Planning & Zoning Board Meeting

March 23, 2023 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

AGENDA

Join Zoom
Meeting: https://us06web.zoom.us/j/83243808335?pwd=dm9qM0FBTUhMZ3FSV0Rncy9rTUF4QT09
Meeting ID: 832 4380 8335 | **Passcode:** 037167

CALL TO ORDER
ROLL CALL

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

1. Consideration and Approval of the February 23, 2023, Planning and Zoning Board Meeting minutes.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

2. Consideration and Approval: **Annual Selection of Officers**
3. Consideration and Approval: **500 E Camellia Way - Shed Placement**
4. Discussion: **Design Guidelines**
5. Discussion: **Review of Chapter 8 Development Standard**

PUBLIC COMMENTS
Any person wishing to address the Planning and Zoning Board 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.

NOTICE: ONE OR MORE COUNCILORS MAY BE PRESENT TO HEAR OR PARTICIPATE IN DISCUSSION REGARDING MATTERS WHICH MAY COME BEFORE TOWN COUNCIL FOR ACTION.

Howey Town Hall is inviting you to a scheduled Zoom meeting.
Topic: **Planning & Zoning Board Meeting**
Time: **Mar 23, 2023 06:00 PM Eastern Time** (US and Canada)
Join Zoom Meeting
https://us06web.zoom.us/j/83243808335?pwd=dm9qM0FBTUhMZ3FSV0Rncy9rTUF4QT09
Meeting ID: 832 4380 8335
Passcode: 037167

Dial by your location
+1 646 558 8656 US (New York)
+1 720 707 2699 US (Denver)
+1 346 248 7799 US (Houston)
Meeting ID: 832 4380 8335
Passcode: 037167
Find your local number: https://us06web.zoom.us/u/kdNY3hbdKC

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.

Planning & Zoning Board Meeting

February 23, 2023 at 6:00 PM

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

MINUTES

CALL TO ORDER
ROLL CALL

BOARD MEMBERS PRESENT
Board Member Alan Hayes | Board Member Richard Mulvany | Board Member Ellen Yarckin | Board Member Frances Wagler | Board Member Shawn Johnson | Vice-Chair Ron Francis III | Chair Tina St. Clair

STAFF MEMBERS PRESENT
Sean O'Keefe, Town Manager | John Brock, Town Clerk | Tom Harowski, Town Planner | Jack Pavlik, Building Services Clerk

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

1. Consideration and Approval of the January 26, 2023, Planning and Zoning Board Meeting minutes.

Motion made by Vice-Chair Francis III to approve the Consent Agenda with the amendment to the Minutes that Board Member Frances Wagler arrived at 6:07 PM, not 9:07 PM; seconded by Board Member Mulvany. Motion passed unanimously by voice vote.

Voting
Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair
Nay: None

PUBLIC HEARING

2. Consideration and Recommendation: **Ordinance 2023-006 - Comp. Plan Amend. Cedar Creek FLU**

   Tina St. Clair, Board Chairperson, asked Tom Harowski, Town Planner, to introduce and explain this item. Mr. Harowski stated that his explanation of the item would be the same for Items #3 and #4, because they are all related. Mr. Harowski presented his staff report on the proposed Comprehensive Plan Amendment, the proposed rezoning, and the proposed Preliminary Subdivision Plan for the Cedar

Creek Development. Mr. Harowski explained that that the applicant had originally planned to have over 300 lots in the development and had cut that down to a proposed 171 lots.

Alex Stringfellow, Planner for the Project, spoke on behalf of the applicant, as did Tim Loucks and Keith Trace. Mr. Stringfellow stated that the applicant was trying to work with the Town and follow all of the existing rules in place.

Tina St. Clair, Board Chairperson, opened Public Comment.

Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County) – Ms. Blessing stated that Number Two Rd. was a substandard road, and she was not in favor of the development.

Josh Lerch, 25926 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mr. Lerch was concerned that the development would eliminate the Rural Transition area and he was not in favor of the development.

John Blodgett, 9350 Number Two Rd., Howey-in-the-Hills (unincorporated Lake County) - Mr. Blodgett questioned the watershed that goes into the parcels. Mr. Blodgett was not in favor of the proposed development.

Wendy Zermeno, 25896 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Zermeno was concerned about the zoning capacity and school impact and was not in favor of the proposed development.

Brittany Lerch, 25926 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Lerch was concerned about Number Two Rd. losing its charm and was not in favor of the proposed development.

Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County) – Ms. Blessing implored the Board to review the Whispering Hills Traffic Study.

Douglas Conway, 25801Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mr. Conway was not in favor of this proposed development; he believed it was urban sprawl.

Donna Joy Hunter, 9511 Number Two Rd., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Hunter had questions about annexation and where a proposed wastewater treatment plant would go. Mrs. Hunter was not in favor of the proposed development.

James Hillard, 8250 Number Two Rd., Howey-in-the-Hills (unincorporated Lake County) – Mr. Hillard stated that wild turkey currently live on the parcels of land. Mr. Hillard was not in favor of the proposed development.

Linda Hillard, 8250 Number Town Rd., Howey-in-the-Hills (unincorporated Lake County) – Mrs. Hillard was opposed to this proposed development.

David Roberts, 25902 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mr. Roberts stated there were lots of speeders on Bloomfield Rd and he was tired of them.

Larry Zermeno, 25896 Bloomfield Ave., Howey-in-the-Hills (unincorporated Lake County) – Mr. Zermeno was not in favor of the proposed development.

Tina St. Clair, Board Chairperson, closed Public Comment.

Alex Stringfellow and Tim Loucks responded to the public's comments.

Motion made by Board Member Wagler to recommend Ordinance 2023-006 while amending the Medium Density Residential Land Use to Low Density Residential Land Use; seconded by Board Member Yarckin. Motion passed by roll-call vote.

Voting
Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III
Nay: Chair St. Clair

3. Consideration and Recommendation: **Ordinance 2023-007 - Rezoning for Cedar Creek proposed development**

Mr. Harowski explained that due to the recommendation of the Low Density Residential for Land Use in Ordinance 2023-006, the only available standard zoning classification would be Single Family Residential (SFR) Zoning.

Motion made by Board Member Johnson to recommend Ordinance 2023-007 while amending the zoning classification from MDR2 to SFR; seconded by Board Member Hayes. Motion passed unanimously by roll-call vote.

Voting
Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

4. Consideration and Recommendation: **Cedar Creek Preliminary Subdivision Plan**

No motion made on the Cedar Creek Preliminary Subdivision Plan since the Board recommended changes to Comprehensive Plan, Future Land Use Map and Zoning.

OLD BUSINESS

None

NEW BUSINESS

5. Discussion: **Design Guidelines**

Motion made by Board Member Johnson to table this item to the next meeting; seconded by Board Member Hayes. Motion passed unanimously by voice vote.

Voting
Yea: Board Member Hayes, Board Member Mulvany, Board Member Yarckin, Board Member Johnson, Board Member Wagler, Vice-Chair Francis III, Chair St. Clair

PUBLIC COMMENTS

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

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Johnson to adjourn the meeting; Vice-Chair Francis III seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:58 p.m. | **Attendees: 41**

_____
Tina St. Clair Chairperson

ATTEST:

_____
John Brock, Town Clerk

Footnotes:
*--- **(1)** ---*
***Editor's note—** Ordinance No. 90-205 provided that it shall take effect upon the adoption of that certain ordinance codifying this ordinance into the Code of the Town of Howey-in-the-Hills; see Ch. 1, General Provisions, Art. I, for the date of adoption of that certain ordinance.*
Special acts reference—Zoning powers, Art. I.

Sec. 48-1. - Establishment.

There is hereby created and established a Zoning Commission for the town.

(Ord. No. 117, 2-10-75; Code 1975, § 2-6; Ord. No. 90-205, 11-12-90)

Sec. 48-2. - Membership; terms of office.

The Zoning Commission shall consist of seven members who shall be appointed, subject to the approval of the Town Council, by the Mayor. Members of the Zoning Commission shall be residents of the town, with preference given to property owner applicants. The terms of office for members of the Zoning Commission shall be three years from the date of appointment unless terminated earlier by resignation or by action of the Town Council.

(Ord. No. 117, 2-10-75; Code 1975, § 2-6; Ord. No. 90-205, 11-12-90; Ord. No. 99-282, § 4, 12-13-99)

Sec. 48-3. - Meetings; voting; officers.

The Planning and Zoning Commission may adopt such rules and regulations which it deems necessary to carry out the provisions of this chapter. However, the following rules shall apply to the Planning and Zoning Commission:

A. *Meetings.* The Planning and Zoning Commission shall hold regular meetings at the Town Hall on the fourth Thursday of each month at 6:00 p.m. Special meetings may be called by the chairman, when necessary.

B. *Voting.* Four members of the Planning and Zoning Commission shall constitute a quorum. However, regardless of the existence of a quorum, any action taken by the Planning and Zoning Commission must be approved by at least three members of the Commission.

C. *Officers.* The Planning and Zoning Commission shall annually select from among its membership a chairman and a vice-chairman. This annual selection shall occur at the regularly scheduled March meeting and shall be subject to the approval of the Town Council.

D. *Chairman.* The chairman shall:

(1) Preside at all meetings.

(2) Call special meetings as he deems necessary.

(3) Attest to the accuracy of all minutes of meetings prior to those minutes being submitted to the Town Council.

(4) Form subcommittees to assist the Planning and Zoning Commission in the fulfillment of its duties.

E. *Vice-chairman.* The vice-chairman shall:

(1) Ensure that Town Hall staff notices all meetings.

(2) Ensure minutes of the Planning and Zoning Commission meetings are prepared by Town Hall staff.

(3) Serve as chairman pro-tempore.

F. *Attendance.* Any member of the Planning and Zoning Commission who misses two regular meetings of the Commission in a row without first providing the notice of the absence to the town clerk or her designee shall be deemed to have resigned his or her membership on the Commission. Additionally, any member of the Commission who misses four regular meetings of the Commission during the course of a calendar year, regardless of whether prior notice was provided to the town clerk or her designee, shall be deemed to have resigned his or her membership on the Commission.

(Ord. No. 117, 2-10-75; Code 1975, § 2-6; Ord. No. 90-205, 11-12-90; Ord. No. 2003-314, §§ 1, 2, 9-8-03; Ord. No. 2009-005, § 2, 3-23-09)

TMH CONSULTING, INC.
Community Planning Services

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

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: 500 E. Camellia Shed Waver
DATE: March 15, 2023

The applicant at 500 Camellia Avenue is requesting relief from the Town's location requirements for sheds based upon impacts to trees if the shed is placed directly behind the residence as required by code. Section 5.01.09 F of the land development code allows the Planning Board to grant relief if conditions warrant. The full code section is provided at the end of this report and the specific waiver language is as follows:

> F. The Planning Board may approve the placement of a 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.

The shed is existing on the property and the applicant has provided a copy of the survey showing the house and the shed location. The applicant has also provided photographs of the property showing the shed, tree locations, and landscaping. An examination of the survey shows the shed protrudes beyond the edge of the house by about half the width of the shed. By code, the shed should be fully behind the principal structure. The applicant's notes identify that the shed cannot be shifted behind the house without impacting an existing tree. To be fully compliant the shed will need to be shifted to the area of the lot behind the house. This likely means shifting the shed to the Camellia Avenue side of the existing tree. There do not appear to be any obstructions to placing the shed in this area, and the survey shows the ground is gently sloping to the rear property line.

Where the shed is located currently provides the most screening from adjacent properties and the public right-of-way as opposed to the fully conforming area of the lot, however, the shed should be fully compliant to meet code standards.. If the applicant

can demonstrate that moving the shed to a conforming area of the lot will result in the removal of trees that factor can be considered in the planning board deliberations.

Action:

Should the Board agree the impacts to the existing trees justify the waiver, the Board should grant the waiver.

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.

TOWN OF HOWEY-IN-THE-HILLS, FLORIDA

GENERAL LAND DEVELOPMENT APPLICATION

101 N. Palm Avenue, Howey-in-the-Hills, Florida 34737
Phone: (352) 324-2290 • Fax: (352) 324-2126

Date Received: 02/21/23 Application ID: Received By: JACK PAVLIK

REQUESTED ACTION

- ☐ Comp Plan Amendment
- ☐ PUD
- ☐ Conditional Use
- ☐ Preliminary Plat
- ☐ Variance
- ☐ Rezoning
- ☐ Subdivision Minor
- ☒ Other
- ☐ Site Plan (check one below)
  - ☐ Preliminary
  - ☐ Final
- ☐ Subdivision (check one below)
  - ☐ Preliminary Subdivision
  - ☐ Final Subdivision
  - ☐ Final Plat

Describe Request: APPROVE CURRENT LOCATION OF SHED SO MAGNOLIA TREE DOES NOT NEED REMOVAL

APPLICANT INFORMATION:

Name: DAVID R MILES
E-Mail: davidrmiles@me.com
Address: 500 E. CAMELLIA WAY HOWEY IN THE HILLS, FL
Phone: (352) 470-9106 Fax: _____

☒ Owner ☐ Agent for Owner ☐ Attorney for Owner

OWNER INFORMATION: SAME

Name: _____
E-Mail: _____
Address: _____
Phone: _____
_____
Fax: _____

PROPERTY INFORMATION:

Address: 500 E. CAMELLIA WAY HOWEY IN THE HILLS, FL 34737

General Location: GRIFFIN VILLAGE

Current Zoning: MDR-1 Current Land Use: SINGLE FAMILY RESIDENTIAL

Parcel Size: 15,000 SQ FT Tax Parcel #: 25202502000A0100400

ALT KEY 1256267

Legal Description Attached ☐ Yes ☐ No Survey Attached ☒ Yes ☐ No

Pre-Application Meeting Date: _____

(Attach Pre-Application Form)

Application Fee: $ -0-

Applicant's Signature: David R Miles 02/15/2023

(Signature) *(Date)*

DAVID R MILES

(Print)

Owner's Signature: David R Miles 02/15/2023

(Provide letter of Authorization) *(Signature)* *(Date)*

DAVID R. MILES

(Print)

Applications must be complete to initiate the review process.

PROPERTY RECORD CARD

General Information

Name:	MILES DAVID R & HUONG K	**Alternate Key:**	1256267
Mailing Address:	500 E CAMELLIA WAY HOWEY IN THE HILLS, FL 34737 *Update Mailing Address*	**Parcel Number:**	25-20-25-0200-A01-00400
		Millage Group and City:	000H Howey in the Hills
		2022 Total Certified Millage Rate:	20.8586
		Trash/Recycling/Water/Info:	*My Public Services Map*
Property Location:	500 E CAMELLIA WAY HOWEY IN THE HILLS FL, 34737	**Property Name:**	-- *Submit Property Name*
		School Information:	*School Locator & Bus Stop Map* *School Boundary Maps*
Property Description:	HOWEY, GRIFFIN VILLAGE LOT 4 BLK A-1 PB 12 PG 27 ORB 5690 PG 1333		

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	VACANT RESIDENTIAL (0000)	100	150		15000.000	FD	$0.00	$66,413.00

Click here for Zoning Info Map **FEMA Flood**

Miscellaneous Improvements

There is no improvement information to display.

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. Follow this link to search all documents by owner's name..

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
5690 / 1333	04/2021	Warranty Deed	Qualified	Vacant	$74,000.00
3150 / 773	04/2006	Warranty Deed	Unqualified	Vacant	$95,000.00
2547 / 2213	04/2004	Warranty Deed	Qualified	Vacant	$40,000.00
2544 / 735	09/2003	Quit Claim Deed	Unqualified	Vacant	$0.00
1836 / 1884	06/2000	Warranty Deed	Qualified	Vacant	$35,000.00
1145 / 958	01/1992	Quit Claim Deed	Unqualified	Vacant	$1.00
723 / 1074	04/1981	Warranty Deed	Qualified	Vacant	$12,000.00
668 / 1715	01/1979	Misc Deed/Document	Qualified	Vacant	$13,000.00

Click here to search for mortgages, liens, and other legal documents.

Miles Home 500 East Camellia Way

Howey in the Hills

FINAL SURVEY

LEGAL DESCRIPTION:

LOT 4, BLOCK A-1, IN GRIFFIN VILLAGE, A SUBDIVISION IN THE CITY OF HOWEY-IN-THE-HILLS, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED PLAT BOOK 12, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

SEC 25/TWP 20/RNG 25 OF LAKE COUNTY, FLORIDA.

