



## Town Council Meeting

May 22, 2023 at 6:00 PM

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

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### Join Zoom Meeting:

<https://us06web.zoom.us/j/89283250136?pwd=Mm5nZ21XeTZ5aDJyK2ppd2pUSTlXQT09>

Meeting ID: 892 8325 0136 | Passcode: 630121

### AGENDA

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

### ROLL CALL

Acknowledgement of Quorum

### AGENDA APPROVAL/REVIEW

### CONSENT AGENDA

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

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the May 8, 2023 Town Council Meeting.
- 2.** The approval of the minutes and ratification and confirmation of all Town Council actions at the May 2, 2023 Town Council Workshop Meeting.
- 3.** Consideration and Approval: **Library Services - Amendment to the Agreement**

### PUBLIC HEARING

### OLD BUSINESS

### NEW BUSINESS

- 4.** Consideration and Approval: **Resolution 2023-003 Adoption of GSA Per Diem**
- 5.** Presentation: **Presentation on Town Audit for FY22 (Curtis Binney presenting)**
- 6.** Discussion: **Comprehensive Plan and Land Development Code**

## **DEPARTMENT REPORTS**

7. Town Manager

## **COUNCIL MEMBER REPORTS**

8. Mayor Pro Tem Gallelli
9. Councilor Lehning
10. Councilor Miles
11. Councilor Lannamañ
12. 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-STTS) and Enhanced Speech to Speech.

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

Topic: **Town Council Meeting**

Time: **May 22, 2023 06:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

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Meeting ID: 892 8325 0136

Passcode: 630121

Dial by your location

**+1 646 558 8656 US (New York)**

**+1 346 248 7799 US (Houston)**

Meeting ID: 892 8325 0136

Passcode: 630121

Find your local number: <https://us06web.zoom.us/u/kcVc2eJrjw>

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 08, 2023 at 6:00 PM

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

### MINUTES

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

#### 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 Administrator | John Brock, Town Clerk | Tom Harowski, Town Planner (Zoom) | Rick Thomas, Police Chief | Abigail Herrera, Finance Supervisor | Morgan Cates, Public Works Director | George Brown, Police Lieutenant | Tom Wilkes, Town Attorney (Zoom) | Azure Botts, Code Enforcement Officer (Zoom)

#### AGENDA APPROVAL/REVIEW

**Motion made by Mayor Pro Tem Gallelli to approve of 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

After the agenda approval, Mayor Pro Tem Gallelli asked to move Item #5 to be discussed before Consent Agenda and Mayor MacFarlane agreed.

#### **NEW BUSINESS (Just Item #5)**

5. Consideration and Approval: **Library Board Member Selection**

**Motion made by Mayor Pro Tem Gallelli to reappoint Gwendolyn McIlvaine to another term as a Library Board Member; 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**

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Mayor Pro Tem Gallelli asked to pull Item #2 to be discussed.

Councilor Miles asked to pull Item #1 to be discussed.

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the April 24, 2023 Town Council Meeting.

Councilor Miles wanted to change the last paragraph in Item #10 (Councilor Miles Report), on page 5 of the minutes.

The original paragraph read as follows:

“Councilor Miles asked why all the buildings off Central Avenue, near the Downtown Sewer Project, had not been forced to be hooked up to sewer service. Mayor MacFarlane stated that it was because the Central Lake CDD would not sell the Town ERUs necessary to hook up all the properties. Councilor Miles wanted to know why Lake County was not forcing the Central Lake CDD to let the Town hook up to its sewer treatment system.”

Councilor Miles asked to have it changed as follows:

“Councilor Miles asked why all the buildings off Central Avenue, near the Downtown Sewer Project, had not been forced to be hooked up to sewer service. Mayor MacFarlane stated that it was because the Central Lake CDD would not sell the Town ERUs necessary to hook up all the properties. **Councilor Miles wanted to know why Lake County was not requiring the Central Lake CDD to allow the hookup of properties into their sewer treatment plant system, when they allegedly are the service provider for those services.**”

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E. Croton Way** – Mr. Tuite had questions about the Central Lake CDD.

Councilor Miles stated he would like to see Lake County dissolve the Central Lake CDD and sell the assets to the Town.

Mayor MacFarlane closed Public Comment for this item.

**Motion made by Mayor Pro Tem Gallelli to approve the April 24, 2023 minutes with Councilor Miles’ edits; 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

2. Consideration and Approval: **Engagement of De La Parte, et al., for CUP**

Mayor Pro Tem Gallelli was concerned about the maximum cost of hiring the attorney, which could be up to \$15,000 without the approval of the client.

Tom Wilkes, Town Attorney, stated that the \$15,000 cap included the aggregate of the fee and the cost reimbursement. Mr. Wilkes also stated that the cost reimbursement they were asking for was standard in engagement letters such as this.

Councilor Miles stated that there was a paragraph in the agreement that references billing for delinquencies, which does not reference the Florida Prompt Payment Act. Councilor Miles stated he wanted to deny this agreement until that paragraph was corrected.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite was not in favor of the Town hiring a separate attorney to represent the Town in negotiating with the St. Johns River Water Management District.

**Motion made by Councilor Miles motion to Deny; seconded by Mayor Pro Tem Gallelli. Motion failed by roll-call vote.**

**Voting**

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

**Nay:** Councilor Lannamañ, Councilor Lehning, Mayor MacFarlane

**Motion made by Councilor Miles to approve the agreement subject to the agreement being corrected to reflect the paragraph referencing billing for delinquent interest to reflect the language in the Florida Prompt Payment Act; 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

**PUBLIC HEARING (Town Council sitting as the Board of Adjustment)**

**Mayor MacFarlane called a recess to the regular Town Council meeting.**

**Mayor MacFarlane convened the Board of Adjustment's meeting.**

3. Consideration and Recommendation: **464 Avila Place - Pool Variance**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski explained the variance issue and discussed the Planning and Zoning Board's recommendation of a variance of 2 feet to allow the pool deck, pool, and pool enclosure to come within 8 feet of the rear property line and recommended adding as a condition that no construction disturbance occur within the 5-foot drainage and utility easement that runs along the rear of the property.

Councilor Miles asked if the pool variance also addressed the impervious area, which Mr. Harowski explained that it did not. Councilor Miles stated that he had researched the amount of impervious area that would be created if the project were allowed, and it would bring the property to 51.92% impervious area, which was above the allowed 50%. Councilor Miles stated that, if the variance were granted, it should also allow the impervious area to go above the allowed 50%.

Mayor MacFarlane asked if the applicant had any comment that they would like to make, and they did not.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite stated that variances cost \$1,400 and that he felt the applicant should get their money back.

**Joshua Husemann, 671 Avila Place** – Mr. Husemann was not sure why the code calls for a 10-foot rear setback when there are 5-foot easements for drainage and utilities.

**Frances O’Keefe Wagler, 409 W Central Ave.** – Mrs. Wagler stated that she thought Mr. Harowski had said in the Planning and Zoning Board Hearing that the project would not exceed the impervious area footprint.

Mr. Harowski stated that he did not say what Mrs. Wagler had said and that he would have stated that the applicant would have to comply with the impervious surface area requirements.

Azure Botts, Code Enforcement Officer, stated that two canopy trees still need to be required or at least two understory trees be required to be planted.

Councilor Lehning stated that the Planning and Zoning Board should have tried to negotiate the layout of the pool with the owner, and that the owner has not tried to work with the Town.

**Motion made by Councilor Miles to approve a two-foot variance allowing the pool, pool deck and enclosure to come within eight feet of the rear property line, a variance to allow an overage in impervious area by 175.5 feet for this project, and require the applicant to replant the two required trees (can be canopy or understory trees) in the rear setback of the yard, but not within the five foot drainage/utility easement; seconded by Councilor Lannamañ. Motion approved by roll-call vote.**

#### **Voting**

**Yea:** Councilor Lannamañ, Councilor Miles, Mayor MacFarlane

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

**Mayor MacFarlane adjourned the Board of Adjustment’s meeting.**

**Mayor MacFarlane reconvened the regular Town Council meeting.**

#### **OLD BUSINESS**

#### **4. Consideration and Approval: Lake County Water Authority 2023 Stormwater Grant Program Agreement**

Mayor MacFarlane asked Public Works Director, Morgan Cates to introduce and explain this item. Mr. Cates explained that this was a grant that he had applied for to improve water quality along North Lakeshore Blvd. There will be an implementation of a water quality unit, but it will not be like the

baffle box located at Griffin Park; it will be totally different. The stormwater feature will be a dry storage pond. The grant will cover the design and construction of the project.

Councilor Miles asked about the Town's matching amount of the grant. Mr. Cates explained that the Town was awarded \$82,000 for the project and the Town would need to match 18% of the cost, which could be included in either the 2024 or 2025 fiscal year's budget. Mr. Cates did not recommend a fence around the dry storage pond.

Councilor Miles asked if all grant applications had to be approved by the Town Council. Mayor MacFarlane answered by saying that no, the Town Council did not need to approve all grant applications, that it used to be the Mayor, and now it was the Town Manager's responsibility. Councilor Miles suggested that all grant applications should be approved by the Town Council. Mayor Pro Tem Gallelli stated that she thought the Council needed to trust the Department Directors to do the right thing for the Town. Councilor Lannamañ agreed with Mayor Pro Tem Gallelli in that the Council needed to trust the Department Directors.

Mr. Cates showed a video to the Council that showed what the Water Quality Unit will look like and how it works.

Mayor MacFarlane opened Public Comment for this item only.

**Kathleen Ormsbee, 301 N. Lakeshore Blvd.** – Mrs. Ormsbee wants the public to be involved in the final design of this project and she also wanted to express that she does not want a fence with this project.

**Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County)** – Ms. Blessing wants a community meeting about the final design of the project, not just a presentation.

**Tim Everline, 1012 N. Lakeshore Blvd** – Mr. Everline stated that he believed that eventually the dry storage pond will fill up with water, and if a child gets in there he or she could drown.

**Paul Redmond, 309 N. Lakeshore Blvd.** – Mr. Redmond stated that he did not think that the Town would need a swale with this project.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite recommended Mr. Cates' plan. Mr. Tuite stated that he was proud of the Town for applying for this grant and committing to cleaning up the lake.

**Clay Ormsbee, 301 N. Lakeshore Blvd.** – Mr. Ormsbee presented two pictures of the shore of Little Lake Harris to the Town Council. Mr. Ormsbee stated that maintenance spraying of the shoreline had not been occurring. This has caused unwanted vegetation growth and flourishing of invasive plant species that needed to be cleaned out.

Mr. Cates explained that he had recently gotten a permit for the Town to spray the lakeshore.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite doesn't think the Town should spray the shoreline.

Mayor MacFarlane closed Public Comment for this item.

**Motion made by Councilor Lannamañ to approve the acceptance of this grant; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by roll-call vote.**

#### **Voting**

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

MacFarlane  
**Nay:** None

## **NEW BUSINESS**

### 6. Consideration and Approval: **Resolution 2023-002 FY 2023 Mid-Year Budget Amendment**

Town Manager, Sean O’Keefe, introduce and explained this Resolution and the proposed Mid-Year Budget Amendment. Mr. O’Keefe went through the changes that were made in the budget based off of the 05/02/2023 Mid-Year Budget Workshop that was held.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite was concerned about the money that was being pulled out of reserves and thinks that the budget should not be amended.

**Tim Everline, 1012 N Lakeshore Blvd** – Mr. Everline was concerned about ARPA funds being used in the year’s budget and had questions about the Special Events account.

**Motion made by Councilor Lehning to approve Resolution 2023-002; seconded by Councilor Miles. Motion approved 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 Hall

The report was included in the meeting’s packet.

Councilor Miles would like the addition of a comment into next month's bad debt report, to include that the Town Council has restricted the Builder (Harvey G Newsome Jr Inc) from pulling further permits until they have paid their debt on account 1296-01.

### 8. Police Department

The report was included in the meeting’s packet.

### 9. Code Enforcement

The report was included in the meeting’s packet.

### 10. Public Works

The report was included in the meeting’s packet.

Morgan Cates, Public Works Director, gave an update on the bids that the Town had received for the North Dixie Drive reconstruction project. The initial bid from Dale Beasley came in at \$553,086.73, Paqco’s initial bid was \$399,511.45. (These bids would include curbing and sidewalks on both sides of the street.)

Councilor Lehning asked what the budget was for this project. Mr. O’Keefe stated that there was roughly \$200,000 in the infrastructure fund for this project after the mid-year budget adjustment and there was a carry-over in the infrastructure fund of roughly \$170,000, so the total available budget for this project was roughly \$370,000.

Mr. Cates stated that he had asked for alternative bids showing no sidewalk, no curbing, and with curbing. Dale Beasley had not submitted any alternate bids yet. Paqco submitted a bid with no sidewalk, but with ribbon curbing of \$273,986.25 and a bid with no sidewalks and no curbing of \$203,802.50.

Mr. Cates does not recommend spending all the carry-over funding on the N. Dixie Drive project, knowing that the Town Council wants to do the Citrus Ave project next year.

Councilor Lehning wanted to know how the bidding process from Paqco matched up against the contract that the Town has with them and if the Town can still get a better deal from them. Consensus seemed to indicate that the project should move forward without doing any sidewalks on either side of the street.

Mr. Cates stated that he had asked both companies for project timeframes. Dale Beasley had not given an answer yet. Paqco had responded that they could start work in six to eight weeks and it would take four to five weeks to finish if there is no sidewalk in the project and eight to ten weeks if sidewalk is included in the project.

#### 11. Library

The report was included in the meeting’s packet.

#### 12. Parks & Recreation Advisory Board / Special Events

Nothing to report.

#### 13. Town Attorney

Nothing to report.

#### 14. Finance Supervisor

The report was included in the meeting’s packet.

#### 15. Town Manager

Town Manager, Sean O’Keefe, gave a summary of the Howey Founder’s Day event that had occurred on 5/6/2023. Mr. O’Keefe also gave an update on the Memorial Day event, which would be on 5/29/2023 at 10 a.m.

Mr. O’Keefe stated that town staff was working with Lake County to gain full rights on the right-of-way on Citrus Ave. Mr. O’Keefe also stated there was nothing new on the sale of land to Lake County Fire Department.

Mr. O’Keefe announced that the developer of the proposed Cedar Creek Development has requested to have two community meeting to be held at the Library LEC. The first meeting would occur in the last week of May and the second meeting would occur during the last week of June.

Mr. O’Keefe explained that the Planning & Zoning Board has scheduled two joint workshop meetings with Town Council. The first meeting would occur on May 17, 2023 at 6 p.m., at the Library LEC. The second joint workshop is scheduled to be held on June 15, 2023 at 6 p.m., at the Library LEC.

## **COUNCIL MEMBER REPORTS**

### 16. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

### 17. Councilor Lehning

Councilor Lehning asked for Councilor Miles to give a wastewater update. Councilor Miles stated that the Town has had discussion with the Central Lake CDD. Lake County’s blocking of the Cedar Creek development has, for the time being, stopped the discussion of their wastewater plant. Councilor Miles stated that he would be preparing a new grant application to go to FDEP for a project to put sewer mains in the southwest quadrant of the Town. Councilor Miles does see that there is a problem moving forward with that project; currently the Town does not have any additional ERUs with the Central Lake CDD to be able to hook up any homes in the southwest quadrant of the Town.

Councilor Lehning would like to see a survey of the Town’s residents to see what “Right Development” would be for the Town. Mr. O’Keefe suggested that the joint workshop with Planning & Zoning might help answer this question.

### 18. Councilor Miles

Councilor Miles wanted to know what the timeframe would be for moving a part-time Officer to full-time. Mr. O’Keefe stated that, since the budget amendment had been passed during the meeting, the Police Chief just needed to work with HR to push the paperwork through.

Councilor Miles asked for an update on the grant application process for getting two generators for the Venezia wastewater lift stations (#1 and #2). Councilor Miles also wanted to know if the Town had specifications completed and approved by the Town Engineer for the two generators and, if the grant is funded, whether the necessary items that the Town needs to purchase can be procured quickly and cheaply off of state contracts. Mr. O’Keefe stated that the application process is still ongoing for the grant, with the due date at the end of the month. If the Town’s grant is accepted, there is not an announced timeline for the disbursement of the funds. Mr. Cates did say that he has gone to the County level (which is the first step in the grant application), and the Town’s project has gotten onto the top 5 of the County list for these funds. The Town’s grant application for this project will include two diesel transfer pumps or generators, plus the replacement of the existing two pumps at lift station #2 (as they are outdated, and one cannot find parts for them). Mr. Cates stated that, after speaking with James Southall, the Town’s Utility Supervisor, and Don Griffey, the Town Engineer, he believed that it would be better for the Town to get two diesel transfer pumps rather than two generators. The generators will only help if there is a power failure. The diesel transfer pumps will assist if there is a power failure, and they are also a redundancy if the primary pumps fail.

### 19. Councilor Lannamañ

Councilor Lannamañ thanked the Town staff for all their hard work. Councilor Lannamañ wanted an update on the revising of the Town’s Land Development Code section on trees. Mr. O’Keefe stated that he would give an update at the next Town Council meeting.

Councilor Lannamañ also asked the other Councilors and the public not to use divisive language when describing other residents, such as the residents in Talichet. Currently, many of the Talichet subdivision residents do not feel welcome.

## 20. Mayor MacFarlane

Mayor MacFarlane suggested to Mr. O’Keefe and Councilor Miles that the Town should speak to the owners of the Reserve land and ask them if the Town can purchase some ERUs from them.

Mayor MacFarlane thanked the Public Works Department and the Police Department for all their hard work to make the Founder’s Day event a success.

Mayor MacFarlane thanked Senator Baxley for his help in working on the Town’s request for appropriation money for the Well drilling and Water Treatment Plant. There will be a groundbreaking ceremony for this project in July.

### **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.*

**Frances O’Keefe Wagler, 409 W Central Ave** - Mrs. Wagler reminded everyone that the date of the actual Howey Founder’s Day was May 8<sup>th</sup> (not May 6<sup>th</sup>, as was observed this year), as The Town of Howey-in the Hills was founded on May 8, 1925.

**Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County)** - Ms. Blessing complimented Councilor Lehning and Councilor Lannamañ. Ms. Blessing stated that the residents outside of the Town, in unincorporated Lake County, want to be included and involved. Ms. Blessing thinks that the Town should relook at the OnSyte Septic to Distributed Wastewater Treatment project.

**DeAnna Thomas, (Address exempt due to F.S. 119.071 (4) (d) 2.a)** – Mrs. Thomas stated that the County was changing a lot and that a strategic plan needs to be created. A strategic plan will help the Town Manager make decisions going forward. Mrs. Thomas was very concerned about non-reoccurring money being used to balance the budget; this can cause a millage increase or layoffs.

### **ADJOURNMENT**

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

The Meeting adjourned at 8:54 p.m. | **Attendees: 40**

\_\_\_\_\_  
Mayor Martha MacFarlane

ATTEST:

\_\_\_\_\_  
John Brock, Town Clerk



## Town Council Meeting

May 08, 2023 at 6:00 PM

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

#### **STAFF PRESENT:**

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Tom Harowski, Town Planner (Zoom) | Rick Thomas, Police Chief | Abigail Herrera, Finance Supervisor | Morgan Cates, Public Works Director | George Brown, Police Lieutenant | Tom Wilkes, Town Attorney (Zoom) | Azure Botts, Code Enforcement Officer (Zoom)

#### AGENDA APPROVAL/REVIEW

**Motion made by Mayor Pro Tem Gallelli to approve of 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

After the agenda approval, Mayor Pro Tem Gallelli asked to move Item #5 to be discussed before Consent Agenda and Mayor MacFarlane agreed.

#### **NEW BUSINESS (Just Item #5)**

5. Consideration and Approval: **Library Board Member Selection**



**Motion made by Mayor Pro Tem Gallelli to reappoint Gwendolyn McIlvaine to another term as a Library Board Member; 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

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Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E. Croton Way** – Mr. Tuite had questions about the Central Lake CDD.

Councilor Miles stated he would like to see Lake County dissolve the Central Lake CDD and sell the assets to the Town.

Mayor MacFarlane closed Public Comment for this item.

**Motion made by Mayor Pro Tem Gallelli to approve the April 24, 2023 minutes with Councilor Miles’ edits; 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

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Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite was not in favor of the Town hiring a separate attorney to represent the Town in negotiating with the St. Johns River Water Management District.

**Motion made by Councilor Miles motion to Deny; seconded by Mayor Pro Tem Gallelli. Motion failed by roll-call vote.**

**Voting**

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

**Nay:** Councilor Lannamañ, Councilor Lehning, Mayor MacFarlane

**Motion made by Councilor Miles to approve the agreement subject to the agreement being corrected to reflect the paragraph referencing billing for delinquent interest to reflect the language in the Florida Prompt Payment Act; 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

**PUBLIC HEARING (Town Council sitting as the Board of Adjustment)**

**Mayor MacFarlane called a recess to the regular Town Council meeting.**

**Mayor MacFarlane convened the Board of Adjustment's meeting.**

3. Consideration and Recommendation: **464 Avila Place - Pool Variance**

Mayor MacFarlane asked Town Planner, Tom Harowski, to introduce and explain this item. Mr. Harowski explained the variance issue and discussed the Planning and Zoning Board's recommendation of a variance of 2 feet to allow the pool deck, pool, and pool enclosure to come within 8 feet of the rear property line and recommended adding as a condition that no construction disturbance occur within the 5-foot drainage and utility easement that runs along the rear of the property.

Councilor Miles asked if the pool variance also addressed the impervious area, which Mr. Harowski explained that it did not. Councilor Miles stated that he had researched the amount of impervious area that would be created if the project were allowed, and it would bring the property to 51.92% impervious area, which was above the allowed 50%. Councilor Miles stated that, if the variance were granted, it should also allow the impervious area to go above the allowed 50%.

Mayor MacFarlane asked if the applicant had any comment that they would like to make, and they did not.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite stated that variances cost \$1,400 and that he felt the applicant should get their money back.

**Joshua Husemann, 671 Avila Place** – Mr. Husemann was not sure why the code calls for a 10-foot rear setback when there are 5-foot easements for drainage and utilities.

**Frances O’Keefe Wagler, 409 W Central Ave.** – Mrs. Wagler stated that she thought Mr. Harowski had said in the Planning and Zoning Board Hearing that the project would not exceed the impervious area footprint.

Mr. Harowski stated that he did not say what Mrs. Wagler had said and that he would have stated that the applicant would have to comply with the impervious surface area requirements.

Azure Botts, Code Enforcement Officer, stated that two canopy trees still need to be required or at least two understory trees be required to be planted.

Councilor Lehning stated that the Planning and Zoning Board should have tried to negotiate the layout of the pool with the owner, and that the owner has not tried to work with the Town.

**Motion made by Councilor Miles to approve a two-foot variance allowing the pool, pool deck and enclosure to come within eight feet of the rear property line, a variance to allow an overage in impervious area by 175.5 feet for this project, and require the applicant to replant the two required trees (can be canopy or understory trees) in the rear setback of the yard, but not within the five foot drainage/utility easement; seconded by Councilor Lannamañ. Motion approved by roll-call vote.**

#### **Voting**

**Yea:** Councilor Lannamañ, Councilor Miles, Mayor MacFarlane

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

**Mayor MacFarlane adjourned the Board of Adjustment’s meeting.**

**Mayor MacFarlane reconvened the regular Town Council meeting.**

#### **OLD BUSINESS**

#### **4. Consideration and Approval: Lake County Water Authority 2023 Stormwater Grant Program Agreement**

Mayor MacFarlane asked Public Works Director, Morgan Cates to introduce and explain this item. Mr. Cates explained that this was a grant that he had applied for to improve water quality along North Lakeshore Blvd. There will be an implementation of a water quality unit, but it will not be like the

baffle box located at Griffin Park; it will be totally different. The stormwater feature will be a dry storage pond. The grant will cover the design and construction of the project.

Councilor Miles asked about the Town's matching amount of the grant. Mr. Cates explained that the Town was awarded \$82,000 for the project and the Town would need to match 18% of the cost, which could be included in either the 2024 or 2025 fiscal year's budget. Mr. Cates did not recommend a fence around the dry storage pond.

Councilor Miles asked if all grant applications had to be approved by the Town Council. Mayor MacFarlane answered by saying that no, the Town Council did not need to approve all grant applications, that it used to be the Mayor, and now it was the Town Manager's responsibility. Councilor Miles suggested that all grant applications should be approved by the Town Council. Mayor Pro Tem Gallelli stated that she thought the Council needed to trust the Department Directors to do the right thing for the Town. Councilor Lannamañ agreed with Mayor Pro Tem Gallelli in that the Council needed to trust the Department Directors.

Mr. Cates showed a video to the Council that showed what the Water Quality Unit will look like and how it works.

Mayor MacFarlane opened Public Comment for this item only.

**Kathleen Ormsbee, 301 N. Lakeshore Blvd.** – Mrs. Ormsbee wants the public to be involved in the final design of this project and she also wanted to express that she does not want a fence with this project.

**Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County)** – Ms. Blessing wants a community meeting about the final design of the project, not just a presentation.

**Tim Everline, 1012 N. Lakeshore Blvd** – Mr. Everline stated that he believed that eventually the dry storage pond will fill up with water, and if a child gets in there he or she could drown.

**Paul Redmond, 309 N. Lakeshore Blvd.** – Mr. Redmond stated that he did not think that the Town would need a swale with this project.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite recommended Mr. Cates' plan. Mr. Tuite stated that he was proud of the Town for applying for this grant and committing to cleaning up the lake.

**Clay Ormsbee, 301 N. Lakeshore Blvd.** – Mr. Ormsbee presented two pictures of the shore of Little Lake Harris to the Town Council. Mr. Ormsbee stated that maintenance spraying of the shoreline had not been occurring. This has caused unwanted vegetation growth and flourishing of invasive plant species that needed to be cleaned out.

Mr. Cates explained that he had recently gotten a permit for the Town to spray the lakeshore.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite doesn't think the Town should spray the shoreline.

Mayor MacFarlane closed Public Comment for this item.

**Motion made by Councilor Lannamañ to approve the acceptance of this grant; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by roll-call vote.**

#### **Voting**

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

MacFarlane  
**Nay:** None

## **NEW BUSINESS**

### 6. Consideration and Approval: **Resolution 2023-002 FY 2023 Mid-Year Budget Amendment**

Town Manager, Sean O’Keefe, introduce and explained this Resolution and the proposed Mid-Year Budget Amendment. Mr. O’Keefe went through the changes that were made in the budget based off of the 05/02/2023 Mid-Year Budget Workshop that was held.

Mayor MacFarlane opened Public Comment for this item only.

**Peter Tuite, 300 E Croton Way** – Mr. Tuite was concerned about the money that was being pulled out of reserves and thinks that the budget should not be amended.

**Tim Everline, 1012 N Lakeshore Blvd** – Mr. Everline was concerned about ARPA funds being used in the year’s budget and had questions about the Special Events account.

**Motion made by Councilor Lehning to approve Resolution 2023-002; seconded by Councilor Miles. Motion approved 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 Hall

The report was included in the meeting’s packet.

Councilor Miles would like the addition of a comment into next month's bad debt report, to include that the Town Council has restricted the Builder (Harvey G Newsome Jr Inc) from pulling further permits until they have paid their debt on account 1296-01.

### 8. Police Department

The report was included in the meeting’s packet.

### 9. Code Enforcement

The report was included in the meeting’s packet.

### 10. Public Works

The report was included in the meeting’s packet.

Morgan Cates, Public Works Director, gave an update on the bids that the Town had received for the North Dixie Drive reconstruction project. The initial bid from Dale Beasley came in at \$553,086.73, Paqco’s initial bid was \$399,511.45. (These bids would include curbing and sidewalks on both sides of the street.)

Councilor Lehning asked what the budget was for this project. Mr. O’Keefe stated that there was roughly \$200,00 in the infrastructure fund for this project after the mid-year budget adjustment and there was a carry-over in the infrastructure fund of roughly \$170,000, so the total available budget for this project was roughly \$370,000.

Mr. Cates stated that he had asked for alternative bids showing no sidewalk, no curbing, and with curbing. Dale Beasley had not submitted any alternate bids yet. Paqco submitted a bid with no sidewalk, but with ribbon curbing of \$273,986.25 and a bid with no sidewalks and no curbing of \$203,802.50.

Mr. Cates does not recommend spending all the carry-over funding on the N. Dixie Drive project, knowing that the Town Council wants to do the Citrus Ave project next year.

Councilor Lehning wanted to know how the bidding process from Paqco matched up against the contract that the Town has with them and if the Town can still get a better deal from them. Consensus seemed to indicate that the project should move forward without doing any sidewalks on either side of the street.

Mr. Cates stated that he had asked both companies for project timeframes. Dale Beasley had not given an answer yet. Paqco had responded that they could start work in six to eight weeks and it would take four to five weeks to finish if there is no sidewalk in the project and eight to ten weeks if sidewalk is included in the project.

#### 11. Library

The report was included in the meeting’s packet.

#### 12. Parks & Recreation Advisory Board / Special Events

Nothing to report.

#### 13. Town Attorney

Nothing to report.

#### 14. Finance Supervisor

The report was included in the meeting’s packet.

#### 15. Town Manager

Town Manager, Sean O’Keefe, gave a summary of the Howey Founder’s Day event that had occurred on 5/6/2023. Mr. O’Keefe also gave an update on the Memorial Day event, which would be on 5/29/2023 at 10 a.m.

Mr. O’Keefe stated that town staff was working with Lake County to gain full rights on the right-of-way on Citrus Ave. Mr. O’Keefe also stated there was nothing new on the sale of land to Lake County Fire Department.

Mr. O’Keefe announced that the developer of the proposed Cedar Creek Development has requested to have two community meeting to be held at the Library LEC. The first meeting would occur in the last week of May and the second meeting would occur during the last week of June.

Mr. O’Keefe explained that the Planning & Zoning Board has scheduled two joint workshop meetings with Town Council. The first meeting would occur on May 17, 2023 at 6 p.m., at the Library LEC. The second joint workshop is scheduled to be held on June 15, 2023 at 6 p.m., at the Library LEC.

## **COUNCIL MEMBER REPORTS**

### 16. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli had nothing to report.

### 17. Councilor Lehning

Councilor Lehning asked for Councilor Miles to give a wastewater update. Councilor Miles stated that the Town has had discussion with the Central Lake CDD. Lake County’s blocking of the Cedar Creek development has, for the time being, stopped the discussion of their wastewater plant. Councilor Miles stated that he would be preparing a new grant application to go to FDEP for a project to put sewer mains in the southwest quadrant of the Town. Councilor Miles does see that there is a problem moving forward with that project; currently the Town does not have any additional ERUs with the Central Lake CDD to be able to hook up any homes in the southwest quadrant of the Town.

Councilor Lehning would like to see a survey of the Town’s residents to see what “Right Development” would be for the Town. Mr. O’Keefe suggested that the joint workshop with Planning & Zoning might help answer this question.

### 18. Councilor Miles

Councilor Miles wanted to know what the timeframe would be for moving a part-time Officer to full-time. Mr. O’Keefe stated that, since the budget amendment had been passed during the meeting, the Police Chief just needed to work with HR to push the paperwork through.

Councilor Miles asked for an update on the grant application process for getting two generators for the Venezia wastewater lift stations (#1 and #2). Councilor Miles also wanted to know if the Town had specifications completed and approved by the Town Engineer for the two generators and, if the grant is funded, whether the necessary items that the Town needs to purchase can be procured quickly and cheaply off of state contracts. Mr. O’Keefe stated that the application process is still ongoing for the grant, with the due date at the end of the month. If the Town’s grant is accepted, there is not an announced timeline for the disbursement of the funds. Mr. Cates did say that he has gone to the County level (which is the first step in the grant application), and the Town’s project has gotten onto the top 5 of the County list for these funds. The Town’s grant application for this project will include two diesel transfer pumps or generators, plus the replacement of the existing two pumps at lift station #2 (as they are outdated, and one cannot find parts for them). Mr. Cates stated that, after speaking with James Southall, the Town’s Utility Supervisor, and Don Griffey, the Town Engineer, he believed that it would be better for the Town to get two diesel transfer pumps rather than two generators. The generators will only help if there is a power failure. The diesel transfer pumps will assist if there is a power failure, and they are also a redundancy if the primary pumps fail.

### 19. Councilor Lannamañ

Councilor Lannamañ thanked the Town staff for all their hard work. Councilor Lannamañ wanted an update on the revising of the Town’s Land Development Code section on trees. Mr. O’Keefe stated that he would give an update at the next Town Council meeting.

Councilor Lannamañ also asked the other Councilors and the public not to use divisive language when describing other residents, such as the residents in Talichet. Currently, many of the Talichet subdivision residents do not feel welcome.

## 20. Mayor MacFarlane

Mayor MacFarlane suggested to Mr. O’Keefe and Councilor Miles that the Town should speak to the owners of the Reserve land and ask them if the Town can purchase some ERUs from them.

Mayor MacFarlane thanked the Public Works Department and the Police Department for all their hard work to make the Founder’s Day event a success.

Mayor MacFarlane thanked Senator Baxley for his help in working on the Town’s request for appropriation money for the Well drilling and Water Treatment Plant. There will be a groundbreaking ceremony for this project in July.

### **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.*

**Frances O’Keefe Wagler, 409 W Central Ave** - Mrs. Wagler reminded everyone that the date of the actual Howey Founder’s Day was May 8<sup>th</sup>.

**Terri Blessing, 24913 Blue Sink Rd, Howey-in-the-Hills (unincorporated Lake County)** - Ms. Blessing complimented Councilor Lehning and Councilor Lannamañ. Ms. Blessing stated that the residents outside of the Town, in unincorporated Lake County, want to be included and involved. Ms. Blessing thinks that the Town should relook at the OnSyte Septic to Distributed Wastewater Treatment project.

**DeAnna Thomas, (Address exempt due to F.S. 119.071 (4) (d) 2.a)** – Mrs. Thomas stated that the County was changing a lot and that a strategic plan needs to be created. A strategic plan will help the Town Manager make decisions going forward. Mrs. Thomas was very concerned about non-reoccurring money being used to balance the budget; this can cause a millage increase or layoffs.

### **ADJOURNMENT**

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

The Meeting adjourned at 8:54 p.m. | **Attendees: 40**

\_\_\_\_\_  
Mayor Martha MacFarlane

ATTEST:

\_\_\_\_\_  
John Brock, Town Clerk





## Town Council Workshop Meeting (Mid-Year Budget Review)

May 02, 2023 at 11:30 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 11:30 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 (arrived 3 minutes late) | Mayor Pro Tem Marie V. Gallelli | Mayor Martha MacFarlane

### **STAFF PRESENT:**

Sean O’Keefe, Town Administrator | John Brock, Town Clerk | Tom Wilkes, Town Attorney | Abigail Herrera, Finance Supervisor | Rick Thomas, Police Chief | Azure Botts, Code Enforcement Officer | James Southall, Public Utilities Supervisor | Morgan Cates, Public Works Director | George Brown, Police Lieutenant

### NEW BUSINESS

#### 1. Discussion: **Mid-Year Budget Review**

Mayor MacFarlane asked Abigail Herrera, Finance Supervisor, to introduce and explain this item. Sean O’Keefe, Town Manager, summarized and explained each of the Town’s fund accounts.

Mayor Pro Tem Gallelli recommended removing “Ron” from the description of any of the Building Official object codes.

Councilor Miles recommended splitting Engineering and Planning fees, which were currently both listed under 001–519–316. Councilor Miles also suggested that the Town should investigate bringing the Building Official position in-house rather than continuing to contract it out to Alpha Inspections. Councilor Miles recommended that the Town purchase the Purchase Order and Encumbrance Accounting module from Black Mountain Software. This software module would cost the Town \$1,400.

Councilor Miles stated that the Finance Supervisor had supplied him with the fund balances (balance sheet), not just the income statements (revenue and expenditure). Councilor Miles shared copies of the Balance Sheet that he had received from the Finance Supervisor with the other Town Councilors.

Councilor Miles stated he would like to see the Town change the way it does budget adjustments. Councilor Miles would like to see the Town just do budget adjustments at the account total level, not the object code level. Councilor Miles stated that making budget adjustments at the account level would both save staff and the Council a lot of time and effort for minor budget issues (significantly reduce the number of budget adjustments). Councilor Miles also emphasized that it would allow the Council to be able to focus on truly significant changes.

Councilor Miles reiterated three things that he would like to see happen: 1) He would like the Town to purchase the Purchase Order / Encumbrance Accounting software module from Black Mountain Software for \$1,400; 2) Splitting of the Object code for Planning and Engineering fees currently under 001-519-316; and 3) Change the way the Town makes budget adjustments, so that it is done at the Account level and not the Object level.

Councilor Miles stated that, to use the Encumbrance system, the Council would need to pass a Resolution during the first meeting in October to create the appropriate amount of encumbrances that would roll forward. The Town would need to have the amount appropriated in the following fiscal year along with an initial budget for that following year.

Mayor MacFarlane called a recess to the meeting at 1:15 p.m.

Mayor MacFarlane called the meeting back from recess at 1:26 p.m.

Councilor Miles questioned why the Public Works Department was purchasing a vehicle under the Infrastructure fund. There was a consensus that the purchasing of this vehicle should not be under Infrastructure and should not use Infrastructure funds. The purchase of the Public Works truck should be budgeted to 001-539-650.

Councilor Miles stated that the Town needed to have a wastewater impact fee set up and would like to see this added to a future Town Council agenda. It was suggested that perhaps there could be a two-tiered wastewater impact fee, since there are some developments that have already paid for ERUs through the Central Lake CDD.

## **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 had questions about the ARPA funds. Mr. O’Keefe explained that the ARPA funds were in the Town’s accounts, and they were planned to be used for operating expenses and capital expenses this year and will be fully spent this year. Mr. Everline stated that the citizens would like to have the ability to follow how funds like ARPA have been spent. Mr. Everline also had questions about Library Capital Expenses, the expenses from the pier renovation project, transportation funds (and how it was spent on salaries), and Special Events funds.

**Todd Hawkins, 1110 N. Lakeshore Blvd.** – Mr. Hawkins questioned if the Town’s reserve fund’s interest amounts were being maximized.

Councilor Lehning stated that, in the future, he would like a simplified report with more of a summary view, for himself and the public.

Police Chief, Rick Thomas, stated that he had received a grant last year for the Town to purchase two vehicles and some equipment this year. Chief Thomas stated that the Police Department had gone over budget for the purchase of the two cars by \$16,075 and would like the Town Council to appropriate this amount from the Police Department Impact fees for this overage.

Chief Thomas explained that during last year's budget process the grant in question was accounted for in revenues, but not in expenditures. The expenditures were never accounted for in the budget, as there was some confusion over project codes. Chief Thomas explained that, due to this error, the Police Department had reallocated \$77,857 to this situation. Chief Thomas stated that there was still \$44,017 remaining that would need to be accounted for and would like Council to find a resolution to resolve this.

Chief Thomas stated that the Town Manager had told him not to hire another full-time officer right now, even though it had been approved in the previous budget. Chief Thomas stated that he had hired the position, but because of the Town Manager, he had to walk that back and he was embarrassed by this. Chief Thomas stated that he was appealing to the Town Council to remedy this situation.

Mr. O'Keefe stated that the Police Department's budget has already been increased by \$110,000 from the start of the fiscal year to the day of the meeting.

Councilor Miles asked how soon the part-time officer can be moved to full-time. Mr. O'Keefe stated that this could happen as soon as the Mid-Year Budget Amendment Resolution is passed.

Chief Thomas stated that he also objected to the Code Enforcement's vehicle insurance and fuel budget amount being pulled out of the Police Department's Budget and having it moved under the Code Enforcement's account. There was a consensus that this would not occur until the next fiscal year.

### **ADJOURNMENT**

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

The Meeting adjourned at 2:24 p.m. | **Attendees: 28**

\_\_\_\_\_  
Mayor Martha MacFarlane

ATTEST:

\_\_\_\_\_  
John Brock, Town Clerk



## Town Council Workshop Meeting (Mid-Year Budget Review)

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### **ADJOURNMENT**

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The Meeting adjourned at 2:24 p.m. | **Attendees: 28**

\_\_\_\_\_  
Mayor Martha MacFarlane

ATTEST:

\_\_\_\_\_  
John Brock, Town Clerk



**Date:** May 22, 2023

**To:** Mayor and Town Council

**From:** Library Director, Tara Hall

**Re:** Consideration and Approval: **Amended Interlocal Agreement**

**Objective:**

To approve an amended interlocal agreement with the Lake County Library System cooperative.

**Summary:**

Library Director Tara Hall is asking for the Town Council's approval of an amended interlocal agreement.

B. Section 13 (E), Appropriation of County Funds for Municipality, is hereby amended to add Year Four: The COUNTY shall allocate a base amount of twenty-five thousand dollars (\$25,000) to assist with funding of programs and services at its participating library.

**Possible Motions:**

*The Town Council has the following options:*

1. The Town Council motions to approve  
OR
2. The Town Council motions to approve with the following conditions  
OR
3. Motion to Deny

**Fiscal Impact:**

There is an increase of library appropriations in the amount of \$5,000 annually for the period of the agreement.

**Staff Recommendation:**

Staff recommends approval.

**AMENDMENT TO AGREEMENT  
RELATING TO  
PROVISION OF LIBRARY SERVICES**

This is an Amendment to the Interlocal Agreement between Lake County, Florida, a political subdivision of the State of Florida, hereinafter referred to as “COUNTY”, by and through its Board of County Commissioners, and the Town of Howey-in-the-Hills, a municipal corporation pursuant to the Laws of Florida, hereinafter referred to as ‘MUNICIPALITY’ or “TOWN”, by and through its Town Council.

**WITNESSETH:**

**WHEREAS**, on September 10, 2019, the COUNTY entered into an Interlocal Agreement with the MUNICIPALITY for the provision of public library services (the “Agreement”); and

**WHEREAS**, on September 13, 2022, the County and the MUNICIPALITY entered into an extension of the Agreement for an additional 12-month period expiring on September 30, 2023; and

**WHEREAS**, the parties now want to extend the Agreement for an additional 12-month period expiring on September 30, 2024; and

**WHEREAS**, executing this Amendment is in the best interests of the parties and the residents of Lake County.

**NOW, THEREFORE**, the parties agree as follows:

1. **Legal Findings of Law.** The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed a being true and correct and are hereby made a specific part of this Amendment upon adoption hereof.

2. **Amendment.** The Agreement is hereby amended as follows:

A. Section 3, *Term*, is hereby amended to allow for an additional 12-month period and terminating on September 30, 2024.

B. Section 13 (E), *Appropriation of County Funds for Municipality*, is hereby amended to add Year Five: The COUNTY shall allocate a base amount of twenty five thousand dollars (\$25,000) to assist with funding of programs and services at its participating library.

3. **Effect of Amendment.** All other provisions of the Agreement will remain in full force and effect unless otherwise formally amended by the parties. To the extent this Amendment conflicts with the Agreement, this Amendment will govern.



**AMENDMENT TO AGREEMENT BETWEEN LAKE COUNTY, FLORIDA AND TOWN OF HOWEY-IN-THE-HILLS RELATING TO PROVISION OF LIBRARY SERVICES**

---

Item 3.

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

**COUNTY**

LAKE COUNTY, FLORIDA, through its  
BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
Gary J. Cooney, Clerk  
Board of County Commissioners  
of Lake County, Florida

\_\_\_\_\_  
Kirby Smith, Chairman

This \_\_\_\_ day of \_\_\_\_\_, 2023.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney

**MUNICIPALITY**

ATTEST:

TOWN OF HOWEY-IN-THE-HILLS

\_\_\_\_\_  
John Brock, Town Clerk

\_\_\_\_\_  
Martha MacFarlane, Mayor

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Approved as to form and legality:

\_\_\_\_\_  
Heather Ramos, Town Attorney

## RESOLUTION 2023-003

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; ADOPTING THE UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) RATES FOR PER DIEM REIMBURSEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town of Howey-in-the-Hills is committed to providing fair and equitable compensation to its employees and officials for business-related travel expenses; and

**WHEREAS**, the United States General Services Administration (GSA) sets rates for per diem reimbursement for travel expenses incurred by federal employees and those of other organizations that follow federal travel regulations; and

**WHEREAS**, the GSA per diem rates are based on average daily expenses for lodging, meals, and incidental expenses in various geographic locations throughout the United States; and

**WHEREAS**, the Town of Howey-in-the-Hills' Personnel Policy and Procedure Manual, section 7.4 (D) (4), requires the Town Council to set and adopt a per diem rate for employee travel expenses; and

**WHEREAS**, the adoption of the United States General Services Administration (GSA) per diem rates for travel-related expenses is in accordance with the Town's personnel policy and will ensure consistency and fairness in the reimbursement of travel expenses for Town employees and officials.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA.**

**Section 1.** The Town of Howey-in-the-Hills hereby adopts the United States General Services Administration (GSA) per diem rates for travel-related expenses for its employees and officials, effective immediately.

**Section 2.** The Town Manager or designee is authorized to implement this resolution and to update the Town's travel policy and procedures to reflect the adoption of the GSA per diem rates.

**Section 3.** Any conflicting resolution or policy of the Town is hereby repealed to the extent of the conflict.

**Section 4.** If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this resolution.

**Section 5.** This resolution shall be effective upon passage.

*Signatures on the following page.*

**PASSED AND RESOLVED** this 22nd day of May, 2023, by the Town Council of the Town of Howey-in-the-Hills, Florida.

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

By: its Town Council

By: \_\_\_\_\_  
Martha MacFarlane, Mayor

Attest:

\_\_\_\_\_  
John Brock, Town Clerk

Approved as to form and legality:  
(for the use and reliance of the Town only)

\_\_\_\_\_  
Tom Wilkes, Town Attorney

# Town of Howey-in-the-Hills



## Comprehensive Plan

# Table of Amendments

<b>Ordinance</b>	<b>Adoption Date</b>	<b>State Approval Date</b>	<b>Description</b>
	March 25, 2013	NA	CIP Update
	July 14, 2014	July 21, 2014	CIP Update
2015-002	March 23, 2015	April 29, 2015	CIP Update
2016-001	June 27, 2016	NA	Central Ave. Plan
2016-003	June 27, 2016	NA	CIP Update
2018-003	April 26, 2018	NA	FLU Map Amend. Public Safety Site
2019-001	February 24, 2020	April 22, 2020	EAR Based Amend.
2019-005	August 10, 2020	NA	Bike/Ped Plan
2020-003	August 24, 2020	September 9, 2020	FLU Map Amend.

## FUTURE LAND USE ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020

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

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

### A. INTRODUCTION

#### 1. Purpose

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

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

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

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

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

## B. POPULATION ESTIMATES AND FORECASTS

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

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

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

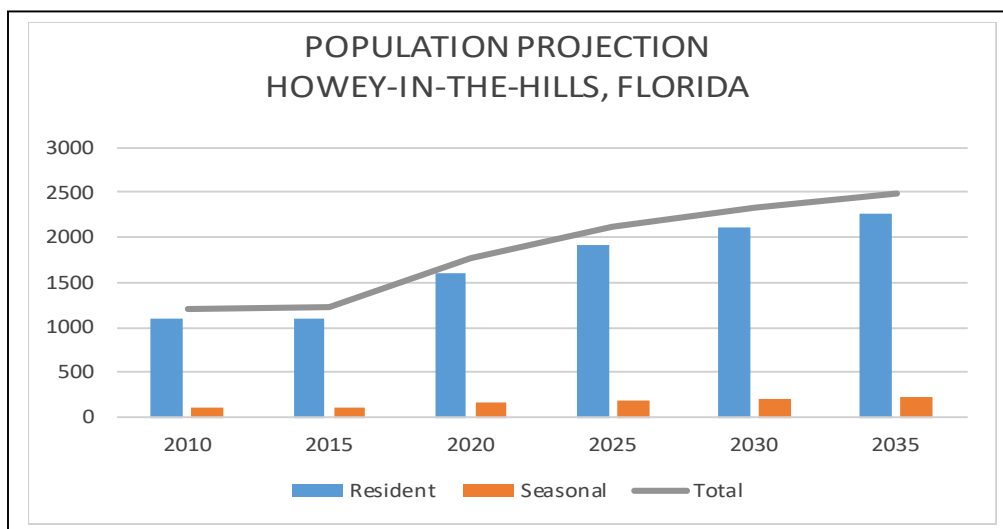
**TABLE 1: POPULATION ESTIMATES AND PROJECTIONS 2010 -2035**

<b>POPULATION PROJECTION HOWEY-IN-THE-HILLS, FLORIDA</b>			
<b>Year</b>	<b>Resident</b>	<b>Seasonal</b>	<b>Total</b>
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.

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

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



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

**TABLE 2: SIGNIFICANT DEVELOPMENT PROJECTS**

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

## C. EXISTING CONDITIONS

### 1. Existing Land Use

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

**TABLE 3: ACREAGE WITHIN EXISTING LAND USE CATEGORIES, 2017**

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

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

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

**Planned Unit Development(PUD)/Village Mixed Use** - In 1992, the Town approved a *Planned Unit Development Mixed Use District Ordinance* which permits a variety of residential structures and a diversity of building arrangements as well as complementary and compatible commercial uses and public or quasi-public facilities developed in accordance with an approved development plan. A large percentage of the lots in this

category on the *Existing Land Use Map* are vacant. The permitted maximum density and intensity standards for planned unit development/mixed use are presented in Table 4.

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

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

### **a. Sanitary Sewer**

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

### **b. Potable Water**

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

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.



**TABLE 4: PERMITTED MAXIMUM DENSITY/INTENSITY WITHIN LAND USE CATEGORIES**

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

Future Land Use	Maximum Density/Intensity	Description
Town Center Mixed Use (TCMU)	<p>The Town Center Overlay District denotes where specific uses are permitted within the Town Center (see the Town's <i>Town Center Overlay Map</i>).</p> <p>For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. A max. 2.0 FAR is permitted if parking requirements are achieved. Where new residential uses are constructed in the Commercial Core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, Oak street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.)</p> <p>For areas designated Office/Services or Residential, 40% max. impervious surface coverage. May live and/or work in these areas.</p> <p>For areas designated Residential, a max. of 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas 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</p>	The size of each individual business shall be regulated through the Land Development Regulations.
Adopted on October 11, 2010 Ordinance No. 2010-007	<p>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>	I-8

Future Land Use	Maximum Density/Intensity	Description
Village Mixed Use (VMU)	<p>Must have a minimum of 25 acres for this land use. 4 dwelling units per acre; May be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands).</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% 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>A minimum of 25% open space is required.</p>	<p>A mix of uses is permitted and required in this category in order to promote sustainable development, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity.</p> <p>Elementary, middle, and high schools are also permitted in this category.</p>
Neighborhood Commercial (NC)	0.50 floor area ratio; 70% max. impervious surface coverage	<p>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.</p> <p>Elementary and middle schools are also permitted in this category.</p>

Future Land Use	Maximum Density/Intensity	Description
Light Industrial (LI)	70% max. impervious surface coverage; 0.6 floor area ratio	Manufacturing, distribution High schools are also permitted in this category.
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.

Notes: Open Space: Open space is figured on the Gross Land Area. Up to 50% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. Most 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 shall 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).

**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.

**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 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
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

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

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

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

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

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

## 5. Natural Resource Management

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

### a. Surface Waters

Lake Illinois and several unnamed lakes are within the Town limits. Additionally, the Town is adjacent to Little Lake Harris. Most of these lakes are maintained by the County. There are no lakes in Town classified as "A Florida Outstanding



Water”. The lakes are used for boating, swimming, fishing and other water activities.

**b. Floodplains**

Floodplains are valuable resources which provide a rich diversity of vegetation and wildlife. These areas are sources for groundwater recharge that filters through soils during high water levels. The 100-year floodplains are also subject to inundation during a 100-year storm, causing potential loss of life and property, disruption of services, and economic loss. These areas cannot tolerate continued development which, in effect, retards their ability to absorb water and restrict the flow of water from adjacent higher elevation areas.

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

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

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

**c. Wetlands**

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

**d. Natural Groundwater Aquifer Recharge Areas**

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

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

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

**e. Cone of Influence**

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

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

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

**f. Air Quality**

Air quality is another example of a natural resource that impacts the Town's and surrounding areas quality of life. The Florida Department of Environmental Protection and the United States Environmental Protection Agency monitor air quality data in Lake County. Lake County does not have an established program

dedicated to monitoring air quality. Overall, Lake County's air quality can be considered good.

## 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 <sup>th</sup> Century American, 1900-present	
Howey Water Tower	316 Grant Street	1926	Unspecified	
Howey Academy		1923	Unspecified	
Howey House	Citrus Street	1925	Mediterranean Revival ca. 1880-1940	1/27/1983

Site Name			Address/Site Type	Year Built	Architectural Style/ Archaeological culture	Date Certified
Griffin Strip	Airways	Landing	Designed Landscape	Historic	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.

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

## D. ANALYSIS

### 1. Economic Vitality

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

### 2. Nonconforming and Incompatible Uses

Land use conflicts arise when uses are introduced in dissimilar areas without proper buffering. The *Future Land Use Map* and the Howey-in-the-Hills Land Development Regulations set forth the appropriate locations for land uses in the Town in order to

eliminate existing land use conflicts. The Town's Land Development Regulations addresses incompatibilities through control of nonconforming uses.

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

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

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

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

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

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

There are more than adequate recreational facilities and open spaces readily available and accessible to the residents and guests of Howey-in-the-Hills. The Town shall continue to coordinate with the County on establishing measures to enhance the recreation and open space opportunities in and around Town. The Town will also continue to solicit grants from public and private agencies and collect park impact fees to fund future parks and facilities.

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

#### **4. Groundwater Recharge**

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

#### **5. Analysis of Existing Vacant Lands**

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

#### **6. Analysis of Land Needed to Accommodate Projected Population**

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

7.

#### **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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

### **a. Producing Energy Efficient Land Use Patterns**

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

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

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

### **b. Increasing Energy Conservation**

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

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

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

**c. Reducing Greenhouse Gas Emissions**

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

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

## E. FUTURE LAND USE GOALS, OBJECTIVES, AND POLICIES

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

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

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

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

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

Land Use	Maximum Residential Density
Residential:	
Low Density Residential (LDR)	Up to 2.0 dwelling units per acre. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Medium Density Residential (MDR)	Up to 4.0 dwelling units per acre. A 25% minimum open space is required. Developments with 100 units or more shall be required to have a public recreation component. Developments with more than 300 proposed units must use the Village Mixed Use designation. May include support community facilities and elementary schools. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Rural Lifestyle (RL)	Up to 1.0 per 2 acres. Must have a minimum of 2 acres for this land use. A 50% minimum open space is required. All buildings shall not exceed a 0.15 floor area ratio. The maximum impervious surface coverage is 0.20. Maximum building height is 2-1/2 stories and no higher than 30 feet.

Land Use	Maximum Land Intensity
Neighborhood Commercial (NC)	The maximum floor area ratio is 0.50. The maximum impervious surface coverage is 0.70. The maximum building height is 35 feet and limited to two-stories. The maximum building size is 5,000 sq. ft. unless a special exception is granted to the developer by the Town Council. Elementary and middle schools are also permitted in this category.
Light Industrial (LI)	The maximum impervious surface is 0.70. The maximum floor area ratio is 0.60. High schools are permitted in this category.
Institutional (INST)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.40. A 25% minimum open space is required. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Recreation (REC)	Maximum impervious surface coverage is 0.30. Restricted to passive or active recreational facilities as established in the <i>Recreation and Open Space Element</i> or by the Town Council.
Conservation (CON)	No buildings. Restricted to boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utility (PUB)	The maximum floor area ratio is 0.25. The maximum impervious surface coverage is 0.50.  For utilities, the maximum building height is 1 story or no higher than 20 feet for building; 2 story and 35 feet for other facilities.
Village Mixed Use (VMU)	Minimum of 25 acres to apply for this land use. Maximum density of 4 dwelling units per acre, which may be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands). Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area.  Commercial/non-residential areas shall comprise a minimum of 15% of the net land area and a maximum of 30% of the net land area. This includes community facilities and schools.  For developments with more than 100 acres, 5% of the non-residential land shall be dedicated for public/civic buildings.  Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met. The maximum building height is 35 feet.  Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).  A minimum of 25% open space is required.  The maximum building size is 30,000 sq. ft.; unless a special exception is granted to the developer by the Town Council.

<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay Map denotes where specific uses are permitted within the Town Center (see the Town's <i>Town Center Overlay Map</i>). For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. The maximum building height is 35 feet. In order to maintain the historic character of the downtown area, the Land Development Regulations will cap the maximum size of any one business in the Town Center Overlay at 5,000 square feet. A maximum 2.0 floor area ratio is permitted if parking requirements are achieved. Where new residential uses are constructed in the commercial core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak Street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial Area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, oak Street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.</p> <p>For areas designated Office/Services or Residential, the maximum impervious surface coverage is 0.40. May live and/or work in these areas.</p> <p>For areas designated Residential, the maximum density is 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be 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>
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**POLICY 1.1.2:** ***Land Use Categories.*** The land use categories, as depicted on the Town's 2035 *Future Land Use Map (FLUM)* shall permit the following uses and activities.

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

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

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

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

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

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

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

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

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

**Medium Density Residential** - The Medium Density Residential category shall be primarily limited to single-family detached



homes, townhomes, or similar type of uses. Support community facilities and elementary schools are also permitted in this category. Residential uses in this category shall be permitted in those areas so designated in accordance with the applicable permitted density and as further controlled by the Land Development Regulations and the Florida Building Code.

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

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

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

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

**Village Mixed Use** – Primarily intended to create sustainability and maintain the unique charm of the Town, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close

proximity. Elementary, middle, and high schools are also permitted in this category.

**POLICY 1.1.3:**     ***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 figured on the Gross Land Area. Up to 50% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. The majority of the open space shall be permeable; however, up to 10% may be impervious (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.

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

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

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

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

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

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

- POLICY 1.2.3:**     ***Encroachment of Incompatible Non-residential Development.*** Residential areas delineated on the *Future Land Use Map* shall be protected from the encroachment of incompatible non-residential development. Community facilities and services which best serve the health, safety, and welfare of citizens when located in residential areas, shall be permitted uses therein so long as the activity complies with criteria established in this *Plan* and those in the Town's Code of Ordinances.
- POLICY 1.2.4:**     ***Residential Screening Techniques.*** The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques obstructing view of the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is incompatible with the residential area.
- POLICY 1.2.5:**     ***Access to and Circulation within Residential Areas.*** Transportation systems within designated residential areas delineated on the *Future Land Use Map* shall be designed to accommodate traffic conditions that maintain public safety, encourage alternative modes of transportation, and limit nuisances. Access to residential areas shall comply with policies established within the *Transportation Element*.
- POLICY 1.2.6:**     ***Transition of Residential Densities.*** The Town shall continue to orient the transition of residential densities on the *Future Land Use Map* toward higher densities along major transportation corridors and areas adjacent to commercial or other intensive land uses, while lower residential densities shall be directed towards areas further from the Town center (i.e., the central commercial district) and in areas adjacent to agricultural lands.
- POLICY 1.2.7:**     ***Compatibility of Residential Densities and Public Facilities.*** Residential densities shall be compatible with available public facilities and their capacity to serve development. Residential areas designated on the *Future Land Use Map* shall be allocated according to a pattern that promotes efficiency in the provision of public facilities and services and furthers the conservation of natural resources. Public facilities shall be required to be in place concurrent within the impacts of development.

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

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

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

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

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

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

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

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

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

- 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. 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;
  - 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.

**POLICY 1.3.8:** ***Historically Significant Sites.*** The Town shall use the Florida Master Site File as a resource to identify archeological resources and historically significant structures. The Howey House and any other historically significant sites listed on the Florida Master File or the National Register of Historic Places shall be identified on the *Future Land Use Map Series*. In addition, the Town shall also distinguish buildings as historic if the following criteria are met:

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

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

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

**POLICY 1.3.9:**      ***Rehabilitating, Relocating, or Demolition of Historic Sites.***  
Criteria established in the Land Development Regulations pertaining to the rehabilitation or relocation of a designated historic structure shall follow the U.S. Secretary of the Interior's "Illustrated Guidelines for Rehabilitating Historic Buildings". Additional criteria for approving the relocation, demolition, or rehabilitation of a historic structure shall include the following factors:

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

**POLICY 1.3.10:**      ***Preventing Destruction of Discovered Archaeological Sites.***  
Development shall cease construction activities on a development site when artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and / or developer shall contact the Florida 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;
- d. Impact to the conservation and preservation of natural resources;
- e. Demand on existing and planned public services, utilities, water resources and energy resources;
- f. Impact on designated scenic and aesthetic transportation corridors;
- g. Compatibility with surrounding land uses;
- h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

**POLICY 1.4.2:**        *Screening Requirement.* The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or

other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**POLICY 1.6.1:**     ***Coordinating Public Facilities with Land Use.*** The Town shall extend public facilities only to existing and proposed land use activities, as shown on the *Future Land Use Map*, which shall require and demand such services. Undeveloped land shall not be designated for development without assurance through the *Comprehensive Plan* that public facilities shall be available concurrently with the impacts of development. The impacts of land uses, including their densities and intensities, shall be coordinated with the Town's ability to finance or require provision of necessary 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.
- b. Within a two-hundred-foot radius distance, septic tanks, sanitary sewer facilities, or solid waste or disposal facilities shall be prohibited.
- c. Within a five-hundred-foot radius of a well, manufacturing or light industrial uses shall be prohibited, including activities that require the storage, use handling, production or transportation of restricted substances; agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, etc. In addition, wastewater treatment plants, percolation ponds, mining activities and similar activities are prohibited. Low density single family, commercial, retail, and office land uses shall be allowed within the 500-foot zone for potable water wells.
- d. All wells and wellhead protection zones shall be delineated on the Town's *Existing* and *Future Land Use Maps*.

**POLICY 1.6.4:** *Public Facility and Service Standards.* The Town shall continue to ensure that public facilities and services meet or exceed the standards established in the *Capital Improvements Element* required by Chapter 163.3177, F.S. and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development.

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

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

**POLICY 1.7.1:** *Coordinating Future Land Uses with Soil Conditions.* Land use activities, including their densities and intensities, shall be

compatible to soil types whose properties are capable of supporting 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.

**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 its functional equivalent, to determine whether adequate water supplies and related facilities to serve new development will be available no later than the anticipated date of issuance by the Town a certificate of occupancy or its functional equivalent.

**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 Data 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 sector 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 Concurrence 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.

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

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

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

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

**POLICY 1.11.4:**     ***Establishing Architectural Guidelines.*** By December 2012, the Town shall amend the Land Development Regulations to establish architectural guidelines for the Town Center Mixed Use and Village Mixed Use land use to maintain the unique and hometown charm of Howey-in-the-Hills. The Town shall encourage historical and traditional styles native to the Howey-in-the-Hills area and new and innovative architectural design when appropriate.

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

**POLICY 1.11.6:**     ***New Development Following the Town's Existing Street Grid Pattern.*** The Town shall require all new subdivisions, residential and commercial developments, approved after the adoption of this *Comprehensive Plan*, to follow the Town's existing street grid pattern when appropriate.

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

**POLICY 1.12.1:**     ***Defined Planning Area Definition.*** To protect the Town's unique charm and hometown character, the Town hereby adopts the

Utility Service Area as the maximum planning area (see the Town's *Utility Service Area Map*). The Town shall not annex outside this boundary.

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

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

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

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

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

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

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

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

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

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

**POLICY 1.14.1:** *Land Development Regulations Consistency.*

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

- a. Regulate the subdivision of land;
- b. Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
- 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 [163.3177](#), F.S. and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development.

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

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

**POLICY 1.14.3:** *Consistency with Performance Standards.* Performance standards established within the Land Development Regulations shall be consistent with the goals, objectives and policies established within

the *adopted Comprehensive Plan*. By December 2012, the Land Development Regulations shall be amended to ensure that the performance standards comply with the adopted *Comprehensive Plan*.

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

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

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

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

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

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

intensity and shall provide principles for regulating improvements to existing non-complying structures as well as changes to non-conforming uses.

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

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

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

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

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

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

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



Designation Standard, Version 1.0, published by the Florida Green Building Coalition, Inc.

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

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

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

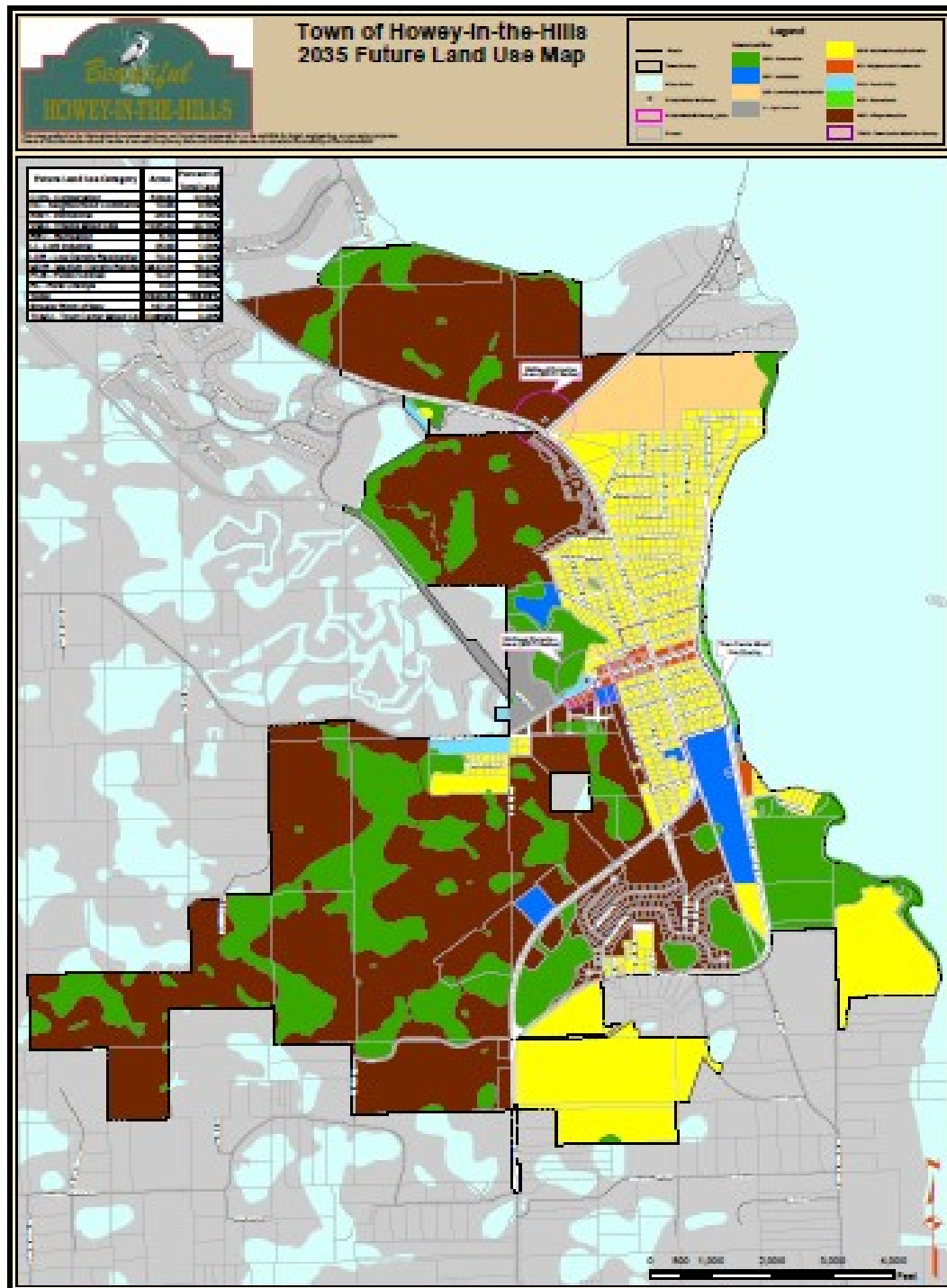
- U.S. Environmental Protection Agency's Energy Star Buildings and Green Lights Program to increase energy efficiency through lighting upgrades in buildings;
- Rebuild America;
- Building for the 21st Century;
- Energy Smart Schools;
- National Industrial Competitiveness through Energy;
- U.S. Department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

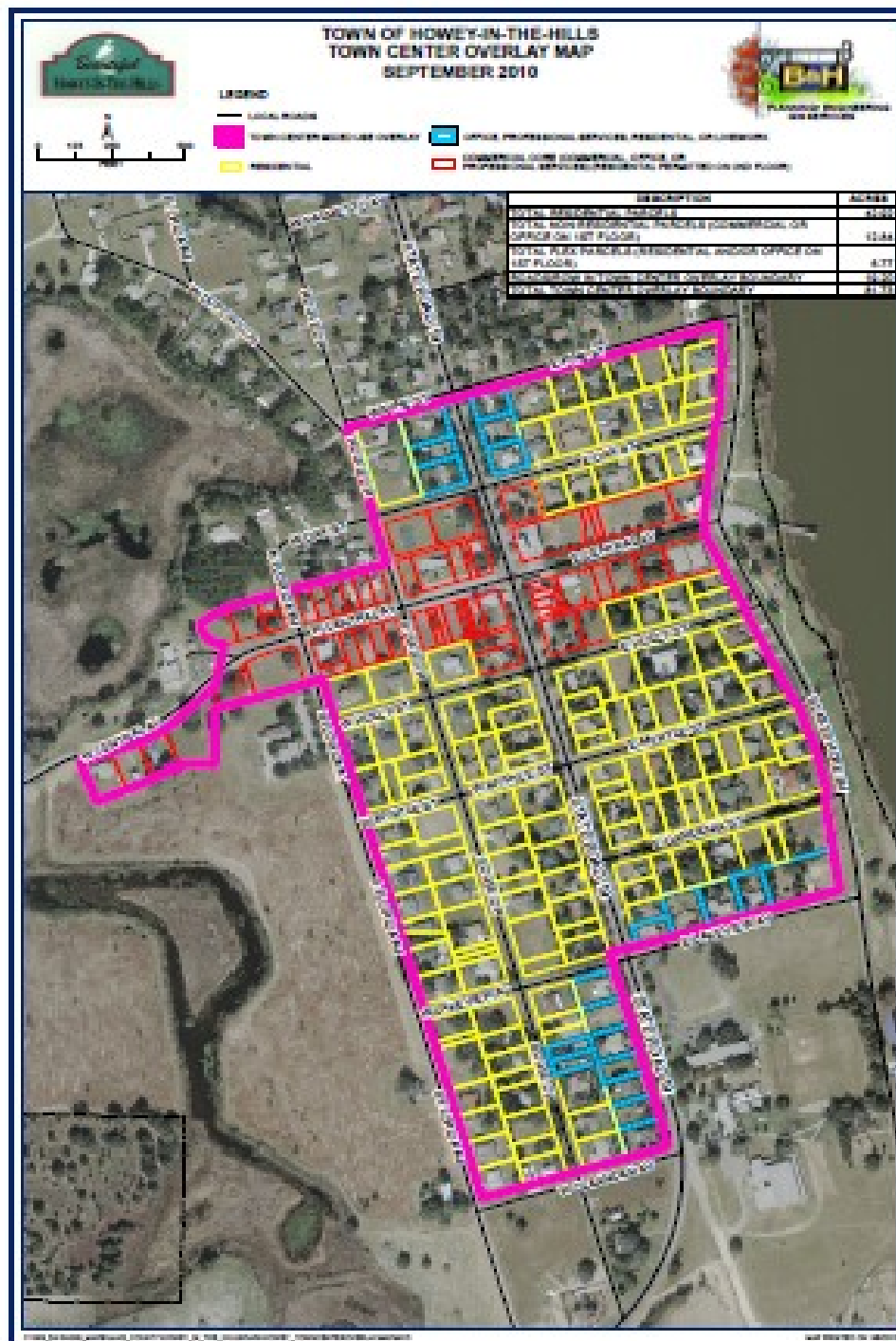
**OBJECTIVE 1.18: *Mechanism to Manage Growth and Development.*** To ensure that the *Comprehensive Plan* represents the primary mechanism which manages growth and development within the Town of Howey-in-the-Hills.

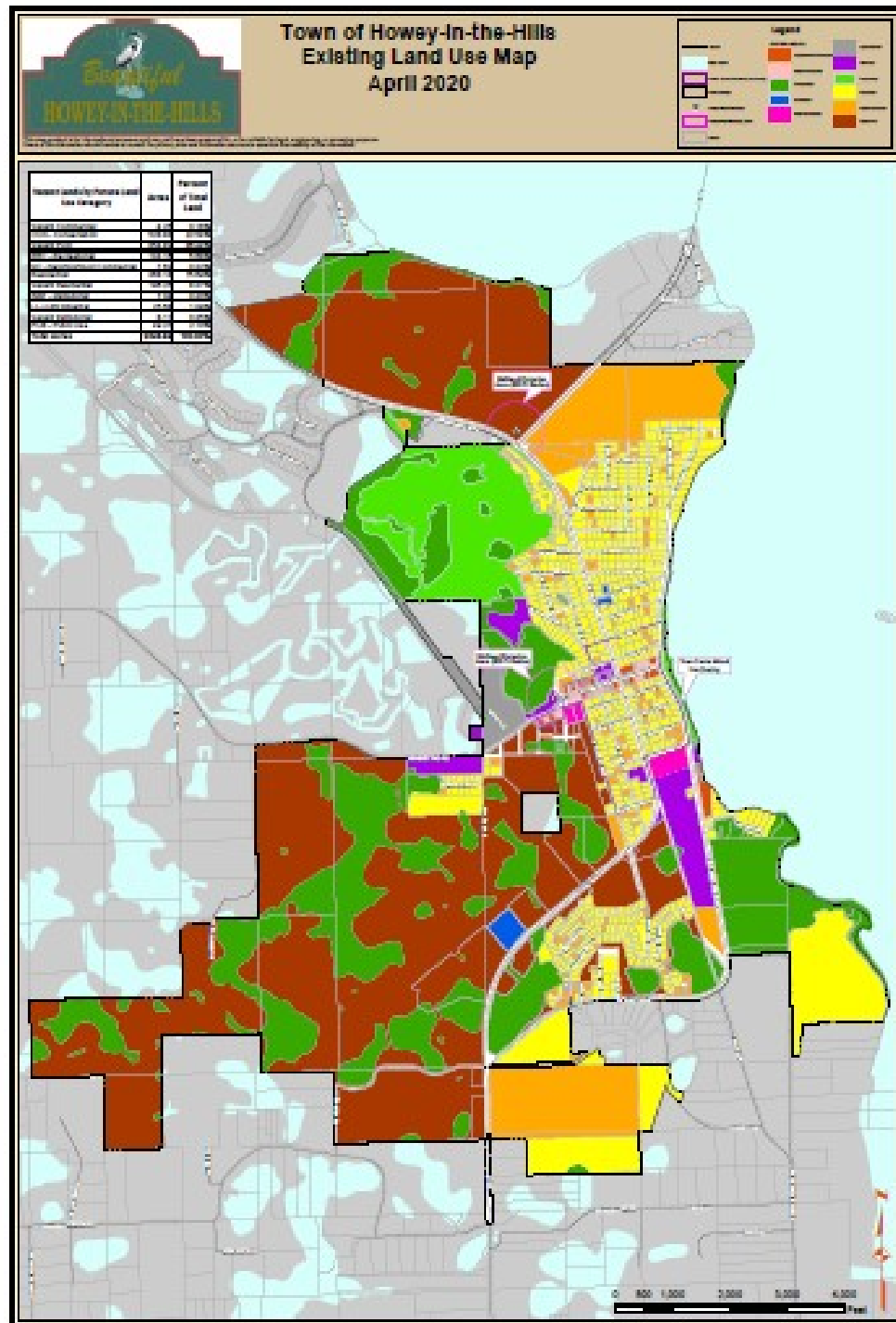
**POLICY 1.18.1:** ***Precedence Over Other Land Use Control Mechanisms.*** Growth management and land use controls stipulated in the adopted *Comprehensive Plan* through goals, objectives and policies shall take precedence over all other land use policies established in other land use control mechanisms 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.

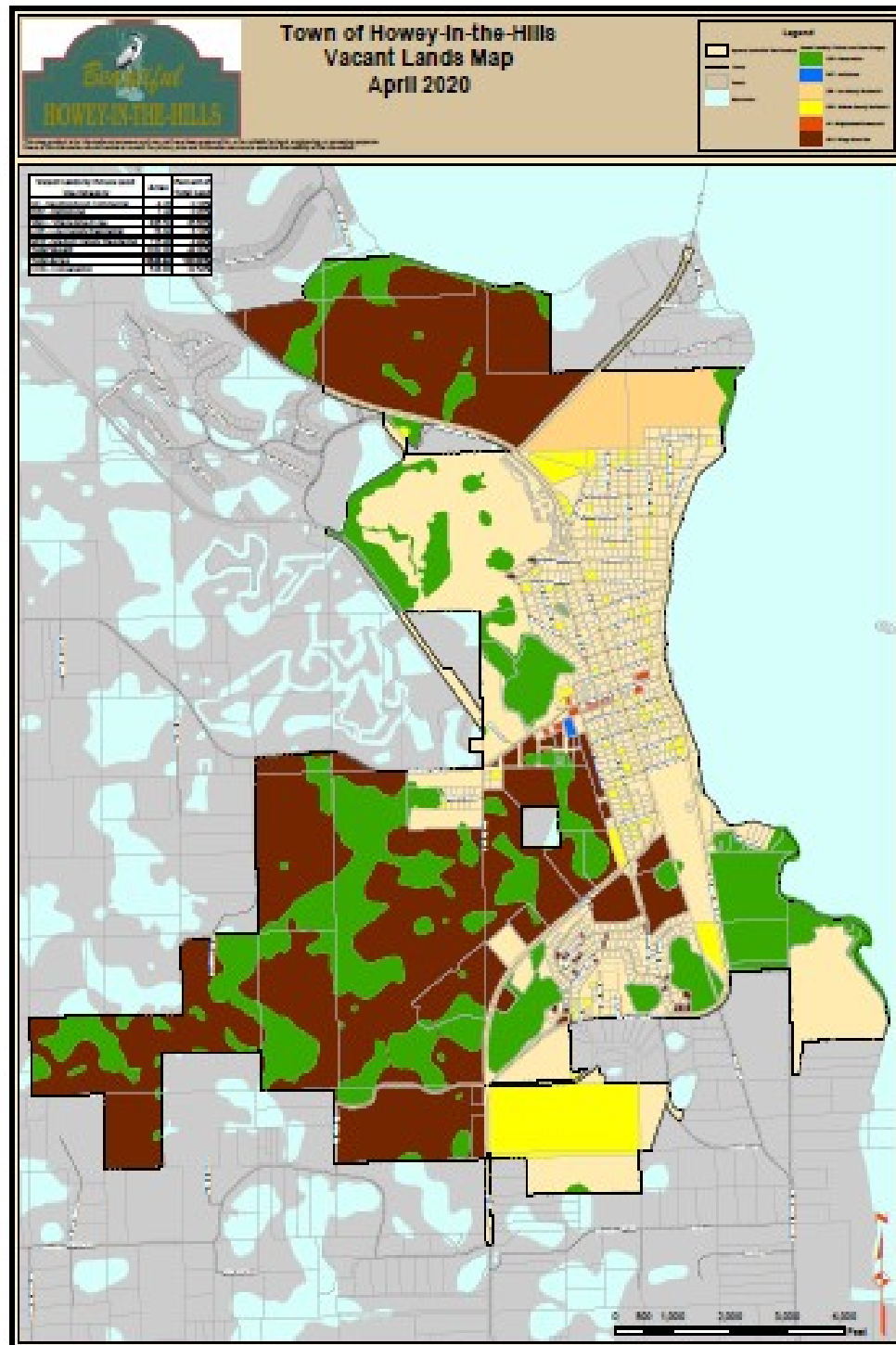
**POLICY 1.18.2:** ***Growth Management through Maintenance of Land Development Regulations.*** The Town shall maintain the Land Development Regulations to reflect growth management controls established within the updated *Comprehensive Plan*.

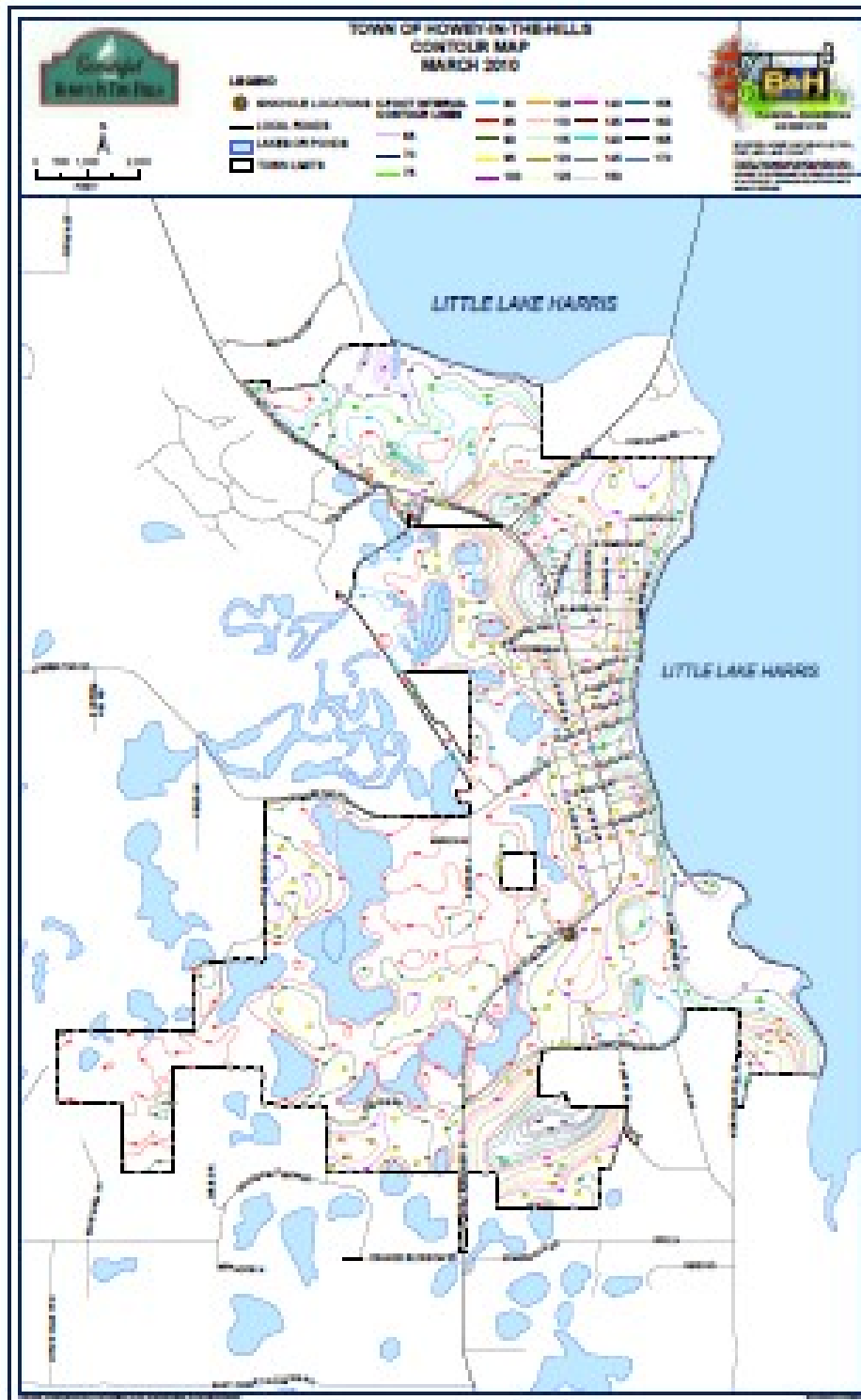
**POLICY 1.18.3:** ***Compliance with State and Federal Laws.*** The *Comprehensive Plan* shall not violate Statutes established in Florida Law or Administrative Rule, nor shall it violate the Constitution of the State of Florida or that of the United States of America.

