



Town Council Workshop

March 12, 2024 at 2:00 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/89593693061?pwd=gQa97VltOrkGTiVWGu7avBkCryDvFn.1>
Meeting ID: 895 9369 3061 | **Passcode:** 514355

AGENDA

Call the Town Council Meeting to order
Pledge of Allegiance to the Flag
Invocation by Councilor Reneé Lannamañ

ROLL CALL

Acknowledgement of Quorum

OLD BUSINESS

1. Discussion: **Land Development Code (LDC) Amendment**

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 Workshop**

Time: **Mar 12, 2024 02:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

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Find your local number: <https://us06web.zoom.us/j/89593693061>

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.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

CHAPTER 1

General Provisions

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1 **1.00.00 GENERALLY**

2 **1.00.01 Purpose and Intent**

3 The purpose of the Town’s Land Development Code (LDC) is to provide land
4 development regulations that implement the Town’s Comprehensive Plan. The
5 Comprehensive Plan and the LDC are tools that the leaders of Howey-in-the-Hills shall
6 use to protect and maintain a high quality of life for the residents of Howey-in-the-
7 Hills. The LDC is required to be consistent with the Comprehensive Plan. If any
8 provision of the LDC is found inconsistent with the Comprehensive Plan, the
9 Comprehensive Plan shall prevail. This LDC is intended to:

- 10 A. Establish detailed regulations, procedures, and standards for review and approval
11 of the development of land based on the Comprehensive Plan.
- 12 B. Foster and preserve public health, safety, comfort, and welfare, and assist in the
13 orderly, aesthetically pleasing, and socially beneficial development of the Town in
14 accordance with the Comprehensive Plan.
- 15 C. Safeguard the value of land, buildings, and resources, and protect landowners from
16 adverse impacts of nearby developments.
- 17 D. Protect the character and maintain the sustainability of residential, business,
18 industrial, recreation, and public areas, and increase the economic benefits to the
19 Town arising out of its natural and cultural resources.
- 20 E. Control and regulate growth of the Town.
- 21 F. Provide specific procedures to ensure that local development orders and permits are
22 conditioned on the availability of public facilities and services that meet level of
23 service requirements (concurrency).
- 24 G. Balance the interest of the general public with that of individual property owners;
25 and
- 26 H. Protect and preserve valuable natural resources including, but not limited to
27 environmentally sensitive land, water resources, wildlife habitats, and threatened
28 or endangered species.

29 **1.00.02 Relationship to the Comprehensive Plan**

30 The Local Government Comprehensive Planning and Land Development Regulation
31 Act, Chapter 163, Part II, Florida Statutes, provides that local governments adopt a
32 Comprehensive Plan and Land Development Regulations which implement the
33 adopted Comprehensive Plan. The standards and provisions in this LDC have been
34 designed to implement the Comprehensive Plan, as may be amended from time to time.

35 **1.00.03 Effect on Easements, Covenants, and Other Agreements**

36 This LDC shall not interfere with or annul any easements, covenants, or other
37 agreements between parties, provided, however, that the provisions of this LDC shall
38 control where this LDC imposes a greater restriction upon the use of buildings or
39 premises or upon the height of buildings, or requires larger open spaces than are
40 imposed or required by such easements, covenants, or agreements.

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1 **1.01.00 TITLE**

2 This LDC shall be known as the “Howey-in-the-Hills Land Development Code” and
3 may be referred to herein as the “LDC.”

4 **1.02.00 AUTHORITY**

5 This LDC is enacted pursuant to the requirements and authority of Chapter 163, Part
6 II, Florida Statutes, and Chapter 166, Florida Statutes.

7 **1.03.00 APPLICABILITY**

8 **1.03.01 Generally**

- 9 A. Except as specifically provided, the provisions of this LDC shall apply to all
10 development in the Town.
- 11 B. The use of any parcel of land, or any structure, or any combination thereof, within
12 the corporate limits of the Town shall be in conformance with the requirements of
13 the LDC.
- 14 C. Principal uses, accessory uses, buildings, and structures that are not identified as
15 permitted are prohibited. To be identified as permitted, such uses, buildings, and
16 structures shall be included in this LDC or interpreted as included as provided for
17 in Section 1.05.00 and Chapter 2.
- 18 D. A change of use shall conform to the standards, criteria, requirements, and
19 procedures of this LDC.
- 20 E. Where a local development order or permit that was lawfully issued prior to the
21 effective date of this LDC expires or is otherwise nullified, any further development
22 on the site subject to the local development order or permit shall conform to the
23 standards, criteria, requirements, and procedures of this LDC.
- 24 F. Any construction of permitted principal uses, accessory uses, or conditional uses
25 shall require issuance of a building permit signifying compliance with the
26 applicable land development regulations and building codes.

27 **1.03.02 Exemptions**

- 28 The situations described below are exempt from the provisions of this LDC.
- 29 A. The provisions of this LDC and any amendments thereto shall not affect the validity
30 of any legal and effective local development order or permit that was issued prior
31 to the effective date of this LDC under the following situations:
 - 32 1. The development activity authorized by the local development order or permit
33 was commenced prior to the effective date of this LDC, and such activity
34 continues without interruption until the development is complete.
 - 35 2. The development activity authorized by the local development order or permit
36 will be commenced after the effective date of this LDC but within six (6)
37 months of the issuance of a valid building permit which was issued prior to the
38 effective date of this LDC; or

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- 1 B. The development activity authorized by the local development order is proceeding
- 2 in accordance with the time limits contained in the local development order.
- 3 C. The provisions of this LDC and any amendments thereto shall not affect work
- 4 required for public facilities and services within the public right-of-way, as further
- 5 described below:
- 6 1. Work required for the installation of facilities for the distribution or
- 7 transmission of gas, water, sewer, stormwater drainage, electricity, cable,
- 8 telephone, or telecommunications services.
- 9 2. Work required for the purpose of inspecting, repairing, or replacing any existing
- 10 water or sewer lines, mains, or pipes, or stormwater facilities, and
- 11 3. Work required for the purpose of inspecting, repairing, or replacing cables,
- 12 power lines, utility poles, or the like.

13 **1.04.00 NONCONFORMING SITUATIONS**

14 **1.04.01 Continuation of Nonconforming Uses and Structures**

- 15 A. Subject to the provisions in this section, the lawful use of land or buildings existing
- 16 on the date of enactment of this LDC shall be allowed to continue.
- 17 B. Nothing in this chapter shall be construed to prevent the ordinary and routine
- 18 maintenance and repair of nonconforming structures.
- 19 C. Nothing in this section shall require any change in plans, construction, or
- 20 designated use of a building or structure for which a building permit has been issued
- 21 and the construction of which shall have been commenced within six (6) months of
- 22 the date of that permit.
- 23 D. If a structure located within the Town receives storm damage or other structural
- 24 damage in excess of fifty percent (50%) of the appraised value of the structure, such
- 25 structure may be replaced in compliance with current laws and ordinances,
- 26 including those enacted since the construction of the subject structure, so long as
- 27 the repair or reconstruction is completed within eighteen (18) months of the date of
- 28 such damage. If the structure was non-conforming based on density or zoning, it
- 29 may be re-constructed at no greater non-conformity than prior to when it was
- 30 damaged. In no instance may any non-conformity be expanded.
- 31 E. Any non-conforming use shall be brought into full compliance with all provisions
- 32 of this LDC when the non-conforming use has been discontinued for a period of
- 33 180 days.
- 34 F. If a non-conforming structure or portion of any structure containing a non-
- 35 conforming use becomes physically unsafe or unlawful due to lack of repairs or
- 36 maintenance and is declared by any duly authorized official of the Town to be an
- 37 unsafe building, it shall not thereafter be repaired or rebuilt except in conformity
- 38 with this LDC.

39 **1.04.02 Lots of Record**

- 40 A. Use of Nonconforming Lots-of-Record

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- 1 1. A lot made nonconforming by this LDC may be used for any use permitted
- 2 within the district in which the lot is located provided that the development or
- 3 use shall comply with all the district regulations in effect at the time of
- 4 development order issuance.
- 5 B. Single-Family Lots. Single-family dwelling units meeting all setback requirements
- 6 may be erected on nonconforming lots-of-record; however, if two (2) or more lots
- 7 with continuous frontage were in single ownership at the time of adoption of this
- 8 Code or were subsequently combined into single ownership, the lands involved
- 9 shall be considered to be an undivided parcel for the purpose of meeting the
- 10 requirements of this Code, and no portion of said parcel shall be used or sold in a
- 11 manner which diminishes compliance with current lot width, depth, or area
- 12 requirements.

13 **1.04.03 Structures on Substandard Lots**

14 Building site requirements. Wherever there may exist a single-family residence(s),
15 duplex building(s), or any lawful accessory building(s) or structure(s) which was
16 heretofore constructed on property containing one (1) or more substandard platted lots
17 or portions thereof, such substandard lot or lots shall thereafter constitute only one (1)
18 building site. No permit shall be issued for the construction of more than one (1) single-
19 family residence. If a single-family residence or duplex building which exists on more
20 than one (1) substandard lot is voluntarily demolished or removed, no permit shall be
21 issued for the construction of more than one (1) building on the building site.

22 **1.04.04 Construction or Demolition of Structures on Combined Lots**

23 A. In order to maintain open space, visual corridors, neighborhood character, property
24 values and visual attractiveness of residential areas, wherever there may exist a
25 single-family residence, a two-family building or any accessory building or
26 structure, including but not limited to, swimming pools, or any other improvement
27 which was heretofore constructed on property containing one or more platted lots
28 or portions thereof, such lots shall thereafter constitute one building site and shall
29 be considered the “lot of record”, and no permit shall be issued for the construction
30 of more than one residence or two-family building on the site. All construction on
31 the building site must comply with all existing zoning and density requirements.

32 **1.05.00 TOWN ~~MANAGER~~**

33 The Town ~~Manager~~ **Mayor** is the chief administrative official of the Town. For the
34 purposes of this LDC, the Town ~~Manager~~ **Mayor** administers, interprets, and
35 implements the standards, criteria, and procedures of this LDC. The Town ~~Manager~~ **Mayor**
36 may delegate such responsibilities to Town staff and Town consultants.
37 Throughout this LDC, the term “Town ~~Manager~~ **Mayor**” is used to indicate the person
38 responsible for specified actions, except where specified actions are reserved or
39 specifically delegated to another position. In all instances, “Town ~~Manager~~ **Mayor**”
40 means the “Town ~~Manager~~ **Mayor** or his or her designee.”

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1 **1.06.00 INTERPRETATIONS**

2 **1.06.01 Generally**

- 3 A. In the interpretation and application of this LDC, all provisions shall be liberally
- 4 construed in favor of the objectives and purposes of the Town and deemed to
- 5 neither limit nor repeal any other powers granted to the Town under State Statutes.
- 6 B. In interpreting and applying the provisions of this LDC, the provisions shall be held
- 7 to be the minimum requirements for the promotion of the public health, safety, and
- 8 general welfare of the Town.
- 9 C. Specific provisions of this LDC shall be followed in lieu of general provisions that
- 10 may be in conflict with the specific provision.
- 11 D. Where any provisions of this LDC conflict with any other provisions of this LDC
- 12 or with other regulations, the more stringent restrictions shall be applied.

13 **1.06.02 Responsibility for Interpretations**

- 14 A. In the event that any question arises concerning the application of regulations,
- 15 standards, definitions, development criteria, or any other provision of this LDC, the
- 16 Town Mayor shall be responsible for interpretation. In the interpretation of this
- 17 LDC, the Town **Manager Mayor** shall seek guidance from the Comprehensive Plan.
- 18 B. Responsibility for interpretation by the Town Mayor shall be limited to standards,
- 19 regulations, and requirements of this LDC, and shall not be construed to include
- 20 interpretation of any technical codes adopted by reference in this LDC.
- 21 Interpretation shall not be construed to override the responsibilities given to any
- 22 council, board, committee, or official named in other sections or chapters of this
- 23 LDC.

24 **1.06.03 Rules for Interpretation of Boundaries**

- 25 Where uncertainty exists as to boundaries of any district shown on the Official Zoning
- 26 Map, the following rules shall apply:
- 27 A. Boundaries shown as following or approximately following any street shall be
 - 28 construed as following the centerline of the street.
 - 29 B. Boundaries shown as following or approximately following any platted lot line or
 - 30 other property line shall be construed as following such line.
 - 31 C. Boundaries shown as following or approximately following section lines, half-
 - 32 section lines, or quarter-section lines shall be construed as following such lines.
 - 33 D. Boundaries shown as following or approximately following the shoreline of a water
 - 34 body shall be construed as following such shoreline.
 - 35 E. Where any public street or alley is hereafter officially vacated or abandoned, the
 - 36 regulations applicable to each parcel of abutting property shall apply to that portion
 - 37 of that street or alley added thereto by virtue of vacation or abandonment.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1.06.04 Rules of Construction

The following rules of construction shall be applied in the interpretation of the provisions of this LDC:

- A. The word "shall" is mandatory and the word "may" is discretionary.
- B. Words used in the present tense shall include other tenses.
- C. Words in the singular shall include the plural, and words in the plural shall include the singular.
- D. ~~Reserved. Words denoting the masculine gender shall be construed to include the feminine and neuter. (MG)~~
- E. The word "person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, or association, two (2) or more persons having a joint or common interest, or any other legal entity.
- F. The word "owner," applied to a building or land, shall include any part owner or joint owner of such building or land.
- G. The words "written" and "in writing" mean any representation of words, letters, or figures, whether by printing or otherwise.

1.06.05 Computation of Time

- A. In computing any period of time prescribed or allowed, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- B. The term "day" means a calendar day unless otherwise indicated.
- C. The term "month" means a calendar month unless otherwise indicated.
- D. The term "year" means a calendar year unless otherwise indicated.

1.06.06 Computation of Required or Permitted Units

When the determination of required or permitted units as required by this LDC results in a fractional unit, a fraction in excess of one-half (1/2) shall not be counted as one (1) unit.

1.06.07 Appeals

An applicant may appeal a decision of a Town consultant or employee in the enforcement or interpretation of this LDC. The appeal shall be filed within 60 days from the date of a DRC report or other consultant or employee decision. Upon filing the appropriate application and payment of an appeal fee set by resolution of the Town Council, the Town Clerk shall process the appeal. The Board of Adjustment, by a majority vote, may affirm, reverse, or modify the decision. (TW – moved from sec. 8.10.0)

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

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1.07.00 DOCUMENTS ADOPTED BY REFERENCE

A. The map identified by the title, “Official Zoning Map, Howey in the Hills, Florida,” which shows the boundaries and designations of the zoning districts is hereby adopted into and made part of this LDC.

1.08.00 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

1.09.00 REPEAL

Upon the effective date of this ordinance, the current Town of Howey-in-the-Hills Land Development Code shall be repealed and shall be superceded by the provisions of this Code.

1.10.00 STATUS OF CODE, PRIOR OFFENSES

Any prosecution arising from a violation of any ordinance repealed by this ordinance, which prosecution may be pending at the time this Code becomes effective, or any prosecution which may be started within one year after the effective date of this Code as a consequence of any violation of any ordinance repealed therein, which violation was committed prior to the effective date of this Code, shall be tried and determined exactly as if such ordinance had not been repealed.

1.11.00 VIOLATIONS AND PENALTIES

Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor of the second degree and upon conviction thereof, shall be punished as provided by Section 775.082 or 775.083, Florida Statutes, as exists or as may hereinafter be amended.

Each day that a violation of this Code continues after written notice without compliance shall constitute a separate offense punishable upon conviction.

1.12.00 ACRONYMS AND DEFINITIONS

A. Acronyms

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1	AASHTO	American Association of State Highway and Transportation
2		Officials
3	ACOE	U.S. Army Corps of Engineers
4	ADA	Americans with Disabilities Act
5	ADT	Average Daily Traffic
6	AG	Agricultural
7	ASTM	American Society of Testing and Materials
8	CIE	Capital Improvements Element
9	CMS	Concurrency Management Systems
10	COC	Certificate of Concurrency
11	CON	Conservation
12	CSA	Concurrency Service Area
13	DBH	Diameter at Breast Height
14	DCFS	Department of Children and Family Services
15	DRC	Development Review Committee
16	ERU	Equivalent Residential Unit
17	FAA	Florida Aviation Administration
18	FAC	Florida Administrative Code
19	FAR	Floor Area Ratio
20	FCC	Federal Communications Commission
21	FDEP	Florida Department of Environmental Protection
22	FDNR	Florida Department of Natural Resources
23	FDOT	Florida Department of Transportation
24	FEMA	Federal Emergency Management Agency
25	FIRM	Flood Insurance Rate Map
26	FISH	Florida Inventory of School Houses
27	FLUE	Future Land Use Element
28	FLUM	Future Land Use Map
29	HOA	Homeowners Association
30	HCM	High Capacity Manual
31	HCS	High Capacity Software
32	HDPE	High Density Polyethylene
33	HGL	Hydraulic Gradient Line
34	IFAS	Institute of Food and Agricultural Sciences
35	IND	Light Industrial
36	INS-1	Institutional 1
37	INS-2	Institutional 2
38	ITE	Institute of Transportation Engineers
39	LDC	Land Development Code
40	LOMR	Letter of Map Revision
41	LOS	Level of Service
42	LRTP	Long Range Transportation Plan
43	MDR-1	Medium Density Residential 1
44	MDR-2	Medium Density Residential 2

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1	MPO	Metropolitan Planning Organization
2	NAA	National Arborist Association
3	NC	Neighborhood Commercial
4	POA	Property Owners' Association
5	PUB	Public
6	PUD	Planned Unit Development
7	RE	Rural Estates
8	REC-1	Recreation 1
9	REC-2	Recreation 2
10	ROW	Right of Way
11	SFR	Single Family Residential
12	SJRWMD	St. Johns River Water Management District
13	TAZ	Traffic Analysis Zone
14	TIA	Traffic Impact Analysis
15	TIP	Transportation Improvement Plan
16	TIS	Traffic Impact Study
17	TC-R	Town Center Residential
18	TC-F	Town Center Flex
19	TC-C	Town Center Commercial
20	TCMS	Transportation Concurrency Management System
21	TMC	Turning Movement Counts
22	TRIP	Transportation Regional Incentive Program
23	USACOE	U.S. Army Corps of Engineers
24	USGS	U.S. Geological Survey

25
26 B. Glossary of terms

27 **Abandoned Application** means an application shall be deemed abandoned when no
28 activity occurs for six (6) consecutive months. The Town shall issue a Notice of
29 Abandoned Application to the applicant. Any submittal after the issuance of a Notice
30 of Abandoned Application shall constitute a new application. The new application
31 shall comply with the current LDC and any standard manuals and development-related
32 ordinances.

33
34 **Abut** means to physically touch or border upon, or to share a common property line.

35
36 **Abutting Property** means any property that is immediately adjacent to or contiguous
37 with property that may be subject to any hearing required to be held under these
38 regulations or that is located immediately across any road or public right-of-way from
39 the property subject to any hearing under these regulations.
40

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1 **Accessory Building or Structure** means a structure on the same lot with, and of a nature
2 customarily incidental and subordinate to, the principal structure, such as, but not
3 limited to, the following:

- 4 1. Detached garage
- 5 2. Swimming pool and screened enclosures
- 6 3. Shed
- 7 4. Boat dock
- 8 5. Monument sign

9
10 **Accessory Dwelling** means a separate living space that includes sleeping, living,
11 kitchen, and bathroom facilities, either attached or detached from the primary
12 residence, on a lot occupied by a single family detached residential unit.

13
14 **Accessory Use** means any use that is a subordinate use customarily incident to and
15 located upon the same lot occupied by the main use. For example, a home occupation
16 is subordinate to a single-family residential use.

17
18 **Addition** means any construction that adds to or enlarges the size of an existing building
19 or structure.

20 **Adult Day Care Center** means any building or part of a building, whether operated for
21 profit or not, in which is provided for a part of a day, basic services to three or more
22 persons who are 18 years of age or older, who are not related. This term does not
23 include group homes.

24
25 **Adult Entertainment Establishment** means an adult bookstore, an adult performance
26 establishment or an adult motion picture theater operated for commercial or pecuniary
27 gain. ("Operated for commercial or pecuniary gain" shall not depend upon actual profit
28 or loss. Also, "operated for commercial or pecuniary gain" shall be presumed where the
29 establishment has or is required by code to have a local business tax receipt.) An
30 establishment advertising itself as an adult entertainment establishment is deemed to be
31 an adult entertainment establishment.

32 **Affected Property Owner** means any person who resides, owns property, or owns a
33 business within 300 feet of a property under consideration for development approval
34 by the Town.

35
36 **Alley** means right-of-way providing a secondary means of access and service to
37 abutting property.

38
39 **Antenna** means an apparatus designed for the transmitting and/or receiving of
40 electromagnetic waves which includes but is not limited to telephonic, radio or
41 television communications. Types of antennas include, but are not limited to, whip
42 antennas, panel antennas, and dish antennas. As used herein the term "antenna"
43 includes all antennas integrated and used as a complete unit, such as an antenna array.

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1 For purposes of this LDC, the following shall not be considered antennas and shall not
2 be regulated by this LDC: Ham, CB, Television antennas, and antennas that are
3 designed to receive direct broadcast satellite service, including direct-to-home satellite
4 service, that are one (1) meter or less in diameter, or, antennas that are designed to
5 receive video programming services via multipoint distribution services, instructional
6 television fixed services, and local multipoint distribution services, and that are one (1)
7 meter or less in diameter or diagonal measurement; and, satellite earth station antennas
8 in commercial or industrial areas.

- 9 1. **Accessory Equipment Building** is any building, cabinet, or equipment
10 enclosure constructed for the primary purpose of housing the electronics,
11 backup power, power generators and other freestanding equipment associated
12 with the operation of antennas.
- 13 2. **Antenna Support Structure.** A facility that is constructed and designed
14 primarily for the support of antennas, which include the following types:
15 a. Lattice tower. A tower that consists of vertical and horizontal supports and
16 crossed metal braces, which is usually triangular or square in a cross section.
17 b. Monopole. A tower of a single pole design.
18 c. Self-supporting tower. A tower that has no structurally supportive
19 attachments other than at its foundation; and
20 d. Camouflaged structure. A structure designed to support antenna and
21 designed to blend into the existing surroundings.
- 22 3. **Collocation** is when more than one (1) provider uses an antenna support
23 structure to attach antennas or use of a structure whose primary purpose is other
24 than to support antennas, such as a light or power pole.
- 25 4. **Ham/CB/TV Antenna** is a noncommercial amateur radio or citizens band
26 antenna or antennas that are designed to receive broadcast signals.

27
28 **Appeal** means any request for a review of a decision made by either an administrator
29 or Board. All appeals shall be made to the Town Council.
30

31 **Assisted Living Facilities** means any building or buildings, or section or distinct part
32 of a building, home for the aged, or other residential facility, whether operated for profit
33 or not, which is licensed pursuant to Part I, Chapter 429, Florida Statutes, and which
34 undertakes through its ownership or management to provide housing, meals, and one
35 or more personal services for a period exceeding 24 hours to one or more adults.
36

37 **Attached Dwellings** means dwelling units which share a common wall or walls and
38 have ground-floor entrances to every unit, including but not limited to townhomes and
39 duplexes.
40

41 **Automobile Repair, Garage and Body Shop** means any building and or land where
42 automotive vehicles are repaired, rebuilt, reconstructed, or painted, or where tires are
43 recapped, and body work is performed.
44

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1 **Automobile Service Station/Gas Station** means a place where motor vehicle fuels and
2 lubricants are retailed directly to the public; automotive repair is prohibited.

3
4 **Automotive Wrecking or Junkyard** means any place where motor vehicles not in
5 running condition or not bearing current inspection sticker or current license plate, are
6 stored in the open and are not being restored to operation; any land, building or structure
7 used for wrecking or storing of such motor vehicles or parts thereof; and including the
8 commercial salvaging and scavenging of any other goods, articles or merchandise.

9
10 **Awning** means any fixed roof-like structure, cantilevered, or otherwise entirely
11 supported from a building, so constructed and erected as to allow the awning to be:
12 1. Readily and easily moved.
13 2. Rolled or folded back to a position flat against the building, or cantilever
14 position thereof; and
15 3. Detached from its supporting structure.

16
17 **Balloons, Banners, and the like** within this LDC are limited to those used for
18 marketing special events including any free-floating tethered device intended to draw
19 attention to a premises.

20
21 **Bar** means tavern, cocktail lounge, nightclub, saloon, and the like. Any establishment
22 wherein alcoholic beverages are sold or dispensed for consumption on premises and
23 where that annual gross revenue from the sale of alcoholic beverages is fifty-one
24 percent (51%) or greater of the total gross revenue of the establishment; or any
25 establishment wherein alcoholic beverages are sold or dispensed for consumption on
26 premises which displays a sign that is visible from outside the establishment that
27 advertises alcoholic beverages; or where alcoholic beverages are sold or dispensed for
28 consumption on premises, where private recreational activities are available to the
29 patron of that establishment. Such recreational uses include, but are not limited to, pool
30 tables, dart games, air hockey, dancing, live entertainment, karaoke, and pinball or
31 video machines.

32
33 **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any
34 given year.

35
36 **Base Flood Elevation** means the elevation of a flood which has a one percent (1%)
37 chance of being equaled or exceeded in any given year. Base flood elevation is also
38 known as the 100-year flood elevation.

39
40 **Bed and Breakfast Inn** means an owner-occupied house, or portion thereof, where
41 short-term lodging and meals are provided for compensation.

42
43 **Block Face** means the area along both sides of a street between consecutive
44 intersections where the street pattern is a grid pattern or a modified grid pattern and

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1 intersections are spaced at a distance of 800 feet or less. Where street patterns are
2 curvilinear or intersections are spaced at a distance greater than 800 feet, a block face
3 shall consist of 300 linear feet or portion thereof measured along the centerline of the
4 street.

5
6 **Boat Ramp** means any structure, clearing, or artificially stabilized area that extends to
7 or waterward of the normal high-water elevation for the purpose of launching and/or
8 retrieving motorized watercraft.

9
10 **Buffer** means a specified land area of a lot or parcel, together with the planting and
11 landscaping required on the land. A buffer may also contain, or be required to contain,
12 a barrier such as a berm, fence, wall or vegetation, or combination thereof, where such
13 additional screening is necessary to achieve the desired level of buffering between
14 various land use activities.

15
16 **Buildable Area** means the portion of a lot remaining after required yards have been
17 provided.

18
19 **Building** means a structure designed to be used as a place of occupancy, storage or
20 shelter and includes any substantial structure which by nature of its size, scale,
21 dimensions, bulk or use tends to constitute a visual obstruction or generate activity
22 similar to that usually associated with a building.

23
24 **Building Height** means the vertical distance between the average finished grade in
25 front of the building and the top of the highest point of the building.

26
27 **Caliper** means the trunk diameter as measured six inches (6”) above the soil line for
28 trees up to four inches (4”) in diameter and the trunk diameter as measured twelve
29 inches (12”) above the soil line for larger trees.

30
31 **Camouflage (or Stealth) Communication Tower or Antennae** means a
32 communication tower or antennae designed to merge and blend into and conform to
33 appearance with existing surroundings. An example of a camouflage communication
34 tower would be a tower that is constructed in the form and shape of a tree in order to
35 appear to be part of a forested area or a tower constructed to appear to be or to actually
36 be a component of a bell tower or to be constructed to be or appear to be a component
37 of a church steeple in order for the tower to be or appear to be part of these more
38 aesthetically pleasing structures. An example of a camouflage antenna would be an
39 antenna with a color or appearance similar to a wall of a building or structure on which
40 it is to be affixed, or an antenna located inside or on top of an existing structure such
41 as an existing church steeple or an existing light pole.

42

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1 **Canopy Tree** means a tree, usually with one main trunk, which develops an elevated
2 crown and provides at maturity, a minimum shade crown of 30-feet in diameter or
3 greater. See also street tree.
4

5 **Capacity (Roads)** means the maximum number of vehicles that can be accommodated
6 on a given roadway during a specified time period under prevailing roadway and traffic
7 control conditions at that roadway’s adopted level of service.
8

9 **Capital Improvement** means a physical asset which is relatively large scale and high in
10 cost, generally non-recurring, and may require multiyear financing. Capital improvements
11 include infrastructure (i.e., roads and water and wastewater systems or components), land
12 acquisitions, buildings, facilities (i.e., ball fields), vehicles, equipment, and preparatory
13 services (i.e., studies, construction drawings, etc.)
14

15 **Carport** means a roofed space, accessory to, or a portion of, the principal structure,
16 used for the storage of motor vehicles and enclosed on not more than two (2) sides by
17 walls.
18

19 **Certificate of Occupancy (C.O.)** means that certificate issued by the Town of Howey
20 in the Hills subsequent to final inspection that all improvements have been completed
21 in conformity with all applicable building and construction regulations in the Town and
22 confirming that the building or structure may be used or occupied.
23

24 **Circulation Area** means that portion of the vehicle accommodation area used for access
25 to parking or loading areas or other facilities on the lot. Essentially, driveways and
26 other maneuvering areas comprise the circulation area.

27 **Clearing** means the removal of vegetation from the land, but shall not include mowing
28 of grass.
29

30 **Clinic** means an establishment where patients, who are not lodged overnight, are
31 admitted for examination and treatment by one (1) person or a group of persons
32 practicing any form of healing or health-related services to individuals, whether those
33 persons be medical doctors, chiropractors, osteopaths, optometrists, dentists, or any
34 profession of which the practice is lawful in the State.
35

36 **Club** means buildings and facilities owned and operated by a corporation or association
37 of persons for social or recreational purposes, but not operated primarily for profit or
38 to render a service which is customarily carried on as a business.
39

40 **Common Area:** means the area under common ownership of a subdivision or site.
41

42 **Concurrency** means a condition where the necessary public facilities and services to
43 maintain the adopted level of service standard occur in accord with the impacts of
44 development.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

- 1 1. **Capacity, Reserved** means that portion of the capacity that has been reserved
- 2 for developments that have been issued a development order or permit.
- 3 2. **Concurrency Certificate** means a form issued by the Town that indicates
- 4 whether the proposed development is approved for concurrency or approved
- 5 with conditions.

6
7 **Conditional Use** means an order issued by the Town Council which allows certain uses
8 within a zoning district that are not generally permitted throughout the district, but
9 which if controlled as to number, area, location, or relation to the neighborhood, could
10 promote the public health, safety, and welfare.

11
12 **Condominium** means that form of ownership of real property created pursuant to
13 Chapter 718, Florida Statutes, which is comprised entirely of units that may be owned
14 by one or more persons, and in which there is, appurtenant to each unit, an undivided
15 share in common elements.

16
17 **Construction** means any on-site activity which will result in the change of natural or
18 existing drainage patterns, erection of buildings and other structures, or land clearing.

19
20 **Continue in Good Faith** means that no period of more than six (6) months passes
21 without activity. Activity shall include application for subsequent development stages
22 (for example, application for Final Plan after approval of the Preliminary Plan), or
23 response to the Town’s comments on a particular plan, or submittal of required
24 paperwork for a particular phase of development.

25
26 **Convenience Store** means a retail store with or without gasoline sales usually
27 containing less than 2,000 square feet of gross retail floor area that is designed and
28 stocked to sell primarily food, beverages and other household supplies to customers
29 who purchase relatively few items. It is designed to attract a high volume of stop-and-
30 go traffic.

31
32 **Critical Habitat** means habitat which if lost would result in elimination of individual
33 listed species from the area in question. Critical habitat typically provides functions
34 for the listed species during restricted portions of that species life cycle. Habitat
35 includes the place or type of site where a species naturally or normally nests, feeds,
36 resides, or migrates, including for example, characteristic topography, soils, and
37 vegetative cover.

38
39 **Cross Access** means an easement or service drive providing vehicular access between
40 two or more contiguous sites.

41
42 **Crown** means the main mass of branching of a plant above the ground.

43
44 **Cul-de-sac** means a dead-end street with a circular turnaround at the end.

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Cupola means a small decorative structure on top of a roof and not intended for habitation.

Day Care Facility means a facility or center which provides, for any portion of the day, child care services to more than four (4) children unrelated to the owner or operator and which receives payment for any of the children receiving care, whether or not operated for profit. This term includes daycare centers, nursery schools, and kindergartens, when not accessory to an elementary school. This term does not include group homes.

Demolition means any act or process that destroys in part or in whole a building, structure, or impervious surface.

Density means the number of dwelling units per net acre of land. The net land area is figured by taking the gross land area (total property less any lakes or water bodies), then subtracting from that any open space acreage, then subtracting any remaining unbuildable acreage (remaining wetlands).

Developer means any person, individual, partnership, association, syndicate, firm, corporation, trust, or legal entity engaged in developing or subdividing land under the terms of the Town of Howey-in-the-Hills Land Development Code.

Development or Development Activity means the alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing or altering soil, mud, sand or rock of a site; or the modification or redevelopment of a site.

Development Agreement means an enforceable agreement between the Town and a developer including agreements entered pursuant to the Town’s home rule powers under Florida Statutes, Chapter 166, an agreement entered pursuant to F.S. Chapter 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.

Development Order means an order granting, denying, or granting with conditions an application for approval of a development project or activity.

Development Permit means a document issued by the Town which authorizes the actual commencement of land alteration or building construction.

Diameter at Breast High (DBH) means the diameter, measured in inches, of a tree measured at four-and-one-half feet (4 ½’) above the existing grade.

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1 **Dock** means any permanently fixed or floating structure to which a vessel or other
2 water-dependent recreational equipment can be moored and that affords access to a
3 vessel or other water-dependent recreational equipment on or over submerged lands
4 (all those lands lying waterward of the mean high water level) from the adjacent upland
5 property. The term dock is synonymous with pier and boathouse.

6
7 **Dog Breeding** means an animal facility engaged in the breeding of dogs with the
8 intention of selling the puppies for profit.

9
10 **Drainage System** means all facilities used for the movement of stormwater through
11 and from a drainage area including, but not limited to, any and all of the following
12 conduits: canals, channels, ditches, flumes, culverts, streets, as well as all watercourses,
13 water bodies and wetlands.

14
15 **Dredging, Filling, and Other Related Activities** means any activities which may affect
16 the quality of the waters of the Town such as the following: draining, digging, pumping,
17 pushing, removing, or displacing, by any means, of material, or the dumping, moving,
18 relocating, or depositing of material, either directly or otherwise, and the erecting of
19 structures, driving of pilings, or placing of obstructions below the mean-high-water
20 mark of any body of water within the Town.

21
22 **Drip Line** means an imaginary line on the ground defined by vertical lines, which
23 extend from the outermost tips of the tree branches to the ground.

24
25 **Driveway Spacing** means the distance between driveways as measured from the closest
26 edge of pavement of the first driveway (measured at the road) to the closest edge of
27 pavement of the second driveway (at the road).

28
29 **Drugstore/Pharmacy** means a retail establishment where prescription drugs are filled
30 and dispensed by a pharmacist licensed under the laws of the State of Florida. Other
31 items for sale typically include personal care products, greeting cards and gift wrapping
32 materials, books and magazines, snacks, and photography supplies.

33
34 **Dwelling:**

- 35 1. **Single-Family** a detached residential dwelling unit other than a mobile home,
36 designed for and occupied by one family and which includes a kitchen and
37 permanent facilities for living, sleeping, and sanitation.
38 2. **Duplex** a residential building containing two (2) dwelling units, designed for
39 occupancy by not more than two (2) families, containing either a common wall
40 or ceiling/floor.
41 3. **Townhouse** a residential building designed for or occupied by three (3) or more
42 dwellings that share common vertical walls.
43 4. **Multiple-Family** residential dwelling units which are located in a single
44 building, in which the entrances to individual units may be above the first floor.

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- 1 5. **Mobile Home** see definition for Mobile Home.
- 2 6. **Modular or Manufactured Home** See Modular or Manufactured Home.

3
4 **Dwelling Unit** means a building consisting of rooms connected together constituting a
5 separate, independent housekeeping establishment. Said enclosure shall contain
6 independent sleeping, kitchen and bathroom facilities designed for and used, or held
7 ready for use, as a permanent residence by one family.

8
9 **Easement** means any strip or parcel of land dedicated for public or other private
10 utilities, drainage, sanitation, or other specified uses having limitations.

11
12 **Equivalent Residential Unit (ERU)** is a unit of measure, generally used in terms of
13 determining water, wastewater, reclaimed water, and stormwater generation rates per
14 parcel, given the single-family residence as the standard unit of measure.

15
16 **Facade, Primary** means the side of a building that faces a public right-of-way or has
17 the primary entrance.

18
19 **Facade, Secondary** means the side of a building that is not a primary facade and either
20 is visible from a public right-of-way or has a secondary entrance.

21
22 **Family** means one person, or a group of two or more persons, living together and
23 interrelated by bonds of blood, marriage, or legal adoption, plus no more than two
24 additional unrelated persons. A family also may include no more than three unrelated
25 persons living as a single household unit, any lawful foster children, others placed as
26 part of a family through a state agency, or residents protected by the Florida and Fair
27 Housing Act.

28
29 **Fill** means soil, rock or other earthy material which is used to fill in a depression or
30 hole in the ground or create mounds or otherwise artificially change the grade or
31 elevation of real property.

32
33 **Final Plat** is the drawing of all or a portion of a subdivision which is presented for
34 approval, showing all building lots, easements, rights-of-way, and other information
35 necessary for providing the detailed description of the subdivision of a parcel of land.

36
37 **Floor Area Ratio (FAR)** means the total area of all floors of a building intended for
38 occupancy or storage divided by the total site area. Floor area ratio applies to non-
39 residential uses.

40
41 **Florida Registered Professional Engineer** is an engineer registered in the State in good
42 standing with the Florida Board of Engineers as defined by Florida Statutes.

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1 **Garage** is a structure which is accessory to a principal building and which is used for
2 the parking and storage of vehicles. Garage doors must allow a minimum clear opening
3 of at least eight (8) wide by seven (7) feet tall for a one car access and fourteen (14)
4 feet wide by seven (7) feet tall for two car access. A garage may be a stand-alone
5 structure or incorporated as part of a principal structure.
6

7 **Gasoline Service Station** means any building, structure, or land used for the dispensing,
8 sale or offering for sale at retail of any automobile fuels, oils, or accessories. Minor
9 repairs may be made to automobiles; however, no major repairs such as body work,
10 welding, or painting shall be permitted.
11

12 **Grade, Finished** means a reference plane representing the average of finished ground
13 level adjoining the building or structure at all exterior walls.
14

15 **Grade, Natural** means the elevation of the ground in its natural state, as measured in
16 feet above mean sea level, before construction, filling, or excavation. The natural grade
17 elevation shall be measured as the average elevation from the four (4) corners of the
18 building site, based on a certified survey.
19

20 **Gross Floor Area (GFA)** means the total amount of floor space in a building. The area
21 within the perimeter of the outside walls of a building as measured from the inside
22 surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness
23 of walls, columns, or other interior features.
24

25 **Gross Land Area** means the total land area of a site, not including water bodies.
26

27 **Ground Cover** means plants of species which reach a maximum height of twenty-four
28 (24) inches upon maturity, installed in such a manner as to form a continuous cover
29 over the ground.
30

31 **Group Home Facility** means a residential facility which provides a family living
32 environment including supervision and care necessary to meet the physical, emotional,
33 and social needs of its residents.
34

35 **Hardscape Feature** means decorative and functional structures, materials, or other
36 items that are found on public and private parcels and rights-of-way including but not
37 limited to walls, fences, decorative surfaces on roads and sidewalks, planters, arbors
38 and trellises, archways and gates, street furniture (benches, tables, trash receptacles),
39 and exterior lighting.
40

41 **Hatrack** means to severely prune a tree in order to permanently maintain growth at a
42 reduced height or to flat-cut a tree, severing the leader or leaders, or pruning a tree by
43 stubbing off mature wood larger than three (3) inches in diameter; or reducing the total

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1 circumference or canopy spread not in conformance with National Arborists' Society
2 standards.

3
4 **Hedge** means a row of closely planted shrubs or other vegetative screening forming a
5 boundary or restrictive barrier.

6
7 **Historic Tree** is defined as any live oak or bald cypress with a trunk diameter of thirty-
8 six (36) inches or more measured at DBH or any tree which is determined by the Town
9 Council to have a unique and intrinsic value to the general public because of its size,
10 age, historic association, location, unique beauty or ecological value.

11
12 **Home Occupation** means an activity for profit carried on in the main dwelling unit,
13 where the activity is conducted only by members of the family living within the
14 residence, requiring only customary home equipment and using only a limited amount
15 of the home's square footage for the business; involving the employment of no
16 nonresident help; with only certain instances involving the offering of services on the
17 premises.

18
19 **Hotel or Motel** means a building or a group of buildings containing sleeping
20 accommodations or efficiency units in which transient guests are lodged on a short-
21 term basis. Hotels typically may also include dining (restaurants) and business services
22 (meeting facilities, etc.)

23
24 **Impervious Surface** means a surface which has been compacted or covered with a layer
25 of material so that it is highly resistant to infiltration by water. It includes most
26 conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface
27 areas at normal or control elevation, and other similar nonporous surfaces, but does not
28 include dry bottom stormwater facilities or wooden decks over soil (with spaces
29 between planks). Any determinations regarding permeability of material or surface
30 shall be at the sole discretion of the Town Engineer or designee.

31
32 **Impervious Surface Ratio (ISR)** means a figure normally expressed as a percentage,
33 calculated by taking the total amount of impervious surfaces on a site/lot and dividing
34 that by the total site/lot area.

35
36 **Improvements** means streets, curbs and gutters, sidewalks, water mains, sanitary
37 sewers, storm sewers or drains, street signs, landscaping, and any other construction
38 required by the Town.

39
40 **Industrial Waste** means the wastes from industrial manufacturing processes, trades, or
41 businesses, as distinct from sanitary sewage.

42
43 **Irrigation System** means a permanent, supplemental watering system designed to
44 transport and distribute water to plants. See irrigation system definitions below.

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Kennel means a place where dogs and other small animals (house pets) are boarded or groomed for compensation.

Landscape Feature means any improvement using live plants or associated materials including but not limited to, shrubbery, trees, flowers, ground covers, and mulch.

Landscaping means any combination of living plants such as grass, ground cover, shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles, and/or mulch.

Level of Service (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, the Town based on and related to the operational characteristics of the facilities.

Livestock means for the purposes of these regulations, horses, cows, sheep, and goats.

Living Area means that part of a residential dwelling that is heated or cooled. Garages, carports, and unenclosed porches are excluded from the living area.

Loading Space, off-street means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. A required off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Local governing body means the Town of Howey in the Hills.

Lot, for purposes of the LDC, means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded plat and which is recognized as a separate legal entity for purpose of transfer of title, use, or improvement.

Lot Frontage means the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under “yard” in this section.

Lot of Record means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of the County, as of the effective date of this Land Development Code.

Lot Types means the following types of lots are defined to clarify terminology used later in the LDC:

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- 1 2. **Corner Lot** means a lot at the intersection of two (2) streets or along a single
- 2 street that forms its own corner and provides frontage along two sides of the
- 3 same lot.
- 4 2. **Interior Lot** means a lot having street frontage on only one side.
- 5 3. **Through Lot** means a lot **other (MG)** with frontage on two nonintersecting
- 6 streets. Through lots abutting two streets may be referred to as double frontage
- 7 lots.
- 8 4. **Flag Lot** means a lot with less than the minimum road frontage required by this
- 9 LDC, typically frontage sufficient for only lot ingress and egress. (MG, DM)

10
11 **Main** shall refer to a pipe, conduit, or other facility installed to convey water service to

12 individual laterals/services or to other mains.

13
14 **Manufactured Home** means a structure that is fabricated in a protected environment

15 then transported in one (1) or more sections, to the homesite. These homes are built on

16 a permanent chassis and designed to be used with or without a permanent foundation

17 when connected to the required utilities. The structures are built to Federal standards.

18 ~~(May also be referred to as a Mobile home)~~ (DM)

19
20 **Massing** means the overall bulk, size, physical volume or magnitude of a structure or

21 project.

22
23 **Mobile Home** See Manufactured Home.

24
25 **Modular Home** means a structure that is fabricated in a protected environment and then

26 brought to the home site in pieces where the construction is then finalized following

27 State and local Codes the same way a site-built home is.

28
29 **Mulch** means non-living, organic materials used in landscape design to retard erosion

30 and retain moisture, as well as enrich the soil and reduce soil temperature.

31
32 **Native Vegetation** means any plant species with a geographic distribution indigenous

33 to the Central Florida region.

34
35 **Net Land Area** means the gross land area (total property less any water bodies) minus

36 the required open space minus any additional wetlands not part of the required open

37 space acreage.

38
39 **Non-Conforming Lot** means a lot existing at the effective date of this Code (and not

40 created for the purposes of evading the restrictions of this Code) that does not meet the

41 minimum area requirement of the district in which the lot is located.

42 **Non-Conforming Sign** means a sign lawfully existing in the Town before the adoption

43 of this LDC that does not conform to the requirements of this LDC. A sign not lawfully

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1 existing prior to the adoption of this LDC shall not be considered a non-conforming
2 sign.

3
4 **Non-Conforming Structure** means existing improvements which do not meet required
5 size regulations, height regulations, or other standards for the district in which they are
6 located.

7
8 **Non-conforming Use** means any preexisting use of land that was lawfully established
9 and maintained but is inconsistent with the use provisions of this LDC or amendments
10 thereto.

11
12 **Nursing or Convalescent Home** means a home for the aged, chronically ill, or
13 incurable persons in which three or more persons not of the immediate family are
14 received, kept, or provided with food and shelter or care for compensation; but not
15 including hospitals, clinics, or similar institutions devoted primarily to the diagnosis
16 and treatment of the sick or injured.

17
18 **Occupancy** means taking or keeping possession for purposes of residing in a dwelling
19 unit or occupying a nonresidential building for business or other suitable reason.

20
21 **Off-Site** means a location upon a lot, tract, right-of-way, or parcel other than the
22 development site.

23
24 **Off-Street Parking** means a lot or parcel of land or structure designed, constructed, or
25 used for the parking of motor vehicles so that none of the parking spaces shall be on
26 any public street or alley.

27
28 **On-Site** means located on the same site, lot, tract, or parcel.

29
30 **Open Space** for the purpose of this LDC, means a portion of the gross land area
31 dedicated to the public, a homeowners' or property owners' association, or the owner
32 of individual small lot developments, unencumbered by any structure, road, or other
33 impervious surface, to include stormwater ponds if they are designed to be a park-like
34 setting with pedestrian amenities and free form ponds, landscaped buffer areas, and
35 recreation areas. Up to ~~50%~~25% (DM) of the open space for any one development may
36 be comprised of wetland areas and up to 10% may be impervious (plazas, recreational
37 facilities, etc.).

38
39 **Ornamental Feature** means one (1) or more distinctive elements on or part of a
40 building that is provided purely for decoration or as nonfunctional embellishments,
41 such as medallions, scroll work, or trim.

42
43 **Parking Area** means all property used for off-street parking, vehicular aisles and access
44 ways, loading zones, and interior and perimeter landscaping.

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Parking Area Aisles means that portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space means that portion of the vehicle accommodation area where one vehicle may be parked. Parking spaces may be designated for different types of vehicles (compact cars, motorcycles, golf carts, etc.).

Pennant means any streamer designed to be hung from poles, on walls, or any other structure outside the building, and which blows with the wind and is designed to attract attention.

Personal Services means an establishment that primarily provides services involving the care of a person or his or her apparel, such as barber shops, beauty salons, day spas, seamstress shops, shoe repair, and dry cleaning shops.

Plat means a map or delineated representation of the subdivision of lands, a complete exact representation of the subdivision and other information in compliance with all applicable statutes and regulations.

Potable Water means water which is satisfactory for drinking, culinary, and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation.

Potable Water System shall refer to the Town's water distribution systems, and any and all component parts thereof.

Primary Façade is the exterior wall of a building that faces a street. Buildings on lots abutting more than one street including corner lots, through lots, and any lot abutting three or four streets have two, three, or four primary facades based on the number of streets fronted by the lot.

Primary Frontage means the public right-of-way which is identified as the address of the premises.

Principal Building means a building in which is conducted the main or principal use of the lot on which said building is located.

Professional Office means an office for such uses as architects, engineers, attorneys, accountants, physicians, lawyers, dentists, and others who provide consultant and medically-related services.

Property Value means the average replacement cost as determined by a licensed appraiser in the State of Florida.

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Protective Barrier means a temporary barricade beneath the drip line of a tree to protect its root system during construction on the site.

Public Facilities mean capital improvements and include any or all of the following: government buildings, roads, sidewalks, curbs and gutters, sanitary sewer facilities, potable water facilities, drainage facilities, solid waste facilities, and recreation and open space facilities. The term shall include “public improvements.”

Record Drawings mean the site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed. Record drawings must be signed and sealed by a professional engineer registered in the State of Florida. Portions of the plans shall also be signed and sealed by the surveyor, architect, landscape architect, or other professional involved in the project.

Recreation:

1. **Active Recreation** means recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Sports fields and courts, swimming pools, and golf courses are examples of active recreation.
2. **Passive Recreation** means recreational uses, areas or activities oriented to noncompetitive activities that either require no special equipment or are natural areas. Nature trails and picnic areas are examples of passive recreation.

Replacement tree means a tree from the list of trees contained in this LDC as replacement(s) for any tree(s) removed.

Restaurant means an establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises. The sale of beer, wine, and liquor for consumption on premises is incidental to the sale of food. At least fifty percent (50%) of the establishment’s gross revenue is derived from the sale of food and non-alcoholic beverages.

Retaining Wall means a wall designed to prevent the lateral displacement of soil or other material.

Right-of-Way (R-O-W) means land dedicated, deeded, used, or to be used for a street, alley, sidewalk, walkway, or other purpose by the public.

Roadway Classification means a system used to group roadways into classes according to their purpose in moving vehicles and providing access.

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows, from the area.

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1 **Sanitary Sewer Facilities.** A sanitary sewer system includes primary and secondary
2 systems which are necessary to provide service to any given residential and
3 nonresidential unit. This definition will only deal with the primary system and
4 represents an established capacity and an established capital value. The primary
5 systems are:

- 6 1. Effluent disposal facilities.
- 7 2. Treatment plants.
- 8 3. Pump stations.
- 9 4. Force mains; and
- 10 5. Interceptors.

11
12 **Septic Tank** means an individual sewage disposal system approved by the County
13 Health Department and serving only one lot.

14
15 **Setback Line** means the distance between the property line and any structure and may
16 be measured from the front, back or side property line.

17
18 **Secondary Façade** is any building wall not defined as a primary façade.

19
20 **Shopping Center** means any non-residential building or development occupied by two
21 or more retail tenants on one premises.

22
23 **Shoreline Protection Zone** means no disturbance within 50 feet of the landward extent
24 of wetlands as set forth in Rule 62-340, F.A.C. with the exception of pilings for docks
25 or piers.

26
27 **Sidewalk** means that portion of a right-of-way outside the vehicle traveling lanes,
28 intended for use by pedestrians. Sidewalks are typically concrete but may be other
29 surfaces with approval of the local government.

30
31 **Sight Distance Triangle (or Sight Visibility Triangle)** means the triangular area
32 required on any intersection corner to permit a vehicle operator an unobstructed view
33 of the crossing roadway for a minimum sight distance in either direction.

34
35 **Sign** means any device or display consisting of letters, numbers, symbols, pictures,
36 illustrations, announcements, trademarks, including all trim and borders, designed to
37 advertise, inform or attract the attention of persons not on the premises on which the
38 device or display is located, and visible from the public way. A sign shall be construed
39 to be a single display surface or device containing elements organized, related, and
40 composed to form a single unit.

- 41 1. **Banner sign** means any sign having characters, letters, or illustrations applied
42 to cloth, paper, or fabric of any kind, with only such material as backing, which
43 is mounted to a pole or building by one (1) or more edges. National, state, or

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- 1 municipal flags or the official flag of a business or institution shall not be
- 2 considered a banner.
- 3 2. **Barber Pole sign** means any traditional cylindrical, striped revolving sign
- 4 identifying barbers.
- 5 3. **Construction sign** means any sign advertising the construction actually being
- 6 done on the premises where the sign is located. The sign may also include the
- 7 contractor's name, the owner's name, the architect's name, and the name of the
- 8 institution providing financial services.
- 9 4. **Detached sign.** See “Freestanding/ground sign” and “Pole sign.”
- 10 5. **Exempt sign** means any sign for which a permit is not required.
- 11 6. **Freestanding or Ground sign** means any detached sign, including any signs
- 12 supported by structures in or on the ground and independent of support from
- 13 any building. Includes the term “monument sign.”
- 14 7. **Garage Sale sign** means any sign pertaining to the sale of personal property in,
- 15 at, or upon any residentially zoned property, whether made under any other
- 16 name, such as lawn sale, backyard sale, rummage sale, or any similar
- 17 designation.
- 18 8. **Identification sign** means any sign which indicates the name, owner or address
- 19 of a residence, office, or business, but bearing no advertising.
- 20 9. **Illuminated sign** means any sign having characters, letters, figures, design, or
- 21 outlines illuminated by electric lights or luminous tubes designed for that
- 22 purpose, whether or not the lights or tubes are physically attached to the sign.
- 23 10. **Incidental sign** means any general informational sign which has a purpose
- 24 secondary to the use of the site on which it is located, such as "Open", "Closed",
- 25 "Welcome", "No Parking", "Entrance", "Loading Only", and similar
- 26 information and directives. No sign with a business name, logo, or advertising
- 27 shall be considered incidental.
- 28 11. **Off-site sign** means any sign which advertises the services or products of a
- 29 business not on the premises where the sign is erected.
- 30 12. **Pole sign** means any sign erected on a pole which is wholly independent of any
- 31 building for support.
- 32 13. **Political signs** are those concerning candidacy for public office or urging action
- 33 on any ballot issue in a forthcoming public election or pertaining to or
- 34 advocating political views or policies.
- 35 14. **Portable sign** means any sign, whether on its own trailer, wheels, chassis, or
- 36 otherwise movable support, which is manifestly designed to be transported
- 37 from one place to another.
- 38 15. **Projecting sign** means any sign which is affixed to any building, wall, or
- 39 structure and which extends beyond the building, wall, and structure (see
- 40 "bracket sign").
- 41 16. **Real Estate sign** means any on-premises structure showing that the premises
- 42 upon which it is located is either for sale, for lease or for rent, or open for
- 43 inspection.

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- 1 17. **Sandwich or Sidewalk sign** means any sign, double- or single-faced, which is
- 2 portable, able to be moved easily by an individual, and which fits within a
- 3 sidewalk while still allowing for pedestrian travel.
- 4 18. **Snipe sign** means any sign which is tacked, nailed, posted, pasted, glued, or
- 5 otherwise attached to trees, poles, stakes, fences, or other objects.
- 6 19. **Street Number sign** means any sign displaying a street number on a structure,
- 7 wherever located.
- 8 20. **Wall sign.** Any sign that shall be affixed parallel to the wall or painted on the
- 9 wall of any building in such a manner as to read parallel to the wall on which it
- 10 is mounted, in such a way that the wall becomes the supporting structure for, or
- 11 forms the background surface of the sign; provided, however, said wall sign
- 12 shall not project more than 12 inches from the face of the building; shall not
- 13 project above the top of the wall or beyond the end of the building.
- 14 21. **Yard Sale sign.** See "Garage sale sign."

15
16 **Site Plan** means an illustration of the details of development of areas such as

17 commercial, industrial, recreational, multifamily residential and other uses not being

18 platted.

19
20 **Species of Special Concern** means any flora or fauna designated as such by the State.

21
22 **Specimen Tree** is any tree, other than an undesirable tree, that is twenty (20) inches or

23 more in diameter measured at DBH.

24
25 **Spillover** means the casting, reflecting or transmission of light or glare beyond the

26 boundaries of the property.

27
28 **Street,** for the purpose of this LDC, means a paved thoroughfare that is wider than an

29 alley; may also be referred to as a road, boulevard, avenue, or similar reference.

- 30 1. **Alleys** mean minor travel ways, which are used primarily for vehicular service
- 31 access to the back or the side of properties otherwise abutting on a street.
- 32 2. **Arterial** means a route providing service which is relatively continuous and of
- 33 relatively high traffic volume, long average trip length, high operating speed,
- 34 and high mobility. They often have multiple lanes and access control.
- 35 3. **Collector** means a low to moderate-capacity road which serves to move traffic
- 36 from local streets to arterial streets. Access is managed to minimize the number
- 37 of driveways.
- 38 4. **Cul-de-sac** means minor streets having only one (1) open end providing access
- 39 to another street; the closed end provides a turnaround circle for vehicles, and
- 40 property fronts on both sides of the street.
- 41 5. **Dead-end** means minor streets similar to cul-de-sacs except that they provide
- 42 no turnaround circle at their closed end. Stub streets, planned for future
- 43 continuation, are not considered to be dead-end streets.

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- 6. **Local** means a street with lower traffic volumes, with land access as its primary function. In general, on-street parking is allowed and access is unlimited, subject to driveway spacing restrictions.
- 7. **Public** means any public thoroughfare, street, avenue, boulevard, or similar roadway which has been dedicated or deeded for vehicular use by the public.

Street Tree means any tree meeting the requirements for a canopy tree and planted to meet the requirements for a street tree as required by the code. See also canopy tree.

Street Vendor means any person who sells food, flowers, and/or other goods or services from a mobile vending unit.

Structural Alterations mean any change in the supporting member of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof or exterior walls.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location. Among other things, structures include buildings, boat docks, boat ramps, mobile homes, walls, fences, swimming pools, tennis courts, and sheds.

Stub-out means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Subdivision means the division of a parcel of land pursuant to state law, whether improved or unimproved, into three (3) or more lots or parcels of land for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets.

Telecommunications Service Facilities means a building and/or ground mounted tower which is greater than thirty-five (35) feet in height, as measured from the finished grade of the parcel, does not exceed three hundred (300) feet in height (including antenna), and is principally intended to support communication (transmission or receiving) equipment for radio, TV, microwave, cellular and similar communication purposes. The term communications tower shall not include amateur radio operations' equipment licensed by the Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free standing), guyed (anchored with guy wires) or self supporting (square, triangular or pyramidal in plain view and constructed of steel lattice, tubular steel, reinforced concrete, or wood).

Temporary Structure means any structure which is designed, constructed, and intended to be used on a short-term basis, such as a sales office, contractor's office, etc.

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1 **Temporary Use** means one established for a fixed period of time with the intent to
2 discontinue such use upon the expiration of such time. Such uses do not involve the
3 construction or alteration of any permanent structure.
4

5 **Threatened Species** means any flora or fauna that is so designated in the Florida
6 Administrative Code.
7

8 **Town** means the Town of Howey-in-the-Hills, a municipal corporation organized and
9 existing under the laws of the State of Florida.
10

11 **Town ~~Manager~~ ~~Mayor (or Mayor)~~** means the Town ~~Manager~~Mayor or his or her
12 designee.
13

14 **Trades and Skilled Services** means occupations typically requiring manual or
15 mechanical skill, in which standards have been set to promote quality work and skill
16 excellence among trades people. Trades people are typically trained through an
17 apprenticeship.
18

19 **Understory Tree** means any indigenous tree that is not a canopy tree but grows to a
20 minimum height of fifteen feet (15').
21

22 **Use** means the activity or function that actually takes place or is intended to take place
23 on a lot.
24

25 **Variance** means a relaxation of the terms of these regulations where such variance will
26 not be contrary to the public interest and where, owing to conditions peculiar to the
27 property and not the result of the action of the applicant, a literal enforcement of the
28 ordinance would result in unnecessary and undue hardship.
29

30 **Volume (Traffic)** means the number of vehicles to pass a predetermined location
31 during a specified period of time.
32

33 **Water Body** means any natural or man-made pond, lake, reservoir, or other area which
34 ordinarily contains water and which usually has a discernible shoreline.
35

36 **Wellfield Protection Zone** means an area around one or more wells where development
37 is limited in order to protect the current and future water supply.

- 38 1. **Primary Protection Zone** means that no development, other than facilities
39 related to the public water system, may occur within a 150-foot radius of an
40 existing or proposed public well.
41 2. **Secondary Protection Zone** means no septic tanks, sanitary sewer facilities, or
42 solid waste or disposal facilities are permitted within a 200-foot radius of any
43 existing or proposed public well.

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3. **Tertiary Protection Zone** means all manufacturing or light industrial uses are prohibited within a 500-foot radius of an existing or proposed public well.

[**Note:** Mayor MacFarlane says these may need updating.]

Wetlands means transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered with shallow waters.

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

Yard means the land area surrounding the principal building on any parcel which is neither occupied or obstructed by a portion of the principal building from the finished grade to the sky or below the finished grade except where such occupancy, obstruction or encroachment is specifically permitted by this ordinance.

1. **Front Yard** means that portion of the yard extending the full width of the parcel and measured between the front parcel line and a parallel line tangent to the nearest part of the principal building.
2. **Rear Yard** means that portion of the yard extending the full width of the parcel and measured between the rear parcel line and a parallel line tangent to the nearest part of the principal building.
3. **Side Yard** means those portions of the yard extending from the required front yard to the required rear yard and measured between the side parcel lines and parallel lines tangent to the nearest part of the principal building.
4. **Street Side Yard** means those side yards abutting a public or private street.

Irrigation System Definitions

Automatic irrigation system: An irrigation system which operates following a preset program entered into an automatic controller.

Controller: An automatic timing device that sends an electric signal for automatic valves to open or close according to a set irrigation schedule or based on sensor readings.

Head-to-Head Coverage: Spacing of sprinkler heads so that each sprinkler throws water to the adjacent sprinkler (Irrigation Association [IA] Glossary)

Hydrozone: A distinct grouping of plants with similar water and irrigation needs and climatic requirements that can be irrigated with a common zone.

Irrigation System: All piping, fittings, appurtenances, valves and emitters used to convey to and apply water to landscaping and turf.

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- 1 **Irrigation Zone** : A grouping of sprinkler heads or micro-irrigation emitters operated
2 simultaneously by the control of one valve. Zones are composed of similar sprinkler types
3 and plant material types with similar water requirements. A section of an irrigation system
4 served by a single control valve.
- 5 **Landscape Bed**: A grouping of trees, shrubs, ground covers, perennials, or annuals growing
6 together in a defined area devoid of turf grass, normally using mulch around the plants.
7 Landscape beds must be designed so that, at maturity, the plant material must provide
8 coverage of 60 percent of the plant bed.
- 9 **Landscape Irrigation**: The outside watering of plants in a landscape such as shrubbery, trees,
10 lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in
11 such diverse locations as residential areas, public, commercial, and industrial establishments,
12 and public medians and rights-of-way. "Landscape irrigation" does not include agricultural
13 crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and
14 vegetation associated with recreational areas such as playgrounds, football, baseball, soccer
15 and athletic fields.
- 16 **Micro-irrigation**: The application of small quantities of water directly on or below the soil
17 surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through
18 emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a
19 number of methods or concepts, including drip, subsurface, micro-bubbler and micro-spray
20 irrigation, previously known as trickle irrigation, low volume or, low-flow irrigation.
- 21 **Micro irrigation emission device**: An emission device intended to discharge water in the form
22 of drops or continuous flow at rates less than 30 gallons per hour (113.5 liters per hour) at the
23 largest area of coverage available for the nozzle series when operated at 30 psi (206.8 kPa),
24 except during flushing. Also known as "Low Volume Irrigation."
- 25 **Rainfall shut off device**: A device designed to bypass automatic irrigation operation after a
26 predetermined amount of rainfall. Can include a rain sensor or a soil moisture sensor or an
27 evapotranspiration controller and is required by Chapter 373.62, Florida Statutes.
- 28 **Rotor**: A sprinkler that applies water in a pattern by means of one or more rotating streams to
29 a defined landscape area.
- 30 **Spray head**: A sprinkler that continuously applies water in a pattern to a defined landscape
31 area.
- 32 **Sprinkler**: An emission device consisting of a sprinkler body with one or more orifices to
33 convert irrigation water pressure to high velocity water discharge through the air, discharging
34 a minimum of 0.5 gallon per minute (gpm) at the largest area of coverage.
- 35
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CHAPTER 2

Zoning Districts

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1 **2.00.00 GENERALLY**

2 **2.00.01 Purpose and Intent**

- 3 A. It is the purpose of this chapter to promote the health, safety, and general welfare
4 of the Town by promoting land use compatibility and regulating land use by district.
5 The chapter also restricts the height, number of stories and size of buildings and
6 other structures, the percentage of the lot which may be occupied by structures, the
7 size of yards and other open spaces, the density of population, and the location of
8 buildings and structures.
9 B. It is the intent of the Town Council that the regulations set forth in this chapter
10 governing the use of land, water, and buildings apply to all land, water, and
11 buildings included within the boundaries of each district shown on the Zoning Map.