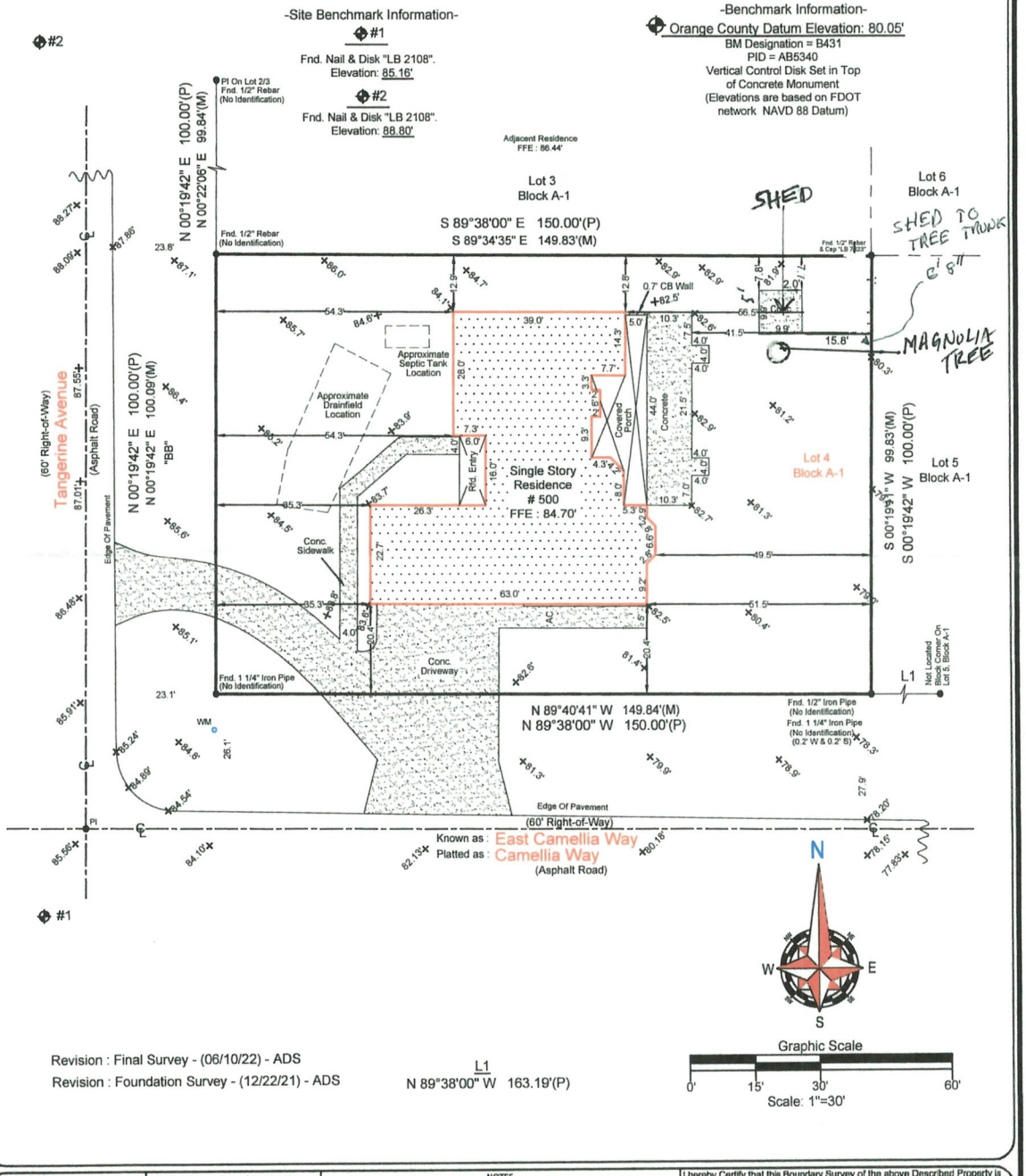
FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN TOWN OF HOWEY IN THE HILLS, COMMUNITY NUMBER 120585, DATED 12/18/2012.

CERTIFIED TO:

CHRISTIAN SEARS

500 EAST CAMELLIA WAY, HOWEY-IN-THE-HILLS, FLORIDA 34737



Revision : Final Survey - (06/10/22) - ADS

Revision : Foundation Survey - (12/22/21) - ADS

Field Date: 6/10/2022	Date Completed: 06/10/22
Drawn By: .P.	File Number: IS-86880 FI

-Legend-

C	- Calculated	PC	- Point of Curvature
℄	- Centerline	Pg.	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set	- Set ½" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	-O-	- Chain Link Fence
-□-	- Wood Fence		

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland, PSM 6637 FOR THE FIRM LB 7623

This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

FINAL SURVEY

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LOT 4, BLOCK A-1, IN GRIFFIN VILLAGE, A SUBDIVISION IN THE CITY OF HOWEY-IN-THE-HILLS, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED PLAT BOOK 12, PAGE 27, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

SEC 25/TWP 20/RNG 25 OF LAKE COUNTY, FLORIDA.

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CERTIFIED TO:

CHRISTIAN SEARS

500 EAST CAMELLIA WAY, HOWEY-IN-THE-HILLS, FLORIDA 34737

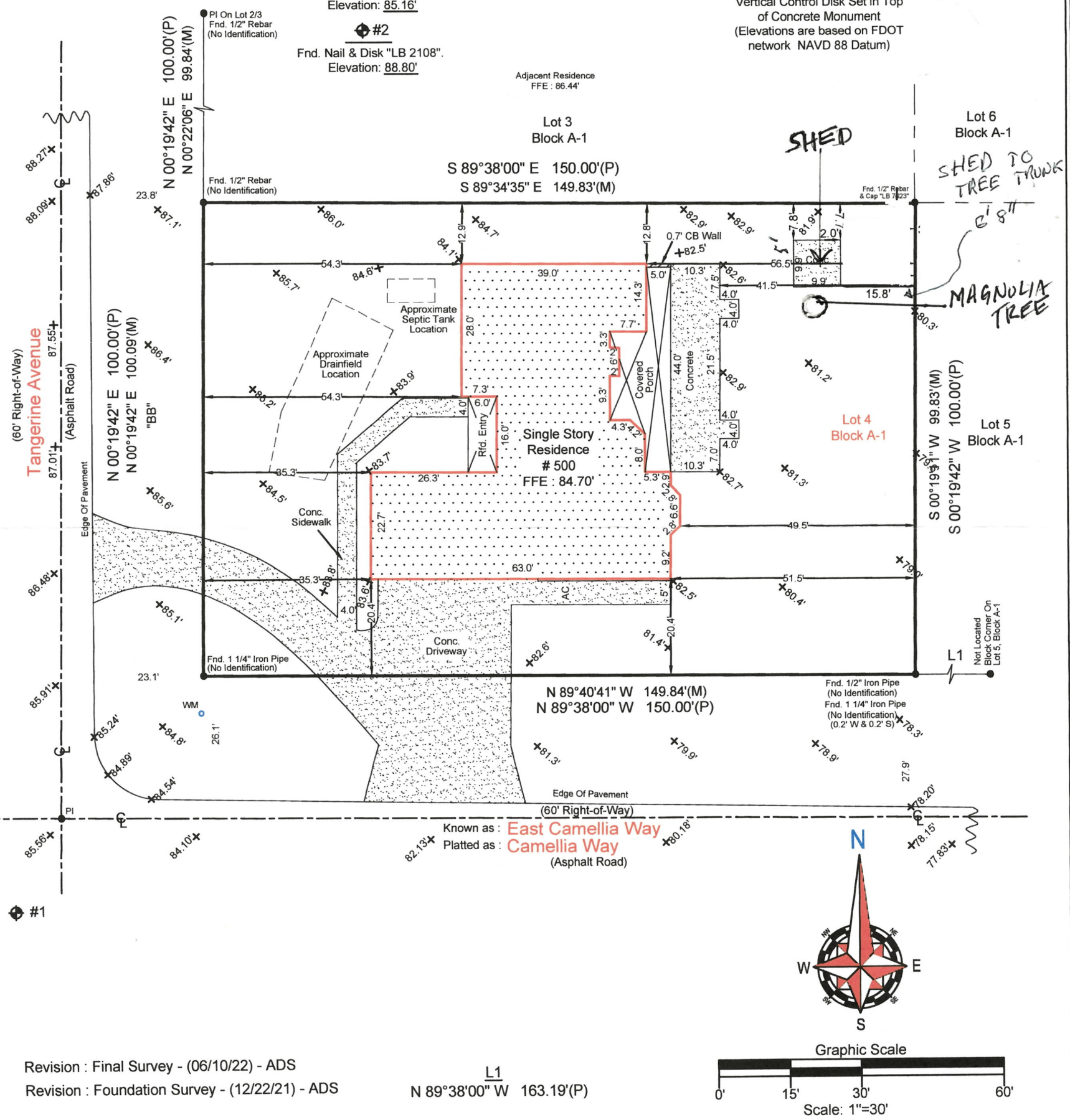
-Site Benchmark Information-

#1
Fnd. Nail & Disk "LB 2108".
Elevation: 85.16'

#2
Fnd. Nail & Disk "LB 2108".
Elevation: 88.80'

-Benchmark Information-

Orange County Datum Elevation: 80.05'
BM Designation = B431
PID = AB5340
Vertical Control Disk Set in Top of Concrete Monument
(Elevations are based on FDOT network NAVD 88 Datum)



Revision : Final Survey - (06/10/22) - ADS
Revision : Foundation Survey - (12/22/21) - ADS

L1
N 89°38'00" W 163.19'(P)

Graphic Scale
0' 15' 30' 60'
Scale: 1"=30'

Field Date: 6/10/2022	Date Completed: 06/10/22
Drawn By: .P.	File Number: IS-86880 FI

-Legend-

C	- Calculated	PC	- Point of Curvature
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CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set Rebar	- Set ½" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B.	- Plat Book	–O–	- Chain Link Fence
–□–	- Wood Fence		

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

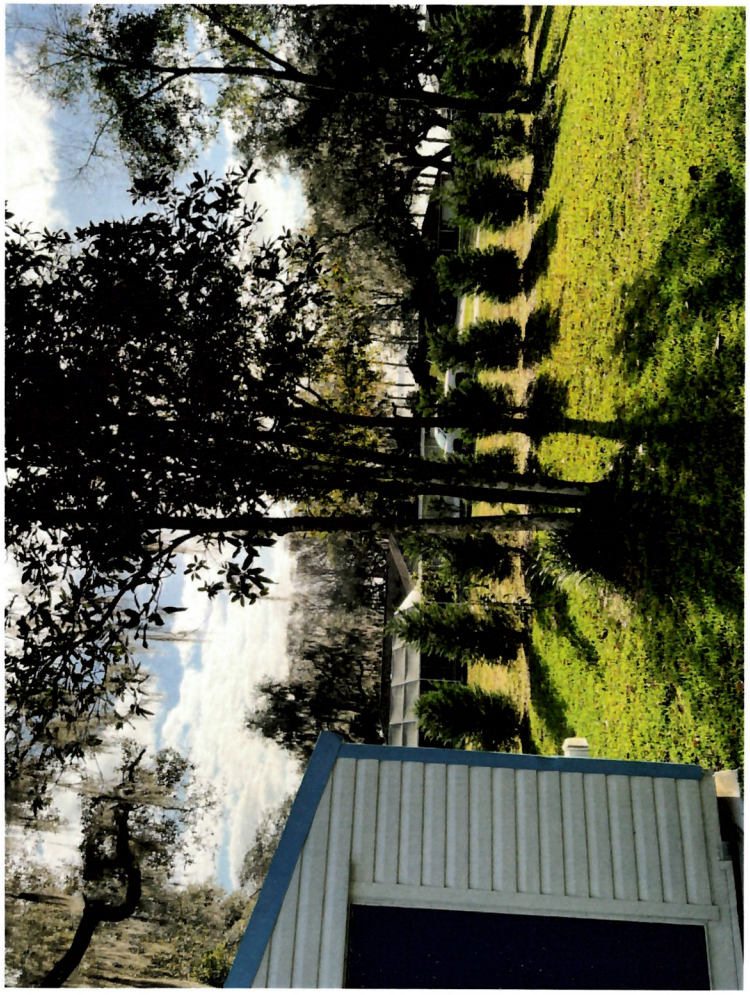
PATRICK IRELAND CERTIFICATE NO. 6637 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

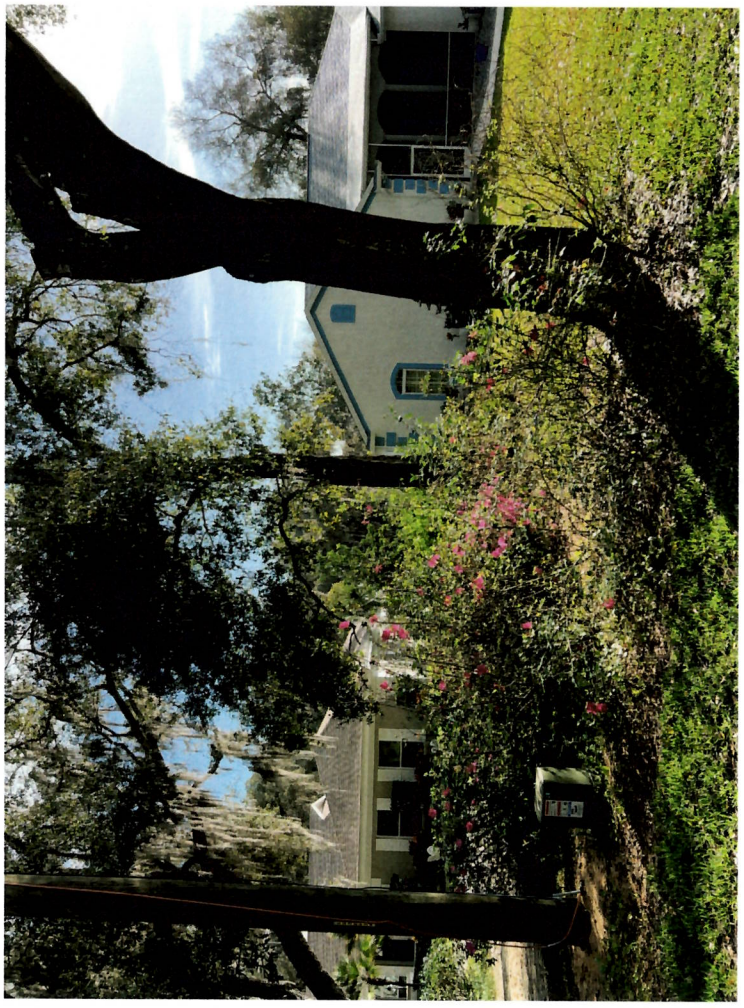
Patrick K. Ireland FOR THE FIRM

Patrick K. Ireland PSM 6637 LB 7623

This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165





TMH CONSULTING, INC.
Community Planning Services

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

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Residential and Commercial Design Guidelines
DATE: March 13, 2023

Following the Board's request to review design guidelines for residential development including both single-family and townhouse units, staff has been reviewing design guidelines in use in other jurisdictions to compare with the Town's program. What we found is that the Town's rules cover the same basic areas of regulation that other jurisdictions use. This situation suggests that our discussion should begin by focusing on specifically what outcomes the Town is seeking from its design rules and where the outcomes are falling short in the process.

The code section from Chapter 4 of the land development regulations lists the purpose and intent as follows:

4.06.01 ***Purpose and Intent***

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

The regulations then include standards for residential development generally, single-family homes and non-residential development. The same regulations as set for single-family homes are applied to townhouse units. Since the rules were adopted they have been applied almost exclusively to single-family homes which for the most part have been in the Venezia South and Talichet developments. There have been a relative handful of single-family homes on scattered sites throughout the town that have been reviewed as well. There have been no non-residential projects that have undergone a full design review since the rules were adopted, and the only townhouse project has been the Venezia Townhouse development.

Thus, there is some experience in evaluating the design output for single-family units but little else with other types of structures. The Venezia Townhouse project, while having an approved design, has yet to be constructed to allow an effective review of the output. The only commercial project that has gotten to the serious discussion point is the commercial component of the Lake Hills PUD, and the PUD agreement includes specific design standards that will be applied within the project. For the most part, single-family reviews to date have resulted in reasonably well articulated front facades and minimally articulated side and rear facades. Until recently the various iterations of the planning board have been satisfied with this outcome.

The full set of design guidelines is laid out in Section 4.06 of the land development code. An excerpt of the code has been added to the agenda packet for review, and a copy of a single-family residential review checklist has been provided to offer a short-hand list of requirements for single-family units. This checklist includes the landscaping guidelines as well as structural components as landscaping adds to the overall design impact.

The last time the residential design guidelines were modified was in August 2014 when Ordinance 2014-005 was adopted. This ordinance defined the term block face and set a standard for spacing between houses with the same floor plan. This ordinance also defined primary and secondary facades and specified the number of design elements required for each façade type. Other provisions for the minimum colors and materials were made mandatory rather than suggested. Ordinance 2014-005 is included in the agenda packet.

The other issue related to the discussion is Florida Statutes 163.3202 (5) which limits the local government's ability to apply requirements for building design elements to single-family and two-family dwellings unless the residence qualify under one of the exemptions. The most critical exemption for our discussion is dwellings located in a planned unit development. This means the Town can apply the minimum standards to projects within our planned unit developments. (Venezia, Talichet, Talichet Phase 2, The Reserve, Watermark, Lake Hills.) The Town has been careful to include compliance with Section 4.06 of the land development code in these planned unit development agreements. Technically the rules cannot be applied to infill development elsewhere in the Town and in areas with standard zoning (Whispering Heights). We should note that the current legislature is proposing to remove the exemption for planned unit developments which would then potentially exclude enforcement in these projects. A copy of the excerpt from the Florida statues is attached.

Discussion questions:

What does the Board consider the purpose of the design regulations for single-family and other types of structures?

How do the current regulations contribute or fail to contribute to the desired outcome?

Should there be a balance between the components of design required by rule and the freedom of the house designer in creating individual designs? (Note: This is in part why the rule sets a standard for a minimum number of design elements while allowing the designer to select from a broad range of options in meeting the requirement.)

Should the Town direct new development to a range of specific architectural styles? (Common styles used in Florida are Spanish Mission, Mediterranean, Italianate, Colonial, Neoclassical, Greek Revival, Craftsman, Florida Vernacular)

ORDINANCE NO. 2014-005

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SUBSECTION B OF SECTION 1.12.00 IN CHAPTER 1 TO ADD DEFINITIONS FOR BLOCK FACE, PRIMARY FAÇADE AND SECONDARY FACADE; BY AMENDING SUBSECTIONS 4.06.01-4.06.03 OF SECTION 4.06 IN CHAPTER 4 TO REVISE ARCHITECTURAL PLAN REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Howey-in-the-Hills, Lake County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes; and

WHEREAS, the Town Council, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Code, based on, related to, and as a means to implement its adopted comprehensive plan; and

WHEREAS, the Town Council has determined that it is necessary to amend its Land Development Code as herein provided in order to more effectively implement its adopted comprehensive plan; and

WHEREAS, The Town Council has determined the proposed amendments are consistent with its adopted comprehensive plan.

