

# CHAPTER 5

## Accessory and Temporary Uses and Structures

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**5.00.00 GENERALLY**

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

**5.01.00 ACCESSORY USES AND STRUCTURES****5.01.01 Generally**

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

**5.01.02 Reserved****5.01.03 All Accessory Structures**

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

**5.01.04 Accessory Dwellings**

- A. Accessory dwelling units are intended to provide housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment or other kind of multi-family use. Accessory dwelling units shall be

permitted as outlined in the Zoning Chapter in compliance with the following standards:

1. The total floor area shall not exceed 625 square feet;
2. Permitted accessory dwellings are identified in Chapter 2, Table 2.03.03.
3. The maximum height for an accessory dwelling located as a freestanding building or a unit over a detached garage shall not exceed twenty-five (25) feet, measured from the finished grade to the top of the roof;
4. An accessory dwelling shall be located only within a rear yard;
5. All accessory dwellings shall comply with the setback requirements as outlined in Chapter 2.
6. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory dwelling. This provision shall not be construed to prohibit the establishment of an accessory dwelling simultaneously with the establishment of a permitted principal structure.
7. An accessory dwelling shall not have a separate water or electric meter.
8. Accessory dwellings shall be included in all calculations of impervious surfaces.
9. Accessory dwellings shall be architecturally compatible (same building finishes and style) as the principal dwelling.

#### **5.01.05 Dumpsters**

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

#### **5.01.06 Outside Storage**

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

include heavy construction machinery, heavy construction vehicles, and heavy construction equipment.

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

#### **5.01.07 Fences Hedges and Walls**

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

- E. To help ensure proper placement of fences or walls along property lines, property lines shall be established by a survey prepared by a surveyor licensed in Florida. Surveys must be dated within the last two years unless the Building Official determines that an older survey adequately represents the property lines.
- F. Fences and walls shall be erected with the finished side facing out. Posts shall be placed along the inside of the fence. In residential and commercial zoning districts posts shall be securely anchored with concrete. All fencing must be uniform in material, design, and color, except for chain link fencing as allowed in Subsection H. Additions or repairs to existing fences or walls must maintain a uniformity of materials, design and color with that of the existing fence or wall.
- G. With the exception of the Agricultural and Rural Estates zoning districts, electrified fences are prohibited.
- H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts.
- I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the Agricultural, Industrial and Public zoning districts.
- J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.
- K. Columns for walls may be a maximum of 8 feet in height, or as approved through the architectural review process..
- L. Walls shall be designed with either a stucco or brick finish.

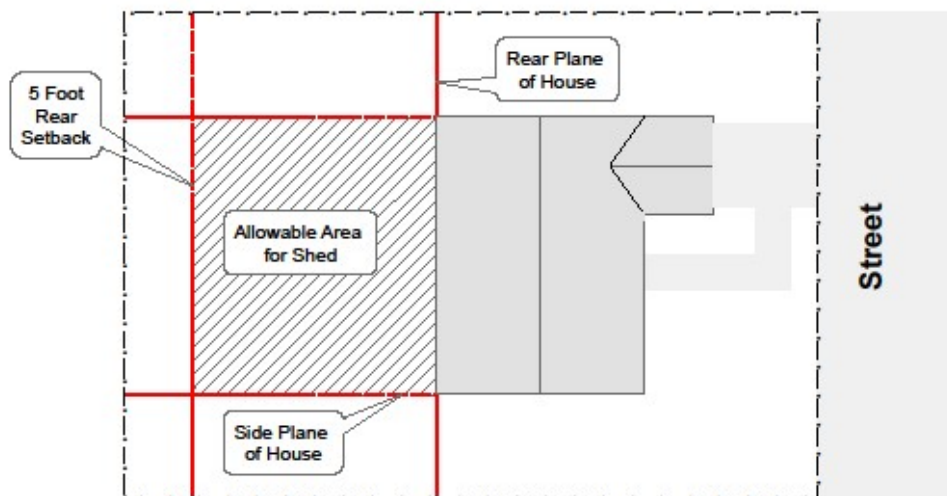
#### **5.01.08 Swimming Pools and Pool Enclosures**

