



## **Town Council Meeting**

**September 25, 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/87507927728?pwd=MkJvMXIra2N1TTFuMzNHOWEvT05yQT09>

**Meeting ID:** 875 0792 7728 | **Passcode:** 737280

### **AGENDA**

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

### **ROLL CALL**

Acknowledgement of Quorum

### **AGENDA APPROVAL/REVIEW**

### **CONSENT AGENDA**

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

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the September 11, 2023 Town Council Meeting.
- 2.** The approval of the minutes and ratification and confirmation of all Town Council actions at the September 7, 2023 Town Council Public Hearing on Tentative Budget and Proposed Millage Rate.

### **PUBLIC HEARING**

### **OLD BUSINESS**

- 3.** Presentation: **Town Planner Presentation on Land Development Code (LDC) and Comprehensive Plan Proposed Amendments**

### **NEW BUSINESS**

- 4.** Consideration and Approval: **November and December Town Council Meeting Calendar**
- 5.** Discussion: **Road Improvement List**
- 6.** Discussion: **Central Lake CDD Wastewater Communication**

7. Consideration and Approval: **Proposed Town Hall Workshop (Approval and Date Selection)**

**DEPARTMENT REPORTS**

8. Town Manager

**COUNCIL MEMBER REPORTS**

9. Mayor Pro Tem Gallelli

10. Councilor Lehning

11. Councilor Miles

12. Councilor Lannamañ

13. Mayor MacFarlane

**PUBLIC COMMENTS**

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

**ADJOURNMENT**

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

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

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

Topic: **Town Council Meeting**

Time: **Sep 25, 2023 06:00 PM Eastern Time** (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87507927728?pwd=MkJvMXIra2N1TTFuMzNHOWEvT05yQT09>

Meeting ID: 875 0792 7728

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Find your local number: <https://us06web.zoom.us/u/kbhhPkIQR1>

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**  
**September 11, 2023 at 6:00 PM**  
**Howey-in the-Hills Town Hall 101**  
**N. Palm Ave., Howey-in-the-Hills,**  
**FL 34737**

**AGENDA**

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m.  
 Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.  
 Councilor Reneé Lannamañ delivered an invocation.  
 Councilor Reneé Lannamañ delivered a remembrance to the 9/11 tragedy and led the Council in a moment of silence for the victims of 9/11.

**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 | Rick Thomas, Police Chief | Tom Wilkes, Town Attorney (Zoom) | Tom Harowski, Town Planner (Zoom) | James Southall, Public Utilities Supervisor (Zoom)

**AGENDA APPROVAL/REVIEW**

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

**Voting**

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

**Nay:** None

**CONSENT AGENDA**

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the August 28, 2023 Town Council Meeting.

**Motion made by Councilor Lannamañ to approve the Consent Agenda; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice vote.**

**Voting**

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

**Nay:** None

**PUBLIC HEARING**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

2. Discussion: **Town Staff Vacation Requirements**

Mayor MacFarlane introduced this item. Mayor MacFarlane explained that the Town Staff had maximum leave accrual for vacation of 160 hours. Several of the town's employees are currently maxed out on their vacation accrual and they are not in violation of any policy because the Town currently does not have a policy requiring Town Staff to take vacation. Mayor MacFarlane stated that this is a problem because the Town needs to ensure that it has adequate backup for people, and it puts the Town at a financial liability to have to pay the maximum amount of vacation out if the employee resigns from the Town. Mayor MacFarlane asked for the Town Council's perspective on mandating the Town Manager to change the Town's policies and require all employees to take at least 5 consecutive days off each 12-month period.

Mayor Pro Tem Gallelli stated that she thinks Town Staff should have to take their vacation because the employees will come back refreshed.

Councilor Lehning asked if the Town Council did create a policy mandating that each person had to take a week off each 12-month period, what the penalty to an employee would be if they did not take the week off. Mayor MacFarlane stated that usually there was not a penalty, just that if the employee got to their 51<sup>st</sup> week without a week off they would be sent home on vacation for a week.

Councilor Lannamañ stated that not taking vacations was not only unhealthy for the individual, but it was unhealthy for their home life. Councilor Lannamañ also wondered if individuals were being cross-trained in other responsibilities so that they could cover for people.

Councilor Miles stated that there were auditing requirements that anyone that works in the financial management function (or any management role) specifically that they must take at least 5 consecutive days off, each year, so that someone else can sit in and do their jobs for that time period. This is an internal control function, and the Town Auditor should be checking for this.

Town Manager, Sean O'Keefe stated that the Town's Directors were actively working to update the Town's Personnel Policies.

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

**Motion made by Mayor MacFarlane to direct the Town Manager to add to the Town Personnel Policy that each Town Staff member must take 5 consecutive workdays off each year; seconded by Councilor Lehning.**

**Voting**

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

**Nay:** None

3. Discussion: **Budget Line Item Transfer vs. Account Level Balancing**

Mayor MacFarlane introduced and explained this item. Mayor MacFarlane stated that it was very cumbersome to have everything balanced to the line item rather than to the account level; it was difficult to read and deal with. Mayor MacFarlane stated that, historically, the Town had budgeted to the account level (Cost Center). Mayor MacFarlane stated that she believed at a prior meeting the Town Councilors had directed the Town Manager to manage the Town's budgets to the account level and not to the object level.

Councilor Miles gave a definition of what a Cost Center was and stated that it would be better to manage the Town's budget in this manner (managing the budget on a Cost Center basis for balancing). Councilor Miles stated that standard caps are usually \$1,000, \$5,000 or \$10,000 and that different department directors might have different caps. Councilor Miles stated that significant transfers should still come before the Town Council for approval.

Mayor Pro Tem Gallelli asked if the Town would lose transparency by moving to Account Level Balancing. Councilor Miles stated that it would not and suggested that the Town should have a policy with a cap on how much an object line could go over budget, by department director authority, without having to go to a Budget Adjustment.

Councilor Miles suggested that the Town Manager should come up with a written policy authorizing department directors to use Account Level Balancing and stating what the caps were for the Account Level Balancing that a department director could authorize. Councilor Miles suggested a \$5,000 cap for the larger departments. The cap would be the maximum amount of money that could be transferred into an object line for the fiscal year.

There was a consensus from the Town Council to direct the Town Manager to have to come back to the Town Council with a written policy authorizing department directors to use Account Level Balancing and stating what the caps were for the Account Level Balancing that a department director could authorize.

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

4. Presentation: **Town Organizational Chart and Responsibilities**

Town Manager, Sean O'Keefe, explained that the presentation for this meeting would not include an Organizational Chart, but would be a Function-Based Accountability Chart, to show the major functions that pertained to a departmental area. Prior to the presentation of the Function-Based Accountability Chart, Mayor MacFarlane stated that each area of the chart should have Personnel Management and Contract Management added to each of the Department Directors' areas.

Councilor Miles asked about who the Code Enforcement Officer worked for. Mayor MacFarlane explained the history of who the Code Enforcement Officer worked for and why it had changed in the past. Mr. O'Keefe explained that the Code Enforcement Officer reported directly to the Town Manager.

Town Clerk, John Brock, presented the Function-Based Accountability Chart. With the assistance of Police Chief, Rick Thomas, Mr. Brock began with the Town's largest department, the Police

Department. Mr. Brock then explained the functions within the Library Department and roles of some of the auxiliary groups that assist the library, such as the independent 501(c)(3) organization, the Friends of the Library (FOL). Mr. Brock also began the presentation of the Public Works and Public Utilities Department's functions.

Mayor MacFarlane opened Public Comment at this point.

**Beth Flack, 607 S Florida Ave.** – Mrs. Flack stated that she took great offense at Councilor Miles calling the FOL a “slush fund” for Library Director Tara Hall. Mrs. Flack asked for an apology from Councilor Miles.

Councilor Miles disagreed with having to apologize.

Mayor MacFarlane asked for the presentation to continue.

Mr. Brock completed the presentation of the Function-Based Accountability Chart by presenting the Town Hall Department.

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

Mayor MacFarlane called the Town Council Meeting to recess at 7:44 PM. Mayor MacFarlane reconvened the Town Council Meeting at 7:48 PM.

## 5. Discussion: **SMART Goals Update**

Town Manager, Sean O’Keefe, summarized his SMART Goals Update that was included in the meeting’s packet.

Councilor Miles stated that he wanted the Town to provide water and wastewater services to the proposed Drake Point Development and would like to see the Town Manager pursue having them annex into the Town. Town Attorney, Tom Wilkes, stated that it was fairly common when talking to a development that was non-contiguous to the Town, but the Town was supplying utilities to it, to have them sign an agreement to annex (as a voluntary annexation) if and when the development becomes contiguous to the Town.

Councilor Miles stated Dr. Lynch had forwarded a marked-up draft for a donation of a 4.5-acre parcel to the Town and Councilor Miles had sent that draft to the Town Manager and Town Attorney. Councilor Miles stated that he hoped this agreement for the donation of Dr. Lynch’s land would come before the Town Council soon for approval.

Mr. O’Keefe stated, that in support of one of Councilor Lannamañ’s SMART Goals, that the Town Planner was working on an Action Plan Update for Developments that will assist the Town Councilors on understanding where they are in the process of development. This action Plan Update would come before the Town Council soon.

Councilor Miles and Councilor Lehning asked when the Town Planner would be sending out the compilation of Land Development Code (LDC) and Comprehensive Plan amendments suggestions that each of the Town Councilors had created.

There was a consensus from the Town Councilors that they just wanted their submitted comments on the LDC and Comprehensive Plan returned to them compiled by the Town Planner and that the Town Planner should submit that and whatever else he had created to them by Friday, September 15, 2023. Tom Harowski agreed to submit that as requested.

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

## **DEPARTMENT REPORTS**

6. Town Hall

This department report was submitted in the meeting's packet.

7. Police Department

Police Chief, Rick Thomas, added to his submitted report that 2 of his officers saved the life a of a drug overdose victim during the weekend prior to the Town Council Meeting.

8. Code Enforcement

None

9. Public Works

This department report was submitted in the meeting's packet.

10. Library

This department report was submitted in the meeting's packet.

11. Parks & Recreation Advisory Board / Special Events

None

12. Town Attorney

None

13. Finance Supervisor

None

14. Town Manager

None

## **COUNCIL MEMBER REPORTS**

15. Mayor Pro Tem Gallelli

Mayor Pro Tem Gallelli stated that the Town Manager had told her that the State had acknowledged receipt of the packet necessary for the 4.25-million-dollar state appropriation for Water Treatment Plant #3.

16. Councilor Lehning

Councilor Lehning asked about the status of the Rebuilding of Dixie Dr. project. Mr. O'Keefe said that the construction crew was not finished yet, but that they were very close to completion.

Councilor Lehning asked about the well drilling project. James Southall, Water Utilities Supervisor, stated that the drilling team was supposed to have the drilling rig on site during the next week and could then start the drilling process.

Councilor Lehning asked about the Citrus Ave. Right of Way (ROW) project. Mr. O’Keefe stated that Lake County had consented to transferring the ROW to the Town and that the next step would be to work with the property owner to realign the ROW.

#### 17. Councilor Miles

Councilor Miles asked if Lake County had supplied the final paperwork for the transfer of the Citrus Ave. ROW. Mr. O’Keefe stated that this had not happened yet.

Councilor Miles asked for the Public Works Director to supply a 5-year prioritized list of Road Reconstruction projects showing what order roads would be worked on in the Town. Mr. O’Keefe stated that this would be supplied next week, and the Public Works Director would make a presentation on this topic during the next Town Council Meeting.

Councilor Miles asked for an update on the hiring process for the Finance Supervisor position.

