



Town Council Meeting

August 12, 2024 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/83227786283?pwd=t82rn1LNlsR39claIaIM6osX3SINdT.1>
Meeting ID: 832 2778 6283 | **Passcode:** 352322

AGENDA

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

ROLL CALL

Acknowledgement of Quorum

AGENDA APPROVAL/REVIEW

CONSENT AGENDA

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

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the May 28, 2024, Town Council Meeting.
- 2.** The approval of the minutes and ratification and confirmation of all Town Council actions at the June 10, 2024 Town Council Meeting.
- 3.** The approval of the minutes and ratification and confirmation of all Town Council actions at the July 26, 2024 Town Council Budget Workshop.
- 4.** The approval of the minutes and ratification and confirmation of all Town Council actions at the August 05, 2024, Town Council Special Meeting.
- 5.** Consideration and Approval: **Groveland MOU Agreement**
- 6.** Consideration and Approval: **Approval of (piggybacking off of) the Lake County Contract with George Gideon Auctioneers, Inc.**
- 7.** Consideration and Approval: **Police Department JAG-C 2023 Grant Request Letter**

PUBLIC HEARING

8. Consideration and Approval: (adoption/2nd reading) **Ordinance 2024-009 - Readoption of Comprehensive Plan Amendment - Future Land Use Element**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE ELEMENT (FLUE) OF THE TOWN'S ADOPTED COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184 OF FLORIDA STATUTES; DESCRIBING THE ANALYSIS AND REEVALUATION UNDERTAKEN BY TOWN COUNCIL REGARDING RESIDENTIAL DENSITIES AND LOT SIZES IN POST-2010 RESIDENTIAL DEVELOPMENT IN THE TOWN; AMENDING CERTAIN FLUE POLICIES AND TABLES (i) TO MODIFY THE REQUIREMENTS IN THE "VILLAGE TOWN CENTER" AND "MEDIUM DENSITY RESIDENTIAL" LAND-USE DESIGNATIONS REGARDING DWELLING UNITS PER ACRE, LOT SIZES, MAXIMUM BUILDING HEIGHTS, OPEN-SPACE REQUIREMENTS, AND PARKS AND RECREATION REQUIREMENTS AND (ii) TO ADD A LAND-USE DESIGNATION FOR HIGH-DENSITY RESIDENTIAL DEVELOPMENT; AMENDING OTHER RELATED REQUIREMENTS FOR THOSE LAND-USE DESIGNATIONS; PROVIDING CONFORMING CHANGES; AMENDING POLICY 1.2.6 OF THE FUTURE LAND USE ELEMENT TO LIMIT THE AREAS WHERE THE TOWN MAY ALLOW RESIDENTIAL DEVELOPMENT ON LOTS SMALLER THAN ONE-FOURTH ACRE (10,890 SQ. FT.); REPEALING AND SUPERCEDING ORDINANCE 2023-013; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Town Attorney will read the Ordinance title.
- Town Attorney will explain Ordinance 2024-009.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2024-009.
- Council Discussion.
- Roll Call Vote.

OLD BUSINESS

NEW BUSINESS

9. Consideration and Approval: (first reading) **Ordinance 2024-010 - Compensation for Mayor and Town Council Members**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN COUNCIL; REVISING THE COMPENSATION TO BE PAID TO THE MAYOR, MAYOR PRO TEMPORE AND COUNCILORS UNDER SECTION 42-10 OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

- Town Manager will read the Ordinance title.
- Town Manager will explain Ordinance 2024-010.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2024-010.
- Council Discussion.
- Roll Call Vote.

10. Consideration and Approval: **Resolution 2024-005 - Solid Waste Rates**

11. Consideration and Approval: **Water Rate Increase**

12. Consideration and Approval: **Sara Maude Mason Nature Preserve Loan Agreement**

13. Consideration and Approval: (first reading) Ordinance 2024-012 - Land Development Code (LDC) Amendments

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND DEVELOPMENT; PROVIDING FINDINGS AND DETERMINATIONS OF THE TOWN COUNCIL; AMENDING THE TOWN'S LAND DEVELOPMENT CODE (LDC) TO REVISE PROVISIONS GOVERNING "MEDIUM DENSITY RESIDENTIAL-1" (MDR-1), "MEDIUM DENSITY RESIDENTIAL-2" (MDR-2), AND PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, EMPHASIZING LOT-SIZE AND OPEN-SPACE REQUIREMENTS; ADDING NEW "HIGH DENSITY RESIDENTIAL-1" (HDR-1) AND "HIGH DENSITY RESIDENTIAL- 2" (HDR-2) ZONING DISTRICTS AND THE RESTRICTIONS AND REQUIREMENTS THAT GOVERN LAND USE WITHIN THOSE DISTRICTS; AMENDING MISCELLANEOUS PROVISIONS OF OTHER ZONING DISTRICTS; CHANGING ALL REFERENCES TO "MAYOR" TO READ "TOWN MANAGER"; AMENDING SECTION 10.00 TO LIMIT PUD ZONING DISTRICTS TO LAND OF 100 ACRES OR MORE; AMENDING SUBSECTION 4.10.1 TO SPECIFY THE FORM AND MANNER IN WHICH CONDITIONS OF APPROVAL FOR PUD ZONING WILL BE MEMORIALIZED; ENACTING SUBSECTION 4.13.05 TO SPECIFY REQUIREMENTS FOR APPROVING VARIANCES; DELETING SUBSECTION 4.15.00 REGARDING LANDOWNER APPLICATIONS FOR AMENDMENTS TO THE LDC; AMENDING NUMEROUS REQUIREMENTS IN CHAPTER 7 OF THE LDC GOVERNING SIDEWALKS, CANOPY TREES, LANDSCAPE BUFFERS, ROOT BARRIERS, AND RELATED SEPARATION DISTANCES; ENACTING NEW SUBSECTION 7.10.02 TO CLARIFY TREE REQUIREMENTS IN RESIDENTIAL DEVELOPMENT; AMENDING TABLE 8.03.02 REGARDING REQUIREMENTS FOR LOCAL ROADS; AMENDING PARAGRAPH 8.05.01.3 TO SPECIFY REQUIREMENTS OF OWNERSHIP, OPERATION, AND MAINTENANCE OF WASTEWATER AND RECLAIMED-WATER SYSTEMS IN NEW DEVELOPMENTS; ENACTING PARAGRAPH 8.06.01D TO SPECIFY LIMITATIONS ON EXTERIOR LIGHTING NEAR RESIDENTIAL PROPERTIES; ENACTING SUBSECTION 8.08.02 TO SPECIFY REQUIREMENTS FOR APPROVALS OF RECREATIONAL AMENITIES IN NEW DEVELOPMENTS; TRANSFERRING SUBSECTION 8.10.0 TO NEW SUBSECTION 1.06.07 WITHOUT CHANGE; AMENDING SUBSECTION 10.02.03 TO SPECIFY THAT ROAD IMPROVEMENTS FOR NEW DEVELOPMENT TO MEET CONCURRENCY REQUIREMENTS MUST BE CONSTRUCTED AT NO COST TO THE TOWN; ADDING AND AMENDING NUMEROUS DEFINITIONS IN SUBSECTION 1.12.00 TO CONFORM AND COMPLEMENT SUBSTANTIVE AMENDMENTS IN OTHER SECTIONS OF THE LDC; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Mayor MacFarlane will read the Ordinance title.
- Town Planner will explain Ordinance 2024-002.
- Mayor MacFarlane will open Public Comment and Questions for this item only.
- Mayor MacFarlane will close Public Comment.
- Motion to approve Ordinance 2024-002.
- Council Discussion.
- Roll Call Vote.

14. Discussion: Suggested Training for Incoming Town Councilors

DEPARTMENT REPORTS

- 15. Town Hall**
- 16. Police Department**
- 17. Code Enforcement**

- [18.](#) Public Works
- [19.](#) Library
- 20. Parks & Recreation Advisory Board / Special Events
- 21. Town Attorney
- [22.](#) Finance Supervisor
- 23. Town Manager

COUNCIL MEMBER REPORTS

- 24. Mayor Pro Tem Gallelli
- 25. Councilor Lehning
- 26. Councilor Miles
- 27. Councilor Lannamañ
- 28. Mayor MacFarlane

PUBLIC COMMENTS

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

ADJOURNMENT

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

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

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

Topic: **Town Council Meeting**

Time: **Aug 12, 2024 06:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83227786283?pwd=t82rn1LNlsR39claIaIM6osX3S1NdT.1>

Meeting ID: 832 2778 6283

Passcode: 352322

Dial by your location

+1 646 558 8656 US (New York)

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Meeting ID: 832 2778 6283

Passcode: 352322

Find your local number: <https://us06web.zoom.us/j/83227786283?pwd=t82rn1LNlsR39claIaIM6osX3S1NdT.1>

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



Town Council Meeting
May 28, 2024 at 6:00 PM
Howey-in the-Hills Town Hall 101
N. Palm Ave., Howey-in-the-Hills,
FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m. Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag. Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Wilkes, Town Attorney | Tom Harowski, Town Planner | John Brock, Town Clerk

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lannamañ to approve the meeting’s agenda; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice-vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

CONSENT AGENDA

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 22, 2024 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 8, 2024 Town Council Meeting.

Motion made by Councilor Lannamañ to approve the Consent Agenda; seconded by Councilor Lehning. Motion approved unanimously by voice-vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

PUBLIC HEARING

3. Consideration and Approval: (second reading) **Ordinance 2024-001 Mission Rise PUD Rezoning**

Town Attorney, Tom Wilkes, read Ordinance 2024-001 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING FOUR PARCELS OF LAND LOCATED GENERALLY IN THE SOUTHWEST PART OF THE TOWN AND COMPRISING THE PROPOSED PLANNED UNIT DEVELOPMENT TO BE KNOWN AS “MISSION RISE” ON AN L-SHAPED AGGREGATE OF ABOUT 243.3 ACRES WEST AND SOUTH OF THE DEVELOPMENT KNOWN AS “THE RESERVE AT HOWEY-IN-THE-HILLS” (NOW ALSO KNOWN AS “HILLSIDE GROVES”), WITH PART OF THE LANDS BEING SOUTH OF NUMBER TWO ROAD AND EAST OF SILVERWOOD LANE AND OTHER PARTS OF THE LAND BEING WEST OF STATE ROAD 19 AND SOUTH OF REVELS ROAD, THE FOUR PARCELS BEING IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER ALTERNATE KEY NUMBERS 1780616, 1780811, 1030421, AND 3835991; AMENDING THE TOWN’S ZONING MAP TO APPROVE PLANNED-UNIT-DEVELOPMENT (PUD) ZONING FOR THE PARCELS; PROVIDING FINDINGS OF THE TOWN COUNCIL; APPROVING PUD ZONING FOR THE PARCELS, WITH DEVELOPMENT TO BE GOVERNED BY A DEVELOPMENT AGREEMENT AND A REVISED CONCEPTUAL LAND USE PLAN AND BY THE TOWN’S LAND DEVELOPMENT CODE AND OTHER TOWN ORDINANCES GOVERNING THE DEVELOPMENT OF LAND; REPEALING PRIOR ORDINANCES AND SUPERSEDING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Town Planner, Tom Harowski, reviewed his staff report and the history of the proposed Mission Rise development. Mr. Harowski made comparisons of the applicant’s submittal to previous submittals.

Mayor MacFarlane asked that representatives for the applicant step up and introduce themselves. Jonathan Huels with Lowndes Law and Rhea Lopes with RVI Planning introduced themselves.

Mr. Huels explained that during the March 11, 2024, Town Council Meeting, Councilor Miles had made a motion to approve the Ordinance with 11 conditions. Mr. Huels explained that his team had reviewed the conditions and had accepted the majority of the conditions with some exceptions.

Councilor Miles’ original conditions that he made during the previous meeting included:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 10,800 square feet and the remaining 80% of the lots must be at least 9,600 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.
3. Setbacks – Front setback shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.
4. The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 441 square feet, and the maximum dwelling size 4,600 square feet under air.

5. The maximum impervious lot coverage shall be 50%.
6. For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).
7. The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.
8. In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.
9. In the landscape requirement of the Development the street trees (in buffer/public areas) shall be a minimum of 3” caliper.
10. Street lighting shall be set to intervals of 250 feet.
11. The height of residential structures may not exceed 35 feet or 2 stories.

Ms. Lopes explained that the applicant could accept 7 of the conditions with no changes. Ms. Lopes stated that, in condition #2, the applicant would like the 80% of lots to be 7,200 square feet, rather than 9,600 square feet. Ms. Lopes stated that, in condition #3, the applicant would like the front setbacks to exclude the setback to the porch (effectively making the front setback 18 feet rather than 25 feet.) Ms. Lopes stated that, in condition #4, the applicant would like the minimum garage size to be 400 square feet, rather than 441 square feet. Lastly, Ms. Lopes explained that, in condition #5, the applicant would like the maximum impervious lot coverage to be 55% rather than 50%.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline stated that he did not believe that the applicant has done enough and that the lot sizes need to be larger.

Sandy Russ, 6813 Lakeview Dr., Yalaha FL. – Mrs. Russ said that she agreed with Mr. Everline and that the number of approved homes needed to be lowered. Mrs. Russ also stated that she only wanted the Number Two Road entrance to be used for emergencies.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch said that he thought a 400 square foot garage was too small, as that is what he had.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated that he did not think people used porches and did not want a change in zoning.

Frank Martinez, 1400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez was concerned about the traffic that would be created.

Tom Ballou, 1005 N Tangerine Ave. – Mr. Ballou stated that he thinks that lots being bigger is the most important thing to residents.

Ken Dunsmoor, 9950 Orange Blossom Rd., Howey-in-the-Hills (unincorporated Lake County) – Mr. Dunsmoor was concerned about traffic going onto his road.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve Ordinance 2024-001 Mission Rise PUD Rezoning, subject to the following conditions:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 9,600 square feet and the remaining 80% of the lots must be at least 8,400 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.

3. **Setbacks – Front setback (excluding setback to the front porch, which will be set at 19 feet) shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.**
4. **The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 420.5 square feet, and the maximum dwelling size 4,600 square feet under air.**
5. **The maximum impervious lot coverage shall be 55%.**
6. **For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).**
7. **The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.**
8. **In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.**
9. **In the landscape requirement of the Development the canopy street trees (in buffer/public areas) shall be a minimum of 3” caliper.**
10. **Street lighting shall be set to intervals of 250 feet.**
11. **The height of residential structures may not exceed 35 feet or 2 stories.**

Mayor Pro Tem Gallelli stated that she would second Councilor Miles’ motion, but that she would want to see the minimum garage size set at 400 square feet. Councilor Miles stated that he would not accept that amendment to his motion. **There was no second to this motion.**

Motion made by Councilor Lannamañ to accept the applicant’s proposed changes to the original motion those changes included;

1. **All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.**
2. **At least 20% of the lots in the PUD must be at least 10,800 square feet and the remaining 80% of the lots must be at least 7,200 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.**
3. **Setbacks – Front setback (excluding setback to the front porch) shall be 25 feet, the rear setback shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.**
4. **The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 400 square feet, and the maximum dwelling size 4,600 square feet under air.**
5. **The maximum impervious lot coverage shall be 55%.**
6. **For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).**
7. **The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.**
8. **In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.**
9. **In the landscape requirement of the Development the canopy street trees (in buffer/public areas) shall be a minimum of 3” caliper.**
10. **Street lighting shall be set to intervals of 250 feet.**
11. **The height of residential structures may not exceed 35 feet or 2 stories.**

Mayor MacFarlane seconded Councilor Lannamañ's motion. Motion failed by a roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor MacFarlane

Nay: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli

Motion made by Councilor Miles to approve Ordinance 2024-001 Mission Rise PUD Rezoning, subject to the following conditions:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 9,600 square feet and the remaining 80% of the lots must be at least 8,400 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.
3. Setbacks – Front setback shall be 25 feet (except that a front porch may be set back only 19 feet), the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.
4. The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 400 square feet, and the maximum dwelling size 4,600 square feet under air.
5. The maximum impervious lot coverage shall be 55%.
6. For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).
7. The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.
8. In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.
9. In the landscape requirement of the Development the canopy street trees (in buffers/public areas) shall be a minimum of 3" caliper.
10. Street lighting shall be set to intervals of 250 feet.
11. The height of residential structures may not exceed 35 feet or 2 stories.

Councilor Miles' motion was seconded by Councilor Lehning. Motion was approved by a roll call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli

Nay: Councilor Lannamañ, Mayor MacFarlane

Mayor MacFarlane called a short 5-minute recess at 8:05 p.m.

OLD BUSINESS

4. Discussion: **High Density Zoning Land Use Proposal**

Mayor MacFarlane stated that she was in favor of the proposal and asked Councilor Miles, since it was his proposal, if there was anything he wanted to say about it. Councilor Miles stated that it should be added to the Town's code.

Mayor MacFarlane opened Public Comment for this item only.

Sandy Russ, 6813 Lakeview Dr., Yalaha FL. – Mrs. Russ thinks that the proposal is only good if it prevents town homes from being built.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he thought this area would only be good in the center of the town.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline wondered that, if this zoning classification were created, would it encourage people to try to rezone.

Mayor MacFarlane closed Public Comment for this item.

Mr. Wilkes and Mr. Harowski stated that they would evaluate the process of including this proposal in the existing amendments to the Town's Comprehensive Plan and Land Development Code.

NEW BUSINESS

5. Discussion: **Excess Usage of Irrigation**

Town Manager, Sean O'Keefe, led a general discussion on the Town's excessive usage of water for irrigation purposes within the Town. Mr. O'Keefe explained that 1/3 of the Town's homes have irrigation lines and that those irrigation lines use 2/3 of the Town's total amount of water.

Mayor Pro Tem Gallelli suggested sending an information letter to homes that were using excessive amounts of water.

Mr. O'Keefe stated that he was looking for a consensus from the Council for creating the ability for the Town to write administrative citations, similar to what other municipalities do.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that a golf course uses 750,000 gallons of water a day. Mr. Gunesch suggested requiring smart sprinklers within the Town.

Tim Loucks, 2700 N Semoran, Orlando - Mr. Loucks spoke about a Central Florida Initiative Water Study. As former mayor of the City of Groveland, Mr., Loucks recommended setting up tiered levels of charges for irrigation water. Mr. Loucks also recommended that, if the Town allowed for administrative citations, the Town should allow not only the Code Enforce Officer to write citations, but that Police Officers should have the ability (because Police Officers were around at all times, even at night).

Mr. O'Keefe stated that it seemed that there was a consensus from the Town Council for the staff to move forward in creating an ordinance to allow for administrative citations.

6. Consideration and Approval: **Cedar Creek Water Agreement**

Town Manager, Sean O'Keefe, introduced and explained this agenda item. Mr. O'Keefe explained that the Town did have the ability to provide water to the proposed Cedar Creek development. The Cedar Creek development would be between 100 and 104 homes.

Mr. O'Keefe recommended that, in the proposed agreement to service the Cedar Creek development, the developer should have to pay 100% of the water impact fees upfront and that there would be a 25% surcharge on water rates. Mr. O'Keefe further recommended that, in the agreement, the development should be forced to annex into the Town if and when it becomes contiguous with the Town's borders.

Tim Loucks, representative for the Cedar Creek developers, agreed with Mr. O’Keefe’s recommendations.

Mayor MacFarlane opened Public Comment, but seeing no comments, Mayor MacFarlane closed the Public Comment.

Motion made by Councilor Miles for the Town to enter into a proposed water agreement with the stipulations that the developer pay 100% of the water impact fees up front, the water rates would be 25% more than Town residents are charged, if and when the Cedar Creek development becomes contiguous with the borders of the Town the development would agree to immediately annex into the Town, the developers would be responsible for running all the water lines to the development, and the agreement would have a sunset date of 10 years; seconded by Councilor Lannamañ. Motion passed unanimously by roll call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

DEPARTMENT REPORTS

7. Town Manager

Town Manager, Sean O’Keefe spoke about a Florida Department of Transportation project that would improve or create new sidewalks in the Town starting in July of 2026.

COUNCIL MEMBER REPORTS

8. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli reviewed the water restrictions that are listed on the Town’s water bills.

9. Councilor Lehning

None

10. Councilor Miles

None

11. Councilor Lannamañ

None

12. Mayor MacFarlane

Mayor MacFarlane suggested that the Town ask for a truck traffic assessment on SR 19.

PUBLIC COMMENTS

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

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline thanked the Council for voting for a reduction in the number of lots allowed in the Mission Rise development.

Andi Everline, 1012 N. Lakeshore Blvd. – Mrs. Everline stated that she thought the only Founder’s Day events should be at the Howey Mansion.

ADJOURNMENT

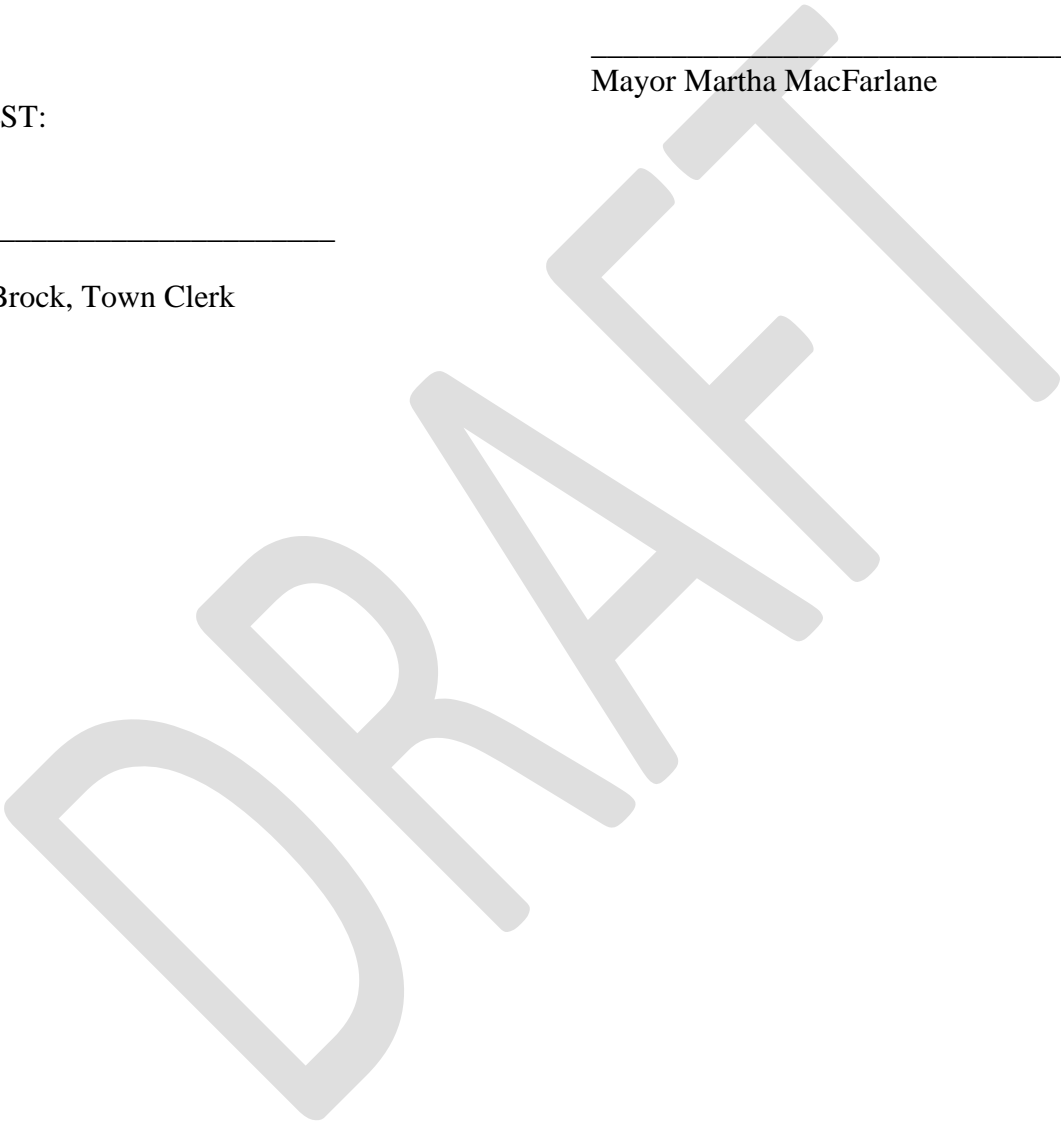
There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:22 p.m. | **Attendees: 51**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk





Town Council Meeting

May 28, 2024 at 6:00 PM

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

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m. Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag. Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O'Keefe, Town Manager | Tom Wilkes, Town Attorney | Tom Harowski, Town Planner | John Brock, Town Clerk

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lannamañ to approve the meeting's agenda; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice-vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

CONSENT AGENDA

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 22, 2024 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 8, 2024 Town Council Meeting.

Motion made by Councilor Lannamañ to approve the Consent Agenda; seconded by Councilor Lehning. Motion approved unanimously by voice-vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

PUBLIC HEARING

3. Consideration and Approval: (second reading) **Ordinance 2024-001 Mission Rise PUD Rezoning**

Town Attorney, Tom Wilkes, read Ordinance 2024-001 out loud by title only:

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING FOUR PARCELS OF LAND LOCATED GENERALLY IN THE SOUTHWEST PART OF THE TOWN AND COMPRISING THE PROPOSED PLANNED UNIT DEVELOPMENT TO BE KNOWN AS “MISSION RISE” ON AN L-SHAPED AGGREGATE OF ABOUT 243.3 ACRES WEST AND SOUTH OF THE DEVELOPMENT KNOWN AS “THE RESERVE AT HOWEY-IN-THE-HILLS” (NOW ALSO KNOWN AS “HILLSIDE GROVES”), WITH PART OF THE LANDS BEING SOUTH OF NUMBER TWO ROAD AND EAST OF SILVERWOOD LANE AND OTHER PARTS OF THE LAND BEING WEST OF STATE ROAD 19 AND SOUTH OF REVELS ROAD, THE FOUR PARCELS BEING IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER ALTERNATE KEY NUMBERS 1780616, 1780811, 1030421, AND 3835991; AMENDING THE TOWN’S ZONING MAP TO APPROVE PLANNED-UNIT-DEVELOPMENT (PUD) ZONING FOR THE PARCELS; PROVIDING FINDINGS OF THE TOWN COUNCIL; APPROVING PUD ZONING FOR THE PARCELS, WITH DEVELOPMENT TO BE GOVERNED BY A DEVELOPMENT AGREEMENT AND A REVISED CONCEPTUAL LAND USE PLAN AND BY THE TOWN’S LAND DEVELOPMENT CODE AND OTHER TOWN ORDINANCES GOVERNING THE DEVELOPMENT OF LAND; REPEALING PRIOR ORDINANCES AND SUPERSEDING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Town Planner, Tom Harowski, reviewed his staff report and the history of the proposed Mission Rise development. Mr. Harowski made comparisons of the applicant’s submittal to previous submittals.

Mayor MacFarlane asked that representatives for the applicant step up and introduce themselves. Jonathan Huels with Lowndes Law and Rhea Lopes with RVI Planning introduced themselves.

Mr. Huels explained that during the March 11, 2024, Town Council Meeting, Councilor Miles had made a motion to approve the Ordinance with 11 conditions. Mr. Huels explained that his team had reviewed the conditions and had accepted the majority of the conditions with some exceptions.

Councilor Miles’ original conditions that he made during the previous meeting included:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 10,800 square feet and the remaining 80% of the lots must be at least 9,600 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.
3. Setbacks – Front setback shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.
4. The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 441 square feet, and the maximum dwelling size 4,600 square feet under air.

5. The maximum impervious lot coverage shall be 50%.
6. For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).
7. The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.
8. In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.
9. In the landscape requirement of the Development the street trees (in buffer/public areas) shall be a minimum of 3” caliper.
10. Street lighting shall be set to intervals of 250 feet.
11. The height of residential structures may not exceed 35 feet or 2 stories.

Ms. Lopes explained that the applicant could accept 7 of the conditions with no changes. Ms. Lopes stated that, in condition #2, the applicant would like the 80% of lots to be 7,200 square feet, rather than 9,600 square feet. Ms. Lopes stated that, in condition #3, the applicant would like the front setbacks to exclude the setback to the porch (effectively making the front setback 18 feet rather than 25 feet.) Ms. Lopes stated that, in condition #4, the applicant would like the minimum garage size to be 400 square feet, rather than 441 square feet. Lastly, Ms. Lopes explained that, in condition #5, the applicant would like the maximum impervious lot coverage to be 55% rather than 50%.

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline stated that he did not believe that the applicant has done enough and that the lot sizes need to be larger.

Sandy Russ, 6813 Lakeview Dr., Yalaha FL. – Mrs. Russ said that she agreed with Mr. Everline and that the number of approved homes needed to be lowered. Mrs. Russ also stated that she only wanted the Number Two Road entrance to be used for emergencies.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch said that he thought a 400 square foot garage was too small, as that is what he had.

Peter Tuite, 300 E Croton Way – Mr. Tuite stated that he did not think people used porches and did not want a change in zoning.

Frank Martinez, 1400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez was concerned about the traffic that would be created.

Tom Ballou, 1005 N Tangerine Ave. – Mr. Ballou stated that he thinks that lots being bigger is the most important thing to residents.

Ken Dunsmoor, 9950 Orange Blossom Rd., Howey-in-the-Hills (unincorporated Lake County) – Mr. Dunsmoor was concerned about traffic going onto his road.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve Ordinance 2024-001 Mission Rise PUD Rezoning, subject to the following conditions:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 9,600 square feet and the remaining 80% of the lots must be at least 8,400 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.

3. **Setbacks – Front setback (excluding setback to the front porch, which will be set at 19 feet) shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.**
4. **The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 420.5 square feet, and the maximum dwelling size 4,600 square feet under air.**
5. **The maximum impervious lot coverage shall be 55%.**
6. **For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).**
7. **The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.**
8. **In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.**
9. **In the landscape requirement of the Development the canopy street trees (in buffer/public areas) shall be a minimum of 3” caliper.**
10. **Street lighting shall be set to intervals of 250 feet.**
11. **The height of residential structures may not exceed 35 feet or 2 stories.**

Mayor Pro Tem Gallelli stated that she would second Councilor Miles’ motion, but that she would want to see the minimum garage size set at 400 square feet. Councilor Miles stated that he would not accept that amendment to his motion. **There was no second to this motion.**

Motion made by Councilor Lannamañ to accept the applicant’s proposed changes to the original motion those changes included;

1. **All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.**
2. **At least 20% of the lots in the PUD must be at least 10,800 square feet and the remaining 80% of the lots must be at least 7,200 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.**
3. **Setbacks – Front setback (excluding setback to the front porch) shall be 25 feet, the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.**
4. **The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 400 square feet, and the maximum dwelling size 4,600 square feet under air.**
5. **The maximum impervious lot coverage shall be 55%.**
6. **For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).**
7. **The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.**
8. **In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.**
9. **In the landscape requirement of the Development the canopy street trees (in buffer/public areas) shall be a minimum of 3” caliper.**
10. **Street lighting shall be set to intervals of 250 feet.**
11. **The height of residential structures may not exceed 35 feet or 2 stories.**

Mayor MacFarlane seconded Councilor Lannamañ's motion. Motion failed by a roll-call vote.

Voting

Yea: Councilor Lannamañ, Mayor MacFarlane

Nay: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli

Motion made by Councilor Miles to approve Ordinance 2024-001 Mission Rise PUD Rezoning, subject to the following conditions:

1. All minor changes must go through the Planning and Zoning Board for recommendation and be approved by the Town Council.
2. At least 20% of the lots in the PUD must be at least 9,600 square feet and the remaining 80% of the lots must be at least 8,400 square feet, and no lot will have less than 50 linear feet of frontage on a road or an alley.
3. Setbacks – Front setback shall be 19 feet (6 feet off of the front porch), the rear setback shall be 25 feet, the side setback shall be 10 feet, corner setback at 12.5 feet, and the pool/accessory setback shall be 10 feet from any lot boundary.
4. The minimum dwelling size shall be 1,600 square feet, minimum 2-car garage size shall be 400 square feet, and the maximum dwelling size 4,600 square feet under air.
5. The maximum impervious lot coverage shall be 55%.
6. For a 300-foot lot face there shall be a maximum of 2 iterations of the same model that can be used (not 3).
7. The ownership of all water, reclaim water, and wastewater infrastructure shall be dedicated to the town.
8. In section 1 (j)(1)(F) of the Development Agreement (pg. 7), remove (which may be reduced to 11-foot travel lanes when adjacent to on-street parking) from the first sentence.
9. In the landscape requirement of the Development the canopy street trees (in buffers/public areas) shall be a minimum of 3" caliper.
10. Street lighting shall be set to intervals of 250 feet.
11. The height of residential structures may not exceed 35 feet or 2 stories.

Councilor Miles' motion was seconded by Councilor Lehning. Motion was approved by a roll call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli

Nay: Councilor Lannamañ, Mayor MacFarlane

Mayor MacFarlane called a short 5-minute recess at 8:05 p.m.

OLD BUSINESS

4. Discussion: **High Density Zoning Land Use Proposal**

Mayor MacFarlane stated that she was in favor of the proposal and asked Councilor Miles, since it was his proposal, if there was anything he wanted to say about it. Councilor Miles stated that it should be added to the Town's code.

Mayor MacFarlane opened Public Comment for this item only.

Sandy Russ, 6813 Lakeview Dr., Yalaha FL. – Mrs. Russ thinks that the proposal is only good if it prevents town homes from being built.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that he thought this area would only be good in the center of the town.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline wondered that, if this zoning classification were created, would it encourage people to try to rezone.

Mayor MacFarlane closed Public Comment for this item.

Mr. Wilkes and Mr. Harowski stated that they would evaluate the process of including this proposal in the existing amendments to the Town's Comprehensive Plan and Land Development Code.

NEW BUSINESS

5. Discussion: **Excess Usage of Irrigation**

Town Manager, Sean O'Keefe, led a general discussion on the Town's excessive usage of water for irrigation purposes within the Town. Mr. O'Keefe explained that 1/3 of the Town's homes have irrigation lines and that those irrigation lines use 2/3 of the Town's total amount of water.

Mayor Pro Tem Gallelli suggested sending an information letter to homes that were using excessive amounts of water.

Mr. O'Keefe stated that he was looking for a consensus from the Council for creating the ability for the Town to write administrative citations, similar to what other municipalities do.

Mayor MacFarlane opened Public Comment for this item only.

Eric Gunesch, 448 Avila Pl. – Mr. Gunesch stated that a golf course uses 750,000 gallons of water a day. Mr. Gunesch suggested requiring smart sprinklers within the Town.

Tim Loucks, 2700 N Semoran, Orlando - Mr. Loucks spoke about a Central Florida Initiative Water Study. As former mayor of the City of Groveland, Mr., Loucks recommended setting up tiered levels of charges for irrigation water. Mr. Loucks also recommended that, if the Town allowed for administrative citations, the Town should allow not only the Code Enforce Officer to write citations, but that Police Officers should have the ability (because Police Officers were around at all times, even at night).

Mr. O'Keefe stated that it seemed that there was a consensus from the Town Council for the staff to move forward in creating an ordinance to allow for administrative citations.

6. Consideration and Approval: **Cedar Creek Water Agreement**

Town Manager, Sean O'Keefe, introduced and explained this agenda item. Mr. O'Keefe explained that the Town did have the ability to provide water to the proposed Cedar Creek development. The Cedar Creek development would be between 100 and 104 homes.

Mr. O'Keefe recommended that, in the proposed agreement to service the Cedar Creek development, the developer should have to pay 100% of the water impact fees upfront and that there would be a 25% surcharge on water rates. Mr. O'Keefe further recommended that, in the agreement, the development should be forced to annex into the Town if and when it becomes contiguous with the Town's borders.

Tim Loucks, representative for the Cedar Creek developers, agreed with Mr. O’Keefe’s recommendations.

Mayor MacFarlane opened Public Comment, but seeing no comments, Mayor MacFarlane closed the Public Comment.

Motion made by Councilor Miles for the Town to enter into a proposed water agreement with the stipulations that the developer pay 100% of the water impact fees up front, the water rates would be 25% more than Town residents are charged, if and when the Cedar Creek development becomes contiguous with the borders of the Town the development would agree to immediately annex into the Town, the developers would be responsible for running all the water lines to the development, and the agreement would have a sunset date of 10 years; seconded by Councilor Lannamañ. Motion passed unanimously by roll call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

DEPARTMENT REPORTS

7. Town Manager

Town Manager, Sean O’Keefe spoke about a Florida Department of Transportation project that would improve or create new sidewalks in the Town starting in July of 2026.

COUNCIL MEMBER REPORTS

8. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli reviewed the water restrictions that are listed on the Town’s water bills.

9. Councilor Lehning

None

10. Councilor Miles

None

11. Councilor Lannamañ

None

12. Mayor MacFarlane

Mayor MacFarlane suggested that the Town ask for a truck traffic assessment on SR 19.

PUBLIC COMMENTS

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

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline thanked the Council for voting for a reduction in the number of lots allowed in the Mission Rise development.

Andi Everline, 1012 N. Lakeshore Blvd. – Mrs. Everline stated that she thought the only Founder’s Day events should be at the Howey Mansion.

ADJOURNMENT

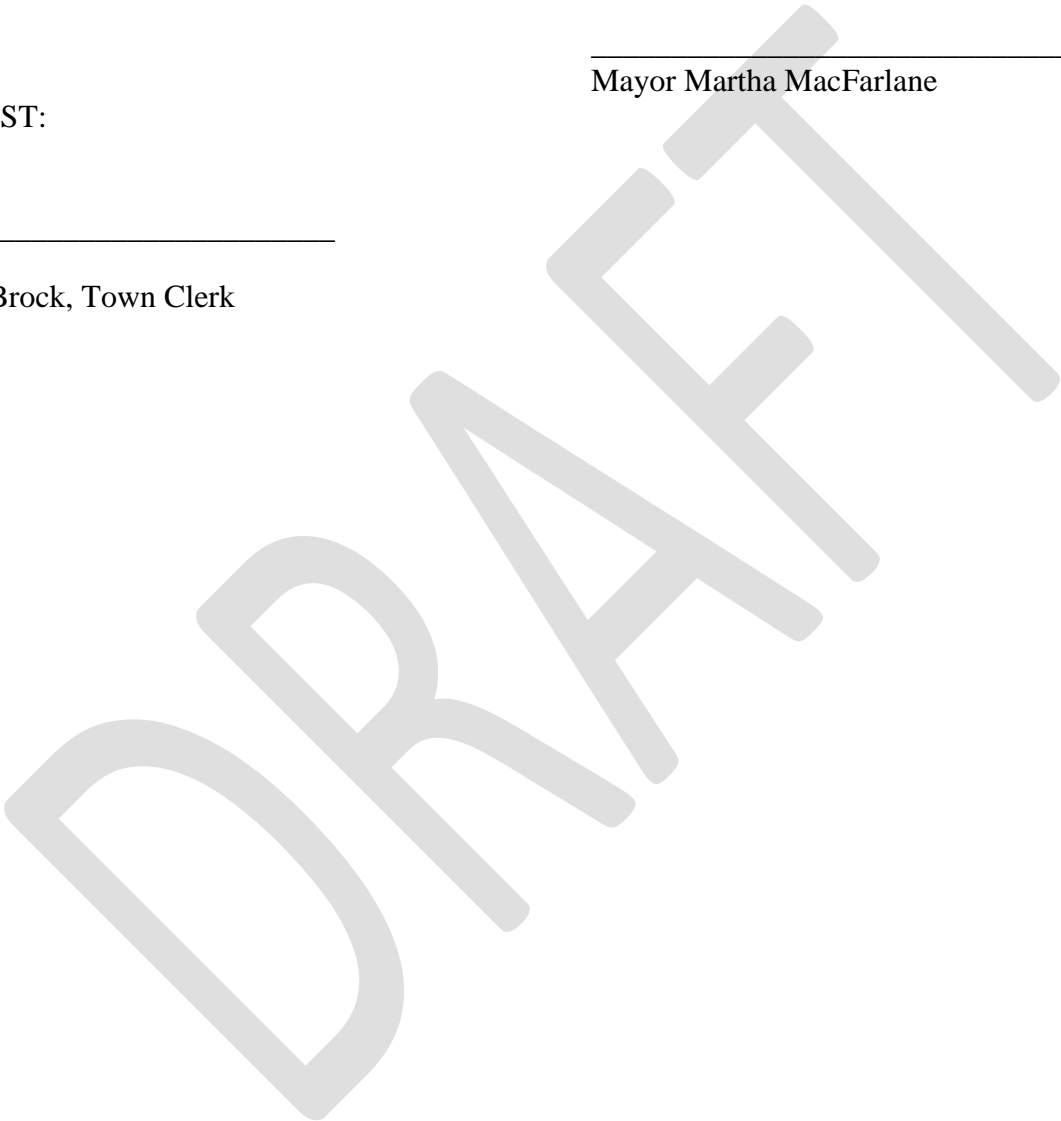
There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 9:22 p.m. | **Attendees: 51**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk





Town Council Meeting
June 10, 2024 at 6:00 PM
Howey-in-the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m. Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag. Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Wilkes, Town Attorney (via Zoom) | John Brock, Town Clerk

AGENDA APPROVAL/REVIEW

Motion made by Mayor Pro Tem Gallelli to approve the meeting’s agenda; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

CONSENT AGENDA

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the May 13, 2024, Town Council Meeting. **(THIS ITEM WAS REMOVED FROM CONSENT AGENDA AND NOT APPROVED)**
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the May 23, 2024, Town Council Workshop.
3. Consideration and Approval: **Police Pension Board Member Reappointments**

4. Consideration and Approval: **Solid Waste Collection Annual Rate Increase**

Motion made by Mayor Pro Tem Gallelli to remove item #1 from the Consent Agenda and approve items #2, #3, and #4; seconded by Councilor Lannamañ. Motion approved unanimously by voice-vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

5. Consideration and Approval: **Midyear Budget Amendment**

Town Manager, Sean O’Keefe, explained the difference between the currently proposed budget amendment and what had been presented to the Council during a workshop. Mr. O’Keefe stated that the water tax had been moved from the enterprise fund to the general fund.

Councilor Lannamañ was concerned about the \$300,000 loan for the completion of the Sara Maude Mason Boardwalk Project. Councilor Lannamañ was concerned that there may be a difficulty in the Town paying this loan back due to the lack of upcoming growth or development within the town. Mayor MacFarlane disagreed and said that the Town still needed to upgrade or repair the boardwalk. Councilor Lannamañ stated that her vote would be a “no” due to concern about the Town’s financial future.

Mayor MacFarlane opened Public Comment for this item only. Seeing no public comment, Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve the Midyear Budget Amendment; seconded by Mayor MacFarlane. Motion passed by roll call vote.

Voting

Yea: Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: Councilor Lannamañ

6. Discussion: **Town Attorney Position**

Mayor MacFarlane asked Councilor Miles, who had requested the agenda item, to start the discussion. Councilor Miles stated that the Town Council would need to set up a process to vet a replacement for the current firm or attorney. This was necessary due to the fact that the current Town Attorney had expressed a desire to retire within the next year or two.

Mayor MacFarlane stated that GrayRobinson, the Town’s current law firm, provided a wide breadth of experience and suggested that the Town should stick with them after Tom Wilkes retires.

Town Attorney, Tom Wilkes, thanked the Council for its confidence and reiterated that he would be retiring soon. Mr. Wilkes stated that GrayRobinson would be happy to continue to represent the Town and that he would be happy to assist with the training of a new GrayRobinson attorney.

Councilor Lannamañ stated that she would like to read resumes for new attorney prospects.

Mayor MacFarlane opened Public Comment for this item only. Seeing no public comment, Mayor MacFarlane closed Public Comment for this item.

DEPARTMENT REPORTS

7. Town Hall

This report was included in the meeting's packet.

8. Police Department

This report was included in the meeting's packet.

9. Code Enforcement

This report was included in the meeting's packet.

10. Public Works

This report was included in the meeting's packet.

11. Library

This report was included in the meeting's packet.

12. Parks & Recreation Advisory Board / Special Events

None

13. Town Attorney

Town Attorney, Tom Wilkes, explained that there was an ongoing lawsuit that involved the new state requirement for elected municipal officials to have to fill out a Form 6 financial disclosure form. Due to this lawsuit, a judge had issued an injunction earlier in the day that allowed elected municipal officials to fill out the Form 1 paperwork, rather than the Form 6 paperwork.

14. Finance Supervisor

This report was included in the meeting's packet.

15. Town Manager

Town Manager, Sean O'Keefe stated that the new fountain for Town Hall was being installed. Mr. O'Keefe stated that he had located a firm that could perform the necessary studies for instituting or changing impact fees.

COUNCIL MEMBER REPORTS

16. Mayor Pro Tem Gallelli

None

17. Councilor Lehning

Councilor Lehning asked the Town Manager if FDOT had committed to a time to come give a presentation to the Town Council on its SR 19 sidewalk plans. Mr. O’Keefe stated that no date had been set yet.

Councilor Lehning reminded the Town Council that he had requested to get rid of PUDs in the amendment to the Town’s Comprehensive Plan and Land Development Code and his request was rejected by the rest of the Council.

18. Councilor Miles

Councilor Miles asked about the status of the Citrus Ave. Project. Mr. O’Keefe stated that staff would be speaking with the four properties’ owners later in the week.

Councilor Miles asked when the Central Lake CDD’s proposed amended agreement would come before the Town Council. Mr. O’Keefe stated that he expected that a draft copy would be sent to the Town Council members in two weeks.

19. Councilor Lannamañ

Councilor Lannamañ asked if the Central Lake CDD’s price increase would be in the proposed amended agreement. Mr. O’Keefe stated that the Central Lake CDD had expressed a strong desire to raise rates, but that they had not proposed an amount yet.

20. Mayor MacFarlane

Mayor MacFarlane expressed a desire to be presented with information on all wastewater options, including Groveland, not just the Central Lake CDD.

Mayor MacFarlane spoke about a recent MPO meeting that she had attended. Mayor MacFarlane stated that the Coordinator for the MPO, Mr. Woods, was willing to assist the Town with acquiring Safe Street funding for projects in the Town’s Capital Improvement Plan.

Mayor MacFarlane stated that she had seen spiders and spiderwebs in the Town’s electronic sign and that she thought that the sign needed to be cleaned.

PUBLIC COMMENTS

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

None

ADJOURNMENT

There being no further business to discuss, a motion was made by Mayor Pro Tem Gallelli to adjourn the meeting; Councilor Miles seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 7:17 p.m. | **Attendees: 20**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk

DRAFT



Town Council Budget Workshop

July 26, 2024 at 9:00 AM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 9:01 a.m.
Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag
Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tara Hall, Library Director | Morgan Cates, Public Works Director | John Brock, Town Clerk

NEW BUSINESS

1. Discussion: **Fiscal Year 2024-2025 Budget**

Sean O’Keefe, Town Manager, led a lengthy discussion on the Town’s Proposed FY 2024-2025 Budget. Mr. O’Keefe explained revisions that had been made to the proposed FY 2024-2025 Budget since the first Budget Workshop.

Councilor Miles suggested that revenue account 1-335150 (SRS - Alcoholic Beverage License) be reduced to \$1,419. Mr. O’Keefe agreed with this.

Councilor Miles requested that the Stormwater Grant Revenue and Expenditure amounts be moved from the current fiscal year to FY 2024-2025. Mr. O’Keefe agreed with this.

Councilor Miles suggested that the revenue account 1-314100 (U.S.T. – Electricity) be increased by \$10,000.

Councilor Miles asked about the status of the Library Grant, revenue account 1-337720 (Library Expansion - Impact Fees Funds). This Library Grant was for a homeschool children’s literature book

collection that the library was in the process of purchasing. Library Director, Tara Hall, explained that the Town has until March 2025 to continue purchasing and submitting invoices to the county for repayment. It was decided that a portion of the Library Expansion (Impact Fee Funds) would be budgeted into the next fiscal year.

Councilor Miles suggested that the amount going into the Infrastructure Fund of \$273,355 should be rounded up to \$300,000 by doing an interfund transfer from the General Fund to the Infrastructure Fund.

Councilor Miles stated that he believed that the Town had underbudgeted object code 316 Town Engineer and overbudgeted 318 Town Planner. Councilor Miles suggested that the amounts budgeted for each object code should be reversed.

Councilor Lehning asked about the projected salaries for Town employees. Councilor Lehning said that the turnover rate for certain positions may be high due to salaries for those positions being too low. Councilor Lehning suggested that Town Councilors should cut their salaries in half to assist with paying the Town Employees a higher wage. Councilor Miles disagreed with this suggestion. Mr. O’Keefe stated that he would get a benchmark of what other Town/City Councilors were being paid in the county before the next Town Council meeting.

Mayor MacFarlane suggested that the Town contract to have a salary study conducted. Town Clerk/HR Manager, John Brock, suggested that the Town Council set aside money in the budget to have this Salary Study conducted. Mr. Brock stated that he believed the City of Mascotte had recently done this for somewhere between \$6,000 and \$10,000. Councilor Lannamañ stated that she would not be in favor of budgeting this amount for a salary study this year.

Councilor Miles questioned the library’s utility budget, object code 430. Councilor Miles suggested that it was currently over budgeted and should be reduced to \$13,000.

A lengthy discussion of the Town Events budgets was had. It was decided that the Events budgets would remain at the proposed levels and that Town staff should move forward to ensure that events such as the Town Christmas Festival and Founder’s Day should still take place.

PUBLIC COMMENTS

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

Todd Hawkins, 1110 N. Lakeshore Blvd. – Mr. Hawkins stated that he was not anti-growth for the Town, but that he was for “good” growth. Mr. Hawkins suggested that the Town look into hiring private contractors, rather than additional Police Officers for patrols in the future. Mr. Hawkins was also concerned about the amount of money the Town was budgeting for a Code Enforcement Department.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilor Miles to adjourn the meeting; Councilor Lannamañ seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 11:26 a.m. | **Attendees: 15**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk

DRAFT



Town Council Special Meeting

August 05, 2024 at 10:30 AM
 Howey-in the-Hills Town Hall
 101 N. Palm Ave.,
 Howey-in-the-Hills, FL 34737

MINUTES

Mayor MacFarlane called the Town Council Meeting to order at 10:30 a.m. Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag. Councilor Reneé Lannamañ delivered an invocation.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor Reneé Lannamañ | Councilor David Miles | Councilor George Lehning | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

Sean O’Keefe, Town Manager | Tom Wilkes, Town Attorney (via Zoom) | Morgan Cates, Public Works Director | John Brock, Town Clerk

AGENDA APPROVAL/REVIEW

Motion made by Councilor Lehning to approve the meeting’s agenda; seconded by Councilor Lannamañ. Motion approved unanimously by voice vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane
Nay: None

NEW BUSINESS

1. Consideration and Approval: **Resolution 2024-004 - State Revolving Fund Wastewater Application**

Town Manager, Sean O’Keefe, read Resolution 2024-004 out loud. Mr. O’Keefe explained that this loan application was for a wastewater grant that the Town had submitted earlier in the year. The Town had been awarded a grant/loan forgiveness for \$3.185 million by the Florida Department of Environmental Protection (FDEP). The method by which the Town was awarded the grant was for the Town to take a State Revolving Fund (SRF) loan and FDEP would grant 100% principal forgiveness on the repayment of the SRF loan.

Councilor Miles and Councilor Lannamañ both asked about where it said that the Town would be granted 100% principal forgiveness

Justin deMello, with Woodard and Curran, explained to the Council that this was standard procedure with FDEP and that within 6 to 8 weeks after the Town passed the resolution, FDEP would send a loan agreement to the Town which would clearly state the principal forgiveness conditions.

Town Attorney, Tom Wilkes, stated that he had seen sample FDEP agreements and that, during a February 14, 2024, FDEP meeting, the Town was placed on a priority list showing the \$3.185 million dollar loan with 100% principal forgiveness.

Councilor Miles stated that he was concerned about a potential conflict of interest in the Town using Woodard and Curran to complete the Clean Water Study (wastewater study), since they are contracted by the City of Groveland to operate the City of Groveland’s wastewater plants.

Motion made by Councilor Lannamañ to approve Resolution 2024-004; seconded by Councilor Lehning. Motion approved unanimously by roll-call vote.

Voting

Yea: Councilor Lannamañ, Councilor Miles, Councilor Lehning, Mayor Pro Tem Gallelli, Mayor MacFarlane

Nay: None

Councilor Miles asked where the Town stood with the renegotiations with the Central Lake CDD. Mr. Wilkes stated that he would have something to bring before the Council at the August 26, 2024 Town Council Meeting

PUBLIC COMMENTS

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

Rick Thomas, Town Police Chief – Chief Thomas introduced the Town’s new Police Lieutenant, Michael Giddens to the Town Council.

ADJOURNMENT

There being no further business to discuss, a motion was made by Councilor Lannamañ to adjourn the meeting; Councilor Lehning seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 11:10 a.m. | **Attendees: 11**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk

**COMBINED
VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE
MUTUAL AID AGREEMENT**

WITNESSETH

WHEREAS, THE SUBSCRIBING LAW ENFORCEMENT AGENCIES ARE SO LOCATED IN RELATION TO EACH OTHER THAT IT IS TO THE ADVANTAGE OF EACH OTHER TO RECEIVE AND EXTEND MUTUAL AID IN THE FORM OF LAW ENFORCEMENT SERVICES AND RESOURCES TO ADEQUATELY RESPOND TO:

- (1) CONTINUING, MULTI-JURISDICTIONAL CRIMINAL ACTIVITY, SO AS TO PROTECT THE PUBLIC PEACE AND SAFETY, AND PRESERVE LIVES AND PROPERTY OF CITIZENS; AND
- (2) INTENSIVE SITUATIONS, INCLUDING, BUT NOT LIMITED TO, NATURAL OR MANMADE DISASTERS OR EMERGENCIES AS DEFINED UNDER SECTION 252.34, FLORIDA STATE STATUTE; AND
- (3) OTHER VIOLATIONS OF FLORIDA LAW WHEN A LAW ENFORCEMENT OFFICER IS OUTSIDE OF HIS OR HER CITY LIMITS.

WHEREAS, THE GROVELAND POLICE DEPARTMENT AND THE HOWEY IN THE HILLS POLICE DEPARTMENT HAVE AUTHORITY UNDER SECTION 23.12, FLORIDA STATE STATUTE, et seq., THE FLORIDA MUTUAL AID ACT, TO ENTER INTO A COMBINED MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT SERVICES WHICH:

- (1) PERMITS VOLUNTARY COOPERATION AND/OR ASSISTANCE OF A ROUTINE LAW ENFORCEMENT NATURE ACROSS JURISDICTIONAL LINES; AND
- (2) PROVIDES FOR RENDERING OF ASSISTANCE IN A LAW ENFORCEMENT EMERGENCY.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

SECTION I: PROVISIONS FOR VOLUNTARY COOPERATION

EACH OF THE AFORESAID LAW ENFORCEMENT AGENCIES HEREBY APPROVE AND ENTER INTO THIS AGREEMENT WHEREBY EACH OF THE AGENCIES MAY REQUEST AND/OR RENDER LAW ENFORCEMENT ASSISTANCE TO THE OTHER IN DEALING WITH ANY VIOLATION OF THE FLORIDA STATE STATUTES, TO INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, INVESTIGATING HOMICIDES, SEX OFFENSES, ROBBERIES, BURGLARIES, THEFTS, GAMBLING, MOTOR VEHICLE THEFTS, CONTROLLED SUBSTANCE VIOLATIONS, DUI CHECKPOINTS, DUI AND TRAFFIC VIOLATIONS, AND WITH THE BACK-UP SERVICES DURING PATROL ACTIVITIES, SCHOOL RESOURCE OFFICERS ON OFFICIAL DUTY WITHIN 1000 FEET OF A SCHOOL, AND INTER-AGENCY TASK FORCES AND/OR JOINT INVESTIGATIONS, AND ENFORCING TRAFFIC LAWS AND CONDUCTING ACCIDENT INVESTIGATIONS (PURSUANT TO FLORIDA ATTORNEY GENERAL ADVISORY LEGAL OPINION 2002-46).

SECTION II: PROVISIONS FOR OPERATIONAL ASSISTANCE

EACH OF THE AFORESAID LAW ENFORCEMENT AGENCIES HEREBY APPROVE AND ENTER INTO THIS AGREEMENT WHEREBY EACH OF THE AGENCIES MAY REQUEST

AND/OR RENDER LAW ENFORCEMENT ASSISTANCE TO THE OTHER IN DEALING WITH ANY VIOLATION OF FLORIDA STATE STATUTE, TO INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, DEALING WITH CIVIL DISTURBANCES, LAW ENFORCEMENT EMERGENCIES, LARGE PROTEST DEMONSTRATIONS, AIRCRAFT DISASTERS, FIRE, HURRICANES, TORNADOES, OR OTHER WEATHER RELATED CRISES, SPORTING EVENTS, COMMUNITY EVENTS, CONCERTS, PARADES, ESCAPES FROM DETENTION FACILITIES, INCIDENTS REQUIRING UTILIZATION OF SPECIALIZED UNITS.

SECTION III: PROCEDURES FOR REQUESTING ASSISTANCE

IN THE EVENT THAT A PARTY TO THIS AGREEMENT IS IN NEED OF ASSISTANCE AS SET FORTH ABOVE, AN AUTHORIZED REPRESENTATIVE OF THE AGENCY REQUESTING ASSISTANCE SHALL NOTIFY THE AGENCY HEAD OR HIS/HER DESIGNEE FROM WHOM SUCH ASSISTANCE IS REQUESTED. THE AGENCY HEAD OR AUTHORIZED REPRESENTATIVE WHOSE ASSISTANCE IS SOUGHT SHALL EVALUATE THE SITUATION AND THE AGENCY'S AVAILABLE RESOURCES, CONSULT WITH HIS/HER SUPERVISOR IF NECESSARY AND WILL RESPOND IN A MANNER HE/SHE DEEMS APPROPRIATE.

THE AGENCY HEAD IN WHOSE JURISDICTION ASSISTANCE IS BEING RENDERED MAY DETERMINE WHO IS AUTHORIZED TO LEND ASSISTANCE IN HIS/HER JURISDICTION, FOR HOW LONG SUCH ASSISTANCE IS AUTHORIZED AND FOR WHAT PURPOSE SUCH AUTHORITY IS GRANTED. THIS AUTHORITY MAY BE GRANTED EITHER VERBALLY OR IN WRITING AS THE PARTICULAR SITUATION DICTATES.

SHOULD A SWORN LAW ENFORCEMENT OFFICER BE IN ANOTHER SUBSCRIBED AGENCY'S JURISDICTION FOR MATTERS OF A ROUTINE NATURE, SUCH AS TRAVELING THROUGH THE JURISDICTION ON ROUTINE BUSINESS, ATTENDING A MEETING OR GOING TO OR FROM WORK OR TRANSPORTING A PRISONER AND A VIOLATION OF THE FLORIDA STATE STATUTES OCCURS IN THE PRESENCE OF SAID PARTY, HE/SHE SHALL BE EMPOWERED TO RENDER ENFORCEMENT AND ACT IN ACCORDANCE WITH LAW. SHOULD ENFORCEMENT ACTION BE TAKEN, SAID PARTY SHALL NOTIFY THE AGENCY HAVING NORMAL JURISDICTION AS SOON AS POSSIBLE UPON RECEIVING NOTICE, THE AGENCY HAVING NORMAL JURISDICTION MAY ELECT TO SEND LAW ENFORCEMENT OFFICERS TO THE SCENE AND SAID PARTY SHALL THEN TURN THE SITUATION OVER TO THEM AND OFFER ANY ASSISTANCE REQUESTED, INCLUDING, NOT LIMITED TO, A FOLLOW-UP WRITTEN REPORT DOCUMENTING THE EVENTS AND THE ACTIONS TAKEN.

SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY

THE PERSONNEL AND EQUIPMENT THAT ARE ASSIGNED BY THE ASSISTING AGENCY HEAD SHALL BE UNDER THE IMMEDIATE CONTROL OF A SUPERVISING OFFICER DESIGNATED BY THE ASSISTING AGENCY HEAD. SUPERVISING OFFICERS SHALL BE UNDER THE DIRECT SUPERVISION AND COMMAND OF THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE AGENCY REQUESTING ASSISTANCE.

CONFLICTS: WHENEVER AN OFFICER, DEPUTY SHERIFF OR OTHER APPOINTEE IN RENDERING ASSISTANCE PURSUANT TO THIS AGREEMENT, THE OFFICER, DEPUTY SHERIFF OR APPOINTEE SHALL ABIDE BY AND BE SUBJECT TO THE RULES AND REGULATIONS, PERSONNEL POLICIES, GENERAL ORDERS AND STANDARD OPERATING PROCEDURES OF HIS/HER OWN EMPLOYING AGENCY. IF ANY SUCH RULE, REGULATION, CONTRADICTED, CONTRAVENTED OR OTHERWISE IN CONFLICT WITH A DIRECT ORDER

OF A SUPERIOR OFFICER OF THE REQUESTING AGENCY, THEN SUCH RULE, REGULATION, PERSONNEL POLICY, GENERAL ORDER OR PROCEDURE SHALL CONTROL AND SHALL SUPERSEDE THE DIRECT ORDER.

HANDLING COMPLAINTS: WHENEVER THERE IS CAUSE TO BELIEVE THAT A COMPLAINT HAS RISEN AS A RESULT OF A COOPERATIVE EFFORT AS IT MAY PERTAIN TO THIS AGREEMENT, THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE REQUESTING AGENCY SHALL BE RESPONSIBLE FOR THE DOCUMENTATION OF SAID COMPLAINT TO ASCERTAIN AT A MINIMUM:

1. THE IDENTITY OF THE COMPLAINANT
2. AN ADDRESS WHERE THE COMPLAINING PARTY CAN BE CONTACTED
3. THE SPECIFIC ALLEGATION
4. THE IDENTITY OF THE EMPLOYEES ACCUSED WITHOUT REGARD AS TO AGENCY AFFILIATION.

IF IT IS DETERMINED THAT THE ACCUSED IS AN EMPLOYEE OF THE ASSISTING AGENCY, THE ABOVE INFORMATION, WITH ALL PERTINENT DOCUMENTATION GATHERED DURING THE RECEIPT AND PROCESSING OF THE COMPLAINT, SHALL BE FORWARDED WITHOUT DELAY TO THE AGENCY HEAD OR HIS/HER DESIGNEE OF THE ASSISTING AGENCY FOR ADMINISTRATIVE REVIEW. THE REQUESTING AGENCY MAY CONDUCT A REVIEW OF THE COMPLAINT TO DETERMINE IF ANY FACTUAL BASIS FOR THE COMPLAINT EXISTS AND/OR WHETHER ANY OF THE EMPLOYEES OF THE REQUESTING AGENCY VIOLATED ANY OF THEIR AGENCY'S POLICIES OR PROCEDURES.

SECTION V: LIABILITY

EACH PARTY ENGAGING IN ANY MUTUAL COOPERATION AND ASSISTANCE, PURSUANT TO THIS AGREEMENT, AGREES TO ASSUME RESPONSIBILITY FOR THE ACTS, OMISSIONS, OR CONDUCT OF SUCH PARTY'S OWN EMPLOYEES WHILE ENGAGED IN RENDERING SUCH AID PURSUANT TO THIS AGREEMENT, SUBJECT TO THE PROVISIONS OF SECTION 786.28, FLORIDA, STATE STATUTE, WHERE APPLICABLE.

SECTION VI: POWERS PRIVILEGES, IMMUNITIES AND COSTS

- A. EMPLOYEES OF THE **GROVELAND POLICE DEPARTMENT** AND THE HOWEY IN THE HILLS POLICE DEPARTMENT WHEN ACTUALLY ENGAGING IN MUTUAL COOPERATION AND ASSISTANCE OUTSIDE OF THEIR JURISDICTIONAL LIMITS BUT INSIDE THE STATE, UNDER THE TERMS OF THIS AGREEMENT, SHALL, PURSUANT TO THE PROVISIONS OF SECTION 23.127(1), FLORIDA STATE STATUTE, HAVE THE SAME POWERS, DUTIES, RIGHTS, PRIVILEGES AND IMMUNITIES AS IF THE EMPLOYEE WAS PERFORMING DUTIES INSIDE THE EMPLOYEE'S POLITICAL SUBDIVISION IN WHICH NORMALLY EMPLOYED.
- B. EACH PARTY AGREES TO FURNISH NECESSARY PERSONNEL EQUIPMENT, RESOURCES AND FACILITIES AND TO RENDER SERVICES TO EACH OTHER PARTY TO THIS AGREEMENT AS SET FORTH ABOVE; PROVIDED, HOWEVER, THAT NO PARTY SHALL BE REQUIRED TO DEplete UNREASONABLY ITS OWN PERSONNEL, EQUIPMENT, RESOURCES, FACILITIES AND SERVICES IN FURNISHING SUCH MUTUAL AID.

- C. A POLITICAL SUBDIVISION THAT FURNISHES EQUIPMENT PURSUANT TO THIS AGREEMENT MUST BEAR THE COSTS OF LOSS OR DAMAGE TO THAT EQUIPMENT AND MUST PAY ANY EXPENSES INCURRED IN THE OPERATION AND MAINTENANCE OF THAT EQUIPMENT.
- D. THE AGENCY FURNISHING AID PURSUANT TO THIS AGREEMENT SHALL COMPENSATE ITS APPOINTEES/EMPLOYEES DURING THE TIME SUCH AID IS RENDERED AND SHALL DEFRAY THE ACTUAL TRAVEL AND MAINTENANCE EXPENSES OF ITS EMPLOYEES WHILE THEY ARE RENDERING SUCH AID, INCLUDING ANY AMOUNTS PAID OR DUE FOR COMPENSATIONS DUE TO PERSONAL INJURIES OR DEATH WHILE SUCH EMPLOYEES ARE RENDERING AID PURSUANT TO THIS AGREEMENT. HOWEVER, THE REQUESTING AGENCY MAY COMPENSATE THE ASSISTING AGENCY DURING THE TIME OF THE RENDERING OF SUCH AID AND SHALL DEFRAY THE ACTUAL TRAVEL AND MAINTENANCE EXPENSES OF SUCH EMPLOYEES WHILE THEY ARE RENDERING SUCH AID, INCLUDING ANY AMOUNTS PAID OR DUE FOR COMPENSATION AS A RESULT OF PERSONAL INJURY OR DEATH WHILE SUCH EMPLOYEES ARE RENDERING AID PURSUANT TO THIS AGREEMENT.
- E. THE PRIVILEGES AND IMMUNITIES FROM LIABILITY, EXEMPTION FROM LAWS, ORDINANCES AND RULES, AND ALL PENSION, INSURANCE, RELIEF, DISABILITY, WORKERS' COMPENSATION, SALARY, DEATH AND OTHER BENEFITS THAT APPLY TO THE ACTIVITY OF AN EMPLOYEE OF AN AGENCY WHEN PERFORMING THE EMPLOYEE'S DUTIES WITHIN THE TERRITORIAL LIMITS OF THE EMPLOYEE'S AGENCY APPLY TO THE PERFORMANCE OF THE EMPLOYEE'S DUTIES EXTRA-TERRITORIAL UNDER THE PROVISIONS OF THE MUTUAL AID AGREEMENT. THE PROVISIONS OF THE SECTION SHALL APPLY WITH EQUAL EFFECT, PAID, VOLUNTEER AND AUXILIARY EMPLOYEES.
- F. NOTHING HEREIN SHALL PREVENT THE REQUESTING AGENCY FROM REQUESTING SUPPLEMENTAL APPROPRIATIONS FROM THE GOVERNING AUTHORITY HAVING BUDGETING JURISDICTION TO REIMBURSE THE ASSISTING AGENCY FOR ANY ACTUAL COSTS OR EXPENSES INCURRED BY THE ASSISTING AGENCY PERFORMING HEREUNDER.
- G. NOTHING IN THIS AGREEMENT IS INTENDED OR IS TO BE CONSIDERED AS ANY TRANSFER OR CONTRACTING AWAY OF THE POWER OR FUNCTIONS OF ONE PARTY HERETO TO THE OTHER.

SECTION VII: LIABILITY INSURANCE

EACH PARTY SHALL PROVIDE SATISFACTORY PROOF OF LIABILITY INSURANCE BY ONE OR MORE MEANS SPECIFIED IN SECTION 768.28(16)(a), FLORIDA STATE STATUTE, IN ANY AMOUNT WHICH IS, IN THE JUDGMENT OF THE GOVERNING BODY OF THAT PARTY, AT LEAST ADEQUATE TO COVER THE RISK TO WHICH THAT PARTY MAY BE EXPOSED. SHOULD THE INSURANCE COVERAGE, HOWEVER PROVIDED, OF ANY PARTY BE CANCELLED OR UNDERGOES MATERIAL CHANGE THAT PARTY SHALL NOTIFY ALL PARTIES TO THIS AGREEMENT OF SUCH CHANGE WITHIN TEN (10) DAYS OF RECEIPT OF NOTICE OF ACTUAL KNOWLEDGE OF SUCH CHANGE.

SECTION VIII: FORFEITURE PROVISIONS

- A. IN THE EVENT AN AGENCY SEIZES ANY REAL PROPERTY, VESSEL, MOTOR VEHICLE, AIRCRAFT, CURRENCY OR OTHER REAL PROPERTY PURSUANT TO THE FLORIDA CONTRABAND ACT DURING THE PERFORMANCE OF THIS AGREEMENT, THE AGENCY REQUESTING ASSISTANCE IN THE CASE REQUESTED OPERATIONAL ASSISTANCE OR THE SEIZING AGENCY IN THE CASE OF VOLUNTARY COOPERATION SHALL BE RESPONSIBLE FOR MAINTAINING ANY FORFEITURE ACTION PURSUANT TO CHAPTER 932, FLORIDA STATE STATUTE, THE AGENCY PURSUING THE FORFEITURE ACTION SHALL HAVE THE EXCLUSIVE RIGHT TO CONTROL AND THE RESPONSIBILITY TO MAINTAIN THE PROPERTY IN ACCORDANCE WITH CHAPTER 932, FLORIDA STATE STATUTE, TO INCLUDE, BUT NOT LIMITED TO, THE COMPLETE DISCRETION TO BRING THE ACTION OR TO DISMISS THE ACTION.

- B. IN THE EVENT THE AGENCY PURSUING FORFEITURE OF ANY ASSET(S) AFOREMENTIONED IN PARAGRAPH (A), IS AWARDED THE ASSET(S), UNDER THE FLORIDA CONTRABAND ACT, CHAPTER 932, FLORIDA STATE STATUTE, WHICH WAS SEIZED DURING ACTIVITIES ASSOCIATED WITH THIS AGREEMENT, THE AGENCY'S PARTY TO THIS AGREEMENT SHALL BE SHARE SAID ASSETS IN AN AMOUNT OF FIFTY PERCENT (50%) TO EACH AGENCY, AFTER COMPENSATION IS PAID FOR THE COST INCURRED DURING FORFEITURE PROCEEDING, BY THE AGENCY PURSUING THE FORFEITURE OF SAID ASST(S), UNDER THE FLORIDA CONTRABAND ACT, CHAPTER 932, FLORIDA STATE STATUTE.

SECTION IX: EFFECTIVE DATE

THIS AGREEMENT SHALL TAKE EFFECT UPON AND APPROVAL BY THE HEREINAFTER NAMED OFFICIALS AND SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL JANUARY 31, 2026. UNDER NO CIRCUMSTANCES MAY THIS AGREEMENT BE RENEWED, AMENDED OR EXTENDED EXCEPT IN WRITING AND SIGNED BY ALL PARTIES HERETO.

SECTION X: CANCELLATION

ANY PARTY MAY CANCEL ITS PARTICIPATION IN THIS AGREEMENT UPON DELIVERY OF WRITTEN NOTICE TO THE OTHER PARTY OR PARTIES. CANCELLATION WILL BE AT THE DIRECTION OF ANY SUBSCRIBING PARTY.

IN WITNESS WHEREOF, THE PARTIES ARE SIGNING THIS AGREEMENT ON THE DATE SPECIFIED.

RICK THOMAS
 CHIEF OF POLICE
 HOWEY IN THE HILLS POLICE DEPARTMENT

SHAWN RAMSEY
 CHIEF OF POLICE
 GROVELAND POLICE DEPARTMENT

DATE: _____

DATE: _____

MARTHA MACFARLANE
MAYOR
TOWN OF HOWEY IN THE HILLS

DATE: _____

EVELYN WILSON
MAYOR
CITY OF GROVELAND

DATE: _____

George GIDEON AUCTIONEERS, INC.
P.O. Box 1179 • Zellwood, FL 32798
407/886-2211

Wednesday, July 31, 2024

Sean O'Keefe
Town Manager
Town of Howey-in-the-Hills
101 N Palm Ave
Howey-in-the-Hills, FL 34737

Re: Piggy-Back Agreement - Lake County

Sean O'Keefe:

This letter will serve as authorization for The Town of Howey-in-the-Hills to "Piggy-Back" our Auction contract for "Auction Services" currently in effect between George Gideon Auctioneers, Inc. and Lake County, FL #21-0543B, effective until January 10, 2027, subject to the following:

1. The word "County" in the auction contract and its attachments shall mean the Town of Howey-in-the-Hills;
2. The terms "Procurement Services Officer" and County Manager in the contract shall mean the Town Manager;
3. Under Paragraph 33, notices to the Town should be addressed as follows:

Town Manager
101 North Palm Avenue
Howey-in-the-Hills, Florida 34737

With a copy to:
Town Clerk
101 North Palm Avenue
Howey-in-the-Hills, Florida 34737

4. Paragraph 9A is revised to read as follows:
 - A. Termination for Convenience. This contract may be terminated by the Town upon written notice to the Contractor. Termination takes effect upon receipt of the notice or at such later date as may be specified in the notice of termination. The CONTRACTOR shall be paid for all services provided satisfactorily under the contract as of the date of termination.

We look forward to working with The Town of Howey-in-the-Hills.

If you have any questions, please feel free to contact us.

Sincerely,



Jason Gideon, Sales Manager
George Gideon Auctioneers, Inc.

**CONTRACT FOR
AUCTION SERVICES
RFP #21-0543B**

This is a contract between Lake County, Florida, a political subdivision of the State of Florida (COUNTY), by and through its Board of County Commissioners, and George Gideon Auctioneers, Inc., a Florida corporation (CONTRACTOR).

WITNESSETH:

WHEREAS, the COUNTY publicly submitted Request for Proposal (RFP) #21-0543 seeking firms or individuals qualified to provide auction services; and

WHEREAS, the CONTRACTOR wants to perform such services subject to the terms of this contract; and

WHEREAS, the provision of such services will benefit the parties and the residents of Lake County, Florida.

THEREFORE, the parties hereby agree as follows:

1. The above recitals are true and correct and incorporated in this contract.
2. The purpose of this contract is for the CONTRACTOR to provide auctioneering and related services for the COUNTY (the "Service").

3. **Scope of Services.**

A. On the terms and conditions set forth in this contract, the COUNTY hereby engages the CONTRACTOR to provide all labor, materials and equipment to complete the Service in accordance with the Scope of Services, and any addenda attached and incorporated by reference as **Exhibit A**. It is understood that the Scope of Services may be modified by change order as the Service progresses, but to be effective and binding, any such change order must be in writing, executed by the parties, and in accordance with the COUNTY'S Purchasing Policies and Procedures. A copy of these policies and procedures will be made available to the CONTRACTOR upon request.

B. The CONTRACTOR shall coordinate and work with any other contractors retained by the COUNTY. The CONTRACTOR acknowledges that nothing herein shall be deemed to preclude the COUNTY from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the CONTRACTOR or from independently developing or acquiring materials or programs that are similar to, or competitive with, the services provided under this contract.

4. **Term.**

A. This contract will commence on the date of the last party to sign it. This contract is for an initial one-year term with the option of two subsequent two-year renewals. Any renewal is contingent upon written mutual agreement.

B. The prices set forth in this contract will prevail for the full duration of the contract. Prior to completion of each exercised term, the COUNTY may consider an adjustment to price based on changes as published by the U.S. Department of Labor, Bureau of Labor Statistics. It is the CONTRACTOR'S responsibility to request in writing any pricing adjustment under this provision.

C. All work must be performed in accordance with good commercial practice. The work schedule and completion dates must be adhered to by the CONTRACTOR except in such cases where the completion date will be delayed due to acts of God, strikes, or other causes beyond the control of the CONTRACTOR. In these cases, the CONTRACTOR must notify the COUNTY of the delays in advance of the original completion so that a revised delivery schedule can be appropriately considered by the COUNTY. No additional days will be granted for rain delays.

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

5. **Payment.** This is a revenue generating contract. The CONTRACTOR will accept as full and complete payment for the timely and complete performance of its obligations under this contract a commission as provided in the pricing sheet attached as **Exhibit B**. CONTRACTOR will remit to the COUNTY the remaining auction proceeds within 14 business days after the auction closing date.
6. **Key Personnel.** The CONTRACTOR agrees that each person listed or referenced in the qualifications package shall be available to perform the services described herein for the COUNTY barring illness, accident, or other unforeseeable events of a similar nature in which case the CONTRACTOR must be able to promptly CONTRACTOR a qualified replacement. In the event the CONTRACTOR desires to substitute personnel, the CONTRACTOR shall propose a person with equal or higher qualifications and each replacement person is subject to prior written approval of the COUNTY. In the event the requested substitute is not satisfactory to the COUNTY and the matter cannot be resolved to the satisfaction of the COUNTY, the COUNTY reserves the right to terminate this contract.
7. **E-Verify.** The CONTRACTOR must utilize the U.S. Department of Homeland Security's E-Verify system in accordance with the terms governing use of the system to confirm the employment eligibility of all new persons hired by the CONTRACTOR during the term of this contract. The CONTRACTOR must include in all contracts with subcontractor performing work pursuant to any contract arising from this contract an express requirement that the subcontractor utilize the U.S. Department of Homeland Security's E-Verify system in accordance with the terms governing use of the system to confirm the employment eligibility of all new employees hired by the subcontractor during the term of the contract.
8. **County Responsibilities.** The COUNTY will pay in accordance with the provisions set forth in this contract. The COUNTY retains the right to inspect all work to verify compliance with this contract.
9. **Termination.**
- A. **Termination for Convenience.** This contract may be terminated by the COUNTY upon 30 calendar days' written notice to the CONTRACTOR; but if any work, service or task under this contract is in progress but not completed on the date of termination, then this contract may be extended upon written approval of the COUNTY until the work, service, or task is completed and accepted. In the event this contract is terminated or cancelled upon the request and for the convenience of the COUNTY with the required 30 calendar days' written notice, the COUNTY will reimburse the CONTRACTOR for actual work satisfactorily completed.
- B. **Termination for Cause.** This contract may be terminated by the COUNTY due to the CONTRACTOR'S breach of a material term of this contract, but only after the COUNTY has provided CONTRACTOR with 10 calendar days' written notice for the CONTRACTOR to cure the breach and its failure to do so. If any work, service or task under this contract is in progress but not completed on the date of termination, then this contract may be extended upon written approval of the COUNTY until the work, service, or task is completed and accepted.
- C. **Termination Due to Unavailability of Funds in Succeeding Fiscal Years.** When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, this contract will be terminated and the CONTRACTOR will be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the supplies or services/tasks delivered under this contract.
10. **Assignment of Contract.** This contract may not be assigned except with the written consent of the COUNTY'S Procurement Services Director. No such consent will be construed as making the COUNTY a party to the assignment or subjecting the COUNTY to liability of any kind to any assignee. No assignment will under any circumstances relieve the CONTRACTOR of liability and obligations under this contract and all transactions with the COUNTY must be through the CONTRACTOR. The CONTRACTOR must notify and obtain prior written consent from the COUNTY prior to assignment of this contract as a result of acquisition, sale, or hostile takeover of CONTRACTOR. Any assignment or transfer because of sale, acquisition, or hostile takeover without the prior consent of the COUNTY may result in termination of this contract for default.

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B**11. Insurance.**

A. CONTRACTOR will purchase and maintain at all times during the term of this contract, without cost or expense to the COUNTY, policies of insurance as indicated below, with a company or companies authorized to do business in the State of Florida, and which are acceptable to the COUNTY, insuring the CONTRACTOR against any and all claims, demands, or causes of action, for injuries received or damage to property relating to the performance of duties, services, or obligations of the CONTRACTOR under the terms and provisions of the contract. An original certificate of insurance, indicating that CONTRACTOR has coverage in accordance with the requirements of this section must be received and accepted by the COUNTY prior to contract execution or before any work begins. It will be furnished by CONTRACTOR to the COUNTY'S Project Manager and Procurement Services Director within five working days of such request. The parties agree that the policies of insurance and confirming certificates of insurance will insure the CONTRACTOR in accordance with the following minimum limits:

- i. General Liability insurance on forms no more restrictive than the latest edition of the Occurrence Form Commercial General Liability policy (CG 00 01) of the Insurance Services Office or equivalent without restrictive endorsements, with the following minimum limits and coverage:

Each Occurrence/General Aggregate	\$1,000,000/2,000,000
Products-Completed Operations	\$2,000,000
Personal & Adv. Injury	\$1,000,000
Fire Damage	\$50,000
Medical Expense	\$5,000
Contractual Liability Included	

- ii. Automobile liability insurance, including owned, non-owned, and hired autos with the minimum Combined Single Limit of \$1,000,000
- iii. Workers' compensation insurance based on proper reporting of classification codes and payroll amounts in accordance with Chapter 440, Florida Statutes, and any other applicable law requiring workers' compensation (Federal, maritime, etc.). If not required by law to maintain workers compensation insurance, the CONTRACTOR must provide a notarized statement that if he or she is injured, he or she will not hold the COUNTY responsible for any payment or compensation.
- iv. Employers Liability with the following minimum limits and coverage:
- | | |
|-----------------------|-------------|
| Each Accident | \$1,000,000 |
| Disease-Each Employer | \$1,000,000 |
| Disease-Policy Limit | \$1,000,000 |
- v. Professional liability and specialty insurance (medical malpractice, engineers, architect, CONTRACTOR, environmental, pollution, errors and omissions, etc.) as applicable, with minimum limits of \$1,000,000 and annual aggregate of \$2,000,000.