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

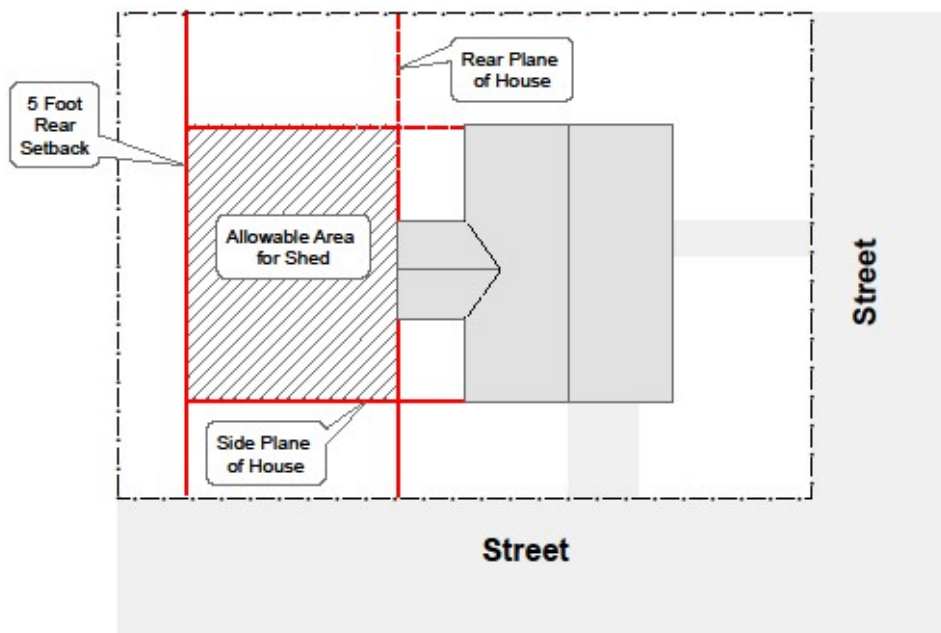
**5.01.09 Storage Sheds**

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

**Storage Shed Placement - Interior Lot**



**Storage Shed Placement - Corner Lot**





**5.01.10 Docks, Piers and Wharfs**

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

**5.01.11 Flagpoles**

Flagpoles shall conform to the maximum height limits established for the zoning classification where they are located. Individual flags displayed on the pole shall not exceed twenty-five (25%) percent of the height of the flagpole. Flagpoles shall not be located within required buffers but may be located within required yards.

**5.02.00 TEMPORARY USES AND STRUCTURES****5.02.01 Generally**

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

**5.02.02 Seasonal Sales**

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

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

#### **5.02.03 Special Events**

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

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

#### **5.02.04 Temporary Construction and Sales Offices**

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

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

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

#### **5.02.05 Model Homes and Sales Offices**

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

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

#### **5.02.06 Movable Module Storage Units**

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

- A. A temporary use permit shall be obtained.
- B. The duration of the temporary use permit shall be limited to fourteen (14) days per lot per year.
- C. The storage pod may be placed on a paved or unpaved surface. When the temporary use permit authorizes location of the storage pod on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.
- D. The storage pod may be placed in a front or rear yard. Placement in a side yard is prohibited.
- E. The storage pod shall not be placed within an easement, stormwater area, or required buffer.
- F. The storage pod shall be placed at least ten (10) feet from any property line.
- G. The storage pod shall not obstruct pedestrian access.
- H. The storage pod shall not be located within the clear visibility area at street intersections as set forth in Section 7.01.08.
- I. The storage pod shall not exceed a maximum size of sixteen (16) feet in length and eight (8) feet in width.

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

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

#### **5.02.08 Temporary Carports and Covers**

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

**5.02.09 Food Trucks**

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
  - 1. The number of food trucks/trailers allowed per parcel is limited to one (1) food truck/trailer per .03125 acre of non-constructed land area, not to exceed a total of six (6) food trucks per parcel.
  - 2. Food trucks/trailers shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of ten (10) feet. Food trucks/trailers shall be five (5) feet from the property line.
  - 3. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel, or other approved material.
  - 4. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
  - 5. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
  - 6. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
  - 7. Each food truck/trailer must be equipped with at least one approved portable fire extinguisher with a minimum rating of 2A: 10 BC.
  - 8. Food trucks/trailers must comply with all current fire prevention codes.
  - 9. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
  - 10. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
  - 11. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
  - 12. Amplified sound is prohibited.
  - 13. Food trucks/trailers may operate only between the hours of 6:00 A.M. and 10:00 P.M.

14. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.
- C. Food truck/trailer approval. An owner of property or a business owner in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

### **5.03.00 SIGNS**

#### **5.03.01 Generally**

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

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

### **5.03.02 Sign Permits**

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

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

### **5.03.03 Enforcement**

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



1. Intent. It is the intent of this chapter to allow nonconforming signs permitted before the adoption of this code to continue under the provisions of this section until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this chapter.
2. Removal of nonconforming signs. All nonconforming and non-permitted signs, except as provided herein, shall be removed immediately or as otherwise provided under section D of this chapter.
3. Continuance of nonconformities. Use of a nonconforming sign may be continued, subject to the following regulations:
  - a. No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time of the adoption of this code, nor shall a nonconforming sign be relocated from its location at the time of adoption of this code.
  - b. Nonconforming signs or sign structures that are defined as abandoned signs under 5.03.03(G) of this chapter shall not be permitted for reuse.
  - c. Signs existing as of the date of this amendment, whose height and/or sign area do not exceed 115 percent of that allowed by the design requirements of this chapter, shall be deemed conforming. Installation or construction of all new signs, and any modification or replacement of signs permitted under this paragraph, shall comply with all applicable height, sign area, and other requirements of this chapter.
  - d. Signs that have substantial rust, missing parts, dents, or other structural or aesthetic deficiencies shall not be considered in good repair, and shall be replaced with a sign that meets the requirements of this section. A sign that is not considered in good repair may not be replaced with a nonconforming sign.
  - e. Nonconforming real estate or construction signs shall be removed no later than six months after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this chapter.
  - f. Repairs, maintenance and improvements. Normal repairs, maintenance and improvements may be made during the period they legally remain.
  - g. Reconstruction after catastrophe. If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty percent (50%) of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this code.
  - h. Casual, temporary or illegal use. The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.
- E. Maintenance of signs: The owner of any sign as defined and regulated by this LDC shall be required to properly maintain such sign. For a sign to be properly maintained, the sign, together with its framework, braces, angles or other

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

**F. Abandoned Signs:**

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

**5.03.04 Prohibited Signs**

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

- A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- B. Any sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.
- C. Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- D. Signs that contain words and traffic control symbols so as to interfere with, mislead, or confuse motorists, such as "stop," "look," "caution," "danger," or "slow."
- E. Signs attached to trees or utility poles.
- F. Snipe signs, except as permitted for campaign advertising or other special events under Section 5.03.07.

- G. Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- H. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- J. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public right-of-way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- K. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and official traffic control signs.
- L. Offsite advertising signs, with the exception of sandwich boards as set forth in Section 5.03.11(D) and Special Event Signs as permitted in 5.03.07.
- M. Signs mounted on any portion of a roof.
- N. Abandoned signs.
- O. Signs erected on public property, with the exception of signs erected by public authority for public purposes, sandwich boards as set forth in Section 5.03.10 (D) and Special Event Signs as permitted in 5.03.07.
- P. Portable or trailer signs.
- Q. Pole signs
- R. Internally lit signs within or adjacent to residential property.
- S. Any other signs that are not specifically permitted or exempted by this LDC

#### **5.03.05 Exempt Signs**

The signs identified in this section are permitted within the Town and are exempt from the requirement to obtain a permit.

- A. Regulatory, statutory, traffic control, or directional signs erected on public property by or with permission of the State of Florida, Lake County, or the Town of Howey in the Hills.
- B. Legal notices and official instruments.
- C. Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
- D. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, and gasoline pumps.
- E. Incidental signs.
- F. Public warning signs to indicate the dangers of swimming, animals, or similar hazards.
- G. Barber poles at barbershops
- H. Temporary window signs are permitted and subject to the following standards:
  - 1. The signs may display or announce any business, civic, cultural, or private sale or event for a period not to exceed thirty (30) days.

2. Temporary signs shall be located wholly within a window and shall not exceed an aggregate area equal to ten percent (10%) of the total glassed area of the store front. Temporary signs, together with permanent window signs, shall not exceed an aggregate equal to twenty percent (20%) of the total glassed area of the store front.
- I. Temporary Signs allowed under section 5.03.07 (D)
- J. Works of art that do not constitute as advertising
- K. Political signs
  1. Signs shall not exceed 16" x 24" in size
  2. Signs are limited to a maximum of two signs per candidate or issue per parcel
  3. Signs may be erected not more than sixty days prior to any election. Removal of political signs shall be regulated by all applicable Florida Statutes.
- L. Garage sale or yard sale signs placed only on the premises of the sale

**5.03.06 Provisionally Exempt Signs**

- A. Signs identified in this section may be placed without a permit, provided that such signs comply with the standards in Table 5.03.06 (A).

