



Town Council Meeting
September 26, 2022 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/81666920878?pwd=TWx2eDBxU2RmNTB1REh0SExMVWJsUT09>

Meeting ID: 816 6692 0878 | **Passcode:** 218433

AGENDA

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

ROLL CALL

Acknowledgement of Quorum

AGENDA APPROVAL/REVIEW

CONSENT AGENDA

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

- 1.** The approval of the minutes and ratification and confirmation of all Town Council actions at the September 12, 2022 Town Council Meeting.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

- 2.** Proclamation: **National Code Compliance Month**
- 3.** Discussion: **Tree Requirements in PUDs**
- 4.** Consideration and Approval: **Lake County League of Cities Annual Selection to the League's Board of Directors**

DEPARTMENT REPORTS

- 5.** Town Administrator / Finance Manager Reports

COUNCIL MEMBER REPORTS

6. Mayor Pro Tem Gallelli
7. Councilor Lehning
8. Councilor Miles
9. Councilor Klein
10. Mayor MacFarlane

PUBLIC COMMENTS

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

ADJOURNMENT

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

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

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

Topic: **Town Council Meeting**

Time: **Sept 26, 2022 06:00 PM Eastern Time (US and Canada)**

Join Zoom Meeting

<https://us06web.zoom.us/j/81666920878?pwd=TWx2eDBxU2RmNTB1REh0SExMVWJsUT09>

Meeting ID: 816 6692 0878

Passcode: 218433

Dial by your location

+1 646 558 8656 US (New York)

+1 346 248 7799 US (Houston)

Meeting ID: 816 6692 0878

Passcode: 218433

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

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



Town Council Meeting
September 12, 2022 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

AGENDA

Mayor MacFarlane called the Town Council Meeting to order at 6:00 p.m.
 Mayor MacFarlane led the attendees in the Pledge of Allegiance to the Flag.

ROLL CALL

Acknowledgement of Quorum

MEMBERS PRESENT:

Councilor George Lehning | Councilor David Miles | Councilor Rick Klein | Mayor Pro Tem Marie V Gallelli | Mayor Martha MacFarlane

STAFF PRESENT:

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

AGENDA APPROVAL/REVIEW

Mayor Pro Tem Gallelli read out loud a proclamation recognizing National Ballroom Dancing Week (September 15th through 25th) and made a motion to approve of the agenda while adding the proclamation recognizing National Ballroom Dancing Week to the Consent Agenda; seconded by Councilor Klein. Motion passed unanimously by voice vote.

Voting

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

Nay: None

CONSENT AGENDA

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

1. The approval of the minutes and ratification and confirmation of all Town Council actions at the August 22, 2022 Town Council Meeting.
2. The approval of the minutes and ratification and confirmation of all Town Council actions at the September 8, 2022 Town Council Budget Public Hearing.

- 3. Consideration and Approval: **Reappointment of Ron Francis III to the Planning and Zoning Board**
- 3a. Consideration and Approval: **Proclamation Recognizing National Ballroom Dancing Week** (Item added during Agenda Approval)

Councilor Miles pointed out two corrections that needed to be made in the August 22, 2022 Town Council Meeting Minutes. Councilor Miles stated that, on page three, the word “of” needed to be inserted and also on page three, the word “dispersed” was incorrectly used; “disbursed” was the word that should have been used.

Councilor Miles made a motion to approve of the Consent Agenda with the corrections to the August 22, 2022 Town Council Meeting Minutes; seconded by Councilor Lehning. Motion passed unanimously by voice vote.

Voting

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

PUBLIC HEARING

- 4. Consideration and Approval: **Resolution 2022-005 - Non-Ad Valorem Assessment Roll for Solid-Waste Collection**

Mayor MacFarlane opened Public Comment for this item only.

Tim Everline, 1012 N Lakeshore Blvd. – Mr. Everline was not in favor of the cost increase of the Non-Ad Valorem Solid Waste charge.

Seeing no further public comment, Mayor MacFarlane closed Public Comment for this item and asked John Brock, Town Clerk to read out loud written public comments that had been submitted to the Town. Mr. Brock read out loud comments submitted by the following individuals: Graham Wells, Joe and Chanda McCollom, Lisa Spence, Simon Ambrose, Wendy Dowdall, Miguel Suau, and Diane Villegas.

Councilor Miles made a motion to deny Resolution 2022-005; seconded by Councilor Gallelli.

Councilor Miles explained his motion to deny was a way for the Town to bring solid waste billing back into its own Water Utility Billing, which would save the Town and its residents money.

Councilor Miles’ motion to deny Resolution 2022-005 was approved unanimously by roll-call vote.

Voting

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

Councilor Miles made a motion to move the solid waste fees to the utility bill at a monthly rate of \$28.87, starting in October 2022; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by roll-call vote.

