

CHAPTER 4

Development Review Procedures

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4.00.00 PURPOSE AND INTENT

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

4.00.01 The Purpose and Intent of this Chapter is as Follows

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

4.01.00 GENERAL REQUIREMENTS AND ENFORCEMENT

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

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

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

4.02.00 COMPREHENSIVE PLAN AMENDMENTS

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

4.02.01 Approval Process for Amending the Comprehensive Plan

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

4.02.02 Pre-Application Conference

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

4.02.03 Submission of Application for Amendment of the Comprehensive Plan

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

4.02.04 Review Process

A The Town Clerk shall distribute copies of the proposed amendment to Lake County, the Lake County School Board, the Central Lake CDD, and any adjacent cities. The notice shall include the proposed amendment and the anticipated date

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

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

4.02.05 Notice Procedures

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

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

4.02.06 Comprehensive Plan Amendment Application Requirements

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

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

4.03.00 SITE PLAN PROCESS

4.03.01 Site Plan Review for Development Not Classified as a Subdivision

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

4.03.02 Approval Process for Preliminary Site Plan

Preliminary Site Plans are submitted to the Town Clerk and must be accompanied by a Development Review Application and the appropriate fees and review deposit. Approval of the Preliminary Site Plan shall be construed as authority for submitting the Final Site Plan. Approval of the Preliminary Site Plan shall not be construed as

authority for the issuance of permits to construct improvements or for the issuance of building permits.

- A. Pre-Application Conference. Each applicant shall meet with the DRC at a pre-application conference before preparing a Preliminary Site Plan. In this way, the applicant can become familiar with the requirements and development policies of the Town, which may affect the proposed development.
- B. Submission of Preliminary Site Plan. The applicant shall submit to the Town Clerk, eight (8) copies of the Preliminary Site Plan along with the Development Review Application, a traffic impact analysis, submittal fee, and review deposit.
- C. Review Process
 1. The Town Clerk shall distribute copies of the Preliminary Site Plan and application to the DRC members, the Lake County School Board (for residential development), and the Florida Department of Transportation (FDOT), if applicable. The DRC members and the Lake County School Board and FDOT, where applicable, shall individually review the Preliminary Site Plan and meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Preliminary Site Plan.
 2. Once the applicant receives comments from the DRC and any outside agencies on the submitted plans, the applicant has 90 calendar days to submit a response, including a revised set of plans. If the applicant needs more time, a formal request for an extension should be submitted by the applicant at least 30 days prior to the expiration of the 90 days. Failure of the applicant to respond in a timely fashion shall result in the need to resubmit with a new application, including all applicable documents as if being submitted for the first time, including any fees.
 3. After the DRC is satisfied with the Preliminary Site Plan, a public hearing is scheduled before the Planning and Zoning Board. The Preliminary Site Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Planning and Zoning Board at its public hearing.
 4. After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Preliminary Site Plan and supporting data, and a report from the DRC shall be submitted by the Town Planner to the Town Council at its public hearing. This information shall also include the Planning and Zoning Board's recommendation.

4.03.03 Notice Procedures

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

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

signs notifying the public of the proposed preliminary plan, date of public hearing, and person to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.

- C. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.

4.03.04 Review and Action by Planning and Zoning Board

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

4.03.05 Action by the Town Council

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

4.03.06 Preliminary Site Plan Approval by the Town Council

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

4.03.07 Preliminary Site Plan Extensions

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

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

4.03.08 Preliminary Site Plan Requirements

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

4.03.09 Preliminary Site Plan Drawings

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

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

4.03.10 Approval Process for Final Site Plan

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

4.03.11 Submission of Final Site Plan

The applicant shall submit to the Town Clerk, ten (10) copies of the Final Site Plan, two (2) copies of architectural plans (signed and sealed by a licensed Florida architect), two (2) copies of the water system hydraulic model (if applicable), two (2) copies of the sanitary sewer lift station calculations (if applicable), two (2) copies of

the stormwater management calculations, two (2) copies of the landscaping, hardscaping, and irrigation plans (signed and sealed by a licensed Florida landscape architect), a concurrency application, and copies of any agency-required permit applications along with the Development Review Application, submittal fee, and review deposit.