12 **2.00.02 Official Zoning Map**

- 13 A. Zoning districts are hereby established for all land and water areas included within
14 the boundaries of each district as shown on the “Zoning Map, Howey in the Hills,
15 Florida.”
16 B. The Zoning Map and all notations, references, and other information shown on the
17 Zoning Map are as much a part of this LDC as if the information set forth thereon
18 were fully described and set out in this LDC.
19 C. Table 2.00.02(C) shows the relationship between zoning districts and the land use
20 categories on the Future Land Use Map (FLUM). An “X” indicates that the zoning
21 district is permissible within the indicated category on the FLUM.

22 **Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map**
23 **Categories.**

Zoning Districts:	AG	RE	SFR	MDR	NC	IND	INS-1	INS-2	REC-1	REC-2	CON	PUB	PUD	TC-R	TC-F	TC-C
FLUM Land Use Categories																
Rural Lifestyle	X	X														
Low Density Residential			X										X			
Medium Density Residential 1				X									X			
Medium Density Residential 2 (GL)				X									X			
Neighborhood Commercial					X											
Light Industrial						X										
Institutional							X	X								
Recreation									X	X						
Conservation											X					
Public / Utility												X				
Village Mixed Use													X			
Town Center Mixed Use													X	X	X	X

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2.00.03 Rules for Interpretation of District Boundaries

- A. District Boundary Guidelines. Where uncertainty exists as to the boundaries of the districts as shown on the Official Zoning Map, the following guidelines shall apply:
1. Centerlines. Boundaries indicated as approximately following the center lines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In the case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.
 2. Lot lines. Boundaries indicated as approximately following lot lines, public property lines, and the like shall be construed as following such lines, provided however, that where such boundaries are adjacent to a dedicated street, alley, highway, or right-of-way and the zoning status of the street, highway, alley or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley, or right-of-way. In the event of street vacation, interpretation shall be as provided in (A) (1) above.
 3. Town Limits. Boundaries indicated as approximately following Town limits shall be construed as following such limits.
 4. Mean-High-Water-Lines. Boundaries indicated as following mean high water lines or centerlines of streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In the case of a change in mean high water line, or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel; and in such case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
 5. Body of Water. Boundaries indicated as entering any body of water but not continuing to intersect with other zoning boundaries or with the limits of jurisdiction of the Town of Howey-in-the-Hills shall be construed as extending in the direction in which they enter the body of water to intersection with other zoning boundaries or with the limits of Town jurisdiction.
 6. Parallel Features. Boundaries indicated as parallel to or extensions of features indicated in (A) (1) through (5) above shall be construed as being parallel to or extensions of such feature.
 7. Distances. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map on the page of the Map showing the property in question.
- B. Other Cases. In cases not covered by 2.00.03 (A) above, or where the property or street layout existing on the ground is at variance with that shown on the Official Zoning Map, the Town Planner shall interpret the Official Zoning Map in

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1 accordance with the intent and purpose of these zoning regulations. Appeal from
2 the interpretation of the Town Planner shall be made to the Board of Adjustment in
3 conformity with Chapter 9.

4 **2.01.00 ZONING DISTRICT DESIGNATIONS**

5 These district regulations shall apply uniformly to all premises in the following manner:

6 **2.01.01 Zoning Affects All Premises**

7 No premises shall hereafter be used or occupied and no principal building or accessory
8 structure shall be hereafter erected, constructed, moved, or altered except in conformity
9 with these district regulations.

10 **2.01.02 Interpretation of Uses and Structures Permitted**

11 If a use or structure is not expressly permitted in any zoning district, the Town
12 Mayor/Manager or his designee shall not permit such use or structure in the district
13 unless it is substantially similar to a use or structure otherwise permitted in the district.

14 **2.01.03 Lot Area, Density, Yard Requirements, Building Coverage, and**
15 **Building Height**

16 Every principal or accessory structure to be erected shall meet all lot area, density, yard,
17 building coverage, and building height requirements of the pertinent zoning district of
18 the property.

19 **2.01.04 Reduction of Lot Area and Width Prohibited**

20 No lot existing on or after the effective date of this Code shall be reduced in area and/or
21 width below the minimum requirements of its pertinent zoning district.

22 **2.01.05 Additional Requirements Included**

23 The uses and structures outlined in this Chapter shall meet all regulations and
24 requirements outlined in the Land Development Code. Certain uses and structures
25 discussed in this Chapter are subject to requirements and regulations in other Chapters
26 as well.

27 **2.02.00 ZONING DISTRICT CLASSIFICATIONS**

28 This section describes the purpose of each zoning district. Specific uses permitted
29 within each zoning district and dimensional criteria are also outlined.

30 **2.02.01 Agricultural (AG)**

31 A. Purpose. The Purpose of the Agricultural (AG) zoning district is to designate areas
32 for small family farms including plant nurseries, growing fruits and vegetables, and
33 the raising and grazing of livestock. The district is intended for use in outlying
34 areas and with proper buffering. Single-family residential units may be located on

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- 1 agriculturally-zoned property. This district will allow the Howey area to continue
- 2 to have a rural character and will help preserve family farming as a viable part of
- 3 the community’s economy.
- 4 B. Principal, Accessory, and Conditional Uses
- 5 1. Permitted Principal Uses and Structures
- 6 a. Single-family detached homes
- 7 **b. Mobile homes Reserved. (DM)**
- 8 c. Groves
- 9 d. Pastures
- 10 e. Agricultural uses including the cultivation and production of crops, both in
- 11 orchards and pastures.
- 12 f. Licensed Group Home (up to 6 residents)
- 13 g. Private and Public Gardens
- 14 2. Permitted Accessory Uses and Structures
- 15 a. Accessory dwellings. One per lot or parcel.
- 16 b. Detached garages
- 17 c. Barns
- 18 d. Horse stables (maximum of 1 horse per acre)
- 19 e. Horse trails
- 20 f. Sheds
- 21 g. Workshops
- 22 h. Pools
- 23 i. Small roadside farm stands used to show and sell products produced on the
- 24 land (sold to individuals in amounts that can be accommodated in one non-
- 25 commercial vehicle)
- 26 j. Children’s play structures
- 27 k. Fences
- 28 l. Signs
- 29 m. Decks
- 30 n. Home occupations
- 31 3. Conditional Uses and Structures
- 32 a. Bed and Breakfast Inn
- 33 b. Apiculture Indoor cultivation of plants (greenhouses)
- 34 c. Riding stables or horse stables as a business
- 35 d. Garden center or Nursery
- 36 e. Sale of hay and large quantities of fruits and vegetables and plants.
- 37 f. Animal Hospital or Veterinary Clinic with outdoor kennels
- 38 g. Churches
- 39 h. Outside storage of agricultural equipment and materials
- 40 C. Prohibited Uses
- 41 1. Hog farms, poultry farms and similar uses that may produce excessive noise,
- 42 odor, and/or dust.
- 43 2. Dog breeding (family pets may have offspring)
- 44 3. Mining and excavation

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- 1 4. Fishing and hunting camps or lodges
- 2 5. Sales of products not grown on the land
- 3 6. Outdoor storage of inoperable vehicles or heavy equipment
- 4 7. Any use or structure not listed above as permitted or conditional.
- 5 D. Dimensional Criteria
- 6 1. Maximum building height is 2 ½ stories and no higher than 30 feet
- 7 a. Silos or grain bins may exceed the maximum building height by 10 feet.
- 8 b. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 9 antennas used for domestic purposes, or other appurtenances usually placed
- 10 above roof level and not used for human occupancy, may exceed the
- 11 maximum building height by 10 feet.
- 12 2. Maximum FAR of .15 for all buildings
- 13 3. Maximum impervious surface is 20%
- 14 4. Minimum lot size is 2 acres.
- 15 5. Minimum lot width is 150 feet
- 16 6. Minimum lot depth is 200 feet
- 17 7. Minimum front yard setback is 50 feet
- 18 8. Minimum street side yard setback is 50 feet
- 19 9. Minimum side yard (interior) setback is 25 feet
- 20 10. Minimum rear yard setback is 50 feet
- 21 11. Minimum square footage of principal dwelling is **1,500** **2,500 (FW)** square feet
- 22 (air conditioned, not including garage or accessory dwelling).
- 23 E. Other Standards
- 24 1. Minimum of 50% open space is required.
- 25 2. All accessory structures, with the exception of fences and signs, shall meet the
- 26 same setback requirements as the principal dwelling.

2.02.02 Rural Estates (RE)

- 27 A. Purpose. The Purpose of the Rural Estates (RE) zoning district is to designate areas
- 28 for larger single-family home sites. The district is intended for families who may
- 29 have horses or who desire a semi-rural environment in close proximity to urban
- 30 services. A limited number of horses (maximum of 1 per acre) are allowed. This
- 31 district will allow the Howey area to continue to have a rural character.
- 32 B. Principal, Accessory, and Conditional Uses
- 33 1. Permitted Principal Uses and Structures
- 34 a. Single family detached homes
- 35 b. Licensed Group Home (up to 6 residents)
- 36 2. Permitted Accessory Uses and Structures
- 37 a. Accessory dwellings. One per lot or parcel.
- 38 b. Detached garages
- 39 c. Barns
- 40 d. Sheds
- 41 e. Workshops
- 42

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- 1 f. Pools
- 2 g. Horse stables (maximum of 1 horse per acre)
- 3 h. Horse trails
- 4 i. Children’s play structures
- 5 j. Fences
- 6 k. Decks
- 7 l. Home occupations
- 8 3. Conditional Uses and Structures
- 9 a. Bed and Breakfast Inn (with signage)
- 10 b. Riding stables or horse stables as a business (with signage)
- 11 C. Prohibited Uses
- 12 1. Any use or structure not listed above as permitted or conditional.
- 13 D. Dimensional Criteria
- 14 1. Maximum building height is 2 ½ stories and 30 feet
- 15 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 16 antennas used or domestic purposes, or other appurtenances usually placed
- 17 above roof level and not used for human occupancy, may exceed the
- 18 maximum building height by 10 feet.
- 19 2. Maximum FAR of .15 for all buildings
- 20 3. Maximum impervious surface is 20%
- 21 4. Minimum lot size is ~~2 acres~~ one acre. (DM)
- 22 5. Minimum lot width is 150 feet
- 23 6. Minimum lot depth is 200 feet
- 24 [NOTE: RL suggests additional lot-size offerings of 80 X 140 and 80 X 150]
- 25 7. Minimum front yard setback is 50 feet
- 26 8. Minimum street side yard setback is 50 feet
- 27 9. Minimum side yard (interior) setback is 25 feet
- 28 10. Minimum rear yard setback is 50 feet
- 29 11. Minimum square footage of principal dwelling is 1,500 square feet (air-
- 30 conditioned, not including garage or accessory dwelling).
- 31 E. Other Standards
- 32 1. Minimum of 50% open space is required.
- 33 2. All accessory structures, with the exception of fences and signs, shall meet the
- 34 same setback requirements as the principal dwelling.
- 35 3. Single family detached units shall have a two-car garage (a minimum of 400
- 36 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 37 feet long from right of way to garage. Driveways shall be paved with a hard
- 38 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
- 39 mulch, or gravel shall not qualify as surfacing for residential driveways.

2.02.03 Single Family Residential (SFR)

- 40 A. Purpose. The Purpose of the Single Family Residential (SFR) zoning district is to
- 41 designate areas for low density single family detached homes.
- 42

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- 1 B. Principal, Accessory, and Conditional Uses
- 2 1. Permitted Principal Uses and Structures
- 3 a. Single family detached homes
- 4 b. Licensed Group Home (up to 6 residents)
- 5 2. Permitted Accessory Uses and Structures
- 6 a. Accessory dwellings. One per lot. Must be either built as part of the
- 7 principal building (i.e., above the garage) or attached to the principal
- 8 structure by covered walkway, screened enclosure, or breezeway.
- 9 b. Detached garages
- 10 c. Sheds [part of principal building? (MM)]
- 11 d. Workshops
- 12 e. Pools
- 13 f. Boathouses
- 14 g. Docks
- 15 h. Children’s play structures
- 16 i. Fences
- 17 j. Decks
- 18 k. Decorative walls as part of a landscaped buffer
- 19 l. A park as part of a residential subdivision, including pavilions, a community
- 20 pool and/or community building and sports courts.
- 21 m. Trails for pedestrians and cyclists (non-motorized)
- 22 n. Home occupations
- 23 3. Conditional Uses and Structures
- 24 a. Community boat ramp
- 25 b. Community boat dock(s)
- 26 c. Community fishing pier
- 27 C. Prohibited Uses
- 28 1. Any use or structure not listed above as permitted or conditional.
- 29 D. Dimensional Criteria
- 30 1. Maximum building height is ~~2-1/2~~ 2 stories and 30 feet
- 31 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 32 antennas used for domestic purposes, or other appurtenances usually placed
- 33 above roof level and not used for human occupancy, may exceed the
- 34 maximum building height by 10 feet.
- 35 2. Maximum FAR of .2 for all buildings
- 36 3. Maximum impervious surface is 35%
- 37 4. Minimum lot size is 1/2 acre.
- 38 5. Minimum lot width is 100 feet
- 39 6. Minimum lot depth is 150 feet
- 40 7. Minimum front yard setback is 35 feet (20 feet if the lot includes a recessed or
- 41 detached garage at least 35 feet from the front lot line)
- 42 8. Minimum street side yard setback is 35 feet
- 43 9. Minimum side yard (interior) setback is 20 feet
- 44 10. Minimum rear yard setback is 30 feet

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- 1 11. Minimum square footage of principal dwelling is ~~1,800~~ **2,000 (DM)** square feet
- 2 (air-conditioned, not including garage or accessory apartment).
- 3 E. Other Standards
- 4 1. All accessory structures, with the exception of boathouses, docks, and fences
- 5 shall meet the same setback requirements as the principal dwelling.
- 6 2. Single family detached units shall have a two-car garage (a minimum of 400
- 7 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 8 feet long from right of way to garage. Driveways shall be paved with a hard
- 9 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
- 10 mulch, or gravel shall not qualify as surfacing for residential driveways.
- 11

12 **2.02.04 Medium Density Residential 1 (MDR-1) [Note: GL says delete this**

13 **section on MDR-1 zoning.]**

- 14 A. Purpose. The purpose of the Medium Density Residential 1 (MDR-1) zoning district
- 15 is to provide for variety of dwelling units in a highly aesthetic setting with
- 16 community amenities. The MDR zoning district attempts to establish an optimum
- 17 environment between indoor and outdoor living in areas of the town already
- 18 developed with larger lots and areas where larger lots are appropriate and desired.
- 19 It encourages on-site leisure and recreational space and open space. Quality design
- 20 for the overall community as well as individual units is paramount in achieving a
- 21 functional and aesthetic setting.
- 22 B. Principal, Accessory, and Conditional Uses
- 23 1. Permitted Principal Uses and Structures
- 24 a. Single family detached homes
- 25 b. Licensed Group Home (up to 6 residents)
- 26 c. Elementary Schools
- 27 2. Permitted Accessory Uses and Structures
- 28 a. Accessory dwellings (on single family detached units only). One per lot.
- 29 Must be either built as part of the principal building (i.e., above the garage)
- 30 or attached to the principal structure by covered walkway, screened
- 31 enclosure, or breezeway.
- 32 b. Detached garages
- 33 c. Sheds
- 34 d. Workshops
- 35 e. Pools
- 36 f. Boathouses
- 37 g. Docks
- 38 h. Children’s play structures
- 39 i. Fences
- 40 j. Decks
- 41 k. Decorative walls as part of a landscaped buffer

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- 1 1. A park as part of a residential subdivision, including pavilions, a community
- 2 pool and/or community building and sports courts.
- 3 m. Trails for pedestrians and cyclists (non-motorized)
- 4 n. Community buildings for leisure activities
- 5 o. Covered Parking
- 6 p. Home occupations
- 7 3. Conditional Uses and Structures
- 8 a. Community boat ramp
- 9 b. Community boat dock(s)
- 10 c. Community fishing pier
- 11 C. Prohibited Uses
- 12 1. Any use or structure not listed above as permitted or conditional.
- 13 D. Dimensional Criteria
- 14 1. Maximum building height is 35 feet
- 15 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 16 antennas used for domestic purposes, or other appurtenances usually placed
- 17 above roof level and not used for human occupancy, may exceed the
- 18 maximum building height by 10 feet.
- 19 2. Maximum impervious surface is 50%
- 20 3. Maximum of ~~4~~ **3 (RL, DM, FW)** dwelling units per acre
- 21 4. Minimum lot size for single family detached units is ~~15,000~~ **14,520 (1/3 ac.)**
- 22 **(RL)** square feet.
- 23 5. Minimum lot width for single family detached units is ~~100~~ **80 (RL)** feet,
- 24 6. Minimum lot depth for all units is ~~120~~ **130 (RL) 140 (DM)** feet
- 25
- 26 [NOTE: RL suggests additional lot-size offerings of 75X130 and 80X130, Also,
- 27 lots of 60 X 12 when many amenities are built in]
- 28
- 29 7. Minimum front yard setback is 35 feet
- 30 8. Minimum street side yard setback is 12.5 feet
- 31 9. Minimum side yard (interior) setback is ~~12.5~~ **20 (DM)** feet
- 32 10. Minimum rear yard setback is ~~25~~ **30 (DM)** feet for principal dwelling, detached
- 33 garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools,
- 34 play structures, and other similar accessory structures is ~~10~~ **7 (RL)** feet. **If the**
- 35 **lot setback has an easement for utilities, drainage, wetlands, etc., the rear**
- 36 **setback must be 10 feet. (RL)**
- 37 11. Setbacks do not pertain to boathouses, docks, or fences.
- 38 12. Minimum square footage of principal dwelling on single-family detached
- 39 homes is ~~1,700~~ **1,800 (DM)** square feet (air-conditioned, not including garage
- 40 or accessory dwelling).
- 41 13. **Maximum square footage of the principal structure is 3,400 sq.ft. (air-**
- 42 **conditioned space, excluding garage and accessory dwelling. (DM)**
- 43 E. Other Standards

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- 1 1. All accessory structures, with the exception of boathouses, docks, and fences
- 2 shall meet the same setback requirements as the principal dwelling.
- 3 2. Single family detached units shall have a two-car garage (a minimum of 400
- 4 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 5 feet long from right of way to garage. Driveways shall be paved with a hard
- 6 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
- 7 mulch, or gravel shall not qualify as surfacing for residential driveways.
- 8
- 9

2.02.05 Medium Density Residential 2 (MDR-2) [Note: GL says delete this section on MDR-2 zoning.]

- 10 A. Purpose. The purpose of the Medium Density Residential 2 (MDR-2) zoning
- 11 district is to provide for variety of dwelling units in a highly aesthetic setting with
- 12 community amenities. The MDR-2 zoning district attempts to establish an
- 13 optimum environment between indoor and outdoor living in areas where smaller
- 14 lots and smaller dwellings may be appropriate including existing developed areas.
- 15 It encourages on-site leisure and recreational space and open space. ~~Density may~~
- 16 ~~be achieved through clustering. (DM)~~ Quality design for the overall community as
- 17 well as individual units is paramount in achieving a functional and aesthetic setting.
- 18 B. Principal, Accessory, and Conditional Uses
- 19 1. Permitted Principal Uses and Structures
- 20 a. Single family detached homes
- 21 b. Licensed Group Home (up to 6 residents)
- 22 c. Elementary Schools
- 23 2. Permitted Accessory Uses and Structures
- 24 a. Accessory dwellings (on single family detached units only). One per lot.
- 25 Must be either built as part of the principal building (i.e., above the garage)
- 26 or attached to the principal structure by covered walkway, screened
- 27 enclosure, or breezeway.
- 28 b. Detached garages
- 29 c. Sheds
- 30 d. Workshops
- 31 e. Pools
- 32 f. Boathouses
- 33 g. Docks
- 34 h. Children’s play structures
- 35 i. Fences
- 36 j. Decks
- 37 k. Decorative walls as part of a landscaped buffer
- 38 l. A park as part of a residential subdivision, including pavilions, a community
- 39 pool and/or community building and sports courts.
- 40 m. Trails for pedestrians and cyclists (non-motorized)
- 41
- 42

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- 1 n. Community buildings for leisure activities
- 2 o. Covered Parking
- 3 p. Home occupations
- 4 3. Conditional Uses and Structures
- 5 a. Community boat ramp
- 6 b. Community boat dock(s)
- 7 c. Community fishing pier
- 8 C. Prohibited Uses
- 9 a. Any use or structure not listed above as permitted or conditional.
- 10 D. Dimensional Criteria
- 11 1. Maximum building height is 35 feet
- 12 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 13 antennas used for domestic purposes, or other appurtenances usually placed
- 14 above roof level and not used for human occupancy, may exceed the maximum
- 15 building height by 10 feet.
- 16 2. Maximum impervious surface is 50%
- 17 3. Maximum of 4 dwelling units per acre
- 18 4. Minimum lot size for single family detached units is ~~9,000~~ **10,800 (FW)**
- 19 **10,890 (RL) 11,000 (DM)** square feet.
- 20 5. Minimum lot width for single family detached units is ~~75~~ **80 (DM)** feet,
- 21
- 22 [NOTE: RL suggests additional lot-size offerings of 75X130 and 80X130, Also,
- 23 lots of 60 X 12 when many amenities are built in]
- 24
- 25 6. Minimum lot depth for all units is ~~120~~ **130 (DM)** feet
- 26 7. Minimum front yard setback is ~~25~~ **30 (FW)** feet ~~(15 feet if the lot includes~~
- 27 ~~a recessed or detached garage at least 25 feet from the front lot line).~~ (DM)
- 28 8. Minimum street side yard setback is ~~12.5~~ **20 (DM)** feet
- 29 9. Minimum side yard (interior) setback is ~~12.5~~ **10.5 (RL)** feet
- 30 10. Minimum rear yard setback is ~~25~~ **40 (FW)** feet for principal dwelling,
- 31 detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools,
- 32 play structures, and other similar accessory structures is ~~10~~ **5 (RL)** feet. If the lot
- 33 setback has an easement for utilities, drainage, wetlands, etc., the rear setback must be
- 34 10 feet. (RL)
- 35
- 36 11 Setbacks do not pertain to boathouses, docks, or fences.
- 37 12. Minimum square footage of principal dwelling on single-family detached
- 38 homes is ~~1,200~~ **1400 (RL) 1500 (DM) 1600 (FW)** square feet (air-conditioned, not
- 39 including garage or accessory dwelling).
- 40 13. Maximum square footage for principal dwelling is 3,000 sq.ft. (air-
- 41 conditioned, not including garage or accessory dwelling). (DM)
- 42
- 43 E. Other Standards

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- 1 a. Single family detached units shall have a two-car garage (a minimum of 400
- 2 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 3 feet long from right of way to garage. **A three-car garage must be no less than**
- 4 **500 sq. ft. (DM)** Driveways shall be paved with a hard surface material such as
- 5 concrete, asphalt, paver blocks, brick, etc. Grass, mulch, or gravel shall not
- 6 qualify as surfacing for residential driveways.
- 7 b. Minimum of 25% open space required.

8 **2.02.06 Neighborhood Commercial (NC)**

9 A. Purpose. The purpose of the Neighborhood Commercial (NC) zoning district is to

10 provide attractive and functional areas to meet the daily shopping and service needs

11 of residents and visitors. These commercial areas should be designed and

12 constructed so as to be architecturally compatible with the residential development

13 in the area and to cause the least possible nuisance and additional traffic to nearby

14 residential uses. The NC district recognizes the desire for convenience goods and

15 services in close proximity to residential neighborhoods, provided that such uses

16 are limited in intensity as set forth in this LDC.

17 B. Principal, Accessory, and Conditional Uses

18 1. Permitted Principal Uses and Structures

- 19 a. Banks and Credit Unions
- 20 b. Professional Services (i.e., Barber; Beauty Salon; Business Services such as
- 21 copying, mailing, and printing; Laundry and Dry Cleaning, pick up only;
- 22 Day Spa)
- 23 c. Groceries
- 24 d. Convenience Stores
- 25 e. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;
- 26 Sporting Goods)
- 27 f. Restaurants
- 28 g. Professional Offices (i.e., Medical, Dental, Legal)
- 29 h. Drug Store or Pharmacy
- 30 i. Bed and Breakfast Inn
- 31 j. Music, Dance, Photography, or Art Studio
- 32 k. Small Equipment or Appliance Repair Shops (repair done indoors)
- 33 l. Specialty Food Stores (i.e., Bakery)
- 34 m. Elementary Schools
- 35 n. Middle Schools

36 2. Permitted Accessory Uses and Structures

- 37 a. Parks and Plazas
- 38 b. Dumpsters
- 39 c. Fences
- 40 d. Decorative Walls
- 41 e. Covered Parking
- 42 f. Signs

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- 1 g. Parking Lots
- 2 3. Conditional Uses and Structures
- 3 a. Buildings more than 5,000 square feet in size.
- 4 b. Religious facilities
- 5 c. Convenience stores with gasoline sales
- 6 d. Gasoline stations
- 7 e. Bars and cocktail lounges
- 8 f. Automobile sales
- 9 g. Automotive repair
- 10 h. Clubs and Fraternal lodges
- 11 i. Churches with quasi-commercial programs such as day care centers and
- 12 schools
- 13 j. Day care centers (adult and child)
- 14 k. Animal Hospital or Veterinary Clinic
- 15 l. Marina
- 16 m. Theaters (Movie or Performing Arts)
- 17 C. Prohibited Uses
- 18 1. Any use or structure not listed above as permitted or conditional.
- 19 D. Dimensional Criteria
- 20 1. Maximum building height is 2 stories **and or (RL)** 35 feet
- 21 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 22 antennas used for domestic purposes, or other appurtenances usually placed
- 23 above roof level and not used for human occupancy, may exceed the
- 24 maximum building height by 10 feet.
- 25 2. Maximum FAR of .5 for all buildings
- 26 3. Maximum size of any one building is 5,000 square feet.
- 27 4. Maximum impervious surface is 70%
- 28 5. Minimum lot size is 1/2 acre. **[FW – this is too large]**
- 29 6. Minimum lot width is 100 feet
- 30 7. Minimum lot depth is 150 feet
- 31 8. Minimum front yard setback is 30 feet
- 32 9. Minimum street side yard setback is 30 feet
- 33 10. Minimum side yard (interior) setback is 20 feet
- 34 11. Minimum rear yard setback is 30 feet
- 35 E. Other Standards
- 36 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

2.02.07 Light Industrial (IND)

- 37
- 38 A. Purpose. The purpose of the Light Industrial (IND) zoning district is to provide
- 39 sites in appropriate locations for light industrial operations which do not generate
- 40 objectionable on- or off-site impacts including odors; smoke; dust; refuse;
- 41 electromagnetic interference; or noise (in excess of that customary to loading,
- 42 unloading, and handling of goods and materials beyond the lot on which the facility

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- 1 is located); or which would have an adverse impact on the Town’s wastewater
- 2 treatment system; or result in hazardous environments for workers or visitors. This
- 3 district is not intended to accommodate heavy industrial uses.
- 4 B. Principal, Accessory, and Conditional Uses
- 5 1. Permitted Principal Uses and Structures
- 6 a. Warehouses
- 7 b. Distribution Centers
- 8 c. Light Manufacturing and Production (indoor)
- 9 d. Research and Development laboratories and facilities
- 10 e. High Schools
- 11 f. Medical laboratories
- 12 g. Automotive repair, garage
- 13 h. Automotive paint and body shops
- 14 i. Boat repair
- 15 j. Utility truck, trailer, and equipment rentals
- 16 k. Adult entertainment
- 17 l. Mini-storage facilities
- 18 m. Telecommunication towers
- 19 n. Trades and Repair Services (i.e., Electrical, Heating, Air, Plumbing)
- 20 2. Permitted Accessory Uses and Structures
- 21 a. Dumpsters
- 22 b. Fences
- 23 c. Decorative Walls
- 24 d. Storage buildings
- 25 e. Sheds
- 26 f. Covered Parking
- 27 g. Signs
- 28 h. Parking Lots
- 29 i. Caretaker or security dwelling
- 30 3. Conditional Uses and Structures
- 31 a. Garden Centers and nurseries
- 32 b. Lumber and building supply
- 33 c. Outdoor Storage
- 34 d. Industrial trade schools
- 35 e. Wholesale sales to the public
- 36 f. Showrooms (i.e., tile, cabinetry, etc.)
- 37 C. Prohibited Uses
- 38 1. Automotive Wrecking or Junkyard
- 39 2. Any use or structure not listed above as permitted or conditional.
- 40 D. Dimensional Criteria
- 41 1. Maximum building height is 2 ½ stories and 30 feet
- 42 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 43 antennas used for domestic purposes, or other appurtenances usually placed

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- 1 above roof level and not used for human occupancy, may exceed the
- 2 maximum building height by 10 feet.
- 3 2. Maximum FAR of .6 for all buildings
- 4 3. Maximum impervious surface is 70%
- 5 4. Minimum lot size is 1/2 acre.
- 6 5. Minimum lot width is 100 feet
- 7 6. Minimum lot depth is 150 feet
- 8 7. Minimum front yard setback is 30 feet
- 9 8. Minimum street side yard setback is 30 feet
- 10 9. Minimum side yard (interior) setback is 20 feet
- 11 10. Minimum rear yard setback is 30 feet
- 12 E. Other Standards
- 13 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

2.02.08 Institutional 1 (INS-1)

- 14
- 15 A. Purpose. The purpose of the Institutional 1 (INS-1) zoning district is to locate and
- 16 establish areas within the Town which are suited for developments of a general
- 17 institutional nature to serve the residents of the Town.
- 18 B. Principal and Accessory Uses
- 19 1. Permitted Principal Uses and Structures
- 20 a. Educational facilities, public or private (i.e., Elementary, Middle, High,
- 21 Business Colleges, Vocational Schools, Arts Schools)
- 22 b. Government buildings (including police and fire)
- 23 c. Cultural facilities (i.e., museums, community theaters)
- 24 d. Libraries
- 25 e. Community centers
- 26 f. Religious facilities
- 27 g. Day care centers (adult and child)
- 28 h. Cemeteries (public or private)
- 29 i. Single-family residences
- 30 2. Permitted Accessory Uses and Structures
- 31 a. Public parks and plazas
- 32 b. Dumpsters
- 33 c. Fences
- 34 d. Decorative Walls
- 35 e. Storage buildings
- 36 f. Sheds
- 37 g. Pools
- 38 h. Covered Parking
- 39 i. Playground equipment
- 40 j. Signs
- 41 k. Parking Lots
- 42 C. Prohibited Uses

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- 1 1. Any use or structure not listed above as permitted.
- 2 D. Dimensional Criteria
- 3 1. Maximum building height is 2 ½ stories and 30 feet
- 4 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 5 antennas used for domestic purposes, or other appurtenances usually placed
- 6 above roof level and not used for human occupancy, may exceed the
- 7 maximum building height by 10 feet.
- 8 2. Maximum FAR of .25 for all buildings
- 9 3. Maximum impervious surface is 40%
- 10 4. Minimum lot size is 1/2 acre.
- 11 5. Minimum lot width is 100 feet
- 12 6. Minimum lot depth is 150 feet
- 13 7. Minimum front yard setback is 30 feet
- 14 8. Minimum street side yard setback is 30 feet
- 15 9. Minimum side yard (interior) setback is 20 feet
- 16 10. Minimum rear yard setback is 30 feet
- 17 11. Single-family residences shall conform to the dimensional requirements of the
- 18 MDR-2 zoning classification
- 19 E. Other Standards
- 20 1. Minimum of 25% open space is required.
- 21 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

22 **2.02.09 Institutional 2 (INS-2)**

- 23 A. Purpose. The purpose of the Institutional 2 (INS-2) zoning district is to locate and
- 24 establish areas within the Town which are suited for developments of an
- 25 institutional nature related to health and daily living assistance to serve the
- 26 population who needs these services on either a temporary or more permanent basis.
- 27 B. Principal, Accessory, and Conditional Uses
- 28 1. Permitted Principal Uses and Structures
- 29 a. Nursing homes
- 30 b. Community residential facilities
- 31 c. Group homes for more than 6 people
- 32 d. Hospitals
- 33 e. Assisted Living Facilities
- 34 2. Permitted Accessory Uses and Structures
- 35 a. Medical Offices
- 36 b. Physical Therapy Offices
- 37 c. Dumpsters
- 38 d. Fences
- 39 e. Decks
- 40 f. Decorative Walls
- 41 g. Storage buildings
- 42 h. Sheds

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- 1 i. Pools
- 2 j. Covered Parking
- 3 k. Playground equipment
- 4 l. Signs
- 5 m. Parking Lots
- 6 3. Conditional Uses and Structures
- 7 a. Day Care Facilities (child and adult)
- 8 b. Clinics
- 9 C. Prohibited Uses
- 10 1. Any use or structure not listed above as permitted or conditional.
- 11 D. Dimensional Criteria
- 12 1. Maximum building height is 2 ½ stories and 30 feet
- 13 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 14 antennas used for domestic purposes, or other appurtenances usually placed
- 15 above roof level and not used for human occupancy, may exceed the
- 16 maximum building height by 10 feet.
- 17 2. Maximum FAR of .25 for all buildings
- 18 3. Maximum impervious surface is 40%
- 19 4. Minimum lot size is 1/2 acre.
- 20 5. Minimum lot width is 100 feet
- 21 6. Minimum lot depth is 150 feet
- 22 7. Minimum front yard setback is 30 feet
- 23 8. Minimum street side yard setback is 30 feet
- 24 9. Minimum side yard (interior) setback is 20 feet
- 25 10. Minimum rear yard setback is 30 feet
- 26 E. Other Standards
- 27 1. Minimum of 25% open space is required.
- 28 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

29 **2.02.10 Recreation 1 (REC-1)**

- 30 A. Purpose. The principal purpose of the Recreation 1 (REC-1) zoning district is to
- 31 provide for and regulate public and private outdoor recreation.
- 32 B. Principal, Accessory, and Conditional Uses
- 33 1. Permitted Principal Uses and Structures
- 34 a. Outdoor Recreational Facilities (public or private)
- 35 b. Ball fields
- 36 c. Soccer fields
- 37 d. Multi purpose fields
- 38 e. Tennis courts
- 39 f. Basketball courts
- 40 g. Track
- 41 h. Golf courses and/or Driving ranges
- 42 2. Permitted Accessory Uses and Structures

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- 1 a. Indoor recreational facilities
- 2 b. Sheds
- 3 c. Restroom facilities
- 4 d. Playground equipment
- 5 e. Concession stands
- 6 f. Stadium seating (bleachers)
- 7 g. Dumpsters
- 8 h. Fences
- 9 i. Decorative Walls
- 10 j. Storage buildings
- 11 k. Covered Parking
- 12 l. Signs
- 13 m. Parking Lots
- 14 3. Conditional Uses and Structures
- 15 a. Retail sales related to the principal use
- 16 C. Prohibited Uses
- 17 1. Any use or structure not listed above as permitted or conditional.
- 18 D. Dimensional Criteria
- 19 1. Maximum building height is 2 ½ stories and 30 feet
- 20 2. Maximum FAR of .2 for all buildings
- 21 3. Maximum impervious surface is 30%
- 22 4. Minimum lot size is 1/2 acre.
- 23 5. Minimum lot width is 100 feet
- 24 6. Minimum lot depth is 150 feet
- 25 7. Minimum front yard setback is 30 feet
- 26 8. Minimum street side yard setback is 30 feet
- 27 9. Minimum side yard (interior) setback is 20 feet
- 28 10. Minimum rear yard setback is 30 feet
- 29 E. Other Standards
- 30 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

31 **2.02.11 Recreation 2 (REC-2)**

- 32 A. Purpose. The principal purpose of the Recreation 2 (REC-2) zoning district is to
- 33 provide for and regulate public and private indoor recreation.
- 34 B. Principal, Accessory, and Conditional Uses
- 35 1. Permitted Principal Uses and Structures
- 36 a. Indoor Recreational Facilities (public or private)
- 37 b. Tennis club
- 38 c. Bowling alley
- 39 d. Athletic club
- 40 e. Gymnasium
- 41 2. Permitted Accessory Uses and Structures
- 42 a. Pools

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- 1 b. Dumpsters
- 2 c. Fences
- 3 d. Decorative Walls
- 4 e. Signs
- 5 f. Parking Lots
- 6 3. Conditional Uses and Structures
- 7 a. Outdoor recreational facilities
- 8 b. Retail sales related to the principal use
- 9 C. Prohibited Uses
- 10 1. Any use or structure not listed above as permitted or conditional.
- 11 D. Dimensional Criteria
- 12 1. Maximum building height is 2 ½ stories and 30 feet
- 13 2. Maximum FAR of .2 for all buildings
- 14 3. Maximum impervious surface is 30%
- 15 4. Minimum lot size is 1/2 acre.
- 16 5. Minimum lot width is 100 feet
- 17 6. Minimum lot depth is 150 feet
- 18 7. Minimum front yard setback is 30 feet
- 19 8. Minimum street side yard setback is 30 feet
- 20 9. Minimum side yard (interior) setback is 20 feet
- 21 10. Minimum rear yard setback is 30 feet
- 22 E. Other Standards
- 23 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

2.02.12 Conservation (CON)

- 24 **2.02.12 Conservation (CON)**
- 25 A. Purpose. The purpose of the Conservation (CON) zoning district is to ensure the
- 26 conservation and preservation of water bodies, wetlands, and other important land
- 27 areas both public and privately owned. It is intended that the natural character of
- 28 these areas be retained and protected from development.
- 29 B. Principal, Accessory, and Conditional Uses
- 30 1. Permitted Principal Uses and Structures
- 31 a. None
- 32 2. Permitted Accessory Uses and Structures
- 33 a. None
- 34 3. Conditional Uses and Structures
- 35 a. Boardwalks
- 36 b. Docks
- 37 c. Observation Decks
- 38 d. Dumpsters
- 39 e. Fences
- 40 f. Unpaved parking lots
- 41 g. Portable restroom facilities
- 42 C. Prohibited Uses

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1. Any use or structure not listed above as permitted or conditional.

2.02.13 Public (PUB)

A. Purpose. The purpose of the Public (PUB) zoning district is to provide areas for governmental uses as well as essential utilities that may be publicly or privately owned.

B. Principal and Accessory Uses

1. Permitted Principal Uses and Structures

a. Government buildings

b. Essential utilities

c. Public cemeteries

d. Telecommunications towers

2. Permitted Accessory Uses and Structures

a. Dumpsters

b. Fences

c. Decorative Walls

d. Storage buildings

e. Signs

f. Parking Lots

C. Prohibited Uses

1. Any use or structure not listed above as permitted or conditional.

D. Dimensional Criteria

1. Maximum FAR of .25

2. Maximum impervious surface is 50%

3. Maximum building height is 1 story and 20 feet

4. Maximum height for other facilities is 2 stories and 35 feet (with the exception of telecommunications towers)

E. Other Standards

1. Setbacks do not pertain to fences, walls, signs, and parking lots.

2.02.14 Planned Unit Development (PUD) [NOTE: DM says either delete this section or limit it to projects equal to or exceeding 200 acres]

A. Purpose. The purpose of the Planned Unit Development (PUD) zoning district is to allow for mixed use development within the Town Center ...

and in other areas of Town where Town Council determines that (GL) a mixture of uses is desired and appropriate.

~~and in other areas of Town where a mixture of uses is desired and appropriate or for development of land equal to or exceeding 200 acres. (DM)~~

The PUD zoning district shall be used for development or redevelopment of Town Center properties when development of more than one acre is being proposed. ...

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1
2 The PUD zoning district shall also be used for all properties with Village Mixed
3 Use land use. The purpose of the PUD zoning for Village Mixed Use is to require
4 a mix of uses ~~in order (RL)~~ to promote sustainable development, including the
5 provisions of reducing ~~the dependability~~ **dependence (MM)** on the automobile,
6 protecting more open land, and providing quality of life by allowing people to live,
7 work, socialize and engage in recreational activities in a village setting.

8
9 ~~The PUD zoning district shall also be used for all properties with Village Mixed~~
10 ~~Use land use. The purpose of the PUD zoning for Village Mixed Use is to require~~
11 ~~a mix of uses in order to promote sustainable development, including the provisions~~
12 ~~of reducing the dependability on the automobile, protecting more open land, and~~
13 ~~providing quality of life by allowing people to live, work, socialize and engage in~~
14 ~~recreational activities in a village setting. (GL)~~

15
16
17 B. Principal, Accessory, and Conditional Uses

- 18 1. The following uses and structures are permitted, if approved as part of an
19 overall PUD zoning plan:
20 a. Permitted and conditional uses and structures for the Town Center are those
21 denoted within the TC-R, TC-F, and TC-C zoning districts. The Town
22 Center Overlay Map outlines the TC-R, TC-F, and TC-C areas.
23 b. Permitted and conditional commercial uses and structures for the Village
24 Mixed Use include all the uses and structures outlined in the NC zoning
25 category, subject to approval as part of an overall PUD zoning plan.
26 Permitted and conditional residential uses and structures and non-residential
27 uses and structures (other than commercial) for the Village Mixed Use
28 PUDs shall be subject to approval as part of an overall PUD zoning plan.

29 C. Prohibited Uses

- 30 1. Any use or structure not listed above as permitted or conditional.

31 D. Dimensional and Other Criteria

- 32 1. Dimensional criteria for Town Center PUDs are as outlined in the TC-R, TC-
33 F, and TC-C zoning districts.
34 2. Dimensional criteria for Village Mixed Use PUDs shall be determined at the
35 time of zoning approval. They shall be consistent with the Village Mixed Use
36 land use criteria, including:
37 a. The maximum density of 4 dwelling units per acre, ~~which may be increased~~
38 ~~to 6 dwelling units per acre if the development includes 20% usable open~~
39 ~~space (no wetlands). (RL) (FW)~~
40 b. Residential areas shall comprise a minimum of 70% of the net land area and
41 a maximum of 85% of the net land area.
42 c. Commercial/non-residential areas shall comprise a minimum of 15% of the
43 net land area and a maximum of 30% of the net land area. This includes
44 community facilities and schools.

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- 1 d. For developments with more than 100 acres, 5% of the non-residential land
- 2 shall be dedicated for public/civic buildings.
- 3 e. Commercial/non-residential uses may be 2 stories with 50% coverage as
- 4 long as parking and other support facilities (stormwater) are met.
- 5 f. Public recreational uses shall occupy a minimum of 10% of the usable open
- 6 space (no wetlands).
- 7 g. A minimum of 25% open space is required.
- 8 h. The maximum building size is 30,000 square feet unless a special exception
- 9 is granted to the developer by the Town Council. [NOTE: MM asks what
- 10 type of building this would be.)
- 11 3. Other Standards for PUDs include:
- 12 a. Reserved. ~~There shall be no drive-through establishments in the Town~~
- 13 ~~Center (MG)~~
- 14 b. All new buildings in the Town Center Commercial district shall be two
- 15 stories maximum, not exceeding 35 feet in height. (RL)
- 16 c. Setbacks do not pertain to boathouses, docks, and fences.
- 17 d. A maximum FAR of 2.0 is permitted in the Town Center Commercial areas
- 18 if parking and stormwater requirements can be met.
- 19 e. The maximum building height for both the Town Center and Village Mixed
- 20 Use developments shall be two (2) stories and 35 feet. Building-mounted
- 21 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 22 domestic purposes, or other appurtenances usually placed above roof level
- 23 and not used for human occupancy, may exceed the maximum building
- 24 height by 10 feet.
- 25 f. To apply for a Village Mixed Use PUD, the applicant shall have a minimum
- 26 of 25 100 (FW) acres.
- 27 g. For residential lots, minimum lot size is 10,000 sq.ft., Minimum setbacks
- 28 are 30 ft. front yard and 30 ft. rear yard. Minimum principal dwelling size
- 29 is 1,600 sq.ft. (FW)

2.02.15 Town Center Residential (TC-R)

- 30 A. Purpose. The purpose of the Town Center Residential (TC-R) zoning district is to
- 31 allow for residential development and redevelopment on individual parcels
- 32 identified on the Town Center Overlay Map for residential uses.
- 33 B. Principal, Accessory, and Conditional Uses
- 34 1. Permitted Principal Uses and Structures
- 35 a. Single family detached homes
- 36 b. Licensed Group Home (up to 6 residents)
- 37 2. Permitted Accessory Uses and Structures
- 38 a. Accessory dwelling. One per lot. Must be either built as part of the
- 39 principal building (i.e., above the garage) or attached to the principal
- 40 structure by covered walkway, screened enclosure, or breezeway.
- 41 b. Detached garages
- 42

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- 1 c. Sheds
- 2 d. Workshops
- 3 e. Pools
- 4 f. Boathouses
- 5 g. Docks
- 6 h. Children’s play structures
- 7 i. Fences
- 8 j. Decks
- 9 k. Home occupations
- 10 3. Conditional Uses and Structures
- 11 a. None
- 12 C. Prohibited Uses
- 13 1. Any use or structure not listed above as permitted or conditional.
- 14 D. Dimensional Criteria
- 15 1. Maximum building height is 35 feet
- 16 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 17 antennas used for domestic purposes, or other appurtenances usually placed
- 18 above roof level and not used for human occupancy, may exceed the
- 19 maximum building height by 10 feet.
- 20 2. Maximum impervious surface is 50%
- 21 3. Minimum lot size for single family detached units is ~~9,000~~ 10,400 (FW) square
- 22 feet. [NOTE: RL says this should be townhomes or loft-type apartments.]
- 23 ~~4. Minimum lot width for single family detached units is 100 feet (Existing lots of~~
- 24 ~~record that are less than 100 feet wide may be developed as long as they meet~~
- 25 ~~setback requirements; however, if two adjacent vacant lots are owned by the~~
- 26 ~~same entity, they shall be combined to meet minimum lot width requirements.)~~
- 27 ~~Minimum lot depth for single-family detached units is 120 feet. (RL)~~
- 28 ~~5. Minimum front yard setback is 25 feet. Minimum front yard setback is 25 30~~
- 29 ~~(FW) feet.~~
- 30 ~~6. Minimum street side yard setback is 25 feet~~
- 31 ~~7. Minimum side yard (interior) setback is 12.5 feet~~
- 32 ~~8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage,~~
- 33 ~~or accessory dwelling. Rear yard setback for sheds, workshops, pools, play~~
- 34 ~~structures, and other similar accessory structures is 10 feet.~~
- 35 ~~9. Minimum square footage of principal dwelling on single family detached~~
- 36 ~~homes is 1,700 square feet (air conditioned, not including garage or accessory~~
- 37 ~~dwelling).-(RL) [NOTE: MM asks why setbacks are so large]~~
- 38 E. Other Standards
- 39 1. Setbacks do not pertain to boathouses, docks, and fences.
- 40 2. Single family detached units shall have a one-car garage or carport (a minimum
- 41 of 200 square feet). The garage shall be set back at least 20 feet from the right
- 42 of way.

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2.02.16 Town Center Flex (TC-F)

A. Purpose. The purpose of the Town Center Flex (TC-F) zoning district is to allow for development or redevelopment of individual parcels identified on the Town Center Overlay Map for office, professional services, residential, or live/work uses.

B. Principal, Accessory, and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Professional Offices
- b. Professional Services
- c. Single family detached homes
- d. Live/work space (same person who owns the business, lives in the home).

2. Permitted Accessory Uses and Structures

- a. Detached garages
- b. Sheds
- c. Workshops
- d. Pools
- e. Boathouses
- f. Docks
- g. Children’s play structures
- h. Fences
- i. Decks
- j. Signs
- k. Home occupations

l. Drive-through lanes for eateries. (MG)

3. Conditional Uses and Structures

- a. Bed and Breakfast Inn

C. Prohibited Uses

- 1. Any use or structure not listed above as permitted or conditional.

D. Dimensional Criteria

1. Maximum building height of 35 feet

- a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.

2. Maximum impervious surface of 40%

3. Minimum lot size is ~~9,000~~ 10,400 (FW) square feet.

4. Minimum lot width is 100 feet [MM says this is too large](Existing lots of record that are less than 100 feet wide may be developed as long as they meet setback requirements; however, if two adjacent vacant lots are owned by the same entity, they shall be combined to meet minimum lot width requirements.)

Minimum lot depth for single-family detached units is 120 feet. (___)

5. Minimum front yard setback is ~~25~~ 30 (FW) feet

6. Minimum street side yard setback is 25 feet

7. Minimum side yard (interior) setback is 12.5 feet

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- 1 8. Minimum rear yard setback is 30 feet for principal dwelling or detached garage.
- 2 Rear yard setback for sheds, workshops, pools, play structures, and other similar
- 3 accessory structures is 10 feet.
- 4 [NOTE: MM asks why the setbacks are so large]
- 5 9. Minimum square footage of principal dwelling is 1,700 square feet (air-
- 6 conditioned, not including garage).
- 7 E. Other Standards
- 8 1. Setbacks do not pertain to boathouses, docks, and fences.
- 9 2. Single family detached units shall have a one-car garage or carport (a minimum
- 10 of 200 square feet). The garage shall be set back at least 20 feet from the right
- 11 of way.

2.02.17 Town Center Commercial (TC-C)

- 12 A. Purpose. The purpose of the Town Center Commercial (TC-C) zoning district is to
- 13 allow for development or redevelopment of individual parcels identified on the
- 14 Town Center Overlay Map for commercial core. This includes the ability to have
- 15 residential uses on the second floor and as permitted uses for transitional areas
- 16 within the Town Center Commercial district.
- 17 B. Principal, Accessory, and Conditional Uses
- 18 1. Permitted Principal Uses and Structures
- 19 a. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;
- 20 Sporting Goods)
- 21 b. Professional Offices
- 22 c. Professional Services
- 23 d. Personal Services (hair salon, spa, nail salon)
- 24 e. General Retail with GFA of less than 5000 square feet (hardware, antiques,
- 25 etc.)
- 26 f. ~~Gum~~ Gym (MG), fitness studio, yoga and similar uses
- 27 g. Restaurants
- 28 h. Banks and Credit Unions
- 29 i. Pharmacies
- 30 j. Cultural facilities (museums, community theaters)
- 31 k. Bed and Breakfast Inn
- 32 l. Music, Dance, Photography, or Art Studio
- 33 m. Small Equipment and Appliance Repair Shops (repair done indoors)
- 34 n. Specialty Food Stores (i.e., Bakery)
- 35 o. Convenience Stores
- 36 p. Residential (second floor only)
- 37 q. Single-family housing as a transitional use west of Dixie Dr. and lots
- 38 abutting Oak St. and Holly St.
- 39 2. Permitted Accessory Uses and Structures
- 40 a. Parks and Plazas
- 41 b. Dumpsters
- 42

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- 1 c. Fences
- 2 d. Signs
- 3 e. Parking Lots
- 4 3. Conditional Uses and Structures
- 5 a. Parking Lots
- 6 b. Religious facilities
- 7 C. Prohibited Uses
- 8 1. Any use or structure not listed above as permitted or conditional.
- 9 D. Dimensional Criteria
- 10 1. Maximum FAR of 2.0 is permitted is parking and stormwater requirements can
- 11 be met.
- 12 2. Maximum building height of 35 feet. Building-mounted appurtenances such as
- 13 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other
- 14 appurtenances usually placed above roof level and not used for human
- 15 occupancy, may exceed the maximum building height by 10 feet.
- 16 3. Buildings fronting on Central Avenue shall comply with a build-to line between
- 17 the front property line and a parallel line five feet from the front property line.
- 18 E. Other Standards
- 19 1. All new buildings in the Town Center Commercial district shall be two stories.
- 20 One story buildings may be permitted provided the building façade below the
- 21 parapet line is a minimum of 15 feet in height.
- 22 2. Drive through facilities may be permitted provided the drive through window
- 23 and stacking lane are located to the rear of the building.
- 24 3. The initial five feet of area in front of buildings fronting on Central Avenue or
- 25 SR 19 is designated as a commerce area (including right-of-way on Central
- 26 Avenue) within which the business may display items (other than signage)
- 27 which are specialty products or services provided on site. Restaurants may
- 28 provide outdoor seating. Display of general retail items such as home goods
- 29 (mattresses, bedding, appliances, etc.), building supplies (carpet, flooring,
- 30 lumber, etc.) and similar products are not permitted. When questions arise
- 31 about the approval of a proposed display, these shall be resolved as provided in
- 32 Section 1.06.
- 33 4. The Town Council may grant a waiver to allow commercial buildings in excess
- 34 of 5,000 square feet. Waivers shall be based on the particular needs of the
- 35 individual business, the compatibility of the proposed building and business
- 36 with the business site and other affected development, enhanced architectural
- 37 design of the proposed building, and other factors which the Town Council
- 38 determines as relevant to development of the proposed site and impacts to the
- 39 general area.
- 40

2.02.18 High Density Residential 1 (HDR-1)

42

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- 1 A. Purpose. The High Density Residential 1 (HDR-1) district is one of two zoning
2 districts for the limited areas of Town where the Town’s comprehensive plan allows
3 multi-family housing such as apartments, townhomes, and condominiums.
4
- 5 B. Principal, Accessory, and Conditional Uses
- 6 1. Permitted Principal Uses and Structures
- 7 a. Multi-family attached housing
- 8 b. Licensed Group Home (up to [redacted] residents)
- 9 c. Elementary Schools
- 10 2. Permitted Accessory Uses and Structures
- 11 a. Pools
- 12 b. Boathouses
- 13 c. Docks
- 14 d. Children’s play structures
- 15 e. Fences
- 16 f. Decks
- 17 g. Decorative walls as part of a landscaped buffer
- 18 h. Parks, pavilions, community pools, and community buildings and sports
19 courts, in all cases as part of the residential development.
- 20 i. Trails for pedestrians and cyclists (non-motorized)
- 21 j. Community buildings for leisure activities
- 22 k. Covered Parking
- 23 l. Home occupations
- 24 3. Conditional Uses and Structures
- 25 a. Community boat ramp
- 26 b. Community boat dock(s)
- 27 c. Community fishing pier
- 28 4. Prohibited Uses – Any use or structure not listed above as permitted or
29 conditional.
- 30 C. Dimensional Criteria
- 31 1. Maximum building height is 35 feet. Building-mounted appurtenances such as
32 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other
33 appurtenances usually placed above roof level and not used for human
34 occupancy, may exceed the maximum building height by 10 feet.
- 35 2. Maximum impervious surface is [redacted] %
- 36 3. Maximum of four dwelling units per building
- 37 4. Minimum width of each unit is 35 feet.
- 38 5. Minimum front yard setback is 20 feet
- 39 6. Minimum street side yard setback is 25 feet
- 40 7. Minimum side yard setback (between buildings) is 20 feet, a total of 40 feet
41 between buildings.
- 42 8. Minimum rear yard setback is 25 feet.
- 43 9. Setbacks do not pertain to boathouses, docks, or fences.

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10. Minimum floor area of each unit is 1,800 square feet (air-conditioned, not including garage).

D. Other Standards

1. Each unit (other than apartment units) must have a two-car garage (a minimum of 400 square feet) plus a driveway or other paved area for two additional parking spaces, each space measuring a minimum of [redacted] feet wide and [redacted] feet long. Driveways and parking spaces must be paved with a hard surface material such as concrete, asphalt, paver blocks, brick, etc. Grass, mulch, or gravel does not qualify as surfacing for unit driveways and parking spaces.
2. Walls between units must be fireproof up to and including attics.
3. Two-story units must be of CBS construction on both floors.
4. Units built as flats (one on top of another) must be separated by a concrete, fireproof floor.

(DM)

2.02.19 High Density Residential 2 (HDR-2)

E. Purpose. The High Density Residential 1 (HDR-1) district is one of two zoning districts for the limited areas of Town where the Town’s comprehensive plan allows multi-family housing such as apartments, townhomes, and condominiums.

F. Principal, Accessory, and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Multi-family attached housing
- b. Licensed Group Home (up to [redacted] residents)
- c. Elementary Schools

2. Permitted Accessory Uses and Structures

- a. Pools
- b. Boathouses
- c. Docks
- d. Children’s play structures
- e. Fences
- f. Decks
- g. Decorative walls as part of a landscaped buffer
- h. Parks, pavilions, community pools, and community buildings and sports courts, in all cases as part of the residential development.
- i. Trails for pedestrians and cyclists (non-motorized)
- j. Community buildings for leisure activities
- k. Covered Parking
- l. Home occupations

3. Conditional Uses and Structures

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- a. Community boat ramp
- b. Community boat dock(s)
- c. Community fishing pier

4. Prohibited Uses – Any use or structure not listed above as permitted or conditional.

G. Dimensional Criteria

- 1. Maximum building height is 35 feet. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
- 2. Maximum impervious surface is [redacted] %
- 3. Maximum of four dwelling units per building
- 4. Minimum width of each unit is 35 feet.
- 5. Minimum front yard setback is 20 feet
- 6. Minimum street side yard setback is 25 feet
- 7. Minimum side yard setback (between buildings) is 20 feet, a total of 40 feet between buildings.
- 8. Minimum rear yard setback is 25 feet.
- 9. Setbacks do not pertain to boathouses, docks, or fences.
- 10. Minimum floor area of each unit is 1,500 square feet (air-conditioned, not including garage).

H. Other Standards

- 1. Each unit (other than apartment units) must have a two-car garage (a minimum of 400 square feet) plus a driveway or other paved area for two additional parking spaces, each space measuring a minimum of [redacted] feet wide and [redacted] feet long. Driveways and parking spaces must be paved with a hard surface material such as concrete, asphalt, paver blocks, brick, etc. Grass, mulch, or gravel does not qualify as surfacing for unit driveways and parking spaces.
- 2. Walls between units must be fireproof up to and including attics.
- 3. Two-story units must be of CBS construction on both floors.
- 4. Units built as flats (one on top of another) must be separated by a concrete, fireproof floor.

(DM)

2.02.20

2.03.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

2.03.01 Generally

The purpose of overlay districts is to call attention to certain areas of Town that warrant special regulations. Special and unique design standards and other development criteria shall apply to these areas. These special and unique standards shall supersede any general standards of development as may be outlined in this LDC.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

2.03.02 Town Center Overlay

The Town Center (TC) Overlay is intended to provide for more than one use within the area. It also may allow for more than one use on a parcel. It is intended to preserve the form, function, image, and ambiance of the historic Town Center and surrounding area as the ceremonial, civic, and cultural center of the Town.

In order to sustain these qualities, new development and redevelopment within the Town Center Overlay 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 Overlay. 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. Design shall be pedestrian-friendly.

2.03.03 Townhomes [NOTE: if HDR-1 and HDR-2 zoning is added to the LDC as suggested by Councilor Miles (see above), this sec. 2.03.03 will be inconsistent with those zoning districts.]

A. In order to support increased densities in the Town Center Overlay, townhome construction is permitted in areas designated as Town Center Residential (TC-R), Town Center Flex (TC-F) or Town Center Commercial (TC-C). All townhomes shall meet the density limits allowed by the underlying land use classification and shall meet the dimensional requirements as follows:

B. Dimensional Criteria

1. Maximum building height is 30 feet
 - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum impervious surface is 50%
3. Maximum of 4 dwelling units per acre
4. Minimum lot size for townhomes is ~~5,000~~ 10,000 (FW) square feet.
5. Minimum lot width is 50 feet for exterior townhome lots, and 35 feet for interior townhome lots
6. Minimum lot depth is 120 feet
7. Minimum front yard setback is 25 feet (15 feet if the lot includes a recessed or detached garage at least 25 feet from the front lot line)
8. Minimum street side yard setback is 25 feet

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

- 1 9. Minimum side yard (interior) setback is 15 feet (no side setback for interior
- 2 townhome units)
- 3 10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or
- 4 accessory dwelling. Rear yard setback for sheds, workshops, pools, play
- 5 structures, and other similar accessory structures is 10 feet.
- 6 11. Setbacks do not pertain to boathouses, docks, or fences.
- 7 12. Minimum square footage of townhomes is 1,200 square feet (air-conditioned, not
- 8 including garage).
- 9 13. Townhomes shall have a two-car garage (a minimum of 441 square feet) and a
- 10 driveway that measures a minimum of 16-feet wide and 20-feet long from the
- 11 right-of-way to the garage.
- 12
- 13

2.03.04 Historic and Archeological Property Overlay

- 14
- 15
- 16 **A. Purpose:** The Historic and Archeological Property Overlay is intended to
- 17 preserve historic and archeological assets by designating sites which meet the
- 18 specified criteria; by providing for alternative and adaptive reuse opportunities for
- 19 designated properties consistent with neighborhood conditions; result in the
- 20 preservation of the historic or archeological resource. The overlay is intended to
- 21 preserve the underlying zoning as the base use for the property and the zoning which
- 22 will be effective on the property should the designated resource be removed for any
- 23 reason.
- 24
- 25 **B. Applicability:** The overlay designation may be applied to one or more parcels in any
- 26 zoning district if both of the following conditions are met.
- 27
- 28 1. The historic or archeological asset is listed on the National Register of Historic
- 29 Places; designated by the State of Florida as a historic or archeological resource;
- 30 or as approved by the Town Council as a locally significant site.
- 31 2. The original use of the building or site no longer functions in the current
- 32 environment or would create negative secondary impacts to the surrounding
- 33 neighborhood if utilized for its original use.
- 34
- 35 **C. Review and Approval Process:** An application for designation as a Historic
- 36 Property Overlay shall follow the following procedures.
- 37
- 38 1. The applicant shall submit an application for rezoning to the historic property
- 39 overlay as required by Section 4.11.00 Special Overlay Districts including
- 40 compliance with the requirements for review of the application and notice
- 41 procedures.
- 42 2. The adoption process for the Historic Property Overlay shall follow requirements
- 43 of 4.15.04 and 4.15.05 so as to follow the same requirements as established for
- 44 Land Development Code Amendment requirements.