Voting

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

- 5. Consideration and Approval: **414 Amola Way Variance request from Section 5.01.08 Swimming Pools and Pool Enclosures**

Mayor MacFarlane asked Tom Harowski, Town Planner, to introduce and explain this item. Mr. Harowski summarized his Staff Report of this item and explained that the Planning and Zoning Board had recommended to grant a variance of 5 feet from the rear set back.

Morgan Cates, Public Works Director, suggested that a stem wall would be necessary for the edge of the pool deck to keep fill dirt from going into the easement at the rear of the property.

Mayor MacFarlane opened Public Comment for this item only.

Matthew Pedlar (applicant of the variance submittal), 414 Amola Way – Mr. Pedlar stated that his back yard was level.

Richard Mulvany (Planning and Zoning Board Member), 308 Dupont Cir – Mr. Mulvany stated he did not believe that the applicant needed a stem wall, he believed that the applicant would need a thickened edge.

Mayor MacFarlane closed Public Comment for this item.

Motion made by Councilor Miles to approve granting variance of 5 feet from the rear set back while requiring the property owner to include the stem wall to the edge pool deck as suggested by the Public Works Director; seconded by Councilor Lehning.

Voting

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

Nay: None

6. Consideration and Approval: **Ordinance 2022-016 - Simpson Parcels - Rezoning from MDR1 and MDR 2 to PUD**

Tim Greene, the applicant for the Simpson Parcel Project, asked to delay the first reading of Ordinance until the next regular Town Council Meeting.

Motion made by Councilor Miles for a continuance to the 9/26/22 Town Council Meeting; seconded by Mayor Pro Tem Gallelli. Motion approved unanimously by voice vote.

Voting

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

Nay: None

7. Consideration and Approval: (Second Reading) **Ordinance 2022-018 - Amend Building Services Fee Schedule**

Martha MacFarlane, Mayor, read Ordinance 2022-018 by title only:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO REGULATION OF BUILDING CONSTRUCTION; PROVIDING FINDINGS OF TOWN COUNCIL PERTINENT TO TOWN FEES AND CHARGES; REVISING THE TOWN’S BUILDING-PERMIT FEE SCHEDULE IN ITS ENTIRETY; WAIVING CODIFICATION AND PROVIDING FOR POSTING OF FEES AND CHARGES ON THE TOWN’S WEBSITE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor MacFarlane asked Town Administrator, Sean O’Keefe, to introduce and explain this proposed ordinance. Mr. O’Keefe explained that the Ordinance had been amended since the first reading to include the additional clarifying statements that Councilor Miles had suggested during the first reading and the lot grading inspection fee that Public Works Director Cates had suggested.

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

Motion made by Councilor Miles to approve Ordinance 2022-018; seconded by Mayor Pro Tem Gallelli. Motion passed unanimously by roll-call vote.

Voting

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

Nay: None

OLD BUSINESS

None

NEW BUSINESS

8. Consideration and Approval: **Town Manager Contract**

Mayor MacFarlane asked Town Attorney, Tom Wilkes, to introduce and explain this proposed ordinance. Mr. Wilkes explained the provisions of the contract that was being proposed between the Town and Sean O’Keefe. If signed, the contract would make Sean O’Keefe the Town’s first Town Manager.

Councilor Lehning asked if the Town was required, by law, to advertise the Town Manager position opening. Mr. Wilkes stated that the Town has plenary power, at both ends of the Town Manager’s career, and can use whatever method the Town Council chooses to hire its Town Manager (and as such is not required to advertise the position). Mayor MacFarlane explained that the Town had hired Mr. O’Keefe as its Town Administrator / Finance Manager 16 months ago so that he could be trained to be the Town Manager if the charter was changed to allow that.

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

Motion made by Councilor Klein to approve the Town Manager Contract; seconded by Councilor Miles. Motion approved unanimously by roll-call vote.

Voting

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

Nay: None

DEPARTMENT REPORTS

9. Town Hall

Town Clerk, John Brock, explained that the Town Hall report had been submitted to the Town Councilors in the packet for the Meeting and that Utility bad debt had been improved. As of the end of August, there were only 12 water utility accounts with more than \$100 of past due bad debt.

10. Police Department

Police Lieutenant, George Brown, explained that the Police Department report for August had been submitted to the Town Councilor in their packets. Lieutenant Brown also answered questions about the Town's School Resource Officers.

11. Code Enforcement

Azure Botts, Code Enforcement Officer, also explained that the Code Enforcement report for August was submitted to the Town Councilors in the meeting packet. Officer Botts also explained that residents who had their own wells, that were used for irrigation, did not have a meter measuring how much water was coming out of those private wells.

12. Public Works

Public Works Director, Morgan Cates, explained that the Fishing Pier renovation project should be finished within two weeks. Mr. Cates also explained that the new playground barriers would be installed, with the assistance of volunteers, on September 30th.

13. Library

Library Director, Tara Hall, stated that the AARP organization would be conducting a driver safety course on September 13th at the library. Councilor Miles asked if Lucien Group, LLC had repaid the temporary reimbursement of the Laptop Project Grant. Mr. O'Keefe explained that they had repaid the reimbursement.