#### 18. Councilor Lannamañ

Councilor Lannamañ stated that she would like to see a Town Hall Meeting/Workshop for the citizens of Howey-in -the-Hills so that she would hear what is important to citizens of the Town. Councilor Lannamañ suggested that there should not be a topic for this meeting and citizen comment time limits should be removed or at least extended to 5 minutes for this meeting. Councilor Lannamañ suggested that this meeting could be scheduled for November.

Councilor Lannamañ wanted a status update on where the Town was on updating the Town’s Land Development Code in relation to required trees and would like to see this topic come before the Town Council before 2024.

Councilor Lannamañ stated that she would like to see fresh looks or plans from the Town Planner.

Councilor Miles asked if there was a way to put an expiration date on developments that did not have a sunset date.

Councilor Miles stated that he would like to see a lower millage rate for the Town and that he was going to make a motion in the future to lower the millage rate to 7.45. Councilor Lannamañ suggested that she might support that next year.

#### 19. Mayor MacFarlane

Mayor MacFarlane stated that the packet that the Town Manager had submitted to the State for the Town’s 4.25-million-dollar appropriation had some errors in it.

Mayor MacFarlane stated that she thought the Town needed to create an Education Packet for residents and that the upcoming Venezia Block Party would have been the perfect time to have a table and hand out a packet like that.

Mayor MacFarlane also stated that she wanted to see the Town sponsor an educational game of “Let’s Balance” (this game was about how a municipality balances a budget) for residents sometime in the future. Mayor MacFarlane stated that she would be willing to moderate this game.



Mayor MacFarlane asked about a timeframe from FDOT for the sidewalk improvements project on State Road 19. Mayor MacFarlane tasked the Police Chief to get a status update on this project.

Mayor MacFarlane stated that she thought it was a state law that the Town needed to send out meeting agendas and packets for meetings one week before the meetings were scheduled. Mayor MacFarlane acknowledged that this would be hard and would like to see these items sent out at least by Wednesday prior to a Town Council meeting.

### **PUBLIC COMMENTS**

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

**Tim Everline, 1012 N Lakeshore Blvd** – Mr. Everline apologized if someone thought that he was attacking the Mayor, as that was not his intention and he apologized to the Mayor if she thought he was attacking her. Mr. Everline suggested that the Town Manager should remind the Town Councilors that they have a Code of Core Values for Civility and Ethics and that it is the right of citizens to make comments at meetings.

### **ADJOURNMENT**

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

The Meeting adjourned at 8:57 p.m. | **Attendees: 20**

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

ATTEST:

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



## Town Council Public Hearing on Tentative Budget and Proposed Millage Rate

September 07, 2023 at 5:05 PM  
Howey-in the-Hills Town Hall  
101 N. Palm Ave.,  
Howey-in-the-Hills, FL 34737

### AGENDA

Mayor MacFarlane called the Town Council Public Hearing on Tentative Budget and Proposed Millage Rate to order at 5:05 p.m.

Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.  
Councilor Reneé Lannamañ delivered an invocation.

### ROLL CALL

Acknowledgement of Quorum

### **MEMBERS PRESENT:**

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

### **STAFF PRESENT:**

Sean O'Keefe, Town Administrator | John Brock, Town Clerk | Rick Thomas, Police Chief | Morgan Cates | Public Works Director | Tara Hall, Library Director | Matt McDonald, Code Enforcement Officer

**Confirmation of Meeting Notification and acknowledgement of Quorum was completed.**

### PUBLIC HEARING

#### 1. Consideration and Approval: **Resolution 2023-008 - Tentative Millage Rate**

Martha MacFarlane, Mayor, read Resolution 2023-008 by title only and the following statements.

RESOLUTION NO. 2023-008, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; ADOPTING A TENTATIVE MILLAGE RATE OF 7.50 FOR THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA FOR AD VALOREM TAXES FOR FISCAL YEAR 2024; PROVIDING FOR AN EFFECTIVE DATE.

- The Taxing Authority is the Town of Howey-in-the-Hills.
- The Rolled-Back Rate is 6.5274 mills.
- The percentage over the Rolled-Back Rate is 14.90%, which is the percentage increase in

property taxes.

- The proposed Millage Rate to be levied is 7.500.

Mayor MacFarlane gave a short presentation showing a comparison of the proposed millage rate and budget rate to historic millage rates and budgets within the Town.

Mayor MacFarlane opened Public Comment and Questions for this issue only.

**Tim Everline, 1012 N. Lakeshore Blvd.** – Mr. Everline had questions about where funding for the Town's budget came from that did not originate from property taxes. Mr. Everline also asked about what happens if the Town does not receive the level of impact fees that it was expecting.

**Eric Gunesch, 448 Avila Pl.** – Mr. Gunesch had questions about how his property tax was set and how his property was assessed.

Mayor MacFarlane closed Public Comment and Questions.

Mayor MacFarlane introduced the Town's new Code Enforcement Officer, Matt McDonald, to the Town Council.

Mayor MacFarlane congratulated Police Officer, Rafi'-el Corbitt, as the staff member of the month at Lake Success Academy.

Mayor MacFarlane opened Councilor Comment and Questions for this issue only.

Councilor Miles asked what 1/10 of a mill was. Councilor Miles stated that he would be proposing to lower the millage rate from 7.5 to 7.4. Councilor Miles noted that the Town's non-appropriated fund balance was currently budgeted at \$28,865.

Town Manager, Sean O'Keefe noted that lowering the Town's millage rate by 1/10 of a mill would cost the Town about \$18,000.

Mayor MacFarlane suggested that the Town Council approve the maximum millage rate at the tentative public hearing and wait to make any motions lowering the rate until the final hearing when the Town Council could have exact numbers as to the cost of lowering the millage.

Mr. O'Keefe summarized his Executive Summary that had been included in the packet for the Public Hearing.

Councilor Lehning stated that, in a future Executive Summary, he would like to see a comparative breakdown of the difference in fund amounts between the current fiscal year and the upcoming fiscal year and why there was a change.

Mayor Pro Tem Gallelli stated that she thought that the \$31,500 budgeted for the Christmas Festival seemed high. It was decided to leave the Christmas Festival budget at its currently budgeted level.

Mayor MacFarlane closed Councilor Comment and Questions.

**Motion made by Councilor Lannamañ to approve Resolution 2023-008, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; ADOPTING A TENTATIVE MILLAGE RATE OF 7.50 FOR THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA FOR AD VALOREM TAXES FOR FISCAL YEAR 2024; PROVIDING FOR AN EFFECTIVE DATE; seconded by Mayor Pro Tem Gallelli. Motion was approved by a roll-call vote.**

**Voting**

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

**Nay:** Councilor Miles

2. Consideration and Approval: **Resolution 2023-009 - Tentative Budget**

Martha MacFarlane, Mayor, read Resolution 2023-009 by title only and with the following statements.

RESOLUTION NO. 2023-009, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; ADOPTING A TENTATIVE BUDGET FOR THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA FOR FISCAL YEAR 2024 AND PROVIDING AN EFFECTIVE DATE.

The Tentative Budget for the Town of Howey-in-the-Hills for Fiscal Year 2024 to be adopted by Fund Department is as follows:

- General Fund in the amount of \$2,550,080.
- Infrastructure fund in the amount of \$273,355.
- Enterprise fund in the amount of \$6,943,736.
- Police Pension Fund in the amount of \$176,604.
- Police Advanced Training Fund in the amount of \$3,000.
- Water Impact Fee Fund in the amount of \$1,162,653.
- Parks & Rec Impact Fee Fund in the amount of \$738,000.
- Police Impact Fee Fund in the amount of \$738,000.
- Road Impact Fee Fund in the amount of \$1.
- Wastewater Impact Fee Fund in the amount of \$1.
- Stormwater Impact Fee Fund in the amount of \$1.
- Building Services in the amount of \$679,565.
- Tree Fund in the amount of \$1,000.
- Total all Funds \$13,265,996.

Mayor MacFarlane opened Public Comment and Questions for this issue only.

**Tim Everline, 1012 N Lakeshore Blvd.** – Mr. Everline gave out some handouts to the Town Councilors. Mr. Everline compared the Town's proposed millage rate with other local municipalities. Mr. Everline suggested that the Town should get sponsors to pay for the Town Christmas festival rather than directly funding it. Mr. Everline then made comparisons of Town employees' pay, such as the Town Manager, Town Clerk, Public Works Director, and Code Enforcement Officer to a website's quote of what it thought the average person in those position within the State of Florida made.

**Eric Gunesch, 448 Avila Pl.** – Mr. Gunesch had questions about who pays for impact fees.

Mayor MacFarlane opened Councilor Comment and Questions for this issue only.

Councilor Lannamañ suggested that she was in favor of the budget, but she was concerned about the two administrative assistants that were being added to the staff. Councilor Lannamañ suggested that the budget be approved but that the Town Manager should be told to put one of the positions on hold and not hire it for 6 months or so.

Councilor Miles disagreed, saying that, if the budget was approved, the Town Manager should ensure that the budget be executed. Councilor Miles said that if the Town Council was not in favor of hiring one of the new positions, that it should have the position removed from the budget.

Mayor MacFarlane stated that she thought the Town needed both new positions that had been proposed and that the Town Hall position was vital. Councilor Miles agreed with Mayor MacFarlane and defended the need for the proposed Public Works Administrative Assistant position.

**Motion made by Councilor Lehning to approve Resolution 2023-009, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; ADOPTING A TENTATIVE BUDGET FOR THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA FOR FISCAL YEAR 2024 AND PROVIDING AN EFFECTIVE DATE; seconded by Councilor Lannamañ. Motion approved unanimously with a roll-call vote.**

**Voting**

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

**Nay:** None

**PUBLIC COMMENTS**

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

None

**ADJOURNMENT**

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

The Meeting adjourned at 6:27 p.m. | **Attendees: 36**

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

ATTEST:

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



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:** LDR and comprehensive Plan Updates  
**DATE:** September 11, 2023

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This report is an update to the one I provided on August 9, 2023 regarding the process for reviewing and evaluating the items received from the Town Council and the Planning Board. As noted in my previous communication, amendments to both the land development regulations and the comprehensive plan have specific procedures that need to be followed. Proposed revisions to the code and comprehensive plan are required to go to the Planning Board for review and recommendation, and the items can then be presented to the Town Council for consideration for adoption. With the comprehensive plan, amendments require additional review by the state and review according to the Intergovernmental Coordination Element. Our review and action on the comments received needs to adhere to these processes.

With regard to the comprehensive plan, the majority of the comments received related to items in the data and analysis rather than goals, objectives and policies. These types of revisions that update the data and analysis are typically done when the Town undertakes one of its regular evaluation and appraisal reviews. These are required by state law at least every seven years. Amendments to goals, objectives and policies and any map amendments are done as required following the procedure specified in Florida statute and the Town’s land development codes.

Revisions to the land development regulations fell generally into two groups. One group of comments were essentially editorial in nature. These recommendations include items such as revisions to account for the change to the town manager government form. These are needed revisions, but do not go directly to the regulatory effect of the code. The other group of recommendations range across several current zoning classifications and several other chapters of the code. These recommendations will require careful consideration of the effects proposed revisions will have on current development as well as future development proposals. Code changes that result in creating a lot of non-conforming situations for existing homes and businesses may not be the best overall outcome for the Town. Also changes to the code need to be consistent with the comprehensive plan.

## **Recommended Steps Going Forward**

The following steps comprise my recommendation on how to proceed with review and action on the proposals received. These steps are essentially the same as proposed in my August 9<sup>th</sup> memorandum because there is little change in my view of the best way to approach the process.

### **Step 1: Adopt Code Edits and Consider P&Z recommendations on omnibus amendment package.**

A strike-through and underline version of chapters one through five and chapter ten of the land development code has been drafted to include the editorial amendments suggested by the commentary. This action is a short-term step that can address a clear administrative need. The Planning Board has also recommended a package of amendments to the land development code that could be paired with the editorial revisions as the omnibus package has gone through all of the required review steps up to Town Council consideration. The omnibus package amendments were generated primarily by code enforcement and do include a number of items, such as landscaping and tree issues that were included in the council code comments.

