

**ORDINANCE NO. 2024- 002**

1  
2  
3 AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS,  
4 FLORIDA, PERTAINING TO LAND DEVELOPMENT;  
5 PROVIDING FINDINGS AND DETERMINATIONS OF THE  
6 TOWN COUNCIL; AMENDING THE TOWN’S LAND  
7 DEVELOPMENT CODE (LDC) TO REVISE PROVISIONS  
8 GOVERNING “MEDIUM DENSITY RESIDENTIAL–1” (MDR-  
9 1), “MEDIUM DENSITY RESIDENTIAL–2” (MDR-2), AND  
10 PLANNED UNIT DEVELOPMENT (PUD) ZONING  
11 DISTRICTS, EMPHASIZING LOT-SIZE AND OPEN-SPACE  
12 REQUIREMENTS; ADDING NEW “HIGH DENSITY  
13 RESIDENTIAL–1” (HDR-1) AND “HIGH DENSITY  
14 RESIDENTIAL– 2” (HDR-2) ZONING DISTRICTS AND THE  
15 RESTRICTIONS AND REQUIREMENTS THAT GOVERN  
16 LAND USE WITHIN THOSE DISTRICTS; AMENDING  
17 MISCELLANEOUS PROVISIONS OF OTHER ZONING  
18 DISTRICTS; CHANGING ALL REFERENCES TO “MAYOR”  
19 TO READ “TOWN MANAGER”; AMENDING SECTION 10.00  
20 TO LIMIT PUD ZONING DISTRICTS TO LAND OF 100 ACRES  
21 OR MORE; AMENDING SUBSECTION 4.10.1 TO SPECIFY  
22 THE FORM AND MANNER IN WHICH CONDITIONS OF  
23 APPROVAL FOR PUD ZONING WILL BE MEMORIALIZED;  
24 ENACTING SUBSECTION 4.13.05 TO SPECIFY  
25 REQUIREMENTS FOR APPROVING VARIANCES;  
26 DELETING SUBSECTION 4.15.00 REGARDING  
27 LANDOWNER APPLICATIONS FOR AMENDMENTS TO THE  
28 LDC; AMENDING NUMEROUS REQUIREMENTS IN  
29 CHAPTER 7 OF THE LDC GOVERNING SIDEWALKS,  
30 CANOPY TREES, LANDSCAPE BUFFERS, ROOT BARRIERS,  
31 AND RELATED SEPARATION DISTANCES; ENACTING  
32 NEW SUBSECTION 7.10.02 TO CLARIFY TREE  
33 REQUIREMENTS IN RESIDENTIAL DEVELOPMENT;  
34 AMENDING TABLE 8.03.02 REGARDING REQUIREMENTS  
35 FOR LOCAL ROADS; AMENDING PARAGRAPH 8.05.01.3 TO  
36 SPECIFY REQUIREMENTS OF OWNERSHIP, OPERATION,  
37 AND MAINTENANCE OF WASTEWATER AND RECLAIMED-  
38 WATER SYSTEMS IN NEW DEVELOPMENTS; ENACTING

1           **PARAGRAPH 8.06.01D TO SPECIFY LIMITATIONS ON**  
2           **EXTERIOR LIGHTING NEAR RESIDENTIAL PROPERTIES;**  
3           **ENACTING SUBSECTION 8.08.02 TO SPECIFY**  
4           **REQUIREMENTS FOR APPROVALS OF RECREATIONAL**  
5           **AMENITIES IN NEW DEVELOPMENTS; TRANSFERRING**  
6           **SUBSECTION 8.10.0 TO NEW SUBSECTION 1.06.07**  
7           **WITHOUT CHANGE; AMENDING SUBSECTION 10.02.03 TO**  
8           **SPECIFY THAT ROAD IMPROVEMENTS FOR NEW**  
9           **DEVELOPMENT TO MEET CONCURRENCY**  
10           **REQUIREMENTS MUST BE CONSTRUCTED AT NO COST**  
11           **TO THE TOWN; ADDING AND AMENDING NUMEROUS**  
12           **DEFINITIONS IN SUBSECTION 1.12.00 TO CONFORM AND**  
13           **COMPLEMENT SUBSTANTIVE AMENDMENTS IN OTHER**  
14           **SECTIONS OF THE LDC; PROVIDING FOR CODIFICATION,**  
15           **SEVERABILITY, AND AN EFFECTIVE DATE.**

16  
17           *Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:*

18  
19           **Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Howey-in-  
20           the-Hills, Florida finds and declares the following:

- 21  
22           (1) Under Section 163.3184 of Florida Statutes, the Town Council adopted a comprehensive  
23           plan, including the statutorily required Future Land Use Element (FLUE). Among other  
24           things the FLUE sets requirements and provides certain allowances for residential land  
25           development in the Town.  
26  
27           (2) As required by Section 163.3202 of Florida Statutes the Town Council enacted land  
28           development regulations to implement and enforce its comprehensive plan. The regulations  
29           are the Town’s Land Development Code (LDC).  
30  
31           (3) As required by Section 163.3202, the Town’s LDC regulates the subdivision of land and the  
32           use of land and water, regulates the flow of vehicular traffic, protects the Town’s access to  
33           potable water, ensures the availability of needed public services and facilities, protects  
34           against flooding and provides for stormwater drainage and management, and otherwise  
35           provides for the health, safety, and welfare of the citizens, residents, property owners, and  
36           taxpayers of the Town.  
37  
38           (4) After 2010, substantial amounts of approved residential development were constructed at  
39           substantially higher densities and substantially smaller lot sizes than were prevalent in the  
40           historical development of the Town between its incorporation in 1925 and the year 2010.  
41  
42           (5) In 2023 and 2024 the Town Council and its Planning and Zoning Board undertook an

1 analysis and reevaluation of the post 2010 densities and lot sizes, with robust public  
2 participation in the reevaluation.  
3

4 (6) The consensus on Town Council, at the Planning and Zoning Board, and among Town  
5 residents was that the higher densities and smaller lot sizes are inconsistent with the  
6 development pattern, character, and ambiance of the Town’s historical neighborhoods. For  
7 that reason, the Town Council determines that adjustment of density and open-space  
8 requirements in both (i) the Future Land Use Element of the Town’s adopted Comprehensive  
9 Plan and (ii) the Town’s Land Development Code is justified and desirable.  
10

11 (7) Under Section 163.3184 of the Florida Statutes, on February 26, 2024, the Town approved  
12 the transmittal to the Florida Department of Commerce and other required review agencies of  
13 certain proposed amendments to the Future Land Use Element. After it was notified that the  
14 Department had no comments the Town held a public hearing on [REDACTED], 2024,  
15 and, at its conclusion, enacted Ordinance 2023-013, adopting the comprehensive-plan  
16 amendments.,  
17

18 (8) The Town Council determines herewith the following: :  
19

- 20 a. The proposed amendments to the Land Development Code in Attachment A to this  
21 ordinance are consistent with the Future Land Use Element of the Town’s  
22 Comprehensive Plan, as amended or as will be amended by Ordinance 2023-013; and  
23
- 24 b. If enacted, the proposed amendments will serve to implement and enforce the Future  
25 Land Use Element of the Town’s Comprehensive Plan as required by section  
26 163.3202 of Florida Statutes; and  
27
- 28 c. It is in the interest of the citizens, residents, and property owners of the Town to enact  
29 the amendments to the Town’s Land Development Code contained in Attachment A  
30 to this ordinance.  
31

32 **Section 2. Enactment of Amendments to Land Development Code.** The amendments to the  
33 Land Development Code of the Town of Howey-in-the-Hills, Florida, contained in **Attachment**  
34 **A** to this ordinance, with the underscore and strike-through format, are hereby enacted.  
35

36 **Section 3. Codification.** The amendments to the Land Development Code in Attachment A are  
37 to be codified and posted on the Town’s website accordingly.  
38

39 **Section 4. Severability.** If any provision or portion of this ordinance or its Attachment A is  
40 declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then  
41 all remaining provisions of this ordinance and its Attachment A shall remain in full effect. To  
42 that end, this ordinance is declared to be severable.  
43

44 **Section 5. Effective Date.** This ordinance shall take effect on the date Ordinance 2023-013  
45 takes effect.

1           **ORDAINED AND ENACTED** this [redacted] day of [redacted], 2024, by the Town  
2 Council of the Town of Howey-in-the-Hills, Florida.

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4  
5                                   **TOWN OF HOWEY-IN-THE-HILLS,**  
6                                   **FLORIDA**

7                                   By: its Town Council

8  
9  
10                                   By: \_\_\_\_\_  
11                                   Hon. Martha MacFarlane, Mayor

12  
13  
14  
15   **ATTEST:**

16                                   **APPROVED AS TO FORM AND LEGALITY**  
17                                   (b for the use and reliance of the Town only)

18  
19                                   \_\_\_\_\_  
20   John Brock, Deputy Town Manager  
21   and Town Clerk

22                                   \_\_\_\_\_  
23   Thomas J. Wilkes, Town Attorney

24  
25  
26  
27   Planning and Zoning Board hearing(s) held [redacted], 2024.

28   First reading held [redacted], 2024.

29   Second reading and public hearing held [redacted], 2024

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**Attachment A**  
to  
**Ordinance 2024-**

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**Amended**  
**LAND DEVELOPMENT CODE**

# CHAPTER 1

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## General Provisions

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1 **1.00.00**            **GENERALLY**

2            **1.00.01**    **Purpose and Intent**

3            The purpose of the Town’s Land Development Code (LDC) is to provide land  
4            development regulations that implement the Town’s Comprehensive Plan. The  
5            Comprehensive Plan and the LDC are tools that the leaders of Howey-in-the-Hills shall  
6            use to protect and maintain a high quality of life for the residents of Howey-in-the-  
7            Hills. The LDC is required to be consistent with the Comprehensive Plan. If any  
8            provision of the LDC is found inconsistent with the Comprehensive Plan, the  
9            Comprehensive Plan shall prevail. This LDC is intended to:

- 10           A. Establish detailed regulations, procedures, and standards for review and approval  
11           of the development of land based on the Comprehensive Plan.
- 12           B. Foster and preserve public health, safety, comfort, and welfare, and assist in the  
13           orderly, aesthetically pleasing, and socially beneficial development of the Town in  
14           accordance with the Comprehensive Plan.
- 15           C. Safeguard the value of land, buildings, and resources, and protect landowners from  
16           adverse impacts of nearby developments.
- 17           D. Protect the character and maintain the sustainability of residential, business,  
18           industrial, recreation, and public areas, and increase the economic benefits to the  
19           Town arising out of its natural and cultural resources.
- 20           E. Control and regulate growth of the Town.
- 21           F. Provide specific procedures to ensure that local development orders and permits are  
22           conditioned on the availability of public facilities and services that meet level of  
23           service requirements (concurrency).
- 24           G. Balance the interest of the general public with that of individual property owners;  
25           and
- 26           H. Protect and preserve valuable natural resources including, but not limited to  
27           environmentally sensitive land, water resources, wildlife habitats, and threatened  
28           or endangered species.

29           **1.00.02**    **Relationship to the Comprehensive Plan**

30           The Local Government Comprehensive Planning and Land Development Regulation  
31           Act, Chapter 163, Part II, Florida Statutes, provides that local governments adopt a  
32           Comprehensive Plan and Land Development Regulations which implement the  
33           adopted Comprehensive Plan. The standards and provisions in this LDC have been  
34           designed to implement the Comprehensive Plan, as may be amended from time to time.

35           **1.00.03**    **Effect on Easements, Covenants, and Other Agreements**

36           This LDC shall not interfere with or annul any easements, covenants, or other  
37           agreements between parties, provided, however, that the provisions of this LDC shall  
38           control where this LDC imposes a greater restriction upon the use of buildings or  
39           premises or upon the height of buildings, or requires larger open spaces than are  
40           imposed or required by such easements, covenants, or agreements.

1 **1.01.00 TITLE**

2 This LDC shall be known as the “Howey-in-the-Hills Land Development Code” and  
3 may be referred to herein as the “LDC.”

4 **1.02.00 AUTHORITY**

5 This LDC is enacted pursuant to the requirements and authority of Chapter 163, Part  
6 II, Florida Statutes, and Chapter 166, Florida Statutes.

7 **1.03.00 APPLICABILITY**

8 **1.03.01 Generally**

- 9 A. Except as specifically provided, the provisions of this LDC shall apply to all  
10 development in the Town.  
11 B. The use of any parcel of land, or any structure, or any combination thereof, within  
12 the corporate limits of the Town shall be in conformance with the requirements of  
13 the LDC.  
14 C. Principal uses, accessory uses, buildings, and structures that are not identified as  
15 permitted are prohibited. To be identified as permitted, such uses, buildings, and  
16 structures shall be included in this LDC or interpreted as included as provided for  
17 in Section 1.05.00 and Chapter 2.  
18 D. A change of use shall conform to the standards, criteria, requirements, and  
19 procedures of this LDC.  
20 E. Where a local development order or permit that was lawfully issued prior to the  
21 effective date of this LDC expires or is otherwise nullified, any further development  
22 on the site subject to the local development order or permit shall conform to the  
23 standards, criteria, requirements, and procedures of this LDC.  
24 F. Any construction of permitted principal uses, accessory uses, or conditional uses  
25 shall require issuance of a building permit signifying compliance with the  
26 applicable land development regulations and building codes.

27 **1.03.02 Exemptions**

- 28 The situations described below are exempt from the provisions of this LDC.  
29 A. The provisions of this LDC and any amendments thereto shall not affect the validity  
30 of any legal and effective local development order or permit that was issued prior  
31 to the effective date of this LDC under the following situations:  
32 1. The development activity authorized by the local development order or permit  
33 was commenced prior to the effective date of this LDC, and such activity  
34 continues without interruption until the development is complete.  
35 2. The development activity authorized by the local development order or permit  
36 will be commenced after the effective date of this LDC but within six (6)  
37 months of the issuance of a valid building permit which was issued prior to the  
38 effective date of this LDC; or



- 1 B. The development activity authorized by the local development order is proceeding  
2 in accordance with the time limits contained in the local development order.  
3 C. The provisions of this LDC and any amendments thereto shall not affect work  
4 required for public facilities and services within the public right-of-way, as further  
5 described below:  
6 1. Work required for the installation of facilities for the distribution or  
7 transmission of gas, water, sewer, stormwater drainage, electricity, cable,  
8 telephone, or telecommunications services.  
9 2. Work required for the purpose of inspecting, repairing, or replacing any existing  
10 water or sewer lines, mains, or pipes, or stormwater facilities, and  
11 3. Work required for the purpose of inspecting, repairing, or replacing cables,  
12 power lines, utility poles, or the like.

13 **1.04.00 NONCONFORMING SITUATIONS**

14 **1.04.01 Continuation of Nonconforming Uses and Structures**

- 15 A. Subject to the provisions in this section, the lawful use of land or buildings existing  
16 on the date of enactment of this LDC shall be allowed to continue.  
17 B. Nothing in this chapter shall be construed to prevent the ordinary and routine  
18 maintenance and repair of nonconforming structures.  
19 C. Nothing in this section shall require any change in plans, construction, or  
20 designated use of a building or structure for which a building permit has been issued  
21 and the construction of which shall have been commenced within six (6) months of  
22 the date of that permit.  
23 D. If a structure located within the Town receives storm damage or other structural  
24 damage in excess of fifty percent (50%) of the appraised value of the structure, such  
25 structure may be replaced in compliance with current laws and ordinances,  
26 including those enacted since the construction of the subject structure, so long as  
27 the repair or reconstruction is completed within eighteen (18) months of the date of  
28 such damage. If the structure was non-conforming based on density or zoning, it  
29 may be re-constructed at no greater non-conformity than prior to when it was  
30 damaged. In no instance may any non-conformity be expanded.  
31 E. Any non-conforming use shall be brought into full compliance with all provisions  
32 of this LDC when the non-conforming use has been discontinued for a period of  
33 180 days.  
34 F. If a non-conforming structure or portion of any structure containing a non-  
35 conforming use becomes physically unsafe or unlawful due to lack of repairs or  
36 maintenance and is declared by any duly authorized official of the Town to be an  
37 unsafe building, it shall not thereafter be repaired or rebuilt except in conformity  
38 with this LDC.

39 **1.04.02 Lots of Record**

- 40 A. Use of Nonconforming Lots-of-Record  
41 1. A lot made nonconforming by this LDC may be used for any use permitted  
42 within the district in which the lot is located provided that the development or

1 use shall comply with all the district regulations in effect at the time of  
2 development order issuance.

- 3 B. Single-Family Lots. Single-family dwelling units meeting all setback requirements  
4 may be erected on nonconforming lots-of-record; however, if two (2) or more lots  
5 with continuous frontage were in single ownership at the time of adoption of this  
6 Code or were subsequently combined into single ownership, the lands involved  
7 shall be considered to be an undivided parcel for the purpose of meeting the  
8 requirements of this Code, and no portion of said parcel shall be used or sold in a  
9 manner which diminishes compliance with current lot width, depth, or area  
10 requirements.

11 **1.04.03 Structures on Substandard Lots**

12 Building site requirements. Wherever there may exist a single-family residence(s),  
13 duplex building(s), or any lawful accessory building(s) or structure(s) which was  
14 heretofore constructed on property containing one (1) or more substandard platted lots  
15 or portions thereof, such substandard lot or lots shall thereafter constitute only one (1)  
16 building site. No permit shall be issued for the construction of more than one (1) single-  
17 family residence. If a single-family residence or duplex building which exists on more  
18 than one (1) substandard lot is voluntarily demolished or removed, no permit shall be  
19 issued for the construction of more than one (1) building on the building site.

20 **1.04.04 Construction or Demolition of Structures on Combined Lots**

- 21 A. In order to maintain open space, visual corridors, neighborhood character, property  
22 values and visual attractiveness of residential areas, wherever there may exist a  
23 single-family residence, a two-family building or any accessory building or  
24 structure, including but not limited to, swimming pools, or any other improvement  
25 which was heretofore constructed on property containing one or more platted lots  
26 or portions thereof, such lots shall thereafter constitute one building site and shall  
27 be considered the “lot of record”, and no permit shall be issued for the construction  
28 of more than one residence or two-family building on the site. All construction on  
29 the building site must comply with all existing zoning and density requirements.

30 **1.05.00 TOWN ~~MANAGER~~ MANAGER**

31 The Town Manager ~~Mayor~~ is the chief administrative official of the Town. For the  
32 purposes of this LDC, the Town ~~Manager~~ Mayor administers, interprets, and  
33 implements the standards, criteria, and procedures of this LDC. The Town Manager  
34 Mayor may delegate such responsibilities to Town staff and Town consultants.  
35 Throughout this LDC, the term “Town Manager Mayor” is used to indicate the person  
36 responsible for specified actions, except where specified actions are reserved or  
37 specifically delegated to another position. In all instances, “Town Manager Mayor”  
38 means the “Town Manager Mayor or his or her designee.”

1 **1.06.00 INTERPRETATIONS**

2 **1.06.01 Generally**

- 3 A. In the interpretation and application of this LDC, all provisions shall be liberally  
4 construed in favor of the objectives and purposes of the Town and deemed to  
5 neither limit nor repeal any other powers granted to the Town under State Statutes.  
6 B. In interpreting and applying the provisions of this LDC, the provisions shall be held  
7 to be the minimum requirements for the promotion of the public health, safety, and  
8 general welfare of the Town.  
9 C. Specific provisions of this LDC shall be followed in lieu of general provisions that  
10 may be in conflict with the specific provision.  
11 D. Where any provisions of this LDC conflict with any other provisions of this LDC  
12 or with other regulations, the more stringent restrictions shall be applied.

13 **1.06.02 Responsibility for Interpretations**

- 14 A. In the event that any question arises concerning the application of regulations,  
15 standards, definitions, development criteria, or any other provision of this LDC, the  
16 Town Mayor shall be responsible for interpretation. In the interpretation of this  
17 LDC, the Town **Manager Mayor** shall seek guidance from the Comprehensive Plan.  
18 B. Responsibility for interpretation by the Town Mayor shall be limited to standards,  
19 regulations, and requirements of this LDC, and shall not be construed to include  
20 interpretation of any technical codes adopted by reference in this LDC.  
21 Interpretation shall not be construed to override the responsibilities given to any  
22 council, board, committee, or official named in other sections or chapters of this  
23 LDC.

24 **1.06.03 Rules for Interpretation of Boundaries**

- 25 Where uncertainty exists as to boundaries of any district shown on the Official Zoning  
26 Map, the following rules shall apply:  
27 A. Boundaries shown as following or approximately following any street shall be  
28 construed as following the centerline of the street.  
29 B. Boundaries shown as following or approximately following any platted lot line or  
30 other property line shall be construed as following such line.  
31 C. Boundaries shown as following or approximately following section lines, half-  
32 section lines, or quarter-section lines shall be construed as following such lines.  
33 D. Boundaries shown as following or approximately following the shoreline of a water  
34 body shall be construed as following such shoreline.  
35 E. Where any public street or alley is hereafter officially vacated or abandoned, the  
36 regulations applicable to each parcel of abutting property shall apply to that portion  
37 of that street or alley added thereto by virtue of vacation or abandonment.

38 **1.06.04 Rules of Construction**

39 The following rules of construction shall be applied in the interpretation of the  
40 provisions of this LDC:

- 1 A. The word "shall" is mandatory and the word "may" is discretionary.  
2 B. Words used in the present tense shall include other tenses.  
3 C. Words in the singular shall include the plural, and words in the plural shall include  
4 the singular.  
5 D. Words denoting the masculine gender shall be construed to include the feminine  
6 and neuter.  
7 E. The word "person" means an individual, corporation, governmental agency,  
8 business trust, estate, trust, partnership, or association, two (2) or more persons  
9 having a joint or common interest, or any other legal entity.  
10 F. The word "owner," applied to a building or land, shall include any part owner or  
11 joint owner of such building or land.  
12 G. The words "written" and "in writing" mean any representation of words, letters, or  
13 figures, whether by printing or otherwise.

14 **1.06.05 Computation of Time**

- 15 A. In computing any period of time prescribed or allowed, the day of the act, event, or  
16 default from which the designated period of time begins to run shall not be included.  
17 The last day of the period so computed shall be included, unless it is a Saturday,  
18 Sunday, or legal holiday, in which event the period shall run until the end of the  
19 next day which is neither a Saturday, a Sunday, nor a legal holiday. When the period  
20 of time prescribed or allowed is less than seven (7) days, intermediate Saturdays,  
21 Sundays, and legal holidays shall be excluded in the computation.  
22 B. The term "day" means a calendar day unless otherwise indicated.  
23 C. The term "month" means a calendar month unless otherwise indicated.  
24 D. The term "year" means a calendar year unless otherwise indicated.

25 **1.06.06 Computation of Required or Permitted Units**

26 When the determination of required or permitted units as required by this LDC results  
27 in a fractional unit, a fraction in excess of one-half (1/2) shall not be counted as one (1)  
28 unit.

29 **1.06.07 Appeals**

30 An applicant may appeal a decision of a Town consultant or employee in the  
31 enforcement or interpretation of this LDC. The appeal shall be filed within 60 days  
32 from the date of a DRC report or other consultant or employee decision. Upon filing  
33 the appropriate application and payment of an appeal fee set by resolution of the Town  
34 Council, the Town Clerk shall process the appeal. The Board of Adjustment, by a  
35 majority vote, may affirm, reverse, or modify the decision.  
36

37

1 **1.07.00 DOCUMENTS ADOPTED BY REFERENCE**

2 A. The map identified by the title, “Official Zoning Map, Howey in the Hills, Florida,”  
3 which shows the boundaries and designations of the zoning districts is hereby  
4 adopted into and made part of this LDC.

5 **1.08.00 SEVERABILITY**

6 If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any  
7 reason held by any court of competent jurisdiction to be unconstitutional or otherwise  
8 invalid, the validity of the remaining portions of this Code shall continue in full force  
9 and effect.

10 **1.09.00 REPEAL**

11 Upon the effective date of this ordinance, the current Town of Howey-in-the-Hills Land  
12 Development Code shall be repealed and shall be superceded by the provisions of this  
13 Code.

14 **1.10.00 STATUS OF CODE, PRIOR OFFENSES**

15 Any prosecution arising from a violation of any ordinance repealed by this ordinance,  
16 which prosecution may be pending at the time this Code becomes effective, or any  
17 prosecution which may be started within one year after the effective date of this Code  
18 as a consequence of any violation of any ordinance repealed therein, which violation  
19 was committed prior to the effective date of this Code, shall be tried and determined  
20 exactly as if such ordinance had not been repealed.

21 **1.11.00 VIOLATIONS AND PENALTIES**

22 Any person violating any of the provisions of this Code shall be deemed guilty of a  
23 misdemeanor of the second degree and upon conviction thereof, shall be punished as  
24 provided by Section 775.082 or 775.083, Florida Statutes, as exists or as may  
25 hereinafter be amended.

26  
27 Each day that a violation of this Code continues after written notice without compliance  
28 shall constitute a separate offense punishable upon conviction.

29 **1.12.00 ACRONYMS AND DEFINITIONS**

30 A. Acronyms

31  
32 **AASHTO** American Association of State Highway and Transportation  
33 Officials  
34 **ACOE** U.S. Army Corps of Engineers  
35 **ADA** Americans with Disabilities Act

1	<b>ADT</b>	Average Daily Traffic
2	<b>AG</b>	Agricultural
3	<b>ASTM</b>	American Society of Testing and Materials
4	<b>CIE</b>	Capital Improvements Element
5	<b>CMS</b>	Concurrency Management Systems
6	<b>COC</b>	Certificate of Concurrency
7	<b>CON</b>	Conservation
8	<b>CSA</b>	Concurrency Service Area
9	<b>DBH</b>	Diameter at Breast Height
10	<b>DCFS</b>	Department of Children and Family Services
11	<b>DRC</b>	Development Review Committee
12	<b>ERU</b>	Equivalent Residential Unit
13	<b>FAA</b>	Florida Aviation Administration
14	<b>FAC</b>	Florida Administrative Code
15	<b>FAR</b>	Floor Area Ratio
16	<b>FCC</b>	Federal Communications Commission
17	<b>FDEP</b>	Florida Department of Environmental Protection
18	<b>FDNR</b>	Florida Department of Natural Resources
19	<b>FDOT</b>	Florida Department of Transportation
20	<b>FEMA</b>	Federal Emergency Management Agency
21	<b>FIRM</b>	Flood Insurance Rate Map
22	<b>FISH</b>	Florida Inventory of School Houses
23	<b>FLUE</b>	Future Land Use Element
24	<b>FLUM</b>	Future Land Use Map
25	<b>HOA</b>	Homeowners Association
26	<b>HCM</b>	High Capacity Manual
27	<b>HCS</b>	High Capacity Software
28	<b>HDPE</b>	High Density Polyethylene
29	<b>HGL</b>	Hydraulic Gradient Line
30	<b>IFAS</b>	Institute of Food and Agricultural Sciences
31	<b>IND</b>	Light Industrial
32	<b>INS-1</b>	Institutional 1
33	<b>INS-2</b>	Institutional 2
34	<b>ITE</b>	Institute of Transportation Engineers
35	<b>LDC</b>	Land Development Code
36	<b>LOMR</b>	Letter of Map Revision
37	<b>LOS</b>	Level of Service
38	<b>LRTP</b>	Long Range Transportation Plan
39	<b>MDR-1</b>	Medium Density Residential 1
40	<b>MDR-2</b>	Medium Density Residential 2
41	<b>MPO</b>	Metropolitan Planning Organization
42	<b>NAA</b>	National Arborist Association
43	<b>NC</b>	Neighborhood Commercial
44	<b>POA</b>	Property Owners' Association
45	<b>PUB</b>	Public

1	<b>PUD</b>	Planned Unit Development
2	<b>RE</b>	Rural Estates
3	<b>REC-1</b>	Recreation 1
4	<b>REC-2</b>	Recreation 2
5	<b>ROW</b>	Right of Way
6	<b>SFR</b>	Single Family Residential
7	<b>SJRWMD</b>	St. Johns River Water Management District
8	<b>TAZ</b>	Traffic Analysis Zone
9	<b>TIA</b>	Traffic Impact Analysis
10	<b>TIP</b>	Transportation Improvement Plan
11	<b>TIS</b>	Traffic Impact Study
12	<b>TC-R</b>	Town Center Residential
13	<b>TC-F</b>	Town Center Flex
14	<b>TC-C</b>	Town Center Commercial
15	<b>TCMS</b>	Transportation Concurrency Management System
16	<b>TMC</b>	Turning Movement Counts
17	<b>TRIP</b>	Transportation Regional Incentive Program
18	<b>USACOE</b>	U.S. Army Corps of Engineers
19	<b>USGS</b>	U.S. Geological Survey

20  
21 B. Glossary of terms

22  
23 ***DRAFTING NOTE – certain defined terms below were amended***  
24 ***on May 13, 2024, by enactment of Town Ordinance 2024-003.***  
25 ***Those amended definitions are to be inserted no later than the***  
26 ***date this ordinance is codified on the Town website.***

27 ***Abandoned Application*** means an application shall be deemed abandoned when no  
28 activity occurs for six (6) consecutive months. The Town shall issue a Notice of  
29 Abandoned Application to the applicant. Any submittal after the issuance of a Notice  
30 of Abandoned Application shall constitute a new application. The new application  
31 shall comply with the current LDC and any standard manuals and development-related  
32 ordinances.

33  
34 ***Abut*** means to physically touch or border upon, or to share a common property line.

35  
36 ***Abutting Property*** means any property that is immediately adjacent to or contiguous  
37 with property that may be subject to any hearing required to be held under these  
38 regulations or that is located immediately across any road or public right-of-way from  
39 the property subject to any hearing under these regulations.

40  
41 ***Accessory Building or Structure*** means a structure on the same lot with, and of a nature  
42 customarily incidental and subordinate to, the principal structure, such as, but not  
43 limited to, the following:



1. Detached garage
2. Swimming pool and screened enclosures
3. Shed
4. Boat dock
5. Monument sign

**Accessory Dwelling** means a separate living space that includes sleeping, living, kitchen, and bathroom facilities, either attached or detached from the primary residence, on a lot occupied by a single family detached residential unit.

**Accessory Use** means any use that is a subordinate use customarily incident to and located upon the same lot occupied by the main use. For example, a home occupation is subordinate to a single-family residential use.

**Addition** means any construction that adds to or enlarges the size of an existing building or structure.

**Adult Day Care Center** means any building or part of a building, whether operated for profit or not, in which is provided for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related. This term does not include group homes.

**Adult Entertainment Establishment** means an adult bookstore, an adult performance establishment or an adult motion picture theater operated for commercial or pecuniary gain. ("Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. Also, "operated for commercial or pecuniary gain" shall be presumed where the establishment has or is required by code to have a local business tax receipt.) An establishment advertising itself as an adult entertainment establishment is deemed to be an adult entertainment establishment.

**Affected Property Owner** means any person who resides, owns property, or owns a business within 300 feet of a property under consideration for development approval by the Town.

**Alley** means right-of-way providing a secondary means of access and service to abutting property.

**Antenna** means an apparatus designed for the transmitting and/or receiving of electromagnetic waves which includes but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to, whip antennas, panel antennas, and dish antennas. As used herein the term "antenna" includes all antennas integrated and used as a complete unit, such as an antenna array. For purposes of this LDC, the following shall not be considered antennas and shall not be regulated by this LDC: Ham, CB, Television antennas, and antennas that are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one (1) meter or less in diameter, or, antennas that are designed to



1 receive video programming services via multipoint distribution services, instructional  
2 television fixed services, and local multipoint distribution services, and that are one (1)  
3 meter or less in diameter or diagonal measurement; and, satellite earth station antennas  
4 in commercial or industrial areas.

- 5 1. **Accessory Equipment Building** is any building, cabinet, or equipment  
6 enclosure constructed for the primary purpose of housing the electronics,  
7 backup power, power generators and other freestanding equipment associated  
8 with the operation of antennas.
- 9 2. **Antenna Support Structure**. A facility that is constructed and designed  
10 primarily for the support of antennas, which include the following types:
  - 11 a. Lattice tower. A tower that consists of vertical and horizontal supports and  
12 crossed metal braces, which is usually triangular or square in a cross section.
  - 13 b. Monopole. A tower of a single pole design.
  - 14 c. Self-supporting tower. A tower that has no structurally supportive  
15 attachments other than at its foundation; and
  - 16 d. Camouflaged structure. A structure designed to support antenna and  
17 designed to blend into the existing surroundings.
- 18 3. **Collocation** is when more than one (1) provider uses an antenna support  
19 structure to attach antennas or use of a structure whose primary purpose is other  
20 than to support antennas, such as a light or power pole.
- 21 4. **Ham/CB/TV Antenna** is a noncommercial amateur radio or citizens band  
22 antenna or antennas that are designed to receive broadcast signals.

23  
24 **Appeal** means any request for a review of a decision made by either an administrator  
25 or Board. All appeals shall be made to the Town Council.  
26

27 **Assisted Living Facilities** means any building or buildings, or section or distinct part  
28 of a building, home for the aged, or other residential facility, whether operated for profit  
29 or not, which is licensed pursuant to Part I, Chapter 429, Florida Statutes, and which  
30 undertakes through its ownership or management to provide housing, meals, and one  
31 or more personal services for a period exceeding 24 hours to one or more adults.  
32

33 **Attached Dwellings** means dwelling units which share a common wall or walls and  
34 have ground-floor entrances to every unit, including but not limited to townhomes and  
35 duplexes.  
36

37 **Automobile Repair, Garage and Body Shop** means any building and or land where  
38 automotive vehicles are repaired, rebuilt, reconstructed, or painted, or where tires are  
39 recapped, and body work is performed.  
40

41 **Automobile Service Station/Gas Station** means a place where motor vehicle fuels and  
42 lubricants are retailed directly to the public; automotive repair is prohibited.  
43

44 **Automotive Wrecking or Junkyard** means any place where motor vehicles not in  
45 running condition or not bearing current inspection sticker or current license plate, are

1 stored in the open and are not being restored to operation; any land, building or structure  
2 used for wrecking or storing of such motor vehicles or parts thereof; and including the  
3 commercial salvaging and scavenging of any other goods, articles or merchandise.  
4

5 ***Awning*** means any fixed roof-like structure, cantilevered, or otherwise entirely  
6 supported from a building, so constructed and erected as to allow the awning to be:

- 7 1. Readily and easily moved.
- 8 2. Rolled or folded back to a position flat against the building, or cantilever  
9 position thereof; and
- 10 3. Detached from its supporting structure.

11  
12 ***Balloons, Banners, and the like*** within this LDC are limited to those used for  
13 marketing special events including any free-floating tethered device intended to draw  
14 attention to a premises.  
15

16 ***Bar*** means tavern, cocktail lounge, nightclub, saloon, and the like. Any establishment  
17 wherein alcoholic beverages are sold or dispensed for consumption on premises and  
18 where that annual gross revenue from the sale of alcoholic beverages is fifty-one  
19 percent (51%) or greater of the total gross revenue of the establishment; or any  
20 establishment wherein alcoholic beverages are sold or dispensed for consumption on  
21 premises which displays a sign that is visible from outside the establishment that  
22 advertises alcoholic beverages; or where alcoholic beverages are sold or dispensed for  
23 consumption on premises, where private recreational activities are available to the  
24 patron of that establishment. Such recreational uses include, but are not limited to, pool  
25 tables, dart games, air hockey, dancing, live entertainment, karaoke, and pinball or  
26 video machines.  
27

28 ***Base Flood*** means the flood having a 1% chance of being equaled or exceeded in any  
29 given year.  
30

31 ***Base Flood Elevation*** means the elevation of a flood which has a one percent (1%)  
32 chance of being equaled or exceeded in any given year. Base flood elevation is also  
33 known as the 100-year flood elevation.  
34

35 ***Bed and Breakfast Inn*** means an owner-occupied house, or portion thereof, where  
36 short-term lodging and meals are provided for compensation.  
37

38 ***Block Face*** means the area along both sides of a street between consecutive  
39 intersections where the street pattern is a grid pattern or a modified grid pattern and  
40 intersections are spaced at a distance of 800 feet or less. Where street patterns are  
41 curvilinear or intersections are spaced at a distance greater than 800 feet, a block face  
42 shall consist of 300 linear feet or portion thereof measured along the centerline of the  
43 street.  
44

1 **Boat Ramp** means any structure, clearing, or artificially stabilized area that extends to  
2 or waterward of the normal high-water elevation for the purpose of launching and/or  
3 retrieving motorized watercraft.  
4

5 **Buffer** means a specified land area of a lot or parcel, together with the planting and  
6 landscaping required on the land. A buffer may also contain, or be required to contain,  
7 a barrier such as a berm, fence, wall or vegetation, or combination thereof, where such  
8 additional screening is necessary to achieve the desired level of buffering between  
9 various land use activities.  
10

11 **Buildable Area** means the portion of a lot remaining after required yards have been  
12 provided.  
13

14 **Building** means a structure designed to be used as a place of occupancy, storage or  
15 shelter and includes any substantial structure which by nature of its size, scale,  
16 dimensions, bulk or use tends to constitute a visual obstruction or generate activity  
17 similar to that usually associated with a building.  
18

19 **Building Height** means the vertical distance between the average finished grade in  
20 front of the building and the top of the highest point of the building.  
21

22 **Caliper** means the trunk diameter as measured six inches (6”) above the soil line for  
23 trees up to four inches (4”) in diameter and the trunk diameter as measured twelve  
24 inches (12”) above the soil line for larger trees.  
25

26 **Camouflage (or Stealth) Communication Tower or Antennae** means a  
27 communication tower or antennae designed to merge and blend into and conform to  
28 appearance with existing surroundings. An example of a camouflage communication  
29 tower would be a tower that is constructed in the form and shape of a tree in order to  
30 appear to be part of a forested area or a tower constructed to appear to be or to actually  
31 be a component of a bell tower or to be constructed to be or appear to be a component  
32 of a church steeple in order for the tower to be or appear to be part of these more  
33 aesthetically pleasing structures. An example of a camouflage antenna would be an  
34 antenna with a color or appearance similar to a wall of a building or structure on which  
35 it is to be affixed, or an antenna located inside or on top of an existing structure such  
36 as an existing church steeple or an existing light pole.  
37

38 **Canopy Tree** means a tree, usually with one main trunk, which develops an elevated  
39 crown and provides at maturity, a minimum shade crown of 30-feet in diameter or  
40 greater. See also street tree.  
41

42 **Capacity (Roads)** means the maximum number of vehicles that can be accommodated  
43 on a given roadway during a specified time period under prevailing roadway and traffic  
44 control conditions at that roadway’s adopted level of service.  
45

1 **Capital Improvement** means a physical asset which is relatively large scale and high in  
2 cost, generally non-recurring, and may require multiyear financing. Capital improvements  
3 include infrastructure (i.e., roads and water and wastewater systems or components), land  
4 acquisitions, buildings, facilities (i.e., ball fields), vehicles, equipment, and preparatory  
5 services (i.e., studies, construction drawings, etc.)  
6

7 **Carport** means a roofed space, accessory to, or a portion of, the principal structure,  
8 used for the storage of motor vehicles and enclosed on not more than two (2) sides by  
9 walls.  
10

11 **Certificate of Occupancy (C.O.)** means that certificate issued by the Town of Howey  
12 in the Hills subsequent to final inspection that all improvements have been completed  
13 in conformity with all applicable building and construction regulations in the Town and  
14 confirming that the building or structure may be used or occupied.  
15

16 **Circulation Area** means that portion of the vehicle accommodation area used for access  
17 to parking or loading areas or other facilities on the lot. Essentially, driveways and  
18 other maneuvering areas comprise the circulation area.

19 **Clearing** means the removal of vegetation from the land, but shall not include mowing  
20 of grass.  
21

22 **Clear cutting** means removal of all or substantially all trees on a parcel of land as  
23 preparation for or in anticipation of development of the parcel.  
24

25 **Clinic** means an establishment where patients, who are not lodged overnight, are  
26 admitted for examination and treatment by one (1) person or a group of persons  
27 practicing any form of healing or health-related services to individuals, whether those  
28 persons be medical doctors, chiropractors, osteopaths, optometrists, dentists, or any  
29 profession of which the practice is lawful in the State.  
30

31 **Club** means buildings and facilities owned and operated by a corporation or association  
32 of persons for social or recreational purposes, but not operated primarily for profit or  
33 to render a service which is customarily carried on as a business.  
34

35 **Common Area:** means the area under common ownership of a subdivision or site.  
36

37 **Concurrency** means a condition where the necessary public facilities and services to  
38 maintain the adopted level of service standard occur in accord with the impacts of  
39 development.

- 40 1. **Capacity, Reserved** means that portion of the capacity that has been reserved  
41 for developments that have been issued a development order or permit.
- 42 2. **Concurrency Certificate** means a form issued by the Town that indicates  
43 whether the proposed development is approved for concurrency or approved  
44 with conditions.  
45

1 **Conditional Use** means an order issued by the Town Council which allows certain uses  
2 within a zoning district that are not generally permitted throughout the district, but  
3 which if controlled as to number, area, location, or relation to the neighborhood, could  
4 promote the public health, safety, and welfare.  
5

6 **Condominium** means that form of ownership of real property created pursuant to  
7 Chapter 718, Florida Statutes, which is comprised entirely of units that may be owned  
8 by one or more persons, and in which there is, appurtenant to each unit, an undivided  
9 share in common elements.  
10

11 **Construction** means any on-site activity which will result in the change of natural or  
12 existing drainage patterns, erection of buildings and other structures, or land clearing.  
13

14 **Continue in Good Faith** means that no period of more than six (6) months passes  
15 without activity. Activity shall include application for subsequent development stages  
16 (for example, application for Final Plan after approval of the Preliminary Plan), or  
17 response to the Town's comments on a particular plan, or submittal of required  
18 paperwork for a particular phase of development.  
19

20 **Convenience Store** means a retail store with or without gasoline sales usually  
21 containing less than 2,000 square feet of gross retail floor area that is designed and  
22 stocked to sell primarily food, beverages and other household supplies to customers  
23 who purchase relatively few items. It is designed to attract a high volume of stop-and-  
24 go traffic.  
25

26 **Critical Habitat** means habitat which if lost would result in elimination of individual  
27 listed species from the area in question. Critical habitat typically provides functions  
28 for the listed species during restricted portions of that species life cycle. Habitat  
29 includes the place or type of site where a species naturally or normally nests, feeds,  
30 resides, or migrates, including for example, characteristic topography, soils, and  
31 vegetative cover.  
32

33 **Cross Access** means an easement or service drive providing vehicular access between  
34 two or more contiguous sites.  
35

36 **Crown** means the main mass of branching of a plant above the ground.  
37

38 **Cul-de-sac** means a dead-end street with a circular turnaround at the end.  
39

40 **Cupola** means a small decorative structure on top of a roof and not intended for  
41 habitation.  
42

43 **Day Care Facility** means a facility or center which provides, for any portion of the day,  
44 child care services to more than four (4) children unrelated to the owner or operator  
45 and which receives payment for any of the children receiving care, whether or not

1 operated for profit. This term includes daycare centers, nursery schools, and  
2 kindergartens, when not accessory to an elementary school. This term does not include  
3 group homes.  
4

5 **Demolition** means any act or process that destroys in part or in whole a building,  
6 structure, or impervious surface.  
7

8 **Density** means the number of dwelling units per net acre of land. The net land area is  
9 figured by taking the gross land area (total property less any lakes or water bodies),  
10 then subtracting from that any open space acreage, then subtracting any remaining  
11 unbuildable acreage (remaining wetlands).  
12

13 **Developer** means any person, individual, partnership, association, syndicate, firm,  
14 corporation, trust, or legal entity engaged in developing or subdividing land under the  
15 terms of the Town of Howey-in-the-Hills Land Development Code.  
16

17 **Development or Development Activity** means the alteration, construction, installation,  
18 demolition or removal of a structure, impervious surface or drainage facility; or  
19 clearing, grubbing, killing or otherwise removing the vegetation from a site; or adding,  
20 removing, exposing, excavating, leveling, grading, digging, burrowing, dumping,  
21 piling, dredging or otherwise significantly disturbing or altering soil, mud, sand or rock  
22 of a site; or the modification or redevelopment of a site.  
23

24 **Development Agreement** means an enforceable agreement between the Town and a  
25 developer including agreements entered pursuant to the Town's home rule powers  
26 under Florida Statutes, Chapter 166, an agreement entered pursuant to F.S. Chapter  
27 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.  
28

29 **Development Order** means an order granting, denying, or granting with conditions an  
30 application for approval of a development project or activity.  
31

32 **Development Permit** means a document issued by the Town which authorizes the  
33 actual commencement of land alteration or building construction.  
34

35 **Diameter at Breast High (DBH)** means the diameter, measured in inches, of a tree  
36 measured at four-and-one-half feet (4 ½') above the existing grade.  
37

38 **Dock** means any permanently fixed or floating structure to which a vessel or other  
39 water-dependent recreational equipment can be moored and that affords access to a  
40 vessel or other water-dependent recreational equipment on or over submerged lands  
41 (all those lands lying waterward of the mean high water level) from the adjacent upland  
42 property. The term dock is synonymous with pier and boathouse.  
43

44 **Dog Breeding** means an animal facility engaged in the breeding of dogs with the  
45 intention of selling the puppies for profit.



1  
2 **Drainage System** means all facilities used for the movement of stormwater through  
3 and from a drainage area including, but not limited to, any and all of the following  
4 conduits: canals, channels, ditches, flumes, culverts, streets, as well as all watercourses,  
5 water bodies and wetlands.  
6

7 **Dredging, Filling, and Other Related Activities** means any activities which may affect  
8 the quality of the waters of the Town such as the following: draining, digging, pumping,  
9 pushing, removing, or displacing, by any means, of material, or the dumping, moving,  
10 relocating, or depositing of material, either directly or otherwise, and the erecting of  
11 structures, driving of pilings, or placing of obstructions below the mean-high-water  
12 mark of any body of water within the Town.  
13

14 **Drip Line** means an imaginary line on the ground defined by vertical lines, which  
15 extend from the outermost tips of the tree branches to the ground.  
16

17 **Driveway Spacing** means the distance between driveways as measured from the closest  
18 edge of pavement of the first driveway (measured at the road) to the closest edge of  
19 pavement of the second driveway (at the road).  
20

21 **Drugstore/Pharmacy** means a retail establishment where prescription drugs are filled  
22 and dispensed by a pharmacist licensed under the laws of the State of Florida. Other  
23 items for sale typically include personal care products, greeting cards and gift wrapping  
24 materials, books and magazines, snacks, and photography supplies.  
25

26 **Dwelling:**

- 27 1. **Single-Family** a detached residential dwelling unit other than a mobile home,  
28 designed for and occupied by one family and which includes a kitchen and  
29 permanent facilities for living, sleeping, and sanitation.  
30 2. **Duplex** a residential building containing two (2) dwelling units, designed for  
31 occupancy by not more than two (2) families, containing either a common wall  
32 or ceiling/floor.  
33 3. **Townhouse** a residential building designed for or occupied by three (3) or more  
34 dwellings that share common vertical walls.  
35 4. **Multiple-Family** residential dwelling units which are located in a single  
36 building, in which the entrances to individual units may be above the first floor.  
37 ~~5. **Mobile Home** see definition for Mobile Home.~~  
38 6. **Modular or Manufactured Home** See Modular or Manufactured Home.  
39

40 **Dwelling Unit** means a building consisting of rooms connected together constituting a  
41 separate, independent housekeeping establishment. Said enclosure shall contain  
42 independent sleeping, kitchen and bathroom facilities designed for and used, or held  
43 ready for use, as a permanent residence by one family.  
44

1 **Easement** means any strip or parcel of land dedicated for public or other private  
2 utilities, drainage, sanitation, or other specified uses having limitations.  
3

4 **Equivalent Residential Unit (ERU)** is a unit of measure, generally used in terms of  
5 determining water, wastewater, reclaimed water, and stormwater generation rates per  
6 parcel, given the single-family residence as the standard unit of measure.  
7

8 **Facade, Primary** means the side of a building that faces a public right-of-way or has  
9 the primary entrance.  
10

11 **Facade, Secondary** means the side of a building that is not a primary facade and either  
12 is visible from a public right-of-way or has a secondary entrance.  
13

14 **Family** means one person, or a group of two or more persons, living together and  
15 interrelated by bonds of blood, marriage, or legal adoption, plus no more than two  
16 additional unrelated persons. A family also may include no more than three unrelated  
17 persons living as a single household unit, any lawful foster children, others placed as  
18 part of a family through a state agency, or residents protected by the Florida and Fair  
19 Housing Act.  
20

21 **Fill** means soil, rock or other earthy material which is used to fill in a depression or  
22 hole in the ground or create mounds or otherwise artificially change the grade or  
23 elevation of real property.  
24

25 **Final Plat** is the drawing of all or a portion of a subdivision which is presented for  
26 approval, showing all building lots, easements, rights-of-way, and other information  
27 necessary for providing the detailed description of the subdivision of a parcel of land.  
28

29 **Floor Area Ratio (FAR)** means the total area of all floors of a building intended for  
30 occupancy or storage divided by the total site area. Floor area ratio applies to non-  
31 residential uses.  
32

33 **Florida Registered Professional Engineer** is an engineer registered in the State in good  
34 standing with the Florida Board of Engineers as defined by Florida Statutes.  
35

36 **Garage** is a structure which is accessory to a principal building and which is used for  
37 the parking and storage of vehicles. Garage doors must allow a minimum clear opening  
38 of at least eight (8) wide by seven (7) feet tall for a one car access and fourteen (14)  
39 feet wide by seven (7) feet tall for two car access. A garage may be a stand-alone  
40 structure or incorporated as part of a principal structure.  
41

42 **Gasoline Service Station** means any building, structure, or land used for the dispensing,  
43 sale or offering for sale at retail of any automobile fuels, oils, or accessories. Minor  
44 repairs may be made to automobiles; however, no major repairs such as body work,  
45 welding, or painting shall be permitted.



1  
2 **Grade, Finished** means a reference plane representing the average of finished ground  
3 level adjoining the building or structure at all exterior walls.  
4

5 **Grade, Natural** means the elevation of the ground in its natural state, as measured in  
6 feet above mean sea level, before construction, filling, or excavation. The natural grade  
7 elevation shall be measured as the average elevation from the four (4) corners of the  
8 building site, based on a certified survey.  
9

10 **Gross Floor Area (GFA)** means the total amount of floor space in a building. The area  
11 within the perimeter of the outside walls of a building as measured from the inside  
12 surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness  
13 of walls, columns, or other interior features.  
14

15 **Gross Land Area** means the total land area of a site, not including water bodies.  
16

17 **Ground Cover** means plants of species which reach a maximum height of twenty-four  
18 (24) inches upon maturity, installed in such a manner as to form a continuous cover  
19 over the ground.  
20

21 **Group Home Facility** means a residential facility which provides a family living  
22 environment including supervision and care necessary to meet the physical, emotional,  
23 and social needs of its residents.  
24

25 **Hardscape Feature** means decorative and functional structures, materials, or other  
26 items that are found on public and private parcels and rights-of-way including but not  
27 limited to walls, fences, decorative surfaces on roads and sidewalks, planters, arbors  
28 and trellises, archways and gates, street furniture (benches, tables, trash receptacles),  
29 and exterior lighting.  
30

31 **Hatrack** means to severely prune a tree in order to permanently maintain growth at a  
32 reduced height or to flat-cut a tree, severing the leader or leaders, or pruning a tree by  
33 stubbing off mature wood larger than three (3) inches in diameter; or reducing the total  
34 circumference or canopy spread not in conformance with National Arborists' Society  
35 standards.  
36

37 **Hedge** means a row of closely planted shrubs or other vegetative screening forming a  
38 boundary or restrictive barrier.  
39

40 **Historic Tree** is defined as any live oak or bald cypress with a trunk diameter of thirty-  
41 six (36) inches or more measured at DBH or any tree which is determined by the Town  
42 Council to have a unique and intrinsic value to the general public because of its size,  
43 age, historic association, location, unique beauty or ecological value.  
44

1 **Home Occupation** means an activity for profit carried on in the main dwelling unit,  
2 where the activity is conducted only by members of the family living within the  
3 residence, requiring only customary home equipment and using only a limited amount  
4 of the home's square footage for the business; involving the employment of no  
5 nonresident help; with only certain instances involving the offering of services on the  
6 premises.

7  
8 **Hotel or Motel** means a building or a group of buildings containing sleeping  
9 accommodations or efficiency units in which transient guests are lodged on a short-  
10 term basis. Hotels typically may also include dining (restaurants) and business services  
11 (meeting facilities, etc.)

12  
13 **Impervious Surface** means a surface which has been compacted or covered with a layer  
14 of material so that it is highly resistant to infiltration by water. It includes most  
15 conventionally surfaced streets, roofs, sidewalks, parking lots, patios, wet pond surface  
16 areas at normal or control elevation, and other similar nonporous surfaces, but does not  
17 include dry bottom stormwater facilities or wooden decks over soil (with spaces  
18 between planks). Any determinations regarding permeability of material or surface  
19 shall be at the sole discretion of the Town Engineer or designee.

20  
21 **Impervious Surface Ratio (ISR)** means a figure normally expressed as a percentage,  
22 calculated by taking the total amount of impervious surfaces on a site/lot and dividing  
23 that by the total site/lot area.

24  
25 **Improvements** means streets, curbs and gutters, sidewalks, water mains, sanitary  
26 sewers, storm sewers or drains, street signs, landscaping, and any other construction  
27 required by the Town.

28  
29 **Industrial Waste** means the wastes from industrial manufacturing processes, trades, or  
30 businesses, as distinct from sanitary sewage.

31  
32 **Irrigation System** means a permanent, supplemental watering system designed to  
33 transport and distribute water to plants. See irrigation system definitions below.

34  
35 **Kennel** means a place where dogs and other small animals (house pets) are boarded or  
36 groomed for compensation.

37  
38 **Landscape Feature** means any improvement using live plants or associated materials  
39 including but not limited to, shrubbery, trees, flowers, ground covers, and mulch.

40  
41 **Landscaping** means any combination of living plants such as grass, ground cover,  
42 shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles,  
43 and/or mulch.

1            **Level of Service (LOS)** means an indicator of the extent or degree of service provided  
2 by, or proposed to be provided by, the Town based on and related to the operational  
3 characteristics of the facilities.  
4

5            **Livestock** means for the purposes of these regulations, horses, cows, sheep, and goats.  
6

7            **Living Area** means that part of a residential dwelling that is heated or cooled. Garages,  
8 carports, and unenclosed porches are excluded from the living area.  
9

10           **Loading Space, off-street** means space logically and conveniently located for bulk  
11 pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible  
12 to such vehicles when required off-street parking spaces are filled. A required off-  
13 street loading space is not to be included as an off-street parking space in computation  
14 of required off-street parking.  
15

16           **Local governing body** means the Town of Howey in the Hills.  
17

18           **Lot**, for purposes of the LDC, means a parcel of land whose boundaries have been  
19 established by some legal instrument such as a recorded deed or a recorded plat and  
20 which is recognized as a separate legal entity for purpose of transfer of title, use, or  
21 improvement.  
22

23           **Lot Frontage** means the portion nearest the street. For the purposes of determining  
24 yard requirements on corner lots and through lots, all sides of a lot adjacent to a street  
25 shall be considered frontage, and yards shall be provided as indicated under “yard” in  
26 this section.  
27

28           **Lot of Record** means a lot which is a part of a subdivision, the map of which has been  
29 recorded in the office of the Clerk of the Circuit Court of the County, as of the effective  
30 date of this Land Development Code.  
31

32           **Lot Types** means the following types of lots are defined to clarify terminology used  
33 later in the LDC:

- 34           1. **Corner Lot** means a lot at the intersection of two (2) streets or along a single  
35 street that forms its own corner and provides frontage along two sides of the  
36 same lot.
- 37           2. **Interior Lot** means a lot having street frontage on only one side.
- 38           3. **Through Lot** means a lot ~~other~~ with frontage on two nonintersecting streets.  
39 Through lots abutting two streets may be referred to as double-frontage lots.
- 40           4. **Flag Lot** means a lot with less than the minimum road frontage required by this  
41 LDC, typically frontage sufficient for only lot ingress and egress.  
42

43           **Main** shall refer to a pipe, conduit, or other facility installed to convey water service to  
44 individual laterals/services or to other mains.  
45

1 **Manufactured Home** means a structure that is fabricated in a protected environment  
2 then transported in one (1) or more sections, to the homesite. These homes are built on  
3 a permanent chassis and designed to be used with or without a permanent foundation  
4 when connected to the required utilities. The structures are built to Federal standards.  
5 ~~(May also be referred to as a Mobile home)~~

6  
7 **Massing** means the overall bulk, size, physical volume or magnitude of a structure or  
8 project.

9  
10 ~~**Mobile Home** See Manufactured Home.~~

11  
12 **Modular Home** means a structure that is fabricated in a protected environment and then  
13 brought to the home site in pieces where the construction is then finalized following  
14 State and local Codes the same way a site-built home is.

15  
16 **Mulch** means non-living, organic materials used in landscape design to retard erosion  
17 and retain moisture, as well as enrich the soil and reduce soil temperature.

18  
19 **Native Vegetation** means any plant species with a geographic distribution indigenous  
20 to the Central Florida region.

21  
22 **Net Land Area** means the gross land area (total property less any water bodies) minus  
23 the required open space minus any additional wetlands not part of the required open  
24 space acreage.

25  
26 **Non-Conforming Lot** means a lot existing at the effective date of this Code (and not  
27 created for the purposes of evading the restrictions of this Code) that does not meet the  
28 minimum area requirement of the district in which the lot is located.

29 **Non-Conforming Sign** means a sign lawfully existing in the Town before the adoption  
30 of this LDC that does not conform to the requirements of this LDC. A sign not lawfully  
31 existing prior to the adoption of this LDC shall not be considered a non-conforming  
32 sign.

33  
34 **Non-Conforming Structure** means existing improvements which do not meet required  
35 size regulations, height regulations, or other standards for the district in which they are  
36 located.

37  
38 **Non-conforming Use** means any preexisting use of land that was lawfully established  
39 and maintained but is inconsistent with the use provisions of this LDC or amendments  
40 thereto.

41  
42 **Nursing or Convalescent Home** means a home for the aged, chronically ill, or  
43 incurable persons in which three or more persons not of the immediate family are  
44 received, kept, or provided with food and shelter or care for compensation; but not

1 including hospitals, clinics, or similar institutions devoted primarily to the diagnosis  
2 and treatment of the sick or injured.

3  
4 **Occupancy** means taking or keeping possession for purposes of residing in a dwelling  
5 unit or occupying a nonresidential building for business or other suitable reason.

6  
7 **Off-Site** means a location upon a lot, tract, right-of-way, or parcel other than the  
8 development site.

9  
10 **Off-Street Parking** means a lot or parcel of land or structure designed, constructed, or  
11 used for the parking of motor vehicles so that none of the parking spaces shall be on  
12 any public street or alley.

13  
14 **On-Site** means located on the same site, lot, tract, or parcel.

15  
16 **Open Space** for the purpose of this LDC, means a portion of the gross land area  
17 dedicated to the public, a homeowners' or property owners' association, or the owner  
18 of individual small lot developments, unencumbered by any structure, road, or other  
19 impervious surface, to include stormwater ponds if they are designed to be a park-like  
20 setting with pedestrian amenities and free form ponds, landscaped buffer areas, and  
21 recreation areas. Up to ~~50%~~25% of the open space for any one development may be  
22 comprised of wetland areas and up to 10% may be impervious (plazas, recreational  
23 facilities, etc.).

24  
25 **Ornamental Feature** means one (1) or more distinctive elements on or part of a  
26 building that is provided purely for decoration or as nonfunctional embellishments,  
27 such as medallions, scroll work, or trim.

28  
29 **Parking Area** means all property used for off-street parking, vehicular aisles and access  
30 ways, loading zones, and interior and perimeter landscaping.

31  
32 **Parking Area Aisles** means that portion of the vehicle accommodation area consisting  
33 of lanes providing access to parking spaces.

34  
35 **Parking Space** means that portion of the vehicle accommodation area where one  
36 vehicle may be parked. Parking spaces may be designated for different types of vehicles  
37 (compact cars, motorcycles, golf carts, etc.).

38  
39 **Pennant** means any streamer designed to be hung from poles, on walls, or any other  
40 structure outside the building, and which blows with the wind and is designed to attract  
41 attention.

42  
43 **Personal Services** means an establishment that primarily provides services involving  
44 the care of a person or his or her apparel, such as barber shops, beauty salons, day spas,  
45 seamstress shops, shoe repair, and dry cleaning shops.

1  
2 **Plat** means a map or delineated representation of the subdivision of lands, a complete  
3 exact representation of the subdivision and other information in compliance with all  
4 applicable statutes and regulations.  
5

6 **Potable Water** means water which is satisfactory for drinking, culinary, and domestic  
7 purposes and which meets the quality standards of the Florida Department of  
8 Environmental Regulation.  
9

10 **Potable Water System** shall refer to the Town's water distribution systems, and any and  
11 all component parts thereof.  
12

13 **Primary Façade** is the exterior wall of a building that faces a street. Buildings on lots  
14 abutting more than one street including corner lots, through lots, and any lot abutting  
15 three or four streets have two, three, or four primary facades based on the number of  
16 streets fronted by the lot.  
17

18 **Primary Frontage** means the public right-of-way which is identified as the address of  
19 the premises.  
20

21 **Principal Building** means a building in which is conducted the main or principal use  
22 of the lot on which said building is located.  
23

24 **Professional Office** means an office for such uses as architects, engineers, attorneys,  
25 accountants, physicians, lawyers, dentists, and others who provide consultant and  
26 medically-related services.  
27

28 **Property Value** means the average replacement cost as determined by a licensed  
29 appraiser in the State of Florida.  
30

31 **Protective Barrier** means a temporary barricade beneath the drip line of a tree to protect  
32 its root system during construction on the site.  
33

34 **Public Facilities** mean capital improvements and include any or all of the following:  
35 government buildings, roads, sidewalks, curbs and gutters, sanitary sewer facilities,  
36 potable water facilities, drainage facilities, solid waste facilities, and recreation and  
37 open space facilities. The term shall include “public improvements.”  
38

39 **Record Drawings** mean the site plans specifying the locations, dimensions, elevations,  
40 capacities and capabilities of structures or facilities as they have been constructed.  
41 Record drawings must be signed and sealed by a professional engineer registered in the  
42 State of Florida. Portions of the plans shall also be signed and sealed by the surveyor,  
43 architect, landscape architect, or other professional involved in the project.  
44

45 **Recreation:**

- 1           2. **Active Recreation** means recreational uses, areas, and activities oriented toward  
2           potential competition and involving special equipment. Sports fields and  
3           courts, swimming pools, and golf courses are examples of active recreation.
- 4           2. **Passive Recreation** means recreational uses, areas or activities oriented to  
5           noncompetitive activities that either require no special equipment or are natural  
6           areas. Nature trails and picnic areas are examples of passive recreation.

7  
8           **Replacement tree** means a tree from the list of trees contained in this LDC as  
9           replacement(s) for any tree(s) removed.

10  
11           **Restaurant** means an establishment where food is ordered from a menu, prepared, and  
12           served for pay primarily for consumption on the premises. The sale of beer, wine, and  
13           liquor for consumption on premises is incidental to the sale of food. At least fifty  
14           percent (50%) of the establishment's gross revenue is derived from the sale of food and  
15           non-alcoholic beverages.

16  
17           **Retaining Wall** means a wall designed to prevent the lateral displacement of soil or  
18           other material.

19  
20           **Right-of-Way (R-O-W)** means land dedicated, deeded, used, or to be used for a street,  
21           alley, sidewalk, walkway, or other purpose by the public.

22  
23           **Roadway Classification** means a system used to group roadways into classes according  
24           to their purpose in moving vehicles and providing access.

25  
26           **Runoff** means water which is not absorbed by the soil or landscape to which it is  
27           applied and flows, from the area.

28  
29           **Sanitary Sewer Facilities.** A sanitary sewer system includes primary and secondary  
30           systems which are necessary to provide service to any given residential and  
31           nonresidential unit. This definition will only deal with the primary system and  
32           represents an established capacity and an established capital value. The primary  
33           systems are:

- 34           1. Effluent disposal facilities.
- 35           2. Treatment plants.
- 36           3. Pump stations.
- 37           4. Force mains; and
- 38           5. Interceptors.

39  
40           **Septic Tank** means an individual sewage disposal system approved by the County  
41           Health Department and serving only one lot.

42  
43           **Setback Line** means the distance between the property line and any structure and may  
44           be measured from the front, back or side property line.



1            **Secondary Façade** is any building wall not defined as a primary façade.  
2

3            **Shopping Center** means any non-residential building or development occupied by two  
4 or more retail tenants on one premises.  
5

6            **Shoreline Protection Zone** means no disturbance within 50 feet of the landward extent  
7 of wetlands as set forth in Rule 62-340, F.A.C. with the exception of pilings for docks  
8 or piers.  
9

10           **Sidewalk** means that portion of a right-of-way outside the vehicle traveling lanes,  
11 intended for use by pedestrians. Sidewalks are typically concrete but may be other  
12 surfaces with approval of the local government.  
13

14           **Sight Distance Triangle (or Sight Visibility Triangle)** means the triangular area  
15 required on any intersection corner to permit a vehicle operator an unobstructed view  
16 of the crossing roadway for a minimum sight distance in either direction.  
17

18           **Sign** means any device or display consisting of letters, numbers, symbols, pictures,  
19 illustrations, announcements, trademarks, including all trim and borders, designed to  
20 advertise, inform or attract the attention of persons not on the premises on which the  
21 device or display is located, and visible from the public way. A sign shall be construed  
22 to be a single display surface or device containing elements organized, related, and  
23 composed to form a single unit.