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- 1 3. Once approved the Historic Property Overlay shall be denoted by the addition of
- 2 the designation “H” to the underlying zoning classification.
- 3 4. For the area included within the Historic Property Overlay, the special
- 4 development plan required by Section 4.11.01B shall consist of the Historic
- 5 Resource Management Plan (HRMP). In addition to the requirement specified in
- 6 Section 4.11.01.B, the HRMP shall address all requirements specified by the
- 7 Town Planner, which may include some or all of the following: permitted uses; a
- 8 conceptual site plan; site development requirements including but not limited to
- 9 access, parking, landscaping, signage, and dimensional requirements; any
- 10 waivers from code provisions essential to implement the HRMP; and other
- 11 provisions found necessary to implement the HRMP.
- 12

13 The HRMP shall also include a plan and program to preserve the supporting historic or

14 archeological resource including a time frame for implementation of necessary

15 renovations, restoration or other related improvements including compliance with U.S.

16 Secretary of the Interior’s “Illustrated Guidelines for Rehabilitating Historic Buildings.”

17

18 **D. Vacation of the Historic Property Overlay:** Should the historic or archeological

19 resource which forms the basis of the Historic Property Overlay be destroyed or

20 removed from the property for any reason, the Historic Property Overlay shall be

21 vacated and the property shall assume the designation of the underlying zoning.

22

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**TOWN OF HOWEY-IN-THE-HILLS
ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

District	Lot Size	Lot Width	Lot Depth	Building Setbacks				Building Height		Floor Area	Max. FAR	Lot Coverage (%)
				Front	Street Side	Side	Rear	Stories	Feet			
Agriculture	2 ac.	150	200	50	50	25	50	2.5	35	1500	.15	
Residential Estate	2 ac.	150	200	50	50	25	50	2.5	35	1500	.15	
Single Family Residential	.5 ac.	100	150	35	35	20	30	2.5	35	1800	.20	
Medium Density Residential 1	15,000 sf	100	120	35	12.5	12.5	25		35	1700		50
Medium Density Residential 2	9000 sf	75	120	25	12.5	12.5	25	2.5	35	1200		50
Neighborhood Commercial	.5 ac	100	150	30	30	20	30	2.5	35	a.	.50	70
Industrial	.5 ac	100	150	30	30	20	30	2.5	35		.60	70
Institutional 1	.5 ac	100	150	30	30	20	30	2.5	35		.25	40
Institutional 2	.5 ac	100	150	30	30	20	30	2.5	35		.25	40
Recreation 1	.5 ac	100	150	30	30	20	30	2.5	35		.20	30
Recreation 2	.5 ac	100	150	30	30	20	30	2.5	35		.20	30
Public	.5 ac	100	150	30	30	20	30	1.0	30		.25	50
Town Center Residential	9000 sf	100		25	25	12.5	30		35	1700		50
Town Center Flex	9000 sf	100		25	25	12.5	30		35	1700		40
Town Center Commercial								2.0	35		2.0	

- a. Maximum building size is 5,000 square feet
- b. Conservation District has no dimensional requirements
- c. Public District allows two stories and 35 feet for facilities other than buildings.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

CHAPTER 3

Environmental and Resource Protection

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1 **3.00.00 GENERALLY**

2 **3.00.01 Purpose and Intent**

3 The purpose of this chapter is to safeguard the public health, safety, and welfare by
4 ensuring the long-term protection and preservation of environmentally sensitive natural
5 resource systems. Application of the provisions of this chapter shall result in
6 development that reduces the potential for adverse impacts on the hydrologic functions
7 of wetlands, natural systems, habitats, water quality, shorelines, and wildlife.

8 **3.00.02 Applicability**

9 All new development and redevelopment shall be designed to ensure protection of areas
10 designated as floodplains, environmentally sensitive lands, wetlands, or wellfields. No
11 permit for development shall be issued by the Town that is not in full compliance with
12 the provisions of this chapter and the Town’s Manual of Standards.

13 [NOTE: the Manual of Standards should be provided to all Town Council members.]

14
15 **3.01.00 ENVIRONMENTAL LANDS PROTECTION**

16 **3.01.01 Requirements Regarding Habitat Protection**

- 17 A. A professionally prepared biological survey to document the presence of
18 endangered, threatened, or species of special concern shall be submitted with
19 applications for development when the development is:
20 1. In excess of five (5) acres on previously undisturbed properties; or
21 2. Located on environmentally sensitive lands or within 200 feet of
22 environmentally sensitive lands.
- 23 B. Environmentally sensitive lands for which a survey is required include:
24 1. All land identified as “Conservation” on the FLUM and on the adopted zoning
25 map; and
26 2. All land within 200 feet of a water body.
- 27 C. Biological surveys shall:
28 1. Follow the standards and criteria adopted by the Florida Fish and Wildlife
29 Conservation Commission; or
30 2. Include a preliminary report consisting of pedestrian surveys of 200-foot
31 transects through a minimum of twenty-five percent (25%) of each habitat on
32 site. Within twenty-one (21) days of the preliminary report, the Town
33 ~~Manager~~Mayor or his designee shall (1) render a finding of whether a second,
34 more intensive survey is needed, based on the information in the preliminary
35 report with assistance from the Florida Fish and Wildlife Conservation
36 Commission, and (2) shall describe the parameters for such an intensive survey,
37 if required.
- 38 D. If the field biological inventory indicates the presence of endangered, threatened,
39 or species of special concern:

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- 1 2. The survey shall be forwarded to the Florida Fish and Wildlife Conservation
- 2 Commission; and
- 3 2. The applicant shall follow the recommendations of the Florida Fish and
- 4 Wildlife Conservation Commission for mitigating loss of habitat; or
- 5 3. A habitat plan shall be prepared by a qualified ecologist, biologist, or other
- 6 related professional and shall include, at a minimum, the following:
- 7 a. An analysis of the likelihood of the species surviving on the proposed
- 8 development site as a viable population, assuming that the proposed
- 9 development would not occur and taking into account the quality and
- 10 quantity of habitat needed to maintain members of the species.
- 11 b. An analysis of existing viable habitat on adjacent property for the species.
- 12 c. The land needs of the species that may be met on the development site; and
- 13 d. Measures that shall be taken to protect the habitat of the species on the
- 14 property, if the species would likely remain a viable population, in the
- 15 absence of the proposed project.
- 16 E. Prohibited activities:
- 17 1. No threatened species of wildlife or freshwater fish or their nests, eggs, young,
- 18 homes, or dens, shall be taken, transported, stored, served, bought, sold, or
- 19 possessed in any manner or quantity at any time, except as specifically
- 20 permitted by the provisions of State law.
- 21 2. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess
- 22 any threatened species or parts thereof or their nests, eggs, young, homes, or
- 23 dens, except as authorized by specific permit, issued by the FDEP, the Florida
- 24 Fish and Wildlife Conservation Commission, and any other applicable State or
- 25 Federal agency.
- 26 F. Development proposed adjacent to Outstanding Florida Waters, wildlife
- 27 sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife
- 28 management areas shall be environmentally compatible in order to conserve
- 29 wildlife populations and habitat.

30 **3.01.02 Protection of Environmentally Sensitive Lands**

- 31 A. To prevent both soil erosion and sedimentation, the Town requires a soil erosion
- 32 and sedimentation control plan whenever a development will involve any clearing,
- 33 grading, or other form of distributing land by movement of earth, provided that any
- 34 of one of the following applies:
- 35 1. Excavation, fill, or any combination thereof will exceed 500 cubic yards.
- 36 2. Fill will exceed three (3) feet in vertical depth at its deepest point as measured
- 37 from the natural ground surface.
- 38 3. Excavation will exceed four (4) feet in vertical depth at its deepest point as
- 39 measured from the natural ground surface.
- 40 4. Excavation, fill, or any combination thereof will exceed an area of 1,000 square
- 41 feet.

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- 5. Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
- 6. Whenever excavation or fill is proposed within 100 feet of a body of water, stream, or channel.

3.02.00 WETLAND AND SURFACE WATER PROTECTION

3.02.01 Applicability

The requirements of this section shall apply to all of the areas under the jurisdiction of the FDEP, the USACOE, and the SJRWMD, as well as those lands identified as “Conservation” on the FLUM and on the adopted zoning map.

3.02.02 Agency Coordination Required

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the Town, representatives of the FDEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

3.02.03 Development Within Wetlands and Adjacent to Water Bodies

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as described in Section 3.03.01.

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. To protect water quality within lakes, the Town shall require sites under construction to provide measures to retard, impede, and treat surface water runoff.
- C. Buffering requirements for development adjacent to wetlands or natural water bodies:
 - 1. No development or disturbance of the 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 ponds) is permitted within 50 feet of a designated wetland area.
 - 3. To protect water bodies from the encroachment of development, a shoreline protection zone shall be delineated. There shall be no disturbance within 50 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C., with the exception of pilings for docks or piers. There shall be no buildings, pools, ponds, or other structures in this protection zone.
 - 4. There shall be no septic tanks within 75 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C.
- D. Permitted activities within areas designated by the Town, FDEP, SJRWMD, or the USACOE as wetlands protection zones:
 - 1. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM.

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- 2. Development of a wetlands stormwater discharge facility or stormwater treatment facility in accordance with State permits received under currently relevant sections of the F.A.C.

3.02.04 Design Requirements

- A. All new development and redevelopment adjacent to jurisdictional wetlands and water bodies shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.
- B. In addition to any standards required by Federal, State, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands or adjacent to water bodies:
 - 1. Where alteration of wetlands is necessary in order to allow reasonable use of property, it should be clearly in the public interest and there should be no practical alternative which reduces or avoids impacts to wetlands. Mitigation shall only be a last resort action to be used only after other measures such as reconfiguring of the development to avoid sensitive areas, reduction of density, etc. have been considered and shown not to be feasible. There shall be no net loss of sensitive lands. Any mitigation shall avoid impact to ecologically valuable uplands as well.
 - 2. The use shall allow the movement of aquatic life requiring shallow water.
 - 3. Existing flood channel capacity shall be maintained.
 - 4. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;
 - 5. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands.
 - 6. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage.
 - 7. Accessory uses shall be limited to those which are water dependent.
 - 8. Fill shall not be placed in waters or wetlands to create usable land space.
 - 9. Manufacturing uses that involve chemicals or other hazardous materials shall not be located within 1,000 feet of a water body.
 - 10. Commercial uses that involve petroleum and other potential contaminants shall require a conditional use in order to be located within 1,000 feet of a water body.

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1 **3.03.00 WELLFIELD PROTECTION**

2 **3.03.01 Purpose and Intent**

3 The purpose and intent of this section is to safeguard the public health, safety, and
4 welfare by ensuring the protection of the principal source of water from potential
5 contamination and to control development in and adjacent to designated and potential
6 wellheads and surrounding wellfield areas to protect water supplies from potential
7 contamination.

8 **3.03.02 Wellfield Protection Area**

9 All development, except facilities related to the public water system) is prohibited from
10 occurring within a 150-foot radius of any public wells. No septic tanks, sanitary sewer
11 facilities, or solid waste or disposal facilities shall be permitted within a 200-foot radius
12 of any existing or proposed public well. The Town shall also maintain a 500-foot radius
13 wellhead protection area within which manufacturing and industrial uses are
14 prohibited. This 500 foot radius also prohibits the storage, use, or transportation of
15 restricted substances, agricultural chemicals, hazardous toxic waste, medical waste,
16 and petroleum products; commercial activities that involve the use of hazardous
17 chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing,
18 pool supply, gas stations, junkyards, and machine shops; and cemeteries.
19

20 **3.04.00 PROTECTION OF GROUND WATER**

21 **3.04.01 Purpose and Intent**

22 The purpose of these regulations is to protect the quality of ground water by controlling
23 existing and potential sources of contaminants and by coordinating the Federal, State,
24 and local entities having jurisdictional authority over these areas.

25 **3.04.02 Restricting Uses**

- 26 A. Manufacturing uses that involve chemicals or other hazardous materials, shall not
27 be permitted within high recharge groundwater aquifer areas.
- 28 B. Commercial uses that involve petroleum and other potential contaminants shall
29 require a conditional use in order to be located within a high recharge groundwater
30 aquifer area.
- 31 C. The Town shall promote the application of permeable parking lot surfaces for
32 development and redevelopment within high recharge areas.

33 **3.05.00 WATER CONSERVATION**

34 **3.05.01 Promoting Conservation of Water**

35 To conserve potable ground water sources and to accomplish reasonable reductions in
36 water consumption, the Town shall:

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- 1 A. Require new development and redevelopment to use non-potable water for
- 2 irrigation where such non-potable water sources are available.
- 3 B. Require new development and redevelopment to use and/or preserve native
- 4 vegetation or drought tolerant vegetation for landscaping. (See Chapter 7.)
- 5
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CHAPTER 4

Development Review Procedures

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1 **4.00.00 PURPOSE AND INTENT**

2 The public health, safety, comfort, and welfare require the harmonious, orderly, and
3 progressive development of land within the incorporated areas of the Town of Howey
4 in the Hills. Once land has been shaped into lots, blocks and streets, correction of
5 defects is costly and difficult. Substantial public responsibility is created by each new
6 subdivision or development, involving the maintenance of streets, drainage systems,
7 water and wastewater utilities, and other improvements. As the general welfare, health,
8 safety and convenience of the community are directly affected by the new use of land,
9 it is in the interest of the public that subdivisions and other developments are designed
10 and constructed in accordance with sound rules.

11 **4.00.01 *The Purpose and Intent of this Chapter is as Follows***

- 12 A. To establish reasonable and equitable standards of site and subdivision design that
13 will encourage stable communities and the creation of healthy living environments
14 which preserve the natural beauty and topography of Howey in the Hills and ensure
15 appropriate development with regard to these natural features.
- 16 B. To ensure public facilities and utilities are available and will have a sufficient
17 capability and capacity to service land developments and their occupants.
- 18 C. To prevent traffic hazards and to require the provision of safe and convenient
19 vehicular and pedestrian traffic circulation in land developments, having particular
20 regard to the avoidance of congestion in the streets, providing for the proper
21 location, widths, and design of streets, driveways, and other transportation-related
22 improvements.
- 23 D. To coordinate the provision of streets, drainage, and other utilities in an orderly
24 planned manner to ensure protection of the environment and promotion of the
25 general welfare.
- 26 E. To lessen the impact from fire, flood, and other dangers.
- 27 F. To provide for adequate light, air, and privacy, and to prevent overcrowding of the
28 land.
- 29 G. To prevent or reduce the pollution of air and waterways, and to safeguard the water
30 supply and encourage wise use and management of natural resources.
- 31 H. To preserve the integrity, stability, beauty and sustainability of the community and
32 the natural value of the land.
- 33 I. To guide growth and development in accordance with the Comprehensive Plan.

34 **4.01.00 GENERAL REQUIREMENTS AND ENFORCEMENT**

35 Within the Town of Howey in the Hills, no subdivision or other development shall be
36 made or platted, nor shall any building permit be issued, unless such development
37 meets all the requirements of this Code and has been approved in accordance with the
38 requirements of this Code. The Town Council or any aggrieved person may have
39 recourse to such remedies in law and equity as may be necessary to insure compliance
40 with the provisions of this Code, including injunctive relief to enjoin and restrain any

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1 person violating the provisions of this Code, and any rules and regulations adopted
2 under this Code.

3 Applications for development approval shall be submitted under the appropriate
4 processes as presented in the following sections. Time frames for processing and
5 review of applications shall commence when the Town Clerk has determined that an
6 application is complete. A complete application includes all required application
7 forms, all required data and plans, and any application and processing fee has been
8 paid. An application where no activity occurs for six (6) consecutive months shall be
9 deemed abandoned.

10
11 **4.02.00 COMPREHENSIVE PLAN AMENDMENTS**

12 From time to time the Town Council may decide it is appropriate to amend the Town’s
13 adopted comprehensive plan either by direction of the Town Council or in response to
14 an application for amendment. In addition to the review and approval process for
15 comprehensive plan amendments as required by Florida Statute, the Town and any
16 applicant proposing amendment of the comprehensive plan shall conform to the
17 following procedure.

18 **4.02.01 Approval Process for Amending the Comprehensive Plan**

19 Proposed amendments to the comprehensive plan are submitted to the Town Clerk and
20 must be accompanied by a Development Review Application and the appropriate fees
21 and review deposit. Approval of the amendment to the comprehensive plan shall be
22 done by ordinance and follow the review procedures for comprehensive plan
23 amendments as set forth in Florida Statute.

24 **4.02.02 Pre-Application Conference**

25 Each applicant shall meet with the Town staff at a pre-application conference before
26 preparing an application for comprehensive plan amendment. In this way, the applicant
27 can become familiar with the requirements and development policies of the Town, and
28 the staff may develop an understanding of the proposed amendment.

29 **4.02.03 Submission of Application for Amendment of the**
30 **Comprehensive Plan**

31 The applicant shall submit to the Town Clerk, eight (8) copies of the proposed
32 amendment along with the Development Review Application, submittal fee, and
33 review deposit.

34 **4.02.04 Review Process**

35 A The Town Clerk shall distribute copies of the proposed amendment to Lake County,
36 the Lake County School Board, the Central Lake CDD **only if the CDD is proposed**

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- 1 **to be the wastewater-treatment provider) (DM)**, and any adjacent cities. The notice
2 shall include the proposed amendment and the anticipated date for hearing before
3 the Planning and Zoning Board. The Town Planner will then prepare a report to
4 the applicant outlining all the issues.
- 5 B The Town Clerk shall schedule a public hearing scheduled before the Planning and
6 Zoning Board. The Planning and Zoning Board shall be provided with copies of
7 the Town Planner’s report and any comments received from outside reviewing
8 agencies. Following the public hearing the Planning and Zoning Board shall
9 provide a recommendation on the proposed amendment to the Town Council.
- 10 C After the Planning and Zoning Board public hearing, a public hearing is scheduled
11 before the Town Council. The Town Council shall be provided a copy of the
12 information considered by the Planning and Zoning Board along with the
13 recommendation from that Board.
- 14 D Following the initial public hearing and action by the Town Council the proposed
15 amendment shall be submitted to the appropriate State agencies for review and
16 comment if this review is required by State statute.
- 17 E Following the completion of any required review period for State agency
18 comments, the Town Council shall schedule a public hearing for final action on the
19 proposed amendment. The Town Council may adopt the amendment; adopt the
20 amendment with revisions; or reject the amendment. If the amendment is adopted
21 as proposed or as amended, the amendment shall be provided to the required State
22 agencies as set forth in State Statute.

23 **4.02.05 Notice Procedures**

24 The procedures for notice of proposed amendments to the comprehensive plan future
25 land use map shall be as follows:

- 26 A. Notice to property owners. The Town shall send notice via certified mail of the
27 proposed amendment to the owners of all properties within 300 feet of the subject
28 property. Such notice shall be sent no later than 10 days prior to the scheduled
29 public hearing and shall include the date, time, and place of the public hearing along
30 with a clear and concise description of the proposed plan.
- 31 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
32 Town shall post the property that is the subject of the public hearing with signs
33 notifying the public of the proposed amendment, date of public hearing, and person
34 to contact for further information. Signs shall be placed, at a minimum, along all
35 public road frontages, with a least one sign located every 500 feet along any
36 frontage.
- 37 C. Publication of notice. Notice of public hearing shall be published in a newspaper
38 of general circulation at least 10 days prior to the public hearing. Notice shall also
39 be posted at Town Hall and on the Town’s website. For amendments to the
40 comprehensive plan not involving amendment of the future land use map, only the
41 publication of notice meeting the standards set forth by State Statute is required.
42

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4.02.06 Comprehensive Plan Amendment Application Requirements

The request to amend the comprehensive plan, consisting of properly identified exhibits and support materials, shall include the following:

- A. Application forms
- B. Application fee
- C. Proof of Ownership or authorization from the owner to submit the application
- D. Boundary Survey. Must be signed and dated **with within the** last two years.
- E. Legal Description. Provide paper and digital (disk or email) word format.
- F. Vicinity Map. Show the property location in relation to major roads and area within 2-mile radius of the proposed amendment site. 8 ½ x 11.
- G. Statement of Justification. Attach a narrative describing the justification for the request, using support material, including but not limited to the Town’s Comprehensive Plan adopted Goals, Objectives, and Policies.
- H. School Impact Analysis. (If Residential) Contact the Lake County School Board.
- I. Transportation Analysis. A transportation impact analysis conforming to the standards of Section 8.02.10.
- J. Environmental Impact Analysis. (Required for all sites 1 acre or greater) The analysis shall be conducted by a qualified biologist and dated less than one year old. The analysis shall document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and must identify the presence of any threatened or endangered species and/or species of special concern.

4.03.00 SITE PLAN PROCESS

4.03.01 Site Plan Review for Development Not Classified as a Subdivision

- A. Site plans shall be submitted to the Town Clerk for review and recommendation by the Development Review Committee (DRC). The DRC recommendation is forwarded to the Planning and Zoning Board for its recommendation to the Town Council. Then both the DRC and Planning and Zoning Board recommendations are forwarded to the Town Council.
- B. The applicant has the option of submitting a Preliminary Site Plan as described below or proceeding with a final site plan meeting the standards established in this code.
- C. All development subject to site plan approval shall be consistent with the policies of the Town of Howey in the Hills Comprehensive Plan and shall comply with all provisions of this Code and all applicable Town ordinances and regulations.

4.03.02 Approval Process for Preliminary Site Plan

Preliminary Site Plans are submitted to the Town Clerk and must be accompanied by a Development Review Application and the appropriate fees and review deposit.

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1 Approval of the Preliminary Site Plan shall be construed as authority for submitting the
2 Final Site Plan. Approval of the Preliminary Site Plan shall not be construed as
3 authority for the issuance of permits to construct improvements or for the issuance of
4 building permits.

5 A. Pre-Application Conference. Each applicant shall meet with the DRC at a pre-
6 application conference before preparing a Preliminary Site Plan. In this way, the
7 applicant can become familiar with the requirements and development policies of
8 the Town, which may affect the proposed development.

9 B. Submission of Preliminary Site Plan. The applicant shall submit to the Town Clerk,
10 eight (8) copies of the Preliminary Site Plan along with the Development Review
11 Application, a traffic impact analysis, submittal fee, and review deposit.

12 C. Review Process

13 1. The Town Clerk shall distribute copies of the Preliminary Site Plan and
14 application to the DRC members, the Lake County School Board (for
15 residential development), and the Florida Department of Transportation
16 (FDOT), if applicable. The DRC members and the Lake County School Board
17 and FDOT, where applicable, shall individually review the Preliminary Site
18 Plan and meet to discuss their comments. The Town Planner will then prepare
19 a report to the applicant outlining all the issues. The applicant shall make the
20 changes necessary and submit a revised Preliminary Site Plan.

21 2. Once the applicant receives comments from the DRC and any outside agencies
22 on the submitted plans, the applicant has 90 calendar days to submit a response,
23 including a revised set of plans. If the applicant needs more time, a formal
24 request for an extension should be submitted by the applicant at least 30 days
25 prior to the expiration of the 90 days. Failure of the applicant to respond in a
26 timely fashion shall result in the need to resubmit with a new application,
27 including all applicable documents as if being submitted for the first time,
28 including any fees.

29 3. After the DRC is satisfied with the Preliminary Site Plan, a public hearing is
30 scheduled before the Planning and Zoning Board. The Preliminary Site Plan
31 and supporting data, and a report from the DRC shall be submitted by the Town
32 Planner to the Planning and Zoning Board at its public hearing.

33 4. After the Planning and Zoning Board public hearing, a public hearing is
34 scheduled before the Town Council. The Preliminary Site Plan and supporting
35 data, and a report from the DRC shall be submitted by the Town Planner to the
36 Town Council at its public hearing. This information shall also include the
37 Planning and Zoning Board's recommendation.

38 **4.03.03 Notice Procedures**

39 The procedures for notice of Preliminary Site Plan requests shall be as follows:

40 A. Notice to property owners. The Town shall send notice via certified mail of the
41 proposed preliminary site plan to the owners of all properties within 300 feet of the
42 subject property. Such notice shall be sent no later than 10 days prior to the

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- 1 scheduled public hearing and shall include the date, time, and place of the public
- 2 hearing along with a clear and concise description of the proposed plan.
- 3 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
- 4 Town shall post the property that is the subject of the public hearing with signs
- 5 notifying the public of the proposed preliminary plan, date of public hearing, and
- 6 person to contact for further information. Signs shall be placed, at a minimum,
- 7 along all public road frontages, with a least one sign located every 500 feet along
- 8 any frontage.
- 9 C. Publication of notice. Notice of public hearing shall be published in a newspaper
- 10 of general circulation at least 10 days prior to the public hearing. Notice shall also
- 11 be posted at Town Hall and on the Town’s website.

12 **4.03.04 Review and Action by Planning and Zoning Board**

13 The Planning and Zoning Board shall review and recommend approval, approval

14 subject to conditions, or disapproval of the Preliminary Site Plan at the advertised

15 public hearing. In recommending disapproval of any Preliminary Site Plan, the

16 Planning and Zoning Board shall provide reasons for such action.

17 **4.03.05 Action by the Town Council**

18 After the Planning and Zoning Board reviews the Preliminary Site Plan, the public

19 hearing scheduled before the Town Council shall be held. The Town Council shall

20 approve, approve subject to conditions, or disapprove the Preliminary Site Plan. In

21 disapproving any Preliminary Site Plan, the Town Council shall provide reasons for

22 such action.

23 **4.03.06 Preliminary Site Plan Approval by the Town Council**

24 Preliminary site plan approval by the Town Council shall be automatically voided if

25 the Final Site Plan (for either the entire project or the approved first phase) is not

26 approved within ~~one (1) year~~ 90 days (GL) of the date of approval of the Preliminary

27 Site Plan. The Town Council may grant a time extension, for a maximum of ~~one (1)~~

28 ~~year~~ 90 days (GL), upon written request by the developer to the Town Clerk. The

29 written request must be received by the Town Clerk at least 45 days prior to the

30 scheduled site plan expiration.

31 **4.03.07 ~~Reserved. Preliminary Site Plan Extensions (GL)~~**

32 ~~The Town Council, at its sole discretion, may extend for a period of twelve (12) months~~

33 ~~the date when a site development order would otherwise expire if it concludes that:~~

34 ~~A. The site development order has not yet expired,~~

35 ~~B. The site development order recipient has proceeded with due diligence and in good~~

36 ~~faith, and~~

37 ~~C. Conditions, including but not limited to LDC changes, have not changed so~~

38 ~~substantially as to warrant a new application.~~

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4.03.08 Preliminary Site Plan Requirements

The Preliminary Site Plan shall include the information as outlined below. Notes should be used whenever possible, on the preliminary plan, to explain, verify or identify additional information that is important to the understanding of the site and the plan of development.

4.03.09 Preliminary Site Plan Drawings

The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall provide a map key relating sheets to the entire planned area. The plan shall include the following information

- A. Title Block: The title or name of the proposed development and the name and address of the property owner and the engineer and surveyor engaged in preparing the plan.
- B. Legend: Date, scale of plan (no smaller than 1” = 100’), north arrow, current zoning, size of the property (in acres), and total square footage of buildings proposed.
- C. Legal Description: A full and detailed legal description of the property and its approximate acreage.
- D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the abutting streets and other community identifiers.
- E. Rights-of-Way: The location, name, and width of any streets on and immediately contiguous to the property.
- F. Ingress/Egress: Proposed locations of access to and from the property.
- G. Parking Areas: Proposed areas for parking and number of spaces.
- H. Open Space: Total open space required and total open space provided. Include a table to outline what tracts are open space including their purpose and size.
- I. Dedications and Reservations: All tracts proposed to be dedicated or reserved for public or private use such as roads, easements, buffers, parks, and utilities.
- J. Stormwater Layout: The location of retention ponds and other stormwater facilities. Stormwater calculations are not required at this time; however, the applicant should show an arrow indicating the direction of flow of surface drainage.
- K. Phase Lines: The boundary lines of each phase of the site plan.
- L. Proposed Building Locations: Location of buildings and proposed square footage of the buildings.
- M. Tree Survey: Location, size, and species of all trees with a DBH of 6” or greater, prepared by a Florida licensed land surveyor. The tree survey should be shown as a layer on the Preliminary Site Plans to show the relation of the trees to the proposed improvements. The plans should also include a table indicating which trees are proposed to be saved and which are proposed to be removed. **Clear cutting is not allowed. (GL)**
- N. **Independent traffic study as to impact on local roadways. (FW)**

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4.03.10 Approval Process for Final Site Plan

The Final Site Plan shall conform substantially to the approved Preliminary Site Plan. The plans shall also conform to all requirements of these or other adopted Town regulations.

4.03.11 Submission of Final Site Plan

The applicant shall submit to the Town Clerk, ten (10) copies of the Final Site Plan, two (2) copies of architectural plans (signed and sealed by a licensed Florida architect), two (2) copies of the water system hydraulic model (if applicable), two (2) copies of the sanitary sewer lift station calculations (if applicable), two (2) copies of the stormwater management calculations, two (2) copies of the landscaping, hardscaping, and irrigation plans (signed and sealed by a licensed Florida landscape architect), a concurrency application, and copies of any agency-required permit applications along with the Development Review Application, submittal fee, and review deposit.

4.03.12 Final Site Plan Review Process

The Town Clerk shall distribute copies of the Final Site Plan and application to the DRC members, the Lake County School Board (for residential development), the St. Johns River Water Management District (SJRWMD), the Florida Department of Environmental Protection (FDEP), and FDOT, if applicable. The DRC members, SJRWMD, FDEP, and the Lake County School Board and FDOT, where applicable, shall individually review the Final Site Plan, then meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Final Site Plan.

Once the applicant receives comments from the DRC and any outside agencies on the submitted plans, the applicant has 90 calendar days to submit a response, including a revised set of plans. If the applicant needs more time, a formal request for an extension should be submitted by the applicant at least 30 days prior to the expiration of the 90 days. Failure of the applicant to respond in a timely fashion shall result in the need to resubmit with a new application, including all applicable documents as if being submitted for the first time, including any fees.

After the DRC is satisfied with the Final Site Plan and all applicable fees have been paid to the Town, the Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Planning and Zoning Board. The item shall be placed on a regular Planning and Zoning Board meeting agenda for consideration. Final Site Plans do not require a public hearing.

4.03.13 Review and Action by Planning and Zoning Board

The Planning and Zoning Board shall review and recommend approval, approval subject to conditions, or disapproval of the Final Site Plan. In recommending

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1 disapproval of any Final Site Plan, the Planning and Zoning Board shall provide
2 reasons for such action.

3 **4.03.14 Review and Action by the Town Council**

4 After the Planning and Zoning Board reviews the Final Site Plan, the item shall be
5 scheduled for a regular Town Council meeting. Final Site Plans do not require a public
6 hearing. The Town Planner shall submit a report to the Town Council outlining the
7 recommendations of both the DRC and the Planning and Zoning Board. The Town
8 Council shall approve, approve subject to conditions, or disapprove the Final Site Plan.
9 In disapproving any Final Site Plan, the Town Council shall provide reasons for such
10 action.

11 **4.03.15 Final Site Plan Approval by the Town Council**

12 Final Site Plan **and building permit** approval by the Town Council shall be
13 automatically voided if construction on the infrastructure (for either the entire project
14 or the approved first phase) is not **started completed (GL)** within **eighteen (18) months**
15 **12 months (MG) 16 months (RL)** of approval of the Final Site Plan. ~~The Town Council~~
16 ~~may grant a time extension, for a maximum of one (1) year, upon written request by~~
17 ~~the developer to the Town Clerk. The written request must be received by the Town~~
18 ~~Clerk at least forty five (45) days prior to the scheduled site plan expiration. (GL)~~

19 **4.03.16 Final Site Plan Extensions**

20 The Town Council, at its sole discretion, may extend for a period of **up to (RL)** twelve
21 (12) months the date when a site development order would otherwise expire if it
22 concludes that:

- 23 A. The site development order has not yet expired,
- 24 B. The site development order recipient has proceeded with due diligence and in good
25 faith, and
- 26 C. Conditions, including but not limited to LDC changes, have not changed so
27 substantially as to warrant a new application.

28 **4.03.17 Final Site Plan Requirements**

29 The Final Site Plan shall include the information as outlined below. Notes should be
30 used whenever possible on the final plan, to explain, verify or identify additional
31 information that is important to the understanding of the site and the plan of
32 development.

33 **4.03.18 Final Site Plan Drawings**

34 The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall
35 provide a map key relating sheets to the entire planned area. The plans shall include
36 the following information:

- 37 A. The title page shall include the name of the project/development, the name and
38 address of the property owner, and the name and address of the engineer preparing

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- 1 the plan. All plans and support documents shall bear the date, seal, and signature
- 2 of the project engineer.
- 3 B. The plans shall include a location map that shows the project in relation to the broad
- 4 context of the Town.
- 5 C. The plans shall include a date, north arrow, and legend.
- 6 D. Plans shall be drawn to scale (no smaller than 1"=100').
- 7 E. The plans shall include a legal description of the property and the acreage or square
- 8 footage. The property boundaries should be clearly outlined.
- 9 F. If the project is to be phased, the phases should be clearly indicated on the plan.
- 10 The developer may need to provide additional information to document that the
- 11 first phase can stand on its own as well as subsequent phases and their reliance only
- 12 on the proceeding phases.
- 13 G. The plans should show property lines with dimensions.
- 14 H. Setbacks.
- 15 1. All setbacks from streets and highways shall be illustrated.
- 16 2. The applicable setbacks for the zoning district shall be indicated by the use of
- 17 notes.
- 18 3. All setbacks on irregular shaped lots shall be illustrated.
- 19 I. The line of natural water bodies shall be illustrated.
- 20 J. The plans should show street right-of-way lines of adjacent roads.
- 21 K. Topographic information. Existing contours at one (1) foot intervals based on field
- 22 surveys or photogrammetric survey extending a minimum one hundred (100) feet
- 23 beyond the tract boundary. The topographic survey shall be certified by a land
- 24 surveyor, registered in the State of Florida.
- 25 L. Soils information. Identification of on-site soils shall be drawn on the face of the
- 26 plan using the Soil Survey of Lake County Area, Florida. An applicant may
- 27 challenge this determination by demonstrating (through the testing of a
- 28 geotechnical engineer) that the identified soils are not classified correctly. If the
- 29 above determination is concurred with by the Town Engineer, then these alternative
- 30 soil determinations will be used in preparing the plans.
- 31 M. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be
- 32 shown on the plans. An environmental impact assessment will be required for
- 33 significant or ecologically fragile areas.
- 34 N. 100 Year Flood Elevation Information. Where the 100-year flood elevation is
- 35 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant
- 36 shall show the location of the one hundred (100) year flood elevation. Data shall
- 37 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.
- 38 maps. In this circumstance, the developer will be responsible for the necessary
- 39 drainage basin studies to establish the 100-year flood elevation. This work will be
- 40 prepared to the satisfaction of the Town Engineer. If the proposed development
- 41 will create a change to the existing 100-year flood elevation, this change will be
- 42 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter
- 43 of map amendment to FEMA and will need to provide evidence to the Town that
- 44 FEMA has agreed to the amendment prior to receiving Final Site Plan approval.

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- 1 O. The tree survey submitted at the Preliminary Site Plan phase should again be
2 overlaid on the Final Site Plans to show trees in relation to proposed improvements.
3 The plans should also include a table indicating which trees are proposed to be
4 saved and which are proposed to be removed. **Clear cutting is not allowed. (GL)**
- 5 P. Any existing improvements on the property should be shown on the Final Site Plan
6 and whether those improvements will remain.
- 7 Q. The Plans shall show location and dimension of all proposed buildings. Setbacks
8 shall be called out.
- 9 R. Open Space. All areas to be counted as Open Space shall be clearly indicated on
10 the plan and summarized in a table by tract, acreage, and use.
- 11 S. All streets shall be shown, labeled by street name, showing where curb and gutters,
12 sidewalks, and utility easements are to be provided and indicating street pavement
13 widths.
- 14 T. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan
15 in addition to other stormwater or drainage facilities including manholes, pipes,
16 drainage ditches, retention ponds, etc.
- 17 U. All sidewalks or other walkways or trails shall be identified, showing widths and
18 surface material as well as cross sections in the detail pages.
- 19 V. The water system including the location of mains, valves and hydrants shall be
20 shown on the plans with submittal of profile sheets.
- 21 W. The wastewater system shall be shown on the plans indicating the location of lines
22 and lift stations, where applicable, with the submittal of profile sheets where
23 required.
- 24 X. All underground and above-ground utility lines, streetlights, and other facilities
25 shall be shown.
- 26 Y. All dumpster pads shall be located with details on enclosures.
- 27 Z. New contour lines resulting from earth movement (shown as solid lines) with no
28 larger than one (1) foot intervals, or detailed profiles and cross sections.
- 29 AA. The location, dimensions, and materials of all signs, fencing, and walls shall
30 be shown.
- 31 BB. Vehicle accommodation areas (including parking areas, loading areas and
32 circulation areas); all designated by surface material and showing dimensions and
33 layout of proposed parking spaces and the dimensions and direction of travel lanes,
34 aisles, and driveways. Also include the number of spaces, including the required
35 handicapped spaces, and the calculations for determining parking demand.
- 36 CC. Street signs (according to the Town’s Manual of Standards).
- 37 DD. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc.
38 (according to the Town’s Manual of Standards).
- 39 EE. Proposed vacation of rights-of-way and/or easements are to be addressed.
- 40 FF. Any additional information deemed necessary by the Town of Howey-in-the-
41 Hills.

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1 **4.04.00 CONSTRUCTION OF INFRASTRUCTURE**

2 Following Final Site Plan approval by the Town Council, the applicant shall file the
3 applicable documents and request a Pre-Construction Conference, as outlined in
4 Section 4.08.01 of this Chapter.

5 **4.05.00 SUBDIVISION PLAN PROCESS**

6 **4.05.01 Subdivision Plan Review**

7 A Subdivision plans must first be submitted in Preliminary Subdivision Plan form to
8 the Town Clerk for review and recommendation by the Development Review
9 Committee (DRC). The DRC recommendation is forwarded to the Planning and
10 Zoning Board for its recommendation to the Town Council. Then both the DRC
11 and Planning and Zoning Board recommendations are forwarded to the Town
12 Council. Once the Town Council grants Preliminary Subdivision Plan approval,
13 the next step in the process is Final Subdivision Plan review.

14 B For subdivisions that have fewer than twenty (20) lots and 10 acres, the applicant
15 has the option of combining the Preliminary and Final Subdivision Plans into one
16 submittal.

17 C A lot split, which is the division of a single, legally created lot of record into two
18 separate lots, is permitted within platted subdivisions provided the following
19 conditions are met:

- 20 1. Only two lots are created from the original legally created lot of record. The
21 original parcel shall be known as the parent parcel and those lots created out of
22 it shall not be entitled to another lot split.
- 23 2. A lot split shall not be approved within a platted subdivision when it would
24 change the character of the subdivision.
- 25 3. All other requirements of the LDC and the Comprehensive Plan shall still apply.
- 26 4. Lot splits shall not result in a flag lot being created.

27 D All development subject to subdivision plan approval shall be consistent with the
28 policies of the Town of Howey in the Hills Comprehensive Plan and shall comply
29 with all provisions of this Code and all applicable Town ordinances and regulations.

30 **4.05.02 Approval Process for Preliminary Subdivision Plan**

31 Preliminary Subdivision Plans are submitted to the Town Clerk and must be
32 accompanied by a Development Review Application and the appropriate fees and
33 review deposit. Approval of the Preliminary Subdivision Plan shall be construed as
34 authority for submitting the Final Subdivision Plan. Approval of the Preliminary
35 Subdivision Plan shall not be construed as authority for the issuance of permits to
36 construct improvements or for the issuance of building permits.

37 **4.05.03 Pre-Application Conference**

38 Each applicant shall meet with the DRC at a pre-application conference before
39 preparing a Preliminary Subdivision Plan. In this way, the applicant can become

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1 familiar with the requirements and development policies of the Town, which may affect
2 the proposed development.

3 **4.05.04 Submission of Preliminary Subdivision Plan**

4 The applicant shall submit to the Town Clerk, eight (8) copies of the Preliminary
5 Subdivision Plan along with the Development Review Application, a traffic impact
6 analysis, submittal fee, and review deposit.

7 **4.05.05 Preliminary Subdivision Plan Review Process**

8 A. The Town Clerk shall distribute copies of the Preliminary Subdivision Plan and
9 application to the DRC members, the Lake County School Board (for residential
10 development), and FDOT, if applicable. The DRC members and the Lake County
11 School Board and FDOT, where applicable, shall individually review the
12 Preliminary Subdivision Plan and meet to discuss their comments. The Town
13 Planner will then prepare a report to the applicant outlining all the issues. The
14 applicant shall make the changes necessary and submit a revised Preliminary
15 Subdivision Plan.

16 B. Once the applicant receives comments from the DRC and any outside agencies on
17 the submitted plans, the applicant has 90 calendar days to submit a response,
18 including a revised set of plans. If the applicant needs more time, a formal request
19 for an extension should be submitted by the applicant at least 30 days prior to the
20 expiration of the 90 days. Failure of the applicant to respond in a timely fashion
21 shall result in the need to resubmit with a new application, including all applicable
22 documents as if being submitted for the first time, including any fees.

23 C. After the DRC is satisfied with the Preliminary Subdivision Plan, a public hearing
24 is scheduled before the Planning and Zoning Board. The Preliminary Subdivision
25 Plan and supporting data, and a report from the DRC shall be submitted by the
26 Town Planner to the Planning and Zoning Board at its public hearing.

27 D. After the Planning and Zoning Board public hearing, a public hearing is scheduled
28 before the Town Council. The Preliminary Subdivision Plan and supporting data,
29 and a report from the DRC shall be submitted by the Town Planner to the Town
30 Council at its public hearing. This information shall also include the Planning and
31 Zoning Board’s recommendation.

32 **4.05.06 Notice Procedures**

33 The procedures for notice of Preliminary Subdivision Plans shall be as follows:

34 A. Notice to property owners. The Town shall send notice via certified mail of the
35 proposed preliminary subdivision plan to the owners of all properties within 300
36 feet of the subject property. Such notice shall be sent no later than 10 days prior to
37 the scheduled public hearing and shall include the date, time, and place of the public
38 hearing along with a clear and concise description of the proposed plan.

39 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
40 Town shall post the property that is the subject of the public hearing with signs

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1 notifying the public of the proposed preliminary plan, date of public hearing, and
2 person to contact for further information. Signs shall be placed, at a minimum,
3 along all public road frontages, with a least one sign located every 500 feet along
4 any frontage.
5 C. Publication of notice. Notice of public hearing shall be published in a newspaper
6 of general circulation at least 10 days prior to the public hearing. Notice shall also
7 be posted at Town Hall and on the Town’s website.

8 **4.05.07 Review and Action by Planning and Zoning Board**

9 The Planning and Zoning Board shall review and recommend approval, approval
10 subject to conditions, or ~~disapproval~~ **denial ()** of the Preliminary Subdivision Plan
11 at the advertised public hearing. In recommending disapproval of any Preliminary
12 Subdivision Plan, the Planning and Zoning Board shall provide reasons for such action.

13 **4.05.08 Action by the Town Council**

14 After the Planning and Zoning Board reviews the Preliminary Subdivision Plan, the
15 public hearing scheduled before the Town Council shall be held. The Town Council
16 shall approve, approve subject to conditions, or ~~disapprove~~ **deny ()** the Preliminary
17 Subdivision Plan. In disapproving any Preliminary Subdivision Plan, the Town
18 Council shall provide reasons for such action.

19 **4.05.09 Preliminary Subdivision Plan Approval by the Town Council**

20 Preliminary subdivision plan approval by the Town Council shall be automatically
21 voided if the Final Subdivision Plan (for either the entire project or the approved first
22 phase) is not approved within one (1) year of the approval of the Preliminary
23 Subdivision Plan. The Town Council may grant a time extension, for a maximum of
24 one (1) year, upon written request by the developer to the Town Clerk. The written
25 request must be received by the Town Clerk at least forty-five (45) days prior to the
26 scheduled site plan expiration.

27 **4.05.10 Preliminary Subdivision Plan Extensions**

28 The Town Council, at its sole discretion, may extend for a period of twelve (12) months
29 the date when a subdivision development order would otherwise expire if it concludes
30 that:
31 A. The subdivision development order has not yet expired,
32 B. The subdivision development order recipient has proceeded with due diligence and
33 in good faith, and
34 C. Conditions, including but not limited to LDC changes, have not changed so
35 substantially as to warrant a new application.

36 **4.05.11 Preliminary Subdivision Plan Requirements**

37 The Preliminary Subdivision Plan shall include the information as outlined below.
38 Notes should be used whenever possible, on the preliminary plan, to explain, verify or

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1 identify additional information that is important to the understanding of the site and the
2 plan of development.

3 **4.05.12 Preliminary Subdivision Plan Drawings**

4 The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall
5 provide a map key relating sheets to the entire planned area. The plan shall include the
6 following information:

- 7 A. Title Block: The title or name of the proposed development and the name and
8 address of the property owner and the engineer and surveyor engaged in preparing
9 the plan.
- 10 B. Legend: Date, scale of plan (no smaller than 1” = 100’), north arrow, current
11 zoning, size of the property (in acres), and total number of lots.
- 12 C. Legal Description: A full and detailed legal description of the property and its
13 approximate acreage.
- 14 D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the
15 abutting streets and other community identifiers.
- 16 E. Rights-of-Way: The location, name, and width of any streets on and immediately
17 contiguous to the property.
- 18 F. Ingress/Egress: Proposed locations of access to and from the property.
- 19 G. Lot layout: Proposed layout of lots to be created by the new subdivision.
- 20 H. Parking Areas: Proposed areas for parking and number of spaces, if applicable.
- 21 I. Open Space: Total open space required and total open space provided. Include a
22 table to outline what tracts are open space including their purpose and size.
- 23 J. Dedications and Reservations: All tracts proposed to be dedicated or reserved for
24 public or private use such as roads, easements, buffers, parks, and utilities.
- 25 K. Stormwater Layout: The location of retention ponds and other stormwater
26 facilities. Stormwater calculations are not required at this time; however, the
27 applicant should show an arrow indicating the direction of flow of surface drainage.
- 28 L. Phase Lines: The boundary lines of each phase of the subdivision plan.
- 29 M. Tree Survey: Location, size, and species of all trees with a DBH of 6” or greater,
30 prepared by a Florida licensed land surveyor. The tree survey should be shown as
31 a layer on the Preliminary Subdivision Plans to show the relation of the trees to the
32 proposed improvements. The plans should also include a table indicating which
33 trees are proposed to be saved and which are proposed to be removed.

34 **4.05.13 Approval Process for Final Subdivision Plan**

35 The Final Subdivision Plan shall conform substantially to the approved Preliminary
36 Subdivision Plan. The plans shall also conform to all requirements of these or other
37 adopted Town regulations.

38 **4.05.14 Submission of Final Subdivision Plan**

39 The developer shall submit to the Town Clerk, ten (10) copies of the Final Subdivision
40 Plan, two (2) copies of architectural plans (signed and sealed by a licensed Florida

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1 architect), two (2) copies of the water system hydraulic model (if applicable), two (2)
2 copies of the sanitary sewer lift station calculations (if applicable), two (2) copies of
3 the stormwater management calculations, two (2) copies of the landscaping,
4 hardscaping, and irrigation plans (signed and sealed by a licensed Florida landscape
5 architect), a concurrency application, and copies of any agency-required permit
6 applications along with the Development Review Application, submittal fee, and
7 review deposit.

8 **4.05.15 Final Subdivision Plan Review Process**

- 9 A. The Town Clerk shall distribute copies of the Final Subdivision Plan and
10 application to the DRC members, the Lake County School Board (for residential
11 development), the SJRWMD, FDEP, and FDOT, if applicable. The DRC members
12 and the other agencies shall individually review the Final Subdivision Plan, then
13 meet to discuss their comments. The Town Planner will then prepare a report to
14 the developer outlining all the issues. The developer shall make the changes
15 necessary and submit a revised Final Subdivision Plan.
- 16 B. Once the applicant receives comments from the DRC and any outside agencies on
17 the submitted plans, the applicant has 90 calendar days to submit a response,
18 including a revised set of plans. If the applicant needs more time, a formal request
19 for an extension should be submitted by the applicant at least 30 days prior to the
20 expiration of the 90 days. Failure of the applicant to respond in a timely fashion
21 shall result in the need to resubmit with a new application, including all applicable
22 documents as if being submitted for the first time, including any fees.
- 23 C. After the DRC is satisfied with the Final Subdivision Plan and all applicable fees
24 have been paid to the Town, the Plan and supporting data, and a report from the
25 DRC shall be submitted by the Town Planner to the Planning and Zoning Board.
26 The item shall be placed on a regular Planning and Zoning Board meeting agenda
27 for consideration. Final Subdivision Plans do not require a public hearing.

28 **4.05.16 Review and Action by Planning and Zoning Board**

29 The Planning and Zoning Board shall review and recommend approval, approval
30 subject to conditions, or disapproval of the Final Subdivision Plan. In recommending
31 disapproval of any Final Subdivision Plan, the Planning and Zoning Board shall
32 provide reasons for such action.

33 **4.05.17 Review and Action by the Town Council**

34 After the Planning and Zoning Board reviews the Final Subdivision Plan, the item shall
35 be scheduled for a regular Town Council meeting. Final Subdivision Plans do not
36 require a public hearing. The Town Planner shall submit a report to the Town Council
37 outlining the recommendations of both the DRC and the Planning and Zoning Board.
38 The Town Council shall approve, approve subject to conditions, or disapprove the Final
39 Subdivision Plan. In disapproving any Final Subdivision Plan, the Town Council shall
40 provide reasons for such action.

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1 **4.05.18 Final Subdivision Plan Approval by the Town Council**

2 Final subdivision plan approval by the Town approval by the Town Council shall be
3 automatically voided if construction on the infrastructure (for either the entire project
4 or the approved first phase) is not started within ~~eighteen (18)~~ 16 (RL) months of
5 approval of the Final Subdivision Plan. The Town Council may grant a time extension,
6 for a maximum of one (1) year, upon written request by the developer to the Town
7 Clerk. The written request must be received by the Town Clerk at least forty-five (45)
8 days prior to the scheduled subdivision plan expiration.

9 **4.05.19 Final Subdivision Plan Extensions**

10 The Town Council, at its sole discretion, may extend for a period of twelve (12) months
11 the date when a subdivision development order would otherwise expire if it concludes
12 that:
13 A. The subdivision development order has not yet expired,
14 B. The subdivision development order recipient has proceeded with due diligence and
15 in good faith, and
16 C. Conditions, including but not limited to LDC changes, have not changed so
17 substantially as to warrant a new application.

18 **4.05.20 Final Subdivision Plan Requirements**

19 The Final Subdivision Plan shall include the information as outlined below. Notes
20 should be used whenever possible on the final plan, to explain, verify or identify
21 additional information that is important to the understanding of the site and the plan of
22 development.

23 **4.05.21 Final Subdivision Plan Drawings**

- 24 A. The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall
25 provide a map key relating sheets to the entire planned area. The plans shall include
26 the following information:
- 27 B. The title page shall include the name of the project/development, the name and
28 address of the property owner, and the name and address of the engineer preparing
29 the plan. All plans and support documents shall bear the date, seal, and signature
30 of the project engineer.
- 31 C. The plans shall include a location map that shows the project in relation to the broad
32 context of the Town.
- 33 D. The plans shall include a date, north arrow, and legend.
- 34 E. Plans shall be drawn to scale (no smaller than 1”=100’).
- 35 F. The plans shall include a legal description of the property and the acreage or square
36 footage. The property boundaries should be clearly outlined.
- 37 G. Subdivision Name.
 - 38 1. Every subdivision shall be given a name by which it shall be legally known.
39 All subdivision signage must be consistent with its legally assigned name. Such
40 name shall not be the same, phonetically, or visually similar to any name

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- 1 appearing on any recorded plat in the County so as to confuse the records or to
- 2 mislead the public as to the identity or location of the subdivision, except when
- 3 the subdivision is subdivided as an additional unit or section by the same
- 4 developer or his successors in title. No subdivision name shall mislead the
- 5 public as to the municipality or geographic area in which the subdivision is
- 6 located. The name of the subdivision shall be determined by the developer, and
- 7 subject to review by the DRC, and approval by the Town Council as part of the
- 8 Preliminary Subdivision Plan.
- 9 2. If at any time, the developer intends to change the name of the subdivision, the
- 10 developer shall request the name change in writing. All correspondence
- 11 regarding a name change shall be sent to the MayorTown Manager who shall
- 12 make a recommendation to the DRC, who shall make a recommendation to the
- 13 Town Council. The decision of the Town Council is final. After approval by
- 14 the Town Council, it shall be the responsibility of the developer to make the
- 15 appropriate changes to all applicable documents. The provision of this
- 16 subsection shall be applicable in all zoning districts, including planned unit
- 17 developments. Once the Town approves the subdivision name, it must then be
- 18 submitted to the Lake County for approval.
- 19 H. The plans shall show all proposed lots to be created. The lots should be numbered
- 20 sequentially. All lots shall show all dimensions and the building envelope.
- 21 I. If the project is to be phased, the phases should be clearly indicated on the plan.
- 22 The developer may need to provide additional information to document that the
- 23 first phase can stand on its own as well as subsequent phases and their reliance only
- 24 on the proceeding phases.
- 25 J. The plans should show property lines with dimensions.
- 26 K. Setbacks.
- 27 1. All setbacks from streets and highways shall be illustrated.
- 28 2. The applicable setbacks for the zoning district shall be indicated by the use of
- 29 notes.
- 30 3. All setbacks on irregular shaped lots shall be illustrated.
- 31 L. The line of natural water bodies shall be illustrated.
- 32 M. The plans should show street right-of-way lines of adjacent roads.
- 33 N. Topographic information. Existing contours at one (1) foot intervals based on field
- 34 surveys or photogrammatic survey extending a minimum one hundred (100) feet
- 35 beyond the tract boundary. The topographic survey shall be certified by a land
- 36 surveyor, registered in the State of Florida.
- 37 O. Soils information. Identification of on-site soils shall be drawn on the face of the
- 38 plan using the Soil Survey of Lake County Area, Florida. An applicant may
- 39 challenge this determination by demonstrating (through the testing of a
- 40 geotechnical engineer) that the identified soils are not classified correctly. If the
- 41 above determination is concurred with by the Town Engineer, then these alternative
- 42 soil determinations will be used in preparing the plans.

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- 1 P. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be
- 2 shown on the plans. An environmental impact assessment will be required for
- 3 significant or ecologically fragile areas.
- 4 Q. 100 Year Flood Elevation Information. Where the 100-year flood elevation is
- 5 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant
- 6 shall show the location of the one hundred (100) year flood elevation. Data shall
- 7 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.
- 8 maps. In this circumstance, the developer will be responsible for the necessary
- 9 drainage basin studies to establish the 100-year flood elevation. This work will be
- 10 prepared to the satisfaction of the Town Engineer. If the proposed development
- 11 will create a change to the existing 100-year flood elevation, this change will be
- 12 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter
- 13 of map amendment to FEMA and will need to provide evidence to the Town that
- 14 FEMA has agreed to the amendment prior to receiving Final Subdivision Plan
- 15 approval.
- 16 R. The tree survey submitted at the Preliminary Subdivision Plan phase should again
- 17 be overlaid on the Final Subdivision Plans to show trees in relation to proposed
- 18 improvements. The plans should also include a table indicating which trees are
- 19 proposed to be saved and which are proposed to be removed.
- 20 S. Any existing improvements on the property should be shown on the Final
- 21 Subdivision Plan and whether those improvements will remain.
- 22 T. Open Space. All areas to be counted as Open Space shall be clearly indicated on
- 23 the plan and summarized in a table by tract, acreage, and use.
- 24 U. All streets shall be shown, labeled by street name, showing where curb and gutters,
- 25 sidewalks, and utility easements are to be provided and indicating street pavement
- 26 widths.
- 27 V. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan
- 28 in addition to other stormwater or drainage facilities including manholes, pipes,
- 29 drainage ditches, retention ponds, etc.
- 30 W. All sidewalks or other walkways or trails shall be identified, showing widths and
- 31 surface material as well as cross sections in the detail pages.
- 32 X. The water system including the location of mains, valves and hydrants shall be
- 33 shown on the plans with submittal of profile sheets.
- 34 Y. The wastewater system shall be shown on the plans indicating the location of lines
- 35 and lift stations, where applicable, with the submittal of profile sheets where
- 36 required.
- 37 Z. All underground and above-ground utility lines, streetlights, and other facilities
- 38 shall be shown.
- 39 AA. All dumpster pads shall be located, if applicable, with details on enclosures.
- 40 BB. New contour lines resulting from earth movement (shown as solid lines)
- 41 with no larger than one (1) foot intervals, or detailed profiles and cross sections.
- 42 CC. The location, dimensions, and materials of all signs, fencing, and walls shall
- 43 be shown.

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- 1 DD. Vehicle accommodation areas, if applicable, including parking areas,
- 2 loading areas and circulation areas; all designated by surface material and showing
- 3 dimensions and layout of proposed parking spaces and the dimensions and direction
- 4 of travel lanes, aisles, and driveways. Also include the number of spaces, including
- 5 the required handicapped spaces, and the calculations for determining parking
- 6 demand.
- 7 EE. Street signs (according to the Town’s Manual of Standards).
- 8 FF. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc.
- 9 (according to the Town’s Manual of Standards).
- 10 GG. Proposed vacation of rights-of-way and/or easements are to be addressed.
- 11 HH. Any additional information deemed necessary by the Town of Howey-in-
- 12 the Hills.

13 **4.06.00 ARCHITECTURAL PLAN REQUIREMENTS**

14 **4.06.01 Purpose and Intent**

- 15 A. Architectural requirements are an integral part of the LDC in order to ensure quality
- 16 development, create a sense of place and community, and to enhance the physical
- 17 environment. All architectural plans submitted under this Chapter must be signed
- 18 and sealed by a licensed architect registered in the State of Florida.
- 19 B. These standards are intended to:
 - 20 1. Encourage a diversity in housing styles, shapes, and materials in order to create
 - 21 variety in the streetscape,
 - 22 2. Encourage richness in design through materials and details,
 - 23 3. Maximize the positive impact of development,
 - 24 4. Ensure that non-residential building facades are designed to a human scale, for
 - 25 esthetic appeal, pedestrian comfort, and compatibility with adjacent
 - 26 development,
 - 27 5. Ensure that larger non-residential buildings are designed to reduce their
 - 28 apparent bulk and volume through design and landscaping,
 - 29 6. Encourage sustainable architecture.

30 **4.06.02 Residential Developments**

- 31 ~~In order (RL)~~ To promote architectural character ~~to the fullest extent allowed by Florida~~
- 32 ~~law,~~ (TW) the Town shall require new housing developments to offer a variety of
- 33 architectural styles and elevations. These regulations promote both diversity in the
- 34 exterior elevations of neighboring homes, as well as individual character in the design
- 35 of each residence.
- 36 A. For new single-family residential developments or infill single family development
- 37 with six (6) or more adjacent lots:
 - 38 1. The same house model may not be used more than ~~three~~ **two (DM)** times within
 - 39 a single block face. For purposes of this requirement, a different house model
 - 40 is a different floor plan, not the same floor plan flipped in a different direction
 - 41 and not the same floor plan with a different exterior treatment. ~~When less than~~

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- 1 ~~ten (10%) percent of the lots in a subdivision remain to be developed, the~~
2 ~~Planning Board may approve a home design to be used more than three times~~
3 ~~within a single block face. This option is intended to provide some flexibility~~
4 ~~in finishing the subdivision development while maintaining diversity in~~
5 ~~building design. (DM)~~
6 2. Front porches shall be a required component on at least one quarter of the house
7 models offered in a development. These porches shall be at least 6 feet deep
8 and 10 feet wide.
9 a. ~~Front porches may encroach into the front setback up to five (5) feet in~~
10 ~~Single Family Residential and Medium Density Residential developments.~~
11 (DM)
12 Front porches may be screened, provided that the screen is located behind the
13 railings.
14 3. Recessed garages or side entry garages shall be a required component on at least
15 one quarter of the house models offered in a development. To be considered
16 recessed, the garage shall be set back a minimum of ten (10) feet from the main
17 building face, or five (5) feet if the house has a front porch. [MG asks, is this
18 enforced?]
19 B. For all new residential development
20 1. Residential building walls shall be ~~wood clapboard, wood shingle, wood drop~~
21 ~~siding, (DM)~~ Hardie board siding, brick, stone, stucco, approved vinyl siding,
22 or similar material.
23 2. Residential roofs shall be ~~wood, (DM)~~ synthetic, or fiberglass shingles, solar
24 shingles, tile or metal. Eaves are an important component of the roof design;
25 they not only provide architectural character, but they help to protect building
26 walls and reduce cooling costs.
27 3. Fencing or decorative walls in residential front yards shall be a maximum of
28 three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6)
29 feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is
30 designed to resemble wrought iron. The architectural style and color of walls
31 shall match the primary dwelling unit. Fences shall be erected so that the
32 finished side is towards adjacent lots or the public right-of-way. Chain link
33 fencing is permitted along the sides and rear lot lines of residential lots that back
34 up to either a lake or wetland. Residential development in Agricultural and
35 Rural Estates zoning districts may also propose special purpose fencing in
36 conjunction with farm animals and horses.
37 4. Perimeter fences or walls are permitted around a residential development up to
38 a maximum of six (6) feet, provided that the fence and/or wall has architectural
39 features compatible with the neighborhood. Fences and walls shall also include
40 details such as banding, capping, columns (which may be up to 8 feet tall), and
41 other elements to add interest. To enhance design, perimeter fences and walls
42 are required to incorporate landscaping with breaks in the fence or wall (or
43 change in direction). Perimeter fences shall be ~~vinyl, (DM)~~ wrought iron, or

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1 aluminum that is designed to resemble wrought iron. Perimeter walls shall be
2 faced with stucco, brick, or stone or a combination of those materials.

3 **4.06.03 Single Family Residential Development Architectural Plans**

4 At the time of Final Plan submittal (or at building permit for infill development), the
5 applicant shall submit a complete set of the residential design plans. This shall include
6 the front, side, and rear elevations for each model that will be constructed within the
7 development. The building elevations shall include the following:

8 A. Roof plan: Residential homes shall have variations in roof lines and use dormers,
9 wide eaves, and other architectural elements to add interest and sustainability.

10 B. Wall materials and color options: See Section 4.06.02(B)(1) above for material
11 options. Walls cannot be all one material and/or all one color. Primary facades
12 shall have one base color and a minimum of one complementary accent color. A
13 complementary wall material may be used to meet the second color requirement.

14 C. Exterior architectural details: Each home shall incorporate architectural details to
15 add interest to all sides of the building. Primary facades shall incorporate a
16 minimum of four architectural details and secondary facades shall incorporate a
17 minimum of ~~two (2)~~ **three (FW)** architectural details. ~~These include, but as listed,~~
18 **but (FW)** are not limited to:

- 19 1. Windows
- 20 2. Shutters
- 21 3. Porches
- 22 4. Decorative elements
- 23 5. Doors
- 24 6. Columns
- 25 7. Window boxes
- 26 8. Porticos
- 27 9. Cupolas
- 28 10. Chimneys
- 29 11. Enhanced landscape treatment which provides for one additional planting area
30 with a minimum size of 400 square feet
- 31 12. Other elements approved by the Town

32 **4.06.04 Reserved. Other Residential Development**

33 ~~Townhome development shall follow the same architectural standards as single-family~~
34 ~~development, except for Section 4.06.02 above. (FW)~~

35 **4.06.05 Non-Residential Development**

36 A. For non-residential buildings, the scale and design should be compatible with
37 surrounding development and the Town's overall character. Non-residential
38 building walls shall be finished with ~~wood clapboard, wood shingle, wood drop~~
39 ~~siding,~~ **(DM)** Hardie board siding, brick, stone, stucco, approved vinyl siding, or

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1 similar material. Exposed concrete block or metal finishes shall not be permitted
2 except when determined to be an integral feature of a recognized architectural style.
3 B. Non-residential roofs shall be wood, (DM) synthetic, or fiberglass shingles or tile.
4 Metal roofs may be permitted if determined to be an integral feature of a recognized
5 architectural style. Flat roofing is permitted, as long as the rooftop is not visible
6 from the right of way. False facades may be used as long as the treatment is used
7 for all sides of the building.