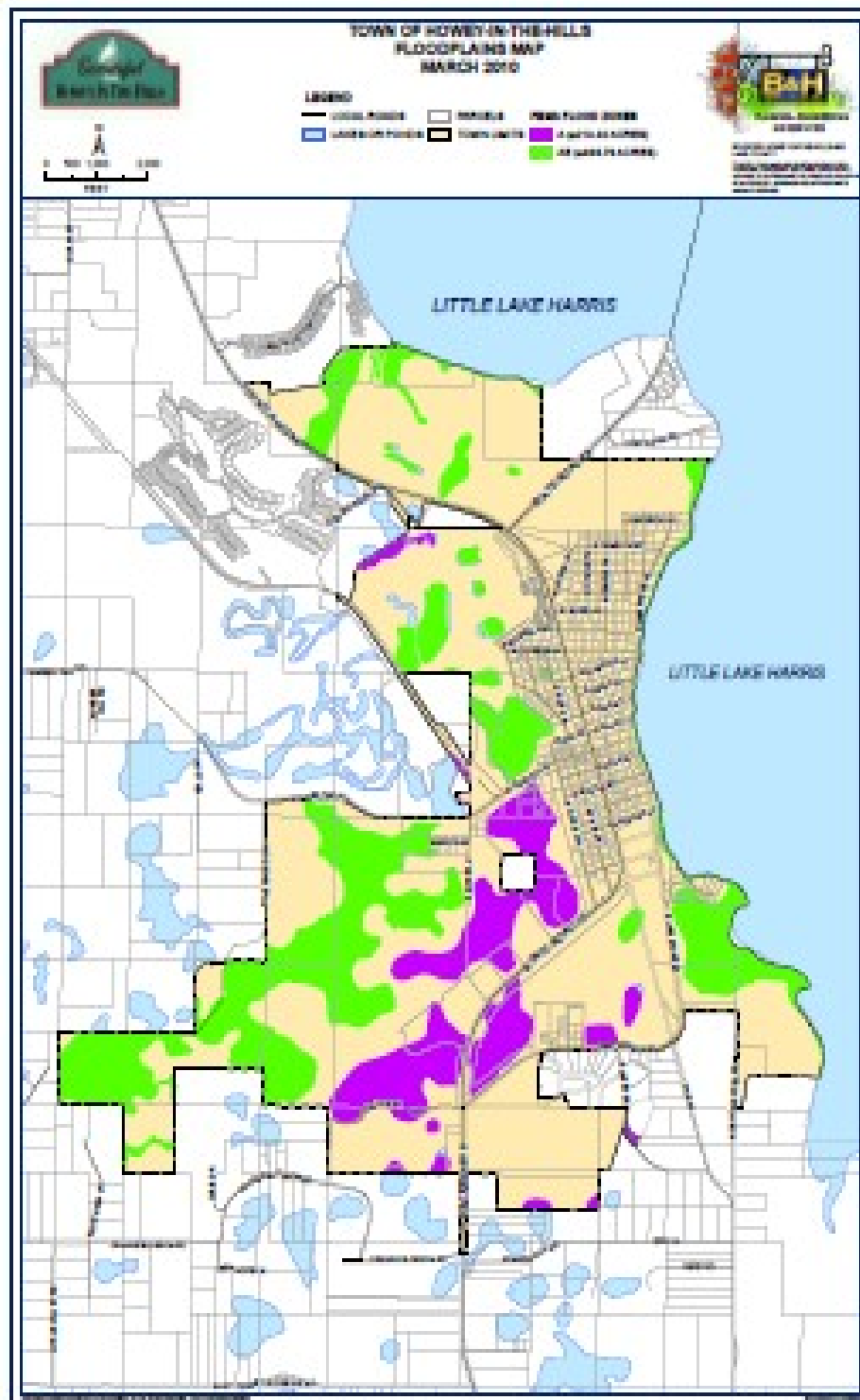




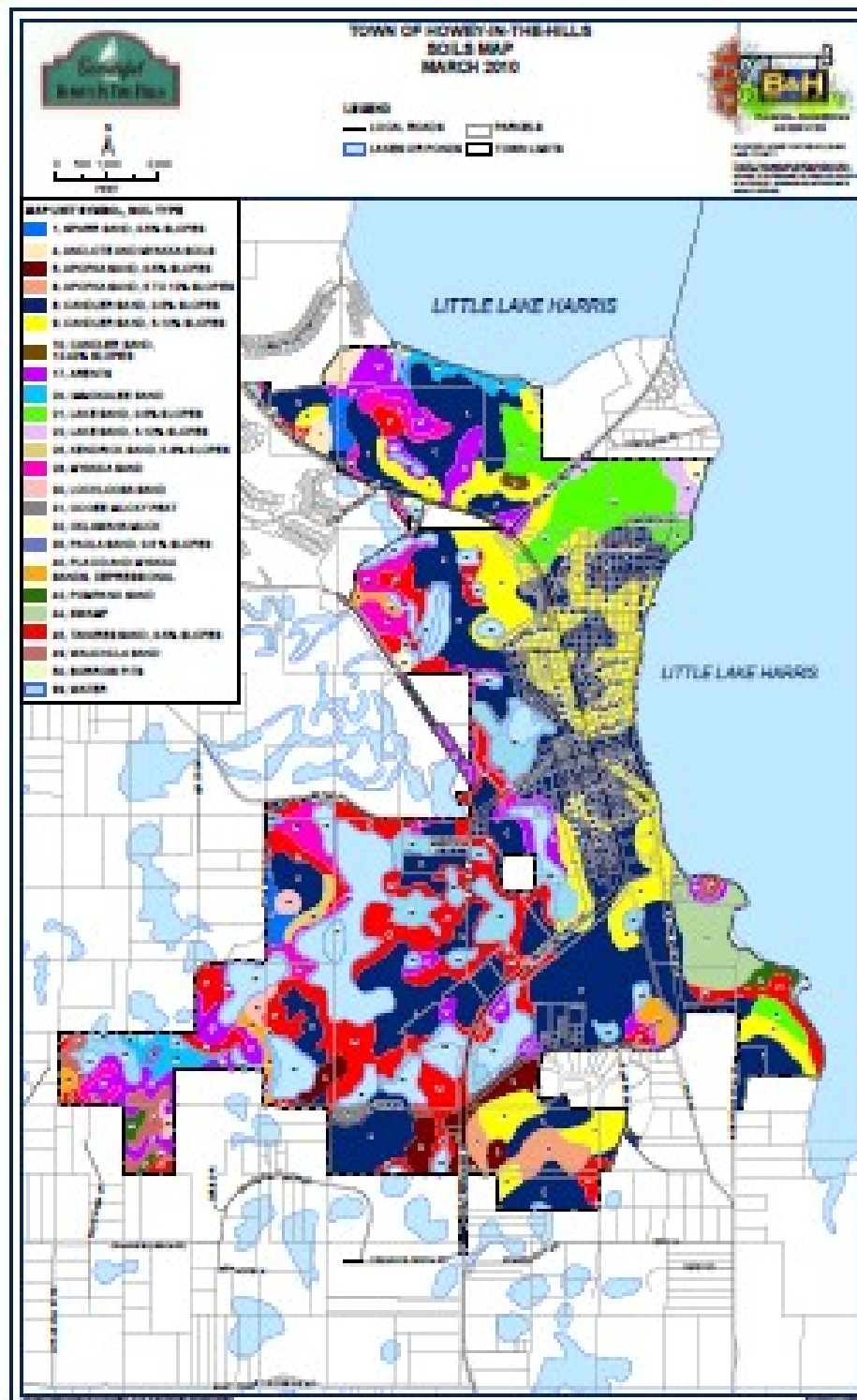


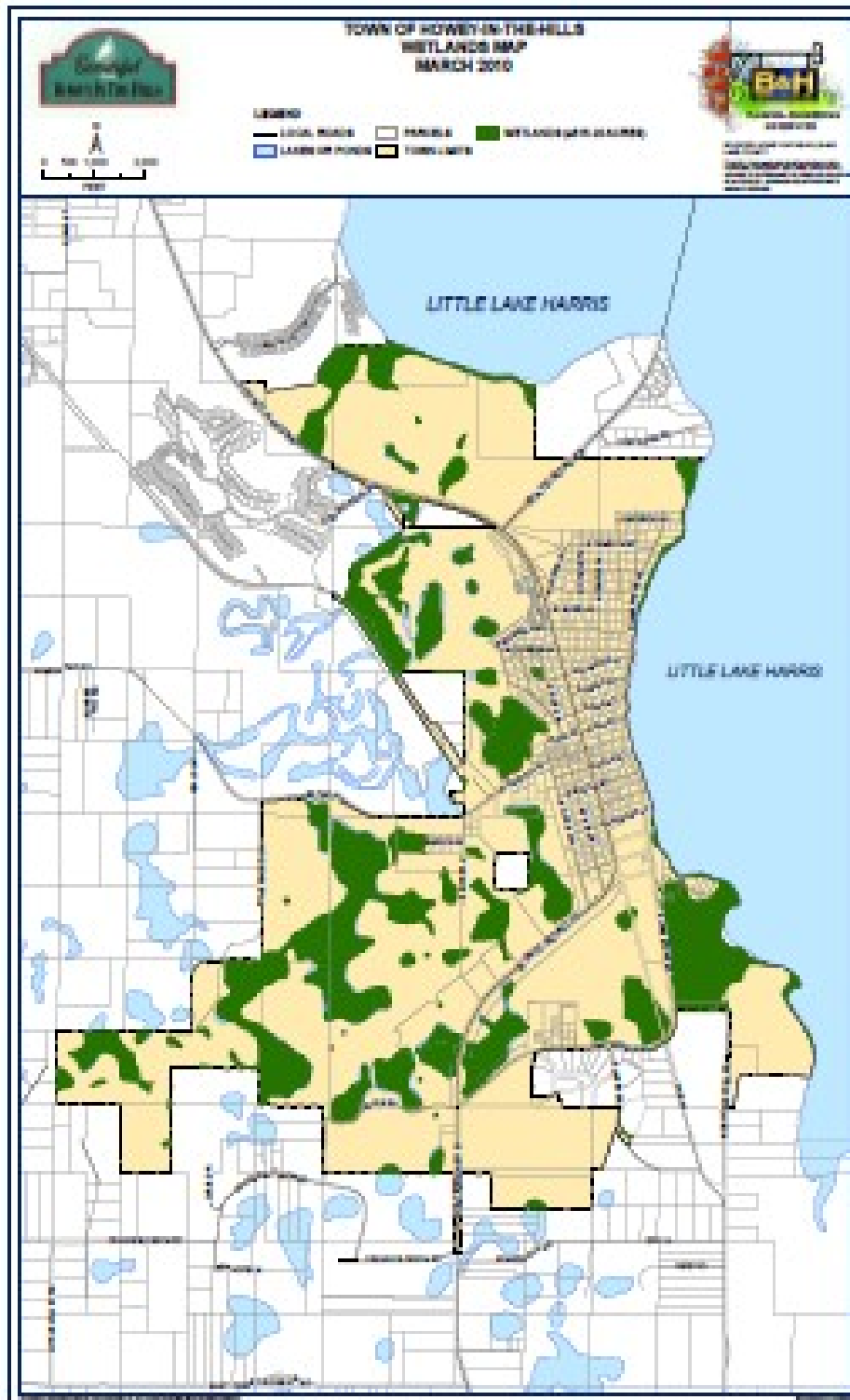














## TRANSPORTATION ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED AUGUST 10, 2020

**TRANSPORTATION ELEMENT  
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## CHAPTER 2 TRANSPORTATION ELEMENT

### A. PURPOSE AND FORMAT

The purpose of the *Transportation Element* is to plan for future motorized and non-motorized transportation systems, pursuant to Chapter 163, Florida Statutes. An essential basis for planning transportation systems is the *Future Land Use Element*, specifically the *Future Land Use Map*. Clearly, the *Future Land Use Map* will direct where roadway facilities must be improved and where new roadway facilities may be needed. The criteria for determining the extent of facilities needed are the adopted level of service (LOS) standards.

Before a local government can responsibly plan for its future, it must assess the capability of its existing transportation system to serve current demand. It is, therefore, necessary to determine existing levels of service and to identify existing roadway deficiencies within the transportation system.

The content of this *Element* includes: (1) an introduction; (2) an inventory of the existing transportation system, including the *Existing Transportation Map*; (3) an analysis of existing roadway conditions within the transportation system; (4) an analysis of projected needs; (5) a discussion of issues and opportunities; (6) a listing of goals, objectives, and policies; and (7) the *Future Transportation Map*.

### B. INTRODUCTION

#### 1. Transportation System Overview

The Town of Howey-in-the-Hills, with a population of 1,106 (2015) is located in the central portion of Lake County adjacent to Little Lake Harris. Only three major roads provide access into Town: (1) County Road 48, (2) State Road 19, and CR 455. 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 and the cities of Groveland (south) and Tavares (north). County Road 455 provides access into Town from the east, intersecting SR 19 just south of Town.

The historic downtown area of Howey-in-the-Hills is served by local streets in a more traditional grid system. All the streets in Howey-in-the-Hills are paved, although the pavement widths vary. Newer development in the Village Mixed Use areas typically applies a more curvilinear street design.

## C. INVENTORY OF THE EXISTING SYSTEMS

### 1. Present Town Limits

The *Existing Transportation Map* provides a description of the Town's current system. Table 1 lists the current streets within the Town.

As previously noted, County Road 48, State Road 19, and County Road 455 are the main routes that provide access to and from Howey-in-the-Hills. County Road 48 is a two-lane undivided collector that connects US 27 and SR 19. State Road 19 runs north and south from Groveland to Tavares at US 441. It is classified as a two-lane undivided arterial. State Road 19 is the primary north-south route through Town. County Road 455 is not in the Town limits but provides access to the south end of Town from the east.

There are a few other roads in Town that feed County Road 48 and State Road 19. County Road Number 2 connects with CR 48 west of Howey-in-the-Hills. A portion of CR No. 2 is in the Town's Utility Service/Planning Area as it heads east towards Howey's historic downtown area. In the Town limits, the road's name changes to Grant/Central Avenue. Grant/Central Avenue connects with SR 19 in the Town Center and crosses SR 19 where it terminates at Lakeshore Boulevard. Florida Avenue is a local road in Town that connects Grant/Central Avenue with SR 19 on the south side of Town. And Lakeshore Boulevard/E. Revels Road connects the neighborhoods along Little Lake Harris to SR 19, again on the south side of Town.

**TABLE 1: STREETS WITHIN THE TOWN LIMITS**

Street Name	General Notes	Length in Miles
7th Avenue	Local road; intersects Revels Road	0.03
Bellisimo Place	Local road; Venezia South	0.64
Calabria Way	Local road; Venezia South	0.20
Camino Real Boulevard	Local road; adjacent to State Road 19	0.58
County Road 48	Major Collector road	0.67*
E. Camellia Way	Local road; connects to Lakeshore Dr. and N. Citrus Ave.	0.32
E. Cedar Street	Local road; connects to Lakeshore Dr. and State Road 19	0.21
E. Central Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.14
E. Croton Way	Local road; connects to Lakeshore Dr. and N. Citrus Ave.	0.32
E. Cypress Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.27
E. Gardenia Street	Local road; connects to Lakeshore Dr. and State Road 19	0.16
E. Holly Street	Local road; connects to Lakeshore Dr. and State Road 19	0.15
E. Lakeview Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.15



Street Name	General Notes	Length in Miles
E. Laurel Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.32
E. Magnolia Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.30
E. Mission Lane	Local road; connects to Lakeshore Dr. and N Valencia Ave.	0.22
E. Myrtle Street	Local road; connects to Lakeshore Dr. and State Road 19	0.16
E. Oak Street	Local road; connects to Lakeshore Dr. and State Road 19	0.17
E. Orchid Way	Local road; connects to N. Citrus Avenue and N. Tangerine Ave.	0.30
E. Palmetto Avenue	Local road; connects to Lakeshore Dr. and State Road 19	0.25
E. Pine Street	Local road; connects to Lakeshore Dr. and State Road 19	0.19
E. Revels Road	Minor Collector; connects to Lakeshore Dr. and State Road 19	0.95
Fifth Avenue	Local road; intersects with E. Revels Road	0.05
Island Drive	Local road; intersects with Lakeshore Dr.	0.25
Mare Avenue	Local road; intersects with W. Central Ave.	0.10
Marilyn Avenue	Local road; intersects with S. Marie Ave.	0.13
Messina Place	Local road; Venezia South	0.33
Napoli Way	Local road; Venezia South	0.04
N. Buckhill Road	Local road; intersects with Lakeshore Dr.	0.01
N. Citrus Avenue	Local road; connects to State Road 19 and E. Camellia Way	0.22
N. Dixie Drive	Local road; connects to W. Cypress Ave. and W. Central Ave.	0.39
N. Florida Avenue	Local road; connects to W. Cypress Ave., W. Dupont Cir., W. Oak Street, and W. Central Ave.	0.23
N. Georgia Avenue	Local road; connects to W. Cypress Ave. and W. Dupont Cir.	0.12
N. Hamlin Avenue	Local road; connects to E. Croton Way and E. Camellia Way	0.21
N. Lakeshore Boulevard	Local road; runs along Little lake Harris and connects to State Road 19	0.82
N. Tangerine Avenue	Local road; connects to Lakeshore Dr. and E. Mission Lane	0.27
N. Temple Avenue	Local road; connects to E. Cypress Ave. and E. Camellia Way	0.42
N. Valencia Avenue	Local road; connects to E. mission Lane and E. Croton Way	0.25
Number Two Road	Minor Collector; connects to S. Mare Ave. and W. Central Ave.	0.24*
Orange Blossom Road	Local road; connects to State Road 19	0.01
Palm Avenue	Local road; connects to Lakeshore Dr.	0.01
Revels Road	Local road; connects to State Road 19	0.74
San Luis Boulevard	Local road; connects to County Road 48	0.01
Silverwood Lane	Local road	0.13
Sixth Avenue	Local road; intersects Lakeshore Dr.	0.15
S. Dixie Drive	Local road; connects to State Road 19 and W. Central Ave.	0.50
S. Florida Avenue	Local road; connects to State Road 19 and W. Central Ave.	0.53

Street Name	General Notes	Length in Miles
S. Lakeshore Boulevard	Local road: runs along Little lake Harris and connects to E. Revels Road	0.97
S. Mare Avenue	Local road; connects to W. Central Ave.	0.31
State Road 19	Minor arterial; major road in Town	3.22*
Sunset Drive	Local road; intersects Lakeshore Dr.	0.01
Terracotta Terrace	Local road; Venezia South	0.30
Turn Lane	Local road; intersects State Road 19	0.02
Venezia Boulevard	Local Road; intersects SR 19 (Venezia South)	0.32
W. Central Avenue	Local road; connects to State Road 19	0.52
W. Cypress Avenue	Local road; connects to State Road 19 and N. Georgia Ave.	0.22
W. Dupont Circle	Local road; connects to N. Dixie Dr. and N. Georgia Ave.	0.24
W. Grant Street	Local road; intersects W. Central Ave.	0.03
W. Holly Street	Local road; connects to State Road 19 and S. Florida Ave.	0.14
W. Lakeview Avenue	Local road; connects to State Road 19 and S. Florida Ave.	0.14
W. Magnolia Avenue	Local road; connects to State Road 19 and W. Cypress St.	0.25
W. Myrtle Street	Local road; connects to State Road 19 and S. Florida Ave.	0.14
W. Oak Street	Local road; connects to State Road 19 and S. Florida Ave.	0.14
W. Oleander Avenue	Local road; connects to State Road 19 and S. Florida Ave.	0.14
W. Palmetto Avenue	Local road; connects to State Road 19 and N. Dixie Dr.	0.07
W. Pine Street	Local road; connects to State Road 19 and N. Dixie Dr.	0.07
<b>Total Miles</b>		<b>20.13</b>

\* This length represents that portion of the road within the current Town limits.

The above table indicates that there are currently a little over 20 miles of roads in Town.

Overall, there are about 11.5 miles combined of bicycle/pedestrian pathways in Town. A detailed inventory of the bicycle/pedestrian pathways is featured in the *Recreation and Open Space Element* as well as the Analysis of Existing Transportation System section of this *Element*.

No mass transit is currently available in the Town.

## 2. Levels of Service (LOS)

The concept of levels of service is defined as a qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers. A level-of-service definition generally describes these conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

There are six levels of service, from A to F, with level-of-service A representing the best operating conditions and level-of-service F the worst.

Level-of-service definitions – In general, the various levels of service are defined as follows:

- Level-of-service A represents free flow. Individual users are virtually unaffected by the presence of others in the traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is extremely high. The general level of comfort and convenience provided to the motorist, passenger, or pedestrian is excellent.
- Level-of-Service B is in the range of stable flow, but the presence of other users in the traffic stream begins to be noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver within the traffic stream from LOS A. The level of comfort and convenience provided is somewhat less than at LOS A, because the presence of others in the traffic stream begins to affect individual behavior.
- Level-of-service C is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes affected by the presence of others, and maneuvering within the traffic stream requires vigilance on the part of the user. The general level of comfort and convenience declines at this level.
- Level-of-service D represents high-density, but stable, flow. Speed and freedom to maneuver are restricted, and the driver or pedestrian experiences a generally poor level of comfort and convenience. Small increases in traffic flow will generally cause operational problems at this level.
- Level-of-service E represents operating conditions at or near the capacity level. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is difficult, and it is generally accomplished by forcing a vehicle or pedestrian to “give way” to accommodate such maneuvers. Comfort and convenience levels are poor, and driver or pedestrian frustration may be high.
- Level-of-service F exists wherever the amount of traffic approaching a point exceeds the amount which can traverse the point. Operations within the queue are characterized by stop-and-go waves, and they are unstable. Vehicles may progress at reasonable speeds for several hundred feet or more, then be required to stop in a cyclical fashion. The common term for this is “stop and go traffic” and it most always refers to heavy congestion.

### **3. Traffic Accidents**

Traffic accidents within the Town are primarily concentrated along SR 19 with local hot spots being the intersections at CR 48, Citrus Avenue and Revels Road. Otherwise accidents are dispersed throughout the Town and average between 20 and 30 accidents per year.

### **4. Public Transportation**

No bus or rail service is provided to the Town. The Town will continue to work with the Lake-Sumter MPO to expand the public transportation opportunities throughout Lake County.

### **5. Rights-of-Way Acquisition and Protection**

The acquisition and preservation of rights-of-way (ROW) for future road improvements is important in planning the future transportation system for Howey-in-the-Hills. The Town shall continue to coordinate with FDOT and Lake County regarding the preservation and acquisition of ROW for state and county roads within the Town limits. As developments are planned along SR 19, CR No. 2, and CR 48, Howey-in-the-Hills will work with FDOT and Lake County to determine if right of way is needed during the development approval process.

Howey-in-the-Hills is also planning for future Town roads within the Town limits. As proposed developments are reviewed, the Town is requiring additional connections between CR No. 2 and SR 19 on the south end of Town to better disperse traffic. To the extent possible, the Town will also require connections between developments to limit the amount of traffic on SR 19 and CR 48.

## **D. ANALYSIS OF EXISTING TRANSPORTATION SYSTEM**

### **1. Functional Classification**

Functional classification is defined as the assignment of roads into systems according to the character of service they provide in relation to the total road network. The functional classification of public roads in this *Element* is based on FDOT criteria, which considers quantitative and qualitative factors such as jurisdiction, land access, route length, and trip lengths. A road hierarchy is used to identify relative importance of roads within the system, provide guidance for level-of-service and design standards, aid in establishing improvement priorities, identify maintenance responsibility, and assist in determining funding and financing policies. Based on the Roadway Functional Classifications, State Road 19 is the only Arterial, County Road 48 is the only Major Collector, and County Road Number 2 and E. Revels Rd are the only Minor Collectors currently within the Town limits. The remaining roads are classified as Local Roads.

In 2007, the Town entered into an Interlocal Agreement with the Lake-Sumter MPO, along with Lake County and all the other local governments in Lake County, to create and fund a Master Transportation Concurrency Management System Program. This approach was seen as the best way to ensure that levels of service are monitored and that necessary improvements are approached on a County-wide basis to make the best use of available funds.

Table 2 below represents the Lake County Transportation Concurrency Management System traffic counts for the roads monitored in and around Howey-in-the-Hills. These counts were performed in in 2015.

**TABLE 2: LAKE COUNTY TRANSPORTATION CONCURRENCY MANAGEMENT SYSTEM TRAFFIC COUNTS, 2015**

Road Name	From	To	No. Lanes	Functional Classification	Adopted LOS	LOS Capacity	2009		
							AADT	V/C	LOS
C.R. 48	Lime Avenue	SR 19	2	Major Collector	D	13,680	8,181	0.60	B
SR 19	Lake Harris North End	CR 48	2	Uninterrupted	C	15,100	12,900	0.85	C
SR 19	CR 48	Central Avenue	2	Arterial 1	C	14,100	8,700	0.62	B
SR 19	Central Avenue	CR 455	2	Uninterrupted	C	15,100	NA	NA	B

As part of the interlocal agreement with the MPO, as new development is proposed in Howey-in-the-Hills (either land use amendments or subdivision or site plan submittals), the landowner is required to perform a Traffic Impact Study (TIS). All jurisdictions have agreed to use the same TIS methodology in order to assist the MPO staff with making it as easy as possible to administer the concurrency management system.

Any proposed development that will impact a road segment beyond the adopted level of service standards will need to follow the Town's *Transportation Proportionate Fair Share Program*. As development is proposed, it will need to provide adequate analysis of its impact on the road segments in Town to determine if the adopted LOS will be maintained.

## 2. Constrained Facilities

FDOT requests that local governments identify constrained roadways in their Comprehensive Plans to ensure maintenance of the operating conditions, so that significant degradation in the level-of-service does not occur. A constrained roadway is one in which adding more through lanes to meet current or future needs is not possible due to physical, environmental or policy barriers.

SR 19 is a constrained facility through the Howey-in-the-Hills historical town center. The road is not only physically constrained by current development; it would also create irreversible harm to the Town's historic downtown character to create a four-lane corridor. The majority of traffic on SR 19 in Howey-in-the-Hills is through traffic. Because of the constraints placed by all the lakes in the region, SR 19 is one of the few direct routes to get from South Lake County to North Lake County. The Town has explored a three-lane section design for SR 19 through the downtown area and ultimately rejected this design solution.

### **3. Evacuation Routes**

This section identifies the designated local and regional transportation facilities, critical to the evacuation of the coastal population prior to an impending natural disaster.

A regional evacuation transportation network that links existing county-level evacuation routes and any additional arterials/collectors in the region was provided by the East Central Florida Regional Planning Council. Based on the regional evacuation network, State Road 19 is the only road in Town categorized as evacuation route in the Statewide Regional Evacuation Study. Howey-in-the-Hills has not been subject to an evacuation order as a result of storm activity.

### **4. Parking System**

At this time, the Town does not have any significant public parking facilities other than the on-street parking at the Town Hall and Library along Central Avenue. The on-street parking serves as parking for the local commercial businesses and employees and visitors to the Town's government buildings.

### **5. Intermodal Facilities**

Intermodal facilities are those transportation networks that accommodate and interconnect different modes of transportation and serve interstate, intrastate, and international movement of goods. Some facilities considered intermodal include ports, airports, bus stations, and train terminals. At this time, Howey-in-the-Hills does not have any intermodal facilities.

### **6. Pedestrian/Bicycle System**

The pedestrian pathways, such as sidewalks, are primary located in the downtown area, along a few residential streets in the northern portion of Town, and along Lakeshore Drive. There are about 4 miles of pedestrian pathways in Town in addition to the Venezia Subdivision which is developing with sidewalks on both sides of all streets.

The bicycle pathways in Town are along State Road 19 and County Road 48. While there is no striping indicating that these are bicycle lanes, the shoulders are wide enough to classify them as bicycle lanes. There are about 8 miles of bicycle pathways in Town. A detailed inventory of these facilities is presented in the *Recreation and Open Space Element* of this *Comprehensive Plan*. The existing bicycle/pedestrian pathways in Town are featured on the *Existing and Future Transportation Maps*.

The Town has a history of support for pedestrian and bicycle planning extending back to the mid-2000's. At that time the Lake-Sumter MPO has developed a regional bike map to identify all the major bikeway facilities within Lake and Sumter County. State Route 19 and County Road No.2/Central Avenue were identified in the Lake County Regional Bike Map as regional bicycle corridors. Previously, the Town Council reviewed and approved the bike facility for S. Lakeshore Boulevard and East Revels Road as a future North/South bicycle corridor. In July 2007, the Town Council reviewed a draft bike route proposed for the regional Lake-Sumter MPO bike map. The draft map included the following streets as regional bicycle facilities:

1. State Route 19;
2. S. Lakeshore Blvd and E. Revels Road; and
3. County Road No.2.

In March of the next year, the Town Council supported the MPO bike map and endorsed the bike map for final approval by the Lake-Sumter MPO Board. In addition to the map, the Council also supported the need for future bicycle improvements. These enhancements included the following:

- widen and add pavement for bike lanes;
- bicycle signage and striping;
- bicycle racks and benches (rest areas);
- regional bike maps need to identify S. Lakeshore Blvd and East Revels Road; and
- apply for regional funding for these enhancements.

Subsequent to these actions Lake County adopted its initial multi-use trails plan in 2008. The plan, which is still in effect, proposes service to Howey-in-the-Hills through the Central lake Trail. This trail has not moved forward in any more specific planning other than a general corridor alignment.

In 2019 the Town has moved forward with a pedestrian and bicycle facilities master plan as required by policies in the Transportation Element. This plan provides more detail on specific sidewalk projects and examines the Central Lake Trail options including routes preferred by the Town. Amendments to several policies in the Transportation element have been made to initiate implementation of the master plan recommendations.

**TABLE 3**  
**2019 SIDEWALK INVENTORY**  
**TOWN OF HOWEY-IN-THE-HILLS**

<b>EAST-WEST STREETS</b>				
<b>STREET</b>	<b>WIDTH</b>	<b>LENGTH (lf)</b>	<b>SIDE</b>	<b>CONDITION</b>
N. Citrus	5-feet	550	North	Good
E. Laurel	5-feet	1015	North	Good
	5-feet	850	South	Good
E. Magnolia	5-feet	680	North	Good
	5-feet	250	South	Good
E. Palmetto	4-feet	125	South	Fair
E. Central	5-feet	450	South	Fair
W. Central	5-feet	300	North	Excellent
	5-feet	300	South	Excellent
	5-feet	300	South	Fair
W. Oak	5-feet	300	South	Good
<b>NORTH-SOUTH STREETS</b>				
<b>STREET</b>	<b>WIDTH</b>	<b>LENGTH (lf)</b>	<b>SIDE</b>	<b>CONDITION</b>
N. Dixie	5-feet	250	East	Good
N. Lakeshore	6-feet	2350	East	Excellent
S. Lakeshore	6-feet	2550	East	Excellent
	4-feet	1700	West	Excellent
N. Palm (SR-19)	5-feet	2050	West	Good
	5-feet	2400	East	Good
S. Palm (SR-19)	5-feet	1900	West	Good
	5-feet	1225	East	Good
<b>VENEZIA SOUTH</b>				
<b>STREET</b>	<b>WIDTH</b>	<b>LENGTH (mi)</b>	<b>SIDE</b>	<b>CONDITION</b>
Bellissimo	4-feet	0.64	Both	Excellent
Calabria	4-feet	0.20	Both	Excellent
Messina	4-feet	0.33	Both	Excellent
Napoli	4-feet	0.04	Both	Excellent
Terracotta	4-feet	0.30	Both	Excellent
Venezia	4-feet	0.32	Both	Excellent

Source: TMH Consulting, Inc.



**TABLE 4**  
**2019 BICYCLE FACILITY INVENTORY**  
**TOWN OF HOWEY-IN-THE-HILLS**

<b>Facility Type</b>	<b>General Description</b>	<b>Miles</b>
Bicycle	SR 19 Right Shoulder from southern town limits to northern town limits	3.22
Bicycle	SR 19 Left Shoulder from southern town limits to northern town limits	3.22
Bicycle	CR 48 left shoulder from town limits to SR 19 intersection	0.67
Bicycle	CR 48 right shoulder from town limits to SR 19 intersection	0.67
	<b>TOTAL</b>	<b>11.53</b>

Source: Town of Howey-in-the-Hills Recreation and Open Space Element

## 7. Deficiencies in Town

Currently, there are no LOS deficiencies for roads in Town. Most of the roads have additional capacity to support growth. The primary transportation issue in Howey-in-the-Hills in the future will be SR 19. Although most of the traffic on SR 19 is through traffic that does not originate nor end in Howey-in-the-Hills, the Town understands the need to address this issue.

The Town has also addressed the issue of SR 19 with regards to new growth in the development review process. Two large planned unit developments that lie between SR 19 and County Road No. 2 were required to include collector roads within their developments that would connect SR 19 with County Road No. 2. These future roadways will allow for better distribution of traffic and prevent all trips from having to use SR 19 through the downtown area. As future growth is proposed in Howey-in-the-Hills, the Town will continue to ensure that the road network provides for the most efficient system and that alternative modes of transportation are encouraged. The Town's emphasis on mixed use developments and the redevelopment of the Town Center to a live-work environment will also help to alleviate traffic on SR 19 and the road network overall.

The Town does not have its own road impact fee; it collects road impact fees on behalf of Lake County. Lake County has impact fee districts and each year, a 5-year program is approved by the County Commission that includes projects by district. Lake County does provide for input from the cities and towns in the County as to what projects receive funding; however, the final decision is made by the County Commission.

## 8. New Facilities or Expansion

The Lake-Sumter MPO has identified the regional need to improve the road network's capacity as well as maintenance concerns such as the need to replace the Little Lake Harris Bridge. The long-range plans are to widen both the bridge and County Road 48 for future capacity needs.

In 2009, the Lake-Sumter MPO and FDOT District 5 completed a comprehensive Efficient Transportation Decision Making (ETDM) study to review and identify the regional corridors for future widening within Central Lake County. This study reviewed the following regional corridors: State Route 19, County Road 561 and County Road 48. State Route 19 is currently identified as a constrained roadway through Howey-in-the-Hills. Based on this constraint, SR 19 through the Town is identified in the adopted cost-feasible *Transportation 2040* long-range transportation plan of the Lake-Sumter MPO as a two-lane restricted arterial corridor.

The Town has identified several key intersections along State Road 19 which may eventually need traffic signals as developments receive approvals and put new traffic on the roads. These intersections have been identified in a cumulative traffic study completed in 2007 for several large residential developments within the Town. These intersections are the following:

- Central Avenue at SR 19 (existing flashing light);
- S. Florida Avenue/Venezia Development Entrance at SR 19; and
- E. Revels Road at SR 19.

The *Future Transportation Map* shows two proposed roads within proposed developments that will provide connection between County Road No. 2 and SR 19 south of the Howey-in-the-Hills downtown core. These future collector roads will enhance the road network by providing alternative routes thereby resulting in better distribution of traffic. Although environmental constraints will limit alternative north-south connections, the Town will also encourage north-south routes to provide alternatives to SR 19 in the southern region of the Town's planning area.

## E. ANALYSIS OF PROJECTED NEEDS

This section shows the methodology used for the transportation analysis of existing and future conditions for the Town of Howey-in-the-Hills Comprehensive Plan 2035 horizon. This analysis is drawn from the 2040 long-range plan prepared by the Lake-Sumter MPO. The 2040 long-range transportation plan is rooted in part in a travel demand model (CFRPM 6.0) to forecast travel demand patterns, but it also employs other factors such as economic growth needs, population distribution patterns based on County-wide forecasting rather than local government forecasts (about 7,500 new residents countywide each year), and other limiting factors such as constrained roadways. Howey-in-the-Hills has one of the constrained roadways in SR 19 south of CR 48 to CR 455.

For the short-term, the Town has adequate road capacity as evidenced by the traffic count data presented in Table 1. Growth rates have been accelerating since 2014 as the local economy and housing development recover from the recession. Over the longer term the Town can expect increasing traffic impacts. Road improvements planned and programmed for Howey-in-the-Hills and the immediate environs are limited. The replacement of the SR 19 bridge over Lake Harris is under way and is the only funded improvement. Widening SR-19 from CR-561 to CR-48 is funded for right-of-way but design and construction remains unfunded and outside of the cost feasible plan. Plans to widen CR-48 west of SR 19 are also unfunded.

**TABLE 5: 2016 LOS CAPACITY ANALYSIS**

Road Name	From	To	No. Lanes	Functional Classification	Adopted LOS	LOS Capacity	2016		
							AADT	V/C	LOS
CR 48	Lime Avenue	SR 19	2	Major Collector	D	13,680	9,300	0.68	B
SR 19	Lake Harris North End	CR 48	2	Uninterrupted	C	15,100	13,900	0.92	C
SR 19	CR 48	Central Avenue	2	Arterial 1	C	14,100	9,100	0.65	B
SR 19	Central Avenue	CR 455	2	Uninterrupted	C	15,100	NA	NA	B

As development of the Village Mixed Use projects moves forward, the limited slate of transportation improvements will result in increased levels of congestion as a necessary outcome of the constrained section of SR 19. The Town can expect travel patterns to shift to some degree as through traffic looks for alternate routes to avoid the restrictions on SR 19.

## F. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** Provide a safe, convenient, efficient traffic circulation system for both motorized and non-motorized transportation modes.

**OBJECTIVE 1.1:** *Safe, Convenient, and Efficient Traffic Circulation System.* Provide a safe, convenient, and energy efficient transportation system through the establishment of minimum level of service standards and the provision of multi-modal transportation facilities with proposed road improvements.

**POLICY 1.1.1:** *Minimum Level of Service Standards.* The Town hereby adopts the following level of service standards for the below listed roadway classifications:

Road Class	AADT Level of Service
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Principal Arterials: None are present	C
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Minor Arterials: State Road 19	D
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Major Collectors: County Road 48	D
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Road Class	Peak Hour Minimum Level of Service (*)
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Minor Collectors: E. Revels Road and County Road No. 2	D
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Local Roadways: All roadways not classified as collectors or arterials.	D
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(\*) Level of service shall be predicated on the lowest quality design hour, which shall represent the thirtieth highest hour of traffic, as determined by FDOT.

**POLICY 1.1.2.:** *Review of Proposed Developments.* The Town shall review all proposed development for compliance and consistency with the adopted levels of service using its Concurrency Management System. No development shall be approved until the concurrency management system has been evaluated to determine that

estimated impacts will not cause the level of service to decrease below the adopted minimum standard.

**POLICY 1.1.3:**     ***Transportation Impact Fees.*** The Town will work with Lake County to propose impact fee projects in and around Howey-in-the-Hills. Any road impact fee-funded projects that Lake County includes in its 5-year Road Impact Fee Program will be included in the Town's *Capital Improvements Program* to denote future capacity enhancing improvements.

**POLICY 1.1.4:**     ***Bicycle and Pedestrian Transportation Facilities.*** The Town adopts the sidewalk master plan map and the trails master plan map as the plans for sidewalks and bicycle facilities for the Town. The Town shall work with Lake County, developers, and other possible funding agencies to implement the improvements identified in the plan.

**POLICY 1.1.5:**     ***Functional Classification System.*** The Town shall classify all roadways within its jurisdictional area according to the most current functional classification system established by the Florida Department of Transportation (FDOT).

**POLICY 1.1.6:**     ***Parking and Traffic Flow.*** The Town shall require new development to submit a site plan that provides for adequate off-street parking and safe, convenient on-site and off-site traffic flow for motorized and non-motorized vehicles.

**POLICY 1.1.7:**     ***Transportation Facility Planning.*** Planning for transportation facilities shall ensure:

- a. All streets/roads are constructed and certified to meet all Town standards;
- b. Residential street layouts avoid cul-de-sacs when possible;
- c. Residential areas are accessible to emergency vehicles;
- d. Residential streets shall have interconnections where possible to better distribute traffic;
- e. New subdivisions or developments shall address circulation, access control, off-street parking and landscaping of median strips and rights-of-way; and
- f. Design criteria for landscaping and signs along new streets/roads shall be enforced.

**POLICY 1.1.8:**     ***Plantings, Fencing, or Construction.*** No plantings, fencing or construction shall be permitted on street/road rights-of-way except

with the permission of the Town Council and based on a study and finding that no safety hazard will result. In addition, all streets will be examined for existing hazards which if discovered should be removed.

**OBJECTIVE 1.2: *Future Land Use Compatibility.*** The *Transportation Element* shall be consistent and compatible with proposed growth and development shown in the *Future Land Use Element* and *Future Land Use Map*.

- POLICY 1.2.1: *Town Transportation Forecasting.*** The Town shall utilize population, dwelling unit and employment projections obtained in the *Future Land Use Element* as data assumptions in forecasting future Town transportation needs.
- POLICY 1.2.2: *Transportation System Improvements.*** In areas designated for new growth, the Town shall determine the transportation system improvements needed prior to development approvals.
- POLICY 1.2.3: *Consistency with Future Land Use Element and Map.*** Decisions and actions the Town initiates or implements that will have an impact on the transportation system shall be consistent with the adopted *Future Land Use Map* and *Future Land Use* goals, objectives and policies of this *Plan*.
- POLICY 1.2.4: *Future Transportation Map.*** All transportation planning shall be consistent with the *Future Transportation Map* which is adopted with this *Plan* by the Town Council along with the *Future Land Use Map* and the *Capital Improvements Element*.
- POLICY 1.2.5: *Conflicts with the Future Land Use Map.*** Any changes to the transportation system shall be reviewed for conflicts with the *Future Land Use Map*. The *Future Transportation Map* and the *Capital Improvements Element* shall be coordinated and changed concurrently if necessary.
- POLICY 1.2.6: *Statement of Findings.*** Any proposed amendments to this *Element*, to include the *Future Transportation Map*, shall include a statement of findings supporting such proposals.
- POLICY 1.2.7: *Cost/Benefit Studies.*** Cost/benefit studies shall be prepared and adopted by the Town as a technical supplement to any transportation capital improvement program.

- POLICY 1.2.8:** *Energy Efficiency.* Energy efficiency shall be a consideration in any plans for improvements or expansion of the road network by the Town.
- POLICY 1.2.9:** *Coordinating Traffic Studies, Road Improvements, and Future Roadway Needs.* The Town, through the Lake-Sumter MPO's Concurrency Management System, shall coordinate traffic studies, road improvements, and future roadway needs with all the local jurisdictions in Lake County to ensure that the adopted levels of service are maintained.
- POLICY 1.2.10:** *Consistency with Adopted Levels of Service.* The Council shall review all proposed developments for consistency with this *Element* and the impact upon the adopted level of service standards.
- POLICY 1.2.11:** *Concurrency Management System.* The Town shall implement its Concurrency Management System to monitor impacts on the transportation system created by development and growth in Town. The Concurrency Management System shall also be used to assure integration of future land uses with available capacities on transportation corridors.
- OBJECTIVE 1.3:** *Right-of-way Preservation and Acquisition.* Provide for the protection and acquisition and preservation of existing and future rights-of-way.
- POLICY 1.3.1:** *Building Encroachments.* The Town shall continue to provide for protection of rights-of-way from building encroachments as well as providing for the acquisition and preservation of any existing and future rights-of-way.
- POLICY 1.3.2:** *Dedication of Needed Rights-of-way.* The Town shall continue requiring dedication of needed rights-of-way from new development, through subdivision regulations and applicable local ordinances.
- POLICY 1.3.3:** *Encroachment of Development.* The Town shall prohibit encroachment of development and required setbacks into established present and future rights-of-way and, within the law, require dedication of rights-of-way through development orders issued by the Town.

**OBJECTIVE 1.4:**        *Future Roadway Improvements.*     Provide transportation improvements to meet the projected needs of growth and development anticipated during the planning period.

**POLICY 1.4.1:**        *Analyzing Transportation Plans and Programs.* The Town shall annually (during the Town’s annual concurrency assessment) analyze transportation plans and programs of FDOT, ECFRPC, and Lake County to establish consistency and compatibility to plans and policies set forth within the Town’s *Comprehensive Plan*. The Town shall likewise notify these three entities of all programs and improvements, amendments to the *Comprehensive Plan*, and status of the Concurrency Management System which pertain to transportation.

**POLICY 1.4.2:**        *Monitoring the Transportation System.* The Town shall continue to monitor the available capacity of all roads identified in the Town’s Concurrency Management System. The Town shall use the most recent traffic count figures recorded by Lake County or FDOT to update roadway capacities. The Concurrency Management System shall include provisions requiring developers to perform, or pay fees for services in lieu thereof, a traffic impact study to measure proposed impacts on the current availability of road capacities as a requirement in the development review process. The Town will continue to work with the Lake Sumter MPO to coordinate the transportation concurrency management system as outlined in the interlocal agreement.

**OBJECTIVE 1.5:**        *Bicycle and Pedestrian Ways and Scenic Roadways.* Promote a system of bicycle and pedestrian ways in planning for transportation facilities and analyze roadways for scenic designations.

**POLICY 1.5.1:**        *Bicycle and Pedestrian Facilities Plan.* The Town shall implement sidewalk and bicycle facilities according to the adopted plan maps and include proposed projects in the Town’s capital improvements program as individual projects are presented for development.

**POLICY 1.5.2:**        *Coordination with Lake County.* The Town shall coordinate with Lake County on the implementation of the Lake County Trails Master Plan which is hereby adopted by reference. The Town shall seek to advance the Central Lake Trail component of the plan..



- POLICY 1.5.3:** *Provision of Bicycle and Pedestrian Ways.* The Town shall enforce the provisions established in the Land Development Regulations regarding the development review process that requires applicants of PUDs, site plans, subdivisions, and replats to provide for the needs of bicycle and pedestrian facilities.
- POLICY 1.5.4:** *Bicycle Storage Facilities.* The Town shall continue to provide bicycle storage facilities at existing and proposed Town parks and shall analyze the need to provide such facilities at other Town public buildings within the proposed bicycle and pedestrian plan. The Town shall enforce the guidelines established in the Land Development Regulations regarding the requirement of all new shopping centers, recreation areas, and other public uses to provide storage facilities for bicycles.
- POLICY 1.5.5:** *Preservation of Scenic Route Designation.* The Town shall coordinate with the Florida Department of Transportation to preserve the State’s designation of S.R. 19 as a “Backwoods Trail” to promote the roadway’s unique scenic character.
- POLICY 1.5.6:** *Bicycle and Pedestrian Walkways Connection.* Bicycle and pedestrian walkways shall connect schools, the downtown area, parks and recreational areas and should include plans for bicycle parking.
- POLICY 1.5.7:** *Infill Development Sidewalk Policy.* In developed areas of the Town not served by a sidewalk network, infill residential development shall not be required to construct sidewalk unless the sidewalk will extend an existing sidewalk or where the development will include 80% or more of a block face..
- POLICY 1.5.8:** *Automobile Emission Pollution.* The Town shall enforce the guidelines and standards established in the Land Development Regulations regarding bicycle paths and pedestrian walkways to reduce the potential for automobile emission pollution and promote the use of bicycles and walking in the Town.

**OBJECTIVE 1.6:** *Coordination with Transportation Authorities.* The Town shall coordinate traffic improvements and transportation planning activities with adjacent towns, the Florida Department of Transportation, Lake County, the Lake-Sumter MPO, and other public transportation authorities or planning groups involved in the planning construction and operation of transportation facilities and services.

- POLICY 1.6.1:** *Coordinate Traffic Improvement Plans.* Prior to scheduling any improvements to State or County roads in the *Five-Year Schedule of Improvements*, the Town shall notify and coordinate such improvement plans with the jurisdictional authority for that road. The Town shall coordinate transportation plans and improvements with the Five-Year Transportation Improvements Programs or Schedule of Improvements adopted by the FDOT and Lake County.
- POLICY 1.6.2:** *Consistency in Level of Service Standards.* Level of service standards established for state or county roads shall be compatible with the respective state and county level of service standards to the maximum extent allowed under the Florida Highway System Plan, Section 187.201 (State Comprehensive Plan), Florida Statutes, Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. In the event the adopted level of service is not compatible with the level of service standards established for roads under either the jurisdiction of the Florida Department of Transportation or Lake County, the Town shall provide a justification in the data inventory and analysis supporting document of the *Comprehensive Plan*.
- POLICY 1.6.3:** *Intergovernmental Coordination Element.* The *Intergovernmental Coordination Element* shall be used as a guide in establishing or enhancing communication or transportation planning and problems.
- POLICY 1.6.4:** *Future Transportation Map.* The Town shall share its *Future Transportation Map* and proposed changes thereto with neighboring cities, towns, and the County and review for compatibility the traffic plans of those agencies.
- POLICY 1.6.5:** *Median Landscaping and Road Beautification.* The Town shall continue to pursue grant opportunities for median landscaping and road beautification.
- POLICY 1.6.6:** *Transportation Demand Management.* The Town shall coordinate with the County and Lake-Sumter MPO on a Congestion/Mobility Management Program to identify Transportation Demand Management strategies to mitigate peak-hour congestion impacts. Strategies may include: growth management and activity center strategies, telecommuting, transit information systems, alternative work hours, carpooling, vanpooling, guaranteed ride home program, parking management, addition of general purpose lanes,

channelization, computerized signal systems, and intersection or midblock widenings.

**POLICY 1.6.7:** *Numerical Indicators.* The Town shall coordinate with the County and Lake-Sumter MPO in the establishment of numerical indicators against which the achievement of the mobility goals of the community can be measured, such as modal split, annual transit trips per capita, and automobile occupancy rates.

**POLICY 1.6.8:** *Assumptions and Policies in the Transportation Element.* The Town shall ensure that all assumptions and policies in the *Transportation Element* are consistent or coordinated with other Plan Elements, the Lake-Sumter MPO Long-range Transportation Plan, the FDOT adopted Five-year Work Program, the long-range and short-range elements of the Florida Transportation Plan, the East Central Florida Regional Planning Council Strategic Regional Policy Plan, and the Lake County Comprehensive Plan through establishment of formal coordination mechanisms and other informal coordination mechanisms.

**POLICY 1.6.9:** *Alternative Road Bypass Route(s).* The Town shall cooperate with the County, Lake-Sumter MPO, and FDOT to identify the future conditions and road improvements necessary to develop alternative road bypass route(s).

**POLICY 1.6.10:** *Coordination with Lake-Sumter MPO and FDOT.* The Town or designated transportation consultant shall work with the Lake-Sumter MPO and Lake County on the regional transportation forecast model to include the various urban collector roadways and key intersections within Town and Lake County to help distribute the traffic.

**OBJECTIVE 1.7:** *Future Transportation Map.* The Town shall exercise control over traffic planning and changes by maintaining a *Future Transportation Map*.

**POLICY 1.7.1:** *Future Transportation Map.* All traffic planning shall be consistent with the *Future Transportation Map* which is adopted with this *Plan* by the Town Council along with the *Future Land Use Map* and the *Capital Improvements Element*.

**POLICY 1.7.2:** *Conflicts with Future Land Use Map.* Any changes to the transportation system shall be reviewed for conflicts with the *Future Land Map*. The *Future Transportation Map* and the

*Capital Improvements Element* shall be coordinated and changed concurrently if necessary.

**POLICY 1.7.3:** *Statement of Findings.* Any proposed amendments to this *Element*, to include the *Future Transportation Map*, shall include a statement of findings supporting such proposals.

**POLICY 1.7.4:** *Cost/Benefit Studies.* Cost/benefit studies shall be prepared and adopted by the Town as a technical supplement to any transportation capital improvement program.

**POLICY 1.7.5:** *Energy Efficiency.* Energy efficiency shall be a consideration in any plans for improvements or expansion of the road network by the Town.

**POLICY 1.7.6:** *Future Transportation Map Review.* The Town shall review its *Future Transportation Map* yearly in conjunction with the Monitoring and Evaluation Review.

**OBJECTIVE 1.8:** *Transportation Costs.* The Town shall establish mechanisms that will allow new growth to proportionally contribute to the cost of new transportation capital facilities.

**POLICY 1.8.1:** *Impacts on the Town's Transportation Facilities.* The Town shall review all development proposals and require that they provide sufficient information to ascertain impacts on the Town's transportation facilities.

**POLICY 1.8.2:** *Development Agreements.* Where feasible, the Town shall enter into development agreements with proposed land developments to establish how project impacts may be addressed through mechanisms such as right-of-way dedication, roadway construction, multimodal design (bicycle, pedestrian, golf cart), and impact fee payments and credits.

**POLICY 1.8.3:** *Proportionate Fair Share Ordinance.* The Town shall enforce its Proportionate Fair Share Ordinance to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

**POLICY 1.8.4:** *Fair Share Payments.* The Town shall require all new developments to pay their fair share for the improvement or construction of needed transportation facilities to maintain adopted

level of services standards. Fair share payments will be collected consistent with the adopted *Proportionate Fair Share Ordinance*.

**POLICY 1.8.5:** *Proportionate Share of Cost.* Land development shall bear proportionate share of the cost of the provision of the new or expanded road capital facilities or signalization required by such development.

**POLICY 1.8.6:** *Imposition of Impact Fees.* The imposition of impact fees is a preferred method of regulating land development in order to help ensure that it bears a proportionate share of the cost of road capital facilities necessary to accommodate that development.

**POLICY 1.8.7:** *Compensation for Administrative Expense.* After compensation for administrative expense, all remaining funds collected from road impact fees shall be used for the purpose of capital improvements for the expansion of transportation facilities associated with the arterial and collector road networks in Howey-in-the-Hills or the adjacent County network.

**POLICY 1.8.8:** *Capital Improvements Funding.* Transportation capital improvements that may be funded by impact fees include transportation planning, preliminary engineering, engineering design studies, land surveys, rights-of-way acquisition, engineering, permitting, and construction of all the necessary features for arterial and collector road construction projects of the type made necessary by the new development.

**OBJECTIVE 1.9:** *Access Points.* The Town shall continue to enforce its zoning regulations to control access points onto collector streets and roadways.

**POLICY 1.9.1:** Guidelines and standards for the location of access points on County Roads shall be coordinated with Lake County and on State Roads with the FDOT (the permitting authority) with the following guidelines addressed as a minimum:

- a. Access points to major streets/roads shall be limited in number.
- b. Where frontage roads are available, no additional access points shall be permitted between established intersections.
- c. In the design of new areas, frontage roads shall be provided, whenever right-of-way is available, to provide access to private property; and

- d. Distance from intersections, width and frontage requirements should be studied.

**OBJECTIVE 1.10: *Environmental Concern.*** The environment shall be a major concern in any expansion of the transportation system.

**POLICY 1.10.1:** *Natural Environment Sensitivity.* Planning for future transportation improvements shall recognize the sensitivity of the natural environment to protect the quality of existing and future neighborhoods.

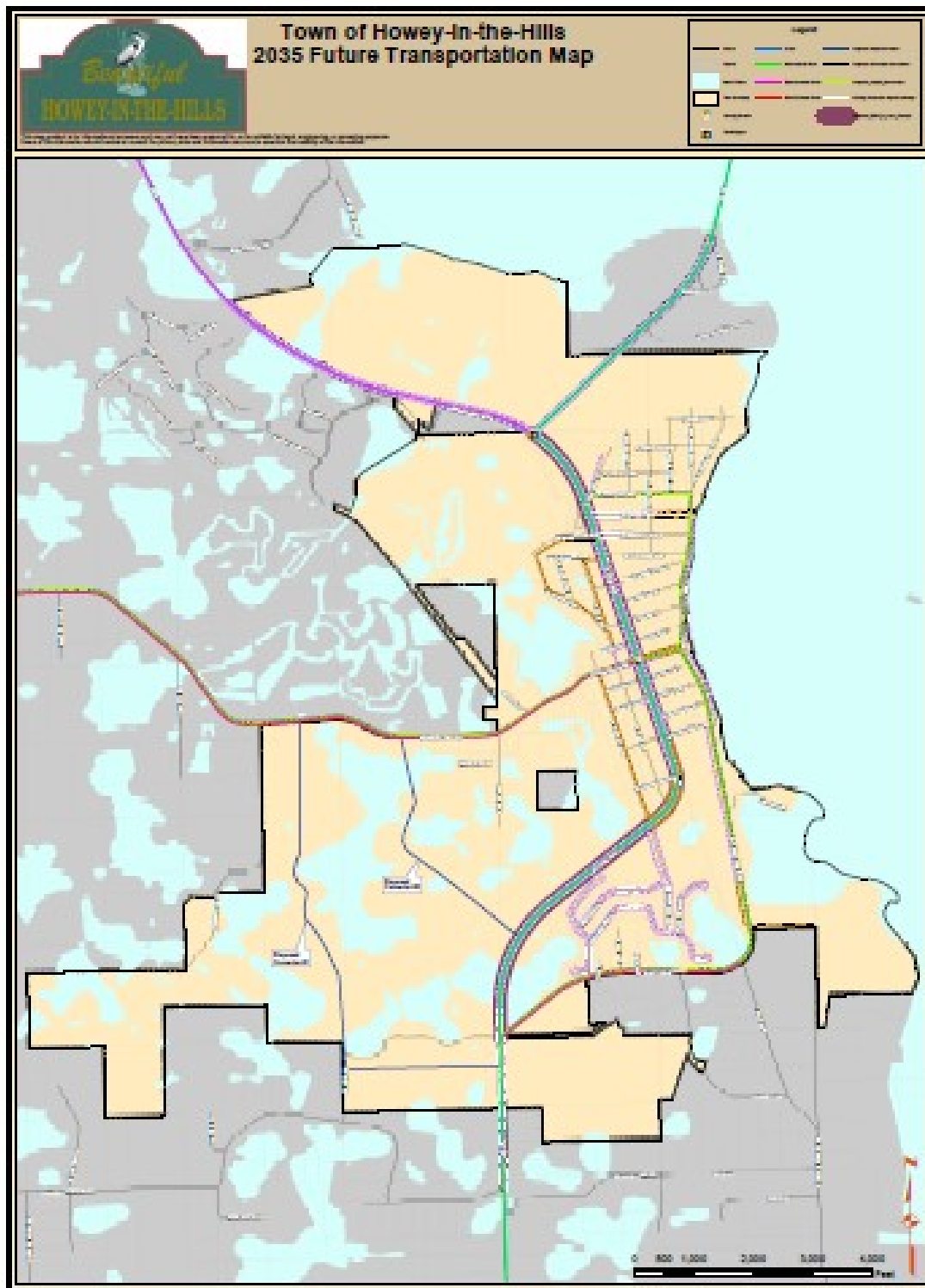
**POLICY 1.10.2:** *Conservation Resource Areas.* Transportation facilities shall not be placed in conservation resource areas or impact those places unless an overriding public need can be clearly demonstrated.

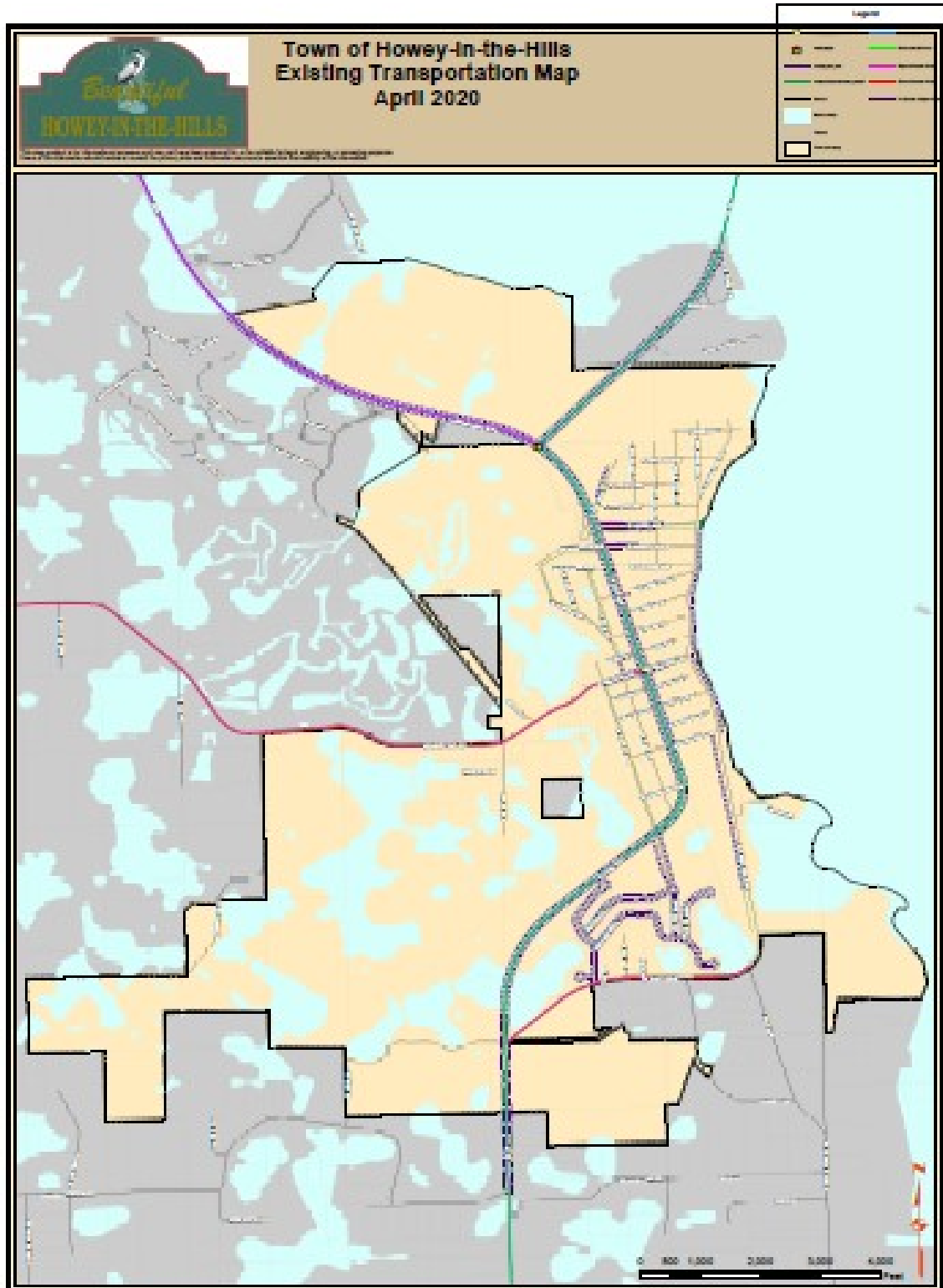
**POLICY 1.10.3:** *Encouraging the State and County.* The State and County shall be encouraged to monitor the environment before, during and after construction of traffic improvements.

**OBJECTIVE 1.11: *Public Transit.*** In the event that Lake County Express proposes any plans to establish a transit route in Howey-in-the-Hills, the Town shall work with Lake County Express to provide a safe and efficient public transit system.

**POLICY 1.11.1:** Transit ridership shall be accommodated on certain Town roads. It is anticipated that if Lake County Express were to establish a route through Howey-in-the-Hills, it would most likely be taking residents to work, shopping, or other venues outside the Town. The Town shall encourage any such public transportation by:

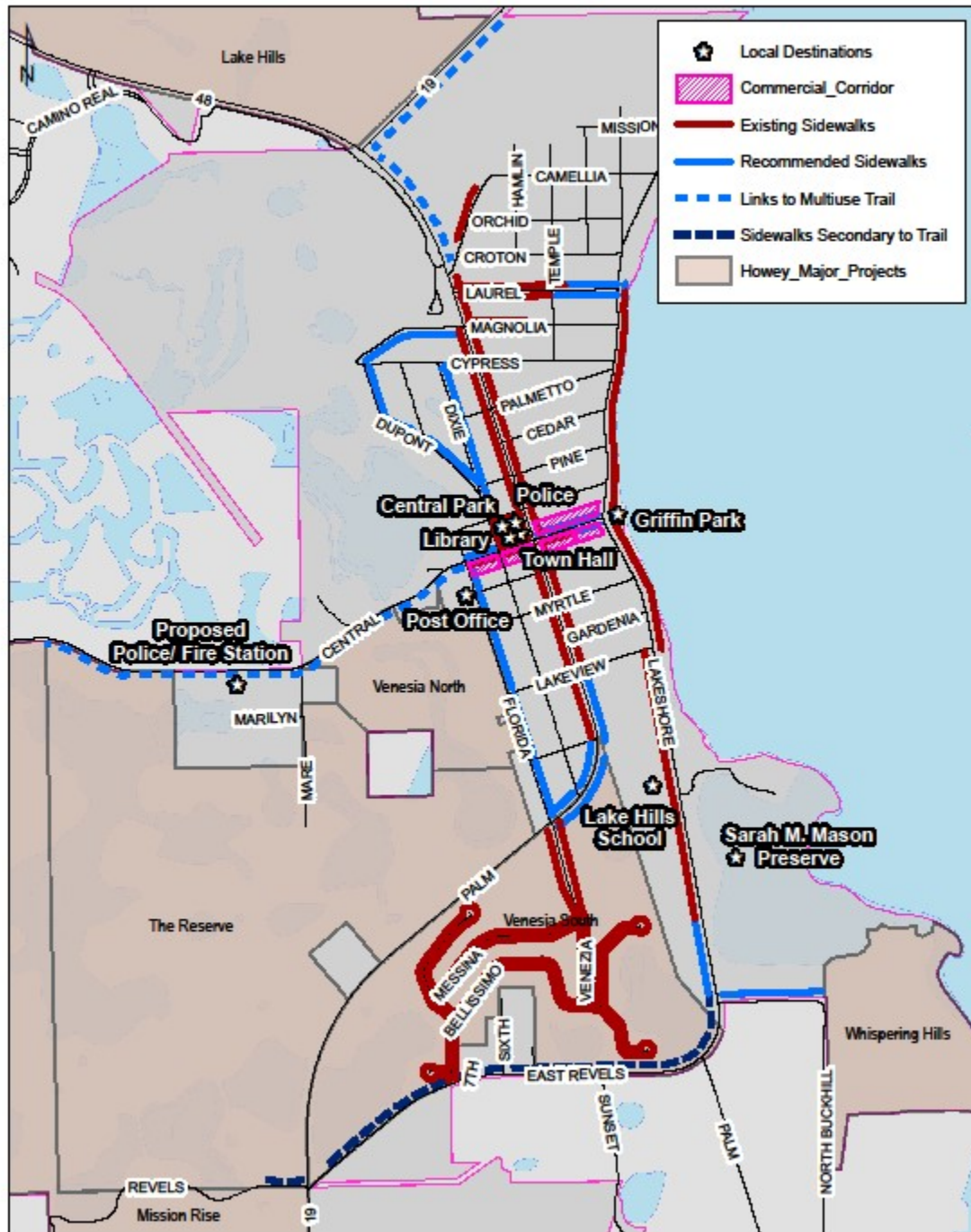
- Working with Lake County Express to determine where a transit stop may be feasible.
- Requiring transit stops to meet ADA requirements; and
- Clearly delineated walkways from the building to the transit stop.



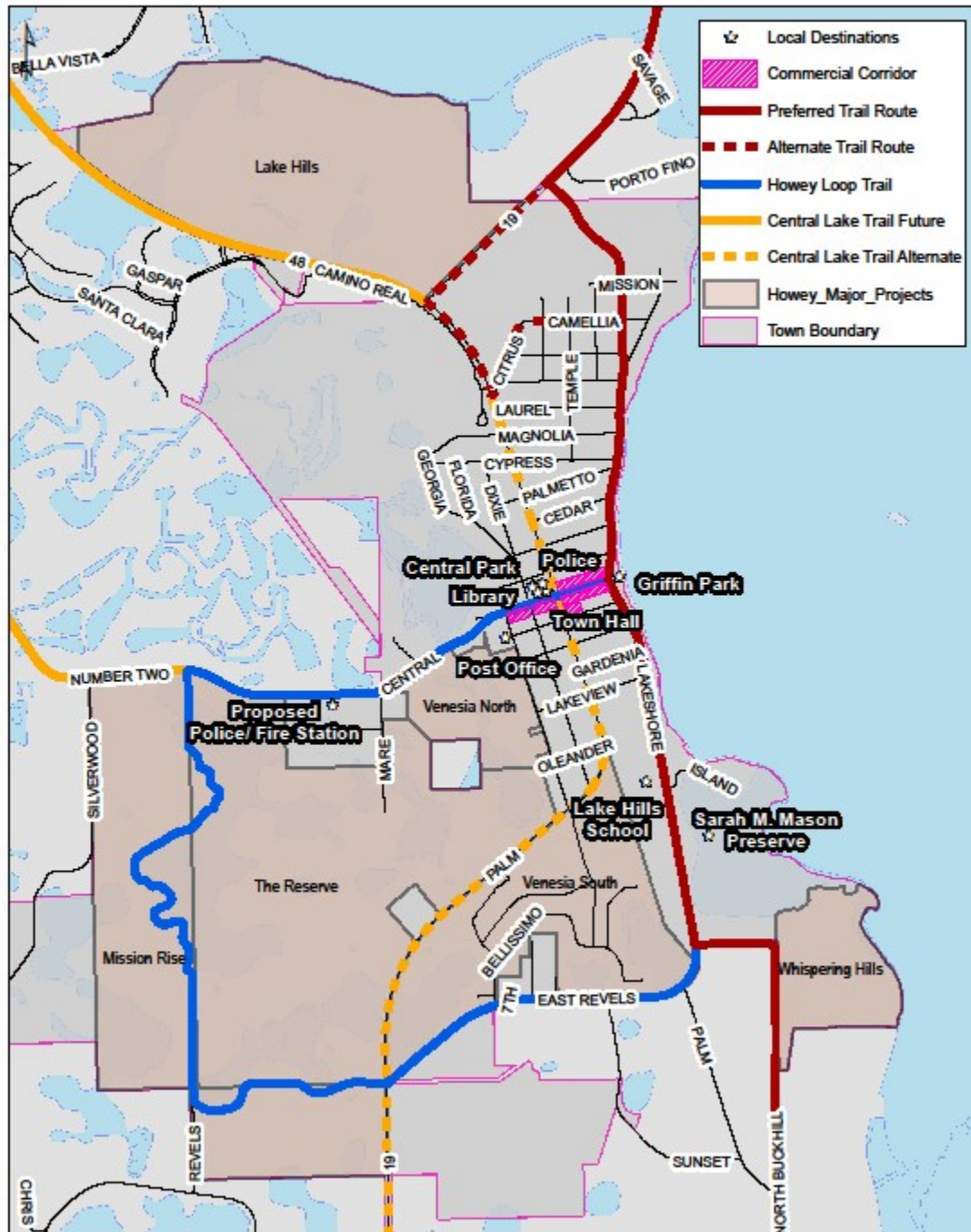




## Howey-in-the-Hills Sidewalk Master Plan Map



## Howey-in-the-Hills Trails Master Plan Map



## HOUSING ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020

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## CHAPTER 3 HOUSING ELEMENT

### A. INTRODUCTION

The purpose of this *Element* is to provide guidance to the Town of Howey-in-the-Hills to develop appropriate plans and policies to demonstrate their commitment to meet identified or projected deficits in the supply of housing. These plans and policies address government activities as well as provide direction and assistance to the efforts of the private sector.

### B. INVENTORY

An examination of the Town's housing stock by type, age, tenure, value, and condition, is essential in determining the type of new housing which should be built within the Town. To a large extent, characteristics of existing structures determine what can be built and marketed in the future. The following comprises a housing inventory, the first step in a supply side analysis, compiled primarily from the 2010 US Census. According to 2010 Census data, the Town had 630 dwelling units in 2010.

#### 1. Housing Characteristics

This section provides an inventory of Howey-in-the-Hills' dwelling units by their type (single family, multi-family, and mobile home), age, tenure (owner- or renter-occupied), and cost.

##### a. Housing Unit Structure

The 2010 Census found that about 88 percent (544 units) of the Town's housing stock was comprised of single-family units (see Table 1). There were no mobile homes in the Town and to date, the Town does not have any mobile home/RV parks.

##### b. Age of Housing Units

Howey-in-the Hills entered a residential construction housing boom between 1950 and 1989 and another peak during 1995-1998. Consequently, about 34% of housing in Town is less than 30 years old and 53% is less than 45 years old (see Table 2). The effects of the housing market collapse and the 2008 recession are evident in the lack of new housing construction between 2010 and 2015. Generally speaking, the economically useful age of residential structures is considered to be approximately 50 years. Once a residence has reached that age, repairs become more costly and the ability to modernize the structure to include amenities considered standard for today's lifestyles is diminished. Therefore, when a community's housing stock reaches this age threshold, the need for

housing rehabilitation, demolition, and new construction may become more apparent. As indicated in Table 2, about 34 percent of the Town's housing stock is 50 or more years of age.

**TABLE 1: HOUSING UNIT BY STRUCTURE TYPE  
HOWEY-IN-THE-HILLS**

<u>Structure Type</u>	<u>2000</u>		<u>2010</u>		<u>2015</u>	
	<u>Number of Units</u>	<u>Percent of Total Units</u>	<u>Number of Units</u>	<u>Percent of Total Units</u>	<u>Number of Units</u>	<u>Percent of Total Units</u>
<u>Single-Family Detached</u>	<u>392</u>	<u>86.92%</u>	<u>510</u>	<u>81.4%</u>	<u>515</u>	<u>80.7%</u>
<u>Single-Family Attached</u>	<u>30</u>	<u>6.65%</u>	<u>34</u>	<u>7.0%</u>	<u>20</u>	<u>3.1%</u>
<u>Two-Family*</u>	<u>9</u>	<u>2.00%</u>	<u>0</u>	<u>0%</u>	<u>22</u>	<u>3.1%</u>
<u>Multi-Family</u>	<u>18</u>	<u>3.99%</u>	<u>86</u>	<u>11.6%</u>	<u>75</u>	<u>11.8%</u>
<u>Mobile Homes</u>	<u>2</u>	<u>0.44%</u>	<u>0</u>	<u>0%</u>	<u>6</u>	<u>1.3%</u>
<u>Other</u>	<u>0</u>	<u>0.00%</u>	<u>0</u>	<u>0%</u>	<u>0</u>	<u>0%</u>
<b><u>Total</u></b>	<b><u>451</u></b>	<b><u>100.00%</u></b>	<b><u>630</u></b>	<b><u>100.00%</u></b>	<b><u>638</u></b>	<b><u>100%</u></b>

**TABLE 2: NUMBER OF YEAR-ROUND UNITS BY AGE  
HOWEY-IN-THE-HILLS**

<u>Year Constructed</u>	<u>2000</u>		<u>2010</u>		<u>2015</u>	
	<u>Number of Units</u>	<u>Percent of Total</u>	<u>Number of Units</u>	<u>Percent of Total</u>	<u>Number of Units</u>	<u>Percent of Total</u>
<u>2014 or Later</u>					<u>0</u>	<u>0.0</u>
<u>2010-2013</u>					<u>0</u>	<u>0.0</u>
<u>2000-2009</u>			<u>160</u>	<u>25.4</u>	<u>123</u>	<u>19.3</u>
<u>1990-1999</u>	<u>93</u>	<u>20.6</u>	<u>75</u>	<u>11.9</u>	<u>126</u>	<u>19.7</u>
<u>1980-1989</u>	<u>59</u>	<u>13.1</u>	<u>56</u>	<u>8.9</u>	<u>93</u>	<u>14.6</u>
<u>1970-1979</u>	<u>86</u>	<u>19.1</u>	<u>93</u>	<u>14.8</u>	<u>79</u>	<u>12.4</u>
<u>1960-1969</u>	<u>64</u>	<u>14.2</u>	<u>64</u>	<u>10.2</u>	<u>57</u>	<u>8.9</u>
<u>1949-1959</u>	<u>90</u>	<u>20.0</u>	<u>129</u>	<u>20.5</u>	<u>104</u>	<u>16.3</u>
<u>1940-1949</u>	<u>11</u>	<u>2.4</u>	<u>16</u>	<u>2.5</u>	<u>12</u>	<u>1.9</u>
<u>1939 or Earlier</u>	<u>48</u>	<u>10.6</u>	<u>37</u>	<u>5.8</u>	<u>44</u>	<u>6.9</u>

**c. Tenure and Vacancy**

Based on 2010 Census data, about 77% of the Town's dwelling units were occupied and the remaining 146 units were vacant. The occupancy rate was lower than the dwelling unit occupancy rate for the Town in 2000 reflecting the local impacts of the recession. About 22% of the units in the Town were used for seasonal, recreational, or occasional use.

**TABLE 3: HOUSING CHARACTERISTICS BY TENURE  
HOWEY-IN-THE-HILLS**

Tenure	2000		2010		2015	
	Units	Percent	Units	Percent	Units	Percent
Total Housing Units	451	100.0	630	100.0	638	100.0
Owner-Occupied	336	74.5	407	64.6	442	69.3
Renter Occupied	54	12.0	77	12.2	85	13.3
Vacant Housing Units	61	13.5	146	23.2	111	17.4
Vacant Housing Units (For Seasonal or Recreational Use)	24	39.3	32	21.9		

**d. Housing Values and Rent**

***Value and Cost of Owner-Occupied Housing***

Census 2010 data show that about 17.5% of the houses in Howey-in-the-Hills were valued less than \$150,000 (see Table 4). This change in lower values housing ranges shows the impact of the housing boom of the early 2000s. Housing survey data for 2015 shows this trend had reversed with the percentage of housing valued under \$150,000 increased to about 40%.

**TABLE 4: VALUE OF SPECIFIED OWNER-OCCUPIED HOUSING UNITS  
HOWEY-IN-THE-HILLS**

Total Value	2000		2010		2015	
	Number Of Units	Percent of Total	Number of Units	Percent of Total	Number of Units	Percent of Total
<\$50,000	8	2.56%	7	1.7	25	5.7
\$50,000-\$99,999	119	38.14%	34	8.4	42	9.5
\$100,000-\$149,999	94	30.13%	30	7.4	111	25.1
\$150,000-\$199,999	60	19.23%	90	22.1	99	22.4
\$200,000-\$299,999	25	8.01%	126	31.0	103	23.3
\$300,000-\$499,000	4	1.28%	100	24.6	59	13.3
\$500,000-\$999,999	2	0.64%	20	4.9	3	0.7
\$1,000,000 or more	0	0.00%	0	0.0	0	0.0
<b>Total</b>	<b>312</b>	<b>100.00%</b>	<b>407</b>	<b>100.0</b>	<b>442</b>	<b>100.0</b>



**e. Cost of Rental Housing**

Rental housing is minor part of the current housing profile in the Town. The 2016 American FactFinder data (Table S2503) identified only 67 occupied rental units, and the number of rental housing units where the occupants were paying in excess of 30% of income for housing was only a handful. As the Village Mixed Use projects develop over time there may be more rental housing introduced into the community, but currently the cost of rental housing is a minor issue.

**f. Subsidized Housing**

According to the Florida Housing Data Clearinghouse there are no renter-occupied housing developments in Town listed in the Assisted Housing Inventory database with any subsidized units. Overall, there are 66 subsidized housing developments in the County with 5,324 subsidized units.

**2. Group Homes**

The Florida Department of Children and Family Services (DCF) licenses group homes for children 19 years or less. Group homes that serve persons with disabilities are regulated by the Agency for Persons with Disabilities (APD). The Town currently has no licensed group homes.

The Town has adopted and enforces Land Development Regulations which specifically address foster homes and nursing homes. Foster homes and nursing homes are allowed in the residential zoning districts.

**3. Housing Conditions**

Effective public policy requires that the condition of housing be measured on an objective scale. To measure adequacy, the U.S. Census records the presence or absence of items such as water supply, kitchen facilities, central heating and plumbing and whether housing units are overcrowded<sup>1</sup>. Plumbing facilities have usually been singled out as the equipment most relevant to an overall evaluation of housing conditions. The lack of central heating equipment is excluded since it is not considered a reliable indicator of local housing adequacy due to the Town's and County's warm climate. According to the 2010 Census data, no homes in the Town's housing stock were reported as substandard<sup>2</sup> or in an unacceptable condition.

<sup>1</sup> Meaning that more than one person per room was housed in the occupied housing unit.

<sup>2</sup> Housing units are considered to be substandard if they are overcrowded, do not have heat, or lack complete kitchens or plumbing.

A Code Enforcement Ordinance and Board have been established to assist in correction of problems and the maintenance of the housing stock. The Town has adopted and enforces the state-mandated building codes.

**a. Housing Improvement Strategies**

The key to implementing a housing improvement strategy is selecting the appropriate treatment for an area and applying it at the proper time. There are essentially three approaches to halting or preventing structural quality decline. They are preservation, rehabilitation, and redevelopment.

**Preservation.** The preservation technique is appropriate for structures found to be in sound condition. The concept of preservation involves continued maintenance and protection of the existing housing stock through code enforcement, as well as the provision of necessary public facilities and services.

Preservation is intended to be a long-term approach to combat structural decay. The process jointly involves property owners, tenants, local officials, and private lending institutions. Further, preservation techniques involve conservation, maintenance, continued protection through ordinance enforcement, and infrastructure improvement in areas where most structures are found to be in sound condition, with only a small percentage rated as deteriorating or substandard.

**Rehabilitation.** Rehabilitation is appropriate for areas where between 10 and 49 percent of the residential structures are classified as deteriorating or in substandard condition. The Town currently has no areas with this concentration of substandard housing structures, so the use of a concentrated rehabilitation technique is not required at this time.

Rehabilitation strategies include the repair of existing structural defects, the correction of environmental deficiencies, and the upgrading of public services and facilities to eliminate blighting conditions. Deteriorating units can be improved to meet the standards of established codes. Construction or reconstruction in the vicinity of these dwelling units may also be necessary to increase the potential for private investment. Rehabilitation activities would require the Town to provide information to property owners describing procedures and methods of undertaking rehabilitation projects. Participation in housing assistance programs may be a component of this strategy. Homeowners may be eligible for financial assistance from the County administered programs.

**Redevelopment.** A rehabilitation program may not be economically feasible if 50 percent or more of the dwelling units in an area are rated as deteriorated or substandard. In such case, a redevelopment strategy is appropriate. Redevelopment primarily involves the clearance of existing structures to allow for the construction of new structures in the area in accordance with an approved plan. This treatment is intended to have a long-term effect, ensuring satisfactory conditions for 50 years or more.

#### 4. Historically Significant Housing

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. There are six historic structures or sites added to the State's *Master Site File*. The Howey House was listed in the National Register of Historic Places.

**TABLE 5: 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 <sup>th</sup> Century American, 1900-present	
Howey Water Tower	316 Grant Street	1926	Unspecified	
Howey Academy		1923	Unspecified	
Howey House		1925	Mediterranean Revival ca. 1880-1940	1/27/1983

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

#### 5. Mobile Home Parks

The Florida Department of Business and Professional Regulation (DBPR) maintains an inventory of the licensed mobile home projects in Florida. DBPR reported that there are no mobile home parks in Howey-in-the-Hills. Mobile homes are permitted in all residential districts within Town if the units comply with the guidelines established in the Land Development Regulations.

## 6. Housing Construction

Between 2010 and 2015, housing development in the Town was nearly at a standstill. Available statistical data shows the housing stock increased by eight units over the five-year period. With the restart of the Venezia Phase 1 subdivision, housing growth began a recovery in the late 2015 and 2016-time period. Current and recently completed construction includes more than 70 units with another 24 units in some stage of permitting. This subdivision will ultimately include 170 single-family units plus some potential townhouse units.

### C. PROJECTED HOUSING DEMANDS AND NEEDS

Howey-in-the-Hills has relatively few issues with the quality of housing, and it has relatively little experience in dealing with low or moderate-income housing, mobile homes, and even market rate multi-family housing. As noted above, demand for these types of housing has been relatively low in the community. The Town desires a housing stock that is largely owner occupied and dominated by single-family housing. The policies in the plan and the active market forces are producing this result, so the plan is effective in this regard. The Housing Element does include policies dealing with affordable housing issues, mobile homes, group housing, historic structures and other related issues. The Town will have guidance in addressing these housing issues should they arise.

One of the key items in the 2010 housing analysis is the identification of sufficient land area to support future housing demand. Actual demand has been lower than expected due to the lower than projected population growth. The conclusion in 2010 was that the Town did have sufficient available land area to support the projected housing need, and nothing has occurred in the succeeding years to alter this conclusion. The local market is in the process of absorbing the 172-lot Venezia South subdivision while the Whispering Hills (107 lots) has progressed through the plat stage.

Much of the potential for housing diversity lies in the Village Mixed Use projects. Venezia is the first of these to come to market with the current single-family subdivision supported by commercial and townhouse development areas that are yet to be developed. There are three other VMU projects that received conceptual approval prior to the recession and have not resumed development. One of these, the Lake Hill development at SR 19 and CR 48 has received approval for a revised layout. The revised plan still contains single-family and townhouse residential units with some commercial development area and recreation facilities. Development timing on this project and the other VMU development is uncertain. However, these projects offer the opportunity to introduce a more diverse housing stock when the market demand appears. The comprehensive plan intended these projects to accommodate the mixed use and more diverse housing types so that the established single-family neighborhoods would

maintain their traditional character. The plan to date is working in this regard and no major change in direction is indicated.

Given the small growth in total housing units, major changes in the housing profile are not expected, and the comparison data generally supports this position. Of note:

- Single-family housing still comprises over 80% of the total housing units. Multi-family housing, primarily townhouse development, expected with the Village Mixed Use projects did not appear as these projects, except for Venezia, were lost during the recession. Several of these projects are being recast, but no active development is occurring.
- The rework of Table 4 shows housing values have drifted downward. The Town's housing stock, in terms of value, has clearly not fully recovered from the recession impacts. Despite this trend median housing value remains relatively high at \$171,900.
- The number of vacant housing units has decreased as units vacated during the recession have been reabsorbed by new owners and renters.
- Of units identified as vacant, a significant portion are identified as seasonally occupied. This factor tends to overstate the vacancy level somewhat.
- There has been some aging of the population. This trend is noticeable in many of the outer counties in the Orlando Metropolitan Area.

Other statistics indicate the Town has eliminated housing units that are declared overcrowded (more than one person per room) and housing units that lack a kitchen or lack some plumbing. While never a significant problem in the Town, this data suggests improvements in the overall condition of the housing stock however minor in scope. For 2015 the number of persons reported as living in poverty was 1.9%. When combined with the Town's median household income of \$63,021, affordable housing does not comprise a significant demand within the community.

## 1. Land Requirement

The Town's *Existing Land Use Map* shows that there are 208 acres of residential land use supporting 1,234 residents in 2015. At this ratio, the Town will need 212 additional acres for residential development to support the 2035 population. The *Future Land Use Map* shows a total of 525 acres of residential lands. As such, the Town has sufficient land to accommodate the projected housing needs for the planning period. Additionally, there is a significant amount of vacant land adjacent to the Town boundary in the event of future annexations.

## **2. Private sector contribution**

All new construction or redevelopment is expected to be provided by the private sector as it has in the past. Several small builders currently build in the area. The Town shall continue to work with developers interested in constructing residential units on the Town's vacant residential lots.

## **3. Private sector housing delivery process**

Like other small, affluent areas, the delivery process is simple. A buyer purchases a vacant lot from the owner or through a real estate broker and arranges his/her financing through local lenders and contracts with a local contractor for construction or he/she may buy from the local contractor who has purchased a lot and built a house. The builder may or may not have financing arranged. This method has been adequate since the Town was incorporated.

## **4. Provision of housing for very low, low, and moderate income households**

Given the price of land in the Town, the provision of land or housing for persons in the very low, low, and moderate income groups is possible. The minimum lot size for single-family residential in Town is 9,000 square feet. The Town's approved Village Mixed use developments include options for multi-family development and allow some lot sizes smaller than 9,000 square feet. As such, the Town's existing Land Development Regulations do not establish a great hindrance for a low price family home.

The County's State Housing Initiatives Partnership (SHIP) program is designed to assist low and moderate income households with home purchases. The funds can be used for down payments, closing costs and mortgage buydowns for new homes, or for existing homes that have been or will be repaired within twelve months of transfer of title. Extremely low, very low and low income households purchasing newly constructed homes will also be eligible for partial impact fee waivers. The Town encourages low income residents seeking assistance with housing to participate in the County's SHIP program. The Town shall avoid the concentration of affordable housing units in specific areas of the Town.

## **5. Rural and Farm Worker Households**

The Town has adopted 'Rural Lifestyle' as a land use category in the *Future Land Use Element* and *Future Land Use Map* to meet the housing needs of rural and farm worker households in Town. These lands are primarily for single-family detached homes with agricultural uses. The Town requires the following for lands with a Rural Lifestyle land use:

- Must have a minimum of 2 acres for this land use;
- Maximum density of 1 dwelling unit per 2 acres;

- All buildings shall not exceed 0.15 floor area ratio;
- The maximum Impervious surface coverage is 20%; and
- 50% open space is required.

The Town will continue to ensure that there is a sufficient amount of land needed to support the rural and farm worker household needs during the planning period.

## **6. Infrastructure Requirements**

Housing is affected by the availability and quality of public services and facilities such as water, sewer, drainage, and roadways. The level of service standards for the public services and facilities are presented in the *Capital Improvements Element*.

The Town's existing potable water demand meets the adopted LOS standard for water capacity. The Town has sufficient potable water capacity to meet the population demands during the planning period. The Town is in the process of a comprehensive analysis of the water system to address the operational characteristics of the network and recommend improvements. This report is expected to be complete is 2018.

The Town has agreements in place to provide wastewater treatment for all new subdivisions and residential development in the Village Mixed Use projects. The Venezia South project is on sewer, and the Town is in the process of adding sewer to the core commercial area on Central Avenue. This system is being designed to expandable to nearby residential areas as the resources to fund the expansions become available. For all current housing units, this service is currently managed through septic tanks which are permitted through the Lake County Health Department. The Town is in the process of developing a plan for the provision of wastewater services for all new development.

The Town ensures the provision of adequate stormwater drainage systems through the development review process. The Town's adopted level of service standards are used in reviewing all new development. Permits are also required from all applicable State, Federal, and local agencies regarding stormwater. No development is approved or can begin construction until all such permits are received by the Town.

The Town shall continue to ensure that the provision of housing is supported with the appropriate infrastructure for the current and anticipated residents of Howey-in-the-Hills.

## D. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** The provision of safe, adequate, sanitary, and energy-efficient housing to meet the needs of the present and future residents of the Town while encouraging retention of historically significant structures.

**OBJECTIVE 1.1:** *Housing Implementation Program.* The Town shall update its housing implementation program to require safe, adequate, sanitary and affordable housing for the existing population and by 2025 for the anticipated population growth to include those persons needing special housing.

**POLICY 1.1.1:** *Housing Discrimination.* The Town shall continue to promote standards to eliminate any housing discrimination and encourage housing opportunities for all its citizens, and encourage involvement of the Town, its citizens and both private and non-profit sector in the housing production effort.

**POLICY 1.1.2:** *Environmentally Sensitive Lands Compatibility.* The Town shall ensure that residential land use policies are compatible with environmentally sensitive areas and continue to encourage residential development into areas which do not demonstrate significant environmental constraints.

**POLICY 1.1.3:** *Innovative Standards.* The Town shall continue to enforce regulations established in the Land Development Code to create innovative permitting, building, zoning and parking codes and standards that support the residents' visions of the Town's image.

**POLICY 1.1.4:** *Eliminating Excessive Requirements.* The Town shall provide clear and concise ordinances, codes, regulations and permitting processes for the purpose of eliminating excessive requirements in order to increase private sector participation in meeting the housing needs.

**POLICY 1.1.5:** *Sufficient Residential Land.* The Town shall designate sufficient sites on the *Future Land Use Map* to meet the 2035 projected housing needs of the Town.

**POLICY 1.1.6:** *Limitation of Multiple Family Housing.* Multiple family houses may only locate within areas established in the Town's Land Development Regulations.



**POLICY 1.1.7:**      ***Job Training/Development and Economic Development.*** The Town shall support job training, job creation and economic development as a part of the overall strategy addressing the affordable housing needs of the Town, while recognizing that these efforts will be limited due to the limited amount of non-residential development in Howey-in-the-Hills.

**POLICY 1.1.8:**      ***Annexation.*** The Town shall continue to investigate the benefits of annexation to enhance the Town’s housing stock.

**OBJECTIVE 1.2:**      ***Housing Opportunities for Rural and Farm Worker Households.***  
Provide housing opportunities for rural and farm worker households within agricultural areas.

**POLICY 1.2.1:**      ***Available Lands for Farm Worker Households.*** The Town shall ensure that adequate ‘Rural Residential’ lands needed to support the rural and farm worker households demands during the planning period are designated on the *Future Land Use Map*. The Town shall also continue to provide a diversity of housing types to accommodate all income groups, including those employed by agricultural businesses.