- 24           1. **Banner sign** means any sign having characters, letters, or illustrations applied  
25 to cloth, paper, or fabric of any kind, with only such material as backing, which  
26 is mounted to a pole or building by one (1) or more edges. National, state, or  
27 municipal flags or the official flag of a business or institution shall not be  
28 considered a banner.
- 29           2. **Barber Pole sign** means any traditional cylindrical, striped revolving sign  
30 identifying barbers.
- 31           3. **Construction sign** means any sign advertising the construction actually being  
32 done on the premises where the sign is located. The sign may also include the  
33 contractor's name, the owner's name, the architect's name, and the name of the  
34 institution providing financial services.
- 35           4. **Detached sign**. See “Freestanding/ground sign” and “Pole sign.”
- 36           5. **Exempt sign** means any sign for which a permit is not required.
- 37           6. **Freestanding or Ground sign** means any detached sign, including any signs  
38 supported by structures in or on the ground and independent of support from  
39 any building. Includes the term “monument sign.”
- 40           7. **Garage Sale sign** means any sign pertaining to the sale of personal property in,  
41 at, or upon any residentially zoned property, whether made under any other  
42 name, such as lawn sale, backyard sale, rummage sale, or any similar  
43 designation.
- 44           8. **Identification sign** means any sign which indicates the name, owner or address  
45 of a residence, office, or business, but bearing no advertising.



- 1 9. **Illuminated sign** means any sign having characters, letters, figures, design, or  
2 outlines illuminated by electric lights or luminous tubes designed for that  
3 purpose, whether or not the lights or tubes are physically attached to the sign.
- 4 10. **Incidental sign** means any general informational sign which has a purpose  
5 secondary to the use of the site on which it is located, such as "Open", "Closed",  
6 "Welcome", "No Parking", "Entrance", "Loading Only", and similar  
7 information and directives. No sign with a business name, logo, or advertising  
8 shall be considered incidental.
- 9 11. **Off-site sign** means any sign which advertises the services or products of a  
10 business not on the premises where the sign is erected.
- 11 12. **Pole sign** means any sign erected on a pole which is wholly independent of any  
12 building for support.
- 13 13. **Political signs** are those concerning candidacy for public office or urging action  
14 on any ballot issue in a forthcoming public election or pertaining to or  
15 advocating political views or policies.
- 16 14. **Portable sign** means any sign, whether on its own trailer, wheels, chassis, or  
17 otherwise movable support, which is manifestly designed to be transported  
18 from one place to another.
- 19 15. **Projecting sign** means any sign which is affixed to any building, wall, or  
20 structure and which extends beyond the building, wall, and structure (see  
21 "bracket sign").
- 22 16. **Real Estate sign** means any on-premises structure showing that the premises  
23 upon which it is located is either for sale, for lease or for rent, or open for  
24 inspection.
- 25 17. **Sandwich or Sidewalk sign** means any sign, double- or single-faced, which is  
26 portable, able to be moved easily by an individual, and which fits within a  
27 sidewalk while still allowing for pedestrian travel.
- 28 18. **Snipe sign** means any sign which is tacked, nailed, posted, pasted, glued, or  
29 otherwise attached to trees, poles, stakes, fences, or other objects.
- 30 19. **Street Number sign** means any sign displaying a street number on a structure,  
31 wherever located.
- 32 20. **Wall sign.** Any sign that shall be affixed parallel to the wall or painted on the  
33 wall of any building in such a manner as to read parallel to the wall on which it  
34 is mounted, in such a way that the wall becomes the supporting structure for, or  
35 forms the background surface of the sign; provided, however, said wall sign  
36 shall not project more than 12 inches from the face of the building; shall not  
37 project above the top of the wall or beyond the end of the building.
- 38 21. **Yard Sale sign.** See "Garage sale sign."

39  
40 **Site Plan** means an illustration of the details of development of areas such as  
41 commercial, industrial, recreational, multifamily residential and other uses not being  
42 platted.

43  
44 **Species of Special Concern** means any flora or fauna designated as such by the State.  
45

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

3  
4 **Spillover** means the casting, reflecting or transmission of light or glare beyond the  
5 boundaries of the property.

6  
7 **Street**, for the purpose of this LDC, means a paved thoroughfare that is wider than an  
8 alley; may also be referred to as a road, boulevard, avenue, or similar reference.

- 9  
10 1. **Alleys** mean minor travel ways, which are used primarily for vehicular service  
11 access to the back or the side of properties otherwise abutting on a street.  
12 2. **Arterial** means a route providing service which is relatively continuous and of  
13 relatively high traffic volume, long average trip length, high operating speed,  
14 and high mobility. They often have multiple lanes and access control.  
15 3. **Collector** means a low to moderate-capacity road which serves to move traffic  
16 from local streets to arterial streets. Access is managed to minimize the number  
17 of driveways.  
18 4. **Cul-de-sac** means minor streets having only one (1) open end providing access  
19 to another street; the closed end provides a turnaround circle for vehicles, and  
20 property fronts on both sides of the street.  
21 5. **Dead-end** means minor streets similar to cul-de-sacs except that they provide  
22 no turnaround circle at their closed end. Stub streets, planned for future  
23 continuation, are not considered to be dead-end streets.  
24 6. **Local** means a street with lower traffic volumes, with land access as its primary  
25 function. In general, on-street parking is allowed and access is unlimited,  
26 subject to driveway spacing restrictions.  
27 7. **Public** means any public thoroughfare, street, avenue, boulevard, or similar  
28 roadway which has been dedicated or deeded for vehicular use by the public.

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

31  
32 **Street Vendor** means any person who sells food, flowers, and/or other goods or services  
33 from a mobile vending unit.

34  
35 **Structural Alterations** mean any change in the supporting member of a building, such  
36 as bearing walls, columns, beams or girders or any substantial change in the roof or  
37 exterior walls.

38 **Structure** means anything constructed or erected with a fixed location on the ground  
39 or attached to something having a fixed location. Among other things, structures  
40 include buildings, boat docks, boat ramps, mobile homes, walls, fences, swimming  
41 pools, tennis courts, and sheds.

42  
43 **Stub-out** means a portion of a street or cross access drive used as an extension to an  
44 abutting property that may be developed in the future.

1 **Subdivision** means the division of a parcel of land pursuant to state law, whether  
2 improved or unimproved, into three (3) or more lots or parcels of land for the purpose  
3 of sale or building development (whether immediate or future) and including all  
4 divisions of land involving the dedication of a new street or a change in existing streets.  
5

6 **Telecommunications Service Facilities** means a building and/or ground mounted  
7 tower which is greater than thirty-five (35) feet in height, as measured from the finished  
8 grade of the parcel, does not exceed three hundred (300) feet in height (including  
9 antenna), and is principally intended to support communication (transmission or  
10 receiving) equipment for radio, TV, microwave, cellular and similar communication  
11 purposes. The term communications tower shall not include amateur radio operations'  
12 equipment licensed by the Federal Communications Commission (FCC).  
13 Communication towers are generally described as either monopole (free standing),  
14 guyed (anchored with guy wires) or self supporting (square, triangular or pyramidal in  
15 plain view and constructed of steel lattice, tubular steel, reinforced concrete, or wood).  
16

17 **Temporary Structure** means any structure which is designed, constructed, and intended  
18 to be used on a short-term basis, such as a sales office, contractor's office, etc.  
19

20 **Temporary Use** means one established for a fixed period of time with the intent to  
21 discontinue such use upon the expiration of such time. Such uses do not involve the  
22 construction or alteration of any permanent structure.  
23

24 **Threatened Species** means any flora or fauna that is so designated in the Florida  
25 Administrative Code.  
26

27 **Town** means the Town of Howey-in-the-Hills, a municipal corporation organized and  
28 existing under the laws of the State of Florida.  
29

30 **Town Manager ~~Mayor (or Mayor)~~** means the Town Manager~~Mayor~~ or his or her  
31 designee.  
32

33 **Trades and Skilled Services** means occupations typically requiring manual or  
34 mechanical skill, in which standards have been set to promote quality work and skill  
35 excellence among trades people. Trades people are typically trained through an  
36 apprenticeship.  
37

38 **Understory Tree** means any indigenous tree that is not a canopy tree but grows to a  
39 minimum height of fifteen feet (15').  
40

41 **Use** means the activity or function that actually takes place or is intended to take place  
42 on a lot.  
43

44 **Variance** means a relaxation of the terms of these regulations where such variance will  
45 not be contrary to the public interest and where, owing to conditions peculiar to the

1 property and not the result of the action of the applicant, a literal enforcement of the  
2 ordinance would result in unnecessary and undue hardship.

3  
4 **Volume (Traffic)** means the number of vehicles to pass a predetermined location  
5 during a specified period of time.

6  
7 **Water Body** means any natural or man-made pond, lake, reservoir, or other area which  
8 ordinarily contains water and which usually has a discernible shoreline.

9  
10 **Wellfield Protection Zone** means an area around one or more wells where development  
11 is limited in order to protect the current and future water supply.

- 12 1. **Primary Protection Zone** means that no development, other than facilities  
13 related to the public water system, may occur within a 150-foot radius of an  
14 existing or proposed public well.
- 15 2. **Secondary Protection Zone** means no septic tanks, sanitary sewer facilities, or  
16 solid waste or disposal facilities are permitted within a 200-foot radius of any  
17 existing or proposed public well.
- 18 3. **Tertiary Protection Zone** means all manufacturing or light industrial uses are  
19 prohibited within a 500-foot radius of an existing or proposed public well.

20  
21 **Wetlands** means transitional lands between terrestrial and aquatic systems where the  
22 water table is usually at or near the surface, or the land is covered with shallow waters.

23  
24 **Wetland Buffer Zone** means no development or disturbance of the area is permitted  
25 within 25 feet of a designated wetland area. These areas shall be marked with  
26 appropriate signage as conservation areas. No building or impervious surface area  
27 (with the exception of wet retention ponds) is permitted within 50 feet of a designated  
28 wetland area.

29  
30 **Yard** means the land area surrounding the principal building on any parcel which is  
31 neither occupied or obstructed by a portion of the principal building from the finished  
32 grade to the sky or below the finished grade except where such occupancy, obstruction  
33 or encroachment is specifically permitted by this ordinance.

- 34 1. **Front Yard** means that portion of the yard extending the full width of the parcel  
35 and measured between the front parcel line and a parallel line tangent to the  
36 nearest part of the principal building.
- 37 2. **Rear Yard** means that portion of the yard extending the full width of the parcel  
38 and measured between the rear parcel line and a parallel line tangent to the  
39 nearest part of the principal building.
- 40 3. **Side Yard** means those portions of the yard extending from the required front  
41 yard to the required rear yard and measured between the side parcel lines and  
42 parallel lines tangent to the nearest part of the principal building.
- 43 4. **Street Side Yard** means those side yards abutting a public or private street.

1 **Irrigation System Definitions**  
2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8  
9

# CHAPTER 2

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## Zoning Districts

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1    **2.00.00    GENERALLY**

2                    **2.00.01    Purpose and Intent**

3            A. It is the purpose of this chapter to promote the health, safety, and general welfare  
4                    of the Town by promoting land use compatibility and regulating land use by district.  
5                    The chapter also restricts the height, number of stories and size of buildings and  
6                    other structures, the percentage of the lot which may be occupied by structures, the  
7                    size of yards and other open spaces, the density of population, and the location of  
8                    buildings and structures.

9            B. It is the intent of the Town Council that the regulations set forth in this chapter  
10                    governing the use of land, water, and buildings apply to all land, water, and  
11                    buildings included within the boundaries of each district shown on the Zoning Map.

12                    **2.00.02    Official Zoning Map**

13            A. Zoning districts are hereby established for all land and water areas included within  
14                    the boundaries of each district as shown on the “Zoning Map, Howey in the Hills,  
15                    Florida.”

16            B. The Zoning Map and all notations, references, and other information shown on the  
17                    Zoning Map are as much a part of this LDC as if the information set forth thereon  
18                    were fully described and set out in this LDC.

19            C. Table 2.00.02(C) shows the relationship between zoning districts and the land use  
20                    categories on the Future Land Use Map (FLUM). An “X” indicates that the zoning  
21                    district is permissible within the indicated category on the FLUM.

22    **Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map**  
23                    **Categories.**

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

1           **2.00.03    Rules for Interpretation of District Boundaries**

- 2           A. District Boundary Guidelines. Where uncertainty exists as to the boundaries of the  
3           districts as shown on the Official Zoning Map, the following guidelines shall apply:  
4           1. Centerlines. Boundaries indicated as approximately following the center lines  
5           of dedicated streets, highways, alleys, or rights-of-way shall be construed as  
6           following such centerlines as they exist on the ground, except where variation  
7           of actual location from mapped location would change the zoning status of a lot  
8           or parcel, in which case the boundary shall be interpreted in such a manner as  
9           to avoid changing the zoning status of any lot or parcel. In the case of a street  
10          vacation, the boundary shall be construed as remaining in its location except  
11          where ownership of the vacated street is divided other than at the center, in  
12          which case the boundary shall be construed as moving with the ownership.  
13          2. Lot lines. Boundaries indicated as approximately following lot lines, public  
14          property lines, and the like shall be construed as following such lines, provided  
15          however, that where such boundaries are adjacent to a dedicated street, alley,  
16          highway, or right-of-way and the zoning status of the street, highway, alley or  
17          right-of-way is not indicated, the boundaries shall be construed as running to  
18          the middle of the street, highway, alley, or right-of-way. In the event of street  
19          vacation, interpretation shall be as provided in (A) (1) above.  
20          3. Town Limits. Boundaries indicated as approximately following Town limits  
21          shall be construed as following such limits.  
22          4. Mean-High-Water-Lines. Boundaries indicated as following mean high water  
23          lines or centerlines of streams, canals, lakes, or other bodies of water shall be  
24          construed as following such mean high water lines or centerlines. In the case  
25          of a change in mean high water line, or of the course or extent of bodies of  
26          water, the boundaries shall be construed as moving with the change, except  
27          where such moving would change the zoning status of a lot or parcel; and in  
28          such case the boundary shall be interpreted in such a manner as to avoid  
29          changing the zoning status of any lot or parcel.  
30          5. Body of Water. Boundaries indicated as entering any body of water but not  
31          continuing to intersect with other zoning boundaries or with the limits of  
32          jurisdiction of the Town of Howey-in-the-Hills shall be construed as extending  
33          in the direction in which they enter the body of water to intersection with other  
34          zoning boundaries or with the limits of Town jurisdiction.  
35          6. Parallel Features. Boundaries indicated as parallel to or extensions of features  
36          indicated in (A) (1) through (5) above shall be construed as being parallel to or  
37          extensions of such feature.  
38          7. Distances. Distances not specifically indicated on the Official Zoning Map  
39          shall be determined by the scale of the map on the page of the Map showing the  
40          property in question.  
41          B. Other Cases. In cases not covered by 2.00.03 (A) above, or where the property or  
42          street layout existing on the ground is at variance with that shown on the Official  
43          Zoning Map, the Town Planner shall interpret the Official Zoning Map in  
44          accordance with the intent and purpose of these zoning regulations. Appeal from

1 the interpretation of the Town Planner shall be made to the Board of Adjustment in  
2 conformity with Chapter 9.

3 **2.01.00 ZONING DISTRICT DESIGNATIONS**

4 These district regulations shall apply uniformly to all premises in the following manner:

5 **2.01.01 Zoning Affects All Premises**

6 No premises shall hereafter be used or occupied and no principal building or accessory  
7 structure shall be hereafter erected, constructed, moved, or altered except in conformity  
8 with these district regulations.

9 **2.01.02 Interpretation of Uses and Structures Permitted**

10 If a use or structure is not expressly permitted in any zoning district, the Town  
11 ~~Mayor~~Manager or his designee shall not permit such use or structure in the district  
12 unless it is substantially similar to a use or structure otherwise permitted in the district.

13 **2.01.03 Lot Area, Density, Yard Requirements, Building Coverage, and**  
14 **Building Height**

15 Every principal or accessory structure to be erected shall meet all lot area, density, yard,  
16 building coverage, and building height requirements of the pertinent zoning district of  
17 the property.

18 **2.01.04 Reduction of Lot Area and Width Prohibited**

19 No lot existing on or after the effective date of this Code shall be reduced in area and/or  
20 width below the minimum requirements of its pertinent zoning district.

21 **2.01.05 Additional Requirements Included**

22 The uses and structures outlined in this Chapter shall meet all regulations and  
23 requirements outlined in the Land Development Code. Certain uses and structures  
24 discussed in this Chapter are subject to requirements and regulations in other Chapters  
25 as well.

26 **2.02.00 ZONING DISTRICT CLASSIFICATIONS**

27 This section describes the purpose of each zoning district. Specific uses permitted  
28 within each zoning district and dimensional criteria are also outlined.

29 **2.02.01 Agricultural (AG)**

30 A. Purpose. The Purpose of the Agricultural (AG) zoning district is to designate areas  
31 for small family farms including plant nurseries, growing fruits and vegetables, and  
32 the raising and grazing of livestock. The district is intended for use in outlying  
33 areas and with proper buffering. Single-family residential units may be located on  
34 agriculturally-zoned property. This district will allow the Howey area to continue

1 to have a rural character and will help preserve family farming as a viable part of  
2 the community's economy.

3 B. Principal, Accessory, and Conditional Uses

4 1. Permitted Principal Uses and Structures

5 a. Single-family detached homes

6 ~~b. Mobile homes Reserved.~~

7 c. Groves

8 d. Pastures

9 e. Agricultural uses including the cultivation and production of crops, both in  
10 orchards and pastures.

11 f. Licensed Group Home (up to 6 residents)

12 g. Private and Public Gardens

13 2. Permitted Accessory Uses and Structures

14 a. Accessory dwellings. One per lot or parcel.

15 b. Detached garages

16 c. Barns

17 d. Horse stables (maximum of 1 horse per acre)

18 e. Horse trails

19 f. Detached sheds

20 g. Workshops

21 h. Pools

22 i. Small roadside farm stands used to show and sell products produced on the  
23 land (sold to individuals in amounts that can be accommodated in one non-  
24 commercial vehicle)

25 j. Children's play structures

26 k. Fences

27 l. Signs

28 m. Decks

29 n. Home occupations

30 3. Conditional Uses and Structures

31 a. Bed and Breakfast Inn

32 b. Apiculture Indoor cultivation of plants (greenhouses)

33 c. Riding stables or horse stables as a business

34 d. Garden center or Nursery

35 e. Sale of hay and large quantities of fruits and vegetables and plants.

36 f. Animal Hospital or Veterinary Clinic with outdoor kennels

37 g. Churches

38 h. Outside storage of agricultural equipment and materials

39 C. Prohibited Uses

40 1. Hog farms, poultry farms and similar uses that may produce excessive noise,  
41 odor, and/or dust.

42 2. Dog breeding (family pets may have offspring)

43 3. Mining and excavation

44 4. Fishing and hunting camps or lodges

45 5. Sales of products not grown on the land

6. Outdoor storage of inoperable vehicles or heavy equipment
7. Any use or structure not listed above as permitted or conditional.

D. Dimensional Criteria

1. Maximum building height is ~~35 feet 2 1/2 stories and no higher than 30 feet~~
  - a. Silos or grain bins may exceed the maximum building height by 10 feet.
  - b. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum FAR of .15 for all buildings
3. Maximum impervious surface is 20%
4. Minimum lot size is 2 acres.
5. Minimum lot width is 150 feet
6. Minimum lot depth is 200 feet
7. Minimum front yard setback is 50 feet
8. Minimum street side yard setback is 50 feet
9. Minimum side yard (interior) setback is 25 feet
10. Minimum rear yard setback is 50 feet
11. Minimum square footage of principal dwelling ~~is 1,500 square feet~~ (air conditioned, not including garage or accessory dwelling) is the same as the minimum square footage for dwellings in single family residential zones.

E. Other Standards

1. Minimum of 50% open space is required.
2. All accessory structures, with the exception of fences and signs, shall meet the same setback requirements as the principal dwelling.

**2.02.02 Rural Estates (RE)**

A. Purpose. The Purpose of the Rural Estates (RE) zoning district is to designate areas for larger single-family home sites. The district is intended for families who may have horses or who desire a semi-rural environment in close proximity to urban services. A limited number of horses (maximum of 1 per acre) are allowed. This district will allow the Howey area to continue to have a rural character.

B. Principal, Accessory, and Conditional Uses

1. Permitted Principal Uses and Structures
  - a. Single family detached homes
  - b. Licensed Group Home (up to 6 residents)
2. Permitted Accessory Uses and Structures
  - a. Accessory dwellings. One per lot or parcel.
  - b. Detached garages
  - c. Barns
  - d. Detached sheds
  - e. Workshops
  - f. Pools
  - g. Horse stables (maximum of 1 horse per acre)

- 1 h. Horse trails
- 2 i. Children’s play structures
- 3 j. Fences
- 4 k. Decks
- 5 l. Home occupations
- 6 3. Conditional Uses and Structures
- 7 a. Bed and Breakfast Inn (with signage)
- 8 b. Riding stables or horse stables as a business (with signage)
- 9 C. Prohibited Uses
- 10 1. Any use or structure not listed above as permitted or conditional.
- 11 D. Dimensional Criteria
- 12 1. Maximum building height is 35 feet ~~2 ½ stories and 30 feet~~
- 13 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 14 antennas used or domestic purposes, or other appurtenances usually placed
- 15 above roof level and not used for human occupancy, may exceed the
- 16 maximum building height by 10 feet.
- 17 2. Maximum FAR of .15 for all buildings
- 18 3. Maximum impervious surface is 20%
- 19 4. Minimum lot size is ~~2 acres~~ one acre .
- 20 5. Minimum lot width is 150 feet
- 21 6. Minimum lot depth is 200 feet
- 22 7. Minimum front yard setback is 50 feet
- 23 8. Minimum street side yard setback is 50 feet
- 24 9. Minimum side yard (interior) setback is 25 feet
- 25 10. Minimum rear yard setback is 50 feet
- 26 11. Minimum square footage of principal dwelling is 1,500 square feet (air-
- 27 conditioned, not including garage or accessory dwelling).
- 28 E. Other Standards
- 29 1. Minimum of 50% open space is required.
- 30 2. All accessory structures, with the exception of fences and signs, shall meet the
- 31 same setback requirements as the principal dwelling.
- 32 3. Single family detached units shall have a two-car garage (a minimum of 400
- 33 square feet) and a driveway that measures a minimum of 16 feet wide and 20
- 34 feet long from right of way to garage. Driveways shall be paved with a hard
- 35 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,
- 36 mulch, or gravel shall not qualify as surfacing for residential driveways.

37 **2.02.03 Single Family Residential (SFR)**

- 38 A. Purpose. The Purpose of the Single Family Residential (SFR) zoning district is to
- 39 designate areas for low density single family detached homes.
- 40 B. Principal, Accessory, and Conditional Uses
- 41 1. Permitted Principal Uses and Structures
- 42 a. Single family detached homes
- 43 b. Licensed Group Home (up to 6 residents)

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2. Permitted Accessory Uses and Structures
    - a. Accessory dwellings. One per lot. Must be either built as part of the principal building (i.e., above the garage) or attached to the principal structure by covered walkway, screened enclosure, or breezeway.
    - b. Detached garages
    - c. Detached sheds
    - d. Workshops
    - e. Pools
    - f. Boathouses
    - g. Docks
    - h. Children’s play structures
    - i. Fences
    - j. Decks
    - k. Decorative walls as part of a landscaped buffer
    - l. A park as part of a residential subdivision, including pavilions, a community pool and/or community building and sports courts.
    - m. Trails for pedestrians and cyclists (non-motorized)
    - n. Home occupations
  3. Conditional Uses and Structures
    - a. Community boat ramp
    - b. Community boat dock(s)
    - c. Community fishing pier
- C. Prohibited Uses
1. Any use or structure not listed above as permitted or conditional.
- D. Dimensional Criteria
1. Maximum building height is 35 feet ~~2 1/2 stories and 30 feet~~
    - a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
  2. Maximum FAR of .2 for all buildings
  3. Maximum impervious surface is 35%
  4. Minimum lot size is 1/2 acre.
  5. Minimum lot width is 100 feet
  6. Minimum lot depth is 150 feet
  7. Minimum front yard setback is 35 feet (20 feet if the lot includes a recessed or detached garage at least 35 feet from the front lot line)
  8. Minimum street side yard setback is 35 feet
  9. Minimum side yard (interior) setback is 20 feet
  10. Minimum rear yard setback is 30 feet
  11. Minimum square footage of principal dwelling is ~~1,800~~ 2,000 square feet (air-conditioned, not including garage or accessory apartment).
- E. Other Standards
1. All accessory structures, with the exception of boathouses, docks, and fences shall meet the same setback requirements as the principal dwelling.



- 1                   2. Single family detached units shall have a two-car garage (a minimum of 400  
2                   440 square feet) and a driveway that measures a minimum of 16 feet wide and  
3                   20 feet long from right of way to garage. Driveways shall be paved with a hard  
4                   surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,  
5                   mulch, or gravel shall not qualify as surfacing for residential driveways.  
6

7                   **2.02.04 Medium Density Residential 1 (MDR-1)**  
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- 9                   A. Purpose. The purpose of the Medium Density Residential 1 (MDR-1) zoning district  
10                  is to provide for variety of dwelling units in a highly aesthetic setting with  
11                  community amenities. The MDR zoning district attempts to establish an optimum  
12                  environment between indoor and outdoor living in areas of the town already  
13                  developed with larger lots and areas where larger lots are appropriate and desired.  
14                  It encourages on-site leisure and recreational space and open space. Quality design  
15                  for the overall community as well as individual units is paramount in achieving a  
16                  functional and aesthetic setting.  
17                  B. Principal, Accessory, and Conditional Uses  
18                    1. Permitted Principal Uses and Structures  
19                    a. Single family detached homes  
20                    b. Licensed Group Home (up to 6 residents)  
21                    c. Elementary Schools  
22                    2. Permitted Accessory Uses and Structures  
23                    a. Accessory dwellings (on single family detached units only). One per lot.  
24                    Must be either built as part of the principal building (i.e., above the garage)  
25                    or attached to the principal structure by covered walkway, screened  
26                    enclosure, or breezeway.  
27                    b. Detached garages  
28                    c. Detached sheds  
29                    d. Workshops  
30                    e. Pools  
31                    f. Boathouses  
32                    g. Docks  
33                    h. Children’s play structures  
34                    i. Fences  
35                    j. Decks  
36                    k. Decorative walls as part of a landscaped buffer  
37                    l. A park as part of a residential subdivision, including pavilions, a community  
38                    pool and/or community building and sports courts.  
39                    m. Trails for pedestrians and cyclists (non-motorized)  
40                    n. Community buildings for leisure activities  
41                    o. Covered Parking  
42                    p. Home occupations  
43                    3. Conditional Uses and Structures

- a. Community boat ramp
- b. Community boat dock(s)
- c. Community fishing pier

C. Prohibited Uses

1. Any use or structure not listed above as permitted or conditional.

D. Dimensional Criteria

1. Maximum building height is 35 feet. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum impervious surface is 50%
3. Maximum of ~~4~~ 3 dwelling units per acre
4. Minimum lot size for single family detached units is 15,000 square feet.
5. Minimum lot width for single family detached units is 100 feet,
6. Minimum lot depth for all units is 120 feet
7. Minimum front yard setback is 35 feet
8. Minimum street side yard setback is ~~12~~ 5 feet
9. Minimum side yard (interior) setback is 12.5 feet
10. Minimum rear yard setback is ~~25~~ 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
11. Setbacks do not pertain to boathouses, docks, or fences.
12. Minimum square footage of principal dwelling on single-family detached homes is ~~1,700~~ 1,800 square feet (air-conditioned, not including garage or accessory dwelling).

E. Other Standards

1. All accessory structures, with the exception of boathouses, docks, and fences shall meet the same setback requirements as the principal dwelling.
2. Single family detached units shall have a two-car garage (a minimum of 400 square feet) and a driveway that measures a minimum of 16 feet wide and 20 feet long from right of way to garage. Driveways shall be paved with a hard surface material such as concrete, asphalt, paver blocks, brick, etc. Grass, mulch, or gravel shall not qualify as surfacing for residential driveways.

**2.02.05 Medium Density Residential 2 (MDR-2)**

- A. Purpose. The purpose of the Medium Density Residential 2 (MDR-2) zoning district is to provide for variety of dwelling units in a highly aesthetic setting with community amenities. The MDR-2 zoning district attempts to establish an optimum environment between indoor and outdoor living in areas where smaller lots and smaller dwellings may be appropriate including existing developed areas. It encourages on-site leisure and recreational space and open space. Density may

1 ~~be achieved through clustering.~~ Quality design for the overall community as well  
2 as individual units is paramount in achieving a functional and aesthetic setting.

3 B. Principal, Accessory, and Conditional Uses

4 1. Permitted Principal Uses and Structures

- 5 a. Single family detached homes  
6 b. Licensed Group Home (up to 6 residents)  
7 c. Elementary Schools

8 2. Permitted Accessory Uses and Structures

- 9 a. Accessory dwellings (on single family detached units only). One per lot.  
10 Must be either built as part of the principal building (i.e., above the garage)  
11 or attached to the principal structure by covered walkway, screened  
12 enclosure, or breezeway.  
13 b. Detached garages  
14 c. ~~Detached~~ sheds  
15 d. Workshops  
16 e. Pools  
17 f. Boathouses  
18 g. Docks  
19 h. Children's play structures  
20 i. Fences  
21 j. Decks  
22 k. Decorative walls as part of a landscaped buffer  
23 l. A park as part of a residential subdivision, including pavilions, a community  
24 pool and/or community building and sports courts.  
25 m. Trails for pedestrians and cyclists (non-motorized)  
26 n. Community buildings for leisure activities  
27 o. Covered Parking  
28 p. Home occupations  
29 3. Conditional Uses and Structures  
30 a. Community boat ramp  
31 b. Community boat dock(s)  
32 c. Community fishing pier

33 C. Prohibited Uses

- 34 a. Any use or structure not listed above as permitted or conditional.

35 D. Dimensional Criteria

- 36 1. Maximum building height is 35 feet. Building-mounted appurtenances such  
37 as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other  
38 appurtenances usually placed above roof level and not used for human occupancy, may  
39 exceed the maximum building height by 10 feet.  
40 2. Maximum impervious surface is 50%  
41 3. Maximum of ~~4~~ 3 dwelling units per acre  
42 4. Minimum lot size for single family detached units is ~~9,000~~ 10,890 square  
43 feet.  
44 5. Minimum lot width for single family detached units is ~~75~~ 80 feet,  
45 6. Minimum lot depth for all units is 120 feet

1           7.       Minimum front yard setback is ~~25-30~~ feet (~~15 feet if the lot includes a~~  
2 ~~recessed or detached garage at least 25 feet from the front lot line~~).

3           8.       Minimum street side yard setback is ~~12.5~~ 20 feet

4           9.       Minimum side yard (interior) setback is 12.5 feet

5           10.       Minimum rear yard setback is 25 feet for principal dwelling, detached  
6 garage, or accessory dwelling. Rear yard setback for sheds, workshops, pools, play  
7 structures, and other similar accessory structures is 10 feet.

8           11.       Setbacks do not pertain to boathouses, docks, or fences.

9           12.       Minimum square footage of principal dwelling on single-family detached  
10 homes is ~~1,200~~ 1600 square feet (air-conditioned, not including garage or accessory  
11 dwelling).

12  
13 **E. Other Standards**

14       a. Single family detached units shall have a two-car garage (a minimum of ~~400~~ 440  
15 square feet) and a driveway that measures a minimum of 16 feet wide and 20  
16 feet long from right of way to garage. Driveways shall be paved with a hard  
17 surface material such as concrete, asphalt, paver blocks, brick, etc. Grass,  
18 mulch, or gravel shall not qualify as surfacing for residential driveways.

19       b. Minimum of 25% open space required.

20 **2.02.06 Neighborhood Commercial (NC)**

21 **A. Purpose.** The purpose of the Neighborhood Commercial (NC) zoning district is to  
22 provide attractive and functional areas to meet the daily shopping and service needs  
23 of residents and visitors. These commercial areas should be designed and  
24 constructed so as to be architecturally compatible with the residential development  
25 in the area and to cause the least possible nuisance and additional traffic to nearby  
26 residential uses. The NC district recognizes the desire for convenience goods and  
27 services in close proximity to residential neighborhoods, provided that such uses  
28 are limited in intensity as set forth in this LDC.

29 **B. Principal, Accessory, and Conditional Uses**

30 **1. Permitted Principal Uses and Structures**

31       a. Banks and Credit Unions

32       b. Professional Services (i.e., Barber; Beauty Salon; Business Services such as  
33 copying, mailing, and printing; Laundry and Dry Cleaning, pick up only;  
34 Day Spa)

35       c. Groceries

36       d. Convenience Stores

37       e. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;  
38 Sporting Goods)

39       f. Restaurants

40       g. Professional Offices (i.e., Medical, Dental, Legal)

41       h. Drug Store or Pharmacy

42       i. Bed and Breakfast Inn

43       j. Music, Dance, Photography, or Art Studio

- 1 k. Small Equipment or Appliance Repair Shops (repair done indoors)
- 2 l. Specialty Food Stores (i.e., Bakery)
- 3 m. Elementary Schools
- 4 n. Middle Schools
- 5 2. Permitted Accessory Uses and Structures
- 6 a. Parks and Plazas
- 7 b. Dumpsters
- 8 c. Fences
- 9 d. Decorative Walls
- 10 e. Covered Parking
- 11 f. Signs
- 12 g. Parking Lots
- 13 3. Conditional Uses and Structures
- 14 a. Buildings more than 5,000 square feet in size.
- 15 b. Religious facilities
- 16 c. Convenience stores with gasoline sales
- 17 d. Gasoline stations
- 18 e. Bars and cocktail lounges
- 19 f. Automobile sales
- 20 g. Automotive repair
- 21 h. Clubs and Fraternal lodges
- 22 i. Churches with quasi-commercial programs such as day care centers and
- 23 schools
- 24 j. Day care centers (adult and child)
- 25 k. Animal Hospital or Veterinary Clinic
- 26 l. Marina
- 27 m. Theaters (Movie or Performing Arts)
- 28 C. Prohibited Uses
- 29 1. Any use or structure not listed above as permitted or conditional.
- 30 D. Dimensional Criteria
- 31 1. Maximum building height is ~~2 stories and~~ 35 feet
- 32 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 33 antennas used for domestic purposes, or other appurtenances usually placed
- 34 above roof level and not used for human occupancy, may exceed the
- 35 maximum building height by 10 feet.
- 36 2. Maximum FAR of .5 for all buildings
- 37 3. Maximum size of any one building is 5,000 square feet.
- 38 4. Maximum impervious surface is 70%
- 39 5. Minimum lot size is 1/2 acre.
- 40 6. Minimum lot width is 100 feet
- 41 7. Minimum lot depth is 150 feet
- 42 8. Minimum front yard setback is 30 feet
- 43 9. Minimum street side yard setback is 30 feet
- 44 10. Minimum side yard (interior) setback is 20 feet
- 45 11. Minimum rear yard setback is 30 feet

1 E. Other Standards

- 2 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

3 **2.02.07 Light Industrial (IND)**

4 A. Purpose. The purpose of the Light Industrial (IND) zoning district is to provide  
5 sites in appropriate locations for light industrial operations which do not generate  
6 objectionable on- or off-site impacts including odors; smoke; dust; refuse;  
7 electromagnetic interference; or noise (in excess of that customary to loading,  
8 unloading, and handling of goods and materials beyond the lot on which the facility  
9 is located); or which would have an adverse impact on the Town's wastewater  
10 treatment system; or result in hazardous environments for workers or visitors. This  
11 district is not intended to accommodate heavy industrial uses.

12 B. Principal, Accessory, and Conditional Uses

13 1. Permitted Principal Uses and Structures

- 14 a. Warehouses  
15 b. Distribution Centers  
16 c. Light Manufacturing and Production (indoor)  
17 d. Research and Development laboratories and facilities  
18 e. High Schools  
19 f. Medical laboratories  
20 g. Automotive repair, garage  
21 h. Automotive paint and body shops  
22 i. Boat repair  
23 j. Utility truck, trailer, and equipment rentals  
24 k. Adult entertainment  
25 l. Mini-storage facilities  
26 m. Telecommunication towers  
27 n. Trades and Repair Services (i.e., Electrical, Heating, Air, Plumbing)

28 2. Permitted Accessory Uses and Structures

- 29 a. Dumpsters  
30 b. Fences  
31 c. Decorative Walls  
32 d. Storage buildings  
33 e. **Detached** sheds  
34 f. Covered Parking  
35 g. Signs  
36 h. Parking Lots  
37 i. Caretaker or security dwelling

38 3. Conditional Uses and Structures

- 39 a. Garden Centers and nurseries  
40 b. Lumber and building supply  
41 c. Outdoor Storage  
42 d. Industrial trade schools  
43 e. Wholesale sales to the public

1 f. Showrooms (i.e., tile, cabinetry, etc.)

2 C. Prohibited Uses

- 3 1. Automotive Wrecking or Junkyard  
4 2. Any use or structure not listed above as permitted or conditional.

5 D. Dimensional Criteria

- 6 1. Maximum building height is ~~2 1/2 stories and 30~~ 35 feet. Building-mounted  
7 appurtenances such as belfries, chimneys, cupolas, and antennas used for  
8 domestic purposes, or other appurtenances usually placed above roof level and  
9 not used for human occupancy, may exceed the maximum building height by  
10 10 feet.  
11 2. Maximum FAR of .6 for all buildings  
12 3. Maximum impervious surface is 70%  
13 4. Minimum lot size is 1/2 acre.  
14 5. Minimum lot width is 100 feet  
15 6. Minimum lot depth is 150 feet  
16 7. Minimum front yard setback is 30 feet  
17 8. Minimum street side yard setback is 30 feet  
18 9. Minimum side yard (interior) setback is 20 feet  
19 10. Minimum rear yard setback is 30 feet

20 E. Other Standards

- 21 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

22 **2.02.08 Institutional 1 (INS-1)**

23 A. Purpose. The purpose of the Institutional 1 (INS-1) zoning district is to locate and  
24 establish areas within the Town which are suited for developments of a general  
25 institutional nature to serve the residents of the Town.

26 B. Principal and Accessory Uses

- 27 1. Permitted Principal Uses and Structures  
28 a. Educational facilities, public or private (i.e., Elementary, Middle, High,  
29 Business Colleges, Vocational Schools, Arts Schools)  
30 b. Government buildings (including police and fire)  
31 c. Cultural facilities (i.e., museums, community theaters)  
32 d. Libraries  
33 e. Community centers  
34 f. Religious facilities  
35 g. Day care centers (adult and child)  
36 h. Cemeteries (public or private)  
37 i. Single-family residences  
38 2. Permitted Accessory Uses and Structures  
39 a. Public parks and plazas  
40 b. Dumpsters  
41 c. Fences  
42 d. Decorative Walls  
43 e. Storage buildings



- f. **Detached** sheds
- g. Pools
- h. Covered Parking
- i. Playground equipment
- j. Signs
- k. Parking Lots

C. Prohibited Uses

- 1. Any use or structure not listed above as permitted.

D. Dimensional Criteria

- a. Maximum building height is **2 1/2 stories and 30 35** feet. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
- 2. Maximum FAR of .25 for all buildings
- 3. Maximum impervious surface is 40%
- 4. Minimum lot size is 1/2 acre.
- 5. Minimum lot width is 100 feet
- 6. Minimum lot depth is 150 feet
- 7. Minimum front yard setback is 30 feet
- 8. Minimum street side yard setback is 30 feet
- 9. Minimum side yard (interior) setback is 20 feet
- 10. Minimum rear yard setback is 30 feet
- 11. Single-family residences shall conform to the dimensional requirements of the MDR-2 zoning classification

E. Other Standards

- 1. Minimum of 25% open space is required.
- 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

**2.02.09 Institutional 2 (INS-2)**

A. Purpose. The purpose of the Institutional 2 (INS-2) zoning district is to locate and establish areas within the Town which are suited for developments of an institutional nature related to health and daily living assistance to serve the population who needs these services on either a temporary or more permanent basis.

B. Principal, Accessory, and Conditional Uses

- 1. Permitted Principal Uses and Structures
  - a. Nursing homes
  - b. Community residential facilities
  - c. Group homes for more than 6 people
  - d. Hospitals
  - e. Assisted Living Facilities
- 2. Permitted Accessory Uses and Structures
  - a. Medical Offices
  - b. Physical Therapy Offices

- 1 c. Dumpsters
- 2 d. Fences
- 3 e. Decks
- 4 f. Decorative Walls
- 5 g. Storage buildings
- 6 h. **Detached** sheds
- 7 i. Pools
- 8 j. Covered Parking
- 9 k. Playground equipment
- 10 l. Signs
- 11 m. Parking Lots
- 12 3. Conditional Uses and Structures
- 13 a. Day Care Facilities (child and adult)
- 14 b. Clinics
- 15 C. Prohibited Uses
- 16 1. Any use or structure not listed above as permitted or conditional.
- 17 D. Dimensional Criteria
- 18 1. Maximum building height is ~~2 1/2 stories and 30~~ **35** feet. Building-mounted
- 19 appurtenances such as belfries, chimneys, cupolas, and antennas used for
- 20 domestic purposes, or other appurtenances usually placed above roof level and
- 21 not used for human occupancy, may exceed the maximum building height by
- 22 10 feet.
- 23 2. Maximum FAR of .25 for all buildings
- 24 3. Maximum impervious surface is 40%
- 25 4. Minimum lot size is 1/2 acre.
- 26 5. Minimum lot width is 100 feet
- 27 6. Minimum lot depth is 150 feet
- 28 7. Minimum front yard setback is 30 feet
- 29 8. Minimum street side yard setback is 30 feet
- 30 9. Minimum side yard (interior) setback is 20 feet
- 31 10. Minimum rear yard setback is 30 feet
- 32 E. Other Standards
- 33 1. Minimum of 25% open space is required.
- 34 2. Setbacks do not pertain to fences, walls, signs, and parking lots.

35 **2.02.10 Recreation 1 (REC-1)**

- 36 A. Purpose. The principal purpose of the Recreation 1 (REC-1) zoning district is to
- 37 provide for and regulate public and private outdoor recreation.
- 38 B. Principal, Accessory, and Conditional Uses
- 39 1. Permitted Principal Uses and Structures
- 40 a. Outdoor Recreational Facilities (public or private)
- 41 b. Ball fields
- 42 c. Soccer fields
- 43 d. Multi purpose fields

- 1 e. Tennis courts
- 2 f. Basketball courts
- 3 g. Track
- 4 h. Golf courses and/or Driving ranges
- 5 2. Permitted Accessory Uses and Structures
- 6 a. Indoor recreational facilities
- 7 b. **Detached** sheds
- 8 c. Restroom facilities
- 9 d. Playground equipment
- 10 e. Concession stands
- 11 f. Stadium seating (bleachers)
- 12 g. Dumpsters
- 13 h. Fences
- 14 i. Decorative Walls
- 15 j. Storage buildings
- 16 k. Covered Parking
- 17 l. Signs
- 18 m. Parking Lots
- 19 3. Conditional Uses and Structures
- 20 a. Retail sales related to the principal use
- 21 C. Prohibited Uses
- 22 1. Any use or structure not listed above as permitted or conditional.
- 23 D. Dimensional Criteria
- 24 1. Maximum building height is **2 1/2 stories and 30 35** feet
- 25 2. Maximum FAR of .2 for all buildings
- 26 3. Maximum impervious surface is 30%
- 27 4. Minimum lot size is 1/2 acre.
- 28 5. Minimum lot width is 100 feet
- 29 6. Minimum lot depth is 150 feet
- 30 7. Minimum front yard setback is 30 feet
- 31 8. Minimum street side yard setback is 30 feet
- 32 9. Minimum side yard (interior) setback is 20 feet
- 33 10. Minimum rear yard setback is 30 feet
- 34 E. Other Standards
- 35 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

### 36 **2.02.11 Recreation 2 (REC-2)**

- 37 A. Purpose. The principal purpose of the Recreation 2 (REC-2) zoning district is to
- 38 provide for and regulate public and private indoor recreation.
- 39 B. Principal, Accessory, and Conditional Uses
- 40 1. Permitted Principal Uses and Structures
- 41 a. Indoor Recreational Facilities (public or private)
- 42 b. Tennis club
- 43 c. Bowling alley

- 1 d. Athletic club
- 2 e. Gymnasium
- 3 2. Permitted Accessory Uses and Structures
- 4 a. Pools
- 5 b. Dumpsters
- 6 c. Fences
- 7 d. Decorative Walls
- 8 e. Signs
- 9 f. Parking Lots
- 10 3. Conditional Uses and Structures
- 11 a. Outdoor recreational facilities
- 12 b. Retail sales related to the principal use
- 13 C. Prohibited Uses
- 14 1. Any use or structure not listed above as permitted or conditional.
- 15 D. Dimensional Criteria
- 16 1. Maximum building height is ~~2 1/2 stories and 30~~ 35 feet
- 17 2. Maximum FAR of .2 for all buildings
- 18 3. Maximum impervious surface is 30%
- 19 4. Minimum lot size is 1/2 acre.
- 20 5. Minimum lot width is 100 feet
- 21 6. Minimum lot depth is 150 feet
- 22 7. Minimum front yard setback is 30 feet
- 23 8. Minimum street side yard setback is 30 feet
- 24 9. Minimum side yard (interior) setback is 20 feet
- 25 10. Minimum rear yard setback is 30 feet
- 26 E. Other Standards
- 27 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

## 28 **2.02.12 Conservation (CON)**

- 29 A. Purpose. The purpose of the Conservation (CON) zoning district is to ensure the
- 30 conservation and preservation of water bodies, wetlands, and other important land
- 31 areas both public and privately owned. It is intended that the natural character of
- 32 these areas be retained and protected from development.
- 33 B. Principal, Accessory, and Conditional Uses
- 34 1. Permitted Principal Uses and Structures
- 35 a. None
- 36 2. Permitted Accessory Uses and Structures
- 37 a. None
- 38 3. Conditional Uses and Structures
- 39 a. Boardwalks
- 40 b. Docks
- 41 c. Observation Decks
- 42 d. Dumpsters
- 43 e. Fences

- 1 f. Unpaved parking lots
- 2 g. Portable restroom facilities
- 3 C. Prohibited Uses
- 4 1. Any use or structure not listed above as permitted or conditional.

5 **2.02.13 Public (PUB)**

- 6 A. Purpose. The purpose of the Public (PUB) zoning district is to provide areas for
- 7 governmental uses as well as essential utilities that may be publicly or privately
- 8 owned.
- 9 B. Principal and Accessory Uses
- 10 1. Permitted Principal Uses and Structures
- 11 a. Government buildings
- 12 b. Essential utilities
- 13 c. Public cemeteries
- 14 d. Telecommunications towers
- 15 2. Permitted Accessory Uses and Structures
- 16 a. Dumpsters
- 17 b. Fences
- 18 c. Decorative Walls
- 19 d. Storage buildings
- 20 e. Signs
- 21 f. Parking Lots
- 22 C. Prohibited Uses
- 23 1. Any use or structure not listed above as permitted or conditional.
- 24 D. Dimensional Criteria
- 25 1. Maximum FAR of .25
- 26 2. Maximum impervious surface is 50%
- 27 3. Maximum building height is ~~1-story and 20~~ 35 feet
- 28 4. Maximum height for other facilities is 2 stories and 35 feet (with the exception
- 29 of telecommunications towers)
- 30 E. Other Standards
- 31 1. Setbacks do not pertain to fences, walls, signs, and parking lots.

32 **2.02.14 Planned Unit Development (PUD)**

- 33 A. Purpose. The purpose of the Planned Unit Development (PUD) zoning district is
- 34 to allow for mixed-use development (i) within the Town Center and (ii) for
- 35 development of land equal to or exceeding 100 acres in other areas of Town where
- 36 Town Council determines that a mixture of uses is desired and appropriate.
- 37

38 The PUD zoning district shall be used for development or redevelopment of Town

39 Center properties when development of more than one acre is being proposed. ...

40

41 The PUD zoning district shall also be used for all properties with Village Mixed

42 Use land use. The purpose of the PUD zoning for Village Mixed Use is to require

1 a mix of uses in order to promote sustainable development, including the provisions  
2 of reducing the dependability dependence on the automobile, protecting more open  
3 land, and providing quality of life by allowing people to live, work, socialize and  
4 engage in recreational activities in a village setting.  
5

6 ~~The PUD zoning district shall also be used for all properties with Village Mixed~~  
7 ~~Use land use. The purpose of the PUD zoning for Village Mixed Use is to require~~  
8 ~~a mix of uses in order to promote sustainable development, including the provisions~~  
9 ~~of reducing the dependability on the automobile, protecting more open land, and~~  
10 ~~providing quality of life by allowing people to live, work, socialize and engage in~~  
11 ~~recreational activities in a village setting.~~  
12

13  
14 B. Principal, Accessory, and Conditional Uses

- 15 1. The following uses and structures are permitted, if approved as part of an  
16 overall PUD zoning plan:
- 17 a. Permitted and conditional uses and structures for the Town Center are those  
18 denoted within the TC-R, TC-F, and TC-C zoning districts. The Town  
19 Center Overlay Map outlines the TC-R, TC-F, and TC-C areas.
  - 20 b. Permitted and conditional commercial uses and structures for the Village  
21 Mixed Use include all the uses and structures outlined in the NC zoning  
22 category, subject to approval as part of an overall PUD zoning plan.  
23 Permitted and conditional residential uses and structures and non-residential  
24 uses and structures (other than commercial) for the Village Mixed Use  
25 PUDs shall be subject to approval as part of an overall PUD zoning plan.

26 C. Prohibited Uses

- 27 1. Any use or structure not listed above as permitted or conditional.

28 D. Dimensional and Other Criteria

- 29 1. Dimensional criteria for Town Center PUDs are as outlined in the TC-R, TC-  
30 F, and TC-C zoning districts.
- 31 2. Dimensional criteria for Village Mixed Use PUDs shall be determined at the  
32 time of zoning approval. They shall be consistent with the Village Mixed Use  
33 land use criteria, including:
- 34 a. The maximum density of ~~4~~ 3 dwelling units per acre, which may be  
35 increased to 6 dwelling units per acre if the development includes 20%  
36 usable open space (no wetlands).
  - 37 b. Residential areas shall comprise a minimum of 70% of the net land area and  
38 a maximum of 85% of the net land area.
  - 39 c. Commercial/non-residential areas shall comprise a minimum of 15% of the  
40 net land area and a maximum of 30% of the net land area. This includes  
41 community facilities and schools.
  - 42 d. For developments with more than 100 acres, 5% of the non-residential land  
43 shall be dedicated for public/civic buildings.
  - 44 e. Commercial/non-residential uses may be 2 stories with 50% coverage as  
45 long as parking and other support facilities (stormwater) are met.

- 1 f. Public recreational uses shall occupy a minimum of 10% of the usable open  
2 space (no wetlands).  
3 g. A minimum of 25% open space is required.  
4 h. The maximum building size is 30,000~~65,000~~ square feet ~~unless a special~~  
5 ~~exception is granted to the developer by the Town Council.~~  
6 3. Other Standards for PUDs include:  
7 a. ~~Reserved. There shall be no drive through establishments in the Town~~  
8 ~~Center~~  
9 b. All new buildings in the Town Center Commercial district shall be two  
10 stories ~~maximum, not exceeding 35 feet in height.~~  
11 c. Setbacks do not pertain to boathouses, docks, and fences.  
12 d. A maximum FAR of 2.0 is permitted in the Town Center Commercial areas  
13 if parking and stormwater requirements can be met.  
14 e. The maximum building height for both the Town Center and Village Mixed  
15 Use developments shall be two (2) stories and 35 feet. Building-mounted  
16 appurtenances such as belfries, chimneys, cupolas, and antennas used for  
17 domestic purposes, or other appurtenances usually placed above roof level  
18 and not used for human occupancy, may exceed the maximum building  
19 height by 10 feet.  
20 f. To apply for a Village Mixed Use PUD, the applicant shall have a minimum  
21 of ~~25~~ 100 acres.  
22 g. ~~For residential lots, minimum lot size is 10,890 sq.ft., Minimum setbacks~~  
23 ~~are 30 ft. front yard and 25 ft. rear yard (10 feet for accessory structures).~~  
24 ~~Minimum principal dwelling size is 1,600 sq.ft.~~

25 **2.02.15 Town Center Residential (TC-R)**

- 26 A. Purpose. The purpose of the Town Center Residential (TC-R) zoning district is to  
27 allow for residential development and redevelopment on individual parcels  
28 identified on the Town Center Overlay Map for residential uses.  
29 B. Principal, Accessory, and Conditional Uses  
30 1. Permitted Principal Uses and Structures  
31 a. Single family detached homes  
32 b. Licensed Group Home (up to 6 residents)  
33 2. Permitted Accessory Uses and Structures  
34 a. Accessory dwelling. One per lot. Must be either built as part of the  
35 principal building (i.e., above the garage) or attached to the principal  
36 structure by covered walkway, screened enclosure, or breezeway.  
37 b. Detached garages  
38 c. ~~Detached~~ sheds  
39 d. Workshops  
40 e. Pools  
41 f. Boathouses  
42 g. Docks  
43 h. Children's play structures



- 1 i. Fences
- 2 j. Decks
- 3 k. Home occupations
- 4 3. Conditional Uses and Structures
- 5 a. None
- 6 C. Prohibited Uses
- 7 1. Any use or structure not listed above as permitted or conditional.
- 8 D. Dimensional Criteria
- 9 1. Maximum building height is 35 feet
- 10 a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and
- 11 antennas used for domestic purposes, or other appurtenances usually placed
- 12 above roof level and not used for human occupancy, may exceed the
- 13 maximum building height by 10 feet.
- 14 2. Maximum impervious surface is 50%
- 15 3. Minimum lot size for single family detached units is 9,000 square feet.
- 16 4. Minimum lot width for single family detached units is 100 feet (Existing lots of
- 17 record that are less than 100 feet wide may be developed as long as they meet
- 18 setback requirements; however, if two adjacent vacant lots are owned by the
- 19 same entity, they shall be combined to meet minimum lot width requirements.)
- 20 5. Minimum front yard setback is 25 feet. Minimum front yard setback is 25 feet.
- 21 6. Minimum street side yard setback is 25 feet
- 22 7. Minimum side yard (interior) setback is 12.5 feet
- 23 8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage,
- 24 or accessory dwelling. Rear yard setback for sheds, workshops, pools, play
- 25 structures, and other similar accessory structures is 10 feet.
- 26 9. Minimum square footage of principal dwelling on single-family detached
- 27 homes is 1,700 square feet (air-conditioned, not including garage or accessory
- 28 dwelling).
- 29 E. Other Standards
- 30 1. Setbacks do not pertain to boathouses, docks, and fences.
- 31 2. Single family detached units shall have a one-car garage or carport (a minimum
- 32 of 200 square feet). The garage shall be set back at least 20 feet from the right
- 33 of way.

34 **2.02.16 Town Center Flex (TC-F)**

- 35 A. Purpose. The purpose of the Town Center Flex (TC-F) zoning district is to allow
- 36 for development or redevelopment of individual parcels identified on the Town
- 37 Center Overlay Map for office, professional services, residential, or live/work uses.
- 38 B. Principal, Accessory, and Conditional Uses
- 39 1. Permitted Principal Uses and Structures
- 40 a. Professional Offices
- 41 b. Professional Services
- 42 c. Single family detached homes
- 43 d. Live/work space (same person who owns the business, lives in the home).

2. Permitted Accessory Uses and Structures

- a. Detached garages
- b. **Detached** sheds
- c. Workshops
- d. Pools
- e. Boathouses
- f. Docks
- g. Children's play structures
- h. Fences
- i. Decks
- j. Signs
- k. Home occupations

3. Conditional Uses and Structures

- a. Bed and Breakfast Inn

C. Prohibited Uses

1. Any use or structure not listed above as permitted or conditional.

D. Dimensional Criteria

1. Maximum building height of 35 feet. Building-mounted appurtenances such as belfries, chimneys, cupolas, and antennas used for domestic purposes, or other appurtenances usually placed above roof level and not used for human occupancy, may exceed the maximum building height by 10 feet.
2. Maximum impervious surface of 40%
3. Minimum lot size is 9,000 square feet.
4. Minimum lot width is 100 feet (Existing lots of record that are less than 100 feet wide may be developed as long as they meet setback requirements; however, if two adjacent vacant lots are owned by the same entity, they shall be combined to meet minimum lot width requirements.)
5. Minimum front yard setback is 25 feet
6. Minimum street side yard setback is 25 feet
7. Minimum side yard (interior) setback is 12.5 feet
8. Minimum rear yard setback is 30 feet for principal dwelling or detached garage. Rear yard setback for sheds, workshops, pools, play structures, and other similar accessory structures is 10 feet.
9. Minimum square footage of principal dwelling is 1,700 square feet (air-conditioned, not including garage).

E. Other Standards

1. Setbacks do not pertain to boathouses, docks, and fences.
2. Single family detached units shall have a one-car garage or carport (a minimum of 200 square feet). The garage shall be set back at least 20 feet from the right of way.

**2.02.17 Town Center Commercial (TC-C)**

- A. Purpose. The purpose of the Town Center Commercial (TC-C) zoning district is to allow for development or redevelopment of individual parcels identified on the

1 Town Center Overlay Map for commercial core. This includes the ability to have  
2 residential uses on the second floor and as permitted uses for transitional areas  
3 within the Town Center Commercial district.

4 B. Principal, Accessory, and Conditional Uses

5 1. Permitted Principal Uses and Structures

- 6 a. Retail Shops (i.e., Book and Stationery stores; Gift Shops; Clothing;  
7 Sporting Goods)
- 8 b. Professional Offices
- 9 c. Professional Services
- 10 d. Personal Services (hair salon, spa, nail salon)
- 11 e. General Retail with GFA of less than 5000 square feet (hardware, antiques,  
12 etc.)
- 13 f. Gym, fitness studio, yoga and similar uses
- 14 g. Restaurants
- 15 h. Banks and Credit Unions
- 16 i. Pharmacies
- 17 j. Cultural facilities (museums, community theaters)
- 18 k. Bed and Breakfast Inn
- 19 l. Music, Dance, Photography, or Art Studio
- 20 m. Small Equipment and Appliance Repair Shops (repair done indoors)
- 21 n. Specialty Food Stores (i.e., Bakery)
- 22 o. Convenience Stores
- 23 p. Residential (second floor only)
- 24 q. Single-family housing as a transitional use west of Dixie Dr. and lots  
25 abutting Oak St. and Holly St.

26 2. Permitted Accessory Uses and Structures

- 27 a. Parks and Plazas
- 28 b. Dumpsters
- 29 c. Fences
- 30 d. Signs
- 31 e. Parking Lots

32 3. Conditional Uses and Structures

- 33 a. Parking Lots
- 34 b. Religious facilities

35 C. Prohibited Uses

- 36 1. Any use or structure not listed above as permitted or conditional.

37 D. Dimensional Criteria

- 38 1. Maximum FAR of 2.0 is permitted is parking and stormwater requirements can  
39 be met.
- 40 2. Maximum building height of 35 feet. Building-mounted appurtenances such as  
41 belfries, chimneys, cupolas, and antennas used for domestic purposes, or other  
42 appurtenances usually placed above roof level and not used for human  
43 occupancy, may exceed the maximum building height by 10 feet.
- 44 3. Buildings fronting on Central Avenue shall comply with a build-to line between  
45 the front property line and a parallel line five feet from the front property line.

1 E. Other Standards

- 2 1. All new buildings in the Town Center Commercial district shall be two stories.  
3 One story buildings may be permitted provided the building façade below the  
4 parapet line is a minimum of 15 feet in height.  
5 2. Drive through facilities may be permitted provided the drive through window  
6 and stacking lane are located to the rear of the building.  
7 3. The initial five feet of area in front of buildings fronting on Central Avenue or SR  
8 19 is designated as a commerce area (including right-of-way on Central Avenue)  
9 within which the business may display items (other than signage) which are  
10 specialty products or services provided on site. Restaurants may provide outdoor  
11 seating. Display of general retail items such as home goods (mattresses, bedding,  
12 appliances, etc.), building supplies (carpet, flooring, lumber, etc.) and similar  
13 products are not permitted. When questions arise about the approval of a proposed  
14 display, these shall be resolved as provided in Section 1.06.  
15 4. The Town Council may grant a waiver to allow commercial buildings in excess  
16 of 5,000 square feet. Waivers shall be based on the particular needs of the  
17 individual business, the compatibility of the proposed building and business with  
18 the business site and other affected development, enhanced architectural design of  
19 the proposed building, and other factors which the Town Council determines as  
20 relevant to development of the proposed site and impacts to the general area.  
21

22  
23 **2.02.18 High Density Residential 1 (HDR-1)**

24  
25 A. Purpose: The purpose of the High Density Residential 1 (HDR-1) zoning district is to  
26 provide for townhome units and smaller groupings of multi-family dwellings in  
27 condominium and platted lot settings supported by community amenities, proper  
28 access and adequate public facilities. Projects must be accessed only from arterial or  
29 collector roads and provide high quality building design.  
30

31 **B. Principal, Accessory and Conditional Uses**

32 1. Permitted Principal Uses and Structures

- 33 a. Multi-family dwellings  
34 b. Licensed group homes  
35 c. Nursing homes  
36 d. Elementary schools

37 2. Permitted Accessory Uses and Structures

- 38 a. Community buildings  
39 b. Recreation facilities  
40 c. Swimming pools  
41 d. Boathouses  
42 e. Docks  
43 f. Fences  
44 g. Trails (non-motorized)  
45 h. Home occupations

1 3. Conditional Uses and Structures

- 2 a. None

3  
4 C. Prohibited Uses

- 5 1. Any use or structure not listed as permitted or conditional

6  
7 D. Project Requirements

- 8 1. Minimum parcel size is one acre.  
9 2. Maximum project density is eight units per acre  
10 3. Impervious surface ratio for the project is 60%  
11 4. Perimeter landscaped buffer is 15 feet adjacent to single-family residentially zoned  
12 property and 10 feet adjacent to non-residentially zoned property or other high  
13 density residentially zoned property.  
14 5. Project site must be accessed only from an arterial or collector road

15  
16 E. Building Requirements

- 17 1. Buildings shall have a minimum of three units and a maximum six units  
18 2. Building spacing is 20 feet between side to side of buildings and side to rear of  
19 buildings, 30 feet between front and side of buildings, and 40 feet between front and  
20 rear of buildings.  
21 3. Maximum building height is 35 feet. Building mounted appurtenances such as belfries,  
22 chimneys, cupolas, antennas, and other appurtenances and design elements usually  
23 placed above roof level and not used for human occupancy may exceed the maximum  
24 building height by 10 feet.

25  
26 F. Unit Requirements (Townhomes and other platted lots)

- 27 1. Minimum lot width 30 feet  
28 2. Minimum lot area 3,000 square feet  
29 3. Minimum green space per lot 20%  
30 4. Minimum floor area 1,700 square feet  
31 5. Minimum unit setbacks Front: 20 feet  
32 Side: 10 feet  
33 Side: 0 feet (interior)  
34 Rear: 20 feet  
35 6. Parking: Minimum 2-car garage plus 18-foot wide driveway

36  
37 G. Unit Requirements (Where lots are not platted.)

- 38 1. Individual buildings shall follow the standards of Section E above.  
39 2. Minimum floor area 1,500 square feet.  
40 3. Parking: Minimum of two units per unit plus guest parking at ten percent of resident  
41 parking. Parking may be surface parking or garage parking. For surface parking  
42 landscaping meeting the requirements of Section 7.05 is required.

43  
44 H. Other Requirements

1. All units shall meet the design requirements for residential development per Section 4.06
2. Projects of 30 units or more are required to provide recreation facilities for project residents. Recreation facilities are to include a combination of active and passive recreation opportunities.

#### **2.02.19.1 High Density Residential 2 (HDR-2)**

A. Purpose: The purpose of the High Density Residential 2 (HDR-2) zoning district is to provide for larger groupings of multi-family dwellings in condominium and platted lot settings supported by community amenities, proper access and adequate public facilities. Projects must be accessed only from arterial or collector roads and provide high quality building design.

#### **B. Principal, Accessory and Conditional Uses**

##### **1. Permitted Principal Uses and Structures**

- a. Multi-family dwellings
- b. Licensed group homes
- c. Nursing homes
- d. Elementary schools

##### **2. Permitted Accessory Uses and Structures**

- a. Community buildings
- b. Recreation facilities
- c. Swimming pools
- d. Boathouses
- e. Docks
- f. Fences
- g. Trails (non-motorized)
- h. Home occupations

##### **3. Conditional Uses and Structures**

- a. None

#### **C. Prohibited Uses**

1. Any use or structure not listed as permitted or conditional

#### **D. Project Requirements**

1. Minimum parcel size is three acres.
2. Maximum project density is twelve units per acre
3. Impervious surface ratio for the project is 60%
4. Perimeter landscaped buffer is 25 feet adjacent to single-family residentially zoned property and 15 feet adjacent to non-residentially zoned property or other high density residentially zoned property.
5. Project site must be accessed only from an arterial or collector road

1  
2  
3 **E. Building Requirements**

- 4 1. Buildings shall have a minimum of three units and a maximum eight units  
5 2. Building spacing is 20 feet between side to side of buildings and side to rear of  
6 buildings, 30 feet between front and side of buildings, and 40 feet between front  
7 and rear of buildings.  
8 3. Maximum building height is 35 feet. Building mounted appurtances such as  
9 belfries, chimneys, cupolas, antennas, and other appurtances and design elements  
10 usually placed above roof level and not used for human occupancy may exceed  
11 the maximum building height by 10 feet.  
12

13 **F. Unit Requirements (Townhomes and other platted lots)**

- 14 1. Minimum lot width 30 feet  
15 2. Minimum lot area 3,000 square feet  
16 3. Minimum green space per lot 20%  
17 4. Minimum floor area 1,700 square feet  
18 5. Minimum unit setbacks Front: 20 feet  
19 a. Side: 10 feet  
20 b. Side: 0 feet (interior)  
21 c. Rear: 20 feet  
22 6. Parking: Minimum 2-car garage plus 18-foot wide driveway  
23

24 **G. Unit Requirements (Where lots are not platted.)**

- 25 1. Individual buildings shall follow the standards of Section E above.  
26 2. Minimum floor area 1,500 square feet.  
27 3. Parking: Minimum of two units per unit plus guest parking at ten percent of resident  
28 parking. Parking may be surface parking or garage parking. For surface parking  
29 landscaping meeting the requirements of Section 7.05 is required.  
30

31 **H. Other Requirements**

- 32 1. All units shall meet the design requirements for residential development per Section  
33 4.06  
34 2. Projects of 30 units or more are required to provide recreation facilities for project  
35 residents. Recreation facilities are to include a combination of active and passive  
36 recreation opportunities.  
37  
38  
39  
40  
41



1   **2.03.00    ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS**

2           **2.03.01    Generally**

3           The purpose of overlay districts is to call attention to certain areas of Town that warrant  
4           special regulations. Special and unique design standards and other development  
5           criteria shall apply to these areas. These special and unique standards shall supersede  
6           any general standards of development as may be outlined in this LDC.