B. Lake County, a Political Subdivision of the State of Florida, and the Board of County Commissioners, will be named as additional insured as their interest may appear all applicable policies. Certificates of insurance must identify the RFP or ITB number in the Description of Operations section on the Certificate.

C. CONTRACTOR must provide a minimum of thirty (30) days prior written notice to the COUNTY of any change, cancellation, or nonrenewal of the required insurance.

D. Certificates of insurance must evidence a waiver of subrogation in favor of the COUNTY, that coverage must be primary and noncontributory, and that each evidenced policy includes a Cross Liability or Severability of Interests provision, with no requirement of premium by the COUNTY.

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

E. CONTRACTOR must provide a copy of all policy endorsements, reflecting the required coverage, with Lake County listed as an additional insured along with all required provisions to include waiver of subrogation. Contracts cannot be completed without this required insurance documentation. A certificate of insurance (COI) will not be accepted in lieu of the policy endorsements.

F. Certificate holder must be:

LAKE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND THE BOARD
OF COUNTY COMMISSIONERS.
P.O. BOX 7800
TAVARES, FL 32778-7800

G. All self-insured retentions will appear on the certificates and will be subject to approval by the COUNTY. At the option of the COUNTY, the insurer will reduce or eliminate such self-insured retentions; or CONTRACTOR will be required to procure a bond guaranteeing payment of losses and related claims expenses.

H. The COUNTY will be exempt from, and in no way liable for, any sums of money, which may represent a deductible or self-insured retention in any insurance policy. The payment of such deductible or self-insured retention will be the sole responsibility of the CONTRACTOR or subcontractor providing such insurance.

I. CONTRACTOR will be responsible for subcontractors and their insurance. Subcontractor are to provide Certificates of Insurance to the COUNTY evidencing coverage and terms in accordance with the CONTRACTOR'S requirements.

J. Failure to obtain and maintain such insurance as set out above will be considered a breach of contract and may result in termination of the contract for default.

K. Neither approval by the COUNTY of any insurance supplied by CONTRACTOR, nor a failure to disapprove that insurance, will relieve CONTRACTOR of full responsibility of liability, damages, and accidents as set forth herein.

12. **Indemnity.** The CONTRACTOR will indemnify and hold the COUNTY and its agents, officers, commissioners and employees harmless for any damages resulting from failure of the CONTRACTOR to take out and maintain the above insurance. Additionally, the CONTRACTOR agrees to indemnify, and hold the COUNTY, its agents, officers, commissioners, and employees, free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities resulting from the negligent act, error or omission of the CONTRACTOR, its agents, employees or representative, in the performance of the CONTRACTOR'S duties as set forth in this contract.

13. **Independent Contractor.** CONTRACTOR, and all its employees, agree that they will be acting as an independent CONTRACTOR and will not be considered or deemed to be an agent, employee, or partner of, or in a joint venture with, the COUNTY. CONTRACTOR will have no authority to contract for or bind the COUNTY in any manner and will not represent itself as an agent of the COUNTY or as otherwise authorized to act for or on behalf of the COUNTY. Additionally, CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for CONTRACTOR to solicit or secure this contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for CONTRACTOR any fee, commission, percentage, gift, or other consideration contingent upon on resulting from the award or making of this contract.

14. **Public Entity Crimes.** A person or affiliate who has been placed on the convicted vendor list following a conviction of a public entity crime may not be awarded or perform work as a contractor, supplier, subcontractor, or CONTRACTOR under a contract with any public entity in excess of the threshold amount provided in Florida Statutes, Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

15. **Conflict of Interest.** The CONTRACTOR agrees that it will not engage in any action that would create a conflict of interest in the performance of its obligations pursuant to this contract, or which would violate or cause others to violate

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government. Further, the CONTRACTOR hereby certifies that no officer, agent, or employee of the COUNTY has any material interest either directly or indirectly in the business of the CONTRACTOR conducted here and that no such person may have any such interest at any time during the term of this contract unless approved by the COUNTY.

16. **Retaining Other Contractors.** Nothing in this contract will be deemed to preclude the COUNTY from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the CONTRACTOR or from independently developing or acquiring materials or programs that are similar to, or competitive with, the services provided under this contract.

17. **Accuracy.** The CONTRACTOR is responsible for the professional quality, technical accuracy, timely completion and coordination of all the services furnished under this contract. The CONTRACTOR will, without additional compensation, correct or revise any errors, omissions or other deficiencies in resulting from the services provided in this contract.

18. **Additional Services.** Services not specifically identified in this contract may be added to the contract upon execution of a written amendment. The COUNTY reserves the right to award any additional services to the CONTRACTOR or to acquire the items from another vendor through a separate solicitation.

19. **Right to Audit.**

A. The COUNTY reserves the right to require the CONTRACTOR to submit to an audit, by any auditor of the COUNTY'S choosing. The CONTRACTOR will provide access to all of its records, which relate directly or indirectly to this contract at its place of business during regular business hours. The CONTRACTOR will retain all records pertaining to this contract and upon request make them available to the COUNTY for three (3) complete calendar years following expiration of the contract. The CONTRACTOR agrees to provide such assistance as may be necessary to facilitate the review or audit by the COUNTY to ensure compliance with applicable accounting and financial standards.

B. If an audit inspection or examination pursuant to this section discloses overpricing or overcharges of any nature by the CONTRACTOR to the COUNTY in excess of one percent (1%) of the total contract billings, in addition to making adjustments for the overcharges, the reasonable actual cost of the COUNTY'S audit must be reimbursed to the COUNTY by the CONTRACTOR. Any adjustments or payments which must be made as a result of any such audit or inspection of the CONTRACTOR'S invoices or records must be made within a reasonable amount of time, but in no event may the time exceed 90 calendar days, from presentation of the COUNTY'S audit findings to the CONTRACTOR.

20. **Public Records.**

A. All electronic files, audio and video recordings, and all papers pertaining to any activity performed by the CONTRACTOR for or on behalf of the COUNTY will be the property of the COUNTY and will be turned over to the COUNTY upon request. In accordance with Chapter 119, Florida Statutes, each file and all papers pertaining to any activities performed for or on behalf of the COUNTY are public records available for inspection by any person even if the file or paper resides in the CONTRACTOR'S office or facility. The CONTRACTOR will maintain the files and papers for not less than three complete calendar years after the Service has been completed or terminated, or in accordance with any grant requirements, whichever is longer. Prior to the close out of the contract, the CONTRACTOR will appoint a records custodian to handle any records request and provide the custodian's name and telephone numbers to the COUNTY'S Project Manager.

B. Pursuant to Section 119.0701, Florida Statutes, CONTRACTOR will comply with the Florida Public Records' laws, and will:

- i. Keep and maintain public records required by the COUNTY to perform the services identified herein.

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

- ii. Upon request from the COUNTY'S custodian of public records, provide the COUNTY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided for by law.
- iii. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the CONTRACTOR does not transfer the records to the COUNTY.
- iv. Upon completion of the contract, transfer, at no cost, to the COUNTY all public records in possession of the CONTRACTOR or keep and maintain public records required by the COUNTY to perform the service. If CONTRACTOR transfers all public records to the COUNTY upon completion of the contract, CONTRACTOR will destroy any duplicate public records that are exempt, or confidential and exempt, from public records disclosure requirements. If CONTRACTOR keeps and maintains public records upon completion of the contract, CONTRACTOR will meet all applicable requirements for retaining public records. All records stored electronically must be provided to the COUNTY, upon request from the COUNTY'S custodian of public records, in a format that is compatible with the information technology systems of the COUNTY.

C. IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT LAKE COUNTY OFFICE OF PROCUREMENT SERVICES, 315 WEST MAIN STREET, P.O. BOX 7800, TAVARES, FL 32778 OR AT 352-343-9424 OR VIA EMAIL AT PURCHASING@LAKECOUNTYFL.GOV.

D. Failure to comply with this subsection will be deemed a breach of the contract and enforceable as set forth in Section 119.0701, Florida Statutes.

21. **Force Majeure.** The parties will exercise every reasonable effort to meet their respective obligations under this contract, but will not be liable for delays resulting from force majeure or other causes beyond their reasonable control, including, but not limited to, compliance with any Government law or regulation, acts of nature, acts or omissions of the other party, Government acts or omissions, fires, strikes, national disasters, pandemic, wars, riots, transportation problems and any other cause whatsoever beyond the reasonable control of the parties. Any such cause will extend the performance of the delayed obligation to the extent of the delay so incurred.

22. **License.** The CONTRACTOR must remain appropriately licensed throughout the course of the Service. If the CONTRACTOR employs the services of a subcontractor, the CONTRACTOR must ensure that any subcontractor is appropriately licensed throughout the course of the Service. Failure to maintain all required licenses will entitle the COUNTY, at its option, to terminate this contract.

23. **Applicable Law.** This contract is made under, and in all respects will be interpreted, construed, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this contract will lie solely in Lake County, Florida. The CONTRACTOR hereby waives its right to a jury trial for any action arising from this contract. Arbitration will not be used as a means of dispute resolution.

24. The captions utilized in this contract are for the purposes of identification only and do not control or affect the meaning or construction of any of the provisions of this contract.

25. This contract will be binding upon and will inure to the benefit of each of the parties and of their respective successors and permitted assigns.

CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

26. This contract may not be amended, released, discharged, rescinded or abandoned, except by a written instrument duly executed by each of the parties.
27. The failure of any party at any time to enforce any of the provisions of this contract will in no way constitute or be construed as a waiver of such provision or of any other provision of this contract, nor in any way affect the validity of, or the right to enforce, each and every provision of this contract.
28. The CONTRACTOR must comply with all Federal, State and local laws, rules and regulations.
29. Any individual, corporation, or other entity that attempts to meet its contractual obligations with the COUNTY through fraud, misrepresentation or material misstatement, may be debarred for up to five years. The COUNTY as a further sanction may terminate or cancel any other contracts with such individual, corporation, or entity. Such individual or entity will be responsible for all direct or indirect costs associated with termination or cancellation, including attorney's fees.
30. With the consent of the CONTRACTOR, other agencies may make purchases in accordance with the contract. Any such purchases will be governed by the same terms and conditions as stated in this contract. Although this contract is specific to a department of the COUNTY, it is agreed and understood that any department of the COUNTY may avail itself of this contract and purchase any and all items specified in this contract at the contract prices established in this contract. A contract modification will be issued by the COUNTY identifying the requirements of the additional COUNTY departments.
31. The CONTRACTOR will be the prime CONTRACTOR for all required items and services and will assume full responsibility for the procurement and maintenance of such items and services. The CONTRACTOR will be considered the sole point of contact with regards to all stipulations, including payment of all charges and meeting all requirements of this contract. All subcontractors will be subject to advance review by the COUNTY in terms of competency and security concerns. No change in subcontractors may be made without consent of the COUNTY. The CONTRACTOR will be responsible for all insurance, permits, licenses and related matters for any and all subcontractors. Even if the subcontractors are self-insured, the COUNTY may require the CONTRACTOR to provide any insurance certificates required by the work to be performed.
32. The invalidity or unenforceability of any particular provision of this contract will not affect the other provisions of this contract, and this contract must be construed in all respects as if such invalid or unenforceable provisions were omitted.
33. Wherever provision is made in this contract for the giving, service, or delivery of any notice, statement or other instrument, such notice must be in writing and will be deemed to have been duly given, served, and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

If to the CONTRACTOR:

George Gideon Auctioneers, Inc.
P.O. Box 1179
Zellwood, FL 32798

If to the COUNTY:

County Manager
Lake County Administration Building
315 West Main Street, Suite 308
Post Office Box 7800
Tavares, Florida 32778-7800

With a copy to:
County Attorney
Lake County Administration Building
315 West Main Street, Suite 335
Post Office Box 7800
Tavares, Florida 32778-7800

34. Each party may change its mailing address by giving to the other party, by hand delivery, United States registered or certified mail, notice of election to change such address.


CONTRACT FOR AUCTION SERVICES, RFP # 21-0543B

35. **Scope of Contract.** This contract is intended by the parties to be the final expression of their agreement, and it constitutes the full and entire understanding between the parties notwithstanding any representations, statements, or contracts to the contrary previously made. Any items not covered under this contract will need to be added via written addendum, and pricing negotiated based on final specifications. This contract contains the following attachments, all of which are incorporated in this contract:

- Exhibit A Scope of Services
- Exhibit B Pricing

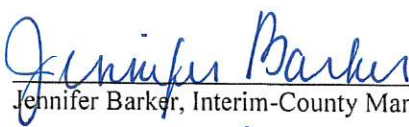
IN WITNESS WHEREOF, the parties through their authorized representatives have signed this contract on the dates under each signature.

GEORGE GIDEON AUCTIONEERS, INC.

By: 

 George Gideon, President
 License # AU672
 This 5th day of January, 2022

LAKE COUNTY, FLORIDA, through its
INTERIM COUNTY MANAGER



 Jennifer Barker, Interim-County Manager
 This 10 day of January, 2022

Approved as to form and legality:



 Melanie Marsh, County Attorney

EXHIBIT A – SCOPE OF SERVICES**21-0543****AUCTION SERVICES****1. SCOPE OF SERVICES**

AUCTIONEER (Contractor) shall:

- 1.1. Be licensed as an Auctioneer by the State of Florida,
- 1.2. Be a licensed dealer to sell titled vehicles in the State of Florida,
 - 1.2.1. Be responsible for title transfers and all requirements of the State of Florida,
 - 1.2.2. Possession of an Auctioneer Surety Bond or, License and Permit Bond,
- 1.3. Comply with all applicable local, state, and federal laws and regulations,
- 1.4. Sell property to the highest responsible bidder,
- 1.5. Dispose of unsold items,
 - 1.5.1. There shall be no cost to the County for any disposition,
- 1.6. Perform all tasks relating to auction services including but not limited to:
 - 1.6.1. Presale advertising/marketing,
 - 1.6.2. Consolidation and arrangement of items in the best sale order,
 - 1.6.3. Tag and assign lot numbers,
 - 1.6.4. Register bidders,
 - 1.6.5. Conduct and monitor auctions,
 - 1.6.6. Issue receipts for payments.
- 1.7. Maintain records and reports considered necessary by the County, other than those routinely provided by the Contractor;
 - 1.7.1. Reports shall provide information electronically on the sold items including a description of the item, sale price, related expenses, commission rate, and the total revenue to the County;
 - 1.7.2. Submit a sample report that supports this information;
- 1.8. Keep records of all financial matters pertaining to auctions in accordance with generally accepted accounting principles;
 - 1.8.1. Financial records shall be available to the County or any other governmental agency with jurisdiction for audit, as such reasonable times and places as the County shall designate.
- 1.9. Maintain a mailing list of prospective buyers and mail/e-mail information on a regular basis to the prospective buyers to ensure interest in the process and to ensure participation from a wide variety of persons;
- 1.10. Maintain an active website and post auction information or brochures with a sales schedule, if applicable, on said website;
- 1.11. Include County's items on Contractor's website;
- 1.12. Coordinate with the Fixed Assets/Surplus Specialists timely pick up/transport of surplus.

EXHIBIT A – SCOPE OF SERVICES**21-0543****AUCTION SERVICES**

- 1.12.1. ALL surplus shall be removed from County property. No auctions on County property. No bidders/buyers on County property.
 - 1.12.2. Be responsible for items once removed from County location(s).
 - 1.12.3. Services shall include, but not be limited to, loading, unloading, transporting property to the auction site, and temporary storage.
 - 1.12.4. Require all staff have identification in the form of a company logo shirt, badge, or vest when on County property.
 - 1.13. Provide training and instruction to County staff pertaining to the implementation of the auction process at no cost.
- 2. CONTRACTOR'S RESPONSIBILITIES.**
- 2.1. Pick up surplus from County location(s).
 - 2.1.1. Primary locations:
 - 2.1.1.1. Facilities Warehouse: 32400 County Road 473, Leesburg 34788
 - 2.1.1.2. Fleet Facility: 20423 Independence Blvd., Groveland 34736
 - 2.1.2. Other County locations as in the best interest of the County.
 - 2.1.3. Surplus items shall be picked up from County locations within ten (10) business days.
 - 2.2. Provide an auction site within an eighty (80) mile radius of the County's Facility Warehouse to ensure residents of the County attendance without undue travel.
 - 2.2.1 Depending on size, store all items under roof and in-doors and/or a secured area
 - 2.3. Be open and available to the public per the County's policy for sale of surplus items with no admission fees, access charges or bid deposits.
 - 2.4. Surplus items must be online and available for auction within thirty (30) days of receipt of surplus items.
- 3. COUNTY RESPONSIBILITIES.**
- 3.1. Notify Auctioneer when surplus is ready
 - 3.2. Identify location of surplus
 - 3.3. Provide an inventory of surplus.
- 4. MISCELLANEOUS**
- 4.1. Auctions conducted on behalf of the County shall charge no buyer's premium.
 - 4.2. Commission rates shall be as a percentage of the gross sales.
 - 4.3. Commissions shall include all costs associated with the auction activities including, but not limited to, printing and mailing/e-mailing of auction brochures, newspaper advertising, trade

EXHIBIT A – SCOPE OF SERVICES**21-0543****AUCTION SERVICES**

magazine advertisements, electronic advertisements, bidder registration forms, collection, transportation, storage, and conducting the auction.

4.4. Provide rates for the following categories:

4.4.1. All titled items.

4.4.2. All non-titled items, including, but not limited to, motorized items such as tractors, mowers, generators, welders.

4.4.3. All office furniture and equipment, small tools, electronic and miscellaneous equipment, and items.

4.4.4. All Heavy Equipment items.

4.4.4.1. Some heavy equipment may be taken to separate auctions as deemed in the best interest of the County.

4.4.5. All items sold at auction will be sold “AS IS, WHERE IS”. County will not warrant condition, merchantability or fitness of items sold at auction. This information shall be made a part of the auction advertisement, posted in sales areas, and made available to the general public upon request.

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REAL FLORIDA • REAL CLOSE
Office of Procurement Services

P.O. Box 7800 • 315 W. Main St., Suite 441 • Tavares, FL 32778

SOLICITATION: Auction Services

08/16/2021

Vendors are responsible for the receipt and acknowledgement of all addenda to a solicitation. Confirm acknowledgement by including an electronically completed copy of this addendum with submittal. Failure to acknowledge each addendum may prevent the submittal from being considered for award.

THIS ADDENDUM DOES NOT CHANGE THE DATE FOR RECEIPT OF PROPOSALS.

QUESTIONS/RESPONSES

- Q1. Section 1.12.1 states “ALL surplus shall be removed from County property. No auctions on County property. No bidders/buyers on County property”. In our experience there have been the rare times that certain items which are not advantageous for the county or vendor to move to their facility (very large equipment, boats, fill dirt, etc.). In those rare instances can the item(s) be sold on County property?
All surplus shall be removed from County property to be auctioned. With prior County Project Manager permission, heavy equipment may be left on County property during the auction and picked up within thirty (30) days after the auction closes by the buyer if accompanied by Contractor. County reserves the right to charge a storage fee after the initial thirty (30) day period. Contractor shall be responsible to any damage done to County property during pick up.
- Q2. Section 1.12.3 states that “Services shall include, but not be limited to, loading, unloading, transporting property to the auction site, and temporary storage”. If items are driven via a dealers/transporters tag on the road will the same insurance limits of \$1,000,000 be required on the dealers/transporter’s tags to properly insure the county should anything happen? And who is responsible for County property if contract Auctioneer drives vehicles to their facility and damage them or get in an accident along the way? Or will all items have to be transported via towing to negate any transportation damages or accident liability?
Exhibit B – Insurance Requirements auto liability remains as described regardless if transported via dealer tag or not. Contractor is responsible to ensure any subcontractor complies with the County’s limit requirements.
- Q3. For items at the county facility that need to be loaded onto a truck via forklift, will the county load said items with a forklift?
Yes, by authorized County forklift drivers only.
- Q4. As per 2.2.1 “Depending on size, store all items under roof and in-doors and/or a secured area” does this mean that all items such as office furniture, electronics, and other items that maybe depreciated rapidly by being in the open elements **MUST** be stored in a safe place out of the elements?

ADDENDUM NO. 1

21-0543

Yes. Contractor shall protect the value of all items so the County receives the best possible price.

- Q5. As per 2.3 “Be open and available to the public per the County’s policy for sale of surplus items with no admission fees, access charges or bid deposits”. Does this extend to all Auctions (Live and On-Line) that are conducted by the Vendor? And can a bid deposit be required if a customer has been delinquent and not paid with regards to payments in the past?

This extends to all auctions conducted. A bid deposit may be allowed based on existing customer’s past delinquencies.

- Q6. As per 4.1 “Auctions conducted on behalf of the County shall charge no buyer’s premium”. Does this include any fees such as credit card processing fees? Or OnLine purchasing fees?

Yes.

- Q7. Does the County currently lease any vehicles that wouldn’t be offered for Auction?

Yes. The County’s light duty fleet is mostly leased and will not be disposed of through this contract.

- Q8. Must the contractor submit sales tax to the State on the County’s behalf?

Contractor is responsible to submit all sales tax to the State on the County’s behalf.

- Q9. On the pricing sheet it asks for the rate for:

- Pickup of items (load) less than 3/4 ton
- Pickup of items (load) 3/4 to one ton
- Pickup of items (load) greater than one ton

But we were under the impression that the contractor furnishes the transportation services included within the commission charged to the county, was this a typo?

Contractor is responsible to transport items at no additional cost to the County.

- Q10. Under the insurance requirements #5, is it a necessary requirement? We sell for 70+ Government Agencies that do not require errors and omission policies. Can it be omitted?

Professional Liability and specialty insurances are not required.

This sentence:

Professional liability and specialty insurance (medical malpractice, engineers, architect, consultant, environmental, pollution, errors and omissions, etc.) insurance as applicable, with minimum limits of \$1,000,000 and annual aggregate of \$2,000,000.

shall be removed from Exhibit B – Insurance Requirements.

- Q11. As an online auctioneer, we do not possess an Auctioneer’s license for the State of FL, although we regular sell titled vehicles, we are not licensed within the State of FL, we do not provide title transfer services, we do not have an Auctioneer Surety Bond or Licenses and Permit Bond, we do not dispose of unsold items but they may be relisted at no charge, the way we operate surplus is kept on your property and buyers pick it up once they pay, and we do not pick up surplus as it is kept on your property. Can these requirements be omitted?

No. These requirements remain as part of the solicitation requirements.

ADDENDUM NO. 1

21-0543

ACKNOWLEDGEMENT

Firm Name: George Gideon Auctioneers Inc.

I hereby certify that my electronic signature has the same legal effect as if made under oath; that I am an authorized representative of this vendor and/or empowered to execute this submittal on behalf of the vendor.

Signature of Legal Representative Submitting this Bid: *George Gideon*

Date: 8/19/2021

Print Name: George Gideon

Title: President

Primary E-mail Address: george@ggauctions.com

Secondary E-mail Address: admin@ggauctions.com

ADDENDUM NO. 2

21-0543



REAL FLORIDA · REAL CLOSE
Office of Procurement Services

P.O. Box 7800 • 315 W. Main St., Suite 441 • Tavares, FL 32778

SOLICITATION: Auction Services

08/20/2021

Vendors are responsible for the receipt and acknowledgement of all addenda to a solicitation. Confirm acknowledgement by including an electronically completed copy of this addendum with submittal. Failure to acknowledge each addendum may prevent the submittal from being considered for award.

THIS ADDENDUM DOES NOT CHANGE THE DATE FOR RECEIPT OF PROPOSALS.

QUESTIONS/RESPONSES

Q1. Under Section 4.1 in the Scope of Services, it is stated that auctions conducted on behalf of the County shall charge no buyers premium. If it is proven that charging a buyer's premium, in addition to, or in lieu of a seller's premium, will in no way negatively impact, and even positively impact, the values of the items sold and therefore bring more taxpayer value to Lake County, will the County consider that type of proposal?

No. Exhibit A – Scope of Work stands as written.

Q2. Noticed when filling out the pricing sheet, some of the boxes only allow numbers and some only allow currency. I tried to put a % and a decimal in one box and it won't allow it.

A revised Attachment 2 – Pricing Sheet has been uploaded to the website and the cells from line items 1-10 have been updated to “General” to allow of the percentage and decimal points to be used if necessary.

ACKNOWLEDGEMENT

Firm Name: George Gideon Auctioneers Inc.

I hereby certify that my electronic signature has the same legal effect as if made under oath; that I am an authorized representative of this vendor and/or empowered to execute this submittal on behalf of the vendor.

Signature of Legal Representative Submitting this Bid: *George Gideon*

Date: 8/23/2021

Print Name: George Gideon

Title: President

Primary E-mail Address: george@ggauctions.com

Secondary E-mail Address: admin@ggauctions.com

Type Your Firm's Name Here

SAVE AND SUBMIT AS AN EXCEL FILE

The Contractor will furnish all labor, materials, tools, transportation and equipment necessary to provide services to County. Services will be performed in accordance with specifications listed and implied.

Alterations to locked cells may result in disqualification of submission.

ITEM #	ITEM DESCRIPTION	RATE
1	Titled items:	*12.5%
2	Non-titled, motorized items including, but not limited to, tractors, mowers, generators, and welders	*15%
3	Office furniture and equipment including, but not limited to, small tools, electronic and miscellaneous equipment and items	*40%
4	Heavy equipment items	*15%
5	Pickup of items (load) less than 3/4 ton	0
6	Pickup of items (load) 3/4 to one ton	0
7	Pickup of items (load) greater than one ton	0

ITEM #	MISCELLANEOUS FEES and JUSTIFICATION	RATE
8	*fee adjustments for any agency outside of Lake County may apply	
9		
10		

PHYSICAL AUCTION SITE ADDRESS

2753 N Hwy 441 Zellwood, FL 32798

PROVIDE THE FOLLOWING SIZING:	
WAREHOUSE (Square Feet)	YARD - (Acres)
8000	13

Lake County is exempt from all taxes (Federal, State, Local). A Tax Exemption Certificate will be furnished upon request for any direct purchasing. Contractor will be responsible for payment of taxes.

This is an indefinite quantity contract with no guarantee use of services. The County does not guarantee a dollar amount to be expended on any contract resulting from this solicitation.

Type Your Firm's Name Here

Item 6.

SAVE AND SUBMIT AS AN EXCEL FILE

The Contractor will furnish all labor, materials, tools, transportation and equipment necessary to provide services to County. Services will be performed in accordance with specifications listed and implied.

Alterations to locked cells may result in disqualification of submission.

ITEM #	ITEM DESCRIPTION	RATE
1	Titled items:	*12.5%
2	Non-titled, motorized items including, but not limited to, tractors, mowers, generators, and welders	*15%
3	Office furniture and equipment including, but not limited to, small tools, electronic and miscellaneous equipment and items	*40%
4	Heavy equipment items	*15%
5	Pickup of items (load) less than 3/4 ton	0
6	Pickup of items (load) 3/4 to one ton	0
7	Pickup of items (load) greater than one ton	0

ITEM #	MISCELLANEOUS FEES and JUSTIFICATION	RATE
8	*fee adjustments for any agency outside of Lake County may apply	
9		
10		

PHYSICAL AUCTION SITE ADDRESS

2753 N Hwy 441 Zellwood, FL 32798

PROVIDE THE FOLLOWING SIZING:

WAREHOUSE (Square Feet)	YARD - (Acres)
8000	13

Lake County is exempt from all taxes (Federal, State, Local). A Tax Exemption Certificate will be furnished upon request for any direct purchasing. Contractor will be responsible for payment of taxes.

This is an indefinite quantity contract with no guarantee use of services. The County does not guarantee a dollar amount to be expended on any contract resulting from this solicitation.



July 29, 2024
 Mr. Cody Menacof
 Bureau Chief Office of Criminal Justice Grants
 Florida Department of Law Enforcement
 P.O. Box 1489
 Tallahassee, FL 32302-1489

RE: Approval of grant allocation amounts by a majority (51%) of applicant agencies

Dear Mr. Menacof,

In compliance with State of Florida Rule 11D-9, Florida Administrative Code, The Lake County Board of County Commissioners approves the distribution of \$107,450 of Federal Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG-Countywide) funds for the following projects within Lake County:

Name of Organization	Project	Amount Awarded
Town of Astatula	Traffic Unit Upgrades	\$4,635
City of Clermont	Digital Surveillance Equipment	\$9,608
City of Eustis	Physical Fitness Equipment	\$7,721
City of Fruitland Park	Police Equipment	\$3,635
City of Groveland	Radar Signs	\$5,595
Town of Howey in the Hills	Police Equipment	\$11,371
Town of Lady Lake	Load Bearing Vest Carriers	\$5,300
Lake County Board of County Commissioners	Negotiation Team Training	\$35,423
City of Leesburg	Faraday Cabinets	\$10,945
City of Mascotte	Police Storage and Equipment	\$4,690
City of Mount Dora	Less Lethal Shotguns	\$5,600
City of Tavares	Not applying this year	0
City of Umatilla	Statutes and Stetsons	\$2,927
	TOTAL	\$107,450

Sincerely,

Martha MacFarlane, Mayor

Town of Howey-in-the-Hills

Howey-in-the-Hills, Florida 34737

Post Office Box 128

Telephone (352) 324-2290

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301 East Pine Street, Suite 1400, Orlando, Florida 32801 | T 407.843.8880 | F 407.244.5690

MEMORANDUM

TO: Town Council, Town of Howey-in-the-Hills
FROM: Tom Wilkes, Town Attorney
DATE: July 17, 2024
SUBJECT: Readoption of Comprehensive-Plan Amendments

The Florida Department of Commerce has informed the Town that, because of a technical statutory deadline, the Town must readopt the amendments approved last month by Town Council to the Future Land Use Element of the Comprehensive Plan. I have advised the Town Clerk and the Town Manager to re-agenda a comp-plan readoption ordinance for both a first and second reading. Here is why:

When a city or county adopts amendments to its comprehensive plan, paragraph 163.3184(3)(c)2 of Florida Statutes requires the city or county to transmit the final amendments to the Department of Commerce for its review. The statute says the city or county must transmit the approved amendments within ten working days after the public hearing at which the comp-plan amendments are enacted.

The Town Council voted to approve the comp-plan amendments on June 24. Under the statute, the deadline to transmit to the Department was July 9. The amendments were sent on July 12, three days late.

Our Town Clerk has the refreshing habit of moving things along timely. He and I were not aware of the ten-day deadline. Normally, that would be of no consequence. John would have mailed the amendments within two or three working days of the adoption hearing.

John had departed on vacation, however, on June 17 and did not return to the office until July 1. With the backlog of stuff awaiting him, he got the comp-plan amendments into the mail on July 12, three days late. These things happen.

My recommendation is that the Town Council enact a new ordinance readopting the comp-plan amendments. The council can readopt the amendments after two readings, on July 22 and August 12. We can then transmit the amendments timely to the Department and get on with the related LDC amendments. The seven-week delay in finalizing the amendments should be of no consequence.

Please call if you have questions.

CC: Town Manager
Town Clerk
Town Planner

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.

ORDINANCE NO. 2024-009

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO COMPREHENSIVE PLANNING; AMENDING THE FUTURE LAND USE ELEMENT (FLUE) OF THE TOWN’S ADOPTED COMPREHENSIVE PLAN PURSUANT TO SECTION 163.3184 OF FLORIDA STATUTES; DESCRIBING THE ANALYSIS AND REEVALUATION UNDERTAKEN BY TOWN COUNCIL REGARDING RESIDENTIAL DENSITIES AND LOT SIZES IN POST-2010 RESIDENTIAL DEVELOPMENT IN THE TOWN; AMENDING CERTAIN FLUE POLICIES AND TABLES (i) TO MODIFY THE REQUIREMENTS IN THE “VILLAGE TOWN CENTER” AND “MEDIUM DENSITY RESIDENTIAL” LAND-USE DESIGNATIONS REGARDING DWELLING UNITS PER ACRE, LOT SIZES, MAXIMUM BUILDING HEIGHTS, OPEN-SPACE REQUIREMENTS, AND PARKS AND RECREATION REQUIREMENTS AND (ii) TO ADD A LAND-USE DESIGNATION FOR HIGH-DENSITY RESIDENTIAL DEVELOPMENT; AMENDING OTHER RELATED REQUIREMENTS FOR THOSE LAND-USE DESIGNATIONS; PROVIDING CONFORMING CHANGES; AMENDING POLICY 1.2.6 OF THE FUTURE LAND USE ELEMENT TO LIMIT THE AREAS WHERE THE TOWN MAY ALLOW RESIDENTIAL DEVELOPMENT ON LOTS SMALLER THAN ONE-FOURTH ACRE (10,890 SQ. FT.); REPEALING AND SUPERCEDING ORDINANCE 2023-013; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

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

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

Note: Red text shows change made after 2-26-2024 transmittal hearing.

- 1 (4) The consensus on Town Council, at the Planning and Zoning Board, and among Town
 2 residents was that the increased densities and smaller lot sizes are inconsistent with the
 3 development pattern, character, and ambiance of the Town’s historical neighborhoods. For
 4 that reason, the Town Council determines that adjustment of density and open-space
 5 requirements in the Future Land Use Element of the Town’s adopted Comprehensive Plan is
 6 justified and desirable.
 7
- 8 (5) Under Section 163.3184 of the Florida Statutes, on February 26, 2024, the Town approved
 9 the transmittal to the Florida Department of Commerce and other required review agencies of
 10 the proposed amendments to the Future Land Use Element. After it received responsive
 11 comments from the Florida Department of Commerce the Town held a second public hearing
 12 on June 24, 2024, and enacted Ordinance 2023-013, adopting the comprehensive-plan
 13 amendments.
 14
- 15 (6) To ensure compliance with the 10-day deadline in subparagraph 163.3184(3)(c)2 of Florida
 16 Statutes, the Town Council repeals herewith its Ordinance 2023-013 and replaces and
 17 supersedes it with the enactment of this Ordinance 2024-009, readopting the comprehensive-
 18 plan amendments in Attachment A.
 19
- 20 (7) The Town Council has determined that it is in the interest of the citizens, residents, and
 21 property owners of the Town to adopt the proposed amendments to the Future Land Use
 22 Element of the Town’s adopted Comprehensive Plan.
 23

24 **Section 2. Adoption of Amendments to the Future Land Use Element.** The amendments to
 25 the Future Land Use Element of the Town’s adopted Comprehensive Plan, as contained in
 26 **Attachment A** to this ordinance with the underscore and strike-through format, are hereby
 27 approved and adopted by the Town Council. Text in red indicates changes made by Town
 28 Council after the transmittal hearing held on February 26, 2024.

29
 30 **Section 3. Codification.** The amendments to the Future Land Use Element are hereafter part of
 31 the Town’s adopted Comprehensive Plan and are to be codified and posted on the Town’s
 32 website accordingly. Goals, objectives, and policies of the Future Land Use Plan may be
 33 renumbered or reorganized for editorial or codification purposes. Such renumbering or
 34 reorganization shall not constitute or be deemed a substantive change to the adopted Future Land
 35 Use Element.
 36

37 **Section 4. Severability.** If any provision or portion of this ordinance is declared by a court of
 38 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
 39 provisions and portions of this ordinance shall remain in full effect. To that end, this ordinance
 40 is declared to be severable.
 41

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

Note: Red text shows change made after 2-26-2024 transmittal hearing.

1 be in compliance.
2

3 **Section 6. Repeal of Ordinance 2023-013.** Ordinance 2023-013 is repealed and replaced by
4 this Ordinance 2024-009, which readopts the comprehensive-plan amendments in Attachment A.
5

6
7 **ORDAINED AND ENACTED** this 12th day of August, 2024, by the Town Council of
8 the Town of Howey-in-the-Hills, Florida.
9

10
11 **TOWN OF HOWEY-IN-THE-HILLS,**
12 **FLORIDA**

13 By: its Town Council
14

15
16 By: _____
17 Hon. Martha MacFarlane, Mayor
18

19
20 **ATTEST:**

21 **APPROVED AS TO FORM AND LEGALITY**
22 (for the use and reliance of the Town only)
23

24
25 _____
26 John Brock, Town Clerk
27

28 _____
29 Thomas J. Wilkes, Town Attorney
30

31
32 Planning and Zoning Board hearing(s) held December 21, 2023.

33 LPA public hearing and transmittal public hearing held February 26, 2024.

34 Second reading and adoption public hearing for Ordinance 2023-013 held June 24, 2024.

35 First reading of Ordinance 2024-009 held July 22, 2024.

36 Second reading of Ordinance 2024-009 and public hearing for readoption of comprehensive-plan
37 amendments held August 12, 2024
38

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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Attachment A

**Amendments
to
Future Land Use Element**

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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FUTURE LAND USE ELEMENT



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TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED:
APRIL 22, 2020
AUGUST 12, 2024

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.

**FUTURE LAND USE ELEMENT
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Note: Red text shows change made after 2-26-2024 transmittal hearing.

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Note: Red text shows change made after 2-26-2024 transmittal hearing.

CHAPTER 1
FUTURE LAND USE ELEMENT

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

A. INTRODUCTION

1. Purpose

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

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

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

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

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

Adopted - Ord. 2010-007 (10-11-2010)
Amended - Ord. 2019-01 (1-27-2020)
Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

1
2

3 **B. Population Estimates and Forecasts**

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

9

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

17

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

25

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

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

Source: US Census, BEBR and TMH Consulting projections.

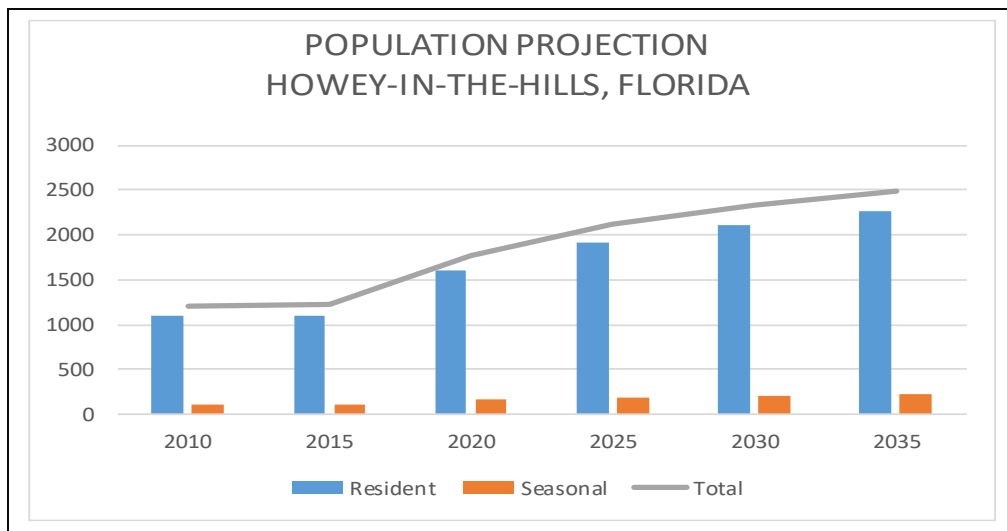
Adopted - Ord. 2010-007 (10-11-2010)

Amended - Ord. 2019-01 (1-27-2020)

Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

1 Since 2015, the Town has seen the impact of development in the Venezia South subdivision with
 2 the 2017 BEBR estimate being set at 1,355 people. The projections assume this rate of
 3 development will continue to 2020 resulting in a total population increase of about 45%. This
 4 rate of growth is likely unsustainable over the long term, but it is also likely that at least one of
 5 pending major projects will move forward as the rater of development in Venezia South slows.
 6 The projections assume a declining rate of growth over the succeeding time increments, while
 7 still projecting a significant increase. If multiple large projects move forward at the same time or
 8 if significant levels of multi-family housing enter the market, population growth will be
 9 accelerated over these projections. The graph below offers a visual representation of this data.
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The following table provides a summary of major developments that have received some level of approval through the Town’s planning and development review process. The approved projects with 2018 concurrency certifications are Venezia South and Whispering Hills. The other projects have received planning level approval but must still pass a concurrency review at the time development in the form of subdivision or site plan review is proposed. Venezia North (Talichet) is currently pursuing a new development agreement to increase the project size from 93 to 139 units.

TABLE 2: SIGNIFICANT DEVELOPMENT PROJECTS

PROJECT	SFR	MFR	TOTAL	NOTES
Venezia South	172	113	285	Already connected to systems
Talichet	93		93	
Whispering Hills	156		156	

Adopted - Ord. 2010-007 (10-11-2010)
 Amended - Ord. 2019-01 (1-27-2020)
 Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

Lake Hills			780	No SFR/MFR split available
Mission Rise	400		400	
The Reserve	403	330	733	
Total	1224	443	2447	

C. Existing Conditions

1. Existing Land Use

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

Table 3: Acreage within Existing Land Use Categories, 2017

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

Adopted - Ord. 2010-007 (10-11-2010)

Amended - Ord. 2019-01 (1-27-2020)

Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

Government Facilities	4.34	0.19%
Institutional	6.48	0.28%
Vacant Institutional	2.36	0.10%
Conservation	517.58	22.06%
Industrial	24.27	1.03%
Vacant Planned Unit Development/Village Mixed Use	780.69	33.28%
Total	2,345.94	100.00%

Source: TMH Consulting update of 2010 tabulations.

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

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

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

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

Recreation - This category on the *Existing Land Use Map* denotes all land primarily used for outdoor recreational activities such as picnicking, jogging, cycling, outdoor courts, golf courses, and playing fields. These lands include both private and public recreational

Adopted - Ord. 2010-007 (10-11-2010)
 Amended - Ord. 2019-01 (1-27-2020)
 Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

1 facilities. The Town permits an impervious surface ratio of 0.30 on recreational land uses
2 (see Table 4).

3
4 **Conservation** - This category on the *Existing Land Use Map* denotes all land used for
5 wetlands, some uplands, public managed lands, floodplains, flood prone areas, and other
6 areas in which valuable natural resources are found. No buildings are allowed on
7 conservation lands in Town except for boardwalks, docks, observation decks, or similar
8 facilities allowed by the Town and all regulatory agencies.

9
10 **Planned Unit Development(PUD)/Village Mixed Use** - In 1992, the Town approved a
11 *Planned Unit Development Mixed Use District Ordinance* which permits a variety of
12 residential structures and a diversity of building arrangements as well as complementary
13 and compatible commercial uses and public or quasi-public facilities developed in
14 accordance with an approved development plan. A large percentage of the lots in this
15 category on the *Existing Land Use Map* are vacant. The permitted maximum density and
16 intensity standards for planned unit development/mixed use are presented in Table 4.

17 18 **2. Availability of Public Facilities and Services**

19 The following data and analysis describes the availability of services and facilities to
20 support development.

21 22 **a. Sanitary Sewer**

23 The Town has entered into an agreement with the Central Lake Community
24 Development District to provide wastewater treatment for the Town. New
25 Village Mixed Use development is required to connect to sanitary sewer, and the
26 Town has begun the process of providing sanitary sewer on Central Avenue.
27 Infill development in the largely developed portions of the Town will continue to
28 use septic tanks until sanitary sewer service can be made available. The Town
29 will own and maintain the collection system (mains, lift stations, etc.) within the
30 Town limits.

31 32 **b. Potable Water**

33 The Town currently owns, operates and maintains a central potable water
34 treatment and distribution system. The Town's potable water system provides
35 water for both residential and non-residential purposes, including fire-fighting
36 demands. The Town's water system consists of two water plants located
37 approximately one mile apart with a total of three active wells, one out-of-service
38 well, one 500,000-gallon ground storage tank and one 15,000-gallon
39 hydropneumatic tank. The elevated storage tank remains in place but is not
40 active.

Adopted - Ord. 2010-007 (10-11-2010)
Amended - Ord. 2019-01 (1-27-2020)
Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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

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

Adopted - Ord. 2010-007 (10-11-2010)
Amended - Ord. 2019-01 (1-27-2020)
Amended -- Ord. 2024-009 (Aug. 12, 2024)

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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

Note: Red text shows change made after 2-26-2024 transmittal hearing.

Town of Howey-in-the-Hills
Comprehensive Plan

Chapter 1
Future Land Use Element

Future Land Use	Maximum Density/Intensity	Description
-----------------	---------------------------	-------------

Note: Red text shows change made after 2-26-2024 transmittal hearing.

<p>Rural Lifestyle (RL)</p>	<p>Must have a minimum of 2 acres for this land use. 1 dwelling unit per 2 acres; all buildings not to exceed .15 FAR; 20% max. impervious surface coverage; 50% open space required.</p>	<p>Primarily single-family detached homes with agricultural uses.</p>
-----------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------

Note: Red text shows change made after 2-26-2024 transmittal hearing.

Future Land Use	Maximum Density/Intensity	Description
Low Density Residential (LDR)	2 dwelling units per acre	Primarily single-family detached homes.

Note: Red text shows change made after 2-26-2024 transmittal hearing.

Future Land Use	Maximum Density/Intensity	Description
Medium Density Residential (MDR)	<p>4 3 dwelling units per acre; 25% minimum open space required</p> <p>Developments with 100 units or more shall be required to have a public recreation component.</p> <p>Developments with <u>either</u> more than 300 proposed <u>dwelling</u> units <u>or more than 100 acres</u> must use the Village Mixed Use designation.</p>	<p>Single-family detached homes, townhomes, etc.; this category may also include support community facilities and elementary schools.</p>

Note: Red text shows change made after 2-26-2024 transmittal hearing.

<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay District denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>).</p> <p>For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. A max. 2.0 FAR is permitted if parking requirements are achieved. Where new residential uses are constructed in the Commercial Core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, Oak street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.)</p> <p>For areas designated Office/Services or Residential, 40% max. impervious surface coverage. May live and/or work in these areas.</p> <p>For areas designated Residential, a max. of 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential</p>	<p>The size of each individual business shall be regulated through the Land Development Regulations.</p>
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Note: Red text shows change made after 2-26-2024 transmittal hearing.

Future Land Use	Maximum Density/Intensity	Description
	<p>uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.</p>	

Note: Red text shows change made after 2-26-2024 transmittal hearing.

<p>Village Mixed Use (VMU)</p>	<p>Must have a minimum of 25 100 acres for this land use.</p> <p>Maximum of three four dwelling units per acre; May be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). All single-family lots must have a minimum lot area of 10,890 square feet (1/4 acre) exclusive of any wetlands or waterbodies that might be included with the lot.</p> <p>Residential areas shall comprise a minimum of 70% of the Net Land Area and a max. of 85% of the Net Land Area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the Net Land Area and a maximum of 30% of the Net Land Area. This includes community facilities and schools.</p> <p>For developments with more than 100 acres, 5% Five percent (5%) of the non-res. land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p>The following are minimum requirements in Village Mixed Use:</p> <p>i. 25% open space;</p>	<p>A mix of uses is permitted and required in this category in order to promote sustainable development, including the provisions of reducing dependence the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category.</p>
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Note: Red text shows change made after 2-26-2024 transmittal hearing.

Future Land Use	Maximum Density/Intensity	Description
	<p>ii. 10% parks and recreation; and iii. 3% active recreation uses</p> <p>The 10% and 3% requirements in ii and iii count toward the 25% requirement in i. To be counted against the 10% park/recreation requirement, parcels dedicated to park uses may be no smaller than 1/2 ac.</p> <p>The Land Development Code must require that plans for active recreation uses be submitted for approval by Town Council no later than application for final plat approval. Town Council may require a performance surety bond for park and recreation improvements.</p>	
Neighborhood Commercial (NC)	0.50 floor area ratio; 70% max. impervious surface coverage	Commercial uses to support Town residents are permitted in this category. The size of each individual business shall be regulated through the Land Development Regulations. Elementary and middle schools are also permitted in this category.
Light Industrial (LI)	70% max. impervious surface coverage; 0.6 floor area ratio	Manufacturing, distribution High schools are also permitted in this category.

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Future Land Use	Maximum Density/Intensity	Description
Institutional (INST)	0.25 floor area ratio; 40% max. impervious surface coverage; 25% open space required	Educational facilities (public or private), religious facilities, day care (child and adult), government buildings (including fire and police), cemeteries, group homes, nursing homes, or community residential facilities, hospitals (general and emergency care).
Recreation (REC)	Max. 30% impervious surface coverage	Public or private recreational facilities.
Conservation (CON)	No buildings	Boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities (PUB)	0.25 floor area ratio; max. impervious surface coverage of 50%	Government buildings and essential utilities, with cell towers being a special exception or conditional use.

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Future Land Use	Maximum Density/Intensity	Description
High density	Includes townhouse development up to eight dwelling units per acre and other multi-family development up to 12 units per acre. Impervious surface ratio is a maximum of 60%.	Provides for townhouse units and other types of multi-family units.

1
2 Notes: Open Space: Open space is figured on the Gross Land Area. Up to ~~50%~~ 25% of the open space requirement may be met with
3 wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting
4 with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public
5 recreational components of developments. Most of the open space shall be permeable; however, up to 10% may be impervious
6 (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.

7
8 Densities shall be determined by the Net Land Area. The Net Land Area is figured by taking the Gross Land Area (total
9 property less any lakes or water bodies), then subtracting from that any open space requirements, then subtracting from that
10 any remaining unbuildable acreage (remaining wetlands).
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c. Stormwater Drainage

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

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

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

d. Solid Waste

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

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e. Transportation

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

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

f. Recreation and Open Space

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

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

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

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

g. Public School Facilities

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

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

3. Land Available for Development

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

4. Soils and Topography

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

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

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

Table 5: Soils

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

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

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

Notes: Drainage Class - Identifies the natural drainage conditions of the soil and refers to the frequency and duration of wet periods.

Concrete Corrosion - Susceptibility of concrete to corrosion when in contact with the soil.

Steel Corrosion - Susceptibility of uncoated steel to corrosion when in contact with the soil.

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

5. Natural Resource Management

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

a. Surface Waters

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

b. Floodplains

Floodplains are valuable resources which provide a rich diversity of vegetation and wildlife. These areas are sources for groundwater recharge that filters through soils during high water levels. The 100-year floodplains are also subject to inundation during a 100-year storm, causing potential loss of life and property,

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1 disruption of services, and economic loss. These areas cannot tolerate continued
2 development which, in effect, retards their ability to absorb water and restrict the
3 flow of water from adjacent higher elevation areas.

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

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

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

18
19 **c. Wetlands**

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

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

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

32
33 Aquifer recharge is the process whereby rainfall percolates downward through the
34 soil to reach the underlying aquifers. Recharge to the Floridan aquifer occurs in
35 areas of the County where the elevation of the water table of the surficial aquifer
36 is higher than the elevation of the potentiometric surface of the Floridan aquifer.
37 In these areas, water moves from the surficial aquifer in a downward direction
38 through the upper confining unit to the Floridan aquifer. The surficial aquifer

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1 system in the County is recharged by rainfall. Recharge is augmented locally by
2 artificial recharge - wastewater or reuse water land application, rapid-infiltration
3 basins, and septic systems.

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

7
8 **e. Cone of Influence**

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

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

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

31
32 **f. Air Quality**

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

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6. Historic Resources

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

Table 6: Historic Sites and Structures

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

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

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

3 **D. ANALYSIS**

4 **1. Economic Vitality**

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

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1 will provide for much improved sustainability for the Town over the planning period.

2
3 **2. Nonconforming and Incompatible Uses**

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

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

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

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

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

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

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

37
38 There are more than adequate recreational facilities and open spaces readily available and

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1 accessible to the residents and guests of Howey-in-the-Hills. The Town shall continue to
2 coordinate with the County on establishing measures to enhance the recreation and open
3 space opportunities in and around Town. The Town will also continue to solicit grants
4 from public and private agencies and collect park impact fees to fund future parks and
5 facilities.

6
7 There are no public school facilities planned in the Town during the planning period.

8
9 **4. Groundwater Recharge**

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

19
20 **5. Analysis of Existing Vacant Lands**

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

29
30 **6. Analysis of Land Needed to Accommodate Projected Population**

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

36
37 **7. 2023 Analysis and Reevaluation of Residential Densities and Lot Sizes**

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In 2023 the Town Council and the Town’s Planning and Zoning Board analyzed and reevaluated post-2010 residential development in the Town. Residential development under the Village Mixed Use designation resulted after 2010 in substantially increased housing densities and substantially smaller residential lots than were prevalent in the Town’s historical development.

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

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

8. Analysis of Need for Redevelopment

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

9. Analysis of Flood Prone Areas

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

10. An analysis of Land Use Problems and Potential Use Problems

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

11. Urban Sprawl

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

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

The Town has adopted a Planned Unit Development ordinance and Village Mixed Use and Town Center Mixed Use land uses. There has not been any significant development of low intensity single family subdivisions. The Town’s Concurrency Management System, subdivision regulations, and zoning regulations discourages this type of development.
2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

All new development must prove that it will be served by adequate public facilities prior to the issuance of a development order. The new development must also demonstrate that it will not degrade the level of service beyond the adopted standard.
3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

The Town’s Village Mixed Use and Town Center Overlay Mixed Use categories preclude strip commercial-type development and isolated single uses.
4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Town has identified strategies for producing energy efficient land use patterns,

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1 increasing energy conservation, and reducing greenhouse gas emissions. This section
2 provides an overview of the energy related strategies implemented by the Town.

3
4 **a. Producing Energy Efficient Land Use Patterns**

5 The Town has adopted the Village Mixed Use and Town Center Mixed Use land
6 uses as a tool to produce energy efficient land use patterns in Howey-in-the-Hills.
7 The Town will ensure that developments within these mixed-use areas are
8 compact, walkable neighborhoods.

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

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

22
23 **b. Increasing Energy Conservation**

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

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

37
38 The Town requires energy-efficient and water saving measures to be implemented

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1 in all new construction and redevelopment projects.
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3 **c. Reducing Greenhouse Gas Emissions**

4 The Village Mixed Use and Town Center Mixed Use land uses will serve as a tool
5 to reduce vehicle miles traveled in Town, which will reduce the greenhouse gas
6 emissions. Residents and guests of Howey-in-the-Hills can easily access the
7 historical downtown or Little Lake Harris area by walking or biking. The Town is
8 actively involved with the Lake-Sumter MPO regarding expanding the pedestrian
9 and bicycle facilities in Town. The Town will continue to promote mixed-use
10 developments, bicycling, and walking as a tool to reduce the greenhouse gas
11 emissions in the Howey-in-the-Hills area.

12
13 The Town is amending its Land Development Regulations to ensure that the
14 removal of regulatory barriers and establishment of incentives to promote energy
15 efficiency and conservation is implemented in Howey-in-the-Hills.
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E. Future Land Use Goals, Objectives, and Policies

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

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

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

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

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

Land Use	Maximum Residential Density
Residential:	
Low Density Residential (LDR)	Up to 2.0 dwelling units per acre. Maximum building height is 2-1/2 stories and no higher than 30 35 feet.

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Medium Density Residential (MDR)	Up to 4.0 <u>3.0</u> 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 <u>either</u> more than 300 proposed <u>dwelling</u> units <u>or more than 100 acres</u> must use the Village Mixed Use designation. May include support community facilities and elementary schools. Maximum building height is <u>2-1/2 stories and no higher than 30</u> <u>35</u> 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 <u>2-1/2 stories and no higher than 30</u> <u>35</u> 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 <u>2-1/2 stories and no higher than 30</u> <u>35</u> feet.
Recreation (REC)	Maximum impervious surface coverage is 0.30. Restricted to passive or active recreational facilities as established in the <i>Recreation and Open Space Element</i> or by the Town Council.
Conservation (CON)	No buildings. Restricted to boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utility (PUB)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.50. For utilities, the maximum building height is <u>1 story or no higher than</u> 20 feet for <u>a one-story</u> building; <u>2 story and</u> 35 feet for other facilities.

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Village Mixed Use (VMU)	<p>Minimum of 25 <u>100</u> acres to apply for this land use.</p> <p>Maximum density of 4-3.0 dwelling units per acre, which may be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the net land area and a maximum of 30% of the net land area. This includes community facilities and schools.</p> <p><u>All single-family lots must have a minimum lot area of 10,890 square feet (1/4 acre) exclusive of any wetlands or waterbodies that might be included with the lot.</u></p> <p>For developments with more than 100 acres, <u>Five percent</u> (5%) of the non-residential land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met. The maximum building height is 35 feet.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p><u>The following are minimum requirements in Village Mixed Use:</u></p> <ul style="list-style-type: none"> i. <u>25% open space;</u> ii. <u>10% parks and recreation; and</u> iii. <u>3% active recreation uses</u> <p><u>The 10% and 3% requirements in ii and iii count toward the 25% requirement in i. To be counted against the 10% park/recreation requirement, parcels dedicated to park uses may be no smaller than 1/2 ac.</u></p> <p><u>The Land Development Code must require that plans for active recreation uses be submitted for approval by Town Council no later than application for final plat approval. Town Council may require a</u></p>
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	<p>performance surety bond for park and recreation improvements.</p> <p>The maximum building size is 30,000 sq. ft.; unless a special exception is granted to the developer by the Town Council.</p>
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<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay Map denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>). For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. The maximum building height is 35 feet. In order to maintain the historic character of the downtown area, the Land Development Regulations will cap the maximum size of any one business in the Town Center Overlay at 5,000 square feet. A maximum 2.0 floor area ratio is permitted if parking requirements are achieved. Where new residential uses are constructed in the commercial core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak Street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial Area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, Oak Street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.</p> <p>For areas designated Office/Services or Residential, the maximum impervious surface coverage is 0.40. May live and/or work in these areas.</p> <p>For areas designated Residential, the maximum density is 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established</p>
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	<p>maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.</p>
<p>High Density Residential (HDR)</p>	<p>Up to 10.0 dwelling units per acre. Maximum density for townhouse units is 6.0 units per acre. Maximum impervious surface ration is 60%. Maximum building height is 35 feet with additional height allowed for decorative elements. Projects of 30 units or more are required to provide recreational facilities for project residents.</p>

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

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

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

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- 1 the use of other similar small, quiet low-speed
- 2 watercraft.
- 3 • Very low intensity outdoor or water-dependent
- 4 recreational related uses (excluding commercial
- 5 marinas) that are determined not to conflict with the
- 6 intent of the Conservation category, subject to applicable
- 7 Federal, State and local policies and permitting
- 8 requirements.
- 9

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

- 17
- 18 • **General Commercial.** These areas shall include those
- 19 businesses that provide retail goods and services, which
- 20 serve the routine and daily needs of residents, including
- 21 banks and professional services, grocery and
- 22 convenience stores, retail shops, and restaurants. Public
- 23 and private elementary and middle schools are also
- 24 allowed.
- 25 • **Limited Commercial.** These areas shall include low
- 26 intensity office, service and retail businesses that are
- 27 compatible when located in close proximity to
- 28 neighborhoods. These uses are intended primarily to
- 29 serve the needs of the closely surrounding neighborhood.
- 30 • **Professional and Office.** These areas shall be limited to
- 31 small neighborhood scale businesses and professional
- 32 offices that are compatible with, and have no measurable
- 33 or noticeable adverse impacts, upon surrounding
- 34 residential uses. Such uses include offices for doctors
- 35 and dentists (but not clinics or hospitals), accountants,
- 36 architects, attorneys, engineers, land surveyors, real
- 37 estate brokers, financial planners, insurance and real
- 38 estate agents and the like.
- 39

40 **Light Industrial** – The Light Industrial category shall be limited

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

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

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

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

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

35
36 **Recreation** – These areas generally include public parks or private
37 parks that are open and available to the public. Note: Some park
38 and open space lands may be more appropriately designated as
39 Conservation, such as lands with wetlands or other
40 environmentally sensitive areas. Permitted uses shall include

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

High Density Residential – **The high-density-residential land use category is intended to accommodate owner-occupied townhouse and condominium units in those areas where higher density development can be supported by adequate access and public services. Supporting community facilities and elementary schools are also permitted in this land-use category. Residential uses in this category are permitted in those areas so designated in**

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accordance with the applicable permitted density as further controlled by the Town’s Land Development Code and the Florida Building Code.

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

POLICY 1.1.4: *Interpretation of Open Space and Density Designations.* Open space ~~is~~ and parks/recreation requirements are figured on the Gross Land Area. Up to ~~50%~~ 25% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting 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.

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1 **POLICY 1.2.2:** ***Open Space Requirements.*** The Town shall continue to ensure that
2 residential development is consistent with the open space
3 requirements established below:
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6

	Minimum open space requirements
Rural Lifestyle	50%
Low Density Residential	2 dwelling units per acre
Medium Density Residential	25%
High Density Residential	40%
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.

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Public/Utilities	0.25 FAR; max. impervious surface coverage of 50%
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Open Space: Open space is figured on the Gross Land Area. No greater than ~~50%~~ 25% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting 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*.

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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.

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

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

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

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

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

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

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with level of service standards and according to deadlines established within the Concurrency Management System.

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

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

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

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

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

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

1. No development of disturbance of area is permitted within 25 feet of a designated wetland area. These areas shall be

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marked with appropriate signage as conservation areas.

- 2. No building or impervious surface area (with the exception of wet retention areas) is permitted within 50 feet of a designated wetland area.

POLICY 1.3.3: *Protection of Floodplains.* Development within the 100 Year Floodplain shall provide necessary mitigation to maintain the natural stormwater flow regime. The 100 Year Floodplain Zone shall be delineated within the *Future Land Use Map* series. The boundary of the 100 Year Floodplain Zone shall be determined by the most recent Flood Insurance Maps prepared by the Federal Emergency Management Agency.

POLICY 1.3.4: *Floodplain Mitigation.* All development within the 100 Year Floodplain shall adhere to the following:

- a. *Prohibited Land Uses and Activities.* Storing or processing materials that would, in the event of a 100 Year Storm, be buoyant, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited. Material or equipment immune to substantial damage by flooding may be stored if securely anchored to prevent flotation or if readily removable from the area upon receipt of a flood warning. Manufacturing and light industrial land uses shall be prohibited from encroaching into the 100 Year Floodplain Zone.
- b. *Minimum Floor Height Elevation.* All new construction and substantial improvements of existing construction occurring within a 100 Year Flood Zone must have the first-floor elevation for all enclosed areas at eighteen inches above the 100-year flood elevation.
- c. *Construction Materials and Methods.* All new construction and substantial improvements of existing construction shall be constructed with material and utility equipment resistant to flood damage and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a 100-year flood event.

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- d. ***Service Facilities and Utilities.*** Electrical heating, ventilation, plumbing, air conditioning, and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood water into the systems and discharges from the systems into flood waters.
- e. ***Residential Subdivision Plans and Design.*** Plans for subdivisions shall minimize potential flood damage by locating recreation and conservation uses, if included in the plans, to areas within the Flood Zone, reserving as much land as possible outside the flood zone for other land uses. Also, 100-Year Flood Zones shall be identified on all final development plans submitted to the Town.
- f. ***Stormwater Facilities.*** The Town shall require development to have drainage facilities in place and functioning concurrent with the impacts of development, as stipulated by deadlines established within its Concurrency Management System. Such drainage facilities shall be designed to comply with the Town’s established level of service standard.

POLICY 1.3.5:

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

- a. ***Impervious Surface Ratio and Open Space.*** Enforce the impervious surface ratios and open space standards established in this *Comprehensive Plan*.
- b. ***Manufacturing or Light Industrial Uses and Recharge Areas.*** Ensure that the *Future Land Use Element* does not allocate any manufacturing or light industrial land use activities adjacent to lake front areas or within high recharge groundwater aquifer areas that generate pollutants that may adversely impact the quality of surface and ground waters.

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The guidelines established in the Town’s Land Development Regulations regarding manufacturing uses permitted within commercial districts and light industrial uses shall serve as a guide to monitor the type and intensity of such uses in the Town.

- c. **Permeable Parking Lots.** Promote the application of permeable parking lot surfaces for commercial developments proposed within high recharge areas.
- d. **Land Use Activities and Densities.** Promote land use activities and development densities which are compatible to high recharge potential percolation rates.

POLICY 1.3.6: **Lake Shore Protection.** To protect the lake front areas from the encroachment of development, a shoreline protection zone shall be delineated. There shall be no disturbance within 50 feet of the landward extent of wetlands as set forth in Rule 62-340, except for pilings for docks or piers. There shall be no buildings, pools, ponds, or other structures in this protection zone. There shall be no septic tanks within 75 feet of the landward extent of wetlands as set forth in Rule 62-340. All development shall be subject to the building setback requirements regarding the shoreline protection zone established in the Town’s Land Development Regulations.

POLICY 1.3.7: **Upland Vegetative and Wildlife Habitat Protection.** Upland vegetative communities and wildlife habitats (particularly those identified as primary habitat for endangered or threatened species) for which the Town or State deems environmentally significant shall be protected from adverse impacts associated with development. Upland areas identified within the *Conservation Element* as essential breeding, feeding or habitat sites for endangered or threatened flora or fauna creatures shall be protected according to the following activities:

- a. **Conservation Designation.** Important upland habitat may be designated as conservation under the following circumstances:
 1. The site is owned by a government body or agency;

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- 2. The site is programmed for purchase by a government agency within the first three years of the *Five-Year Schedule of Capital improvements*; and
- 3. A request to designate the site as conservation is made by the land owner.
- 4. The Town requires the designation as a part of the development review process.

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

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

- 1. An applicant of a property designated for development shall prepare a Critical Habitat Management Plan prepared by a professional biologist, ecologist, or other related professional. As a minimum, this Plan shall analyze the following issues:
 - a.) Affected species;
 - b.) Land needs to support continued on-site presence of the species;
 - c.) Impacts of proposed development which will disturb the species;
 - d.) Recommended management plans and measures necessary to protect the subject species; and
 - e.) Cost to developer to implement the recommended management plan.

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

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POLICY 1.3.8:

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

- a. The age of the subject site exceeds fifty years;
- b. Whether the building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;
- c. Whether documented proof indicates that the site played a significant role in the history of Howey-in-the-Hills, Lake County or the State of Florida.

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

POLICY 1.3.9:

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

- a. the historic character and aesthetic interest the building, structure, or object and how it contributes to its present setting;
- b. whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding neighborhood;
- c. whether the building, structure, or object can be moved without significant and irreversible damage to its physical integrity;

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- d. whether the building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;
- e. whether definite plans exist to reuse the subject property if a proposed demolition is carried out, and the effect of those plans on the character of the surroundings; and
- f. whether reasonable measures can be taken to save the building, structure, or object to a level safe for occupation.

POLICY 1.3.10: *Preventing Destruction of Discovered Archaeological Sites.*

Development shall cease construction activities on a development site when artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and / or developer shall contact the Florida Department of State of such discovery. Construction shall not begin until the State has determined the archaeological significance of the discovery and the restrictions which shall be imposed on development. Development may continue in areas which will not impact the site of the discovery.

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

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

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

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- 1 d. Impact to the conservation and preservation of natural
- 2 resources;
- 3 e. Demand on existing and planned public services, utilities,
- 4 water resources and energy resources;
- 5 f. Impact on designated scenic and aesthetic transportation
- 6 corridors;
- 7 g. Compatibility with surrounding land uses;
- 8 h. The size of each individual business permitted in the
- 9 Neighborhood Commercial, Village Mixed Use, or Town
- 10 Center Mixed Use land uses shall comply with the guidelines
- 11 established within the Policy 1.4.6; and
- 12 i. The height of each business permitted in the Neighborhood
- 13 Commercial, Village Mixed Use, or Town Center Mixed Use
- 14 land uses shall comply with the guidelines established in
- 15 Policy 1.4.7 of this *Element*.

16
17 **POLICY 1.4.2:** *Screening Requirement.* The Town shall require new commercial,
18 light industrial, and manufacturing development to install
19 landscaping, visually obstructive fencing or man-made berms, or
20 other appropriate screening techniques concealing the commercial,
21 light industrial, or manufacturing site from areas designated for low
22 or medium density residential if the proposed commercial, light
23 industrial, or manufacturing building is not compatible.

24
25 **POLICY 1.4.3:** *Availability of Facilities to Support Commercial Development.*
26 The density and intensity of commercial uses shall be compatible
27 with the ability of public facilities to provide adequate services
28 according to adopted level of service standards.

29
30 **POLICY 1.4.4:** *Provision of Open Space.* All new commercial development shall
31 be subject to the open space standards established in Policy 1.2.2 of
32 this *Element*.

33
34 **POLICY 1.4.5:** *Maximum Intensity of Commercial Uses.* Maximum intensity of
35 use for commercial development is outlined within the respective
36 land use categories and further refined in the Land Development
37 Regulations.

38
39 **POLICY 1.4.6:** *Commercial Building Size Limitations.* Individual businesses
40 within the Town Center Mixed Use and Neighborhood Commercial

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1 shall be limited to 5,000 sq. ft. unless a waiver is granted to the
 2 developer by the Town Council. Individual businesses within the
 3 Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless
 4 a waiver is granted to the developer by the Town Council. These
 5 guidelines shall be used to determine the maximum allowable size
 6 for all new commercial buildings in Town. Waivers shall be based
 7 on the particular needs of the individual business, the compatibility
 8 of the proposed building and business with the business site and
 9 other affected development, enhanced architectural design of the
 10 proposed building, and other factors which the Town Council
 11 determines as relevant to development of the proposed site and
 12 impacts to the general area.

13
 14 **POLICY 1.4.7:** *Commercial Building Height Limitations.* Commercial buildings
 15 within the Town Center Mixed Use, Village Mixed Use, and
 16 Neighborhood Commercial land uses shall be limited to a maximum
 17 of 35 feet in height.

18
 19 **POLICY 1.4.8:** *Acceptable Uses within Commercial Areas.* Activities allowed
 20 within areas designated for commercial uses established in the Town
 21 Center Mixed Use, Village Mixed Use, or Neighborhood
 22 Commercial land uses shall be limited to the following:

- 23
- 24 1. Retail business (drive-thru establishments in the Town
- 25 Center Mixed Use shall be located to the rear of properties
- 26 fronting on Central Avenue)
- 27 2. Community centers and fraternal lodges;
- 28 3. Hotels or motels;
- 29 4. Marinas;
- 30 5. Service businesses, Personal Services such as barber/beauty,
- 31 personal training, spa, salons, pottery shops, art/painting
- 32 galleries or studios, dance studios, etc.;
- 33 6. Professional and Business offices;
- 34 7. Veterinarian offices, provided the facility has no outside
- 35 kennels;
- 36 8. Financial Institutions and banks;
- 37 9. Residential development, low, medium, or high density
- 38 (second story);
- 39 10. Recreation and Parks;

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- 11. Manufacturing, as permitted according to policies cited in this *Element*;
- 12. Elementary and middle schools in the Neighborhood Commercial land use; and
- 13. Elementary, middle, and high schools in the Village Mixed Use land use.

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

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

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

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

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

POLICY 1.5.2: *Acceptable Manufacturing Uses.* Manufacturing uses allowed within Light Industrial designations shall be limited to those primarily involved with the assembly of goods and products processed without the use of excessive chemicals, heat, or machinery. Activities which might be obnoxious or offensive by

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reason of emission of odor, dust, smoke, gas or noise beyond the building are prohibited.

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

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

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

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

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

- a. No new development (except facilities related to the public water system) shall be permitted within one-hundred and fifty feet from a well.

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the structures, parking areas, ancillary uses, and facilities proposed to be placed on them.

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

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

OBJECTIVE 1.8: *Coordination of Land Patterns, New Development, and the Concurrency Management System.* Assure that future land use patterns and new development in Howey-in-the-Hills are coordinated consistently with the Town’s Concurrency Management System.

POLICY 1.8.1: *Availability of Public Facilities.* Development orders and permits shall not be issued unless the necessary facilities and services are available concurrent with the impacts of development. Future land use allocations, including their related densities and intensities, shall not exceed the financial and legal ability of the Town to provide or require provision of public facilities to serve those land uses delineated on the *Future Land Use Map*. The Town’s Concurrency Management System shall be used to determine whether adequate public facility capacities are available to meet the demands generated by new development and redevelopment.

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

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

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

For proposed developments which shall require public facilities or services provided by the Town, no development order or permit for development shall be issued until a maximum capacity for a public facility is assigned to and reserved for the subject development. The reservation of capacity for a public facility shall be granted to an applicant of development only upon satisfactory compliance with the Town’s Concurrency Management System and other applicable ordinances. All rights pertaining to the assignment and forfeit of capacity allocations shall be defined within the Town’s Concurrency Management System.

POLICY 1.8.4: *Amendments to the Comprehensive Plan.* The Town shall require all applicants pursuing an amendment to the *Future Land Use Map* to demonstrate that all facilities or service capacities are currently available and shall be available concurrent with the impacts of development. Any necessary facilities or services shall be part of the *5-year CIP* or the *Long-range Capital Plan*. An amendment to the *Future Land Use Map* shall not constitute the reservation of capacity for any public facility. Reservation of capacities shall only be granted to development orders or permits which demonstrate specific impacts which a development will place on public capacities. The Town shall consult with the St. Johns River Water Management District, prior to the approval of a building permit or

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1 its functional equivalent, to determine whether adequate water
2 supplies and related facilities to serve new development will be
3 available no later than the anticipated date of issuance by the Town
4 a certificate of occupancy or its functional equivalent.
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As readopted 8-12-2024

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

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

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

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

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

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

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

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

As readopted 8-12-2024

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

6
7 Mixed Use designations may include single family, multiple
8 family, commercial, recreation, open space and institutional land
9 uses not to exceed development densities and intensities of use
10 established for these land uses in this *Element*.

11
12 **POLICY 1.11.2:** *Use of Cluster Developments.* To promote the conservation of
13 permeable surface area and maintain the Town’s rural character,
14 cluster developments shall be promoted by the Town during the
15 development review process. Developers of Mixed Use/Planned
16 Unit Developments and residential subdivisions shall be encouraged
17 to cluster development in order to preserve open space.

18
19 **POLICY 1.11.3:** *Maintaining Innovative Land Development Regulations.* The
20 Town shall maintain innovative land development regulations that
21 encourage mixed-use developments and incorporate site design
22 planning techniques that will enhance the quality of large scale
23 developments or redevelopment area(s).

24
25 **POLICY 1.11.4:** *Establishing Architectural Guidelines.* The Town shall apply the
26 architectural standards in the Land Development Regulations to the
27 Town Center Mixed Use and Village Mixed Use land uses to
28 maintain the unique and hometown charm of Howey-in-the-Hills.
29 The Town shall encourage historical and traditional styles native to
30 the Howey-in-the-Hills area and new and innovative architectural
31 design when appropriate.

32
33 **POLICY 1.11.5:** *Requiring Underground Utilities.* The Town shall require all new
34 subdivisions, residential and commercial developments, approved
35 after the adoption of this *Comprehensive Plan*, to have underground
36 telephone, cable and electrical utility lines to provide a more
37 attractive, efficient, and safer development.

38
39 **POLICY 1.11.6:** *Promoting Interconnected neighborhoods.* The Town shall
40 encourage the development of interconnected neighborhoods using
41 pedestrian linkages, bicycle facilities, and golf carts.

As readopted 8-12-2024

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1 **POLICY 1.11.7** *Multiple access to subdivisions.* The Town shall require new
2 developments consisting of 50 lots or more to have a minimum of
3 two points of vehicular access. This policy shall not be construed
4 as prohibiting private streets or prohibiting the use of emergency
5 access only points in addition to the standard vehicular access point.
6

7 **OBJECTIVE 1.12:** *Identifying a Defined Planning Area.* To identify an area
8 surrounding the existing Town limits as the defined planning area for the Town.
9

10 **POLICY 1.12.1:** *Defined Planning Area Definition.* To protect the Town’s unique
11 charm and hometown character, the Town hereby adopts the Utility
12 Service Area as the maximum planning area (see the Town’s *Utility*
13 *Service Area Map*). The Town shall not annex outside this boundary.
14

15 **POLICY 1.12.2:** *Defined Planning Area and Concurrency.* All land within the
16 defined planning area established in Policy 1.12.1 that annexes into
17 the Town shall be subject to the Town’s adopted Concurrency
18 Management System and level of service standards. Prior to the
19 approval of annexing land within the defined planning area, the
20 Town shall ensure that timely development occurs before the
21 annexation and connection to the Town’s utility service system is
22 made available. The Town shall also ensure that the availability of
23 public infrastructure is made only to proposed developments that are
24 adjacent to existing developments within the Town as opposed to
25 sporadic “leap frog” development resulting in urban sprawl.
26

27 **OBJECTIVE 1.13:** *Electric Infrastructure.* To maintain, encourage, and ensure
28 adequate and reliable electric infrastructure is readily available in the Town.
29

30 **POLICY 1.13.1:** *Permitting New Electric Distribution Substations.* The Town shall
31 allow new electric distribution substations in all land use categories
32 except Conservation. The Town shall, if possible, avoid locating
33 substations where they would be incompatible with adjacent land
34 uses.
35

36 **POLICY 1.13.2:** *Compatibility of New Electric Distribution Substations.* The Town
37 shall require the compatibility of new electric distribution
38 substations with surrounding land uses (including heightened
39 setback, landscaping, buffering, screening, lighting, etc.) as part of
40 a joint public/private site planning effort.
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As readopted 8-12-2024

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

In nonresidential areas, the substation must comply with the setback and landscaped buffer area criteria applicable to other similar uses in that district, if any.

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

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

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

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

POLICY 1.14.1: *Land Development Regulations Consistency.*

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

As readopted 8-12-2024

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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contain specific and detailed provisions which as a minimum:

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

As readopted 8-12-2024

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.

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

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

15
 16
 17 **POLICY 1.14.3:** *Consistency with Performance Standards.* Performance standards
 18 established within the Land Development Regulations shall be
 19 consistent with the goals, objectives and policies established within
 20 the *adopted Comprehensive Plan*. By December 2012, the Land
 21 Development Regulations shall be amended to ensure that the
 22 performance standards comply with the adopted *Comprehensive*
 23 *Plan*.

24
 25 **OBJECTIVE 1.15: *Protection of Natural Resources.*** To ensure the protection of natural
 26 resources in the Howey-in-the-Hills area.

27
 28 **POLICY 1.15.1:** *Policies for Managing Environmentally Sensitive Areas.* Policies
 29 in the *Conservation Element* for managing environmentally
 30 sensitive natural systems, including but not limited to Little Lake
 31 Harris, Lake Illinois, wetlands, floodplain areas, significant
 32 vegetative communities and wildlife habitats of endangered and
 33 threatened species, shall be implemented through performance
 34 standards stipulated in the Land Development Regulations.

35
 36 **POLICY 1.15.2:** *Intergovernmental Coordination and Natural Resource*
 37 *Management.* The Town shall coordinate with State agencies
 38 including, the St. Johns River Water Management District, the
 39 Florida Department of Environmental Protection, and the East
 40 Central Florida Regional Planning Council as well as Lake County
 41 and other agencies concerned with managing natural resources for

As readopted 8-12-2024

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.

1 the purpose of protecting the function and existence of natural
2 systems.

3
4 **POLICY 1.15.3:** *Protection of Endangered and Threatened Animal and Plant*
5 *Species.* The Town shall protect endangered and threatened animal
6 and plant species by assuring the preservation of native habitat
7 required for their propagation and survival. Policies pertaining to
8 the adoption of performance standards and development regulations,
9 as herein cited in this *Comprehensive Plan* shall implement the
10 protection of habitat used by these species.

11
12 **OBJECTIVE 1.16:** *Compatible and Consistent Land Uses.* To ensure that land uses are
13 compatible and consistent with surrounding land uses.

14
15 **POLICY 1.16.1:** *Existing Non-Compatible Land Uses.* The Town shall reduce or
16 eliminate existing non-complying land use activities to the greatest
17 reasonable and practical extent without intruding on the
18 constitutional rights of the effected landowners. No existing non-
19 conforming structure shall be increased or expanded. The Land
20 Development Regulations shall define circumstances under which
21 the existing non-conforming use shall be eliminated or reduced in
22 intensity and shall provide principles for regulating improvements
23 to existing non-complying structures as well as changes to non-
24 conforming uses.

25
26 **POLICY 1.16.2:** *Managing Future Land Use.* The *Future Land Use Map* and
27 related policies together with the Land Development Code shall be
28 applied as a planning and management tool in order to prevent
29 development of land uses which do not conform to the Town's
30 character as reflected in the Town's adopted *Future Land Use Map*,
31 *Zoning Map*, and other applicable laws, ordinances, and
32 administrative rules.

33
34 **OBJECTIVE 1.17:** *Renewable Energy Resources.* To encourage the development and
35 use of renewable energy resources, efficient land use patterns, and reducing greenhouse gas
36 emissions in order to conserve and protect the value of land, buildings, and resources, and to
37 promote the good health of the Town's residents.

