



Planning & Zoning Board Meeting

January 25, 2024 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/83773434943?pwd=bmCn1528c6jCSOqTowyky3NDI1oaER.1>
Meeting ID: 837 7343 4943 | **Passcode:** 809855

AGENDA

CALL TO ORDER ROLL CALL

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

- 1.** Consideration and Approval of the December 21, 2023, Planning and Zoning Board Meeting minutes.

PUBLIC HEARING

- 2.** Consideration and Recommendation: **Variance Application - 120 E Holly St.**

OLD BUSINESS

NEW BUSINESS

- 3.** Discussion: **Comprehensive Plan - Chapter 1 - Future Land Use Element (FLUE)**
- 4.** Discussion: **Comprehensive Plan - Chapter 8 - Capital Improvements Element**
- 5.** Discussion: **Letter from Lake County Public Works Department referencing Number Two Rd.**

PUBLIC COMMENTS

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

BOARD COMMENTS

ADJOURNMENT

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

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

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

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

Topic: Planning & Zoning Board Meeting

Time: Jan 25, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83773434943?pwd=bmCn1528c6jCSOqTowyky3NDI1oaER.1>

Meeting ID: 837 7343 4943

Passcode: 809855

Dial by your location

+1 646 558 8656 US (New York)

+1 720 707 2699 US (Denver)

+1 346 248 7799 US (Houston)

Meeting ID: 837 7343 4943

Passcode: 809855

Find your local number: <https://us06web.zoom.us/j/83773434943?pwd=bmCn1528c6jCSOqTowyky3NDI1oaER.1>

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



Planning & Zoning Board Meeting

December 21, 2023 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

CALL TO ORDER ROLL CALL

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

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

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. Consideration and Approval of the November 16, 2023, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Johnson to approve the Consent Agenda; seconded by Board Member Mulvany. Motion approved unanimously by voice-vote.

Voting

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

Nay: None

PUBLIC HEARING

2. Consideration and Recommendation: **Mission Rise Development PUD Rezoning Submittal**

Town Planner, Tom Harowski, introduced and explained this item. Mr. Harowski reviewed his staff report with the Board. Mr. Harowski explained that the project included 499 single-family homes with lots measuring 55’ x 120’ and 75’ x 120’.

Mr. Harowski summarized that the applicants have presented a conceptual plan that meets the minimum Village Mixed Use requirements as presented in Future Land Use Policy 1.1.1 and that the proposed development agreement includes setbacks that address the issues related to onsite parking and adequate area to accommodate accessory structures.

Mr. Harowski explained to the Board that there were three options before the Board. Those options included: recommending approval of the proposed development as submitted; recommending denial of the proposed application (based on a failure to comply with Policy 1.1.2 regarding community character, the addition of traffic to road segments that are projected to fall below the level of service standard [even though the road segments will still fail without the project], failure to comply with Policy 1.2.6 on the allocation of residential density in the community, and/or other findings that the Planning Board may determine); or recommending a conditional approval providing the project make some changes.

Chair St. Clair asked the applicant to introduce themselves and give their presentation to the Board. Jonathan Huels (Attorney for the applicant) introduced himself and the group of applicant representatives. They included Jason Humm (Owner Representative), Jacqueline St. Juste (Engineer), Charlotte Davidson (Transportation Planner), Mark Ausley (Biologist), Jack Caldwell (Landscape Architect), and Alexis Crespo (Planner). Ms. Crespo gave the applicant's presentation to the Board.

Board Member Yarckin quoted proposed changes to the Town's Comprehensive Plan that would require developers to have at least 50% of all Single-Family Residences to have a minimum area of 10,800 square feet and the applicant's biggest lots were only 9,000 square feet. Mr. Huels stated that this is a policy under consideration and has not yet been adopted and the applicant has been working with the existing regulations.

Chair St. Clair open Public Comment for this item only.

Eric Gunesch, 448 Avila Place – Mr. Gunesch stated that he wanted a recommendation of denial until the applicant comes back with a site plan that follows the Town's MDR-2 zoning requirements.

Greg Kiffer, 11348 Valley View Dr., Howey-in-the-Hills (unincorporated Lake County) – Mr. Kiffer had questions about school concurrency. Mr. Kiffer was concerned about the traffic getting worse in the area.

Frank Martinez, 10400 Woodland Hills Ct., Howey-in-the-Hills (unincorporated Lake County) – Mr. Martinez stated that he appreciated the applicant's consideration as it relates to the connection to Orange Blossom on the south side of the project but does not think it is enough. Mr. Martinez stated that he wanted a recommendation for denial.

Nathaniel White, Owner of Contours Landscaping Solutions – Mr. White was concerned about the flow of traffic around his business and wanted an access to the neighborhood through the south side of his property.

Janice McLain, 109 S Lakeshore Blvd. – Ms. McLain stated that she thought her 65' wide lot that she lives on is too small and that she wanted the Board to make a recommendation of denial.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline stated that Florida is no longer a paradise due to growth. Mr. Everline stated that he believed the lots were too small and that Number Two Rd. may not be fixed in 10 years. Mr. Everline stated that he wanted a recommendation for denial.

Ken Dunsmoor, 9950 Orange Blossom Rd., Howey-in-the-Hills (unincorporated Lake County) – Mr. Dunsmoor stated that he did not think they could stop people from exiting out onto Orange Blossom Rd. and he was not in favor of this proposed development.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated that he thinks 100% of all future lots should be at least 10,800 square feet and reminded the audience that he had stated this in a recent Town Council Meeting. Councilor Miles stated that he thought the Town’s staff was dragging their feet on getting the Town’s Comprehensive Plan amended.

Councilor Miles stated that he will make a motion in a future Town Council meeting to put a moratorium on building within the Town if they cannot come get this developer to change their path.

Councilor Miles asked the Planning and Zoning Board to reject this proposal. Councilor Miles stated that this proposal would not get his vote and that it would not get several other Councilors’ votes.

Sandy Russ, 6813 Lakeview Dr. Yalaha, FL. – Mrs. Russ stated that she did not think Number Two Road could handle more traffic. Mrs. Russ wanted to know what employment opportunities this development would bring. Mrs. Russ stated that the board should not recommend approval.

Chair St. Clair closed Public Comment for this item.

Mr. Huels addressed several points from the public’s comments.

Board Member Wagler stated that Number Two Rd was a major concern and was dangerous. Board Member Wagler stated the Planning and Zoning Board and Town Council were in favor of restoring larger lot sizes for the Town.

Board Member Mulvany said that the Town Planner has told developers to look at lot sizes and to look at keeping traffic off of Number Two Rd. and developers have yet to come back with larger lots. Board Member Mulvany stated that 55’ x 120’ was an unacceptable size for a lot.

Vice-Chair Francis stated that his 1/4-acre lot was too small and 55’ x 120’ lot was also too small.

Mr. Wilkes explained that the property that the Board was reviewing was currently zoned as PUD and without an active Development Agreement the owners could not develop their land. Mr. Wilkes explained that there had to be a negotiated agreement between the Town and the landowner. Mr. Wilkes explained that the Town cannot refuse to give the landowners a Development Agreement, and that there needed to be a reasonable negotiation. The Planning and Zoning Board was tasked with making a recommendation to the Town Council.

Board Member Wagler asked if the applicant had secured wastewater rights yet. Mr. Huels stated that they had not yet, but that the Development Agreement would have a time frame to allow for them to secure the rights.

Board Member Yarckin stated that she liked the clubhouse and the trail head, but she only wanted to allow them to have 250 homes in the development.

Board Member Wagler made a motion that was seconded by Board Member Yarckin. Board Member Wagler moved that the Planning and Zoning Board recommend approval of Ordinance 2024-001 and the Village Mixed Use PUD for Mission Rise only if the proposed Development Agreement is modified to include:

- 1) 80% of the residential lots can be no smaller than 1/4 acre in size (10,890 sq feet) – the remainder of the lots can be 75' lots as proposed by the applicant.
- 2) Access to Number Two Rd can be constructed but cannot be open to access until Phases 1 and 2 have been completed and access to Number Two Rd shall be constructed and ready to open before a certificate of occupancy is issued for 50% of the lots in Phase 3.

3) The open space area between Phase 2 and Phase 3 shall be redesigned to eliminate the drainage ponds (as recommended in the Town Planner's staff report).

Board Member Hayes made a motion to amend the current motion to require 100% of all the residential lots to be 1/4 acre lots. There was no second to his motion to amend the standing motion, so the motion to amend died.

Motion made by Board Member Wagler; seconded by Board Member Yarckin. Board Member Wagler moved that the Planning and Zoning Board recommend approval of Ordinance 2024-001 and the Village Mixed Use PUD for Mission Rise only if the proposed Development Agreement is modified to include:

1) 80% of the residential lots can be no smaller than 1/4 acre in size (10,890 sq feet) – the remainder of the lots can be 75' lots as proposed by the applicant.

2) Access to Number Two Rd can be constructed but cannot be open to access until Phases 1 and 2 have been completed and access to Number Two Rd shall be constructed and ready to open before a certificate of occupancy is issued for 50% of the lots in Phase 3.

3) The open space area between Phase 2 and Phase 3 shall be redesigned to eliminate the drainage ponds (as recommended in the Town Planner's staff report).

Motion was approved by roll call vote.

Voting

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

Nay: Board Member Hayes

3. Consideration and Recommendation: Ordinance 2023-013 Comprehensive Plan Amendment - Future Land Use Element

Town Planner, Tom Harowski, introduced and explained this item. Mr. Harowski reviewed his staff report with the Board. Town Attorney, Tom Wilkes, explained that this Ordinance would amend the Town Comprehensive Plan and would create limitations on future Town Councils.

Mr. Harowski said that, if you limit the lot size too much, the developers would not be able to create amenities to their developments.

Board Member Yarckin stated that she wanted a moratorium on all development within the Town until after the Town changes its Comprehensive Plan and LDC.

Chair St. Clair open Public Comment for this item only.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated that three developers had already taken advantage of the Town. Those three developments were filled with affordable housing due to the small lot sizes. Councilor Miles stated that he had provided 12 pages of recommendations for amendments to the Comprehensive Plan and LDC. Councilor Miles submitted those recommendations in June of 2023. Councilor Miles had stated that many of the recommendations were designed to create larger setbacks.

Councilor Miles reminded everyone that the Talichet neighborhood had no amenities and narrow streets. Councilor Miles also stated that he wanted to get rid of PUDs in the Town.

Tim Everline, 1012 N. Lakeshore Blvd. – Mr. Everline stated that Mission Inn was not what it was, people do not like the small lots in Las Colinas and people cannot get tee times on the golf course because there are too many people living there. Mr. Everline stated he had met with a Talichet resident that told him that they didn't like cars parked on the street in their neighborhood.

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles stated he wanted a High Density Residential (HDR)-1 and a HDR-2 zoning category to be created. Councilor Miles wanted to know if the Planning and Zoning Board had received all of the Comprehensive Plan and Land Development Code (LDC) comments that the Town Councilors had created and submitted to Mr. Harowski. Many of the Planning and Zoning Board members stated that they had not and would like a copy of them.

Joshua Husemann, 671 Avila Pl. – Mr. Husemann suggested that the Town should create rules that only allow parking on one side of the road to make it easier for emergency vehicles to travel through the Town. Mr. Husemann was also concerned that, if the Town did not allow PUDs in the future, it would remove potential for new parks.

Greg Kiffer, 11348 Valley View Dr., Howey-in-the-Hills (unincorporated Lake County) – Mr. Kiffer stated that, with the size of homes these days, 1/4 of an acre lot may not be big enough.

Chair St. Clair closed Public Comment for this item.

Board Member Wagler reviewed Policy 1.2.6 and recommended striking the current version and rewriting it. After discussion by the Board, it was decided Policy 1.2.6 should be changed to the following:

Reorientation of Residential Densities. The Town may allow lot sizes smaller than one-fourth acre (10,890 sq. ft.) only in the following locations: areas in or adjacent to the Town center (e.g., the Town central commercial district) and areas abutting major arterial road corridors such as state roads and county roads, not neighborhood roads with higher traffic counts and areas abutting commercial or industrial land uses. The Town shall require single family residential lots in all other areas to be one-fourth of an acre (10,890 sq. ft.) or larger.

Motion made by Board Member Wagler to strike through the original Policy 1.2.6 and amend it to the above listed policy; seconded by Board Member Hayes. Motion approved unanimously by roll call vote.

Voting

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

Nay: None

Motion made by Board Member Hayes recommend approval of the amended Ordinance 2023-013; seconded by Board Member Johnson. Motion approved unanimously by roll call vote.

Voting

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

Nay: None

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

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

David Miles (Town Councilor), 500 E Camelia Way – Councilor Miles thanked the Planning and Zoning Board for their hard work.

Janice McLain, 109 S Lakeshore Blvd - Mrs. McLain stated that there was a stop sign and a Do Not Enter sign posted before an alleyway in front of her house. Mrs. McLain stated that no one pays attention to the signs, and she wanted them removed. Sean O’Keefe, Town Manager, said that he would speak with Mrs. McLain after the meeting.

BOARD COMMENTS

Board Member Mulvany stated that he wanted the Board to discuss a letter that the Town had received from Lake County in reference to Number Two Road and he wanted it added to the next Board Meeting’s agenda.

ADJOURNMENT

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

The Meeting adjourned at 9:12 p.m. | **Attendees: 38**

Tina St. Clair Chairperson

ATTEST:

John Brock, Town Clerk



VARIANCE APPLICATION

Howey-in-the-Hills

PLEASE PRINT LEGIBLY

Property Owner (if there are multiple owners, please provide all the information on the attached ownership list): Bradley and Lisa Smith

Property Owner's Contact Information (If multiple owners, please provide mailing address, daytime phone, and fax and/or email for each owner):

First Owner: Bradley Smith

Mailing Address: 116 East Holly Street

Daytime Phone: 740.438.4647

Fax and/or Email: inhoweyflorida@gmail.com

Second Owner: Lisa Smith

Mailing Address: same

Daytime Phone: |

Fax and/or Email: _____

If more than two owners, please attach additional information.

Applicant (If different from owner): _____

Mailing Address: _____

Daytime Phone: _____

Fax and/or Email: _____

If the Applicant does not own the property, or is not the sole owner, please complete the Authorized Agent Affidavit form, attached.

If the Applicant is Not the Owner of the Property, is the Applicant:

_____ A Tenant

_____ An Authorized Agent for the Owner

_____ Other (please explain): _____

Property's Physical Address: 120 East Holly Street

The attached Verified Legal Description Form must also be completed as part of the application.

A survey of the property, showing all current improvements on the site, to scale, is required as part of the application submittal. The survey can be no larger than 11" X 17" in size.

An additional copy of the survey or a site plan drawn to scale should be included as part of the application which specifically shows any improvements that are being requested as part of the variance. Again, this site plan can be no larger than 11" X 17" in size.

CO2-03500

Property Information: Tax Parcel ID: 25-20-29-0500 Alt Key #: 1256992

Please identify below the current land uses located on the site and all adjacent properties. For example, land uses would be identified as single family home, office, grocery store, etc.

Subject Site: Single Family Home

Adjacent property to the North: Single Family Home

Adjacent property to the South: NA

Adjacent property to the East: NA

Adjacent property to the West: Single Family Home

Does the property currently have:

- Town Water: YES NO
- Central Sewer: YES NO
- Potable Water Well: YES NO
- Septic Tank: YES NO

How long has the current owner owned the property? 1 month

Please attach property tax records or other documentation to verify how long the current owner has owned the property.

What specific Code requirement is the applicant seeking a variance from?

Requesting TC-R zoning pool side setback reduced from 10 feet to 5 feet

What, in the applicant's point of view, are the specific special conditions or circumstances that exist on the property?

Limited to 21.67 feet width of property to fit a 10 foot wide pool with walk around area. (Smallest available)

What, in the applicant's point of view, is the unnecessary and undue hardship that exists to provide justification for the variance?

No hardship - only available area on property for development.

The applicant should provide any additional information that may be helpful to the Town in rendering a decision on the requested variance.

We also own the adjacent property where setback reduction is being requested. (116 E Holly St)

740.438.4647

Additional information may be necessary. The applicant is required to provide a daytime telephone number where he/she can be reached.

The applicant is required to provide the names and mailing addresses of all property owners within 300 feet of the subject property, in the form of mailing labels. Three (3) sets of labels are required. These names and addresses may be obtained from the Lake County Property Appraiser's Office.

The Town will also provide a sign which must be posted on the subject property, visible from the adjacent right-of-way or road access. The sign must be posted at least one week prior to the Planning and Zoning Board meeting where this application will be on the agenda and the sign must remain posted until the Town Council public hearing.

A \$400 application fee is due and payable at the time this application is submitted to the Town. In addition to this application fee, a \$1,000 review deposit is required. By signing this application, the applicant acknowledges that the \$400 application fee covers advertising costs, mailings, and the time spent on the application by the Town Clerk. The applicant also acknowledges by his/her signature below that he/she understands he or she will be responsible for any additional costs that the Town incurs as a result of having Town consultants review the application. Once those additional costs are paid by the applicant, the Town will return the balance of the \$1,000 review deposit to the applicant. By signing this application, the applicant also acknowledges that he/she understands that variances expire if not acted upon within the timeframes outlined in the Town's Land Development Regulations.

Witnesses:

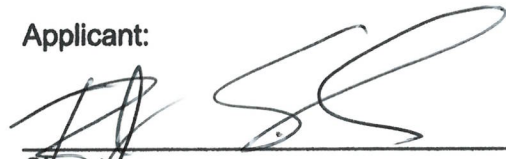


Signature

Brian M. Piro

Print Name

Applicant:



Signature

BRADLEY J. SMITH

Print Name

Signature

Print Name



Ownership List

(must be completed by all owners)

Owner's Name: Bradley J Smith
Ownership Interest: _____
Mailing Address: 116 East Holly Street, Howey in the Hills, FL 34737

Legal Description: 120 East Holly Street
Lot 35, Block C-2, Howey in the Hills Lake Shore Heights
Plat Book 12, Pg 10 Public Records of Lake County

[Signature]
Signature

12/20/23
Date

The foregoing instrument was acknowledged before me on 12/20/23 by Bradley J. Smith who is personally known to me or has presented Driver's License as identification and who did or did _____ not take an oath.



[Signature]
Notary Public

Owner's Name: Lisa L Smith
Ownership Interest: _____
Mailing Address: 116 East Holly Street, Howey in the Hills, FL 34737

Legal Description: 120 East Holly Street
Lot 35, Block C-2, Howey in the Hills Lake Shore Heights
Plat Book 12, Pg 10 Public Records of Lake County

[Signature]
Signature

12/20/2023
Date

The foregoing instrument was acknowledged before me on 12/20/23 by Lisa L. Smith who is personally known to me or has presented Driver's License as identification and who did or did _____ not take an oath.



[Signature]
Notary Public

Seal

MULTIPLE COPIES OF THIS FORM MAY BE MADE AND ATTACHED AS NECESSARY.

Please hand deliver completed application and fee to:

Town Clerk
Town of Howey in the Hills
101 N. Palm Avenue
Howey in the Hills, FL 34737

Please make application fee and review deposit checks payable to the Town of Howey in the Hills.

The Town Clerk may be reached at 352-324-2290 or by visiting Town Hall during normal business hours.

FOR TOWN CLERK OFFICE USE ONLY

Date Received: _____

_____ 3 sets of labels attached?
_____ current survey attached?
_____ site plan attached showing proposed improvements?
_____ verified legal description form attached?
_____ authorized agent affidavit attached?
_____ ownership list attached?