**OBJECTIVE 1.3:**      ***Adequate Sites for Very-low, Low and Moderate Income Households.*** The Town shall assure adequate sites and housing opportunities are present for very low, low and moderate income households.

**POLICY 1.3.1:**      ***Promote Diversity in Housing Types.*** The Town shall promote a diversity of housing types by designating an adequate number of sites for single family and multiple family housing needed to support the short-range and long-range population demands of the Town on the *Future Land Use Map*.

**POLICY 1.3.2:**      ***County-wide Formation of an Affordable Housing Program.*** The Town shall support the formation of a county-wide affordable housing program which seeks to develop public/private partnerships to improve the efficiency of the housing delivery system to meeting demands for affordable housing within unincorporated and municipal jurisdictions.

**POLICY 1.3.3:**      ***Sites for Federal and State Housing Programs.*** The Town shall help Lake County to identify sites for housing supported by the Farmer’s Mortgage Housing Administration or by other Federal and State housing programs.

**POLICY 1.3.4:**     ***Principles to Ensure the Availability of Adequate Sites for Very-low, Low and Moderate Income Housing.*** To ensure adequate sites are available for very-low, low and moderate income housing, the Town shall enforce the standards established in the Land Development Regulations regarding the minimum floor area for single-family medium density land use, multi-family residential land use and multi-family units established in the Village Mixed Use and Town Center Mixed Use land use designations.

**POLICY 1.3.5:**     ***Concentration of Affordable Housing.*** The Town shall avoid the concentration of affordable housing units in specific areas of the Town.

**POLICY 1.3.6:**     ***Creating and Preserving Affordable Housing.*** The Town shall coordinate with Lake County in efforts to minimize the need for additional local affordable housing services by creating and preserving affordable housing units in Town and encouraging developers to incorporate affordable/workforce housing in new developments.

**OBJECTIVE 1.4:**     ***Mobile Homes and Low and Moderate Income Housing.*** The Town shall require that development regulations do not prevent the provision of very low, low and moderate income housing or mobile homes and assure that adequate sites are available for mobile homes.

**POLICY 1.4.1:**     ***Development Guidelines.*** The Town shall continue to ensure that guidelines established in the Land Development Regulations are not exclusionary, with respect to permitting very low, low and moderate income housing and mobile homes. The regulations shall also provide development guidelines for mobile homes and address the required public services and facilities needed to support mobile home developments.

**POLICY 1.4.2:**     ***Accessory Apartments.*** The Town shall continue to enforce the guidelines and standards established in the Town's Land Development Regulations to enable single family homeowners to provide accessory apartments as a means of extending the pool of affordable housing for the elderly.

**POLICY 1.4.3:**     ***Cooperation with Lake County.*** The Town shall cooperate with the Lake County Housing Authority and other appropriate agencies to determine possible sites and programs for housing for very low, low, and moderate income persons.

**POLICY 1.4.4:**     ***Projected Affordable Housing Needs.*** The Town shall designate sufficient sites on the *Future Land Use Map* to meet the projected affordable housing needs of the Town.

**OBJECTIVE 1.5:**     ***Group Homes and Foster Care Facilities.*** The Town shall require that the needs of those residents requiring group home or foster care are met.

**POLICY 1.5.1:**     ***Licensed Foster Care, Community Residential or Group Home Facilities.*** All group homes, community residential or foster care facilities within Howey-in-the-Hills shall be licensed by the Florida Department of Health and Rehabilitative Services. The development review process shall require applicants of group home and community residential home developments to provide evidence of appropriate HRS licenses prior to the issuance of a development order or permit.

**POLICY 1.5.2:**     ***Location of Group Homes, Community Residential Facilities, and Foster Care Facilities.*** The Town shall continue to permit the location of foster care, community residential homes, and group homes in residential areas as well as any additional land use districts permitted in the Town's Land Development Regulations. These facilities shall serve as alternatives to institutionalization.

**OBJECTIVE 1.6:**     ***Archeological Sites and Historical Buildings.*** The Town shall identify archeological sites and buildings of historical significance and develop means of preserving and/or maintaining such items.

**POLICY 1.6.1:**     ***Identification of Historically Significant Housing.*** The Town shall promote the identification of historically significant housing worthy of preservation by offering opportunities to the Lake County Historical Society, other historical and architectural societies, and Town citizens to inform Town officials of housing units and other structures containing significant historical or architectural value.

**POLICY 1.6.2:**     ***Distinguishing Historic Buildings.*** The Town shall distinguish buildings as historic if the following criteria are met:

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

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

**POLICY 1.6.3:** *Technical Assistance.* The Town shall provide technical assistance to property owners of historically significant housing by supporting applications pursuing historical designations on the Florida Department of State Master File and the National Register of Historic Places. The Town shall also promote the rehabilitation of historically significant structures through assistance with grantsmanship functions and coordination with State technical services available for such activities.

**POLICY 1.6.4:** *Rehabilitation or Relocation of Historic Structures.* Criteria pertaining to the rehabilitation or relocation of a designated historic structure shall follow the U.S. Secretary of the Interiors “Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.” Additional criteria for approving the relocation, demolition, or rehabilitation of a historic structure shall follow provisions consistent with Florida State Statutes.

**POLICY 1.6.5:** *Lake County Historical Society.* The Town shall continue to assist the Lake County Historical Society in its efforts to provide information, education and technical assistance relating to archeological sites and historic preservation programs and to assist in preparation of any needed regulations.

**POLICY 1.6.6:** *Useful Life of the Existing Housing Stock.* The Town shall encourage the extension of useful life of the existing housing stock, as well as improve and stabilize neighborhood quality.

**POLICY 1.6.7:** *Florida Master Site File.* The Town shall use the *Florida Master Site File* as a resource to identify archeological resources and historically significant structures.

**OBJECTIVE 1.7:** *Neighborhood Stabilization.* Establish principles and guidelines to eliminate substandard housing, regulate demolition, and improve quality of existing housing, and support neighborhood character.

**POLICY 1.7.1:** *Demolition of Housing.* To protect the useful life of existing housing, and to preserve the availability of affordable housing, the Town shall regulate the demolition of housing through its permitting program to review the merits of all proposed demolitions. The Town shall evaluate demolition applications

predicated on its contribution to the improvement of public health, safety, and welfare, and to the preservation and stabilization of the surrounding neighborhood. No housing unit shall be demolished without issuance of a demolition permit.

**POLICY 1.7.2:**     ***Promote Maintenance of Housing.*** The Town shall continue to enforce building and housing codes; and enforce construction, electrical, septic and plumbing requirements to maintain the quality of existing housing stock and to protect public health and safety.

**POLICY 1.7.3:**     ***Provide Supportive Services and Facilities.*** The Town shall assure that necessary potable water, sanitary sewer, solid waste collection, and drainage facilities are available for residential areas through the annual update of the Town's Concurrency Management System. The Town shall also coordinate with Lake County, the State of Florida, and the private sector to plan for facilities and services that cannot be provided within Howey-in-the-Hills due to the regional nature or economy-of-scales associated with the provision of such facilities and services.

**POLICY 1.7.4:**     ***Elimination of Substandard Housing Conditions.*** The Town shall not allow housing to deteriorate to a state qualifying conditions as substandard by enforcing building and housing codes, as well as other building requirements discussed in Policy 1.7.2. The Town shall continue to inspect housing units for compliance with building and zoning requirements and rules stipulated within the Land Development Regulations upon receipt of a written or verbal complaint filed with the Town Clerk.

**POLICY 1.7.5:**     ***Structural and Aesthetic Improvement.*** Land development regulations controlling the aesthetic qualities of residential structures shall be uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building and shall be consistent with Florida Statutes.

**POLICY 1.7.6:**     ***Federal and State Funding.*** The Town shall continue to seek federal and state funding for housing subsidy programs and the rehabilitation and/or demolition of identified substandard housing.

**OBJECTIVE 1.8:**     ***Displaced Persons.*** The Town shall require that persons displaced by actions of governmental agencies are provided fair and uniform treatment consistent with Florida Statutes.

- POLICY 1.8.1:**     ***Relocation of Housing Due to Removal or Demolition.*** No projects scheduled within the *Five-Year Capital Improvements Program* and *Schedule* will require land occupied by existing housing stock. However, if an unanticipated need arises where housing must be destroyed to provide right-of-way or land for a public facility or service necessary to protect or enhance public health, safety, and welfare, the Town shall require the entity, whether public or private, removing such structures to assist in the relocation of displaced households to homes within the incorporated or unincorporated areas of Lake County.
- POLICY 1.8.2:**     ***Housing Relocation Funds.*** The Town shall pursue funds from the Federal Housing Relocation Program, administered by the Department of Housing and Urban Development, to financially assist the relocation of displaced households. The Town shall also coordinate with Lake County and the private sector to assure the availability of comparable or improved housing for those requiring relocations.
- POLICY 1.8.3:**     ***Private Sector Initiated Housing.*** The Town shall require developers initiating public housing for very low, low, and moderate income household which are financed (in part or completely) with Federal or State grants or loan assistance to assume full fiscal responsibility for obtaining temporary or permanent housing for households displaced by such construction activities.
- POLICY 1.8.4:**     ***Compliance with State Statutes.*** The Town shall ensure that requirements of State Statutes are met when property is taken, whether for relocation, or for other reasons.
- POLICY 1.8.5:**     ***Relocation Housing Verification.*** The availability of relocation housing shall be researched and verified by Town Staff prior to commencement of any governmental residential revitalization program enacted for the Town.
- OBJECTIVE 3-1-9:**     ***Housing Implementation Programs and Strategies.*** To establish mechanisms to improve the implementation of housing programs.
- POLICY 1.9.1:**     ***Development Review Process.*** The Town's development review process shall be efficient and equitable with a reasonable review schedule and timeframe assuring that development occurs in compliance with concurrency requirements, building and

construction codes, subdivision regulations, infrastructure performance requirements, and other rules and principles. The Land Development Regulations shall clearly explain all procedures and stages involved in the development review process, administration and enforcement activities and responsibilities of the Town, responsibilities of an applicant of development, opportunities for public participation, all responsibilities and duties of citizen boards, and an appeal process available to an applicant in cases involving a dispute with the Planning and Zoning Committee.

The Development Review Process shall be compatible with State statutes pertaining to the review and issuance of development orders, public participation procedures, and advertisement of public meetings and workshops.

**POLICY 1.9. 2:**     ***Administer Housing Codes and Development Regulations.*** The Town shall annually evaluate (by the month of March) the effectiveness of its housing code enforcement program and the adequacy of all Town construction codes. Where such evaluation identifies an inadequate codes or enforcement procedures, the Town shall improve the regulatory and permitting processes to promote public health, safety, and welfare, and to maintain the desired character of neighborhoods and a small Town image.

**POLICY 1.9. 3:**     ***Intergovernmental Coordination.*** The Town shall coordinate housing issues, concerns, and problems with other relevant State, Federal, and local agencies pursuant to policies stipulated within the *Intergovernmental Coordination Element*.

**OBJECTIVE 1.10:**     ***Special Population Groups.*** The Town shall continue to cooperate with other governmental agencies and any private organizations to ensure that the needs of special population groups are met.

**POLICY 1.10.1:**     ***Community Development Block Grants.*** The Town shall cooperate with Lake County by participation in Community Development Block grants from HUD.

**POLICY 1.10.2:**     ***Local, State and Federal Housing Programs.*** The Town shall encourage Lake County to utilize local, State and Federal housing programs to upgrade existing substandard units and to provide rental and mortgage assistance to very low, low, and moderate income and special needs groups.

**OBJECTIVE 1.11:**        *Green House Gas Emissions.* The Town shall establish mechanisms to reduce greenhouse gas emissions and encourage the use of renewable resources in the design and construction of new housing.

**POLICY 1.11.1:**        *Green Development.* The Town shall promote the highest feasible level of “green” development in both private and municipally-supported housing. Green development specifically relates to the environmental implications of development. Green building integrates the built environment with natural systems, using site orientation, local sources, sustainable material selection and window placement to reduce energy demand and greenhouse gas emissions.

**POLICY 1.11.2:**        *Energy Efficiency.* The Town shall require energy-efficient and water saving measures to be implemented in all new construction and redevelopment projects.

**POLICY 1.11.3:**        *Energy Conservation Techniques.* The Town shall promote energy conservation techniques such as Federal Energy Star Standards, as consistent with the requirements of the Florida Building Code.

**POLICY 1.11.4:**        *Building Orientation.* The Town shall encourage building orientation that maximizes energy efficiency and fosters the use of alternative energy sources where appropriate, such as solar or small wind energy systems, to reduce the demand for electricity and reduce greenhouse gas emissions.

**POLICY 1.11.5:**        *Orientation of Trees and Shrubs.* Encourage appropriate orientation of trees and shrubs on a development site to reduce cooling loads by taking advantage of evapotranspiration and shade.

**POLICY 1.11.6:**        *Florida Friendly Landscaping.* Maximize natural areas and assets and incorporate Florida Friendly landscaping into development projects to reduce energy and water consumption.



## PUBLIC FACILITIES ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020

**PUBLIC FACILITIES ELEMENT  
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## CHAPTER 4 PUBLIC FACILITIES ELEMENT

### A. INTRODUCTION

#### 1. SCOPE OF THE ELEMENT

This *Element* has been prepared to meet the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes (F.S.). In relevant part, the Act requires comprehensive plans to describe:

- 1) sanitary sewer, solid waste, drainage, potable water and aquifer recharge protection problems and needs;
- 2) ways to provide for future requirements; and
- 3) general facilities that will be required for solution of the problems and needs.

#### 2. ORGANIZATION OF THE ELEMENT

This *Element* is divided into sections containing:

- 1) the applicable support documents, which are the technical reports summarizing the data and analysis on which the Element is based; and
- 2) the goals, objectives and policies for the Element, as adopted in the Comprehensive Plan for the Town.

The support documents are presented as sub-elements for the different types of facilities in the *Element*. Each sub-element includes:

- 1) background information about relevant terms, concepts and regulatory provisions;
- 2) a survey of existing conditions; and,
- 3) an assessment of existing and future needs and recommendations for meeting those needs.

Population estimates were derived from the *Future Land Use* and *Housing Elements* and are presented in Table 1 below.

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

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

## **B. SANITARY SEWER**

### **1. INTRODUCTION**

This section of the *Infrastructure Element* assesses the availability, demands, and needs of sanitary sewer in Howey-in-the-Hills. This section also presents an analysis of the soils found in Howey-in-the-Hills as they correspond to the suitability to support the use of septic tanks in Town.

### **2. EXISTING CONDITIONS**

The Town understands that future development and redevelopment will require the provision of wastewater devices. Accordingly, Howey-in-the-Hills has adopted an interlocal agreement with neighboring local governments to provide wastewater treatment to future developments in the Town. The Town will own the collection system within the Town's Chapter 180 Utility Service Boundary and will contract with neighboring local governments to provide wholesale wastewater treatment to designated areas. The Town understands these will need to be established prior to approving future development or redevelopment. Howey-in-the-Hills has also established a wastewater impact fee to aid in the provision of this essential service.

It is important to note that the Central Lake Community Development District (CDD) currently provides wastewater treatment for the Lake Hills School in Howey-in-the-Hills and the Venezia South residential development and will provide wastewater treatment for three new developments (the Mission Rise, The Reserve, and Venezia North) that are currently in development review. The Town is also working on a program to retrofit Central Avenue with sanitary sewer serving the core commercial area of the Town. The Town will own and maintain the collection system (mains, lift stations, etc.) within the

Town limits. This provision of services was established through an interlocal agreement which is further described in the *Intergovernmental Coordination Element*.

Regarding sanitary sewer facilities, the only current demand on the Central Lakes CDD wastewater treatment facility is the Lake County public school in Howey and the Venezia South development. The existing level of service provided by the sanitary sewer facilities is estimated at 250 GPD/ERU as outlined in the agreement between the Town and the Central Lake CDD.

With regard to sanitary sewer capacity, the Central Lake CDD received capacity reservation fees from the three Planned Unit Developments in order to expand its treatment capacity to .87 MGD. The balance of the wastewater treatment capacity expansion remains as excess capacity in place for when the Howey planned unit developments require treatment capacity.

Septic tanks will provide sanitary sewer service to development locating on a lot not less than 15,000 square feet (i.e., ¼ of an acre) if the soils have been determined adequate for the use of septic tanks. The minimum size for septic tanks in Town is 750 gallons. Such systems must provide service consistent with the adopted level of service standards and meet the guidelines established by the Lake County Health Department.

Effluent from septic tank systems is discharged to the drain field where it can percolate into the soil. Soil permeability and depth to the water table are limiting factors on septic tank performance.

The *Federal Water Pollution Control Act* (PL 92-500) is the controlling national legislation relating to the provision of sanitary sewer service. The goal of this *Act* is the restoration and/or maintenance of the chemical, physical and biological integrity of the nation's waters. The *Act* established the national policy of implementing area wide waste treatment and management programs to ensure adequate control of sources of pollutants.

The Florida Department of Health and Rehabilitation Services (DHRS) regulates septic tank and drain field installation within the state. These requirements have been adopted by rule in Chapter 10D-6, F.A.C.

The Lake County Health Department regulates and approves septic systems within the Town. A percolation test and studies of the soil are used to determine size, siting and type of individual systems.

The Town ensures that the following guidelines regarding septic tank locations are enforced during the development review process:

- 200 feet from sewage disposal system to any public water well.
- 75 feet from any sewage disposal system to any private water well.

- 75 feet from the high water line of any lake, canal, stream or other body of water. Lots created prior to 1972 require 50 feet from the high water line of any surface.
- 10 feet from any water main or service line installed below the ground.
- 5 feet from the property line and building foundations; and
- Septic tank inlet shall be within 15 feet of plumbing stub out.

Additionally, limitations are in effect relating to the size of the facilities to be constructed (i.e. number of bedrooms) including the projected volume of waste as compared to the size of the property upon which construction is to occur.

Currently, the Town does not have a systematic monitoring of septic systems. System checks are done on a compliance basis.

### 3. SOILS

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, landfill siting, 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 2 [9J-5.011(1)(f)(4), F.A.C.]. All upland soils are suitable for development and show little limitation for the use of septic tanks.

**TABLE 2: SOILS**

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Anclothe and Myakka Soils	Yes	Very Poorly Drained	High	Moderate	0.21
Apopka Sand	No	Well Drained	Moderate	High	31.28
Arents	No	Somewhat Poorly Drained	Unranked	Unranked	83.35
Borrow Pits	Partially Hydric	Unranked	Unranked	Unranked	2.78
Candler Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	698.59
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	259.16
Immokalee Sand	Partially Hydric	Poorly Drained	High	High	7.31
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	5.20
Myakka Sand	Partially Hydric	Poorly Drained	High	High	85.87
Ocoee Mucky Peat	Yes	Very Poorly Drained	High	High	4.11

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Amended January 27, 2020  
Ordinance 2019-01

IV-4

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Oklawaha Muck	Yes	Very Poorly Drained	High	Low	6.14
Placid and Myakka Sands, Depressional	Yes	Very Poorly Drained	High	High	17.30
Pompano Sand	Partially Hydric	Poorly Drained	High	Moderate	8.62
Sparr Sand, 0 to 5 Percent Slopes	No	Somewhat Poorly Drained	Moderate	High	14.50
Swamp	Yes	Very Poorly Drained	Unranked	Unranked	53.97
Tavares Sand, 0 to 5 Percent Slopes	No	Moderately Well Drained	Low	High	278.99
Water	Unranked	Unranked	Unranked	Unranked	281.87

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 Orange County Soils Geographic Information Systems database March 2010.

#### 4. ANALYSIS

As previously noted, there are agreements in place for wastewater treatment for certain properties in the development review process and discussions with neighboring cities to enter interlocal agreements for future wastewater treatment provisions. The Central Lakes Community Development District also currently treats the wastewater from the one public school in Howey-in-the-Hills. The Town understands the need to continue to analyze the appropriateness and feasibility of wastewater treatment for future growth

The soils in Town are overall suitable for septic tanks. The Town shall continue to prohibit septic tanks to be located in environmentally sensitive areas or within 200 feet of a public potable water well or within 75 feet of a private potable water well. The Town shall also continue to enforce the water and sewer concurrency standards

The Central Lake CDD has the capacity to treat the wastewater that will be generated by the three planned unit developments and the Lake County public school. The off-site improvements for connection to the wastewater treatment facility have been designed and constructed. Each development will design and construct the collection systems for their developments and the Town will own and maintain the collection system. This will ensure capacity for these developments through the planning period

For future growth in the Town and in the Town's Utility Service Area for the long-range planning period, wastewater treatment will be provided through interlocal agreements with surrounding local governments. Both the City of Groveland and the City of Leesburg have surplus capacity that is available. The current wastewater agreements



provide the necessary treatment for the projected population over the long-range planning period. The anticipated wastewater agreements to serve beyond the planning period will be in place prior to the approval of any final development orders for growth beyond the 1,528 residential units and 385,000 square feet of commercial development

## C. SOLID WASTE

### 1. INTRODUCTION

Solid waste is defined as "any garbage, refuse, sludge...and any other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from residential, industrial, commercial, mining, and agricultural operation, and from community activities". Hazardous waste is defined as "a solid waste, or combination of solid waste which because of its quantity, concentration, or physical, chemical, or infectious attributes, may:

- (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or
- (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed" (U.S.C. 6903 (5)).

This section of the *Public Facilities Element* assesses the Town's needs for solid waste disposal and the adequacy of the existing disposal method.

### 2. EXISTING CONDITIONS

The Town provides twice weekly curbside garbage collection through a contract with a private hauler. In 2009, Lake County completed the construction of the landfill cells that are anticipated to handle the demand over the short term. Lake County also has planned expansions, permitted through FDEP that will provide sufficient capacity through the long term.

Lake County maintains and operates 5 residential drop-off (RDO) facilities throughout the County and a Citizen Convenience Center at the Astatula Landfill where residents can self-haul their solid, hazardous, recycling materials and special wastes. Special wastes consist of used motor oil, furniture, waste tires, white goods, and electronic wastes. Each RDO handles different amounts and types of waste depending on its size and location. Collectively, they receive on average 3,000 tons per year. The Citizen Convenience Center at the Astatula Landfill is the closest RDO to the Town.

The Town's population in 2015 was 1,217. With 565 solid waste customers, that would equate to 2.15 persons per household. (The 2010 Census estimated the number of persons per household in Howey-in-the-Hills was 2.42) Using the 2.15 persons per household, and the average of 4.14 pounds of solid waste per customer per day, each person in Town generated an average of 1.93 pounds per day. The Town's adopted level of service for solid waste is a maximum of 6 pounds per person per day. So, the current LOS of 1.92 pounds per day meets the Town's adopted concurrency standard.

The Town shall continue to cooperate with the County to comply with the latest State regulations regarding the disposal of solid waste. The Town Clerk is the Town liaison with the County.

### 3. ANALYSIS

As previously noted, the solid waste generated in Town is currently meeting the adopted level of service standard of 6 pounds per person per day. the Town has assessed the projected solid waste needs based on the 2035 population projections.

The adopted solid waste level of service is 6 pounds per person per day. As such, the Town is expected to generate about 15,000 pounds a day of garbage in 2035 (see Table 3). The Town shall continue to monitor the adopted LOS standards through the annual concurrency review and identify and address all deficiencies during the planning period.

**TABLE 3: SOLID WASTE LEVEL OF SERVICE PROJECTIONS, 2020-2035**

Year	Population	Adopted LOS Standard	Pounds per Year	Pounds per Day
2020	1,764	6 pounds per person per day	3,863,160	10,584
2025	2,118	6 pounds per person per day	4,638,420	12708
2030	2,330	6 pounds per person per day	5,102,700	13,980
2035	2,493	6 pounds per person per day	5,459,670	14,958

Sources: Town of Howey-in-the-Hills and TMH Consulting, Inc., March 2010.

Like all local governments in Lake County, Howey-in-the-Hills uses the Lake County landfill for its solid waste needs. At the current time, the Town has no plans to change its solid waste collection methods. The Town shall continue to cooperate with the County on recycling efforts. There is sufficient capacity to support the Town's solid waste disposal needs through the end of the planning period.

Hazardous wastes are corrosive, toxic, flammable, or reactive substances that may harm public health and the environment. Some examples of hazardous wastes are motor oil, paints, pesticides, fluorescent light bulbs, and pool chemicals. Hazardous wastes are collected at the Household Chemical Collection Center, near the Phase II landfill, or at the residential drop-off facilities. The County also operates a mobile hazardous waste

disposal unit. The 302 Facilities in Town are presented in Table 4 below. A detailed inventory of the facilities with small quantity generators in and/or adjacent to the Town is available from the County.

**TABLE 4: 302 FACILITIES IN TOWN**

SERC ID	Facility Name
5817	Silver Springs Citrus
8283	Town of Howey-in-the-Hills – Well 2
8444	Bella Vista Golf and Yacht Club
23119	Town of Howey-in-the-Hills – Well 2

Source: East Central Florida Local Emergency Planning Committee Hazardous Materials Emergency Response Plan 2008 Current Revision.

The Town has no hazardous waste landfill or any hazardous waste management personnel. No system for household collection of such waste has yet been established, however as County regulations are formulated, the Town will comply and citizens are urged to use County facilities and collection days.

## **D. DRAINAGE**

### **1. INTRODUCTION**

Drainage is the conveyance, treatment and attenuation of water generated from storm events. Drainage systems are designed to safely and efficiently manage stormwater to reduce the threat to human safety and property from flooding caused by stormwater. The adequacy and efficiency of a drainage system depends upon variables such as:

- system capacity,
- intensity and duration of a storm event,
- topography, and
- soil permeability, and level of the water table.

Drainage systems designed to accommodate stormwater from a rainfall event of average intensity and duration may be unable to accommodate stormwater generated by an exceptionally intense or long rainfall event. These variables, as well as physical limitations such as elevation and available land, and cost are considered in the planning of drainage systems.

This section addresses major natural drainage features, existing facilities and programs, and opportunities for stormwater management in Howey-in-the-Hills.

## 2. EXISTING CONDITIONS

The Town regulates and enforces stormwater drainage through its Land Development Regulations and the concurrency requirements of this *Comprehensive Plan*. The Town has established the minimum drainage level of service standard for water quality as:

Facility Type	Pollution Abatement Treatment
Retention with Percolation or Detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater

In addition, the Town's land development code requires that stormwater management systems be designed based on the 10-year, 24-hour storm at minimum, but must also address the effects of the 25-year, 24-hour storm.

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 into Little Lake Harris. The Town has received one grant to install a baffle box to collect materials and allows for sediment removal before the water gets to the lake. The Town intends to apply for similar grants in the future. Most of this runoff is a result of the construction of State Road 19 through Howey-in-the-Hills years ago. 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 drainage systems. 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 with regard to stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

The guidelines established in the Town's Land Development Regulations are consistent with the applicable stormwater drainage requirements of the County, State, and Federal agencies. The Town's drainage facilities are operated (maintained) by Town staff or by Homeowners' Associations.

The Town is situated in the Ocklawaha River watershed in the Howey Slough, Lake Harris and Eustis, Little Lake Harris, and Little Everglades drainage basins. The Ocklawaha River watershed covers 2,769 square miles from the Green Swamp in Polk County and Lake Apopka sub-basins north through the Rodman Reservoir to the river's discharge into the St. Johns River near the town of Welaka. Along the way the river receives water from Silver Springs via Silver River and Orange Creek. It is the largest tributary watershed of the St. Johns River.

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 150 feet above sea level and drops to near 60 feet at Little Lake Harris. Neither differential creates serious problems in the Town. An extract of the U.S. Geological Survey topographical map is featured on the Town's *Contour Map*.

Palm Avenue (State Road 19) has storm sewers along both sides of the street with sewer openings approximately every 200 feet. The concrete pipe carrying stormwater measures 15" inside diameter. Additional stormwater openings are located at the following intersections with Lakeshore Drive:

- East Croton Way
- East Laurel Avenue
- East Magnolia Avenue
- East Pine Street
- East Oak Street
- East Central avenue
- East Myrtle Street
- East Lakeview Avenue

Stormwater enters these sewer openings and is believed to exit directly into Little Lake Harris further down the slope to the east. The remaining stormwater percolates into the soil or runs over the surface to the lowest point, Little Lake Harris. These systems were constructed several decades ago, and the Town does not have access to those construction plans. As such, information on the design capacity of the system is unknown.

There is a 4'x 25'x100' retention basin behind the post office located on West Central Avenue. This system was designed to capture the stormwater runoff from the impervious surfaced parking lot in front of the building.

There has been no backup of the system from Palm Avenue down toward Lakeshore Blvd. during precipitation events in the past 25 years. There has also been no flooding in Town.

### **3. ANALYSIS**

The Town requires that all new development provide evidence to show that level of service (LOS) ratings in stormwater conveyances serving the new development will not be degraded to an LOS lower than currently exists as a result of the new development's construction and stormwater runoff contribution.

The Town is concerned about the stormwater runoff into Little Lake Harris. As stated earlier, the Town was awarded a grant to address this issue and plans to install additional improvements as funds become available. Howey-in-the-Hills shall also work with Lake County in an educational and enforcement program regarding measures to conserve and protect the water quality of Little Lake Harris.

Due to the terrain which slopes towards Little Lake Harris, run-off in the eastern areas of Town quickly enter the lake. As such, Lakeshore Blvd. is subject to heavy silting after storms. To preserve and restore the water quality of Lake Little Harris, a berm and swale drainage facility parallel to the shoreline would retard flow and catch soils and contaminants carried by runoff.

A Stormwater Master Plan for the Downtown area is currently underway. This Plan will address current and future stormwater needs as development and redevelopment occurs along Central Avenue and State Road 19 and down to Little Lake Harris.

The Town shall continue to enforce the stormwater standards established in the Town's Land Development Regulations and this *Comprehensive Plan*. Once the *Downtown Stormwater Master Plan* is completed, projects will be included in the Town's *Capital Improvements Program* as funds become available.

## **E. POTABLE WATER**

### **1. INTRODUCTION**

The source of Howey-in-the-Hills's potable water is the Floridan Aquifer. The Town's potable water system provides water for both residential and non-residential purposes, including fire-fighting demands.

This section presents the existing conditions and capacity of the water treatment, storage and distribution components in the system, calculates the current level of service, and uses it to determine future growth demand on the potable water system.

## 2. EXISTING CONDITIONS

The Town's water system consists of two water plants located approximately one mile apart with a total of three active wells, one out-of-service well, one 500,000 gallon ground storage tank and one 15,000 gallon hydropneumatic tank. The elevated storage tank remains in place but is not active.

The oldest water plant is located on Central Avenue west of State Road 19 in the central part of town. The roughly triangular-shaped parcel upon which this plant is located is bounded on the east by Grant Street, on the south by West Central Avenue and on the north by Lake Illinois.

The second water plant is located in the north part of town at the intersection of State Road 19 and County Road 48 and is referred to as the "North plant".

Florida Department of Environmental Protection records indicate that the design capacities for two plants are 1.8 million gallons per day (mgd) 0.72 mgd respectively, for a combined design capacity of 2.52 mgd. In 2017 the system pumped 314,000 gallons on the average day and the peak day in March was 792,400 gallons. The Town holds a current consumptive use permit for 10 MGD and is the process of amending its CUP as the Town current supplies volumes in excess of this level with consumption reaching 12 MGD.

The Town's Public Works Department is responsible for ensuring the minimum line pressure is maintained or exceeded. Digital electronic pressure recording devices monitor and record pressure readings. In addition to these measures, electronic pressure monitors that display the distribution pressure 24-hours-per-day are located at the water production facilities. The Town is currently meeting the 20 pounds per inch adopted level of service standard.

The Town provides water to all residential and non-residential uses within the Town limits as well as within its Utility Service Area (see the Town's *Utility Service Area Map*). There are no private water treatment plants in Town. There are 2 private wells for the Mission Inn complex located in the unincorporated enclave surrounded by the Town along County Road 48. The one well is used for irrigating the golf course and the other well is for drinking water. The Town has enacted an ordinance to prohibit the installation of any new private wells for drinking or watering vegetation. The Town requires all new subdivision developments to tie into the Town's water system. There are no records indicating the number of private wells in the Town since no permits were required if wells were less than 4 inches in size. A large percentage of the private wells are under this size. Those private, commercial or agricultural wells that may exist and may be in use are not connected to, nor are they intended or allowed to be connected to the Town's water distribution system.

The Town has periodically made improvements to the potable water system and is now in the process of doing a comprehensive evaluation and master plan update including full modeling. The plan update is expected to be completed in late 2018 and will provide recommendations for system improvements. Once complete, this study will be used to identify prioritized projects for inclusion in the capital improvements program.

### 3. ANALYSIS

The Town will continue to be the supplier of potable water within the Town limits as well as within the Town's Utility Service Area. The Town will also continue to monitor and maintain the potable water services provided in the Town's Utility Service Area during the planning period.

The Town shall continue to enforce the guidelines established in the Town's Cone of Influence and Wellhead Protection Areas. The Town's Wellhead Protection Areas are featured on the Town's *Existing Land Use Map* and *Future Land Use Map*.

The Town shall continue to promote the following principles of xeriscape landscaping to be used for new developments or for new houses in older portions of the Town:

- appropriate planning and design.
- use of soil amendments.
- efficient irrigation.
- practical turf areas.
- use of drought tolerant plants.
- use of mulches; and
- appropriate maintenance.

The Town shall continue to work with Lake County and the St Johns River Water Management District to encourage water conservation through a combined program of public education and plumbing and irrigation system retrofits and refinements.

The Town shall continue to enforce the standards established in the adopted *Water Conservation Ordinance* and *Landscaping Ordinance* as strategies to conserve water in the Town's Utility Service Area. Additionally, the Town has adopted an inclined block rate structure in order to provide a financial incentive to its customers to conserve water.

In order to meet long term needs the Town will need to make adjustments to the water supply and distribution system as well as increase its consumptive use permit. The ongoing potable water master plan will provide the specific guidance on improvements necessary to meet future demands.



## **F. NATURAL GROUNDWATER AQUIFER RECHARGE**

### **1. INTRODUCTION**

Recharge is a process whereby rainfall percolates downward through the soil to reach the underlying aquifers. Indicators which help to identify recharge areas are soil type, texture, slope and land use. Water percolates more efficiently through soils with coarse texture than through clay and organic textured soils.

The slope and land use affect the length of time that water is retained. Therefore, these factors affect how much water will percolate or run off the surface. If land is covered by impervious surfaces such as buildings, parking lots and roads, then little recharge can occur. Lateral seepage must occur under these areas for any recharge function to exist. Recharge can be preserved either through land use intensity controls or design requirements for maintaining or improving recharge.

The geology in Lake County is similar to other areas in Central Florida. At the surface are deposits of sands. These sands grade to finer materials and contain more silts and clays with depth. These surficial deposits range in thickness from a few feet to hundreds of feet. Underlying the sands in most areas of the County is a confining bed of clay. These clays are generally considered a part of the Hawthorn formation. Below the clay are thick sequences of carbonate rocks -- limestone, dolomitic limestones, and dolomite.

The St Johns River Water Management District has designated a large portion of Lake County as a “Priority Water Resource Caution Areas”. These are areas where existing and reasonably anticipated sources of water and conservation efforts may not be adequate (1) to supply water for all existing legal uses and reasonably anticipated future needs and (2) to sustain the water resources and related natural systems.

The Floridan aquifer is the principal source of drinking water for Lake County. Most of the water in the Floridan aquifer is derived from the County’s average annual rainfall of approximately 48 inches. The County’s annual recharge rate to the Floridan aquifer averages about 7 inches per year (in/yr). Recharge rates range from as high as 20-30 in/yr or greater on the Lake Wales and Mount Dora Ridges to 0 in/yr in the area along the St. Johns River and the Ocala National Forest. Additional recharge also occurs through drainage wells drilled into the Floridan aquifer to dispose of excess surface water in Ocala and western Orange County. Recharge to the surficial aquifer system, and consequently to the FAS, is augmented locally by artificial recharge - wastewater land application, rapid-infiltration basins, and septic systems. The recharge rate in Howey-in-the-Hills and the surrounding area is 1 to 10 inches per year and the discharge rate is less than 1 inch per year.

## 2. Analysis

The Town enforces recharge provisions through the guidelines and standards established in this *Comprehensive Plan*.

The Town shall continue to protect the groundwater and aquifer recharge by enforcing the standards established in the Town's Cone of Influence and Wellhead Protection Areas. The Town shall also continue to protect and conserve the groundwater by restricting development on environmentally sensitive lands.

The Town's well drained sandy soils, lakes and ponds, wooded areas, and grassy yards contribute to water recharge. The larger residential lots also contribute to the water recharge in the area. The Town's stormwater regulations have been identified and discussed earlier and contribute to recharge.

There are no known groundwater recharge problems in Howey-in-the-Hills. The Town shall continue to protect the quality of groundwater recharge through enforcing the Town's Land Development Regulations. The quality of groundwater recharge shall also be protected by ensuring that all stormwater conveyances serving new development does not degrade the LOS lower than currently exists as a result of the new development's construction and stormwater runoff contribution.

The Town's Land Development Regulations and the *Goals, Objectives* and *Policies* in this *Comprehensive Plan* are adequate measures focused on the protection of the ground water and aquifer recharge in the Howey-in-the-Hills area.

## G. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

### GENERAL APPLICATIONS

**GOAL 1:** Assure provision of sanitary sewer, solid waste, potable water, and drainage facilities and services that efficiently maximize capacity of existing facilities, promote managed growth, protect public health and safety, and maintain environmental quality, with consideration to limited financial resources.

**OBJECTIVE 1.1:** *Implement a Capital Improvement Schedule.* The Town's *Five-Year Capital Improvement Schedule* established within the *Capital Improvements Element* shall adequately time improvement needs with available funding and location of development. This *Improvement Schedule* shall be consistent with public facility improvement needs identified within this *Comprehensive Plan*.

**POLICY 1.1.1:** *Evaluation of Capital Improvement Schedule.* The Town shall annually evaluate (during the annual concurrency review established in the *Capital Improvements Element*) the implementation of capital improvements proposed within the *Capital Improvement Program* and rank improvements according to priority of need.

**POLICY 1.1.2:** *Criteria for Ranking and Evaluating Capital Improvements.* Proposed Capital Improvement Projects shall be evaluated and ranked according to the following priority level guidelines:

- 1.) *Indicated Need:* Implementation is needed to:
  - Protect public health, safety, and environmentally sensitive natural resources;
  - Comply with State or Federal requirements to provide facilities and services;
  - Preserve or maximize the use of existing facilities; and
  - Improve efficiency of existing facilities.
- 2.) *Additional Facility Needs:* Implementation is needed to:
  - Eliminate facility or capacity deficiencies for service provided to existing developed areas; and
  - Extend facilities and expand capacities in a manner consistent with the Future Land Use Element goals, objectives, and policies and the Future Land Use Map.

- 3.) ***Adequate Funding:*** Adequate Funding for a project shall be available prior to its commencement, and project cost shall not cause accrued debt obligation to exceed beyond the limits of the Town's debt capacity.

**POLICY 1.1.3:** ***Deficiencies of Capital Improvements.*** In the event deficiencies should develop in the provision of public facilities, the Town shall grant existing deficiencies priority among capital improvements scheduled within the *Capital Improvement Program*. The Town shall issue no development permits for new development that will result in an increase in demand on deficient facilities.

## SANITARY SEWER FACILITIES

**OBJECTIVE 1.2:** ***Assure Availability of Capacity.*** Assure that adequate sanitary sewer capacity is available to support demands generated by existing and new development during the planning period concurrent with the issuance of a development permit or at the time service will be demanded.

**POLICY 1.2.1:** ***Level of Service Standards.*** The Town hereby adopts the following level of service standard for sanitary sewer by which development shall be evaluated for demand generation:

Dwelling Unit - 120 gallons per day, per resident

**POLICY 1.2.2:** ***Minimum Design Capacity of On-Site Septic Tank Systems.*** The Town shall allow septic tanks that are designed in accordance with the criteria established and enforced by the Lake County Health Department.

**POLICY 1.2.3:** ***Compliance with Levels of Service.*** During the development review process, the Town shall require new development and redevelopment projects to provide written evidence of compliance with the sanitary sewer level of service standards and with the minimum design capacity for on-site septic tank systems.

**POLICY 1.2.4:** ***Compliance with State and County Regulations.*** During the development review process, the Town shall require applicants for development orders or permits to demonstrate compliance with applicable State permit requirements for on-site septic tanks, as administered by the Florida Department of Health and Rehabilitative Services in conjunction with the Lake County Health Department.

**POLICY 1.2.5:**      ***Concurrency Management System: Wastewater.*** The Town's *Concurrency Management System* shall be used as a measure to monitor the sanitary sewer system, evaluate compliance with the adopted level of service standards, and ensure consistency with the *Future Land Use Element* and *Future Land Use Map* in order to assure that septic tank systems, as well as any other sanitary sewer system which may be installed, comply with goals, objectives, and policies set forth herein. The *Concurrency Management System* shall be reviewed and updated to indicate current capacity conditions during the annual concurrency review.

**POLICY 1.2.6:**      ***Provision of Wastewater Treatment.*** The Town shall maintain its agreement with the Central Lake Community Development District for the provision of sanitary sewer treatment services and coordinate with the Central lake CDD on system capacities and connections.

**POLICY 1.2.7:**      ***Wholesale Wastewater Treatments.*** The Town shall continue to monitor and enforce the guidelines provided in the wholesale wastewater treatment agreements established with the Central Lake Community Development District. The Town shall also provide coordination with any future wastewater treatment providers established within the Town's Utility Service Area Boundary.

**OBJECTIVE 1.3:**      ***Deficiencies in Sanitary Sewer and Septic Tank Services.***  
Identify and correct any deficiencies in the operation of sanitary sewer/septic tank systems.

**POLICY 1.3.1:**      ***Identify and Correct Existing Deficiencies.*** The Town shall notify the Lake County Health Department of any complaints registered by citizens or businesses pertaining to any septic tanks not functioning properly. The Town shall request that the Lake County Health Department notify them of any septic tanks found not to be performing properly.

**OBJECTIVE 1.4:**      ***Meet Future Demands.*** Provide additional facilities and capacities to meet demands generated by future development during the planning period.

**POLICY 1.4.1:**      ***Establishing Interlocal Agreements with Wastewater Treatment Providers.*** The Town shall maintain its agreement with the Central Lake Community Development District for the provision of sanitary sewer treatment services and coordinate with the Central lake CDD on system capacities and connections. The Town shall own and maintain the collection system of such

wastewater treatment facilities. The Town may also investigate the option of establishing its own wastewater treatment plant.

**POLICY 1.4.2:** *Provision of Facilities.* All development shall be required to have on-site sanitary sewer or septic tank services operating prior to the issuance of a certificate of occupancy.

**POLICY 1.4.3:** *State Grant Funds.* The Town shall continue to research available State grant funds applicable for infrastructure needs/feasibility studies for local governments.

## SOLID WASTE

**OBJECTIVE 1.5:** *Assure Availability of Capacity.* Assure that adequate solid waste collection and disposal capacities are available to support demands generated by existing and new development concurrent with the issuance of a development permit or at the time service will be demanded.

**POLICY 1.5.1:** *Level of Service Standards.* The Town hereby adopts a minimum level of service standard for solid waste collection services of 6 pounds per day per resident.

**POLICY 1.5.2:** *Collection of Solid Waste.* The Town shall annually evaluate the performance of services provided by commercial solid waste collection businesses which hold an established franchise agreement to provide such services to customers in Howey-in-the-Hills.

**POLICY 1.5.3:** *Disposal of Solid Waste.* The Town shall continue to use Lake County landfills and the trash burning facility, or other County disposal facilities, through year 2025 for final disposal of solid waste.

**POLICY 1.5.4:** *Coordinate Solid Waste Programs with Lake County.* The Town shall coordinate with Lake County on an annual basis to:

- a.) assure that Howey-in-the-Hills is allocated a proportional share of capacity in County-operated land fills, or other disposal facilities;
- b.) reduce solid waste disposal levels through recycling programs administered by Lake County;
- c.) offer assistance to Lake County in the management of hazardous waste as pursuant to State regulations (403.7265, F.S.).

**POLICY 1.5.5:**      *Concurrency Management System: Solid Waste.* The Town shall monitor performance of solid waste collection services, available capacities, and compliance with levels of service through its *Concurrency Management System*.

**OBJECTIVE 1.6:**      *Deficiencies in the Solid Waste Services.* Identify and correct any deficiencies in the provision of solid waste collection and disposal facilities and services.

**POLICY 1.6.1:**      *Existing Landfill Deficiencies.* The Town shall coordinate with Lake County to confirm the County's progress relating to alternative disposal facilities needed to replace the Astatula landfill.

**POLICY 1.6.2:**      *Coordinate with Lake County Hazardous Waste Management.* The Town shall coordinate with Lake County Environmental Utilities Department regarding hazardous waste management to reduce potential threat to public health and safety, and to environmental quality.

**OBJECTIVE 1.7:**      *Maximize Use of Existing Facilities.* Prevent the formation of unauthorized dumping sites within the Town to maximize use of existing facilities and to protect public health and safety.

**POLICY 1.7.1:**      *Removal of Unauthorized Dumping Sites.* The Town shall remove, or require landowners to remove, any unauthorized dumping sites that may gather on private property. The Town shall remove any unauthorized dump sites on public property.

## POTABLE WATER

**OBJECTIVE 1.8:**      *Assure Availability of Capacity.* Assure that adequate potable water capacities are available to support demands generated by new development concurrent with the issuance of a development permit or at the time service will be demanded.

**POLICY 1.8.1:**      *Level of Service Standards.* The Town hereby adopts the following overall potable water level of service standards by which development shall be evaluated for demand on the water system capacity and for demands generated by development:

Overall System Demand - 242.0 gallons per day per capita  
Residential Uses:      150.8 gallons per day per resident

**POLICY 1.8.3:** *Minimum Storage Capacity.* Minimum storage capacity of the Town water system shall provide the following gallons:

Year	Gallons
2010	500,000
2015	520,000
2020	530,000
2025	530,000

**POLICY 1.8.4:** *Minimum Line Pressure.* The Town potable water distribution system shall provide a minimum pressure of 20 pounds per square inch (p.s.i.) to provide adequate service for potable water demands and to meet fire flow pressure requirements. Maximum pressure will not exceed 100 p.s.i.

**POLICY 1.8.5:** *Compliance with Minimum Level of Service, Storage Capacity, and Line Pressure.* The Town shall issue development orders or permits predicated on demonstrated compliance with the potable water level of service standards, minimum line pressure standards, and available storage capacity. All development or redevelopment projects, with regards to potable water, shall comply with all relevant federal, state, and local permit requirements.

**POLICY 1.8.6:** *Concurrency Management System: Potable Water.* The Town shall enforce the guidelines established in its *Concurrency Management System* regarding potable water facilities and services provided to the Town of Howey-in-the-Hills.

**OBJECTIVE 1.9:** *Deficiencies in the Water System.* Identify and correct any deficiencies in the water system, including storage and distribution facilities.

**POLICY 1.9.1:** *Identify and Correct Existing Deficiencies.* The Town shall evaluate available capacity and performance of the water system on an annual basis, during the Town's *Concurrency Management System* review.

**OBJECTIVE 1.10:** *Meet Future Potable Water Demands.* Provide additional facilities and capacities to meet water demands generated by future development during the short-range (2011-2015) and long-range (2025) planning period.

**POLICY 1.10.1:** *Mandatory Connection to System.* The Town shall require all new development to connect to the Town's Water System.



**POLICY 1.10.2:**     ***Available Capacity Prior to Development.*** The Town shall assure adequate water capacity is available prior to the issuance of a development order or permit. The evaluation of adequate water capacity shall be based on procedures established within the Town's *Concurrency Management System*.

**POLICY 1.10.3:**     ***Developing Cost-effective and Technically Feasible Water Resources.*** The Town shall coordinate with the St. Johns River Water Management District, Lake County, and other local governments or private utility providers to develop cost-effective and technically feasible water resources that will satisfy and supplement future demands without causing adverse impacts to water quality and quantity, wetlands, aquatic systems, or the environment.

**OBJECTIVE 1.11:**   ***Maximize Use of Existing Facilities and Minimize Urban Sprawl.*** Direct growth to areas currently serviced by the water system to maximize use of existing facilities and to minimize urban sprawl.

**POLICY 1.11.1:**     ***Coordination with the Future Land Use Map.*** The extension of potable water services shall be consistent with land use allocations delineated on the *Future Land Use Map*; with goals, objectives, and policies established in the *Future Land Use Element* of the Town's *Comprehensive Plan*; and with the plans and policies of the St. Johns River Water Management District.

**POLICY 1.11.2:**     ***Availability of Adequate Water Supplies to Serve Development.*** The Town shall issue no development orders or development permits without first consulting with the utility service provider (Town of Howey in the Hills Public Works Department) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the Town of a certificate of occupancy or its functional equivalent. The Town will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

**OBJECTIVE 1.12:**   ***Conservation of Potable Water Supplies.*** The Town shall promote the conservation and responsible use of its potable water resources.

**POLICY 1.12.1:**     ***Conservation of Potable Water Supplies.*** The Town shall conserve its potable water supplies through the implementation of water conservation techniques and programs. Such techniques and programs may include, but are not limited to:

1. Requiring installation of water conserving plumbing fixtures in new and renovated buildings which are, at minimum, consistent with the requirements of the State Water Conservation Act (s. 553.14, F.S.). The development review process shall include a review of development applications to assure such fixtures will be installed. No certificate of occupancy shall be issued unless such fixtures are in place concurrent with deadlines established for water facilities within the Town's Concurrency Management System.
2. Implementing a soil moisture monitoring and rain sensor device distribution program.
3. Promoting native and drought tolerant landscaping that incorporates the principles of design, appropriate plant selection, soil improvement, efficient irrigation, mulching, turf concentration, and proper maintenance.
4. Promoting water reuse and/or reclamation, where appropriate, for landscape and farm irrigation, and other appropriate applications.
5. Distribute educational materials provided by the St. Johns River Water Management District to residents and businesses through water bill mailings which describe sources of water consumption and opportunities for conservation.
6. Implementation of a leak detection program in order to discover and curtail wasteful losses of potable water from the public water supply delivery network.
7. Check the performance of water meters connected to the Town's well system on a regular basis to assure proper functioning. Replace malfunctioning system meters.
8. Encouraging residents to use sensors and controls such as rain shutoff sensors, soil moisture sensors, or evapotranspiration controllers for in-ground irrigation systems.

**POLICY 1.12.2:** *Protection and Conservation of Water Supplies and Future Demand.* The Town shall continue to implement development regulations to further the protection and conservation of potable

water supplies and delay the future demand for alternative water supplies. Such strategies shall include, at minimum, the following programs or standards:

- Water wise principles and site design standards.
- Appropriate plant selection and location standards.
- Encouraging new residential, commercial, and mixed-use developments to incorporate programs such as Florida Water Star<sup>SM</sup>, ENERGY STAR, the Florida Green Building Coalition's Green Home and Development Standards, Florida Yards and Neighborhood Program, and the U.S. Green Building Council's LEED program that encourages water efficiency in household appliances, plumbing fixtures, irrigation systems, and landscapes;
- Promotion of Low Impact Development standards.
- Irrigation design and installation standards; and
- Establishing incentives for developments that incorporate strategies that promote the reduction in the use of water and the protection of the environment and natural resources.

**POLICY 1.12.3:** *Alternative Water Supply Efforts.* To further reduce the demand for potable water, the Town shall explore all financially feasible alternative water supply efforts that can be implemented by the Town.

**POLICY 1.12.4:** *Coordination with Appropriate Agencies.* The Town shall coordinate with appropriate agencies regarding the identification and implementation of alternative water supply projects, resource allocations, and changes in the Town's Utility Service Area.

**POLICY 1.12.5:** *Potable Water Service Connection Meters.* The Town shall ensure that all potable water service connections are metered.

**POLICY 1.12.6:** *Water Conservation Plan.* The Town shall implement all features established in the Water Conservation Plan submitted to the St. Johns River Water Management District as part of the Consumptive Use Permit process.

**POLICY 1.12.7:** *Leak Detection and Repair Program.* The Town shall conduct an annual water audit of the Town's water system and implement a leak detection and repair program if the system losses and unaccounted for water utility uses exceed 10 percent.

- POLICY 1.12.8:** *Maintaining an Overall Water Conservation Program.* The Town shall maintain an overall water conservation program that includes an educational program, periodic revisions to the Town's Water Conservation and Landscape Ordinances, and other innovative measures.
- POLICY 1.12.9:** *Maintaining a Progressive Water Rate Schedule.* The Town shall maintain a progressive water rate structure to encourage the conservation of potable water. The Town will implement the water rate structure consisting of a base rate and six increasing rate blocks as adopted in Resolution #2007-001. This rate structure will be reviewed periodically and revised as needed to continue to serve as a financial incentive to conserve water.
- POLICY 1.12.10:** *Metering all Irrigation Water Uses.* The Town shall establish a program to meter all irrigation water uses, regardless of source.
- POLICY 1.12.11:** *Sub-metering of Large Water Customers.* The Town will continue to require sub-metering of all large water customers such as shopping centers and apartment complexes. Large meters will not be allowed for multiple-unit developments.
- POLICY 1.12.12:** *Including Specific Data on Monthly Water Bills.* The Town will continue to include on monthly water bills, information showing previous usage and current usage, and will print water conservation tips on the water bills on a quarterly basis.
- POLICY 1.12.13:** *Supporting Water Shortage and Conservation Plans and Monitoring Irrigation Use.* The Town will continue to support District-promulgated water shortage and water conservation plans. The Town will continue to monitor irrigation use and will notify users of irrigation systems when improper watering practices are observed.
- POLICY 1.12.14:** *Providing Potable Water Interconnection for Emergency Purposes.* The Town shall continue to provide potable water interconnection with the Central Lake Community Development District, the Mission Inn, and adjacent municipalities for emergency purposes.
- POLICY 1.12.15:** *Coordinating with Adjacent Utility Service Providers.* The Town shall coordinate with adjacent utility service providers to establish

interlocal agreements for the supply of non potable water within the Town's Utility Service Area.

**OBJECTIVE 1.13:**      ***Consistency of Town's Water Supply Plan.*** Ensure consistency with the Town's adopted *Water Supply Facilities Work Plan*, the *Comprehensive Plan*, and the St. Johns River Water Management District's *Water Supply Facilities Plan*.

**POLICY 1.13.1:**      ***Adoption of Water Supply Work Plan.*** The Town hereby adopts by reference the goals, objectives, and policies in the Town's *10-year Water Supply Facilities Work Plan (2010-2020)* to ensure that the adopted *Comprehensive Plan* is consistent with and compatible to the adopted *Work Plan*.

**POLICY 1.13.2:**      ***Assessing SJRWMD's Water Supply Facilities Work Plan.*** The Town of Howey-in-the-Hills' *Water Supply Facilities Work Plan (Work Plan)*, shall assess existing and projected water sources and needs for at least a 10-year planning period and consider the *Regional Water Supply Plan* of the St. Johns River Water Management District. The *Work Plan* shall identify traditional and alternative water supply sources that the Town may use to meet existing and projected water demands. The alternative water supply projects in the *Work Plan* will be selected from the applicable District's *Regional Water Supply Plans* or otherwise proposed by the Town.

**POLICY 1.13.3:**      ***Update of the Town's Water Supply Facilities Work Plan.*** Howey-in-the-Hills shall coordinate with the St. Johns River Water Management District during updates to their *Regional Water Supply Plan*, to identify potentially feasible alternative water supply projects in the Town and to ensure that alternative water supply options for the Town are included in the forthcoming *District Water Supply Plan 2010*. Within 18 months of the adoption of the St. Johns River Water Management District's *Water Supply Plan*, the Town shall complete updates of the appropriate elements and adopt related plan amendments in order to address all of the 10-year water facilities supply work plan components of Chapter 163, F.S. The Town shall also update its *Water Supply Facilities Work Plan* every five years, within 18 months of the adoption of the South Florida Water Management District *Regional Water Supply Plan*.

**POLICY 1.13.4:**      ***Development, Support, and Priority of the Regional Water Supply Plan.*** The Town will continue to participate in the development of the St. Johns River Water Management District's

*Regional Water Supply Plan (RWSP)*, support the recommendations of the *RWSP*, and prioritize projects identified in the *RWSP* that are within the Town's limits.

## DRAINAGE

**GOAL 2:** Assure adequate drainage capacity to protect public health and safety, and investment in property against flood conditions and to prevent deterioration of ground and surface water quality.

**OBJECTIVE 2.1:** *Assure Available Drainage Capacity.* Assure that available natural and man-made drainage features provide adequate capacity to receive, retain, detain, and release stormwater in a timely manner.

**POLICY 2.1.1: *Minimum Drainage Level of Service – Water Quantity.*** The Town hereby adopts, for existing as well as new development, the following minimum stormwater drainage level of service standards for retention volume and design storm:

- a. Retention Volume – Complete retention of the post-development minus the pre-development run off occurring at the established design storm.
- b. Design Storm – The following interim level of service standards will be used until the *Comprehensive Plan* is amended to incorporate findings and recommendations of the *Storm Water Master Plan* update:

Facility Type	Design Storm
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention/Retention Structures <sup>1</sup>	For the Probable Maximum Precipitation as required by SJRWMD
Minor Detention/Retention	25 Year

Structures <sup>1</sup>	
Development occurring in the 100-year Flood Zone must elevate the first floor 18" above the 100-year Flood Elevation	

<sup>1</sup> Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

**POLICY 2.1.2:** *Minimum Drainage Level of Service – Water Quality.* The Town hereby adopts, for existing as well as new development, the following minimum stormwater drainage level of service standards for pollution abatement treatment:

Facility Type	Pollution Abatement Treatment <sup>2</sup>
Retention with percolation or Detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

<sup>2</sup> If the site's runoff directly discharges to Class I, Class II, or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

**POLICY 2.1.3:** *Erosion and Sediment Controls.* The provisions in the Land Development Regulations regarding erosion and sediment controls for construction occurring in all areas and soils throughout the Town, particularly areas adjacent to surface waters and natural drainage ways shall be enforced by the Town.

**OBJECTIVE 2.2:** *Existing Drainage Deficiencies.* Identify and correct any deficiencies in the natural and man-made drainage features.

**POLICY 2.2.1:**      ***Correct Identified Drainage Deficiencies.*** Upon completion of the Town's *Town Center Stormwater Master Plan*, the Town shall amend the *Comprehensive Plan* to include any recommended drainage improvements or deficiencies. Recommended improvements shall be added to the Town's *5-year Schedule of Capital Improvements* as funds become available.

**POLICY 2.2.2:**      ***Use of Retention Ponds in Stormwater Management.*** The Town shall utilize retention ponds, or other methods as recommended by the Town's *Stormwater Management Master Plan*, to abate the flow of untreated stormwater run-off.

**OBJECTIVE 2.3:**      ***Control Impacts of Future Stormwater Runoff.*** Control impacts of future stormwater runoff and associated impacts to water quality.

**POLICY 2.3.1:**      ***Protect Natural Drainage Ways.*** The Town shall protect natural drainage ways by managing development with the following requirements:

- a.      ***Shoreline Protection Zone.*** To protect the lakefront from the encroachment of development, the Town shall establish a shoreline protection zone for Little Lake Harris and Lake Illinois. Development within the shoreline protection zone, as described in Policy 1.2.3 of the *Conservation Element*, shall be limited to recreation, conservation, or other open space land uses.
- b.      ***Protection of Floodplain.*** The Town shall restrict future development with the 100-year flood zones to recreation and conservation land uses. The Town shall also restrict alteration of floodplain and major drainage ways, the establish conditions on existing undeveloped, platted and subdivided land uses within such areas.
- c.      ***Open Space Requirements.*** The *Future Land Use Element* and the *Future Land Use Map* shall establish land use types and densities which are compatible to the preservation of permeable ground surface areas. Impervious surface ratios and open space requirements shall be established by the Town, which in turn shall be consistent with hydrogeological and soil characteristics controlling development densities. The *Future Land Use Element* shall include open space and impervious surface ratios for all land use categories.



- d. ***Promote On-Site Retention and Natural Percolation of Surface Water to Groundwater Aquifers.*** The Town shall require developments to install on-site retention structures that promote percolation of surface water to the groundwater aquifer.

**POLICY 2.3.2:** ***Coordinate Watershed Management with Federal, State, and Local Agencies.*** Assure coordination of watershed management plans and policies with the Lake County, St. Johns River Water Management District, East Central Regional Planning Council, Florida Department of Environmental Protection, Florida Department of Agriculture, and the U.S. Corp. of Engineers, and other appropriate agencies.

**OBJECTIVE 2.4:** ***Integration of Natural Drainage Features.*** Maximize the integration of existing natural drainage ways and retention ponds to assist in the management of stormwater runoff.

**POLICY 2.4.1:** ***Wetlands for On-Site Stormwater Storage and Natural Drainage.*** Wetlands serve as natural collectors of stormwater and as natural filters of sediments and contaminants carried in such waters. The Town shall review proposed developments for best applicable integration of natural drainage features and wetland storage areas as contributing components to on-site stormwater management. Primary on-site stormwater management will consist of constructed facilities.

## GROUNDWATER AQUIFER RECHARGE

**GOAL 3:** Protect and maintain groundwater aquifer high recharge areas.

**OBJECTIVE 3.1:** ***High Recharge of Stormwater to Groundwater Aquifers.*** Promote high recharge of stormwater to groundwater aquifers with consideration to retention time to reduce potential for downward percolation of contaminants into groundwater supplies.

**POLICY 3.1.1:** ***Preserving Permeable Surface Area.*** The *Future Land Use Element* and the *Future Land Use Map* shall establish land use types and densities which are compatible to the preservation of permeable ground surface areas. Impervious surface ratios and minimum open space requirements are discussed in Policy 1.1.2 in the *Future Land Use Element*.

**POLICY 3.1.2:** ***On-Site Stormwater Retention.*** On-site retention structures for new development shall be designed for net retention and

infiltration of pre-development recharge to groundwater aquifers. Chapter 40C-42, FAC calls for retention of the first one (1) inch of rainfall.

**POLICY 3.1.3:**      ***Compatible Land Use for Preservation of Ground Water Quality.***  
To protect against potential contamination of ground water supplies, the *Future Land Use Element* shall not permit heavy industrial uses.

**POLICY 3.1.4:**      ***Wellfield Protection.*** In order to protect the quality and quantity of Howey-in-the-Hills potable water supply, a wellfield protection zone shall be established within a radius distance of one-hundred and fifty, two hundred, and five hundred feet from potable water wells. The following land uses are prohibited within these zones.

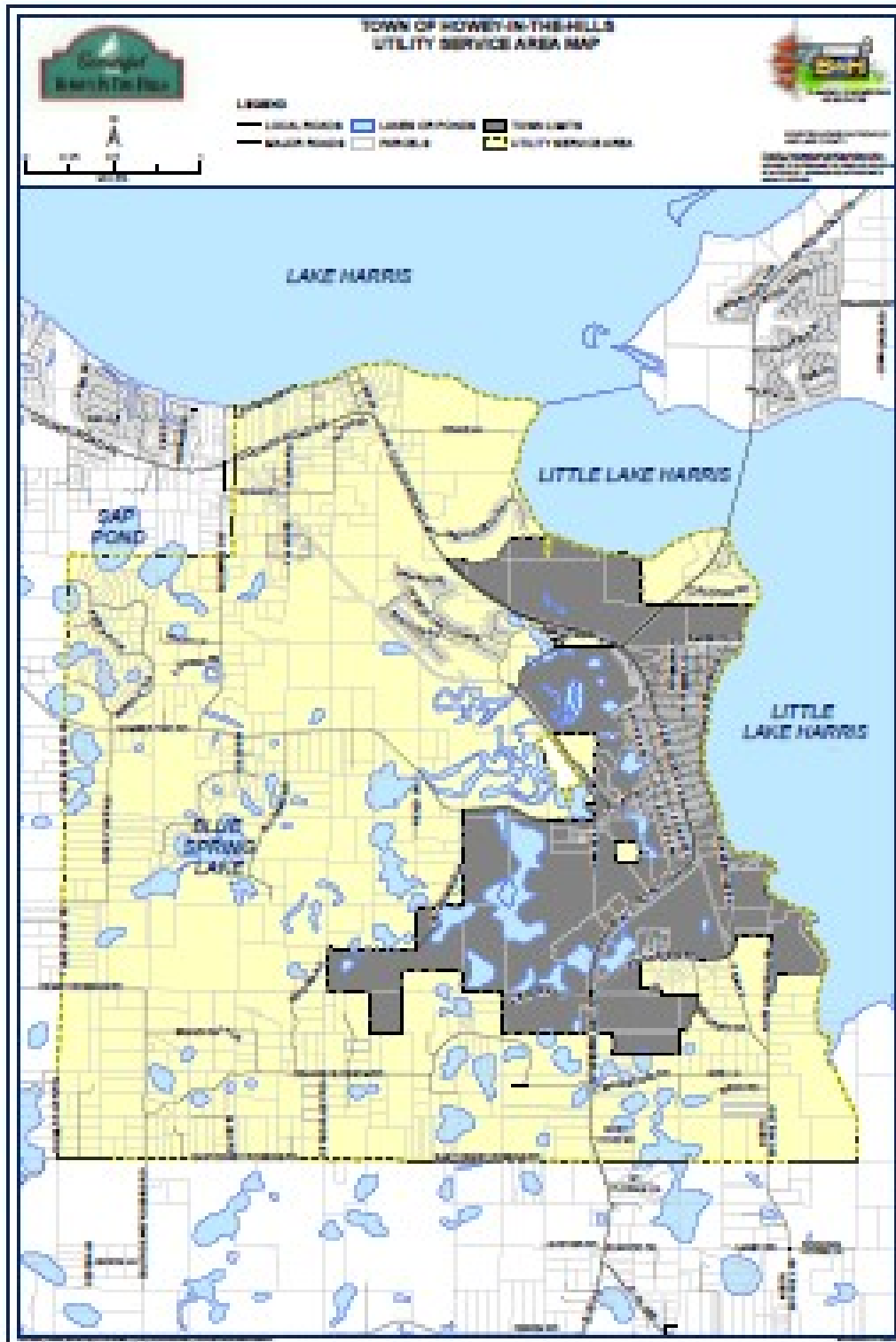
- No new development (except facilities related to the public water system) shall be permitted within one-hundred and fifty feet from a well.
- Within a two-hundred foot radius distance, septic tanks, sanitary sewer facilities, or solid waste disposal facilities shall be prohibited.
- Within a five hundred foot radius of a well, manufacturing or light industrial uses shall be prohibited, including activities that require the storage, use, handling, production or transportation of restricted substances on the Florida Substance List, and agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, etc. In addition, wastewater treatment plants, percolation ponds, mining activities and similar activities are prohibited. Low density single family, commercial, retail and office land uses shall be allowed within the 500-foot zone for potable water wells.
- All wells and wellhead protection zones shall be delineated on the Town's *Existing* and *Future Land Use Maps*.

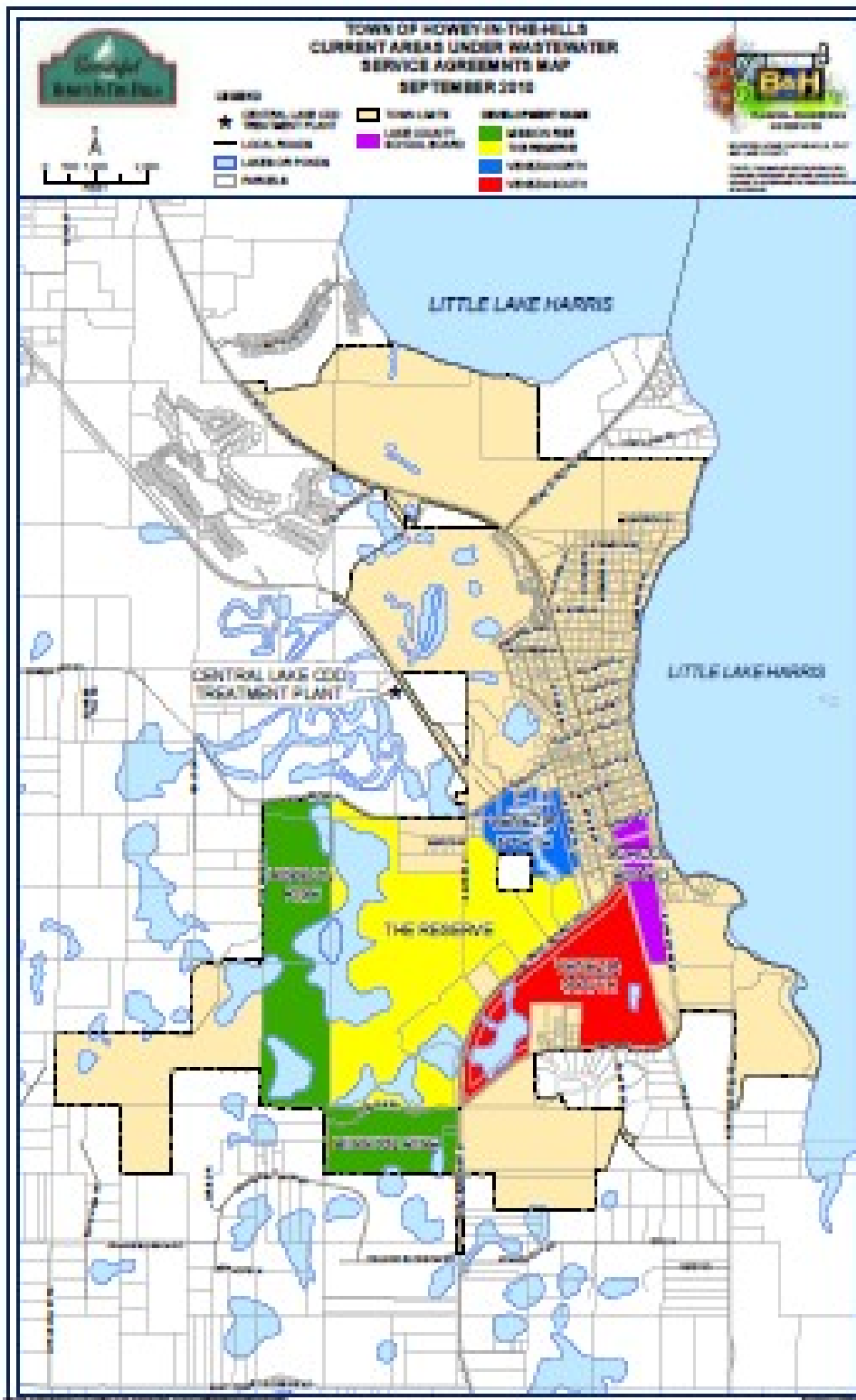
## UTILITY SERVICE AREA BOUNDARY

**GOAL 4:** Maintain and protect the Town's Utility Service Area Boundary.

**OBJECTIVE 4.1:** *Ensuring Consistency with the Utility Service Area Boundary.*  
Provide a utility service area boundary that is consistent with the utility service boundaries of adjacent local governments.

**POLICY 4.1.1:** *Local Government Coordination and Overlapping of Utility Service Area Boundaries.* The Town shall continue to ensure that the overlapping of utility service area boundaries with adjacent local governments is avoided by coordinating with the adjacent local governments and maintaining and abiding by the established interlocal agreements for municipal services.





## CONSERVATION ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020

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## CHAPTER 5 CONSERVATION ELEMENT

### A. INTRODUCTION

#### 1. Purpose

The purpose of the *Conservation Element* is to provide a guide for the conservation, use, and protection of natural resources located within the Town. The *Element* is intended to protect and enhance the public health, safety, welfare and the quality of the environment.

In addition, the *Element* establishes a plan and policy direction concerning conservation of natural resources and will provide a basis for decision-making by Town officials. As growth occurs, the need for protection and management of the Town's natural resources will increase.

The Town's natural resources are identified and analyzed. A description of these resources and their significance is also presented. Policies to maintain and enhance these resources as well as shape growth patterns of the Town are included.

#### 2. Environmental Setting

The Town is situated in the Ocklawaha River watershed in the Howey Slough, Lake Harris and Eustis, Little Lake Harris, and Little Everglades drainage basins. The Ocklawaha River watershed covers 2,769 square miles from the Green Swamp in Polk County and Lake Apopka sub-basins north through the Rodman Reservoir to the river's discharge into the St. Johns River near the town of Welaka. Along the way the river receives water from Silver Springs via the Silver River and Orange Creek. It is the largest tributary watershed of the St. Johns River.

The Town lies on the Lake Wales Ridge, a physiographic high that has a high potential for aquifer recharge to the Florida Aquifer. There is little topographic relief within the Town (90 feet). The upper limit is approximately 150 feet above sea level and drops to near 60 feet at Little Lake Harris. Neither differential creates serious problems in the Town. An extract of the U.S. Geological Survey topographical map is featured on the Town's *Contour Map*.

### B. INVENTORY OF CONSERVATION RESOURCES

#### 1. Rivers, bays, lakes, estuarine systems, natural reservations, etc.

There are no rivers or streams that flow through the Town. Lake Illinois and a few small 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. Overall, pollution comes from home fertilizations and road runoff. However, there are no major pollution and water quality issues with Little Lake Harris and the other lakes within the Town.

## 2. Floodplains

Floodplains are valuable resources which provide a rich diversity of vegetation and wildlife. These areas are sources for groundwater recharge that filters through soils during high water levels. The 100-year floodplains are also subject to inundation during a 100-year storm, causing potential loss of life and property, disruption of services, and economic loss. These areas cannot tolerate continued development which, in effect, retards their ability to absorb water and restrict the flow of water from adjacent higher elevation areas.

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

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

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

## 3. Groundwater Resources

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

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

rainfall. Recharge is augmented locally by artificial recharge - wastewater or reuse water land application, rapid-infiltration basins, and septic systems.

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

The federal Safe Drinking Water Act, as amended in 1986, established a new program for the States to delineate and manage Wellhead Protection Areas for the protection of public ground water supplies. The Wellhead Protection Program is the first resource-based approach at the federal level for ensuring that ground water supplies are protected from a wide range of potential contaminating sources. The U.S. Environmental Protection Agency is the principal federal agency for implementing the Wellhead Protection Program with the states.

Wellhead protection areas are the surface and subsurface areas surrounding a water well or well field supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water well or well field. Factors to consider in developing wellhead protection include:

- delineating protection areas around well fields.
- assessing the locations and threats to the well(s).
- developing management approaches and educational outreach programs; and
- regulatory or non-regulatory tools to reduce contamination threats.

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

#### **4. Commercial Valuable Mineral Sources**

There are three commercially valuable minerals utilized in Lake County: sand, clay and peat. A large amount of fill dirt is also removed.

The County has extensive deposits of clay and sand that cover the majority of Lake County and major deposits of peat located near lakes Apopka, Griffin and Minnehaha and the Okahumpka Marsh. These deposits were utilized as muck farms, but they have since been purchased for conservation or urban development. The County possesses two limestone deposits along its western border at Okahumpka and the Green Swamp Area of Critical State Concern. There are also substantial phosphate deposits in the far northern

portion of Lake County along Lake George. However, the Ocala National Forest has land use policies that strictly forbid the mining of phosphates in the Forest.

Lake County requires that mining operations must follow certain procedures in order to obtain approval from the County before beginning operations. There are no mining operations in the Town.

## 5. Areas with Soil Erosion Problems

Soil erosion is not a significant issue in Lake County, except for where large areas are prematurely cleared for development. There are no areas in the Town with soil erosion problems.

Slopes of more than 10 percent are considered unsuitable for septic tank drain fields. These slopes generally correspond with the ridge and upland regions of the County, where the soils have some potential for erosion when denuded of vegetation and are usually classified as having low runoff potential. 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 1.

**TABLE 1: 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
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

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
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
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.

## 6. Environmentally sensitive lands; fisheries; important habitat or corridors; marine habitats, rare or endangered ecosystems or wildlife; and vegetative communities including forests

Howey-in-the-Hills has about 518 acres of lands designated as Conservation on the *Future Land Use Map*. The Town identifies Conservation lands as all land used for wetlands, some forests, public managed lands, floodplains, flood prone areas, and other areas in which valuable natural resources are found. No buildings are allowed on conservation lands. The only permitted uses are boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.

Wetlands by definition are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered with shallow waters. They provide habitat for many species of birds, fish, and animals, and contain Aquifer Recharge Zones that allow the groundwater to be replenished. Wetlands are

protected by local, regional, state, and federal regulations because of the numerous benefits they provide.

Wetland functions are interconnected with the hydrology of the area. This connection determines the presence, extent, movement, and quality of water in the wetland. It is estimated that wetlands account for about 515 acres in the Town (see the Town's *Wetlands Map*). The Town has established guidelines and standards for wetland buffer zones in this *Plan* and in the Land Development Regulations.

There are no areas of critical state concern in the Town.

There are no first magnitude springs in the Howey-in-the-Hills area.

## **7. Air**

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

The Town requires that air pollutants, including smoke, particulate matter, odor and toxic matter be consistent with Florida Department of Environmental Protection's air pollution standards.

## **8. Water**

The Town currently owns, operates and maintains a central potable water treatment and distribution system. The Town's potable water system provides water for both residential and non-residential purposes, including fire-fighting demands. The details of the water system are found in the Public Facilities Element.

The Town requires all new construction to connect to its potable water distribution system. A detailed analysis of the Town's potable water system is featured in the *Public Facilities Element* of this *Comprehensive Plan*.

## **9. Sinkholes**

Sinkholes are a natural and common geologic feature in areas underlain by limestone and other rock types that are soluble in natural water. The term sinkhole is used for closed depressions in the land surface that are formed by surficial solution or by subsidence or collapse of surficial materials owing to the solution of near-surface limestone or other soluble rocks. One small sinkhole, which occurred in 1998, has been noted over the years in the Howey-in-the-Hills area (see the Town's *Contour Map*).

## 10. Vegetative and Land Cover Types

Data Documentation for Lake County prepared by the St. Johns River Water Management District (SJRWMD) in 2004 was examined with regard to the land cover within the Town. The SJRWMD identified 35 classes of vegetative and land cover types in Howey-in-the-Hills (see Table 2).

## 11. Topography

An examination of the Town's *Contour Map* indicates that the highest elevation in the Town is at 170 feet above sea level 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. Lakes and major wetland areas are shown at about 80 feet. Along Little Lake Harris, the difference in elevation is about 10 to 15 feet. There are no differential elevations that create serious problems in the Town.

## 12. Issues

The probability exists of pollution from many sources included, but not limited to:

- homes along the lakefronts (fertilizers, etc.).
- stormwater runoff from local streets; or
- malfunctioning septic tanks.

**TABLE 2: SJRWMD'S LAND USE AND LAND COVER FOR HOWEY-IN-THE-HILLS**

<b>FLUCCS*</b>	<b>Description</b>	<b>Acres</b>
1100	Residential, low density - less than 2 dwelling units/acre	75.09
1200	Residential, medium density - 2-5 dwelling units/acre	220.72
1290	Medium density under construction	0.21
1300	Residential, high density - 6 or more dwelling units/acre	12.41
1400	Commercial and services	15.47
1480	Cemeteries	6.71
1510	Food processing	26.49
1700	Institutional	39.99
1820	Golf courses	117.63
1860	Community recreational facilities	2.88
2110	Improved pastures (monoculture, planted forage crops)	128.39
2120	Unimproved pastures	170.32
2130	Woodland pastures	4.02
2150	Field Crops	13.67
2210	Citrus groves	568.74
2510	Horse Farms	0.00
3100	Herbaceous upland non-forested	55.64
3300	Mixed upland non-forested	0.59
4110	Pine Flatwoods	9.61
4340	Upland mixed coniferous/hardwood	56.95
4410	Coniferous pine	317.75
4430	Forest regeneration	19.72
5100	Streams and waterways	1.91
5200	Lakes	38.81
5250	Open water within a freshwater marsh / Marshy Lakes	69.85
5300	Reservoirs - pits, retention ponds, dams	30.08
6170	Mixed wetland hardwoods	4.71
6210	Cypress	2.23
6300	Wetland forested mixed	82.64
6410	Freshwater marshes	135.96
6430	Wet prairies	0.53
6440	Emergent aquatic vegetation	13.03
6460	Mixed scrub-shrub wetland	100.82
7400	Disturbed Land	0.08
8310	Electrical power facilities	0.72
<b>TOTAL</b>		<b>2,344.34</b>

Notes: \*FLUCCS = Florida Land Use, Cover and Forms Classification System

Source: St. Johns River Water Management District's GIS Land Use and Land Cover 2004-2005 District Wide Data.



## C. ANALYSIS

### 1. Rivers, bays and lakes

As previously mentioned, Lake Illinois and a few small unnamed lakes are within the Town limits. Additionally, the Town is adjacent to Little Lake Harris. While most of these lakes are maintained by the State and County agencies, the Town will continue efforts to inform lakefront property owners about water quality and protection measures in and/or adjacent to Howey-in-the-Hills. The Town will enforce appropriate codes on lakefront areas that are in the Town's jurisdiction.

To protect lakefronts from the encroachment of development, the Town has established a shoreline protection and lakefront littoral zone. Only passive recreational activities are permitted within the lakeshore protection zone. The Town will continue to ensure that no other construction activity will encroach into the lakeshore protection zone.

The residents of Howey-in-the-Hills see the lakes as a critical element of their quality of life and understand the importance of preserving and maintaining the lakes' water quality. The Town shall continue to support initiatives to improve and protect the lakes in the Howey-in-the-Hills area.

### 2. Floodplains

To protect the floodplain area, the Town requires applicants for development and redevelopment projects to position structures and impervious surfaces to areas outside of the flood zone to the extent possible. Manufacturing, commercial, and office land uses are prohibited from encroaching the uplands of the 100-year flood zone, with the exception to 100% permeable surface parking areas designed for seasonal or occasional overflow demands. The Town has additional flood plain protection measures established in the Land Development Regulations.

While there are areas with FEMA Flood Zone designations 'AE' and 'A', the Town knows of no flood prone (low lying areas) in the areas around the local lakes.

### 3. Minerals

As previously mentioned, there are three commercially valuable minerals utilized in Lake County: sand, clay and peat. A large amount of fill dirt is also removed. The Town anticipates that these commercially valuable minerals will continue to be extracted in various parts of the County during the short range and long-range planning period. In the event of mineral extraction within the Town, the Town will ensure that all Federal, State and County regulations shall be followed.

#### 4. Soil Erosion

There are no areas known to have soil erosion problems and no great elevation differences exist in Town. To prevent both soil erosion and sedimentation, the Town requires a soil erosion and sedimentation control plan whenever a development will involve any clearing, grading, or other form of distributing land by movement of earth, provided that any one of the following applies:

- Excavation, fill, or any combination thereof will exceed 500 cubic yards.
- Fill will exceed 3 feet in vertical depth at its deepest point as measured from the natural ground surface.
- Excavation will exceed 4 feet in vertical depth at its deepest point as measured from the natural ground surface.
- Excavation, fill, or any combination thereof will exceed an area of 1,000 square feet.
- Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
- Whenever excavation or fill is proposed within 100 feet of a stream, stream channel, or body of water, a soil erosion and sedimentation control plan shall be provided.

In addition to the standards listed above, the Town has established additional erosion control measures in the Land Development Regulations.

5. **Environmentally sensitive lands, fisheries, wildlife, marine habitats and vegetative communities including forests. As previously stated, the Town has identified about 518 acres of conservation lands on the *Future Land Use Map*. These are environmentally sensitive lands with natural resources that the Town shall continue to protect and conserve. In addition, the Town considers the lakes in the area as natural resources and as such, the Town shall use its full authority and the cooperation of other governmental agencies to protect, maintain, and enhance the water quality of these lakes.**

Species such as indigo, coral, and rattlesnakes; doves, quail, osprey, woodpeckers and other birds; squirrels, raccoons, rabbits, otters, pileated and other woodpeckers, and owls, are seen in the Town.

No attempt has been made to instigate identification of rare or unique plants and animals or vegetative communities. It is hoped that as a result of public participation in this *Plan*, that additional information and efforts will result.

No endangered, threatened species or those of special concern are known to be in the Town.

The Town shall continue to require that no development other than water-related passive recreation or conservation facilities will be allowed in the wetland areas of Town.

## **6. Air**

Overall, the air quality in Howey-in-the-Hills, a small community with no point source problems, is good. The Town will continue to review the air quality plans of Lake County on a regular basis to monitor the air quality standards in the Howey-in-the-Hills area.

## **7. Water**

The most recent FDEP Community Public Water System Sanitary Survey Report identified no significant deficiencies at either of the Town's water plants. The three minor housekeeping issues identified were promptly corrected. The Town has no known issues with water quantity. The Town has experienced some issues related to water quality caused by dead-end water lines, and the Town has initiated a program of hydrant flushing to address those issues.

## **8. Sinkholes**

As previously stated, the Town is in an area with no major sinkhole problems; one small sinkhole occurred in 1998. When a sinkhole develops, the Town shall implement proper planning and engineering strategies to repair or alleviate damages needed to reduce adverse environmental impacts.

## **9. Wellfield Protection Areas**

The Town shall continue to restrict development (except facilities related to the public water system) from occurring within a 150-foot radius of any public wells. No septic tanks, sanitary sewer facilities, or solid waste or disposal facilities shall be permitted within a 200-foot radius of any existing or proposed public well. The Town shall also maintain a 500-foot radius wellhead protection area within which manufacturing or light industrial uses are prohibited. Land use restrictions within the wellhead protection area are established in the Town's Land Development Regulations.

## **10. Hazardous Waste**

Hazardous waste is discussed in the *Public Facilities Element*. Solid waste disposal is achieved through franchise agreements with one solid waste hauler. Hazardous waste is regulated by State and local rules. The Town shall provide education to its residents and businesses on the importance of proper handling of hazardous wastes, especially in relation to protecting natural resources.

## **11. Water requirements**

As previously mentioned, the Town's potable water system provides water for both residential and non-residential purposes, including fire-fighting demands. The system has enough capacity to support the population demand during the planning period of this *Comprehensive Plan*. However, there are significant reliability and redundancy issues that require upgrades to existing facilities and construction of additional facilities.

## **12. Coordination**

The Town shall work independently and with Lake County to educate and enforce lakefront regulations in order to protect the water quality. Howey-in-the-Hills will also work independently as well as with Lake County to preserve some of the natural environment along the lakes as a habitat for native species.

## D. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** Conserve, protect and effectively manage natural resources within the Town of Howey-in-the-Hills, particularly environmentally sensitive lands that include Little Lake Harris, Lake Illinois, all wetlands, groundwater quality, and scarce vegetative communities.

**OBJECTIVE 1.1:** *Protect Air Quality.* Protect Air Quality within the Town of Howey-in-the-Hills by complying with or exceeding air standards established by the Florida Department of Environmental Protection and the United States Environmental Protection Agency.

**POLICY 1.1.1:** *Commercial and Industrial Land use Designations.* The Town shall promote land use activities which are conducive to maintaining existing air quality by defining permitted or non-permitted uses within commercial and industrial land use designations. The *Future Land Use Map* shall not allocate any land for use by manufacturing activities.

**POLICY 1.1.2:** *Coordinate with Lake County and Neighboring Local Governments.* The Town shall coordinate with Lake County and other neighboring local governments to assure that land use controls applicable to adjacent areas promote land uses which shall not adversely impact air quality within the Town. The Town shall encourage these jurisdictions to consider the affects of prevailing wind directions on the location of manufacturing or commercial developments occurring adjacent to the Town, with emphasis to avoid locating any pollution-generating activities to the south, west, or north side of the Town.

**POLICY 1.1.3:** *Automobile Emission Pollution.* The Town shall continue to reduce the potential for automobile emission pollution by:

1. Requiring vegetative buffers strips, walls and/or berms between roadways and new developments.
2. Establishing additional bike paths/walkways to promote the reduction in use of automobiles; and
3. Promote Planned Unit Development/Mixed Use type of land use, where feasible.

**POLICY 1.1.4:**     ***Prohibition of New Industries.*** The Town shall continue to prohibit new industries in the Town which might have adverse impacts on air quality.

**POLICY 1.1.5:**     ***Open Burning.*** The Town shall discourage open burning due to its adverse impacts on air quality.

**POLICY 1.1.6:**     ***Alternative Energy Resources.*** The Town shall encourage the use of alternative energy resources that do not degrade air quality.