38
39 **POLICY 1.17.1:** *Energy Efficient Land Use Pattern.* The Town shall maintain an
40 energy efficient land use pattern and shall continue to promote the
41 use of transit and alternative methods of transportation that decrease
42 reliance on the automobile.

As readopted 8-12-2024

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.

- 1
- 2 **POLICY 1.17.2:** *Promoting Walking and Bicycling.* The Town shall continue to
- 3 encourage and develop the “walk-ability and bike-ability” of the
- 4 Town as a means to promote the physical health of the Town’s
- 5 residents, access to recreational and natural resources, and as a
- 6 means to reduce greenhouse gas emissions.
- 7
- 8 **POLICY 1.17.3:** *Establishing an Energy Management Plan.* By December 2012,
- 9 the Town shall develop and implement an Energy Management Plan
- 10 to minimize electric, fuel and water resources in Town buildings,
- 11 fleet vehicles and on public properties.
- 12
- 13 **POLICY 1.17.4:** *Solar Collectors.* No action of the Town shall prohibit or have the
- 14 effect of prohibiting solar collectors, or other energy devices based
- 15 on renewable resources from being installed on a building and as
- 16 further set forth within Section 163.04, Florida Statutes.
- 17
- 18 **POLICY 1.17.5:** *Construction of Public Facilities and Buildings.* Public buildings
- 19 and facilities shall be constructed and adapted where reasonably
- 20 feasible to incorporate energy efficient designs and appropriate
- 21 “green” building standards. Green Building standards that should be
- 22 observed are contained in the Green Commercial Buildings
- 23 Designation Standard, Version 1.0, published by the Florida Green
- 24 Building Coalition, Inc.
- 25
- 26 **POLICY 1.17.6:** *Energy Efficient Design and Construction Standards.* The Town
- 27 shall continue to promote and enforce energy efficient design and
- 28 construction standards as these become adopted as part of the State
- 29 Building Codes. The Town shall also promote commercial and
- 30 residential standards that are promulgated from time to time by the
- 31 Florida Green Building Coalition, Inc.
- 32
- 33 **POLICY 1.17.7:** *Promoting Mixed Use Developments.* The Town shall continue to
- 34 promote mixed-use developments in areas planning for urban
- 35 development or redevelopment as a mean to produce energy
- 36 efficient land use patterns and reduce greenhouse gas emissions.
- 37
- 38 **POLICY 1.17.8:** *Development Incentives for Smart Growth Development.* The
- 39 Town shall revise its Land Development Regulations by December
- 40 2012 to offer incentives and flexibility for development projects that
- 41 will make development application, review and approval processes
- 42 easier, faster and more cost effective for projects that are consistent

As readopted 8-12-2024

Note: Red text shows change made after 2-26-2024 transmittal hearing.

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with the Smart Growth Principles of the *Comprehensive Plan* and that can be demonstrated to reduce infrastructure costs, promote the preservation of open space and habitat lands, provide energy efficient land use patterns, and reduce greenhouse gas emissions. Other incentives shall also be evaluated for projects that participate in energy-efficient development programs such as:

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

OBJECTIVE 1.18: *Mechanism to Manage Growth and Development.* To ensure that the *Comprehensive Plan* represents the primary mechanism which manages growth and development within the Town of Howey-in-the-Hills.

POLICY 1.18.1: *Precedence Over Other Land Use Control Mechanisms.* Growth management and land use controls stipulated in the adopted *Comprehensive Plan* through goals, objectives and policies shall take precedence over all other land use policies established in other land use control mechanisms adopted by the Town of Howey-in-the-Hills, including but not limited to the Land Development Regulations and other components of the Code of Ordinances.

POLICY 1.18.2: *Growth Management through Maintenance of Land Development Regulations.* The Town shall maintain the Land Development Regulations to reflect growth management controls established within the updated *Comprehensive Plan*.

POLICY 1.18.3: *Compliance with State and Federal Laws.* The *Comprehensive Plan* shall not violate Statutes established in Florida Law or

As readopted 8-12-2024

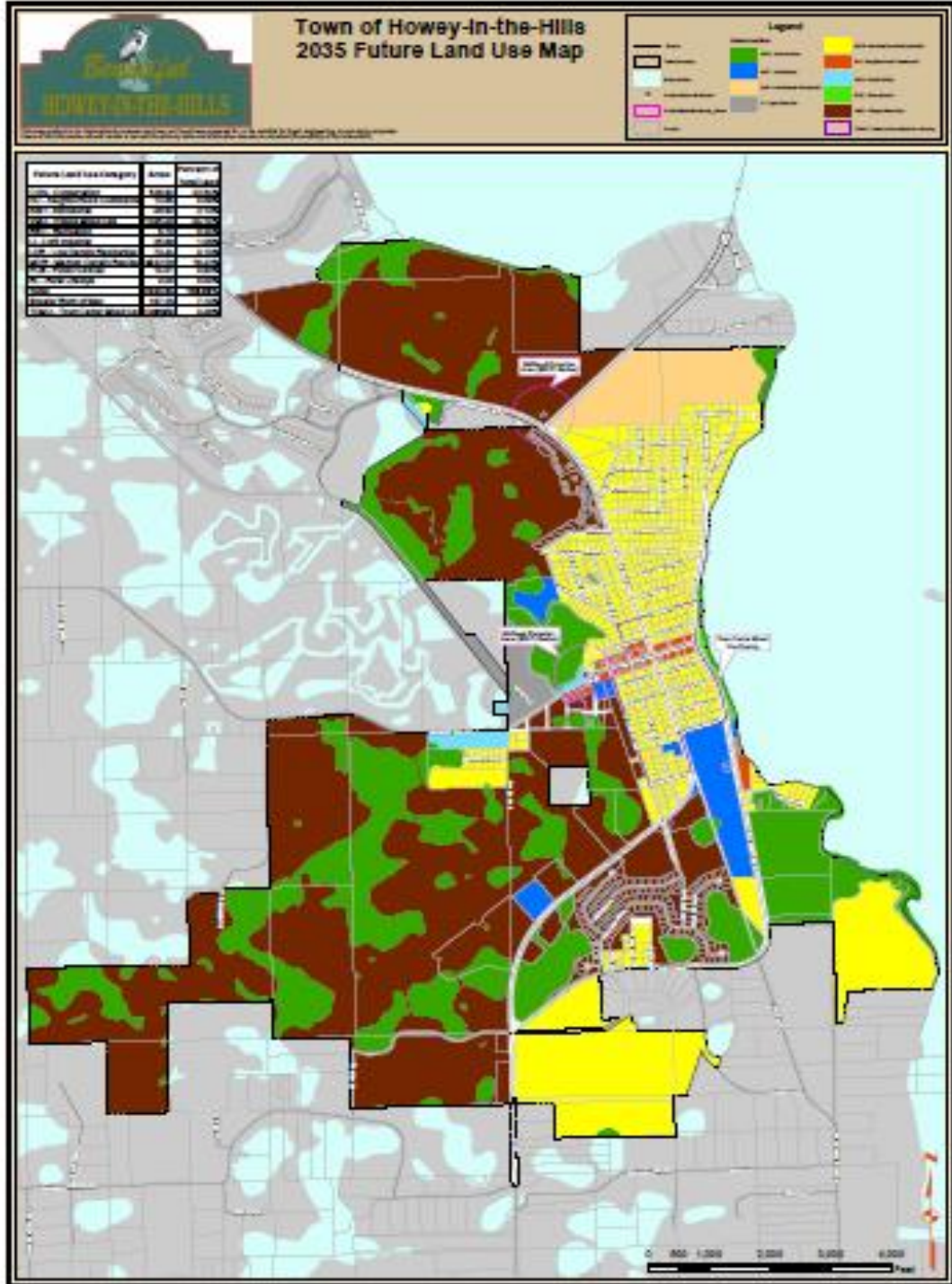
Note: Red text shows change made after 2-26-2024 transmittal hearing.

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Administrative Rule, nor shall it violate the Constitution of the State of Florida or that of the United States of America.

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.



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Adopted on October 11, 2010
Ordinance No. 2010-007
Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-11

As readopted 8-12-2024

*Note: **Red text** shows change made after 2-26-2024 transmittal hearing.*

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As readopted 8-12-2024

Note: Red text shows change made after 2-26-2024 transmittal hearing.



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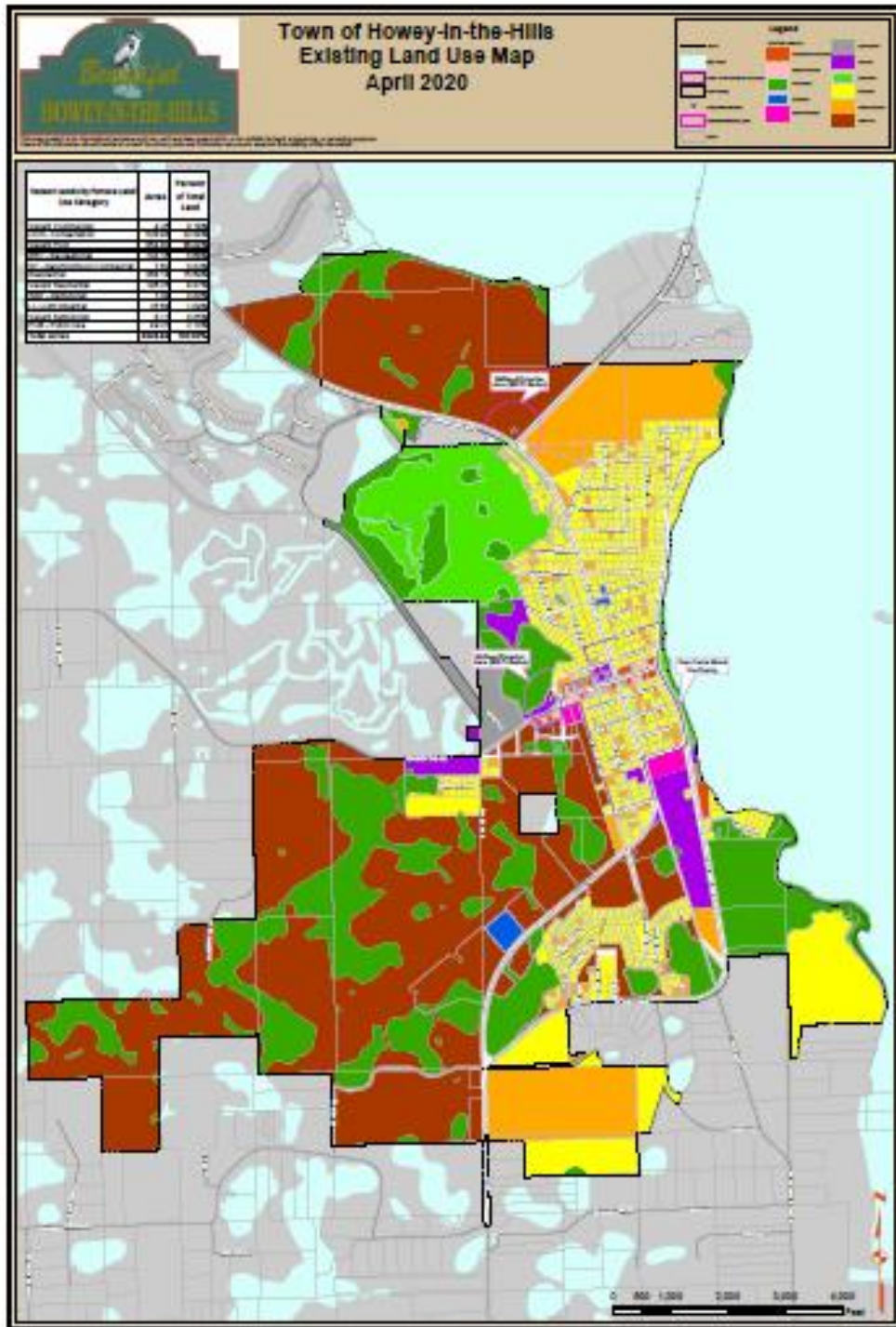
Adopted on October 11, 2010
 Ordinance No. 2010-007
 Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-13

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.

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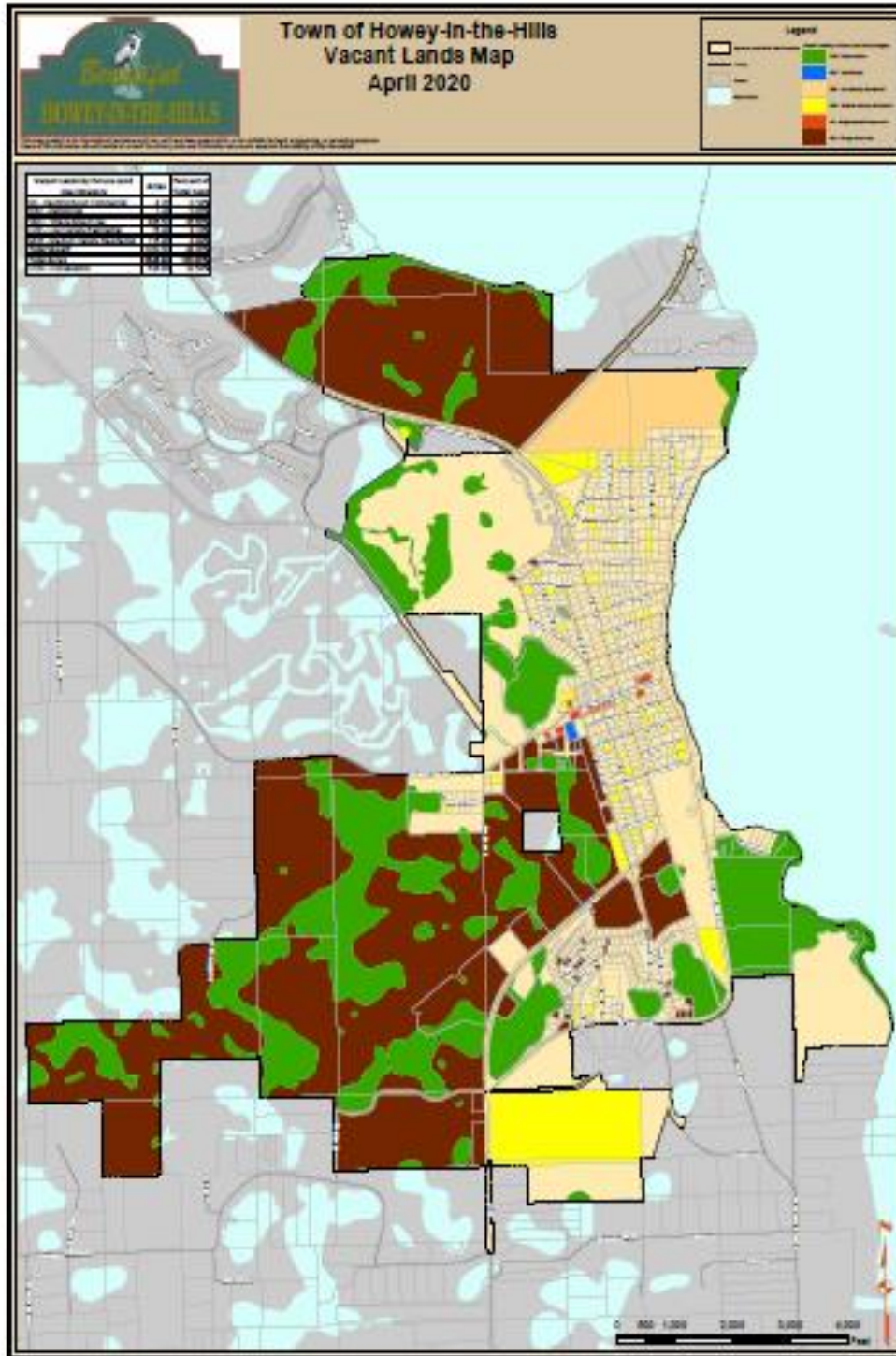
Adopted on October 11, 2010
Ordinance No. 2010-007
Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-14

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.

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Adopted on October 11, 2010
Ordinance No. 2010-007
Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-15

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.



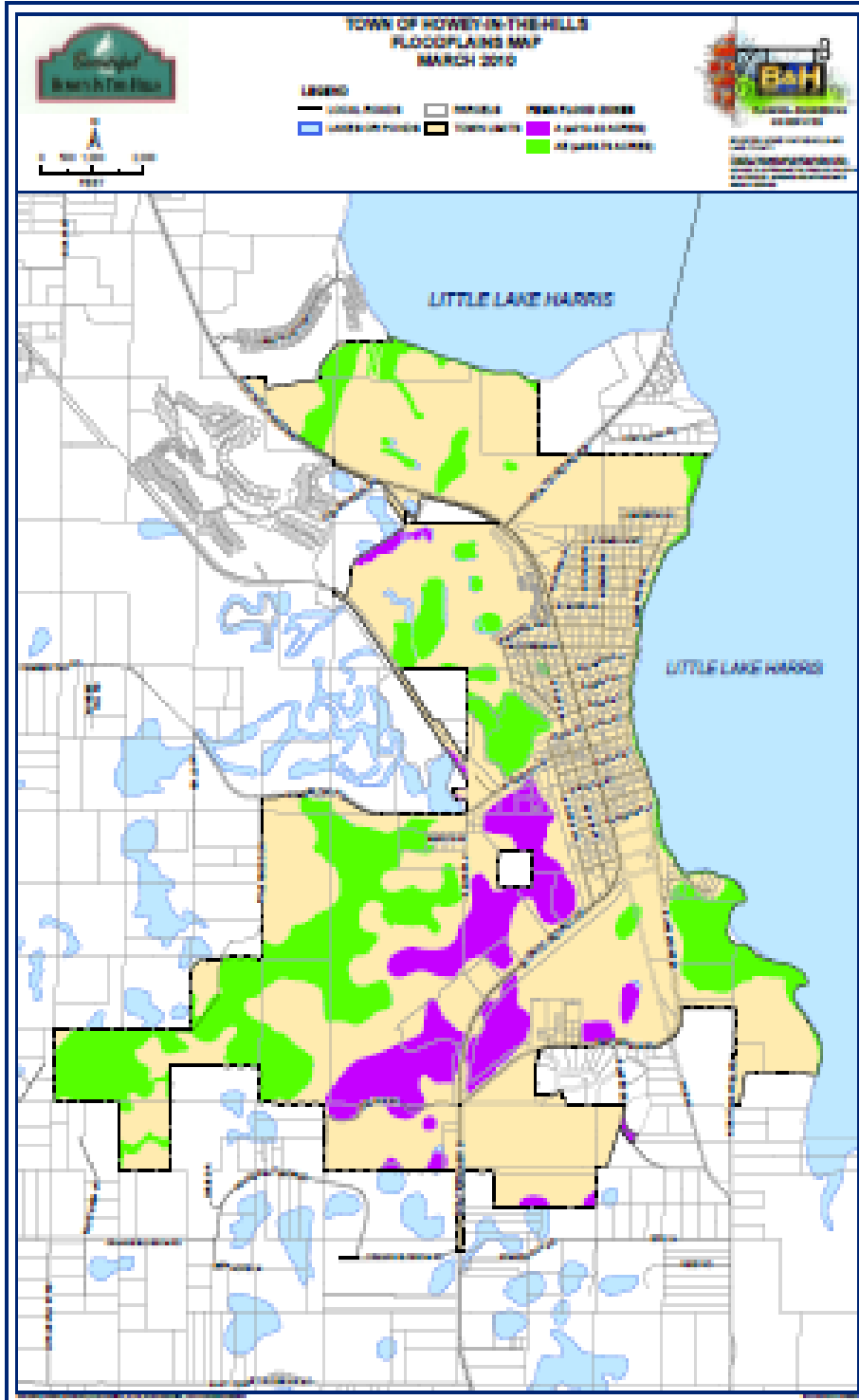
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Adopted on October 11, 2010
 Ordinance No. 2010-007
 Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-16

As readopted 8-12-2024

Note: *Red text* shows change made after 2-26-2024 transmittal hearing.



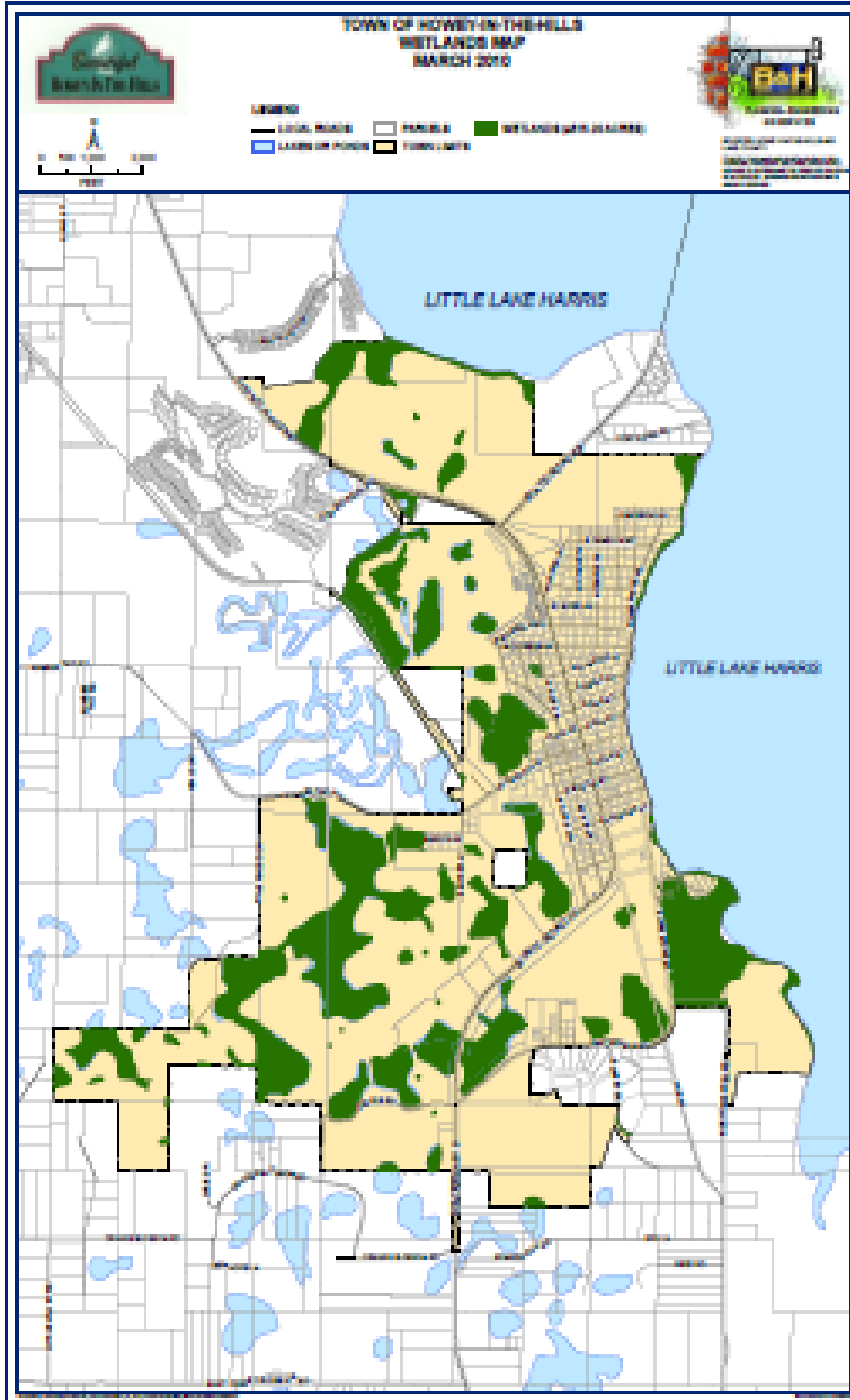
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Adopted on October 11, 2010
Ordinance No. 2010-007
Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-17

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.



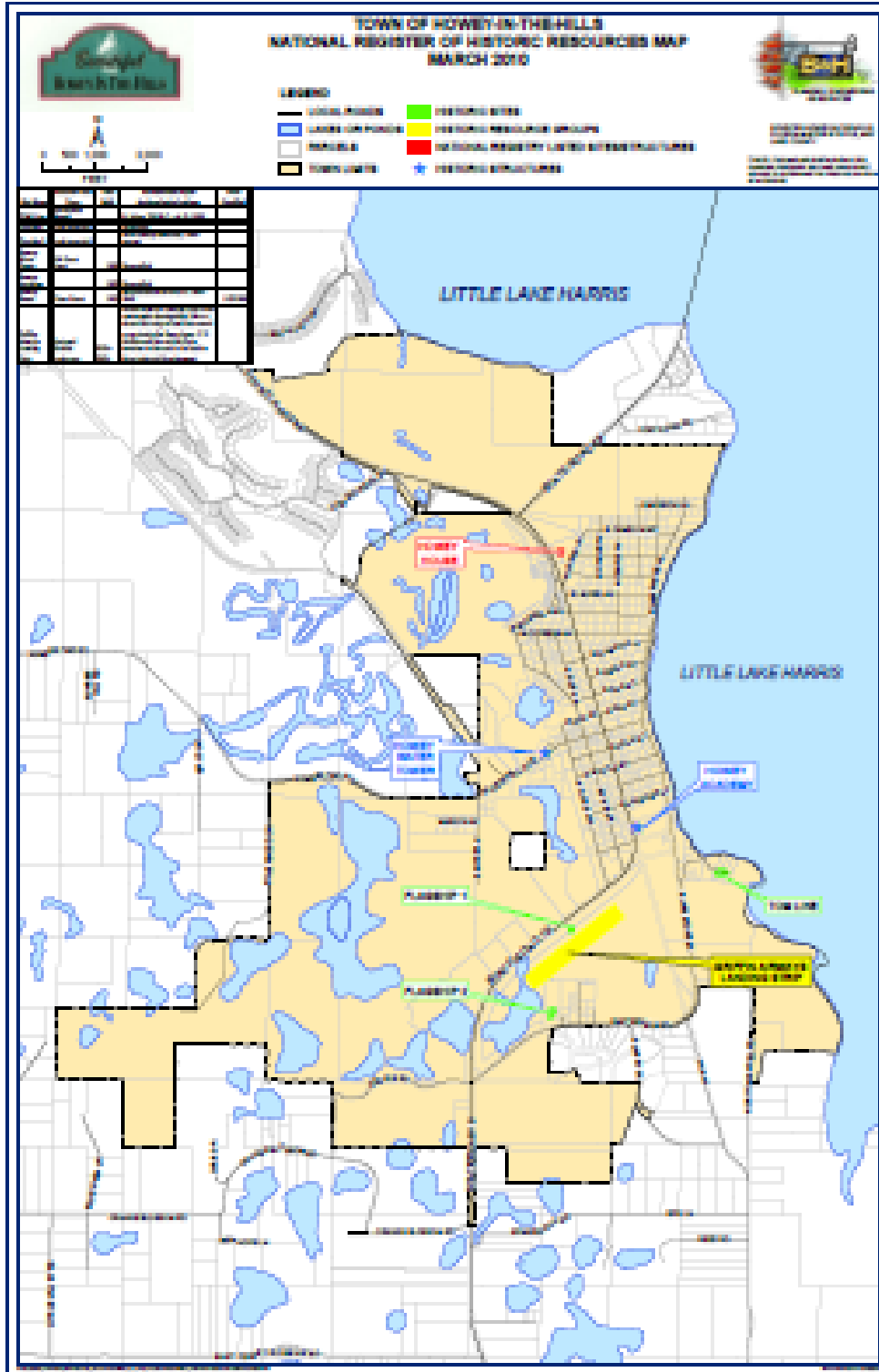
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Adopted on October 11, 2010
 Ordinance No. 2010-007
 Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-19

As readopted 8-12-2024

Note: **Red text** shows change made after 2-26-2024 transmittal hearing.



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Adopted on October 11, 2010
Ordinance No. 2010-007
Amended -- Ord. 2024-009 (Aug. 12, 2024)

I-20

As readopted 8-12-2024

*Note: **Red text** shows change made after 2-26-2024 transmittal hearing.*

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ORDINANCE NO. 2024-010

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN COUNCIL; REVISING THE COMPENSATION TO BE PAID TO THE MAYOR, MAYOR PRO TEMPORE AND COUNCILORS UNDER SECTION 42-10 OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Whereas, Subsection 112.313(5) of the Florida Statutes provides that the Town Council members may vote on matters affecting their salary, expenses, or other compensation as a public officer.

Whereas, the Town Council now desires to amend the Town’s Code of Ordinances regarding the amount of compensation paid to the Mayor, Mayor Pro Tempore, and Councilors.

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

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Amendments to the Town of Howey-in-the-Hills’ Code of Ordinances. Section 42-10 of the Town of Howey-in-the-Hills Code of Ordinances is amended, as shown by the addition of the underlined language and the deletion of the struck-through language, as follows:

Sec. 42-10. - Compensation of the Mayor, Mayor Pro Tempore and Town Council Members.

- A. The Mayor shall receive compensation in the amount of ~~\$125.00~~\$250.00 per Town Council meeting, workshop, or specially called meeting attended by the Mayor. The Mayor’s compensation shall not exceed ~~\$250.00~~\$500.00 per calendar month.
- B. The Mayor Pro Tempore shall receive compensation in the amount of ~~\$62.50~~\$125.00 per Town Council meeting, workshop, or specially called meeting attended by the Mayor Pro Tempore. The Mayor Pro Tempore compensation shall not exceed ~~\$125.00~~\$250.00 per calendar month.
- C. A Town Councilor shall receive compensation in the amount of ~~\$50.00~~\$100.00 per town council meeting, workshop, or specially called meeting attended by a Town Councilor. A Town Councilor’s compensation shall not exceed ~~\$100.00~~\$200.00 per calendar month.
- D. The Mayor may be excused from attending a town council meeting, workshop, or specially called meeting without a deduction in compensation. The Mayor must notify the Town Clerk 24 hours prior to the meeting. The Town Clerk shall announce the Mayor’s absence at the meeting, and the Town Council shall determine whether the absence will be deemed excused for purposes of this paragraph.

46 E. The Mayor Pro Tempore or a Town Councilor may be excused from attending a town
47 council meeting, workshop or specially called meeting without a deduction in
48 compensation. The Mayor Pro Tempore or Town Councilor wishing to be excused from a
49 meeting must notify the Mayor 24 hours prior to the meeting, at which time the Mayor
50 shall determine whether the absence will be deemed excused for purposes of this
51 paragraph.
52

53 **Section 3. Severability.** The provisions of this ordinance are declared to be severable. If any
54 section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or
55 unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,
56 clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent
57 that this ordinance shall stand notwithstanding the invalidity of any part.
58

59 **Section 4. Codification.** The provisions in section 2 of this ordinance, and of no other sections,
60 shall become and be made a part of the Town’s Code of Ordinances.
61

62 **Section 5. Effective Date.** This ordinance takes effect on October 1, 2024 or upon its
63 enactment, whichever comes later.
64

65 **ORDAINED AND ENACTED** on _____, 2024, by the Town Council of the Town
66 of Howey-in-the-Hills, Florida.
67

68
69 **Town of Howey-in-the-Hills, Florida**
70 By: Town Council
71

72
73 By: _____
74 Martha MacFarlane, Mayor
75

76
77
78 **ATTEST:**

79 **APPROVED AS TO FORM AND LEGALITY**
80 (for the use and reliance of the Town only)
81

82 _____
83 John Brock, Town Clerk
84

85 _____
86 Thomas J. Wilkes, Town Attorney
87

88 First Reading held August 12, 2024
89 Second Reading, Public Hearing and Adoption held _____
90 Advertised _____
91

LAKE COUNTY MUNICIPAL ELECTED OFFICIALS COMPENSATION

City	Population	Commissioners	Population Per Commissioner	Annual Pay Commissioner	Annual Pay Mayor	Paid Health	Paid Dental	Paid Vision	Retirement Contribution
Clermont	44,600	5	8,920	\$6,600	\$7,800	No	No	No	No
Leesburg	28,376	5	5,675	\$11,364	\$15,888	Yes	Yes	Yes	Yes
Eustis	23,595	5	4,719	\$5,400	\$6,400	No	No	No	No
Groveland	23,000	5	4,600	\$9,180	\$9,180	No	No	No	No
Tavares	18,777	5	3,755	\$6,965	\$7,965	Yes	Yes	Yes	No
Mount Dora	17,200	7	2,457	\$6,293	\$10,926	No	No	No	No
Lady Lake	16,714	4	4,179	\$8,400	\$9,300	No	No	No	No
Minneola	16,446	5	3,289	\$7,200	\$7,200	No	No	No	No
Fruitland Park	9,175	5	1,835	\$12,000	\$12,000	No	No	No	No
Mascotte	6,600	5	1,320	\$5,378	\$7,395	No	No	No	No
Umatilla	4,196	5	839	\$4,000	\$6,000	No	No	No	No
Howey-in-the-Hills	1,837	5	367	\$2,400	\$6,000	No	No	No	No
Montverde	1,700	5	340	\$6,000	\$12,000	No	No	No	No
Municipal Average			3,253	\$7,014	\$9,081				



Date: August 12, 2024
To: Mayor and Town Council
From: Sean O’Keefe, Town Manager
Re: Consideration and Approval: **Resolution 2024-005 Solid Waste Rates**

Objective:

To establish rates for solid waste services to Town residents in the upcoming fiscal year.

Summary:

The Town is entering the third year of its seven-year term of its current solid waste agreement. A contractually-allowed increase in the cost of the service to the Town of 4.9% was agreed to by Council. For the upcoming year, the Council needs to determine how much of these added costs will be passed on in increased fees assessed by the Town. The current monthly rates of \$30.34 and \$33.97 for residential and commercial respectively would be \$31.86 and \$35.67 with a 4.9% rate increase.

Recommended Motions:

The Town Council has the following options:

1. The Town Council motions to approve a rate increase

OR

3. Motion to Deny

Fiscal Impact:

There is an increased cost to the Town per residence (and per business) for this service, which needs to be covered by the rates set by Town Council.

Staff Recommendation:

Staff recommends approval of an overall 4.9% rate increase.

RESOLUTION NO. 2024-005

A RESOLUTION OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, SETTING THE FEES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLING PER HOME OR BUSINESS FOR A NEW MONTHLY RATE OF \$31.86 AND \$35.67 RESPECTIVELY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, the Town of Howey-in-the-Hills has entered into a Solid Waste Franchise Agreement with GFL Solid Waste Southeast, LLC on June 10, 2022.

Whereas, Sec. 100-10.3 of the Town’s Code of Ordinances requires that fees for the collection and disposal of refuse shall be as provided for by the Town by resolution.

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

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Adjustment to the Solid Waste and Recycling Rates. The rates for solid waste and recycling are hereby set per home to a new monthly rate of \$31.86. The rates for solid waste and recycling are hereby set per commercial property to a new monthly rate of \$35.67. The rates will be increased effective as of October 1, 2024.

Section 3. Severability. The provisions of this Resolution are declared to be separable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 4. Effective Date. This Resolution takes effect immediately upon its enactment.

*** SIGNATURE PAGE FOLLOWS ***

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PASSED AND RESOLVED on August 12, 2024, by the Town Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA**
By: its Town Council

Martha MacFarlane, Mayor

ATTEST:

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

John Brock, Town Clerk

Thomas J. Wilkes, Town Attorney



Date: August 12, 2024
To: Mayor and Town Council
From: Sean O’Keefe, Town Manager
Re: Consideration and Approval: **Water Rate Increase**

Objective:

To establish rates for water services to Town residents in the upcoming fiscal year.

Summary:

As the Town approaches the beginning of its fiscal year, it is established by code that the Town may increase the water rate by a percentage not to exceed the Municipal Cost Index (MCI) of the preceding calendar year. The increase percentage of the MCI for calendar year 2023 was 1.6802345%. Council needs to determine whether there will be an increase to water customers based on this inflationary change. As an example, if this rate were to be implemented, the base rate for monthly residential potable usage of 5,000 gallons or less would change from \$33.46 to \$34.02.

Total number of residential potable meters vs. residential irrigation meters are roughly a 75/25 split, with potable vs. irrigation usage by gallons roughly 45/55, with revenues generated at roughly 60/40. (The lower revenue-to-usage ratio of irrigation water is due to the lower cost of irrigation water at higher usage rates.)

Recommended Motions:

The Town Council has the following options:

1. The Town Council motions to approve a rate increase up to 1.6802345%
- OR
3. Motion to Deny

Fiscal Impact:

There is an overall cost to the Town for water service, which needs to be covered by the rates set by Town Council. A rate increase by the allowable MCI rate percentage is estimated to generate approximately \$18,000 in additional annual revenue for the Utility Fund.

Staff Recommendation:

Staff recommends approval of the allowable MCI water rate increase of 1.6802345% across all categories and within all brackets.

Public Services

Water User Charges

Town of Howey-in-the-Hills Ordinances Chapter 171

Non-resident service charge is 1.25 times the established amount

Connection fee

New Residential, Builder or Commercial (not less than cost)	450.00
Existing Residential, Builder or Commercial	30.00

Connection fee and deposit

Residential owner deposit	150.00
Residential tenant deposit.....	250.00
Builder deposit.....	150.00
Commercial deposit.....	250.00

Delinquent reconnection (Res. 2005-22)

During Public Services (business hours Mon-Fri 7a.m. – 3 p.m.)	50.00
----------------------------------------------------------------------	-------

Penalty for late utility bill payment

.....	10% of bill
-------	-------------

Water turn-off or turn-on (Res. 2010-012)

Scheduled (business hours Mon-Fri 7a.m. – 3 p.m.)	30.00
---------------------------------------------------------	-------

Water availability (meter at address)

.....	14.23
-------	-------

Water plant improvement (each household)

.....	10.00
-------	-------

Unpaid fee collection charges (Res. 2012-043)

.....	35.00
-------	-------

Town Water Rates

Water availability (meter in ground and locked)

Monthly Base Rate.....	14.23
------------------------	-------

Potable

Monthly Base Rate 0-5,000 gallons	33.46
Rate per 1,000 gallons 5,001-9,000	2.68
Rate per 1,000 gallons 9,001-14,000	2.93
Rate per 1,000 gallons 14,001-20,000	3.18
Rate per 1,000 gallons 20,001-30,000	4.49
Rate per 1,000 gallons 30,001-60,000	12.93
Rate per 1,000 gallons 60,001 and over	16.92

TOWN OF HOWEY-IN-THE-HILLS FEE SCHEDULE

Residential irrigation

Monthly Bases Rate 0-5,000 gallons	33.46
Rate per 1,000 gallons 5,001-30,000	2.68
Rate per 1,000 gallons, 30,001-60,000	2.93
Rate per 60,001 gallons and above.....	4.49

Residential irrigation 2-month new landscape with irrigation meters

Monthly Bases Rate 0-5,000 gallons	33.46
Rate per 1,000 gallons 5,001 and above.....	2.68

Commercial and homeowner associate irrigation rates

Monthly Base Charge per Connection	33.46
Rate per 1,000 gallons 0–30,000	2.68
Rate per 1,000 gallons 30,001 and over	2.93

Utility Meter Fees and Hydrant Meter Water Deposit

Meter tampering fee

Per meter (fee plus costs of all labor and materials for damages incurred)	50.00
----------------------------------------------------------------------------------	-------

Meter installation fee
(minimum fee for standard installations, fee plus time and material for nonstandard installation and materials)

5/8 x 3/4 inch meter standard installation	701.10
1 inch meter standard installation.....	860.93
1 1/2 inch meter standard installation	1,180.74
2 inch meter standard installation.....	1,405.85
3 inch meter standard installation.....	5,666.12
4 inch meter standard installation.....	8,193.57

2 inch hydrant meter and backflow preventer rental 1,600.00
The 2 inch hydrant meter and back-flow preventer is used on a temporary basis, usually for construction site. The rental fee and deposit is a minimum of \$1,600.00 with 50 percent being refundable upon return of the nondamaged and fully functional meter and back-flow preventer. A 50 percent nonrefundable fee covers the cost of installation and maintenance of the meter and back-flow preventer.

2 inch hydrant meter deposit	500.00
------------------------------------	--------

They 2 inch hydrant meter water deposit is required, refundable after full payment of all water bills and the account balance of \$0.00.

Sewer user charges

Residential wastewater processing per ERU to CDD	24.00
Residential wastewater town collection infrastructure	22.00

Sanitation charges (solid waste)

Residential-monthly	30.34
Commercial-monthly	33.97

SUMMARY OF KEY TERMS

Item 12.

BORROWERS:	TOWN OF HOWEY-IN-THE-HILLS
GUARANTORS:	TOWN OF HOWEY-IN-THE-HILLS
TYPE/AMOUNT:	Term Loan - \$300,000.00 (Project Cost: \$527,300.00) – 57% LTC
PURPOSE:	Complete replacement of the Sara Maude Mason Boardwalk and observation tower (~1,300 ft long)
MATURITY:	126 Months from Closing
REPAYMENT:	6 months interest only followed by P&I payments based on 10-Year Term Fully Amortizing
PRICING/FEES:	6.50% fixed, 50bp origination fee
COLLATERAL:	Unsecured
COVENANTS:	None
REPORTING:	None
CONDITIONS:	None
OTHER COSTS:	Borrower shall be responsible for all fees and costs associated with the documentation and closing of the Loan including, and as applicable, but not limited to, appraisal-related due diligence, environmental due diligence, legal fees and costs, and others. In any case where due diligence is required prior to closing, the Borrower shall be required to pay for such services in full upon Bank's engagement of such services, whether or not the facilities summarized in this document ultimately close.



This Summary of Key Terms is limited to an expression of interest by Seacoast National Bank (“Bank”) in the proposed financing and is not a commitment, an offer, an agreement in principle, or an agreement by the Bank to make any loan. The terms are subject to standard credit underwriting and approval by the Bank. This Summary of Key Terms should not be shared with anyone other than the Borrower(s) and their advisor(s).

ORDINANCE NO. 2024- 002

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AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND DEVELOPMENT; PROVIDING FINDINGS AND DETERMINATIONS OF THE TOWN COUNCIL; AMENDING THE TOWN’S LAND DEVELOPMENT CODE (LDC) TO REVISE PROVISIONS GOVERNING “MEDIUM DENSITY RESIDENTIAL–1” (MDR-1), “MEDIUM DENSITY RESIDENTIAL–2” (MDR-2), AND PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS, EMPHASIZING LOT-SIZE AND OPEN-SPACE REQUIREMENTS; ADDING NEW “HIGH DENSITY RESIDENTIAL–1” (HDR-1) AND “HIGH DENSITY RESIDENTIAL– 2” (HDR-2) ZONING DISTRICTS AND THE RESTRICTIONS AND REQUIREMENTS THAT GOVERN LAND USE WITHIN THOSE DISTRICTS; AMENDING MISCELLANEOUS PROVISIONS OF OTHER ZONING DISTRICTS; CHANGING ALL REFERENCES TO “MAYOR” TO READ “TOWN MANAGER”; AMENDING SECTION 10.00 TO LIMIT PUD ZONING DISTRICTS TO LAND OF 100 ACRES OR MORE; AMENDING SUBSECTION 4.10.1 TO SPECIFY THE FORM AND MANNER IN WHICH CONDITIONS OF APPROVAL FOR PUD ZONING WILL BE MEMORIALIZED; ENACTING SUBSECTION 4.13.05 TO SPECIFY REQUIREMENTS FOR APPROVING VARIANCES; DELETING SUBSECTION 4.15.00 REGARDING LANDOWNER APPLICATIONS FOR AMENDMENTS TO THE LDC; AMENDING NUMEROUS REQUIREMENTS IN CHAPTER 7 OF THE LDC GOVERNING SIDEWALKS, CANOPY TREES, LANDSCAPE BUFFERS, ROOT BARRIERS, AND RELATED SEPARATION DISTANCES; ENACTING NEW SUBSECTION 7.10.02 TO CLARIFY TREE REQUIREMENTS IN RESIDENTIAL DEVELOPMENT; AMENDING TABLE 8.03.02 REGARDING REQUIREMENTS FOR LOCAL ROADS; AMENDING PARAGRAPH 8.05.01.3 TO SPECIFY REQUIREMENTS OF OWNERSHIP, OPERATION, AND MAINTENANCE OF WASTEWATER AND RECLAIMED-WATER SYSTEMS IN NEW DEVELOPMENTS; ENACTING

1 **PARAGRAPH 8.06.01D TO SPECIFY LIMITATIONS ON**
2 **EXTERIOR LIGHTING NEAR RESIDENTIAL PROPERTIES;**
3 **ENACTING SUBSECTION 8.08.02 TO SPECIFY**
4 **REQUIREMENTS FOR APPROVALS OF RECREATIONAL**
5 **AMENITIES IN NEW DEVELOPMENTS; TRANSFERRING**
6 **SUBSECTION 8.10.0 TO NEW SUBSECTION 1.06.07**
7 **WITHOUT CHANGE; AMENDING SUBSECTION 10.02.03 TO**
8 **SPECIFY THAT ROAD IMPROVEMENTS FOR NEW**
9 **DEVELOPMENT TO MEET CONCURRENCY**
10 **REQUIREMENTS MUST BE CONSTRUCTED AT NO COST**
11 **TO THE TOWN; ADDING AND AMENDING NUMEROUS**
12 **DEFINITIONS IN SUBSECTION 1.12.00 TO CONFORM AND**
13 **COMPLEMENT SUBSTANTIVE AMENDMENTS IN OTHER**
14 **SECTIONS OF THE LDC; PROVIDING FOR CODIFICATION,**
15 **SEVERABILITY, AND AN EFFECTIVE DATE.**

16
17 *Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:*

18
19 **Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Howey-in-
20 the-Hills, Florida finds and declares the following:

- 21
22 (1) Under Section 163.3184 of Florida Statutes, the Town Council adopted a comprehensive
23 plan, including the statutorily required Future Land Use Element (FLUE). Among other
24 things the FLUE sets requirements and provides certain allowances for residential land
25 development in the Town.
26
27 (2) As required by Section 163.3202 of Florida Statutes the Town Council enacted land
28 development regulations to implement and enforce its comprehensive plan. The regulations
29 are the Town’s Land Development Code (LDC).
30
31 (3) As required by Section 163.3202, the Town’s LDC regulates the subdivision of land and the
32 use of land and water, regulates the flow of vehicular traffic, protects the Town’s access to
33 potable water, ensures the availability of needed public services and facilities, protects
34 against flooding and provides for stormwater drainage and management, and otherwise
35 provides for the health, safety, and welfare of the citizens, residents, property owners, and
36 taxpayers of the Town.
37
38 (4) After 2010, substantial amounts of approved residential development were constructed at
39 substantially higher densities and substantially smaller lot sizes than were prevalent in the
40 historical development of the Town between its incorporation in 1925 and the year 2010.
41
42 (5) In 2023 and 2024 the Town Council and its Planning and Zoning Board undertook an

1 analysis and reevaluation of the post 2010 densities and lot sizes, with robust public
2 participation in the reevaluation.

3
4 (6) The consensus on Town Council, at the Planning and Zoning Board, and among Town
5 residents was that the higher densities and smaller lot sizes are inconsistent with the
6 development pattern, character, and ambiance of the Town’s historical neighborhoods. For
7 that reason, the Town Council determines that adjustment of density and open-space
8 requirements in both (i) the Future Land Use Element of the Town’s adopted Comprehensive
9 Plan and (ii) the Town’s Land Development Code is justified and desirable.

10
11 (7) Under Section 163.3184 of the Florida Statutes, on February 26, 2024, the Town approved
12 the transmittal to the Florida Department of Commerce and other required review agencies of
13 certain proposed amendments to the Future Land Use Element. After it was notified that the
14 Department had no comments the Town held a public hearing on [REDACTED], 2024,
15 and, at its conclusion, enacted Ordinance 2023-013, adopting the comprehensive-plan
16 amendments,.

17
18 (8) The Town Council determines herewith the following: :

- 19
20 a. The proposed amendments to the Land Development Code in Attachment A to this
21 ordinance are consistent with the Future Land Use Element of the Town’s
22 Comprehensive Plan, as amended or as will be amended by Ordinance 2023-013; and
23
24 b. If enacted, the proposed amendments will serve to implement and enforce the Future
25 Land Use Element of the Town’s Comprehensive Plan as required by section
26 163.3202 of Florida Statutes; and
27
28 c. It is in the interest of the citizens, residents, and property owners of the Town to enact
29 the amendments to the Town’s Land Development Code contained in Attachment A
30 to this ordinance.

31
32 **Section 2. Enactment of Amendments to Land Development Code.** The amendments to the
33 Land Development Code of the Town of Howey-in-the-Hills, Florida, contained in **Attachment**
34 **A** to this ordinance, with the underscore and strike-through format, are hereby enacted.

35
36 **Section 3. Codification.** The amendments to the Land Development Code in Attachment A are
37 to be codified and posted on the Town’s website accordingly.

38
39 **Section 4. Severability.** If any provision or portion of this ordinance or its Attachment A is
40 declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then
41 all remaining provisions of this ordinance and its Attachment A shall remain in full effect. To
42 that end, this ordinance is declared to be severable.

43
44 **Section 5. Effective Date.** This ordinance shall take effect on the date Ordinance 2023-013
45 takes effect.

1 **ORDAINED AND ENACTED** this [redacted] day of [redacted], 2024, by the Town
2 Council of the Town of Howey-in-the-Hills, Florida.

3
4
5 **TOWN OF HOWEY-IN-THE-HILLS,**
6 **FLORIDA**

7 By: its Town Council

8
9
10 By: _____
11 Hon. Martha MacFarlane, Mayor

12
13
14
15 **ATTEST:**

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

18
19 _____
20 John Brock, Deputy Town Manager
21 and Town Clerk

22 _____
23 Thomas J. Wilkes, Town Attorney

24
25
26
27 Planning and Zoning Board hearing(s) held [redacted], 2024.

28 First reading held [redacted], 2024.

29 Second reading and public hearing held [redacted], 2024

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Attachment A
to
Ordinance 2024-

Amended
LAND DEVELOPMENT CODE

CHAPTER 1

General Provisions

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1 **1.00.00** **GENERALLY**

2 **1.00.01** **Purpose and Intent**

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

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

29 **1.00.02** **Relationship to the Comprehensive Plan**

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

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

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

1 **1.01.00 TITLE**

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

4 **1.02.00 AUTHORITY**

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

7 **1.03.00 APPLICABILITY**

8 **1.03.01 Generally**

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

27 **1.03.02 Exemptions**

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

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

13 **1.04.00 NONCONFORMING SITUATIONS**

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

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

39 **1.04.02 Lots of Record**

- 40 A. Use of Nonconforming Lots-of-Record
- 41 1. A lot made nonconforming by this LDC may be used for any use permitted
- 42 within the district in which the lot is located provided that the development or

1 use shall comply with all the district regulations in effect at the time of
2 development order issuance.

3 B. Single-Family Lots. Single-family dwelling units meeting all setback requirements
4 may be erected on nonconforming lots-of-record; however, if two (2) or more lots
5 with continuous frontage were in single ownership at the time of adoption of this
6 Code or were subsequently combined into single ownership, the lands involved
7 shall be considered to be an undivided parcel for the purpose of meeting the
8 requirements of this Code, and no portion of said parcel shall be used or sold in a
9 manner which diminishes compliance with current lot width, depth, or area
10 requirements.

11 **1.04.03 Structures on Substandard Lots**

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

20 **1.04.04 Construction or Demolition of Structures on Combined Lots**

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

30 **1.05.00 TOWN ~~MANAGER~~ MANAGER**

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

1 **1.06.00 INTERPRETATIONS**

2 **1.06.01 Generally**

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

13 **1.06.02 Responsibility for Interpretations**

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

24 **1.06.03 Rules for Interpretation of Boundaries**

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

38 **1.06.04 Rules of Construction**

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

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

14 **1.06.05 Computation of Time**

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

25 **1.06.06 Computation of Required or Permitted Units**

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

29 **1.06.07 Appeals**

30 An applicant may appeal a decision of a Town consultant or employee in the
31 enforcement or interpretation of this LDC. The appeal shall be filed within 60 days
32 from the date of a DRC report or other consultant or employee decision. Upon filing
33 the appropriate application and payment of an appeal fee set by resolution of the Town
34 Council, the Town Clerk shall process the appeal. The Board of Adjustment, by a
35 majority vote, may affirm, reverse, or modify the decision.
36

37

1 **1.07.00 DOCUMENTS ADOPTED BY REFERENCE**

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

5 **1.08.00 SEVERABILITY**

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

10 **1.09.00 REPEAL**

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

14 **1.10.00 STATUS OF CODE, PRIOR OFFENSES**

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

21 **1.11.00 VIOLATIONS AND PENALTIES**

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

26
27 Each day that a violation of this Code continues after written notice without compliance
28 shall constitute a separate offense punishable upon conviction.

29 **1.12.00 ACRONYMS AND DEFINITIONS**

30 A. Acronyms

31

32	AASHTO	American Association of State Highway and Transportation
33		Officials
34	ACOE	U.S. Army Corps of Engineers
35	ADA	Americans with Disabilities Act

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

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

20
21 B. Glossary of terms

22
23 ***DRAFTING NOTE – certain defined terms below were amended***
24 ***on May 13, 2024, by enactment of Town Ordinance 2024-003.***
25 ***Those amended definitions are to be inserted no later than the***
26 ***date this ordinance is codified on the Town website.***

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

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

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

40
41 ***Accessory Building or Structure*** means a structure on the same lot with, and of a nature
42 customarily incidental and subordinate to, the principal structure, such as, but not
43 limited to, the following:

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

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

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

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

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

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

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

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

Antenna means an apparatus designed for the transmitting and/or receiving of electromagnetic waves which includes but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to, whip antennas, panel antennas, and dish antennas. As used herein the term "antenna" includes all antennas integrated and used as a complete unit, such as an antenna array. For purposes of this LDC, the following shall not be considered antennas and shall not be regulated by this LDC: Ham, CB, Television antennas, and antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one (1) meter or less in diameter, or, antennas that are designed to

1 receive video programming services via multipoint distribution services, instructional
2 television fixed services, and local multipoint distribution services, and that are one (1)
3 meter or less in diameter or diagonal measurement; and, satellite earth station antennas
4 in commercial or industrial areas.

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

23
24 **Appeal** means any request for a review of a decision made by either an administrator
25 or Board. All appeals shall be made to the Town Council.
26

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

33 **Attached Dwellings** means dwelling units which share a common wall or walls and
34 have ground-floor entrances to every unit, including but not limited to townhomes and
35 duplexes.
36

37 **Automobile Repair, Garage and Body Shop** means any building and or land where
38 automotive vehicles are repaired, rebuilt, reconstructed, or painted, or where tires are
39 recapped, and body work is performed.
40

41 **Automobile Service Station/Gas Station** means a place where motor vehicle fuels and
42 lubricants are retailed directly to the public; automotive repair is prohibited.
43

44 **Automotive Wrecking or Junkyard** means any place where motor vehicles not in
45 running condition or not bearing current inspection sticker or current license plate, are

1 stored in the open and are not being restored to operation; any land, building or structure
2 used for wrecking or storing of such motor vehicles or parts thereof; and including the
3 commercial salvaging and scavenging of any other goods, articles or merchandise.
4

5 **Awning** means any fixed roof-like structure, cantilevered, or otherwise entirely
6 supported from a building, so constructed and erected as to allow the awning to be:

- 7 1. Readily and easily moved.
- 8 2. Rolled or folded back to a position flat against the building, or cantilever
9 position thereof; and
- 10 3. Detached from its supporting structure.

11
12 **Balloons, Banners, and the like** within this LDC are limited to those used for
13 marketing special events including any free-floating tethered device intended to draw
14 attention to a premises.
15

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

28 **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any
29 given year.
30

31 **Base Flood Elevation** means the elevation of a flood which has a one percent (1%)
32 chance of being equaled or exceeded in any given year. Base flood elevation is also
33 known as the 100-year flood elevation.
34

35 **Bed and Breakfast Inn** means an owner-occupied house, or portion thereof, where
36 short-term lodging and meals are provided for compensation.
37

38 **Block Face** means the area along both sides of a street between consecutive
39 intersections where the street pattern is a grid pattern or a modified grid pattern and
40 intersections are spaced at a distance of 800 feet or less. Where street patterns are
41 curvilinear or intersections are spaced at a distance greater than 800 feet, a block face
42 shall consist of 300 linear feet or portion thereof measured along the centerline of the
43 street.
44

1 **Boat Ramp** means any structure, clearing, or artificially stabilized area that extends to
2 or waterward of the normal high-water elevation for the purpose of launching and/or
3 retrieving motorized watercraft.
4

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

11 **Buildable Area** means the portion of a lot remaining after required yards have been
12 provided.
13

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

19 **Building Height** means the vertical distance between the average finished grade in
20 front of the building and the top of the highest point of the building.
21

22 **Caliper** means the trunk diameter as measured six inches (6”) above the soil line for
23 trees up to four inches (4”) in diameter and the trunk diameter as measured twelve
24 inches (12”) above the soil line for larger trees.
25

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

38 **Canopy Tree** means a tree, usually with one main trunk, which develops an elevated
39 crown and provides at maturity, a minimum shade crown of 30-feet in diameter or
40 greater. See also street tree.
41

42 **Capacity (Roads)** means the maximum number of vehicles that can be accommodated
43 on a given roadway during a specified time period under prevailing roadway and traffic
44 control conditions at that roadway’s adopted level of service.
45

1 **Capital Improvement** means a physical asset which is relatively large scale and high in
2 cost, generally non-recurring, and may require multiyear financing. Capital improvements
3 include infrastructure (i.e., roads and water and wastewater systems or components), land
4 acquisitions, buildings, facilities (i.e., ball fields), vehicles, equipment, and preparatory
5 services (i.e., studies, construction drawings, etc.)
6

7 **Carport** means a roofed space, accessory to, or a portion of, the principal structure,
8 used for the storage of motor vehicles and enclosed on not more than two (2) sides by
9 walls.
10

11 **Certificate of Occupancy (C.O.)** means that certificate issued by the Town of Howey
12 in the Hills subsequent to final inspection that all improvements have been completed
13 in conformity with all applicable building and construction regulations in the Town and
14 confirming that the building or structure may be used or occupied.
15

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

19 **Clearing** means the removal of vegetation from the land, but shall not include mowing
20 of grass.
21

22 **Clear cutting** means removal of all or substantially all trees on a parcel of land as
23 preparation for or in anticipation of development of the parcel.
24

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

31 **Club** means buildings and facilities owned and operated by a corporation or association
32 of persons for social or recreational purposes, but not operated primarily for profit or
33 to render a service which is customarily carried on as a business.
34

35 **Common Area:** means the area under common ownership of a subdivision or site.
36

37 **Concurrency** means a condition where the necessary public facilities and services to
38 maintain the adopted level of service standard occur in accord with the impacts of
39 development.
40

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

1 **Conditional Use** means an order issued by the Town Council which allows certain uses
2 within a zoning district that are not generally permitted throughout the district, but
3 which if controlled as to number, area, location, or relation to the neighborhood, could
4 promote the public health, safety, and welfare.
5

6 **Condominium** means that form of ownership of real property created pursuant to
7 Chapter 718, Florida Statutes, which is comprised entirely of units that may be owned
8 by one or more persons, and in which there is, appurtenant to each unit, an undivided
9 share in common elements.
10

11 **Construction** means any on-site activity which will result in the change of natural or
12 existing drainage patterns, erection of buildings and other structures, or land clearing.
13

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

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

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

33 **Cross Access** means an easement or service drive providing vehicular access between
34 two or more contiguous sites.
35

36 **Crown** means the main mass of branching of a plant above the ground.
37

38 **Cul-de-sac** means a dead-end street with a circular turnaround at the end.
39

40 **Cupola** means a small decorative structure on top of a roof and not intended for
41 habitation.
42

43 **Day Care Facility** means a facility or center which provides, for any portion of the day,
44 child care services to more than four (4) children unrelated to the owner or operator
45 and which receives payment for any of the children receiving care, whether or not

1 operated for profit. This term includes daycare centers, nursery schools, and
2 kindergartens, when not accessory to an elementary school. This term does not include
3 group homes.
4

5 **Demolition** means any act or process that destroys in part or in whole a building,
6 structure, or impervious surface.
7

8 **Density** means the number of dwelling units per net acre of land. The net land area is
9 figured by taking the gross land area (total property less any lakes or water bodies),
10 then subtracting from that any open space acreage, then subtracting any remaining
11 unbuildable acreage (remaining wetlands).
12

13 **Developer** means any person, individual, partnership, association, syndicate, firm,
14 corporation, trust, or legal entity engaged in developing or subdividing land under the
15 terms of the Town of Howey-in-the-Hills Land Development Code.
16

17 **Development or Development Activity** means the alteration, construction, installation,
18 demolition or removal of a structure, impervious surface or drainage facility; or
19 clearing, grubbing, killing or otherwise removing the vegetation from a site; or adding,
20 removing, exposing, excavating, leveling, grading, digging, burrowing, dumping,
21 piling, dredging or otherwise significantly disturbing or altering soil, mud, sand or rock
22 of a site; or the modification or redevelopment of a site.
23

24 **Development Agreement** means an enforceable agreement between the Town and a
25 developer including agreements entered pursuant to the Town’s home rule powers
26 under Florida Statutes, Chapter 166, an agreement entered pursuant to F.S. Chapter
27 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.
28

29 **Development Order** means an order granting, denying, or granting with conditions an
30 application for approval of a development project or activity.
31

32 **Development Permit** means a document issued by the Town which authorizes the
33 actual commencement of land alteration or building construction.
34

35 **Diameter at Breast High (DBH)** means the diameter, measured in inches, of a tree
36 measured at four-and-one-half feet (4 ½’) above the existing grade.
37

38 **Dock** means any permanently fixed or floating structure to which a vessel or other
39 water-dependent recreational equipment can be moored and that affords access to a
40 vessel or other water-dependent recreational equipment on or over submerged lands
41 (all those lands lying waterward of the mean high water level) from the adjacent upland
42 property. The term dock is synonymous with pier and boathouse.
43

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

1
2 **Drainage System** means all facilities used for the movement of stormwater through
3 and from a drainage area including, but not limited to, any and all of the following
4 conduits: canals, channels, ditches, flumes, culverts, streets, as well as all watercourses,
5 water bodies and wetlands.
6

7 **Dredging, Filling, and Other Related Activities** means any activities which may affect
8 the quality of the waters of the Town such as the following: draining, digging, pumping,
9 pushing, removing, or displacing, by any means, of material, or the dumping, moving,
10 relocating, or depositing of material, either directly or otherwise, and the erecting of
11 structures, driving of pilings, or placing of obstructions below the mean-high-water
12 mark of any body of water within the Town.
13

14 **Drip Line** means an imaginary line on the ground defined by vertical lines, which
15 extend from the outermost tips of the tree branches to the ground.
16

17 **Driveway Spacing** means the distance between driveways as measured from the closest
18 edge of pavement of the first driveway (measured at the road) to the closest edge of
19 pavement of the second driveway (at the road).
20

21 **Drugstore/Pharmacy** means a retail establishment where prescription drugs are filled
22 and dispensed by a pharmacist licensed under the laws of the State of Florida. Other
23 items for sale typically include personal care products, greeting cards and gift wrapping
24 materials, books and magazines, snacks, and photography supplies.
25

26 **Dwelling:**

- 27 1. **Single-Family** a detached residential dwelling unit other than a mobile home,
28 designed for and occupied by one family and which includes a kitchen and
29 permanent facilities for living, sleeping, and sanitation.
30 2. **Duplex** a residential building containing two (2) dwelling units, designed for
31 occupancy by not more than two (2) families, containing either a common wall
32 or ceiling/floor.
33 3. **Townhouse** a residential building designed for or occupied by three (3) or more
34 dwellings that share common vertical walls.
35 4. **Multiple-Family** residential dwelling units which are located in a single
36 building, in which the entrances to individual units may be above the first floor.
37 ~~5. **Mobile Home** see definition for Mobile Home.~~
38 6. **Modular or Manufactured Home** See Modular or Manufactured Home.
39

40 **Dwelling Unit** means a building consisting of rooms connected together constituting a
41 separate, independent housekeeping establishment. Said enclosure shall contain
42 independent sleeping, kitchen and bathroom facilities designed for and used, or held
43 ready for use, as a permanent residence by one family.
44

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

3
4 **Equivalent Residential Unit (ERU)** is a unit of measure, generally used in terms of
5 determining water, wastewater, reclaimed water, and stormwater generation rates per
6 parcel, given the single-family residence as the standard unit of measure.

7
8 **Facade, Primary** means the side of a building that faces a public right-of-way or has
9 the primary entrance.

10
11 **Facade, Secondary** means the side of a building that is not a primary facade and either
12 is visible from a public right-of-way or has a secondary entrance.

13
14 **Family** means one person, or a group of two or more persons, living together and
15 interrelated by bonds of blood, marriage, or legal adoption, plus no more than two
16 additional unrelated persons. A family also may include no more than three unrelated
17 persons living as a single household unit, any lawful foster children, others placed as
18 part of a family through a state agency, or residents protected by the Florida and Fair
19 Housing Act.

20
21 **Fill** means soil, rock or other earthy material which is used to fill in a depression or
22 hole in the ground or create mounds or otherwise artificially change the grade or
23 elevation of real property.

24
25 **Final Plat** is the drawing of all or a portion of a subdivision which is presented for
26 approval, showing all building lots, easements, rights-of-way, and other information
27 necessary for providing the detailed description of the subdivision of a parcel of land.

28
29 **Floor Area Ratio (FAR)** means the total area of all floors of a building intended for
30 occupancy or storage divided by the total site area. Floor area ratio applies to non-
31 residential uses.

32
33 **Florida Registered Professional Engineer** is an engineer registered in the State in good
34 standing with the Florida Board of Engineers as defined by Florida Statutes.

35
36 **Garage** is a structure which is accessory to a principal building and which is used for
37 the parking and storage of vehicles. Garage doors must allow a minimum clear opening
38 of at least eight (8) wide by seven (7) feet tall for a one car access and fourteen (14)
39 feet wide by seven (7) feet tall for two car access. A garage may be a stand-alone
40 structure or incorporated as part of a principal structure.

41
42 **Gasoline Service Station** means any building, structure, or land used for the dispensing,
43 sale or offering for sale at retail of any automobile fuels, oils, or accessories. Minor
44 repairs may be made to automobiles; however, no major repairs such as body work,
45 welding, or painting shall be permitted.

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

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

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

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

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

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

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

Hatrack means to severely prune a tree in order to permanently maintain growth at a reduced height or to flat-cut a tree, severing the leader or leaders, or pruning a tree by stubbing off mature wood larger than three (3) inches in diameter; or reducing the total circumference or canopy spread not in conformance with National Arborists' Society standards.

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

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

1 **Home Occupation** means an activity for profit carried on in the main dwelling unit,
2 where the activity is conducted only by members of the family living within the
3 residence, requiring only customary home equipment and using only a limited amount
4 of the home’s square footage for the business; involving the employment of no
5 nonresident help; with only certain instances involving the offering of services on the
6 premises.

7
8 **Hotel or Motel** means a building or a group of buildings containing sleeping
9 accommodations or efficiency units in which transient guests are lodged on a short-
10 term basis. Hotels typically may also include dining (restaurants) and business services
11 (meeting facilities, etc.)

12
13 **Impervious Surface** means a surface which has been compacted or covered with a layer
14 of material so that it is highly resistant to infiltration by water. It includes most
15 conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface
16 areas at normal or control elevation, and other similar nonporous surfaces, but does not
17 include dry bottom stormwater facilities or wooden decks over soil (with spaces
18 between planks). Any determinations regarding permeability of material or surface
19 shall be at the sole discretion of the Town Engineer or designee.

20
21 **Impervious Surface Ratio (ISR)** means a figure normally expressed as a percentage,
22 calculated by taking the total amount of impervious surfaces on a site/lot and dividing
23 that by the total site/lot area.

24
25 **Improvements** means streets, curbs and gutters, sidewalks, water mains, sanitary
26 sewers, storm sewers or drains, street signs, landscaping, and any other construction
27 required by the Town.

28
29 **Industrial Waste** means the wastes from industrial manufacturing processes, trades, or
30 businesses, as distinct from sanitary sewage.

31
32 **Irrigation System** means a permanent, supplemental watering system designed to
33 transport and distribute water to plants. See irrigation system definitions below.

34
35 **Kennel** means a place where dogs and other small animals (house pets) are boarded or
36 groomed for compensation.

37
38 **Landscape Feature** means any improvement using live plants or associated materials
39 including but not limited to, shrubbery, trees, flowers, ground covers, and mulch.

40
41 **Landscaping** means any combination of living plants such as grass, ground cover,
42 shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles,
43 and/or mulch.

44

1 **Level of Service (LOS)** means an indicator of the extent or degree of service provided
2 by, or proposed to be provided by, the Town based on and related to the operational
3 characteristics of the facilities.
4

5 **Livestock** means for the purposes of these regulations, horses, cows, sheep, and goats.
6

7 **Living Area** means that part of a residential dwelling that is heated or cooled. Garages,
8 carports, and unenclosed porches are excluded from the living area.
9

10 **Loading Space, off-street** means space logically and conveniently located for bulk
11 pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible
12 to such vehicles when required off-street parking spaces are filled. A required off-
13 street loading space is not to be included as an off-street parking space in computation
14 of required off-street parking.
15

16 **Local governing body** means the Town of Howey in the Hills.
17

18 **Lot**, for purposes of the LDC, means a parcel of land whose boundaries have been
19 established by some legal instrument such as a recorded deed or a recorded plat and
20 which is recognized as a separate legal entity for purpose of transfer of title, use, or
21 improvement.
22

23 **Lot Frontage** means the portion nearest the street. For the purposes of determining
24 yard requirements on corner lots and through lots, all sides of a lot adjacent to a street
25 shall be considered frontage, and yards shall be provided as indicated under “yard” in
26 this section.
27

28 **Lot of Record** means a lot which is a part of a subdivision, the map of which has been
29 recorded in the office of the Clerk of the Circuit Court of the County, as of the effective
30 date of this Land Development Code.
31

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

- 34 1. **Corner Lot** means a lot at the intersection of two (2) streets or along a single
35 street that forms its own corner and provides frontage along two sides of the
36 same lot.
- 37 2. **Interior Lot** means a lot having street frontage on only one side.
- 38 3. **Through Lot** means a lot ~~other~~ with frontage on two nonintersecting streets.
39 Through lots abutting two streets may be referred to as double-frontage lots.
- 40 4. **Flag Lot** means a lot with less than the minimum road frontage required by this
41 LDC, typically frontage sufficient for only lot ingress and egress.
42

43 **Main** shall refer to a pipe, conduit, or other facility installed to convey water service to
44 individual laterals/services or to other mains.
45

1 **Manufactured Home** means a structure that is fabricated in a protected environment
2 then transported in one (1) or more sections, to the homesite. These homes are built on
3 a permanent chassis and designed to be used with or without a permanent foundation
4 when connected to the required utilities. The structures are built to Federal standards.
5 ~~(May also be referred to as a Mobile home)~~

6
7 **Massing** means the overall bulk, size, physical volume or magnitude of a structure or
8 project.

9
10 ~~**Mobile Home** See Manufactured Home.~~

11
12 **Modular Home** means a structure that is fabricated in a protected environment and then
13 brought to the home site in pieces where the construction is then finalized following
14 State and local Codes the same way a site-built home is.

15
16 **Mulch** means non-living, organic materials used in landscape design to retard erosion
17 and retain moisture, as well as enrich the soil and reduce soil temperature.

18
19 **Native Vegetation** means any plant species with a geographic distribution indigenous
20 to the Central Florida region.

21
22 **Net Land Area** means the gross land area (total property less any water bodies) minus
23 the required open space minus any additional wetlands not part of the required open
24 space acreage.

25
26 **Non-Conforming Lot** means a lot existing at the effective date of this Code (and not
27 created for the purposes of evading the restrictions of this Code) that does not meet the
28 minimum area requirement of the district in which the lot is located.

29 **Non-Conforming Sign** means a sign lawfully existing in the Town before the adoption
30 of this LDC that does not conform to the requirements of this LDC. A sign not lawfully
31 existing prior to the adoption of this LDC shall not be considered a non-conforming
32 sign.

33
34 **Non-Conforming Structure** means existing improvements which do not meet required
35 size regulations, height regulations, or other standards for the district in which they are
36 located.

37
38 **Non-conforming Use** means any preexisting use of land that was lawfully established
39 and maintained but is inconsistent with the use provisions of this LDC or amendments
40 thereto.

41
42 **Nursing or Convalescent Home** means a home for the aged, chronically ill, or
43 incurable persons in which three or more persons not of the immediate family are
44 received, kept, or provided with food and shelter or care for compensation; but not

1 including hospitals, clinics, or similar institutions devoted primarily to the diagnosis
2 and treatment of the sick or injured.

3
4 **Occupancy** means taking or keeping possession for purposes of residing in a dwelling
5 unit or occupying a nonresidential building for business or other suitable reason.

6
7 **Off-Site** means a location upon a lot, tract, right-of-way, or parcel other than the
8 development site.

9
10 **Off-Street Parking** means a lot or parcel of land or structure designed, constructed, or
11 used for the parking of motor vehicles so that none of the parking spaces shall be on
12 any public street or alley.

13
14 **On-Site** means located on the same site, lot, tract, or parcel.

15
16 **Open Space** for the purpose of this LDC, means a portion of the gross land area
17 dedicated to the public, a homeowners' or property owners' association, or the owner
18 of individual small lot developments, unencumbered by any structure, road, or other
19 impervious surface, to include stormwater ponds if they are designed to be a park-like
20 setting with pedestrian amenities and free form ponds, landscaped buffer areas, and
21 recreation areas. Up to ~~50%~~25% of the open space for any one development may be
22 comprised of wetland areas and up to 10% may be impervious (plazas, recreational
23 facilities, etc.).

24
25 **Ornamental Feature** means one (1) or more distinctive elements on or part of a
26 building that is provided purely for decoration or as nonfunctional embellishments,
27 such as medallions, scroll work, or trim.

28
29 **Parking Area** means all property used for off-street parking, vehicular aisles and access
30 ways, loading zones, and interior and perimeter landscaping.

31
32 **Parking Area Aisles** means that portion of the vehicle accommodation area consisting
33 of lanes providing access to parking spaces.

34
35 **Parking Space** means that portion of the vehicle accommodation area where one
36 vehicle may be parked. Parking spaces may be designated for different types of vehicles
37 (compact cars, motorcycles, golf carts, etc.).

38
39 **Pennant** means any streamer designed to be hung from poles, on walls, or any other
40 structure outside the building, and which blows with the wind and is designed to attract
41 attention.

42
43 **Personal Services** means an establishment that primarily provides services involving
44 the care of a person or his or her apparel, such as barber shops, beauty salons, day spas,
45 seamstress shops, shoe repair, and dry cleaning shops.

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

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

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

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

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

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

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

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

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

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

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

Recreation:

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

7
8 **Replacement tree** means a tree from the list of trees contained in this LDC as
9 replacement(s) for any tree(s) removed.

10
11 **Restaurant** means an establishment where food is ordered from a menu, prepared, and
12 served for pay primarily for consumption on the premises. The sale of beer, wine, and
13 liquor for consumption on premises is incidental to the sale of food. At least fifty
14 percent (50%) of the establishment’s gross revenue is derived from the sale of food and
15 non-alcoholic beverages.

16
17 **Retaining Wall** means a wall designed to prevent the lateral displacement of soil or
18 other material.

19
20 **Right-of-Way (R-O-W)** means land dedicated, deeded, used, or to be used for a street,
21 alley, sidewalk, walkway, or other purpose by the public.

22
23 **Roadway Classification** means a system used to group roadways into classes according
24 to their purpose in moving vehicles and providing access.

25
26 **Runoff** means water which is not absorbed by the soil or landscape to which it is
27 applied and flows, from the area.

28
29 **Sanitary Sewer Facilities.** A sanitary sewer system includes primary and secondary
30 systems which are necessary to provide service to any given residential and
31 nonresidential unit. This definition will only deal with the primary system and
32 represents an established capacity and an established capital value. The primary
33 systems are:

- 34 1. Effluent disposal facilities.
- 35 2. Treatment plants.
- 36 3. Pump stations.
- 37 4. Force mains; and
- 38 5. Interceptors.

39
40 **Septic Tank** means an individual sewage disposal system approved by the County
41 Health Department and serving only one lot.

42
43 **Setback Line** means the distance between the property line and any structure and may
44 be measured from the front, back or side property line.

1 **Secondary Façade** is any building wall not defined as a primary façade.
2

3 **Shopping Center** means any non-residential building or development occupied by two
4 or more retail tenants on one premises.
5

6 **Shoreline Protection Zone** means no disturbance within 50 feet of the landward extent
7 of wetlands as set forth in Rule 62-340, F.A.C. with the exception of pilings for docks
8 or piers.
9

10 **Sidewalk** means that portion of a right-of-way outside the vehicle traveling lanes,
11 intended for use by pedestrians. Sidewalks are typically concrete but may be other
12 surfaces with approval of the local government.
13

14 **Sight Distance Triangle (or Sight Visibility Triangle)** means the triangular area
15 required on any intersection corner to permit a vehicle operator an unobstructed view
16 of the crossing roadway for a minimum sight distance in either direction.
17

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

- 24 1. **Banner sign** means any sign having characters, letters, or illustrations applied
25 to cloth, paper, or fabric of any kind, with only such material as backing, which
26 is mounted to a pole or building by one (1) or more edges. National, state, or
27 municipal flags or the official flag of a business or institution shall not be
28 considered a banner.
- 29 2. **Barber Pole sign** means any traditional cylindrical, striped revolving sign
30 identifying barbers.
- 31 3. **Construction sign** means any sign advertising the construction actually being
32 done on the premises where the sign is located. The sign may also include the
33 contractor's name, the owner's name, the architect's name, and the name of the
34 institution providing financial services.
- 35 4. **Detached sign**. See “Freestanding/ground sign” and “Pole sign.”
- 36 5. **Exempt sign** means any sign for which a permit is not required.
- 37 6. **Freestanding or Ground sign** means any detached sign, including any signs
38 supported by structures in or on the ground and independent of support from
39 any building. Includes the term “monument sign.”
- 40 7. **Garage Sale sign** means any sign pertaining to the sale of personal property in,
41 at, or upon any residentially zoned property, whether made under any other
42 name, such as lawn sale, backyard sale, rummage sale, or any similar
43 designation.
- 44 8. **Identification sign** means any sign which indicates the name, owner or address
45 of a residence, office, or business, but bearing no advertising.

- 1 9. **Illuminated sign** means any sign having characters, letters, figures, design, or
2 outlines illuminated by electric lights or luminous tubes designed for that
3 purpose, whether or not the lights or tubes are physically attached to the sign.
- 4 10. **Incidental sign** means any general informational sign which has a purpose
5 secondary to the use of the site on which it is located, such as "Open", "Closed",
6 "Welcome", "No Parking", "Entrance", "Loading Only", and similar
7 information and directives. No sign with a business name, logo, or advertising
8 shall be considered incidental.
- 9 11. **Off-site sign** means any sign which advertises the services or products of a
10 business not on the premises where the sign is erected.
- 11 12. **Pole sign** means any sign erected on a pole which is wholly independent of any
12 building for support.
- 13 13. **Political signs** are those concerning candidacy for public office or urging action
14 on any ballot issue in a forthcoming public election or pertaining to or
15 advocating political views or policies.
- 16 14. **Portable sign** means any sign, whether on its own trailer, wheels, chassis, or
17 otherwise movable support, which is manifestly designed to be transported
18 from one place to another.
- 19 15. **Projecting sign** means any sign which is affixed to any building, wall, or
20 structure and which extends beyond the building, wall, and structure (see
21 "bracket sign").
- 22 16. **Real Estate sign** means any on-premises structure showing that the premises
23 upon which it is located is either for sale, for lease or for rent, or open for
24 inspection.
- 25 17. **Sandwich or Sidewalk sign** means any sign, double- or single-faced, which is
26 portable, able to be moved easily by an individual, and which fits within a
27 sidewalk while still allowing for pedestrian travel.
- 28 18. **Snipe sign** means any sign which is tacked, nailed, posted, pasted, glued, or
29 otherwise attached to trees, poles, stakes, fences, or other objects.
- 30 19. **Street Number sign** means any sign displaying a street number on a structure,
31 wherever located.
- 32 20. **Wall sign.** Any sign that shall be affixed parallel to the wall or painted on the
33 wall of any building in such a manner as to read parallel to the wall on which it
34 is mounted, in such a way that the wall becomes the supporting structure for, or
35 forms the background surface of the sign; provided, however, said wall sign
36 shall not project more than 12 inches from the face of the building; shall not
37 project above the top of the wall or beyond the end of the building.
- 38 21. **Yard Sale sign.** See "Garage sale sign."

39
40 **Site Plan** means an illustration of the details of development of areas such as
41 commercial, industrial, recreational, multifamily residential and other uses not being
42 platted.

43
44 **Species of Special Concern** means any flora or fauna designated as such by the State.
45

1 **Specimen Tree** is any tree, other than an undesirable tree, that is twenty (20) inches or
2 more in diameter measured at DBH.

3
4 **Spillover** means the casting, reflecting or transmission of light or glare beyond the
5 boundaries of the property.

6
7 **Street**, for the purpose of this LDC, means a paved thoroughfare that is wider than an
8 alley; may also be referred to as a road, boulevard, avenue, or similar reference.