### **Step 2: Initiate Planning Board review of suggestions for code amendments.**

Summaries have been prepared for seven current zoning districts and one proposed zoning classification. Summaries have also been prepared for proposed revisions to Chapter 4 Development Review Procedures, Chapter 7 Landscaping, Irrigation and Hardscape and for Chapter 8 Development Standards. The comparison charts list the current code requirements with revisions proposed by each contributor. Most of the comparison charts have supplemental notes that offer some discussion topics in response to the suggested modifications.

For the most part, implementation of revisions to the zoning classifications and administrative chapters can be done without modification of the comprehensive plan. Therefore, the recommendation is to present the proposals in groups to the planning board along with some appropriate analysis and discussion. The objective is to initiate the process for code amendment using some bite-sized chunks that will allow for reasonable discussion by the Planning Board. Once the Planning Board finishes its review, the proposed recommendations can be consolidated into one ordinance for Town Council consideration.

### **Step 3: Town Council Workshop.**

Once the Planning Board finishes its review and provides a set of recommended changes to the code, it might be worthwhile to hold a workshop with Town Council to review the recommendations and the rationale supporting them. The council would have an opportunity to suggest other revisions that could be included in the ordinance for public hearing.

**Step 4: Adopt LDR amendment package**

Once the amendment package is completed, the Council can move to adopt the amendments and incorporate the changes into the development review process.

**Step 5: Comprehensive Plan Review**

The state law requires local governments to review their comprehensive plans at least every seven years. The process involves preparation of an Evaluation and Appraisal Report (EAR) followed by adoption of any amendments to the plan recommended by the EAR process. Included in the EAR is an update of the data and analysis section of each element. This is the step where the comments about adding and correcting data items would be addressed.

On the normal review cycle, Howey's last EAR review was in 2017, so the Town is due for the next review no later than the end of 2024. It makes sense to move up the EAR review process to start now, leading to an updated comprehensive plan document and amended goals, objectives and policies as warranted by the review. As with the land development code updates, this process will require presentation on an element-by-element basis or in smaller groups of elements if the anticipated changes are minor. This review would take place over several months to allow for drafting updates and allowing the Planning Board adequate time to review the material and to gather public comment.

**Step 6: Adopt revised comprehensive plan.**

Once the updates and recommendations for policy revisions have been completed, the Town can initiate the formal adoption process.





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. Borck, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Comprehensive Plan Review and Updates  
**DATE:** September 20, 2023

---

As we discussed I have attached a summary of the suggested amendments to the comprehensive plan as submitted by Town Council and the Planning Board. This list does not include a detailed summary of the suggested edits to the descriptive portions of the comprehensive plan that contain the data and analysis supporting goals, objectives, and policies. As I recommended earlier, I believe the Town should embark on the evaluation and appraisal review of the plan which is required by state law. This process would include a complete review of the data and analysis inputs suggested by the current review and likely include other updates as well. Given this approach, there did not seem to be a need to list out each edit.

Most reviews commented that the maps in the plan were unclear and needed to be revised. Updating the maps will be a rather time consuming component of the evaluation and review process, but one that is needed. The previous planner did not provide the Town with the actual mapping documents, requiring us to work with the existing electronic copies. Over time the maps have become less clear. It is likely that most of the maps will need to be recreated from new base maps. This was done earlier for the future land use map, zoning map, and general street map. It can be done but it is time consuming and can be a significant cost factor.

# COMPREHENSIVE PLAN COUNCIL AND PLANNING BOARD IDENTIFIED ISSUES AND ACTIONS

Comments on issues related to the comprehensive plan were submitted by each council member and one planning board member. The following listing provides a summary of the issues identified and suggestions for revision to the comprehensive plan. The comments have been grouped in several topic areas where the comments have clustered in an effort to place like topic together for review. There were many comments relating to the data and analysis portion of the document and would be updated during a routine evaluation and assessment process as recommended in the memorandum on processing the submittals. There were also frequent comments on improving the clarity of the maps and in some cases there were questions about the maps being correct in all areas.

## Affordable Housing and Mobile Homes

- Comments were received regarding Housing Element Objective 1.3 and Policy 1.3.4 regarding sites for lower income housing and the Town's responsibility for working to provide sites for affordable housing (Lannamann and Wagler).
- Comments were received about the inclusion of mobile home housing in the Town. (Lannamann, Miles, Wagler). These policies are presented in support of Objective 1.4 of the Housing Element.
- Comments were offered regarding Housing Element Policy 1.3.4 regarding increasing the minimum floor areas for single-family housing (Miles, Lehning, Wagler). These comments track suggestions offered for amendment of the land development regulations.

Note: F.S. 163.3177(f)1d requires that the comprehensive plan address affordable housing and mobile home housing. The current Housing Element policies generally track the statutory requirements.

## Open Space Provisions

Suggestions were offered regarding changes to the percentages of open space required for various types of development (Gallelli, Miles, Lehning). These suggestions are keyed to the maximum impervious area on residential lots (generally recommended at 50%) and the percentage of wetland area allowable as qualified open space in VMU and other developments. The suggestion is to reduce the allowable percentage of wetland from 50% to 25% of the total wetland area (Miles). Future Land Use Policy 1.2.2 is directly affected, but any change in open space requirements will need to be coordinated with other policies as well.

## Land Use Classification Revisions

Suggestions were offered regarding the minimum project size for Village Mixed Use development. The current requirements is for 25-acres and suggestions were offered for 100-acres (Wagler) and 200-acres (Miles).

Set maximum density for Village Mixed Use at 4 units/acre. (Wagler)

There was a suggestion to eliminate the medium density residential land use classification. (Lehning) Remove townhouses from medium density residential and replace with high density residential zoning (Miles).

Note: Is there an intent to create a density change in the comprehensive plan? Is high density residential to be associated with VMU areas?

Eliminate Policy 1.17.7 encouraging mixed use development as a means to create more energy efficient land use patterns. See also Policy 1.1.3 subparagraph 3 in the Conservation Element. (Wagler)

## Other Policy Adjustments and Modifications

There are a number of suggestions regarding amendments to specific policies that relate to changes in the Town's approach to development actions such as provision of sewer service and changes in how some services are now provided such as for solid waste services.

- In the Public Facilities Element adjust policies 1.2.6, 1.4.1 and 1.4.2 to conform to Council program on sewer service provision. (Miles)
- Amend Public Facilities policy 1.8.4 to set a minimum water system PSI of 40. (Miles)
- Revise Public Facilities policy 1.12.14 to require metering interconnects. (Miles)
- Amend solid waste policies 1.5.3 through 1.6.2 to reflect that garbage hauler is responsible for landfill disposal. (MacFarlane)
- Revise Conservation Objective 6.3 to correct that Town does not provide access to Lake Illinois. (MacFarlane)
- Revise Public Facilities policy to state that Town does not meter irrigation wells. (MacFarlane)
- Amend Future Land Use Objective 1.8 to include natural gas. (MacFarlane)
- Add high school to the appropriate land use. (High schools are identified as suitable for Village Mixed Use land use in Policy 1.4.8 (13)). (MacFarlane)
- Review Policy 1.17.3 regarding an energy management plan. Is this doable and desirable for Town vehicles and public properties? (MacFarlane)

- Transportation Element Policy 1.5.4 was questioned regarding bicycle storage facilities. Amend? (MacFarlane, Wagler, Lehning) See also Policy 1.3.3 in Recreation Open Space Element.
- Policy 1.6.5 regarding landscaping medians. Consider grants as part of the policy? (MacFarlane)
- Question regarding CIP Element Policy 1.3.3 addressing SJRWMD water supply plan. (MacFarlane) . There is a water supply plan, and the SJRWMD objected to modifying this policy in a previous review.
- Public School Facilities Element: Update Objective 1.1 to clarify the Town coordinates with the school board but does not set school capacities. (MacFarlane)
- Modify Transportation Element to support bypass study by MPO. (Lehning)
- Modify Policy 1.11.4 on architectural guidelines. (Lehning) Unclear as to what modifications are desired.
- Modify Policy 1.11.6 on interconnected neighborhoods. (Lehning, Wagler). This policy was very recently revised by Council.
- Modify Objective 1.12 regarding the Town's planning area. (Lehning). Policy 1.12.1 sets the planning area as the utility service area. Verify that the area is correct?
- Modify Policies 1.17.5 and 1.17.6 on promoting energy efficient design. Modify language on greenhouse gas emissions. (Lehning). Note: Energy efficiency policies were a state requirement.
- In Housing Element set minimum lot size for the Town at 9,000 square feet and then only for infill development. (Lehning) Gallelli proposed 80 x120 lot which is 9,600 square feet.
- Rewrite section on urban sprawl. (Lehning) Note: the urban sprawl definition and review criteria are part of FS Chapter 163.
- In Capital Improvements Element revise C 7 Dedication or fees in lieu of dedication to be mandatory. (Lehning)
- Transportation Policy 1.1.7 eliminate item d regarding residential street interconnections. (Wagler). Correlating Policy 1.11.7 in future Land Use Element has already been amended to clarify connection policies.
- Revise Conservation Element Policy 1.3.7 to reflect new well and current water provision plan. (Wagler.)
- Require any project with storm water discharge to Little Lake Harris to have filtration system. (Wagler)
- Review transportation level of service standards in Policy 1.1.1. (Wagler)

# CHAPTER 1

## General Provisions

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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~~ MANAGER

The Town ~~MAYOR~~ MANAGER is the chief administrative official of the Town. For the purposes of this LDC, the Town ~~MAYOR~~ MANAGER administers, interprets, and implements the standards, criteria, and procedures of this LDC. The Town ~~MAYOR~~ MANAGER may delegate such responsibilities to Town staff and Town consultants. Throughout this LDC, the term “Town ~~MAYOR~~ MANAGER” 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~~ MANAGER” means the “Town ~~MAYOR~~ MANAGER 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~~ Manager shall be responsible for interpretation. In the interpretation of this LDC, the Town ~~Mayor~~ Manager shall seek guidance from the Comprehensive Plan.
- B. Responsibility for interpretation by the Town ~~Mayor~~ Manager 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 live oak or bald cypress with a trunk diameter of thirty-six (36) inches or more measured at DBH or any tree which is determined by the Town Council to have a unique and intrinsic value to the general public because of its size, age, historic association, location, unique beauty or ecological value.

**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. See irrigation system definitions below.

***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.
4. **Flag Lot** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

**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.~~ 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 and~~ connected to the required utilities.

**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.

**Specimen Tree** is any tree, other than an undesirable tree, that is twenty (20) inches or more in diameter measured at DBH.

**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~~ Manager (or ~~Mayor~~ Manager)** means the Town ~~Mayor~~ Manager 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.

### Irrigation System Definitions

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

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

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

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

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

**Irrigation Zone :** A grouping of sprinkler heads or micro-irrigation emitters operated simultaneously by the control of one valve. Zones are composed of similar sprinkler types and plant material types with similar water requirements. A section of an irrigation system served by a single control valve.

**Landscape Bed:** A grouping of trees, shrubs, ground covers, perennials, or annuals growing together in a defined area devoid of turf grass, normally using mulch around the plants. Landscape beds must be designed so that, at maturity, the plant material must provide coverage of 60 percent of the plant bed.

**Landscape Irrigation:** The outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball, soccer and athletic fields.

**Micro-irrigation:** The application of small quantities of water directly on or below the soil surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a number of methods or concepts, including drip, subsurface, micro-bubbler and micro-spray irrigation, previously known as trickle irrigation, low volume or, low-flow irrigation.

**Micro irrigation emission device:** An emission device intended to discharge water in the form of drops or continuous flow at rates less than 30 gallons per hour (113.5 liters per hour) at the largest area of coverage available for the nozzle series when operated at 30 psi (206.8 kPa), except during flushing. Also known as "Low Volume Irrigation."