7           **2.03.02    Town Center Overlay**

8           The Town Center (TC) Overlay is intended to provide for more than one use within the  
9           area. It also may allow for more than one use on a parcel. It is intended to preserve  
10          the form, function, image, and ambiance of the historic Town Center and surrounding  
11          area as the ceremonial, civic, and cultural center of the Town.

12  
13          In order to sustain these qualities, new development and redevelopment within the  
14          Town Center Overlay shall be reflective of the architectural styles and fabric of the  
15          area. Consistency and compatibility with the existing built environment shall be  
16          considered in the review and issuance of development permits within the Town Center  
17          Overlay. In order to preserve the quaint character of downtown Howey in the Hills,  
18          size limitations will also be placed on individual businesses. Redevelopment will focus  
19          on orienting buildings and roadways to a pedestrian scale. Design shall be pedestrian-  
20          friendly.

21  
22  
23          **2.03.03    Townhomes**

24  
25          A. In order to support increased densities in the Town Center Overlay, townhome  
26          construction is permitted in areas designated as Town Center Residential (TC-R),  
27          Town Center Flex (TC-F) or Town Center Commercial (TC-C). All townhomes shall  
28          meet the density limits allowed by the underlying land use classification and shall  
29          meet the dimensional requirements as follows:

30  
31          B. Dimensional Criteria

- 32                  1. Maximum building height is 30 feet  
33                          a. Building-mounted appurtenances such as belfries, chimneys, cupolas, and  
34                          antennas used for domestic purposes, or other appurtenances usually placed above  
35                          roof level and not used for human occupancy, may exceed the maximum building  
36                          height by 10 feet.  
37  
38                  2. Maximum impervious surface is 50%  
39                  3. Maximum of 4 dwelling units per acre  
40                  4. Minimum lot size for townhomes is 5,000 square feet.  
41                  5. Minimum lot width is 50 feet for exterior townhome lots, and 35 feet for interior  
42                  townhome lots

- 1 6. Minimum lot depth is 120 feet
- 2 7. Minimum front yard setback is 25 feet (15 feet if the lot includes a recessed or
- 3 detached garage at least 25 feet from the front lot line)
- 4 8. Minimum street side yard setback is 25 feet
- 5 9. Minimum side yard (interior) setback is 15 feet (no side setback for interior
- 6 townhome units)
- 7 10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or
- 8 accessory dwelling. Rear yard setback for sheds, workshops, pools, play
- 9 structures, and other similar accessory structures is 10 feet.
- 10 11. Setbacks do not pertain to boathouses, docks, or fences.
- 11 12. Minimum square footage of townhomes is 1,200 square feet (air-conditioned, not
- 12 including garage).
- 13 13. Townhomes shall have a two-car garage (a minimum of 441 square feet) and a
- 14 driveway that measures a minimum of 16-feet wide and 20-feet long from the
- 15 right-of-way to the garage.
- 16
- 17

#### 18 **2.03.04 Historic and Archeological Property Overlay**

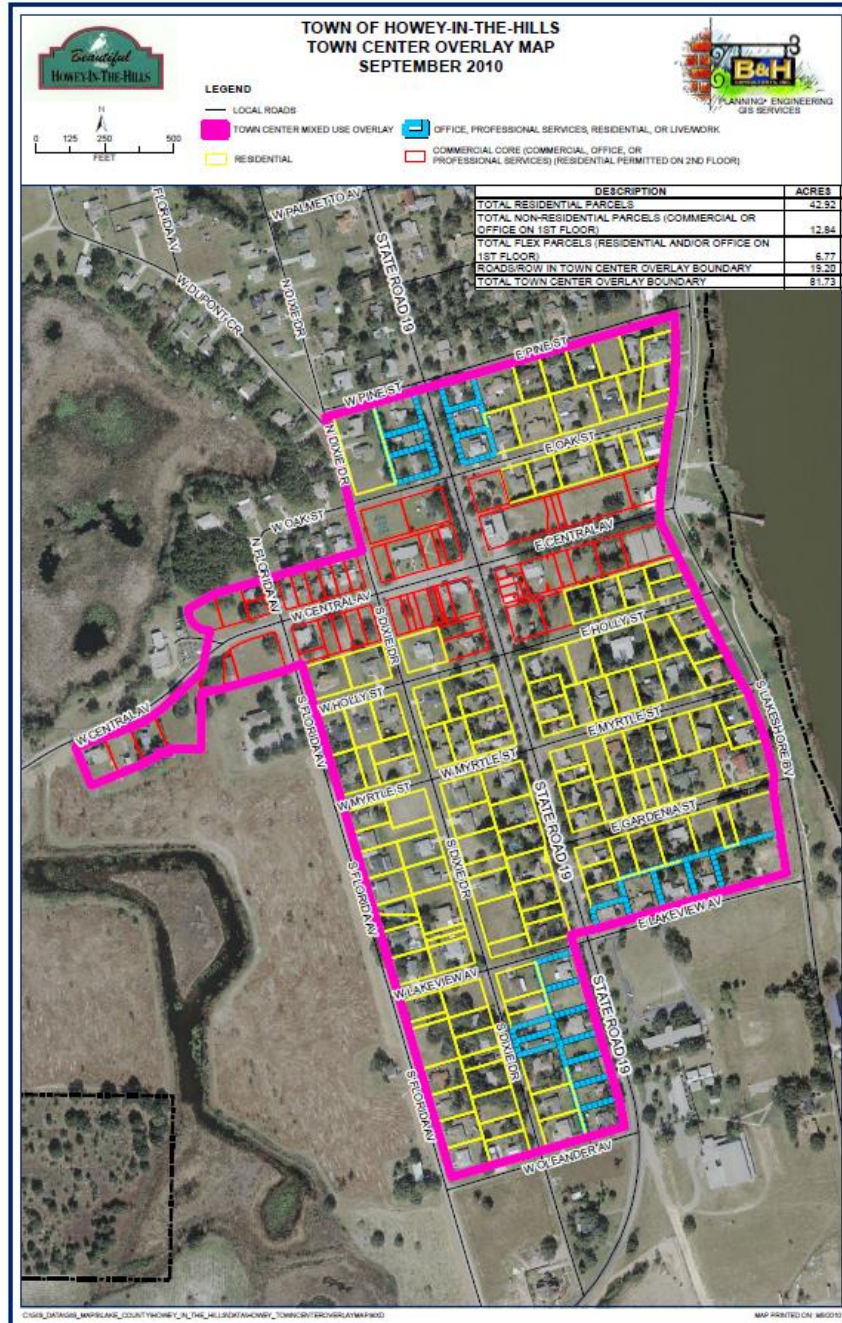
- 19
- 20 **A. Purpose:** The Historic and Archeological Property Overlay is intended to
- 21 preserve historic and archeological assets by designating sites which meet the
- 22 specified criteria; by providing for alternative and adaptive reuse opportunities for
- 23 designated properties consistent with neighborhood conditions; result in the
- 24 preservation of the historic or archeological resource. The overlay is intended to
- 25 preserve the underlying zoning as the base use for the property and the zoning which
- 26 will be effective on the property should the designated resource be removed for any
- 27 reason.
- 28
- 29 **B. Applicability:** The overlay designation may be applied to one or more parcels in any
- 30 zoning district if both of the following conditions are met.
- 31
- 32
  - 33 1. The historic or archeological asset is listed on the National Register of Historic
  - 34 Places; designated by the State of Florida as a historic or archeological resource;
  - 35 or as approved by the Town Council as a locally significant site.
  - 36 2. The original use of the building or site no longer functions in the current
  - 37 environment or would create negative secondary impacts to the surrounding
  - 38 neighborhood if utilized for its original use.
- 39 **C. Review and Approval Process:** An application for designation as a Historic
- 40 Property Overlay shall follow the following procedures.
- 41
- 42
  - 43 1. The applicant shall submit an application for rezoning to the historic property
  - 44 overlay as required by Section 4.11.00 Special Overlay Districts including
  - 45 compliance with the requirements for review of the application and notice
  - procedures.

- 1           2. The adoption process for the Historic Property Overlay shall follow requirements  
2           of 4.15.04 and 4.15.05 so as to follow the same requirements as established for  
3           Land Development Code Amendment requirements.
- 4           3. Once approved the Historic Property Overlay shall be denoted by the addition of  
5           the designation “H” to the underlying zoning classification.
- 6           4. For the area included within the Historic Property Overlay, the special  
7           development plan required by Section 4.11.01B shall consist of the Historic  
8           Resource Management Plan (HRMP). In addition to the requirement specified in  
9           Section 4.11.01.B, the HRMP shall address all requirements specified by the  
10          Town Planner, which may include some or all of the following: permitted uses; a  
11          conceptual site plan; site development requirements including but not limited to  
12          access, parking, landscaping, signage, and dimensional requirements; any  
13          waivers from code provisions essential to implement the HRMP; and other  
14          provisions found necessary to implement the HRMP.

15  
16          The HRMP shall also include a plan and program to preserve the supporting historic or  
17          archeological resource including a time frame for implementation of necessary  
18          renovations, restoration or other related improvements including compliance with U.S.  
19          Secretary of the Interior’s “Illustrated Guidelines for Rehabilitating Historic Buildings.”  
20

21          **D. Vacation of the Historic Property Overlay:** Should the historic or archeological  
22          resource which forms the basis of the Historic Property Overlay be destroyed or  
23          removed from the property for any reason, the Historic Property Overlay shall be  
24          vacated and the property shall assume the designation of the underlying zoning.  
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2.03.03 Town Center Overlay Map



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**TOWN OF HOWEY-IN-THE-HILLS  
ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

District	Lot Size	Lot Width	Lot Depth	Building Setbacks				Building Height		Floor Area	Max. FAR	Lot Coverage (%)
				Front	Street Side	Side	Rear	Stories	Feet			
Agriculture	2 ac.	150	200	50	50	25	50	2.5	35	1500	.15	
Residential Estate	2 ac.	150	200	50	50	25	50	2.5	35	1500	.15	
Single Family Residential	.5 ac.	100	150	35	35	20	30	2.5	35	1800	.20	
Medium Density Residential 1	15,000 sf	100	120	35	12.5	12.5	25		35	1700		50
Medium Density Residential 2	9000 sf	75	120	25	12.5	12.5	25	2.5	35	1200		50
Neighborhood Commercial	.5 ac	100	150	30	30	20	30	2.5	35	a.	.50	70
Industrial	.5 ac	100	150	30	30	20	30	2.5	35		.60	70
Institutional 1	.5 ac	100	150	30	30	20	30	2.5	35		.25	40
Institutional 2	.5 ac	100	150	30	30	20	30	2.5	35		.25	40
Recreation 1	.5 ac	100	150	30	30	20	30	2.5	35		.20	30
Recreation 2	.5 ac	100	150	30	30	20	30	2.5	35		.20	30
Public	.5 ac	100	150	30	30	20	30	1.0	30		.25	50
Town Center Residential	9000 sf	100		25	25	12.5	30		35	1700		50
Town Center Flex	9000 sf	100		25	25	12.5	30		35	1700		40
Town Center Commercial								2.0	35		2.0	

- a. Maximum building size is 5,000 square feet
- b. Conservation District has no dimensional requirements
- c. Public District allows two stories and 35 feet for facilities other than buildings.

# CHAPTER 3

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## Environmental and Resource Protection

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1   **3.00.00    GENERALLY**

2           **3.00.01    Purpose and Intent**

3           The purpose of this chapter is to safeguard the public health, safety, and welfare by  
4           ensuring the long-term protection and preservation of environmentally sensitive natural  
5           resource systems. Application of the provisions of this chapter shall result in  
6           development that reduces the potential for adverse impacts on the hydrologic functions  
7           of wetlands, natural systems, habitats, water quality, shorelines, and wildlife.

8           **3.00.02    Applicability**

9           All new development and redevelopment shall be designed to ensure protection of areas  
10          designated as floodplains, environmentally sensitive lands, wetlands, or wellfields. No  
11          permit for development shall be issued by the Town that is not in full compliance with  
12          the provisions of this chapter and the Town’s Manual of Standards.  
13

14   **3.01.00 ENVIRONMENTAL LANDS PROTECTION**

15           **3.01.01    Requirements Regarding Habitat Protection**

- 16          A. A professionally prepared biological survey to document the presence of  
17          endangered, threatened, or species of special concern shall be submitted with  
18          applications for development when the development is:  
19                1. In excess of five (5) acres on previously undisturbed properties; or  
20                2. Located on environmentally sensitive lands or within 200 feet of  
21                environmentally sensitive lands.
- 22          B. Environmentally sensitive lands for which a survey is required include:  
23                1. All land identified as “Conservation” on the FLUM and on the adopted zoning  
24                map; and  
25                2. All land within 200 feet of a water body.
- 26          C. Biological surveys shall:  
27                1. Follow the standards and criteria adopted by the Florida Fish and Wildlife  
28                Conservation Commission; or  
29                2. Include a preliminary report consisting of pedestrian surveys of 200-foot  
30                transects through a minimum of twenty-five percent (25%) of each habitat on  
31                site. Within twenty-one (21) days of the preliminary report, the Town  
32                ManagerMayor or his designee shall (1) render a finding of whether a second,  
33                more intensive survey is needed, based on the information in the preliminary  
34                report with assistance from the Florida Fish and Wildlife Conservation  
35                Commission, and (2) shall describe the parameters for such an intensive survey,  
36                if required.
- 37          D. If the field biological inventory indicates the presence of endangered, threatened,  
38          or species of special concern:  
39                1. The survey shall be forwarded to the Florida Fish and Wildlife Conservation  
40                Commission; and



2. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or
3. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:
  - a. An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species.
  - b. An analysis of existing viable habitat on adjacent property for the species.
  - c. The land needs of the species that may be met on the development site; and
  - d. Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.

E. Prohibited activities:

1. No threatened species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.
2. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any threatened species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the FDEP, the Florida Fish and Wildlife Conservation Commission, and any other applicable State or Federal agency.

F. Development proposed adjacent to Outstanding Florida Waters, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.

**3.01.02 Protection of Environmentally Sensitive Lands**

- A. To prevent both soil erosion and sedimentation, the Town requires a soil erosion and sedimentation control plan whenever a development will involve any clearing, grading, or other form of distributing land by movement of earth, provided that any of one of the following applies:
1. Excavation, fill, or any combination thereof will exceed 500 cubic yards.
  2. Fill will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.
  3. Excavation will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
  4. Excavation, fill, or any combination thereof will exceed an area of 1,000 square feet.
  5. Plant and/or tree cover is to be removed from an area exceeding 1,000 square feet on any parcel of land: or
  6. Whenever excavation or fill is proposed within 100 feet of a body of water, stream, or channel.

1 **3.02.00 WETLAND AND SURFACE WATER PROTECTION**

2 **3.02.01 Applicability**

3 The requirements of this section shall apply to all of the areas under the jurisdiction of  
4 the FDEP, the USACOE, and the SJRWMD, as well as those lands identified as  
5 “Conservation” on the FLUM and on the adopted zoning map.

6 **3.02.02 Agency Coordination Required**

7 All new development and redevelopment adjacent to jurisdictional wetlands shall be  
8 required to include coordination with the agencies with regulatory jurisdiction over  
9 wetlands, including the Town, representatives of the FDEP, the USACOE, and the  
10 SJRWMD, for assistance and verification in identifying and delineating wetlands.

11 **3.02.03 Development Within Wetlands and Adjacent to Water Bodies**

12 Except as expressly provided in this section, no development activity shall be permitted  
13 in a wetlands area, as described in Section 3.03.01.

- 14 A. Wetlands shall be preserved in their natural state. No fill shall be placed in a  
15 wetland, and the wetland shall not be altered.
- 16 B. To protect water quality within lakes, the Town shall require sites under  
17 construction to provide measures to retard, impede, and treat surface water runoff.
- 18 C. Buffering requirements for development adjacent to wetlands or natural water  
19 bodies:
- 20 1. No development or disturbance of the area is permitted within 25 feet of a  
21 designated wetland area. These areas shall be marked with appropriate signage  
22 as conservation areas.
  - 23 2. No building or impervious surface area (with the exception of wet retention  
24 ponds) is permitted within 50 feet of a designated wetland area.
  - 25 3. To protect water bodies from the encroachment of development, a shoreline  
26 protection zone shall be delineated. There shall be no disturbance within 50  
27 feet of the landward extent of wetlands as set forth in Rule 62-340, F.A.C., with  
28 the exception of pilings for docks or piers. There shall be no buildings, pools,  
29 ponds, or other structures in this protection zone.
  - 30 4. There shall be no septic tanks within 75 feet of the landward extent of wetlands  
31 as set forth in Rule 62-340, F.A.C.
- 32 D. Permitted activities within areas designated by the Town, FDEP, SJRWMD, or the  
33 USACOE as wetlands protection zones:
- 34 1. Potentially allowable uses adjacent to wetlands protection zones are those uses  
35 included in the Conservation land use category on the FLUM.
  - 36 2. Development of a wetlands stormwater discharge facility or stormwater  
37 treatment facility in accordance with State permits received under currently  
38 relevant sections of the F.A.C.

1           **3.02.04    Design Requirements**

- 2           A. All new development and redevelopment adjacent to jurisdictional wetlands and  
3           water bodies shall be designed, constructed, maintained, and undertaken in a way  
4           that minimizes the adverse impacts on the functions of the affected environmentally  
5           sensitive zone.
- 6           B. In addition to any standards required by Federal, State, or local agencies and any  
7           other section within this LDC, the following standards shall apply to uses found to  
8           be permissible in or adjacent to wetlands or adjacent to water bodies:
- 9           1. Where alteration of wetlands is necessary in order to allow reasonable use of  
10           property, it should be clearly in the public interest and there should be no  
11           practical alternative which reduces or avoids impacts to wetlands. Mitigation  
12           shall only be a last resort action to be used only after other measures such as  
13           reconfiguring of the development to avoid sensitive areas, reduction of density,  
14           etc. have been considered and shown not to be feasible. There shall be no net  
15           loss of sensitive lands. Any mitigation shall avoid impact to ecologically  
16           valuable uplands as well.
  - 17           2. The use shall allow the movement of aquatic life requiring shallow water.
  - 18           3. Existing flood channel capacity shall be maintained.
  - 19           4. Stable shoreline embankments shall be ensured on unstable shorelines where  
20           water depths are inadequate, to eliminate the need for offshore or foreshore  
21           channel construction dredging, maintenance dredging, spoil disposal, filling,  
22           beach feeding, and other river, lake, and channel maintenance activities;
  - 23           5. Access roads, parking lots, and similar structures shall be limited to locations  
24           on properly zoned uplands.
  - 25           6. Any wetlands shown on the site plan to remain undisturbed that become  
26           damaged during construction shall be completely restored. Complete  
27           restoration means that the restored area shall function equivalently to the  
28           wetland prior to damage.
  - 29           7. Accessory uses shall be limited to those which are water dependent.
  - 30           8. Fill shall not be placed in waters or wetlands to create usable land space.
  - 31           9. Manufacturing uses that involve chemicals or other hazardous materials shall  
32           not be located within 1,000 feet of a water body.
  - 33           10. Commercial uses that involve petroleum and other potential contaminants shall  
34           require a conditional use in order to be located within 1,000 feet of a water  
35           body.

36           **3.03.00 WELLFIELD PROTECTION**

37           **3.03.01    Purpose and Intent**

38           The purpose and intent of this section is to safeguard the public health, safety, and  
39           welfare by ensuring the protection of the principal source of water from potential  
40           contamination and to control development in and adjacent to designated and potential  
41           wellheads and surrounding wellfield areas to protect water supplies from potential  
42           contamination.

1                   **3.03.02 Wellfield Protection Area**

2                   All development, except facilities related to the public water system) is prohibited from  
3                   occurring within a 150-foot radius of any public wells. No septic tanks, sanitary sewer  
4                   facilities, or solid waste or disposal facilities shall be permitted within a 200-foot radius  
5                   of any existing or proposed public well. The Town shall also maintain a 500-foot radius  
6                   wellhead protection area within which manufacturing and industrial uses are  
7                   prohibited. This 500 foot radius also prohibits the storage, use, or transportation of  
8                   restricted substances, agricultural chemicals, hazardous toxic waste, medical waste,  
9                   and petroleum products; commercial activities that involve the use of hazardous  
10                  chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing,  
11                  pool supply, gas stations, junkyards, and machine shops; and cemeteries.  
12

13                  **3.04.00 PROTECTION OF GROUND WATER**

14                  **3.04.01 Purpose and Intent**

15                  The purpose of these regulations is to protect the quality of ground water by controlling  
16                  existing and potential sources of contaminants and by coordinating the Federal, State,  
17                  and local entities having jurisdictional authority over these areas.

18                  **3.04.02 Restricting Uses**

- 19                  A. Manufacturing uses that involve chemicals or other hazardous materials, shall not  
20                  be permitted within high recharge groundwater aquifer areas.  
21                  B. Commercial uses that involve petroleum and other potential contaminants shall  
22                  require a conditional use in order to be located within a high recharge groundwater  
23                  aquifer area.  
24                  C. The Town shall promote the application of permeable parking lot surfaces for  
25                  development and redevelopment within high recharge areas.

26                  **3.05.00 WATER CONSERVATION**

27                  **3.05.01 Promoting Conservation of Water**

28                  To conserve potable ground water sources and to accomplish reasonable reductions in  
29                  water consumption, the Town shall:

- 30                  A. Require new development and redevelopment to use non-potable water for  
31                  irrigation where such non-potable water sources are available.  
32                  B. Require new development and redevelopment to use and/or preserve native  
33                  vegetation or drought tolerant vegetation for landscaping. (See Chapter 7.)  
34  
35

# CHAPTER 4

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## Development Review Procedures

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1 **4.00.00 PURPOSE AND INTENT**

2 The public health, safety, comfort, and welfare require the harmonious, orderly, and  
3 progressive development of land within the incorporated areas of the Town of Howey  
4 in the Hills. Once land has been shaped into lots, blocks and streets, correction of  
5 defects is costly and difficult. Substantial public responsibility is created by each new  
6 subdivision or development, involving the maintenance of streets, drainage systems,  
7 water and wastewater utilities, and other improvements. As the general welfare, health,  
8 safety and convenience of the community are directly affected by the new use of land,  
9 it is in the interest of the public that subdivisions and other developments are designed  
10 and constructed in accordance with sound rules.

11 **4.00.01 *The Purpose and Intent of this Chapter is as Follows***

- 12 A. To establish reasonable and equitable standards of site and subdivision design that  
13 will encourage stable communities and the creation of healthy living environments  
14 which preserve the natural beauty and topography of Howey in the Hills and ensure  
15 appropriate development with regard to these natural features.
- 16 B. To ensure public facilities and utilities are available and will have a sufficient  
17 capability and capacity to service land developments and their occupants.
- 18 C. To prevent traffic hazards and to require the provision of safe and convenient  
19 vehicular and pedestrian traffic circulation in land developments, having particular  
20 regard to the avoidance of congestion in the streets, providing for the proper  
21 location, widths, and design of streets, driveways, and other transportation-related  
22 improvements.
- 23 D. To coordinate the provision of streets, drainage, and other utilities in an orderly  
24 planned manner to ensure protection of the environment and promotion of the  
25 general welfare.
- 26 E. To lessen the impact from fire, flood, and other dangers.
- 27 F. To provide for adequate light, air, and privacy, and to prevent overcrowding of the  
28 land.
- 29 G. To prevent or reduce the pollution of air and waterways, and to safeguard the water  
30 supply and encourage wise use and management of natural resources.
- 31 H. To preserve the integrity, stability, beauty and sustainability of the community and  
32 the natural value of the land.
- 33 I. To guide growth and development in accordance with the Comprehensive Plan.

34 **4.01.00 GENERAL REQUIREMENTS AND ENFORCEMENT**

35 Within the Town of Howey in the Hills, no subdivision or other development shall be  
36 made or platted, nor shall any building permit be issued, unless such development  
37 meets all the requirements of this Code and has been approved in accordance with the  
38 requirements of this Code. The Town Council or any aggrieved person may have  
39 recourse to such remedies in law and equity as may be necessary to insure compliance  
40 with the provisions of this Code, including injunctive relief to enjoin and restrain any

1 person violating the provisions of this Code, and any rules and regulations adopted  
2 under this Code.

3 Applications for development approval shall be submitted under the appropriate  
4 processes as presented in the following sections. Time frames for processing and  
5 review of applications shall commence when the Town Clerk has determined that an  
6 application is complete. A complete application includes all required application  
7 forms, all required data and plans, and any application and processing fee has been  
8 paid. An application where no activity occurs for six (6) consecutive months shall be  
9 deemed abandoned.

10  
11 **4.02.00 COMPREHENSIVE PLAN AMENDMENTS**

12 From time to time the Town Council may decide it is appropriate to amend the Town’s  
13 adopted comprehensive plan either by direction of the Town Council or in response to  
14 an application for amendment. In addition to the review and approval process for  
15 comprehensive plan amendments as required by Florida Statute, the Town and any  
16 applicant proposing amendment of the comprehensive plan shall conform to the  
17 following procedure.

18 ***4.02.01 Approval Process for Amending the Comprehensive Plan***

19 Proposed amendments to the comprehensive plan are submitted to the Town Clerk and  
20 must be accompanied by a Development Review Application and the appropriate fees  
21 and review deposit. Approval of the amendment to the comprehensive plan shall be  
22 done by ordinance and follow the review procedures for comprehensive plan  
23 amendments as set forth in Florida Statute.

24 ***4.02.02 Pre-Application Conference***

25 Each applicant shall meet with the Town staff at a pre-application conference before  
26 preparing an application for comprehensive plan amendment. In this way, the applicant  
27 can become familiar with the requirements and development policies of the Town, and  
28 the staff may develop an understanding of the proposed amendment.

29 ***4.02.03 Submission of Application for Amendment of the***  
30 ***Comprehensive Plan***

31 The applicant shall submit to the Town Clerk, eight (8) copies of the proposed  
32 amendment along with the Development Review Application, submittal fee, and  
33 review deposit.

34 ***4.02.04 Review Process***

35 A The Town Clerk shall distribute copies of the proposed amendment to Lake County,  
36 the Lake County School Board, the wastewater-treatment provider **Central Lake**  
37 **CDD**, and any adjacent cities. The notice shall include the proposed amendment

1 and the anticipated date for hearing before the Planning and Zoning Board. The  
2 Town Planner will then prepare a report to the applicant outlining all the issues.

- 3 B The Town Clerk shall schedule a public hearing scheduled before the Planning and  
4 Zoning Board. The Planning and Zoning Board shall be provided with copies of  
5 the Town Planner's report and any comments received from outside reviewing  
6 agencies. Following the public hearing the Planning and Zoning Board shall  
7 provide a recommendation on the proposed amendment to the Town Council.  
8 C After the Planning and Zoning Board public hearing, a public hearing is scheduled  
9 before the Town Council. The Town Council shall be provided a copy of the  
10 information considered by the Planning and Zoning Board along with the  
11 recommendation from that Board.  
12 D Following the initial public hearing and action by the Town Council the proposed  
13 amendment shall be submitted to the appropriate State agencies for review and  
14 comment if this review is required by State statute.  
15 E Following the completion of any required review period for State agency  
16 comments, the Town Council shall schedule a public hearing for final action on the  
17 proposed amendment. The Town Council may adopt the amendment; adopt the  
18 amendment with revisions; or reject the amendment. If the amendment is adopted  
19 as proposed or as amended, the amendment shall be provided to the required State  
20 agencies as set forth in State Statute.

21 **4.02.05 Notice Procedures**

22 The procedures for notice of proposed amendments to the comprehensive plan future  
23 land use map shall be as follows:

- 24 A. Notice to property owners. The Town shall send notice via certified mail of the  
25 proposed amendment to the owners of all properties within 300 feet of the subject  
26 property. Such notice shall be sent no later than 10 days prior to the scheduled  
27 public hearing and shall include the date, time, and place of the public hearing along  
28 with a clear and concise description of the proposed plan.  
29 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the  
30 Town shall post the property that is the subject of the public hearing with signs  
31 notifying the public of the proposed amendment, date of public hearing, and person  
32 to contact for further information. Signs shall be placed, at a minimum, along all  
33 public road frontages, with a least one sign located every 500 feet along any  
34 frontage.  
35 C. Publication of notice. Notice of public hearing shall be published in a newspaper  
36 of general circulation at least 10 days prior to the public hearing. Notice shall also  
37 be posted at Town Hall and on the Town's website. For amendments to the  
38 comprehensive plan not involving amendment of the future land use map, only the  
39 publication of notice meeting the standards set forth by State Statute is required.  
40

1                   **4.02.06                   Comprehensive Plan Amendment Application Requirements**

2                   The request to amend the comprehensive plan, consisting of properly identified exhibits  
3                   and support materials, shall include the following:

- 4
- 5                   A. Application forms
- 6                   B. Application fee
- 7                   C. Proof of Ownership or authorization from the owner to submit the application
- 8                   D. Boundary Survey. Must be signed and dated **with within the** last two years.
- 9                   E. Legal Description. Provide paper and digital (disk or email) word format.
- 10                  F. Vicinity Map. Show the property location in relation to major roads and area within  
11                  2-mile radius of the proposed amendment site. 8 ½ x 11.
- 12                  G. Statement of Justification. Attach a narrative describing the justification for the  
13                  request, using support material, including but not limited to the Town’s  
14                  Comprehensive Plan adopted Goals, Objectives, and Policies.
- 15                  H. School Impact Analysis. (If Residential) Contact the Lake County School Board.
- 16                  I. Transportation Analysis. A transportation impact analysis conforming to the  
17                  standards of Section 8.02.10.
- 18                  J. Environmental Impact Analysis. (Required for all sites 1 acre or greater) The  
19                  analysis shall be conducted by a qualified biologist and dated less than one year  
20                  old. The analysis shall document the types of habitat found on site; identify  
21                  vegetation types, soils types, wetlands, floodplain; and must identify the presence  
22                  of any threatened or endangered species and/or species of special concern.
- 23
- 24

25                  **4.03.00                  SITE PLAN PROCESS**

26                  **4.03.01                  Site Plan Review for Development Not Classified as a Subdivision**

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

38                  **4.03.02                  Approval Process for Preliminary Site Plan**

39                  Preliminary Site Plans are submitted to the Town Clerk and must be accompanied by a  
40                  Development Review Application and the appropriate fees and review deposit.  
41                  Approval of the Preliminary Site Plan shall be construed as authority for submitting the

1 Final Site Plan. Approval of the Preliminary Site Plan shall not be construed as  
2 authority for the issuance of permits to construct improvements or for the issuance of  
3 building permits.

4 A. Pre-Application Conference. Each applicant shall meet with the DRC at a pre-  
5 application conference before preparing a Preliminary Site Plan. In this way, the  
6 applicant can become familiar with the requirements and development policies of  
7 the Town, which may affect the proposed development.

8 B. Submission of Preliminary Site Plan. The applicant shall submit to the Town Clerk,  
9 eight (8) copies of the Preliminary Site Plan along with the Development Review  
10 Application, a traffic impact analysis, submittal fee, and review deposit.

11 C. Review Process

12 1. The Town Clerk shall distribute copies of the Preliminary Site Plan and  
13 application to the DRC members, the Lake County School Board (for  
14 residential development), and the Florida Department of Transportation  
15 (FDOT), if applicable. The DRC members and the Lake County School Board  
16 and FDOT, where applicable, shall individually review the Preliminary Site  
17 Plan and meet to discuss their comments. The Town Planner will then prepare  
18 a report to the applicant outlining all the issues. The applicant shall make the  
19 changes necessary and submit a revised Preliminary Site Plan.

20 2. Once the applicant receives comments from the DRC and any outside agencies  
21 on the submitted plans, the applicant has 90 calendar days to submit a response,  
22 including a revised set of plans. If the applicant needs more time, a formal  
23 request for an extension should be submitted by the applicant at least 30 days  
24 prior to the expiration of the 90 days. Failure of the applicant to respond in a  
25 timely fashion shall result in the need to resubmit with a new application,  
26 including all applicable documents as if being submitted for the first time,  
27 including any fees.

28 3. After the DRC is satisfied with the Preliminary Site Plan, a public hearing is  
29 scheduled before the Planning and Zoning Board. The Preliminary Site Plan  
30 and supporting data, and a report from the DRC shall be submitted by the Town  
31 Planner to the Planning and Zoning Board at its public hearing.

32 4. After the Planning and Zoning Board public hearing, a public hearing is  
33 scheduled before the Town Council. The Preliminary Site Plan and supporting  
34 data, and a report from the DRC shall be submitted by the Town Planner to the  
35 Town Council at its public hearing. This information shall also include the  
36 Planning and Zoning Board's recommendation.

37 **4.03.03 Notice Procedures**

38 The procedures for notice of Preliminary Site Plan requests shall be as follows:

39 A. Notice to property owners. The Town shall send notice via certified mail of the  
40 proposed preliminary site plan to the owners of all properties within 300 feet of the  
41 subject property. Such notice shall be sent no later than 10 days prior to the  
42 scheduled public hearing and shall include the date, time, and place of the public  
43 hearing along with a clear and concise description of the proposed plan.

- 1 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the  
2 Town shall post the property that is the subject of the public hearing with signs  
3 notifying the public of the proposed preliminary plan, date of public hearing, and  
4 person to contact for further information. Signs shall be placed, at a minimum,  
5 along all public road frontages, with a least one sign located every 500 feet along  
6 any frontage.
- 7 C. Publication of notice. Notice of public hearing shall be published in a newspaper  
8 of general circulation at least 10 days prior to the public hearing. Notice shall also  
9 be posted at Town Hall and on the Town's website.

10 **4.03.04 Review and Action by Planning and Zoning Board**

11 The Planning and Zoning Board shall review and recommend approval, approval  
12 subject to conditions, or disapproval of the Preliminary Site Plan at the advertised  
13 public hearing. In recommending disapproval of any Preliminary Site Plan, the  
14 Planning and Zoning Board shall provide reasons for such action.

15 **4.03.05 Action by the Town Council**

16 After the Planning and Zoning Board reviews the Preliminary Site Plan, the public  
17 hearing scheduled before the Town Council shall be held. The Town Council shall  
18 approve, approve subject to conditions, or disapprove the Preliminary Site Plan. In  
19 disapproving any Preliminary Site Plan, the Town Council shall provide reasons for  
20 such action.

21 **4.03.06 Preliminary Site Plan Approval by the Town Council**

22 Preliminary site plan approval by the Town Council shall be automatically voided if  
23 the Final Site Plan (for either the entire project or the approved first phase) is not  
24 approved within one (1) year of the date of approval of the Preliminary Site Plan. The  
25 Town Council may grant a time extension, for a maximum of one year, upon written  
26 request by the developer to the Town Clerk. The written request must be received by  
27 the Town Clerk at least 45 days prior to the scheduled site plan expiration.

28 **4.03.07 Preliminary Site Plan Extensions**

29 The Town Council, at its sole discretion, may extend for a period of twelve (12) months  
30 the date when a site development order would otherwise expire if it concludes that:

- 31 A. The site development order has not yet expired,  
32 B. The site development order recipient has proceeded with due diligence and in good  
33 faith, and  
34 C. Conditions, including but not limited to LDC changes, have not changed so  
35 substantially as to warrant a new application.

36 **4.03.08 Preliminary Site Plan Requirements**

37 The Preliminary Site Plan shall include the information as outlined below. Notes  
38 should be used whenever possible, on the preliminary plan, to explain, verify or identify



1 additional information that is important to the understanding of the site and the plan of  
2 development.

3 **4.03.09 Preliminary Site Plan Drawings**

4 The plan sheet size shall be 24" x 36". Plans including more than one sheet shall  
5 provide a map key relating sheets to the entire planned area. The plan shall include the  
6 following information

- 7 A. Title Block: The title or name of the proposed development and the name and  
8 address of the property owner and the engineer and surveyor engaged in preparing  
9 the plan.
- 10 B. Legend: Date, scale of plan (no smaller than 1" = 100'), north arrow, current  
11 zoning, size of the property (in acres), and total square footage of buildings  
12 proposed.
- 13 C. Legal Description: A full and detailed legal description of the property and its  
14 approximate acreage.
- 15 D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the  
16 abutting streets and other community identifiers.
- 17 E. Rights-of-Way: The location, name, and width of any streets on and immediately  
18 contiguous to the property.
- 19 F. Ingress/Egress: Proposed locations of access to and from the property.
- 20 G. Parking Areas: Proposed areas for parking and number of spaces.
- 21 H. Open Space: Total open space required and total open space provided. Include a  
22 table to outline what tracts are open space including their purpose and size.
- 23 I. Dedications and Reservations: All tracts proposed to be dedicated or reserved for  
24 public or private use such as roads, easements, buffers, parks, and utilities.
- 25 J. Stormwater Layout: The location of retention ponds and other stormwater  
26 facilities. Stormwater calculations are not required at this time; however, the  
27 applicant should show an arrow indicating the direction of flow of surface drainage.
- 28 K. Phase Lines: The boundary lines of each phase of the site plan.
- 29 L. Proposed Building Locations: Location of buildings and proposed square footage  
30 of the buildings.
- 31 M. Tree Survey: Location, size, and species of all trees with a DBH of 6" or greater,  
32 prepared by a Florida licensed land surveyor. The tree survey should be shown as  
33 a layer on the Preliminary Site Plans to show the relation of the trees to the proposed  
34 improvements. The plans should also include a table indicating which trees are  
35 proposed to be saved and which are proposed to be removed. **Clear cutting is not**  
36 **allowed.**
- 37

38 **4.03.10 Approval Process for Final Site Plan**

39 The Final Site Plan shall conform substantially to the approved Preliminary Site Plan.  
40 The plans shall also conform to all requirements of these or other adopted Town  
41 regulations.



1           **4.03.11    *Submission of Final Site Plan***

2           The applicant shall submit to the Town Clerk, ten (10) copies of the Final Site Plan,  
3           two (2) copies of architectural plans (signed and sealed by a licensed Florida architect),  
4           two (2) copies of the water system hydraulic model (if applicable), two (2) copies of the  
5           sanitary sewer lift station calculations (if applicable), two (2) copies of the  
6           stormwater management calculations, two (2) copies of the landscaping, hardscaping,  
7           and irrigation plans (signed and sealed by a licensed Florida landscape architect), a  
8           concurrency application, and copies of any agency-required permit applications along  
9           with the Development Review Application, submittal fee, and review deposit.

10           **4.03.12    *Final Site Plan Review Process***

11           The Town Clerk shall distribute copies of the Final Site Plan and application to the  
12           DRC members, the Lake County School Board (for residential development), the St.  
13           Johns River Water Management District (SJRWMD), the Florida Department of  
14           Environmental Protection (FDEP), and FDOT, if applicable. The DRC members,  
15           SJRWMD, FDEP, and the Lake County School Board and FDOT, where applicable,  
16           shall individually review the Final Site Plan, then meet to discuss their comments. The  
17           Town Planner will then prepare a report to the applicant outlining all the issues. The  
18           applicant shall make the changes necessary and submit a revised Final Site Plan.

19  
20           Once the applicant receives comments from the DRC and any outside agencies on the  
21           submitted plans, the applicant has 90 calendar days to submit a response, including a  
22           revised set of plans. If the applicant needs more time, a formal request for an extension  
23           should be submitted by the applicant at least 30 days prior to the expiration of the 90  
24           days. Failure of the applicant to respond in a timely fashion shall result in the need to  
25           resubmit with a new application, including all applicable documents as if being  
26           submitted for the first time, including any fees.

27  
28           After the DRC is satisfied with the Final Site Plan and all applicable fees have been  
29           paid to the Town, the Plan and supporting data, and a report from the DRC shall be  
30           submitted by the Town Planner to the Planning and Zoning Board. The item shall be  
31           placed on a regular Planning and Zoning Board meeting agenda for consideration.  
32           Final Site Plans do not require a public hearing.

33           **4.03.13    *Review and Action by Planning and Zoning Board***

34           The Planning and Zoning Board shall review and recommend approval, approval  
35           subject to conditions, or disapproval of the Final Site Plan. In recommending  
36           disapproval of any Final Site Plan, the Planning and Zoning Board shall provide  
37           reasons for such action.

38           **4.03.14    *Review and Action by the Town Council***

39           After the Planning and Zoning Board reviews the Final Site Plan, the item shall be  
40           scheduled for a regular Town Council meeting. Final Site Plans do not require a public  
41           hearing. The Town Planner shall submit a report to the Town Council outlining the

1 recommendations of both the DRC and the Planning and Zoning Board. The Town  
2 Council shall approve, approve subject to conditions, or disapprove the Final Site Plan.  
3 In disapproving any Final Site Plan, the Town Council shall provide reasons for such  
4 action.

5 **4.03.15 Final Site Plan Approval by the Town Council**

6 Final Site Plan approval by the Town Council shall be automatically voided if  
7 construction on the infrastructure (for either the entire project or the approved first  
8 phase) is not started within eighteen months of approval of the Final Site Plan. The  
9 Town Council may grant a time extension, for a maximum of one year, upon written  
10 request by the developer to the Town Clerk. The written request must be received by  
11 the Town Clerk at least forty-five (45) days prior to the scheduled site plan expiration.

12 **4.03.16 Final Site Plan Extensions**

13 The Town Council, at its sole discretion, may extend for a period of **up to** twelve (12)  
14 months the date when a site development order would otherwise expire if it concludes  
15 that:

- 16 A. The site development order has not yet expired,  
17 B. The site development order recipient has proceeded with due diligence and in good  
18 faith, and  
19 C. Conditions, including but not limited to LDC changes, have not changed so  
20 substantially as to warrant a new application.

21 **4.03.17 Final Site Plan Requirements**

22 The Final Site Plan shall include the information as outlined below. Notes should be  
23 used whenever possible on the final plan, to explain, verify or identify additional  
24 information that is important to the understanding of the site and the plan of  
25 development.

26 **4.03.18 Final Site Plan Drawings**

27 The plan sheet size shall be 24" x 36". Plans including more than one sheet shall  
28 provide a map key relating sheets to the entire planned area. The plans shall include  
29 the following information:

- 30 A. The title page shall include the name of the project/development, the name and  
31 address of the property owner, and the name and address of the engineer preparing  
32 the plan. All plans and support documents shall bear the date, seal, and signature  
33 of the project engineer.  
34 B. The plans shall include a location map that shows the project in relation to the broad  
35 context of the Town.  
36 C. The plans shall include a date, north arrow, and legend.  
37 D. Plans shall be drawn to scale (no smaller than 1"=100').  
38 E. The plans shall include a legal description of the property and the acreage or square  
39 footage. The property boundaries should be clearly outlined.

- 1 F. If the project is to be phased, the phases should be clearly indicated on the plan.  
2 The developer may need to provide additional information to document that the  
3 first phase can stand on its own as well as subsequent phases and their reliance only  
4 on the proceeding phases.
- 5 G. The plans should show property lines with dimensions.
- 6 H. Setbacks.
- 7 1. All setbacks from streets and highways shall be illustrated.
- 8 2. The applicable setbacks for the zoning district shall be indicated by the use of  
9 notes.
- 10 3. All setbacks on irregular shaped lots shall be illustrated.
- 11 I. The line of natural water bodies shall be illustrated.
- 12 J. The plans should show street right-of-way lines of adjacent roads.
- 13 K. Topographic information. Existing contours at one (1) foot intervals based on field  
14 surveys or photogrammetric survey extending a minimum one hundred (100) feet  
15 beyond the tract boundary. The topographic survey shall be certified by a land  
16 surveyor, registered in the State of Florida.
- 17 L. Soils information. Identification of on-site soils shall be drawn on the face of the  
18 plan using the Soil Survey of Lake County Area, Florida. An applicant may  
19 challenge this determination by demonstrating (through the testing of a  
20 geotechnical engineer) that the identified soils are not classified correctly. If the  
21 above determination is concurred with by the Town Engineer, then these alternative  
22 soil determinations will be used in preparing the plans.
- 23 M. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be  
24 shown on the plans. An environmental impact assessment will be required for  
25 significant or ecologically fragile areas.
- 26 N. 100 Year Flood Elevation Information. Where the 100-year flood elevation is  
27 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant  
28 shall show the location of the one hundred (100) year flood elevation. Data shall  
29 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.  
30 maps. In this circumstance, the developer will be responsible for the necessary  
31 drainage basin studies to establish the 100-year flood elevation. This work will be  
32 prepared to the satisfaction of the Town Engineer. If the proposed development  
33 will create a change to the existing 100-year flood elevation, this change will be  
34 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter  
35 of map amendment to FEMA and will need to provide evidence to the Town that  
36 FEMA has agreed to the amendment prior to receiving Final Site Plan approval.
- 37 O. The tree survey submitted at the Preliminary Site Plan phase should again be  
38 overlaid on the Final Site Plans to show trees in relation to proposed improvements.  
39 The plans should also include a table indicating which trees are proposed to be  
40 saved and which are proposed to be removed. **Clear cutting is not allowed.**
- 41 P. Any existing improvements on the property should be shown on the Final Site Plan  
42 and whether those improvements will remain.
- 43 Q. The Plans shall show location and dimension of all proposed buildings. Setbacks  
44 shall be called out.

- 1 R. Open Space. All areas to be counted as Open Space shall be clearly indicated on
- 2 the plan and summarized in a table by tract, acreage, and use.
- 3 S. All streets shall be shown, labeled by street name, showing where curb and gutters,
- 4 sidewalks, and utility easements are to be provided and indicating street pavement
- 5 widths.
- 6 T. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan
- 7 in addition to other stormwater or drainage facilities including manholes, pipes,
- 8 drainage ditches, retention ponds, etc.
- 9 U. All sidewalks or other walkways or trails shall be identified, showing widths and
- 10 surface material as well as cross sections in the detail pages.
- 11 V. The water system including the location of mains, valves and hydrants shall be
- 12 shown on the plans with submittal of profile sheets.
- 13 W. The wastewater system shall be shown on the plans indicating the location of lines
- 14 and lift stations, where applicable, with the submittal of profile sheets where
- 15 required.
- 16 X. All underground and above-ground utility lines, streetlights, and other facilities
- 17 shall be shown.
- 18 Y. All dumpster pads shall be located with details on enclosures.
- 19 Z. New contour lines resulting from earth movement (shown as solid lines) with no
- 20 larger than one (1) foot intervals, or detailed profiles and cross sections.
- 21 AA. The location, dimensions, and materials of all signs, fencing, and walls shall be
- 22 shown.
- 23 BB. Vehicle accommodation areas (including parking areas, loading areas and
- 24 circulation areas); all designated by surface material and showing dimensions and
- 25 layout of proposed parking spaces and the dimensions and direction of travel lanes,
- 26 aisles, and driveways. Also include the number of spaces, including the required
- 27 handicapped spaces, and the calculations for determining parking demand.
- 28 CC. Street signs (according to the Town's Manual of Standards).
- 29 DD. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc.
- 30 (according to the Town's Manual of Standards).
- 31 EE. Proposed vacation of rights-of-way and/or easements are to be addressed.
- 32 FF. Any additional information deemed necessary by the Town of Howey-in-the-Hills.

33 **4.04.00 CONSTRUCTION OF INFRASTRUCTURE**

34 Following Final Site Plan approval by the Town Council, the applicant shall file the  
35 applicable documents and request a Pre-Construction Conference, as outlined in  
36 Section 4.08.01 of this Chapter.

37 **4.05.00 SUBDIVISION PLAN PROCESS**

38 **4.05.01 Subdivision Plan Review**

39 A Subdivision plans must first be submitted in Preliminary Subdivision Plan form to  
40 the Town Clerk for review and recommendation by the Development Review  
41 Committee (DRC). The DRC recommendation is forwarded to the Planning and

1 Zoning Board for its recommendation to the Town Council. Then both the DRC  
2 and Planning and Zoning Board recommendations are forwarded to the Town  
3 Council. Once the Town Council grants Preliminary Subdivision Plan approval,  
4 the next step in the process is Final Subdivision Plan review.

5 B For subdivisions that have fewer than twenty (20) lots and 10 acres, the applicant  
6 has the option of combining the Preliminary and Final Subdivision Plans into one  
7 submittal.

8 C A lot split, which is the division of a single, legally created lot of record into two  
9 separate lots, is permitted within platted subdivisions provided the following  
10 conditions are met:

- 11 1. Only two lots are created from the original legally created lot of record. The  
12 original parcel shall be known as the parent parcel and those lots created out of  
13 it shall not be entitled to another lot split.
- 14 2. A lot split shall not be approved within a platted subdivision when it would  
15 change the character of the subdivision.
- 16 3. All other requirements of the LDC and the Comprehensive Plan shall still apply.
- 17 4. Lot splits shall not result in a flag lot being created.

18 D All development subject to subdivision plan approval shall be consistent with the  
19 policies of the Town of Howey in the Hills Comprehensive Plan and shall comply  
20 with all provisions of this Code and all applicable Town ordinances and regulations.

21 **4.05.02 Approval Process for Preliminary Subdivision Plan**

22 Preliminary Subdivision Plans are submitted to the Town Clerk and must be  
23 accompanied by a Development Review Application and the appropriate fees and  
24 review deposit. Approval of the Preliminary Subdivision Plan shall be construed as  
25 authority for submitting the Final Subdivision Plan. Approval of the Preliminary  
26 Subdivision Plan shall not be construed as authority for the issuance of permits to  
27 construct improvements or for the issuance of building permits.

28 **4.05.03 Pre-Application Conference**

29 Each applicant shall meet with the DRC at a pre-application conference before  
30 preparing a Preliminary Subdivision Plan. In this way, the applicant can become  
31 familiar with the requirements and development policies of the Town, which may affect  
32 the proposed development.

33 **4.05.04 Submission of Preliminary Subdivision Plan**

34 The applicant shall submit to the Town Clerk, eight (8) copies of the Preliminary  
35 Subdivision Plan along with the Development Review Application, a traffic impact  
36 analysis, submittal fee, and review deposit.

37 **4.05.05 Preliminary Subdivision Plan Review Process**

38 A. The Town Clerk shall distribute copies of the Preliminary Subdivision Plan and  
39 application to the DRC members, the Lake County School Board (for residential  
40 development), and FDOT, if applicable. The DRC members and the Lake County

1 School Board and FDOT, where applicable, shall individually review the  
2 Preliminary Subdivision Plan and meet to discuss their comments. The Town  
3 Planner will then prepare a report to the applicant outlining all the issues. The  
4 applicant shall make the changes necessary and submit a revised Preliminary  
5 Subdivision Plan.

- 6 B. Once the applicant receives comments from the DRC and any outside agencies on  
7 the submitted plans, the applicant has 90 calendar days to submit a response,  
8 including a revised set of plans. If the applicant needs more time, a formal request  
9 for an extension should be submitted by the applicant at least 30 days prior to the  
10 expiration of the 90 days. Failure of the applicant to respond in a timely fashion  
11 shall result in the need to resubmit with a new application, including all applicable  
12 documents as if being submitted for the first time, including any fees.
- 13 C. After the DRC is satisfied with the Preliminary Subdivision Plan, a public hearing  
14 is scheduled before the Planning and Zoning Board. The Preliminary Subdivision  
15 Plan and supporting data, and a report from the DRC shall be submitted by the  
16 Town Planner to the Planning and Zoning Board at its public hearing.
- 17 D. After the Planning and Zoning Board public hearing, a public hearing is scheduled  
18 before the Town Council. The Preliminary Subdivision Plan and supporting data,  
19 and a report from the DRC shall be submitted by the Town Planner to the Town  
20 Council at its public hearing. This information shall also include the Planning and  
21 Zoning Board's recommendation.

22 **4.05.06 Notice Procedures**

23 The procedures for notice of Preliminary Subdivision Plans shall be as follows:

- 24 A. Notice to property owners. The Town shall send notice via certified mail of the  
25 proposed preliminary subdivision plan to the owners of all properties within 300  
26 feet of the subject property. Such notice shall be sent no later than 10 days prior to  
27 the scheduled public hearing and shall include the date, time, and place of the public  
28 hearing along with a clear and concise description of the proposed plan.
- 29 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the  
30 Town shall post the property that is the subject of the public hearing with signs  
31 notifying the public of the proposed preliminary plan, date of public hearing, and  
32 person to contact for further information. Signs shall be placed, at a minimum,  
33 along all public road frontages, with a least one sign located every 500 feet along  
34 any frontage.
- 35 C. Publication of notice. Notice of public hearing shall be published in a newspaper  
36 of general circulation at least 10 days prior to the public hearing. Notice shall also  
37 be posted at Town Hall and on the Town's website.

38 **4.05.07 Review and Action by Planning and Zoning Board**

39 The Planning and Zoning Board shall review and recommend approval, approval  
40 subject to conditions, or **disapproval denial** of the Preliminary Subdivision Plan at the  
41 advertised public hearing. In recommending disapproval of any Preliminary  
42 Subdivision Plan, the Planning and Zoning Board shall provide reasons for such action.



1           **4.05.08    Action by the Town Council**

2           After the Planning and Zoning Board reviews the Preliminary Subdivision Plan, the  
3           public hearing scheduled before the Town Council shall be held. The Town Council  
4           shall approve, approve subject to conditions, or ~~disapprove~~ deny the Preliminary  
5           Subdivision Plan. In disapproving any Preliminary Subdivision Plan, the Town  
6           Council shall provide reasons for such action.

7           **4.05.09    Preliminary Subdivision Plan Approval by the Town Council**

8           Preliminary subdivision plan approval by the Town Council shall be automatically  
9           voided if the Final Subdivision Plan (for either the entire project or the approved first  
10          phase) is not approved within one (1) year of the approval of the Preliminary  
11          Subdivision Plan. The Town Council may grant a time extension, for a maximum of  
12          one (1) year, upon written request by the developer to the Town Clerk. The written  
13          request must be received by the Town Clerk at least forty-five (45) days prior to the  
14          scheduled site plan expiration.

15          **4.05.10    Preliminary Subdivision Plan Extensions**

16          The Town Council, at its sole discretion, may extend for a period of twelve (12) months  
17          the date when a subdivision development order would otherwise expire if it concludes  
18          that:

- 19          A. The subdivision development order has not yet expired,  
20          B. The subdivision development order recipient has proceeded with due diligence and  
21             in good faith, and  
22          C. Conditions, including but not limited to LDC changes, have not changed so  
23             substantially as to warrant a new application.

24          **4.05.11    Preliminary Subdivision Plan Requirements**

25          The Preliminary Subdivision Plan shall include the information as outlined below.  
26          Notes should be used whenever possible, on the preliminary plan, to explain, verify or  
27          identify additional information that is important to the understanding of the site and the  
28          plan of development.

29          **4.05.12    Preliminary Subdivision Plan Drawings**

30          The plan sheet size shall be 24” x 36”. Plans including more than one sheet shall  
31          provide a map key relating sheets to the entire planned area. The plan shall include the  
32          following information:

- 33          A. Title Block: The title or name of the proposed development and the name and  
34             address of the property owner and the engineer and surveyor engaged in preparing  
35             the plan.  
36          B. Legend: Date, scale of plan (no smaller than 1” = 100’), north arrow, current  
37             zoning, size of the property (in acres), and total number of lots.  
38          C. Legal Description: A full and detailed legal description of the property and its  
39             approximate acreage.



- 1 D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the
- 2 abutting streets and other community identifiers.
- 3 E. Rights-of-Way: The location, name, and width of any streets on and immediately
- 4 contiguous to the property.
- 5 F. Ingress/Egress: Proposed locations of access to and from the property.
- 6 G. Lot layout: Proposed layout of lots to be created by the new subdivision.
- 7 H. Parking Areas: Proposed areas for parking and number of spaces, if applicable.
- 8 I. Open Space: Total open space required and total open space provided. Include a
- 9 table to outline what tracts are open space including their purpose and size.
- 10 J. Dedications and Reservations: All tracts proposed to be dedicated or reserved for
- 11 public or private use such as roads, easements, buffers, parks, and utilities.
- 12 K. Stormwater Layout: The location of retention ponds and other stormwater
- 13 facilities. Stormwater calculations are not required at this time; however, the
- 14 applicant should show an arrow indicating the direction of flow of surface drainage.
- 15 L. Phase Lines: The boundary lines of each phase of the subdivision plan.
- 16 M. Tree Survey: Location, size, and species of all trees with a DBH of 6" or greater,
- 17 prepared by a Florida licensed land surveyor. The tree survey should be shown as
- 18 a layer on the Preliminary Subdivision Plans to show the relation of the trees to the
- 19 proposed improvements. The plans should also include a table indicating which
- 20 trees are proposed to be saved and which are proposed to be removed.

21 **4.05.13 Approval Process for Final Subdivision Plan**

22 The Final Subdivision Plan shall conform substantially to the approved Preliminary  
23 Subdivision Plan. The plans shall also conform to all requirements of these or other  
24 adopted Town regulations.

25 **4.05.14 Submission of Final Subdivision Plan**

26 The developer shall submit to the Town Clerk, ten (10) copies of the Final Subdivision  
27 Plan, two (2) copies of architectural plans (signed and sealed by a licensed Florida  
28 architect), two (2) copies of the water system hydraulic model (if applicable), two (2)  
29 copies of the sanitary sewer lift station calculations (if applicable), two (2) copies of  
30 the stormwater management calculations, two (2) copies of the landscaping,  
31 hardscaping, and irrigation plans (signed and sealed by a licensed Florida landscape  
32 architect), a concurrency application, and copies of any agency-required permit  
33 applications along with the Development Review Application, submittal fee, and  
34 review deposit.

35 **4.05.15 Final Subdivision Plan Review Process**

36 A. The Town Clerk shall distribute copies of the Final Subdivision Plan and  
37 application to the DRC members, the Lake County School Board (for residential  
38 development), the SJRWMD, FDEP, and FDOT, if applicable. The DRC members  
39 and the other agencies shall individually review the Final Subdivision Plan, then  
40 meet to discuss their comments. The Town Planner will then prepare a report to

1 the developer outlining all the issues. The developer shall make the changes  
2 necessary and submit a revised Final Subdivision Plan.

- 3 B. Once the applicant receives comments from the DRC and any outside agencies on  
4 the submitted plans, the applicant has 90 calendar days to submit a response,  
5 including a revised set of plans. If the applicant needs more time, a formal request  
6 for an extension should be submitted by the applicant at least 30 days prior to the  
7 expiration of the 90 days. Failure of the applicant to respond in a timely fashion  
8 shall result in the need to resubmit with a new application, including all applicable  
9 documents as if being submitted for the first time, including any fees.
- 10 C. After the DRC is satisfied with the Final Subdivision Plan and all applicable fees  
11 have been paid to the Town, the Plan and supporting data, and a report from the  
12 DRC shall be submitted by the Town Planner to the Planning and Zoning Board.  
13 The item shall be placed on a regular Planning and Zoning Board meeting agenda  
14 for consideration. Final Subdivision Plans do not require a public hearing.

15 **4.05.16 Review and Action by Planning and Zoning Board**

16 The Planning and Zoning Board shall review and recommend approval, approval  
17 subject to conditions, or disapproval of the Final Subdivision Plan. In recommending  
18 disapproval of any Final Subdivision Plan, the Planning and Zoning Board shall  
19 provide reasons for such action.

20 **4.05.17 Review and Action by the Town Council**

21 After the Planning and Zoning Board reviews the Final Subdivision Plan, the item shall  
22 be scheduled for a regular Town Council meeting. Final Subdivision Plans do not  
23 require a public hearing. The Town Planner shall submit a report to the Town Council  
24 outlining the recommendations of both the DRC and the Planning and Zoning Board.  
25 The Town Council shall approve, approve subject to conditions, or disapprove the Final  
26 Subdivision Plan. In disapproving any Final Subdivision Plan, the Town Council shall  
27 provide reasons for such action.

28 **4.05.18 Final Subdivision Plan Approval by the Town Council**

29 Final subdivision plan approval by the Town approval by the Town Council shall be  
30 automatically voided if construction on the infrastructure (for either the entire project  
31 or the approved first phase) is not started within 18 months of approval of the Final  
32 Subdivision Plan. The Town Council may grant a time extension, for a maximum of  
33 one (1) year, upon written request by the developer to the Town Clerk. The written  
34 request must be received by the Town Clerk at least forty-five (45) days prior to the  
35 scheduled subdivision plan expiration.

36 **4.05.19 Final Subdivision Plan Extensions**

37 The Town Council, at its sole discretion, may extend for a period of twelve (12) months  
38 the date when a subdivision development order would otherwise expire if it concludes  
39 that:

- 40 A. The subdivision development order has not yet expired,

- 1 B. The subdivision development order recipient has proceeded with due diligence and  
2 in good faith, and  
3 C. Conditions, including but not limited to LDC changes, have not changed so  
4 substantially as to warrant a new application.

5 **4.05.20 Final Subdivision Plan Requirements**

6 The Final Subdivision Plan shall include the information as outlined below. Notes  
7 should be used whenever possible on the final plan, to explain, verify or identify  
8 additional information that is important to the understanding of the site and the plan of  
9 development.

10 **4.05.21 Final Subdivision Plan Drawings**

- 11 A. The plan sheet size shall be 24" x 36". Plans including more than one sheet shall  
12 provide a map key relating sheets to the entire planned area. The plans shall include  
13 the following information:  
14 B. The title page shall include the name of the project/development, the name and  
15 address of the property owner, and the name and address of the engineer preparing  
16 the plan. All plans and support documents shall bear the date, seal, and signature  
17 of the project engineer.  
18 C. The plans shall include a location map that shows the project in relation to the broad  
19 context of the Town.  
20 D. The plans shall include a date, north arrow, and legend.  
21 E. Plans shall be drawn to scale (no smaller than 1"=100').  
22 F. The plans shall include a legal description of the property and the acreage or square  
23 footage. The property boundaries should be clearly outlined.  
24 G. Subdivision Name.  
25 1. Every subdivision shall be given a name by which it shall be legally known.  
26 All subdivision signage must be consistent with its legally assigned name. Such  
27 name shall not be the same, phonetically, or visually similar to any name  
28 appearing on any recorded plat in the County so as to confuse the records or to  
29 mislead the public as to the identity or location of the subdivision, except when  
30 the subdivision is subdivided as an additional unit or section by the same  
31 developer or his successors in title. No subdivision name shall mislead the  
32 public as to the municipality or geographic area in which the subdivision is  
33 located. The name of the subdivision shall be determined by the developer, and  
34 subject to review by the DRC, and approval by the Town Council as part of the  
35 Preliminary Subdivision Plan.  
36 2. If at any time, the developer intends to change the name of the subdivision, the  
37 developer shall request the name change in writing. All correspondence  
38 regarding a name change shall be sent to the Mayor/Town Manager who shall  
39 make a recommendation to the DRC, who shall make a recommendation to the  
40 Town Council. The decision of the Town Council is final. After approval by  
41 the Town Council, it shall be the responsibility of the developer to make the  
42 appropriate changes to all applicable documents. The provision of this

- 1 subsection shall be applicable in all zoning districts, including planned unit  
2 developments. Once the Town approves the subdivision name, it must then be  
3 submitted to the Lake County for approval.
- 4 H. The plans shall show all proposed lots to be created. The lots should be numbered  
5 sequentially. All lots shall show all dimensions and the building envelope.
- 6 I. If the project is to be phased, the phases should be clearly indicated on the plan.  
7 The developer may need to provide additional information to document that the  
8 first phase can stand on its own as well as subsequent phases and their reliance only  
9 on the proceeding phases.
- 10 J. The plans should show property lines with dimensions.
- 11 K. Setbacks.
- 12 1. All setbacks from streets and highways shall be illustrated.
- 13 2. The applicable setbacks for the zoning district shall be indicated by the use of  
14 notes.
- 15 3. All setbacks on irregular shaped lots shall be illustrated.
- 16 L. The line of natural water bodies shall be illustrated.
- 17 M. The plans should show street right-of-way lines of adjacent roads.
- 18 N. Topographic information. Existing contours at one (1) foot intervals based on field  
19 surveys or photogrammatic survey extending a minimum one hundred (100) feet  
20 beyond the tract boundary. The topographic survey shall be certified by a land  
21 surveyor, registered in the State of Florida.
- 22 O. Soils information. Identification of on-site soils shall be drawn on the face of the  
23 plan using the Soil Survey of Lake County Area, Florida. An applicant may  
24 challenge this determination by demonstrating (through the testing of a  
25 geotechnical engineer) that the identified soils are not classified correctly. If the  
26 above determination is concurred with by the Town Engineer, then these alternative  
27 soil determinations will be used in preparing the plans.
- 28 P. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be  
29 shown on the plans. An environmental impact assessment will be required for  
30 significant or ecologically fragile areas.
- 31 Q. 100 Year Flood Elevation Information. Where the 100-year flood elevation is  
32 shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant  
33 shall show the location of the one hundred (100) year flood elevation. Data shall  
34 be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M.  
35 maps. In this circumstance, the developer will be responsible for the necessary  
36 drainage basin studies to establish the 100-year flood elevation. This work will be  
37 prepared to the satisfaction of the Town Engineer. If the proposed development  
38 will create a change to the existing 100-year flood elevation, this change will be  
39 reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter  
40 of map amendment to FEMA and will need to provide evidence to the Town that  
41 FEMA has agreed to the amendment prior to receiving Final Subdivision Plan  
42 approval.
- 43 R. The tree survey submitted at the Preliminary Subdivision Plan phase should again  
44 be overlaid on the Final Subdivision Plans to show trees in relation to proposed

- 1 improvements. The plans should also include a table indicating which trees are  
2 proposed to be saved and which are proposed to be removed.
- 3 S. Any existing improvements on the property should be shown on the Final  
4 Subdivision Plan and whether those improvements will remain.
- 5 T. Open Space. All areas to be counted as Open Space shall be clearly indicated on  
6 the plan and summarized in a table by tract, acreage, and use.
- 7 U. All streets shall be shown, labeled by street name, showing where curb and gutters,  
8 sidewalks, and utility easements are to be provided and indicating street pavement  
9 widths.
- 10 V. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan  
11 in addition to other stormwater or drainage facilities including manholes, pipes,  
12 drainage ditches, retention ponds, etc.
- 13 W. All sidewalks or other walkways or trails shall be identified, showing widths and  
14 surface material as well as cross sections in the detail pages.
- 15 X. The water system including the location of mains, valves and hydrants shall be  
16 shown on the plans with submittal of profile sheets.
- 17 Y. The wastewater system shall be shown on the plans indicating the location of lines  
18 and lift stations, where applicable, with the submittal of profile sheets where  
19 required.
- 20 Z. All underground and above-ground utility lines, streetlights, and other facilities  
21 shall be shown.
- 22 AA. All dumpster pads shall be located, if applicable, with details on enclosures.
- 23 BB. New contour lines resulting from earth movement (shown as solid lines) with no  
24 larger than one (1) foot intervals, or detailed profiles and cross sections.
- 25 CC. The location, dimensions, and materials of all signs, fencing, and walls shall be  
26 shown.
- 27 DD. Vehicle accommodation areas, if applicable, including parking areas, loading areas  
28 and circulation areas; all designated by surface material and showing dimensions  
29 and layout of proposed parking spaces and the dimensions and direction of travel  
30 lanes, aisles, and driveways. Also include the number of spaces, including the  
31 required handicapped spaces, and the calculations for determining parking demand.
- 32 EE. Street signs (according to the Town's Manual of Standards).
- 33 FF. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc.  
34 (according to the Town's Manual of Standards).
- 35 GG. Proposed vacation of rights-of-way and/or easements are to be addressed.
- 36 HH. Any additional information deemed necessary by the Town of Howey-in-the Hills.