- 9
10 1. **Alleys** mean minor travel ways, which are used primarily for vehicular service
11 access to the back or the side of properties otherwise abutting on a street.
12 2. **Arterial** means a route providing service which is relatively continuous and of
13 relatively high traffic volume, long average trip length, high operating speed,
14 and high mobility. They often have multiple lanes and access control.
15 3. **Collector** means a low to moderate-capacity road which serves to move traffic
16 from local streets to arterial streets. Access is managed to minimize the number
17 of driveways.
18 4. **Cul-de-sac** means minor streets having only one (1) open end providing access
19 to another street; the closed end provides a turnaround circle for vehicles, and
20 property fronts on both sides of the street.
21 5. **Dead-end** means minor streets similar to cul-de-sacs except that they provide
22 no turnaround circle at their closed end. Stub streets, planned for future
23 continuation, are not considered to be dead-end streets.
24 6. **Local** means a street with lower traffic volumes, with land access as its primary
25 function. In general, on-street parking is allowed and access is unlimited,
26 subject to driveway spacing restrictions.
27 7. **Public** means any public thoroughfare, street, avenue, boulevard, or similar
28 roadway which has been dedicated or deeded for vehicular use by the public.

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

31
32 **Street Vendor** means any person who sells food, flowers, and/or other goods or services
33 from a mobile vending unit.

34
35 **Structural Alterations** mean any change in the supporting member of a building, such
36 as bearing walls, columns, beams or girders or any substantial change in the roof or
37 exterior walls.

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

42
43 **Stub-out** means a portion of a street or cross access drive used as an extension to an
44 abutting property that may be developed in the future.

1 **Subdivision** means the division of a parcel of land pursuant to state law, whether
2 improved or unimproved, into three (3) or more lots or parcels of land for the purpose
3 of sale or building development (whether immediate or future) and including all
4 divisions of land involving the dedication of a new street or a change in existing streets.
5

6 **Telecommunications Service Facilities** means a building and/or ground mounted
7 tower which is greater than thirty-five (35) feet in height, as measured from the finished
8 grade of the parcel, does not exceed three hundred (300) feet in height (including
9 antenna), and is principally intended to support communication (transmission or
10 receiving) equipment for radio, TV, microwave, cellular and similar communication
11 purposes. The term communications tower shall not include amateur radio operations'
12 equipment licensed by the Federal Communications Commission (FCC).
13 Communication towers are generally described as either monopole (free standing),
14 guyed (anchored with guy wires) or self supporting (square, triangular or pyramidal in
15 plain view and constructed of steel lattice, tubular steel, reinforced concrete, or wood).
16

17 **Temporary Structure** means any structure which is designed, constructed, and intended
18 to be used on a short-term basis, such as a sales office, contractor's office, etc.
19

20 **Temporary Use** means one established for a fixed period of time with the intent to
21 discontinue such use upon the expiration of such time. Such uses do not involve the
22 construction or alteration of any permanent structure.
23

24 **Threatened Species** means any flora or fauna that is so designated in the Florida
25 Administrative Code.
26

27 **Town** means the Town of Howey-in-the-Hills, a municipal corporation organized and
28 existing under the laws of the State of Florida.
29

30 **Town Manager ~~Mayor (or Mayor)~~** means the Town Manager~~Mayor~~ or his or her
31 designee.
32

33 **Trades and Skilled Services** means occupations typically requiring manual or
34 mechanical skill, in which standards have been set to promote quality work and skill
35 excellence among trades people. Trades people are typically trained through an
36 apprenticeship.
37

38 **Understory Tree** means any indigenous tree that is not a canopy tree but grows to a
39 minimum height of fifteen feet (15').
40

41 **Use** means the activity or function that actually takes place or is intended to take place
42 on a lot.
43

44 **Variance** means a relaxation of the terms of these regulations where such variance will
45 not be contrary to the public interest and where, owing to conditions peculiar to the

1 property and not the result of the action of the applicant, a literal enforcement of the
2 ordinance would result in unnecessary and undue hardship.

3
4 **Volume (Traffic)** means the number of vehicles to pass a predetermined location
5 during a specified period of time.

6
7 **Water Body** means any natural or man-made pond, lake, reservoir, or other area which
8 ordinarily contains water and which usually has a discernible shoreline.

9
10 **Wellfield Protection Zone** means an area around one or more wells where development
11 is limited in order to protect the current and future water supply.

- 12 1. **Primary Protection Zone** means that no development, other than facilities
13 related to the public water system, may occur within a 150-foot radius of an
14 existing or proposed public well.
- 15 2. **Secondary Protection Zone** means no septic tanks, sanitary sewer facilities, or
16 solid waste or disposal facilities are permitted within a 200-foot radius of any
17 existing or proposed public well.
- 18 3. **Tertiary Protection Zone** means all manufacturing or light industrial uses are
19 prohibited within a 500-foot radius of an existing or proposed public well.

20
21 **Wetlands** means transitional lands between terrestrial and aquatic systems where the
22 water table is usually at or near the surface, or the land is covered with shallow waters.

23
24 **Wetland Buffer Zone** means no development or disturbance of the area is permitted
25 within 25 feet of a designated wetland area. These areas shall be marked with
26 appropriate signage as conservation areas. No building or impervious surface area
27 (with the exception of wet retention ponds) is permitted within 50 feet of a designated
28 wetland area.

29
30 **Yard** means the land area surrounding the principal building on any parcel which is
31 neither occupied or obstructed by a portion of the principal building from the finished
32 grade to the sky or below the finished grade except where such occupancy, obstruction
33 or encroachment is specifically permitted by this ordinance.

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

1 **Irrigation System Definitions**
2

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

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

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

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

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

13 **Irrigation Zone :** A grouping of sprinkler heads or micro-irrigation emitters operated
14 simultaneously by the control of one valve. Zones are composed of similar sprinkler types
15 and plant material types with similar water requirements. A section of an irrigation system
16 served by a single control valve.

17 **Landscape Bed:** A grouping of trees, shrubs, ground covers, perennials, or annuals growing
18 together in a defined area devoid of turf grass, normally using mulch around the plants.
19 Landscape beds must be designed so that, at maturity, the plant material must provide
20 coverage of 60 percent of the plant bed.

21 **Landscape Irrigation:** The outside watering of plants in a landscape such as shrubbery, trees,
22 lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in
23 such diverse locations as residential areas, public, commercial, and industrial establishments,
24 and public medians and rights-of-way. "Landscape irrigation" does not include agricultural
25 crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and
26 vegetation associated with recreational areas such as playgrounds, football, baseball, soccer
27 and athletic fields.

28 **Micro-irrigation:** The application of small quantities of water directly on or below the soil
29 surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through
30 emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a
31 number of methods or concepts, including drip, subsurface, micro-bubbler and micro-spray
32 irrigation, previously known as trickle irrigation, low volume or, low-flow irrigation.

33 **Micro irrigation emission device:** An emission device intended to discharge water in the form
34 of drops or continuous flow at rates less than 30 gallons per hour (113.5 liters per hour) at the
35 largest area of coverage available for the nozzle series when operated at 30 psi (206.8 kPa),
36 except during flushing. Also known as "Low Volume Irrigation."

37 **Rainfall shut off device:** A device designed to bypass automatic irrigation operation after a
38 predetermined amount of rainfall. Can include a rain sensor or a soil moisture sensor or an
39 evapotranspiration controller and is required by Chapter 373.62, Florida Statutes.

1 **Rotor:** A sprinkler that applies water in a pattern by means of one or more rotating streams to
2 a defined landscape area.

3 **Spray head:** A sprinkler that continuously applies water in a pattern to a defined landscape
4 area.

5 **Sprinkler:** An emission device consisting of a sprinkler body with one or more orifices to
6 convert irrigation water pressure to high velocity water discharge through the air, discharging
7 a minimum of 0.5 gallon per minute (gpm) at the largest area of coverage.

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CHAPTER 2

Zoning Districts

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1 **2.00.00 GENERALLY**

2 **2.00.01 Purpose and Intent**

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

12 **2.00.02 Official Zoning Map**

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

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

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

1 **2.00.03 Rules for Interpretation of District Boundaries**

- 2 A. District Boundary Guidelines. Where uncertainty exists as to the boundaries of the
3 districts as shown on the Official Zoning Map, the following guidelines shall apply:
4 1. Centerlines. Boundaries indicated as approximately following the center lines
5 of dedicated streets, highways, alleys, or rights-of-way shall be construed as
6 following such centerlines as they exist on the ground, except where variation
7 of actual location from mapped location would change the zoning status of a lot
8 or parcel, in which case the boundary shall be interpreted in such a manner as
9 to avoid changing the zoning status of any lot or parcel. In the case of a street
10 vacation, the boundary shall be construed as remaining in its location except
11 where ownership of the vacated street is divided other than at the center, in
12 which case the boundary shall be construed as moving with the ownership.
13 2. Lot lines. Boundaries indicated as approximately following lot lines, public
14 property lines, and the like shall be construed as following such lines, provided
15 however, that where such boundaries are adjacent to a dedicated street, alley,
16 highway, or right-of-way and the zoning status of the street, highway, alley or
17 right-of-way is not indicated, the boundaries shall be construed as running to
18 the middle of the street, highway, alley, or right-of-way. In the event of street
19 vacation, interpretation shall be as provided in (A) (1) above.
20 3. Town Limits. Boundaries indicated as approximately following Town limits
21 shall be construed as following such limits.
22 4. Mean-High-Water-Lines. Boundaries indicated as following mean high water
23 lines or centerlines of streams, canals, lakes, or other bodies of water shall be
24 construed as following such mean high water lines or centerlines. In the case
25 of a change in mean high water line, or of the course or extent of bodies of
26 water, the boundaries shall be construed as moving with the change, except
27 where such moving would change the zoning status of a lot or parcel; and in
28 such case the boundary shall be interpreted in such a manner as to avoid
29 changing the zoning status of any lot or parcel.
30 5. Body of Water. Boundaries indicated as entering any body of water but not
31 continuing to intersect with other zoning boundaries or with the limits of
32 jurisdiction of the Town of Howey-in-the-Hills shall be construed as extending
33 in the direction in which they enter the body of water to intersection with other
34 zoning boundaries or with the limits of Town jurisdiction.
35 6. Parallel Features. Boundaries indicated as parallel to or extensions of features
36 indicated in (A) (1) through (5) above shall be construed as being parallel to or
37 extensions of such feature.
38 7. Distances. Distances not specifically indicated on the Official Zoning Map
39 shall be determined by the scale of the map on the page of the Map showing the
40 property in question.
41 B. Other Cases. In cases not covered by 2.00.03 (A) above, or where the property or
42 street layout existing on the ground is at variance with that shown on the Official
43 Zoning Map, the Town Planner shall interpret the Official Zoning Map in
44 accordance with the intent and purpose of these zoning regulations. Appeal from

1 the interpretation of the Town Planner shall be made to the Board of Adjustment in
2 conformity with Chapter 9.

3 **2.01.00 ZONING DISTRICT DESIGNATIONS**

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

5 **2.01.01 Zoning Affects All Premises**

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

9 **2.01.02 Interpretation of Uses and Structures Permitted**

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

13 **2.01.03 Lot Area, Density, Yard Requirements, Building Coverage, and**
14 **Building Height**

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

18 **2.01.04 Reduction of Lot Area and Width Prohibited**

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

21 **2.01.05 Additional Requirements Included**

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

26 **2.02.00 ZONING DISTRICT CLASSIFICATIONS**

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

29 **2.02.01 Agricultural (AG)**

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

1 to have a rural character and will help preserve family farming as a viable part of
2 the community's economy.

3 B. Principal, Accessory, and Conditional Uses

4 1. Permitted Principal Uses and Structures

5 a. Single-family detached homes

6 **b. Mobile homes Reserved.**

7 c. Groves

8 d. Pastures

9 e. Agricultural uses including the cultivation and production of crops, both in
10 orchards and pastures.

11 f. Licensed Group Home (up to 6 residents)

12 g. Private and Public Gardens

13 2. Permitted Accessory Uses and Structures

14 a. Accessory dwellings. One per lot or parcel.

15 b. Detached garages

16 c. Barns

17 d. Horse stables (maximum of 1 horse per acre)

18 e. Horse trails

19 f. **Detached** sheds

20 g. Workshops

21 h. Pools

22 i. Small roadside farm stands used to show and sell products produced on the
23 land (sold to individuals in amounts that can be accommodated in one non-
24 commercial vehicle)

25 j. Children's play structures

26 k. Fences

27 l. Signs

28 m. Decks

29 n. Home occupations

30 3. Conditional Uses and Structures

31 a. Bed and Breakfast Inn

32 b. Apiculture Indoor cultivation of plants (greenhouses)

33 c. Riding stables or horse stables as a business

34 d. Garden center or Nursery

35 e. Sale of hay and large quantities of fruits and vegetables and plants.

36 f. Animal Hospital or Veterinary Clinic with outdoor kennels

37 g. Churches

38 h. Outside storage of agricultural equipment and materials

39 C. Prohibited Uses

40 1. Hog farms, poultry farms and similar uses that may produce excessive noise,
41 odor, and/or dust.

42 2. Dog breeding (family pets may have offspring)

43 3. Mining and excavation

44 4. Fishing and hunting camps or lodges

45 5. Sales of products not grown on the land

- 1 6. Outdoor storage of inoperable vehicles or heavy equipment
- 2 7. Any use or structure not listed above as permitted or conditional.
- 3 D. Dimensional Criteria
- 4 1. Maximum building height is ~~35 feet 2 ½ stories and no higher than 30 feet~~
- 5 a. Silos or grain bins may exceed the maximum building height by 10 feet.
- 6 b. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 7 antennas used for domestic purposes, or other appurtenances usually placed
- 8 above roof level and not used for human occupancy, may exceed the
- 9 maximum building height by 10 feet.
- 10 2. Maximum FAR of .15 for all buildings
- 11 3. Maximum impervious surface is 20%
- 12 4. Minimum lot size is 2 acres.
- 13 5. Minimum lot width is 150 feet
- 14 6. Minimum lot depth is 200 feet
- 15 7. Minimum front yard setback is 50 feet
- 16 8. Minimum street side yard setback is 50 feet
- 17 9. Minimum side yard (interior) setback is 25 feet
- 18 10. Minimum rear yard setback is 50 feet
- 19 11. Minimum square footage of principal dwelling ~~is 1,500 square feet~~ (air
- 20 conditioned, not including garage or accessory dwelling) is the same as the
- 21 minimum square footage for dwellings in single family residential zones.
- 22 E. Other Standards
- 23 1. Minimum of 50% open space is required.
- 24 2. All accessory structures, with the exception of fences and signs, shall meet the
- 25 same setback requirements as the principal dwelling.

26 **2.02.02 Rural Estates (RE)**

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

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

37 **2.02.03 Single Family Residential (SFR)**

- 38 A. Purpose. The Purpose of the Single Family Residential (SFR) zoning district is to
- 39 designate areas for low density single family detached homes.
- 40 B. Principal, Accessory, and Conditional Uses
- 41 1. Permitted Principal Uses and Structures
- 42 a. Single family detached homes
- 43 b. Licensed Group Home (up to 6 residents)

- 1 2. Permitted Accessory Uses and Structures
- 2 a. Accessory dwellings. One per lot. Must be either built as part of the
- 3 principal building (i.e., above the garage) or attached to the principal
- 4 structure by covered walkway, screened enclosure, or breezeway.
- 5 b. Detached garages
- 6 c. Detached sheds
- 7 d. Workshops
- 8 e. Pools
- 9 f. Boathouses
- 10 g. Docks
- 11 h. Children’s play structures
- 12 i. Fences
- 13 j. Decks
- 14 k. Decorative walls as part of a landscaped buffer
- 15 l. A park as part of a residential subdivision, including pavilions, a community
- 16 pool and/or community building and sports courts.
- 17 m. Trails for pedestrians and cyclists (non-motorized)
- 18 n. Home occupations
- 19 3. Conditional Uses and Structures
- 20 a. Community boat ramp
- 21 b. Community boat dock(s)
- 22 c. Community fishing pier
- 23 C. Prohibited Uses
- 24 1. Any use or structure not listed above as permitted or conditional.
- 25 D. Dimensional Criteria
- 26 1. Maximum building height is 35 feet ~~2 1/2 stories and 30 feet~~
- 27 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 28 antennas used for domestic purposes, or other appurtenances usually placed
- 29 above roof level and not used for human occupancy, may exceed the
- 30 maximum building height by 10 feet.
- 31 2. Maximum FAR of .2 for all buildings
- 32 3. Maximum impervious surface is 35%
- 33 4. Minimum lot size is 1/2 acre.
- 34 5. Minimum lot width is 100 feet
- 35 6. Minimum lot depth is 150 feet
- 36 7. Minimum front yard setback is 35 feet (20 feet if the lot includes a recessed or
- 37 detached garage at least 35 feet from the front lot line)
- 38 8. Minimum street side yard setback is 35 feet
- 39 9. Minimum side yard (interior) setback is 20 feet
- 40 10. Minimum rear yard setback is 30 feet
- 41 11. Minimum square footage of principal dwelling is ~~1,800~~ 2,000 square feet (air-
- 42 conditioned, not including garage or accessory apartment).
- 43 E. Other Standards
- 44 1. All accessory structures, with the exception of boathouses, docks, and fences
- 45 shall meet the same setback requirements as the principal dwelling.

- 2. Single family detached units shall have a two-car garage (a minimum of 400 square feet) and a driveway that measures a minimum of 16 feet wide and 20 feet long from right of way to garage. Driveways shall be paved with a hard surface material such as concrete, asphalt, paver blocks, brick, etc. Grass, mulch, or gravel shall not qualify as surfacing for residential driveways.

2.02.04 Medium Density Residential 1 (MDR-1)

- A. Purpose. The purpose of the Medium Density Residential 1 (MDR-1) zoning district is to provide for variety of dwelling units in a highly aesthetic setting with community amenities. The MDR zoning district attempts to establish an optimum environment between indoor and outdoor living in areas of the town already developed with larger lots and areas where larger lots are appropriate and desired. It encourages on-site leisure and recreational space and open space. Quality design for the overall community as well as individual units is paramount in achieving a functional and aesthetic setting.
- B. Principal, Accessory, and Conditional Uses
 - 1. Permitted Principal Uses and Structures
 - a. Single family detached homes
 - b. Licensed Group Home (up to 6 residents)
 - c. Elementary Schools
 - 2. Permitted Accessory Uses and Structures
 - a. Accessory dwellings (on single family detached units only). One per lot. Must be either built as part of the principal building (i.e., above the garage) or attached to the principal structure by covered walkway, screened enclosure, or breezeway.
 - b. Detached garages
 - c. Detached sheds
 - d. Workshops
 - e. Pools
 - f. Boathouses
 - g. Docks
 - h. Children’s play structures
 - i. Fences
 - j. Decks
 - k. Decorative walls as part of a landscaped buffer
 - l. A park as part of a residential subdivision, including pavilions, a community pool and/or community building and sports courts.
 - m. Trails for pedestrians and cyclists (non-motorized)
 - n. Community buildings for leisure activities
 - o. Covered Parking
 - p. Home occupations
 - 3. Conditional Uses and Structures

- 1 a. Community boat ramp
- 2 b. Community boat dock(s)
- 3 c. Community fishing pier
- 4 C. Prohibited Uses
- 5 1. Any use or structure not listed above as permitted or conditional.
- 6 D. Dimensional Criteria
- 7 1. Maximum building height is 35 feet. Building-mounted appurtenances such as
- 8 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other
- 9 appurtenances usually placed above roof level and not used for human
- 10 occupancy, may exceed the maximum building height by 10 feet.
- 11 2. Maximum impervious surface is 50%
- 12 3. Maximum of ~~4~~ 3 dwelling units per acre
- 13 4. Minimum lot size for single family detached units is 15,000 square feet.
- 14 5. Minimum lot width for single family detached units is 100 feet,
- 15 6. Minimum lot depth for all units is 120 feet
- 16 7. Minimum front yard setback is 35 feet
- 17 8. Minimum street side yard setback is ~~12~~ 5 feet
- 18 9. Minimum side yard (interior) setback is 12.5 feet
- 19 10. Minimum rear yard setback is ~~25~~ 30 feet for principal dwelling, detached garage,
- 20 or accessory dwelling. Rear yard setback for sheds, workshops, pools, play
- 21 structures, and other similar accessory structures is 10 feet.
- 22 11. Setbacks do not pertain to boathouses, docks, or fences.
- 23 12. Minimum square footage of principal dwelling on single-family detached homes
- 24 is ~~1,700~~ 1,800 square feet (air-conditioned, not including garage or accessory
- 25 dwelling).
- 26 E. Other Standards
- 27 1. All accessory structures, with the exception of boathouses, docks, and fences
- 28 shall meet the same setback requirements as the principal dwelling.
- 29 2. Single family detached units shall have a two-car garage (a minimum of 400
- 30 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 31 feet long from right of way to garage. Driveways shall be paved with a hard
- 32 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
- 33 mulch, or gravel shall not qualify as surfacing for residential driveways.
- 34
- 35

2.02.05 Medium Density Residential 2 (MDR-2)

- 36
- 37
- 38 A. Purpose. The purpose of the Medium Density Residential 2 (MDR-2) zoning
- 39 district is to provide for variety of dwelling units in a highly aesthetic setting with
- 40 community amenities. The MDR-2 zoning district attempts to establish an
- 41 optimum environment between indoor and outdoor living in areas where smaller
- 42 lots and smaller dwellings may be appropriate including existing developed areas.
- 43 It encourages on-site leisure and recreational space and open space. Density may

~~be achieved through clustering.~~ Quality design for the overall community as well as individual units is paramount in achieving a functional and aesthetic setting.

B. Principal, Accessory, and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Single family detached homes
- b. Licensed Group Home (up to 6 residents)
- c. Elementary Schools

2. Permitted Accessory Uses and Structures

- a. Accessory dwellings (on single family detached units only). One per lot. Must be either built as part of the principal building (i.e., above the garage) or attached to the principal structure by covered walkway, screened enclosure, or breezeway.
 - b. Detached garages
 - c. ~~Detached~~ sheds
 - d. Workshops
 - e. Pools
 - f. Boathouses
 - g. Docks
 - h. Children’s play structures
 - i. Fences
 - j. Decks
 - k. Decorative walls as part of a landscaped buffer
 - l. A park as part of a residential subdivision, including pavilions, a community pool and/or community building and sports courts.
 - m. Trails for pedestrians and cyclists (non-motorized)
 - n. Community buildings for leisure activities
 - o. Covered Parking
 - p. Home occupations
3. Conditional Uses and Structures
- a. Community boat ramp
 - b. Community boat dock(s)
 - c. Community fishing pier

C. Prohibited Uses

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

D. Dimensional Criteria

- 1. Maximum building height is 35 feet. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
- 2. Maximum impervious surface is 50%
- 3. Maximum of ~~4~~ 3 dwelling units per acre
- 4. Minimum lot size for single family detached units is ~~9,000~~ 10,890 square feet.
- 5. Minimum lot width for single family detached units is ~~75~~ 80 feet,
- 6. Minimum lot depth for all units is 120 feet

- 1 7. Minimum front yard setback is 25-30 feet (15 feet if the lot includes a
2 recessed or detached garage at least 25 feet from the front lot line).
- 3 8. Minimum street side yard setback is 12.5 20 feet
- 4 9. Minimum side yard (interior) setback is 12.5 feet
- 5 10. Minimum rear yard setback is 25 feet for principal dwelling, detached
6 garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play
7 structures, and other similar accessory structures is 10 feet.
- 8 11. Setbacks do not pertain to boathouses, docks, or fences.
- 9 12. Minimum square footage of principal dwelling on single-family detached
10 homes is 1,200 1600 square feet (air-conditioned, not including garage or accessory
11 dwelling).

12
13 **E. Other Standards**

- 14 a. Single family detached units shall have a two-car garage (a minimum of 400 440
15 square feet) and a driveway that measures a minimum of 16 feet wide and 20
16 feet long from right of way to garage. Driveways shall be paved with a hard
17 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
18 mulch, or gravel shall not qualify as surfacing for residential driveways.
- 19 b. Minimum of 25% open space required.

20 **2.02.06 Neighborhood Commercial (NC)**

21 **A. Purpose.** The purpose of the Neighborhood Commercial (NC) zoning district is to
22 provide attractive and functional areas to meet the daily shopping and service needs
23 of residents and visitors. These commercial areas should be designed and
24 constructed so as to be architecturally compatible with the residential development
25 in the area and to cause the least possible nuisance and additional traffic to nearby
26 residential uses. The NC district recognizes the desire for convenience goods and
27 services in close proximity to residential neighborhoods, provided that such uses
28 are limited in intensity as set forth in this LDC.

29 **B. Principal, Accessory, and Conditional Uses**

- 30 1. Permitted Principal Uses and Structures
- 31 a. Banks and Credit Unions
- 32 b. Professional Services (i.e., Barber; Beauty Salon; Business Services such as
33 copying, mailing, and printing; Laundry and Dry Cleaning, pick up only;
34 Day Spa)
- 35 c. Groceries
- 36 d. Convenience Stores
- 37 e. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;
38 Sporting Goods)
- 39 f. Restaurants
- 40 g. Professional Offices (i.e., Medical, Dental, Legal)
- 41 h. Drug Store or Pharmacy
- 42 i. Bed and Breakfast Inn
- 43 j. Music, Dance, Photography, or Art Studio

- 1 k. Small Equipment or Appliance Repair Shops (repair done indoors)
- 2 l. Specialty Food Stores (i.e., Bakery)
- 3 m. Elementary Schools
- 4 n. Middle Schools
- 5 2. Permitted Accessory Uses and Structures
- 6 a. Parks and Plazas
- 7 b. Dumpsters
- 8 c. Fences
- 9 d. Decorative Walls
- 10 e. Covered Parking
- 11 f. Signs
- 12 g. Parking Lots
- 13 3. Conditional Uses and Structures
- 14 a. Buildings more than 5,000 square feet in size.
- 15 b. Religious facilities
- 16 c. Convenience stores with gasoline sales
- 17 d. Gasoline stations
- 18 e. Bars and cocktail lounges
- 19 f. Automobile sales
- 20 g. Automotive repair
- 21 h. Clubs and Fraternal lodges
- 22 i. Churches with quasi-commercial programs such as day care centers and
- 23 schools
- 24 j. Day care centers (adult and child)
- 25 k. Animal Hospital or Veterinary Clinic
- 26 l. Marina
- 27 m. Theaters (Movie or Performing Arts)
- 28 C. Prohibited Uses
- 29 1. Any use or structure not listed above as permitted or conditional.
- 30 D. Dimensional Criteria
- 31 1. Maximum building height is ~~2 stories and~~ 35 feet
- 32 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 33 antennas used for domestic purposes, or other appurtenances usually placed
- 34 above roof level and not used for human occupancy, may exceed the
- 35 maximum building height by 10 feet.
- 36 2. Maximum FAR of .5 for all buildings
- 37 3. Maximum size of any one building is 5,000 square feet.
- 38 4. Maximum impervious surface is 70%
- 39 5. Minimum lot size is 1/2 acre.
- 40 6. Minimum lot width is 100 feet
- 41 7. Minimum lot depth is 150 feet
- 42 8. Minimum front yard setback is 30 feet
- 43 9. Minimum street side yard setback is 30 feet
- 44 10. Minimum side yard (interior) setback is 20 feet
- 45 11. Minimum rear yard setback is 30 feet

1 E. Other Standards

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

3 **2.02.07 Light Industrial (IND)**

4 A. Purpose. The purpose of the Light Industrial (IND) zoning district is to provide
5 sites in appropriate locations for light industrial operations which do not generate
6 objectionable on- or off-site impacts including odors; smoke; dust; refuse;
7 electromagnetic interference; or noise (in excess of that customary to loading,
8 unloading, and handling of goods and materials beyond the lot on which the facility
9 is located); or which would have an adverse impact on the Town’s wastewater
10 treatment system; or result in hazardous environments for workers or visitors. This
11 district is not intended to accommodate heavy industrial uses.

12 B. Principal, Accessory, and Conditional Uses

13 1. Permitted Principal Uses and Structures

- 14 a. Warehouses
15 b. Distribution Centers
16 c. Light Manufacturing and Production (indoor)
17 d. Research and Development laboratories and facilities
18 e. High Schools
19 f. Medical laboratories
20 g. Automotive repair, garage
21 h. Automotive paint and body shops
22 i. Boat repair
23 j. Utility truck, trailer, and equipment rentals
24 k. Adult entertainment
25 l. Mini-storage facilities
26 m. Telecommunication towers
27 n. Trades and Repair Services (i.e., Electrical, Heating, Air, Plumbing)

28 2. Permitted Accessory Uses and Structures

- 29 a. Dumpsters
30 b. Fences
31 c. Decorative Walls
32 d. Storage buildings
33 e. Detached sheds
34 f. Covered Parking
35 g. Signs
36 h. Parking Lots
37 i. Caretaker or security dwelling

38 3. Conditional Uses and Structures

- 39 a. Garden Centers and nurseries
40 b. Lumber and building supply
41 c. Outdoor Storage
42 d. Industrial trade schools
43 e. Wholesale sales to the public

- 1 f. Showrooms (i.e., tile, cabinetry, etc.)
- 2 C. Prohibited Uses
- 3 1. Automotive Wrecking or Junkyard
- 4 2. Any use or structure not listed above as permitted or conditional.
- 5 D. Dimensional Criteria
- 6 1. Maximum building height is ~~2 1/2 stories and 30~~ 35 feet. Building-mounted
- 7 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 8 domestic purposes, or other appurtenances usually placed above roof level and
- 9 not used for human occupancy, may exceed the maximum building height by
- 10 10 feet.
- 11 2. Maximum FAR of .6 for all buildings
- 12 3. Maximum impervious surface is 70%
- 13 4. Minimum lot size is 1/2 acre.
- 14 5. Minimum lot width is 100 feet
- 15 6. Minimum lot depth is 150 feet
- 16 7. Minimum front yard setback is 30 feet
- 17 8. Minimum street side yard setback is 30 feet
- 18 9. Minimum side yard (interior) setback is 20 feet
- 19 10. Minimum rear yard setback is 30 feet
- 20 E. Other Standards
- 21 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

22 **2.02.08 Institutional 1 (INS-1)**

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

- 1 f. **Detached** sheds
- 2 g. Pools
- 3 h. Covered Parking
- 4 i. Playground equipment
- 5 j. Signs
- 6 k. Parking Lots
- 7 C. Prohibited Uses
- 8 1. Any use or structure not listed above as permitted.
- 9 D. Dimensional Criteria
- 10 a. Maximum building height is **2 ½ stories and 30 35** feet. Building-mounted
- 11 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 12 domestic purposes, or other appurtenances usually placed above roof level
- 13 and not used for human occupancy, may exceed the maximum building
- 14 height by 10 feet.
- 15 2. Maximum FAR of .25 for all buildings
- 16 3. Maximum impervious surface is 40%
- 17 4. Minimum lot size is 1/2 acre.
- 18 5. Minimum lot width is 100 feet
- 19 6. Minimum lot depth is 150 feet
- 20 7. Minimum front yard setback is 30 feet
- 21 8. Minimum street side yard setback is 30 feet
- 22 9. Minimum side yard (interior) setback is 20 feet
- 23 10. Minimum rear yard setback is 30 feet
- 24 11. Single-family residences shall conform to the dimensional requirements of the
- 25 MDR-2 zoning classification
- 26 E. Other Standards
- 27 1. Minimum of 25% open space is required.
- 28 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

29 **2.02.09 Institutional 2 (INS-2)**

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

- 1 c. Dumpsters
- 2 d. Fences
- 3 e. Decks
- 4 f. Decorative Walls
- 5 g. Storage buildings
- 6 h. **Detached** sheds
- 7 i. Pools
- 8 j. Covered Parking
- 9 k. Playground equipment
- 10 l. Signs
- 11 m. Parking Lots
- 12 3. Conditional Uses and Structures
- 13 a. Day Care Facilities (child and adult)
- 14 b. Clinics
- 15 C. Prohibited Uses
- 16 1. Any use or structure not listed above as permitted or conditional.
- 17 D. Dimensional Criteria
- 18 1. Maximum building height is ~~2 1/2 stories and 30~~ **35** feet. Building-mounted
- 19 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 20 domestic purposes, or other appurtenances usually placed above roof level and
- 21 not used for human occupancy, may exceed the maximum building height by
- 22 10 feet.
- 23 2. Maximum FAR of .25 for all buildings
- 24 3. Maximum impervious surface is 40%
- 25 4. Minimum lot size is 1/2 acre.
- 26 5. Minimum lot width is 100 feet
- 27 6. Minimum lot depth is 150 feet
- 28 7. Minimum front yard setback is 30 feet
- 29 8. Minimum street side yard setback is 30 feet
- 30 9. Minimum side yard (interior) setback is 20 feet
- 31 10. Minimum rear yard setback is 30 feet
- 32 E. Other Standards
- 33 1. Minimum of 25% open space is required.
- 34 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

35 **2.02.10 Recreation 1 (REC-1)**

- 36 A. Purpose. The principal purpose of the Recreation 1 (REC-1) zoning district is to
- 37 provide for and regulate public and private outdoor recreation.
- 38 B. Principal, Accessory, and Conditional Uses
- 39 1. Permitted Principal Uses and Structures
- 40 a. Outdoor Recreational Facilities (public or private)
- 41 b. Ball fields
- 42 c. Soccer fields
- 43 d. Multi purpose fields

- 1 e. Tennis courts
- 2 f. Basketball courts
- 3 g. Track
- 4 h. Golf courses and/or Driving ranges
- 5 2. Permitted Accessory Uses and Structures
- 6 a. Indoor recreational facilities
- 7 b. **Detached** sheds
- 8 c. Restroom facilities
- 9 d. Playground equipment
- 10 e. Concession stands
- 11 f. Stadium seating (bleachers)
- 12 g. Dumpsters
- 13 h. Fences
- 14 i. Decorative Walls
- 15 j. Storage buildings
- 16 k. Covered Parking
- 17 l. Signs
- 18 m. Parking Lots
- 19 3. Conditional Uses and Structures
- 20 a. Retail sales related to the principal use
- 21 C. Prohibited Uses
- 22 1. Any use or structure not listed above as permitted or conditional.
- 23 D. Dimensional Criteria
- 24 1. Maximum building height is **2 ½ stories and 30 35** feet
- 25 2. Maximum FAR of .2 for all buildings
- 26 3. Maximum impervious surface is 30%
- 27 4. Minimum lot size is 1/2 acre.
- 28 5. Minimum lot width is 100 feet
- 29 6. Minimum lot depth is 150 feet
- 30 7. Minimum front yard setback is 30 feet
- 31 8. Minimum street side yard setback is 30 feet
- 32 9. Minimum side yard (interior) setback is 20 feet
- 33 10. Minimum rear yard setback is 30 feet
- 34 E. Other Standards
- 35 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

36 **2.02.11 Recreation 2 (REC-2)**

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

- 1 d. Athletic club
- 2 e. Gymnasium
- 3 2. Permitted Accessory Uses and Structures
- 4 a. Pools
- 5 b. Dumpsters
- 6 c. Fences
- 7 d. Decorative Walls
- 8 e. Signs
- 9 f. Parking Lots
- 10 3. Conditional Uses and Structures
- 11 a. Outdoor recreational facilities
- 12 b. Retail sales related to the principal use
- 13 C. Prohibited Uses
- 14 1. Any use or structure not listed above as permitted or conditional.
- 15 D. Dimensional Criteria
- 16 1. Maximum building height is ~~2 1/2 stories and 30~~ 35 feet
- 17 2. Maximum FAR of .2 for all buildings
- 18 3. Maximum impervious surface is 30%
- 19 4. Minimum lot size is 1/2 acre.
- 20 5. Minimum lot width is 100 feet
- 21 6. Minimum lot depth is 150 feet
- 22 7. Minimum front yard setback is 30 feet
- 23 8. Minimum street side yard setback is 30 feet
- 24 9. Minimum side yard (interior) setback is 20 feet
- 25 10. Minimum rear yard setback is 30 feet
- 26 E. Other Standards
- 27 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

28 **2.02.12 Conservation (CON)**

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

- 1 f. Unpaved parking lots
- 2 g. Portable restroom facilities
- 3 C. Prohibited Uses
- 4 1. Any use or structure not listed above as permitted or conditional.

5 **2.02.13 Public (PUB)**

- 6 A. Purpose. The purpose of the Public (PUB) zoning district is to provide areas for
- 7 governmental uses as well as essential utilities that may be publicly or privately
- 8 owned.
- 9 B. Principal and Accessory Uses
- 10 1. Permitted Principal Uses and Structures
- 11 a. Government buildings
- 12 b. Essential utilities
- 13 c. Public cemeteries
- 14 d. Telecommunications towers
- 15 2. Permitted Accessory Uses and Structures
- 16 a. Dumpsters
- 17 b. Fences
- 18 c. Decorative Walls
- 19 d. Storage buildings
- 20 e. Signs
- 21 f. Parking Lots
- 22 C. Prohibited Uses
- 23 1. Any use or structure not listed above as permitted or conditional.
- 24 D. Dimensional Criteria
- 25 1. Maximum FAR of .25
- 26 2. Maximum impervious surface is 50%
- 27 3. Maximum building height is ~~1-story and 20~~ 35 feet
- 28 4. Maximum height for other facilities is 2 stories and 35 feet (with the exception
- 29 of telecommunications towers)
- 30 E. Other Standards
- 31 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

32 **2.02.14 Planned Unit Development (PUD)**

- 33 A. Purpose. The purpose of the Planned Unit Development (PUD) zoning district is
- 34 to allow for mixed-use development (i) within the Town Center and (ii) for
- 35 development of land equal to or exceeding 100 acres in other areas of Town where
- 36 Town Council determines that a mixture of uses is desired and appropriate.
- 37

38 The PUD zoning district shall be used for development or redevelopment of Town

39 Center properties when development of more than one acre is being proposed. ...

40

41 The PUD zoning district shall also be used for all properties with Village Mixed

42 Use land use. The purpose of the PUD zoning for Village Mixed Use is to require

1 a mix of uses in order to promote sustainable development, including the provisions
2 of reducing the dependability dependence on the automobile, protecting more open
3 land, and providing quality of life by allowing people to live, work, socialize and
4 engage in recreational activities in a village setting.
5

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

13
14 B. Principal, Accessory, and Conditional Uses

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

26 C. Prohibited Uses

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

28 D. Dimensional and Other Criteria

- 29 1. Dimensional criteria for Town Center PUDs are as outlined in the TC-R, TC-
30 F, and TC-C zoning districts.
- 31 2. Dimensional criteria for Village Mixed Use PUDs shall be determined at the
32 time of zoning approval. They shall be consistent with the Village Mixed Use
33 land use criteria, including:
- 34 a. The maximum density of ~~4~~ 3 dwelling units per acre, which may be
35 increased to 6 dwelling units per acre if the development includes 20%
36 usable open space (no wetlands).
 - 37 b. Residential areas shall comprise a minimum of 70% of the net land area and
38 a maximum of 85% of the net land area.
 - 39 c. Commercial/non-residential areas shall comprise a minimum of 15% of the
40 net land area and a maximum of 30% of the net land area. This includes
41 community facilities and schools.
 - 42 d. For developments with more than 100 acres, 5% of the non-residential land
43 shall be dedicated for public/civic buildings.
 - 44 e. Commercial/non-residential uses may be 2 stories with 50% coverage as
45 long as parking and other support facilities (stormwater) are met.

- 1 f. Public recreational uses shall occupy a minimum of 10% of the usable open
- 2 space (no wetlands).
- 3 g. A minimum of 25% open space is required.
- 4 h. The maximum building size is ~~30,000~~65,000 square feet ~~unless a special~~
- 5 ~~exception is granted to the developer by the Town Council.~~
- 6 3. Other Standards for PUDs include:
- 7 a. ~~Reserved. There shall be no drive through establishments in the Town~~
- 8 ~~Center~~
- 9 b. All new buildings in the Town Center Commercial district shall be two
- 10 stories ~~maximum, not exceeding 35 feet in height.~~
- 11 c. Setbacks do not pertain to boathouses, docks, and fences.
- 12 d. A maximum FAR of 2.0 is permitted in the Town Center Commercial areas
- 13 if parking and stormwater requirements can be met.
- 14 e. The maximum building height for both the Town Center and Village Mixed
- 15 Use developments shall be two (2) stories and 35 feet. Building-mounted
- 16 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 17 domestic purposes, or other appurtenances usually placed above roof level
- 18 and not used for human occupancy, may exceed the maximum building
- 19 height by 10 feet.
- 20 f. To apply for a Village Mixed Use PUD, the applicant shall have a minimum
- 21 of ~~25~~ 100 acres.
- 22 g. ~~For residential lots, minimum lot size is 10,890 sq.ft., Minimum setbacks~~
- 23 ~~are 30 ft. front yard and 25 ft. rear yard (10 feet for accessory structures).~~
- 24 ~~Minimum principal dwelling size is 1,600 sq.ft.~~

25 **2.02.15 Town Center Residential (TC-R)**

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

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

34 **2.02.16 Town Center Flex (TC-F)**

- 35 A. Purpose. The purpose of the Town Center Flex (TC-F) zoning district is to allow
- 36 for development or redevelopment of individual parcels identified on the Town
- 37 Center Overlay Map for office, professional services, residential, or live/work uses.
- 38 B. Principal, Accessory, and Conditional Uses
- 39 1. Permitted Principal Uses and Structures
- 40 a. Professional Offices
- 41 b. Professional Services
- 42 c. Single family detached homes
- 43 d. Live/work space (same person who owns the business, lives in the home).

- 1 2. Permitted Accessory Uses and Structures
- 2 a. Detached garages
- 3 b. **Detached** sheds
- 4 c. Workshops
- 5 d. Pools
- 6 e. Boathouses
- 7 f. Docks
- 8 g. Children’s play structures
- 9 h. Fences
- 10 i. Decks
- 11 j. Signs
- 12 k. Home occupations
- 13 3. Conditional Uses and Structures
- 14 a. Bed and Breakfast Inn
- 15 C. Prohibited Uses
- 16 1. Any use or structure not listed above as permitted or conditional.
- 17 D. Dimensional Criteria
- 18 1. Maximum building height of 35 feet. Building-mounted appurtenances such as
- 19 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other
- 20 appurtenances usually placed above roof level and not used for human
- 21 occupancy, may exceed the maximum building height by 10 feet.
- 22 2. Maximum impervious surface of 40%
- 23 3. Minimum lot size is 9,000 square feet.
- 24 4. Minimum lot width is 100 feet (Existing lots of record that are less than 100
- 25 feet wide may be developed as long as they meet setback requirements;
- 26 however, if two adjacent vacant lots are owned by the same entity, they shall
- 27 be combined to meet minimum lot width requirements.)
- 28 5. Minimum front yard setback is 25 feet
- 29 6. Minimum street side yard setback is 25 feet
- 30 7. Minimum side yard (interior) setback is 12.5 feet
- 31 8. Minimum rear yard setback is 30 feet for principal dwelling or detached garage.
- 32 Rear yard setback for sheds, workshops, pools, play structures, and other similar
- 33 accessory structures is 10 feet.
- 34 9. Minimum square footage of principal dwelling is 1,700 square feet (air-
- 35 conditioned, not including garage).
- 36 E. Other Standards
- 37 1. Setbacks do not pertain to boathouses, docks, and fences.
- 38 2. Single family detached units shall have a one-car garage or carport (a minimum
- 39 of 200 square feet). The garage shall be set back at least 20 feet from the right
- 40 of way.

41 **2.02.17 Town Center Commercial (TC-C)**

42 A. Purpose. The purpose of the Town Center Commercial (TC-C) zoning district is to

43 allow for development or redevelopment of individual parcels identified on the

1 Town Center Overlay Map for commercial core. This includes the ability to have
2 residential uses on the second floor and as permitted uses for transitional areas
3 within the Town Center Commercial district.

4 B. Principal, Accessory, and Conditional Uses

5 1. Permitted Principal Uses and Structures

- 6 a. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;
7 Sporting Goods)
- 8 b. Professional Offices
- 9 c. Professional Services
- 10 d. Personal Services (hair salon, spa, nail salon)
- 11 e. General Retail with GFA of less than 5000 square feet (hardware, antiques,
12 etc.)
- 13 f. Gym, fitness studio, yoga and similar uses
- 14 g. Restaurants
- 15 h. Banks and Credit Unions
- 16 i. Pharmacies
- 17 j. Cultural facilities (museums, community theaters)
- 18 k. Bed and Breakfast Inn
- 19 l. Music, Dance, Photography, or Art Studio
- 20 m. Small Equipment and Appliance Repair Shops (repair done indoors)
- 21 n. Specialty Food Stores (i.e., Bakery)
- 22 o. Convenience Stores
- 23 p. Residential (second floor only)
- 24 q. Single-family housing as a transitional use west of Dixie Dr. and lots
25 abutting Oak St. and Holly St.

26 2. Permitted Accessory Uses and Structures

- 27 a. Parks and Plazas
- 28 b. Dumpsters
- 29 c. Fences
- 30 d. Signs
- 31 e. Parking Lots

32 3. Conditional Uses and Structures

- 33 a. Parking Lots
- 34 b. Religious facilities

35 C. Prohibited Uses

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

37 D. Dimensional Criteria

- 38 1. Maximum FAR of 2.0 is permitted is parking and stormwater requirements can
39 be met.
- 40 2. Maximum building height of 35 feet. Building-mounted appurtenances such as
41 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other
42 appurtenances usually placed above roof level and not used for human
43 occupancy, may exceed the maximum building height by 10 feet.
- 44 3. Buildings fronting on Central Avenue shall comply with a build-to line between
45 the front property line and a parallel line five feet from the front property line.

E. Other Standards

1. All new buildings in the Town Center Commercial district shall be two stories. One story buildings may be permitted provided the building façade below the parapet line is a minimum of 15 feet in height.
2. Drive through facilities may be permitted provided the drive through window and stacking lane are located to the rear of the building.
3. The initial five feet of area in front of buildings fronting on Central Avenue or SR 19 is designated as a commerce area (including right-of-way on Central Avenue) within which the business may display items (other than signage) which are specialty products or services provided on site. Restaurants may provide outdoor seating. Display of general retail items such as home goods (mattresses, bedding, appliances, etc.), building supplies (carpet, flooring, lumber, etc.) and similar products are not permitted. When questions arise about the approval of a proposed display, these shall be resolved as provided in Section 1.06.
4. The Town Council may grant a waiver to allow commercial buildings in excess of 5,000 square feet. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

2.02.18 High Density Residential 1 (HDR-1)

A. Purpose: The purpose of the High Density Residential 1 (HDR-1) zoning district is to provide for townhome units and smaller groupings of multi-family dwellings in condominium and platted lot settings supported by community amenities, proper access and adequate public facilities. Projects must be accessed only from arterial or collector roads and provide high quality building design.

B. Principal, Accessory and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Multi-family dwellings
- b. Licensed group homes
- c. Nursing homes
- d. Elementary schools

2. Permitted Accessory Uses and Structures

- a. Community buildings
- b. Recreation facilities
- c. Swimming pools
- d. Boathouses
- e. Docks
- f. Fences
- g. Trails (non-motorized)
- h. Home occupations

1. All units shall meet the design requirements for residential development per Section 4.06
2. Projects of 30 units or more are required to provide recreation facilities for project residents. Recreation facilities are to include a combination of active and passive recreation opportunities.

2.02.19.1 High Density Residential 2 (HDR-2)

A. Purpose: The purpose of the High Density Residential 2 (HDR-2) zoning district is to provide for larger groupings of multi-family dwellings in condominium and platted lot settings supported by community amenities, proper access and adequate public facilities. Projects must be accessed only from arterial or collector roads and provide high quality building design.

B. Principal, Accessory and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Multi-family dwellings
- b. Licensed group homes
- c. Nursing homes
- d. Elementary schools

2. Permitted Accessory Uses and Structures

- a. Community buildings
- b. Recreation facilities
- c. Swimming pools
- d. Boathouses
- e. Docks
- f. Fences
- g. Trails (non-motorized)
- h. Home occupations

3. Conditional Uses and Structures

- a. None

C. Prohibited Uses

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

D. Project Requirements

1. Minimum parcel size is three acres.
2. Maximum project density is twelve units per acre
3. Impervious surface ratio for the project is 60%
4. Perimeter landscaped buffer is 25 feet adjacent to single-family residentially zoned property and 15 feet adjacent to non-residentially zoned property or other high density residentially zoned property.
5. Project site must be accessed only from an arterial or collector road

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E. Building Requirements

1. Buildings shall have a minimum of three units and a maximum eight units
2. Building spacing is 20 feet between side to side of buildings and side to rear of buildings, 30 feet between front and side of buildings, and 40 feet between front and rear of buildings.
3. Maximum building height is 35 feet. Building mounted appurtenances such as belfries, chimneys, cupolas, antennas, and other appurtenances and design elements usually placed above roof level and not used for human occupancy may exceed the maximum building height by 10 feet.

F. Unit Requirements (Townhomes and other platted lots)

1. Minimum lot width 30 feet
2. Minimum lot area 3,000 square feet
3. Minimum green space per lot 20%
4. Minimum floor area 1,700 square feet
5. Minimum unit setbacks Front: 20 feet
 - a. Side: 10 feet
 - b. Side: 0 feet (interior)
 - c. Rear: 20 feet
6. Parking: Minimum 2-car garage plus 18-foot wide driveway

G. Unit Requirements (Where lots are not platted.)

1. Individual buildings shall follow the standards of Section E above.
2. Minimum floor area 1,500 square feet.
3. Parking: Minimum of two units per unit plus guest parking at ten percent of resident parking. Parking may be surface parking or garage parking. For surface parking landscaping meeting the requirements of Section 7.05 is required.

H. Other Requirements

1. All units shall meet the design requirements for residential development per Section 4.06
2. Projects of 30 units or more are required to provide recreation facilities for project residents. Recreation facilities are to include a combination of active and passive recreation opportunities.

1 **2.03.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS**

2 **2.03.01 Generally**

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

7 **2.03.02 Town Center Overlay**

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

12
13 In order to sustain these qualities, new development and redevelopment within the
14 Town Center Overlay shall be reflective of the architectural styles and fabric of the
15 area. Consistency and compatibility with the existing built environment shall be
16 considered in the review and issuance of development permits within the Town Center
17 Overlay. In order to preserve the quaint character of downtown Howey in the Hills,
18 size limitations will also be placed on individual businesses. Redevelopment will focus
19 on orienting buildings and roadways to a pedestrian scale. Design shall be pedestrian-
20 friendly.

21
22
23 **2.03.03 Townhomes**

24
25 A. In order to support increased densities in the Town Center Overlay, townhome
26 construction is permitted in areas designated as Town Center Residential (TC-R),
27 Town Center Flex (TC-F) or Town Center Commercial (TC-C). All townhomes shall
28 meet the density limits allowed by the underlying land use classification and shall
29 meet the dimensional requirements as follows:

30
31 B. Dimensional Criteria

- 32 1. Maximum building height is 30 feet
33 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
34 antennas used for domestic purposes, or other appurtenances usually placed above
35 roof level and not used for human occupancy, may exceed the maximum building
36 height by 10 feet.
37
38 2. Maximum impervious surface is 50%
39 3. Maximum of 4 dwelling units per acre
40 4. Minimum lot size for townhomes is 5,000 square feet.
41 5. Minimum lot width is 50 feet for exterior townhome lots, and 35 feet for interior
42 townhome lots

- 1 6. Minimum lot depth is 120 feet
- 2 7. Minimum front yard setback is 25 feet (15 feet if the lot includes a recessed or
- 3 detached garage at least 25 feet from the front lot line)
- 4 8. Minimum street side yard setback is 25 feet
- 5 9. Minimum side yard (interior) setback is 15 feet (no side setback for interior
- 6 townhome units)
- 7 10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or
- 8 accessory dwelling. Rear yard setback for sheds, workshops, pools, play
- 9 structures, and other similar accessory structures is 10 feet.
- 10 11. Setbacks do not pertain to boathouses, docks, or fences.
- 11 12. Minimum square footage of townhomes is 1,200 square feet (air-conditioned, not
- 12 including garage).
- 13 13. Townhomes shall have a two-car garage (a minimum of 441 square feet) and a
- 14 driveway that measures a minimum of 16-feet wide and 20-feet long from the
- 15 right-of-way to the garage.

16
17
18 **2.03.04 Historic and Archeological Property Overlay**

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

- 1 2. The adoption process for the Historic Property Overlay shall follow requirements
- 2 of 4.15.04 and 4.15.05 so as to follow the same requirements as established for
- 3 Land Development Code Amendment requirements.
- 4 3. Once approved the Historic Property Overlay shall be denoted by the addition of
- 5 the designation “H” to the underlying zoning classification.
- 6 4. For the area included within the Historic Property Overlay, the special
- 7 development plan required by Section 4.11.01B shall consist of the Historic
- 8 Resource Management Plan (HRMP). In addition to the requirement specified in
- 9 Section 4.11.01.B, the HRMP shall address all requirements specified by the
- 10 Town Planner, which may include some or all of the following: permitted uses; a
- 11 conceptual site plan; site development requirements including but not limited to
- 12 access, parking, landscaping, signage, and dimensional requirements; any
- 13 waivers from code provisions essential to implement the HRMP; and other
- 14 provisions found necessary to implement the HRMP.
- 15

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

17 archeological resource including a time frame for implementation of necessary

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

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

20

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

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

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

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

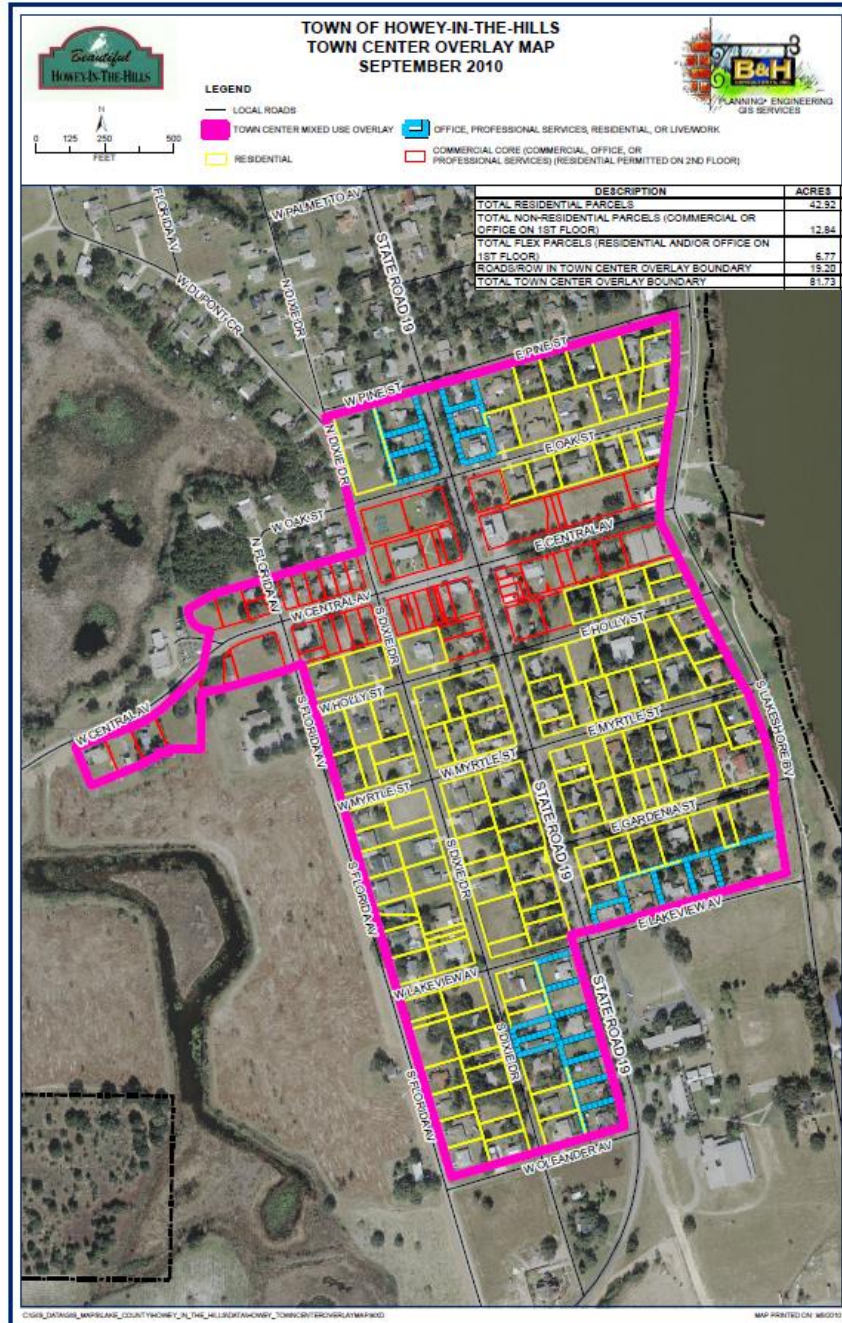
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2.03.03 Town Center Overlay Map



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

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

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

CHAPTER 3

Environmental and Resource Protection

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1 **3.00.00 GENERALLY**

2 **3.00.01 Purpose and Intent**

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

8 **3.00.02 Applicability**

9 All new development and redevelopment shall be designed to ensure protection of areas
10 designated as floodplains, environmentally sensitive lands, wetlands, or wellfields. No
11 permit for development shall be issued by the Town that is not in full compliance with
12 the provisions of this chapter and the Town’s Manual of Standards.
13

14 **3.01.00 ENVIRONMENTAL LANDS PROTECTION**

15 **3.01.01 Requirements Regarding Habitat Protection**

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

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

28 **3.01.02 Protection of Environmentally Sensitive Lands**

- 29 A. To prevent both soil erosion and sedimentation, the Town requires a soil erosion
- 30 and sedimentation control plan whenever a development will involve any clearing,
- 31 grading, or other form of distributing land by movement of earth, provided that any
- 32 of one of the following applies:
- 33 1. Excavation, fill, or any combination thereof will exceed 500 cubic yards.
- 34 2. Fill will exceed three (3) feet in vertical depth at its deepest point as measured
- 35 from the natural ground surface.
- 36 3. Excavation will exceed four (4) feet in vertical depth at its deepest point as
- 37 measured from the natural ground surface.
- 38 4. Excavation, fill, or any combination thereof will exceed an area of 1,000 square
- 39 feet.
- 40 5. Plant and/or tree cover is to be removed from an area exceeding 1,000 square
- 41 feet on any parcel of land: or
- 42 6. Whenever excavation or fill is proposed within 100 feet of a body of water,
- 43 stream, or channel.

1 **3.02.00 WETLAND AND SURFACE WATER PROTECTION**

2 **3.02.01 Applicability**

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

6 **3.02.02 Agency Coordination Required**

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

11 **3.02.03 Development Within Wetlands and Adjacent to Water Bodies**

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

- 14 A. Wetlands shall be preserved in their natural state. No fill shall be placed in a
15 wetland, and the wetland shall not be altered.
- 16 B. To protect water quality within lakes, the Town shall require sites under
17 construction to provide measures to retard, impede, and treat surface water runoff.
- 18 C. Buffering requirements for development adjacent to wetlands or natural water
19 bodies:
 - 20 1. No development or disturbance of the area is permitted within 25 feet of a
21 designated wetland area. These areas shall be marked with appropriate signage
22 as conservation areas.
 - 23 2. No building or impervious surface area (with the exception of wet retention
24 ponds) is permitted within 50 feet of a designated wetland area.
 - 25 3. To protect water bodies from the encroachment of development, a shoreline
26 protection zone shall be delineated. There shall be no disturbance within 50
27 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C., with
28 the exception of pilings for docks or piers. There shall be no buildings, pools,
29 ponds, or other structures in this protection zone.
 - 30 4. There shall be no septic tanks within 75 feet of the landward extent of wetlands
31 as set forth in Rule 62-340, F.A.C.
- 32 D. Permitted activities within areas designated by the Town, FDEP, SJRWMD, or the
33 USACOE as wetlands protection zones:
 - 34 1. Potentially allowable uses adjacent to wetlands protection zones are those uses
35 included in the Conservation land use category on the FLUM.
 - 36 2. Development of a wetlands stormwater discharge facility or stormwater
37 treatment facility in accordance with State permits received under currently
38 relevant sections of the F.A.C.

1 **3.02.04 Design Requirements**

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

36 **3.03.00 WELLFIELD PROTECTION**

37 **3.03.01 Purpose and Intent**

38 The purpose and intent of this section is to safeguard the public health, safety, and
39 welfare by ensuring the protection of the principal source of water from potential
40 contamination and to control development in and adjacent to designated and potential
41 wellheads and surrounding wellfield areas to protect water supplies from potential
42 contamination.

1 **3.03.02 Wellfield Protection Area**

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

13 **3.04.00 PROTECTION OF GROUND WATER**

14 **3.04.01 Purpose and Intent**

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

18 **3.04.02 Restricting Uses**

- 19 A. Manufacturing uses that involve chemicals or other hazardous materials, shall not
20 be permitted within high recharge groundwater aquifer areas.
21 B. Commercial uses that involve petroleum and other potential contaminants shall
22 require a conditional use in order to be located within a high recharge groundwater
23 aquifer area.
24 C. The Town shall promote the application of permeable parking lot surfaces for
25 development and redevelopment within high recharge areas.

26 **3.05.00 WATER CONSERVATION**

27 **3.05.01 Promoting Conservation of Water**

- 28 To conserve potable ground water sources and to accomplish reasonable reductions in
29 water consumption, the Town shall:
30 A. Require new development and redevelopment to use non-potable water for
31 irrigation where such non-potable water sources are available.
32 B. Require new development and redevelopment to use and/or preserve native
33 vegetation or drought tolerant vegetation for landscaping. (See Chapter 7.)
34
35

CHAPTER 4

Development Review Procedures

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1 **4.00.00 PURPOSE AND INTENT**

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

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

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

34 **4.01.00 GENERAL REQUIREMENTS AND ENFORCEMENT**

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

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

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

10

11 **4.02.00 COMPREHENSIVE PLAN AMENDMENTS**

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

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

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

24 **4.02.02 Pre-Application Conference**

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

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

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

34 **4.02.04 Review Process**

35 A The Town Clerk shall distribute copies of the proposed amendment to Lake County,
36 the Lake County School Board, the wastewater-treatment provider Central Lake
37 CDD, and any adjacent cities. The notice shall include the proposed amendment

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

21 **4.02.05 Notice Procedures**

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

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

1 **4.02.06 Comprehensive Plan Amendment Application Requirements**

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

- 4
- 5 A. Application forms
- 6 B. Application fee
- 7 C. Proof of Ownership or authorization from the owner to submit the application
- 8 D. Boundary Survey. Must be signed and dated **with within the** last two years.
- 9 E. Legal Description. Provide paper and digital (disk or email) word format.
- 10 F. Vicinity Map. Show the property location in relation to major roads and area within
11 2-mile radius of the proposed amendment site. 8 ½ x 11.
- 12 G. Statement of Justification. Attach a narrative describing the justification for the
13 request, using support material, including but not limited to the Town’s
14 Comprehensive Plan adopted Goals, Objectives, and Policies.
- 15 H. School Impact Analysis. (If Residential) Contact the Lake County School Board.
- 16 I. Transportation Analysis. A transportation impact analysis conforming to the
17 standards of Section 8.02.10.
- 18 J. Environmental Impact Analysis. (Required for all sites 1 acre or greater) The
19 analysis shall be conducted by a qualified biologist and dated less than one year
20 old. The analysis shall document the types of habitat found on site; identify
21 vegetation types, soils types, wetlands, floodplain; and must identify the presence
22 of any threatened or endangered species and/or species of special concern.
- 23
- 24

25 **4.03.00 SITE PLAN PROCESS**

26 **4.03.01 Site Plan Review for Development Not Classified as a Subdivision**

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

38 **4.03.02 Approval Process for Preliminary Site Plan**

39 Preliminary Site Plans are submitted to the Town Clerk and must be accompanied by a
40 Development Review Application and the appropriate fees and review deposit.
41 Approval of the Preliminary Site Plan shall be construed as authority for submitting the

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

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

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

11 C. Review Process

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

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

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

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

37 **4.03.03 Notice Procedures**

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

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

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

10 **4.03.04 Review and Action by Planning and Zoning Board**

11 The Planning and Zoning Board shall review and recommend approval, approval
12 subject to conditions, or disapproval of the Preliminary Site Plan at the advertised
13 public hearing. In recommending disapproval of any Preliminary Site Plan, the
14 Planning and Zoning Board shall provide reasons for such action.

15 **4.03.05 Action by the Town Council**

16 After the Planning and Zoning Board reviews the Preliminary Site Plan, the public
17 hearing scheduled before the Town Council shall be held. The Town Council shall
18 approve, approve subject to conditions, or disapprove the Preliminary Site Plan. In
19 disapproving any Preliminary Site Plan, the Town Council shall provide reasons for
20 such action.

21 **4.03.06 Preliminary Site Plan Approval by the Town Council**

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

28 **4.03.07 Preliminary Site Plan Extensions**

29 The Town Council, at its sole discretion, may extend for a period of twelve (12) months
30 the date when a site development order would otherwise expire if it concludes that:

- 31 A. The site development order has not yet expired,
- 32 B. The site development order recipient has proceeded with due diligence and in good
33 faith, and
- 34 C. Conditions, including but not limited to LDC changes, have not changed so
35 substantially as to warrant a new application.

36 **4.03.08 Preliminary Site Plan Requirements**

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

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

3 **4.03.09 Preliminary Site Plan Drawings**

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

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

37
38 **4.03.10 Approval Process for Final Site Plan**

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

1 **4.03.11 Submission of Final Site Plan**

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

10 **4.03.12 Final Site Plan Review Process**

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

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

27
28 After the DRC is satisfied with the Final Site Plan and all applicable fees have been
29 paid to the Town, the Plan and supporting data, and a report from the DRC shall be
30 submitted by the Town Planner to the Planning and Zoning Board. The item shall be
31 placed on a regular Planning and Zoning Board meeting agenda for consideration.
32 Final Site Plans do not require a public hearing.

33 **4.03.13 Review and Action by Planning and Zoning Board**

34 The Planning and Zoning Board shall review and recommend approval, approval
35 subject to conditions, or disapproval of the Final Site Plan. In recommending
36 disapproval of any Final Site Plan, the Planning and Zoning Board shall provide
37 reasons for such action.

38 **4.03.14 Review and Action by the Town Council**

39 After the Planning and Zoning Board reviews the Final Site Plan, the item shall be
40 scheduled for a regular Town Council meeting. Final Site Plans do not require a public
41 hearing. The Town Planner shall submit a report to the Town Council outlining the

1 recommendations of both the DRC and the Planning and Zoning Board. The Town
2 Council shall approve, approve subject to conditions, or disapprove the Final Site Plan.
3 In disapproving any Final Site Plan, the Town Council shall provide reasons for such
4 action.

5 **4.03.15 Final Site Plan Approval by the Town Council**

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

12 **4.03.16 Final Site Plan Extensions**

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

- 16 A. The site development order has not yet expired,
- 17 B. The site development order recipient has proceeded with due diligence and in good
18 faith, and
- 19 C. Conditions, including but not limited to LDC changes, have not changed so
20 substantially as to warrant a new application.

21 **4.03.17 Final Site Plan Requirements**

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

26 **4.03.18 Final Site Plan Drawings**

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

- 30 A. The title page shall include the name of the project/development, the name and
31 address of the property owner, and the name and address of the engineer preparing
32 the plan. All plans and support documents shall bear the date, seal, and signature
33 of the project engineer.
- 34 B. The plans shall include a location map that shows the project in relation to the broad
35 context of the Town.
- 36 C. The plans shall include a date, north arrow, and legend.
- 37 D. Plans shall be drawn to scale (no smaller than 1"=100').
- 38 E. The plans shall include a legal description of the property and the acreage or square
39 footage. The property boundaries should be clearly outlined.

- 1 F. If the project is to be phased, the phases should be clearly indicated on the plan.
2 The developer may need to provide additional information to document that the
3 first phase can stand on its own as well as subsequent phases and their reliance only
4 on the proceeding phases.
- 5 G. The plans should show property lines with dimensions.
- 6 H. Setbacks.
 - 7 1. All setbacks from streets and highways shall be illustrated.
 - 8 2. The applicable setbacks for the zoning district shall be indicated by the use of
9 notes.
 - 10 3. All setbacks on irregular shaped lots shall be illustrated.
- 11 I. The line of natural water bodies shall be illustrated.
- 12 J. The plans should show street right-of-way lines of adjacent roads.
- 13 K. Topographic information. Existing contours at one (1) foot intervals based on field
14 surveys or photogrammetric survey extending a minimum one hundred (100) feet
15 beyond the tract boundary. The topographic survey shall be certified by a land
16 surveyor, registered in the State of Florida.
- 17 L. Soils information. Identification of on-site soils shall be drawn on the face of the
18 plan using the Soil Survey of Lake County Area, Florida. An applicant may
19 challenge this determination by demonstrating (through the testing of a
20 geotechnical engineer) that the identified soils are not classified correctly. If the
21 above determination is concurred with by the Town Engineer, then these alternative
22 soil determinations will be used in preparing the plans.
- 23 M. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be
24 shown on the plans. An environmental impact assessment will be required for
25 significant or ecologically fragile areas.
- 26 N. 100 Year Flood Elevation Information. Where the 100-year flood elevation is
27 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant
28 shall show the location of the one hundred (100) year flood elevation. Data shall
29 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.
30 maps. In this circumstance, the developer will be responsible for the necessary
31 drainage basin studies to establish the 100-year flood elevation. This work will be
32 prepared to the satisfaction of the Town Engineer. If the proposed development
33 will create a change to the existing 100-year flood elevation, this change will be
34 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter
35 of map amendment to FEMA and will need to provide evidence to the Town that
36 FEMA has agreed to the amendment prior to receiving Final Site Plan approval.
- 37 O. The tree survey submitted at the Preliminary Site Plan phase should again be
38 overlaid on the Final Site Plans to show trees in relation to proposed improvements.
39 The plans should also include a table indicating which trees are proposed to be
40 saved and which are proposed to be removed. **Clear cutting is not allowed.**
- 41 P. Any existing improvements on the property should be shown on the Final Site Plan
42 and whether those improvements will remain.
- 43 Q. The Plans shall show location and dimension of all proposed buildings. Setbacks
44 shall be called out.

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

33 **4.04.00 CONSTRUCTION OF INFRASTRUCTURE**

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

37 **4.05.00 SUBDIVISION PLAN PROCESS**

38 **4.05.01 Subdivision Plan Review**

39 A Subdivision plans must first be submitted in Preliminary Subdivision Plan form to
40 the Town Clerk for review and recommendation by the Development Review
41 Committee (DRC). The DRC recommendation is forwarded to the Planning and

1 Zoning Board for its recommendation to the Town Council. Then both the DRC
2 and Planning and Zoning Board recommendations are forwarded to the Town
3 Council. Once the Town Council grants Preliminary Subdivision Plan approval,
4 the next step in the process is Final Subdivision Plan review.

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

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

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

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

21 **4.05.02 Approval Process for Preliminary Subdivision Plan**

22 Preliminary Subdivision Plans are submitted to the Town Clerk and must be
23 accompanied by a Development Review Application and the appropriate fees and
24 review deposit. Approval of the Preliminary Subdivision Plan shall be construed as
25 authority for submitting the Final Subdivision Plan. Approval of the Preliminary
26 Subdivision Plan shall not be construed as authority for the issuance of permits to
27 construct improvements or for the issuance of building permits.

28 **4.05.03 Pre-Application Conference**

29 Each applicant shall meet with the DRC at a pre-application conference before
30 preparing a Preliminary Subdivision Plan. In this way, the applicant can become
31 familiar with the requirements and development policies of the Town, which may affect
32 the proposed development.

33 **4.05.04 Submission of Preliminary Subdivision Plan**

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

37 **4.05.05 Preliminary Subdivision Plan Review Process**

38 A. The Town Clerk shall distribute copies of the Preliminary Subdivision Plan and
39 application to the DRC members, the Lake County School Board (for residential
40 development), and FDOT, if applicable. The DRC members and the Lake County

1 School Board and FDOT, where applicable, shall individually review the
2 Preliminary Subdivision Plan and meet to discuss their comments. The Town
3 Planner will then prepare a report to the applicant outlining all the issues. The
4 applicant shall make the changes necessary and submit a revised Preliminary
5 Subdivision Plan.

- 6 B. Once the applicant receives comments from the DRC and any outside agencies on
7 the submitted plans, the applicant has 90 calendar days to submit a response,
8 including a revised set of plans. If the applicant needs more time, a formal request
9 for an extension should be submitted by the applicant at least 30 days prior to the
10 expiration of the 90 days. Failure of the applicant to respond in a timely fashion
11 shall result in the need to resubmit with a new application, including all applicable
12 documents as if being submitted for the first time, including any fees.
- 13 C. After the DRC is satisfied with the Preliminary Subdivision Plan, a public hearing
14 is scheduled before the Planning and Zoning Board. The Preliminary Subdivision
15 Plan and supporting data, and a report from the DRC shall be submitted by the
16 Town Planner to the Planning and Zoning Board at its public hearing.
- 17 D. After the Planning and Zoning Board public hearing, a public hearing is scheduled
18 before the Town Council. The Preliminary Subdivision Plan and supporting data,
19 and a report from the DRC shall be submitted by the Town Planner to the Town
20 Council at its public hearing. This information shall also include the Planning and
21 Zoning Board’s recommendation.

22 **4.05.06 Notice Procedures**

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

- 24 A. Notice to property owners. The Town shall send notice via certified mail of the
25 proposed preliminary subdivision plan to the owners of all properties within 300
26 feet of the subject property. Such notice shall be sent no later than 10 days prior to
27 the scheduled public hearing and shall include the date, time, and place of the public
28 hearing along with a clear and concise description of the proposed plan.
- 29 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the
30 Town shall post the property that is the subject of the public hearing with signs
31 notifying the public of the proposed preliminary plan, date of public hearing, and
32 person to contact for further information. Signs shall be placed, at a minimum,
33 along all public road frontages, with a least one sign located every 500 feet along
34 any frontage.
- 35 C. Publication of notice. Notice of public hearing shall be published in a newspaper
36 of general circulation at least 10 days prior to the public hearing. Notice shall also
37 be posted at Town Hall and on the Town’s website.

38 **4.05.07 Review and Action by Planning and Zoning Board**

39 The Planning and Zoning Board shall review and recommend approval, approval
40 subject to conditions, or **disapproval denial** of the Preliminary Subdivision Plan at the
41 advertised public hearing. In recommending disapproval of any Preliminary
42 Subdivision Plan, the Planning and Zoning Board shall provide reasons for such action.

1 **4.05.08 Action by the Town Council**

2 After the Planning and Zoning Board reviews the Preliminary Subdivision Plan, the
3 public hearing scheduled before the Town Council shall be held. The Town Council
4 shall approve, approve subject to conditions, or **disapprove deny** the Preliminary
5 Subdivision Plan. In disapproving any Preliminary Subdivision Plan, the Town
6 Council shall provide reasons for such action.

7 **4.05.09 Preliminary Subdivision Plan Approval by the Town Council**

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

15 **4.05.10 Preliminary Subdivision Plan Extensions**

16 The Town Council, at its sole discretion, may extend for a period of twelve (12) months
17 the date when a subdivision development order would otherwise expire if it concludes
18 that:

- 19 A. The subdivision development order has not yet expired,
- 20 B. The subdivision development order recipient has proceeded with due diligence and
21 in good faith, and
- 22 C. Conditions, including but not limited to LDC changes, have not changed so
23 substantially as to warrant a new application.

24 **4.05.11 Preliminary Subdivision Plan Requirements**

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

29 **4.05.12 Preliminary Subdivision Plan Drawings**

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

- 33 A. Title Block: The title or name of the proposed development and the name and
34 address of the property owner and the engineer and surveyor engaged in preparing
35 the plan.
- 36 B. Legend: Date, scale of plan (no smaller than 1” = 100’), north arrow, current
37 zoning, size of the property (in acres), and total number of lots.
- 38 C. Legal Description: A full and detailed legal description of the property and its
39 approximate acreage.

- 1 D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the
- 2 abutting streets and other community identifiers.
- 3 E. Rights-of-Way: The location, name, and width of any streets on and immediately
- 4 contiguous to the property.
- 5 F. Ingress/Egress: Proposed locations of access to and from the property.
- 6 G. Lot layout: Proposed layout of lots to be created by the new subdivision.
- 7 H. Parking Areas: Proposed areas for parking and number of spaces, if applicable.
- 8 I. Open Space: Total open space required and total open space provided. Include a
- 9 table to outline what tracts are open space including their purpose and size.
- 10 J. Dedications and Reservations: All tracts proposed to be dedicated or reserved for
- 11 public or private use such as roads, easements, buffers, parks, and utilities.
- 12 K. Stormwater Layout: The location of retention ponds and other stormwater
- 13 facilities. Stormwater calculations are not required at this time; however, the
- 14 applicant should show an arrow indicating the direction of flow of surface drainage.
- 15 L. Phase Lines: The boundary lines of each phase of the subdivision plan.
- 16 M. Tree Survey: Location, size, and species of all trees with a DBH of 6” or greater,
- 17 prepared by a Florida licensed land surveyor. The tree survey should be shown as
- 18 a layer on the Preliminary Subdivision Plans to show the relation of the trees to the
- 19 proposed improvements. The plans should also include a table indicating which
- 20 trees are proposed to be saved and which are proposed to be removed.

21 **4.05.13 Approval Process for Final Subdivision Plan**

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

25 **4.05.14 Submission of Final Subdivision Plan**

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

35 **4.05.15 Final Subdivision Plan Review Process**

36 A. The Town Clerk shall distribute copies of the Final Subdivision Plan and
37 application to the DRC members, the Lake County School Board (for residential
38 development), the SJRWMD, FDEP, and FDOT, if applicable. The DRC members
39 and the other agencies shall individually review the Final Subdivision Plan, then
40 meet to discuss their comments. The Town Planner will then prepare a report to

1 the developer outlining all the issues. The developer shall make the changes
2 necessary and submit a revised Final Subdivision Plan.

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

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

15 **4.05.16 Review and Action by Planning and Zoning Board**

16 The Planning and Zoning Board shall review and recommend approval, approval
17 subject to conditions, or disapproval of the Final Subdivision Plan. In recommending
18 disapproval of any Final Subdivision Plan, the Planning and Zoning Board shall
19 provide reasons for such action.

20 **4.05.17 Review and Action by the Town Council**

21 After the Planning and Zoning Board reviews the Final Subdivision Plan, the item shall
22 be scheduled for a regular Town Council meeting. Final Subdivision Plans do not
23 require a public hearing. The Town Planner shall submit a report to the Town Council
24 outlining the recommendations of both the DRC and the Planning and Zoning Board.
25 The Town Council shall approve, approve subject to conditions, or disapprove the Final
26 Subdivision Plan. In disapproving any Final Subdivision Plan, the Town Council shall
27 provide reasons for such action.

28 **4.05.18 Final Subdivision Plan Approval by the Town Council**

29 Final subdivision plan approval by the Town approval by the Town Council shall be
30 automatically voided if construction on the infrastructure (for either the entire project
31 or the approved first phase) is not started within 18 months of approval of the Final
32 Subdivision Plan. The Town Council may grant a time extension, for a maximum of
33 one (1) year, upon written request by the developer to the Town Clerk. The written
34 request must be received by the Town Clerk at least forty-five (45) days prior to the
35 scheduled subdivision plan expiration.

36 **4.05.19 Final Subdivision Plan Extensions**

37 The Town Council, at its sole discretion, may extend for a period of twelve (12) months
38 the date when a subdivision development order would otherwise expire if it concludes
39 that:

40 A. The subdivision development order has not yet expired,

- 1 B. The subdivision development order recipient has proceeded with due diligence and
- 2 in good faith, and
- 3 C. Conditions, including but not limited to LDC changes, have not changed so
- 4 substantially as to warrant a new application.