APPLICATION NO. _____

Reviewed and Accepted By: _____

Provided to Town Planner on: _____

Planning & Zoning Board meeting date: _____

Town Council meeting date: _____

PROPERTY RECORD CARD

General Information

Name:	SMITH BRADLEY J & LISA L	Alternate Key:	1256992
Mailing Address:	116 E HOLLY ST HOWEY IN THE HILLS, FL 34737 Update Mailing Address	Parcel Number:	25-20-25-0500- C02-03500
Property Location:	120 E HOLLY ST HOWEY IN THE HILLS FL, 34737	Millage Group and City:	000H Howey in the Hills
		2023 Total Certified Millage Rate:	20.4342
		Trash/Recycling/Water/Info:	My Public Services Map
Property Description:	HOWEY, LAKE SHORE HEIGHTS LOT 35 BLK C-2 PB 12 PG 10 ORB 6233 PG 271	Property Name:	-- Submit Property Name
		School Information:	School Locator & Bus Stop Map School Boundary Maps

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

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY LAKE FRONTAGE (0103)	63	146		9198.000	FD	\$78,269.00	\$78,269.00

[Click here for Zoning Info Map](#) [FEMA Flood](#)

Residential Building(s)

Building 1

Residential

Building Value: \$151,114.00

Summary

Year Built: 1953	Total Living Area: 1442	Central A/C: Yes	Fireplaces: 0
Bedrooms: 3	Full Bathrooms: 2	Half Bathrooms: 1	

[Incorrect Bedroom, Bath, or other information?](#)

Section(s)

Section Type	Ext. Wall Type	No. Stories	Floor Area
FINISHED LIVING AREA (FLA)	Stucco/Brick (03)	1.00	1442
GARAGE FINISHED STONE (GCF)		1.00	840
OPEN PORCH FINISHED (OPF)		1.00	771
SCREEN PORCH FINISHED (SPF)		1.00	180

Property Record Card

General Information

Owner Name: SMITH LISA L & BRADLEY J
Mailing Address: PO BOX 32 MILLERSPORT, OH 43046-0032
[Update Mailing Address](#)
Alternate Key: 1256976
Parcel Number: 25-20-25-0500C0203200
Millage Group and City: 000H (HOWEY IN THE HILLS)
Total Certified Millage Rate: 23.8976
Trash/Recycling/Water/Info: [My Public Services Map](#) ↔
Property Location: 116 EAST HOLLY ST HOWEY IN THE HILLS FL 34737
[Update Property Location](#) ↔
Property Name: -- [Submit Property Name](#) ↔
School Locator: [School and Bus Map](#) ↔
Property Description: HOWEY, LAKE SHORE HEIGHTS LOTS 32, 33, BLK C-2 PB 12 PG 10 | ORB 4953 PG 2417 |

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	SINGLE FAMILY (0100)	100	125		100	FF	\$0.00	\$29,106.00

Copyright © 2014 Lake County Property Appraiser. All rights reserved.
 Property data last updated on 25 June 2017.
[Site Notice](#)






property adjacent to setback



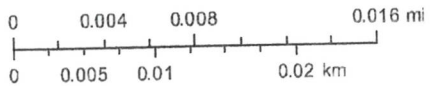
June 5, 2018

1:500

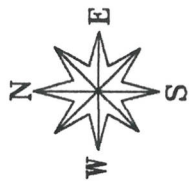
polygonLayer

-  Override 1
-  County Boundary
-  Street Names
-  Local Streets
-  Subdivision Lot Numbers

-  Address Locations
-  Property Name
-  Tax Parcels Alternate Key
-  Tax Parcels
-  Surrounding Counties

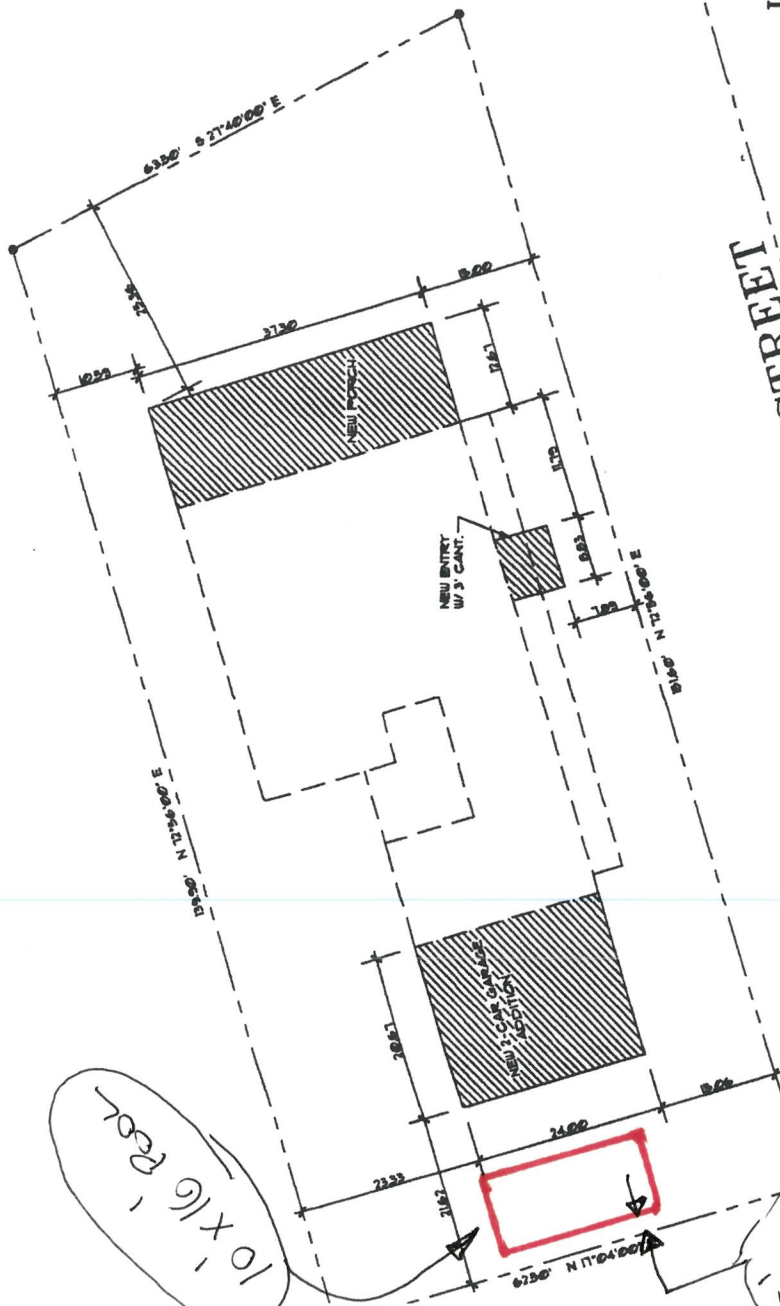


Lake BCC



SOUTH LAKESHORE BOULEVARD

EAST HOLLY STREET



LEGAL DESCRIPTION:

LOT 39, BLOCK C-2, LAKESHORE HEIGHTS,
 HOLEY-IN-THE-HILLS, ACCORDING TO THE PLAT
 THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 16,
 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

10' X 16' POOL

SET BACK
 SIDE
 5'
 REQUEST

BOUNDARY SURVEY

LEGAL DESCRIPTION:

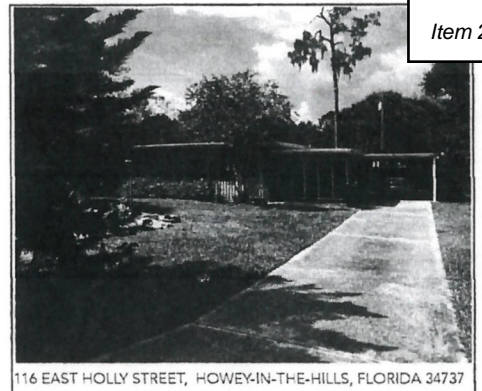
LOT 32 AND 33, BLOCK C-2, HOWEY IN THE HILLS, LAKE SHORE HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 10, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN LAKE COUNTY, COMMUNITY NUMBER 120421, DATED 12/18/2012.

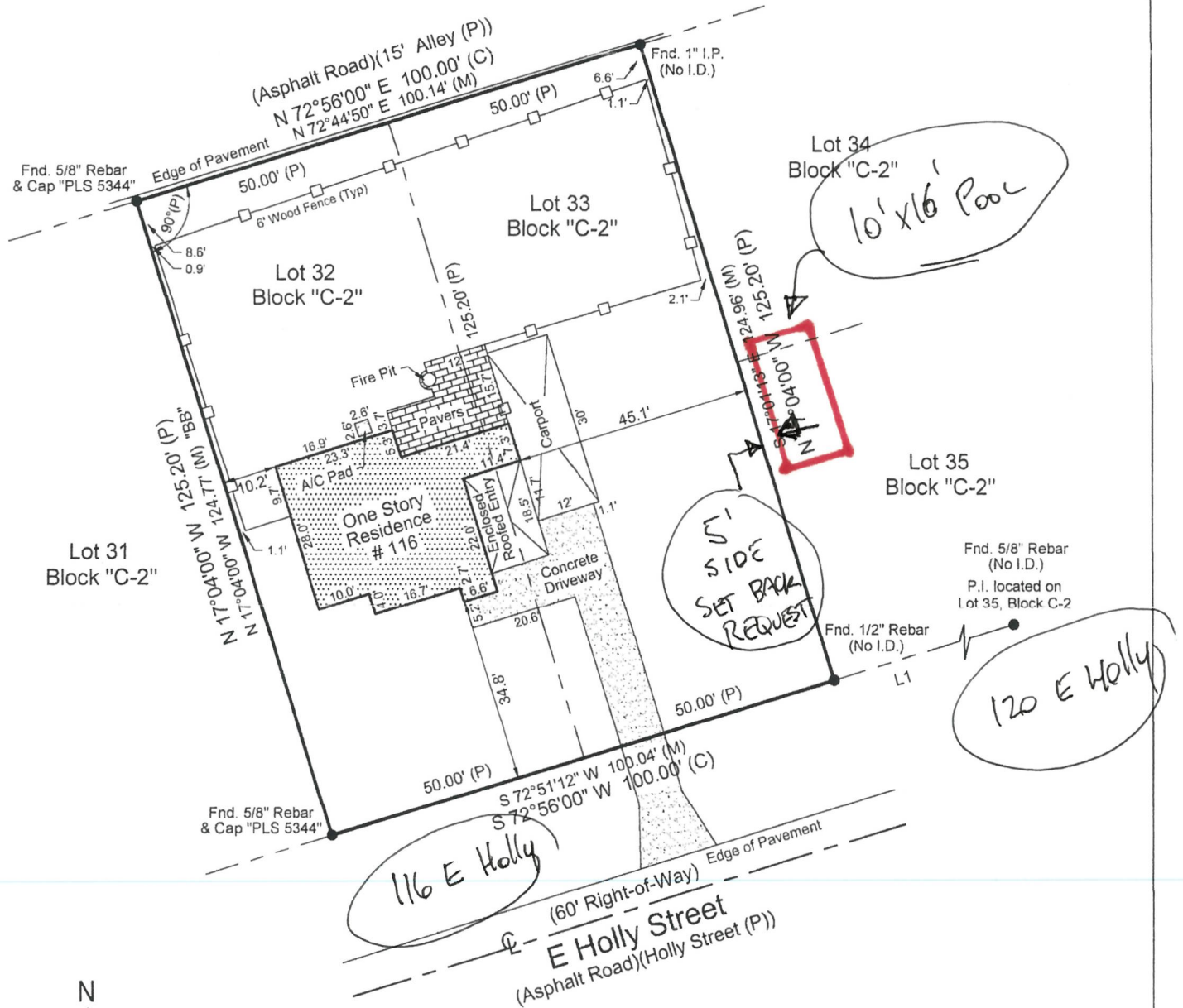
CERTIFIED TO:

BRADLEY J. SMITH



Item 2.

116 EAST HOLLY STREET, HOWEY-IN-THE-HILLS, FLORIDA 34737



Lisa and Bradley Smith
PO Box 32
Millersport, Ohio 43046

(adjacent: 116 East Holly St)

Janice McLain
16511 Leslie Ann Drive
Tinley Park, IL 60477

(adjacent : 109 S Lakeshore Blvd)

Ronald and Patricia Miller
201 S Lakeshore Blvd.
Howey in the Hills, FL 34737

Dianne Harris
114 East Holly Street
Howey in the Hills, FL 34737

St Clair Family Holdings LLC
135 E Central Avenue
Howey in the Hills, FL 34737

John and Leslie Manning
111 E Holly Street
Howey in the Hills, FL 34737

Barbara Berberich
32952 Michigan Avenue
San Antonio, FL 33576

(vacant lot across Holly Street)

Lisa and Bradley Smith
PO Box 32
Millersport, Ohio 43046

(adjacent: 116 East Holly St)

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Barbara Berberich
32952 Michigan Avenue
San Antonio, FL 33576

(vacant lot across Holly Street)

Brad & Lisa Smith

740-438-4647

re: variance for 120 E Holly St

TOWN OF HOWEY-IN-THE-HILLS
CASH RECEIPT

Reprinted 11:24:05 - 12/22/23
Posted on 12/22/23 11:22:58 AM

Batch:14539
Transaction:1

Reference Number: 2269
Name: LISA SMITH
Address: 120 E HOLLY ST [HOWEY FL 34737]

Item(s) Description:	
322202 VARIANCE FEES	1000.00
Check # 2270	1000.00
Cash Paid	
Credit Paid	
Less Change Given	()
TOTAL:	1000.00

TOWN OF HOWEY-IN-THE-HILLS
CASH RECEIPT

Printed 11:23:58 - 12/22/23

Batch:14539
Transaction:2

Reference Number: 2269
Name: LISA SMITH
Address: 120 E HOLLY ST [HOWEY FL 34737]

Item(s) Description:	
322202 VARIANCE FEES	400.00
Check # 2269	400.00
Cash Paid	
Credit Paid	
Less Change Given	()
TOTAL:	400.00



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: 120 East Holly Street Variance Application
DATE: January 15, 2024

Bradley and Lisa Smith, property owners of 120 East Holly Street have applied for a variance from the side yard setback to allow a swimming pool to be constructed in the side yard. The regulations for swimming pools are presented in Section 5.01.08 of the land development code. Subsection F includes the setbacks for pools and pool decks, and reads as follows:

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.

The subject property is zoned Town Center-Residential. Based on the survey and site layout data submitted with the application, the site has a number of nonconformities with regard to setbacks. The original house was constructed in 1953 with later additions including a two-car garage on the west side of the unit, a porch/patio on the east side of the unit and an entry porch on the south side of the unit. The application includes a sketch of the house including additions with dimensions noted. The following table compares the property as currently developed with the TC-R zoning requirements.

Dimension	TC-R	Existing
Lot Width	100 feet	146 feet
Lot Area	9,000 sq. ft.	9,198 sq. ft.
Setbacks		
Front	25 feet	8 feet
Side Corner	25 feet	23+ feet
Side	12.5 feet	21+ feet
Rear	30 feet	10 + feet
Lot Coverage	50 % (4,599s.f.)	41% (3,793 s.f.)

The attached aerial photograph provides a current view of the site layout. With the front of the unit on East Holly Street the lot depth is 63 feet based on the property appraiser records. The only portion of the lot that could accommodate a swimming pool is the area where the pool is proposed. Note also that the property is approaching the maximum impervious surface lot coverage. The lot has another 806 square feet of impervious surface available before the maximum lot coverage is reached.

The applicants are proposing to construct a 10 foot by 16 foot swimming pool on the west side of the house behind the front façade of the house. The distance between the end of the house and the property line is 21.67 feet and the applicants are requesting a variance of five feet to allow the edge of the pool and pool deck to be placed five feet from the property line. This placement will leave 6.67 feet between the pool and the existing garage. The applicants did not indicate if they intend to construct a screen enclosure or fence the pool area to meet the swimming pool code.

The land development code includes standards for granting a variance as presented in Section 4.13.01

4.13.01 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.

As noted previously the subject property is extensively developed with the current structure and other impervious surface covering over 40% of the lot leaving only the smaller area to the west of the structure available for the addition of a swimming pool. The proposed variance is likely the minimum relief needed to construct a reasonably sized pool, and it is typical for single-family homes to include swimming pools. However, the applicant states in the application that no real hardship exists other than the extensive development already on the lot and the lack of other options to place a pool on site. Given that there are no special conditions or circumstances that support the variance, the staff cannot recommend the variance.

120 East Holly Street




January 15, 2024

pointLayer


 Override 1

polygonLayer


 Override 1
Street Names

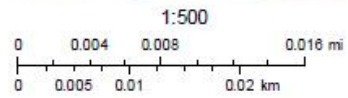
Local Streets 1K

Subdivision Lot Numbers

 Address Locations

Property Name

 Tax Parcels



Lake BCC

Lake County Board of County Commissioners



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

MEMORANDUM

TO: Town of Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Future Land Use Element Updates
DATE: January 17, 2024

At the December meeting, the Board initiated its review of the comprehensive plan as required by state regulations. The initial step was the review of amendments to the Future Land Use Element which have been recommended to the Town Council for consideration. Concurrently with the initial set of amendments to the goals, objectives and policies of the Future Land Use Element, staff initiated and update to the the data and analysis text of the adopted element. The full Chapter 1 has been reviewed and is presented for discussion. Once the full set of elements, or a least a group of elements, have been reviewed, the Town Council can initiate the process of submitting the elements for review and adoption.

The proposed revisions to the Future Land Use Element are indicated by strike-through text for deletions and underline text for additions. Changes have been highlighted in red for easy identification. The are a few sections of the text with a green highlight that indicate updated information is still in process. The review process included the following steps:

- Comments received from Town Council and Planning Board members were reviewed and, where appropriate, text was modified as recommended.
- Other editorial changes were made when identified.
- All of the goals, objectives and policies were reviewed and recommendations for amendments were incorporated in the draft text. These changes are only for recommendations not considered in the recent recommendation to Town Council for policy amendments.

Key Recommendations and Revisions

- The population forecast has been updated to 2045 to maintain the 20 year planning horizon required by state law. These projections follow the demographic analysis report that was previously discussed with the board. As noted in this

report and in the updated text, population projections were based growth from already committed projects.

- The table of existing land uses still needs final updating. The changes from the 2017 version have been tracked, but some additional work is needed to verify the totals and breakout.
- Several of the maps need to be updated for clarity. This was a frequent comment from the Council and Planning Board review and this work is underway.
- Staff is recommending that the maps showing contours and soil types be deleted from the plan. These maps are not required by state law and there is no practical way to make them truly legible at the scale of the graphic. This information is readily available from the Lake County Property Appraiser's web site at the individual parcel level so the data can be readily captured if needed.
- The notes on the sewer and water systems have been updated to reflect the current status. Some data on the water system and the aquifer usage is still coming in, and the discussion on sewer treatment options is fluid at this time.
- The text on the schools has been revised to reflect the changes since the last update including the purchase of the future school site.
- The table of historical sites has been updated as the former airport site has been developed with other uses.
- A general review of the text to include edits offered by the council review and planning board comments has been completed.
- The discussion of an energy management plan has been deleted along with the accompanying Policy 1.17.3. This plan was never done; it is not proposed to be addressed, and it is not a required action by state requirements.

The package of comprehensive plan policy amendments that have been recommended to Town Council have not been included in this draft. The expectation is that these policies will be fully adopted prior to any recommendation on the EAR-based plan amendments. Rather than be identified as changes in the EAR review submittal, they will be reflected in that document as permanent text.

FUTURE LAND USE ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED APRIL 22, 2020

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

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

A. INTRODUCTION

1. Purpose

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

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

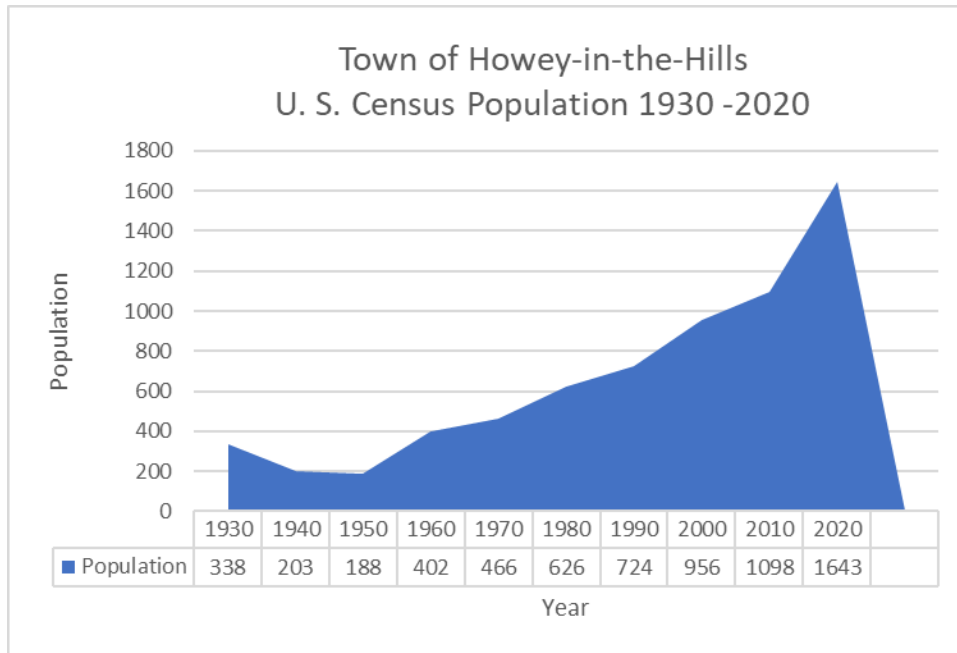
While each *Element* within the *Comprehensive Plan* is important, the *Future Land Use Element* is arguably the most important as it must be consistent with all other *Comprehensive Plan Elements* and articulate the *Goals, Objectives and Policies* of these other *Elements* in the form of specific land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

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

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

B. POPULATION ESTIMATES AND FORECASTS

In order to plan for growth, it is first necessary to project the number of persons that will reside in the Town. The effectiveness of a local government’s comprehensive plan depends principally on the accuracy of population projections for both resident and seasonal populations. These predictions for the future are the basis of planning for future land use, housing, recreation and open space, and public services and infrastructure needs. The following chart shows the Town’s population growth from 1930 when the Town first appeared in the U.S. Census through 2020.



A population projection to ~~2035~~ 2040 has been prepared to coordinate with long-range utility planning for water and sewer services. This estimate assumes the Town will continue to undergo ~~a steady~~ residential development ~~pattern~~ based on single-family homes as the predominant housing type. Projections for small populations are notoriously tricky given the small base size of the population and the ability for a single project to significantly affect total population and the timing of housing production. For the Town, population growth is going to be driven primarily by the pace at which the pending major development projects are presented for development and how fast the units in these projects are absorbed by the market. The population projections have been developed based on an assumed annual unit production rate. Faster unit absorption will increase the rate of population growth and a slower rate will result in fewer residents. The population growth is expected to be “lumpy” as project phases are developed rather than following a smoother growth curve. Matching services to project demand is going to be important at the approval stage for new residential projects. Therefore, a table presenting the major approved projects with total approved unit count has been included.

The table also indicates which projects have met concurrency requirements and which projects still must meet concurrency tests for water and sewer service at the time subdivision or site plan

approval is sought. In theory, the projects without concurrency approval are vulnerable to development denial if necessary public services are not available. This “check process” should provide a safety valve should the water and/or sewer demand be out of line with system capacity at the time the development seeks approval. The projection for resident and seasonal populations is provided below.

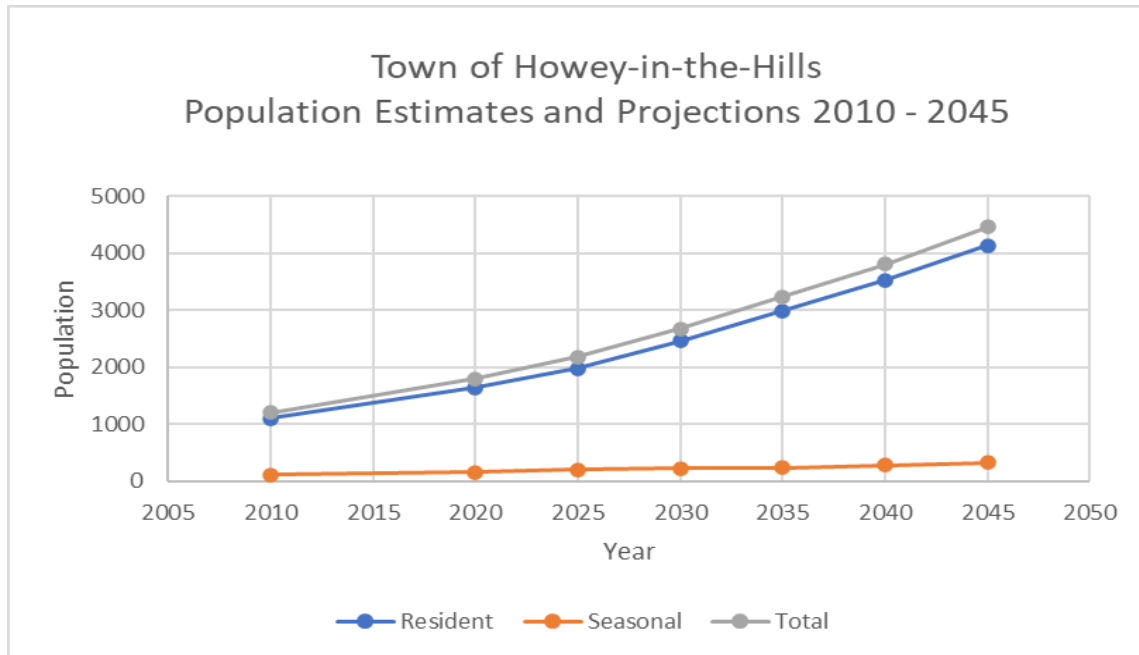
TABLE 1: POPULATION ESTIMATES AND PROJECTIONS 2010 -2035

POPULATION PROJECTION HOWEY-IN-THE-HILLS, FLORIDA			
Year	Resident	Seasonal	Total
2010	1098	110	1208
2020	1643	160	1803
2025	1981	198	2179
2030	2459	221	2680
2035	2997	240	3237
2040	3535	283	3818
2045	4134	331	4465

Source: US

Census, BEBR and TMH Consulting projections.

