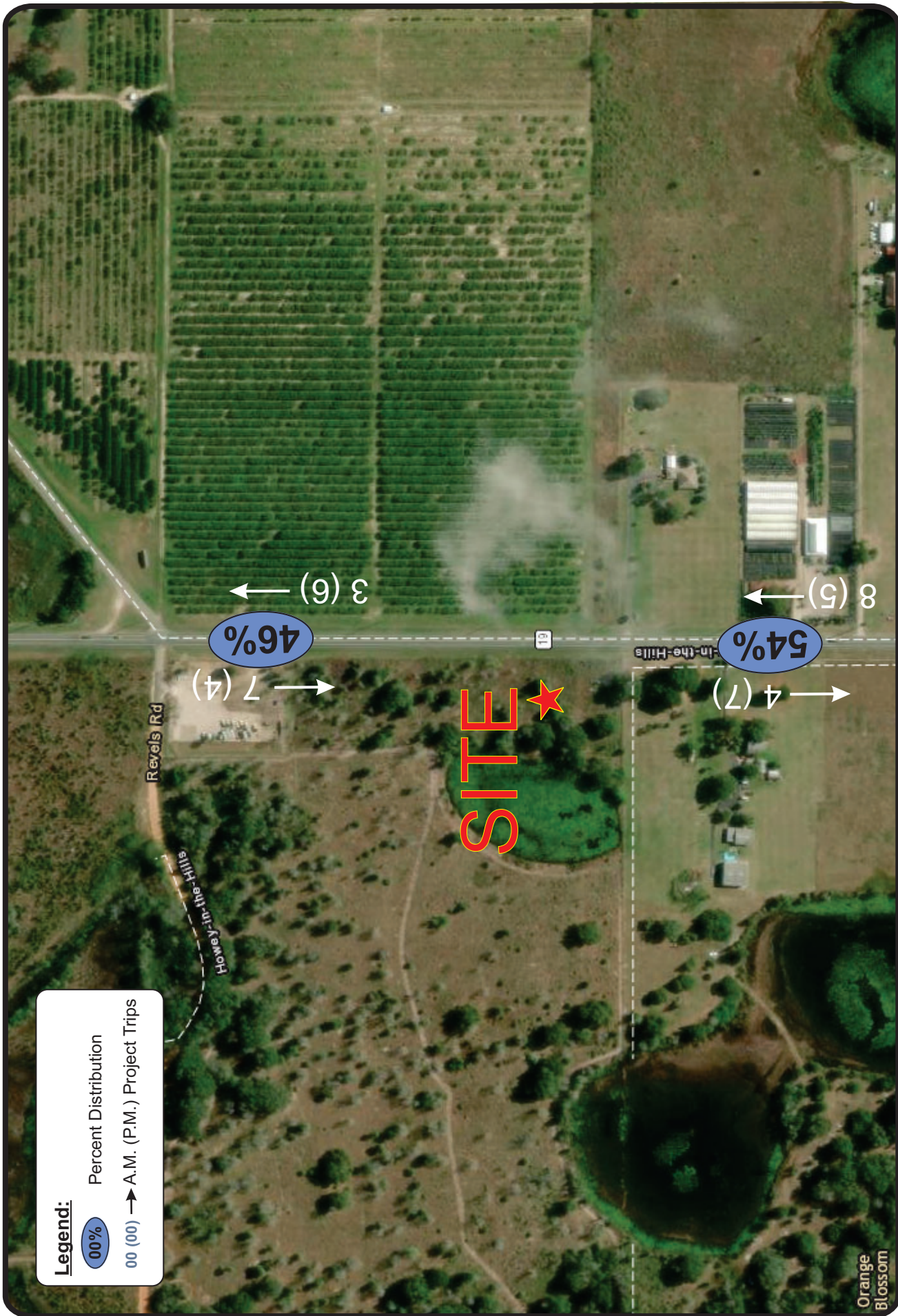
Area of Influence/Impact Assessment

Based upon the project’s trip generation, the proposed project is a de minimis development and considered to create non-substantial impacts. The Applicant believes that this project is more in keeping with a Tier 1 type project and, therefore, this Request for Exemption Letter is being submitted. The area of influence for a Tier 1 TIA is defined as having a minimum one-mile radius from the main access point of the project.

The capacity analysis for the roadway segments to be impacted by the proposed development within one-mile is summarized in **Table 2**. The table shows that the impacted roadways have ample excess capacity to accommodate the project trips. Pertinent roadway segment data sheets showing the existing trips along with the corresponding segment capacities are included in Attachment B.

**Table 2
 Existing Roadway Capacity**

Roadway Segment	Lns	Adopted		P.M. Peak Hour				
		LOS	Capacity	Direction	Volume	Available Capacity	V/C	LOS
SR 19								
Central Avenue to CR 455	2L	D	1,200	NB	433	767	0.36	B
				SB	372	828	0.31	B




Trip Distribution



Request for Exemption for Tier 1 Traffic Impact Analysis

The proposed development will result in 129 daily trips, 22 A.M. peak hour trips (15 inbound and 7 outbound) and 22 P.M. peak hour trips (9 inbound and 13 outbound) to be added to the area roadways. As shown in Table 2, the impacted roadway network has adequate capacity without reducing the Level of Service (LOS). Therefore, an exemption from doing a Tier 1 Traffic Impact Analysis is requested.

NAME: Turgut Dervish, P.E.
P.E. No.: 20400
DATE: November 16, 2023
SIGNATURE: 

ATTACHMENT A

Animal Hospital/Veterinary Clinic (640)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 6

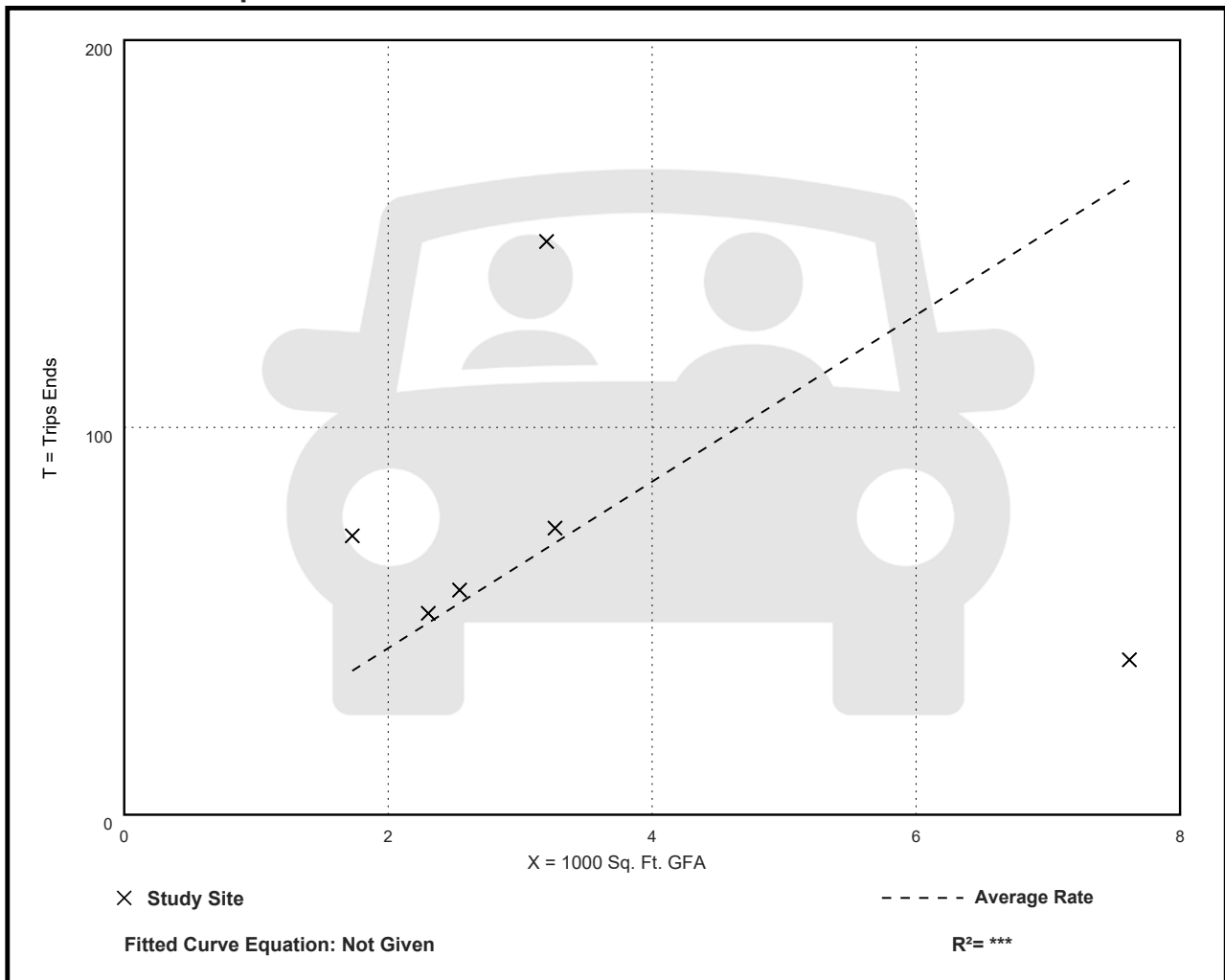
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
21.50	5.25 - 46.25	16.50

Data Plot and Equation



Animal Hospital/Veterinary Clinic (640)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 8

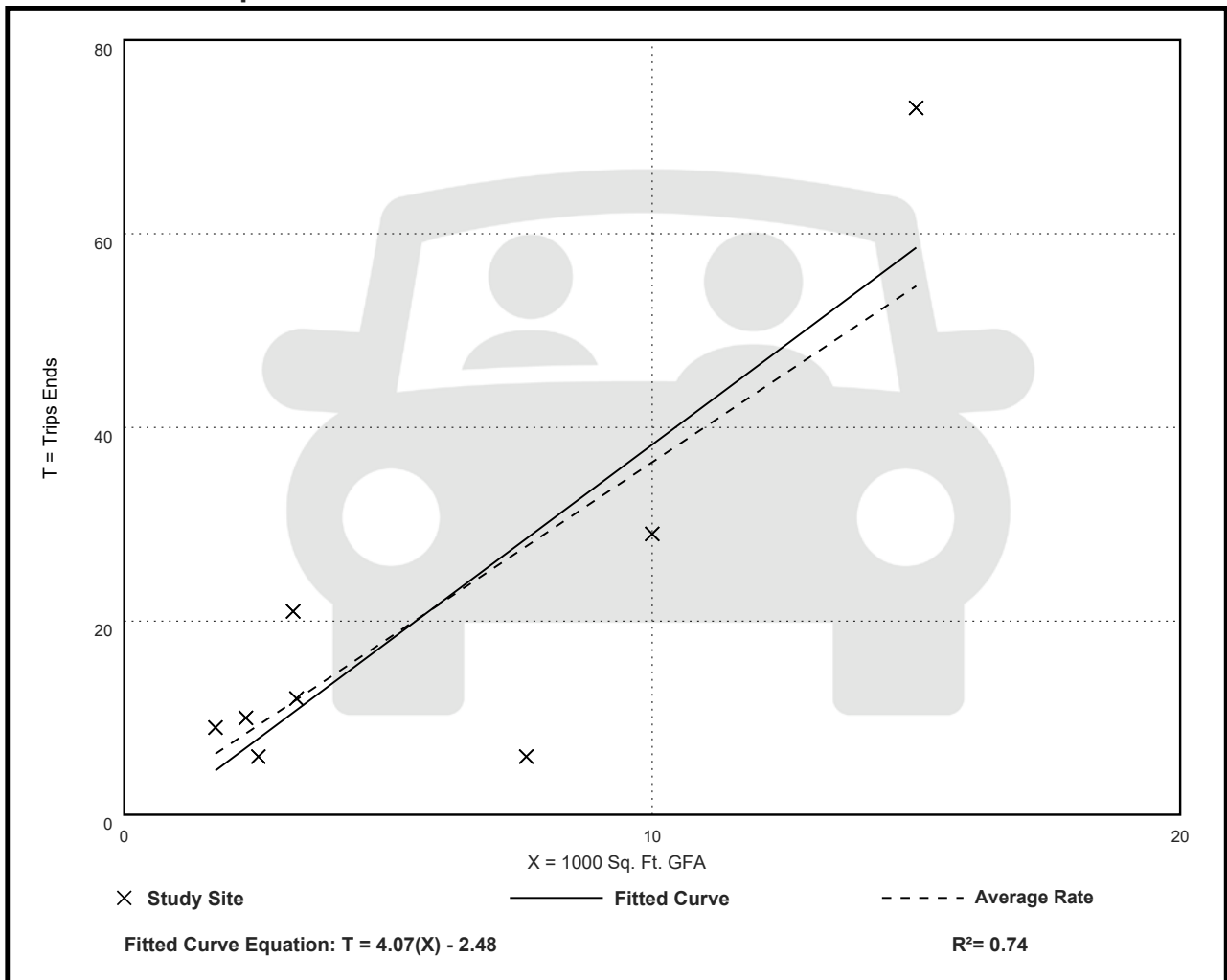
Avg. 1000 Sq. Ft. GFA: 6

Directional Distribution: 67% entering, 33% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.64	0.79 - 6.56	1.78

Data Plot and Equation



Animal Hospital/Veterinary Clinic (640)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 8

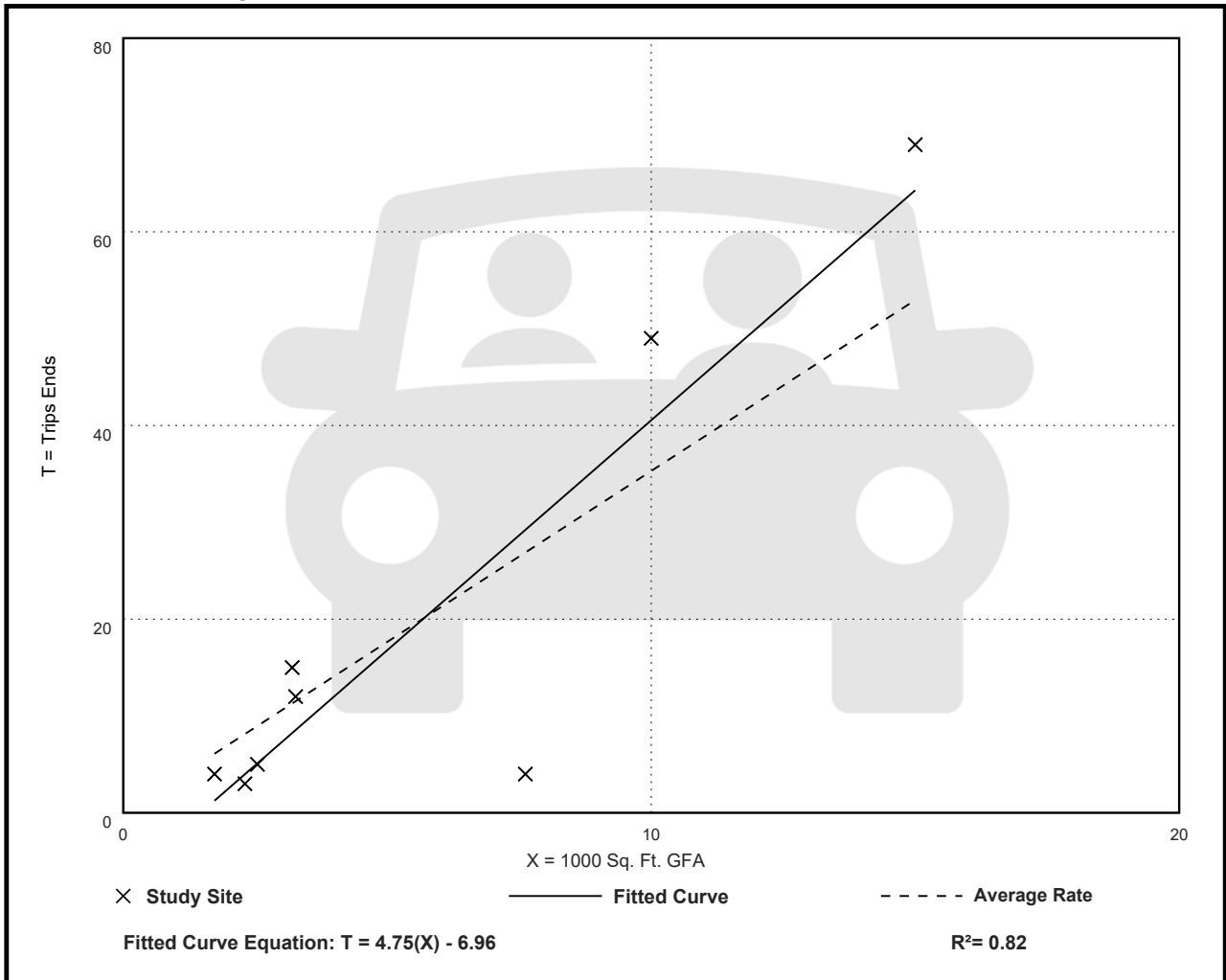
Avg. 1000 Sq. Ft. GFA: 6

Directional Distribution: 40% entering, 60% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.53	0.53 - 4.90	1.80

Data Plot and Equation



ATTACHMENT B

Lake County CMP Database

Table with 34 columns: SEGMENT ID, COUNTY STATION, FOOT STATION, DATA SOURCE, SPEED LIMIT (MI), SEGMENT LENGTH (MI), ROAD NAME, FROM, TO, LAKES (P22), LAKES (2027), URBAN/RURAL, MAINTAINING AGENCY, JURISDICTION, HOV/STANDARD VOLUME, DAILY SERVICE VOLUME, 2022 ADOT VC, 2022 DAILY LOS, PEAK HOUR DIRECTIONAL SERVICE VOLUME, 2022 PEAK HOUR SBWB VOLUME, 2022 PEAK HOUR VC, 2022 PEAK HOUR LOS, GROWTH RATE, DAILY SERVICE VOLUME (2027), 2027 ADOT VC, 2027 DAILY LOS, PEAK HOUR DIRECTIONAL SERVICE VOLUME (2027), 2027 PEAK HOUR SBWB VOLUME, 2027 PEAK HOUR VC, 2027 PEAK HOUR LOS.