5 **4.05.20 Final Subdivision Plan Requirements**

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

10 **4.05.21 Final Subdivision Plan Drawings**

- 11 A. The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall
- 12 provide a map key relating sheets to the entire planned area. The plans shall include
- 13 the following information:
- 14 B. The title page shall include the name of the project/development, the name and
- 15 address of the property owner, and the name and address of the engineer preparing
- 16 the plan. All plans and support documents shall bear the date, seal, and signature
- 17 of the project engineer.
- 18 C. The plans shall include a location map that shows the project in relation to the broad
- 19 context of the Town.
- 20 D. The plans shall include a date, north arrow, and legend.
- 21 E. Plans shall be drawn to scale (no smaller than 1”=100’).
- 22 F. The plans shall include a legal description of the property and the acreage or square
- 23 footage. The property boundaries should be clearly outlined.
- 24 G. Subdivision Name.
 - 25 1. Every subdivision shall be given a name by which it shall be legally known.
 - 26 All subdivision signage must be consistent with its legally assigned name. Such
 - 27 name shall not be the same, phonetically, or visually similar to any name
 - 28 appearing on any recorded plat in the County so as to confuse the records or to
 - 29 mislead the public as to the identity or location of the subdivision, except when
 - 30 the subdivision is subdivided as an additional unit or section by the same
 - 31 developer or his successors in title. No subdivision name shall mislead the
 - 32 public as to the municipality or geographic area in which the subdivision is
 - 33 located. The name of the subdivision shall be determined by the developer, and
 - 34 subject to review by the DRC, and approval by the Town Council as part of the
 - 35 Preliminary Subdivision Plan.
 - 36 2. If at any time, the developer intends to change the name of the subdivision, the
 - 37 developer shall request the name change in writing. All correspondence
 - 38 regarding a name change shall be sent to the **Mayor/Town Manager** who shall
 - 39 make a recommendation to the DRC, who shall make a recommendation to the
 - 40 Town Council. The decision of the Town Council is final. After approval by
 - 41 the Town Council, it shall be the responsibility of the developer to make the
 - 42 appropriate changes to all applicable documents. The provision of this

- 1 subsection shall be applicable in all zoning districts, including planned unit
- 2 developments. Once the Town approves the subdivision name, it must then be
- 3 submitted to the Lake County for approval.
- 4 H. The plans shall show all proposed lots to be created. The lots should be numbered
- 5 sequentially. All lots shall show all dimensions and the building envelope.
- 6 I. If the project is to be phased, the phases should be clearly indicated on the plan.
- 7 The developer may need to provide additional information to document that the
- 8 first phase can stand on its own as well as subsequent phases and their reliance only
- 9 on the proceeding phases.
- 10 J. The plans should show property lines with dimensions.
- 11 K. Setbacks.
- 12 1. All setbacks from streets and highways shall be illustrated.
- 13 2. The applicable setbacks for the zoning district shall be indicated by the use of
- 14 notes.
- 15 3. All setbacks on irregular shaped lots shall be illustrated.
- 16 L. The line of natural water bodies shall be illustrated.
- 17 M. The plans should show street right-of-way lines of adjacent roads.
- 18 N. Topographic information. Existing contours at one (1) foot intervals based on field
- 19 surveys or photogrammatic survey extending a minimum one hundred (100) feet
- 20 beyond the tract boundary. The topographic survey shall be certified by a land
- 21 surveyor, registered in the State of Florida.
- 22 O. Soils information. Identification of on-site soils shall be drawn on the face of the
- 23 plan using the Soil Survey of Lake County Area, Florida. An applicant may
- 24 challenge this determination by demonstrating (through the testing of a
- 25 geotechnical engineer) that the identified soils are not classified correctly. If the
- 26 above determination is concurred with by the Town Engineer, then these alternative
- 27 soil determinations will be used in preparing the plans.
- 28 P. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be
- 29 shown on the plans. An environmental impact assessment will be required for
- 30 significant or ecologically fragile areas.
- 31 Q. 100 Year Flood Elevation Information. Where the 100-year flood elevation is
- 32 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant
- 33 shall show the location of the one hundred (100) year flood elevation. Data shall
- 34 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.
- 35 maps. In this circumstance, the developer will be responsible for the necessary
- 36 drainage basin studies to establish the 100-year flood elevation. This work will be
- 37 prepared to the satisfaction of the Town Engineer. If the proposed development
- 38 will create a change to the existing 100-year flood elevation, this change will be
- 39 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter
- 40 of map amendment to FEMA and will need to provide evidence to the Town that
- 41 FEMA has agreed to the amendment prior to receiving Final Subdivision Plan
- 42 approval.
- 43 R. The tree survey submitted at the Preliminary Subdivision Plan phase should again
- 44 be overlaid on the Final Subdivision Plans to show trees in relation to proposed

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

37 **4.06.00 ARCHITECTURAL PLAN REQUIREMENTS**

38 **4.06.01 Purpose and Intent**

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

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

11 **4.06.02 Residential Developments**

12 ~~In order~~ To promote architectural character **to the fullest extent allowed by Florida law,**

13 the Town shall require new housing developments to offer a variety of architectural

14 styles and elevations. These regulations promote both diversity in the exterior

15 elevations of neighboring homes, as well as individual character in the design of each

16 residence.

- 17 A. For new single-family residential developments or infill single family development
- 18 with six (6) or more adjacent lots:
- 19 1. The same house model may not be used more than ~~three~~ **two** times within a
- 20 single block face. For purposes of this requirement, a different house model is
- 21 a different floor plan, not the same floor plan flipped in a different direction and
- 22 not the same floor plan with a different exterior treatment. When ~~less~~ **fewer**
- 23 than ten (10%) percent of the lots in a subdivision remain to be developed, the
- 24 Planning Board may approve a home design to be used ~~more than~~ three times
- 25 within a single block face. This option is intended to provide some flexibility
- 26 in finishing the subdivision development while maintaining diversity in
- 27 building design. (DM)
- 28 2. Front porches shall be a required component on at least one quarter of the house
- 29 models offered in a development. These porches shall be at least 6 feet deep
- 30 and 10 feet wide.
- 31 ~~a. Front porches may encroach into the front setback up to five (5) feet in~~
- 32 ~~Single Family Residential and Medium Density Residential developments.~~
- 33 Front porches may be screened, provided that the screen is located behind the
- 34 railings.
- 35 3. Recessed garages or side entry garages shall be a required component on at
- 36 least one quarter of the house models offered in a development. To be
- 37 considered recessed, the garage shall be set back a minimum of ten (10) feet
- 38 from the main building face, or five (5) feet if the house has a front porch.
- 39 B. For all new residential development
- 40 1. Residential building walls shall be wood clapboard, wood shingle, wood drop
- 41 siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or
- 42 similar material.

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

24 **4.06.03 Single Family Residential Development Architectural Plans**

25 To the extent not prohibited by law, at the time of Final Plan submittal (or at building
26 permit for infill development); the applicant shall submit a complete set of the
27 residential design plans. This shall include the front, side, and rear elevations for each
28 model that will be constructed within the development. The building elevations shall
29 include the following:

- 30 A. Roof plan: Residential homes shall have variations in roof lines and use dormers,
31 wide eaves, and other architectural elements to add interest and sustainability.
- 32 B. Wall materials and color options: See Section 4.06.02(B)(1) above for material
33 options. Walls cannot be all one material and/or all one color. Primary facades
34 shall have one base color and a minimum of one complementary accent color. A
35 complementary wall material may be used to meet the second color requirement.
- 36 C. Exterior architectural details: Each home shall incorporate architectural details to
37 add interest to all sides of the building. To the extent not prohibited by law, primary
38 facades shall incorporate a minimum of four architectural details and secondary
39 facades shall incorporate a minimum of two architectural details. These include,
40 but are not limited to:
 - 41 1. Windows
 - 42 2. Shutters
 - 43 3. Porches

- 1 4. Decorative elements
- 2 5. Doors
- 3 6. Columns
- 4 7. Window boxes
- 5 8. Porticos
- 6 9. Cupolas
- 7 10. Chimneys
- 8 11. Enhanced landscape treatment which provides for one additional planting area
- 9 with a minimum size of 400 square feet
- 10 12. Other elements approved by the Town

11 **4.06.04 Other Residential Development**

12 Townhome development shall follow the same architectural standards as single-family

13 development, ~~except for Section 4.06.02 above.~~

14 **4.06.05 Non-Residential Development**

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

26 **4.06.06 Non-Residential Development Architectural Plans**

- 27 A. At the time of Final Plan submittal, the applicant shall submit a complete set of the
- 28 building design plans. This shall include the front, side, and rear elevations. The
- 29 plans shall include the roof design and show all pertinent details (windows, shutters,
- 30 porches, decorative finishes, doors, colors, materials). The plans shall be drawn to
- 31 scale, and dimensions shall be clearly delineated. All elevations must be signed
- 32 and sealed by a licensed architect registered in the State of Florida.
- 33 B. Architectural plans shall also include screening details for service areas and
- 34 mechanical equipment as well as site furnishings, lighting fixtures, and any other
- 35 information necessary to ensure consistency with the intent of this section.
- 36 C. Architectural plans are required for any new non-residential developments, and
- 37 additions or alterations to previously approved non-residential developments.
- 38 Alterations may include, but are not limited to, changes in color, material, roof
- 39 finishes, awnings, and other exterior features.
- 40 D. Non-Residential Architectural Plans should also ensure the following:

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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

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2. Fences that are visible from the public right-of-way shall not be chain link unless the land use requires security fencing.
3. Variations in roof lines should be used to add building interest consistent with the designated building style. Roof mounted equipment is also required to be shielded from view. Flat roofing is encouraged if the roof can be utilized (i.e., rooftop terrace), especially where such use can take advantage of views (i.e., for residential units above non-residential uses).
4. Large storefront windows are encouraged in retail areas as pedestrian-friendly components. At least 50 percent of the first floor of all buildings with a retail component shall be comprised of storefront windows, unless a waiver is specifically granted by the Town Council.

- 1 5. Non-residential buildings shall be painted with earth tone or pastel colors
2 consistent with the designated building styles. Fluorescent and visually
3 overwhelming colors which call undue attention to the property shall not be
4 permitted. The fact that certain colors are “corporate” shall not be grounds for
5 waiver from this provision. Where color schemes are used on non-residential
6 buildings that commonly identify the business on site, those areas shall be
7 considered signage and shall be included in the calculation of sign area.
- 8 6. Awnings, arcades, colonnades, arbors, trellises, and other similar architectural
9 components should be a component of non-residential building design to add
10 interest to the physical character of the area as well as afford a way for
11 pedestrians to get out of the weather.
- 12 7. The main building entrance shall face the public right-of-way unless it is
13 determined during the site plan approval process that such configuration is not
14 practical. When parking is located on the side or rear of the building, the
15 placement of a suitably large building entrance facing the parking area is
16 permitted, but it shall not displace the main building entrance. Main building
17 entrances shall be articulated in a manner consistent with the architectural style
18 of the building.

19 **4.07.00 LANDSCAPING, HARDSCAPING, AND IRRIGATION PLAN**

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

24 **4.08.00 SITE IMPROVEMENTS**

25 **4.08.01 *Pre-Construction Conference***

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

37 **4.08.02 *The Installation of All Site Improvements***

38 The installation of all site improvements shall be subject at all times to inspection by
39 the Town. The developer shall pay an inspection fee to the Town as part of the Pre-

1 Construction Conference to cover the costs of the Town Inspector and Town Engineer
2 for site inspections.

3 **4.08.03 Certificate of Completion**

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

- 7 A. Engineer’s certification letter (signed and sealed by a professional engineer)
- 8 B. Surveyor’s certification letter (signed and sealed by a professional land surveyor)
- 9 C. Two sets of as-built drawings (signed and sealed)
- 10 D. A 2-year maintenance guarantee covering all site improvements. This maintenance
11 guarantee shall be either cash, a letter of credit or a maintenance bond in the amount
12 of 20% of the cost of the improvements.
- 13 E. Certified utility cost (signed and sealed by a professional engineer)
- 14 F. “Bill of Sale” – water system
- 15 G. “Bill of Sale” – wastewater system
- 16 H. Copy of signed contract for site work
- 17 I. Letter from DEP indicating acceptance of permitted work
- 18 J. Letter from SJRWMD indicating acceptance of permitted work
- 19 K. Certification for back flow preventer

20 **4.08.04 Letter of Acceptance**

21 Once all improvements are deemed acceptable to the Town and all required documents
22 have been submitted by the applicant, a letter of acceptance shall be issued by the
23 Town. The date on the letter shall be used as the start date for the 2-year maintenance
24 period covered by the maintenance guarantee.

25 **4.08.05 Two-Year Maintenance Period**

26 Periodically throughout the 2-year maintenance time period, the Town shall inspect the
27 improvements and notify the applicant if any deficiencies are found. Ninety (90) days
28 prior to the expiration of the maintenance guarantee, a formal walkthrough inspection
29 will be conducted to determine whether any deficiencies exist. If deficiencies are
30 found, a letter will be issued to the applicant. The Town will notify the maintenance
31 guarantee holder if deficiencies still exist toward the end of the maintenance guarantee
32 period. If deficiencies are found, the Town may require an extension of the
33 maintenance period for that particular issue.

34 **4.09.00 FINAL PLAT REQUIREMENTS**

35 **4.09.01 Final Plat**

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

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

7 **4.09.02 Required Information**

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

- 14 A. The Plat cover sheet shall include a vicinity map drawn to scale and including
15 orientating features, a complete legal description including the section, township
16 and range, the name, address, and telephone number of the owner or the name and
17 address of the president and secretary if the owner is a corporation, and the area of
18 the property in both square footage and acreage.
- 19 B. The Plat shall include any and all Joinder and Consents.
- 20 C. Title Opinion. The Plat application shall include a title opinion of an attorney
21 licensed in Florida or a certification by a title company dated no earlier than thirty
22 (30) days prior to the submittal.
- 23 D. The Plat shall include the dedication of any improvements to the Town of Howey
24 in the Hills.
- 25 E. The Plat shall include a note on the cover sheet that “No amendments shall be made
26 to the Declaration of Covenants, Conditions and Restrictions without prior approval
27 of the Town of Howey in the Hills with regard to changes to or transfer of any
28 portion or component of the subdivision infrastructure and any change in ownership
29 or maintenance provisions of the common areas.”
- 30 F. The Final Plat shall contain sufficient data to determine readily and locate
31 accurately on the ground, the location, bearing and length of every right of way
32 line, lot line, easement boundary line and block line, including the radii, arcs and
33 central angles of all curves.
- 34 G. Each permanent reference monument shall be shown on the plat by appropriate
35 designation.
- 36 H. All permanent control points shall be shown on the plat by an appropriate
37 designation. It is the land surveyor’s responsibility to furnish to the Town Clerk
38 his certificate that the permanent control points have been set and the dates they
39 were set.
- 40 I. The Plat application shall include Proposed Homeowners’ or Property Owners’
41 Association (HOA or POA) Documents. Prior to recordation of the final plat, a
42 homeowners’ or property owners’ association shall be established. The applicant
43 shall provide six (6) copies of all proposed HOA or POA documents related to the

1 subdivision. The HOA or POA documents shall include language regarding
2 ownership and/or maintenance responsibilities for improvements including, but not
3 limited to, upgraded streetlights and all common areas including stormwater
4 management facilities, parks, entranceways, and buffers. These documents shall
5 be submitted to and reviewed by the DRC and the Town Attorney prior to review
6 by the Town Council.

7 J. Proposed Deed Restrictions and Covenants. The applicant shall provide six (6)
8 copies of all proposed deed restrictions effecting the subdivision. These deed
9 restrictions shall be recorded in the official records of Lake County along with the
10 plat. These documents shall be submitted to and reviewed by the DRC and the
11 Town Attorney prior to review by the Town Council.

12 K. Private Subdivisions. A subdivision, requesting to have private streets, must have
13 enforceable legal documents establishing the owner’s association, and creating
14 binding restrictive covenants. These documents must provide for a means of
15 enforcing any and all assessments levied by the association, in order to financially
16 provide for the continuing care and maintenance of the streets. These documents
17 shall be submitted to and reviewed by the DRC and Town Attorney prior to review
18 by the Town Council. Appropriate provisions must be made for the uncontested
19 use of the private streets by those governmental agencies, such as the Howey in the
20 Hills Police Department and Public Works Department and other governmental
21 agencies, which may, from time-to-time need to travel over or across said private
22 streets. In addition, the HOA or POA shall enter into an agreement with the Town
23 for enforcement of traffic laws on the private streets if the HOA or POA seeks those
24 services.

25 L. Surety for Improvements. This is only required if platting is requested prior to
26 installation of all improvements and acceptance of same by the Town. Prior to the
27 recordation of any Final Plat, the applicant shall file with the Town Council an
28 adequate performance guarantee such as a performance bond or escrow agreement
29 funded by cash, cashier’s check or a certified check upon a local bank, conditioned
30 to secure the construction of the required improvements in a satisfactory manner to
31 the Town and within a time period specified by the Town Council. No such
32 performance guarantee shall be accepted unless it is enforceable by or payable to
33 the Town in a sum at least equal to one hundred twenty percent (120%) of the cost
34 of all improvements required to be installed by the applicant. The amount of the
35 performance guarantee shall be based on the project engineer’s certified estimate
36 of the cost of improvements or upon actual contract costs for installing the
37 improvements as referenced by a signed contract between the developer and the
38 site contractor. This performance guarantee should be reviewed and approved by
39 both the Town Engineer and the Town Attorney.

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

1 **4.09.03 Review Process**

2 After the DRC, Town surveyor and Town **Manager Attorney** are satisfied with the Final
3 Plat and all applicable documents, a report from the Town Attorney shall be submitted
4 to the Town Council.

5 **4.09.04 Review and Action by the Town Council**

6 The Final Plat shall be scheduled for a regular Town Council meeting. A Final Plat
7 does not require a public hearing. The Town **Manager Attorney** shall submit a report
8 to the Town Council outlining the recommendations of the DRC, the Town surveyor,
9 and the Town Attorney. The Town Council shall approve, approve subject to
10 conditions, or **deny disapprove** the Final Plat. In **denying disapproving** any Final Plat,
11 the Town Council shall provide reasons for such action.

12
13 Once the Town Council approves the Final Plat and the applicant provides a copy of
14 the recorded HOA and/or POA documents and the recorded deed restrictions to the
15 Town, the Town Clerk shall record the plat in the records of Lake County, Florida. A
16 copy of the plat shall be provided by the Town to the applicant.

17
18 The Town Clerk shall also forward a copy of the recorded Final Plat to the appropriate
19 Lake County office for verification of street addresses for the new lots.
20

21 **4.10.00 PLANNED UNIT DEVELOPMENTS (PUDS)**

22 The **primary intent of** Town Council may allow Planned Unit Developments **is to**
23 **provide** for planned residential communities **with 100 acres or more and** containing a
24 variety of housing; with complementary and compatible non-residential uses.

25 **4.10.01 Planned Unit Developments serve a variety of purposes**

- 26 A. To allow for diverse uses in close proximity and more open space.
- 27 B. To reduce energy costs through a more efficient use of land design and
28 smaller network of utilities and streets than is typically possible in
29 conventional zoning districts.
- 30 C. To preserve the natural amenities and environmental assets of the land by
31 allowing for clustering of development.
- 32 D. To increase the amount of useable open space areas by permitting a more
33 economical and concentrated use of building areas than would be possible
34 through conventional zoning districts.
- 35 E. To provide maximum opportunity for application of innovative concepts
36 of site planning in the creation of aesthetically pleasing living, shopping,
37 and working environments on properties of adequate size, shape, and
38 location.

1 F. To provide a flexible zoning district which is intended to encourage an
2 appropriate balance between the intensity of development and the
3 preservation of open space.

4 **4.10.02 Approval Process for Conceptual Land Use Plan**

5 Conceptual Land Use Plans are submitted to the Town Clerk and must be accompanied
6 by a Development Review Application and the appropriate fees and review deposit.
7 Approval of the Conceptual Land Use Plan is done by ordinance and conveys zoning
8 to the property. Approval of the ordinance and Conceptual Land Use Plan shall be
9 construed as authority for submitting the Preliminary Subdivision Plan. Approval of
10 the Conceptual Land Use Plan shall not be construed as authority for the issuance of
11 permits to construct improvements or for the issuance of building permits.

12 **4.10.03 Pre-Application Conference**

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

17 **4.10.04 Submission of Conceptual Land Use Plan**

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

21 **4.10.05 Review Process**

- 22 A. The Town Clerk shall distribute copies of the Conceptual Land Use Plan and
23 application to the DRC members and the Lake County School Board (for
24 residential development). The DRC members and the Lake County School
25 Board, where applicable, shall individually review the Conceptual Land Use
26 Plan and meet to discuss their comments. The Town Planner will then prepare
27 a report to the applicant outlining all the issues. The applicant shall make the
28 changes necessary and submit a revised Conceptual Land Use Plan.
- 29 B. Once the applicant receives comments from the DRC, the applicant has 90
30 calendar days to submit a response, including a revised set of plans. If the
31 applicant needs more time, a formal request for an extension should be
32 submitted by the applicant at least 30 days prior to the expiration of the 90 days.
33 Failure of the applicant to respond in a timely fashion shall result in the need to
34 resubmit with a new application, including all applicable documents as if being
35 submitted for the first time, including any fees.
- 36 C. After the DRC is satisfied with the Conceptual Land Use Plan, a public hearing
37 is scheduled before the Planning and Zoning Board. The zoning ordinance, to
38 include the Conceptual Land Use Plan as an exhibit, and supporting data, and a
39 report from the DRC shall be submitted by the Town Planner to the Planning
40 and Zoning Board at its public hearing.

1 D. After the Planning and Zoning Board public hearing, a public hearing is
2 scheduled before the Town Council. The zoning ordinance, to include the
3 Conceptual Land Use Plan as an exhibit, and supporting data, and a report from
4 the DRC shall be submitted by the Town Planner to the Town Council at its
5 public hearing. This information shall also include the Planning and Zoning
6 Board’s recommendation.

7 **4.10.06 Notice Procedures**

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

- 10 A. Notice to property owners. The Town shall send notice via certified mail of the
11 proposed PUD/Conceptual Land Use Plan to the owners of all properties within
12 300 feet of the subject property. Such notice shall be sent no later than 10 days
13 prior to the scheduled public hearing and shall include the date, time, and place
14 of the public hearing along with a clear and concise description of the proposed
15 plan.
- 16 B. Posted of property. No later than 10 days prior to the scheduled public hearing,
17 the Town shall post the property that is the subject of the public hearing with
18 signs notifying the public of the proposed zoning, date of public hearing, and
19 person to contact for further information. Signs shall be placed, at a minimum,
20 along all public road frontages, with a least one sign located every 500 feet
21 along any frontage.
- 22 C. Publication of notice. Notice of public hearing shall be published in a
23 newspaper of general circulation at least 10 days prior to the public hearing.
24 Notice shall also be posted at Town Hall and on the Town’s website.

25 **4.10.07 Review and Action by Planning and Zoning Board**

- 26 A. The Planning and Zoning Board shall review and recommend approval,
27 approval subject to conditions, or ~~disapproval~~ denial of the zoning ordinance
28 and Conceptual Land Use Plan at the advertised public hearing. In
29 recommending ~~disapproval~~ denial of any zoning ordinance and Conceptual
30 Land Use Plan, the Planning and Zoning Board shall provide reasons for such
31 action.
- 32 B. Conditions of approval may be memorialized in the Town Council’s motion,
33 the zoning ordinance, the Conceptual Land Use Plan, or a development
34 agreement. Conditions of approval are negotiable. Action by the applicant or
35 its successor consistent with the approved conditions shall be deemed
36 acceptance of and agreement to the conditions set by Town Council. In all
37 PUD’s the conditions of approval shall include a date at which the PUD
38 zoning and its related Conceptual Land Use Plan and development agreement
39 may be revoked by the Town Council if substantial development is not
40 undertaken within two years after Town Council approval of the PUD zoning.
41 Substantial development shall be defined in the conditions of approval or the
42 development agreement based on the circumstances of the proposed

1 **development.**

2 **4.10.08 Action by the Town Council**

3 After the Planning and Zoning Board reviews the zoning ordinance and Conceptual
4 Land Use Plan, the first reading of the ordinance is scheduled before the Town Council.
5 At the following Town Council meeting, the second reading and public hearing is held.
6 At that meeting, the Town Council shall approve, approve subject to conditions, or
7 disapprove the zoning ordinance and Conceptual Land Use Plan. In disapproving any
8 zoning ordinance and Conceptual Land Use Plan, the Town Council shall provide
9 reasons for such action.

10 **4.10.09 Conceptual Land Use Plan Requirements**

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

- 13 A. Project Name
- 14 B. Developer Name, Address, telephone number
- 15 C. Name, Address, telephone number of firm that prepared conceptual plan
- 16 D. Location Map insert
- 17 E. Legal Description
- 18 F. Boundary Survey
- 19 G. Total Acreage (gross land area)
- 20 H. Water bodies acreage
- 21 I. Wetland acreage
- 22 J. Net land area (Gross land area less any water bodies, less open space requirements,
23 less any remaining wetlands.)
- 24 K. Open Space required (25% of gross land area. Gross land area includes wetlands
25 but excludes water bodies.) See Policy 1.1.4 in the Future Land Use Element
26 (FLUE) for open space info. The applicant does not need to show where
27 specifically the open space will come from on the conceptual land use plan;
28 however, the applicant is required to show the acreage that will be needed.
- 29 L. Percentage of uses (residential, commercial, public/civic) – See FLUE
- 30 M. Proposed land uses: (Note that densities are determined by the Net Land Area.)
- 31 N. Residential: max. number of units, type of units, minimum lot sizes, minimum
32 living areas, typical lot sketch (width and depth of lot; setbacks; for sf residential,
33 two spaces in the driveway that provide a min. of 20 feet on the lot side of the
34 sidewalk), max. building heights, min. parking required,
- 35 O. Non-residential: Types of uses permitted (retail, office, etc – See FLUE Policy
36 1.4.8), conditional uses, prohibited uses, gross floor area, floor area ratio, max.
37 building height, setbacks from perimeter property lines,
- 38 P. Open Space: retention ponds, parks, plazas, buffers,
- 39 Q. Public or civic space: types of uses, gross floor area, max. building height,
- 40 R. The conceptual land use plan should show where on the property the above land
41 uses are proposed to be located.
- 42 S. Phasing schedule

- 1 T. Plan in relation to existing and proposed collector and arterial streets (i.e., proposed
- 2 access points to existing; general layout of internal roadway system)
- 3 U. Whether any portion of the development will be gated/private access only.
- 4 V. Proposed architectural style of buildings (both residential and non-residential), with
- 5 proposed elevations that include sufficient detail to show intent [i.e., building
- 6 materials, roof materials and style (minimum eaves), recessed garages, architectural
- 7 elements (front porches, bay windows, arches, dormers, brick/stone/masonry
- 8 design elements, window and door trim, shutters, etc), and for non-residential
- 9 buildings, display windows first floor, decorative features to break up massing,
- 10 arcades, cupolas, balconies, cornice treatment, etc..]
- 11 W. Buffer treatments and entranceway treatments (viewed from the public right of
- 12 way).
- 13 X. Notes on the plan indicating how the development will be served for potable water
- 14 and sanitary sewer.
- 15 Y. Identify general areas for stormwater management.
- 16 Z. Identify general wetland areas.
- 17 AA. Any other information deemed necessary by the Town.

18 **4.10.10 Amendments to the Conceptual Land Use Plan**

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

1 **4.10.11 Subsequent Process for PUDs**

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

4 **4.11.00 SPECIAL OVERLAY DISTRICTS**

- 5 A. Special Overlay Areas may be created by the Town of Howey in the Hills to
6 facilitate unique development activities where there is need for coordination
7 between different land owners in the development of projects where there are
8 special issues of infrastructure, environmental protection, employment activities,
9 protection of historic resources, or other public issues deemed by the Town Council
10 to be appropriate for special treatment. There is one current Special Overlay Area
11 called the Town Center Mixed Use Overlay. (See Map 4.11.00)
- 12 B. It is the intent of the Town that the designation of a Special Overlay District shall
13 put landowners, developers, and the general public on notice that special
14 opportunities exist for the development of the area and, concurrently, that special
15 provisions or limitations may be placed on projects within the area; identify specific
16 standards to be followed in the development of the area, which standards shall
17 supersede conflicting general standards of this Code, but which shall not be
18 inconsistent with the Comprehensive Plan.

19 **4.11.01 Establishment Procedures**

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

- 23 A. The proposal to create or modify a Special Overlay Area shall include a statement
24 of intent, specific boundaries, and a special development plan identifying the
25 proposed special regulations to be applicable therein. Maps and diagrams, in
26 addition to text, to explain the general intent and the specific regulations being
27 adopted shall also be included with the Plan to delineate the conceptual spatial and
28 aesthetic aspects pertaining to each Special Overlay Area.
- 29 B. Special development plans formulated for all Special Overlay Areas shall, at a
30 minimum, identify specific standards pertaining to potential uses of the property,
31 setbacks, size/height/bulk of buildings, provision for mixed- and multi-use
32 development, including housing options, master infrastructure requirement,
33 stormwater management, vehicular access provisions, architectural compatibility,
34 historic preservation, signage, landscaping, pedestrian access, parking, lighting,
35 and the protection of natural resources including trees, lakes and wetland areas. In
36 order to promote flexibility and design innovations, each special development plan
37 shall identify areas where the strict application of standard land development
38 regulations may be waived in return for alternative development options which
39 promote the intents of each Special Overlay Area.
- 40 C. All notices regarding public hearings to consider the creation or modification of the
41 Special Overlay Area shall include reference to the plan and to the location where

1 it can be reviewed. All notices shall also explain that the plan can be modified at
2 the time of adoption of the ordinance, within the limitations of Chapter 166, Florida
3 Statutes. All owners having properties situated within the proposed boundaries of
4 each Special Overlay Area shall also be notified by mail at least (10) days prior to
5 the public hearings before the Planning and Zoning and Town Council.

6 D. The boundaries of the Special Overlay Area shall be shown on the Official Zoning
7 Map.

8 **4.11.02 Administration of a Special Overlay Area**

9 A. The designation of a Special Overlay Area shall not establish any special
10 requirements for development review procedures except as may be contained
11 within this Section. Before any change of zoning, subdivision approval, or site plan
12 approval is granted within a Special Overlay Area, the approving authority shall
13 review this Section and shall find that the approval is consistent with this Section,
14 as well as with all other applicable requirements of this Code. No approval shall
15 be granted which would violate the provisions of this Section and the special
16 regulations contained within the individual special development plans.

17 B. It is the intent of this Section that there be substantial coordination between the
18 Town and the different landowners within the Special Overlay Area. To
19 accomplish this, the ~~Mayor~~ **Town Manager** shall have primary oversight
20 responsibility for each area and, from time to time, convene meetings between the
21 various landowners within the Special Overlay Area and interested governmental
22 agencies to implement the provisions of this section.

23 C. Additionally, it shall be the primary responsibility of the ~~Mayor~~ **Town Manager** to
24 recommend to the Town Council each special development plan in consultation
25 with area landowners.

26 **4.12.00 CONDITIONAL USES**

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

32 **4.12.01 Filing of Petition for a Conditional Use**

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

39 C. The name, address, and telephone number of the applicant and owner of the
40 property.

- 1 D. A survey of the lot showing the dimensions and location of all existing and
- 2 proposed buildings, signs, driveways, off-street parking areas, and other
- 3 improvements both on site and adjacent to the property,
- 4 E. A description of the proposed use, in sufficient detail to set forth its nature and
- 5 extent,
- 6 F. Any other important information in the consideration of the request.

7 **4.12.02 Standards in Granting a Conditional Use**

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

- 9 A. The proposed use is desirable at the particular location,
- 10 B. Such use will not be detrimental to the health, safety, or general welfare of persons
- 11 residing or working in the vicinity,
- 12 C. The proposed use will comply with the regulations and conditions specified in the
- 13 codes for such use,
- 14 D. ~~And~~ The granting of the conditional use will not circumvent or adversely impact
- 15 compliance with the requirements of the Comprehensive Plan.
- 16

17 In granting such conditional use, the Town Council may impose such conditions as

18 it deems necessary and desirable to protect the public health, safety, or general

19 welfare in accordance with the purpose and intent of the zoning code. One

20 condition shall be a date by which the approved conditional use must be

21 implemented or expire.

22 **4.12.03 Review of Application**

- 23 A. After the application is determined to be complete, it shall be forwarded to the
- 24 Development Review Committee (DRC) for review. After individual review by
- 25 the DRC members, the DRC shall meet to discuss the application. The Town
- 26 Planner shall then make a report containing a recommended determination of facts
- 27 which are relevant to consideration of the proposal and a recommended
- 28 determination of the consistency of the proposal with the adopted Comprehensive
- 29 Plan.
- 30 B. The proposal shall be considered by the Planning and Zoning Board at a public
- 31 hearing after due public notice, along with the report of the DRC. The Planning
- 32 and Zoning Board will include reasons for its decision in its recommendation.
- 33 Following completion of the public hearing, the Town Clerk shall forward the
- 34 DRC's recommendation as well as the Planning and Zoning Board's
- 35 recommendation to the Town Council for its public hearing.
- 36 C. The application for conditional use permit shall be considered by the Town Council
- 37 at a public hearing after due public notice, along with the report of the DRC and
- 38 the recommendation of the Planning and Zoning Board. Following completion of
- 39 the public hearing, the Town Council shall approve, disapprove, amend, and
- 40 approve the proposal, or approve the proposal with conditions. Any action taken
- 41 shall be accompanied by the findings of the Town Council upon which the action
- 42 was based.

1 D. In approving a conditional use, the Town Council may attach appropriate
2 conditions to ensure compliance with the provisions of this Code. Such conditions
3 may limit the uses, size of uses or structure, or characteristics of the operation of a
4 use, or may require buffers, landscaping, or other improvements not normally
5 required. Conditions may also require the periodic review of the use.

6 **4.12.04 Notice Procedures**

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

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

22 **4.13.00 VARIANCES**

23 The Town Council, acting as the Board of Adjustment (BOA), may grant a variance
24 from the terms of these regulations when such variance will not be contrary to the
25 public interest and where, owing to special conditions, a literal enforcement of the
26 provisions of these regulations would result in unnecessary hardship. Such variance
27 shall not be granted if it has the effect of nullifying the intent and purpose of these
28 regulations. In approving any variance, the BOA may prescribe appropriate conditions
29 and safeguards in conformity with these regulations. Violation of such conditions and
30 safeguards when made a part of the terms under which the variance is granted, shall be
31 deemed a violation of these regulations.

32 **4.13.01 Filing of Petition for a Variance**

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

- 35 A. The applicant’s full name, mailing address, and telephone number,
36 B. The address of the property,
37 C. The legal description of the property,
38 D. A survey of the property, showing the location of existing buildings or structures
39 and the location of proposed buildings or structures,
40 E. The purpose for which the property will be used,

1 F. A concise statement as to why the present regulations create a hardship to the
2 applicant.

3 **4.13.02 Notice; Hearing; Notification of Property Owners**

4 The application shall be forwarded to the Town Planner for review and
5 recommendation to the Planning and Zoning Board and the Board of Adjustment. The
6 Town Clerk shall place the item first on a regular meeting of the Planning and Zoning
7 Board. The Planning and Zoning Board shall make a recommendation to the Board of
8 Adjustment as to whether to approve, approve with changes, or deny the variance.

9 **4.13.03 Notice Procedures**

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

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

25
26 After the public hearing, the Board of Adjustment shall approve, approve with changes,
27 or deny the variance.

28 **4.13.04 Standards in Granting a Variance**

29 The Board of Adjustment may authorize a variance from the terms of this LDC as will
30 not be contrary to the public interest where, owing to special conditions, a literal
31 enforcement of the provisions of this Code will result in unnecessary and undue
32 hardship. ~~In~~ **As a condition to** authorizing a variance from the terms of this LDC, the
33 Board of Adjustment ~~shall~~**must** find:

- 34 A. That special conditions and circumstances exist which are peculiar to the land,
35 structure or building involved, and which are not applicable to other lands,
36 structures, or buildings in the same zoning district,
- 37 B. That the special conditions and circumstances do not result from the actions of the
38 applicant,
- 39 C. That literal interpretation of the provisions of this LDC would deprive the applicant
40 of rights commonly enjoyed by other properties in the same zoning district under

- 1 the terms of this LDC and would work unnecessary and undue hardship on the
- 2 applicant,
- 3 D. That the variance created is the minimum variance that will make possible the
- 4 reasonable use of the land, building or structure, and
- 5 E. That the granting of the variance will be in harmony with the general intent and
- 6 purpose of this LDC and that such variance will not be injurious to the area involved
- 7 or otherwise detrimental to the public welfare.
- 8 F. In granting any variance, the Board of Adjustment may prescribe appropriate
- 9 conditions and safeguards in conformity with this LDC. Violation of such
- 10 conditions and safeguards, when made a part of the terms under which the variance
- 11 is granted, shall be deemed a violation of this LDC.

12 **4.13.05 *Conditions of Approval***

- 13
- 14 A. When a variance is granted for residentially zoned property, construction,
- 15 installation, and initiation of the approved structure or use must occur on or before
- 16 the first anniversary of the date the variance is granted. The owner must file
- 17 written notice with the Town Manager that the owner has begun the approved
- 18 construction, installation, or use at the subject property. If no such notice is filed
- 19 on or before the first anniversary, and if the Town Council determines that
- 20 construction, installation, or initiation of the approved structure has not been
- 21 initiated the Town Council may terminate the approved variance.
- 22 B. A variance runs with the land.
- 23 C. Granting the variance must not cause or allow interference with the reasonable
- 24 enjoyment of adjacent or nearby property owners and must not negatively impact
- 25 to a material degree the standard of living of neighboring homes.
- 26 D. A variance may allow reasonable use of property not out of character with other
- 27 properties with the same zoning.
- 28

29 **4.13.06 *Commencement of Construction***

30 When a variance is granted, construction of the structure must be initiated within 18
31 months from the date of granting of the variance, or by such time as determined by the
32 Board of Adjustment in their approval.

33 **4.14.00 DEVELOPMENT AGREEMENTS**

34 **4.14.01 *General Requirements***

- 35 A. A development agreement may be entered into by an applicant and the Town
- 36 Council to provide for matters that relate to the unique conditions of the real
- 37 property to be developed, the relationship between the public and private aspects
- 38 of the development, or other terms and conditions that promote the intent and
- 39 purposes of this Code or the Comprehensive Plan. A proposal for a Development
- 40 Agreement shall be submitted in conjunction with the submission of an application

1 for a Preliminary Plan approval, or with PUDs, in conjunction with the submission
2 of a Conceptual Land Use Plan for a PUD zoning approval. Development
3 authorized by a development agreement may be phased. The development
4 agreement ~~may~~ **must** provide that the entire development or any phase thereof shall
5 be commenced or completed within a specific period of time.

6 B. Statutory Development Agreements may be entered into under the authority of the
7 Development Agreement Act as codified in Chapter 163, Florida Statutes, and
8 processed in accordance with the requirements of State Law.

9 C. Non-Statutory Development Agreements may be entered into under the authority
10 of the home rule powers of the Town under Article VIII, Section 2 of the
11 Constitution of the State of Florida and Chapter 166, Florida Statutes.

12 D. A Development Agreement is transferable. However, so long as the land or
13 structure or any portion thereof covered under the development agreement
14 continues to be used for the purposes for which it was issued, then no person
15 (including successors and assigns of the person who obtained the development
16 agreement) may make use of the land except in accordance with the conditions and
17 requirements of the development agreement. The provisions of the development
18 agreement run with and burden the real property to which it relates until release or
19 amended in accordance with formal action of the Town.

20 **4.14.02 Review and Recommendation by the Development Review Committee**
21 **(DRC) and Town Attorney**

22 The DRC and the Town Attorney shall review the proposed development agreement
23 for compliance with the Comprehensive Plan and the Land Development Code,
24 formulate recommendations on the proposed development agreement, and forward
25 such recommendations to the Planning and Zoning Board and Town Council.

26 **4.14.03 Review and Recommendation by the Planning and Zoning Board**

27 The Planning and Zoning Board shall review the proposed development agreement and
28 the recommendations of the DRC and Town Attorney and hear from the applicant and
29 the public. The Planning and Zoning Board shall make a recommendation to the Town
30 Council to approve, approve with revisions, or deny the proposed development
31 agreement.

32 **4.14.04 Action by the Town Council**

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

1 **4.14.05 Amendment or Termination of a Development Agreement**

2 A development agreement may be amended or terminated by mutual consent of the
3 parties to the agreement or their successors in interest. Approval of an amendment to
4 ~~or termination of~~ a development agreement shall follow the same process as the
5 approval of the executed development agreement. In addition, an agreement may be
6 revoked by the Town Council upon a finding that there has been a failure to comply
7 with the terms of the agreement.

8 **4.14.06 Subsequently Adopted Laws or Policies**

- 9 A. An agreement shall be modified as is necessary to comply with relevant state or
10 federal laws enacted after the execution of the agreement where the effect of such
11 laws is to preclude the parties' compliance with its terms.
- 12 B. The Town may apply subsequently adopted local regulations and policies to a
13 development that is subject to a development agreement and a finding that the
14 subsequently adopted regulations or policies meet one or more of the following
15 conditions:
- 16 1. Are not in conflict with the laws and policies governing the development
17 agreement and do not prevent development of land uses, intensities, or densities
18 specified in the development agreement.
 - 19 2. Are essential to protect the public health, safety, or welfare, and expressly state
20 that they shall apply to development that is subject to a development agreement.
 - 21 3. Are specifically anticipated and provided for in the development agreement.
 - 22 4. The Town demonstrates that substantial changes have occurred in pertinent
23 conditions existing at the time of approval of the development agreement.
 - 24 5. The development agreement was based on substantially inaccurate information
25 or misrepresentations.
- 26
27

28 **4.15.00 LAND DEVELOPMENT CODE AMENDMENTS**

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

33 **4.15.01 Approval Process for Amending the Land Development Code**

34 ~~Proposed amendments to the Land Development Code are submitted to the Town Clerk~~
35 ~~and must be accompanied by a Development Review Application and the appropriate~~
36 ~~fees and review deposit. Approval of the amendment to the Land Development Code~~
37 ~~shall be done by ordinance and follow the review procedures set forth below.~~

1 **4.15.02 — Pre-Application Conference**

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

6 **4.15.03 — Submission of Application for Amendment of the Land Development**
7 **Code**

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

11 **4.15.04 — Review Process**

12 A A copy of the proposed amendment shall be distributed to the Central lake CDD
13 when the amendment would affect the treatment of wastewater (DM). When the
14 proposed amendment includes change in residential density, the Town Clerk shall
15 distribute copies of the proposed amendment to the Lake County School Board.
16 The notice shall include the proposed amendment and the anticipated date for
17 hearing before the Planning and Zoning Board. The Town Planner will then
18 prepare a report to the applicant outlining all the issues.

19 B The Town Clerk shall schedule a public hearing scheduled before the Planning and
20 Zoning Board. The Planning and Zoning Board shall be provided with copies of
21 the Town Planner’s report and any comments received from outside reviewing
22 agencies. Following the public hearing the Planning and Zoning Board shall
23 provide a recommendation on the proposed amendment to the Town Council.

24 C After the Planning and Zoning Board public hearing, a public hearing is scheduled
25 before the Town Council. The Town Council shall be provided a copy of the
26 information considered by the Planning and Zoning Board along with the
27 recommendation from that Board.

28 D The Town Council shall schedule a second public hearing for final action on the
29 proposed amendment. The Town Council may adopt the amendment; adopt the
30 amendment with revisions; or reject the amendment.

31 **4.15.05 — Notice Procedures**

32 The procedures for notice of proposed amendments to the official zoning map shall be
33 as follows:

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

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

1 and person to contact for further information. Signs shall be placed, at a
2 minimum, along all public road frontages, with a least one sign located every
3 500 feet along any frontage.

4 ~~C. Publication of notice. Notice of public hearing shall be published in a~~
5 ~~newspaper of general circulation at least 10 days prior to the public hearing.~~
6 ~~Notice shall also be posted at Town Hall and on the Town's website. For~~
7 ~~amendments to the Land Development Code not involving amendment of the~~
8 ~~official zoning map, only the publication of notice meeting the standards set~~
9 ~~forth by State Statute is required.~~

10
11 **~~4.15.06 — Land Development Code Application Requirements~~**

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

- 14 ~~A. Application forms~~
- 15 ~~B. Application fee~~
- 16 ~~C. Owners name, address, and telephone number~~
- 17 ~~D. Applicants name address and telephone number if the applicant is not the owner~~
- 18 ~~E. Tax parcel~~
- 19 ~~F. Boundary Survey. Must be signed and dated with last two years.~~
- 20 ~~G. Legal Description. Provide paper and digital (disk or email) word format.~~
- 21 ~~H. Vicinity Map. Show the property location in relation to major roads and area within~~
22 ~~2-mile radius of the proposed amendment site. 8 1/2 x 11.~~
- 23 ~~I. Description of the amendment requested and justification for the proposed~~
24 ~~amendment. Amendments shall be demonstrated as being consistent with the~~
25 ~~Town's comprehensive plan.~~

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CHAPTER 5

Accessory and Temporary Uses and Structures

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1 **5.00.00** **GENERALLY**

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

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

7 **5.01.01** **Generally**

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

11 **5.01.02** **Reserved**

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

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

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

- 35 A. Accessory dwelling units may provide housing for relatives, guests, or domestic
36 helpers. An accessory dwelling unit shall not be considered an apartment or other
37 kind of multi-family use. Accessory dwelling units shall be permitted as outlined
38 in the Zoning Chapter in compliance with the following standards:
 - 39 1. The total floor area shall not exceed 625 square feet;

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

18 **5.01.05 Dumpsters**

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

34 **5.01.06 Outside Storage**

- 35 A. Outside storage involving machinery and equipment, service areas for vehicles in
- 36 need of major service or repair, and materials for construction or distribution is
- 37 permitted in the zoning districts as outlined in Chapter 2. Construction materials
- 38 permitted in this category are limited to lumber, garden supplies and equipment,
- 39 plumbing supplies, and similar materials. Machinery and equipment do not include
- 40 heavy construction machinery, heavy construction vehicles, and heavy construction
- 41 equipment.
- 42 B. Outside storage shall be located only within a rear yard.

- 1 C. Outside storage shall be fully screened from view from adjacent residentially zoned
- 2 districts, from adjacent office areas, and from public right-of-way by a fence, wall,
- 3 or berm and landscaping. Where a berm is proposed as screening, a buffer “D”
- 4 shall be required as set forth in Section 4.05.05. Where a fence or wall is proposed,
- 5 the fence or wall shall be solid, wooden, vinyl, or masonry and six (6) feet in height.
- 6 D. Stored materials shall not exceed the height of the fence.
- 7 E. Outside storage of parts and materials and associated service areas or work activity
- 8 areas shall be maintained in a neat and orderly manner.
- 9 F. Outside storage shall be limited to a maximum of twenty-five (25) percent of the
- 10 building area of the site.

11 **5.01.07 Fences Hedges and Walls**

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

- 1 Surveys must be dated within the last two years unless the Building Official
- 2 determines that an older survey adequately represents the property lines.
- 3 F. Fences and walls shall be erected with the finished side facing out. Posts shall be
- 4 placed along the inside of the fence. In residential and commercial zoning districts
- 5 posts shall be securely anchored with concrete. All fencing must be uniform in
- 6 material, design, and color, except for chain link fencing as allowed in Subsection
- 7 H. Additions or repairs to existing fences or walls must maintain a uniformity of
- 8 materials, design and color with that of the existing fence or wall.
- 9 G. With the exception of the Agricultural and Rural Estates zoning districts, electrified
- 10 fences are prohibited.
- 11 H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial,
- 12 Institutional, Recreation 1, and Public zoning districts.
- 13 I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the
- 14 Agricultural, Industrial and Public zoning districts.
- 15 J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground
- 16 level. The barbed or razor wire shall be turned, pointed, or directed inward toward
- 17 the property enclosed by the fence.
- 18 K. Columns for walls may be a maximum of 8 feet in height, or as approved through
- 19 the architectural review process..
- 20 L. Walls shall be designed with either a stucco or brick finish.

21 **5.01.08 Swimming Pools and Pool Enclosures**

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

42 **5.01.09 Storage Sheds**

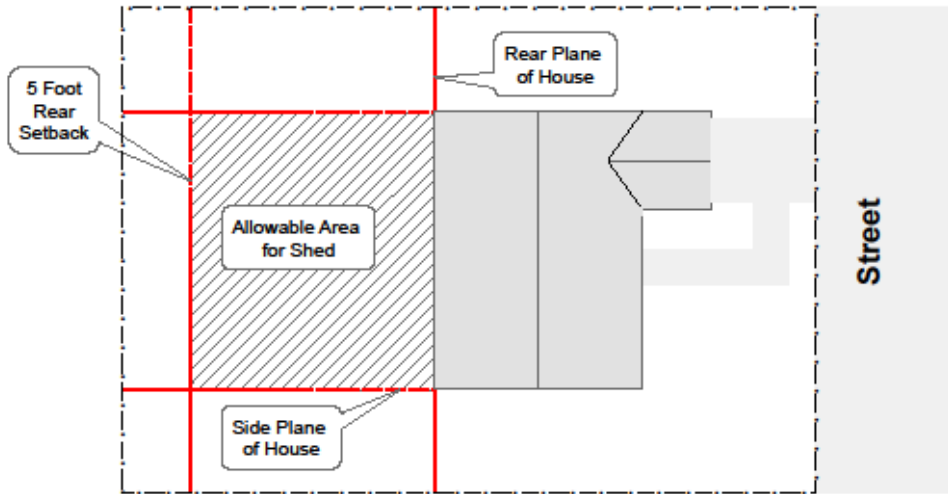
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- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not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

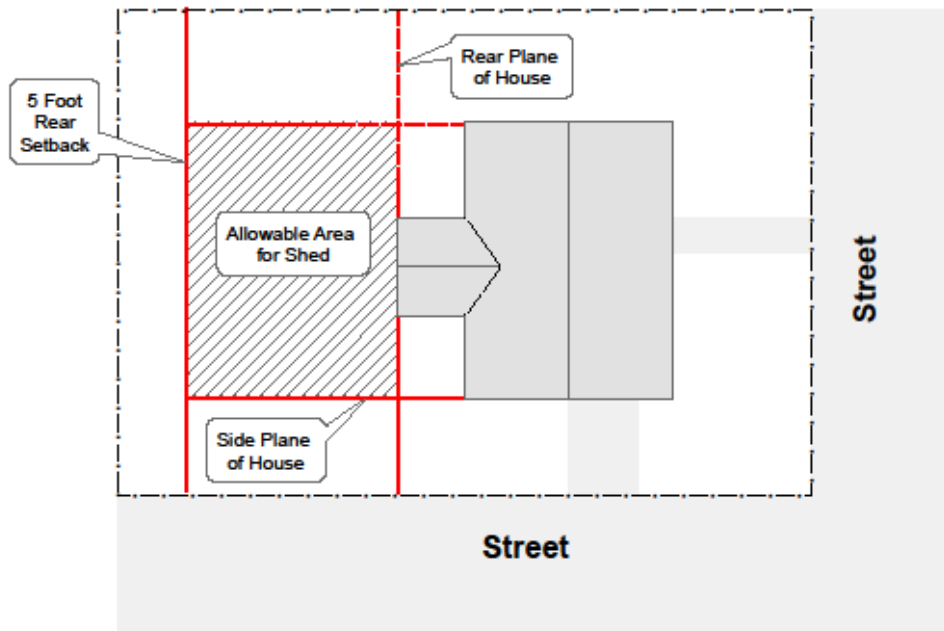
5.01.10 Workshops

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

Storage Shed Placement - Interior Lot



Storage Shed Placement - Corner Lot



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5.01.11 Docks, Piers and Wharfs

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

5.01.12 Flagpoles

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

5.02.00 TEMPORARY USES AND STRUCTURES

5.02.01 Generally

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

5.02.02 Seasonal Sales

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

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

5.02.03 Special Events

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

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

5.02.04 Temporary Construction and Sales Offices

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

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

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

20 **5.02.05 Model Homes and Sales Offices**

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

1 be redesigned to comply with all site design requirements applicable to the
2 residential development. Such redesign includes, at a minimum, removal of
3 parking in excess of that associated with a single-family home; removal of any
4 signs; replacement with a standard garage door; and removal of any exterior
5 lighting associated with the model home and sales office.

6 **5.02.06 Movable Module Storage Units**

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

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

27 **5.02.07 Yard, Garage or Carport Sales**

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

35
36 **5.02.08 Temporary Carports and Covers**

37
38 Temporary structures consisting of fabric or plastic coverings on metal, wood or other
39 types of frames shall not be permitted in any front yard, nor may any such structure be
40 permitted in any required rear or side yard. Property owners shall obtain a permit for
41 erection of temporary covers. The permit shall be valid for no more than fourteen (14)
42 days.

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2 **5.02.09 Food Trucks**
3

- 4 A. The intent of this section is to allow and provide regulations for mobile food
5 trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on
6 private property.
7 B. General regulations. Food trucks/trailers are restricted to Town Center Commercial
8 (TC-C) zoning. The use and operation of food trucks/trailers must comply with the
9 following regulations:

- 10
11 1. The number of food trucks/trailers allowed per parcel is limited to one (1)
12 food truck/trailer per .03125 acre of non-constructed land area, not to exceed
13 a total of six (6) food trucks per parcel.
14 2. Food trucks/trailers shall be separated from buildings or structures,
15 combustible materials, vehicles, and other cooking operations by a minimum
16 of ten (10) feet. Food trucks/trailers shall be five (5) feet from the property
17 line.
18 3. Food trucks/trailers must be parked on a finished surface, such as concrete,
19 pavers, asphaltic surface, gravel, or other approved material.
20 4. Food trucks/trailers must be located in an area that will not obstruct vehicular
21 or pedestrian circulation, bus stops, or any ingress or egress from building
22 entrances or exits and must be setback at least 15 feet from fire hydrants.
23 5. Food trucks/trailers and associated seating areas may not occupy parking
24 spaces reserved for persons with disabilities.
25 6. Appropriate trash and recycling containers must be provided, and all
26 sidewalks, parking areas, and other pedestrian spaces must be kept clean and
27 free from refuse and obstruction.
28 7. Each food truck/trailer must be equipped with at least one approved portable
29 fire extinguisher with a minimum rating of 2A: 10 BC.
30 8. Food trucks/trailers must comply with all current fire prevention codes.
31 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer
32 from moving.
33 10. Food trucks/trailers must be licensed to operate by the State of Florida and
34 must receive all necessary approvals from the Florida Department of Business
35 and Professional Regulations, the Florida Department of Health, the Florida
36 Department of Agriculture and Consumer Services, and the Town of Howey-
37 in-the-Hills. Food trucks/trailers must comply with state and county health
38 department licensing requirements for preparing and selling food items. All
39 food truck/trailer operations must comply with Florida Administrative Code
40 61C-4.0161, Mobile Food Dispensing Vehicles.
41 11. A food truck/trailer generator(s) may operate only at a sound decibel level of
42 60 dB or less, measured at a distance of ten feet from the generator.
43 12. Amplified sound is prohibited.
44 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and
45 10:00 P.M.

1 14. All signage pertaining to or advertising a food truck/trailer shall be within the
2 property boundaries. There shall be a limit of two signs for advertising per
3 food truck/trailer while food truck/trailer is parked. Signage containing
4 profanity or lewd or obscene images is prohibited.
5

6 C. Food truck/trailer approval. An owner of property or a business owner in the Town
7 Center Commercial district must obtain approval under this section to allow food
8 trucks/trailers to operate on the property. Approval is not required under this section
9 where food trucks/trailer will be operating as part of a special event that is permitted
10 under another section of the Land Development Code. A property owner or business
11 owner may obtain approval by submitting an application, no later than three days
12 prior to setup, to the Town on a form furnished by the Town. The application must
13 include all licenses/certificates required by the organizations mentioned in section
14 B(9), a site layout plan drawn to scale that includes dimensions and the proposed
15 location of the food truck/trailer area, all entrances and exits to the property, parking
16 areas, bus stops, loading zones, fire hydrants and any other information reasonably
17 required by the Town Clerk or designee to determine whether the food truck/trailer
18 area is in compliance with all requirements of the Code of Ordinances and Land
19 Development Code. Upon determination that the application meets all requirements
20 of this section and the Code of Ordinances and/or Land Development Code, the town
21 clerk or designee shall grant approval.
22

23 **5.03.00 SIGNS**

24 **5.03.01 Generally**

- 25 A. The intent of this section is to ensure adequate means of communication through
26 signage while maintaining the attractive visual appearance within the Town. The
27 purposes of this section are to:
- 28 1. Maintain the established character of the Town by regulating all exterior
29 signage in a manner which promotes low profile signage of high quality design;
 - 30 2. Further protect and enhance the character of the downtown area, conforming
31 the size and location of signs to the scale of a small town;
 - 32 3. Protect and maintain the visual integrity of roadway corridors within the Town
33 by establishing a maximum amount of signage on any one site to reduce visual
34 clutter;
 - 35 4. Establish locations and setbacks for signage which are designed to protect
36 motorists from visual distractions, obstructions, and hazards;
 - 37 5. Enhance the appearance of the physical environment by requiring that signage
38 be designed as an integral architectural feature of the site and structure to which
39 such signage is intended to identify, and sited in a manner which is sensitive to
40 the existing natural environment;
 - 41 6. Provide for signage which satisfies the needs of the local business community
42 for visibility, identification, and communication;

- 7. Restrict sign regulation to time, place, and manner, without limitations on content, so long as the material displayed avoids content commonly judged by the community to be immoral, indecent, or obscene; and
- 8. Foster civic pride and community spirit by maximizing the positive impact of the business community.

5.03.02 Sign Permits

- A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the Town without having first obtained a permit.
- B. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the Town shall comply with the requirements set forth in this section:
 - 1. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permitted as set forth in this LDC.
 - 2. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the Town to perform such work:
 - a. Construction, installation, erection, or electrical connection of any sign that is illuminated;
 - b. Construction, installation, or erection of any freestanding sign requiring wind load calculations;
 - c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and
 - d. Construction, installation, or erection of any projecting sign as set forth in this LDC.
- C. Application for permit. All applications for permits under this section shall be filed by either a contractor licensed to erect signs in the Town, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:
 - 1. Name, address and telephone number of owner(s) of property;
 - 2. Name, address and telephone number of licensed sign company erecting the sign;
 - 3. The street address or legal description of the property upon which the proposed sign is to be located;
 - 4. The height, size, shape, style, colors, materials and location of the proposed sign;
 - 5. Written permission of the owner, his lessee or agent, to erect the proposed sign;
 - 6. A plan, blueprint, or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements and materials in accordance with the Town’s adopted building code; and
 - 7. A statement verifying the height, size, shape and location of existing signage on the premises and whether that signage will stay.
- D. Issuance of permit. The procedure for issuing a sign permit shall be as follows:

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

28 **5.03.03 Enforcement**

- 29 A. All signs shall meet the standards for visibility at intersections as set forth in Section
30 7.01.08.
- 31 B. Inspection of signs: The Town may inspect at any time each sign or other
32 advertising structure regulated by this LDC for the purposes of ascertaining whether
33 the structure is safe, in need of repair or maintenance, not in conformance with the
34 approved permit, or otherwise in violation of the provisions of this LDC.
- 35 C. Unsafe signs and signs violating this LDC. If it is determined that any sign or other
36 advertising structure regulated herein is unsafe or insecure, or is a menace to the
37 public, the Town shall give written notice to the owner of such structure. If the
38 owner fails to remove or alter the structure to comply with the standards set forth
39 herein within the time prescribed in the notice, such sign or other advertising
40 structure may be removed or altered to comply by the Town at the expense of the
41 owner of the property upon which it is located. The Town may cause any sign or
42 other advertising structure that presents an immediate peril to persons or property
43 to be removed without notice.

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- D. Nonconforming signs.
 - 1. Intent. It is the intent of this chapter to allow nonconforming signs permitted before the adoption of this code to continue under the provisions of this section until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this chapter.
 - 2. Removal of nonconforming signs. All nonconforming and non-permitted signs, except as provided herein, shall be removed immediately or as otherwise provided under section D of this chapter.
 - 3. Continuance of nonconformities. Use of a nonconforming sign may be continued, subject to the following regulations:
 - a. No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time of the adoption of this code, nor shall a nonconforming sign be relocated from its location at the time of adoption of this code.
 - b. Nonconforming signs or sign structures that are defined as abandoned signs under 5.03.03(G) of this chapter shall not be permitted for reuse.
 - c. Signs existing as of the date of this amendment, whose height and/or sign area do not exceed 115 percent of that allowed by the design requirements of this chapter, shall be deemed conforming. Installation or construction of all new signs, and any modification or replacement of signs permitted under this paragraph, shall comply with all applicable height, sign area, and other requirements of this chapter.
 - d. Signs that have substantial rust, missing parts, dents, or other structural or aesthetic deficiencies shall not be considered in good repair, and shall be replaced with a sign that meets the requirements of this section. A sign that is not considered in good repair may not be replaced with a nonconforming sign.
 - e. Nonconforming real estate or construction signs shall be removed no later than six months after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this chapter.
 - f. Repairs, maintenance and improvements. Normal repairs, maintenance and improvements may be made during the period they legally remain.
 - g. Reconstruction after catastrophe. If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty percent (50%) of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this code.
 - h. Casual, temporary or illegal use. The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.
- E. Maintenance of signs: The owner of any sign as defined and regulated by this LDC shall be required to properly maintain such sign. For a sign to be properly maintained, the sign, together with its framework, braces, angles or other supports,

1 shall be in a safe condition, properly secured, supported and braced, and shall be
2 able to withstand weather conditions and loads required by the regulatory codes in
3 effect within the municipal limits. Maintenance shall include painting and parts
4 replacement.

5 F. Abandoned Signs:

- 6 1. Any sign face now or hereafter existing which no longer identifies or advertises
7 a bona fide operating business conducted or a product sold shall be deemed
8 abandoned and shall be removed by the owner of the building or structure upon
9 which such sign face may be found. The sign structure may remain, provided
10 that the sign structure conforms to the requirements of this LDC. A sign
11 structure which supported an abandoned sign and which complies with all
12 applicable building and construction codes and the requirements of this LDC
13 shall be allowed to remain in place.
- 14 2. Any sign that is located on property that becomes vacant and unoccupied,
15 pertains to a business which does not maintain a current and valid Town
16 business tax receipt, or pertains to a time, event, or purpose which no longer
17 applies, shall be deemed to have been abandoned.
- 18 3. Any sign damaged or destroyed to the extent of fifty (50) percent or more of
19 the replacement cost is considered an abandoned sign.
- 20 4. An abandoned sign shall be removed not later than ten (10) days after the
21 abandonment occurs as described in Sections 5.03.03 F (1), (2), and (3) above.
22 Where the structure supporting the abandoned sign does not comply with the
23 requirements of all applicable building and construction codes and the
24 requirements of this LDC, the entire structure shall be removed.
- 25 5. An abandoned sign shall be subject to code enforcement action, including
26 removal by the Town at the owner’s expense.

27 **5.03.04 Prohibited Signs**

28 *DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were*
29 *amended on May 13, 2024, by enactment of Town Ordinance*
30 *2024-003. Those amended provisions are to be inserted when this*
31 *ordinance is codified.*
32

- 33 The signs identified in this section are prohibited within the Town.
- 34 A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason
35 of its size, location, movement, content, coloring, or method of illumination.
 - 36 B. Any sign that obstructs the vision between pedestrians and vehicles using the public
37 right-of-way, including, but not restricted to, those not meeting intersection
38 visibility requirements set forth in Section 7.01.08.
 - 39 C. Signs with lights, lighted screens or illuminations that flash, move, rotate,
40 scintillate, blink, flicker, or vary in intensity or color except for time-temperature-
41 date signs.
42

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

30 **5.03.05 Exempt Signs**

31
32 ***DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were***
33 ***amended on May 13, 2024, by enactment of Town Ordinance***
34 ***2024-003. Those amended provisions are to be inserted when this***
35 ***ordinance is codified.***

36
37
38 The signs identified in this section are permitted within the Town and are exempt from
39 the requirement to obtain a permit.

- 40 A. Regulatory, statutory, traffic control, or directional signs erected on public property
41 by or with permission of the State of Florida, Lake County, or the Town of Howey
42 in the Hills.
- 43 B. Legal notices and official instruments.

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

27 **5.03.06 Provisionally Exempt Signs**

28
29 *DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were*
30 *amended on May 13, 2024, by enactment of Town Ordinance*
31 *2024-003. Those amended provisions are to be inserted when this*
32 *ordinance is codified.*

- 33
- 34
- 35 A. Signs identified in this section may be placed without a permit, provided that such
- 36 signs comply with the standards in Table 5.03.06 (A).

37 **Table 5.03.06 (A) Standards for Provisionally Exempt Signs**

38

Type of Sign	Standards
Identification signs	2 square feet or less in area
"No trespassing" or "no dumping" signs	2 square feet or less in area

Type of Sign	Standards
Memorial signs or tablets, and names of buildings and dates	Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials and attached to the surface of a building
Decorative flags and bunting	Used for special events only.
Menu boards, price lists or other signage for drive-through facilities	Maximum of 2 such signs, and maximum area of 24 square feet or less, and located adjacent to and oriented toward the drive-through area
Menus	2 square feet or less in area, and mounted at the entrance to a restaurant
Real estate signs	One sign, 6 square feet or less in area. One sign 16 square feet or less is permitted for parcels of 5 acres or larger and for each commercial or industrial property, unless said property is located in the Town Center. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.
Construction signs	One sign, 6 square feet or less in area, and located on property where a valid building permit has been issued and has not expired.
Yard or garage sale signs	2 square feet or less in area, and located on the property on which a sale is being conducted, and limited to three (3) days per sale, not to exceed two (2) times per year.
Occupant or owner identification sign	2 square feet or less in area when located in a residential zoning district

5.03.07 Special Event Signs

DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were amended on May 13, 2024, by enactment of Town Ordinance 2024-003. Those amended provisions are to be inserted when this ordinance is codified.

- A. Temporary signs for special events shall be permitted as described in this section. No fee is charged for signs meeting these requirements.
- B. For purposes of this section, "special event" shall mean:
 - 1. Community events, such as the Christmas Parade;
 - 2. Grand openings of new businesses, businesses that have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities. For purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location;
 - 3. Promotion of events for nonprofit organizations; and
 - 4. Real estate events such as open houses.
- C. Design Standards
 - 1. Setback shall be twenty-five (25) feet from side property lines or equidistant between side property lines.

- 2. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.
- 3. The maximum size sign shall be 16 square feet.
- 4. The maximum size banner shall be 32 square feet.
- 5. Special event signs shall only be displayed on non-residential property.

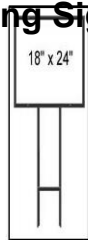
D. General Requirements

- 1. No sign prohibited in section 5.03.04 of this chapter shall be authorized under this section as a special event sign.
- 2. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.
- 3. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the town clerk prior to posting any sign on the undeveloped property.
- 4. All special event signs may be placed not more than fourteen (14) days prior to the event and shall be removed within 24 hours after the special event for which the sign was authorized.
- 5. Unless otherwise specified, all special event signs shall be limited to a period of twenty (20) consecutive days.
- 6. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, or duly authorized agent.
- 7. Any special event sign proposed to be placed on Town property must be first approved by the Town.

E. Temporary off-site Real Estate and Non-Profit signs are permitted within the Town subject to the following provisions:

- 1. Limited to eight (8) hours per day.
- 2. Limited to a maximum of six (6) signs, each sign not to exceed six (6) square feet per sign face.
- 3. Shall follow the sign design in diagram 5.03.07 (A) below
- 4. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.

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



5.03.08 Measurement Determinations

A. Sign area

- 1 2. Where a sign is composed of letters or pictures attached directly to a facade,
2 wall, window, door, awning, monument sign, or freestanding sign, and the
3 letters or pictures are not enclosed by a border or trimming, the sign area shall
4 be the area within the smallest rectangle or square, the sides of which touch the
5 extreme points of the letters or pictures as a whole.
- 6 2. Where a sign is composed of letters or pictures enclosed by a border or
7 trimming, the sign area shall be the area within the border or trim.
- 8 3. The area of a freestanding sign shall include the area of the outside frame, but
9 not of the supporting structure.
- 10 B. Number of signs
- 11 1. A supporting structure with a sign face shall be counted as one (1) sign.
- 12 2. A double-faced projecting or freestanding sign shall be construed as having the
13 area of a single face, provided that the sign faces are back to back, are at no
14 point more than two (2) feet apart, and have the same wording and design.
- 15 3. Wall signs. The allowable area of a wall sign shall be calculated as a percentage
16 of the building face. The building face is the area of the façade of the building
17 up to the roofline (width x height).
- 18 C. Sign height
- 19 1. The height of a sign is the vertical distance from the finished grade to the highest
20 point of the sign.
- 21 2. In measuring the sign height, the sign structure is included, no matter where the
22 actual sign is located on the structure.

23 **5.03.09 Design Standards for All Signs**

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

36 **5.03.10 Permitted Permanent On-Site Signs**

- 37 A. Permanent onsite signs shall be limited to the following sign types:
 - 38 1. Freestanding signs, which may be either ground or monument signs, but shall
39 not include a pole sign
 - 40 2. Wall signs
 - 41 3. Awning signs
 - 42 4. Projecting signs

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

2

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

3

4

5

F. Sandwich/ Sidewalk Signs

6

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

7

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

8

9

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

10

11

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

12

13

G. Window Signs

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

6 **5.03.11 Specific Provisions for Residential Districts**

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

CHAPTER 6

Supplemental Standards

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1 **6.00.00 GENERALLY**

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

8 **6.01.00 TELECOMMUNICATIONS FACILITIES**

9 **6.01.01 Generally**

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

25 **6.01.02 Collocation of Antennas Required**

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

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

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

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

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

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

14 **6.01.05 Design Requirements for Telecommunications Towers**

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

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

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

1 shall specify the time period and other conditions applicable to the temporary
2 placement of the tower.

3 **6.01.06 Design Requirements for Antennas Installed on Existing Structures**

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

- 8 A. The maximum height shall meet the standards set forth in Section 6.01.06 (A) (1)
9 through (3) below. The measurement of height shall include the existing building
10 or structure, any structure to support the antennas, and the antennas. Height shall
11 be measured from the finished grade of the building or structure on which the
12 antennas are located to the uppermost point of the building or structures, support
13 structure, or antenna.
 - 14 1. Antennas may be located on existing structures with a height of thirty (30) feet
15 or greater, so long as the antennas do not extend more than fifteen (15) feet
16 above the highest point of the existing structure.
 - 17 2. Antennas may be located on existing structures with a height of less than thirty
18 (30) feet, so long as the antennas do not extend more than five (5) feet above
19 the highest point of the existing structure; and
 - 20 3. Notwithstanding Sections 6.01.06 (A) (1) and (2) above, antennas shall not be
21 located on dwellings in AG, RE, SFR, MDR, PUD, TC-R, and TC-F zoning
22 districts.
- 23 B. Antennas attached to, or supported by, an existing building or structure shall not
24 impose any undue stress on the building or structure.
- 25 C. Structures to support antennas on existing buildings shall be constructed in
26 accordance with the standards in the latest edition of the following publications:
 - 27 1. Construction standards for telecommunications towers, published by the
28 Electronic Industries Association.
 - 29 2. “Minimum Design Load for Buildings and Structures,” published by the
30 American Society of Civil Engineers.
 - 31 3. “Guide to the Use of Wind Load Provisions,” published by the American
32 Society of Civil Engineers; and
 - 33 4. Florida Building Code.
- 34 D. The structure and antenna shall be screened with architectural elements or
35 integrated into architectural elements on the building or structure. Examples of
36 appropriate stealth techniques to accomplish the required screening or integration
37 include elements such as chimneys, spires, steeples, or cupolas. Screening or other
38 elements may be proposed, so long as the result is an integration of the antenna and
39 any supporting structure into the existing building design features.
- 40 E. No advertising shall be allowed on an antenna.

1 **6.01.07 Design Requirements for Accessory Equipment Buildings**

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

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

14 **6.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

15 **6.02.01 Generally**

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

18 **6.02.02 Adult Entertainment Establishments**

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

a view into the interior from any public area; however, such openings shall not be painted out, blacked out, or otherwise obscured.

6.02.03 Bed and Breakfast Inns

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

6.02.04 Cemeteries

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

Table 6.02.04 (C) Standards for Cemeteries.

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

- C. Location requirements
 - 1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.
 - 2. All new cemeteries shall be located at least 500 feet from a potable water well or public potable water wellhead.
- D. Adequate off-street waiting space shall be provided for funeral processions such that no vehicle stands or waits in a public right-of-way.

- 1 **6.02.05 Day Care Centers**
- 2 A. Day care centers are permitted in zoning districts as outlined in Chapter 2, subject
- 3 to the standards of the zoning district and the supplemental standards set forth
- 4 below.
- 5 B. Playgrounds shall meet the following minimum standards:
- 6 1. The playground shall be located in the rear yard. Where site characteristics
- 7 prevent location of a playground in the rear yard, and adequate space is
- 8 available in the side yard, a playground may be located in the side yard.
- 9 Location of a playground in the front yard is prohibited.
- 10 2. The playground shall be fully fenced.
- 11 3. The playground shall be located not closer than twenty-five (25) feet to any
- 12 adjacent property zoned for residential use.
- 13 C. Outdoor areas for adult day care centers shall meet the same standards as those
- 14 outlined in Section 6.02.05 (B).

- 15 **6.02.06 Group Homes**
- 16 A. Group homes shall obtain a business tax receipt. All group homes shall comply
- 17 with applicable local, State, and Federal, building and fire safety standards, and
- 18 shall furnish proof of appropriate County, State, or Federal licensure, as applicable,
- 19 before issuance of a Town business tax receipt.
- 20 B. Group homes shall be used only for the purpose of providing assistance or
- 21 specialized care and may not be used for administrative or related office-type
- 22 activities other than in support of the facility.
- 23 C. No counseling or other client service for non-residents is permitted.
- 24 D. A group home shall adhere to the following requirements:
- 25 1. Group homes of six (6) or fewer residents licensed as community residential
- 26 homes by the Department of Children and Family Services (DCFS) shall be
- 27 deemed a single-family unit, and shall be permitted in the zoning categories as
- 28 outlined in Chapter 2, provided that such homes shall not be located within
- 29 1,000 feet of another existing duly licensed group home of six (6) or fewer
- 30 residents, and subject to conformance with the regulations outlined in this
- 31 section. Distance requirements cited in this subsection shall be measured from
- 32 the nearest point of the existing group home to the nearest point of the proposed
- 33 group home.
- 34 2. Group homes duly licensed by the DCFS as community residential care
- 35 facilities which have from seven (7) to fourteen (14) unrelated residents
- 36 operating as the functional equivalent of a family, including supportive staff as
- 37 referenced in section 419.001, F.S., shall be allowed in the INS-2, subject to
- 38 conformance to existing zoning regulations and this section.

- 39 **6.02.07 Marinas**
- 40 A. A marina shall provide parking for vehicle-trailer combinations if the marina has a
- 41 boat ramp. No overnight storage of boats shall be permitted on trailers.
- 42 B. Dry storage shall only be permitted within an enclosed building.

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

19 **6.02.08 Mini-Storage or Self-Storage Facilities**

- 20 A. Mini-storage or self-storage facilities are permitted as outlined in Chapter 2, subject
- 21 to the standards of the zoning district and the supplemental standards set forth in
- 22 this section.
- 23 B. The following activities or uses are prohibited on the grounds or within the
- 24 buildings of mini-storage or self-storage facilities:
- 25
 - 26 1. Wholesale sales.
 - 27 2. Retail sales, including garage sales, or other commercial activities.
 - 28 3. Manufacturing, fabrication, processing, or other industrial activity.
 - 29 4. Service or repair of vehicles, engines, electronic equipment, or similar
 - 30 activities.
 - 31 5. Rehearsal or practice of musical instruments; and
 - 32 6. Residential use, with the exception of one manager or caretaker residence.
- 33 C. Notwithstanding the limitations described in Section 6.02.08 (B) above, the
- 34 following activities may be conducted:
- 35
 - 36 1. Rental of storage bays.
 - 37 2. Limited outdoor storage if properly buffered.
 - 38 3. Sales of boxes or goods related directly to the operation of a self-service storage
 - 39 facility; and
 - 40 4. Sales by the owner or manager of the facility of abandoned items for
 - 41 reclamation of rental costs.
- 42 D. Storage of flammable liquids, highly combustible or explosive materials, or
- 43 hazardous chemicals is prohibited.
- E. The mini-storage or self-storage facility buildings shall comply with the standards
- set forth in Table 6.02.08 (E).

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

2

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

3
4 F. Outdoor storage may be permitted on the same lot as the mini-storage or self-
5 storage facility buildings. Outdoor storage shall comply with the standards in Table
6 6.02.08 (F).

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

8

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

9 **6.02.09 Outdoor Sales**

- 10 A. An outdoor sales facility is permitted in zoning districts as outlined in Chapter 2,
11 subject to the site design standards of the district, and the supplemental standards
12 of this section.
- 13 B. Outdoor sales facilities may include temporary or permanent shelters, such as
14 canopies, tents, pavilions, or other similar structures.
- 15 1. All such canopies, tents, or other structures shall be permitted through the
16 Town.
- 17 2. Temporary structures shall be located at least five (5) feet from any curb,
18 sidewalk, crosswalk, or fire hydrant.
- 19 3. Temporary structures shall be positioned so as to keep entrances, exits, and
20 emergency exits clear at all times.
- 21 4. Permanent such structures (i.e., pavilions) shall meet the setback requirements
22 for the district.
- 23 C. Temporary tables, chairs, displays, display stands, products for sale, and other
24 similar equipment shall be located at least five (5) feet from any curb, sidewalk,
25 crosswalk, fire hydrant, entrance, or emergency exit.
- 26 D. Outside sales that are associated with either seasonal sales or special events shall
27 also follow the regulations outlined in Chapter 5.

1 **6.02.10 Gasoline Station**

- 2 A. Gasoline service stations are permitted in zoning districts as outlined in Chapter 2,
3 subject to the standards of the zoning district and the supplemental standards set
4 forth in this section.
5 B. Gasoline stations shall have a minimum lot size of 40,000 square feet.
6 C. Gasoline stations shall front on an arterial road **or a major collector road.**
7 D. Where gasoline stations abut residential property, a minimum buffer of 20 feet shall
8 be provided.
9

10 **6.02.11 Bars and Cocktail Lounges**

- 11 A. Bars and cocktail lounges are permitted in zoning districts as outlined in
12 Chapter 2, subject to the standards of the zoning district and the supplemental
13 standards set forth in this section.
14 B. Bars and cocktail lounges shall be located on an arterial road.
15 C. Bars and cocktail lounges as a stand-alone use shall provide a minimum buffer
16 of 20 feet when abutting residential property.
17
18

19 **6.02.12 Automobile Sales**

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

28 **6.02.13 Animal Hospital or Veterinary clinic**

- 29 A. Veterinary businesses are permitted as allowed in Chapter 2 subject to the
30 standards of the zoning district and the supplemental standards set forth in this
31 section.
32 B. Veterinary businesses located in Neighborhood commercial, Town Center
33 Commercial, or Planned Unit Development zoning shall not include outside
34 kennels.
35
36

37 **6.02.14 Religious Uses and Facilities**

- 38 A. Religious uses and facilities are permitted in zoning districts as outlined in Chapter
39 2, subject to the standards of the zoning district and the supplemental standards set
40 forth in this section.
41 B. The primary use for a religious facility is worship. Worship is a form of religious
42 practice with its creed and ritual.

- 1 C. Uses and activities other than worship shall be considered accessory uses and shall
2 be clearly ancillary to the primary use. Such uses and activities shall be limited to
3 religious instruction; offices to support the religious facility; child or adult day care,
4 subject to the standards of Section 6.02.05; private academic schooling, subject to
5 the standards of 6.02.14 (F); activity hall, with or without a kitchen, subject to the
6 standards of 6.02.14 (G); and cemeteries regulated as set forth in Section 6.02.04.
7 Churches may also accommodate meetings of civic organizations and groups such
8 service organizations, boy scouts, girl scouts, weight watchers and similar
9 activities.
- 10 D. All accessory uses are subject to the following requirements:
 - 11 1. The accessory use shall be owned and operated only by the owner of the
12 primary use.
 - 13 2. The owner of the primary use shall obtain any licenses required to conduct the
14 accessory use. Any approval of the accessory use shall be contingent upon
15 receipt of all licenses.
 - 16 3. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 8:00
17 p.m.
 - 18 4. All exterior lighting shall be directed or shielded to avoid illumination of
19 adjacent properties.
 - 20 5. Outdoor play or activity areas shall be no closer than twenty-five (25) feet from
21 property zoned for residential use, as measured to the nearest residential
22 property line.
- 23 E. The following activities shall be prohibited in association with religious uses:
24 retreat centers and overnight lodging facilities or other temporary sleeping quarters.
25 Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling
26 unit may be provided as a parsonage, subject to the standards of Section 6.02.14
27 (H).
- 28 F. Private academic schools are permitted accessory uses subject to the following
29 standards:
 - 30 1. The total floor area allocated to the school shall not exceed twenty (20) percent
31 of the total gross floor area on the site. The calculation of total floor area
32 allocated to the school shall include all components of the school: classrooms,
33 school library, school offices, teacher work areas, and the like, including related
34 mechanical and support facilities.
 - 35 2. An off-street drop-off area for persons served by the facility shall be provided.
- 36 G. An activity hall is a permitted accessory use, provided that the total floor area
37 allocated to the activity hall, including related mechanical and support facilities,
38 shall not exceed twenty (20) percent of the total floor area on the site.
- 39 H. One (1) residential dwelling unit is permitted to serve as a parsonage, subject to the
40 following standards:
 - 41 1. The parsonage shall be used exclusively for the dwelling unit and shall not
42 include any primary or other accessory use permitted on the site.
- 43 I. A specific parking plan shall be provided. This plan shall identify the primary use
44 and each accessory use proposed on the site. The parking plan shall indicate the
45 hours of operation and peak times of use (parking demand) for the primary use and

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each accessory use on the site. The parking standards for the primary use and each accessory use shall be identified based upon Table 8.03.07 of Chapter 8. The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak use and associated parking requirements shall not result in a parking deficiency on the site. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

CHAPTER 7

Landscaping, Irrigation and Hardscape

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1 **7.00.00 GENERAL**

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

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

16 **7.00.01 Purpose and Intent**

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

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

38 **7.00.02 Applicability**

39 The requirements of this chapter shall apply to all uses within the Town. Where the
40 size or shape of the lot or parcel, or any other circumstance requires waivers from any
41 of the requirements of this chapter, the applicant may mitigate by entering into an

1 agreement with the Town to contribute to the Town’s landscaping fund. Monies from
2 the landscaping fund shall be used to enhance landscaping of public property within
3 the Town limits.