37 **4.06.00 ARCHITECTURAL PLAN REQUIREMENTS**

38 **4.06.01 Purpose and Intent**

- 39 A. Architectural requirements are an integral part of the LDC in order to ensure quality  
40 development, create a sense of place and community, and to enhance the physical  
41 environment. All architectural plans submitted under this Chapter must be signed  
42 and sealed by a licensed architect registered in the State of Florida.
- 43 B. These standards are intended to:

- 1 1. Encourage a diversity in housing styles, shapes, and materials in order to create
- 2 variety in the streetscape,
- 3 2. Encourage richness in design through materials and details,
- 4 3. Maximize the positive impact of development,
- 5 4. Ensure that non-residential building facades are designed to a human scale, for
- 6 esthetic appeal, pedestrian comfort, and compatibility with adjacent
- 7 development,
- 8 5. Ensure that larger non-residential buildings are designed to reduce their
- 9 apparent bulk and volume through design and landscaping,
- 10 6. Encourage sustainable architecture.

#### 11 **4.06.02 Residential Developments**

12 ~~In order~~ To promote architectural character **to the fullest extent allowed by Florida law,**

13 the Town shall require new housing developments to offer a variety of architectural

14 styles and elevations. These regulations promote both diversity in the exterior

15 elevations of neighboring homes, as well as individual character in the design of each

16 residence.

17 A. For new single-family residential developments or infill single family development

18 with six (6) or more adjacent lots:

- 19 1. The same house model may not be used more than ~~three~~ **two** times within a
- 20 single block face. For purposes of this requirement, a different house model is
- 21 a different floor plan, not the same floor plan flipped in a different direction and
- 22 not the same floor plan with a different exterior treatment. When ~~less~~ **fewer**
- 23 than ten (10%) percent of the lots in a subdivision remain to be developed, the
- 24 Planning Board may approve a home design to be used ~~more than~~ **three** times
- 25 within a single block face. This option is intended to provide some flexibility
- 26 in finishing the subdivision development while maintaining diversity in
- 27 building design. (DM)

- 28 2. Front porches shall be a required component on at least one quarter of the house
- 29 models offered in a development. These porches shall be at least 6 feet deep
- 30 and 10 feet wide.

31 ~~a. Front porches may encroach into the front setback up to five (5) feet in~~

32 ~~Single Family Residential and Medium Density Residential developments.~~

33 Front porches may be screened, provided that the screen is located behind the

34 railings.

- 35 3. Recessed garages or side entry garages shall be a required component on at
- 36 least one quarter of the house models offered in a development. To be
- 37 considered recessed, the garage shall be set back a minimum of ten (10) feet
- 38 from the main building face, or five (5) feet if the house has a front porch.

39 B. For all new residential development

- 40 1. Residential building walls shall be wood clapboard, wood shingle, wood drop
- 41 siding, Hardie board siding, brick, stone, stucco, approved vinyl siding, or
- 42 similar material.



2. Residential roofs shall be wood, synthetic, or fiberglass shingles, solar shingles, tile or metal. Eaves are an important component of the roof design; they not only provide architectural character, but they help to protect building walls and reduce cooling costs.
3. Fencing or decorative walls in residential front yards shall be a maximum of three (3) feet tall. Fencing in side and rear yards shall be a maximum of six (6) feet tall. Fences shall be wood, vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. The architectural style and color of walls shall match the primary dwelling unit. Fences shall be erected so that the finished side is towards adjacent lots or the public right-of-way. Chain link fencing is permitted along the sides and rear lot lines of residential lots that back up to either a lake or wetland. Residential development in Agricultural and Rural Estates zoning districts may also propose special purpose fencing in conjunction with farm animals and horses.
4. Perimeter fences or walls are permitted around a residential development up to a maximum of six (6) feet, provided that the fence and/or wall has architectural features compatible with the neighborhood. Fences and walls shall also include details such as banding, capping, columns (which may be up to 8 feet tall), and other elements to add interest. To enhance design, perimeter fences and walls are required to incorporate landscaping with breaks in the fence or wall (or change in direction). Perimeter fences shall be vinyl, wrought iron, or aluminum that is designed to resemble wrought iron. Perimeter walls shall be faced with stucco, brick, or stone or a combination of those materials.

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

**To the extent not prohibited by law,** at the time of Final Plan submittal (or at building permit for infill development); the applicant shall submit a complete set of the residential design plans. This shall include the front, side, and rear elevations for each model that will be constructed within the development. The building elevations shall include the following:

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



- 1 4. Decorative elements
- 2 5. Doors
- 3 6. Columns
- 4 7. Window boxes
- 5 8. Porticos
- 6 9. Cupolas
- 7 10. Chimneys
- 8 11. Enhanced landscape treatment which provides for one additional planting area
- 9 with a minimum size of 400 square feet
- 10 12. Other elements approved by the Town

11 **4.06.04 Other Residential Development**

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

14 **4.06.05 Non-Residential Development**

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

26 **4.06.06 Non-Residential Development Architectural Plans**

- 27 A. At the time of Final Plan submittal, the applicant shall submit a complete set of the
- 28 building design plans. This shall include the front, side, and rear elevations. The
- 29 plans shall include the roof design and show all pertinent details (windows, shutters,
- 30 porches, decorative finishes, doors, colors, materials). The plans shall be drawn to
- 31 scale, and dimensions shall be clearly delineated. All elevations must be signed
- 32 and sealed by a licensed architect registered in the State of Florida.
- 33 B. Architectural plans shall also include screening details for service areas and
- 34 mechanical equipment as well as site furnishings, lighting fixtures, and any other
- 35 information necessary to ensure consistency with the intent of this section.
- 36 C. Architectural plans are required for any new non-residential developments, and
- 37 additions or alterations to previously approved non-residential developments.
- 38 Alterations may include, but are not limited to, changes in color, material, roof
- 39 finishes, awnings, and other exterior features.
- 40 D. Non-Residential Architectural Plans should also ensure the following:

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1. Facades should be designed to reduce the scale and uniform appearance of the building and provide visual interest. Each façade shall incorporate one massing technique and one articulation technique from the following list or other technique proposed by the project architect and approved by the Town Council. For every fifty (50) feet of wall that exceeds fifty (50) feet in length one additional massing technique and one additional articulation technique shall be applied to the entire wall length.

<b>Massing Techniques</b>	<b>Articulation Techniques</b>
Building wall offsets	Base course or plinth course
Colonnades	Windows
Cupolas	Facia
Towers	Cornice
Pavilions	Piers
Arcades	Arches
Building recesses and projections	Bays
Clock or bell towers	Brackets
Variations in roof lines	Balconies
Verandas	Portals
Overhangs	Wings
	Porches
	Stoops
	String courses
	Lintels
	Bay windows and oriels
	Show cases
	Transoms

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2. Fences that are visible from the public right-of-way shall not be chain link unless the land use requires security fencing.
3. Variations in roof lines should be used to add building interest consistent with the designated building style. Roof mounted equipment is also required to be shielded from view. Flat roofing is encouraged if the roof can be utilized (i.e., rooftop terrace), especially where such use can take advantage of views (i.e., for residential units above non-residential uses).
4. Large storefront windows are encouraged in retail areas as pedestrian-friendly components. At least 50 percent of the first floor of all buildings with a retail component shall be comprised of storefront windows, unless a waiver is specifically granted by the Town Council.

- 1 5. Non-residential buildings shall be painted with earth tone or pastel colors  
2 consistent with the designated building styles. Fluorescent and visually  
3 overwhelming colors which call undue attention to the property shall not be  
4 permitted. The fact that certain colors are “corporate” shall not be grounds for  
5 waiver from this provision. Where color schemes are used on non-residential  
6 buildings that commonly identify the business on site, those areas shall be  
7 considered signage and shall be included in the calculation of sign area.
- 8 6. Awnings, arcades, colonnades, arbors, trellises, and other similar architectural  
9 components should be a component of non-residential building design to add  
10 interest to the physical character of the area as well as afford a way for  
11 pedestrians to get out of the weather.
- 12 7. The main building entrance shall face the public right-of-way unless it is  
13 determined during the site plan approval process that such configuration is not  
14 practical. When parking is located on the side or rear of the building, the  
15 placement of a suitably large building entrance facing the parking area is  
16 permitted, but it shall not displace the main building entrance. Main building  
17 entrances shall be articulated in a manner consistent with the architectural style  
18 of the building.

19 **4.07.00 LANDSCAPING, HARDSCAPING, AND IRRIGATION PLAN**

- 20 A. Landscaping, hardscaping, and irrigation plans are required to be submitted with  
21 Final Site Plans and Final Subdivision Plans. These plans shall be signed and sealed  
22 by a licensed landscape architect registered in the State of Florida.
- 23 B. See Chapter 7 for requirements for landscaping, hardscaping, and irrigation.

24 **4.08.00 SITE IMPROVEMENTS**

25 **4.08.01 *Pre-Construction Conference***

26 Following approval of the Final Site Plan or Final Subdivision Plan, the applicant shall  
27 submit a completed pre-construction checklist and the applicant and applicant’s  
28 contractor shall have a formal meeting with the DRC, Town inspector, and utility  
29 company representatives. Upon acceptance by the Town of all applicable permits, fees  
30 and related documents, the Town Engineer will issue the developer a set of the Final  
31 Plans stamped “Approved for Construction”. If there are vertical components included  
32 in the improvements (fencing, walls, etc.), building permits will also need to be applied  
33 for and issued as part of the process before those improvements may be installed.  
34 Following approval of a Final Site Plan or Final Subdivision Plan, there shall be no  
35 deviation from the approved plan unless a revised plan is submitted, reviewed, and  
36 approved as provided in this Section.

37 **4.08.02 *The Installation of All Site Improvements***

38 The installation of all site improvements shall be subject at all times to inspection by  
39 the Town. The developer shall pay an inspection fee to the Town as part of the Pre-

1 Construction Conference to cover the costs of the Town Inspector and Town Engineer  
2 for site inspections.

3 **4.08.03 Certificate of Completion**

4 Upon completion of the site improvements, a formal walk-through inspection shall be  
5 scheduled by the Town Engineer. The developer must also submit the following  
6 documents:

- 7 A. Engineer’s certification letter (signed and sealed by a professional engineer)
- 8 B. Surveyor’s certification letter (signed and sealed by a professional land surveyor)
- 9 C. Two sets of as-built drawings (signed and sealed)
- 10 D. A 2-year maintenance guarantee covering all site improvements. This maintenance  
11 guarantee shall be either cash, a letter of credit or a maintenance bond in the amount  
12 of 20% of the cost of the improvements.
- 13 E. Certified utility cost (signed and sealed by a professional engineer)
- 14 F. “Bill of Sale” – water system
- 15 G. “Bill of Sale” – wastewater system
- 16 H. Copy of signed contract for site work
- 17 I. Letter from DEP indicating acceptance of permitted work
- 18 J. Letter from SJRWMD indicating acceptance of permitted work
- 19 K. Certification for back flow preventer

20 **4.08.04 Letter of Acceptance**

21 Once all improvements are deemed acceptable to the Town and all required documents  
22 have been submitted by the applicant, a letter of acceptance shall be issued by the  
23 Town. The date on the letter shall be used as the start date for the 2-year maintenance  
24 period covered by the maintenance guarantee.

25 **4.08.05 Two-Year Maintenance Period**

26 Periodically throughout the 2-year maintenance time period, the Town shall inspect the  
27 improvements and notify the applicant if any deficiencies are found. Ninety (90) days  
28 prior to the expiration of the maintenance guarantee, a formal walkthrough inspection  
29 will be conducted to determine whether any deficiencies exist. If deficiencies are  
30 found, a letter will be issued to the applicant. The Town will notify the maintenance  
31 guarantee holder if deficiencies still exist toward the end of the maintenance guarantee  
32 period. If deficiencies are found, the Town may require an extension of the  
33 maintenance period for that particular issue.

34 **4.09.00 FINAL PLAT REQUIREMENTS**

35 **4.09.01 Final Plat**

36 The applicant shall provide the Town Clerk with six (6) paper copies of the Final Plat  
37 for review. These sheets shall be twenty-four (24) inches by thirty-six (36) inches.  
38 Plats shall meet all of the requirements of Chapter 177 Florida Statutes and shall be so  
39 certified by a land surveyor registered in the State of Florida.

1 If a government survey corner is used to conduct the surveys for the plats, a copy of  
2 the corner record shall be resubmitted along with the plats for approval. All plats to be  
3 recorded shall contain the required plat certificates. When previously platted lands are  
4 proposed for replatting, it will be necessary that the existing plat, or portion thereof, be  
5 vacated pursuant to Chapter 177 Florida Statutes, subsequent to recordation of the new  
6 plat.

7 **4.09.02 Required Information**

8 A plat may be submitted for which all subdivision improvements have not been  
9 completed, installed and/or accepted by the Town; however, a performance bond or  
10 letter of credit in the amount of 120% of the cost of any improvements that have not  
11 been accepted by the Town, must accompany the plat submittal. The final plat  
12 application shall comply with the requirements of Chapter 177, Florida Statutes, as  
13 amended from time to time, and shall include the following:

- 14 A. The Plat cover sheet shall include a vicinity map drawn to scale and including  
15 orientating features, a complete legal description including the section, township  
16 and range, the name, address, and telephone number of the owner or the name and  
17 address of the president and secretary if the owner is a corporation, and the area of  
18 the property in both square footage and acreage.
- 19 B. The Plat shall include any and all Joinder and Consents.
- 20 C. Title Opinion. The Plat application shall include a title opinion of an attorney  
21 licensed in Florida or a certification by a title company dated no earlier than thirty  
22 (30) days prior to the submittal.
- 23 D. The Plat shall include the dedication of any improvements to the Town of Howey  
24 in the Hills.
- 25 E. The Plat shall include a note on the cover sheet that “No amendments shall be made  
26 to the Declaration of Covenants, Conditions and Restrictions without prior approval  
27 of the Town of Howey in the Hills with regard to changes to or transfer of any  
28 portion or component of the subdivision infrastructure and any change in ownership  
29 or maintenance provisions of the common areas.”
- 30 F. The Final Plat shall contain sufficient data to determine readily and locate  
31 accurately on the ground, the location, bearing and length of every right of way  
32 line, lot line, easement boundary line and block line, including the radii, arcs and  
33 central angles of all curves.
- 34 G. Each permanent reference monument shall be shown on the plat by appropriate  
35 designation.
- 36 H. All permanent control points shall be shown on the plat by an appropriate  
37 designation. It is the land surveyor’s responsibility to furnish to the Town Clerk  
38 his certificate that the permanent control points have been set and the dates they  
39 were set.
- 40 I. The Plat application shall include Proposed Homeowners’ or Property Owners’  
41 Association (HOA or POA) Documents. Prior to recordation of the final plat, a  
42 homeowners’ or property owners’ association shall be established. The applicant  
43 shall provide six (6) copies of all proposed HOA or POA documents related to the

1 subdivision. The HOA or POA documents shall include language regarding  
2 ownership and/or maintenance responsibilities for improvements including, but not  
3 limited to, upgraded streetlights and all common areas including stormwater  
4 management facilities, parks, entranceways, and buffers. These documents shall  
5 be submitted to and reviewed by the DRC and the Town Attorney prior to review  
6 by the Town Council.

7 J. Proposed Deed Restrictions and Covenants. The applicant shall provide six (6)  
8 copies of all proposed deed restrictions effecting the subdivision. These deed  
9 restrictions shall be recorded in the official records of Lake County along with the  
10 plat. These documents shall be submitted to and reviewed by the DRC and the  
11 Town Attorney prior to review by the Town Council.

12 K. Private Subdivisions. A subdivision, requesting to have private streets, must have  
13 enforceable legal documents establishing the owner's association, and creating  
14 binding restrictive covenants. These documents must provide for a means of  
15 enforcing any and all assessments levied by the association, in order to financially  
16 provide for the continuing care and maintenance of the streets. These documents  
17 shall be submitted to and reviewed by the DRC and Town Attorney prior to review  
18 by the Town Council. Appropriate provisions must be made for the uncontested  
19 use of the private streets by those governmental agencies, such as the Howey in the  
20 Hills Police Department and Public Works Department and other governmental  
21 agencies, which may, from time-to-time need to travel over or across said private  
22 streets. In addition, the HOA or POA shall enter into an agreement with the Town  
23 for enforcement of traffic laws on the private streets if the HOA or POA seeks those  
24 services.

25 L. Surety for Improvements. This is only required if platting is requested prior to  
26 installation of all improvements and acceptance of same by the Town. Prior to the  
27 recordation of any Final Plat, the applicant shall file with the Town Council an  
28 adequate performance guarantee such as a performance bond or escrow agreement  
29 funded by cash, cashier's check or a certified check upon a local bank, conditioned  
30 to secure the construction of the required improvements in a satisfactory manner to  
31 the Town and within a time period specified by the Town Council. No such  
32 performance guarantee shall be accepted unless it is enforceable by or payable to  
33 the Town in a sum at least equal to one hundred twenty percent (120%) of the cost  
34 of all improvements required to be installed by the applicant. The amount of the  
35 performance guarantee shall be based on the project engineer's certified estimate  
36 of the cost of improvements or upon actual contract costs for installing the  
37 improvements as referenced by a signed contract between the developer and the  
38 site contractor. This performance guarantee should be reviewed and approved by  
39 both the Town Engineer and the Town Attorney.

40 M. Warranty Deed. For public site dedications (i.e. school site or park site).

1           **4.09.03    Review Process**

2           After the DRC, Town surveyor and Town **Manager Attorney** are satisfied with the Final  
3           Plat and all applicable documents, a report from the Town Attorney shall be submitted  
4           to the Town Council.

5           **4.09.04    Review and Action by the Town Council**

6           The Final Plat shall be scheduled for a regular Town Council meeting. A Final Plat  
7           does not require a public hearing. The Town **Manager Attorney** shall submit a report  
8           to the Town Council outlining the recommendations of the DRC, the Town surveyor,  
9           and the Town Attorney. The Town Council shall approve, approve subject to  
10          conditions, or **deny disapprove** the Final Plat. In **denying disapproving** any Final Plat,  
11          the Town Council shall provide reasons for such action.

12  
13          Once the Town Council approves the Final Plat and the applicant provides a copy of  
14          the recorded HOA and/or POA documents and the recorded deed restrictions to the  
15          Town, the Town Clerk shall record the plat in the records of Lake County, Florida. A  
16          copy of the plat shall be provided by the Town to the applicant.

17  
18          The Town Clerk shall also forward a copy of the recorded Final Plat to the appropriate  
19          Lake County office for verification of street addresses for the new lots.  
20

21   **4.10.00    PLANNED UNIT DEVELOPMENTS (PUDS)**

22          The **primary intent of** Town Council may allow Planned Unit Developments **is to**  
23          **provide** for planned residential communities **with 100 acres or more and** containing a  
24          variety of housing; with complementary and compatible non-residential uses.

25          **4.10.01 Planned Unit Developments serve a variety of purposes**

- 26                A. To allow for diverse uses in close proximity and more open space.  
27                B. To reduce energy costs through a more efficient use of land design and  
28                smaller network of utilities and streets than is typically possible in  
29                conventional zoning districts.  
30                C. To preserve the natural amenities and environmental assets of the land by  
31                allowing for clustering of development.  
32                D. To increase the amount of useable open space areas by permitting a more  
33                economical and concentrated use of building areas than would be possible  
34                through conventional zoning districts.  
35                E. To provide maximum opportunity for application of innovative concepts  
36                of site planning in the creation of aesthetically pleasing living, shopping,  
37                and working environments on properties of adequate size, shape, and  
38                location.



- 1 F. To provide a flexible zoning district which is intended to encourage an  
2 appropriate balance between the intensity of development and the  
3 preservation of open space.

4 ***4.10.02 Approval Process for Conceptual Land Use Plan***

5 Conceptual Land Use Plans are submitted to the Town Clerk and must be accompanied  
6 by a Development Review Application and the appropriate fees and review deposit.  
7 Approval of the Conceptual Land Use Plan is done by ordinance and conveys zoning  
8 to the property. Approval of the ordinance and Conceptual Land Use Plan shall be  
9 construed as authority for submitting the Preliminary Subdivision Plan. Approval of  
10 the Conceptual Land Use Plan shall not be construed as authority for the issuance of  
11 permits to construct improvements or for the issuance of building permits.

12 ***4.10.03 Pre-Application Conference***

13 Each applicant shall meet with the DRC at a pre-application conference before  
14 preparing a Conceptual Land Use Plan. In this way, the applicant can become familiar  
15 with the requirements and development policies of the Town, which may affect the  
16 proposed development.

17 ***4.10.04 Submission of Conceptual Land Use Plan***

18 The applicant shall submit to the Town Clerk, eight (8) copies of the Conceptual Land  
19 Use Plan along with the Development Review Application, submittal fee, and review  
20 deposit.

21 ***4.10.05 Review Process***

- 22 A. The Town Clerk shall distribute copies of the Conceptual Land Use Plan and  
23 application to the DRC members and the Lake County School Board (for  
24 residential development). The DRC members and the Lake County School  
25 Board, where applicable, shall individually review the Conceptual Land Use  
26 Plan and meet to discuss their comments. The Town Planner will then prepare  
27 a report to the applicant outlining all the issues. The applicant shall make the  
28 changes necessary and submit a revised Conceptual Land Use Plan.
- 29 B. Once the applicant receives comments from the DRC, the applicant has 90  
30 calendar days to submit a response, including a revised set of plans. If the  
31 applicant needs more time, a formal request for an extension should be  
32 submitted by the applicant at least 30 days prior to the expiration of the 90 days.  
33 Failure of the applicant to respond in a timely fashion shall result in the need to  
34 resubmit with a new application, including all applicable documents as if being  
35 submitted for the first time, including any fees.
- 36 C. After the DRC is satisfied with the Conceptual Land Use Plan, a public hearing  
37 is scheduled before the Planning and Zoning Board. The zoning ordinance, to  
38 include the Conceptual Land Use Plan as an exhibit, and supporting data, and a  
39 report from the DRC shall be submitted by the Town Planner to the Planning  
40 and Zoning Board at its public hearing.

1           D. After the Planning and Zoning Board public hearing, a public hearing is  
2 scheduled before the Town Council. The zoning ordinance, to include the  
3 Conceptual Land Use Plan as an exhibit, and supporting data, and a report from  
4 the DRC shall be submitted by the Town Planner to the Town Council at its  
5 public hearing. This information shall also include the Planning and Zoning  
6 Board's recommendation.

7           **4.10.06 Notice Procedures**

8           The procedures for notice of Zoning to PUD including a Conceptual Land Use Plan  
9 shall be as follows:

- 10           A. Notice to property owners. The Town shall send notice via certified mail of the  
11 proposed PUD/Conceptual Land Use Plan to the owners of all properties within  
12 300 feet of the subject property. Such notice shall be sent no later than 10 days  
13 prior to the scheduled public hearing and shall include the date, time, and place  
14 of the public hearing along with a clear and concise description of the proposed  
15 plan.
- 16           B. Posted of property. No later than 10 days prior to the scheduled public hearing,  
17 the Town shall post the property that is the subject of the public hearing with  
18 signs notifying the public of the proposed zoning, date of public hearing, and  
19 person to contact for further information. Signs shall be placed, at a minimum,  
20 along all public road frontages, with a least one sign located every 500 feet  
21 along any frontage.
- 22           C. Publication of notice. Notice of public hearing shall be published in a  
23 newspaper of general circulation at least 10 days prior to the public hearing.  
24 Notice shall also be posted at Town Hall and on the Town's website.

25           **4.10.07 Review and Action by Planning and Zoning Board**

- 26           A. The Planning and Zoning Board shall review and recommend approval,  
27 approval subject to conditions, or ~~disapproval~~ denial of the zoning ordinance  
28 and Conceptual Land Use Plan at the advertised public hearing. In  
29 recommending ~~disapproval~~ denial of any zoning ordinance and Conceptual  
30 Land Use Plan, the Planning and Zoning Board shall provide reasons for such  
31 action.
- 32           B. Conditions of approval may be memorialized in the Town Council's motion,  
33 the zoning ordinance, the Conceptual Land Use Plan, or a development  
34 agreement. Conditions of approval are negotiable. Action by the applicant or  
35 its successor consistent with the approved conditions shall be deemed  
36 acceptance of and agreement to the conditions set by Town Council. In all  
37 PUD's the conditions of approval shall include a date at which the PUD  
38 zoning and its related Conceptual Land Use Plan and development agreement  
39 may be revoked by the Town Council if substantial development is not  
40 undertaken within two years after Town Council approval of the PUD zoning.  
41 Substantial development shall be defined in the conditions of approval or the  
42 development agreement based on the circumstances of the proposed

1                    **development.**

2                    **4.10.08    Action by the Town Council**

3                    After the Planning and Zoning Board reviews the zoning ordinance and Conceptual  
4                    Land Use Plan, the first reading of the ordinance is scheduled before the Town Council.  
5                    At the following Town Council meeting, the second reading and public hearing is held.  
6                    At that meeting, the Town Council shall approve, approve subject to conditions, or  
7                    disapprove the zoning ordinance and Conceptual Land Use Plan. In disapproving any  
8                    zoning ordinance and Conceptual Land Use Plan, the Town Council shall provide  
9                    reasons for such action.

10                   **4.10.09    Conceptual Land Use Plan Requirements**

11                   The Conceptual Land Use Plan, consisting of properly identified exhibits and support  
12                   materials, shall clearly indicate at a minimum of following:

- 13                   A. Project Name
- 14                   B. Developer Name, Address, telephone number
- 15                   C. Name, Address, telephone number of firm that prepared conceptual plan
- 16                   D. Location Map insert
- 17                   E. Legal Description
- 18                   F. Boundary Survey
- 19                   G. Total Acreage (gross land area)
- 20                   H. Water bodies acreage
- 21                   I. Wetland acreage
- 22                   J. Net land area (Gross land area less any water bodies, less open space requirements,  
23                   less any remaining wetlands.)
- 24                   K. Open Space required (25% of gross land area. Gross land area includes wetlands  
25                   but excludes water bodies.) See Policy 1.1.4 in the Future Land Use Element  
26                   (FLUE) for open space info. The applicant does not need to show where  
27                   specifically the open space will come from on the conceptual land use plan;  
28                   however, the applicant is required to show the acreage that will be needed.
- 29                   L. Percentage of uses (residential, commercial, public/civic) – See FLUE
- 30                   M. Proposed land uses: (Note that densities are determined by the Net Land Area.)
- 31                   N. Residential: max. number of units, type of units, minimum lot sizes, minimum  
32                   living areas, typical lot sketch (width and depth of lot; setbacks; for sf residential,  
33                   two spaces in the driveway that provide a min. of 20 feet on the lot side of the  
34                   sidewalk), max. building heights, min. parking required,
- 35                   O. Non-residential: Types of uses permitted (retail, office, etc – See FLUE Policy  
36                   1.4.8), conditional uses, prohibited uses, gross floor area, floor area ratio, max.  
37                   building height, setbacks from perimeter property lines,
- 38                   P. Open Space: retention ponds, parks, plazas, buffers,
- 39                   Q. Public or civic space: types of uses, gross floor area, max. building height,
- 40                   R. The conceptual land use plan should show where on the property the above land  
41                   uses are proposed to be located.
- 42                   S. Phasing schedule

- 1 T. Plan in relation to existing and proposed collector and arterial streets (i.e., proposed
- 2 access points to existing; general layout of internal roadway system)
- 3 U. Whether any portion of the development will be gated/private access only.
- 4 V. Proposed architectural style of buildings (both residential and non-residential), with
- 5 proposed elevations that include sufficient detail to show intent [i.e., building
- 6 materials, roof materials and style (minimum eaves), recessed garages, architectural
- 7 elements (front porches, bay windows, arches, dormers, brick/stone/masonry
- 8 design elements, window and door trim, shutters, etc), and for non-residential
- 9 buildings, display windows first floor, decorative features to break up massing,
- 10 arcades, cupolas, balconies, cornice treatment, etc..]
- 11 W. Buffer treatments and entranceway treatments (viewed from the public right of
- 12 way).
- 13 X. Notes on the plan indicating how the development will be served for potable water
- 14 and sanitary sewer.
- 15 Y. Identify general areas for stormwater management.
- 16 Z. Identify general wetland areas.
- 17 AA. Any other information deemed necessary by the Town.

18 **4.10.10 Amendments to the Conceptual Land Use Plan**

- 19 A. Alterations to the approved Conceptual Land Use Plan shall be classified as either
- 20 substantial or non-substantial amendments. The following criteria shall be used to
- 21 identify a substantial amendment.
- 22 1. A change which would include a land use not previously permitted under the
- 23 approved Planned Unit Development zoning.
- 24 2. A change which would alter the land use type adjacent to a property boundary.
- 25 3. A change which would increase the land use intensity within a development
- 26 phase without a corresponding decrease in some other portion of the overall
- 27 Planned Unit Development.
- 28 4. An amendment to the phasing which would propose a land use in advance of
- 29 another land use differing from the approved Plan.
- 30 5. A change of similar nature, complexity or scope as identified by the Mayor.
- 31 B. The determination of a substantial or non-substantial amendment shall be made by
- 32 the **Mayor Town Manager** with input from the DRC.
- 33 C. Amendments to the Conceptual Land Use Plan determined to be substantial will
- 34 require a new Conceptual Land Use Plan application and a full review by the DRC.
- 35 After review by the DRC, the Conceptual Land Use Plan will then be submitted to
- 36 the Planning and Zoning Board and the Town Council and shall be an exhibit to an
- 37 amended zoning ordinance. The amended zoning ordinance shall go through the
- 38 same public hearing process as the original ordinance.
- 39 D. Amendments determined to be non-substantial amendments must be submitted
- 40 (including plans and support data) and approved first to the DRC and then to the
- 41 Town Council for final approval. A new ordinance is not required for non-
- 42 substantial amendments.

1                   **4.10.11    Subsequent Process for PUDs**

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

4                   **4.11.00    SPECIAL OVERLAY DISTRICTS**

5                   A. Special Overlay Areas may be created by the Town of Howey in the Hills to  
6                   facilitate unique development activities where there is need for coordination  
7                   between different land owners in the development of projects where there are  
8                   special issues of infrastructure, environmental protection, employment activities,  
9                   protection of historic resources, or other public issues deemed by the Town Council  
10                  to be appropriate for special treatment. There is one current Special Overlay Area  
11                  called the Town Center Mixed Use Overlay. (See Map 4.11.00)

12                  B. It is the intent of the Town that the designation of a Special Overlay District shall  
13                  put landowners, developers, and the general public on notice that special  
14                  opportunities exist for the development of the area and, concurrently, that special  
15                  provisions or limitations may be placed on projects within the area; identify specific  
16                  standards to be followed in the development of the area, which standards shall  
17                  supersede conflicting general standards of this Code, but which shall not be  
18                  inconsistent with the Comprehensive Plan.

19                  **4.11.01    Establishment Procedures**

20                  The Town Council may, from time to time by ordinance, create, dissolve, and/or  
21                  modify Special Overlay Areas. The following procedures shall be applicable to the  
22                  adoption of any such ordinance:

23                  A. The proposal to create or modify a Special Overlay Area shall include a statement  
24                  of intent, specific boundaries, and a special development plan identifying the  
25                  proposed special regulations to be applicable therein. Maps and diagrams, in  
26                  addition to text, to explain the general intent and the specific regulations being  
27                  adopted shall also be included with the Plan to delineate the conceptual spatial and  
28                  aesthetic aspects pertaining to each Special Overlay Area.

29                  B. Special development plans formulated for all Special Overlay Areas shall, at a  
30                  minimum, identify specific standards pertaining to potential uses of the property,  
31                  setbacks, size/height/bulk of buildings, provision for mixed- and multi-use  
32                  development, including housing options, master infrastructure requirement,  
33                  stormwater management, vehicular access provisions, architectural compatibility,  
34                  historic preservation, signage, landscaping, pedestrian access, parking, lighting,  
35                  and the protection of natural resources including trees, lakes and wetland areas. In  
36                  order to promote flexibility and design innovations, each special development plan  
37                  shall identify areas where the strict application of standard land development  
38                  regulations may be waived in return for alternative development options which  
39                  promote the intents of each Special Overlay Area.

40                  C. All notices regarding public hearings to consider the creation or modification of the  
41                  Special Overlay Area shall include reference to the plan and to the location where

1 it can be reviewed. All notices shall also explain that the plan can be modified at  
2 the time of adoption of the ordinance, within the limitations of Chapter 166, Florida  
3 Statutes. All owners having properties situated within the proposed boundaries of  
4 each Special Overlay Area shall also be notified by mail at least (10) days prior to  
5 the public hearings before the Planning and Zoning and Town Council.

6 D. The boundaries of the Special Overlay Area shall be shown on the Official Zoning  
7 Map.

8 **4.11.02 Administration of a Special Overlay Area**

9 A. The designation of a Special Overlay Area shall not establish any special  
10 requirements for development review procedures except as may be contained  
11 within this Section. Before any change of zoning, subdivision approval, or site plan  
12 approval is granted within a Special Overlay Area, the approving authority shall  
13 review this Section and shall find that the approval is consistent with this Section,  
14 as well as with all other applicable requirements of this Code. No approval shall  
15 be granted which would violate the provisions of this Section and the special  
16 regulations contained within the individual special development plans.

17 B. It is the intent of this Section that there be substantial coordination between the  
18 Town and the different landowners within the Special Overlay Area. To  
19 accomplish this, the ~~Mayor~~ **Town Manager** shall have primary oversight  
20 responsibility for each area and, from time to time, convene meetings between the  
21 various landowners within the Special Overlay Area and interested governmental  
22 agencies to implement the provisions of this section.

23 C. Additionally, it shall be the primary responsibility of the ~~Mayor~~ **Town Manager** to  
24 recommend to the Town Council each special development plan in consultation  
25 with area landowners.

26 **4.12.00 CONDITIONAL USES**

27 A Conditional Use, as used in connection with the provisions of this LDC, means a use  
28 that would not be appropriate generally without restriction throughout the particular  
29 zoning district, but which, if controlled as to number, area, location or relation to the  
30 neighborhood, would not adversely affect the public health, safety, appearance or  
31 general welfare.

32 **4.12.01 Filing of Petition for a Conditional Use**

33 A request for a conditional use permit pursuant to the specific provisions of this Code  
34 may be initiated at any time by the landowner including his duly authorized agent, of  
35 the land for which the conditional use is requested. An application shall be made and  
36 submitted with the appropriate fee to the Town Clerk. The application shall be signed  
37 by the applicant and his agent, if one exists, such signature being verified under oath.  
38 The application shall contain the following information:

39 C. The name, address, and telephone number of the applicant and owner of the  
40 property.



- 1 D. A survey of the lot showing the dimensions and location of all existing and
- 2 proposed buildings, signs, driveways, off-street parking areas, and other
- 3 improvements both on site and adjacent to the property,
- 4 E. A description of the proposed use, in sufficient detail to set forth its nature and
- 5 extent,
- 6 F. Any other important information in the consideration of the request.

7 **4.12.02 Standards in Granting a Conditional Use**

8 The Town Council may grant a conditional use if the Council finds that:

- 9 A. The proposed use is desirable at the particular location,
- 10 B. Such use will not be detrimental to the health, safety, or general welfare of persons
- 11 residing or working in the vicinity,
- 12 C. The proposed use will comply with the regulations and conditions specified in the
- 13 codes for such use,
- 14 D. ~~And~~ The granting of the conditional use will not circumvent or adversely impact
- 15 compliance with the requirements of the Comprehensive Plan.
- 16

17 In granting such conditional use, the Town Council may impose such conditions as

18 it deems necessary and desirable to protect the public health, safety, or general

19 welfare in accordance with the purpose and intent of the zoning code. One

20 condition shall be a date by which the approved conditional use must be

21 implemented or expire.

22 **4.12.03 Review of Application**

- 23 A. After the application is determined to be complete, it shall be forwarded to the
- 24 Development Review Committee (DRC) for review. After individual review by
- 25 the DRC members, the DRC shall meet to discuss the application. The Town
- 26 Planner shall then make a report containing a recommended determination of facts
- 27 which are relevant to consideration of the proposal and a recommended
- 28 determination of the consistency of the proposal with the adopted Comprehensive
- 29 Plan.
- 30 B. The proposal shall be considered by the Planning and Zoning Board at a public
- 31 hearing after due public notice, along with the report of the DRC. The Planning
- 32 and Zoning Board will include reasons for its decision in its recommendation.
- 33 Following completion of the public hearing, the Town Clerk shall forward the
- 34 DRC's recommendation as well as the Planning and Zoning Board's
- 35 recommendation to the Town Council for its public hearing.
- 36 C. The application for conditional use permit shall be considered by the Town Council
- 37 at a public hearing after due public notice, along with the report of the DRC and
- 38 the recommendation of the Planning and Zoning Board. Following completion of
- 39 the public hearing, the Town Council shall approve, disapprove, amend, and
- 40 approve the proposal, or approve the proposal with conditions. Any action taken
- 41 shall be accompanied by the findings of the Town Council upon which the action
- 42 was based.



1 D. In approving a conditional use, the Town Council may attach appropriate  
2 conditions to ensure compliance with the provisions of this Code. Such conditions  
3 may limit the uses, size of uses or structure, or characteristics of the operation of a  
4 use, or may require buffers, landscaping, or other improvements not normally  
5 required. Conditions may also require the periodic review of the use.

6 **4.12.04 Notice Procedures**

7 The procedures for notices of conditional uses shall be as follows:

- 8 A. Notice to property owners. The Town shall send notice via certified mail of the  
9 proposed conditional use to the owners of all properties within 300 feet of the  
10 subject property. Such notice shall be sent no later than 10 days prior to the  
11 scheduled public hearing and shall include the date, time, and place of the public  
12 hearing along with a clear and concise description of the proposed conditional use.  
13 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the  
14 Town shall post the property that is the subject of the public hearing with signs  
15 notifying the public of the proposed conditional use, date of public hearing, and  
16 person to contact for further information. Signs shall be placed, at a minimum,  
17 along all public road frontages, with a least one sign located every 500 feet along  
18 any frontage.  
19 C. Publication of notice. Notice of public hearing shall be published in a newspaper  
20 of general circulation at least 10 days prior to the public hearing. Notice shall also  
21 be posted at Town Hall and on the Town's website.

22 **4.13.00 VARIANCES**

23 The Town Council, acting as the Board of Adjustment (BOA), may grant a variance  
24 from the terms of these regulations when such variance will not be contrary to the  
25 public interest and where, owing to special conditions, a literal enforcement of the  
26 provisions of these regulations would result in unnecessary hardship. Such variance  
27 shall not be granted if it has the effect of nullifying the intent and purpose of these  
28 regulations. In approving any variance, the BOA may prescribe appropriate conditions  
29 and safeguards in conformity with these regulations. Violation of such conditions and  
30 safeguards when made a part of the terms under which the variance is granted, shall be  
31 deemed a violation of these regulations.

32 **4.13.01 Filing of Petition for a Variance**

33 The owner of the property shall file an application, along with the appropriate fee, with  
34 the Town Clerk providing the following information:

- 35 A. The applicant's full name, mailing address, and telephone number,  
36 B. The address of the property,  
37 C. The legal description of the property,  
38 D. A survey of the property, showing the location of existing buildings or structures  
39 and the location of proposed buildings or structures,  
40 E. The purpose for which the property will be used,

1 F. A concise statement as to why the present regulations create a hardship to the  
2 applicant.

3 **4.13.02 Notice; Hearing; Notification of Property Owners**

4 The application shall be forwarded to the Town Planner for review and  
5 recommendation to the Planning and Zoning Board and the Board of Adjustment. The  
6 Town Clerk shall place the item first on a regular meeting of the Planning and Zoning  
7 Board. The Planning and Zoning Board shall make a recommendation to the Board of  
8 Adjustment as to whether to approve, approve with changes, or deny the variance.

9 **4.13.03 Notice Procedures**

10 The procedures for notice of Variance requests shall be as follows:

- 11 A. Notice to property owners. The Town shall send notice via certified mail of the  
12 proposed variance to the owners of all properties within 300 feet of the subject  
13 property. Such notice shall be sent no later than 10 days prior to the scheduled  
14 public hearing and shall include the date, time, and place of the public hearing along  
15 with a clear and concise description of the proposed variance.  
16 B. Posted of property. No later than 10 days prior to the scheduled public hearing, the  
17 Town shall post the property that is the subject of the public hearing with signs  
18 notifying the public of the proposed variance, date of public hearing, and person to  
19 contact for further information. Signs shall be placed, at a minimum, along all  
20 public road frontages, with a least one sign located every 500 feet along any  
21 frontage.  
22 C. Publication of notice. Notice of public hearing shall be published in a newspaper  
23 of general circulation at least 10 days prior to the public hearing. Notice shall also  
24 be posted at Town Hall and on the Town's website.

25  
26 After the public hearing, the Board of Adjustment shall approve, approve with changes,  
27 or deny the variance.

28 **4.13.04 Standards in Granting a Variance**

29 The Board of Adjustment may authorize a variance from the terms of this LDC as will  
30 not be contrary to the public interest where, owing to special conditions, a literal  
31 enforcement of the provisions of this Code will result in unnecessary and undue  
32 hardship. ~~It~~ **As a condition to** authorizing a variance from the terms of this LDC, the  
33 Board of Adjustment ~~shall~~**must** find:

- 34 A. That special conditions and circumstances exist which are peculiar to the land,  
35 structure or building involved, and which are not applicable to other lands,  
36 structures, or buildings in the same zoning district,  
37 B. That the special conditions and circumstances do not result from the actions of the  
38 applicant,  
39 C. That literal interpretation of the provisions of this LDC would deprive the applicant  
40 of rights commonly enjoyed by other properties in the same zoning district under

1 the terms of this LDC and would work unnecessary and undue hardship on the  
2 applicant,

- 3 D. That the variance created is the minimum variance that will make possible the  
4 reasonable use of the land, building or structure, and  
5 E. That the granting of the variance will be in harmony with the general intent and  
6 purpose of this LDC and that such variance will not be injurious to the area involved  
7 or otherwise detrimental to the public welfare.  
8 F. In granting any variance, the Board of Adjustment may prescribe appropriate  
9 conditions and safeguards in conformity with this LDC. Violation of such  
10 conditions and safeguards, when made a part of the terms under which the variance  
11 is granted, shall be deemed a violation of this LDC.

12 **4.13.05 *Conditions of Approval***

- 13  
14 A. When a variance is granted for residentially zoned property, construction,  
15 installation, and initiation of the approved structure or use must occur on or before  
16 the first anniversary of the date the variance is granted. The owner must file  
17 written notice with the Town Manager that the owner has begun the approved  
18 construction, installation, or use at the subject property. If no such notice is filed  
19 on or before the first anniversary, and if the Town Council determines that  
20 construction, installation, or initiation of the approved structure has not been  
21 initiated the Town Council may terminate the approved variance.  
22 B. A variance runs with the land.  
23 C. Granting the variance must not cause or allow interference with the reasonable  
24 enjoyment of adjacent or nearby property owners and must not negatively impact  
25 to a material degree the standard of living of neighboring homes.  
26 D. A variance may allow reasonable use of property not out of character with other  
27 properties with the same zoning.  
28

29 **4.13.06 *Commencement of Construction***

30 When a variance is granted, construction of the structure must be initiated within 18  
31 months from the date of granting of the variance, or by such time as determined by the  
32 Board of Adjustment in their approval.

33 **4.14.00 DEVELOPMENT AGREEMENTS**

34 **4.14.01 *General Requirements***

- 35 A. A development agreement may be entered into by an applicant and the Town  
36 Council to provide for matters that relate to the unique conditions of the real  
37 property to be developed, the relationship between the public and private aspects  
38 of the development, or other terms and conditions that promote the intent and  
39 purposes of this Code or the Comprehensive Plan. A proposal for a Development  
40 Agreement shall be submitted in conjunction with the submission of an application

1 for a Preliminary Plan approval, or with PUDs, in conjunction with the submission  
2 of a Conceptual Land Use Plan for a PUD zoning approval. Development  
3 authorized by a development agreement may be phased. The development  
4 agreement ~~may~~ must provide that the entire development or any phase thereof shall  
5 be commenced or completed within a specific period of time.

6 B. Statutory Development Agreements may be entered into under the authority of the  
7 Development Agreement Act as codified in Chapter 163, Florida Statutes, and  
8 processed in accordance with the requirements of State Law.

9 C. Non-Statutory Development Agreements may be entered into under the authority  
10 of the home rule powers of the Town under Article VIII, Section 2 of the  
11 Constitution of the State of Florida and Chapter 166, Florida Statutes.

12 D. A Development Agreement is transferable. However, so long as the land or  
13 structure or any portion thereof covered under the development agreement  
14 continues to be used for the purposes for which it was issued, then no person  
15 (including successors and assigns of the person who obtained the development  
16 agreement) may make use of the land except in accordance with the conditions and  
17 requirements of the development agreement. The provisions of the development  
18 agreement run with and burden the real property to which it relates until release or  
19 amended in accordance with formal action of the Town.

20 **4.14.02 Review and Recommendation by the Development Review Committee**  
21 **(DRC) and Town Attorney**

22 The DRC and the Town Attorney shall review the proposed development agreement  
23 for compliance with the Comprehensive Plan and the Land Development Code,  
24 formulate recommendations on the proposed development agreement, and forward  
25 such recommendations to the Planning and Zoning Board and Town Council.

26 **4.14.03 Review and Recommendation by the Planning and Zoning Board**

27 The Planning and Zoning Board shall review the proposed development agreement and  
28 the recommendations of the DRC and Town Attorney and hear from the applicant and  
29 the public. The Planning and Zoning Board shall make a recommendation to the Town  
30 Council to approve, approve with revisions, or deny the proposed development  
31 agreement.

32 **4.14.04 Action by the Town Council**

33 The Town Council shall review the proposed development agreement and the  
34 recommendations of the DRC, Town Attorney and Planning and Zoning Board, and  
35 hear from the applicant and the public. The Town Council shall then make a decision  
36 to approve, approve with revisions, or deny the proposed development agreement. The  
37 Town Clerk shall record the development agreement with Lake County upon proper  
38 execution of the document.

1 **4.14.05 Amendment or Termination of a Development Agreement**

2 A development agreement may be amended or terminated by mutual consent of the  
3 parties to the agreement or their successors in interest. Approval of an amendment to  
4 ~~or termination of~~ a development agreement shall follow the same process as the  
5 approval of the executed development agreement. In addition, an agreement may be  
6 revoked by the Town Council upon a finding that there has been a failure to comply  
7 with the terms of the agreement.

8 **4.14.06 Subsequently Adopted Laws or Policies**

- 9 A. An agreement shall be modified as is necessary to comply with relevant state or  
10 federal laws enacted after the execution of the agreement where the effect of such  
11 laws is to preclude the parties' compliance with its terms.
- 12 B. The Town may apply subsequently adopted local regulations and policies to a  
13 development that is subject to a development agreement and a finding that the  
14 subsequently adopted regulations or policies meet one or more of the following  
15 conditions:
- 16 1. Are not in conflict with the laws and policies governing the development  
17 agreement and do not prevent development of land uses, intensities, or densities  
18 specified in the development agreement.
  - 19 2. Are essential to protect the public health, safety, or welfare, and expressly state  
20 that they shall apply to development that is subject to a development agreement.
  - 21 3. Are specifically anticipated and provided for in the development agreement.
  - 22 4. The Town demonstrates that substantial changes have occurred in pertinent  
23 conditions existing at the time of approval of the development agreement.
  - 24 5. The development agreement was based on substantially inaccurate information  
25 or misrepresentations.
- 26  
27

28 **4.15.00 LAND DEVELOPMENT CODE AMENDMENTS**

29 ~~From time to time the Town Council may decide it is appropriate to amend the Town's~~  
30 ~~adopted Land development Code either by direction of the Town Council or (TW) in~~  
31 ~~response to an application for amendment. The Town and any applicant proposing~~  
32 ~~amendment of the comprehensive plan shall conform to the following procedure.~~

33 **4.15.01 Approval Process for Amending the Land Development Code**

34 ~~Proposed amendments to the Land Development Code are submitted to the Town Clerk~~  
35 ~~and must be accompanied by a Development Review Application and the appropriate~~  
36 ~~fees and review deposit. Approval of the amendment to the Land Development Code~~  
37 ~~shall be done by ordinance and follow the review procedures set forth below.~~

1 **4.15.02 — Pre-Application Conference**

2 Each applicant shall meet with the Town staff at a pre application conference before  
3 preparing an application for amendment to the Land Development Code. In this way,  
4 the applicant can become familiar with the requirements and development policies of  
5 the Town, and the staff may develop an understanding of the proposed amendment.

6 **4.15.03 — Submission of Application for Amendment of the Land Development**  
7 **Code**

8 The applicant shall submit to the Town Clerk, eight (8) copies of the proposed  
9 amendment along with the Development Review Application, submittal fee, and  
10 review deposit.

11 **4.15.04 — Review Process**

12 A A copy of the proposed amendment shall be distributed to the Central lake CDD  
13 when the amendment would affect the treatment of wastewater (DM). When the  
14 proposed amendment includes change in residential density, the Town Clerk shall  
15 distribute copies of the proposed amendment to the Lake County School Board.  
16 The notice shall include the proposed amendment and the anticipated date for  
17 hearing before the Planning and Zoning Board. The Town Planner will then  
18 prepare a report to the applicant outlining all the issues.

19 B The Town Clerk shall schedule a public hearing scheduled before the Planning and  
20 Zoning Board. The Planning and Zoning Board shall be provided with copies of  
21 the Town Planner's report and any comments received from outside reviewing  
22 agencies. Following the public hearing the Planning and Zoning Board shall  
23 provide a recommendation on the proposed amendment to the Town Council.

24 C After the Planning and Zoning Board public hearing, a public hearing is scheduled  
25 before the Town Council. The Town Council shall be provided a copy of the  
26 information considered by the Planning and Zoning Board along with the  
27 recommendation from that Board.

28 D The Town Council shall schedule a second public hearing for final action on the  
29 proposed amendment. The Town Council may adopt the amendment; adopt the  
30 amendment with revisions; or reject the amendment.

31 **4.15.05 — Notice Procedures**

32 The procedures for notice of proposed amendments to the official zoning map shall be  
33 as follows:

34 A. Notice to property owners. The Town shall send notice via certified mail of the  
35 proposed amendment to the owners of all properties within 300 feet of the  
36 subject property. Such notice shall be sent no later than 10 days prior to the  
37 scheduled public hearing and shall include the date, time, and place of the public  
38 hearing along with a clear and concise description of the proposed amendment.

39 B. Posted of property. No later than 10 days prior to the scheduled public hearing,  
40 the Town shall post the property that is the subject of the public hearing with  
41 signs notifying the public of the proposed amendment, date of public hearing,

1 and person to contact for further information. Signs shall be placed, at a  
2 minimum, along all public road frontages, with a least one sign located every  
3 500 feet along any frontage.

4 C. Publication of notice. Notice of public hearing shall be published in a  
5 newspaper of general circulation at least 10 days prior to the public hearing.  
6 Notice shall also be posted at Town Hall and on the Town's website. For  
7 amendments to the Land Development Code not involving amendment of the  
8 official zoning map, only the publication of notice meeting the standards set  
9 forth by State Statute is required.  
10

11 **4.15.06 — Land Development Code Application Requirements**

12 The request to amend the comprehensive plan, consisting of properly identified exhibits  
13 and support materials, shall include the following:

14 A. Application forms

15 B. Application fee

16 C. Owners name, address, and telephone number

17 D. Applicants name address and telephone number if the applicant is not the owner

18 E. Tax parcel

19 F. Boundary Survey. Must be signed and dated with last two years.

20 G. Legal Description. Provide paper and digital (disk or email) word format.

21 H. Vicinity Map. Show the property location in relation to major roads and area within  
22 2-mile radius of the proposed amendment site. 8 1/2 x 11.

23 I. Description of the amendment requested and justification for the proposed  
24 amendment. Amendments shall be demonstrated as being consistent with the  
25 Town's comprehensive plan.  
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# CHAPTER 5

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## Accessory and Temporary Uses and Structures

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1 **5.00.00**            **GENERALLY**

2            It is the purpose of this chapter to regulate the design, construction, and use of accessory  
3 structures, the construction and use of temporary structures, and the design and  
4 construction of signs in order to ensure that they are not harmful either aesthetically or  
5 physically to residents and surrounding areas.

6 **5.01.00**            **ACCESSORY USES AND STRUCTURES**

7 **5.01.01**            **Generally**

8            It is the purpose of this section to set forth standards for the design, installation,  
9 configuration, and use of accessory structures, and the establishment of accessory uses  
10 in existing structures.

11 **5.01.02**            **Reserved**

12 **5.01.03**            **All Accessory Structures**

- 13            A. There shall be a permitted principal structure in full compliance with all  
14 development standards and requirements of this LDC prior to issuance of a permit  
15 for an accessory structure. This provision shall not be construed to prohibit the  
16 establishment of an accessory structure simultaneously with the establishment of a  
17 permitted principal structure.
- 18            B. There shall be no more than two (2) accessory buildings (shed, workshop, etc.) on  
19 a residential lot, not including a detached garage. Detached garages shall not  
20 exceed 625 square feet on the first floor. Detached garages and workshops that  
21 exceed 144 square feet shall have the same building finishes as the primary  
22 structure, including exterior materials (i.e., stucco, siding, brick) and color.
- 23            C. Accessory structures shall be shown on any site plan with full supporting  
24 documents as required by this LDC.
- 25            D. Accessory structures shall be included, if applicable, in all calculations of  
26 impervious surface and stormwater runoff requirements. (Some structures such as  
27 fences and playground equipment would not constitute an impervious surface.)
- 28            E. With the exception of signs and fencing, accessory structures shall not be located  
29 in any required buffer or landscape area.
- 30            F. All accessory buildings shall comply with the setback requirements as outlined in  
31 the zoning district regulations. Gazebos and similar accessory structures of 300  
32 square feet or less may not be placed closer than ten (10) feet to the rear and side  
33 lot lines, and are not permitted in the front yard.

34 **5.01.04**            **Accessory Dwellings**

- 35            A. Accessory dwelling units may provide housing for relatives, guests, or domestic  
36 helpers. An accessory dwelling unit shall not be considered an apartment or other  
37 kind of multi-family use. Accessory dwelling units shall be permitted as outlined  
38 in the Zoning Chapter in compliance with the following standards:  
39            1. The total floor area shall not exceed 625 square feet;

2. Permitted accessory dwellings are identified in Chapter 2, Table 2.03.03.
3. The maximum height for an accessory dwelling located as a freestanding building or a unit over a detached garage shall not exceed twenty-five (25) feet, measured from the finished grade to the top of the roof;
4. An accessory dwelling shall be located only within a rear yard;
5. All accessory dwellings shall comply with the setback requirements as outlined in Chapter 2.
6. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory dwelling. This provision shall not be construed to prohibit the establishment of an accessory dwelling simultaneously with the establishment of a permitted principal structure.
7. An accessory dwelling shall not have a separate water or electric meter.
8. Accessory dwellings shall be included in all calculations of impervious surfaces.
9. Accessory dwellings shall be architecturally compatible (same building finishes and style) as the principal dwelling.

#### 5.01.05 Dumpsters

- A. Dumpsters shall be screened with a solid masonry wall or wooden fence. The fence shall be six (6) feet in height.
- B. Double-staggered shrubs shall be installed around the perimeter, except for the gate, of the wall or fence to form a continuous hedge. Plant materials shall meet the requirements set forth in Chapter 7.
- C. A gate shall be provided for access. The gate material shall be opaque, either wood or vinyl.
- D. Where possible, dumpsters shall be sited to not be visible from the public right-of-way.
- E. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
- F. The dumpster location shall be easily accessible for pick-up.
- G. Dumpsters shall be located to the rear or side of the principal building.
- H. Dumpsters shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, or stormwater management area.

#### 5.01.06 Outside Storage

- A. Outside storage involving machinery and equipment, service areas for vehicles in need of major service or repair, and materials for construction or distribution is permitted in the zoning districts as outlined in Chapter 2. Construction materials permitted in this category are limited to lumber, garden supplies and equipment, plumbing supplies, and similar materials. Machinery and equipment do not include heavy construction machinery, heavy construction vehicles, and heavy construction equipment.
- B. Outside storage shall be located only within a rear yard.

- 1 C. Outside storage shall be fully screened from view from adjacent residentially zoned  
2 districts, from adjacent office areas, and from public right-of-way by a fence, wall,  
3 or berm and landscaping. Where a berm is proposed as screening, a buffer “D”  
4 shall be required as set forth in Section 4.05.05. Where a fence or wall is proposed,  
5 the fence or wall shall be solid, wooden, vinyl, or masonry and six (6) feet in height.  
6 D. Stored materials shall not exceed the height of the fence.  
7 E. Outside storage of parts and materials and associated service areas or work activity  
8 areas shall be maintained in a neat and orderly manner.  
9 F. Outside storage shall be limited to a maximum of twenty-five (25) percent of the  
10 building area of the site.

11 **5.01.07 Fences Hedges and Walls**

- 12 A. A permit must first be obtained from the Town before any person erects, constructs,  
13 enlarges, alters, replaces or repairs any fence or wall regulated by this Chapter. The  
14 Town’s building official may determine that a permit is not required for minor  
15 repairs.
- 16 B. The maximum height of fences, hedges and walls shall be as follows, except where  
17 otherwise provided in this LDC:
  - 18 1. Front yards shall be a maximum of 4 feet tall and shall not be opaque. Picket  
19 fencing is acceptable.
  - 20 2. Side yards shall be a maximum of 6 feet tall.
  - 21 3. Rear yards shall be a maximum of 6 feet tall.
  - 22 4. Fences and walls required for security purposes in Industrial or Public zoning  
23 districts shall be a maximum of 8 feet tall.
  - 24 5. Fencing or walls used for decorative, privacy, or security purposes around  
25 residential or mixed use subdivisions shall be a maximum of 6 feet tall.
  - 26 6. Hedges located along front property lines shall not exceed four (4) feet in height  
27 and shall be maintained so as not to obstruct the view of vehicular traffic at  
28 driveways and intersections.
- 29 C. Fences and walls, for individual residential properties or for other applications,  
30 shall be designed with offsets, banding, columns or posts with lintels or caps,  
31 landscape pockets, and other elements to avoid an expansive monolithic or  
32 monotonous appearance. Such elements shall be included every 30 feet or less.
- 33 D. Fences in residential areas shall be made of wood, PVC/vinyl, decorative aluminum  
34 or wrought iron, and black or dark green coated chain link fencing. New fence  
35 material must be used when a new fence is installed. Non-traditional materials,  
36 including but not limited to, tires, mufflers, hubcaps, etc. are prohibited. Other  
37 prohibited materials include, but are not limited to, sheet metal, plywood,  
38 corrugated metal or fiberglass, scrap wood, scrap metal, and cast off secondhand  
39 materials. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be  
40 used as part of or attached to a fence or wall.
- 41 E. To help ensure proper placement of fences or walls along property lines, property  
42 lines shall be established by a survey prepared by a surveyor licensed in Florida.

1 Surveys must be dated within the last two years unless the Building Official  
2 determines that an older survey adequately represents the property lines.

- 3 F. Fences and walls shall be erected with the finished side facing out. Posts shall be  
4 placed along the inside of the fence. In residential and commercial zoning districts  
5 posts shall be securely anchored with concrete. All fencing must be uniform in  
6 material, design, and color, except for chain link fencing as allowed in Subsection  
7 H. Additions or repairs to existing fences or walls must maintain a uniformity of  
8 materials, design and color with that of the existing fence or wall.
- 9 G. With the exception of the Agricultural and Rural Estates zoning districts, electrified  
10 fences are prohibited.
- 11 H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial,  
12 Institutional, Recreation 1, and Public zoning districts.
- 13 I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the  
14 Agricultural, Industrial and Public zoning districts.
- 15 J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground  
16 level. The barbed or razor wire shall be turned, pointed, or directed inward toward  
17 the property enclosed by the fence.
- 18 K. Columns for walls may be a maximum of 8 feet in height, or as approved through  
19 the architectural review process..
- 20 L. Walls shall be designed with either a stucco or brick finish.

21 **5.01.08 Swimming Pools and Pool Enclosures**

- 22 A. All pools shall provide fencing or enclosures in compliance with the requirements  
23 of the Florida Building Code.
- 24 B. A screen enclosure may be installed instead of, or in addition to, a fence or wall,  
25 provided that the screen enclosure meets all the following requirements:
- 26 1. A pool screen enclosure shall be set back from the side lot line a minimum of  
27 ten (10) feet;
- 28 2. A pool screen enclosure shall not be closer than ten (10) feet to the rear lot line;  
29 and
- 30 3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of  
31 the principal structure, whichever is lower.
- 32 C. No overhead electric power lines shall pass over any pool, nor shall any power line  
33 be nearer than fifteen (15) feet horizontally or vertically from the pool edge.
- 34 D. Pool equipment may be located within the side yard setback, but not closer than  
35 five (5) feet to side yard and ten (10) feet to the rear yard lot lines.
- 36 E. Lights used to illuminate any swimming pool shall be shielded and directed to avoid  
37 illumination of adjoining properties.
- 38 F. Pools and pool decks shall meet the following setbacks:
- 39 1. All pools and pool decks shall not be located in the front yard;
- 40 2. The minimum side setback shall be ten (10) feet from the side lot line; and
- 41 3. The minimum rear setback shall be not less than ten feet from the rear lot line.

42 **5.01.09 Storage Sheds**

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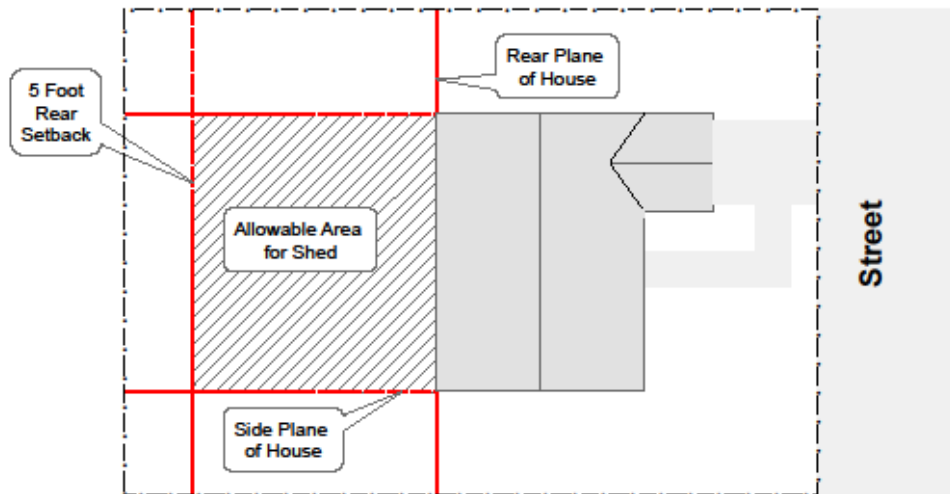
- A. Storage sheds are permitted as an accessory structure subject to the provisions of Section 5.01.03 and the provisions of this section.
- B. Storage sheds shall not be permitted in front of the rear plane of the principal structure and shall not be permitted beyond the plane of the side of the principal structure on a street side yard.
- C. Storage sheds shall be placed in rear yards at least five (5) feet from rear property lines and shall not extend beyond the plane of the sides of the principal structure.
- D. Storage sheds that exceed 144 square feet shall be painted a neutral color matching the base color of the dwelling. Where the principal structure is constructed of a natural material such as brick or stone, sheds exceeding 144 square feet shall be painted a neutral color matching primary structure or complementary to the color of the principal structure. Sheds which are site built shall use the same materials and colors as the principal structure whenever possible. Sheds over 144 square feet shall comply with the setback requirements for accessory structures as set forth in Section 5.01.03F.
- E. Storage cabinets measuring less than 30-inches in depth and 36-inches in width and less than 72-inches in height may be placed on a property without permit provided the storage cabinet is placed adjacent to the rear of the principal structure, detached garage, or storage shed. Storage cabinets shall not count towards the two permitted accessory structures.
- F. The Planning Board may approve the placement of shed in another location on the subject property based upon a finding that a location complying with Subsections B and C above is not practical due to specific site conditions such as steep slopes, tree preservation, site access limitations or other conditions that the Planning Board finds relevant. In no case shall the Planning Board approve a shed location in any front yard. This section is not intended to prohibit a property owner from seeking variance to the code using the procedures set forth in Chapter 4.