**OBJECTIVE 1.2:**     ***Protect Water Quality of Surface and Ground Waters.*** Protect the quality of surface and ground water by controlling existing and potential sources of contaminants and by coordinating the Federal, State and County entities having jurisdictional authority over these water sources.

**POLICY 1.2.1:**     ***Restricting Manufacturing Uses.*** The *Future Land Use Element* shall not allocate any Manufacturing 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. The guidelines established in the Town's Land Development Regulations regarding manufacturing uses permitted within non-residential districts shall serve as a guide to monitor the type and intensity of such uses in the Town.

**POLICY 1.2.2:**     ***Proposed Commercial Developments.*** During the development review process, the Town shall require applicants of proposed commercial developments to provide evidence that all appropriate operating permits have been issued by State regulatory agencies, particularly for commercial activities, such as gasoline stations, using on-site storage facilities for chemical or hazardous materials and wastes.

**POLICY 1.2.3:**     ***Shoreline Protection and Lakefront Littoral Zones.*** Development occurring adjacent to lake shoreline or wetland areas shall prepare a design and management plan prior to the construction of the on-site improvements. This plan shall include and comply with the following guidelines:

- a.     ***Preserve Native Vegetation.*** Only native vegetation shall be maintained within the shoreline and lakefront littorals zone.
- b.     ***Shoreline Management Plan.*** Require a shoreline management plan that describes procedures to assure minimal impacts to water quality and shoreline erosion.

Where deemed necessary, silt screening shall be implemented to retain alluvial sediments carried by runoff stormwater or wave action.

- c. ***Protection of Littoral Zone.*** Applicants of new development or redevelopment shall include the following with the site plan and development application:
  - 1. Include typical cross sections of the surface water management system showing 100 Year Water Mark elevation and the 3-foot contour (i.e., below average elevation), which ever is greater.
  - 2. Specify what vegetation will be removed or planted in the littoral zone within the proposed development plan, including the extent, method, type and timing of any planting to be provided.
  - 3. Provide a description of any management procedures to be followed in order to assure the continued viability and health of the lakefront littoral zone. The lakefront littoral zone as established should consist entirely of native vegetation and should be maintained permanently as part of the water management system. As a minimum, 10 square feet of vegetated lakefront littoral zone per linear foot of lake shoreline is required as part of the surface water management system.
- d. ***Limiting Development.*** Limit development within the lakefront littoral zone to water-dependent structures such as docks and piers.
- e. ***Class III Waters Protection.*** Class III Waters (i.e., waterbodies which currently support recreation and foster maintenance of fish and aquatic wildlife). All lakes within or adjacent to the Town are Class III waters. These waters shall be protected through the following activities:
  - 1. Dredging activities shall be limited to Florida Department of Environmental Protection (FDEP) approved dredging.
  - 2. Ensure good water quality by coordinating with the FDEP, Florida Department of Natural Resources

(FDNR\_, and the St. Johns River Water Management District in monitoring the quality of stormwater run-off and all discharge. The Town shall notify the appropriate agency with jurisdiction as potential issues or problems are identified by the Town.

3. Limit the use of Class III waters to water dependent activities that are not contrary to the public interest and satisfy a community need.
- f. **Require Wetland Buffer Zones.** In order to protect the quality and quantity of surface waters and provide habitat for semi-aquatic or water-dependent terrestrial species of wildlife, buffer zones shall be provided landward of all wetlands as outlined below.
1. No development of disturbance of area is permitted within 25 feet of a designated wetland area. These areas shall be marked with appropriate signage as conservation areas.
  2. No building or impervious surface area (except for wet retention areas) is permitted within 50 feet of a designated wetland area.

Uniform buffer area standards shall be consistent with criteria and requirements stipulated in Policy 1.2.6,

- g. **Shoreline Protection Zone.** 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 1.2.4:**     ***Designation of Wetlands.*** The Town shall designate all wetlands within the Town as Conservation within the *Future Land Use Element* and on the *Future Land Use Map*.

**POLICY 1.2.5:**     ***Limiting Development within Wetland Areas.*** The Town shall limit development within all wetland areas to land uses supporting conservation facilities and water-related passive recreation activities.

**POLICY 1.2.6:**     ***Sites under Construction Requirement.*** To protect water quality within lakes, the Town shall require sites under construction to provide measures to retard, impede, and treat surface water runoff, consistent with water quality level of service standards established in the *Public Facilities Element*.

**OBJECTIVE 1.3:**     ***Protect the Quantity of Surface and Ground Water.*** Protect the quantity of surface and ground water through preservation of permeable surface and through promotion of conservation activities affecting the consumption of potable water.

**POLICY 1.3.1:**     ***Avoid Reduction of Recharge Volumes Entering Ground Water Supplies.*** The Town shall avoid reduction of recharge volumes entering ground water supplies through the following governmental actions:

- a.   The *Future Land Use Element* and the *Future Land Use Map* shall promote land use activities and development densities which are compatible to high recharge potential percolation rates.
- b.   The *Public Facilities Element* shall promote recharge and discourage runoff.
- c.   Promote the application of permeable parking lot surfaces for commercial developments proposed within high recharge areas.

**POLICY 1.3.2:**     ***State Grant Funds for Infrastructure Needs.*** The Town shall continue to research available State grant funds applicable for infrastructure needs/feasibility studies for local governments. In the event a wastewater system is installed, then the Town shall evaluate the merits of a wastewater reclamation program to reduce potable water consumption associated with lawn and landscaping irrigation.

**POLICY 1.3.3:**     ***Compliance with Water Management District Consumptive Use Permit.*** The Town shall not exceed maximum allowable rates of water consumption issued by the St. Johns River Water Management District for ground water withdrawal from municipal wells. The Town shall comply with maximum allowable rates specified within the Water Management District's *Consumptive Use Permit*.

**POLICY 1.3.4:**     ***Cooperation with Water Management District Emergency Water Plan.*** The Town shall cooperate with the St. Johns River Water Management District (SJRWMD) in the enforcement of the provisions of the Water Management District's emergency water shortage plans, and in the implementation of the appropriate groundwater conservation and protection programs outlined in the Regional Water Supply Plan of the SJRWMD. [9J-5.013(2)(c)(4), F.A.C.]

**POLICY 1.3.5:**     ***Promote Conservation of Water.*** To conserve potable ground water sources and to accomplish reasonable reductions in water consumption, the Town shall undertake the following activities:

- a. The Town shall notify the St. Johns River Water Management District of the presence of any abandoned free-following artesian wells indentified within its municipal jurisdiction.
- b. The Town shall require new developments to use non-potable water for irrigation where such non-potable water sources are available.
- c. The Town shall require low volume plumbing fixtures in all new construction.
- d. The Town shall routinely evaluate the performance of its water distribution system to determine if excessive leakage is occurring. In addition, the well pump water meters shall be monitored on a quarterly basis to assure proper operation and recording. The Town shall schedule repairs to any identified damage or deficiency in the distribution system based on the extent of damage, urgency to correct the problem, and availability of necessary funds. Any improvement qualifying as a capital improvement and not deemed to represent an emergency shall be included within the *Capital Improvement Program*.

- e. The Town shall require new development to use and/or preserve native or drought-resistant vegetation for landscaping to the greatest reasonable extent.

**POLICY 1.3.6:** ***Preservation of Permeable Surface.*** The *Future Land Use Element* and the *Future Land Use Map* shall establish land use types and densities which are compatible to the preservation of permeable ground surface areas. Impervious surface ratios shall be based on open space requirements established by the Town, which in turn shall be consistent with hydrogeological and soil characteristics controlling development densities. The *Future Land Use Element* shall include open space requirements and impervious surface ratios for all land use categories consistent with the following guidelines:

	Minimum open space requirements
Rural Lifestyle	50%
Low Density Residential	2 dwelling units per acre
Medium Density Residential	25%
Town Center Mixed Use	25%
Village Mixed Use	25%
Neighborhood Commercial	0.50 floor area ratio; 70% max. impervious surface coverage
Light Industrial	70% max. impervious surface coverage; .6 FAR
Institutional	25%
Recreation	Max. 30% impervious surface coverage
Conservation	No buildings except boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities	0.25 FAR; max. impervious surface coverage of 50%

The open space definition and standards established in Policy 1.14.1 of this *Element* shall also be enforced by the Town.

**POLICY 1.3.7:**      ***Water Supply Facilities Plan.*** Howey-in-the-Hills' *Water Supply Facilities Work Plan (Work Plan)* shall assess existing and projected water sources and needs for at least a 10-year planning period and consider the *Regional Water Supply Plan* of the St. Johns River Water Management District. The *Work Plan* will also identify traditional and alternative water supply sources, including water conservation efforts, which the Town may use to reduce or satisfy existing and projected water demands.

**POLICY 1.3.8:**      ***Water Conservation and Work Plan.*** The Town will continue to implement the water conservation efforts identified in the *Work Plan*. These efforts will include concentrating on outreach and education as well as irrigation system modifications and indoor plumbing retrofits.

**OBJECTIVE 1.4:**      ***Conserve and Protect Native Vegetative Communities.*** To establish performance criteria designed to protect and retain major vegetative communities and aquatic habitats, including Sandhill communities, and Wetlands. To preserve sufficient natural upland habitat of each community type and wetlands to maintain viable populations of all native plant and animal species.

**POLICY 1.4.1:**      ***Alteration or Clearing of Native Habitat.*** Activities which require the alteration or clearing of native habitat of designated species shall be surveyed for occurrences of designated species by qualified ecologists prior to the issuance of a development permit.

**POLICY 1.4.2:**      ***Management Plans and Land Dedication.*** Development activities which have adverse effect upon a designated species shall require mitigation or shall not be permitted. Where viable habitat for designated species occur on a site, management plans and incentives to dedicate lands for conservation shall be encouraged.

**POLICY 1.4.3:**      ***Restriction of Development Activities.*** All development activities shall be prohibited within the preservation areas established in Policy 1.4.2 except for recreational and educational uses. A sufficient number of preservation/conservation areas of appropriate size and location shall be identified and maintained by the Town or other entity to guarantee protection of viable populations of all native plant and animal species.

**POLICY 1.4.4:**      ***Priority of Preservation or Conservation Areas.*** Priority for preservation/conservation areas shall be placed on the following areas:

- a. ***Shoreline.*** The area at the water line and landward at least 25 feet shall be preserved as natural areas for protection of plants, animals, and other wildlife as well as water quality.
- b. ***Upland Vegetative Communities, Wildlife Habitats, and Protection of Endangered and Threatened Flora and Fauna Species.*** These natural resources and species shall be protected through the following activities:
  1. Upland vegetative communities and wildlife habitats (particularly those identified as primary habitat for endangered or threatened species) for which the Town or State agency 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.
  - i. **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:
    2. The site is programmed for purchase by a government agency within the first three years of the *Five-Year Schedule of Capital Improvements*.
    3. The site is designated as conservation through the development review process.

A habitat management plan will not be required unless proposed development within the site designated as conservation intends to remove or displace an active nesting or breeding area on an endangered or threatened specie or will remove or eradicate a living endangered or threatened plant.
  - ii. **Undesignated 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 for development of any kind shall prepare a Critical Habitat Management Plan prepared by a professional biologist, ecologist, or other related professional. As a minimum standard 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.
  - e. Cost to implement the recommended management plan.

The Town reserves the right to have a State agency review the Critical Habitat Management Plan and provide a response. The adequacy of the study shall be determined by the Town. The final development plan shall conform to recommendations determined within the study.

- iii. **Tree Protection Ordinance.** The Town's Tree and Native Vegetation Protection Ordinance shall be used in managing and protecting the impacts of development on major vegetative communities and aquatic habitats. These regulations shall mandate fair and equitable restoration and/or compensatory mitigative measures in order to compensate for loss of vegetation and to enhance stabilization of fragile slopes and/or lake shorelines.

**OBJECTIVE 1.5:** *Conserve, Appropriately Use and Protect Fisheries.* Conserve appropriately use and project fisheries indigenous to Little Lake Harris.

**POLICY 1.5.1:** *Manage Impacts of Development on Fisheries.* The Town shall promote land use activities within the *Future Land Use Element*

and designated on the *Future Land Use Map* which are compatible with preservation of fisheries within Little Lake Harris. The Town shall prohibit any land use which shall detrimentally affect water quality or water temperature within Little Lake Harris.

**POLICY 1.5.2:** *Assist Federal and State Agencies in the Maintenance of Fish Populations.* The Town shall coordinate with and assist Federal and State environmental and wildlife preservation agencies to protect fish populations within Little Lake Harris and to promote environmental management activities which enhance fish propagation through natural processes or by managed fish restocking.

**POLICY 1.5.3:** *Aquatic Weed Control.* The Town shall coordinate with the Lake County Water Authority to control any aquatic weed, algae blooms, or other aquatic plant proliferation occurring within Little Lake Harris.

**OBJECTIVE 1.6:** *Conserve Wildlife and Wildlife Habitats.* Conserve and Protect Wildlife and Wildlife Habitats through the management of growth and development within the Town, and through coordination with Lake County and State agencies involved in wildlife management.

**POLICY 1.6.1:** *Manage Impacts of Development on Wildlife Habitats.* The Town shall restrict development activities known to adversely impact endangered, threatened, or rare wildlife and wildlife habitats of special concern as defined by the Florida Fish and Wildlife Commission (FFWC) and/or Florida Department of Environmental Protection (FDEP).

**POLICY 1.6.2:** *Coordinate with the State and Regional Agencies to Promote Preservation of Wildlife and Wildlife Habitats.* The Town shall notify the Florida Department of Agriculture and Consumer Affairs to any significant clusters of endangered or threatened plant (fauna) species occurring within its jurisdiction. The Town shall notify the FFWC and/or FDEP in the presence of any roosting, nesting, or frequented habitat areas for endangered or threatened wildlife occurring within its jurisdiction.

**OBJECTIVE 1.7:** *Protection of Soils, Minerals, and Environmentally Sensitive Lands.* Conserve, appropriately use, and protect soils, minerals, environmentally sensitive lands and native vegetative communities.

**POLICY 1.7.1:**     ***Soil Erosion and Sedimentation Control.*** To prevent both soil erosion and sedimentation, the Town shall require a soil erosion and sedimentation control plan whenever a development will involve any clearing, grading, or other form of distributing land by movement of earth, provided that any one of the following applies:

- Excavation, fill, or any combination thereof will exceed 500 cubic yards.
- Fill will exceed 3 feet in vertical depth at its deepest point as measured from the natural ground surface.
- Excavation will exceed 4 feet in vertical depth at its deepest point as measured from the natural ground surface.
- Excavation, fill, or any combination thereof will exceed an area of 1,000 square feet.
- Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
- Whenever excavation or fill is proposed within 100 feet of a stream, stream channel, or body of water, a soil erosion and sedimentation control plan shall be provided.

In addition to the standards listed above, all development and redevelopment projects involving land clearing shall comply with additional erosion control measures set forth in the Land Development Regulations.

**POLICY 1.7.2:**     ***Tree and Native Vegetation Protection Ordinance.*** The *Tree and Native Vegetation Protection Ordinance* shall be applicable to all clearing and grading activities in Town. Developers shall be required to take precautionary measures, where necessary, to avert destruction or damage to native vegetation and existing trees.

**POLICY 1.7.3:**     ***Coordination with the U.S. Soil Conservation District.*** The Town shall notify the local office of the U.S. Soil Conservation Service of any soil erosion problems that may occur within the Town's jurisdiction.

**POLICY 1.7.4:**     ***Regulation of Mining Activities.*** No mining activities shall be permitted within the Town and discouraged in any neighboring area.



**OBJECTIVE 1.8:**            *Protection of Conservation, Floodplain, and Wetland Areas.*  
The Town shall protect identified conservation, floodplains and wetland areas by implementing the following policies.

**POLICY 1.8.1:**            *Designation of Environmentally Sensitive Areas.* The *Future Land Use Element* shall designate all wetlands, sink holes, floodplains, and surface waters as Conservation; the Town may designate significant high recharge areas, and undisturbed natural vegetative communities as Conservation depending on the necessity to protect such areas under this designation. The *Future Land Use Map Series* shall illustrate areas designated as Conservation. The precise delineation of each area must be through specific studies and field determination.

**POLICY 1.8.2:**            *Permitted Buildings in Conservation Areas.* No buildings shall be permitted in areas designated for Conservation on the *Future Land Use Map* except for boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.

**POLICY 1.8.3:**            *Additional Wetlands Protection.* The Town shall continue to ensure that:

- a) development plans for new development identify the location and extent of wetlands located on the property:
- b) development plans provide measures to assure that predevelopment flows and quality of water will be provided to maintain wetlands after development; and,
- c) where alteration of wetlands is necessary in order to allow reasonable use of property it should be clearly in the public interest and there is no practical alternative which reduces or avoids impacts to wetlands. Mitigation shall only be a last resort action to be used only after other measures such as reconfiguring of the development to avoid sensitive areas, reduction of density, etc. have been considered and shown not to be feasible. There shall be no net loss of sensitive lands. Any mitigation shall avoid impact to ecologically valuable uplands.

**POLICY 1.8.4:**            *Minimizing Fill within Floodplain.* The Town shall ensure that flood control measures for new development minimize fill within the floodplain area defined within the Town's *Floodplain*

*Protection Ordinance.* Where no alternative fill exists, compensatory storage for such fill should be provided through excavation of a volume of uplands equivalent to the loss of storage within the defined floodplain caused by the placement of fill.

**POLICY 1.8.5:** *Floodplain Mitigation.* 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. Mitigation shall occur through the following activities:

- 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 land uses shall be prohibited from encroaching the 100 Year Floodplain Zone.
- b. *Minimum Floor Height Elevation.* All new construction and substantial improvements of existing construction 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 materials 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.
- 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 for the systems into flood waters.

- e. ***Residential Subdivision Plans and Design.*** Plans and designs 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. 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 the Concurrency Management System. Such drainage facilities shall be designed to comply with the Town's established level of service standard. Developers shall be required to install all necessary drainage facilities necessary to maintain the natural flow regime of the 100-year floodplain, consistent with level of service standards.

**POLICY 1.8.6:** ***Incompatible Land Uses.*** The Town shall ensure that future land uses that are incompatible with the protection and conservation of wetlands are directed away from wetlands.

**POLICY 1.8.7:** ***Legal Agreement.*** Newly created mitigated areas, preservation or conservation areas as a part of a development shall be identified in a legal agreement which ensures their protection and maintenance in perpetuity. These areas shall be depicted on the *Future Land Use Map* as Conservation lands.

**OBJECTIVE 1.9:** ***Hazardous Waste.*** Manage the use and disposal of hazardous wastes to protect natural resources and public health and safety.

**POLICY 1.9.1:** ***Collection and Disposal of Hazardous Waste.*** The Town shall cooperate with the County, State and Federal Government in the collection and disposal of hazardous waste.

**POLICY 1.9.2:** ***Protect Natural Ecological Systems and Resources.*** The Town shall continue to enforce land development regulations which incorporate development restrictions directed toward preserving natural ecological systems and resources.

**POLICY 1.9.3:** ***Assist Lake County Hazardous Waste Management Program.*** The Town shall assist Lake County in the monitoring and

management of hazardous waste generators within Howey-in-the-Hills by coordinating with the Lake County Department of Environmental Utilities to notify County staff about new commercial developments that may use or generate hazardous waste. The Town shall also notify the County of the presence of any disposed, buried, or stored wastes or material for which the volatility and chemical contents thereof are unknown.

**OBJECTIVE 1.10: *Conservation of Historically Significant Sites.*** Conserve historically significant sites to maintain the historical character of the Town.

**POLICY 1.10.1: *Promote the Identification of Historically Significant Sites.*** The Town shall coordinate with the State Division of Historic Resources in continuing to identify, protect, analyze, and explain the Town's historically significant sites. Such efforts shall include determination of their worth and vulnerability, as well as determination of specific applicable preservation management policies.

**POLICY 1.10.2: *Preservation of Historic, Archaeological, and Cultural Resources.*** The Town shall prohibit activities that depreciate or eliminate the historical value of sites registered on State or Federal historic files. Activities deemed adverse to the preservation of historic sites shall include:

- a. Demolition or alteration of all or part of such sites.
- b. Isolation from, or alteration of the associated environment.
- c. Placement of visual, audible, or atmospheric elements that foster discordance with the character of the property.
- d. Transfer or sale of a registered historical site without adequate contractual written agreement to maintain and preserve the historical character of the structure.
- e. Removal or placement of native vegetation shall be subject to restrictions and requirements stated within the Town's *Tree and Native Vegetation Protection Ordinance*.

**POLICY 1.10.3: *Registration of Locally Historic Sites.*** The Town shall promote and support local efforts, including those fostered by the Lake County Historical Society, to effectively pursue registration of

historically significant sites under Federal and State certified historical master files.

**POLICY 1.10.4:** *Florida Master Site File.* The Town shall use the *Florida Master Site File* as a resource to identify archeological resources and historically significant structures.

**OBJECTIVE 1.11: *Implementation and Evaluation of Conservation Activities.*** Conservation activities shall be evaluated and implemented according to the following policies:

**POLICY 1.11.1:** *Conservation Activities and Capital Improvements.* Conservation activities involving the purchase of land or the expenditure of funds qualifying as a capital improvement as defined within the *Capital Improvement Element*, shall be scheduled and budgeted within the *Five-Year Capital Improvement Program and Schedule*.

**POLICY 1.11.2:** *Evaluating Conservation Activities.* The Town shall periodically review conservation goals, objectives and policies supported in the *Conservation Element* of this *Comprehensive Plan* to measure the effectiveness of the Town's conservation activities. Deficiencies identified within the evaluation process shall be analyzed to determine ameliorative measures necessary for correction.

**OBJECTIVE 1.12: *Intergovernmental Coordination Activities for the Conservation of Natural Resources.*** Manage natural resources and conservation issues transcending the Town's jurisdictional area or constituting an issue of regional nature through intergovernmental coordination.

**POLICY 1.12.1:** *Intergovernmental Coordination.* The Town shall coordinate with Federal, State, and Lake County agencies to manage natural resources and conservation activities and identify and regulate wetland areas, floodplains, environmentally sensitive lands, conservation areas, and unique native habitats in Town. Such management activities shall engage, but not be limited to participation in technical review activities; ensuring public facilities are readily available to serve proposed developments; or attending public meetings regarding environmental issues that will have a direct or adverse impact to the Town.

**POLICY 1.12.2:** *Coordination with the East Central Florida Regional Planning Council.* The Town shall coordinate with the East Central Florida Regional Planning Council in preparing amendments to the Town's *Comprehensive Plan* and to review any development of regional impact (DRI) studies associated with any development

within the Town, or for DRI projects impacting natural resources or conservation activities within Howey-in-the-Hills.

**OBJECTIVE 1.13: *Reducing Energy Requirements.*** Enhancing conservation and efficiency measures to reduce energy requirements shall be practiced.

**POLICY 1.13.1: *Energy Conservation Measures.*** The Town shall conduct energy audits, monitor energy use and implement cost-effective energy conservation measures in all public buildings.

**POLICY 1.13.2: *Promote the Use of Energy Saving.*** The Town shall continue to reduce levels of all air-conditioning, heating and lighting systems during non-business hours and promote the use of energy saving features in all government buildings.

**POLICY 1.13.3: *Energy Efficient Construction and Operation.*** Local codes and ordinances shall be structured to permit handicap implementation of energy efficient construction and operation.

**OBJECTIVE 1.14: *Redefining Open Spaces.*** To redefine and provide a more specific definition of open spaces and ensure that adequate uplands are preserved for the residents and guests of Howey-in-the-Hills to enjoy.

**POLICY 1.14.1: *Definition of Open Space.*** The Town hereby adopts the following definition for open spaces:

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

Densities shall 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).

**POLICY 1.14.2:**     ***Purchasing Environmentally Sensitive Lands and Uplands.*** To ensure adequate uplands are preserved for the public to enjoy, the Town shall acquire additional open space by purchasing environmentally sensitive lands and lands adjacent to uplands as practical and feasible.

## RECREATION AND OPEN SPACE ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020



**RECREATION AND OPEN SPACE ELEMENT  
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## CHAPTER 6 RECREATION AND OPEN SPACE ELEMENT

### A. INTRODUCTION

#### 1. Purpose

The purpose of the *Recreation and Open Space Element* is to plan for a comprehensive system of public and private recreation and open space sites which are available to the public, but which are not inappropriate for the size and physical constraints of the Town.

This *Element* of the *Comprehensive Plan* assesses current opportunities, analyzes future needs and contains goals, objectives and policies that shall be used by the Town to ensure public and private recreation and open space sites available to the public within the Town's boundaries are adequate for the needs of the Town and its citizens, but are not inappropriate for the size and physical constraints of the Town.

### B. EXISTING RECREATION SITES

Long-range recreation and parks systems planning is a vital component of community planning. In order to facilitate the accomplishment of a successful comprehensive parks plan, an inventory of existing recreational facilities and programs must be undertaken. Recreation and open space opportunities in Howey-in-the-Hills and its immediate vicinity are described below.

#### 1. PUBLIC FACILITIES

This section assesses the public facilities in Howey-in-the-Hills and its immediate vicinity.

##### a. Town Parks and Recreation

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. Table 1 below features the list of Town parks with their corresponding acreage.

**TABLE 1: HOWEY-IN-THE-HILLS PARKS, 2010**

Park	Acreage
Griffin Park	5.5 acres
Sarah Maude Nature Preserve	54.4 acres preserve 16.9 upland acres
Blevins Park	0.25 acres
Market Park	0.11 acres
Tangerine Point Park	0.1 acres
Central Park	0.43 acres
<b>TOTAL</b>	<b>23.29 acres</b>

Source: Town of Howey-in-the-Hills Staff

The Town requires that level of service be met for park space. Table 2 below outlines the requirements for park space.

**TABLE 2: EXISTING LEVELS OF SERVICE FOR PARKS**

Land/Facility	LOS	Adopted LOS	Land/Facilities Needed Based on BEBR Pop. Of 1,106 as of 2015	Surplus or Deficiencies 2015
Park Space	23.29 acres	6.5 acres of park space per 1,000 residents	7.2 acres of park space	Surplus of 16.09 acres

**b. School Board of Lake County**

Lake Hills School, which serves students with moderate to profound disabilities from Pre-K to the 12<sup>th</sup> grade, is the only public school located in Town. Lake Hills sits on approximately 17 acres of land along South Lakeshore Drive. The recreational and open space facilities at the school include playground areas and equipment for young school children and varied open spaces between such facilities. The Lake Hills School has sufficient space needed to accommodate ball fields on the site.

There are three Lake County public schools (Astatula Elementary School, Tavares Middle School and Lake Technical Center - Astatula) within 5 miles of Howey-in-the-Hills. Astatula Elementary and Tavares Middle have the typical recreational facilities provided onsite such as ball fields, gymnasiums, outdoor tracks, children playground areas, etc. All these schools can be easily accessed by the Town's residents.

**c. Libraries**

There is a library located in Howey-in-the-Hills, the Marianne Beck Memorial Library located on West Central Avenue next to the Town Hall building. The Town owns and operates the library. The Marianne Beck Memorial Library's card enables residents to tie directly to the Lake County Library System catalog.

There is also a public library in Tavares about 5 miles from Howey-in-the-Hills. It also provides library services to the residents of Howey-in-the-Hills. Although it is not within the Town limits, it is within easy access of all Town's residents.

**d. Lake County**

The County's Parks and Trails Division maintains parks, recreation sites and boat ramps, and natural public lands in the County. There are three dozen parks, preserves and boat ramps dispersed across the County.

The Hickory Point Recreational Waterfront Park, which is about 2 miles northeast of Town, is the closest County operated facility to the Town. Hickory Point premiered in February 1992. With 12 paved boat ramps, including two that can accommodate deep-draft vessels, and ample parking for vehicle and boat trailers, the park offers the basic amenities for all sort of anglers. Along with the boat ramps into Lake Harris, Hickory Point offers a day-use marina (no overnight mooring allowed) with an observation platform and two fishing piers. The park also features a swimming beach, boardwalks, outdoor picnic areas with barbecue grills, open-field play areas, nature trail, playground, horseshoe pits and a sand volleyball court. The highlight of Hickory Point is its two-story, screened picnic pavilion with first-floor picnic tables and barbecue grills. The second floor features two screened banquet rooms. The pavilion can accommodate small groups or large gatherings of up to 275 people.

The Lake Jem Park, which is about 8 miles northeast of Town in Tavares, is the second closest County operated facility to the Town. Lake Jem Park offers visitors the opportunity to launch a boat, canoe or kayak into the Beauclair Canal, hike the 1/2-mile nature trail, fish from the banks of the canal or have a family picnic while the children enjoy the playground shaded by huge Live Oaks.

**e. State of Florida**

The Division of Forestry of the Florida Department of Agriculture and Consumer Services does not administer any state forest lands in and/or adjacent to Howey-in-the-Hills.

## 2. PRIVATE FACILITIES

The private sector provides recreation and leisure opportunities that reduce demands for public recreation services. Through its site plan review process the Town can encourage developers to construct pedestrian and bicycle paths linking residential developments with off-site recreational facilities.

The Mission Inn Resort and Country Club, which is located partially within the Town, provides a world class golf course, tennis and a state-of-the-art fitness center for its members and guests.

Other for-profit sites in the Howey-in-the-Hills area may provide facilities for indoor activities, such as movie theaters, a bowling alley and game rooms.

## 3. EXISTING OPEN SPACE

The Town defines natural reservations and open spaces as land that is relatively free of manmade structural mass, and shall be provided for the aesthetic, health, environmental and economic benefits in any new development. Open space can provide buffering, assist in insuring privacy, provide a forum for growth of trees and animals, and provide recreational activity areas. Open space lands may be preserved, enhanced and restored in order to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of a given property.

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. The majority of these open spaces is adjacent to the lakes in Town and lack the space needed to accommodate active-related facilities other than small recreational uses.

## 4. EXISTING BICYCLE/PEDESTRIAN PATHWAYS

While the Town has not adopted an official Bicycle/Pedestrian Master Plan, it has developed an inventory of the bicycle and pedestrian pathways in the Town. Overall, there are about 11.5 miles combined of bicycle/pedestrian pathways in Town (see Table 3 and the Town's *Existing and Future Transportation Maps*). The residents and guests of Howey-in-the-Hills value the quality of life associated with the bicycle/pedestrian pathways in Town. Additionally, the bicycle/pedestrian pathways contribute to the unique hometown charm.

The pedestrian pathways are primary located in the downtown area, along a few residential streets in the northern portion of Town, and along Lakeshore Drive. There are about 4 miles of pedestrian pathways in Town.

The bicycle pathways in Town are along State Road 19 and County Road 48. While there is no striping indicating that these are bicycle lanes, the shoulders are wide enough to classify them as bicycle lanes. There are about 8 miles of bicycle pathways in Town.

**TABLE 3: EXISTING BICYCLE/PEDESTRIAN PATHWAYS, 2010**

Facility Type	General Description	Miles
Pedestrian	Lakeshore Dr. from E. Laurel Ave. to Lake Hills School	1.25
Pedestrian	SR 19 on left side heading north from W. Oleander Dr. to W. Magnolia Ave.	0.84
Pedestrian	SR 19 on Left heading south from N. Citrus Ave. to E. Lakeview Ave.	0.81
Pedestrian	E Laurel on north side from SR 19 to 2nd House from Lakeshore	0.26
Pedestrian	E Laurel on south side from SR 19 to 2nd House from Lakeshore	0.26
Pedestrian	E Magnolia on north side from SR 19 to 3rd house from Temple	0.12
Pedestrian	W. Central Ave. on north side from Library parking edge to SR 19	0.06
Pedestrian	W. Central Ave. on south side from Library parking edge to SR 19	0.06
Pedestrian	E Central Ave. on south side from SR 19 to 3rd building from N. Lakeshore Dr.	0.10
Bicycle	SR 19 Right Shoulder from southern town limits to northern town limits	3.22
Bicycle	SR 19 Left Shoulder from southern town limits to northern town limits	3.22
Bicycle	CR 48 left shoulder from town limits to SR 19 intersection	0.67
Bicycle	CR 48 right shoulder from town limits to SR 19 intersection	0.67
	<b>TOTAL</b>	<b>11.53</b>

Source: Town of Howey-in-the-Hills and B&H Consultants, Inc.

## 5. Waterways

There are no rivers or streams that flow through the Town. Lake Illinois and several unnamed lakes are within the Town limits. Additionally, the Town is adjacent to Little Lake Harris. The majority 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. Additionally, the Town has classified the land that is adjacent to Little Lake Harris or Lake Illinois as either conservation/open space or recreation lands on the *Existing and Future Land Use Maps*. The Town has adopted measures to ensure the conservation and protection of these lands from development.

## C. ANALYSIS

There are more than adequate passive recreational facilities and open spaces readily available and accessible to the residents and guests of Howey-in-the-Hills.

The Town shall continue to coordinate with the County on establishing measures to enhance the recreation and open space opportunities in Town. The Town will also continue to solicit grants from public and private agencies and donations of money to improve and enhance existing public recreational facilities.

There are no known problems regarding the accessibility of the Town's parks or recreational facilities by the elderly, the handicapped or the economically disadvantaged.

The County operated parks in the area will serve populations well beyond the residents and guests of the Town. Access to these parks will be almost exclusively by car.

The existing road network is not severely congested and there is a significant opportunity for additional bicycle/pedestrian pathways in Town. The proposed bicycle pathways are presented on the Town's *Future Transportation Map*.

Lakeshore Drive, which is considered a local scenic route, runs along Little Lake Harris. The existing residential structures, presence of environmentally sensitive areas, recreational paths and open spaces, and proximity to Little Lake Harris make it a valuable asset to the Town. As such, to preserve the quality of life for the residents and visitors of Howey-in-the-Hills, the Town has declared Lakeshore Drive as a constrained facility. A constrained roadway is one in which adding lanes to meet current or future needs is not possible due to physical, environmental or policy barriers.

Table 4 below outlines the requirements as well as the current and projected levels of service for park space. The Town does have the sufficient land needed to support the demand for park space and bicycle/pedestrian pathways during the planning period. As developments are considered, the Town will continue to ensure that park space and bicycle/pedestrian pathways will be required as part of those residential developments and that adopted level of service standards are met.

The Town shall continue to enforce the *Goals, Objectives, and Policies* of this *Element* to ensure the provision and maintenance of sufficient parks, recreation facilities, and open space areas are available to the residents and visitors of Howey-in-the-Hills.

**TABLE 4: HOWEY-IN-THE-HILLS' PROJECTED LEVELS OF SERVICE FOR PARKS, 2015 -2035**

Land/Facility	2015 Park Area	Adopted LOS	Land/Facilities Needed to support 2020 population	2020 Surplus or Deficiencies	Land/Facilities Needed to support 2025 population	2025 Surplus or Deficiencies	Land/Facilities Needed to support 2030 population	2030 Surplus or Deficiencies	Land/Facilities Needed to support 2035 population	2035 Surplus or Deficiencies
Park Space	23.29 acres	6.5 acres per 1,000 population	11.47 acres	Surplus of 11.82 acres	13.77 acres	Surplus of 9.52 acres	15.14 acres	Surplus of 8.15 acres	16.20 acres	Surplus of 7.09 acres



## D. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** Ensure maintenance and improvement of existing public parks, recreation facilities and open space areas to satisfy the health, safety, and welfare needs of the Town's citizens and their guests, and enhance the total quality of life within the Town, in an efficient and appropriate manner.

**OBJECTIVE 1.1:** *Provision of Adequate Recreational Opportunities.* Assure the provision of adequate recreational opportunities for all residents and their guests to meet the Level of Service Standards during the short-range and long-range planning periods.

**POLICY 1.1.1:** *Level of Service Standards.* The Town hereby adopts the following minimum level of service through the year 2035.

<u>Facility</u>	<u>Level of Service</u>
Park Space	6.5 Acres per 1,000 residents

**POLICY 1.1.2:** *Size and Population Guidelines.* The Town hereby establishes the following size and population guidelines for recreational facilities and user-oriented parks:

### Population Guidelines for User-Oriented Outdoor Recreation Activities

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

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

**Size and Population Guidelines for User Oriented Park Sites:**

<b>District Park:</b>	5 acres per 1,000 population and a minimum park size of 5 acres
<b>Vest Pocket /Tot Lot Park</b>	0.5 acres per 1,000 population and a minimum park size of 1 acre or 0.25 acres for parks adjoining schools
<b>Community Park</b>	2 acres per 1,000 population and a minimum park size of 20 acres or 5 acres for parks adjoining schools
<b>Neighborhood Park</b>	2 acres per 1,000 population and a minimum park size of 5 acres or 2 acres for parks adjoining schools

Source: Florida Department of Environmental Protection – Division of Parks and Recreation, Outdoor Recreation in Florida – 2000: Florida’s Statewide Comprehensive Outdoor Recreation Plan, Tables 4.3, 4.4 and 4.5.

**Urban-District Park** - An urban-district park is designed to serve the recreation needs of several communities, a city, or a county, and usually provides some areas and facilities that are resource-based. Typical areas and facilities include natural areas, campgrounds and play apparatus. Additional facilities may include a zoo, a golf course or a botanical garden.

Driving periods of up to 30 to 40 minutes may be required to reach an urban-district park, which should, when possible, be located on the periphery of a large urban area. Such parks should serve an average population of 50,000, with a desirable space allowance of 5 acres per 1,000 people. While 100 acres may meet minimum requirements, a size range of 200 acres or more is desirable.

**Vest Pocket/Tot Lot Park** - Equipped play areas, or "tot lots" as they are often called, are open areas with play apparatus for preschool and school age children. It is recommended that an equipped play area serve neighborhoods of between 500 and 2,500 people on a minimum of 1/4-acre at a site adjoining an existing recreation facility or elementary school. Elsewhere, 1 acre is suggested. Recommended facilities include play apparatus, landscaping, benches and open space. Depending on local recreation needs, picnic tables may be included.

**Community Park** – A community park is a "ride to" park, located near major streets. It is designed to serve the needs of 4 to 6 neighborhoods. It serves an area with a radius of up to 3 miles, or a service population of up to 25,000. A minimum of 20 acres for each community park is recommended, with acreage needs based on a standard of 2 acres per 1,000 population. Typical facilities at a community park may include swimming pools, ball fields, tennis courts, play areas, picnic areas, multipurpose courts, recreation buildings, and sports fields.

Additional recreation facilities may be included to meet a particular recreation demand in the community. Two important elements of every community park are the use of landscaping and the provision of passive recreation activity areas.

**Neighborhood Park** – The neighborhood park is a "walk-to" park, generally located along streets where people can walk or bicycle without encountering heavy traffic. It serves the population of a neighborhood in a radius of up to one-half mile and should have at least 2 acres for each 1,000 population. Its size usually ranges from 5 to 10 acres, and it serves a population of up to 5,000.

Because the service areas of a neighborhood park and an elementary school often coincide, it is desirable for the neighborhood park to physically join the elementary school, when feasible. Typical facilities developed in the neighborhood park may include play apparatus, recreation buildings, multipurpose courts, sports fields, picnic areas and free play areas. Additional facilities may be added, depending on the recreation demands of the neighborhood.

- POLICY 1.1.3:** *Concurrency Management System.* Minimum land requirements needed to comply with the above adopted level of service standard shall be monitored and evaluated on an annual basis during the Town's Concurrency Management System annual update.
- POLICY 1.1.4:** *Planned Capital Improvements.* The Town shall include land acquisition for recreation space and facilities within the *Capital Improvement Schedule* if future demand warrants additional recreation space.
- POLICY 1.1.5:** *Mandatory Dedication of Land.* The Town shall require new development to provide recreation space and/or facilities, or pay fees in lieu thereof, consistent with the *Park and Impact Fee Ordinance* minimum level of service acreage requirements as applied to anticipated population associated with said development.
- POLICY 1.1.6:** *Incentives to Developers.* The Town shall, by December 2012, adopt incentives in the Land Development Regulations for developers to provide additional recreation facilities in their developments and recognize that private parks, open space and recreational areas within a development are an integral part of the recreational facilities provided to the Town's residents and guests.

**OBJECTIVE 1.2:**        *Maximize Use of Existing Recreation Space.* Maximize the use of existing recreation space by promoting recreation activities.

**POLICY 1.2.1:**        *Implementing Organized Recreation Activities.* The Town shall consider implementing organized recreational activities for the Town's residents.

**POLICY 1.2.2:**        *Innovative Site Design.* The Town shall encourage the use of innovative site design and development techniques in order to maximize the provision of usable recreational facilities and open space areas at a minimum cost.

**POLICY 1.2.3:**        *Maintenance of Existing Public Recreational Facilities.* The Town shall actively solicit grants from public and private agencies to improve and enhance existing public recreational facilities.

**OBJECTIVE 1.3:**        *Efficient and Convenient Access.* Recreation sites and facilities shall be accessible to the public through efficient and convenient entry and through availability of parking where feasible.

**POLICY 1.3.1:**        *Access to Recreation Sites.* Vehicular access ways leading to recreation sites shall meet all Town standards as outlined in the Land Development Regulations.

Access ways for bicycle and pedestrian traffic shall also be included, unless analysis of traffic circulation facilities indicates that such design lacks feasibility due to cost limitations, design constraints, or a threat to public safety.

**POLICY 1.3.2:**        *Available Automobile Parking.* The Town shall require the provision of designated parking areas, either paved or unpaved, at all recreation sites according to parking requirements established within the Land Development Regulations.

**POLICY 1.3.3:**        *Secure Storage Areas for Bicycles.* Bicycle storage areas shall be provided at all recreation sites. The type and quantity of such facilities shall be determined by the Town Council.

**POLICY 1.3.4:**        *Access to Sites and Facilities for Transportation Disadvantaged.* The Town shall assure that all recreation sites are accessible to transportation disadvantaged (handicapped and elderly) citizens through the provision of designated handicapped parking areas, as required by State law, and through design consideration to recreation facilities that enable participation.

**OBJECTIVE 1.4:** *Access to Little Lake Harris and Lake Illinois.* Provide public access points to Little Lake Harris and Lake Illinois.

**POLICY 1.4.1:** *Acquire and Maintain Access Points to Lakefront Areas.* The Town shall emphasize recreation facilities, when a public demand has been identified, which promote access to Little Lake Harris.

**POLICY 1.4.2:** *Coordinate Public and Private Efforts.* The Town shall coordinate public and private efforts to provide, improve, and enhance public access points to Little Lake Harris and Lake Illinois to be used as recreational opportunities for the Town's residents and guests.

**OBJECTIVE 1.5:** *Assure Provision of Open Space.* Assure provision of Open Space through land acquisition or dedications.

**POLICY 1.5.1:** *Open Space Definitions.* The Town hereby adopts the following definition for open space.

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

	Minimum open space requirements
Rural Lifestyle	50%
Low Density Residential	2 dwelling units per acre
Medium Density Residential	25%
Town Center Mixed Use	25%
Village Mixed Use	25%
Neighborhood Commercial	0.50 floor area ratio; 70% max. impervious surface coverage

	Minimum open space requirements
Light Industrial	70% max. impervious surface coverage; .6 FAR
Institutional	25%
Recreation	Max. 30% impervious surface coverage
Conservation	No buildings except boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities	0.25 FAR; max. impervious surface coverage of 50%

**OBJECTIVE 1.6:** *Coordinate Public and Private Recreation Resources.* Coordinate recreation planning activities with Local and State Governments to avoid duplication of services.

**POLICY 1.6.1:** *Public Access to School Facilities.* The Town shall coordinate with Lake County and the Lake County School Board to establish an interlocal agreement which allows public access to school recreation sites when school is not in session including the Lake Hills School along S. Lakeshore Drive and any proposed public schools in and/or adjacent to the Town .

**POLICY 1.6.2:** *Coordination with Lake County Park System.* The Town shall coordinate with the Lake County Parks and Recreation Division prior to the scheduling of recreation improvements in the Town's *Capital Improvement Element* to assure that duplication of recreation services does not occur with Lake County parks and recreation facilities and that existing facilities are used to their maximum capacities. Coordination shall also include a review of the priority of County recreation improvements in order to incorporate Howey-in-the-Hills recreation interests and needs.

**POLICY 1.6.3:** *Coordination with Private Recreation Space and Facilities.* The Town shall coordinate with the private development sector to assure that new residential developments within Howey-in-the-Hills provide a fair and equitable share of recreation space and facilities demanded by their occupants. This will be primarily accomplished through the *Park Impact Fee Ordinance*.

## INTERGOVERNMENTAL COORDINATION ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

UPDATED APRIL 22, 2020

**INTERGOVERNMENTAL COORDINATION ELEMENT  
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## CHAPTER 7 INTERGOVERNMENTAL COORDINATION ELEMENT

### A. INTRODUCTION

#### 1. Purpose

It is the purpose of the *Intergovernmental Coordination Element* to identify and resolve incompatible goals, objectives, policies and development proposed in local government comprehensive plans and to determine and respond to the needs for coordination processes and procedures with adjacent local governments, and regional and state agencies. Intergovernmental coordination shall be utilized to the extent required to carry out the provisions of this Chapter.

The effective implementation of federal, state, regional and local planning policies requires:

- 1) the identification of all agencies with which the local government must coordinate.
- 2) a thorough understanding of the roles of each agency and that of the local government; and
- 3) the creation of adequate intergovernmental coordination mechanisms to carry out policies.

This *Element* seeks to accomplish these objectives through a systematic identification and analysis; deficiencies are addressed and actions to improve coordination are proposed.

Through analysis and subsequent improvement of intergovernmental coordination, local governments will be able to identify and resolve incompatible goals, objectives, policies, and development proposed in its local comprehensive plan.

Ultimately, the refinement of such a process should allow local governments to coordinate comprehensive planning with other entities, ensuring compatible development and adequate public services across jurisdictional boundaries. The coordination process is a continuous one and should provide for effective monitoring evaluating systems as well.

#### 2. Howey-in-the-Hills' Setting

The Town of Howey-in-the-Hills is located in Central Florida within the central portion of Lake County. The Town has modestly grown over the years with a 2015 population of

1,106. The Town does have several major subdivision projects in the pipeline which are expected to fuel some additional growth through 2035.

The Town has a voting mayor, four council positions, and appointed positions consisting of the town clerk, police chief, planning director, and public works director. The Council also acts as the Land Planning Agency.

No municipality is directly adjacent to Howey-in-the-Hills. However, the City of Tavares is about 1 ½ miles northeast of Town, the City of Leesburg is about 4 miles northwest of Town, the Town of Astatula is about 1 ½ miles east of town, and the City of Groveland is about 2 miles south of Town.

## **B. INTERGOVERNMENTAL COORDINATION DATA REQUIREMENTS**

Howey-in-the-Hills is a small town that has formal agreements with many governmental entities in order to coordinate future planning and provide daily services. One example is the agreement with Lake County for fire and rescue services. Another example is the interlocal agreement with the local governments in Lake County, including Lake County Public Schools, for school concurrency.

Inventory – Adjacent Governments, School Board, Agencies, Districts and Utilities that Provide Services to the Town include:

East Central Florida Regional Planning Council.

Florida Department of Agriculture.

Florida Department of Community Affairs.

Florida Department of Environmental Protection.

Florida Department of Transportation.

Florida Fish and Wildlife Commission.

Haines City – Utilization of Special Magistrate to Enforce Municipal Codes; 2009-current.

Lake County Board of County Commissioners – Annexation of a portion of County Road 48, Number Two Road, and North Buckhill Road for Police Protection and Traffic Control; 2007- current.

Lake County Board of County Commissioners - CDBG, 2009-2010.

Lake County Board of County Commissioners - Contractor Licensing and Regulations Services; 2008-current.

Lake County Board of County Commissioners - Engineering Study for Lakeshore Blvd and East Revels Road; 2009-2010.

Lake County Board of County Commissioners - Animal Control, 2005- current.

Lake County Board of County Commissioners – Collection of Impact Fees and Fire Rescue Assessments; 2002-current.

Lake County Board of County Commissioners – County wide Communications System; 2007-current.

Lake County Board of County Commissioners – Distribution of Local Government Infrastructure Surtax; 2000-current.

Lake County Board of County Commissioners – Library Systems; 2008-current.

Lake County School Board – Community Development District for Wastewater Services for the Lake Hills Exceptional Student Education Center; 2008-current.

Lake County School Board – School Facilities Planning and Siting; 2006-current.

Lake County School Board (Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency); 2008-present.

Lake County Water Alliance; 2005-current.

Lake-Sumter Metropolitan Planning Organization; 2007-current; and  
St. Johns River Water Management District.

Coordination with the Board of County Commissioners is by the Mayor with assistance as needed by the other members of the Council, the Town Attorney, and the Town Clerk and her staff. Coordination is by telephone, email, personal visits, letters or FAX. The Police Chief coordinates with the sheriff. Telephone, email, personal visits, letters and FAX are used. Where applicable, joint planning and service agreements are used

### C. LAKE COUNTY SCHOOL BOARD

An interlocal agreement with the Lake County School Board was initially adopted in 2006 and amended in 2008. The Town will keep the Lake County School Board advised as to new developments and development patterns along with associated data and population projections to aid in the planning of school expansions and new schools. Similarly, the School Board will keep the Town informed of their plans and needs for new facilities and sites. An agreement to include the School Board in the development review process on a regular basis is beneficial to both parties. The Town currently sends all proposed residential development projects to the Lake County Schools Planning Department to assist in their planning efforts.

Specific problems and needs identified in all *Elements* of this *Plan* would benefit at least indirectly from improved or additional intergovernmental coordination. Such agreements with the Lake County School Board would allow for more efficient provision of facilities and services including roads, water, sewer, parks, recreation, schools and public safety.

## D. WASTEWATER SERVICE AGREEMENTS

In 2007, the Town of Howey-in-the-Hills and the Central Lake Community Development District (CDD), a Florida Special District created pursuant to Chapter 190 of the Florida Statutes, entered into a wholesale wastewater service agreement with The Mission, The Reserve, and Venezia North and South planned unit developments. The developments will connect to the CDD's wastewater system and purchase wastewater capacity on a wholesale basis. It is important to note that the Town will own and maintain the wastewater collection system (mains, lift stations, etc.) within the Town limits.

## E. POTABLE WATER SERVICE AREA MAP

It is important to note that the Town's original Potable Water Service Area Map adopted in August 2003 indicated that there was a conflict between the utility service area claimed by the Town and the utility service area claimed by the City of Groveland. To resolve this conflict, as required by Chapter 180 F.S., the Town adopted Resolution #2010-004, which redefined the Town's utility service area to exclude those areas of overlap with the City of Groveland's utility service area (see *Appendix A* of the *Public Facilities Element* for details). The revised utility service area is featured on the Town's *Utility Service Area Map*. The Utility Service Area represents the long-range planning area for Howey-in-the-Hills.

## F. INTERGOVERNMENTAL COORDINATION ANALYSIS REQUIREMENTS

All existing coordination mechanisms described in Section B of this *Element* are effective and no problems exist.

The Town is continuing ongoing efforts to establish a Joint Planning Agreement with the County. Additionally, the Town is continuing efforts with the County to establish and maintain the water quality standards of Little Lake Harris and Lake Illinois. Howey-in-the-Hills shall pursue a formal agreement with Lake County on educating lakefront property owners on the importance of protecting the lakes from various means of pollution and will seek joint enforcement provisions.

The Town shall evaluate and compare any future annexations or developments with the East Central Florida Regional Planning Council's (ECFRPC) *Comprehensive Policy Plan* to ensure consistency. Howey-in-the-Hills will work with the ECFRPC on any regional planning matters.

No designated area of critical state concern falls partially or wholly within the Town.

With reference to S 163.3177(6) (h) 1 F.S., Section B above covered this *Element*.

An Interlocal Agreement for Public School Facility Planning between the Town, the Lake County School Board, and all other local governments in Lake County was adopted as required by the state's school concurrency regulations. This agreement will ensure the short- and long-range planning for future schools in the county to accommodate new students as a result of new

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Ordinance No. 2010-007

Amended January 27, 2020  
Ordinance 2019-01

VII-6

residential growth. The agreement also calls for joint use of facilities and co-location of schools and parks as well as coordination of the necessary infrastructure (roads, water, and wastewater) to support new schools. Through this process, schools will be properly located to reduce urban sprawl and respect existing neighborhoods.

## G. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** Coordinate with Federal, State and Local government and quasi-government entities whose respective empowered activities, duties and responsibilities influence, effect, or control governmental affairs and land development decisions held by the Town of Howey-in-the-Hills in order to establish effective growth management, development activities, and natural resource conservation, with consideration to limited available finances.

(Note: No municipalities are located adjacent to the Town of Howey-in-the-Hills.)

**OBJECTIVE 1.1:** *Coordination with Lake County.* Coordinate with Lake County on issues pertaining to land use activities and public programs applicable to adjacent unincorporated lands and unincorporated enclaves.

**POLICY 1.1.1:** *Exchange of Comprehensive Plans.* The Town shall willingly provide a copy of its *Comprehensive Plan* to Lake County and shall review the most recent *Lake County Comprehensive Plan* on the County's website to mutually promote consistency with adopted Plans.

**POLICY 1.1.2:** *Notification of Amendments to Comprehensive Plan and Development Activities.* The Town shall file a written request to Lake County to receive notification of any proposed land use amendments, changes to adopted levels of service, and all applications for development affecting land adjacent to Town boundaries as well as such activities occurring within one mile from the Town's limits, within a reasonable timeframe for the Town to respond to any concerns. The Town shall reciprocate such information to Lake County and allow response to Lake County growth management concerns.

**POLICY 1.1.3:** *Coordinating Growth Management Issues.* The Town shall coordinate growth management issues with Lake County by presenting Town concerns through documented transmittals, scheduled meetings, attendance at County public hearings, joint ad hoc technical coordination committees, and, where relevant, less formal communications.

The Town shall promote reciprocal participation of County staff and officials in local growth management affairs. Growth management issues to be pursued, but not limited to, comprise the following:

- annexations.
- availability of and impact to existing and proposed public services.
- concurrency requirements.
- compatible and consistent land uses.
- impacts to environmentally sensitive lands and the preservation of natural resources.
- affordable housing issues and housing needs for special groups.
- access to recreational facilities; and
- emergency management related issues.

All proposed public facilities shall be consistent with the guidelines and standards established in the *Public Facilities* and *Capital Improvements Elements* of this *Comprehensive Plan*.

**POLICY 1.1.4:** *Establishing a Joint Annexation Agreement.* By December 2012, the Town shall coordinate with Lake County to establish a joint annexation agreement. This agreement shall at minimum address the following:

- appropriate procedures for annexation.
- establishing compatible and consistent land uses for lands in the annexation zone; and
- defining the appropriate application of concurrency within the annexation zone.

**OBJECTIVE 1.2:** *School Board Cooperation and Coordination.* Full cooperation and coordination with the Lake County School Board as needed to coordinate planning activities and maximize the use of available public facilities.

**POLICY 1.2.1:** *Existing Agreements with School Board.* The Town will pursue formalization of existing agreements with the Lake County School Board for the use of school facilities for recreation services and activities. Agreements should establish a level of service ratio to determine the maximum allowable use of the facilities for public

access to optimize the use of the facilities and to help the Town determine its long-term recreation needs.

**POLICY 1.2.2:** *Annual Review of School Board Interlocal Agreement.* Review annually the interlocal agreement with the School District of Lake County to ensure inclusion of:

- coordination of *Public School Facilities Element*.
- review of population projection figures.
- corroboration on public school facilities siting.
- infrastructure and safety needs of schools.
- adoption of level of service standards.
- creation of a public school capital facilities program; and
- definition of the geographic application of school concurrency; the use of schools by the public, including use as emergency shelters; and for outlining public school concurrency requirements for future development.

**POLICY 1.2.3:** *Deficient Levels of Service.* The Town shall coordinate with the School District of Lake County to identify deficient Levels of Services for public school facilities, and to mitigate for those deficiencies through the development process when applicable.

**POLICY 1.2.5:** *Participation in Joint Meetings.* The Town shall participate in regularly scheduled joint meetings with all participants identified in the *Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency*.

**OBJECTIVE 1.3:** *Abiding by and Enforcing School Board Interlocal Agreement.* The Town shall abide by and enforce the interlocal agreement between the Town and School Board to require cooperation in terms of population and school siting.

**POLICY 1.3.1:** *Provision of Facility Plans and Projections.* The School Board shall provide facilities plans and population projections on an annual basis to ensure that consistency is maintained between the two.

**POLICY 1.3.2:** *Provision of Site Plans.* The School Board shall provide the Town with any plans to site schools within the corporate limits or joint planning area.

**POLICY 1.3.3:** *Provision of Land Use Amendments.* The Town shall provide to the School Board all applications for land use plan amendments that have the potential of increasing residential density and that

may affect student enrollment, enrollment projections, or school facilities.

**POLICY 1.3.4:**     ***School Board Member.*** The Town shall allow a member of the School Board to sit on the local planning agency and comment on proposals that have the potential to increase density.

**POLICY 1.3.5:**     ***Lake County Educational Concurrency Review Committee.*** Take part in the Lake County Educational Concurrency Review Committee established by the County, School Board and municipalities that shall meet at least annually but more often if needed, as outlined in the Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, and will hear reports and discuss issues concerning school concurrency.

**POLICY 1.3.6:**     ***Joint Staff School Concurrency Review Group.*** Take part in The Joint Staff School Concurrency Review Group, comprised of Staff of the County, Cities, and School Board, that shall meet at least quarterly, as outlined in the Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, to discuss issues concerning school concurrency. These issues shall include but not be limited to land use and school facilities planning, including such issues as population and student projections, level of service, capacity, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support schools and ensure safe student access. The School Board staff shall be responsible for making meeting arrangements.

**OBJECTIVE 1.4:**   ***Sufficient School Capacity.*** The Town shall, throughout the planning period, coordinate with Lake County Public Schools (LCPS) to ensure that sufficient school capacity is available to support proposed development and that necessary infrastructure is available to accommodate new schools.

**POLICY 1.4.1:**     ***Representative to Serve on Educational Concurrency Review Committee.*** The Town shall designate a representative to serve on the LCPS Educational Concurrency Review Committee to discuss issues and formulate recommendations regarding the coordination of land use and schools.

**POLICY 1.4.2:**     ***Projecting Student Population.*** The Town shall provide projected development data to LCPS on a regular basis to assist in



development of a long-range planning model to project student enrollment.

**POLICY 1.4.3:**     ***Reviewing LCPS Model Projections.*** As a member of the LCPS Educational Concurrency Review Committee, the Town shall review LCPS model projections for consistency with the Town’s projections and, if necessary, shall recommend additions or modifications to the model results.

**POLICY 1.4.4:**     ***Compliance with School Concurrency Agreement.*** The Town shall comply with the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency adopted in 2008.

**OBJECTIVE 1.5:**   ***Coordinate with the Plans of Federal and State Regulatory Agencies.*** Coordinate with the plans of Federal, State, and Regional Government Agencies to establish consistency and compatibility between the Town’s *Comprehensive Plan* and the plans and proposed activities of these regulatory agencies.

**POLICY 1.5.1:**     ***Coordinating Planning Activities.*** The Town shall continually coordinate planning activities involving *Elements* of the *Comprehensive Plan* with Lake County, Lake County School Board, Florida Department of Transportation, and any other regional or state agencies with land use or environmental regulatory authority, which provide services within the Town of Howey-in-the-Hills.

**POLICY 1.5.2:**     ***State Road 19 and County Road 48 Improvements and Maintenance.*** The Town shall coordinate with the Florida Department of Transportation on issues pertaining to improvements and maintenance of SR 19 and Lake County on issues pertaining to improvements and maintenance on County Road 48.

**POLICY 1.5.3:**     ***Affordable Housing Issues.*** The Town shall coordinate with the U.S. Department of Housing and Urban Development and the Florida Department of Community Affairs independently and in conjunction with the Lake County Department of Planning and Development to obtain financial assistance for affordable housing programs serving very low, low, and moderate income households within Lake County, including supporting infrastructure.

**POLICY 1.5.4:**     ***Coordination with State and Federal Agencies on Public Facilities.*** Issues concerning coordination with State and Federal

agencies involve drainage, solid waste and hazardous waste, potable water, sanitary sewer, and natural groundwater aquifer recharge. The Town shall coordinate plans and improvements proposed and scheduled within the *Comprehensive Plan* with those planned by the respective State and Federal agencies having authority to implement such improvements. Coordination shall also include the availability of State and Federal funds to support implementation of proposed infrastructure needs. All proposed public facilities shall be consistent with the guidelines and standards established in the *Public Facilities* and *Capital Improvements Elements* of this *Comprehensive Plan*.

**POLICY 1.5.5:** ***Coordination with State and Federal Agencies on Conservation Issues.*** Conservation issues that require coordination with State and Federal agencies include the possible acquisition of land adjacent to Little Lake Harris occupying an undisturbed vegetative community, protection of the natural groundwater aquifer, historical sites, wetlands, Little Lake Harris, sinkhole potential, wildlife and wildlife habitats, and air quality. The Town shall coordinate the Comprehensive Plan with plans and programs under the authority of the State and Federal agencies, according to the relationship of the conservation activity with the various agencies.

**POLICY 1.5.6:** ***Recreational Coordination.*** The Town shall coordinate recreation plans proposed within the *Comprehensive Plan* with proposed programs and plans established by the Florida Department of Natural Resources and the Florida Forever program as well as Lake County.

**POLICY 1.5.7:** ***Emergency Management.*** The Town shall coordinate growth and development proposed within the *Comprehensive Plan* with the proposed emergency preparedness plans and programs of the Florida Department of Emergency Management and the Lake County Department of Emergency Management.

**POLICY 1.5.8:** ***Assessing SJRWMD's Water Supply Facilities Work Plan.*** The Town of Howey-in-the-Hills' *Water Supply Facilities Work Plan (Work Plan)*, shall assess existing and projected water sources and needs for at least a 10-year planning period and consider the *Regional Water Supply Plan* of the St. Johns River Water Management District. The *Work Plan* shall identify traditional and alternative water supply sources that the Town may use to meet existing and projected water demands. The alternative water supply projects in the *Work Plan* will be selected from the

applicable District's Regional Water Supply Plans or otherwise proposed by the Town.

**POLICY 1.5.9:**     ***Update of the Town's Water Supply Facilities Work Plan.*** Howey-in-the-Hills shall coordinate with the St. Johns River Water Management District during updates to their *Regional Water Supply Plan*, to identify potentially feasible alternative water supply projects in the Town. Within 18 months of the adoption of the St. Johns River Water Management District's *Water Supply Plan*, the Town shall complete updates of the appropriate elements and adopt related plan amendments in order to address all of the 10-year water facilities supply work plan components of Chapter 163, F.S. The Town shall also update its *Water Supply Facilities Work Plan* every five years, within 18 months of the adoption of the St. Johns Water Management District *Regional Water Supply Plan*.

**POLICY 1.5.10:**   ***Coordination with Local Governments Bordering the Utility Service Area.*** The Town shall coordinate with all municipalities that border the Town's Utility Service Area (City of Groveland, Town of Astatula, City of Leesburg, City of Minneola, and City of Tavares) to maintain and implement an interlocal agreement in regards to addressing, at minimum, the following growth management issues:

- annexation issues.
- jurisdictional responsibility of public facilities.
- concurrency requirements.
- compatible and consistent land uses.
- impacts to environmentally sensitive lands and the preservation of natural resources.
- affordable housing issues and housing needs for special groups.
- access to recreational facilities; and
- emergency management related issues.

All proposed public facilities shall be consistent with the guidelines and standards established in the *Public Facilities* and *Capital Improvements Elements* of this *Comprehensive Plan*.

**POLICY 1.5.11:**   ***Local Government Coordination and Overlapping of Utility Service Area Boundaries.*** The Town shall continue to ensure that the overlapping of utility service area boundaries with adjacent

local governments is avoided by coordinating with the adjacent local governments and maintaining and abiding by the established interlocal agreements for municipal services.

**POLICY 1.5.12:**     ***Wholesale Wastewater Treatments.*** The Town shall continue to monitor and enforce the guidelines provided in the wholesale wastewater treatment agreements established with the Central Lake Community Development District. The Town shall also provide coordination with any future wastewater treatment providers established within the Town’s Utility Service Area Boundary.

**POLICY 1.5.13:**     ***Providing Potable Water Interconnection for Emergency Purposes.*** The Town shall continue to provide potable water interconnection with the Central Lake Community Development District, the Mission Inn, and adjacent municipalities for emergency purposes.

**OBJECTIVE 1.6:**     ***Coordination with the East Central Florida Regional Planning Council.*** Coordinate proposed development within the *Comprehensive Plan* with policies established within the ECFRPC’s Regional Policy Plan.

**POLICY 1.6.1:**     ***Cooperation with the East Central Florida Regional Planning Council (ECFRPC).*** The Town shall cooperate with the ECFRPC in the review of regional policies and standards which require coordination with local governments and their comprehensive planning activities. The Town shall assure that proposed growth and developments within the *Comprehensive Plan* remain generally consistent with the ECFRPC’s Regional Policy Plan. Other issues of coordination shall include, but may not be limited to, development of regional impact (DRI’s), comprehensive plan review, intergovernmental coordination, and conflict resolution.

**OBJECTIVE 1.7:**     ***Informal and Formal Mechanisms for Coordinating Impacts of Developments.*** Informal and formal mechanisms for coordinating impacts of development proposed in adjacent governmental jurisdictions shall be established.

**POLICY 1.7.1:**     ***Formal Mechanism with the County.*** The Town shall work with Lake County to mutually disseminate information pertaining to proposed development adjacent to the Town, or proposed within a distance at which an impact to levels of service will be evident, in order to coordinate growth and development affecting adjacent government’s adopted levels of services or other development concerns addressed within the *Comprehensive Plan*. Such an Agreement should stipulate required responsibility of a developer

to include a joint technical analysis of both jurisdiction's Concurrency Management Systems where a proposed development is anticipated to impact levels of service within both areas.

The Town Clerk shall assume responsibility to coordinate with Lake County on development impacts transcending Town boundaries.

**POLICY 1.7.2:**     ***Informal Mechanisms with the County's Planning Department.***  
The Town's planning consultant shall coordinate with the Lake County Department of Planning and Development to jointly review impacts of County development on Howey-in-the-Hills' adopted levels of service and anticipated growth and development within the Town. Such activities shall occur through joint meetings, written and verbal communications, and Town attendance at appropriate County public meetings addressing the proposed development.

**POLICY 1.7.3:**     ***Resolving Annexation Issues.*** The Town shall communicate and coordinate with adjacent homeowners, nearby neighborhoods and others within any future joint planning area to resolve any annexation issues.

**POLICY 1.7.4:**     ***Requested Interlocal Agreements.*** The Town shall cooperate in the preparation of any needed or requested Interlocal agreements.

**OBJECTIVE 1.8:**   ***Conflict Resolution Through Mediation.*** The Town shall coordinate with other public entities in drafting a strategic plan for Lake County for resolving conflicts between Howey-in-the-Hills and Lake County, other Lake County municipalities, the Lake County School Board, and Special Purpose Districts.

**POLICY 1.8.1:**     ***Informal Mediation Process.*** The Town shall establish an informal mediation process for solving local intergovernmental coordination problems among local governments and other units of government providing services.

**POLICY 1.8.2:**     ***Formal Mediation Process.*** Where informal mediation fails to resolve local conflicts, the Town Council shall determine if the issue warrants intervention of an unbiased mediation forum. Such mediation shall be granted to the East Central Florida Regional Planning Council unless evidence is shown that the ECFRPC will not represent a fair or unbiased mediator. Upon such determination, the Town shall coordinate with the Florida Department of Community Affairs to resolve intergovernmental

conflict with another Regional Planning Council serving as the mediator.

**OBJECTIVE 1.9: *Campus Master Plan.*** When a campus master plan prepared pursuant to Section 240.155, Florida Statutes, includes area within the Town, the Town shall recognize the campus master plan, and the Town shall coordinate with any University or College regarding the provisions of any campus master development agreement.

**POLICY 1.9.1: *Coordinating with Campus Master Plans.*** For applicable campus master plans prepared pursuant to Section 240.155, Florida Statutes, the Town shall meet with the University or College to establish procedures to recognize a campus master plan and to coordinate regarding the provisions of the campus master development agreement.

**OBJECTIVE 1.10: *Countywide Significant Facilities.*** The Town shall coordinate with Lake County regarding the siting of facilities with countywide significance, including locally unwanted land uses.

**POLICY 1.10.1: *Defining Facilities of Countywide Significance and Unwanted Land Uses.*** Facilities of countywide significance include but are not limited to hospitals, major school facilities, and governmental complexes. Locally unwanted land uses include but are not limited to uses that produce enough traffic, noise, smoke, odor, dust, fumes or vibrations to have an effect on the health and general welfare of the citizens of Howey-in-the-Hills.

**POLICY 1.10.2: *Identifying Facilities of Countywide Significance and Unwanted Land Uses.*** The Town shall meet annually or more frequently if needed with Lake County to identify facilities of countywide significance, including locally unwanted land uses, and to discuss the planning of these facilities. The coordination shall identify the best available data and analysis regarding these facilities and land uses and provide recommendations, if appropriate, regarding the siting of the facilities and land uses.

**POLICY 1.10.3: *Notice to County.*** The Town shall provide the County notice and opportunity to comment on the siting of facilities of countywide significance, including locally unwanted land uses. The Town shall provide an opportunity for the comments to be addressed in the siting process.

**OBJECTIVE 1.11: *Population Projections.*** The Town shall coordinate population projections with Lake County, the Lake County School Board, the Lake-Sumter Metropolitan Planning Organization, and other units of local government providing public facilities and services.

**POLICY 1.11.1: *Developing Countywide Population Projections.*** The Town shall meet annually or more frequently if needed with the Lake County Planning Department to discuss and develop countywide population projections that include expected growth shown in the Town's *Comprehensive Plan*. The Town will review the draft population projections and consider using them in the Town's *Comprehensive Plan* to foster the joint utilization of consistent and coordinated population projections between the Town and County.

**POLICY 1.11.2: *School Board Projections.*** The Town shall meet annually or more frequently if needed with the Lake County School Board to discuss population projections used in the Town's *Comprehensive Plan* in order to allow the School Board to consider Town growth and development projections and the Town to consider School Board enrollment projections. The population projections shall address but not be limited to the location, timing and amount of school students.

**POLICY 1.11.3: *Lake-Sumter MPO Projections.*** The Town shall meet annually or more frequently if needed with the Lake-Sumter Metropolitan Planning Organization to discuss population projections and consider expected growth shown in the Town's *Comprehensive Plan*.

**POLICY 1.11.4: *Other Units of Government and Population Projections.*** The Town shall meet annually or more frequently if needed with other units of local government providing public facilities and services to discuss population projections used in the Town's *Comprehensive Plan*.

## CAPITAL IMPROVEMENTS ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED MARCH 14, 2022



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## CHAPTER 8 CAPITAL IMPROVEMENTS ELEMENT

### ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN

#### A. INTRODUCTION

##### 1. BACKGROUND AND HISTORY

The preparation of the annual update to the *Capital Improvements Element (CIE)* was conducted consistent with and following the guidelines prepared by the Florida Department of Community Affairs (DCA) in *A Guide to the Annual Update of the Capital Improvements Element*. Staff followed the guide to ensure compliance and consistency with the requirements of the Florida Statutes and the Florida Administrative Code.

There is often confusion about the difference between the *CIE* and the *Capital Improvements Program (CIP)*. In brief, the *CIE* is a required element of the *Comprehensive Plan* and is concerned with the capital improvement projects necessary to meet or maintain the adopted Level of Service (LOS) standards established in the *Comprehensive Plan* or to implement the Goals, Objectives, and Policies of the *Comprehensive Plan*. The *CIP* provides a schedule of all capital projects to be undertaken by the Town, including the purchase of equipment and the construction of new governmental facilities and buildings.

The update of the *CIE* includes two parts: The Data and Analysis section and the *Schedule of Capital Improvements*. The Data and Analysis section includes an explanation of Level of Service (LOS) standards, the public facilities to be included in the report, an analysis of the existing and projected LOS for the planning period covered by the Schedule, a projection of future revenues and expenditures, and most importantly an analysis of the Schedule's financial feasibility.

The second section of the update is the *Capital Improvements Project Schedule (the Schedule)*. This is a table with information on every capital project necessary to meet or maintain the adopted LOS standards. Information such as a brief project description, the funding source, and the fiscal year for funding different phases of the project are also included in the Schedule. The Schedule establishes a link between the proposed improvements and the LOS standards established for the public infrastructure.

Chapter 163.3180, F.S., requires that all local governments shall maintain concurrency and establish LOS standards for the following public facilities:

1. Potable Water,

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2. Wastewater,
3. Public Recreation and Open Space,
4. Transportation,
5. Drainage or stormwater,
6. Solid Waste,
- 7.

Where the local government elects to adopt a public school facilities element, a level of service for schools must be included as well. The Town does participate with the Lake County School Board in schools planning via an interlocal agreement and the goals, objectives and policies established in this comprehensive plan.

## **2. PROCESS FOR ANNUAL ADOPTION AND REVIEW**

The purpose of the annual update is to maintain a financially feasible *5-year Schedule of Capital Improvements*. The *CIE* is a statement of budgetary policy and a planning document for capital expenditures and improvements for public use.

Section 163.3177 (3)(b), F.S. mandates that the *CIE* must be updated “on an annual basis”. The adoption of the annual update is done by local ordinance and then submitted to the State review agency as evidence of compliance.

## **3. GENERAL COMPONENTS OF THE SCHEDULE**

In general, the Schedule must include those capital improvement projects for which the local government has fiscal responsibility. The *Schedule* must also include projects such as school facilities, certain transportation facilities funded by other agencies (FDOT, or County), and privately funded projects necessary to ensure that adopted LOS standards are achieved or maintained.

### **a. Time Period**

The *Schedule* must be sub-divided into five one-year (fiscal year) periods.

### **b. Project Description and General Location**

The *Schedule* should include a brief general description of each project. The description must contain enough detail to demonstrate that the project is consistent with the facility needs identified in the other elements of the plan or in the data and analysis section of the *CIE*.

The *Schedule* should indicate the location of the project. Identifying the location of the project informs the community and landowners where infrastructure improvements are scheduled. If necessary, a map indicating the location of the capital improvements may be included as part of the update.

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**c. Consistency with Other Elements**

The *Schedule* must include a demonstration of consistency with the individual elements of the *Comprehensive Plan*.

**d. Projects and Costs**

A local government has discretion in establishing the types of projects that will be included in the *Schedule*. A “capital improvement” is defined as physical assets “which are large scale and high in cost ... generally nonrecurring and may require multiyear financing”. The *Schedule* must identify the cost for each project.

**e. Revenue Sources**

The revenue sources that will be used to fund each project must be identified in the *Schedule*. The supporting data and analysis needs to identify “existing funding sources” and include a projection of the amount of revenue expected to be collected from existing sources and other revenue sources.

Revenue sources could include any source that can be used to fund capital projects, including ad valorem taxes, bonds, state and federal funds or grants including FDOT funding, tax revenues, impact fees, and developer contributions.

**f. “Committed” versus “Planned” Funding Sources**

A “committed funding” source is one which is available for and dedicated to financing capital improvements included in the *Schedule* and is based on expected revenues from an existing source. Thus, “committed funding source” means that expected revenues from an existing revenue source have been dedicated to funding the capital improvements included in the *Schedule*. A developer’s contribution becomes a committed funding source when it is included in a legally binding agreement.

A “planned funding” source is one that is not currently available to the local government to use to fund capital projects. Examples of these include grants or the issuing of bonds based on referenda. A local government must demonstrate that a source is planned by adopting in the *CIE* a reasonable strategy that will be pursued to secure the revenue source. For example, the strategy could commit the local government by a certain date to initiate the referendum process or submit a grant application.

**g. Grants as a Funding Source**

Grants may be used to fund *CIE* projects. When reporting grants as a funding source it is necessary to identify the specific grant program to be used, the amount of the grant, and the funding source of any required local match. Depending on the status of a grant application, grants may be a “committed” or “planned” funding source. Grants which have been approved may be used as “committed funding” source for any of the five years of the *CIE Schedule*.

**4. PROJECTS TO BE INCLUDED IN THE SCHEDULE**

The projects to be included in the *Schedule* must include all the capital projects necessary to achieve and maintain the LOS standards, reduce existing deficiencies, provide for necessary replacements, and meet future demands during the time period covered by the *Schedule*.

The *Schedule* may include other facilities related to locally approved concurrency, or facilities not required to address either state-required or locally approved concurrency. In general, the *Schedule* need only include projects for which the local government has fiscal responsibility. However, the *Schedule* must include certain public and privately funded projects for which the government does not have fiscal responsibility. These could include: (1) Water supply projects, (2) public schools, (3) MPO’s TIP, and (4) developer funded projects necessary to maintain LOS standards.

**a. Projects to Achieve and Maintain LOS standards**

As previously stated, the *Schedule* must address the facility needs identified in the other elements of the plan for which LOS Standards must be adopted; these are the facilities for which concurrency is required. The concurrency facilities are: (1) Sanitary Sewer, (2) Potable Water, (3) Drainage or Stormwater, (4) Solid waste, (5) Parks and Recreation, (6) Transportation facilities, including mass transit, and (7) Public Schools.

**b. Projects to Reduce Existing Deficiencies**

In addition to projects to achieve and maintain LOS standards, the *Schedule* must also include projects to reduce existing deficiencies. A deficiency is a facility or service that is operating below the adopted LOS standard. If the annual update demonstrates that LOS standard will not be met during the five-year planning period, then the local government must adopt either a long-term concurrency management system or planning strategies to address these deficiencies.

**c. Replacement Projects**

The *Schedule* must include projects that are needed as “replacement” for facilities that wear out or are obsolete. Such projects may include facilities that have are malfunctioning or are constantly out of service such that the facility is unable to meet the demand for services.

**d. Projects to Meet Future Demand**

The updated *Schedule* must include projects to meet future demand. Such projects should be identified in the data and analysis section of each element. The basic concurrency requirement included in the statute states that facilities must be “available when needed”. The exact definition varies from facility to facility and only water, sewer, drainage and solid waste concurrency is mandated by State law. The function of the schedule is to time the construction of capital projects so that they are available when needed.

The following discussion defines “available when needed” for each type of concurrency:

Sanitary sewer, solid waste and drainage

- At the time of issuance of a Certificate of Occupancy (CO), the necessary facilities are in place, or
- At the time of issuance of Development Order (DO), the necessary facilities are guaranteed in an enforceable development agreement to be in place at the time of issuance of CO.

Potable Water

- Potable water facilities must be available as described in Section A. 1, above and prior to approving a building permit the local government must check with its water supplier to verify that adequate water supplies will be available no later than the anticipated date of issuance of a CO.
- If the local government is located in an area for which the water management district (WMD) has prepared a *Regional Water Supply Plan (RWSP)*, the *Potable Water sub-element* must incorporate the water supply projects chosen by the local government from those identified in the *RWSP* or proposed by the local government to meet projected demand within the area served by the local government.

In addition, the *Potable Water sub-element* must include a 10-year water supply facilities work plan for building needed facilities. The first five years of the adopted work plan must be included in the *Schedule*.

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**Recreation and Open Space:** The statute distinguishes between open space and outdoor recreation acreage and the actual facilities constructed on such land.

- Before a local government can issue a CO, the acreage for needed park and recreation facilities must be dedicated or acquired by the local government. If developer fair share funds are to be used to acquire the acreage, then these funds must be committed before the local government can grant approval to begin construction.
- The actual facilities needed to serve new development must be in place or under actual construction no later than one (1) year after the local government issues a CO. The Schedule should be constructed so that the local government is able to meet both these tests and avoid denying COs. The list of park and recreation facilities in the Schedule must be consistent with the supporting data and analysis in the *Recreation and Open Space Element*.

**Public Schools:**

The Town has elected to continue with concurrency for public schools. This process is governed by an interlocal agreement adopted by the school board and the local governments in Lake County. The agreement establishes procedures and processes for evaluating projects relative to school needs, and the school district provides an annual five-year capital budget that is reviewed as part of the Town's annual CIE update.

**Transportation Facilities (Including mass transit):** A *Comprehensive Plan* is financially feasible for transportation facilities if it can be demonstrated that LOS standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Chapter 163.3180, F.S.

- **Concurrency Test:** Transportation facilities needed to serve new development must be in place or under actual construction within three (3) years after the local government issues a building permit.
- **List of projects:** The *Schedule* must include projects on which the local government has relied or intends to rely for concurrency purposes. The *Schedule* need not include costs related to project planning and design since this phase of a project does not add roadway capacity and cannot be used to satisfy concurrency.
- **Right-of-way acquisition projects** can be included in the *Schedule* as one component of the total cost of a project. If a right-of-way acquisition project is included in the *Schedule*, the *Schedule* must also include the construction phases of the project.

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Metropolitan Planning Organization (MPO) Projects: The *Schedule* must include transportation improvements included in the first five years of the applicable MPO's *Transportation Improvement Program (TIP)* to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The *Schedule* must also be coordinated with the applicable MPO's long range transportation plan.

Strategic Intermodal System (SIS) Projects: The local government must adopt LOS Standards for SIS facilities that are consistent with FDOT standards. Projects needed to maintain the Standards must be included in the Schedule. MPO's are required to update their *TIP* every summer (July 1) and to include all regional/county projects in the new five-year work plan.

- Proportionate-share: A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year *Schedule of Capital Improvements* or if contributions for such facilities or segments are incorporated in the next update of the 5-year *Schedule of Capital Improvements Element*.
- De Minimis Report Requirement: A de minimis impact is an impact that affects no more than 1% of the maximum service volume at the adopted LOS standard. Development which causes only a de minimis impact is not subject to traffic concurrency. However, total traffic volume should not exceed 110% of the maximum service volume at the adopted LOS standard. Local governments must maintain records to ensure that the 110% criterion is not exceeded.

The annual update of the *CIE* must demonstrate that the 110% criterion has not been exceeded or, if it has been exceeded, that the impacted roadway is scheduled for improvement in the *Schedule*. No de minimis exceptions may be granted on roadways where the 110% criterion is exceeded until such time as the volume of the roadway is reduced below 110%. A single-family home on an existing lot of record will always constitute a de minimis impact regardless of the level of deficiency.

## B. CAPITAL IMPROVEMENTS INVENTORY

### 1. Need Derived from Other Elements

The analysis documented in the other comprehensive plan elements have identified facility improvements needed to meet the existing service deficiencies and those needed to meet the demands of future growth.

The Town does not provide public education services. Public education in Lake County is a function of the elected Lake County School Board. Lake Hills School, which serves students with moderate to profound disabilities from Pre-K to the 12<sup>th</sup> grade, is the only public school located in Town. There are three Lake County public schools (Astatula Elementary School, Tavares Middle School and Lake Technical Center - Astatula) within 5 miles of Howey-in-the-Hills. There are no public school facilities planned in the Town during the short-range and long-range planning period. Appendix B of the *Public School Facilities Element* features the concurrency service areas for the public schools in Lake County.

The State Department of Children and Families (DCF) determines the need for new health care facilities with a formula based on occupancy rates, historic use by age group, and population projections by age group. Although the Town currently has no full-service hospitals, there is the Florida Hospital Waterman located about 8 ½ miles northeast in the City of Tavares and the Leesburg Medical Center located about 11 miles northwest in the City of Leesburg that serve the Howey-in-the-Hills area. The nearest Emergency Medical Service station is located about 4 miles northeast of Town in the City of Tavares on Lane Park Cutoff

Individual capital improvement needs identified in this *Element* are, for the most part, those improvements, which cost \$1,500 or more and are generally non-recurring purchase items. The capital improvements identified in the other elements of this *Comprehensive Plan* are listed with a brief description in the Town's *5-year Schedule of Improvements* along with their estimated costs and projected year of expenditure. The improvements are listed by type of service, related to the various elements of the *Comprehensive Plan*. The *Capital Improvements Element* addresses existing and future capital improvements needed for at least the first five fiscal years after the adoption of the *Comprehensive Plan*.

It should be noted that the capital improvement projects contained in the Town's *5-year Schedule of Improvements* are not inclusive of all the anticipated capital expenditures by the Town during the planning period. The Town's *5-year Schedule* is limited only to those major components identified by the preceding elements of the Town's *Comprehensive Plan* in order to analyze development impacts and trends at a level of detail which is both manageable and fairly accurate.

The cost estimates for the capital improvements indicated in this *Element* were developed using standard engineering practice regarding construction costs, in conjunction with information derived from actual construction costs of similar projects, certified bid documents on similar projects, and engineering cost estimates conducted on similar projects.

## **2. Existing Financial Resources**

The first step in planning capital improvements, as well as arranging the necessary financing through the budgeting process, is to inventory the major sources of funding available to the Town. The revenue sources listed below comprises a working inventory for which the Town's ability to fund the needed capital improvements will be assessed. In addition, the current status of each revenue source currently used by the Town is indicated. It is important to note that the list below includes all of the major financial resources available to the Town and is not limited to the funds which will be used for the capital improvement projects identified in the *5-year Schedule of Improvements* included in this *Element*. These currently utilized financial resources comprise, in part, the revenue sources which will be used to fund the identified capital improvements projects.

## **3. Local Revenue Sources**

### **a. Property Taxes (Ad Valorem)**

Property taxes are normally based on a millage rate (i.e. one mill equates to \$1 per \$1,000 of assessed value, or .1%), which is then applied to the taxable value of all real property, as well as all other tangible personal property. The revenue from ad valorem taxes may be used to fund both operating costs and capital projects, unless prohibited by local policies. Provisions at the State level exist for raising the millage rate above the 10-mill cap set by local referendum for debt service or provision of municipal-type services within the Town.

### **b. Public Utility or User Charges**

The revenue from these charges is generated primarily as a result of the rates charged to Town residents of utilization of Town-owned utilities such as water, drainage, and solid waste removal/disposal. Revenue from these operations include user fees, miscellaneous customer service charges, and interest income.

### **c. Other taxes, fees, and charges**

This category of revenue source includes special assessments, various administrative fees, and other charges for using services or facilities owned and operated by the Town. Some examples of these charges are public document

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sales, property appraisal fees, fines and forfeitures, permit and license fees, Town fund interest income, Town property sale income, rental income, and all private contributions (real estate, gifts, donations, etc) to the Town.

**d. Franchise Fees**

The Town currently charges a franchise fee (based on the applicable gross revenues charged) for utility services, which are provided by private companies within the Town.

**e. Public Service or Utility Tax**

A municipality may levy a tax on the purchase of electricity, metered or bottled gas, water, cable television, and telecommunication services. The tax may be levied upon only the purchases within the municipality and may not exceed ten (10) percent of the applicable payments received by the seller of the taxable item from the purchaser of the purchase of such service.

**f. Special Source of Revenue**

Additional funding mechanisms are sometimes required due to the availability of existing revenue sources and/or the project priorities assigned by the Town Council. The options available to the Town regarding alternate sources of revenue for funding capital improvement projects are listed below.

- 1) **System Development of Impact fees.** Fees which are charged in advance of new development to pay for infrastructure needs, but not operating costs, resulting directly from the new development. The fees must be equitably allocated to the specific group(s) which directly benefit from the capital improvements. In addition, the assessment levied must fairly reflect the true cost of the capital improvements.

**g. Special Assessment**

Like impact fees, special assessments are charged to residents, agencies or areas who directly benefit from the provision of a new service or facility by the Town. For example, the construction of a gravity sewer system for an existing neighborhood may be financed through a special assessment to the neighborhood's individual homeowners rather than through a revenue fund of the Town.

## **h. Borrowing**

Occasionally, many local governments are required to resort to borrowing funds to pay for capital improvements due to their extremely high cost. Usually, either long-term or short-term financing is used to provide these funds. The short-term financing option is normally handled by local banks and is used to raise the required revenue for periods of one to five years. The more customary method is to authorize long-term bond issues, which range in length from five to thirty years.

Listed below are several types of bond issues available to the Town.