4 **7.00.03 Landscape Architect Required; Exemptions**

5 Unless otherwise exempted by Florida Statutes, landscape plans for the following
6 development projects shall be prepared by and bear the seal of a registered landscape
7 architect:

- 8 A. All new development, except individual residences on individual lots.
- 9 B. Expansion and exterior alteration of existing non-residential development.
- 10 C. Expansion and exterior alteration of existing residential development, except
11 individual residences on individual lots.

12 The landscape architect shall provide a sealed letter that he or she has inspected the
13 landscaping and irrigation and that it complies with the plans as drawn. This letter
14 must be received prior to issuing the certificate of completion or certificate of
15 occupancy for the development.

16 **7.01.00 LANDSCAPE PLANS FOR DEVELOPMENT**

17 **7.01.01 Preliminary Subdivision and Site Plans**

- 18 A. Tree Surveys. As part of the Preliminary Subdivision and Preliminary Site Plan
19 processes, each applicant shall provide a tree survey overlay on their plans. The
20 tree survey shall show all trees with a DBH of 6” or greater. The plan sheet with
21 the tree survey shall include a legend denoting the size of each tree (in DBH), the
22 tree species, and whether it is proposed to be saved or destroyed. If the applicant
23 proposes to remove any existing trees with a DBH of 6” or greater, and if the Town
24 Council approves the removal of such trees, the applicant will need to follow the
25 tree mitigation section of this chapter.
- 26 B. Buffers, Open Space, Parking Areas, Stormwater Ponds. As part of the Preliminary
27 Subdivision and Preliminary Site Plan processes, applicants shall outline areas on
28 the property to be dedicated to buffers, open space, parking areas, stormwater
29 ponds, and other site features that will require landscaping, irrigation and
30 hardscape. Although the formal landscape plans are not required until the Final
31 Plan process, applicants shall take into account the space needed for landscaping
32 and hardscape in these areas as they submit their Preliminary Plans.

33 **7.01.02 Final Subdivision and Site Plans**

- 34 A. Landscape Plan Requirements. Landscaping, irrigation, and hardscape are vital
35 parts of any development. A landscape plan showing proposed landscape,
36 irrigation and hardscape areas shall be submitted for review and approval by the
37 Town as part of the Final Subdivision and Final Site Plan processes or as part of a
38 building permit application for development that does not require a Final Plan.
39 Landscape plans shall be drawn at a scale of no smaller than 1”=30’ and include
40 and indicate the following:

- 1 1. Location, type and size of all existing trees, and a table indicating which are to
- 2 be saved or removed
- 3 2. Location of all structures including buildings, freestanding signs, vehicular use
- 4 areas and other improvements proposed for the property
- 5 3. Location of overhead power lines and adjacent rights-of-way
- 6 4. Location of existing vegetative communities to remain undisturbed
- 7 5. Indication of soil types found on the subject site by soil boundary line and
- 8 description, as well as the specifications for soil amendment where such is
- 9 needed
- 10 6. Location and type of all proposed landscape materials
- 11 7. Plant list including quantity, type, and specifications of proposed landscape
- 12 materials
- 13 8. General notes including mulching requirements, fertilization and installation
- 14 instructions, and other such information as needed
- 15 9. Planting details as needed
- 16 10. Tree protection measures as outlined in this chapter.
- 17 11. Water source for irrigation
- 18 12. Water meter and/or point of connection
- 19 13. Backflow prevention devices
- 20 14. Pump station size and location
- 21 15. Design operation pressure and flow rate per zone
- 22 16. Irrigation system design including location of pipe, controllers, valves,
- 23 sprinklers, sleeves, and gate valves
- 24 B. In creating the landscape plan, the landscape architect shall take into consideration
- 25 the following:
- 26 1. The objective of landscaping shall be to preserve and enhance the particular
- 27 elements of each specific site.
- 28 2. The landscape areas shall be located on the site in such manner as to maximize
- 29 preservation of existing trees and natural areas.
- 30 3. Linking adjacent sites with landscape buffers or preservation of natural areas
- 31 shall be pursued to the extent possible in order to develop wildlife corridors
- 32 throughout the Town
- 33 4. Plants shall be grouped to the extent possible based on water needs so the
- 34 irrigation system can be most efficient
- 35 5. Florida native, drought tolerant and low maintenance plants shall be used to the
- 36 extent possible
- 37 6. Plants that provide shelter and feed wildlife shall be used to the extent possible
- 38 7. Ground covers other than grass shall be used whenever possible
- 39 8. Stormwater retention areas shall not be credited toward meeting the open space
- 40 requirement unless they are planted.
- 41 9. All planted areas shall be mulched with a three-inch (3") depth of mulching
- 42 material unless a ground cover is used.
- 43 10. Hardscape is an important component of development. Inanimate elements add
- 44 visual interest, increase property value, and make the outdoor space more
- 45 inviting as an outdoor living environment. Use of hardscape such as walls,

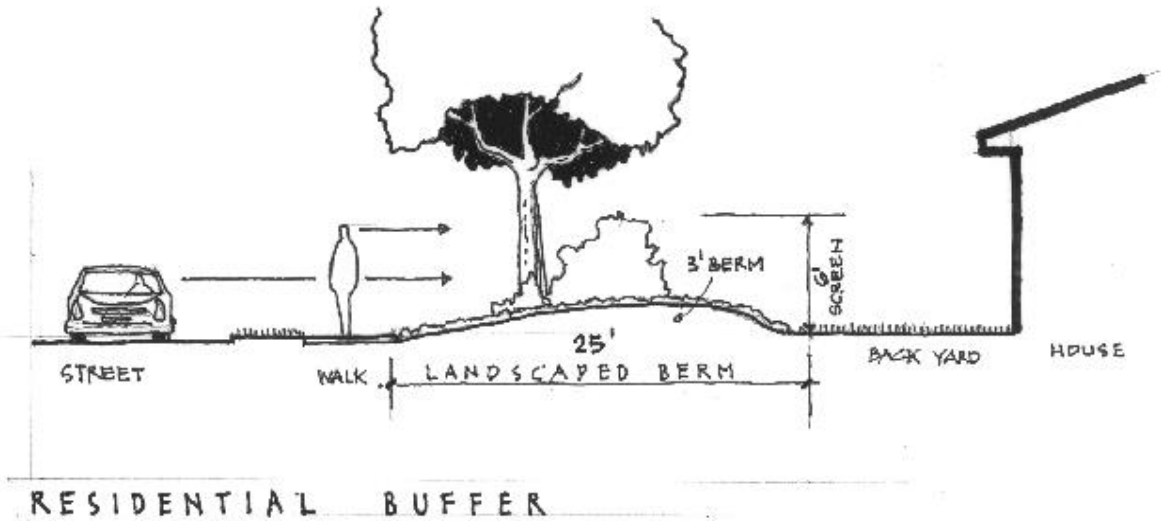
1 fences, fountains, benches, trash receptacles, planters, streetlight fixtures,
2 fountains, gazebos, arbors, trellises, decorative paver materials and outdoor art
3 should be included in the landscape plan.

4 **7.02.00 BUFFERS**

5 **7.02.01 Residential Buffers**

6 A. A form of screening shall be provided to separate residential subdivisions from
7 abutting arterial or collector streets. The intent of the screening is to reduce visual,
8 light, and noise impacts and to prevent access directly from the lot to the arterial or
9 collector street.

10 B. For single family subdivisions and multi-family site plans, the buffer shall be either:
11 1. A landscaped berm with a total depth of at least 25 feet and no steeper than
12 3H:1V. The berm shall be at least three feet in height and the berm together
13 with the landscaping, shall comprise a continuous screen of at least 5 and one
14 half feet (5.5') at time of planting and six feet (6') within one year of planting.
15 Canopy trees shall also be planted every 50 feet along the berm. For single
16 family subdivisions, these buffers shall be on common property and dedicated
17 to the homeowners' association for ownership and maintenance
18 responsibilities. For multi-family sites, the buffer will be either owned by the
19 property owner, or in the event of multiple owners, a condominium association
20 or other common entity will own and maintain the buffer.



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41 2. A landscaped wall buffer with a minimum depth of 15 feet. The wall shall
42 maintain a height of six feet from grade on highest side and all walls shall have
43 a decorative exterior (no exposed block). Acceptable materials for wall faces

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are brick, stucco or stone or a combination of those materials. Wall columns shall have a maximum spacing of thirty feet (30') on walls up to two hundred feet (200') in length and forty feet (40') on walls more than two hundred feet (200') in length. Wall columns may extend up to two feet (2') above the height of the wall. Within each fifty-foot (50') increment along the wall, two (2) canopy trees, two (2) understory trees, and 30 linear feet of shrubs shall be planted. The trees shall not be closer than ~~five feet (5')~~ 7.5 feet to a walk or wall. The shrubs shall be at least 30" in height at time of planting. For single family subdivisions, these buffers shall be on common property and dedicated to the homeowners' association for ownership and maintenance responsibilities. For multi-family sites, the buffer will be either owned by the property owner, or in the event of multiple owners, a condominium association or other common entity will own and maintain the buffer.

[**NOTE:** Reinsert the diagram and change the 5' and 6' buffers in the diagram to 7.5'.]

- 3. For residential subdivisions or site plans, where a stormwater pond adjoins the roadway, the wall or berm may be replaced with wrought iron fencing and accompanying landscaping.
- 4. In designing residential buffers, overhead utility lines shall be taken into account. Buffers must not be placed so as to cause future conflicts between overhead utility lines and canopy trees. Where overhead utility lines exist, the buffer shall be designed so that the canopy trees are offset a minimum of 25 feet from the line of the overhead utility lines.
- 5. All canopy trees within 7.5 feet of a wall or sidewalk must have root barriers.



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7.02.02 Non-Residential Buffers

- A. Landscaped buffer areas or landscaped wall areas intended to screen parking areas, stormwater ponds, or other site features shall be a minimum width of 15-20 feet in depth if they adjoin a street, and a minimum width of 10-15 feet in depth if they adjoin another non-residential parcel. Provisions for cross access easements between parcels under separate ownership shall be made when designing buffers. Berms may be used in addition to plants, fencing and walls to create an attractive screen.
- B. The landscaped buffer shall contain at least one canopy tree, two understory trees and 30 linear feet of shrubs and ground cover for each 50 linear feet of buffer. Canopy trees shall be located no less than five feet (5') and no more than eight feet (8') at least 7.5 feet and no more than 10 feet from sidewalks and other walkways in order to provide shade while minimizing conflicts between tree roots and sidewalks. Similarly, canopy trees shall be used to shade parking areas that adjoin buffers. Understory trees may be planted in groupings and palms may be planted in place of understory trees when clustered in groupings of three or more trees.
- C. In designing non-residential buffers, overhead utility lines shall be taken into account. Buffers must not be placed so as to cause future conflicts between overhead utility lines and canopy trees. Where overhead utility lines exist, the buffer shall be designed so that the canopy trees are offset a minimum of 25 feet from the line of the overhead utility lines.
- D. In the Town Center Overlay area, landscaped buffers may be modified in order to provide additional room for public plazas, wider sidewalks for seating of patrons, and on-street parking.
- E. When a non-residential use is proposed adjacent to residential property, the non-residential property owner shall be required to provide a minimum of a 15-foot-

1 wide buffer. When considering this buffer, the Town’s objective will be to protect
2 the residential area from noise, traffic, light, and other factors that may be
3 associated with the non-residential use. If non-residential and residential properties
4 are adjoining and owned by the same entity, buffer requirements between the two
5 uses will be determined during the development review process.

6 **F. All canopy trees within 7.5 feet of a wall or sidewalk must have root barriers.**

7 **7.03.00 STREET MEDIANS**

8 A. Within residential areas, landscaped medians are encouraged as a traffic calming
9 device. When provided these medians shall be placed along straight expanses of
10 streets that exceed 600 feet. Landscaped medians may also be placed at
11 intersections in residential neighborhoods as a traffic calming device. Entrance
12 medians are also permitted and encouraged.

13 B. Landscaped islands and medians within private streets or the public rights-of-way
14 shall conform to the following:

- 15 1. The minimum size of a landscaped island or median along straight expanses of
16 streets shall be a minimum of eight feet (8’) wide and 40 feet long.
- 17 2. All landscaped islands in residential subdivisions shall be curbed (FDOT Type
18 I)
- 19 3. All islands and medians with landscaping shall have irrigation.
 - 20 a. All landscaped islands shall have trees and low shrubbery or groundcover.
21 In some cases, such as at intersections, hardscaped islands may be permitted
22 or a combination of landscape and hardscape.

23 **7.04.00 LANDSCAPING**

24
25 **7.04.01 Florida Water Star Program/Florida Friendly Landscaping**

26 A. All required landscaping and irrigation shall be installed and maintained to be consistent
27 with the water-efficient landscaping requirements established herein. Landowners are
28 additionally encouraged to follow Waterwise Florida Landscapes, Florida Water Star
29 Program, and Florida Irrigation Society Standards.

30 B. Landscape plants shall be selected based on appropriateness to the site considering
31 conditions such as soil type, moisture, and sunlight using the principle of “right plant –
32 right place,” as described by the Florida Friendly Landscaping program. The plants shall
33 be grouped and irrigated by hydrozone in accordance with their respective water needs.
34 A list of appropriate plants and plant resources is contained in The Plant List for Lake
35 County.

36 C. Synthetic Lawns and Plants: Synthetic or artificial turf, trees and plants shall be
37 prohibited from use in lieu of required live plantings.

38 D. Limit irrigated lawn areas. Irrigation is not mandated by the Town. The use, type and
39 location of irrigated lawn area in the landscape shall be selected in a planned manner and
40 used as a fill-in material. Since most lawn varieties used in landscape require

1 supplemental watering more frequently than other types of landscape plants, turf shall be
2 placed so that it can be irrigated separately. The installation of turf grass shall be subject
3 to the following:
4

- 5 1. Irrigated turf grasses may be installed on a maximum of sixty (60) percent of
6 the pervious (landscape) area of any lot or parcel as follows:
7

TURF GRASS TABLE	
Site Size	Irrigated Turf Area
< 5 Acres	60% of the pervious landscaped areas
5 to 10 Acres	60% of the pervious landscaped area, not to exceed 5 acres, whichever is less.
>10 acres	60% of the pervious landscaped area, not to exceed 10 acres, whichever is less

- 8
9 2. Exemptions:
10 (a) Unirrigated turf having an excellent drought tolerance rating, such as
11 Bahia grass, may be used on the entire site and is not subject to this
12 limitation.
13 (b) Agricultural uses, commercial golf courses greens and fairways,
14 cemeteries, and public or private active recreation fields such as ball fields
15 are exempt from this limitation.
16 (c) Existing Development: Property owners shall be encouraged to replace
17 lawns and plants with Florida-Friendly Landscaping and drought tolerant
18 turf for development existing as of June 14, 2021.
19 (d) The percentage of micro irrigation and/or non-irrigated areas shall be no
20 less than 40 percent of the total irrigable area.
21

22 **7.04.02 Landscaping Non-Single-Family Primary Structures**

- 23 A. A minimum 10-foot wide landscaped area shall be provided along all sides of the
24 building, except the following:
25 1. Where areas such as motor vehicle bays or loading zones would prohibit it
26 2. In front of storefront windows that directly abut a pedestrian way
27 3. Where the building is within 25 feet of a required landscaped buffer or natural
28 areas which will be preserved.
29 B. This required area shall be primarily comprised of shrubs, ornamental plants, and
30 groundcovers. Turf should not be used in this area and trees that require more room
31 for mature growth should not be placed close to buildings. Irrigation should be
32 limited to drip or other components that will not spray towards the building or trap
33 water near the building foundation. Hardscape, such as benches, sculpture, or
34 planters, is encouraged within this area.
35 C. Landscape materials required by this section should be located to achieve the
36 following:

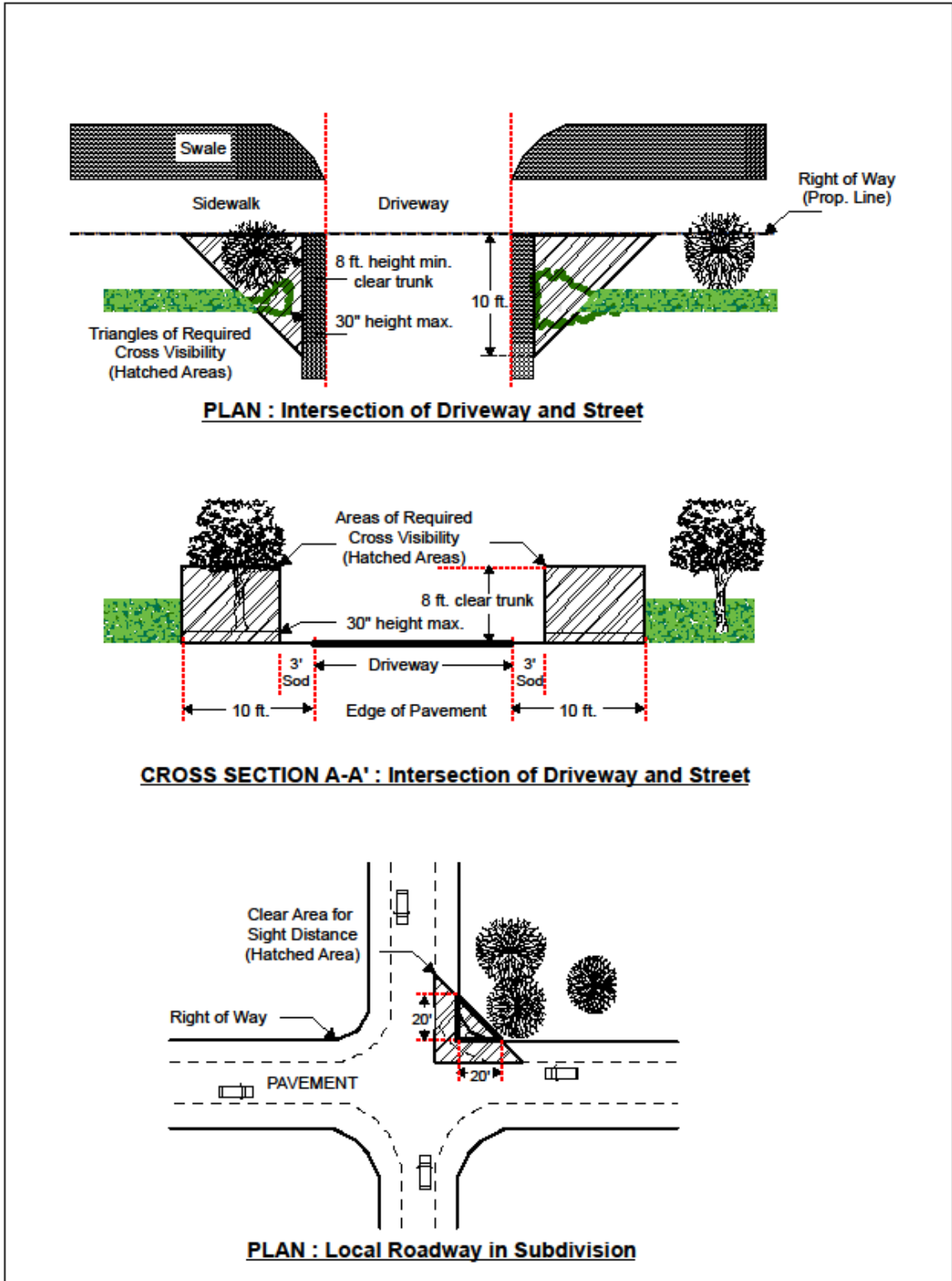
- 1 1. Screen mechanical equipment, air conditioning units or any other visible
- 2 outdoor equipment adjacent to the primary building
- 3 2. Provide visual interest along building facades
- 4 3. Enhance walkways, entrances, seating areas, and other similar pedestrian areas

5 **7.04.03 *Landscaping Non-Single-Family Accessory and Secondary Structures***

- 6 A. If accessory structures or any sides of accessory structures are visible from public
- 7 or private streets or parking areas, those structures or sides of structures shall be
- 8 landscaped. If the accessory or secondary structure includes offices or customer
- 9 areas, the structure shall be landscaped under the same requirements as section
- 10 7.04.01 (primary structures). If the accessory structure is used for storage or non-
- 11 customer work areas, landscaping shall be designed to screen visible outdoor
- 12 mechanical equipment and to provide visual interest along the facades visible from
- 13 streets or parking areas.
- 14 B. Solid Waste Refuse Facilities. All dumpsters shall be enclosed on three sides with
- 15 a six-foot block enclosure. The enclosure shall be of similar or compatible material
- 16 to the primary structure such as stucco, brick, or stone. The fourth side (access)
- 17 shall be screened with an opaque gate. The gate may be of wood or vinyl, but not
- 18 chain link. The three sides of the enclosure shall be landscaped with bushes or
- 19 hedges.
- 20 C. Signs. Ground signs for non-residential areas shall be landscaped at the base with
- 21 a minimum of 2 square feet of landscape material for every 2 feet of sign face.
- 22 The irrigation system shall accommodate this landscaping.

23 **7.04.04 *Visibility Triangle at Intersections***

24
25 In order to preserve visibility at intersections of streets and at intersections of driveways
26 with streets, a visibility triangle shall be preserved as shown in the following diagram.
27



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1 **7.05.00 VEHICULAR USE AREAS**

2 Vehicular use areas shall be screened in accordance with the following provisions. Off-
3 street parking and vehicular use areas which are visible from any public or private street
4 or right-of-way shall be screened with any combination of hedge, fence, walls, or berms
5 which provide a minimum three-foot high visual barrier at time of planting. The
6 location of such screening features shall be adjacent to the entire area perimeter.

7 **7.05.01 Parking Lots**

8 The following requirements are established to provide shade and visual interest to
9 parking lot areas. The Town will place emphasis on preserving existing trees and
10 applicants will be expected to take existing trees into consideration when designing
11 parking lots.

- 12 A. Terminal islands. Each row of parking spaces shall be terminated by landscaped
13 islands to separate parking from adjacent drive aisles. Terminal islands shall
14 measure a minimum of ten feet (10') in width and 20 feet (20') in length. Each
15 terminal island shall include a canopy tree which is at least 4 inches DBH at time
16 of planting, and ground cover. Shrubs may also be included.
- 17 B. Interior islands. Interior islands shall be used to shade parking lots. Interior islands
18 are required every ten (10) parking spaces and shall be, at a minimum, the same
19 size of a parking space (10 feet by 20 feet). Each interior island shall include a
20 canopy tree which is at least 4 inches DBH at time of planting, and ground cover.
21 Shrubs may also be included.
- 22 C. Divider medians. Landscaped divider medians shall form a continuous landscaped
23 strip between abutting rows of parking. The minimum width of a divider median
24 shall be 10 feet. Canopy trees at least 4 inches DBH at time of planting shall be
25 spaced no fewer than one tree every 40 feet. Ground cover, shrubs, and understory
26 trees shall also be included in divider medians.
- 27 D. All parking lot landscaping shall be designed with an irrigation system.
- 28 E. Protection of Landscaped Areas.
 - 29 1. Curbing. Terminal islands, interior islands and divider medians shall be
30 separated from vehicular use by non-mountable, reinforced concrete curbing of
31 a type approved by the Town. Curbed landscaped areas shall be backfilled to a
32 height of four inches below the back of curb, except where such backfill would
33 impact an existing tree. Unreinforced extruded curbing shall be prohibited. The
34 width of curbing shall be excluded from the calculation of the minimum
35 dimensions of all required landscape areas.
 - 36 2. Wheel stops. All landscaped areas adjacent to off-street parking areas shall be
37 protected from encroachment or intrusion of vehicles through the use of wheel
38 stops. Wheel stops shall have a minimum height of six inches above finished
39 grade of the parking area. Wheel stops shall be properly anchored and
40 maintained in good condition.

1 **7.06.00 IRRIGATION SYSTEM DESIGN**

2 **7.06.01 General Landscape Irrigation Requirements**

- 3 A. All installed automatic irrigation systems shall be designed to provide irrigation
4 appropriate to meet the needs of the landscaped area to be served. In evaluating
5 irrigation plans, the primary consideration shall be water conservation. Irrigation
6 systems shall be designed to provide the minimum irrigation necessary to ensure
7 the survival of the plant material and shall be designed to avoid runoff and promote
8 optimal percolation.
- 9 B. All new residential, commercial, or industrial construction systems shall be
10 consistent with the irrigations systems standards.
- 11 C. The use of temporary irrigation systems that can be removed following
12 establishment of vegetation is the preferred method of irrigation and permanently
13 installed irrigation systems are discouraged.
- 14 D. Landscape irrigation shall comply with the applicable water use permits, rules, and
15 water shortage orders of the water management district where the landscape
16 irrigation will occur.
- 17 E. To conserve potable water, reclaimed water, storm water ponds, water recycling
18 systems, and water collected from cisterns shall be encouraged for landscape
19 irrigation water if the water quality will meet the needs of the landscape. Such use
20 must comply with the applicable water use permits, rules, and water shortage orders
21 of the water management district where the landscape irrigation will occur.
22 Developments seeking to use water from retention ponds or natural lakes for
23 landscape irrigation shall comply with all applicable water use permits, rules, and
24 water shortage orders of the water management district where the landscape
25 irrigation will occur.

26
27 **7.06.02 Irrigation Design Standards**

- 28 A. All irrigation systems shall be designed in accordance with one of the following
29 standards:
 - 30 1. Florida Water Star Program; or
 - 31 2. Adhere to the following standards:
 - 32 a. Sprinkler irrigation area shall not exceed 60% of the irrigated area. Other
33 irrigation shall consist of low volume irrigation or micro-irrigation systems.
34 This standard is applicable on residential and commercial lots over 1/8th
35 acre. This requirement applies to common areas and open space is
36 developments.
 - 37 b. Sprinkler irrigation shall not be installed in narrow areas that are four (4)
38 feet or less in width unless correctly installed micro-irrigation is used.
 - 39 c. Sprinkler irrigation shall not be used for trees, shrubs, and groundcover
40 beds. Permanent low volume or micro-irrigation systems may be used in
41 these areas, but the Town encourages the use of temporary establishment
42 irrigations systems which may be removed after the vegetation is
43 established.

- 1 d. Irrigation zones shall be divided according to vegetated groupings (i.e.,
- 2 turfgrass, shrubs, trees, etc.) and the water requirements of the plants.
- 3 e. Sprinkler head types, such as spray heads and rotors, shall not be mixed in
- 4 the same zone.
- 5 f. Distribution equipment in a given zone shall have matched precipitation
- 6 rates.
- 7 g. Rotors and spray heads in turfgrass areas shall be spaced to provide head-
- 8 to-head coverage.
- 9 h. A minimum separation of four inches is required between distribution
- 10 equipment and the pavement.
- 11 i. A minimum separation of 24 inches is required between distribution
- 12 equipment and buildings and other vertical structures.
- 13 j. A rain shut-off device shall be required on all irrigation systems to avoid
- 14 irrigation during periods of sufficient rainfall. The rain sensor device shall
- 15 consist of an automatic sensing device or switch that will override the
- 16 irrigation cycle when adequate rainfall has occurred. It shall be placed
- 17 where it is exposed to unobstructed natural rainfall and in compliance with
- 18 Section 373.62, Florida Statutes, as amended.
- 19 k. Irrigation systems equipped with an automatic control system shall, at a
- 20 minimum, provide the following capabilities:
- 21 (1) Ability to be programmed in minutes, by day of week, season, and time
- 22 of day or by inches of water, by day of week, and time of day.
- 23 (2) Ability to accommodate multiple start times and programs.
- 24 (3) Automatic shutoff after adequate rainfall
- 25 (4) Ability to maintain time during power outages for a minimum of three
- 26 days, and
- 27 (5) Operational flexibility to meet the applicable water management
- 28 district's year-round water conservation requirements and water
- 29 shortage order restrictions.
- 30 l. Check valves or similar devices which are capable of holding a minimum
- 31 of a five-foot head shall be used in low-lying areas to prevent head drainage
- 32 unless using valve-in-head sprinklers.
- 33 m. Irrigation system equipment shall be installed in accordance with
- 34 manufacturer's specifications.
- 35 n. Sprinkler heads shall not spray onto walkways, buildings, roadways, and
- 36 driveways.
- 37 o. Pipes shall have a flow velocity of five-feet per second or less.
- 38 p. Pipelines shall be designed to provide the system with the appropriate
- 39 pressure required for maximum irrigation uniformity.
- 40 q. All irrigation system underground piping shall have minimum soil cover of
- 41 six inches.

1 **7.06.03 Irrigation Design and Installation Affidavits**

- 2 A. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation
3 system will comply with the standards of the Section, signed and sealed by a
4 landscape architect licensed to practice in the State of Florida shall be included with
5 the development application for all planned development.
6 B. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation
7 system will comply with the standards of this Section, signed by a landscape
8 architect licensed to practice in the State of Florida, builder, owner, or experienced
9 irrigation professional shall included with all building permits where a permanent
10 irrigation system shall be installed on the property.
11 C. Within thirty (30) days of any irrigation system installed pursuant to this Section,
12 the permittee or property owner shall submit to the Town a written self-certification
13 from a Florida Water Star inspector, accredited professional, licensed irrigation
14 contractor, or licensed landscape professional that the irrigations system on
15 property meets the requirements of this Section. The owner, acting as owner-
16 builder, may certify the irrigation system for a building permit as meeting the
17 requirements herein.
18
19 1. All properties subject to this irrigation certification may be inspected to ensure
20 compliance with the requirements of this Section.
21 2. Contractors and/or property owners shall be accountable for proper installation
22 and compliance through self-certification.
23 3. The Town may conduct random inspection to ensure compliance with the code.
24 4. No Certificate of Occupancy for any development or building permit subject to
25 the requirements of this Section shall be issued until the applicant has installed
26 irrigation in compliance with e requirements of this Section.
27

28 **7.06.04 Exemptions**

29 A. The following sites are exempted from the provisions of this Section but shall follow
30 applicable Florida Friendly Best Management Practices for Protection of Water
31 Resources by the Green Industries, as amended.
32

- 33 1. Vegetable gardens and fruit and nut trees
34 2. Athletic fields
35 3. Golf course play areas,
36 4. Cemeteries
37

38 **7.07.00 HARDSCAPE**

39 **7.07.01 General**

40 A. Hardscape consists of the inanimate elements of landscaping. For instance, brick
41 walls, water fountains and arbors would all be considered part of the hardscape.

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Street furnishings like benches, trash receptacles, large planters, decorative signage and lighting fixtures and sculptures are also examples of hardscape.
B. Hardscape Examples. Below are some examples of hardscape that can be used to meet the intent of this section:

1. Public Art



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2. Benches, Pavers and Planters



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3. Entrance or Gateway Features



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4. Plazas and Fountains



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C. Hardscape Plans Require

- 1 1. All hardscape shall be included in the Final Subdivision and Final Site Plan
2 landscaping plans. Wall details including footer typical sections and column
3 details are required as part of the plans as well as detailed signage plans,
4 including lighting for the signs.
- 5 2. Each subdivision, site or overall development may be individually themed and
6 designed with its own architectural and landscaping style. To meet the intent of
7 this section, hardscape shall be added to the overall exterior of the property both
8 to serve particular functions and to add overall interest and character to the
9 development and the Town. The number of hardscape elements should be
10 relative to the size of the property as well as the use of the property.
- 11 3. Hardscape components that serve particular functions. Each site shall
12 incorporate functional elements including, but not limited to, the following:
13 a. Decorative benches for seating areas
14 b. Arbors or trellises for additional shade in pedestrian or entrance areas
15 c. Decorative trash receptacles
16 d. Decorative lighting fixtures
17 e. Decorative pavers to outline pedestrian walkways
- 18 4. Hardscape components that add visual interest and character. Each site shall
19 incorporate elements including, but not limited to, the following:
20 a. Sculpture or other public art
21 b. Entrance or gateway features
22 c. Fountains
23 d. Decorative planters
24 e. Outdoor plazas or seating areas for employees and patrons, where
25 applicable

26 **7.08.00 LANDSCAPING INDIVIDUAL RESIDENCES**

27 Building permit applications for new homes will be required to include landscape and
28 irrigation plans for approval. The plans shall be clearly readable, drawn to a reasonable
29 scale, show the entire site to be irrigated, and must include all improvements. Unless
30 prepared by the property owner, drawings shall be prepared by a Florida registered
31 landscape architect, a landscape contractor, or an irrigation contractor. The
32 landscaping and irrigation shall be inspected as part of the overall permit and no
33 certificate of occupancy shall be issued unless the landscaping and irrigation has been
34 installed and accepted.

35 **7.08.01 Required Landscaping**

- 36 A. For single family lots that are one half acre or less in size, a minimum of three (3)
37 canopy trees is required. Each such single family lot will be required to have one
38 tree with a caliper of at least four inches and two trees each with a caliper of at least
39 2-1/2 inches. These trees shall have a minimum height of 10 feet at time of planting.
40 These trees should be canopy trees as listed in this chapter. Existing trees may be
41 counted as meeting this requirement, as long as they are of sufficient size and
42 accepted species.

1
2 One of the canopy trees on each such single-family lot shall be planted in the front
3 yard, no less than 5-7.5 feet and no more than 8-10 feet from the sidewalk or lot
4 line. Canopy trees planted within ten feet of a sidewalk must have root barriers.
5 These trees will help to form a canopy over the sidewalk and street sides. Corner
6 lots are required to provide two such trees, one on the front and one on the side of
7 the lot. Additionally, if the lot is more than 100 feet wide at the sidewalk, then the
8 lot will be required to have two such trees. Existing trees in this specific area can
9 be counted as meeting this requirement. These trees shall be coordinated with the
10 placement of streetlights to prevent conflicts. A list of approved canopy trees is
11 included in this chapter.



25 For lots greater than one half acre in size, an additional canopy tree is required for
26 each additional eighth of an acre above the one-half acre, or portion thereof.

- 27
- 28 B. A minimum of two (2) understory trees are required for single family lots of one-
- 29 half acre or less in size. For lots greater than one half acre in size, an additional
- 30 understory tree is required for each additional one quarter of an acre above the one-
- 31 half acre, or portion thereof.
- 32 C. A maximum of fifty percent (50%) of the landscaped area may be covered with
- 33 sod. Other ground covers should be used to the extent possible
- 34 D. Shrubs and other plants shall be used as foundation plants along the outline of the
- 35 house, except where doors or patios are located. Alternate plantings may be
- 36 permitted if the architectural style of the house warrants it.
- 37 E. A minimum of two areas of the yard that have at least 400 square feet of non-turf
- 38 plantings in a row or cluster, not including the foundation plantings, is required.
- 39 For single family lots greater than one half acre in size, an additional 400 square
- 40 feet of non-turf plantings in a row or cluster, not including the foundation plantings,
- 41 is required for each additional eighth of an acre, or portion thereof.
- 42 F. At least 60% of the landscaped area for each single-family lot shall be drought
- 43 tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of
- 44 irrigation and shall be grouped together on the lot in order to reduce the irrigation

1 requirement for those zones. Turf area may exceed 40% if the turf area over 40%
2 is unirrigated.

3 **7.08.02 Crediting Existing Materials**

4 For purposes of developing residential lots, existing trees of approved species and
5 shrubs, including preserved natural areas, may be credited toward the requirements of
6 this section.

7 **7.08.03 Replacements Required**

8 Replacement trees and landscaping shall be required whenever the proposed removal
9 will result in less than indicated in the above schedule.

10
11 Lots which do not meet the above requirements on the effective date of this provision
12 shall have legal nonconforming status with respect to landscaping. Replacements shall
13 only be required to ensure that the extent of the nonconformity is in no way enhanced
14 or enlarged by tree or vegetation removal activities.

15
16 Redevelopment of the lot or an expansion to the primary structure that equals twenty-
17 five percent (25%) of the total gross square footage of the existing structure, shall
18 require the lot to come into full compliance with this section.

19 **7.09.00 LANDSCAPING MATERIAL**

20 **7.09.01 Minimum Specifications**

21 All landscape material required to satisfy this code shall be Florida No. 1 Grade or
22 better, according to the current Grades and Standards for Nursery Plants, State of
23 Florida Department of Agriculture. In addition, all landscape material shall satisfy the
24 following minimum specifications.

- 25 A. Canopy trees. Canopy tree species shall be a minimum of 4 inches caliper and ten
26 feet in height at the time of planting. All canopy trees shall be staked and guyed at
27 the time of planting for a period of one growing season.
- 28 B. Understory trees. Understory tree species shall be a minimum of two- and one-half
29 inch (2 ½ “) and eight feet in height at the time of planting. Multi-trunk species
30 shall be full and upright and have 1 ½” canes. All understory trees shall be staked
31 and guyed at the time of planting for a period of one growing season.
- 32 C. Shrubs. Shrubs shall be a minimum of three-gallon container 18 to 24 inches in
33 height at time of planting.
- 34 D. Ornamentals. Ornamental plantings shall be minimum one-gallon container grown
35 species.
- 36 E. Ground covers.
 - 37 1. Ground covers. Plants used as ground covers shall follow horticultural
38 standards to achieve full coverage within one growing season.
 - 39 2. Turf. Turf shall be installed for full coverage at time of planting.

F. Mulch. All planting beds shall be filled with a minimum of three inches (3”) of clean, weed free mulch. A maximum of ~~25 percent~~ 35% of these mulch areas may consist of nonorganic decorative material such as crushed rock, gravel, and other similar materials. Rubber mulch is prohibited, and cypress mulch is discouraged.

7.09.02 Maintenance of Plant Materials

A. Property owners and/or their agents shall be jointly and severally responsible for the maintenance of all landscaping in good appearance, free of refuse and debris. This includes newly installed landscapes as well as those older established landscapes.

1. Replacement of substandard plant materials. All unhealthy and dead plant materials shall be replaced within 30 days in conformance with the approved site or landscape plan. Failure to replace the plant material within 30 days shall constitute a violation and be regulated through code enforcement.
2. Proper Pruning. Proper pruning practices as stated in the ANSI Standard 300 Part 1 (Pruning) or equal are required by this LDC. The practice of “topping” or “hat-racking” is considered unacceptable by the ANSI standards. In compliance with these standards, every effort shall be made to cut back to a lateral at least one-third to one-half the diameter of the parent limb or leader that is being removed. Cuts not made to a suitable lateral, sometimes called topping cuts, shall not be permitted. Street tree canopy over sidewalks shall be maintained with a ten-foot height clearance.

7.10.00 APPROVED TREE AND PLANT LIST

Table 7.10.00 Approved Tree and Plant List

Canopy Trees	Understory Trees	Aquatic Plants	Shrubs	Ground Cover	Turf
Bald Cypress	American Holly	Arrowhead	American Beauty Berry	Aloe	Bahia
Sweet Bay Magnolia *	Chickasaw Plum	Arrowroot	Cherry Laurel	Chinese Juniper	Bermuda
Live Oak *	Crape Myrtle	Bald Cypress	Fetterbrush	Coontie	St. Augustine
Longleaf Pine	Dahoon Holly	Blue Flag Iris	Firebush	Day Lily	Zoysia
Red Maple	Date Palm	Buttonbush	Florida Anise	Dwarf Yaupon Holly	
Shumard Oak	East Palatka Holly	Cinnamon Fern	Gallberry	English Ivy	
Slash Pine	Savannah Holly	Duck Potato	Indian Hawthorne	Florida Lantana	
Southern Magnolia *	Ligustrum	Fragrant White Water Lily	Ligustrum	Lirope	

Sweet Bay	Natchez Crepe Myrtle	Golden Canna	Ligustrum	Mondo Grass	
Sweetgum	Loquat	Maidencane	Native Azaleas	Society Garlic	
Sycamore	Sabal/Cabbage Palm	Pickerel Weed	Pampas Grass	Wandering Jew	
Drake Elm	Purple Leaf plum	Pond Cypress	Pink Muhly Grass	Perennial Peanut	
	Bamboo Palm	Sawtooth fern	Pittosporum	Beach Sunflower	
	Medjool Date Palm	Soft Rush	Podocarpus	Dwarf Asiatic Jasmine	
	Bottlebrush	Swamp Hibiscus	Sandanka Viburnum		
	Winged Elm		Saw Palmetto		
	Yaupon Holly		Silverthorn		
	Japanese blueberry		Simpson Stopper		
			St. Johns Wort		
			Star Anise		
			Sweet Viburnum		

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~~*Live Oaks, Laurel Oaks, Sweet Bay Magnolia, and Southern Magnolias are the three approved Street Tree species in the Town of Howey in the Hills. Drake Elm and Sweet Bay Magnolia may be used where planting space is at a premium. Other trees may also be requested as street trees and will be considered on a case-by-case basis depending on the site conditions. Palms may be used to replace shade trees in clusters of three trees for residential parcels and five trees for commercial parcels. Palms may not be used as substitutes for street trees. Palms may be applied as accent trees in addition to shade trees as part of a thematic project design, and as an alternative to understory trees when integrated into planting beds.~~

Plants that do not appear on the above table may also be used if they are recommended by one of the following agencies:

1. The St. Johns River Water Management District,
2. The University of Florida, IFAS (Institute of Food and Agricultural Sciences) Extension, or
3. The Florida Department of Environmental Protection, Bureau of Aquatic Plant Management.

7.10.01 Prohibited Plant List

The following trees and plants are prohibited:
A. Acacia

- 1 B. Albizia Julibrissin (mimosa or silk tree)
- 2 C. Australian Pine
- 3 D. Brazillian Pepper Tree
- 4 E. Camphor
- 5 F. Castor Bean
- 6 G. Chinaberry
- 7 H. Chinese Tallow
- 8 I. Ear Tree
- 9 J. Eucalyptus
- 10 K. Hydrilla
- 11 L. Monkey Puzzle
- 12 M. Punk Tree
- 13 N. Rice Paper Plant
- 14 O. Silk Oak
- 15 P. Taro
- 16 Q. Water Hyacinth
- 17 R. Ailanthus (tree of heaven)

18 Also prohibited are those plant species prohibited by the Florida Department of
19 Environmental Protection, the Florida Department of Agriculture and the plants listed
20 as invasive by the Florida Exotic Pest Council. Trees on the Prohibited Plant List are
21 exempt from the tree protection requirements of this chapter.

22 **7.10.02 Tree requirements for residential development.**

- 23
- 24 **A. Live Oak, Sweet Bay Magnolia, and Southern Magnolia are the three approved**
25 **Street Tree species. Drake Elm and Sweet Bay Magnolia may be used where**
26 **planting space is at a premium. Other street trees may also be requested as street**
27 **trees and will be considered on a case-by-case basis depending on the site**
28 **conditions.**
- 29 **B. Corner lots and lots wider than 100 feet at the sidewalk – two street trees required.**
- 30 **C. Lots with greater than 26 feet from the front plane of the house to the sidewalk**
31 **(but not corner lots and lots wider than 100 feet) – one street tree required.**
- 32 **D. Lots with 20-26 feet from the front plane to the sidewalk -- one of the following**
33 **must be planted: Natchez crepe myrtle (single trunk only), purple-leaf plum,**
34 **sweet bay magnolia, Chickasaw plum, or weeping bottlebrush.**
- 35 **E. Lots with less than 20 feet from front plane to sidewalk – an exemption from the**
36 **street-tree requirement is allowed, but only if two understory trees are planted.**
- 37 **F. Palms may be used to replace shade trees in clusters of three trees for residential**
38 **parcels and five trees for commercial parcels. Palms may not be used as**
39 **substitutes for street trees. Palms may be applied as accent trees in addition to**
40 **shade trees as part of a thematic project design and as an alternative to understory**
41 **trees when integrated into planting beds.**
- 42

1 **7.11.00 TREES**

2 **7.11.01 Tree Protection**

3 A. No application for a building permit, land clearing permit, site development permit,
4 subdivision development permit, or grading and filling permit may be issued by the
5 Building Official until the site inspector has visited the site and determined that the
6 tree protection measures are in place in accordance with this chapter and the
7 approved site or subdivision plans. Tree protections shall meet the standards of
8 ANSI Standard A300 Part 5.

9 B. During construction, to ensure the health and survival of protected trees that are not
10 to be removed, the developer shall avoid the following types of tree injuries during
11 all development activities:

12 1. Mechanical injuries to roots, trunk, and branches. To protect against
13 mechanical injuries to roots, trunk, and branches:

14 a. All existing trees that are to remain shall have barriers constructed around
15 the tree at the drip line or around the combined drip line of any clumps of
16 trees. Barriers are to be inspected by the Town prior to the start of any
17 construction.

18 b. The minimum size of such wood barrier fencing shall be two inches (2”) by
19 four inches (4”) and the top of the barrier shall be a minimum of four feet
20 (4’) high. Another acceptable means of barricading trees is the use of
21 orange plastic construction fence, four feet (4’) high, and supported every
22 eight feet (8’) by a No. 5 rebar, driven into the ground. Fencing shall be
23 securely attached to rebar by the use of nylon zip ties or twisted wire.
24 Barricades must be taut and perpendicular to the ground. No construction
25 activity, cuts, fill, debris disposal or vehicular traffic is to take place within
26 this area. Additionally, the storage or placement of material, machinery, or
27 other construction equipment or substances is prohibited within the drip line
28 area.

29 c. Any waiver or request to construct barriers within the drip line shall be
30 reviewed by the Town. The request must be accompanied by a report from
31 a qualified arborist. Where drip lines of existing trees overlap, the orange
32 mesh fencing or the wood barriers shall be erected around the outer
33 perimeter of the combined drip lines.

34 d. If turf block is specified to reduce the impact of impervious surface around
35 the drip line of existing trees, it shall be constructed as follows: Prior to
36 excavation, the limits of excavation should be root pruned to a depth of
37 thirteen inches (13”); after removal of existing soil to that depth, add eight
38 inches (8”) of one-quarter inch (1/4”) crushed stone (not limerock), then one
39 and one-half inches (1 1/2”) of sand to level the three and one eighth inch (3
40 1/8”) thick turf block. All compaction shall be done by hand, exempting
41 the normal Town requirements of 95% to 98% density. Compaction shall
42 be done in layers after each sub-base is installed and again after the turf
43 block is laid. The cells of the turf block shall then be filled with topsoil and

- 1 seeded. No more than 30 percent of the root zone shall be disturbed, no
- 2 closer than 30 percent of the distance to the trunk.
- 3 2. Injuries by chemical poisoning. To avoid injuries due to chemical poisoning:
- 4 a. No fuel, paint, solvent, oil, thinner, asphalt, cement, or any other
- 5 construction chemical or other material or tools of any kind shall be stored,
- 6 or allowed in any manner to enter, within a required protective barrier or
- 7 perimeter line.
- 8 b. No equipment shall be cleaned within a required protective barrier or
- 9 perimeter line.
- 10 3. Injuries by grade changes.
- 11 a. When raising the grade, the following measures shall be taken:
- 12 i. Within the tree protection zone, existing sod/vegetation and leaf litter
- 13 shall be removed and the soil loosened without injuring the roots.
- 14 ii. The area within the tree protection zone shall be properly fertilized to
- 15 improve the vigor and growth of the roots.
- 16 iii. Porous, four-inch agriculture drain tiles shall be laid over the soil to
- 17 drain liquids away from the trunk. A drop of at least one eighth (1/8)
- 18 inch per foot shall be provided. The drain field shall be designed to
- 19 provide adequate drainage of the existing configuration of the trees.
- 20 iv. The number of drains shall depend upon soil material; lighter sandy
- 21 soils and porous gravelly material require fewer drains than heavy non-
- 22 porous soils.
- 23 v. Aeration shall be provided by installing vertical tiles along the system.
- 24 The vertical tiles shall be filled with gravel and capped with a heavy-
- 25 duty mesh to keep out trash and debris.
- 26 vi. Dry wells shall be large enough to allow for maximum growth of the
- 27 tree trunk. Tree wells shall be five (5) times the mature diameter of the
- 28 tree trunk.
- 29 vii. To prevent washing of material into the well, the dry well casing walls
- 30 shall be high enough to bring the coping just above the level of the
- 31 proposed fill.
- 32 viii. Dry well walls shall be constructed of materials that permit passage
- 33 of air and water. Concrete blocks backed with galvanized screening
- 34 may be used for the sides of the well.
- 35 ix. Grating or barriers shall be used around openings that are large enough
- 36 to present a hazard to pedestrians.
- 37 x. Open wells shall be cleaned regularly to remove sediment, leaves, and
- 38 debris that might interfere with the free passage of air.
- 39 xi. Large stones shall be placed over the drainage tiles and a layer of smaller
- 40 stones shall be placed over the remainder of the ground within the drip
- 41 line.
- 42 xii. A layer of gravel shall be placed over the stones.
- 43 xiii. The fill shall be completed with a layer of porous soil.
- 44 b. When lowering the grade, the following measures shall be taken:
- 45 i. Roots shall be cut cleanly and re-trimmed after excavation.

- 1 ii. The canopy shall be pruned to aid in maintaining tree vigor.
- 2 iii. When lowering the grade of the soil surrounding a protective tree, the
- 3 maximum number of tree roots within the tree protection zone shall be
- 4 preserved by using any of the following methods:
- 5 1. Terracing. The area within the tree protection zone is left at the
- 6 original grade by terracing.
- 7 2. Retaining wall. The area within the tree protection zone is left at the
- 8 original grade by constructing a dry retaining wall. The retaining
- 9 wall shall be porous to allow for aeration.
- 10 3. Terracing and retaining wall. The area within the tree protection
- 11 zone is left at the original grade by the combined use of terracing
- 12 and dry retaining wall.
- 13 c. Minor Changes in Grade. When the change in the grade is minor, as
- 14 determined by the Town engineer, lesser protective measures than those
- 15 described above may be taken. The Town engineer shall approve the use of
- 16 these methods where their use will not endanger the health of the protected
- 17 tree.
- 18 4. Injuries by excavation
- 19 a. Water, sewer, and other utility lines should be routed around the tree
- 20 protection zones of protected trees.
- 21 b. If a line cannot reasonably be routed around the tree protection zone, the
- 22 line shall be tunneled beneath the area within the zone. The tunnel shall be
- 23 offset to one side of the trunk to prevent damage to the main top roots.
- 24 5. Injuries by paving. To avoid injury by paving within the drip line, porous paving
- 25 may be placed within the tree protection zone of a protected tree, so long as no
- 26 damage is inflicted to the tree by grade change, compaction of the soil, or any
- 27 other cause.

28 **7.11.02 Protection of Historic Trees**

29 All historic trees are to be protected unless one of the following conditions is met.

- 30
- 31 A. The tree is not suitable for preservation as determined by a certified arborist.
- 32 B. The tree is a threat to a principle structure or otherwise constitutes a hazard
- 33 requiring removal as determined by a qualified arborist or a professional engineer.
- 34 C. The placement of the tree prohibits the economic use of the property for permissible
- 35 development. Removal of historic trees based on this criterion requires mitigation
- 36 as set forth in Section 7.12.03.
- 37

38 **7.11.03 Protection of Specimen Trees**

39 Fifty percent of all specimen trees shall be preserved on a parcel. If the preservation

40 of at least fifty percent of the specimen trees prohibits the economic use of the property

41 for permissible development, all specimen trees removed from the property shall be

42 mitigated as set forth in Section 7.12.03.

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7.11.04 Design Standards for Promoting Tree Protection

In the design and development of any site, all trees shall be preserved to the maximum extent possible, except those identified by a certified arborist as not suited for protection due to the existing condition of the tree or other factors that will limit the tree’s ability to grow and maintain its health. In attempting to save as many trees as possible, the following should be taken into account:

- A. Building Footprint. Every attempt shall be made to avoid placing a building in a location which requires the removal of a healthy, mature tree or a cluster of healthy, mature trees.
- B. Stormwater Management / Drainage Facilities. Every attempt shall be made to avoid placing retention ponds or other stormwater management/drainage facilities in locations which will cause the removal of healthy, mature trees on a lot or parcel. Where it is necessary to place such a facility in close proximity to a tree, the Town may require improvements including retaining walls, to ensure that the tree is not endangered.
- C. General Site Design. Site design considerations, including the meandering of roads and the reconfiguration of lot lines shall be used to maximize the preservation of healthy and mature trees.
- D. Parking and Driveways. No individual tree greater than 12” DBH or cluster of trees with an average DBH of 8” or more shall be removed unless it is physically impossible to provide alternative locations for these facilities. Measures included in this section shall be used to save the greatest number of trees possible in parking areas. Use of tree wells, root pruning, concrete pavers, turf block, root drainage systems, subsurface soil stabilization systems, special fill procedures (excluding the use of lime rock) and restrictions may be required, as appropriate, and subject to the approval of the Town. Developers may request waivers from required parking spaces if it will result in saving existing trees.
- E. Demucking. Where demucking is required for a parking area or driveway(s) and such activity will cause the removal or destruction of a tree or trees as described above, certification must be presented by a licensed civil engineer or landscape architect certifying that the paved area cannot be constructed in a sound manner without the removal of the muck and the destruction of the existing trees. The certification shall include soil boring information supporting the findings. Where demucking is necessary, every attempt shall be made to demuck around the perimeter of trees and soil stabilization, drainage, fill and other methods shall be employed to preserve trees in this category.
- F. Masonry Walls. If wall construction is within ten feet (10’) of an existing individual tree greater than 12” DBH or a cluster of trees with an average DBH of 8” or more, the wall or walls need to be constructed with a lintel system. Precast wall systems are encouraged due to a non-continuous footing and lesser impacts on tree root systems.

1 **7.12.00 TREE REMOVAL PROCESS**

2 **7.12.01 Permit Required**

3 A. Any person who proposes to cut down, move, remove, or destroy any tree,
4 including those on single family lots, shall first obtain a tree removal permit from
5 the Town unless otherwise exempt under F.S. 163.045. Prior to removing any tree
6 exempt from permitting under F.S. 163.045 the property owner shall provide to the
7 Town a copy of the arborist report required by Section 163.045(2). Requests for
8 tree removal permits shall be made to the Code Enforcement Officer. Trees that
9 are located on vacant, undeveloped land shall not be removed except as permitted
10 through the development of the site. Trees that are on the Town’s prohibited tree
11 list may be removed without a permit. Any application for a tree removal permit
12 shall include the following:

- 13 1. Property owner’s name and daytime telephone number.
- 14 2. Street address and directions to the site.
- 15 3. Type and size of tree proposed to be removed.
- 16 4. Purpose for the tree removal.
- 17 5. Most recently available boundary survey.
- 18 6. General location of the tree on the site.
- 19 7. How many trees remain on the lot or parcel.

20 B. When determining whether to permit the tree removal, the following issues will be
21 evaluated:

- 22 1. Whether the tree has a potentially hazardous branching structure such as a
23 hollow trunk, low fork in the trunk, or other.
- 24 2. Whether the tree is injured or diseased beyond repair.
- 25 3. Whether there are no viable alternatives to locating structures or driveways on
26 the site.
- 27 4. Whether the tree is impacting the foundation of a house or other building or
28 structure.
- 29 5. Whether the tree poses a threat to traffic visibility.
- 30 6. Whether the tree is negatively impacting a more desirable tree.
- 31 7. Any other issue deemed important by the Town.
- 32 8. Trees that are deemed hazardous or otherwise unsafe shall be allowed to be
33 removed without mitigation. In circumstances where the condition supporting
34 the removal of a tree is not obvious or easily documented by the Town
35 inspector, a letter from a certified arborist may be required to permit removal.
36 In emergency situations, a hazardous tree may be removed as long as proper
37 documentation in the form of photographs and/or a written opinion from Town
38 staff, accompanies the permit application.

39 C. Any trees removed in violation of this chapter shall be deemed to be violations of
40 this Code and subject to all penalty provisions afforded the Town.

1 **7.12.02 Tree Farms**

2 Trees located on property that is operated as a tree farm shall be exempt from tree
3 replacement requirements upon proof of such operation and continued use of the land
4 as a tree farm. If the landowner is requesting to remove the trees for development of
5 the land, then the property is subject to tree mitigation measures. The Town will
6 consider the property’s former use as a tree farm when approving the mitigation plan
7 so as not to place an unfair burden on the property owner.
8

9 **7.12.03 Tree Removal for Agricultural Use**

10 Trees may be removed to permit bona fide agricultural use of land zoned AG or
11 otherwise permitted agricultural use under an approved planned unit development
12 agreement. The property owner shall submit a survey or plot plan to the Town
13 identifying the area to be cleared, the approximate number of trees and the intended
14 agricultural use. Once a parcel is cleared for agricultural use as permitted by this
15 section, the conversion of the property to a non-agricultural use within five (5) years of
16 the date of clearing shall require mitigation of the removed trees as specified in this
17 code as part of the approval of any development approval. Conversion to a non-
18 agricultural use means rezoning to a non-agricultural classification or subdivision of
19 the property other than a minor subdivision. Historic trees shall be preserved or
20 mitigated unless a qualified arborist certifies that the tree is not suitable for
21 preservation.
22

23 **7.12.04 Mitigation for Removed Trees**

- 24 A. It is the intent of this section that the Town shall maintain or enhance its tree cover
25 by ensuring that as trees are removed, others are planted. If there is not adequate
26 room on a lot or parcel to replace a tree or trees once that tree or trees has been
27 removed, then the property owner shall pay into the Town’s landscaping fund
28 which will be used to plant trees in other areas throughout the Town.
29 B. Mitigation is required when any of the following circumstances occur:
30 1 For a developed single-family parcel, the permitted removal of a tree will result
31 in the parcel having fewer trees than required in Section 7.08.01.
32 2 A tree other than a citrus tree, palm tree, pine tree or prohibited species listed
33 in Section 7.10.01 is removed without a permit.
34 3 Historic trees which are removed to provide for development of a parcel.
35 4 Where land cleared for agricultural use is converted to non-agricultural uses
36 within five (5) years of the date of initial tree removal.
37 5 When more than fifty percent (50%) of the specimen trees are removed to
38 permit development, all specimen trees removed must be mitigated.
39 C. Trees shall be replaced on a one-inch (1”) DBH to a one-inch (1”) caliper basis.
40 For example, a tree measuring nine inches (9”) DBH may be replaced with one
41 nine-inch (9”) caliper tree, or one five-inch (5”) and one four-inch (4”) caliper trees.
42 Minimum replacement sizes shall be as stated in section 7.09.01.

- 1 D. Tree replacement and/or fees are calculated on standard permitted tree removals.
- 2 If a tree removal is done in violation of the LDC, the replacement inches or fees
- 3 shall be triple that of the standard.
- 4 E. The following Table of Values shall be used when payments are made to the
- 5 Town’s landscape fund:

6 **Table 7.12.03 (E) Table of Values**

7

Tree Size, Inches at DBH	Tree Removal Fee Per Inch DBH
4 inches to 9.9 inches	\$100.00
10 inches to 14.9 inches	\$125.00
15 inches to 19.9 inches	\$150.00
20 inches or greater	\$175.00
Any Historic Tree	\$300.00

8 **7.13.00 LAND CLEARING**

9 **7.13.01 General**

10 A land clearing permit is required other than that directly associated with a single-
11 family home or an approved subdivision or site plan.

12 **7.13.02 Permit Application**

13 A. The applicant shall submit a sealed survey by a licensed surveyor in the State of
14 Florida to include topographic information and existing trees at a scale of not less
15 than 1 inch = 100 feet, showing:

- 16 1. The area to be cleared.
- 17 2. Size and type of existing trees, trees to be removed; and
- 18 3. Wetland areas, water bodies and flood hazard zones.

19 B. The application shall also include the following:

- 20 1. A description of the proposed method of clearing.
- 21 2. The type of equipment to be used.
- 22 3. The purpose for the activity; and
- 23 4. The name of the owner of the property and the person or firm performing the
- 24 work.

25 C. The application shall be accompanied by the appropriate fees as required by the
26 Town.

27 **7.13.03 Permit Issuance/Enforcement**

28 A. The Building Official may issue a Land Clearing Permit following review and
29 recommendation by the Town Engineer and Town Planner and approval by the
30 Town Council. The permit shall contain any special conditions or activity
31 restrictions. The permit shall be valid for a period of fourteen (14) days from the
32 date of issuance.

33 B. Following completion of the activity or after fourteen (14) days from the date of
34 permit issuance, the site shall be inspected for compliance with the conditions of

1 the permit. Any violations of the permit or other applicable Town codes or
2 ordinances shall be referred to the Code Enforcement Officer. In addition, for any
3 protective tree removed without a permit, a fine shall be assessed in an amount
4 equal to one hundred dollars (\$100) times the diameter at breast height of the
5 removed specimen. Where trees have been removed or damaged in violation of
6 this section or permit requirements, remedial actions shall be required to restore the
7 property. A restoration plan shall be submitted to the Building Department for
8 approval by the Town and may require tree replacement at a ratio not to exceed
9 four (4) to one (1) either on site or a combination of on site and payment into the
10 Town’s landscape fund. No Certificate of Occupancy shall be issued for any
11 development until all applicable permit and restoration conditions have been met.

12 **7.14.00 GRADING AND FILLING**

13 **7.14.01 General**

- 14 A. No grading or filling of lands is allowed except in connection with a grade and fill
15 permit or development order for the improvement of said lands. “Improvement of
16 land” shall mean the development of land with buildings, structures, streets, sewers,
17 waterlines or other facilities, the erection or installation of which requires the
18 issuance of a permit by the Town. Grading and filling permits may be issued as
19 follows:
20 1. Pursuant to the subdivision and site plan regulations in connection with Final
21 Plan approval.
22 2. Through the issuance of a building permit for improvements on the property;
23 and
24 3. Upon approval of a complete application for a grade and fill permit in
25 accordance with section 7.14.02.
26 B. The burying of rubbish, logs, lumber, building materials, underbrush, trash or other
27 matter which would decompose or allow the land to thereafter settle is hereby
28 determined to be a change or modification of the grade of land for which no permit
29 shall be issued except as authorized by this Code.

30 **7.14.02 Permit Application**

- 31 A. Application for a Grading and Filling Permit shall include:
32 1. The name of the owner of the property.
33 2. The name of the person or firm which will perform the work.
34 3. A sealed survey by a licensed surveyor in the State of Florida to include existing
35 features of the property including elevations, buildings, structures, trees over
36 six inches (6”) inches in DBH, streets, utility easements, rights of way, and
37 other improvements; the precise area(s) of development activity; wetlands and
38 water bodies;
39 4. The area to be graded or filled and cubic yard calculations; and
40 5. The specific purpose for the filling or grading activity and type of equipment to
41 be used.

- 1 B. Except for single-family homes, the application shall include a statement prepared
- 2 by a licensed civil engineer or landscape architect certifying that the grade or fill is
- 3 consistent with all applicable Town codes and ordinances and will not have an
- 4 adverse impact on environmentally sensitive areas, drainage facilities or water
- 5 bodies.
- 6 C. Any trees to be removed shall be shown on a dimensional drawing. A separate tree
- 7 removal permit in accordance with the provisions of section 7.12.00 of this chapter
- 8 will also be required.
- 9 D. The application shall be accompanied by the appropriate fees as required by the
- 10 Town.

11 **7.14.03 Permit Issuance**

- 12 A. Except for single-family homes or projects to be reviewed through the subdivision
- 13 or site plan review processes, the Town Engineer shall determine if the application
- 14 as submitted is in compliance with all laws of the Town, County, State and Federal
- 15 government, and whether the proposed clearing, grading, and/or filling will cause
- 16 adverse impacts to the environment. The Town Engineer shall make this
- 17 determination in writing; shall state the basis for the determination; and may
- 18 recommend other practical alternatives which would allow the permit to be issued.
- 19 The Town Engineer may issue approval subject to conditions to mitigate adverse
- 20 impacts to the environment. The applicant will be responsible for all tree removal,
- 21 preservation and mitigation requirements contained within this chapter and shall
- 22 include the appropriate plans and details as part of the application. In situations
- 23 where large tracts of land will be cleared, the Town shall require additional
- 24 plantings of trees to ensure adequate buffering and screening from adjacent public
- 25 rights-of-way.
- 26 B. Except where health, safety or public welfare is jeopardized, no grade and fill
- 27 permits shall be issued in conjunction with the grading and filling of an
- 28 undeveloped parcel that will require the removal or damage of trees or native
- 29 vegetation, unless the permit is in connection with a building permit for the
- 30 improvement of said lands.
- 31 C. For the construction of a single-family home, the Building Official shall review the
- 32 permit application based on the criteria listed in this section.
- 33 D. Approved grade and fill permits shall be issued by the Building Official.

34 **7.14.04 Grading and Filling Standards**

- 35 A. Any grade or fill activity shall be consistent with the following standards:
- 36 1. All development activity shall conform with the requirements of this Code and
- 37 any special conditions of the permit.
- 38 2. No authorization for a change, modification or lowering of grade shall be issued
- 39 when it is determined the same will result in a hole or depression or other
- 40 adverse effect, which will create a hazard.
- 41 3. No person shall change, modify, or lower any grade to any greater degree than
- 42 is allowed by the authorization or permit granted for the same.

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- 4. Any authorized bulldozing or fill of lands which loosens sand or topsoil and permits it to blow upon the lands and premises of others is hereby declared to be a nuisance. Such lands shall therefore, within thirty (30) days after completion of such bulldozing work, be seeded or planted in order to minimize the tendency of the sand or topsoil to blow.
- B. No less than twenty-four (24) hours prior to beginning the operation, the permittee shall notify the Town Engineer of the precise time at which the work will begin.
- C. The Town Engineer shall be present at the time such operation begins and shall monitor the activity as deemed appropriate.

CHAPTER 8

Development Standards

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1 **8.00.00 GENERAL**

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

7 **8.01.00 PROJECT DESIGN**

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

12
13 All development shall be in accordance with the Town of Howey in the Hills
14 construction specifications. If any discrepancy is discovered between this LDC and the
15 construction specifications, or any other Town policy, the most stringent and restrictive
16 specification, condition, and/or directive shall apply at the discretion of the Town. All
17 development must also comply with the applicable requirements established in the
18 Americans with Disabilities Act (ADA), the Florida Building Code, and any other
19 local, State, or Federal requirement that may apply.

20
21 This chapter addresses design standards for transportation-related facilities, utility
22 systems, and environmental protection. For the purposes of this chapter, “utility
23 system” shall mean all distribution, collection, and treatment facilities and
24 appurtenances for potable water, sanitary sewer, reclaimed water, and stormwater
25 management either operated by the Town or subject to regulation by the Town.

26 **8.02.00 LOTS**

27 **8.02.01 GENERAL**

28 All lots shall comply with the requirements of the applicable zoning district (Refer to Chapter 2).
29 In addition, the following requirements shall apply to all residential lots to be platted:

- 30
31 A. Width: All lots or development shall have a minimum of thirty (30) feet of frontage at the
32 right-of-way line as measured at the chord.
33 B. Orientation: Each lot shall abut on a street which has the minimum right-of-way as set
34 forth in Table 8.03.02.
35 C. Corner Lots: Corner lots shall have a 15 percent greater width and area than that required
36 by the applicable zoning classification to accommodate setbacks from both streets, except
37 where lots have an area of one-half acre or larger.
38 D. Double Frontage Lots: Double frontage lots shall be permitted only where necessary to
39 separate a development from thoroughfares, to overcome disadvantage of topography and
40 orientation or to limit individual driveway access where necessary to preserve the
41 carrying capacity of a street. Lots fronting on a street and a service alley shall not be

1 considered double frontage lots. Where double frontage lots are created, they shall all
2 front in the same direction. The rear of the lots shall be appropriately screened from
3 abutting streets.

4 **8.03.0 ROADS**

5 ***8.03.01 General***

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

- 10 L. Roads shall be planned in conformity with the Comprehensive Plan.
- 11 M. The street layout of proposed developments shall be coordinated with the street
12 system of the surrounding area or with plans for streets in said area on file with
13 the Town.
- 14 N. *All streets shall be public, unless private streets are specifically approved by the*
15 *Town Council. All streets shall meet all design standards as outlined in this*
16 *chapter. A condominium, homeowners', or property owners' association shall be*
17 *created with all duties and powers necessary to ensure perpetual ownership and*
18 *maintenance of any private roads. If a guardhouse or gate is provided, plans and*
19 *specifications, including means of access for Town utility vehicles and emergency*
20 *vehicles, shall be submitted for the review and approval of the Town Council*
21 *through the development review process.*
- 22 O. All streets shall be constructed to the exterior property lines of the development
23 unless they are permanently terminated by cul-de-sac or an intersection with
24 another street. Streets that may be continued in a future phase of a subject
25 development or may be logically extended as part of a future development shall
26 include a temporary cul-de-sac.
- 27 P. Developments with at least 50 residential units shall provide at least two separate
28 and distinct entrances/access points.
- 29 Q. The Town shall facilitate and coordinate for the possible future development of
30 adjoining property of a similar character by providing for joint access or cross
31 access.

32 ***8.03.02 Roadway Classification and General Standards***

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

39 **Table 8.03.02 Roadway Classifications and Standards**

40

Street Type	Min. R-O-W Width	Lane Width excl. of curbs	# of Lanes	Median Width incl. curb	Grassed Utility Strip and Curb (each side)	Drainage Structures	Sidewalk and Bike Lane (each side)
Arterials	100 feet	12 feet	4	20 feet	6 feet	Curb and Gutter	6-foot sidewalk; 4-foot bike lane
Collectors	90 feet	12 feet	4	14 feet	5 feet	Curb and Gutter	5-foot sidewalk; 4-foot bike lane
Local Roads (typical residential street)	50 feet	24 feet of pavement	2	None Required	8 feet	Curb and Gutter (Swales possible for larger lot subdivisions)	5-foot sidewalk; no bike lane required-(GL)
Local Roads (with on-street parking)	50-60 feet	22 feet of pavement with 8-foot wide on-street parking on one side-both sides	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk; no bike lane required

1
2 Right-of-way and lane widths shall be in conformance with the above listed standards, except
3 when:

- 4 A. Lesser right-of-way or pavement width may be allowed by the Town where right-
5 of-way conditions are physically constrained by existing structures, specimen trees,
6 or other natural or man-made constraints.
- 7 B. A lesser standard may be considered if it is more consistent with the existing streets
8 in the area.
- 9 C. Additional right-of-way and/or pavement width may be required by the Town to
10 promote public safety and convenience or to ensure adequate access, circulation,
11 and parking.
- 12 D. Where a proposed development abuts or contains an existing street of inadequate
13 right-of-way or pavement width, additional right-of-way and pavement shall be
14 provided by the developer in conformance with these standards.

15 **8.03.03 Construction Standards**

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

- 17 D. Arterials and Collectors
- 18 1. Sub-base stabilization utilizing local materials (sand-clay) shall be twelve (12)
19 inches deep, after mixing and compaction to not less than ninety-eight (98)
20 percent of the maximum density in accordance with FDOT specifications,
21 extending one (1) foot beyond each side of the proposed paving width,
22 including curb and gutter, if any. Such sub-base stabilization six (6) inches
23 deep shall be extended an additional five (5) feet each side over the shoulder of
24 the street for the remainder of the sub-base.
- 25 2. Base course shall be placed on the previously prepared sub-base, be constructed
26 of lime rock or an alternative material approved by the Town Engineer and be
27 compacted to a depth of not less than eight (8) inches to meet the density
28 requirements of FDOT specifications, and extend six (6) inches beyond each
29 side of the proposed paving width;
30

- 1 3. Soil cement or crushed concrete may be used as a base material as an alternate
- 2 to lime rock or sand-clay at the discretion of the Town.
- 3 4. Prime coat shall be applied to the previously prepared base course utilizing cut-
- 4 back Asphalt Grade RC-70 or RC-250 in accordance with FDOT specifications.
- 5 Emulsified asphalt materials shall not be accepted.
- 6 5. Surface pavement course shall be constructed on the previously primed base
- 7 course utilizing SP 9.51 Asphaltic Concrete to provide a minimum surface
- 8 width of not less than twenty-four (24) feet and a minimum compacted depth
- 9 of one and one-half (1 ½) inches of such pavement after mixing, placement, and
- 10 compaction in accordance with FDOT specifications.
- 11 6. Surface pavement shall be constructed to full-depth in a single continuous
- 12 operation, regardless of number of lifts required. Asphalt pavement shall not
- 13 be constructed in two or more lifts separated by time.
- 14 E. Local Roads. Local street construction shall conform to the foregoing
- 15 specifications for arterial and collector streets, except that:.
- 16 1. Base course shall not be less than six (6) inches deep.
- 17 2. Alternate materials may only be used if approved by the Town Engineer.
- 18 3. All plans shall be subject to review and approval by the Town Engineer.
- 19 4. Surface pavement shall be constructed to full-depth in a single continuous
- 20 operation, regardless of number of lifts required. Asphalt pavement shall not
- 21 be constructed in two or more lifts separated by time.

22 **8.03.04 Intersections**

23 In general, the intersection of streets shall be laid out as follows:

- 24 A. Streets shall intersect at an angle of ninety (90) degrees, unless circumstances
- 25 acceptable to the Town indicate a need for a lesser angle of intersection.
- 26 B. Property lines at street intersections shall be rounded with a minimum radius of
- 27 twenty-five feet (25'). A greater radius shall be required for angles of intersection
- 28 less than ninety (90) degrees.
- 29 C. The minimum radius return of pavement edge, or back of curb, at all typical
- 30 intersections approximating a right angle shall be as follows:

31 **Table 8.03.04 Intersections**

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

- 33
- 34 D. A taper or turn lane may be required for roads with a functional classification of
- 35 collector or arterial, or a design speed of thirty-five (35) miles per hour or greater.
- 36 E. Roundabouts may also be considered, where appropriate. Standards shall be
- 37 generally as outlined in the Florida Department of Transportation's *Florida*
- 38 *Roundabout Guide*.

1 **8.03.05 Access**

2 Access shall be provided as follows:

- 3 C. Each new development that has at least 50 residential units shall have at least two
4 separate and distinct access points. If the shape or location of the property prohibits
5 this, then the single entrance to the development must incorporate a 24-foot
6 minimum pavement width for ingress and a 24-foot minimum pavement width for
7 egress. Length of this 24-foot section must be adequate for projected traffic.
- 8 D. In order to provide ease and convenience in ingress and egress to private property
9 and the maximum safety with the least interference to the traffic flow on collectors
10 and arterials, the number and location of driveways and other entrances shall be
11 subject to approval as part of the plan review process. With non-residential
12 development, joint access and cross access shall be promoted by the Town
13 whenever possible.
- 14 E. Tapers, deceleration lanes, acceleration lanes, left turn lanes, bypass lanes, or other
15 facilities shall be provided as requested by the Town Engineer or other agencies
16 (Lake County or FDOT) to protect the safe and efficient operation of all roadways.
- 17 F. Roads connecting interior development to a collector or arterial street, if not already
18 paved, shall be improved by the developer to the standards of this chapter.
- 19 G. Vehicular circulation for all uses, except for properties in the Town Center Overlay,
20 shall typically be contained within the property, and vehicles located within one
21 portion of the development shall have access to all other portions without using the
22 adjacent street system, unless there are planned street connections to adjacent
23 properties.
- 24 H. Plans must illustrate that proper consideration has been given to the surrounding
25 street system, also taking into consideration traffic volumes, proposed street
26 improvements, traffic capacities, pedestrian movements, and safety.

27 **8.03.06 Cul-De-Sacs**

28 Permanent dead-end streets shall not exceed six hundred sixty feet (660') in length. Each cul-de-
29 sac shall have a minimum pavement radius of 40 feet and a minimum cul-de-sac right of way
30 radius of 60 feet. Cul-de-sacs shall be discouraged where street connections are possible.

31 **8.03.07 Islands and Medians**

- 32 C. Landscaped islands and medians shall be encouraged within the public rights-of-
33 way.
- 34 D. Residential streets with straight expanses of pavement may have landscaped islands
35 every 600 feet. Those landscaped islands shall have a minimum median width
36 (back of curb to back of curb) of eight feet (8') and a minimum median length of
37 forty (40) feet. Right-of-way lines shall be adjusted accordingly.
- 38 E. Cul-de-sacs landscaped with center islands shall have a minimum diameter of
39 fifteen feet (15').
- 40 F. All landscaped islands and medians within new developments shall be maintained
41 by the homeowners' or property owners' association. Language outlining these

- 1 specific areas shall be included in the homeowners’ or property owners’ association
- 2 documents.
- 3 G. Landscaped islands and medians may not be counted as open space.
- 4 H. All islands and medians shall be surrounded by a curb and improved with ground
- 5 cover and other landscaping that does not, and will not at plant maturity, interfere
- 6 with sight distance.
- 7 I. All islands and medians shall be landscaped and irrigated. Landscape and irrigation
- 8 plans shall be submitted as part of the Final Plan process.

9 **8.03.08 Street Signs**

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

- 14 G. At least two (2) street name signs shall be placed at each four-way street
- 15 intersection and one (1) at each “T” intersection.
- 16 H. Signs shall be installed free of visual obstruction.
- 17 I. Street name signs for Town streets shall have white letters on a blue background
- 18 and include the Town logo. Street name signs for private streets shall have white
- 19 letters on a black background. Colors other than black are subject to Town Council
- 20 approval.
- 21 J. The surface of all signs shall have reflective material, 3M grade or better.
- 22 K. Street names shall be chosen by the developer, submitted to the Town as part of the
- 23 Final Plan process, and sent to Lake County by the Town Clerk for formal approval.
- 24 In proposing street names, the developer should recognize the following:
- 25 1. Street names should be relatively easy to spell and pronounce,
- 26 2. The street name shall not be a duplicate or near duplicate of another street
- 27 located in the County,
- 28 3. That the continuation of an existing street shall bear the name of the existing
- 29 street, provided, however, that the Town Council may waive this requirement
- 30 where the continuation of a street crosses a collector or arterial and the areas on
- 31 both sides of the collector or arterial are intended to be developed as interior
- 32 subdivisions.
- 33 4. Any street names that Town staff believes are questionable or objectionable
- 34 shall be first approved by the Town Council prior to forwarding the names to
- 35 Lake County for final approval.

36 **8.03.09 Bicycle and Pedestrian Ways**

37 Bicycle and pedestrian ways include sidewalks, bikeways, bike lanes, pedestrian paths, and multi-
38 use trails that may be used by pedestrians, bicyclists, skaters, and golf carts for recreation. Except
39 as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way
40 line where necessary to preserve topographical or natural features or to provide visual interest,
41 provided a grassed or landscaped area at least three feet wide is retained to separate the pathway

1 from the adjacent road. Bicycle and pedestrian ways construction and material standards shall
2 comply with those set forth in the Town’s standard construction detail sheets.

3 A. Bikeways and Bike Lanes

- 4 1. Bike lanes shall be provided in both directions along every new arterial and
5 collector road or during the widening of any existing arterial and collector
6 roads.
- 7 2. A bike lane shall consist of a four (4) foot paved width between the outermost
8 traffic lane and the curb. Where on-street parking is permitted, the bicycle lane
9 shall be located between the parking lane and the outer edge of the vehicular
10 traffic lane.
- 11 3. Bike lanes shall be constructed of the same materials and specifications as the
12 vehicular travel lanes.
- 13 4. For roads under the Town’s discretion, the Town Council may approve an eight
14 (8) foot sidewalk/bikeway as a substitute for the on-street bike lane.

15 B. Bike Racks. Bike racks shall be required as part of all non-residential
16 developments. The type of bike rack and number shall be determined as part of the
17 site plan or subdivision plan review process.

18 C. Sidewalks

- 19
- 20 ~~1. Sidewalks shall be provided on both sides of streets. At its discretion Town~~
21 ~~Council may waive this requirement may be waived for large lot single family~~
22 ~~developments.~~
- 23 2. Sidewalks shall be separated from the adjacent roadway by a ~~grassed or~~ four-
24 foot-wide landscaped strip. Exceptions to this regulation may be allowed by
25 the Town Council in certain areas in the Town Center where wider sidewalks
26 are required.
- 27 3. Minimum sidewalk widths shall be as specified in Table 8.03.02.
- 28 4. All sidewalk design and construction shall meet the requirements of the Florida
29 Accessibility Code and the American Disability Act.
- 30 5. Development shall provide pedestrian connections to adjacent properties and
31 shall connect on-site sidewalks with those already located or approved on
32 adjacent property.
- 33 6. Where residential development is proposed for infill parcels in areas where no
34 sidewalk network exists, sidewalks shall not be required.
- 35 7. Where appropriate, root barriers shall be part of sidewalk construction.

36 **8.03.10 Traffic Impact Analysis**

37
38 A Traffic Impact Analysis (TIA) following the guidelines established by the Lake-Sumter
39 Metropolitan Planning Organization (LSMPO) shall be provided at the first submission of a
40 preliminary site plan, preliminary subdivision plan, rezoning to planned unit development, and
41 comprehensive plan amendment where traffic impacts are anticipated. When multiple actions are
42 proposed concurrently for a single development, one traffic study can serve for each application.