**5.01.10 Workshops**

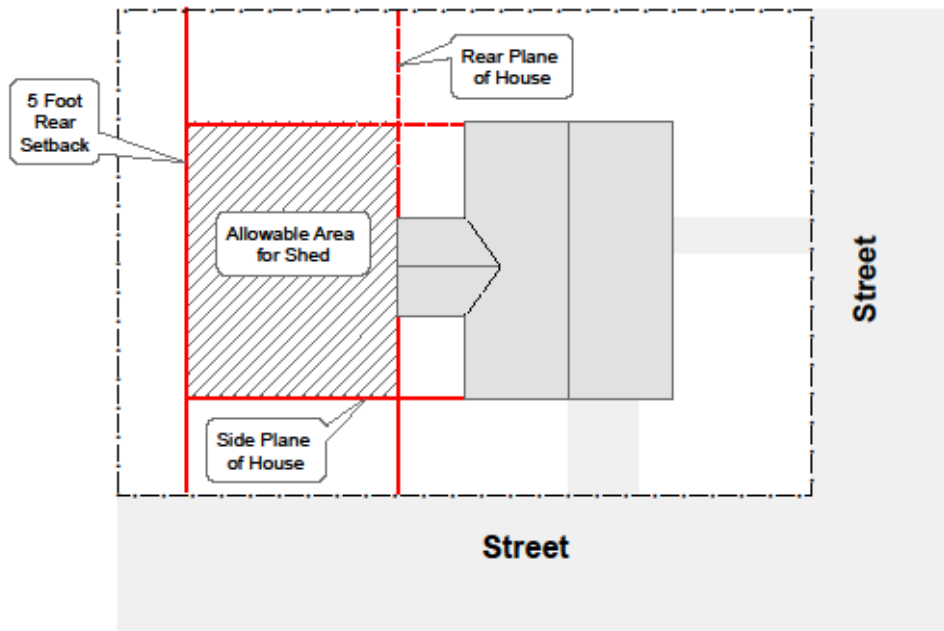
A workshop is an accessory structure used for actively pursuing a craft or hobby such as pottery, woodcraft, etc. A workshop shall be served by electricity and shall conform to the standards for storage sheds (5.01.09) and to the standards for all accessory structures (5.01.03).



### Storage Shed Placement - Interior Lot



### Storage Shed Placement - Corner Lot



1  
2 **5.01.11 Docks, Piers and Wharfs**

- 3 A. There shall be no more than one dock, pier or wharf per lot.  
4 B. Docks, piers and wharfs may be covered by a roof, not exceeding fifteen (15) feet  
5 in height measured from the floor of the dock, pier or wharf to the top of the highest  
6 pint of the roof top, and shall remain open on all sides. The roof shall not be used  
7 as a deck.  
8 C. Docks, piers and wharfs shall be set back twenty-five (25) feet from the side  
9 property lines.

10  
11 **5.01.12 Flagpoles**

12 Flagpoles shall conform to the maximum height limits established for the zoning  
13 classification where they are located. Individual flags displayed on the pole shall not  
14 exceed twenty-five (25%) percent of the height of the flagpole. Flagpoles shall not be  
15 located within required buffers but may be located within required yards. Flagpoles shall  
16 have a minimum five (5) foot setback from all property lines.

17 **5.02.00 TEMPORARY USES AND STRUCTURES**

18 **5.02.01 Generally**

19 This section sets forth the regulations regarding temporary uses and structures.  
20 Permitted temporary uses and the structures associated with the temporary uses include  
21 seasonal sales, special events, temporary structures during construction activities, and  
22 model homes and sales centers. Peddlers, food peddlers, and street vendors are  
23 prohibited, except as provided in other sections of the Land Development Code or as  
24 part of an approved special event.

25 **5.02.02 Seasonal Sales**

- 26 A. Seasonal sales are periodic events for the sale of materials and goods associated  
27 with a holiday or calendar season (such as, but not limited to, Christmas trees or  
28 pumpkins in the fall.) A temporary use permit is required. There may be a  
29 maximum of four (4) seasonal sales per property per year.  
30 B. Seasonal sales may take place on developed property zoned Agricultural,  
31 Neighborhood Commercial, Institutional, and the non-residential properties within  
32 Planned Unit Developments so long as all other requirements are met. Seasonal  
33 sales may also take place on undeveloped properties, with the exception of straight  
34 single family zoning, so long as all other requirements are met.  
35 C. The area devoted to seasonal sales shall not be located on or within any required  
36 setbacks, buffers, driveways, or fire lanes.  
37 D. Goods, tents, equipment, or materials used for the seasonal sales activity shall not  
38 be located within any right-of-way.  
39 E. The area devoted to seasonal sales together with the goods, tents, equipment, or  
40 materials used for the seasonal sales activity shall not obstruct access of the clear  
41 visibility area established in Section 7.01.08.  
42 F. Parking shall be provided to support the seasonal sales activity.

- G. There shall be safe ingress and egress points on the property that are clearly marked.
- H. Proper lighting shall be made available if sales are to take place after dark.
- I. The applicant shall ensure the provision of adequate garbage disposal.
- J. The applicant shall demonstrate conformance with all applicable building, health, and other federal, State, or local laws.

### 5.02.03 Special Events

The following standards apply to carnivals, fairs, festivals, and similar events and activities:

- A. A permit is required.
- B. Peddling of goods and food by temporary vendors is permitted. The applicant shall provide details regarding the number, type, and proposed location of such temporary vendors.
- C. The applicant shall ensure the provision of adequate sanitation facilities, garbage disposal, and potable water supply during the special event.
- D. The site shall have floodlighting for the special event and parking areas, if any activities are to be offered during darkness. Lighting shall be shielded and directed to avoid direct illumination of adjacent properties.
- E. The site shall have adequate parking facilities. Parking may be on site or off site. Where off site parking is provided, there shall be adequate plans for transporting patrons from the parking facilities to the special event area.
- F. The applicant shall provide adequate traffic control and security in and around the special event area.
- G. All stages, booths, tents, scaffoldings, or structures of any nature on, under, or within which persons may congregate, shall conform to applicable building, health, and other construction codes.

### 5.02.04 Temporary Construction and Sales Offices

Certain uses and structures are allowed during construction activities. A temporary permit is required.

- A. No temporary buildings shall be permitted until a valid building permit has been issued for the primary construction activity on the site.
- B. Temporary offices may be located on a construction site to be used for administrative functions during construction. Temporary construction offices shall have the name of the construction company printed on a sign with a maximum size of four (4) feet by eight (8) feet permanently affixed on the outside of the building.
- C. A temporary building may be located on the construction site to be used as an office for sales functions, allowing for the sale, resale, or marketing of dwellings, structures, or property within the development in which it is located, or adjacent developments under the same management control. If restrooms are provided in the temporary building, the applicant shall demonstrate adequate provisions for sewage pump out or disposal.

- 1 D. All temporary buildings, construction equipment, and construction materials shall
- 2 be removed within thirty (30) days following completion of the permitted
- 3 construction or expiration of the building permit, whichever occurs first.
- 4 E. The temporary sales office shall be separated by a fence from the remainder of the
- 5 site where general construction is in progress.
- 6 F. Parking shall be provided to serve the administrative or sales office, according to
- 7 the standards set forth in Section 7.01.04.
- 8 G. The building housing the temporary office shall meet tie down requirements for
- 9 mobile structures. If restrooms are provided in the temporary building, the
- 10 applicant shall demonstrate adequate provisions for sewage pumpout or disposal.
- 11 H. Onsite outdoor storage of equipment and construction materials shall be allowed
- 12 during the period of construction. However, stored materials shall be neatly stacked
- 13 and maintained at least twenty (20) feet from all property lines.
- 14 I. One (1) onsite manufactured home for the use of security personnel, a caretaker, or
- 15 for the temporary residence of the owner/builder may be located on the site. The
- 16 applicant shall demonstrate adequate provisions for sewage pumpout or disposal.
- 17 J. Construction and demolition debris dumpsters are permitted. However, dumpsters
- 18 shall be located at least ten (10) feet from all property lines. Such dumpsters are
- 19 not required to meet screening requirements set forth in Chapter 5.

20 **5.02.05 Model Homes and Sales Offices**

- 21 A. Model homes are permitted only in conjunction with a new residential
- 22 development.
- 23 B. Model homes may be erected or displayed in districts that include residential uses,
- 24 provided that such models shall not be used for residential purposes, but only for
- 25 display as a means to sell homes.
- 26 C. One (1) or more model homes may be established in a residential development,
- 27 including planned unit developments and mixed use developments, subject to the
- 28 following standards:
- 29
  - 30 1. A model home shall be located on a platted lot meeting all standards of this
  - 31 LDC;
  - 32 2. A model home shall be located to meet all site design standards of this LDC;
  - 33 3. A model home may include a sales office. Hours of sales operations shall not
  - 34 extend beyond 8:00 p.m.;
  - 35 4. One (1) off-street parking space shall be provided for each employee plus two
  - 36 (2) off-street parking spaces per model home. In addition, one (1) off-street
  - 37 parking space shall be provided for handicapped parking. These spaces shall
  - 38 be provided on the same lot as the model dwelling unit or on a contiguous lot
  - 39 within the specific project; and
  - 40 5. The number of model home units shall not exceed five (5) percent of the number
  - 41 of homes or lots permitted in the residential development. Fractions shall be
  - 42 rounded to the nearest whole number.
- 43 D. The model home shall be discontinued as a model unit and sales office when ninety
- (90) percent of the homes in the development have been permitted. The site shall

1 be redesigned to comply with all site design requirements applicable to the  
2 residential development. Such redesign includes, at a minimum, removal of  
3 parking in excess of that associated with a single-family home; removal of any  
4 signs; replacement with a standard garage door; and removal of any exterior  
5 lighting associated with the model home and sales office.

6 **5.02.06 Movable Module Storage Units**

7 Movable module storage units (called “storage pods”) are permitted temporary  
8 structures, provided that such structures are located in compliance with the following  
9 standards:

- 10 A. A temporary use permit shall be obtained. Permits may be extended for just cause.  
11 B. The duration of the temporary use permit shall be limited to thirty (30) days per lot  
12 per year.  
13 C. The storage pod may be placed on a paved or unpaved surface. When the temporary  
14 use permit authorizes location of the storage pod on an unpaved surface, the permit  
15 shall be conditioned upon the requirement that grass, sod, or landscaping shall be  
16 restored after removal of the storage pod.  
17 D. The storage pod may be placed in a front or rear yard. Placement in a side yard is  
18 prohibited.  
19 E. The storage pod shall not be placed within an easement, stormwater area, or  
20 required buffer.  
21 F. The storage pod shall be placed at least ten (10) feet from any property line.  
22 G. The storage pod shall not obstruct pedestrian access.  
23 H. The storage pod shall not be located within the clear visibility area at street  
24 intersections as set forth in Section 7.04.04.  
25 I. The storage pod shall not exceed a maximum size of sixteen (16) feet in length and  
26 eight (8) feet in width.

27 **5.02.07 Yard, Garage or Carport Sales**

28 In any residential area, “garage or carport sales” shall only be permitted after issuance  
29 of a permit. Such permit shall be good for not more than three (3) consecutive days  
30 and no permit for the same parcel shall be issued more often than two (2) times per  
31 year. At the conclusion of such sales, all unsold items shall be removed or packed in  
32 such manner as not to create an unsightly view as seen from the street or from adjoining  
33 properties. Any signs or advertising such sales shall be removed from the premises  
34 immediately at the conclusion of the sale.  
35

36 **5.02.08 Temporary Carports and Covers**

37  
38 Temporary structures consisting of fabric or plastic coverings on metal, wood or other  
39 types of frames shall not be permitted in any front yard, nor may any such structure be  
40 permitted in any required rear or side yard. Property owners shall obtain a permit for  
41 erection of temporary covers. The permit shall be valid for no more than fourteen (14)  
42 days.

1  
2 **5.02.09 Food Trucks**  
3

- 4 A. The intent of this section is to allow and provide regulations for mobile food  
5 trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on  
6 private property.  
7 B. General regulations. Food trucks/trailers are restricted to Town Center Commercial  
8 (TC-C) zoning. The use and operation of food trucks/trailers must comply with the  
9 following regulations:

- 10  
11 1. The number of food trucks/trailers allowed per parcel is limited to one (1)  
12 food truck/trailer per .03125 acre of non-constructed land area, not to exceed  
13 a total of six (6) food trucks per parcel.  
14 2. Food trucks/trailers shall be separated from buildings or structures,  
15 combustible materials, vehicles, and other cooking operations by a minimum  
16 of ten (10) feet. Food trucks/trailers shall be five (5) feet from the property  
17 line.  
18 3. Food trucks/trailers must be parked on a finished surface, such as concrete,  
19 pavers, asphaltic surface, gravel, or other approved material.  
20 4. Food trucks/trailers must be located in an area that will not obstruct vehicular  
21 or pedestrian circulation, bus stops, or any ingress or egress from building  
22 entrances or exits and must be setback at least 15 feet from fire hydrants.  
23 5. Food trucks/trailers and associated seating areas may not occupy parking  
24 spaces reserved for persons with disabilities.  
25 6. Appropriate trash and recycling containers must be provided, and all  
26 sidewalks, parking areas, and other pedestrian spaces must be kept clean and  
27 free from refuse and obstruction.  
28 7. Each food truck/trailer must be equipped with at least one approved portable  
29 fire extinguisher with a minimum rating of 2A: 10 BC.  
30 8. Food trucks/trailers must comply with all current fire prevention codes.  
31 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer  
32 from moving.  
33 10. Food trucks/trailers must be licensed to operate by the State of Florida and  
34 must receive all necessary approvals from the Florida Department of Business  
35 and Professional Regulations, the Florida Department of Health, the Florida  
36 Department of Agriculture and Consumer Services, and the Town of Howey-  
37 in-the-Hills. Food trucks/trailers must comply with state and county health  
38 department licensing requirements for preparing and selling food items. All  
39 food truck/trailer operations must comply with Florida Administrative Code  
40 61C-4.0161, Mobile Food Dispensing Vehicles.  
41 11. A food truck/trailer generator(s) may operate only at a sound decibel level of  
42 60 dB or less, measured at a distance of ten feet from the generator.  
43 12. Amplified sound is prohibited.  
44 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and  
45 10:00 P.M.

1 14. All signage pertaining to or advertising a food truck/trailer shall be within the  
2 property boundaries. There shall be a limit of two signs for advertising per  
3 food truck/trailer while food truck/trailer is parked. Signage containing  
4 profanity or lewd or obscene images is prohibited.  
5

6 C. Food truck/trailer approval. An owner of property or a business owner in the Town  
7 Center Commercial district must obtain approval under this section to allow food  
8 trucks/trailers to operate on the property. Approval is not required under this section  
9 where food trucks/trailer will be operating as part of a special event that is permitted  
10 under another section of the Land Development Code. A property owner or business  
11 owner may obtain approval by submitting an application, no later than three days  
12 prior to setup, to the Town on a form furnished by the Town. The application must  
13 include all licenses/certificates required by the organizations mentioned in section  
14 B(9), a site layout plan drawn to scale that includes dimensions and the proposed  
15 location of the food truck/trailer area, all entrances and exits to the property, parking  
16 areas, bus stops, loading zones, fire hydrants and any other information reasonably  
17 required by the Town Clerk or designee to determine whether the food truck/trailer  
18 area is in compliance with all requirements of the Code of Ordinances and Land  
19 Development Code. Upon determination that the application meets all requirements  
20 of this section and the Code of Ordinances and/or Land Development Code, the town  
21 clerk or designee shall grant approval.  
22

23 **5.03.00 SIGNS**

24 **5.03.01 Generally**

- 25 A. The intent of this section is to ensure adequate means of communication through  
26 signage while maintaining the attractive visual appearance within the Town. The  
27 purposes of this section are to:
- 28 1. Maintain the established character of the Town by regulating all exterior  
29 signage in a manner which promotes low profile signage of high quality design;
  - 30 2. Further protect and enhance the character of the downtown area, conforming  
31 the size and location of signs to the scale of a small town;
  - 32 3. Protect and maintain the visual integrity of roadway corridors within the Town  
33 by establishing a maximum amount of signage on any one site to reduce visual  
34 clutter;
  - 35 4. Establish locations and setbacks for signage which are designed to protect  
36 motorists from visual distractions, obstructions, and hazards;
  - 37 5. Enhance the appearance of the physical environment by requiring that signage  
38 be designed as an integral architectural feature of the site and structure to which  
39 such signage is intended to identify, and sited in a manner which is sensitive to  
40 the existing natural environment;
  - 41 6. Provide for signage which satisfies the needs of the local business community  
42 for visibility, identification, and communication;



7. Restrict sign regulation to time, place, and manner, without limitations on content, so long as the material displayed avoids content commonly judged by the community to be immoral, indecent, or obscene; and
8. Foster civic pride and community spirit by maximizing the positive impact of the business community.

#### **5.03.02 Sign Permits**

- A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the Town without having first obtained a permit.
- B. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the Town shall comply with the requirements set forth in this section:
  1. Work which may be performed by a property owner or lessee:
    - a. Painting the face of any freestanding or wall sign; and
    - b. Erection of any temporary sign permitted as set forth in this LDC.
  2. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the Town to perform such work:
    - a. Construction, installation, erection, or electrical connection of any sign that is illuminated;
    - b. Construction, installation, or erection of any freestanding sign requiring wind load calculations;
    - c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and
    - d. Construction, installation, or erection of any projecting sign as set forth in this LDC.
- C. Application for permit. All applications for permits under this section shall be filed by either a contractor licensed to erect signs in the Town, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:
  1. Name, address and telephone number of owner(s) of property;
  2. Name, address and telephone number of licensed sign company erecting the sign;
  3. The street address or legal description of the property upon which the proposed sign is to be located;
  4. The height, size, shape, style, colors, materials and location of the proposed sign;
  5. Written permission of the owner, his lessee or agent, to erect the proposed sign;
  6. A plan, blueprint, or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements and materials in accordance with the Town's adopted building code; and
  7. A statement verifying the height, size, shape and location of existing signage on the premises and whether that signage will stay.
- D. Issuance of permit. The procedure for issuing a sign permit shall be as follows:

- 1           2. Upon receipt of an application for a sign permit, the Building Official shall ask  
2           the Town Planner to review the plans for zoning and architectural compliance.  
3           The Building Official will also review the plans and specifications and other  
4           data relating to such sign, and, if considered necessary, inspect the premises  
5           upon which the sign is proposed to be erected.
- 6           2. No new sign permit shall be issued for a freestanding sign or primary wall sign  
7           on property upon which any nonconforming sign is located, until such  
8           nonconformity is corrected. On multi-tenant sites, this paragraph shall apply  
9           only to the tenant's signage.
- 10          3. If the proposed sign is in compliance with this chapter and all other applicable  
11          laws and codes of the Town, the Building Official shall issue a sign permit upon  
12          receipt of the permit fee.
- 13          4. The issuance of any sign permit shall be conditioned upon the restoration of any  
14          building façade which has been damaged by placement of a previous sign. Such  
15          restoration shall include, but not be limited to, patching, repainting, and  
16          concealing visible electrical components, when applicable.
- 17          E. Permit fees. Permit fees under this code shall be set by resolution of the Town  
18          Council.
- 19          F. Exemptions. Exemption from the requirement to obtain a sign permit shall be  
20          permitted under the following circumstances:
  - 21               1. The erection, construction, installation of any sign described in section 5.03.05  
22               or 5.03.06 of this chapter; or
  - 23               2. The repair, maintenance or repainting of any existing sign which is deemed  
24               conforming or allowed to continue as nonconforming under provisions of this  
25               chapter.
- 26          G. Expiration of permit. A sign permit shall expire and become invalid in accordance  
27          with the rules set forth in the building code for all permits in general.

### 28           **5.03.03    Enforcement**

- 29          A. All signs shall meet the standards for visibility at intersections as set forth in Section  
30          7.01.08.
- 31          B. Inspection of signs: The Town may inspect at any time each sign or other  
32          advertising structure regulated by this LDC for the purposes of ascertaining whether  
33          the structure is safe, in need of repair or maintenance, not in conformance with the  
34          approved permit, or otherwise in violation of the provisions of this LDC.
- 35          C. Unsafe signs and signs violating this LDC. If it is determined that any sign or other  
36          advertising structure regulated herein is unsafe or insecure, or is a menace to the  
37          public, the Town shall give written notice to the owner of such structure. If the  
38          owner fails to remove or alter the structure to comply with the standards set forth  
39          herein within the time prescribed in the notice, such sign or other advertising  
40          structure may be removed or altered to comply by the Town at the expense of the  
41          owner of the property upon which it is located. The Town may cause any sign or  
42          other advertising structure that presents an immediate peril to persons or property  
43          to be removed without notice.

1 D. Nonconforming signs.

- 2 1. Intent. It is the intent of this chapter to allow nonconforming signs permitted  
3 before the adoption of this code to continue under the provisions of this section  
4 until they are no longer used, or become hazardous, but not to encourage their  
5 survival. Such signs are hereby declared to be incompatible with the overall  
6 intent of this chapter.
- 7 2. Removal of nonconforming signs. All nonconforming and non-permitted signs,  
8 except as provided herein, shall be removed immediately or as otherwise  
9 provided under section D of this chapter.
- 10 3. Continuance of nonconformities. Use of a nonconforming sign may be  
11 continued, subject to the following regulations:
- 12 a. No nonconforming sign shall be enlarged or increased in any way from its  
13 lawful size at the time of the adoption of this code, nor shall a  
14 nonconforming sign be relocated from its location at the time of adoption  
15 of this code.
- 16 b. Nonconforming signs or sign structures that are defined as abandoned signs  
17 under 5.03.03(G) of this chapter shall not be permitted for reuse.
- 18 c. Signs existing as of the date of this amendment, whose height and/or sign  
19 area do not exceed 115 percent of that allowed by the design requirements  
20 of this chapter, shall be deemed conforming. Installation or construction of  
21 all new signs, and any modification or replacement of signs permitted under  
22 this paragraph, shall comply with all applicable height, sign area, and other  
23 requirements of this chapter.
- 24 d. Signs that have substantial rust, missing parts, dents, or other structural or  
25 aesthetic deficiencies shall not be considered in good repair, and shall be  
26 replaced with a sign that meets the requirements of this section. A sign that  
27 is not considered in good repair may not be replaced with a nonconforming  
28 sign.
- 29 e. Nonconforming real estate or construction signs shall be removed no later  
30 than six months after the date of adoption of this amendment. Thereafter,  
31 all such nonconforming signs shall be deemed unlawful and prohibited and  
32 subject to the enforcement provisions of this chapter.
- 33 f. Repairs, maintenance and improvements. Normal repairs, maintenance and  
34 improvements may be made during the period they legally remain.
- 35 g. Reconstruction after catastrophe. If any nonconforming sign is damaged by  
36 fire, flood, explosion, collapse, wind, war, or other catastrophe to such an  
37 extent that the cost of repair and reconstruction will exceed fifty percent  
38 (50%) of the replacement cost at the time of damage, it shall not be used or  
39 reconstructed except in full conformity with the provisions of this code.
- 40 h. Casual, temporary or illegal use. The casual, temporary, or illegal use of  
41 any sign shall not be sufficient to establish the existence of a nonconforming  
42 use or to create any rights in the continuance of such use.

- 43 E. Maintenance of signs: The owner of any sign as defined and regulated by this LDC  
44 shall be required to properly maintain such sign. For a sign to be properly  
45 maintained, the sign, together with its framework, braces, angles or other supports,

1 shall be in a safe condition, properly secured, supported and braced, and shall be  
2 able to withstand weather conditions and loads required by the regulatory codes in  
3 effect within the municipal limits. Maintenance shall include painting and parts  
4 replacement.

5 F. Abandoned Signs:

- 6 1. Any sign face now or hereafter existing which no longer identifies or advertises  
7 a bona fide operating business conducted or a product sold shall be deemed  
8 abandoned and shall be removed by the owner of the building or structure upon  
9 which such sign face may be found. The sign structure may remain, provided  
10 that the sign structure conforms to the requirements of this LDC. A sign  
11 structure which supported an abandoned sign and which complies with all  
12 applicable building and construction codes and the requirements of this LDC  
13 shall be allowed to remain in place.
- 14 2. Any sign that is located on property that becomes vacant and unoccupied,  
15 pertains to a business which does not maintain a current and valid Town  
16 business tax receipt, or pertains to a time, event, or purpose which no longer  
17 applies, shall be deemed to have been abandoned.
- 18 3. Any sign damaged or destroyed to the extent of fifty (50) percent or more of  
19 the replacement cost is considered an abandoned sign.
- 20 4. An abandoned sign shall be removed not later than ten (10) days after the  
21 abandonment occurs as described in Sections 5.03.03 F (1), (2), and (3) above.  
22 Where the structure supporting the abandoned sign does not comply with the  
23 requirements of all applicable building and construction codes and the  
24 requirements of this LDC, the entire structure shall be removed.
- 25 5. An abandoned sign shall be subject to code enforcement action, including  
26 removal by the Town at the owner's expense.

27 **5.03.04 Prohibited Signs**

28  
29 *DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were*  
30 *amended on May 13, 2024, by enactment of Town Ordinance*  
31 *2024-003. Those amended provisions are to be inserted when this*  
32 *ordinance is codified.*  
33

34 The signs identified in this section are prohibited within the Town.

- 35 A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason  
36 of its size, location, movement, content, coloring, or method of illumination.
- 37 B. Any sign that obstructs the vision between pedestrians and vehicles using the public  
38 right-of-way, including, but not restricted to, those not meeting intersection  
39 visibility requirements set forth in Section 7.01.08.
- 40 C. Signs with lights, lighted screens or illuminations that flash, move, rotate,  
41 scintillate, blink, flicker, or vary in intensity or color except for time-temperature-  
42 date signs.

- 1 D. Signs that contain words and traffic control symbols so as to interfere with, mislead,  
2 or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
- 3 E. Signs attached to trees or utility poles.
- 4 F. Snipe signs, except as permitted for campaign advertising or other special events  
5 under Section 5.03.07.
- 6 G. Signs with visible moving, revolving, or rotating parts, or visible mechanical  
7 movement of any description or other apparent visible movement achieved by  
8 electrical, electronic, or mechanical means, except for traditional barber poles.
- 9 H. Signs with the optical illusion of movement by means of a design that presents a  
10 pattern capable of giving the illusion of motion or changing of copy.
- 11 I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 12 J. Signs that are of such intensity or brilliance as to cause glare or impair the vision  
13 of any motorist, cyclist, or pedestrian using or entering a public right-of-way, or  
14 that are a hazard or a nuisance to occupants of any property because of glare or  
15 other characteristics.
- 16 K. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or  
17 any portion of any sidewalk or street, except house numbers and official traffic  
18 control signs.
- 19 L. Offsite advertising signs, with the exception of sandwich boards as set forth in  
20 Section 5.03.11(D) and Special Event Signs as permitted in 5.03.07.
- 21 M. Signs mounted on any portion of a roof.
- 22 N. Abandoned signs.
- 23 O. Signs erected on public property, with the exception of signs erected by public  
24 authority for public purposes, sandwich boards as set forth in Section 5.03.10 (D)  
25 and Special Event Signs as permitted in 5.03.07.
- 26 P. Portable or trailer signs.
- 27 Q. Pole signs
- 28 R. Internally lit signs within or adjacent to residential property.
- 29 S. Any other signs that are not specifically permitted or exempted by this LDC

30 **5.03.05 Exempt Signs**

31  
32 *DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were*  
33 *amended on May 13, 2024, by enactment of Town Ordinance*  
34 *2024-003. Those amended provisions are to be inserted when this*  
35 *ordinance is codified.*  
36  
37

38 The signs identified in this section are permitted within the Town and are exempt from  
39 the requirement to obtain a permit.

- 40 A. Regulatory, statutory, traffic control, or directional signs erected on public property  
41 by or with permission of the State of Florida, Lake County, or the Town of Howey  
42 in the Hills.
- 43 B. Legal notices and official instruments.

- 1 C. Holiday lights and seasonal decorations displayed at times when such lights and
- 2 decorations are generally considered appropriate.
- 3 D. Signs incorporated into machinery or equipment by a manufacturer or distributor,
- 4 which identify or advertise only the product or service dispensed by the machine or
- 5 equipment, such as signs customarily affixed to vending machines, newspaper
- 6 racks, and gasoline pumps.
- 7 E. Incidental signs.
- 8 F. Public warning signs to indicate the dangers of swimming, animals, or similar
- 9 hazards.
- 10 G. Barber poles at barbershops
- 11 H. Temporary window signs are permitted and subject to the following standards:
- 12 1. The signs may display or announce any business, civic, cultural, or private sale
- 13 or event for a period not to exceed thirty (30) days.
- 14 2. Temporary signs shall be located wholly within a window and shall not exceed
- 15 an aggregate area equal to ten percent (10%) of the total glassed area of the
- 16 store front. Temporary signs, together with permanent window signs, shall not
- 17 exceed an aggregate equal to twenty percent (20%) of the total glassed area of
- 18 the store front.
- 19 I. Temporary Signs allowed under section 5.03.07 (D)
- 20 J. Works of art that do not constitute as advertising
- 21 K. Political signs
- 22 1. Signs shall not exceed 16" x 24" in size
- 23 2. Signs are limited to a maximum of two signs per candidate or issue per parcel
- 24 3. Signs may be erected not more than sixty days prior to any election. Removal
- 25 of political signs shall be regulated by all applicable Florida Statutes.
- 26 L. Garage sale or yard sale signs placed only on the premises of the sale

27 **5.03.06 Provisionally Exempt Signs**

28  
29 *DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were*  
30 *amended on May 13, 2024, by enactment of Town Ordinance*  
31 *2024-003. Those amended provisions are to be inserted when this*  
32 *ordinance is codified.*  
33

- 34
- 35 A. Signs identified in this section may be placed without a permit, provided that such
- 36 signs comply with the standards in Table 5.03.06 (A).

37 **Table 5.03.06 (A) Standards for Provisionally Exempt Signs**

38

Type of Sign	Standards
Identification signs	2 square feet or less in area
"No trespassing" or "no dumping" signs	2 square feet or less in area



Type of Sign	Standards
Memorial signs or tablets, and names of buildings and dates	Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials and attached to the surface of a building
Decorative flags and bunting	Used for special events only.
Menu boards, price lists or other signage for drive-through facilities	Maximum of 2 such signs, and maximum area of 24 square feet or less, and located adjacent to and oriented toward the drive-through area
Menus	2 square feet or less in area, and mounted at the entrance to a restaurant
Real estate signs	One sign, 6 square feet or less in area. One sign 16 square feet or less is permitted for parcels of 5 acres or larger and for each commercial or industrial property, unless said property is located in the Town Center. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.
Construction signs	One sign, 6 square feet or less in area, and located on property where a valid building permit has been issued and has not expired.
Yard or garage sale signs	2 square feet or less in area, and located on the property on which a sale is being conducted, and limited to three (3) days per sale, not to exceed two (2) times per year.
Occupant or owner identification sign	2 square feet or less in area when located in a residential zoning district

1                   **5.03.07   Special Event Signs**

2  
3                   ***DRAFTING NOTE – paragraphs 5.03.04 thru 5.03.07 were***  
4                   ***amended on May 13, 2024, by enactment of Town Ordinance***  
5                   ***2024-003. Those amended provisions are to be inserted when this***  
6                   ***ordinance is codified.***

- 7  
8  
9                   A. Temporary signs for special events shall be permitted as described in this section.  
10                   No fee is charged for signs meeting these requirements.  
11                   B. For purposes of this section, "special event" shall mean:  
12                   1. Community events, such as the Christmas Parade;  
13                   2. Grand openings of new businesses, businesses that have changed ownership,  
14                   businesses that have reopened after extensive renovation, or businesses that  
15                   have made appreciable expansion to their facilities. For purposes of  
16                   clarification, the term "new business," as used in this section, shall mean any  
17                   newly organized commercial venture that is opening for the first time, or an  
18                   existing business that has changed location;  
19                   3. Promotion of events for nonprofit organizations; and  
20                   4. Real estate events such as open houses.  
21                   C. Design Standards  
22                   1. Setback shall be twenty-five (25) feet from side property lines or equidistant  
23                   between side property lines.



2. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.
3. The maximum size sign shall be 16 square feet.
4. The maximum size banner shall be 32 square feet.
5. Special event signs shall only be displayed on non-residential property.

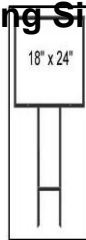
D. General Requirements

1. No sign prohibited in section 5.03.04 of this chapter shall be authorized under this section as a special event sign.
2. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.
3. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the town clerk prior to posting any sign on the undeveloped property.
4. All special event signs may be placed not more than fourteen (14) days prior to the event and shall be removed within 24 hours after the special event for which the sign was authorized.
5. Unless otherwise specified, all special event signs shall be limited to a period of twenty (20) consecutive days.
6. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, or duly authorized agent.
7. Any special event sign proposed to be placed on Town property must be first approved by the Town.

E. Temporary off-site Real Estate and Non-Profit signs are permitted within the Town subject to the following provisions:

1. Limited to eight (8) hours per day.
2. Limited to a maximum of six (6) signs, each sign not to exceed six (6) square feet per sign face.
3. Shall follow the sign design in diagram 5.03.07 (A) below
4. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.

**Diagram 5.03.07 (A) Sign Design for Open House and Non-Profit Temporary, Off-Site Advertising Signs.**



**5.03.08 Measurement Determinations**

A. Sign area

- 1 1. Where a sign is composed of letters or pictures attached directly to a facade,  
2 wall, window, door, awning, monument sign, or freestanding sign, and the  
3 letters or pictures are not enclosed by a border or trimming, the sign area shall  
4 be the area within the smallest rectangle or square, the sides of which touch the  
5 extreme points of the letters or pictures as a whole.
- 6 2. Where a sign is composed of letters or pictures enclosed by a border or  
7 trimming, the sign area shall be the area within the border or trim.
- 8 3. The area of a freestanding sign shall include the area of the outside frame, but  
9 not of the supporting structure.

10 B. Number of signs

- 11 1. A supporting structure with a sign face shall be counted as one (1) sign.
- 12 2. A double-faced projecting or freestanding sign shall be construed as having the  
13 area of a single face, provided that the sign faces are back to back, are at no  
14 point more than two (2) feet apart, and have the same wording and design.
- 15 3. Wall signs. The allowable area of a wall sign shall be calculated as a percentage  
16 of the building face. The building face is the area of the façade of the building  
17 up to the roofline (width x height).

18 C. Sign height

- 19 1. The height of a sign is the vertical distance from the finished grade to the highest  
20 point of the sign.
- 21 2. In measuring the sign height, the sign structure is included, no matter where the  
22 actual sign is located on the structure.

23 **5.03.09 Design Standards for All Signs**

- 24 A. Every sign and sign structure shall be compatible in scale with the scale of the  
25 building to which it relates and the neighborhood in which it is located.
- 26 B. Every sign and sign structure shall be designed as a compatible architectural  
27 element relative to the building and site to which it principally relates. To be a  
28 compatible architectural element means that the sign is consistent in color,  
29 materials, texture, and style with the building(s) on the site.
- 30 C. The number and size of graphic elements shall be proportional to the sign face.
- 31 D. Freestanding signs shall be landscaped to achieve compatibility with the design of  
32 the site. Landscaping materials shall be consistent with the specifications set forth  
33 in Section 4.05.03 and the standards for protection of visibility at intersections set  
34 forth in Section 7.01.08.
- 35 E. External lighting may be used only if directed solely to the sign face.

36 **5.03.10 Permitted Permanent On-Site Signs**

- 37 A. Permanent onsite signs shall be limited to the following sign types:
  - 38 1. Freestanding signs, which may be either ground or monument signs, but shall  
39 not include a pole sign
  - 40 2. Wall signs
  - 41 3. Awning signs
  - 42 4. Projecting signs

- 1                   5. Sandwich board / Sidewalk Signs  
 2                   6. Window Signs  
 3            B. Permanent onsite signs shall be permitted in the following non-residential or mixed  
 4                   use zoning districts: NC, IND, INS-1, INS-2, REC-1, REC-2, PUB, PUD, TC-F,  
 5                   and TC-C.  
 6            C. Permanent onsite signs may also be permitted under conditional use provisions in  
 7                   AG and RE.  
 8            D. The number and types of permanent onsite signs shall comply with the standards in  
 9                   Table 5.03.10 (C).  
 10

11    **Table 5.03.10 (C) Number and Types of Permanent On-Site Signs in Specified**  
 12                   **Zoning Districts.**  
 13

<b>Sign Type: Zoning District:</b>	<b>Freestanding</b>	<b>Wall</b>	<b>Awning</b>	<b>Projecting Sign</b>	<b>Sandwich or Sidewalk Sign</b>
NC	1 per lot or shopping center	2 per business (2 additional if on a corner lot)			1 per business
IND	1 per lot or industrial park	2 per business (2 additional if on a corner lot)			1 per business
INS-1	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
INS-2	1 per lot or subdivision	2 per business (2 additional if on a corner lot)			1 per business
REC-1	1 per lot or recreation complex	2 per business (2 additional if on a corner lot)			1 per business
REC-2	1 per lot or recreation center	2 per business (2 additional if on a corner lot)			1 per business
PUB	1 per lot	2 per use on lot or parcel			As necessary
PUD	1 per lot, shopping center, or other complex	2 per business (2 additional if on a corner lot)			1 per business
TC-F	1 per lot	1 if lot has freestanding sign; 2 if no freestanding sign			1 per business
TC-C	1 per lot	2 per business (2 additional if on a corner lot)			1 per business

- 14                   E. Permanent onsite signs shall comply with the design standards set forth in Table  
 15                   5.03.10(D).  
 16  
 17  
 18

1 **Table 5.03.10 (D) Design Standards for Permanent on On-Site Signs.**

2

Sign Type: Standard	Freestanding	Wall	Awning	Projecting Sign	Sandwich or Sidewalk Sign
Maximum sign face area	50 square feet for NC, IND, and INS-2; 32 square feet for all others	For single story, single occupant buildings, 15% of the building face (width x height, not including roof); for two-story buildings or multiple-occupant buildings, 15% of the building face for portion of building occupied by business.	20% of awning face	Maximum of 32 square feet; shall be no less than 8 feet above sidewalk. For PUDs, TC-F, and TC-C must be in scale with building and business.	6 square feet
Sign location	Set back 5 feet from the property line	Front or side facade if corner lot	Front façade or side façade if corner lot	Front facade or side if a corner lot. Projecting sign shall not extend more than 4 feet from the building face. Projecting sign shall not extend closer than 2 feet to a vertical line extending upward from the curb.	Placed in front of business so not to impede pedestrians.
Sign structure height	12 feet, except for PUDs, TC-F, and TC-C which is 8 feet	NA	Lowest part of sign shall be a minimum of 8 feet above surface directly below	Bottom of the projecting sign structure shall be a minimum of 8 feet above the surface directly below the sign	3 feet

3

4

5

F. Sandwich/ Sidewalk Signs

6

1. The sign shall only be displayed during regular business hours;

7

2. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.

8

9

3. The sign shall require a permit and the proposed sign location must be indicated on the permit application.

10

11

4. The sign must not exceed thirty-six (36) inches in height or twenty-four (24) inches in width.

12

13

G. Window Signs

- 1           1. Window lettering or graphics shall not exceed an aggregate area equal to twenty  
2           percent (20%) of the total glassed area of the store front. Window lettering,  
3           together with paper signs or other signage affixed externally or internally to  
4           store front windows shall not exceed twenty percent (20 %) of the total glassed  
5           area of the store front.

6           **5.03.11 Specific Provisions for Residential Districts**

- 7           A. Subdivision signs. Permanent subdivision signs may be permitted as part of the  
8           subdivision review process, or upon request of property owners after development  
9           has occurred. In determining signage, the Town shall consider the size of  
10          the sign(s), color, materials, location, provision for maintenance, size of the  
11          subdivision, functional classification of the adjoining roadway(s) and land use in  
12          the area.

# CHAPTER 6

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## Supplemental Standards

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1 **6.00.00 GENERALLY**

- 2 A. This chapter sets forth supplemental standards for special situations, including  
3 standards for telecommunications facilities as well as specific uses that are only  
4 permissible subject to supplemental standards.  
5 B. Where there is a conflict between a standard applicable to the zoning district or  
6 overlay district in which the use is located or an applicable overlay district and the  
7 supplemental standards set forth below, the more restrictive standard shall apply.

8 **6.01.00 TELECOMMUNICATIONS FACILITIES**

9 **6.01.01 Generally**

- 10 A. It is the intent of the Town to allow telecommunications towers or antennas in  
11 compliance with State and federal regulations. It is further the intent of the Town  
12 to protect the public health, safety, and welfare through regulating the placement  
13 and design of permitted telecommunications towers and antennas. The purpose of  
14 regulations in this section is to:  
15 1. Accommodate the need for wireless communication services.  
16 2. Provide for the appropriate location of wireless communication facilities within  
17 the Town.  
18 3. Minimize visual impacts of telecommunications towers through site design  
19 requirements, location requirements, and innovative camouflage techniques, in  
20 accordance with acceptable engineering and planning principles; and  
21 4. Allow telecommunications towers that meet State, Federal, and local  
22 requirements for location, site design, and appearance.  
23 B. All telecommunications towers and antennas proposed to locate in the Town shall  
24 be subject to the regulations in this section.

25 **6.01.02 Collocation of Antennas Required**

26 Telecommunications towers proposed within the Town shall provide for collocation  
27 consistent with State and federal regulations.

28 **6.01.03 Permissible Locations for Telecommunications Towers and Antennas**

- 29 A. Telecommunications towers are permitted on lots in the following zoning districts,  
30 subject to the standards set forth in Section 6.01.00: Industrial (IND) and Public  
31 (PUB).  
32 B. Antennas are permitted on lawfully established telecommunications towers, located  
33 as set forth in Section 6.01.03 (A) above.

34 **6.01.04 Supplemental Standards for Telecommunications Towers and**  
35 **Antennas**

- 36 A. All telecommunications towers and antennas shall be maintained in good condition  
37 and in accordance with all standards in this section. No additions, changes, or



1 modifications shall be made except in conformity with the standards of Section  
2 6.01.00 and approval by the Town Council.

- 3 B. Towers shall be located and designed to ensure minimal aesthetic impact. Aesthetic  
4 impact shall take into consideration, but not be limited to, the amount of the tower  
5 structure that can be viewed from surrounding residential zoning districts,  
6 designated scenic roadways, and the Town Center. Consideration shall also include  
7 the distance to any residential zoning district. Any design factors that mitigate  
8 negative aesthetic impact such as landscaping or intervening visual buffers will also  
9 be considered.
- 10 C. Towers shall be located and designed to ensure compatibility. Compatibility  
11 determinations shall take into consideration the degree to which the tower structure  
12 is designed and located to be compatible with the nature and character of other land  
13 uses and/or with the environment of the surrounding neighborhood.

14 **6.01.05 Design Requirements for Telecommunications Towers**

15 The following site design and appearance regulations apply to telecommunications  
16 towers that are installed on the ground. Where the provisions of the underlying zoning  
17 district differ from the following provisions, the following provisions shall apply:

- 18 A. All telecommunications towers shall be located in a manner that minimizes the  
19 effect on environmentally sensitive lands that are regulated in Chapter 3 of this  
20 LDC.
- 21 B. A new telecommunications tower shall be permissible only if the applicant  
22 demonstrates that collocation is not available for the antennas on an existing tower.
- 23 C. A telecommunications tower may be located on a lot containing another principal  
24 use, provided that the minimum lot area is sufficient for both the principal use and  
25 the telecommunications tower. The minimum lot area for a telecommunications  
26 tower shall be sufficient to accommodate the tower, supporting equipment, required  
27 landscaping, and required setbacks.
- 28 D. Setbacks required by this section shall be measured from the center of the base of  
29 the tower to the property line of the parcel on which it is located.
- 30 E. Telecommunications towers shall be setback from property zoned AG, RE, SFR,  
31 MDR, PUD, TC-R, TC-F, TC-C, NC, REC-1, REC-2, CON, INS-1, and INS-2, as  
32 set forth below:
- 33 1. One and one-half (1½) times the height of a monopole tower; or  
34 2. Two and one-half (2½) times the height for any other type of tower.
- 35 F. Telecommunications towers shall not be artificially lighted except to assure safety  
36 as required by the Federal Aviation Administration.
- 37 G. No advertising shall be allowed on a telecommunication tower.
- 38 H. Structural design
- 39 1. Telecommunications towers shall be designed to accommodate collocation of  
40 antennas. The number of antennas to be collocated shall be included in the  
41 design specifications.
- 42 2. Telecommunications towers shall include one (1) emergency generator of  
43 sufficient size to accommodate the needs of all collocated antennas. The

- 1 application for the tower shall include documentation to ensure that future  
2 collocated antennas shall be required to use the existing generator.
- 3 3. Telecommunications towers shall be constructed in accordance with the  
4 standards in the latest edition of the following publications:
- 5 a. Construction standards for telecommunications towers, published by the  
6 Electronic Industries Association.
- 7 b. “Minimum Design Load for Buildings and Structures,” published by the  
8 American Society of Civil Engineers.
- 9 c. “Guide to the Use of Wind Load Provisions,” published by the American  
10 Society of Civil Engineers.
- 11 d. Florida Building Code.
- 12 4. A fence, not to exceed eight (8) feet in height, shall be installed to enclose the  
13 tower base. The fence shall be installed to accommodate landscaping located  
14 outside the fence. The fence may be wooden or vinyl. The finished side of the  
15 fence shall face outward.
- 16 I. One (1) parking space shall be provided to serve the tower site.
- 17 J. Landscaping requirements for the entire parcel on which the tower site is located  
18 shall include:
- 19 1. Existing vegetation shall be retained to the maximum extent possible.
- 20 2. Telecommunications towers shall be required to provide landscaping outside  
21 the fence enclosing the tower.
- 22 3. All plant materials shall be evergreen and shall comply with the landscape  
23 materials standards set forth in Chapter 7. Existing on-site vegetation may be  
24 counted toward meeting the minimum requirements for vegetation.
- 25 4. The following landscaping is required:
- 26 a. One (1) tree per twenty-five (25) linear feet of fencing. Trees shall be  
27 evenly spaced and shall alternate canopy trees and understory trees.
- 28 b. A double-staggered row of shrubs shall be planted around the fence at the  
29 base of the tower to provide a continuous hedge with the exception of the  
30 entrance gate area.
- 31 K. The telecommunications tower shall be designed and painted to resemble natural  
32 objects, such as trees that are typical of the surrounding area.
- 33 L. A sign, measuring no more than thirty (30) inches wide by twenty-four (24) inches  
34 high, identifying the primary party responsible for the operation and maintenance  
35 of the facility, the address and telephone number of that party, and, if appropriate,  
36 the FCC/FAA registration number of the structure, shall be permanently attached  
37 to the fence or wall. The only additional signage that may be permanently attached  
38 to the fence or wall shall be security or safety signs.
- 39 M. Mobile or immobile equipment not used in direct support of the wireless facility  
40 shall not be stored or parked on the site, except when necessary during repair to  
41 antennas, related equipment, or the tower.
- 42 N. A temporary or mobile telecommunications tower may be used by a provider in any  
43 zoning district for the purpose of providing temporary wireless service to allow for  
44 modification, replacement, and/or repairs to a permanent facility, or as necessary  
45 to aid in post disaster relief efforts. A temporary permit is required. The permit

1 shall specify the time period and other conditions applicable to the temporary  
2 placement of the tower.

3 **6.01.06 Design Requirements for Antennas Installed on Existing Structures**

4 The following site design and appearance regulations apply to all antennas that are  
5 installed on existing buildings or structures. Where the provisions of the underlying  
6 zoning district differ from the following provisions, the following provisions shall  
7 apply:

- 8 A. The maximum height shall meet the standards set forth in Section 6.01.06 (A) (1)  
9 through (3) below. The measurement of height shall include the existing building  
10 or structure, any structure to support the antennas, and the antennas. Height shall  
11 be measured from the finished grade of the building or structure on which the  
12 antennas are located to the uppermost point of the building or structures, support  
13 structure, or antenna.
- 14 1. Antennas may be located on existing structures with a height of thirty (30) feet  
15 or greater, so long as the antennas do not extend more than fifteen (15) feet  
16 above the highest point of the existing structure.
  - 17 2. Antennas may be located on existing structures with a height of less than thirty  
18 (30) feet, so long as the antennas do not extend more than five (5) feet above  
19 the highest point of the existing structure; and
  - 20 3. Notwithstanding Sections 6.01.06 (A) (1) and (2) above, antennas shall not be  
21 located on dwellings in AG, RE, SFR, MDR, PUD, TC-R, and TC-F zoning  
22 districts.
- 23 B. Antennas attached to, or supported by, an existing building or structure shall not  
24 impose any undue stress on the building or structure.
- 25 C. Structures to support antennas on existing buildings shall be constructed in  
26 accordance with the standards in the latest edition of the following publications:
- 27 1. Construction standards for telecommunications towers, published by the  
28 Electronic Industries Association.
  - 29 2. “Minimum Design Load for Buildings and Structures,” published by the  
30 American Society of Civil Engineers.
  - 31 3. “Guide to the Use of Wind Load Provisions,” published by the American  
32 Society of Civil Engineers; and
  - 33 4. Florida Building Code.
- 34 D. The structure and antenna shall be screened with architectural elements or  
35 integrated into architectural elements on the building or structure. Examples of  
36 appropriate stealth techniques to accomplish the required screening or integration  
37 include elements such as chimneys, spires, steeples, or cupolas. Screening or other  
38 elements may be proposed, so long as the result is an integration of the antenna and  
39 any supporting structure into the existing building design features.
- 40 E. No advertising shall be allowed on an antenna.

1           **6.01.07    Design Requirements for Accessory Equipment Buildings**

2           Accessory equipment buildings used in conjunction with the operation and  
3           maintenance of telecommunications towers or antennas shall be permitted, subject to  
4           the following requirements:

- 5           A. The building shall not exceed 500 square feet of gross floor area.
- 6           B. The ground constructed or mounted building:
  - 7               1. Shall not exceed twenty (20) feet in height.
  - 8               2. Shall comply with the setback standards for accessory structures for the zoning
  - 9               district in which the building is located; and
  - 10              3. Shall comply with landscaping standards as outlined in Chapter 7.
- 11          C. The building shall be located as close as reasonably possible to the support structure
- 12           for the antenna.
- 13          D. The building shall be compatible with the surrounding neighborhood.

14   **6.02.00    SUPPLEMENTAL STANDARDS FOR SPECIFIC USES**

15           **6.02.01    Generally**

16           Specific uses permitted in each zoning district are identified in Chapter 2. This section  
17           identifies supplemental standards for certain uses.

18           **6.02.02    Adult Entertainment Establishments**

- 19          A. Adult entertainment businesses are permitted in the IND zoning district, subject to
- 20           the standards set forth in the district and the supplemental standards set forth in this
- 21           section.
- 22          B. The separation requirements set forth herein shall apply to the named uses whether
- 23           located within or outside of Town boundaries. Measurement shall be from the
- 24           closest property line of the adult entertainment business to the nearest point of the
- 25           parcel on which the named use is located.
- 26          C. No adult entertainment business shall be located within 1,000 feet of the following
- 27           existing uses and establishments:
  - 28               1. Any other adult entertainment business.
  - 29               2. A residential use.
  - 30               3. A lot zoned for residential use.
  - 31               4. A lot with a land use designation of residential on the Future Land Use Map in
  - 32               the Comprehensive Plan.
  - 33               5. A religious use or facility.
  - 34               6. An educational institution; or
  - 35               7. A park or recreation facility.
- 36          D. Advertisements, displays, or other promotional materials visible to the public from
- 37           the exterior of adult entertainment business shall be considered signs subject to the
- 38           regulations set forth in Chapter 5.
- 39          E. All building openings, entries, windows, and doors for adult entertainment
- 40           establishments shall be located, covered, or screened in such a manner as to prevent

a view into the interior from any public area; however, such openings shall not be painted out, blacked out, or otherwise obscured.

**6.02.03 Bed and Breakfast Inns**

- A. A bed and breakfast inn is permitted in zoning districts as outlined in Chapter 2, subject to the standards of the zoning district and the supplemental standards set forth below.
- B. The owner of the bed and breakfast inn shall reside in the inn.
- C. A bed and breakfast inn located within the Town Center shall comply with the standards for the Town Center Overlay.
- D. Parking shall meet the following standards:
  - 1. One (1) space per bedroom shall be provided off-street.
- E. One (1) sign identifying the bed and breakfast inn is permitted, subject to the following standards:
  - 1. The maximum sign area shall not exceed eight (8) square feet.
  - 2. The sign shall have color, design, and materials consistent with the color, design, and materials of the bed and breakfast inn; and
  - 3. The sign shall only be illuminated with landscape lighting.

**6.02.04 Cemeteries**

- A. New cemeteries are permitted in the INS-1 and PUB zoning districts, subject to the site design standards of the district.
- B. Site design requirements are set forth in Table 6.02.04 (C):

**Table 6.02.04 (C) Standards for Cemeteries.**

Development Feature	Standard
Minimum land area	
When located on the same site as a religious facility	1 acre
Freestanding	2 acres
Minimum setback for burial plots and columbaria	30 feet from any property line
Maximum height for columbaria	8 feet
Minimum setbacks for accessory structures	20 feet
Minimum buffer requirements	Non-residential buffer as outlined in Chapter 7

- C. Location requirements
  - 1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.
  - 2. All new cemeteries shall be located at least 500 feet from a potable water well or public potable water wellhead.
- D. Adequate off-street waiting space shall be provided for funeral processions such that no vehicle stands or waits in a public right-of-way.

1                   **6.02.05   Day Care Centers**

- 2           A. Day care centers are permitted in zoning districts as outlined in Chapter 2, subject  
3           to the standards of the zoning district and the supplemental standards set forth  
4           below.  
5           B. Playgrounds shall meet the following minimum standards:  
6                1. The playground shall be located in the rear yard. Where site characteristics  
7                prevent location of a playground in the rear yard, and adequate space is  
8                available in the side yard, a playground may be located in the side yard.  
9                Location of a playground in the front yard is prohibited.  
10              2. The playground shall be fully fenced.  
11              3. The playground shall be located not closer than twenty-five (25) feet to any  
12              adjacent property zoned for residential use.  
13           C. Outdoor areas for adult day care centers shall meet the same standards as those  
14           outlined in Section 6.02.05 (B).

15                   **6.02.06   Group Homes**

- 16           A. Group homes shall obtain a business tax receipt. All group homes shall comply  
17           with applicable local, State, and Federal, building and fire safety standards, and  
18           shall furnish proof of appropriate County, State, or Federal licensure, as applicable,  
19           before issuance of a Town business tax receipt.  
20           B. Group homes shall be used only for the purpose of providing assistance or  
21           specialized care and may not be used for administrative or related office-type  
22           activities other than in support of the facility.  
23           C. No counseling or other client service for non-residents is permitted.  
24           D. A group home shall adhere to the following requirements:  
25                1. Group homes of six (6) or fewer residents licensed as community residential  
26                homes by the Department of Children and Family Services (DCFS) shall be  
27                deemed a single-family unit, and shall be permitted in the zoning categories as  
28                outlined in Chapter 2, provided that such homes shall not be located within  
29                1,000 feet of another existing duly licensed group home of six (6) or fewer  
30                residents, and subject to conformance with the regulations outlined in this  
31                section. Distance requirements cited in this subsection shall be measured from  
32                the nearest point of the existing group home to the nearest point of the proposed  
33                group home.  
34                2. Group homes duly licensed by the DCFS as community residential care  
35                facilities which have from seven (7) to fourteen (14) unrelated residents  
36                operating as the functional equivalent of a family, including supportive staff as  
37                referenced in section 419.001, F.S., shall be allowed in the INS-2, subject to  
38                conformance to existing zoning regulations and this section.

39                   **6.02.07   Marinas**

- 40           A. A marina shall provide parking for vehicle-trailer combinations if the marina has a  
41           boat ramp. No overnight storage of boats shall be permitted on trailers.  
42           B. Dry storage shall only be permitted within an enclosed building.



- 1 C. Facilities for engine repair shall be within an enclosed building.
- 2 D. Marinas shall be required to provide sewage pump-out facilities approved by the
- 3 FDEP and shall be required to connect to any approved central wastewater
- 4 treatment facility available within 1,500 feet of the marina property.
- 5 E. Marinas shall be required to use FDEP approved fuel spill containment facilities
- 6 where petroleum products are sold, stored, or used.
- 7 F. All drainage, wastewater, and wash-down facilities shall be designed and
- 8 maintained in strict conformance with this LDC and any additional requirements of
- 9 the FDEP, the SJRWMD, the USACOE, or other State or Federal agency with
- 10 jurisdictional powers over marinas.
- 11 G. No dock, pier, or other structure shall be allowed to obstruct or alter natural water
- 12 flow or restrict navigation.
- 13 H. Seawalls and other shoreline modifications shall be set at or landward of the mean
- 14 high water line, except as otherwise provided by law.
- 15 I. Activities involving dredging and filling shall be required to obtain any applicable
- 16 permits from Federal and State agencies with jurisdiction, including the FDEP, the
- 17 USACOE, and the SJRWMD, as well as any permits required by the Town or
- 18 County.

19 **6.02.08 Mini-Storage or Self-Storage Facilities**

- 20 A. Mini-storage or self-storage facilities are permitted as outlined in Chapter 2, subject
- 21 to the standards of the zoning district and the supplemental standards set forth in
- 22 this section.
- 23 B. The following activities or uses are prohibited on the grounds or within the
- 24 buildings of mini-storage or self-storage facilities:
- 25
  - 26 1. Wholesale sales.
  - 27 2. Retail sales, including garage sales, or other commercial activities.
  - 28 3. Manufacturing, fabrication, processing, or other industrial activity.
  - 29 4. Service or repair of vehicles, engines, electronic equipment, or similar
  - 30 activities.
  - 31 5. Rehearsal or practice of musical instruments; and
  - 32 6. Residential use, with the exception of one manager or caretaker residence.
- 33 C. Notwithstanding the limitations described in Section 6.02.08 (B) above, the
- 34 following activities may be conducted:
- 35
  - 36 1. Rental of storage bays.
  - 37 2. Limited outdoor storage if properly buffered.
  - 38 3. Sales of boxes or goods related directly to the operation of a self-service storage
  - 39 facility; and
  - 40 4. Sales by the owner or manager of the facility of abandoned items for
  - 41 reclamation of rental costs.
- 42 D. Storage of flammable liquids, highly combustible or explosive materials, or
- 43 hazardous chemicals is prohibited.
- E. The mini-storage or self-storage facility buildings shall comply with the standards set forth in Table 6.02.08 (E).



**Table 6.02.08 (E) Standards for Self-storage or Mini-storage Facilities.**

<b>Development Feature</b>	<b>Standard</b>
Building separation (2 or more buildings on the site)	14 feet
Overhead access doors	Shall not be visible from residentially zoned property, commercially zoned property, or the public right-of-way
Storage bays <ul style="list-style-type: none"><li>• Minimum size</li><li>• Maximum size</li></ul>	4 feet by 4 feet (16 s.f.) 20 feet by 20 feet (400 s.f.)

F. Outdoor storage may be permitted on the same lot as the mini-storage or self-storage facility buildings. Outdoor storage shall comply with the standards in Table 6.02.08 (F).

**Table 6.02.08 (F) Standards for Outdoor Storage with Mini-storage Facilities.**

<b>Development Feature</b>	<b>Standard</b>
Types of goods to be stored	Limited to boats on trailers and recreational vehicles that have current registration and tags.
Maximum area devoted to outdoor storage	20 percent of buildable area of the site
Screening	Fully screened from view from adjacent properties and from public right-of-way. Screening may be a masonry wall or berm. Screening shall include landscaping.

**6.02.09 Outdoor Sales**

- A. An outdoor sales facility is permitted in zoning districts as outlined in Chapter 2, subject to the site design standards of the district, and the supplemental standards of this section.
- B. Outdoor sales facilities may include temporary or permanent shelters, such as canopies, tents, pavilions, or other similar structures.
  - 1. All such canopies, tents, or other structures shall be permitted through the Town.
  - 2. Temporary structures shall be located at least five (5) feet from any curb, sidewalk, crosswalk, or fire hydrant.
  - 3. Temporary structures shall be positioned so as to keep entrances, exits, and emergency exits clear at all times.
  - 4. Permanent such structures (i.e., pavilions) shall meet the setback requirements for the district.
- C. Temporary tables, chairs, displays, display stands, products for sale, and other similar equipment shall be located at least five (5) feet from any curb, sidewalk, crosswalk, fire hydrant, entrance, or emergency exit.
- D. Outside sales that are associated with either seasonal sales or special events shall also follow the regulations outlined in Chapter 5.

1           **6.02.10 Gasoline Station**

- 2           A. Gasoline service stations are permitted in zoning districts as outlined in Chapter 2,  
3           subject to the standards of the zoning district and the supplemental standards set  
4           forth in this section.  
5           B. Gasoline stations shall have a minimum lot size of 40,000 square feet.  
6           C. Gasoline stations shall front on an arterial road **or a major collector road.**  
7           D. Where gasoline stations abut residential property, a minimum buffer of 20 feet shall  
8           be provided.  
9

10           **6.02.11 Bars and Cocktail Lounges**

- 11           A. Bars and cocktail lounges are permitted in zoning districts as outlined in  
12           Chapter 2, subject to the standards of the zoning district and the supplemental  
13           standards set forth in this section.  
14           B. Bars and cocktail lounges shall be located on an arterial road.  
15           C. Bars and cocktail lounges as a stand-alone use shall provide a minimum buffer  
16           of 20 feet when abutting residential property.  
17  
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19           **6.02.12 Automobile Sales**

- 20           A. Automobile sales lots are permitted as allowed in Chapter 2 subject to the standards  
21           of the zoning district and the supplemental standards set forth in this section.  
22           B. Automobile sales shall have a minimum lot size of 40,000 square feet.  
23           C. Automobile sales shall front on an arterial road.  
24           D. Where automobile sales abut a residential property, a minimum buffer of 20 feet  
25           shall be provided.  
26  
27

28           **6.02.13 Animal Hospital or Veterinary clinic**

- 29           A. Veterinary businesses are permitted as allowed in Chapter 2 subject to the  
30           standards of the zoning district and the supplemental standards set forth in this  
31           section.  
32           B. Veterinary businesses located in Neighborhood commercial, Town Center  
33           Commercial, or Planned Unit Development zoning shall not include outside  
34           kennels.  
35  
36

37           **6.02.14 Religious Uses and Facilities**

- 38           A. Religious uses and facilities are permitted in zoning districts as outlined in Chapter  
39           2, subject to the standards of the zoning district and the supplemental standards set  
40           forth in this section.  
41           B. The primary use for a religious facility is worship. Worship is a form of religious  
42           practice with its creed and ritual.

- 1 C. Uses and activities other than worship shall be considered accessory uses and shall  
2 be clearly ancillary to the primary use. Such uses and activities shall be limited to  
3 religious instruction; offices to support the religious facility; child or adult day care,  
4 subject to the standards of Section 6.02.05; private academic schooling, subject to  
5 the standards of 6.02.14 (F); activity hall, with or without a kitchen, subject to the  
6 standards of 6.02.14 (G); and cemeteries regulated as set forth in Section 6.02.04.  
7 Churches may also accommodate meetings of civic organizations and groups such  
8 service organizations, boy scouts, girl scouts, weight watchers and similar  
9 activities.
- 10 D. All accessory uses are subject to the following requirements:  
11 1. The accessory use shall be owned and operated only by the owner of the  
12 primary use.  
13 2. The owner of the primary use shall obtain any licenses required to conduct the  
14 accessory use. Any approval of the accessory use shall be contingent upon  
15 receipt of all licenses.  
16 3. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 8:00  
17 p.m.  
18 4. All exterior lighting shall be directed or shielded to avoid illumination of  
19 adjacent properties.  
20 5. Outdoor play or activity areas shall be no closer than twenty-five (25) feet from  
21 property zoned for residential use, as measured to the nearest residential  
22 property line.
- 23 E. The following activities shall be prohibited in association with religious uses:  
24 retreat centers and overnight lodging facilities or other temporary sleeping quarters.  
25 Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling  
26 unit may be provided as a parsonage, subject to the standards of Section 6.02.14  
27 (H).
- 28 F. Private academic schools are permitted accessory uses subject to the following  
29 standards:  
30 1. The total floor area allocated to the school shall not exceed twenty (20) percent  
31 of the total gross floor area on the site. The calculation of total floor area  
32 allocated to the school shall include all components of the school: classrooms,  
33 school library, school offices, teacher work areas, and the like, including related  
34 mechanical and support facilities.  
35 2. An off-street drop-off area for persons served by the facility shall be provided.
- 36 G. An activity hall is a permitted accessory use, provided that the total floor area  
37 allocated to the activity hall, including related mechanical and support facilities,  
38 shall not exceed twenty (20) percent of the total floor area on the site.
- 39 H. One (1) residential dwelling unit is permitted to serve as a parsonage, subject to the  
40 following standards:  
41 1. The parsonage shall be used exclusively for the dwelling unit and shall not  
42 include any primary or other accessory use permitted on the site.
- 43 I. A specific parking plan shall be provided. This plan shall identify the primary use  
44 and each accessory use proposed on the site. The parking plan shall indicate the  
45 hours of operation and peak times of use (parking demand) for the primary use and

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each accessory use on the site. The parking standards for the primary use and each accessory use shall be identified based upon Table 8.03.07 of Chapter 8. The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak use and associated parking requirements shall not result in a parking deficiency on the site. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).