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

Section 1. The Town Council hereby approves the revisions to the Land Development Code for the Town of Howey-in-the-Hills as indicated by the underlined and strikethrough language in the amended Land Development Code attached hereto as **Attachment A**.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and

ATTACHMENT A

Amendments to the Land Development Code

1.12.00 ACRONYMS AND DEFINITIONS

B. Glossary of terms

Block Face means the area along both sides of a street between consecutive intersections where the street pattern is a grid pattern or a modified grid pattern and intersections are spaced at a distance of 800 feet or less. Where street patterns are curvilinear or intersections are spaced at distances greater than 800 feet, a block face shall consist of 300 linear feet or portion thereof measured along the centerline of the street.

Primary Façade is the exterior wall of a building that faces a street. Buildings on corner lots have two primary facades.

Secondary façade is any building wall not defined as a primary façade.

4.06.00 ARCHITECTURAL PLAN REQUIREMENTS

4.06.01 *Purpose and Intent*

A. Architectural requirements are an integral part of the LDC in order to ensure quality development, create a sense of place and community, and to enhance the physical environment. All architectural plans submitted under this Chapter must be signed and sealed by a licensed architect registered in the State of Florida.

B. These standards are intended to:
   1. Encourage a diversity in housing styles, shapes, and materials in order to create variety in the streetscape,
   2. Encourage richness in design through materials and details,
   3. Maximize the positive impact of development,
   4. Ensure that non-residential building facades are designed to a human scale, for esthetic appeal, pedestrian comfort, and compatibility with adjacent development,
   5. Ensure that larger non-residential buildings are designed to reduce their apparent bulk and volume through design and landscaping,
   6. Encourage sustainable architecture.

4.06.02 Residential Developments

In order to promote architectural character, the Town shall require new housing developments to offer a variety of architectural styles and elevations. These regulations promote both diversity in the exterior elevations of neighboring homes, as

well as individual character in the design of each residence.

1. For new single family residential developments or infill single family development with six (6) or more adjacent lots:
    1. The same house model may not be ~~built directly adjacent to another~~ used more than three times within a single block face. For purposes of this requirement, a different house model is a different floor plan, not the same floor plan flipped in a different direction and not the same floor plan with a different exterior treatment. When less than ten percent (10%) of the lots in a subdivision remain to be developed, the Planning Board may approve a home design to be used more than three times within a single block face. This option is intended to provide some flexibility in finishing the subdivision development while maintaining diversity in building design.
    2. Front porches shall be a required component on at least one quarter of the house models offered in a development. These porches shall be at least 6 feet deep and 10 feet wide.
        a. Front porches may encroach into the front setback up to five (5) feet in Single Family Residential and Medium Density Residential developments.
        b. Front porches may be screened, provided that the screen is located behind the railings.
    3. Recessed garages or side entry garages shall be a required component on at least one quarter of the house models offered in a development. To be considered recessed, the garage shall be set back a minimum of ten (10) feet from the main building face, or five (5) feet if the house has a front porch.
2. For all new residential development
    1. Residential building walls shall be wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material.
    2. Residential roofs shall be wood, synthetic, or fiberglass shingles or tile. Metal roofs may be permitted if determined to be an integral feature of a recognized architectural style. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.
    3. Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. The architectural style and color of walls shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a lake or wetland. Residential development in Agricultural and Rural Estates zoning districts may also propose special purpose fencing in conjunction with farm animals and horses.
    4. Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has

architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

4.06.03 Single Family Residential Development Architectural Plans

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

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

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

C. Exterior architectural details: Each home shall incorporate architectural details to add interest to all sides of the building. Primary facades shall incorporate a minimum for four (4) architectural details and secondary facades shall incorporate a minimum of two (2) architectural details. These include, but are not limited to:
   1. Windows
   2. Shutters
   3. Porches
   4. Decorative elements
   5. Doors
   6. Columns
   7. Window boxes
   8. Porticos
   9. Cupolas
   10. Chimneys
   11. Enhanced landscape treatment which provides for one additional planting area with a minimum size of 400 square feet
   12. Other elements approved by the Town

4.06.04 Other Residential Development

Townhome development shall follow the same architectural standards as single family development, except for Section 4.06.02(A)(1) above.

such holding shall not affect the validity of the remaining portions or application hereof.

Section 3. All ordinances made in conflict with this Ordinance are hereby repealed.

Section 4. All other provisions of the Land Development Code shall remain unchanged, ratified, and confirmed by this ordinance.

Section 5. The revisions reflected in the Attachments shall be codified and incorporated into the Land Development Code of the Town of Howey-in-the-Hills, Lake County, Florida.

PASSED AND ORDAINED this 11th day of August, 2014, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Chris Sears, Mayor

ATTEST:

Brenda Brasher, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY for use and reliance by the Town of Howey-in-the-Hills, Florida, only.

Heather N. Blom-Ramos
Town Attorney

First Reading held March 10, 2014
Second Reading and Adoption held April 14, 2014 and continued to August 11, 2014
Advertised February 21, 2014 and March 14, 2014

SECTION 4.06.00 ARCHITECTURAL REQUIREMENTS

4.06.00 ARCHITECTURAL PLAN REQUIREMENTS

4.06.01 Purpose and Intent

A. Architectural requirements are an integral part of the LDC in order to ensure quality development, create a sense of place and community, and to enhance the physical environment. All architectural plans submitted under this Chapter must be signed and sealed by a licensed architect registered in the State of Florida.

B. These standards are intended to:
   1. Encourage a diversity in housing styles, shapes, and materials in order to create variety in the streetscape,
   2. Encourage richness in design through materials and details,
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   4. Ensure that non-residential building facades are designed to a human scale, for esthetic appeal, pedestrian comfort, and compatibility with adjacent development,
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In order to promote architectural character, the Town shall require new housing developments to offer a variety of architectural styles and elevations. These regulations promote both diversity in the exterior elevations of neighboring homes, as well as individual character in the design of each residence.

A. For new single-family residential developments or infill single family development with six (6) or more adjacent lots:
   1. The same house model may not be used more than three times within a single block face. For purposes of this requirement, a different house model is a different floor plan, not the same floor plan flipped in a different direction and not the same floor plan with a different exterior treatment. When less than ten (10%) percent of the lots in a subdivision remain to be developed, the Planning Board may approve a home design to be used more than three times within a single block face. This option is intended to provide some flexibility in finishing the subdivision development while maintaining diversity in building design.
   2. Front porches shall be a required component on at least one quarter of the house models offered in a development. These porches shall be at least 6 feet deep and 10 feet wide.
      a. Front porches may encroach into the front setback up to five (5) feet in Single Family Residential and Medium Density Residential developments.
      b. Front porches may be screened, provided that the screen is located behind the railings.

3. Recessed garages or side entry garages shall be a required component on at least one quarter of the house models offered in a development. To be considered recessed, the garage shall be set back a minimum of ten (10) feet from the main building face, or five (5) feet if the house has a front porch.

B. For all new residential development
   1. Residential building walls shall be wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material.
   2. Residential roofs shall be wood, synthetic, or fiberglass shingles, solar shingles, tile or metal. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.
   3. Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. The architectural style and color of walls shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a lake or wetland. Residential development in Agricultural and Rural Estates zoning districts may also propose special purpose fencing in conjunction with farm animals and horses.
   4. Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

4.06.03 Single Family Residential Development Architectural Plans

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

A. Roof plan: Residential homes shall have variations in roof lines and use dormers, wide eaves, and other architectural elements to add interest and sustainability.
B. Wall materials and color options: See Section 4.06.02(B)(1) above for material options. Walls cannot be all one material and/or all one color. Primary facades shall have one base color and a minimum of one complementary accent color. A complementary wall material may be used to meet the second color requirement.

C. Exterior architectural details: Each home shall incorporate architectural details to add interest to all sides of the building. Primary facades shall incorporate a minimum of four (4) architectural details and secondary facades shall incorporate a minimum of two (2) architectural details. These include, but are not limited to:
   1. Windows
   2. Shutters
   3. Porches
   4. Decorative elements
   5. Doors
   6. Columns
   7. Window boxes
   8. Porticos
   9. Cupolas
   10. Chimneys
   11. Enhanced landscape treatment which provides for one additional planting area with a minimum size of 400 square feet
   12. Other elements approved by the Town

4.06.04 Other Residential Development

Townhome development shall follow the same architectural standards as single-family development, except for Section 4.06.02 above.

4.06.05 Non-Residential Development

A. For non-residential buildings, the scale and design should be compatible with surrounding development and the Town's overall character. Non-residential building walls shall be finished with wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material. Exposed concrete block or metal finishes shall not be permitted except when determined to be an integral feature of a recognized architectural style.
B. Non-residential roofs shall be wood, synthetic, or fiberglass shingles or tile. Metal roofs may be permitted if determined to be an integral feature of a recognized architectural style. Flat roofing is permitted, as long as the rooftop is not visible from the right of way. False facades may be used as long as the treatment is used for all sides of the building.

4.06.06 Non-Residential Development Architectural Plans

A. At the time of Final Plan submittal, the applicant shall submit a complete set of the building design plans. This shall include the front, side, and rear elevations. The plans shall include the roof design and show all pertinent details (windows, shutters, porches, decorative finishes, doors, colors, materials). The plans shall be drawn to scale, and dimensions shall be clearly delineated. All elevations must be signed and sealed by a licensed architect registered in the State of Florida.
B. Architectural plans shall also include screening details for service areas and mechanical equipment as well as site furnishings, lighting fixtures, and any

other information necessary to ensure consistency with the intent of this section.

C. Architectural plans are required for any new non-residential developments, and additions or alterations to previously approved non-residential developments. Alterations may include, but are not limited to, changes in color, material, roof finishes, awnings, and other exterior features.

D. Non-Residential Architectural Plans should also ensure the following:

1. Facades should be designed to reduce the scale and uniform appearance of the building and provide visual interest. Each façade shall incorporate one massing technique and one articulation technique from the following list or other technique proposed by the project architect and approved by the Town Council. For every fifty (50) feet of wall that exceeds fifty (50) feet in length one additional massing technique and one additional articulation technique shall be applied to the entire wall length.

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

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 undo 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.

Tom Harowski

From: Thomas J. Wilkes <Tom.Wilkes@gray-robinson.com>
Sent: Tuesday, February 21, 2023 1:17 PM
To: Tom Harowski
Cc: John Brock; Sean O'Keefe
Subject: RE: Design Standards for Single-Family Homes

Tom –

The statute you have in mind is subsection (5) of section 163.3202 of Florida Statutes. Here is subsec. (5) …

(5)(a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:

1. The dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
2. The regulations are adopted in order to implement the National Flood Insurance Program;
3. The regulations are adopted pursuant to and in compliance with chapter 553;
4. The dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
5. The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;
6. **The dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution, or other final action approved by the local governing body**; or
7. The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

(b) For purposes of this subsection, the term:

1. "Building design elements" means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.
2. "Planned unit development" or "master planned community" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

(c) This subsection does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements.

I have highlighted subpara. 6 in red. The subparagraph now allows "building design elements" to be imposed on housing that is part of a Planned Unit Development. I think one of my partners, Chris Carmody, worked for Orange County to get this exception inserted in the 2021 bill.

There is a bill now filed, however, that will ***delete this exception***. It is HB 439 – see its lines no. 507-593. If enacted, it will deprive cities and counties of much of their power to regulate design standards in planned developments.

Please call if you have questions.

Tom

Thomas J. Wilkes
Of Counsel

T 407.843.8880
D 407.244.5693
M 321.231.8628
F 407.244.5690

GrayRobinson, P.A. ▪ 301 East Pine Street, Suite 1400, Orlando, Florida 32801

From: Tom Harowski <tom@tmhconsultinginc.com>
Sent: Thursday, February 16, 2023 11:18 AM
To: Thomas J. Wilkes <Tom.Wilkes@gray-robinson.com>
Cc: John Brock <jbrock@howey.org>; Sean O'Keefe <sokeefe@howey.org>
Subject: Design Standards for Single-Family Homes

Tom,

TOWN OF HOWEY-IN-THE-HILLS
SINGLE-FAMILY RESIDENCE
DESIGN APPROVAL REVIEW PROCESS

APPLICATION

SUBMITTAL CAN BE CONCURRENT WITH BUILDING PERMIT APPLICATION. PLANS NEED TO SHOW EXTERIOR FAÇADE DESIGN, PLACEMENT OF BUILDING ON LOT BY SURVEY, PROPOSED MATERIALS, AND LANDSCAPE PLAN

STAFF REVIEW

STAFF REVIEW ANALYZES REQUEST COMPARED TO DESIGN CRITERIA. REPORT IS PREPARED FOR PLANNING BOARD

PLANNING BOARD REVIEW

PLANNING BOARD REVIEWS DESIGN FOR COMPLIANCE WITH STANDARDS. FOR PRODUCTION BUILDERS WITH ESTABLISHED MODELS, PLANNING BOARD MAY APPROVE MODELS RATHER THAN EACH HOUOSE INDIVIDUALLY

BUILDING OFFICIAL ISSUES CONSTRUCTION PERMIT

DESIGN APPROVAL IS ONE INPUT TO BUILDING OFFICIAL REVIEW. LANDSCAPING PLAN MAY BE APPROVED PRIOR TO CERTIFICATE OF OCCUPANCY.

TOWN OF HOWEY- IN-THE- HILLS, FLORIDA

SINGLE-FAMILY RESIDENCE
APPLICATION CHECKLIST

PROPERTY ADDRESS: _____

Please complete the checklist items for the following lot requirements, dimensional requirements, design standards and landscape requirements identifying how the proposed construction plans comply with the regulations in the Land Development Code. The proposed design elements must comply with the minimum requirements established by the Land Development Code in order to issue the construction permit. A copy of this checklist should be submitted with the application for permit. If the proposed project cannot meet all of the requirements as presented on this checklist, please contact staff so that we can discuss potential solutions.

LOT REQUIREMENTS						
ZONE	**AG**	**RE**	**SFR**	**MDR-1**	**MDR-2**	**PROPOSED**
LOT SIZE	2 AC.	2 AC.	.5 AC	15,000 SF	9,000 SF	
LOT WIDTH	150 FT.	150 FT.	100 FT.	100 FT.	75 FT.	
LOT DEPTH	200 FT.	200 FT.	150 FT.	120 FT.	120 FT.	

Please circle the zoning for the proposed development parcel and enter the data for the lot in the PROPOSED column. Please include a survey done within the last two years as part of the plan submittal.

DIMENSIONAL REQUIREMENTS						
ZONE	**AG**	**RE**	**SFR**	**MDR-1**	**MDR-2**	**PROPOSED**
SETBACKS						
FRONT	50 FT.	50 FT.	35 FT.	35 FT.	25 FT.	
STREET SIDE	50 FT.	50 FT.	35 FT.	12.5 FT.	12.5 FT.	
SIDE	25 FT.	25 FT.	20 FT.	12.5 FT.	12.5 FT.	
REAR	50 FT.	50 FT.	30 FT.	25 FT.	25 FT.	
IMPERVIOUS AREA	NA	NA	NA	50%	50%	
BUILDING HEIGHT	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	
BUILDING FLOOR AREA	1,500 SF	1,500 SF	1,800 SF	2,000 SF	1,200 SF	
GASRAGE AREA	400 SF	400 SF	400 SF	400 SF	400 SF	

Please circle the zoning for the proposed development parcel and enter the data for the lot in the PROPOSED column. Show setback dimensions on layout plan.

BUILDING DESIGN REQUIREMENTS

The Howey-in-the-Hills Land Development Code includes some basic building design requirements in order to promote architectural interest in the building constructed in the Town and to provide diversity in housing styles. The details for the design requirements are located in Sections 4.06.02 and 4.06.03 of the Land Development Code. Answering the following questions will assist staff in reviewing the proposed home design for compliance with the building design standards. Please complete the required information and indicate the page of the plan set where the information can be found.

BUILDING DESIGN REQUIREMENTS		PAGE
Proposed exterior wall material(s)		
Proposed roof material		
Is an eave proposed?		
Is there variation in the roof lines?		
Does the exterior have multiple colors or wall materials?		

In addition to the building design requirements listed in the table above, the Land Development Code requires the incorporation of architectural details to add interest to all sides of the residence. The code provides suggested details that can be employed to meet this requirement, but other elements may be proposed for consideration by the Town. Please indicate on the following table which architectural elements are applied to each wall of the proposed dwelling. Make sure that these elements are clearly identified on the plans by specific graphic representation or by a specific call out on the plans.

ARCHITECTURAL DESIGN ELEMENTS				
DESIGN ELEMENT	FRONT	STREET SIDE	SIDE	REAR
WINDOWS				
SHUTTERS				
PORCHES				
DECORATIVE ELEMENTS				
DOORS				
COLUMNS				
WINDOW BOXES				
PORTICOS				
CUPOLAS				
CHIMNEYS				
OTHER				

Please place a check in the appropriate box to indicate the presence of this element on the indicated wall of the building.