8 **4.06.06 Non-Residential Development Architectural Plans**

- 9 A. At the time of Final Plan submittal, the applicant shall submit a complete set of the
10 building design plans. This shall include the front, side, and rear elevations. The
11 plans shall include the roof design and show all pertinent details (windows, shutters,
12 porches, decorative finishes, doors, colors, materials). The plans shall be drawn to
13 scale, and dimensions shall be clearly delineated. All elevations must be signed
14 and sealed by a licensed architect registered in the State of Florida.
- 15 B. Architectural plans shall also include screening details for service areas and
16 mechanical equipment as well as site furnishings, lighting fixtures, and any other
17 information necessary to ensure consistency with the intent of this section.
- 18 C. Architectural plans are required for any new non-residential developments, and
19 additions or alterations to previously approved non-residential developments.
20 Alterations may include, but are not limited to, changes in color, material, roof
21 finishes, awnings, and other exterior features.
- 22 D. Non-Residential Architectural Plans should also ensure the following:
- 23 1. Facades should be designed to reduce the scale and uniform appearance of the
24 building and provide visual interest. Each façade shall incorporate one massing
25 technique and one articulation technique from the following list or other
26 technique proposed by the project architect and approved by the Town Council.
27 For every fifty (50) feet of wall that exceeds fifty (50) feet in length one
28 additional massing technique and one additional articulation technique shall be
29 applied to the entire wall length.
30

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Massing Techniques	Articulation Techniques
Building wall offsets	Base course or plinth course
Colonnades	Windows
Cupolas	Facia
Towers	Cornice
Pavilions	Piers
Arcades	Arches
Building recesses and projections	Bays
Clock or bell towers	Brackets
Variations in roof lines	Balconies
Verandas	Portals
Overhangs	Wings
	Porches
	Stoops
	String courses
	Lintels
	Bay windows and oriels
	Show cases
	Transoms

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- 2. Fences that are visible from the public right-of-way shall not be chain link unless the land use requires security fencing.
- 3. Variations in roof lines should be used to add building interest consistent with the designated building style. Roof mounted equipment is also required to be shielded from view. Flat roofing is encouraged if the roof can be utilized (i.e., rooftop terrace), especially where such use can take advantage of views (i.e., for residential units above non-residential uses).
- 4. Large storefront windows are encouraged in retail areas as pedestrian-friendly components. At least 50 percent of the first floor of all buildings with a retail component shall be comprised of storefront windows, unless a waiver is specifically granted by the Town Council.
- 5. Non-residential buildings shall be painted with earth tone or pastel colors consistent with the designated building styles. Fluorescent and visually overwhelming colors which call undue attention to the property shall not be permitted. The fact that certain colors are “corporate” shall not be grounds for waiver from this provision. Where color schemes are used on non-residential buildings that commonly identify the business on site, those areas shall be considered signage and shall be included in the calculation of sign area.
- 6. Awnings, arcades, colonnades, arbors, trellises, and other similar architectural components should be a component of non-residential building design to add interest to the physical character of the area as well as afford a way for pedestrians to get out of the weather.
- 7. The main building entrance shall face the public right-of-way unless it is determined during the site plan approval process that such configuration is not practical. When parking is located on the side or rear of the building, the placement of a suitably large building entrance facing the parking area is permitted, but it shall not displace the main building entrance. Main building entrances shall be articulated in a manner consistent with the architectural style of the building.

34 **4.07.00 LANDSCAPING, HARDSCAPING, AND IRRIGATION PLAN**

- 35 A. Landscaping, hardscaping, and irrigation plans are required to be submitted with
- 36 Final Site Plans and Final Subdivision Plans. These plans shall be signed and sealed
- 37 by a licensed landscape architect registered in the State of Florida.
- 38 B. See Chapter 7 for requirements for landscaping, hardscaping, and irrigation.

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1 **4.08.00 SITE IMPROVEMENTS**

2 **4.08.01 *Pre-Construction Conference***

3 Following approval of the Final Site Plan or Final Subdivision Plan, the applicant shall
4 submit a completed pre-construction checklist and the applicant and applicant’s
5 contractor shall have a formal meeting with the DRC, Town inspector, and utility
6 company representatives. Upon acceptance by the Town of all applicable permits, fees
7 and related documents, the Town Engineer will issue the developer a set of the Final
8 Plans stamped “Approved for Construction”. If there are vertical components included
9 in the improvements (fencing, walls, etc.), building permits will also need to be applied
10 for and issued as part of the process before those improvements may be installed.
11 Following approval of a Final Site Plan or Final Subdivision Plan, there shall be no
12 deviation from the approved plan unless a revised plan is submitted, reviewed, and
13 approved as provided in this Section.

14 **4.08.02 *The Installation of All Site Improvements***

15 The installation of all site improvements shall be subject at all times to inspection by
16 the Town. The developer shall pay an inspection fee to the Town as part of the Pre-
17 Construction Conference to cover the costs of the Town Inspector and Town Engineer
18 for site inspections.

19 **4.08.03 *Certificate of Completion***

20 Upon completion of the site improvements, a formal walk-through inspection shall be
21 scheduled by the Town Engineer. The developer must also submit the following
22 documents:

- 23 A. Engineer’s certification letter (signed and sealed by a professional engineer)
- 24 B. Surveyor’s certification letter (signed and sealed by a professional land surveyor)
- 25 C. Two sets of as-built drawings (signed and sealed)
- 26 D. A 2-year maintenance guarantee covering all site improvements. This maintenance
27 guarantee shall be either cash, a letter of credit or a maintenance bond in the amount
28 of 20% of the cost of the improvements.
- 29 E. Certified utility cost (signed and sealed by a professional engineer)
- 30 F. “Bill of Sale” – water system
- 31 G. “Bill of Sale” – wastewater system
- 32 H. Copy of signed contract for site work
- 33 I. Letter from DEP indicating acceptance of permitted work
- 34 J. Letter from SJRWMD indicating acceptance of permitted work
- 35 K. Certification for back flow preventer

36 **4.08.04 *Letter of Acceptance***

37 Once all improvements are deemed acceptable to the Town and all required documents
38 have been submitted by the applicant, a letter of acceptance shall be issued by the

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1 Town. The date on the letter shall be used as the start date for the 2-year maintenance
2 period covered by the maintenance guarantee.

3 **4.08.05 Two-Year Maintenance Period**

4 Periodically throughout the 2-year maintenance time period, the Town shall inspect the
5 improvements and notify the applicant if any deficiencies are found. Ninety (90) days
6 prior to the expiration of the maintenance guarantee, a formal walkthrough inspection
7 will be conducted to determine whether any deficiencies exist. If deficiencies are
8 found, a letter will be issued to the applicant. The Town will notify the maintenance
9 guarantee holder if deficiencies still exist toward the end of the maintenance guarantee
10 period. If deficiencies are found, the Town may require an extension of the
11 maintenance period for that particular issue.

12 **4.09.00 FINAL PLAT REQUIREMENTS**

13 **4.09.01 Final Plat**

14 The applicant shall provide the Town Clerk with six (6) paper copies of the Final Plat
15 for review. These sheets shall be twenty-four (24) inches by thirty-six (36) inches.
16 Plats shall meet all of the requirements of Chapter 177 Florida Statutes and shall be so
17 certified by a land surveyor registered in the State of Florida.

18 If a government survey corner is used to conduct the surveys for the plats, a copy of
19 the corner record shall be resubmitted along with the plats for approval. All plats to be
20 recorded shall contain the required plat certificates. When previously platted lands are
21 proposed for replatting, it will be necessary that the existing plat, or portion thereof, be
22 vacated pursuant to Chapter 177 Florida Statutes, subsequent to recordation of the new
23 plat.

24 **4.09.02 Required Information**

25 A plat may be submitted for which all subdivision improvements have not been
26 completed, installed and/or accepted by the Town; however, a performance bond or
27 letter of credit in the amount of 120% of the cost of any improvements that have not
28 been accepted by the Town, must accompany the plat submittal. The final plat
29 application shall comply with the requirements of Chapter 177, Florida Statutes, as
30 amended from time to time, and shall include the following:

- 31 A. The Plat cover sheet shall include a vicinity map drawn to scale and including
32 orientating features, a complete legal description including the section, township
33 and range, the name, address, and telephone number of the owner or the name and
34 address of the president and secretary if the owner is a corporation, and the area of
35 the property in both square footage and acreage.
- 36 B. The Plat shall include any and all Joinder and Consents.
- 37 C. Title Opinion. The Plat application shall include a title opinion of an attorney
38 licensed in Florida or a certification by a title company dated no earlier than thirty
39 (30) days prior to the submittal.

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- 1 D. The Plat shall include the dedication of any improvements to the Town of Howey
2 in the Hills.
- 3 E. The Plat shall include a note on the cover sheet that “No amendments shall be made
4 to the Declaration of Covenants, Conditions and Restrictions without prior approval
5 of the Town of Howey in the Hills with regard to changes to or transfer of any
6 portion or component of the subdivision infrastructure and any change in ownership
7 or maintenance provisions of the common areas.”
- 8 F. The Final Plat shall contain sufficient data to determine readily and locate
9 accurately on the ground, the location, bearing and length of every right of way
10 line, lot line, easement boundary line and block line, including the radii, arcs and
11 central angles of all curves.
- 12 G. Each permanent reference monument shall be shown on the plat by appropriate
13 designation.
- 14 H. All permanent control points shall be shown on the plat by an appropriate
15 designation. It is the land surveyor’s responsibility to furnish to the Town Clerk
16 his certificate that the permanent control points have been set and the dates they
17 were set.
- 18 I. The Plat application shall include Proposed Homeowners’ or Property Owners’
19 Association (HOA or POA) Documents. Prior to recordation of the final plat, a
20 homeowners’ or property owners’ association shall be established. The applicant
21 shall provide six (6) copies of all proposed HOA or POA documents related to the
22 subdivision. The HOA or POA documents shall include language regarding
23 ownership and/or maintenance responsibilities for improvements including, but not
24 limited to, upgraded streetlights and all common areas including stormwater
25 management facilities, parks, entranceways, and buffers. These documents shall
26 be submitted to and reviewed by the DRC and the Town Attorney prior to review
27 by the Town Council.
- 28 J. Proposed Deed Restrictions and Covenants. The applicant shall provide six (6)
29 copies of all proposed deed restrictions effecting the subdivision. These deed
30 restrictions shall be recorded in the official records of Lake County along with the
31 plat. These documents shall be submitted to and reviewed by the DRC and the
32 Town Attorney prior to review by the Town Council.
- 33 K. Private Subdivisions. A subdivision, requesting to have private streets, must have
34 enforceable legal documents establishing the owner’s association, and creating
35 binding restrictive covenants. These documents must provide for a means of
36 enforcing any and all assessments levied by the association, in order to financially
37 provide for the continuing care and maintenance of the streets. These documents
38 shall be submitted to and reviewed by the DRC and Town Attorney prior to review
39 by the Town Council. Appropriate provisions must be made for the uncontested
40 use of the private streets by those governmental agencies, such as the Howey in the
41 Hills Police Department and Public Works Department and other governmental
42 agencies, which may, from time-to-time need to travel over or across said private
43 streets. In addition, the HOA or POA shall enter into an agreement with the Town

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1 for enforcement of traffic laws on the private streets if the HOA or POA seeks those
2 services.

3 L. Surety for Improvements. This is only required if platting is requested prior to
4 installation of all improvements and acceptance of same by the Town. Prior to the
5 recordation of any Final Plat, the applicant shall file with the Town Council an
6 adequate performance guarantee such as a performance bond or escrow agreement
7 funded by cash, cashier's check or a certified check upon a local bank, conditioned
8 to secure the construction of the required improvements in a satisfactory manner to
9 the Town and within a time period specified by the Town Council. No such
10 performance guarantee shall be accepted unless it is enforceable by or payable to
11 the Town in a sum at least equal to one hundred twenty percent (120%) of the cost
12 of all improvements required to be installed by the applicant. The amount of the
13 performance guarantee shall be based on the project engineer's certified estimate
14 of the cost of improvements or upon actual contract costs for installing the
15 improvements as referenced by a signed contract between the developer and the
16 site contractor. This performance guarantee should be reviewed and approved by
17 both the Town Engineer and the Town Attorney.

18 M. Warranty Deed. For public site dedications (i.e. school site or park site).

19 **4.09.03 Review Process**

20 After the DRC, Town surveyor and Town **Manager Attorney (TW)** are satisfied with
21 the Final Plat and all applicable documents, a report from the Town Attorney shall be
22 submitted to the Town Council.

23 **4.09.04 Review and Action by the Town Council**

24 The Final Plat shall be scheduled for a regular Town Council meeting. A Final Plat
25 does not require a public hearing. The Town **Manager Attorney (TW)** shall submit a
26 report to the Town Council outlining the recommendations of the DRC, the Town
27 surveyor, and the Town Attorney. The Town Council shall approve, approve subject
28 to conditions, or **deny disapprove** the Final Plat. In **denying disapproving** any Final
29 Plat, the Town Council shall provide reasons for such action.

30
31 Once the Town Council approves the Final Plat and the applicant provides a copy of
32 the recorded HOA and/or POA documents and the recorded deed restrictions to the
33 Town, the Town Clerk shall record the plat in the records of Lake County, Florida. A
34 copy of the plat shall be provided by the Town to the applicant.

35
36 The Town Clerk shall also forward a copy of the recorded Final Plat to the appropriate
37 Lake County office for verification of street addresses for the new lots.

38
39 **By the approving vote of a majority of its members, the Town Council may revoke its**
40 **approval of a Final Plat if (i) it is unrecorded and (ii) 18 full calendar months have**
41 **elapsed since the date of the Town Council's approval. (FW)**

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1 **4.10.00 PLANNED UNIT DEVELOPMENTS (PUDS)**

2 The ~~primary intent of~~ Town Council may allow Planned Unit Developments ~~is to~~
3 ~~provide~~ for planned residential communities ~~with 200 acres or more (DM) and~~
4 containing a variety of housing; with complementary and compatible non-residential
5 uses ~~in special overlay districts.~~ (___)

6 ***4.10.01 Planned Unit Developments serve a variety of purposes***

- 7 A. To allow for diverse uses in close proximity and more open space.
- 8 B. To reduce energy costs through a more efficient use of land design and
9 smaller network of utilities and streets than is typically possible in
10 conventional zoning districts.
- 11 C. To preserve the natural amenities and environmental assets of the land by
12 allowing for clustering of development.
- 13 D. To increase the amount of useable open space areas by permitting a more
14 economical and concentrated use of building areas than would be possible
15 through conventional zoning districts.
- 16 E. To provide maximum opportunity for application of innovative concepts
17 of site planning in the creation of aesthetically pleasing living, shopping,
18 and working environments on properties of adequate size, shape, and
19 location.
- 20 F. To provide a flexible zoning district which is intended to encourage an
21 appropriate balance between the intensity of development and the
22 preservation of open space.

23 ***4.10.02 Approval Process for Conceptual Land Use Plan***

24 Conceptual Land Use Plans are submitted to the Town Clerk and must be accompanied
25 by a Development Review Application and the appropriate fees and review deposit.
26 Approval of the Conceptual Land Use Plan is done by ordinance and conveys zoning
27 to the property. Approval of the ordinance and Conceptual Land Use Plan shall be
28 construed as authority for submitting the Preliminary Subdivision Plan. Approval of
29 the Conceptual Land Use Plan shall not be construed as authority for the issuance of
30 permits to construct improvements or for the issuance of building permits.

31 ***4.10.03 Pre-Application Conference***

32 Each applicant shall meet with the DRC at a pre-application conference before
33 preparing a Conceptual Land Use Plan. In this way, the applicant can become familiar
34 with the requirements and development policies of the Town, which may affect the
35 proposed development.

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1 **4.10.04 Submission of Conceptual Land Use Plan**

2 The applicant shall submit to the Town Clerk, eight (8) copies of the Conceptual Land
3 Use Plan along with the Development Review Application, submittal fee, and review
4 deposit.

5 **4.10.05 Review Process**

6 A. The Town Clerk shall distribute copies of the Conceptual Land Use Plan and
7 application to the DRC members and the Lake County School Board (for
8 residential development). The DRC members and the Lake County School
9 Board, where applicable, shall individually review the Conceptual Land Use
10 Plan and meet to discuss their comments. The Town Planner will then prepare
11 a report to the applicant outlining all the issues. The applicant shall make the
12 changes necessary and submit a revised Conceptual Land Use Plan.

13 B. Once the applicant receives comments from the DRC, the applicant has 90
14 calendar days to submit a response, including a revised set of plans. If the
15 applicant needs more time, a formal request for an extension should be
16 submitted by the applicant at least 30 days prior to the expiration of the 90 days.
17 Failure of the applicant to respond in a timely fashion shall result in the need to
18 resubmit with a new application, including all applicable documents as if being
19 submitted for the first time, including any fees.

20 C. After the DRC is satisfied with the Conceptual Land Use Plan, a public hearing
21 is scheduled before the Planning and Zoning Board. The zoning ordinance, to
22 include the Conceptual Land Use Plan as an exhibit, and supporting data, and a
23 report from the DRC shall be submitted by the Town Planner to the Planning
24 and Zoning Board at its public hearing.

25 ~~D.~~ After the Planning and Zoning Board public hearing, a public hearing is
26 scheduled before the Town Council. The zoning ordinance, to include the
27 Conceptual Land Use Plan as an exhibit, and supporting data, and a report from
28 the DRC shall be submitted by the Town Planner to the Town Council at its
29 public hearing. This information shall also include the Planning and Zoning
30 Board’s recommendation.

31 **4.10.06 Notice Procedures**

32 The procedures for notice of Zoning to PUD including a Conceptual Land Use Plan
33 shall be as follows:

34 A. Notice to property owners. The Town shall send notice via certified mail of the
35 proposed PUD/Conceptual Land Use Plan to the owners of all properties within
36 300 feet of the subject property. Such notice shall be sent no later than 10 days
37 prior to the scheduled public hearing and shall include the date, time, and place
38 of the public hearing along with a clear and concise description of the proposed
39 plan.

40 B. Posted of property. No later than 10 days prior to the scheduled public hearing,
41 the Town shall post the property that is the subject of the public hearing with

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1 signs notifying the public of the proposed zoning, date of public hearing, and
2 person to contact for further information. Signs shall be placed, at a minimum,
3 along all public road frontages, with a least one sign located every 500 feet
4 along any frontage.
5 C. Publication of notice. Notice of public hearing shall be published in a
6 newspaper of general circulation at least 10 days prior to the public hearing.
7 Notice shall also be posted at Town Hall and on the Town’s website.

4.10.07 Review and Action by Planning and Zoning Board

8
9 A. The Planning and Zoning Board shall review and recommend approval,
10 approval subject to conditions, or ~~disapproval~~ denial of the zoning ordinance
11 and Conceptual Land Use Plan at the advertised public hearing. In
12 recommending ~~disapproval~~ denial of any zoning ordinance and Conceptual
13 Land Use Plan, the Planning and Zoning Board shall provide reasons for such
14 action.

15 B. Conditions of approval may be memorialized in the Town Council’s motion,
16 the zoning ordinance, the Conceptual Land Use Plan, or a development
17 agreement. Conditions of approval are negotiable. Action by the applicant or
18 its successor consistent with the approved conditions shall be deemed
19 acceptance of and agreement to the conditions set by Town Council. In all
20 PUD’s the conditions of approval shall include a date at which the PUD
21 zoning and its related Conceptual Land Use Plan and development agreement
22 may be revoked by the Town Council if substantial development is not
23 undertaken within three years after Town Council approval of the PUD
24 zoning. Substantial development shall be defined in the conditions of
25 approval or the development agreement based on the circumstances of the
26 proposed development. (FW, TW)

4.10.08 Action by the Town Council

27
28 After the Planning and Zoning Board reviews the zoning ordinance and Conceptual
29 Land Use Plan, the first reading of the ordinance is scheduled before the Town Council.
30 At the following Town Council meeting, the second reading and public hearing is held.
31 At that meeting, the Town Council shall approve, approve subject to conditions, or
32 disapprove the zoning ordinance and Conceptual Land Use Plan. In disapproving any
33 zoning ordinance and Conceptual Land Use Plan, the Town Council shall provide
34 reasons for such action.

4.10.09 Conceptual Land Use Plan Requirements

35
36 The Conceptual Land Use Plan, consisting of properly identified exhibits and support
37 materials, shall clearly indicate at a minimum of following:

- 38 A. Project Name
- 39 B. Developer Name, Address, telephone number
- 40 C. Name, Address, telephone number of firm that prepared conceptual plan

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- 1 D. Location Map insert
- 2 E. Legal Description
- 3 F. Boundary Survey
- 4 G. Total Acreage (gross land area)
- 5 H. Water bodies acreage
- 6 I. Wetland acreage
- 7 J. Net land area (Gross land area less any water bodies, less open space requirements,
- 8 less any remaining wetlands.)
- 9 K. Open Space required (25% of gross land area. Gross land area includes wetlands
- 10 but excludes water bodies.) See Policy 1.1.4 in the Future Land Use Element
- 11 (FLUE) for open space info. The applicant does not need to show where
- 12 specifically the open space will come from on the conceptual land use plan;
- 13 however, the applicant is required to show the acreage that will be needed.
- 14 L. Percentage of uses (residential, commercial, public/civic) – See FLUE
- 15 M. Proposed land uses: (Note that densities are determined by the Net Land Area.)
- 16 N. Residential: max. number of units, type of units, minimum lot sizes, minimum
- 17 living areas, typical lot sketch (width and depth of lot; setbacks; for sf residential,
- 18 two spaces in the driveway that provide a min. of 20 feet on the lot side of the
- 19 sidewalk), max. building heights, min. parking required,
- 20 O. Non-residential: Types of uses permitted (retail, office, etc – See FLUE Policy
- 21 1.4.8), conditional uses, prohibited uses, gross floor area, floor area ratio, max.
- 22 building height, setbacks from perimeter property lines,
- 23 P. Open Space: retention ponds, parks, plazas, buffers,
- 24 Q. Public or civic space: types of uses, gross floor area, max. building height,
- 25 R. The conceptual land use plan should show where on the property the above land
- 26 uses are proposed to be located.
- 27 S. Phasing schedule
- 28 T. Plan in relation to existing and proposed collector and arterial streets (i.e., proposed
- 29 access points to existing; general layout of internal roadway system)
- 30 U. Whether any portion of the development will be gated/private access only.
- 31 V. Proposed architectural style of buildings (both residential and non-residential), with
- 32 proposed elevations that include sufficient detail to show intent [i.e., building
- 33 materials, roof materials and style (minimum eaves), recessed garages, architectural
- 34 elements (front porches, bay windows, arches, dormers, brick/stone/masonry
- 35 design elements, window and door trim, shutters, etc), and for non-residential
- 36 buildings, display windows first floor, decorative features to break up massing,
- 37 arcades, cupolas, balconies, cornice treatment, etc..]
- 38 W. Buffer treatments and entranceway treatments (viewed from the public right of
- 39 way).
- 40 X. Notes on the plan indicating how the development will be served for potable water
- 41 and sanitary sewer.
- 42 Y. Identify general areas for stormwater management.
- 43 Z. Identify general wetland areas.
- 44 AA. Any other information deemed necessary by the Town.

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4.10.10 Amendments to the Conceptual Land Use Plan

- A. Alterations to the approved Conceptual Land Use Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall be used to identify a substantial amendment.
 - 1. A change which would include a land use not previously permitted under the approved Planned Unit Development zoning.
 - 2. A change which would alter the land use type adjacent to a property boundary.
 - 3. A change which would increase the land use intensity within a development phase without a corresponding decrease in some other portion of the overall Planned Unit Development.
 - 4. An amendment to the phasing which would propose a land use in advance of another land use differing from the approved Plan.
 - 5. A change of similar nature, complexity or scope as identified by the Mayor.
- B. The determination of a substantial or non-substantial amendment shall be made by the Mayor Town Manager with input from the DRC.
- C. Amendments to the Conceptual Land Use Plan determined to be substantial will require a new Conceptual Land Use Plan application and a full review by the DRC. After review by the DRC, the Conceptual Land Use Plan will then be submitted to the Planning and Zoning Board and the Town Council and shall be an exhibit to an amended zoning ordinance. The amended zoning ordinance shall go through the same public hearing process as the original ordinance.
- D. Amendments determined to be non-substantial amendments must be submitted (including plans and support data) and approved first to the DRC and then to the Town Council for final approval. A new ordinance is not required for non-substantial amendments.

4.10.11 Subsequent Process for PUDs

Upon adoption of the zoning ordinance, applicants shall then follow the procedures for approval of subdivisions as outlined in Section 4.05.00 of this Chapter.

4.11.00 SPECIAL OVERLAY DISTRICTS

- A. Special Overlay Areas may be created by the Town of Howey in the Hills to facilitate unique development activities where there is need for coordination between different land owners in the development of projects where there are special issues of infrastructure, environmental protection, employment activities, protection of historic resources, or other public issues deemed by the Town Council to be appropriate for special treatment. There is one current Special Overlay Area called the Town Center Mixed Use Overlay. (See Map 4.11.00)
- B. It is the intent of the Town that the designation of a Special Overlay District shall put landowners, developers, and the general public on notice that special opportunities exist for the development of the area and, concurrently, that special provisions or limitations may be placed on projects within the area; identify specific

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1 standards to be followed in the development of the area, which standards shall
2 supersede conflicting general standards of this Code, but which shall not be
3 inconsistent with the Comprehensive Plan.

4 **4.11.01 Establishment Procedures**

5 The Town Council may, from time to time by ordinance, create, dissolve, and/or
6 modify Special Overlay Areas. The following procedures shall be applicable to the
7 adoption of any such ordinance:

- 8 A. The proposal to create or modify a Special Overlay Area shall include a statement
9 of intent, specific boundaries, and a special development plan identifying the
10 proposed special regulations to be applicable therein. Maps and diagrams, in
11 addition to text, to explain the general intent and the specific regulations being
12 adopted shall also be included with the Plan to delineate the conceptual spatial and
13 aesthetic aspects pertaining to each Special Overlay Area.
- 14 B. Special development plans formulated for all Special Overlay Areas shall, at a
15 minimum, identify specific standards pertaining to potential uses of the property,
16 setbacks, size/height/bulk of buildings, provision for mixed- and multi-use
17 development, including housing options, master infrastructure requirement,
18 stormwater management, vehicular access provisions, architectural compatibility,
19 historic preservation, signage, landscaping, pedestrian access, parking, lighting,
20 and the protection of natural resources including trees, lakes and wetland areas. In
21 order to promote flexibility and design innovations, each special development plan
22 shall identify areas where the strict application of standard land development
23 regulations may be waived in return for alternative development options which
24 promote the intents of each Special Overlay Area.
- 25 C. All notices regarding public hearings to consider the creation or modification of the
26 Special Overlay Area shall include reference to the plan and to the location where
27 it can be reviewed. All notices shall also explain that the plan can be modified at
28 the time of adoption of the ordinance, within the limitations of Chapter 166, Florida
29 Statutes. All owners having properties situated within the proposed boundaries of
30 each Special Overlay Area shall also be notified by mail at least (10) days prior to
31 the public hearings before the Planning and Zoning and Town Council.
- 32 D. The boundaries of the Special Overlay Area shall be shown on the Official Zoning
33 Map.

34 **4.11.02 Administration of a Special Overlay Area**

- 35 A. The designation of a Special Overlay Area shall not establish any special
36 requirements for development review procedures except as may be contained
37 within this Section. Before any change of zoning, subdivision approval, or site plan
38 approval is granted within a Special Overlay Area, the approving authority shall
39 review this Section and shall find that the approval is consistent with this Section,
40 as well as with all other applicable requirements of this Code. No approval shall

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- 1 be granted which would violate the provisions of this Section and the special
- 2 regulations contained within the individual special development plans.
- 3 B. It is the intent of this Section that there be substantial coordination between the
- 4 Town and the different landowners within the Special Overlay Area. To
- 5 accomplish this, the **Mayor Town Manager** shall have primary oversight
- 6 responsibility for each area and, from time to time, convene meetings between the
- 7 various landowners within the Special Overlay Area and interested governmental
- 8 agencies to implement the provisions of this section.
- 9 C. Additionally, it shall be the primary responsibility of the **Mayor Town Manager** to
- 10 recommend to the Town Council each special development plan in consultation
- 11 with area landowners.

12 **4.12.00 CONDITIONAL USES**

13 A Conditional Use, as used in connection with the provisions of this LDC, means a use
14 that would not be appropriate generally without restriction throughout the particular
15 zoning district, but which, if controlled as to number, area, location or relation to the
16 neighborhood, would not adversely affect the public health, safety, appearance or
17 general welfare.

18 **4.12.01 Filing of Petition for a Conditional Use**

19 A request for a conditional use permit pursuant to the specific provisions of this Code
20 may be initiated at any time by the landowner including his duly authorized agent, of
21 the land for which the conditional use is requested. An application shall be made and
22 submitted with the appropriate fee to the Town Clerk. The application shall be signed
23 by the applicant and his agent, if one exists, such signature being verified under oath.
24 The application shall contain the following information:

- 25 C. The name, address, and telephone number of the applicant and owner of the
- 26 property.
- 27 D. A survey of the lot showing the dimensions and location of all existing and
- 28 proposed buildings, signs, driveways, off-street parking areas, and other
- 29 improvements both on site and adjacent to the property,
- 30 E. A description of the proposed use, in sufficient detail to set forth its nature and
- 31 extent,
- 32 F. Any other important information in the consideration of the request.

33 **4.12.02 Standards in Granting a Conditional Use**

34 The Town Council may grant a conditional use if the Council finds that:

- 35 A. The proposed use is desirable at the particular location,
- 36 B. Such use will not be detrimental to the health, safety, or general welfare of persons
- 37 residing or working in the vicinity,
- 38 C. The proposed use will comply with the regulations and conditions specified in the
- 39 codes for such use,

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- 1 D. ~~And~~ The granting of the conditional use will not **circumvent or** adversely impact
2 **compliance with the requirements of** the Comprehensive Plan. **(RL)**
- 3 E. In granting such conditional use, the Town Council may impose such conditions as
4 it deems necessary and desirable to protect the public health, safety, or general
5 welfare in accordance with the purpose and intent of the zoning code.
- 6 **F. One condition shall be a deadline by which the approved conditional use must be**
7 **implemented or expire. (FW)**

8 **4.12.03 Review of Application**

- 9 A. After the application is determined to be complete, it shall be forwarded to the
10 Development Review Committee (DRC) for review. After individual review by
11 the DRC members, the DRC shall meet to discuss the application. The Town
12 Planner shall then make a report containing a recommended determination of facts
13 which are relevant to consideration of the proposal and a recommended
14 determination of the consistency of the proposal with the adopted Comprehensive
15 Plan.
- 16 B. The proposal shall be considered by the Planning and Zoning Board at a public
17 hearing after due public notice, along with the report of the DRC. The Planning
18 and Zoning Board will include reasons for its decision in its recommendation.
19 Following completion of the public hearing, the Town Clerk shall forward the
20 DRC's recommendation as well as the Planning and Zoning Board's
21 recommendation to the Town Council for its public hearing.
- 22 C. The application for conditional use permit shall be considered by the Town Council
23 at a public hearing after due public notice, along with the report of the DRC and
24 the recommendation of the Planning and Zoning Board. Following completion of
25 the public hearing, the Town Council shall approve, disapprove, amend, and
26 approve the proposal, or approve the proposal with conditions. Any action taken
27 shall be accompanied by the findings of the Town Council upon which the action
28 was based.
- 29 D. In approving a conditional use, the Town Council may attach appropriate
30 conditions to ensure compliance with the provisions of this Code. Such conditions
31 may limit the uses, size of uses or structure, or characteristics of the operation of a
32 use, or may require buffers, landscaping, or other improvements not normally
33 required. Conditions may also require the periodic review of the use.

34 **4.12.04 Notice Procedures**

35 The procedures for notices of conditional uses shall be as follows:

- 36 A. Notice to property owners. The Town shall send notice via certified mail of the
37 proposed conditional use to the owners of all properties within 300 feet of the
38 subject property. Such notice shall be sent no later than 10 days prior to the
39 scheduled public hearing and shall include the date, time, and place of the public
40 hearing along with a clear and concise description of the proposed conditional use.

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- 1 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
2 Town shall post the property that is the subject of the public hearing with signs
3 notifying the public of the proposed conditional use, date of public hearing, and
4 person to contact for further information. Signs shall be placed, at a minimum,
5 along all public road frontages, with a least one sign located every 500 feet along
6 any frontage.
- 7 C. Publication of notice. Notice of public hearing shall be published in a newspaper
8 of general circulation at least 10 days prior to the public hearing. Notice shall also
9 be posted at Town Hall and on the Town’s website.

4.13.00 VARIANCES

11 The Town Council, acting as the Board of Adjustment (BOA), may grant a variance
12 from the terms of these regulations when such variance will not be contrary to the
13 public interest and where, owing to special conditions, a literal enforcement of the
14 provisions of these regulations would result in unnecessary hardship. Such variance
15 shall not be granted if it has the effect of nullifying the intent and purpose of these
16 regulations. In approving any variance, the BOA may prescribe appropriate conditions
17 and safeguards in conformity with these regulations. Violation of such conditions and
18 safeguards when made a part of the terms under which the variance is granted, shall be
19 deemed a violation of these regulations.

4.13.01 Filing of Petition for a Variance

21 The owner of the property shall file an application, along with the appropriate fee, with
22 the Town Clerk providing the following information:

- 23 A. The applicant’s full name, mailing address, and telephone number,
- 24 B. The address of the property,
- 25 C. The legal description of the property,
- 26 D. A survey of the property, showing the location of existing buildings or structures
27 and the location of proposed buildings or structures,
- 28 E. The purpose for which the property will be used,
- 29 F. A concise statement as to why the present regulations create a hardship to the
30 applicant.

4.13.02 Notice; Hearing; Notification of Property Owners

31 The application shall be forwarded to the Town Planner for review and
32 recommendation to the Planning and Zoning Board and the Board of Adjustment. The
33 Town Clerk shall place the item first on a regular meeting of the Planning and Zoning
34 Board. The Planning and Zoning Board shall make a recommendation to the Board of
35 Adjustment as to whether to approve, approve with changes, or deny the variance.
36

4.13.03 Notice Procedures

37 The procedures for notice of Variance requests shall be as follows:
38

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- 1 A. Notice to property owners. The Town shall send notice via certified mail of the
2 proposed variance to the owners of all properties within 300 feet of the subject
3 property. Such notice shall be sent no later than 10 days prior to the scheduled
4 public hearing and shall include the date, time, and place of the public hearing along
5 with a clear and concise description of the proposed variance.
- 6 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
7 Town shall post the property that is the subject of the public hearing with signs
8 notifying the public of the proposed variance, date of public hearing, and person to
9 contact for further information. Signs shall be placed, at a minimum, along all
10 public road frontages, with a least one sign located every 500 feet along any
11 frontage.
- 12 C. Publication of notice. Notice of public hearing shall be published in a newspaper
13 of general circulation at least 10 days prior to the public hearing. Notice shall also
14 be posted at Town Hall and on the Town’s website.

15
16 After the public hearing, the Board of Adjustment shall approve, approve with changes,
17 or deny the variance.

18 **4.13.04 Standards in Granting a Variance**

19 The Board of Adjustment may authorize a variance from the terms of this LDC as will
20 not be contrary to the public interest where, owing to special conditions, a literal
21 enforcement of the provisions of this Code will result in unnecessary and undue
22 hardship. **In** As a condition to authorizing a variance from the terms of this LDC, the
23 Board of Adjustment **shall must (RL)** find:

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

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1 **4.13.05 *Conditions of Approval [RL]***

- 2
- 3 A. When a variance is granted, construction, installation, and initiation of the
4 approved structure or use must occur on or before the first anniversary of the date
5 the variance is granted. The owner must file written notice with the Town
6 Manager that the owner has begun the approved construction, installation, or use
7 at the subject property. If no such notice is filed on or before the first anniversary,
8 and if the Town Council determines that construction, installation, or initiation of
9 the approved structure the Town Council may terminate the approved variance.
- 10 B. A variance runs with the land.
- 11 C. A request for a variance that has been denied by the Town Council may be
12 resubmitted, but no sooner than 180 days after the date of the denial.
- 13 D. Granting the variance must not cause or allow interference with the reasonable
14 enjoyment of adjacent or nearby property owners or tenants and must not
15 negatively impact to a material degree the standard of living of neighboring
16 homes.
- 17 E. A variance may allow reasonable use of property not out of character with other
18 properties with the same zoning.
- 19 F. A variance may not permit or allow expansion of a nonconforming use of land or
20 structure.
- 21

22 **4.13.06 *Commencement of Construction***

23 When a variance is granted, construction of the structure must be initiated within ~~18~~ **12**
24 **(RL)** months from the date of granting of the variance, or by such time as determined
25 by the Board of Adjustment in their approval.

26 **4.14.00 DEVELOPMENT AGREEMENTS**

27 **4.14.01 *General Requirements***

- 28 A. A development agreement may be entered into by an applicant and the Town
29 Council to provide for matters that relate to the unique conditions of the real
30 property to be developed, the relationship between the public and private aspects
31 of the development, or other terms and conditions that promote the intent and
32 purposes of this Code or the Comprehensive Plan. A proposal for a Development
33 Agreement shall be submitted in conjunction with the submission of an application
34 for a Preliminary Plan approval, or with PUDs, in conjunction with the submission
35 of a Conceptual Land Use Plan for a PUD zoning approval. Development
36 authorized by a development agreement may be phased. The development
37 agreement ~~may~~ **must (RL)** provide that the entire development or any phase thereof
38 shall be commenced or completed within a specific period of time, **also known as**
39 a sunset clause. (RL)

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- 1 B. Statutory Development Agreements may be entered into under the authority of the
- 2 Development Agreement Act as codified in Chapter 163, Florida Statutes, and
- 3 processed in accordance with the requirements of State Law.
- 4 C. Non-Statutory Development Agreements may be entered into under the authority
- 5 of the home rule powers of the Town under Article VIII, Section 2 of the
- 6 Constitution of the State of Florida and Chapter 166, Florida Statutes.
- 7 D. A Development Agreement is transferable. However, so long as the land or
- 8 structure or any portion thereof covered under the development agreement
- 9 continues to be used for the purposes for which it was issued, then no person
- 10 (including successors and assigns of the person who obtained the development
- 11 agreement) may make use of the land except in accordance with the conditions and
- 12 requirements of the development agreement. The provisions of the development
- 13 agreement run with and burden the real property to which it relates until release or
- 14 amended in accordance with formal action of the Town.

15 **4.14.02 Review and Recommendation by the Development Review Committee**
16 **(DRC) and Town Attorney**

17 The DRC and the Town Attorney shall review the proposed development agreement
18 for compliance with the Comprehensive Plan and the Land Development Code,
19 formulate recommendations on the proposed development agreement, and forward
20 such recommendations to the Planning and Zoning Board and Town Council.

21 **4.14.03 Review and Recommendation by the Planning and Zoning Board**

22 The Planning and Zoning Board shall review the proposed development agreement and
23 the recommendations of the DRC and Town Attorney and hear from the applicant and
24 the public. The Planning and Zoning Board shall make a recommendation to the Town
25 Council to approve, approve with revisions, or deny the proposed development
26 agreement.

27 **4.14.04 Action by the Town Council**

28 The Town Council shall review the proposed development agreement and the
29 recommendations of the DRC, Town Attorney and Planning and Zoning Board, and
30 hear from the applicant and the public. The Town Council shall then make a decision
31 to approve, approve with revisions, or deny the proposed development agreement. The
32 Town Clerk shall record the development agreement with Lake County upon proper
33 execution of the document.

34 **4.14.05 Amendment or Termination of a Development Agreement**

35 A development agreement may be amended or terminated by mutual consent of the
36 parties to the agreement or their successors in interest. Approval of an amendment to
37 ~~or termination~~-(TW) of a development agreement shall follow the same process as the
38 approval of the executed development agreement. In addition, an agreement may be

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1 revoked by the Town Council upon a finding that there has been a failure to comply
2 with the terms of the agreement.

3 **4.14.06 *Subsequently Adopted Laws or Policies***

- 4 A. An agreement shall be modified as is necessary to comply with relevant state or
5 federal laws enacted after the execution of the agreement where the effect of such
6 laws is to preclude the parties’ compliance with its terms.
7 B. The Town may apply subsequently adopted local regulations and policies to a
8 development that is subject to a development agreement and a finding that the
9 subsequently adopted regulations or policies meet one or more of the following
10 conditions:
11 1. Are not in conflict with the laws and policies governing the development
12 agreement and do not prevent development of land uses, intensities, or densities
13 specified in the development agreement.
14 2. Are essential to protect the public health, safety, or welfare, and expressly state
15 that they shall apply to development that is subject to a development agreement.
16 3. Are specifically anticipated and provided for in the development agreement.
17 4. The Town demonstrates that substantial changes have occurred in pertinent
18 conditions existing at the time of approval of the development agreement.
19 5. The development agreement was based on substantially inaccurate information
20 or misrepresentations.

23 **4.15.00 LAND DEVELOPMENT CODE AMENDMENTS**

24 From time to time the Town Council may decide it is appropriate to amend the Town’s
25 adopted Land development Code ~~either by direction of the Town Council or~~ (TW) in
26 response to an application for amendment. The Town and any applicant proposing
27 amendment of the comprehensive plan shall conform to the following procedure.

28 **4.15.01 *Approval Process for Amending the Land Development Code***

29 Proposed amendments to the Land Development Code are submitted to the Town Clerk
30 and must be accompanied by a Development Review Application and the appropriate
31 fees and review deposit. Approval of the amendment to the Land Development Code
32 shall be done by ordinance and follow the review procedures set forth below.

33 **4.15.02 *Pre-Application Conference***

34 Each applicant shall meet with the Town staff at a pre-application conference before
35 preparing an application for amendment to the Land Development Code. In this way,
36 the applicant can become familiar with the requirements and development policies of
37 the Town, and the staff may develop an understanding of the proposed amendment.

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1 Notice shall also be posted at Town Hall and on the Town’s website. For
2 amendments to the Land Development Code not involving amendment of the
3 official zoning map, only the publication of notice meeting the standards set
4 forth by State Statute is required.
5

6 **4.15.06 Land Development Code Application Requirements**

7 The request to amend the comprehensive plan, consisting of properly identified exhibits
8 and support materials, shall include the following:
9

- 10 A. Application forms
- 11 B. Application fee
- 12 C. Owners name, address, and telephone number
- 13 D. Applicants name address and telephone number if the applicant is not the owner
- 14 E. Tax parcel
- 15 F. Boundary Survey. Must be signed and dated with last two years.
- 16 G. Legal Description. Provide paper and digital (disk or email) word format.
- 17 H. Vicinity Map. Show the property location in relation to major roads and area within
18 2-mile radius of the proposed amendment site. 8 ½ x 11.
- 19 I. Description of the amendment requested and justification for the proposed
20 amendment. Amendments shall be demonstrated as being consistent with the
21 Town’s comprehensive plan.
22
23
24
25

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CHAPTER 5

Accessory and Temporary Uses and Structures

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1 **5.00.00** **GENERALLY**

2 It is the purpose of this chapter to regulate the design, construction, and use of accessory
3 structures, the construction and use of temporary structures, and the design and
4 construction of signs in order to ensure that they are not harmful either aesthetically or
5 physically to residents and surrounding areas.

6 **5.01.00** **ACCESSORY USES AND STRUCTURES**

7 **5.01.01** **Generally**

8 It is the purpose of this section to set forth standards for the design, installation,
9 configuration, and use of accessory structures, and the establishment of accessory uses
10 in existing structures.

11 **5.01.02** **Reserved**

12 **5.01.03** **All Accessory Structures**

- 13 A. There shall be a permitted principal structure in full compliance with all
14 development standards and requirements of this LDC prior to issuance of a permit
15 for an accessory structure. This provision shall not be construed to prohibit the
16 establishment of an accessory structure simultaneously with the establishment of a
17 permitted principal structure.
- 18 B. There shall be no more than two (2) accessory buildings (shed, workshop, etc.) on
19 a residential lot, not including a detached garage. Detached garages shall not
20 exceed 625 square feet on the first floor. Detached garages and workshops that
21 exceed 144 square feet shall have the same building finishes as the primary
22 structure, including exterior materials (i.e., stucco, siding, brick) and color.
- 23 C. Accessory structures shall be shown on any site plan with full supporting
24 documents as required by this LDC.
- 25 D. Accessory structures shall be included, if applicable, in all calculations of
26 impervious surface and stormwater runoff requirements. (Some structures such as
27 fences and playground equipment would not constitute an impervious surface.)
- 28 E. With the exception of signs and fencing, accessory structures shall not be located
29 in any required buffer or landscape area.
- 30 F. All accessory buildings shall comply with the setback requirements as outlined in
31 the zoning district regulations. Gazebos and similar accessory structures of 300
32 square feet or less may not be placed closer than ten (10) feet to the rear and side
33 lot lines, and are not permitted in the front yard.

34 **5.01.04** **Accessory Dwellings**

- 35 A. Accessory dwelling units **are intended to may (FW)** provide housing **only(FW)** for
36 relatives, **guests/friends (FW)**, or domestic helpers. An accessory dwelling unit shall
37 not be considered an apartment or other kind of multi-family use. Accessory

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- 1 dwelling units shall be permitted as outlined in the Zoning Chapter in compliance
- 2 with the following standards:
- 3 1. The total floor area shall not exceed 625 square feet;
- 4 2. Permitted accessory dwellings are identified in Chapter 2, Table 2.03.03.
- 5 3. The maximum height for an accessory dwelling located as a freestanding
- 6 building or a unit over a detached garage shall not exceed twenty-five (25) feet,
- 7 measured from the finished grade to the top of the roof;
- 8 4. An accessory dwelling shall be located only within a rear yard;
- 9 5. All accessory dwellings shall comply with the setback requirements as outlined
- 10 in Chapter 2.
- 11 6. There shall be a permitted principal structure in full compliance with all
- 12 development standards and requirements of this LDC prior to issuance of a
- 13 permit for an accessory dwelling. This provision shall not be construed to
- 14 prohibit the establishment of an accessory dwelling simultaneously with the
- 15 establishment of a permitted principal structure.
- 16 7. An accessory dwelling shall not have a separate water or electric meter.
- 17 8. Accessory dwellings shall be included in all calculations of impervious
- 18 surfaces.
- 19 9. Accessory dwellings shall be architecturally compatible (same building finishes
- 20 and style) as the principal dwelling.

21 **5.01.05 Dumpsters**

- 22 A. Dumpsters shall be screened with a solid masonry wall or **solid vinyl wooden (DM)**
- 23 fence. The fence shall be six (6) feet in height.
- 24 B. Double-staggered shrubs shall be installed around the perimeter, except for the gate,
- 25 of the wall or fence to form a continuous hedge. Plant materials shall meet the
- 26 requirements set forth in Chapter 7.
- 27 C. A gate shall be provided for access. The gate material shall be opaque, either wood
- 28 or vinyl.
- 29 D. Where possible, dumpsters shall be sited to not be visible from the public right-of-
- 30 way.
- 31 E. Dumpsters shall be located on a paved surface of sufficient size to accommodate
- 32 the dumpster.
- 33 F. The dumpster location shall be easily accessible for pick-up.
- 34 G. Dumpsters shall be located to the rear or side of the principal building.
- 35 H. Dumpsters shall not be located within any required buffer area, required landscaped
- 36 area, required parking lot landscaping, or stormwater management area.

37 **5.01.06 Outside Storage**

- 38 A. Outside storage involving machinery and equipment, service areas for vehicles in
- 39 need of major service or repair, and materials for construction or distribution is
- 40 permitted in the zoning districts as outlined in Chapter 2. Construction materials
- 41 permitted in this category are limited to lumber, garden supplies and equipment,

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- 1 plumbing supplies, and similar materials. Machinery and equipment do not include
- 2 heavy construction machinery, heavy construction vehicles, and heavy construction
- 3 equipment.
- 4 B. Outside storage shall be located only within a rear yard.
- 5 C. Outside storage shall be fully screened from view from adjacent residentially zoned
- 6 districts, from adjacent office areas, and from public right-of-way by a fence, wall,
- 7 or berm and landscaping. Where a berm is proposed as screening, a buffer “D”
- 8 shall be required as set forth in Section 4.05.05. Where a fence or wall is proposed,
- 9 the fence or wall shall be solid, wooden, vinyl, (DM) or masonry and six (6) feet in
- 10 height.
- 11 D. Stored materials shall not exceed the height of the fence.
- 12 E. Outside storage of parts and materials and associated service areas or work activity
- 13 areas shall be maintained in a neat and orderly manner.
- 14 F. Outside storage shall be limited to a maximum of twenty-five (25) percent of the
- 15 building area of the site.

16 **5.01.07 Fences Hedges and Walls**

- 17 A. A permit must first be obtained from the Town before any person erects, constructs,
- 18 enlarges, alters, replaces or repairs any fence or wall regulated by this Chapter. The
- 19 Town’s building official may determine that a permit is not required for minor
- 20 repairs.
- 21 B. The maximum height of fences, hedges and walls shall be as follows, except where
- 22 otherwise provided in this LDC:
 - 23 1. Front yards shall be a maximum of 4 feet tall and shall not be opaque. Picket
 - 24 fencing is acceptable.
 - 25 2. Side yards shall be a maximum of 6 feet tall.
 - 26 3. Rear yards shall be a maximum of 6 feet tall.
 - 27 4. Fences and walls required for security purposes in Industrial or Public zoning
 - 28 districts shall be a maximum of 8 feet tall.
 - 29 5. Fencing or walls used for decorative, privacy, or security purposes around
 - 30 residential or mixed use subdivisions shall be a maximum of 6 feet tall.
 - 31 6. Hedges located along front property lines shall not exceed four (4) feet in height
 - 32 and shall be maintained so as not to obstruct the view of vehicular traffic at
 - 33 driveways and intersections.
- 34 C. Fences and walls, for individual residential properties or for other applications,
- 35 shall be designed with offsets, banding, columns or posts with lintels or caps,
- 36 landscape pockets, and other elements to avoid an expansive monolithic or
- 37 monotonous appearance. Such elements shall be included every 30 feet or less.
- 38 D. Fences in residential areas shall be made of wood, PVC/vinyl, decorative aluminum
- 39 or wrought iron, and black, white(DM), or dark green coated chain link fencing.
- 40 New fence material must be used when a new fence is installed. Non-traditional
- 41 materials, including but not limited to, tires, mufflers, hubcaps, etc. are prohibited.
- 42 Other prohibited materials include, but are not limited to, sheet metal, plywood,

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- 1 corrugated metal or fiberglass, scrap wood, scrap metal, and cast off secondhand
- 2 materials. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be
- 3 used as part of or attached to a fence or wall.
- 4 E. To help ensure proper placement of fences or walls along property lines, property
- 5 lines shall be established by a survey prepared by a surveyor licensed in Florida.
- 6 Surveys must be dated within the last two years unless the Building Official
- 7 determines that an older survey adequately represents the property lines.
- 8 F. Fences and walls shall be erected with the finished side facing out. Posts shall be
- 9 placed along the inside of the fence. In residential and commercial zoning districts
- 10 posts shall be securely anchored with concrete. All fencing must be uniform in
- 11 material, design, and color, except for chain link fencing as allowed in Subsection
- 12 H. Additions or repairs to existing fences or walls must maintain a uniformity of
- 13 materials, design and color with that of the existing fence or wall.
- 14 G. With the exception of the Agricultural and Rural Estates zoning districts, electrified
- 15 fences are prohibited.
- 16 H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial,
- 17 Institutional, Recreation 1, and Public zoning districts. In residential zones green or
- 18 black chain link fencing is allowed. (MG)
- 19 I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the
- 20 Agricultural, Industrial and Public zoning districts.
- 21 J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground
- 22 level. The barbed or razor wire shall be turned, pointed, or directed inward toward
- 23 the property enclosed by the fence.
- 24 K. Columns for walls may be a maximum of 8 feet in height, or as approved through
- 25 the architectural review process..
- 26 L. Walls shall be designed with either a stucco or brick finish.

27 **5.01.08 Swimming Pools and Pool Enclosures**

- 28 A. All pools shall provide fencing or enclosures in compliance with the requirements
- 29 of the Florida Building Code.
- 30 B. A screen enclosure may be installed instead of, or in addition to, a fence or wall,
- 31 provided that the screen enclosure meets all the following requirements:
- 32 1. A pool screen enclosure shall be set back from the side lot line a minimum of
- 33 ten (10) feet;
- 34 2. A pool screen enclosure shall not be closer than ten (10) feet to the rear lot line;
- 35 and
- 36 3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of
- 37 the principal structure, whichever is lower.
- 38 C. No overhead electric power lines shall pass over any pool, nor shall any power line
- 39 be nearer than fifteen (15) feet horizontally or vertically from the pool edge.
- 40 D. Pool equipment may be located within the side yard setback, but not closer than
- 41 five (5) feet to side yard and ten (10) feet to the rear yard lot lines.

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- E. Lights used to illuminate any swimming pool shall be shielded and directed to avoid illumination of adjoining properties.
- F. Pools and pool decks shall meet the following setbacks:
 - 1. All pools and pool decks shall not be located in the front yard;
 - 2. The minimum side setback shall be ten (10) feet from the side lot line; and
 - 3. The minimum rear setback shall be not less than ~~ten (10)~~seven (RL) feet from the rear lot line.

5.01.09 Storage Sheds

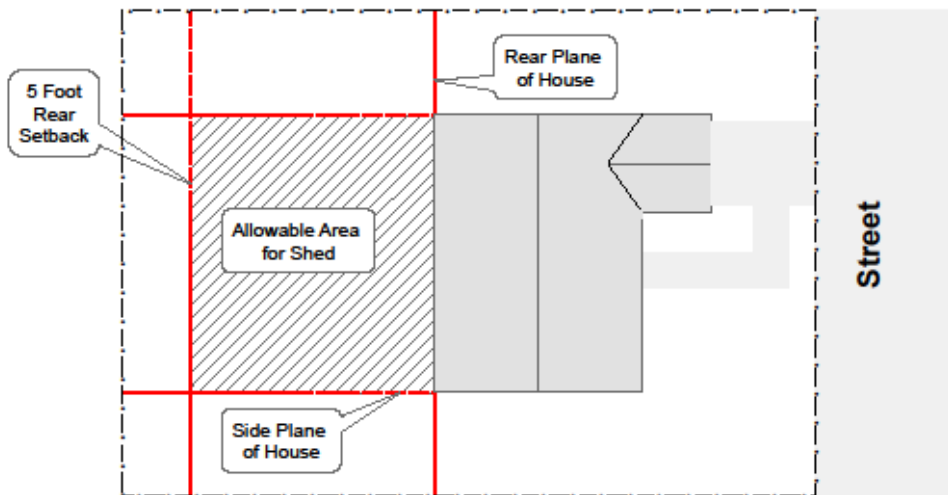
- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not be permitted beyond the plane of the side of the principal 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.

5.01.10 Workshops

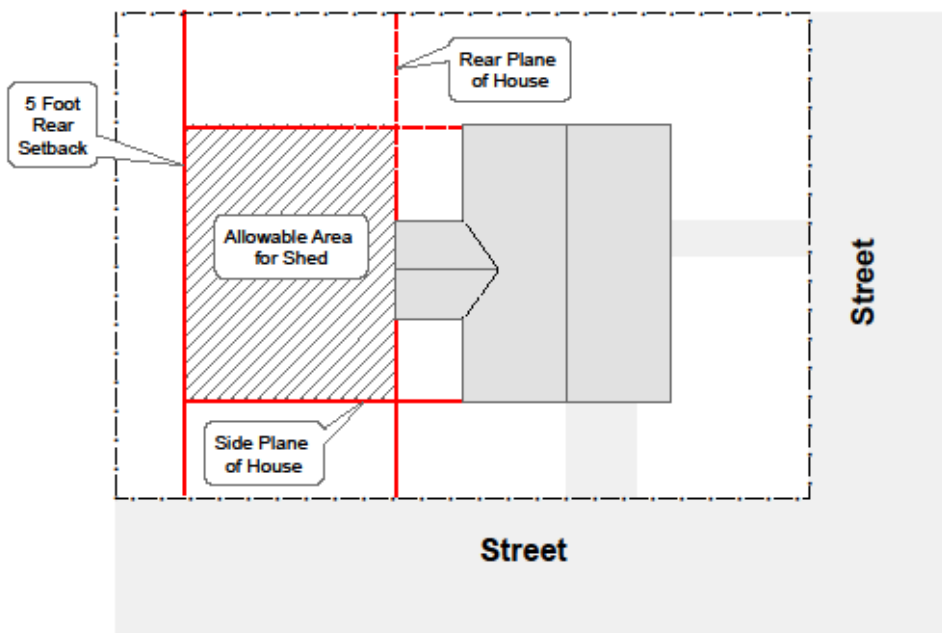
A workshop is an accessory structure used for actively pursuing a craft or hobby such as pottery, woodcraft, etc. A workshop shall be served by electricity and shall conform to the standards for storage sheds (5.01.09) and to the standards for all accessory structures (5.01.03).

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Storage Shed Placement - Interior Lot



Storage Shed Placement - Corner Lot



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5.01.11 Docks, Piers and Wharfs

- A. There shall be no more than one dock, pier or wharf per lot.
- B. Docks, piers and wharfs may be covered by a roof, not exceeding fifteen (15) feet in height measured from the floor of the dock, pier or wharf to the top of the highest pint of the roof top, and shall remain open on all sides. The roof shall not be used as a deck.
- C. Docks, piers and wharfs shall be set back twenty-five (25) feet from the side property lines.

5.01.12 Flagpoles

Flagpoles shall conform to the maximum height limits established for the zoning classification where they are located. Individual flags displayed on the pole shall not exceed twenty-five (25%) percent of the height of the flagpole. Flagpoles shall not be located within required buffers but may be located within required yards. Flagpoles shall have a minimum five (5) foot setback from all property lines.

5.02.00 TEMPORARY USES AND STRUCTURES

5.02.01 Generally

This section sets forth the regulations regarding temporary uses and structures. Permitted temporary uses and the structures associated with the temporary uses include seasonal sales, special events, temporary structures during construction activities, and model homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited, except as provided in other sections of the Land Development Code or as part of an approved special event.

5.02.02 Seasonal Sales

- A. Seasonal sales are periodic events for the sale of materials and goods associated with a holiday or calendar season (such as, but not limited to, Christmas trees or pumpkins in the fall.) A temporary use permit is required. There may be a maximum of four (4) seasonal sales per property per year.
- B. Seasonal sales may take place on developed property zoned Agricultural, Neighborhood Commercial, Institutional, and the non-residential properties within Planned Unit Developments so long as all other requirements are met. Seasonal sales may also take place on undeveloped properties, with the exception of straight single family zoning, so long as all other requirements are met.
- C. The area devoted to seasonal sales shall not be located on or within any required setbacks, buffers, driveways, or fire lanes.
- D. Goods, tents, equipment, or materials used for the seasonal sales activity shall not be located within any right-of-way.
- E. The area devoted to seasonal sales together with the goods, tents, equipment, or materials used for the seasonal sales activity shall not obstruct access of the clear visibility area established in Section 7.01.08.

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- 1 F. Parking shall be provided to support the seasonal sales activity.
- 2 G. There shall be safe ingress and egress points on the property that are clearly marked.
- 3 H. Proper lighting shall be made available if sales are to take place after dark.
- 4 I. The applicant shall ensure the provision of adequate garbage disposal.
- 5 J. The applicant shall demonstrate conformance with all applicable building, health,
- 6 and other federal, State, or local laws.

7 **5.02.03 Special Events**

8 The following standards apply to carnivals, fairs, festivals, and similar events and
9 activities:

- 10 A. A permit is required.
- 11 B. Peddling of goods and food by temporary vendors is permitted. The applicant shall
12 provide details regarding the number, type, and proposed location of such
13 temporary vendors.
- 14 C. The applicant shall ensure the provision of adequate sanitation facilities, garbage
15 disposal, and potable water supply during the special event.
- 16 D. The site shall have floodlighting for the special event and parking areas, if any
17 activities are to be offered during darkness. Lighting shall be shielded and directed
18 to avoid direct illumination of adjacent properties.
- 19 E. The site shall have adequate parking facilities. Parking may be on site or off site.
20 Where off site parking is provided, there shall be adequate plans for transporting
21 patrons from the parking facilities to the special event area.
- 22 F. The applicant shall provide adequate traffic control and security in and around the
23 special event area.
- 24 G. All stages, booths, tents, scaffoldings, or structures of any nature on, under, or
25 within which persons may congregate, shall conform to applicable building, health,
26 and other construction codes.

27 **5.02.04 Temporary Construction and Sales Offices**

28 Certain uses and structures are allowed during construction activities. A temporary
29 permit is required.

- 30 A. No temporary buildings shall be permitted until a valid building permit has been
31 issued for the primary construction activity on the site.
- 32 B. Temporary offices may be located on a construction site to be used for
33 administrative functions during construction. Temporary construction offices shall
34 have the name of the construction company printed on a sign with a maximum size
35 of four (4) feet by eight (8) feet permanently affixed on the outside of the building.
- 36 C. A temporary building may be located on the construction site to be used as an office
37 for sales functions, allowing for the sale, resale, or marketing of dwellings,
38 structures, or property within the development in which it is located, or adjacent
39 developments under the same management control. If restrooms are provided in
40 the temporary building, the applicant shall demonstrate adequate provisions for
41 sewage pump out or disposal.

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- 1 D. All temporary buildings, construction equipment, and construction materials shall
- 2 be removed within thirty (30) days following completion of the permitted
- 3 construction or expiration of the building permit, whichever occurs first.
- 4 E. The temporary sales office shall be separated by a fence from the remainder of the
- 5 site where general construction is in progress.
- 6 F. Parking shall be provided to serve the administrative or sales office, according to
- 7 the standards set forth in Section 7.01.04.
- 8 G. The building housing the temporary office shall meet tie down requirements for
- 9 mobile structures. If restrooms are provided in the temporary building, the
- 10 applicant shall demonstrate adequate provisions for sewage pumpout or disposal.
- 11 H. Onsite outdoor storage of equipment and construction materials shall be allowed
- 12 during the period of construction. However, stored materials shall be neatly stacked
- 13 and maintained at least twenty (20) feet from all property lines.
- 14 I. One (1) onsite manufactured home for the use of security personnel, a caretaker, or
- 15 for the temporary residence of the owner/builder may be located on the site. The
- 16 applicant shall demonstrate adequate provisions for sewage pumpout or disposal.
- 17 J. Construction and demolition debris dumpsters are permitted. However, dumpsters
- 18 shall be located at least ten (10) feet from all property lines. Such dumpsters are
- 19 not required to meet screening requirements set forth in Chapter 5.