**Rainfall shut off device:** A device designed to bypass automatic irrigation operation after a predetermined amount of rainfall. Can include a rain sensor or a soil moisture sensor or an evapotranspiration controller and is required by Chapter 373.62, Florida Statutes.

**Rotor:** A sprinkler that applies water in a pattern by means of one or more rotating streams to a defined landscape area.

**Spray head:** A sprinkler that continuously applies water in a pattern to a defined landscape area.

***Sprinkler:*** An emission device consisting of a sprinkler body with one or more orifices to convert irrigation water pressure to high velocity water discharge through the air, discharging a minimum of 0.5 gallon per minute (gpm) at the largest area of coverage.

# 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-1 | MDR-2 | NC | IND | INS-1 | INS-2 | REC-1 | REC-2 | CON | PUB | PUD | TC-R | TC-F | TC-C |
|----------------------------|----|----|-----|-------|-------|----|-----|-------|-------|-------|-------|-----|-----|-----|------|------|------|
| FLUM Land Use Categories   |    |    |     |       |       |    |     |       |       |       |       |     |     |     |      |      |      |
| Rural Lifestyle            | X  | X  |     |       |       |    |     |       |       |       |       |     |     |     |      |      |      |
| Low Density Residential    |    |    | X   |       |       |    |     |       |       |       |       |     |     | X   |      |      |      |
| Medium Density Residential |    |    |     | X     | X     |    |     |       |       |       |       |     |     | X   |      |      |      |
| Neighborhood Commercial    |    |    |     |       |       | X  |     |       |       |       |       |     |     |     |      |      |      |
| Light Industrial           |    |    |     |       |       |    | X   |       |       |       |       |     |     |     |      |      |      |
| Institutional              |    |    |     |       |       |    |     | X     | X     |       |       |     |     |     |      |      |      |
| Recreation                 |    |    |     |       |       |    |     |       |       | X     | X     |     |     |     |      |      |      |
| Conservation               |    |    |     |       |       |    |     |       |       |       |       | X   |     |     |      |      |      |
| Public / Utility           |    |    |     |       |       |    |     |       |       |       |       |     | X   |     |      |      |      |
| Village Mixed Use          |    |    |     |       |       |    |     |       |       |       |       |     |     | X   |      |      |      |
| Town Center Mixed Use      |    |    |     |       |       |    |     |       |       |       |       |     |     | X   | X    | X    | X    |



**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~~ Manager 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 with outdoor kennels
    - 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 120 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 1,700 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~~ dependency 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 1,700 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 1,700 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 and as permitted uses for transitional areas within the Town Center Commercial district.
- 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. Personal Services (hair salon, spa, nail salon)
    - e. General Retail with GFA of less than 5000 square feet (hardware, antiques, etc.)
    - f. ~~Gum~~, Gym, fitness studio, yoga and similar uses
    - g. Restaurants
    - h. Banks and Credit Unions
    - i. Pharmacies
    - j. Cultural facilities (museums, community theaters)
    - k. Bed and Breakfast Inn

1. Music, Dance, Photography, or Art Studio
  - m. Small Equipment and Appliance Repair Shops (repair done indoors)
  - n. Specialty Food Stores (i.e., Bakery)
  - o. Convenience Stores
  - p. Residential (second floor only)
  - q. Single-family housing as a transitional use west of Dixie Dr. and lots abutting Oak St. and Holly St.
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 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.
  3. Buildings fronting on Central Avenue shall comply with a build-to line between the front property line and a parallel line five feet from the front property line.
- E. Other Standards
  1. All new buildings in the Town Center Commercial district shall be two stories. One story buildings may be permitted provided the building façade below the parapet line is a minimum of 15 feet in height.
  2. Drive through facilities may be permitted provided the drive through window and stacking lane are located to the rear of the building.
  3. The initial five feet of area in front of buildings fronting on Central Avenue or SR 19 is designated as a commerce area (including right-of-way on Central Avenue) within which the business may display items (other than signage) which are specialty products or services provided on site. Restaurants may provide outdoor seating. Display of general retail items such as home goods (mattresses, bedding, appliances, etc.), building supplies (carpet, flooring, lumber, etc.) and similar products are not permitted. When questions arise about the approval of a proposed display, these shall be resolved as provided in Section 1.06.
  4. The Town Council may grant a waiver to allow commercial buildings in excess of 5,000 square feet. Waivers shall be based on the particular needs of

the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.

## **2.03.00 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

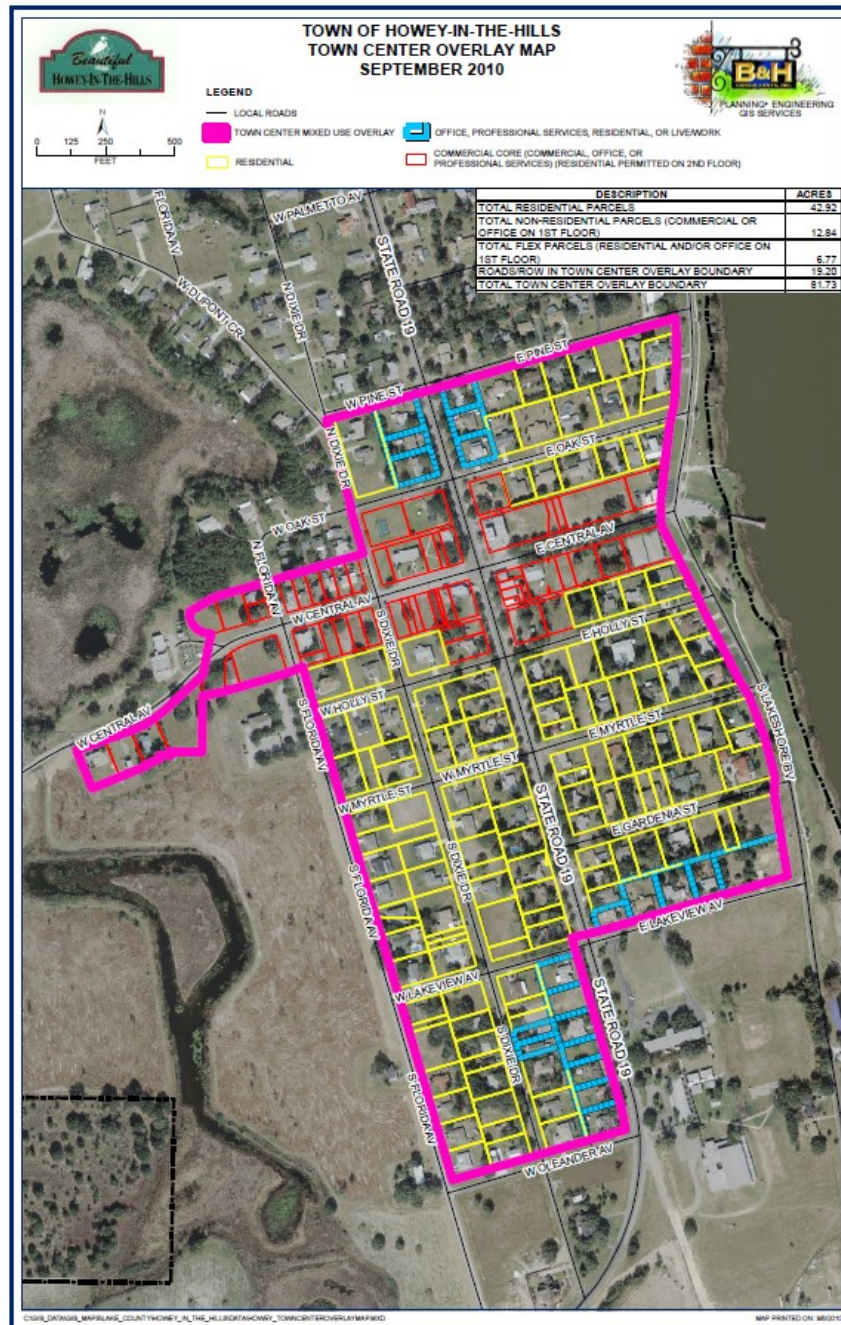
compliance with the requirements for review of the application and notice procedures.

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

**4.03.00 SITE PLAN PROCESS**

**4.03.01 Site Plan Review for Development Not Classified as a Subdivision**

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

**4.03.02 Approval Process for Preliminary Site Plan**

Preliminary Site Plans are submitted to the Town Clerk and must be accompanied by a Development Review Application and the appropriate fees and review deposit. 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~~ denial 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~~ deny the Preliminary Subdivision Plan. In ~~disapproving~~ denying 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~~ Town Manager 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 photogrammatic 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.

- A. For new single-family residential developments or infill single family development with six (6) or more adjacent lots:
  1. The same house model may not be used more than three times within a single block face. For purposes of this requirement, a different house model is a different floor plan, not the same floor plan flipped in a different direction and not the same floor plan with a different exterior treatment. When less than ten (10%) percent of the lots in a subdivision remain to be developed, the Planning Board may approve a home design to be used more than three times within a single block face. This option is intended to provide some flexibility in finishing the subdivision development while maintaining diversity in building design.
  2. Front porches shall be a required component on at least one quarter of the house models offered in a development. These porches shall be at least 6 feet deep and 10 feet wide.
    - a. Front porches may encroach into the front setback up to five (5) feet in Single Family Residential and Medium Density Residential developments.
    - b. Front porches may be screened, provided that the screen is located behind the railings.
  3. Recessed garages or side entry garages shall be a required component on at least one quarter of the house models offered in a development. To be considered recessed, the garage shall be set back a minimum of ten (10) feet from the main building face, or five (5) feet if the house has a front porch.
- B. For all new residential development
  1. Residential building walls shall be wood clapboard, wood shingle, wood drop siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or similar material.
  2. Residential roofs shall be wood, synthetic, or fiberglass shingles, solar shingles, tile or metal. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.

3. Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. The architectural style and color of walls shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a lake or wetland. Residential development in Agricultural and Rural Estates zoning districts may also propose special purpose fencing in conjunction with farm animals and horses.
4. Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

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

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

- A. Roof plan: Residential homes shall have variations in roof lines and use dormers, wide eaves, and other architectural elements to add interest and sustainability.
- B. Wall materials and color options: See Section 4.06.02(B)(1) above for material options. Walls cannot be all one material and/or all one color. Primary facades shall have one base color and a minimum of one complementary accent color. A complementary wall material may be used to meet the second color requirement.
- C. Exterior architectural details: Each home shall incorporate architectural details to add interest to all sides of the building. Primary facades shall incorporate a minimum of four (4) architectural details and secondary facades shall incorporate a minimum of two (2) architectural details. These include, but are not limited to:
  1. Windows
  2. Shutters
  3. Porches
  4. Decorative elements
  5. Doors
  6. Columns
  7. Window boxes
  8. Porticos
  9. Cupolas

10. Chimneys
11. Enhanced landscape treatment which provides for one additional planting area with a minimum size of 400 square feet
12. Other elements approved by the Town

**4.06.04 Other Residential Development**

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

**4.06.05 Non-Residential Development**

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

**4.06.06 Non-Residential Development Architectural Plans**

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

| <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 not be chain link unless the land use requires security fencing.~~
3. Variations in roof lines should be used to add building interest consistent with the designated building style. Roof mounted equipment is also required to be shielded from view. Flat roofing is encouraged if the roof can be utilized (i.e., rooftop terrace), especially where such use can take advantage of views (i.e., for residential units above non-residential uses).
4. Large storefront windows are encouraged in retail areas as pedestrian-friendly components. At least 50 percent of the first floor of all buildings with a retail component shall be comprised of storefront windows, unless a waiver is specifically granted by the Town Council.
5. Non-residential buildings shall be painted with earth tone or pastel colors consistent with the designated building styles. Fluorescent and visually overwhelming colors which call undue attention to the property shall not be permitted. The fact that certain colors are “corporate” shall not be grounds for waiver from this provision. Where color schemes are used on non-residential buildings that commonly identify the business on site, those areas shall be considered signage and shall be included in the calculation of sign area.
6. Awnings, arcades, colonnades, arbors, trellises, and other similar architectural components should be a component of non-residential building design to add

interest to the physical character of the area as well as afford a way for pedestrians to get out of the weather.