14. Parks & Recreation Advisory Board / Special Events

None

15. Town Attorney

None

16. Town Administrator / Finance Manager - Finance and Development Reports

Sean O'Keefe, Town Administrator, thanked the Town Councilors for their vote of support for him as the upcoming Town Manager. Mr. O'Keefe reminded everyone about the second Public Hearing for Budget and Millage set for September 26th at 5:05 p.m.

COUNCIL MEMBER REPORTS

17. Mayor Pro Tem Gallelli

None

18. Councilor Lehning

Councilor Lehning suggested that he believed that the Solid Waste Request for Proposals (RFP) that the Town had sent out needed more thought put into it and was not written well enough. Councilor Lehning suggested that future large contract RFPs needed more input.

19. Councilor Miles

Councilor Miles stated that he had participated in a tour of the Town's Public Works facilities. Councilor Miles explained that the Town owned four wastewater lift stations, and that the lift station next to town hall and the one located next to Griffin Park did not have fences around them. Councilor Miles stated that he would like the Town Manager to create a report that would show the cost to have fences erected around the two lift stations that did not have them. Councilor Miles would also like incorporated in the Town Manager's report, the acquisition cost of backup generators for the two Venezia lift station, so that they could be added to the budget within the next two years. Councilor Miles would like this report from the Town Manager by the first meeting in November.

20. Councilor Klein

None

21. Mayor MacFarlane

Mayor MacFarlane explained that there is an FDOT report that shows planned improvements to State Road 19. One of the planned improvements includes new sidewalk installation from Venezia Blvd to Laurel adjacent to the road.

PUBLIC COMMENTS

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

Renee Lannaman, 710 Calabria Way – Mrs. Lannaman asked the Town Council to review the Town's Land Development Code (LDC) provisions, as they relate to tree requirements on residential property. Mrs. Lannaman does not believe that the LDC requirements of 3 canopy trees and 2 understory trees are realistic for Venezia and Talichet residents.

Marc Lurie, 471 Bellissimo Place – Mr. Lurie stated that he believed that LDC code 7.08.01 on landscaping should be amend to only apply to houses over half an acre in size.

Daniel Dillon, 475 Bellissimo Place – Mr. Dillon stated that there was a Florida Statute 163.045 on precedent on local governments regulating trees. Mr. Dillon stated that there was rumor that recycling in the state of Florida was not getting done due to growth in the state and would like to know if recycling waste was really getting recycled.

Marcus Flamingo, 229 Messina Place – Mr. Flamingo disagreed with Code Enforcement efforts as it relates to requiring properties to comply with LDC on trees and would like the Town to grant an extension on enforcement.

Banks Helfrich, 9100 Sam's Lake Road, Clermont FL – Mr. Helfrich posed a question of what community means.

Roslyn Terhaar, 236 Messina Place – Mrs. Terhaar stated she was not in favor of the LDC tree requirements.

Fred Drabik, 524 Bellissimo Place – Mr. Drabik thinks that the Town should allow Crepe Myrtle trees to be considered as canopy trees.

Walter Shaub, 520 Bellissimo Place – Mr. Shaub believes that requiring all the trees is a liability to the Town.

Michael Cox, 487 Bellissimo Place – Mr. Cox is against the LDC tree requirements.

Carmen Khaleel, 721 Calabria Way – Mrs. Khaleel is against the LDC tree requirements.

Joshua Husemann, 671 Avila Place – Mr. Husemann is against the LDC tree requirements.

Donna Klein, 701 N Lakeshore Blvd. – Mrs. Klein agreed with the residents that had spoken that night and was also against the LDC tree requirements.

ADJOURNMENT

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

The Meeting adjourned at 7:55 p.m. | **Attendees: 62**

Mayor Martha MacFarlane

ATTEST:

John Brock, Town Clerk



Proclamation

A PROCLAMATION BY THE TOWN OF HOWEY-IN-THE-HILLS RECOGNIZING October as National Code Compliance Month

WHEREAS, Code Enforcement Officers provide for safety and welfare of the citizens throughout the United States through the enforcement of local codes or ordinances facing various issues of building, zoning, housing, animal control, environmental, health and life safety; and

WHEREAS, Code Enforcement Officers often have a challenging and demanding role and often do not receive recognition for the job they do in improving local communities; and

WHEREAS, Code Enforcement Officers are dedicated, and high qualified professionals who share the goals of preventing neighborhood deterioration, enhancing, and ensuring safety, and preserving property values through knowledge and application of housing, zoning, and nuisance codes and ordinances; and

WHEREAS, Code Enforcement Officers often have a highly visible role in the communities they serve and regularly interact with a variety of state officials, county officials, first responders, legislative boards, commissions, agencies, and bodies; and

WHEREAS, Code Enforcement Officers are called upon to provide quality customer service and excellence to the residents and businesses of the communities in which they serve; and

WHEREAS, the Town of Howey-in-the-Hills wants to recognize and honor Code Enforcement Officers and Professionals for their dedication and service; and

NOW THEREFORE, I, Martha MacFarlane, Mayor of the Town of Howey-in-the-Hills in the State of Florida, do hereby proclaim the month of October 2022 as National Code Compliance Month in appreciation of those who serve as our Code Enforcement Officers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Howey-in-the-Hills to be affixed this 26th Day of September in the Year Two Thousand and Twenty-Two.