4.03.12 Final Site Plan Review Process

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

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

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

4.03.13 Review and Action by Planning and Zoning Board

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

4.03.14 Review and Action by the Town Council

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

4.03.15 Final Site Plan Approval by the Town Council

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

4.03.16 Final Site Plan Extensions

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

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

4.03.17 Final Site Plan Requirements

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

4.03.18 Final Site Plan Drawings

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

- A. The title page shall include the name of the project/development, the name and address of the property owner, and the name and address of the engineer preparing the plan. All plans and support documents shall bear the date, seal, and signature of the project engineer.
- B. The plans shall include a location map that shows the project in relation to the broad context of the Town.
- C. The plans shall include a date, north arrow, and legend.
- D. Plans shall be drawn to scale (no smaller than 1"=100').
- E. The plans shall include a legal description of the property and the acreage or square footage. The property boundaries should be clearly outlined.
- F. If the project is to be phased, the phases should be clearly indicated on the plan. The developer may need to provide additional information to document that the first phase can stand on its own as well as subsequent phases and their reliance only on the proceeding phases.
- G. The plans should show property lines with dimensions.
- H. Setbacks.

1. All setbacks from streets and highways shall be illustrated.
2. The applicable setbacks for the zoning district shall be indicated by the use of notes.
3. All setbacks on irregular shaped lots shall be illustrated.
- I. The line of natural water bodies shall be illustrated.
- J. The plans should show street right-of-way lines of adjacent roads.
- K. Topographic information. Existing contours at one (1) foot intervals based on field surveys or photogrammetric survey extending a minimum one hundred (100) feet beyond the tract boundary. The topographic survey shall be certified by a land surveyor, registered in the State of Florida.
- L. Soils information. Identification of on-site soils shall be drawn on the face of the plan using the Soil Survey of Lake County Area, Florida. An applicant may challenge this determination by demonstrating (through the testing of a geotechnical engineer) that the identified soils are not classified correctly. If the above determination is concurred with by the Town Engineer, then these alternative soil determinations will be used in preparing the plans.
- M. Wetlands Survey. Stake and survey of environmentally sensitive areas shall be shown on the plans. An environmental impact assessment will be required for significant or ecologically fragile areas.
- N. 100 Year Flood Elevation Information. Where the 100-year flood elevation is shown on the Lake County Flood Insurance Rate Maps (F.I.R.M.), the applicant shall show the location of the one hundred (100) year flood elevation. Data shall be shown for all areas within the 100-year flood zone, as indicated on the F.I.R.M. maps. In this circumstance, the developer will be responsible for the necessary drainage basin studies to establish the 100-year flood elevation. This work will be prepared to the satisfaction of the Town Engineer. If the proposed development will create a change to the existing 100-year flood elevation, this change will be reflected in an amendment to the F.I.R.M. maps. The applicant shall submit a letter of map amendment to FEMA and will need to provide evidence to the Town that FEMA has agreed to the amendment prior to receiving Final Site Plan approval.
- O. The tree survey submitted at the Preliminary Site Plan phase should again be overlaid on the Final Site Plans to show trees in relation to proposed improvements. The plans should also include a table indicating which trees are proposed to be saved and which are proposed to be removed.
- P. Any existing improvements on the property should be shown on the Final Site Plan and whether those improvements will remain.
- Q. The Plans shall show location and dimension of all proposed buildings. Setbacks shall be called out.
- R. Open Space. All areas to be counted as Open Space shall be clearly indicated on the plan and summarized in a table by tract, acreage, and use.
- S. All streets shall be shown, labeled by street name, showing where curb and gutters, sidewalks, and utility easements are to be provided and indicating street pavement widths.

- T. Curbs and gutters, curb inlets and drainage grates shall all be identified on the plan in addition to other stormwater or drainage facilities including manholes, pipes, drainage ditches, retention ponds, etc.
- U. All sidewalks or other walkways or trails shall be identified, showing widths and surface material as well as cross sections in the detail pages.
- V. The water system including the location of mains, valves and hydrants shall be shown on the plans with submittal of profile sheets.
- W. The wastewater system shall be shown on the plans indicating the location of lines and lift stations, where applicable, with the submittal of profile sheets where required.
- X. All underground and above-ground utility lines, streetlights, and other facilities shall be shown.
- Y. All dumpster pads shall be located with details on enclosures.
- Z. New contour lines resulting from earth movement (shown as solid lines) with no larger than one (1) foot intervals, or detailed profiles and cross sections.
- AA. The location, dimensions, and materials of all signs, fencing, and walls shall be shown.
- BB. Vehicle accommodation areas (including parking areas, loading areas and circulation areas); all designated by surface material and showing dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways. Also include the number of spaces, including the required handicapped spaces, and the calculations for determining parking demand.
- CC. Street signs (according to the Town's Manual of Standards).
- DD. Traffic signs and markings, i.e., stop signs, stop bars, speed limit signs, etc. (according to the Town's Manual of Standards).
- EE. Proposed vacation of rights-of-way and/or easements are to be addressed.
- FF. Any additional information deemed necessary by the Town of Howey-in-the-Hills.