20 **5.02.05 Model Homes and Sales Offices**

- 21 A. Model homes are permitted only in conjunction with a new residential
- 22 development.
- 23 B. Model homes may be erected or displayed in districts that include residential uses,
- 24 provided that such models shall not be used for residential purposes, but only for
- 25 display as a means to sell homes.
- 26 C. One (1) or more model homes may be established in a residential development,
- 27 including planned unit developments and mixed use developments, subject to the
- 28 following standards:
 - 29 1. A model home shall be located on a platted lot meeting all standards of this
 - 30 LDC;
 - 31 2. A model home shall be located to meet all site design standards of this LDC;
 - 32 3. A model home may include a sales office. Hours of sales operations shall not
 - 33 extend beyond 8:00 p.m.;
 - 34 4. One (1) off-street parking space shall be provided for each employee plus two
 - 35 (2) off-street parking spaces per model home. In addition, one (1) off-street
 - 36 parking space shall be provided for handicapped parking. These spaces shall
 - 37 be provided on the same lot as the model dwelling unit or on a contiguous lot
 - 38 within the specific project; and
 - 39 5. The number of model home units shall not exceed five (5) percent of the number
 - 40 of homes or lots permitted in the residential development. Fractions shall be
 - 41 rounded to the nearest whole number.

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1 D. The model home shall be discontinued as a model unit and sales office when ninety
2 (90) percent of the homes in the development have been permitted. The site shall
3 be redesigned to comply with all site design requirements applicable to the
4 residential development. Such redesign includes, at a minimum, removal of
5 parking in excess of that associated with a single-family home; removal of any
6 signs; replacement with a standard garage door; and removal of any exterior
7 lighting associated with the model home and sales office.

8 **5.02.06 Movable Module Storage Units**

9 Movable module storage units (called “storage pods”) are permitted temporary
10 structures, provided that such structures are located in compliance with the following
11 standards:

- 12 A. A temporary use permit shall be obtained. Permits may be extended for just cause.
- 13 B. The duration of the temporary use permit shall be limited to thirty (30) days per lot
14 per year.
- 15 C. The storage pod may be placed on a paved or unpaved surface. When the temporary
16 use permit authorizes location of the storage pod on an unpaved surface, the permit
17 shall be conditioned upon the requirement that grass, sod, or landscaping shall be
18 restored after removal of the storage pod.
- 19 D. The storage pod may be placed in a front or rear yard. Placement in a side yard is
20 prohibited.
- 21 E. The storage pod shall not be placed within an easement, stormwater area, or
22 required buffer.
- 23 F. The storage pod shall be placed at least ten (10) feet from any property line.
- 24 G. The storage pod shall not obstruct pedestrian access.
- 25 H. The storage pod shall not be located within the clear visibility area at street
26 intersections as set forth in Section 7.04.04.
- 27 I. The storage pod shall not exceed a maximum size of sixteen (16) feet in length and
28 eight (8) feet in width.

29 **5.02.07 Yard, Garage or Carport Sales**

30 In any residential area, “garage or carport sales” shall only be permitted after issuance
31 of a permit. Such permit shall be good for not more than three (3) consecutive days
32 and no permit for the same parcel shall be issued more often than two (2) times per
33 year. At the conclusion of such sales, all unsold items shall be removed or packed in
34 such manner as not to create an unsightly view as seen from the street or from adjoining
35 properties. Any signs or advertising such sales shall be removed from the premises
36 immediately at the conclusion of the sale.

37
38 **5.02.08 Temporary Carports and Covers**

39 Temporary structures consisting of fabric or plastic coverings on metal, wood or other
40 types of frames shall not be permitted in any front yard, nor may any such structure be
41

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1 permitted in any required rear or side yard. Property owners shall obtain a permit for
2 erection of temporary covers. The permit shall be valid for no more than fourteen (14)
3 days.
4

5 **5.02.09 Food Trucks**

6
7 A. The intent of this section is to allow and provide regulations for mobile food
8 trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on
9 private property.

10 B. General regulations. Food trucks/trailers are restricted to Town Center Commercial
11 (TC-C) zoning. The use and operation of food trucks/trailers must comply with the
12 following regulations:
13

- 14 1. The number of food trucks/trailers allowed per parcel is limited to one (1)
15 food truck/trailer per .03125 acre of non-constructed land area, not to exceed
16 a total of six (6) food trucks per parcel.
- 17 2. Food trucks/trailers shall be separated from buildings or structures,
18 combustible materials, vehicles, and other cooking operations by a minimum
19 of ten (10) feet. Food trucks/trailers shall be five (5) feet from the property
20 line.
- 21 3. Food trucks/trailers must be parked on a finished surface, such as concrete,
22 pavers, asphaltic surface, gravel, or other approved material.
- 23 4. Food trucks/trailers must be located in an area that will not obstruct vehicular
24 or pedestrian circulation, bus stops, or any ingress or egress from building
25 entrances or exits and must be setback at least 15 feet from fire hydrants.
- 26 5. Food trucks/trailers and associated seating areas may not occupy parking
27 spaces reserved for persons with disabilities.
- 28 6. Appropriate trash and recycling containers must be provided, and all
29 sidewalks, parking areas, and other pedestrian spaces must be kept clean and
30 free from refuse and obstruction.
- 31 7. Each food truck/trailer must be equipped with at least one approved portable
32 fire extinguisher with a minimum rating of 2A: 10 BC.
- 33 8. Food trucks/trailers must comply with all current fire prevention codes.
- 34 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer
35 from moving.
- 36 10. Food trucks/trailers must be licensed to operate by the State of Florida and
37 must receive all necessary approvals from the Florida Department of Business
38 and Professional Regulations, the Florida Department of Health, the Florida
39 Department of Agriculture and Consumer Services, and the Town of Howey-
40 in-the-Hills. Food trucks/trailers must comply with state and county health
41 department licensing requirements for preparing and selling food items. All
42 food truck/trailer operations must comply with Florida Administrative Code
43 61C-4.0161, Mobile Food Dispensing Vehicles.

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- 1 11. A food truck/trailer generator(s) may operate only at a sound decibel level of
- 2 60 dB or less, measured at a distance of ten feet from the generator.
- 3 12. Amplified sound is prohibited.
- 4 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and
- 5 10:00 P.M.
- 6 14. All signage pertaining to or advertising a food truck/trailer shall be within the
- 7 property boundaries. There shall be a limit of two signs for advertising per
- 8 food truck/trailer while food truck/trailer is parked. Signage containing
- 9 profanity or lewd or obscene images is prohibited.
- 10
- 11 C. Food truck/trailer approval. An owner of property or a business owner in the Town
- 12 Center Commercial district must obtain approval under this section to allow food
- 13 trucks/trailers to operate on the property. Approval is not required under this section
- 14 where food trucks/trailer will be operating as part of a special event that is permitted
- 15 under another section of the Land Development Code. A property owner or business
- 16 owner may obtain approval by submitting an application, no later than three days
- 17 prior to setup, to the Town on a form furnished by the Town. The application must
- 18 include all licenses/certificates required by the organizations mentioned in section
- 19 B(9), a site layout plan drawn to scale that includes dimensions and the proposed
- 20 location of the food truck/trailer area, all entrances and exits to the property, parking
- 21 areas, bus stops, loading zones, fire hydrants and any other information reasonably
- 22 required by the Town Clerk or designee to determine whether the food truck/trailer
- 23 area is in compliance with all requirements of the Code of Ordinances and Land
- 24 Development Code. Upon determination that the application meets all requirements
- 25 of this section and the Code of Ordinances and/or Land Development Code, the town
- 26 clerk or designee shall grant approval.
- 27

28 **5.03.00 SIGNS**

29 **5.03.01 Generally**

- 30 A. The intent of this section is to ensure adequate means of communication through
- 31 signage while maintaining the attractive visual appearance within the Town. The
- 32 purposes of this section are to:
- 33 1. Maintain the established character of the Town by regulating all exterior
- 34 signage in a manner which promotes low profile signage of high quality design;
- 35 2. Further protect and enhance the character of the downtown area, conforming
- 36 the size and location of signs to the scale of a small town;
- 37 3. Protect and maintain the visual integrity of roadway corridors within the Town
- 38 by establishing a maximum amount of signage on any one site to reduce visual
- 39 clutter;
- 40 4. Establish locations and setbacks for signage which are designed to protect
- 41 motorists from visual distractions, obstructions, and hazards;

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- 1 5. Enhance the appearance of the physical environment by requiring that signage
- 2 be designed as an integral architectural feature of the site and structure to which
- 3 such signage is intended to identify, and sited in a manner which is sensitive to
- 4 the existing natural environment;
- 5 6. Provide for signage which satisfies the needs of the local business community
- 6 for visibility, identification, and communication;
- 7 7. Restrict sign regulation to time, place, and manner, without limitations on
- 8 content, so long as the material displayed avoids content commonly judged by
- 9 the community to be immoral, indecent, or obscene; and
- 10 8. Foster civic pride and community spirit by maximizing the positive impact of
- 11 the business community.

5.03.02 Sign Permits

- 12 A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign
- 13 within the Town without having first obtained a permit.
- 14 B. The work necessary to construct, install, erect, illuminate, paint, or modify signage
- 15 within the Town shall comply with the requirements set forth in this section:
- 16 1. Work which may be performed by a property owner or lessee:
- 17 a. Painting the face of any freestanding or wall sign; and
- 18 b. Erection of any temporary sign permitted as set forth in this LDC.
- 19 2. Work which shall be performed by a sign contractor, general contractor, or
- 20 building contractor licensed with the Town to perform such work:
- 21 a. Construction, installation, erection, or electrical connection of any sign that
- 22 is illuminated;
- 23 b. Construction, installation, or erection of any freestanding sign requiring
- 24 wind load calculations;
- 25 c. Construction, installation, or erection of any sign which is located above a
- 26 pedestrian walkway or on the front fascia of a canopy over a pedestrian
- 27 walkway; and
- 28 d. Construction, installation, or erection of any projecting sign as set forth in
- 29 this LDC.
- 30 C. Application for permit. All applications for permits under this section shall be filed
- 31 by either a contractor licensed to erect signs in the Town, or the owner of the
- 32 property where the sign is to be located or his authorized agent. Such application
- 33 shall include the following:
- 34 1. Name, address and telephone number of owner(s) of property;
- 35 2. Name, address and telephone number of licensed sign company erecting the
- 36 sign;
- 37 3. The street address or legal description of the property upon which the proposed
- 38 sign is to be located;
- 39 4. The height, size, shape, style, colors, materials and location of the proposed
- 40 sign;
- 41 5. Written permission of the owner, his lessee or agent, to erect the proposed sign;
- 42

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- 1 6. A plan, blueprint, or similar presentation drawn to scale, showing all pertinent
- 2 structural and electrical details, wind pressure requirements and materials in
- 3 accordance with the Town’s adopted building code; and
- 4 7. A statement verifying the height, size, shape and location of existing signage
- 5 on the premises and whether that signage will stay.
- 6 D. Issuance of permit. The procedure for issuing a sign permit shall be as follows:
- 7 1. Upon receipt of an application for a sign permit, the Building Official shall ask
- 8 the Town Planner to review the plans for zoning and architectural compliance.
- 9 The Building Official will also review the plans and specifications and other
- 10 data relating to such sign, and, if considered necessary, inspect the premises
- 11 upon which the sign is proposed to be erected.
- 12 2. No new sign permit shall be issued for a freestanding sign or primary wall sign
- 13 on property upon which any nonconforming sign is located, until such
- 14 nonconformity is corrected. On multi-tenant sites, this paragraph shall apply
- 15 only to the tenant's signage.
- 16 3. If the proposed sign is in compliance with this chapter and all other applicable
- 17 laws and codes of the Town, the Building Official shall issue a sign permit upon
- 18 receipt of the permit fee.
- 19 4. The issuance of any sign permit shall be conditioned upon the restoration of any
- 20 building façade which has been damaged by placement of a previous sign. Such
- 21 restoration shall include, but not be limited to, patching, repainting, and
- 22 concealing visible electrical components, when applicable.
- 23 E. Permit fees. Permit fees under this code shall be set by resolution of the Town
- 24 Council.
- 25 F. Exemptions. Exemption from the requirement to obtain a sign permit shall be
- 26 permitted under the following circumstances:
- 27 1. The erection, construction, installation of any sign described in section 5.03.05
- 28 or 5.03.06 of this chapter; or
- 29 2. The repair, maintenance or repainting of any existing sign which is deemed
- 30 conforming or allowed to continue as nonconforming under provisions of this
- 31 chapter.
- 32 G. Expiration of permit. A sign permit shall expire and become invalid in accordance
- 33 with the rules set forth in the building code for all permits in general.

34 **5.03.03 Enforcement**

- 35 A. All signs shall meet the standards for visibility at intersections as set forth in Section
- 36 7.01.08.
- 37 B. Inspection of signs: The Town may inspect at any time each sign or other
- 38 advertising structure regulated by this LDC for the purposes of ascertaining whether
- 39 the structure is safe, in need of repair or maintenance, not in conformance with the
- 40 approved permit, or otherwise in violation of the provisions of this LDC.
- 41 C. Unsafe signs and signs violating this LDC. If it is determined that any sign or other
- 42 advertising structure regulated herein is unsafe or insecure, or is a menace to the

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1 public, the Town shall give written notice to the owner of such structure. If the
2 owner fails to remove or alter the structure to comply with the standards set forth
3 herein within the time prescribed in the notice, such sign or other advertising
4 structure may be removed or altered to comply by the Town at the expense of the
5 owner of the property upon which it is located. The Town may cause any sign or
6 other advertising structure that presents an immediate peril to persons or property
7 to be removed without notice.

8 D. Nonconforming signs.

- 9 1. Intent. It is the intent of this chapter to allow nonconforming signs permitted
10 before the adoption of this code to continue under the provisions of this section
11 until they are no longer used, or become hazardous, but not to encourage their
12 survival. Such signs are hereby declared to be incompatible with the overall
13 intent of this chapter.
- 14 2. Removal of nonconforming signs. All nonconforming and non-permitted signs,
15 except as provided herein, shall be removed immediately or as otherwise
16 provided under section D of this chapter.
- 17 3. Continuance of nonconformities. Use of a nonconforming sign may be
18 continued, subject to the following regulations:
- 19 a. No nonconforming sign shall be enlarged or increased in any way from its
20 lawful size at the time of the adoption of this code, nor shall a
21 nonconforming sign be relocated from its location at the time of adoption
22 of this code.
 - 23 b. Nonconforming signs or sign structures that are defined as abandoned signs
24 under 5.03.03(G) of this chapter shall not be permitted for reuse.
 - 25 c. Signs existing as of the date of this amendment, whose height and/or sign
26 area do not exceed 115 percent of that allowed by the design requirements
27 of this chapter, shall be deemed conforming. Installation or construction of
28 all new signs, and any modification or replacement of signs permitted under
29 this paragraph, shall comply with all applicable height, sign area, and other
30 requirements of this chapter.
 - 31 d. Signs that have substantial rust, missing parts, dents, or other structural or
32 aesthetic deficiencies shall not be considered in good repair, and shall be
33 replaced with a sign that meets the requirements of this section. A sign that
34 is not considered in good repair may not be replaced with a nonconforming
35 sign.
 - 36 e. Nonconforming real estate or construction signs shall be removed no later
37 than six months after the date of adoption of this amendment. Thereafter,
38 all such nonconforming signs shall be deemed unlawful and prohibited and
39 subject to the enforcement provisions of this chapter.
 - 40 f. Repairs, maintenance and improvements. Normal repairs, maintenance and
41 improvements may be made during the period they legally remain.
 - 42 g. Reconstruction after catastrophe. If any nonconforming sign is damaged by
43 fire, flood, explosion, collapse, wind, war, or other catastrophe to such an
44 extent that the cost of repair and reconstruction will exceed fifty percent

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- 1 (50%) of the replacement cost at the time of damage, it shall not be used or
2 reconstructed except in full conformity with the provisions of this code.
- 3 h. Casual, temporary or illegal use. The casual, temporary, or illegal use of
4 any sign shall not be sufficient to establish the existence of a nonconforming
5 use or to create any rights in the continuance of such use.
- 6 E. Maintenance of signs: The owner of any sign as defined and regulated by this LDC
7 shall be required to properly maintain such sign. For a sign to be properly
8 maintained, the sign, together with its framework, braces, angles or other supports,
9 shall be in a safe condition, properly secured, supported and braced, and shall be
10 able to withstand weather conditions and loads required by the regulatory codes in
11 effect within the municipal limits. Maintenance shall include painting and parts
12 replacement.
- 13 F. Abandoned Signs:
 - 14 1. Any sign face now or hereafter existing which no longer identifies or advertises
15 a bona fide operating business conducted or a product sold shall be deemed
16 abandoned and shall be removed by the owner of the building or structure upon
17 which such sign face may be found. The sign structure may remain, provided
18 that the sign structure conforms to the requirements of this LDC. A sign
19 structure which supported an abandoned sign and which complies with all
20 applicable building and construction codes and the requirements of this LDC
21 shall be allowed to remain in place.
 - 22 2. Any sign that is located on property that becomes vacant and unoccupied,
23 pertains to a business which does not maintain a current and valid Town
24 business tax receipt, or pertains to a time, event, or purpose which no longer
25 applies, shall be deemed to have been abandoned.
 - 26 3. Any sign damaged or destroyed to the extent of fifty (50) percent or more of
27 the replacement cost is considered an abandoned sign.
 - 28 4. An abandoned sign shall be removed not later than ten (10) days after the
29 abandonment occurs as described in Sections 5.03.03 F (1), (2), and (3) above.
30 Where the structure supporting the abandoned sign does not comply with the
31 requirements of all applicable building and construction codes and the
32 requirements of this LDC, the entire structure shall be removed.
 - 33 5. An abandoned sign shall be subject to code enforcement action, including
34 removal by the Town at the owner's expense.

35 **5.03.04 Prohibited Signs**

- 36 The signs identified in this section are prohibited within the Town.
- 37 A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason
38 of its size, location, movement, content, coloring, or method of illumination.
 - 39 B. Any sign that obstructs the vision between pedestrians and vehicles using the public
40 right-of-way, including, but not restricted to, those not meeting intersection
41 visibility requirements set forth in Section 7.01.08.

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- 1 C. Signs with lights, lighted screens or illuminations that flash, move, rotate,
2 scintillate, blink, flicker, or vary in intensity or color except for time-temperature-
3 date signs.
- 4 D. Signs that contain words and traffic control symbols so as to interfere with, mislead,
5 or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
- 6 E. Signs attached to trees or utility poles.
- 7 F. Snipe signs, except as permitted for campaign advertising or other special events
8 under Section 5.03.07.
- 9 G. Signs with visible moving, revolving, or rotating parts, or visible mechanical
10 movement of any description or other apparent visible movement achieved by
11 electrical, electronic, or mechanical means, except for traditional barber poles.
- 12 H. Signs with the optical illusion of movement by means of a design that presents a
13 pattern capable of giving the illusion of motion or changing of copy.
- 14 I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 15 J. Signs that are of such intensity or brilliance as to cause glare or impair the vision
16 of any motorist, cyclist, or pedestrian using or entering a public right-of-way, or
17 that are a hazard or a nuisance to occupants of any property because of glare or
18 other characteristics.
- 19 K. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or
20 any portion of any sidewalk or street, except house numbers and official traffic
21 control signs.
- 22 L. Offsite advertising signs, with the exception of sandwich boards as set forth in
23 Section 5.03.11(D) and Special Event Signs as permitted in 5.03.07.
- 24 M. Signs mounted on any portion of a roof.
- 25 N. Abandoned signs.
- 26 O. Signs erected on public property, with the exception of signs erected by public
27 authority for public purposes, sandwich boards as set forth in Section 5.03.10 (D)
28 and Special Event Signs as permitted in 5.03.07.
- 29 P. Portable or trailer signs.
- 30 Q. Pole signs
- 31 R. Internally lit signs within or adjacent to residential property.
- 32 S. Any other signs that are not specifically permitted or exempted by this LDC

33 **5.03.05 Exempt Signs**

- 34 The signs identified in this section are permitted within the Town and are exempt from
35 the requirement to obtain a permit.
- 36 A. Regulatory, statutory, traffic control, or directional signs erected on public property
37 by or with permission of the State of Florida, Lake County, or the Town of Howey
38 in the Hills.
 - 39 B. Legal notices and official instruments.
 - 40 C. Holiday lights and seasonal decorations displayed at times when such lights and
41 decorations are generally considered appropriate.

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- 1 D. Signs incorporated into machinery or equipment by a manufacturer or distributor,
 - 2 which identify or advertise only the product or service dispensed by the machine or
 - 3 equipment, such as signs customarily affixed to vending machines, newspaper
 - 4 racks, and gasoline pumps.
- 5 E. Incidental signs.
- 6 F. Public warning signs to indicate the dangers of swimming, animals, or similar
- 7 hazards.
- 8 G. Barber poles at barbershops
- 9 H. Temporary window signs are permitted and subject to the following standards:
 - 10 1. The signs may display or announce any business, civic, cultural, or private sale
 - 11 or event for a period not to exceed thirty (30) days.
 - 12 2. Temporary signs shall be located wholly within a window and shall not exceed
 - 13 an aggregate area equal to ten percent (10%) of the total glassed area of the
 - 14 store front. Temporary signs, together with permanent window signs, shall not
 - 15 exceed an aggregate equal to twenty percent (20%) of the total glassed area of
 - 16 the store front.
- 17 I. Temporary Signs allowed under section 5.03.07 (D)
- 18 J. Works of art that do not constitute as advertising
- 19 K. Political signs
 - 20 1. Signs shall not exceed 16” x 24” in size
 - 21 2. Signs are limited to a maximum of two signs per candidate or issue per parcel
 - 22 3. Signs may be erected not more than sixty days prior to any election. Removal
 - 23 of political signs shall be regulated by all applicable Florida Statutes.
- 24 L. Garage sale or yard sale signs placed only on the premises of the sale

5.03.06 Provisionally Exempt Signs

- 25 A. Signs identified in this section may be placed without a permit, provided that such
- 26 signs comply with the standards in Table 5.03.06 (A).

Table 5.03.06 (A) Standards for Provisionally Exempt Signs

Type of Sign	Standards
Identification signs	2 square feet or less in area
"No trespassing" or "no dumping" signs	2 square feet or less in area
Memorial signs or tablets, and names of buildings and dates	Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials and attached to the surface of a building
Decorative flags and bunting	Used for special events only.
Menu boards, price lists or other signage for drive-through facilities	Maximum of 2 such signs, and maximum area of 24 square feet or less, and located adjacent to and oriented toward the drive-through area
Menus	2 square feet or less in area, and mounted at the entrance to a restaurant
Real estate signs	One sign, 6 square feet or less in area. One sign 16 square feet or less is permitted for parcels of 5 acres or larger and for each

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Type of Sign	Standards
	commercial or industrial property, unless said property is located in the Town Center. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10” x 12” in area.
Construction signs	One sign, 6 square feet or less in area, and located on property where a valid building permit has been issued and has not expired.
Yard or garage sale signs	2 square feet or less in area, and located on the property on which a sale is being conducted, and limited to three (3) days per sale, not to exceed two (2) times per year.
Occupant or owner identification sign	2 square feet or less in area when located in a residential zoning district

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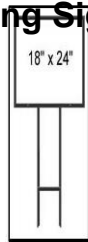
5.03.07 Special Event Signs

- A. Temporary signs for special events shall be permitted as described in this section. No fee is charged for signs meeting these requirements.
- B. For purposes of this section, "special event" shall mean:
 - 1. Community events, such as the Christmas Parade;
 - 2. Grand openings of new businesses, businesses that have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities. For purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location;
 - 3. Promotion of events for nonprofit organizations; and
 - 4. Real estate events such as open houses.
- C. Design Standards
 - 1. Setback shall be twenty-five (25) feet from side property lines or equidistant between side property lines.
 - 2. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.
 - 3. The maximum size sign shall be 16 square feet.
 - 4. The maximum size banner shall be 32 square feet.
 - 5. Special event signs shall only be displayed on non-residential property.
- D. General Requirements
 - 1. No sign prohibited in section 5.03.04 of this chapter shall be authorized under this section as a special event sign.
 - 2. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.
 - 3. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the town clerk prior to posting any sign on the undeveloped property.

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- 1 4. All special event signs may be placed not more than fourteen (14) days prior to
- 2 the event and shall be removed within 24 hours after the special event for which
- 3 the sign was authorized.
- 4 5. Unless otherwise specified, all special event signs shall be limited to a period
- 5 of twenty (20) consecutive days.
- 6 6. The erection and removal of all special event signs shall be the responsibility
- 7 of the person sponsoring the special event, or duly authorized agent.
- 8 7. Any special event sign proposed to be placed on Town property must be first
- 9 approved by the Town.
- 10 E. Temporary off-site Real Estate and Non-Profit signs are permitted within the Town
- 11 subject to the following provisions:
- 12 1. Limited to eight (8) hours per day.
- 13 2. Limited to a maximum of six (6) signs, each sign not to exceed six (6) square
- 14 feet per sign face.
- 15 3. Shall follow the sign design in diagram 5.03.07 (A) below
- 16 4. A brochure box, information tube or similar device may be attached to the sign
- 17 as long as it does not exceed 10" x 12" in area.

Diagram 5.03.07 (A) Sign Design for Open House and Non-Profit Temporary, Off-Site Advertising Signs.



5.03.08 Measurement Determinations

- 26 A. Sign area
- 27 1. Where a sign is composed of letters or pictures attached directly to a facade,
- 28 wall, window, door, awning, monument sign, or freestanding sign, and the
- 29 letters or pictures are not enclosed by a border or trimming, the sign area shall
- 30 be the area within the smallest rectangle or square, the sides of which touch the
- 31 extreme points of the letters or pictures as a whole.
- 32 2. Where a sign is composed of letters or pictures enclosed by a border or
- 33 trimming, the sign area shall be the area within the border or trim.
- 34 3. The area of a freestanding sign shall include the area of the outside frame, but
- 35 not of the supporting structure.
- 36 B. Number of signs
- 37 1. A supporting structure with a sign face shall be counted as one (1) sign.
- 38 2. A double-faced projecting or freestanding sign shall be construed as having the
- 39 area of a single face, provided that the sign faces are back to back, are at no
- 40 point more than two (2) feet apart, and have the same wording and design.
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- 3. Wall signs. The allowable area of a wall sign shall be calculated as a percentage of the building face. The building face is the area of the façade of the building up to the roofline (width x height).

C. Sign height

- 1. The height of a sign is the vertical distance from the finished grade to the highest point of the sign.
- 2. In measuring the sign height, the sign structure is included, no matter where the actual sign is located on the structure.

5.03.09 Design Standards for All Signs

- A. Every sign and sign structure shall be compatible in scale with the scale of the building to which it relates and the neighborhood in which it is located.
- B. Every sign and sign structure shall be designed as a compatible architectural element relative to the building and site to which it principally relates. To be a compatible architectural element means that the sign is consistent in color, materials, texture, and style with the building(s) on the site.
- C. The number and size of graphic elements shall be proportional to the sign face.
- D. Freestanding signs shall be landscaped to achieve compatibility with the design of the site. Landscaping materials shall be consistent with the specifications set forth in Section 4.05.03 and the standards for protection of visibility at intersections set forth in Section 7.01.08.
- E. External lighting may be used only if directed solely to the sign face.

5.03.10 Permitted Permanent On-Site Signs

- A. Permanent onsite signs shall be limited to the following sign types:
 - 1. Freestanding signs, which may be either ground or monument signs, but shall not include a pole sign
 - 2. Wall signs
 - 3. Awning signs
 - 4. Projecting signs
 - 5. Sandwich board / Sidewalk Signs
 - 6. Window Signs
- B. Permanent onsite signs shall be permitted in the following non-residential or mixed use zoning districts: NC, IND, INS-1, INS-2, REC-1, REC-2, PUB, PUD, TC-F, and TC-C.
- C. Permanent onsite signs may also be permitted under conditional use provisions in AG and RE.
- D. The number and types of permanent onsite signs shall comply with the standards in Table 5.03.10 (C).

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1 **Table 5.03.10 (C) Number and Types of Permanent On-Site Signs in Specified**
 2 **Zoning Districts.**
 3

Sign Type: Zoning District:	Freestanding	Wall	Awning	Projecting Sign	Sandwich or Sidewalk Sign
NC	1 per lot or shopping center	2 per business (2 additional if on a corner lot)			1 per business
IND	1 per lot or industrial park	2 per business (2 additional if on a corner lot)			1 per business
INS-1	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
INS-2	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
REC-1	1 per lot or recreation complex	2 per business (2 additional if on a corner lot)			1 per business
REC-2	1 per lot or recreation center	2 per business (2 additional if on a corner lot)			1 per business
PUB	1 per lot	2 per use on lot or parcel			As necessary
PUD	1 per lot, shopping center, or other complex	2 per business (2 additional if on a corner lot)			1 per business
TC-F	1 per lot	1 if lot has freestanding sign; 2 if no freestanding sign			1 per business
TC-C	1 per lot	2 per business (2 additional if on a corner lot)			1 per business

4 E. Permanent onsite signs shall comply with the design standards set forth in Table
 5 5.03.10(D).
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TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1 **Table 5.03.10 (D) Design Standards for Permanent on On-Site Signs.**

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Sign Type: Standard	Freestanding	Wall	Awning	Projecting Sign	Sandwich or Sidewalk Sign
Maximum sign face area	50 square feet for NC, IND, and INS-2; 32 square feet for all others	For single story, single occupant buildings, 15% of the building face (width x height, not including roof); for two-story buildings or multiple-occupant buildings, 15% of the building face for portion of building occupied by business.	20% of awning face	Maximum of 32 square feet; shall be no less than 8 feet above sidewalk. For PUDs, TC-F, and TC-C must be in scale with building and business.	6 square feet
Sign location	Set back 5 feet from the property line	Front or side facade if corner lot	Front façade or side façade if corner lot	Front facade or side if a corner lot. Projecting sign shall not extend more than 4 feet from the building face. Projecting sign shall not extend closer than 2 feet to a vertical line extending upward from the curb.	Placed in front of business so not to impede pedestrians.
Sign structure height	12 feet, except for PUDs, TC-F, and TC-C which is 8 feet	NA	Lowest part of sign shall be a minimum of 8 feet above surface directly below	Bottom of the projecting sign structure shall be a minimum of 8 feet above the surface directly below the sign	3 feet

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F. Sandwich/ Sidewalk Signs

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1. The sign shall only be displayed during regular business hours;

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2. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.

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3. The sign shall require a permit and the proposed sign location must be indicated on the permit application.

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4. The sign must not exceed thirty-six (36) inches in height or twenty-four (24) inches in width.

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G. Window Signs

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- 1 1. Window lettering or graphics shall not exceed an aggregate area equal to twenty
- 2 percent (20%) of the total glassed area of the store front. Window lettering,
- 3 together with paper signs or other signage affixed externally or internally to
- 4 store front windows shall not exceed twenty percent (20 %) of the total glassed
- 5 area of the store front.

6 **5.03.11 Specific Provisions for Residential Districts**

- 7 A. Subdivision signs. Permanent subdivision signs may be permitted as part of the
- 8 subdivision review process, or upon request of property owners after development
- 9 has occurred. In determining signage, the Town shall consider the size of
- 10 the sign(s), color, materials, location, provision for maintenance, size of the
- 11 subdivision, functional classification of the adjoining roadway(s) and land use in
- 12 the area.

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CHAPTER 6

Supplemental Standards

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1 **6.00.00 GENERALLY**

- 2 A. This chapter sets forth supplemental standards for special situations, including
3 standards for telecommunications facilities as well as specific uses that are only
4 permissible subject to supplemental standards.
5 B. Where there is a conflict between a standard applicable to the zoning district or
6 overlay district in which the use is located or an applicable overlay district and the
7 supplemental standards set forth below, the more restrictive standard shall apply.

8 **6.01.00 TELECOMMUNICATIONS FACILITIES**

9 **6.01.01 Generally**

- 10 A. It is the intent of the Town to allow telecommunications towers or antennas in
11 compliance with State and federal regulations. It is further the intent of the Town
12 to protect the public health, safety, and welfare through regulating the placement
13 and design of permitted telecommunications towers and antennas. The purpose of
14 regulations in this section is to:
15 1. Accommodate the need for wireless communication services.
16 2. Provide for the appropriate location of wireless communication facilities within
17 the Town.
18 3. Minimize visual impacts of telecommunications towers through site design
19 requirements, location requirements, and innovative camouflage techniques, in
20 accordance with acceptable engineering and planning principles; and
21 4. Allow telecommunications towers that meet State, Federal, and local
22 requirements for location, site design, and appearance.
23 B. All telecommunications towers and antennas proposed to locate in the Town shall
24 be subject to the regulations in this section.

25 **6.01.02 Collocation of Antennas Required**

26 Telecommunications towers proposed within the Town shall provide for collocation
27 consistent with State and federal regulations.

28 **6.01.03 Permissible Locations for Telecommunications Towers and Antennas**

- 29 A. Telecommunications towers are permitted on lots in the following zoning districts,
30 subject to the standards set forth in Section 6.01.00: Industrial (IND) and Public
31 (PUB).
32 B. Antennas are permitted on lawfully established telecommunications towers, located
33 as set forth in Section 6.01.03 (A) above.

34 **6.01.04 Supplemental Standards for Telecommunications Towers and**
35 **Antennas**

- 36 A. All telecommunications towers and antennas shall be maintained in good condition
37 and in accordance with all standards in this section. No additions, changes, or

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- 1 modifications shall be made except in conformity with the standards of Section
- 2 6.01.00 and approval by the Town Council.
- 3 B. Towers shall be located and designed to ensure minimal aesthetic impact. Aesthetic
- 4 impact shall take into consideration, but not be limited to, the amount of the tower
- 5 structure that can be viewed from surrounding residential zoning districts,
- 6 designated scenic roadways, and the Town Center. Consideration shall also include
- 7 the distance to any residential zoning district. Any design factors that mitigate
- 8 negative aesthetic impact such as landscaping or intervening visual buffers will also
- 9 be considered.
- 10 C. Towers shall be located and designed to ensure compatibility. Compatibility
- 11 determinations shall take into consideration the degree to which the tower structure
- 12 is designed and located to be compatible with the nature and character of other land
- 13 uses and/or with the environment of the surrounding neighborhood.

14 **6.01.05 Design Requirements for Telecommunications Towers**

15 The following site design and appearance regulations apply to telecommunications
16 towers that are installed on the ground. Where the provisions of the underlying zoning
17 district differ from the following provisions, the following provisions shall apply:

- 18 A. All telecommunications towers shall be located in a manner that minimizes the
- 19 effect on environmentally sensitive lands that are regulated in Chapter 3 of this
- 20 LDC.
- 21 B. A new telecommunications tower shall be permissible only if the applicant
- 22 demonstrates that collocation is not available for the antennas on an existing tower.
- 23 C. A telecommunications tower may be located on a lot containing another principal
- 24 use, provided that the minimum lot area is sufficient for both the principal use and
- 25 the telecommunications tower. The minimum lot area for a telecommunications
- 26 tower shall be sufficient to accommodate the tower, supporting equipment, required
- 27 landscaping, and required setbacks.
- 28 D. Setbacks required by this section shall be measured from the center of the base of
- 29 the tower to the property line of the parcel on which it is located.
- 30 E. Telecommunications towers shall be setback from property zoned AG, RE, SFR,
- 31 MDR, PUD, TC-R, TC-F, TC-C, NC, REC-1, REC-2, CON, INS-1, and INS-2, as
- 32 set forth below:
 - 33 1. One and one-half (1½) times the height of a monopole tower; or
 - 34 2. Two and one-half (2½) times the height for any other type of tower.
- 35 F. Telecommunications towers shall not be artificially lighted except to assure safety
- 36 as required by the Federal Aviation Administration.
- 37 G. No advertising shall be allowed on a telecommunication tower.
- 38 H. Structural design
 - 39 1. Telecommunications towers shall be designed to accommodate collocation of
 - 40 antennas. The number of antennas to be collocated shall be included in the
 - 41 design specifications.

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- 1 2. Telecommunications towers shall include one (1) emergency generator of
- 2 sufficient size to accommodate the needs of all collocated antennas. The
- 3 application for the tower shall include documentation to ensure that future
- 4 collocated antennas shall be required to use the existing generator.
- 5 3. Telecommunications towers shall be constructed in accordance with the
- 6 standards in the latest edition of the following publications:
- 7 a. Construction standards for telecommunications towers, published by the
- 8 Electronic Industries Association.
- 9 b. “Minimum Design Load for Buildings and Structures,” published by the
- 10 American Society of Civil Engineers.
- 11 c. “Guide to the Use of Wind Load Provisions,” published by the American
- 12 Society of Civil Engineers.
- 13 d. Florida Building Code.
- 14 4. A fence, not to exceed eight (8) feet in height, shall be installed to enclose the
- 15 tower base. The fence shall be installed to accommodate landscaping located
- 16 outside the fence. The fence may be wooden or vinyl. The finished side of the
- 17 fence shall face outward.
- 18 I. One (1) parking space shall be provided to serve the tower site.
- 19 J. Landscaping requirements for the entire parcel on which the tower site is located
- 20 shall include:
- 21 1. Existing vegetation shall be retained to the maximum extent possible.
- 22 2. Telecommunications towers shall be required to provide landscaping outside
- 23 the fence enclosing the tower.
- 24 3. All plant materials shall be evergreen and shall comply with the landscape
- 25 materials standards set forth in Chapter 7. Existing on-site vegetation may be
- 26 counted toward meeting the minimum requirements for vegetation.
- 27 4. The following landscaping is required:
- 28 a. One (1) tree per twenty-five (25) linear feet of fencing. Trees shall be
- 29 evenly spaced and shall alternate canopy trees and understory trees.
- 30 b. A double-staggered row of shrubs shall be planted around the fence at the
- 31 base of the tower to provide a continuous hedge with the exception of the
- 32 entrance gate area.
- 33 K. The telecommunications tower shall be designed and painted to resemble natural
- 34 objects, such as trees that are typical of the surrounding area.
- 35 L. A sign, measuring no more than thirty (30) inches wide by twenty-four (24) inches
- 36 high, identifying the primary party responsible for the operation and maintenance
- 37 of the facility, the address and telephone number of that party, and, if appropriate,
- 38 the FCC/FAA registration number of the structure, shall be permanently attached
- 39 to the fence or wall. The only additional signage that may be permanently attached
- 40 to the fence or wall shall be security or safety signs.
- 41 M. Mobile or immobile equipment not used in direct support of the wireless facility
- 42 shall not be stored or parked on the site, except when necessary during repair to
- 43 antennas, related equipment, or the tower.

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1 N. A temporary or mobile telecommunications tower may be used by a provider in any
2 zoning district for the purpose of providing temporary wireless service to allow for
3 modification, replacement, and/or repairs to a permanent facility, or as necessary
4 to aid in post disaster relief efforts. A temporary permit is required. The permit
5 shall specify the time period and other conditions applicable to the temporary
6 placement of the tower.

7 **6.01.06 Design Requirements for Antennas Installed on Existing Structures**

8 The following site design and appearance regulations apply to all antennas that are
9 installed on existing buildings or structures. Where the provisions of the underlying
10 zoning district differ from the following provisions, the following provisions shall
11 apply:

12 A. The maximum height shall meet the standards set forth in Section 6.01.06 (A) (1)
13 through (3) below. The measurement of height shall include the existing building
14 or structure, any structure to support the antennas, and the antennas. Height shall
15 be measured from the finished grade of the building or structure on which the
16 antennas are located to the uppermost point of the building or structures, support
17 structure, or antenna.

18 1. Antennas may be located on existing structures with a height of thirty (30) feet
19 or greater, so long as the antennas do not extend more than fifteen (15) feet
20 above the highest point of the existing structure.

21 2. Antennas may be located on existing structures with a height of less than thirty
22 (30) feet, so long as the antennas do not extend more than five (5) feet above
23 the highest point of the existing structure; and

24 3. Notwithstanding Sections 6.01.06 (A) (1) and (2) above, antennas shall not be
25 located on dwellings in AG, RE, SFR, MDR, PUD, TC-R, and TC-F zoning
26 districts.

27 B. Antennas attached to, or supported by, an existing building or structure shall not
28 impose any undue stress on the building or structure.

29 C. Structures to support antennas on existing buildings shall be constructed in
30 accordance with the standards in the latest edition of the following publications:

31 1. Construction standards for telecommunications towers, published by the
32 Electronic Industries Association.

33 2. "Minimum Design Load for Buildings and Structures," published by the
34 American Society of Civil Engineers.

35 3. "Guide to the Use of Wind Load Provisions," published by the American
36 Society of Civil Engineers; and

37 4. Florida Building Code.

38 D. The structure and antenna shall be screened with architectural elements or
39 integrated into architectural elements on the building or structure. Examples of
40 appropriate stealth techniques to accomplish the required screening or integration
41 include elements such as chimneys, spires, steeples, or cupolas. Screening or other

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- 1 elements may be proposed, so long as the result is an integration of the antenna and
- 2 any supporting structure into the existing building design features.
- 3 E. No advertising shall be allowed on an antenna.

6.01.07 Design Requirements for Accessory Equipment Buildings

4 Accessory equipment buildings used in conjunction with the operation and
5 maintenance of telecommunications towers or antennas shall be permitted, subject to
6 the following requirements:

- 7 A. The building shall not exceed 500 square feet of gross floor area.
- 8 B. The ground constructed or mounted building:
 - 9 1. Shall not exceed twenty (20) feet in height.
 - 10 2. Shall comply with the setback standards for accessory structures for the zoning
 - 11 district in which the building is located; and
 - 12 3. Shall comply with landscaping standards as outlined in Chapter 7.
- 13 C. The building shall be located as close as reasonably possible to the support structure
- 14 for the antenna.
- 15 D. The building shall be compatible with the surrounding neighborhood.
- 16

6.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

6.02.01 Generally

17 Specific uses permitted in each zoning district are identified in Chapter 2. This section
18 identifies supplemental standards for certain uses.

6.02.02 Adult Entertainment Establishments

- 19 A. Adult entertainment businesses are permitted in the IND zoning district, subject to
- 20 the standards set forth in the district and the supplemental standards set forth in this
- 21 section.
- 22 B. The separation requirements set forth herein shall apply to the named uses whether
- 23 located within or outside of Town boundaries. Measurement shall be from the
- 24 closest property line of the adult entertainment business to the nearest point of the
- 25 parcel on which the named use is located.
- 26 C. No adult entertainment business shall be located within 1,000 feet of the following
- 27 existing uses and establishments:
 - 28 1. Any other adult entertainment business.
 - 29 2. A residential use.
 - 30 3. A lot zoned for residential use.
 - 31 4. A lot with a land use designation of residential on the Future Land Use Map in
 - 32 the Comprehensive Plan.
 - 33 5. A religious use or facility.
 - 34 6. An educational institution; or
 - 35 7. A park or recreation facility.
 - 36
 - 37
 - 38

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- D. Advertisements, displays, or other promotional materials visible to the public from the exterior of adult entertainment business shall be considered signs subject to the regulations set forth in Chapter 5.
- E. All building openings, entries, windows, and doors for adult entertainment establishments shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area; however, such openings shall not be painted out, blacked out, or otherwise obscured.

6.02.03 Bed and Breakfast Inns

- A. A bed and breakfast inn is permitted in zoning districts as outlined in Chapter 2, subject to the standards of the zoning district and the supplemental standards set forth below.
- B. The owner of the bed and breakfast inn shall reside in the inn.
- C. A bed and breakfast inn located within the Town Center shall comply with the standards for the Town Center Overlay.
- D. Parking shall meet the following standards:
 - 1. One (1) space per bedroom shall be provided off-street.
- E. One (1) sign identifying the bed and breakfast inn is permitted, subject to the following standards:
 - 1. The maximum sign area shall not exceed eight (8) square feet.
 - 2. The sign shall have color, design, and materials consistent with the color, design, and materials of the bed and breakfast inn; and
 - 3. The sign shall only be illuminated with landscape lighting.

6.02.04 Cemeteries

- A. New cemeteries are permitted in the INS-1 and PUB zoning districts, subject to the site design standards of the district.
- B. Site design requirements are set forth in Table 6.02.04 (C):

Table 6.02.04 (C) Standards for Cemeteries.

Development Feature	Standard
Minimum land area	
When located on the same site as a religious facility	1 acre
Freestanding	2 acres
Minimum setback for burial plots and columbaria	30 feet from any property line
Maximum height for columbaria	8 feet
Minimum setbacks for accessory structures	20 feet
Minimum buffer requirements	Non-residential buffer as outlined in Chapter 7

- C. Location requirements
 - 1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.

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1 2. All new cemeteries shall be located at least 500 feet from a potable water well
2 or public potable water wellhead.

3 D. Adequate off-street waiting space shall be provided for funeral processions such
4 that no vehicle stands or waits in a public right-of-way.

5 **6.02.05 Day Care Centers**

6 A. Day care centers are permitted in zoning districts as outlined in Chapter 2, subject
7 to the standards of the zoning district and the supplemental standards set forth
8 below.

9 B. Playgrounds shall meet the following minimum standards:

10 1. The playground shall be located in the rear yard. Where site characteristics
11 prevent location of a playground in the rear yard, and adequate space is
12 available in the side yard, a playground may be located in the side yard.
13 Location of a playground in the front yard is prohibited.

14 2. The playground shall be fully fenced.

15 3. The playground shall be located not closer than twenty-five (25) feet to any
16 adjacent property zoned for residential use.

17 C. Outdoor areas for adult day care centers shall meet the same standards as those
18 outlined in Section 6.02.05 (B).

19 **6.02.06 Group Homes**

20 A. Group homes shall obtain a business tax receipt. All group homes shall comply
21 with applicable local, State, and Federal, building and fire safety standards, and
22 shall furnish proof of appropriate County, State, or Federal licensure, as applicable,
23 before issuance of a Town business tax receipt.

24 B. Group homes shall be used only for the purpose of providing assistance or
25 specialized care and may not be used for administrative or related office-type
26 activities other than in support of the facility.

27 C. No counseling or other client service for non-residents is permitted.

28 D. A group home shall adhere to the following requirements:

29 1. Group homes of six (6) or fewer residents licensed as community residential
30 homes by the Department of Children and Family Services (DCFS) shall be
31 deemed a single-family unit, and shall be permitted in the zoning categories as
32 outlined in Chapter 2, provided that such homes shall not be located within
33 1,000 feet of another existing duly licensed group home of six (6) or fewer
34 residents, and subject to conformance with the regulations outlined in this
35 section. Distance requirements cited in this subsection shall be measured from
36 the nearest point of the existing group home to the nearest point of the proposed
37 group home.

38 2. Group homes duly licensed by the DCFS as community residential care
39 facilities which have from seven (7) to fourteen (14) unrelated residents
40 operating as the functional equivalent of a family, including supportive staff as

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1 referenced in section 419.001, F.S., shall be allowed in the INS-2, subject to
2 conformance to existing zoning regulations and this section.

3 **6.02.07 Marinas**

- 4 A. A marina shall provide parking for vehicle-trailer combinations if the marina has a
5 boat ramp. No overnight storage of boats shall be permitted on trailers.
- 6 B. Dry storage shall only be permitted within an enclosed building.
- 7 C. Facilities for engine repair shall be within an enclosed building.
- 8 D. Marinas shall be required to provide sewage pump-out facilities approved by the
9 FDEP and shall be required to connect to any approved central wastewater
10 treatment facility available within 1,500 feet of the marina property.
- 11 E. Marinas shall be required to use FDEP approved fuel spill containment facilities
12 where petroleum products are sold, stored, or used.
- 13 F. All drainage, wastewater, and wash-down facilities shall be designed and
14 maintained in strict conformance with this LDC and any additional requirements of
15 the FDEP, the SJRWMD, the USACOE, or other State or Federal agency with
16 jurisdictional powers over marinas.
- 17 G. No dock, pier, or other structure shall be allowed to obstruct or alter natural water
18 flow or restrict navigation.
- 19 H. Seawalls and other shoreline modifications shall be set at or landward of the mean
20 high water line, except as otherwise provided by law.
- 21 I. Activities involving dredging and filling shall be required to obtain any applicable
22 permits from Federal and State agencies with jurisdiction, including the FDEP, the
23 USACOE, and the SJRWMD, as well as any permits required by the Town or
24 County.

25 **6.02.08 Mini-Storage or Self-Storage Facilities**

- 26 A. Mini-storage or self-storage facilities are permitted as outlined in Chapter 2, subject
27 to the standards of the zoning district and the supplemental standards set forth in
28 this section.
- 29 B. The following activities or uses are prohibited on the grounds or within the
30 buildings of mini-storage or self-storage facilities:
 - 31 1. Wholesale sales.
 - 32 2. Retail sales, including garage sales, or other commercial activities.
 - 33 3. Manufacturing, fabrication, processing, or other industrial activity.
 - 34 4. Service or repair of vehicles, engines, electronic equipment, or similar
35 activities.
 - 36 5. Rehearsal or practice of musical instruments; and
 - 37 6. Residential use, with the exception of one manager or caretaker residence.
- 38 C. Notwithstanding the limitations described in Section 6.02.08 (B) above, the
39 following activities may be conducted:
 - 40 1. Rental of storage bays.
 - 41 2. Limited outdoor storage if properly buffered.

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- 1 3. Sales of boxes or goods related directly to the operation of a self-service storage
- 2 facility; and
- 3 4. Sales by the owner or manager of the facility of abandoned items for
- 4 reclamation of rental costs.
- 5 D. Storage of flammable liquids, highly combustible or explosive materials, or
- 6 hazardous chemicals is prohibited.
- 7 E. The mini-storage or self-storage facility buildings shall comply with the standards
- 8 set forth in Table 6.02.08 (E).

Table 6.02.08 (E) Standards for Self-storage or Mini-storage Facilities.

Development Feature	Standard
Building separation (2 or more buildings on the site)	14 feet
Overhead access doors	Shall not be visible from residentially zoned property, commercially zoned property, or the public right-of-way
Storage bays <ul style="list-style-type: none"> • Minimum size • Maximum size 	4 feet by 4 feet (16 s.f.) 20 feet by 20 feet (400 s.f.)

- 11 F. Outdoor storage may be permitted on the same lot as the mini-storage or self-
- 12 storage facility buildings. Outdoor storage shall comply with the standards in Table
- 13 6.02.08 (F).
- 14

Table 6.02.08 (F) Standards for Outdoor Storage with Mini-storage Facilities.

Development Feature	Standard
Types of goods to be stored	Limited to boats on trailers and recreational vehicles that have current registration and tags.
Maximum area devoted to outdoor storage	20 percent of buildable area of the site
Screening	Fully screened from view from adjacent properties and from public right-of-way. Screening may be a masonry wall or berm. Screening shall include landscaping.

6.02.09 Outdoor Sales

- 17 A. An outdoor sales facility is permitted in zoning districts as outlined in Chapter 2,
- 18 subject to the site design standards of the district, and the supplemental standards
- 19 of this section.
- 20 B. Outdoor sales facilities may include temporary or permanent shelters, such as
- 21 canopies, tents, pavilions, or other similar structures.
- 22 1. All such canopies, tents, or other structures shall be permitted through the
- 23 Town.
- 24

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- 1 2. Temporary structures shall be located at least five (5) feet from any curb,
2 sidewalk, crosswalk, or fire hydrant.
- 3 3. Temporary structures shall be positioned so as to keep entrances, exits, and
4 emergency exits clear at all times.
- 5 4. Permanent such structures (i.e., pavilions) shall meet the setback requirements
6 for the district.
- 7 C. Temporary tables, chairs, displays, display stands, products for sale, and other
8 similar equipment shall be located at least five (5) feet from any curb, sidewalk,
9 crosswalk, fire hydrant, entrance, or emergency exit.
- 10 D. Outside sales that are associated with either seasonal sales or special events shall
11 also follow the regulations outlined in Chapter 5.

6.02.10 Gasoline Station

- 12 A. Gasoline service stations are permitted in zoning districts as outlined in Chapter 2,
13 subject to the standards of the zoning district and the supplemental standards set
14 forth in this section.
- 15 B. Gasoline stations shall have a minimum lot size of 40,000 square feet.
- 16 C. Gasoline stations shall front on an arterial road or a major collector road. (DM)
- 17 D. Where gasoline stations abut residential property, a minimum buffer of 20 feet shall
18 be provided.

6.02.11 Bars and Cocktail Lounges

- 19 A. Bars and cocktail lounges are permitted in zoning districts as outlined in
20 Chapter 2, subject to the standards of the zoning district and the supplemental
21 standards set forth in this section.
- 22 B. Bars and cocktail lounges shall be located on an arterial road.
- 23 C. Bars and cocktail lounges as a stand-alone use shall provide a minimum buffer
24 of 20 feet when abutting residential property.

6.02.12 Automobile Sales

- 25 A. Automobile sales lots are permitted as allowed in Chapter 2 subject to the standards
26 of the zoning district and the supplemental standards set forth in this section.
- 27 B. Automobile sales shall have a minimum lot size of 40,000 square feet.
- 28 C. Automobile sales shall front on an arterial road.
- 29 D. Where automobile sales abut a residential property, a minimum buffer of 20 feet
30 shall be provided.

6.02.13 Animal Hospital or Veterinary clinic

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- 1 A. Veterinary businesses are permitted as allowed in Chapter 2 subject to the
- 2 standards of the zoning district and the supplemental standards set forth in this
- 3 section.
- 4 B. Veterinary businesses located in Neighborhood commercial, Town Center
- 5 Commercial, or Planned Unit Development zoning shall not include outside
- 6 kennels.
- 7

6.02.14 Religious Uses and Facilities

- 8 A. Religious uses and facilities are permitted in zoning districts as outlined in Chapter
- 9 2, subject to the standards of the zoning district and the supplemental standards set
- 10 forth in this section.
- 11 B. The primary use for a religious facility is worship. Worship is a form of religious
- 12 practice with its creed and ritual.
- 13 C. Uses and activities other than worship shall be considered accessory uses and shall
- 14 be clearly ancillary to the primary use. Such uses and activities shall be limited to
- 15 religious instruction; offices to support the religious facility; child or adult day care,
- 16 subject to the standards of Section 6.02.05; private academic schooling, subject to
- 17 the standards of 6.02.14 (F); activity hall, with or without a kitchen, subject to the
- 18 standards of 6.02.14 (G); and cemeteries regulated as set forth in Section 6.02.04.
- 19 Churches may also accommodate meetings of civic organizations and groups such
- 20 service organizations, boy scouts, girl scouts, weight watchers and similar
- 21 activities.
- 22 D. All accessory uses are subject to the following requirements:
- 23 1. The accessory use shall be owned and operated only by the owner of the
- 24 primary use.
- 25 2. The owner of the primary use shall obtain any licenses required to conduct the
- 26 accessory use. Any approval of the accessory use shall be contingent upon
- 27 receipt of all licenses.
- 28 3. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 8:00
- 29 p.m.
- 30 4. All exterior lighting shall be directed or shielded to avoid illumination of
- 31 adjacent properties.
- 32 5. Outdoor play or activity areas shall be no closer than twenty-five (25) feet from
- 33 property zoned for residential use, as measured to the nearest residential
- 34 property line.
- 35 E. The following activities shall be prohibited in association with religious uses:
- 36 retreat centers and overnight lodging facilities or other temporary sleeping quarters.
- 37 Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling
- 38 unit may be provided as a parsonage, subject to the standards of Section 6.02.14
- 39 (H).
- 40 F. Private academic schools are permitted accessory uses subject to the following
- 41 standards:
- 42

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- 1 1. The total floor area allocated to the school shall not exceed twenty (20) percent
- 2 of the total gross floor area on the site. The calculation of total floor area
- 3 allocated to the school shall include all components of the school: classrooms,
- 4 school library, school offices, teacher work areas, and the like, including related
- 5 mechanical and support facilities.
- 6 2. An off-street drop-off area for persons served by the facility shall be provided.
- 7 G. An activity hall is a permitted accessory use, provided that the total floor area
- 8 allocated to the activity hall, including related mechanical and support facilities,
- 9 shall not exceed twenty (20) percent of the total floor area on the site.
- 10 H. One (1) residential dwelling unit is permitted to serve as a parsonage, subject to the
- 11 following standards:
- 12 1. The parsonage shall be used exclusively for the dwelling unit and shall not
- 13 include any primary or other accessory use permitted on the site.
- 14 I. A specific parking plan shall be provided. This plan shall identify the primary use
- 15 and each accessory use proposed on the site. The parking plan shall indicate the
- 16 hours of operation and peak times of use (parking demand) for the primary use and
- 17 each accessory use on the site. The parking standards for the primary use and each
- 18 accessory use shall be identified based upon Table 8.03.07 of Chapter 8. The
- 19 parking plan may include reduced or shared parking. If reduced or shared parking
- 20 is proposed, the parking plan and supporting data shall clearly indicate that differing
- 21 peak use and associated parking requirements shall not result in a parking
- 22 deficiency on the site. The parking plan shall indicate areas designated for overflow
- 23 parking during times of extraordinary use (such as festival or holiday periods).
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CHAPTER 7

Landscaping, Irrigation and Hardscape

1

2

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1 **7.00.00 GENERAL**

2 In a landscape, plants fulfill multiple roles. For example, landscape designers often
3 recommend grouping plants into masses to unify the design of plant beds. Groups of
4 plants are visually pleasing, but this design technique provides environmental benefits
5 as well. Trees planted in groups provide more atmospheric cooling than the same
6 number of evenly spaced, isolated trees and are much better protected in high winds.
7 In addition, trees planted in combination with appropriate shrubs and groundcovers
8 form effective windbreaks and wildlife habitat.

9
10 Florida’s environment is at risk from pollution, water shortages, exotic pests, and
11 habitat loss. Landscapes that incorporate “Florida-friendly” practices can help address
12 these concerns. Many Floridians inadvertently contribute to these problems because
13 they do not realize the impact their landscape management practices have on the
14 environment. Florida-friendly landscape practices help ensure Florida’s natural
15 beauty.

16 **7.00.01 Purpose and Intent**

17 The Howey in the Hills Town Council finds that the health, safety, and welfare of its
18 residents, property owners, business owners and visitors, can best be protected by land
19 use regulations that support and enforce the following goals

- 20 A. Preserve, enhance, or restore the unique natural environment of the community.
- 21 B. Ensure that a diversity of plants and trees indigenous to the Town shall be
22 maintained.
- 23 C. Ensure that the majority of plantings on development projects are native and
24 drought-tolerant species.
- 25 D. Protect all specimen trees and viable treed areas as a vital natural resource and as
26 a sanctuary for birds and animals.
- 27 E. Establish appropriate landscaped buffers to promote open space, mitigate impacts
28 between different land uses, and create wildlife corridors.
- 29 F. Regulate the removal and replacement of trees from all public and private property
30 within the Town.
- 31 G. Preserve, enhance, or restore shade along streets and sidewalks to promote
32 pedestrian activity and create appealing public corridors.
- 33 H. Improve the appearance, environment, character, and value of the total urban area.
- 34 I. Control flooding, soil erosion, heat, and air and noise pollution.
- 35 J. Conserve potable water by planting native and drought-tolerant species.
- 36 K. Protect life and property by appropriately planning the location and management
37 of trees and vegetation.

38 **7.00.02 Applicability**

39 The requirements of this chapter shall apply to all uses within the Town. Where the
40 size or shape of the lot or parcel, or any other circumstance requires waivers from any

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1 of the requirements of this chapter, the applicant may mitigate by entering into an
2 agreement with the Town to contribute to the Town’s landscaping fund. Monies from
3 the landscaping fund shall be used to enhance landscaping of public property within
4 the Town limits.

5 **7.00.03 Landscape Architect Required; Exemptions**

6 Unless otherwise exempted by Florida Statutes, landscape plans for the following
7 development projects shall be prepared by and bear the seal of a registered landscape
8 architect:

- 9 A. All new development, except individual residences on individual lots.
- 10 B. Expansion and exterior alteration of existing non-residential development.
- 11 C. Expansion and exterior alteration of existing residential development, except
12 individual residences on individual lots.

13 The landscape architect shall provide a sealed letter that he or she has inspected the
14 landscaping and irrigation and that it complies with the plans as drawn. This letter
15 must be received prior to issuing the certificate of completion or certificate of
16 occupancy for the development.

17 **7.01.00 LANDSCAPE PLANS FOR DEVELOPMENT**

18 **7.01.01 Preliminary Subdivision and Site Plans**

- 19 A. Tree Surveys. As part of the Preliminary Subdivision and Preliminary Site Plan
20 processes, each applicant shall provide a tree survey overlay on their plans. The
21 tree survey shall show all trees with a DBH of 6” or greater. The plan sheet with
22 the tree survey shall include a legend denoting the size of each tree (in DBH), the
23 tree species, and whether it is proposed to be saved or destroyed. If the applicant
24 proposes to remove any existing trees with a DBH of 6” or greater, and if the Town
25 Council approves the removal of such trees, the applicant will need to follow the
26 tree mitigation section of this chapter.
- 27 B. Buffers, Open Space, Parking Areas, Stormwater Ponds. As part of the Preliminary
28 Subdivision and Preliminary Site Plan processes, applicants shall outline areas on
29 the property to be dedicated to buffers, open space, parking areas, stormwater
30 ponds, and other site features that will require landscaping, irrigation and
31 hardscape. Although the formal landscape plans are not required until the Final
32 Plan process, applicants shall take into account the space needed for landscaping
33 and hardscape in these areas as they submit their Preliminary Plans.

34 **7.01.02 Final Subdivision and Site Plans**

- 35 A. Landscape Plan Requirements. Landscaping, irrigation, and hardscape are vital
36 parts of any development. A landscape plan showing proposed landscape,
37 irrigation and hardscape areas shall be submitted for review and approval by the
38 Town as part of the Final Subdivision and Final Site Plan processes or as part of a
39 building permit application for development that does not require a Final Plan.

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- 1 Landscape plans shall be drawn at a scale of no smaller than 1"=30' and include
- 2 and indicate the following:
- 3 1. Location, type and size of all existing trees, and a table indicating which are to
- 4 be saved or removed
- 5 2. Location of all structures including buildings, freestanding signs, vehicular use
- 6 areas and other improvements proposed for the property
- 7 3. Location of overhead power lines and adjacent rights-of-way
- 8 4. Location of existing vegetative communities to remain undisturbed
- 9 5. Indication of soil types found on the subject site by soil boundary line and
- 10 description, as well as the specifications for soil amendment where such is
- 11 needed
- 12 6. Location and type of all proposed landscape materials
- 13 7. Plant list including quantity, type, and specifications of proposed landscape
- 14 materials
- 15 8. General notes including mulching requirements, fertilization and installation
- 16 instructions, and other such information as needed
- 17 9. Planting details as needed
- 18 10. Tree protection measures as outlined in this chapter.
- 19 11. Water source for irrigation
- 20 12. Water meter and/or point of connection
- 21 13. Backflow prevention devices
- 22 14. Pump station size and location
- 23 15. Design operation pressure and flow rate per zone
- 24 16. Irrigation system design including location of pipe, controllers, valves,
- 25 sprinklers, sleeves, and gate valves
- 26 B. In creating the landscape plan, the landscape architect shall take into consideration
- 27 the following:
- 28 1. The objective of landscaping shall be to preserve and enhance the particular
- 29 elements of each specific site.
- 30 2. The landscape areas shall be located on the site in such manner as to maximize
- 31 preservation of existing trees and natural areas.
- 32 3. Linking adjacent sites with landscape buffers or preservation of natural areas
- 33 shall be pursued to the extent possible in order to develop wildlife corridors
- 34 throughout the Town
- 35 4. Plants shall be grouped to the extent possible based on water needs so the
- 36 irrigation system can be most efficient
- 37 5. Florida native, drought tolerant and low maintenance plants shall be used to the
- 38 extent possible
- 39 6. Plants that provide shelter and feed wildlife shall be used to the extent possible
- 40 7. Ground covers other than grass shall be used whenever possible
- 41 8. Stormwater retention areas shall not be credited toward meeting the open space
- 42 requirement unless they are planted.
- 43 9. All planted areas shall be mulched with a three-inch (3") depth of mulching
- 44 material unless a ground cover is used.