7. The main building entrance shall face the public right-of-way unless it is determined during the site plan approval process that such configuration is not practical. When parking is located on the side or rear of the building, the placement of a suitably large building entrance facing the parking area is permitted, but it shall not displace the main building entrance. Main building entrances shall be articulated in a manner consistent with the architectural style of the building.

#### **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 ~~Mayer~~ Town Manager.
- B. The determination of a substantial or non-substantial amendment shall be made by the ~~Mayer~~ Town Manager with input from the DRC.

- C. Amendments to the Conceptual Land Use Plan determined to be substantial will require a new Conceptual Land Use Plan application and a full review by the DRC. After review by the DRC, the Conceptual Land Use Plan will then be submitted to the Planning and Zoning Board and the Town Council and shall be an exhibit to an amended zoning ordinance. The amended zoning ordinance shall go through the same public hearing process as the original ordinance.
- D. Amendments determined to be non-substantial amendments must be submitted (including plans and support data) and approved first to the DRC and then to the Town Council for final approval. A new ordinance is not required for non-substantial amendments.

#### **4.10.11 Subsequent Process for PUDs**

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

### **4.11.00 SPECIAL OVERLAY DISTRICTS**

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

- 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 amendment.
- 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 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, solid vinyl fence 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, vinyl, 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.

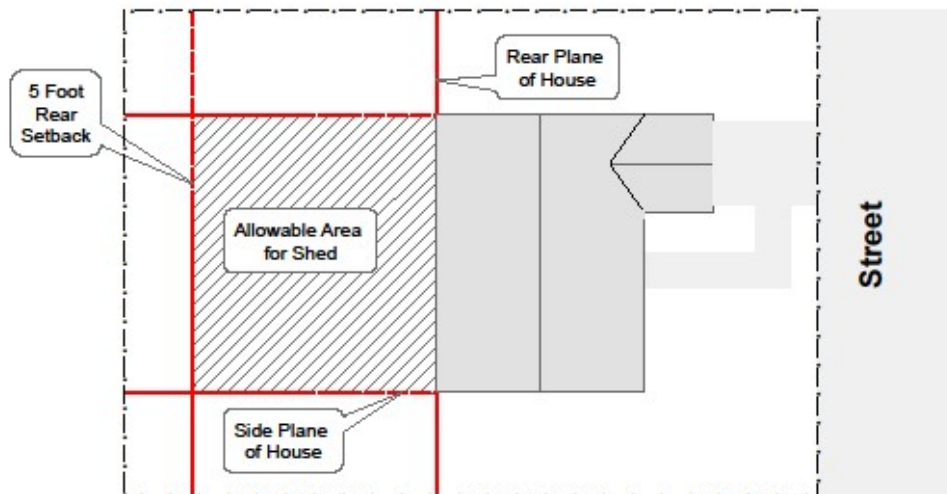
#### **5.01.08 Swimming Pools and Pool Enclosures**

- 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.

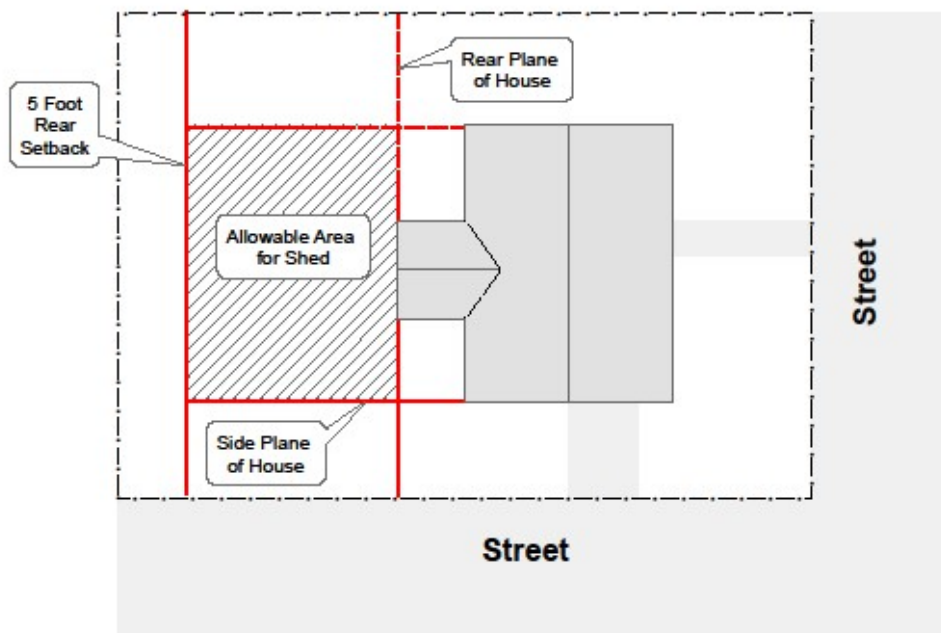
**5.01.09 Storage Sheds**

- 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 point 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:<br/>Zoning District:</b> | <b>Freestanding</b>             | <b>Wall</b>                                      | <b>Awning</b> | <b>Projecting Sign</b> | <b>Sandwich or<br/>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:<br/>Zoning District:</b> | <b>Freestanding</b>                             | <b>Wall</b>  | <b>Awning</b> | <b>Projecting Sign</b> | <b>Sandwich or<br/>Sidewalk Sign</b> |
|--|---|--|---------------|------------------------|--------------------------------------|
| PUD                                    | 1 per lot, shopping center, or<br>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<br>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:<br/>Standard</b> | <b>Freestanding</b>  | <b>Wall</b>  | <b>Awning</b>   | <b>Projecting Sign</b>   | <b>Sandwich or<br/>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 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:

$$\text{Proportionate Fair-Share} = \sum \left[ \left[ (\text{Development Trips}_i) / (\text{SV Increase}_i) \right] \times \text{Cost}_i \right]$$

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~~ Town, 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.



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

## MEMORANDUM

**TO:** Howey-in-the-Hills Planning Board  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Land Development Code Amendments  
**DATE:** May 23, 2023

This report presents a series of proposed amendments to the Land Development Code for consideration by the Board. The proposed amendments come from several sources including Town staff, Code Enforcement, previous directions from the Planning Board and directives from the Town Council. The Planning Board is asked to provide a recommendation on the suggested amendments which will then be put in ordinance form for consideration by the Town Council. (Note: Proposed additions are underlined, and deletions are marked by a strike-through. Changes are in red text for easier identification.)

### Flag Poles

#### Source: Code Enforcement

The code currently includes a provision for flagpoles, but the Code Enforcement Officer has requested more specific provisions to allow for more clarity on flagpoles and to improve the ability of code enforcement to address complaints should they arise. The proposed revision is as follows:

#### 5.01.11 Flagpoles

- A. Residential single-family properties are allowed to have one flagpole not to exceed twenty (20) feet in height above finished grade or extend no more than ten (10) feet from any building to which it is associated.
- B. Residential developments that are at least ten (10) acres or mor are allowed to have up to three (3) flagpoles, not to exceed thirty (30) feet in height, at each entrance that provides ingress/egress of an arterial or collector road, provided there is at least 300 square foot separation between entrances. Four additional flagpoles may be allowed, not to exceed 30 feet in height, within the common area of the development provided that the flagpoles are not visible to motorists along any frontage roadway.
- C. Two flags are allowed to be displayed on a single flagpole. Individual flags displayed on the flagpole shall not exceed twenty-five (25%) of the height of the flagpole.
- D. Flagpoles shall have a minimum five (5) foot setback from all property lines.



E. Flagpoles shall not be located within required buffers but may be located within required yards.

F. All flagpoles fifteen (15) feet or higher require a permit from the Town.

G. American flags should be flown in accordance with the U.S. Flag Code.

~~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.~~

Note: The ratio of flag size to flagpoles size at 25% is the official ratio established for display of the American flag. The regulation uses this ratio for all flags.

### **Moveable Storage Units**

#### **Source: Code Enforcement**

Two changes are proposed to this section . One is to correct the reference to the visibility triangle at street and driveway intersections. The Town code does not currently include a clear rule on visibility triangles, and one is proposed in this amendment package. The second is to change the period a storage unit can be placed on site from 14 to 30 days. Typically the rental term for a storage unit is one month.

#### **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)~~ thirty (30) 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~~ 7.04.04.
- I. The storage pod shall not exceed a maximum size of sixteen (16) feet in length and eight (8) feet in width.

## **Townhome Parking Requirements**

### **Source: Planning Board**

During the review of the townhome project in Venezia South, the Planning Board recommended the code be revised to require a minimum two-car garage for townhouse units. The proposed amendment is as follows:

#### **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).
13. Townhomes 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 the right-of-way to the garage.

**Maintenance of Plant Materials**  
**Source: Code Enforcement**

Revisions recommended in arborist report.

***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~~ ANSI Standard 300 Part 1 (Pruning) or equal are required by this LDC. The practice of "topping" or "hat-racking" is considered unacceptable by the 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. Street tree canopy over sidewalks shall be maintained with a ten (10) foot height clearance.

**Approved Tree and Plant List**  
**Source: Town Council and Code Enforcement**

This proposed amendment modifies the list of approved trees and plants for landscaping and buffers. Two additional trees are added to the list of acceptable canopy trees, the laurel oak is reclassified as a qualified street tree, and understory trees are modified with some deletions and additions. These revisions are in part driven by recommendations of an arborist who reviewed the Town's tree regulations and provided recommendations. This revision in the canopy trees has been driven in part by tree replacement code enforcement actions in the Venezia neighborhood. The amendment also includes a rule for palm trees proposed to replace shade trees in residential and commercial settings. Shade or canopy trees are used to provide a shading canopy which is not generated by an individual palm tree. By requiring a grouping of palm trees when proposed to replace shade trees, the intended effect is to provide a broader canopy by requiring a grouping of palms.

## APPROVED TREE AND PLANT LIST

Table 7.10.00 Approved Tree and Plant List

| Canopy Trees         | Understory Trees               | Aquatic Plants            | Shrubs                | Ground Cover          | Turf          |
|----------------------|--------------------------------|---------------------------|-----------------------|-----------------------|---------------|
| Bald Cypress         | American Holly                 | Arrowhead                 | American Beauty Berry | Aloe                  | Bahia         |
| 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          | <del>Drake Elm</del>           | Cinnamon Fern             | Gallberry             | English Ivy           |               |
| Slash Pine           | East Palatka Holly             | Duck Potato               | Indian Hawthorne      | Florida Lantana       |               |
| Southern Magnolia *  | <del>Flowering Dogwood</del>   | Fragrant White Water Lily | Ligustrum             | Lirope                |               |
| Sweet Bay            | Ligustrum                      | Golden Canna              | Ligustrum             | Mondo Grass           |               |
| Sweetgum             | Loquat                         | Maidencane                | Native Azaleas        | Society Garlic        |               |
| Sycamore             | Sabal/Cabbage Palm             | Pickrel Weed              | Pampas Grass          | Wandering Jew         |               |
| <del>Water Oak</del> | Savannah Holly                 | Pond Cypress              | Pink Muhly Grass      | Perennial Peanut      |               |
| Drake Elm*           | <del>Washington Palm</del>     | Sawtooth fern             | Pittosporum           | Beach Sunflower       |               |
| Sweet Bay* Magnolia  | <del>Wax Myrtle</del>          | Soft Rush                 | Podocarpus            | Dwarf Asiatic Jasmine |               |
|                      | <del>Weeping Bottlebrush</del> | Swamp Hibiscus            | Sandanka Viburnum     |                       |               |
|                      | Winged Elm                     |                           | Saw Palmetto          |                       |               |
|                      | Yaupon Holly                   |                           | Silverthorn           |                       |               |
|                      | Natchez Crepe Myrtle           |                           | Simpson Stopper       |                       |               |
|                      | Purpleleaf Plum                |                           | St. Johns Wort        |                       |               |
|                      | <del>Medjool Date Palm</del>   |                           | Star Anise            |                       |               |
|                      | <del>Bamboo Palm</del>         |                           | Sweet Viburnum        |                       |               |

\*Live Oaks, Laurel Oaks and Southern Magnolias are the ~~two~~ three approved Street Tree species in the Town of Howey in the Hills. Drake Elm and Sweet Bay Magnolia may be used where planting space is at a premium. Other trees may also be requested as street trees and will be considered on a case-by-case basis depending on the site conditions. ~~Palms in clusters may be used as canopy trees, but not in excess of 10 percent of the total required canopy trees for the site.~~ Palms

may be used to replace shade trees in clusters of three trees for residential parcels and five trees for commercial parcels. Palms may not be used as substitutes for street trees. Palms may be applied as accent trees in addition to shade trees; as part of a thematic project design; and as an alternative to understory trees when integrated into planting beds.