4.04.00 CONSTRUCTION OF INFRASTRUCTURE

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

4.05.00 SUBDIVISION PLAN PROCESS

4.05.01 Subdivision Plan Review

- A Subdivision plans must first be submitted in Preliminary Subdivision Plan form to the Town Clerk for review and recommendation by the Development Review Committee (DRC). The DRC recommendation is forwarded to the Planning and Zoning Board for its recommendation to the Town Council. Then both the DRC and Planning and Zoning Board recommendations are forwarded to the Town

Council. Once the Town Council grants Preliminary Subdivision Plan approval, the next step in the process is Final Subdivision Plan review.

- B For subdivisions that have fewer than twenty (20) lots and 10 acres, the applicant has the option of combining the Preliminary and Final Subdivision Plans into one submittal.
- C A lot split, which is the division of a single, legally created lot of record into two separate lots, is permitted within platted subdivisions provided the following conditions are met:
 - 1. Only two lots are created from the original legally created lot of record. The original parcel shall be known as the parent parcel and those lots created out of it shall not be entitled to another lot split.
 - 2. A lot split shall not be approved within a platted subdivision when it would change the character of the subdivision.
 - 3. All other requirements of the LDC and the Comprehensive Plan shall still apply.
 - 4. Lot splits shall not result in a flag lot being created.
- D All development subject to subdivision plan approval shall be consistent with the policies of the Town of Howey in the Hills Comprehensive Plan and shall comply with all provisions of this Code and all applicable Town ordinances and regulations.

4.05.02 Approval Process for Preliminary Subdivision Plan

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

4.05.03 Pre-Application Conference

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

4.05.04 Submission of Preliminary Subdivision Plan

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

4.05.05 Preliminary Subdivision Plan Review Process

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

Preliminary Subdivision Plan and meet to discuss their comments. The Town Planner will then prepare a report to the applicant outlining all the issues. The applicant shall make the changes necessary and submit a revised Preliminary Subdivision Plan.

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

4.05.06 Notice Procedures

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

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

4.05.07 Review and Action by Planning and Zoning Board

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

4.05.08 Action by the Town Council

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

4.05.09 Preliminary Subdivision Plan Approval by the Town Council

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

4.05.10 Preliminary Subdivision Plan Extensions

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

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

4.05.11 Preliminary Subdivision Plan Requirements

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

4.05.12 Preliminary Subdivision Plan Drawings

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

- A. Title Block: The title or name of the proposed development and the name and address of the property owner and the engineer and surveyor engaged in preparing the plan.
- B. Legend: Date, scale of plan (no smaller than 1" = 100'), north arrow, current zoning, size of the property (in acres), and total number of lots.
- C. Legal Description: A full and detailed legal description of the property and its approximate acreage.
- D. Vicinity Map: A vicinity map, at scale, showing the proposed site in relation to the abutting streets and other community identifiers.

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

4.05.13 Approval Process for Final Subdivision Plan

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

4.05.14 Submission of Final Subdivision Plan

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

4.05.15 Final Subdivision Plan Review Process

- A. The Town Clerk shall distribute copies of the Final Subdivision Plan and application to the DRC members, the Lake County School Board (for residential development), the SJRWMD, FDEP, and FDOT, if applicable. The DRC members and the other agencies shall individually review the Final Subdivision Plan, then meet to discuss their comments. The Town Planner will then prepare a report to the developer outlining all the issues. The developer shall make the changes necessary and submit a revised Final Subdivision Plan.

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

4.05.16 Review and Action by Planning and Zoning Board

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

4.05.17 Review and Action by the Town Council

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

4.05.18 Final Subdivision Plan Approval by the Town Council

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

4.05.19 Final Subdivision Plan Extensions

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

- A. The subdivision development order has not yet expired,
- B. The subdivision development order recipient has proceeded with due diligence and in good faith, and

- C. Conditions, including but not limited to LDC changes, have not changed so substantially as to warrant a new application.

4.05.20 Final Subdivision Plan Requirements

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

4.05.21 Final Subdivision Plan Drawings

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

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

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

4.06.00 ARCHITECTURAL PLAN REQUIREMENTS

4.06.01 Purpose and Intent

- A. Architectural requirements are an integral part of the LDC in order to ensure quality development, create a sense of place and community, and to enhance the physical environment. All architectural plans submitted under this Chapter must be signed and sealed by a licensed architect registered in the State of Florida.
- B. These standards are intended to:
 - 1. Encourage a diversity in housing styles, shapes, and materials in order to create variety in the streetscape,

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

4.06.02 Residential Developments

In order to promote architectural character, the Town shall require new housing developments to offer a variety of architectural styles and elevations. These regulations promote both diversity in the exterior elevations of neighboring homes, as well as individual character in the design of each residence.