- 1) **General Obligation Bonds.** These are bonds which are backed by the full faith and credit of the local government and are required to be approved by a voter referendum. Since these bonds are secured by the taxing power of government, they generally offer lower interest rates than other bonds. The revenues collected from ad valorem taxes on real estate, as well as other sources of revenue are used to service the government's debt. General obligation bonds should be used to fund capital improvements which benefit the whole Town rather than specific areas or groups of citizens.
- 2) **Revenue Bonds.** The revenue obtained from the issuance of these bonds is normally used to finance publicly owned facilities such as water treatment and wastewater treatment facilities. The charges collected from the users of the facilities are used directly to retire the bond obligations. This basically allows the capital project to be self-supporting. It should be noted that the interest rates generally tend to be higher than those of general obligation bonds. Also, the issuance of the bonds may be approved by the Town Council without a voter referendum.
- 3) **Industrial Revenue Bonds.** This type of bond, though issued by a local government, is actually assumed by companies or industries that use these funds to construct facilities. The low interest rates associated with this type of bond (due to their tax-exempt status) makes it particularly attractive to industry. The advantages to the local government is that the private sector is responsible for the retirement of the debt and that the new employment opportunities are created in the community.

#### 4. State Sources

The Town also depends on annual disbursements from State government to supplement its revenue sources. The revenue sources discussed above represent those funds generated by Town levies which may be collected and disbursed at the local level. The revenue sources discussed in this section represent those funds which are:

- (1) generated locally, but collected and later reimbursed to the Town by the State;
- (2) adopted as a local option tax or license fee, collected and reimbursed by the State; or
- (3) shared by the State in the form of grants to the local government, but originate from State general revenues. The amounts available from these sources may vary widely from year to year depending on legislative actions.

##### a. Revenue Sharing Trust Fund

This component of revenue consists of 1 percent of sales and use tax collections, 1 percent of the State alternative fuel use decal fee collections, and the remainder is generated from the one-cent municipal fuel tax. The sales and use tax collections were substituted for the cigarette tax revenues that previously were used for this fund by the Florida Legislature. The municipal fuel tax funds are restricted for transportation related expenditures.

##### b. Other Shared Revenue

This category of revenue sources includes several major financial resources which, like the Revenue Sharing Trust Fund, are shared between local and State government agencies.

The following taxes and licensing fees generate a large portion of the total annual revenue for the Town's General Fund.

- 1) **Sales Tax** – The current sales tax in the State is 6%, and is levied on retail sales, and such things as commercial rentals, admission fees to entertainment facilities, and motor vehicle sales. The collection is returned to the counties and municipalities in accordance with specific formulae. The variables of the formulae, in the case of towns, include the population of the municipality, as well as the total and unincorporated population of the County.

**c. Mobile Home Licenses**

Mobile Home licenses currently range from \$31.60 to \$86.60, depending on what time length is established in the rate structure. Each city or town in the State shares in the allocation of the revenues from this source based on the number of units located in the city or town. The city or town in turn shares a portion of the revenue with the local school board. This has proven to be a relatively stable revenue source over time.

**d. Local Option Taxes**

Currently, there are four (4) possible sources of revenue available to the Town within this category. All the funds are generated locally, but the funds are collected and disbursed by the Florida Department of Revenue. The Town currently shares in only two (2) of these revenue sources.

**e. Alcoholic Beverage License**

The Division of Alcoholic Beverages and Tobacco for the State of Florida administers the issuance of licenses associated with the sale and/or consumption of alcoholic beverages. The State collects in excess of \$37 million annually from this fee. Of this amount, a portion is returned to counties and municipalities as a State shared revenue.

**f. Other Sources of Shared Revenues**

The Town also receives other shared revenues from both the County and other government agencies. These revenues include the Excise Tax, County Business Tax Receipt fees, Court fines and forfeits, and County Library Member Agreement fees.

**5. Federal and State Grants and Loans**

The Federal Government and State of Florida offer a variety of funding opportunities including block grants, loans and specific use grant programs that may be available for projects within the Town. For a Town with limited financial resources these programs can be highly useful sources of revenue. The Town regularly monitors these funding opportunities and applies for funding when the opportunity arises.

**C. LOCAL POLICIES AND PRACTICES**

To guide the location and timing of land development, local policies and practices are used, particularly in support of the goals, objectives, and policies of the *Future Land Use Element*.

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State agencies and water management districts which provide public facilities within the Town's jurisdiction will directly influence these policies and practices. One such influence was found to be generated by the Florida Department of Transportation's (FDOT) 5-year Transportation Plan. This influence stemmed from the fact that State Road 19 is within the Town's jurisdiction, and therefore largely the financial responsibility of the FDOT. Plans for the improvement of State Road 19 may be included in the before mentioned 5-year Transportation Plan. However, there are other such roadways not included in the Plan. Either scenario affects the capacity of the roadways, which in turn affects the level and intensity of development, as well as the degree of financial commitment for which the Town must plan.

In the absence of improvement plans by FDOT, special provisions may be made when the Town desires improvement of a State road to maintain local levels of service standards. These provisions may include the Town expending funds for roadway improvements or providing FDOT with the funds, either of which may be collected through an impact fee.

In this section, many of the local practices and policies used by the Town are described in terms of their general concept and the circumstances surrounding their use. The policies and practices both used in the past and currently in use are identified. Policies and practices not in use which have the potential for being used by the City are discussed in a later section of the *CIE*.

## **1. Level of Service Standards**

Level of Service (LOS) standards indicate the degree of service provided or proposed to be provided by public facilities based on their operational characteristics. Basically, the LOS indicates the capacity per unit of demand for each public facility. Therefore, the LOS is a summary of the existing or desired public facility conditions. These LOS standards are to be established for the specific purpose of issuing permits or development orders to ensure that adequate capacity is available and will be maintained in public facilities for future development.

LOS standards can affect both the timing and location of development by encouraging development of those areas which have public facilities with excess capacity. In addition, development is not allowed unless the needed facilities and services are available. This development and provision of services usually occur in a phased sequence over a period of time.

## **2. Capital Improvements Program (CIP)**

A *Capital Improvements Program* is a plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated facility improvements and needs. The *CIP* identifies each capital project or other capital expenditures anticipated by the Town, as well as presenting estimates of the resources needed to finance the project.

The *CIP* is designed to be consistent with the *CIE* of the local comprehensive plan because it reflects the goals, objectives, and policies of the *Element* and its implementation strategy, including the *5-year Schedule of Improvements*. In addition, the *CIP* is not restricted to only those public facilities addressed in the comprehensive plan, as is the *CIE*.

The first year of a *CIP* becomes the annual capital budget with longer range capital expenditures identified for the 5-year program. The capital budget encompasses enacting appropriations for those capital projects delineated for the first year of the *CIP*. The *CIP*, similar to *CIE*, is reviewed on an annual basis.

### **3. Impact Fees**

Impact fees are imposed by many local governments on new developments to offset the costs of new public facilities necessitated by the development. Local government may use this strategy as one method of implementing the *CIE*.

Impact fee development is a logical outgrowth of the *CIE* preparation. A rational basis for developing an impact fee ordinance comes from the assessment of the local government's capital improvement needs and its capability to provide for those needs.

Infill development location and timing may be affected and controlled through the use of impact fees. This is because infill development usually occurs in those areas having capital facilities with excess capacity. If the local government chooses not to recover the costs of capital facilities in underutilized service areas, infill development may be encouraged by the absence of impact fees on developments proposed within those areas.

### **4. Utility Service Areas**

The delineation of utility service areas within a comprehensive plan or *CIP* may be used to describe areas where local governments intend to provide public facilities and services. When used in conjunction with a *CIE* and *CIP*, utility service areas can be used as a tool to coordinate the timing of public facilities and service provision within areas planned for development.

Additionally, the following benefits may be the result of using utility service areas:

- a) Encourage efficient and orderly growth patterns;
- b) Preserve agricultural and environmentally sensitive areas; and
- c) Support control on facility extensions

## 5. User Charges and Connection Fees

User charges are designed to recover the costs of public facilities or services from those who benefit from them. Many areas of local government employ the use of user charges. Monthly sewer charges paying for the operation and maintenance of wastewater facilities as well as retiring debt service on revenue bonds is a good example of user charge usage. This technique may also be applied to transportation, potable water, solid waste, recreation, and parking facilities and services.

These charges may be designed to vary, depending on the quantity and location of the services rendered, in order to affect the pace and pattern of development. In other words, the greater the distance from the service area, the higher the user charge.

## 6. Concurrency Management System

This controls the timing and location of development by conditioning new development approvals on evidence that sufficient facilities and services are present or will be provided in order to maintain adopted LOS standards. Therefore, development approval becomes contingent on the ability of local governments to provide facilities and services, and furthermore, may require the development itself to furnish the facilities and services in order to maintain the adopted LOS standards. Additional benefits associated with a Concurrency Management System are as follows:

- a) Supports the consistency of the *CIE* with the *Future Land Use Element*;
- b) Provides for the orderly expansion of public facilities;
- c) Stabilizes capital improvement expenditures and taxing structures for capital improvements; and
- d) Reduces the possibility of damage to the environment from the use of overburdened facilities.

Typically, the Concurrency Management System interacts with the development approval process by requiring that all zoning, subdivision, or planned unit development (PUD) approval be granted only upon demonstrated compliance with the system. The building permit stage is another level at which a Concurrency Management System may function. In this context, the Concurrency Management System may control development in areas that are already approved, but not as yet built on, such as pre-platted lands.

## 7. Mandatory Dedication or Fees in Lieu Of

The Town may require, as a condition to plat approval, that subdivision developers dedicate a portion of the land within the development to be used for public purposes such as roads, parks, and schools. Dedication may be made to the governing body, or to a private group such as a homeowner's association.

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When a subdivision is of such small scale or topographic conditions that a land dedication cannot reasonably be required, the Town may require that the subdivider pay a fee in lieu of dedication which is equivalent to the amount of land that otherwise would have been dedicated by the developer. The fee may be deposited into a separate account for use in the future towards the provision of such facilities.

As a result of the public facility provision, the adjacent area benefiting from the initiative would likely become more attractive to development. Therefore, the acquired service potential may be used to encourage growth in desired areas.

## **8. Moratoria**

A moratorium, or stop-gap ordinance, is used to temporarily halt or freeze development in an area for a specified period of time on an emergency basis. The ordinance may be imposed on building permits, development approvals, or governmental services such as potable water connections or wastewater system extensions and/or connections. The moratorium normally is imposed for a “reasonable time” to allow the necessary planning activities to take place pending comprehensive plan preparation, adoption, or amendment. The State of Florida’s legal system has found development moratoria to be a valid measure of last resort in the protection of local public health, safety, and welfare when adopted in accordance with applicable procedures. Some other considerations in adopting a moratorium include:

- a) Determining legal status of existing permit applications and approvals to determine the extent of “vested rights” for those developments approved prior to ordinance adoption;
- b) Specifying the geographic extent of the moratorium (whether it will include the entire Town limits, or limited to specific hazard areas with existing service insufficiencies); and
- c) Specifying the time frame and conditions under which the moratorium will be imposed.

## **D. DATA AND ANALYSIS**

The data and analysis for public facilities is detailed in the individual plan elements and may be referenced there. Specific note is taken regarding the ongoing master planning being done for the Town’s potable water and sanitary sewer systems. This is a detailed engineering study which will identify short-term and long-term capital needs and projects. These studies will not be complete prior to the adoption of the 2018 capital improvements program, and, therefore, will be

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more heavily referenced in future CIP annual updates. The following sections layout the level of service requirements for each class and type of public facility.

### **1. POTABLE WATER**

The Town of Howey-in-the-Hills maintains and operates the potable water system that provides potable water service to the Town. 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. (Policy 1.10.1 of the *Public Facilities Element*)

### **2. WASTEWATER**

The Town does not have a wastewater treatment plant. The Central Lake Community Development District (CDD) currently provides wastewater treatment for the Lake Hills School, the Venezia South Subdivision and a few other adjacent properties. The Town is in the process of installing a collection system to serve Central Avenue. Howey in the Hills has also entered into an agreement with the Central Lakes CDD to obtain wholesale wastewater treatment for the Town for three proposed Planned Unit Developments. Under that agreement, the Town is the ‘customer’ and will in turn supply the wastewater service to individual homes and businesses in those PUDs. The Town will own and maintain the collection system (mains, lift stations, etc.) within the Town limits. The Town is also working on entering into similar arrangements with neighboring local governments to supply wastewater treatment to future growth.

The Town has adopted a level of service standard of 120 gallons per day per resident for sanitary sewer. The Town has also implemented a wastewater impact fee. Although Howey in the Hills has no current plans to build its own wastewater treatment plant, the impact fee is a standard mechanism used to finance the cost of providing wastewater collection and treatment services to serve new growth. This may include financing for construction of the collection system as well as the cost of purchasing treatment capacity at existing plants. One developer has already installed collection lines and lift stations to support the first phase of its development. Those lines and lift stations will be owned and maintained by the Town.

### **3. PUBLIC RECREATION AND OPEN SPACE**

The Town has adopted LOS standards for parks and recreation facilities. LOS standards for parks are based on availability of recreational resources divided by the total number of users. This is the basic system for calculation of recreational LOS as established by the National Park and Recreation Association (NPRA). Utilization of such standards by the Town provides for adequate public access to recreational facilities and parkland.

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Employing these same standards into the future should likewise continue to satisfy LOS requirements.

The Town's *Comprehensive Plan* establishes the Recreation and Open Space LOS standards as 6.5 acres per 1,000 residents. (Policy 1.1.1) The Town also uses the following guidelines to help in determining the provision of recreation facilities:

<u>Facility</u>	<u>Guidelines per Population</u>
Playground	1 per 1,000
Tennis Court	1 per 1,000
Baseball/Softball	1 per 2,000
Football/Soccer	1 per 4,000
Handball/Racquetball Court	1 per 3,000
Basketball Court	1 per 2,000
Shuffleboard *	1 per 1,000
Boat Ramps	1 per 6,500
Swimming Pool	1 per 15,000

\* May be substituted for horseshoe pits, bocci court, or other lawn game.

An analysis of the existing and projected population increase and the available acreage for parks and recreational facilities indicate that the Town currently has a surplus in parks and recreation acreage to meet the demand for public park land/open space.

#### **4. TRANSPORTATION**

A LOS C represents stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds. A LOS D borders on a range in which small increases in traffic flow may cause substantial increase in approach delay and, hence, decrease in speed. This may be due to adverse signal progression inappropriate signal timing, high volumes or some combination of these. LOS E represents traffic flow characterized by significant delays and lower operating speeds. Such operation may be due to some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing. For planning purposes, this LOS equals lane capacity.

##### **a. Level of Service Analysis**

The Town's *Comprehensive Plan* establishes Transportation LOS standards as featured below (Policy 1.1.1 of the *Transportation Element*):

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**TABLE 1: ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS**

Road Class	Minimum LOS
Minor Arterials (SR 19)	LOS D (AADT)
Major Collectors (CR 48)	LOS D (AADT)
Minor Collectors - E. Revels Road, S. Lakeshore Blvd., S. Florida Avenue, and Central Ave./County Road No. 2	LOS D (Peak Hour Minimum)
Local Roads	LOS D (Peak Hour Minimum)

The Howey-in-the-Hills *Comprehensive Plan* lists five roads that the Town monitors for LOS: (1) State Road 19 (minor arterial), (2) County Road 48 (major collector), (3) Lakeshore Boulevard/East Revels Road (local road), (4) Number Two Road (local road), and (5) North Buckhill Road (local road). The adopted LOS for minor arterials and major collectors is an Annual Average Daily Traffic Minimum LOS D. The adopted LOS for minor collectors and local roads is a Peak Hour Minimum LOS D.

The three primary roads that carry traffic in and around Howey-in-the-Hills are S.R. 19, C.R. 48, and C.R. 455. All three of these roads operate at a LOS D or better using the Generalized Annual Average Daily Volumes for Areas Transitioning into Urbanized.

The Town does not collect road impact fees. These fees are collected by Lake County and dispersed to appropriate districts for improvements to roadways.

As developments apply for Final Plan approval, they will be required to provide the number of peak hour, peak direction trips for each of the road segments in the above table. If there is adequate capacity available a certificate of concurrency for transportation shall be issued.

Once the certificate is issued, that capacity is deemed reserved, and needs to be deducted from the remaining capacity left in the system. That reserved capacity then becomes part of future annual concurrency reports. As the reserved capacity becomes actual trips on the road, that part of the reservation is deducted from the total that was reserved.

## 5. STORMWATER

The Town's stormwater management system relies upon the natural drainage patterns to convey, reduce, and control the stormwater run-off. When necessary to provide adequate flood protection, the natural drainage pattern was altered. Also, the drainage basins were interconnected to provide adequate relief during major storm events. The system was

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originally designed to handle a 100-year/24-hour storm event without flooding adjacent lands.

**a. Level of Service Analysis**

In the Town, all proposed development projects are reviewed for compliance with the rules and regulations established in the *Land Development Code*. In addition to approval by the Town, new development exceeding thresholds established in Chapter 40C-42, F.A.C are required to apply for a SJRWMD Environmental Resource Stormwater Permit (ERSP). Existing stormwater management systems that increase pollutant loadings, peak discharge rate, decrease on-site detention storage, or meet the thresholds established under new stormwater management systems are also required to apply for a new ERSP or a modification to their existing permit.

The *Comprehensive Plan* sets various LOS standards for drainage. The first set of standards is for Retention Volume and Design Storm. (Policy 2.1.2 of the *Public Facilities Element*)

Retention Volume: Complete retention of the post-development minus the pre-development run off occurring at the established design storm.

Design Storm: The following interim LOS standards will be used until the Comp Plan is amended to incorporate findings and recommendations of the programmed Stormwater Master Plan:

Facility Type	Design Storm
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm Sewers	10 Year
Major Detention/Retention Structures	For the probable maximum precipitation as required by SJRWMD
Minor Detention/Retention Structures	25 Year

Note: Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

The second set of LOS standards for drainage outlined in the *Comprehensive Plan* is for pollution abatement treatment. (Policy 2.1.3 of the *Public Facilities Element*)

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The following minimum stormwater drainage LOS standards are required for pollution abatement treatment:

Facility Type	Pollution Abatement Treatment
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Note: If the site's runoff directly discharges to Class I, Class II, or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

The Town of Howey-in-the-Hills ensures the provision of adequate stormwater drainage systems through the development review process. The above standards are used in reviewing all new development. Permits are also required from all applicable State, Federal, and local agencies with regard to stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

## 6. SOLID WASTE

The Town of Howey-in-the-Hills provides twice weekly curbside garbage collection through a contract with a private hauler. Service also includes a weekly recycling collection.

### a. Level of Service Analysis

The adopted Level of Service (LOS) for solid waste in the Howey-in-the-Hills *Comprehensive Plan* is 6 pounds per person per day. (Policy 1.6.1 of the *Public Facilities Element*) This LOS was derived taking into consideration the capacity of the landfill.

## 7. PUBLIC SCHOOL FACILITIES

The Town has elected to retain public school concurrency as part of its public facility requirements. Policy 1.1.1 of the *Public Schools Facilities Element* of the *Comprehensive Plan* states that "LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School

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Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity.” Appendix B: *Lake County School Districts 5-Year District Facilities Work Program* is attached.

## E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** To provide for timely and efficient provision of adequate public facilities that upholds quality of life through the use of sound growth management and fiscal policies.

### **Purpose of Capital Improvements Management**

**OBJECTIVE 1.1:** *Capital Improvements Provision and Programming.* Capital Improvements shall be provided for purposes of correcting existing deficiencies, accommodating desired future growth, and replacing deteriorated or obsolete facilities. Capital Improvements shall be programmed within the *Five-Year Schedule of Capital Improvements*, according to the rank of priorities and timing set forth therein.

**POLICY 1.1.1:** *Qualification and Scheduling of Capital Improvements.* The Town shall include within the *Five-year Schedule of Capital Improvements* only those improvements identified in any of the respective elements of the Town's *Comprehensive Plan* which meet the requirements cited below for qualification as a capital improvement:

- Infrastructure - Improvements shall be a permanently fixed structure with a minimum life expectancy of five-years or more, and have an estimated cost of \$1,500 or more;
- Land Acquisitions - All land acquisitions;
- Service or Supporting Facilities - Facilities and services necessary to support the maintenance of infrastructure or to provide a needed service, and having an estimated cost of \$1,500 or more;
- Preparatory Services - Expenditures for professional engineering, planning, or research services that may be necessary prior to the implementation of infrastructure projects, supporting facilities and services, land acquisitions, or other services which exceed \$5,000 or more dollars; and
- Bond Issues - Any infrastructure, land acquisitions, supporting facility improvements, or services requiring financing through the issuance of a bond

**POLICY 1.1.2:** *Distinguishing and Classifying Capital Improvements.* The *Capital Improvements Element* and the *Five-Year Schedule of Improvements* shall distinguish and classify capital improvements according to the following three categories:

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- Current Deficiencies – improvements required to eliminate a current deficiency in the provision of facilities and services;
- Replacement facilities – improvements required to replace existing facilities which are obsolete or worn-out to a degree which threatens the maintenance of an adopted level of service standard;
- New Capital Improvements – improvements necessary to provide new facilities and services to meet demands generated by anticipated growth and development identified within the *Future Land Use Element*.

### **Level of Service**

**OBJECTIVE 1.2:** ***Maintaining LOS standards.*** Maintain adopted LOS standards, as defined in the individual *Comprehensive Plan* elements, and meet existing and future needs by coordinating land use decisions with the *Five-year Improvement Schedule of Capital Improvements* provided by the *Capital Improvements Element (CIE)*

**POLICY 1.2.1:** ***Adequate Facility Ordinance.*** The Town Council shall adopt an adequate facilities ordinance to ensure that at the time the development order is issued adequate facility capacity is available or will be available when needed to serve the development.

**POLICY 1.2.2:** ***Financially Feasible CIP.*** The Town of Howey-in-the-Hills shall construct a financially feasible *Capital Improvements Plan*.

**POLICY 1.2.3:** ***Adopted Level of Service Standards.*** The following levels of service are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or in the Town utility service area.

#### **Sanitary Sewer:**

Dwelling Unit - 120 gallons per day, per resident

#### **Potable Water:**

Overall System Demand - 242.0 gallons per day, per resident

Residential Demand Only - 150.8 gallons per day, per resident

#### **Solid Waste:**

6 lbs. per day, per capita

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**Drainage:**

<b>Water Quantity</b>	
Retention Volume	Complete retention of the post development minus the pre-development runoff occurring at established design storm stated below.
<u>Facility Type</u>	<u>Design Storm</u>
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention/Retention Structures	For the Probable Maximum Precipitation as required by SJRWMD(1)
Minor Detention/Retention Structures	25 Years(1)
Development occurring in the 100 Year Flood Zone must elevate the first floor 18 inches above the 100 Year Flood Elevation	
<b>Water Quality</b>	
<u>Facility Type</u>	<u>Pollution Abatement Treatment (2)</u>
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Notes: (1) Major/Minor Detention/Retention structures are based on Hazard Classification for dams and impoundments as defined by SJRWMD.

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- (2) If the site's runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-one detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

**Transportation: Level of Service**

Principal Arterial	"C" based on Average Annual Daily Traffic
Minor Arterial	"D" based on Average Annual Daily Traffic
Major Collector	"D" based on Average Annual Daily Traffic
Minor Collector and Local	"D" based on Peak Hour Directional

**Recreation and Open Space:**

6.5 acres of park space per 1,000 residents

**Population Guidelines for User-Oriented Outdoor Recreation Activities**

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

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

**Size and Population Guidelines for User Oriented Park Sites:**

<b>District Park:</b>	5 acres per 1,000 population and a minimum park size of 5 acres
<b>Vest Pocket /Tot Lot Park</b>	0.5 acres per 1,000 population and a minimum park size of 1 acre or 0.25 acres for parks adjoining schools
<b>Community Park</b>	2 acres per 1,000 population and a minimum park size of 20 acres or 5 acres for parks adjoining schools
<b>Neighborhood Park</b>	2 acres per 1,000 population and a minimum park size of 5 acres or 2 acres for parks adjoining schools

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Source: Florida Department of Environmental Protection – Division of Parks and Recreation, Outdoor Recreation in Florida – 2000: Florida’s Statewide Comprehensive Outdoor Recreation Plan, Tables 4.3, 4.4 and 4.5.

- POLICY 1.2.4:** *Monitoring and Tracking De Minimis Impacts.* The Town shall implement a methodology to monitor and track approved de minimis impacts on the roadway network within its jurisdiction. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted Level of Service of the affected transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual *Capital Improvements Element* update.
- POLICY 1.2.5:** *Public School Deficiencies and Future Needs.* The Town shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools.
- POLICY 1.2.6:** *Issuance of Development Order.* The Town shall issue no development order for new development which results in an increase in demand on deficient facilities prior to the completion of improvements required to upgrade the respective facility to adopted standards.
- POLICY 1.2.7:** *Level of Service for Public Schools.* The level of service for all schools shall be set at 100% of FISH (Florida Inventory of School Houses) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity. Coordination with the Lake County School Board’s *Five Year District Facilities Work Plan*, the plans of other local governments, and as necessary, updates to the *Concurrency Service Area Map* is required to ensure that the adopted Level of Service Standards for Concurrency Service Areas will be achieved and maintained.

On or before September 15th of each year and after consideration of the written comments of the County and the Cities, the Lake County School Board will adopt a financially-feasible Work Program that includes school capacity sufficient to meet anticipated student demand within the County, based on the LOS

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standards set forth in the Interlocal Agreement. The School Board will construct and/or renovate school facilities sufficient to maintain the LOS standards set forth in the Interlocal Agreement, consistent with the adopted *5-Year Facilities Work Program*. Nothing in this agreement shall be construed to abrogate the School Board's constitutional authority in determining delivery of student services, including but not limited to school scheduling or to require the School Board to redistrict any school more than once in any three consecutive year period. The Town of Howey-in-the-Hills shall adopt the Schools Board's adopted work program into their CIE updates each December.

**OBJECTIVE 1.3:** *Local Government and External Agency Plans.* The Town hereby adopts all applicable outside local government and external agency plans necessary to maintain and provide for level of service.

**POLICY 1.3.1:** *Adoption of School District's Work Plan.* The Town hereby adopts by reference the Lake County School District's current 5-Year Work Program, to meet anticipated school capacity and student demands projected by the County and municipalities based on the adopted Level of Service standards for public schools.

**POLICY 1.3.2:** *Adoption of FDOT's Work Plan.* The Town hereby adopts by reference the Florida Department of Transportation's current 5-Year Work Program, to meet anticipated demand through improvement of state transportation facilities within the jurisdiction.

**POLICY 1.3.3:** *Adoption of SJRWMD's Work Plan.* The Town hereby adopts by reference the St. Johns River Water Management District's (SJRWMD) *Water Supply Plan 2005*, to meet anticipated water supply and demand needs within the jurisdiction.

### **Capital Improvements Prioritization**

**OBJECTIVE 1.4:** *Capital Improvements Priority.* Prioritization of capital improvement projects in a manner that achieves and maintains adopted LOS standards while protecting the Town's investment in existing public facilities.

**POLICY 1.4.1:** *Town Clerk and Council Authority and Responsibility.* The Town Clerk shall have the authority and responsibility to evaluate and recommend a ranked order of priority for capital improvements which are proposed for inclusion in the *Five-year Schedule of Capital Improvements*. The Town Council shall review and retain

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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its authority to adopt the recommendations of the Town Clerk with or without modifications in the proposed *Five-year Schedule of Improvements*.

**POLICY 1.4.2:** *Evaluation and Ranking of Capital Improvements.* Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

- whether the project is needed to protect the public health and safety, to fulfill the Town's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities;
- whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes in-fill development; and,
- whether the project represents a logical extension of facilities and services from the Town to the urban fringe or is compatible with the plans of the state agencies, or the St. Johns River Water Management District.

**POLICY 1.4.3:** *Ranking 5-year Schedule.* In addition to standards established in Policy 1.4.2, the Town shall rank capital improvement types (defined in Policy 1.1.2) within the *Five-Year Schedule of Capital Improvements* according to the following order of priority:

- a. Current capital improvement deficiencies;
- b. Replacement of worn-out or obsolete facilities;
- c. New capital improvements required to meet demands generated by anticipated future growth and development (as identified within this *Comprehensive Plan*).
- d. Capital improvements financed by grant funds earmarked for a specific use or financed by restricted revenues that can not be applied to an improvement identified as a higher priority may be scheduled before other higher priority projects in the *Five-Year Schedule of Improvements* on the basis that these funds may be forfeited if not used for that specific purpose or within a certain timeframe.

**POLICY 1.4.4:** *Support of Comprehensive Plan.* Proposed capital improvement projects shall support the Goals, Objectives and Policies of this *Comprehensive Plan*.

**OBJECTIVE 1.5:**        *Coordination of Land Uses and Fiscal Resources.* The Town shall coordinate its land use decisions and available or projected fiscal resources with a schedule of capital improvements in order to maintain adopted levels of service which meet the existing and future facility standards.

**POLICY 1.5.1:**        *Elimination of Public Hazards.* The Town shall eliminate public hazards in its implementation of capital improvements.

**POLICY 1.5.2:**        *Capacity Deficits and Local Budget Impact.* The Town shall work to avoid and eliminate capacity deficits and minimize local budget impact when implementing capital improvements.

**POLICY 1.5.3:**        *Anticipating and Projecting Growth Patterns.* The Town shall anticipate and project growth patterns in its implementation and accommodation of new development and the redevelopment of facility and capital improvements.

**POLICY 1.5.4:**        *Capital Improvements Financial Feasibility.* All capital improvements shall be made in a financially feasible manner and take into account the plans of state agencies, local governments and water management districts that provide facilities within the Town of Howey-in-the-Hills.

**POLICY 1.5.5:**        *Concurrency of Public Facilities and Services.* The Town shall make public facilities and services available concurrent with the impacts of development subsequent to the writing of this *Comprehensive Plan*. The Town shall deem which public facilities and services are necessary in cases of phased development but shall require that this provision is made available concurrent to the impact of development.

**POLICY 1.5.6:**        *Public Facilities and Environmentally Sensitive Lands.* The Town shall not invest public funds in public facilities located on designated environmentally sensitive lands, as defined in the *Conservation Element*, within its jurisdiction unless the facility is necessary to:

- a.    Preserve environmentally sensitive land;
- b.    Provide access to designated passive recreation sites or to connect developable areas; and
- c.    Promote the health and safety of citizens.

**OBJECTIVE 1.6:**        *Proportionate Cost of Future Development.* The Town shall ensure future development bears its proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted levels of service.

**POLICY 1.6.1:**        *Use of Revenue Bonds.* The limitation on the use of revenue bonds as a percent of total debt shall follow applicable Florida statutes and acceptable financial practices.

**POLICY 1.6.2:**        *Total Debt Service.* The maximum ratio of total debt service to total revenue shall follow applicable Florida statutes and acceptable financial practices.

**POLICY 1.6.3:**        *Property Tax Base Indebtedness.* The maximum ratio of outstanding capital indebtedness to property tax base shall follow applicable Florida statutes and acceptable financial practices.

**OBJECTIVE 1.7:**        *Public Facility Needs.* The Town shall demonstrate its ability to require provisions for needed improvements identified in local jurisdictions comprehensive plan elements in order to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the ability of local government to fund and provide provisions of future needed capital improvements.

**POLICY 1.7.1:**        *Construction and Replacement Schedule.* The Town shall identify needs and establish construction and replacement schedules within the *Capital Facilities Element*.

**POLICY 1.7.2:**        *Establishing LOS Standards.* The Town shall establish level of service standards for public facilities.

**POLICY 1.7.3:**        *Prior Issued Development Orders.* The Town shall account for needed facilities of prior issued development orders in the assessment of public facility needs for those development orders issued prior to the *Comprehensive Plan*.

### **Budgetary Procedure**

**OBJECTIVE 1.8:**        *Annual Update of Capital Improvements Element.* The *Capital Improvement Element* shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures.

**POLICY 1.8. 1:**        *Resources for Enterprise Funds.* Available resources for enterprise funds are to be calculated as net income less existing

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debt service principal payments plus any new service or special assessment revenue to be generated by the project financed through the anticipated debt proceeds.

- POLICY 1.8.2:** *Resources for General and Specific Revenue Funds.* Available resources for the general and special revenue funds would be calculated as the excess of revenue over expenditures and other uses plus any new revenue or special assessment collections generated by the project financed through the anticipated debt proceeds.
- POLICY 1.8.3:** *Reservation of Enterprise Funds.* The Town shall reserve Enterprise Fund surpluses for planned capital expenditures.
- POLICY 1.8.4:** *Securing Grants or Private Funds.* Efforts shall be made to secure grants or private funds whenever available to finance the provisions of capital improvements.
- POLICY 1.8.5:** *Collection of Impact Fees.* All new development, which has a direct or indirect impact on roads, schools, parks, potable water, or sewer, shall continue to be subject to impact fees collected and/or administered by the Town. Monies collected as impact fees shall be spent to benefit the Town's infrastructure [9J-5.016(3)(b)(4), F.A.C.].
- POLICY 1.8.6:** *Impact Fee Ordinance.* The Town shall assess its impact fee ordinances to assure that new development pays its pro rata share of the costs required to finance capital improvements necessitated by such development.
- POLICY 1.8.7:** *Reviewing All sources of Revenue.* Before the annual budget process is initiated, the Town shall review all sources of revenue not previously utilized as revenue and shall act to obtain and receive revenue from these potential sources where a benefit to the Town can be predicted.
- POLICY 1.8.8:** *Private Contributions.* The Town shall rely upon private contributions as a funding source within the *Five-year Schedule of Capital Improvements* only when the obligation to fund a specific capital improvement is addressed in an enforceable development agreement or development order. The Town shall not be responsible for funding capital improvements that are the obligation of the developer. If the developer fails to meet any capital improvement commitment that is programmed in the *Five-*

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Adopted on October 11, 2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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*year Schedule of Capital Improvements*, a plan amendment to delete the capital improvement from the *Schedule* shall be required.

**POLICY 1.8.9:** *Assessed Property Tax Base.* The assessed property tax base shall be determined by the Lake County Property Appraiser's Office.

**POLICY 1.8.10:** *Bond or Loan Maturity Date.* The maturity date for any bond or loan shall not exceed the reasonable expected useful life of a financed project.

### **Capital Improvements Planning**

**OBJECTIVE 1.9:** *Annual Incorporation of 5-year CIP.* Incorporate a *Five-year Capital Improvements Plan* into the annual budget in order to reserve funds for the needed future capital facilities.

**POLICY 1.9.2:** *Adoption of Annual Capital Improvement Budget.* The Town will, as part of its annual budgeting process, adopt a Capital Improvement budget.

**POLICY 1.9.3:** *Correcting Deficiencies and Replacing Facilities.* The Town shall provide for necessary capital improvements to correct existing deficiencies, accommodate desired future growth, and replace worn-out or obsolete facilities, as indicated in the *Five-year LOS-Related Schedule of Capital Projects*.

**POLICY 1.9.4:** *Coordination with Comprehensive Plan.* Review and update the *Capital Improvement Element* annually to ensure close coordination between the *Capital Improvement Plan* process and the annual budgeting process. This coordination shall address development timing, financial feasibility, and the Goals, Objectives, and Policies of the *Comprehensive Plan*.

**POLICY 1.9.5:** *Projects within the 5-year Schedule.* The *Five-year Schedule of Capital Improvements Plan* projects shall reflect the results of the local infrastructure studies in the annual update of the *Five-year Schedule of Capital Improvements* following completion of each study.

**POLICY 1.9.6:** *Compliance with State of Florida Law.* The Town of Howey-in-the-Hills shall comply with all State of Florida law regarding the management of debt.

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**OBJECTIVE 1.10:** *Concurrency Management System.* Insurance of development orders and permits by the Town shall be controlled by the Town's Concurrency Management System, which requires that facilities and services which do not reduce the adopted level of service standards are in place, shall be in place or are guaranteed by a binding contract or agreement to be provided prior to the impact of the development.

**POLICY 1.10.1:** *Concurrency Provisions.* The Town's Concurrency Management System shall provide the following:

- a. the capital improvements budget and a five-year schedule of capital improvements which, in addition to meeting all the other statutory and rule requirements, must be financially feasible and are adopted annually in the budget process;
- b. the *Five-year Schedule of Improvements* which includes both necessary facilities to maintain the established level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period under the Town's *Schedule of Capital Improvements*;
- c. a realistic, financially feasible funding system based on currently available revenue sources which is adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the *Five-year Schedule of Capital Improvements*;
- d. the *Five-year Schedule of Capital Improvements* must include the estimated date of commencement of actual construction and the estimated project completion date and which areas will be provided with public funds in accordance with the *5-year Capital Improvement Schedule*;
- e. a provision that a plan amendment shall be required to eliminate, defer or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the *5-year Schedule of Improvements*;
- f. a requirement that development orders and permits are issued in a manner that will guarantee that the necessary

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public facilities and services will be available to accommodate the impact of that development;

- g. a provision that the Town, on an annual basis, shall determine whether it is adhering to the adopted level of service standards and its *5-year Schedule of Capital Improvements* and that the Town has a demonstrated capability of monitoring the availability of public facilities and services;
- h. development guidelines for interpreting and applying level of service standards to applications for development orders and permits and determining when the test for concurrency must be met. At a minimum, the latest point in the application process for the determination of concurrency is prior to the approval of a development order or permit which contains a specific plan for development and which would authorize the commencement of construction of physical activity on the land. Development orders and permits approved prior to the actual authorization for the commencement of construction or physical activity will be contingent upon the availability of public facilities and services necessary to serve the proposed development; and

**POLICY 1.10.2:** *Requirement for Public Facilities and Services.* The Town's *Concurrency Management System* shall provide that public facilities and services needed to support development are available concurrent with the impacts of such development by meeting the following standards prior to issuance to permit.

- a. For potable water, sewer, solid waste, and drainage, at a minimum, the following standards will satisfy the concurrency requirement:
  - (1) the necessary facilities and services are in place at the time a development permit is issued; or
  - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in the place when the impacts of the development occur; or
  - (3) the necessary facilities are under construction at the time a development permit is issued; or

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- (4) the necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occur; or
  - (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- b. For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:
  - (1) at the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
  - (2) the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit.; or
  - (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- c. For roads, at a minimum, the following Standards will satisfy the concurrency requirement:
  - (1) the necessary facilities and services are in place at the time a development permit is issued; or
  - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
  - (3) the necessary facilities are under construction at the time a permit is issued; or
  - (4) at the time the development permit issued, the necessary facilities and services are the subject of a binding

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executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within three years of the approval of the development permit as required by Chapter 163.3180, F.S.; or

- (5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within three years of the approval of the applicable development permit as required in Chapter 163.3180, F.S.; or
  - (6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or
  - (7) the necessary facilities and services are in place or under actual construction no later than 3 years after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- d. In determining the availability of services or facilities, a developer may propose and the Town Council by a majority of the votes of its total membership may approve developments in stages or phases so that facilities and services needed for each phase shall be available at the time the impacts for that phase occur.
  - e. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of development.

**POLICY 1.10.3:** *Exemptions from Transportation Concurrency.* The Town shall allow exemptions from transportation concurrency for infill development, redevelopment projects, and downtown revitalization as required by Chapter 163.3180 F.S. Such exemptions are

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contingent upon if the proposed development is otherwise consistent with the Town's adopted *Comprehensive Plan* and is a project that promotes public transportation or is located within an area designated in the *Comprehensive Plan* for:

- a. Urban infill development;
- b. Urban redevelopment;
- c. Downtown revitalization;
- d. Urban infill and redevelopment under s. 163.2517; or
- e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted *Comprehensive Plan* within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the *Capital Improvements Element*.

**POLICY 1.10.4:** *Exemptions from Transportation Concurrency and Special Part-time Demands.* The Town shall allow exemptions from the concurrency requirement for transportation facilities for developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas established under Chapter 163.2517, which pose only special part-time demands on the transportation system. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

**POLICY 1.10.5:** *De Minimis Transportation Impact.* The Town shall allow a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency as required by Chapter 163.3180 F.S.

**POLICY 1.10.6:** *Transportation Impact of Redevelopment Projects.* In the event of redevelopment projects, the Town shall allow the redevelopment project to create 110% of the actual transportation impact caused by existing development before complying with concurrency as required by Chapter 163.3180 F.S.

**POLICY 1.10.7:** *Approved Development and Proportionate Fair Share.* The Town shall allow approved development that does not meet concurrency to occur if the Town has failed to implement the requirements of

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this *CIE* and the developer makes a binding commitment to pay the proportionate fair share of the cost for facilities and services associated with the development.

### **Capital Improvements Implementation**

The Town Clerk shall have the responsibility for implementing the *Goals, Objectives and Policies* within this *Element*. Specific responsibilities include:

1. During the month of May of each year, request capital budget and public improvements updates from each municipal department head.
2. Request recommendations from each elected official and the Planning Agency.
3. During July of each year, present an updated Table 20 to the Board, with explanations for each addition, deletion or revision.
4. Develop administrative procedures to implement the capital improvement policies. The Town Planner shall provide checklists, directions, time frames and such other review criteria as shall be necessary to assure that facilities and services meet the standards adopted as a part of this plan and are available concurrent with the impacts of development.

Table 20 *Five-year Schedule of Capital Improvements* (see next page).

TABLE 20							
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA							
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS							
Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	Total
<b>Public Services</b>							
N. Water Treatment Plant Replacement	Various	\$ 500,000	\$ 2,000,000	\$ 1,500,000	\$ 500,000	\$ 500,000	\$ 5,000,000
Drilling for Well #5 & #6	Various	\$ 1,500,000					\$ 1,500,000
Land Acquisition for WTP #3	Impact Fees (Water)	\$ 100,000					\$ 100,000
Water Mains - North	General Fund	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Water Mains - South	General Fund				\$ 100,000	\$ 100,000	\$ 200,000
Water Master Plan	General Fund					\$ 80,000	\$ 80,000
Emergency Lift Station Generators	Grant (FDEM)		\$ 200,000				\$ 200,000
Central Avenue Streetscape	General Fund				\$ 30,000	\$ 500,000	\$ 530,000
Venezia South Second Access	General Fund				\$ 34,000		\$ 34,000
Sidewalk Improvements	General Fund	\$ 5,000	\$ 10,000	\$ 30,000	\$ 10,000	\$ 10,000	\$ 65,000
Annual stormwater improvements	Various	\$ 10,000	\$ 130,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 230,000
Road Reconstruction	Various	\$ 215,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,415,000
Citrus and Camellia Intersection	General Fund		\$ 10,000	\$ 50,000			\$ 60,000
Install Sanitary Sewer to South	Various		\$ 510,000				\$ 510,000
Acquire Central Lake CDD	Bond Issue		\$ 500,000				\$ 500,000
Acquire Drake Pointe Water-WW	Bond Issue		\$ 5,000,000				\$ 5,000,000
North Wastewater Treatment Plant	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
West Wastewater Treatment Plant (Ced)	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
							\$ 20,924,000
<b>Library</b>							
Library Expansion	Impact Fees (Library)	\$ 100,000	\$ 800,000	\$ 100,000			\$ 1,000,000
Digitization Station	Impact Fees (Library)	\$ 5,000					\$ 5,000
Virtual Reality Station	Impact Fees (Library)	\$ 7,500					\$ 7,500
Special Collection: World Literature	Impact Fees (Library)	\$ 15,000					\$ 15,000
LEGO Wall	Impact Fees (Library)	\$ 5,000					\$ 5,000
Toy Lending Program	Impact Fees (Library)	\$ 5,000					\$ 5,000
Outdoor After-Hours Book Locker	Impact Fees (Library)	\$ 20,000					\$ 20,000
Makerspace	Impact Fees (Library)	\$ 10,500					\$ 10,500
							\$ 1,068,000
<b>Police Department</b>							
New police station	Grant (Unspecified)		\$ 2,000,000	\$ 3,000,000	\$ 1,500,000	\$ 500,000	\$ 7,000,000
							\$ 7,000,000
<b>Community Facilities</b>							
Design for New Town Hall	General Fund		\$ 50,000				\$ 50,000
							\$ 50,000
<b>Parks and Recreation</b>							
Convert landfill to park	Impact Fees (Parks)		\$75,000	\$ 200,000	\$ 725,000		\$ 1,000,000
Repair/replace finger piers	Various	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Main Pier Improvements	Various		\$ 100,000				\$ 100,000
Repair/renovate Sara Maude Park	Impact Fees (Parks)	\$ 100,000	\$ 100,000		\$ 100,000		\$ 300,000

Improvements to Griffin Park	Various		\$ 10,000		\$ 90,000		\$ 100,000
Central Park Courts and Upgrades	Impact Fees (Parks)	\$ 48,500		\$ 150,000			\$ 198,500
Neighborhood Park South End (Pine Park)	Impact Fees (Parks)	\$ 35,000	\$42,000	\$ 38,000			\$ 115,000
Grove Square Park	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Community Campus near Public Safety Mausoleum	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Cemetery Sidewalk and Fencing	General Fund	\$ 15,000					\$ 15,000
Lakeshore Shoreline Improvements	Grant (Unspecified)			100,000			\$ 100,000
Central Lake Bike Trail and Town Trails	Various		\$ 620,000	\$ 620,000	\$ 620,000	\$ 620,000	\$ 2,480,000
							\$ 5,328,500
Per Year Program Total		\$ 2,643,500	\$ 16,447,000	\$ 5,708,000	\$ 3,779,000	\$ 2,130,000	\$ 34,370,500

TABLE 20 A

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

## 5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS

Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	CIP Total
<b>Transportation Mitigation Projects</b>							
SR 19 @ CR 48 Intersection	Fair Share		\$ 742,500				\$ 742,500
SR 19 @ Central Ave Intersection	Fair Share		\$ 742,500				\$ 742,500
Revels Rd @ SR 19 Intersection	Fair Share					\$ 742,500	\$ 742,500
Florida Ave @ SR 19 Intersection	Fair Share			\$ 148,500			\$ 148,500
Florida Ave @ Number 2 Rd. Intersection	Fair Share				\$ 148,500		\$ 148,500
Pedestrian Improvements	Various		\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 100,000
Bicycle Improvements	Various			\$ 20,000	\$ 30,000	\$ 50,000	\$ 100,000
Streetscape	Various					\$ 250,000	\$ 250,000
<b>Total</b>		\$ -	\$ 1,505,000	\$ 188,500	\$ 198,500	\$ 1,082,500	\$ 2,974,500

## CONCURRENCY MANAGEMENT SYSTEM ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED ON APRIL 22, 2020

**CONCURRENCY MANAGEMENT SYSTEM ELEMENT  
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## CHAPTER 9 CONCURRENCY MANAGEMENT SYSTEM ELEMENT

### Definitions

The following definitions shall apply to the Concurrency Management System.

***Concurrency Facilities:*** Public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline shall include:

- a. Potable Water.
- b. Sanitary Sewer.
- c. Drainage.
- d. Recreation.
- e. Solid Waste.
- f. Transportation.
- g. Public Schools.

***“Proceeding in Good Faith”:*** Identifiable actions taken by an applicant of an approved final development order to proceed with actual construction and implementation of the final development plan.

***Final Development Order:*** The official authorization from the Town of Howey-in-the-Hills approving the final development plans for a proposed development project. The issuance of a final development order issued after the effect date of the ordinance adopting the Comprehensive Plan shall only occur if the final development plan complies with the goals, objectives, and policies established in the *Comprehensive Plan*.

Final development orders shall include final subdivision plan approvals plat approval, final site plan approval, and building permit.



## A. OVERVIEW OF THE CONCURRENCY MANAGEMENT SYSTEM

The Concurrency Management System (CMS) is a mechanism to assist in the implementation of the goals, objectives, and policies of the Town's *Comprehensive Plan*. The purpose of the CMS is to establish an ongoing mechanism which ensures facilities and services needed to support development will be available concurrent with the impacts of such development. Prior to the issuance of a development order and development permit, the CMS must ensure the adopted level of service standards required for the following facilities will be maintained: roads; potable water; sanitary sewer; solid waste; stormwater management; parks and recreation; and public schools.

The CMS is an accounting system that maintains a record of the existing levels of service and what impacts, if any, can be expected as a result of proposed developments, facility expansions, and other factors that can affect the adopted level of service standards of a community.

## B. REQUIREMENTS FOR CONCURRENCY

The Town will require that all development meet the requirements of concurrency. The following are the requirements for concurrency:

*Minimum requirements for Concurrency.* The Town shall maintain a concurrency management system to ensure public facilities and services needed to support development are available concurrent with the impacts of such development and will address the following items.

For potable water, sewer, solid waste, and drainage, at a minimum, the following standards will satisfy the concurrency requirement:

- (1) the necessary facilities and services are in place at the time a final development order is issued; or
- (2) a final development order is issued subject to the condition that the necessary facilities and services will be in the place when the impacts of the development occur; or
- (3) the necessary facilities are under construction at the time a final development order is issued; or
- (4) the necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order issued

pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occurs; or

- (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.

For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:

- (1) at the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the construction of the required facilities or the provision of services within one year of the issuance of the final development order; or
- (2) the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within one year of the issuance of the applicable development order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes; or
- (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.

For roads, at a minimum, the following standards will satisfy the concurrency requirement:

- (1) the necessary facilities and services are in place at the time a final development order is issued; or
- (2) 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
- (3) the necessary facilities are under construction at the time a final development order is issued; or
- (4) at the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides

for the commencement of the construction of the required facilities or the provision of services within three years of the approval of the development order; or

- (5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within three years of the approval of the applicable development order as required in Chapter 163.3180, F.S. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes; or
- (6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, a development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or
- (7) the necessary facilities and services are in place or under construction no later than 3 years after issuance of a certificate of occupancy.

For school facilities, the following standards will satisfy the concurrency requirement:

- (1) For district-wide concurrency service areas:
  - a. at the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or
  - b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.
2. For less than district-wide concurrency service areas: If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide.

### **C. ISSUANCE OF DEVELOPMENT ORDERS OR PERMITS**

The Town's CMS shall ensure all development can meet the requirements for concurrency prior to the issuance of a final development order or permit. All applicants for final development orders or permits shall be required to provide all information deemed necessary by the Town so that the impacts of the proposed development may be accurately assessed. Once the Town has determined that a proposed development meets the requirements for concurrency, and has issued a Town development order or permit, the Town shall not revoke that development order or permit because of a subsequent facility capacity deficiency, unless the proposed development would cause unhealthy or unsafe conditions, or unless the proposed development was issued a development order or permit under erroneous information supplied by the proposed developer, or unless the proposed developer fails to meet the conditions of approval of the final development order or permit. In this latter situation, certificates of occupancy may also be denied.

The Town shall establish expiration dates for development orders, development permits, and for the reserved capacity of public facilities allocated to specific development orders or permits as required by concurrency.

Howey-in-the-Hills shall annually determine the available capacity for public facilities for which the Town has operational or maintenance responsibility, and for State and County roads. Owners or operators of public facilities not operated, maintained, or owned by the Town shall supply the Town with available capacity information annually, or as otherwise reasonable depending on development activity that requires the use of such a facility.

### **D. GOAL, OBJECTIVE AND POLICY STATEMENTS SUPPORTING CONCURRENCY**

The concurrency doctrine is supported by various goals, objectives, and policies throughout the Town's *Comprehensive Plan*. These policy statements are adopted by the Town and will be implemented by the concurrency management system. The policy statements generally establish standards and criteria for concurrency.

### **E. PUBLIC FACILITY CAPACITY AND LEVEL OF SERVICE INVENTORY**

As part of its CMS, the Town will be responsible for the collection and maintenance of an inventory of all public facilities and services. The inventory shall be based on the most recently available information and shall be used to monitor the adopted level of service standards and to determine public facility capacity. This information shall be made available to the public and shall be updated annually by December 1 of each year.

The following inventories shall be maintained by Howey-in-the-Hills in order to evaluate the concurrency requirements of proposed development and expansions to an existing development and to assess existing and future capacity of public facilities and services:

## 1. Transportation

The Town will maintain an inventory of the level of service on roadway links within its jurisdiction. The existing level of service will be based on the most recent traffic count data reported by the Florida Department of Transportation and Lake County for each segment identified in the *Transportation Element* of this *Comprehensive Plan* or plan amendment. Traffic count data and level of service standards will be updated yearly, based on reported information from the FDOT and Lake County. The inventory shall, at a minimum, include the following:

- a) the adopted level of service standard.
- b) existing facility capacities and deficiencies.
- c) capacity reserved for approved but unbuilt development.
- d) the projected capacities or deficiencies attributable to approved but unbuilt development; and
- e) any existing or scheduled road improvement to be made on Town, County, or State maintained roadways within the Town's jurisdiction; or improvements to be made by other public agencies or in conjunction with approved development.

## 2. Potable Water

An inventory of the Town's potable water system will, at a minimum, include the following:

- a) the level of service standards adopted in the *Comprehensive Plan*.
- b) existing design capacities and system deficiencies.
- c) capacity reserved for approved but unbuilt development.
- d) the projected capacities or deficiencies attributable to approved but unbuilt development; and
- e) any improvements or expansions made to the system by the Town or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

## 3. Sanitary Sewer

For all developments on a central sanitary system, the Town will maintain an inventory that includes:

- a) the level of service standards adopted in the *Comprehensive Plan*.
- b) existing design capacities and system deficiencies.
- c) the permitted capacity.
- d) capacity reserved for approved but unbuilt development.

- e) the projected capacities or deficiencies attributable to approved but unbuilt development; and
- f) any improvements or expansions made to design or permitted capacity by the Town or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

#### **4. Solid Waste Disposal**

An inventory of the Town's solid waste disposal system will, at a minimum, include the following:

- a) the level of service standards adopted in the *Comprehensive Plan*.
- b) existing and projected design capacities of all applicable solid waste disposal facilities.
- c) capacity reserved for approved but unbuilt development.
- d) the projected capacities or deficiencies attributable to approved but unbuilt development; and
- e) any improvements or expansions made to the design capacity, and the impact on existing capacities or deficiencies.

#### **5. Stormwater Management**

An inventory of the Town's stormwater management facilities will, at a minimum, include the following:

- a) the level of service standards adopted in the *Comprehensive Plan*.
- b) the existing level of service measured by storm event; and
- c) any proposed stormwater management facilities that will impact the capacity of the Town's stormwater management facilities.

#### **6. Recreation and Open Space**

An inventory of the Town's recreational sites and facilities will, at a minimum, include the following:

- a) the existing acres of recreational sites as outlined in the *Recreation and Open Space Element*.
- b) the adopted level of service standard as outlined in the *Recreation and Open Space Element*.
- c) the existing capacities or deficiencies of the Town's recreation system.
- d) capacity reserved for approved but unbuilt development.
- e) the projected capacities or deficiencies attributable to approved but unbuilt development; and

- f) any improvements or expansions made to the system by the Town or any approved development order, in the current fiscal year, and the impact on existing capacities or deficiencies.

## **F. CONCURRENCY MONITORING SYSTEM**

In addition to maintaining an inventory of public facilities and services, Howey-in-the-Hills will also be responsible for maintaining a record of public facility and service capacities or volumes which are committed for approved developments as a result of development orders issued by the Town. If service is provided by an entity other than the Town, this will require coordination between the service provider and the Town in order to maintain an accounting system which accurately tracks approved developments.

Accountability shall be established by reserving capacity from the total available capacity for all approved development orders. Once capacity has been reserved for a specific development, it cannot be reassigned to another development prior to the expiration of the first development's development order or permit. Capacity reservations shall be renewed yearly in order to be accounted for in the annual concurrency process. Upon the expiration of an approved development order with concurrency standing, which has not been implemented, or which the Town has determined to have been abandoned by the applicant, the capacity allocated to the proposed development shall be deleted. Deleted capacity shall then become available to other proposed developments. A priority waiting list shall be established for the purpose of allocating deleted capacity. When determining how much capacity is available for proposed developments, the Town shall consider all capacity that has been reserved for approved development orders.

## **G. CONCURRENCY ASSESSMENT**

The Howey-in-the-Hills Town Council or its designee will be responsible for determining whether concurrency will be met when it considers applications for development orders for final site plans and/or final subdivision plans. When reviewing applications for development orders, the Council shall perform an assessment to determine whether public facilities will be available concurrent with the impacts of the proposed development. A facility inventory, as outlined above, shall be used as a basis for establishing existing conditions. The ability of existing public facilities to service new development shall be determined based on the following criteria:

- (a) the ability of existing facilities to accommodate the proposed development at the adopted level of service.
- (b) existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.
- (c) facility improvements or additions needed to accommodate the impacts of proposed development at the adopted level of service standard.
- (d) the date facility improvements or additions need to be completed in order to maintain the adopted level of service for the public facilities affected by the proposed development.





## H. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** The Town shall ensure that public facilities and services needed to accommodate growth during the planning period (up to 2035) are safely and efficiently provided concurrently with associated growth.

**OBJECTIVE 1.1:** *Implementing the Concurrency Management System.* To implement the Town's *Concurrency Management System* and ensure that public facilities and services needed to support development are available concurrent with the impacts of such development.

**POLICY 1.1.1:** *Assist Applicants of Development.* The Land Development Regulations shall continue to contain a descriptive guide to assist developers and other interested parties in understanding the concurrency determination process, steps to performing a concurrency review, and the development review process involving the issuance of a certificate of concurrency.

**POLICY 1.1.2:** *Adoption of Level of Service Standards.* The standards for levels of service for each type of public facility mandatorily subject to concurrency requirements shall apply to development orders issued by the Town of Howey-in-the-Hills upon the commencement date established within the adopting ordinance applicable to this *Comprehensive Plan*.

**POLICY 1.1.3:** *Concurrency Requirements.* The Town Council shall ensure that the impacts of development on public facilities within the Town's jurisdictional area occur concurrently with such development prior to an issuance of a final development order.

**POLICY 1.1.4:** *Requirement for Public Facilities and Services.* The Town's *Concurrency Management System* shall provide that public facilities and services needed to support development are available concurrent with the impacts of such development by meeting the following standards prior to issuance of a final development order.

- a. For potable water, sanitary sewer, solid waste, and drainage, at a minimum, the following standards will satisfy the concurrency requirement:
  - (1) the necessary facilities and services are in place at the time a final development order is issued; or

- (2) a final development order is issued subject to the condition that the necessary facilities and services will be in the place when the impacts of the development occur; or
  - (3) the necessary facilities are under construction at the time a final development order is issued; or
  - (4) the necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occurs; or
  - (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- b. For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:
- (1) at the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the construction of the required facilities or the provision of services within one year of the issuance of the final development order; or
  - (2) the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within one year of the issuance of the applicable development order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes; or

- (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy.
- c. For roads, at a minimum, the following Standards will satisfy the concurrency requirement:
  - (1) the necessary facilities and services are in place at the time a final development order is issued; or
  - (2) 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
  - (3) the necessary facilities are under construction at the time a final development order is issued; or
  - (4) at the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the construction of the required facilities or the provision of services within three years of the approval of the development order, or
  - (5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within three years of the approval of the applicable development order as required in Chapter 163.3180, F.S. An enforceable development agreement may include, but is not limited to, development agreements pursuant to section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes; or
  - (6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, a development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or

- (7) the necessary facilities and services are in place or under construction no later than 3 years after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- d. For school facilities, the following standards will satisfy the concurrency requirement:
  - (1) For district-wide concurrency service areas:
    - a. at the time the residential development order or permit is issued, the necessary facilities and services are in place or under construction; or
    - b. A residential development order or permit is issued subject to the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under construction not more than 3 years after permit issuance as provided in the adopted public school facilities program.
  - (2) For less than district-wide concurrency service areas: If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is available in one or more contiguous service areas and school capacity is available district-wide.
- e. In determining the availability of services or facilities, a developer may propose, and the Town Council may approve developments in stages or phases so that facilities and services needed for each phase shall be available.
- f. The latest point in the application process for the determination of concurrency is prior to the approval of a final development order or permit.

**POLICY 1.1.5:** *Roadways Concurrency Requirements and 5-Year CIP.* In addition to guidelines established in Policy 1.1.4, roadways facilities will be deemed concurrent based on the adopted *Five-Year Capital Improvements Program (CIP)* as described in the following criteria:

1. The *Five-Year CIP* and the *Capital Improvements Element* of the Town's *Comprehensive Plan* are financially feasible.
2. the *Five-Year CIP* includes improvements necessary to correct any identified facility deficiencies and maintain adopted levels of service for existing and permitted development.
3. The *Five-Year CIP* is a realistic, financially feasible program based on currently available revenue sources and development orders will only be issued if the public facilities necessary to serve the development are available or included in the *Five-Year Schedule of Capital Improvements*.
4. The *Five-Year CIP* identifies whether funding is for design, engineering, consultant fees, or construction and indicates, by funded year, how the dollars will be allocated.
5. The *Five-Year CIP* identifies the year in which actual construction of the roadway project will occur and only those projects scheduled for construction within the first three years of the Howey-in-the-Hills or Florida Department of Transportation five-year programs will be utilized for concurrency determination.
6. A plan amendment will be required in order to eliminate, defer, or delay construction of any roadway facility or service which is needed to maintain the adopted level of service standard.

## PUBLIC PARTICIPATION ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

UPDATED APRIL 22, 2020

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## CHAPTER 10 PUBLIC PARTICIPATION ELEMENT

### A. INTRODUCTION

The purpose of the *Public Participation Element* is to ensure public participation in the Town's planning process. This *Element* is developed around the following goals:

1. Provide all residents of Howey-in-the-Hills the opportunity to participate in their government to the fullest extent possible to promote their health, safety, welfare and general well being.
2. Promote efficiency in the governmental process by streamlining actions involving public participation whenever possible.
3. Conform to all applicable local, state, and federal laws relative to public notice and citizen participation requirements.

These goals will be achieved by following the procedures provided within this *Element*.

### B. OVERVIEW OF COMPREHENSIVE PLAN

Public participation is actively encouraged in the comprehensive planning process. The *Local Government Comprehensive Planning and Land Development Regulation Act*, as amended from time to time, set forth minimum public participation procedures designed to provide effective public participation in the planning process and to provide real property owners with notice of all official actions that will regulate use of their property. The purpose of this "Citizen Participation Manual" is to inform the citizens of the public participation process in a nontechnical manner as it relates to the Town's *Comprehensive Plan*.

Among other goals, the *Local Government Comprehensive Planning and Land Development Regulation Act* states, "It is the intent of this Act that its adoption is necessary so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions".

### C. ADOPTED PUBLIC PARTICIPATION PROCEDURES AND POLICIES

As required by Ch. 163.3181 F.S., and Rule 9J-5.004 F.A.C., the following procedures are adopted to guide and assist the Town Council, Town Staff and the public during the preparation, public hearings, and other required steps in the development of the Town's *Comprehensive Plan*.



### **Public Participation Policies**

1. All plan and plan amendment preparation, modification, and adoption shall be advertised in accordance with Florida Statutes
2. The Town shall update the *Comprehensive Plan* or parts thereof as often as is deemed necessary by the Town Council and in accordance with Florida Statutes.
3. The Town shall utilize its Planning and Zoning Board as a public forum for citizen participation and to keep the general public informed.
4. Written comments from the public regarding planning issues shall be encouraged and entered into the public record.
5. The Town shall provide written responses to said citizen inquiries upon request regarding the *Comprehensive Plan*. The Town Council shall respond to any comments or suggestions regarding the *Plan* made to them at the public hearings. [9J-5.004(2)(d) and (2)(e), F.A.C.]
6. Prior to transmitting the amended *Comprehensive Plan* to the State Department of Community Affairs, the Local Planning Agency and Town Council shall hold transmittal hearings to transmit the amended *Plan* to the State.

A copy of the *Comprehensive Plan* and current drafts of the *Plan* and any proposed amendments to the *Plan* shall always be available at the Town Clerk's office during regular office hours for inspection by the public. Copies of any portions thereof may be purchased from the Clerk.

### **Monitoring and Evaluation Policies**

Given that the Town's adopted *Comprehensive Plan* dates to 1991, the *Plan* has been formally reviewed as required by State law. It is the purpose of this section to ensure the continuation of evaluation and appraisal efforts, and to set forth those actions that will be adopted as a part of this *Plan* that will measure future and ongoing monitoring and evaluation.

1. **Updating Baseline Data and Measurable Objectives:** During the annual update of the *Capital Improvements Element*, Town Staff shall prepare updated baseline data and measurable objectives as needed. The data will then be provided to the Local Planning Agency, which shall provide its recommendation to the Town Council.
2. **Assured, Continued Monitoring and Evaluation:** The annual updating of the *Capital Improvements Element*, and the involvement of the Town's Local Planning Agency are some methods by which the Town has assured that monitoring and evaluation will be continuous. In addition, as required by Chapter

163.3191, F.S., the Town will adopt an evaluation and appraisal report once every 7 years assessing the progress in implementing the Town's *Comprehensive Plan*.

## PUBLIC SCHOOL FACILITIES ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

UPDATED APRIL 22, 2020

**PUBLIC SCHOOL FACILITIES ELEMENT  
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## CHAPTER 11

### PUBLIC SCHOOLS FACILITIES ELEMENT

#### A. PURPOSE

The purpose of the *Public School Facilities Element* is to function as a guiding document the Town will use to apply policies that will enable the Lake County School System to implement a financially feasible plan to provide sufficient capacity for public school facilities within the jurisdiction of the Town of Howey in the Hills. It is not intended to discuss or address curriculum requirements, administration of facilities, or other duties with which the Lake County School Board is tasked. While the Public Schools Facility Element is no longer a required element of the comprehensive plan, the Town has elected to retain the element as an optional element. The interlocal agreement between the Town and the Lake County School Board also remains in effect.

#### B. EXISTING CONDITIONS

##### 1. Existing School Enrollment

Existing student enrollments for elementary, middle, and high schools for the Town of Howey in the Hills and surrounding jurisdictions, which are required under interlocal agreements to share capacity as of October 15, 2005, are provided by the Lake County School Board in its adopted *Five Year Facilities Master Plan / Capital Improvement Program*.

##### 2. Lake County School District Enrollment to Capacity Comparison

The Lake County School Board uses the Florida Inventory of School Houses (FISH) capacity information for each school, based on Florida Department of Education (FDOE) formulas. FISH Capacity is the number of students that may be housed in a facility at any given time based on a utilization percentage of the number of existing satisfactory student stations, based on FDOE formulas. It is a product of the number of classrooms at a school and the student stations assigned to each room type. The capacity of some spaces is modified for actual square footage of the teaching space.

The School Enrollment to Capacity Comparison is used to determine the percent utilization of a school facilities capacity; and includes the number of portables on campus and portable capacity; the total capacity that includes portables and the permanent facility; dining capacity; and media capacity.

The school enrollment to capacity comparison is a major indicator of school overcrowding. Using the ratio of enrollment to permanent FISH capacity, an analysis can

be conducted to determine which schools in Lake County are over capacity. An analysis can also be done to determine capacity utilization using portable capacity and/or dining and media capacity. An enrollment to Capacity Comparison for schools located in the Town of Howey in the Hills and surrounding jurisdictions required under interlocal agreements to share capacity is provided by the Lake County School Board in its adopted *Five-Year Facilities Master Plan / Capital Improvement Program*.

### **3. School Attendance Zones**

Existing district-wide school attendance zones for each school facility are provided by school type (Elementary, Middle, and High) on the School Attendance Zone Maps (Appendix A figures 1, 2, and 3, respectively).

### **4. Level of Service Standards**

An analysis of the adequacy of the existing level of service for each public school facility has been conducted, using three different LOS scenarios, in order to develop appropriate level of service standards based on a school's current physical condition. The final option chosen by the School Concurrency Committee is described below in Section E, item 1. The analysis and results are provided by the Lake County School Board in its adopted *Five-Year Facilities Master Plan / Capital Improvement Program*.

#### **a. Target Level of Service Standard**

The Interlocal Agreement has established an agreed upon level of service standard. A consensus has been reached between the County, School Board, and municipalities as to what the level of service should be for Lake County public schools.

The agreed upon Level of Service calculation will be:

- The level of service for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity.
- Elementary: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.

The Level of Service Standard for public schools as they relate to the Town of Howey in the Hills and surrounding jurisdictions required under interlocal agreement to share capacity is provided by the Lake County School Board in its adopted *Five Year Facilities Master Plan / Capital Improvement Program*.

## C. SCHOOL ENROLLMENT PROJECTIONS

### 1. School Concurrency Service Areas (CSA)

Lake County Concurrency Service Areas have been defined and are depicted in Appendix B of this *Element*. The map identifies fifteen (15) concurrency service areas where a combination of adjacent service areas includes at least one of each school type: elementary, middle, and high school. Additionally, four (4) lake areas have been identified which are naturally occurring water bodies between certain CSAs which would cause undue travel for both the student and/or our transportation services if concurrency with adjacent service areas were literally interpreted and usage were permitted.

### 2. School Assignments

Detailed information regarding the schools within individual service areas, with respect to student enrollment projections, and new construction and additions to our existing facilities over the next five years of our capital plan is provided by the Lake County School Board in its adopted *Five Year Facilities Master Plan / Capital Improvement Program*.

Details of projected school facility surpluses-deficiencies over the long range planning period by school type along with the proposed general locations of the additional facilities needed to mitigate deficiencies are provided by the Lake County School Board in its adopted *Five Year Facilities Master Plan / Capital Improvement Program*. Future Needs

Based on enrollment projections as shown in the Lake County School Board's adopted *Five Year Facilities Master Plan*, various capital improvements will be needed during the 5-year planning period. These projected capital improvements and estimated revenues for the Lake County School Board are reviewed and revised on an annual basis using the process specified in the interlocal agreement on school concurrency.

## D. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

**GOAL 1:** It is the goal of the Town of Howey-in-the-Hills to work with the Lake County School Board and provide for the future availability of public school facilities in a manner consistent with the adopted level of service standard. the implementation of school concurrency will be accomplished by adhering to and recognizing the Town's authority in land use decisions, which

include the authority to approve or deny comprehensive plan amendments, re-zonings, or other development orders that generate students and impact the Lake County School System; and the Lake County School Board's statutory and constitutional responsibility to provide adequate public schools.

**OBJECTIVE 1.1:**        *Adoption of Level of Service Standards.* Level of Service (LOS) standards shall be adopted in order to ensure that there is sufficient school capacity to support student growth for each year of the five-year planning period and for the long-term planning horizon.

**POLICY 1.1.1:**        *School Enrollment Level of Service.* The LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity.

Elementary: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.

**POLICY 1.1.2:**        *Schools Operating in Excess of LOS and Issuance of Development Orders.* Individual schools are discouraged from operating in excess of the established LOS. Moreover, the issuance of development orders and building permits shall be strictly conditioned upon the availability of school capacity and the maintenance of the adopted LOS.

**POLICY 1.1.3:**        *Sufficiency of Five-year CIP.* The LOS standards will be used to determine whether sufficient school capacity exists to accommodate future development projects and evaluate the sufficiency of the *Five-Year Schedule of Capital Improvements*. The *Five-year Schedule of Capital Improvements* shall be reviewed, updated, and adopted annually thus ensuring those projects necessary to address existing deficiencies, and to meet



future needs based upon our adopted level of service standards, are adequately planned for. Furthermore, coordination with the Lake County School Board's *Five Year District Facilities Work Plan*, the plans of other local governments, and as necessary, updates to the Concurrency Service Area map is required to ensure that the adopted Level of Service Standards for Concurrency Service Areas will be achieved and maintained.

**POLICY 1.1.4:** *Future Amendments to Concurrency Service Area.* In coordination with Section 5.3 of the Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, future amendments to the Concurrency Service Areas (CSA's) may be accomplished by the School Board only after review and comment by the County and other municipalities within Lake County as provided in Section 5.1.1 of the Interlocal Agreement. Amendments to the CSA's shall be established to maximize available school capacity, taking into account transportation costs, desegregation plans, diversity policies, and the extent to which development approvals have been issued by a local government based on the availability of school capacity in a CSA contiguous to the CSA in which the development approval was issued. Amendments to the CSA's and attendance zones shall be designed to make efficient use of new and existing public school facilities in accordance with the Level of Service Standards set forth in the Interlocal Agreement.

**OBJECTIVE 1.2:** *Comprehensive Plan Amendments and Other Land Use Decisions.* Ensure that comprehensive plan amendments and other land use decisions are simultaneously evaluated with school capacity availability within the Town.

**POLICY 1.2.1:** *Consideration of Adequate School Capacity.* School Board findings and comments on the availability of adequate school capacity shall be considered when evaluating the decision to approve comprehensive plan amendments and other land use decisions.

**POLICY 1.2.2:** *Student Generation Impacts and School Capacity.* The School Board shall review potential new development student generation impacts and available school capacity. Where capacity will not be available to serve students from the property seeking development approval and proportionate share mitigation is not an option, the School Board shall not issue a favorable concurrency determination. The Town may use lack of school capacity

demonstrated by an unfavorable concurrency determination as a reason for denial.

**OBJECTIVE 1.3:**            *Educational Facilities Planning and Construction Coordination.*  
Ensure that the planning and construction of educational facilities are coordinated so that the timing is proper, the selected location is compatible with the surrounding area, the construction is concurrent with necessary services and infrastructure and the proposal is consistent with the comprehensive plan.

**POLICY 1.3.1:**            *Consistency with Land Use Designations and Comprehensive Plan.* The Town shall coordinate with the School Board so that proposed public school facility sites are consistent with the applicable land use designations and policies of the *Comprehensive Plan*. Pursuant to Section 235.193, F.S., the Town will consider each site plan as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. In addition, road capacity and traffic concerns will also be evaluated. The Town will also continue to pursue the development of mutually acceptable guidelines for the selection of future school sites including, but not limited to:

- Acquisition of school sites which allow for future expansions to accommodate future enrollment and other facility needs deemed beneficial for joint-uses, as identified by the Lake County School Board and the Town.
- Coordination of the location, phasing, and development of future school sites to ensure that site development occurs in conjunction with the provision of required infrastructure to serve the school facility.
- Preferences for urban and urbanizing areas; and
- Provide for allowances for rural sites as deemed necessary and appropriate under certain circumstances.

**POLICY 1.3.2:**            *Co-location of Schools with Other Public Facilities.* The Town shall coordinate with the School District to evaluate and locate potential sites where the co-location of schools with other public facilities, such as parks, libraries, and community centers can be selected.

**OBJECTIVE 1.4:**            *Community Design and Compatible Surrounding Land Use.*  
Enhance community design through effective school facility design and siting standards. Encourage the siting of school facilities so that they are compatible with the surrounding land use.

**POLICY 1.4.1:** ***Comprehensive Plan and School Facility Programs Consistency.*** The Town shall closely coordinate with the School Board in order to provide consistency between the Town's *Comprehensive Plan* and public school facilities programs, such as:

- Greater efficiency for the School Board and the Town by locating schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems.
- Improved student access and safety by coordinating the construction of new and expanded schools and sidewalk construction programs.
- The location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of shared use opportunities.
- The expansion and rehabilitation of existing schools to support neighborhoods.

**POLICY 1.4.2:** ***Emergency Preparedness Coordination.*** Local governments and the school district shall coordinate emergency preparedness issues including, but not limited to, the use of school facilities as public shelters during emergencies.

**POLICY 1.4.3:** ***Bicycle and Pedestrian Access.*** Public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Bicycle access and trails to public schools should be incorporated in trail projects and programs that are currently scheduled by the Town and County. Parking and sidewalks at public schools will be provided consistent with the *Comprehensive Plan*.

**POLICY 1.4.4:** ***Design and Location of Proposed Facilities.*** Schools shall be designed consistent with the *Comprehensive Plan*. Land uses in which schools will be an allowable use will be directed by the Town's *Comprehensive Plan* and any subsequent zoning and land development codes must be consistent with the *Comprehensive Plan*. Existing and proposed facilities shall be located proximate to proposed residential areas.

**GOAL 2:** It is the goal of the Town to establish a process for the implementation of school concurrency by providing for capacity determination standards, availability standards, applicability standards, and proportionate share mitigation.

**OBJECTIVE 2.1:** ***Capacity Determination Standards.*** Establish capacity determination standards.

**POLICY 2.1.1:** *School Capacity and Proposed Development.* The School Board shall determine whether adequate school capacity exists for a proposed development based on LOS standards.

**POLICY 2.1.2:** *Concurrency Review and Proposed Development.* The School District shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate the proposed development for each type of school within the Town consistent with the LOS standard. The School District shall issue a concurrency determination based on the findings and recommendations.

**OBJECTIVE 2.2:** *Availability Standards.* Establish availability standards.

**POLICY 2.2.1:** *Denying Subdivision Plat or Site Plan.* The Town shall not deny a subdivision plat or site plan for the failure to achieve and maintain the adopted level of service for public school capacity where:

- Adequate school facilities will be in place or under construction within three (3) years after the issuance of the subdivision plat or site plan according to the School Boards *5-year Capital Improvement Plan* at the time of approval.
- Adequate school facilities are available, and the capacity impacts of development can be satisfied by utilizing available capacity in an adjacent Concurrency Service Area or;
- The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan.

**POLICY 2.2.2:** *Issuance of School Concurrency Determination.* If the School District determines that adequate capacity will not be in place or under construction within three (3) years after the issuance of final subdivision or site plan approval according to the Lake County School Boards *5 year Capital Improvement Plan* at the time of approval and mitigation is not an acceptable alternative, the School District shall issue a School Concurrency Determination stating that capacity is not available. If the School District determines that adequate capacity does not exist, but mitigation, through proportionate share mitigation is an option, the development will remain active pending the conclusion of mitigation negotiations.

**OBJECTIVE 2.3:** *Proportionate Share Mitigation Alternatives.* Establish proportionate share mitigation alternatives which are financially feasible and will achieve and

maintain the adopted level of service standard consistent with the adopted School Board's financially feasible *Capital Improvement Plan*.

**POLICY 2.3.1:**     ***Mitigation as Alternative to Offset Impacts.*** In the event that mitigation is an acceptable alternative to offset the impacts of a proposed development, where the adopted LOS standards would otherwise be exceeded, the following options listed below, for which the School District assumes operational responsibility through incorporation in the adopted School Board's financially feasible *Capital Improvements Program* and which will maintain the adopted LOS standards, shall include but not be limited to:

- The donation, construction, or funding of school facilities created by the proposed development.
- The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.

**POLICY 2.3.2:**     ***Proposed Mitigation and Permanent Capacity Improvement.*** Proposed mitigation shall be directed toward a permanent capacity improvement identified in the School Board's financially feasible *5-Year Capital Improvement Program*. Consideration may be given by the School Board to place an additional improvement required for mitigation on its *Capital Improvement Program*. The proposed mitigation must satisfy the demand created by the proposed development consistent with the adopted LOS standards or identified as an amendment to the adopted *Capital Improvement Program*. Portable classrooms will not be accepted as mitigation.

**POLICY 2.3.3:**     ***Proposed Mitigation and Development Agreement.*** Mitigation shall be directed to projects on the School Board's financially feasible *Capital Improvement Program* that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the relevant local government, and the applicant executed prior to the issuance of the subdivision plat, site plan, or functional equivalent. If the school agrees to the mitigation, the School Board must commit in the agreement to placing the improvement required for mitigation on its *Capital Improvement Program*. This development agreement shall include landowner's commitment to continuing renewal of the development agreement upon its expiration.

**POLICY 2.3.4:**     ***Proportionate-share Mitigation Obligation.*** The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value. The process to determine proportionate share mitigation obligation shall be as follows:

**Step 1: Determine the number of students to be generated by the development**

Number of Dwelling Units in the proposed development (by unit type)

**MULTIPLIED BY**

Student Generation Rate (by type of DU and by School Type)

**EQUALS**

Number Students Stations needed to serve the proposed development

**Step 2: Comparing the available capacity to the number of student stations calculated in Step 1 to assess the need for mitigation**

Available Capacity

**MINUS**

The Number of new Students Stations needed to accommodate the proposed development

**EQUALS**

The shortfall (negative number) or surplus (positive number) of capacity to serve the development

**Step 3: Evaluating the available capacity in contiguous service areas**

If Step 2 results in a negative number, repeat that step for one or more contiguous service areas. If this step results in a negative number, then proceed to step 4 to calculate the proportionate share mitigation.

**Step 4: Calculating proportionate share mitigation**

Needed additional Student Stations from Step 3

**MULTIPLIED BY**

Average cost per Student Station

**EQUALS**

Proportionate-Share Mitigation Obligation

**OBJECTIVE 2.4:** *Student Generation Rates.* The student generation rates used to determine the impact of a particular development application on public schools shall be consistent with Lake County School Board and Florida Department of Education Standards. The student generation rates shall be reviewed and updated every two (2) years in accordance with professionally accepted methodologies.