By: _____
Martha MacFarlane, Mayor

Attest: _____
John Brock, Town Clerk



Date: September 23rd, 2022

To: Mayor and Town Council

From: Azure Botts, Code Enforcement

Re: Discussion of tree requirements in PUDs.

Objective:

Address resident concerns regarding the effects of having a large canopy tree in their front yard.

Summary:

Earlier this year the town staff had discussed the removal of many street trees within Venezia. Approximately 70 properties were documented as missing the required street tree.

Currently, there is a requirement for one canopy tree to be planted within the front yard on properties that were constructed under the Town's current Land Development Code (LDC), adopted in 2011. The required canopy tree within the front yard must be a "street tree" and the LDC only defines Live Oak and Southern Magnolia as such. Additionally, the Venezia developer's agreement amended by Town Council on July 14th, 2014 requires three canopy trees for each lot (LDC requires one of the three canopy trees as a street tree). A canopy tree defined per the LDC is a tree, usually with one main trunk, which develops an elevated crown and provides, at maturity, a minimum shade crown of thirty feet (30') in diameter or greater. These street trees must be planted at least 5 feet away from the sidewalk, but no more than 8 feet.

Extensive research was conducted to find other suitable alternative canopy trees that would keep the intention of the LDC, section 07.08.01: "These trees will help to form a canopy over the sidewalk and street sides."

Some of the characteristics of these considered alternative trees were not desirable, such as low branching system, surface/shallow root systems and/or weak wood.

Research also produced a list of the many benefits canopy trees provide including but not limited to: reducing storm water runoff, roots filtering more water, removing a greater amount of carbon dioxide, removing a greater amount of air pollutants, producing a greater quantity of oxygen, reducing peak temperatures, increasing property value, and providing aesthetic benefits.

Cities such as West Palm Beach and Miami are or have already begun initiatives to plant more canopy trees rather than other trees because of these benefits.

Research suggests planting live oak trees 15 to 20 feet away from a structure and Southern magnolia at a 50-foot separation from structures. A solution to the concerns of foundation damage and driveway/sidewalk damage was found during research. A root barrier/guard is a protection system that addresses a possible damaging root system. The barrier, when properly installed, directs roots to grow deeper into the soil before spreading out. The barriers

can be installed along the front of a foundation or the appropriate distance around a tree. This method has been successfully used for quite some time and in many different situations.

For these reasons, Code Enforcement proceeded with the enforcement of the LDC and the Developer's Agreement.

Code Enforcement personally spoke with, and hand delivered, courtesy letters to most property owners (others were mailed). Many concerns were raised during these conversations. The property owners were encouraged to attend a council meeting to address their concerns.

Analysis:

Approximate measurements have been taken of the front yards in violation. Out of the 196 lots within Venezia, nine lots have been identified as large lots, defined as having 30 feet from front plane wall to the sidewalk: these are mainly corner lots or lots with large side yards. Six lots have been identified as having less than 20 feet from front plane wall to the sidewalk. These lots were approved to have a 15.5 foot setback from the sidewalk. 48 lots have been identified as having between 20 to 25 feet from front plane wall to the sidewalk.

After evaluating the concerns brought to Town Council regarding the required canopy tree and the lot sizes, staff has produced a list of selected trees as a proposed alternative for a street tree, to accommodate the more confined lots. Several of the listed selected trees are currently approved in the LDC, along with a few requested trees, and have been identified as closely meeting the definition of a canopy tree. The trees mentioned in the recommendation do not have an invasive root system, can handle full sun, and can be planted 15 feet or less, away from a structure. These selected trees would need to be planted at least five feet from the sidewalk but no more than 8 feet to produce the desired shade over the sidewalk and street.

Although the staff recommendation is not consistent with the LDC and is not in accordance with the Venezia South and Venezia North developer's agreement, it does however address the concerns of residents while keeping the intent of the LDC by providing some shade along the sidewalks and streets.

Fiscal Impact:

There is no fiscal impact.

Staff Recommendation:

Town staff recommends allowing the selected list of alternate trees to be planted within the front yard of lots with inadequate room for a street tree. Lots with inadequate room are determined by the footage from the front plane wall of the structure to the sidewalk. Below are the recommendations for the lot sizes.

- Lots greater than 26 ft from the front plane wall to the sidewalk are required to plant one street tree per the LDC.
- Corner lots or lots greater than 100 ft wide at the sidewalk are required to plant 2 street trees.
- Lots with 20 to 26 ft are required to plant one of the following selected trees
 - Natchez Crape myrtle (need to be added to LDC)
 - Purpleleaf plum (need to be added to LDC)
 - Flowering dogwood
 - Sweet bay magnolia
 - Weeping bottlebrush
- Lots with less than 20 ft are recommended for a variance to alleviate the requirement to plant a street tree if the two required understory trees are in place, per LDC.