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Town of Howey-in-the-Hills Town Council
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Esch Veterinary Office Development Proposal
DATE: May 15, 2024

Introduction

The subject property is a 4.45-acre parcel located on SR-19 south of Revels Road (ALT 1704171). The applicant is seeking to construct a veterinary office and provide at least one additional parcel for future office or retail use. Based on the survey, the parcel measures about 740 feet along SR 19 with a depth of 262 feet. The parcel is rectangular and slopes from SR 19 at 100 feet in elevation to the west where the elevation is approximately 85 feet at the western boundary. The environmental assessment report submitted with the application shows no wetlands on site and only a minor impact of Flood Zone A property (2012 map) along the western fringe of the site. Just off the site to the west is a wooded depressional area that likely receives stormwater runoff from the subject property. The subject parcel has some scattered trees on site.

The property is designated Village Mixed Use on the future land use map which requires PUD zoning. The future land use designation may have been applied in error when the original Mission Rise project was approved. At 4.45 acres the property is too small to meet the minimum size for VMU land use, and the Town needs to change the land use and zoning to a classification that is more suitable for the parcel. This revision is the same process used for the parcel at Revels Road and SR 19 which has been developed as a landscape business and plant nursery.

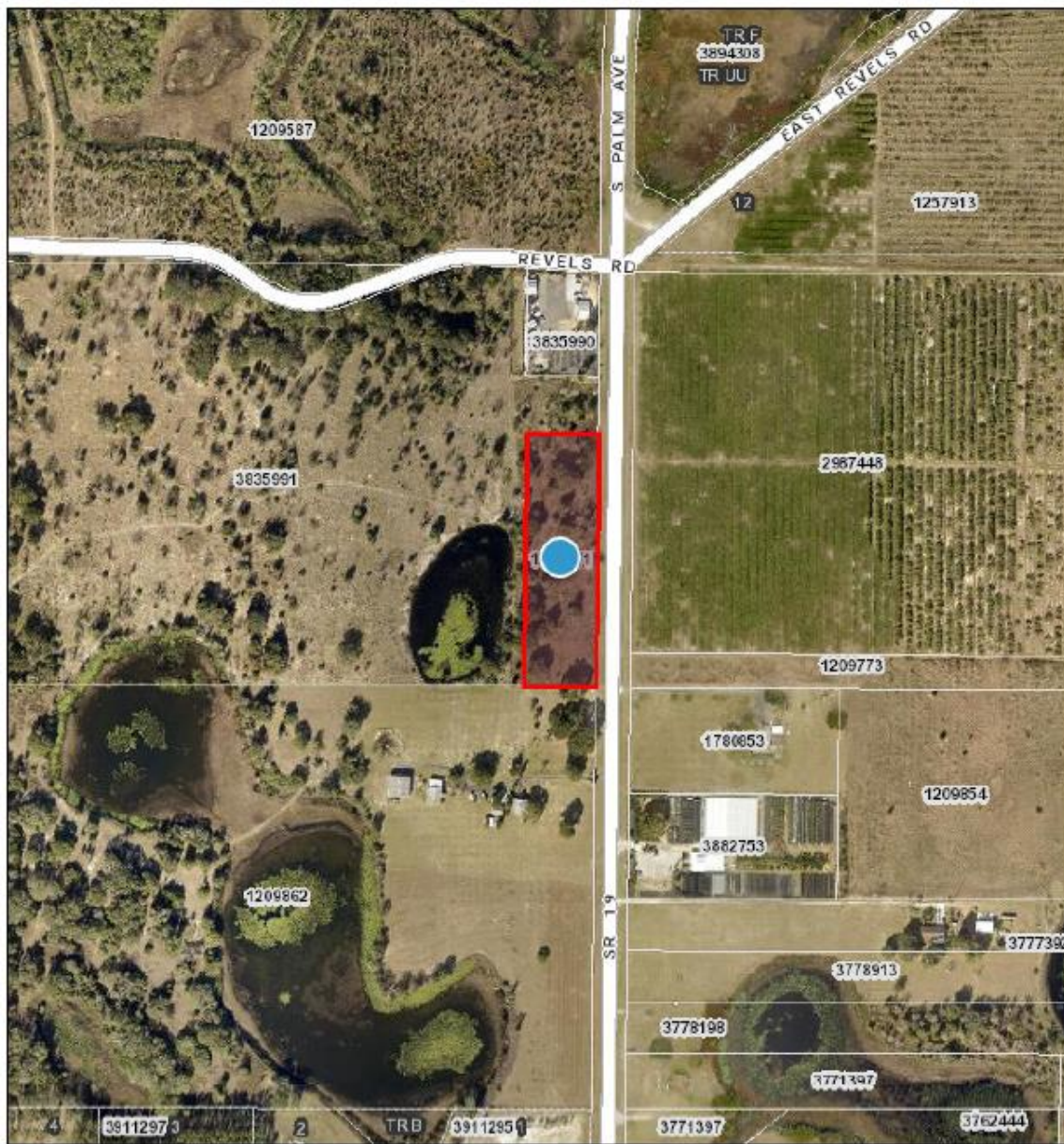
To accomplish the land use and zoning changes and to take the steps to accommodate the proposed development, the following actions are required:

1. Adopt a small-scale amendment to the future land use map.
2. Adopt zoning consistent with the future land use designation.
3. Grant a conditional use approval for a veterinary clinic.
4. Grant a variance to allow a building larger than 6,000 square feet in NC
5. Approve a preliminary site plan for the construction of any proposed buildings
6. Approve a final site plan for the proposed buildings

7. Approve a subdivision plat or lot split for any proposed lots.

The current review program will address items one through four. The Town has sufficient information to review the application for preliminary site plan approval as well, but the necessary advertising for the preliminary site plan could not be completed in sufficient time for the Planning Board meeting. However, the preliminary site plan data was used to demonstrate compliance with the comprehensive plan policies.

Esch Parcel Location



May 15, 2024

1:5,000

Comprehensive Plan Amendment

As noted in the introduction, the current land use and zoning assignment for the subject parcel require more land than is available to meet code requirements. The assignment of Village Mixed Use land use which requires Planned Unit Development (PUD) zoning may have been made in error. In 2021 the Town addressed a similar case for a property also owned by the Chon Trust. This parcel, at the southwest corner of the intersection of Revels Road with SR 19, was changed to an industrial land use to allow for the development of a conditional use – the plant nursery which is currently operating on the site. The subject parcel is seeking the same treatment, although with different land uses. Based on the comprehensive plan menu of future land uses, the land use which most closely supports the proposed use is Neighborhood Commercial. The first determination is whether the property is suitable for Neighborhood Commercial Land Use.

The parcel is the last parcel in the Town going south on SR 19. The property to the west and to the north of the subject property is in the Mission Rise development which has recently been approved by the Town for a residentially based mixed use development. The residential portion of the Mission Rise project lies west of the subject parcel. The small tract to the north of the subject parcel is proposed for use as a trail head for the bicycle system and the closest areas to west are proposed for stormwater retention area. Also to the north of the subject property is the previously discussed landscape nursery, and then across Revels Road is the beginning of The Reserve mixed use development. Opposite the subject property to the east is the Watermark residential PUD. This approved development is separated from the subject property by SR 19 and then a project buffer. To the south is land in unincorporated Lake County which is designated as Rural Transition and zoned agriculture. The Rural Transition land use allows development up to one unit per acre.

Any amendment of the future land use designation requires the proposed land use to be consistent with the goals, objectives, and policies of the comprehensive plan, to be able to be served by the necessary public services at the time of development and to avoid urban sprawl. The proposed amendment will be a small-scale map amendment. The process for approving a small-scale map amendment requires a recommendation from the planning board and approval by the Town Council with appropriate public involvement and intergovernmental coordination followed by a submittal of the amendment to the Florida Department of Commerce for review. Typically, the DOC will not conduct a detailed review of small scale map amendments, but will act if other review agencies or the general public raise issues of concern.

In addition to the application form, the applicant submitted a concept site plan showing the anticipated layout for an office building of 6,000 square feet along with parking and stormwater management facilities. This review is not a formal site plan review, but the plan submitted by the applicant will be used to analyze the request in comparison with the comprehensive plan goals, objectives, and policies.

Public Policy Considerations

The following policies are drawn from the Town’s comprehensive plan Future Land Use Element and are applicable to the requested map amendment.

Policy 1.1.1 contains a section on the Neighborhood Commercial Land Use presenting limits on density and intensity of development. The key numbers are:

Maximum Floor Area Ratio (FAR)	0.50
Maximum Impervious Surface Ratio (ISR)	0.70
Maximum Building Size	5,000 square feet
Maximum Building Height	35 feet.

Based on the proposed site layout the project will comply with all the dimensional requirements except for the maximum building size. The applicant is seeking a waiver of the 5,000 square foot building maximum.

Policy 1.1.2 contains a section on the Neighborhood Commercial Land Use listing the uses permitted in neighborhood commercial development noting general commercial categories including general commercial, limited commercial and professional office along with examples of each type.

The Neighborhood Commercial Zoning Classification lists Animal Hospital or Veterinary Clinic as a conditional use with the only condition being no outdoor kennels. The applicant has agreed to the condition.

Policy 1.2.2 lists open space requirements for various land use categories. The applicable open space minimum area for Neighborhood Commercial is 30% of the gross land area. This is the inverse of the maximum impervious surface ratio.

The proposed development plan has a maximum impervious area of 40% leaving the balance of the site for preserved flood plain area, stormwater retention and buffers.

Policy 1.2.3 requires the Town to protect residential areas from incompatible non-residential development.

The property location does not directly impact current and planned residential development. The Watermark property is separated from the subject parcel by SR-19 and their buffer area. There is no residential development to the north until the north side of Revels Road with two intervening properties including the plant nursery business. The land to the south is agricultural requiring large lot (one acre) development, and the land to west has residential lots within the Mission Rise PUD that are buffered from the subject property. The subject parcel planned development provides stormwater retention and preserved flood prone area as additional spacing from property to the west.

Policy 1.2.4 addresses screening requirements for non-residential uses.

As noted above, the site does provide some screening from the closest residential properties in addition to the buffers on the adjacent parcels. The project will provide buffers as required by Town code.

Policy 1.2.8 requires the Town to conduct a review of its ability to meet public service demands created by the application.

The property is not served by either potable water or sewer. The development will need to initially use a well and septic system until services are extended to this area. The applicant will be required to connect when services become available. The well can then be converted to irrigation use. The applicant has accepted this condition. (Note: this is the same water and sewer arrangement applied to the plant nursery property.) The applicant provided a traffic analysis and requested the project be exempt from a full traffic impact assessment based on the low volumes generated. The Town engineer has concurred with the exemption. Stormwater will be managed on site. Recreation services and school capacity do not apply to the commercial development.

Objective 1.4 of the Future Land Use Element includes a list of specific policies related to commercial development. A number of these policies address issues covered in the policies enumerated above as well as covering other topics. Objective 1.4 and supporting policies are presented below with commentary on the proposed future land use map amendment.

OBJECTIVE 1.4: *Commercial Planning Activities.* Ensure the Town's sustainability by allocating sufficient land area to accommodate commercial activities which provide a level of employment as well as goods and services demanded by local residents and guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-Hills.

POLICY 1.4.1: *Location and Distribution of Commercial Sites.* The location and distribution of commercial land use districts delineated on the *Future Land Use Map* shall be determined according to the following criteria:

- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
- b. Promote the integration of uses to include live-work environments;
- c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as

- emission of air pollutants, noise, odor, and generation of hazardous waste or products;
- d. Impact to the conservation and preservation of natural resources;
- e. Demand on existing and planned public services, utilities, water resources and energy resources;
- f. Impact on designated scenic and aesthetic transportation corridors;
- g. Compatibility with surrounding land uses;
- h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

Given the isolated nature of the site and the development commitments on the surrounding properties, the potential for strip commercial is low. The most likely direction for strip commercial is to south where the land use is controlled by Lake County and is currently agriculture with the potential for larger lot residential development. Commercial growth in any other direction is blocked. The applicants submitted an environmental assessment of the site noting only the presence of gopher tortoise, which can be managed through a permit process. The plan design avoids the limited flood prone area on the site. The applicant has submitted a concept plan showing the planned development can comply with the comprehensive plan and zoning standards for site development.

POLICY 1.4.2: *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

Project screening has been previously discussed.

POLICY 1.4.3: *Availability of Facilities to Support Commercial Development.* The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.

Service availability has been previously discussed. Major development in the area will be extending water and sewer service at some time in the near future.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this element.

Open space compliance has been previously discussed.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

The project complies with the applicable floor area ratio standards.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

The applicant is requesting a waiver to allow a 6,000 square foot building.

POLICY 1.4.7: *Commercial Building Height Limitations.* Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.

The applicant is proposing a one-story building of less than 35 feet in height.

POLICY 1.4.8: *Acceptable Uses within Commercial Areas.* Activities allowed within areas designated for commercial uses established in the Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

1. Retail business (drive-thru establishments in the Town Center Mixed Use shall be located to the rear of properties fronting on Central Avenue)
2. Community centers and fraternal lodges;
3. Hotels or motels;
4. Marinas;
5. Service businesses, Personal Services such as barber/beauty, personal training, spa, salons, pottery shops, art/painting galleries or studios, dance studios, etc.;
6. Professional and Business offices;
7. Veterinarian offices, provided the facility has no outside kennels;

8. Financial Institutions and banks;
9. Residential development, low, medium, or high density (second story);
10. Recreation and Parks;
11. Manufacturing, as permitted according to policies cited in this *Element*;
12. Elementary and middle schools in the Neighborhood Commercial land use; and
13. Elementary, middle, and high schools in the Village Mixed Use land use.

The proposed use is listed at number 7.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such

The potential for strip commercial has been previously discussed. The only route for expansion from this proposed commercial site is to the south which is controlled by Lake County.

POLICY 1.4.10: *Adequate Commercial Land and the Future Land Use Map.* The Town will ensure that adequate land is designated on the *Future Land Use Map* to support the commercial needs of the residents and guests of Howey-in-the-Hills during the planning period. All such lands shall be compatible and consistent with the surrounding land uses.

While the goal for commercial development is to direct new commercial projects to the Central Avenue corridor or to the Village Mixed Use projects, the small size and isolated nature of the subject property suggests commercial as a possible option. The currently applied land use and zoning classifications block development of the site as the site is too small to meet their minimum standards. There are no nearby residential units that might be adversely affected by a commercial project at this location, and the parcel is likely too small to support some type of multi-family development.

Proposed Zoning Amendment

The most appropriate zoning and the zoning consistent with the recommended land use designation is also Neighborhood Commercial (Section 2.02.05 in the land development code). Under the NC zoning veterinary offices and clinics are designated as a conditional use, which means that they may be permitted if specific conditions are met (Section 2.02.05 B3 k). In this case the only specific condition is that there be no outside kennels (Section 6.02.13). The applicant has agreed to abide by this condition,

and a note to this effect will be required on the approved site plan. The specific requirements of the NC Neighborhood Commercial Zoning are as follows:

Requirement	Standard	Vet Site	Future Site
Minimum Lot Size	0.5 Acres	2.0 Acres	2.45 Acres
Minimum Lot Width	100 feet	333 feet	407 feet
Minimum Lot Depth	150 feet	262 feet	262 feet
Maximum Building Height	35 feet	>35 feet	>35
Maximum FAR	0.50%	0.07%	TBD
Maximum Lot Coverage	70%	40.1%	TBD
Setbacks			
Front	30 feet	74.5 feet	TBD
Side	20 feet	44.5 feet	TBD
Side	30 feet	202.2 feet	TBD
Rear	30 feet	117.4 feet	TBD

Both of the proposed development sites will meet the minimum dimensional requirements should the applicant elect to develop them as separate parcels. The proposed veterinary building will meet the other dimensional requirements, and any future buildings will be required to complete a site plan review process where compliance with the NC standards can be confirmed.

Conditional Use

A conditional use is one that is appropriate for a zoning classification provided that a specific condition or conditions are met. The only specific standard applicable to the veterinary business is the exclusion of outdoor kennels. The use is also required to meet the minimum requirements of the NC zoning classification. The analysis provided above demonstrates that the standards can be met.

Maximum Building Size

The applicant has proposed a 6,000 square foot building as needed to support the proposed business. The Neighborhood Commercial zoning sets a cap of 5,000 square feet unless the Town Council grants a waiver. Technically buildings in excess of 5,000 square feet are listed as a conditional use in NC, but there are no specific criteria called out in Chapter 6. Policy 1.4.6 on commercial building size (see text above) gives some guidance on the criteria to be applied. The policy cites the following criteria:

1. Needs of the business
2. Compatibility with the business and business site
3. Other affected development
4. Enhanced architectural design
5. Other items

We assume the applicant has sized the building based on his current and future business needs, and the analysis to this point has demonstrated the building is

compatible with the site (meets or exceeds standards). The analysis has also demonstrated limited, if any, effect on nearby development. With regard to the architectural design, the staff recommends a condition that the buildings be designed to meet the architectural standards for non-residential development as set out in Section 4.06.05 and Section 4.06.06.

Recommendation

The Planning Board recommended to Town Council the amendment of the future land use map to designate the subject property as neighborhood commercial and assign neighborhood commercial zoning to the parcel. The Planning Board also recommended the veterinary business be approved as a conditional use provided that no outside kennels are constructed and that this limitation be noted on the the final site plan. The Planning Board also recommended the Town Council grant the waiver to allow the 6,000 square foot building provided the applicant meets or exceeds the design requirements of Section 4.06.05 and 4.06.06 of the Town's land development code. Compliance with the building design requirements are to be confirmed with the final site plan approval.



TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Town of Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Esch Veterinary Office Development Proposal
DATE: May 15, 2024

The subject property is a 4.45-acre parcel located on SR-19 south of Revels Road (ALT 1704171). The applicant is seeking to construct a veterinary office and provide at least one additional parcel for future office or retail use. Based on the survey, the parcel measures about 740 feet along SR 19 with a depth of 262 feet. The parcel is rectangular and slopes from SR 19 at 100 feet in elevation to the west where the elevation is approximately 85 feet at the western boundary. The environmental assessment report submitted with the application shows no wetlands on site and only a minor impact of Flood Zone A property (2012 map) along the western fringe of the site. Just off the site to the west is a wooded depressional area that likely receives stormwater runoff from the subject property. The subject parcel has some scattered trees on site.

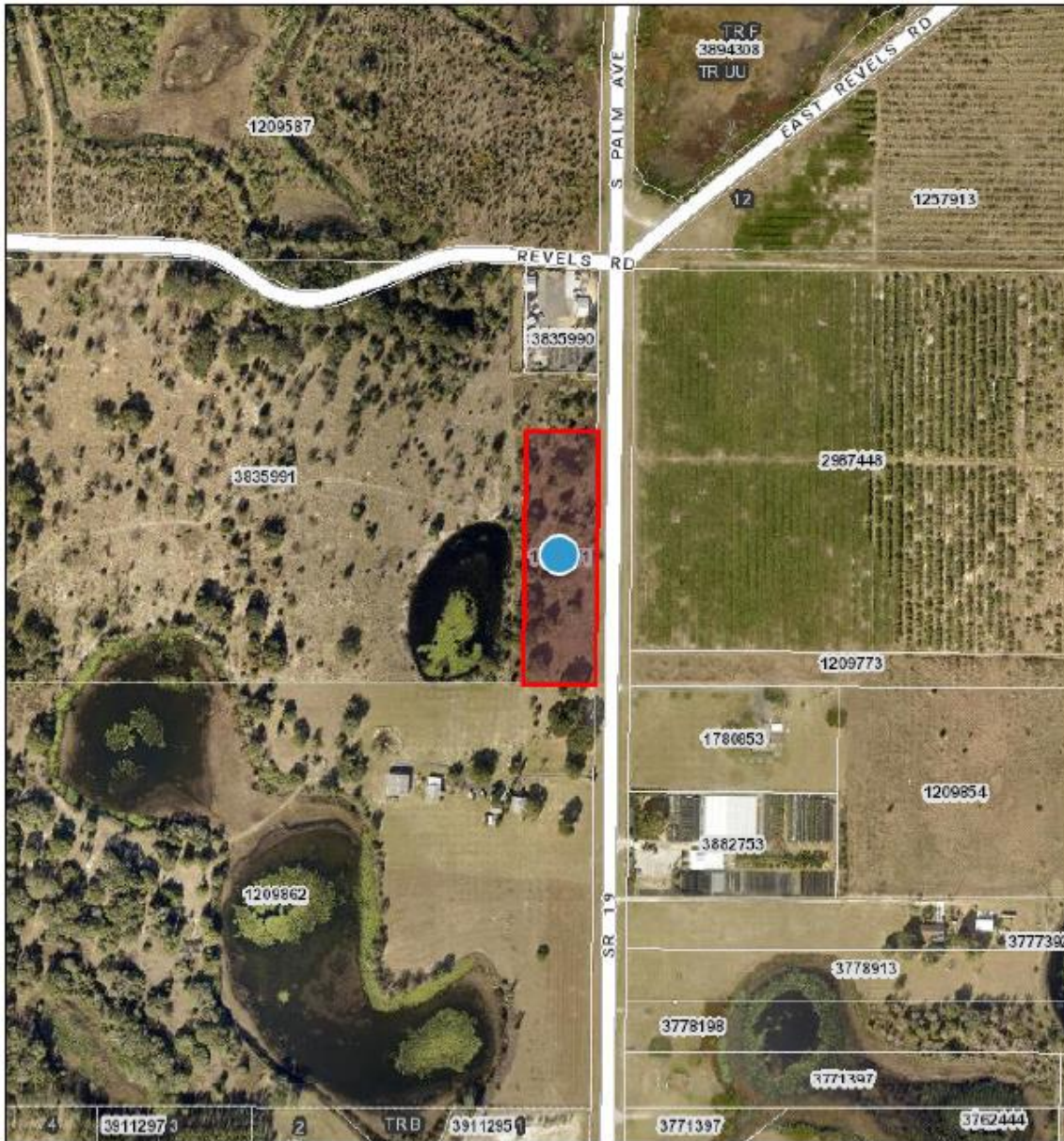
The property is designated Village Mixed Use on the future land use map which requires PUD zoning. The future land use designation may have been applied in error when the original Mission Rise project was approved. At 4.45 acres the property is too small to meet the minimum size for VMU land use, and the Town needs to change the land use and zoning to a classification that is more suitable for the parcel. This revision is the same process used for the parcel at Revels Road and SR 19 which has been developed as a landscape business and plant nursery.

To accomplish the land use and zoning changes and to take the steps to accommodate the proposed development, the following actions are required:

1. Adopt a small-scale amendment to the future land use map.
2. Adopt zoning consistent with the future land use designation.
3. Grant a conditional use approval for a veterinary clinic.
4. Grant a variance to allow a building larger than 6,000 square feet in NC
5. Approve a preliminary site plan for the construction of any proposed buildings
6. Approve a final site plan for the proposed buildings
7. Approve a subdivision plat or lot split for any proposed lots.

The current review program will address items one through four. The Town has sufficient information to review the application for preliminary site plan approval as well, but the necessary advertising for the preliminary site plan could not be completed in sufficient time for the May meeting. The preliminary site plan will need to be addressed at the June meeting.

Esch Parcel Location



May 15, 2024

1:5,000

Comprehensive Plan Amendment

As noted in the introduction, the current land use and zoning assignment for the subject parcel require more land than is available to meet code requirements. The assignment of Village Mixed Use land use which requires Planned Unit Development (PUD) zoning may have been made in error. In 2021 the Town addressed a similar case for a property also owned by the Chon Trust. This parcel, at the southwest corner of the intersection of Revels Road with SR 19, was changed to an industrial land use to allow for the development of a conditional use – the plant nursery which is currently operating on the site. The subject parcel is seeking the same treatment, although with different land uses. Based on the comprehensive plan menu of future land uses, the land use which most closely supports the proposed use is Neighborhood Commercial. The first determination is whether the property is suitable for Neighborhood Commercial Land Use.

The parcel is the last parcel in the Town going south on SR 19. The property to the west and to the north of the subject property is in the Mission Rise development which is currently under consideration by the Town for a residentially based mixed use development. The residential portion of the Mission Rise project, if approved, is west of the subject parcel. The small tract to the north of the subject parcel is proposed for use as a trail head for the bicycle system and the closest areas to west are proposed for stormwater retention area. Also to the north of the subject property is the previously discussed landscape nursery, and then across Revels Road is the beginning of The Reserve mixed use development. Opposite the subject property to the east is the Watermark residential PUD. This approved development is separated from the subject property by SR 19 and then a project buffer. To the south is land in unincorporated Lake County which is designated as Rural Transition and zoned agriculture. The Rural Transition land use allows development up to one unit per acre.

Any amendment of the future land use designation requires the proposed land use to be consistent with the goals, objectives, and policies of the comprehensive plan, to be able to be served by the necessary public services at the time of development and to avoid urban sprawl. The proposed amendment will be a small-scale map amendment. The process for approving a small-scale map amendment requires a recommendation from the planning board and approval by the Town Council with appropriate public involvement and intergovernmental coordination followed by a submittal of the amendment to the Florida Department of Economic Opportunity for review. Typically, the DEO will not conduct a detailed review small scale map amendments, but will act if other review agencies or the general public raise issues of concern.

In addition to the application form, the applicant submitted a concept site plan showing the anticipated layout for an office building of 6,000 square feet along with parking and stormwater management facilities. This review is not a formal site plan review, but the plan submitted by the applicant will be used to analyze the request in comparison with the comprehensive plan goals, objectives, and policies.

Public Policy Considerations

The following policies are drawn from the Town’s comprehensive plan Future Land Use Element and are applicable to the requested map amendment.

Policy 1.1.1 contains a section on the Neighborhood Commercial Land Use presenting limits on density and intensity of development. The key numbers are:

Maximum Floor Area Ratio (FAR)	0.50
Maximum Impervious Surface Ratio (ISR)	0.70
Maximum Building Size	5,000 square feet
Maximum Building Height	35 feet.

Based on the proposed site layout the project will comply with all the dimensional requirements except for the maximum building size. The applicant is seeking a waiver of the 5,000 square foot building maximum.

Policy 1.1.2 contains a section on the Neighborhood Commercial Land Use listing the uses permitted in neighborhood commercial development noting general commercial categories including general commercial, limited commercial and professional office along with examples of each type.

The Neighborhood Commercial Zoning Classification lists Animal Hospital or Veterinary Clinic as a conditional use with the only condition being no outdoor kennels. The applicant has agreed to the condition.

Policy 1.2.2 lists open space requirements for various land use categories. The applicable open space minimum area for Neighborhood Commercial is 30% of the gross land area. This is the inverse of the maximum impervious surface ratio.

The proposed development plan has a maximum impervious area of 40% leaving the balance of the site for preserved flood plain area, stormwater retention and buffers.

Policy 1.2.3 requires the Town to protect residential areas from incompatible non-residential development.

The property location does not directly abut current and planned residential development. The Watermark property is separated from the subject parcel by SR-19 and their buffer area. There is no residential development to the north until the north side of Revels Road with two intervening properties including the plant nursery business. The land to the south is agricultural requiring large lot (one acre) development, and the land to west has residential lots within the proposed PUD that are buffered from the subject property. The subject parcel planned development provides stormwater retention and preserved flood prone area as additional spacing from property to the west.

Policy 1.2.4 addresses screening requirements for non-residential uses.

As noted above, the site does provide some screening from the closest residential properties in addition to the buffers on the adjacent parcels. The project will provide buffers as required by Town code.

Policy 1.2.8 requires the Town to conduct a review of its ability to meet public service demands created by the application.

The property is not served by either potable water or sewer. The development will need to initially use a well and septic system until services are extended to this area. The applicant will be required to connect when services become available. The well can then be converted to irrigation use. The applicant has accepted this condition. (Note: this is the same water and sewer arrangement applied to the plant nursery property.) The applicant provided a traffic analysis and requested the project be exempt from a full traffic impact assessment based on the low volumes generated. The Town engineer has concurred with the exemption. Stormwater will be managed on site. Recreation services and school capacity do not apply to the commercial development.

Objective 1.4 of the Future Land Use Element includes a list of specific policies related to commercial development. A number of these policies address issues covered in the policies enumerated above as well as covering other topics. Objective 1.4 and supporting policies are presented below with commentary on the proposed future land use map amendment.

OBJECTIVE 1.4: *Commercial Planning Activities.* Ensure the Town’s sustainability by allocating sufficient land area to accommodate commercial activities which provide a level of employment as well as goods and services demanded by local residents and guest with consideration to fiscal and environmental impacts to the Town of Howey-in-the-Hills.

- POLICY 1.4.1:** *Location and Distribution of Commercial Sites.* The location and distribution of commercial land use districts delineated on the *Future Land Use Map* shall be determined according to the following criteria:
- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
 - b. Promote the integration of uses to include live-work environments;
 - c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, odor, and generation of hazardous waste or products;

- d. Impact to the conservation and preservation of natural resources;
- e. Demand on existing and planned public services, utilities, water resources and energy resources;
- f. Impact on designated scenic and aesthetic transportation corridors;
- g. Compatibility with surrounding land uses;
- h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

Given the isolated nature of the site and the development commitments on the surrounding properties, the potential for strip commercial is low. The most likely direction for strip commercial is to south where the land use is controlled by Lake County and is currently agriculture with the potential for larger lot residential development. Commercial growth in any other direction is blocked. The applicants submitted an environmental assessment of the site noting only the presence of gopher tortoise, which can be managed through a permit process. The plan design avoids the limited flood prone area on the site. The applicant has submitted a concept plan showing the planned development can comply with the comprehensive plan and zoning standards for site development.

POLICY 1.4.2: *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

Project screening has been previously discussed.

POLICY 1.4.3: *Availability of Facilities to Support Commercial Development.* The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.

Service availability has been previously discussed. Major development in the area will be extending water and sewer service at some time in the near future.

POLICY 1.4.4: *Provision of Open Space.* All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this element.

Open space compliance has been previously discussed.

POLICY 1.4.5: *Maximum Intensity of Commercial Uses.* Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.

The project complies with the applicable floor area ratio standards.

POLICY 1.4.6: *Commercial Building Size Limitations.* Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

The applicant is requesting a waiver to allow a 6,000 square foot building.

POLICY 1.4.7: *Commercial Building Height Limitations.* Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.

The applicant is proposing a one-story building of less than 35 feet in height.

POLICY 1.4.8: *Acceptable Uses within Commercial Areas.* Activities allowed within areas designated for commercial uses established in the Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

1. Retail business (drive-thru establishments in the Town Center Mixed Use shall be located to the rear of properties fronting on Central Avenue)
2. Community centers and fraternal lodges;
3. Hotels or motels;
4. Marinas;
5. Service businesses, Personal Services such as barber/beauty, personal training, spa, salons, pottery shops, art/painting galleries or studios, dance studios, etc.;
6. Professional and Business offices;
7. Veterinarian offices, provided the facility has no outside kennels;
8. Financial Institutions and banks;

9. Residential development, low, medium, or high density (second story);
10. Recreation and Parks;
11. Manufacturing, as permitted according to policies cited in this *Element*;
12. Elementary and middle schools in the Neighborhood Commercial land use; and
13. Elementary, middle, and high schools in the Village Mixed Use land use.

The proposed use is listed at number 7.

POLICY 1.4.9: *Strip Commercial Development and State Road 19 and County Road 48.* The Town shall discourage strip commercial style development from occurring along State Road 19 and County Road 48. Prior to the approval of each proposed annexations along the State Road 19 and County Road 48 corridors, the Town shall consider the potential of a strip commercial style development being established as a direct result of such

The potential for strip commercial has been previously discussed. The only route for expansion from this proposed commercial site is to the south which is controlled by Lake County.

POLICY 1.4.10: *Adequate Commercial Land and the Future Land Use Map.* The Town will ensure that adequate land is designated on the *Future Land Use Map* to support the commercial needs of the residents and guests of Howey-in-the-Hills during the planning period. All such lands shall be compatible and consistent with the surrounding land uses.

While the goal for commercial development is to direct new commercial projects to the Central Avenue corridor or to the Village Mixed Use projects, the small size and isolated nature of the subject property suggests commercial as a possible option. The currently applied land use and zoning classifications actually block development of the site as the site is too small to meet their minimum standards. There are no nearby residential units that might be adversely affected by a commercial project at this location, and the parcel is likely too small to support some type of multi-family development.

Proposed Zoning Amendment

The most appropriate zoning and the zoning consistent with the recommended land use designation is also Neighborhood Commercial (Section 2.02.05 in the land development code). Under the NC zoning veterinary offices and clinics are designated as a conditional use, which means that they may be permitted if specific conditions are met (Section 2.02.05 B3 k). In this case the only specific condition is that there be no outside kennels (Section 6.02.13). The applicant has agreed to abide by this condition,

and a note to this effect will be required on the approved site plan. The specific requirements of the NC Neighborhood Commercial Zoning are as follows:

Requirement	Standard	Vet Site	Future Site
Minimum Lot Size	0.5 Acres	2.0 Acres	2.45 Acres
Minimum Lot Width	100 feet	333 feet	407 feet
Minimum Lot Depth	150 feet	262 feet	262 feet
Maximum Building Height	35 feet	>35 feet	>35
Maximum FAR	0.50%	0.07%	TBD
Maximum Lot Coverage	70%	40.1%	TBD
Setbacks			
Front	30 feet	74.5 feet	TBD
Side	20 feet	44.5 feet	TBD
Side	30 feet	202.2 feet	TBD
Rear	30 feet	117.4 feet	TBD

Both of the proposed development sites will meet the minimum dimensional requirements should the applicant elect to develop them as separate parcels. The proposed veterinary building will meet the other dimensional requirements, and any future buildings will be required to complete a site plan review process where compliance with the NC standards can be confirmed.

Conditional Use

A conditional use is one that is appropriate for a zoning classification provided that a specific condition or conditions are met. The only specific standard applicable to the veterinary business is the exclusion of outdoor kennels. The use is also required to meet the minimum requirements of the NC zoning classification. The analysis provided above demonstrates that the standards can be met.

Minimum Building Size

The applicant has proposed a 6,000 square foot building as needed to support the proposed business. The Neighborhood Commercial zoning sets a cap of 5,000 square feet unless the Town Council grants a waiver. Technically buildings in excess of 5,000 square feet are listed as a conditional use in NC, but there are no specific criteria called out in Chapter 6. Policy 1.4.6 on commercial building size (see text above) gives some guidance on the criteria to be applied. The policy cites the following criteria:

1. Needs of the business
2. Compatibility with the business and business site
3. Other affected development
4. Enhanced architectural design
5. Other items

We assume the applicant has sized the building based on his business needs, and the analysis to this point has demonstrated the building is compatible with the site (meets or

exceeds standards). The analysis has also demonstrated limited, if any, effect on nearby development. With regard to the architectural design, the staff recommends a condition that the buildings be designed to meet the architectural standards for non-residential development as set out in Section 4.06.05 and Section 4.06.06.