## **APPENDIX A: Map of School Attendance Zone**

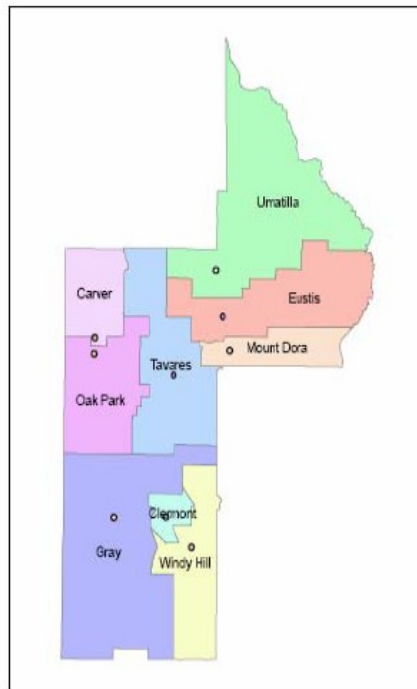


### Lake County Schools Attendance Zones

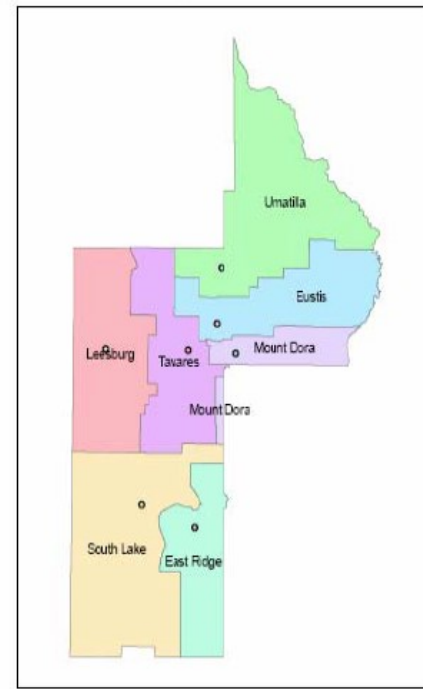
Elementary Schools



Middle Schools



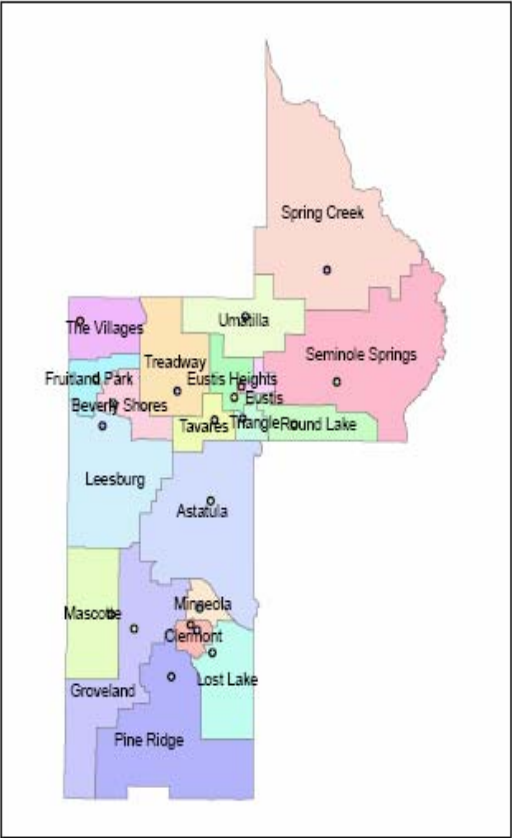
High Schools



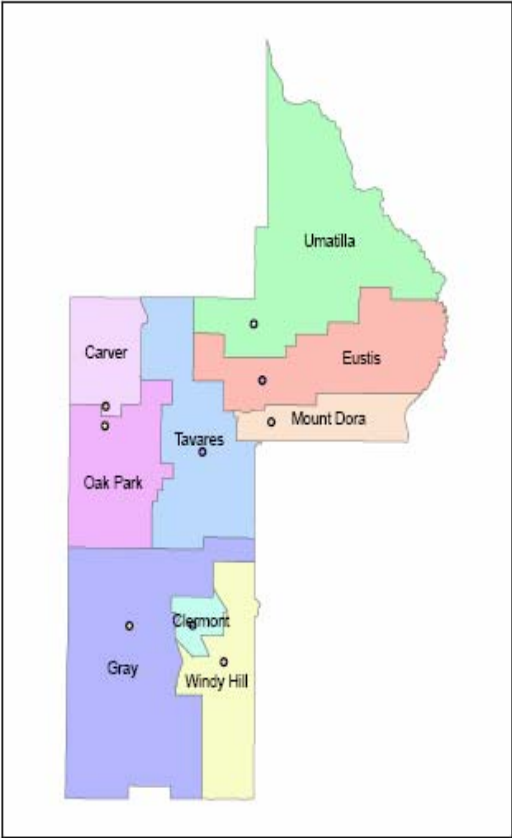
## **APPENDIX A: Map of School Attendance Zone**

Lake County Schools  
Attendance Zones

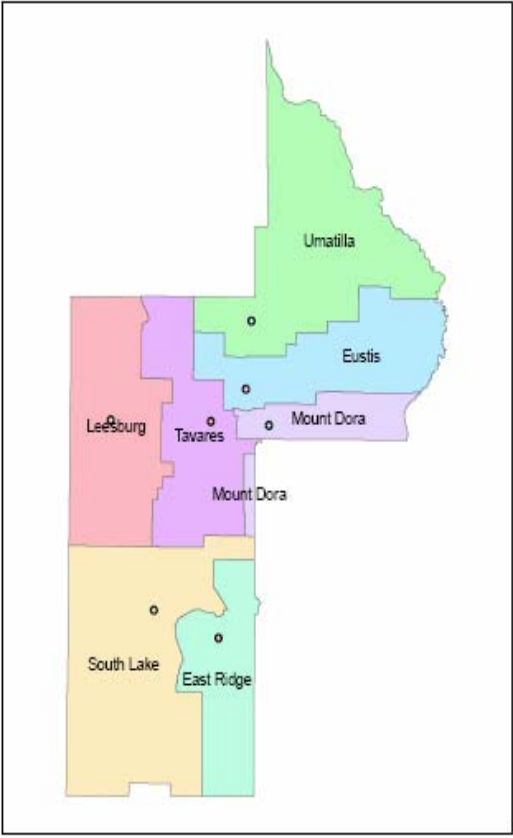
Elementary Schools



Middle Schools



High Schools







# Town of Howey-in-the-Hills

## Existing Transportation Map

April 2020

This map product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Legend

Plating Beacon

Traffic Signal

Central Lake Trail

Recommended Sidewalk, 4to2019

Streets

Water Bodies

Parcels

Town Boundary

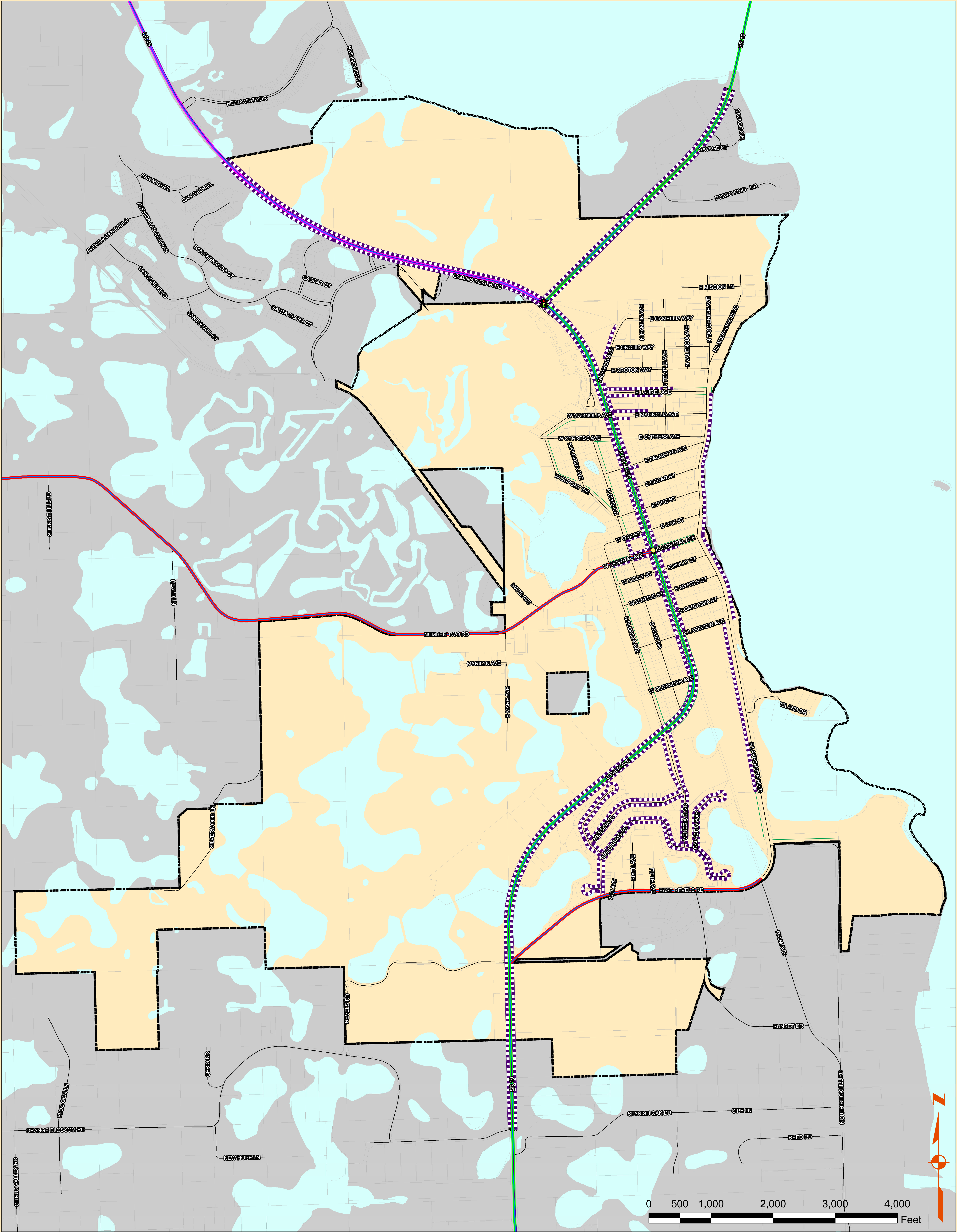
Double Lane

Minor Arterial Rural

Major Collector Rural

Minor Collector Rural

Pedestrian Bicycle Pathways



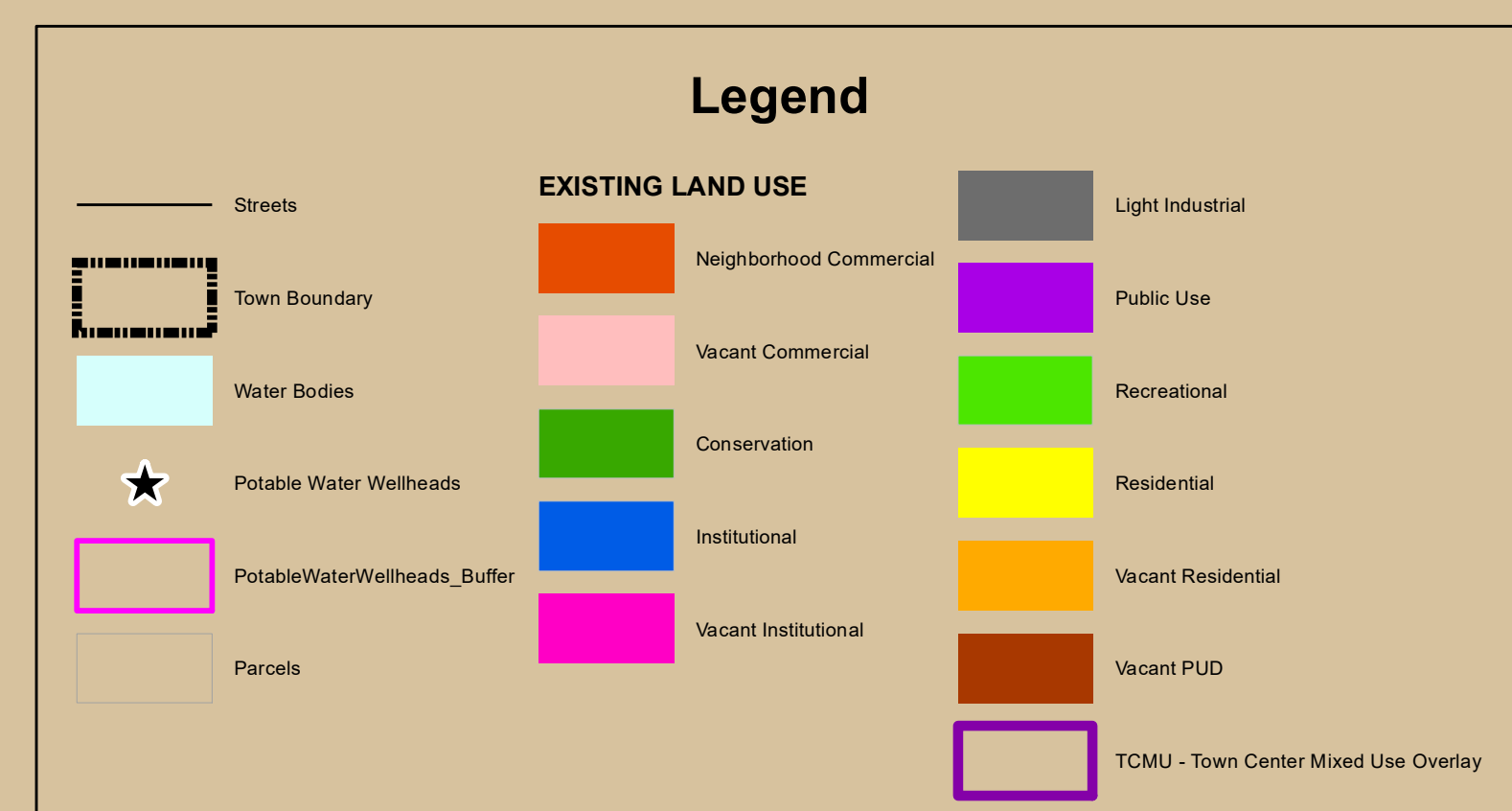
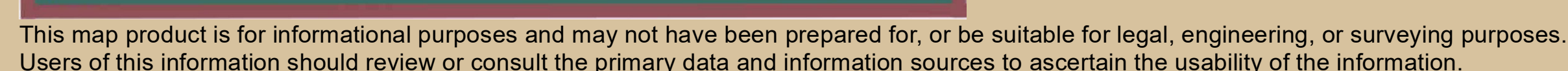


### Legend

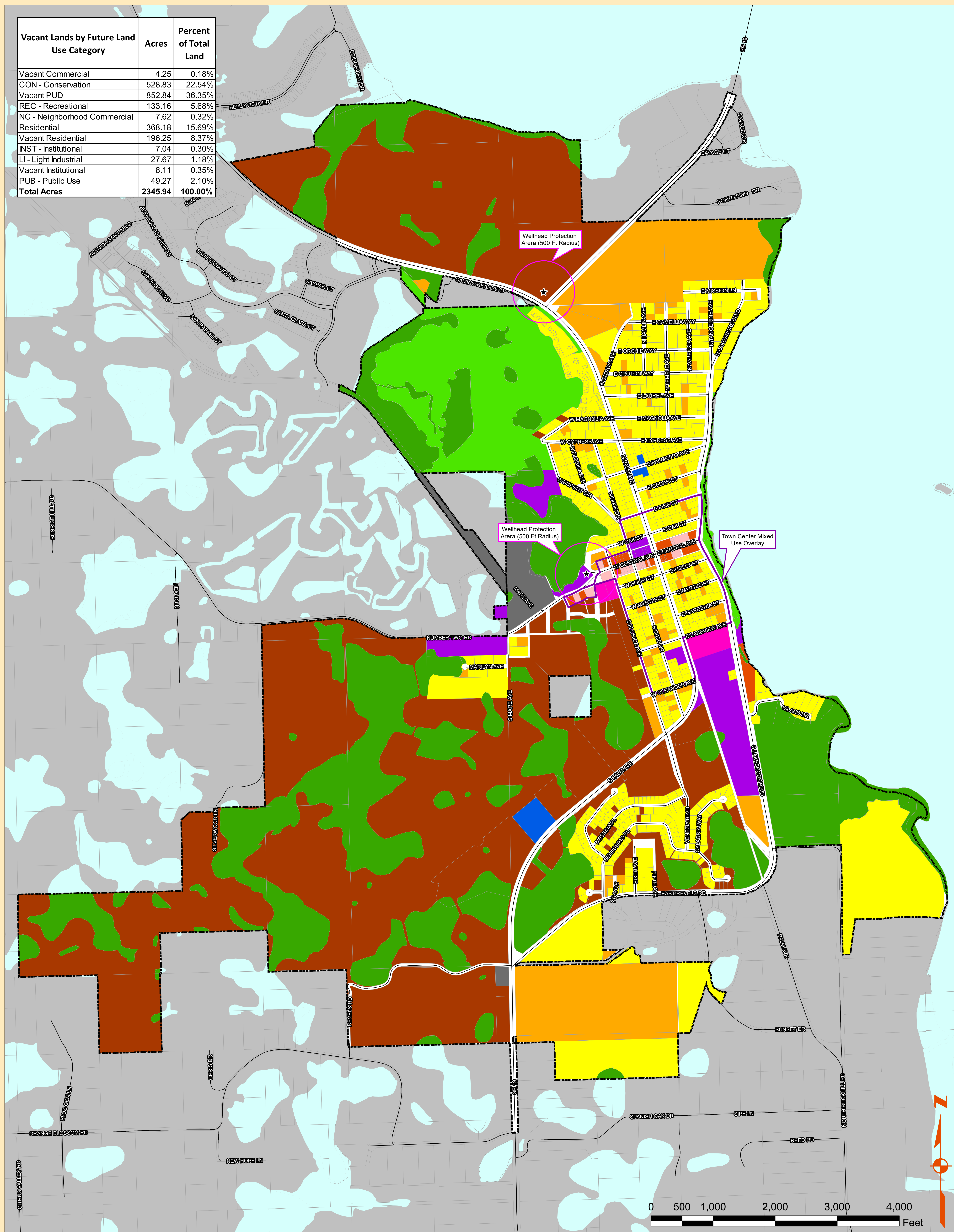
	Streets		2 Lane		Proposed Road Connectors
	Parcels		Minor Arterial Rural		Proposed Pedestrian Connections
	Water Bodies		Major Collector Rural		Proposed Bicycle Connectors
	Town Boundary		Minor Collector Rural		Existing Pedestrian Bicycle Pathways
	Fashing Beacon				Proposed_SR19_3_Lane_Concept
	Traffic Signal				

[illegible]





Vacant Lands by Future Land Use Category	Acres	Percent of Total Land
Vacant Commercial	4.25	0.18%
CON - Conservation	528.83	22.54%
Vacant PUD	852.84	36.35%
REC - Recreational	133.16	5.68%
NC - Neighborhood Commercial	7.62	0.32%
Residential	368.18	15.69%
Vacant Residential	196.25	8.37%
INST - Institutional	7.04	0.30%
LI - Light Industrial	27.67	1.18%
Vacant Institutional	8.11	0.35%
PUB - Public Use	49.27	2.10%
<b>Total Acres</b>	<b>2345.94</b>	<b>100.00%</b>







# Town of Howey-in-the-Hills 2035 Future Land Use Map

This map product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Streets

Town Boundary

Water Bodies

Potable Water Wellheads

PotableWaterWellheads\_Buffer

Parcels

**Future Land Use**

CON - Conservation

INST - Institutional

LDR - Low Density Residential

LI - Light Industrial

MDR - Medium Density Residential

NC - Neighborhood Commercial

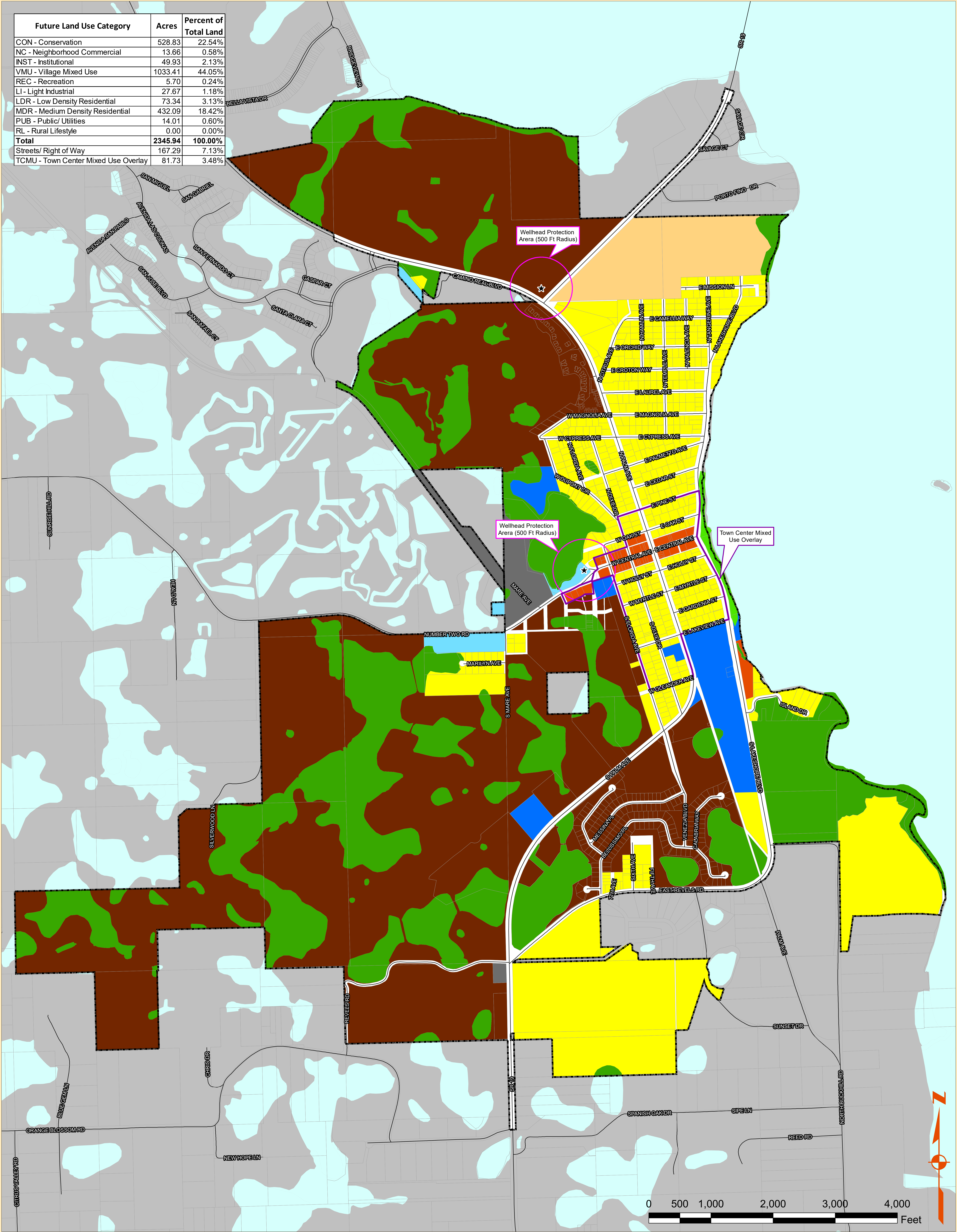
PUB - Public/ Utility

REC - Recreational

VMU - Village Mixed Use

TCMU - Town Center Mixed Use Overlay

Future Land Use Category	Acres	Percent of Total Land
CON - Conservation	528.83	22.54%
NC - Neighborhood Commercial	13.66	0.58%
INST - Institutional	49.93	2.13%
VMU - Village Mixed Use	1033.41	44.05%
REC - Recreation	5.70	0.24%
LI - Light Industrial	27.67	1.18%
LDR - Low Density Residential	73.34	3.13%
MDR - Medium Density Residential	432.09	18.42%
PUB - Public/ Utilities	14.01	0.60%
RL - Rural Lifestyle	0.00	0.00%
<b>Total</b>	<b>2345.94</b>	<b>100.00%</b>
Streets/ Right of Way	167.29	7.13%
TCMU - Town Center Mixed Use Overlay	81.73	3.48%







# Town of Howey-in-the-Hills

## Vacant Lands Map

### April 2020

This map product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Legend

Improved Land within Town Boundary

Streets

Parcels

Water Bodies

CON - Conservation

INST - Institutional

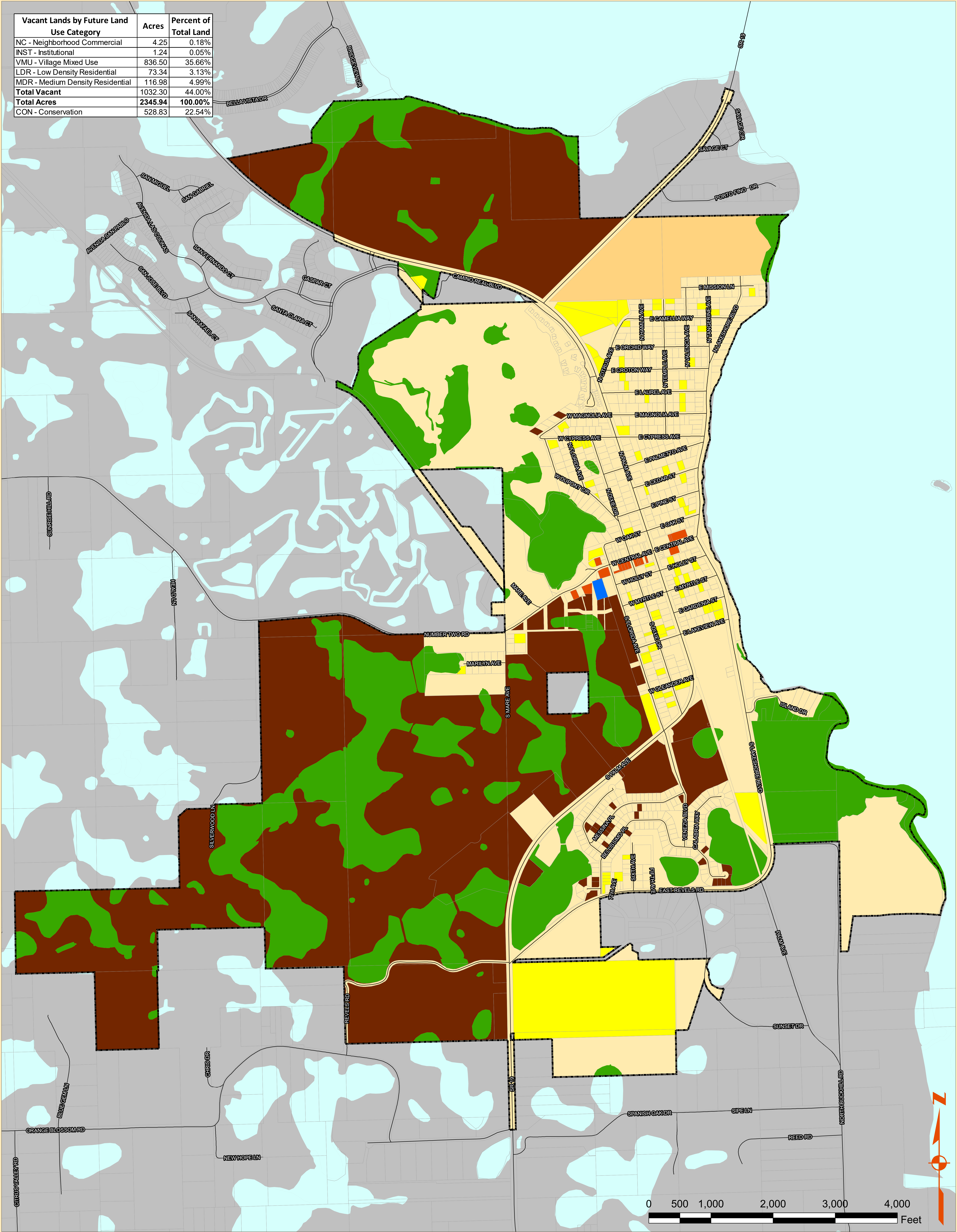
LDR - Low Density Residential

MDR - Medium Density Residential

NC - Neighborhood Commercial

VMU - Village Mixed Use

Vacant Lands by Future Land Use Category	Acres	Percent of Total Land
NC - Neighborhood Commercial	4.25	0.18%
INST - Institutional	1.24	0.05%
VMU - Village Mixed Use	836.50	35.66%
LDR - Low Density Residential	73.34	3.13%
MDR - Medium Density Residential	116.98	4.99%
Total Vacant	1032.30	44.00%
Total Acres	2345.94	100.00%
CON - Conservation	528.83	22.54%





# Howey in the Hills, Florida



## Land Development Code

**Ordinance 2011-009**  
**Adopted February 27, 2012**



### **Town Council**

Chris Sears, Mayor  
 Bonnie Nebel, Mayor Pro Tem  
 John Ernest, Council Member  
 Jon Hall, Council Member  
 Charlie Richardson, Council Member

### **Planning & Zoning Board**

Richard Llewellyn, Chairman  
 Ishir Mehta, Vice Chairman  
 George Lehning, Board Member  
 David Nebel, Board Member  
 Ed Conroy, Board Member  
 Patricia Ritson, Board Member  
 Kevin Yochum, Board Member

### **Town Attorney**

Heather M. Ramos, Esquire  
 Gray Robinson, P.A.

### **Town Clerk**

Brenda Brasher, CMC

### **Town Planner**

Janet Shira, AICP  
 B&H Consultants, Inc.

## Table of Amending Ordinances

Ordinance #	Date	Type	Notes
2013-002	April 22, 2013	Text	
2014-002	April 14, 2014	Text	
2014-005	August 11, 2014	Text	
2015-004	September 14, 2015	Text	
2017-002	August 14, 2017	Text	
2018-002	July 23, 2018	Text	
2018-003	June 11, 2018	Map	MDR-2 to INS-1
2018-008	November 13, 2018	Map	MDR-1 to MDR-2
2018-009	October 8, 2018	Map	MDR-1 to RE
2019-005	August 10, 2020	Text	
2020-003	August 24, 2020	Map	PUD to LI
2021-003	June 14, 2021	Text	
2021-010	November 8, 2021	Text	Revised PUD
2021-008	November 29, 2021	Text	Home Occupations
2021-009	May 13, 2022	Text	Food Trucks

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**1.00.00        GENERALLY****1.00.01        Purpose and Intent**

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

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

**1.00.02        Relationship to the Comprehensive Plan**

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

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

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

**1.01.00 TITLE**

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

**1.02.00 AUTHORITY**

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

**1.03.00 APPLICABILITY****1.03.01 Generally**

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

**1.03.02 Exemptions**

The situations described below are exempt from the provisions of this LDC.

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

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

#### **1.04.00 NONCONFORMING SITUATIONS**

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

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

##### **1.04.02 Lots of Record**

- A. Use of Nonconforming Lots-of-Record
  - 1. A lot made nonconforming by this LDC may be used for any use permitted within the district in which the lot is located provided that the development or

use shall comply with all the district regulations in effect at the time of development order issuance.

- B. Single-Family Lots. Single-family dwelling units meeting all setback requirements may be erected on nonconforming lots-of-record; however, if two (2) or more lots with continuous frontage were in single ownership at the time of adoption of this Code or were subsequently combined into single ownership, the lands involved shall be considered to be an undivided parcel for the purpose of meeting the requirements of this Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with current lot width, depth, or area requirements.

#### **1.04.03 Structures on Substandard Lots**

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

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

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

### **1.05.00 TOWN MAYOR**

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

**1.06.00 INTERPRETATIONS****1.06.01 Generally**

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

**1.06.02 Responsibility for Interpretations**

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

**1.06.03 Rules for Interpretation of Boundaries**

Where uncertainty exists as to boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following the shoreline of a water body shall be construed as following such shoreline.
- E. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of that street or alley added thereto by virtue of vacation or abandonment.

**1.06.04 Rules of Construction**

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

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

**1.06.05 Computation of Time**

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

**1.06.06 Computation of Required or Permitted Units**

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

**1.07.00 DOCUMENTS ADOPTED BY REFERENCE**

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

**1.08.00 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or

otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

#### **1.09.00 REPEAL**

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

#### **1.10.00 STATUS OF CODE, PRIOR OFFENSES**

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

#### **1.11.00 VIOLATIONS AND PENALTIES**

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

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

#### **1.12.00 ACRONYMS AND DEFINITIONS**

##### **A. Acronyms**

<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ACOE</b>	U.S. Army Corps of Engineers
<b>ADA</b>	Americans with Disabilities Act
<b>ADT</b>	Average Daily Traffic
<b>AG</b>	Agricultural
<b>ASTM</b>	American Society of Testing and Materials
<b>CIE</b>	Capital Improvements Element
<b>CMS</b>	Concurrency Management Systems
<b>COC</b>	Certificate of Concurrency
<b>CON</b>	Conservation
<b>CSA</b>	Concurrency Service Area
<b>DBH</b>	Diameter at Breast Height

<b>DCFS</b>	Department of Children and Family Services
<b>DRC</b>	Development Review Committee
<b>ERU</b>	Equivalent Residential Unit
<b>FAA</b>	Florida Aviation Administration
<b>FAC</b>	Florida Administrative Code
<b>FAR</b>	Floor Area Ratio
<b>FCC</b>	Federal Communications Commission
<b>FDEP</b>	Florida Department of Environmental Protection
<b>FDNR</b>	Florida Department of Natural Resources
<b>FDOT</b>	Florida Department of Transportation
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIRM</b>	Flood Insurance Rate Map
<b>FISH</b>	Florida Inventory of School Houses
<b>FLUE</b>	Future Land Use Element
<b>FLUM</b>	Future Land Use Map
<b>HOA</b>	Homeowners Association
<b>HCM</b>	High Capacity Manual
<b>HCS</b>	High Capacity Software
<b>HDPE</b>	High Density Polyethylene
<b>HGL</b>	Hydraulic Gradient Line
<b>IFAS</b>	Institute of Food and Agricultural Sciences
<b>IND</b>	Light Industrial
<b>INS-1</b>	Institutional 1
<b>INS-2</b>	Institutional 2
<b>ITE</b>	Institute of Transportation Engineers
<b>LDC</b>	Land Development Code
<b>LOMR</b>	Letter of Map Revision
<b>LOS</b>	Level of Service
<b>LRTP</b>	Long Range Transportation Plan
<b><u>MDR-1</u></b>	<u>Medium Density Residential 1</u>
<b><u>MDR-2</u></b>	<u>Medium Density Residential 2</u>
<b>MPO</b>	Metropolitan Planning Organization
<b>NAA</b>	National Arborist Association
<b>NC</b>	Neighborhood Commercial
<b>POA</b>	Property Owners' Association
<b>PUB</b>	Public
<b>PUD</b>	Planned Unit Development
<b>RE</b>	Rural Estates
<b>REC-1</b>	Recreation 1
<b>REC-2</b>	Recreation 2
<b>ROW</b>	Right of Way
<b>SFR</b>	Single Family Residential
<b>SJRWMD</b>	St. Johns River Water Management District
<b>TAZ</b>	Traffic Analysis Zone
<b>TIA</b>	Traffic Impact Analysis



<b>TIP</b>	Transportation Improvement Plan
<b>TIS</b>	Traffic Impact Study
<b>TC-R</b>	Town Center Residential
<b>TC-F</b>	Town Center Flex
<b>TC-C</b>	Town Center Commercial
<b>TCMS</b>	Transportation Concurrency Management System
<b>TMC</b>	Turning Movement Counts
<b>TRIP</b>	Transportation Regional Incentive Program
<b>USACOE</b>	U.S. Army Corps of Engineers
<b>USGS</b>	U.S. Geological Survey

#### B. Glossary of terms

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

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

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

***Accessory Building or Structure*** means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, such as, but not 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 receive video programming services via multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that are one (1) meter or less in diameter or diagonal measurement; and, satellite earth station antennas in commercial or industrial areas.

1. **Accessory Equipment Building** is any building, cabinet, or equipment enclosure constructed for the primary purpose of housing the electronics, backup power, power generators and other freestanding equipment associated with the operation of antennas.
2. **Antenna Support Structure.** A facility that is constructed and designed primarily for the support of antennas, which include the following types:
  - a. Lattice tower. A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.
  - b. Monopole. A tower of a single pole design.

- c. Self-supporting tower. A tower that has no structurally supportive attachments other than at its foundation; and
  - d. Camouflaged structure. A structure designed to support antenna and designed to blend into the existing surroundings.
3. **Collocation** is when more than one (1) provider uses an antenna support structure to attach antennas or use of a structure whose primary purpose is other than to support antennas, such as a light or power pole.
4. **Ham/CB/TV Antenna** is a noncommercial amateur radio or citizens band antenna or antennas that are designed to receive broadcast signals.

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

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

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

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

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

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

**Awning** means any fixed roof-like structure, cantilevered, or otherwise entirely supported from a building, so constructed and erected as to allow the awning to be:

- 1. Readily and easily moved.
- 2. Rolled or folded back to a position flat against the building, or cantilever position thereof; and
- 3. Detached from its supporting structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

***Canopy Tree*** means a tree, usually with one main trunk, which develops an elevated crown and provides at maturity, a minimum shade crown of thirty feet (30') in diameter or greater.

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

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

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

***Certificate of Occupancy (C.O.)*** means that certificate issued by the Town of Howey in the Hills subsequent to final inspection that all improvements have been completed

in conformity with all applicable building and construction regulations in the Town and confirming that the building or structure may be used or occupied.

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

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

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

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

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

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

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

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

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

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

**Continue in Good Faith** means that no period of more than six (6) months passes without activity. Activity shall include application for subsequent development

stages (for example, application for Final Plan after approval of the Preliminary Plan), or response to the Town's comments on a particular plan, or submittal of required paperwork for a particular phase of development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Dwelling:**

1. **Single-Family** a detached residential dwelling unit other than a mobile home, designed for and occupied by one family and which includes a kitchen and permanent facilities for living, sleeping, and sanitation.
2. **Duplex** a residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families, containing either a common wall or ceiling/floor.
3. **Townhouse** a residential building designed for or occupied by three (3) or more dwellings that share common vertical walls.
4. **Multiple-Family** residential dwelling units which are located in a single building, in which the entrances to individual units may be above the first floor.
5. **Mobile Home** see definition for Mobile Home.
6. **Modular or Manufactured Home** See Modular or Manufactured Home.

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

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

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

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

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

**Family** means one person, or a group of two or more persons, living together and interrelated by bonds of blood, marriage, or legal adoption, plus no more than two

additional unrelated persons. A family also may include no more than three unrelated persons living as a single household unit, any lawful foster children, others placed as part of a family through a state agency, or residents protected by the Florida and Fair Housing Act.

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

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

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

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

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

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

**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 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.

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

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

**Impervious Surface** means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface areas at normal or control elevation, and other similar nonporous surfaces, but does not include dry bottom stormwater facilities or wooden decks over soil (with

spaces between planks). Any determinations regarding permeability of material or surface shall be at the sole discretion of the Town Engineer or designee.

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

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

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

***Irrigation System*** means a permanent, supplemental watering system designed to transport and distribute water to plants.

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

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

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

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

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

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

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

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

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

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

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

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

1. **Corner Lot** means a lot at the intersection of two (2) streets or along a single street that forms its own corner and provides frontage along two sides of the same lot.
2. **Interior Lot** means a lot having street frontage on only one (1) side.
3. **Through Lot** means a lot other with frontage on two (2) nonintersecting streets. Through lots abutting two (2) streets may be referred to as double frontage lots.

**Main** shall refer to a pipe, conduit, or other facility installed to convey water service to individual laterals/services or to other mains.

**Manufactured Home** means a structure that is fabricated in a protected environment then transported in one (1) or more sections, to the homesite. These homes are built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The structures are built to Federal standards. (May also be referred to as a Mobile home)

**Massing** means the overall bulk, size, physical volume or magnitude of a structure or project.

**Mobile Home** See Manufactured Home.

**Modular Home** means a structure that is fabricated in a protected environment and then brought to the home site in pieces where the construction is then finalized following State and local Codes the same way a site-built home is.

**Mulch** means non-living, organic materials used in landscape design to retard erosion and retain moisture, as well as enrich the soil and reduce soil temperature.

***Native Vegetation*** means any plant species with a geographic distribution indigenous to the Central Florida region.

***Net Land Area*** means the gross land area (total property less any water bodies) minus the required open space minus any additional wetlands not part of the required open space acreage.

***Non-Conforming Lot*** means a lot existing at the effective date of this Code (and not created for the purposes of evading the restrictions of this Code) that does not meet the minimum area requirement of the district in which the lot is located.

***Non-Conforming Sign*** means a sign lawfully existing in the Town before the adoption of this LDC that does not conform to the requirements of this LDC. A sign not lawfully existing prior to the adoption of this LDC shall not be considered a non-conforming sign.

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

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

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

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

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

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

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

***Open Space*** for the purpose of this LDC, means a portion of the gross land area dedicated to the public, a homeowners' or property owners' association, or the owner of individual small lot developments, unencumbered by any structure, road, or other impervious surface, to include stormwater ponds if they are designed to be a park-like

setting with pedestrian amenities and free form ponds, landscaped buffer areas, and recreation areas. Up to 50% of the open space for any one development may be comprised of wetland areas and up to 10% may be impervious (plazas, recreational facilities, etc.).

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1. Effluent disposal facilities.
2. Treatment plants.
3. Pump stations.
4. Force mains; and
5. Interceptors.

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

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

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

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

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

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

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

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

1. **Banner sign** means any sign having characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only such material as backing, which is mounted to a pole or building by one (1) or more edges. National, state, or municipal flags or the official flag of a business or institution shall not be considered a banner.
2. **Barber Pole sign** means any traditional cylindrical, striped revolving sign identifying barbers.
3. **Construction sign** means any sign advertising the construction actually being done on the premises where the sign is located. The sign may also include the contractor's name, the owner's name, the architect's name, and the name of the institution providing financial services.
4. **Detached sign**. See "Freestanding/ground sign" and "Pole sign."
5. **Exempt sign** means any sign for which a permit is not required.
6. **Freestanding or Ground sign** means any detached sign, including any signs supported by structures in or on the ground and independent of support from any building. Includes the term "monument sign."
7. **Garage Sale sign** means any sign pertaining to the sale of personal property in, at, or upon any residentially zoned property, whether made under any other name, such as lawn sale, backyard sale, rummage sale, or any similar designation.
8. **Identification sign** means any sign which indicates the name, owner or address of a residence, office, or business, but bearing no advertising.
9. **Illuminated sign** means any sign having characters, letters, figures, design, or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.
10. **Incidental sign** means any general informational sign which has a purpose secondary to the use of the site on which it is located, such as "Open", "Closed", "Welcome", "No Parking", "Entrance", "Loading Only", and similar information and directives. No sign with a business name, logo, or advertising shall be considered incidental.
11. **Off-site sign** means any sign which advertises the services or products of a business not on the premises where the sign is erected.
12. **Pole sign** means any sign erected on a pole which is wholly independent of any building for support.
13. **Political signs** are those concerning candidacy for public office or urging action on any ballot issue in a forthcoming public election or pertaining to or advocating political views or policies.

14. **Portable sign** means any sign, whether on its own trailer, wheels, chassis, or otherwise movable support, which is manifestly designed to be transported from one place to another.
15. **Projecting sign** means any sign which is affixed to any building, wall, or structure and which extends beyond the building, wall, and structure (see "bracket sign").
16. **Real Estate sign** means any on-premises structure showing that the premises upon which it is located is either for sale, for lease or for rent, or open for inspection.
17. **Sandwich or Sidewalk sign** means any sign, double- or single-faced, which is portable, able to be moved easily by an individual, and which fits within a sidewalk while still allowing for pedestrian travel.
18. **Snipe sign** means any sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
19. **Street Number sign** means any sign displaying a street number on a structure, wherever located.
20. **Wall sign.** Any sign that shall be affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, in such a way that the wall becomes the supporting structure for, or forms the background surface of the sign; provided, however, said wall sign shall not project more than 12 inches from the face of the building; shall not project above the top of the wall or beyond the end of the building.
21. **Yard Sale sign.** See "Garage sale sign."

**Site Plan** means an illustration of the details of development of areas such as commercial, industrial, recreational, multifamily residential and other uses not being platted.

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

**Spillover** means the casting, reflecting or transmission of light or glare beyond the boundaries of the property.

**Street**, for the purpose of this LDC, means a paved thoroughfare that is wider than an alley; may also be referred to as a road, boulevard, avenue, or similar reference.

1. **Alleys** mean minor travel ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
2. **Arterial** means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility. They often have multiple lanes and access control.
3. **Collector** means a low to moderate-capacity road which serves to move traffic from local streets to arterial streets. Access is managed to minimize the number of driveways.

4. **Cul-de-sac** means minor streets having only one (1) open end providing access to another street; the closed end provides a turnaround circle for vehicles, and property fronts on both sides of the street.
5. **Dead-end** means minor streets similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets, planned for future continuation, are not considered to be dead-end streets.
6. **Local** means a street with lower traffic volumes, with land access as its primary function. In general, on-street parking is allowed and access is unlimited, subject to driveway spacing restrictions.
7. **Public** means any public thoroughfare, street, avenue, boulevard, or similar roadway which has been dedicated or deeded for vehicular use by the public.

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

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

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

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

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

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

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

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

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

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

**Town Mayor (or Mayor)** means the Town Mayor or his or her designee.

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

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

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

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

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

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

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

1. **Primary Protection Zone** means that no development, other than facilities related to the public water system, may occur within a 150-foot radius of an existing or proposed public well.

2. **Secondary Protection Zone** means no septic tanks, sanitary sewer facilities, or solid waste or disposal facilities are permitted within a 200-foot radius of any existing or proposed public well.
3. **Tertiary Protection Zone** means all manufacturing or light industrial uses are prohibited within a 500-foot radius of an existing or proposed public well.

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

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

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

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

# CHAPTER 2

## Zoning Districts

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**2.00.00 GENERALLY**

**2.00.01 Purpose and Intent**

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

**2.00.02 Official Zoning Map**

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

**Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map 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													
Medium Density Residential 1				X												
Medium Density Residential 2				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

**2.00.03 Rules for Interpretation of District Boundaries**

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

B. Other Cases. In cases not covered by 2.00.03 (A) above, or where the property or street layout existing on the ground is at variance with that shown on the Official Zoning Map, the Town Planner shall interpret the Official Zoning Map in accordance with the intent and purpose of these zoning regulations. Appeal from the interpretation of the Town Planner shall be made to the Board of Adjustment in conformity with Chapter 9.

## **2.01.00 ZONING DISTRICT DESIGNATIONS**

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

### **2.01.01 Zoning Affects All Premises**

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

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

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

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

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

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

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

### **2.01.05 Additional Requirements Included**

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

## **2.02.00 ZONING DISTRICT CLASSIFICATIONS**

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

**2.02.01 Agricultural (AG)**

- A. Purpose. The Purpose of the Agricultural (AG) zoning district is to designate areas for small family farms including plant nurseries, growing fruits and vegetables, and the raising and grazing of livestock. The district is intended for use in outlying areas and with proper buffering. Single-family residential units may be located on agriculturally-zoned property. This district will allow the Howey area to continue to have a rural character and will help preserve family farming as a viable part of the community's economy.
- B. Principal, Accessory, and Conditional Uses
1. Permitted Principal Uses and Structures
    - a. Single-family detached homes
    - b. Mobile homes
    - c. Groves
    - d. Pastures
    - e. Agricultural uses including the cultivation and production of crops, both in orchards and pastures.
    - f. Licensed Group Home (up to 6 residents)
    - g. Private and Public Gardens
  2. Permitted Accessory Uses and Structures
    - a. Accessory dwellings. One per lot or parcel.
    - b. Detached garages
    - c. Barns
    - d. Horse stables (maximum of 1 horse per acre)
    - e. Horse trails
    - f. Sheds
    - g. Workshops
    - h. Pools
    - i. Small roadside farm stands used to show and sell products produced on the land (sold to individuals in amounts that can be accommodated in one non-commercial vehicle)
    - j. Children's play structures
    - k. Fences
    - l. Signs
    - m. Decks
    - n. Home occupations
  3. Conditional Uses and Structures
    - a. Bed and Breakfast Inn
    - b. Apiculture Indoor cultivation of plants (greenhouses)
    - c. Riding stables or horse stables as a business
    - d. Garden center or Nursery
    - e. Sale of hay and large quantities of fruits and vegetables and plants.
    - f. Animal Hospital or Veterinary Clinic
    - g. Churches
    - h. Outside storage of agricultural equipment and materials

**C. Prohibited Uses**

1. Hog farms, poultry farms and similar uses that may produce excessive noise, odor, and/or dust.
2. Dog breeding (family pets may have offspring)
3. Mining and excavation
4. Fishing and hunting camps or lodges
5. Sales of products not grown on the land
6. Outdoor storage of inoperable vehicles or heavy equipment
7. Any use or structure not listed above as permitted or conditional.

**D. Dimensional Criteria**

1. Maximum building height is 2 ½ stories and no higher than 30 feet
  - a. Silos or grain bins may exceed the maximum building height by 10 feet.
  - b. 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 FAR of .15 for all buildings
3. Maximum impervious surface is 20%
4. Minimum lot size is 2 acres.
5. Minimum lot width is 150 feet
6. Minimum lot depth is 200 feet
7. Minimum front yard setback is 50 feet
8. Minimum street side yard setback is 50 feet
9. Minimum side yard (interior) setback is 25 feet
10. Minimum rear yard setback is 50 feet
11. Minimum square footage of principal dwelling is 1,500 square feet air conditioned, not including garage or accessory dwelling).

**E. Other Standards**

1. Minimum of 50% open space is required.
2. All accessory structures, with the exception of fences and signs, shall meet the same setback requirements as the principal dwelling.

**2.02.02 Rural Estates (RE)**

**A. Purpose.** The Purpose of the Rural Estates (RE) zoning district is to designate areas for larger single-family home sites. The district is intended for families who may have horses or who desire a semi-rural environment in close proximity to urban services. A limited number of horses (maximum of 1 per acre) are allowed. This district will allow the Howey area to continue to have a rural character.

**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)
2. Permitted Accessory Uses and Structures
  - a. Accessory dwellings. One per lot or parcel.
  - b. Detached garages

- c. Barns
  - d. Sheds
  - e. Workshops
  - f. Pools
  - g. Horse stables (maximum of 1 horse per acre)
  - h. Horse trails
  - i. Children's play structures
  - j. Fences
  - k. Decks
  - l. Home occupations
- 3. Conditional Uses and Structures
  - a. Bed and Breakfast Inn (with signage)
  - b. Riding stables or horse stables as a business (with signage)
- C. Prohibited Uses
  - 1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  - 1. Maximum building height is 2 ½ stories and 30 feet
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used or 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 FAR of .15 for all buildings
  - 3. Maximum impervious surface is 20%
  - 4. Minimum lot size is 2 acres.
  - 5. Minimum lot width is 150 feet
  - 6. Minimum lot depth is 200 feet
  - 7. Minimum front yard setback is 50 feet
  - 8. Minimum street side yard setback is 50 feet
  - 9. Minimum side yard (interior) setback is 25 feet
  - 10. Minimum rear yard setback is 50 feet
  - 11. Minimum square footage of principal dwelling is 1,500 square feet (air-conditioned, not including garage or accessory dwelling).
- E. Other Standards
  - 1. Minimum of 50% open space is required.
  - 2. All accessory structures, with the exception of fences and signs, shall meet the same setback requirements as the principal dwelling.
  - 3. 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.

**2.02.03 Single Family Residential (SFR)**

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

- 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)
  - 2. Permitted Accessory Uses and Structures
    - a. Accessory dwellings. 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. 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. Home occupations
  - 3. Conditional Uses and Structures
    - a. Community boat ramp
    - b. Community boat dock(s)
    - c. Community fishing pier
- C. Prohibited Uses
  - 1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  - 1. Maximum building height is 2 ½ stories and 30 feet
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
  - 2. Maximum FAR of .2 for all buildings
  - 3. Maximum impervious surface is 35%
  - 4. Minimum lot size is 1/2 acre.
  - 5. Minimum lot width is 100 feet
  - 6. Minimum lot depth is 150 feet
  - 7. Minimum front yard setback is 35 feet (20 feet if the lot includes a recessed or detached garage at least 35 feet from the front lot line)
  - 8. Minimum street side yard setback is 35 feet
  - 9. Minimum side yard (interior) setback is 20 feet
  - 10. Minimum rear yard setback is 30 feet

11. Minimum square footage of principal dwelling is 1,800 square feet (air-conditioned, not including garage or accessory apartment).

E. Other Standards

1. All accessory structures, with the exception of boathouses, docks, and fences 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. 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
    1. 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
  - 1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  - 1. Maximum building height is 35 feet
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
  - 2. Maximum impervious surface is 50%
  - 3. Maximum of 4 dwelling units per acre
  - 4. Minimum lot size for single family detached units is 15,000 square feet.
  - 5. Minimum lot width for single family detached units is 100 feet,
  - 6. Minimum lot depth for all units is 100 feet
  - 7. Minimum front yard setback is 35 feet
  - 8. Minimum street side yard setback is 12.5 feet
  - 9. Minimum side yard (interior) setback is 12.5 feet
  - 10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
  - 11. Setbacks do not pertain to boathouses, docks, or fences.
  - 12. Minimum square footage of principal dwelling on single-family detached homes is 2,000 square feet (air-conditioned, not including garage or accessory dwelling).
- E. Other Standards
  - 1. All accessory structures, with the exception of boathouses, docks, and fences 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 2 (MDR-2)**

- A. Purpose. The purpose of the Medium Density Residential 2 (MDR-2) zoning district is to provide for variety of dwelling units in a highly aesthetic setting with community amenities. The MDR-2 zoning district attempts to establish an optimum environment between indoor and outdoor living in areas where smaller

lots and smaller dwellings may be appropriate including existing developed areas. 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. 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
  - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
- 2. Maximum impervious surface is 50%
- 3. Maximum of 4 dwelling units per acre
- 4. Minimum lot size for single family detached units is 9,000 square feet.

5. Minimum lot width for single family detached units is 75 feet,
6. Minimum lot depth for all units is 120 feet
7. Minimum front yard setback is 25 feet (15 feet if the lot includes a recessed or detached garage at least 25 feet from the front lot line)
8. Minimum street side yard setback is 12.5 feet
9. Minimum side yard (interior) setback is 12.5 feet
10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
11. Setbacks do not pertain to boathouses, docks, or fences.
12. Minimum square footage of principal dwelling on single-family detached homes is 1,200 square feet (air-conditioned, not including garage or accessory dwelling).

E. Other Standards

- a. 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.
- b. Minimum of 25% open space required.

### 2.02.05 Neighborhood Commercial (NC)

- A. Purpose. The purpose of the Neighborhood Commercial (NC) zoning district is to provide attractive and functional areas to meet the daily shopping and service needs of residents and visitors. These commercial areas should be designed and constructed so as to be architecturally compatible with the residential development in the area and to cause the least possible nuisance and additional traffic to nearby residential uses. The NC district recognizes the desire for convenience goods and services in close proximity to residential neighborhoods, provided that such uses are limited in intensity as set forth in this LDC.

B. Principal, Accessory, and Conditional Uses

1. Permitted Principal Uses and Structures

- a. Banks and Credit Unions
- b. Professional Services (i.e., Barber; Beauty Salon; Business Services such as copying, mailing, and printing; Laundry and Dry Cleaning, pick up only; Day Spa)
- c. Groceries
- d. Convenience Stores
- e. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing; Sporting Goods)
- f. Restaurants
- g. Professional Offices (i.e., Medical, Dental, Legal)
- h. Drug Store or Pharmacy
- i. Bed and Breakfast Inn
- j. Music, Dance, Photography, or Art Studio
- k. Small Equipment or Appliance Repair Shops (repair done indoors)

1. Specialty Food Stores (i.e., Bakery)
- m. Elementary Schools
- n. Middle Schools
2. Permitted Accessory Uses and Structures
  - a. Parks and Plazas
  - b. Dumpsters
  - c. Fences
  - d. Decorative Walls
  - e. Covered Parking
  - f. Signs
  - g. Parking Lots
3. Conditional Uses and Structures
  - a. Buildings more than 5,000 square feet in size.
  - b. Religious facilities
  - c. Convenience stores with gasoline sales
  - d. Gasoline stations
  - e. Bars and cocktail lounges
  - f. Automobile sales
  - g. Automotive repair
  - h. Clubs and Fraternal lodges
  - i. Churches with quasi-commercial programs such as day care centers and schools
  - j. Day care centers (adult and child)
  - k. Animal Hospital or Veterinary Clinic
  - l. Marina
  - m. Theaters (Movie or Performing Arts)
- C. Prohibited Uses
  1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  1. Maximum building height is 2 stories and 35 feet
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
  2. Maximum FAR of .5 for all buildings
  3. Maximum size of any one building is 5,000 square feet.
  4. Maximum impervious surface is 70%
  5. Minimum lot size is 1/2 acre.
  6. Minimum lot width is 100 feet
  7. Minimum lot depth is 150 feet
  8. Minimum front yard setback is 30 feet
  9. Minimum street side yard setback is 30 feet
  10. Minimum side yard (interior) setback is 20 feet
  11. Minimum rear yard setback is 30 feet
- E. Other Standards

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

**2.02.06 Light Industrial (IND)**

- A. Purpose. The purpose of the Light Industrial (IND) zoning district is to provide sites in appropriate locations for light industrial operations which do not generate objectionable on- or off-site impacts including odors; smoke; dust; refuse; electromagnetic interference; or noise (in excess of that customary to loading, unloading, and handling of goods and materials beyond the lot on which the facility is located); or which would have an adverse impact on the Town's wastewater treatment system; or result in hazardous environments for workers or visitors. This district is not intended to accommodate heavy industrial uses.
- B. Principal, Accessory, and Conditional Uses
  1. Permitted Principal Uses and Structures
    - a. Warehouses
    - b. Distribution Centers
    - c. Light Manufacturing and Production (indoor)
    - d. Research and Development laboratories and facilities
    - e. High Schools
    - f. Medical laboratories
    - g. Automotive repair, garage
    - h. Automotive paint and body shops
    - i. Boat repair
    - j. Utility truck, trailer, and equipment rentals
    - k. Adult entertainment
    - l. Mini-storage facilities
    - m. Telecommunication towers
    - n. Trades and Repair Services (i.e., Electrical, Heating, Air, Plumbing)
  2. Permitted Accessory Uses and Structures
    - a. Dumpsters
    - b. Fences
    - c. Decorative Walls
    - d. Storage buildings
    - e. Sheds
    - f. Covered Parking
    - g. Signs
    - h. Parking Lots
    - i. Caretaker or security dwelling
  3. Conditional Uses and Structures
    - a. Garden Centers and nurseries
    - b. Lumber and building supply
    - c. Outdoor Storage
    - d. Industrial trade schools
    - e. Wholesale sales to the public
    - f. Showrooms (i.e., tile, cabinetry, etc.)
- C. Prohibited Uses

1. Automotive Wrecking or Junkyard
  2. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
1. Maximum building height is 2 ½ stories and 30 feet
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
  2. Maximum FAR of .6 for all buildings
  3. Maximum impervious surface is 70%
  4. Minimum lot size is 1/2 acre.
  5. Minimum lot width is 100 feet
  6. Minimum lot depth is 150 feet
  7. Minimum front yard setback is 30 feet
  8. Minimum street side yard setback is 30 feet
  9. Minimum side yard (interior) setback is 20 feet
  10. Minimum rear yard setback is 30 feet
- E. Other Standards
1. Setbacks do not pertain to fences, walls, signs, and parking lots.

**2.02.07 Institutional 1 (INS-1)**

- A. Purpose. The purpose of the Institutional 1 (INS-1) zoning district is to locate and establish areas within the Town which are suited for developments of a general institutional nature to serve the residents of the Town.
- B. Principal and Accessory Uses
1. Permitted Principal Uses and Structures
    - a. Educational facilities, public or private (i.e., Elementary, Middle, High, Business Colleges, Vocational Schools, Arts Schools)
    - b. Government buildings (including police and fire)
    - c. Cultural facilities (i.e., museums, community theaters)
    - d. Libraries
    - e. Community centers
    - f. Religious facilities
    - g. Day care centers (adult and child)
    - h. Cemeteries (public or private)
    - i. Single-family residences
  2. Permitted Accessory Uses and Structures
    - a. Public parks and plazas
    - b. Dumpsters
    - c. Fences
    - d. Decorative Walls
    - e. Storage buildings
    - f. Sheds
    - g. Pools
    - h. Covered Parking

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

**2.02.08 Institutional 2 (INS-2)**

- A. Purpose. The purpose of the Institutional 2 (INS-2) zoning district is to locate and establish areas within the Town which are suited for developments of an institutional nature related to health and daily living assistance to serve the population who needs these services on either a temporary or more permanent basis.
- B. Principal, Accessory, and Conditional Uses
  - 1. Permitted Principal Uses and Structures
    - a. Nursing homes
    - b. Community residential facilities
    - c. Group homes for more than 6 people
    - d. Hospitals
    - e. Assisted Living Facilities
  - 2. Permitted Accessory Uses and Structures
    - a. Medical Offices
    - b. Physical Therapy Offices
    - c. Dumpsters
    - d. Fences
    - e. Decks

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

**2.02.09 Recreation 1 (REC-1)**

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



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

**2.02.10 Recreation 2 (REC-2)**

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

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

**2.02.11 Conservation (CON)**

- A. Purpose. The purpose of the Conservation (CON) zoning district is to ensure the conservation and preservation of water bodies, wetlands, and other important land areas both public and privately owned. It is intended that the natural character of these areas be retained and protected from development.
- B. Principal, Accessory, and Conditional Uses
  - 1. Permitted Principal Uses and Structures
    - a. None
  - 2. Permitted Accessory Uses and Structures
    - a. None
  - 3. Conditional Uses and Structures
    - a. Boardwalks
    - b. Docks
    - c. Observation Decks
    - d. Dumpsters
    - e. Fences
    - f. Unpaved parking lots
    - g. Portable restroom facilities
- C. Prohibited Uses
  - 1. Any use or structure not listed above as permitted or conditional.

**2.02.12 Public (PUB)**

- A. Purpose. The purpose of the Public (PUB) zoning district is to provide areas for governmental uses as well as essential utilities that may be publicly or privately owned.
- B. Principal and Accessory Uses
  - 1. Permitted Principal Uses and Structures
    - a. Government buildings
    - b. Essential utilities
    - c. Public cemeteries
    - d. Telecommunications towers
  - 2. Permitted Accessory Uses and Structures
    - a. Dumpsters
    - b. Fences
    - c. Decorative Walls
    - d. Storage buildings
    - e. Signs
    - f. Parking Lots
- C. Prohibited Uses
  - 1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  - 1. Maximum FAR of .25
  - 2. Maximum impervious surface is 50%
  - 3. Maximum building height is 1 story and 20 feet
  - 4. Maximum height for other facilities is 2 stories and 35 feet (with the exception of telecommunications towers)
- E. Other Standards
  - 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

**2.02.13 Planned Unit Development (PUD)**

- A. Purpose. The purpose of the Planned Unit Development (PUD) zoning district is to allow for mixed use development within the Town Center and in other areas of Town where a mixture of uses is desired and appropriate. The PUD zoning district shall be used for development or redevelopment of Town Center properties when development of more than one acre is being proposed. The PUD zoning district shall also be used for all properties with Village Mixed Use land use. The purpose of the PUD zoning for Village Mixed Use is to require a mix of uses in order to promote sustainable development, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize and engage in recreational activities in a village setting.
- B. Principal, Accessory, and Conditional Uses
  - 1. The following uses and structures are permitted, if approved as part of an overall PUD zoning plan:

- a. Permitted and conditional uses and structures for the Town Center are those denoted within the TC-R, TC-F, and TC-C zoning districts. The Town Center Overlay Map outlines the TC-R, TC-F, and TC-C areas.
  - b. Permitted and conditional commercial uses and structures for the Village Mixed Use include all the uses and structures outlined in the NC zoning category, subject to approval as part of an overall PUD zoning plan. Permitted and conditional residential uses and structures and non-residential uses and structures (other than commercial) for the Village Mixed Use PUDs shall be subject to approval as part of an overall PUD zoning plan.
- C. Prohibited Uses
1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional and Other Criteria
1. Dimensional criteria for Town Center PUDs are as outlined in the TC-R, TC-F, and TC-C zoning districts.
  2. Dimensional criteria for Village Mixed Use PUDs shall be determined at the time of zoning approval. They shall be consistent with the Village Mixed Use land use criteria, including:
    - a. The maximum density of 4 dwelling units per acre, which may be increased to 6 dwelling units per acre if the development includes 20% usable open space (no wetlands).
    - b. Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area.
    - c. 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.
    - d. For developments with more than 100 acres, 5% of the non-residential land shall be dedicated for public/civic buildings.
    - e. Commercial/non-residential uses may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met.
    - f. Public recreational uses shall occupy a minimum of 10% of the usable open space (no wetlands).
    - g. A minimum of 25% open space is required.
    - h. The maximum building size is 30,000 square feet unless a special exception is granted to the developer by the Town Council.
  3. Other Standards for PUDs include:
    - a. There shall be no drive-through establishments in the Town Center.
    - b. All new buildings in the Town Center Commercial district shall be two stories.
    - c. Setbacks do not pertain to boathouses, docks, and fences.
    - d. A maximum FAR of 2.0 is permitted in the Town Center Commercial areas if parking and stormwater requirements can be met.
    - e. The maximum building height for both the Town Center and Village Mixed Use developments shall be two (2) stories and 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.

- f. To apply for a Village Mixed Use PUD, the applicant shall have a minimum of 25 acres.

**2.02.14 Town Center Residential (TC-R)**

A. Purpose. The purpose of the Town Center Residential (TC-R) zoning district is to allow for residential development and redevelopment on individual parcels identified on the Town Center Overlay Map for residential uses.

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)

2. Permitted Accessory Uses and Structures

- a. Accessory dwelling. 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. Sheds
- d. Workshops
- e. Pools
- f. Boathouses
- g. Docks
- h. Children's play structures
- i. Fences
- j. Decks
- k. Home occupations

3. Conditional Uses and Structures

- a. None

C. Prohibited Uses

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

D. Dimensional Criteria

1. Maximum building height is 35 feet

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

2. Maximum impervious surface is 50%

3. Minimum lot size for single family detached units is 9,000 square feet.

4. Minimum lot width for single family detached units is 100 feet (Existing lots of record that are less than 100 feet wide may be developed as long as they meet setback requirements; however, if two adjacent vacant lots are owned by the same entity, they shall be combined to meet minimum lot width requirements.)

5. Minimum front yard setback is 25 feet
  6. Minimum street side yard setback is 25 feet
  7. Minimum side yard (interior) setback is 12.5 feet
  8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
  9. Minimum square footage of principal dwelling on single-family detached homes is 2,000 square feet (air-conditioned, not including garage or accessory dwelling).
- E. Other Standards
1. Setbacks do not pertain to boathouses, docks, and fences.
  2. Single family detached units shall have a one-car garage or carport (a minimum of 200 square feet). The garage shall be set back at least 20 feet from the right of way.

**2.02.15 Town Center Flex (TC-F)**

- A. Purpose. The purpose of the Town Center Flex (TC-F) zoning district is to allow for development or redevelopment of individual parcels identified on the Town Center Overlay Map for office, professional services, residential, or live/work uses.
- B. Principal, Accessory, and Conditional Uses
1. Permitted Principal Uses and Structures
    - a. Professional Offices
    - b. Professional Services
    - c. Single family detached homes
    - d. Live/work space (same person who owns the business, lives in the home).
  2. Permitted Accessory Uses and Structures
    - a. Detached garages
    - b. Sheds
    - c. Workshops
    - d. Pools
    - e. Boathouses
    - f. Docks
    - g. Children's play structures
    - h. Fences
    - i. Decks
    - j. Signs
    - k. Home occupations
  3. Conditional Uses and Structures
    - a. Bed and Breakfast Inn
- C. Prohibited Uses
1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
1. Maximum building height of 35 feet

- a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum impervious surface of 40%
3. Minimum lot size is 9,000 square feet.
4. Minimum lot width is 100 feet (Existing lots of record that are less than 100 feet wide may be developed as long as they meet setback requirements; however, if two adjacent vacant lots are owned by the same entity, they shall be combined to meet minimum lot width requirements.)
5. Minimum front yard setback is 25 feet
6. Minimum street side yard setback is 25 feet
7. Minimum side yard (interior) setback is 12.5 feet
8. Minimum rear yard setback is 30 feet for principal dwelling or detached garage. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
9. Minimum square footage of principal dwelling is 2,000 square feet (air-conditioned, not including garage).
- E. Other Standards
  1. Setbacks do not pertain to boathouses, docks, and fences.
  2. Single family detached units shall have a one-car garage or carport (a minimum of 200 square feet). The garage shall be set back at least 20 feet from the right of way.

**2.02.16 Town Center Commercial (TC-C)**

- A. Purpose. The purpose of the Town Center Commercial (TC-C) zoning district is to allow for development or redevelopment of individual parcels identified on the Town Center Overlay Map for commercial core. This includes the ability to have residential uses on the second floor.
- B. Principal, Accessory, and Conditional Uses
  1. Permitted Principal Uses and Structures
    - a. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing; Sporting Goods)
    - b. Professional Offices
    - c. Professional Services
    - d. Restaurants
    - e. Banks and Credit Unions
    - f. Pharmacies
    - g. Cultural facilities (museums, community theaters)
    - h. Bed and Breakfast Inn
    - i. Music, Dance, Photography, or Art Studio
    - j. Small Equipment and Appliance Repair Shops (repair done indoors)
    - k. Specialty Food Stores (i.e., Bakery)
    - l. Convenience Stores
    - m. Residential (second floor only)

- 2. Permitted Accessory Uses and Structures
  - a. Parks and Plazas
  - b. Dumpsters
  - c. Fences
  - d. Signs
  - e. Parking Lots
- 3. Conditional Uses and Structures
  - a. Parking Lots
  - b. Religious facilities
- C. Prohibited Uses
  - 1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
  - 1. Maximum FAR of 2.0 is permitted is parking and stormwater requirements can be met.
  - 2. Maximum building height of two (2) stories and 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.
- E. Other Standards
  - 1. There shall be no drive-through establishments in the Town Center
  - 2. All new buildings in the Town Center Commercial district shall be two stories

## **2.03.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS**

### **2.03.01 Generally**

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

### **2.03.02 Town Center Overlay**

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

In order to sustain these qualities, new development and redevelopment within the Town Center Overlay shall be reflective of the architectural styles and fabric of the area. Consistency and compatibility with the existing built environment shall be considered in the review and issuance of development permits within the Town Center Overlay. In order to preserve the quaint character of downtown Howey in the Hills, size limitations will also be placed on individual businesses. Redevelopment will focus on orienting buildings and roadways to a pedestrian scale. Design shall be pedestrian-friendly.



**2.03.03 Townhomes**

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

B. Dimensional Criteria

1. Maximum building height is 2 ½ stories and 30 feet
  - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum impervious surface is 40%
3. Maximum of 4 dwelling units per acre
4. Minimum lot size for townhomes is 5,000 square feet.
5. Minimum lot width is 50 feet for exterior townhome lots, and 35 feet for interior townhome lots
6. Minimum lot depth is 120 feet
7. Minimum front yard setback is 25 feet (15 feet if the lot includes a recessed or detached garage at least 25 feet from the front lot line)
8. Minimum street side yard setback is 25 feet
9. Minimum side yard (interior) setback is 15 feet (no side setback for interior townhome units)
10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
11. Setbacks do not pertain to boathouses, docks, or fences.
12. Minimum square footage of townhomes is 1,200 square feet (air-conditioned, not including garage).

**2.03.04 Historic and Archeological Property Overlay**

A. **Purpose:** The Historic and Archeological Property Overlay is intended to preserve historic and archeological assets by designating sites which meet the specified criteria; by providing for alternative and adaptive reuse opportunities for designated properties consistent with neighborhood conditions; result in the preservation of the historic or archeological resource. The overlay is intended to preserve the

underlying zoning as the base use for the property and the zoning which will be effective on the property should the designated resource be removed for any reason.

**B. Applicability:** The overlay designation may be applied to one or more parcels in any zoning district if both of the following conditions are met.

1. The historic or archeological asset is listed on the National Register of Historic Places; designated by the State of Florida as a historic or archeological resource; or as approved by the Town Council as a locally significant site.
2. The original use of the building or site no longer functions in the current environment or would create negative secondary impacts to the surrounding neighborhood if utilized for its original use.

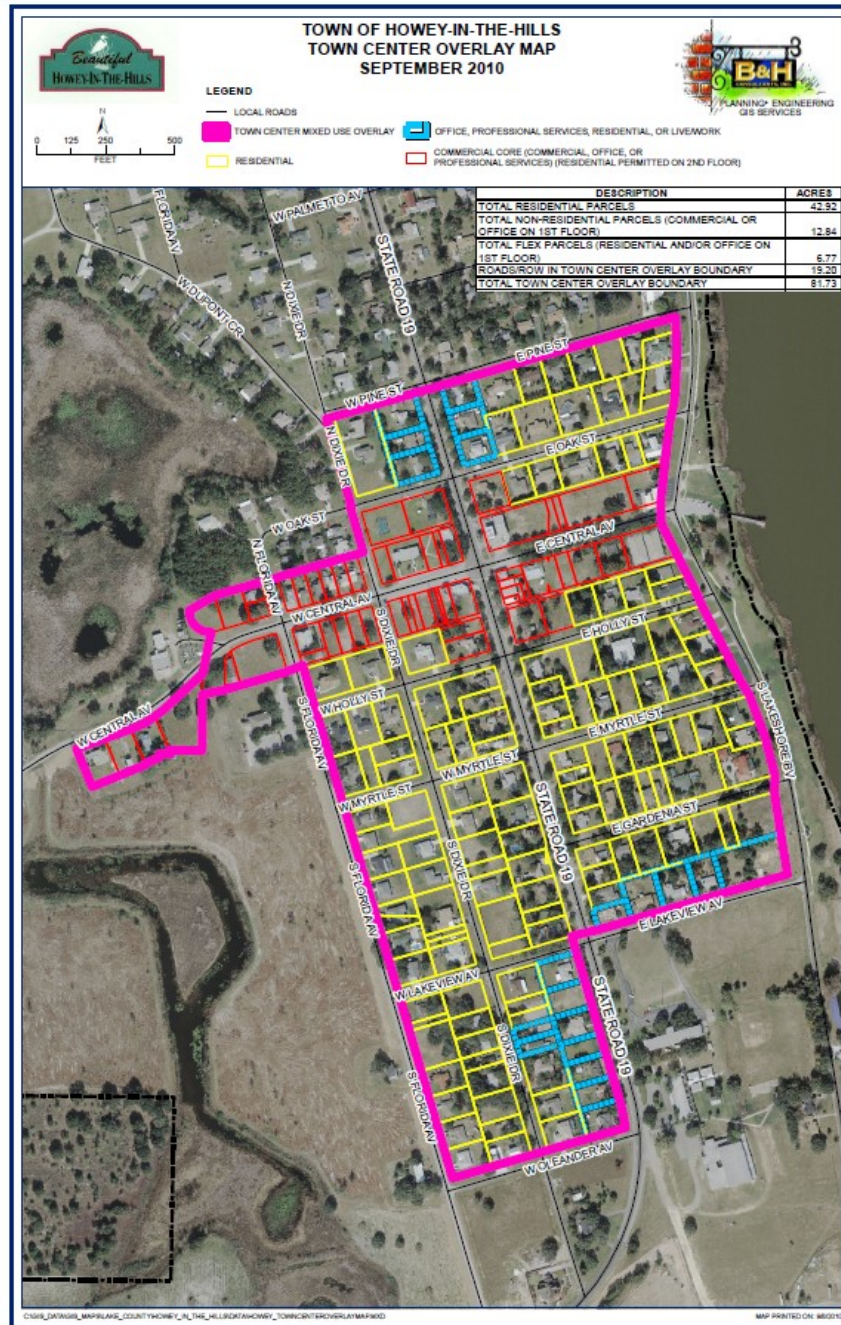
**C. Review and Approval Process:** An application for designation as a Historic Property Overlay shall follow the following procedures.

1. The applicant shall submit an application for rezoning to the historic property overlay as required by Section 4.11.00 Special Overlay Districts including compliance with the requirements for review of the application and notice procedures.
2. The adoption process for the Historic Property Overlay shall follow requirements of 4.15.04 and 4.15.05 so as to follow the same requirements as established for Land Development Code Amendment requirements.
3. Once approved the Historic Property Overlay shall be denoted by the addition of the designation “H” to the underlying zoning classification.
4. For the area included within the Historic Property Overlay, the special development plan required by Section 4.11.01B shall consist of the Historic Resource Management Plan (HRMP). In addition to the requirement specified in Section 4.11.01.B, the HRMP shall address all requirements specified by the Town Planner, which may include some or all of the following: permitted uses; a conceptual site plan; site development requirements including but not limited to access, parking, landscaping, signage, and dimensional requirements; any waivers from code provisions essential to implement the HRMP; and other provisions found necessary to implement the HRMP.

The HRMP shall also include a plan and program to preserve the supporting historic or archeological resource including a time frame for implementation of necessary renovations, restoration or other related improvements including compliance with U.S. Secretary of the Interior’s “Illustrated Guidelines for Rehabilitating Historic Buildings.”

**D. Vacation of the Historic Property Overlay:** Should the historic or archeological resource which forms the basis of the Historic Property Overlay be destroyed or removed from the property for any reason, the Historic Property Overlay shall be vacated and the property shall assume the designation of the underlying zoning.

**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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**3.00.00 GENERALLY**

**3.00.01 Purpose and Intent**

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

**3.00.02 Applicability**

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

**3.01.00 ENVIRONMENTAL LANDS PROTECTION**

**3.01.01 Requirements Regarding Habitat Protection**

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

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

### **3.01.02 Protection of Environmentally Sensitive Lands**

- A. To prevent both soil erosion and sedimentation, the Town requires a soil erosion and sedimentation control plan whenever a development will involve any clearing, grading, or other form of distributing land by movement of earth, provided that any of one of the following applies:
  1. Excavation, fill, or any combination thereof will exceed 500 cubic yards.
  2. Fill will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.
  3. Excavation will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
  4. Excavation, fill, or any combination thereof will exceed an area of 1,000 square feet.
  5. Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
  6. Whenever excavation or fill is proposed within 100 feet of a body of water, stream, or channel.



**3.02.00 WETLAND AND SURFACE WATER PROTECTION**

**3.02.01 Applicability**

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

**3.02.02 Agency Coordination Required**

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

**3.02.03 Development Within Wetlands and Adjacent to Water Bodies**

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

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. To protect water quality within lakes, the Town shall require sites under construction to provide measures to retard, impede, and treat surface water runoff.
- C. Buffering requirements for development adjacent to wetlands or natural water bodies:
  1. No development or disturbance of the area is permitted within 25 feet of a designated wetland area. These areas shall be marked with appropriate signage as conservation areas.
  2. No building or impervious surface area (with the exception of wet retention ponds) is permitted within 50 feet of a designated wetland area.
  3. To protect water bodies from the encroachment of development, a shoreline protection zone shall be delineated. There shall be no disturbance within 50 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C., with the exception of pilings for docks or piers. There shall be no buildings, pools, ponds, or other structures in this protection zone.
  4. There shall be no septic tanks within 75 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C.
- D. Permitted activities within areas designated by the Town, FDEP, SJRWMD, or the USACOE as wetlands protection zones:
  1. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM.
  2. Development of a wetlands stormwater discharge facility or stormwater treatment facility in accordance with State permits received under currently relevant sections of the F.A.C.



**3.02.04 Design Requirements**

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

**3.03.00 WELLFIELD PROTECTION**

**3.03.01 Purpose and Intent**

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

**3.03.02 Wellfield Protection Area**

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

**3.04.00 PROTECTION OF GROUND WATER**

**3.04.01 Purpose and Intent**

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

**3.04.02 Restricting Uses**

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

**3.05.00 WATER CONSERVATION**

**3.05.01 Promoting Conservation of Water**

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

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

# CHAPTER 4

## Development Review Procedures

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**4.00.00 PURPOSE AND INTENT**

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

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

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

**4.01.00 GENERAL REQUIREMENTS AND ENFORCEMENT**

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

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

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

#### **4.02.00 COMPREHENSIVE PLAN AMENDMENTS**

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

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

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

##### **4.02.02 Pre-Application Conference**

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

##### **4.02.03 Submission of Application for Amendment of the Comprehensive Plan**

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

##### **4.02.04 Review Process**

A The Town Clerk shall distribute copies of the proposed amendment to Lake County, the Lake County School Board, the Central Lake CDD, and any adjacent cities. The notice shall include the proposed amendment and the anticipated date

for hearing before the Planning and Zoning Board. The Town Planner will then prepare a report to the applicant outlining all the issues.

- B The Town Clerk shall schedule a public hearing scheduled before the Planning and Zoning Board. The Planning and Zoning Board shall be provided with copies of the Town Planner's report and any comments received from outside reviewing agencies. Following the public hearing the Planning and Zoning Board shall provide a recommendation on the proposed amendment to the Town Council.
- C After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Town Council shall be provided a copy of the information considered by the Planning and Zoning Board along with the recommendation from that Board.
- D Following the initial public hearing and action by the Town Council the proposed amendment shall be submitted to the appropriate State agencies for review and comment if this review is required by State statute.
- E Following the completion of any required review period for State agency comments, the Town Council shall schedule a public hearing for final action on the proposed amendment. The Town Council may adopt the amendment; adopt the amendment with revisions; or reject the amendment. If the amendment is adopted as proposed or as amended, the amendment shall be provided to the required State agencies as set forth in State Statute.

#### **4.02.05 Notice Procedures**

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

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



**4.02.06 Comprehensive Plan Amendment Application Requirements**

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

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

**4.03.00 SITE PLAN PROCESS**

**4.03.01 Site Plan Review for Development Not Classified as a Subdivision**

- A. Site plans must first be submitted in Preliminary Site Plan form to the Town Clerk for review and recommendation by the Development Review Committee (DRC). The DRC recommendation is forwarded to the Planning and Zoning Board for its recommendation to the Town Council. Then both the DRC and Planning and Zoning Board recommendations are forwarded to the Town Council. Once the Town Council grants Preliminary Site Plan approval, the next step in the process is Final Site Plan review.
- B. For developments on less than one acre and that involve total building size of less than 5,000 square feet, the applicant has the option of combining these two development processes into a single submittal.
- C. All development subject to site plan approval shall be consistent with the policies of the Town of Howey in the Hills Comprehensive Plan and shall comply with all provisions of this Code and all applicable Town ordinances and regulations.

**4.03.02 Approval Process for Preliminary Site Plan**

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

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

- A. Pre-Application Conference. Each applicant shall meet with the DRC at a pre-application conference before preparing a Preliminary Site Plan. In this way, the applicant can become familiar with the requirements and development policies of the Town, which may affect the proposed development.
- B. Submission of Preliminary Site Plan. The applicant shall submit to the Town Clerk, eight (8) copies of the Preliminary Site Plan along with the Development Review Application, a traffic impact analysis, submittal fee, and review deposit.
- C. Review Process
  1. The Town Clerk shall distribute copies of the Preliminary Site Plan and application to the DRC members, the Lake County School Board (for residential development), and the Florida Department of Transportation (FDOT), if applicable. The DRC members and the Lake County School Board and FDOT, where applicable, shall individually review the Preliminary Site Plan and meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Preliminary Site Plan.
  2. Once the applicant receives comments from the DRC and any outside agencies on the submitted plans, the applicant has 90 calendar days to submit a response, including a revised set of plans. If the applicant needs more time, a formal request for an extension should be submitted by the applicant at least 30 days prior to the expiration of the 90 days. Failure of the applicant to respond in a timely fashion shall result in the need to resubmit with a new application, including all applicable documents as if being submitted for the first time, including any fees.
  3. After the DRC is satisfied with the Preliminary Site Plan, a public hearing is scheduled before the Planning and Zoning Board. The Preliminary Site Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Planning and Zoning Board at its public hearing.
  4. After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Preliminary Site Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Town Council at its public hearing. This information shall also include the Planning and Zoning Board's recommendation.

#### **4.03.03 Notice Procedures**

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

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

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

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

The Planning and Zoning Board shall review and recommend approval, approval subject to conditions, or disapproval of the Preliminary Site Plan at the advertised public hearing. In recommending disapproval of any Preliminary Site Plan, the Planning and Zoning Board shall provide reasons for such action.

**4.03.05 Action by the Town Council**

After the Planning and Zoning Board reviews the Preliminary Site Plan, the public hearing scheduled before the Town Council shall be held. The Town Council shall approve, approve subject to conditions, or disapprove the Preliminary Site Plan. In disapproving any Preliminary Site Plan, the Town Council shall provide reasons for such action.

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

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

**4.03.07 Preliminary Site Plan Extensions**

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

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

**4.03.08 Preliminary Site Plan Requirements**

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

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

#### **4.03.09 Preliminary Site Plan Drawings**

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

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

#### **4.03.10 Approval Process for Final Site Plan**

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

**4.03.11 Submission of Final Site Plan**

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

**4.03.12 Final Site Plan Review Process**

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

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

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

**4.03.13 Review and Action by Planning and Zoning Board**

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

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

After the Planning and Zoning Board reviews the Final Site Plan, the item shall be scheduled for a regular Town Council meeting. Final Site Plans do not require a public hearing. The Town Planner shall submit a report to the Town Council

outlining the recommendations of both the DRC and the Planning and Zoning Board. The Town Council shall approve, approve subject to conditions, or disapprove the Final Site Plan. In disapproving any Final Site Plan, the Town Council shall provide reasons for such action.

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

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

**4.03.16 Final Site Plan Extensions**

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

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

**4.03.17 Final Site Plan Requirements**

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

**4.03.18 Final Site Plan Drawings**

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

- A. The title page shall include the name of the project/development, the name and address of the property owner, and the name and address of the engineer preparing the plan. All plans and support documents shall bear the date, seal, and signature of the project engineer.
- B. The plans shall include a location map that shows the project in relation to the broad context of the Town.
- C. The plans shall include a date, north arrow, and legend.
- D. Plans shall be drawn to scale (no smaller than 1"=100').
- E. The plans shall include a legal description of the property and the acreage or square footage. The property boundaries should be clearly outlined.

- F. If the project is to be phased, the phases should be clearly indicated on the plan. The developer may need to provide additional information to document that the first phase can stand on its own as well as subsequent phases and their reliance only on the proceeding phases.
- G. The plans should show property lines with dimensions.
- H. Setbacks.
  - 1. All setbacks from streets and highways shall be illustrated.
  - 2. The applicable setbacks for the zoning district shall be indicated by the use of notes.
  - 3. All setbacks on irregular shaped lots shall be illustrated.
- I. The line of natural water bodies shall be illustrated.
- J. The plans should show street right-of-way lines of adjacent roads.
- K. Topographic information. Existing contours at one (1) foot intervals based on field surveys or photogrammetric survey extending a minimum one hundred (100) feet beyond the tract boundary. The topographic survey shall be certified by a land surveyor, registered in the State of Florida.
- L. Soils information. Identification of on-site soils shall be drawn on the face of the plan using the Soil Survey of Lake County Area, Florida. An applicant may challenge this determination by demonstrating (through the testing of a geotechnical engineer) that the identified soils are not classified correctly. If the above determination is concurred with by the Town Engineer, then these alternative soil determinations will be used in preparing the plans.
- M. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be shown on the plans. An environmental impact assessment will be required for significant or ecologically fragile areas.
- N. 100 Year Flood Elevation Information. Where the 100-year flood elevation is shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant shall show the location of the one hundred (100) year flood elevation. Data shall be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M. maps. In this circumstance, the developer will be responsible for the necessary drainage basin studies to establish the 100-year flood elevation. This work will be prepared to the satisfaction of the Town Engineer. If the proposed development will create a change to the existing 100-year flood elevation, this change will be reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter of map amendment to FEMA and will need to provide evidence to the Town that FEMA has agreed to the amendment prior to receiving Final Site Plan approval.
- O. The tree survey submitted at the Preliminary Site Plan phase should again be overlaid on the Final Site Plans to show trees in relation to proposed improvements. The plans should also include a table indicating which trees are proposed to be saved and which are proposed to be removed.
- P. Any existing improvements on the property should be shown on the Final Site Plan and whether those improvements will remain.
- Q. The Plans shall show location and dimension of all proposed buildings. Setbacks shall be called out.

- R. Open Space. All areas to be counted as Open Space shall be clearly indicated on the plan and summarized in a table by tract, acreage, and use.
- S. All streets shall be shown, labeled by street name, showing where curb and gutters, sidewalks, and utility easements are to be provided and indicating street pavement widths.
- T. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan in addition to other stormwater or drainage facilities including manholes, pipes, drainage ditches, retention ponds, etc.
- U. All sidewalks or other walkways or trails shall be identified, showing widths and surface material as well as cross sections in the detail pages.
- V. The water system including the location of mains, valves and hydrants shall be shown on the plans with submittal of profile sheets.
- W. The wastewater system shall be shown on the plans indicating the location of lines and lift stations, where applicable, with the submittal of profile sheets where required.
- X. All underground and above-ground utility lines, streetlights, and other facilities shall be shown.
- Y. All dumpster pads shall be located with details on enclosures.
- Z. New contour lines resulting from earth movement (shown as solid lines) with no larger than one (1) foot intervals, or detailed profiles and cross sections.
- AA. The location, dimensions, and materials of all signs, fencing, and walls shall be shown.
- BB. Vehicle accommodation areas (including parking areas, loading areas and circulation areas); all designated by surface material and showing dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways. Also include the number of spaces, including the required handicapped spaces, and the calculations for determining parking demand.
- CC. Street signs (according to the Town's Manual of Standards).
- DD. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc. (according to the Town's Manual of Standards).
- EE. Proposed vacation of rights-of-way and/or easements are to be addressed.
- FF. Any additional information deemed necessary by the Town of Howey-in-the-Hills.

#### **4.04.00 CONSTRUCTION OF INFRASTRUCTURE**

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



**4.05.00 SUBDIVISION PLAN PROCESS**

**4.05.01 Subdivision Plan Review**

- A Subdivision plans must first be submitted in Preliminary Subdivision Plan form to the Town Clerk for review and recommendation by the Development Review Committee (DRC). The DRC recommendation is forwarded to the Planning and Zoning Board for its recommendation to the Town Council. Then both the DRC and Planning and Zoning Board recommendations are forwarded to the Town Council. Once the Town Council grants Preliminary Subdivision Plan approval, the next step in the process is Final Subdivision Plan review.
- B For subdivisions that have fewer than twenty (20) lots and 10 acres, the applicant has the option of combining the Preliminary and Final Subdivision Plans into one submittal.
- C A lot split, which is the division of a single, legally created lot of record into two separate lots, is permitted within platted subdivisions provided the following conditions are met:
  - 1. Only two lots are created from the original legally created lot of record. The original parcel shall be known as the parent parcel and those lots created out of it shall not be entitled to another lot split.
  - 2. A lot split shall not be approved within a platted subdivision when it would change the character of the subdivision.
  - 3. All other requirements of the LDC and the Comprehensive Plan shall still apply.
  - 4. Lot splits shall not result in a flag lot being created.
- D All development subject to subdivision plan approval shall be consistent with the policies of the Town of Howey in the Hills Comprehensive Plan and shall comply with all provisions of this Code and all applicable Town ordinances and regulations.

**4.05.02 Approval Process for Preliminary Subdivision Plan**

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

**4.05.03 Pre-Application Conference**

Each applicant shall meet with the DRC at a pre-application conference before preparing a Preliminary Subdivision Plan. In this way, the applicant can become familiar with the requirements and development policies of the Town, which may affect the proposed development.

**4.05.04 Submission of Preliminary Subdivision Plan**

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

**4.05.05 Preliminary Subdivision Plan Review Process**

- A. The Town Clerk shall distribute copies of the Preliminary Subdivision Plan and application to the DRC members, the Lake County School Board (for residential development), and FDOT, if applicable. The DRC members and the Lake County School Board and FDOT, where applicable, shall individually review the Preliminary Subdivision Plan and meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Preliminary Subdivision Plan.
- B. Once the applicant receives comments from the DRC and any outside agencies on the submitted plans, the applicant has 90 calendar days to submit a response, including a revised set of plans. If the applicant needs more time, a formal request for an extension should be submitted by the applicant at least 30 days prior to the expiration of the 90 days. Failure of the applicant to respond in a timely fashion shall result in the need to resubmit with a new application, including all applicable documents as if being submitted for the first time, including any fees.
- C. After the DRC is satisfied with the Preliminary Subdivision Plan, a public hearing is scheduled before the Planning and Zoning Board. The Preliminary Subdivision Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Planning and Zoning Board at its public hearing.
- ~~D.~~ After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Preliminary Subdivision Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Town Council at its public hearing. This information shall also include the Planning and Zoning Board's recommendation.

**4.05.06 Notice Procedures**

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

- A. Notice to property owners. The Town shall send notice via certified mail of the proposed preliminary subdivision plan to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed plan.
- B. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed preliminary plan, date of public hearing, and person to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.

- C. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.

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

The Planning and Zoning Board shall review and recommend approval, approval subject to conditions, or disapproval of the Preliminary Subdivision Plan at the advertised public hearing. In recommending disapproval of any Preliminary Subdivision Plan, the Planning and Zoning Board shall provide reasons for such action.

**4.05.08 Action by the Town Council**

After the Planning and Zoning Board reviews the Preliminary Subdivision Plan, the public hearing scheduled before the Town Council shall be held. The Town Council shall approve, approve subject to conditions, or disapprove the Preliminary Subdivision Plan. In disapproving any Preliminary Subdivision Plan, the Town Council shall provide reasons for such action.

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

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

**4.05.10 Preliminary Subdivision Plan Extensions**

The Town Council, at its sole discretion, may extend for a period of twelve (12) months the date when a subdivision development order would otherwise expire if it concludes that:

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

**4.05.11 Preliminary Subdivision Plan Requirements**

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

**4.05.12 Preliminary Subdivision Plan Drawings**

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

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

**4.05.13 Approval Process for Final Subdivision Plan**

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

**4.05.14 Submission of Final Subdivision Plan**

The developer shall submit to the Town Clerk, ten (10) copies of the Final Subdivision Plan, two (2) copies of architectural plans (signed and sealed by a licensed Florida architect), two (2) copies of the water system hydraulic model (if applicable), two (2) copies of the sanitary sewer lift station calculations (if applicable), two (2) copies of the stormwater management calculations, two (2) copies of the landscaping, hardscaping, and irrigation plans (signed and sealed by a

licensed Florida landscape architect), a concurrency application, and copies of any agency-required permit applications along with the Development Review Application, submittal fee, and review deposit.

**4.05.15 Final Subdivision Plan Review Process**

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

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

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

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

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

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

Final subdivision plan approval by the Town approval by the Town Council shall be automatically voided if construction on the infrastructure (for either the entire project or the approved first phase) is not started within eighteen (18) months of approval of

the Final Subdivision Plan. The Town Council may grant a time extension, for a maximum of one (1) year, upon written request by the developer to the Town Clerk. The written request must be received by the Town Clerk at least forty-five (45) days prior to the scheduled subdivision plan expiration.

**4.05.19 Final Subdivision Plan Extensions**

The Town Council, at its sole discretion, may extend for a period of twelve (12) months the date when a subdivision development order would otherwise expire if it concludes that:

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

**4.05.20 Final Subdivision Plan Requirements**

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

**4.05.21 Final Subdivision Plan Drawings**

- A. The plan sheet size shall be 24" x 36". Plans including more than one sheet shall provide a map key relating sheets to the entire planned area. The plans shall include the following information:
- B. The title page shall include the name of the project/development, the name and address of the property owner, and the name and address of the engineer preparing the plan. All plans and support documents shall bear the date, seal, and signature of the project engineer.
- C. The plans shall include a location map that shows the project in relation to the broad context of the Town.
- D. The plans shall include a date, north arrow, and legend.
- E. Plans shall be drawn to scale (no smaller than 1"=100').
- F. The plans shall include a legal description of the property and the acreage or square footage. The property boundaries should be clearly outlined.
- G. Subdivision Name.
  - 1. Every subdivision shall be given a name by which it shall be legally known. All subdivision signage must be consistent with its legally assigned name. Such name shall not be the same, phonetically, or visually similar to any name appearing on any recorded plat in the County so as to confuse the records or to mislead the public as to the identity or location of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his successors in title. No subdivision name shall mislead the public as to the municipality or geographic area in which the subdivision is located. The name of the subdivision shall be determined by the developer,

and subject to review by the DRC, and approval by the Town Council as part of the Preliminary Subdivision Plan.