Existing, well-established trees in addition to the required understory trees may be counted as a alternative tree. This will be addressed on a case-by-case basis.

Alternative canopy trees, which would serve to fulfill the requirement for a canopy/street tree, when the distance between the front plane wall and the sidewalk is less than 26 feet will be distinguished with two asterisks on the LDC approved tree list.

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE
LANDSCAPE, IRRIGATION AND HARDSCAPE

CHAPTER 7

- 4. Hardscape components that add visual interest and character. Each site shall incorporate elements including, but not limited to, the following:
 - a. Sculpture or other public art
 - b. Entrance or gateway features
 - c. Fountains
 - d. Decorative planters
 - e. Outdoor plazas or seating areas for employees and patrons, where applicable

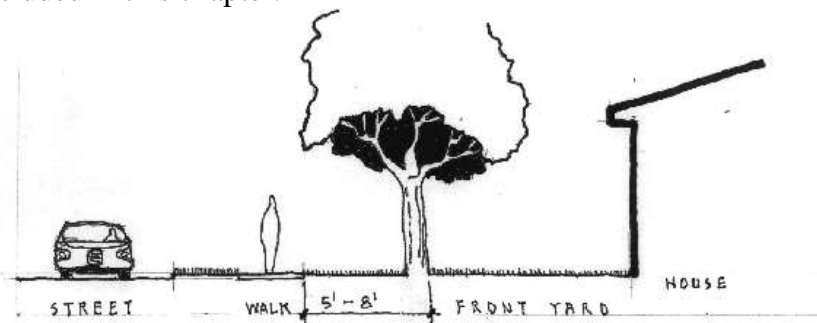
7.08.00 LANDSCAPING INDIVIDUAL RESIDENCES

Building permit applications for new homes will be required to include landscape and irrigation plans for approval. The plans shall be clearly readable, drawn to a reasonable scale, show the entire site to be irrigated, and must include all improvements. Unless prepared by the property owner, drawings shall be prepared by a Florida registered landscape architect, a landscape contractor, or an irrigation contractor. The landscaping and irrigation shall be inspected as part of the overall permit and no certificate of occupancy shall be issued unless the landscaping and irrigation has been installed and accepted.

7.08.01 Required Landscaping

A. For single family lots that are one half acre or less in size, a minimum of three (3) canopy trees is required. Each such single family lot will be required to have one (1) tree with a caliper of at least four inches (4") and two (2) trees each with a caliper of at least two and one half inches (4 2½"). These trees shall have a minimum height of 10 feet at time of planting. These trees should be canopy trees as listed in this chapter. Existing trees may be counted as meeting this requirement, as long as they are of sufficient size and accepted species.

One of the canopy trees on each such single-family lot shall be planted in the front yard, no less than 5 feet and no more than 8 feet from the sidewalk or lot line. These trees will help to form a canopy over the sidewalk and street sides. Corner lots are required to provide two such trees, one on the front and one on the side of the lot. Additionally, if the lot is more than 100 feet wide at the sidewalk, then the lot will be required to have two such trees. Existing trees in this specific area can be counted as meeting this requirement. These trees shall be coordinated with the placement of streetlights to prevent conflicts. A list of approved canopy trees is included in this chapter.



SINGLE FAMILY RESIDENTIAL STREET TREES

For lots greater than one half acre in size, an additional canopy tree is required for each additional eighth of an acre above the one-half acre, or portion thereof.

- B. A minimum of two (2) understory trees are required for single family lots of one-half acre or less in size. For lots greater than one half acre in size, an additional understory tree is required for each additional one quarter of an acre above the one-half acre, or portion thereof.
- C. A maximum of fifty percent (50%) of the landscaped area may be covered with sod. Other ground covers should be used to the extent possible
- D. Shrubs and other plants shall be used as foundation plants along the outline of the house, except where doors or patios are located. Alternate plantings may be permitted if the architectural style of the house warrants it.
- E. A minimum of two areas of the yard that have at least 400 square feet of non-turf plantings in a row or cluster, not including the foundation plantings, is required. For single family lots greater than one half acre in size, an additional 400 square feet of non-turf plantings in a row or cluster, not including the foundation plantings, is required for each additional eighth of an acre, or portion thereof.
- F. At least 50% of the landscaped area for each single-family lot shall be drought tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of irrigation and shall be grouped together on the lot in order to reduce the irrigation requirement for those zones.

7.08.02 Crediting Existing Materials

For purposes of developing residential lots, existing trees of approved species and shrubs, including preserved natural areas, may be credited toward the requirements of this section.

7.08.03 Replacements Required

Replacement trees and landscaping shall be required whenever the proposed removal will result in less than indicated in the above schedule.