Recommendation

The staff recommends the Planning Board recommend to Town Council the amendment of the future land use map to designate the subject property as neighborhood commercial and assign neighborhood commercial zoning to the parcel. The staff further recommends the Planning Board recommend the veterinary business as a conditional use provided that no outside kennels are constructed and that this limitation be noted on the final site plan. The staff further recommends that the Planning Board recommend the Town Council grant the waiver to allow the 6,000 square foot building provided the applicant meets or exceeds the design requirements of Section 4.06.05 and 4.06.06 of the Town's land development code. Compliance with the building design requirements are to be confirmed with the final site plan approval.

ORDINANCE NO. 2024-008

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 4.45-ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF STATE ROAD 19 AND SOUTH OF REVELS ROAD AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 02-21-25-0002-000-00500 AND ALTERNATE KEY NUMBER 1704171; AMENDING THE TOWN’S ZONING MAP TO ZONE THE PROPERTY FROM “VILLAGE MIXED USE PLANED USE DEVELOPMENT” TO “NEIGHBORHOOD COMMERCIAL”; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida hereby makes the following findings:

(1) By enacting its Ordinance No. 2024-007 on _____, 2024, the Town Council amended the Future Land Use Element of the Town’s Comprehensive Plan to designate the 4.45-acre parcel of land described in **Attachment A** to this ordinance for the future land use of “Neighborhood Commercial” on the Town’s Future Land Use Map.

(2) The Town Council has determined that rezoning the Property from “Village Mixed Use Planned Unit Development” to “Neighborhood Commercial” is consistent with both the Town’s Comprehensive Plan and the Town’s Land Development Code (LDC) and will not adversely affect the public health, safety, and welfare of the Town.

Section 2. Amendment of the Official Zoning Map. The Town Council hereby amends the Town’s Official Zoning Map to zone the subject property Neighborhood Commercial. Use of the Property under its Neighborhood Commercial zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

- (1) Ordinance 2024-007 and this Ordinance 2024-008;
- (2) The Town’s Land Development Code; and
- (3) All other Town ordinances governing the development of property zoned Neighborhood Commercial.

Section 3. Severability. If any part of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining parts of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In a conflict between this ordinance and other existing ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendment to the Official Zoning Map described in Section 2 shall be codified and made part of the Town’s LDC and Official Zoning Map.

Section 6. Effective Date. This ordinance shall take effect upon the later of (i) its enactment by the Town Council or (ii) the date on which Ordinance 2024-007, designating the future land use for the subject property, takes effect.

PASSED AND ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**

By: its Town Council

By: _____
Martha MacFarlane, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town only)

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney

Planning and Zoning hearing held **April 28, 2022**
First Reading held **May 9, 2022**
Second Reading and Adoption held **May 23, 2022**
Advertised **April 18, 2022**

ATTACHMENT A
LEGAL DESCRIPTION

THE SOUTH 740 FEET OF THE EAST 262 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

NORTH HALF OF GOVERNMENT LOT 3, SECTION 2, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. LYING WEST OF THE RIGHT OF WAY FOR STATE ROAD 19.

Lake County Property Appraiser Parcel No. 02-21-25-0002-000-00500

ALTKEY No. 1704171

#60415181 v1



TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
PETITION FOR REZONING
CHECKLIST AND REQUIREMENTS

VARIANCE APPLICATION CHECKLIST

- General Land Development Application
- Application Fee and Estimated Deposit
- Description of Requested Zoning Amendment
- List of property owners within 300 feet
- One signed and sealed survey of the property (no more than 2 years old).
- Legal Description
- Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).

PUBLIC NOTIFICATION (Sec. 4.13.03)

The applicant shall provide written notice to property owners within 300 feet regarding his intention to seek a rezoning. Notice shall be sent by certified mail no later than ten (10) days prior to the scheduled meeting and shall include the date, time and place of the public hearing and a description of the proposed rezoning. A notice letter will be provided to the applicant by the Town.

In addition to written notice Town staff shall also post a notice on the subject property ten days prior to the public hearing and publish a notice of the hearing in a newspaper of general circulation at least ten (10) days prior to the public hearing.

REZONING HEARING PROCESS

The Planning and Zoning Board shall review the application for rezoning at its next available meeting following receipt of a completed application. The Planning and Zoning Board shall make a recommendation to the Town Council as to whether to approve, approve with changes or deny the rezoning. Upon receipt of the recommendation from the Planning and Zoning Board, the Town Council shall schedule a public hearing on the rezoning application and shall approve, approve with changes or deny the rezoning.

REZONING REQUEST

The applicant is seeking a rezoning of the property described in the attached legal description as follows:

Proposed Zoning: NC - Neighborhood Commercial

Requested Zoning: NC - Neighborhood Commercial

Zoning on Adjacent Parcels: North: PUD (Mission Rise)

East: ROW / MDR - Medium Density Residential 1

South: Country A (Agriculture Dist)

West: PUD (Mission Rise)

Parcel Size: Total parcel 4.45 acres, veterinary +/- 2.0 acres. Flood Zone Area 59,798 sf

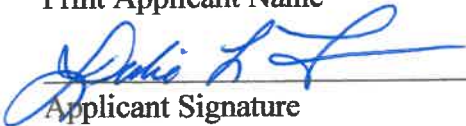
REZONING REQUIREMENTS

The following items must be completed in sufficient detail to allow the Town to determine if the application complies with the criteria for approving a rezoning. Attach any supplemental information that can assist in understanding the rezoning request.

1. Is the rezoning request consistent with the Town's comprehensive plan? Yes.
2. Describe any changes in circumstances of conditions affecting the property and the surrounding area that support a change in the current zoning. Adjacent parcel to the north developed a commercial retail business.
3. Will the proposed rezoning have any negative effects on adjacent properties? No.
4. Will the proposed rezoning have any impacts upon natural resources? No.
5. Will the proposed rezoning have any impacts upon adjacent properties? No.
6. Will the rezoning create any impacts on services including schools, transportation, utilities, stormwater management and solid waste disposal? The impacts would be to to transportation, utilities, stormwater management and solid waste disposal.
7. Are there any mistakes in the assignment of the current zoning classification?
Possibly, it was mentioned during the pre-application meeting that the parcel is too small to meet the minimum requirements for a VMU/PUD project. It was discussed with staff that this may have been done in error.

Julie Farr

Print Applicant Name


Applicant Signature

4/3/24

Date

**COMPARISON WITH
2007 WASTEWATER AGREEMENT
WITH CENTRAL LAKE CD DISTRICT**

**Town of Howey-in-the-Hills
and
Central Lake Community Development District**

**AMENDED AND RESTATED
WHOLESALE WASTEWATER ~~SERVICE~~TREATMENT AGREEMENT
For
~~THE MISSION RISE, THE RESERVE, AND VENEZIA NORTH AND
SOUTH DEVELOPMENTS~~**

**THIS AMENDED AND RESTATED WHOLESALE WASTEWATER
TREATMENT AGREEMENT (“Agreement”) is made and entered into ~~this 9th day of July,
2007~~as of _____, 2024, by and between the **Town of Howey-in-the-Hills**, a
Florida municipal corporation (~~hereafter~~ “Howey”), and the **Central Lake Community
Development District**, a Florida ~~Special District~~special district created pursuant to Chapter 190
of the Florida Statutes, (~~hereafter the~~ “CDD”); and amends and restates in their entirety:**

- i. that certain Wholesale Wastewater Service Agreement between Howey and the
CDD dated August 7, 2007 (“2007 Wholesale Agreement”) and
- ii. that certain Wholesale Wastewater Service Agreement between Howey and the
CDD dated February 27, 2012 (“2012 Wholesale Agreement” and, together with
the 2007 Wholesale Agreement, the “Prior Wholesale Agreements”).

RECITALS

WHEREAS, the CDD leases and operates a wastewater treatment system located in
Lake County, Florida (~~hereafter the~~ “CDD’s Wastewater System”) and ~~is willing to sell, pursuant
to the 2007 Wholesale Agreement sold Wastewater Treatment Capacity (defined below) to
Howey~~ on a wholesale basis; ~~Wastewater Service Capacity to Howey~~ for the three developments
described ~~herein~~therein and known as ~~The~~ Mission Rise, The Reserve, and Venezia North and
South (collectively, the “2007 Developments”); ~~and.~~

~~WHEREAS, Howey’s residents currently use septic systems; and~~
WHEREAS, by Agreements and Commitments for Utility Service (“CDD Service
Agreements”), the 2007 Developments reserved capacity, and the CDD set aside and
encumbered capacity, in the CDD’s Wastewater System for the treatment and disposal of

wastewater to be generated by the land development contemplated to occur within the 2007 Developments.

~~WHEREAS, the Developments are located within Howey;~~

WHEREAS, subsequent to entry into the 2007 Wholesale Agreement, one of the 2007 Developments, Mission Rise, defaulted in its obligations under its respective CDD Service Agreement and forfeited its reserved capacity to the CDD; the CDD Service Agreements with The Reserve (n/k/a Hillside Groves) and with Venezia North (n/k/a Talichet) and Venezia South (“Remaining 2007 Developments”) remain in good standing.

~~WHEREAS, Developments are interested in obtaining centralized sewer service because the Developments are not suitable for septic systems; and~~

WHEREAS, pursuant to the 2012 Wholesale Agreement, the CDD sold Wastewater Treatment Capacity to Howey on a wholesale basis for the development described therein and known as the Bouis Property (n/k/a Lake Hills PUD (“2012 Development”).

~~WHEREAS, Howey wishes to connect the Developments to the CDD’s Wastewater System and to purchase Wastewater Service Capacity on a wholesale basis from the CDD in order to serve the Developments; and~~

WHEREAS, the 2012 Development has not previously reserved capacity, and the CDD has not previously set aside and encumbered capacity, in the CDD’s Wastewater System for the development contemplated to occur within the 2012 Development, nor was any specific capacity reserved in the 2012 Wholesale Agreement.

~~WHEREAS, Howey and the CDD covenant and agree that they have the power and authority to enter this Agreement and bind their respective governmental entities to the provisions of this Agreement; and~~

WHEREAS, in addition to the Prior Wholesale Agreements, Howey, the CDD, and The School Board of Lake County entered into an Interlocal Agreement for Wastewater Service for the ESE Center dated February 25, 2008 (“School Board Agreement”).

WHEREAS, Howey enacted Ordinance 2003-307 on August 11, 2003, under which Howey created a water and wastewater service area as authorized by Chapter 180, Florida Statutes (“180 Service Area”).

WHEREAS, Howey’s 180 Service Area includes the entire town as well as unincorporated areas of Lake County in the general vicinity of Howey as depicted in the Utility Service Area Map attached as Exhibit “A” to this Agreement.

~~WHEREAS, the CDD is in the process of expanding its wastewater treatment and disposal system to 0.87 million gallons per day (MGD) and hereby represents to Howey that it has or will have the capability of serving the Developments; and~~2007 Wholesale Agreement, the 2012 Wholesale Agreement, and the School Board Agreement take different approaches to the provision of wholesale wastewater service with regard to issues such as billing and capacity, and there is no agreement that addresses development within the remainder of Howey’s 180 Service Area.

~~WHEREAS, Howey and the CDD are entering into this Agreement pursuant to and in compliance with the requirements of subsection 190.012(1)(g) of Florida Statutes (2006); and~~

WHEREAS, the parties desire to amend and restate in their entirety the Prior Wholesale Agreements so that the provisions of this Agreement will apply to all areas subject to the Prior Wholesale Agreements, together with all areas within the remainder of Howey’s 180 Service Area, but will not apply to the area subject to the School Board Agreement.

~~WHEREAS, this Agreement shall govern the wastewater utility service to be provided by the CDD, on a wholesale basis, to Howey for the Developments only.~~

WHEREAS, the CDD has determined its treatment facilities have 413,000 GPD in unused, unreserved, and available capacity it is willing to provide to Howey for use as provided in this Agreement, in addition to that capacity which was previously agreed upon.

NOW THEREFORE, in consideration of the Recitals, covenants, agreement and promises herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by the parties, the parties ~~covenant and~~ agree as follows:

SECTION 1. RECITALS. The above Recitals are true and correct, and form a material part of this Agreement upon which the parties have relied.

SECTION 2. DEFINITIONS. The Parties agree that in construing this Agreement, the following words, phrases, and terms shall have the following meanings unless the context indicates otherwise:

2.1. “Agreement” means this ~~Howey / CDD~~ Amended and Restated Wholesale Wastewater ~~Service~~ Treatment Agreement as it may from time to time be modified.

2.2. ~~“Howey’s Collection Facilities” means the lines, pipes, meters, and appurtenant equipment owned and operated by Howey to collect Sewage within the three developments and to transmit the same to the Point of Connection with the Interconnect Facilities.~~ Capacity Request Notice” means the written request and notification for additional Wastewater Treatment Capacity provided by Howey to the CDD in the manner set forth in Section 3.4 of this Agreement.

2.3. “CDD Service Agreements” means those certain Agreements and Commitments for Utility Service originally entered between the CDD, as wastewater service provider, ~~and the Developments, attached hereto as Composite Exhibit “A.”~~ and backup potable water service provider, and the owners of the lands subject to the 2007 Wholesale Agreement.

Note: Councilor Miles asks ... Is this stuff about “backup potable-water provider” set out in the “Agreements and Commitments” between the CDD and individual developers? Where does this come from?

~~2.4. “Developments” mean the lands being developed as residential and commercial land use projects known as The Mission Rise, The Reserve, and Venezia North and South, legal~~

~~descriptions of which are included in the CDD Service Agreements, the owners of which (or their predecessors) have entered into the CDD Service Agreements prior to this Agreement, and which lands have been annexed prior to December 31, 2006 into the municipal boundaries of Howey.~~

2.4. “County” means Lake County, a political subdivision of the State of Florida.

2.5. “County Interlocal Agreement” means that certain Interlocal Agreement between the County and the CDD dated May 10, 2001, as amended by that certain First Amendment date November 16, 2006, that certain Second Amendment dated June 26, 2007, and that certain Third Amendment dated September 2, 2015, and authorizing the CDD to provide water and wastewater utility services in certain portions of the County.

2.6. “Developments” means the Remaining 2007 Developments and the Future Development, including the 2012 Development, but does not include the area subject to the School Board Agreement.

2.7. “ERU” means Equivalent Residential Unit and represents 250 GPD of wastewater flow.

2.8. Reserved.

2.9. “Future Development” means future customers of Howey’s Collection Facilities located in areas within Howey’s 180 Service Area other than (i) the Remaining 2007 Developments, (ii) the 2012 Development, (ii) the property subject to the School Board Agreement, and (iii) the CDD’s boundaries as of the effective date.

2.10. “Howey’s Collection Facilities” means the lines, pipes, meters, and appurtenant equipment owned and operated by Howey to collect Wastewater within the Developments and the area subject to the School Board Agreement and to transmit the same to the Point of Connection with the CDD’s Interconnect Facilities.

2.52.11. “Interconnect Facilities” means the wastewater meters and other facilities owned and operated by the CDD at the points of connection between Howey’s Collection Facilities and the Treatment Facilities.

2.62.12. “GPD” means gallons per day, on an average annual basis.

2.72.13. “GPM” means gallons per minute actual flow rate.

2.82.14. “MGD” means million gallons per day on an annual average basis.

2.92.15. “Point of Connection” means the location where Howey’s Collection Facilities connect to the CDD’s Interconnect Facilities. At that point, appropriate metering ~~will~~may be installed by the CDD to measure the flow of wastewater from Howey’s Collection Facilities.

2.16. “Prior Wholesale Agreements” means the 2007 Wholesale Agreement and the 2012 Wholesale Agreement.

~~2.10~~2.17. “PSI” means pounds per square inch of fluid pressure.

2.18. “Remaining 2007 Developments” means the 2007 Developments known as The Reserve (n/k/a Hillside Grove) and Venezia North (n/k/a Talichet) and Venezia South, for which the CDD Service Agreements remain in good standing, and the legal descriptions of which are set forth on the attached Exhibit “B.”

~~2.11~~2.19. “Residential Wastewater Strength” means residential and commercial wastewater discharges exhibiting the following characteristics: biochemical oxygen demand of ~~300~~200 mg/1 or less, suspended solids of ~~300~~200 mg/1 or less, and pH between 6.0 and 9.0, or such other restrictions as established for residential wastewater strength by the Florida Department of Environmental ~~Protection~~Regulation or its successor. Prohibited discharges include, but are not limited to, constituents that could cause a fire or explosion, solid or viscous substances ~~which~~that could obstruct flow or interfere with the system; ~~or, and~~ discharges containing any-toxic pollutants.

Note: Councilor Miles says ... “The Town needs to understand the basis for these changes from the original agreement.”

~~2.12~~2.20. ~~The~~“CDD’s Wastewater System” means the CDD’s wastewater collection, transmission and treatment facilities (including the Treatment Facilities) in which ~~Sewage~~Wastewater is treated and disposed of, and which are operated and maintained by the CDD.

[Drafting note: this definition is out of alphabetical order]

~~2.13.~~ ~~“Sewage” or “Wastewater” means water-carried wastes from residences, business-buildings, commercial establishments, institutions, industrial establishments, and other customers, but does not mean or include hazardous or toxic wastes.~~

2.21. “School Board Agreement” means that certain Interlocal Agreement for Wastewater Service for the ESE Center among Howey, the CDD, and the School Board of Lake County dated February 25, 2008.

~~2.14~~2.22. “Treatment Facilities” means those treatment and disposal facilities and rights used by the CDD to treat wastewater and detain, transmit, and dispose of said treated wastewater in accordance with applicable governmental and regulatory requirements.

2.23. “Wastewater” means water-carried wastes from residences, business-buildings, institutions, industrial establishments, and other customers, but does not mean or include hazardous or toxic wastes.

2.152.24. “Wastewater ~~Service~~Treatment Capacity” means the volume of wastewater flow measured in GPD, the capacity for treatment of which Howey wishes to buy from the CDD and which the CDD agrees to accept on a continuous basis into the CDD’s Wastewater System in accordance with the terms of this Agreement.