RESIDENTIAL LOT LANDSCAPING REQUIREMENTS

Single-family homes in the Town have minimum landscape requirements that must be met on the lot. The requirements are set out in Section 708 Landscaping Individual Residences. Section 7.10 Approved Tree and Plant List should also be consulted when preparing a landscape design. A landscape plan and irrigation plan is required as part of the permit application. The following questions are provided to assist in the preparation of a landscape design that meets the code requirements.

RESIDENTIAL LOT LANDSCAPE STANDARDS			
LANDSCAPE	**REQUIREMENT**	**YES**	**NO**
CANOPY TREES	Does the plan provide at least three (3) canopy trees?		
	Does one of the trees have a caliper of at least four (4) inches?		
	Do the other two trees have a caliper of at least two and one-half (2.5) inches?		
	Is one of the trees planted in the front yard between five (5) and eight (8) feet from the front property line?		
	On a corner lot is at least one canopy tree planted between five (5) and eight (8) feet from the property line on each street frontage?		
UNDERSTORY TREES	Does the plan provide at least two (2) understory trees?		
FOUNDATION PLANTINGS	Does the plan provide foundation plantings along the outline of the house except where doors and patios are located?		
GRASSED AREA	Is fifty percent (50%) or less of the landscaped area devoted to sod?		
OTHER LANDSCAPED AREA	Does the plan provide at least two areas with a minimum square footage of 400 square feet devoted to non-turf plantings in addition to the foundation plantings?		
PLANT MATERIALS	Is at least fifty percent (50%) of the landscaped area of the lot drought tolerant or “Florida Friendly” plants?		

Landscaping Notes:

1. Lots one-half acre or larger have additional planting requirements that must be considered in the proposed landscape design.
2. Existing trees and shrubs, including, preserved natural areas may be credited toward the landscape requirements when preserved as part of the final design.
3. Plantings must conform to the minimum specifications of Section 7.09.01.

TMH CONSULTING, INC.
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MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: John Brock. Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: New Development and Subdivision Standards
DATE: March 13, 2023

INTRODUCTION

In recent months the Town Council has expressed some concern about community elements that they believe should be a part of new developments and that the Council does not believe are being adequately addressed. As one Councilor expressed the concern, he would have "the town create a set of documents with minimum standards that would be allowed for developers." The Council requested the Planning Board initiate discussion on this issue with the objective of making a recommendation to Town Council on proposed amendments to the land development code and/or the comprehensive plan. At Town Council the charge to the Planning Board was directed at Chapter 8 of the land development code, and the item has been placed on the agenda with this title.

As the discussion at Town Council emerged, the items most often cited were regarding items such as parks and related community facilities that the Council thought should be an integral element of new subdivisions and new mixed-use developments in the town. The recent developments in Venezia and Talichet have been the most cited examples of projects that are deficient in community enhancements. The Venezia and Talichet projects we approved in the early 2000s when standards were less comprehensive than those established today, and the Town's legal arm determined the project approval for Venezia and Talichet was vested. This determination limited the Town's ability to demand modifications to the "approved plan."

Since the original Venezia and Talichet developments were approved, the Town has applied more stringent development standards to the projects governed by the Village Mixed Use (VMU) land use classification (The Reserve and Lake Hills) and general planned unit development projects (Watermark). The Village Mixed Use projects include both residential and non-residential uses; community facilities; parks and recreation opportunities; and civic components which translated into an elementary school site in one case. Non-residential components have not always been set asides for commercial uses as not all sites are appropriate for commercial development. In these cases, the

Town has worked with the applicants to include regional recreation elements such as extensive bicycle trails that support the Town's bicycle and pedestrian plan. Since none of the newer VMU projects has completed any phase of development at this point in time, the neighborhood quality that will result from these projects is not yet visible in comparison with earlier developments.

The newly approved Watermark development has a strong element of recreation and civic facilities included as a requirement of the PUD approval. These elements along with a contribution to the Town's planned bicycle trail network were negotiated into the project through the normal development review process. The project was required to meet minimum open space standards (Future Land Use Policy 1.2.2), while the recreation and community facility elements were the result of the PUD negotiation process.

Clearly the Town has improved the assets that newer developments will potentially contribute to the livability of these neighborhoods. Once these neighborhoods move from paper plans to actual homes and businesses the Town will be better able to assess whether the community assets offered in these neighborhoods are sufficient to support the local quality of life standards. The following sections will discuss the regulatory objectives behind the various code sections and comprehensive plan goals, objectives, and policies. At that point we can discuss options and opportunities.

REGULATORY BACKGROUND

It may be that simply more time is required for the Town to fully assess the quality of development that will result from the current body of plans and regulations. However, this section of the report will examine the purpose and requirements of Chapter 4 and Chapter 8 of the land development code and discuss the minimum development requirements established in the comprehensive plan goals, objectives, and policies. It may be that the most effective response to the Town Council concerns is through the comprehensive plan rather than amending the land development regulations.

Chapter 8 Development Standards

This chapter is titled Development Standards. It is basically the technical requirements for development in the town. It covers:

8.02 Lots
8.03 Roads
8.04 Parking
8.05 Utilities
8.06 Other Utilities
8.07 Environmental Preservation
8.08 Open Space
8.09 Screening Standards

These sections are available to any party seeking to develop in the town and are one of the sets of standards the Development Review Committee applies in reviewing subdivision design and site plan approval. Chapter 8 defers to the comprehensive plan goals, objectives and policies and other sections of the land development code regarding what elements must be included in a project. If an element is included, however, Chapter 8 provides minimum standards on how a particular element is provided. For example,

- The section on lots defines how lots relate to the street and includes standards for minimum frontage on a street (30 feet) and increased lot size (15%) for corner lots.

- The section on roads defines various road classifications such as arterials, collectors and local streets and gives the minimum dimensional requirements for each type of road. The section covers the construction specifics such as road sub-base, base and paving materials. It provides standards for intersections and governs access to roadways from abutting property. Street signage requirements and standards for bicycle and pedestrian facilities are also included.

- Parking covers the minimum parking requirements for various uses and the specific standards for parking lot layouts, loading areas and drive-through facilities.

- The utilities section covers potable water system requirements, sanitary sewer reqirements, irrigation system requirements and stormwater management. These are system standards, exept for the stormwater standards which are very detailed, and these are suppored by technical engineering sets of standard details.

- Other utilties cover outdoor lighting and a requirement that all utilities be placed underground.

- The environmental standards address procedures for site clearing, protection of areas to be preserved during the period of construction and disposal of construction debris. This section does not specifically state what must be preserved on site. This determination is a function of the comprehensive plan policies.

- The open space section simply defines how some open space elements are counted. The specific requirements for the amount of open space to be preserved are located in the comprehensive plan.

- Finally screening standards apply to screening of service areas and dumpsters.

If the issue to be addressed is what elements need to be included in a proposed community plan, then Chapter 8 may not be the best option for calling out these items. To staff's knowledge the quality of the physical elements of a development such as the pipe systems, the street construction, etc has not been a strong negative issue. The

quality of public improvements is most often a function of verifying the plans meet Town standards and then doing thorough inspections during construction.

Chapter 4 Development Review Procedures

Chapter 4 does not typically include listing of minimum elements to be included in a project but rather it lays out the process for accomplishing items such as site plan approval, subdivision approval, and other routine actions required of a land development regulatory program. It basically tells us how to do something rather than what to do. The chapter includes submittal requirements for various types of developments so the Town can compare the proposed project to the development standards of Chapter 8, the Town's standard engineering details, the zoning requirements of Chapter 2 and minimum requirements of the comrehensive plan.

Comprehensive Plan Goals Objectives and Policies

The location where the Town spells out the majority of the requirements for new development is in the goals, objectives and policies of the comrehensive plan. These guide the content for new development; and the land development regulations and standard construction details become the vehicles for implementing the acutal construction. The comprehensive plan policies take precedence over land development regulations when there is a conflict between the two or when the land development regulations are silent on a development requirement. Note the following:

- Future Land Use Element Policy 1.1.1 includes density and intensity standards that have been embodied in the zoning regulations in Chapter 2 of the land development code.

- This same policy sets minimum standards for elements to be included in the Village Mixed Use projects. This policy becomes the minimum performance guideline when proposed VMU developments are reviewed.

- Future Land Use Policy 1.1.2 describes the expected uses to be allowed in the various land use classifications.

- Future Land Use Policy 1.1.4 provides specifiic guidance on how to calculate open space and how to calculate the maximum allowable number of units that can be achieved in any one project.

- Future Land Use Element Objective 1.2 addresses the Town's standards for residential quality and neighborhood cohesiveness.

If the Town wishes to include additional items that it believes will support and enhance the quality of new development, expanding the compoents listed in Objective 1.2 might

be a good place to include these items. For ease of reference the objectives and policies cited above are reproduced at the end of this report.

DISCUSSION

If we presume that the development review procedures (Chapter 4) and the technical design standards (Chapter 8) are adequate then the discussion of neighborhood quality needs to focus on the comprehensive plan policies. These policies contain standards for denisty (units per acre) and intensity (floor area ratio) for each land use classification, and the policies set minimum open space requirements for each land use classification. There are requirements for new developments to be served by central water and sewer and to provide a non-potable alternative ffor landscape irrigation. Storm drainage is largely governed by state minimum requirements, although the Town could adopt more stringent standards such as requiring systems to accommodate a larger design storm. For example the Town could require a 100 year design storm rather than the 25-year, 24-hour storm required by the permitting agencies.

Future Land Use Objective 1.2 goes beyond the basic service needs of new developments and includes provisions that direct how new residential development relates to the road network (Policy 1.2.5), how the new development relates to surounding land uses (Policy 1.2.3, Policy 1.2.4, and Policy 1.2.6). These policies discuss protecting residential land uses from negative impacts of adjacent land uses, when screening walls and buffers are required, and how residential density should transition from the center to the perimeter of the community. If the Town wishes to set some standards for other civic elements such as parks and recreation facilities, then a policy could be included that directs projects of a certain size to include these facilities. Currently new homes pay a park impact fee to contribute to recreation needs.

The areas designated for Village Mixed Use development already include requirements for many community elements. For example Policy 1.1.1 requires:

- Minimum of 5% of the non-residential land in projects of 100 acres or more be devoted to public or civic buildings. These buildings could include churches, schools or community buildings that serve the residents of the new development. Civic buildings may not be open entirely to the general public in the case of a neighborhood community building, but they would be available to all of the residents of the new development.

- Public recreational uses must occupy a minimum of 10% of the useable open space in a project. Useable open space excludes wetlands. If these faacilities are open parkland or trails they are typically available to anyone while items such as hard surface courts may be restricted to members of the property owners' association and guests.

- A minimum of 25% open space is required, and our rules cap the amount of wetland that can count toward this requirement. This rule ensures that at least some of the open space will be accessable and useable.

Some of the VMU provisions are similar to provisions applied to developmet generally within the Town. Open space for example is coveed in a manner very similar to the VMU projects. Recreation opportunities are required in the project or replaced in park by the parks impact fee, but there is no set percentage of land area that is required. If the Planning Board wishes to recommend some additional provisions it might be appropriate to set a minimum unit threshhold as a trigger for a requirement and apply a sliding scale based on projecgt size so that larger projects are asked to include more facilities.

EXCERPTS FROM FUTURE LAND USE ELEMENT

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

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

Land Use	**Maximum Residential Density**
Residential:	
Low Density Residential (LDR)	Up to 2.0 dwelling units per acre. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Medium Density Residential (MDR)	Up to 4.0 dwelling units per acre. A 25% minimum open space is required. Developments with 100 units or more shall be required to have a public recreation component. Developments with more than 300 proposed units must use the Village Mixed Use designation. May include support community facilities and elementary schools. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Rural Lifestyle (RL)	Up to 1.0 per 2 acres. Must have a minimum of 2 acres for this land use. A 50% minimum open space is required. All buildings shall not exceed a 0.15 floor area ratio. The maximum impervious surface coverage is 0.20. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Land Use	**Maximum Land Intensity**
Neighborhood Commercial (NC)	The maximum floor area ratio is 0.50. The maximum impervious surface coverage is 0.70. The maximum building height is 35 feet and limited to two-stories. The maximum building size is 5,000 sq. ft. unless a special exception is granted to the developer by the Town Council. Elementary and middle schools are also permitted in this category.
Light Industrial (LI)	The maximum impervious surface is 0.70. The maximum floor area ratio is 0.60. High schools are permitted in this category.
Institutional (INST)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.40. A 25% minimum open space is required. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Recreation (REC)	Maximum impervious surface coverage is 0.30. Restricted to passive or active recreational facilities as established in the *Recreation and Open Space Element* or by the Town Council.
Conservation (CON)	No buildings. Restricted to boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utility (PUB)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.50. For utilities, the maximum building height is 1 story or no higher than 20 feet for building; 2 story and 35 feet for other facilities.

Village Mixed Use (VMU)	Minimum of 25 acres to apply for this land use. Maximum density of 4 dwelling units per acre, which may be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area. Commercial/non-residential areas shall comprise a minimum of 15% of the net land area and a maximum of 30% of the net land area. This includes community facilities and schools. For developments with more than 100 acres, 5% of the non-residential land shall be dedicated for public/civic buildings. Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met. The maximum building height is 35 feet. Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands). A minimum of 25% open space is required. The maximum building size is 30,000 sq. ft.; unless a special exception is granted to the developer by the Town Council.

Town Center Mixed Use (TCMU)	The Town Center Overlay Map denotes where specific uses are permitted within the Town Center (see the Town's *Town Center Overlay Map*). For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. The maximum building height is 35 feet. In order to maintain the historic character of the downtown area, the Land Development Regulations will cap the maximum size of any one business in the Town Center Overlay at 5,000 square feet. A maximum 2.0 floor area ratio is permitted if parking requirements are achieved. Where new residential uses are constructed in the commercial core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak Street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial Area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, oak Street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use. For areas designated Office/Services or Residential, the maximum impervious surface coverage is 0.40. May live and/or work in these areas. For areas designated Residential, the maximum density is 4 units per acre. There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted. Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.

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

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

- Activities intended for the conservation, re-establishment and re-nourishment, or protection of natural resources.
- Recreation uses and facilities that are customarily described as passive in nature including, but not limited to, fishing, hiking and biking, canoeing, kayaking, and the use of other similar small, quiet low-speed watercraft.
- Very low intensity outdoor or water-dependent recreational related uses (excluding commercial marinas) that are determined not to conflict with the intent of the Conservation category, subject to applicable Federal, State and local policies and permitting requirements.

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

- **General Commercial.** These areas shall include those businesses that provide retail goods and services, which serve the routine and daily needs of residents, including banks and professional services,

grocery and convenience stores, retail shops, and restaurants. Public and private elementary and middle schools are also allowed.

- **Limited Commercial.** These areas shall include low intensity office, service and retail businesses that are compatible when located in close proximity to neighborhoods. These uses are intended primarily to serve the needs of the closely surrounding neighborhood.
- **Professional and Office.** These areas shall be limited to small neighborhood scale businesses and professional offices that are compatible with, and have no measurable or noticeable adverse impacts, upon surrounding residential uses. Such uses include offices for doctors and dentists (but not clinics or hospitals), accountants, architects, attorneys, engineers, land surveyors, real estate brokers, financial planners, insurance and real estate agents and the like.

Light Industrial – The Light Industrial category shall be limited to light manufacturing and production, storage, warehousing and distribution uses as further controlled by the Land Development Regulations. Light industrial uses may have outdoor storage and business-related activity, but such uses shall not include processes that create negative effects to surrounding properties due to noise, heat, fumes, debris, chemicals or hazardous materials. High schools are permitted in this category.

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

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

Medium Density Residential - The Medium Density Residential category shall be primarily limited to single-family detached homes, townhomes, or similar type of uses. Support community facilities and elementary schools are also permitted

in this category. Residential uses in this category shall be permitted in those areas so designated in accordance with the applicable permitted density and as further controlled by the Land Development Regulations and the Florida Building Code.

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

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

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

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

Village Mixed Use – Primarily intended to create sustainability and maintain the unique charm of the Town, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category.

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

Densities would be determined by the Net Land Area. 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 requirements, then subtracting from that any remaining unbuildable acreage (remaining wetlands).

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

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

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

	Minimum open space requirements
Rural Lifestyle	50%
Low Density Residential	2 dwelling units per acre
Medium Density Residential	25%

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

Open Space: Open space is figured on the Gross Land Area. No greater than 50% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. The majority of the open space shall be permeable; however, up to 10% may be impervious (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.

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

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

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

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

POLICY 1.2.7: ***Compatibility of Residential Densities and Public Facilities.*** Residential densities shall be compatible with available public facilities and their capacity to serve development. Residential areas designated on the *Future Land Use Map* shall be allocated according to a pattern that promotes efficiency in the provision of public facilities and services and furthers the conservation of natural resources. Public facilities shall be required to be in place concurrent within the impacts of development.

POLICY 1.2.8: ***Concurrency Management System Criteria.*** All public facilities and services must be in place consistent with the criteria established within the Town's Concurrency Management System. Development applications for new residential development shall not be approved unless water, sewer, drainage, park, transportation, solid waste, and public school capacities are available consistent with level of service standards and according to deadlines established within the Concurrency Management System.

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

- past and anticipated future population and housing trends and characteristics;
- provision and maintenance of quality residential neighborhoods and preservation of cohesive neighborhoods;
- protection of environmentally sensitive lands; and
- transition of density between low, medium and high residential districts.

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

CHAPTER 8
Development Standards

List of Tables

8.00.00 GENERAL

Development standards are established to ensure adequate levels of light, air, and density; to maintain and promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic; to provide for orderly phasing of development; and otherwise protect the public health, safety, and general welfare.