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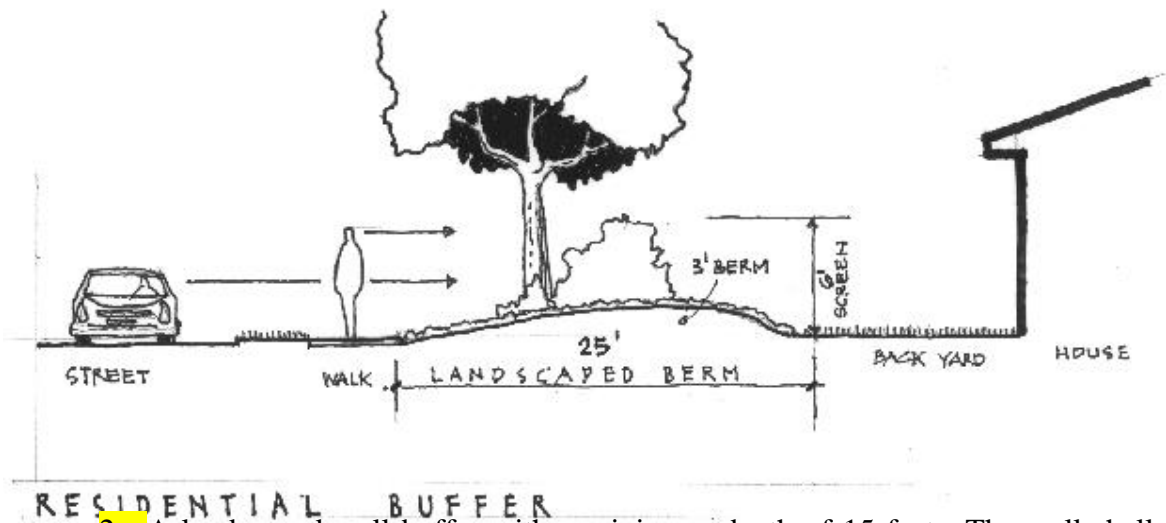
1 10. Hardscape is an important component of development. Inanimate elements add
2 visual interest, increase property value, and make the outdoor space more
3 inviting as an outdoor living environment. Use of hardscape such as walls,
4 fences, fountains, benches, trash receptacles, planters, streetlight fixtures,
5 fountains, gazebos, arbors, trellises, decorative paver materials and outdoor art
6 should be included in the landscape plan.

7 **7.02.00 BUFFERS**

8 **7.02.01 Residential Buffers**

9 A. A form of screening shall be provided to separate residential subdivisions from
10 abutting arterial or collector streets. The intent of the screening is to reduce visual,
11 light, and noise impacts and to prevent access directly from the lot to the arterial or
12 collector street.

13 B. For single family subdivisions and multi-family site plans, the buffer shall be either:
14 1. A landscaped berm with a total depth of at least 25 feet and no steeper than
15 3H:1V. The berm shall be at least three feet in height and the berm together
16 with the landscaping, shall comprise a continuous screen of at least 5 and one
17 half feet (5.5') at time of planting and six feet (6') within one year of planting.
18 Canopy trees shall also be planted every 50 feet along the berm. For single
19 family subdivisions, these buffers shall be on common property and dedicated
20 to the homeowners' association for ownership and maintenance
21 responsibilities. For multi-family sites, the buffer will be either owned by the
22 property owner, or in the event of multiple owners, a condominium association
23 or other common entity will own and maintain the buffer.



39 2. A landscaped wall buffer with a minimum depth of 15 feet. The wall shall
40 maintain a height of six feet from grade on highest side and all walls shall have
41 a decorative exterior (no exposed block). Acceptable materials for wall faces
42 are brick, stucco or stone or a combination of those materials. Wall columns

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1 shall have a maximum spacing of thirty feet (30') on walls up to two hundred
2 feet (200') in length and forty feet (40') on walls more than two hundred feet
3 (200') in length. Wall columns may extend up to two feet (2') above the height
4 of the wall. Within each fifty-foot (50') increment along the wall, two (2)
5 canopy trees, two (2) understory trees, and 30 linear feet of shrubs shall be
6 planted. The trees shall not be closer than five feet (5') to a walk or wall. The
7 shrubs shall be at least 30" in height at time of planting. For single family
8 subdivisions, these buffers shall be on common property and dedicated to the
9 homeowners' association for ownership and maintenance responsibilities. For
10 multi-family sites, the buffer will be either owned by the property owner, or in
11 the event of multiple owners, a condominium association or other common
12 entity will own and maintain the buffer. [NOTE: FW says change the 5' and 6'
13 buffers in the diagram below to 7.5'.]

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- 28 3. For residential subdivisions or site plans, where a stormwater pond adjoins the
29 roadway, the wall or berm may be replaced with wrought iron fencing and
30 accompanying landscaping.
 - 31 4. In designing residential buffers, overhead utility lines shall be taken into
32 account. Buffers must not be placed so as to cause future conflicts between
33 overhead utility lines and canopy trees. Where overhead utility lines exist, the
34 buffer shall be designed so that the canopy trees are offset a minimum of 25
35 feet from the line of the overhead utility lines.
 - 36 5. All canopy trees must have root barriers. (FW)

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7.02.02 Non-Residential Buffers

- A. Landscaped buffer areas or landscaped wall areas intended to screen parking areas, stormwater ponds, or other site features shall be a minimum of **1520 (DM)** feet in depth if they adjoin a street, and a minimum of **1015 (DM)** feet in depth if they adjoin another non-residential parcel. Provisions for cross access easements between parcels under separate ownership shall be made when designing buffers. Berms may be used in addition to plants, fencing and walls to create an attractive screen.
- B. The landscaped buffer shall contain at least one canopy tree, two understory trees and 30 linear feet of shrubs and ground cover for each 50 linear feet of buffer. Canopy trees shall be located **no less than five feet (5') and no more than at least (DM) eight feet (8')** from sidewalks and other walkways in order to provide shade while minimizing conflicts between tree roots and sidewalks. Similarly, canopy trees shall be used to shade parking areas that adjoin buffers. Understory trees may be planted in groupings and palms may be planted in place of understory trees when clustered in groupings of three or more trees.
- C. In designing non-residential buffers, overhead utility lines shall be taken into account. Buffers must not be placed so as to cause future conflicts between overhead utility lines and canopy trees. Where overhead utility lines exist, the buffer shall be designed so that the canopy trees are offset a minimum of 25 feet from the line of the overhead utility lines.
- D. In the Town Center Overlay area, landscaped buffers may be modified in order to provide additional room for public plazas, wider sidewalks for seating of patrons, and on-street parking.

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1 E. When a non-residential use is proposed adjacent to residential property, the non-
2 residential property owner shall be required to provide a minimum of a ~~15~~ **20 (DM)**
3 **-foot-wide** buffer. When considering this buffer, the Town’s objective will be to
4 protect the residential area from noise, traffic, light, and other factors that may be
5 associated with the non-residential use. If non-residential and residential properties
6 are adjoining and owned by the same entity, buffer requirements between the two
7 uses will be determined during the development review process.

8 **F. All canopy trees must have root barriers. (FW)**

9 **7.03.00 STREET MEDIANS**

10 A. Within residential areas, landscaped medians are encouraged as a traffic calming
11 device. When provided these medians shall be placed along straight expanses of
12 streets that exceed 600 feet. Landscaped medians may also be placed at
13 intersections in residential neighborhoods as a traffic calming device. Entrance
14 medians are also permitted and encouraged.

15 B. Landscaped islands and medians within private streets or the public rights-of-way
16 shall conform to the following:

- 17 1. The minimum size of a landscaped island or median along straight expanses of
18 streets shall be a minimum of eight feet (8’) wide and 40 feet long.
- 19 2. All landscaped islands in residential subdivisions shall be curbed (FDOT Type
20 I)
- 21 3. All islands and medians with landscaping shall have irrigation.
 - 22 a. All landscaped islands shall have trees and low shrubbery or groundcover.
23 In some cases, such as at intersections, hardscaped islands may be permitted
24 or a combination of landscape and hardscape.

25 **7.04.00 LANDSCAPING**

26
27 **7.04.01 Florida Water Star Program/Florida Friendly Landscaping**

28 A. All required landscaping and irrigation shall be installed and maintained to be consistent
29 with the water-efficient landscaping requirements established herein. Landowners are
30 additionally encouraged to follow Waterwise Florida Landscapes, Florida Water Star
31 Program, and Florida Irrigation Society Standards.

32 B. Landscape plants shall be selected based on appropriateness to the site considering
33 conditions such as soil type, moisture, and sunlight using the principle of “right plant –
34 right place,” as described by the Florida Friendly Landscaping program. The plants shall
35 be grouped and irrigated by hydrozone in accordance with their respective water needs.
36 A list of appropriate plants and plant resources is contained in The Plant List for Lake
37 County.

38 C. Synthetic Lawns and Plants: Synthetic or artificial turf, trees and plants shall be
39 prohibited from use in lieu of required live plantings.

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D. Limit irrigated lawn areas. Irrigation is not mandated by the Town. The use, type and location of irrigated lawn area in the landscape shall be selected in a planned manner and used as a fill-in material. Since most lawn varieties used in landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately. The installation of turf grass shall be subject to the following:

- 1. Irrigated turf grasses may be installed on a maximum of sixty (60) percent of the pervious (landscape) area of any lot or parcel as follows:

TURF GRASS TABLE	
Site Size	Irrigated Turf Area
< 5 Acres	60% 70% (DM) of the pervious landscaped areas
5 to 10 Acres	60% of the pervious landscaped area, not to exceed 5 acres, whichever is less.
>10 acres	60% of the pervious landscaped area, not to exceed 10 acres, whichever is less

- 2. Exemptions:
 - (a) Unirrigated turf having an excellent drought tolerance rating, such as Bahia grass, may be used on the entire site and is not subject to this limitation.
 - (b) Agricultural uses, commercial golf courses greens and fairways, cemeteries, and public or private active recreation fields such as ball fields are exempt from this limitation.
 - (c) Existing Development: Property owners shall be encouraged to replace lawns and plants with Florida-Friendly Landscaping and drought tolerant turf for development existing as of June 14, 2021.
 - (d) The percentage of micro irrigation and/or non-irrigated areas shall be no less than ~~40~~ 30 (DM) percent of the total irrigable area.

7.04.02 Landscaping Non-Single-Family Primary Structures

- A. A minimum 10-foot wide landscaped area shall be provided along all sides of the building, except the following:
 - 1. Where areas such as motor vehicle bays or loading zones would prohibit it
 - 2. In front of storefront windows that directly abut a pedestrian way
 - 3. Where the building is within 25 feet of a required landscaped buffer or natural areas which will be preserved.
- B. This required area shall be primarily comprised of shrubs, ornamental plants, and groundcovers. Turf should not be used in this area and trees that require more room for mature growth should not be placed close to buildings. Irrigation should be

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- 1 limited to drip or other components that will not spray towards the building or trap
- 2 water near the building foundation. Hardscape, such as benches, sculpture, or
- 3 planters, is encouraged within this area.
- 4 C. Landscape materials required by this section should be located to achieve the
- 5 following:
- 6 1. Screen mechanical equipment, air conditioning units or any other visible
- 7 outdoor equipment adjacent to the primary building
- 8 2. Provide visual interest along building facades
- 9 3. Enhance walkways, entrances, seating areas, and other similar pedestrian areas

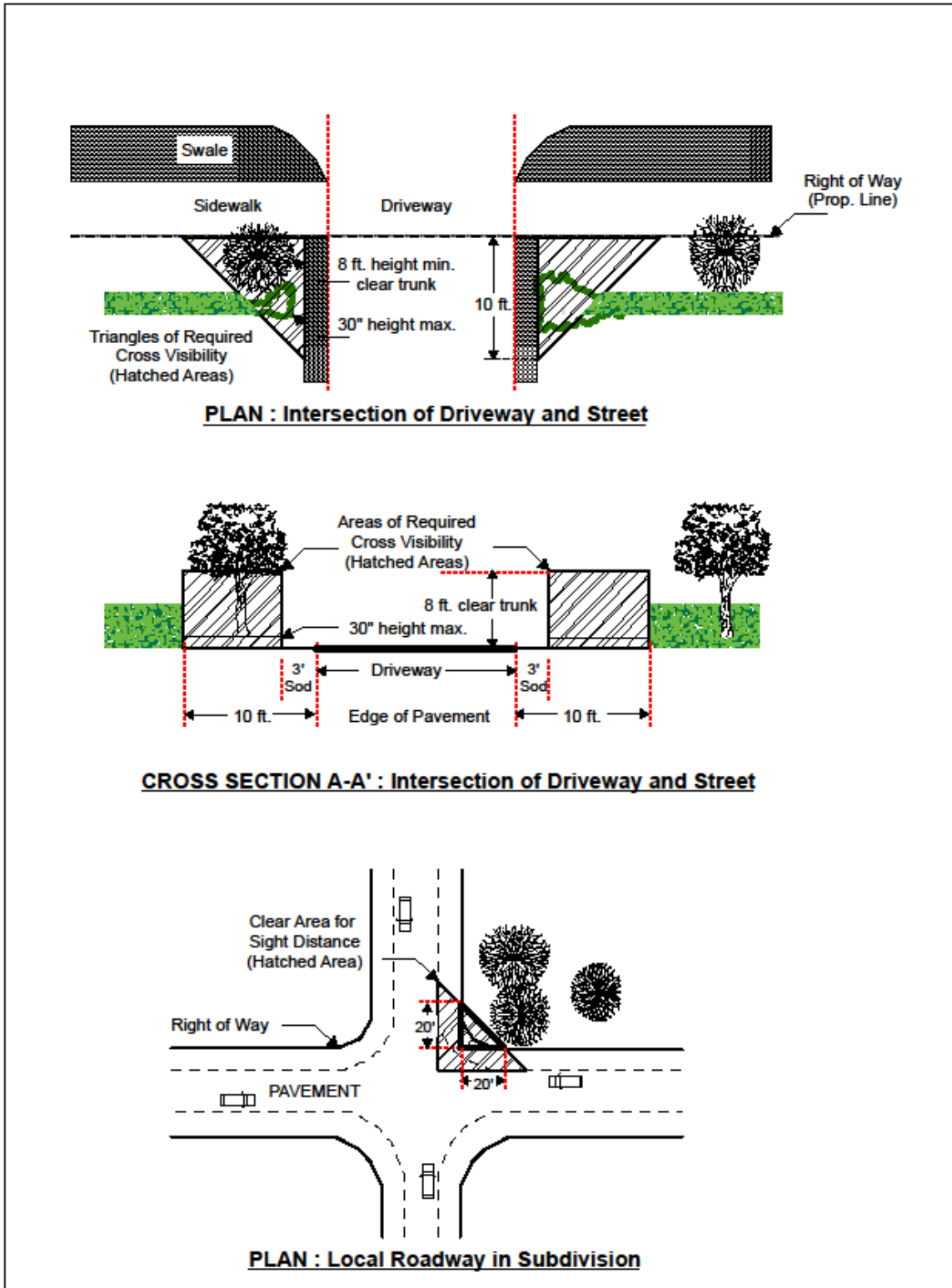
7.04.03 Landscaping Non-Single-Family Accessory and Secondary Structures

- 10
- 11 A. If accessory structures or any sides of accessory structures are visible from public
- 12 or private streets or parking areas, those structures or sides of structures shall be
- 13 landscaped. If the accessory or secondary structure includes offices or customer
- 14 areas, the structure shall be landscaped under the same requirements as section
- 15 7.04.01 (primary structures). If the accessory structure is used for storage or non-
- 16 customer work areas, landscaping shall be designed to screen visible outdoor
- 17 mechanical equipment and to provide visual interest along the facades visible from
- 18 streets or parking areas.
- 19 B. Solid Waste Refuse Facilities. All dumpsters shall be enclosed on three sides with
- 20 a six-foot block enclosure. The enclosure shall be of similar or compatible material
- 21 to the primary structure such as stucco, brick, or stone. The fourth side (access)
- 22 shall be screened with an opaque gate. The gate may be of wood or vinyl, but not
- 23 chain link. The three sides of the enclosure shall be landscaped with bushes or
- 24 hedges.
- 25 C. Signs. Ground signs for non-residential areas shall be landscaped at the base with
- 26 a minimum of 2 square feet of landscape material for every 2 feet of sign face.
- 27 The irrigation system shall accommodate this landscaping.

7.04.04 Visibility Triangle at Intersections

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30 In order to preserve visibility at intersections of streets and at intersections of driveways
31 with streets, a visibility triangle shall be preserved as shown in the following diagram.
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7.05.00 VEHICULAR USE AREAS

Vehicular use areas shall be screened in accordance with the following provisions. Off-street parking and vehicular use areas which are visible from any public or private street or right-of-way shall be screened with any combination of hedge, fence, walls, or berms which provide a minimum three-foot high visual barrier at time of planting. The location of such screening features shall be adjacent to the entire area perimeter.

7.05.01 Parking Lots

The following requirements are established to provide shade and visual interest to parking lot areas. The Town will place emphasis on preserving existing trees and applicants will be expected to take existing trees into consideration when designing parking lots.

- A. Terminal islands. Each row of parking spaces shall be terminated by landscaped islands to separate parking from adjacent drive aisles. Terminal islands shall measure a minimum of ten feet (10') in width and 20 feet (20') in length. Each terminal island shall include a canopy tree which is at least 4 inches DBH at time of planting, and ground cover. Shrubs may also be included.
- B. Interior islands. Interior islands shall be used to shade parking lots. Interior islands are required every ten (10) parking spaces and shall be, at a minimum, the same size of a parking space (10 feet by 20 feet). Each interior island shall include a canopy tree which is at least 4 inches DBH at time of planting, and ground cover. Shrubs may also be included.
- C. Divider medians. Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking. The minimum width of a divider median shall be 10 feet. Canopy trees at least 4 inches DBH at time of planting shall be spaced no fewer than one tree every 40 feet. Ground cover, shrubs, and understory trees shall also be included in divider medians.
- D. All parking lot landscaping shall be designed with an irrigation system.
- E. Protection of Landscaped Areas.
 - 1. Curbing. Terminal islands, interior islands and divider medians shall be separated from vehicular use by non-mountable, reinforced concrete curbing of a type approved by the Town. Curbed landscaped areas shall be backfilled to a height of four inches below the back of curb, except where such backfill would impact an existing tree. Unreinforced extruded curbing shall be prohibited. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.
 - 2. Wheel stops. All landscaped areas adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above finished grade of the parking area. Wheel stops shall be properly anchored and maintained in good condition.

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1 **7.06.00 IRRIGATION SYSTEM DESIGN**

2 **7.06.01 General Landscape Irrigation Requirements**

- 3 A. All installed automatic irrigation systems shall be designed to provide irrigation
4 appropriate to meet the needs of the landscaped area to be served. In evaluating
5 irrigation plans, the primary consideration shall be water conservation. Irrigation
6 systems shall be designed to provide the minimum irrigation necessary to ensure
7 the survival of the plant material and shall be designed to avoid runoff and promote
8 optimal percolation.
- 9 B. All new residential, commercial, or industrial construction systems shall be
10 consistent with the irrigations systems standards.
- 11 C. The use of temporary irrigation systems that can be removed following
12 establishment of vegetation is the preferred method of irrigation and permanently
13 installed irrigation systems are discouraged.
- 14 D. Landscape irrigation shall comply with the applicable water use permits, rules, and
15 water shortage orders of the water management district where the landscape
16 irrigation will occur.
- 17 E. To conserve potable water, reclaimed water, storm water ponds, water recycling
18 systems, and water collected from cisterns shall be encouraged for landscape
19 irrigation water if the water quality will meet the needs of the landscape. Such use
20 must comply with the applicable water use permits, rules, and water shortage orders
21 of the water management district where the landscape irrigation will occur.
22 Developments seeking to use water from retention ponds or natural lakes for
23 landscape irrigation shall comply with all applicable water use permits, rules, and
24 water shortage orders of the water management district where the landscape
25 irrigation will occur.

26
27 **7.06.02 Irrigation Design Standards**

- 28 A. All irrigation systems shall be designed in accordance with one of the following
29 standards:
 - 30 1. Florida Water Star Program; or
 - 31 2. Adhere to the following standards:
 - 32 a. Sprinkler irrigation area shall not exceed **60% 70% (DM)** of the irrigated
33 area. Other irrigation shall consist of low volume irrigation or micro-
34 irrigation systems. This standard is applicable on residential and
35 commercial lots over 1/8th acre. This requirement applies to common areas
36 and open space is developments.
 - 37 b. Sprinkler irrigation shall not be installed in narrow areas that are four (4)
38 feet or less in width unless correctly installed micro-irrigation is used.
 - 39 c. Sprinkler irrigation shall not be used for trees, shrubs, and groundcover
40 beds. Permanent low volume or micro-irrigation systems may be used in
41 these areas, but the Town encourages the use of temporary establishment

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- 1 irrigations systems which may be removed after the vegetation is
- 2 established.
- 3 d. Irrigation zones shall be divided according to vegetated groupings (i.e.,
- 4 turfgrass, shrubs, trees, etc.) and the water requirements of the plants.
- 5 e. Sprinkler head types, such as spray heads and rotors, shall not be mixed in
- 6 the same zone.
- 7 f. Distribution equipment in a given zone shall have matched precipitation
- 8 rates.
- 9 g. Rotors and spray heads in turfgrass areas shall be spaced to provide head-
- 10 to-head coverage.
- 11 h. A minimum separation of four inches is required between distribution
- 12 equipment and the pavement.
- 13 i. A minimum separation of 24 inches is required between distribution
- 14 equipment and buildings and other vertical structures.
- 15 j. A rain shut-off device shall be required on all irrigation systems to avoid
- 16 irrigation during periods of sufficient rainfall. The rain sensor device shall
- 17 consist of an automatic sensing device or switch that will override the
- 18 irrigation cycle when adequate rainfall has occurred. It shall be placed
- 19 where it is exposed to unobstructed natural rainfall and in compliance with
- 20 Section 373.62, Florida Statutes, as amended.
- 21 k. Irrigation systems equipped with an automatic control system shall, at a
- 22 minimum, provide the following capabilities:
- 23 (1) Ability to be programmed in minutes, by day of week, season, and time
- 24 of day or by inches of water, by day of week, and time of day.
- 25 (2) Ability to accommodate multiple start times and programs.
- 26 (3) Automatic shutoff after adequate rainfall
- 27 (4) Ability to maintain time during power outages for a minimum of three
- 28 days, and
- 29 (5) Operational flexibility to meet the applicable water management
- 30 district's year-round water conservation requirements and water
- 31 shortage order restrictions.
- 32 l. Check valves or similar devices which are capable of holding a minimum
- 33 of a five-foot head shall be used in low-lying areas to prevent head drainage
- 34 unless using valve-in-head sprinklers.
- 35 m. Irrigation system equipment shall be installed in accordance with
- 36 manufacturer's specifications.
- 37 n. Sprinkler heads shall not spray onto walkways, buildings, roadways, and
- 38 driveways.
- 39 o. Pipes shall have a flow velocity of five-feet per second or less.
- 40 p. Pipelines shall be designed to provide the system with the appropriate
- 41 pressure required for maximum irrigation uniformity.
- 42 q. All irrigation system underground piping shall have minimum soil cover of
- 43 six inches.

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7.06.03 Irrigation Design and Installation Affidavits

- A. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation system will comply with the standards of the Section, signed and sealed by a landscape architect licensed to practice in the State of Florida shall be included with the development application for all planned development.
- B. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation system will comply with the standards of this Section, signed by a landscape architect licensed to practice in the State of Florida, builder, owner, or experienced irrigation professional shall included with all building permits where a permanent irrigation system shall be installed on the property.
- C. Within thirty (30) days of any irrigation system installed pursuant to this Section, the permittee or property owner shall submit to the Town a written self-certification from a Florida Water Star inspector, accredited professional, licensed irrigation contractor, or licensed landscape professional that the irrigations system on property meets the requirements of this Section. The owner, acting as owner-builder, may certify the irrigation system for a building permit as meeting the requirements herein.
 - 1. All properties subject to this irrigation certification may be inspected to ensure compliance with the requirements of this Section.
 - 2. Contractors and/or property owners shall be accountable for proper installation and compliance through self-certification.
 - 3. The Town may conduct random inspection to ensure compliance with the code.
 - 4. No Certificate of Occupancy for any development or building permit subject to the requirements of this Section shall be issued until the applicant has installed irrigation in compliance with e requirements of this Section.

7.06.04 Exemptions

A. The following sites are exempted from the provisions of this Section but shall follow applicable Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries, as amended.

- 1. Vegetable gardens and fruit and nut trees
- 2. Athletic fields
- 3. Golf course play areas,
- 4. Cemeteries

7.07.00 HARDSCAPE

7.07.01 General

A. Hardscape consists of the inanimate elements of landscaping. For instance, brick walls, water fountains and arbors would all be considered part of the hardscape.

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Street furnishings like benches, trash receptacles, large planters, decorative signage and lighting fixtures and sculptures are also examples of hardscape.
B. Hardscape Examples. Below are some examples of hardscape that can be used to meet the intent of this section:

1. Public Art



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2. Benches, Pavers and Planters



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3. Entrance or Gateway Features



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4. Plazas and Fountains



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- C. Hardscape Plans Require
 - 1. All hardscape shall be included in the Final Subdivision and Final Site Plan landscaping plans. Wall details including footer typical sections and column details are required as part of the plans as well as detailed signage plans, including lighting for the signs.
 - 2. Each subdivision, site or overall development may be individually themed and designed with its own architectural and landscaping style. To meet the intent of this section, hardscape shall be added to the overall exterior of the property both to serve particular functions and to add overall interest and character to the development and the Town. The number of hardscape elements should be relative to the size of the property as well as the use of the property.
 - 3. Hardscape components that serve particular functions. Each site shall incorporate functional elements including, but not limited to, the following:
 - a. Decorative benches for seating areas
 - b. Arbors or trellises for additional shade in pedestrian or entrance areas
 - c. Decorative trash receptacles
 - d. Decorative lighting fixtures
 - e. Decorative pavers to outline pedestrian walkways
 - 4. Hardscape components that add visual interest and character. Each site shall incorporate elements including, but not limited to, the following:
 - a. Sculpture or other public art
 - b. Entrance or gateway features
 - c. Fountains
 - d. Decorative planters
 - e. Outdoor plazas or seating areas for employees and patrons, where applicable

28 **7.08.00 LANDSCAPING INDIVIDUAL RESIDENCES**

29 Building permit applications for new homes will be required to include landscape and
30 irrigation plans for approval. The plans shall be clearly readable, drawn to a reasonable
31 scale, show the entire site to be irrigated, and must include all improvements. Unless
32 prepared by the property owner, drawings shall be prepared by a Florida registered
33 landscape architect, a landscape contractor, or an irrigation contractor. The
34 landscaping and irrigation shall be inspected as part of the overall permit and no
35 certificate of occupancy shall be issued unless the landscaping and irrigation has been
36 installed and accepted.

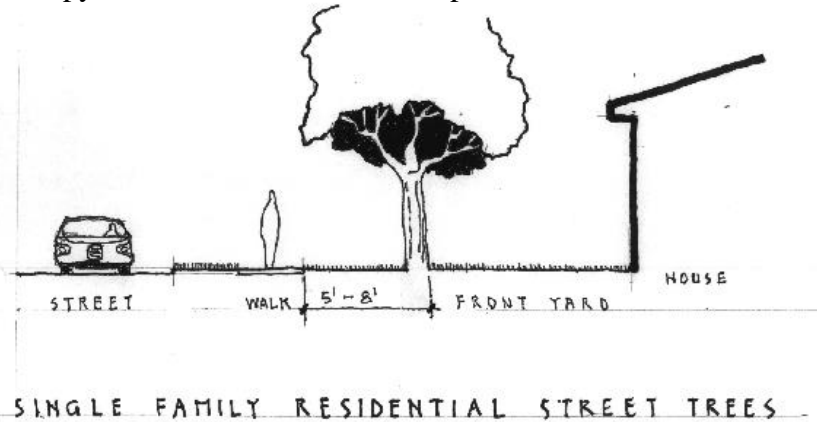
37 **7.08.01 Required Landscaping**

- 38 A. For single family lots that are one half acre or less in size, a minimum of three (3)
39 canopy trees is required. Each such single family lot will be required to have one
40 tree with a caliper of at least four inches and two trees each with a caliper of at least
41 2-1/2 inches. These trees shall have a minimum height of 10 feet at time of planting.

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1 These trees should be canopy trees as listed in this chapter. Existing trees may be
2 counted as meeting this requirement, as long as they are of sufficient size and
3 accepted species.
4

5 One of the canopy trees on each such single-family lot shall be planted in the front
6 yard, no less than **5-8 (FW)** feet and no more than **8-10 (FW)** feet from the sidewalk
7 or lot line. **Canopy trees planted within ten feet of a sidewalk must have root**
8 **barriers.(FW)** These trees will help to form a canopy over the sidewalk and street
9 sides. Corner lots are required to provide two such trees, one on the front and one
10 on the side of the lot. Additionally, if the lot is more than 100 feet wide at the
11 sidewalk, then the lot will be required to have two such trees. Existing trees in this
12 specific area can be counted as meeting this requirement. These trees shall be
13 coordinated with the placement of streetlights to prevent conflicts. A list of
14 approved canopy trees is included in this chapter.
15



28 For lots greater than one half acre in size, an additional canopy tree is required for
29 each additional eighth of an acre above the one-half acre, or portion thereof.
30

- 31 B. A minimum of two (2) understory trees are required for single family lots of one-
32 half acre or less in size. For lots greater than one half acre in size, an additional
33 understory tree is required for each additional one quarter of an acre above the one-
34 half acre, or portion thereof.
- 35 C. A maximum of **fifty percent (50%) - 70% (DM)** of the landscaped area may be
36 covered with sod. Other ground covers should be used to the extent possible
- 37 D. Shrubs and other plants shall be used as foundation plants along the outline of the
38 house, except where doors or patios are located. Alternate plantings may be
39 permitted if the architectural style of the house warrants it.
- 40 E. A minimum of two areas of the yard that have at least 400 square feet of non-turf
41 plantings in a row or cluster, not including the foundation plantings, is required.
42 For single family lots greater than one half acre in size, an additional 400 square
43 feet of non-turf plantings in a row or cluster, not including the foundation plantings,
44 is required for each additional eighth of an acre, or portion thereof. **[NOTE: DM**

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says change “max of 400 sq.ft” to “max of ___ % of landscape area on lot.” Not sure what the change is.]

- F. At least ~~60%~~ 25% (DM) of the landscaped area for each single-family lot shall be drought tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of irrigation and shall be grouped together on the lot in order to reduce the irrigation requirement for those zones. Turf area may exceed 40% if the turf area over 40% is unirrigated.

7.08.02 Crediting Existing Materials

For purposes of developing residential lots, existing trees of approved species and shrubs, including preserved natural areas, may be credited toward the requirements of this section.

7.08.03 Replacements Required

Replacement trees and landscaping shall be required whenever the proposed removal will result in less than indicated in the above schedule.

Lots which do not meet the above requirements on the effective date of this provision shall have legal nonconforming status with respect to landscaping. Replacements shall only be required to ensure that the extent of the nonconformity is in no way enhanced or enlarged by tree or vegetation removal activities.

Redevelopment of the lot or an expansion to the primary structure that equals twenty-five percent (25%) of the total gross square footage of the existing structure, shall require the lot to come into full compliance with this section.

7.09.00 LANDSCAPING MATERIAL

7.09.01 Minimum Specifications

All landscape material required to satisfy this code shall be Florida No. 1 Grade or better, according to the current Grades and Standards for Nursery Plants, State of Florida Department of Agriculture. In addition, all landscape material shall satisfy the following minimum specifications.

- A. Canopy trees. Canopy tree species shall be a minimum of 4 inches caliper and ten feet in height at the time of planting. All canopy trees shall be staked and guyed at the time of planting for a period of one growing season.
- B. Understory trees. Understory tree species shall be a minimum of two- and one-half inch (2 ½ “) and eight feet in height at the time of planting. Multi-trunk species shall be full and upright and have 1 ½” canes. All understory trees shall be staked and guyed at the time of planting for a period of one growing season.
- C. Shrubs. Shrubs shall be a minimum of three-gallon container 18 to 24 inches in height at time of planting.

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- 1 D. Ornamentals. Ornamental plantings shall be minimum one-gallon container grown
- 2 species.
- 3 E. Ground covers.
- 4 1. Ground covers. Plants used as ground covers shall follow horticultural
- 5 standards to achieve full coverage within one growing season.
- 6 2. Turf. Turf shall be installed for full coverage at time of planting.
- 7 F. Mulch. All planting beds shall be filled with a minimum of three inches (3”) of
- 8 clean, weed free mulch. A maximum of ~~25 percent~~ 35% (DM) of these mulch areas
- 9 may consist of nonorganic decorative material such as crushed rock, gravel, and
- 10 other similar materials. Rubber mulch is prohibited, and cypress mulch is
- 11 discouraged.

7.09.02 Maintenance of Plant Materials

- 12 A. Property owners and/or their agents shall be jointly and severally responsible for
- 13 the maintenance of all landscaping in good appearance, free of refuse and debris.
- 14 This includes newly installed landscapes as well as those older established
- 15 landscapes.
- 16 1. Replacement of substandard plant materials. All unhealthy and dead plant
- 17 materials shall be replaced within 30 days in conformance with the approved
- 18 site or landscape plan. Failure to replace the plant material within 30 days shall
- 19 constitute a violation and be regulated through code enforcement.
- 20 2. Proper Pruning. Proper pruning practices as stated in the ANSI Standard 300
- 21 Part 1 (Pruning) or equal are required by this LDC. The practice of “topping”
- 22 or “hat-racking” is considered unacceptable by the ANSI standards. In
- 23 compliance with these standards, every effort shall be made to cut back to a
- 24 lateral at least one-third to one-half the diameter of the parent limb or leader
- 25 that is being removed. Cuts not made to a suitable lateral, sometimes called
- 26 topping cuts, shall not be permitted. Street tree canopy over sidewalks shall be
- 27 maintained with a ten-foot height clearance.
- 28

7.10.00 APPROVED TREE AND PLANT LIST

Table 7.10.00 Approved Tree and Plant List

[NOTE: DM says this table needs updating to conform to 2023 amendments – done.]

Canopy Trees	Understory Trees	Aquatic Plants	Shrubs	Ground Cover	Turf
Bald Cypress	American Holly	Arrowhead	American Beauty Berry	Aloe	Bahia
Sweet Bay Magnolia *	Chickasaw Plum	Arrowroot	Cherry Laurel	Chinese Juniper	Bermuda
Live Oak *	Crape Myrtle	Bald Cypress	Fetterbrush	Coontie	St. Augustine

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Longleaf Pine	Dahoon Holly	Blue Flag Iris	Firebush	Day Lily	Zoysia
Red Maple	Date Palm	Buttonbush	Florida Anise	Dwarf Yaupon Holly	
Shumard Oak	East Palatka Holly	Cinnamon Fern	Gallberry	English Ivy	
Slash Pine	Savannah Holly	Duck Potato	Indian Hawthorne	Florida Lantana	
Southern Magnolia *	Ligustrum	Fragrant White Water Lily	Ligustrum	Lirope	
Sweet Bay	Natchez Crepe Myrtle	Golden Canna	Ligustrum	Mondo Grass	
Sweetgum	Loquat	Maidencane	Native Azaleas	Society Garlic	
Sycamore	Sabal/Cabbage Palm	Pickerel Weed	Pampas Grass	Wandering Jew	
Drake Elm	Purple Leaf plum	Pond Cypress	Pink Muhly Grass	Perennial Peanut	
	Bamboo Palm	Sawtooth fern	Pittosporum	Beach Sunflower	
	Medjool Date Palm	Soft Rush	Podocarpus	Dwarf Asiatic Jasmine	
	Bottlebrush	Swamp Hibiscus	Sandanka Viburnum		
	Winged Elm		Saw Palmetto		
	Yaupon Holly		Silverthorn		
	Japanese blueberry		Simpson Stopper		
			St. Johns Wort		
			Star Anise		
			Sweet Viburnum		

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*Live Oaks, Laurel Oaks and Southern Magnolias are the three approved Street Tree species in the Town of Howey in the Hills. Drake Elm and Sweet Bay Magnolia may be used where planting space is at a premium. Other trees may also be requested as street trees and will be considered on a case-by-case basis depending on the site conditions. Palms may be used to replace shade trees in clusters of three trees for residential parcels and five trees for commercial parcels. Palms may not be used as substitutes for street trees. Palms may be applied as accent trees in addition to shade trees as part of a thematic project design, and as an alternative to understory trees when integrated into planting beds.

Plants that do not appear on the above table may also be used if they are recommended by one of the following agencies:

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- 1 1. The St. Johns River Water Management District,
- 2 2. The University of Florida, IFAS (Institute of Food and Agricultural Sciences)
- 3 Extension, or
- 4 3. The Florida Department of Environmental Protection, Bureau of Aquatic Plant
- 5 Management.

6 **7.10.01 Prohibited Plant List**

7 The following trees and plants are prohibited:

- 8 A. Acacia
- 9 B. Albizia Julibrissin (mimosa or silk tree)
- 10 C. Australian Pine
- 11 D. Brazillian Pepper Tree
- 12 E. Camphor
- 13 F. Castor Bean
- 14 G. Chinaberry
- 15 H. Chinese Tallow
- 16 I. Ear Tree
- 17 J. Eucalyptus
- 18 K. Hydrilla
- 19 L. Monkey Puzzle
- 20 M. Punk Tree
- 21 N. Rice Paper Plant
- 22 O. Silk Oak
- 23 P. Taro
- 24 Q. Water Hyacinth
- 25 R. Ailanthus (tree of heaven)

26 Also prohibited are those plant species prohibited by the Florida Department of
27 Environmental Protection, the Florida Department of Agriculture and the plants listed
28 as invasive by the Florida Exotic Pest Council. Trees on the Prohibited Plant List are
29 exempt from the tree protection requirements of this chapter.

30 **7.11.00 TREES**

31 **7.11.01 Tree Protection**

- 32 A. No application for a building permit, land clearing permit, site development permit,
33 subdivision development permit, or grading and filling permit may be issued by the
34 Building Official until the site inspector has visited the site and determined that the
35 tree protection measures are in place in accordance with this chapter and the
36 approved site or subdivision plans. Tree protections shall meet the standards of
37 ANSI Standard A300 Part 5.
- 38 B. During construction, to ensure the health and survival of protected trees that are not
39 to be removed, the developer shall avoid the following types of tree injuries during
40 all development activities:

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- 1 2. Mechanical injuries to roots, trunk, and branches. To protect against
2 mechanical injuries to roots, trunk, and branches:
3 a. All existing trees that are to remain shall have barriers constructed around
4 the tree at the drip line or around the combined drip line of any clumps of
5 trees. Barriers are to be inspected by the Town prior to the start of any
6 construction.
7 b. The minimum size of such wood barrier fencing shall be two inches (2") by
8 four inches (4") and the top of the barrier shall be a minimum of four feet
9 (4') high. Another acceptable means of barricading trees is the use of
10 orange plastic construction fence, four feet (4') high, and supported every
11 eight feet (8') by a No. 5 rebar, driven into the ground. Fencing shall be
12 securely attached to rebar by the use of nylon zip ties or twisted wire.
13 Barricades must be taut and perpendicular to the ground. No construction
14 activity, cuts, fill, debris disposal or vehicular traffic is to take place within
15 this area. Additionally, the storage or placement of material, machinery, or
16 other construction equipment or substances is prohibited within the drip line
17 area.
18 c. Any waiver or request to construct barriers within the drip line shall be
19 reviewed by the Town. The request must be accompanied by a report from
20 a qualified arborist. Where drip lines of existing trees overlap, the orange
21 mesh fencing or the wood barriers shall be erected around the outer
22 perimeter of the combined drip lines.
23 d. If turf block is specified to reduce the impact of impervious surface around
24 the drip line of existing trees, it shall be constructed as follows: Prior to
25 excavation, the limits of excavation should be root pruned to a depth of
26 thirteen inches (13"); after removal of existing soil to that depth, add eight
27 inches (8") of one-quarter inch (1/4") crushed stone (not limerock), then one
28 and one-half inches (1 1/2") of sand to level the three and one eighth inch (3
29 1/8") thick turf block. All compaction shall be done by hand, exempting
30 the normal Town requirements of 95% to 98% density. Compaction shall
31 be done in layers after each sub-base is installed and again after the turf
32 block is laid. The cells of the turf block shall then be filled with topsoil and
33 seeded. No more than 30 percent of the root zone shall be disturbed, no
34 closer than 30 percent of the distance to the trunk.
35 2. Injuries by chemical poisoning. To avoid injuries due to chemical poisoning:
36 a. No fuel, paint, solvent, oil, thinner, asphalt, cement, or any other
37 construction chemical or other material or tools of any kind shall be stored,
38 or allowed in any manner to enter, within a required protective barrier or
39 perimeter line.
40 b. No equipment shall be cleaned within a required protective barrier or
41 perimeter line.
42 3. Injuries by grade changes.
43 a. When raising the grade, the following measures shall be taken:

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- 1 i. Within the tree protection zone, existing sod/vegetation and leaf litter
- 2 shall be removed and the soil loosened without injuring the roots.
- 3 ii. The area within the tree protection zone shall be properly fertilized to
- 4 improve the vigor and growth of the roots.
- 5 iii. Porous, four-inch agriculture drain tiles shall be laid over the soil to
- 6 drain liquids away from the trunk. A drop of at least one eighth (1/8)
- 7 inch per foot shall be provided. The drain field shall be designed to
- 8 provide adequate drainage of the existing configuration of the trees.
- 9 iv. The number of drains shall depend upon soil material; lighter sandy
- 10 soils and porous gravelly material require fewer drains than heavy non-
- 11 porous soils.
- 12 v. Aeration shall be provided by installing vertical tiles along the system.
- 13 The vertical tiles shall be filed with gravel and capped with a heavy-
- 14 duty mesh to keep out trash and debris.
- 15 vi. Dry wells shall be large enough to allow for maximum growth of the
- 16 tree trunk. Tree wells shall be five (5) times the mature diameter of the
- 17 tree trunk.
- 18 vii. To prevent washing of material into the well, the dry well casing walls
- 19 shall be high enough to bring the coping just above the level of the
- 20 proposed fill.
- 21 viii. Dry well walls shall be constructed of materials that permit passage
- 22 of air and water. Concrete blocks backed with galvanized screening
- 23 may be used for the sides of the well.
- 24 ix. Grating or barriers shall be used around openings that are large enough
- 25 to present a hazard to pedestrians.
- 26 x. Open wells shall be cleaned regularly to remove sediment, leaves, and
- 27 debris that might interfere with the free passage of air.
- 28 xi. Large stones shall be placed over the drainage tiles and a layer of smaller
- 29 stones shall be placed over the remainder of the ground within the drip
- 30 line.
- 31 xii. A layer of gravel shall be placed over the stones.
- 32 xiii. The fill shall be completed with a layer of porous soil.
- 33 b. When lowering the grade, the following measures shall be taken:
- 34 i. Roots shall be cut cleanly and re-trimmed after excavation.
- 35 ii. The canopy shall be pruned to aid in maintaining tree vigor.
- 36 iii. When lowering the grade of the soil surrounding a protective tree, the
- 37 maximum number of tree roots within the tree protection zone shall be
- 38 preserved by using any of the following methods:
- 39 1. Terracing. The area within the tree protection zone is left at the
- 40 original grade by terracing.
- 41 2. Retaining wall. The area within the tree protection zone is left at the
- 42 original grade by constructing a dry retaining wall. The retaining
- 43 wall shall be porous to allow for aeration.

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- 1 3. Terracing and retaining wall. The area within the tree protection
- 2 zone is left at the original grade by the combined use of terracing
- 3 and dry retaining wall.
- 4 c. Minor Changes in Grade. When the change in the grade is minor, as
- 5 determined by the Town engineer, lesser protective measures than those
- 6 described above may be taken. The Town engineer shall approve the use of
- 7 these methods where their use will not endanger the health of the protected
- 8 tree.
- 9 4. Injuries by excavation
- 10 a. Water, sewer, and other utility lines should be routed around the tree
- 11 protection zones of protected trees.
- 12 b. If a line cannot reasonably be routed around the tree protection zone, the
- 13 line shall be tunneled beneath the area within the zone. The tunnel shall be
- 14 offset to one side of the trunk to prevent damage to the main top roots.
- 15 5. Injuries by paving. To avoid injury by paving within the drip line, porous paving
- 16 may be placed within the tree protection zone of a protected tree, so long as no
- 17 damage is inflicted to the tree by grade change, compaction of the soil, or any
- 18 other cause.

19 **7.11.02 Protection of Historic Trees**

20 All historic trees are to be protected unless one of the following conditions is met.

- 21
- 22 A. The tree is not suitable for preservation as determined by a certified arborist.
- 23 B. The tree is a threat to a principle structure or otherwise constitutes a hazard
- 24 requiring removal as determined by a qualified arborist or a professional engineer.
- 25 C. The placement of the tree prohibits the economic use of the property for permissible
- 26 development. Removal of historic trees based on this criterion requires mitigation
- 27 as set forth in Section 7.12.03.
- 28

29 **7.11.03 Protection of Specimen Trees**

30 Fifty percent of all specimen trees shall be preserved on a parcel. If the preservation

31 of at least fifty percent of the specimen trees prohibits the economic use of the property

32 for permissible development, all specimen trees removed from the property shall be

33 mitigated as set forth in Section 7.12.03.

34

35 **7.11.04 Design Standards for Promoting Tree Protection**

36 In the design and development of any site, all trees shall be preserved to the maximum

37 extent possible, except those identified by a certified arborist as not suited for

38 protection due to the existing condition of the tree or other factors that will limit the

39 tree’s ability to grow and maintain its health. In attempting to save as many trees as

40 possible, the following should be taken into account:

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- 1 A. Building Footprint. Every attempt shall be made to avoid placing a building in a
2 location which requires the removal of a healthy, mature tree or a cluster of healthy,
3 mature trees.
- 4 B. Stormwater Management / Drainage Facilities. Every attempt shall be made to
5 avoid placing retention ponds or other stormwater management/drainage facilities
6 in locations which will cause the removal of healthy, mature trees on a lot or parcel.
7 Where it is necessary to place such a facility in close proximity to a tree, the Town
8 may require improvements including retaining walls, to ensure that the tree is not
9 endangered.
- 10 C. General Site Design. Site design considerations, including the meandering of roads
11 and the reconfiguration of lot lines shall be used to maximize the preservation of
12 healthy and mature trees.
- 13 D. Parking and Driveways. No individual tree greater than 12” DBH or cluster of trees
14 with an average DBH of 8” or more shall be removed unless it is physically
15 impossible to provide alternative locations for these facilities. Measures included
16 in this section shall be used to save the greatest number of trees possible in parking
17 areas. Use of tree wells, root pruning, concrete pavers, turf block, root drainage
18 systems, subsurface soil stabilization systems, special fill procedures (excluding the
19 use of limerock) and restrictions may be required, as appropriate, and subject to the
20 approval of the Town. Developers may request waivers from required parking
21 spaces if it will result in saving existing trees.
- 22 E. Demucking. Where demucking is required for a parking area or driveway(s) and
23 such activity will cause the removal or destruction of a tree or trees as described
24 above, certification must be presented by a licensed civil engineer or landscape
25 architect certifying that the paved area cannot be constructed in a sound manner
26 without the removal of the muck and the destruction of the existing trees. The
27 certification shall include soil boring information supporting the findings. Where
28 demucking is necessary, every attempt shall be made to demuck around the
29 perimeter of trees and soil stabilization, drainage, fill and other methods shall be
30 employed to preserve trees in this category.
- 31 F. Masonry Walls. If wall construction is within ten feet (10’) of an existing
32 individual tree greater than 12” DBH or a cluster of trees with an average DBH of
33 8” or more, the wall or walls need to be constructed with a lintel system. Precast
34 wall systems are encouraged due to a non-continuous footing and lesser impacts on
35 tree root systems.

36 **7.12.00 TREE REMOVAL PROCESS**

37 **7.12.01 Permit Required**

- 38 A. Any person who proposes to cut down, move, remove, or destroy any tree,
39 including those on single family lots, shall first obtain a tree removal permit from
40 the Town unless otherwise exempt under F.S. 163.045. Prior to removing any tree
41 exempt from permitting under F.S. 163.045 the property owner shall provide to the
42 Town a copy of the arborist report required by Section 163.045(2). Requests for

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1 tree removal permits shall be made to the Code Enforcement Officer. Trees that
2 are located on vacant, undeveloped land shall not be removed except as permitted
3 through the development of the site. Trees that are on the Town’s prohibited tree
4 list may be removed without a permit. Any application for a tree removal permit
5 shall include the following:

- 6 1. Property owner’s name and daytime telephone number.
- 7 2. Street address and directions to the site.
- 8 3. Type and size of tree proposed to be removed.
- 9 4. Purpose for the tree removal.
- 10 5. Most recently available boundary survey.
- 11 6. General location of the tree on the site.
- 12 7. How many trees remain on the lot or parcel.

13 B. When determining whether to permit the tree removal, the following issues will be
14 evaluated:

- 15 1. Whether the tree has a potentially hazardous branching structure such as a
16 hollow trunk, low fork in the trunk, or other.
- 17 2. Whether the tree is injured or diseased beyond repair.
- 18 3. Whether there are no viable alternatives to locating structures or driveways on
19 the site.
- 20 4. Whether the tree is impacting the foundation of a house or other building or
21 structure.
- 22 5. Whether the tree poses a threat to traffic visibility.
- 23 6. Whether the tree is negatively impacting a more desirable tree.
- 24 7. Any other issue deemed important by the Town.
- 25 8. Trees that are deemed hazardous or otherwise unsafe shall be allowed to be
26 removed without mitigation. In circumstances where the condition supporting
27 the removal of a tree is not obvious or easily documented by the Town
28 inspector, a letter from a certified arborist may be required to permit removal.
29 In emergency situations, a hazardous tree may be removed as long as proper
30 documentation in the form of photographs and/or a written opinion from Town
31 staff, accompanies the permit application.

32 C. Any trees removed in violation of this chapter shall be deemed to be violations of
33 this Code and subject to all penalty provisions afforded the Town.

34 **7.12.02 Tree Farms**

35 Trees located on property that is operated as a tree farm shall be exempt from tree
36 replacement requirements upon proof of such operation and continued use of the land
37 as a tree farm. If the landowner is requesting to remove the trees for development of
38 the land, then the property is subject to tree mitigation measures. The Town will
39 consider the property’s former use as a tree farm when approving the mitigation plan
40 so as not to place an unfair burden on the property owner.
41

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7.12.03 Tree Removal for Agricultural Use

Trees may be removed to permit bona fide agricultural use of land zoned AG or otherwise permitted agricultural use under an approved planned unit development agreement. The property owner shall submit a survey or plot plan to the Town identifying the area to be cleared, the approximate number of trees and the intended agricultural use. Once a parcel is cleared for agricultural use as permitted by this section, the conversion of the property to a non-agricultural use within five (5) years of the date of clearing shall require mitigation of the removed trees as specified in this code as part of the approval of any development approval. Conversion to a non-agricultural use means rezoning to a non-agricultural classification or subdivision of the property other than a minor subdivision. Historic trees shall be preserved or mitigated unless a qualified arborist certifies that the tree is not suitable for preservation.

7.12.04 Mitigation for Removed Trees

- A. It is the intent of this section that the Town shall maintain or enhance its tree cover by ensuring that as trees are removed, others are planted. If there is not adequate room on a lot or parcel to replace a tree or trees once that tree or trees has been removed, then the property owner shall pay into the Town’s landscaping fund which will be used to plant trees in other areas throughout the Town.
- B. Mitigation is required when any of the following circumstances occur:
 - 1 For a developed single-family parcel, the permitted removal of a tree will result in the parcel having fewer trees than required in Section 7.08.01.
 - 2 A tree other than a citrus tree, palm tree, pine tree or prohibited species listed in Section 7.10.01 is removed without a permit.
 - 3 Historic trees which are removed to provide for development of a parcel.
 - 4 Where land cleared for agricultural use is converted to non-agricultural uses within five (5) years of the date of initial tree removal.
 - 5 When more than fifty percent (50%) of the specimen trees are removed to permit development, all specimen trees removed must be mitigated.
- C. Trees shall be replaced on a one-inch (1”) DBH to a one-inch (1”) caliper basis. For example, a tree measuring nine inches (9”) DBH may be replaced with one nine-inch (9”) caliper tree, or one five-inch (5”) and one four-inch (4”) caliper trees. Minimum replacement sizes shall be as stated in section 7.09.01.
- D. Tree replacement and/or fees are calculated on standard permitted tree removals. If a tree removal is done in violation of the LDC, the replacement inches or fees shall be triple that of the standard.
- E. The following Table of Values shall be used when payments are made to the Town’s landscape fund:

Table 7.12.03 (E) Table of Values

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Tree Size, Inches at DBH	Tree Removal Fee Per Inch DBH
4 inches to 9.9 inches	\$100.00
10 inches to 14.9 inches	\$125.00
15 inches to 19.9 inches	\$150.00
20 inches or greater	\$175.00
Any Historic Tree	\$300.00

1 **7.13.00 LAND CLEARING**

2 **7.13.01 General**

3 A land clearing permit is required other than that directly associated with a single-
4 family home or an approved subdivision or site plan.

5 **7.13.02 Permit Application**

6 A. The applicant shall submit a sealed survey by a licensed surveyor in the State of
7 Florida to include topographic information and existing trees at a scale of not less
8 than 1 inch = 100 feet, showing:

- 9 1. The area to be cleared.
- 10 2. Size and type of existing trees, trees to be removed; and
- 11 3. Wetland areas, water bodies and flood hazard zones.

12 B. The application shall also include the following:

- 13 1. A description of the proposed method of clearing.
- 14 2. The type of equipment to be used.
- 15 3. The purpose for the activity; and
- 16 4. The name of the owner of the property and the person or firm performing the
17 work.

18 C. The application shall be accompanied by the appropriate fees as required by the
19 Town.

20 **7.13.03 Permit Issuance/Enforcement**

21 A. The Building Official may issue a Land Clearing Permit following review and
22 recommendation by the Town Engineer and Town Planner and approval by the
23 Town Council. The permit shall contain any special conditions or activity
24 restrictions. The permit shall be valid for a period of fourteen (14) days from the
25 date of issuance.

26 B. Following completion of the activity or after fourteen (14) days from the date of
27 permit issuance, the site shall be inspected for compliance with the conditions of
28 the permit. Any violations of the permit or other applicable Town codes or
29 ordinances shall be referred to the Code Enforcement Officer. In addition, for any
30 protective tree removed without a permit, a fine shall be assessed in an amount
31 equal to one hundred dollars (\$100) times the diameter at breast height of the
32 removed specimen. Where trees have been removed or damaged in violation of
33 this section or permit requirements, remedial actions shall be required to restore the
34 property. A restoration plan shall be submitted to the Building Department for

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1 approval by the Town and may require tree replacement at a ratio not to exceed
2 four (4) to one (1) either on site or a combination of on site and payment into the
3 Town’s landscape fund. No Certificate of Occupancy shall be issued for any
4 development until all applicable permit and restoration conditions have been met.

5 **7.14.00 GRADING AND FILLING**

6 **7.14.01 General**

7 A. No grading or filling of lands is allowed except in connection with a grade and fill
8 permit or development order for the improvement of said lands. “Improvement of
9 land” shall mean the development of land with buildings, structures, streets, sewers,
10 waterlines or other facilities, the erection or installation of which requires the
11 issuance of a permit by the Town. Grading and filling permits may be issued as
12 follows:

- 13 1. Pursuant to the subdivision and site plan regulations in connection with Final
14 Plan approval.
- 15 2. Through the issuance of a building permit for improvements on the property;
16 and
- 17 3. Upon approval of a complete application for a grade and fill permit in
18 accordance with section 7.14.02.

19 B. The burying of rubbish, logs, lumber, building materials, underbrush, trash or other
20 matter which would decompose or allow the land to thereafter settle is hereby
21 determined to be a change or modification of the grade of land for which no permit
22 shall be issued except as authorized by this Code.

23 **7.14.02 Permit Application**

- 24 A. Application for a Grading and Filling Permit shall include:
- 25 1. The name of the owner of the property.
 - 26 2. The name of the person or firm which will perform the work.
 - 27 3. A sealed survey by a licensed surveyor in the State of Florida to include existing
28 features of the property including elevations, buildings, structures, trees over
29 six inches (6”) inches in DBH, streets, utility easements, rights of way, and
30 other improvements; the precise area(s) of development activity; wetlands and
31 water bodies;
 - 32 4. The area to be graded or filled and cubic yard calculations; and
 - 33 5. The specific purpose for the filling or grading activity and type of equipment to
34 be used.

35 B. Except for single-family homes, the application shall include a statement prepared
36 by a licensed civil engineer or landscape architect certifying that the grade or fill is
37 consistent with all applicable Town codes and ordinances and will not have an
38 adverse impact on environmentally sensitive areas, drainage facilities or water
39 bodies.

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- 1 C. Any trees to be removed shall be shown on a dimensional drawing. A separate tree
2 removal permit in accordance with the provisions of section 7.12.00 of this chapter
3 will also be required.
- 4 D. The application shall be accompanied by the appropriate fees as required by the
5 Town.

6 **7.14.03 Permit Issuance**

- 7 A. Except for single-family homes or projects to be reviewed through the subdivision
8 or site plan review processes, the Town Engineer shall determine if the application
9 as submitted is in compliance with all laws of the Town, County, State and Federal
10 government, and whether the proposed clearing, grading, and/or filling will cause
11 adverse impacts to the environment. The Town Engineer shall make this
12 determination in writing; shall state the basis for the determination; and may
13 recommend other practical alternatives which would allow the permit to be issued.
14 The Town Engineer may issue approval subject to conditions to mitigate adverse
15 impacts to the environment. The applicant will be responsible for all tree removal,
16 preservation and mitigation requirements contained within this chapter and shall
17 include the appropriate plans and details as part of the application. In situations
18 where large tracts of land will be cleared, the Town shall require additional
19 plantings of trees to ensure adequate buffering and screening from adjacent public
20 rights-of-way.
- 21 B. Except where health, safety or public welfare is jeopardized, no grade and fill
22 permits shall be issued in conjunction with the grading and filling of an
23 undeveloped parcel that will require the removal or damage of trees or native
24 vegetation, unless the permit is in connection with a building permit for the
25 improvement of said lands.
- 26 C. For the construction of a single-family home, the Building Official shall review the
27 permit application based on the criteria listed in this section.
- 28 D. Approved grade and fill permits shall be issued by the Building Official.

29 **7.14.04 Grading and Filling Standards**

- 30 A. Any grade or fill activity shall be consistent with the following standards:
 - 31 1. All development activity shall conform with the requirements of this Code and
32 any special conditions of the permit.
 - 33 2. No authorization for a change, modification or lowering of grade shall be issued
34 when it is determined the same will result in a hole or depression or other
35 adverse effect, which will create a hazard.
 - 36 3. No person shall change, modify, or lower any grade to any greater degree than
37 is allowed by the authorization or permit granted for the same.
 - 38 4. Any authorized bulldozing or fill of lands which loosens sand or topsoil and
39 permits it to blow upon the lands and premises of others is hereby declared to
40 be a nuisance. Such lands shall therefore, within thirty (30) days after

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- 1 completion of such bulldozing work, be seeded or planted in order to minimize
- 2 the tendency of the sand or topsoil to blow.
- 3 B. No less than twenty-four (24) hours prior to beginning the operation, the permittee
- 4 shall notify the Town Engineer of the precise time at which the work will begin.
- 5 C. The Town Engineer shall be present at the time such operation begins and shall
- 6 monitor the activity as deemed appropriate.
- 7
- 8
- 9

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CHAPTER 8

Development Standards

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1 **8.00.00 GENERAL**

2 Development standards are established to ensure adequate levels of light, air, and
3 density; to maintain and promote functional compatibility of uses; to promote the safe
4 and efficient circulation of pedestrian and vehicular traffic; to provide for orderly
5 phasing of development; and otherwise protect the public health, safety, and general
6 welfare.

7 **8.01.00 PROJECT DESIGN**

8 The natural topography and vegetation should be preserved and used, where possible,
9 in the design of circulation ways, buildings and structures, parking areas, recreation
10 areas, open space, and drainage facilities. The proposed location and arrangement of
11 structures should not be detrimental to existing or planned adjacent land uses.

12
13 All development shall be in accordance with the Town of Howey in the Hills
14 construction specifications. If any discrepancy is discovered between this LDC and the
15 construction specifications, or any other Town policy, the most stringent and restrictive
16 specification, condition, and/or directive shall apply at the discretion of the Town. All
17 development must also comply with the applicable requirements established in the
18 Americans with Disabilities Act (ADA), the Florida Building Code, and any other
19 local, State, or Federal requirement that may apply.

20
21 This chapter addresses design standards for transportation-related facilities, utility
22 systems, and environmental protection. For the purposes of this chapter, “utility
23 system” shall mean all distribution, collection, and treatment facilities and
24 appurtenances for potable water, sanitary sewer, reclaimed water, and stormwater
25 management either operated by the Town or subject to regulation by the Town.

26 **8.02.00 LOTS**

27 **8.02.01 GENERAL**

28 All lots shall comply with the requirements of the applicable zoning district (Refer to Chapter 2).
29 In addition, the following requirements shall apply **to all residential lots to be platted (TW) :**

- 30
31 **A.** Width: All lots or development shall have a minimum of **thirty (30) 60 (DM) 20 (RL)** feet
32 of frontage at the right-of-way line as measured at the chord, **except in HD-1 and HD-2**
33 **zoning, where the minimum shall be 40 feet (DM).**
- 34 **B.** Orientation: Each lot shall abut on a street which has the minimum right-of-way as set
35 forth in Table 8.03.02.
- 36 **C.** Corner Lots: Corner lots shall have a 15 percent greater width and area than that required
37 by the applicable zoning classification to accommodate setbacks from both streets, except
38 where lots have an area of one-half acre or larger.
- 39 **D.** Double Frontage Lots: Double frontage lots shall be permitted only where necessary to
40 separate a development from thoroughfares, to overcome disadvantage of topography and

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1 orientation or to limit individual driveway access where necessary to preserve the
2 carrying capacity of a street. Lots fronting on a street and a service alley shall not be
3 considered double frontage lots. Where double frontage lots are created, they shall all
4 front in the same direction. The rear of the lots shall be appropriately screened from
5 abutting streets.

6 **8.03.0 ROADS**

7 **8.03.01 General**

8 The character, width, grade, and location of all streets and bridges shall conform to the standards
9 in this section and shall be considered in their relation to existing and planned streets, to
10 topographical conditions, to public convenience and safety, and in their appropriate relation to the
11 proposed uses of the land to be served by such streets.