2.25. “180 Service Area” means the water and wastewater service area created by Howey when it enacted Ordinance 2003-307 on August 11, 2003, as authorized by Chapter 180, Florida Statutes, and which is depicted on the attached Exhibit “A.”

2.26. “2007 Developments” means the residential and commercial land use projects known as Mission Rise, The Reserve (n/k/a Hillside Groves), and Venezia North (n/k/a Talichet) and Venezia South, and originally subject to the 2007 Wholesale Agreement.

2.27. “2007 Wholesale Agreement” means that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated August 7, 2007.

2.28. “2012 Development” means the Future Development known as the Bouis Property (n/k/a Lake Hills), the legal description of which is set forth on the attached Exhibit “C.”

2.29. “2012 Wholesale Agreement” means that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated February 27, 2012.

SECTION 3. PROVISION AND ALLOCATION OF WASTEWATER ~~SERVICE~~TREATMENT CAPACITY. On and after the effective date of this Agreement, as set forth in Section 22, Wastewater ~~Service~~Treatment Capacity shall be provided by the CDD to Howey ~~for service in the~~to serve the Developments in the following manner and subject to the following terms and conditions:

3.1. Capacity Reservation by the Remaining 2007 Developments.

The CDD represents and warrants to Howey that, pursuant to the CDD Service Agreements, ~~the that remain in good standing, the Remaining 2007~~ Developments have reserved treatment capacity, and the CDD has set aside and encumbered capacity, ~~in the CDD’s~~ Wastewater System for the residential and nonresidential land development contemplated by the CDD Service Agreements to occur in the future at the Remaining 2007 Developments in the amounts set forth in Exhibit “~~BD~~” ~~attached hereto.~~ to this Agreement.

3.2 Certificate of Wastewater Treatment Availability. To ensure that required contributions in aid of construction have been paid and that the wastewater-treatment demand of land development to be permitted from time to time by Howey within the Developments does not exceed the treatment and disposal capacity of the CDD’s Wastewater Facilities, ~~the Town Council for~~ Howey shall require, as a condition to the issuance of a building permit for the construction of a ~~residence or commercial~~residential or nonresidential building within the Developments, that the issuance by landowner or other developer seeking such building permit secure from the CDD the issuance of a certificate assuring Howey that, as required by Section 163.3180 of Florida Statutes, wastewater service will be available concurrent with the new

development and that appropriate contributions in aid of construction have been paid. The foregoing does not apply if and when Howey elects to issue a permit or permits for construction within the Future Development either (i) with a septic or other on-site system for wastewater treatment or (ii) with wastewater treatment to be provided by a utility other than the CDD.

3.23.3. Capacity Needs of the Remaining 2007 Developments. On and after the effective date of this Agreement, the CDD shall continue to accept, treat, and dispose of ~~the~~ Wastewater Service Capacity from the Remaining 2007 Developments as required by the CDD Service Agreements ~~to serve the Developments.~~ Howey shall have no liability for any unpaid charges, if any, for the capital costs of capacity at the Treatment Facilities or any other capital costs, if any, associated with expanding the CDD’s Wastewater System to serve the Remaining 2007 Developments.

3.4. Purchase of Capacity for Future Development. After analysis of its wastewater-treatment system in 2023 the CDD notified Howey that it then had 413,000 GPD, or 1,652 ERU’s, of available, unreserved capacity (“Excess Capacity”) that may be assigned by Howey to Future Development as Howey may choose. Howey may assign this Excess Capacity to Future Development as solely selected by Howey. The parties expressly agree that the first assignments of the Excess Capacity shall include the following:

- Howey Market – one ERU, and
- four lots adjacent to (but not part of) Venezia South and currently served by the Howey Wastewater Utility – one ERU for each lot, a total of four ERU’s.

Drafting note: address Town Hall, Police Station, and Boondocks??

The remaining Excess Capacity may be assigned by Howey to such residential and nonresidential Future Development as Howey and its governing body decide. Notwithstanding subsection 3.2, Howey may not allow another utility to provide wastewater treatment to Future Development until either all Excess Capacity is assigned or the then-remaining amount of Excess Capacity is insufficient to serve the particular Future Development.

As it assigns the Excess Capacity Howey shall confirm each such assignment no later than 60 days prior to hook-up by tendering a capacity payment to the CDD in the amount of the then-prevailing rate per ERU.

[*Highlighted portions added by Councilor Miles*]

After assignment of all Excess Capacity, when Howey elects to purchase capacity in the CDD’s Wastewater System for Future Development, the purchase shall occur as follows:

a. *Request for Capacity.* On each occasion that Wastewater Treatment Capacity is to be requested, Howey shall submit a written Capacity Request Notice to the CDD specifying the capacity being requested and the proposed date of delivery of such capacity. Within 30 days

of receipt of the Capacity Request Notice the CDD shall notify Howey in writing whether such capacity is then available.

b. *Capacity available.* If the CDD notifies Howey that Wastewater Service Capacity in the amount specified in the Capacity Request Notice is currently available, Howey shall confirm its intention to purchase such capacity by tendering a capacity payment to the CDD at the then prevailing rate per ERU.

c. *Capacity not available.* If the CDD notifies Howey that Wastewater Service Capacity in the amount specified in the Capacity Request Notice is not currently available:

(i) Howey may amend its request (A) to specify a capacity amount that is in increments not less than 435,000 GPD, or a multiple thereof, without the express written consent of the CDD, (B) to specify a proposed capacity delivery date that is not less than 24 full calendar months after the date of delivery of such notice, and (C) to estimate the anticipated increase in the maximum wastewater flow rate in GPM.

(ii) Upon receipt of the amended Capacity Request Notice, the CDD shall have 120 days to verify in writing whether a plant expansion to accommodate the requested increase in treatment capacity, the proposed delivery date, and the maximum wastewater flow rate are technically and economically feasible, including determining whether any adjustment to the CDD's then-prevailing capacity rate per ERU is adequate to cover all design and construction costs of the proposed expansion. The written verification from the CDD to Howey shall advise whether the requested increase in treatment capacity is technically and economically feasible, and if feasible, shall further advise the estimated date by which the requested capacity should be available and the total capacity payment that will be due for the expansion.

(iii) If the CDD's verification advises that the requested increase in treatment capacity is technically and economically feasible, Howey shall have 60 days to confirm its request by tendering the capacity payment to the CDD. Upon receipt of the capacity payment in the amount specified in the CDD's verification to Howey, the CDD shall commence design and construction of an amount of Wastewater Service Capacity, in MGD, as also specified in such verification.

d. *Capacity payment.* The capacity payment shall be an amount equal to the amount of connection fees, impact fees, or contribution-in-aid-of construction (CIAC) fees that would be payable by a customer within the 180 Service Area to reserve the requested amount of treatment capacity in the CDD's Wastewater System at the time of the CDD's verification to Howey of existing capacity availability as provided in Section 3.4 or the cost of an increase in treatment capacity as provided in Section 3.4(b)(iii). Upon delivery of a capacity payment, and confirmation by the CDD that such payment is adequate to fund design and construction of the requested treatment capacity, Howey shall be deemed to own the right to the collection, transmission, treatment, and disposal of the purchased amount of capacity in the CDD's Wastewater System. The CDD may earmark, sell, assign, or convey a portion of the purchased capacity only at the direction of Howey or with Howey's consent, which may be granted or withheld at Howey's discretion.

e. Delivery of treatment capacity. The CDD shall deliver the Wastewater Service Capacity to Howey on a date as close as reasonably practicable to the date requested by Howey in the capacity request notice. Upon such capacity becoming available for use by Howey, including completing construction of any required expansion of the Treatment Facilities, the CDD shall provide written notice to Howey of such availability.

f. Limitation. Notwithstanding any other provision of this Agreement, the CDD may, but shall not be required, to expand the Treatment Facilities beyond a total wastewater treatment capacity of 2.61 MGD.

Note: Councilor Miles asks ... "Four expansions of capacity by 435GPD increments gets to 2.61MGD, not 2.71 ... or is there a different math on this?"

g. Reservation fees. [to be added ... reservation fees will be payable to the CDD for capacity reserved, but not used, by a particular Future Development customer]

3.33.5. Technical and Operation and Maintenance Requirements. The CDD shall determine ~~the~~each Point of Connection of the two systems to serve the Developments.

(a) The CDD will provide to Howey the required system pressures and elevations to connect, along with any other applicable technical requirements for ~~connection~~connections. Howey shall review the proposed Point of Connection based upon the CDD's technical requirements. Should service to a Development necessitate the CDD increasing the size of its wastewater main to connect to the Point of Connection, the CDD shall have no obligation to undertake and complete the upsizing unless and until the involved Development and/or Howey pays or otherwise makes arrangement, in a manner acceptable to the CDD, for payment of all costs of such increase in size.

(b) Both Howey and the CDD acknowledge that each party operates and maintains its own wastewater system on its respective side of the Point of Connection. At the Point of Connection, the CDD ~~will be responsible for providing the~~may provide appropriate metering and in such case, the maintenance and reading of the Point of Connection meters. ~~The~~If a meter is installed, the meter shall be calibrated as required by law and the results provided to Howey. In the event of meter failure, both Howey and the CDD will mutually develop a method to estimate flows until the meter is repaired.

3.43.6. Delivery Pressure; Peak Flows; Usage. Howey shall deliver Wastewater through Howey's Collection Facilities and to the Interconnect Facilities at a pressure not less than 26 PSI to enable receipt of Wastewater into the Treatment Facilities without repumping.

The CDD shall receive Wastewater flows from Howey at a flow rate not exceeding 1,500 GPM unless increased in conjunction with a purchase of additional wastewater treatment capacity as provided in Section 3.3. If at any time sanitary Wastewater flow from Howey exceeds 1,500 GPM or other maximum accepted by the CDD in conjunction with a purchase of additional wastewater treatment capacity, Howey shall, at its expense, plan, construct, operate, and maintain a surge tank as a part of the Howey Collection Facilities, in order to reduce Wastewater flows to a rate that is at or below 1,500 GPM or other accepted maximum.

3.53.7. Treated Wastewater. Wastewater received by the CDD from Howey through the Interconnect Facilities shall be deemed to be the property of the CDD.

Drafting note: the CDD has indicated reclaimed water will be available from the Excess Capacity hookups – agreement provisions to be added accordingly, including reclaimed-water rates to be charged.

SECTION 4. PURCHASE OF EXCESS WASTEWATER CAPACITY. In the event that Howey’s wastewater usage exceeds its subscribed capacity ~~by the three (3) Developments~~ for three (3) consecutive months, Howey shall either buy additional wastewater capacity from the CDD in the manner provided in Section 3.4 or shall pay the capital costs of providing the additional capacity needed, but only if the CDD provides Howey written notice that wastewater received by the CDD has exceeded Howey’s subscribed capacity for a one (1) month period and such notice is received by Howey within fifteen (15) days following the termination of that one (1) month period for which Howey’s usage exceeded its subscribed capacity.

SECTION 5. SERVICE STANDARDS. The parties mutually agree that after connection of Howey’s Collection Facilities to the Interconnect Facilities, the CDD agrees to comply with all state, regional, and federal requirements and rules applicable to the provision of Wastewater Service Capacity to the public. Notwithstanding the above, the CDD does not guaranty or warrant any special service, pressure, quality, capacity, availability, or other facility other than what is required to fulfill a duty of reasonable care to the customers to whom it provides such Wastewater Service Capacity. Upon connection of Howey’s Collection Facilities to the Interconnect Facilities, any customers that have connected or will connect into Howey’s Collection Facilities shall be Howey’s retail customers. Howey shall be the party responsible for discontinuing services to customers provided for hereunder if customers fail to pay bills for said services.

SECTION 6. CONSISTENCY OF WASTEWATER. Howey acknowledges and recognizes that in the operation and maintenance of the CDD’s Wastewater System, the CDD has certain obligations to protect the health, safety and welfare of the public and to prevent undue burden to the CDD’s customers resulting from extraordinary discharges attributable to Howey.

(a) Howey agrees that all Sewage collected by Howey and transmitted to the CDD shall conform to the CDD’s published standards prior to introduction into the CDD’s Treatment Facilities.

(b) No substance other than ~~domestic wastewater~~Residential Wastewater Strength, including but not limited to hazardous, flammable, toxic, and/or industrial constituents, regardless of the concentrations of such constituents, will be placed into the CDD’s Wastewater System and delivered to the Treatment Facilities. Non-domestic wastes from commercial establishments may be introduced into the CDD’s Wastewater System only upon prior written approval from the CDD based on the CDD’s determination that such non-domestic waste will not harm the Treatment Facilities. Should any non-domestic wastes, grease or oils, including but not limited to, floor wax, paint, chlorides, or salt water be delivered to the Treatment Facilities,

Howey will be responsible for payment of the cost and expense required in correcting or repairing any resulting damage to the Treatment Facilities or property of third parties. The CDD shall have the right to sample Howey's sewage to verify compliance with this Agreement.

(c) In the event the CDD determines that property served or to be served by Howey poses a threat of introducing chlorides, salt water, or similar constituents into the Treatment Facilities at levels determined by the CDD, in accordance with current industry standards, to be harmful to the Treatment Facilities, including but not limited to, the Treatment Facilities' ability to provide effluent meeting reuse standards, and its acceptability as an irrigation supply source for vegetation, the CDD has the right to decline or discontinue service, or charge a higher rate due to increased treatment costs if applicable, to such property or customer and to require such pretreatment or other measures as are necessary to protect the integrity of Treatment Facilities. In the event of such declination or discontinuance of service, Howey shall have the right to provide or obtain treatment of the effluent from such property through its own facilities or from a third party.

SECTION 7. WHOLESALE WASTEWATER USER CHARGES.

Drafting note: the CDD remains interested in negotiation of new wholesale rates.

The CDD agrees to provide transmission, treatment and disposal of Howey's wastewater ~~initially~~ for a monthly charge per ~~thousand gallons of metered flow.~~ ERU.

(a) The volume ~~shall~~may be measured by the CDD at the Point of Connection between the CDD and Howey. After the first of each month, the CDD shall submit an invoice to Howey for treatment services rendered to Howey during the previous month detailing the ~~daily volume through the Point of Connection.~~ number of ERUs. Payment of the invoice and the consequences of failure by Howey shall to pay the invoice ~~within twenty five (25) days of receipt~~ timely shall be governed by the Local Government Prompt Payment Act in Part VII of Chapter 218 of Florida Statutes.

(b) The initial rate payable by Howey shall be ~~2.00 per thousand gallons~~ \$ ~~per month per ERU for customers connected to Howey's Collection Facilities.~~ This rate shall remain in effect ~~for no less than four (4) years running from the date of the first building permit issuance for the construction of a residence or commercial building in any of three Developments,~~ until the fourth anniversary of effective date of this Agreement unless:

CDD elects to conduct, at its expense, a rate study for the entire CDD Wastewater System, both inside and outside the boundaries of Howey. The study shall arrive at a uniform retail rate for all retail customers of the CDD's Wastewater System, and may consider conversion to a metered rate per thousand gallons of wastewater flow. Upon completion of the rate study, that replacement rate shall be charged uniformly to all CDD retail wastewater customers, and the wholesale rate to be charged to Howey will be eighty-five percent (85%) of the retail rate determined by the study. That replacement rate (and the 85% wholesale rate to be paid by Howey) shall remain in effect for at least

the remainder of the four (4) years running from the date of the first building permit issued in the Developments.

~~At~~After the ~~end of the four (4) year period as referenced hereinabove,~~fourth anniversary of the effective date of this Agreement either Howey may require the CDD to conduct, or the CDD may elect to conduct, a new rate study to determine both retail and wholesale rates, and such study may consider conversion to a metered rate per thousand gallons of wastewater flow. Howey and the CDD each shall pay one-half (1/2) the cost of this second rate study. If neither party requests a rate study at the end of the four-year period, then any future rate studies shall be at the discretion of the CDD and at the expense of the CDD.

(c) One of the following firms will be selected to conduct these two rate studies, if they are conducted:

- (1) Burton & Associates (Mike Burton);
- (2) Brown & Caldwell (Mike Rocca); or
- (3) PRMG (Rob Ori) Need new name as Rob Ori has sold this business.;
[Councilor Miles]
or
- (4) such other firm that the parties may hereinafter agree to.

The retail rate determined by the study shall apply uniformly to all the CDD's retail wastewater customers, both inside and outside Howey's boundaries. The wholesale rate to be charged to Howey shall be the wholesale rate determined by the study conducted after the four-year period, and the retail rate charged by Howey to its retail wastewater customers shall be a rate determined by Howey's Town Council to be sufficient to pay the costs of Howey's retail wastewater operation.

(d) In all events, at such time as the wholesale rate charged to Howey exceeds ~~2.00~~ \$ per ERU or, in accordance with the findings of a rate study as provided above, converts to a metered rate per thousand gallons of wastewater flow, and thereafter throughout the term of this Agreement, the CDD shall charge a uniform rate to all its retail wastewater customers, both within the town limits of Howey and outside the town limits, without discrimination. If and when rate studies are conducted from time to time, as allowed by Section 8 and this Section, such studies shall assume, for purposes of calculating Howey's wholesale rate, that the costs incurred by the CDD for administration, billing and collection, capital improvements, and operation and maintenance of its treatment, collection and transmission system not related to providing service to Howey shall be excluded from the wholesale rate.

SECTION 8. CHANGE OF RATES. For each year after the expiration of the initial rate established as provided in Section 7, the CDD may increase its retail wastewater rates and the wholesale rate paid by Howey either

- (i) by a percentage not exceeding the price-increase-or-decrease index established during that year by the Florida Public Service Commission for wastewater utilities as required by Section 367.081(4)(a) of Florida Statutes, or

- (ii) as determined and calculated by a rate study performed by one of the firms listed in Section 7.