# CHAPTER 7

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## Landscaping, Irrigation and Hardscape

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1 **7.00.00 GENERAL**

2 In a landscape, plants fulfill multiple roles. For example, landscape designers often  
3 recommend grouping plants into masses to unify the design of plant beds. Groups of  
4 plants are visually pleasing, but this design technique provides environmental benefits  
5 as well. Trees planted in groups provide more atmospheric cooling than the same  
6 number of evenly spaced, isolated trees and are much better protected in high winds.  
7 In addition, trees planted in combination with appropriate shrubs and groundcovers  
8 form effective windbreaks and wildlife habitat.

9  
10 Florida’s environment is at risk from pollution, water shortages, exotic pests, and  
11 habitat loss. Landscapes that incorporate “Florida-friendly” practices can help address  
12 these concerns. Many Floridians inadvertently contribute to these problems because  
13 they do not realize the impact their landscape management practices have on the  
14 environment. Florida-friendly landscape practices help ensure Florida’s natural  
15 beauty.

16 **7.00.01 Purpose and Intent**

17 The Howey in the Hills Town Council finds that the health, safety, and welfare of its  
18 residents, property owners, business owners and visitors, can best be protected by land  
19 use regulations that support and enforce the following goals

- 20 A. Preserve, enhance, or restore the unique natural environment of the community.
- 21 B. Ensure that a diversity of plants and trees indigenous to the Town shall be  
22 maintained.
- 23 C. Ensure that the majority of plantings on development projects are native and  
24 drought-tolerant species.
- 25 D. Protect all specimen trees and viable treed areas as a vital natural resource and as  
26 a sanctuary for birds and animals.
- 27 E. Establish appropriate landscaped buffers to promote open space, mitigate impacts  
28 between different land uses, and create wildlife corridors.
- 29 F. Regulate the removal and replacement of trees from all public and private property  
30 within the Town.
- 31 G. Preserve, enhance, or restore shade along streets and sidewalks to promote  
32 pedestrian activity and create appealing public corridors.
- 33 H. Improve the appearance, environment, character, and value of the total urban area.
- 34 I. Control flooding, soil erosion, heat, and air and noise pollution.
- 35 J. Conserve potable water by planting native and drought-tolerant species.
- 36 K. Protect life and property by appropriately planning the location and management  
37 of trees and vegetation.

38 **7.00.02 Applicability**

39 The requirements of this chapter shall apply to all uses within the Town. Where the  
40 size or shape of the lot or parcel, or any other circumstance requires waivers from any  
41 of the requirements of this chapter, the applicant may mitigate by entering into an



1 agreement with the Town to contribute to the Town’s landscaping fund. Monies from  
2 the landscaping fund shall be used to enhance landscaping of public property within  
3 the Town limits.

4 **7.00.03 Landscape Architect Required; Exemptions**

5 Unless otherwise exempted by Florida Statutes, landscape plans for the following  
6 development projects shall be prepared by and bear the seal of a registered landscape  
7 architect:

- 8 A. All new development, except individual residences on individual lots.  
9 B. Expansion and exterior alteration of existing non-residential development.  
10 C. Expansion and exterior alteration of existing residential development, except  
11 individual residences on individual lots.

12 The landscape architect shall provide a sealed letter that he or she has inspected the  
13 landscaping and irrigation and that it complies with the plans as drawn. This letter  
14 must be received prior to issuing the certificate of completion or certificate of  
15 occupancy for the development.

16 **7.01.00 LANDSCAPE PLANS FOR DEVELOPMENT**

17 **7.01.01 Preliminary Subdivision and Site Plans**

- 18 A. Tree Surveys. As part of the Preliminary Subdivision and Preliminary Site Plan  
19 processes, each applicant shall provide a tree survey overlay on their plans. The  
20 tree survey shall show all trees with a DBH of 6” or greater. The plan sheet with  
21 the tree survey shall include a legend denoting the size of each tree (in DBH), the  
22 tree species, and whether it is proposed to be saved or destroyed. If the applicant  
23 proposes to remove any existing trees with a DBH of 6” or greater, and if the Town  
24 Council approves the removal of such trees, the applicant will need to follow the  
25 tree mitigation section of this chapter.  
26 B. Buffers, Open Space, Parking Areas, Stormwater Ponds. As part of the Preliminary  
27 Subdivision and Preliminary Site Plan processes, applicants shall outline areas on  
28 the property to be dedicated to buffers, open space, parking areas, stormwater  
29 ponds, and other site features that will require landscaping, irrigation and  
30 hardscape. Although the formal landscape plans are not required until the Final  
31 Plan process, applicants shall take into account the space needed for landscaping  
32 and hardscape in these areas as they submit their Preliminary Plans.

33 **7.01.02 Final Subdivision and Site Plans**

- 34 A. Landscape Plan Requirements. Landscaping, irrigation, and hardscape are vital  
35 parts of any development. A landscape plan showing proposed landscape,  
36 irrigation and hardscape areas shall be submitted for review and approval by the  
37 Town as part of the Final Subdivision and Final Site Plan processes or as part of a  
38 building permit application for development that does not require a Final Plan.  
39 Landscape plans shall be drawn at a scale of no smaller than 1”=30’ and include  
40 and indicate the following:

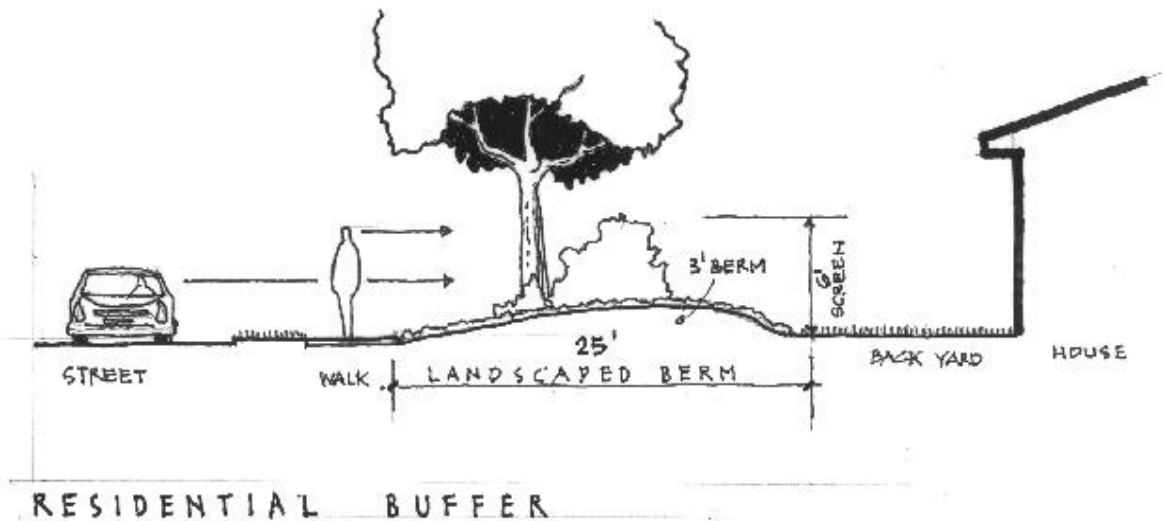
- 1 1. Location, type and size of all existing trees, and a table indicating which are to
- 2 be saved or removed
- 3 2. Location of all structures including buildings, freestanding signs, vehicular use
- 4 areas and other improvements proposed for the property
- 5 3. Location of overhead power lines and adjacent rights-of-way
- 6 4. Location of existing vegetative communities to remain undisturbed
- 7 5. Indication of soil types found on the subject site by soil boundary line and
- 8 description, as well as the specifications for soil amendment where such is
- 9 needed
- 10 6. Location and type of all proposed landscape materials
- 11 7. Plant list including quantity, type, and specifications of proposed landscape
- 12 materials
- 13 8. General notes including mulching requirements, fertilization and installation
- 14 instructions, and other such information as needed
- 15 9. Planting details as needed
- 16 10. Tree protection measures as outlined in this chapter.
- 17 11. Water source for irrigation
- 18 12. Water meter and/or point of connection
- 19 13. Backflow prevention devices
- 20 14. Pump station size and location
- 21 15. Design operation pressure and flow rate per zone
- 22 16. Irrigation system design including location of pipe, controllers, valves,
- 23 sprinklers, sleeves, and gate valves
- 24 B. In creating the landscape plan, the landscape architect shall take into consideration
- 25 the following:
- 26 1. The objective of landscaping shall be to preserve and enhance the particular
- 27 elements of each specific site.
- 28 2. The landscape areas shall be located on the site in such manner as to maximize
- 29 preservation of existing trees and natural areas.
- 30 3. Linking adjacent sites with landscape buffers or preservation of natural areas
- 31 shall be pursued to the extent possible in order to develop wildlife corridors
- 32 throughout the Town
- 33 4. Plants shall be grouped to the extent possible based on water needs so the
- 34 irrigation system can be most efficient
- 35 5. Florida native, drought tolerant and low maintenance plants shall be used to the
- 36 extent possible
- 37 6. Plants that provide shelter and feed wildlife shall be used to the extent possible
- 38 7. Ground covers other than grass shall be used whenever possible
- 39 8. Stormwater retention areas shall not be credited toward meeting the open space
- 40 requirement unless they are planted.
- 41 9. All planted areas shall be mulched with a three-inch (3") depth of mulching
- 42 material unless a ground cover is used.
- 43 10. Hardscape is an important component of development. Inanimate elements add
- 44 visual interest, increase property value, and make the outdoor space more
- 45 inviting as an outdoor living environment. Use of hardscape such as walls,

fences, fountains, benches, trash receptacles, planters, streetlight fixtures, fountains, gazebos, arbors, trellises, decorative paver materials and outdoor art should be included in the landscape plan.

**7.02.00 BUFFERS**

**7.02.01 Residential Buffers**

- A. A form of screening shall be provided to separate residential subdivisions from abutting arterial or collector streets. The intent of the screening is to reduce visual, light, and noise impacts and to prevent access directly from the lot to the arterial or collector street.
- B. For single family subdivisions and multi-family site plans, the buffer shall be either:
  - 1. A landscaped berm with a total depth of at least 25 feet and no steeper than 3H:1V. The berm shall be at least three feet in height and the berm together with the landscaping, shall comprise a continuous screen of at least 5 and one half feet (5.5') at time of planting and six feet (6') within one year of planting. Canopy trees shall also be planted every 50 feet along the berm. For single family subdivisions, these buffers shall be on common property and dedicated to the homeowners' association for ownership and maintenance responsibilities. For multi-family sites, the buffer will be either owned by the property owner, or in the event of multiple owners, a condominium association or other common entity will own and maintain the buffer.



- 2. A landscaped wall buffer with a minimum depth of 15 feet. The wall shall maintain a height of six feet from grade on highest side and all walls shall have a decorative exterior (no exposed block). Acceptable materials for wall faces

1 are brick, stucco or stone or a combination of those materials. Wall columns  
2 shall have a maximum spacing of thirty feet (30') on walls up to two hundred  
3 feet (200') in length and forty feet (40') on walls more than two hundred feet  
4 (200') in length. Wall columns may extend up to two feet (2') above the height  
5 of the wall. Within each fifty-foot (50') increment along the wall, two (2)  
6 canopy trees, two (2) understory trees, and 30 linear feet of shrubs shall be  
7 planted. The trees shall not be closer than ~~five feet (5')~~ 7.5 feet to a walk or  
8 wall. The shrubs shall be at least 30" in height at time of planting. For single  
9 family subdivisions, these buffers shall be on common property and dedicated  
10 to the homeowners' association for ownership and maintenance  
11 responsibilities. For multi-family sites, the buffer will be either owned by the  
12 property owner, or in the event of multiple owners, a condominium association  
13 or other common entity will own and maintain the buffer.

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17 [ **NOTE:** Reinsert the diagram and change the 5' and 6' buffers in the diagram  
18 to 7.5'. ]  
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33 3. For residential subdivisions or site plans, where a stormwater pond adjoins the  
34 roadway, the wall or berm may be replaced with wrought iron fencing and  
35 accompanying landscaping.  
36 4. In designing residential buffers, overhead utility lines shall be taken into  
37 account. Buffers must not be placed so as to cause future conflicts between  
38 overhead utility lines and canopy trees. Where overhead utility lines exist, the  
39 buffer shall be designed so that the canopy trees are offset a minimum of 25  
40 feet from the line of the overhead utility lines.  
41 5. All canopy trees within 7.5 feet of a wall or sidewalk must have root barriers.



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**7.02.02 Non-Residential Buffers**

- A. Landscaped buffer areas or landscaped wall areas intended to screen parking areas, stormwater ponds, or other site features shall be a minimum **width** of **15-20 feet** **in depth** if they adjoin a street, and a minimum **width** of **10-15 feet** **in depth** if they adjoin another non-residential parcel. Provisions for cross access easements between parcels under separate ownership shall be made when designing buffers. Berms may be used in addition to plants, fencing and walls to create an attractive screen.
- B. The landscaped buffer shall contain at least one canopy tree, two understory trees and 30 linear feet of shrubs and ground cover for each 50 linear feet of buffer. Canopy trees shall be located **no less than five feet (5') and no more than eight feet (8')** **at least 7.5 feet and no more than 10 feet** from sidewalks and other walkways in order to provide shade while minimizing conflicts between tree roots and sidewalks. Similarly, canopy trees shall be used to shade parking areas that adjoin buffers. Understory trees may be planted in groupings and palms may be planted in place of understory trees when clustered in groupings of three or more trees.
- C. In designing non-residential buffers, overhead utility lines shall be taken into account. Buffers must not be placed so as to cause future conflicts between overhead utility lines and canopy trees. Where overhead utility lines exist, the buffer shall be designed so that the canopy trees are offset a minimum of 25 feet from the line of the overhead utility lines.
- D. In the Town Center Overlay area, landscaped buffers may be modified in order to provide additional room for public plazas, wider sidewalks for seating of patrons, and on-street parking.
- E. When a non-residential use is proposed adjacent to residential property, the non-residential property owner shall be required to provide a minimum of a 15-foot-



1 wide buffer. When considering this buffer, the Town’s objective will be to protect  
2 the residential area from noise, traffic, light, and other factors that may be  
3 associated with the non-residential use. If non-residential and residential properties  
4 are adjoining and owned by the same entity, buffer requirements between the two  
5 uses will be determined during the development review process.

6 **F. All canopy trees within 7.5 feet of a wall or sidewalk must have root barriers.**

7 **7.03.00 STREET MEDIANS**

8 A. Within residential areas, landscaped medians are encouraged as a traffic calming  
9 device. When provided these medians shall be placed along straight expanses of  
10 streets that exceed 600 feet. Landscaped medians may also be placed at  
11 intersections in residential neighborhoods as a traffic calming device. Entrance  
12 medians are also permitted and encouraged.

13 B. Landscaped islands and medians within private streets or the public rights-of-way  
14 shall conform to the following:

- 15 1. The minimum size of a landscaped island or median along straight expanses of  
16 streets shall be a minimum of eight feet (8’) wide and 40 feet long.
- 17 2. All landscaped islands in residential subdivisions shall be curbed (FDOT Type  
18 I)
- 19 3. All islands and medians with landscaping shall have irrigation.
  - 20 a. All landscaped islands shall have trees and low shrubbery or groundcover.  
21 In some cases, such as at intersections, hardscaped islands may be permitted  
22 or a combination of landscape and hardscape.

23 **7.04.00 LANDSCAPING**

24  
25 **7.04.01 Florida Water Star Program/Florida Friendly Landscaping**

26 A. All required landscaping and irrigation shall be installed and maintained to be consistent  
27 with the water-efficient landscaping requirements established herein. Landowners are  
28 additionally encouraged to follow Waterwise Florida Landscapes, Florida Water Star  
29 Program, and Florida Irrigation Society Standards.

30 B. Landscape plants shall be selected based on appropriateness to the site considering  
31 conditions such as soil type, moisture, and sunlight using the principle of “right plant –  
32 right place,” as described by the Florida Friendly Landscaping program. The plants shall  
33 be grouped and irrigated by hydrozone in accordance with their respective water needs.  
34 A list of appropriate plants and plant resources is contained in The Plant List for Lake  
35 County.

36 C. Synthetic Lawns and Plants: Synthetic or artificial turf, trees and plants shall be  
37 prohibited from use in lieu of required live plantings.

38 D. Limit irrigated lawn areas. Irrigation is not mandated by the Town. The use, type and  
39 location of irrigated lawn area in the landscape shall be selected in a planned manner and  
40 used as a fill-in material. Since most lawn varieties used in landscape require

1 supplemental watering more frequently than other types of landscape plants, turf shall be  
2 placed so that it can be irrigated separately. The installation of turf grass shall be subject  
3 to the following:  
4

- 5 1. Irrigated turf grasses may be installed on a maximum of sixty (60) percent of  
6 the pervious (landscape) area of any lot or parcel as follows:  
7

<b>TURF GRASS TABLE</b>	
<b>Site Size</b>	<b>Irrigated Turf Area</b>
< 5 Acres	60% of the pervious landscaped areas
5 to 10 Acres	60% of the pervious landscaped area, not to exceed 5 acres, whichever is less.
>10 acres	60% of the pervious landscaped area, not to exceed 10 acres, whichever is less

- 8  
9 2. Exemptions:  
10 (a) Unirrigated turf having an excellent drought tolerance rating, such as  
11 Bahia grass, may be used on the entire site and is not subject to this  
12 limitation.  
13 (b) Agricultural uses, commercial golf courses greens and fairways,  
14 cemeteries, and public or private active recreation fields such as ball fields  
15 are exempt from this limitation.  
16 (c) Existing Development: Property owners shall be encouraged to replace  
17 lawns and plants with Florida-Friendly Landscaping and drought tolerant  
18 turf for development existing as of June 14, 2021.  
19 (d) The percentage of micro irrigation and/or non-irrigated areas shall be no  
20 less than 40 percent of the total irrigable area.  
21

22 **7.04.02 Landscaping Non-Single-Family Primary Structures**

- 23 A. A minimum 10-foot wide landscaped area shall be provided along all sides of the  
24 building, except the following:  
25 1. Where areas such as motor vehicle bays or loading zones would prohibit it  
26 2. In front of storefront windows that directly abut a pedestrian way  
27 3. Where the building is within 25 feet of a required landscaped buffer or natural  
28 areas which will be preserved.  
29 B. This required area shall be primarily comprised of shrubs, ornamental plants, and  
30 groundcovers. Turf should not be used in this area and trees that require more room  
31 for mature growth should not be placed close to buildings. Irrigation should be  
32 limited to drip or other components that will not spray towards the building or trap  
33 water near the building foundation. Hardscape, such as benches, sculpture, or  
34 planters, is encouraged within this area.  
35 C. Landscape materials required by this section should be located to achieve the  
36 following:



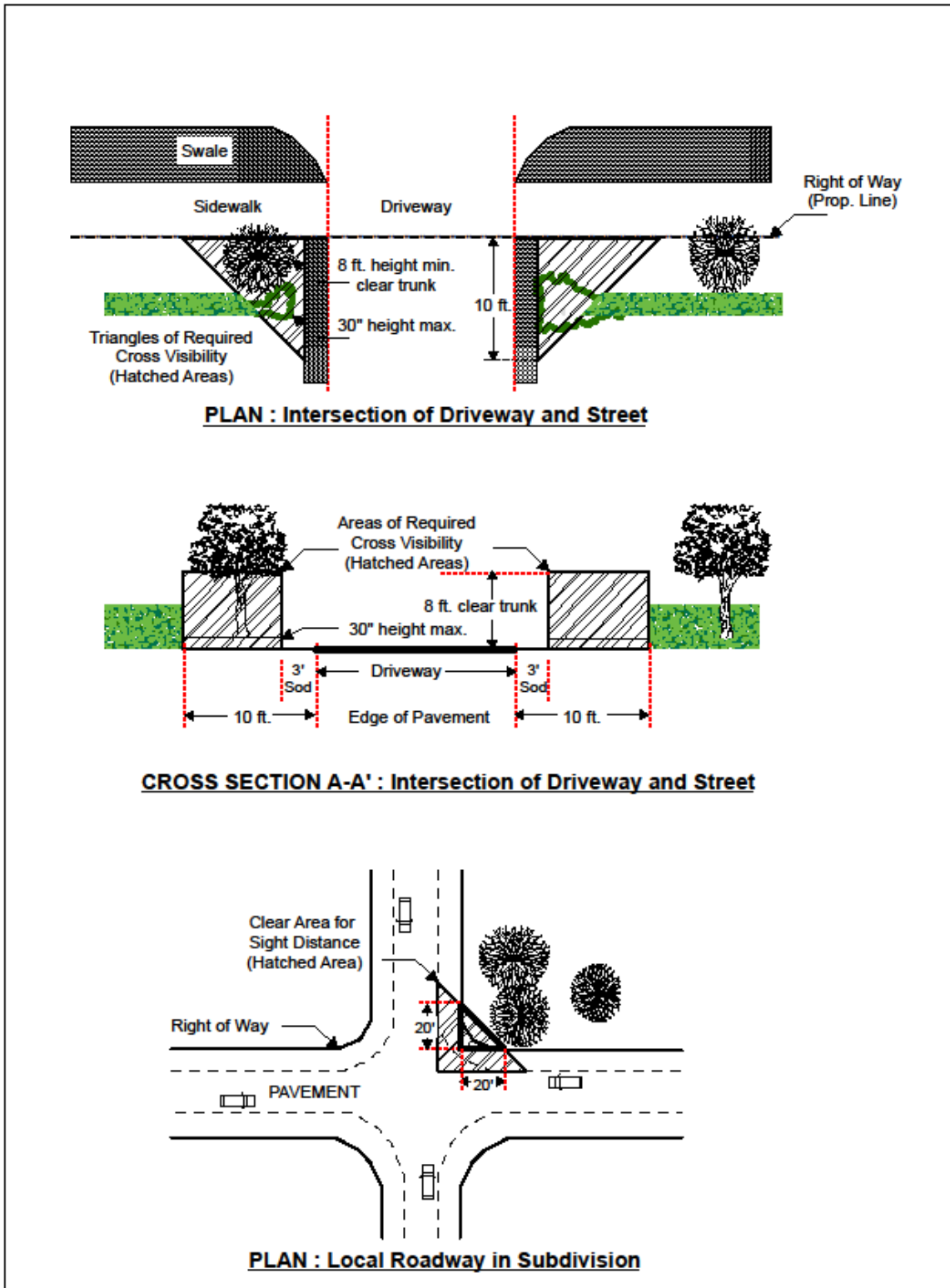
- 1 1. Screen mechanical equipment, air conditioning units or any other visible
- 2 outdoor equipment adjacent to the primary building
- 3 2. Provide visual interest along building facades
- 4 3. Enhance walkways, entrances, seating areas, and other similar pedestrian areas

5 **7.04.03 Landscaping Non-Single-Family Accessory and Secondary Structures**

- 6 A. If accessory structures or any sides of accessory structures are visible from public
- 7 or private streets or parking areas, those structures or sides of structures shall be
- 8 landscaped. If the accessory or secondary structure includes offices or customer
- 9 areas, the structure shall be landscaped under the same requirements as section
- 10 7.04.01 (primary structures). If the accessory structure is used for storage or non-
- 11 customer work areas, landscaping shall be designed to screen visible outdoor
- 12 mechanical equipment and to provide visual interest along the facades visible from
- 13 streets or parking areas.
- 14 B. Solid Waste Refuse Facilities. All dumpsters shall be enclosed on three sides with
- 15 a six-foot block enclosure. The enclosure shall be of similar or compatible material
- 16 to the primary structure such as stucco, brick, or stone. The fourth side (access)
- 17 shall be screened with an opaque gate. The gate may be of wood or vinyl, but not
- 18 chain link. The three sides of the enclosure shall be landscaped with bushes or
- 19 hedges.
- 20 C. Signs. Ground signs for non-residential areas shall be landscaped at the base with
- 21 a minimum of 2 square feet of landscape material for every 2 feet of sign face.
- 22 The irrigation system shall accommodate this landscaping.

23 **7.04.04 Visibility Triangle at Intersections**

24  
25 In order to preserve visibility at intersections of streets and at intersections of driveways  
26 with streets, a visibility triangle shall be preserved as shown in the following diagram.  
27



1  
2

1 **7.05.00 VEHICULAR USE AREAS**

2 Vehicular use areas shall be screened in accordance with the following provisions. Off-  
3 street parking and vehicular use areas which are visible from any public or private street  
4 or right-of-way shall be screened with any combination of hedge, fence, walls, or berms  
5 which provide a minimum three-foot high visual barrier at time of planting. The  
6 location of such screening features shall be adjacent to the entire area perimeter.

7 **7.05.01 Parking Lots**

8 The following requirements are established to provide shade and visual interest to  
9 parking lot areas. The Town will place emphasis on preserving existing trees and  
10 applicants will be expected to take existing trees into consideration when designing  
11 parking lots.

- 12 A. Terminal islands. Each row of parking spaces shall be terminated by landscaped  
13 islands to separate parking from adjacent drive aisles. Terminal islands shall  
14 measure a minimum of ten feet (10') in width and 20 feet (20') in length. Each  
15 terminal island shall include a canopy tree which is at least 4 inches DBH at time  
16 of planting, and ground cover. Shrubs may also be included.
- 17 B. Interior islands. Interior islands shall be used to shade parking lots. Interior islands  
18 are required every ten (10) parking spaces and shall be, at a minimum, the same  
19 size of a parking space (10 feet by 20 feet). Each interior island shall include a  
20 canopy tree which is at least 4 inches DBH at time of planting, and ground cover.  
21 Shrubs may also be included.
- 22 C. Divider medians. Landscaped divider medians shall form a continuous landscaped  
23 strip between abutting rows of parking. The minimum width of a divider median  
24 shall be 10 feet. Canopy trees at least 4 inches DBH at time of planting shall be  
25 spaced no fewer than one tree every 40 feet. Ground cover, shrubs, and understory  
26 trees shall also be included in divider medians.
- 27 D. All parking lot landscaping shall be designed with an irrigation system.
- 28 E. Protection of Landscaped Areas.
  - 29 1. Curbing. Terminal islands, interior islands and divider medians shall be  
30 separated from vehicular use by non-mountable, reinforced concrete curbing of  
31 a type approved by the Town. Curbed landscaped areas shall be backfilled to a  
32 height of four inches below the back of curb, except where such backfill would  
33 impact an existing tree. Unreinforced extruded curbing shall be prohibited. The  
34 width of curbing shall be excluded from the calculation of the minimum  
35 dimensions of all required landscape areas.
  - 36 2. Wheel stops. All landscaped areas adjacent to off-street parking areas shall be  
37 protected from encroachment or intrusion of vehicles through the use of wheel  
38 stops. Wheel stops shall have a minimum height of six inches above finished  
39 grade of the parking area. Wheel stops shall be properly anchored and  
40 maintained in good condition.

1 **7.06.00 IRRIGATION SYSTEM DESIGN**

2 **7.06.01 General Landscape Irrigation Requirements**

- 3 A. All installed automatic irrigation systems shall be designed to provide irrigation  
4 appropriate to meet the needs of the landscaped area to be served. In evaluating  
5 irrigation plans, the primary consideration shall be water conservation. Irrigation  
6 systems shall be designed to provide the minimum irrigation necessary to ensure  
7 the survival of the plant material and shall be designed to avoid runoff and promote  
8 optimal percolation.
- 9 B. All new residential, commercial, or industrial construction systems shall be  
10 consistent with the irrigations systems standards.
- 11 C. The use of temporary irrigation systems that can be removed following  
12 establishment of vegetation is the preferred method of irrigation and permanently  
13 installed irrigation systems are discouraged.
- 14 D. Landscape irrigation shall comply with the applicable water use permits, rules, and  
15 water shortage orders of the water management district where the landscape  
16 irrigation will occur.
- 17 E. To conserve potable water, reclaimed water, storm water ponds, water recycling  
18 systems, and water collected from cisterns shall be encouraged for landscape  
19 irrigation water if the water quality will meet the needs of the landscape. Such use  
20 must comply with the applicable water use permits, rules, and water shortage orders  
21 of the water management district where the landscape irrigation will occur.  
22 Developments seeking to use water from retention ponds or natural lakes for  
23 landscape irrigation shall comply with all applicable water use permits, rules, and  
24 water shortage orders of the water management district where the landscape  
25 irrigation will occur.

26  
27 **7.06.02 Irrigation Design Standards**

- 28 A. All irrigation systems shall be designed in accordance with one of the following  
29 standards:
- 30 1. Florida Water Star Program; or
- 31 2. Adhere to the following standards:
- 32 a. Sprinkler irrigation area shall not exceed 60% of the irrigated area. Other  
33 irrigation shall consist of low volume irrigation or micro-irrigation systems.  
34 This standard is applicable on residential and commercial lots over 1/8<sup>th</sup>  
35 acre. This requirement applies to common areas and open space is  
36 developments.
- 37 b. Sprinkler irrigation shall not be installed in narrow areas that are four (4)  
38 feet or less in width unless correctly installed micro-irrigation is used.
- 39 c. Sprinkler irrigation shall not be used for trees, shrubs, and groundcover  
40 beds. Permanent low volume or micro-irrigation systems may be used in  
41 these areas, but the Town encourages the use of temporary establishment  
42 irrigations systems which may be removed after the vegetation is  
43 established.

- 1 d. Irrigation zones shall be divided according to vegetated groupings (i.e.,
- 2 turfgrass, shrubs, trees, etc.) and the water requirements of the plants.
- 3 e. Sprinkler head types, such as spray heads and rotors, shall not be mixed in
- 4 the same zone.
- 5 f. Distribution equipment in a given zone shall have matched precipitation
- 6 rates.
- 7 g. Rotors and spray heads in turfgrass areas shall be spaced to provide head-
- 8 to-head coverage.
- 9 h. A minimum separation of four inches is required between distribution
- 10 equipment and the pavement.
- 11 i. A minimum separation of 24 inches is required between distribution
- 12 equipment and buildings and other vertical structures.
- 13 j. A rain shut-off device shall be required on all irrigation systems to avoid
- 14 irrigation during periods of sufficient rainfall. The rain sensor device shall
- 15 consist of an automatic sensing device or switch that will override the
- 16 irrigation cycle when adequate rainfall has occurred. It shall be placed
- 17 where it is exposed to unobstructed natural rainfall and in compliance with
- 18 Section 373.62, Florida Statutes, as amended.
- 19 k. Irrigation systems equipped with an automatic control system shall, at a
- 20 minimum, provide the following capabilities:
- 21 (1) Ability to be programmed in minutes, by day of week, season, and time
- 22 of day or by inches of water, by day of week, and time of day.
- 23 (2) Ability to accommodate multiple start times and programs.
- 24 (3) Automatic shutoff after adequate rainfall
- 25 (4) Ability to maintain time during power outages for a minimum of three
- 26 days, and
- 27 (5) Operational flexibility to meet the applicable water management
- 28 district's year-round water conservation requirements and water
- 29 shortage order restrictions.
- 30 l. Check valves or similar devices which are capable of holding a minimum
- 31 of a five-foot head shall be used in low-lying areas to prevent head drainage
- 32 unless using valve-in-head sprinklers.
- 33 m. Irrigation system equipment shall be installed in accordance with
- 34 manufacturer's specifications.
- 35 n. Sprinkler heads shall not spray onto walkways, buildings, roadways, and
- 36 driveways.
- 37 o. Pipes shall have a flow velocity of five-feet per second or less.
- 38 p. Pipelines shall be designed to provide the system with the appropriate
- 39 pressure required for maximum irrigation uniformity.
- 40 q. All irrigation system underground piping shall have minimum soil cover of
- 41 six inches.

1           **7.06.03    Irrigation Design and Installation Affidavits**

- 2           A. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation  
3           system will comply with the standards of the Section, signed and sealed by a  
4           landscape architect licensed to practice in the State of Florida shall be included with  
5           the development application for all planned development.  
6           B. An irrigation plan and Irrigation Design Affidavit demonstrating how the irrigation  
7           system will comply with the standards of this Section, signed by a landscape  
8           architect licensed to practice in the State of Florida, builder, owner, or experienced  
9           irrigation professional shall included with all building permits where a permanent  
10          irrigation system shall be installed on the property.  
11          C. Within thirty (30) days of any irrigation system installed pursuant to this Section,  
12          the permittee or property owner shall submit to the Town a written self-certification  
13          from a Florida Water Star inspector, accredited professional, licensed irrigation  
14          contractor, or licensed landscape professional that the irrigations system on  
15          property meets the requirements of this Section. The owner, acting as owner-  
16          builder, may certify the irrigation system for a building permit as meeting the  
17          requirements herein.  
18  
19                  1. All properties subject to this irrigation certification may be inspected to ensure  
20                  compliance with the requirements of this Section.  
21                  2. Contractors and/or property owners shall be accountable for proper installation  
22                  and compliance through self-certification.  
23                  3. The Town may conduct random inspection to ensure compliance with the code.  
24                  4. No Certificate of Occupancy for any development or building permit subject to  
25                  the requirements of this Section shall be issued until the applicant has installed  
26                  irrigation in compliance with e requirements of this Section.  
27

28           **7.06.04 Exemptions**

29           A. The following sites are exempted from the provisions of this Section but shall follow  
30           applicable Florida Friendly Best Management Practices for Protection of Water  
31           Resources by the Green Industries, as amended.  
32

- 33                  1. Vegetable gardens and fruit and nut trees  
34                  2. Athletic fields  
35                  3. Golf course play areas,  
36                  4. Cemeteries  
37

38           **7.07.00    HARDSCAPE**

39           **7.07.01    General**

40           A. Hardscape consists of the inanimate elements of landscaping. For instance, brick  
41           walls, water fountains and arbors would all be considered part of the hardscape.



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Street furnishings like benches, trash receptacles, large planters, decorative signage and lighting fixtures and sculptures are also examples of hardscape.  
B. Hardscape Examples. Below are some examples of hardscape that can be used to meet the intent of this section:

1. Public Art



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2. Benches, Pavers and Planters



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3. Entrance or Gateway Features



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4. Plazas and Fountains



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18

C. Hardscape Plans Require

- 1 1. All hardscape shall be included in the Final Subdivision and Final Site Plan  
2 landscaping plans. Wall details including footer typical sections and column  
3 details are required as part of the plans as well as detailed signage plans,  
4 including lighting for the signs.
- 5 2. Each subdivision, site or overall development may be individually themed and  
6 designed with its own architectural and landscaping style. To meet the intent of  
7 this section, hardscape shall be added to the overall exterior of the property both  
8 to serve particular functions and to add overall interest and character to the  
9 development and the Town. The number of hardscape elements should be  
10 relative to the size of the property as well as the use of the property.
- 11 3. Hardscape components that serve particular functions. Each site shall  
12 incorporate functional elements including, but not limited to, the following:  
13 a. Decorative benches for seating areas  
14 b. Arbors or trellises for additional shade in pedestrian or entrance areas  
15 c. Decorative trash receptacles  
16 d. Decorative lighting fixtures  
17 e. Decorative pavers to outline pedestrian walkways
- 18 4. Hardscape components that add visual interest and character. Each site shall  
19 incorporate elements including, but not limited to, the following:  
20 a. Sculpture or other public art  
21 b. Entrance or gateway features  
22 c. Fountains  
23 d. Decorative planters  
24 e. Outdoor plazas or seating areas for employees and patrons, where  
25 applicable

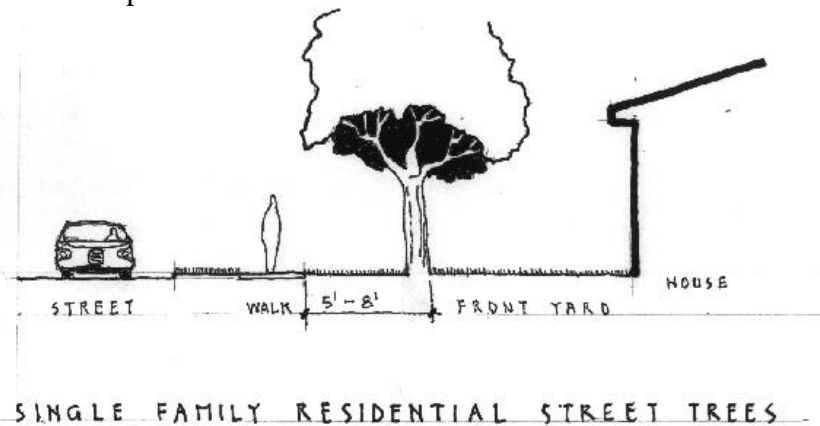
## 26 **7.08.00 LANDSCAPING INDIVIDUAL RESIDENCES**

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

### 35 **7.08.01 Required Landscaping**

- 36 A. For single family lots that are one half acre or less in size, a minimum of three (3)  
37 canopy trees is required. Each such single family lot will be required to have one  
38 tree with a caliper of at least four inches and two trees each with a caliper of at least  
39 2-1/2 inches. These trees shall have a minimum height of 10 feet at time of planting.  
40 These trees should be canopy trees as listed in this chapter. Existing trees may be  
41 counted as meeting this requirement, as long as they are of sufficient size and  
42 accepted species.

1  
2 One of the canopy trees on each such single-family lot shall be planted in the front  
3 yard, no less than 5-7.5 feet and no more than 8-10 feet from the sidewalk or lot  
4 line. Canopy trees planted within ten feet of a sidewalk must have root barriers.  
5 These trees will help to form a canopy over the sidewalk and street sides. Corner  
6 lots are required to provide two such trees, one on the front and one on the side of  
7 the lot. Additionally, if the lot is more than 100 feet wide at the sidewalk, then the  
8 lot will be required to have two such trees. Existing trees in this specific area can  
9 be counted as meeting this requirement. These trees shall be coordinated with the  
10 placement of streetlights to prevent conflicts. A list of approved canopy trees is  
11 included in this chapter.



22  
23  
24  
25 For lots greater than one half acre in size, an additional canopy tree is required for  
26 each additional eighth of an acre above the one-half acre, or portion thereof.

- 27  
28 B. A minimum of two (2) understory trees are required for single family lots of one-  
29 half acre or less in size. For lots greater than one half acre in size, an additional  
30 understory tree is required for each additional one quarter of an acre above the one-  
31 half acre, or portion thereof.
- 32 C. A maximum of fifty percent (50%) of the landscaped area may be covered with  
33 sod. Other ground covers should be used to the extent possible
- 34 D. Shrubs and other plants shall be used as foundation plants along the outline of the  
35 house, except where doors or patios are located. Alternate plantings may be  
36 permitted if the architectural style of the house warrants it.
- 37 E. A minimum of two areas of the yard that have at least 400 square feet of non-turf  
38 plantings in a row or cluster, not including the foundation plantings, is required.  
39 For single family lots greater than one half acre in size, an additional 400 square  
40 feet of non-turf plantings in a row or cluster, not including the foundation plantings,  
41 is required for each additional eighth of an acre, or portion thereof.
- 42 F. At least 60% of the landscaped area for each single-family lot shall be drought  
43 tolerant or Florida Friendly plants. Florida Friendly plants require a minimum of  
44 irrigation and shall be grouped together on the lot in order to reduce the irrigation

1 requirement for those zones. Turf area may exceed 40% if the turf area over 40%  
2 is unirrigated.

3 **7.08.02 Crediting Existing Materials**

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

7 **7.08.03 Replacements Required**

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

10  
11 Lots which do not meet the above requirements on the effective date of this provision  
12 shall have legal nonconforming status with respect to landscaping. Replacements shall  
13 only be required to ensure that the extent of the nonconformity is in no way enhanced  
14 or enlarged by tree or vegetation removal activities.

15  
16 Redevelopment of the lot or an expansion to the primary structure that equals twenty-  
17 five percent (25%) of the total gross square footage of the existing structure, shall  
18 require the lot to come into full compliance with this section.

19 **7.09.00 LANDSCAPING MATERIAL**

20 **7.09.01 Minimum Specifications**

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

- 25 A. Canopy trees. Canopy tree species shall be a minimum of 4 inches caliper and ten  
26 feet in height at the time of planting. All canopy trees shall be staked and guyed at  
27 the time of planting for a period of one growing season.
- 28 B. Understory trees. Understory tree species shall be a minimum of two- and one-half  
29 inch (2 ½ “) and eight feet in height at the time of planting. Multi-trunk species  
30 shall be full and upright and have 1 ½” canes. All understory trees shall be staked  
31 and guyed at the time of planting for a period of one growing season.
- 32 C. Shrubs. Shrubs shall be a minimum of three-gallon container 18 to 24 inches in  
33 height at time of planting.
- 34 D. Ornamentals. Ornamental plantings shall be minimum one-gallon container grown  
35 species.
- 36 E. Ground covers.
- 37 1. Ground covers. Plants used as ground covers shall follow horticultural  
38 standards to achieve full coverage within one growing season.
- 39 2. Turf. Turf shall be installed for full coverage at time of planting.

F. Mulch. All planting beds shall be filled with a minimum of three inches (3”) of clean, weed free mulch. A maximum of ~~25 percent~~ 35% of these mulch areas may consist of nonorganic decorative material such as crushed rock, gravel, and other similar materials. Rubber mulch is prohibited, and cypress mulch is discouraged.

**7.09.02 Maintenance of Plant Materials**

A. Property owners and/or their agents shall be jointly and severally responsible for the maintenance of all landscaping in good appearance, free of refuse and debris. This includes newly installed landscapes as well as those older established landscapes.

1. Replacement of substandard plant materials. All unhealthy and dead plant materials shall be replaced within 30 days in conformance with the approved site or landscape plan. Failure to replace the plant material within 30 days shall constitute a violation and be regulated through code enforcement.
2. Proper Pruning. Proper pruning practices as stated in the ANSI Standard 300 Part 1 (Pruning) or equal are required by this LDC. The practice of “topping” or “hat-racking” is considered unacceptable by the ANSI standards. In compliance with these standards, every effort shall be made to cut back to a lateral at least one-third to one-half the diameter of the parent limb or leader that is being removed. Cuts not made to a suitable lateral, sometimes called topping cuts, shall not be permitted. Street tree canopy over sidewalks shall be maintained with a ten-foot height clearance.

**7.10.00 APPROVED TREE AND PLANT LIST**

**Table 7.10.00 Approved Tree and Plant List**

Canopy Trees	Understory Trees	Aquatic Plants	Shrubs	Ground Cover	Turf
Bald Cypress	American Holly	Arrowhead	American Beauty Berry	Aloe	Bahia
Sweet Bay Magnolia *	Chickasaw Plum	Arrowroot	Cherry Laurel	Chinese Juniper	Bermuda
Live Oak *	Crape Myrtle	Bald Cypress	Fetterbrush	Coontie	St. Augustine
Longleaf Pine	Dahoon Holly	Blue Flag Iris	Firebush	Day Lily	Zoysia
Red Maple	Date Palm	Buttonbush	Florida Anise	Dwarf Yaupon Holly	
Shumard Oak	East Palatka Holly	Cinnamon Fern	Gallberry	English Ivy	
Slash Pine	Savannah Holly	Duck Potato	Indian Hawthorne	Florida Lantana	
Southern Magnolia *	Ligustrum	Fragrant White Water Lily	Ligustrum	Lirope	



Sweet Bay	Natchez Crepe Myrtle	Golden Canna	Ligustrum	Mondo Grass	
Sweetgum	Loquat	Maidencane	Native Azaleas	Society Garlic	
Sycamore	Sabal/Cabbage Palm	Pickerel Weed	Pampas Grass	Wandering Jew	
Drake Elm	Purple Leaf plum	Pond Cypress	Pink Muhly Grass	Perennial Peanut	
	Bamboo Palm	Sawtooth fern	Pittosporum	Beach Sunflower	
	Medjool Date Palm	Soft Rush	Podocarpus	Dwarf Asiatic Jasmine	
	Bottlebrush	Swamp Hibiscus	Sandanka Viburnum		
	Winged Elm		Saw Palmetto		
	Yaupon Holly		Silverthorn		
	Japanese blueberry		Simpson Stopper		
			St. Johns Wort		
			Star Anise		
			Sweet Viburnum		

\*Live Oaks, Laurel Oaks, Sweet Bay Magnolia, and Southern Magnolias are the three approved Street Tree species in the Town of Howey in the Hills. Drake Elm and Sweet Bay Magnolia may be used where planting space is at a premium. Other trees may also be requested as street trees and will be considered on a case-by-case basis depending on the site conditions. Palms may be used to replace shade trees in clusters of three trees for residential parcels and five trees for commercial parcels. Palms may not be used as substitutes for street trees. Palms may be applied as accent trees in addition to shade trees as part of a thematic project design, and as an alternative to understory trees when integrated into planting beds.

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

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

**7.10.01 Prohibited Plant List**

The following trees and plants are prohibited:

- A. Acacia

- 1 B. Albizia Julibrissin (mimosa or silk tree)
- 2 C. Australian Pine
- 3 D. Brazillian Pepper Tree
- 4 E. Camphor
- 5 F. Castor Bean
- 6 G. Chinaberry
- 7 H. Chinese Tallow
- 8 I. Ear Tree
- 9 J. Eucalyptus
- 10 K. Hydrilla
- 11 L. Monkey Puzzle
- 12 M. Punk Tree
- 13 N. Rice Paper Plant
- 14 O. Silk Oak
- 15 P. Taro
- 16 Q. Water Hyacinth
- 17 R. Ailanthus (tree of heaven)

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

22 **7.10.02 Tree requirements for residential development.**

- 23
- 24 **A. Live Oak, Sweet Bay Magnolia, and Southern Magnolia are the three approved**  
25 **Street Tree species. Drake Elm and Sweet Bay Magnolia may be used where**  
26 **planting space is at a premium. Other street trees may also be requested as street**  
27 **trees and will be considered on a case-by-case basis depending on the site**  
28 **conditions.**
- 29 **B. Corner lots and lots wider than 100 feet at the sidewalk – two street trees required.**
- 30 **C. Lots with greater than 26 feet from the front plane of the house to the sidewalk**  
31 **(but not corner lots and lots wider than 100 feet) – one street tree required.**
- 32 **D. Lots with 20-26 feet from the front plane to the sidewalk -- one of the following**  
33 **must be planted: Natchez crepe myrtle (single trunk only), purple-leaf plum,**  
34 **sweet bay magnolia, Chickasaw plum, or weeping bottlebrush.**
- 35 **E. Lots with less than 20 feet from front plane to sidewalk – an exemption from the**  
36 **street-tree requirement is allowed, but only if two understory trees are planted.**
- 37 **F. Palms may be used to replace shade trees in clusters of three trees for residential**  
38 **parcels and five trees for commercial parcels. Palms may not be used as**  
39 **substitutes for street trees. Palms may be applied as accent trees in addition to**  
40 **shade trees as part of a thematic project design and as an alternative to understory**  
41 **trees when integrated into planting beds.**
- 42



1 **7.11.00 TREES**

2 **7.11.01 Tree Protection**

3 A. No application for a building permit, land clearing permit, site development permit,  
4 subdivision development permit, or grading and filling permit may be issued by the  
5 Building Official until the site inspector has visited the site and determined that the  
6 tree protection measures are in place in accordance with this chapter and the  
7 approved site or subdivision plans. Tree protections shall meet the standards of  
8 ANSI Standard A300 Part 5.

9 B. During construction, to ensure the health and survival of protected trees that are not  
10 to be removed, the developer shall avoid the following types of tree injuries during  
11 all development activities:

12 1. Mechanical injuries to roots, trunk, and branches. To protect against  
13 mechanical injuries to roots, trunk, and branches:

14 a. All existing trees that are to remain shall have barriers constructed around  
15 the tree at the drip line or around the combined drip line of any clumps of  
16 trees. Barriers are to be inspected by the Town prior to the start of any  
17 construction.

18 b. The minimum size of such wood barrier fencing shall be two inches (2") by  
19 four inches (4") and the top of the barrier shall be a minimum of four feet  
20 (4') high. Another acceptable means of barricading trees is the use of  
21 orange plastic construction fence, four feet (4') high, and supported every  
22 eight feet (8') by a No. 5 rebar, driven into the ground. Fencing shall be  
23 securely attached to rebar by the use of nylon zip ties or twisted wire.  
24 Barricades must be taut and perpendicular to the ground. No construction  
25 activity, cuts, fill, debris disposal or vehicular traffic is to take place within  
26 this area. Additionally, the storage or placement of material, machinery, or  
27 other construction equipment or substances is prohibited within the drip line  
28 area.

29 c. Any waiver or request to construct barriers within the drip line shall be  
30 reviewed by the Town. The request must be accompanied by a report from  
31 a qualified arborist. Where drip lines of existing trees overlap, the orange  
32 mesh fencing or the wood barriers shall be erected around the outer  
33 perimeter of the combined drip lines.

34 d. If turf block is specified to reduce the impact of impervious surface around  
35 the drip line of existing trees, it shall be constructed as follows: Prior to  
36 excavation, the limits of excavation should be root pruned to a depth of  
37 thirteen inches (13"); after removal of existing soil to that depth, add eight  
38 inches (8") of one-quarter inch (1/4") crushed stone (not limerock), then one  
39 and one-half inches (1 1/2") of sand to level the three and one eighth inch (3  
40 1/8") thick turf block. All compaction shall be done by hand, exempting  
41 the normal Town requirements of 95% to 98% density. Compaction shall  
42 be done in layers after each sub-base is installed and again after the turf  
43 block is laid. The cells of the turf block shall then be filled with topsoil and

- 1 seeded. No more than 30 percent of the root zone shall be disturbed, no  
2 closer than 30 percent of the distance to the trunk.
- 3 2. Injuries by chemical poisoning. To avoid injuries due to chemical poisoning:  
4 a. No fuel, paint, solvent, oil, thinner, asphalt, cement, or any other  
5 construction chemical or other material or tools of any kind shall be stored,  
6 or allowed in any manner to enter, within a required protective barrier or  
7 perimeter line.  
8 b. No equipment shall be cleaned within a required protective barrier or  
9 perimeter line.
- 10 3. Injuries by grade changes.  
11 a. When raising the grade, the following measures shall be taken:  
12 i. Within the tree protection zone, existing sod/vegetation and leaf litter  
13 shall be removed and the soil loosened without injuring the roots.  
14 ii. The area within the tree protection zone shall be properly fertilized to  
15 improve the vigor and growth of the roots.  
16 iii. Porous, four-inch agriculture drain tiles shall be laid over the soil to  
17 drain liquids away from the trunk. A drop of at least one eighth (1/8)  
18 inch per foot shall be provided. The drain field shall be designed to  
19 provide adequate drainage of the existing configuration of the trees.  
20 iv. The number of drains shall depend upon soil material; lighter sandy  
21 soils and porous gravelly material require fewer drains than heavy non-  
22 porous soils.  
23 v. Aeration shall be provided by installing vertical tiles along the system.  
24 The vertical tiles shall be filled with gravel and capped with a heavy-  
25 duty mesh to keep out trash and debris.  
26 vi. Dry wells shall be large enough to allow for maximum growth of the  
27 tree trunk. Tree wells shall be five (5) times the mature diameter of the  
28 tree trunk.  
29 vii. To prevent washing of material into the well, the dry well casing walls  
30 shall be high enough to bring the coping just above the level of the  
31 proposed fill.  
32 viii. Dry well walls shall be constructed of materials that permit passage  
33 of air and water. Concrete blocks backed with galvanized screening  
34 may be used for the sides of the well.  
35 ix. Grating or barriers shall be used around openings that are large enough  
36 to present a hazard to pedestrians.  
37 x. Open wells shall be cleaned regularly to remove sediment, leaves, and  
38 debris that might interfere with the free passage of air.  
39 xi. Large stones shall be placed over the drainage tiles and a layer of smaller  
40 stones shall be placed over the remainder of the ground within the drip  
41 line.  
42 xii. A layer of gravel shall be placed over the stones.  
43 xiii. The fill shall be completed with a layer of porous soil.
- 44 b. When lowering the grade, the following measures shall be taken:  
45 i. Roots shall be cut cleanly and re-trimmed after excavation.

- 1                   ii. The canopy shall be pruned to aid in maintaining tree vigor.
- 2                   iii. When lowering the grade of the soil surrounding a protective tree, the
- 3                   maximum number of tree roots within the tree protection zone shall be
- 4                   preserved by using any of the following methods:
- 5                   1. Terracing. The area within the tree protection zone is left at the
- 6                   original grade by terracing.
- 7                   2. Retaining wall. The area within the tree protection zone is left at the
- 8                   original grade by constructing a dry retaining wall. The retaining
- 9                   wall shall be porous to allow for aeration.
- 10                  3. Terracing and retaining wall. The area within the tree protection
- 11                  zone is left at the original grade by the combined use of terracing
- 12                  and dry retaining wall.
- 13                  c. Minor Changes in Grade. When the change in the grade is minor, as
- 14                  determined by the Town engineer, lesser protective measures than those
- 15                  described above may be taken. The Town engineer shall approve the use of
- 16                  these methods where their use will not endanger the health of the protected
- 17                  tree.
- 18                  4. Injuries by excavation
- 19                  a. Water, sewer, and other utility lines should be routed around the tree
- 20                  protection zones of protected trees.
- 21                  b. If a line cannot reasonably be routed around the tree protection zone, the
- 22                  line shall be tunneled beneath the area within the zone. The tunnel shall be
- 23                  offset to one side of the trunk to prevent damage to the main top roots.
- 24                  5. Injuries by paving. To avoid injury by paving within the drip line, porous paving
- 25                  may be placed within the tree protection zone of a protected tree, so long as no
- 26                  damage is inflicted to the tree by grade change, compaction of the soil, or any
- 27                  other cause.

28                   **7.11.02    Protection of Historic Trees**

29                   All historic trees are to be protected unless one of the following conditions is met.

- 30
- 31                   A. The tree is not suitable for preservation as determined by a certified arborist.
- 32                   B. The tree is a threat to a principle structure or otherwise constitutes a hazard
- 33                   requiring removal as determined by a qualified arborist or a professional engineer.
- 34                   C. The placement of the tree prohibits the economic use of the property for permissible
- 35                   development. Removal of historic trees based on this criterion requires mitigation
- 36                   as set forth in Section 7.12.03.
- 37

38                   **7.11.03    Protection of Specimen Trees**

39                   Fifty percent of all specimen trees shall be preserved on a parcel. If the preservation

40                   of at least fifty percent of the specimen trees prohibits the economic use of the property

41                   for permissible development, all specimen trees removed from the property shall be

42                   mitigated as set forth in Section 7.12.03.

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**7.11.04 Design Standards for Promoting Tree Protection**

In the design and development of any site, all trees shall be preserved to the maximum extent possible, except those identified by a certified arborist as not suited for protection due to the existing condition of the tree or other factors that will limit the tree’s ability to grow and maintain its health. In attempting to save as many trees as possible, the following should be taken into account:

- A. Building Footprint. Every attempt shall be made to avoid placing a building in a location which requires the removal of a healthy, mature tree or a cluster of healthy, mature trees.
- B. Stormwater Management / Drainage Facilities. Every attempt shall be made to avoid placing retention ponds or other stormwater management/drainage facilities in locations which will cause the removal of healthy, mature trees on a lot or parcel. Where it is necessary to place such a facility in close proximity to a tree, the Town may require improvements including retaining walls, to ensure that the tree is not endangered.
- C. General Site Design. Site design considerations, including the meandering of roads and the reconfiguration of lot lines shall be used to maximize the preservation of healthy and mature trees.
- D. Parking and Driveways. No individual tree greater than 12” DBH or cluster of trees with an average DBH of 8” or more shall be removed unless it is physically impossible to provide alternative locations for these facilities. Measures included in this section shall be used to save the greatest number of trees possible in parking areas. Use of tree wells, root pruning, concrete pavers, turf block, root drainage systems, subsurface soil stabilization systems, special fill procedures (excluding the use of lime rock) and restrictions may be required, as appropriate, and subject to the approval of the Town. Developers may request waivers from required parking spaces if it will result in saving existing trees.
- E. Demucking. Where demucking is required for a parking area or driveway(s) and such activity will cause the removal or destruction of a tree or trees as described above, certification must be presented by a licensed civil engineer or landscape architect certifying that the paved area cannot be constructed in a sound manner without the removal of the muck and the destruction of the existing trees. The certification shall include soil boring information supporting the findings. Where demucking is necessary, every attempt shall be made to demuck around the perimeter of trees and soil stabilization, drainage, fill and other methods shall be employed to preserve trees in this category.
- F. Masonry Walls. If wall construction is within ten feet (10’) of an existing individual tree greater than 12” DBH or a cluster of trees with an average DBH of 8” or more, the wall or walls need to be constructed with a lintel system. Precast wall systems are encouraged due to a non-continuous footing and lesser impacts on tree root systems.

1 **7.12.00 TREE REMOVAL PROCESS**

2 **7.12.01 Permit Required**

3 A. Any person who proposes to cut down, move, remove, or destroy any tree,  
4 including those on single family lots, shall first obtain a tree removal permit from  
5 the Town unless otherwise exempt under F.S. 163.045. Prior to removing any tree  
6 exempt from permitting under F.S. 163.045 the property owner shall provide to the  
7 Town a copy of the arborist report required by Section 163.045(2). Requests for  
8 tree removal permits shall be made to the Code Enforcement Officer. Trees that  
9 are located on vacant, undeveloped land shall not be removed except as permitted  
10 through the development of the site. Trees that are on the Town's prohibited tree  
11 list may be removed without a permit. Any application for a tree removal permit  
12 shall include the following:

- 13 1. Property owner's name and daytime telephone number.
- 14 2. Street address and directions to the site.
- 15 3. Type and size of tree proposed to be removed.
- 16 4. Purpose for the tree removal.
- 17 5. Most recently available boundary survey.
- 18 6. General location of the tree on the site.
- 19 7. How many trees remain on the lot or parcel.

20 B. When determining whether to permit the tree removal, the following issues will be  
21 evaluated:

- 22 1. Whether the tree has a potentially hazardous branching structure such as a  
23 hollow trunk, low fork in the trunk, or other.
- 24 2. Whether the tree is injured or diseased beyond repair.
- 25 3. Whether there are no viable alternatives to locating structures or driveways on  
26 the site.
- 27 4. Whether the tree is impacting the foundation of a house or other building or  
28 structure.
- 29 5. Whether the tree poses a threat to traffic visibility.
- 30 6. Whether the tree is negatively impacting a more desirable tree.
- 31 7. Any other issue deemed important by the Town.
- 32 8. Trees that are deemed hazardous or otherwise unsafe shall be allowed to be  
33 removed without mitigation. In circumstances where the condition supporting  
34 the removal of a tree is not obvious or easily documented by the Town  
35 inspector, a letter from a certified arborist may be required to permit removal.  
36 In emergency situations, a hazardous tree may be removed as long as proper  
37 documentation in the form of photographs and/or a written opinion from Town  
38 staff, accompanies the permit application.

39 C. Any trees removed in violation of this chapter shall be deemed to be violations of  
40 this Code and subject to all penalty provisions afforded the Town.

1           **7.12.02    Tree Farms**

2           Trees located on property that is operated as a tree farm shall be exempt from tree  
3           replacement requirements upon proof of such operation and continued use of the land  
4           as a tree farm. If the landowner is requesting to remove the trees for development of  
5           the land, then the property is subject to tree mitigation measures. The Town will  
6           consider the property’s former use as a tree farm when approving the mitigation plan  
7           so as not to place an unfair burden on the property owner.  
8

9           **7.12.03    Tree Removal for Agricultural Use**

10          Trees may be removed to permit bona fide agricultural use of land zoned AG or  
11          otherwise permitted agricultural use under an approved planned unit development  
12          agreement. The property owner shall submit a survey or plot plan to the Town  
13          identifying the area to be cleared, the approximate number of trees and the intended  
14          agricultural use. Once a parcel is cleared for agricultural use as permitted by this  
15          section, the conversion of the property to a non-agricultural use within five (5) years of  
16          the date of clearing shall require mitigation of the removed trees as specified in this  
17          code as part of the approval of any development approval. Conversion to a non-  
18          agricultural use means rezoning to a non-agricultural classification or subdivision of  
19          the property other than a minor subdivision. Historic trees shall be preserved or  
20          mitigated unless a qualified arborist certifies that the tree is not suitable for  
21          preservation.  
22

23          **7.12.04    Mitigation for Removed Trees**

- 24          A. It is the intent of this section that the Town shall maintain or enhance its tree cover  
25          by ensuring that as trees are removed, others are planted. If there is not adequate  
26          room on a lot or parcel to replace a tree or trees once that tree or trees has been  
27          removed, then the property owner shall pay into the Town’s landscaping fund  
28          which will be used to plant trees in other areas throughout the Town.  
29          B. Mitigation is required when any of the following circumstances occur:  
30                1    For a developed single-family parcel, the permitted removal of a tree will result  
31                2    in the parcel having fewer trees than required in Section 7.08.01.  
32                3    A tree other than a citrus tree, palm tree, pine tree or prohibited species listed  
33                4    in Section 7.10.01 is removed without a permit.  
34                5    Historic trees which are removed to provide for development of a parcel.  
35                6    Where land cleared for agricultural use is converted to non-agricultural uses  
36                7    within five (5) years of the date of initial tree removal.  
37                8    When more than fifty percent (50%) of the specimen trees are removed to  
38                9    permit development, all specimen trees removed must be mitigated.  
39          C. Trees shall be replaced on a one-inch (1”) DBH to a one-inch (1”) caliper basis.  
40          For example, a tree measuring nine inches (9”) DBH may be replaced with one  
41          nine-inch (9”) caliper tree, or one five-inch (5”) and one four-inch (4”) caliper trees.  
42          Minimum replacement sizes shall be as stated in section 7.09.01.



- D. Tree replacement and/or fees are calculated on standard permitted tree removals. If a tree removal is done in violation of the LDC, the replacement inches or fees shall be triple that of the standard.
- E. The following Table of Values shall be used when payments are made to the Town's landscape fund:

**Table 7.12.03 (E) Table of Values**

<b>Tree Size, Inches at DBH</b>	<b>Tree Removal Fee Per Inch DBH</b>
4 inches to 9.9 inches	\$100.00
10 inches to 14.9 inches	\$125.00
15 inches to 19.9 inches	\$150.00
20 inches or greater	\$175.00
Any Historic Tree	\$300.00

**7.13.00 LAND CLEARING**

**7.13.01 General**

A land clearing permit is required other than that directly associated with a single-family home or an approved subdivision or site plan.

**7.13.02 Permit Application**

- A. The applicant shall submit a sealed survey by a licensed surveyor in the State of Florida to include topographic information and existing trees at a scale of not less than 1 inch = 100 feet, showing:
  - 1. The area to be cleared.
  - 2. Size and type of existing trees, trees to be removed; and
  - 3. Wetland areas, water bodies and flood hazard zones.
- B. The application shall also include the following:
  - 1. A description of the proposed method of clearing.
  - 2. The type of equipment to be used.
  - 3. The purpose for the activity; and
  - 4. The name of the owner of the property and the person or firm performing the work.
- C. The application shall be accompanied by the appropriate fees as required by the Town.

**7.13.03 Permit Issuance/Enforcement**

- A. The Building Official may issue a Land Clearing Permit following review and recommendation by the Town Engineer and Town Planner and approval by the Town Council. The permit shall contain any special conditions or activity restrictions. The permit shall be valid for a period of fourteen (14) days from the date of issuance.
- B. Following completion of the activity or after fourteen (14) days from the date of permit issuance, the site shall be inspected for compliance with the conditions of



1 the permit. Any violations of the permit or other applicable Town codes or  
2 ordinances shall be referred to the Code Enforcement Officer. In addition, for any  
3 protective tree removed without a permit, a fine shall be assessed in an amount  
4 equal to one hundred dollars (\$100) times the diameter at breast height of the  
5 removed specimen. Where trees have been removed or damaged in violation of  
6 this section or permit requirements, remedial actions shall be required to restore the  
7 property. A restoration plan shall be submitted to the Building Department for  
8 approval by the Town and may require tree replacement at a ratio not to exceed  
9 four (4) to one (1) either on site or a combination of on site and payment into the  
10 Town's landscape fund. No Certificate of Occupancy shall be issued for any  
11 development until all applicable permit and restoration conditions have been met.

## 12 **7.14.00 GRADING AND FILLING**

### 13 **7.14.01 General**

- 14 A. No grading or filling of lands is allowed except in connection with a grade and fill  
15 permit or development order for the improvement of said lands. "Improvement of  
16 land" shall mean the development of land with buildings, structures, streets, sewers,  
17 waterlines or other facilities, the erection or installation of which requires the  
18 issuance of a permit by the Town. Grading and filling permits may be issued as  
19 follows:
- 20 1. Pursuant to the subdivision and site plan regulations in connection with Final  
21 Plan approval.
  - 22 2. Through the issuance of a building permit for improvements on the property;  
23 and
  - 24 3. Upon approval of a complete application for a grade and fill permit in  
25 accordance with section 7.14.02.
- 26 B. The burying of rubbish, logs, lumber, building materials, underbrush, trash or other  
27 matter which would decompose or allow the land to thereafter settle is hereby  
28 determined to be a change or modification of the grade of land for which no permit  
29 shall be issued except as authorized by this Code.

### 30 **7.14.02 Permit Application**

- 31 A. Application for a Grading and Filling Permit shall include:
- 32 1. The name of the owner of the property.
  - 33 2. The name of the person or firm which will perform the work.
  - 34 3. A sealed survey by a licensed surveyor in the State of Florida to include existing  
35 features of the property including elevations, buildings, structures, trees over  
36 six inches (6") inches in DBH, streets, utility easements, rights of way, and  
37 other improvements; the precise area(s) of development activity; wetlands and  
38 water bodies;
  - 39 4. The area to be graded or filled and cubic yard calculations; and
  - 40 5. The specific purpose for the filling or grading activity and type of equipment to  
41 be used.

- 1 B. Except for single-family homes, the application shall include a statement prepared
- 2 by a licensed civil engineer or landscape architect certifying that the grade or fill is
- 3 consistent with all applicable Town codes and ordinances and will not have an
- 4 adverse impact on environmentally sensitive areas, drainage facilities or water
- 5 bodies.
- 6 C. Any trees to be removed shall be shown on a dimensional drawing. A separate tree
- 7 removal permit in accordance with the provisions of section 7.12.00 of this chapter
- 8 will also be required.
- 9 D. The application shall be accompanied by the appropriate fees as required by the
- 10 Town.