2. If at any time, the developer intends to change the name of the subdivision, the developer shall request the name change in writing. All correspondence regarding a name change shall be sent to the Mayor who shall make a recommendation to the DRC, who shall make a recommendation to the Town Council. The decision of the Town Council is final. After approval by the Town Council, it shall be the responsibility of the developer to make the appropriate changes to all applicable documents. The provision of this subsection shall be applicable in all zoning districts, including planned unit developments. Once the Town approves the subdivision name, it must then be submitted to the Lake County for approval.
- H. The plans shall show all proposed lots to be created. The lots should be numbered sequentially. All lots shall show all dimensions and the building envelope.
- I. If the project is to be phased, the phases should be clearly indicated on the plan. The developer may need to provide additional information to document that the first phase can stand on its own as well as subsequent phases and their reliance only on the proceeding phases.
- J. The plans should show property lines with dimensions.
- K. Setbacks.
  1. All setbacks from streets and highways shall be illustrated.
  2. The applicable setbacks for the zoning district shall be indicated by the use of notes.
  3. All setbacks on irregular shaped lots shall be illustrated.
- L. The line of natural water bodies shall be illustrated.
- M. The plans should show street right-of-way lines of adjacent roads.
- N. Topographic information. Existing contours at one (1) foot intervals based on field surveys or photogrammetric survey extending a minimum one hundred (100) feet beyond the tract boundary. The topographic survey shall be certified by a land surveyor, registered in the State of Florida.
- O. Soils information. Identification of on-site soils shall be drawn on the face of the plan using the Soil Survey of Lake County Area, Florida. An applicant may challenge this determination by demonstrating (through the testing of a geotechnical engineer) that the identified soils are not classified correctly. If the above determination is concurred with by the Town Engineer, then these alternative soil determinations will be used in preparing the plans.
- P. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be shown on the plans. An environmental impact assessment will be required for significant or ecologically fragile areas.
- Q. 100 Year Flood Elevation Information. Where the 100-year flood elevation is shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant shall show the location of the one hundred (100) year flood elevation. Data shall be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M. maps. In this circumstance, the developer will be responsible for the necessary drainage basin studies to establish the 100-year flood elevation. This

work will be prepared to the satisfaction of the Town Engineer. If the proposed development will create a change to the existing 100-year flood elevation, this change will be reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter of map amendment to FEMA and will need to provide evidence to the Town that FEMA has agreed to the amendment prior to receiving Final Subdivision Plan approval.

- R. The tree survey submitted at the Preliminary Subdivision Plan phase should again be overlaid on the Final Subdivision Plans to show trees in relation to proposed improvements. The plans should also include a table indicating which trees are proposed to be saved and which are proposed to be removed.
- S. Any existing improvements on the property should be shown on the Final Subdivision Plan and whether those improvements will remain.
- T. Open Space. All areas to be counted as Open Space shall be clearly indicated on the plan and summarized in a table by tract, acreage, and use.
- U. All streets shall be shown, labeled by street name, showing where curb and gutters, sidewalks, and utility easements are to be provided and indicating street pavement widths.
- V. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan in addition to other stormwater or drainage facilities including manholes, pipes, drainage ditches, retention ponds, etc.
- W. All sidewalks or other walkways or trails shall be identified, showing widths and surface material as well as cross sections in the detail pages.
- X. The water system including the location of mains, valves and hydrants shall be shown on the plans with submittal of profile sheets.
- Y. The wastewater system shall be shown on the plans indicating the location of lines and lift stations, where applicable, with the submittal of profile sheets where required.
- Z. All underground and above-ground utility lines, streetlights, and other facilities shall be shown.
- AA. All dumpster pads shall be located, if applicable, with details on enclosures.
- BB. New contour lines resulting from earth movement (shown as solid lines) with no larger than one (1) foot intervals, or detailed profiles and cross sections.
- CC. The location, dimensions, and materials of all signs, fencing, and walls shall be shown.
- DD. Vehicle accommodation areas, if applicable, including parking areas, loading areas and circulation areas; all designated by surface material and showing dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways. Also include the number of spaces, including the required handicapped spaces, and the calculations for determining parking demand.
- EE. Street signs (according to the Town's Manual of Standards).
- FF. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc. (according to the Town's Manual of Standards).
- GG. Proposed vacation of rights-of-way and/or easements are to be addressed.



HH. Any additional information deemed necessary by the Town of Howey-in-the Hills.

**4.06.00 ARCHITECTURAL PLAN REQUIREMENTS**

**4.06.01 Purpose and Intent**

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

**4.06.02 Residential Developments**

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

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

3. Recessed garages or side entry garages shall be a required component on at least one quarter of the house models offered in a development. To be considered recessed, the garage shall be set back a minimum of ten (10) feet from the main building face, or five (5) feet if the house has a front porch.
2. For all new residential development
  1. Residential building walls shall be wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material.
  2. Residential roofs shall be wood, synthetic, or fiberglass shingles or tile. Metal roofs may be permitted if determined to be an integral feature of a recognized architectural style. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.
  3. Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. The architectural style and color of walls shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a lake or wetland. Residential development in Agricultural and Rural Estates zoning districts may also propose special purpose fencing in conjunction with farm animals and horses.
  4. Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

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

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

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

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

**4.06.04 Other Residential Development**

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

**4.06.05 Non-Residential Development**

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

**4.06.06 Non-Residential Development Architectural Plans**

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

- C. Architectural plans are required for any new non-residential developments, and additions or alterations to previously approved non-residential developments. Alterations may include, but are not limited to, changes in color, material, roof finishes, awnings, and other exterior features.
- D. Non-Residential Architectural Plans should also ensure the following:
1. Facades should be designed to reduce the scale and uniform appearance of the building and provide visual interest. Each façade shall incorporate one massing technique and one articulation technique from the following list or other technique proposed by the project architect and approved by the Town Council. For every fifty (50) feet of wall that exceeds fifty (50) feet in length one additional massing technique and one additional articulation technique shall be applied to the entire wall length.

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

2. Fences that are visible from the public right-of-way shall be chain link unless the land use requires security fencing.
3. Variations in roof lines should be used to add building interest consistent with the designated building style. Roof mounted equipment is also required to be shielded from view. Flat roofing is encouraged if the roof can be utilized (i.e., rooftop terrace), especially where such use can take advantage of views (i.e., for residential units above non-residential uses).

4. Large storefront windows are encouraged in retail areas as pedestrian-friendly components. At least 50 percent of the first floor of all buildings with a retail component shall be comprised of storefront windows, unless a waiver is specifically granted by the Town Council.
5. Non-residential buildings shall be painted with earth tone or pastel colors consistent with the designated building styles. Fluorescent and visually overwhelming colors which call undue attention to the property shall not be permitted. The fact that certain colors are “corporate” shall not be grounds for waiver from this provision. Where color schemes are used on non-residential buildings that commonly identify the business on site, those areas shall be considered signage and shall be included in the calculation of sign area.
6. Awnings, arcades, colonnades, arbors, trellises, and other similar architectural components should be a component of non-residential building design to add interest to the physical character of the area as well as afford a way for pedestrians to get out of the weather.
7. The main building entrance shall face the public right-of-way unless it is determined during the site plan approval process that such configuration is not practical. When parking is located on the side or rear of the building, the placement of a suitably large building entrance facing the parking area is permitted, but it shall not displace the main building entrance. Main building entrances shall be articulated in a manner consistent with the architectural style of the building.

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

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

**4.08.00 SITE IMPROVEMENTS**

**4.08.01 Pre-Construction Conference**

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

**4.08.02 The Installation of All Site Improvements**

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

**4.08.03 Certificate of Completion**

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

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

**4.08.04 Letter of Acceptance**

Once all improvements are deemed acceptable to the Town and all required documents have been submitted by the applicant, a letter of acceptance shall be issued by the Town. The date on the letter shall be used as the start date for the 2-year maintenance period covered by the maintenance guarantee.

**4.08.05 Two-Year Maintenance Period**

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

**4.09.00 FINAL PLAT REQUIREMENTS**

**4.09.01 Final Plat**

The applicant shall provide the Town Clerk with six (6) paper copies of the Final Plat for review. These sheets shall be twenty-four (24) inches by thirty-six (36) inches.

Plats shall meet all of the requirements of Chapter 177 Florida Statutes and shall be so certified by a land surveyor registered in the State of Florida.

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

#### **4.09.02 Required Information**

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

- A. The Plat cover sheet shall include a vicinity map drawn to scale and including orientating features, a complete legal description including the section, township and range, the name, address, and telephone number of the owner or the name and address of the president and secretary if the owner is a corporation, and the area of the property in both square footage and acreage.
- B. The Plat shall include any and all Joinder and Consents.
- C. Title Opinion. The Plat application shall include a title opinion of an attorney licensed in Florida or a certification by a title company dated no earlier than thirty (30) days prior to the submittal.
- D. The Plat shall include the dedication of any improvements to the Town of Howey in the Hills.
- E. The Plat shall include a note on the cover sheet that "No amendments shall be made to the Declaration of Covenants, Conditions and Restrictions without prior approval of the Town of Howey in the Hills with regard to changes to or transfer of any portion or component of the subdivision infrastructure and any change in ownership or maintenance provisions of the common areas."
- F. The Final Plat shall contain sufficient data to determine readily and locate accurately on the ground, the location, bearing and length of every right of way line, lot line, easement boundary line and block line, including the radii, arcs and central angles of all curves.
- G. Each permanent reference monument shall be shown on the plat by appropriate designation.
- H. All permanent control points shall be shown on the plat by an appropriate designation. It is the land surveyor's responsibility to furnish to the Town Clerk his certificate that the permanent control points have been set and the dates they were set.
- I. The Plat application shall include Proposed Homeowners' or Property Owners' Association (HOA or POA) Documents. Prior to recordation of the final plat, a

homeowners' or property owners' association shall be established. The applicant shall provide six (6) copies of all proposed HOA or POA documents related to the subdivision. The HOA or POA documents shall include language regarding ownership and/or maintenance responsibilities for improvements including, but not limited to, upgraded streetlights and all common areas including stormwater management facilities, parks, entranceways, and buffers. These documents shall be submitted to and reviewed by the DRC and the Town Attorney prior to review by the Town Council.

- J. Proposed Deed Restrictions and Covenants. The applicant shall provide six (6) copies of all proposed deed restrictions effecting the subdivision. These deed restrictions shall be recorded in the official records of Lake County along with the plat. These documents shall be submitted to and reviewed by the DRC and the Town Attorney prior to review by the Town Council.
- K. Private Subdivisions. A subdivision, requesting to have private streets, must have enforceable legal documents establishing the owner's association, and creating binding restrictive covenants. These documents must provide for a means of enforcing any and all assessments levied by the association, in order to financially provide for the continuing care and maintenance of the streets. These documents shall be submitted to and reviewed by the DRC and Town Attorney prior to review by the Town Council. Appropriate provisions must be made for the uncontested use of the private streets by those governmental agencies, such as the Howey in the Hills Police Department and Public Works Department and other governmental agencies, which may, from time-to-time need to travel over or across said private streets. In addition, the HOA or POA shall enter into an agreement with the Town for enforcement of traffic laws on the private streets if the HOA or POA seeks those services.
- L. Surety for Improvements. This is only required if platting is requested prior to installation of all improvements and acceptance of same by the Town. Prior to the recordation of any Final Plat, the applicant shall file with the Town Council an adequate performance guarantee such as a performance bond or escrow agreement funded by cash, cashier's check or a certified check upon a local bank, conditioned to secure the construction of the required improvements in a satisfactory manner to the Town and within a time period specified by the Town Council. No such performance guarantee shall be accepted unless it is enforceable by or payable to the Town in a sum at least equal to one hundred twenty percent (120%) of the cost of all improvements required to be installed by the applicant. The amount of the performance guarantee shall be based on the project engineer's certified estimate of the cost of improvements or upon actual contract costs for installing the improvements as referenced by a signed contract between the developer and the site contractor. This performance guarantee should be reviewed and approved by both the Town Engineer and the Town Attorney.
- M. Warranty Deed. For public site dedications (i.e. school site or park site).



**4.09.03 Review Process**

After the DRC, Town surveyor and Town Attorney are satisfied with the Final Plat and all applicable documents, a report from the Town Attorney shall be submitted to the Town Council.

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

The Final Plat shall be scheduled for a regular Town Council meeting. A Final Plat does not require a public hearing. The Town Attorney shall submit a report to the Town Council outlining the recommendations of the DRC, the Town surveyor, and the Town Attorney. The Town Council shall approve, approve subject to conditions, or disapprove the Final Plat. In disapproving any Final Plat, the Town Council shall provide reasons for such action.

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

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

**4.10.00 PLANNED UNIT DEVELOPMENTS (PUDs)**

The primary intent of Planned Unit Developments is to provide for planned residential communities containing a variety of housing, with complementary and compatible non-residential uses.

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

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

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

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

**4.10.03 Pre-Application Conference**

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

**4.10.04 Submission of Conceptual Land Use Plan**

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

**4.10.05 Review Process**

- A. The Town Clerk shall distribute copies of the Conceptual Land Use Plan and application to the DRC members and the Lake County School Board (for residential development). The DRC members and the Lake County School Board, where applicable, shall individually review the Conceptual Land Use Plan and meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Conceptual Land Use Plan.
- B. Once the applicant receives comments from the DRC, the applicant has 90 calendar days to submit a response, including a revised set of plans. If the applicant needs more time, a formal request for an extension should be submitted by the applicant at least 30 days prior to the expiration of the 90 days. Failure of the applicant to respond in a timely fashion shall result in the need to resubmit with a new application, including all applicable documents as if being submitted for the first time, including any fees.
- C. After the DRC is satisfied with the Conceptual Land Use Plan, a public hearing is scheduled before the Planning and Zoning Board. The zoning ordinance, to include the Conceptual Land Use Plan as an exhibit, and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Planning and Zoning Board at its public hearing.
- ~~D.~~ After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The zoning ordinance, to include the Conceptual Land Use Plan as an exhibit, and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Town Council at

its public hearing. This information shall also include the Planning and Zoning Board's recommendation.

#### **4.10.06 Notice Procedures**

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

- A. Notice to property owners. The Town shall send notice via certified mail of the proposed PUD/Conceptual Land Use Plan to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed plan.
- B. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed zoning, date of public hearing, and person to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.
- C. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.

#### **4.10.07 Review and Action by Planning and Zoning Board**

The Planning and Zoning Board shall review and recommend approval, approval subject to conditions, or disapproval of the zoning ordinance and Conceptual Land Use Plan at the advertised public hearing. In recommending disapproval of any zoning ordinance and Conceptual Land Use Plan, the Planning and Zoning Board shall provide reasons for such action.

#### **4.10.08 Action by the Town Council**

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

#### **4.10.09 Conceptual Land Use Plan Requirements**

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

- A. Project Name
- B. Developer Name, Address, telephone number
- C. Name, Address, telephone number of firm that prepared conceptual plan
- D. Location Map insert

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

**4.10.10 Amendments to the Conceptual Land Use Plan**

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

**4.10.11 Subsequent Process for PUDs**

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

**4.11.00 SPECIAL OVERLAY DISTRICTS**

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

shall supersede conflicting general standards of this Code, but which shall not be inconsistent with the Comprehensive Plan.

**4.11.01 Establishment Procedures**

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

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

**4.11.02 Administration of a Special Overlay Area**

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

- B. It is the intent of this Section that there be substantial coordination between the Town and the different landowners within the Special Overlay Area. To accomplish this, the Mayor shall have primary oversight responsibility for each area and, from time to time, convene meetings between the various landowners within the Special Overlay Area and interested governmental agencies to implement the provisions of this section.
- C. Additionally, it shall be the primary responsibility of the Mayor to recommend to the Town Council each special development plan in consultation with area landowners.

#### **4.12.00 CONDITIONAL USES**

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

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

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

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

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

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

- A. The proposed use is desirable at the particular location,
- B. Such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity,
- C. The proposed use will comply with the regulations and conditions specified in the codes for such use,
- D. And the granting of the conditional use will not adversely impact the Comprehensive Plan.

- E. In granting such conditional use, the Town Council may impose such conditions as it deems necessary and desirable to protect the public health, safety, or general welfare in accordance with the purpose and intent of the zoning code.

**4.12.03 Review of Application**

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

**4.12.04 Notice Procedures**

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

- A. Notice to property owners. The Town shall send notice via certified mail of the proposed conditional use to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed conditional use.
- B. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed conditional use, date of public hearing, and person to contact for further information. Signs shall be placed, at a



minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.

- C. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.

#### **4.13.00 VARIANCES**

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

##### **4.13.01 Filing of Petition for a Variance**

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

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

##### **4.13.02 Notice; Hearing; Notification of Property Owners**

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

##### **4.13.03 Notice Procedures**

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

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

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

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

#### **4.13.04 Standards in Granting a Variance**

The Board of Adjustment may authorize a variance from the terms of this LDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary and undue hardship. In authorizing a variance from the terms of this LDC, the Board of Adjustment shall find:

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

#### **4.13.05 Commencement of Construction**

When a variance is granted, construction of the structure must be initiated within 18 months from the date of granting of the variance, or by such time as determined by the Board of Adjustment in their approval.

**4.14.00 DEVELOPMENT AGREEMENTS**

**4.14.01 General Requirements**

- A. A development agreement may be entered into by an applicant and the Town Council to provide for matters that relate to the unique conditions of the real property to be developed, the relationship between the public and private aspects of the development, or other terms and conditions that promote the intent and purposes of this Code or the Comprehensive Plan. A proposal for a Development Agreement shall be submitted in conjunction with the submission of an application for a Preliminary Plan approval, or with PUDs, in conjunction with the submission of a Conceptual Land Use Plan for a PUD zoning approval. Development authorized by a development agreement may be phased. The development agreement may provide that the entire development or any phase thereof shall be commenced or completed within a specific period of time.
- B. Statutory Development Agreements may be entered into under the authority of the Development Agreement Act as codified in Chapter 163, Florida Statutes, and processed in accordance with the requirements of State Law.
- C. Non-Statutory Development Agreements may be entered into under the authority of the home rule powers of the Town under Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes.
- D. A Development Agreement is transferable. However, so long as the land or structure or any portion thereof covered under the development agreement continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development agreement) may make use of the land except in accordance with the conditions and requirements of the development agreement. The provisions of the development agreement run with and burden the real property to which it relates until release or amended in accordance with formal action of the Town.

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

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

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

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

**4.14.04 Action by the Town Council**

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

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

A development agreement may be amended or terminated by mutual consent of the parties to the agreement or their successors in interest. Approval of an amendment to or termination of a development agreement shall follow the same process as the approval of the executed development agreement. In addition, an agreement may be revoked by the Town Council upon a finding that there has been a failure to comply with the terms of the agreement.

**4.14.06 Subsequently Adopted Laws or Policies**

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

**4.15.00 LAND DEVELOPMENT CODE AMENDMENTS**

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

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

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

**4.15.02 Pre-Application Conference**

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

**4.15.03 Submission of Application for Amendment of the Land Development Code**

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

**4.15.04 Review Process**

- A A copy of the proposed amendment shall be distributed to the Central lake CDD. When the proposed amendment includes change in residential density, the Town Clerk shall distribute copies of the proposed amendment to the Lake County School Board. The notice shall include the proposed amendment and the anticipated date for hearing before the Planning and Zoning Board. The Town Planner will then prepare a report to the applicant outlining all the issues.
- B The Town Clerk shall schedule a public hearing scheduled before the Planning and Zoning Board. The Planning and Zoning Board shall be provided with copies of the Town Planner's report and any comments received from outside reviewing agencies. Following the public hearing the Planning and Zoning Board shall provide a recommendation on the proposed amendment to the Town Council.
- C After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Town Council shall be provided a copy of the information considered by the Planning and Zoning Board along with the recommendation from that Board.
- D The Town Council shall schedule a second public hearing for final action on the proposed amendment. The Town Council may adopt the amendment; adopt the amendment with revisions; or reject the amendment.

**4.15.05 Notice Procedures**

The procedures for notice of proposed amendments to the official zoning map shall be as follows:

- D. Notice to property owners. The Town shall send notice via certified mail of the proposed amendment to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled

public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed amendment.

- E. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed amendment, date of public hearing, and person to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.
- F. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website. For amendments to the Land Development Code not involving amendment of the official zoning map, only the publication of notice meeting the standards set forth by State Statute is required.

#### **4.15.06 Land Development Code Application Requirements**

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

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

# CHAPTER 5

## Accessory and Temporary Uses and Structures

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**5.00.00 GENERALLY**

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

**5.01.00 ACCESSORY USES AND STRUCTURES****5.01.01 Generally**

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

**5.01.02 Reserved****5.01.03 All Accessory Structures**

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

**5.01.04 Accessory Dwellings**

- A. Accessory dwelling units are intended to provide housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment or other kind of multi-family use. Accessory dwelling units shall be

permitted as outlined in the Zoning Chapter in compliance with the following standards:

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

#### **5.01.05 Dumpsters**

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

#### **5.01.06 Outside Storage**

- A. Outside storage involving machinery and equipment, service areas for vehicles in need of major service or repair, and materials for construction or distribution is permitted in the zoning districts as outlined in Chapter 2. Construction materials permitted in this category are limited to lumber, garden supplies and equipment, plumbing supplies, and similar materials. Machinery and equipment do not

include heavy construction machinery, heavy construction vehicles, and heavy construction equipment.

- B. Outside storage shall be located only within a rear yard.
- C. Outside storage shall be fully screened from view from adjacent residentially zoned districts, from adjacent office areas, and from public right-of-way by a fence, wall, or berm and landscaping. Where a berm is proposed as screening, a buffer "D" shall be required as set forth in Section 4.05.05. Where a fence or wall is proposed, the fence or wall shall be solid, wooden, or masonry and six (6) feet in height.
- D. Stored materials shall not exceed the height of the fence.
- E. Outside storage of parts and materials and associated service areas or work activity areas shall be maintained in a neat and orderly manner.
- F. Outside storage shall be limited to a maximum of twenty-five (25) percent of the building area of the site.

#### **5.01.07 Fences Hedges and Walls**

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

- E. To help ensure proper placement of fences or walls along property lines, property lines shall be established by a survey prepared by a surveyor licensed in Florida. Surveys must be dated within the last two years unless the Building Official determines that an older survey adequately represents the property lines.
- F. Fences and walls shall be erected with the finished side facing out. Posts shall be placed along the inside of the fence. In residential and commercial zoning districts posts shall be securely anchored with concrete. All fencing must be uniform in material, design, and color, except for chain link fencing as allowed in Subsection H. Additions or repairs to existing fences or walls must maintain a uniformity of materials, design and color with that of the existing fence or wall.
- G. With the exception of the Agricultural and Rural Estates zoning districts, electrified fences are prohibited.
- H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts.
- I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the Agricultural, Industrial and Public zoning districts.
- J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.
- K. Columns for walls may be a maximum of 8 feet in height, or as approved through the architectural review process..
- L. Walls shall be designed with either a stucco or brick finish.

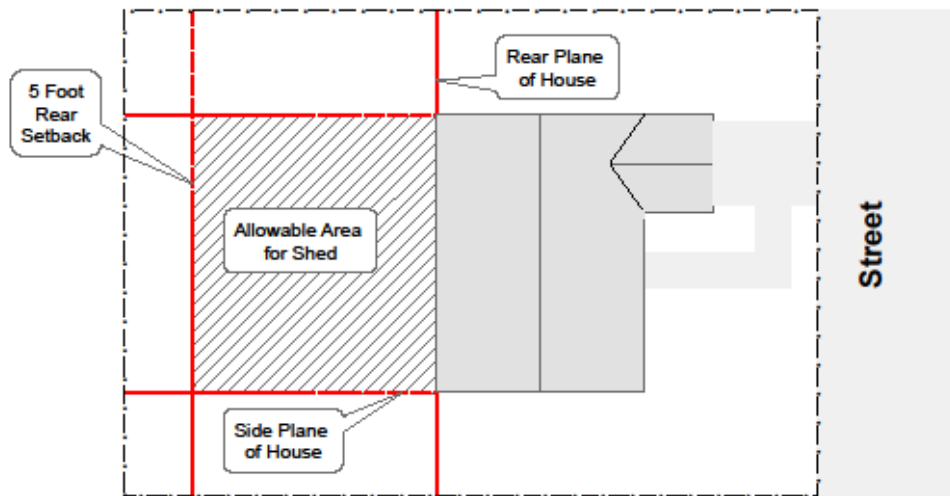
#### **5.01.08 Swimming Pools and Pool Enclosures**

- A. All pools shall provide fencing or enclosures in compliance with the requirements of the Florida Building Code.
- B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:
  - 1. A pool screen enclosure shall be set back from the side lot line a minimum of ten (10) feet;
  - 2. A pool screen enclosure shall not be closer than ten (10) feet to the rear lot line; and
  - 3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of the principal structure, whichever is lower.
- C. No overhead electric power lines shall pass over any pool, nor shall any power line be nearer than fifteen (15) feet horizontally or vertically from the pool edge.
- D. Pool equipment may be located within the side yard setback, but not closer than five (5) feet to side yard and ten (10) feet to the rear yard lot lines.
- E. Lights used to illuminate any swimming pool shall be shielded and directed to avoid illumination of adjoining properties.
- F. Pools and pool decks shall meet the following setbacks:
  - 1. All pools and pool decks shall not be located in the front yard;
  - 2. The minimum side setback shall be ten (10) feet from the side lot line; and
  - 3. The minimum rear setback shall be not less than ten (10) feet from the rear lot line.

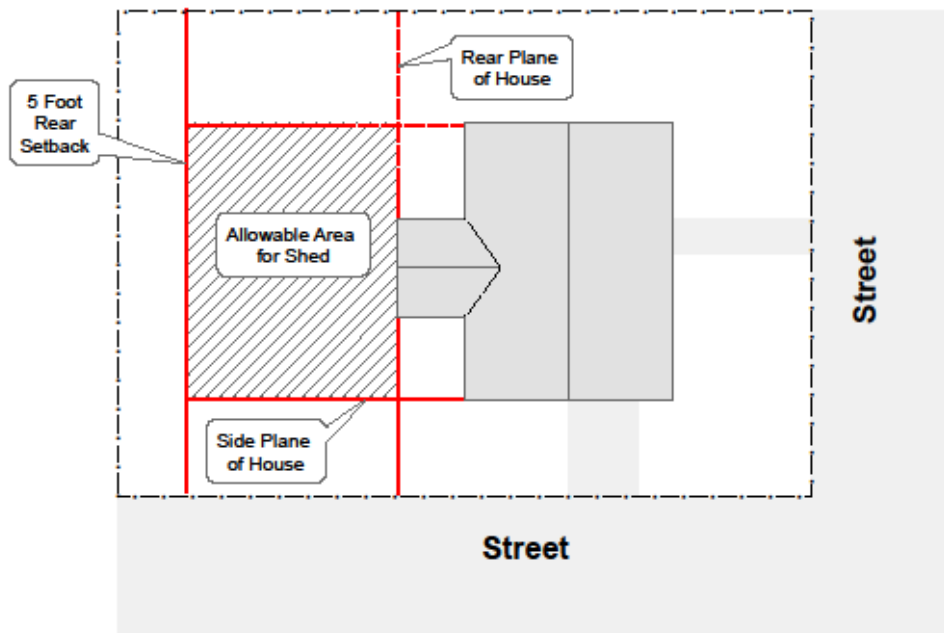
**5.01.09 Storage Sheds**

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

**Storage Shed Placement - Interior Lot**



**Storage Shed Placement - Corner Lot**



**5.01.10 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.

**5.01.11 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.

**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.



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

#### **5.02.05 Model Homes and Sales Offices**

- A. Model homes are permitted only in conjunction with a new residential development.
- B. Model homes may be erected or displayed in districts that include residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes.
- C. One (1) or more model homes may be established in a residential development, including planned unit developments and mixed use developments, subject to the following standards:
  - 1. A model home shall be located on a platted lot meeting all standards of this LDC;
  - 2. A model home shall be located to meet all site design standards of this LDC;
  - 3. A model home may include a sales office. Hours of sales operations shall not extend beyond 8:00 p.m.;
  - 4. One (1) off-street parking space shall be provided for each employee plus two (2) off-street parking spaces per model home. In addition, one (1) off-street parking space shall be provided for handicapped parking. These spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project; and
  - 5. The number of model home units shall not exceed five (5) percent of the number of homes or lots permitted in the residential development. Fractions shall be rounded to the nearest whole number.
- D. The model home shall be discontinued as a model unit and sales office when ninety (90) percent of the homes in the development have been permitted. The

site shall be redesigned to comply with all site design requirements applicable to the residential development. Such redesign includes, at a minimum, removal of parking in excess of that associated with a single-family home; removal of any signs; replacement with a standard garage door; and removal of any exterior lighting associated with the model home and sales office.

#### **5.02.06 Movable Module Storage Units**

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

- A. A temporary use permit shall be obtained.
- B. The duration of the temporary use permit shall be limited to fourteen (14) days per lot per year.
- C. The storage pod may be placed on a paved or unpaved surface. When the temporary use permit authorizes location of the storage pod on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.
- D. The storage pod may be placed in a front or rear yard. Placement in a side yard is prohibited.
- E. The storage pod shall not be placed within an easement, stormwater area, or required buffer.
- F. The storage pod shall be placed at least ten (10) feet from any property line.
- G. The storage pod shall not obstruct pedestrian access.
- H. The storage pod shall not be located within the clear visibility area at street intersections as set forth in Section 7.01.08.
- I. The storage pod shall not exceed a maximum size of sixteen (16) feet in length and eight (8) feet in width.

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

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

#### **5.02.08 Temporary Carports and Covers**

Temporary structures consisting of fabric or plastic coverings on metal, wood or other types of frames shall not be permitted in any front yard, nor may any such structure be permitted in any required rear or side yard. Property owners shall obtain a permit for erection of temporary covers. The permit shall be valid for no more than fourteen (14) days.

**5.02.09 Food Trucks**

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
  - 1. The number of food trucks/trailers allowed per parcel is limited to one (1) food truck/trailer per .03125 acre of non-constructed land area, not to exceed a total of six (6) food trucks per parcel.
  - 2. Food trucks/trailers shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of ten (10) feet. Food trucks/trailers shall be five (5) feet from the property line.
  - 3. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel, or other approved material.
  - 4. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
  - 5. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
  - 6. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
  - 7. Each food truck/trailer must be equipped with at least one approved portable fire extinguisher with a minimum rating of 2A: 10 BC.
  - 8. Food trucks/trailers must comply with all current fire prevention codes.
  - 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
  - 10. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
  - 11. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
  - 12. Amplified sound is prohibited.
  - 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and 10:00 P.M.

14. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.
- C. Food truck/trailer approval. An owner of property or a business owner in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

### 5.03.00 SIGNS

#### 5.03.01 Generally

- A. The intent of this section is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within the Town. The purposes of this section are to:
1. Maintain the established character of the Town by regulating all exterior signage in a manner which promotes low profile signage of high quality design;
  2. Further protect and enhance the character of the downtown area, conforming the size and location of signs to the scale of a small town;
  3. Protect and maintain the visual integrity of roadway corridors within the Town by establishing a maximum amount of signage on any one site to reduce visual clutter;
  4. Establish locations and setbacks for signage which are designed to protect motorists from visual distractions, obstructions, and hazards;
  5. Enhance the appearance of the physical environment by requiring that signage be designed as an integral architectural feature of the site and structure to which such signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;
  6. Provide for signage which satisfies the needs of the local business community 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. Upon receipt of an application for a sign permit, the Building Official shall ask the Town Planner to review the plans for zoning and architectural compliance. The Building Official will also review the plans and specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected.
2. No new sign permit shall be issued for a freestanding sign or primary wall sign on property upon which any nonconforming sign is located, until such nonconformity is corrected. On multi-tenant sites, this paragraph shall apply only to the tenant's signage.
3. If the proposed sign is in compliance with this chapter and all other applicable laws and codes of the Town, the Building Official shall issue a sign permit upon receipt of the permit fee.
4. The issuance of any sign permit shall be conditioned upon the restoration of any building façade which has been damaged by placement of a previous sign. Such restoration shall include, but not be limited to, patching, repainting, and concealing visible electrical components, when applicable.
- E. Permit fees. Permit fees under this code shall be set by resolution of the Town Council.
- F. Exemptions. Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:
  1. The erection, construction, installation of any sign described in section 5.03.05 or 5.03.06 of this chapter; or
  2. The repair, maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as nonconforming under provisions of this chapter.
- G. Expiration of permit. A sign permit shall expire and become invalid in accordance with the rules set forth in the building code for all permits in general.

### **5.03.03 Enforcement**

- A. All signs shall meet the standards for visibility at intersections as set forth in Section 7.01.08.
- B. Inspection of signs: The Town may inspect at any time each sign or other advertising structure regulated by this LDC for the purposes of ascertaining whether the structure is safe, in need of repair or maintenance, not in conformance with the approved permit, or otherwise in violation of the provisions of this LDC.
- C. Unsafe signs and signs violating this LDC. If it is determined that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, the Town shall give written notice to the owner of such structure. If the owner fails to remove or alter the structure to comply with the standards set forth herein within the time prescribed in the notice, such sign or other advertising structure may be removed or altered to comply by the Town at the expense of the owner of the property upon which it is located. The Town may cause any sign or other advertising structure that presents an immediate peril to persons or property to be removed without notice.
- 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, shall be in a safe condition, properly secured, supported and braced, and shall be able to withstand weather conditions and loads required by the regulatory codes in effect within the municipal limits. Maintenance shall include painting and parts replacement.

F. Abandoned Signs:

1. Any sign face now or hereafter existing which no longer identifies or advertises a bona fide operating business conducted or a product sold shall be deemed abandoned and shall be removed by the owner of the building or structure upon which such sign face may be found. The sign structure may remain, provided that the sign structure conforms to the requirements of this LDC. A sign structure which supported an abandoned sign and which complies with all applicable building and construction codes and the requirements of this LDC shall be allowed to remain in place.
2. Any sign that is located on property that becomes vacant and unoccupied, pertains to a business which does not maintain a current and valid Town business tax receipt, or pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.
3. Any sign damaged or destroyed to the extent of fifty (50) percent or more of the replacement cost is considered an abandoned sign.
4. An abandoned sign shall be removed not later than ten (10) days after the abandonment occurs as described in Sections 5.03.03 F (1), (2), and (3) above. Where the structure supporting the abandoned sign does not comply with the requirements of all applicable building and construction codes and the requirements of this LDC, the entire structure shall be removed.
5. An abandoned sign shall be subject to code enforcement action, including removal by the Town at the owner's expense.

**5.03.04 Prohibited Signs**

The signs identified in this section are prohibited within the Town.

- A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- B. Any sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.
- C. Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- D. Signs that contain words and traffic control symbols so as to interfere with, mislead, or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
- E. Signs attached to trees or utility poles.
- F. Snipe signs, except as permitted for campaign advertising or other special events under Section 5.03.07.



- G. Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- H. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- J. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public right-of-way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- K. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and official traffic control signs.
- L. Offsite advertising signs, with the exception of sandwich boards as set forth in Section 5.03.11(D) and Special Event Signs as permitted in 5.03.07.
- M. Signs mounted on any portion of a roof.
- N. Abandoned signs.
- O. Signs erected on public property, with the exception of signs erected by public authority for public purposes, sandwich boards as set forth in Section 5.03.10 (D) and Special Event Signs as permitted in 5.03.07.
- P. Portable or trailer signs.
- Q. Pole signs
- R. Internally lit signs within or adjacent to residential property.
- S. Any other signs that are not specifically permitted or exempted by this LDC

#### **5.03.05 Exempt Signs**

The signs identified in this section are permitted within the Town and are exempt from the requirement to obtain a permit.

- A. Regulatory, statutory, traffic control, or directional signs erected on public property by or with permission of the State of Florida, Lake County, or the Town of Howey in the Hills.
- B. Legal notices and official instruments.
- C. Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
- D. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, and gasoline pumps.
- E. Incidental signs.
- F. Public warning signs to indicate the dangers of swimming, animals, or similar hazards.
- G. Barber poles at barbershops
- H. Temporary window signs are permitted and subject to the following standards:
  - 1. The signs may display or announce any business, civic, cultural, or private sale or event for a period not to exceed thirty (30) days.

2. Temporary signs shall be located wholly within a window and shall not exceed an aggregate area equal to ten percent (10%) of the total glassed area of the store front. Temporary signs, together with permanent window signs, shall not exceed an aggregate equal to twenty percent (20%) of the total glassed area of the store front.
- I. Temporary Signs allowed under section 5.03.07 (D)
- J. Works of art that do not constitute as advertising
- K. Political signs
  1. Signs shall not exceed 16" x 24" in size
  2. Signs are limited to a maximum of two signs per candidate or issue per parcel
  3. Signs may be erected not more than sixty days prior to any election. Removal of political signs shall be regulated by all applicable Florida Statutes.
- L. Garage sale or yard sale signs placed only on the premises of the sale

### 5.03.06 Provisionally Exempt Signs

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

**Table 5.03.06 (A) Standards for Provisionally Exempt Signs**

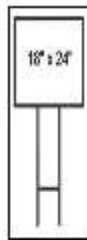
Type of Sign	Standards
Identification signs	2 square feet or less in area
"No trespassing" or "no dumping" signs	2 square feet or less in area
Memorial signs or tablets, and names of buildings and dates	Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials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

- 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. Where a sign is composed of letters or pictures attached directly to a facade, wall, window, door, awning, monument sign, or freestanding sign, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle or square, the sides of which touch the extreme points of the letters or pictures as a whole.
2. Where a sign is composed of letters or pictures enclosed by a border or trimming, the sign area shall be the area within the border or trim.
3. The area of a freestanding sign shall include the area of the outside frame, but not of the supporting structure.

##### **B. Number of signs**

1. A supporting structure with a sign face shall be counted as one (1) sign.
2. A double-faced projecting or freestanding sign shall be construed as having the area of a single face, provided that the sign faces are back to back, are at no point more than two (2) feet apart, and have the same wording and design.
3. Wall signs. The allowable area of a wall sign shall be calculated as a percentage of the building face. The building face is the area of the façade of the building up to the roofline (width x height).

##### **C. Sign height**

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

#### **5.03.09 Design Standards for All Signs**

- A. Every sign and sign structure shall be compatible in scale with the scale of the building to which it relates and the neighborhood in which it is located.

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

**5.03.10 Permitted Permanent On-Site Signs**

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

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

<b>Sign Type: Zoning District:</b>	<b>Freestanding</b>	<b>Wall</b>	<b>Awning</b>	<b>Projecting Sign</b>	<b>Sandwich or Sidewalk Sign</b>
NC	1 per lot or shopping center	2 per business (2 additional if on a corner lot)			1 per business
IND	1 per lot or industrial park	2 per business (2 additional if on a corner lot)			1 per business
INS-1	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
INS-2	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
REC-1	1 per lot or recreation complex	2 per business (2 additional if on a corner lot)			1 per business
REC-2	1 per lot or recreation center	2 per business (2 additional if on a corner lot)			1 per business
PUB	1 per lot	2 per use on lot or parcel			As necessary

<b>Sign Type: Zoning District:</b>	<b>Freestanding</b>	<b>Wall</b>	<b>Awning</b>	<b>Projecting Sign</b>	<b>Sandwich or Sidewalk Sign</b>
PUD	1 per lot, shopping center, or other complex	2 per business (2 additional if on a corner lot)			1 per business
TC-F	1 per lot	1 if lot has freestanding sign; 2 if no freestanding sign			1 per business
TC-C	1 per lot	2 per business (2 additional if on a corner lot)			1 per business

E. Permanent onsite signs shall comply with the design standards set forth in Table 5.03.10(D).

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

<b>Sign Type: Standard</b>	<b>Freestanding</b>	<b>Wall</b>	<b>Awning</b>	<b>Projecting Sign</b>	<b>Sandwich or Sidewalk Sign</b>
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

**F. Sandwich/ Sidewalk Signs**

1. The sign shall only be displayed during regular business hours;
2. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.
3. The sign shall require a permit and the proposed sign location must be indicated on the permit application.
4. The sign must not exceed thirty-six (36) inches in height or twenty-four (24) inches in width.

G. Window Signs

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

**5.03.11 Specific Provisions for Residential Districts**

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



# CHAPTER 6

## Supplemental Standards

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**6.00.00 GENERALLY**

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

**6.01.00 TELECOMMUNICATIONS FACILITIES**

**6.01.01 Generally**

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

**6.01.02 Collocation of Antennas Required**

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

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

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

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

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

changes, or modifications shall be made except in conformity with the standards of Section 6.01.00 and approval by the Town Council.

- B. Towers shall be located and designed to ensure minimal aesthetic impact. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower structure that can be viewed from surrounding residential zoning districts, designated scenic roadways, and the Town Center. Consideration shall also include the distance to any residential zoning district. Any design factors that mitigate negative aesthetic impact such as landscaping or intervening visual buffers will also be considered.
- C. Towers shall be located and designed to ensure compatibility. Compatibility determinations shall take into consideration the degree to which the tower structure is designed and located to be compatible with the nature and character of other land uses and/or with the environment of the surrounding neighborhood.

#### **6.01.05 Design Requirements for Telecommunications Towers**

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

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

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

allow for modification, replacement, and/or repairs to a permanent facility, or as necessary to aid in post disaster relief efforts. A temporary permit is required. The permit shall specify the time period and other conditions applicable to the temporary placement of the tower.

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

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

- A. The maximum height shall meet the standards set forth in Section 6.01.06 (A) (1) through (3) below. The measurement of height shall include the existing building or structure, any structure to support the antennas, and the antennas. Height shall be measured from the finished grade of the building or structure on which the antennas are located to the uppermost point of the building or structures, support structure, or antenna.
  - 1. Antennas may be located on existing structures with a height of thirty (30) feet or greater, so long as the antennas do not extend more than fifteen (15) feet above the highest point of the existing structure.
  - 2. Antennas may be located on existing structures with a height of less than thirty (30) feet, so long as the antennas do not extend more than five (5) feet above the highest point of the existing structure; and
  - 3. Notwithstanding Sections 6.01.06 (A) (1) and (2) above, antennas shall not be located on dwellings in AG, RE, SFR, MDR, PUD, TC-R, and TC-F zoning districts.
- B. Antennas attached to, or supported by, an existing building or structure shall not impose any undue stress on the building or structure.
- C. Structures to support antennas on existing buildings shall be constructed in accordance with the standards in the latest edition of the following publications:
  - 1. Construction standards for telecommunications towers, published by the Electronic Industries Association.
  - 2. "Minimum Design Load for Buildings and Structures," published by the American Society of Civil Engineers.
  - 3. "Guide to the Use of Wind Load Provisions," published by the American Society of Civil Engineers; and
  - 4. Florida Building Code.
- D. The structure and antenna shall be screened with architectural elements or integrated into architectural elements on the building or structure. Examples of appropriate stealth techniques to accomplish the required screening or integration include elements such as chimneys, spires, steeples, or cupolas. Screening or other elements may be proposed, so long as the result is an integration of the antenna and any supporting structure into the existing building design features.
- E. No advertising shall be allowed on an antenna.

**6.01.07 Design Requirements for Accessory Equipment Buildings**

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

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

**6.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

**6.02.01 Generally**

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

**6.02.02 Adult Entertainment Establishments**

- A. Adult entertainment businesses are permitted in the IND zoning district, subject to the standards set forth in the district and the supplemental standards set forth in this section.
- B. The separation requirements set forth herein shall apply to the named uses whether located within or outside of Town boundaries. Measurement shall be from the closest property line of the adult entertainment business to the nearest point of the parcel on which the named use is located.
- C. No adult entertainment business shall be located within 1,000 feet of the following existing uses and establishments:
  - 1. Any other adult entertainment business.
  - 2. A residential use.
  - 3. A lot zoned for residential use.
  - 4. A lot with a land use designation of residential on the Future Land Use Map in the Comprehensive Plan.
  - 5. A religious use or facility.
  - 6. An educational institution; or
  - 7. A park or recreation facility.
- D. Advertisements, displays, or other promotional materials visible to the public from the exterior of adult entertainment business shall be considered signs subject to the regulations set forth in Chapter 5.
- E. All building openings, entries, windows, and doors for adult entertainment establishments shall be located, covered, or screened in such a manner as to

prevent a view into the interior from any public area; however, such openings shall not be painted out, blacked out, or otherwise obscured.

**6.02.03 Bed and Breakfast Inns**

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

**6.02.04 Cemeteries**

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

**Table 6.02.04 (C) Standards for Cemeteries.**

<b>Development Feature</b>	<b>Standard</b>
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.

**6.02.05 Day Care Centers**

- A. Day care centers are 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. Playgrounds shall meet the following minimum standards:
  - 1. The playground shall be located in the rear yard. Where site characteristics prevent location of a playground in the rear yard, and adequate space is available in the side yard, a playground may be located in the side yard. Location of a playground in the front yard is prohibited.
  - 2. The playground shall be fully fenced.
  - 3. The playground shall be located not closer than twenty-five (25) feet to any adjacent property zoned for residential use.
- C. Outdoor areas for adult day care centers shall meet the same standards as those outlined in Section 6.02.05 (B).

**6.02.06 Group Homes**

- A. Group homes shall obtain a business tax receipt. All group homes shall comply with applicable local, State, and Federal, building and fire safety standards, and shall furnish proof of appropriate County, State, or Federal licensure, as applicable, before issuance of a Town business tax receipt.
- B. Group homes shall be used only for the purpose of providing assistance or specialized care and may not be used for administrative or related office-type activities other than in support of the facility.
- C. No counseling or other client service for non-residents is permitted.
- D. A group home shall adhere to the following requirements:
  - 1. Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCFS) shall be deemed a single-family unit, and shall be permitted in the zoning categories as outlined in Chapter 2, provided that such homes shall not be located within 1,000 feet of another existing duly licensed group home of six (6) or fewer residents, and subject to conformance with the regulations outlined in this section. Distance requirements cited in this subsection shall be measured from the nearest point of the existing group home to the nearest point of the proposed group home.
  - 2. Group homes duly licensed by the DCFS as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in section 419.001, F.S., shall be allowed in the INS-2, subject to conformance to existing zoning regulations and this section.

**6.02.07 Marinas**

- A. A marina shall provide parking for vehicle-trailer combinations if the marina has a boat ramp. No overnight storage of boats shall be permitted on trailers.
- B. Dry storage shall only be permitted within an enclosed building.



- C. Facilities for engine repair shall be within an enclosed building.
- D. Marinas shall be required to provide sewage pump-out facilities approved by the FDEP and shall be required to connect to any approved central wastewater treatment facility available within 1,500 feet of the marina property.
- E. Marinas shall be required to use FDEP approved fuel spill containment facilities where petroleum products are sold, stored, or used.
- F. All drainage, wastewater, and wash-down facilities shall be designed and maintained in strict conformance with this LDC and any additional requirements of the FDEP, the SJRWMD, the USACOE, or other State or Federal agency with jurisdictional powers over marinas.
- G. No dock, pier, or other structure shall be allowed to obstruct or alter natural water flow or restrict navigation.
- H. Seawalls and other shoreline modifications shall be set at or landward of the mean high water line, except as otherwise provided by law.
- I. Activities involving dredging and filling shall be required to obtain any applicable permits from Federal and State agencies with jurisdiction, including the FDEP, the USACOE, and the SJRWMD, as well as any permits required by the Town or County.

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

- A. Mini-storage or self-storage facilities are permitted as outlined in Chapter 2, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. The following activities or uses are prohibited on the grounds or within the buildings of mini-storage or self-storage facilities:
  - 1. Wholesale sales.
  - 2. Retail sales, including garage sales, or other commercial activities.
  - 3. Manufacturing, fabrication, processing, or other industrial activity.
  - 4. Service or repair of vehicles, engines, electronic equipment, or similar activities.
  - 5. Rehearsal or practice of musical instruments; and
  - 6. Residential use, with the exception of one manager or caretaker residence.
- C. Notwithstanding the limitations described in Section 6.02.08 (B) above, the following activities may be conducted:
  - 1. Rental of storage bays.
  - 2. Limited outdoor storage if properly buffered.
  - 3. Sales of boxes or goods related directly to the operation of a self-service storage facility; and
  - 4. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.
- D. Storage of flammable liquids, highly combustible or explosive materials, or 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).

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

<b>Development Feature</b>	<b>Standard</b>
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"> <li>• Minimum size</li> <li>• Maximum size</li> </ul>	4 feet by 4 feet (16 s.f.) 20 feet by 20 feet (400 s.f.)

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

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

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

#### **6.02.09 Outdoor Sales**

- A. An outdoor sales facility is permitted in zoning districts as outlined in Chapter 2, subject to the site design standards of the district, and the supplemental standards of this section.
- B. Outdoor sales facilities may include temporary or permanent shelters, such as canopies, tents, pavilions, or other similar structures.
  1. All such canopies, tents, or other structures shall be permitted through the Town.
  2. Temporary structures shall be located at least five (5) feet from any curb, sidewalk, crosswalk, or fire hydrant.
  3. Temporary structures shall be positioned so as to keep entrances, exits, and emergency exits clear at all times.
  4. Permanent such structures (i.e., pavilions) shall meet the setback requirements for the district.
- C. Temporary tables, chairs, displays, display stands, products for sale, and other similar equipment shall be located at least five (5) feet from any curb, sidewalk, crosswalk, fire hydrant, entrance, or emergency exit.
- D. Outside sales that are associated with either seasonal sales or special events shall also follow the regulations outlined in Chapter 5.

**6.02.10 Religious Uses and Facilities**

- A. Religious uses and facilities are permitted in zoning districts as outlined in Chapter 2, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. The primary use for a religious facility is worship. Worship is a form of religious practice with its creed and ritual.
- C. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the primary use. Such uses and activities shall be limited to religious instruction; offices to support the religious facility; child or adult day care, subject to the standards of Section 6.02.05; private academic schooling, subject to the standards of 6.02.10 (F); activity hall, with or without a kitchen, subject to the standards of 6.02.10 (G); and cemeteries regulated as set forth in Section 6.02.04. Churches may also accommodate meetings of civic organizations and groups such service organizations, boy scouts, girl scouts, weight watchers and similar activities.
- D. All accessory uses are subject to the following requirements:
  - 1. The accessory use shall be owned and operated only by the owner of the primary use.
  - 2. The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.
  - 3. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 8:00 p.m.
  - 4. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties.
  - 5. Outdoor play or activity areas shall be no closer than twenty-five (25) feet from property zoned for residential use, as measured to the nearest residential property line.
- E. The following activities shall be prohibited in association with religious uses: retreat centers and overnight lodging facilities or other temporary sleeping quarters. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage, subject to the standards of Section 6.02.10 (H).
- F. Private academic schools are permitted accessory uses subject to the following standards:
  - 1. The total floor area allocated to the school shall not exceed twenty (20) percent of the total gross floor area on the site. The calculation of total floor area allocated to the school shall include all components of the school: classrooms, school library, school offices, teacher work areas, and the like, including related mechanical and support facilities.
  - 2. An off-street drop-off area for persons served by the facility shall be provided.
- G. An activity hall is a permitted accessory use, provided that the total floor area allocated to the activity hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

- H. One (1) residential dwelling unit is permitted to serve as a parsonage, subject to the following standards:
  - 1. The parsonage shall be used exclusively for the dwelling unit and shall not include any primary or other accessory use permitted on the site.
- I. A specific parking plan shall be provided. This plan shall identify the primary use and each accessory use proposed on the site. The parking plan shall indicate the hours of operation and peak times of use (parking demand) for the primary use and 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).

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**7.00.00 GENERAL**

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

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

**7.00.01 Purpose and Intent**

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

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

**7.00.02 Applicability**

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

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

**7.00.03 Landscape Architect Required; Exemptions**

Unless otherwise exempted by Florida Statutes, landscape plans for the following development projects shall be prepared by and bear the seal of a registered landscape architect:

- A. All new development, except individual residences on individual lots.
- B. Expansion and exterior alteration of existing non-residential development.
- C. Expansion and exterior alteration of existing residential development, except individual residences on individual lots.

The landscape architect shall provide a sealed letter that he or she has inspected the landscaping and irrigation and that it complies with the plans as drawn. This letter must be received prior to issuing the certificate of completion or certificate of occupancy for the development.

**7.01.00 LANDSCAPE PLANS FOR DEVELOPMENT**

**7.01.01 Preliminary Subdivision and Site Plans**

- A. Tree Surveys. As part of the Preliminary Subdivision and Preliminary Site Plan processes, each applicant shall provide a tree survey overlay on their plans. The tree survey shall show all trees with a DBH of 6" or greater. The plan sheet with the tree survey shall include a legend denoting the size of each tree (in DBH), the tree species, and whether it is proposed to be saved or destroyed. If the applicant proposes to remove any existing trees with a DBH of 6" or greater, and if the Town Council approves the removal of such trees, the applicant will need to follow the tree mitigation section of this chapter.
- B. Buffers, Open Space, Parking Areas, Stormwater Ponds. As part of the Preliminary Subdivision and Preliminary Site Plan processes, applicants shall outline areas on the property to be dedicated to buffers, open space, parking areas, stormwater ponds, and other site features that will require landscaping, irrigation and hardscape. Although the formal landscape plans are not required until the Final Plan process, applicants shall take into account the space needed for landscaping and hardscape in these areas as they submit their Preliminary Plans.

**7.01.02 Final Subdivision and Site Plans**

- A. Landscape Plan Requirements. Landscaping, irrigation, and hardscape are vital parts of any development. A landscape plan showing proposed landscape, irrigation and hardscape areas shall be submitted for review and approval by the Town as part of the Final Subdivision and Final Site Plan processes or as part of a building permit application for development that does not require a Final Plan.



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Landscape plans shall be drawn at a scale of no smaller than 1"=30' and include and indicate the following:

1. Location, type and size of all existing trees, and a table indicating which are to be saved or removed
  2. Location of all structures including buildings, freestanding signs, vehicular use areas and other improvements proposed for the property
  3. Location of overhead power lines and adjacent rights-of-way
  4. Location of existing vegetative communities to remain undisturbed
  5. Indication of soil types found on the subject site by soil boundary line and description, as well as the specifications for soil amendment where such is needed
  6. Location and type of all proposed landscape materials
  7. Plant list including quantity, type, and specifications of proposed landscape materials
  8. General notes including mulching requirements, fertilization and installation instructions, and other such information as needed
  9. Planting details as needed
  10. Tree protection measures as outlined in this chapter.
  11. Water source for irrigation
  12. Water meter and/or point of connection
  13. Backflow prevention devices
  14. Pump station size and location
  15. Design operation pressure and flow rate per zone
  16. Irrigation system design including location of pipe, controllers, valves, sprinklers, sleeves, and gate valves
- B. In creating the landscape plan, the landscape architect shall take into consideration the following:
1. The objective of landscaping shall be to preserve and enhance the particular elements of each specific site.
  2. The landscape areas shall be located on the site in such manner as to maximize preservation of existing trees and natural areas.
  3. Linking adjacent sites with landscape buffers or preservation of natural areas shall be pursued to the extent possible in order to develop wildlife corridors throughout the Town
  4. Plants shall be grouped to the extent possible based on water needs so the irrigation system can be most efficient
  5. Florida native, drought tolerant and low maintenance plants shall be used to the extent possible
  6. Plants that provide shelter and feed wildlife shall be used to the extent possible
  7. Ground covers other than grass shall be used whenever possible
  8. Stormwater retention areas shall not be credited toward meeting the open space requirement unless they are planted.

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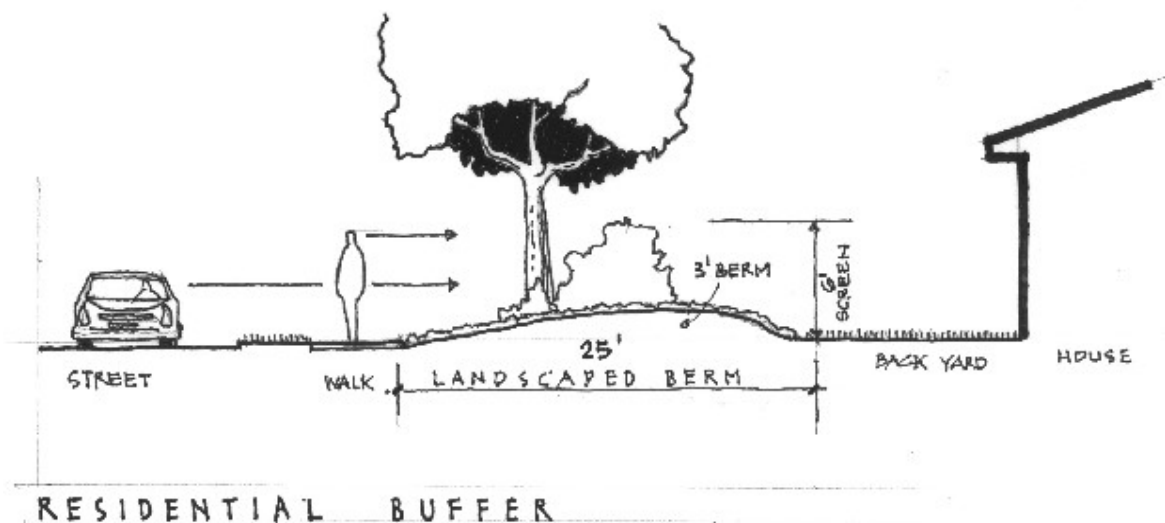
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9. All planted areas shall be mulched with a three-inch (3") depth of mulching material unless a ground cover is used.
10. Hardscape is an important component of development. Inanimate elements add visual interest, increase property value, and make the outdoor space more inviting as an outdoor living environment. Use of hardscape such as walls, fences, fountains, benches, trash receptacles, planters, streetlight fixtures, fountains, gazebos, arbors, trellises, decorative paver materials and outdoor art should be included in the landscape plan.

**7.02.00 BUFFERS**

**7.02.01 Residential Buffers**

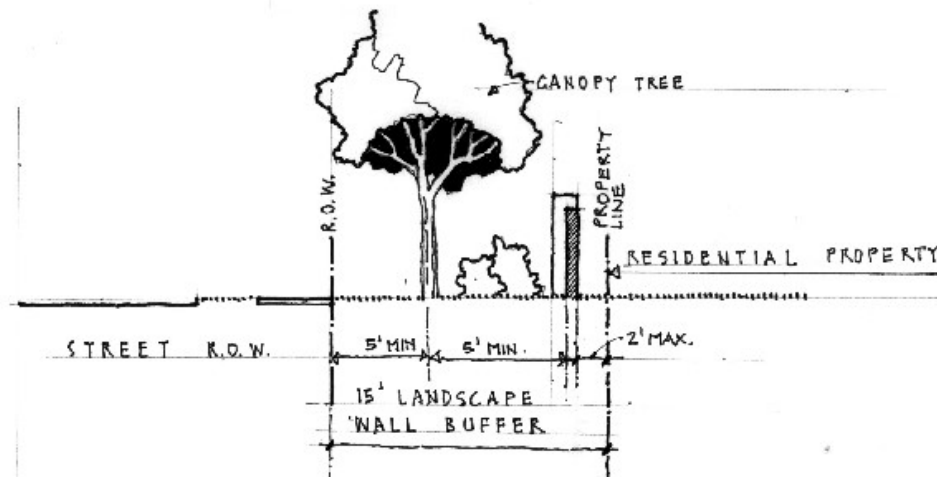
- A. A form of screening shall be provided to separate residential subdivisions from abutting arterial or collector streets. The intent of the screening is to reduce visual, light, and noise impacts and to prevent access directly from the lot to the arterial or collector street.
- B. For single family subdivisions and multi-family site plans, the buffer shall be either:
  1. A landscaped berm with a total depth of at least 25 feet and no steeper than 3H:1V. The berm shall be at least three feet in height and the berm together with the landscaping, shall comprise a continuous screen of at least 5 and one half feet (5.5') at time of planting and six feet (6') within one year of planting. Canopy trees shall also be planted every 50 feet along the berm. 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.



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2. A landscaped wall buffer with a minimum depth of 15 feet. The wall shall maintain a height of six feet from grade on highest side and all walls shall have a decorative exterior (no exposed block). Acceptable materials for wall faces 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') 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.



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.

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**7.02.02 Non-Residential Buffers**

- A. Landscaped buffer areas or landscaped wall areas intended to screen parking areas, stormwater ponds, or other site features shall be a minimum of 15 feet in depth if they adjoin a street, and a minimum of 10 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 for each 50 linear feet. Canopy trees shall be located no less than five feet (5') and no more than eight feet (8') from sidewalks and other walkways in order to provide shade while minimizing conflicts between tree roots and sidewalks. Similarly, canopy trees shall be used to shade parking areas that adjoin buffers.
- 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-wide buffer. When considering this buffer, the Town's objective will be to protect the residential area from noise, traffic, light, and other factors that may be associated with the non-residential use. If non-residential and residential

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properties are adjoining and owned by the same entity, buffer requirements between the two uses will be determined during the development review process.

**7.03.00 STREET MEDIANS**

- A. Within residential areas, landscaped medians will be required as a traffic calming device. These medians shall be placed along straight expanses of streets that exceed 600 feet. Landscaped medians may also be required at intersections in residential neighborhoods as a traffic calming device. Entrance medians are also permitted and encouraged.
- B. Landscaped islands and medians within private streets or the public rights-of-way shall conform to the following:
  - 1. The minimum size of a landscaped island or median along straight expanses of streets shall be eight feet (8') wide and 75 feet long.
  - 2. All landscaped islands in residential subdivisions shall be curbed (FDOT Type I)
  - 3. All islands and medians with landscaping shall have irrigation.
    - a. All landscaped islands shall have trees and low shrubbery or groundcover. In some cases, such as at intersections, hardscaped islands may be permitted or a combination of landscape and hardscape.

**7.04.00 LANDSCAPING STRUCTURES**

This section outlines the requirements for landscaping around buildings and accessory structures, with the exception of single-family lots.

**7.04.01 Primary Structures**

- A. A minimum 10-foot wide landscaped area shall be provided along all sides of the building, except the following:
  - 1. Where areas such as motor vehicle bays or loading zones would prohibit it
  - 2. In front of storefront windows that directly abut a pedestrian way
  - 3. Where the building is within 25 feet of a required landscaped buffer or natural areas which will be preserved.
- B. This required area shall be primarily comprised of shrubs, ornamental plants, and groundcovers. Turf should not be used in this area and trees that require more room for mature growth should not be placed close to buildings. Irrigation should be limited to drip or other components that will not spray towards the building or trap water near the building foundation. Hardscape, such as benches, sculpture, or planters, is encouraged within this area.
- C. Landscape materials required by this section should be located to achieve the following:
  - 1. Screen mechanical equipment, air conditioning units or any other visible outdoor equipment adjacent to the primary building
  - 2. Provide visual interest along building facades

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3. Enhance walkways, entrances, seating areas, and other similar pedestrian areas

**7.04.02 Accessory and Secondary Structures**

- A. If accessory structures or any sides of accessory structures are visible from public or private streets or parking areas, those structures or sides of structures shall be landscaped. If the accessory or secondary structure includes offices or customer areas, the structure shall be landscaped under the same requirements as section 7.04.01 (primary structures). If the accessory structure is used for storage or non-customer work areas, landscaping shall be designed to screen visible outdoor mechanical equipment and to provide visual interest along the facades visible from streets or parking areas.
- B. Solid Waste Refuse Facilities. All dumpsters shall be enclosed on three sides with a six-foot block enclosure. The enclosure shall be of similar or compatible material to the primary structure such as stucco, brick, or stone. The fourth side (access) shall be screened with an opaque gate. The gate may be of wood or vinyl, but not chain link. The three sides of the enclosure shall be landscaped with bushes or hedges.
- C. Signs. Ground signs for non-residential areas shall be landscaped at the base with a minimum of 2 square feet of landscape material for every 2 feet of sign face. The irrigation system shall accommodate this landscaping.

**7.05.00 VEHICULAR USE AREAS**

Vehicular use areas shall be screened in accordance with the following provisions. Off-street parking and vehicular use areas which are visible from any public or private street or right-of-way shall be screened with any combination of hedge, fence, walls, or berms which provide a minimum three-foot high visual barrier at time of planting. The location of such screening features shall be adjacent to the entire area perimeter.

**7.05.01 Parking Lots**

The following requirements are established to provide shade and visual interest to parking lot areas. The Town will place emphasis on preserving existing trees and applicants will be expected to take existing trees into consideration when designing parking lots.

- A. Terminal islands. Each row of parking spaces shall be terminated by landscaped islands to separate parking from adjacent drive aisles. Terminal islands shall measure a minimum of ten feet (10') in width and 20 feet (20') in length. Each terminal island shall include a canopy tree which is at least 4 inches DBH at time of planting, and ground cover. Shrubs may also be included.
- B. Interior islands. Interior islands shall be used to shade parking lots. Interior islands are required every ten (10) parking spaces and shall be, at a minimum, the same size of a parking space (10 feet by 20 feet). Each interior island shall

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include a canopy tree which is at least 4 inches DBH at time of planting, and ground cover. Shrubs may also be included.

- C. Divider medians. Landscaped divider medians shall form a continuous landscaped strip between abutting rows of parking. The minimum width of a divider median shall be 10 feet. Canopy trees at least 4 inches DBH at time of planting shall be spaced no fewer than one tree every 40 feet. Ground cover, shrubs, and understory trees shall also be included in divider medians.
- D. All parking lot landscaping shall be designed with an irrigation system.
- E. Protection of Landscaped Areas.
  - 1. Curbing. Terminal islands, interior islands and divider medians shall be separated from vehicular use by non-mountable, reinforced concrete curbing of a type approved by the Town. Curbed landscaped areas shall be backfilled to a height of four inches below the back of curb, except where such backfill would impact an existing tree. Unreinforced extruded curbing shall be prohibited. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.
  - 2. Wheel stops. All landscaped areas adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above finished grade of the parking area. Wheel stops shall be properly anchored and maintained in good condition.

**7.06.00 IRRIGATION SYSTEM DESIGN**

**7.06.01 Required Irrigation**

Newly planted landscaped areas shall be watered with an underground or drip irrigation system designed to provide 100 percent coverage. Plants shall be grouped so that irrigation zones may be set to water plants with like water demands.

Irrigation of re-established native vegetative communities shall be required for a minimum of one year after initial installation. Once the landscape materials have been firmly established, the system may be used only when necessary.

Irrigation of existing and undisturbed native vegetation shall not be required.

**7.06.02 Required Systems Features**

- A. Automatic irrigation systems shall comply with the following: High volume irrigation that would be used for the high water use areas (maximum of 20 percent of the landscaped area) or medium water use areas which have turf grass species and that would entail sprays or rotor emitters on installation of new systems or retrofit to one or more zones of an existing system, shall incorporate into the irrigation design and installation the following:
  - 1. Application/precipitation rates for all emitters within a zone shall be matched.
  - 2. Head spacing shall not exceed 50 percent of nozzle throw diameter.

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3. Sprinklers in low-lying areas shall have check valves to prevent drainage.
4. Pipes shall be sized to prevent velocities greater than 5 feet per second.
5. Pressure differential between the head closest to the valve and the head farthest from the valve shall not exceed 10 percent.
6. The system shall be free from leaks.
- B. All irrigation systems shall be regulated by an automatic timer or controller. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of irrigating high requirement areas on a different schedule from low water requirement areas.
- C. The design of the system shall include sprinkler heads, drip tubing and any other devices appropriate for the landscape material to be irrigated.
- D. Low trajectory heads or low-volume water distributing devices shall be used to irrigate confined areas in order to prevent overspray.
- E. Irrigation systems shall be designed to place high water demand areas on separate zones from those areas with reduced water requirements.
- F. Irrigation systems shall be designed so that impervious areas are not watered.
- G. Moisture sensing devices (i.e., rain check valve) shall be installed to regulate the controller's operation during wet weather.
- H. The watering schedule recommended by the landscape architect shall be noted on the irrigation plans.

**7.06.03 Water Sources for Irrigation**

- A. Reclaimed Water. Landscape irrigation systems shall be designed for connection to reclaimed water lines if the Town has made reclaimed water available to the property or has future plans for its connection. All connections to the Town's reclaimed water system shall comply with the Standard Construction Details as adopted by the Town Council.
- B. Alternate Water Sources. If reclaimed water is not available to the site, irrigation systems shall take advantage of alternate water sources, if available.
- C. Potable Water System. The Town's potable water system shall be used for irrigation if reclaimed water is not available to the site and no other alternate water sources are available.

**7.07.00 HARDSCAPE**

**7.07.01 General**

- A. Hardscape consists of the inanimate elements of landscaping. For instance, brick walls, water fountains and arbors would all be considered part of the hardscape. 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:



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1. Public Art



2. Benches, Pavers and Planters



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3. Entrance or Gateway Features



4. Plazas and Fountains



C. Hardscape Plans Require

1. All hardscape shall be included in the Final Subdivision and Final Site Plan landscaping plans. Wall details including footer typical sections and column details are required as part of the plans as well as detailed signage plans, including lighting for the signs.

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2. Each subdivision, site or overall development may be individually themed and designed with its own architectural and landscaping style. To meet the intent of this section, hardscape shall be added to the overall exterior of the property both to serve particular functions and to add overall interest and character to the development and the Town. The number of hardscape elements should be relative to the size of the property as well as the use of the property.
3. Hardscape components that serve particular functions. Each site shall incorporate functional elements including, but not limited to, the following:
  - a. Decorative benches for seating areas
  - b. Arbors or trellises for additional shade in pedestrian or entrance areas
  - c. Decorative trash receptacles
  - d. Decorative lighting fixtures
  - e. Decorative pavers to outline pedestrian walkways
4. Hardscape components that add visual interest and character. Each site shall incorporate elements including, but not limited to, the following:
  - a. Sculpture or other public art
  - b. Entrance or gateway features
  - c. Fountains
  - d. Decorative planters
  - e. Outdoor plazas or seating areas for employees and patrons, where applicable

**7.08.00 LANDSCAPING INDIVIDUAL RESIDENCES**

Building permit applications for new homes will be required to include landscape and irrigation plans for approval. The plans shall be clearly readable, drawn to a reasonable scale, show the entire site to be irrigated, and must include all improvements. Unless prepared by the property owner, drawings shall be prepared by a Florida registered landscape architect, a landscape contractor, or an irrigation contractor. The landscaping and irrigation shall be inspected as part of the overall permit and no certificate of occupancy shall be issued unless the landscaping and irrigation has been installed and accepted.

**7.08.01 Required Landscaping**

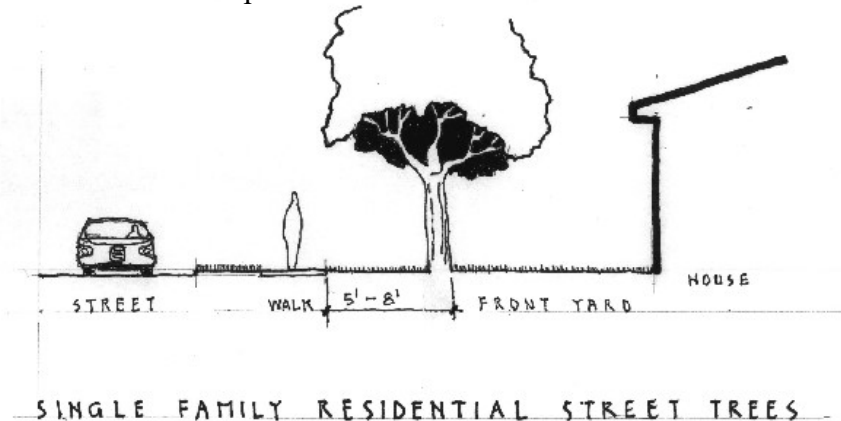
- A. For single family lots that are one half acre or less in size, a minimum of three (3) canopy trees is required. Each such single family lot will be required to have one (1) tree with a caliper of at least four inches (4") and two (2) trees each with a caliper of at least two and one half inches (4 2½"). These trees shall have a minimum height of 10 feet at time of planting. These trees should be canopy trees as listed in this chapter. Existing trees may be counted as meeting this requirement, as long as they are of sufficient size and accepted species.

One of the canopy trees on each such single-family lot shall be planted in the front yard, no less than 5 feet and no more than 8 feet from the sidewalk or lot

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line. These trees will help to form a canopy over the sidewalk and street sides. Corner lots are required to provide two such trees, one on the front and one on the side of the lot. Additionally, if the lot is more than 100 feet wide at the sidewalk, then the lot will be required to have two such trees. Existing trees in this specific area can be counted as meeting this requirement. These trees shall be coordinated with the placement of streetlights to prevent conflicts. A list of approved canopy trees is included in this chapter.



For lots greater than one half acre in size, an additional canopy tree is required for each additional eighth of an acre above the one-half acre, or portion thereof.

- B. A minimum of two (2) understory trees are required for single family lots of one-half acre or less in size. For lots greater than one half acre in size, an additional understory tree is required for each additional one quarter of an acre above the one-half acre, or portion thereof.
- C. A maximum of fifty percent (50%) of the landscaped area may be covered with sod. Other ground covers should be used to the extent possible
- D. Shrubs and other plants shall be used as foundation plants along the outline of the house, except where doors or patios are located. Alternate plantings may be permitted if the architectural style of the house warrants it.
- E. A minimum of two areas of the yard that have at least 400 square feet of non-turf plantings in a row or cluster, not including the foundation plantings, is required. For single family lots greater than one half acre in size, an additional 400 square feet of non-turf plantings in a row or cluster, not including the foundation plantings, is required for each additional eighth of an acre, or portion thereof.
- F. At least 50% of the landscaped area for each single-family lot shall be drought tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of irrigation and shall be grouped together on the lot in order to reduce the irrigation requirement for those zones.



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**7.08.02 Crediting Existing Materials**

For purposes of developing residential lots, existing trees of approved species and shrubs, including preserved natural areas, may be credited toward the requirements of this section.

**7.08.03 Replacements Required**

Replacement trees and landscaping shall be required whenever the proposed removal will result in less than indicated in the above schedule.

Lots which do not meet the above requirements on the effective date of this provision shall have legal nonconforming status with respect to landscaping. Replacements shall only be required to ensure that the extent of the nonconformity is in no way enhanced or enlarged by tree or vegetation removal activities.

Redevelopment of the lot or an expansion to the primary structure that equals twenty-five percent (25%) of the total gross square footage of the existing structure, shall require the lot to come into full compliance with this section.

**7.09.00 LANDSCAPING MATERIAL**

**7.09.01 Minimum Specifications**

All landscape material required to satisfy this code shall be Florida No. 1 Grade or better, according to the current Grades and Standards for Nursery Plants, State of Florida Department of Agriculture. In addition, all landscape material shall satisfy the following minimum specifications.

- A. Canopy trees. Canopy tree species shall be a minimum of 4 inches caliper and ten feet in height at the time of planting. All canopy trees shall be staked and guyed at the time of planting for a period of one growing season.
- B. Understory trees. Understory tree species shall be a minimum of two- and one-half inch (2 ½ ") and eight feet in height at the time of planting. Multi-trunk species shall be full and upright and have 1 ½" canes. All understory trees shall be staked and guyed at the time of planting for a period of one growing season.
- C. Shrubs. Shrubs shall be a minimum of three-gallon container 18 to 24 inches in height at time of planting.
- D. Ornamentals. Ornamental plantings shall be minimum one-gallon container grown species.
- E. Ground covers.
  1. Ground covers. Plants used as ground covers shall follow horticultural standards to achieve full coverage within one growing season.
  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 of these mulch areas may

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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 National Arborist Association's (NAA) Pruning Standards for Shade Trees are required by this LDC. The practice of "topping" or "hat-racking" is considered unacceptable by the NAA 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.

**7.10.00 APPROVED TREE AND PLANT LIST**

**Table 7.10.00 Approved Tree and Plant List**

<b>Canopy Trees</b>	<b>Understory Trees</b>	<b>Aquatic Plants</b>	<b>Shrubs</b>	<b>Ground Cover</b>	<b>Turf</b>
Bald Cypress	American Holly	Arrowhead	American Beauty Berry	Aloe	Bahia
Laurel Oak	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	Drake Elm	Cinnamon Fern	Gallberry	English Ivy	
Slash Pine	East Palatka Holly	Duck Potato	Indian Hawthorne	Florida Lantana	
Southern Magnolia *	Flowering Dogwood	Fragrant White Water Lily	Ligustrum	Lirope	
Sweet Bay	Ligustrum	Golden Canna	Ligustrum	Mondo Grass	
Sweetgum	Loquat	Maidencane	Native Azaleas	Society Garlic	

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Sycamore	Sabal/Cabbage Palm	Pickrel Weed	Pampas Grass	Wandering Jew	
Water Oak	Savannah Holly	Pond Cypress	Pink Muhly Grass	Perennial Peanut	
	Washington Palm	Sawtooth fern	Pittosporum	Beach Sunflower	
	Wax Myrtle	Soft Rush	Podocarpus	Dwarf Asiatic Jasmine	
	Weeping Bottlebrush	Swamp Hibiscus	Sandanka Viburnum		
	Winged Elm		Saw Palmetto		
	Yaupon Holly		Silverthorn		
			Simpson Stopper		
			St. Johns Wort		
			Star Anise		
			Sweet Viburnum		

\*Live Oaks and Southern Magnolias are the two approved Street Tree species in the Town of Howey in the Hills. 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 in clusters may be used as canopy trees, but not in excess of 10 percent of the total required canopy trees for the site.

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
- B. Albizia Julibrissin (mimosa or silk tree)
- C. Australian Pine
- D. Brazillian Pepper Tree
- E. Camphor
- F. Castor Bean
- G. Chinaberry
- H. Chinese Tallow

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- I. Ear Tree
- J. Eucalyptus
- K. Hydrilla
- L. Monkey Puzzle
- M. Punk Tree
- N. Rice Paper Plant
- O. Silk Oak
- P. Taro
- Q. Water Hyacinth

Also prohibited are those plant species prohibited by the Florida Department of Environmental Protection, the Florida Department of Agriculture and the plants listed as invasive by the Florida Exotic Pest Council. Trees on the Prohibited Plant List are exempt from the tree protection requirements of this chapter.

**7.11.00 TREES**

**7.11.01 Tree Protection**

- A. No application for a building permit, land clearing permit, site development permit, subdivision development permit, or grading and filling permit may be issued by the Building Official until the site inspector has visited the site and determined that the tree protection measures are in place in accordance with this chapter and the approved site or subdivision plans.
- B. During construction, to ensure the health and survival of protected trees that are not to be removed, the developer shall avoid the following types of tree injuries during all development activities:
  - 1. Mechanical injuries to roots, trunk, and branches. To protect against mechanical injuries to roots, trunk, and branches:
    - a. All existing trees that are to remain shall have barriers constructed around the tree at the drip line or around the combined drip line of any clumps of trees. Barriers are to be inspected by the Town prior to the start of any construction.
    - b. The minimum size of such wood barrier fencing shall be two inches (2") by four inches (4") and the top of the barrier shall be a minimum of four feet (4') high. Another acceptable means of barricading trees is the use of orange plastic construction fence, four feet (4') high, and supported every eight feet (8') by a No. 5 rebar, driven into the ground. Fencing shall be securely attached to rebar by the use of nylon zip ties or twisted wire. Barricades must be taut and perpendicular to the ground. No construction activity, cuts, fill, debris disposal or vehicular traffic is to take place within this area. Additionally, the storage or placement of material, machinery, or other construction equipment or substances is prohibited within the drip line area.



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- c. Any waiver or request to construct barriers within the drip line shall be reviewed by the Town. Where drip lines of existing trees overlap, the orange mesh fencing or the wood barriers shall be erected around the outer perimeter of the combined drip lines.
- d. If turf block is specified to reduce the impact of impervious surface around the drip line of existing trees, it shall be constructed as follows: Prior to excavation, the limits of excavation should be root pruned to a depth of thirteen inches (13"); after removal of existing soil to that depth, add eight inches (8") of one-quarter inch (1/4") crushed stone (not limerock), then one and one-half inches (1 1/2") of sand to level the three and one eighth inch (3 1/8") thick turf block. All compaction shall be done by hand, exempting the normal Town requirements of 95% to 98% density. Compaction shall be done in layers after each sub-base is installed and again after the turf block is laid. The cells of the turf block shall then be filled with topsoil and seeded. No more than 30 percent of the root zone shall be disturbed, no closer than 30 percent of the distance to the trunk.
- 2. Injuries by chemical poisoning. To avoid injuries due to chemical poisoning:
  - a. No fuel, paint, solvent, oil, thinner, asphalt, cement, or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
  - b. No equipment shall be cleaned within a required protective barrier or perimeter line.
- 3. Injuries by grade changes.
  - a. When raising the grade, the following measures shall be taken:
    - i. Within the tree protection zone, existing sod/vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
    - ii. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
    - iii. Porous, four-inch agriculture drain tiles shall be laid over the soil to drain liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
    - iv. The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy non-porous soils.
    - v. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
    - vi. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Tree wells shall be five (5) times the mature diameter of the tree trunk.

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- vii. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
- viii. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
- ix. Grating or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
- x. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
- xi. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
- xii. A layer of gravel shall be placed over the stones.
- xiii. The fill shall be completed with a layer of porous soil.
- b. When lowering the grade, the following measures shall be taken:
  - i. Roots shall be cut cleanly and re-trimmed after excavation.
  - ii. The canopy shall be pruned to aid in maintaining tree vigor.
  - iii. When lowering the grade of the soil surrounding a protective tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
    - 1. Terracing. The area within the tree protection zone is left at the original grade by terracing.
    - 2. Retaining wall. The area within the tree protection zone is left at the original grade by constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
    - 3. Terracing and retaining wall. The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall.
- c. Minor Changes in Grade. When the change in the grade is minor, as determined by the Town engineer, lesser protective measures than those described above may be taken. The Town engineer shall approve the use of these methods where their use will not endanger the health of the protected tree.
- 4. Injuries by excavation
  - a. Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
  - b. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main top roots.
- 5. Injuries by paving. To avoid injury by paving within the drip line, porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

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**7.11.02 Protection of Historic Trees**

All historic trees are to be protected unless one of the following conditions is met.

- A. The tree is not suitable for preservation as determined by a certified arborist.
- B. The tree is a threat to a principle structure or otherwise constitutes a hazard requiring removal as determined by a qualified arborist or a professional engineer.
- C. The placement of the tree prohibits the economic use of the property for permissible development. Removal of historic trees based on this criterion requires mitigation as set forth in Section 7.12.03.

**7.11.03 Protection of Specimen Trees**

Fifty percent of all specimen trees shall be preserved on a parcel. If the preservation of at least fifty percent of the specimen trees prohibits the economic use of the property for permissible development, all specimen trees removed from the property shall be mitigated as set forth in Section 7.12.03.

**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 limerock) and restrictions may be required, as appropriate,

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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.

**7.12.00 TREE REMOVAL PROCESS**

**7.12.01 Permit Required**

- A. Any person who proposes to cut down, move, remove, or destroy any tree, including those on single family lots, shall first obtain a tree removal permit from the Town. Requests for tree removal permits shall be made to the Public Works Director. Trees that are located on vacant, undeveloped land shall not be removed except as permitted through the development of the site. Trees that are on the Town's prohibited tree list may be removed without a permit. Any application for a tree removal permit shall include the following:
  - 1. Property owner's name and daytime telephone number.
  - 2. Street address and directions to the site.
  - 3. Type and size of tree proposed to be removed.
  - 4. Purpose for the tree removal.
  - 5. Most recently available boundary survey.
  - 6. General location of the tree on the site.
  - 7. How many trees remain on the lot or parcel.
- B. When determining whether to permit the tree removal, the following issues will be evaluated:
  - 1. Whether the tree has a potentially hazardous branching structure such as a hollow trunk, low fork in the trunk, or other.
  - 2. Whether the tree is injured or diseased beyond repair.
  - 3. Whether there are no viable alternatives to locating structures or driveways on the site.
  - 4. Whether the tree is impacting the foundation of a house or other building or structure.
  - 5. Whether the tree poses a threat to traffic visibility.

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6. Whether the tree is negatively impacting a more desirable tree.
  7. Any other issue deemed important by the Town.
  8. Trees that are deemed hazardous or otherwise unsafe shall be allowed to be removed without mitigation. In circumstances where the condition supporting the removal of a tree is not obvious or easily documented by the Town inspector, a letter from a certified arborist may be required to permit removal. In emergency situations, a hazardous tree may be removed as long as proper documentation in the form of photographs and/or a written opinion from Town staff, accompanies the permit application.
- C. Any trees removed in violation of this chapter shall be deemed to be violations of this Code and subject to all penalty provisions afforded the Town.

**7.12.02 Tree Farms**

Trees located on property that is operated as a tree farm shall be exempt from tree replacement requirements upon proof of such operation and continued use of the land as a tree farm. If the landowner is requesting to remove the trees for development of the land, then the property is subject to tree mitigation measures. The Town will consider the property's former use as a tree farm when approving the mitigation plan so as not to place an unfair burden on the property owner.

**7.12.03 Tree Removal for Agricultural Use**

Trees may be removed to permit bona fide agricultural use of land zoned AG or otherwise permitted agricultural use under an approved planned unit development agreement. The property owner shall submit a survey or plot plan to the Town identifying the area to be cleared, the approximate number of trees and the intended agricultural use. Once a parcel is cleared for agricultural use as permitted by this section, the conversion of the property to a non-agricultural use within five (5) years of the date of clearing shall require mitigation of the removed trees as specified in this code as part of the approval of any development approval. Conversion to a non-agricultural use means rezoning to a non-agricultural classification or subdivision of the property other than a minor subdivision. Historic trees shall be preserved or mitigated unless a qualified arborist certifies that the tree is not suitable for preservation.

**7.12.04 Mitigation for Removed Trees**

- A. It is the intent of this section that the Town shall maintain or enhance its tree cover by ensuring that as trees are removed, others are planted. If there is not adequate room on a lot or parcel to replace a tree or trees once that tree or trees has been removed, then the property owner shall pay into the Town's landscaping fund which will be used to plant trees in other areas throughout the Town.
- B. Mitigation is required when any of the following circumstances occur:

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- 1 For a developed single-family parcel, the permitted removal of a tree will result in the parcel having fewer trees than required in Section 7.08.01.
  - 2 A tree other than a citrus tree, palm tree, pine tree or prohibited species listed in Section 7.10.01 is removed without a permit.
  - 3 Historic trees which are removed to provide for development of a parcel.
  - 4 Where land cleared for agricultural use is converted to non-agricultural uses within five (5) years of the date of initial tree removal.
  - 5 When more than fifty percent (50%) of the specimen trees are removed to permit development, all specimen trees removed must be mitigated.
- C. Trees shall be replaced on a one-inch (1") DBH to a one-inch (1") caliper basis. For example, a tree measuring nine inches (9") DBH may be replaced with one nine-inch (9") caliper tree, or one five-inch (5") and one four-inch (4") caliper trees. Minimum replacement sizes shall be as stated in section 7.09.01.
- D. Tree replacement and/or fees are calculated on standard permitted tree removals. If a tree removal is done in violation of the LDC, the replacement inches or fees shall be triple that of the standard.
- E. The following Table of Values shall be used when payments are made to the Town's landscape fund:

**Table 7.12.03 (E) Table of Values**

<b>Tree Size, Inches at DBH</b>	<b>Tree Removal Fee Per Inch DBH</b>
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

**7.13.00 LAND CLEARING**

**7.13.01 General**

A land clearing permit is required other than that directly associated with a single-family home or an approved subdivision or site plan.