1 **8.04.0 PARKING**

2 **8.04.01 General**

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

7 **8.04.02 Dimension Requirements**

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

15 **8.04.03 General Design Requirements**

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

26 **8.04.04 Parking Lot Surfaces**

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

39
40 At the option of the developer and the approval of the Town:

- 1 A. Up to 25% of the required parking spaces for any site may be met with a pervious
2 concrete paver or other suitable material to provide a surface that is stable and will
3 help to reduce dust, potholes, and erosion.
- 4 B. Up to 25% of the parking required for places of worship may be provided on grass.
5 Grassed parking areas shall be required to meet all stormwater, setback and other
6 applicable provisions of this Code as though the area was being paved. No grassed
7 parking shall be established within any required open space or landscaped area, and
8 no such area shall be credited toward required buffers and open space.

9 **8.04.05 Stacking Area for Various Drive-Through Facilities**

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

14
15 Each drive-through restaurant shall accommodate 6 vehicles (10'X22') per service
16 lane, with a minimum of 3 of those being behind the order station. All other drive-
17 through facilities shall accommodate a minimum of 3 vehicles per service lane.

18 **8.04.06 Loading Areas**

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

25
26 Loading and unloading areas shall be located so that the vehicles intended to use them
27 can maneuver safely to and from a public right-of-way, and complete the loading and
28 unloading operations without obstructing or interfering with any public right-of-way or
29 any parking space or parking lot aisle.

30
31 No area allocated to loading and unloading facilities may be used to satisfy the area
32 requirements for off-street parking, nor shall any portion of any off-street parking area
33 be used to satisfy the requirements for loading and unloading facilities.

34 **8.04.07 Parking Spaces Required**

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

39 **Table 8.04.07 Parking Requirements**

Use	Minimum Parking Spaces (Except Town Center)
ACLF	3 spaces for every 5 beds
Animal Services	1 space per 200 square feet of Gross Floor Area
Automobile Sales and Service	1 space per 250 square feet of Gross Floor Area
Automobile Repair/ Service Station	3 spaces per service bay and 1 space per employee
Bank	1 space per 300 square feet of Gross Floor Area
Bar or Nightclub	1 space per 75 square feet of Gross Leasable Area.
Barber or Beauty Salon	1 space per 200 square feet of Gross Leasable Area
Bed and Breakfast Inn	1 space for each guest unit
Bowling Alley	5 spaces per lane
Business Office	1 space per 200 square feet of Gross Floor Area
Churches/Places of Worship	1 space for each 4 seats, plus 1 space/residential unit, plus 1 space/200 sq. ft. of floor area not used for services or residential purposes
Convenience Stores with gasoline sales	2 spaces for every 4 pumps plus one space per employee
Convenience Stores without gasoline sales	1 space per 150 square feet of Gross Floor Area
Day Care Center	5 spaces for transient use plus one per employee
Family care; Groups Care; Institutional Care	1 space per 4 beds plus one per employee
Funeral Home	1 space per 100 square feet of Gross Floor Area
Furniture Store	1 space per 500 square feet of Gross Floor Area
Use	Minimum Parking Spaces (Except Town Center)
Golf Course	6 spaces per hole; reference other categories for other uses (i.e., restaurant, meeting space)
Hospital	1 space for each bed plus 1 per employee
Hotel/Motel	1 space for each room plus 1 space/employee. If the hotel has a restaurant, 1 space/100 sq.ft. of Gross Floor Area for the restaurant. If the hotel has meeting space, 1 space/100 sq.ft. of Gross Floor area for that space.
Library/Club	1 space per 300 square feet of Gross Floor Area
Medical Clinic	1 space per 200 square feet of Gross Floor Area
Nursing Home	1 space per 4 beds plus 1 space per employee
Office or Office Park	1 space per 300 square feet of Gross Floor Area
Personal Services not identified elsewhere	1 space per 250 square feet of Gross Floor Area
Personal Storage Facility/Mini Warehouse	1 space/10 units (min. 6 spaces), equally distributed. If manager housed on-site, add two spaces.
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

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Table 8.04.07 above, the number of accessible spaces must comply with the minimum requirements of the Florida Building Code.

The Town Council recognizes that the Table of Parking Requirements set forth above cannot and does not cover every possible situation that may arise. In cases not specifically mentioned in the above table, the Town will determine the parking requirements using this table, and whatever additional information it deems reasonable.

1 **8.05.0 UTILITIES**

2 **8.05.01.1 Utility Ownership and Easement Rights**

3 In any case in which a developer installs or causes the installation of potable water,
4 landscape irrigation facilities, wastewater, electrical power, traffic signals, street
5 lighting, telephone, or cable facilities, and intends that such facilities shall be owned,
6 operated, or maintained by a public utility or any entity other than the developer, the
7 developer shall transfer to such utility or entity the necessary ownership or easement
8 rights to enable the utility or entity to operate and maintain such facilities.

9 **8.05.01.2 Potable Water System**

- 10 A. Potable water system construction and material standards shall comply with those
11 set forth in the Town’s potable water utility specifications. Every principal use in
12 the Town and every lot in a subdivision shall be served by the Town’s potable water
13 supply system, unless granted a specific waiver to these regulations.
- 14 B. All applicable potable water system improvements required for new development
15 shall be donated to the Town of Howey in the Hills.
- 16 C. Trunk lines shall have a minimum diameter of twelve inches (12”) and shall be
17 located within an arterial street right-of-way or within a corridor approved by the
18 Town and adequate for that purpose and conducive to the development of a Town-
19 wide water supply system.
- 20 D. Distribution lines within residential subdivisions shall have a minimum diameter of
21 six (6) inches. Distribution lines within multi-family developments and non-
22 residential developments shall have a minimum diameter of eight (8) inches.
- 23 E. To the maximum extent feasible, distribution lines shall be located parallel to and
24 behind the back of curb or edge of pavement. The water main shall be located to
25 minimize conflicts with other utilities and existing or proposed structures. As a
26 standard practice, water mains shall be installed four feet (4’) off the back of curb
27 or as approved by the Town. A minimum of five feet (5’) shall be maintained
28 between underground power, gas mains, and the water mains.
- 29 F. System looping is required wherever practicable to increase overall capacity and
30 service.
- 31 G. Every development shall include a system of fire hydrants sufficient to provide
32 adequate fire protection for the buildings located or intended to be located within
33 such development.
- 34 H. The Town Engineer shall determine the precise location of all fire hydrants subject
35 to the other provisions of this section. In general, fire hydrants shall be placed six
36 feet behind the curb line of publicly dedicated streets that have curb and gutter and
37 at property lines of non-curbed public dedicated streets.
- 38 I. The Town Engineer shall determine the design standards of all hydrants based on
39 fire flow needs. Unless otherwise specified by the Town Engineer, all hydrants
40 shall be two (2) two and one half (2 ½) inch hose connections and one (1) four and
41 one half (4 ½) inch hose connection. The two and one half (2 ½) inch hose
42 connections shall be located at least twenty-one and one half (21 ½) inches from
43 the ground level. All hydrant threads shall be national standard threads. The

1 minimum fire flow must be 500 gallons per minute with no less than 20 pounds per
2 square inch (psi) residual pressure in single family residential areas and 1,250
3 gallons per minute with no less than 20 psi residual pressure for other development.
4 The Town may require greater flow rates depending on the size of the building
5 and/or its property use.

- 6 J. Potable water lines that serve hydrants shall be at least 8-inch lines, or a 6-inch loop
7 that provides the minimum flow requirements, and, unless no other practicable
8 alternative is available, no such lines shall be dead end lines.
- 9 K. Final development orders shall not be issued without certification that adequate
10 potable water service is available.
- 11 L. It is the responsibility of all potable water customers to maintain a three-foot area
12 clear of any fences, structures or landscaping other than sod or mulch around meter
13 boxes to allow for access by Town employees for reading, maintenance, and
14 disconnection of service. The meter box may not be buried or obstructed from
15 view. The Town shall not be responsible for any damage to plants, fences or other
16 impediments that are removed in the course of Town work.

17 **8.05.01.3 Sanitary Sewer System**

- 18 A. A sanitary sewer collection system shall be designed, permitted and constructed by
19 the developer, in such a manner as to provide the ability for each lot or parcel to be
20 connected to the collection system, whether concurrent with development of the
21 subdivision or at a future date, such design, permitting and construction to be
22 performed at the sole cost and expense of the developer. The sanitary sewer
23 collection system shall include all necessary gravity sewer lines, manholes, lateral
24 lines, lift stations, force mains, and all other normally associated components of
25 any of these facilities, all in accordance with the Town's wastewater utility
26 specifications and all requirements of State and Federal regulatory agencies having
27 jurisdiction over such matters. In the event that the Town does not have available
28 an operational sanitary sewer treatment facility at the time of submittal of the
29 Florida Department of Environmental Protection (FDEP) sanitary sewer system
30 extension permit application, the application shall be submitted to FDEP as a "dry-
31 line" application and all of the above mentioned shall apply.
- 32 B. Every principal use in the Town and every lot within a subdivision shall be served
33 by a wastewater treatment and disposal system that is adequate to accommodate the
34 reasonable needs of such use or subdivision lot and that complies with all applicable
35 Town plans and health regulations. Service requirements and construction
36 standards shall comply with the Town of Howey in the Hills regulations and
37 specifications and the Lake County Health Department regulations.
- 38 C. New development shall fund the cost of required capacity expansions, and/or
39 extension of central wastewater lines. All new development shall design, permit,
40 and install dry sewer lines in accordance with an approved development order if
41 wastewater service is not currently available and the order approving authority
42 approves a temporary treatment option. New development will be required to

1 provide Bills of Sale to the Town for all applicable new wastewater collection,
2 pumping, transmission, treatment, and disposal facilities.

3 D. A central wastewater system shall be provided for all new development. The
4 development of new wastewater facilities and mains, and the expansion of existing
5 wastewater systems, shall be designed by the project engineer in accordance with
6 all applicable State and local regulations. The Town Engineer shall review and
7 approve all Town of Howey in the Hills wastewater systems.

8 E. Individual wastewater disposal systems, if allowed by the Town, are subject to the
9 approval of the Lake County Health Department and other regulatory agencies.
10 Individual wastewater systems which serve only one lot may be permitted when the
11 requirements for a central wastewater system are waived.

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

20 G. Ownership of all wastewater collection and transmission facilities, to include lift
21 stations, force mains, gravity sewer mains, laterals and lines, manholes, pumps,
22 backup generators, supervisory control and data acquisition systems, and all other
23 normally associated components of a wastewater system, must be donated,
24 dedicated, or otherwise conveyed to the Town for operation, maintenance, and
25 control. Package and other treatment plants constructed within the Town's area
26 under its Interlocal Service Boundary Agreement with Lake County must also be
27 donated, dedicated, or otherwise conveyed to the Town for operation, maintenance,
28 and control. If legally required or otherwise approved by Town Council, the
29 developer will be granted credits against the Town's wastewater impact fees
30 (however denominated) for the conveyed facilities. (DM)

31 H. Each new residential subdivision and each new dwelling unit must connect both to
32 the Town's wastewater collection and transmission facilities and to the Town's
33 reclaimed-water system for irrigation where the new subdivision or dwelling unit
34 lies within 300 linear feet of a wastewater force or gravity main and/or a reclaimed-
35 water transmission line.

36
37 **8.05.01.4 Reclaimed Water Systems**

- 38 A. New development may be required to install and donate to the Town a reclaimed
39 water system, including distribution mains and services for irrigation in accordance
40 with the Town's specifications.
41 B. If a reclaimed water system is required, new development shall extend distribution
42 lines along the entire property frontage, to accommodate service to adjacent
43 properties.

- 1 C. If an existing reclaimed water system is within 1,000 feet of a new development,
2 the development will be required to connect to the existing reclaimed water system.
- 3 D. System looping is required wherever practicable to increase overall capacity and
4 service.
- 5 E. New development shall use non-potable water sources for irrigation, if possible,
6 until reclaimed service is available. The use of potable water for irrigation is
7 permitted if no other source is available.
- 8 F. It is the responsibility of all reclaimed water customers to maintain a three-foot area
9 clear of any fences, structures or landscaping other than sod or mulch around meter
10 boxes to allow for access by Town employees for reading, maintenance, and
11 disconnection of service. The meter box may not be buried or obstructed from
12 view. The Town shall not be responsible for any damage to plants, fences or other
13 impediments that are removed in the course of Town work.
14

15 **8.05.01.5 Stormwater Management**

- 16 A. General requirements for stormwater management
 - 17 1. Protection of water resources is critical to the public health, safety, and welfare.
18 Innovative approaches to stormwater management shall be encouraged and the
19 concurrent control of erosion, sedimentation, and flooding are essential and
20 mandatory.
 - 21 2. No drainage system, natural or manmade, shall be altered, designed,
22 constructed, abandoned, restricted or removed without prior approval of the
23 Town and all appropriate State and Federal agencies.
 - 24 3. No site alteration shall adversely affect the existing surface water flow pattern,
25 impact drainage of any other landowner, cause siltation of wetlands, pollution
26 of downstream wetlands, or reduce the natural retention or filtering capabilities
27 of wetlands.
 - 28 4. Stormwater management applies to all project categories articulated in the land
29 development code.
 - 30 5. No person may subdivide or make any changes in the use of land or construct
31 or reconstruct a structure or change the size of a structure or introduce illicit
32 discharges to the Town's stormwater management system nor shall construction
33 commence for any development until the drainage design for such project has
34 been approved by the Town and appropriate State and Federal agencies. The
35 drainage design plans and calculations for the development shall be prepared,
36 signed and sealed by a Florida registered professional engineer. The design
37 shall equal or exceed design standards set forth hereinafter and shall also meet
38 or exceed the design criteria, policies and procedures established by the St.
39 Johns Water Management District, the Florida Department of Environmental
40 Protection, the Florida Department of Transportation and any other local, State
41 or Federal agency with appropriate jurisdiction.
 - 42 6. Approval by the Town of the stormwater management plan for any
43 development shall be contingent on receipt of written proof of approval of any

1 required stormwater management permit from the St. Johns River Water
2 Management District and any other applicable permitting agency. However,
3 receipt by the Town of such written proof of approval will not result in
4 automatic approval of the stormwater management plan by the Town.

5 B. Control of dust, dirt, erosion and construction site runoff

- 6 1. The property owner or his agent shall acquire the necessary permits, if
7 applicable, from the Florida Department of Environmental Protection (FDEP),
8 the St. Johns River Water Management District (SJRWMD), the U.S. Army
9 Corps of Engineers (ACOE), and the Florida Department of Natural Resources
10 (FDNR).
11 2. The property owner or his agent must implement and operate all erosion and
12 sediment control measures required to retain sediment on-site and to prevent
13 violations of applicable water quality standards. If construction is scheduled to
14 occur within open water areas, turbidity curtains must be correctly placed to
15 control sedimentation and turbidity within the water body.
16 3. Erosion and sediment control best management practices shall be used during
17 construction to retain sediment on site. Land which has been cleared for
18 development and upon which construction will not begin within 30 days shall
19 be protected from erosion and sedimentation by adequate methods acceptable
20 to the Town. Wetlands and other water bodies shall not be used as sediment
21 traps during or after development.
22 4. As a general requirement, all areas under development shall have temporary
23 erosion and sediment control devices in place at all times during the
24 construction phase. Said devices shall provide the necessary treatment of runoff
25 such that Federal and State surface water quality standards are not violated at
26 any time. These devices shall be removed at the end of the project only after
27 approval by the Town Engineer.
28 5. Any construction project, regardless of location, shall be required to control
29 construction site runoff to meet Federal and State surface water quality
30 standards. Nothing herein shall prevent or preclude any State or Federal water
31 quality enforcement agency from imposing penalties for violations of State or
32 Federal law.
33 6. Any unauthorized or illicit discharges will be subject to enforcement pursuant
34 to Town Code and as otherwise provided by law.
35 7. All projects shall have an approved erosion control plan on file with the Town.
36 This plan shall be prepared by the appropriate design professional for the
37 project or, as an alternative, by the licensed contractor whose name the building
38 permit is under. As with all other site improvement or building permit
39 documents, an approved copy of this plan shall be maintained at the jobsite for
40 the duration of the project.
41 8. No work on the site shall commence prior to approval of the erosion control
42 plan by the Town.
43 9. The erosion control plan shall include the placement and use of silt fences,
44 swales, retention areas, hay bales, temporary grassing, turbidity barriers or other
45 such devices as needed to prevent the transport of sediment from the site and

1 into storm drains and waterbodies. Fill or runoff will not be allowed to encroach
2 onto adjacent properties without the necessary easements.

- 3 10. The owner and contractor shall be responsible for adhering to these
4 requirements and shall also be responsible for correcting any damage caused by
5 the lack or improper use thereof. This shall include cleaning of storm inlets and
6 pipes that become blocked, partially or fully, by debris, trash or sediment from
7 a construction site.

8 C. Design Criteria

- 9 1. All development projects, unless specifically exempted, must provide for
10 retention and/or detention of stormwater runoff.
11 2. The post-development peak rate of discharge must not exceed the pre-
12 development peak rate of discharge for the 25-year, 24-hour storm.
13 3. Pollution abatement volume shall be in accordance with St. Johns River Water
14 Management District criteria.
15 4. Approval of Final Plans for any development shall not be granted until the
16 Town is in receipt of a copy of the St. Johns River Water Management District
17 permit.
18 5. Projects shall be designed so that stormwater discharges meet, at a minimum,
19 the water quality criteria set forth by the St. Johns River Water Management
20 District in order to achieve the State water quality standards.
21 6. The stormwater management system shall not create an adverse impact to
22 upstream or downstream areas. Off-site areas which discharge to or across a site
23 proposed for development shall be accommodated in the stormwater
24 management plans for the development. No stormwater management permit
25 application shall be approved until the applicant demonstrates that the runoff
26 from the project shall not overload or otherwise adversely impact any
27 downstream areas.
28 7. The stormwater management system shall not cause adverse environmental
29 impacts to wetlands, fish, wildlife, or other natural resources.
30 8. The minimum twenty-four-hour level of service standards for design storms by
31 facility type shall be as follows:
32 a. Principal arterial bridges: 100 yr, 24 hr
33 b. Other bridges: 50 yr, 24 hr
34 c. Cross drains: 25 yr, 24 hr
35 d. Storm sewers: 10 yr, 24 hr
36 e. Detention/retention structures: 25 yr, 24 hr
37 f. Ditches, swales or culverts for stormwater external to developments: 25 yr,
38 24 hr
39 g. Ditches, swales, or culverts for stormwater internal to developments: 10 yr,
40 24 hr
41 9. The design storm frequency to be used for the design of pavement drainage
42 shall be as follows:
43 a. Arterial streets: Ten-year, hydraulic gradient line, 1.0 feet below gutter line.
44 b. Collector and local streets: Ten-year, hydraulic gradient line, 0.5 feet below
45 gutter line.

- 1 10. Design criteria for pollution abatement using retention or detention with
2 filtration.
- 3 a. The bottom of a required retention or detention-with-filtration pond shall be
4 a minimum of three feet above the estimated seasonal high water table.
5 Where this is not possible due to a high water table, underdrains will be
6 installed with a minimum invert elevation of one foot below the pond
7 bottom, along the entire perimeter of the pond unless a geotechnical
8 engineer can show to the satisfaction of the Town Engineer that a lesser
9 amount of underdrain can adequately control the high water table.
- 10 b. Final design seepage rates will be determined by a geotechnical engineer.
11 All necessary calculations to support the above shall be submitted to, and
12 are subject to, the approval of the Town Engineer.
- 13 D. Design criteria of detention facilities to reduce peak rate of flow
- 14 1. The detention pond will be sized to limit the peak rate of discharge from the
15 developed site to that discharge generated prior to development. Supporting
16 calculations shall be submitted and will contain, as a minimum, runoff
17 hydrographs for the pre-developed site and the post-developed site, and a
18 discharge hydrograph after routing through the proposed detention facility.
- 19 2. All routing calculations to be submitted must consider the tailwater of the
20 receiving facility. If the receiving facility is an existing storm sewer, the
21 hydraulic gradient line elevation (HGL) of this receiving facility can be
22 assumed at one-half foot below its gutter in elevation unless a detailed study of
23 the existing system indicates otherwise.
- 24 3. Credit for seepage to further reduce the peak rate of discharge will not be
25 allowed unless accompanied by supporting documentation prepared by a
26 geotechnical engineer. All detention ponds shall be dry within 72 hours
27 following the storm event.
- 28 E. Design criteria where a positive outfall is not available
- 29 1. When a positive outfall is not available for stormwater discharge the on-site
30 pond shall be designed to retain the 100-year storm event. The pond shall be
31 designed to evacuate a daily volume equivalent to one inch of runoff from the
32 total area contributing to the pond. The pond shall be dry within 11 days
33 following the storm event. If geotechnical data certified by a geotechnical
34 engineer is submitted showing that an 11-day drawdown is impossible to
35 achieve, a specific Town Council waiver of this requirement will be required.
- 36 2. When the project discharges to landlocked lakes that have no positive outfall
37 which are adjacent to properties of one ownership, on-site detention ponds shall
38 be designed to accommodate the pollution abatement volume as required by the
39 St. Johns River Water Management District from the developed site prior to
40 discharge. The design engineer shall demonstrate to the satisfaction of the Town
41 Engineer the magnitude and nature of any impact of runoff from the developed
42 site upon the landlocked lake(s).
- 43 3. When the project discharges to landlocked lakes that have no positive outfall,
44 which are adjacent to properties of more than one ownership, on-site detention
45 ponds shall be designed to accommodate the 25-year, 96-hour storm. Post-

1 development runoff rate and runoff volume shall not exceed pre-development
2 runoff rate and volume. The design engineer shall demonstrate to the
3 satisfaction of the Town Engineer the magnitude and nature of any impact of
4 runoff from the developed site upon the landlocked lake(s).

5 F. Soil reports

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

11 G. Stormwater discharges

- 12 1. Storm drainage into natural water bodies shall be avoided except to convey
13 runoff from an event exceeding the design storm, or as permitted by the St.
14 Johns River Water Management District. Outfalls shall be designed to prevent
15 bottom scour. Acceptable methods include use of an energy dissipator, or in the
16 case of a lake, extending the outfall to discharge at a depth of ten feet or half
17 the maximum depth of the lake, whichever is less.
- 18 2. Should the proposed development area contain an existing natural watercourse,
19 drainage way, channel, etc., such natural watercourse and the vegetation
20 inherent therewith shall be maintained and the proposed development designed
21 so as to preserve same. However, the use of such natural watercourse to carry
22 runoff from any development may be permitted if provision for control of
23 sediment in the excess runoff is made prior to entrance of the runoff to the
24 natural watercourse.

25 H. Storm sewer design

- 26 1. Design discharges.
- 27 a. Storm sewer system design is to be based upon a ten-year-frequency event.
28 The system shall be designed to handle the flows from the contributory area
29 within the proposed subdivision. Then, the system shall be analyzed a
30 second time to ensure that any off-site flows can also be accommodated.
31 This second analysis shall consider the relative timing of the on-site and the
32 off-site flows in determining the adequacy of the designed system.
- 33 2. Minimum pipe diameter.
- 34 a. The minimum diameter of pipe to be used in storm sewer systems is 15
35 inches. Designs shall be based upon six-inch increments in sizes above 18
36 inches.
- 37 3. Stormwater pipe material.
- 38 a. Pipe of the following types, meeting the specified AASHTO and ASTM
39 requirements are accepted by the Town for use in stormwater conveyance
40 systems.
- 41 b. Steel Reinforced Concrete – ASTM C76, ASTM C443
- 42 c. High Density Polyethylene – AASHTO M294, ASTM D3350, ASTM
43 F477STM
- 44 d. Non-Asbestos Fiber-Cement – ASTM C1450, ASTM C443
- 45 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.
 - 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.

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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

- 1 manholes. The tailwater of the receiving water body shall be taken into
- 2 consideration.
- 3 9. Stormwater conveyance.
- 4 a. Sites shall be developed to maximize the amount of overland runoff that is
- 5 percolated into the soil and to minimize direct runoff into adjoining streets
- 6 and water courses.
- 7 b. Stormwater runoff from roofs and other impervious surfaces shall be
- 8 diverted into swales or similarly controlled. Storm sewers shall be designed
- 9 to convey the runoff generated during a 10-year storm event.
- 10 10. Unstabilized earthen open channels and outfall ditches are not permitted.
- 11 a. Whenever land within 200 feet of the mean high water line (as established
- 12 by the USGS) of a lake is developed, terraces sloping away from the lake,
- 13 a tree line, or alternatives approved by the Town Engineer shall be provided
- 14 to minimize stormwater runoff into the lake and to maximize groundwater
- 15 recharge.
- 16 I. Treatment of stormwater runoff
- 17 1. Stormwater management systems shall include best management practices used
- 18 in the industry to minimize pollution and remove oil, suspended solids, and
- 19 other objectionable material in stormwater runoff within acceptable limits.
- 20 2. Treatment facilities shall be designed by a Florida registered engineer to the
- 21 stricter applicable design and performance criteria established by this Code or
- 22 the St. Johns River Water Management District. Additionally, the Florida
- 23 Department of Environmental Protection Manual, and the Florida Development
- 24 Manual, A Guide to Sound Land and Water Management, including the
- 25 requirements of Chapter 6 thereof, shall be used as best management practices.
- 26 3. All percolation areas shall be grassed or planted with suitable vegetation to
- 27 absorb excess nutrients.
- 28 4. Diversion structures are preferred for positive outfall systems. Other innovative
- 29 designs features or materials may be appropriately incorporated into the design
- 30 of primary and secondary systems with supporting documentation and the
- 31 approval of the Town Engineer.
- 32 5. All stormwater management systems shall be of low maintenance design. It is
- 33 the property owner's responsibility to maintain all primary and secondary
- 34 drainage facilities on site.
- 35 a. Stormwater ponds:
- 36 1. All stormwater retention/detention ponds shall be fenced unless they
- 37 can meet one of the following conditions:

38 **Table 8.04.05 (I) (5) (a) (1) Maximum Pond Side Slopes Without Fencing**

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Maximum Side Slopes	Maximum Excavation Depth
2H : 1V	2'
3H : 1V	3'
5H : 1V	5'

6H : 1V	6' or greater
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- 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.

- 1 e. Filtering media shall conform to the appropriate Florida Department of
- 2 Transportation standard and consist of stone, gravel, or slag and shall
- 3 contain no friable materials.
- 4 f. Underdrain pipe shall be HDPE perforated pipe fully encased in a tubular
- 5 filter fabric “sock”, with both the pipe and the filter fabric “sock” meeting
- 6 applicable AASHTO and ASTM standards for pipe intended for subsurface
- 7 drainage applications.
- 8 J. Development within special flood hazard area (100-year flood)
- 9 1. All development within areas of special flood hazard as delineated on the
- 10 official flood insurance rate maps (FIRM) shall comply with the following
- 11 requirements:
- 12 a. Establish, to the satisfaction of the Town Engineer, the elevation of the 100-
- 13 year flood.
- 14 b. Finished floor slab elevations of all habitable structures shall be constructed
- 15 at an elevation no less than 20 inches above the 100-year storm elevation,
- 16 unless approved by the building division; in no instance, however, may the
- 17 finished floor slab elevation be less than one foot above the 100-year storm
- 18 elevation.
- 19 c. Development shall not result in an increase in the 100-year flood elevation.
- 20 No fill shall be allowed to be placed in the 100-year floodplain without an
- 21 equivalent volume of soil removed to compensate for the loss of flood
- 22 storage. Compensating storage is to be determined by the volume of
- 23 material removed above the ordinary high water table and below the 100-
- 24 year flood elevation established for that area. Fill placed in the 100-year
- 25 floodplain shall not reduce the flow rate.
- 26 d. Any proposed alteration of floodways or floodplains must be approved by
- 27 all agencies which have jurisdiction over such activities.
- 28 K. Stormwater quality
- 29 1. Every use shall be so operated as to prevent the discharge into any storm sewer,
- 30 stream, canal, lake, waterbody or the ground of any sewage, waste or
- 31 unapproved substance which will be considered dangerous or discomfoting to
- 32 persons or animals or which will damage plants or crops beyond the lot line of
- 33 the property on which the use is located.
- 34 2. Allowed discharges: The following is a list of substances allowed to discharge
- 35 into the Town's storm sewer system provided they are not identified as a source
- 36 of pollutants to any receiving waterbody:
- 37 a. Water line flushing.
- 38 b. Rising ground waters.
- 39 c. Uncontaminated pumped ground water.
- 40 d. Discharges from potable water sources.
- 41 e. Air conditioning condensate.
- 42 f. Irrigation water.
- 43 g. Water from crawl space pumps.
- 44 h. Footing drains.
- 45 i. Individual residential car washing.

- 1 j. Dechlorinated swimming pool discharges.
- 2 k. Street wash waters.
- 3 l. Discharges or flows from emergency firefighting activities.
- 4 m. Reclaimed water line flushing authorized pursuant to a permit issued by the
- 5 Town.
- 6 n. Flows from uncontaminated roof drains.
- 7 o. All other non-storm substances discharged into the Town's storm sewer
- 8 system are to be considered illicit discharges that would pose a threat to the
- 9 health, safety and welfare of the public and are hereby prohibited. Any
- 10 unauthorized or illicit discharges will be subject to enforcement as set forth
- 11 in the Town's Charter, Code of Ordinances or as otherwise specified by law.

12 L. Inspections

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

- 16 1. During clearing operation and excavation to assure that effective control
- 17 practices relative to erosion and sedimentation are being followed.
- 18 2. All underground conveyance and control structures prior to backfilling.
- 19 3. Final inspection when all systems required by the permittee's approved
- 20 stormwater management plan have been installed.
- 21 4. The professional engineer for the project shall submit to the Town a signed and
- 22 sealed set of as-built plans on paper and on electronic media in AutoCad
- 23 drawing file and in PDF format, to certify the system has been constructed as
- 24 designed and satisfies all conditions of the stormwater management permit.
- 25 Where changes have been made to the stormwater management system which
- 26 deviates from the approved construction plans, the professional engineer shall
- 27 submit supporting documentation with the as-built plans which proves that the
- 28 stormwater systems shall be in compliance with this section.
- 29 5. Maintenance and compliance inspections of stormwater management systems
- 30 shall be conducted on a routine, periodic basis, as deemed appropriate by the
- 31 Town, or as complaints arise concerning the system. By seeking and obtaining
- 32 a permit under this section, the operator and owner shall be deemed to have
- 33 consented to inspections by the Town and other appropriate regulatory agencies
- 34 or Town Engineer or designees upon presentation of proper identification by
- 35 the representative(s) of the agency(s) conducting the inspection.

36 M. Maintenance

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

- 42 1. The Town considers the following entities acceptable to operate and maintain
- 43 stormwater management facilities:
- 44 a. Governmental agencies including the Town, County, and State.

- 1 b. Active water control districts or drainage districts, or Community
- 2 Development Districts, or Special Assessment Districts.
- 3 c. Nonprofit corporations including homeowners' associations, property
- 4 owners' associations, condominium associations, or master associations
- 5 under certain conditions which ensure that the corporation has the financial,
- 6 legal, and administrative capability to provide for the long-term operation
- 7 and maintenance of the facilities.
- 8 2. The property owner or developer as permittee is normally not acceptable as a
- 9 responsible entity, especially when the property is to be sold to various third
- 10 parties. However, the property owner or developer may be acceptable under one
- 11 of the following circumstances:
- 12 a. The property is wholly owned by permittee and the ownership is intended
- 13 to be retained. This would apply to a farm, corporate office, or single
- 14 industrial facility, for example.
- 15 b. The ownership of the property is retained by the permittee and is either
- 16 leased or rented to third parties (such as in some shopping centers), for
- 17 example.
- 18 3. The stormwater management system to be maintained by the legal entity shall
- 19 have adequate easements to permit the Town to inspect and, if necessary, to
- 20 take corrective action should the legal entity fail to maintain the system
- 21 properly. The owner shall be liable to the Town for any costs or expenses
- 22 incurred by the Town in taking the necessary corrective action plus ten percent
- 23 (10%) for an administrative fee.
- 24 4. Maintenance of stormwater facilities shall allow the stormwater management
- 25 system to perform as originally designed and permitted by the Town and other
- 26 appropriate governmental agencies.
- 27 5. Maintenance shall include compliance with Town building and construction
- 28 codes, and all other applicable Town codes. No owner or successor shall
- 29 remove, destroy, modify, subvert or render inoperable, through act or omission,
- 30 any part of a stormwater system unless approved by the Town Engineer and
- 31 appropriate governmental agencies in writing in advance of any alteration.
- 32 6. The legal entity shall execute and record a document acceptable to the Town
- 33 attorney which defines its authority and responsibility for maintenance of the
- 34 stormwater management system, defines how the maintenance is to be
- 35 performed, defines the funding mechanisms for the required maintenance, and
- 36 provides a legal mechanism assuring the perpetuation of the maintenance.
- 37 7. In order to assure maintenance during a two-year maintenance period, security
- 38 shall be submitted before acceptance of the constructed facilities. The security
- 39 shall be in the form of an approved financial instrument which may include, but
- 40 not be limited to, cash or performance bonds and letters of credit. The amount
- 41 of security shall be as required by the Town. The security shall be released at
- 42 the end of the two-year period upon inspection which confirms that the system
- 43 has been properly maintained and is operating in accordance with the approved
- 44 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.

8.06.00 OTHER UTILITIES

8.06.01 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. The streetlight standard is the "Sanibel" light fixture provided as a standard light by Duke Energy on the standard 22-foot pole. Alternative lighting standards may be approved by the Town Council to support neighborhood design. For roads under Lake County or State jurisdiction, alternate lighting plans may be required.

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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'

1 association upon receipt of written notice from the developer that the
2 responsibilities for the payment of such invoice (including charges related
3 to specialized street lighting, if applicable) has been transferred to such
4 association and satisfactory evidence, in recordable form, indicating the
5 homeowners' association has agreed to assume such costs. Currently, the
6 Town does not receive itemized invoices from the power company for street
7 lighting installed on public streets and, therefore invoices to the developer
8 or association are based on estimated costs. The developer/association shall
9 not be entitled to a refund for prepaid street lighting costs incurred during
10 the calendar year in which the Town receives written notice from the
11 developer that certificates of occupancy are issued for seventy-five percent
12 (75%) of the lots in the subdivision.

- 13 d. If a developer has installed specialized street lighting on a public street, then
14 in such event the developer, the applicable homeowners' association and
15 the Town shall, prior to or at the time of approval of the first plat, enter into
16 an agreement acceptable to the Town which provides that commencing at
17 the time the Town becomes responsible for the standard street lighting costs
18 on such public street the developer and/or the association shall reimburse
19 (and shall continue to reimburse) the Town for the additional costs above
20 the standard street lighting costs thereafter incurred by the Town in
21 connection therewith plus an administrative charge equal to ten percent
22 (10%) of the additional costs. Nothing contained herein shall be construed
23 to prevent the homeowner association from entering into such agreement
24 during the time it is controlled by the developer.
- 25 e. Any annual invoices for payment of public street lighting shall be due and
26 payable thirty (30) days from the date of such invoice. Should payment not
27 be received within said time frame, then such invoices shall bear interest at
28 the rate of eighteen percent (18%) per annum until paid. If any such invoice
29 remains unpaid for a period of sixty (60) days, then the Town may take any
30 action deemed necessary in order to collect such unpaid invoice, including
31 but not limited to, the retaining of the services of a collection agency or
32 attorney, and initiating legal proceedings for collection thereof. In such
33 event, the Town shall be entitled to receive its reasonable attorney's fees,
34 paralegal fees and other costs and expenses, whether incurred prior to,
35 during, or subsequent to court proceedings or on appeal.
- 36 f. The developer shall be responsible for the installation, maintenance, repair,
37 replacement and operational costs of street lighting installed on private
38 streets. The developer shall directly contract with the power company
39 regarding such street lighting. The obligations of the developer under this
40 subsection may be transferred to and assumed by the applicable
41 homeowners' association. The Town shall have no responsibility for the
42 installation, maintenance, repair, replacement and operational costs of street
43 lighting installed on private streets.

44 B. Lighting of Parking Lots and Vehicular Use Areas

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

17 C. Other Exterior Lighting / **Commercial & Development**

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

25 D. Other Exterior Lighting / **Development and Existing Residential Property**

26 The amount of illumination projected from a parcel on to an adjacent or nearby
27 parcel zoned or used for residential purposes may not exceed 0.2 foot-candle,
28 measured on the residential parcel no less than ten feet from the parcel boundary.

29 **8.06.02.1 Underground Utilities**

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

1 **8.07.0 ENVIRONMENTAL PRESERVATION AND PROTECTION**

2 ***8.07.01 Vegetation and Soil Protection***

3 A. Purpose and Intent. The purpose of this section is to prohibit the destruction of
4 natural vegetation and the changing of natural grades and drainage problems until
5 a development order or development permit has been approved. Additionally, this
6 section provides for protective measures for both vegetation and soils to be
7 implemented prior to construction.

8 B. Required Vegetation Preservation. The following preservation measures shall be
9 implemented on all construction sites as applicable:

10 1. Clearing Procedures. The applicant shall be responsible for insuring that all
11 possible measures are taken during the clearing process to avoid damage to trees
12 and vegetation designated to remain after construction. This shall include use
13 of hand labor rather than large machinery where necessary to protect trees to be
14 preserved. All felled material shall be promptly and carefully removed from
15 the site in order to avoid potential damage to remaining trees and vegetation
16 and the harboring of insects, snakes, and rodents.

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

29 a. Absolutely no fill, building materials, trash, or other objects shall be placed
30 inside these barriers. If fill is deposited adjacent to these areas, a suitable
31 temporary or permanent retaining structure shall be constructed to prevent
32 siltation of the barricaded area.

33 b. Barricades are to be adequately maintained and shall remain in place until
34 their removal or modification is approved in writing. Failure of the
35 applicant to properly locate and/or maintain the barricade may result in the
36 issuance of a Stop Work order, and the requirement that the applicant
37 provide a restoration plan to the Town Engineer or his or her designee.

38 3. Excavations. Swales and minor negative grade changes should always be
39 designed around the dripline area as much as possible. Any exposed roots shall
40 be trimmed. Piping should be used where deep swales or ditches would require
41 significant grade change adjacent to trees.

42 4. Trenching. Trenching of any type should be avoided in the dripline area.
43 Where underground installations are required adjacent to the trunks of specimen

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

14 **8.07.02 Disposal of Debris**

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

18
19 **8.08.0 OPEN SPACE AND RECREATIONAL AMENITIES**

20
21 **8.08.01 General Open Space.**

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

30
31 **8.08.02 Recreational Amenities**

32
33 For new development of 40 or more residential dwelling units, the plan for all
34 recreational amenities must be presented for Town Council approval no later than,
35 and as part of the application for, approval of a final plat. Construction and
36 installation of recreational amenities for each component subdivision must be
37 completed on or before the issuance of certificates of occupancy for 75% of the
38 dwelling units for the component subdivision. A development agreement entered
39 into by the Town and the developer, however, may specify earlier deadlines for the
40 approval and completion of recreational amenities.

1 **8.09.0 SCREENING STANDARDS**

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

13 **8.10.0 APPEALS PROCEDURE**

14 ~~Any applicant may appeal a decision of any Town consultant or employee in the~~
15 ~~enforcement or interpretation of this Chapter or LDC. The appeal shall be filed within~~
16 ~~60 days from the date of a DRC report or other consultant or employee decision. Upon~~
17 ~~filing the appropriate application and payment of an appeal fee set by resolution of the~~
18 ~~Town Council, the Town Clerk shall process such appeal. The Board of Adjustment,~~
19 ~~by a majority vote, may affirm, reverse, or modify the decision.~~

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CHAPTER 9

Boards and Committees

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1 **9.00.00 REQUIREMENTS FOR ALL LAND DEVELOPMENT BOARDS AND**
2 **COMMITTEES**

3 **9.00.01 Appointment, Term of Office, and General Membership Requirements**

- 4 A. All members of the Planning & Zoning Board shall be appointed by the Town
5 Council.
- 6 B. The Planning & Zoning Board shall have the opportunity to review each applicant’s
7 resume and make a recommendation on the appointment.
- 8 C. All members shall reside within the Town limits, with the exception of members of
9 the Development Review Committee.
- 10 D. Unless expressly stated otherwise in this LDC, Town Council members shall not
11 be eligible to serve on other Town boards or committees.
- 12 E. Town employees shall only be eligible to serve on the Development Review
13 Committee.
- 14 F. Each member of the Planning & Zoning Board and Development Review
15 Committee serves at the pleasure of the Town Council.
- 16 G. The term of office for Planning & Zoning Board members shall be three years, but
17 members may serve until a successor is appointed.
- 18 H. Planning & Zoning Board members may seek re-appointment by applying for the
19 new term with other applicants who are interested in the position.

20 **9.00.02 Attendance**

- 21 A. Each Planning & Zoning Board member shall attend all regular and called
22 meetings.

23 **9.00.03 Officers and Committees**

- 24 A. Each board or committee shall have a chairperson and a vice chairperson. For the
25 Board of Adjustment, the chairperson shall be the Mayor and the vice chairperson
26 shall be the Mayor Pro Tem.
- 27 B. The Planning and Zoning Board chairperson and vice chairperson shall serve one-
28 year terms. Officers shall not serve more than two consecutive terms.
- 29 C. The Planning & Zoning Board may create whatever committees it deems necessary
30 to carry out its purposes. The chairperson of the board shall appoint the membership
31 of each committee from the members of that board.

32 **9.00.04 Planning & Zoning Board Removal and Vacancies**

- 33 A. When a position on the Planning & Zoning Board becomes vacant before the end
34 of the term, the Town Council shall appoint a member to fill the vacancy for the
35 duration of the term.
- 36 B. When a term is two months from expiring, the Town shall accept applications for
37 the position and shall endeavor to fill the position so that the new board member
38 starts at the meeting following the term’s end.
- 39 C. When an unexpired term is two months or less, the Town Council may appoint a
40 new member to fill both the unexpired term and the following full term.

- 1 D. When a member moves outside the Town or otherwise no longer meets eligibility
2 requirements for membership the Town Council shall declare the seat vacant and
3 proceed accordingly.
- 4 E. Any member who misses two consecutive regular meetings without first providing
5 notice of the absence to the Town Clerk shall be deemed to have resigned from the
6 Board and shall be replaced accordingly. Any member who misses four regular
7 meetings during the course of a calendar year, regardless of prior notice, shall be
8 deemed to have resigned from the Board and replaced accordingly.

9 **9.00.05 Public Meetings, Hearings, and Records**

- 10 A. All meetings and hearings of boards and committees including specifically (but not
11 limited to) the Development Review Committee, shall be open to the public and
12 shall allow public comment on agenda items.
- 13 B. All meeting agendas of boards and committees shall be posted in advance.
- 14 C. Each board and committee shall keep minutes of its proceedings, indicating the
15 attendance of each member and the decision of the board or committee on every
16 item. The minutes shall be signed by the chairperson and the Town Clerk.
- 17 D. A record shall be made of all resolutions, transactions, findings, recommendations,
18 and decisions, which record shall be a public record on file in the office of the Town
19 Clerk.
- 20 E. At its option the DRC may forward separate recommendations of each DRC
21 member, in his or her professional capacity, rather than recommendations of the
22 DRC as a whole.

23 **9.00.06 Quorum and Voting**

- 24 A. For the purpose of taking action at any meeting or hearing, a majority of the existing
25 board members shall constitute a quorum.
- 26 B. Approval of actions before any Board or Committee requires an affirmative vote of
27 a majority of the members in attendance.

28 **9.00.07 By-Laws**

- 29 A. Each board may enact by-laws to govern its operation and procedures.
- 30 B. By-laws shall not conflict with the requirements of this LDC. In the event of any
31 conflict between the provisions of this LDC and the by-laws, the provisions of this
32 LDC shall control.
- 33 C. The following topics may be included in the by-laws:
 - 34 1. The designation of officers.
 - 35 2. The specific duties of officers.
 - 36 3. The creation of committees.
 - 37 4. Code of conduct.
 - 38 5. Voting procedures.
 - 39 6. Scheduling of meetings.
 - 40 7. Order of business; and
 - 41 8. Preparation of minutes.

1 D. The Town Council shall approve all Advisory Board By-Laws.

2 **9.00.08 Parliamentary Authority**

3 All meetings shall be conducted in accordance with parliamentary procedure as set
4 forth and explained in the latest revised edition of Robert’s Rules of Order, which shall
5 serve as the official rules of procedure.

6 **9.00.09 Legal Representation**

7 The Town Council may retain legal counsel to represent a board or committee.

8 **9.00.10 Compensation**

9 Planning & Zoning Board members shall serve without compensation but may be
10 reimbursed for actual expenses incurred in connection with their official duties.

11 **9.00.11 Funding**

12 The Town Council may appropriate funds at its discretion for expenses necessary in
13 the conduct of the duties of appointed boards and committees.

14 **9.00.12 Conflict of Interest**

15 A. A member shall abstain from voting on a particular issue if the member has a voting
16 conflict under section 112.3143 of Florida Statutes (or successor statutes). In
17 general terms a voting conflict under that statute arises when a vote would inure to
18 the special private gain or loss of the voting member or of the member’s family,
19 business associate, employer or client.

20 B. If a member owns a property within the area entitled to receive mailed notice of the
21 hearing, that board member may voluntarily abstain from voting if the board
22 member believes that the proximity of the project constitutes the appearance of a
23 voting conflict of interest, as contemplated by section 286.012 of Florida Statutes,
24 or otherwise will interfere with his or her ability to be an impartial decision maker
25 in the case.

26 **9.00.13 General Powers**

27 A board or committee may request information from any official, staff member, or
28 department of the Town, which is necessary in order to carry out specific roles and
29 responsibilities.

30 **9.01.00 PLANNING & ZONING BOARD**

31 **9.01.01 Establishment**

32 There is hereby created a Planning & Zoning Board, with the roles and responsibilities
33 as set forth herein.

34 **9.01.02 Membership and Terms of Office**

35 A. There shall be not less than three nor more than seven members.

- 1 B. Terms shall be staggered such that no more than three terms expire simultaneously.
- 2 1. Appointments shall be for three-year terms or until a successor is chosen.
- 3 2. When a term is two months from expiring, the Town shall accept applications
- 4 for the position and endeavor to fill the position so that the new board member
- 5 starts at the meeting following the term’s end.
- 6 3. When an unexpired term for a vacant seat is two months or less, the Town
- 7 Council may appoint a new member to fill both the unexpired term and the
- 8 following full term.
- 9 C. Any interested and eligible citizen as provided for in this section may be appointed
- 10 to the board, but those with experience or interest in the field of planning and zoning
- 11 or related fields shall receive special consideration.

12 **9.01.03 Roles and Responsibilities**

13 The Planning & Zoning Board shall have the roles and responsibilities described below.

- 14 A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S.
- 15 As the LPA, the Planning & Zoning Board shall:
- 16 1. Make recommendations to the Town Council regarding adoption of a
- 17 Comprehensive Plan.
- 18 2. Monitor and oversee the effectiveness and status of the Comprehensive Plan,
- 19 including periodic evaluations.
- 20 3. Make recommendations to the Town Council regarding amendment of its
- 21 adopted Comprehensive Plan; and
- 22 4. Carry out such other duties as may be specified in Chapter 163, Part II, of
- 23 Florida Statutes.
- 24 B. To provide advice and recommendations to the Town Council regarding growth,
- 25 land use, long range planning, and redevelopment.
- 26 C. To hear, consider, and make recommendations to the Town Council regarding
- 27 applications to:
- 28 1. Amend the Zoning Map (zoning or rezonings).
- 29 2. Amend the text of the LDC.
- 30 3. Create a subdivision
- 31 4. Amend the Comprehensive Plan.
- 32 5. Create a site plan; and
- 33 6. Grant variances and conditional uses.
- 34 D. In carrying out its duties, the Planning & Zoning Board may:
- 35 1. Establish such committees as may be necessary to gather facts, analyze
- 36 findings, and make recommendations to the Planning & Zoning Board as a
- 37 whole.
- 38 2. Acquire and maintain such information and materials as are necessary for an
- 39 understanding of past trends, present conditions, and forces at work to cause
- 40 changes in these conditions.
- 41 3. Periodically evaluate the Comprehensive Plan and LDC and propose
- 42 amendments to the Town Council.
- 43

- 1 **9.01.04 Quorum and Voting**
- 2 A. For the purpose of taking action at any meeting or hearing, a majority of the existing
- 3 board members shall constitute a quorum, but shall be at least three members.
- 4 B. Approval of actions before the Board requires an affirmative vote of a majority of
- 5 the members present, but not less than three affirmative votes.
- 6

7 **9.02.00 TOWN COUNCIL AS BOARD OF ADJUSTMENT**

8 **9.02.01 Establishment**

9 There is hereby established a Board of Adjustment (BOA) for the purpose of hearing

10 and deciding on appeals of administrative decisions and hearing and taking action on

11 applications for variances.

12 **9.02.02 Membership**

13 The BOA shall be comprised of the Town Council members.

14 **9.02.03 Roles and Responsibilities**

15 The BOA shall have the roles and responsibilities described in this section. The Board

16 shall conduct public hearings and render decisions in compliance with the requirements

17 of this LDC on the following matters:

- 18 A. Appeals where it is alleged there is error in any order, interpretation, requirement,
- 19 decision, or determination made by an administrative official in the enforcement of
- 20 this LDC; and
- 21 B. Applications for a variance from a provision of the LDC, as set forth in Chapter 4.
- 22

23 **9.02.04 Notice Procedures for Administrative Appeals**

- 24 A. Publication of notice. Notice of public hearing shall be published in a newspaper
- 25 of general circulation at least 10 days prior to the public hearing. Notice shall also
- 26 be posted at Town Hall and on the Town’s website.
- 27 B. After the public hearing, the BOA shall uphold the administrative decision, reverse
- 28 the administrative decision, or render an alternate decision.
- 29

30 **9.03.00 DEVELOPMENT REVIEW COMMITTEE**

31 **9.03.01 Establishment**

32 There is hereby created and established a Development Review Committee (DRC) for

33 the purpose of receiving, reviewing, and rendering recommendations on applications

34 subject to administrative review and decision as set forth in Chapter 4.

35 **9.03.02 Membership**

- 36 Membership of the DRC shall include, but is not limited to, the following:
- 37 A. Town Planner

- 1 B. Town Engineer
- 2 C. Town Traffic Engineer
- 3 D. Public Works Director
- 4 E. Police Chief
- 5 F. Town Manager
- 6 G. Town Clerk

7 **9.03.03 Roles and Responsibilities**

- 8 A. The DRC shall review applications and provide recommendations to the Planning
- 9 & Zoning Board, the Board of Adjustment and the Town Council for annexations,
- 10 zonings and rezonings, amendments to this LDC, Comprehensive Plan
- 11 amendments, subdivision plans, subdivision plats, site plans, variances, conditional
- 12 uses, and amendments to previously issued local development orders.
- 13 B. The DRC shall perform such other duties as may be assigned by the Town Council
- 14 or Town Manager.

15 **9.03.04 Rules of Procedure**

- 16 A. The Town Manager shall chair meetings of the DRC.
- 17 B. The DRC shall meet as necessary.
- 18 C. The DRC may establish such additional rules of procedure as needed to carry out
- 19 its roles and responsibilities.

22 **9.04.00 DESIGN REVIEW BOARD**

23 **9.04.01 Establishment**

24 There is hereby created and established a Design Review Board for the purpose of

25 receiving, reviewing and rendering recommendations on the architectural

26 requirements for residential and non-residential development and other design

27 considerations as may be brought before the Board.

28

29

30 **9.04.02 Membership**

- 31
- 32 A. There shall be not less than three nor more than seven regular members.
- 33 B. Terms shall be staggered such that no more than three (3) terms expire
- 34 simultaneously
- 35 1. Appointments shall be for three-year terms.
- 36 2. When a term is two months from expiring, the Town shall accept
- 37 applications for the position and endeavor to fill the position so that the
- 38 new board member starts at the meeting following the term end.
- 39 3. When an unexpired term is two months or less, the Town Council may
- 40 appoint a new member to fill both the unexpired term and the following
- 41 full term.

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C. Any interested and eligible citizen as provided for in this section may be appointed to the board, but those with experience in building design, construction or related fields shall receive special consideration.

9.04.03 Roles and Responsibilities

The Design Review Board shall review and approve all applications for compliance with architectural plan requirements for residential and non-residential development as set forth in Chapter 4. The Board shall also review and recommend approval of proposed improvements to any buildings on the local, state or Federal lists of historic buildings. Decisions of the Design Review Board may be appealed to the Town Council.

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CHAPTER 10

Concurrency

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1 **10.00.00 GENERALLY**

2 **10.00.01 Purpose**

3 Public facilities and services needed to support development shall be available
4 concurrent with the impacts of such development, or in place within timeframes as
5 outlined in the Town’s Comprehensive Plan. The provisions of this chapter are
6 designed to provide a systematic process for the evaluation of all proposed
7 development for its impact on those public facilities and services specified in the
8 Town’s Comprehensive Plan.

9 **10.01.00 APPLICABILITY**

10 **10.01.01 Exemptions from Concurrency**

11 The following development orders and permits are exempt from this chapter, and may
12 commence development without a certificate of concurrency:

- 13 A. Any addition to a residence.
- 14 B. Interior construction of a non-residential shell structure for uses with the same or
15 less intensity as identified on an approved site plan.
- 16 C. Renovations with no change in use.
- 17 D. Accessory structure that creates no additional impact on public facilities.
- 18 E. Replacement structure which creates no additional impact.
- 19 F. Temporary construction trailers.
- 20 G. Single-family and duplex residences on lots which were platted prior to adoption
21 of this code.
- 22 H. Development that is determined to be vested.

23 **10.01.02 Vested Rights**

- 24 A. Applicants for development orders who have been determined to possess vested
25 rights from a previously issued development order will be allowed to proceed with
26 development even though they may not meet concurrency. A concurrency
27 evaluation shall still be performed in order to calculate the impact of the vested
28 development on remaining capacity. This concurrency analysis will not affect the
29 vested development, but the capacity used by the vested development will not be
30 available for development that is not vested.
- 31 B. Vesting of Final Development Orders. Some properties may not be subject to
32 restrictions imposed by concurrency if the property is vested prior to the
33 implementation of the concurrency management system. Florida case law
34 establishes a three (3) part test for determining vested development rights. All three
35 (3) of the following must be met in order to be vested for development:
 - 36 1. Good faith reliance on an act or omission of the Town.
 - 37 2. Substantial expenditures or obligations subsequent to reliance on an act or
38 omission of the Town; and,

- 3. Made a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired by application of the Comprehensive Plan and/or this Code.

10.02.00 REVIEW AND DETERMINATION

10.02.01 Concurrency Review

The Town of Howey in the Hills requires concurrency review and determination with the following applications for development permits:

- A. Building Permit
- B. Final Site and Subdivision Plans

10.02.02 Certificate of Concurrency

- A. General. For each public facility, a determination of available capacity shall be made. If the capacity for that specific facility exceeds the projected demand of the proposed development, a Certificate of Concurrency (COC) shall be issued. If capacity is not available, the Town shall issue a letter outlining the capacity deficiency.
- B. Expiration of a Certificate of Concurrency. Each Certificate of Concurrency will specify the length of time it is valid for each facility or service. The Town has specific time limits for development orders. A concurrency certificate will no longer be valid if the development order is no longer valid.
- C. Resubmission of Concurrency Application. Applications for development orders that are denied because of insufficient capacity of public facilities may be resubmitted if the applicant of the denied development order intends to provide all public facilities to comply with capacity requirements or enters into a development agreement with the Town or other public facility provider for the purpose of contributing to the provision of the public facility required.
- D. Transfer of Certificate of Concurrency. The concurrency analysis is site specific and cannot be transferred to another piece of property. It can be transferred to subsequent development orders for the same parcel, and to subsequent owners of the same parcel.

10.02.03 Standards to Meet Concurrency

The Town shall review applications for development and a development permit will be issued only if the proposed development does not lower the existing level of service (LOS) of a facility or service below the adopted LOS in the Town’s Comprehensive Plan. A project shall be deemed concurrent if one of the following standards is met:

- A. The necessary public facilities and services are in place at the time the development order or permit is issued; or
- B. A final development order is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or

- 1 C. The necessary facilities are under construction at the time a final development order
2 is issued; or
- 3 D. The necessary facilities and services are guaranteed in an enforceable development
4 agreement. The agreement must guarantee that the necessary facilities and services
5 will be in place when the impact of development occurs; or
- 6 E. The necessary facilities and services are in place no later than the issuance of a
7 certificate of occupancy.
- 8 F. For parks, at a minimum, the following standards shall satisfy the concurrency
9 requirement:
 - 10 1. At the time the final development order is issued, the necessary facilities and
11 services are the subject of a binding executed contract which provides for the
12 commencement of the construction of the required facilities within one year of
13 the issuance of the final development order; or
 - 14 2. The necessary facilities and services are guaranteed in an enforceable
15 development agreement which requires the commencement of the construction
16 of the facilities or the provision of services within one year of the issuance of
17 the applicable development order; or
 - 18 3. The necessary facilities and services are in place no later than one year after the
19 issuance of a certificate of occupancy.
- 20 G. For roads, at a minimum, the following standards will satisfy the concurrency
21 requirement:
 - 22 1. The necessary facilities and services are in place at the time a final development
23 order is issued; or
 - 24 2. A final development order is issued subject to the condition that the necessary
25 facilities and services will be in place when the impacts of the development
26 occur; or
 - 27 3. The necessary facilities are under construction at the time a final development
28 order is issued; or
 - 29 4. At the time the final development order is issued, the necessary facilities and
30 services are the subject of a binding executed contract which provides for the
31 commencement of the construction of the required facilities or the provision of
32 services within three (3) years of the approval of the development order; or
 - 33 5. The necessary facilities and services are guaranteed in an enforceable
34 development agreement which requires the commencement of the construction
35 of the facilities or the provision of services within three (3) years of the approval
36 of the applicable development order; or
 - 37 6. The necessary facilities and services are guaranteed in an enforceable
38 development agreement that includes the provisions of paragraphs 1-3 above.
39 The agreement must guarantee that the necessary facilities and services will be
40 in place when the impacts of the development occur; or
 - 41 7. The necessary facilities and services are in place or under construction no later
42 than three (3) years after issuance of a certificate of occupancy.
- 43 H. For school facilities, the following standards shall satisfy the concurrency
44 requirement:

1 1. If public school concurrency is applied on less than a district-wide basis in the
2 form of concurrency service areas, a residential development order or permit
3 shall be issued only if the needed capacity for the particular service area is
4 available in one or more contiguous service areas and school capacity is
5 available district-wide.

6 I. Developers must construct all road improvements to meet concurrency
7 requirements at no cost to the Town.

8 **10.02.04 Facilities and Services Subject to Concurrency Determination.**

9 A concurrency determination shall be made for the following public facilities and
10 services:

- 11 A. Potable water.
- 12 B. Sanitary sewer
- 13 C. Transportation
- 14 D. Solid Waste Disposal
- 15 E. Stormwater Management
- 16 F. Parks

17 **10.02.05 Facility and Service Demand Calculations**

18 Facilities and services shall be analyzed based on the levels of service (LOS) outlined
19 in the Town's Comprehensive Plan.

20 **10.02.06 Alternative Demand Calculations**

21 If the applicant claims the standards provided in the demand calculations are not
22 applicable to the proposed project, the applicant shall submit appropriate
23 documentation supporting the proposed alternative demand calculation to the Town.
24 Any alternative calculation standard shall be subject to the approval of the Town
25 Council.

26 **10.02.07 Appellate Process**

27 The applicant may appeal the denial of a Certificate of Concurrency to Town Council.
28 The appeal shall be made in accordance with Section 9.02.03 of Chapter 9.

29 **10.03.00 DETERMINING PROPORTIONATE FAIR SHARE**

30 **10.03.01 General Requirements**

- 31 A. An applicant may choose to satisfy the transportation concurrency requirements of
32 the Town by making a proportionate fair-share contribution, pursuant to the
33 following requirements:
 - 34 1. The proposed development is consistent with the comprehensive plan and
35 applicable land development regulations and
 - 36 2. The five-year schedule of capital improvements in the Capital Improvements
37 Element (CIE) or the schedule of capital improvements for the long-term CMS
38 includes a transportation improvement(s) that, upon completion, will satisfy the

- 1 then existing requirements of the applicable CMS. The provisions of Section
2 5(2) may apply if a project or projects needed to satisfy concurrency are not
3 presently contained within the applicable CIE(s) or the adopted long-term
4 schedule of capital improvements.
- 5 3. A proportionate share contribution may involve the addition of transportation
6 capacity through several means including but not limited to: the physical
7 widening and/or reconstruction of a roadway to add capacity; the addition of
8 transportation capacity through creating new reliever roadways; new network
9 additions; contributing to new transit capital facilities (e.g., bus rapid transit
10 corridor); contributing to the expansion of bus fleets to increase service
11 frequency, other contributions to mass transit system expenses; or any other
12 means determined by the Town to add transportation capacity sufficient to
13 mitigate impacts.
- 14 B. The Town may choose to allow an applicant to satisfy transportation concurrency
15 through the Proportionate Fair-Share Program by approving the applicant's
16 contribution to an improvement or improvements that, upon completion, will
17 satisfy the requirements of the applicable CMS(s), but is not contained in the five-
18 year schedule of capital improvements in the CIE(s) or a long-term schedule of
19 capital improvements for an adopted long-term CMS, where the following apply:
- 20 1. The jurisdiction approving the development order adopts, by resolution or
21 ordinance, a commitment to add the improvement to the schedule of capital
22 improvements in the CIE or long-term schedule of capital improvements for an
23 adopted long-term CMS no later than the next regularly scheduled update. To
24 qualify for consideration under this section, the proposed improvement must be
25 reviewed by the appropriate jurisdictions and agencies and must be determined
26 to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with
27 the comprehensive plan of each jurisdiction within which any portion of the
28 proposed improvement would lie, and in compliance with the provisions of this
29 ordinance. Financial feasibility for this section means that additional
30 contributions, payments, or funding sources are reasonably anticipated during
31 a period not to exceed 10 years to fully mitigate impacts on the transportation
32 facilities. If a transportation facility proposed for the Proportionate Share
33 Program is under the jurisdiction of another entity, such as the County or FDOT,
34 the proposed improvement shall be included in the five-year Work Program of
35 that jurisdiction or, when the improvement is not in the Work Program, through
36 resolution or ordinance, there shall be adoption of a commitment to add the
37 improvement to the schedule of capital improvements in the CIE or long-term
38 schedule of capital improvements for an adopted long-term CMS no later than
39 the next regularly scheduled update.
- 40 2. 2. If the funds allocated for the schedule of capital improvements in the CIE
41 are insufficient to fund construction of a transportation improvement required
42 by the CMS, the Town may still enter into a binding proportionate fair-share
43 agreement with the applicant. The agreement may authorize construction of the
44 development if the proportionate fair-share amount in such agreement is
45 determined to be sufficient to pay for improvements which will, in the opinion

1 of the governing body of each governmental entity or entities maintaining the
2 transportation facilities, significantly benefit the impacted transportation
3 system. The improvement(s) funded by the proportionate fair-share component
4 must, for each affected local jurisdiction, be adopted into the capital
5 improvements schedule of the comprehensive plan or the long-term schedule of
6 capital improvements for an adopted long-term concurrency management
7 system at the next annual capital improvements element update.

- 8 C. Any improvement project proposed to meet the developer’s fair share obligation
9 must meet the Howey-in-the-Hills design standards, or those of Lake County for
10 County facilities or those of FDOT for State facilities.
- 11 D. Pursuant to Section 163.3177, F.S., the CIE must include transportation
12 improvements included in the Lake Sumter MPO Transportation Improvement Plan
13 (TIP) to the extent that such improvements are relied upon to ensure concurrency
14 and financial feasibility. If the Town is relying upon scheduled improvements to a
15 facility maintained by the other to ensure concurrency and financial feasibility, the
16 scheduled improvements from the other jurisdiction’s Work Program must be
17 included in the CIE of the local government issuing the development order. All
18 CIEs must also be coordinated with the adopted Lake Sumter MPO’s Long Range
19 Transportation Plan (LRTP) for planning purposes.

20 **10.03.02 Intergovernmental Coordination**

- 21 **A. IN THE INTEREST OF INTERGOVERNMENTAL COORDINATION**
22 **AND TO REFLECT THE SHARED RESPONSIBILITIES FOR**
23 **MANAGING DEVELOPMENT AND CONCURRENCY, THE TOWN MAY**
24 **ENTER INTO AN AGREEMENT WITH AN ADJACENT LOCAL**
25 **GOVERNMENT(S) TO ADDRESS CROSS JURISDICTIONAL IMPACTS**
26 **OF DEVELOPMENT ON TRANSPORTATION FACILITIES. THE**
27 **AGREEMENT SHALL PROVIDE FOR APPLICATION OF THE**
28 **METHODOLOGY IN THIS SECTION TO ADDRESS THE CROSS**
29 **JURISDICTIONAL TRANSPORTATION IMPACTS OF DEVELOPMENT.**
- 30 **B. A DEVELOPMENT APPLICATION SHALL BE SUBJECT TO THIS**
31 **SECTION WHEN A TRANSPORTATION CONCURRENCY**
32 **DETERMINATION IS MADE THAT INDICATES THE DEVELOPMENT**
33 **WILL HAVE AN ADVERSE IMPACT ON THE ADOPTED LEVEL OF**
34 **SERVICE STANDARD ON ONE OR MORE FACILITIES IN A**
35 **NEIGHBORING JURISDICTION.**
- 36 **C. UPON IDENTIFICATION OF AN IMPACTED TRANSPORTATION**
37 **FACILITY, THE APPROVING TOWN SHALL NOTIFY THE**
38 **APPLICANT AND THE OTHER AFFECTED JURISDICTIONS IN**
39 **WRITING OF A POTENTIAL PROPORTIONATE FAIR-SHARE**
40 **AGREEMENT, BASED ON THE PROJECTED IMPACTS OF THE**
41 **PROPOSED DEVELOPMENT ON THE FACILITY.**
- 42 **D. PURSUANT TO POLICIES IN THE INTERGOVERNMENTAL**
43 **COORDINATION ELEMENT OF THE TOWN’S COMPREHENSIVE**

1 PLANS AND APPLICABLE POLICIES IN THE LAKE SUMTER MPO
2 2025 LRTP, THE TOWN SHALL COORDINATE WITH AFFECTED
3 JURISDICTIONS, INCLUDING FDOT, REGARDING MITIGATION TO
4 IMPACTED FACILITIES. PROPORTIONATE FAIR-SHARE
5 CONTRIBUTIONS SHOULD BE APPLIED TOWARD THE IMPACTED
6 FACILITY. HOWEVER, IMPACTED FACILITIES MAY BE
7 MAINTAINED BY AN AGENCY OTHER THAN THE LOCAL
8 GOVERNMENT EXECUTING THE PROPORTIONATE FAIR-SHARE
9 AGREEMENT (E.G., A COUNTY OR STATE ROAD WITHIN THE CITY
10 LIMITS). THEREFORE, EACH LOCAL GOVERNMENT SHALL WORK
11 WITH OTHER AFFECTED AGENCIES TO ESTABLISH A PROCEDURE
12 FOR COORDINATING MITIGATION TO IMPACTED FACILITIES
13 THAT ARE MAINTAINED BY ANOTHER AGENCY. AN INTERLOCAL
14 AGREEMENT MAY BE ESTABLISHED WITH OTHER AFFECTED
15 JURISDICTIONS FOR THIS PURPOSE.
16

17 **10.03.03 Application Process**

- 18 A. Upon notification of a lack of capacity to satisfy transportation concurrency, the
19 applicant shall be notified in writing of the opportunity to satisfy transportation
20 concurrency through the Proportionate Fair-Share Program pursuant to the
21 requirements of Section 5.
- 22 B. Prior to submitting an application for a proportionate fair-share agreement, a pre-
23 application meeting shall be held with all affected jurisdictions to discuss
24 eligibility, application submittal requirements, potential mitigation options, and
25 related issues. The appropriate parties for review of a proposed proportionate fair
26 share agreement include the jurisdiction maintaining the transportation facility that
27 is subject to the agreement, if other than the approving jurisdiction. If the impacted
28 facility is a state facility, then FDOT will be invited to participate in the pre-
29 application meeting.
- 30 C. The Town shall review the application and certify that the application is sufficient
31 and complete within 15 business days. If an application is determined to be
32 insufficient, incomplete or inconsistent with the general requirements of the
33 Proportionate Fair-Share Program, then the applicant will be notified in writing of
34 the reasons for such deficiencies within 15 business days of submittal of the
35 application. If such deficiencies are not remedied by the applicant within 30 days
36 of receipt of the written notification, then the application will be deemed
37 abandoned. The governing body of the Town may, in its discretion, grant an
38 extension of time not to exceed 60 days to cure such deficiencies, provided that the
39 applicant has shown good cause for requesting the extension and has taken
40 reasonable steps to remedy the deficiencies.
- 41 D. Pursuant to Section 163.3180(16)(e), F.S., proposed proportionate fair-share
42 mitigation for development impacts to facilities on the Strategic Intermodal System
43 (SIS) requires the approval of FDOT. The applicant shall submit evidence of an

1 agreement between the applicant and FDOT for inclusion in the proportionate fair-
2 share agreement.

- 3 E. When an application is deemed sufficient, complete, and eligible, the applicant
4 shall be advised in writing and a proposed proportionate fair-share obligation and
5 binding agreement will be prepared by the local government with jurisdiction over
6 the proposed development, and delivered to the appropriate parties for review no
7 later than 60 days from the date which the applicant received the notification of a
8 sufficient application and no fewer than 14 days prior to the governing body
9 meeting when the agreement will be considered. The jurisdiction may need to enter
10 into an agreement with FDOT as appropriate.
- 11 F. The Town shall notify the applicant regarding the date of the governing body
12 meeting when the agreement will be considered for final approval. No
13 proportionate fair-share agreement will be effective until approved by the
14 governing body.

15 **10.03.04 Determining Proportionate Fair-Share Obligation**

- 16 **A. PROPORTIONATE FAIR-SHARE MITIGATION FOR CONCURRENCY**
17 **IMPACTS MAY INCLUDE, WITHOUT LIMITATION, SEPARATELY OR**
18 **COLLECTIVELY: PRIVATE FUNDS, CONTRIBUTIONS OF LAND, AND**
19 **CONSTRUCTION OF AND CONTRIBUTION OF FACILITIES.**
- 20 **B. A DEVELOPMENT SHALL NOT BE REQUIRED TO PAY MORE THAN**
21 **ITS PROPORTIONATE FAIR-SHARE. THE FAIR MARKET VALUE OF**
22 **THE PROPORTIONATE FAIR-SHARE MITIGATION FOR THE**
23 **IMPACTED FACILITIES SHALL NOT DIFFER REGARDLESS OF THE**
24 **METHOD OF MITIGATION.**
- 25 **C. THE METHODOLOGY USED TO CALCULATE AN APPLICANT’S**
26 **PROPORTIONATE FAIR-SHARE OBLIGATION SHALL BE AS**
27 **PROVIDED FOR IN SECTION 163.3180(12), F. S., AS FOLLOWS:**

28
29 Proportionate Fair-Share = $\sum [[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$

30
31 Where:

32 Development Trips_i = Those trips from the stage or phase of development under review
33 that are assigned to roadway segment “i” and have triggered a
34 deficiency per the CMS; only those trips that trigger a
35 concurrency deficiency will be included in the proportionate
36 fair-share calculation;

37 SV Increase_i = Service volume increase contributed by the eligible
38 improvement to roadway segment “i”;

39 Cost_i = Adjusted cost of the improvement to segment “i”. Cost shall
40 include all improvements and associated costs, such as design,
41 right-of-way acquisition, planning, engineering, inspection, and
42 physical development costs directly associated with
43 construction at the anticipated cost in the year it will be incurred.

1 For the purposes of determining proportionate fair-share obligations, the Town shall
2 determine improvement costs based upon the actual cost of the improvement as
3 obtained from cost estimates contained in the CIE, the Lake County Transportation
4 Construction Program or the FDOT Work Program. Where such information is not
5 available, improvement cost shall be determined by the following method: an analysis
6 by the jurisdiction maintaining the facility of costs by cross section type that
7 incorporates data from recent projects and is updated annually and approved by the
8 jurisdiction. In order to accommodate increases in construction material costs, project
9 costs shall be adjusted.

10 D. If the Town has accepted an improvement project proposed by the applicant, then
11 the value of the improvement shall be determined using one of the methods
12 provided in this section.

13 E. If the Town has accepted right-of-way dedication for the proportionate fair-share
14 payment, credit for the dedication of the non-site related right-of-way shall be
15 valued on the date of the dedication at 120 percent of the most recent assessed value
16 by the Lake County property appraiser or, at the option of the applicant, by fair
17 market value established by an independent appraisal approved by the Town and at
18 no expense to the Town. The applicant shall supply a survey and legal description
19 of the land and a certificate of title or title search of the land to the Town at no
20 expense to the Town. If the estimated value of the right-of-way dedication
21 proposed by the applicant is less than the Town estimated total proportionate fair-
22 share obligation for that development, then the applicant must also pay the
23 difference. Prior to purchase or acquisition of any real estate or acceptance of
24 donations of real estate intended to be used for the proportionate fair-share, public
25 or private partners should contact FDOT for essential information about
26 compliance with federal law and regulations.

27 **10.03.05 Impact Fee Credit for Proportionate Fair-Share Mitigation**

28 A. PROPORTIONATE FAIR-SHARE CONTRIBUTIONS SHALL BE APPLIED
29 AS A CREDIT AGAINST IMPACT FEES TO THE EXTENT THAT ALL OR A
30 PORTION OF THE PROPORTIONATE FAIR-SHARE MITIGATION IS USED
31 TO ADDRESS THE SAME CAPITAL INFRASTRUCTURE IMPROVEMENTS
32 CONTEMPLATED BY THE LOCAL GOVERNMENT'S IMPACT FEE
33 ORDINANCE. APPLICANTS WOULD BE ELIGIBLE FOR IMPACT FEE
34 CREDIT FOR THAT PORTION OF THEIR PROPORTIONATE FAIR-SHARE
35 PAYMENT THAT APPLIES TO A SEGMENT FOR WHICH THE LOCAL
36 GOVERNMENT TRANSPORTATION IMPACT FEE IS BEING APPLIED.

37 B. IMPACT FEE CREDITS FOR THE PROPORTIONATE FAIR-SHARE
38 CONTRIBUTION WILL BE DETERMINED WHEN THE TRANSPORTATION
39 IMPACT FEE OBLIGATION IS CALCULATED FOR THE PROPOSED
40 DEVELOPMENT. IMPACT FEES OWED BY THE APPLICANT WILL BE
41 REDUCED PER THE PROPORTIONATE FAIR-SHARE AGREEMENT PER
42 THE IMPACT FEE ORDINANCE OF THE JURISDICTION WITHIN WHICH
43 THE AFFECTED ROADWAY FACILITY LIES, AND IF THE FACILITY LIES

1 WITHIN MORE THAN ONE JURISDICTION, THE IMPACT FEE CREDITS
2 SHALL BE PRORATED ACCORDINGLY. IF THE APPLICANT'S
3 PROPORTIONATE FAIR-SHARE OBLIGATION IS LESS THAN THE
4 DEVELOPMENT'S ANTICIPATED ROAD IMPACT FEE FOR THE SPECIFIC
5 STAGE OR PHASE OF DEVELOPMENT UNDER REVIEW, THEN THE
6 APPLICANT OR ITS SUCCESSOR MUST PAY THE REMAINING IMPACT
7 FEE AMOUNT TO THE COUNTY AND ANY OTHER JURISDICTIONS
8 ENTITLED TO COLLECT IMPACT FEES, PURSUANT TO THE
9 REQUIREMENTS OF THE APPLICABLE IMPACT FEE ORDINANCES.

10 C. THE PROPORTIONATE FAIR-SHARE OBLIGATION IS INTENDED TO
11 MITIGATE THE TRANSPORTATION IMPACTS OF A PROPOSED
12 DEVELOPMENT AT A SPECIFIC LOCATION. AS A RESULT, ANY ROAD
13 IMPACT FEE CREDIT BASED UPON PROPORTIONATE FAIR-SHARE
14 CONTRIBUTIONS FOR A PROPOSED DEVELOPMENT CANNOT BE
15 TRANSFERRED TO ANY OTHER LOCATION UNLESS PROVIDED FOR
16 WITHIN THE LOCAL IMPACT FEE ORDINANCE.

17 10.03.06 Proportionate Fair-Share Agreements

18 A. UPON EXECUTION OF A PROPORTIONATE FAIR-SHARE AGREEMENT
19 (AGREEMENT), THE APPLICANT SHALL RECEIVE A CERTIFICATE OF
20 CONCURRENCY FROM THE JURISDICTION ISSUING DEVELOPMENT
21 APPROVAL. SHOULD THE APPLICANT FAIL TO APPLY FOR A
22 DEVELOPMENT ORDER WITHIN 12 MONTHS OF THE EXECUTION OF
23 THE AGREEMENT, THE CERTIFICATE OF CONCURRENCY SHALL BE
24 CONSIDERED NULL AND VOID, AND THE APPLICANT SHALL BE
25 REQUIRED TO REAPPLY FOR A CONCURRENCY DETERMINATION. IN
26 ADDITION, IF THE PROPOSED DEVELOPMENT'S IMPACTS WERE THE
27 ONLY IMPACTS CAUSING THE POTENTIAL DEFICIENT OPERATION OF
28 THE FACILITY, THE SPECIFIC PROJECT MAY BE REMOVED FROM THE
29 CIE.

30 B. PAYMENT OF THE PROPORTIONATE FAIR-SHARE CONTRIBUTION IS
31 DUE IN FULL PRIOR TO ISSUANCE OF THE FINAL DEVELOPMENT
32 ORDER WHICH FOR THE PURPOSES OF THIS SECTION SHALL BE
33 RECORDING OF THE FINAL PLAT IF THE PROPERTY TO BE DEVELOPED
34 IS BEING SUBDIVIDED, APPROVAL OF THE FINAL SITE PLAN FOR A
35 DEVELOPMENT WHICH ENTAILS MULTIPLE RESIDENTIAL OR
36 COMMERCIAL UNITS BUT IS NOT BEING SUBDIVIDED, AND ISSUANCE
37 OF A BUILDING PERMIT IF THE DEVELOPMENT CONSISTS OF A SINGLE
38 USE STRUCTURE ON LAND NOT BEING SUBDIVIDED. ONCE PAID,
39 CONTRIBUTIONS SHALL BE NON-REFUNDABLE. IF THE PAYMENT IS
40 SUBMITTED MORE THAN 6 MONTHS FROM THE DATE OF EXECUTION
41 OF THE AGREEMENT, THEN THE PROPORTIONATE FAIR-SHARE COST
42 SHALL BE RECALCULATED AT THE TIME OF PAYMENT BASED ON THE
43 BEST ESTIMATE OF THE CONSTRUCTION COST OF THE REQUIRED

1 IMPROVEMENT AT THE TIME OF PAYMENT, PURSUANT TO SECTION 8
2 AND ADJUSTED ACCORDINGLY.

3 C. ALL TRANSPORTATION IMPROVEMENTS UNDERTAKEN BY THE
4 DEVELOPER AUTHORIZED UNDER THIS ORDINANCE MUST BE
5 COMPLETED PRIOR TO ISSUANCE OF A FINAL DEVELOPMENT ORDER,
6 OR AS OTHERWISE ESTABLISHED IN A BINDING AGREEMENT THAT IS
7 ACCOMPANIED BY A SECURITY INSTRUMENT THAT IS SUFFICIENT TO
8 ENSURE THE COMPLETION OF ALL REQUIRED IMPROVEMENTS. ANY
9 SECURITY INSTRUMENT, IN A FORM ACCEPTABLE THE APPROVING
10 LOCAL GOVERNMENT, SHALL BE FOR AT LEAST 150% OF THE
11 ESTIMATED COST OF IMPROVEMENTS TO BE COMPLETED BY THE
12 DEVELOPER, AND SHALL BE SUBJECT TO ADJUSTMENT ANNUALLY
13 TO TAKE INTO ACCOUNT ANY INCREASES IN COSTS OF MATERIALS
14 AND CONSTRUCTION. THE SECURITY INSTRUMENT SHALL BE
15 IRREVOCABLE AND SHALL REMAIN IN EFFECT UNTIL THE
16 DEVELOPER FULLY COMPLETES THE REQUIRED IMPROVEMENTS.

17 D. DEDICATION OF NECESSARY RIGHT-OF-WAY FOR FACILITY
18 IMPROVEMENTS PURSUANT TO A PROPORTIONATE FAIR-SHARE
19 AGREEMENT MUST BE COMPLETED PRIOR TO ISSUANCE OF THE
20 FINAL DEVELOPMENT ORDER AS DEFINED IN SUBSECTION 10(2)
21 ABOVE.

22 E. ANY REQUESTED CHANGE TO A DEVELOPMENT PROJECT
23 SUBSEQUENT TO A DEVELOPMENT ORDER MAY BE SUBJECT TO
24 ADDITIONAL PROPORTIONATE FAIR-SHARE CONTRIBUTIONS TO THE
25 EXTENT THE CHANGE WOULD GENERATE ADDITIONAL IMPACTS
26 THAT WOULD REQUIRE MITIGATION.