~~Since 2015, the Town has seen the impact of development in the Venezia South subdivision with the 2017 BEBR estimate being set at 1,355 people. The projections assume this rate of development will continue to 2020 resulting in a total population increase of about 45%. This rate of growth is likely unsustainable over the long term, but it is also likely that at least one of pending major projects will move forward as the rater of development in Venezia South slows. The projections assume a declining rate of growth over the succeeding time increments, while still projecting a significant increase. If multiple large projects move forward at the same time or if significant levels of multi-family housing enter the market, population growth will be accelerated over these projections. Since 2018 the Town has seen the completion of the Venezia South subdivision including single-family and townhome units and the completion of two phases of the Talichet single-family development. The next project moving forward is the first phase of The Reserve with 245 units with a three to five year absorption period. The graph below offers a visual representation of this data.~~



The following table provides a summary of major developments that have received some level of approval through the Town’s planning and development review process. ~~The approved projects with 2018 concurrency certifications are Venezia South and Whispering Hills. The other projects have received planning level approval but must still pass a concurrency review at the time development in the form of subdivision or site plan review is proposed. Venezia North (Talichet) is currently pursuing a new development agreement to increase the project size from 93 to 139 units. Only the future phases of The Reserve development have secured all services including sewer. Timing for the other projects is going to depend on how quickly the Town can complete the potable water improvements for treatment plant number two and how quickly the town can provide additional sewage treatment capacity. If all of these projects are completed within the planning period, the Town’s population will be about 6,100 people.~~

TABLE 2: SIGNIFICANT DEVELOPMENT PROJECTS

PROJECT	SFR	MFR	TOTAL	NOTES
Whispering Hills	156		156	
Lake Hills	473	98	571	MFR are 2-Family
The Reserve Ph 1	248		248	Hilltop Groves
The Reserve PH 2	36	81	117	Hilltop Groves
The Reserve PH 3	112	46	158	Hilltop Groves
The Reserve PH 4	198		198	Hilltop Groves
Watermark	225		225	
Total	1448	225	1673	

C. EXISTING CONDITIONS

1. Existing Land Use

The amount of acreage located within the Town’s current boundaries is presented in Table 3 by the existing land use categories. The Town has ~~had no annexations since 2010, and the only change in existing land use is the development of 129.31 acres of single family residential in the Venezia South Village Mixed Use classification. This area has been deducted from the vacant Village Mixed Use Category and added to the single family residential totals.~~ annexed three parcels totaling 16.78 acres since 2018.

TABLE 3: ACREAGE WITHIN EXISTING LAND USE CATEGORIES, 2017

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

Source: TMH Consulting update of ~~2010~~ 2017 tabulations.

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

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

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

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

Recreation - This category on the *Existing Land Use Map* denotes all land primarily used for outdoor recreational activities such as picnicking, jogging, cycling, outdoor courts, golf courses, and playing fields. These lands include both private and public recreational facilities. The Town permits an impervious surface ratio of 0.30 on recreational land uses (see Table 4).

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

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

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

2. Availability of Public Facilities and Services

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

a. Sanitary Sewer

The Town has ~~entered into~~ an agreement with the Central Lake Community Development District to provide wastewater treatment for the Town. ~~The agreement covers some developments (Venezia, Talichet, The Reserve) but capacity limitations have limited service beyond the currently contracted projects. The Town is currently in the process of evaluating options for wastewater treatment to serve the balance of the Town. Options include a Town owned facility, contracted service from Groveland and expanded service with the community development district.~~

New Village Mixed Use ~~and other development~~ is required to connect to sanitary sewer, and the Town has ~~begun completed~~ the process of providing sanitary sewer on Central Avenue. Infill development in the largely developed portions of the Town will continue to use septic tanks until sanitary sewer service can be made available. ~~The Town will own and maintain the collection system (mains, lift stations, etc.) within the Town limits.~~

b. Potable Water

The Town currently owns, operates and maintains a central potable water treatment and distribution system. The Town's potable water system provides water for both residential and non-residential purposes, including fire-fighting demands. The Town's water system consists of two water plants located approximately one mile apart ~~with a total of three active wells, one out of service well,~~ one 500,000-gallon ground storage tank and one 15,000-gallon hydropneumatic tank. The elevated storage tank remains in place but is not active. ~~The north plant is in the process of being replaced with a new facility expected to be completed in 2024.~~

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

~~The Town currently holds a consumptive use permit for 10-MGD. The permit is in the process of being revised as the Town has exceeded the consumption level. The permit revision is part of a larger planning process for master plans for both~~

water and sewer. These plans are expected to be completed by the end of 2018, and once completed will identify projects for inclusion in the capital improvements program.

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

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

Future Land Use	Maximum Density/Intensity	Description
Town Center Mixed Use (TCMU)	<p>The Town Center Overlay District denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>).</p> <p>For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. A max. 2.0 FAR is permitted if parking requirements are achieved. Where new residential uses are constructed in the Commercial Core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, Oak street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.)</p> <p>For areas designated Office/Services or Residential, 40% max. impervious surface coverage. May live and/or work in these areas.</p> <p>For areas designated Residential, a max. of 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum</p>	The size of each individual business shall be regulated through the Land Development Regulations.
Adopted on October 11, 2010 Ordinance No. 2010-007	impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.	I-10

Future Land Use	Maximum Density/Intensity	Description
Village Mixed Use (VMU)	<p>Must have a minimum of 25 acres for this land use. 4 dwelling units per acre; May be increased to 6 dwelling units per acre if the development includes 20% usable public open space (no wetlands).</p> <p>Residential areas shall comprise a minimum of 70% of the Net Land Area and a max. of 85% of the Net Land Area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the Net Land Area and a maximum of 30% of the Net Land Area. This includes community facilities and schools.</p> <p>For developments with more than 100 acres, 5% of the non-res. land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p>A minimum of 25% open space is required.</p>	<p>A mix of uses is permitted and required in this category in order to promote sustainable development, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category.</p>
Neighborhood Commercial (NC)	0.50 floor area ratio; 70% max. impervious surface coverage	<p>Commercial uses to support Town residents are permitted in this category. The size of each individual business shall be regulated through the Land Development Regulations. Elementary and middle schools are also permitted in this category.</p>

Future Land Use	Maximum Density/Intensity	Description
Light Industrial (LI)	70% max. impervious surface coverage; 0.6 floor area ratio	Manufacturing, <u>and</u> distribution. High schools are also permitted in this category.
Institutional (INST)	0.25 floor area ratio; 40% max. impervious surface coverage; 25% open space required	Educational facilities (public or private), religious facilities, day care (child and adult), government buildings (including fire and police), cemeteries, group homes, nursing homes, or community residential facilities, hospitals (general and emergency care).
Recreation (REC)	Max. 30% impervious surface coverage	Public or private recreational facilities.
Conservation (CON)	No buildings	Boardwalks, docks, observation decks, and similar facilities as allowed by the Town and all regulatory agencies.
Public/Utilities (PUB)	0.25 floor area ratio; max. impervious surface coverage of 50%	Government buildings and essential utilities, with cell towers being a special exception or conditional use.

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

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

c. Stormwater Drainage

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

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

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

d. Solid Waste

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

e. Transportation

Only two major roads provide access into Town: (1) County Road 48 and (2) State Road 19. County Road 48 provides a direct connection to the City of

Leesburg and US 27. State Road 19 provides direct access to the Florida Turnpike, and the cities of Groveland and Tavares. All the streets in Howey-in-the-Hills are paved.

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

f. Recreation and Open Space

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

The Town has adopted a level of service standard of 6.5 acres of park land for every 1,000 residents. There are 22.93 acres of parkland in Howey-in-the-Hills. The largest park in Town is the Sarah Maude Nature Preserve, which is about 54 acres of preserve and 17 acres of upland (the Town only includes the upland acres in the overall parkland acres) and the smallest Town park is Tangerine Point Park at 0.1 acres. The five-acre former Town landfill, annexed in 2022 is being considered for development with recreation uses.

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

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

g. Public School Facilities

The Town continues to support public school concurrency and participates in an interlocal agreement with the School district and other local governments in Lake County. School concurrency is reviewed as part of the development approval process.

3. Land Available for Development

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

4. Soils and Topography

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

There are a variety of soil types in Howey-in-the-Hills (~~see the Town’s Soils Map~~). The general descriptions of the soils in the Town are found below in Table 5. All upland soils are suitable for development and show little limitation for the use of septic tanks. Where central sewer is not available, the specific site needs to be evaluated for septic system use.

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

TABLE 5: SOILS

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Anclote and Myakka Soils	Yes	Very Poorly Drained	High	Moderate	14.34
Apopka Sand, 0 to 5 Percent Slopes	No	Well Drained	Moderate	High	51.88
Apopka Sand, 5 to 12 Percent Slopes	No	Well Drained	Moderate	High	28.00
Arents	No	Somewhat Poorly Drained	Unranked	Unranked	141.21
Borrow Pits	Partially Hydric	Unranked	Unranked	Unranked	2.82
Candler Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	760.47

Map Unit Name	Hydric Soil	Drainage Class	Steel Corrosion	Concrete Corrosion	Acres
Candler Sand, 12 to 40 Percent Slopes	No	Excessively Drained	Low	High	3.16
Candler Sand, 5 to 12 Percent Slopes	No	Excessively Drained	Low	High	299.71
Immokalee Sand	Partially Hydric	Poorly Drained	High	High	32.30
Kendrick Sand, 5 to 8 Percent Slopes	No	Well Drained	Moderate	High	6.24
Lake Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	114.40
Lake Sand, 5 to 12 Percent Slopes	No	Excessively Drained	Low	High	12.98
Lochloosa Sand	No	Somewhat Poorly Drained	High	High	11.98
Myakka Sand	Partially Hydric	Poorly Drained	High	High	95.48
Ocoee Mucky Peat	Yes	Very Poorly Drained	High	High	4.11
Oklawaha Muck	Yes	Very Poorly Drained	High	Low	6.14
Paola Sand, 0 to 5 Percent Slopes	No	Excessively Drained	Low	High	1.97
Placid and Myakka Sands, Depressional	Yes	Very Poorly Drained	High	High	23.83
Pompano Sand	Partially Hydric	Poorly Drained	High	Moderate	13.86
Sparr Sand, 0 to 5 Percent Slopes	No	Somewhat Poorly Drained	Moderate	High	18.44
Swamp	Yes	Very Poorly Drained	Unranked	Unranked	55.94
Tavares Sand, 0 to 5 Percent Slopes	No	Moderately Well Drained	Low	High	309.40
Water	Unranked	Unranked	Unranked	Unranked	317.67
Wauchula Sand	Partially Hydric	Poorly Drained	High	High	19.59

Notes: Drainage Class - Identifies the natural drainage conditions of the soil and refers to the frequency and duration of wet periods.
Concrete Corrosion - Susceptibility of concrete to corrosion when in contact with the soil.
Steel Corrosion - Susceptibility of uncoated steel to corrosion when in contact with the soil.

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

5. Natural Resource Management

In this section, natural resource protection which is applicable to Howey-in-the-Hills is discussed. The Town contains no Areas of Critical State Concern as established in

Chapter 380.05, Florida Statutes. According to SJRWMD and the Army Corps of Engineers, there are no dredge spoil disposal sites within the Town.

a. Surface Waters

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

b. Floodplains

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

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

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

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

c. Wetlands

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

d. Natural Groundwater Aquifer Recharge Areas

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

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

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

e. Cone of Influence

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

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

The Town restricts development (except facilities related to the public water system) from occurring within a 150-foot radius of any existing or proposed public well (Primary Protection Zone). No septic tanks, sanitary sewer facilities, or solid waste or disposal facilities are permitted within a 200-foot radius of any existing or proposed public well (Secondary Protection Zone). The Town also has established a 500-foot radius wellhead protection area within which manufacturing or light industrial uses are prohibited. The wellhead protection

areas for the Town’s potable water supply wells are shown on the *Existing* and *Future Land Use Maps*.

f. Air Quality

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

6. Historic Resources

The Florida Division of Historical Resources maintains and regularly updates the *Florida Master Site File*. The *Florida Master Site File* is a paper file archive and computer database of recorded historical cultural resources in Florida. Categories of resources recorded at the Site File include archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts. The *Site File* also holds copies of survey reports and other manuscripts relevant to Florida history and prehistory. As of March 2010, there were 7 historic structures or sites in the Town that were added to the State’s *Master Site File*. The Howey House Mansion was listed in the National Register of Historic Places (see Table 6) ~~and the Town’s National Register of Historic Resources Map~~.

TABLE 6: HISTORIC SITES AND STRUCTURES

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

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

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

D. ANALYSIS

1. Economic Vitality

The Town is now and plans to continue primarily as a residential community with commercial support to serve the residents and visitors. The small downtown business district along Central Avenue from Lakeshore Boulevard to S. Mare Avenue, primarily serves the immediate convenience needs of the Town’s residents. The Town has prepared a redevelopment plan for this area to include a land use plan, master stormwater system and public parking areas. Various cities and towns in Lake County provide additional employment and needed services within reasonable commuting areas of the Town. The first major commercial project arising from the Village Mixed Use projects is in the Lake Hills development at CR-48 and SR-19 as a grocery store-based shopping center. As future other development occurs in the Village Mixed Use areas, additional employment and service opportunities will be made available for the Town’s residents and others. This will provide for much improved sustainability for the Town over the planning period.

2. Nonconforming and Incompatible Uses

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

3. Availability of Facilities and Services

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

As previously mentioned, the Town of Howey-in-the-Hills currently has a limited central wastewater system. The Wastewater Treatment Facility (WWTF) is ~~owned~~ operated by the Central Lake Community Development District with the Town owning and maintaining the collection system up to the CDD facility. ~~In 2006, through a wastewater impact fee study performed in anticipation of possible creation of a Town-owned wastewater collection and treatment system, the Town established a wastewater Level of Service value of 120 gallons per person per day. The Town is exploring options to provide wastewater treatment to new developments. The plan is to also provide for the retrofit of the areas now served by septic systems on a phased basis.~~

As previously mentioned, the Town's potable water system provides water for both residential and non-residential purposes, including fire-fighting demands. With the completion of the new treatment plant and wells, the system has enough capacity to support the population demand during the planning period of this *Comprehensive Plan* ~~(2025)~~ (2040). ~~The Town no longer allows the use of potable water for landscape irrigation.~~

The Town's solid waste level of service standard for solid waste is 6 pounds per person per day. There is enough capacity in the County's landfill to support the population demand during the short-range ~~(2011-2015)~~ (2024- 2030) and long-range ~~(2025)~~ (2045) planning period.

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

There are more than adequate recreational facilities and open spaces readily available and accessible to the residents and guests of Howey-in-the-Hills. The Town shall continue to

coordinate with the County on establishing measures to enhance the recreation and open space opportunities in and around Town. The Town will also continue to solicit grants from public and private agencies and collect park impact fees to fund future parks and facilities.

There are currently three public school facilities located within the Town limits. Three separate schools use two of the facilities; Lake Hills School facility having two separate schools, one for the profoundly disabled children of lake county and a second school for behaviorally challenged handicapped children. Lake Success Academy located in the old Howey Elementary School facility is used to serve another limited student population. In addition the old Howey Academy facility and a second facility across the street from the Howey Academy facility are used for back office staff functions of the school district. All functions located in Howey serve county-wide services.

There are no public school facilities planned in the Town during the planning period. The Lake County School District has purchased a 19-acre tract on CR 48 near SR-19 which is currently designated for an elementary school. No timetable has been set for construction of the school as it is not in the current five-year capital facilities plan.

4. Groundwater Recharge

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

5. Analysis of Existing Vacant Lands

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

6. Analysis of Land Needed to Accommodate Projected Population

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

7. Analysis of Need for Redevelopment

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

8. Analysis of Flood Prone Areas

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

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

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

10. Urban Sprawl

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

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

The Town has adopted a Planned Unit Development ordinance and Village Mixed Use and Town Center Mixed Use land uses. ~~There has not been any significant development of low intensity single family subdivisions.~~ The development of single-family subdivisions has been occurring within the large projects planned for this purpose and as infill development within existing subdivided areas. The Town’s Concurrency

Management System, subdivision regulations, and zoning regulations discourages this type of development.

2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

All new development must prove that it will be served by adequate public facilities prior to the issuance of a development order. The new development must also demonstrate that it will not degrade the level of service beyond the adopted standard.

3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

The Town's Village Mixed Use and Town Center Overlay Mixed Use categories preclude strip commercial-type development and isolated single uses.

4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

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

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

The Town has adopted a Rural Lifestyle land use category on the *Future Land Use Map*. This land use is primarily for single-family detached homes with allowable agricultural practices. There is a minimum of 2 acres required for this land use. There is a maximum density of 1 dwelling unit per 2 acres, 0.15 floor area ratio, 20% maximum impervious

surface coverage, and 50% open space requirement on the Rural Residential lots in Town. The Town feels that the adopted standard is adequate to protect these agricultural areas in Town to serve as a buffer for nearby rural areas.

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

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

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

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

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

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

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

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

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

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

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

The Town has adopted a Planned Unit Development Ordinance which would permit an attractive and functional mix of uses in appropriate areas of the Town. There are about 855 acres of land designated as Village Mixed Use on the Town's *Future Land Use Map* and **majority approximately 50%** of this land is vacant.

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

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

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

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

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

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

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

a. Producing Energy Efficient Land Use Patterns

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

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

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

b. Increasing Energy Conservation

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

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

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

c. Reducing Greenhouse Gas Emissions

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

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

E. FUTURE LAND USE GOALS, OBJECTIVES, AND POLICIES

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

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

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

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

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

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

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

<p>Town Center Mixed Use (TCMU)</p>	<p>The Town Center Overlay Map denotes where specific uses are permitted within the Town Center (see the Town’s <i>Town Center Overlay Map</i>). For areas designated Commercial Core, all new buildings must be 2 stories or provide a minimum street façade elevation of at least 15-feet to create a vertical enclosure along Central Avenue. The maximum building height is 35 feet. In order to maintain the historic character of the downtown area, the Land Development Regulations will cap the maximum size of any one business in the Town Center Overlay at 5,000 square feet. A maximum 2.0 floor area ratio is permitted if parking requirements are achieved. Where new residential uses are constructed in the commercial core, these uses shall be located on the second floor of buildings. (Existing single-family units on Central Avenue west of Dixie Drive and units fronting on Oak Street and Holly Street are considered permitted uses. Single-family residences may not be constructed elsewhere within the Town Center Commercial Area. Properties in the Town Center Commercial Area within the designated sections of W. Central Avenue, oak Street and Holly Street may be converted to non-residential uses, and once converted, may not revert to single-family residential use.</p> <p>For areas designated Office/Services or Residential, the maximum impervious surface coverage is 0.40. May live and/or work in these areas.</p> <p>For areas designated Residential, the maximum density is 4 units per acre.</p> <p>There is a total of 81.73 acres in the Town Center Overlay. About 23.3% of the Town Center Overlay is comprised of roads which are laid out in a grid system. About 52.5% of the Town Center Overlay area is designated for residential use. About 16% of the Town Center is designated for commercial/office/professional services use (with the possibility of residential on the second floor) and about 8.2% is designated as flex space, where either office, professional services, or residential uses – or a live/work combination of those uses is permitted.</p> <p>Open space within the Town Center will not be defined as it is for other areas within the Town. Rather, the Town has established maximum impervious surface coverage standards that may not be surpassed within the various uses in the Town Center. The areas designated as Commercial Core have a maximum impervious surface coverage of 100%. Areas designed office/professional services and/or residential shall have a maximum impervious surface coverage of 40% and areas designated as residential in the Town Center shall have a maximum impervious surface of 50%. In the commercial core of the Town Center, the Town anticipates a master stormwater system which will allow maximum coverage for buildings and surface parking.</p>
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POLICY 1.1.2: *Land Use Categories.* The land use categories, as depicted on the Town's 2035 Future Land Use Map (FLUM) shall permit the following uses and activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 1.3.5:

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

- a. ***Impervious Surface Ratio and Open Space.*** Enforce the impervious surface ratios and open space standards established in this *Comprehensive Plan*.
- b. ***Manufacturing or Light Industrial Uses and Recharge Areas.*** Ensure that the *Future Land Use Element* does not allocate any manufacturing or light industrial land use activities adjacent to lake front areas or within high recharge groundwater aquifer areas that generate pollutants that may adversely impact the quality of surface and ground waters. The guidelines established in the Town's Land Development Regulations regarding manufacturing uses permitted within commercial districts and light industrial uses shall serve as a guide to monitor the type and intensity of such uses in the Town.

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

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

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

- a. **Conservation Designation.** Important upland habitat may be designated as conservation under the following circumstances:
 - 1. The site is owned by a government body or agency;
 - 2. The site is programmed for purchase by a government agency within the first three years of the *Five-Year Schedule of Capital improvements*; and
 - 3. A request to designate the site as conservation is made by the land owner.
 - 4. The Town requires the designation as a part of the development review process.

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

- b. **Sites with Endangered or Threatened Species.** Any areas identified within the *Conservation Element* as refuge, breeding, feeding, or habitat areas of endangered or threatened species shall be subject to the following activities:
 - 1. An applicant of a property designated for development shall prepare a Critical Habitat Management Plan prepared by a professional biologist, ecologist, or other related professional. As a minimum, this Plan shall analyze the following issues:
 - a.) Affected species;
 - b.) Land needs to support continued on-site presence of the species;
 - c.) Impacts of proposed development which will disturb the species;
 - d.) Recommended management plans and measures necessary to protect the subject species; and
 - e.) Cost to developer to implement the recommended management plan.

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

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

- a. The age of the subject site exceeds fifty years;

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

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

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

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

POLICY 1.3.10: ***Preventing Destruction of Discovered Archaeological Sites.***
Development shall cease construction activities on a development site when artifacts are uncovered during either land preparation or

construction. The developer shall notify the Town of such potential discovery, and the Town and / or developer shall contact the Florida Department of State of such discovery. Construction shall not begin until the State has determined the archaeological significance of the discovery and the restrictions which shall be imposed on development. Development may continue in areas which will not impact the site of the discovery.