8.01.00 PROJECT DESIGN

The natural topography and vegetation should be preserved and used, where possible, in the design of circulation ways, buildings and structures, parking areas, recreation areas, open space, and drainage facilities. The proposed location and arrangement of structures should not be detrimental to existing or planned adjacent land uses.

All development shall be in accordance with the Town of Howey in the Hills construction specifications. If any discrepancy is discovered between this LDC and the construction specifications, or any other Town policy, the most stringent and restrictive specification, condition, and/or directive shall apply at the discretion of the Town. All development must also comply with the applicable requirements established in the Americans with Disabilities Act (ADA), the Florida Building Code, and any other local, State, or Federal requirement that may apply.

This chapter addresses design standards for transportation-related facilities, utility systems, and environmental protection. For the purposes of this chapter, "utility system" shall mean all distribution, collection, and treatment facilities and appurtenances for potable water, sanitary sewer, reclaimed water, and stormwater management either operated by the Town or subject to regulation by the Town.

8.02.00 ROADS

8.02.01 General

The character, width, grade, and location of all streets and bridges shall conform to the standards in this section and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

A. Roads shall be planned in conformity with the Comprehensive Plan.
B. The street layout of proposed developments shall be coordinated with the street system of the surrounding area or with plans for streets in said area on file with the Town.
C. All streets shall be public, unless private streets are specifically approved by the Town Council. All streets shall meet all design standards as outlined in this chapter. A condominium, homeowners', or property owners' association shall be

created with all duties and powers necessary to ensure perpetual ownership and maintenance of any private roads. If a guardhouse or gate is provided, plans and specifications, including means of access for Town utility vehicles and emergency vehicles, shall be submitted for the review and approval of the Town Council through the development review process.

D. All streets shall be constructed to the exterior property lines of the development unless they are permanently terminated by cul-de-sac or an intersection with another street. Streets that may be continued in a future phase of a subject development or may be logically extended as part of a future development shall include a temporary cul-de-sac.
E. Developments with at least 50 residential units shall provide at least two (2) separate and distinct entrances/access points.
F. The Town shall facilitate and coordinate for the possible future development of adjoining property of a similar character by providing for joint access or cross access.

8.02.02 Roadway Classification and General Standards

The following table identifies four (4) categories of roadways. Design standards are generalized; the Town Council may apply greater or lesser restrictions, depending upon site-specific considerations. Flexibility in local road design is also provided in the event alleys are used or common parking areas are provided for.

Table 8.02.02 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
Local Roads (with on-street parking)	50 feet	22 feet of pavement with 8-foot wide on-street parking on one side	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk; no bike lane required

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.

8.02.03 Construction Standards

The following minimum road construction standards shall apply to all private or public roads:

A. 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.
   2. Base course shall be placed on the previously prepared sub-base, be constructed of either limerock or sand-clay, and be compacted to a depth of not less than eight (8) inches to meet the density requirements of FDOT specifications, and extend six (6) inches beyond each side of the proposed paving width;
   3. Soil cement may be used as a base material as an alternate to limerock or sand-clay at the discretion of the Town.
   4. Prime coat shall be applied to the previously prepared base course utilizing cut-back Asphalt Grade RC-70 or RC-250 in accordance with FDOT specifications. Emulsified asphalt materials shall not be accepted.
   5. Surface pavement course shall be constructed on the previously primed base course utilizing Type III or Type S-1 Asphaltic Concrete to provide a minimum surface width of not less than twenty-four (24) feet and a minimum compacted depth of one and one-half (1 ½) inches of such pavement after mixing, placement, and compaction in accordance with FDOT specifications.
   6. Surface pavement shall be constructed to full-depth in a single continuous operation, regardless of number of lifts required. Asphalt pavement shall not be constructed in two or more lifts separated by time.

B. Local Roads. Local street construction shall conform to the foregoing specifications for arterial and collector streets, except that:
   1. Sub-base stabilization shall be not less than eight (8) inches deep.
   2. Base course shall not be less than six (6) inches deep.
   3. Surface pavement course shall be not less than twenty-four (24) feet in width and shall have a minimum compacted depth of not less than one (1) inch.

4. Alternate materials may only be used if approved by the Town Engineer.
5. All plans shall be subject to review and approval by the Town Engineer.
6. Surface pavement shall be constructed to full-depth in a single continuous operation, regardless of number of lifts required. Asphalt pavement shall not be constructed in two or more lifts separated by time.

8.02.04 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 8.02.04 Intersections

Road Type	Minimum Radius (in feet)
Local to Collector	35
Local or Collector to Arterial	40
Arterial to Arterial	50

D. A taper or turn lane may be required for roads with a functional classification of collector or arterial, or a design speed of thirty-five (35) miles per hour or greater.
E. Roundabouts may also be considered, where appropriate. Standards shall be generally as outlined in the Florida Department of Transportation's *Florida Roundabout Guide*.

8.02.05 Access

Access shall be provided as follows:

A. Each new development that has at least 50 residential units shall have at least two separate and distinct access points. If the shape or location of the property prohibits this, then the single entrance to the development must incorporate a 24-foot minimum pavement width for ingress and a 24-foot minimum pavement width for egress. Length of this 24-foot section must be adequate for projected traffic.
B. In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on collectors and arterials, the number and location of driveways and other entrances shall be subject to approval as part of the plan review process. With non-residential development, joint access and cross access shall be promoted by the Town whenever possible.

C. Tapers, deceleration lanes, acceleration lanes, left turn lanes, bypass lanes, or other facilities shall be provided as requested by the Town Engineer or other agencies (Lake County or FDOT) to protect the safe and efficient operation of all roadways.
D. All proposed lots or developments shall have a minimum of thirty feet (30') of frontage at the right of way line.
E. Roads connecting interior development to a collector or arterial street, if not already paved, shall be improved by the developer to the standards of this chapter.
F. Vehicular circulation for all uses, except for properties in the Town Center Overlay, shall typically be contained within the property, and vehicles located within one portion of the development shall have access to all other portions without using the adjacent street system, unless there are planned street connections to adjacent properties.
G. Plans must illustrate that proper consideration has been given to the surrounding street system, also taking into consideration traffic volumes, proposed street improvements, traffic capacities, pedestrian movements, and safety.

8.02.06 Cul-De-Sacs

Permanent dead-end streets shall not exceed six hundred sixty feet (660') in length. Each cul-de-sac street shall have a minimum pavement width of 24 feet and a minimum cul-de-sac right of way radius of 50 feet. Cul-de-sacs shall be discouraged where street connections are possible.

8.02.07 Islands and Medians

A. Landscaped islands and medians shall be encouraged within the public rights-of-way.
B. Residential streets with straight expanses of pavement shall have landscaped islands every 600 feet. Those landscaped islands shall have a minimum width (back of curb to back of curb) of ten feet (10') and a minimum length of seventy-five feet (75'). Right-of-way lines shall be adjusted accordingly.
C. Cul-de-sacs shall have landscaped center islands with a minimum diameter of fifteen feet (15').
D. All landscaped islands and medians within new developments shall be maintained by the homeowners' or property owners' association. Language outlining these specific areas shall be included in the homeowners' or property owners' association documents.
E. Landscaped islands and medians may not be counted as open space.
F. All islands and medians shall be surrounded by a curb and improved with ground cover and other landscaping that does not, and will not at plant maturity, interfere with sight distance.
G. All islands and medians shall be landscaped and irrigated. Landscape and irrigation plans shall be submitted as part of the Final Plan process.

8.02.08 Street Signs

Design and placement of traffic signs shall be in conformance with the standards of the Florida Department of Transportation (FDOT) as specified in the Manual on Uniform Traffic Control Devices for Streets and Highways and the Town of Howey in the Hills specifications manual. In addition, the following standards shall apply, except when FDOT standards are more restrictive:

A. At least two (2) street name signs shall be placed at each four-way street intersection and one (1) at each "T" intersection.
B. Signs shall be installed free of visual obstruction.
C. Street name signs for Town streets shall have white letters on a blue background and include the Town logo. Street name signs for private streets shall have white letters on a black background. Colors other than black are subject to Town Council approval.
D. The surface of all signs shall have reflective material, 3M grade or better.
E. Street names shall be chosen by the developer, submitted to the Town as part of the Final Plan process, and sent to Lake County by the Town Clerk for formal approval. In proposing street names, the developer should recognize the following:
    1. Street names should be relatively easy to spell and pronounce,
    2. The street name shall not be a duplicate or near duplicate of another street located in the County,
    3. That the continuation of an existing street shall bear the name of the existing street, provided, however, that the Town Council may waive this requirement where the continuation of a street crosses a collector or arterial and the areas on both sides of the collector or arterial are intended to be developed as interior subdivisions.
    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.

8.02.09 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 feet (3') 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. This requirement may be waived for large lot single-family developments.
2. Sidewalks shall be separated from the adjacent roadway by a grassed or landscaped strip. 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 be required except where the sidewalk can connect to an existing network or the development covers 80% or more of a block face.

8.02.10 Traffic Impact Analysis

A Traffic Impact Analysis (TIA) shall be provided at the first submission of the Preliminary Site Plan or Preliminary Subdivision Plan.

A. Requirements for a TIA

The level of detail and type of TIA for each project will depend on the number of new net peak-hour trips generated, as detailed below. The amount of new net peak-hour project trips generated by the proposed development, which accounts for adjustments for internal capture and pass-by trips, if applicable, shall be based on its proposed land uses and calculated using the trip generation methodologies and guidelines contained herein. A TIA is also required for all aspects of site development and impact assessment. This includes, but is not limited to, updates to previously approved developments and Comp Plan amendments.

B. Levels of TIA
1. Tier 1 TIA: 0-25 New Net Peak-Hour Trips. If the traffic impacts of a proposed development can be clearly determined without the submittal of a

TIA, and all parties involved (the Town, MPO, FDOT, applicant, etc.) are in agreement (including on any necessary mitigation), the submittal of a full TIA may not be necessary. This would likely most often occur with smaller, less intense projects that generate negligible trips. If an applicant believes that their project meets this criterion, the applicant must submit a Request for Exemption Letter. It should be noted that, ultimately, these trip thresholds are only guidelines and Exemptions are granted at the discretion of the Town. The requirements for the Request for Exemption Letter are discussed later in this section.

2. Tier 2 TIA: 26-100 New Net Peak-Hour Trips. A project that generates between twenty-six (26) and one-hundred (100) new net peak-hour project trips shall require the preparation of a TIA unless the applicant believes their project is more in keeping with a Tier 1-type project. In such a case, the applicant may submit a Request for Exemption Letter. Approval and granting of this exemption, however, is strictly at the discretion of the Town. In addition, as an option, applicants may submit a Methodology Letter prior to the submittal of the TIA. The requirements for a Tier 2 TIA, Request for Exemption Letter and Methodology Letter are discussed later in this section. The classification of a project as a Tier 2 TIA is at the discretion of the local government.
3. Tier 3 TIA: 101 or More New Net Peak-Hour Trips. A project that generates one-hundred and one (101) or more new net peak hour project trips shall require the preparation of a more-detailed TIA than would normally be required for a Tier 2 project. This requirement for additional detail will be at the discretion of the Town and will be negotiated as part of the methodology review process which involves the submittal and review of a Methodology Letter, to be approved by the Town prior to the submittal of the TIA. In general, a project requiring a Tier 3 TIA shall be required to use the Lake Sumter MPO's currently adopted travel demand model to evaluate future traffic conditions. The requirements for a Tier 3 TIA and Methodology Letter are discussed in sections below. The classification of a project as requiring a Tier 3 TIA is at the discretion of the Town.

C. Review Process. The applicant shall submit three (3) hard copies and one (1) electronic copy (PDF) of the TIA to the Town Clerk as part of the Preliminary Plan submittal package. The Town and the MPO will review the submittal. The submittal will also be provided to and be reviewed by, any other agencies (such as FDOT and Lake County) with responsibility for roads that are impacted by the development. After review, the Town will provide the applicant with a memorandum which contains specific comments from all parties regarding the TIA. These comments must be addressed and necessary mitigation agreed upon prior to final approval of the Plan under review.
D. Request for Exemption and Methodology Letter. A Request for Exemption Letter is sometimes applicable, as discussed above. At a minimum, the Request for

Exemption Letter, based on the guidelines stated herein, shall provide the following information:

1. Purpose (also include grounds for exemption)
2. Project Description
3. Site Location/Site Plan
4. Area of Influence/Study Area
5. Trip Generation – Based on Guidelines Set Forth in this chapter
6. Trip Distribution/Assignment – Required to determine availability of capacity and to update the Lake County Transportation Concurrency Management System (TCMS)

E. Methodology Letter. A Methodology Letter shall be submitted to the Town prior to submittal of the TIA, for any project that generates one-hundred and one (101) or more new net peak hour trips. The Methodology Letter, also optional prior to submittal of a Tier 2 TIA, is required to:

1. Identify whether the project will require a Tier 2 or Tier 3 TIA.
2. Identify any critical issues such as, but not limited to, trip generation, trip distribution, the extent of the study, the area of influence, the horizon years, specific time periods to be analyzed, and data sources.
3. Ensure that all relevant issues are adequately addressed in the TIA and that no extraneous elements are included in the study.
4. Help the applicant understand the Town's expectations should further studies be required.

F. At a minimum the Methodology Letter, based on the guidelines stated herein, shall provide the following information:

1. Purpose
2. Project Description
3. Site Location/Site Plan
4. Area of Influence/Study Area *
5. TCMS Data for Study Area Roadways *
6. Intersections to be Analyzed
7. Planned and Programmed Improvements
8. Trip Generation
9. Trip Distribution
10. Trip Assignment
11. Future Traffic Volumes
12. Future Intersection Volumes

*Prior to submitting the Methodology Letter, the applicant should request the Town and MPO provide a study area report, generated by the Lake County TCMS software, based on location, and proposed land uses. This shall include a study area map and current TCMS data spreadsheet, including existing volumes, existing Level of Service (LOS), LOS standards, service volumes, and committed/reserved trips (background).

G. Report Format. In order to provide consistency and facilitate review of the TIA, the following outline shall be followed to the extent possible:

1. Table of Contents
   a. List of Figures
   b. List of Tables
2. Introduction
   a. Purpose
   b. Project Description
   c. Site Location and Site Plan
   d. Study Area/Area of Influence *
   e. Planned and Programmed Improvements
   f. Committed Development
3. Existing Roadway and Traffic Conditions
   a. Pertinent Existing Roadway Information *
   b. Existing Segment Geometry
   c. Existing Intersection Geometry
   d. Existing Traffic Volumes *
   e. Existing Level of Service *
4. Future Roadway Conditions
   a. Pertinent Future Roadway Information
   b. Future Segment Geometry
   c. Future Intersection Geometry
5. Future Traffic Conditions
   a. Background Traffic *
   b. Trip Generation
   c. Trip Distribution and Assignment
   d. Future Traffic Volumes
6. Transportation Assessment
   a. Segment Analysis
   b. Intersection Analysis
   c. Turn Lane Analysis
   d. Access Analysis
7. Mitigation Strategies
   a. Recommended Improvements
   b. Proportionate Share calculation (if applicable)
8. Summary/Conclusions
   a. A brief discussion (one or two paragraphs) shall be provided to highlight the TIA Tier classification (Tier 1, Tier 2 or Tier 3), methodology followed and general results.
   b. Action requested (e.g., approval of mitigation strategy) of the Town shall be specified.
9. Appendix
   a. Traffic Count Data
      1. Average Daily 24-Hour or Peak-Hour Traffic Counts (collected, as necessary)

2. Peak-Hour Turning Movement Counts (A.M., P.M., Midday, Weekend (collected, as necessary)

b. Capacity Analysis Summary Sheets
   1. Existing Conditions
   2. Future Conditions (per phase, if required)
   3. Future Mitigated Condition (per phase, if required)

c. Lake County TCMS Spreadsheet

d. Trip Distribution plot from the MPO Travel Demand Model (Tier 2, if necessary, and Tier 3 TIS)

   * Prior to submitting the Methodology Letter, the applicant should request the Town/MPO provide a study area report, generated by the Lake County TCMS software, based on location, and proposed land uses. This shall include a study area map and current TCMS data spreadsheet, including existing volumes, existing LOS, LOS standards, service volumes, and committed/reserved trips (background).

H. TIA Report Breakdown The following section describes the minimum content/information that shall be included in each chapter or section of the TIA based on the outline provided above.

1. Table of Contents, List of Figures and List of Tables. A Table of Contents, List of Figures and List of Tables shall be provided as part of the TIA report.
2. Introduction. This chapter, or section, shall contain pertinent information about the proposed project. The information that shall be provided is discussed below.
3. Purpose. The Tier (1, 2 or 3) of TIA and reason for the submittal of the TIA shall be stated. For example, it shall be stated if the TIA is being submitted for a development plan approval, Comp Plan amendment, or an update to a previously approved development/phase.
4. Project Description. A brief description of the proposed project shall be provided. The following information shall be provided and can be presented as a bulleted list or table:
   a. Area Type (Rural, Transitional, Urban)
   b. Type of Development (e.g., Residential, Retail, etc.)
   c. Institute of Transportation Engineers (ITE) Land Use Code(s)
   d. Size of development in standard ITE units (e.g., dwelling units for residential)
   e. Location/Description of the proposed development site access
   f. Anticipated opening/buildout year (by phase, if necessary)
   g. Analysis years (by phase, if necessary)
   h. Analysis periods (e.g., AM, PM, Mid-day, etc)
   i. Source of adopted roadway Level of Service (refer to TCMS spreadsheet)
5. Site Location and Site Plan. An area figure/map shall be provided to show the location of the project in relation to the surrounding region. This figure shall show the area of influence of the project, as discussed in the following

section. In addition, a site plan shall be included in this section to provide an overview of the project and site access.