SECTION 9. ASSIGNMENT OF CDD RETAIL WASTEWATER AGREEMENTS. The CDD hereby ~~assigns~~confirms its assignment to Howey by the 2007 Wholesale Agreement of the right to be the retail wastewater service provider for the 2007 Developments and Howey ~~assumes~~confirms its assumption of such obligations for the 2007 Developments. The CDD retains the right under the CDD Service Agreements to provide wastewater ~~service to the~~treatment for the 2007 Developments, but only as a wholesale provider to Howey. Howey ~~agrees~~confirms that the 2007 Developments have purchased and made provision for payment in full of Wastewater ~~Service~~Treatment Capacity sufficient for the needs of such customers, and that no other or additional wastewater connection fee, impact fee, service availability fee, or other capital charges whatsoever (however characterized by Howey) shall be due from the 2007 Developments for or on account of the provision of wastewater ~~service~~treatment.

SECTION 10. RESERVATION AND MAINTENANCE FEES. In the event that the CDD adopts reservation and maintenance fees that apply to customers uniformly, both inside and outside the boundaries of Howey, the fees shall be payable by the Developments, and the CDD shall be entitled to receive from Howey all such fee revenues collected, without deduction of any type. Howey shall use reasonable efforts to collect such fees from its customers and shall pay the amounts collected to the CDD within ~~twenty-five (25)~~ days of receipt. Payment of the collected amounts by Howey that is delinquent in remittance to the CDD shall be Governed by the Local Government Prompt Payment Act in Part VII of Chapter 218 of Florida Statutes. Should any customer not pay reservation and maintenance fees, then the CDD shall notify Howey, at which time such capacity will be forfeited in accordance with the procedure adopted by the CDD.

SECTION 11. INDEPENDENT CONTRACTOR RELATIONSHIP; NO LIABILITY FOR HOWEY OR CDD DEBT.

11.1. Neither the CDD nor Howey is or shall be deemed to be an agent of the other, and neither shall have the authority or power to obligate or act for or on behalf of the other. Each is entering into this Agreement as an independent contractor.

11.2. The parties agree expressly that (i) the CDD has no obligation whatsoever to creditors of Howey or other third-parties for any existing or future debts or other obligations of Howey of any type or nature, and (ii) Howey has no obligation whatsoever to creditors of the CDD or other third-parties for any existing or future debts or other obligations of the CDD of any type or nature.

SECTION 12. DISCLAIMER OF THIRD PARTY BENEFICIARIES. This Agreement is solely for the benefit of the formal parties ~~herein, and no~~hereto. No right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. To that end, this Agreement is expressly declared to have no third-party beneficiary.

SECTION 13. ASSIGNMENT— AND RIGHT OF FIRST REFUSAL.

13.1 Assignment. This Agreement shall be binding on the parties hereto and their representatives, successors, and assigns. Neither party shall assign this Agreement or the rights and obligations to any other party without the prior written consent of the other party hereto, which may not be unreasonably withheld.

13.2 Right of First Refusal. [to be added ... the Town is willing to enter into this Amended/Restated Agreement in reliance on a ROFR to purchase the treatment facilities, if and when the owner/lessor of the treatment plant, Sewer and Water Investments, Inc., ever decides to sell the plant.]

[Councilor Miles]

SECTION 14. INDEMNIFICATION.

14.1. Neither party hereto waives its sovereign immunity, except that, consistent with applicable Florida law, including, but not limited to Chapter 768, Florida Statutes, each party shall hold the other harmless for the negligent acts of itself and its officers, agents, and employees, but only to the extent permitted by law.

14.2. If service provided hereunder is discontinued to a customer due to failure of the customer to pay for services provided, the party responsible for discontinuing service shall hold the other party harmless as to any and all claims or suits regarding such action.

SECTION 15. DEFAULT.

15.1. Either party to this Agreement, in the event of or act of default by the other, shall have all remedies available to it under the laws of the ~~state~~State of Florida, including but not limited to injunction to prevent default ~~or~~and specific performance to enforce this Agreement. ~~Each party agrees to pay all reasonable costs and attorneys fees to the other party not in default provided such costs and attorneys fees are payable under this section only to the prevailing party in such suit.~~ The rights of the parties shall be considered cumulative and shall not be waived now or in the future by the exercise of any rights and remedies provided under the terms of this Agreement and authorized by law.

15.2. In the event of a default by Howey, the CDD agrees that it will not discontinue service to Howey except in the case of an emergency resulting from a substantial and material default under Section 6 of this Agreement, provided all payments for service required hereunder are made by Howey and until such time as a court of competent jurisdiction has rendered an adjudication of default. In the event Howey disputes amounts payable for service pursuant to this Agreement, Howey shall continue to make such payments under protest. Upon resolution of the protest, CDD shall refund any amounts determined to be overpaid, plus interest at the ~~prime~~ rate ~~as published daily in the Wall Street Journal plus two percent (2%)~~established by the Local Government Prompt Payment Act, Part VII of Chapter 218 of Florida Statutes.

15.3. In the event of default by the CDD, Howey ~~shall be~~ is entitled both to ~~any and~~ all remedies available to customers of the CDD’s water and sewer system, as well as all remedies otherwise provided under this Agreement.

15.4. Each of the parties hereto ~~shall~~ must give the other party written notice of any defaults hereunder and shall allow the defaulting party ~~thirty (30)~~ days from the date of receipt to cure such defaults ~~(or if and shall otherwise comply with state law related to resolving disputes between local governments. If~~ the default cannot be cured within ~~thirty (30)~~ days, the defaulting party shall commence the cure within such period and shall complete such cure within a reasonable period thereafter), ~~and shall otherwise comply with any state law related to resolving disputes between local governments.~~

SECTION 16. NOTICES. Any notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered when either (1) hand-delivered to the official hereinafter designated, or (2) upon receipt of such notice when deposited in the U.S. mail, postage prepaid, certified mail, return-receipt requested, addressed to a party at the address set forth opposite the party’s name below, or at such other address as the party’s name below, or at such other address as the party shall have specified by written notice to the other party delivered in accordance herewith:

CDD: Mr. Bud Beucher
Central Lake Community Development District
~~201219~~ East ~~Pine~~Livingston Street, ~~Suite 950~~
Orlando, Florida 32801

with a copy to: George S. Flint
District Manager
Central Lake Community Development District
~~201219~~ East ~~Pine~~Livingston Street, ~~Suite 950~~
Orlando, Florida 32801

and: Daniel B. Harrell
Gonano & Harrell
1600 S. Federal Highway, Suite 200
Fort Pierce, Florida 34950

HOWEY: ~~The Honorable Kenneth Green~~Sean O’Keefe
~~Mayor, Howey-in-the-Hills~~Town Manager
(101 North Palm Ave. 34737)
P. O. Box 128
Howey-in-the-Hills, Florida 34737

with a copy to: Thomas J. Wilkes
GrayRobinson, P.A.
(301 E. Pine Street, Suite 1400 32801)

P. O. Box 3068
Orlando, Florida 32802

SECTION 17. SEVERABILITY. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

SECTION 18. RECORDATION. The parties hereto agree that an executed copy of this Agreement and Exhibits attached hereto shall be recorded in the Public Records of Lake County at the expense of the parties, said expense to be shared equally.

SECTION 19. TIME OF THE ESSENCE. Time is hereby declared to be of the essence to the lawful performance of the duties and obligations contained in this Agreement.

SECTION 20. APPLICABLE LAW. This Agreement ~~and the Provisions contained herein~~ shall be construed, controlled, and interpreted according to the laws of the ~~state~~State of Florida.

SECTION 21. FORCE MAJEURE. In the event that the performance of this Agreement by either party is prevented or interrupted in consequence of any cause beyond the control of either party, including but not limited to an Act of God or of the public enemy, war, state or national emergency, allocation or of other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, pandemic, or other casualty or disaster or catastrophe, governmental rules or acts or orders or restrictions or regulations or requirements, acts or action of any government or public or governmental authority or commission or board or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order or decree or judgment or restraining order or injunction of any court, such party shall not be liable for such non-performance.

SECTION 22. EFFECTIVE DATE, TERM, AND TERMINATION. This Agreement shall be effective as of the date last executed by the parties ("Effective Date"). This Agreement shall continue in full force and effect ~~until midnight on the December 31st next following the 35th anniversary of the issuance of the first building permit for the construction of a residence or commercial building in the Developments (such date the "Initial Termination Date"). Upon issuance of the first building permit in the Developments, the parties shall execute an Addendum to this Agreement acknowledging commencement of the thirty five (35) year period term and confirming the Initial Termination Date. This Agreement shall automatically be extended for one twenty (20) year period, until midnight on December 31 twenty (20) years following the Initial Termination Date, unless one party provides the other party written notice of its intent to cancel this Agreement at the expiration of the initial term, and such notice is delivered no later than December 31, 2040. Both parties shall be fully discharged from any~~

~~service obligations arising from any cancellation~~ in perpetuity unless and until a party exercises its right to terminate this Agreement as follows:

- 22.1 Neither party may terminate this Agreement effective as of a date prior to January 1, 2055.
- 22.2 Howey may terminate this Agreement as of the date stated in a written notice of the termination delivered by Howey to the CDD no less than 60 full calendar months before the stated date of termination.
- 22.3 The CDD may terminate this Agreement as of the date stated in a written notice of the termination delivered by the CDD to Howey no less than 120 full calendar months before the stated date of termination.

As of the date of such termination, both parties shall be fully discharged from obligations under this Agreement except for amounts payable and remaining unpaid as of the date of termination.

Drafting note: CDD suggests the term consist of XX years “following the last customer” hooked up to the system.

SECTION 23. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENT.

The 2007 Wastewater Agreement and the 2012 Wastewater Agreement are terminated. This instrument constitutes the ~~entire Agreement~~ amended and restated agreement between the parties in its entirety and supersedes all previous discussions, understandings, and agreements between the parties relating to the subject matter of this Agreement except the School Board Agreement, which remains in effect. Amendments to and waivers of the provisions herein may be made only by the parties in writing, by formal waiver or amendment approved by majority vote of both Howey’s Town Council and the CDD’s Board of Supervisors.

SECTION 24. EXERCISE OF POLICE POWER. ~~Without limiting Howey’s~~

~~obligations under this~~ This Agreement, ~~nevertheless, nothing contained in this Agreement shall~~ must not be construed to require Howey to exercise ~~the~~ its police power, ~~and nothing.~~ Nothing herein ~~shall act~~ acts as a waiver of Howey’s authority to require a permit, license, certificate, ~~approval~~ rezoning, exception, ~~or variance applicable to similar projects and uniformly imposed by Howey~~ variance, or other approval under Howey’s Town Charter, Code of Ordinances, and Land Development Code.

SECTION 25. DISPUTE RESOLUTION. ~~By Resolution No. 2006-03, dated July 7, 2006 (“Conflict Resolution”), the Board of Supervisors of the CDD initiated the conflict resolution procedures set forth in the Florida Government Conflict Resolution Act, Chapter 164, Florida Statutes, with respect to Howey’s adoption of its Ordinance 2006-005. The parties agree that the dispute that occasioned the CDD’s adoption of the Conflict Resolution has been resolved by this Agreement, that no further conflict exists between the parties, and that this Agreement constitutes a full and complete resolution of such conflict in accordance with Section 164.1057, Florida Statutes.~~ RESERVED.

[Drafting note: the CDD wants to explore an agreement with the Town whereby, for potable-water service for a 260-acre future development south of Mission Inn and north of No. 2 Road, west of the citrus plant, the Town would be the “wholesale” water utility and the CDD would be the “retail” water utility – the opposite of this wastewater arrangement.]

SECTION 26. MARINA PROPERTY CONNECTION. Notwithstanding any other provision of this Agreement, the Owner of the Marina Property, the legal description and map depicting the area of which are attached as Exhibit “E” to this Agreement, shall have the right, at the sole cost and expense of the owner of the Marina Property and without becoming a customer of Howey, to connect to Howey’s nearest lift station without payment of any costs or fees to Howey, and Howey shall allow the wastewater from the Marina Property to flow through the Howey Collection Facilities free of charge to the Point of Connection. The cost and expense, if any, to (i) upsize Howey’s lines or pipes, (ii) repair, replace, or add any lines or pipes, or (iii) repair, replace, or add any other component of Howey’s Collection Facilities so that Howey can accommodate the wastewater from the Marina Property, shall be paid by the owner of the Marina Property. Should the owner of the Marina Property exercise this option, then Howey and the owner of the Marina Property will have their respective engineers work together to memorialize in a separate writing the details of the connection to Howey’s lift station.

SECTION 27. PUBLIC RECORDS. The CDD and Howey both shall comply fully with all applicable requirements of Chapter 119 of Florida Statutes regarding public records.

SECTION 28. NO EXCLUSIVITY. The Town may provide wastewater treatment and disposal services, or may contract with others to provide wastewater treatment and disposal services, to Future Development. The CDD has no right of exclusivity in providing such services except as expressly set forth in this Agreement.

SECTION 29. ANNEXATION OF PARCELS SERVED. As part of an agreement to provide water or wastewater service to a developer or property owner that desires to connect to Howey’s water and/or wastewater-collection system, Howey may require an agreement with a condition that the property owner consents to annexation of the property into the Town of Howey-in-the-Hills at such time it is legally able.

IN WITNESS WHEREOF, the Parties hereto have hereunder executed this Agreement on the date and year first above written.

**CENTRAL LAKE COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

By: Board of Supervisors

By: _____

By: _____
Mr. Bud Beucher, Chairman

Approved as to form and correctness:

Print Name: _____

ATTEST WITH SEAL

TOWN OF HOWEY-IN-THE-HILLS

By: Town Council

By: _____
Town Clerk ~~Brenda Brasher~~John Brock
~~Green~~Martha Macfarlane

By: _____
Mayor ~~Kenneth~~

~~correctness:~~legality

Approved as to form and

(for the use and reliance of the Town only)

Town Attorney

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization this ___ day of ~~July, 2007~~ _____, 2021, by BUD BEUCHER as
Chairman of CENTRAL LAKE COMMUNITY DEVELOPMENT DISTRICT, Board of
Supervisors. He is personally known to me or has produced _____ as
identification.

NOTARY PUBLIC—__STATE OF FLORIDA
~~Printed Name:~~ _____
Printed Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization this ___ day of ~~July, 2007~~ _____, 2021, by MAYOR
~~KENNETH GREEN, MARTHA MACFARLANE~~ as Mayor of TOWN OF HOWEY-IN-THE-
HILLS, Town Council. ~~He~~She is personally known to me or has produced
_____ as identification.

NOTARY PUBLIC—__STATE OF FLORIDA
~~Printed Name:~~ _____
Printed Name: _____
My Commission Expires: _____

EXHIBIT A

[~~CDD~~Map of Howey 180 Utility Service Agreements Area]

EXHIBIT B

[Legal descriptions of the Remaining 2007 Developments]

EXHIBIT C

[Legal Description of the 2012 Development]

[Link-to-previous setting changed from off in original to on in modified.].

Howey draft
6-20-24

EXHIBIT D

[Remaining 2007 Developments and Reserved Capacity]

Developer	Residential Units	GPD/Unit	Commercial Sq.-Ft.	Gal./Sq.-Ft.	TOTAL
Eagles Landing & Howey in the Hills, Ltd.	750	250	300,000	0.5	337,500
7L Howey in the Hills	378	250	85,000	0.5	137,000
Mission Rise	400	250	0	0.5	100,000
TOTAL					574,500

[Link-to-previous setting changed from off in original to on in modified.]

Item 8.

Howey draft
6-20-24

EXHIBIT E

[Legal description and map of Marina Property]

~~v402864~~ - ~~1~~ ~~#726120~~ - ~~v10~~ ~~45374066~~ v9

Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 6/21/2024 4:28:10 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://cloudimanage.com/ACTIVE/7029734/10	
Modified DMS: iw://cloudimanage.com/ACTIVE/45374066/9	
Changes:	
<u>Add</u>	271
Delete	161
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	1
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	433

**Town of Howey-in-the-Hills
and
Central Lake Community Development District**

**AMENDED AND RESTATED
WHOLESALE WASTEWATER TREATMENT AGREEMENT**

THIS AMENDED AND RESTATED WHOLESALE WASTEWATER TREATMENT AGREEMENT (“Agreement”) is made and entered into as of _____, 2024, by and between the **Town of Howey-in-the-Hills**, a Florida municipal corporation (“Howey”), and the **Central Lake Community Development District**, a Florida special district created pursuant to Chapter 190 of the Florida Statutes, (“CDD”), and amends and restates in their entirety:

- i. that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated August 7, 2007 (“2007 Wholesale Agreement”) and
- ii. that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated February 27, 2012 (“2012 Wholesale Agreement” and, together with the 2007 Wholesale Agreement, the “Prior Wholesale Agreements”).

RECITALS

WHEREAS, the CDD leases and operates a wastewater treatment system located in Lake County, Florida (“CDD’s Wastewater System”) and pursuant to the 2007 Wholesale Agreement sold Wastewater Treatment Capacity (defined below) to Howey on a wholesale basis for the three developments described therein and known as Mission Rise, The Reserve, and Venezia North and South (collectively, the “2007 Developments”).

WHEREAS, by Agreements and Commitments for Utility Service (“CDD Service Agreements”), the 2007 Developments reserved capacity, and the CDD set aside and encumbered capacity, in the CDD’s Wastewater System for the treatment and disposal of wastewater to be generated by the land development contemplated to occur within the 2007 Developments.

WHEREAS, subsequent to entry into the 2007 Wholesale Agreement, one of the 2007 Developments, Mission Rise, defaulted in its obligations under its respective CDD Service Agreement and forfeited its reserved capacity to the CDD; the CDD Service Agreements with The Reserve (n/k/a Hillside Groves) and with Venezia North (n/k/a Talichet) and Venezia South (“Remaining 2007 Developments”) remain in good standing.

WHEREAS, pursuant to the 2012 Wholesale Agreement, the CDD sold Wastewater Treatment Capacity to Howey on a wholesale basis for the development described therein and known as the Bouis Property (n/k/a Lake Hills PUD (“2012 Development”)).