- 12 L. Roads shall be planned in conformity with the Comprehensive Plan.
- 13 M. The street layout of proposed developments shall be coordinated with the street
14 system of the surrounding area or with plans for streets in said area on file with
15 the Town.
- 16 N. *All streets shall be public, unless private streets are specifically approved by the*
17 *Town Council. All streets shall meet all design standards as outlined in this*
18 *chapter. A condominium, homeowners', or property owners' association shall be*
19 *created with all duties and powers necessary to ensure perpetual ownership and*
20 *maintenance of any private roads. If a guardhouse or gate is provided, plans and*
21 *specifications, including means of access for Town utility vehicles and emergency*
22 *vehicles, shall be submitted for the review and approval of the Town Council*
23 *through the development review process.*
- 24 O. All streets shall be constructed to the exterior property lines of the development
25 unless they are permanently terminated by cul-de-sac or an intersection with
26 another street. Streets that may be continued in a future phase of a subject
27 development or may be logically extended as part of a future development shall
28 include a temporary cul-de-sac.
- 29 P. Developments with at least 50 residential units shall provide at least two separate
30 and distinct entrances/access points, **one main entrance and one for emergency use**
31 **only. (MG)**
- 32 Q. The Town shall facilitate and coordinate for the possible future development of
33 adjoining property of a similar character by providing for joint access or cross
34 access.

35 **8.03.02 Roadway Classification and General Standards**

36 The following table identifies four (4) categories of roadways. Design standards are generalized;
37 the Town Council may apply greater or lesser restrictions, depending upon site-specific
38 considerations. Flexibility in local road design is also provided in the event alleys are used or
39 common parking areas are provided for.

40
41

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Table 8.03.02 Roadway Classifications and Standards

Street Type	Min. R-O-W Width	Lane Width excl. of curbs	# of Lanes	Median Width incl. curb	Grassed Utility Strip and Curb (each side)	Drainage Structures	Sidewalk and Bike Lane (each side)
Arterials	100 feet	12 feet	4	20 feet	6 feet	Curb and Gutter	6-foot sidewalk; 4-foot bike lane
Collectors	90 feet	12 feet	4	14 feet	5 feet	Curb and Gutter	5-foot sidewalk; 4-foot bike lane
Local Roads (typical residential street)	50 feet	24 feet of pavement	2	None Required	8 feet	Curb and Gutter (Swales possible for larger lot subdivisions)	5-foot sidewalk; no bike lane required (GL)
Local Roads (with on-street parking)	50-60 feet	22 feet of pavement with 8-foot wide on-street parking on one side both sides	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk on both sides; no bike lane required

(all changes above from GL)

Right-of-way and lane widths shall be in conformance with the above listed standards, except when:

- A. Lesser right-of-way or pavement width may be allowed by the Town where right-of-way conditions are physically constrained by existing structures, specimen trees, or other natural or man-made constraints.
- B. A lesser standard may be considered if it is more consistent with the existing streets in the area.
- C. Additional right-of-way and/or pavement width may be required by the Town to promote public safety and convenience or to ensure adequate access, circulation, and parking.
- D. Where a proposed development abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement shall be provided by the developer in conformance with these standards.

8.03.03 Construction Standards

The following minimum road construction standards shall apply to all private or public roads:

- D. Arterials and Collectors
 - 1. Sub-base stabilization utilizing local materials (sand-clay) shall be twelve (12) inches deep, after mixing and compaction to not less than ninety-eight (98) percent of the maximum density in accordance with FDOT specifications, extending one (1) foot beyond each side of the proposed paving width, including curb and gutter, if any. Such sub-base stabilization six (6) inches deep shall be extended an additional five (5) feet each side over the shoulder of the street for the remainder of the sub-base.

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- 1 2. Base course shall be placed on the previously prepared sub-base, be constructed
- 2 of limerock or an alternative material approved by the Town Engineer and be
- 3 compacted to a depth of not less than eight (8) inches to meet the density
- 4 requirements of FDOT specifications, and extend six (6) inches beyond each
- 5 side of the proposed paving width;
- 6 3. Soil cement or crushed concrete may be used as a base material as an alternate
- 7 to limerock or sand-clay at the discretion of the Town.
- 8 4. Prime coat shall be applied to the previously prepared base course utilizing cut-
- 9 back Asphalt Grade RC-70 or RC-250 in accordance with FDOT specifications.
- 10 Emulsified asphalt materials shall not be accepted.
- 11 5. Surface pavement course shall be constructed on the previously primed base
- 12 course utilizing SP 9.51 Asphaltic Concrete to provide a minimum surface
- 13 width of not less than twenty-four (24) feet and a minimum compacted depth
- 14 of one and one-half (1 ½) inches of such pavement after mixing, placement, and
- 15 compaction in accordance with FDOT specifications.
- 16 6. Surface pavement shall be constructed to full-depth in a single continuous
- 17 operation, regardless of number of lifts required. Asphalt pavement shall not
- 18 be constructed in two or more lifts separated by time.
- 19 E. Local Roads. Local street construction shall conform to the foregoing
- 20 specifications for arterial and collector streets, except that:.
- 21 1. Base course shall not be less than six (6) inches deep.
- 22 2. Alternate materials may only be used if approved by the Town Engineer.
- 23 3. All plans shall be subject to review and approval by the Town Engineer.
- 24 4. Surface pavement shall be constructed to full-depth in a single continuous
- 25 operation, regardless of number of lifts required. Asphalt pavement shall not
- 26 be constructed in two or more lifts separated by time.

8.03.04 Intersections

- In general, the intersection of streets shall be laid out as follows:
- A. Streets shall intersect at an angle of ninety (90) degrees, unless circumstances acceptable to the Town indicate a need for a lesser angle of intersection.
 - B. Property lines at street intersections shall be rounded with a minimum radius of twenty-five feet (25'). A greater radius shall be required for angles of intersection less than ninety (90) degrees.
 - C. The minimum radius return of pavement edge, or back of curb, at all typical intersections approximating a right angle shall be as follows:

Table 8.03.04 Intersections

Road Type	Minimum Radius (in feet)
Local to Collector	35
Local or Collector to Arterial	40
Arterial to Arterial	50

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- 1
- 2 D. A taper or turn lane may be required for roads with a functional classification of
- 3 collector or arterial, or a design speed of thirty-five (35) miles per hour or greater.
- 4 E. Roundabouts may also be considered, where appropriate. Standards shall be
- 5 generally as outlined in the Florida Department of Transportation’s *Florida*
- 6 *Roundabout Guide*.

7 **8.03.05 Access**

8 Access shall be provided as follows:

- 9 C. Each new development that has at least 50 residential units shall have at least two
- 10 separate and distinct access points. If the shape or location of the property prohibits
- 11 this, then the single entrance to the development must incorporate a 24-foot
- 12 minimum pavement width for ingress and a 24-foot minimum pavement width for
- 13 egress. Length of this 24-foot section must be adequate for projected traffic.
- 14 D. In order to provide ease and convenience in ingress and egress to private property
- 15 and the maximum safety with the least interference to the traffic flow on collectors
- 16 and arterials, the number and location of driveways and other entrances shall be
- 17 subject to approval as part of the plan review process. With non-residential
- 18 development, joint access and cross access shall be promoted by the Town
- 19 whenever possible.
- 20 E. Tapers, deceleration lanes, acceleration lanes, left turn lanes, bypass lanes, or other
- 21 facilities shall be provided as requested by the Town Engineer or other agencies
- 22 (Lake County or FDOT) to protect the safe and efficient operation of all roadways.
- 23 F. Roads connecting interior development to a collector or arterial street, if not already
- 24 paved, shall be improved by the developer to the standards of this chapter.
- 25 G. Vehicular circulation for all uses, except for properties in the Town Center Overlay,
- 26 shall typically be contained within the property, and vehicles located within one
- 27 portion of the development shall have access to all other portions without using the
- 28 adjacent street system, unless there are planned street connections to adjacent
- 29 properties.
- 30 H. Plans must illustrate that proper consideration has been given to the surrounding
- 31 street system, also taking into consideration traffic volumes, proposed street
- 32 improvements, traffic capacities, pedestrian movements, and safety.

33 **8.03.06 Cul-De-Sacs**

34 Permanent dead-end streets shall not exceed six hundred sixty feet (660’) in length. Each cul-de-
35 sac shall have a minimum pavement radius of 40 feet and a minimum cul-de-sac right of way
36 radius of 60 feet. Cul-de-sacs shall be discouraged where street connections are possible.

37 **8.03.07 Islands and Medians**

- 38 C. Landscaped islands and medians shall be encouraged within the public rights-of-
- 39 way.

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- 1 D. Residential streets with straight expanses of pavement may have landscaped islands
2 every 600 feet. Those landscaped islands shall have a minimum median width
3 (back of curb to back of curb) of eight feet (8') and a minimum median length of
4 forty (40) feet. Right-of-way lines shall be adjusted accordingly.
- 5 E. Cul-de-sacs landscaped with center islands shall have a minimum diameter of
6 fifteen feet (15').
- 7 F. All landscaped islands and medians within new developments shall be maintained
8 by the homeowners' or property owners' association. Language outlining these
9 specific areas shall be included in the homeowners' or property owners' association
10 documents.
- 11 G. Landscaped islands and medians may not be counted as open space.
- 12 H. All islands and medians shall be surrounded by a curb and improved with ground
13 cover and other landscaping that does not, and will not at plant maturity, interfere
14 with sight distance.
- 15 I. All islands and medians shall be landscaped and irrigated. Landscape and irrigation
16 plans shall be submitted as part of the Final Plan process.

17 **8.03.08 Street Signs**

18 Design and placement of traffic signs shall be in conformance with the standards of the Florida
19 Department of Transportation (FDOT) as specified in the Manual on Uniform Traffic Control
20 Devices for Streets and Highways and the Town of Howey in the Hills specifications manual. In
21 addition, the following standards shall apply, except when FDOT standards are more restrictive:

- 22 G. At least two (2) street name signs shall be placed at each four-way street
23 intersection and one (1) at each "T" intersection.
- 24 H. Signs shall be installed free of visual obstruction.
- 25 I. Street name signs for Town streets shall have white letters on a blue background
26 and include the Town logo. Street name signs for private streets shall have white
27 letters on a black background. Colors other than black are subject to Town Council
28 approval.
- 29 J. The surface of all signs shall have reflective material, 3M grade or better.
- 30 K. Street names shall be chosen by the developer, submitted to the Town as part of the
31 Final Plan process, and sent to Lake County by the Town Clerk for formal approval.
32 In proposing street names, the developer should recognize the following:
 - 33 1. Street names should be relatively easy to spell and pronounce,
 - 34 2. The street name shall not be a duplicate or near duplicate of another street
35 located in the County,
 - 36 3. That the continuation of an existing street shall bear the name of the existing
37 street, provided, however, that the Town Council may waive this requirement
38 where the continuation of a street crosses a collector or arterial and the areas on
39 both sides of the collector or arterial are intended to be developed as interior
40 subdivisions.

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- 4. Any street names that Town staff believes are questionable or objectionable shall be first approved by the Town Council prior to forwarding the names to Lake County for final approval.

8.03.09 Bicycle and Pedestrian Ways

Bicycle and pedestrian ways include sidewalks, bikeways, bike lanes, pedestrian paths, and multi-use trails that may be used by pedestrians, bicyclists, skaters, and golf carts for recreation. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest, provided a grassed or landscaped area at least **three four feet (DM)** wide is retained to separate the pathway from the adjacent road. Bicycle and pedestrian ways construction and material standards shall comply with those set forth in the Town’s standard construction detail sheets.

A. Bikeways and Bike Lanes

- 1. Bike lanes shall be provided in both directions along every new arterial and collector road or during the widening of any existing arterial and collector roads.
- 2. A bike lane shall consist of a four (4) foot paved width between the outermost traffic lane and the curb. Where on-street parking is permitted, the bicycle lane shall be located between the parking lane and the outer edge of the vehicular traffic lane.
- 3. Bike lanes shall be constructed of the same materials and specifications as the vehicular travel lanes.
- 4. For roads under the Town’s discretion, the Town Council may approve an eight (8) foot sidewalk/bikeway as a substitute for the on-street bike lane.

B. Bike Racks. Bike racks shall be required as part of all non-residential developments. The type of bike rack and number shall be determined as part of the site plan or subdivision plan review process.

C. Sidewalks

- 1. Sidewalks shall be provided on both sides of streets. **At its discretion Town Council may waive (DM & others)**, this requirement **may be waived** for large-lot single-family developments.
- 2. Sidewalks shall be separated from the adjacent roadway by a **grassed or four-foot-wide (DM)** landscaped strip, **except in the Town Center Overlay District (DM)**. Exceptions to this regulation may be allowed by the Town Council in certain areas in the Town Center where wider sidewalks are required.
- 3. Minimum sidewalk widths shall be as specified in Table 8.02.02.
- 4. All sidewalk design and construction shall meet the requirements of the Florida Accessibility Code and the American Disability Act.
- 5. Development shall provide pedestrian connections to adjacent properties and shall connect on-site sidewalks with those already located or approved on adjacent property.
- 6. Where residential development is proposed for infill parcels in areas where no sidewalk network exists, sidewalks shall **not (DM)** be required **except where**

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1 the sidewalk can connect to an existing network or the development covers 80%
2 or more of a block face. (DM)
3 7. Where appropriate, root dams shall be part of sidewalk construction. (GL)

4 **8.03.10 Traffic Impact Analysis**

5
6 A Traffic Impact Analysis (TIA) following the guidelines established by the Lake-Sumter
7 Metropolitan Planning Organization (LSMPO) shall be provided at the first submission of a
8 preliminary site plan, preliminary subdivision plan, rezoning to planned unit development, and
9 comprehensive plan amendment where traffic impacts are anticipated. When multiple actions are
10 proposed concurrently for a single development, one traffic study can serve for each application.

11 **8.04.0 PARKING**

12 **8.04.01 General**

13 All developments in all zoning districts shall provide a sufficient number of parking
14 spaces to accommodate the number of vehicles that ordinarily are likely to be attracted
15 to the development in question. Accessible parking spaces shall be provided in
16 accordance with the Florida Building Code.

17 **8.04.02 Dimension Requirements**

- 18 A. Parking Space Size. Each parking space shall contain a rectangular area at least 20
19 feet long and 10 feet wide. Lines demarcating parking spaces may be drawn at
20 various angles in relation to curbs or aisles, so long as the parking spaces so created
21 contain within them the same effective parking area as the rectangular area required
22 by this section.
23 B. Accessible (Handicap) Spaces. Accessible spaces shall be provided and sized in
24 accordance with the Florida Building Code.

25 **8.04.03 General Design Requirements**

- 26 A. Parking lots shall be designed so that vehicles may exit such areas without backing
27 onto a public street.
28 B. Parking spaces shall be designed so that vehicles can not block sidewalks.
29 C. Visible pedestrian crosswalks, using alternative materials such as brick or other
30 paver materials, should be designed into parking lots to promote safety.
31 D. Every vehicle accommodation area that abuts a building or a fire hydrant shall be
32 provided with a fire lane.
33 E. Parking lots shall be properly lit. The lighting shall be contained on site.
34 F. Where parking areas abut sidewalks, bollards or other materials may be required to
35 enhance safety.

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1 **8.04.04 Parking Lot Surfaces**

2 Parking lot areas that include lanes for drive-through windows or that are required to
3 have more than five (5) parking spaces, shall be graded and surfaced with asphalt,
4 concrete, or other material that will provide equivalent protection against potholes,
5 erosion, and dust. Parking lots with five or less parking spaces and which have no
6 drive-through window lanes may be graded and surfaced with a pervious concrete
7 paver or other suitable material to provide a surface that is stable and will help to reduce
8 dust, potholes, and erosion. The perimeter of such parking areas shall be defined by
9 bricks, railroad ties, or other similar materials. In addition, whenever such an area abuts
10 a paved street, the driveway leading from such street to the parking lot (or the direct
11 connection to the street) shall be paved for a distance of fifteen (15) feet back from the
12 edge of the paved street. The pavement must meet the same standards as other paved
13 parking areas.

14
15 At the option of the developer and the approval of the Town:

- 16 A. Up to 25% of the required parking spaces for any site may be met with a pervious
17 concrete paver or other suitable material to provide a surface that is stable and will
18 help to reduce dust, potholes, and erosion.
- 19 B. Up to 25% of the parking required for places of worship may be provided on grass.
20 Grassed parking areas shall be required to meet all stormwater, setback and other
21 applicable provisions of this Code as though the area was being paved. No grassed
22 parking shall be established within any required open space or landscaped area, and
23 no such area shall be credited toward required buffers and open space.

24 **8.04.05 Stacking Area for Various Drive-Through Facilities**

25 All uses with drive-through windows shall provide vehicle stacking area based on the
26 following criteria. The stacking area shall be designed based on a 10 foot by 22-foot
27 space per required vehicle. The stacking area shall be designed so as to operate
28 independently of other required parking and circulation areas.

29
30 Each drive-through restaurant shall accommodate 6 vehicles (10'X22') per service
31 lane, with a minimum of 3 of those being behind the order station. All other drive-
32 through facilities shall accommodate a minimum of 3 vehicles per service lane.

33 **8.04.06 Loading Areas**

34 Whenever the normal operation of any development requires that goods, merchandise,
35 or equipment be routinely delivered to or shipped from that development, sufficient
36 off-street loading and unloading areas shall be provided to accommodate the delivery
37 or shipment operations in a safe and efficient manner. Loading and unloading areas
38 shall be located and designed so they are not visible from adjacent streets, nor adjacent
39 residential areas.

40

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1 Loading and unloading areas shall be located so that the vehicles intended to use them
2 can maneuver safely to and from a public right-of-way, and complete the loading and
3 unloading operations without obstructing or interfering with any public right-of-way or
4 any parking space or parking lot aisle.

5
6 No area allocated to loading and unloading facilities may be used to satisfy the area
7 requirements for off-street parking, nor shall any portion of any off-street parking area
8 be used to satisfy the requirements for loading and unloading facilities.

9 **8.04.07 Parking Spaces Required**

10 Table 8.03.07 provides the parking space requirements for the Town. Applicants for
11 development and redevelopment within the Town Center Overlay may elect to pay into
12 a public parking fund if they can not fit the required number of parking spaces on their
13 property.

14 **Table 8.04.07 Parking Requirements**

Use	Minimum Parking Spaces (Except Town Center)
ACLF	3 spaces for every 5 beds
Animal Services	1 space per 200 square feet of Gross Floor Area
Automobile Sales and Service	1 space per 250 square feet of Gross Floor Area
Automobile Repair/ Service Station	3 spaces per service bay and 1 space per employee
Bank	1 space per 300 square feet of Gross Floor Area
Bar or Nightclub	1 space per 75 square feet of Gross Leasable Area.
Barber or Beauty Salon	1 space per 200 square feet of Gross Leasable Area
Bed and Breakfast Inn	1 space for each guest unit
Bowling Alley	5 spaces per lane
Business Office	1 space per 200 square feet of Gross Floor Area
Churches/Places of Worship	1 space for each 4 seats, plus 1 space/residential unit, plus 1 space/200 sq. ft. of floor area not used for services or residential purposes
Convenience Stores with gasoline sales	2 spaces for every 4 pumps plus one space per employee
Convenience Stores without gasoline sales	1 space per 150 square feet of Gross Floor Area
Day Care Center	5 spaces for transient use plus one per employee
Family care; Groups Care; Institutional Care	1 space per 4 beds plus one per employee
Funeral Home	1 space per 100 square feet of Gross Floor Area
Furniture Store	1 space per 500 square feet of Gross Floor Area
Use	Minimum Parking Spaces (Except Town Center)
Golf Course	6 spaces per hole; reference other categories for other uses (i.e., restaurant, meeting space)
Hospital	1 space for each bed plus 1 per employee
Hotel/Motel	1 space for each room plus 1 space/employee. If the hotel has a restaurant, 1 space/100 sq.ft. of Gross Floor Area for the restaurant. If the hotel has meeting space, 1 space/100 sq.ft. of Gross Floor area for that space.
Library/Club	1 space per 300 square feet of Gross Floor Area
Medical Clinic	1 space per 200 square feet of Gross Floor Area
Nursing Home	1 space per 4 beds plus 1 space per employee
Office or Office Park	1 space per 300 square feet of Gross Floor Area
Personal Services not identified elsewhere	1 space per 250 square feet of Gross Floor Area
Personal Storage Facility/Mini Warehouse	1 space/10 units (min. 6 spaces), equally distributed. If manager housed on-site, add two spaces.

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Private Recreation Facility	1 space per 200 sq. ft. within enclosed buildings; add. spaces will be required for outdoor facilities to be determined with site plan review or at time of permitting
Residential	2 per unit, not including garage- 4 off-street spaces, minimum 10' x 20', with garage spaces counting toward the requirement. Spaces cannot be in the ROW or sidewalk areas. (GL)
Restaurant (fast food; carry out)	7 spaces per 1,000 sq. ft. of Gross Floor Area
Restaurant (sit down)	1 space per 100 square feet of Gross Floor Area
Retail Sales	1 space per 250 square feet of Gross Floor Area
Schools (private); Public buildings	1 space for each 4 seats in the main assembly area or 1 space for each 250 sq. ft. of Gross Floor Area if no assembly area.
Shopping Center	1 space per 250 square feet of Gross Floor Area
Theaters	1 space per 3 seats, plus one space for each employee on the largest shift
Wholesale/Manufacturing	1 space per 400 sq. ft. for sales and 1 space for every 2 employees on the maximum shift for manufacturing

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Table 8.04.07 above, the number of accessible spaces must comply with the minimum requirements of the Florida Building Code.

The Town Council recognizes that the Table of Parking Requirements set forth above cannot and does not cover every possible situation that may arise. In cases not specifically mentioned in the above table, the Town will determine the parking requirements using this table, and whatever additional information it deems reasonable.

8.05.0 UTILITIES

8.05.01 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of potable water, landscape irrigation facilities, wastewater, electrical power, traffic signals, street lighting, telephone, or cable facilities, and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

8.05.02 Potable Water System

- A. Potable water system construction and material standards shall comply with those set forth in the Town’s potable water utility specifications. Every principal use in the Town and every lot in a subdivision shall be served by the Town’s potable water supply system, unless granted a specific waiver to these regulations.
- B. All applicable potable water system improvements required for new development shall be donated to the Town of Howey in the Hills.
- C. Trunk lines shall have a minimum diameter of twelve inches (12”) and shall be located within an arterial street right-of-way or within a corridor approved by the Town and adequate for that purpose and conducive to the development of a Town-wide water supply system.
- D. Distribution lines within residential subdivisions shall have a minimum diameter of six (6) inches. Distribution lines within multi-family developments and non-residential developments shall have a minimum diameter of eight (8) inches.

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- 1 E. To the maximum extent feasible, distribution lines shall be located parallel to and
2 behind the back of curb or edge of pavement. The water main shall be located to
3 minimize conflicts with other utilities and existing or proposed structures. As a
4 standard practice, water mains shall be installed four feet (4') off the back of curb
5 or as approved by the Town. A minimum of five feet (5') shall be maintained
6 between underground power, gas mains, and the water mains.
- 7 F. System looping is required wherever practicable to increase overall capacity and
8 service.
- 9 G. Every development shall include a system of fire hydrants sufficient to provide
10 adequate fire protection for the buildings located or intended to be located within
11 such development.
- 12 H. The Town Engineer shall determine the precise location of all fire hydrants subject
13 to the other provisions of this section. In general, fire hydrants shall be placed six
14 feet behind the curb line of publicly dedicated streets that have curb and gutter and
15 at property lines of non-curbed public dedicated streets.
- 16 I. The Town Engineer shall determine the design standards of all hydrants based on
17 fire flow needs. Unless otherwise specified by the Town Engineer, all hydrants
18 shall be two (2) two and one half (2 ½) inch hose connections and one (1) four and
19 one half (4 ½) inch hose connection. The two and one half (2 ½) inch hose
20 connections shall be located at least twenty-one and one half (21 ½) inches from
21 the ground level. All hydrant threads shall be national standard threads. The
22 minimum fire flow must be 500 gallons per minute with no less than 20 pounds per
23 square inch (psi) residual pressure in single family residential areas and 1,250
24 gallons per minute with no less than 20 psi residual pressure for other development.
25 The Town may require greater flow rates depending on the size of the building
26 and/or its property use.
- 27 J. Potable water lines that serve hydrants shall be at least 8-inch lines, or a 6-inch loop
28 that provides the minimum flow requirements, and, unless no other practicable
29 alternative is available, no such lines shall be dead end lines.
- 30 K. Final development orders shall not be issued without certification that adequate
31 potable water service is available.
- 32 L. It is the responsibility of all potable water customers to maintain a three-foot area
33 clear of any fences, structures or landscaping other than sod or mulch around meter
34 boxes to allow for access by Town employees for reading, maintenance, and
35 disconnection of service. The meter box may not be buried or obstructed from
36 view. The Town shall not be responsible for any damage to plants, fences or other
37 impediments that are removed in the course of Town work.

38 **8.05.03 Sanitary Sewer System**

- 39 A. A sanitary sewer collection system shall be designed, permitted and constructed by
40 the developer, in such a manner as to provide the ability for each lot or parcel to be
41 connected to the collection system, whether concurrent with development of the
42 subdivision or at a future date, such design, permitting and construction to be

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- 1 performed at the sole cost and expense of the developer. The sanitary sewer
2 collection system shall include all necessary gravity sewer lines, manholes, lateral
3 lines, lift stations, force mains, and all other normally associated components of
4 any of these facilities, all in accordance with the Town's wastewater utility
5 specifications and all requirements of State and Federal regulatory agencies having
6 jurisdiction over such matters. In the event that the Town does not have available
7 an operational sanitary sewer treatment facility at the time of submittal of the
8 Florida Department of Environmental Protection (FDEP) sanitary sewer system
9 extension permit application, the application shall be submitted to FDEP as a "dry-
10 line" application and all of the above mentioned shall apply.
- 11 B. Every principal use in the Town and every lot within a subdivision shall be served
12 by a wastewater treatment and disposal system that is adequate to accommodate the
13 reasonable needs of such use or subdivision lot and that complies with all applicable
14 Town plans and health regulations. Service requirements and construction
15 standards shall comply with the Town of Howey in the Hills regulations and
16 specifications and the Lake County Health Department regulations.
- 17 C. New development shall fund the cost of required capacity expansions, and/or
18 extension of central wastewater lines. All new development shall design, permit,
19 and install dry sewer lines in accordance with an approved development order if
20 wastewater service is not currently available and the order approving authority
21 approves a temporary treatment option. New development will be required to
22 provide Bills of Sale to the Town for all applicable new wastewater collection,
23 pumping, transmission, treatment, and disposal facilities.
- 24 D. A central wastewater system shall be provided for all new development. The
25 development of new wastewater facilities and mains, and the expansion of existing
26 wastewater systems, shall be designed by the project engineer in accordance with
27 all applicable State and local regulations. The Town Engineer shall review and
28 approve all Town of Howey in the Hills wastewater systems.
- 29 E. Individual wastewater disposal systems, if allowed by the Town, are subject to the
30 approval of the Lake County Health Department and other regulatory agencies.
31 Individual wastewater systems which serve only one lot may be permitted when the
32 requirements for a central wastewater system are waived.
- 33 F. Final development orders shall not be issued without certification that adequate
34 wastewater service is available. In service areas with pre-purchase capacity
35 requirements, proof of purchase shall be required to constitute certification. In
36 cases where dry lines are being installed for future connection to the wastewater
37 collection system, a developer's agreement or other legal instrument shall be
38 approved as part of the Final development order in order to ensure that the
39 developer funds the future ERU connection fee and all associated costs to connect
40 to the wastewater collection system.
- 41 G. Ownership of all wastewater collection and transmission facilities, to include lift
42 stations, force mains, gravity sewer mains, laterals and lines, manholes, pumps,
43 backup generators, SCATA systems and all other normally associated components
44 of a wastewater system, must be donated, dedicated, or otherwise conveyed to the

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Town for operation, maintenance, and control. Package and other treatment plants constructed within the Town’s area under its Interlocal Service Boundary Agreement with Lake County must also be donated, dedicated, or otherwise conveyed to the Town for operation, maintenance, and control. If legally required or otherwise approved by Town Council, the developer will be granted credits against the Town’s wastewater impact fees (however denominated) for the conveyed facilities. (DM)

H. Each new residential [subdivision?? home??] must connect both to the Town’s wastewater collection and transmission facilities and to the Town’s reclaimed-water system for irrigation where the new [subdivision ?? home ??] lies within 300 linear feet of a wastewater force or gravity main and/or a reclaimed-water transmission line. (DM)

8.05.04 Reclaimed Water Systems

- A. New development may be required to install and donate to the Town a reclaimed water system, including distribution mains and services for irrigation in accordance with the Town’s specifications.
- B. If a reclaimed water system is required, new development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.
- C. If an existing reclaimed water system is within 1,000 feet of a new development, the development will be required to connect to the existing reclaimed water system.
- D. System looping is required wherever practicable to increase overall capacity and service.
- E. New development shall use non-potable water sources for irrigation, if possible, until reclaimed service is available. The use of potable water for irrigation is permitted if no other source is available.
- F. It is the responsibility of all reclaimed water customers to maintain a three-foot area clear of any fences, structures or landscaping other than sod or mulch around meter boxes to allow for access by Town employees for reading, maintenance, and disconnection of service. The meter box may not be buried or obstructed from view. The Town shall not be responsible for any damage to plants, fences or other impediments that are removed in the course of Town work.

8.05.05 Stormwater Management

- A. General requirements for stormwater management
 - 1. Protection of water resources is critical to the public health, safety, and welfare. Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation, and flooding are essential and mandatory.

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- 1 2. No drainage system, natural or manmade, shall be altered, designed,
2 constructed, abandoned, restricted or removed without prior approval of the
3 Town and all appropriate State and Federal agencies.
- 4 3. No site alteration shall adversely affect the existing surface water flow pattern,
5 impact drainage of any other landowner, cause siltation of wetlands, pollution
6 of downstream wetlands, or reduce the natural retention or filtering capabilities
7 of wetlands.
- 8 4. Stormwater management applies to all project categories articulated in the land
9 development code.
- 10 5. No person may subdivide or make any changes in the use of land or construct
11 or reconstruct a structure or change the size of a structure or introduce illicit
12 discharges to the Town's stormwater management system nor shall construction
13 commence for any development until the drainage design for such project has
14 been approved by the Town and appropriate State and Federal agencies. The
15 drainage design plans and calculations for the development shall be prepared,
16 signed and sealed by a Florida registered professional engineer. The design
17 shall equal or exceed design standards set forth hereinafter and shall also meet
18 or exceed the design criteria, policies and procedures established by the St.
19 Johns Water Management District, the Florida Department of Environmental
20 Protection, the Florida Department of Transportation and any other local, State
21 or Federal agency with appropriate jurisdiction.
- 22 6. Approval by the Town of the stormwater management plan for any
23 development shall be contingent on receipt of written proof of approval of any
24 required stormwater management permit from the St. Johns River Water
25 Management District and any other applicable permitting agency. However,
26 receipt by the Town of such written proof of approval will not result in
27 automatic approval of the stormwater management plan by the Town.
- 28 B. Control of dust, dirt, erosion and construction site runoff
- 29 1. The property owner or his agent shall acquire the necessary permits, if
30 applicable, from the Florida Department of Environmental Protection (FDEP),
31 the St. Johns River Water Management District (SJRWMD), the U.S. Army
32 Corps of Engineers (ACOE), and the Florida Department of Natural Resources
33 (FDNR).
- 34 2. The property owner or his agent must implement and operate all erosion and
35 sediment control measures required to retain sediment on-site and to prevent
36 violations of applicable water quality standards. If construction is scheduled to
37 occur within open water areas, turbidity curtains must be correctly placed to
38 control sedimentation and turbidity within the water body.
- 39 3. Erosion and sediment control best management practices shall be used during
40 construction to retain sediment on site. Land which has been cleared for
41 development and upon which construction will not begin within 30 days shall
42 be protected from erosion and sedimentation by adequate methods acceptable
43 to the Town. Wetlands and other water bodies shall not be used as sediment
44 traps during or after development.

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- 1 4. As a general requirement, all areas under development shall have temporary
2 erosion and sediment control devices in place at all times during the
3 construction phase. Said devices shall provide the necessary treatment of runoff
4 such that Federal and State surface water quality standards are not violated at
5 any time. These devices shall be removed at the end of the project only after
6 approval by the Town Engineer.
- 7 5. Any construction project, regardless of location, shall be required to control
8 construction site runoff to meet Federal and State surface water quality
9 standards. Nothing herein shall prevent or preclude any State or Federal water
10 quality enforcement agency from imposing penalties for violations of State or
11 Federal law.
- 12 6. Any unauthorized or illicit discharges will be subject to enforcement pursuant
13 to Town Code and as otherwise provided by law.
- 14 7. All projects shall have an approved erosion control plan on file with the Town.
15 This plan shall be prepared by the appropriate design professional for the
16 project or, as an alternative, by the licensed contractor whose name the building
17 permit is under. As with all other site improvement or building permit
18 documents, an approved copy of this plan shall be maintained at the jobsite for
19 the duration of the project.
- 20 8. No work on the site shall commence prior to approval of the erosion control
21 plan by the Town.
- 22 9. The erosion control plan shall include the placement and use of silt fences,
23 swales, retention areas, hay bales, temporary grassing, turbidity barriers or other
24 such devices as needed to prevent the transport of sediment from the site and
25 into storm drains and waterbodies. Fill or runoff will not be allowed to encroach
26 onto adjacent properties without the necessary easements.
- 27 10. The owner and contractor shall be responsible for adhering to these
28 requirements and shall also be responsible for correcting any damage caused by
29 the lack or improper use thereof. This shall include cleaning of storm inlets and
30 pipes that become blocked, partially or fully, by debris, trash or sediment from
31 a construction site.

C. Design Criteria

- 32 1. All development projects, unless specifically exempted, must provide for
33 retention and/or detention of stormwater runoff.
- 34 2. The post-development peak rate of discharge must not exceed the pre-
35 development peak rate of discharge for the 25-year, 24-hour storm.
- 36 3. Pollution abatement volume shall be in accordance with St. Johns River Water
37 Management District criteria.
- 38 4. Approval of Final Plans for any development shall not be granted until the
39 Town is in receipt of a copy of the St. Johns River Water Management District
40 permit.
- 41 5. Projects shall be designed so that stormwater discharges meet, at a minimum,
42 the water quality criteria set forth by the St. Johns River Water Management
43 District in order to achieve the State water quality standards.
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- 1 6. The stormwater management system shall not create an adverse impact to
- 2 upstream or downstream areas. Off-site areas which discharge to or across a site
- 3 proposed for development shall be accommodated in the stormwater
- 4 management plans for the development. No stormwater management permit
- 5 application shall be approved until the applicant demonstrates that the runoff
- 6 from the project shall not overload or otherwise adversely impact any
- 7 downstream areas.
- 8 7. The stormwater management system shall not cause adverse environmental
- 9 impacts to wetlands, fish, wildlife, or other natural resources.
- 10 8. The minimum twenty-four-hour level of service standards for design storms by
- 11 facility type shall be as follows:
- 12 a. Principal arterial bridges: 100 yr, 24 hr
- 13 b. Other bridges: 50 yr, 24 hr
- 14 c. Cross drains: 25 yr, 24 hr
- 15 d. Storm sewers: 10 yr, 24 hr
- 16 e. Detention/retention structures: 25 yr, 24 hr
- 17 f. Ditches, swales or culverts for stormwater external to developments: 25 yr,
- 18 24 hr
- 19 g. Ditches, swales, or culverts for stormwater internal to developments: 10 yr,
- 20 24 hr
- 21 9. The design storm frequency to be used for the design of pavement drainage
- 22 shall be as follows:
- 23 a. Arterial streets: Ten-year, hydraulic gradient line, 1.0 feet below gutter line.
- 24 b. Collector and local streets: Ten-year, hydraulic gradient line, 0.5 feet below
- 25 gutter line.
- 26 10. Design criteria for pollution abatement using retention or detention with
- 27 filtration.
- 28 a. The bottom of a required retention or detention-with-filtration pond shall be
- 29 a minimum of three feet above the estimated seasonal high water table.
- 30 Where this is not possible due to a high water table, underdrains will be
- 31 installed with a minimum invert elevation of one foot below the pond
- 32 bottom, along the entire perimeter of the pond unless a geotechnical
- 33 engineer can show to the satisfaction of the Town Engineer that a lesser
- 34 amount of underdrain can adequately control the high water table.
- 35 b. Final design seepage rates will be determined by a geotechnical engineer.
- 36 All necessary calculations to support the above shall be submitted to, and
- 37 are subject to, the approval of the Town Engineer.
- 38 D. Design criteria of detention facilities to reduce peak rate of flow
- 39 1. The detention pond will be sized to limit the peak rate of discharge from the
- 40 developed site to that discharge generated prior to development. Supporting
- 41 calculations shall be submitted and will contain, as a minimum, runoff
- 42 hydrographs for the pre-developed site and the post-developed site, and a
- 43 discharge hydrograph after routing through the proposed detention facility.

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- 1 2. All routing calculations to be submitted must consider the tailwater of the
- 2 receiving facility. If the receiving facility is an existing storm sewer, the
- 3 hydraulic gradient line elevation (HGL) of this receiving facility can be
- 4 assumed at one-half foot below its gutter in elevation unless a detailed study of
- 5 the existing system indicates otherwise.
- 6 3. Credit for seepage to further reduce the peak rate of discharge will not be
- 7 allowed unless accompanied by supporting documentation prepared by a
- 8 geotechnical engineer. All detention ponds shall be dry within 72 hours
- 9 following the storm event.
- 10 E. Design criteria where a positive outfall is not available
- 11 1. When a positive outfall is not available for stormwater discharge the on-site
- 12 pond shall be designed to retain the 100-year storm event. The pond shall be
- 13 designed to evacuate a daily volume equivalent to one inch of runoff from the
- 14 total area contributing to the pond. The pond shall be dry within 11 days
- 15 following the storm event. If geotechnical data certified by a geotechnical
- 16 engineer is submitted showing that an 11-day drawdown is impossible to
- 17 achieve, a specific Town Council waiver of this requirement will be required.
- 18 2. When the project discharges to landlocked lakes that have no positive outfall
- 19 which are adjacent to properties of one ownership, on-site detention ponds shall
- 20 be designed to accommodate the pollution abatement volume as required by the
- 21 St. Johns River Water Management District from the developed site prior to
- 22 discharge. The design engineer shall demonstrate to the satisfaction of the Town
- 23 Engineer the magnitude and nature of any impact of runoff from the developed
- 24 site upon the landlocked lake(s).
- 25 3. When the project discharges to landlocked lakes that have no positive outfall,
- 26 which are adjacent to properties of more than one ownership, on-site detention
- 27 ponds shall be designed to accommodate the 25-year, 96-hour storm. Post-
- 28 development runoff rate and runoff volume shall not exceed pre-development
- 29 runoff rate and volume. The design engineer shall demonstrate to the
- 30 satisfaction of the Town Engineer the magnitude and nature of any impact of
- 31 runoff from the developed site upon the landlocked lake(s).
- 32 F. Soil reports
- 33 1. Soil reports indicating estimated seasonal high water table, permeability rate,
- 34 and the classification of soils existing on the site and referenced in the
- 35 stormwater calculations shall be submitted to the Town Engineer. Soils reports
- 36 shall be prepared, signed and sealed by a geotechnical engineer registered in the
- 37 State of Florida.
- 38 G. Stormwater discharges
- 39 1. Storm drainage into natural water bodies shall be avoided except to convey
- 40 runoff from an event exceeding the design storm, or as permitted by the St.
- 41 Johns River Water Management District. Outfalls shall be designed to prevent
- 42 bottom scour. Acceptable methods include use of an energy dissipator, or in the
- 43 case of a lake, extending the outfall to discharge at a depth of ten feet or half
- 44 the maximum depth of the lake, whichever is less.

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2. Should the proposed development area contain an existing natural watercourse, drainage way, channel, etc., such natural watercourse and the vegetation inherent therewith shall be maintained and the proposed development designed so as to preserve same. However, the use of such natural watercourse to carry runoff from any development may be permitted if provision for control of sediment in the excess runoff is made prior to entrance of the runoff to the natural watercourse.

H. Storm sewer design

1. Design discharges.

a. Storm sewer system design is to be based upon a ten-year-frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to ensure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and the off-site flows in determining the adequacy of the designed system.

2. Minimum pipe diameter.

a. The minimum diameter of pipe to be used in storm sewer systems is 15 inches. Designs shall be based upon six-inch increments in sizes above 18 inches.

3. Stormwater pipe material.

- a. Pipe of the following types, meeting the specified AASHTO and ASTM requirements are accepted by the Town for use in stormwater conveyance systems.
- b. Steel Reinforced Concrete – ASTM C76, ASTM C443
- c. High Density Polyethylene – AASHTO M294, ASTM D3350, ASTM F477STM
- d. Non-Asbestos Fiber-Cement – ASTM C1450, ASTM C443

4. Pipe grade.

a. All storm sewers shall be designed and constructed to produce a minimum velocity of 2.5 fps when flowing full. No storm sewer system or portion thereof will be designed to produce velocities in excess of 20 fps, providing that the outlet ends have sufficient erosion protection and/or energy dissipaters.

5. Maximum lengths of pipe.

Table 8.04.05 (H) (5) The following maximum runs of pipe shall be used when spacing access structures of any type:

Pipe Size	Maximum length of pipe run
15 inches	200 feet
18 inches	300 feet

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24 to 36 inches	400 feet
42 inches and larger	500 feet

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- 6. Inlets, manholes, and junction boxes.
 - a. *All pipe access structures constructed to provide access to sanitary sewers, storm drains or similar facilities shall be constructed of Portland cement concrete, either poured-in-place or precast. No masonry structures will be permitted except as necessary to connect to existing facilities and where prior approval of the Town Engineer has been obtained in writing.*
 - b. All pipes shall extend through walls and be flush with inside wall.
 - c. For all concrete structures, all fins and irregular projections shall be chipped off flush with the surface immediately following the removal of forms. All projecting wires and nails shall be cut off at least one-half inch under the surface. All construction and expansion joints in the completed work shall be left carefully tooled and free of mortar and concrete. Joint filler shall be left exposed for its full length, with clean edges. Mortar topping for upper horizontal surfaces shall not be used.
 - d. Masonry, when allowed, shall be constructed neatly. All surfaces shall be plastered with half-inch thick cement mortar composed of one part of Type I Portland cement and two parts sand, so as to prevent leakage. Plastered areas should not crack and should be properly prepared to bond to old surfaces.

22 **Table 8.04.05 (H) (6) (d) Minimum manhole diameters for intersecting pipe sizes shall be as**
23 **follows**

Nominal Pipe Inside Diameter (inches)	Structure Inside Diameter (feet)
up to 30	4.00
30 to 48	6.00
Larger	Special design

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- e. Arterial and collector street inlets shall be spaced to prevent the spread of stormwater runoff from exceeding half of a travel lane width. Local and subdivision street inlets shall be spaced to prevent the spread of stormwater runoff from exceeding one inch above the crown of the road.
- f. The maximum allowable gutter run will be 1,200 feet on streets with standard curb and gutter, and 600 feet on streets where Miami curbs and gutters are used.

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- 1 7. Design tailwater.
- 2 a. All storm sewer systems shall be designed taking into consideration the
- 3 tailwater of the receiving facility. In the case where the detention pond is
- 4 the receiving facility, the design tailwater level can be estimated from the
- 5 information generated by routing through the pond the hydrograph resulting
- 6 from ten-year frequency storm of duration equal to that used in designing
- 7 the pond.
- 8 b. The design tailwater level can be assumed to be the ten-year pond level
- 9 corresponding to the time at which peak inflow occurs from the storm sewer
- 10 into the pond. In lieu of the above detailed analysis, however, a simpler
- 11 design tailwater estimate can be obtained by averaging the established 25-
- 12 year design high-water elevation for the pond and the pond bottom elevation
- 13 for "dry bottom" ponds or the normal water elevation for "wet bottom"
- 14 ponds.
- 15 8. Hydraulic gradient line computations.
- 16 a. The hydraulic gradient line for the storm sewer system shall be computed
- 17 taking into consideration the design tailwater on the system and the energy
- 18 losses associated with entrance into and exit from the system, friction
- 19 through the system, and turbulence in the individual manholes/catch
- 20 basins/junctions within the system.
- 21 b. Hydraulic grade line computations shall take into account entrance and exit
- 22 losses; friction losses; and the minor losses associated with inlets and
- 23 manholes. The tailwater of the receiving water body shall be taken into
- 24 consideration.
- 25 9. Stormwater conveyance.
- 26 a. Sites shall be developed to maximize the amount of overland runoff that is
- 27 percolated into the soil and to minimize direct runoff into adjoining streets
- 28 and water courses.
- 29 b. Stormwater runoff from roofs and other impervious surfaces shall be
- 30 diverted into swales or similarly controlled. Storm sewers shall be designed
- 31 to convey the runoff generated during a 10-year storm event.
- 32 10. Unstabilized earthen open channels and outfall ditches are not permitted.
- 33 a. Whenever land within 200 feet of the mean high water line (as established
- 34 by the USGS) of a lake is developed, terraces sloping away from the lake,
- 35 a tree line, or alternatives approved by the Town Engineer shall be provided
- 36 to minimize stormwater runoff into the lake and to maximize groundwater
- 37 recharge.
- 38 I. Treatment of stormwater runoff
- 39 1. Stormwater management systems shall include best management practices used
- 40 in the industry to minimize pollution and remove oil, suspended solids, and
- 41 other objectionable material in stormwater runoff within acceptable limits.
- 42 2. Treatment facilities shall be designed by a Florida registered engineer to the
- 43 stricter applicable design and performance criteria established by this Code or
- 44 the St. Johns River Water Management District. Additionally, the Florida

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- 1 Department of Environmental Protection Manual, and the Florida Development
- 2 Manual, A Guide to Sound Land and Water Management, including the
- 3 requirements of Chapter 6 thereof, shall be used as best management practices.
- 4 3. All percolation areas shall be grassed or planted with suitable vegetation to
- 5 absorb excess nutrients.
- 6 4. Diversion structures are preferred for positive outfall systems. Other innovative
- 7 designs features or materials may be appropriately incorporated into the design
- 8 of primary and secondary systems with supporting documentation and the
- 9 approval of the Town Engineer.
- 10 5. All stormwater management systems shall be of low maintenance design. It is
- 11 the property owner's responsibility to maintain all primary and secondary
- 12 drainage facilities on site.
- 13 a. Stormwater ponds:
- 14 1. All stormwater retention/detention ponds shall be fenced unless they
- 15 can meet one of the following conditions:

16 **Table 8.04.05 (I) (5) (a) (1) Maximum Pond Side Slopes Without Fencing**

17

Maximum Side Slopes	Maximum Excavation Depth
2H : 1V	2'
3H : 1V	3'
5H : 1V	5'
6H : 1V	6' or greater

- 18
- 19 2. Ponds graded at 5H:1V or 6H:1V may be deeper than shown above and
- 20 remain unfenced ONLY if the 5H:1V or 6H:1V slope is carried not less
- 21 than two (2) feet below the lower of the control elevation or the normal
- 22 water elevation.
- 23 3. All required fencing shall be of a decorative type and shall be in keeping
- 24 with the required buffer treatments, character, and/or architecture of the
- 25 project.
- 26 4. Ponds shall be configured in a curvilinear manner to create more of a
- 27 natural looking feature. Ponds constructed on slopes will be evaluated
- 28 on a case-by-case basis.
- 29 5. The minimum bottom width and/or length of any pond shall be four feet.
- 30 6. All ponds shall have a minimum one foot of freeboard to the design high
- 31 water resulting from the design storm.
- 32 b. The minimum requirements for maintenance berms are as follows:
- 33 1. Ponds with fencing: Ten feet around pond perimeter inside the fence.
- 34 Maximum side slope no greater than 10H:1V.
- 35 2. Ponds without fencing: Five feet around pond perimeter.
- 36 3. Maximum side slope no greater than 5H:1V.
- 37 6. Road underdrains

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- 1 a. In cases where there is a prevalence of soils that exhibit adverse water table
2 characteristics, underdrains and/or fill or other acceptable alternatives that
3 will provide necessary measures to maintain the structural integrity of the
4 road will be required. The determination of need shall be made by reference
5 to certified geotechnical investigations prepared as part of the project design
6 data submitted to the Town.
- 7 b. Wherever road construction or lot development is planned in areas of the
8 proposed subdivision having soil types with unacceptable water table
9 characteristics, underdrains and/or fill shall be provided and shown on the
10 engineering plans. Underdrains must be designed with free gravity outlet at
11 carefully selected discharge points. Erosion control measures shall be
12 provided as needed at all discharge points.
- 13 c. Wherever road cuts in otherwise suitable soils indicate that the finish grade
14 will result in a road-surface-to-water-table relationship that is unacceptable
15 to the Town Engineer, underdrains or other acceptable alternatives
16 approved by the Town Engineer to provide measures to maintain the
17 structural integrity of the road will be required.
- 18 d. Wherever roadway construction reveals unexpected water bearing strata
19 that could cause deterioration of the pavement, underdrains or other
20 acceptable alternatives approved by the Town Engineer to provide measures
21 to maintain the structural integrity of the road will be required even though
22 not shown on the plans.
- 23 e. Filtering media shall conform to the appropriate Florida Department of
24 Transportation standard and consist of stone, gravel, or slag and shall
25 contain no friable materials.
- 26 f. Underdrain pipe shall be HDPE perforated pipe fully encased in a tubular
27 filter fabric “sock”, with both the pipe and the filter fabric “sock” meeting
28 applicable AASHTO and ASTM standards for pipe intended for subsurface
29 drainage applications.
- 30 J. Development within special flood hazard area (100-year flood)
 - 31 1. All development within areas of special flood hazard as delineated on the
32 official flood insurance rate maps (FIRM) shall comply with the following
33 requirements:
 - 34 a. Establish, to the satisfaction of the Town Engineer, the elevation of the 100-
35 year flood.
 - 36 b. Finished floor slab elevations of all habitable structures shall be constructed
37 at an elevation no less than 20 inches above the 100-year storm elevation,
38 unless approved by the building division; in no instance, however, may the
39 finished floor slab elevation be less than one foot above the 100-year storm
40 elevation.
 - 41 c. Development shall not result in an increase in the 100-year flood elevation.
42 No fill shall be allowed to be placed in the 100-year floodplain without an
43 equivalent volume of soil removed to compensate for the loss of flood
44 storage. Compensating storage is to be determined by the volume of

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- 1 material removed above the ordinary high water table and below the 100-
- 2 year flood elevation established for that area. Fill placed in the 100-year
- 3 floodplain shall not reduce the flow rate.
- 4 d. Any proposed alteration of floodways or floodplains must be approved by
- 5 all agencies which have jurisdiction over such activities.
- 6 K. Stormwater quality
- 7 1. Every use shall be so operated as to prevent the discharge into any storm sewer,
- 8 stream, canal, lake, waterbody or the ground of any sewage, waste or
- 9 unapproved substance which will be considered dangerous or discomfoting to
- 10 persons or animals or which will damage plants or crops beyond the lot line of
- 11 the property on which the use is located.
- 12 2. Allowed discharges: The following is a list of substances allowed to discharge
- 13 into the Town's storm sewer system provided they are not identified as a source
- 14 of pollutants to any receiving waterbody:
- 15 a. Water line flushing.
- 16 b. Rising ground waters.
- 17 c. Uncontaminated pumped ground water.
- 18 d. Discharges from potable water sources.
- 19 e. Air conditioning condensate.
- 20 f. Irrigation water.
- 21 g. Water from crawl space pumps.
- 22 h. Footing drains.
- 23 i. Individual residential car washing.
- 24 j. Dechlorinated swimming pool discharges.
- 25 k. Street wash waters.
- 26 l. Discharges or flows from emergency firefighting activities.
- 27 m. Reclaimed water line flushing authorized pursuant to a permit issued by the
- 28 Town.
- 29 n. Flows from uncontaminated roof drains.
- 30 o. All other non-storm substances discharged into the Town's storm sewer
- 31 system are to be considered illicit discharges that would pose a threat to the
- 32 health, safety and welfare of the public and are hereby prohibited. Any
- 33 unauthorized or illicit discharges will be subject to enforcement as set forth
- 34 in the Town's Charter, Code of Ordinances or as otherwise specified by law.
- 35 L. Inspections
- 36 Subsequent to development approval, including necessary permits, the developer
- 37 or permittee shall, during construction, arrange and schedule the following
- 38 inspections by the Town Engineer or designee:
- 39 1. During clearing operation and excavation to assure that effective control
- 40 practices relative to erosion and sedimentation are being followed.
- 41 2. All underground conveyance and control structures prior to backfilling.
- 42 3. Final inspection when all systems required by the permittee's approved
- 43 stormwater management plan have been installed.

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- 1 4. The professional engineer for the project shall submit to the Town a signed and
2 sealed set of as-built plans on paper and on electronic media in AutoCad
3 drawing file and in PDF format, to certify the system has been constructed as
4 designed and satisfies all conditions of the stormwater management permit.
5 Where changes have been made to the stormwater management system which
6 deviates from the approved construction plans, the professional engineer shall
7 submit supporting documentation with the as-built plans which proves that the
8 stormwater systems shall be in compliance with this section.
- 9 5. Maintenance and compliance inspections of stormwater management systems
10 shall be conducted on a routine, periodic basis, as deemed appropriate by the
11 Town, or as complaints arise concerning the system. By seeking and obtaining
12 a permit under this section, the operator and owner shall be deemed to have
13 consented to inspections by the Town and other appropriate regulatory agencies
14 or Town Engineer or designees upon presentation of proper identification by
15 the representative(s) of the agency(s) conducting the inspection.

16 M. Maintenance

17 Prior to the acceptance of the stormwater management system, a written stormwater
18 management system maintenance plan shall be submitted to the Town which shall
19 contain documentation sufficient to demonstrate that the operation and
20 maintenance agency is the legal entity empowered and obligated to perpetually
21 maintain the stormwater management facilities.

- 22 1. The Town considers the following entities acceptable to operate and maintain
23 stormwater management facilities:
 - 24 a. Governmental agencies including the Town, County, and State.
 - 25 b. Active water control districts or drainage districts, or Community
26 Development Districts, or Special Assessment Districts.
 - 27 c. Nonprofit corporations including homeowners' associations, property
28 owners' associations, condominium associations, or master associations
29 under certain conditions which ensure that the corporation has the financial,
30 legal, and administrative capability to provide for the long-term operation
31 and maintenance of the facilities.
- 32 2. The property owner or developer as permittee is normally not acceptable as a
33 responsible entity, especially when the property is to be sold to various third
34 parties. However, the property owner or developer may be acceptable under one
35 of the following circumstances:
 - 36 a. The property is wholly owned by permittee and the ownership is intended
37 to be retained. This would apply to a farm, corporate office, or single
38 industrial facility, for example.
 - 39 b. The ownership of the property is retained by the permittee and is either
40 leased or rented to third parties (such as in some shopping centers), for
41 example.
- 42 3. The stormwater management system to be maintained by the legal entity shall
43 have adequate easements to permit the Town to inspect and, if necessary, to
44 take corrective action should the legal entity fail to maintain the system

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- 1 properly. The owner shall be liable to the Town for any costs or expenses
2 incurred by the Town in taking the necessary corrective action plus ten percent
3 (10%) for an administrative fee.
- 4 4. Maintenance of stormwater facilities shall allow the stormwater management
5 system to perform as originally designed and permitted by the Town and other
6 appropriate governmental agencies.
- 7 5. Maintenance shall include compliance with Town building and construction
8 codes, and all other applicable Town codes. No owner or successor shall
9 remove, destroy, modify, subvert or render inoperable, through act or omission,
10 any part of a stormwater system unless approved by the Town Engineer and
11 appropriate governmental agencies in writing in advance of any alteration.
- 12 6. The legal entity shall execute and record a document acceptable to the Town
13 attorney which defines its authority and responsibility for maintenance of the
14 stormwater management system, defines how the maintenance is to be
15 performed, defines the funding mechanisms for the required maintenance, and
16 provides a legal mechanism assuring the perpetuation of the maintenance.
- 17 7. In order to assure maintenance during a two-year maintenance period, security
18 shall be submitted before acceptance of the constructed facilities. The security
19 shall be in the form of an approved financial instrument which may include, but
20 not be limited to, cash or performance bonds and letters of credit. The amount
21 of security shall be as required by the Town. The security shall be released at
22 the end of the two-year period upon inspection which confirms that the system
23 has been properly maintained and is operating in accordance with the approved
24 construction plans.
- 25 8. If inspection reveals that the legal entity is not maintaining the system in
26 accordance with this section, the Town shall give the legal entity written notice
27 of the corrective actions required to be taken. If the legal entity fails to complete
28 such corrective action within 30 days after notification, the Town may enter
29 upon the property and take the necessary corrective action.

30 N. Enforcement

31 If the Town Engineer determines that the project is not being carried out in
32 accordance with the approved plan or if any project subject to this chapter is being
33 carried out without a permit or if illicit discharges are being introduced to the
34 Town's stormwater management system, he is authorized to:

- 35 1. Issue written notice to the applicant/owner specifying the nature and location
36 of the alleged noncompliance, with a description of the remedial actions
37 necessary to bring the project into compliance by a date as determined by the
38 Town Engineer, but in no event more than seven (7) days.
- 39 2. Issue a stop work order directing the applicant/owner or person in possession
40 to cease and desist all or any portion of the work which violates this chapter. If
41 the remedial work is not completed within the specified time, the
42 applicant/owner shall then bring the project into compliance.

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1 **8.06.00 OTHER UTILITIES**

2 ***8.06.01 Exterior Lighting***

3 Exterior lighting shall provide adequate illumination to safely guide vehicles and
4 pedestrians into, out of, and within a site. Exterior lighting shall also serve to deter
5 certain crimes. Exterior lighting shall be arranged to eliminate glare on site and
6 spillover onto adjacent properties and public streets.

7 **A. Street Lighting**

- 8 1. Street lighting on both public and private streets shall be installed by the
9 developer in coordination with the appropriate provider and in accordance with
10 the requirements of this Code. All such street lighting must be installed at the
11 developer's expense contemporaneous with the construction of site
12 improvements and prior to issuance of a Certificate of Completion. All such
13 street lighting shall become operational no later than the request for issuance of
14 a Certificate of Completion. All utilities shall be installed underground. The
15 street lighting plan shall comply with all applicable Code requirements and shall
16 be subject to the approval of the Town Engineer prior to installation.
- 17 2. All developments shall provide for installation of streetlights in conjunction
18 with the construction of new roadways or reconstruction or widening or initial
19 paving of existing roads in accordance with the following standards. The
20 streetlight standard is the "Sanibel" light fixture provided as a standard light by
21 Duke Energy on the standard 22-foot pole. Alternative lighting standards may
22 be approved by the Town Council to support neighborhood design. For roads
23 under Lake County or State jurisdiction, alternate lighting plans may be
24 required.
- 25 3. Proposed street lighting along these rights-of-way must be submitted as part of
26 the Final Plan set and reviewed and approved by the utility provider and the
27 Town or agency with jurisdiction of the roadway. All electrical wiring for
28 streetlights shall be underground. The developer will need to check with the
29 Town to obtain information on the approved street lighting fixtures.
- 30 4. Each lighting plan submitted to the Town shall, at a minimum, depict the
31 following:
32 a. Location of lighting fixtures
33 b. Height of light poles
34 c. Type of lighting fixtures
35 d. Levels of illumination
36 e. Color of light
37 f. Deflector and beam direction
38 g. Area to be lighted by each lighting fixture
- 39 5. The following provisions are applicable to street lighting installed on local
40 streets within new residential subdivisions:
41 a. The developer shall be responsible for the installation, maintenance, repair,
42 replacement and operational costs of street lighting installed on public

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- 1 streets until the end of the calendar year in which the Town receives written
2 notice from the developer that certificates of occupancy have been issued
3 for buildings constructed on seventy-five percent (75%) of the lots in the
4 subdivision which is the subject of the Certificate of Completion which
5 includes such street lighting.
- 6 b. Beginning with the calendar year following such notice, the Town shall be
7 responsible for the maintenance, repair, replacement and operational costs
8 of such street lighting, except for specialized street lighting which is subject
9 to a separate agreement with the Town. The Town shall assume
10 responsibility as aforesaid only for standard street lighting costs on public
11 streets. The written notice from the developer regarding issuance of
12 certificates of occupancy is subject to verification by the Town for accuracy.
- 13 c. At the time of the pre-construction conference, the developer shall (1)
14 advise the Town regarding the type of street lighting to be installed, and (2)
15 based upon the billing estimate received by the Town from the power
16 company with respect to the proposed street lighting, pre-pay to the Town
17 the street lighting costs (including charges related to specialized street
18 lighting, if applicable) for the first year (i.e., 12 months) for all such street
19 lighting installed on public streets and the Town shall use such funds for the
20 payment of street lighting invoices received from the power company.
21 Thereafter, the Town shall annually invoice the developer in advance for
22 said street lighting costs until such time as the Town receives written notice
23 from the developer that certificates of occupancy have been issued for
24 seventy-five percent (75%) of the lots in the subdivision as set forth above.
25 If such invoice is not paid when due, then the Town shall discontinue the
26 issuance of further building permits for such subdivision until payment is
27 made. The Town will forward any such future invoices to a homeowners'
28 association upon receipt of written notice from the developer that the
29 responsibilities for the payment of such invoice (including charges related
30 to specialized street lighting, if applicable) has been transferred to such
31 association and satisfactory evidence, in recordable form, indicating the
32 homeowners' association has agreed to assume such costs. Currently, the
33 Town does not receive itemized invoices from the power company for street
34 lighting installed on public streets and, therefore invoices to the developer
35 or association are based on estimated costs. The developer/association shall
36 not be entitled to a refund for prepaid street lighting costs incurred during
37 the calendar year in which the Town receives written notice from the
38 developer that certificates of occupancy are issued for seventy-five percent
39 (75%) of the lots in the subdivision.
- 40 d. If a developer has installed specialized street lighting on a public street, then
41 in such event the developer, the applicable homeowners' association and
42 the Town shall, prior to or at the time of approval of the first plat, enter into
43 an agreement acceptable to the Town which provides that commencing at
44 the time the Town becomes responsible for the standard street lighting costs

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1 on such public street the developer and/or the association shall reimburse
2 (and shall continue to reimburse) the Town for the additional costs above
3 the standard street lighting costs thereafter incurred by the Town in
4 connection therewith plus an administrative charge equal to ten percent
5 (10%) of the additional costs. Nothing contained herein shall be construed
6 to prevent the homeowner association from entering into such agreement
7 during the time it is controlled by the developer.

8 e. Any annual invoices for payment of public street lighting shall be due and
9 payable thirty (30) days from the date of such invoice. Should payment not
10 be received within said time frame, then such invoices shall bear interest at
11 the rate of eighteen percent (18%) per annum until paid. If any such invoice
12 remains unpaid for a period of sixty (60) days, then the Town may take any
13 action deemed necessary in order to collect such unpaid invoice, including
14 but not limited to, the retaining of the services of a collection agency or
15 attorney, and initiating legal proceedings for collection thereof. In such
16 event, the Town shall be entitled to receive its reasonable attorney's fees,
17 paralegal fees and other costs and expenses, whether incurred prior to,
18 during, or subsequent to court proceedings or on appeal.