6. Study Area/Area of Influence. The study area to be addressed by the applicant shall be regional in nature and shall include all roadways and major intersections affected by the proposed development. For those projects requiring a Methodology Letter, the study area will be defined prior to submittal of the TIA. The applicant should request the Town/MPO provide the study area based on location and proposed land use (provided by applicant). The extent of the study impact area shall be determined by the area of influence of the project. The area of influence shall be established as one half (1/2) the total trip length associated with the land use of the proposed development, based upon the Lake County Transportation Impact Fee Update Study Final Report (see table in Appendix A, column "E"). The area of influence shall be based on the "as the car drives" distance as opposed to the "as the bird flies" distance. The roadway segments and intersections within the area of influence shall be considered for further study. In cases where the proposed project involves multiple land uses, the study area shall be defined as one-half the total trip length associated with the land use having the longest total trip length.

   It should be noted that once the study area has been established based on the previously described methodology, there is the potential that not all intersections and segments within the study area will require full analysis. The intersections requiring full data collection and analysis will be determined by the anticipated effect of the proposed development at each location. The principal factors in this determination include the project trip distribution on the study area network and existing LOS and operations on the study area roadways and at the subject intersections. As the affect of the project traffic on more distant segments and intersections diminishes, specific locations may be removed from further consideration. Additionally, factors that could also influence the area of influence are the existing and future land uses in the area, and the existing and future transportation network. The study area roadways and intersections may be discussed during the methodology review process, but ultimately, it is at the discretion of the Town to reduce or expand the study area, as deemed necessary.

7. Planned and Programmed Improvements. This section shall identify and discuss all planned and programmed roadway improvements relevant to the study area. This includes all local, State and Federal projects that have been planned or funded. The section shall include a list of planned or programmed improvements, location/limits, programmed phases with years, and the name of the agency responsible for implementing the project. Only those programmed improvements contained in the first three (3) years of the relevant work program, and funded for construction, shall be considered as

capacity "in-place." If no programmed or planned improvements are relevant to the study area, the applicant shall indicate that there are no planned or programmed improvements within the project study area within the next three years. In general, the Lake County TCMS will be kept up to date with planned and programmed improvements from the first three years of the work program.

8. Committed Development. This section shall include discussion and figures pertaining to Approved/Committed Development. In general, the Lake County TCMS will be kept updated with committed/reserved trips relevant to the study area. If no information is available then an appropriate growth rate, as approved by the Town shall be used.
9. Existing Roadway and Traffic Conditions. The applicant is responsible for collecting or obtaining the existing conditions data required to effectively produce a TIA that meets the Town's requirements. The existing conditions data will include information on existing roadway geometry, existing traffic control, existing traffic volumes and existing LOS. This information shall be from field observations and the Lake County TCMS spreadsheet and may be presented collectively using tables and/or figures.
10. Pertinent Existing Roadway Information. Any information that does not fall strictly into the existing segment and intersection categories shall be documented. This may include discussion and figures pertaining to Access Management (e.g., restricted, unrestricted), Functional Classification (e.g., arterial, collector, local road), Area Type (e.g., urban, urban transitioning, or rural/undeveloped), etc.
    a. Existing Segment Geometry. Information shall be provided about the existing geometry or laneage of the study segments. Typically, this information is depicted in a figure or listed in a table.
    b. Existing Intersection Geometry. Information shall be provided about the existing geometry or laneage of the study intersections. Typically, this information is depicted in a figure or listed in a table.
    c. Existing Traffic Volumes. A discussion and appropriate tables/figures shall be provided to present existing year Average Daily Traffic (ADT) and peak-hour directional volumes on study area roadway segments, and existing year peak-hour turning movement counts (TMCs) at the study area intersections. P.M. peak-hour directional volumes are provided in the Lake County TCMS spreadsheet, provided at or before methodology. In cases where no information exists in the TCMS for a particular segment (zeroes in the TCMS), manual/tube counts shall be required. For such a situation, count data from the most recent FDOT Traffic Information DVD and/or the Lake County Annual Traffic Counts program may also be utilized to obtain segment volumes. Historical TMC data collected by others that is less than one (1) year old may also be utilized, with prior Town approval, provided that the counts are grown to present day volumes using an accepted growth rate.

d. Existing Level of Service. Existing LOS analyses shall be conducted for segments and intersections based on currently accepted traffic engineering principles. Methods that incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual (HCM) are acceptable. These methods may include the use of the latest available versions of the Highway Capacity Software (HCS), Synchro, LOSPLAN and the FDOT Generalized Service tables. The existing LOS shall be compared to the adopted LOS standards used for concurrency determination and shall be consistent with the Transportation Element of the Town's Comprehensive Plan. The LOS standards for an intersection analysis shall be the conservative adopted roadway LOS standard of the intersecting roadways. For the majority of facilities, the Lake County TCMS will be kept up to date with the adopted LOS standards, area type, facility type, maximum service volume, etc. as they apply to the transportation network. When an applicant is utilizing the FDOT Generalized Service tables, particular attention shall be given to the appropriate selection of criteria based on Access Management (e.g., restricted, unrestricted), Functional Classification (e.g., arterial, collector, local road), Area Type (e.g., urban, urban transitioning, or rural/undeveloped), etc. Before conducting an analysis utilizing LOSPLAN, the applicant shall verify with the Lake County TCMS that an analysis on the affected segments has not already been developed, and is being applied in the TCMS, within the past year. If an approved LOSPLAN analysis, less than one (1) year old, exists within the Lake County TCMS, the applicant shall utilize these results for the applicable segments of the system within the study area.

e. Future Roadway Conditions. This section shall contain information pertaining to the future (build-out year) roadway conditions. Generally, if the future roadway conditions are not substantially different from the existing year (as would be the case when there are no pertinent planned and programmed improvements) then this section may not be necessary and a brief statement to that effect shall be provided.

f. Pertinent Future Roadway Information. Any information that does not fall strictly into the existing segment and intersection categories shall be documented. This may include discussion and figures pertaining to Access Management (e.g., restricted, unrestricted), Functional Classification (e.g., arterial, collector, local road), Area Type (e.g., urban, urban transitioning, or rural/undeveloped), etc. If the pertinent roadway information does not differ from that of the then this may be stated in lieu of tables or figures.

g. Future Segment Geometry. This section shall include information about the future geometry or laneage of the study segments. Typically, this information can be depicted in a figure or listed in a table. If the future segment geometry does not differ from the existing segment geometry, then this may be stated in lieu of tables or figures.

h. Future Intersection Geometry. This section shall include information about the future geometry or laneage of the study intersections. Typically, this information can be depicted in a figure or listed in a table. If the future intersection geometry does not differ from the existing intersection geometry, then this information may be stated in lieu of any tables or figures.

i. Future Traffic Conditions. The applicant shall provide a graphical summary or table of the future year background traffic, plus the proposed development traffic for the A.M. peak hour, P.M. peak-hour, Mid-day peak-hour or weekend peak-hour (whichever is applicable). These volumes shall include both segment and turning movements within the study area. Note that deminimis impacts are defined by Florida Statute as project impacts equating to less than 1% of the maximum service volume for the impacted roadway segment. Cumulative deminimis impacts may not exceed 110% of the maximum service volume for non-hurricane evacuation routes or 100% of the maximum service volume for designated hurricane evacuation routes.

j. Background Traffic. Background (committed/reserved) traffic from approved developments in the area shall be tracked and is maintained within the Lake County TCMS. As such, in most cases, a separate determination of background traffic will not be required.

k. Trip Generation. Trip generation involves estimating the number of trips that will be produced from or attracted to the proposed development. The latest edition of the ITE Trip Generation manual shall be used to determine proposed project trip estimates. The estimates obtained from this source must be used with good judgment as they are based on national data and may not take into account any special features that the local subject site might have. Opportunities are available for reducing the estimated trips to derive net, new, external trips and include:

    1. INTERNAL CAPTURE – Internal capture refers to the percentage of trips generated by a multiple land use development (e.g., having a combination of retail, office and/or residential uses) that take place entirely within that development. Deductions may be made to the total site-generated trip estimates of a multi-use development by estimating the amount of internal capture for individual land uses. The ITE Trip Generation Handbook contains the recommended procedure for estimating internal capture deductions.
    2. PASS-BY TRIPS – Retail land uses experience pass-by trip "capture" from the adjacent traffic stream. Pass-by trips are those already on the network making intermediate stops en-route between an origin and a primary trip destination, without route diversion. These trips shall not be included in the new trip estimates. In general, pass-by trips should not exceed 10% of the background traffic on the adjacent roadway, nor 25% of total trip generation. However, fast-food restaurants, gas

stations/convenience stores, pharmacies/drug stores and drive-in banks, due to their high pass-by nature, may exceed 25% of the total, with permission from the Town. New trip percentages, by land use, are provided in the Lake County Transportation Impact Fee Update Study Final Report (see table in Appendix A, column "F"). The use of internal capture and pass-by rates shall be approved at the discretion of the Town.

l. Trip Distribution and Assignment. Trip distribution is a process by which the trips generated in one (1) traffic analysis zone (TAZ), or by one land use, are allocated to other TAZs, or other land uses, in the study area. Trip assignment is the process of numerically assigning the distributed trips to specific transportation facilities. The term "trip distribution" is sometimes used to define both procedures of trip distribution and assignment. Trip distribution and assignment may be based on the Lake Sumter MPO's currently adopted travel demand model, market analysis, existing traffic flows, applied census data, or professional judgment (manually distributed). In general, this section shall present the forecasted trip assignment based on the development's trip generation and distribution estimates. This typically takes the form of figures providing the percentage of total proposed project trips on the individual roadways in the transportation study network. The procedures and logic for estimating the trip distributions must be well documented. The trip distribution and assignment patterns shall be presented for each phase of the development or as requested by the Town. Unless otherwise agreed at Methodology, proposed projects which are projected to generate one hundred and one (101) or more net new peak-hour project trips (Tier 3 TIA) should utilize the Lake Sumter MPO's currently adopted travel demand model to derive trip assignment percentages.

m. Future Traffic Volumes. This section shall include discussion and figures presenting future year ADT on study roadway segments and future year peak-hour TMCs at the study intersections. Typically, this information can be depicted in a figure or listed in a table. This estimate of future year traffic volumes on the study area transportation network would result from the summation of the proposed project volumes, determined after the processes of trip generation (including adjustment for internal capture and pass-by trips), trip distribution and assignment, committed/reserved trips from the Lake County TCMS, and existing traffic volumes.

n. Transportation Assessment. LOS analyses shall be conducted and use the future and projected traffic volumes, as obtained following the guidance provided. The analysis shall be based on currently accepted traffic engineering principles. Methods that incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual are acceptable. These methods may include the use of HCS, Synchro 6 and higher, LOSPLAN and FDOT Generalized Service tables. The LOS

standards used for concurrency determination shall be consistent with the Transportation Element of the Town's Comprehensive Plan. The LOS standards for an intersection shall be the most conservative adopted roadway LOS standard of the intersecting roadways. For the majority of facilities, the Lake County TCMS will be kept up to date with the adopted LOS standards, area types, facility types, maximum service volumes, etc., as they apply to the transportation network.

o. Segment Analysis. A roadway segment analysis shall be performed on each of the study segments. If the analysis indicates that the future segment LOS will be below the adopted LOS standard, potential mitigation measures shall be developed, as well as a fair share calculation for these measures. The latest version of LOSPLAN can also be used to develop an alternative capacity/service volume based on corridor-specific data. The LOSPLAN analyses must be approved by the local government and shall be applied in the TCMS as the new capacity.

p. Intersection Analysis. A signalized or unsignalized intersection analysis shall be performed on each of the study intersections. The procedure shall utilize Highway Capacity Manual techniques, as previously mentioned. The existing LOS shall be compared to the adopted LOS standards, used for concurrency determination, and shall be consistent with the Transportation Element of Town's Comprehensive Plan. The LOS standards for an intersection shall be the most conservative adopted roadway LOS standard of the intersecting roadways. A summary of the analysis results shall be tabulated with the software output included in the Appendix section. If the analysis determines that the future intersection LOS will be below the adopted LOS standard, potential mitigation measures shall be developed as well as fair share calculation for these measures.

q. Turn Lane Analysis. For intersections with failing turning movements, the need for additional turn lanes and an analysis of turn lane storage length adequacy shall be conducted.

r. Access Analysis. The TIA shall include an assessment of on-site and off-site turn lane adequacy, required storage, potential for signalization, sight distance and other intersection safety aspects, and on-site circulation as it may affect access. Use of joint access driveways is encouraged to reduce the total number of connections to the roadway network. The following points should be considered in determining the need for turn lanes:
    1. The total traffic generated by the anticipated traffic distribution, the number of access points and the projected turning movement volumes.
    2. A traffic analysis indicates that turn lanes would be necessary to maintain capacity on fronting roads and/or at adjacent or nearby intersections.

3. Entrances are proposed at locations where grade, topography, site distance, traffic, or other unusual conditions indicate that turn lanes would be needed to improve safety.

s. Mitigation Strategies. If the transportation assessment reveals that the potential project will not result in a deficiency in the existing roadway network, then no project-related improvements are required. However, mitigation strategies must be developed if the transportation assessment determines that the proposed project will potentially result in a deficiency in the LOS of transportation facilities. This process involves addressing the extent of the mitigation strategies/solutions as well as calculation of fair share cost.

t. Recommended Improvements. Mitigation strategies must be developed if the transportation assessment determines that the proposed project will potentially result in a deficiency in the Level of Service of transportation facilities. Mitigation measures for segments, intersections, turn lanes and site access shall be developed to allow the build condition to operate above the local government's acceptable Level of Service standards. These measures may include, but are not necessarily limited to:

1. Revised striping
2. Addition of turn lanes
3. Addition of travel lanes
4. Addition of storage lanes
5. Lengthening of storage lanes
6. Installation of traffic signals
7. Installation of traffic control signs
8. Restriction of turning movements
9. Adjustment of cycle lengths
10. Introduction of additional signal phases

Improvements must be concurrent with the impacts of development. If reasonable mitigation measures cannot be implemented to assure that traffic will operate in an efficient way, a more detailed evaluation of project size, land use types, and development phasing may be required. If viable transportation improvements cannot be recommended, then steps must be taken to reduce the project's impact on the adjacent roadway network to acceptable levels.

u. Proportionate Share Calculation. The intent of the proportionate share option is to provide applicants an opportunity to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their share of the cost of improving the impacted transportation facility. However, the ability of the Town to fund improvements is subject to budget constraints. Consequently, it should be noted that the determination of a project's proportionate share cost and the applicant's ability to pay that cost is not a guarantee the project will be

approved. In addition, there is no guarantee of a funding match by the Town or other agency to facilitate implementation of the proposed mitigation strategy unless it is formalized in an agreement. The formula below is provided as guidance where:

v. Increase in Service Volume. Increase in service volume is the change in peak-hour maximum service volume of the roadway that would result from the construction of the improvement necessary to maintain the adopted LOS.

w. Cost of Improvement. Cost of improvement is the cost of construction, at the time of developer payment, of an improvement necessary to maintain the adopted level of service. Construction cost includes all improvement associated costs, including engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement, as determined by the governmental agency having maintenance authority over the roadway.

x. Project Trips. Project trips are the trips from the stage or phase of the project under review that are assigned to a roadway segment and have triggered a deficiency based upon comparison to the adopted LOS.

11. Summary/Conclusions. A brief discussion (one or two paragraphs) shall be provided to highlight the TIA Tier classification (Tier 1, Tier 2 or Tier 3), methodology followed and general results. In addition, the action requested (e.g., approval of mitigation strategy) of local government shall be specified.
12. Appendix
    A. Traffic Count Data
        1. Average Daily 24-Hour Traffic Volumes (as necessary)
        2. Peak-hour Turning Movement Volumes (A.M./P.M./Midday, as necessary)
    B. Capacity Analysis Summary Sheets
        1. Existing Conditions
        2. Future Conditions (per phase if required)
        3. Future Mitigated Condition (per phase if required)
        4. Lake County TCMS spreadsheet (relevant sections)
        5. Trip Distribution Plot

8.03.00 PARKING

8.03.01 General

All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. Accessible parking spaces shall be provided in accordance with the Florida Building Code.

8.03.02 Dimension Requirements

A. Parking Space Size. Each parking space shall contain a rectangular area at least 20 feet long and 10 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the same effective parking area as the rectangular area required by this section.
B. Accessible (Handicap) Spaces. Accessible spaces shall be provided and sized in accordance with the Florida Building Code.

8.03.03 General Design Requirements

A. Parking lots shall be designed so that vehicles may exit such areas without backing onto a public street.
B. Parking spaces shall be designed so that vehicles can not block sidewalks.
C. Visible pedestrian crosswalks, using alternative materials such as brick or other paver materials, should be designed into parking lots to promote safety.
D. Every vehicle accommodation area that abuts a building or a fire hydrant shall be provided with a fire lane.
E. Parking lots shall be properly lit. The lighting shall be contained on site.
F. Where parking areas abut sidewalks, bollards or other materials may be required to enhance safety.

8.03.04 Parking Lot Surfaces

Parking lot areas that include lanes for drive-through windows or that are required to have more than five (5) parking spaces, shall be graded and surfaced with asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. Parking lots with five or less parking spaces and which have no drive-through window lanes may be graded and surfaced with a pervious concrete paver or other suitable material to provide a surface that is stable and will help to reduce dust, potholes, and erosion. The perimeter of such parking areas shall be defined by bricks, railroad ties, or other similar materials. In addition, whenever such an area abuts a paved street, the driveway leading from such street to the parking lot (or the direct connection to the street) shall be paved for a distance of fifteen (15) feet back from the edge of the paved street. The pavement must meet the same standards as other paved parking areas.