Plants that do not appear on the above table may also be used if they are recommended by one of the following agencies:

1. The St. Johns River Water Management District,
2. The University of Florida, IFAS (Institute of Food and Agricultural Sciences) Extension, or
3. The Florida Department of Environmental Protection, Bureau of Aquatic Plant Management.

#### ***7.10.01 Prohibited Plant List***

The following trees and plants are prohibited:

- A. Acacia
- B. Albizia Julibrissin (mimosa or silk tree)
- C. Australian Pine
- D. Brazillian Pepper Tree
- E. Camphor
- F. Castor Bean
- G. Chinaberry
- H. Chinese Tallow
- 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
- R. Ailanthus (tree of heaven)

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.

#### **Tree Protection**

#### **Source: Code Enforcement**

Revisions recommended in arborist report.

### **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. Tree protection shall meet the standards of ANSI Standard A300 Part 5.
- 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.
    - c. Any waiver or request to construct barriers within the drip line shall be reviewed by the Town. The request must be accompanied by a report from a qualified arborist. 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.

### **Turf Grass Percentage**

#### **Source: Code Enforcement**

This amendment is to correct a discrepancy between the allowable percentage of turf grass allowed as lawn area. The allowable percentage is reported as 50% in one code location while the water conservation rules require 60% as drought tolerant plants. Essentially this is 40% irrigated turf grass. The 60% figure was added to the code when amendments were made for water conservation provisions, and the recommendation is to use the smaller allowance. Note that the portion of public right-of-way adjacent to a residential lot may be irrigated turf grass.

### **7.08.01 Required Landscaping**

F At least ~~50%~~ 60% of the landscaped area for each single-family lot shall be drought tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of irrigation and shall be grouped together on the lot in order to reduce the irrigation requirement for those zones. Turf area may exceed 40% if the turf area over 40% is unirrigated.

(NOTE: The percentage of lot area allowed for turf grass is revised to conform to Section 7.04.01 Florida Water Star Program.)

### **Workshop Definition and Rule**

**Source: Town Administrative Staff**

The code on accessory structures includes a reference to a “workshop” and implies the rules for locating a workshop are different than for a storage shed. The proposed rule defines a workshop and requires that the location conform to the rules for storage sheds.

#### **5.01.10 Workshops**

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

(NOTE: Sections 5.01.10 Docks, Piers and Wharfs and Section 5.01.11 Flagpoles will be renumbered if this provision is added to the land development code.)

### **Visibility Triangle at Street and Driveway Intersection**

**Source: Code Enforcement**

Regulating the placement of landscaping and other potential obstructions in the areas where drivers need to see ongoing traffic before entering a road are common safety rules in most ordinances. The Town’s code did not include a clearly stated requirement for protection of the visibility area, although there has been enforcement of the visibility need through the review of landscape plans. This code amendment will clarify the requirement and provide a sketch of the landscaped area to help property owners and designers comply with the requirement.

### **7.04.03 Landscaping Non-Single-Family 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

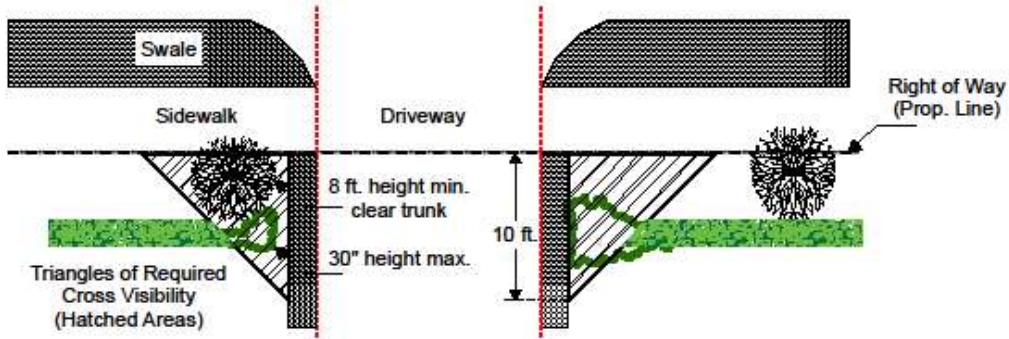
visible outdoor mechanical equipment and to provide visual interest along the facades visible from streets or parking areas.

- 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.

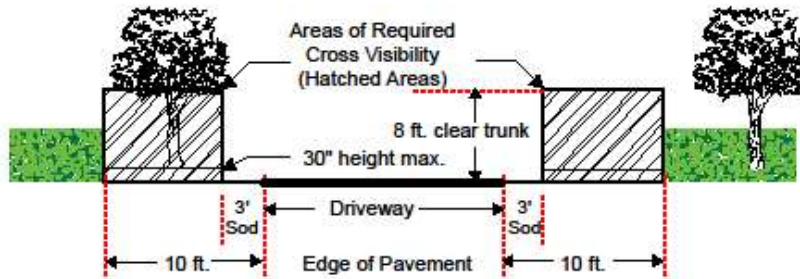
#### **7.04.04 Visibility Triangle at Intersections**

In order to preserve visibility at intersections of streets and at intersections of driveways with streets, a visibility triangle shall be provided as shown in the following diagram.

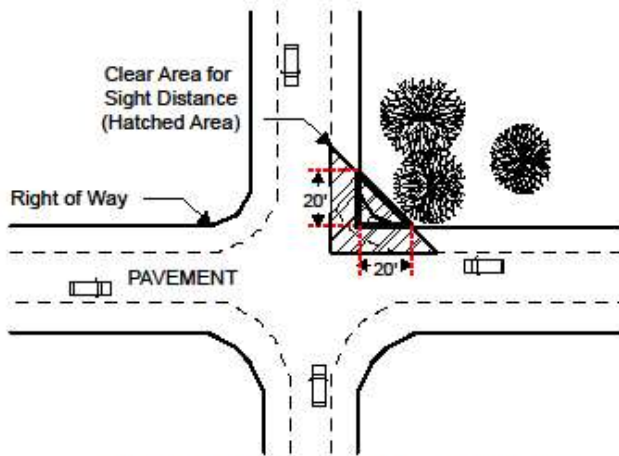




**PLAN : Intersection of Driveway and Street**



**CROSS SECTION A-A' : Intersection of Driveway and Street**



**PLAN : Local Roadway in Subdivision**

## **Tree Removal Permit Amendment**

### **Source: Code Enforcement**

In 2021 the Florida legislature adopted a law that pre-empts some local permitting requirements for tree removal. For single-family homes, a local government cannot require a permit to remove any tree that is certified by a qualified arborist as being diseased, damaged, or otherwise a threat to the property. The proposed amendment requires the property owner to submit a copy of the arborist's report to document the status of the tree to be removed. Otherwise a permit will be required to allow removal of the tree.

#### **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 unless otherwise exempt under F.S. 163.045. Prior to removal of any tree exempt from permitting under F.S. 163.045 the property owner shall provide to the Town a copy of the arborist report required by Section 163.045(2). Requests for tree removal permits shall be made to the ~~Public Works Director~~ Code Enforcement Officer. 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.
  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.

### **Definition of Street Tree**

#### **Source: code Enforcement**

The term “street tree” is used in the code but has not been defined in the code. A street tree is a class of canopy tree planted in the right-of-way or on a residential lot as required by Section 7.08.00 Landscaping Individual Residences. Any tree planted and meeting the requirements of a street tree also qualifies as meeting the requirements for canopy trees.

***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. See also street tree.

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

### **Definition of Primary Façade**

#### **Source: Planning Board**

For single-family residential units, the Planning Board recommended that any building façade facing a yard that abuts a street meet the requirements of a primary façade. The Town has been applying this definition to corner lots and in the case of the Venezia townhome project to through lots. (Townhome architectural detailing follows the same rule as single-family homes.) The amended definition proposed below clarifies that the primary façade rules apply to any building side that faces a street whether as a corner lot, through lot or lot that may face three or more streets. As was noted at the Planning Board meeting where this topic was discussed, recent state law limits the application of design rules to single-family and two-family dwelling to planned unit developments and selected other exemptions such as historic districts.

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

## **Clear Zone for Utility Meters**

### **Source: Public Works**

The public works staff is encountering problems in the field reading meters and doing maintenance work on potable water meters and reclaimed water meters as property owners install plantings in part to conceal meters. The public works staff is requesting an addition to the LDC to provide for a clear area that is only sod and/or mulch that will allow for full access to the meters. The following language is proposed for addition to the technical requirements for each system in Chapter 8.

**8.05.02 L** It is the responsibility of all potable water customers to maintain a three-foot area clear of any fences, structures or landscaping other than sod or mulch around meter boxes to allow for access by Town employees for reading, maintenance, and disconnection of service. The meter box may not be buried or obstructed from view. The Town shall not be responsible for any damage to plants, fences or other impediments that are removed in the course of work.

**8.05.04 F** It is the responsibility of all reclaimed water customers to maintain a three-foot area clear of any fences, structures or landscaping other than sod or mulch around meter boxes to allow for access by Town employees for reading, maintenance, and disconnection of service. The meter box may not be buried or obstructed from view. The Town shall not be responsible for any damage to plants, fences or other impediments that are removed in the course of work.