WHEREAS, the 2012 Development has not previously reserved capacity, and the CDD has not previously set aside and encumbered capacity, in the CDD’s Wastewater System for the development contemplated to occur within the 2012 Development, nor was any specific capacity reserved in the 2012 Wholesale Agreement.

WHEREAS, in addition to the Prior Wholesale Agreements, Howey, the CDD, and The School Board of Lake County entered into an Interlocal Agreement for Wastewater Service for the ESE Center dated February 25, 2008 (“School Board Agreement”).

WHEREAS, Howey enacted Ordinance 2003-307 on August 11, 2003, under which Howey created a water and wastewater service area as authorized by Chapter 180, Florida Statutes (“180 Service Area”).

WHEREAS, Howey’s 180 Service Area includes the entire town as well as unincorporated areas of Lake County in the general vicinity of Howey as depicted in the Utility Service Area Map attached as Exhibit “A” to this Agreement.

WHEREAS, the 2007 Wholesale Agreement, the 2012 Wholesale Agreement, and the School Board Agreement take different approaches to the provision of wholesale wastewater service with regard to issues such as billing and capacity, and there is no agreement that addresses development within the remainder of Howey’s 180 Service Area.

WHEREAS, the parties desire to amend and restate in their entirety the Prior Wholesale Agreements so that the provisions of this Agreement will apply to all areas subject to the Prior Wholesale Agreements, together with all areas within the remainder of Howey’s 180 Service Area, but will not apply to the area subject to the School Board Agreement.

WHEREAS, the CDD has determined its treatment facilities have 413,000 GPD in unused, unreserved, and available capacity it is willing to provide to Howey for use as provided in this Agreement, in addition to that capacity which was previously agreed upon.

NOW THEREFORE, in consideration of the Recitals, covenants, agreement and promises herein contained, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

SECTION 1. RECITALS. The above Recitals are true and correct, and form a material part of this Agreement upon which the parties have relied.

SECTION 2. DEFINITIONS. The Parties agree that in construing this Agreement, the following words, phrases, and terms shall have the following meanings unless the context indicates otherwise:

2.1. “Agreement” means this Amended and Restated Wholesale Wastewater Treatment Agreement as it may from time to time be modified.

2.2. “Capacity Request Notice” means the written request and notification for additional Wastewater Treatment Capacity provided by Howey to the CDD in the manner set forth in Section 3.4 of this Agreement.

2.3. “CDD Service Agreements” means those certain Agreements and Commitments for Utility Service originally entered between the CDD, as wastewater service provider and backup potable water service provider, and the owners of the lands subject to the 2007 Wholesale Agreement.

Note: Councilor Miles asks ... Is this in the “Agreements and Commitments” between the CDD and individual developers? Where does this come from?

2.4. “County” means Lake County, a political subdivision of the State of Florida.

2.5. “County Interlocal Agreement” means that certain Interlocal Agreement between the County and the CDD dated May 10, 2001, as amended by that certain First Amendment date November 16, 2006, that certain Second Amendment dated June 26, 2007, and that certain Third Amendment dated September 2, 2015, and authorizing the CDD to provide water and wastewater utility services in certain portions of the County.

2.6. “Developments” means the Remaining 2007 Developments and the Future Development, including the 2012 Development, but does not include the area subject to the School Board Agreement.

2.7. “ERU” means Equivalent Residential Unit and represents 250 GPD of wastewater flow.

2.8. Reserved.

2.9. “Future Development” means future customers of Howey’s Collection Facilities located in areas within Howey’s 180 Service Area other than (i) the Remaining 2007 Developments, (ii) the 2012 Development, (ii) the property subject to the School Board Agreement, and (iii) the CDD’s boundaries as of the effective date.

2.10. “Howey’s Collection Facilities” means the lines, pipes, meters, and appurtenant equipment owned and operated by Howey to collect Wastewater within the Developments and the area subject to the School Board Agreement and to transmit the same to the Point of Connection with the CDD’s Interconnect Facilities.

2.11. “Interconnect Facilities” means the wastewater meters and other facilities owned and operated by the CDD at the points of connection between Howey’s Collection Facilities and the Treatment Facilities.

2.12. “GPD” means gallons per day, on an average annual basis.

2.13. “GPM” means gallons per minute actual flow rate.

2.14. “MGD” means million gallons per day on an annual average basis.

2.15. “Point of Connection” means the location where Howey’s Collection Facilities connect to the CDD’s Interconnect Facilities. At that point, appropriate metering may be installed by the CDD to measure the flow of wastewater from Howey’s Collection Facilities.

2.16. “Prior Wholesale Agreements” means the 2007 Wholesale Agreement and the 2012 Wholesale Agreement.

2.17. “PSI” means pounds per square inch of fluid pressure.

2.18. “Remaining 2007 Developments” means the 2007 Developments known as The Reserve (n/k/a Hillside Grove) and Venezia North (n/k/a Talichet) and Venezia South, for which the CDD Service Agreements remain in good standing, and the legal descriptions of which are set forth on the attached Exhibit “B.”

2.19. “Residential Wastewater Strength” means residential and commercial wastewater discharges exhibiting the following characteristics: biochemical oxygen demand of 200 mg/1 or less, suspended solids of 200 mg/1 or less, and pH between 6.0 and 9.0, or such other restrictions as established for residential wastewater strength by the Florida Department of Environmental Regulation or its successor. Prohibited discharges include, but are not limited to, constituents that could cause a fire or explosion, solid or viscous substances that could obstruct flow or interfere with the system, and discharges containing toxic pollutants.

Note: Councilor Miles says ... “The Town needs to understand the basis for these changes from the original agreement.”

2.20. “CDD’s Wastewater System” means the CDD’s wastewater collection, transmission and treatment facilities (including the Treatment Facilities) in which Wastewater is treated and disposed of, and which are operated and maintained by the CDD.

[Drafting note: this definition is out of alphabetical order]

2.21. “School Board Agreement” means that certain Interlocal Agreement for Wastewater Service for the ESE Center among Howey, the CDD, and the School Board of Lake County dated February 25, 2008.

2.22. “Treatment Facilities” means those treatment and disposal facilities and rights used by the CDD to treat wastewater and detain, transmit, and dispose of said treated wastewater in accordance with applicable governmental and regulatory requirements.

2.23. “Wastewater” means water-carried wastes from residences, business-buildings, institutions, industrial establishments, and other customers, but does not mean or include hazardous or toxic wastes.

2.24. “Wastewater Treatment Capacity” means the volume of wastewater flow measured in GPD, the capacity for treatment of which Howey wishes to buy from the CDD and which the CDD agrees to accept on a continuous basis into the CDD’s Wastewater System in accordance with the terms of this Agreement.

2.25. “180 Service Area” means the water and wastewater service area created by Howey when it enacted Ordinance 2003-307 on August 11, 2003, as authorized by Chapter 180, Florida Statutes, and which is depicted on the attached Exhibit “A.”

2.26. “2007 Developments” means the residential and commercial land use projects known as Mission Rise, The Reserve (n/k/a Hillside Groves), and Venezia North (n/k/a Talichet) and Venezia South, and originally subject to the 2007 Wholesale Agreement.

2.27. “2007 Wholesale Agreement” means that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated August 7, 2007.

2.28. “2012 Development” means the Future Development known as the Bouis Property (n/k/a Lake Hills), the legal description of which is set forth on the attached Exhibit “C.”

2.29. “2012 Wholesale Agreement” means that certain Wholesale Wastewater Service Agreement between Howey and the CDD dated February 27, 2012.

SECTION 3. PROVISION AND ALLOCATION OF WASTEWATER TREATMENT CAPACITY. On and after the effective date of this Agreement, as set forth in Section 22, Wastewater Treatment Capacity shall be provided by the CDD to Howey to serve the Developments in the following manner and subject to the following terms and conditions:

3.1. Capacity Reservation by the Remaining 2007 Developments. The CDD represents and warrants to Howey that, pursuant to the CDD Service Agreements that remain in good standing, the Remaining 2007 Developments have reserved treatment capacity, and the CDD has set aside and encumbered capacity in the CDD's Wastewater System for the residential and nonresidential land development contemplated by the CDD Service Agreements to occur in the future at the Remaining 2007 Developments in the amounts set forth in Exhibit “D” to this Agreement.

3.2 Certificate of Wastewater Treatment Availability. To ensure that required contributions in aid of construction have been paid and that the wastewater-treatment demand of land development to be permitted from time to time by Howey within the Developments does not exceed the treatment and disposal capacity of the CDD’s Wastewater Facilities, Howey shall require, as a condition to the issuance of a building permit for the construction of a residential or nonresidential building within the Developments, that the landowner or other developer seeking

such building permit secure from the CDD the issuance of a certificate assuring Howey that, as required by Section 163.3180 of Florida Statutes, wastewater service will be available concurrent with the new development and that appropriate contributions in aid of construction have been paid. The foregoing does not apply if and when Howey elects to issue a permit or permits for construction within the Future Development either (i) with a septic or other on-site system for wastewater treatment or (ii) with wastewater treatment to be provided by a utility other than the CDD.

3.3. Capacity Needs of the Remaining 2007 Developments. On and after the effective date of this Agreement, the CDD shall continue to accept, treat, and dispose of Wastewater from the Remaining 2007 Developments as required by the CDD Service Agreements. Howey shall have no liability for unpaid charges, if any, for the capital costs of capacity at the Treatment Facilities or other capital costs, if any, associated with expanding the CDD’s Wastewater System to serve the Remaining 2007 Developments.

3.4. Purchase of Capacity for Future Development. After analysis of its wastewater-treatment system in 2023 the CDD notified Howey that it then had 413,000 GPD, or 1,652 ERU’s, of available, unreserved capacity (“Excess Capacity”) that may be assigned by Howey to Future Development as Howey may choose. Howey may assign this Excess Capacity to Future Development as solely selected by Howey. The parties expressly agree that the first assignments of the Excess Capacity shall include the following:

- Howey Market – one ERU, and
- four lots adjacent to (but not part of) Venezia South and currently served by the Howey Wastewater Utility – one ERU for each lot, a total of four ERU’s.

Drafting note: address Town Hall, Police Station, and Boondocks??

The remaining Excess Capacity may be assigned by Howey to such residential and nonresidential Future Development as Howey and its governing body decide. Notwithstanding subsection 3.2, Howey may not allow another utility to provide wastewater treatment to Future Development until either all Excess Capacity is assigned or the then-remaining amount of Excess Capacity is insufficient to serve the particular Future Development.

As it assigns the Excess Capacity Howey shall confirm each such assignment no later than 60 days prior to hook-up by tendering a capacity payment to the CDD in the amount of the then-prevailing rate per ERU.

After assignment of all Excess Capacity, when Howey elects to purchase capacity in the CDD’s Wastewater System for Future Development, the purchase shall occur as follows:

a. *Request for Capacity.* On each occasion that Wastewater Treatment Capacity is to be requested, Howey shall submit a written Capacity Request Notice to the CDD specifying the capacity being requested and the proposed date of delivery of such capacity. Within 30 days of receipt of the Capacity Request Notice the CDD shall notify Howey in writing whether such capacity is then available.

b. *Capacity available.* If the CDD notifies Howey that Wastewater Service Capacity in the amount specified in the Capacity Request Notice is currently available, Howey shall confirm its intention to purchase such capacity by tendering a capacity payment to the CDD at the then prevailing rate per ERU.

c. *Capacity not available.* If the CDD notifies Howey that Wastewater Service Capacity in the amount specified in the Capacity Request Notice is not currently available:

(i) Howey may amend its request (A) to specify a capacity amount that is in increments not less than 435,000 GPD, or a multiple thereof, without the express written consent of the CDD, (B) to specify a proposed capacity delivery date that is not less than 24 full calendar months after the date of delivery of such notice, and (C) to estimate the anticipated increase in the maximum wastewater flow rate in GPM.

(ii) Upon receipt of the amended Capacity Request Notice, the CDD shall have 120 days to verify in writing whether a plant expansion to accommodate the requested increase in treatment capacity, the proposed delivery date, and the maximum wastewater flow rate are technically and economically feasible, including determining whether any adjustment to the CDD's then-prevailing capacity rate per ERU is adequate to cover all design and construction costs of the proposed expansion. The written verification from the CDD to Howey shall advise whether the requested increase in treatment capacity is technically and economically feasible, and if feasible, shall further advise the estimated date by which the requested capacity should be available and the total capacity payment that will be due for the expansion.

(iii) If the CDD's verification advises that the requested increase in treatment capacity is technically and economically feasible, Howey shall have 60 days to confirm its request by tendering the capacity payment to the CDD. Upon receipt of the capacity payment in the amount specified in the CDD's verification to Howey, the CDD shall commence design and construction of an amount of Wastewater Service Capacity, in MGD, as also specified in such verification.

d. *Capacity payment.* The capacity payment shall be an amount equal to the amount of connection fees, impact fees, or contribution-in-aid-of construction (CIAC) fees that would be payable by a customer within the 180 Service Area to reserve the requested amount of treatment capacity in the CDD's Wastewater System at the time of the CDD's verification to Howey of existing capacity availability as provided in Section 3.4 or the cost of an increase in treatment capacity as provided in Section 3.4(b)(iii). Upon delivery of a capacity payment, and confirmation by the CDD that such payment is adequate to fund design and construction of the requested treatment capacity, Howey shall be deemed to own the right to the collection, transmission, treatment, and disposal of the purchased amount of capacity in the CDD's Wastewater System. The CDD may earmark, sell, assign, or convey a portion of the purchased capacity only at the direction of Howey or with Howey's consent, which may be granted or withheld at Howey's discretion.

e. *Delivery of treatment capacity.* The CDD shall deliver the Wastewater Service Capacity to Howey on a date as close as reasonably practicable to the date requested by

Howey in the capacity request notice. Upon such capacity becoming available for use by Howey, including completing construction of any required expansion of the Treatment Facilities, the CDD shall provide written notice to Howey of such availability.

f. *Limitation.* Notwithstanding any other provision of this Agreement, the CDD may, but shall not be required, to expand the Treatment Facilities beyond a total wastewater treatment capacity of **2.61 MGD**.

Note: Councilor Miles asks ... “Four expansions of capacity by 435GPD increments gets to 2.61MGD, not 2.71 ... or is there a different math on this?”

g. *Reservation fees.* [*to be added ... reservation fees will be payable to the CDD for capacity reserved, but not used, by a particular Future Development customer*]

3.5. Technical and Operation and Maintenance Requirements. The CDD shall determine each Point of Connection of the two systems to serve the Developments.

(a) The CDD will provide to Howey the required system pressures and elevations to connect, along with any other applicable technical requirements for connections. Howey shall review the proposed Point of Connection based upon the CDD’s technical requirements. Should service to a Development necessitate the CDD increasing the size of its wastewater main to connect to the Point of Connection, the CDD shall have no obligation to undertake and complete the upsizing unless and until the involved Development and/or Howey pays or otherwise makes arrangement, in a manner acceptable to the CDD, for payment of all costs of such increase in size.

(b) Both Howey and the CDD acknowledge that each party operates and maintains its own wastewater system on its respective side of the Point of Connection. At the Point of Connection, the CDD may provide appropriate metering and in such case, the maintenance and reading of the Point of Connection meters. If a meter is installed, the meter shall be calibrated as required by law and the results provided to Howey. In the event of meter failure, both Howey and the CDD will mutually develop a method to estimate flows until the meter is repaired.

3.6. Delivery Pressure; Peak Flows; Usage. Howey shall deliver Wastewater through Howey’s Collection Facilities and to the Interconnect Facilities at a pressure not less than 26 PSI to enable receipt of Wastewater into the Treatment Facilities without repumping. The CDD shall receive Wastewater flows from Howey at a flow rate not exceeding 1,500 GPM unless increased in conjunction with a purchase of additional wastewater treatment capacity as provided in Section 3.3. If at any time sanitary Wastewater flow from Howey exceeds 1,500 GPM or other maximum accepted by the CDD in conjunction with a purchase of additional wastewater treatment capacity, Howey shall, at its expense, plan, construct, operate, and maintain a surge tank as a part of the Howey Collection Facilities, in order to reduce Wastewater flows to a rate that is at or below 1,500 GPM or other accepted maximum.

3.7. Treated Wastewater. Wastewater received by the CDD from Howey through the Interconnect Facilities shall be deemed to be the property of the CDD.

Drafting note: the CDD has indicated reclaimed water will be available from the Excess Capacity hookups – agreement provisions to be added accordingly, including reclaimed-water rates to be charged.

SECTION 4. PURCHASE OF EXCESS WASTEWATER CAPACITY. In the event that Howey’s wastewater usage exceeds its subscribed capacity for three (3) consecutive months, Howey shall either buy additional wastewater capacity from the CDD in the manner provided in Section 3.4 or shall pay the capital costs of providing the additional capacity needed, but only if the CDD provides Howey written notice that wastewater received by the CDD has exceeded Howey’s subscribed capacity for a one (1) month period and such notice is received by Howey within fifteen (15) days following the termination of that one (1) month period for which Howey’s usage exceeded its subscribed capacity.

SECTION 5. SERVICE STANDARDS. The parties mutually agree that after connection of Howey’s Collection Facilities to the Interconnect Facilities, the CDD agrees to comply with all state, regional, and federal requirements and rules applicable to the provision of Wastewater Service Capacity to the public. Notwithstanding the above, the CDD does not guaranty or warrant any special service, pressure, quality, capacity, availability, or other facility other than what is required to fulfill a duty of reasonable care to the customers to whom it provides such Wastewater Service Capacity. Upon connection of Howey’s Collection Facilities to the Interconnect Facilities, any customers that have connected or will connect into Howey’s Collection Facilities shall be Howey’s retail customers. Howey shall be the party responsible for discontinuing services to customers provided for hereunder if customers fail to pay bills for said services.