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

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

- a. Promote mixed use land use categories to prevent strip commercial centers and reduce the dependability on the automobile;
- b. Promote the integration of uses to include live-work environments;
- c. Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, odor, and generation of hazardous waste or products;
- d. Impact to the conservation and preservation of natural resources;
- e. Demand on existing and planned public services, utilities, water resources and energy resources;
- f. Impact on designated scenic and aesthetic transportation corridors;
- g. Compatibility with surrounding land uses;
- h. The size of each individual business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established within the Policy 1.4.6; and
- i. The height of each business permitted in the Neighborhood Commercial, Village Mixed Use, or Town Center Mixed Use land uses shall comply with the guidelines established in Policy 1.4.7 of this *Element*.

- POLICY 1.4.2:** ***Screening Requirement.*** The Town shall require new commercial, light industrial, and manufacturing development to install landscaping, visually obstructive fencing or man-made berms, or other appropriate screening techniques concealing the commercial, light industrial, or manufacturing site from areas designated for low or medium density residential if the proposed commercial, light industrial, or manufacturing building is not compatible.
- POLICY 1.4.3:** ***Availability of Facilities to Support Commercial Development.*** The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards.
- POLICY 1.4.4:** ***Provision of Open Space.*** All new commercial development shall be subject to the open space standards established in Policy 1.2.2 of this *Element*.
- POLICY 1.4.5:** ***Maximum Intensity of Commercial Uses.*** Maximum intensity of use for commercial development is outlined within the respective land use categories and further refined in the Land Development Regulations.
- POLICY 1.4.6:** ***Commercial Building Size Limitations.*** Individual businesses within the Town Center Mixed Use and Neighborhood Commercial shall be limited to 5,000 sq. ft. unless a waiver is granted to the developer by the Town Council. Individual businesses within the Village Mixed Use land uses shall be limited to 30,000 sq. ft. unless a waiver is granted to the developer by the Town Council. These guidelines shall be used to determine the maximum allowable size for all new commercial buildings in Town. Waivers shall be based on the particular needs of the individual business, the compatibility of the proposed building and business with the business site and other affected development, enhanced architectural design of the proposed building, and other factors which the Town Council determines as relevant to development of the proposed site and impacts to the general area.
- POLICY 1.4.7:** ***Commercial Building Height Limitations.*** Commercial buildings within the Town Center Mixed Use, Village Mixed Use, and Neighborhood Commercial land uses shall be limited to a maximum of 35 feet in height.
- POLICY 1.4.8:** ***Acceptable Uses within Commercial Areas.*** Activities allowed within areas designated for commercial uses established in the

Town Center Mixed Use, Village Mixed Use, or Neighborhood Commercial land uses shall be limited to the following:

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

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

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

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

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

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

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

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

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

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

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

POLICY 1.6.3: *Land Use Allowed within Wellfield Protection Zones.* A wellfield protection zone shall be established within a radius distance of

seventy-five, two hundred, and five hundred feet from potable water wells. The following guidelines apply to the wellhead protection zone:

- a. No new development (except facilities related to the public water system) shall be permitted within one-hundred and fifty feet from a well.
- b. Within a two-hundred-foot radius distance, septic tanks, sanitary sewer facilities, or solid waste or disposal facilities shall be prohibited.
- c. Within a five-hundred-foot radius of a well, manufacturing or light industrial uses shall be prohibited, including activities that require the storage, use handling, production or transportation of restricted substances; agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, etc. In addition, wastewater treatment plants, percolation ponds, mining activities and similar activities are prohibited. Low density single family, commercial, retail, and office land uses shall be allowed within the 500-foot zone for potable water wells.
- d. All wells and wellhead protection zones shall be delineated on the Town's *Existing* and *Future Land Use Maps*.

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

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

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

POLICY 1.7.1: ***Coordinating Future Land Uses with Soil Conditions.*** Land use activities, including their densities and intensities, shall be compatible to soil types whose properties are capable of supporting the structures, parking areas, ancillary uses, and facilities proposed to be placed on them.

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

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

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

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

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

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

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

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

POLICY 1.8.4: *Amendments to the Comprehensive Plan.* The Town shall require all applicants pursuing an amendment to the *Future Land Use Map* to demonstrate that all facilities or service capacities are currently available and shall be available concurrent with the impacts of development. Any necessary facilities or services shall be part of the *5-year CIP* or the *Long-range Capital Plan*. An amendment to the *Future Land Use Map* shall not constitute the reservation of capacity for any public facility. Reservation of capacities shall only be granted to development orders or permits which demonstrate specific impacts which a development will place on public capacities. The Town shall consult with the St. Johns River Water Management District, prior to the approval of a building permit or its functional equivalent, to determine whether adequate water supplies and related facilities to serve new development will be available no later than the anticipated date of issuance by the Town a certificate of occupancy or its functional equivalent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 1.11.7 *Multiple access to subdivisions.* The Town shall require new developments consisting of 50 lots or more to have a minimum of two points of vehicular access. This policy shall not be construed

as prohibiting private streets or prohibiting the use of emergency access only points in addition to the standard vehicular access point.

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

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

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

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

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

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

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

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

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

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

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

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

POLICY 1.14.1: *Land Development Regulations Consistency.*

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

- a. Regulate the subdivision of land;

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

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

district shall be consistent with density and intensity qualitative standards set forth on the *Future Land Use Map* for the associated land use district.

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

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

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

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

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

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

Plan shall implement the protection of habitat used by these species.

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

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

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

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

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

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

~~**POLICY 1.17.3:** *Establishing an Energy Management Plan.* By December 2012, the Town shall develop and implement an Energy Management~~

~~Plan to minimize electric, fuel and water resources in Town buildings, fleet vehicles and on public properties.~~

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

POLICY 1.17.5: *Construction of Public Facilities and Buildings.* Public buildings and facilities shall be constructed and adapted where reasonably feasible to incorporate energy efficient designs and appropriate “green” building standards. Green Building standards that should be observed are contained in the Green Commercial Buildings Designation Standard, Version 1.0, published by the Florida Green Building Coalition, Inc.

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

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

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

- U.S. Environmental Protection Agency's Energy Star Buildings and Green Lights Program to increase energy efficiency through lighting upgrades in buildings;
- Rebuild America;

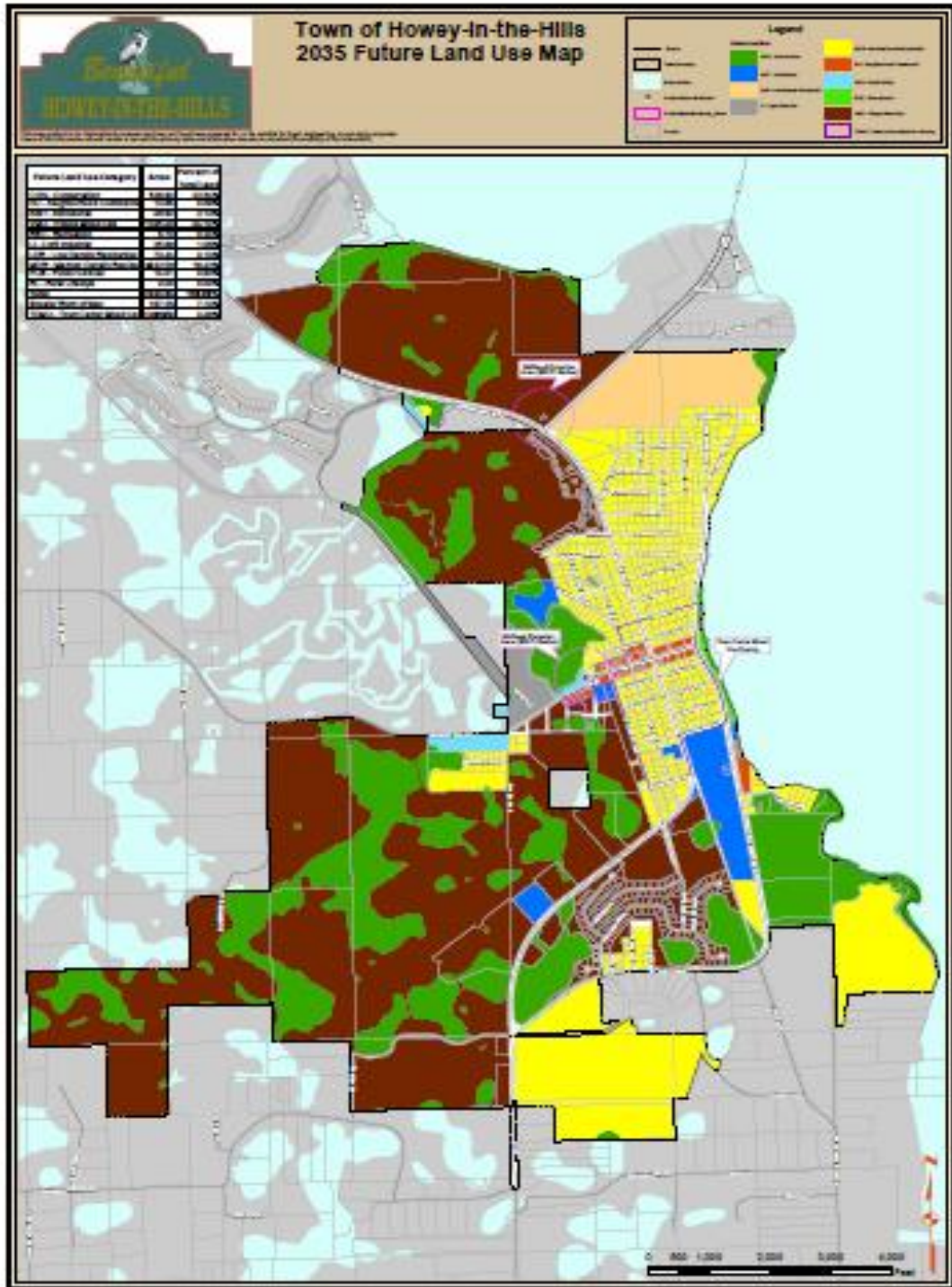
- Building for the 21st Century;
- Energy Smart Schools;
- National Industrial Competitiveness through Energy;
- U.S. Department of Environmental Protection's Pollution Prevention (P2) Program;
- U.S. Green Building Council (LEED);
- Florida Water StarSM Program; or
- Florida Green Building Coalition (FGBC), including pursuing certification as a Green Government.

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

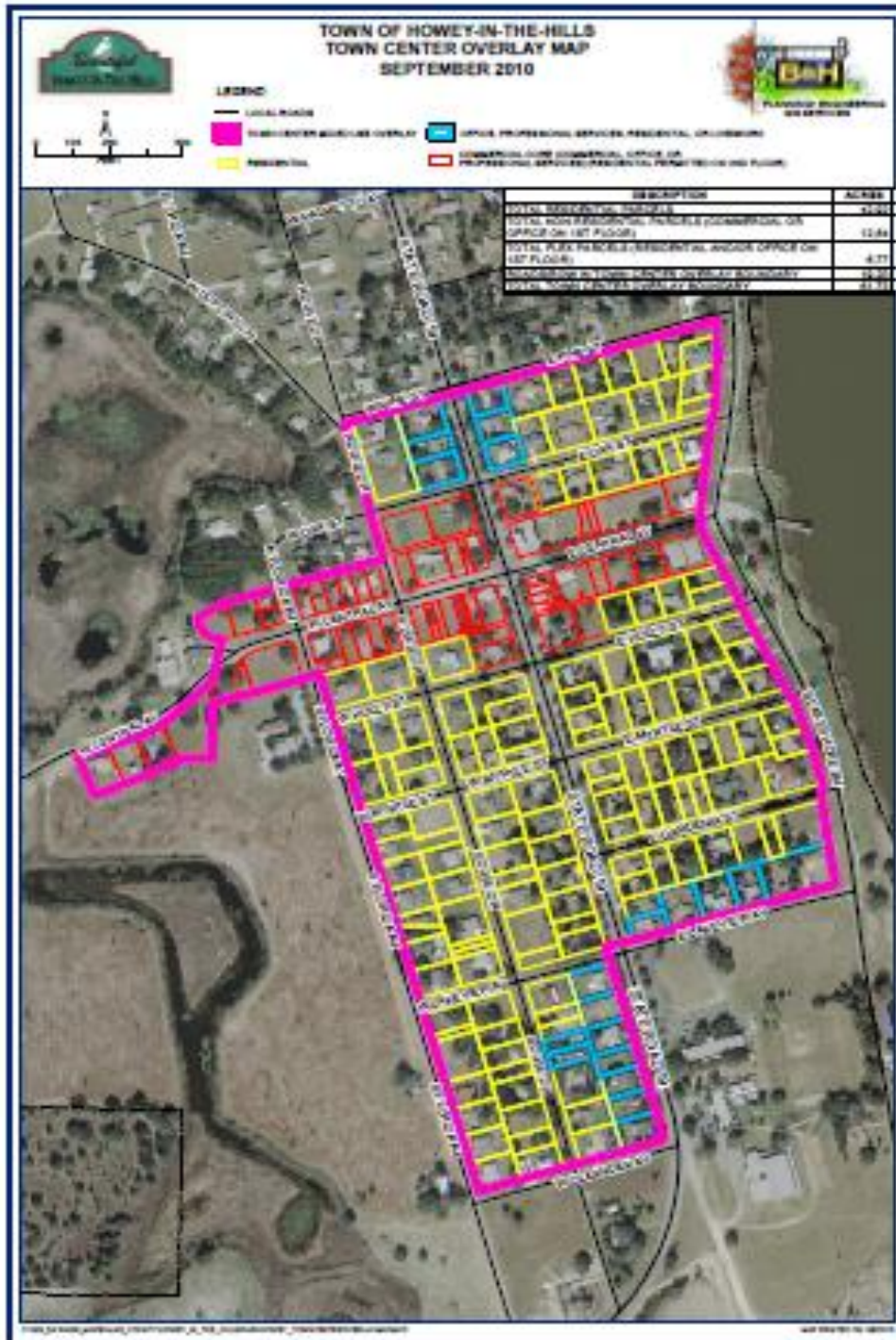
POLICY 1.18.1: *Precedence Over Other Land Use Control Mechanisms.* Growth management and land use controls stipulated in the adopted *Comprehensive Plan* through goals, objectives and policies shall take precedence over all other land use policies established in other land use control mechanisms adopted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

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

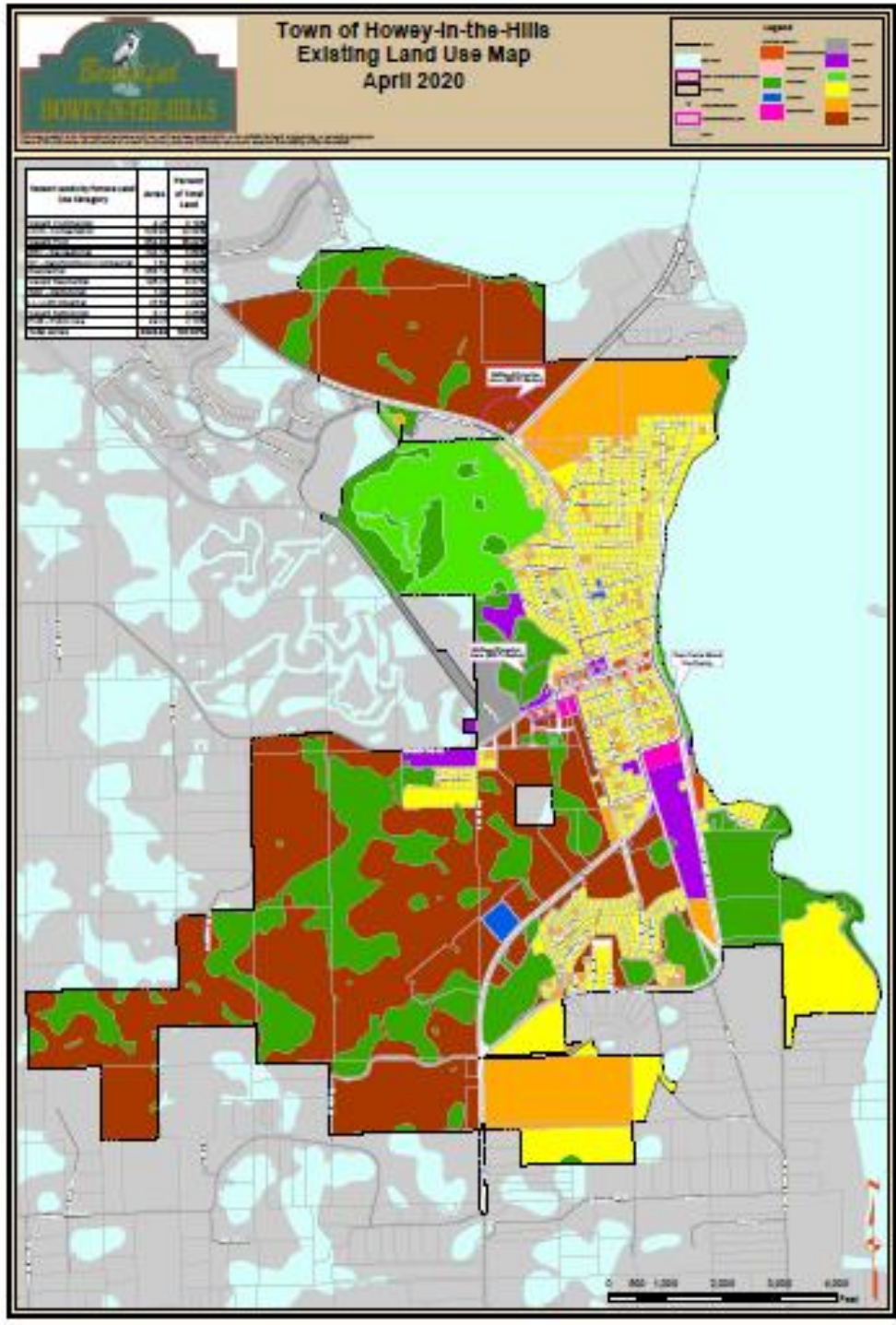
POLICY 1.18.3: *Compliance with State and Federal Laws.* The *Comprehensive Plan* shall not violate Statutes established in Florida Law or Administrative Rule, nor shall it violate the Constitution of the State of Florida or that of the United States of America.



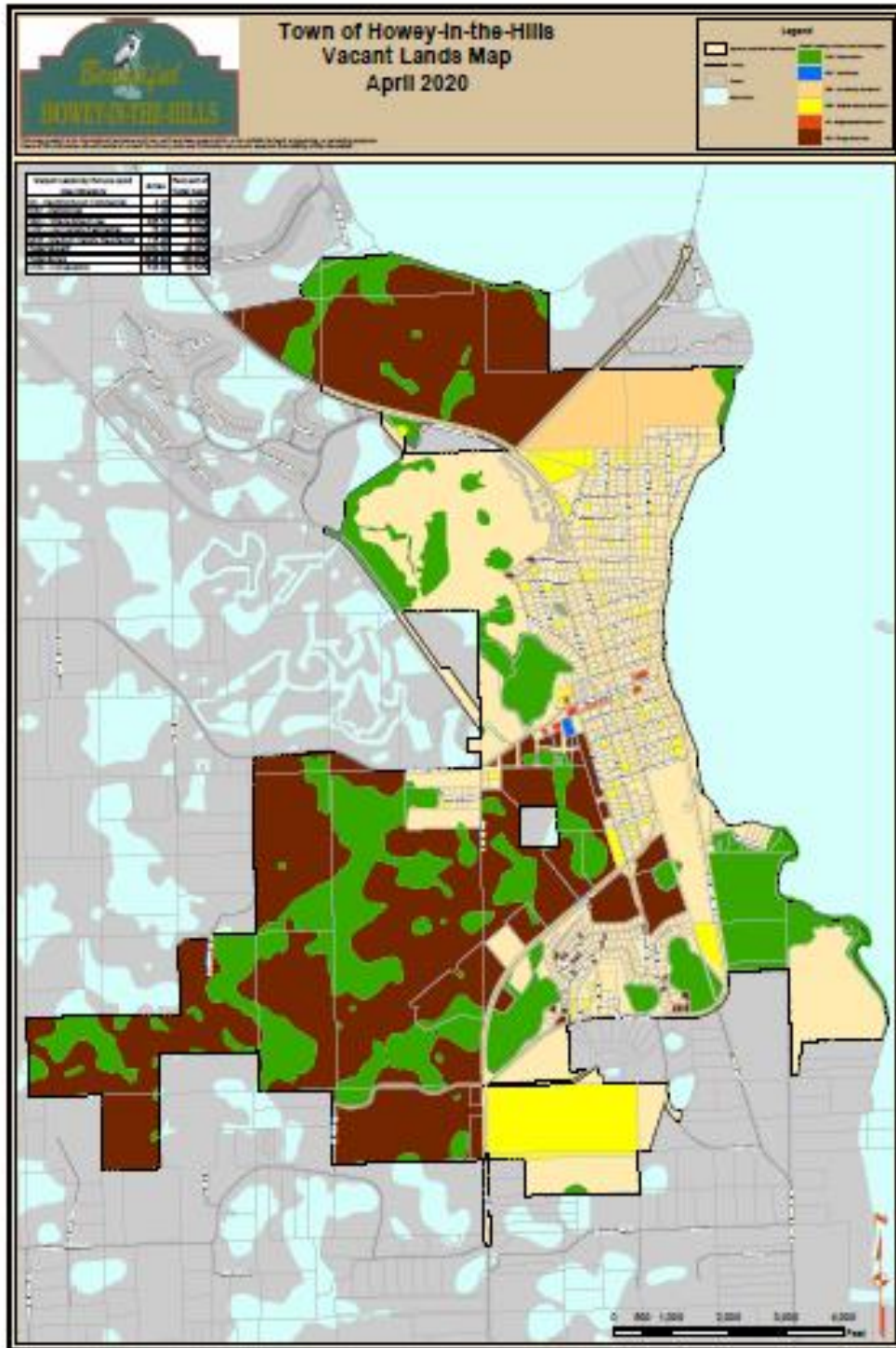
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Ordinance No. 2010-007