# LAND DEVELOPMENT CODE REVIEW PART 2 SUGGESTED REGULATORY CHANGES

## RE Rural Estates Comparison Chart

| Dimension              | Code  | Miles | Wagler | MacFarlane | Lannamann |
|------------------------|-------|-------|--------|------------|-----------|
| Lot Size               | 2 ac  | 1 ac  |        |            |           |
| Lot Width              | 150   |       |        |            |           |
| Lot Depth              | 200   |       |        |            |           |
| Setbacks               |       |       |        |            |           |
| Front                  | 50    |       |        |            |           |
| Side                   | 25    |       |        |            |           |
| Street Side            | 50    |       |        |            |           |
| Rear                   | 50    |       |        |            |           |
| Building Height        |       |       |        |            |           |
| Stories                | 2.5   |       |        |            |           |
| Feet                   | 30    |       |        |            |           |
| Floor Area Min         | 1,500 | 2,000 |        |            |           |
| Floor Area Max         |       |       |        |            |           |
| Lot coverage           | 20    |       |        |            |           |
| FAR                    | .15   |       |        |            |           |
| Units/Acre             |       |       |        |            |           |
| Acc. Str. Rear Setback |       |       |        |            |           |

### Discussion Notes:

- If a determination is made to modify the minimum lot size to one acre, the lot dimensions and setbacks should be reviewed to make sure the lots can be reasonably created and that the setbacks leave adequate room to build a house and any accessory structures.
- Maximum building height and maximum number of stories is listed in the chart but not in the written dimensional standards.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

## SFR Single Family Residential Comparison Chart

| Dimension              | Code   | Miles | Wagler | MacFarlane | Lannamann |
|------------------------|--------|-------|--------|------------|-----------|
| Lot Size               | 0.5 ac |       |        |            |           |
| Lot Width              | 100    |       |        |            |           |
| Lot Depth              | 150    |       |        |            |           |
| Setbacks               |        |       |        |            |           |
| Front                  | 35     |       |        |            |           |
| Side                   | 20     |       |        |            |           |
| Street Side            | 35     |       |        |            |           |
| Rear                   | 30     |       |        |            |           |
| Building Height        |        |       |        |            |           |
| Stories                | 2.5    |       |        |            |           |
| Feet                   | 30     |       |        |            |           |
| Floor Area Min         | 1,800  | 2,000 |        |            |           |
| Floor Area Max         |        |       |        |            |           |
| Lot coverage           | 35     |       |        |            |           |
| FAR                    | .20    |       |        |            |           |
| Units/Acre             |        |       |        |            |           |
| Acc. Str. Rear Setback |        |       |        |            |           |

### Discussion Notes:

- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

## MDR-1 Comparison Chart

| Dimension              | Code   | Miles | Wagler | MacFarlane | Lannamann |
|------------------------|--------|-------|--------|------------|-----------|
| Lot Size               | 15,000 |       |        |            | 14,250    |
| Lot Width              | 100    |       |        |            | 80        |
| Lot Depth              | 120    | 140   | 150    | 120        | 130       |
| Setbacks               |        |       |        |            |           |
| Front                  | 35     |       |        |            |           |
| Side                   | 12.5   |       |        |            |           |
| Street Side            | 12.5   | 20    |        |            |           |
| Rear                   | 25     | 30    |        |            |           |
| Building Height        |        |       |        |            |           |
| Stories                | 2.5    |       |        |            |           |
| Feet                   | 35     |       |        |            |           |
| Floor Area Min         | 1,700  | 1,800 |        |            |           |
| Floor Area Max         |        | 3,400 |        |            |           |
| Lot coverage           | 50     |       |        |            |           |
| Units/Acre             | 4      | 3     | 3      |            | 3         |
| Acc. Str. Rear Setback |        |       |        |            | 7         |

### Discussion Notes:

- Mr. Lehning proposed eliminating the entire zoning classification.
- Changing rear and side yard setbacks could result in making existing homes non-conforming. This could become an obstacle for homeowners wanting to make improvements such as room additions where the existing structure was built at the minimum setback line. If the reason for the larger setbacks is to allow for swimming pools, this can be controlled by the larger minimum rear setback already established. We have not had variance applications from areas where the 25-foot rear setback is in place.
- Reducing the rear setback for swimming pools (Lannamann suggestion) is also an option to allow more room for pools either individually or in combination with the larger rear setback for the principal structure.
- If housing cost is an issue, the addition of 100 square feet to the minimum floor area probably adds \$15,000 to \$20,000 to the cost of the house.
- Why not simply eliminate the units/acre standard? The number of units per acre are set by the minimum lot size as it is applied in the subdivision design. This is not something we ever check in the existing neighborhoods, and it is unclear how the units/acre would even be applied in already platted areas.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?
- What is the maximum floor area intended to achieve? Some locations, such as lakefront, might support larger houses based on total property value. Why exclude this opportunity?



Each neighborhood will build, or should be able to build, to the property value of that neighborhood. If a property owner stays within the building envelope on the lot, why not allow them to build the house that fits their needs and lifestyle.

- The minimum lot width and lot depth if applied only yield 12,000 square feet in lot area. The balance must be made up by widening the lot or making it deeper.

## MDR-2 Comparison Chart

| Dimension              | Code  | Miles  | Wagler | MacFarlane | Lannamann |
|------------------------|-------|--------|--------|------------|-----------|
| Lot Size               | 9,000 | 11,000 | 10,800 |            | 10,890    |
| Lot Width              | 75    | 80     | 80     |            |           |
| Lot Depth              | 120   | 130    | 135    |            |           |
| Setbacks               |       |        |        |            |           |
| Front                  | 25    |        | 30     |            |           |
| Side                   | 12.5  |        |        |            | 10.5      |
| Street Side            | 12.5  | 20     |        |            |           |
| Rear                   | 25    |        | 40     |            |           |
| Building Height        |       |        |        |            |           |
| Stories                | 2.5   |        |        |            |           |
| Feet                   | 35    |        |        |            |           |
| Floor Area Min         | 1,200 | 1,500  | 1,600  |            | 1,400     |
| Floor Area Max         |       | 3,000  |        |            |           |
| Lot coverage           | 50    |        |        |            |           |
| Units/Acre             | 4     | 4      |        |            | 4         |
| Acc. Str. Rear Setback | 5/10  |        |        |            | 5         |
| Garage 2-Car           | 400   |        |        |            | 3 car/500 |

### Discussion Notes:

- Mr. Lehning proposed eliminating the entire zoning classification.
- Changing rear and side yard setbacks could result in making existing homes non-conforming. This could become an obstacle for homeowners wanting to make improvements such as room additions where the existing structure was built at the minimum setback line. If the reason for the larger setbacks is to allow for swimming pools, this is controlled by the larger minimum rear setback already established. We have not had variance applications from areas where the 25-foot rear setback is in place.
- Reducing the rear setback for swimming pools (Lannamann suggestion) is also an option to allow more room for pools either individually or in combination with the larger rear setback for the principal structure.
- If housing cost is an issue, the addition of 100 square feet to the minimum floor area probably adds \$15,000 to \$20,000 to the cost of the house.
- Why not simply eliminate the units/acre standard? The number of units per acre are set by the minimum lot size as it is applied in the subdivision design. This is not something we ever check in the existing neighborhoods, and it is unclear how the units/acre would even be applied in already platted areas.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

- What is the maximum floor area intended to achieve? Some locations, such as lakefront, might support larger houses based on total property value. Why exclude this opportunity? Each neighborhood will build, or should be able to build, to the property value of that neighborhood. If a property owner stays within the building envelope on the lot, why not allow them to build the house that fits their needs and lifestyle.
- Three car garage seems excessive. Typical home design provides four off-street parking spaces with two in the garage and two in the driveway. Standard parking space is 20 feet deep and will fit on the lot with no overhang into the right-of-way with a 25-foot setback. The added garage area probably adds another \$15,000 to the house cost.
- Changing the minimum lot size for area, width and depth will make most of the lots in Whispering Heights non-conforming, and changing the setbacks will affect the buildable area of the parcel. The subdivision plat has been approved as a preliminary subdivision plan so there is some level of vested rights here.
- Other R-2 neighborhoods (Palm Gardens, Marilyn Avenue, Revels Road area have larger lots for the most part.) There are 6 non-conforming lots in these areas now, but most lots exceed 80 feet in lot width.

## TC-R Town Center Residential Comparison Chart

| Dimension              | Code  | Miles | Wagler | MacFarlane | Lannamann |
|------------------------|-------|-------|--------|------------|-----------|
| Lot Size               | 9,000 |       | 10,400 |            |           |
| Lot Width              | 100   |       |        |            |           |
| Lot Depth              |       |       |        | add        |           |
| Setbacks               |       |       |        |            |           |
| Front                  | 25    |       | 30     |            |           |
| Side                   | 20    |       |        | Reduce     |           |
| Street Side            | 25    |       |        | Reduce     |           |
| Rear                   | 30    |       |        |            |           |
| Building Height        |       |       |        |            |           |
| Stories                |       |       |        |            |           |
| Feet                   | 35    |       |        |            |           |
| Floor Area Min         | 1,700 |       |        |            |           |
| Floor Area Max         |       |       |        |            |           |
| Lot coverage           | 50    |       |        |            |           |
| Units/Acre             |       |       |        |            |           |
| Acc. Str. Rear Setback |       |       |        |            |           |

### Discussion Notes:

- Mayor MacFarlane thought the district should include a minimum lot depth and suggested that at least some of the setbacks were overlarge. No specific numbers were proposed. The setbacks in TC-R are larger than in other standard zoning classifications in an area where slightly smaller lots are planned to support the commercial center. A reduction at least in the side yard setbacks is a good idea.
- Ms. Lannamann did not give any specifics regarding dimensions but did offer some comments on the TC-R District.. Her comments are listed below:
  1. Work from Home (WFH) This is grey and can be interpreted as anything. Especially inside HOAs...we have to think inside PUDs and the HOAs that will usually govern in this residential type.  
**Response: The TC-R zone only applies within the town center overlay. This area is fully platted and it is highly unlikely that any HOA will be established here. Home occupations are clearly described in the definition section of the code (Chapter 1). We really cannot prohibit home occupations as the state has pre-empted the Town from doing this.**
  2. Minimum lot size for single family detached units is 9,000 square feet. (This seems not to fit with Town Center concepts. Town Center residentials are usually townhouses or loft type apartments.)  
**Response: Not sure if the concern is that 9,000 square foot lot is too large or too small. Most of the TC-R is already developed with single-family units. There has been some infill on vacant lots over the years, and the smaller lots**

**are intended to allow some slightly denser housing close to the Central Avenue commercial area.**

3. ~~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.)~~ (This seems to conflict with Town Center residential living. Is this what we want this in the Town?)

**Response: We need to look at what actual lot widths are the predominant size in the district. We should not make the lot width bigger than the predominant size in the district or we risk creating a bunch of non-conforming parcels.**

4. ~~Minimum square footage of principal dwelling on single family detached homes is 1,700 square feet (air conditioned, not including garage or accessory dwelling).~~

(This seems to conflict with Town Center residential living. Is this what we want this in the Town?)

**Response: Is 1,700 minimum too big or too small? Again, the intent is to allow slightly more housing close to the Central Avenue corridor. With a little smaller lot it seems to make sense to have a slightly smaller minimum house size.**

- Increasing minimum lot sizes and front yard setbacks in an area that is largely developed (Wagler) is a formula for creating non-conforming parcels and structures. The TC-R is fully platted and mostly built out. The TC-R district is not going to be applied outside the overlay area, so we really only have infill development to worry about.

## TC-F Town Center Flex Comparison Chart

| Dimension              | Code  | Miles | Wagler | MacFarlane | Lannamann |
|------------------------|-------|-------|--------|------------|-----------|
| Lot Size               | 9,000 |       | 10,400 | Reduce     |           |
| Lot Width              | 100   |       |        |            |           |
| Lot Depth              |       |       |        | Add        |           |
| Setbacks               |       |       |        |            |           |
| Front                  | 25    |       | 30     | Reduce     |           |
| Side                   | 12.5  |       |        |            |           |
| Street Side            | 25    |       |        | Reduce     |           |
| Rear                   | 30    |       |        | Reduce     |           |
| Building Height        |       |       |        |            |           |
| Stories                |       |       |        |            |           |
| Feet                   | 35    |       |        |            |           |
| Floor Area Min         | 1,700 |       |        |            |           |
| Floor Area Max         |       |       |        |            |           |
| Lot coverage           | 40    |       |        |            |           |
| Units/Acre             |       |       |        |            |           |
| Acc. Str. Rear Setback |       |       |        |            |           |

### Discussion Notes:

- Mayor MacFarlane thought the district should include a minimum lot depth and suggested that at least some of the setbacks were overlarge. No specific numbers were proposed. Some of the setbacks in TC-F are larger than in other standard zoning classifications in an area where slightly smaller lots are planned to support the commercial center.
- Why does a smaller maximum lot coverage make sense in a zoning classification that is intended to support the commercial core by having slightly more intensive development with an option to convert to office and potentially small retail use as a stand-alone business or as a work-live option? Maximum lot coverage should be increased.
- Increasing minimum lot sizes and front yard setbacks in an area that is largely developed (Wagler) is a formula for creating non-conforming parcels and structures. The TC-F is fully platted and mostly built out. The TC-F district is not going to be applied outside the overlay area, so we really only have infill development and potential conversion from residential to low intensity commercial to worry about.