At the option of the developer and the approval of the Town:

A. Up to 25% of the required parking spaces for any site may be met with a pervious concrete paver or other suitable material to provide a surface that is stable and will help to reduce dust, potholes, and erosion.
B. Up to 25% of the parking required for places of worship may be provided on grass. Grassed parking areas shall be required to meet all stormwater, setback and other applicable provisions of this Code as though the area was being paved. No

grassed parking shall be established within any required open space or landscaped area, and no such area shall be credited toward required buffers and open space.

8.03.05 Stacking Area for Various Drive-Through Facilities

All uses with drive-through windows shall provide vehicle stacking area based on the following criteria. The stacking area shall be designed based on a 10 foot by 22-foot space per required vehicle. The stacking area shall be designed so as to operate independently of other required parking and circulation areas.

Each drive-through restaurant shall accommodate 6 vehicles (10'X22') per service lane, with a minimum of 3 of those being behind the order station. All other drive-through facilities shall accommodate a minimum of 3 vehicles per service lane.

8.03.06 Loading Areas

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, sufficient off-street loading and unloading areas shall be provided to accommodate the delivery or shipment operations in a safe and efficient manner. Loading and unloading areas shall be located and designed so they are not visible from adjacent streets, nor adjacent residential areas.

Loading and unloading areas shall be located so that the vehicles intended to use them can maneuver safely to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the requirements for loading and unloading facilities.

8.03.07 Parking Spaces Required

Table 8.03.07 provides the parking space requirements for the Town. Applicants for development and redevelopment within the Town Center Overlay may elect to pay into a public parking fund if they can not fit the required number of parking spaces on their property.

Table 8.03.07 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.
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
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

Table 8.03.07 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.

8.04.00 UTILITIES

8.04.01 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.

8.04.02 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.
E. To the maximum extent feasible, distribution lines shall be located parallel to and behind the back of curb or edge of pavement. The water main shall be located to minimize conflicts with other utilities and existing or proposed structures. As a standard practice, water mains shall be installed four feet (4') off the back of curb or as approved by the Town. A minimum of five feet (5') shall be maintained between underground power, gas mains, and the water mains.
F. System looping is required wherever practicable to increase overall capacity and service.
G. Every development shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
H. The Town Engineer shall determine the precise location of all fire hydrants subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and at property lines of non-curbed public dedicated streets.
I. The Town Engineer shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Town Engineer, all hydrants shall be two (2) two and one half (2 ½) inch hose connections and one (1) four and one half (4 ½) inch hose connection. The two and one half (2 ½) inch hose connections shall be located at least twenty-one and one half (21 ½) inches from the ground level. All hydrant threads shall be national standard threads. The minimum fire flow must be 500 gallons per minute with no less than 20 pounds per square inch (psi) residual pressure in single family residential areas and 1,250 gallons per minute with no less than 20 psi residual pressure for other development. The Town may require greater flow rates depending on the size of the building and/or its property use.

J. Potable water lines that serve hydrants shall be at least 8-inch lines, or a 6-inch loop that provides the minimum flow requirements, and, unless no other practicable alternative is available, no such lines shall be dead end lines.
K. Final development orders shall not be issued without certification that adequate potable water service is available.

8.04.03 Sanitary Sewer System

A. A sanitary sewer collection system shall be designed, permitted and constructed by the developer, in such a manner as to provide the ability for each lot or parcel to be connected to the collection system, whether concurrent with development of the subdivision or at a future date, such design, permitting and construction to be performed at the sole cost and expense of the developer. The sanitary sewer collection system shall include all necessary gravity sewer lines, manholes, lateral lines, lift stations, force mains, and all other normally associated components of any of these facilities, all in accordance with the Town's wastewater utility specifications and all requirements of State and Federal regulatory agencies having jurisdiction over such matters. In the event that the Town does not have available an operational sanitary sewer treatment facility at the time of submittal of the Florida Department of Environmental Protection (FDEP) sanitary sewer system extension permit application, the application shall be submitted to FDEP as a "dry-line" application and all of the above mentioned shall apply.
B. Every principal use in the Town and every lot within a subdivision shall be served by a wastewater treatment and disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable Town plans and health regulations. Service requirements and construction standards shall comply with the Town of Howey in the Hills regulations and specifications and the Lake County Health Department regulations.
C. New development shall fund the cost of required capacity expansions, and/or extension of central wastewater lines. All new development shall design, permit, and install dry sewer lines in accordance with an approved development order if wastewater service is not currently available and the order approving authority approves a temporary treatment option. New development will be required to provide Bills of Sale to the Town for all applicable new wastewater collection, pumping, transmission, treatment, and disposal facilities.
D. A central wastewater system shall be provided for all new development. The development of new wastewater facilities and mains, and the expansion of existing wastewater systems, shall be designed by the project engineer in accordance with all applicable State and local regulations. The Town Engineer shall review and approve all Town of Howey in the Hills wastewater systems.
E. Individual wastewater disposal systems, if allowed by the Town, are subject to the approval of the Lake County Health Department and other regulatory agencies. Individual wastewater systems which serve only one lot may be permitted when the requirements for a central wastewater system are waived.

F. Final development orders shall not be issued without certification that adequate wastewater service is available. In service areas with pre-purchase capacity requirements, proof of purchase shall be required to constitute certification. In cases where dry lines are being installed for future connection to the wastewater collection system, a developer's agreement or other legal instrument shall be approved as part of the Final development order in order to ensure that the developer funds the future ERU connection fee and all associated costs to connect to the wastewater collection system.

8.04.04 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.

8.04.05 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.
    2. No drainage system, natural or manmade, shall be altered, designed, constructed, abandoned, restricted or removed without prior approval of the Town and all appropriate State and Federal agencies.
    3. No site alteration shall adversely affect the existing surface water flow pattern, impact drainage of any other landowner, cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands.
    4. Stormwater management applies to all project categories articulated in the land development code.
    5. No person may subdivide or make any changes in the use of land or construct or reconstruct a structure or change the size of a structure or introduce illicit discharges to the Town's stormwater management system nor shall construction commence for any development until the drainage design for

such project has been approved by the Town and appropriate State and Federal agencies. The drainage design plans and calculations for the development shall be prepared, signed and sealed by a Florida registered professional engineer. The design shall equal or exceed design standards set forth hereinafter and shall also meet or exceed the design criteria, policies and procedures established by the St. Johns Water Management District, the Florida Department of Environmental Protection, the Florida Department of Transportation and any other local, State or Federal agency with appropriate jurisdiction.

6. Approval by the Town of the stormwater management plan for any development shall be contingent on receipt of written proof of approval of any required stormwater management permit from the St. Johns River Water Management District and any other applicable permitting agency. However, receipt by the Town of such written proof of approval will not result in automatic approval of the stormwater management plan by the Town.

B. Control of dust, dirt, erosion and construction site runoff
   1. The property owner or his agent shall acquire the necessary permits, if applicable, from the Florida Department of Environmental Protection (FDEP), the St. Johns River Water Management District (SJRWMD), the U.S. Army Corps of Engineers (ACOE), and the Florida Department of Natural Resources (FDNR).
   2. The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of applicable water quality standards. If construction is scheduled to occur within open water areas, turbidity curtains must be correctly placed to control sedimentation and turbidity within the water body.
   3. Erosion and sediment control best management practices shall be used during construction to retain sediment on site. Land which has been cleared for development and upon which construction will not begin within 30 days shall be protected from erosion and sedimentation by adequate methods acceptable to the Town. Wetlands and other water bodies shall not be used as sediment traps during or after development.
   4. As a general requirement, all areas under development shall have temporary erosion and sediment control devices in place at all times during the construction phase. Said devices shall provide the necessary treatment of runoff such that Federal and State surface water quality standards are not violated at any time. These devices shall be removed at the end of the project only after approval by the Town Engineer.
   5. Any construction project, regardless of location, shall be required to control construction site runoff to meet Federal and State surface water quality standards. Nothing herein shall prevent or preclude any State or Federal water quality enforcement agency from imposing penalties for violations of State or Federal law.

6. Any unauthorized or illicit discharges will be subject to enforcement pursuant to Town Code and as otherwise provided by law.
7. All projects shall have an approved erosion control plan on file with the Town. This plan shall be prepared by the appropriate design professional for the project or, as an alternative, by the licensed contractor whose name the building permit is under. As with all other site improvement or building permit documents, an approved copy of this plan shall be maintained at the jobsite for the duration of the project.
8. No work on the site shall commence prior to approval of the erosion control plan by the Town.
9. The erosion control plan shall include the placement and use of silt fences, swales, retention areas, hay bales, temporary grassing, turbidity barriers or other such devices as needed to prevent the transport of sediment from the site and into storm drains and waterbodies. Fill or runoff will not be allowed to encroach onto adjacent properties without the necessary easements.
10. The owner and contractor shall be responsible for adhering to these requirements and shall also be responsible for correcting any damage caused by the lack or improper use thereof. This shall include cleaning of storm inlets and pipes that become blocked, partially or fully, by debris, trash or sediment from a construction site.

C. Design Criteria
1. All development projects, unless specifically exempted, must provide for retention and/or detention of stormwater runoff.
2. The post-development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 25-year, 24-hour storm.
3. Pollution abatement volume shall be in accordance with St. Johns River Water Management District criteria.
4. Approval of Final Plans for any development shall not be granted until the Town is in receipt of a copy of the St. Johns River Water Management District permit.
5. Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District in order to achieve the State water quality standards.
6. The stormwater management system shall not create an adverse impact to upstream or downstream areas. Off-site areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management permit application shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.
7. The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife, or other natural resources.
8. The minimum twenty-four-hour level of service standards for design storms by facility type shall be as follows:

a. Principal arterial bridges: 100 yr, 24 hr
b. Other bridges: 50 yr, 24 hr
c. Cross drains: 25 yr, 24 hr
d. Storm sewers: 10 yr, 24 hr
e. Detention/retention structures: 25 yr, 24 hr
f. Ditches, swales or culverts for stormwater external to developments: 25 yr, 24 hr
g. Ditches, swales, or culverts for stormwater internal to developments: 10 yr, 24 hr

9. The design storm frequency to be used for the design of pavement drainage shall be as follows:
   a. Arterial streets: Ten-year, hydraulic gradient line, 1.0 feet below gutter line.
   b. Collector and local streets: Ten-year, hydraulic gradient line, 0.5 feet below gutter line.
10. Design criteria for pollution abatement using retention or detention with filtration.
   a. The bottom of a required retention or detention-with-filtration pond shall be a minimum of three feet above the estimated seasonal high water table. Where this is not possible due to a high water table, underdrains will be installed with a minimum invert elevation of one foot below the pond bottom, along the entire perimeter of the pond unless a geotechnical engineer can show to the satisfaction of the Town Engineer that a lesser amount of underdrain can adequately control the high water table.
   b. Final design seepage rates will be determined by a geotechnical engineer. All necessary calculations to support the above shall be submitted to, and are subject to, the approval of the Town Engineer.

D. Design criteria of detention facilities to reduce peak rate of flow
   1. The detention pond will be sized to limit the peak rate of discharge from the developed site to that discharge generated prior to development. Supporting calculations shall be submitted and will contain, as a minimum, runoff hydrographs for the pre-developed site and the post-developed site, and a discharge hydrograph after routing through the proposed detention facility.
   2. All routing calculations to be submitted must consider the tailwater of the receiving facility. If the receiving facility is an existing storm sewer, the hydraulic gradient line elevation (HGL) of this receiving facility can be assumed at one-half foot below its gutter in elevation unless a detailed study of the existing system indicates otherwise.
   3. Credit for seepage to further reduce the peak rate of discharge will not be allowed unless accompanied by supporting documentation prepared by a geotechnical engineer. All detention ponds shall be dry within 72 hours following the storm event.

E. Design criteria where a positive outfall is not available

1. When a positive outfall is not available for stormwater discharge the on-site pond shall be designed to retain the 100-year storm event. The pond shall be designed to evacuate a daily volume equivalent to one inch of runoff from the total area contributing to the pond. The pond shall be dry within 11 days following the storm event. If geotechnical data certified by a geotechnical engineer is submitted showing that an 11-day drawdown is impossible to achieve, a specific Town Council waiver of this requirement will be required.
2. When the project discharges to landlocked lakes that have no positive outfall which are adjacent to properties of one ownership, on-site detention ponds shall be designed to accommodate the pollution abatement volume as required by the St. Johns River Water Management District from the developed site prior to discharge. The design engineer shall demonstrate to the satisfaction of the Town Engineer the magnitude and nature of any impact of runoff from the developed site upon the landlocked lake(s).
3. When the project discharges to landlocked lakes that have no positive outfall, which are adjacent to properties of more than one ownership, on-site detention ponds shall be designed to accommodate the 25-year, 96-hour storm. Post-development runoff rate and runoff volume shall not exceed pre-development runoff rate and volume. The design engineer shall demonstrate to the satisfaction of the Town Engineer the magnitude and nature of any impact of runoff from the developed site upon the landlocked lake(s).

F. Soil reports
   1. Soil reports indicating estimated seasonal high water table, permeability rate, and the classification of soils existing on the site and referenced in the stormwater calculations shall be submitted to the Town Engineer. Soils reports shall be prepared, signed and sealed by a geotechnical engineer registered in the State of Florida.

G. Stormwater discharges
   1. Storm drainage into natural water bodies shall be avoided except to convey runoff from an event exceeding the design storm, or as permitted by the St. Johns River Water Management District. Outfalls shall be designed to prevent bottom scour. Acceptable methods include use of an energy dissipator, or in the case of a lake, extending the outfall to discharge at a depth of ten feet or half the maximum depth of the lake, whichever is less.
   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
24 to 36 inches	400 feet
42 inches and larger	500 feet

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. Paved inverts are required.
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.

Table 8.04.05 (H) (6) (d) Minimum manhole diameters for intersecting pipe sizes shall be as follows

Nominal Pipe Inside Diameter (inches)	Structure Inside Diameter (feet)
up to 30	4.00
30 to 48	6.00
Larger	Special design

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.

7. Design tailwater.
   a. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. In the case where the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from ten-year frequency storm of duration equal to that used in designing the pond.

b. The design tailwater level can be assumed to be the ten-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the above detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year design high-water elevation for the pond and the pond bottom elevation for "dry bottom" ponds or the normal water elevation for "wet bottom" ponds.

8. Hydraulic gradient line computations.
   a. The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catch basins/junctions within the system.
   b. Hydraulic grade line computations shall take into account entrance and exit losses; friction losses; and the minor losses associated with inlets and manholes. The tailwater of the receiving water body shall be taken into consideration.
9. Stormwater conveyance.
   a. Sites shall be developed to maximize the amount of overland runoff that is percolated into the soil and to minimize direct runoff into adjoining streets and water courses.
   b. Stormwater runoff from roofs and other impervious surfaces shall be diverted into swales or similarly controlled. Storm sewers shall be designed to convey the runoff generated during a 10-year storm event.
10. Unstabilized earthen open channels and outfall ditches are not permitted.
    a. Whenever land within 200 feet of the mean high water line (as established by the USGS) of a lake is developed, terraces sloping away from the lake, a tree line, or alternatives approved by the Town Engineer shall be provided to minimize stormwater runoff into the lake and to maximize groundwater recharge.

I. Treatment of stormwater runoff
   1. Stormwater management systems shall include best management practices used in the industry to minimize pollution and remove oil, suspended solids, and other objectionable material in stormwater runoff within acceptable limits.
   2. Treatment facilities shall be designed by a Florida registered engineer to the stricter applicable design and performance criteria established by this Code or the St. Johns River Water Management District. Additionally, the Florida Department of Environmental Protection Manual, and the Florida Development Manual, A Guide to Sound Land and Water Management, including the requirements of Chapter 6 thereof, shall be used as best management practices.
   3. All percolation areas shall be grassed or planted with suitable vegetation to absorb excess nutrients.

4. Diversion structures are preferred for positive outfall systems. Other innovative designs features or materials may be appropriately incorporated into the design of primary and secondary systems with supporting documentation and the approval of the Town Engineer.
5. All stormwater management systems shall be of low maintenance design. It is the property owner's responsibility to maintain all primary and secondary drainage facilities on site.
   a. Stormwater ponds:
      1. All stormwater retention/detention ponds shall be fenced unless they can meet one of the following conditions:

Table 8.04.05 (I) (5) (a) (1) Minimum manhole diameters for intersecting pipe sizes shall be as follows

Maximum Side Slopes	Maximum Excavation Depth
2H : 1V	2’
3H : 1V	3’
5H : 1V	5’
6H : 1V	6’ or greater

      2. Ponds graded at 5H:1V or 6H:1V may be deeper than shown above and remain unfenced ONLY if the 5H:1V or 6H:1V slope is carried not less than two (2) feet below the lower of the control elevation or the normal water elevation.
      3. All required fencing shall be of a decorative type and shall be in keeping with the required buffer treatments, character, and/or architecture of the project.
      4. Ponds shall be configured in a curvilinear manner to create more of a natural looking feature. Ponds constructed on slopes will be evaluated on a case-by-case basis.
      5. The minimum bottom width and/or length of any pond shall be four feet.
      6. All ponds shall have a minimum one foot of freeboard to the design high water resulting from the design storm.
   b. The minimum requirements for maintenance berms are as follows:
      1. Ponds with fencing: Ten feet around pond perimeter inside the fence. Maximum side slope no greater than 10H:1V.
      2. Ponds without fencing: Five feet around pond perimeter.
      3. Maximum side slope no greater than 5H:1V.
6. Road underdrains
   a. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternatives that will provide necessary measures to maintain the structural

integrity of the road will be required. The determination of need shall be made by reference to certified geotechnical investigations prepared as part of the project design data submitted to the Town.

b. Wherever road construction or lot development is planned in areas of the proposed subdivision having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.

c. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road-surface-to-water-table relationship that is unacceptable to the Town Engineer, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required.

d. Wherever roadway construction reveals unexpected water bearing strata that could cause deterioration of the pavement, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required even though not shown on the plans.

e. Filtering media shall conform to the appropriate Florida Department of Transportation standard and consist of stone, gravel, or slag and shall contain no friable materials.

f. Underdrain pipe shall be HDPE perforated pipe fully encased in a tubular filter fabric "sock", with both the pipe and the filter fabric "sock" meeting applicable AASHTO and ASTM standards for pipe intended for subsurface drainage applications.