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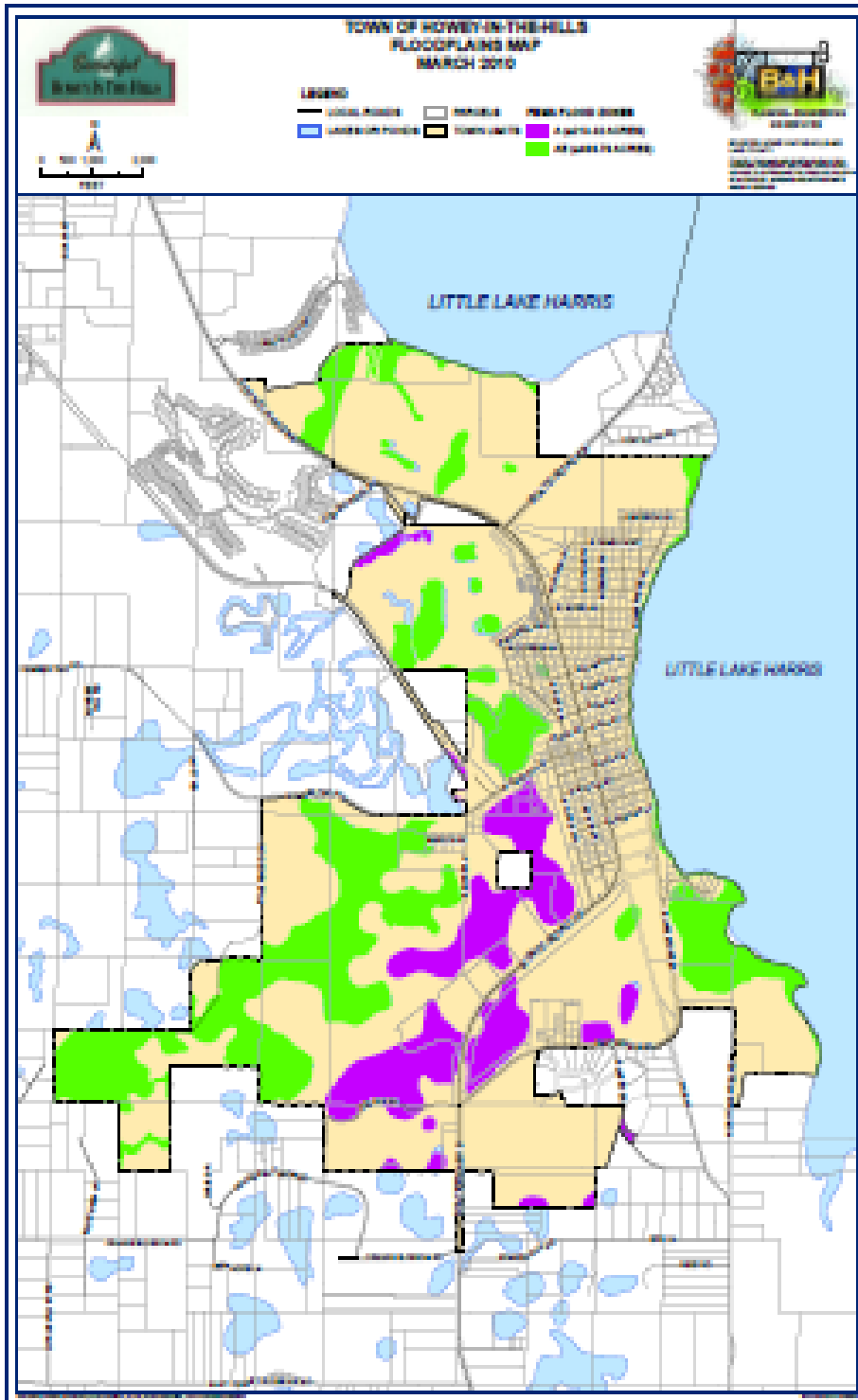
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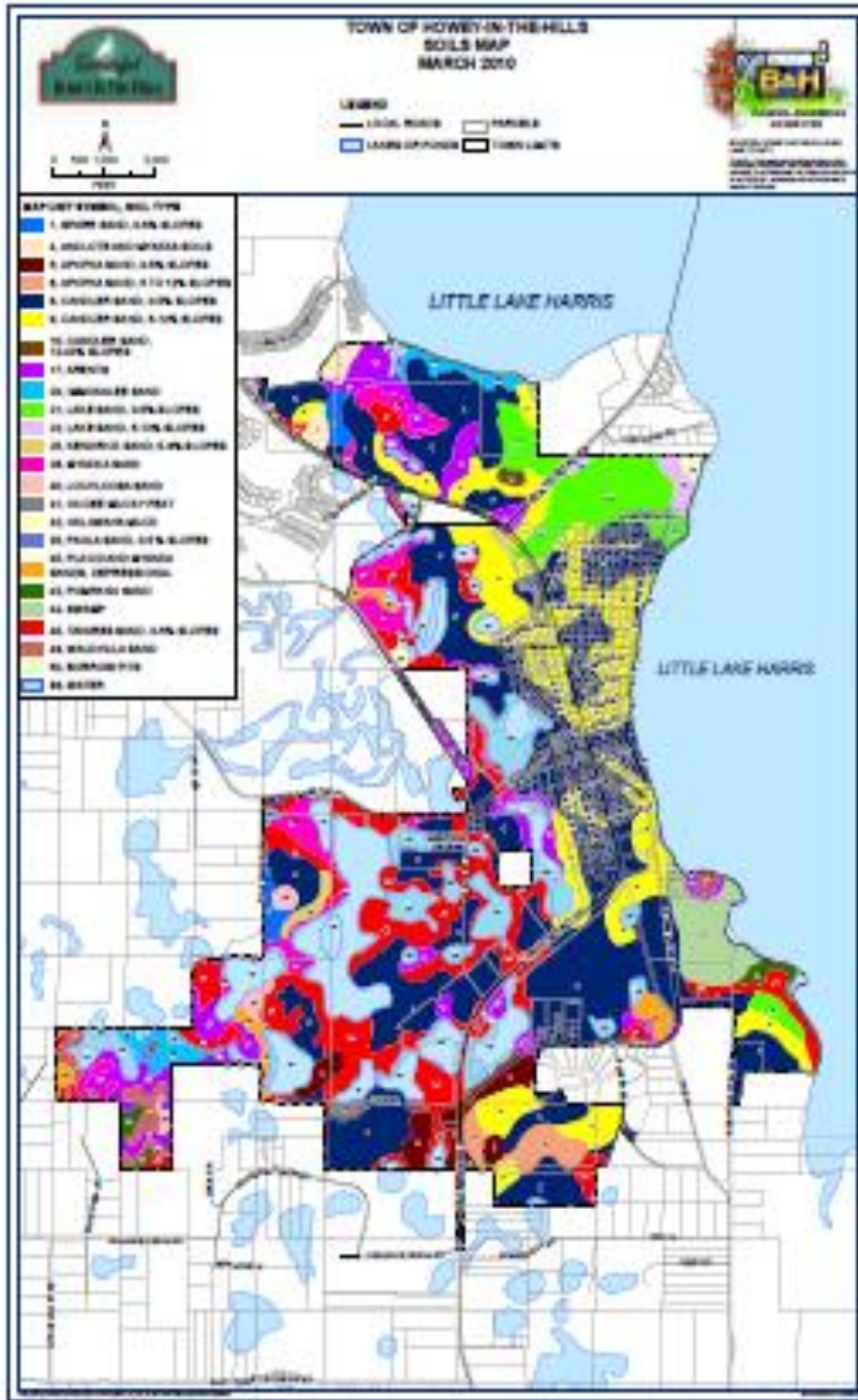
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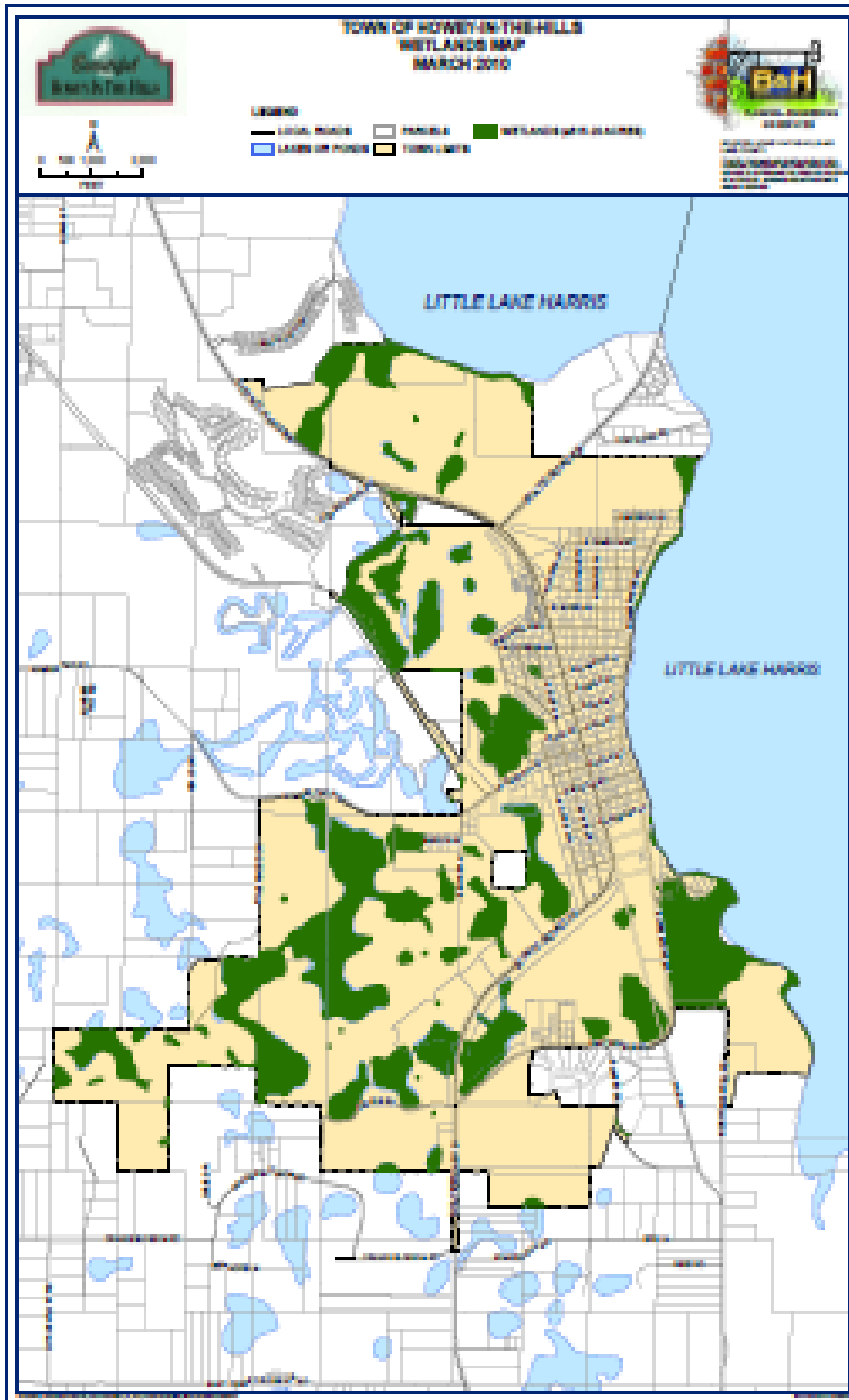
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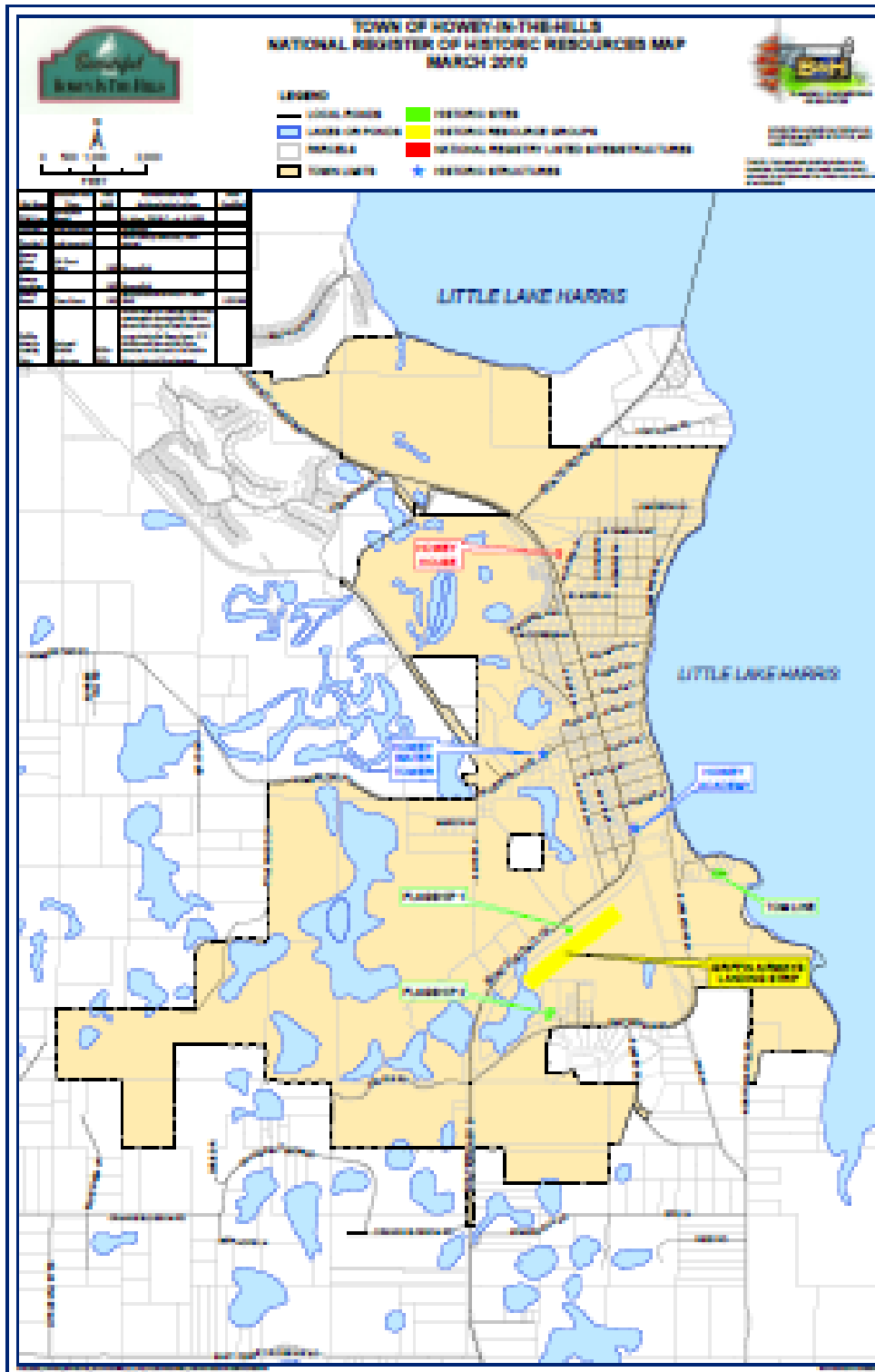
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Adopted on October 11, 2010
Ordinance No. 2010-007



Adopted on October 11, 2010
 Ordinance No. 2010-007



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: Chapter 8 Capital Improvements Element EAR Review
DATE: January 11, 2024

At the December meeting, the Board initiated its review of the comprehensive plan as required by state regulations. The initial step was the review of amendments to the Future Land Use Element which have been recommended to the Town Council for consideration. During December, the Town Council also asked the staff to initiate its annual review of the five-year capital improvements program, and subsequently the Town Manager asked staff to review and update the five year program elements affecting their individual departments. This process is under way.

Since the five year program is under review, this seemed like an appropriate opportunity to review the full Capital Improvements Element to make necessary edits and review the goals, objectives and policies to determine if revisions are need here as well. The full Chapter 8 has been reviewed and is presented for discussion. Once the full set of elements, or a least a group of elements, have been reviewed, the Town Council can initiate the process of submitting the elements for review and adoption.

The proposed revisions to the Capital Improvements Element are indicated by strike-through text for deletions and underline text for additions. Changes have been highlighted in red for easy identification. The review process included the following steps:

- Comments received from Town Council and Planning Board members were reviewed and, where appropriate, text was modified as recommended.
- Other editorial changes were made when identified.
- All of the goals, objectives and policies were reviewed and recommendations for amendments were incorporated in the draft text.

Key Recommendations and Revisions

- Under the inventory section, Part B, the description of educational facilities in the Town was edited to reflect changes in the active schools and the purchase of a future school site.
- Under Section D, Data and analysis, the section on wastewater was extensively modified to include the expanded area now served by sewer and the ongoing discussion of the options for alternative treatment plants. This section was prepared concurrently with the Town Council workshop on the topic and is somewhat of a moving target. The text assumes no options have been finally eliminated at this point and that a combination of sewage treatment options may be employed. This section may require further edits before adoption.
- Policy 1.1.1 has been amended to increase the threshold for a item qualifying as a capital item from \$1,500 to \$5,000. There was one suggestion that this increase be to \$50,000. The \$5,000 figure was selected based on the number of comments, current Town policy, and the inclusion of smaller projects for items such as dock repairs, sidewalks extension, and minor drainage projects that often fall below \$50,000.
- Policy 1.2.1 on the adoption of an adequate facilities ordinance is recommended for deletion as the Town has not taken action on this item and the Town's concurrency assessment program accomplishes the same thing.
- Policy 1.2.2 on the financial feasibility of the CIP is recommended for deletion as the state has changed this requirement. The five-year program can now include some aspirational projects that might not yet have a firm funding source. The CIP can note a proposed funding source without necessarily reserving funding from those sources until the full funding package becomes clear. Suggested improvements such as a new police station and some park projects are examples of these types of projects.
- Policy 1.10.2 has been amended to clarify the role of "fair share funding" in transportation projects. The deleted items reflect the former state requirements which ave been amended in favor of the "fair share" process.
- We expect an amendment to the level of service standards for potable water. The revised standard will actually be developed with the Public Facilities Element based on new guidance from the St. Johns River Water Management District and the Town's consumptive use permit. The CIP repeats the level of service standards from the individual elements, and will be updated in the CIP once the revision is complete.
- Additionally the five year capital improvements program (Tables 20 and Table 20A) will be amended once the staff review is complete.

CAPITAL IMPROVEMENTS ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON OCTOBER 11, 2010

AMENDED MARCH 14, 2022

**CAPITAL IMPROVEMENTS ELEMENT
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CHAPTER 8 CAPITAL IMPROVEMENTS ELEMENT

ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN

A. INTRODUCTION

1. BACKGROUND AND HISTORY

The preparation of the annual update to the *Capital Improvements Element (CIE)* was conducted consistent with and following the guidelines prepared by the Florida Department of Community Affairs (DCA) in *A Guide to the Annual Update of the Capital Improvements Element*. Staff followed the guide to ensure compliance and consistency with the requirements of the Florida Statutes and the Florida Administrative Code.

There is often confusion about the difference between the *CIE* and the *Capital Improvements Program (CIP)*. In brief, the *CIE* is a required element of the *Comprehensive Plan* and is concerned with the capital improvement projects necessary to meet or maintain the adopted Level of Service (LOS) standards established in the *Comprehensive Plan* or to implement the Goals, Objectives, and Policies of the *Comprehensive Plan*. The *CIP* provides a schedule of all capital projects to be undertaken by the Town, including the purchase of equipment and the construction of new governmental facilities and buildings.

The update of the *CIE* includes two parts: The Data and Analysis section and the *Schedule of Capital Improvements*. The Data and Analysis section includes an explanation of Level of Service (LOS) standards, the public facilities to be included in the report, an analysis of the existing and projected LOS for the planning period covered by the schedule, a projection of future revenues and expenditures, and most importantly an analysis of the Schedule's financial feasibility.

The second section of the update is the *Capital Improvements Project Schedule (the Schedule)*. This is a table with information on every capital project necessary to meet or maintain the adopted LOS standards. Information such as a brief project description, the funding source, and the fiscal year for funding different phases of the project are also included in the Schedule. The Schedule establishes a link between the proposed improvements and the LOS standards established for the public infrastructure.

Chapter 163.3180, F.S., requires that all local governments shall maintain concurrency and establish LOS standards for the following public facilities:

1. Potable Water,

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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2. Wastewater,
3. Public Recreation and Open Space,
4. Transportation,
5. Drainage or stormwater,
6. Solid Waste,
- ~~7.~~

Where the local government elects to adopt a public school facilities element, a level of service for schools must be included as well. The Town does participate with the Lake County School Board in schools planning via an interlocal agreement and the goals, objectives and policies established in this comprehensive plan.

2. PROCESS FOR ANNUAL ADOPTION AND REVIEW

The purpose of the annual update is to maintain a financially feasible *5-year Schedule of Capital Improvements*. The *CIE* is a statement of budgetary policy and a planning document for capital expenditures and improvements for public use.

Section 163.3177 (3)(b), F.S. mandates that the *CIE* must be updated “on an annual basis”. The adoption of the annual update is done by local ordinance and then submitted to the State review agency as evidence of compliance.

3. GENERAL COMPONENTS OF THE SCHEDULE

In general, the schedule must include those capital improvement projects for which the local government has fiscal responsibility. The schedule must also include projects such as school facilities, certain transportation facilities funded by other agencies (FDOT, or County), and privately funded projects necessary to ensure that adopted LOS standards are achieved or maintained.

a. Time Period

The schedule must be sub-divided into five one-year (fiscal year) periods.

b. Project Description and General Location

The schedule should include a brief general description of each project. The description must contain enough detail to demonstrate that the project is consistent with the facility needs identified in the other elements of the plan or in the data and analysis section of the *CIE*.

The schedule should indicate the location of the project. Identifying the location of the project informs the community and landowners where infrastructure improvements are scheduled. If necessary, a map indicating the location of the capital improvements may be included as part of the update.

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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c. Consistency with Other Elements

The schedule must include a demonstration of consistency with the individual elements of the *Comprehensive Plan*.

d. Projects and Costs

A local government has discretion in establishing the types of projects that will be included in the schedule. A “capital improvement” is defined as physical assets “which are large scale and high in cost ... generally nonrecurring and may require multiyear financing”. The schedule must identify the cost for each project.

e. Revenue Sources

The revenue sources that will be used to fund each project must be identified in the schedule. The supporting data and analysis needs to identify “existing funding sources” and include a projection of the amount of revenue expected to be collected from existing sources and other revenue sources.

Revenue sources could include any source that can be used to fund capital projects, including ad valorem taxes, bonds, state and federal funds or grants including FDOT funding, tax revenues, impact fees, and developer contributions.

f. “Committed” versus “Planned” Funding Sources

A “committed funding” source is one which is available for and dedicated to financing capital improvements included in the schedule and is based on expected revenues from an existing source. Thus, “committed funding source” means that expected revenues from an existing revenue source have been dedicated to funding the capital improvements included in the schedule. A developer’s contribution becomes a committed funding source when it is included in a legally binding agreement.

A “planned funding” source is one that is not currently available to the local government to use to fund capital projects. Examples of these include grants or the issuing of bonds based on referenda. A local government must demonstrate that a source is planned by adopting in the *CIE* a reasonable strategy that will be pursued to secure the revenue source. For example, the strategy could commit the local government by a certain date to initiate the referendum process or submit a grant application.

g. Grants as a Funding Source

Grants may be used to fund *CIE* projects. When reporting grants as a funding source it is necessary to identify the specific grant program to be used, the amount of the grant, and the funding source of any required local match. Depending on the status of a grant application, grants may be a “committed” or “planned” funding source. Grants which have been approved may be used as “committed funding” source for any of the five years of the *CIE Schedule*.