Lots which do not meet the above requirements on the effective date of this provision shall have legal nonconforming status with respect to landscaping. Replacements shall only be required to ensure that the extent of the nonconformity is in no way enhanced or enlarged by tree or vegetation removal activities.

Redevelopment of the lot or an expansion to the primary structure that equals twenty-five percent (25%) of the total gross square footage of the existing structure, shall require the lot to come into full compliance with this section.

7.09.00 LANDSCAPING MATERIAL

7.09.01 Minimum Specifications

All landscape material required to satisfy this code shall be Florida No. 1 Grade or better, according to the current Grades and Standards for Nursery Plants, State of Florida Department of Agriculture. In addition, all landscape material shall satisfy the following minimum specifications.

- A. **Canopy trees.** Canopy tree species shall be a minimum of 4 inches caliper and ten feet in height at the time of planting. All canopy trees shall be staked and guyed at the time of planting for a period of one growing season.
- B. **Understory trees.** Understory tree species shall be a minimum of two- and one-half inch (2 ½ “) and eight feet in height at the time of planting. Multi-trunk species shall be full and upright and have 1 ½” canes. All understory trees shall be staked and guyed at the time of planting for a period of one growing season.
- C. **Shrubs.** Shrubs shall be a minimum of three-gallon container 18 to 24 inches in height at time of planting.
- D. **Ornamentals.** Ornamental plantings shall be minimum one-gallon container grown species.
- E. **Ground covers.**
 1. **Ground covers.** Plants used as ground covers shall follow horticultural standards to achieve full coverage within one growing season.
 2. **Turf.** Turf shall be installed for full coverage at time of planting.
- F. **Mulch.** All planting beds shall be filled with a minimum of three inches (3”) of clean, weed free mulch. A maximum of 25 percent of these mulch areas may consist of nonorganic decorative material such as crushed rock, gravel, and other similar materials. Rubber mulch is prohibited, and cypress mulch is discouraged.

7.09.02 Maintenance of Plant Materials

- A. **Property owners and/or their agents shall be jointly and severally responsible for the maintenance of all landscaping in good appearance, free of refuse and debris. This includes newly installed landscapes as well as those older established landscapes.**
 1. **Replacement of substandard plant materials.** All unhealthy and dead plant materials shall be replaced within 30 days in conformance with the approved site or landscape plan. Failure to replace the plant material within 30 days shall constitute a violation and be regulated through code enforcement.
 2. **Proper Pruning.** Proper pruning practices as stated in the National Arborist Association’s (NAA) Pruning Standards for Shade Trees are required by this LDC. The practice of “topping” or “hat-racking” is considered unacceptable by the NAA standards. In compliance with these standards, every effort shall

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE
LANDSCAPE, IRRIGATION AND HARDSCAPE

CHAPTER 7

be made to cut back to a lateral at least one-third to one-half the diameter of the parent limb or leader that is being removed. Cuts not made to a suitable lateral, sometimes called topping cuts, shall not be permitted.

7.10.00 APPROVED TREE AND PLANT LIST

Table 7.10.00 Approved Tree and Plant List

Canopy Trees	Understory Trees	Aquatic Plants	Shrubs	Ground Cover	Turf
Bald Cypress	American Holly	Arrowhead	American Beauty Berry	Aloe	Bahia
Laurel Oak	Chickasaw Plum	Arrowroot	Cherry Laurel	Chinese Juniper	Bermuda
Live Oak *	Crape Myrtle	Bald Cypress	Fetterbrush	Coontie	St. Augustine
Longleaf Pine	Dahoon Holly	Blue Flag Iris	Firebush	Day Lily	Zoysia
Red Maple	Date Palm	Buttonbush	Florida Anise	Dwarf Yaupon Holly	
Shumard Oak	Drake Elm	Cinnamon Fern	Gallberry	English Ivy	
Slash Pine	East Palatka Holly	Duck Potato	Indian Hawthorne	Florida Lantana	
Southern Magnolia *	Flowering Dogwood	Fragrant White Water Lily	Ligustrum	Lirope	
Sweet Bay	Ligustrum	Golden Canna	Ligustrum	Mondo Grass	
Sweetgum	Loquat	Maidencane	Native Azaleas	Society Garlic	
Sycamore	Sabal/Cabbage Palm	Pickerel Weed	Pampas Grass	Wandering Jew	
Water Oak	Savannah Holly	Pond Cypress	Pink Muhly Grass	Perennial Peanut	
	Washington Palm	Sawtooth fern	Pittosporum	Beach Sunflower	
	Wax Myrtle	Soft Rush	Podocarpus	Dwarf Asiatic Jasmine	
	Weeping Bottlebrush	Swamp Hibiscus	Sandanka Viburnum		
	Winged Elm		Saw Palmetto		
	Yaupon Holly		Silverthorn		
			Simpson Stopper		
			St. Johns Wort		
			Star Anise		

TOWN OF HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE

LANDSCAPE, IRRIGATION AND HARDSCAPE

CHAPTER 7

			Sweet Viburnum		
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*Live Oaks and Southern Magnolias are the two approved Street Tree species in the Town of Howey in the Hills. Other trees may also be requested as street trees and will be considered on a case by case basis depending on the site conditions. Palms in clusters may be used as canopy trees, but not in excess of 10 percent of the total required canopy trees for the site.