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

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

4.06.03 Single Family Residential Development Architectural Plans

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

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

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

4.06.04 Other Residential Development

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

4.06.05 Non-Residential Development

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

4.06.06 Non-Residential Development Architectural Plans

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

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

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

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

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

4.07.00 LANDSCAPING, HARDSCAPING, AND IRRIGATION PLAN

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

4.08.00 SITE IMPROVEMENTS

4.08.01 Pre-Construction Conference

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

4.08.02 The Installation of All Site Improvements

The installation of all site improvements shall be subject at all times to inspection by the Town. The developer shall pay an inspection fee to the Town as part of the Pre-Construction Conference to cover the costs of the Town Inspector and Town Engineer for site inspections.

4.08.03 Certificate of Completion

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

- A. Engineer's certification letter (signed and sealed by a professional engineer)
- B. Surveyor's certification letter (signed and sealed by a professional land surveyor)
- C. Two sets of as-built drawings (signed and sealed)

- D. A 2-year maintenance guarantee covering all site improvements. This maintenance guarantee shall be either cash, a letter of credit or a maintenance bond in the amount of 20% of the cost of the improvements.
- E. Certified utility cost (signed and sealed by a professional engineer)
- F. "Bill of Sale" – water system
- G. "Bill of Sale" – wastewater system
- H. Copy of signed contract for site work
- I. Letter from DEP indicating acceptance of permitted work
- J. Letter from SJRWMD indicating acceptance of permitted work
- K. Certification for back flow preventer

4.08.04 Letter of Acceptance

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

4.08.05 Two-Year Maintenance Period

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

4.09.00 FINAL PLAT REQUIREMENTS

4.09.01 Final Plat

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

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

4.09.02 Required Information

A plat may be submitted for which all subdivision improvements have not been completed, installed and/or accepted by the Town; however, a performance bond or

letter of credit in the amount of 120% of the cost of any improvements that have not been accepted by the Town, must accompany the plat submittal. The final plat application shall comply with the requirements of Chapter 177, Florida Statutes, as amended from time to time, and shall include the following:

- A. The Plat cover sheet shall include a vicinity map drawn to scale and including orientating features, a complete legal description including the section, township and range, the name, address, and telephone number of the owner or the name and address of the president and secretary if the owner is a corporation, and the area of the property in both square footage and acreage.
- B. The Plat shall include any and all Joinder and Consents.
- C. Title Opinion. The Plat application shall include a title opinion of an attorney licensed in Florida or a certification by a title company dated no earlier than thirty (30) days prior to the submittal.
- D. The Plat shall include the dedication of any improvements to the Town of Howey in the Hills.
- E. The Plat shall include a note on the cover sheet that “No amendments shall be made to the Declaration of Covenants, Conditions and Restrictions without prior approval of the Town of Howey in the Hills with regard to changes to or transfer of any portion or component of the subdivision infrastructure and any change in ownership or maintenance provisions of the common areas.”
- F. The Final Plat shall contain sufficient data to determine readily and locate accurately on the ground, the location, bearing and length of every right of way line, lot line, easement boundary line and block line, including the radii, arcs and central angles of all curves.
- G. Each permanent reference monument shall be shown on the plat by appropriate designation.
- H. All permanent control points shall be shown on the plat by an appropriate designation. It is the land surveyor’s responsibility to furnish to the Town Clerk his certificate that the permanent control points have been set and the dates they were set.
- I. The Plat application shall include Proposed Homeowners’ or Property Owners’ Association (HOA or POA) Documents. Prior to recordation of the final plat, a homeowners’ or property owners’ association shall be established. The applicant shall provide six (6) copies of all proposed HOA or POA documents related to the subdivision. The HOA or POA documents shall include language regarding ownership and/or maintenance responsibilities for improvements including, but not limited to, upgraded streetlights and all common areas including stormwater management facilities, parks, entranceways, and buffers. These documents shall be submitted to and reviewed by the DRC and the Town Attorney prior to review by the Town Council.
- J. Proposed Deed Restrictions and Covenants. The applicant shall provide six (6) copies of all proposed deed restrictions effecting the subdivision. These deed restrictions shall be recorded in the official records of Lake County along with the plat. These documents shall be submitted to and reviewed by the DRC and the Town Attorney prior to review by the Town Council.