4. PROJECTS TO BE INCLUDED IN THE SCHEDULE

The projects to be included in the *Schedule* must include all the capital projects necessary to achieve and maintain the LOS standards, reduce existing deficiencies, provide for necessary replacements, and meet future demands during the time period covered by the schedule.

The schedule may include other facilities related to locally approved concurrency, or facilities not required to address either state-required or locally approved concurrency. In general, the schedule need only include projects for which the local government has fiscal responsibility. However, the schedule must include certain public and privately funded projects for which the government does not have fiscal responsibility. These could include: (1) Water supply projects, (2) public schools, (3) MPO’s TIP, and (4) developer funded projects necessary to maintain LOS standards.

a. Projects to Achieve and Maintain LOS standards

As previously stated, the schedule must address the facility needs identified in the other elements of the plan for which LOS Standards must be adopted; these are the facilities for which concurrency is required. The concurrency facilities are: (1) Sanitary Sewer, (2) Potable Water, (3) Drainage or Stormwater, (4) Solid waste, (5) Parks and Recreation, (6) Transportation facilities, including mass transit, and (7) Public Schools.

b. Projects to Reduce Existing Deficiencies

In addition to projects to achieve and maintain LOS standards, the schedule must also include projects to reduce existing deficiencies. A deficiency is a facility or service that is operating below the adopted LOS standard. If the annual update demonstrates that LOS standard will not be met during the five-year planning period, then the local government must adopt either a long-term concurrency management system or planning strategies to address these deficiencies.

c. Replacement Projects

The schedule must include projects that are needed as “replacement” for facilities that wear out or are obsolete. Such projects may include facilities that have are malfunctioning or are constantly out of service such that the facility is unable to meet the demand for services.

d. Projects to Meet Future Demand

The updated schedule must include projects to meet future demand. Such projects should be identified in the data and analysis section of each element. The basic concurrency requirement included in the statute states that facilities must be “available when needed”. The exact definition varies from facility to facility and only water, sewer, drainage and solid waste concurrency is mandated by State law. The function of the schedule is to time the construction of capital projects so that they are available when needed.

The following discussion defines “available when needed” for each type of concurrency:

Sanitary sewer, solid waste and drainage

- At the time of issuance of a Certificate of Occupancy (CO), the necessary facilities are in place, or
- At the time of issuance of Development Order (DO), the necessary facilities are guaranteed in an enforceable development agreement to be in place at the time of issuance of CO.

Potable Water

- Potable water facilities must be available as described in Section A. 1, above and prior to approving a building permit the local government must check with its water supplier to verify that adequate water supplies will be available no later than the anticipated date of issuance of a CO.
- If the local government is located in an area for which the water management district (WMD) has prepared a *Regional Water Supply Plan (RWSP)*, the *Potable Water sub-element* must incorporate the water supply projects chosen by the local government from those identified in the *RWSP* or proposed by the local government to meet projected demand within the area served by the local government.

In addition, the *Potable Water sub-element* must include a 10-year water supply facilities work plan for building needed facilities. The first five years of the adopted work plan must be included in the schedule.

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Recreation and Open Space: The statute distinguishes between open space and outdoor recreation acreage and the actual facilities constructed on such land.

- Before a local government can issue a CO, the acreage for needed park and recreation facilities must be dedicated or acquired by the local government. If developer fair share funds are to be used to acquire the acreage, then these funds must be committed before the local government can grant approval to begin construction.
- The actual facilities needed to serve new development must be in place or under actual construction no later than one (1) year after the local government issues a CO. The schedule should be constructed so that the local government is able to meet both these tests and avoid denying COs. The list of park and recreation facilities in the Schedule must be consistent with the supporting data and analysis in the *Recreation and Open Space Element*.

Public Schools:

The Town has elected to continue with concurrency for public schools. This process is governed by an interlocal agreement adopted by the school board and the local governments in Lake County. The agreement establishes procedures and processes for evaluating projects relative to school needs, and the school district provides an annual five-year capital budget that is reviewed as part of the Town's annual CIE update.

Transportation Facilities (Including mass transit): A *Comprehensive Plan* is financially feasible for transportation facilities if it can be demonstrated that LOS standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent as required by Chapter 163.3180, F.S.

- Concurrency Test: Transportation facilities needed to serve new development must be in place or under actual construction within three (3) years after the local government issues a building permit.
- List of projects: The schedule must include projects on which the local government has relied or intends to rely for concurrency purposes. The schedule need not include costs related to project planning and design since this phase of a project does not add roadway capacity and cannot be used to satisfy concurrency.
- Right-of-way acquisition projects can be included in the schedule as one component of the total cost of a project. If a right-of-way acquisition project is included in the schedule, the schedule must also include the construction phases of the project.

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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Metropolitan Planning Organization (MPO) Projects: The schedule must include transportation improvements included in the first five years of the applicable MPO's *Transportation Improvement Program (TIP)* to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable MPO's long range transportation plan.

Strategic Intermodal System (SIS) Projects: The local government must adopt LOS Standards for SIS facilities that are consistent with FDOT standards. Projects needed to maintain the Standards must be included in the Schedule. MPO's are required to update their *TIP* every summer (July 1) and to include all regional/county projects in the new five-year work plan.

- Proportionate-share: A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the *5-year Schedule of Capital Improvements* or if contributions for such facilities or segments are incorporated in the next update of the *5-year Schedule of Capital Improvements Element*.
- De Minimis Report Requirement: A de minimis impact is an impact that affects no more than 1% of the maximum service volume at the adopted LOS standard. Development which causes only a de minimis impact is not subject to traffic concurrency. However, total traffic volume should not exceed 110% of the maximum service volume at the adopted LOS standard. Local governments must maintain records to ensure that the 110% criterion is not exceeded.

The annual update of the *CIE* must demonstrate that the 110% criterion has not been exceeded or, if it has been exceeded, that the impacted roadway is scheduled for improvement in the schedule. No de minimis exceptions may be granted on roadways where the 110% criterion is exceeded until such time as the volume of the roadway is reduced below 110%. A single-family home on an existing lot of record will always constitute a de minimis impact regardless of the level of deficiency.

B. CAPITAL IMPROVEMENTS INVENTORY

1. Need Derived from Other Elements

The analysis documented in the other comprehensive plan elements have identified facility improvements needed to meet the existing service deficiencies and those needed to meet the demands of future growth.

The Town does not provide public education services. Public education in Lake County is a function of the elected Lake County School Board. Lake Hills School, which serves students with moderate to profound disabilities from Pre-K to the 12th grade, is the only public school located in Town. ~~There are three Lake County public schools (Astatula Elementary School, Tavares Middle School and Lake Technical Center – Astatula) within 5 miles of Howey-in-the-Hills. There are no public school facilities planned in the Town during the short-range and long-range planning period. The Town is currently served by Astatula Elementary School, Tavares Middle School and Tavares High School. The Town includes three schools serving special needs populations and some administrative offices. In addition, the school district has purchased a 22-acre site on CR 48 in the Town limits for a future elementary school. Planned construction of this school is outside the current five-year plan. The former Howey Academy buildings house some administrative functions for the school district.~~ Appendix B of the *Public School Facilities Element* features the concurrency service areas for the public schools in Lake County.

The State Department of Children and Families (DCF) determines the need for new health care facilities with a formula based on occupancy rates, historic use by age group, and population projections by age group. Although the Town currently has no full-service hospitals, there is the ~~Florida Hospital Waterman~~ Anthem Waterman Hospital located about 8 ½ miles northeast in the City of Tavares and the ~~Leesburg Medical Center~~ UF Health Hospital located about 11 miles northwest in the City of Leesburg that serve the Howey-in-the-Hills area. The nearest Emergency Medical Service station is located about 4 miles northeast of Town in the City of Tavares on Lane Park Cutoff

Individual capital improvement needs identified in this element are, for the most part, those improvements, which cost ~~\$1,500~~ \$5,000 or more and are generally non-recurring purchase items. The capital improvements identified in the other elements of this *Comprehensive Plan* are listed with a brief description in the Town's *5-year Schedule of Improvements* along with their estimated costs and projected year of expenditure. The improvements are listed by type of service, related to the various elements of the *Comprehensive Plan*. The *Capital Improvements Element* addresses existing and future capital improvements needed for at least the first five fiscal years after the adoption of the *Comprehensive Plan*.

It should be noted that the capital improvement projects contained in the Town's *5-year Schedule of Improvements* are not inclusive of all the anticipated capital expenditures by the Town during the planning period. The Town's *5-year Schedule* is limited only to those major components identified by the preceding elements of the Town's *Comprehensive Plan* in order to analyze development impacts and trends at a level of detail which is both manageable and fairly accurate.

The cost estimates for the capital improvements indicated in this element were developed using standard engineering practice regarding construction costs, in conjunction with information derived from actual construction costs of similar projects, certified bid documents on similar projects, and engineering cost estimates conducted on similar projects.

2. Existing Financial Resources

The first step in planning capital improvements, as well as arranging the necessary financing through the budgeting process, is to inventory the major sources of funding available to the Town. The revenue sources listed below comprises a working inventory for which the Town's ability to fund the needed capital improvements will be assessed. In addition, the current status of each revenue source currently used by the Town is indicated. It is important to note that the list below includes all of the major financial resources available to the Town and is not limited to the funds which will be used for the capital improvement projects identified in the *5-year Schedule of Improvements* included in this element. These currently utilized financial resources comprise, in part, the revenue sources which will be used to fund the identified capital improvements projects.

3. Local Revenue Sources

a. Property Taxes (Ad Valorem)

Property taxes are normally based on a millage rate (i.e. one mill equates to \$1 per \$1,000 of assessed value, or .1%), which is then applied to the taxable value of all real property, as well as all other tangible personal property. The revenue from ad valorem taxes may be used to fund both operating costs and capital projects, unless prohibited by local policies. Provisions at the State level exist for raising the millage rate above the 10-mill cap set by local referendum for debt service or provision of municipal-type services within the Town.

b. Public Utility or User Charges

The revenue from these charges is generated primarily as a result of the rates charged to Town residents for utilization of Town-owned utilities such as water,

drainage, and solid waste removal/disposal. Revenue from these operations include user fees, miscellaneous customer service charges, and interest income.

c. Other taxes, fees, and charges

This category of revenue source includes special assessments, various administrative fees, and other charges for using services or facilities owned and operated by the Town. Some examples of these charges are public document sales, property appraisal fees, fines and forfeitures, permit and license fees, Town fund interest income, Town property sale income, rental income, and all private contributions (real estate, gifts, donations, etc) to the Town.

d. Franchise Fees

The Town currently charges a franchise fee (based on the applicable gross revenues charged) for utility services, which are provided by private companies within the Town.

e. Public Service or Utility Tax

A municipality may levy a tax on the purchase of electricity, metered or bottled gas, water, cable television, and telecommunication services. The tax may be levied upon only the purchases within the municipality and may not exceed ten (10) percent of the applicable payments received by the seller of the taxable item from the purchaser of the purchase of such service.

f. Special Source of Revenue

Additional funding mechanisms are sometimes required due to the availability of existing revenue sources and/or the project priorities assigned by the Town Council. The options available to the Town regarding alternate sources of revenue for funding capital improvement projects are listed below.

- 1) **System Development of Impact fees.** Fees which are charged in advance of new development to pay for infrastructure needs, but not operating costs, resulting directly from the new development. The fees must be equitably allocated to the specific group(s) which directly benefit from the capital improvements. In addition, the assessment levied must fairly reflect the true cost of the capital improvements.

g. Special Assessment

Like impact fees, special assessments are charged to residents, agencies or areas who directly benefit from the provision of a new service or facility by the Town. For example, the construction of a gravity sewer system for an existing neighborhood may be financed through a special assessment to the neighborhood's individual homeowners rather than through a revenue fund of the Town.

h. Borrowing

Occasionally, many local governments are required to resort to borrowing funds to pay for capital improvements due to their extremely high cost. Usually, either long-term or short-term financing is used to provide these funds. The short-term financing option is normally handled by local banks and is used to raise the required revenue for periods of one to five years. The more customary method is to authorize long-term bond issues, which range in length from five to thirty years.

Listed below are several types of bond issues available to the Town.

- 1) **General Obligation Bonds.** These are bonds which are backed by the full faith and credit of the local government and are required to be approved by a voter referendum. Since these bonds are secured by the taxing power of government, they generally offer lower interest rates than other bonds. The revenues collected from ad valorem taxes on real estate, as well as other sources of revenue are used to service the government's debt. General obligation bonds should be used to fund capital improvements which benefit the whole Town rather than specific areas or groups of citizens.

- 2) **Revenue Bonds.** The revenue obtained from the issuance of these bonds is normally used to finance publicly owned facilities such as water treatment and wastewater treatment facilities. The charges collected from the users of the facilities are used directly to retire the bond obligations. This basically allows the capital project to be self-supporting. It should be noted that the interest rates generally tend to be higher than those of general obligation bonds. Also, the issuance of the bonds may be approved by the Town Council without a voter referendum.

- 3) **Industrial Revenue Bonds.** This type of bond, though issued by a local government, is actually assumed by companies or industries that use these funds to construct facilities. The low interest rates associated with this type of bond (due to their tax-exempt status) makes it particularly attractive to industry. The advantages to the local government is that the private sector is responsible for the retirement of the debt and that the new employment opportunities are created in the community.

4. State Sources

The Town also depends on annual disbursements from State government to supplement its revenue sources. The revenue sources discussed above represent those funds generated by Town levies which may be collected and disbursed at the local level. The revenue sources discussed in this section represent those funds which are:

- (1) generated locally, but collected and later reimbursed to the Town by the State;
- (2) adopted as a local option tax or license fee, collected and reimbursed by the State; or
- (3) shared by the State in the form of grants to the local government, but originate from State general revenues. The amounts available from these sources may vary widely from year to year depending on legislative actions.

a. Revenue Sharing Trust Fund

This component of revenue consists of 1 percent of sales and use tax collections, 1 percent of the State alternative fuel use decal fee collections, and the remainder is generated from the one-cent municipal fuel tax. The sales and use tax collections were substituted for the cigarette tax revenues that previously were used for this fund by the Florida Legislature. The municipal fuel tax funds are restricted for transportation related expenditures.

b. Other Shared Revenue

This category of revenue sources includes several major financial resources which, like the Revenue Sharing Trust Fund, are shared between local and State government agencies.

The following taxes and licensing fees generate a large portion of the total annual revenue for the Town's General Fund.

- 1) **Sales Tax** – The current sales tax in the State is 6%, and is levied on retail sales, and such things as commercial rentals, admission fees to

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entertainment facilities, and motor vehicle sales. The collection is returned to the counties and municipalities in accordance with specific formulae. The variables of the formulae, in the case of towns, include the population of the municipality, as well as the total and unincorporated population of the County.

c. Mobile Home Licenses

Mobile Home licenses ~~currently range from \$31.60 to \$86.60~~ vary in cost depending on what time length is established in the rate structure. Each city or town in the State shares in the allocation of the revenues from this source based on the number of units located in the city or town. The city or town in turn shares a portion of the revenue with the local school board. This has proven to be a relatively stable revenue source over time.

d. Local Option Taxes

Currently, there are four (4) possible sources of revenue available to the Town within this category. All the funds are generated locally, but the funds are collected and disbursed by the Florida Department of Revenue. ~~The Town currently shares in only two (2) of these revenue sources.~~

e. Alcoholic Beverage License

The Division of Alcoholic Beverages and Tobacco for the State of Florida administers the issuance of licenses associated with the sale and/or consumption of alcoholic beverages. ~~The State collects in excess of \$37 million annually from this fee. Of this amount,~~ A portion of the license fee is returned to counties and municipalities as a State shared revenue.

f. Other Sources of Shared Revenues

The Town also receives other shared revenues from both the County and other government agencies. These revenues include the Excise Tax, County Business Tax Receipt fees, Court fines and forfeits, and County Library Member Agreement fees.

5. Federal and State Grants and Loans

The Federal Government and State of Florida offer a variety of funding opportunities including block grants, loans and specific use grant programs that may be available for projects within the Town. For a Town with limited financial resources these programs can be highly useful sources of revenue. The Town regularly monitors these funding opportunities and applies for funding when the opportunity arises.

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C. LOCAL POLICIES AND PRACTICES

To guide the location and timing of land development, local policies and practices are used, particularly in support of the goals, objectives, and policies of the *Future Land Use Element*. State agencies and water management districts which provide public facilities within the Town's jurisdiction will directly influence these policies and practices. One such influence was found to be generated by the Florida Department of Transportation's (FDOT) 5-year Transportation Plan. This influence stemmed from the fact that State Road 19 is within the Town's jurisdiction, and therefore largely the financial responsibility of the FDOT. Plans for the improvement of State Road 19 may be included in the before mentioned 5-year Transportation Plan. However, there are other such roadways not included in the Plan. Either scenario affects the capacity of the roadways, which in turn affects the level and intensity of development, as well as the degree of financial commitment for which the Town must plan.

In the absence of improvement plans by FDOT, special provisions may be made when the Town desires improvement of a State road to maintain local levels of service standards. These provisions may include the Town expending funds for roadway improvements or providing FDOT with the funds, either of which may be collected through an impact fee or "fair share" contribution.

In this section, many of the local practices and policies used by the Town are described in terms of their general concept and the circumstances surrounding their use. The policies and practices both used in the past and currently in use are identified. Policies and practices not in use which have the potential for being used by the City are discussed in a later section of the *CIE*.

1. Level of Service Standards

Level of Service (LOS) standards indicate the degree of service provided or proposed to be provided by public facilities based on their operational characteristics. Basically, the LOS indicates the capacity per unit of demand for each public facility. Therefore, the LOS is a summary of the existing or desired public facility conditions. These LOS standards are to be established for the specific purpose of issuing permits or development orders to ensure that adequate capacity is available and will be maintained in public facilities for future development.

LOS standards can affect both the timing and location of development by encouraging development of those areas which have public facilities with excess capacity. In addition, development is not allowed unless the needed facilities and services are available. This development and provision of services usually occur in a phased sequence over a period of time.

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2. Capital Improvements Program (CIP)

A *Capital Improvements Program* is a plan for capital expenditures to be incurred each year over a fixed period of years to meet anticipated facility improvements and needs. The *CIP* identifies each capital project or other capital expenditures anticipated by the Town, as well as presenting estimates of the resources needed to finance the project.

The *CIP* is designed to be consistent with the *CIE* of the local comprehensive plan because it reflects the goals, objectives, and policies of the *Element* and its implementation strategy, including the *5-year Schedule of Improvements*. In addition, the *CIP* is not restricted to only those public facilities addressed in the comprehensive plan, as is the *CIE*.

The first year of a *CIP* becomes **input into** the annual capital budget with longer range capital expenditures identified for the 5-year program. The capital budget encompasses enacting appropriations for those capital projects delineated for the first year of the *CIP*. The *CIP*, similar to *CIE*, is reviewed on an annual basis.

3. Impact Fees

Impact fees are imposed by many local governments on new developments to offset the costs of new public facilities necessitated by the development. Local government may use this strategy as one method of implementing the *CIE*.

Impact fee development is a logical outgrowth of the *CIE* preparation. A rational basis for developing an impact fee ordinance comes from the assessment of the local government's capital improvement needs and its capability to provide for those needs.

Infill development location and timing may be affected and controlled through the use of impact fees. This is because infill development usually occurs in those areas having capital facilities with excess capacity. If the local government chooses not to recover the costs of capital facilities in underutilized service areas, infill development may be encouraged by the absence of impact fees on developments proposed within those areas.

4. Utility Service Areas

The delineation of utility service areas within a comprehensive plan or *CIP* may be used to describe areas where local governments intend to provide public facilities and services. When used in conjunction with a *CIE* and *CIP*, utility service areas can be used as a tool to coordinate the timing of public facilities and service provision within areas planned for development.

Additionally, the following benefits may be the result of using utility service areas:

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- a) Encourage efficient and orderly growth patterns;
- b) Preserve agricultural and environmentally sensitive areas; and
- c) Support control on facility extensions

5. User Charges and Connection Fees

User charges are designed to recover the costs of public facilities or services from those who benefit from them. Many areas of local government employ the use of user charges. Monthly sewer charges paying for the operation and maintenance of wastewater facilities as well as retiring debt service on revenue bonds is a good example of user charge usage. This technique may also be applied to transportation, potable water, solid waste, recreation, and parking facilities and services.

These charges may be designed to vary, depending on the quantity and location of the services rendered, in order to affect the pace and pattern of development. In other words, the greater the distance from the service area, the higher the user charge.

6. Concurrency Management System

This controls the timing and location of development by conditioning new development approvals on evidence that sufficient facilities and services are present or will be provided in order to maintain adopted LOS standards. Therefore, development approval becomes contingent on the ability of local governments to provide facilities and services, and furthermore, may require the development itself to furnish the facilities and services in order to maintain the adopted LOS standards. Additional benefits associated with a Concurrency Management System are as follows:

- a) Supports the consistency of the *CIE* with the *Future Land Use Element*;
- b) Provides for the orderly expansion of public facilities;
- c) Stabilizes capital improvement expenditures and taxing structures for capital improvements; and
- d) Reduces the possibility of damage to the environment from the use of overburdened facilities.

Typically, the Concurrency Management System interacts with the development approval process by requiring that all zoning, subdivision, or planned unit development (PUD) approval be granted only upon demonstrated compliance with the system. The building permit stage is another level at which a Concurrency Management System may function. In this context, the Concurrency Management System may control development in areas that are already approved, but not as yet built on, such as pre-platted lands.

7. Mandatory Dedication or Fees in Lieu Of

The Town ~~may~~ shall require, as a condition to plat approval, that subdivision developers dedicate a portion of the land within the development to be used for public purposes such as roads, parks, and schools. Dedication may be made to the governing body, or to a private group such as a homeowner's association.

When a subdivision is of such small scale or topographic conditions that a land dedication cannot reasonably be required, the Town ~~may~~ shall require that the subdivider pay a fee in lieu of dedication which is equivalent to the amount of land that otherwise would have been dedicated by the developer. The fee ~~may~~ shall be deposited into a separate account for use in the future towards the provision of such facilities.

As a result of the public facility provision, the adjacent area benefiting from the initiative would likely become more attractive to development. Therefore, the acquired service potential ~~may~~ shall be used to encourage growth in desired areas.