**Table 5.03.06 (A) Standards for Provisionally Exempt Signs**

| <b>Type of Sign</b>  | <b>Standards</b>   |
|--|--|
| Identification signs   | 2 square feet or less in area  |
| "No trespassing" or "no dumping" signs                                 | 2 square feet or less in area  |
| Memorial signs or tablets, and names of buildings and dates            | Cut into any masonry surface, or of erection; constructed of bronze or other noncombustible materials and attached to the surface of a building  |
| Decorative flags and bunting   | Used for special events only.  |
| Menu boards, price lists or other signage for drive-through facilities | Maximum of 2 such signs, and maximum area of 24 square feet or less, and located adjacent to and oriented toward the drive-through area  |
| Menus  | 2 square feet or less in area, and mounted at the entrance to a restaurant   |
| Real estate signs  | One sign, 6 square feet or less in area. One sign 16 square feet or less is permitted for parcels of 5 acres or larger and for each commercial or industrial property, unless said property is located in the Town Center. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area. |
| Construction signs   | One sign, 6 square feet or less in area, and located on property where a valid building permit has been issued and has not expired.  |
| Yard or garage sale signs  | 2 square feet or less in area, and located on the property on which a sale is being conducted, and limited to three (3) days per sale, not to exceed two (2) times per year.   |
| Occupant or owner identification sign                                  | 2 square feet or less in area when located in a residential zoning district  |

**5.03.07 Special Event Signs**

- A. Temporary signs for special events shall be permitted as described in this section. No fee is charged for signs meeting these requirements.
- B. For purposes of this section, "special event" shall mean:
  - 1. Community events, such as the Christmas Parade;
  - 2. Grand openings of new businesses, businesses that have changed ownership, businesses that have reopened after extensive renovation, or businesses that have made appreciable expansion to their facilities. For purposes of clarification, the term "new business," as used in this section, shall mean any newly organized commercial venture that is opening for the first time, or an existing business that has changed location;
  - 3. Promotion of events for nonprofit organizations; and
  - 4. Real estate events such as open houses.
- C. Design Standards
  - 1. Setback shall be twenty-five (25) feet from side property lines or equidistant between side property lines.
  - 2. The maximum height shall be five feet in residential zones and eight feet in nonresidential zones, exclusive of banners, balloons and pennants.
  - 3. The maximum size sign shall be 16 square feet.
  - 4. The maximum size banner shall be 32 square feet.
  - 5. Special event signs shall only be displayed on non-residential property.
- D. General Requirements
  - 1. No sign prohibited in section 5.03.04 of this chapter shall be authorized under this section as a special event sign.
  - 2. No special event sign shall be placed so as to obscure visibility of any permanent freestanding sign, unless such placement has been approved by the property owner whose freestanding sign is obscured.
  - 3. No special event sign shall be placed on lots or parcels of any privately owned, undeveloped property without written authorization of the property owner. Such authorization shall be filed with the town clerk prior to posting any sign on the undeveloped property.
  - 4. All special event signs may be placed not more than fourteen (14) days prior to the event and shall be removed within 24 hours after the special event for which the sign was authorized.
  - 5. Unless otherwise specified, all special event signs shall be limited to a period of twenty (20) consecutive days.
  - 6. The erection and removal of all special event signs shall be the responsibility of the person sponsoring the special event, or duly authorized agent.
  - 7. Any special event sign proposed to be placed on Town property must be first approved by the Town.
- E. Temporary off-site Real Estate and Non-Profit signs are permitted within the Town subject to the following provisions:
  - 1. Limited to eight (8) hours per day.

2. Limited to a maximum of six (6) signs, each sign not to exceed six (6) square feet per sign face.
3. Shall follow the sign design in diagram 5.03.07 (A) below
4. A brochure box, information tube or similar device may be attached to the sign as long as it does not exceed 10" x 12" in area.

**Diagram 5.03.07 (A) Sign Design for Open House and Non-Profit Temporary, Off-Site Advertising Signs.**



#### **5.03.08 Measurement Determinations**

##### **A. Sign area**

1. Where a sign is composed of letters or pictures attached directly to a facade, wall, window, door, awning, monument sign, or freestanding sign, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle or square, the sides of which touch the extreme points of the letters or pictures as a whole.
2. Where a sign is composed of letters or pictures enclosed by a border or trimming, the sign area shall be the area within the border or trim.
3. The area of a freestanding sign shall include the area of the outside frame, but not of the supporting structure.

##### **B. Number of signs**

1. A supporting structure with a sign face shall be counted as one (1) sign.
2. A double-faced projecting or freestanding sign shall be construed as having the area of a single face, provided that the sign faces are back to back, are at no point more than two (2) feet apart, and have the same wording and design.
3. Wall signs. The allowable area of a wall sign shall be calculated as a percentage of the building face. The building face is the area of the façade of the building up to the roofline (width x height).