27 F. APPLICANTS MAY SUBMIT A LETTER TO WITHDRAW FROM THE
28 PROPORTIONATE FAIR-SHARE AGREEMENT AT ANY TIME PRIOR TO
29 THE EXECUTION OF THE AGREEMENT. THE APPLICATION FEE AND
30 ANY ASSOCIATED ADVERTISING COSTS TO THE TOWN WILL BE
31 NONREFUNDABLE.

32 G. THE TOWN MAY ENTER INTO PROPORTIONATE FAIR-SHARE
33 AGREEMENTS WITH MULTIPLE APPLICANTS FOR SELECTED
34 CORRIDOR IMPROVEMENTS TO A SHARED TRANSPORTATION
35 FACILITY.

36 10.03.07 Appropriation of Fair-Share Revenues

37 A. PROPORTIONATE FAIR-SHARE REVENUES SHALL BE PLACED IN THE
38 APPROPRIATE PROJECT ACCOUNT OF THE LOCAL GOVERNMENT(S)
39 ENTITLED TO SHARE IN THE REVENUES FOR FUNDING OF
40 SCHEDULED IMPROVEMENTS IN THE TOWN'S CIE, OR AS OTHERWISE
41 ESTABLISHED IN THE TERMS OF THE PROPORTIONATE FAIR-SHARE
42 AGREEMENT. AT THE DISCRETION OF THE LOCAL GOVERNMENT,
43 PROPORTIONATE FAIR-SHARE REVENUES MAY BE USED FOR

1 OPERATIONAL IMPROVEMENTS PRIOR TO CONSTRUCTION OF THE
2 CAPACITY PROJECT FROM WHICH THE PROPORTIONATE FAIR-SHARE
3 REVENUES WERE DERIVED. PROPORTIONATE FAIR-SHARE
4 REVENUES MAY ALSO BE USED AS THE 50% LOCAL MATCH FOR
5 FUNDING UNDER THE FDOT TRANSPORTATION REGIONAL
6 INCENTIVE PROGRAM (TRIP).

7 B. IN THE EVENT A SCHEDULED FACILITY IMPROVEMENT IS REMOVED
8 FROM THE CIE, THE REVENUES COLLECTED FOR ITS CONSTRUCTION
9 MAY BE APPLIED TOWARD THE CONSTRUCTION OF ANOTHER
10 IMPROVEMENT WITHIN THAT SAME CORRIDOR OR SECTOR THAT
11 WOULD MITIGATE THE IMPACTS OF DEVELOPMENT PURSUANT TO
12 THE REQUIREMENTS OF SECTION 5(2)(B).

13 C. WHERE AN IMPACTED FACILITY HAS BEEN DESIGNATED AS A
14 REGIONALLY SIGNIFICANT TRANSPORTATION FACILITY ON THE
15 LAKE-SUMTER MPO REGIONALLY SIGNIFICANT CORRIDORS MAP,
16 THEN THE TOWN MAY COORDINATE WITH OTHER IMPACTED
17 JURISDICTIONS AND AGENCIES TO APPLY PROPORTIONATE FAIR-
18 SHARE CONTRIBUTIONS TO SEEK FUNDING FOR IMPROVING THE
19 IMPACTED REGIONAL FACILITY UNDER THE FDOT TRIP. SUCH
20 COORDINATION SHALL BE RATIFIED BY THE TOWN THROUGH AN
21 INTERLOCAL AGREEMENT THAT ESTABLISHES A PROCEDURE FOR
22 EARMARKING OF THE DEVELOPER CONTRIBUTIONS FOR THIS
23 PURPOSE.

24 D. WHERE AN APPLICANT CONSTRUCTS A TRANSPORTATION FACILITY
25 THAT EXCEEDS THE APPLICANT'S PROPORTIONATE FAIR-SHARE
26 OBLIGATION CALCULATED UNDER SECTION 8, THE TOWN SHALL
27 REIMBURSE THE APPLICANT FOR THE EXCESS CONTRIBUTION USING
28 ONE OR MORE OF THE FOLLOWING METHODS:

29 1. AN IMPACT FEE CREDIT ACCOUNT MAY BE ESTABLISHED FOR THE
30 APPLICANT IN THE AMOUNT OF THE EXCESS CONTRIBUTION, A
31 PORTION OR ALL OF WHICH MAY BE ASSIGNED AND REASSIGNED
32 TO SUBSEQUENT OWNERS OF THE LAND TO BE DEVELOPED,
33 UNDER THE TERMS AND CONDITIONS ACCEPTABLE TO THE
34 COUNTY OR **TOWNMUNICIPALITY**, BUT WHICH MUST RUN WITH
35 THE LAND AND MAY NOT BE ASSIGNED IN GROSS TO THE
36 DEVELOPER OF ANY OTHER PARCEL OF PROPERTY.

37 2. AN ACCOUNT MAY BE ESTABLISHED FOR THE APPLICANT FOR
38 THE PURPOSE OF REIMBURSING THE APPLICANT FOR THE EXCESS
39 CONTRIBUTION WITH PROPORTIONATE FAIR-SHARE PAYMENTS
40 FROM FUTURE APPLICANTS ON THE FACILITY.

41 3. THE TOWN MAY COMPENSATE THE APPLICANT FOR THE EXCESS
42 CONTRIBUTION THROUGH PAYMENT OR SOME COMBINATION OF
43 MEANS ACCEPTABLE TO THE TOWN AND THE APPLICANT.

1 **10.04.00 SCHOOL CONCURRENCY**

- 2 A. It is the intent of this section to implement the goals, objectives, policies and
3 standards of the Town of Howey in the Hills Comprehensive Plan, as amended, and
4 particularly, the Public School Facilities Element and to implement the Interlocal
5 Agreement between Lake County, the Lake County School Board, and
6 Municipalities for School Facilities Planning and Siting (hereafter referred to the
7 "Agreement").
- 8 B. Unless otherwise provided herein, this ordinance shall apply to all development
9 orders with any residential component and any amendment to an existing
10 development order to the extent that the student generation is increased above what
11 was previously approved, or any other official action of the Town having the effect
12 of permitting residential development of land. The following residential uses shall
13 be considered exempt from the requirements of school concurrency (unless the
14 development approval for such use required it to meet School Concurrency).
- 15 1. Single family lots having received final plat approval prior to the effective date
16 of the Town's School Concurrency Ordinance or other lots which the Town has
17 determined are vested based on statutory or common law vesting.
 - 18 2. Multi-family residential development having received final site plan approval
19 prior to the effective date of the Town's School Concurrency Ordinance or other
20 multi-family residential development which the Town has determined is vested
21 based on statutory or common law vesting.
 - 22 3. Amendments to residential development approvals issued prior to the effective
23 date of the Town's School Concurrency Ordinance, which do not increase the
24 number of residential units or change the type of residential units proposed.
 - 25 4. Age restricted communities (as defined in the School Concurrency Ordinance)
26 that are subject to deed restrictions prohibiting the permanent occupancy of
27 residents under the age of eighteen (18). Such deed restrictions must be
28 recorded and must be irrevocable for a period of at least fifty (50) years.
 - 29 5. Plats or residential site plans which include four (4) or less units. For purposes
30 of this section, a property owner may not divide his property into several
31 developments in order to claim exemption as allowed by this section. In making
32 a determination as to whether a property is exempt under this section, the Town
33 shall consider in addition to the ownership at the time of the application the
34 ownership as of the date of the adoption of this agreement.
- 35 C. To ensure the capacity of schools is sufficient to support student growth at the
36 adopted Level of Service for each year of the five-year planning period and through
37 the long term planning period, after June 1, 2008, the following Level of Service
38 standard shall be established for all schools of each type within each CSA and each
39 individual school:
- 40 1. Elementary: 100% of permanent FISH capacity. If core dining capacity is
41 available in excess of FISH capacity, the school capacity shall be increased up
42 to 125% of FISH capacity by adding seats located in temporary student stations
43 so long as the total capacity does not exceed core dining capacity.
 - 44 2. Middle: 100% of permanent FISH capacity. If core dining capacity is available

- 1 in excess of FISH capacity, the school capacity shall be increased up to 125%
- 2 of FISH capacity by adding seats located in temporary student stations so long
- 3 as the total capacity does not exceed core dining capacity.
- 4 3. High: 100% of permanent FISH capacity. If core dining capacity is available in
- 5 excess of FISH capacity, the school capacity shall be increased up to 125% of
- 6 FISH capacity by adding seats located in temporary student stations so long as
- 7 the total capacity does not exceed core dining capacity.
- 8 a. For purposes of (1), (2), and (3) above, non-conversion charter schools shall
- 9 be counted as FISH capacity if an agreement has been entered between the
- 10 charter school and the School Board which requires the school facility to be
- 11 constructed in accordance with Florida Department of Education standards
- 12 for public schools; which provides that the school facility will be provided
- 13 to the School Board for its use if the charter school fails to operate
- 14 satisfactorily; and, which provides that if there are financing arrangements
- 15 for the school, the School Board will be able to operate the school without
- 16 having to be responsible for such financing costs or that the School Board
- 17 is willing and able to accept responsibility for such costs.
- 18 b. For purposes of (1), (2) and (3) above, a developer financed public school
- 19 shall be counted as FISH capacity if an agreement has been entered between
- 20 the developer and the School Board which requires the school facility to be
- 21 constructed in accordance with Florida Department of Education standards
- 22 for public schools; which requires that the Developer transfer the school
- 23 facility to the School Board upon its completion; and, which provides that
- 24 if there are financing arrangements for the school, the School Board will be
- 25 able to operate the school without having to be responsible for such
- 26 financing costs or that the School Board is willing and able to accept
- 27 responsibility for such costs.
- 28 D. The following procedures will be utilized to obtain a School Concurrency
- 29 Determination from the Lake County School Board and to allow for mitigation if a
- 30 development proposal is determined not to be in compliance.
- 31 E. A completed application provided by and delivered to the Lake County School
- 32 Board must be submitted concurrent with a final development order by an applicant
- 33 proposing residential development. The application at a minimum shall include the
- 34 following information:
 - 35 1. Proposed Development Name
 - 36 2. Application Type
 - 37 3. Intake Date
 - 38 4. Signature of Agent
 - 39 5. Number of Residential Units broken down by unit type
 - 40 6. Property Deed
 - 41 7. Consent Form
 - 42 8. Phasing Plan (If Applicable)
 - 43 9. Site Plan
 - 44 10. Survey
 - 45 11. Justification Statement

12. Location Map

- F. Within three days of submitting to the School Board, the applicant must present a copy of the application to the Town. The Town shall provide a Determination of Authenticity to the School Board within three days of receiving the application.
- G. The School Board shall review the application in accordance with the provisions of Section 5.5.2 of the *Agreement* and base the concurrency determination on standards outlined in Section 5.5.3 of the *Agreement*.
- H. No development order shall be approved unless a Letter of Determination of Concurrency has been issued by the School Board finding the development in compliance.
- I. Once the School Board has reviewed the application it shall issue a Letter of Determination of Concurrency within 30 days if the impact of the proposed developments student growth does not cause the adopted Level of Service to be exceeded.
- J. If the development is not in compliance, the Letter of Determination of Concurrency shall detail why the development is not in compliance and shall offer the applicant the opportunity to enter into a 90 day negotiation period in accordance with the provisions of Section 5.6 of the *Agreement*.
- K. During the 90-day negotiation period the applicant shall meet with the School Board in an effort to mitigate the impact from the development.
 - 1. Mitigation shall be limited to those options which the School Board recognizes and assumes the responsibility to operate and which will maintain the adopted Level of Service standards for the first five years from receipt of the School Boards Letter of Determination of Concurrency.
 - 2. The Town of Howey in the Hills shall have the opportunity to review the mitigation options.
 - 3. The Town Council shall approve all Proportionate Share Agreements.
- L. If mitigation is not agreed to, the Letter of Determination of Concurrency shall detail why mitigation proposals were rejected and detail why the development is not in compliance. In this case, no development order shall be issued.
- M. If the School Board and the applicant agree to mitigation, the Letter of Determination of Concurrency shall be issued based on the agreed mitigation measures and an agreement between the School Board, the Town, and the applicant.
- N. A Letter of Determination for School Concurrency, finding the development in compliance, issued by the School Board shall be valid for one year from the date of issuance unless extended by the School Board. Once the development order is issued, the concurrency determination shall run with the development order.
- O. If the Letter of Determination of Concurrency requires conditions or mitigation to be placed on the development, the development order issued by the Town shall incorporate conditions as set forth by the School Board.
- P. If the Letter of Determination of Concurrency requires the development to be phased to school construction or other mitigation, the conditions of approval of the development order shall reflect the phasing requirements by withholding subsequent development orders for building permits.
- Q. In no case shall a development order be issued unless provisions are made through

1 conditions of approval or by agreement between the School Board, the Town, and
2 the applicant to provide Performance Security when required.
3 #52602432 v2

Staff Suggested Training for Incoming Howey-in-the-Hills Town Councilors

To ensure incoming councilors are well-prepared to fulfill their duties effectively and participate knowledgeably in Town Hall meetings, a comprehensive training program should be established. Below is a structured outline of suggested training components:

#1 – **Staff Guided Orientation and Training** (Presented by Town Manager, Town Clerk, Town Attorney and Town Planner)

- Introduction to Town Staff and Key Contacts (*Town/Department Organizational Chart*)
- Introduction to Town Charter, Code of Ordinances, and Land Development Code.
- Roberts Rules of Order: Training on parliamentary procedures to ensure orderly and efficient meetings.
- Familiarity with Policies – (*How to request agenda items, how to request a public record, how permit and code enforcement works, how citizens can file a municipal request, process for appointing to boards, and prep meetings.*)
- Legal Training: Overview of municipal law, Sunshine Law, and public records requirements
- Manager-Council Form of Government: Explanation of the roles and responsibilities under this form of government, emphasizing the separation of powers and collaborative governance.
- Municipal Finance 101 – Accounting, Budgeting, and Audits.
- Resources Available – Florida League of Cities
- Public Works / Police Department Tour of Town (*Tour of the Town’s Water Department, Police Department, Town Hall, Cemetery, Parks, Library, and meet the Town’s employees*)

#2 – **Online Orientation for Newly Elected Officials** through Florida League of Cities (FLC)

This virtual course offers convenient start dates throughout the year and consists of seven mixed media lessons specific to Florida covering all aspects of municipal governance and the services cities provide.

The self-paced course is only \$99 and can usually be completed in less than 10 hours, total. Upon completion, participants will receive a certificate from FLC University and have a better understanding of their role in local government.

#3 – **Institute For Elected Municipal Officers** presented by the FLC

Institute for Elected Municipal Officials I (IEMO I) – This is a 2-day course that will require travel.

IEMO I is specially designed for newly elected officials and those with less than one term in office.

Workshops include an overview of Florida municipal government and intergovernmental relations, strategies and best practices for effective councils, budgeting and accounting, taxes and other revenue sources, and parliamentary procedures.

A registration fee of \$300 covers instructional costs, materials, refreshment breaks and lunch on Friday and Saturday.

Workshops include an overview of Florida municipal government and intergovernmental relations, strategies and best practices for effective councils, budgeting and accounting, taxes and other revenue sources, and parliamentary procedures.

Suggested Training for an Incoming Howey in the Hills Town Councilor(s)

- Financial – Revenue and expense reports
- Land Development Code - Copy of latest version to be distributed to new Councilor(s) upon swearing in.
- Adopted Comprehensive Plan- Copy of latest version to be distributed to new Councilor(s) upon swearing in.
- Town of Howey in the Hills Charter
- Roberts Rule of Order.
- Code of Ordinances
- Legal
- Code of Conduct
- Town of Howey in the Hills provided services – Police, Library, etc.

These are my suggestions to start the discussion that I believe will help incoming Councilors be ready to assume the position and participate with knowledge in Town Hall meetings.



MEMO

To: Town Council
 CC:
 From: John Brock, Town Clerk
 RE: July 2024 Month-End Town Hall Report
 Date: 08/08/2024

Utility Billing:

Top Utility Bill Bad Debt for July 2024

account	last_payment_amount	last_payment_date	comments	current_charges	past_due_amount	service_address
0319-00	\$300.00	6/3/2024	Resident on a payment plan for the past due amount due to leak.	\$77.15	\$748.19	1009 N Hamlin Ave
0285-00	\$310.31	08/02/23	Disconnected for non-payment. Water meter is locked. Will Lien. House is empty.	\$55.99	\$556.96	504 E Mission Lane
0541-00	\$50.00	06/10/24	Partial payments being made. Phone #s on file not in service. Bank paying \$50 each month. House is empty.	\$77.15	\$218.10	503 Camino Real Blvd
0239-00	\$100.00	05/22/24	Related to water leak 9/22, resident in assisted living, home is empty. Family making \$100 payments monthly. Property Liened and will be removed when paid. House is empty	\$55.99	\$209.21	607 N Lakeshore Bld
0533-00	\$100.00	05/20/24	History of late payment. Door tagged for non payment since 6/26/24 Water turned-off and acct reamins locked. House is empty.	\$86.56	\$133.77	600 E Revels Road
0596-00	\$125.68	6/6/2024	No history of late payment. Attempts made to reach homeowner. Payment reminder door tag issued 7/30/24. House may have sold.	\$87.34	\$116.05	196 W Cypress Ave

Building Permits:

Item 15.

PERMITS	TOTAL Q1	TOTAL Q2	TOTAL Q3	July 24	August 24	Sept 24	TOTAL Q4
Talichet - SFR	1	0	0	0			0
Venezia TH SFR	16	17	17	8			8
Independent - SFR	0	1	1	0			0
Bldg Com. (Sign)	0	0	0	0			0
Building	3	3	3	3			3
Doors	0	2	3	1			1
Electrical	2	0	0	1			1
Fence	5	5	7	23			23
Gas	1	1	1	0			0
HVAC / Mechanical	3	3	4	1			1
Plumbing	1	1	2	1			1
Pool/Decks	2	0	1	1			1
Re-Roof	13	3	10	2			2
Screen Enclosure	1	4	1	1			1
Sheds	1	1	1	1			1
Solar	6	3	11	6			6
Windows	2	4	5	1			1
Monthly Totals	57	48	67	50	0	0	50
<i>Monthly Permit Amount</i>	<i>\$237,420.02</i>	<i>\$214,634.18</i>	<i>\$237,653.66</i>	<i>\$120,247.67</i>			<i>\$120,247.67</i>
CO: Talichet - SFR	5	9	2	0			0
CO: Venezia Townhome	29	9	20	12			12
CO:Independent - SFR	0	0	0	0			0

Activity Log Event Summary (Cumulative Totals)

Howey-in-the-Hills PD
(07/01/2024 - 07/31/2024)

Abandoned 911	5	Alarm Activation	4
Animal Complaint	7	Arrest	1
Assault & Battery	2	Assist other Agency- Alarms	1
Assist other Agency- Back-up	5	Assist other Agency- In Progress calls	9
Assist other Agency- Medical Call	3	Assist other Agency- Other	5
Assist other Agency- Traffic	3	Be on the look-out- BOLO	1
Case Follow-Up	1	Child Neglect-Abuse	1
Citizen Assist	5	Civil Complaint-Legal Advice	11
Disabled Vehicle (DAV)	5	Disturbance	1
Disturbance - Domestic	1	Found / Lost Property	1
Funeral Escort	2	Harassing / Obscene Phone Calls	1
Patrol	302	Patrol-Busines	5
Patrol-School	1	Property Check-Boat Ramp	25
Property Check-Business	45	Property Check-Residence	26
Property Check-Schools/Govt. Bldg.	28	Property Check-Town Property	95
Public Relations	1	Reckless Driver	3
Security Check Request	1	Solicitor Complaint	1
Suspicious Incident	3	Suspicious Person - Business	1
Suspicious Vehicle	1	Theft - Grand/Petit	1
Traffic Crash	5	Traffic Stop-Civil Citation	68
Traffic Stop-Criminal Citation	3	Traffic Stop-warning	75
Traffic Watch	32	Training-	1
VIN Verification	1	Well Being Check	1

Total Number Of Events: 800



STAFF REPORT

TO: Honorable Mayor and Town Council

FROM: Chief Rick Thomas

DATE: August 1, 2024

RE: Police Activity

- 1) A new Lieutenant was hired, please welcome Mike Giddens.
- 2) I am currently working on a grant application for a 2023 JAGC grant. Tavares PD opted not to apply and relinquished their funds to us. We are expecting around \$11,000 dollars, if approved.
- 3) The agency will be recognized at the Florida Challenge Awards ceremony in July for collaborative traffic measures which produce reduced traffic incidents & compliance based. We placed second in our division.
- 4) One of our young officers is being backgrounded by another agency. The cycle continues.

Town Council Open Monthly Case Report

07/01/2024 - 07/31/2024

Case Date	Parcel Address	Violation Type	Violation Type	Main Status	Date Closed
7/24/2024	212 E MAGNOLIA AVE	No Permit for above ground pool	Permits	Open	
7/24/2024	512 N FLORIDA AVE	Dead Oak Tree	Zoning Chapter 7	Open	
7/24/2024	308 N PALM AVE	Outside Storage	Property Maintenance	Closed	7/31/2024
7/22/2024	497 BELLISSIMO PL HOWEY IN THE HILLS FL 34737	Irrigating on the wrong days.	Water	Open	
7/22/2024	529 AVILA PL	Irrigating on the wrong days.	Water	Open	
7/22/2024	642 AVILA PL	Irrigating on the wrong day	Water	Open	
7/22/2024	575 VIA BELLA CT	Irrigating on the wrong days	Water	Open	
7/22/2024	636 AVILA PL	Irrigating on the wrong days	Water	Open	
7/19/2024	624 AVILA PL	Irrigating on the wrong days.	Water	Open	
7/19/2024	405 MISSION LN	Irrigating on the wrong day.	Water	Open	
7/19/2024	428 BELLISSIMO PL	Irrigating on the wrong days.	Water	Closed	7/22/2024
7/19/2024	508 BELLISSIMO PL	Irrigating on the wrong days	Water	Open	
7/18/2024	646 AVILA PL	Irrigating on the wrong days.	Water	Open	

Case Date	Parcel Address	Violation Type	Violation Type	Main Status	Date Closed
7/18/2024	552 AVILA PL	Irrigating on the wrong days.	Water	Open	
7/18/2024	654 AVILA PL	Irrigating on the wrong days.	Water	Open	
7/18/2024	229 MESSINA PL	Irrigating on wrong days	Water	Open	
7/17/2024	702 CALABRIA WAY	Irrigating on the wrong days	Water	Closed	7/23/2024
7/17/2024	403 BELLISSIMO PL	Irrigation on the wrong days	Water	Open	
7/17/2024	559 VIA BELLA CT	Irrigation	Water	Closed	7/22/2024
7/17/2024	529 AVILA PL	Irrigation Violation	Water	Open	
7/16/2024	1001 N LAKESHORE BLVD	No permit for the pool and pavers.	Permits	Open	
7/12/2024	203 S MARE AVE	Overgrowth	Property Maintenance	Open	
7/12/2024	104 S MARE AVE	Overgrowth	Property Maintenance	Closed	7/31/2024
7/12/2024	E HOLLY ST	Overgrowth	Property Maintenance	Open	
7/12/2024	512 N FLORIDA AVE	Overgrowth	Property Maintenance	Closed	7/16/2024
7/11/2024	604 AVILA PL	Irrigating on the wrong days.	Water	Open	
7/11/2024	127 W MAGNOLIA AVE	Overgrowth	Property Maintenance	Closed	7/22/2024
7/11/2024	W CENTRAL AVE	Overgrowth	Property Maintenance	Closed	7/22/2024
7/11/2024	W CENTRAL AVE	Overgrowth	Property Maintenance	Closed	7/15/2024
7/11/2024	W CENTRAL AVE	Overgrowth	Property Maintenance	Closed	
7/11/2024	W CENTRAL AVE	Overgrowth	Property Maintenance	Closed	7/22/2024

Case Date	Parcel Address	Violation Type	Violation Type	Main Status	Date Closed
7/10/2024	105 N FLORIDA AVE	Overgrowth	Property Maintenance	Closed	7/22/2024

Total Records: 32

8/2/2024

Town Council Closed Monthly Case Report

07/01/2024 - 07/31/2024

Main Status	Parcel Address	Violation Type	Violation Type	Case Date	Date Closed
Closed	308 N PALM AVE	Outside Storage	Property Maintenance	7/24/2024	7/31/2024
Closed	428 BELLISSIMO PL	Irrigating on the wrong days.	Water	7/19/2024	7/22/2024
Closed	702 CALABRIA WAY	Irrigating on the wrong days	Water	7/17/2024	7/23/2024
Closed	559 VIA BELLA CT	Irrigation	Water	7/17/2024	7/22/2024
Closed	104 S MARE AVE	Overgrowth	Property Maintenance	7/12/2024	7/31/2024
Closed	512 N FLORIDA AVE	Overgrowth	Property Maintenance	7/12/2024	7/16/2024
Closed	127 W MAGNOLIA AVE	Overgrowth	Property Maintenance	7/11/2024	7/22/2024
Closed	W CENTRAL AVE	Overgrowth	Property Maintenance	7/11/2024	7/22/2024
Closed	W CENTRAL AVE	Overgrowth	Property Maintenance	7/11/2024	7/15/2024
Closed	W CENTRAL AVE	Overgrowth	Property Maintenance	7/11/2024	7/22/2024
Closed	105 N FLORIDA AVE	Overgrowth	Property Maintenance	7/10/2024	7/22/2024
Closed	300 E CROTON WAY	Overgrowth	Property Maintenance	6/26/2024	7/8/2024
Closed	107 E LAUREL	Yard Waste	Garbage	6/18/2024	7/8/2024
Closed	126 E CYPRESS AVE	Junk	Garbage	6/14/2024	7/9/2024
Closed	206 MARILYN AVE	No Fence Permit	Zoning Chapter 5	5/21/2024	7/30/2024
Closed	704 CALABRIA WAY	Outside storage	Zoning Chapter 5	5/9/2024	7/9/2024

Total Records: 16

8/2/2024

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Public Works

July 2024 – Monthly Report

Activity	Location/ Address	Notes
Road Maintenance / Potholes	Marilyn Ave N Valencia Ave	Pothole repaired on Marilyn Ave Potholes repaired on N. Valencia Ave
Stormwater/Drainage	N Lakeshore Blvd	1016 & 1104 N. Lakeshore Blvd, stormwater inlets were cleaned
Sidewalk Maintenance/Repair		
Building Maintenance		
Grounds Maintenance	Town Hall	PW staff replaced fountain outside of Town Hall
Tree Trimming/Tree Removal/Stump Removal	603 S Palm Ave 205 N Palm Ave 204 W Myrtle St	PW Staff trimmed branches near driveway and around sidewalk. Tree contractor removed dead tree. Tree contractor removed dead tree.
Mowing/Weed Eating	Main Water Plant Well # 3 Lakeshore Blvd Cemetery Blevins Park	Monthly Maintenance mowing, weed eating and edging. Monthly Mowing of Town Right of Way 9 Acre – Town Owned Parcel
Pre-Grade Inspections Landscape/Irrigation Inspections Sidewalk Inspections	Talichet Talichet 2 Venezia Townhomes In Field Lots	0 – Pre-Grade Inspection - SFR 2 – Final Lot Grading Inspection - SFR 2 – Final Landscape Inspection - SFR 0 – Sidewalk Inspection – SFR 0 – Pre-Grade Inspection – SFR 0 – Final Lot Grading Inspection 0 – Final Landscape Inspection 0 – Sidewalk Inspection 6 – Pre-Grade Inspections – Town Home 11 – Final Lot Grading Inspection – Town Home 11 – Final Landscape Inspection – Town Home 11 – Sidewalk Inspection – Town Home 0 – Final Lot Grading Inspection
Lot Grading Plan Reviews Landscape/Irrigation Plan Reviews	Talichet Phase 2 Venezia Town Homes	0 – Lot Grading Plan/Landscape/Irrigation Reviews 0 – Lot Grading Plan Reviews

Additional Updates:

- **Sara Maude Mason Nature Preserve nature trail is open to the public:**
 - The boardwalk will stay closed. (Unsafe for pedestrian traffic)
 - Town Staff is working with FEMA Funding of reimbursement on the cost for repairs to the boardwalk.
 - The Public Works Director has completed the RFP for the Reconstruction of the Sara Maude Mason Boardwalk. The Town has selected a contractor for the Sara Maude Mason Boardwalk Restoration Project.
 - Town Attorney is reviewing the contract for the Sara Maude Mason Boardwalk Restoration Project.
 - Contract has been signed with Contractor, permitting in process, construction to start soon.
 - The Contractor has started rebuilding the boardwalk.
- **Pine Park Update:**
 - The Town Engineer has designed a concept plan of Pine Park with amenities that include a driveway, parking area with handicap spaces, pickle ball courts, restrooms, pavilions, playgrounds, bike trail and trails connecting to Venezia HOA property for Venezia resident access.
 - The Town Engineer is working with FDOT on a Driveway Permit for Pine Park. Once the permit has been issued, the Town will start construction on the driveway.
 - Trees have been removed, new sign has been installed, Contractor has started constructing the driveway and gravel parking area.
- **LCWA Stormwater Grant Update:**
 - The Public Works is working with SJRWMD for any permitting required for the project.
 - The Public Works Director is in contact with LCWA for all grant reports and requirements.
 - The Town Engineer completed the survey for the Project Site to determine the high-water line, wetland delineation. He is currently working on the design process.
- **FDEM Lift Station #1 and Lift Station #2 Bypass Pump Grant Update:**
 - The Public Works Director is working with FDEM on both grant applications during the grant review process.
 - The Public Works Director is in contact with FDEM staff to provide additional documents and information needed during the review process.
- **N. Citrus Avenue Update:**
 - The survey has been completed; the Town has received a signed copy of the survey.
 - The Town Engineer has completed the Road Design Plan.
 - Town Manager and PW Director are working with residents on right of way and replat.
 - The Town Surveyor has started the replat.
- **Historical Water Tower Update:**
 - The Water Tower Condition Assessment Inspection has been completed by USG Water Solutions.
 - Public Works staff have applied for the National Historical Registry.
 - Public Works staff have withdrawn their application for Historical Restoration Grant.



Public Utilities

July 2024– Monthly Report

Activity	Location/ Address	Notes
Locates	Throughout Town	28 utility locates
Service Orders	Throughout Town	45 service orders
Repairs	Marilyn Ave	Repaired broken 2-inch service line under the road at 208 Marilyn Ave.



**Library Director's Report
Marianne Beck Memorial Library
For the Month of July 2024**

Statistics for June 2024:

Digital: 300, KOHA: 2,382 **Total:** 2,682. Items borrowed from other libraries: 514, items loaned to other libraries: 447. There were 67 computer sessions in July. Cloud library, which will be replacing Libby within the year had 231 checkouts. 12 residents received new library cards. A total of 5,611 residents visited the library in July. The library has 13,686 items in our collection.

Lake County Library System Update:

The process of switching internet providers from Summit to Comcast is still ongoing. No further updates at this time.

The Lake County Library System Headquarters is making staff and schedule adjustments. Director George will be on temporary intermittent FMLA leave.

Funds collected for July:

Copies/Fax: \$45.80 **Fines:** 51.30 **Total:** \$97.10

Activities during the month of July:

The Summer Reading Program wrapped up on July 24th. All ages participated and the Howey library patrons read a grand total of 95,603 pages, and 510 books during the months of June and July. The Summer Reading Program total attendance was 221.

The Kids Meet the Artist program was successful. Prizes were awarded for first and second place in each category. This contest was judged by three local artist. The artwork displayed was a range of paintings, photography, and 3d art.

Total Program Attendance for July: 515 patrons.

Respectively Submitted,

Hannah Vanwagner, Librarian Assistant

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
511000	Legislative						
511000	Legislative						
110	Executive Salaries	0.00	10,350.00	16,200.00	16,200.00	5,850.00	64 %
210	Fica	0.00	641.70	1,004.00	1,004.00	362.30	64 %
211	Medicare	0.00	150.12	235.00	235.00	84.88	64 %
342	Software & Annual Maintenance	0.00	1,006.71	580.00	1,325.00	318.29	76 %
400	Travel & Per Diem	0.00	337.43	1,000.00	1,000.00	662.57	34 %
410	Telephone & Communications	186.40	1,942.51	2,075.00	2,075.00	132.49	94 %
415	Website	0.00	2,810.00	4,450.00	4,450.00	1,640.00	63 %
470	Printing - General	0.00	0.00	125.00	125.00	125.00	%
493	Employee Appreciation	0.00	1,615.96	2,500.00	2,500.00	884.04	65 %
497	Compassion Flowers	0.00	0.00	100.00	100.00	100.00	%
510	Office Supplies	0.00	0.00	200.00	200.00	200.00	%
520	Operating Supplies	0.00	0.00	3,620.00	3,620.00	3,620.00	%
540	Dues, Subscriptions, Licenses	0.00	609.98	1,800.00	1,800.00	1,190.02	34 %
550	Training/Education/Tuition	0.00	158.00	1,500.00	1,500.00	1,342.00	11 %
820	Contributions/Donations	0.00	0.00	2,000.00	2,000.00	2,000.00	%
950	Other Non Operating Uses	0.00	0.00	28,865.00	28,865.00	28,865.00	%
	Account Total:	186.40	19,622.41	66,254.00	66,999.00	47,376.59	29 %
	Account Group Total:	186.40	19,622.41	66,254.00	66,999.00	47,376.59	29 %
513000	Financial And Administrative						
513000	Financial And Administrative						
110	Executive Salaries	995.40	24,078.21	26,322.00	26,322.00	2,243.79	91 %
120	Salaries	598.43	17,426.84	27,098.00	25,598.00	8,171.16	68 %
140	Overtime Wages	9.90	164.11	521.00	521.00	356.89	31 %
210	Fica	96.77	2,515.55	3,344.00	3,344.00	828.45	75 %
211	Medicare	22.62	588.22	782.00	782.00	193.78	75 %
225	ICMA Retirement Contribution	118.12	3,326.40	5,394.00	5,394.00	2,067.60	62 %
230	Life & Health Ins.	230.38	6,235.52	8,444.00	8,444.00	2,208.48	74 %
240	Workers' Compensation	0.00	817.88	703.00	1,206.00	388.12	68 %
250	Unemployment Expense	0.00	0.00	6,275.00	6,275.00	6,275.00	%
310	Legal Fees	0.00	0.00	0.00	6,000.00	6,000.00	%
320	Accounting & Auditing	5,405.00	39,567.50	38,000.00	38,000.00	-1,567.50	104 %
321	Bank Fees	0.00	0.00	600.00	600.00	600.00	%
340	Other Contractual Services	0.00	2,398.22	4,500.00	4,500.00	2,101.78	53 %
342	Software & Annual Maintenance	0.00	9,750.99	19,300.00	19,300.00	9,549.01	51 %
350	Pre Employment Screening	0.00	1,149.00	1,400.00	1,400.00	251.00	82 %
400	Travel & Per Diem	0.00	3,487.19	4,700.00	6,000.00	2,512.81	58 %
410	Telephone & Communications	249.20	7,745.05	12,400.00	12,400.00	4,654.95	62 %
420	Freight/Postage/Shipping	0.00	2,091.37	2,000.00	2,000.00	-91.37	105 %
430	Utility Services	120.57	4,253.70	6,000.00	6,000.00	1,746.30	71 %
440	Rentals & Leases	169.00	2,420.48	2,700.00	2,700.00	279.52	90 %
451	Insurance	0.00	0.00	2,132.00	2,132.00	2,132.00	%
460	R & M - Equipment	116.00	116.00	200.00	200.00	84.00	58 %
461	R & M - Computer Maint	0.00	350.99	3,000.00	3,000.00	2,649.01	12 %
463	R & M - Vehicles	0.00	0.00	2,000.00	2,000.00	2,000.00	%
470	Printing - General	0.00	188.50	250.00	250.00	61.50	75 %
510	Office Supplies	0.00	1,816.12	1,825.00	1,825.00	8.88	100 %
520	Operating Supplies	0.00	7,938.76	3,800.00	12,000.00	4,061.24	66 %
522	Gas & Oil	0.00	0.00	2,000.00	2,000.00	2,000.00	%

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
540	Dues, Subscriptions, Licenses	0.00	3,134.00	4,100.00	4,100.00	966.00	76 %
550	Training/Education/Tuition	0.00	3,046.26	4,000.00	5,500.00	2,453.74	55 %
	Account Total:	8,131.39	144,606.86	193,790.00	209,793.00	65,186.14	69 %
	Account Group Total:	8,131.39	144,606.86	193,790.00	209,793.00	65,186.14	69 %
519000	Other General Government						
519000	Other General Government						
310	Legal Fees	11,550.00	204,704.75	115,000.00	300,000.00	95,295.25	68 %
316	Town Planning/Engineering	0.00	42,636.75	50,000.00	50,000.00	7,363.25	85 %
318	Town Planning	0.00	47,995.66	70,000.00	70,000.00	22,004.34	69 %
340	Other Contractual Services	0.00	4,188.00	4,000.00	4,000.00	-188.00	105 %
347	Codification	0.00	1,325.00	5,000.00	5,000.00	3,675.00	27 %
415	Website	0.00	0.00	1,000.00	1,000.00	1,000.00	%
451	Insurance	0.00	124,245.00	107,225.00	107,225.00	-17,020.00	116 %
470	Printing - General	0.00	217.50	200.00	200.00	-17.50	109 %
492	Advertising	0.00	6,890.24	8,000.00	8,000.00	1,109.76	86 %
	Account Total:	11,550.00	432,202.90	360,425.00	545,425.00	113,222.10	79 %
	Account Group Total:	11,550.00	432,202.90	360,425.00	545,425.00	113,222.10	79 %
521000	Police						
521000	Police						
110	Executive Salaries	3,299.84	96,161.77	146,204.00	143,204.00	47,042.23	67 %
120	Salaries	15,639.35	301,482.76	377,292.00	371,337.00	69,854.24	81 %
130	Police - Reserve Salaries	810.00	9,234.10	12,315.00	17,820.00	8,585.90	52 %
131	Events Payroll	0.00	11,562.50	12,000.00	12,000.00	437.50	96 %
140	Overtime Wages	580.33	35,255.68	47,301.00	47,301.00	12,045.32	75 %
150	Police - Incentive Pay	500.00	5,350.00	6,840.00	6,840.00	1,490.00	78 %
210	Fica	1,236.84	27,409.37	36,153.00	35,503.00	8,093.63	77 %
211	Medicare	289.28	6,410.29	8,455.00	8,555.00	2,144.71	75 %
220	Police Retirement Contribution	5,193.06	106,555.01	148,065.00	136,065.00	29,509.99	78 %
230	Life & Health Ins.	5,071.62	95,849.10	141,600.00	141,600.00	45,750.90	68 %
240	Workers' Compensation	0.00	18,483.94	18,135.00	28,000.00	9,516.06	66 %
340	Other Contractual Services	1,000.00	1,922.14	3,226.00	3,226.00	1,303.86	60 %
342	Software & Annual Maintenance	0.00	8,634.54	11,400.00	11,400.00	2,765.46	76 %
343	Special Events	0.00	3,497.22	4,000.00	4,000.00	502.78	87 %
350	Pre Employment Screening	685.00	2,037.00	1,200.00	2,200.00	163.00	93 %
400	Travel & Per Diem	0.00	1,361.50	3,500.00	3,500.00	2,138.50	39 %
410	Telephone & Communications	844.47	27,964.31	15,000.00	32,000.00	4,035.69	87 %
420	Freight/Postage/Shipping	1,688.00	1,808.64	300.00	300.00	-1,508.64	603 %
430	Utility Services	120.58	4,253.71	6,000.00	6,000.00	1,746.29	71 %
440	Rentals & Leases	0.00	43,895.82	45,100.00	45,100.00	1,204.18	97 %
451	Insurance	0.00	7,588.80	7,745.00	7,745.00	156.20	98 %
460	R & M - Equipment	278.00	4,564.70	7,100.00	7,100.00	2,535.30	64 %
461	R & M - Computer Maint	0.00	857.85	1,500.00	1,500.00	642.15	57 %
462	R & M - Building	0.00	608.99	2,500.00	2,500.00	1,891.01	24 %
463	R & M - Vehicles	0.00	29,164.03	27,000.00	27,000.00	-2,164.03	108 %
490	Miscellaneous Expenses	0.00	139.83	0.00	0.00	-139.83	%
510	Office Supplies	0.00	3,327.22	4,000.00	4,000.00	672.78	83 %
520	Operating Supplies	11,844.46	27,213.92	29,858.00	19,858.00	-7,355.92	137 %
522	Gas & Oil	0.00	25,490.50	36,000.00	34,000.00	8,509.50	75 %
523	Uniforms	0.00	1,104.97	4,000.00	4,000.00	2,895.03	28 %

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
525	Weapons	0.00	4,859.74	5,000.00	5,000.00	140.26	97 %
540	Dues, Subscriptions, Licenses	0.00	830.50	1,500.00	1,500.00	669.50	55 %
550	Training/Education/Tuition	0.00	2,830.00	5,000.00	5,000.00	2,170.00	57 %
640	Cap Outlay - Equipment	7,962.84	7,962.84	0.00	0.00	-7,962.84	%
650	Cap Outlay - Vehicles	100,700.00	100,700.00	0.00	160,000.00	59,300.00	63 %
804	PD Vest Grant - 09/10	0.00	2,512.27	3,500.00	3,500.00	987.73	72 %
	Account Total:	157,743.67	1,028,885.56	1,178,789.00	1,338,654.00	309,768.44	77 %
	Account Group Total:	157,743.67	1,028,885.56	1,178,789.00	1,338,654.00	309,768.44	77 %
524000	Code Enforcement						
524000	Code Enforcement						
120	Salaries	1,760.00	37,014.15	45,760.00	45,760.00	8,745.85	81 %
140	Overtime Wages	0.00	115.50	1,889.00	889.00	773.50	13 %
210	Fica	104.41	2,222.47	2,954.00	2,954.00	731.53	75 %
211	Medicare	24.42	519.77	691.00	691.00	171.23	75 %
225	ICMA Retirement Contribution	176.00	3,531.55	4,765.00	4,765.00	1,233.45	74 %
230	Life & Health Ins.	409.75	7,785.25	9,834.00	9,834.00	2,048.75	79 %
240	Workers' Compensation	0.00	728.27	621.00	1,163.00	434.73	63 %
310	Legal Fees	0.00	10,182.65	6,000.00	13,000.00	2,817.35	78 %
342	Software & Annual Maintenance	2,500.00	3,042.79	3,220.00	3,220.00	177.21	94 %
400	Travel & Per Diem	0.00	1,040.80	1,020.00	1,041.00	0.20	100 %
410	Telephone & Communications	18.50	848.04	1,782.00	1,482.00	633.96	57 %
420	Freight/Postage/Shipping	0.00	267.55	300.00	300.00	32.45	89 %
451	Insurance	0.00	0.00	2,132.00	532.00	532.00	%
463	R & M - Vehicles	0.00	381.95	2,000.00	2,000.00	1,618.05	19 %
470	Printing - General	0.00	72.50	350.00	350.00	277.50	21 %
520	Operating Supplies	0.00	45.33	300.00	300.00	254.67	15 %
522	Gas & Oil	0.00	668.62	2,400.00	900.00	231.38	74 %
523	Uniforms	0.00	179.10	200.00	180.00	0.90	100 %
540	Dues, Subscriptions, Licenses	0.00	140.37	330.00	141.00	0.63	100 %
550	Training/Education/Tuition	0.00	650.00	1,000.00	650.00	0.00	100 %
	Account Total:	4,993.08	69,436.66	87,548.00	90,152.00	20,715.34	77 %
	Account Group Total:	4,993.08	69,436.66	87,548.00	90,152.00	20,715.34	77 %
538000	Stormwater Maintenance						
538000	Stormwater Maintenance						
340	Other Contractual Services	0.00	1,500.00	110,000.00	110,000.00	108,500.00	1 %
	Account Total:	0.00	1,500.00	110,000.00	110,000.00	108,500.00	1 %
	Account Group Total:	0.00	1,500.00	110,000.00	110,000.00	108,500.00	1 %
539000	Public Services						
539000	Public Services						
110	Executive Salaries	145.73	3,196.59	3,790.00	4,062.00	865.41	79 %
120	Salaries	907.03	19,507.94	23,646.00	24,266.00	4,758.06	80 %
140	Overtime Wages	0.00	453.44	3,200.00	3,200.00	2,746.56	14 %
210	Fica	60.89	1,358.27	1,899.00	1,899.00	540.73	72 %
211	Medicare	14.25	317.73	444.00	444.00	126.27	72 %
225	ICMA Retirement Contribution	34.63	706.94	3,064.00	3,064.00	2,357.06	23 %
230	Life & Health Ins.	415.42	7,757.62	6,884.00	9,700.00	1,942.38	80 %
240	Workers' Compensation	0.00	464.57	399.00	692.00	227.43	67 %
340	Other Contractual Services	7,100.00	38,135.48	87,000.00	87,000.00	48,864.52	44 %

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
350	Pre Employment Screening	0.00	0.00	100.00	100.00	100.00	%
400	Travel & Per Diem	0.00	95.85	500.00	500.00	404.15	19 %
410	Telephone & Communications	18.00	1,048.96	2,150.00	2,150.00	1,101.04	49 %
430	Utility Services	89.46	1,184.60	1,500.00	1,500.00	315.40	79 %
440	Rentals & Leases	0.00	0.00	2,500.00	2,500.00	2,500.00	%
460	R & M - Equipment	140.00	5,031.17	5,000.00	8,000.00	2,968.83	63 %
461	R & M - Computer Maint	0.00	0.00	650.00	650.00	650.00	%
462	R & M - Building	0.00	13,339.27	12,000.00	12,000.00	-1,339.27	111 %
463	R & M - Vehicles	0.00	341.60	1,000.00	1,000.00	658.40	34 %
510	Office Supplies	0.00	0.00	1,000.00	1,000.00	1,000.00	%
520	Operating Supplies	0.00	9,888.89	12,000.00	15,000.00	5,111.11	66 %
522	Gas & Oil	0.00	6,999.50	7,000.00	7,000.00	0.50	100 %
523	Uniforms	0.00	443.78	1,000.00	1,000.00	556.22	44 %
524	Safety Equipment	0.00	887.90	1,500.00	1,500.00	612.10	59 %
540	Dues, Subscriptions, Licenses	0.00	205.67	300.00	300.00	94.33	69 %
550	Training/Education/Tuition	0.00	0.00	650.00	650.00	650.00	%
650	Cap Outlay - Vehicles	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	Account Total:	8,925.41	111,365.77	184,176.00	194,177.00	82,811.23	57 %
	Account Group Total:	8,925.41	111,365.77	184,176.00	194,177.00	82,811.23	57 %
541000	Transportation						
541000	Transportation						
110	Executive Salaries	145.77	3,196.89	3,790.00	4,062.00	865.11	79 %
120	Salaries	907.07	19,404.12	23,646.00	24,060.00	4,655.88	81 %
140	Overtime Wages	0.00	465.63	2,000.00	2,000.00	1,534.37	23 %
210	Fica	60.86	1,352.55	1,825.00	1,825.00	472.45	74 %
211	Medicare	14.23	316.29	427.00	427.00	110.71	74 %
225	ICMA Retirement Contribution	34.65	704.57	2,944.00	2,944.00	2,239.43	24 %
230	Life & Health Ins.	415.45	7,741.77	6,884.00	9,668.00	1,926.23	80 %
240	Workers' Compensation	0.00	446.22	384.00	664.00	217.78	67 %
316	Town Planning/Engineering	0.00	0.00	1,000.00	1,000.00	1,000.00	%
340	Other Contractual Services	0.00	0.00	20,000.00	20,000.00	20,000.00	%
431	Street Lighting	0.00	22,697.80	28,000.00	28,000.00	5,302.20	81 %
520	Operating Supplies	0.00	0.00	2,000.00	2,000.00	2,000.00	%
524	Safety Equipment	0.00	0.00	1,000.00	1,000.00	1,000.00	%
530	Road Materials & Supplies	0.00	0.00	2,000.00	2,000.00	2,000.00	%
	Account Total:	1,578.03	56,325.84	95,900.00	99,650.00	43,324.16	57 %
	Account Group Total:	1,578.03	56,325.84	95,900.00	99,650.00	43,324.16	57 %
542000	Cemetery						
542000	Cemetery						
340	Other Contractual Services	4,368.00	4,368.00	10,000.00	10,000.00	5,632.00	44 %
430	Utility Services	33.46	414.57	1,500.00	1,500.00	1,085.43	28 %
460	R & M - Equipment	0.00	0.00	2,500.00	2,500.00	2,500.00	%
	Account Total:	4,401.46	4,782.57	14,000.00	14,000.00	9,217.43	34 %
	Account Group Total:	4,401.46	4,782.57	14,000.00	14,000.00	9,217.43	34 %

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
571000 Library							
571000 Library							
110	Executive Salaries	1,954.62	41,089.29	50,820.00	50,820.00	9,730.71	81 %
120	Salaries	1,108.80	22,818.23	28,829.00	28,829.00	6,010.77	79 %
140	Overtime Wages	0.00	945.97	0.00	2,000.00	1,054.03	47 %
210	Fica	187.09	3,972.60	4,938.00	4,938.00	965.40	80 %
211	Medicare	43.75	928.98	1,155.00	1,155.00	226.02	80 %
225	ICMA Retirement Contribution	306.34	4,011.05	7,965.00	7,965.00	3,953.95	50 %
230	Life & Health Ins.	419.50	7,151.00	19,668.00	19,668.00	12,517.00	36 %
240	Workers' Compensation	0.00	1,217.36	1,038.00	1,810.00	592.64	67 %
340	Other Contractual Services	0.00	4,207.46	4,500.00	4,500.00	292.54	93 %
342	Software & Annual Maintenance	0.00	927.84	0.00	1,379.88	452.04	67 %
350	Pre Employment Screening	0.00	0.00	150.00	150.00	150.00	%
400	Travel & Per Diem	0.00	104.91	500.00	500.00	395.09	21 %
410	Telephone & Communications	24.00	12,652.45	20,480.00	20,480.00	7,827.55	62 %
420	Freight/Postage/Shipping	0.00	0.00	110.00	110.00	110.00	%
430	Utility Services	402.97	9,537.51	10,000.00	12,000.00	2,462.49	79 %
460	R & M - Equipment	70.00	70.00	0.00	0.00	-70.00	%
461	R & M - Computer Maint	0.00	0.00	144.00	144.00	144.00	%
480	Promotional Activities	0.00	1,119.86	1,856.00	1,856.00	736.14	60 %
493	Employee Appreciation	0.00	428.75	500.00	500.00	71.25	86 %
510	Office Supplies	0.00	754.55	2,800.00	2,800.00	2,045.45	27 %
520	Operating Supplies	0.00	2,845.28	4,000.00	4,000.00	1,154.72	71 %
540	Dues, Subscriptions, Licenses	0.00	268.78	350.00	350.00	81.22	77 %
550	Training/Education/Tuition	0.00	0.00	400.00	400.00	400.00	%
660	Cap Outlay - Books &	0.00	8,280.74	15,000.00	35,707.00	27,426.26	23 %
662	Cap Outlay - Books/Publ -	0.00	0.00	1,100.00	404.12	404.12	%
	Account Total:	4,517.07	123,332.61	176,303.00	202,466.00	79,133.39	61 %
	Account Group Total:	4,517.07	123,332.61	176,303.00	202,466.00	79,133.39	61 %
572000 Parks & Recreation							
572000 Parks & Recreation							
340	Other Contractual Services	0.00	8,000.00	10,000.00	8,000.00	0.00	100 %
343	Special Events	0.00	7,321.83	7,000.00	9,000.00	1,678.17	81 %
430	Utility Services	66.92	2,672.72	5,500.00	5,500.00	2,827.28	49 %
460	R & M - Equipment	0.00	0.00	25,000.00	25,000.00	25,000.00	%
468	R & M - Recreation Equip	0.00	1,073.23	1,000.00	1,000.00	-73.23	107 %
520	Operating Supplies	2,850.00	3,387.98	3,000.00	3,000.00	-387.98	113 %
	Account Total:	2,916.92	22,455.76	51,500.00	51,500.00	29,044.24	44 %
	Account Group Total:	2,916.92	22,455.76	51,500.00	51,500.00	29,044.24	44 %
573000 Historical Preservation							
573000 Historical Preservation							
410	Telephone & Communications	0.00	0.00	60.00	60.00	60.00	%
510	Office Supplies	0.00	0.00	1,000.00	1,000.00	1,000.00	%
520	Operating Supplies	0.00	0.00	0.00	20,000.00	20,000.00	%
950	Other Non Operating Uses	0.00	0.00	4,693.00	4,693.00	4,693.00	%
	Account Total:	0.00	0.00	5,753.00	25,753.00	25,753.00	%
	Account Group Total:	0.00	0.00	5,753.00	25,753.00	25,753.00	%

TOWN OF HOWEY-IN-THE-HILLS
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 7 / 24

1 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
574000	Special Events						
574000	Special Events						
	340 Other Contractual Services	0.00	34,940.82	26,250.00	26,250.00	-8,690.82	133 %
	343 Special Events	0.00	1,582.28	2,000.00	2,000.00	417.72	79 %
	440 Rentals & Leases	0.00	0.00	2,000.00	2,000.00	2,000.00	%
	470 Printing - General	0.00	0.00	250.00	250.00	250.00	%
	480 Promotional Activities	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Account Total:	0.00	36,523.10	31,500.00	31,500.00	-5,023.10	116 %
	Account Group Total:	0.00	36,523.10	31,500.00	31,500.00	-5,023.10	116 %
	Fund Total:	204,943.43	2,051,040.04	2,555,938.00	2,980,069.00	929,028.96	69 %

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120 POLICE ADVANCED TRAINING FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
521000	Police						
521000	Police						
	400 Travel & Per Diem	379.50	552.00	1,000.00	1,000.00	448.00	55 %
	550 Training/Education/Tuition	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	950 Other Non Operating Uses	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Account Total:	379.50	552.00	3,000.00	3,000.00	2,448.00	18 %
	Account Group Total:	379.50	552.00	3,000.00	3,000.00	2,448.00	18 %
	Fund Total:	379.50	552.00	3,000.00	3,000.00	2,448.00	18 %

TOWN OF HOWEY-IN-THE-HILLS
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130 TREE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
572000	Parks & Recreation						
572000	Parks & Recreation						
	950 Other Non Operating Uses	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Account Total:	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Account Group Total:	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Fund Total:	0.00	0.00	1,000.00	1,000.00	1,000.00	%

TOWN OF HOWEY-IN-THE-HILLS
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140 WATER IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
533000	Water Utility Services						
533000	Water Utility Services						
	633 Cap Outlay - Water	0.00	0.00	0.00	200,000.00	200,000.00	%
	640 Cap Outlay - Equipment	0.00	1,459,338.00	600,000.00	1,489,000.00	29,662.00	98 %
	950 Other Non Operating Uses	0.00	0.00	562,653.00	0.00	0.00	%
	Account Total:	0.00	1,459,338.00	1,162,653.00	1,689,000.00	229,662.00	86 %
	Account Group Total:	0.00	1,459,338.00	1,162,653.00	1,689,000.00	229,662.00	86 %
	Fund Total:	0.00	1,459,338.00	1,162,653.00	1,689,000.00	229,662.00	86 %

141 PARKS & REC IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
572000	Parks & Recreation						
572000	Parks & Recreation						
	615 Parks Expansion	74,337.52	130,517.52	400,000.00	580,000.00	449,482.48	23 %
	630 Cap Outlay - Improvements	0.00	3,200.00	0.00	30,000.00	26,800.00	11 %
	640 Cap Outlay - Equipment	0.00	28,564.89	0.00	32,500.00	3,935.11	88 %
	950 Other Non Operating Uses	0.00	0.00	338,000.00	37,500.00	37,500.00	%
	Account Total:	74,337.52	162,282.41	738,000.00	680,000.00	517,717.59	24 %
	Account Group Total:	74,337.52	162,282.41	738,000.00	680,000.00	517,717.59	24 %
	Fund Total:	74,337.52	162,282.41	738,000.00	680,000.00	517,717.59	24 %

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142 POLICE IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
521000	Police						
521000	Police						
	640 Cap Outlay - Equipment	0.00	7,309.98	7,500.00	9,000.00	1,690.02	81 %
	950 Other Non Operating Uses	0.00	0.00	730,500.00	44,000.00	44,000.00	%
	Account Total:	0.00	7,309.98	738,000.00	53,000.00	45,690.02	14 %
	Account Group Total:	0.00	7,309.98	738,000.00	53,000.00	45,690.02	14 %
	Fund Total:	0.00	7,309.98	738,000.00	53,000.00	45,690.02	14 %

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143 ROAD IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
541000	Transportation						
541000	Transportation						
	950 Other Non Operating Uses	0.00	0.00	1.00	1.00	1.00	%
	Account Total:	0.00	0.00	1.00	1.00	1.00	%
	Account Group Total:	0.00	0.00	1.00	1.00	1.00	%
	Fund Total:	0.00	0.00	1.00	1.00	1.00	%

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144 WASTEWATER IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
535000	Sewer, Wastewater Services						
535000	Sewer, Wastewater Services						
	950 Other Non Operating Uses	0.00	0.00	1.00	1.00	1.00	%
	Account Total:	0.00	0.00	1.00	1.00	1.00	%
	Account Group Total:	0.00	0.00	1.00	1.00	1.00	%
	Fund Total:	0.00	0.00	1.00	1.00	1.00	%

145 STORMWATER IMPACT FEE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
538000	Stormwater Maintenance						
538000	Stormwater Maintenance						
	950 Other Non Operating Uses	0.00	0.00	1.00	1.00	1.00	%
	Account Total:	0.00	0.00	1.00	1.00	1.00	%
	Account Group Total:	0.00	0.00	1.00	1.00	1.00	%
	Fund Total:	0.00	0.00	1.00	1.00	1.00	%

150 INFRASTRUCTURE FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
541000	Transportation						
541000	Transportation						
	630 Cap Outlay - Improvements	0.00	23,375.00	273,355.00	273,355.00	249,980.00	9 %
	Account Total:	0.00	23,375.00	273,355.00	273,355.00	249,980.00	9 %
	Account Group Total:	0.00	23,375.00	273,355.00	273,355.00	249,980.00	9 %
	Fund Total:	0.00	23,375.00	273,355.00	273,355.00	249,980.00	9 %

155 BUILDING SERVICES FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
513000	Financial And Administrative						
513000	Financial And Administrative						
110	Executive Salaries	3,677.81	76,301.77	97,611.00	97,611.00	21,309.23	78 %
120	Salaries	1,945.45	62,510.55	110,870.00	94,870.00	32,359.45	66 %
140	Overtime Wages	44.55	853.91	600.00	1,000.00	146.09	85 %
210	Fica	339.56	8,418.54	12,936.00	12,936.00	4,517.46	65 %
211	Medicare	79.41	1,968.85	3,032.00	3,032.00	1,063.15	65 %
225	ICMA Retirement Contribution	422.31	9,894.35	20,908.00	16,908.00	7,013.65	59 %
230	Life & Health Ins.	1,033.97	24,788.04	41,931.00	34,931.00	10,142.96	71 %
240	Workers' Compensation	0.00	3,199.26	2,725.00	4,754.00	1,554.74	67 %
340	Other Contractual Services	0.00	0.00	1,419.00	1,419.00	1,419.00	%
342	Software & Annual Maintenance	0.00	542.78	860.00	860.00	317.22	63 %
350	Pre Employment Screening	0.00	0.00	200.00	200.00	200.00	%
410	Telephone & Communications	28.00	280.00	300.00	400.00	120.00	70 %
495	DBPR/DCA Impact Fees	0.00	4,339.55	0.00	8,000.00	3,660.45	54 %
510	Office Supplies	0.00	145.00	1,000.00	1,000.00	855.00	15 %
520	Operating Supplies	0.00	172.70	10,491.00	5,000.00	4,827.30	3 %
950	Other Non Operating Uses	0.00	0.00	69,204.00	0.00	0.00	%
	Account Total:	7,571.06	193,415.30	374,087.00	282,921.00	89,505.70	68 %
	Account Group Total:	7,571.06	193,415.30	374,087.00	282,921.00	89,505.70	68 %
519000	Other General Government						
519000	Other General Government						
341	Contractor - (Bldg Inspector -	0.00	214,115.42	304,478.00	300,000.00	85,884.58	71 %
520	Operating Supplies	0.00	0.00	1,000.00	1,000.00	1,000.00	%
	Account Total:	0.00	214,115.42	305,478.00	301,000.00	86,884.58	71 %
	Account Group Total:	0.00	214,115.42	305,478.00	301,000.00	86,884.58	71 %
	Fund Total:	7,571.06	407,530.72	679,565.00	583,921.00	176,390.28	70 %

401 WATER/SANITATION FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
533000	Water Utility Services						
533000	Water Utility Services						
110	Executive Salaries	5,135.31	109,221.35	135,506.00	135,506.00	26,284.65	81 %
120	Salaries	9,769.80	210,603.50	289,218.00	289,218.00	78,614.50	73 %
140	Overtime Wages	1,208.85	15,495.89	15,500.00	15,500.00	4.11	100 %
210	Fica	967.36	20,201.56	27,294.00	27,294.00	7,092.44	74 %
211	Medicare	226.24	4,724.59	6,383.00	6,383.00	1,658.41	74 %
225	ICMA Retirement Contribution	734.49	16,308.90	44,022.00	44,022.00	27,713.10	37 %
230	Life & Health Ins.	3,703.40	70,323.40	89,134.00	89,134.00	18,810.60	79 %
240	Workers' Compensation	0.00	6,676.49	5,737.00	9,932.00	3,255.51	67 %
310	Legal Fees	6,270.00	22,062.50	30,000.00	30,000.00	7,937.50	74 %
316	Town Planning/Engineering	0.00	8,405.00	20,000.00	20,000.00	11,595.00	42 %
320	Accounting & Auditing	0.00	0.00	14,250.00	14,250.00	14,250.00	%
340	Other Contractual Services	7,422.00	378,116.89	300,000.00	829,152.00	451,035.11	46 %
342	Software & Annual Maintenance	0.00	2,181.00	9,600.00	9,600.00	7,419.00	23 %
400	Travel & Per Diem	0.00	0.00	500.00	500.00	500.00	%
410	Telephone & Communications	94.00	4,255.42	5,050.00	5,103.00	847.58	83 %
420	Freight/Postage/Shipping	0.00	0.00	200.00	200.00	200.00	%
430	Utility Services	0.00	41,888.13	44,000.00	44,000.00	2,111.87	95 %
440	Rentals & Leases	0.00	601.32	1,500.00	1,500.00	898.68	40 %
451	Insurance	0.00	40,364.21	42,000.00	42,000.00	1,635.79	96 %
460	R & M - Equipment	0.00	2,747.42	45,000.00	45,000.00	42,252.58	6 %
461	R & M - Computer Maint	0.00	0.00	500.00	500.00	500.00	%
462	R & M - Building	0.00	2,114.13	5,000.00	5,000.00	2,885.87	42 %
463	R & M - Vehicles	0.00	7,140.92	1,100.00	8,100.00	959.08	88 %
466	R & M - Water	0.00	5,581.00	0.00	0.00	-5,581.00	%
470	Printing - General	0.00	0.00	100.00	100.00	100.00	%
490	Miscellaneous Expenses	0.00	0.00	100.00	50.00	50.00	%
492	Advertising	0.00	0.00	300.00	300.00	300.00	%
510	Office Supplies	0.00	114.82	1,000.00	1,000.00	885.18	11 %
520	Operating Supplies	3,387.80	87,845.59	221,400.00	141,400.00	53,554.41	62 %
523	Uniforms	0.00	0.00	150.00	150.00	150.00	%
524	Safety Equipment	0.00	227.99	400.00	400.00	172.01	57 %
540	Dues, Subscriptions, Licenses	2,000.00	4,918.33	800.00	800.00	-4,118.33	615 %
550	Training/Education/Tuition	0.00	582.85	500.00	550.00	-32.85	106 %
613	Cap Outlay - Wetland	0.00	0.00	8,050.00	8,050.00	8,050.00	%
630	Cap Outlay - Improvements	0.00	0.00	10,000.00	10,000.00	10,000.00	%
633	Cap Outlay - Water	0.00	0.00	4,260,000.00	4,260,000.00	4,260,000.00	%
650	Cap Outlay - Vehicles	0.00	0.00	6,076.00	6,076.00	6,076.00	%
710	Debt Principal/loan	0.00	0.00	114,085.00	114,085.00	114,085.00	%
720	Debt Interest/loan	0.00	30,544.62	30,545.00	30,545.00	0.38	100 %
950	Other Non Operating Uses	0.00	0.00	404,776.00	0.00	0.00	%
	Account Total:	40,919.25	1,093,247.82	6,189,776.00	6,245,400.00	5,152,152.18	18 %
	Account Group Total:	40,919.25	1,093,247.82	6,189,776.00	6,245,400.00	5,152,152.18	18 %
534000	Sanitation Department						

TOWN OF HOWEY-IN-THE-HILLS
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401 WATER/SANITATION FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
534000	Sanitation Department						
	340 Other Contractual Services	24,892.52	242,080.04	268,960.00	268,960.00	26,879.96	90 %
	Account Total:	24,892.52	242,080.04	268,960.00	268,960.00	26,879.96	90 %
	Account Group Total:	24,892.52	242,080.04	268,960.00	268,960.00	26,879.96	90 %
535000	Sewer, Wastewater Services						
535000	Sewer, Wastewater Services						
	430 Utility Services	8,889.08	128,724.29	100,000.00	100,000.00	-28,724.29	129 %
	460 R & M - Equipment	0.00	1,175.00	315,000.00	315,000.00	313,825.00	%
	466 R & M - Water	0.00	0.00	70,000.00	70,000.00	70,000.00	%
	Account Total:	8,889.08	129,899.29	485,000.00	485,000.00	355,100.71	27 %
	Account Group Total:	8,889.08	129,899.29	485,000.00	485,000.00	355,100.71	27 %
	Fund Total:	74,700.85	1,465,227.15	6,943,736.00	6,999,360.00	5,534,132.85	21 %

TOWN OF HOWEY-IN-THE-HILLS
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651 POLICE RETIREMENT FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
521000	Police						
521000	Police						
	310 Legal Fees	0.00	2,418.75	0.00	0.00	-2,418.75	%
	340 Other Contractual Services	0.00	9,638.21	0.00	0.00	-9,638.21	%
	490 Miscellaneous Expenses	0.00	0.00	198,423.00	198,423.00	198,423.00	%
	494 Benefit Payments	0.00	53,117.24	0.00	0.00	-53,117.24	%
	Account Total:	0.00	65,174.20	198,423.00	198,423.00	133,248.80	33 %
	Account Group Total:	0.00	65,174.20	198,423.00	198,423.00	133,248.80	33 %
	Fund Total:	0.00	65,174.20	198,423.00	198,423.00	133,248.80	33 %
	 Grand Total:	 361,932.36	 0.00	 5,641,829.50	 13,293,673.00	 13,461,131.00	 7,819,301.50 42 %

1 GENERAL FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
310000 TAXES					
311100 Ad Valorem Taxes	0.00	1,375,833.76	1,337,378.00	-38,455.76	103 %
311200 Tax Certificate Sale	0.00	60.00	0.00	-60.00	** %
314100 U.S.T. - Electricity	37.02	117,561.02	157,000.00	39,438.98	75 %
314300 U.S.T. - Water	0.00	61,209.93	84,879.00	23,669.07	72 %
314400 U.S.T. - Gas	162.26	2,242.83	0.00	-2,242.83	** %
314800 U.S.T. - Propane	219.62	952.26	2,500.00	1,547.74	38 %
315100 CST - Communications Services Tax	0.00	51,659.92	68,000.00	16,340.08	76 %
Account Group Total:	418.90	1,609,519.72	1,649,757.00	40,237.28	98 %
320000 LICENSES AND PERMITS					
321100 Town Business Tax Receipt	0.00	1,627.50	2,200.00	572.50	74 %
322201 Developer Fees Pd to Town	0.00	33,283.07	117,500.00	84,216.93	28 %
322202 Variance Fees	0.00	4,200.00	8,000.00	3,800.00	53 %
322205 DRC Fees	0.00	400.00	0.00	-400.00	** %
323100 Franchise Fee - Electric	0.00	73,351.48	110,000.00	36,648.52	67 %
323202 Franchise Fee - Sprint Tower Lease	3,386.00	33,074.22	39,440.00	6,365.78	84 %
323400 Franchise Fee - Gas	625.56	3,309.17	5,000.00	1,690.83	66 %
323700 Franchise Fee - Solid Waste	144.08	1,394.40	1,700.00	305.60	82 %
329100 Inspection Fees Collected Due Contractor	2,465.00	2,590.00	0.00	-2,590.00	** %
329500 Cemetery Fees-Permits	0.00	25.00	50.00	25.00	50 %
Account Group Total:	6,620.64	153,254.84	283,890.00	130,635.16	54 %
330000 INTERGOVERNMENTAL REVENUE					
331500 Federal Grant - Economic Environment - FEMA	0.00	0.00	20,000.00	20,000.00	0 %
331750 Marianne Beck Library, E-Rate	0.00	8,100.00	16,200.00	8,100.00	50 %
332700 ARPA Funds, Federal, Library	0.00	0.00	3,467.00	3,467.00	0 %
334200 State Grant - Public Safety	0.00	4,640.57	7,000.00	2,359.43	66 %
335125 State Revenue Sharing Proceeds	0.00	48,722.17	66,389.00	17,666.83	73 %
335150 SRS - Alcoholic Beverage License	0.00	1,419.38	2,800.00	1,380.62	51 %
335180 SRS- Local Govt. 1/2 Cent Sales Tax	0.00	98,943.19	129,847.00	30,903.81	76 %
337310 Lake County Water Authority Grant -	0.00	0.00	82,280.00	82,280.00	0 %
337710 Library Interlocal Agreement	0.00	43,358.14	47,556.00	4,197.86	91 %
337720 Library Expansion - Impact Fees Funds	0.00	1,318.38	20,707.00	19,388.62	6 %
338200 Lake County Business Tax Receipt	0.00	0.00	500.00	500.00	0 %
338900 Interest from Tax Collector	0.00	9.64	10.00	0.36	96 %
Account Group Total:	0.00	206,511.47	396,756.00	190,244.53	52 %
340000 Charges for Services					
341901 Public Record Requests	0.00	242.00	300.00	58.00	81 %
341903 Smoker Rental - non refundable	0.00	350.00	600.00	250.00	58 %
341920 Lien Search Charges	532.00	3,232.00	5,000.00	1,768.00	65 %
342910 School Resource Officer Services	0.00	196,018.32	192,623.00	-3,395.32	102 %
342960 Outside Security Services	0.00	8,195.00	12,000.00	3,805.00	68 %
343920 Boat Ramp Decals	140.00	4,020.00	4,000.00	-20.00	101 %
343930 Golf Cart Permits	0.00	600.00	1,000.00	400.00	60 %
343999 Miscellaneous Sales	80.00	892.13	900.00	7.87	99 %
344990 State Reimbursement, Street Lighting	0.00	12,796.55	5,768.00	-7,028.55	222 %
347100 Library - Fees	3,963.00	3,963.00	0.00	-3,963.00	** %
347101 Library copies/Faxes	35.05	726.80	1,500.00	773.20	48 %
347400 Service Charge - Special Events	0.00	35.00	400.00	365.00	9 %

1 GENERAL FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
Account Group Total:	4,750.05	231,070.80	224,091.00	-6,979.80	103 %
350000 FINES AND FORFEITS					
351100 Court Fines & Forfeits	0.00	6,027.68	20,000.00	13,972.32	30 %
352100 Library - Fines	89.80	698.79	800.00	101.21	87 %
Account Group Total:	89.80	6,726.47	20,800.00	14,073.53	32 %
360000					
361100 Interest Earnings	0.00	58,798.00	80,000.00	21,202.00	73 %
363400 Pd Vest Grant	0.00	0.00	3,500.00	3,500.00	0 %
363407 State Law Enforce Grant-PD Equip	0.00	0.00	165,858.00	165,858.00	0 %
364100 Sale - Cemetery Lots	0.00	25.00	1,000.00	975.00	3 %
366920 Donations - Police Dept.	0.00	419.25	172.00	-247.25	244 %
366930 Donation Historic Board	0.00	0.00	500.00	500.00	0 %
366980 Donations - General	40.00	40.00	0.00	-40.00	** %
366990 Donations - Special Events	0.00	17,410.00	17,340.00	-70.00	100 %
369300 SETTLEMENTS	0.00	92.49	500.00	407.51	18 %
369400 Insurance Refund	103.22	18,669.39	8,876.00	-9,793.39	210 %
369900 Miscellaneous Revenue	123.37	611.76	0.00	-611.76	** %
369910 Police Fees Collected	1,134.34	5,888.53	300.00	-5,588.53	*** %
Account Group Total:	1,400.93	101,954.42	278,046.00	176,091.58	37 %
380000 OTHER SOURCES					
389900 Use Of Fund Balance	0.00	0.00	126,729.00	126,729.00	0 %
Account Group Total:	0.00	0.00	126,729.00	126,729.00	0 %
390000					
399999	0.00	9,775.00	0.00	-9,775.00	** %
Account Group Total:	0.00	9,775.00	0.00	-9,775.00	** %
Fund Total:	13,280.32	2,318,812.72	2,980,069.00	661,256.28	78 %

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Item 22.

120 POLICE ADVANCED TRAINING FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
350000 FINES AND FORFEITS					
351130 Local Law Enforcement Education	0.00	885.17	3,000.00	2,114.83	30 %
Account Group Total:	0.00	885.17	3,000.00	2,114.83	30 %
Fund Total:	0.00	885.17	3,000.00	2,114.83	30 %

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Item 22.

130 TREE FUND

Account	Received		Estimated Revenue	Revenue To Be Received	% Received
	Current Month	Received YTD			
350000 FINES AND FORFEITS					
354300 Code Enforcement Tree Fine	0.00	0.00	1,000.00	1,000.00	0 %
Account Group Total:	0.00	0.00	1,000.00	1,000.00	0 %
Fund Total:	0.00	0.00	1,000.00	1,000.00	0 %

140 WATER IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322306 Water Impact Fees	34,659.02	192,200.02	162,653.00	-29,547.02	118 %
Account Group Total:	34,659.02	192,200.02	162,653.00	-29,547.02	118 %
330000 INTERGOVERNMENTAL REVENUE					
334310 State Grant - Water Supply System	0.00	640,452.45	853,078.00	212,625.55	75 %
Account Group Total:	0.00	640,452.45	853,078.00	212,625.55	75 %
380000 OTHER SOURCES					
389900 Use Of Fund Balance	0.00	0.00	673,269.00	673,269.00	0 %
Account Group Total:	0.00	0.00	673,269.00	673,269.00	0 %
Fund Total:	34,659.02	832,652.47	1,689,000.00	856,347.53	49 %

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Item 22.

141 PARKS & REC IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322303 Parks & Rec Impact Fees	10,913.88	60,639.48	50,000.00	-10,639.48	121 %
Account Group Total:	10,913.88	60,639.48	50,000.00	-10,639.48	121 %
380000 OTHER SOURCES					
384000 Loan Proceeds	0.00	0.00	300,000.00	300,000.00	0 %
389900 Use Of Fund Balance	0.00	0.00	330,000.00	330,000.00	0 %
Account Group Total:	0.00	0.00	630,000.00	630,000.00	0 %
Fund Total:	10,913.88	60,639.48	680,000.00	619,360.52	9 %

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142 POLICE IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322302 Police Impact Fees	11,625.74	64,594.25	53,000.00	-11,594.25	122 %
Account Group Total:	11,625.74	64,594.25	53,000.00	-11,594.25	122 %
Fund Total:	11,625.74	64,594.25	53,000.00	-11,594.25	122 %

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143 ROAD IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322311 Road Impact Fees	0.00	0.00	1.00	1.00	0 %
Account Group Total:	0.00	0.00	1.00	1.00	0 %
Fund Total:	0.00	0.00	1.00	1.00	0 %

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144 WASTEWATER IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322308 Sewer Impact Fee	0.00	0.00	1.00	1.00	0 %
Account Group Total:	0.00	0.00	1.00	1.00	0 %
Fund Total:	0.00	0.00	1.00	1.00	0 %

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145 STORMWATER IMPACT FEE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322312 Stormwater Impact Fees	0.00	0.00	1.00	1.00	0 %
Account Group Total:	0.00	0.00	1.00	1.00	0 %
Fund Total:	0.00	0.00	1.00	1.00	0 %

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Item 22.

150 INFRASTRUCTURE FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
310000 TAXES					
312300 County Ninth-Cent Gas Tax	1,127.62	10,172.64	10,000.00	-172.64	102 %
312410 L.F.T. - First (1 to 6 Cents)	0.00	33,184.14	42,933.00	9,748.86	77 %
312630 Discretionary Sales Surtax - Infrastructure	0.00	164,098.62	220,422.00	56,323.38	74 %
Account Group Total:	1,127.62	207,455.40	273,355.00	65,899.60	76 %
Fund Total:	1,127.62	207,455.40	273,355.00	65,899.60	76 %

155 BUILDING SERVICES FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
320000 LICENSES AND PERMITS					
322100 Zoning Permit Application Fees	918.74	3,403.49	5,000.00	1,596.51	68 %
322101 Plan Review (Bldg Inspector - 100%)	0.00	681.31	5,000.00	4,318.69	14 %
322102 Admin Fee (Town - 100%)	114.29	675.28	5,000.00	4,324.72	14 %
322304 Inspection Fees Collected Due Contr	38,796.77	243,135.09	300,000.00	56,864.91	81 %
322305 Permits Town %	34,181.87	204,405.25	201,865.00	-2,540.25	101 %
322307 Fees Income - DCA/DBPR	1,297.72	7,837.82	8,000.00	162.18	98 %
Account Group Total:	75,309.39	460,138.24	524,865.00	64,726.76	88 %
380000 OTHER SOURCES					
389900 Use Of Fund Balance	0.00	0.00	59,056.00	59,056.00	0 %
Account Group Total:	0.00	0.00	59,056.00	59,056.00	0 %
Fund Total:	75,309.39	460,138.24	583,921.00	123,782.76	79 %

401 WATER/SANITATION FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
310000 TAXES					
314300 U.S.T. - Water	7,962.78	7,962.78	0.00	-7,962.78	** %
Account Group Total:	7,962.78	7,962.78	0.00	-7,962.78	** %
330000 INTERGOVERNMENTAL REVENUE					
334310 State Grant - Water Supply System	0.00	0.00	4,250,000.00	4,250,000.00	0 %
334351 State Grant - Sewer	0.00	0.00	386,250.00	386,250.00	0 %
Account Group Total:	0.00	0.00	4,636,250.00	4,636,250.00	0 %
340000 Charges for Services					
343310 Water Sales	80,890.88	708,957.08	893,459.00	184,501.92	79 %
343350 FEES- NEW CON	9,470.23	77,543.70	68,200.00	-9,343.70	114 %
343400 Recycling	0.00	0.00	2,000.00	2,000.00	0 %
343410 Water Sys Improvement Fee	10,250.75	99,924.84	120,680.00	20,755.16	83 %
343500 Sanitation Revenue	28,803.31	278,000.86	349,647.00	71,646.14	80 %
343505 Sewer	0.00	-1.42	0.00	1.42	** %
343515 Waste Water, CDD	10,818.68	102,203.63	120,000.00	17,796.37	85 %
343525 Waste Water, Town	9,593.41	89,236.95	106,000.00	16,763.05	84 %
343600 Penalty Charges	1,695.72	16,392.57	20,500.00	4,107.43	80 %
Account Group Total:	151,522.98	1,372,258.21	1,680,486.00	308,227.79	82 %
350000 FINES AND FORFEITS					
353100 Utility/Meter Fines	0.00	3,525.00	4,000.00	475.00	88 %
Account Group Total:	0.00	3,525.00	4,000.00	475.00	88 %
360000					
361100 Interest Earnings	0.00	11,166.33	7,510.00	-3,656.33	149 %
369400 Insurance Refund	0.00	7,514.48	7,514.00	-0.48	100 %
369900 Miscellaneous Revenue	1,407.00	10,821.01	12,000.00	1,178.99	90 %
Account Group Total:	1,407.00	29,501.82	27,024.00	-2,477.82	109 %
380000 OTHER SOURCES					
389900 Use Of Fund Balance	0.00	0.00	651,600.00	651,600.00	0 %
Account Group Total:	0.00	0.00	651,600.00	651,600.00	0 %
Fund Total:	160,892.76	1,413,247.81	6,999,360.00	5,586,112.19	20 %

651 POLICE RETIREMENT FUND

Account	Received Current Month	Received YTD	Estimated Revenue	Revenue To Be Received	% Received
310000 TAXES					
312520 State Pension Contribution	0.00	0.00	21,819.00	21,819.00	0 %
Account Group Total:	0.00	0.00	21,819.00	21,819.00	0 %
360000					
361300 Investment Earnings	0.00	325,681.20	0.00	-325,681.20	** %
368100 Employee Contribution	0.00	19,703.33	28,539.00	8,835.67	69 %
368200 Employer Contribution	0.00	96,428.75	148,065.00	51,636.25	65 %
Account Group Total:	0.00	441,813.28	176,604.00	-265,209.28	250 %
Fund Total:	0.00	441,813.28	198,423.00	-243,390.28	223 %
Grand Total:	307,808.73	5,800,238.82	13,461,131.00	7,660,892.18	43 %