11 **7.14.03 Permit Issuance**

- 12 A. Except for single-family homes or projects to be reviewed through the subdivision
- 13 or site plan review processes, the Town Engineer shall determine if the application
- 14 as submitted is in compliance with all laws of the Town, County, State and Federal
- 15 government, and whether the proposed clearing, grading, and/or filling will cause
- 16 adverse impacts to the environment. The Town Engineer shall make this
- 17 determination in writing; shall state the basis for the determination; and may
- 18 recommend other practical alternatives which would allow the permit to be issued.
- 19 The Town Engineer may issue approval subject to conditions to mitigate adverse
- 20 impacts to the environment. The applicant will be responsible for all tree removal,
- 21 preservation and mitigation requirements contained within this chapter and shall
- 22 include the appropriate plans and details as part of the application. In situations
- 23 where large tracts of land will be cleared, the Town shall require additional
- 24 plantings of trees to ensure adequate buffering and screening from adjacent public
- 25 rights-of-way.
- 26 B. Except where health, safety or public welfare is jeopardized, no grade and fill
- 27 permits shall be issued in conjunction with the grading and filling of an
- 28 undeveloped parcel that will require the removal or damage of trees or native
- 29 vegetation, unless the permit is in connection with a building permit for the
- 30 improvement of said lands.
- 31 C. For the construction of a single-family home, the Building Official shall review the
- 32 permit application based on the criteria listed in this section.
- 33 D. Approved grade and fill permits shall be issued by the Building Official.

34 **7.14.04 Grading and Filling Standards**

- 35 A. Any grade or fill activity shall be consistent with the following standards:
- 36 1. All development activity shall conform with the requirements of this Code and
- 37 any special conditions of the permit.
- 38 2. No authorization for a change, modification or lowering of grade shall be issued
- 39 when it is determined the same will result in a hole or depression or other
- 40 adverse effect, which will create a hazard.
- 41 3. No person shall change, modify, or lower any grade to any greater degree than
- 42 is allowed by the authorization or permit granted for the same.

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- 4. Any authorized bulldozing or fill of lands which loosens sand or topsoil and permits it to blow upon the lands and premises of others is hereby declared to be a nuisance. Such lands shall therefore, within thirty (30) days after completion of such bulldozing work, be seeded or planted in order to minimize the tendency of the sand or topsoil to blow.
- B. No less than twenty-four (24) hours prior to beginning the operation, the permittee shall notify the Town Engineer of the precise time at which the work will begin.
- C. The Town Engineer shall be present at the time such operation begins and shall monitor the activity as deemed appropriate.

# CHAPTER 8

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## Development Standards

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1 **8.00.00 GENERAL**

2 Development standards are established to ensure adequate levels of light, air, and  
3 density; to maintain and promote functional compatibility of uses; to promote the safe  
4 and efficient circulation of pedestrian and vehicular traffic; to provide for orderly  
5 phasing of development; and otherwise protect the public health, safety, and general  
6 welfare.

7 **8.01.00 PROJECT DESIGN**

8 The natural topography and vegetation should be preserved and used, where possible,  
9 in the design of circulation ways, buildings and structures, parking areas, recreation  
10 areas, open space, and drainage facilities. The proposed location and arrangement of  
11 structures should not be detrimental to existing or planned adjacent land uses.

12  
13 All development shall be in accordance with the Town of Howey in the Hills  
14 construction specifications. If any discrepancy is discovered between this LDC and the  
15 construction specifications, or any other Town policy, the most stringent and restrictive  
16 specification, condition, and/or directive shall apply at the discretion of the Town. All  
17 development must also comply with the applicable requirements established in the  
18 Americans with Disabilities Act (ADA), the Florida Building Code, and any other  
19 local, State, or Federal requirement that may apply.

20  
21 This chapter addresses design standards for transportation-related facilities, utility  
22 systems, and environmental protection. For the purposes of this chapter, “utility  
23 system” shall mean all distribution, collection, and treatment facilities and  
24 appurtenances for potable water, sanitary sewer, reclaimed water, and stormwater  
25 management either operated by the Town or subject to regulation by the Town.

26 **8.02.00 LOTS**

27 **8.02.01 GENERAL**

28 All lots shall comply with the requirements of the applicable zoning district (Refer to Chapter 2).  
29 In addition, the following requirements shall apply to all residential lots to be platted:

- 30  
31 A. Width: All lots or development shall have a minimum of thirty (30) feet of frontage at the  
32 right-of-way line as measured at the chord.  
33 B. Orientation: Each lot shall abut on a street which has the minimum right-of-way as set  
34 forth in Table 8.03.02.  
35 C. Corner Lots: Corner lots shall have a 15 percent greater width and area than that required  
36 by the applicable zoning classification to accommodate setbacks from both streets, except  
37 where lots have an area of one-half acre or larger.  
38 D. Double Frontage Lots: Double frontage lots shall be permitted only where necessary to  
39 separate a development from thoroughfares, to overcome disadvantage of topography and  
40 orientation or to limit individual driveway access where necessary to preserve the  
41 carrying capacity of a street. Lots fronting on a street and a service alley shall not be

1 considered double frontage lots. Where double frontage lots are created, they shall all  
2 front in the same direction. The rear of the lots shall be appropriately screened from  
3 abutting streets.

#### 4 **8.03.0 ROADS**

##### 5 ***8.03.01 General***

6 The character, width, grade, and location of all streets and bridges shall conform to the standards  
7 in this section and shall be considered in their relation to existing and planned streets, to  
8 topographical conditions, to public convenience and safety, and in their appropriate relation to the  
9 proposed uses of the land to be served by such streets.

10 L. Roads shall be planned in conformity with the Comprehensive Plan.

11 M. The street layout of proposed developments shall be coordinated with the street  
12 system of the surrounding area or with plans for streets in said area on file with  
13 the Town.

14 N. *All streets shall be public, unless private streets are specifically approved by the*  
15 *Town Council. All streets shall meet all design standards as outlined in this*  
16 *chapter. A condominium, homeowners', or property owners' association shall be*  
17 *created with all duties and powers necessary to ensure perpetual ownership and*  
18 *maintenance of any private roads. If a guardhouse or gate is provided, plans and*  
19 *specifications, including means of access for Town utility vehicles and emergency*  
20 *vehicles, shall be submitted for the review and approval of the Town Council*  
21 *through the development review process.*

22 O. All streets shall be constructed to the exterior property lines of the development  
23 unless they are permanently terminated by cul-de-sac or an intersection with  
24 another street. Streets that may be continued in a future phase of a subject  
25 development or may be logically extended as part of a future development shall  
26 include a temporary cul-de-sac.

27 P. Developments with at least 50 residential units shall provide at least two separate  
28 and distinct entrances/access points.

29 Q. The Town shall facilitate and coordinate for the possible future development of  
30 adjoining property of a similar character by providing for joint access or cross  
31 access.

##### 32 ***8.03.02 Roadway Classification and General Standards***

33 The following table identifies four (4) categories of roadways. Design standards are generalized;  
34 the Town Council may apply greater or lesser restrictions, depending upon site-specific  
35 considerations. Flexibility in local road design is also provided in the event alleys are used or  
36 common parking areas are provided for.

#### 39 **Table 8.03.02 Roadway Classifications and Standards**



Street Type	Min. R-O-W Width	Lane Width excl. of curbs	# of Lanes	Median Width incl. curb	Grassed Utility Strip and Curb (each side)	Drainage Structures	Sidewalk and Bike Lane (each side)
Arterials	100 feet	12 feet	4	20 feet	6 feet	Curb and Gutter	6-foot sidewalk; 4-foot bike lane
Collectors	90 feet	12 feet	4	14 feet	5 feet	Curb and Gutter	5-foot sidewalk; 4-foot bike lane
Local Roads (typical residential street)	50 feet	24 feet of pavement	2	None Required	8 feet	Curb and Gutter (Swales possible for larger lot subdivisions)	5-foot sidewalk; no bike lane required-(GL)
Local Roads (with on-street parking)	50-60 feet	22 feet of pavement with 8-foot wide on-street parking on one side-both sides	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk; no bike lane required

1  
2 Right-of-way and lane widths shall be in conformance with the above listed standards, except  
3 when:

- 4           A. Lesser right-of-way or pavement width may be allowed by the Town where right-  
5 of-way conditions are physically constrained by existing structures, specimen trees,  
6 or other natural or man-made constraints.  
7           B. A lesser standard may be considered if it is more consistent with the existing streets  
8 in the area.  
9           C. Additional right-of-way and/or pavement width may be required by the Town to  
10 promote public safety and convenience or to ensure adequate access, circulation,  
11 and parking.  
12           D. Where a proposed development abuts or contains an existing street of inadequate  
13 right-of-way or pavement width, additional right-of-way and pavement shall be  
14 provided by the developer in conformance with these standards.

15 **8.03.03 Construction Standards**

16 The following minimum road construction standards shall apply to all private or public roads:

- 17  
18           D. Arterials and Collectors  
19           1. Sub-base stabilization utilizing local materials (sand-clay) shall be twelve (12)  
20 inches deep, after mixing and compaction to not less than ninety-eight (98)  
21 percent of the maximum density in accordance with FDOT specifications,  
22 extending one (1) foot beyond each side of the proposed paving width,  
23 including curb and gutter, if any. Such sub-base stabilization six (6) inches  
24 deep shall be extended an additional five (5) feet each side over the shoulder of  
25 the street for the remainder of the sub-base.  
26           2. Base course shall be placed on the previously prepared sub-base, be constructed  
27 of lime rock or an alternative material approved by the Town Engineer and be  
28 compacted to a depth of not less than eight (8) inches to meet the density  
29 requirements of FDOT specifications, and extend six (6) inches beyond each  
30 side of the proposed paving width;

- 1                    3. Soil cement or crushed concrete may be used as a base material as an alternate
- 2                    to lime rock or sand-clay at the discretion of the Town.
- 3                    4. Prime coat shall be applied to the previously prepared base course utilizing cut-
- 4                    back Asphalt Grade RC-70 or RC-250 in accordance with FDOT specifications.
- 5                    Emulsified asphalt materials shall not be accepted.
- 6                    5. Surface pavement course shall be constructed on the previously primed base
- 7                    course utilizing SP 9.51 Asphaltic Concrete to provide a minimum surface
- 8                    width of not less than twenty-four (24) feet and a minimum compacted depth
- 9                    of one and one-half (1 ½) inches of such pavement after mixing, placement, and
- 10                   compaction in accordance with FDOT specifications.
- 11                   6. Surface pavement shall be constructed to full-depth in a single continuous
- 12                   operation, regardless of number of lifts required. Asphalt pavement shall not
- 13                   be constructed in two or more lifts separated by time.
- 14                   E. Local Roads. Local street construction shall conform to the foregoing
- 15                   specifications for arterial and collector streets, except that:.
- 16                   1. Base course shall not be less than six (6) inches deep.
- 17                   2. Alternate materials may only be used if approved by the Town Engineer.
- 18                   3. All plans shall be subject to review and approval by the Town Engineer.
- 19                   4. Surface pavement shall be constructed to full-depth in a single continuous
- 20                   operation, regardless of number of lifts required. Asphalt pavement shall not
- 21                   be constructed in two or more lifts separated by time.

22 **8.03.04 Intersections**

23 In general, the intersection of streets shall be laid out as follows:

- 24                   A. Streets shall intersect at an angle of ninety (90) degrees, unless circumstances
- 25                   acceptable to the Town indicate a need for a lesser angle of intersection.
- 26                   B. Property lines at street intersections shall be rounded with a minimum radius of
- 27                   twenty-five feet (25'). A greater radius shall be required for angles of intersection
- 28                   less than ninety (90) degrees.
- 29                   C. The minimum radius return of pavement edge, or back of curb, at all typical
- 30                   intersections approximating a right angle shall be as follows:

31 **Table 8.03.04 Intersections**

Road Type	Minimum Radius (in feet)
Local to Collector	35
Local or Collector to Arterial	40
Arterial to Arterial	50

- 33
- 34                   D. A taper or turn lane may be required for roads with a functional classification of
- 35                   collector or arterial, or a design speed of thirty-five (35) miles per hour or greater.
- 36                   E. Roundabouts may also be considered, where appropriate. Standards shall be
- 37                   generally as outlined in the Florida Department of Transportation's *Florida*
- 38                   *Roundabout Guide*.

1 **8.03.05 Access**

2 Access shall be provided as follows:

- 3 C. Each new development that has at least 50 residential units shall have at least two  
4 separate and distinct access points. If the shape or location of the property prohibits  
5 this, then the single entrance to the development must incorporate a 24-foot  
6 minimum pavement width for ingress and a 24-foot minimum pavement width for  
7 egress. Length of this 24-foot section must be adequate for projected traffic.
- 8 D. In order to provide ease and convenience in ingress and egress to private property  
9 and the maximum safety with the least interference to the traffic flow on collectors  
10 and arterials, the number and location of driveways and other entrances shall be  
11 subject to approval as part of the plan review process. With non-residential  
12 development, joint access and cross access shall be promoted by the Town  
13 whenever possible.
- 14 E. Tapers, deceleration lanes, acceleration lanes, left turn lanes, bypass lanes, or other  
15 facilities shall be provided as requested by the Town Engineer or other agencies  
16 (Lake County or FDOT) to protect the safe and efficient operation of all roadways.
- 17 F. Roads connecting interior development to a collector or arterial street, if not already  
18 paved, shall be improved by the developer to the standards of this chapter.
- 19 G. Vehicular circulation for all uses, except for properties in the Town Center Overlay,  
20 shall typically be contained within the property, and vehicles located within one  
21 portion of the development shall have access to all other portions without using the  
22 adjacent street system, unless there are planned street connections to adjacent  
23 properties.
- 24 H. Plans must illustrate that proper consideration has been given to the surrounding  
25 street system, also taking into consideration traffic volumes, proposed street  
26 improvements, traffic capacities, pedestrian movements, and safety.

27 **8.03.06 Cul-De-Sacs**

28 Permanent dead-end streets shall not exceed six hundred sixty feet (660') in length. Each cul-de-  
29 sac shall have a minimum pavement radius of 40 feet and a minimum cul-de-sac right of way  
30 radius of 60 feet. Cul-de-sacs shall be discouraged where street connections are possible.

31 **8.03.07 Islands and Medians**

- 32 C. Landscaped islands and medians shall be encouraged within the public rights-of-  
33 way.
- 34 D. Residential streets with straight expanses of pavement may have landscaped islands  
35 every 600 feet. Those landscaped islands shall have a minimum median width  
36 (back of curb to back of curb) of eight feet (8') and a minimum median length of  
37 forty (40) feet. Right-of-way lines shall be adjusted accordingly.
- 38 E. Cul-de-sacs landscaped with center islands shall have a minimum diameter of  
39 fifteen feet (15').
- 40 F. All landscaped islands and medians within new developments shall be maintained  
41 by the homeowners' or property owners' association. Language outlining these

1 specific areas shall be included in the homeowners' or property owners' association  
2 documents.

3 G. Landscaped islands and medians may not be counted as open space.

4 H. All islands and medians shall be surrounded by a curb and improved with ground  
5 cover and other landscaping that does not, and will not at plant maturity, interfere  
6 with sight distance.

7 I. All islands and medians shall be landscaped and irrigated. Landscape and irrigation  
8 plans shall be submitted as part of the Final Plan process.

9 **8.03.08 Street Signs**

10 Design and placement of traffic signs shall be in conformance with the standards of the Florida  
11 Department of Transportation (FDOT) as specified in the Manual on Uniform Traffic Control  
12 Devices for Streets and Highways and the Town of Howey in the Hills specifications manual. In  
13 addition, the following standards shall apply, except when FDOT standards are more restrictive:

14 G. At least two (2) street name signs shall be placed at each four-way street  
15 intersection and one (1) at each "T" intersection.

16 H. Signs shall be installed free of visual obstruction.

17 I. Street name signs for Town streets shall have white letters on a blue background  
18 and include the Town logo. Street name signs for private streets shall have white  
19 letters on a black background. Colors other than black are subject to Town Council  
20 approval.

21 J. The surface of all signs shall have reflective material, 3M grade or better.

22 K. Street names shall be chosen by the developer, submitted to the Town as part of the  
23 Final Plan process, and sent to Lake County by the Town Clerk for formal approval.  
24 In proposing street names, the developer should recognize the following:

25 1. Street names should be relatively easy to spell and pronounce,

26 2. The street name shall not be a duplicate or near duplicate of another street  
27 located in the County,

28 3. That the continuation of an existing street shall bear the name of the existing  
29 street, provided, however, that the Town Council may waive this requirement  
30 where the continuation of a street crosses a collector or arterial and the areas on  
31 both sides of the collector or arterial are intended to be developed as interior  
32 subdivisions.

33 4. Any street names that Town staff believes are questionable or objectionable  
34 shall be first approved by the Town Council prior to forwarding the names to  
35 Lake County for final approval.

36 **8.03.09 Bicycle and Pedestrian Ways**

37 Bicycle and pedestrian ways include sidewalks, bikeways, bike lanes, pedestrian paths, and multi-  
38 use trails that may be used by pedestrians, bicyclists, skaters, and golf carts for recreation. Except  
39 as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way  
40 line where necessary to preserve topographical or natural features or to provide visual interest,  
41 provided a grassed or landscaped area at least three feet wide is retained to separate the pathway

1 from the adjacent road. Bicycle and pedestrian ways construction and material standards shall  
2 comply with those set forth in the Town's standard construction detail sheets.

3 A. Bikeways and Bike Lanes

- 4 1. Bike lanes shall be provided in both directions along every new arterial and  
5 collector road or during the widening of any existing arterial and collector  
6 roads.  
7 2. A bike lane shall consist of a four (4) foot paved width between the outermost  
8 traffic lane and the curb. Where on-street parking is permitted, the bicycle lane  
9 shall be located between the parking lane and the outer edge of the vehicular  
10 traffic lane.  
11 3. Bike lanes shall be constructed of the same materials and specifications as the  
12 vehicular travel lanes.  
13 4. For roads under the Town's discretion, the Town Council may approve an eight  
14 (8) foot sidewalk/bikeway as a substitute for the on-street bike lane.

15 B. Bike Racks. Bike racks shall be required as part of all non-residential  
16 developments. The type of bike rack and number shall be determined as part of the  
17 site plan or subdivision plan review process.

18 C. Sidewalks

- 19  
20 1. Sidewalks shall be provided on both sides of streets. At its discretion Town  
21 Council may waive this requirement may be waived for large lot single family  
22 developments.  
23 2. Sidewalks shall be separated from the adjacent roadway by a grassed or four-  
24 foot-wide landscaped strip. Exceptions to this regulation may be allowed by  
25 the Town Council in certain areas in the Town Center where wider sidewalks  
26 are required.  
27 3. Minimum sidewalk widths shall be as specified in Table 8.03.02.  
28 4. All sidewalk design and construction shall meet the requirements of the Florida  
29 Accessibility Code and the American Disability Act.  
30 5. Development shall provide pedestrian connections to adjacent properties and  
31 shall connect on-site sidewalks with those already located or approved on  
32 adjacent property.  
33 6. Where residential development is proposed for infill parcels in areas where no  
34 sidewalk network exists, sidewalks shall not be required.  
35 7. Where appropriate, root barriers shall be part of sidewalk construction.

36 **8.03.10 Traffic Impact Analysis**

37  
38 A Traffic Impact Analysis (TIA) following the guidelines established by the Lake-Sumter  
39 Metropolitan Planning Organization (LSMPO) shall be provided at the first submission of a  
40 preliminary site plan, preliminary subdivision plan, rezoning to planned unit development, and  
41 comprehensive plan amendment where traffic impacts are anticipated. When multiple actions are  
42 proposed concurrently for a single development, one traffic study can serve for each application.

1 **8.04.0 PARKING**

2 ***8.04.01 General***

3 All developments in all zoning districts shall provide a sufficient number of parking  
4 spaces to accommodate the number of vehicles that ordinarily are likely to be attracted  
5 to the development in question. Accessible parking spaces shall be provided in  
6 accordance with the Florida Building Code.

7 ***8.04.02 Dimension Requirements***

- 8 A. Parking Space Size. Each parking space shall contain a rectangular area at least 20  
9 feet long and 10 feet wide. Lines demarcating parking spaces may be drawn at  
10 various angles in relation to curbs or aisles, so long as the parking spaces so created  
11 contain within them the same effective parking area as the rectangular area required  
12 by this section.
- 13 B. Accessible (Handicap) Spaces. Accessible spaces shall be provided and sized in  
14 accordance with the Florida Building Code.

15 ***8.04.03 General Design Requirements***

- 16 A. Parking lots shall be designed so that vehicles may exit such areas without backing  
17 onto a public street.
- 18 B. Parking spaces shall be designed so that vehicles can not block sidewalks.
- 19 C. Visible pedestrian crosswalks, using alternative materials such as brick or other  
20 paver materials, should be designed into parking lots to promote safety.
- 21 D. Every vehicle accommodation area that abuts a building or a fire hydrant shall be  
22 provided with a fire lane.
- 23 E. Parking lots shall be properly lit. The lighting shall be contained on site.
- 24 F. Where parking areas abut sidewalks, bollards or other materials may be required to  
25 enhance safety.

26 ***8.04.04 Parking Lot Surfaces***

27 Parking lot areas that include lanes for drive-through windows or that are required to  
28 have more than five (5) parking spaces, shall be graded and surfaced with asphalt,  
29 concrete, or other material that will provide equivalent protection against potholes,  
30 erosion, and dust. Parking lots with five or less parking spaces and which have no  
31 drive-through window lanes may be graded and surfaced with a pervious concrete  
32 paver or other suitable material to provide a surface that is stable and will help to reduce  
33 dust, potholes, and erosion. The perimeter of such parking areas shall be defined by  
34 bricks, railroad ties, or other similar materials. In addition, whenever such an area abuts  
35 a paved street, the driveway leading from such street to the parking lot (or the direct  
36 connection to the street) shall be paved for a distance of fifteen (15) feet back from the  
37 edge of the paved street. The pavement must meet the same standards as other paved  
38 parking areas.

39  
40 At the option of the developer and the approval of the Town:



- 1 A. Up to 25% of the required parking spaces for any site may be met with a pervious  
2 concrete paver or other suitable material to provide a surface that is stable and will  
3 help to reduce dust, potholes, and erosion.  
4 B. Up to 25% of the parking required for places of worship may be provided on grass.  
5 Grassed parking areas shall be required to meet all stormwater, setback and other  
6 applicable provisions of this Code as though the area was being paved. No grassed  
7 parking shall be established within any required open space or landscaped area, and  
8 no such area shall be credited toward required buffers and open space.

9 **8.04.05 Stacking Area for Various Drive-Through Facilities**

10 All uses with drive-through windows shall provide vehicle stacking area based on the  
11 following criteria. The stacking area shall be designed based on a 10 foot by 22-foot  
12 space per required vehicle. The stacking area shall be designed so as to operate  
13 independently of other required parking and circulation areas.  
14

15 Each drive-through restaurant shall accommodate 6 vehicles (10'X22') per service  
16 lane, with a minimum of 3 of those being behind the order station. All other drive-  
17 through facilities shall accommodate a minimum of 3 vehicles per service lane.

18 **8.04.06 Loading Areas**

19 Whenever the normal operation of any development requires that goods, merchandise,  
20 or equipment be routinely delivered to or shipped from that development, sufficient  
21 off-street loading and unloading areas shall be provided to accommodate the delivery  
22 or shipment operations in a safe and efficient manner. Loading and unloading areas  
23 shall be located and designed so they are not visible from adjacent streets, nor adjacent  
24 residential areas.  
25

26 Loading and unloading areas shall be located so that the vehicles intended to use them  
27 can maneuver safely to and from a public right-of-way, and complete the loading and  
28 unloading operations without obstructing or interfering with any public right-of-way or  
29 any parking space or parking lot aisle.  
30

31 No area allocated to loading and unloading facilities may be used to satisfy the area  
32 requirements for off-street parking, nor shall any portion of any off-street parking area  
33 be used to satisfy the requirements for loading and unloading facilities.

34 **8.04.07 Parking Spaces Required**

35 Table 8.03.07 provides the parking space requirements for the Town. Applicants for  
36 development and redevelopment within the Town Center Overlay may elect to pay into  
37 a public parking fund if they can not fit the required number of parking spaces on their  
38 property.

39 **Table 8.04.07 Parking Requirements**  
40



<b>Use</b>	<b>Minimum Parking Spaces (Except Town Center)</b>
ACLF	3 spaces for every 5 beds
Animal Services	1 space per 200 square feet of Gross Floor Area
Automobile Sales and Service	1 space per 250 square feet of Gross Floor Area
Automobile Repair/ Service Station	3 spaces per service bay and 1 space per employee
Bank	1 space per 300 square feet of Gross Floor Area
Bar or Nightclub	1 space per 75 square feet of Gross Leasable Area.
Barber or Beauty Salon	1 space per 200 square feet of Gross Leasable Area
Bed and Breakfast Inn	1 space for each guest unit
Bowling Alley	5 spaces per lane
Business Office	1 space per 200 square feet of Gross Floor Area
Churches/Places of Worship	1 space for each 4 seats, plus 1 space/residential unit, plus 1 space/200 sq. ft. of floor area not used for services or residential purposes
Convenience Stores with gasoline sales	2 spaces for every 4 pumps plus one space per employee
Convenience Stores without gasoline sales	1 space per 150 square feet of Gross Floor Area
Day Care Center	5 spaces for transient use plus one per employee
Family care; Groups Care; Institutional Care	1 space per 4 beds plus one per employee
Funeral Home	1 space per 100 square feet of Gross Floor Area
Furniture Store	1 space per 500 square feet of Gross Floor Area
<b>Use</b>	<b>Minimum Parking Spaces (Except Town Center)</b>
Golf Course	6 spaces per hole; reference other categories for other uses (i.e., restaurant, meeting space)
Hospital	1 space for each bed plus 1 per employee
Hotel/Motel	1 space for each room plus 1 space/employee. If the hotel has a restaurant, 1 space/100 sq.ft. of Gross Floor Area for the restaurant. If the hotel has meeting space, 1 space/100 sq.ft. of Gross Floor area for that space.
Library/Club	1 space per 300 square feet of Gross Floor Area
Medical Clinic	1 space per 200 square feet of Gross Floor Area
Nursing Home	1 space per 4 beds plus 1 space per employee
Office or Office Park	1 space per 300 square feet of Gross Floor Area
Personal Services not identified elsewhere	1 space per 250 square feet of Gross Floor Area
Personal Storage Facility/Mini Warehouse	1 space/10 units (min. 6 spaces), equally distributed. If manager housed on-site, add two spaces.
Private Recreation Facility	1 space per 200 sq. ft. within enclosed buildings; add. spaces will be required for outdoor facilities to be determined with site plan review or at time of permitting
Residential	2 per unit, not including garage
Restaurant (fast food; carry out)	7 spaces per 1,000 sq. ft. of Gross Floor Area
Restaurant (sit down)	1 space per 100 square feet of Gross Floor Area
Retail Sales	1 space per 250 square feet of Gross Floor Area
Schools (private); Public buildings	1 space for each 4 seats in the main assembly area or 1 space for each 250 sq. ft. of Gross Floor Area if no assembly area.
Shopping Center	1 space per 250 square feet of Gross Floor Area
Theaters	1 space per 3 seats, plus one space for each employee on the largest shift
Wholesale/Manufacturing	1 space per 400 sq. ft. for sales and 1 space for every 2 employees on the maximum shift for manufacturing

1  
2  
3  
4  
5  
6  
7  
8

Table 8.04.07 above, the number of accessible spaces must comply with the minimum requirements of the Florida Building Code.

The Town Council recognizes that the Table of Parking Requirements set forth above cannot and does not cover every possible situation that may arise. In cases not specifically mentioned in the above table, the Town will determine the parking requirements using this table, and whatever additional information it deems reasonable.

1 **8.05.0 UTILITIES**

2 **8.05.01.1 *Utility Ownership and Easement Rights***

3 In any case in which a developer installs or causes the installation of potable water,  
4 landscape irrigation facilities, wastewater, electrical power, traffic signals, street  
5 lighting, telephone, or cable facilities, and intends that such facilities shall be owned,  
6 operated, or maintained by a public utility or any entity other than the developer, the  
7 developer shall transfer to such utility or entity the necessary ownership or easement  
8 rights to enable the utility or entity to operate and maintain such facilities.

9 **8.05.01.2 *Potable Water System***

- 10 A. Potable water system construction and material standards shall comply with those  
11 set forth in the Town's potable water utility specifications. Every principal use in  
12 the Town and every lot in a subdivision shall be served by the Town's potable water  
13 supply system, unless granted a specific waiver to these regulations.
- 14 B. All applicable potable water system improvements required for new development  
15 shall be donated to the Town of Howey in the Hills.
- 16 C. Trunk lines shall have a minimum diameter of twelve inches (12") and shall be  
17 located within an arterial street right-of-way or within a corridor approved by the  
18 Town and adequate for that purpose and conducive to the development of a Town-  
19 wide water supply system.
- 20 D. Distribution lines within residential subdivisions shall have a minimum diameter of  
21 six (6) inches. Distribution lines within multi-family developments and non-  
22 residential developments shall have a minimum diameter of eight (8) inches.
- 23 E. To the maximum extent feasible, distribution lines shall be located parallel to and  
24 behind the back of curb or edge of pavement. The water main shall be located to  
25 minimize conflicts with other utilities and existing or proposed structures. As a  
26 standard practice, water mains shall be installed four feet (4') off the back of curb  
27 or as approved by the Town. A minimum of five feet (5') shall be maintained  
28 between underground power, gas mains, and the water mains.
- 29 F. System looping is required wherever practicable to increase overall capacity and  
30 service.
- 31 G. Every development shall include a system of fire hydrants sufficient to provide  
32 adequate fire protection for the buildings located or intended to be located within  
33 such development.
- 34 H. The Town Engineer shall determine the precise location of all fire hydrants subject  
35 to the other provisions of this section. In general, fire hydrants shall be placed six  
36 feet behind the curb line of publicly dedicated streets that have curb and gutter and  
37 at property lines of non-curbed public dedicated streets.
- 38 I. The Town Engineer shall determine the design standards of all hydrants based on  
39 fire flow needs. Unless otherwise specified by the Town Engineer, all hydrants  
40 shall be two (2) two and one half (2 ½) inch hose connections and one (1) four and  
41 one half (4 ½) inch hose connection. The two and one half (2 ½) inch hose  
42 connections shall be located at least twenty-one and one half (21 ½) inches from  
43 the ground level. All hydrant threads shall be national standard threads. The

1 minimum fire flow must be 500 gallons per minute with no less than 20 pounds per  
2 square inch (psi) residual pressure in single family residential areas and 1,250  
3 gallons per minute with no less than 20 psi residual pressure for other development.  
4 The Town may require greater flow rates depending on the size of the building  
5 and/or its property use.

- 6 J. Potable water lines that serve hydrants shall be at least 8-inch lines, or a 6-inch loop  
7 that provides the minimum flow requirements, and, unless no other practicable  
8 alternative is available, no such lines shall be dead end lines.
- 9 K. Final development orders shall not be issued without certification that adequate  
10 potable water service is available.
- 11 L. It is the responsibility of all potable water customers to maintain a three-foot area  
12 clear of any fences, structures or landscaping other than sod or mulch around meter  
13 boxes to allow for access by Town employees for reading, maintenance, and  
14 disconnection of service. The meter box may not be buried or obstructed from  
15 view. The Town shall not be responsible for any damage to plants, fences or other  
16 impediments that are removed in the course of Town work.

17 **8.05.01.3 Sanitary Sewer System**

- 18 A. A sanitary sewer collection system shall be designed, permitted and constructed by  
19 the developer, in such a manner as to provide the ability for each lot or parcel to be  
20 connected to the collection system, whether concurrent with development of the  
21 subdivision or at a future date, such design, permitting and construction to be  
22 performed at the sole cost and expense of the developer. The sanitary sewer  
23 collection system shall include all necessary gravity sewer lines, manholes, lateral  
24 lines, lift stations, force mains, and all other normally associated components of  
25 any of these facilities, all in accordance with the Town's wastewater utility  
26 specifications and all requirements of State and Federal regulatory agencies having  
27 jurisdiction over such matters. In the event that the Town does not have available  
28 an operational sanitary sewer treatment facility at the time of submittal of the  
29 Florida Department of Environmental Protection (FDEP) sanitary sewer system  
30 extension permit application, the application shall be submitted to FDEP as a "dry-  
31 line" application and all of the above mentioned shall apply.
- 32 B. Every principal use in the Town and every lot within a subdivision shall be served  
33 by a wastewater treatment and disposal system that is adequate to accommodate the  
34 reasonable needs of such use or subdivision lot and that complies with all applicable  
35 Town plans and health regulations. Service requirements and construction  
36 standards shall comply with the Town of Howey in the Hills regulations and  
37 specifications and the Lake County Health Department regulations.
- 38 C. New development shall fund the cost of required capacity expansions, and/or  
39 extension of central wastewater lines. All new development shall design, permit,  
40 and install dry sewer lines in accordance with an approved development order if  
41 wastewater service is not currently available and the order approving authority  
42 approves a temporary treatment option. New development will be required to

1 provide Bills of Sale to the Town for all applicable new wastewater collection,  
2 pumping, transmission, treatment, and disposal facilities.

3 D. A central wastewater system shall be provided for all new development. The  
4 development of new wastewater facilities and mains, and the expansion of existing  
5 wastewater systems, shall be designed by the project engineer in accordance with  
6 all applicable State and local regulations. The Town Engineer shall review and  
7 approve all Town of Howey in the Hills wastewater systems.

8 E. Individual wastewater disposal systems, if allowed by the Town, are subject to the  
9 approval of the Lake County Health Department and other regulatory agencies.  
10 Individual wastewater systems which serve only one lot may be permitted when the  
11 requirements for a central wastewater system are waived.

12 F. Final development orders shall not be issued without certification that adequate  
13 wastewater service is available. In service areas with pre-purchase capacity  
14 requirements, proof of purchase shall be required to constitute certification. In  
15 cases where dry lines are being installed for future connection to the wastewater  
16 collection system, a developer's agreement or other legal instrument shall be  
17 approved as part of the Final development order in order to ensure that the  
18 developer funds the future ERU connection fee and all associated costs to connect  
19 to the wastewater collection system.

20 G. Ownership of all wastewater collection and transmission facilities, to include lift  
21 stations, force mains, gravity sewer mains, laterals and lines, manholes, pumps,  
22 backup generators, supervisory control and data acquisition systems, and all other  
23 normally associated components of a wastewater system, must be donated,  
24 dedicated, or otherwise conveyed to the Town for operation, maintenance, and  
25 control. Package and other treatment plants constructed within the Town's area  
26 under its Interlocal Service Boundary Agreement with Lake County must also be  
27 donated, dedicated, or otherwise conveyed to the Town for operation, maintenance,  
28 and control. If legally required or otherwise approved by Town Council, the  
29 developer will be granted credits against the Town's wastewater impact fees  
30 (however denominated) for the conveyed facilities. (DM)

31 H. Each new residential subdivision and each new dwelling unit must connect both to  
32 the Town's wastewater collection and transmission facilities and to the Town's  
33 reclaimed-water system for irrigation where the new subdivision or dwelling unit  
34 lies within 300 linear feet of a wastewater force or gravity main and/or a reclaimed-  
35 water transmission line.

36  
37 **8.05.01.4 Reclaimed Water Systems**

38 A. New development may be required to install and donate to the Town a reclaimed  
39 water system, including distribution mains and services for irrigation in accordance  
40 with the Town's specifications.

41 B. If a reclaimed water system is required, new development shall extend distribution  
42 lines along the entire property frontage, to accommodate service to adjacent  
43 properties.

- 1 C. If an existing reclaimed water system is within 1,000 feet of a new development,  
2 the development will be required to connect to the existing reclaimed water system.
- 3 D. System looping is required wherever practicable to increase overall capacity and  
4 service.
- 5 E. New development shall use non-potable water sources for irrigation, if possible,  
6 until reclaimed service is available. The use of potable water for irrigation is  
7 permitted if no other source is available.
- 8 F. It is the responsibility of all reclaimed water customers to maintain a three-foot area  
9 clear of any fences, structures or landscaping other than sod or mulch around meter  
10 boxes to allow for access by Town employees for reading, maintenance, and  
11 disconnection of service. The meter box may not be buried or obstructed from  
12 view. The Town shall not be responsible for any damage to plants, fences or other  
13 impediments that are removed in the course of Town work.  
14

15 **8.05.01.5 Stormwater Management**

- 16 A. General requirements for stormwater management
  - 17 1. Protection of water resources is critical to the public health, safety, and welfare.  
18 Innovative approaches to stormwater management shall be encouraged and the  
19 concurrent control of erosion, sedimentation, and flooding are essential and  
20 mandatory.
  - 21 2. No drainage system, natural or manmade, shall be altered, designed,  
22 constructed, abandoned, restricted or removed without prior approval of the  
23 Town and all appropriate State and Federal agencies.
  - 24 3. No site alteration shall adversely affect the existing surface water flow pattern,  
25 impact drainage of any other landowner, cause siltation of wetlands, pollution  
26 of downstream wetlands, or reduce the natural retention or filtering capabilities  
27 of wetlands.
  - 28 4. Stormwater management applies to all project categories articulated in the land  
29 development code.
  - 30 5. No person may subdivide or make any changes in the use of land or construct  
31 or reconstruct a structure or change the size of a structure or introduce illicit  
32 discharges to the Town's stormwater management system nor shall construction  
33 commence for any development until the drainage design for such project has  
34 been approved by the Town and appropriate State and Federal agencies. The  
35 drainage design plans and calculations for the development shall be prepared,  
36 signed and sealed by a Florida registered professional engineer. The design  
37 shall equal or exceed design standards set forth hereinafter and shall also meet  
38 or exceed the design criteria, policies and procedures established by the St.  
39 Johns Water Management District, the Florida Department of Environmental  
40 Protection, the Florida Department of Transportation and any other local, State  
41 or Federal agency with appropriate jurisdiction.
  - 42 6. Approval by the Town of the stormwater management plan for any  
43 development shall be contingent on receipt of written proof of approval of any

1 required stormwater management permit from the St. Johns River Water  
2 Management District and any other applicable permitting agency. However,  
3 receipt by the Town of such written proof of approval will not result in  
4 automatic approval of the stormwater management plan by the Town.

5 B. Control of dust, dirt, erosion and construction site runoff

- 6 1. The property owner or his agent shall acquire the necessary permits, if  
7 applicable, from the Florida Department of Environmental Protection (FDEP),  
8 the St. Johns River Water Management District (SJRWMD), the U.S. Army  
9 Corps of Engineers (ACOE), and the Florida Department of Natural Resources  
10 (FDNR).  
11 2. The property owner or his agent must implement and operate all erosion and  
12 sediment control measures required to retain sediment on-site and to prevent  
13 violations of applicable water quality standards. If construction is scheduled to  
14 occur within open water areas, turbidity curtains must be correctly placed to  
15 control sedimentation and turbidity within the water body.  
16 3. Erosion and sediment control best management practices shall be used during  
17 construction to retain sediment on site. Land which has been cleared for  
18 development and upon which construction will not begin within 30 days shall  
19 be protected from erosion and sedimentation by adequate methods acceptable  
20 to the Town. Wetlands and other water bodies shall not be used as sediment  
21 traps during or after development.  
22 4. As a general requirement, all areas under development shall have temporary  
23 erosion and sediment control devices in place at all times during the  
24 construction phase. Said devices shall provide the necessary treatment of runoff  
25 such that Federal and State surface water quality standards are not violated at  
26 any time. These devices shall be removed at the end of the project only after  
27 approval by the Town Engineer.  
28 5. Any construction project, regardless of location, shall be required to control  
29 construction site runoff to meet Federal and State surface water quality  
30 standards. Nothing herein shall prevent or preclude any State or Federal water  
31 quality enforcement agency from imposing penalties for violations of State or  
32 Federal law.  
33 6. Any unauthorized or illicit discharges will be subject to enforcement pursuant  
34 to Town Code and as otherwise provided by law.  
35 7. All projects shall have an approved erosion control plan on file with the Town.  
36 This plan shall be prepared by the appropriate design professional for the  
37 project or, as an alternative, by the licensed contractor whose name the building  
38 permit is under. As with all other site improvement or building permit  
39 documents, an approved copy of this plan shall be maintained at the jobsite for  
40 the duration of the project.  
41 8. No work on the site shall commence prior to approval of the erosion control  
42 plan by the Town.  
43 9. The erosion control plan shall include the placement and use of silt fences,  
44 swales, retention areas, hay bales, temporary grassing, turbidity barriers or other  
45 such devices as needed to prevent the transport of sediment from the site and



1 into storm drains and waterbodies. Fill or runoff will not be allowed to encroach  
2 onto adjacent properties without the necessary easements.

- 3 10. The owner and contractor shall be responsible for adhering to these  
4 requirements and shall also be responsible for correcting any damage caused by  
5 the lack or improper use thereof. This shall include cleaning of storm inlets and  
6 pipes that become blocked, partially or fully, by debris, trash or sediment from  
7 a construction site.

8 C. Design Criteria

- 9 1. All development projects, unless specifically exempted, must provide for  
10 retention and/or detention of stormwater runoff.  
11 2. The post-development peak rate of discharge must not exceed the pre-  
12 development peak rate of discharge for the 25-year, 24-hour storm.  
13 3. Pollution abatement volume shall be in accordance with St. Johns River Water  
14 Management District criteria.  
15 4. Approval of Final Plans for any development shall not be granted until the  
16 Town is in receipt of a copy of the St. Johns River Water Management District  
17 permit.  
18 5. Projects shall be designed so that stormwater discharges meet, at a minimum,  
19 the water quality criteria set forth by the St. Johns River Water Management  
20 District in order to achieve the State water quality standards.  
21 6. The stormwater management system shall not create an adverse impact to  
22 upstream or downstream areas. Off-site areas which discharge to or across a site  
23 proposed for development shall be accommodated in the stormwater  
24 management plans for the development. No stormwater management permit  
25 application shall be approved until the applicant demonstrates that the runoff  
26 from the project shall not overload or otherwise adversely impact any  
27 downstream areas.  
28 7. The stormwater management system shall not cause adverse environmental  
29 impacts to wetlands, fish, wildlife, or other natural resources.  
30 8. The minimum twenty-four-hour level of service standards for design storms by  
31 facility type shall be as follows:  
32 a. Principal arterial bridges: 100 yr, 24 hr  
33 b. Other bridges: 50 yr, 24 hr  
34 c. Cross drains: 25 yr, 24 hr  
35 d. Storm sewers: 10 yr, 24 hr  
36 e. Detention/retention structures: 25 yr, 24 hr  
37 f. Ditches, swales or culverts for stormwater external to developments: 25 yr,  
38 24 hr  
39 g. Ditches, swales, or culverts for stormwater internal to developments: 10 yr,  
40 24 hr  
41 9. The design storm frequency to be used for the design of pavement drainage  
42 shall be as follows:  
43 a. Arterial streets: Ten-year, hydraulic gradient line, 1.0 feet below gutter line.  
44 b. Collector and local streets: Ten-year, hydraulic gradient line, 0.5 feet below  
45 gutter line.



1 10. Design criteria for pollution abatement using retention or detention with  
2 filtration.

3 a. The bottom of a required retention or detention-with-filtration pond shall be  
4 a minimum of three feet above the estimated seasonal high water table.  
5 Where this is not possible due to a high water table, underdrains will be  
6 installed with a minimum invert elevation of one foot below the pond  
7 bottom, along the entire perimeter of the pond unless a geotechnical  
8 engineer can show to the satisfaction of the Town Engineer that a lesser  
9 amount of underdrain can adequately control the high water table.

10 b. Final design seepage rates will be determined by a geotechnical engineer.  
11 All necessary calculations to support the above shall be submitted to, and  
12 are subject to, the approval of the Town Engineer.

13 D. Design criteria of detention facilities to reduce peak rate of flow

14 1. The detention pond will be sized to limit the peak rate of discharge from the  
15 developed site to that discharge generated prior to development. Supporting  
16 calculations shall be submitted and will contain, as a minimum, runoff  
17 hydrographs for the pre-developed site and the post-developed site, and a  
18 discharge hydrograph after routing through the proposed detention facility.

19 2. All routing calculations to be submitted must consider the tailwater of the  
20 receiving facility. If the receiving facility is an existing storm sewer, the  
21 hydraulic gradient line elevation (HGL) of this receiving facility can be  
22 assumed at one-half foot below its gutter in elevation unless a detailed study of  
23 the existing system indicates otherwise.

24 3. Credit for seepage to further reduce the peak rate of discharge will not be  
25 allowed unless accompanied by supporting documentation prepared by a  
26 geotechnical engineer. All detention ponds shall be dry within 72 hours  
27 following the storm event.

28 E. Design criteria where a positive outfall is not available

29 1. When a positive outfall is not available for stormwater discharge the on-site  
30 pond shall be designed to retain the 100-year storm event. The pond shall be  
31 designed to evacuate a daily volume equivalent to one inch of runoff from the  
32 total area contributing to the pond. The pond shall be dry within 11 days  
33 following the storm event. If geotechnical data certified by a geotechnical  
34 engineer is submitted showing that an 11-day drawdown is impossible to  
35 achieve, a specific Town Council waiver of this requirement will be required.

36 2. When the project discharges to landlocked lakes that have no positive outfall  
37 which are adjacent to properties of one ownership, on-site detention ponds shall  
38 be designed to accommodate the pollution abatement volume as required by the  
39 St. Johns River Water Management District from the developed site prior to  
40 discharge. The design engineer shall demonstrate to the satisfaction of the Town  
41 Engineer the magnitude and nature of any impact of runoff from the developed  
42 site upon the landlocked lake(s).

43 3. When the project discharges to landlocked lakes that have no positive outfall,  
44 which are adjacent to properties of more than one ownership, on-site detention  
45 ponds shall be designed to accommodate the 25-year, 96-hour storm. Post-

1 development runoff rate and runoff volume shall not exceed pre-development  
2 runoff rate and volume. The design engineer shall demonstrate to the  
3 satisfaction of the Town Engineer the magnitude and nature of any impact of  
4 runoff from the developed site upon the landlocked lake(s).

5 F. Soil reports

- 6 1. Soil reports indicating estimated seasonal high water table, permeability rate,  
7 and the classification of soils existing on the site and referenced in the  
8 stormwater calculations shall be submitted to the Town Engineer. Soils reports  
9 shall be prepared, signed and sealed by a geotechnical engineer registered in the  
10 State of Florida.

11 G. Stormwater discharges

- 12 1. Storm drainage into natural water bodies shall be avoided except to convey  
13 runoff from an event exceeding the design storm, or as permitted by the St.  
14 Johns River Water Management District. Outfalls shall be designed to prevent  
15 bottom scour. Acceptable methods include use of an energy dissipator, or in the  
16 case of a lake, extending the outfall to discharge at a depth of ten feet or half  
17 the maximum depth of the lake, whichever is less.
- 18 2. Should the proposed development area contain an existing natural watercourse,  
19 drainage way, channel, etc., such natural watercourse and the vegetation  
20 inherent therewith shall be maintained and the proposed development designed  
21 so as to preserve same. However, the use of such natural watercourse to carry  
22 runoff from any development may be permitted if provision for control of  
23 sediment in the excess runoff is made prior to entrance of the runoff to the  
24 natural watercourse.

25 H. Storm sewer design

- 26 1. Design discharges.
- 27 a. Storm sewer system design is to be based upon a ten-year-frequency event.  
28 The system shall be designed to handle the flows from the contributory area  
29 within the proposed subdivision. Then, the system shall be analyzed a  
30 second time to ensure that any off-site flows can also be accommodated.  
31 This second analysis shall consider the relative timing of the on-site and the  
32 off-site flows in determining the adequacy of the designed system.
- 33 2. Minimum pipe diameter.
- 34 a. The minimum diameter of pipe to be used in storm sewer systems is 15  
35 inches. Designs shall be based upon six-inch increments in sizes above 18  
36 inches.
- 37 3. Stormwater pipe material.
- 38 a. Pipe of the following types, meeting the specified AASHTO and ASTM  
39 requirements are accepted by the Town for use in stormwater conveyance  
40 systems.
- 41 b. Steel Reinforced Concrete – ASTM C76, ASTM C443
- 42 c. High Density Polyethylene – AASHTO M294, ASTM D3350, ASTM  
43 F477STM
- 44 d. Non-Asbestos Fiber-Cement – ASTM C1450, ASTM C443
- 45 4. Pipe grade.

- 1 a. All storm sewers shall be designed and constructed to produce a minimum  
2 velocity of 2.5 fps when flowing full. No storm sewer system or portion  
3 thereof will be designed to produce velocities in excess of 20 fps, providing  
4 that the outlet ends have sufficient erosion protection and/or energy  
5 dissipaters.  
6 5. Maximum lengths of pipe.

7 **Table 8.04.05 (H) (5) The following maximum runs of pipe shall be used when spacing access**  
8 **structures of any type:**  
9

Pipe Size	Maximum length of pipe run
15 inches	200 feet
18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

- 10  
11 6. Inlets, manholes, and junction boxes.  
12 a. *All pipe access structures constructed to provide access to sanitary sewers,*  
13 *storm drains or similar facilities shall be constructed of Portland cement*  
14 *concrete, either poured-in-place or precast. No masonry structures will be*  
15 *permitted except as necessary to connect to existing facilities and where*  
16 *prior approval of the Town Engineer has been obtained in writing.*  
17 b. All pipes shall extend through walls and be flush with inside wall.  
18  
19 c. For all concrete structures, all fins and irregular projections shall be chipped  
20 off flush with the surface immediately following the removal of forms. All  
21 projecting wires and nails shall be cut off at least one-half inch under the  
22 surface. All construction and expansion joints in the completed work shall  
23 be left carefully tooled and free of mortar and concrete. Joint filler shall be  
24 left exposed for its full length, with clean edges. Mortar topping for upper  
25 horizontal surfaces shall not be used.  
26 d. Masonry, when allowed, shall be constructed neatly. All surfaces shall be  
27 plastered with half-inch thick cement mortar composed of one part of Type  
28 I Portland cement and two parts sand, so as to prevent leakage. Plastered  
29 areas should not crack and should be properly prepared to bond to old  
30 surfaces.

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**Table 8.04.05 (H) (6) (d) Minimum manhole diameters for intersecting pipe sizes shall be as follows**

<b>Nominal Pipe Inside Diameter (inches)</b>	<b>Structure Inside Diameter (feet)</b>
up to 30	4.00
30 to 48	6.00
Larger	Special design

- e. Arterial and collector street inlets shall be spaced to prevent the spread of stormwater runoff from exceeding half of a travel lane width. Local and subdivision street inlets shall be spaced to prevent the spread of stormwater runoff from exceeding one inch above the crown of the road.
- f. The maximum allowable gutter run will be 1,200 feet on streets with standard curb and gutter, and 600 feet on streets where Miami curbs and gutters are used.
- 7. Design tailwater.
  - a. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility. In the case where the detention pond is the receiving facility, the design tailwater level can be estimated from the information generated by routing through the pond the hydrograph resulting from ten-year frequency storm of duration equal to that used in designing the pond.
  - b. The design tailwater level can be assumed to be the ten-year pond level corresponding to the time at which peak inflow occurs from the storm sewer into the pond. In lieu of the above detailed analysis, however, a simpler design tailwater estimate can be obtained by averaging the established 25-year design high-water elevation for the pond and the pond bottom elevation for "dry bottom" ponds or the normal water elevation for "wet bottom" ponds.
- 8. Hydraulic gradient line computations.
  - a. The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes/catch basins/junctions within the system.
  - b. Hydraulic grade line computations shall take into account entrance and exit losses; friction losses; and the minor losses associated with inlets and

1 manholes. The tailwater of the receiving water body shall be taken into  
2 consideration.

3 9. Stormwater conveyance.

4 a. Sites shall be developed to maximize the amount of overland runoff that is  
5 percolated into the soil and to minimize direct runoff into adjoining streets  
6 and water courses.

7 b. Stormwater runoff from roofs and other impervious surfaces shall be  
8 diverted into swales or similarly controlled. Storm sewers shall be designed  
9 to convey the runoff generated during a 10-year storm event.

10 10. Unstabilized earthen open channels and outfall ditches are not permitted.

11 a. Whenever land within 200 feet of the mean high water line (as established  
12 by the USGS) of a lake is developed, terraces sloping away from the lake,  
13 a tree line, or alternatives approved by the Town Engineer shall be provided  
14 to minimize stormwater runoff into the lake and to maximize groundwater  
15 recharge.

16 I. Treatment of stormwater runoff

17 1. Stormwater management systems shall include best management practices used  
18 in the industry to minimize pollution and remove oil, suspended solids, and  
19 other objectionable material in stormwater runoff within acceptable limits.

20 2. Treatment facilities shall be designed by a Florida registered engineer to the  
21 stricter applicable design and performance criteria established by this Code or  
22 the St. Johns River Water Management District. Additionally, the Florida  
23 Department of Environmental Protection Manual, and the Florida Development  
24 Manual, A Guide to Sound Land and Water Management, including the  
25 requirements of Chapter 6 thereof, shall be used as best management practices.

26 3. All percolation areas shall be grassed or planted with suitable vegetation to  
27 absorb excess nutrients.

28 4. Diversion structures are preferred for positive outfall systems. Other innovative  
29 designs features or materials may be appropriately incorporated into the design  
30 of primary and secondary systems with supporting documentation and the  
31 approval of the Town Engineer.

32 5. All stormwater management systems shall be of low maintenance design. It is  
33 the property owner's responsibility to maintain all primary and secondary  
34 drainage facilities on site.

35 a. Stormwater ponds:

36 1. All stormwater retention/detention ponds shall be fenced unless they  
37 can meet one of the following conditions:

38 **Table 8.04.05 (I) (5) (a) (1) Maximum Pond Side Slopes Without Fencing**

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Maximum Side Slopes	Maximum Excavation Depth
2H : 1V	2'
3H : 1V	3'
5H : 1V	5'

6H : 1V	6' or greater
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2. Ponds graded at 5H:1V or 6H:1V may be deeper than shown above and remain unfenced ONLY if the 5H:1V or 6H:1V slope is carried not less than two (2) feet below the lower of the control elevation or the normal water elevation.
3. All required fencing shall be of a decorative type and shall be in keeping with the required buffer treatments, character, and/or architecture of the project.
4. Ponds shall be configured in a curvilinear manner to create more of a natural looking feature. Ponds constructed on slopes will be evaluated on a case-by-case basis.
5. The minimum bottom width and/or length of any pond shall be four feet.
6. All ponds shall have a minimum one foot of freeboard to the design high water resulting from the design storm.
- b. The minimum requirements for maintenance berms are as follows:
  1. Ponds with fencing: Ten feet around pond perimeter inside the fence. Maximum side slope no greater than 10H:1V.
  2. Ponds without fencing: Five feet around pond perimeter.
  3. Maximum side slope no greater than 5H:1V.
6. Road underdrains
  - a. In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need shall be made by reference to certified geotechnical investigations prepared as part of the project design data submitted to the Town.
  - b. Wherever road construction or lot development is planned in areas of the proposed subdivision having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.
  - c. Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road-surface-to-water-table relationship that is unacceptable to the Town Engineer, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required.
  - d. Wherever roadway construction reveals unexpected water bearing strata that could cause deterioration of the pavement, underdrains or other acceptable alternatives approved by the Town Engineer to provide measures to maintain the structural integrity of the road will be required even though not shown on the plans.

- e. Filtering media shall conform to the appropriate Florida Department of Transportation standard and consist of stone, gravel, or slag and shall contain no friable materials.
- f. Underdrain pipe shall be HDPE perforated pipe fully encased in a tubular filter fabric “sock”, with both the pipe and the filter fabric “sock” meeting applicable AASHTO and ASTM standards for pipe intended for subsurface drainage applications.

J. Development within special flood hazard area (100-year flood)

- 1. All development within areas of special flood hazard as delineated on the official flood insurance rate maps (FIRM) shall comply with the following requirements:
  - a. Establish, to the satisfaction of the Town Engineer, the elevation of the 100-year flood.
  - b. Finished floor slab elevations of all habitable structures shall be constructed at an elevation no less than 20 inches above the 100-year storm elevation, unless approved by the building division; in no instance, however, may the finished floor slab elevation be less than one foot above the 100-year storm elevation.
  - c. Development shall not result in an increase in the 100-year flood elevation. No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year floodplain shall not reduce the flow rate.
  - d. Any proposed alteration of floodways or floodplains must be approved by all agencies which have jurisdiction over such activities.

K. Stormwater quality

- 1. Every use shall be so operated as to prevent the discharge into any storm sewer, stream, canal, lake, waterbody or the ground of any sewage, waste or unapproved substance which will be considered dangerous or discomfoting to persons or animals or which will damage plants or crops beyond the lot line of the property on which the use is located.
- 2. Allowed discharges: The following is a list of substances allowed to discharge into the Town's storm sewer system provided they are not identified as a source of pollutants to any receiving waterbody:
  - a. Water line flushing.
  - b. Rising ground waters.
  - c. Uncontaminated pumped ground water.
  - d. Discharges from potable water sources.
  - e. Air conditioning condensate.
  - f. Irrigation water.
  - g. Water from crawl space pumps.
  - h. Footing drains.
  - i. Individual residential car washing.



- j. Dechlorinated swimming pool discharges.
- k. Street wash waters.
- l. Discharges or flows from emergency firefighting activities.
- m. Reclaimed water line flushing authorized pursuant to a permit issued by the Town.
- n. Flows from uncontaminated roof drains.
- o. All other non-storm substances discharged into the Town's storm sewer system are to be considered illicit discharges that would pose a threat to the health, safety and welfare of the public and are hereby prohibited. Any unauthorized or illicit discharges will be subject to enforcement as set forth in the Town's Charter, Code of Ordinances or as otherwise specified by law.

L. Inspections

Subsequent to development approval, including necessary permits, the developer or permittee shall, during construction, arrange and schedule the following inspections by the Town Engineer or designee:

- 1. During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.
- 2. All underground conveyance and control structures prior to backfilling.
- 3. Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- 4. The professional engineer for the project shall submit to the Town a signed and sealed set of as-built plans on paper and on electronic media in AutoCad drawing file and in PDF format, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviates from the approved construction plans, the professional engineer shall submit supporting documentation with the as-built plans which proves that the stormwater systems shall be in compliance with this section.
- 5. Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the Town, or as complaints arise concerning the system. By seeking and obtaining a permit under this section, the operator and owner shall be deemed to have consented to inspections by the Town and other appropriate regulatory agencies or Town Engineer or designees upon presentation of proper identification by the representative(s) of the agency(s) conducting the inspection.

M. Maintenance

Prior to the acceptance of the stormwater management system, a written stormwater management system maintenance plan shall be submitted to the Town which shall contain documentation sufficient to demonstrate that the operation and maintenance agency is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.

- 1. The Town considers the following entities acceptable to operate and maintain stormwater management facilities:
  - a. Governmental agencies including the Town, County, and State.

- b. Active water control districts or drainage districts, or Community Development Districts, or Special Assessment Districts.
  - c. Nonprofit corporations including homeowners' associations, property owners' associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of the facilities.
2. The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:
    - a. The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.
    - b. The ownership of the property is retained by the permittee and is either leased or rented to third parties (such as in some shopping centers), for example.
  3. The stormwater management system to be maintained by the legal entity shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the legal entity fail to maintain the system properly. The owner shall be liable to the Town for any costs or expenses incurred by the Town in taking the necessary corrective action plus ten percent (10%) for an administrative fee.
  4. Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the Town and other appropriate governmental agencies.
  5. Maintenance shall include compliance with Town building and construction codes, and all other applicable Town codes. No owner or successor shall remove, destroy, modify, subvert or render inoperable, through act or omission, any part of a stormwater system unless approved by the Town Engineer and appropriate governmental agencies in writing in advance of any alteration.
  6. The legal entity shall execute and record a document acceptable to the Town attorney which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.
  7. In order to assure maintenance during a two-year maintenance period, security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not be limited to, cash or performance bonds and letters of credit. The amount of security shall be as required by the Town. The security shall be released at the end of the two-year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.

8. If inspection reveals that the legal entity is not maintaining the system in accordance with this section, the Town shall give the legal entity written notice of the corrective actions required to be taken. If the legal entity fails to complete such corrective action within 30 days after notification, the Town may enter upon the property and take the necessary corrective action.

N. Enforcement

If the Town Engineer determines that the project is not being carried out in accordance with the approved plan or if any project subject to this chapter is being carried out without a permit or if illicit discharges are being introduced to the Town's stormwater management system, he is authorized to:

1. Issue written notice to the applicant/owner specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance by a date as determined by the Town Engineer, but in no event more than seven (7) days.
2. Issue a stop work order directing the applicant/owner or person in possession to cease and desist all or any portion of the work which violates this chapter. If the remedial work is not completed within the specified time, the applicant/owner shall then bring the project into compliance.

**8.06.00 OTHER UTILITIES**

***8.06.01 Exterior Lighting***

Exterior lighting shall provide adequate illumination to safely guide vehicles and pedestrians into, out of, and within a site. Exterior lighting shall also serve to deter certain crimes. Exterior lighting shall be arranged to eliminate glare on site and spillover onto adjacent properties and public streets.

A. Street Lighting

1. Street lighting on both public and private streets shall be installed by the developer in coordination with the appropriate provider and in accordance with the requirements of this Code. All such street lighting must be installed at the developer's expense contemporaneous with the construction of site improvements and prior to issuance of a Certificate of Completion. All such street lighting shall become operational no later than the request for issuance of a Certificate of Completion. All utilities shall be installed underground. The street lighting plan shall comply with all applicable Code requirements and shall be subject to the approval of the Town Engineer prior to installation.
2. All developments shall provide for installation of streetlights in conjunction with the construction of new roadways or reconstruction or widening or initial paving of existing roads in accordance with the following standards. The streetlight standard is the "Sanibel" light fixture provided as a standard light by Duke Energy on the standard 22-foot pole. Alternative lighting standards may be approved by the Town Council to support neighborhood design. For roads under Lake County or State jurisdiction, alternate lighting plans may be required.

- 1 3. Proposed street lighting along these rights-of-way must be submitted as part of  
2 the Final Plan set and reviewed and approved by the utility provider and the  
3 Town or agency with jurisdiction of the roadway. All electrical wiring for  
4 streetlights shall be underground. The developer will need to check with the  
5 Town to obtain information on the approved street lighting fixtures.
- 6 4. Each lighting plan submitted to the Town shall, at a minimum, depict the  
7 following:
  - 8 a. Location of lighting fixtures
  - 9 b. Height of light poles
  - 10 c. Type of lighting fixtures
  - 11 d. Levels of illumination
  - 12 e. Color of light
  - 13 f. Deflector and beam direction
  - 14 g. Area to be lighted by each lighting fixture
- 15 5. The following provisions are applicable to street lighting installed on local  
16 streets within new residential subdivisions:
  - 17 a. The developer shall be responsible for the installation, maintenance, repair,  
18 replacement and operational costs of street lighting installed on public  
19 streets until the end of the calendar year in which the Town receives written  
20 notice from the developer that certificates of occupancy have been issued  
21 for buildings constructed on seventy-five percent (75%) of the lots in the  
22 subdivision which is the subject of the Certificate of Completion which  
23 includes such street lighting.
  - 24 b. Beginning with the calendar year following such notice, the Town shall be  
25 responsible for the maintenance, repair, replacement and operational costs  
26 of such street lighting, except for specialized street lighting which is subject  
27 to a separate agreement with the Town. The Town shall assume  
28 responsibility as aforesaid only for standard street lighting costs on public  
29 streets. The written notice from the developer regarding issuance of  
30 certificates of occupancy is subject to verification by the Town for accuracy.
  - 31 c. At the time of the pre-construction conference, the developer shall (1)  
32 advise the Town regarding the type of street lighting to be installed, and (2)  
33 based upon the billing estimate received by the Town from the power  
34 company with respect to the proposed street lighting, pre-pay to the Town  
35 the street lighting costs (including charges related to specialized street  
36 lighting, if applicable) for the first year (i.e., 12 months) for all such street  
37 lighting installed on public streets and the Town shall use such funds for the  
38 payment of street lighting invoices received from the power company.  
39 Thereafter, the Town shall annually invoice the developer in advance for  
40 said street lighting costs until such time as the Town receives written notice  
41 from the developer that certificates of occupancy have been issued for  
42 seventy-five percent (75%) of the lots in the subdivision as set forth above.  
43 If such invoice is not paid when due, then the Town shall discontinue the  
44 issuance of further building permits for such subdivision until payment is  
45 made. The Town will forward any such future invoices to a homeowners'

1 association upon receipt of written notice from the developer that the  
2 responsibilities for the payment of such invoice (including charges related  
3 to specialized street lighting, if applicable) has been transferred to such  
4 association and satisfactory evidence, in recordable form, indicating the  
5 homeowners' association has agreed to assume such costs. Currently, the  
6 Town does not receive itemized invoices from the power company for street  
7 lighting installed on public streets and, therefore invoices to the developer  
8 or association are based on estimated costs. The developer/association shall  
9 not be entitled to a refund for prepaid street lighting costs incurred during  
10 the calendar year in which the Town receives written notice from the  
11 developer that certificates of occupancy are issued for seventy-five percent  
12 (75%) of the lots in the subdivision.