**7.13.02 Permit Application**

- A. The applicant shall submit a sealed survey by a licensed surveyor in the State of Florida to include topographic information and existing trees at a scale of not less than 1 inch = 100 feet, showing:
1. The area to be cleared.
  2. Size and type of existing trees, trees to be removed; and
  3. Wetland areas, water bodies and flood hazard zones.
- B. The application shall also include the following:
1. A description of the proposed method of clearing.
  2. The type of equipment to be used.

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3. The purpose for the activity; and
  4. The name of the owner of the property and the person or firm performing the work.
- C. The application shall be accompanied by the appropriate fees as required by the Town.

**7.13.03 Permit Issuance/Enforcement**

- A. The Building Official may issue a Land Clearing Permit following review and recommendation by the Town Engineer and Town Planner and approval by the Town Council. The permit shall contain any special conditions or activity restrictions. The permit shall be valid for a period of fourteen (14) days from the date of issuance.
- B. Following completion of the activity or after fourteen (14) days from the date of permit issuance, the site shall be inspected for compliance with the conditions of the permit. Any violations of the permit or other applicable Town codes or ordinances shall be referred to the Code Enforcement Officer. In addition, for any protective tree removed without a permit, a fine shall be assessed in an amount equal to one hundred dollars (\$100) times the diameter at breast height of the removed specimen. Where trees have been removed or damaged in violation of this section or permit requirements, remedial actions shall be required to restore the property. A restoration plan shall be submitted to the Building Department for approval by the Town and may require tree replacement at a ratio not to exceed four (4) to one (1) either on site or a combination of on site and payment into the Town's landscape fund. No Certificate of Occupancy shall be issued for any development until all applicable permit and restoration conditions have been met.

**7.14.00 GRADING AND FILLING**

**7.14.01 General**

- A. No grading or filling of lands is allowed except in connection with a grade and fill permit or development order for the improvement of said lands. "Improvement of land" shall mean the development of land with buildings, structures, streets, sewers, waterlines or other facilities, the erection or installation of which requires the issuance of a permit by the Town. Grading and filling permits may be issued as follows:
  1. Pursuant to the subdivision and site plan regulations in connection with Final Plan approval.
  2. Through the issuance of a building permit for improvements on the property; and
  3. Upon approval of a complete application for a grade and fill permit in accordance with section 7.14.02.
- B. The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to thereafter settle is

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hereby determined to be a change or modification of the grade of land for which no permit shall be issued except as authorized by this Code.

**7.14.02 Permit Application**

- A. Application for a Grading and Filling Permit shall include:
  - 1. The name of the owner of the property.
  - 2. The name of the person or firm which will perform the work.
  - 3. A sealed survey by a licensed surveyor in the State of Florida to include existing features of the property including elevations, buildings, structures, trees over six inches (6") inches in DBH, streets, utility easements, rights of way, and other improvements; the precise area(s) of development activity; wetlands and water bodies;
  - 4. The area to be graded or filled and cubic yard calculations; and
  - 5. The specific purpose for the filling or grading activity and type of equipment to be used.
- B. Except for single-family homes, the application shall include a statement prepared by a licensed civil engineer or landscape architect certifying that the grade or fill is consistent with all applicable Town codes and ordinances and will not have an adverse impact on environmentally sensitive areas, drainage facilities or water bodies.
- C. Any trees to be removed shall be shown on a dimensional drawing. A separate tree removal permit in accordance with the provisions of section 7.12.00 of this chapter will also be required.
- D. The application shall be accompanied by the appropriate fees as required by the Town.

**7.14.03 Permit Issuance**

- A. Except for single-family homes or projects to be reviewed through the subdivision or site plan review processes, the Town Engineer shall determine if the application as submitted is in compliance with all laws of the Town, County, State and Federal government, and whether the proposed clearing, grading, and/or filling will cause adverse impacts to the environment. The Town Engineer shall make this determination in writing; shall state the basis for the determination; and may recommend other practical alternatives which would allow the permit to be issued. The Town Engineer may issue approval subject to conditions to mitigate adverse impacts to the environment. The applicant will be responsible for all tree removal, preservation and mitigation requirements contained within this chapter and shall include the appropriate plans and details as part of the application. In situations where large tracts of land will be cleared, the Town shall require additional plantings of trees to ensure adequate buffering and screening from adjacent public rights-of-way.
- B. Except where health, safety or public welfare is jeopardized, no grade and fill permits shall be issued in conjunction with the grading and filling of an undeveloped parcel that will require the removal or damage of trees or native



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vegetation, unless the permit is in connection with a building permit for the improvement of said lands.

- C. For the construction of a single-family home, the Building Official shall review the permit application based on the criteria listed in this section.
- D. Approved grade and fill permits shall be issued by the Building Official.

**7.14.04 Grading and Filling Standards**

- A. Any grade or fill activity shall be consistent with the following standards:
  - 1. All development activity shall conform with the requirements of this Code and any special conditions of the permit.
  - 2. No authorization for a change, modification or lowering of grade shall be issued when it is determined the same will result in a hole or depression or other adverse effect, which will create a hazard.
  - 3. No person shall change, modify, or lower any grade to any greater degree than is allowed by the authorization or permit granted for the same.
  - 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.

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**8.00.00 GENERAL**

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

**8.01.00 PROJECT DESIGN**

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

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

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

**8.02.00 ROADS**

**8.02.01 General**

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

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

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

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

**8.02.02 Roadway Classification and General Standards**

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

**Table 8.02.02 Roadway Classifications and Standards**

Street Type	Min. R-O-W Width	Lane Width excl. of curbs	# of Lanes	Median Width incl. curb	Grassed Utility Strip and Curb (each side)	Drainage Structures	Sidewalk and Bike Lane (each side)
Arterials	100 feet	12 feet	4	20 feet	6 feet	Curb and Gutter	6-foot sidewalk; 4-foot bike lane
Collectors	90 feet	12 feet	4	14 feet	5 feet	Curb and Gutter	5-foot sidewalk; 4-foot bike lane
Local Roads (typical residential street)	50 feet	24 feet of pavement	2	None Required	8 feet	Curb and Gutter (Swales possible for larger lot subdivisions)	5-foot sidewalk; no bike lane required
Local Roads (with on-street parking)	50 feet	22 feet of pavement with 8-foot wide on-street parking on one side	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk; no bike lane required

Right-of-way and lane widths shall be in conformance with the above listed standards, except when:

- A. Lesser right-of-way or pavement width may be allowed by the Town where right-of-way conditions are physically constrained by existing structures, specimen trees, or other natural or man-made constraints.

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- B. A lesser standard may be considered if it is more consistent with the existing streets in the area.
- C. Additional right-of-way and/or pavement width may be required by the Town to promote public safety and convenience or to ensure adequate access, circulation, and parking.
- D. Where a proposed development abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement shall be provided by the developer in conformance with these standards.

**8.02.03 Construction Standards**

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

**A. Arterials and Collectors**

- 1. Sub-base stabilization utilizing local materials (sand-clay) shall be twelve (12) inches deep, after mixing and compaction to not less than ninety-eight (98) percent of the maximum density in accordance with FDOT specifications, extending one (1) foot beyond each side of the proposed paving width, including curb and gutter, if any. Such sub-base stabilization six (6) inches deep shall be extended an additional five (5) feet each side over the shoulder of the street for the remainder of the sub-base.
- 2. Base course shall be placed on the previously prepared sub-base, be constructed of either limerock or sand-clay, and be compacted to a depth of not less than eight (8) inches to meet the density requirements of FDOT specifications, and extend six (6) inches beyond each side of the proposed paving width;
- 3. Soil cement may be used as a base material as an alternate to limerock or sand-clay at the discretion of the Town.
- 4. Prime coat shall be applied to the previously prepared base course utilizing cut-back Asphalt Grade RC-70 or RC-250 in accordance with FDOT specifications. Emulsified asphalt materials shall not be accepted.
- 5. Surface pavement course shall be constructed on the previously primed base course utilizing Type III or Type S-1 Asphaltic Concrete to provide a minimum surface width of not less than twenty-four (24) feet and a minimum compacted depth of one and one-half (1 ½) inches of such pavement after mixing, placement, and compaction in accordance with FDOT specifications.
- 6. Surface pavement shall be constructed to full-depth in a single continuous operation, regardless of number of lifts required. Asphalt pavement shall not be constructed in two or more lifts separated by time.

**B. Local Roads.** Local street construction shall conform to the foregoing specifications for arterial and collector streets, except that:

- 1. Sub-base stabilization shall be not less than eight (8) inches deep.
- 2. Base course shall not be less than six (6) inches deep.
- 3. Surface pavement course shall be not less than twenty-four (24) feet in width and shall have a minimum compacted depth of not less than one (1) inch.

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

**8.02.04 Intersections**

In general, the intersection of streets shall be laid out as follows:

- A. Streets shall intersect at an angle of ninety (90) degrees, unless circumstances acceptable to the Town indicate a need for a lesser angle of intersection.
- B. Property lines at street intersections shall be rounded with a minimum radius of twenty-five feet (25'). A greater radius shall be required for angles of intersection less than ninety (90) degrees.
- C. The minimum radius return of pavement edge, or back of curb, at all typical intersections approximating a right angle shall be as follows:

**Table 8.02.04 Intersections**

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

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

**8.02.05 Access**

Access shall be provided as follows:

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

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

**8.02.06 Cul-De-Sacs**

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

**8.02.07 Islands and Medians**

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



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**8.02.08 Street Signs**

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

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

**8.02.09 Bicycle and Pedestrian Ways**

Bicycle and pedestrian ways include sidewalks, bikeways, bike lanes, pedestrian paths, and multi-use trails that may be used by pedestrians, bicyclists, skaters, and golf carts for recreation. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest, provided a grassed or landscaped area at least three feet (3') wide is retained to separate the pathway from the adjacent road. Bicycle and pedestrian ways construction and material standards shall comply with those set forth in the Town's standard construction detail sheets.

**A. Bikeways and Bike Lanes**

1. Bike lanes shall be provided in both directions along every new arterial and collector road or during the widening of any existing arterial and collector roads.

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2. A bike lane shall consist of a four (4) foot paved width between the outermost traffic lane and the curb. Where on-street parking is permitted, the bicycle lane shall be located between the parking lane and the outer edge of the vehicular traffic lane.
3. Bike lanes shall be constructed of the same materials and specifications as the vehicular travel lanes.
4. For roads under the Town's discretion, the Town Council may approve an eight (8) foot sidewalk/bikeway as a substitute for the on-street bike lane.
- B. Bike Racks. Bike racks shall be required as part of all non-residential developments. The type of bike rack and number shall be determined as part of the site plan or subdivision plan review process.
- C. Sidewalks
  1. Sidewalks shall be provided on both sides of streets. This requirement may be waived for large lot single-family developments.
  2. Sidewalks shall be separated from the adjacent roadway by a grassed or landscaped strip. Exceptions to this regulation may be allowed by the Town Council in certain areas in the Town Center where wider sidewalks are required.
  3. Minimum sidewalk widths shall be as specified in Table 8.02.02.
  4. All sidewalk design and construction shall meet the requirements of the Florida Accessibility Code and the American Disability Act.
  5. Development shall provide pedestrian connections to adjacent properties and shall connect on-site sidewalks with those already located or approved on adjacent property.
  6. Where residential development is proposed for infill parcels in areas where no sidewalk network exists, sidewalks shall not be required except where the sidewalk can connect to an existing network or the development covers 80% or more of a block face.

**8.02.10 Traffic Impact Analysis**

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

A. Requirements for a TIA

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

B. Levels of TIA

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

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

2. Tier 2 TIA: 26-100 New Net Peak-Hour Trips. A project that generates between twenty-six (26) and one-hundred (100) new net peak-hour project trips shall require the preparation of a TIA unless the applicant believes their project is more in keeping with a Tier 1-type project. In such a case, the applicant may submit a Request for Exemption Letter. Approval and granting of this exemption, however, is strictly at the discretion of the Town. In addition, as an option, applicants may submit a Methodology Letter prior to the submittal of the TIA. The requirements for a Tier 2 TIA, Request for Exemption Letter and Methodology Letter are discussed later in this section. The classification of a project as a Tier 2 TIA is at the discretion of the local government.
  3. Tier 3 TIA: 101 or More New Net Peak-Hour Trips. A project that generates one-hundred and one (101) or more new net peak hour project trips shall require the preparation of a more-detailed TIA than would normally be required for a Tier 2 project. This requirement for additional detail will be at the discretion of the Town and will be negotiated as part of the methodology review process which involves the submittal and review of a Methodology Letter, to be approved by the Town prior to the submittal of the TIA. In general, a project requiring a Tier 3 TIA shall be required to use the Lake Sumter MPO's currently adopted travel demand model to evaluate future traffic conditions. The requirements for a Tier 3 TIA and Methodology Letter are discussed in sections below. The classification of a project as requiring a Tier 3 TIA is at the discretion of the Town.
- C. Review Process. The applicant shall submit three (3) hard copies and one (1) electronic copy (PDF) of the TIA to the Town Clerk as part of the Preliminary Plan submittal package. The Town and the MPO will review the submittal. The submittal will also be provided to and be reviewed by, any other agencies (such as FDOT and Lake County) with responsibility for roads that are impacted by the development. After review, the Town will provide the applicant with a memorandum which contains specific comments from all parties regarding the TIA. These comments must be addressed and necessary mitigation agreed upon prior to final approval of the Plan under review.
  - D. Request for Exemption and Methodology Letter. A Request for Exemption Letter is sometimes applicable, as discussed above. At a minimum, the Request for

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

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

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

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

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

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

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

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

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

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2. Peak-Hour Turning Movement Counts (A.M., P.M., Midday, Weekend (collected, as necessary)
  - b. Capacity Analysis Summary Sheets
    1. Existing Conditions
    2. Future Conditions (per phase, if required)
    3. Future Mitigated Condition (per phase, if required)
  - c. Lake County TCMS Spreadsheet
  - d. Trip Distribution plot from the MPO Travel Demand Model (Tier 2, if necessary, and Tier 3 TIS)
 

\* Prior to submitting the Methodology Letter, the applicant should request the Town/MPO provide a study area report, generated by the Lake County TCMS software, based on location, and proposed land uses. This shall include a study area map and current TCMS data spreadsheet, including existing volumes, existing LOS, LOS standards, service volumes, and committed/reserved trips (background).
- H. TIA Report Breakdown The following section describes the minimum content/information that shall be included in each chapter or section of the TIA based on the outline provided above.
1. Table of Contents, List of Figures and List of Tables. A Table of Contents, List of Figures and List of Tables shall be provided as part of the TIA report.
  2. Introduction. This chapter, or section, shall contain pertinent information about the proposed project. The information that shall be provided is discussed below.
  3. Purpose. The Tier (1, 2 or 3) of TIA and reason for the submittal of the TIA shall be stated. For example, it shall be stated if the TIA is being submitted for a development plan approval, Comp Plan amendment, or an update to a previously approved development/phase.
  4. Project Description. A brief description of the proposed project shall be provided. The following information shall be provided and can be presented as a bulleted list or table:
    - a. Area Type (Rural, Transitional, Urban)
    - b. Type of Development (e.g., Residential, Retail, etc.)
    - c. Institute of Transportation Engineers (ITE) Land Use Code(s)
    - d. Size of development in standard ITE units (e.g., dwelling units for residential)
    - e. Location/Description of the proposed development site access
    - f. Anticipated opening/buildout year (by phase, if necessary)
    - g. Analysis years (by phase, if necessary)
    - h. Analysis periods (e.g., AM, PM, Mid-day, etc)
    - i. Source of adopted roadway Level of Service (refer to TCMS spreadsheet)
  5. Site Location and Site Plan. An area figure/map shall be provided to show the location of the project in relation to the surrounding region. This figure shall show the area of influence of the project, as discussed in the following

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

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

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

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

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

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



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- d. Existing Level of Service. Existing LOS analyses shall be conducted for segments and intersections based on currently accepted traffic engineering principles. Methods that incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual (HCM) are acceptable. These methods may include the use of the latest available versions of the Highway Capacity Software (HCS), Synchro, LOSPLAN and the FDOT Generalized Service tables. The existing LOS shall be compared to the adopted LOS standards used for concurrency determination and shall be consistent with the Transportation Element of the Town's Comprehensive Plan. The LOS standards for an intersection analysis shall be the conservative adopted roadway LOS standard of the intersecting roadways. For the majority of facilities, the Lake County TCMS will be kept up to date with the adopted LOS standards, area type, facility type, maximum service volume, etc. as they apply to the transportation network. When an applicant is utilizing the FDOT Generalized Service tables, particular attention shall be given to the appropriate selection of criteria based on Access Management (e.g., restricted, unrestricted), Functional Classification (e.g., arterial, collector, local road), Area Type (e.g., urban, urban transitioning, or rural/undeveloped), etc. Before conducting an analysis utilizing LOSPLAN, the applicant shall verify with the Lake County TCMS that an analysis on the affected segments has not already been developed, and is being applied in the TCMS, within the past year. If an approved LOSPLAN analysis, less than one (1) year old, exists within the Lake County TCMS, the applicant shall utilize these results for the applicable segments of the system within the study area.
- e. Future Roadway Conditions. This section shall contain information pertaining to the future (build-out year) roadway conditions. Generally, if the future roadway conditions are not substantially different from the existing year (as would be the case when there are no pertinent planned and programmed improvements) then this section may not be necessary and a brief statement to that effect shall be provided.
- f. Pertinent Future Roadway Information. Any information that does not fall strictly into the existing segment and intersection categories shall be documented. This may include discussion and figures pertaining to Access Management (e.g., restricted, unrestricted), Functional Classification (e.g., arterial, collector, local road), Area Type (e.g., urban, urban transitioning, or rural/undeveloped), etc. If the pertinent roadway information does not differ from that of the then this may be stated in lieu of tables or figures.
- g. Future Segment Geometry. This section shall include information about the future geometry or laneage of the study segments. Typically, this information can be depicted in a figure or listed in a table. If the future segment geometry does not differ from the existing segment geometry, then this may be stated in lieu of tables or figures.

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- h. Future Intersection Geometry. This section shall include information about the future geometry or laneage of the study intersections. Typically, this information can be depicted in a figure or listed in a table. If the future intersection geometry does not differ from the existing intersection geometry, then this information may be stated in lieu of any tables or figures.
- i. Future Traffic Conditions. The applicant shall provide a graphical summary or table of the future year background traffic, plus the proposed development traffic for the A.M. peak hour, P.M. peak-hour, Mid-day peak-hour or weekend peak-hour (whichever is applicable). These volumes shall include both segment and turning movements within the study area. Note that de minimis impacts are defined by Florida Statute as project impacts equating to less than 1% of the maximum service volume for the impacted roadway segment. Cumulative de minimis impacts may not exceed 110% of the maximum service volume for non-hurricane evacuation routes or 100% of the maximum service volume for designated hurricane evacuation routes.
- j. Background Traffic. Background (committed/reserved) traffic from approved developments in the area shall be tracked and is maintained within the Lake County TCMS. As such, in most cases, a separate determination of background traffic will not be required.
- k. Trip Generation. Trip generation involves estimating the number of trips that will be produced from or attracted to the proposed development. The latest edition of the ITE Trip Generation manual shall be used to determine proposed project trip estimates. The estimates obtained from this source must be used with good judgment as they are based on national data and may not take into account any special features that the local subject site might have. Opportunities are available for reducing the estimated trips to derive net, new, external trips and include:
  - 1. INTERNAL CAPTURE – Internal capture refers to the percentage of trips generated by a multiple land use development (e.g., having a combination of retail, office and/or residential uses) that take place entirely within that development. Deductions may be made to the total site-generated trip estimates of a multi-use development by estimating the amount of internal capture for individual land uses. The ITE Trip Generation Handbook contains the recommended procedure for estimating internal capture deductions.
  - 2. PASS-BY TRIPS – Retail land uses experience pass-by trip "capture" from the adjacent traffic stream. Pass-by trips are those already on the network making intermediate stops en-route between an origin and a primary trip destination, without route diversion. These trips shall not be included in the new trip estimates. In general, pass-by trips should not exceed 10% of the background traffic on the adjacent roadway, nor 25% of total trip generation. However, fast-food restaurants, gas

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

1. Trip Distribution and Assignment. Trip distribution is a process by which the trips generated in one (1) traffic analysis zone (TAZ), or by one land use, are allocated to other TAZs, or other land uses, in the study area. Trip assignment is the process of numerically assigning the distributed trips to specific transportation facilities. The term “trip distribution” is sometimes used to define both procedures of trip distribution and assignment. Trip distribution and assignment may be based on the Lake Sumter MPO’s currently adopted travel demand model, market analysis, existing traffic flows, applied census data, or professional judgment (manually distributed). In general, this section shall present the forecasted trip assignment based on the development’s trip generation and distribution estimates. This typically takes the form of figures providing the percentage of total proposed project trips on the individual roadways in the transportation study network. The procedures and logic for estimating the trip distributions must be well documented. The trip distribution and assignment patterns shall be presented for each phase of the development or as requested by the Town. Unless otherwise agreed at Methodology, proposed projects which are projected to generate one hundred and one (101) or more net new peak-hour project trips (Tier 3 TIA) should utilize the Lake Sumter MPO’s currently adopted travel demand model to derive trip assignment percentages.
- m. Future Traffic Volumes. This section shall include discussion and figures presenting future year ADT on study roadway segments and future year peak-hour TMCs at the study intersections. Typically, this information can be depicted in a figure or listed in a table. This estimate of future year traffic volumes on the study area transportation network would result from the summation of the proposed project volumes, determined after the processes of trip generation (including adjustment for internal capture and pass-by trips), trip distribution and assignment, committed/reserved trips from the Lake County TCMS, and existing traffic volumes.
- n. Transportation Assessment. LOS analyses shall be conducted and use the future and projected traffic volumes, as obtained following the guidance provided. The analysis shall be based on currently accepted traffic engineering principles. Methods that incorporate and apply appropriate techniques from the latest edition of the Highway Capacity Manual are acceptable. These methods may include the use of HCS, Synchro 6 and higher, LOSPLAN and FDOT Generalized Service tables. The LOS

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

- o. **Segment Analysis.** A roadway segment analysis shall be performed on each of the study segments. If the analysis indicates that the future segment LOS will be below the adopted LOS standard, potential mitigation measures shall be developed, as well as a fair share calculation for these measures. The latest version of LOSPLAN can also be used to develop an alternative capacity/service volume based on corridor-specific data. The LOSPLAN analyses must be approved by the local government and shall be applied in the TCMS as the new capacity.
- p. **Intersection Analysis.** A signalized or unsignalized intersection analysis shall be performed on each of the study intersections. The procedure shall utilize Highway Capacity Manual techniques, as previously mentioned. The existing LOS shall be compared to the adopted LOS standards, used for concurrency determination, and shall be consistent with the Transportation Element of Town's Comprehensive Plan. The LOS standards for an intersection shall be the most conservative adopted roadway LOS standard of the intersecting roadways. A summary of the analysis results shall be tabulated with the software output included in the Appendix section. If the analysis determines that the future intersection LOS will be below the adopted LOS standard, potential mitigation measures shall be developed as well as fair share calculation for these measures.
- q. **Turn Lane Analysis.** For intersections with failing turning movements, the need for additional turn lanes and an analysis of turn lane storage length adequacy shall be conducted.
- r. **Access Analysis.** The TIA shall include an assessment of on-site and off-site turn lane adequacy, required storage, potential for signalization, sight distance and other intersection safety aspects, and on-site circulation as it may affect access. Use of joint access driveways is encouraged to reduce the total number of connections to the roadway network. The following points should be considered in determining the need for turn lanes:
  - 1. The total traffic generated by the anticipated traffic distribution, the number of access points and the projected turning movement volumes.
  - 2. A traffic analysis indicates that turn lanes would be necessary to maintain capacity on fronting roads and/or at adjacent or nearby intersections.

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3. Entrances are proposed at locations where grade, topography, site distance, traffic, or other unusual conditions indicate that turn lanes would be needed to improve safety.
- s. Mitigation Strategies. If the transportation assessment reveals that the potential project will not result in a deficiency in the existing roadway network, then no project-related improvements are required. However, mitigation strategies must be developed if the transportation assessment determines that the proposed project will potentially result in a deficiency in the LOS of transportation facilities. This process involves addressing the extent of the mitigation strategies/solutions as well as calculation of fair share cost.
- t. Recommended Improvements. Mitigation strategies must be developed if the transportation assessment determines that the proposed project will potentially result in a deficiency in the Level of Service of transportation facilities. Mitigation measures for segments, intersections, turn lanes and site access shall be developed to allow the build condition to operate above the local government's acceptable Level of Service standards. These measures may include, but are not necessarily limited to:
  1. Revised striping
  2. Addition of turn lanes
  3. Addition of travel lanes
  4. Addition of storage lanes
  5. Lengthening of storage lanes
  6. Installation of traffic signals
  7. Installation of traffic control signs
  8. Restriction of turning movements
  9. Adjustment of cycle lengths
  10. Introduction of additional signal phases

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

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

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

- v. Increase in Service Volume. Increase in service volume is the change in peak-hour maximum service volume of the roadway that would result from the construction of the improvement necessary to maintain the adopted LOS.
  - w. Cost of Improvement. Cost of improvement is the cost of construction, at the time of developer payment, of an improvement necessary to maintain the adopted level of service. Construction cost includes all improvement associated costs, including engineering design, right-of-way acquisition, planning, engineering, inspection, and other associated physical development costs directly required and associated with the construction of the improvement, as determined by the governmental agency having maintenance authority over the roadway.
  - x. Project Trips. Project trips are the trips from the stage or phase of the project under review that are assigned to a roadway segment and have triggered a deficiency based upon comparison to the adopted LOS.
11. Summary/Conclusions. A brief discussion (one or two paragraphs) shall be provided to highlight the TIA Tier classification (Tier 1, Tier 2 or Tier 3), methodology followed and general results. In addition, the action requested (e.g., approval of mitigation strategy) of local government shall be specified.
12. Appendix
- A. Traffic Count Data
    - 1. Average Daily 24-Hour Traffic Volumes (as necessary)
    - 2. Peak-hour Turning Movement Volumes (A.M./P.M./Midday, as necessary)
  - B. Capacity Analysis Summary Sheets
    - 1. Existing Conditions
    - 2. Future Conditions (per phase if required)
    - 3. Future Mitigated Condition (per phase if required)
    - 4. Lake County TCMS spreadsheet (relevant sections)
    - 5. Trip Distribution Plot

**8.03.00 PARKING**

**8.03.01 General**

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

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**8.03.02 Dimension Requirements**

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

**8.03.03 General Design Requirements**

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

**8.03.04 Parking Lot Surfaces**

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

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

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

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

**8.03.05 Stacking Area for Various Drive-Through Facilities**

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

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

**8.03.06 Loading Areas**

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

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

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

**8.03.07 Parking Spaces Required**

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

**Table 8.03.07 Parking Requirements**

<b>Use</b>	<b>Minimum Parking Spaces (Except Town Center)</b>
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.



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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
<b>Use</b>	<b>Minimum Parking Spaces (Except Town Center)</b>
Golf Course	6 spaces per hole; reference other categories for other uses (i.e., restaurant, meeting space)
Hospital	1 space for each bed plus 1 per employee
Hotel/Motel	1 space for each room plus 1 space/employee. If the hotel has a restaurant, 1 space/100 sq.ft. of Gross Floor Area for the restaurant. If the hotel has meeting space, 1 space/100 sq.ft. of Gross Floor area for that space.
Library/Club	1 space per 300 square feet of Gross Floor Area
Medical Clinic	1 space per 200 square feet of Gross Floor Area
Nursing Home	1 space per 4 beds plus 1 space per employee
Office or Office Park	1 space per 300 square feet of Gross Floor Area
Personal Services not identified elsewhere	1 space per 250 square feet of Gross Floor Area
Personal Storage Facility/Mini Warehouse	1 space/10 units (min. 6 spaces), equally distributed. If manager housed on-site, add two spaces.
Private Recreation Facility	1 space per 200 sq. ft. within enclosed buildings; add. spaces will be required for outdoor facilities to be determined with site plan review or at time of permitting
Residential	2 per unit, not including garage
Restaurant (fast food; carry out)	7 spaces per 1,000 sq. ft. of Gross Floor Area
Restaurant (sit down)	1 space per 100 square feet of Gross Floor Area
Retail Sales	1 space per 250 square feet of Gross Floor Area
Schools (private); Public buildings	1 space for each 4 seats in the main assembly area or 1 space for each 250 sq. ft. of Gross Floor Area if no assembly area.
Shopping Center	1 space per 250 square feet of Gross Floor Area
Theaters	1 space per 3 seats, plus one space for each employee on the largest shift
Wholesale/Manufacturing	1 space per 400 sq. ft. for sales and 1 space for every 2 employees on the maximum shift for manufacturing

Table 8.03.07 above, the number of accessible spaces must comply with the minimum requirements of the Florida Building Code.

The Town Council recognizes that the Table of Parking Requirements set forth above cannot and does not cover every possible situation that may arise. In cases not specifically mentioned in the above table, the Town will determine the parking requirements using this table, and whatever additional information it deems reasonable.

### 8.04.00 UTILITIES

#### 8.04.01 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of potable water, landscape irrigation facilities, wastewater, electrical power, traffic signals, street lighting, telephone, or cable facilities, and intends that such facilities shall be owned,

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operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**8.04.02 Potable Water System**

- A. Potable water system construction and material standards shall comply with those set forth in the Town's potable water utility specifications. Every principal use in the Town and every lot in a subdivision shall be served by the Town's potable water supply system, unless granted a specific waiver to these regulations.
- B. All applicable potable water system improvements required for new development shall be donated to the Town of Howey in the Hills.
- C. Trunk lines shall have a minimum diameter of twelve inches (12") and shall be located within an arterial street right-of-way or within a corridor approved by the Town and adequate for that purpose and conducive to the development of a Town-wide water supply system.
- D. Distribution lines within residential subdivisions shall have a minimum diameter of six (6) inches. Distribution lines within multi-family developments and non-residential developments shall have a minimum diameter of eight (8) inches.
- E. To the maximum extent feasible, distribution lines shall be located parallel to and behind the back of curb or edge of pavement. The water main shall be located to minimize conflicts with other utilities and existing or proposed structures. As a standard practice, water mains shall be installed four feet (4') off the back of curb or as approved by the Town. A minimum of five feet (5') shall be maintained between underground power, gas mains, and the water mains.
- F. System looping is required wherever practicable to increase overall capacity and service.
- G. Every development shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- H. The Town Engineer shall determine the precise location of all fire hydrants subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and at property lines of non-curbed public dedicated streets.
- I. The Town Engineer shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Town Engineer, all hydrants shall be two (2) two and one half (2 ½) inch hose connections and one (1) four and one half (4 ½) inch hose connection. The two and one half (2 ½) inch hose connections shall be located at least twenty-one and one half (21 ½) inches from the ground level. All hydrant threads shall be national standard threads. The minimum fire flow must be 500 gallons per minute with no less than 20 pounds per square inch (psi) residual pressure in single family residential areas and 1,250 gallons per minute with no less than 20 psi residual pressure for other development. The Town may require greater flow rates depending on the size of the building and/or its property use.

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

**8.04.03 Sanitary Sewer System**

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

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

**8.04.04 Reclaimed Water Systems**

- A. New development may be required to install and donate to the Town a reclaimed water system, including distribution mains and services for irrigation in accordance with the Town's specifications.
- B. If a reclaimed water system is required, new development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.
- C. If an existing reclaimed water system is within 1,000 feet of a new development, the development will be required to connect to the existing reclaimed water system.
- D. System looping is required wherever practicable to increase overall capacity and service.
- E. New development shall use non-potable water sources for irrigation, if possible, until reclaimed service is available. The use of potable water for irrigation is permitted if no other source is available.

**8.04.05 Stormwater Management**

- A. General requirements for stormwater management
  - 1. Protection of water resources is critical to the public health, safety, and welfare. Innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation, and flooding are essential and mandatory.
  - 2. No drainage system, natural or manmade, shall be altered, designed, constructed, abandoned, restricted or removed without prior approval of the Town and all appropriate State and Federal agencies.
  - 3. No site alteration shall adversely affect the existing surface water flow pattern, impact drainage of any other landowner, cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands.
  - 4. Stormwater management applies to all project categories articulated in the land development code.
  - 5. No person may subdivide or make any changes in the use of land or construct or reconstruct a structure or change the size of a structure or introduce illicit discharges to the Town's stormwater management system nor shall construction commence for any development until the drainage design for

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

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

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6. Any unauthorized or illicit discharges will be subject to enforcement pursuant to Town Code and as otherwise provided by law.
  7. All projects shall have an approved erosion control plan on file with the Town. This plan shall be prepared by the appropriate design professional for the project or, as an alternative, by the licensed contractor whose name the building permit is under. As with all other site improvement or building permit documents, an approved copy of this plan shall be maintained at the jobsite for the duration of the project.
  8. No work on the site shall commence prior to approval of the erosion control plan by the Town.
  9. The erosion control plan shall include the placement and use of silt fences, swales, retention areas, hay bales, temporary grassing, turbidity barriers or other such devices as needed to prevent the transport of sediment from the site and into storm drains and waterbodies. Fill or runoff will not be allowed to encroach onto adjacent properties without the necessary easements.
  10. The owner and contractor shall be responsible for adhering to these requirements and shall also be responsible for correcting any damage caused by the lack or improper use thereof. This shall include cleaning of storm inlets and pipes that become blocked, partially or fully, by debris, trash or sediment from a construction site.
- C. Design Criteria
1. All development projects, unless specifically exempted, must provide for retention and/or detention of stormwater runoff.
  2. The post-development peak rate of discharge must not exceed the pre-development peak rate of discharge for the 25-year, 24-hour storm.
  3. Pollution abatement volume shall be in accordance with St. Johns River Water Management District criteria.
  4. Approval of Final Plans for any development shall not be granted until the Town is in receipt of a copy of the St. Johns River Water Management District permit.
  5. Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District in order to achieve the State water quality standards.
  6. The stormwater management system shall not create an adverse impact to upstream or downstream areas. Off-site areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management permit application shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.
  7. The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife, or other natural resources.
  8. The minimum twenty-four-hour level of service standards for design storms by facility type shall be as follows:

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- a. Principal arterial bridges: 100 yr, 24 hr
  - b. Other bridges: 50 yr, 24 hr
  - c. Cross drains: 25 yr, 24 hr
  - d. Storm sewers: 10 yr, 24 hr
  - e. Detention/retention structures: 25 yr, 24 hr
  - f. Ditches, swales or culverts for stormwater external to developments: 25 yr, 24 hr
  - g. Ditches, swales, or culverts for stormwater internal to developments: 10 yr, 24 hr
- 9. The design storm frequency to be used for the design of pavement drainage shall be as follows:
  - a. Arterial streets: Ten-year, hydraulic gradient line, 1.0 feet below gutter line.
  - b. Collector and local streets: Ten-year, hydraulic gradient line, 0.5 feet below gutter line.
- 10. Design criteria for pollution abatement using retention or detention with filtration.
  - a. The bottom of a required retention or detention-with-filtration pond shall be a minimum of three feet above the estimated seasonal high water table. Where this is not possible due to a high water table, underdrains will be installed with a minimum invert elevation of one foot below the pond bottom, along the entire perimeter of the pond unless a geotechnical engineer can show to the satisfaction of the Town Engineer that a lesser amount of underdrain can adequately control the high water table.
  - b. Final design seepage rates will be determined by a geotechnical engineer. All necessary calculations to support the above shall be submitted to, and are subject to, the approval of the Town Engineer.
- D. Design criteria of detention facilities to reduce peak rate of flow
  - 1. The detention pond will be sized to limit the peak rate of discharge from the developed site to that discharge generated prior to development. Supporting calculations shall be submitted and will contain, as a minimum, runoff hydrographs for the pre-developed site and the post-developed site, and a discharge hydrograph after routing through the proposed detention facility.
  - 2. All routing calculations to be submitted must consider the tailwater of the receiving facility. If the receiving facility is an existing storm sewer, the hydraulic gradient line elevation (HGL) of this receiving facility can be assumed at one-half foot below its gutter in elevation unless a detailed study of the existing system indicates otherwise.
  - 3. Credit for seepage to further reduce the peak rate of discharge will not be allowed unless accompanied by supporting documentation prepared by a geotechnical engineer. All detention ponds shall be dry within 72 hours following the storm event.
- E. Design criteria where a positive outfall is not available

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1. When a positive outfall is not available for stormwater discharge the on-site pond shall be designed to retain the 100-year storm event. The pond shall be designed to evacuate a daily volume equivalent to one inch of runoff from the total area contributing to the pond. The pond shall be dry within 11 days following the storm event. If geotechnical data certified by a geotechnical engineer is submitted showing that an 11-day drawdown is impossible to achieve, a specific Town Council waiver of this requirement will be required.
  2. When the project discharges to landlocked lakes that have no positive outfall which are adjacent to properties of one ownership, on-site detention ponds shall be designed to accommodate the pollution abatement volume as required by the St. Johns River Water Management District from the developed site prior to discharge. The design engineer shall demonstrate to the satisfaction of the Town Engineer the magnitude and nature of any impact of runoff from the developed site upon the landlocked lake(s).
  3. When the project discharges to landlocked lakes that have no positive outfall, which are adjacent to properties of more than one ownership, on-site detention ponds shall be designed to accommodate the 25-year, 96-hour storm. Post-development runoff rate and runoff volume shall not exceed pre-development runoff rate and volume. The design engineer shall demonstrate to the satisfaction of the Town Engineer the magnitude and nature of any impact of runoff from the developed site upon the landlocked lake(s).
- F. Soil reports
1. Soil reports indicating estimated seasonal high water table, permeability rate, and the classification of soils existing on the site and referenced in the stormwater calculations shall be submitted to the Town Engineer. Soils reports shall be prepared, signed and sealed by a geotechnical engineer registered in the State of Florida.
- G. Stormwater discharges
1. Storm drainage into natural water bodies shall be avoided except to convey runoff from an event exceeding the design storm, or as permitted by the St. Johns River Water Management District. Outfalls shall be designed to prevent bottom scour. Acceptable methods include use of an energy dissipator, or in the case of a lake, extending the outfall to discharge at a depth of ten feet or half the maximum depth of the lake, whichever is less.
  2. Should the proposed development area contain an existing natural watercourse, drainage way, channel, etc., such natural watercourse and the vegetation inherent therewith shall be maintained and the proposed development designed so as to preserve same. However, the use of such natural watercourse to carry runoff from any development may be permitted if provision for control of sediment in the excess runoff is made prior to entrance of the runoff to the natural watercourse.
- H. Storm sewer design
1. Design discharges.



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- a. Storm sewer system design is to be based upon a ten-year-frequency event. The system shall be designed to handle the flows from the contributory area within the proposed subdivision. Then, the system shall be analyzed a second time to ensure that any off-site flows can also be accommodated. This second analysis shall consider the relative timing of the on-site and the off-site flows in determining the adequacy of the designed system.
2. Minimum pipe diameter.
  - a. The minimum diameter of pipe to be used in storm sewer systems is 15 inches. Designs shall be based upon six-inch increments in sizes above 18 inches.
3. Stormwater pipe material.
  - a. Pipe of the following types, meeting the specified AASHTO and ASTM requirements are accepted by the Town for use in stormwater conveyance systems.
  - b. Steel Reinforced Concrete – ASTM C76, ASTM C443
  - c. High Density Polyethylene – AASHTO M294, ASTM D3350, ASTM F477STM
  - d. Non-Asbestos Fiber-Cement – ASTM C1450, ASTM C443
4. Pipe grade.
  - a. All storm sewers shall be designed and constructed to produce a minimum velocity of 2.5 fps when flowing full. No storm sewer system or portion thereof will be designed to produce velocities in excess of 20 fps, providing that the outlet ends have sufficient erosion protection and/or energy dissipaters.
5. Maximum lengths of pipe.

**Table 8.04.05 (H) (5) The following maximum runs of pipe shall be used when spacing access structures of any type:**

Pipe Size	Maximum length of pipe run
15 inches	200 feet
18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

6. Inlets, manholes, and junction boxes.
  - a. All pipe access structures constructed to provide access to sanitary sewers, storm drains or similar facilities shall be constructed of Portland cement concrete, either poured-in-place or precast. No masonry structures will be

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- permitted except as necessary to connect to existing facilities and where prior approval of the Town Engineer has been obtained in writing.
- b. All pipes shall extend through walls and be flush with inside wall. Paved inverts are required.
  - c. For all concrete structures, all fins and irregular projections shall be chipped off flush with the surface immediately following the removal of forms. All projecting wires and nails shall be cut off at least one-half inch under the surface. All construction and expansion joints in the completed work shall be left carefully tooled and free of mortar and concrete. Joint filler shall be left exposed for its full length, with clean edges. Mortar topping for upper horizontal surfaces shall not be used.
  - d. Masonry, when allowed, shall be constructed neatly. All surfaces shall be plastered with half-inch thick cement mortar composed of one part of Type I Portland cement and two parts sand, so as to prevent leakage. Plastered areas should not crack and should be properly prepared to bond to old surfaces.

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

<b>Nominal Pipe Inside Diameter (inches)</b>	<b>Structure Inside Diameter (feet)</b>
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.

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- b. The design tailwater level can be assumed to be the ten-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the above detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year design high-water elevation for the pond and the pond bottom elevation for "dry bottom" ponds or the normal water elevation for "wet bottom" ponds.
- 8. Hydraulic gradient line computations.
  - a. The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catch basins/junctions within the system.
  - b. Hydraulic grade line computations shall take into account entrance and exit losses; friction losses; and the minor losses associated with inlets and manholes. The tailwater of the receiving water body shall be taken into consideration.
- 9. Stormwater conveyance.
  - a. Sites shall be developed to maximize the amount of overland runoff that is percolated into the soil and to minimize direct runoff into adjoining streets and water courses.
  - b. Stormwater runoff from roofs and other impervious surfaces shall be diverted into swales or similarly controlled. Storm sewers shall be designed to convey the runoff generated during a 10-year storm event.
- 10. Unstabilized earthen open channels and outfall ditches are not permitted.
  - a. Whenever land within 200 feet of the mean high water line (as established by the USGS) of a lake is developed, terraces sloping away from the lake, a tree line, or alternatives approved by the Town Engineer shall be provided to minimize stormwater runoff into the lake and to maximize groundwater recharge.
- I. Treatment of stormwater runoff
  - 1. Stormwater management systems shall include best management practices used in the industry to minimize pollution and remove oil, suspended solids, and other objectionable material in stormwater runoff within acceptable limits.
  - 2. Treatment facilities shall be designed by a Florida registered engineer to the stricter applicable design and performance criteria established by this Code or the St. Johns River Water Management District. Additionally, the Florida Department of Environmental Protection Manual, and the Florida Development Manual, A Guide to Sound Land and Water Management, including the requirements of Chapter 6 thereof, shall be used as best management practices.
  - 3. All percolation areas shall be grassed or planted with suitable vegetation to absorb excess nutrients.

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

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

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

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

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- integrity of the road will be required. The determination of need shall be made by reference to certified geotechnical investigations prepared as part of the project design data submitted to the Town.
- b. Wherever road construction or lot development is planned in areas of the proposed subdivision having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.
  - c. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road-surface-to-water-table relationship that is unacceptable to the Town Engineer, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required.
  - d. Wherever roadway construction reveals unexpected water bearing strata that could cause deterioration of the pavement, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required even though not shown on the plans.
  - e. Filtering media shall conform to the appropriate Florida Department of Transportation standard and consist of stone, gravel, or slag and shall contain no friable materials.
  - f. Underdrain pipe shall be HDPE perforated pipe fully encased in a tubular filter fabric “sock”, with both the pipe and the filter fabric “sock” meeting applicable AASHTO and ASTM standards for pipe intended for subsurface drainage applications.
- J. Development within special flood hazard area (100-year flood)
- 1. All development within areas of special flood hazard as delineated on the official flood insurance rate maps (FIRM) shall comply with the following requirements:
    - a. Establish, to the satisfaction of the Town Engineer, the elevation of the 100-year flood.
    - b. Finished floor slab elevations of all habitable structures shall be constructed at an elevation no less than 20 inches above the 100-year storm elevation, unless approved by the building division; in no instance, however, may the finished floor slab elevation be less than one foot above the 100-year storm elevation.
    - c. Development shall not result in an increase in the 100-year flood elevation. No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year floodplain shall not reduce the flow rate.

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

**K. Stormwater quality**

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

**L. Inspections**

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

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

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

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

**M. Maintenance**

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

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

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

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

**N. Enforcement**

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

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



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**8.05.00 OTHER UTILITIES**

**8.05.01 Exterior Lighting**

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

**A. Street Lighting**

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

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

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

- e. Any annual invoices for payment of public street lighting shall be due and payable thirty (30) days from the date of such invoice. Should payment not be received within said time frame, then such invoices shall bear interest at the rate of eighteen percent (18%) per annum until paid. If any such invoice remains unpaid for a period of sixty (60) days, then the Town may take any action deemed necessary in order to collect such unpaid invoice, including but not limited to, the retaining of the services of a collection agency or attorney, and initiating legal proceedings for collection thereof. In such event, the Town shall be entitled to receive its reasonable attorney's fees, paralegal fees and other costs and expenses, whether incurred prior to, during, or subsequent to court proceedings or on appeal.
- f. The developer shall be responsible for the installation, maintenance, repair, replacement and operational costs of street lighting installed on private streets. The developer shall directly contract with the power company regarding such street lighting. The obligations of the developer under this subsection may be transferred to and assumed by the applicable homeowners' association. The Town shall have no responsibility for the installation, maintenance, repair, replacement and operational costs of street lighting installed on private streets.

**B. Lighting of Parking Lots and Vehicular Use Areas**

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

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**C. Other Exterior Lighting**

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

**8.05.02 Underground Utilities**

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

**8.06.00 ENVIRONMENTAL PRESERVATION AND PROTECTION**

**8.06.01 Vegetation and Soil Protection**

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

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

- a. Absolutely no fill, building materials, trash, or other objects shall be placed inside these barriers. If fill is deposited adjacent to these areas, a suitable temporary or permanent retaining structure shall be constructed to prevent siltation of the barricaded area.
- b. Barricades are to be adequately maintained and shall remain in place until their removal or modification is approved in writing. Failure of the applicant to properly locate and/or maintain the barricade may result in the issuance of a Stop Work order, and the requirement that the applicant provide a restoration plan to the Town Engineer or his or her designee.
3. Excavations. Swales and minor negative grade changes should always be designed around the dripline area as much as possible. Any exposed roots shall be trimmed. Piping should be used where deep swales or ditches would require significant grade change adjacent to trees.
4. Trenching. Trenching of any type should be avoided in the dripline area. Where underground installations are required adjacent to the trunks of specimen trees, tunneling should be used. When trenching or tunneling near trees to remain, protective measures should be taken.
- C. Required Soil Conservation. The following soil conservation measures shall be taken on all construction sites as required.
  1. During Construction. The contractor shall follow standard practices or details specifically included in his environmental permit to prevent erosion and the depositing of soils off the construction site. These practices shall include the protection of bare soils from wind forces and stormwater.
  2. After Construction. All disturbed areas shall be mulched, seeded, or sodded to restore the original vegetation as required by the permit-issuing authority, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site and/or off-site erosion (sedimentation or siltation or both) or wind-blown loss of soils shall be deemed a violation of this section.

**8.06.02 Disposal of Debris**

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

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

**8.08.00 SCREENING STANDARDS**

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

**8.09.00 APPEALS PROCEDURE**

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

# CHAPTER 9

## Boards and Committees

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**9.00.00 REQUIREMENTS FOR ALL BOARDS AND COMMITTEES****9.00.01 Appointment, Term of Office, and General Membership Requirements**

- A. All members of the Planning & Zoning Board shall be appointed by the Town Council.
- B. The Planning & Zoning Board shall have the opportunity to review each applicant's resume and make a recommendation on the appointment.
- C. All members shall reside within the Town limits, with the exception of the Development Review Committee.
- D. Town Council members shall not be eligible to serve on other Town boards or committees.
- E. Town employees shall only be eligible to serve on the Development Review Committee.
- F. Each member of the Planning & Zoning Board and Development Review Committee serves at the pleasure of the Town Council.
- G. The term of office for Planning & Zoning Board members shall be three (3) years.
- H. Planning & Zoning Board members may seek re-appointment by applying for the new term with other applicants who are interested in the position.

**9.00.02 Attendance**

- A. Each Planning & Zoning Board member shall attend all regular and called meetings.

**9.00.03 Officers and Committees**

- A. Each board or committee shall have a chairperson and a vice chairperson. For the Board of Adjustment, the chairperson shall be the Mayor and the vice chairperson shall be the Mayor Pro Tem.
- B. The Planning and Zoning Board chairperson and vice chairperson shall serve one (1) year terms. Officers shall not serve more than two (2) consecutive terms.
- C. The Planning & Zoning Board may create whatever committees it deems necessary to carry out its purposes. The chairperson of the board shall appoint the membership of each committee from the members of that board.

**9.00.04 Planning & Zoning Board Removal and Vacancies**

- A. When a position on the Planning & Zoning Board becomes vacant before the end of the term, the Town Council shall appoint a member to fill the vacancy for the duration of the term.
- B. When a term is two months from expiring, the Town shall accept applications for the position and fill the position so that the new board member starts at the meeting following the term's end.
- C. When the unexpired term is two (2) months or less, the Town Council may appoint a new member to fill the unexpired term and the following full term.



- D. A member who moves outside the Town or no longer meets eligibility requirements for membership shall be removed immediately.
- E. Any member who misses two consecutive regular meetings without first providing notice of the absence to the Town Clerk shall be deemed to have resigned from the Board and shall be replaced accordingly. Any member who misses four regular meetings during the course of a calendar year, regardless of prior notice, shall be deemed to have resigned from the Board and replaced accordingly.

#### **9.00.05 Public Meetings, Hearings, and Records**

- A. All meetings and hearings of boards and committees shall be open to the public.
- B. All meeting agendas of boards and committees shall be posted in advance.
- C. Each board and committee shall keep minutes of its proceedings, indicating the attendance of each member and the decision of the board or committee on every item. The minutes shall be signed by the chairperson and the Town Clerk.
- D. A record shall be made of all resolutions, transactions, findings, recommendations, and decisions, which record shall be a public record on file in the office of the Town Clerk.

#### **9.00.06 Quorum and Voting**

- A. For the purpose of transacting business at any meeting or hearing, a majority of the board members shall constitute a quorum.
- B. Approval of actions before any Board or Committee requires an affirmative vote of a majority of the members.

#### **9.00.07 By-Laws**

- A. Each board may enact by-laws to govern its operation and procedures.
- B. By-laws shall not conflict with the requirements of this LDC. In the event of any conflict between the provisions of this LDC and the by-laws, the provisions of this LDC shall control.
- C. The following topics may be included in the by-laws:
  - 1. The designation of officers.
  - 2. The specific duties of officers.
  - 3. The creation of committees.
  - 4. Code of conduct.
  - 5. Voting procedures.
  - 6. Scheduling of meetings.
  - 7. Order of business; and
  - 8. Preparation of minutes.
- D. The Town Council shall approve all Advisory Board By-Laws.

**9.00.08 Parliamentary Authority**

All meetings shall be conducted in accordance with parliamentary procedure as set forth and explained in the latest revised edition of Robert's Rules of Order, which shall serve as the official rules of procedure.

**9.00.09 Legal Representation**

The Town Council may retain legal counsel to represent a board or committee.

**9.00.10 Compensation**

Planning & Zoning Board members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

**9.00.11 Funding**

The Town Council may appropriate funds at its discretion for expenses necessary in the conduct of the duties of appointed boards and committees.

**9.00.12 Conflict of Interest**

- A. A member shall abstain from voting on a particular issue if any of the following circumstances apply:
  - 1. The member has a direct financial interest in the outcome of the matter at issue.
  - 2. The matter at issue involves the member's own official conduct.
  - 3. Participation in the matter violates the member's code of professional responsibility.
  - 4. The member has such close personal ties to a person involved with the issue that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
  - 5. Other applicable law.
- B. If a member owns a property within the area entitled to receive mailed notice of the hearing, that board member may voluntarily abstain from voting if the board member believes that the proximity of the project will interfere with his or her ability to be a decision maker in the case.
- C. An abstaining member of a board shall not be counted for purposes of forming a quorum.
- D. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the board, physically joining the audience, and making full disclosure of his status and position at the time of addressing the board.

**9.00.13 General Powers**

A board or committee may request information from any official, staff member, or department of the Town, which is necessary in order to carry out specific roles and responsibilities.

**9.01.00 PLANNING & ZONING BOARD**

**9.01.01 Establishment**

There is hereby created a Planning & Zoning Board, with the roles and responsibilities as set forth herein.

**9.01.02 Membership and Terms of Office**

- A. There shall be seven (7) regular members.
- B. Terms shall be staggered such that no more than three (3) terms expire simultaneously.
  - 1. Appointments shall be for three (3) year terms.
  - 2. When a term is two months from expiring, the Town shall accept applications for the position and fill the position so that the new board member starts at the meeting following the term's end.
  - 3. When the unexpired term is two (2) months or less, the Town Council may appoint a new member to fill the unexpired term and the following full term.
- C. Any interested and eligible citizen as provided for in this section may be appointed to the board, but those with experience or interest in the field of planning and zoning or related fields shall receive special consideration.

**9.01.03 Roles and Responsibilities**

The Planning & Zoning Board shall have the roles and responsibilities described below.

- A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S. As the LPA, the Planning & Zoning Board shall:
  - 1. Make recommendations to the Town Council regarding adoption of a Comprehensive Plan.
  - 2. Monitor and oversee the effectiveness and status of the Comprehensive Plan, including periodic evaluations.
  - 3. Make recommendations to the Town Council regarding amendment of its adopted Comprehensive Plan; and
  - 4. Carry out such other duties as may be specified in Chapter 163, Part II, F.S.
- B. To provide advice and recommendations to the Town Council regarding growth, land use, long range planning, and redevelopment.
- C. To hear, consider, and make recommendations to the Town Council regarding applications to:
  - 1. Amend the Zoning Map (zoning or rezonings).
  - 2. Amend the text of the LDC.
  - 3. Create a subdivision
  - 4. Amend the Comprehensive Plan.
  - 5. Create a site plan; and
  - 6. To determine the appropriateness of variances and conditional uses.
- D. In carrying out its duties, the Planning & Zoning Board may:

1. Establish such committees as may be necessary to gather facts, analyze findings, and make recommendations to the Planning & Zoning Board as a whole.
2. Acquire and maintain such information and materials as are necessary for an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
3. Periodically evaluate the Comprehensive Plan and LDC and propose amendments to the Town Council.

#### **9.02.00 TOWN COUNCIL AS BOARD OF ADJUSTMENT**

##### **9.02.01 Establishment**

There is hereby established a Board of Adjustment (BOA) for the purpose of hearing and deciding on appeals of administrative decisions and hearing and deciding on applications for variances.

##### **9.02.02 Membership**

The BOA shall be comprised of the Town Council members.

##### **9.02.03 Roles and Responsibilities**

The BOA shall have the roles and responsibilities described in this section. The Board shall conduct public hearings and render decisions in compliance with the requirements of this LDC on the following matters:

- A. To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this LDC; and
- B. To authorize a variance from a provision of the LDC, as set forth in Chapter 4.

##### **9.02.04 Notice Procedures for Administrative Appeals**

- A. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.
- B. After the public hearing, the BOA shall uphold the administrative decision, reverse the administrative decision, or render an alternate decision.

#### **9.03.00 DEVELOPMENT REVIEW COMMITTEE**

##### **9.03.01 Establishment**

There is hereby created and established a Development Review Committee (DRC) for the purpose of receiving, reviewing, and rendering recommendations on applications subject to administrative review and decision as set forth in Chapter 4.

##### **9.03.02 Membership**

Membership of the DRC shall include, but is not limited to, the following:

- A. Town Planner
- B. Town Engineer
- C. Town Traffic Engineer
- D. Public Works Director
- E. Police Chief

**9.03.03 Roles and Responsibilities**

- A. The DRC shall review applications and provide recommendations to the Planning & Zoning Board, the Board of Adjustment and the Town Council for annexations, zonings and rezonings, amendments to this LDC, Comprehensive Plan amendments, subdivision plans, subdivision plats, site plans, variances, conditional uses, and amendments to previously issued local development orders.
- B. The DRC shall perform such other duties as may be assigned by the Town Council or Mayor.

**9.03.04 Rules of Procedure**

- A. The Town Planner shall chair meetings of the DRC.
- B. The DRC shall meet as necessary.
- C. The DRC may establish such additional rules of procedure as needed to carry out its roles and responsibilities.

# CHAPTER 10

## Concurrency

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**10.00.00 GENERALLY**

**10.00.01 Purpose**

Public facilities and services needed to support development shall be available concurrent with the impacts of such development, or in place within timeframes as outlined in the Town's Comprehensive Plan. The provisions of this chapter are designed to provide a systematic process for the evaluation of all proposed development for its impact on those public facilities and services specified in the Town's Comprehensive Plan.

**10.01.00 APPLICABILITY**

**10.01.01 Exemptions from Concurrency**

The following development orders and permits are exempt from this chapter, and may commence development without a certificate of concurrency:

- A. Any addition to a residence.
- B. Interior construction of a non-residential shell structure for uses with the same or less intensity as identified on an approved site plan.
- C. Renovations with no change in use.
- D. Accessory structure that creates no additional impact on public facilities.
- E. Replacement structure which creates no additional impact.
- F. Temporary construction trailers.
- G. Single-family and duplex residences on lots which were platted prior to adoption of this code.
- H. Development that is determined to be vested.

**10.01.02 Vested Rights**

- A. Applicants for development orders who have been determined to possess vested rights from a previously issued development order will be allowed to proceed with development even though they may not meet concurrency. A concurrency evaluation shall still be performed in order to calculate the impact of the vested development on remaining capacity. This concurrency analysis will not affect the vested development, but the capacity used by the vested development will not be available for development that is not vested.
- B. Vesting of Final Development Orders. Some properties may not be subject to restrictions imposed by concurrency if the property is vested prior to the implementation of the concurrency management system. Florida case law establishes a three (3) part test for determining vested development rights. All three (3) of the following must be met in order to be vested for development:
  - 1. Good faith reliance on an act or omission of the Town.
  - 2. Substantial expenditures or obligations subsequent to reliance on an act or 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
- C. The necessary facilities are under construction at the time a final development order is issued; or



- D. The necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occurs; or
- E. The necessary facilities and services are in place no later than the issuance of a certificate of occupancy.
- F. For parks, at a minimum, the following standards shall satisfy the concurrency requirement:
  - 1. At the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the construction of the required facilities within one year of the issuance of the final development order; or
  - 2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within one year of the issuance of the applicable development order; or
  - 3. The necessary facilities and services are in place no later than one year after the issuance of a certificate of occupancy.
- G. For roads, at a minimum, the following standards will satisfy the concurrency requirement:
  - 1. The necessary facilities and services are in place at the time a final development order is issued; or
  - 2. 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
  - 3. The necessary facilities are under construction at the time a final development order is issued; or
  - 4. At the time the final development order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the construction of the required facilities or the provision of services within three (3) years of the approval of the development order; or
  - 5. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the construction of the facilities or the provision of services within three (3) years of the approval of the applicable development order; or
  - 6. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or
  - 7. The necessary facilities and services are in place or under construction no later than three (3) years after issuance of a certificate of occupancy.
- H. For school facilities, the following standards shall satisfy the concurrency requirement:
  - 1. If public school concurrency is applied on less than a district-wide basis in the form of concurrency service areas, a residential development order or permit shall be issued only if the needed capacity for the particular service area is

available in one or more contiguous service areas and school capacity is available district-wide.

#### **10.02.04 Facilities and Services Subject to Concurrency Determination.**

A concurrency determination shall be made for the following public facilities and services:

- A. Potable water.
- B. Sanitary sewer
- C. Transportation
- D. Solid Waste Disposal
- E. Stormwater Management
- F. Parks

#### **10.02.05 Facility and Service Demand Calculations**

Facilities and services shall be analyzed based on the levels of service (LOS) outlined in the Town's Comprehensive Plan.

#### **10.02.06 Alternative Demand Calculations**

If the applicant claims the standards provided in the demand calculations are not applicable to the proposed project, the applicant shall submit appropriate documentation supporting the proposed alternative demand calculation to the Town. Any alternative calculation standard shall be subject to the approval of the Town Council.

#### **10.02.07 Appellate Process**

The applicant may appeal the denial of a Certificate of Concurrency to Town Council. The appeal shall be made in accordance with Section 9.02.03 of Chapter 9.

### **10.03.00 DETERMINING PROPORTIONATE FAIR SHARE**

#### **10.03.01 General Requirements**

- A. An applicant may choose to satisfy the transportation concurrency requirements of the Town by making a proportionate fair-share contribution, pursuant to the following requirements:
  - 1. The proposed development is consistent with the comprehensive plan and applicable land development regulations and
  - 2. The five-year schedule of capital improvements in the Capital Improvements Element (CIE) or the schedule of capital improvements for the long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the then existing requirements of the applicable CMS. The provisions of Section 5(2) may apply if a project or projects needed to satisfy concurrency are not presently contained within the applicable CIE(s) or the adopted long-term schedule of capital improvements.

3. A proportionate share contribution may involve the addition of transportation capacity through several means including but not limited to: the physical widening and/or reconstruction of a roadway to add capacity; the addition of transportation capacity through creating new reliever roadways; new network additions; contributing to new transit capital facilities (e.g., bus rapid transit corridor); contributing to the expansion of bus fleets to increase service frequency, other contributions to mass transit system expenses; or any other means determined by the Town to add transportation capacity sufficient to mitigate impacts.
- B. The Town may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by approving the applicant's contribution to an improvement or improvements that, upon completion, will satisfy the requirements of the applicable CMS(s), but is not contained in the five-year schedule of capital improvements in the CIE(s) or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
  1. The jurisdiction approving the development order adopts, by resolution or ordinance, a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate jurisdictions and agencies and must be determined to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with the comprehensive plan of each jurisdiction within which any portion of the proposed improvement would lie, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments, or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities. If a transportation facility proposed for the Proportionate Share Program is under the jurisdiction of another entity, such as the County or FDOT, the proposed improvement shall be included in the five-year Work Program of that jurisdiction or, when the improvement is not in the Work Program, through resolution or ordinance, there shall be adoption of a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update.
  2. If the funds allocated for the schedule of capital improvements in the CIE are insufficient to fund construction of a transportation improvement required by the CMS, the Town may still enter into a binding proportionate fair-share agreement with the applicant. The agreement may authorize construction of the development if the proportionate fair-share amount in such agreement is determined to be sufficient to pay for improvements which will, in the opinion of the governing body of each governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement(s) funded by the proportionate fair-share component must, for each affected local jurisdiction, be adopted into the

capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

- C. Any improvement project proposed to meet the developer's fair share obligation must meet the Howey-in-the-Hills design standards, or those of Lake County for County facilities or those of FDOT for State facilities.
- D. Pursuant to Section 163.3177, F.S., the CIE must include transportation improvements included in the Lake Sumter MPO Transportation Improvement Plan (TIP) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. If the Town is relying upon scheduled improvements to a facility maintained by the other to ensure concurrency and financial feasibility, the scheduled improvements from the other jurisdiction's Work Program must be included in the CIE of the local government issuing the development order. All CIEs must also be coordinated with the adopted Lake Sumter MPO's Long Range Transportation Plan (LRTP) for planning purposes.

#### **10.03.02 Intergovernmental Coordination**

- A. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the Town may enter into an agreement with an adjacent local government(s) to address cross jurisdictional impacts of development on transportation facilities. The agreement shall provide for application of the methodology in this section to address the cross jurisdictional transportation impacts of development.
- B. A development application shall be subject to this section when a transportation concurrency determination is made that indicates the development will have an adverse impact on the adopted level of service standard on one or more facilities in a neighboring jurisdiction.
- C. Upon identification of an impacted transportation facility, the approving Town shall notify the applicant and the other affected jurisdictions in writing of a potential proportionate fair-share agreement, based on the projected impacts of the proposed development on the facility.
- D. Pursuant to policies in the Intergovernmental Coordination Element of the Town's comprehensive plans and applicable policies in the Lake Sumter MPO 2025 LRTP, the Town shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities. Proportionate fair-share contributions should be applied toward the impacted facility. However, impacted facilities may be maintained by an agency other than the local government executing the proportionate fair-share agreement (e.g., a county or state road within the city limits). Therefore, each local government shall work with other affected agencies to establish a procedure for coordinating mitigation to impacted facilities that are maintained by another agency. An interlocal agreement may be established with other affected jurisdictions for this purpose.

**10.03.03 Application Process**

- A. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 5.
- B. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held with all affected jurisdictions to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. The appropriate parties for review of a proposed proportionate fair share agreement include the jurisdiction maintaining the transportation facility that is subject to the agreement, if other than the approving jurisdiction. If the impacted facility is a state facility, then FDOT will be invited to participate in the pre-application meeting.
- C. The Town shall review the application and certify that the application is sufficient and complete within 15 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program, then the applicant will be notified in writing of the reasons for such deficiencies within 15 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The governing body of the Town may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for requesting the extension and has taken reasonable steps to remedy the deficiencies.
- D. Pursuant to Section 163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System (SIS) requires the approval of FDOT. The applicant shall submit evidence of an agreement between the applicant and FDOT for inclusion in the proportionate fair-share agreement.
- E. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the local government with jurisdiction over the proposed development, and delivered to the appropriate parties for review no later than 60 days from the date which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the governing body meeting when the agreement will be considered. The jurisdiction may need to enter into an agreement with FDOT as appropriate.
- F. The Town shall notify the applicant regarding the date of the governing body meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the governing body.

**10.03.04 Determining Proportionate Fair-Share Obligation**

- A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively: private funds, contributions of land, and construction of and contribution of facilities.
- B. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- C. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180(12), F. S., as follows:

$$\text{Proportionate Fair-Share} = \sum_i \left[ \left[ (\text{Development Trips}_i) / (\text{SV Increase}_i) \right] \times \text{Cost}_i \right]$$

Where:

Development Trips<sub>i</sub> = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS; only those trips that trigger a concurrency deficiency will be included in the proportionate fair-share calculation;

SV Increase<sub>i</sub> = Service volume increase contributed by the eligible improvement to roadway segment "i";

Cost<sub>i</sub> = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

For the purposes of determining proportionate fair-share obligations, the Town shall determine improvement costs based upon the actual cost of the improvement as obtained from cost estimates contained in the CIE, the Lake County Transportation Construction Program or the FDOT Work Program. Where such information is not available, improvement cost shall be determined by the following method: an analysis by the jurisdiction maintaining the facility of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the jurisdiction. In order to accommodate increases in construction material costs, project costs shall be adjusted.

- D. If the Town has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- E. If the Town has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Lake County property appraiser or, at the option of the applicant, by

fair market value established by an independent appraisal approved by the Town and at no expense to the Town. The applicant shall supply a survey and legal description of the land and a certificate of title or title search of the land to the Town at no expense to the Town. If the estimated value of the right-of-way dedication proposed by the applicant is less than the Town estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact FDOT for essential information about compliance with federal law and regulations.

**10.03.05 Impact Fee Credit for Proportionate Fair-Share Mitigation**

- A. Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance. Applicants would be eligible for impact fee credit for that portion of their proportionate fair-share payment that applies to a segment for which the local government transportation impact fee is being applied.
- B. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement per the Impact Fee Ordinance of the jurisdiction within which the affected roadway facility lies, and if the facility lies within more than one jurisdiction, the impact fee credits shall be prorated accordingly. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the County and any other jurisdictions entitled to collect impact fees, pursuant to the requirements of the applicable impact fee ordinances.
- C. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

**10.03.06 Proportionate Fair-Share Agreements**

- A. Upon execution of a proportionate fair-share agreement (Agreement), the applicant shall receive a certificate of concurrency from the jurisdiction issuing development approval. Should the applicant fail to apply for a development order within 12 months of the execution of the Agreement, the certificate of concurrency shall be considered null and void, and the applicant shall be required to reapply for a concurrency determination. In addition, if the proposed

development's impacts were the only impacts causing the potential deficient operation of the facility, the specific project may be removed from the CIE.

- B. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order which for the purposes of this section shall be recording of the final plat if the property to be developed is being subdivided, approval of the final site plan for a development which entails multiple residential or commercial units but is not being subdivided, and issuance of a building permit if the development consists of a single use structure on land not being subdivided. Once paid, contributions shall be non-refundable. If the payment is submitted more than 6 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 8 and adjusted accordingly.
- C. All transportation improvements undertaken by the developer authorized under this ordinance must be completed prior to issuance of a final development order, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any security instrument, in a form acceptable to the approving local government, shall be for at least 150% of the estimated cost of improvements to be completed by the developer, and shall be subject to adjustment annually to take into account any increases in costs of materials and construction. The security instrument shall be irrevocable and shall remain in effect until the developer fully completes the required improvements.
- D. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order as defined in subsection 10(2) above.
- E. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional impacts that would require mitigation.
- F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the Town will be nonrefundable.
- G. The Town may enter into proportionate fair-share agreements with multiple applicants for selected corridor improvements to a shared transportation facility.

#### **10.03.07 Appropriation of Fair-Share Revenues**

- A. Proportionate fair-share revenues shall be placed in the appropriate project account of the local government(s) entitled to share in the revenues for funding of scheduled improvements in the Town's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the



proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

- B. In the event a scheduled facility improvement is removed from the CIE, the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 5(2)(b).
- C. Where an impacted facility has been designated as a regionally significant transportation facility on the Lake-Sumter MPO Regionally Significant Corridors Map, then the Town may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the Town through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.
- D. Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under Section 8, the Town shall reimburse the applicant for the excess contribution using one or more of the following methods:
  - 1. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned to subsequent owners of the land to be developed, under the terms and conditions acceptable to the County or Municipality, but which must run with the land and may not be assigned in gross to the developer of any other parcel of property.
  - 2. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
  - 3. The Town may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the Town and the applicant.

#### 10.04.00 SCHOOL CONCURRENCY

- A. It is the intent of this section to implement the goals, objectives, policies and standards of the Town of Howey in the Hills Comprehensive Plan, as amended, and particularly, the Public School Facilities Element and to implement the Interlocal Agreement between Lake County, the Lake County School Board, and Municipalities for School Facilities Planning and Siting (hereafter referred to the "*Agreement*").
- B. Unless otherwise provided herein, this ordinance shall apply to all development orders with any residential component and any amendment to an existing development order to the extent that the student generation is increased above what was previously approved, or any other official action of the Town having the effect of permitting residential development of land. The following residential

uses shall be considered exempt from the requirements of school concurrency (unless the development approval for such use required it to meet School Concurrency).

1. Single family lots having received final plat approval prior to the effective date of the Town's School Concurrency Ordinance or other lots which the Town has determined are vested based on statutory or common law vesting.
  2. Multi-family residential development having received final site plan approval prior to the effective date of the Town's School Concurrency Ordinance or other multi-family residential development which the Town has determined is vested based on statutory or common law vesting.
  3. Amendments to residential development approvals issued prior to the effective date of the Town's School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.
  4. Age restricted communities (as defined in the School Concurrency Ordinance) that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least fifty (50) years.
  5. Plats or residential site plans which include four (4) or less units. For purposes of this section, a property owner may not divide his property into several developments in order to claim exemption as allowed by this section. In making a determination as to whether a property is exempt under this section, the Town shall consider in addition to the ownership at the time of the application the ownership as of the date of the adoption of this agreement.
- C. To ensure the capacity of schools is sufficient to support student growth at the adopted Level of Service for each year of the five-year planning period and through the long term planning period, after June 1, 2008, the following Level of Service standard shall be established for all schools of each type within each CSA and each individual school:
1. Elementary: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
  2. Middle: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
  3. High: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to 125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.
    - a. For purposes of (1), (2), and (3) above, non-conversion charter schools shall be counted as FISH capacity if an agreement has been entered between the charter school and the School Board which requires the school facility to be constructed in accordance with Florida Department of

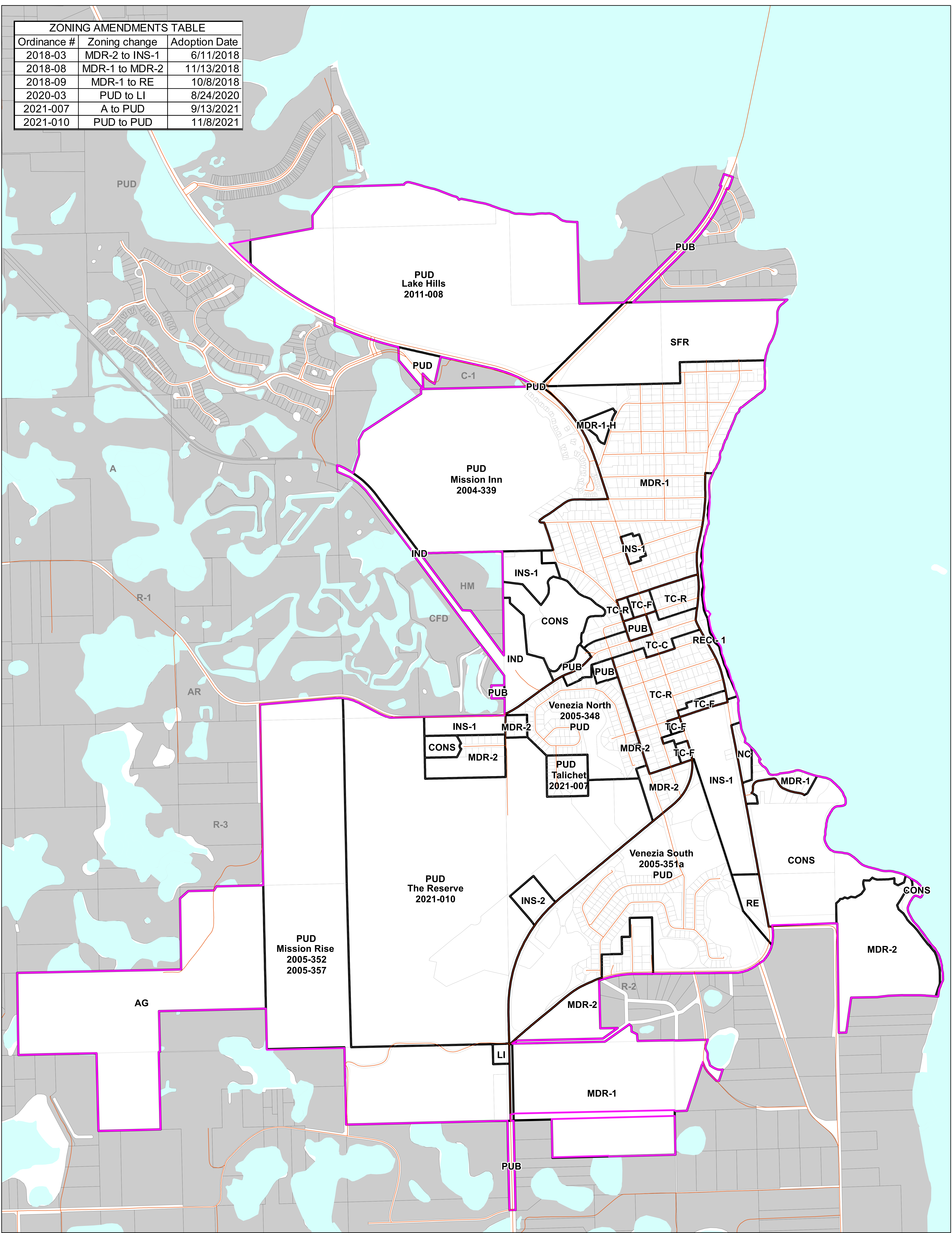
Education standards for public schools; which provides that the school facility will be provided to the School Board for its use if the charter school fails to operate satisfactorily; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the School Board is willing and able to accept responsibility for such costs.

- b. For purposes of (1), (2) and (3) above, a developer financed public school shall be counted as FISH capacity if an agreement has been entered between the developer and the School Board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which requires that the Developer transfer the school facility to the School Board upon its completion; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the School Board is willing and able to accept responsibility for such costs.
- D. The following procedures will be utilized to obtain a School Concurrency Determination from the Lake County School Board and to allow for mitigation if a development proposal is determined not to be in compliance.
- E. A completed application provided by and delivered to the Lake County School Board must be submitted concurrent with a final development order by an applicant proposing residential development. The application at a minimum shall include the following information:
  1. Proposed Development Name
  2. Application Type
  3. Intake Date
  4. Signature of Agent
  5. Number of Residential Units broken down by unit type
  6. Property Deed
  7. Consent Form
  8. Phasing Plan (If Applicable)
  9. Site Plan
  10. Survey
  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 conditions of approval or by agreement between the School Board, the Town, and the applicant to provide Performance Security when required.



ZONING AMENDMENTS TABLE		
Ordinance #	Zoning change	Adoption Date
2018-03	MDR-2 to INS-1	6/11/2018
2018-08	MDR-1 to MDR-2	11/13/2018
2018-09	MDR-1 to RE	10/8/2018
2020-03	PUD to LI	8/24/2020
2021-007	A to PUD	9/13/2021
2021-010	PUD to PUD	11/8/2021



Town of Howey-in-the-Hills  
Zoning Map

**Legend**

- Streets
- Parcels
- Town Boundary
- Zoning Districts
- Water Bodies
- County Zoning

0 500 1,000 2,000 3,000 4,000  
Feet

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# Town of Howey-in-the-Hills 2035 Future Land Use Map

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TCMU - Town Center Mixed Use Overlay

Town Boundary

★

Potable Water Wellheads

PotableWaterWellheads\_Buffer

Parcels

Streets

Water Bodies

Future Land Use

CON - Conservation

INST - Institutional

LDR - Low Density Residential

LI - Light Industrial

MDR - Medium Density Residential

NC - Neighborhood Commercial

PUB - Public/ Utility

REC - Recreational

VMU - Village Mixed Use

Future Land Use Category	Acres	Percent of Total Land
CON - Conservation	530.70	22.53%
NC - Neighborhood Commercial	13.66	0.58%
INST - Institutional	49.93	2.12%
VMU - Village Mixed Use	1033.41	43.86%
REC - Recreation	5.70	0.24%
LI - Light Industrial	27.67	1.17%
LDR - Low Density Residential	73.34	3.11%
MDR - Medium Density Residential	440.60	18.70%
PUB - Public/ Utilities	14.01	0.59%
RL - Rural Lifestyle	0.00	0.00%
<b>Total</b>	<b>2355.94</b>	<b>100.00%</b>
Streets/ Right of Way	163.16	6.93%
TCMU - Town Center Mixed Use Overlay	81.73	3.47%

Editor: Eric A. Kozielski for TMH Consulting Inc.  
Last Update: 10/25/2021

602



**From:** [Reneé Lannaman](#)  
**To:** [Martha Macfarlane](#); [Marie V Gallelli](#); [George Lehning](#); [David Miles](#); [Sean O'Keefe](#); [John Brock](#)  
**Subject:** Planning and Zoning Board Joint Workshop w/Town Council - 5/17/2023  
**Date:** Thursday, May 18, 2023 4:48:03 PM  
**Attachments:** [908a512a-ffd7-4beb-8ef5-9a66fc09702b.png](#)  
[image002.png](#)

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Good Afternoon Fellow Councilors,

I am writing this missive with a heavy heart and many concerns for the Town of Howey...

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Nevertheless, I walked away last night with the perception that very little was accomplished and was NOT a workshop, but the Councilors for the Town of Howey In The Hills sat for a plethora of murmurings, disrespect and complaints...not only from the constituents of the Town and unincorporated Lake County residents; but two (2) P&Z Board members, who seemed to have used this so-called workshop to communicate their personal views and attitude. There was little to no control or order in this meeting and that should be **unacceptable** not just to me but every member on Council and Town Manager. It was rude and totally unprofessional, that the sister of the Town Manager spoke over him and seem to not respect his position in leadership. It was profusely disrespectful and beyond the pale that, the Town Manager could not complete his dissertation regarding StrongTowns; which could have been conducted as an ice breaker moment for all attendees with the questionnaire portion. Not only was Sean shutdown from continuing because of the disrespectful language shouted from the audience; but worst it was not corrected nor was the

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Our Town will literally get stifled/suffocated/financially starved because of its location within the Interlocal Service Boundary Agreement (ISBA), we are surrounded by Towns that are growing homes, commercial and ad valorem in leaps and bounds. It is like musical chairs...when the music stops, Howey need to have a chair. If we do not have a seat at the table, the Town of Howey will be on the menu with not enough revenue to support, repair or build infrastructure nor the ability to hire the appropriate human-power to run our Town. If we do not control our water and utilities, we will not have control of our destiny. Period! If we do not have rooftops, we will not have commercial. All Towns around Howey is in a footrace for annexing land and grabbing dollars...the Towns that use to say “no, no, no” are saying “yes, yes, yes”.

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Town Councilor  
Town of Howey-in-the-Hills

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101 N. Palm Avenue  
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Town Hall: 352-324-2290  
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**From:** [David Miles](#)  
**To:** [Reneé Lannaman](#); [Martha Macfarlane](#); [Marie V Gallelli](#); [George Lehning](#); [Sean O'Keefe](#); [John Brock](#)  
**Subject:** Re: Planning and Zoning Board Joint Workshop w/Town Council - 5/17/2023  
**Date:** Friday, May 19, 2023 12:36:30 PM  
**Attachments:** [908a512a-ffd7-4beb-8ef5-9a66fc09702b.png](#)  
[image002.png](#)

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Renee,

Well spoken. I addressed much of the same issues to Sean Wednesday night after the meeting. I particularly was concerned that the Number 2 Road group from outside the Town limits were allowed to “hijack” the meeting to repeatedly go over their concerns. As a result, we did not have a chance to address the items of importance to Town residents and convey our concerns to the P&Z board members. The two boards need to work harmoniously with each other for the betterment of the Town.

If we need to hear about the number 2 road group issues, we should have a separate meeting with them just for that purpose. What I have heard from them is as follows:

1. They do not want denser development in their area than they already have.
2. They do not want to be annexed into the town, so they don't have to pay higher taxes.
3. They don't want the Town to annex properties in their area, as it could lead to denser development.
4. They would rather talk to Town leaders than their County Commissioner, since we give them a sympathetic ear.
5. They don't like to deal with Leesburg City Council, which gives them little attention and has annexed up to Howey's utility service boundary on our side of Number 2 Road by at least one quarter mile.
6. They want somebody to upgrade No. 2 Road, as long as it doesn't cost them anything.
7. They expect for the Town of Howey to do their bidding and provide services (such as police first response) although they pay no Town taxes.

I too would like a firm agenda for the second meeting, without the 20 minute staff and strong towns discussion. Also open for public comment at beginning and at the end. Each person gets one (1), three minute time slot, then we close the discussion and allow only the two boards to discuss the agenda items. At the end allow each member of the public one further three minute comment. We cannot continue to allow the group from outside our town limits to dominate our Town meetings. We have other important issues to discuss that have little to do with their concerns.

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**From:** Reneé Lannaman <rlannaman@howey.org>  
**Sent:** Thursday, May 18, 2023 4:47:59 PM  
**To:** Martha Macfarlane <mamacfarlane@howey.org>; Marie V Gallelli <mvgallelli@howey.org>; George Lehning <glehning@howey.org>; David Miles <dmiles@howey.org>; Sean O'Keefe <sokeefe@howey.org>; John Brock <jbrock@howey.org>  
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TMHConsulting@cfl.rr.com  
97 N. Saint Andrews Dr.  
Ormond Beach, FL 32174  
PH: 386.316.8426

## MEMORANDUM

**TO:** Sean O’Keefe, Town Administrator  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** May 17, 2023, Workshop  
**DATE:** May 22, 2023

---

As a follow up to the workshop meeting from this past Wednesday, I tried to organize my thoughts about what came out of the discussion. The workshop was not very focused, but I think there are a couple of themes and some potential direction that I believe we can take from the meeting.

- None of the attendees expressed the slightest interest in pursuing any of the themes espoused by the “Strong Towns” movement.
- None of the attendees expressed any interest in addressing housing affordability issues. The keys to reducing housing cost are higher density, smaller lots, the opportunity for smaller housing units, and a willingness to accept housing types other than single-family homes on individual lots. None of these items seem acceptable to the attendees.
- I think it is concerning that the Town appears to be heading in the direction of insular decision-making by excluding opportunities for a more diverse community that have underlain some of the questionable decisions made in the past. One of the planning board members enumerated several of these and we can easily add them to the list.
- The one aspect of the Strong Towns program that I think does carry some value in the discussion is that a local community profile based solely on large-lot single-family development is unsustainable as a funding and management arrangement. The Town relied on this development program in the past and it resulted in some of the highest property tax burdens in Lake County and deferred maintenance on streets and public service systems because funding was lacking.

### Town Council Ideas

- One councilor suggested the addition of more residential zoning classifications. If the specific gap these proposed zones would fill can be identified, a proposal can be developed.
- The council and at least some of the planning board want to set a minimum lot size for single-family homes in planned unit developments. The council always controls the lot size issue, but we could offer a policy statement for prospective developments.
- I don't think the attendees fully understood that the group of approved projects cannot be easily revised to fit the emerging vision for the Town. We need to go back over this point and maybe have Tom Wilkes explain this in legal terms. The Town has plenty of approved project inventory to absorb so a change in policy now will take some years to become evident in the physical development of the Town.

### Town Citizens

- The town citizens offered some specifics in what they feel are reasonable lots for residential development. Mr. Everline proposed 75 x 130 lots as the lower end of the scale with some specific setbacks he proposed. This lot size is consistent with what the Town Council has been approving with Watermark, Whispering Heights, and the ill-fated Cedar Creek proposal. While Mr. Everline's specific numbers might need a little massaging, his proposal is very close to what the Town Council has been finding acceptable.
- The residents pressed for sunset clauses in the planned unit development projects so that projects from the distant past do not retain their vested status. The Town is already doing this.
- For some reason there is a great fear that the street trees will undermine houses across the Town. This fear exists despite the presence of street trees across the town with relatively few negative impacts to structures. However, the plan review process has already moved to require root guard in areas where there is a need to deflect root growth.
- There was a push for increasing the minimum floor area for single-family homes. This push seems to be driven by a fear that the town will be flooded with small houses which will depress property values. In the reality of development nearly all the new homes built in town far exceed the minimum standards in the land development code. Maybe in a touch of irony the same people who are pushing for increased minimum floor areas are also complaining about the larger houses being built in the new subdivisions.

## County Residents

- The county residents expressed a desire for some coordinated planning between the town and Lake County. As I see the issue it is defining where the boundary of urban/suburban style development and the larger lot rural and semi-rural land uses should be preserved.
- Lake County has proposed a rural protection area as one step toward determining the boundary. There may be room to use this tool as a basis for agreeing on a land use boundary which is preserved regardless of annexation. This is not a foolproof process as the proposed layout for Cedar Creek respected the rural protection area, but was still opposed. Some tweaks to the boundary might be appropriate if it is to be used as a continuing planning tool.
- The county residents continued their concerns over Number 2 Road and the ability to improve the road. This concern is certainly legitimate and really needs to be addressed by the MPO and Lake County. As I said at the meeting, the answer is likely to be improvements to parallel facilities to direct non-local traffic away from the road, but the issues are complex and costly. The Town has been requiring new projects to give right-of-way to support improvements to Number 2 Road and this will help somewhat.

## Next Steps

I understand Councilor Lehning is going to ask fellow council members and planning board members to provide a list of specific revisions they would like to see to the comprehensive plan and land development code. If the responses address major items with not too much minutia, it may be a useful exercise to at least isolate specific areas of concern that might extend beyond those noted above. How that information is used will be the next challenge.

We have another meeting scheduled for June 15<sup>th</sup> and we need to try to have a more organized program and process. The suggestion made to have breakout groups to discuss various planning issues might be a good suggestion. We can prepare topics that address the planning issues between the Town and rural area residents and have some topics that relate more specifically to the Town's development policies and regulations. These are somewhat separate tracks and there may not be much cross-over interest by some attendees, but it seems important to continue to engage the unincorporated residents in the planning process.

I suggest we take some time this Thursday when I am in town for the planning board meeting to have a planning session for the June 15<sup>th</sup> workshop to address how we want to use the meeting time. If we elect to do breakout sessions, there is quite a bit of preparatory work we need to do to get ready for the meeting. It might be a good idea to invite the Mayor and the planning board chair to this meeting.