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

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

7.10.01 Prohibited Plant List

The following trees and plants are prohibited:

- A. Acacia
- B. Albizia Julibrissin (mimosa or silk tree)
- C. Australian Pine
- D. Brazillian Pepper Tree
- E. Camphor
- F. Castor Bean
- G. Chinaberry
- H. Chinese Tallow
- I. Ear Tree
- J. Eucalyptus
- K. Hydrilla
- L. Monkey Puzzle
- M. Punk Tree
- N. Rice Paper Plant
- O. Silk Oak
- P. Taro
- Q. Water Hyacinth

Also prohibited are those plant species prohibited by the Florida Department of Environmental Protection, the Florida Department of Agriculture and the plants listed as invasive by the Florida Exotic Pest Council. Trees on the Prohibited Plant List are exempt from the tree protection requirements of this chapter.

This instrument prepared by
and should be returned to:

Heather M. Blom-Ramos, Esq.
Gray Robinson, P.A.
301 E. Pine Street, Suite 1400
Orlando, Florida 32801

**FIRST AMENDMENT TO
THE VENEZIA NORTH AND VENEZIA SOUTH AT HOWEY-IN-THE-HILLS
DEVELOPER’S AGREEMENT**

This FIRST AMENDMENT TO THE VENEZIA NORTH AND VENEZIA SOUTH AT HOWEY-IN-THE-HILLS DEVELOPER’S AGREEMENT (the “First Amendment”) is made this 23rd day of July, 2014 (the “Effective Date”), between the **Town of Howey-in-the-Hills**, Florida, a Florida municipal corporation (the “Town”), and **Venezia Partners, LLC**, a Florida limited liability company (the “Owner”).

RECITALS

A. The Town and 7L Howey-in-the-Hills (the “Previous Owner”) entered into The Venezia North and Venezia South at Howey-in-the-Hills Developer’s Agreement (the “Developer’s Agreement”) on February 12, 2007 recorded on March 5, 2007, in the official records of Lake County, Florida, Book 03383, Pages 2020-2036.

B. The Previous Owner sold the property to Flagship Harb, LLC, and Flagship Harb LLC transferred the title of the Property described in Exhibit “A” of the Developer’s Agreement to the Owner.

C. On July 14, 2014, the Town Council of the Town of Howey-in-the-Hills approved several amendments to the Developer’s Agreement.

D. The Owner and the Town desire to amend the Developer’s Agreement as set forth below. All provisions of the Developer’s Agreement not expressly amended herein shall remain in full force and effect.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and benefits herein contained and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Town and Owner agree as follows:

1. The above-referenced recitals are true and correct, and are incorporated herein.
2. New subsections e-i are added to paragraph 4 of the Developer’s Agreement entitled “Development Standards” to read as follows:

e. The Owner may construct a pre-cast wall system up to 8' in height within a 5' wall easement along the property line on the commercial property that abuts single family lots 24, 25, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, & 58.

f. All buffer, street, and canopy trees planted at the Project will be a minimum of a 2" caliper. The Owner shall require homebuilders to plant at least three canopy trees for each single-family lot, 1 each 3" and 2 each 2" caliper canopy trees. All trees planted at the Project shall adhere to the current guidelines established by the Florida Grades and Standards for nursery-grown trees and must be Florida grade #1 or better.

g. Block face restrictions may be reduced to 300 linear feet. More than one of the same model may be built within the 300 linear foot block face so long as the front elevation is different than the previous built model. The same model and elevation can be used only three times within the 300 foot block face.

h. As long as a single-family home is constructed with a tile roof, a front porch is not required. In the event a single-family home is built without a tile roof, the Town's then current Code of Ordinances, Land Development Code, and all other design guidelines will apply to the single-family home and the exceptions to such code and design guidelines provided in this paragraph 4 will not be applicable to the single-family home.

i. An exterior wall for a single-family home must be a minimum of two materials and a minimum of two colors. Primary facades shall have one base color and a complementary wall material may be used to meet the second color requirement.

3. Paragraph 5 of the Developer's Agreement entitled "Signage" is hereby replaced in its entirety with the following:

5. Signage. Entrance signs and informational signage may be located in buffers, setbacks/and or signage easements as approved by the Planning and Zoning Board. Within 45 days after the Effective Date, the Owner shall present a sign plan for review and approval by the Planning and Zoning Board. The Town Council has approved the Owner's use of banner signs. All additional signage must be in compliance with the requirements in the Town's Land Development Code.