J. Development within special flood hazard area (100-year flood)

1. All development within areas of special flood hazard as delineated on the official flood insurance rate maps (FIRM) shall comply with the following requirements:

a. Establish, to the satisfaction of the Town Engineer, the elevation of the 100-year flood.

b. Finished floor slab elevations of all habitable structures shall be constructed at an elevation no less than 20 inches above the 100-year storm elevation, unless approved by the building division; in no instance, however, may the finished floor slab elevation be less than one foot above the 100-year storm elevation.

c. Development shall not result in an increase in the 100-year flood elevation. No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year floodplain shall not reduce the flow rate.

d. Any proposed alteration of floodways or floodplains must be approved by all agencies which have jurisdiction over such activities.

K. Stormwater quality

1. Every use shall be so operated as to prevent the discharge into any storm sewer, stream, canal, lake, waterbody or the ground of any sewage, waste or unapproved substance which will be considered dangerous or discomforting to persons or animals or which will damage plants or crops beyond the lot line of the property on which the use is located.
2. Allowed discharges: The following is a list of substances allowed to discharge into the Town's storm sewer system provided they are not identified as a source of pollutants to any receiving waterbody:
   a. Water line flushing.
   b. Rising ground waters.
   c. Uncontaminated pumped ground water.
   d. Discharges from potable water sources.
   e. Air conditioning condensate.
   f. Irrigation water.
   g. Water from crawl space pumps.
   h. Footing drains.
   i. Individual residential car washing.
   j. Dechlorinated swimming pool discharges.
   k. Street wash waters.
   l. Discharges or flows from emergency firefighting activities.
   m. Reclaimed water line flushing authorized pursuant to a permit issued by the Town.
   n. Flows from uncontaminated roof drains.
   o. All other non-storm substances discharged into the Town's storm sewer system are to be considered illicit discharges that would pose a threat to the health, safety and welfare of the public and are hereby prohibited. Any unauthorized or illicit discharges will be subject to enforcement as set forth in the Town's Charter, Code of Ordinances or as otherwise specified by law.

L. Inspections

Subsequent to development approval, including necessary permits, the developer or permittee shall, during construction, arrange and schedule the following inspections by the Town Engineer or designee:

1. During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.
2. All underground conveyance and control structures prior to backfilling.
3. Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
4. The professional engineer for the project shall submit to the Town a signed and sealed set of as-built plans on paper and on electronic media in AutoCad drawing file (PDF format), to certify the system has been constructed as

designed and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviates from the approved construction plans, the professional engineer shall submit supporting documentation with the as-built plans which proves that the stormwater systems shall be in compliance with this section.

5. Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the Town, or as complaints arise concerning the system. By seeking and obtaining a permit under this section, the operator and owner shall be deemed to have consented to inspections by the Town and other appropriate regulatory agencies or Town Engineer or designees upon presentation of proper identification by the representative(s) of the agency(s) conducting the inspection.

M. Maintenance

Prior to the acceptance of the stormwater management system, a written stormwater management system maintenance plan shall be submitted to the Town which shall contain documentation sufficient to demonstrate that the operation and maintenance agency is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.

1. The Town considers the following entities acceptable to operate and maintain stormwater management facilities:
   a. Governmental agencies including the Town, County, and State.
   b. Active water control districts or drainage districts, or Community Development Districts, or Special Assessment Districts.
   c. Nonprofit corporations including homeowners' associations, property owners' associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of the facilities.
2. The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:
   a. The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.
   b. The ownership of the property is retained by the permittee and is either leased or rented to third parties (such as in some shopping centers), for example.
3. The stormwater management system to be maintained by the legal entity shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly. The owner shall be liable to the Town for any costs or expenses

incurred by the Town in taking the necessary corrective action plus ten percent (10%) for an administrative fee.

4. Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the Town and other appropriate governmental agencies.
5. Maintenance shall include compliance with Town building and construction codes, and all other applicable Town codes. No owner or successor shall remove, destroy, modify, subvert or render inoperable, through act or omission, any part of a stormwater system unless approved by the Town Engineer and appropriate governmental agencies in writing in advance of any alteration.
6. The legal entity shall execute and record a document acceptable to the Town attorney which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.
7. In order to assure maintenance during a two-year maintenance period, security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not be limited to, cash or performance bonds and letters of credit. The amount of security shall be as required by the Town. The security shall be released at the end of the two-year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.
8. If inspection reveals that the legal entity is not maintaining the system in accordance with this section, the Town shall give the legal entity written notice of the corrective actions required to be taken. If the legal entity fails to complete such corrective action within 30 days after notification, the Town may enter upon the property and take the necessary corrective action.

N. Enforcement

If the Town Engineer determines that the project is not being carried out in accordance with the approved plan or if any project subject to this chapter is being carried out without a permit or if illicit discharges are being introduced to the Town's stormwater management system, he is authorized to:

1. Issue written notice to the applicant/owner specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance by a date as determined by the Town Engineer, but in no event more than seven (7) days.
2. Issue a stop work order directing the applicant/owner or person in possession to cease and desist all or any portion of the work which violates this chapter. If the remedial work is not completed within the specified time, the applicant/owner shall then bring the project into compliance.

8.05.00 OTHER UTILITIES

8.05.01 Exterior Lighting

Exterior lighting shall provide adequate illumination to safely guide vehicles and pedestrians into, out of, and within a site. Exterior lighting shall also serve to deter certain crimes. Exterior lighting shall be arranged to eliminate glare on site and spillover onto adjacent properties and public streets.

A. Street Lighting

1. Street lighting on both public and private streets shall be installed by the developer in coordination with the appropriate provider and in accordance with the requirements of this Code. All such street lighting must be installed at the developer's expense contemporaneous with the construction of site improvements and prior to issuance of a Certificate of Completion. All such street lighting shall become operational no later than the request for issuance of a Certificate of Completion. All utilities shall be installed underground. The street lighting plan shall comply with all applicable Code requirements and shall be subject to the approval of the Town Engineer prior to installation.
2. All developments shall provide for installation of streetlights in conjunction with the construction of new roadways or reconstruction or widening or initial paving of existing roads in accordance with the following standards. For roads under Lake County or State jurisdiction, alternate lighting plans may be required.
3. Proposed street lighting along these rights-of-way must be submitted as part of the Final Plan set and reviewed and approved by the utility provider and the Town or agency with jurisdiction of the roadway. All electrical wiring for streetlights shall be underground. The developer will need to check with the Town to obtain information on the approved street lighting fixtures.
4. Each lighting plan submitted to the Town shall, at a minimum, depict the following:
    a. Location of lighting fixtures
    b. Height of light poles
    c. Type of lighting fixtures
    d. Levels of illumination
    e. Color of light
    f. Deflector and beam direction
    g. Area to be lighted by each lighting fixture
5. The following provisions are applicable to street lighting installed on local streets within new residential subdivisions:
    a. The developer shall be responsible for the installation, maintenance, repair, replacement and operational costs of street lighting installed on public streets until the end of the calendar year in which the Town receives written notice from the developer that certificates of occupancy have been issued for buildings constructed on seventy-five percent (75%)

of the lots in the subdivision which is the subject of the Certificate of Completion which includes such street lighting.

b. Beginning with the calendar year following such notice, the Town shall be responsible for the maintenance, repair, replacement and operational costs of such street lighting, except for specialized street lighting which is subject to a separate agreement with the Town. The Town shall assume responsibility as aforesaid only for standard street lighting costs on public streets. The written notice from the developer regarding issuance of certificates of occupancy is subject to verification by the Town for accuracy.

c. At the time of the pre-construction conference, the developer shall (1) advise the Town regarding the type of street lighting to be installed, and (2) based upon the billing estimate received by the Town from the power company with respect to the proposed street lighting, pre-pay to the Town the street lighting costs (including charges related to specialized street lighting, if applicable) for the first year (i.e., 12 months) for all such street lighting installed on public streets and the Town shall use such funds for the payment of street lighting invoices received from the power company. Thereafter, the Town shall annually invoice the developer in advance for said street lighting costs until such time as the Town receives written notice from the developer that certificates of occupancy have been issued for seventy-five percent (75%) of the lots in the subdivision as set forth above. If such invoice is not paid when due, then the Town shall discontinue the issuance of further building permits for such subdivision until payment is made. The Town will forward any such future invoices to a homeowners' association upon receipt of written notice from the developer that the responsibilities for the payment of such invoice (including charges related to specialized street lighting, if applicable) has been transferred to such association and satisfactory evidence, in recordable form, indicating the homeowners' association has agreed to assume such costs. Currently, the Town does not receive itemized invoices from the power company for street lighting installed on public streets and, therefore invoices to the developer or association are based on estimated costs. The developer/association shall not be entitled to a refund for prepaid street lighting costs incurred during the calendar year in which the Town receives written notice from the developer that certificates of occupancy are issued for seventy-five percent (75%) of the lots in the subdivision.

d. If a developer has installed specialized street lighting on a public street, then in such event the developer, the applicable homeowners' association and the Town shall, prior to or at the time of approval of the first plat, enter into an agreement acceptable to the Town which provides that commencing at the time the Town becomes responsible for the standard street lighting costs on such public street the developer and/or the

association shall reimburse (and shall continue to reimburse) the Town for the additional costs above the standard street lighting costs thereafter incurred by the Town in connection therewith plus an administrative charge equal to ten percent (10%) of the additional costs. Nothing contained herein shall be construed to prevent the homeowner association from entering into such agreement during the time it is controlled by the developer.

e. Any annual invoices for payment of public street lighting shall be due and payable thirty (30) days from the date of such invoice. Should payment not be received within said time frame, then such invoices shall bear interest at the rate of eighteen percent (18%) per annum until paid. If any such invoice remains unpaid for a period of sixty (60) days, then the Town may take any action deemed necessary in order to collect such unpaid invoice, including but not limited to, the retaining of the services of a collection agency or attorney, and initiating legal proceedings for collection thereof. In such event, the Town shall be entitled to receive its reasonable attorney's fees, paralegal fees and other costs and expenses, whether incurred prior to, during, or subsequent to court proceedings or on appeal.

f. The developer shall be responsible for the installation, maintenance, repair, replacement and operational costs of street lighting installed on private streets. The developer shall directly contract with the power company regarding such street lighting. The obligations of the developer under this subsection may be transferred to and assumed by the applicable homeowners' association. The Town shall have no responsibility for the installation, maintenance, repair, replacement and operational costs of street lighting installed on private streets.

B. Lighting of Parking Lots and Vehicular Use Areas

1. Lighting of parking lots and other vehicular use areas shall be at the minimum necessary to provide adequate lighting for safety, while ensuring that the fixtures do not permit lighting to spill over onto adjoining properties.
2. All developers shall submit lighting plans in conjunction with the Final Plan submittal. Each lighting plan for parking lots and vehicular submitted to the Town shall, at a minimum, depict the following:
   a. Location of lighting fixtures
   b. Height of light poles
   c. Type of lighting fixtures
   d. Levels of illumination
   e. Color of light
   f. Deflector and beam direction
   g. Area to be lighted by each lighting fixture
3. Lighting plans are subject to review and approval by the Town. All costs associated with lighting of these areas are the responsibility of the property owner.

C. Other Exterior Lighting
It is the policy of the Town to permit adequate exterior lighting for safety and use purposes, while ensuring that exterior lighting does not spill over onto adjacent properties. For developments that require exterior lighting for outdoor recreation or other purposes, the lighting plans shall be included as part of the Final Plan submittal package. No exterior lighting shall be installed without prior approval of the Town. All such exterior lighting shall be the responsibility of the property owner.

8.05.02 Underground Utilities

A. Utility lines of all kinds, including but not limited to those of franchised utilities, electrical power, telephone, cable television, and gas, shall be constructed and installed beneath the ground in the street right-of-way and/or a front yard utility easement within new developments.
B. The underground installation of appurtenances such as transformer boxes, pedestal-mounted service or terminal lines for electricity, telephone, cable television, or gas service, or similar service hardware necessary for the provision of electric, telephone, cable television, and gas service, shall not be required; provided, however, such appurtenances may be installed underground at no cost to the Town.
C. It shall be the developer's responsibility at the developer's expense, to make the necessary arrangements with each utility in accordance with the utility's established policies.

8.06.00 ENVIRONMENTAL PRESERVATION AND PROTECTION

8.06.01 Vegetation and Soil Protection

A. Purpose and Intent. The purpose of this section is to prohibit the destruction of natural vegetation and the changing of natural grades and drainage problems until a development order or development permit has been approved. Additionally, this section provides for protective measures for both vegetation and soils to be implemented prior to construction.
B. Required Vegetation Preservation. The following preservation measures shall be implemented on all construction sites as applicable:
    1. Clearing Procedures. The applicant shall be responsible for insuring that all possible measures are taken during the clearing process to avoid damage to trees and vegetation designated to remain after construction. This shall include use of hand labor rather than large machinery where necessary to protect trees to be preserved. All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation and the harboring of insects, snakes, and rodents.
    2. Protective Barricades. Protective barricades shall be constructed (prior to clearing) around all trees and vegetation designated to remain. These

barricades shall be located at the dripline of the trees or vegetation and shall specifically be comprised of orange netting together with four foot (4'), 2-by-2 posts. Where this cannot reasonably be accomplished, the applicant will locate the barricade as close to one (1) foot away from the tree trunk for every diameter at breast height (DBH) inch as is practical or reasonable, when approved by the Town Engineer or his or her designee. The barricade should be rigid and sturdy enough to survive the construction period, however, any suitable new or scrap material may be used in its construction. With the approval of the Town Engineer or his or her designee, large wooded areas may be tagged or similarly designated instead of barricaded.

a. Absolutely no fill, building materials, trash, or other objects shall be placed inside these barriers. If fill is deposited adjacent to these areas, a suitable temporary or permanent retaining structure shall be constructed to prevent siltation of the barricaded area.
b. Barricades are to be adequately maintained and shall remain in place until their removal or modification is approved in writing. Failure of the applicant to properly locate and/or maintain the barricade may result in the issuance of a Stop Work order, and the requirement that the applicant provide a restoration plan to the Town Engineer or his or her designee.

3. Excavations. Swales and minor negative grade changes should always be designed around the dripline area as much as possible. Any exposed roots shall be trimmed. Piping should be used where deep swales or ditches would require significant grade change adjacent to trees.
4. Trenching. Trenching of any type should be avoided in the dripline area. Where underground installations are required adjacent to the trunks of specimen trees, tunneling should be used. When trenching or tunneling near trees to remain, protective measures should be taken.

C. Required Soil Conservation. The following soil conservation measures shall be taken on all construction sites as required.
1. During Construction. The contractor shall follow standard practices or details specifically included in his environmental permit to prevent erosion and the depositing of soils off the construction site. These practices shall include the protection of bare soils from wind forces and stormwater.
2. After Construction. All disturbed areas shall be mulched, seeded, or sodded to restore the original vegetation as required by the permit-issuing authority, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site and/or off-site erosion (sedimentation or siltation or both) or wind-blown loss of soils shall be deemed a violation of this section.

8.06.02 Disposal of Debris

The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to thereafter settle is hereby prohibited.

8.07.00 OPEN SPACE

8.07.01 General

A. Open space is required of all new development. Open space may consist of buffers, stormwater ponds, public and private park areas, wetlands, and other pervious area that is set aside for conservation or is to be left undeveloped.
B. For stormwater ponds to be counted as open space, they must be designed as an amenity in addition to their primary function as a stormwater facility. The features that are required for stormwater park amenities include landscaping, pedestrian paths or trails, picnic areas, and other activities of a more passive nature. For wet ponds, aeration and aquatic plants are also required.

8.08.00 SCREENING STANDARDS

A. Service areas visible from a public right-of-way or abutting properties shall be screened by a combination of landscape and hardscape. This may include berming or walls in combination with landscaping.
B. Solid waste refuse facilities shall be screened by a six-foot wall with a decorative face (brick, stucco, or stone). Such walls shall screen the refuse receptacle on three sides with the access side oriented towards the interior of the site and away from areas visible to abutting properties. The access side of the storage area shall be equipped with opaque doors or gates.
C. Utility fixtures, ventilation equipment, and mechanical equipment, when outside a structure, shall be screened with walls, fences, dense plant material, or a combination thereof.

8.09.00 APPEALS PROCEDURE

Any applicant may appeal a decision of any Town consultant or employee in the enforcement or interpretation of this Chapter or 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 such appeal. The Board of Adjustment, by a majority vote, may affirm, reverse, or modify the decision.