8. Moratoria

A moratorium, or stop-gap ordinance, is used to temporarily halt or freeze development in an area for a specified period of time on an emergency basis. The ordinance may be imposed on building permits, development approvals, or governmental services such as potable water connections or wastewater system extensions and/or connections. The moratorium normally is imposed for a "reasonable time" to allow the necessary planning activities to take place pending comprehensive plan preparation, adoption, or amendment. The State of Florida's legal system has found development moratoria to be a valid measure of last resort in the protection of local public health, safety, and welfare when adopted in accordance with applicable procedures. Some other considerations in adopting a moratorium include:

- a) Determining legal status of existing permit applications and approvals to determine the extent of "vested rights" for those developments approved prior to ordinance adoption;
- b) Specifying the geographic extent of the moratorium (whether it will include the entire Town limits, or limited to specific hazard areas with existing service insufficiencies); and
- c) Specifying the time frame and conditions under which the moratorium will be imposed.

D. DATA AND ANALYSIS

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The data and analysis for public facilities is detailed in the individual plan elements and may be referenced there. Specific note is taken regarding the ongoing master planning being done for the Town's potable water and sanitary sewer systems. ~~This is a detailed engineering study which will identify short term and long term capital needs and projects. These studies will not be complete prior to the adoption of the 2018 capital improvements program, and, therefore, will be more heavily referenced in future CIP annual updates.~~ The following sections layout the level of service requirements for each class and type of public facility.

1. POTABLE WATER

The Town of Howey-in-the-Hills maintains and operates the potable water system that provides potable water service to the Town. The *Comprehensive Plan* sets two different levels of service for potable water usage. The first LOS standard is 242.0 gallons per day per capita for the overall customer usage and the second LOS standard is 150.8 gallons per day per resident for the residential customers. (Policy 1.10.1 of the *Public Facilities Element*)

2. WASTEWATER

The Town does not have a wastewater treatment plant. The Central Lake Community Development District (CDD) currently provides wastewater treatment for the Lake Hills School, the Venezia South Subdivision, the Talichet Subdivision and a few other adjacent properties. ~~The Town is in the process of installing a collection system to serve Central Avenue. The Town has completed installation of a sewage collection system to serve Central Avenue, and some hook-ups have been completed. Some other minor additions have been made to the collection system. Additional connections are pending the resolution of available treatment capacity with the CDD.~~ . Howey in the Hills has also entered into an agreement with the Central Lakes CDD to obtain wholesale wastewater treatment for the Town for ~~three proposed Planned Unit Developments~~ the Reserve development with the first residential phase of this project beginning in 2024. Under that agreement, the Town is the 'customer' and will in turn supply the wastewater service to individual homes and businesses in those PUDs. The Town will own and maintain the collection system (mains, lift stations, etc.) within the Town limits. The Town is also ~~working on~~ considering entering into similar arrangements with neighboring local governments to supply wastewater treatment to future growth or establishing its own treatment facility.

The Town has adopted a level of service standard of 120 gallons per day per resident for sanitary sewer. ~~The Town has also implemented a wastewater impact fee. Although Howey in the Hills has no current plans to build its own wastewater treatment plant, The~~ impact fee is a standard mechanism used to finance the cost of providing wastewater collection and treatment services to serve new growth. This may include financing for construction of the collection system as well as the cost of purchasing treatment capacity at existing plants. ~~One developer has already installed collection lines and lift stations to~~

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~~support the first phase of its development. Those lines and lift stations will be owned and maintained by the Town.~~

3. PUBLIC RECREATION AND OPEN SPACE

The Town has adopted LOS standards for parks and recreation facilities. LOS standards for parks are based on availability of recreational resources divided by the total number of users. This is the basic system for calculation of recreational LOS as established by the National Park and Recreation Association (NPRA). Utilization of such standards by the Town provides for adequate public access to recreational facilities and parkland. Employing these same standards into the future should likewise continue to satisfy LOS requirements.

The Town's *Comprehensive Plan* establishes the Recreation and Open Space LOS standards as 6.5 acres per 1,000 residents. (Policy 1.1.1) The Town also uses the following guidelines to help in determining the provision of recreation facilities:

<u>Facility</u>	<u>Guidelines per Population</u>
Playground	1 per 1,000
Tennis Court	1 per 1,000
Baseball/Softball	1 per 2,000
Football/Soccer	1 per 4,000
Handball/Racquetball Court	1 per 3,000
Basketball Court	1 per 2,000
Shuffleboard *	1 per 1,000
Boat Ramps	1 per 6,500
Swimming Pool	1 per 15,000

* May be substituted for horseshoe pits, bocci court, or other lawn game.

An analysis of the existing and projected population increase and the available acreage for parks and recreational facilities indicate that the Town currently has a surplus in parks and recreation acreage to meet the demand for public park land/open space.

4. TRANSPORTATION

A LOS C represents stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds. A LOS D borders on a range in which small increases in traffic flow may cause substantial increase in approach delay and, hence, decrease in speed. This may be due to adverse signal progression inappropriate signal timing, high volumes or some combination of these.

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LOS E represents traffic flow characterized by significant delays and lower operating speeds. Such operation may be due to some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing. For planning purposes, this LOS equals lane capacity.

a. Level of Service Analysis

The Town's *Comprehensive Plan* establishes Transportation LOS standards as featured below (Policy 1.1.1 of the *Transportation Element*):

TABLE 1: ADOPTED TRANSPORTATION LEVEL OF SERVICE STANDARDS

Road Class	Minimum LOS
Minor Arterials (SR 19)	LOS D (AADT)
Major Collectors (CR 48)	LOS D (AADT)
Minor Collectors - E. Revels Road, S. Lakeshore Blvd., S. Florida Avenue, and Central Ave./County Road No. 2	LOS D (Peak Hour Minimum)
Local Roads	LOS D (Peak Hour Minimum)

The Howey-in-the-Hills *Comprehensive Plan* lists five roads that the Town monitors for LOS: (1) State Road 19 (minor arterial), (2) County Road 48 (major collector), (3) Lakeshore Boulevard/East Revels Road (~~local road~~) (minor collector), (4) Number Two Road (~~local road~~) (minor collector), and (5) North Buckhill Road (~~local road~~) (minor collector). The adopted LOS for minor arterials and major collectors is an Annual Average Daily Traffic Minimum LOS D. The adopted LOS for minor collectors and local roads is a Peak Hour Minimum LOS D.

The three primary roads that carry traffic in and around Howey-in-the-Hills are S.R. 19, C.R. 48, and C.R. 455. All three of these roads operate at a LOS D or better using the Generalized Annual Average Daily Volumes for Areas Transitioning into Urbanized.

The Town does not collect road impact fees. These fees are collected by Lake County and dispersed to appropriate districts for improvements to roadways.

As developments apply for Final Plan approval, they will be required to provide the number of peak hour, peak direction trips for each of the road segments in the above table. If there is adequate capacity available a certificate of concurrency for transportation shall be issued.

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Once the certificate is issued, that capacity is deemed reserved, and needs to be deducted from the remaining capacity left in the system. That reserved capacity then becomes part of future annual concurrency reports. As the reserved capacity becomes actual trips on the road, that part of the reservation is deducted from the total that was reserved.

5. STORMWATER

The Town's stormwater management system relies upon the natural drainage patterns to convey, reduce, and control the stormwater run-off. When necessary to provide adequate flood protection, the natural drainage pattern was altered. Also, the drainage basins were interconnected to provide adequate relief during major storm events. The system was originally designed to handle a 100-year/24-hour storm event without flooding adjacent lands.

a. Level of Service Analysis

In the Town, all proposed development projects are reviewed for compliance with the rules and regulations established in the *Land Development Code*. In addition to approval by the Town, new development exceeding thresholds established in Chapter 40C-42, F.A.C are required to apply for a SJRWMD Environmental Resource Stormwater Permit (ERSP). ~~Existing stormwater management systems that increase pollutant loadings, peak discharge rate, decrease on-site detention storage, or meet the thresholds established under new stormwater management systems are also required to apply for a new ERSP or a modification to their existing permit.~~

The *Comprehensive Plan* sets various LOS standards for drainage. The first set of standards is for Retention Volume and Design Storm. (Policy 2.1.2 of the *Public Facilities Element*)

Retention Volume: Complete retention of the post-development minus the pre-development run off occurring at the established design storm.

Design Storm: The following interim LOS standards will be used until the Comp Plan is amended to incorporate findings and recommendations of the programmed Stormwater Master Plan:

Facility Type	Design Storm
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year

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Facility Type	Design Storm
Storm Sewers	10 Year
Major Detention/Retention Structures	For the probable maximum precipitation as required by SJRWMD
Minor Detention/Retention Structures	25 Year

Note: Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

The second set of LOS standards for drainage outlined in the *Comprehensive Plan* is for pollution abatement treatment. (Policy 2.1.3 of the *Public Facilities Element*)

The following minimum stormwater drainage LOS standards are required for pollution abatement treatment:

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

Note: If the site's runoff directly discharges to Class I, Class II, or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

The Town of Howey-in-the-Hills ensures the provision of adequate stormwater drainage systems through the development review process. The above standards are used in reviewing all new development. Permits are also required from all applicable State, Federal, and local agencies with regard to stormwater. No development is approved or is allowed to begin construction until all such permits are received by the Town.

6. SOLID WASTE

The Town of Howey-in-the-Hills provides twice weekly curbside garbage collection through a contract with a private hauler. Service also includes a weekly recycling collection.

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a. Level of Service Analysis

The adopted Level of Service (LOS) for solid waste in the Howey-in-the-Hills *Comprehensive Plan* is 6 pounds per person per day. (Policy 1.6.1 of the *Public Facilities Element*) This LOS was derived taking into consideration the capacity of the landfill.

7. PUBLIC SCHOOL FACILITIES

The Town has elected to retain public school concurrency as part of its public facility requirements. Policy 1.1.1 of the *Public Schools Facilities Element* of the *Comprehensive Plan* states that “LOS is defined as school enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The LOS standard is the maximum level of school utilization that will be permitted in the Lake County School District. The LOS for all schools shall be set at 100% of FISH permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity.” Appendix B: *Lake County School Districts 5-Year District Facilities Work Program* is attached.

New development is required to obtain a certificate of capacity from the school district based on the district’s application and review procedures. The review is required of all residential development other than single-family homes on existing lots. The Reserve development is exempt from the school concurrency requirements based on their approval prior to the establishment of school concurrency. Developments which proposed restricting residents to age 55 and older, may be determined to be exempt from school impact fees, but they are still required to complete a review and approval process through the school district.

E. GOALS, OBJECTIVES AND IMPLEMENTING POLICIES

GOAL 1: To provide for timely and efficient provision of adequate public facilities that upholds quality of life through the use of sound growth management and fiscal policies.

Purpose of Capital Improvements Management

OBJECTIVE 1.1: *Capital Improvements Provision and Programming.* Capital Improvements shall be provided for purposes of correcting existing deficiencies, accommodating desired future growth, and replacing deteriorated or obsolete facilities. Capital Improvements shall be programmed within the *Five-Year Schedule of Capital Improvements*, according to the rank of priorities and timing set forth therein.

POLICY 1.1.1: *Qualification and Scheduling of Capital Improvements.* The Town shall include within the *Five-year Schedule of Capital Improvements* only those improvements identified in any of the respective elements of the Town's *Comprehensive Plan* which meet the requirements cited below for qualification as a capital improvement:

- Infrastructure - Improvements shall be a permanently fixed structure with a minimum life expectancy of five-years or more, and have an estimated cost of ~~\$1,500~~ \$5,000 or more;
- Land Acquisitions - All land acquisitions;
- Service or Supporting Facilities - Facilities and services necessary to support the maintenance of infrastructure or to provide a needed service, and having an estimated cost of ~~\$1,500~~ \$5,000 or more;
- Preparatory Services - Expenditures for professional engineering, planning, or research services that may be necessary prior to the implementation of infrastructure projects, supporting facilities and services, land acquisitions, or other services which exceed \$5,000 or more dollars; and
- Bond Issues - Any infrastructure, land acquisitions, supporting facility improvements, or services requiring financing through the issuance of a bond

POLICY 1.1.2: *Distinguishing and Classifying Capital Improvements.* The *Capital Improvements Element* and the *Five-Year Schedule of Improvements* shall distinguish and classify capital improvements according to the following three categories:

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- Current Deficiencies – improvements required to eliminate a current deficiency in the provision of facilities and services;
- Replacement facilities – improvements required to replace existing facilities which are obsolete or worn-out to a degree which threatens the maintenance of an adopted level of service standard;
- New Capital Improvements – improvements necessary to provide new facilities and services to meet demands generated by anticipated growth and development identified within the *Future Land Use Element*.

Level of Service

OBJECTIVE 1.2: *Maintaining LOS standards.* Maintain adopted LOS standards, as defined in the individual *Comprehensive Plan* elements, and meet existing and future needs by coordinating land use decisions with the *Five-year Improvement Schedule of Capital Improvements* provided by the *Capital Improvements Element (CIE)*

~~**POLICY 1.2.1:** *Adequate Facility Ordinance.* The Town Council shall adopt an adequate facilities ordinance to ensure that at the time the development order is issued adequate facility capacity is available or will be available when needed to serve the development.~~

~~**POLICY 1.2.2:** *Financially Feasible CIP.* The Town of Howey in the Hills shall construct a financially feasible *Capital Improvements Plan*.~~

POLICY 1.2.3: *Adopted Level of Service Standards.* The following levels of service are hereby adopted and shall be maintained for existing or previously permitted development and for new development or redevelopment in the Town or in the Town utility service area.

Sanitary Sewer:

Dwelling Unit - 120 gallons per day, per resident

Potable Water:

Overall System Demand - 242.0 gallons per day, per resident

Residential Demand Only - 150.8 gallons per day, per resident

Solid Waste:

6 lbs. per day, per capita

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Drainage:

Water Quantity	
Retention Volume	Complete retention of the post development minus the pre-development runoff occurring at established design storm stated below.
<u>Facility Type</u>	<u>Design Storm</u>
Canals, ditches, roadside swales, or culverts for stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention/Retention Structures	For the Probable Maximum Precipitation as required by SJRWMD(1)
Minor Detention/Retention Structures	25 Years(1)
Development occurring in the 100 Year Flood Zone must elevate the first floor 18 inches above the 100 Year Flood Elevation	
Water Quality	
<u>Facility Type</u>	<u>Pollution Abatement Treatment (2)</u>
Retention with percolation or detention with filtration	Runoff from first inch of rainfall or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.
Detention without filtration or wet detention	The first inch of runoff from the site or 2.5 inches times the site's impervious surface, whichever is greater.

Notes: (1) Major/Minor Detention/Retention structures are based on Hazard Classification for dams and impoundments as defined by SJRWMD.

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- (2) If the site’s runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described, an off-line retention or off-one detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

Transportation: Level of Service

Principal Arterial “C” based on Average Annual Daily Traffic
 Minor Arterial “D” based on Average Annual Daily Traffic
 Major Collector “D” based on Average Annual Daily Traffic
 Minor Collector and Local “D” based on Peak Hour Directional

Recreation and Open Space:

6.5 acres of park space per 1,000 residents

Population Guidelines for User-Oriented Outdoor Recreation Activities

Activity	Resource* Facility	Population Served
Golf	9-hole golf course	25,000
Golf	18-hole golf course	50,000
Tennis	Tennis court	2,000
Baseball/softball	Baseball/softball field	3,000
Football/soccer	Football/soccer field	4,000
Handball/racquetball	Handball/racquetball court	10,000
Basketball	Basketball court	5,000
Swimming (Pool)	Swimming (Pool)*	8,700
Shuffleboard	Shuffleboard court	1,000
Freshwater fishing non-boat	800 feet of Fishing pier	5,000
Freshwater fishing power boating, water skiing, and sailing	Boat ramp lane	1,500

* Based on a standard community swimming pool measuring 81 ft x 60 ft (4,860 ft).

Size and Population Guidelines for User Oriented Park Sites:

District Park:	5 acres per 1,000 population and a minimum park size of 5 acres
Vest Pocket /Tot Lot Park	0.5 acres per 1,000 population and a minimum park size of 1 acre or 0.25 acres for parks adjoining schools
Community Park	2 acres per 1,000 population and a minimum park size of 20 acres or 5 acres for parks adjoining schools
Neighborhood Park	2 acres per 1,000 population and a minimum park size of 5 acres or 2 acres for parks adjoining schools

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Source: Florida Department of Environmental Protection – Division of Parks and Recreation, Outdoor Recreation in Florida – 2000: Florida’s Statewide Comprehensive Outdoor Recreation Plan, Tables 4.3, 4.4 and 4.5.

- POLICY 1.2.4:** *Monitoring and Tracking De Minimis Impacts.* The Town shall implement a methodology to monitor and track approved de minimis impacts on the roadway network within its jurisdiction. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted Level of Service of the affected transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual *Capital Improvements Element* update.
- POLICY 1.2.5:** *Public School Deficiencies and Future Needs.* The Town shall ensure existing deficiencies and future needs are addressed consistent with the adopted level of service standards for public schools.
- POLICY 1.2.6:** *Issuance of Development Order.* The Town shall issue no development order for new development which results in an increase in demand on deficient facilities prior to the completion of improvements required to upgrade the respective facility to adopted standards.
- POLICY 1.2.7:** *Level of Service for Public Schools.* The level of service for all schools shall be set at 100% of FISH (Florida Inventory of School Houses) permanent capacity. In instances where the CORE (dining) capacity is greater than the FISH permanent capacity, the school capacity shall then be increased to that of the CORE (dining) capacity and the level of service maintained at 100% of the school capacity. In no instance shall the school capacity increase more than 125% due to additional CORE (dining) capacity. Coordination with the Lake County School Board’s *Five Year District Facilities Work Plan*, the plans of other local governments, and as necessary, updates to the *Concurrency Service Area Map* is required to ensure that the adopted Level of Service Standards for Concurrency Service Areas will be achieved and maintained.

On or before September 15th of each year and after consideration of the written comments of the County and the Cities, the Lake County School Board will adopt a financially-feasible Work Program that includes school capacity sufficient to meet anticipated student demand within the County, based on the LOS

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standards set forth in the Interlocal Agreement. The School Board will construct and/or renovate school facilities sufficient to maintain the LOS standards set forth in the Interlocal Agreement, consistent with the adopted *5-Year Facilities Work Program*. Nothing in this agreement shall be construed to abrogate the School Board's constitutional authority in determining delivery of student services, including but not limited to school scheduling or to require the School Board to redistrict any school more than once in any three consecutive year period. The Town of Howey-in-the-Hills shall adopt the Schools Board's adopted work program into their CIE updates each December.

OBJECTIVE 1.3: *Local Government and External Agency Plans.* The Town hereby adopts all applicable outside local government and external agency plans necessary to maintain and provide for level of service.

POLICY 1.3.1: *Adoption of School District's Work Plan.* The Town hereby adopts by reference the Lake County School District's current 5-Year Work Program, to meet anticipated school capacity and student demands projected by the County and municipalities based on the adopted Level of Service standards for public schools.

POLICY 1.3.2: *Adoption of FDOT's Work Plan.* The Town hereby adopts by reference the Florida Department of Transportation's current 5-Year Work Program, to meet anticipated demand through improvement of state transportation facilities within the jurisdiction.

POLICY 1.3.3: *Adoption of SJRWMD's Work Plan.* The Town hereby adopts by reference the St. Johns River Water Management District's (SJRWMD) *Water Supply Plan 2005*, to meet anticipated water supply and demand needs within the jurisdiction.

Capital Improvements Prioritization

OBJECTIVE 1.4: *Capital Improvements Priority.* Prioritization of capital improvement projects in a manner that achieves and maintains adopted LOS standards while protecting the Town's investment in existing public facilities.

POLICY 1.4.1: *Town Clerk and Council Authority and Responsibility.* The Town ~~Clerk~~ Manager shall have the authority and responsibility to evaluate and recommend a ranked order of priority for capital improvements which are proposed for inclusion in the *Five-year Schedule of Capital Improvements*. The Town Council shall

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review and retain its authority to adopt the recommendations of the Town ~~Clerk~~ **Manager** with or without modifications in the proposed *Five-year Schedule of Improvements*.

POLICY 1.4.2: *Evaluation and Ranking of Capital Improvements.* Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines:

- whether the project is needed to protect the public health and safety, to fulfill the Town’s legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities;
- whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes in-fill development; and,
- whether the project represents a logical extension of facilities and services from the Town to the urban fringe or is compatible with the plans of the state agencies, or the St. Johns River Water Management District.

POLICY 1.4.3: *Ranking 5-year Schedule.* In addition to standards established in Policy 1.4.2, the Town shall rank capital improvement types (defined in Policy 1.1.2) within the *Five-Year Schedule of Capital Improvements* according to the following order of priority:

- a. Current capital improvement deficiencies;
- b. Replacement of worn-out or obsolete facilities;
- c. New capital improvements required to meet demands generated by anticipated future growth and development (as identified within this *Comprehensive Plan*).
- d. Capital improvements financed by grant funds earmarked for a specific use or financed by restricted revenues that can not be applied to an improvement identified as a higher priority may be scheduled before other higher priority projects in the *Five-Year Schedule of Improvements* on the basis that these funds may be forfeited if not used for that specific purpose or within a certain timeframe.

POLICY 1.4.4: *Support of Comprehensive Plan.* Proposed capital improvement projects shall support the Goals, Objectives and Policies of this *Comprehensive Plan*.

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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OBJECTIVE 1.5: *Coordination of Land Uses and Fiscal Resources.* The Town shall coordinate its land use decisions and available or projected fiscal resources with a schedule of capital improvements in order to maintain adopted levels of service which meet the existing and future facility standards.

POLICY 1.5.1: *Elimination of Public Hazards.* The Town shall eliminate public hazards in its implementation of capital improvements.

POLICY 1.5.2: *Capacity Deficits and Local Budget Impact.* The Town shall work to avoid and eliminate capacity deficits and minimize local budget impact when implementing capital improvements.

POLICY 1.5.3: *Anticipating and Projecting Growth Patterns.* The Town shall anticipate and project growth patterns in its implementation and accommodation of new development and the redevelopment of facility and capital improvements.

POLICY 1.5.4: *Capital Improvements Financial Feasibility.* All capital improvements shall be made in a financially feasible manner and take into account the plans of state agencies, local governments and water management districts that provide facilities within the Town of Howey-in-the-Hills.

POLICY 1.5.5: *Concurrency of Public Facilities and Services.* The Town shall make public facilities and services available concurrent with the impacts of development subsequent to the writing of this *Comprehensive Plan*. The Town shall deem which public facilities and services are necessary in cases of phased development but shall require that this provision is made available concurrent to the impact of development.