- 13 d. If a developer has installed specialized street lighting on a public street, then  
14 in such event the developer, the applicable homeowners' association and  
15 the Town shall, prior to or at the time of approval of the first plat, enter into  
16 an agreement acceptable to the Town which provides that commencing at  
17 the time the Town becomes responsible for the standard street lighting costs  
18 on such public street the developer and/or the association shall reimburse  
19 (and shall continue to reimburse) the Town for the additional costs above  
20 the standard street lighting costs thereafter incurred by the Town in  
21 connection therewith plus an administrative charge equal to ten percent  
22 (10%) of the additional costs. Nothing contained herein shall be construed  
23 to prevent the homeowner association from entering into such agreement  
24 during the time it is controlled by the developer.
- 25 e. Any annual invoices for payment of public street lighting shall be due and  
26 payable thirty (30) days from the date of such invoice. Should payment not  
27 be received within said time frame, then such invoices shall bear interest at  
28 the rate of eighteen percent (18%) per annum until paid. If any such invoice  
29 remains unpaid for a period of sixty (60) days, then the Town may take any  
30 action deemed necessary in order to collect such unpaid invoice, including  
31 but not limited to, the retaining of the services of a collection agency or  
32 attorney, and initiating legal proceedings for collection thereof. In such  
33 event, the Town shall be entitled to receive its reasonable attorney's fees,  
34 paralegal fees and other costs and expenses, whether incurred prior to,  
35 during, or subsequent to court proceedings or on appeal.
- 36 f. The developer shall be responsible for the installation, maintenance, repair,  
37 replacement and operational costs of street lighting installed on private  
38 streets. The developer shall directly contract with the power company  
39 regarding such street lighting. The obligations of the developer under this  
40 subsection may be transferred to and assumed by the applicable  
41 homeowners' association. The Town shall have no responsibility for the  
42 installation, maintenance, repair, replacement and operational costs of street  
43 lighting installed on private streets.

44 B. Lighting of Parking Lots and Vehicular Use Areas

- 1 1. Lighting of parking lots and other vehicular use areas shall be at the minimum  
2 necessary to provide adequate lighting for safety, while ensuring that the  
3 fixtures do not permit lighting to spill over onto adjoining properties.
- 4 2. All developers shall submit lighting plans in conjunction with the Final Plan  
5 submittal. Each lighting plan for parking lots and vehicular submitted to the  
6 Town shall, at a minimum, depict the following:
  - 7 a. Location of lighting fixtures
  - 8 b. Height of light poles
  - 9 c. Type of lighting fixtures
  - 10 d. Levels of illumination
  - 11 e. Color of light
  - 12 f. Deflector and beam direction
  - 13 g. Area to be lighted by each lighting fixture
- 14 3. Lighting plans are subject to review and approval by the Town. All costs  
15 associated with lighting of these areas are the responsibility of the property  
16 owner.

17 C. Other Exterior Lighting / **Commercial & Development**

18 It is the policy of the Town to permit adequate exterior lighting for safety and use  
19 purposes, while ensuring that exterior lighting does not spill over onto adjacent  
20 properties. For developments that require exterior lighting for outdoor recreation  
21 or other purposes, the lighting plans shall be included as part of the Final Plan  
22 submittal package. No exterior lighting shall be installed without prior approval of  
23 the Town. All such exterior lighting shall be the responsibility of the property  
24 owner.

25 D. Other Exterior Lighting / **Development and Existing Residential Property**

26 **The amount of illumination projected from a parcel on to an adjacent or nearby**  
27 **parcel zoned or used for residential purposes may not exceed 0.2 foot-candle,**  
28 **measured on the residential parcel no less than ten feet from the parcel boundary.**

29 **8.06.02.1 Underground Utilities**

- 30 A. Utility lines of all kinds, including but not limited to those of franchised utilities,  
31 electrical power, telephone, cable television, and gas, shall be constructed and  
32 installed beneath the ground in the street right-of-way and/or a front yard utility  
33 easement within new developments.
- 34 B. The underground installation of appurtenances such as transformer boxes, pedestal-  
35 mounted service or terminal lines for electricity, telephone, cable television, or gas  
36 service, or similar service hardware necessary for the provision of electric,  
37 telephone, cable television, and gas service, shall not be required; provided,  
38 however, such appurtenances may be installed underground at no cost to the Town.
- 39 C. It shall be the developer's responsibility at the developer's expense, to make the  
40 necessary arrangements with each utility in accordance with the utility's established  
41 policies.



1 **8.07.0 ENVIRONMENTAL PRESERVATION AND PROTECTION**

2 **8.07.01 Vegetation and Soil Protection**

3 A. Purpose and Intent. The purpose of this section is to prohibit the destruction of  
4 natural vegetation and the changing of natural grades and drainage problems until  
5 a development order or development permit has been approved. Additionally, this  
6 section provides for protective measures for both vegetation and soils to be  
7 implemented prior to construction.

8 B. Required Vegetation Preservation. The following preservation measures shall be  
9 implemented on all construction sites as applicable:

10 1. Clearing Procedures. The applicant shall be responsible for insuring that all  
11 possible measures are taken during the clearing process to avoid damage to trees  
12 and vegetation designated to remain after construction. This shall include use  
13 of hand labor rather than large machinery where necessary to protect trees to be  
14 preserved. All felled material shall be promptly and carefully removed from  
15 the site in order to avoid potential damage to remaining trees and vegetation  
16 and the harboring of insects, snakes, and rodents.

17 2. Protective Barricades. Protective barricades shall be constructed (prior to  
18 clearing) around all trees and vegetation designated to remain. These barricades  
19 shall be located at the dripline of the trees or vegetation and shall specifically  
20 be comprised of orange netting together with four foot (4'), 2-by-2 posts.  
21 Where this cannot reasonably be accomplished, the applicant will locate the  
22 barricade as close to one (1) foot away from the tree trunk for every diameter  
23 at breast height (DBH) inch as is practical or reasonable, when approved by the  
24 Town Engineer or his or her designee. The barricade should be rigid and sturdy  
25 enough to survive the construction period, however, any suitable new or scrap  
26 material may be used in its construction. With the approval of the Town  
27 Engineer or his or her designee, large wooded areas may be tagged or similarly  
28 designated instead of barricaded.

29 a. Absolutely no fill, building materials, trash, or other objects shall be placed  
30 inside these barriers. If fill is deposited adjacent to these areas, a suitable  
31 temporary or permanent retaining structure shall be constructed to prevent  
32 siltation of the barricaded area.

33 b. Barricades are to be adequately maintained and shall remain in place until  
34 their removal or modification is approved in writing. Failure of the  
35 applicant to properly locate and/or maintain the barricade may result in the  
36 issuance of a Stop Work order, and the requirement that the applicant  
37 provide a restoration plan to the Town Engineer or his or her designee.

38 3. Excavations. Swales and minor negative grade changes should always be  
39 designed around the dripline area as much as possible. Any exposed roots shall  
40 be trimmed. Piping should be used where deep swales or ditches would require  
41 significant grade change adjacent to trees.

42 4. Trenching. Trenching of any type should be avoided in the dripline area.  
43 Where underground installations are required adjacent to the trunks of specimen



1 trees, tunneling should be used. When trenching or tunneling near trees to  
2 remain, protective measures should be taken.

3 C. Required Soil Conservation. The following soil conservation measures shall be  
4 taken on all construction sites as required.

5 1. During Construction. The contractor shall follow standard practices or details  
6 specifically included in his environmental permit to prevent erosion and the  
7 depositing of soils off the construction site. These practices shall include the  
8 protection of bare soils from wind forces and stormwater.

9 2. After Construction. All disturbed areas shall be mulched, seeded, or sodded to  
10 restore the original vegetation as required by the permit-issuing authority, and  
11 shall be maintained as such. The removal or lack of maintenance of vegetation  
12 resulting in on-site and/or off-site erosion (sedimentation or siltation or both)  
13 or wind-blown loss of soils shall be deemed a violation of this section.

14 **8.07.02 Disposal of Debris**

15 The burying of rubbish, logs, lumber, building materials, underbrush, trash or other  
16 matter which would decompose or allow the land to thereafter settle is hereby  
17 prohibited.  
18

19 **8.08.0 OPEN SPACE AND RECREATIONAL AMENITIES**

20  
21 **8.08.01 General Open Space.**

22 A. Open space is required of all new development. Open space may consist of buffers,  
23 stormwater ponds, public and private park areas, wetlands, and other pervious area  
24 that is set aside for conservation or is to be left undeveloped.

25 B. For stormwater ponds to be counted as open space, they must be designed as an  
26 amenity in addition to their primary function as a stormwater facility. The features  
27 that are required for stormwater park amenities include landscaping, pedestrian  
28 paths or trails, picnic areas, and other activities of a more passive nature. For wet  
29 ponds, aeration and aquatic plants are also required.  
30

31 **8.08.02 Recreational Amenities**

32  
33 For new development of 40 or more residential dwelling units, the plan for all  
34 recreational amenities must be presented for Town Council approval no later than,  
35 and as part of the application for, approval of a final plat. Construction and  
36 installation of recreational amenities for each component subdivision must be  
37 completed on or before the issuance of certificates of occupancy for 75% of the  
38 dwelling units for the component subdivision. A development agreement entered  
39 into by the Town and the developer, however, may specify earlier deadlines for the  
40 approval and completion of recreational amenities.

1 **8.09.0 SCREENING STANDARDS**

- 2 A. Service areas visible from a public right-of-way or abutting properties shall be  
3 screened by a combination of landscape and hardscape. This may include berming  
4 or walls in combination with landscaping.
- 5 B. Solid waste refuse facilities shall be screened by a six-foot wall with a decorative  
6 face (brick, stucco, or stone). Such walls shall screen the refuse receptacle on three  
7 sides with the access side oriented towards the interior of the site and away from  
8 areas visible to abutting properties. The access side of the storage area shall be  
9 equipped with opaque doors or gates.
- 10 C. Utility fixtures, ventilation equipment, and mechanical equipment, when outside a  
11 structure, shall be screened with walls, fences, dense plant material, or a  
12 combination thereof.

13 **8.10.0 APPEALS PROCEDURE**

14 ~~Any applicant may appeal a decision of any Town consultant or employee in the~~  
15 ~~enforcement or interpretation of this Chapter or LDC. The appeal shall be filed within~~  
16 ~~60 days from the date of a DRC report or other consultant or employee decision. Upon~~  
17 ~~filing the appropriate application and payment of an appeal fee set by resolution of the~~  
18 ~~Town Council, the Town Clerk shall process such appeal. The Board of Adjustment,~~  
19 ~~by a majority vote, may affirm, reverse, or modify the decision.~~

20  
21

# CHAPTER 9

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## Boards and Committees

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1 **9.00.00 REQUIREMENTS FOR ALL LAND DEVELOPMENT BOARDS AND**  
2 **COMMITTEES**

3 **9.00.01 Appointment, Term of Office, and General Membership Requirements**

- 4 A. All members of the Planning & Zoning Board shall be appointed by the Town  
5 Council.  
6 B. The Planning & Zoning Board shall have the opportunity to review each applicant's  
7 resume and make a recommendation on the appointment.  
8 C. All members shall reside within the Town limits, with the exception of members of  
9 the Development Review Committee.  
10 D. Unless expressly stated otherwise in this LDC, Town Council members shall not  
11 be eligible to serve on other Town boards or committees.  
12 E. Town employees shall only be eligible to serve on the Development Review  
13 Committee.  
14 F. Each member of the Planning & Zoning Board and Development Review  
15 Committee serves at the pleasure of the Town Council.  
16 G. The term of office for Planning & Zoning Board members shall be three years, but  
17 members may serve until a successor is appointed.  
18 H. Planning & Zoning Board members may seek re-appointment by applying for the  
19 new term with other applicants who are interested in the position.

20 **9.00.02 Attendance**

- 21 A. Each Planning & Zoning Board member shall attend all regular and called  
22 meetings.

23 **9.00.03 Officers and Committees**

- 24 A. Each board or committee shall have a chairperson and a vice chairperson. For the  
25 Board of Adjustment, the chairperson shall be the Mayor and the vice chairperson  
26 shall be the Mayor Pro Tem.  
27 B. The Planning and Zoning Board chairperson and vice chairperson shall serve one-  
28 year terms. Officers shall not serve more than two consecutive terms.  
29 C. The Planning & Zoning Board may create whatever committees it deems necessary  
30 to carry out its purposes. The chairperson of the board shall appoint the membership  
31 of each committee from the members of that board.

32 **9.00.04 Planning & Zoning Board Removal and Vacancies**

- 33 A. When a position on the Planning & Zoning Board becomes vacant before the end  
34 of the term, the Town Council shall appoint a member to fill the vacancy for the  
35 duration of the term.  
36 B. When a term is two months from expiring, the Town shall accept applications for  
37 the position and shall endeavor to fill the position so that the new board member  
38 starts at the meeting following the term's end.  
39 C. When an unexpired term is two months or less, the Town Council may appoint a  
40 new member to fill both the unexpired term and the following full term.

- 1 D. When a member moves outside the Town or otherwise no longer meets eligibility  
2 requirements for membership the Town Council shall declare the seat vacant and  
3 proceed accordingly.  
4 E. Any member who misses two consecutive regular meetings without first providing  
5 notice of the absence to the Town Clerk shall be deemed to have resigned from the  
6 Board and shall be replaced accordingly. Any member who misses four regular  
7 meetings during the course of a calendar year, regardless of prior notice, shall be  
8 deemed to have resigned from the Board and replaced accordingly.

9 **9.00.05 Public Meetings, Hearings, and Records**

- 10 A. All meetings and hearings of boards and committees including specifically (but not  
11 limited to) the Development Review Committee, shall be open to the public and  
12 shall allow public comment on agenda items.  
13 B. All meeting agendas of boards and committees shall be posted in advance.  
14 C. Each board and committee shall keep minutes of its proceedings, indicating the  
15 attendance of each member and the decision of the board or committee on every  
16 item. The minutes shall be signed by the chairperson and the Town Clerk.  
17 D. A record shall be made of all resolutions, transactions, findings, recommendations,  
18 and decisions, which record shall be a public record on file in the office of the Town  
19 Clerk.  
20 E. At its option the DRC may forward separate recommendations of each DRC  
21 member, in his or her professional capacity, rather than recommendations of the  
22 DRC as a whole.

23 **9.00.06 Quorum and Voting**

- 24 A. For the purpose of taking action at any meeting or hearing, a majority of the existing  
25 board members shall constitute a quorum.  
26 B. Approval of actions before any Board or Committee requires an affirmative vote of  
27 a majority of the members in attendance.

28 **9.00.07 By-Laws**

- 29 A. Each board may enact by-laws to govern its operation and procedures.  
30 B. By-laws shall not conflict with the requirements of this LDC. In the event of any  
31 conflict between the provisions of this LDC and the by-laws, the provisions of this  
32 LDC shall control.  
33 C. The following topics may be included in the by-laws:  
34 1. The designation of officers.  
35 2. The specific duties of officers.  
36 3. The creation of committees.  
37 4. Code of conduct.  
38 5. Voting procedures.  
39 6. Scheduling of meetings.  
40 7. Order of business; and  
41 8. Preparation of minutes.

1 D. The Town Council shall approve all Advisory Board By-Laws.

2 **9.00.08 Parliamentary Authority**

3 All meetings shall be conducted in accordance with parliamentary procedure as set  
4 forth and explained in the latest revised edition of Robert’s Rules of Order, which shall  
5 serve as the official rules of procedure.

6 **9.00.09 Legal Representation**

7 The Town Council may retain legal counsel to represent a board or committee.

8 **9.00.10 Compensation**

9 Planning & Zoning Board members shall serve without compensation but may be  
10 reimbursed for actual expenses incurred in connection with their official duties.

11 **9.00.11 Funding**

12 The Town Council may appropriate funds at its discretion for expenses necessary in  
13 the conduct of the duties of appointed boards and committees.

14 **9.00.12 Conflict of Interest**

15 A. A member shall abstain from voting on a particular issue if the member has a voting  
16 conflict under section 112.3143 of Florida Statutes (or successor statutes). In  
17 general terms a voting conflict under that statute arises when a vote would inure to  
18 the special private gain or loss of the voting member or of the member’s family,  
19 business associate, employer or client.

20 B. If a member owns a property within the area entitled to receive mailed notice of the  
21 hearing, that board member may voluntarily abstain from voting if the board  
22 member believes that the proximity of the project constitutes the appearance of a  
23 voting conflict of interest, as contemplated by section 286.012 of Florida Statutes,  
24 or otherwise will interfere with his or her ability to be an impartial decision maker  
25 in the case.

26 **9.00.13 General Powers**

27 A board or committee may request information from any official, staff member, or  
28 department of the Town, which is necessary in order to carry out specific roles and  
29 responsibilities.

30 **9.01.00 PLANNING & ZONING BOARD**

31 **9.01.01 Establishment**

32 There is hereby created a Planning & Zoning Board, with the roles and responsibilities  
33 as set forth herein.

34 **9.01.02 Membership and Terms of Office**

35 A. There shall be not less than three nor more than seven members.

- 1 B. Terms shall be staggered such that no more than three terms expire simultaneously.
- 2 1. Appointments shall be for three-year terms or until a successor is chosen.
- 3 2. When a term is two months from expiring, the Town shall accept applications
- 4 for the position and endeavor to fill the position so that the new board member
- 5 starts at the meeting following the term's end.
- 6 3. When an unexpired term for a vacant seat is two months or less, the Town
- 7 Council may appoint a new member to fill both the unexpired term and the
- 8 following full term.
- 9 C. Any interested and eligible citizen as provided for in this section may be appointed
- 10 to the board, but those with experience or interest in the field of planning and zoning
- 11 or related fields shall receive special consideration.

12 **9.01.03 Roles and Responsibilities**

13 The Planning & Zoning Board shall have the roles and responsibilities described below.

- 14 A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, F.S.
- 15 As the LPA, the Planning & Zoning Board shall:
- 16 1. Make recommendations to the Town Council regarding adoption of a
- 17 Comprehensive Plan.
- 18 2. Monitor and oversee the effectiveness and status of the Comprehensive Plan,
- 19 including periodic evaluations.
- 20 3. Make recommendations to the Town Council regarding amendment of its
- 21 adopted Comprehensive Plan; and
- 22 4. Carry out such other duties as may be specified in Chapter 163, Part II, of
- 23 Florida Statutes.
- 24 B. To provide advice and recommendations to the Town Council regarding growth,
- 25 land use, long range planning, and redevelopment.
- 26 C. To hear, consider, and make recommendations to the Town Council regarding
- 27 applications to:
- 28 1. Amend the Zoning Map (zoning or rezonings).
- 29 2. Amend the text of the LDC.
- 30 3. Create a subdivision
- 31 4. Amend the Comprehensive Plan.
- 32 5. Create a site plan; and
- 33 6. Grant variances and conditional uses.
- 34 D. In carrying out its duties, the Planning & Zoning Board may:
- 35 1. Establish such committees as may be necessary to gather facts, analyze
- 36 findings, and make recommendations to the Planning & Zoning Board as a
- 37 whole.
- 38 2. Acquire and maintain such information and materials as are necessary for an
- 39 understanding of past trends, present conditions, and forces at work to cause
- 40 changes in these conditions.
- 41 3. Periodically evaluate the Comprehensive Plan and LDC and propose
- 42 amendments to the Town Council.
- 43



1           **9.01.04 Quorum and Voting**

- 2           A. For the purpose of taking action at any meeting or hearing, a majority of the existing  
3           board members shall constitute a quorum, but shall be at least three members.  
4           B. Approval of actions before the Board requires an affirmative vote of a majority of  
5           the members present, but not less than three affirmative votes.  
6

7   **9.02.00 TOWN COUNCIL AS BOARD OF ADJUSTMENT**

8           **9.02.01 Establishment**

9           There is hereby established a Board of Adjustment (BOA) for the purpose of hearing  
10           and deciding on appeals of administrative decisions and hearing and taking action on  
11           applications for variances.

12           **9.02.02 Membership**

13           The BOA shall be comprised of the Town Council members.

14           **9.02.03 Roles and Responsibilities**

15           The BOA shall have the roles and responsibilities described in this section. The Board  
16           shall conduct public hearings and render decisions in compliance with the requirements  
17           of this LDC on the following matters:

- 18           A. Appeals where it is alleged there is error in any order, interpretation, requirement,  
19           decision, or determination made by an administrative official in the enforcement of  
20           this LDC; and  
21           B. Applications for a variance from a provision of the LDC, as set forth in Chapter 4.  
22

23           **9.02.04 Notice Procedures for Administrative Appeals**

- 24           A. Publication of notice. Notice of public hearing shall be published in a newspaper  
25           of general circulation at least 10 days prior to the public hearing. Notice shall also  
26           be posted at Town Hall and on the Town's website.  
27           B. After the public hearing, the BOA shall uphold the administrative decision, reverse  
28           the administrative decision, or render an alternate decision.  
29

30   **9.03.00 DEVELOPMENT REVIEW COMMITTEE**

31           **9.03.01 Establishment**

32           There is hereby created and established a Development Review Committee (DRC) for  
33           the purpose of receiving, reviewing, and rendering recommendations on applications  
34           subject to administrative review and decision as set forth in Chapter 4.

35           **9.03.02 Membership**

36           Membership of the DRC shall include, but is not limited to, the following:

- 37           A. Town Planner

- 1 B. Town Engineer
- 2 C. Town Traffic Engineer
- 3 D. Public Works Director
- 4 E. Police Chief
- 5 F. Town Manager
- 6 G. Town Clerk

7 **9.03.03 Roles and Responsibilities**

- 8 A. The DRC shall review applications and provide recommendations to the Planning
- 9 & Zoning Board, the Board of Adjustment and the Town Council for annexations,
- 10 zonings and rezonings, amendments to this LDC, Comprehensive Plan
- 11 amendments, subdivision plans, subdivision plats, site plans, variances, conditional
- 12 uses, and amendments to previously issued local development orders.
- 13 B. The DRC shall perform such other duties as may be assigned by the Town Council
- 14 or Town Manager.

15 **9.03.04 Rules of Procedure**

- 16 A. The Town Manager shall chair meetings of the DRC.
- 17 B. The DRC shall meet as necessary.
- 18 C. The DRC may establish such additional rules of procedure as needed to carry out
- 19 its roles and responsibilities.

22 **9.04.00 DESIGN REVIEW BOARD**

23 **9.04.01 Establishment**

24 There is hereby created and established a Design Review Board for the purpose of

25 receiving, reviewing and rendering recommendations on the architectural

26 requirements for residential and non-residential development and other design

27 considerations as may be brought before the Board.

28

29

30 **9.04.02 Membership**

- 31
- 32 A. There shall be not less than three nor more than seven regular members.
- 33 B. Terms shall be staggered such that no more than three (3) terms expire
- 34 simultaneously
- 35 1. Appointments shall be for three-year terms.
- 36 2. When a term is two months from expiring, the Town shall accept
- 37 applications for the position and endeavor to fill the position so that the
- 38 new board member starts at the meeting following the term end.
- 39 3. When an unexpired term is two months or less, the Town Council may
- 40 appoint a new member to fill both the unexpired term and the following
- 41 full term.

1 C. Any interested and eligible citizen as provided for in this section may be  
2 appointed to the board, but those with experience in building design,  
3 construction or related fields shall receive special consideration.  
4

5 **9.04.03 Roles and Responsibilities**  
6

7 The Design Review Board shall review and approve all applications for compliance  
8 with architectural plan requirements for residential and non-residential  
9 development as set forth in Chapter 4. The Board shall also review and recommend  
10 approval of proposed improvements to any buildings on the local, state or Federal  
11 lists of historic buildings. Decisions of the Design Review Board may be appealed  
12 to the Town Council.  
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# CHAPTER 10

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## Concurrency

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1 **10.00.00 GENERALLY**

2 **10.00.01 Purpose**

3 Public facilities and services needed to support development shall be available  
4 concurrent with the impacts of such development, or in place within timeframes as  
5 outlined in the Town's Comprehensive Plan. The provisions of this chapter are  
6 designed to provide a systematic process for the evaluation of all proposed  
7 development for its impact on those public facilities and services specified in the  
8 Town's Comprehensive Plan.

9 **10.01.00 APPLICABILITY**

10 **10.01.01 Exemptions from Concurrency**

11 The following development orders and permits are exempt from this chapter, and may  
12 commence development without a certificate of concurrency:

- 13 A. Any addition to a residence.  
14 B. Interior construction of a non-residential shell structure for uses with the same or  
15 less intensity as identified on an approved site plan.  
16 C. Renovations with no change in use.  
17 D. Accessory structure that creates no additional impact on public facilities.  
18 E. Replacement structure which creates no additional impact.  
19 F. Temporary construction trailers.  
20 G. Single-family and duplex residences on lots which were platted prior to adoption  
21 of this code.  
22 H. Development that is determined to be vested.

23 **10.01.02 Vested Rights**

- 24 A. Applicants for development orders who have been determined to possess vested  
25 rights from a previously issued development order will be allowed to proceed with  
26 development even though they may not meet concurrency. A concurrency  
27 evaluation shall still be performed in order to calculate the impact of the vested  
28 development on remaining capacity. This concurrency analysis will not affect the  
29 vested development, but the capacity used by the vested development will not be  
30 available for development that is not vested.  
31 B. Vesting of Final Development Orders. Some properties may not be subject to  
32 restrictions imposed by concurrency if the property is vested prior to the  
33 implementation of the concurrency management system. Florida case law  
34 establishes a three (3) part test for determining vested development rights. All three  
35 (3) of the following must be met in order to be vested for development:  
36 1. Good faith reliance on an act or omission of the Town.  
37 2. Substantial expenditures or obligations subsequent to reliance on an act or  
38 omission of the Town; and,

- 1                   3. Made a substantial change in position or has incurred such extensive obligations  
2                   and expenses that it would be highly inequitable and unjust to destroy the rights  
3                   acquired by application of the Comprehensive Plan and/or this Code.

4   **10.02.00 REVIEW AND DETERMINATION**

5                   **10.02.01 Concurrency Review**

6                   The Town of Howey in the Hills requires concurrency review and determination with  
7                   the following applications for development permits:

- 8                   A. Building Permit  
9                   B. Final Site and Subdivision Plans

10                  **10.02.02 Certificate of Concurrency**

- 11                 A. General. For each public facility, a determination of available capacity shall be  
12                 made. If the capacity for that specific facility exceeds the projected demand of the  
13                 proposed development, a Certificate of Concurrency (COC) shall be issued. If  
14                 capacity is not available, the Town shall issue a letter outlining the capacity  
15                 deficiency.  
16                 B. Expiration of a Certificate of Concurrency. Each Certificate of Concurrency will  
17                 specify the length of time it is valid for each facility or service. The Town has  
18                 specific time limits for development orders. A concurrency certificate will no  
19                 longer be valid if the development order is no longer valid.  
20                 C. Resubmission of Concurrency Application. Applications for development orders  
21                 that are denied because of insufficient capacity of public facilities may be  
22                 resubmitted if the applicant of the denied development order intends to provide all  
23                 public facilities to comply with capacity requirements or enters into a development  
24                 agreement with the Town or other public facility provider for the purpose of  
25                 contributing to the provision of the public facility required.  
26                 D. Transfer of Certificate of Concurrency. The concurrency analysis is site specific  
27                 and cannot be transferred to another piece of property. It can be transferred to  
28                 subsequent development orders for the same parcel, and to subsequent owners of  
29                 the same parcel.

30                  **10.02.03 Standards to Meet Concurrency**

31                 The Town shall review applications for development and a development permit will be  
32                 issued only if the proposed development does not lower the existing level of service  
33                 (LOS) of a facility or service below the adopted LOS in the Town's Comprehensive  
34                 Plan. A project shall be deemed concurrent if one of the following standards is met:

- 35                 A. The necessary public facilities and services are in place at the time the development  
36                 order or permit is issued; or  
37                 B. A final development order is issued subject to the condition that the necessary  
38                 facilities and services will be in place when the impacts of the development occur;  
39                 or

- 1 C. The necessary facilities are under construction at the time a final development order  
2 is issued; or
- 3 D. The necessary facilities and services are guaranteed in an enforceable development  
4 agreement. The agreement must guarantee that the necessary facilities and services  
5 will be in place when the impact of development occurs; or
- 6 E. The necessary facilities and services are in place no later than the issuance of a  
7 certificate of occupancy.
- 8 F. For parks, at a minimum, the following standards shall satisfy the concurrency  
9 requirement:
  - 10 1. At the time the final development order is issued, the necessary facilities and  
11 services are the subject of a binding executed contract which provides for the  
12 commencement of the construction of the required facilities within one year of  
13 the issuance of the final development order; or
  - 14 2. The necessary facilities and services are guaranteed in an enforceable  
15 development agreement which requires the commencement of the construction  
16 of the facilities or the provision of services within one year of the issuance of  
17 the applicable development order; or
  - 18 3. The necessary facilities and services are in place no later than one year after the  
19 issuance of a certificate of occupancy.
- 20 G. For roads, at a minimum, the following standards will satisfy the concurrency  
21 requirement:
  - 22 1. The necessary facilities and services are in place at the time a final development  
23 order is issued; or
  - 24 2. A final development order is issued subject to the condition that the necessary  
25 facilities and services will be in place when the impacts of the development  
26 occur; or
  - 27 3. The necessary facilities are under construction at the time a final development  
28 order is issued; or
  - 29 4. At the time the final development order is issued, the necessary facilities and  
30 services are the subject of a binding executed contract which provides for the  
31 commencement of the construction of the required facilities or the provision of  
32 services within three (3) years of the approval of the development order; or
  - 33 5. The necessary facilities and services are guaranteed in an enforceable  
34 development agreement which requires the commencement of the construction  
35 of the facilities or the provision of services within three (3) years of the approval  
36 of the applicable development order; or
  - 37 6. The necessary facilities and services are guaranteed in an enforceable  
38 development agreement that includes the provisions of paragraphs 1-3 above.  
39 The agreement must guarantee that the necessary facilities and services will be  
40 in place when the impacts of the development occur; or
  - 41 7. The necessary facilities and services are in place or under construction no later  
42 than three (3) years after issuance of a certificate of occupancy.
- 43 H. For school facilities, the following standards shall satisfy the concurrency  
44 requirement:



- 1 1. If public school concurrency is applied on less than a district-wide basis in the  
2 form of concurrency service areas, a residential development order or permit  
3 shall be issued only if the needed capacity for the particular service area is  
4 available in one or more contiguous service areas and school capacity is  
5 available district-wide.

6 I. Developers must construct all road improvements to meet concurrency  
7 requirements at no cost to the Town.

8 **10.02.04 Facilities and Services Subject to Concurrency Determination.**

9 A concurrency determination shall be made for the following public facilities and  
10 services:

- 11 A. Potable water.  
12 B. Sanitary sewer  
13 C. Transportation  
14 D. Solid Waste Disposal  
15 E. Stormwater Management  
16 F. Parks

17 **10.02.05 Facility and Service Demand Calculations**

18 Facilities and services shall be analyzed based on the levels of service (LOS) outlined  
19 in the Town's Comprehensive Plan.

20 **10.02.06 Alternative Demand Calculations**

21 If the applicant claims the standards provided in the demand calculations are not  
22 applicable to the proposed project, the applicant shall submit appropriate  
23 documentation supporting the proposed alternative demand calculation to the Town.  
24 Any alternative calculation standard shall be subject to the approval of the Town  
25 Council.

26 **10.02.07 Appellate Process**

27 The applicant may appeal the denial of a Certificate of Concurrency to Town Council.  
28 The appeal shall be made in accordance with Section 9.02.03 of Chapter 9.

29 **10.03.00 DETERMINING PROPORTIONATE FAIR SHARE**

30 **10.03.01 General Requirements**

- 31 A. An applicant may choose to satisfy the transportation concurrency requirements of  
32 the Town by making a proportionate fair-share contribution, pursuant to the  
33 following requirements:  
34 1. The proposed development is consistent with the comprehensive plan and  
35 applicable land development regulations and  
36 2. The five-year schedule of capital improvements in the Capital Improvements  
37 Element (CIE) or the schedule of capital improvements for the long-term CMS  
38 includes a transportation improvement(s) that, upon completion, will satisfy the

1 then existing requirements of the applicable CMS. The provisions of Section  
2 5(2) may apply if a project or projects needed to satisfy concurrency are not  
3 presently contained within the applicable CIE(s) or the adopted long-term  
4 schedule of capital improvements.

- 5 3. A proportionate share contribution may involve the addition of transportation  
6 capacity through several means including but not limited to: the physical  
7 widening and/or reconstruction of a roadway to add capacity; the addition of  
8 transportation capacity through creating new reliever roadways; new network  
9 additions; contributing to new transit capital facilities (e.g., bus rapid transit  
10 corridor); contributing to the expansion of bus fleets to increase service  
11 frequency, other contributions to mass transit system expenses; or any other  
12 means determined by the Town to add transportation capacity sufficient to  
13 mitigate impacts.

- 14 B. The Town may choose to allow an applicant to satisfy transportation concurrency  
15 through the Proportionate Fair-Share Program by approving the applicant's  
16 contribution to an improvement or improvements that, upon completion, will  
17 satisfy the requirements of the applicable CMS(s), but is not contained in the five-  
18 year schedule of capital improvements in the CIE(s) or a long-term schedule of  
19 capital improvements for an adopted long-term CMS, where the following apply:

- 20 1. The jurisdiction approving the development order adopts, by resolution or  
21 ordinance, a commitment to add the improvement to the schedule of capital  
22 improvements in the CIE or long-term schedule of capital improvements for an  
23 adopted long-term CMS no later than the next regularly scheduled update. To  
24 qualify for consideration under this section, the proposed improvement must be  
25 reviewed by the appropriate jurisdictions and agencies and must be determined  
26 to be financially feasible pursuant to §163.3180(16)(b)1, F.S., consistent with  
27 the comprehensive plan of each jurisdiction within which any portion of the  
28 proposed improvement would lie, and in compliance with the provisions of this  
29 ordinance. Financial feasibility for this section means that additional  
30 contributions, payments, or funding sources are reasonably anticipated during  
31 a period not to exceed 10 years to fully mitigate impacts on the transportation  
32 facilities. If a transportation facility proposed for the Proportionate Share  
33 Program is under the jurisdiction of another entity, such as the County or FDOT,  
34 the proposed improvement shall be included in the five-year Work Program of  
35 that jurisdiction or, when the improvement is not in the Work Program, through  
36 resolution or ordinance, there shall be adoption of a commitment to add the  
37 improvement to the schedule of capital improvements in the CIE or long-term  
38 schedule of capital improvements for an adopted long-term CMS no later than  
39 the next regularly scheduled update.

- 40 2. 2. If the funds allocated for the schedule of capital improvements in the CIE  
41 are insufficient to fund construction of a transportation improvement required  
42 by the CMS, the Town may still enter into a binding proportionate fair-share  
43 agreement with the applicant. The agreement may authorize construction of the  
44 development if the proportionate fair-share amount in such agreement is  
45 determined to be sufficient to pay for improvements which will, in the opinion

1 of the governing body of each governmental entity or entities maintaining the  
2 transportation facilities, significantly benefit the impacted transportation  
3 system. The improvement(s) funded by the proportionate fair-share component  
4 must, for each affected local jurisdiction, be adopted into the capital  
5 improvements schedule of the comprehensive plan or the long-term schedule of  
6 capital improvements for an adopted long-term concurrency management  
7 system at the next annual capital improvements element update.

- 8 C. Any improvement project proposed to meet the developer's fair share obligation  
9 must meet the Howey-in-the-Hills design standards, or those of Lake County for  
10 County facilities or those of FDOT for State facilities.
- 11 D. Pursuant to Section 163.3177, F.S., the CIE must include transportation  
12 improvements included in the Lake Sumter MPO Transportation Improvement Plan  
13 (TIP) to the extent that such improvements are relied upon to ensure concurrency  
14 and financial feasibility. If the Town is relying upon scheduled improvements to a  
15 facility maintained by the other to ensure concurrency and financial feasibility, the  
16 scheduled improvements from the other jurisdiction's Work Program must be  
17 included in the CIE of the local government issuing the development order. All  
18 CIEs must also be coordinated with the adopted Lake Sumter MPO's Long Range  
19 Transportation Plan (LRTP) for planning purposes.

20 **10.03.02 Intergovernmental Coordination**

- 21 **A. IN THE INTEREST OF INTERGOVERNMENTAL COORDINATION**  
22 **AND TO REFLECT THE SHARED RESPONSIBILITIES FOR**  
23 **MANAGING DEVELOPMENT AND CONCURRENCY, THE TOWN MAY**  
24 **ENTER INTO AN AGREEMENT WITH AN ADJACENT LOCAL**  
25 **GOVERNMENT(S) TO ADDRESS CROSS JURISDICTIONAL IMPACTS**  
26 **OF DEVELOPMENT ON TRANSPORTATION FACILITIES. THE**  
27 **AGREEMENT SHALL PROVIDE FOR APPLICATION OF THE**  
28 **METHODOLOGY IN THIS SECTION TO ADDRESS THE CROSS**  
29 **JURISDICTIONAL TRANSPORTATION IMPACTS OF DEVELOPMENT.**
- 30 **B. A DEVELOPMENT APPLICATION SHALL BE SUBJECT TO THIS**  
31 **SECTION WHEN A TRANSPORTATION CONCURRENCY**  
32 **DETERMINATION IS MADE THAT INDICATES THE DEVELOPMENT**  
33 **WILL HAVE AN ADVERSE IMPACT ON THE ADOPTED LEVEL OF**  
34 **SERVICE STANDARD ON ONE OR MORE FACILITIES IN A**  
35 **NEIGHBORING JURISDICTION.**
- 36 **C. UPON IDENTIFICATION OF AN IMPACTED TRANSPORTATION**  
37 **FACILITY, THE APPROVING TOWN SHALL NOTIFY THE**  
38 **APPLICANT AND THE OTHER AFFECTED JURISDICTIONS IN**  
39 **WRITING OF A POTENTIAL PROPORTIONATE FAIR-SHARE**  
40 **AGREEMENT, BASED ON THE PROJECTED IMPACTS OF THE**  
41 **PROPOSED DEVELOPMENT ON THE FACILITY.**
- 42 **D. PURSUANT TO POLICIES IN THE INTERGOVERNMENTAL**  
43 **COORDINATION ELEMENT OF THE TOWN'S COMPREHENSIVE**

1 PLANS AND APPLICABLE POLICIES IN THE LAKE SUMTER MPO  
2 2025 LRTP, THE TOWN SHALL COORDINATE WITH AFFECTED  
3 JURISDICTIONS, INCLUDING FDOT, REGARDING MITIGATION TO  
4 IMPACTED FACILITIES. PROPORTIONATE FAIR-SHARE  
5 CONTRIBUTIONS SHOULD BE APPLIED TOWARD THE IMPACTED  
6 FACILITY. HOWEVER, IMPACTED FACILITIES MAY BE  
7 MAINTAINED BY AN AGENCY OTHER THAN THE LOCAL  
8 GOVERNMENT EXECUTING THE PROPORTIONATE FAIR-SHARE  
9 AGREEMENT (E.G., A COUNTY OR STATE ROAD WITHIN THE CITY  
10 LIMITS). THEREFORE, EACH LOCAL GOVERNMENT SHALL WORK  
11 WITH OTHER AFFECTED AGENCIES TO ESTABLISH A PROCEDURE  
12 FOR COORDINATING MITIGATION TO IMPACTED FACILITIES  
13 THAT ARE MAINTAINED BY ANOTHER AGENCY. AN INTERLOCAL  
14 AGREEMENT MAY BE ESTABLISHED WITH OTHER AFFECTED  
15 JURISDICTIONS FOR THIS PURPOSE.  
16

17 **10.03.03 Application Process**

- 18 A. Upon notification of a lack of capacity to satisfy transportation concurrency, the  
19 applicant shall be notified in writing of the opportunity to satisfy transportation  
20 concurrency through the Proportionate Fair-Share Program pursuant to the  
21 requirements of Section 5.
- 22 B. Prior to submitting an application for a proportionate fair-share agreement, a pre-  
23 application meeting shall be held with all affected jurisdictions to discuss  
24 eligibility, application submittal requirements, potential mitigation options, and  
25 related issues. The appropriate parties for review of a proposed proportionate fair  
26 share agreement include the jurisdiction maintaining the transportation facility that  
27 is subject to the agreement, if other than the approving jurisdiction. If the impacted  
28 facility is a state facility, then FDOT will be invited to participate in the pre-  
29 application meeting.
- 30 C. The Town shall review the application and certify that the application is sufficient  
31 and complete within 15 business days. If an application is determined to be  
32 insufficient, incomplete or inconsistent with the general requirements of the  
33 Proportionate Fair-Share Program, then the applicant will be notified in writing of  
34 the reasons for such deficiencies within 15 business days of submittal of the  
35 application. If such deficiencies are not remedied by the applicant within 30 days  
36 of receipt of the written notification, then the application will be deemed  
37 abandoned. The governing body of the Town may, in its discretion, grant an  
38 extension of time not to exceed 60 days to cure such deficiencies, provided that the  
39 applicant has shown good cause for requesting the extension and has taken  
40 reasonable steps to remedy the deficiencies.
- 41 D. Pursuant to Section 163.3180(16)(e), F.S., proposed proportionate fair-share  
42 mitigation for development impacts to facilities on the Strategic Intermodal System  
43 (SIS) requires the approval of FDOT. The applicant shall submit evidence of an

1 agreement between the applicant and FDOT for inclusion in the proportionate fair-  
2 share agreement.

- 3 E. When an application is deemed sufficient, complete, and eligible, the applicant  
4 shall be advised in writing and a proposed proportionate fair-share obligation and  
5 binding agreement will be prepared by the local government with jurisdiction over  
6 the proposed development, and delivered to the appropriate parties for review no  
7 later than 60 days from the date which the applicant received the notification of a  
8 sufficient application and no fewer than 14 days prior to the governing body  
9 meeting when the agreement will be considered. The jurisdiction may need to enter  
10 into an agreement with FDOT as appropriate.
- 11 F. The Town shall notify the applicant regarding the date of the governing body  
12 meeting when the agreement will be considered for final approval. No  
13 proportionate fair-share agreement will be effective until approved by the  
14 governing body.

15 **10.03.04 Determining Proportionate Fair-Share Obligation**

- 16 **A. PROPORTIONATE FAIR-SHARE MITIGATION FOR CONCURRENCY**  
17 **IMPACTS MAY INCLUDE, WITHOUT LIMITATION, SEPARATELY OR**  
18 **COLLECTIVELY: PRIVATE FUNDS, CONTRIBUTIONS OF LAND, AND**  
19 **CONSTRUCTION OF AND CONTRIBUTION OF FACILITIES.**
- 20 **B. A DEVELOPMENT SHALL NOT BE REQUIRED TO PAY MORE THAN**  
21 **ITS PROPORTIONATE FAIR-SHARE. THE FAIR MARKET VALUE OF**  
22 **THE PROPORTIONATE FAIR-SHARE MITIGATION FOR THE**  
23 **IMPACTED FACILITIES SHALL NOT DIFFER REGARDLESS OF THE**  
24 **METHOD OF MITIGATION.**
- 25 **C. THE METHODOLOGY USED TO CALCULATE AN APPLICANT’S**  
26 **PROPORTIONATE FAIR-SHARE OBLIGATION SHALL BE AS**  
27 **PROVIDED FOR IN SECTION 163.3180(12), F. S., AS FOLLOWS:**

28  
29 Proportionate Fair-Share =  $\sum [[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i]$

30  
31 Where:

32 Development Trips<sub>i</sub> = Those trips from the stage or phase of development under review  
33 that are assigned to roadway segment “i” and have triggered a  
34 deficiency per the CMS; only those trips that trigger a  
35 concurrency deficiency will be included in the proportionate  
36 fair-share calculation;

37 SV Increase<sub>i</sub> = Service volume increase contributed by the eligible  
38 improvement to roadway segment “i”;

39 Cost<sub>i</sub> = Adjusted cost of the improvement to segment “i”. Cost shall  
40 include all improvements and associated costs, such as design,  
41 right-of-way acquisition, planning, engineering, inspection, and  
42 physical development costs directly associated with  
43 construction at the anticipated cost in the year it will be incurred.

1 For the purposes of determining proportionate fair-share obligations, the Town shall  
2 determine improvement costs based upon the actual cost of the improvement as  
3 obtained from cost estimates contained in the CIE, the Lake County Transportation  
4 Construction Program or the FDOT Work Program. Where such information is not  
5 available, improvement cost shall be determined by the following method: an analysis  
6 by the jurisdiction maintaining the facility of costs by cross section type that  
7 incorporates data from recent projects and is updated annually and approved by the  
8 jurisdiction. In order to accommodate increases in construction material costs, project  
9 costs shall be adjusted.

10 D. If the Town has accepted an improvement project proposed by the applicant, then  
11 the value of the improvement shall be determined using one of the methods  
12 provided in this section.

13 E. If the Town has accepted right-of-way dedication for the proportionate fair-share  
14 payment, credit for the dedication of the non-site related right-of-way shall be  
15 valued on the date of the dedication at 120 percent of the most recent assessed value  
16 by the Lake County property appraiser or, at the option of the applicant, by fair  
17 market value established by an independent appraisal approved by the Town and at  
18 no expense to the Town. The applicant shall supply a survey and legal description  
19 of the land and a certificate of title or title search of the land to the Town at no  
20 expense to the Town. If the estimated value of the right-of-way dedication  
21 proposed by the applicant is less than the Town estimated total proportionate fair-  
22 share obligation for that development, then the applicant must also pay the  
23 difference. Prior to purchase or acquisition of any real estate or acceptance of  
24 donations of real estate intended to be used for the proportionate fair-share, public  
25 or private partners should contact FDOT for essential information about  
26 compliance with federal law and regulations.

27 **10.03.05 Impact Fee Credit for Proportionate Fair-Share Mitigation**

28 A. PROPORTIONATE FAIR-SHARE CONTRIBUTIONS SHALL BE APPLIED  
29 AS A CREDIT AGAINST IMPACT FEES TO THE EXTENT THAT ALL OR A  
30 PORTION OF THE PROPORTIONATE FAIR-SHARE MITIGATION IS USED  
31 TO ADDRESS THE SAME CAPITAL INFRASTRUCTURE IMPROVEMENTS  
32 CONTEMPLATED BY THE LOCAL GOVERNMENT'S IMPACT FEE  
33 ORDINANCE. APPLICANTS WOULD BE ELIGIBLE FOR IMPACT FEE  
34 CREDIT FOR THAT PORTION OF THEIR PROPORTIONATE FAIR-SHARE  
35 PAYMENT THAT APPLIES TO A SEGMENT FOR WHICH THE LOCAL  
36 GOVERNMENT TRANSPORTATION IMPACT FEE IS BEING APPLIED.

37 B. IMPACT FEE CREDITS FOR THE PROPORTIONATE FAIR-SHARE  
38 CONTRIBUTION WILL BE DETERMINED WHEN THE TRANSPORTATION  
39 IMPACT FEE OBLIGATION IS CALCULATED FOR THE PROPOSED  
40 DEVELOPMENT. IMPACT FEES OWED BY THE APPLICANT WILL BE  
41 REDUCED PER THE PROPORTIONATE FAIR-SHARE AGREEMENT PER  
42 THE IMPACT FEE ORDINANCE OF THE JURISDICTION WITHIN WHICH  
43 THE AFFECTED ROADWAY FACILITY LIES, AND IF THE FACILITY LIES



1            WITHIN MORE THAN ONE JURISDICTION, THE IMPACT FEE CREDITS  
2            SHALL BE PRORATED ACCORDINGLY. IF THE APPLICANT'S  
3            PROPORTIONATE FAIR-SHARE OBLIGATION IS LESS THAN THE  
4            DEVELOPMENT'S ANTICIPATED ROAD IMPACT FEE FOR THE SPECIFIC  
5            STAGE OR PHASE OF DEVELOPMENT UNDER REVIEW, THEN THE  
6            APPLICANT OR ITS SUCCESSOR MUST PAY THE REMAINING IMPACT  
7            FEE AMOUNT TO THE COUNTY AND ANY OTHER JURISDICTIONS  
8            ENTITLED TO COLLECT IMPACT FEES, PURSUANT TO THE  
9            REQUIREMENTS OF THE APPLICABLE IMPACT FEE ORDINANCES.

10           C. THE PROPORTIONATE FAIR-SHARE OBLIGATION IS INTENDED TO  
11           MITIGATE THE TRANSPORTATION IMPACTS OF A PROPOSED  
12           DEVELOPMENT AT A SPECIFIC LOCATION. AS A RESULT, ANY ROAD  
13           IMPACT FEE CREDIT BASED UPON PROPORTIONATE FAIR-SHARE  
14           CONTRIBUTIONS FOR A PROPOSED DEVELOPMENT CANNOT BE  
15           TRANSFERRED TO ANY OTHER LOCATION UNLESS PROVIDED FOR  
16           WITHIN THE LOCAL IMPACT FEE ORDINANCE.

17           10.03.06 Proportionate Fair-Share Agreements

18           A. UPON EXECUTION OF A PROPORTIONATE FAIR-SHARE AGREEMENT  
19           (AGREEMENT), THE APPLICANT SHALL RECEIVE A CERTIFICATE OF  
20           CONCURRENCY FROM THE JURISDICTION ISSUING DEVELOPMENT  
21           APPROVAL. SHOULD THE APPLICANT FAIL TO APPLY FOR A  
22           DEVELOPMENT ORDER WITHIN 12 MONTHS OF THE EXECUTION OF  
23           THE AGREEMENT, THE CERTIFICATE OF CONCURRENCY SHALL BE  
24           CONSIDERED NULL AND VOID, AND THE APPLICANT SHALL BE  
25           REQUIRED TO REAPPLY FOR A CONCURRENCY DETERMINATION. IN  
26           ADDITION, IF THE PROPOSED DEVELOPMENT'S IMPACTS WERE THE  
27           ONLY IMPACTS CAUSING THE POTENTIAL DEFICIENT OPERATION OF  
28           THE FACILITY, THE SPECIFIC PROJECT MAY BE REMOVED FROM THE  
29           CIE.

30           B. PAYMENT OF THE PROPORTIONATE FAIR-SHARE CONTRIBUTION IS  
31           DUE IN FULL PRIOR TO ISSUANCE OF THE FINAL DEVELOPMENT  
32           ORDER WHICH FOR THE PURPOSES OF THIS SECTION SHALL BE  
33           RECORDING OF THE FINAL PLAT IF THE PROPERTY TO BE DEVELOPED  
34           IS BEING SUBDIVIDED, APPROVAL OF THE FINAL SITE PLAN FOR A  
35           DEVELOPMENT WHICH ENTAILS MULTIPLE RESIDENTIAL OR  
36           COMMERCIAL UNITS BUT IS NOT BEING SUBDIVIDED, AND ISSUANCE  
37           OF A BUILDING PERMIT IF THE DEVELOPMENT CONSISTS OF A SINGLE  
38           USE STRUCTURE ON LAND NOT BEING SUBDIVIDED. ONCE PAID,  
39           CONTRIBUTIONS SHALL BE NON-REFUNDABLE. IF THE PAYMENT IS  
40           SUBMITTED MORE THAN 6 MONTHS FROM THE DATE OF EXECUTION  
41           OF THE AGREEMENT, THEN THE PROPORTIONATE FAIR-SHARE COST  
42           SHALL BE RECALCULATED AT THE TIME OF PAYMENT BASED ON THE  
43           BEST ESTIMATE OF THE CONSTRUCTION COST OF THE REQUIRED



1 IMPROVEMENT AT THE TIME OF PAYMENT, PURSUANT TO SECTION 8  
2 AND ADJUSTED ACCORDINGLY.

3 C. ALL TRANSPORTATION IMPROVEMENTS UNDERTAKEN BY THE  
4 DEVELOPER AUTHORIZED UNDER THIS ORDINANCE MUST BE  
5 COMPLETED PRIOR TO ISSUANCE OF A FINAL DEVELOPMENT ORDER,  
6 OR AS OTHERWISE ESTABLISHED IN A BINDING AGREEMENT THAT IS  
7 ACCOMPANIED BY A SECURITY INSTRUMENT THAT IS SUFFICIENT TO  
8 ENSURE THE COMPLETION OF ALL REQUIRED IMPROVEMENTS. ANY  
9 SECURITY INSTRUMENT, IN A FORM ACCEPTABLE THE APPROVING  
10 LOCAL GOVERNMENT, SHALL BE FOR AT LEAST 150% OF THE  
11 ESTIMATED COST OF IMPROVEMENTS TO BE COMPLETED BY THE  
12 DEVELOPER, AND SHALL BE SUBJECT TO ADJUSTMENT ANNUALLY  
13 TO TAKE INTO ACCOUNT ANY INCREASES IN COSTS OF MATERIALS  
14 AND CONSTRUCTION. THE SECURITY INSTRUMENT SHALL BE  
15 IRREVOCABLE AND SHALL REMAIN IN EFFECT UNTIL THE  
16 DEVELOPER FULLY COMPLETES THE REQUIRED IMPROVEMENTS.

17 D. DEDICATION OF NECESSARY RIGHT-OF-WAY FOR FACILITY  
18 IMPROVEMENTS PURSUANT TO A PROPORTIONATE FAIR-SHARE  
19 AGREEMENT MUST BE COMPLETED PRIOR TO ISSUANCE OF THE  
20 FINAL DEVELOPMENT ORDER AS DEFINED IN SUBSECTION 10(2)  
21 ABOVE.

22 E. ANY REQUESTED CHANGE TO A DEVELOPMENT PROJECT  
23 SUBSEQUENT TO A DEVELOPMENT ORDER MAY BE SUBJECT TO  
24 ADDITIONAL PROPORTIONATE FAIR-SHARE CONTRIBUTIONS TO THE  
25 EXTENT THE CHANGE WOULD GENERATE ADDITIONAL IMPACTS  
26 THAT WOULD REQUIRE MITIGATION.

27 F. APPLICANTS MAY SUBMIT A LETTER TO WITHDRAW FROM THE  
28 PROPORTIONATE FAIR-SHARE AGREEMENT AT ANY TIME PRIOR TO  
29 THE EXECUTION OF THE AGREEMENT. THE APPLICATION FEE AND  
30 ANY ASSOCIATED ADVERTISING COSTS TO THE TOWN WILL BE  
31 NONREFUNDABLE.

32 G. THE TOWN MAY ENTER INTO PROPORTIONATE FAIR-SHARE  
33 AGREEMENTS WITH MULTIPLE APPLICANTS FOR SELECTED  
34 CORRIDOR IMPROVEMENTS TO A SHARED TRANSPORTATION  
35 FACILITY.

36 10.03.07 Appropriation of Fair-Share Revenues

37 A. PROPORTIONATE FAIR-SHARE REVENUES SHALL BE PLACED IN THE  
38 APPROPRIATE PROJECT ACCOUNT OF THE LOCAL GOVERNMENT(S)  
39 ENTITLED TO SHARE IN THE REVENUES FOR FUNDING OF  
40 SCHEDULED IMPROVEMENTS IN THE TOWN'S CIE, OR AS OTHERWISE  
41 ESTABLISHED IN THE TERMS OF THE PROPORTIONATE FAIR-SHARE  
42 AGREEMENT. AT THE DISCRETION OF THE LOCAL GOVERNMENT,  
43 PROPORTIONATE FAIR-SHARE REVENUES MAY BE USED FOR

1 OPERATIONAL IMPROVEMENTS PRIOR TO CONSTRUCTION OF THE  
2 CAPACITY PROJECT FROM WHICH THE PROPORTIONATE FAIR-SHARE  
3 REVENUES WERE DERIVED. PROPORTIONATE FAIR-SHARE  
4 REVENUES MAY ALSO BE USED AS THE 50% LOCAL MATCH FOR  
5 FUNDING UNDER THE FDOT TRANSPORTATION REGIONAL  
6 INCENTIVE PROGRAM (TRIP).

7 B. IN THE EVENT A SCHEDULED FACILITY IMPROVEMENT IS REMOVED  
8 FROM THE CIE, THE REVENUES COLLECTED FOR ITS CONSTRUCTION  
9 MAY BE APPLIED TOWARD THE CONSTRUCTION OF ANOTHER  
10 IMPROVEMENT WITHIN THAT SAME CORRIDOR OR SECTOR THAT  
11 WOULD MITIGATE THE IMPACTS OF DEVELOPMENT PURSUANT TO  
12 THE REQUIREMENTS OF SECTION 5(2)(B).

13 C. WHERE AN IMPACTED FACILITY HAS BEEN DESIGNATED AS A  
14 REGIONALLY SIGNIFICANT TRANSPORTATION FACILITY ON THE  
15 LAKE-SUMTER MPO REGIONALLY SIGNIFICANT CORRIDORS MAP,  
16 THEN THE TOWN MAY COORDINATE WITH OTHER IMPACTED  
17 JURISDICTIONS AND AGENCIES TO APPLY PROPORTIONATE FAIR-  
18 SHARE CONTRIBUTIONS TO SEEK FUNDING FOR IMPROVING THE  
19 IMPACTED REGIONAL FACILITY UNDER THE FDOT TRIP. SUCH  
20 COORDINATION SHALL BE RATIFIED BY THE TOWN THROUGH AN  
21 INTERLOCAL AGREEMENT THAT ESTABLISHES A PROCEDURE FOR  
22 EARMARKING OF THE DEVELOPER CONTRIBUTIONS FOR THIS  
23 PURPOSE.

24 D. WHERE AN APPLICANT CONSTRUCTS A TRANSPORTATION FACILITY  
25 THAT EXCEEDS THE APPLICANT'S PROPORTIONATE FAIR-SHARE  
26 OBLIGATION CALCULATED UNDER SECTION 8, THE TOWN SHALL  
27 REIMBURSE THE APPLICANT FOR THE EXCESS CONTRIBUTION USING  
28 ONE OR MORE OF THE FOLLOWING METHODS:

29 1. AN IMPACT FEE CREDIT ACCOUNT MAY BE ESTABLISHED FOR THE  
30 APPLICANT IN THE AMOUNT OF THE EXCESS CONTRIBUTION, A  
31 PORTION OR ALL OF WHICH MAY BE ASSIGNED AND REASSIGNED  
32 TO SUBSEQUENT OWNERS OF THE LAND TO BE DEVELOPED,  
33 UNDER THE TERMS AND CONDITIONS ACCEPTABLE TO THE  
34 COUNTY OR **TOWNMUNICIPALITY**, BUT WHICH MUST RUN WITH  
35 THE LAND AND MAY NOT BE ASSIGNED IN GROSS TO THE  
36 DEVELOPER OF ANY OTHER PARCEL OF PROPERTY.

37 2. AN ACCOUNT MAY BE ESTABLISHED FOR THE APPLICANT FOR  
38 THE PURPOSE OF REIMBURSING THE APPLICANT FOR THE EXCESS  
39 CONTRIBUTION WITH PROPORTIONATE FAIR-SHARE PAYMENTS  
40 FROM FUTURE APPLICANTS ON THE FACILITY.

41 3. THE TOWN MAY COMPENSATE THE APPLICANT FOR THE EXCESS  
42 CONTRIBUTION THROUGH PAYMENT OR SOME COMBINATION OF  
43 MEANS ACCEPTABLE TO THE TOWN AND THE APPLICANT.

1 **10.04.00 SCHOOL CONCURRENCY**

2 A. It is the intent of this section to implement the goals, objectives, policies and  
3 standards of the Town of Howey in the Hills Comprehensive Plan, as amended, and  
4 particularly, the Public School Facilities Element and to implement the Interlocal  
5 Agreement between Lake County, the Lake County School Board, and  
6 Municipalities for School Facilities Planning and Siting (hereafter referred to the  
7 "Agreement").

8 B. Unless otherwise provided herein, this ordinance shall apply to all development  
9 orders with any residential component and any amendment to an existing  
10 development order to the extent that the student generation is increased above what  
11 was previously approved, or any other official action of the Town having the effect  
12 of permitting residential development of land. The following residential uses shall  
13 be considered exempt from the requirements of school concurrency (unless the  
14 development approval for such use required it to meet School Concurrency).

- 15 1. Single family lots having received final plat approval prior to the effective date  
16 of the Town's School Concurrency Ordinance or other lots which the Town has  
17 determined are vested based on statutory or common law vesting.
- 18 2. Multi-family residential development having received final site plan approval  
19 prior to the effective date of the Town's School Concurrency Ordinance or other  
20 multi-family residential development which the Town has determined is vested  
21 based on statutory or common law vesting.
- 22 3. Amendments to residential development approvals issued prior to the effective  
23 date of the Town's School Concurrency Ordinance, which do not increase the  
24 number of residential units or change the type of residential units proposed.
- 25 4. Age restricted communities (as defined in the School Concurrency Ordinance)  
26 that are subject to deed restrictions prohibiting the permanent occupancy of  
27 residents under the age of eighteen (18). Such deed restrictions must be  
28 recorded and must be irrevocable for a period of at least fifty (50) years.
- 29 5. Plats or residential site plans which include four (4) or less units. For purposes  
30 of this section, a property owner may not divide his property into several  
31 developments in order to claim exemption as allowed by this section. In making  
32 a determination as to whether a property is exempt under this section, the Town  
33 shall consider in addition to the ownership at the time of the application the  
34 ownership as of the date of the adoption of this agreement.

35 C. To ensure the capacity of schools is sufficient to support student growth at the  
36 adopted Level of Service for each year of the five-year planning period and through  
37 the long term planning period, after June 1, 2008, the following Level of Service  
38 standard shall be established for all schools of each type within each CSA and each  
39 individual school:

- 40 1. Elementary: 100% of permanent FISH capacity. If core dining capacity is  
41 available in excess of FISH capacity, the school capacity shall be increased up  
42 to 125% of FISH capacity by adding seats located in temporary student stations  
43 so long as the total capacity does not exceed core dining capacity.
- 44 2. Middle: 100% of permanent FISH capacity. If core dining capacity is available

1 in excess of FISH capacity, the school capacity shall be increased up to 125%  
2 of FISH capacity by adding seats located in temporary student stations so long  
3 as the total capacity does not exceed core dining capacity.

4 3. High: 100% of permanent FISH capacity. If core dining capacity is available in  
5 excess of FISH capacity, the school capacity shall be increased up to 125% of  
6 FISH capacity by adding seats located in temporary student stations so long as  
7 the total capacity does not exceed core dining capacity.

8 a. For purposes of (1), (2), and (3) above, non-conversion charter schools shall  
9 be counted as FISH capacity if an agreement has been entered between the  
10 charter school and the School Board which requires the school facility to be  
11 constructed in accordance with Florida Department of Education standards  
12 for public schools; which provides that the school facility will be provided  
13 to the School Board for its use if the charter school fails to operate  
14 satisfactorily; and, which provides that if there are financing arrangements  
15 for the school, the School Board will be able to operate the school without  
16 having to be responsible for such financing costs or that the School Board  
17 is willing and able to accept responsibility for such costs.

18 b. For purposes of (1), (2) and (3) above, a developer financed public school  
19 shall be counted as FISH capacity if an agreement has been entered between  
20 the developer and the School Board which requires the school facility to be  
21 constructed in accordance with Florida Department of Education standards  
22 for public schools; which requires that the Developer transfer the school  
23 facility to the School Board upon its completion; and, which provides that  
24 if there are financing arrangements for the school, the School Board will be  
25 able to operate the school without having to be responsible for such  
26 financing costs or that the School Board is willing and able to accept  
27 responsibility for such costs.

28 D. The following procedures will be utilized to obtain a School Concurrency  
29 Determination from the Lake County School Board and to allow for mitigation if a  
30 development proposal is determined not to be in compliance.

31 E. A completed application provided by and delivered to the Lake County School  
32 Board must be submitted concurrent with a final development order by an applicant  
33 proposing residential development. The application at a minimum shall include the  
34 following information:

- 35 1. Proposed Development Name
- 36 2. Application Type
- 37 3. Intake Date
- 38 4. Signature of Agent
- 39 5. Number of Residential Units broken down by unit type
- 40 6. Property Deed
- 41 7. Consent Form
- 42 8. Phasing Plan (If Applicable)
- 43 9. Site Plan
- 44 10. Survey
- 45 11. Justification Statement

12. Location Map

- 1  
2 F. Within three days of submitting to the School Board, the applicant must present a  
3 copy of the application to the Town. The Town shall provide a Determination of  
4 Authenticity to the School Board within three days of receiving the application.  
5 G. The School Board shall review the application in accordance with the provisions of  
6 Section 5.5.2 of the *Agreement* and base the concurrency determination on  
7 standards outlined in Section 5.5.3 of the *Agreement*.  
8 H. No development order shall be approved unless a Letter of Determination of  
9 Concurrency has been issued by the School Board finding the development in  
10 compliance.  
11 I. Once the School Board has reviewed the application it shall issue a Letter of  
12 Determination of Concurrency within 30 days if the impact of the proposed  
13 developments student growth does not cause the adopted Level of Service to be  
14 exceeded.  
15 J. If the development is not in compliance, the Letter of Determination of  
16 Concurrency shall detail why the development is not in compliance and shall offer  
17 the applicant the opportunity to enter into a 90 day negotiation period in accordance  
18 with the provisions of Section 5.6 of the *Agreement*.  
19 K. During the 90-day negotiation period the applicant shall meet with the School  
20 Board in an effort to mitigate the impact from the development.  
21 1. Mitigation shall be limited to those options which the School Board recognizes  
22 and assumes the responsibility to operate and which will maintain the adopted  
23 Level of Service standards for the first five years from receipt of the School  
24 Boards Letter of Determination of Concurrency.  
25 2. The Town of Howey in the Hills shall have the opportunity to review the  
26 mitigation options.  
27 3. The Town Council shall approve all Proportionate Share Agreements.  
28 L. If mitigation is not agreed to, the Letter of Determination of Concurrency shall  
29 detail why mitigation proposals were rejected and detail why the development is  
30 not in compliance. In this case, no development order shall be issued.  
31 M. If the School Board and the applicant agree to mitigation, the Letter of  
32 Determination of Concurrency shall be issued based on the agreed mitigation  
33 measures and an agreement between the School Board, the Town, and the applicant.  
34 N. A Letter of Determination for School Concurrency, finding the development in  
35 compliance, issued by the School Board shall be valid for one year from the date  
36 of issuance unless extended by the School Board. Once the development order is  
37 issued, the concurrency determination shall run with the development order.  
38 O. If the Letter of Determination of Concurrency requires conditions or mitigation to  
39 be placed on the development, the development order issued by the Town shall  
40 incorporate conditions as set forth by the School Board.  
41 P. If the Letter of Determination of Concurrency requires the development to be  
42 phased to school construction or other mitigation, the conditions of approval of the  
43 development order shall reflect the phasing requirements by withholding  
44 subsequent development orders for building permits.  
45 Q. In no case shall a development order be issued unless provisions are made through

1 conditions of approval or by agreement between the School Board, the Town, and  
2 the applicant to provide Performance Security when required.

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