SECTION 6. CONSISTENCY OF WASTEWATER. Howey acknowledges and recognizes that in the operation and maintenance of the CDD’s Wastewater System, the CDD has certain obligations to protect the health, safety and welfare of the public and to prevent undue burden to the CDD’s customers resulting from extraordinary discharges attributable to Howey.

(a) Howey agrees that all Sewage collected by Howey and transmitted to the CDD shall conform to the CDD’s published standards prior to introduction into the CDD’s Treatment Facilities.

(b) No substance other than Residential Wastewater Strength, including but not limited to hazardous, flammable, toxic, and/or industrial constituents, regardless of the concentrations of such constituents, will be placed into the CDD’s Wastewater System and delivered to the Treatment Facilities. Non-domestic wastes from commercial establishments may be introduced into the CDD’s Wastewater System only upon prior written approval from the CDD based on the CDD’s determination that such non-domestic waste will not harm the Treatment Facilities. Should any non-domestic wastes, grease or oils, including but not limited to, floor wax, paint, chlorides, or salt water be delivered to the Treatment Facilities, Howey will be responsible for payment of the cost and expense required in correcting or repairing any resulting damage to the Treatment Facilities or property of third parties. The CDD shall have the right to sample Howey’s sewage to verify compliance with this Agreement.

(c) In the event the CDD determines that property served or to be served by Howey poses a threat of introducing chlorides, salt water, or similar constituents into the Treatment Facilities at levels determined by the CDD, in accordance with current industry standards, to be harmful to the Treatment Facilities, including but not limited to, the Treatment Facilities' ability to provide effluent meeting reuse standards, and its acceptability as an irrigation supply source for vegetation, the CDD has the right to decline or discontinue service, or charge a higher rate due to increased treatment costs if applicable, to such property or customer and to require such pretreatment or other measures as are necessary to protect the integrity of Treatment Facilities. In the event of such declination or discontinuance of service, Howey shall have the right to provide or obtain treatment of the effluent from such property through its own facilities or from a third party.

SECTION 7. WHOLESALE WASTEWATER USER CHARGES.

Drafting note: the CDD remains interested in negotiation of new wholesale rates.

The CDD agrees to provide transmission, treatment and disposal of Howey's wastewater for a monthly charge per ERU.

(a) The volume may be measured by the CDD at the Point of Connection between the CDD and Howey. After the first of each month, the CDD shall submit an invoice to Howey for treatment services rendered to Howey during the previous month detailing the number of ERUs. Payment of the invoice and the consequences of failure by Howey to pay the invoice timely shall be governed by the Local Government Prompt Payment Act in Part VII of Chapter 218 of Florida Statutes.

(b) The initial rate payable by Howey shall be \$ [redacted] per month per ERU for customers connected to Howey's Collection Facilities. This rate shall remain in effect until the fourth anniversary of effective date of this Agreement unless:

CDD elects to conduct, at its expense, a rate study for the entire CDD Wastewater System, both inside and outside the boundaries of Howey. The study shall arrive at a uniform retail rate for all retail customers of the CDD's Wastewater System, and may consider conversion to a metered rate per thousand gallons of wastewater flow. Upon completion of the rate study, that replacement rate shall be charged uniformly to all CDD retail wastewater customers, and the wholesale rate to be charged to Howey will be eighty-five percent (85%) of the retail rate determined by the study. That replacement rate (and the 85% wholesale rate to be paid by Howey) shall remain in effect for at least the remainder of the four (4) years running from the date of the first building permit issued in the Developments.

After the fourth anniversary of the effective date of this Agreement either Howey may require the CDD to conduct, or the CDD may elect to conduct, a new rate study to determine both retail and wholesale rates, and such study may consider conversion to a metered rate per thousand gallons of wastewater flow. Howey and the CDD each shall pay one-half (1/2) the cost of this

second rate study. If neither party requests a rate study at the end of the four-year period, then any future rate studies shall be at the discretion of the CDD and at the expense of the CDD.

(c) One of the following firms will be selected to conduct these two rate studies, if they are conducted:

- (1) Burton & Associates (Mike Burton);
- (2) Brown & Caldwell (Mike Rocca); or
- (3) PRMG (Rob Ori) Need new name as Rob Ori has sold this business.;

or

- (4) such other firm that the parties may hereinafter agree to.

The retail rate determined by the study shall apply uniformly to all the CDD's retail wastewater customers, both inside and outside Howey's boundaries. The wholesale rate to be charged to Howey shall be the wholesale rate determined by the study conducted after the four-year period, and the retail rate charged by Howey to its retail wastewater customers shall be a rate determined by Howey's Town Council to be sufficient to pay the costs of Howey's retail wastewater operation.

(d) In all events, at such time as the wholesale rate charged to Howey exceeds \$_____ per ERU or, in accordance with the findings of a rate study as provided above, converts to a metered rate per thousand gallons of wastewater flow, and thereafter throughout the term of this Agreement, the CDD shall charge a uniform rate to all its retail wastewater customers, both within the town limits of Howey and outside the town limits, without discrimination. If and when rate studies are conducted from time to time, as allowed by Section 8 and this Section, such studies shall assume, for purposes of calculating Howey's wholesale rate, that the costs incurred by the CDD for administration, billing and collection, capital improvements, and operation and maintenance of its treatment, collection and transmission system not related to providing service to Howey shall be excluded from the wholesale rate.

SECTION 8. CHANGE OF RATES. For each year after the expiration of the initial rate established as provided in Section 7, the CDD may increase its retail wastewater rates and the wholesale rate paid by Howey either

- (i) by a percentage not exceeding the price-increase-or-decrease index established during that year by the Florida Public Service Commission for wastewater utilities as required by Section 367.081(4)(a) ??? of Florida Statutes, or
- (ii) as determined and calculated by a rate study performed by one of the firms listed in Section 7.

SECTION 9. ASSIGNMENT OF CDD RETAIL WASTEWATER AGREEMENTS. The CDD hereby confirms its assignment to Howey by the 2007 Wholesale Agreement of the right to be the retail wastewater service provider for the 2007 Developments and Howey confirms its assumption of such obligations for the 2007 Developments. The CDD retains the right under the CDD Service Agreements to provide wastewater treatment for the

2007 Developments, but only as a wholesale provider to Howey. Howey confirms that the 2007 Developments have purchased and made provision for payment in full of Wastewater Treatment Capacity sufficient for the needs of such customers, and that no other or additional wastewater connection fee, impact fee, service availability fee, or other capital charges whatsoever (however characterized by Howey) shall be due from the 2007 Developments for or on account of the provision of wastewater treatment.

SECTION 10. RESERVATION AND MAINTENANCE FEES. In the event that the CDD adopts reservation and maintenance fees that apply to customers uniformly, both inside and outside the boundaries of Howey, the fees shall be payable by the Developments, and the CDD shall be entitled to receive from Howey all such fee revenues collected, without deduction of any type. Howey shall use reasonable efforts to collect such fees from its customers and shall pay the amounts collected to the CDD within 25 days of receipt. Payment of the collected amounts by Howey that is delinquent in remittance to the CDD shall be Governed by the Local Government Prompt Payment Act in Part VII of Chapter 218 of Florida Statutes. Should any customer not pay reservation and maintenance fees, then the CDD shall notify Howey, at which time such capacity will be forfeited in accordance with the procedure adopted by the CDD.

SECTION 11. INDEPENDENT CONTRACTOR RELATIONSHIP; NO LIABILITY FOR HOWEY OR CDD DEBT.

11.1. Neither the CDD nor Howey is or shall be deemed to be an agent of the other, and neither shall have the authority or power to obligate or act for or on behalf of the other. Each is entering into this Agreement as an independent contractor.

11.2. The parties agree expressly that (i) the CDD has no obligation whatsoever to creditors of Howey or other third-parties for any existing or future debts or other obligations of Howey of any type or nature, and (ii) Howey has no obligation whatsoever to creditors of the CDD or other third-parties for any existing or future debts or other obligations of the CDD of any type or nature.

SECTION 12. DISCLAIMER OF THIRD PARTY BENEFICIARIES. This Agreement is solely for the benefit of the formal parties hereto. No right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. To that end, this Agreement is expressly declared to have no third-party beneficiary.

SECTION 13. ASSIGNMENT AND RIGHT OF FIRST REFUSAL.

13.1 Assignment. This Agreement shall be binding on the parties hereto and their representatives, successors, and assigns. Neither party shall assign this Agreement or the rights and obligations to any other party without the prior written consent of the other party hereto, which may not be unreasonably withheld.

13.2 Right of First Refusal. *[to be added ... the Town is willing to enter into this Amended/Restated Agreement in reliance on a ROFR to purchase the treatment facilities,*

if and when the owner/lessor of the treatment plant, Sewer and Water Investments, Inc., ever decides to sell the plant]

SECTION 14. INDEMNIFICATION.

14.1. Neither party hereto waives its sovereign immunity, except that, consistent with applicable Florida law, including, but not limited to Chapter 768, Florida Statutes, each party shall hold the other harmless for the negligent acts of itself and its officers, agents, and employees, but only to the extent permitted by law.

14.2. If service provided hereunder is discontinued to a customer due to failure of the customer to pay for services provided, the party responsible for discontinuing service shall hold the other party harmless as to any and all claims or suits regarding such action.

SECTION 15. DEFAULT.

15.1. Either party to this Agreement, in the event of or act of default by the other, shall have all remedies available to it under the laws of the State of Florida, including but not limited to injunction to prevent default and specific performance to enforce this Agreement. The rights of the parties shall be considered cumulative and shall not be waived now or in the future by the exercise of any rights and remedies provided under the terms of this Agreement and authorized by law.

15.2. In the event of a default by Howey, the CDD agrees that it will not discontinue service to Howey except in the case of an emergency resulting from a substantial and material default under Section 6 of this Agreement, provided all payments for service required hereunder are made by Howey and until such time as a court of competent jurisdiction has rendered an adjudication of default. In the event Howey disputes amounts payable for service pursuant to this Agreement, Howey shall continue to make such payments under protest. Upon resolution of the protest, CDD shall refund any amounts determined to be overpaid, plus interest at the rate established by the Local Government Prompt Payment Act, Part VII of Chapter 218 of Florida Statutes.

15.3. In the event of default by the CDD, Howey is entitled both to all remedies available to customers of the CDD's water and sewer system, as well as all remedies otherwise provided under this Agreement.

15.4. Each of the parties hereto must give the other party written notice of any defaults hereunder and shall allow the defaulting party 30 days from the date of receipt to cure such defaults and shall otherwise comply with state law related to resolving disputes between local governments. If the default cannot be cured within 30 days the defaulting party shall commence the cure within such period and shall complete such cure within a reasonable period thereafter.

SECTION 16. NOTICES. Any notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered when either (1) hand-delivered to the official hereinafter designated, or (2) upon receipt of such notice when deposited in the U.S. mail,

postage prepaid, certified mail, return-receipt requested, addressed to a party at the address set forth opposite the party's name below, or at such other address as the party's name below, or at such other address as the party shall have specified by written notice to the other party delivered in accordance herewith:

CDD: Mr. Bud Beucher
Central Lake Community Development District
219 East Livingston Street
Orlando, Florida 32801

with a copy to: George S. Flint
District Manager
Central Lake Community Development District
219 East Livingston Street
Orlando, Florida 32801

and: Daniel B. Harrell
Gonano & Harrell
1600 S. Federal Highway, Suite 200
Fort Pierce, Florida 34950

HOWEY: Sean O'Keefe
Town Manager
(101 North Palm Ave. 34737)
P. O. Box 128
Howey-in-the-Hills, Florida 34737

with a copy to: Thomas J. Wilkes
GrayRobinson, P.A.
(301 E. Pine Street, Suite 1400 32801)
P. O. Box 3068
Orlando, Florida 32802

SECTION 17. SEVERABILITY. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of the Agreement if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can continue to be effected. To that end, this Agreement is declared severable.

SECTION 18. RECORDATION. The parties hereto agree that an executed copy of this Agreement and Exhibits attached hereto shall be recorded in the Public Records of Lake County at the expense of the parties, said expense to be shared equally.

SECTION 19. TIME OF THE ESSENCE. Time is hereby declared to be of the essence to the lawful performance of the duties and obligations contained in this Agreement.

SECTION 20. APPLICABLE LAW. This Agreement shall be construed, controlled, and interpreted according to the laws of the State of Florida.

SECTION 21. FORCE MAJEURE. In the event that the performance of this Agreement by either party is prevented or interrupted in consequence of any cause beyond the control of either party, including but not limited to an Act of God or of the public enemy, war, state or national emergency, allocation or of other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, earthquake, pandemic, or other casualty or disaster or catastrophe, governmental rules or acts or orders or restrictions or regulations or requirements, acts or action of any government or public or governmental authority or commission or board or agency or agent or official or officer, the enactment of any statute or ordinance or resolution or regulation or rule or ruling or order, order or decree or judgment or restraining order or injunction of any court, such party shall not be liable for such non-performance.

SECTION 22. EFFECTIVE DATE, TERM, AND TERMINATION. This Agreement shall be effective as of the date last executed by the parties (“Effective Date”). This Agreement shall continue in full force and effect in perpetuity unless and until a party exercises its right to terminate this Agreement as follows:

- 22.1 Neither party may terminate this Agreement effective as of a date prior to January 1, 2055.
- 22.2 Howey may terminate this Agreement as of the date stated in a written notice of the termination delivered by Howey to the CDD no less than 60 full calendar months before the stated date of termination.
- 22.3 The CDD may terminate this Agreement as of the date stated in a written notice of the termination delivered by the CDD to Howey no less than 120 full calendar months before the stated date of termination.

As of the date of such termination, both parties shall be fully discharged from obligations under this Agreement except for amounts payable and remaining unpaid as of the date of termination.

Drafting note: CDD suggests the term consist of XX years “following the last customer” hooked up to the system.

SECTION 23. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENT. The 2007 Wastewater Agreement and the 2012 Wastewater Agreement are terminated. This instrument constitutes the amended and restated agreement between the parties in its entirety and supersedes all previous discussions, understandings, and agreements between the parties relating to the subject matter of this Agreement except the School Board Agreement, which remains in effect. Amendments to and waivers of the provisions herein may be made only by the parties in writing, by formal waiver or amendment approved by majority vote of both Howey’s Town Council and the CDD’s Board of Supervisors.

SECTION 24. EXERCISE OF POLICE POWER. This Agreement must not be construed to require Howey to exercise its police power. Nothing herein acts as a waiver of Howey’s authority to require a permit, license, certificate, rezoning, exception, variance, or other approval under Howey’s Town Charter, Code of Ordinances, and Land Development Code.

SECTION 25. RESERVED.

[**Drafting note: the CDD wants to explore an agreement with the Town whereby, for potable-water service for a 260-acre future development south of Mission Inn and north of No. 2 Road, west of the citrus plant, the Town would be the “wholesale” water utility and the CDD would be the “retail” water utility – the opposite of this wastewater arrangement.]**

SECTION 26. MARINA PROPERTY CONNECTION. Notwithstanding any other provision of this Agreement, the Owner of the Marina Property, the legal description and map depicting the area of which are attached as Exhibit “E” to this Agreement, shall have the right, at the sole cost and expense of the owner of the Marina Property and without becoming a customer of Howey, to connect to Howey’s nearest lift station without payment of any costs or fees to Howey, and Howey shall allow the wastewater from the Marina Property to flow through the Howey Collection Facilities free of charge to the Point of Connection. The cost and expense, if any, to (i) upsize Howey’s lines or pipes, (ii) repair, replace, or add any lines or pipes, or (iii) repair, replace, or add any other component of Howey’s Collection Facilities so that Howey can accommodate the wastewater from the Marina Property, shall be paid by the owner of the Marina Property. Should the owner of the Marina Property exercise this option, then Howey and the owner of the Marina Property will have their respective engineers work together to memorialize in a separate writing the details of the connection to Howey’s lift station.

SECTION 27. PUBLIC RECORDS. The CDD and Howey both shall comply fully with all applicable requirements of Chapter 119 of Florida Statutes regarding public records.

SECTION 28. NO EXCLUSIVITY. The Town may provide wastewater treatment and disposal services, or may contract with others to provide wastewater treatment and disposal services, to Future Development. The CDD has no right of exclusivity in providing such services except as expressly set forth in this Agreement.

SECTION 29. ANNEXATION OF PARCELS SERVED. As part of an agreement to provide water or wastewater service to a developer or property owner that desires to connect to Howey’s water and/or wastewater-collection system, Howey may require an agreement with a condition that the property owner consents to annexation of the property into the Town of Howey-in-the-Hills at such time it is legally able.

IN WITNESS WHEREOF, the Parties hereto have hereunder executed this Agreement on the date and year first above written.

**CENTRAL LAKE COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

By: Board of Supervisors

By: _____

By: _____
Mr. Bud Beucher, Chairman

Approved as to form and correctness:

Print Name: _____

TOWN OF HOWEY-IN-THE-HILLS

ATTEST WITH SEAL

By: Town Council

By: _____
Town Clerk John Brock

By: _____
Mayor Martha Macfarlane

Approved as to form and legality
(for the use and reliance of the Town only)

Town Attorney

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2021, by BUD BEUCHER as Chairman of CENTRAL LAKE COMMUNITY DEVELOPMENT DISTRICT, Board of Supervisors. He is personally known to me or has produced _____ as identification.

NOTARY PUBLIC—STATE OF FLORIDA
Printed Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2021, by MAYOR MARTHA MACFARLANE as Mayor of TOWN OF HOWEY-IN-THE-HILLS, Town Council. She is personally known to me or has produced _____ as identification.

NOTARY PUBLIC—STATE OF FLORIDA
Printed Name: _____
My Commission Expires: _____

EXHIBIT A

[Map of Howey 180 Utility Service Area]

EXHIBIT B

[Legal descriptions of the Remaining 2007 Developments]

EXHIBIT C

[Legal Description of the 2012 Development]

EXHIBIT D

[Remaining 2007 Developments and Reserved Capacity]

EXHIBIT E

[Legal description and map of Marina Property]

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