POLICY 1.5.6: *Public Facilities and Environmentally Sensitive Lands.* The Town shall not invest public funds in public facilities located on designated environmentally sensitive lands, as defined in the *Conservation Element*, within its jurisdiction unless the facility is necessary to:

- a. Preserve environmentally sensitive land;
- b. Provide access to designated passive recreation sites or to connect developable areas; and
- c. Promote the health and safety of citizens.

OBJECTIVE 1.6: *Proportionate Cost of Future Development.* The Town shall ensure future development bears its proportionate cost of facility improvements necessitated by the development in order to adequately maintain adopted levels of service.

POLICY 1.6.1: *Use of Revenue Bonds.* The limitation on the use of revenue bonds as a percent of total debt shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.2: *Total Dept Service.* The maximum ratio of total debt service to total revenue shall follow applicable Florida statutes and acceptable financial practices.

POLICY 1.6.3: *Property Tax Base Indebtedness.* The maximum ratio of outstanding capital indebtedness to property tax base shall follow applicable Florida statutes and acceptable financial practices.

OBJECTIVE 1.7: *Public Facility Needs.* The Town shall demonstrate its ability to require provisions for needed improvements identified in local jurisdictions comprehensive plan elements in order to manage the land development process so that public facility needs created by previously issued development orders or future development do not exceed the ability of local government to fund and provide provisions of future needed capital improvements.

POLICY 1.7.1: *Construction and Replacement Schedule.* The Town shall identify needs and establish construction and replacement schedules within the *Capital Facilities Element*.

POLICY 1.7.2: *Establishing LOS Standards.* The Town shall establish level of service standards for public facilities.

POLICY 1.7.3: *Prior Issued Development Orders.* The Town shall account for needed facilities of prior issued development orders in the assessment of public facility needs for those development orders issued prior to the *Comprehensive Plan*.

Budgetary Procedure

OBJECTIVE 1.8: *Annual Update of Capital Improvements Element.* The *Capital Improvement Element* shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures.

POLICY 1.8.1: *Resources for Enterprise Funds.* Available resources for enterprise funds are to be calculated as net income less existing

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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debt service principal payments plus any new service or special assessment revenue to be generated by the project financed through the anticipated debt proceeds.

- POLICY 1.8.2:** *Resources for General and Specific Revenue Funds.* Available resources for the general and special revenue funds would be calculated as the excess of revenue over expenditures and other uses plus any new revenue or special assessment collections generated by the project financed through the anticipated debt proceeds.
- POLICY 1.8.3:** *Reservation of Enterprise Funds.* The Town shall reserve Enterprise Fund surpluses for planned capital expenditures.
- POLICY 1.8.4:** *Securing Grants or Private Funds.* Efforts shall be made to secure grants or private funds whenever available to finance the provisions of capital improvements.
- POLICY 1.8.5:** *Collection of Impact Fees.* All new development, which has a direct or indirect impact on roads, schools, parks, potable water, or sewer, shall continue to be subject to impact fees collected and/or administered by the Town. Monies collected as impact fees shall be spent to benefit the Town's infrastructure ~~{9J-5.016(3)(b)(4), F.A.C.}~~.
- POLICY 1.8.6:** *Impact Fee Ordinance.* The Town shall assess its impact fee ordinances to assure that new development pays its pro rata share of the costs required to finance capital improvements necessitated by such development.
- POLICY 1.8.7:** *Reviewing All sources of Revenue.* Before the annual budget process is initiated, the Town shall review all sources of revenue not previously utilized as revenue and shall act to obtain and receive revenue from these potential sources where a benefit to the Town can be predicted.
- POLICY 1.8.8:** *Private Contributions.* The Town shall rely upon private contributions as a funding source within the *Five-year Schedule of Capital Improvements* only when the obligation to fund a specific capital improvement is addressed in an enforceable development agreement or development order. The Town shall not be responsible for funding capital improvements that are the obligation of the developer. If the developer fails to meet any capital improvement commitment that is programmed in the *Five-*

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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year Schedule of Capital Improvements, a plan amendment to delete the capital improvement from the *Schedule* shall be required.

POLICY 1.8.9: *Assessed Property Tax Base.* The assessed property tax base shall be determined by the Lake County Property Appraiser's Office.

POLICY 1.8.10: *Bond or Loan Maturity Date.* The maturity date for any bond or loan shall not exceed the reasonable expected useful life of a financed project.

Capital Improvements Planning

OBJECTIVE 1.9: *Annual Incorporation of 5-year CIP.* Incorporate a *Five-year Capital Improvements Plan* into the annual budget in order to reserve funds for the needed future capital facilities.

POLICY 1.9.2: *Adoption of Annual Capital Improvement Budget.* The Town will, as part of its annual budgeting process, adopt a Capital Improvement budget.

POLICY 1.9.3: *Correcting Deficiencies and Replacing Facilities.* The Town shall provide for necessary capital improvements to correct existing deficiencies, accommodate desired future growth, and replace worn-out or obsolete facilities, as indicated in the *Five-year LOS-Related Schedule of Capital Projects*.

POLICY 1.9.4: *Coordination with Comprehensive Plan.* Review and update the *Capital Improvement Element* annually to ensure close coordination between the *Capital Improvement Plan* process and the annual budgeting process. This coordination shall address development timing, financial feasibility, and the Goals, Objectives, and Policies of the *Comprehensive Plan*.

POLICY 1.9.5: *Projects within the 5-year Schedule.* The *Five-year Schedule of Capital Improvements Plan* projects shall reflect the results of the local infrastructure studies in the annual update of the *Five-year Schedule of Capital Improvements* following completion of each study.

POLICY 1.9.6: *Compliance with State of Florida Law.* The Town of Howey-in-the-Hills shall comply with all State of Florida law regarding the management of debt.

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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OBJECTIVE 1.10: *Concurrency Management System.* Insurance of development orders and permits by the Town shall be controlled by the Town's Concurrency Management System, which requires that facilities and services which do not reduce the adopted level of service standards are in place, shall be in place or are guaranteed by a binding contract or agreement to be provided prior to the impact of the development.

POLICY 1.10.1: *Concurrency Provisions.* The Town's Concurrency Management System shall provide the following:

- a. the capital improvements budget and a five-year schedule of capital improvements which, in addition to meeting all the other statutory and rule requirements, ~~must be financially feasible~~ and are adopted annually in the budget process;
- b. the *Five-year Schedule of Improvements* which includes both necessary facilities to maintain the established level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies which are a priority to be eliminated during the five-year period under the Town's *Schedule of Capital Improvements*;
- c. a realistic, ~~financially feasible~~ funding system based on currently available revenue sources which is adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the *Five-year Schedule of Capital Improvements*;
- d. the *Five-year Schedule of Capital Improvements* must include the estimated date of commencement of actual construction and the estimated project completion date and which areas will be provided with public funds in accordance with the *5-year Capital Improvement Schedule*;
- e. a provision that a plan amendment shall be required to eliminate, defer or delay construction of any facility or service which is needed to maintain the adopted level of service standard and which is listed in the *5-year Schedule of Improvements*;
- f. a requirement that development orders and permits are issued in a manner that will guarantee that the necessary

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Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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public facilities and services will be available to accommodate the impact of that development;

- g. a provision that the Town, on an annual basis, shall determine whether it is adhering to the adopted level of service standards and its *5-year Schedule of Capital Improvements* and that the Town has a demonstrated capability of monitoring the availability of public facilities and services;
- h. development guidelines for interpreting and applying level of service standards to applications for development orders and permits and determining when the test for concurrency must be met. At a minimum, the latest point in the application process for the determination of concurrency is prior to the approval of a development order or permit which contains a specific plan for development and which would authorize the commencement of construction of physical activity on the land. Development orders and permits approved prior to the actual authorization for the commencement of construction or physical activity will be contingent upon the availability of public facilities and services necessary to serve the proposed development; and

POLICY 1.10.2: *Requirement for Public Facilities and Services.* The Town's *Concurrency Management System* shall provide that public facilities and services needed to support development are available concurrent with the impacts of such development by meeting the following standards prior to issuance to permit.

- a. For potable water, sewer, solid waste, and drainage, at a minimum, the following standards will satisfy the concurrency requirement:
 - (1) the necessary facilities and services are in place at the time a development permit is issued; or
 - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in the place when the impacts of the development occur; or
 - (3) the necessary facilities are under construction at the time a development permit is issued; or

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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- (4) the necessary facilities and services are guaranteed in an enforceable development agreement. The agreement must guarantee that the necessary facilities and services will be in place when the impact of development occur; or
 - (5) the necessary facilities and services are in place no later than the issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- b. For parks and recreation, at a minimum, the following standards will satisfy the concurrency requirement:
- (1) at the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
 - (2) the necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit.; or
 - (3) the necessary facilities and services are in place no later than 1 year after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.
- c. For roads, at a minimum, the following Standards will satisfy the concurrency requirement:
- (1) the necessary facilities and services are in place at the time a development permit is issued; or
 - (2) a development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
 - (3) the necessary facilities are under construction at the time a permit is issued; or
 - (4) at the time the development permit issued, the necessary facilities and services are the subject of a binding

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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~~executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within three years of the approval of the development permit as required by Chapter 163.3180, F.S.; fair share contribution equal to the development's impact on transportation facilities.~~

- ~~(5) The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within three years of the approval of the applicable development permit as required in Chapter 163.3180, F.S.; or~~
- ~~(6) the necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of paragraphs 1-3 above. An enforceable development agreement may include, but is not limited to, development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur; or~~
- ~~(7) the necessary facilities and services are in place or under actual construction no later than 3 years after issuance of a certificate of occupancy as required by Chapter 163.3180 F.S.~~

- d. In determining the availability of services or facilities, a developer may propose and the Town Council by a majority of the votes of its total membership may approve developments in stages or phases so that facilities and services needed for each phase shall be available at the time the impacts for that phase occur.
- e. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of development.

POLICY 1.10.3: *Exemptions from Transportation Concurrency.* The Town shall allow exemptions from transportation concurrency for infill development, redevelopment projects, and downtown revitalization

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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as required by Chapter 163.3180 F.S. Such exemptions are contingent upon if the proposed development is otherwise consistent with the Town's adopted *Comprehensive Plan* and is a project that promotes public transportation or is located within an area designated in the *Comprehensive Plan* for:

- a. Urban infill development;
- b. Urban redevelopment;
- c. Downtown revitalization;
- d. Urban infill and redevelopment under s. 163.2517; or
- e. An urban service area specifically designated as a transportation concurrency exception area which includes lands appropriate for compact, contiguous urban development, which does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted *Comprehensive Plan* within the 10-year planning period, and which is served or is planned to be served with public facilities and services as provided by the *Capital Improvements Element*.

POLICY 1.10.4: *Exemptions from Transportation Concurrency and Special Part-time Demands.* The Town shall allow exemptions from the concurrency requirement for transportation facilities for developments located within urban infill, urban redevelopment, urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas established under Chapter 163.2517, which pose only special part-time demands on the transportation system. A special part-time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours.

POLICY 1.10.5: *De Minimis Transportation Impact.* The Town shall allow a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency as required by Chapter 163.3180 F.S.

POLICY 1.10.6: *Transportation Impact of Redevelopment Projects.* In the event of redevelopment projects, the Town shall allow the redevelopment project to create 110% of the actual transportation impact caused by existing development before complying with concurrency as required by Chapter 163.3180 F.S.

POLICY 1.10.7: *Approved Development and Proportionate Fair Share.* The Town shall allow approved development that does not meet concurrency

Adopted on October 11,2010 Ord No. 2010-007

Amended Ord No. 2013-001, 2014-007, 2015-002, 2019-01, 2021-001, 2022-001, 2023-002

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to occur if the Town has failed to implement the requirements of this *CIE* and the developer makes a binding commitment to pay the proportionate fair share of the cost for facilities and services associated with the development.

Capital Improvements Implementation

The Town **Clerk Manager** shall have the responsibility for implementing the *Goals, Objectives and Policies* within this *Element*. Specific responsibilities include:

1. During the month of May of each year, request capital budget and public improvements updates from each municipal department head.
2. Request recommendations from each elected official and the Planning Agency.
3. During **July December** of each year, present an updated Table 20 to the Board, with explanations for each addition, deletion or revision.
4. Develop administrative procedures to implement the capital improvement policies. The Town **Planner Manager** shall provide checklists, directions, time frames and such other review criteria as shall be necessary to assure that facilities and services meet the standards adopted as a part of this plan and are available concurrent with the impacts of development.

Table 20 *Five-year Schedule of Capital Improvements* (see next page).

TABLE 20							
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA							
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS							
Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	Total
Public Services							
N. Water Treatment Plant Replacement	Various	\$ 500,000	\$ 2,000,000	\$ 1,500,000	\$ 500,000	\$ 500,000	\$ 5,000,000
Drilling for Well #5 & #6	Various	\$ 1,500,000					\$ 1,500,000
Land Acquisition for WTP #3	Impact Fees (Water)	\$ 100,000					\$ 100,000
Water Mains - North	General Fund	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000
Water Mains - South	General Fund				\$ 100,000	\$ 100,000	\$ 200,000
Water Master Plan	General Fund					\$ 80,000	\$ 80,000
Emergency Lift Station Generators	Grant (FDEM)		\$ 200,000				\$ 200,000
Central Avenue Streetscape	General Fund				\$ 30,000	\$ 500,000	\$ 530,000
Venezia South Second Access	General Fund				\$ 34,000		\$ 34,000
Sidewalk Improvements	General Fund	\$ 5,000	\$ 10,000	\$ 30,000	\$ 10,000	\$ 10,000	\$ 65,000
Annual stormwater improvements	Various	\$ 10,000	\$ 130,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 230,000
<i>Road Reconstruction</i>	Various	\$ 215,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,415,000
Citrus and Camellia Intersection	General Fund		\$ 10,000	\$ 50,000			\$ 60,000
Install Sanitary Sewer to South	Various		\$ 510,000				\$ 510,000
Acquire Central Lake CDD	Bond Issue		\$ 500,000				\$ 500,000
Acquire Drake Pointe Water-WW	Bond Issue		\$ 5,000,000				\$ 5,000,000
<i>North Wastewater Treatment Plant</i>	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
<i>West Wastewater Treatment Plant (Ced)</i>	Impact Fees (WW)		\$ 2,500,000				\$ 2,500,000
							\$ 20,924,000
Library							
Library Expansion	Impact Fees (Library)	\$ 100,000	\$ 800,000	\$ 100,000			\$ 1,000,000
Digitization Station	Impact Fees (Library)	\$ 5,000					\$ 5,000
Virtual Reality Station	Impact Fees (Library)	\$ 7,500					\$ 7,500
Special Collection: World Literature	Impact Fees (Library)	\$ 15,000					\$ 15,000
LEGO Wall	Impact Fees (Library)	\$ 5,000					\$ 5,000
Toy Lending Program	Impact Fees (Library)	\$ 5,000					\$ 5,000
Outdoor After-Hours Book Locker	Impact Fees (Library)	\$ 20,000					\$ 20,000
Makerspace	Impact Fees (Library)	\$ 10,500					\$ 10,500
							\$ 1,068,000
Police Department							
New police station	Grant (Unspecified)		\$ 2,000,000	\$ 3,000,000	\$ 1,500,000	\$ 500,000	\$ 7,000,000
							\$ 7,000,000
Community Facilities							
Design for New Town Hall	General Fund		\$ 50,000				\$ 50,000
							\$ 50,000
Parks and Recreation							
Convert landfill to park	Impact Fees (Parks)		\$75,000	\$ 200,000	\$ 725,000		\$ 1,000,000
Repair/replace finger piers	Various	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Main Pier Improvements	Various		\$ 100,000				\$ 100,000
<i>Repair/renovate Sara Maude Park</i>	Impact Fees (Parks)	\$ 100,000	\$ 100,000		\$ 100,000		\$ 300,000

Improvements to Griffin Park	Various		\$ 10,000		\$ 90,000		\$ 100,000
Central Park Courts and Upgrades	Impact Fees (Parks)	\$ 48,500		\$ 150,000			\$ 198,500
Neighborhood Park South End (Pine Park)	Impact Fees (Parks)	\$ 35,000	\$42,000	\$ 38,000			\$ 115,000
Grove Square Park	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Community Campus near Public Safety Mausoleum	Impact Fees (Parks)	\$ 10,000					\$ 10,000
Cemetery Sidewalk and Fencing	General Fund	\$ 15,000					\$ 15,000
Lakeshore Shoreline Improvements	Grant (Unspecified)			100,000			\$ 100,000
Central Lake Bike Trail and Town Trails	Various		\$ 620,000	\$ 620,000	\$ 620,000	\$ 620,000	\$ 2,480,000
							\$ 5,328,500
Per Year Program Total		\$ 2,643,500	\$ 16,447,000	\$ 5,708,000	\$ 3,779,000	\$ 2,130,000	\$ 34,370,500

**TABLE 20 A
TOWN OF HOWEY-IN-THE-HILLS, FLORIDA
5-YEAR ESTIMATED SCHEDULE OF CAPITAL IMPROVEMENTS**

Description	Funding Source	FY 2023	FY 2024	FY 2025	FY2026	FY2027	CIP Total
Transportation Mitigation Projects							
SR 19 @ CR 48 Intersection	Fair Share		\$ 742,500				\$ 742,500
SR 19 @ Central Ave Intersection	Fair Share		\$ 742,500				\$ 742,500
Revels Rd @ SR 19 Intersection	Fair Share					\$ 742,500	\$ 742,500
Florida Ave @ SR 19 Intersection	Fair Share			\$ 148,500			\$ 148,500
Florida Ave @ Number 2 Rd. Intersection	Fair Share				\$ 148,500		\$ 148,500
Pedestrian Improvements	Various		\$ 20,000	\$ 20,000	\$ 20,000	\$ 40,000	\$ 100,000
Bicycle Improvements	Various			\$ 20,000	\$ 30,000	\$ 50,000	\$ 100,000
Streetscape	Various					\$ 250,000	\$ 250,000
Total		\$ -	\$ 1,505,000	\$ 188,500	\$ 198,500	\$ 1,082,500	\$ 2,974,500



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: County Staff Letter on Number Two Road
DATE: January 18, 2024

The Planning Board requested a discussion be scheduled on the letter from Mr. Schneider regarding Number Two Road. This memo is intended to provide some background information for the discussion.

Essentially the staff agrees with both points made in the letter. The letter identifies improvements to Number Two Road that should be made by the Mission Rise and Hilltop Groves projects. The Town's position for both projects is that each development needs to obtain permits from Lake County for the road connections and make any improvements required by the county including dedication of additional right-of-way, widening of travel lanes, turn lanes and other elements such as sidewalks. For both projects the Town is requiring the construction of a multi-use path to accommodate cyclists and pedestrians. We expect this facility to be located within the expanded right-of-way unless Lake County objects.

The inclusion of the central collector roads within the Hilltop Groves and Mission Rise projects is consistent with our comprehensive plan requirements. For development of projects of these sizes multiple access points are required for safety, and the more traffic access options that are available, the more traffic will be distributed across the entire road network. This outcome reduces demand on individual facilities by providing options for drivers. The project designs include interconnections between the projects, and as the Mission Rise traffic study demonstrated, an estimated 10% of the trips generated by Mission Rise will use the local road network within the Hilltop Groves development.

Other factors being equal, drivers will tend to use the route that is shortest for the intended trip, both in time and distance. Drivers will prefer roads where higher speeds can be maintained and routes where they feel the safest to drive. If portions of Number Two Road, or any road, are perceived as being less safe, drivers will often choose another route even if that route takes longer to complete the trip. This is not to suggest that widening for safety does not need to be pursued or that Number Two Road will not

experience increased traffic as a result of developments that have been and are being considered, not just by Howey, but by Lessburg and Lake County itself.

In evaluating the impacts of proposed developments on Number Two Road, the Town has required the study to reduce the capacity of Number Two Road to reflect the more difficult travel conditions. The Mission Rise traffic study reduced the capacity by 25%. This capacity reduction advances the point where the available capacity is exceeded and some form of contribution to improvements beyond impact fees is considered. While Howey uses a fair share contribution system to address capacity issues, Lake County does collect a traffic impact fee. To date the traffic studies, which include existing traffic, normal background traffic increases, traffic projected from approved but not yet built projects and traffic from new project proposals, have not resulted in predicted capacity issues on Number Two Road, even at the reduced capacity.

The letter states the need to address the areas of Number Two Road that will not be improved as a result of planned development. The Town agrees with that statement and has indicated a willingness to support Lake County in efforts to obtain funding for this work. The bottom line here is that Lake County is the agency responsible for the road, and they need to take the lead in this effort. The Town can take a supporting role in this effort, just as the Town has supported the county in bringing the road to standard in areas where development has been proposed or approved.



Public Works Department
P.O. Box 7800 • 323 N. Sinclair Ave., • Tavares, FL 32778

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

Dear Mr. O'Keefe,

Dear Mr. O'Keefe: I am writing to you regarding concerns that the Board of County Commissioners and staff have received from residents regarding proposed development along Number Two Road. This would include the proposed Mission Rise PUD as well as the Reserve at Howey (Hillside Grove) which is a PUD that is also in the Town. The Lake County Department of Public Works has submitted comments regarding Mission Rise to the Town staff and consultants by email (attached) on October 12, 2023. This letter is to inform you of the current condition and status of Number Two Road which we hope will assist the Town Council as they deliberate further development along Number Two Road.

Number Two Road is classified as a Rural Minor Collector and is 6 miles in length from SR 19 in Howey-in-the-Hills to CR 48. It has been in place for at least 100 years and was provided a surface treatment in the 1950's and paved around the year 1970. It was constructed primarily as a farm to market road and has had low traffic volumes. The current paved surface width of Number Two Road is below standard. The required lane width is 12-foot for a 24-foot width road. Public Works has measured the road width and found that some areas do not even meet the most minimum standards of 9-foot lane width. As traffic volumes increase on narrow roads, the edges of the pavement and shoulder are damaged from tire rutting which results in significant cost of maintenance and repair.

The previous comments sent from Lake County Public Works recommend that the developer provide turn lanes and widen Number Two Road for a length of 0.9 miles from Silverwood Lane to Sunset Circle at the entrance of Country Pure Foods. If possible, this should be extended further to SR 19. From Silverwood Lane west to CR 48, there are significant segments of road without sufficient right of way. The cost to widen Number Two Road to 12 foot lanes for the 5 miles west of Hillside Grove would be significantly more than current road impact fee revenues could provide, even over a period of years. We will be happy to work with the Town on a long range plan for the road need, including seeking funding from FDOT through the Lake-Sumter MPO.

As you move forward with planning of the Town and future development, our staff is available to work with you on planning future road needs.

Sincerely,

Frederick Schneider, P.E.
Assistant County Manager

P 352.253.6000 • F 352.253.6016
Board of County Commissioners • www.lakecountyfl.gov