##### **C. Sign height**

1. The height of a sign is the vertical distance from the finished grade to the highest point of the sign.
2. In measuring the sign height, the sign structure is included, no matter where the actual sign is located on the structure.

#### **5.03.09 Design Standards for All Signs**

- A. Every sign and sign structure shall be compatible in scale with the scale of the building to which it relates and the neighborhood in which it is located.

- B. Every sign and sign structure shall be designed as a compatible architectural element relative to the building and site to which it principally relates. To be a compatible architectural element means that the sign is consistent in color, materials, texture, and style with the building(s) on the site.
- C. The number and size of graphic elements shall be proportional to the sign face.
- D. Freestanding signs shall be landscaped to achieve compatibility with the design of the site. Landscaping materials shall be consistent with the specifications set forth in Section 4.05.03 and the standards for protection of visibility at intersections set forth in Section 7.01.08.
- E. External lighting may be used only if directed solely to the sign face.

#### 5.03.10 Permitted Permanent On-Site Signs

- A. Permanent onsite signs shall be limited to the following sign types:
  - 1. Freestanding signs, which may be either ground or monument signs, but shall not include a pole sign
  - 2. Wall signs
  - 3. Awning signs
  - 4. Projecting signs
  - 5. Sandwich board / Sidewalk Signs
  - 6. Window Signs
- B. Permanent onsite signs shall be permitted in the following non-residential or mixed use zoning districts: NC, IND, INS-1, INS-2, REC-1, REC-2, PUB, PUD, TC-F, and TC-C.
- C. Permanent onsite signs may also be permitted under conditional use provisions in AG and RE.
- D. The number and types of permanent onsite signs shall comply with the standards in Table 5.03.10 (C).

**Table 5.03.10 (C) Number and Types of Permanent On-Site Signs in Specified Zoning Districts.**

| <b>Sign Type:<br/>Zoning District:</b> | <b>Freestanding</b>             | <b>Wall</b>                                      | <b>Awning</b> | <b>Projecting Sign</b> | <b>Sandwich or<br/>Sidewalk Sign</b> |
|--|---------------------------------|--|---------------|------------------------|--------------------------------------|
| NC                                     | 1 per lot or shopping center    | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| IND                                    | 1 per lot or industrial park    | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| INS-1                                  | 1 per lot or subdivision        | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| INS-2                                  | 1 per lot or subdivision        | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| REC-1                                  | 1 per lot or recreation complex | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| REC-2                                  | 1 per lot or recreation center  | 2 per business (2 additional if on a corner lot) |               |                        | 1 per business                       |
| PUB                                    | 1 per lot                       | 2 per use on lot or parcel                       |               |                        | As necessary                         |

| <b>Sign Type:<br/>Zoning District:</b> | <b>Freestanding</b>                             | <b>Wall</b>  | <b>Awning</b> | <b>Projecting Sign</b> | <b>Sandwich or<br/>Sidewalk Sign</b> |
|--|---|--|---------------|------------------------|--------------------------------------|
| PUD                                    | 1 per lot, shopping center, or<br>other complex | 2 per business (2 additional if on a corner lot)             |               |                        | 1 per business                       |
| TC-F                                   | 1 per lot                                       | 1 if lot has freestanding sign; 2 if no<br>freestanding sign |               |                        | 1 per business                       |
| TC-C                                   | 1 per lot                                       | 2 per business (2 additional if on a corner lot)             |               |                        | 1 per business                       |

E. Permanent onsite signs shall comply with the design standards set forth in Table 5.03.10(D).



Table 5.03.10 (D) Design Standards for Permanent on On-Site Signs.

| Sign Type:<br>Standard | Freestanding   | Wall   | Awning  | Projecting Sign  | Sandwich or<br>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  |

## F. Sandwich/ Sidewalk Signs

1. The sign shall only be displayed during regular business hours;
2. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.
3. The sign shall require a permit and the proposed sign location must be indicated on the permit application.
4. The sign must not exceed thirty-six (36) inches in height or twenty-four (24) inches in width.

G. Window Signs

1. Window lettering or graphics shall not exceed an aggregate area equal to twenty percent (20%) of the total glassed area of the store front. Window lettering, together with paper signs or other signage affixed externally or internally to store front windows shall not exceed twenty percent (20 %) of the total glassed area of the store front.

**5.03.11 Specific Provisions for Residential Districts**

- A. Subdivision signs. Permanent subdivision signs may be permitted as part of the subdivision review process, or upon request of property owners after development has occurred. In determining signage, the Town shall consider the size of the sign(s), color, materials, location, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and land use in the area.