19 f. The developer shall be responsible for the installation, maintenance, repair,
20 replacement and operational costs of street lighting installed on private
21 streets. The developer shall directly contract with the power company
22 regarding such street lighting. The obligations of the developer under this
23 subsection may be transferred to and assumed by the applicable
24 homeowners' association. The Town shall have no responsibility for the
25 installation, maintenance, repair, replacement and operational costs of street
26 lighting installed on private streets.

27 B. Lighting of Parking Lots and Vehicular Use Areas

- 28 1. Lighting of parking lots and other vehicular use areas shall be at the minimum
29 necessary to provide adequate lighting for safety, while ensuring that the
30 fixtures do not permit lighting to spill over onto adjoining properties.
31 2. All developers shall submit lighting plans in conjunction with the Final Plan
32 submittal. Each lighting plan for parking lots and vehicular submitted to the
33 Town shall, at a minimum, depict the following:
34 a. Location of lighting fixtures
35 b. Height of light poles
36 c. Type of lighting fixtures
37 d. Levels of illumination
38 e. Color of light
39 f. Deflector and beam direction
40 g. Area to be lighted by each lighting fixture
41 3. Lighting plans are subject to review and approval by the Town. All costs
42 associated with lighting of these areas are the responsibility of the property
43 owner.

44 C. Other Exterior Lighting

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1 It is the policy of the Town to permit adequate exterior lighting for safety and use
2 purposes, while ensuring that exterior lighting does not spill over onto adjacent
3 properties. For developments that require exterior lighting for outdoor recreation
4 or other purposes, the lighting plans shall be included as part of the Final Plan
5 submittal package. No exterior lighting shall be installed without prior approval of
6 the Town. All such exterior lighting shall be the responsibility of the property
7 owner.

8 **8.06.02 Underground Utilities**

- 9 A. Utility lines of all kinds, including but not limited to those of franchised utilities,
10 electrical power, telephone, cable television, and gas, shall be constructed and
11 installed beneath the ground in the street right-of-way and/or a front yard utility
12 easement within new developments.
- 13 B. The underground installation of appurtenances such as transformer boxes, pedestal-
14 mounted service or terminal lines for electricity, telephone, cable television, or gas
15 service, or similar service hardware necessary for the provision of electric,
16 telephone, cable television, and gas service, shall not be required; provided,
17 however, such appurtenances may be installed underground at no cost to the Town.
- 18 C. It shall be the developer’s responsibility at the developer’s expense, to make the
19 necessary arrangements with each utility in accordance with the utility’s established
20 policies.

21 **8.07.0 ENVIRONMENTAL PRESERVATION AND PROTECTION**

22 **8.07.01 Vegetation and Soil Protection**

- 23 A. Purpose and Intent. The purpose of this section is to prohibit the destruction of
24 natural vegetation and the changing of natural grades and drainage problems until
25 a development order or development permit has been approved. Additionally, this
26 section provides for protective measures for both vegetation and soils to be
27 implemented prior to construction.
- 28 B. Required Vegetation Preservation. The following preservation measures shall be
29 implemented on all construction sites as applicable:
 - 30 1. Clearing Procedures. The applicant shall be responsible for insuring that all
31 possible measures are taken during the clearing process to avoid damage to trees
32 and vegetation designated to remain after construction. This shall include use
33 of hand labor rather than large machinery where necessary to protect trees to be
34 preserved. All felled material shall be promptly and carefully removed from
35 the site in order to avoid potential damage to remaining trees and vegetation
36 and the harboring of insects, snakes, and rodents.
 - 37 2. Protective Barricades. Protective barricades shall be constructed (prior to
38 clearing) around all trees and vegetation designated to remain. These barricades
39 shall be located at the dripline of the trees or vegetation and shall specifically
40 be comprised of orange netting together with four foot (4’), 2-by-2 posts.
41 Where this cannot reasonably be accomplished, the applicant will locate the

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1 barricade as close to one (1) foot away from the tree trunk for every diameter
2 at breast height (DBH) inch as is practical or reasonable, when approved by the
3 Town Engineer or his or her designee. The barricade should be rigid and sturdy
4 enough to survive the construction period, however, any suitable new or scrap
5 material may be used in its construction. With the approval of the Town
6 Engineer or his or her designee, large wooded areas may be tagged or similarly
7 designated instead of barricaded.

- 8 a. Absolutely no fill, building materials, trash, or other objects shall be placed
9 inside these barriers. If fill is deposited adjacent to these areas, a suitable
10 temporary or permanent retaining structure shall be constructed to prevent
11 siltation of the barricaded area.
- 12 b. Barricades are to be adequately maintained and shall remain in place until
13 their removal or modification is approved in writing. Failure of the
14 applicant to properly locate and/or maintain the barricade may result in the
15 issuance of a Stop Work order, and the requirement that the applicant
16 provide a restoration plan to the Town Engineer or his or her designee.
- 17 3. Excavations. Swales and minor negative grade changes should always be
18 designed around the dripline area as much as possible. Any exposed roots shall
19 be trimmed. Piping should be used where deep swales or ditches would require
20 significant grade change adjacent to trees.
- 21 4. Trenching. Trenching of any type should be avoided in the dripline area.
22 Where underground installations are required adjacent to the trunks of specimen
23 trees, tunneling should be used. When trenching or tunneling near trees to
24 remain, protective measures should be taken.
- 25 C. Required Soil Conservation. The following soil conservation measures shall be
26 taken on all construction sites as required.
 - 27 1. During Construction. The contractor shall follow standard practices or details
28 specifically included in his environmental permit to prevent erosion and the
29 depositing of soils off the construction site. These practices shall include the
30 protection of bare soils from wind forces and stormwater.
 - 31 2. After Construction. All disturbed areas shall be mulched, seeded, or sodded to
32 restore the original vegetation as required by the permit-issuing authority, and
33 shall be maintained as such. The removal or lack of maintenance of vegetation
34 resulting in on-site and/or off-site erosion (sedimentation or siltation or both)
35 or wind-blown loss of soils shall be deemed a violation of this section.

36 **8.07.02 Disposal of Debris**

37 The burying of rubbish, logs, lumber, building materials, underbrush, trash or other
38 matter which would decompose or allow the land to thereafter settle is hereby
39 prohibited.

40
41 **8.08.0 OPEN SPACE AND RECREATIONAL AMENITIES (TW)**

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1 **8.08.01** **General Open Space.**

- 2 A. Open space is required of all new development. Open space may consist of buffers,
3 stormwater ponds, public and private park areas, wetlands, and other pervious area
4 that is set aside for conservation or is to be left undeveloped.
5 B. For stormwater ponds to be counted as open space, they must be designed as an
6 amenity in addition to their primary function as a stormwater facility. The features
7 that are required for stormwater park amenities include landscaping, pedestrian
8 paths or trails, picnic areas, and other activities of a more passive nature. For wet
9 ponds, aeration and aquatic plants are also required.

10
11 **8.08.02** **Recreational Amenities**

12
13 For new development of 40 or more residential dwelling units, the plan for all
14 recreational amenities must be presented for Town Council approval as part of the
15 application for final plat approval. Construction and installation of recreational
16 amenities for each component subdivision must be completed on or before the
17 issuance of certificates of occupancy for 75% of the dwelling units for the
18 component subdivision. (TW)

19 **8.09.0 SCREENING STANDARDS**

- 20 A. Service areas visible from a public right-of-way or abutting properties shall be
21 screened by a combination of landscape and hardscape. This may include berming
22 or walls in combination with landscaping.
23 B. Solid waste refuse facilities shall be screened by a six-foot wall with a decorative
24 face (brick, stucco, or stone). Such walls shall screen the refuse receptacle on three
25 sides with the access side oriented towards the interior of the site and away from
26 areas visible to abutting properties. The access side of the storage area shall be
27 equipped with opaque doors or gates.
28 C. Utility fixtures, ventilation equipment, and mechanical equipment, when outside a
29 structure, shall be screened with walls, fences, dense plant material, or a
30 combination thereof.

31 **8.10.0 APPEALS PROCEDURE**

32 Any applicant may appeal a decision of any Town consultant or employee in the
33 enforcement or interpretation of this Chapter or LDC. The appeal shall be filed within
34 60 days from the date of a DRC report or other consultant or employee decision. Upon
35 filing the appropriate application and payment of an appeal fee set by resolution of the
36 Town Council, the Town Clerk shall process such appeal. The Board of Adjustment,
37 by a majority vote, may affirm, reverse, or modify the decision. (TW – moved to new
38 sec. 1.06.07)

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CHAPTER 9

Boards and Committees

1

2

3

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TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

1

2 **9.00.00 REQUIREMENTS FOR ALL LAND DEVELOPMENT BOARDS AND**
3 **COMMITTEES**

4 **9.00.01 Appointment, Term of Office, and General Membership Requirements**

- 5 A. All members of the Planning & Zoning Board shall be appointed by the Town
6 Council.
- 7 B. The Planning & Zoning Board shall have the opportunity to review each applicant's
8 resume and make a recommendation on the appointment.
- 9 C. All members shall reside within the Town limits, with the exception of members of
10 the Development Review Committee.
- 11 D. Unless expressly stated otherwise in this LDC, Town Council members shall not
12 be eligible to serve on other Town boards or committees.
- 13 E. Town employees shall only be eligible to serve on the Development Review
14 Committee.
- 15 F. Each member of the Planning & Zoning Board and Development Review
16 Committee serves at the pleasure of the Town Council.
- 17 G. The term of office for Planning & Zoning Board members shall be three years, but
18 members may serve until a successor is appointed.
- 19 H. Planning & Zoning Board members may seek re-appointment by applying for the
20 new term with other applicants who are interested in the position.

21 **9.00.02 Attendance**

- 22 A. Each Planning & Zoning Board member shall attend all regular and called
23 meetings.

24 **9.00.03 Officers and Committees**

- 25 A. Each board or committee shall have a chairperson and a vice chairperson. For the
26 Board of Adjustment, the chairperson shall be the Mayor and the vice chairperson
27 shall be the Mayor Pro Tem.
- 28 B. The Planning and Zoning Board chairperson and vice chairperson shall serve one-
29 year terms. Officers shall not serve more than two consecutive terms.
- 30 C. The Planning & Zoning Board may create whatever committees it deems necessary
31 to carry out its purposes. The chairperson of the board shall appoint the membership
32 of each committee from the members of that board.

33 **9.00.04 Planning & Zoning Board Removal and Vacancies**

- 34 A. When a position on the Planning & Zoning Board becomes vacant before the end
35 of the term, the Town Council shall appoint a member to fill the vacancy for the
36 duration of the term.

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- 1 B. When a term is two months from expiring, the Town shall accept applications for
- 2 the position and shall endeavor to fill the position so that the new board member
- 3 starts at the meeting following the term’s end.
- 4 C. When an unexpired term is two months or less, the Town Council may appoint a
- 5 new member to fill both the unexpired term and the following full term.
- 6 D. When a member moves outside the Town or otherwise no longer meets eligibility
- 7 requirements for membership the Town Council shall declare the seat vacant and
- 8 proceed accordingly.
- 9 E. Any member who misses two consecutive regular meetings without first providing
- 10 notice of the absence to the Town Clerk shall be deemed to have resigned from the
- 11 Board and shall be replaced accordingly. Any member who misses four regular
- 12 meetings during the course of a calendar year, regardless of prior notice, shall be
- 13 deemed to have resigned from the Board and replaced accordingly.

14 **9.00.05 Public Meetings, Hearings, and Records**

- 15 A. All meetings and hearings of boards and committees including specifically (but not
- 16 limited to) the Development Review Committee, shall be open to the public and
- 17 shall allow public comment on agenda items.
- 18 B. All meeting agendas of boards and committees shall be posted in advance.
- 19 C. Each board and committee shall keep minutes of its proceedings, indicating the
- 20 attendance of each member and the decision of the board or committee on every
- 21 item. The minutes shall be signed by the chairperson and the Town Clerk.
- 22 D. A record shall be made of all resolutions, transactions, findings, recommendations,
- 23 and decisions, which record shall be a public record on file in the office of the Town
- 24 Clerk.
- 25 E. At its option the DRC may forward separate recommendations of each DRC
- 26 member, in his or her professional capacity, rather than recommendations of the
- 27 DRC as a whole.

28 **9.00.06 Quorum and Voting**

- 29 A. For the purpose of taking action at any meeting or hearing, a majority of the existing
- 30 board members shall constitute a quorum.
- 31 B. Approval of actions before any Board or Committee requires an affirmative vote of
- 32 a majority of the members in attendance.

33 **9.00.07 By-Laws**

- 34 A. Each board may enact by-laws to govern its operation and procedures.
- 35 B. By-laws shall not conflict with the requirements of this LDC. In the event of any
- 36 conflict between the provisions of this LDC and the by-laws, the provisions of this
- 37 LDC shall control.
- 38 C. The following topics may be included in the by-laws:
- 39 1. The designation of officers.
- 40 2. The specific duties of officers.

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- 1 3. The creation of committees.
- 2 4. Code of conduct.
- 3 5. Voting procedures.
- 4 6. Scheduling of meetings.
- 5 7. Order of business; and
- 6 8. Preparation of minutes.
- 7 D. The Town Council shall approve all Advisory Board By-Laws.

8 **9.00.08 Parliamentary Authority**

9 All meetings shall be conducted in accordance with parliamentary procedure as set
10 forth and explained in the latest revised edition of Robert’s Rules of Order, which shall
11 serve as the official rules of procedure.

12 **9.00.09 Legal Representation**

13 The Town Council may retain legal counsel to represent a board or committee.

14 **9.00.10 Compensation**

15 Planning & Zoning Board members shall serve without compensation but may be
16 reimbursed for actual expenses incurred in connection with their official duties.

17 **9.00.11 Funding**

18 The Town Council may appropriate funds at its discretion for expenses necessary in
19 the conduct of the duties of appointed boards and committees.

20 **9.00.12 Conflict of Interest**

- 21 A. A member shall abstain from voting on a particular issue if the member has a voting
22 conflict under section 112.3143 of Florida Statutes (or successor statutes). In
23 general terms a voting conflict under that statute arises when a vote would inure to
24 the special private gain or loss of the voting member or of the member’s family,
25 business associate, employer or client.
- 26 B. If a member owns a property within the area entitled to receive mailed notice of the
27 hearing, that board member may voluntarily abstain from voting if the board
28 member believes that the proximity of the project constitutes the appearance of a
29 voting conflict of interest, as contemplated by section 286.012 of Florida Statutes,
30 or otherwise will interfere with his or her ability to be an impartial decision maker
31 in the case.

32 **9.00.13 General Powers**

33 A board or committee may request information from any official, staff member, or
34 department of the Town, which is necessary in order to carry out specific roles and
35 responsibilities.

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1 **9.01.00 PLANNING & ZONING BOARD**

2 **9.01.01 Establishment**

3 There is hereby created a Planning & Zoning Board, with the roles and responsibilities
4 as set forth herein.

5 **9.01.02 Membership and Terms of Office**

- 6 A. There shall be not less than three nor more than seven members.
- 7 B. Terms shall be staggered such that no more than three terms expire simultaneously.
 - 8 1. Appointments shall be for three-year terms or until a successor is chosen.
 - 9 2. When a term is two months from expiring, the Town shall accept applications
10 for the position and endeavor to fill the position so that the new board member
11 starts at the meeting following the term's end.
 - 12 3. When an unexpired term for a vacant seat is two months or less, the Town
13 Council may appoint a new member to fill both the unexpired term and the
14 following full term.
- 15 C. Any interested and eligible citizen as provided for in this section may be appointed
16 to the board, but those with experience or interest in the field of planning and zoning
17 or related fields shall receive special consideration.

18 **9.01.03 Roles and Responsibilities**

19 The Planning & Zoning Board shall have the roles and responsibilities described below.

- 20 A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S.
21 As the LPA, the Planning & Zoning Board shall:
 - 22 1. Make recommendations to the Town Council regarding adoption of a
23 Comprehensive Plan.
 - 24 2. Monitor and oversee the effectiveness and status of the Comprehensive Plan,
25 including periodic evaluations.
 - 26 3. Make recommendations to the Town Council regarding amendment of its
27 adopted Comprehensive Plan; and
 - 28 4. Carry out such other duties as may be specified in Chapter 163, Part II, of
29 Florida Statutes.
- 30 B. To provide advice and recommendations to the Town Council regarding growth,
31 land use, long range planning, and redevelopment.
- 32 C. To hear, consider, and make recommendations to the Town Council regarding
33 applications to:
 - 34 1. Amend the Zoning Map (zoning or rezonings).
 - 35 2. Amend the text of the LDC.
 - 36 3. Create a subdivision
 - 37 4. Amend the Comprehensive Plan.
 - 38 5. Create a site plan; and
 - 39 6. Grant variances and conditional uses.
- 40 D. In carrying out its duties, the Planning & Zoning Board may:

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- 1 1. Establish such committees as may be necessary to gather facts, analyze
- 2 findings, and make recommendations to the Planning & Zoning Board as a
- 3 whole.
- 4 2. Acquire and maintain such information and materials as are necessary for an
- 5 understanding of past trends, present conditions, and forces at work to cause
- 6 changes in these conditions.
- 7 3. Periodically evaluate the Comprehensive Plan and LDC and propose
- 8 amendments to the Town Council.
- 9

9.01.04 Quorum and Voting

- 11 A. For the purpose of taking action at any meeting or hearing, a majority of the existing
- 12 board members shall constitute a quorum, but shall be at least three members.
- 13 B. Approval of actions before the Board requires an affirmative vote of a majority of
- 14 the members present, but not less than three affirmative votes.
- 15

9.02.00 TOWN COUNCIL AS BOARD OF ADJUSTMENT

9.02.01 Establishment

17 There is hereby established a Board of Adjustment (BOA) for the purpose of hearing

18 and deciding on appeals of administrative decisions and hearing and taking action on

19 applications for variances.

20

9.02.02 Membership

21 The BOA shall be comprised of the Town Council members.

22

9.02.03 Roles and Responsibilities

23 The BOA shall have the roles and responsibilities described in this section. The Board

24 shall conduct public hearings and render decisions in compliance with the requirements

25 of this LDC on the following matters:

26

- 27 A. Appeals where it is alleged there is error in any order, interpretation, requirement,
- 28 decision, or determination made by an administrative official in the enforcement of
- 29 this LDC; and
- 30 B. Applications for a variance from a provision of the LDC, as set forth in Chapter 4.
- 31

9.02.04 Notice Procedures for Administrative Appeals

- 32 A. Publication of notice. Notice of public hearing shall be published in a newspaper
- 33 of general circulation at least 10 days prior to the public hearing. Notice shall also
- 34 be posted at Town Hall and on the Town’s website.
- 35 B. After the public hearing, the BOA shall uphold the administrative decision, reverse
- 36 the administrative decision, or render an alternate decision.
- 37
- 38

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1 **9.03.00 DEVELOPMENT REVIEW COMMITTEE**

2 **9.03.01 Establishment**

3 There is hereby created and established a Development Review Committee (DRC) for
4 the purpose of receiving, reviewing, and rendering recommendations on applications
5 subject to administrative review and decision as set forth in Chapter 4.

6 **9.03.02 Membership**

7 Membership of the DRC shall include, but is not limited to, the following:

- 8 A. Town Planner
- 9 B. Town Engineer
- 10 C. Town Traffic Engineer
- 11 D. Public Works Director
- 12 E. Police Chief
- 13 F. Town Manager
- 14 G. Town Clerk

15 **9.03.03 Roles and Responsibilities**

- 16 A. The DRC shall review applications and provide recommendations to the Planning
17 & Zoning Board, the Board of Adjustment and the Town Council for annexations,
18 zonings and rezonings, amendments to this LDC, Comprehensive Plan
19 amendments, subdivision plans, subdivision plats, site plans, variances, conditional
20 uses, and amendments to previously issued local development orders.
- 21 B. The DRC shall perform such other duties as may be assigned by the Town Council
22 or Town Manager.

23 **9.03.04 Rules of Procedure**

- 24 A. The Town Manager shall chair meetings of the DRC.
- 25 B. The DRC shall meet as necessary.
- 26 C. The DRC may establish such additional rules of procedure as needed to carry out
27 its roles and responsibilities.

28
29
30 **9.04.00 DESIGN REVIEW BOARD**

31
32 **9.04.01 Establishment**

33 There is hereby created and established a Design Review Board for the purpose of
34 receiving, reviewing and rendering recommendations on the architectural
35 requirements for residential and non-residential development and other design
36 considerations as may be brought before the Board.

37
38 **9.04.02 Membership**

39

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- 1 A. There shall be not less than three nor more than seven regular members.
- 2 B. Terms shall be staggered such that no more than three (3) terms expire
- 3 simultaneously
- 4 1. Appointments shall be for three-year terms.
- 5 2. When a term is two months from expiring, the Town shall accept
- 6 applications for the position and endeavor to fill the position so that the
- 7 new board member starts at the meeting following the term end.
- 8 3. When an unexpired term is two months or less, the Town Council may
- 9 appoint a new member to fill both the unexpired term and the following
- 10 full term.
- 11 C. Any interested and eligible citizen as provided for in this section may be
- 12 appointed to the board, but those with experience in building design,
- 13 construction or related fields shall receive special consideration.
- 14

9.04.03 Roles and Responsibilities

15
16 The Design Review Board shall review and approve all applications for compliance
17 with architectural plan requirements for residential and non-residential
18 development as set forth in Chapter 4. The Board shall also review and recommend
19 approval of proposed improvements to any buildings on the local, state or Federal
20 lists of historic buildings. Decisions of the Design Review Board may be appealed
21 to the Town Council.
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CHAPTER 10

Concurrency

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1 **10.00.00 GENERALLY**

2 **10.00.01 Purpose**

3 Public facilities and services needed to support development shall be available
4 concurrent with the impacts of such development, or in place within timeframes as
5 outlined in the Town’s Comprehensive Plan. The provisions of this chapter are
6 designed to provide a systematic process for the evaluation of all proposed
7 development for its impact on those public facilities and services specified in the
8 Town’s Comprehensive Plan.

9 **10.01.00 APPLICABILITY**

10 **10.01.01 Exemptions from Concurrency**

11 The following development orders and permits are exempt from this chapter, and may
12 commence development without a certificate of concurrency:

- 13 A. Any addition to a residence.
- 14 B. Interior construction of a non-residential shell structure for uses with the same or
15 less intensity as identified on an approved site plan.
- 16 C. Renovations with no change in use.
- 17 D. Accessory structure that creates no additional impact on public facilities.
- 18 E. Replacement structure which creates no additional impact.
- 19 F. Temporary construction trailers.
- 20 G. Single-family and duplex residences on lots which were platted prior to adoption
21 of this code.
- 22 H. Development that is determined to be vested.

23 **10.01.02 Vested Rights**

- 24 A. Applicants for development orders who have been determined to possess vested
25 rights from a previously issued development order will be allowed to proceed with
26 development even though they may not meet concurrency. A concurrency
27 evaluation shall still be performed in order to calculate the impact of the vested
28 development on remaining capacity. This concurrency analysis will not affect the
29 vested development, but the capacity used by the vested development will not be
30 available for development that is not vested.
- 31 B. Vesting of Final Development Orders. Some properties may not be subject to
32 restrictions imposed by concurrency if the property is vested prior to the
33 implementation of the concurrency management system. Florida case law
34 establishes a three (3) part test for determining vested development rights. All three
35 (3) of the following must be met in order to be vested for development:
 - 36 1. Good faith reliance on an act or omission of the Town.
 - 37 2. Substantial expenditures or obligations subsequent to reliance on an act or
38 omission of the Town; and,

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- 1 3. Made a substantial change in position or has incurred such extensive obligations
- 2 and expenses that it would be highly inequitable and unjust to destroy the rights
- 3 acquired by application of the Comprehensive Plan and/or this Code.

4 **10.02.00 REVIEW AND DETERMINATION**

5 **10.02.01 Concurrency Review**

- 6 The Town of Howey in the Hills requires concurrency review and determination with
- 7 the following applications for development permits:
- 8 A. Building Permit
 - 9 B. Final Site and Subdivision Plans

10 **10.02.02 Certificate of Concurrency**

- 11 A. General. For each public facility, a determination of available capacity shall be
- 12 made. If the capacity for that specific facility exceeds the projected demand of the
- 13 proposed development, a Certificate of Concurrency (COC) shall be issued. If
- 14 capacity is not available, the Town shall issue a letter outlining the capacity
- 15 deficiency.
- 16 B. Expiration of a Certificate of Concurrency. Each Certificate of Concurrency will
- 17 specify the length of time it is valid for each facility or service. The Town has
- 18 specific time limits for development orders. A concurrency certificate will no
- 19 longer be valid if the development order is no longer valid.
- 20 C. Resubmission of Concurrency Application. Applications for development orders
- 21 that are denied because of insufficient capacity of public facilities may be
- 22 resubmitted if the applicant of the denied development order intends to provide all
- 23 public facilities to comply with capacity requirements or enters into a development
- 24 agreement with the Town or other public facility provider for the purpose of
- 25 contributing to the provision of the public facility required.
- 26 D. Transfer of Certificate of Concurrency. The concurrency analysis is site specific
- 27 and cannot be transferred to another piece of property. It can be transferred to
- 28 subsequent development orders for the same parcel, and to subsequent owners of
- 29 the same parcel.

30 **10.02.03 Standards to Meet Concurrency**

- 31 The Town shall review applications for development and a development permit will be
- 32 issued only if the proposed development does not lower the existing level of service
- 33 (LOS) of a facility or service below the adopted LOS in the Town’s Comprehensive
- 34 Plan. A project shall be deemed concurrent if one of the following standards is met:
- 35 A. The necessary public facilities and services are in place at the time the development
 - 36 order or permit is issued; or
 - 37 B. A final development order is issued subject to the condition that the necessary
 - 38 facilities and services will be in place when the impacts of the development occur;
 - 39 or

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- 1 C. The necessary facilities are under construction at the time a final development order
2 is issued; or
- 3 D. The necessary facilities and services are guaranteed in an enforceable development
4 agreement. The agreement must guarantee that the necessary facilities and services
5 will be in place when the impact of development occurs; or
- 6 E. The necessary facilities and services are in place no later than the issuance of a
7 certificate of occupancy.
- 8 F. For parks, at a minimum, the following standards shall satisfy the concurrency
9 requirement:
 - 10 1. At the time the final development order is issued, the necessary facilities and
11 services are the subject of a binding executed contract which provides for the
12 commencement of the construction of the required facilities within one year of
13 the issuance of the final development order; or
 - 14 2. The necessary facilities and services are guaranteed in an enforceable
15 development agreement which requires the commencement of the construction
16 of the facilities or the provision of services within one year of the issuance of
17 the applicable development order; or
 - 18 3. The necessary facilities and services are in place no later than one year after the
19 issuance of a certificate of occupancy.
- 20 G. For roads, at a minimum, the following standards will satisfy the concurrency
21 requirement:
 - 22 1. The necessary facilities and services are in place at the time a final development
23 order is issued; or
 - 24 2. A final development order is issued subject to the condition that the necessary
25 facilities and services will be in place when the impacts of the development
26 occur; or
 - 27 3. The necessary facilities are under construction at the time a final development
28 order is issued; or
 - 29 4. At the time the final development order is issued, the necessary facilities and
30 services are the subject of a binding executed contract which provides for the
31 commencement of the construction of the required facilities or the provision of
32 services within three (3) years of the approval of the development order; or
 - 33 5. The necessary facilities and services are guaranteed in an enforceable
34 development agreement which requires the commencement of the construction
35 of the facilities or the provision of services within three (3) years of the approval
36 of the applicable development order; or
 - 37 6. The necessary facilities and services are guaranteed in an enforceable
38 development agreement that includes the provisions of paragraphs 1-3 above.
39 The agreement must guarantee that the necessary facilities and services will be
40 in place when the impacts of the development occur; or
 - 41 7. The necessary facilities and services are in place or under construction no later
42 than three (3) years after issuance of a certificate of occupancy.
- 43 H. For school facilities, the following standards shall satisfy the concurrency
44 requirement:

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1 1. If public school concurrency is applied on less than a district-wide basis in the
2 form of concurrency service areas, a residential development order or permit
3 shall be issued only if the needed capacity for the particular service area is
4 available in one or more contiguous service areas and school capacity is
5 available district-wide.

6 **I. Developers must construct all road improvements to meet concurrency**
7 **requirements at no cost to the Town. (FW)**

8 **10.02.04 Facilities and Services Subject to Concurrency Determination.**

9 A concurrency determination shall be made for the following public facilities and
10 services:

- 11 A. Potable water.
- 12 B. Sanitary sewer
- 13 C. Transportation
- 14 D. Solid Waste Disposal
- 15 E. Stormwater Management
- 16 F. Parks

17 **10.02.05 Facility and Service Demand Calculations**

18 Facilities and services shall be analyzed based on the levels of service (LOS) outlined
19 in the Town’s Comprehensive Plan.

20 **10.02.06 Alternative Demand Calculations**

21 If the applicant claims the standards provided in the demand calculations are not
22 applicable to the proposed project, the applicant shall submit appropriate
23 documentation supporting the proposed alternative demand calculation to the Town.
24 Any alternative calculation standard shall be subject to the approval of the Town
25 Council.

26 **10.02.07 Appellate Process**

27 The applicant may appeal the denial of a Certificate of Concurrency to Town Council.
28 The appeal shall be made in accordance with Section 9.02.03 of Chapter 9.

29 **10.03.00 DETERMINING PROPORTIONATE FAIR SHARE**

30 **10.03.01 General Requirements**

- 31 A. An applicant may choose to satisfy the transportation concurrency requirements of
32 the Town by making a proportionate fair-share contribution, pursuant to the
33 following requirements:
 - 34 1. The proposed development is consistent with the comprehensive plan and
35 applicable land development regulations and
 - 36 2. The five-year schedule of capital improvements in the Capital Improvements
37 Element (CIE) or the schedule of capital improvements for the long-term CMS

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- 1 includes a transportation improvement(s) that, upon completion, will satisfy the
2 then existing requirements of the applicable CMS. The provisions of Section
3 5(2) may apply if a project or projects needed to satisfy concurrency are not
4 presently contained within the applicable CIE(s) or the adopted long-term
5 schedule of capital improvements.
- 6 3. A proportionate share contribution may involve the addition of transportation
7 capacity through several means including but not limited to: the physical
8 widening and/or reconstruction of a roadway to add capacity; the addition of
9 transportation capacity through creating new reliever roadways; new network
10 additions; contributing to new transit capital facilities (e.g., bus rapid transit
11 corridor); contributing to the expansion of bus fleets to increase service
12 frequency, other contributions to mass transit system expenses; or any other
13 means determined by the Town to add transportation capacity sufficient to
14 mitigate impacts.
- 15 B. The Town may choose to allow an applicant to satisfy transportation concurrency
16 through the Proportionate Fair-Share Program by approving the applicant's
17 contribution to an improvement or improvements that, upon completion, will
18 satisfy the requirements of the applicable CMS(s), but is not contained in the five-
19 year schedule of capital improvements in the CIE(s) or a long-term schedule of
20 capital improvements for an adopted long-term CMS, where the following apply:
- 21 1. The jurisdiction approving the development order adopts, by resolution or
22 ordinance, a commitment to add the improvement to the schedule of capital
23 improvements in the CIE or long-term schedule of capital improvements for an
24 adopted long-term CMS no later than the next regularly scheduled update. To
25 qualify for consideration under this section, the proposed improvement must be
26 reviewed by the appropriate jurisdictions and agencies and must be determined
27 to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with
28 the comprehensive plan of each jurisdiction within which any portion of the
29 proposed improvement would lie, and in compliance with the provisions of this
30 ordinance. Financial feasibility for this section means that additional
31 contributions, payments, or funding sources are reasonably anticipated during
32 a period not to exceed 10 years to fully mitigate impacts on the transportation
33 facilities. If a transportation facility proposed for the Proportionate Share
34 Program is under the jurisdiction of another entity, such as the County or FDOT,
35 the proposed improvement shall be included in the five-year Work Program of
36 that jurisdiction or, when the improvement is not in the Work Program, through
37 resolution or ordinance, there shall be adoption of a commitment to add the
38 improvement to the schedule of capital improvements in the CIE or long-term
39 schedule of capital improvements for an adopted long-term CMS no later than
40 the next regularly scheduled update.
- 41 2. 2. If the funds allocated for the schedule of capital improvements in the CIE
42 are insufficient to fund construction of a transportation improvement required
43 by the CMS, the Town may still enter into a binding proportionate fair-share
44 agreement with the applicant. The agreement may authorize construction of the

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- 1 development if the proportionate fair-share amount in such agreement is
- 2 determined to be sufficient to pay for improvements which will, in the opinion
- 3 of the governing body of each governmental entity or entities maintaining the
- 4 transportation facilities, significantly benefit the impacted transportation
- 5 system. The improvement(s) funded by the proportionate fair-share component
- 6 must, for each affected local jurisdiction, be adopted into the capital
- 7 improvements schedule of the comprehensive plan or the long-term schedule of
- 8 capital improvements for an adopted long-term concurrency management
- 9 system at the next annual capital improvements element update.
- 10 C. Any improvement project proposed to meet the developer’s fair share obligation
- 11 must meet the Howey-in-the-Hills design standards, or those of Lake County for
- 12 County facilities or those of FDOT for State facilities.
- 13 D. Pursuant to Section 163.3177, F.S., the CIE must include transportation
- 14 improvements included in the Lake Sumter MPO Transportation Improvement Plan
- 15 (TIP) to the extent that such improvements are relied upon to ensure concurrency
- 16 and financial feasibility. If the Town is relying upon scheduled improvements to a
- 17 facility maintained by the other to ensure concurrency and financial feasibility, the
- 18 scheduled improvements from the other jurisdiction’s Work Program must be
- 19 included in the CIE of the local government issuing the development order. All
- 20 CIEs must also be coordinated with the adopted Lake Sumter MPO’s Long Range
- 21 Transportation Plan (LRTP) for planning purposes.

10.03.02 Intergovernmental Coordination

- 22
- 23 **A. IN THE INTEREST OF INTERGOVERNMENTAL COORDINATION**
- 24 **AND TO REFLECT THE SHARED RESPONSIBILITIES FOR**
- 25 **MANAGING DEVELOPMENT AND CONCURRENCY, THE TOWN MAY**
- 26 **ENTER INTO AN AGREEMENT WITH AN ADJACENT LOCAL**
- 27 **GOVERNMENT(S) TO ADDRESS CROSS JURISDICTIONAL IMPACTS**
- 28 **OF DEVELOPMENT ON TRANSPORTATION FACILITIES. THE**
- 29 **AGREEMENT SHALL PROVIDE FOR APPLICATION OF THE**
- 30 **METHODOLOGY IN THIS SECTION TO ADDRESS THE CROSS**
- 31 **JURISDICTIONAL TRANSPORTATION IMPACTS OF DEVELOPMENT.**
- 32 **B. A DEVELOPMENT APPLICATION SHALL BE SUBJECT TO THIS**
- 33 **SECTION WHEN A TRANSPORTATION CONCURRENCY**
- 34 **DETERMINATION IS MADE THAT INDICATES THE DEVELOPMENT**
- 35 **WILL HAVE AN ADVERSE IMPACT ON THE ADOPTED LEVEL OF**
- 36 **SERVICE STANDARD ON ONE OR MORE FACILITIES IN A**
- 37 **NEIGHBORING JURISDICTION.**
- 38 **C. UPON IDENTIFICATION OF AN IMPACTED TRANSPORTATION**
- 39 **FACILITY, THE APPROVING TOWN SHALL NOTIFY THE**
- 40 **APPLICANT AND THE OTHER AFFECTED JURISDICTIONS IN**
- 41 **WRITING OF A POTENTIAL PROPORTIONATE FAIR-SHARE**

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1 **AGREEMENT, BASED ON THE PROJECTED IMPACTS OF THE**
2 **PROPOSED DEVELOPMENT ON THE FACILITY.**

3 **D. PURSUANT TO POLICIES IN THE INTERGOVERNMENTAL**
4 **COORDINATION ELEMENT OF THE TOWN’S COMPREHENSIVE**
5 **PLANS AND APPLICABLE POLICIES IN THE LAKE SUMTER MPO**
6 **2025 LRTP, THE TOWN SHALL COORDINATE WITH AFFECTED**
7 **JURISDICTIONS, INCLUDING FDOT, REGARDING MITIGATION TO**
8 **IMPACTED FACILITIES. PROPORTIONATE FAIR-SHARE**
9 **CONTRIBUTIONS SHOULD BE APPLIED TOWARD THE IMPACTED**
10 **FACILITY. HOWEVER, IMPACTED FACILITIES MAY BE**
11 **MAINTAINED BY AN AGENCY OTHER THAN THE LOCAL**
12 **GOVERNMENT EXECUTING THE PROPORTIONATE FAIR-SHARE**
13 **AGREEMENT (E.G., A COUNTY OR STATE ROAD WITHIN THE CITY**
14 **LIMITS). THEREFORE, EACH LOCAL GOVERNMENT SHALL WORK**
15 **WITH OTHER AFFECTED AGENCIES TO ESTABLISH A PROCEDURE**
16 **FOR COORDINATING MITIGATION TO IMPACTED FACILITIES**
17 **THAT ARE MAINTAINED BY ANOTHER AGENCY. AN INTERLOCAL**
18 **AGREEMENT MAY BE ESTABLISHED WITH OTHER AFFECTED**
19 **JURISDICTIONS FOR THIS PURPOSE.**
20

21 **10.03.03 Application Process**

- 22 A. Upon notification of a lack of capacity to satisfy transportation concurrency, the
23 applicant shall be notified in writing of the opportunity to satisfy transportation
24 concurrency through the Proportionate Fair-Share Program pursuant to the
25 requirements of Section 5.
- 26 B. Prior to submitting an application for a proportionate fair-share agreement, a pre-
27 application meeting shall be held with all affected jurisdictions to discuss
28 eligibility, application submittal requirements, potential mitigation options, and
29 related issues. The appropriate parties for review of a proposed proportionate fair
30 share agreement include the jurisdiction maintaining the transportation facility that
31 is subject to the agreement, if other than the approving jurisdiction. If the impacted
32 facility is a state facility, then FDOT will be invited to participate in the pre-
33 application meeting.
- 34 C. The Town shall review the application and certify that the application is sufficient
35 and complete within 15 business days. If an application is determined to be
36 insufficient, incomplete or inconsistent with the general requirements of the
37 Proportionate Fair-Share Program, then the applicant will be notified in writing of
38 the reasons for such deficiencies within 15 business days of submittal of the
39 application. If such deficiencies are not remedied by the applicant within 30 days
40 of receipt of the written notification, then the application will be deemed
41 abandoned. The governing body of the Town may, in its discretion, grant an
42 extension of time not to exceed 60 days to cure such deficiencies, provided that the

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applicant has shown good cause for requesting the extension and has taken reasonable steps to remedy the deficiencies.

D. Pursuant to Section 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System (SIS) requires the approval of FDOT. The applicant shall submit evidence of an agreement between the applicant and FDOT for inclusion in the proportionate fair-share agreement.

E. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the local government with jurisdiction over the proposed development, and delivered to the appropriate parties for review no later than 60 days from the date which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the governing body meeting when the agreement will be considered. The jurisdiction may need to enter into an agreement with FDOT as appropriate.

F. The Town shall notify the applicant regarding the date of the governing body meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the governing body.

10.03.04 Determining Proportionate Fair-Share Obligation

A. PROPORTIONATE FAIR-SHARE MITIGATION FOR CONCURRENCY IMPACTS MAY INCLUDE, WITHOUT LIMITATION, SEPARATELY OR COLLECTIVELY: PRIVATE FUNDS, CONTRIBUTIONS OF LAND, AND CONSTRUCTION OF AND CONTRIBUTION OF FACILITIES.

B. A DEVELOPMENT SHALL NOT BE REQUIRED TO PAY MORE THAN ITS PROPORTIONATE FAIR-SHARE. THE FAIR MARKET VALUE OF THE PROPORTIONATE FAIR-SHARE MITIGATION FOR THE IMPACTED FACILITIES SHALL NOT DIFFER REGARDLESS OF THE METHOD OF MITIGATION.

C. THE METHODOLOGY USED TO CALCULATE AN APPLICANT’S PROPORTIONATE FAIR-SHARE OBLIGATION SHALL BE AS PROVIDED FOR IN SECTION 163.3180(12), F. S., AS FOLLOWS:

$$\text{Proportionate Fair-Share} = \sum [[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “i” and have triggered a deficiency per the CMS; only those trips that trigger a concurrency deficiency will be included in the proportionate fair-share calculation;

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1 SV Increase_i = Service volume increase contributed by the eligible
2 improvement to roadway segment “i”;
3 Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall
4 include all improvements and associated costs, such as design,
5 right-of-way acquisition, planning, engineering, inspection, and
6 physical development costs directly associated with
7 construction at the anticipated cost in the year it will be incurred.

8 For the purposes of determining proportionate fair-share obligations, the Town shall
9 determine improvement costs based upon the actual cost of the improvement as
10 obtained from cost estimates contained in the CIE, the Lake County Transportation
11 Construction Program or the FDOT Work Program. Where such information is not
12 available, improvement cost shall be determined by the following method: an analysis
13 by the jurisdiction maintaining the facility of costs by cross section type that
14 incorporates data from recent projects and is updated annually and approved by the
15 jurisdiction. In order to accommodate increases in construction material costs, project
16 costs shall be adjusted.

17 D. If the Town has accepted an improvement project proposed by the applicant, then
18 the value of the improvement shall be determined using one of the methods
19 provided in this section.

20 E. If the Town has accepted right-of-way dedication for the proportionate fair-share
21 payment, credit for the dedication of the non-site related right-of-way shall be
22 valued on the date of the dedication at 120 percent of the most recent assessed value
23 by the Lake County property appraiser or, at the option of the applicant, by fair
24 market value established by an independent appraisal approved by the Town and at
25 no expense to the Town. The applicant shall supply a survey and legal description
26 of the land and a certificate of title or title search of the land to the Town at no
27 expense to the Town. If the estimated value of the right-of-way dedication
28 proposed by the applicant is less than the Town estimated total proportionate fair-
29 share obligation for that development, then the applicant must also pay the
30 difference. Prior to purchase or acquisition of any real estate or acceptance of
31 donations of real estate intended to be used for the proportionate fair-share, public
32 or private partners should contact FDOT for essential information about
33 compliance with federal law and regulations.

34 **10.03.05 Impact Fee Credit for Proportionate Fair-Share Mitigation**

35 A. PROPORTIONATE FAIR-SHARE CONTRIBUTIONS SHALL BE APPLIED
36 AS A CREDIT AGAINST IMPACT FEES TO THE EXTENT THAT ALL OR A
37 PORTION OF THE PROPORTIONATE FAIR-SHARE MITIGATION IS USED
38 TO ADDRESS THE SAME CAPITAL INFRASTRUCTURE IMPROVEMENTS
39 CONTEMPLATED BY THE LOCAL GOVERNMENT’S IMPACT FEE
40 ORDINANCE. APPLICANTS WOULD BE ELIGIBLE FOR IMPACT FEE
41 CREDIT FOR THAT PORTION OF THEIR PROPORTIONATE FAIR-SHARE

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1 PAYMENT THAT APPLIES TO A SEGMENT FOR WHICH THE LOCAL
2 GOVERNMENT TRANSPORTATION IMPACT FEE IS BEING APPLIED.

3 B. IMPACT FEE CREDITS FOR THE PROPORTIONATE FAIR-SHARE
4 CONTRIBUTION WILL BE DETERMINED WHEN THE TRANSPORTATION
5 IMPACT FEE OBLIGATION IS CALCULATED FOR THE PROPOSED
6 DEVELOPMENT. IMPACT FEES OWED BY THE APPLICANT WILL BE
7 REDUCED PER THE PROPORTIONATE FAIR-SHARE AGREEMENT PER
8 THE IMPACT FEE ORDINANCE OF THE JURISDICTION WITHIN WHICH
9 THE AFFECTED ROADWAY FACILITY LIES, AND IF THE FACILITY LIES
10 WITHIN MORE THAN ONE JURISDICTION, THE IMPACT FEE CREDITS
11 SHALL BE PRORATED ACCORDINGLY. IF THE APPLICANT'S
12 PROPORTIONATE FAIR-SHARE OBLIGATION IS LESS THAN THE
13 DEVELOPMENT'S ANTICIPATED ROAD IMPACT FEE FOR THE SPECIFIC
14 STAGE OR PHASE OF DEVELOPMENT UNDER REVIEW, THEN THE
15 APPLICANT OR ITS SUCCESSOR MUST PAY THE REMAINING IMPACT
16 FEE AMOUNT TO THE COUNTY AND ANY OTHER JURISDICTIONS
17 ENTITLED TO COLLECT IMPACT FEES, PURSUANT TO THE
18 REQUIREMENTS OF THE APPLICABLE IMPACT FEE ORDINANCES.

19 C. THE PROPORTIONATE FAIR-SHARE OBLIGATION IS INTENDED TO
20 MITIGATE THE TRANSPORTATION IMPACTS OF A PROPOSED
21 DEVELOPMENT AT A SPECIFIC LOCATION. AS A RESULT, ANY ROAD
22 IMPACT FEE CREDIT BASED UPON PROPORTIONATE FAIR-SHARE
23 CONTRIBUTIONS FOR A PROPOSED DEVELOPMENT CANNOT BE
24 TRANSFERRED TO ANY OTHER LOCATION UNLESS PROVIDED FOR
25 WITHIN THE LOCAL IMPACT FEE ORDINANCE.

26 10.03.06 Proportionate Fair-Share Agreements

27 A. UPON EXECUTION OF A PROPORTIONATE FAIR-SHARE AGREEMENT
28 (AGREEMENT), THE APPLICANT SHALL RECEIVE A CERTIFICATE OF
29 CONCURRENCY FROM THE JURISDICTION ISSUING DEVELOPMENT
30 APPROVAL. SHOULD THE APPLICANT FAIL TO APPLY FOR A
31 DEVELOPMENT ORDER WITHIN 12 MONTHS OF THE EXECUTION OF
32 THE AGREEMENT, THE CERTIFICATE OF CONCURRENCY SHALL BE
33 CONSIDERED NULL AND VOID, AND THE APPLICANT SHALL BE
34 REQUIRED TO REAPPLY FOR A CONCURRENCY DETERMINATION. IN
35 ADDITION, IF THE PROPOSED DEVELOPMENT'S IMPACTS WERE THE
36 ONLY IMPACTS CAUSING THE POTENTIAL DEFICIENT OPERATION OF
37 THE FACILITY, THE SPECIFIC PROJECT MAY BE REMOVED FROM THE
38 CIE.

39 B. PAYMENT OF THE PROPORTIONATE FAIR-SHARE CONTRIBUTION IS
40 DUE IN FULL PRIOR TO ISSUANCE OF THE FINAL DEVELOPMENT
41 ORDER WHICH FOR THE PURPOSES OF THIS SECTION SHALL BE
42 RECORDING OF THE FINAL PLAT IF THE PROPERTY TO BE DEVELOPED

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- 1 IS BEING SUBDIVIDED, APPROVAL OF THE FINAL SITE PLAN FOR A
2 DEVELOPMENT WHICH ENTAILS MULTIPLE RESIDENTIAL OR
3 COMMERCIAL UNITS BUT IS NOT BEING SUBDIVIDED, AND ISSUANCE
4 OF A BUILDING PERMIT IF THE DEVELOPMENT CONSISTS OF A SINGLE
5 USE STRUCTURE ON LAND NOT BEING SUBDIVIDED. ONCE PAID,
6 CONTRIBUTIONS SHALL BE NON-REFUNDABLE. IF THE PAYMENT IS
7 SUBMITTED MORE THAN 6 MONTHS FROM THE DATE OF EXECUTION
8 OF THE AGREEMENT, THEN THE PROPORTIONATE FAIR-SHARE COST
9 SHALL BE RECALCULATED AT THE TIME OF PAYMENT BASED ON THE
10 BEST ESTIMATE OF THE CONSTRUCTION COST OF THE REQUIRED
11 IMPROVEMENT AT THE TIME OF PAYMENT, PURSUANT TO SECTION 8
12 AND ADJUSTED ACCORDINGLY.
- 13 C. ALL TRANSPORTATION IMPROVEMENTS UNDERTAKEN BY THE
14 DEVELOPER AUTHORIZED UNDER THIS ORDINANCE MUST BE
15 COMPLETED PRIOR TO ISSUANCE OF A FINAL DEVELOPMENT ORDER,
16 OR AS OTHERWISE ESTABLISHED IN A BINDING AGREEMENT THAT IS
17 ACCOMPANIED BY A SECURITY INSTRUMENT THAT IS SUFFICIENT TO
18 ENSURE THE COMPLETION OF ALL REQUIRED IMPROVEMENTS. ANY
19 SECURITY INSTRUMENT, IN A FORM ACCEPTABLE THE APPROVING
20 LOCAL GOVERNMENT, SHALL BE FOR AT LEAST 150% OF THE
21 ESTIMATED COST OF IMPROVEMENTS TO BE COMPLETED BY THE
22 DEVELOPER, AND SHALL BE SUBJECT TO ADJUSTMENT ANNUALLY
23 TO TAKE INTO ACCOUNT ANY INCREASES IN COSTS OF MATERIALS
24 AND CONSTRUCTION. THE SECURITY INSTRUMENT SHALL BE
25 IRREVOCABLE AND SHALL REMAIN IN EFFECT UNTIL THE
26 DEVELOPER FULLY COMPLETES THE REQUIRED IMPROVEMENTS.
- 27 D. DEDICATION OF NECESSARY RIGHT-OF-WAY FOR FACILITY
28 IMPROVEMENTS PURSUANT TO A PROPORTIONATE FAIR-SHARE
29 AGREEMENT MUST BE COMPLETED PRIOR TO ISSUANCE OF THE
30 FINAL DEVELOPMENT ORDER AS DEFINED IN SUBSECTION 10(2)
31 ABOVE.
- 32 E. ANY REQUESTED CHANGE TO A DEVELOPMENT PROJECT
33 SUBSEQUENT TO A DEVELOPMENT ORDER MAY BE SUBJECT TO
34 ADDITIONAL PROPORTIONATE FAIR-SHARE CONTRIBUTIONS TO THE
35 EXTENT THE CHANGE WOULD GENERATE ADDITIONAL IMPACTS
36 THAT WOULD REQUIRE MITIGATION.
- 37 F. APPLICANTS MAY SUBMIT A LETTER TO WITHDRAW FROM THE
38 PROPORTIONATE FAIR-SHARE AGREEMENT AT ANY TIME PRIOR TO
39 THE EXECUTION OF THE AGREEMENT. THE APPLICATION FEE AND
40 ANY ASSOCIATED ADVERTISING COSTS TO THE TOWN WILL BE
41 NONREFUNDABLE.
- 42 G. THE TOWN MAY ENTER INTO PROPORTIONATE FAIR-SHARE
43 AGREEMENTS WITH MULTIPLE APPLICANTS FOR SELECTED

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1 CORRIDOR IMPROVEMENTS TO A SHARED TRANSPORTATION
2 FACILITY.

3 10.03.07 Appropriation of Fair-Share Revenues

4 A. PROPORTIONATE FAIR-SHARE REVENUES SHALL BE PLACED IN THE
5 APPROPRIATE PROJECT ACCOUNT OF THE LOCAL GOVERNMENT(S)
6 ENTITLED TO SHARE IN THE REVENUES FOR FUNDING OF
7 SCHEDULED IMPROVEMENTS IN THE TOWN'S CIE, OR AS OTHERWISE
8 ESTABLISHED IN THE TERMS OF THE PROPORTIONATE FAIR-SHARE
9 AGREEMENT. AT THE DISCRETION OF THE LOCAL GOVERNMENT,
10 PROPORTIONATE FAIR-SHARE REVENUES MAY BE USED FOR
11 OPERATIONAL IMPROVEMENTS PRIOR TO CONSTRUCTION OF THE
12 CAPACITY PROJECT FROM WHICH THE PROPORTIONATE FAIR-SHARE
13 REVENUES WERE DERIVED. PROPORTIONATE FAIR-SHARE
14 REVENUES MAY ALSO BE USED AS THE 50% LOCAL MATCH FOR
15 FUNDING UNDER THE FDOT TRANSPORTATION REGIONAL
16 INCENTIVE PROGRAM (TRIP).

17 B. IN THE EVENT A SCHEDULED FACILITY IMPROVEMENT IS REMOVED
18 FROM THE CIE, THE REVENUES COLLECTED FOR ITS CONSTRUCTION
19 MAY BE APPLIED TOWARD THE CONSTRUCTION OF ANOTHER
20 IMPROVEMENT WITHIN THAT SAME CORRIDOR OR SECTOR THAT
21 WOULD MITIGATE THE IMPACTS OF DEVELOPMENT PURSUANT TO
22 THE REQUIREMENTS OF SECTION 5(2)(B).

23 C. WHERE AN IMPACTED FACILITY HAS BEEN DESIGNATED AS A
24 REGIONALLY SIGNIFICANT TRANSPORTATION FACILITY ON THE
25 LAKE-SUMTER MPO REGIONALLY SIGNIFICANT CORRIDORS MAP,
26 THEN THE TOWN MAY COORDINATE WITH OTHER IMPACTED
27 JURISDICTIONS AND AGENCIES TO APPLY PROPORTIONATE FAIR-
28 SHARE CONTRIBUTIONS TO SEEK FUNDING FOR IMPROVING THE
29 IMPACTED REGIONAL FACILITY UNDER THE FDOT TRIP. SUCH
30 COORDINATION SHALL BE RATIFIED BY THE TOWN THROUGH AN
31 INTERLOCAL AGREEMENT THAT ESTABLISHES A PROCEDURE FOR
32 EARMARKING OF THE DEVELOPER CONTRIBUTIONS FOR THIS
33 PURPOSE.

34 D. WHERE AN APPLICANT CONSTRUCTS A TRANSPORTATION FACILITY
35 THAT EXCEEDS THE APPLICANT'S PROPORTIONATE FAIR-SHARE
36 OBLIGATION CALCULATED UNDER SECTION 8, THE TOWN SHALL
37 REIMBURSE THE APPLICANT FOR THE EXCESS CONTRIBUTION USING
38 ONE OR MORE OF THE FOLLOWING METHODS:

- 39 1. AN IMPACT FEE CREDIT ACCOUNT MAY BE ESTABLISHED FOR THE
40 APPLICANT IN THE AMOUNT OF THE EXCESS CONTRIBUTION, A
41 PORTION OR ALL OF WHICH MAY BE ASSIGNED AND REASSIGNED
42 TO SUBSEQUENT OWNERS OF THE LAND TO BE DEVELOPED,

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- 1 UNDER THE TERMS AND CONDITIONS ACCEPTABLE TO THE
2 COUNTY OR **TOWN MUNICIPALITY (TW)**, BUT WHICH MUST RUN
3 WITH THE LAND AND MAY NOT BE ASSIGNED IN GROSS TO THE
4 DEVELOPER OF ANY OTHER PARCEL OF PROPERTY.
- 5 2. AN ACCOUNT MAY BE ESTABLISHED FOR THE APPLICANT FOR
6 THE PURPOSE OF REIMBURSING THE APPLICANT FOR THE EXCESS
7 CONTRIBUTION WITH PROPORTIONATE FAIR-SHARE PAYMENTS
8 FROM FUTURE APPLICANTS ON THE FACILITY.
- 9 3. THE TOWN MAY COMPENSATE THE APPLICANT FOR THE EXCESS
10 CONTRIBUTION THROUGH PAYMENT OR SOME COMBINATION OF
11 MEANS ACCEPTABLE TO THE TOWN AND THE APPLICANT.

12 **10.04.00 SCHOOL CONCURRENCY**

- 13 A. It is the intent of this section to implement the goals, objectives, policies and
14 standards of the Town of Howey in the Hills Comprehensive Plan, as amended, and
15 particularly, the Public School Facilities Element and to implement the Interlocal
16 Agreement between Lake County, the Lake County School Board, and
17 Municipalities for School Facilities Planning and Siting (hereafter referred to the
18 "Agreement").
- 19 B. Unless otherwise provided herein, this ordinance shall apply to all development
20 orders with any residential component and any amendment to an existing
21 development order to the extent that the student generation is increased above what
22 was previously approved, or any other official action of the Town having the effect
23 of permitting residential development of land. The following residential uses shall
24 be considered exempt from the requirements of school concurrency (unless the
25 development approval for such use required it to meet School Concurrency).
- 26 1. Single family lots having received final plat approval prior to the effective date
27 of the Town's School Concurrency Ordinance or other lots which the Town has
28 determined are vested based on statutory or common law vesting.
- 29 2. Multi-family residential development having received final site plan approval
30 prior to the effective date of the Town's School Concurrency Ordinance or other
31 multi-family residential development which the Town has determined is vested
32 based on statutory or common law vesting.
- 33 3. Amendments to residential development approvals issued prior to the effective
34 date of the Town's School Concurrency Ordinance, which do not increase the
35 number of residential units or change the type of residential units proposed.
- 36 4. Age restricted communities (as defined in the School Concurrency Ordinance)
37 that are subject to deed restrictions prohibiting the permanent occupancy of
38 residents under the age of eighteen (18). Such deed restrictions must be
39 recorded and must be irrevocable for a period of at least fifty (50) years.
- 40 5. Plats or residential site plans which include four (4) or less units. For purposes
41 of this section, a property owner may not divide his property into several
42 developments in order to claim exemption as allowed by this section. In making

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- 1 a determination as to whether a property is exempt under this section, the Town
- 2 shall consider in addition to the ownership at the time of the application the
- 3 ownership as of the date of the adoption of this agreement.
- 4 C. To ensure the capacity of schools is sufficient to support student growth at the
- 5 adopted Level of Service for each year of the five-year planning period and through
- 6 the long term planning period, after June 1, 2008, the following Level of Service
- 7 standard shall be established for all schools of each type within each CSA and each
- 8 individual school:
 - 9 1. Elementary: 100% of permanent FISH capacity. If core dining capacity is
 - 10 available in excess of FISH capacity, the school capacity shall be increased up
 - 11 to 125% of FISH capacity by adding seats located in temporary student stations
 - 12 so long as the total capacity does not exceed core dining capacity.
 - 13 2. Middle: 100% of permanent FISH capacity. If core dining capacity is available
 - 14 in excess of FISH capacity, the school capacity shall be increased up to 125%
 - 15 of FISH capacity by adding seats located in temporary student stations so long
 - 16 as the total capacity does not exceed core dining capacity.
 - 17 3. High: 100% of permanent FISH capacity. If core dining capacity is available in
 - 18 excess of FISH capacity, the school capacity shall be increased up to 125% of
 - 19 FISH capacity by adding seats located in temporary student stations so long as
 - 20 the total capacity does not exceed core dining capacity.
 - 21 a. For purposes of (1), (2), and (3) above, non-conversion charter schools shall
 - 22 be counted as FISH capacity if an agreement has been entered between the
 - 23 charter school and the School Board which requires the school facility to be
 - 24 constructed in accordance with Florida Department of Education standards
 - 25 for public schools; which provides that the school facility will be provided
 - 26 to the School Board for its use if the charter school fails to operate
 - 27 satisfactorily; and, which provides that if there are financing arrangements
 - 28 for the school, the School Board will be able to operate the school without
 - 29 having to be responsible for such financing costs or that the School Board
 - 30 is willing and able to accept responsibility for such costs.
 - 31 b. For purposes of (1), (2) and (3) above, a developer financed public school
 - 32 shall be counted as FISH capacity if an agreement has been entered between
 - 33 the developer and the School Board which requires the school facility to be
 - 34 constructed in accordance with Florida Department of Education standards
 - 35 for public schools; which requires that the Developer transfer the school
 - 36 facility to the School Board upon its completion; and, which provides that
 - 37 if there are financing arrangements for the school, the School Board will be
 - 38 able to operate the school without having to be responsible for such
 - 39 financing costs or that the School Board is willing and able to accept
 - 40 responsibility for such costs.
- 41 D. The following procedures will be utilized to obtain a School Concurrency
- 42 Determination from the Lake County School Board and to allow for mitigation if a
- 43 development proposal is determined not to be in compliance.
- 44 E. A completed application provided by and delivered to the Lake County School

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- 1 Board must be submitted concurrent with a final development order by an applicant
- 2 proposing residential development. The application at a minimum shall include the
- 3 following information:
- 4 1. Proposed Development Name
- 5 2. Application Type
- 6 3. Intake Date
- 7 4. Signature of Agent
- 8 5. Number of Residential Units broken down by unit type
- 9 6. Property Deed
- 10 7. Consent Form
- 11 8. Phasing Plan (If Applicable)
- 12 9. Site Plan
- 13 10. Survey
- 14 11. Justification Statement
- 15 12. Location Map
- 16 F. Within three days of submitting to the School Board, the applicant must present a
- 17 copy of the application to the Town. The Town shall provide a Determination of
- 18 Authenticity to the School Board within three days of receiving the application.
- 19 G. The School Board shall review the application in accordance with the provisions of
- 20 Section 5.5.2 of the *Agreement* and base the concurrency determination on
- 21 standards outlined in Section 5.5.3 of the *Agreement*.
- 22 H. No development order shall be approved unless a Letter of Determination of
- 23 Concurrency has been issued by the School Board finding the development in
- 24 compliance.
- 25 I. Once the School Board has reviewed the application it shall issue a Letter of
- 26 Determination of Concurrency within 30 days if the impact of the proposed
- 27 developments student growth does not cause the adopted Level of Service to be
- 28 exceeded.
- 29 J. If the development is not in compliance, the Letter of Determination of
- 30 Concurrency shall detail why the development is not in compliance and shall offer
- 31 the applicant the opportunity to enter into a 90 day negotiation period in accordance
- 32 with the provisions of Section 5.6 of the *Agreement*.
- 33 K. During the 90-day negotiation period the applicant shall meet with the School
- 34 Board in an effort to mitigate the impact from the development.
- 35 1. Mitigation shall be limited to those options which the School Board recognizes
- 36 and assumes the responsibility to operate and which will maintain the adopted
- 37 Level of Service standards for the first five years from receipt of the School
- 38 Boards Letter of Determination of Concurrency.
- 39 2. The Town of Howey in the Hills shall have the opportunity to review the
- 40 mitigation options.
- 41 3. The Town Council shall approve all Proportionate Share Agreements.
- 42 L. If mitigation is not agreed to, the Letter of Determination of Concurrency shall
- 43 detail why mitigation proposals were rejected and detail why the development is
- 44 not in compliance. In this case, no development order shall be issued.

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- 1 M. If the School Board and the applicant agree to mitigation, the Letter of
- 2 Determination of Concurrency shall be issued based on the agreed mitigation
- 3 measures and an agreement between the School Board, the Town, and the applicant.
- 4 N. A Letter of Determination for School Concurrency, finding the development in
- 5 compliance, issued by the School Board shall be valid for one year from the date
- 6 of issuance unless extended by the School Board. Once the development order is
- 7 issued, the concurrency determination shall run with the development order.
- 8 O. If the Letter of Determination of Concurrency requires conditions or mitigation to
- 9 be placed on the development, the development order issued by the Town shall
- 10 incorporate conditions as set forth by the School Board.
- 11 P. If the Letter of Determination of Concurrency requires the development to be
- 12 phased to school construction or other mitigation, the conditions of approval of the
- 13 development order shall reflect the phasing requirements by withholding
- 14 subsequent development orders for building permits.
- 15 Q. In no case shall a development order be issued unless provisions are made through
- 16 conditions of approval or by agreement between the School Board, the Town, and
- 17 the applicant to provide Performance Security when required.
- 18