- K. Private Subdivisions. A subdivision, requesting to have private streets, must have enforceable legal documents establishing the owner's association, and creating binding restrictive covenants. These documents must provide for a means of enforcing any and all assessments levied by the association, in order to financially provide for the continuing care and maintenance of the streets. These documents shall be submitted to and reviewed by the DRC and Town Attorney prior to review by the Town Council. Appropriate provisions must be made for the uncontested use of the private streets by those governmental agencies, such as the Howey in the Hills Police Department and Public Works Department and other governmental agencies, which may, from time-to-time need to travel over or across said private streets. In addition, the HOA or POA shall enter into an agreement with the Town for enforcement of traffic laws on the private streets if the HOA or POA seeks those services.
- L. Surety for Improvements. This is only required if platting is requested prior to installation of all improvements and acceptance of same by the Town. Prior to the recordation of any Final Plat, the applicant shall file with the Town Council an adequate performance guarantee such as a performance bond or escrow agreement funded by cash, cashier's check or a certified check upon a local bank, conditioned to secure the construction of the required improvements in a satisfactory manner to the Town and within a time period specified by the Town Council. No such performance guarantee shall be accepted unless it is enforceable by or payable to the Town in a sum at least equal to one hundred twenty percent (120%) of the cost of all improvements required to be installed by the applicant. The amount of the performance guarantee shall be based on the project engineer's certified estimate of the cost of improvements or upon actual contract costs for installing the improvements as referenced by a signed contract between the developer and the site contractor. This performance guarantee should be reviewed and approved by both the Town Engineer and the Town Attorney.
- M. Warranty Deed. For public site dedications (i.e. school site or park site).

4.09.03 Review Process

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

4.09.04 Review and Action by the Town Council

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

Once the Town Council approves the Final Plat and the applicant provides a copy of the recorded HOA and/or POA documents and the recorded deed restrictions to the

Town, the Town Clerk shall record the plat in the records of Lake County, Florida. A copy of the plat shall be provided by the Town to the applicant.

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

4.10.00 PLANNED UNIT DEVELOPMENTS (PUDs)

The primary intent of Planned Unit Developments is to provide for planned residential communities containing a variety of housing, with complementary and compatible non-residential uses.

4.10.01 Planned Unit Developments serve a variety of purposes

- A. To allow for diverse uses in close proximity and more open space.
- B. To reduce energy costs through a more efficient use of land design and smaller network of utilities and streets than is typically possible in conventional zoning districts.
- C. To preserve the natural amenities and environmental assets of the land by allowing for clustering of development.
- D. To increase the amount of useable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts.
- E. To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping, and working environments on properties of adequate size, shape, and location.
- F. To provide a flexible zoning district which is intended to encourage an appropriate balance between the intensity of development and the preservation of open space.

4.10.02 Approval Process for Conceptual Land Use Plan

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

4.10.03 Pre-Application Conference

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

4.10.04 Submission of Conceptual Land Use Plan

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

4.10.05 Review Process

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

4.10.06 Notice Procedures

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

- A. Notice to property owners. The Town shall send notice via certified mail of the proposed PUD/Conceptual Land Use Plan to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed plan.
- B. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed zoning, date of public hearing, and person to contact for further information. Signs shall be placed,

at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.

- C. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website.

4.10.07 Review and Action by Planning and Zoning Board

The Planning and Zoning Board shall review and recommend approval, approval subject to conditions, or disapproval of the zoning ordinance and Conceptual Land Use Plan at the advertised public hearing. In recommending disapproval of any zoning ordinance and Conceptual Land Use Plan, the Planning and Zoning Board shall provide reasons for such action.

4.10.08 Action by the Town Council

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

4.10.09 Conceptual Land Use Plan Requirements

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

- A. Project Name
- B. Developer Name, Address, telephone number
- C. Name, Address, telephone number of firm that prepared conceptual plan
- D. Location Map insert
- E. Legal Description
- F. Boundary Survey
- G. Total Acreage (gross land area)
- H. Water bodies acreage
- I. Wetland acreage
- J. Net land area (Gross land area less any water bodies, less open space requirements, less any remaining wetlands.)
- K. Open Space required (25% of gross land area. Gross land area includes wetlands but excludes water bodies.) See Policy 1.1.4 in the Future Land Use Element (FLUE) for open space info. The applicant does not need to show where specifically the open space will come from on the conceptual land use plan; however, the applicant is required to show the acreage that will be needed.
- L. Percentage of uses (residential, commercial, public/civic) – See FLUE
- M. Proposed land uses: (Note that densities are determined by the Net Land Area.)
- N. Residential: max. number of units, type of units, minimum lot sizes, minimum living areas, typical lot sketch (width and depth of lot; setbacks; for sf residential,