4. Paragraph 9 of the Developer's Agreement entitled "Necessity of a Letter of Credit" is hereby replaced in its entirety with the following:

9. Letter of Credit; Performance Bond; Maintenance Bond.



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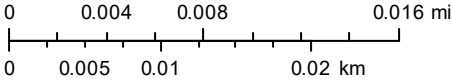
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Tax Parcels Alternate Key

□ Tax Parcels

— RW Maintenance Maps

■ Right of Way



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Lake BCC



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Tax Parcels

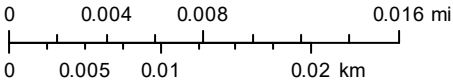
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Lake BCC



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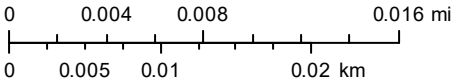
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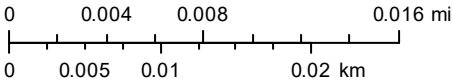
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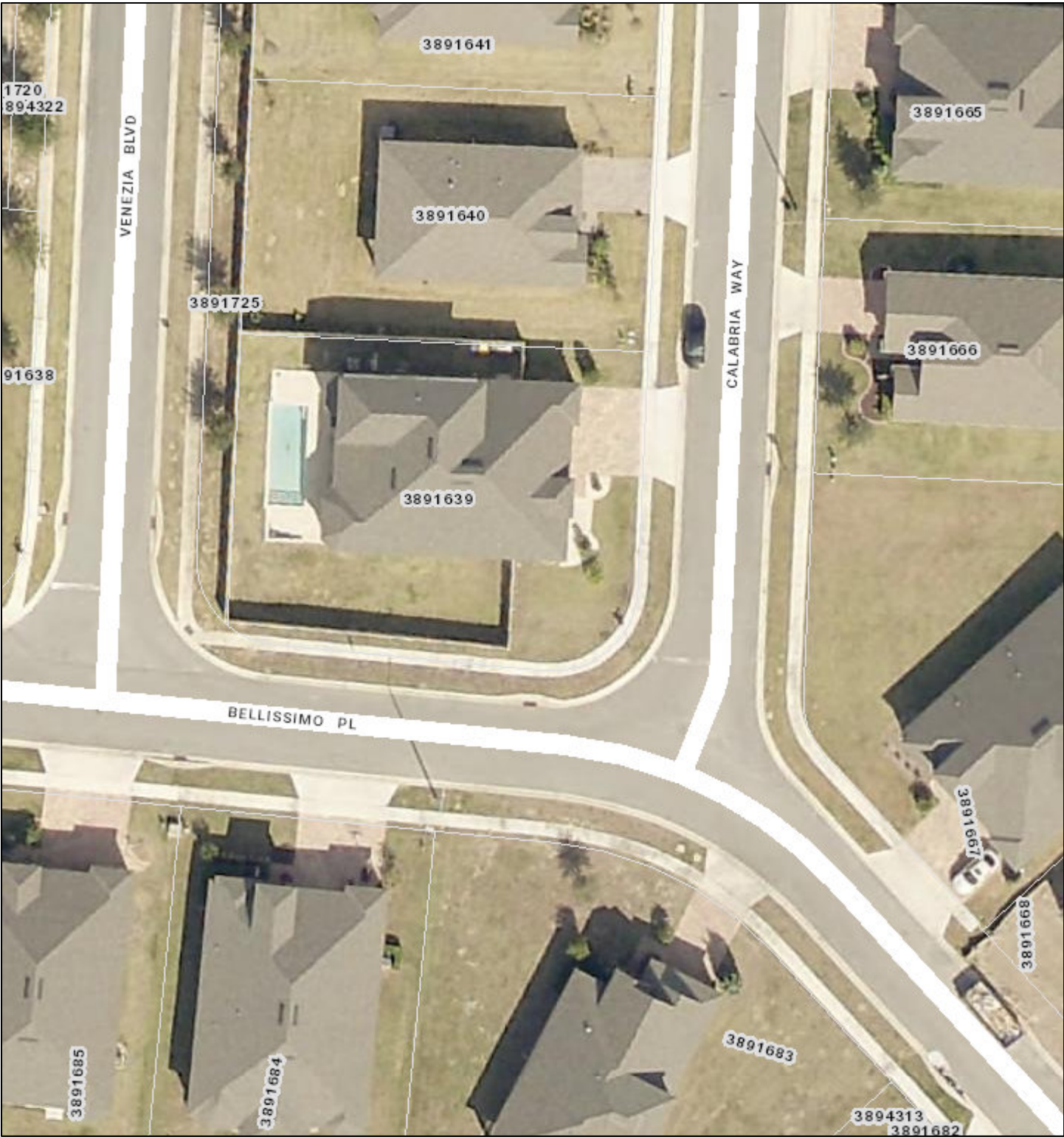
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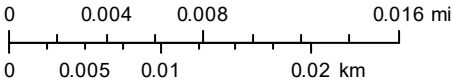


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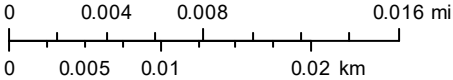
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