## PROPOSED HIGH DENSITY RESIDENTIAL

| Dimension        | HDR-1                        | HDR-2                        | Townhome Units<br>2.03.03 |
|------------------|------------------------------|------------------------------|---------------------------|
| Lot Size         |                              |                              | 5000 sf.                  |
| Lot Width        |                              |                              | 50 ft end, 35 ft interior |
| Lot Depth        |                              |                              | 120 ft                    |
| Unit Width       | 35 feet                      | 35 feet                      |                           |
| Unit Depth       |                              |                              |                           |
| Setbacks         |                              |                              |                           |
| Front            | 20                           | 20                           | 25                        |
| Side             | 20                           | 20                           | 15                        |
| Street Side      | 25                           | 25                           | 25                        |
| Rear             | 25                           | 25                           | 25                        |
| Building Spacing | 40                           | 40                           |                           |
| Building Height  | 35 feet                      | 35 feet                      | 30 feet                   |
| Stories          | 2 stories                    | 2 stories                    | 2.5 stories               |
| Units /Building  | 4                            | 4                            |                           |
| Floor Area Min   | 1,800 sf.                    | 1,500 sf.                    | 1,200 sf                  |
| Lot coverage     |                              |                              | 40%                       |
| Units/Acre       |                              |                              | 4                         |
| Parking          | 4/unit (min 2-car<br>garage) | 4/unit (min 2-car<br>garage) | 2                         |

### Discussion Notes:

- How would the high-density zoning district be applied? The Town does not have a high density residential classification on the future land use map. One option would be to allow the zoning in VMU, but the maximum density is too low to attract standard rental apartments and condominium uses other than townhouse units. Is the intent to add a high-density residential land use classification to the future land use map? If the intent is to apply the HDR zones in the Village Mixed Use areas, the intended outcomes can be done via the standard PUD process.
- Why have two districts when the only difference is minimum unit floor area? The minimum floor area needs to be researched to see what is common in multifamily projects.
- A minimum unit width of 35 feet seems unrealistically wide for apartments and most other multi-family types. The minimum unit width is even large for townhouse units.
- Compare proposed HDR districts to the current townhome requirements in Section 2.03.03. dimensional requirements are similar. See chart above. The requirement for a 2-car garage has been recommended by the Planning Board and is pending Town Council action. Per current code these townhome rules apply in TC-C, TC-F and TC-R.
- A maximum of 2-stories is not enough for current standard rental units and many condominium units. Rental projects now use 3- to 5-stories and project sizes in the 250-unit range.

- The multifamily district needs to include a minimum project size (acres), and project density (units per acre), project setbacks as well as unit spacing requirements, and some other finishing details.
- The HDR as proposed seems to be more along the lines of a townhouse design. The code already has townhouse rules that could perhaps be reviewed and amended to accomplish the same purpose.
- The HDR districts as proposed will need some linkage to the comprehensive plan to designate where the uses will be allowed.
- The resulting product would be a quadplex on one or two stories. Units at Central and Lakeshore might fit this design intent.



## CHAPTER FOUR REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 4 Development Review Procedures. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Revise Central Lake CDD references.
- Review single-family design guidelines with regard to block size and 10% waiver rule.
- Delete wood materials as acceptable for walls and roofing for new structures.
- Review townhouse design rules.
- Increase minimum area to qualify for a planned unit development.
- Allow PUD zoning in overlay areas only.
- Define flag lots. Allow?
- Prohibit clear cutting trees for new development. Design roads and development sites around trees.
- Shorten the action time for site plan and subdivision approval and construction.
- Require earlier submittal for variances and review variance applications through the Development Review Committee.
- For variances add a disclaimer statement regarding ability to obtain a variance and add additional conditions for variance review.
- Include sunset provision in all development agreements.
- Increase architectural detailing requirements.
- Require an independent traffic study for proposed developments.
- Establish a minimum time to activate a conditional use.

## CHAPTER SEVEN REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 7 Landscaping, Irrigation and Hardscape. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Edit buffer diagram to put more space between the required wall and the right-of-way.
- Deepen the buffer area requirement between residential and commercial uses, and for non-residential uses generally.
- Increase the lot area allowable for lawn grass.
- Move street trees further from the sidewalk.
- Update the plant list table.
- Amend Section 7.12.01 to account for state pre-emption of tree removal permits.
- Add root barriers to the planting requirements.

## CHAPTER EIGHT REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 8 Development Standards. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Modify the minimum lot frontage requirement. One recommended expanding the number and one recommended reducing the number.
- Provide more space between a sidewalk or bike path and the curb.
- Require all infill units to install sidewalk.
- Increase parking minimum to 4 spaces per unit (counting the garage spaces).
- Require a mandatory connection to Town utilities when a parcel is within 300 feet.
- Clarify language on two subdivision entrances.
- On Table 8.03.02 review standards for local roads. Expand right-of-way requirement to 60 feet.







2023

# November

| Sunday | Monday                        | Tuesday | Wednesday | Thursday           | Friday | Saturday               |
|--------|-------------------------------|---------|-----------|--------------------|--------|------------------------|
|        |                               |         | 1         | 2                  | 3      | 4                      |
| 5      | 6                             | 7       | 8         | 9                  | 10     | 11<br>Veteran's<br>Day |
| 12     | 13<br>Town Council<br>Meeting | 14      | 15        | 16                 | 17     | 18                     |
| 19     | 20                            | 21      | 22        | 23<br>Thanksgiving | 24     | 25                     |
| 26     | 27<br>Town Council<br>Meeting | 28      | 29        | 30                 |        |                        |

2023

# December

| Sunday   | Monday   | Tuesday | Wednesday | Thursday | Friday                  | Saturday |
|----------|--|---------|-----------|----------|-------------------------|----------|
|          |  |         |           |          | 1                       | 2        |
| 3        | 4  | 5       | 6         | 7        | 8                       | 9        |
|          |  |         |           |          | Town Christmas Festival |          |
| 10       | 11<br>Town Council Meeting                     | 12      | 13        | 14       | 15                      | 16       |
| 17       | 18   | 19      | 20        | 21       | 22                      | 23       |
| 24<br>31 | 25<br><u>Christmas</u><br>Town Council Meeting | 26      | 27        | 28       | 29                      | 30       |



# Public Works

## 5 Year – Road Improvement List

### FY2024 – FY2028

| FY2024                         |              |   |
|--------------------------------|--------------|---|
| Road Name:                     | Road Rating: | Notes:  |
| N. Citrus Avenue – 1,116 LF    | 1            | Survey, Realignment of Road in Right-of-Way, Intersection Improvements at E. Camellia Way & S.R 19, Potholes, Bad Edges, Base Failure |
| FY2025                         |              |   |
| E. Gardenia Street – 826 LF    | 1            | Lateral and Horizontal Pavement Cracking, Tree Roots Compromising Road Base and Pavement, Base Failure                                |
| E. Holly Street – 752 LF       | 1            | Lateral and Horizontal Pavement Cracking, Tree Roots Compromising Road Base and Pavement, Base Failure                                |
| FY2026                         |              |   |
| N. Tangerine Avenue – 1,400 LF | 1            | Pavement Cracking, Delaminating of Pavement Layers, Base Failure, Intersection Improvements at N. Lakeshore Boulevard                 |
| FY2027                         |              |   |
| N. Georgia Avenue – 656 LF     | 1            | Bad Lateral and Horizontal Pavement Cracking, Potholes, Base Failure  |
| W. Pine Street – 370 LF        | 2            | Some Lateral and Horizontal Pavement Cracking, Base Failure   |
| W. Palmetto Avenue – 347 LF    | 2            | Some Lateral and Horizontal Pavement Cracking, Base Failure   |
| FY2028                         |              |   |
| N. Valencia Avenue – 1,121 LF  | 1            | Bad Lateral Pavement Cracking, Delaminating of Pavement Layers, Potholes  |
| Mission Lane – 1,335 LF        | 2            | Some Lateral and Horizontal Pavement Cracking, Base Failure, Potholes<br>(Road has lime rock base, mill and pave only)                |
|                                |              |   |

**Road Rating:**

1 – Very Poor, 2 – Poor, 3 – Fair, 4 – Good, 5 – Excellent

**Additional Notes:**

**\*\*** Roads may be added or removed from the list during any fiscal year due to additional Budgeting and/or Budgetary Restraints.



**\*\*** Some roads may be improved over multiple fiscal years due to the length of road and/or Budgetary Restraints.

*Item 5.*

**Sean O'Keefe**

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**From:** Scott Line <sline@linecapitalinvestments.com>  
**Sent:** Tuesday, September 19, 2023 4:00 PM  
**To:** m29.macfarlane@gmail.com; Sean O'Keefe  
**Cc:** 'Bud Beucher'  
**Subject:** Town of Howey -- Central Lake CDD

**Caution:** This email originated from outside the organization. DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe.

Dear Martha and Sean,

Bud and I had the opportunity to speak last week regarding the Town's need to acquire 25 or so ERU's for the existing downtown commercial areas. As we have communicated to you before, the CDD does not own any additional capacity.

Bud has expressed a willingness to go to back to his partners at Packing House By-Products (the former owner of the Mission Inn) and see if they'd be willing to sell 25 of their ERU's to the Town. Packing House has previously sold ERU's to the Town, but Packing House needs all of its remaining ERU's in order for the future development of the land it still owns in and around the Mission Inn. Bud is hopeful that he can convince his partners that Packing House will be able to replenish the ERU's it sells to the Town through the Plant owner or the CDD's future expansion of the CDD's wastewater plant.

As part of the above, the Town and the CDD would need to amend their agreement to address the 25 or so additional ERU's. Additionally, the Town and the CDD would need to "clean-up" some of the open items (many of which go back 5+ years), including by agreeing to one rate structure rather than the different rate structures in the different agreements (the only exception would be the rate structure for the Lake County School System as that would not change), adjusting the \$24 flat rate to a market rate, agreeing on the duration of the agreement, and making sure that the agreement accurately identifies the developments/areas subject to the agreement. Importantly, we are not looking to address the Town's future capacity needs/expansion of the CDD's plant, as that issue is very complicated and the Town appears to still be evaluating its different options.

You will recall that we had a meeting (along with Bud and George Flint) in 2021 where we discussed all the above and we reached a general agreement on the open items. However, nothing got finalized and signed because the Town decided to explore building its own Wastewater Plant. It is my hope that our past discussions will help in our current discussions.

Of all the issues mentioned above, the rate adjustment is probably the most challenging, as we recognize that it is not easy for any public entity to raise the rate it charges to its residents. However, the \$24 rate has not been changed in many, many years, and the residents in Venezia and Talichet have benefited financially from this. We all know the impact that inflation has had on families and businesses ---- and the CDD is no different. Inflation and the additional operating costs tied to turning on and operating the CDD's new wastewater plant in 2022 have resulted in significant increases to the CDD's expenses. As one example, in 2020 the CDD spent \$24K on electricity and in 2024 the CDD is budgeted to spend \$169K on electricity.

If the Town is interested in pursuing the above discussions, please confirm the exact number of ERU's the Town would need for its downtown commercial area and by when so that Bud has this information before he speaks with his partners at Packing House. Additionally, we ask that the Town propose terms (or a proposed amendment is fine too) for the open items. In doing so, we further ask that the Town's proposal reflects the Town Council's input and approval.

Bud left on a long-needed vacation, but he asked that I share the above with you.

Regards,  
Scott