- two spaces in the driveway that provide a min. of 20 feet on the lot side of the sidewalk), max. building heights, min. parking required,
- O. Non-residential: Types of uses permitted (retail, office, etc – See FLUE Policy 1.4.8), conditional uses, prohibited uses, gross floor area, floor area ratio, max. building height, setbacks from perimeter property lines,
 - P. Open Space: retention ponds, parks, plazas, buffers,
 - Q. Public or civic space: types of uses, gross floor area, max. building height,
 - R. The conceptual land use plan should show where on the property the above land uses are proposed to be located.
 - S. Phasing schedule
 - T. Plan in relation to existing and proposed collector and arterial streets (i.e., proposed access points to existing; general layout of internal roadway system)
 - U. Whether any portion of the development will be gated/private access only.
 - V. Proposed architectural style of buildings (both residential and non-residential), with proposed elevations that include sufficient detail to show intent [i.e., building materials, roof materials and style (minimum eaves), recessed garages, architectural elements (front porches, bay windows, arches, dormers, brick/stone/masonry design elements, window and door trim, shutters, etc), and for non-residential buildings, display windows first floor, decorative features to break up massing, arcades, cupolas, balconies, cornice treatment, etc..]
 - W. Buffer treatments and entranceway treatments (viewed from the public right of way).
 - X. Notes on the plan indicating how the development will be served for potable water and sanitary sewer.
 - Y. Identify general areas for stormwater management.
 - Z. Identify general wetland areas.
 - AA. Any other information deemed necessary by the Town.

4.10.10 Amendments to the Conceptual Land Use Plan

- A. Alterations to the approved Conceptual Land Use Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall be used to identify a substantial amendment.
 - 1. A change which would include a land use not previously permitted under the approved Planned Unit Development zoning.
 - 2. A change which would alter the land use type adjacent to a property boundary.
 - 3. A change which would increase the land use intensity within a development phase without a corresponding decrease in some other portion of the overall Planned Unit Development.
 - 4. An amendment to the phasing which would propose a land use in advance of another land use differing from the approved Plan.
 - 5. A change of similar nature, complexity or scope as identified by the Mayor.
- B. The determination of a substantial or non-substantial amendment shall be made by the Mayor with input from the DRC.
- C. Amendments to the Conceptual Land Use Plan determined to be substantial will require a new Conceptual Land Use Plan application and a full review by the

DRC. After review by the DRC, the Conceptual Land Use Plan will then be submitted to the Planning and Zoning Board and the Town Council and shall be an exhibit to an amended zoning ordinance. The amended zoning ordinance shall go through the same public hearing process as the original ordinance.

- D. Amendments determined to be non-substantial amendments must be submitted (including plans and support data) and approved first to the DRC and then to the Town Council for final approval. A new ordinance is not required for non-substantial amendments.

4.10.11 Subsequent Process for PUDs

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

4.11.00 SPECIAL OVERLAY DISTRICTS

- A. Special Overlay Areas may be created by the Town of Howey in the Hills to facilitate unique development activities where there is need for coordination between different land owners in the development of projects where there are special issues of infrastructure, environmental protection, employment activities, protection of historic resources, or other public issues deemed by the Town Council to be appropriate for special treatment. There is one current Special Overlay Area called the Town Center Mixed Use Overlay. (See Map 4.11.00)
- B. It is the intent of the Town that the designation of a Special Overlay District shall put landowners, developers, and the general public on notice that special opportunities exist for the development of the area and, concurrently, that special provisions or limitations may be placed on projects within the area; identify specific standards to be followed in the development of the area, which standards shall supersede conflicting general standards of this Code, but which shall not be inconsistent with the Comprehensive Plan.

4.11.01 Establishment Procedures

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

- A. The proposal to create or modify a Special Overlay Area shall include a statement of intent, specific boundaries, and a special development plan identifying the proposed special regulations to be applicable therein. Maps and diagrams, in addition to text, to explain the general intent and the specific regulations being adopted shall also be included with the Plan to delineate the conceptual spatial and aesthetic aspects pertaining to each Special Overlay Area.
- B. Special development plans formulated for all Special Overlay Areas shall, at a minimum, identify specific standards pertaining to potential uses of the property, setbacks, size/height/bulk of buildings, provision for mixed- and multi-use development, including housing options, master infrastructure requirement, stormwater management, vehicular access provisions, architectural compatibility,

historic preservation, signage, landscaping, pedestrian access, parking, lighting, and the protection of natural resources including trees, lakes and wetland areas. In order to promote flexibility and design innovations, each special development plan shall identify areas where the strict application of standard land development regulations may be waived in return for alternative development options which promote the intents of each Special Overlay Area.

- C. All notices regarding public hearings to consider the creation or modification of the Special Overlay Area shall include reference to the plan and to the location where it can be reviewed. All notices shall also explain that the plan can be modified at the time of adoption of the ordinance, within the limitations of Chapter 166, Florida Statutes. All owners having properties situated within the proposed boundaries of each Special Overlay Area shall also be notified by mail at least (10) days prior to the public hearings before the Planning and Zoning and Town Council.
- D. The boundaries of the Special Overlay Area shall be shown on the Official Zoning Map.

4.11.02 Administration of a Special Overlay Area

- A. The designation of a Special Overlay Area shall not establish any special requirements for development review procedures except as may be contained within this Section. Before any change of zoning, subdivision approval, or site plan approval is granted within a Special Overlay Area, the approving authority shall review this Section and shall find that the approval is consistent with this Section, as well as with all other applicable requirements of this Code. No approval shall be granted which would violate the provisions of this Section and the special regulations contained within the individual special development plans.
- B. It is the intent of this Section that there be substantial coordination between the Town and the different landowners within the Special Overlay Area. To accomplish this, the Mayor shall have primary oversight responsibility for each area and, from time to time, convene meetings between the various landowners within the Special Overlay Area and interested governmental agencies to implement the provisions of this section.
- C. Additionally, it shall be the primary responsibility of the Mayor to recommend to the Town Council each special development plan in consultation with area landowners.

4.12.00 CONDITIONAL USES

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

4.12.01 Filing of Petition for a Conditional Use

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

- A. The name, address, and telephone number of the applicant and owner of the property.
- B. A survey of the lot showing the dimensions and location of all existing and proposed buildings, signs, driveways, off-street parking areas, and other improvements both on site and adjacent to the property,
- C. A description of the proposed use, in sufficient detail to set forth its nature and extent,
- D. Any other important information in the consideration of the request.

4.12.02 Standards in Granting a Conditional Use

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

- A. The proposed use is desirable at the particular location,
- B. Such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity,
- C. The proposed use will comply with the regulations and conditions specified in the codes for such use,
- D. And the granting of the conditional use will not adversely impact the Comprehensive Plan.
- E. In granting such conditional use, the Town Council may impose such conditions as it deems necessary and desirable to protect the public health, safety, or general welfare in accordance with the purpose and intent of the zoning code.

4.12.03 Review of Application

- A. After the application is determined to be complete, it shall be forwarded to the Development Review Committee (DRC) for review. After individual review by the DRC members, the DRC shall meet to discuss the application. The Town Planner shall then make a report containing a recommended determination of facts which are relevant to consideration of the proposal and a recommended determination of the consistency of the proposal with the adopted Comprehensive Plan.
- B. The proposal shall be considered by the Planning and Zoning Board at a public hearing after due public notice, along with the report of the DRC. The Planning and Zoning Board will include reasons for its decision in its recommendation. Following completion of the public hearing, the Town Clerk shall forward the DRC's recommendation as well as the Planning and Zoning Board's recommendation to the Town Council for its public hearing.
- C. The application for conditional use permit shall be considered by the Town Council at a public hearing after due public notice, along with the report of the

DRC and the recommendation of the Planning and Zoning Board. Following completion of the public hearing, the Town Council shall approve, disapprove, amend, and approve the proposal, or approve the proposal with conditions. Any action taken shall be accompanied by the findings of the Town Council upon which the action was based.

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

4.12.04 Notice Procedures

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

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

4.13.00 VARIANCES

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

4.13.01 Filing of Petition for a Variance

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

- A. The applicant's full name, mailing address, and telephone number,
- B. The address of the property,
- C. The legal description of the property,
- D. A survey of the property, showing the location of existing buildings or structures and the location of proposed buildings or structures,
- E. The purpose for which the property will be used,
- F. A concise statement as to why the present regulations create a hardship to the applicant.

4.13.02 Notice; Hearing; Notification of Property Owners

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

4.13.03 Notice Procedures

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

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

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

4.13.04 Standards in Granting a Variance

The Board of Adjustment may authorize a variance from the terms of this LDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary and undue hardship. In authorizing a variance from the terms of this LDC, the Board of Adjustment shall find:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district,
- B. That the special conditions and circumstances do not result from the actions of the applicant,
- C. That literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant,
- D. That the variance created is the minimum variance that will make possible the reasonable use of the land, building or structure, and
- E. That the granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- F. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this LDC. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this LDC.

4.13.05 Commencement of Construction

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

4.14.00 DEVELOPMENT AGREEMENTS

4.14.01 General Requirements

- A. A development agreement may be entered into by an applicant and the Town Council to provide for matters that relate to the unique conditions of the real property to be developed, the relationship between the public and private aspects of the development, or other terms and conditions that promote the intent and purposes of this Code or the Comprehensive Plan. A proposal for a Development Agreement shall be submitted in conjunction with the submission of an application for a Preliminary Plan approval, or with PUDs, in conjunction with the submission of a Conceptual Land Use Plan for a PUD zoning approval. Development authorized by a development agreement may be phased. The development agreement may provide that the entire development or any phase thereof shall be commenced or completed within a specific period of time.
- B. Statutory Development Agreements may be entered into under the authority of the Development Agreement Act as codified in Chapter 163, Florida Statutes, and processed in accordance with the requirements of State Law.
- C. Non-Statutory Development Agreements may be entered into under the authority of the home rule powers of the Town under Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

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

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

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

4.14.03 Review and Recommendation by the Planning and Zoning Board

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

4.14.04 Action by the Town Council

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

4.14.05 Amendment or Termination of a Development Agreement

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

4.14.06 Subsequently Adopted Laws or Policies

- A. An agreement shall be modified as is necessary to comply with relevant state or federal laws enacted after the execution of the agreement where the effect of such laws is to preclude the parties' compliance with its terms.
- B. The Town may apply subsequently adopted local regulations and policies to a development that is subject to a development agreement and a finding that the

subsequently adopted regulations or policies meet one or more of the following conditions:

1. Are not in conflict with the laws and policies governing the development agreement and do not prevent development of land uses, intensities, or densities specified in the development agreement.
2. Are essential to protect the public health, safety, or welfare, and expressly state that they shall apply to development that is subject to a development agreement.
3. Are specifically anticipated and provided for in the development agreement.
4. The Town demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement.
5. The development agreement was based on substantially inaccurate information or misrepresentations.

4.15.00 LAND DEVELOPMENT CODE AMENDMENTS

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

4.15.01 Approval Process for Amending the Land Development Code

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

4.15.02 Pre-Application Conference

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

4.15.03 Submission of Application for Amendment of the Land Development Code

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

4.15.04 Review Process

- A A copy of the proposed amendment shall be distributed to the Central lake CDD. When the proposed amendment includes change in residential density, the Town

Clerk shall distribute copies of the proposed amendment to the Lake County School Board. The notice shall include the proposed amendment and the anticipated date for hearing before the Planning and Zoning Board. The Town Planner will then prepare a report to the applicant outlining all the issues.

- B The Town Clerk shall schedule a public hearing scheduled before the Planning and Zoning Board. The Planning and Zoning Board shall be provided with copies of the Town Planner's report and any comments received from outside reviewing agencies. Following the public hearing the Planning and Zoning Board shall provide a recommendation on the proposed amendment to the Town Council.
- C After the Planning and Zoning Board public hearing, a public hearing is scheduled before the Town Council. The Town Council shall be provided a copy of the information considered by the Planning and Zoning Board along with the recommendation from that Board.
- D The Town Council shall schedule a second public hearing for final action on the proposed amendment. The Town Council may adopt the amendment; adopt the amendment with revisions; or reject the amendment.

4.15.05 Notice Procedures

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

- D. Notice to property owners. The Town shall send notice via certified mail of the proposed amendment to the owners of all properties within 300 feet of the subject property. Such notice shall be sent no later than 10 days prior to the scheduled public hearing and shall include the date, time, and place of the public hearing along with a clear and concise description of the proposed amendment.
- E. Posted of property. No later than 10 days prior to the scheduled public hearing, the Town shall post the property that is the subject of the public hearing with signs notifying the public of the proposed amendment, date of public hearing, and person to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a least one sign located every 500 feet along any frontage.
- F. Publication of notice. Notice of public hearing shall be published in a newspaper of general circulation at least 10 days prior to the public hearing. Notice shall also be posted at Town Hall and on the Town's website. For amendments to the Land Development Code not involving amendment of the official zoning map, only the publication of notice meeting the standards set forth by State Statute is required.

4.15.06 Land Development Code Application Requirements

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

- A. Application forms
- B. Application fee

- C. Owners name, address, and telephone number
- D. Applicants name address and telephone number if the applicant is not the owner
- E. Tax parcel
- F. Boundary Survey. Must be signed and dated with last two years.
- G. Legal Description. Provide paper and digital (disk or email) word format.
- H. Vicinity Map. Show the property location in relation to major roads and area within 2-mile radius of the proposed amendment site. 8 ½ x 11.
- I. Description of the amendment requested and justification for the proposed amendment. Amendments shall be demonstrated as being consistent with the Town's comprehensive plan.