

CHAPTER 1

General Provisions

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1.00.00 GENERALLY

1.00.01 Purpose and Intent

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

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

1.00.02 Relationship to the Comprehensive Plan

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

1.00.03 Effect on Easements, Covenants, and Other Agreements

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

1.01.00 TITLE

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

1.02.00 AUTHORITY

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

1.03.00 APPLICABILITY

1.03.01 Generally

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

1.03.02 Exemptions

The situations described below are exempt from the provisions of this LDC.

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

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

1.04.00 NONCONFORMING SITUATIONS

1.04.01 Continuation of Nonconforming Uses and Structures

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

1.04.02 Lots of Record

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

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

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

1.04.03 Structures on Substandard Lots

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

1.04.04 Construction or Demolition of Structures on Combined Lots

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

1.05.00 TOWN MANAGER

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

1.06.00 INTERPRETATIONS

1.06.01 Generally

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

1.06.02 Responsibility for Interpretations

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

1.06.03 Rules for Interpretation of Boundaries

Where uncertainty exists as to boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D. Boundaries shown as following or approximately following the shoreline of a water body shall be construed as following such shoreline.
- E. Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of that street or alley added thereto by virtue of vacation or abandonment.

1.06.04 Rules of Construction

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

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

1.06.05 Computation of Time

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

1.06.06 Computation of Required or Permitted Units

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

1.06.07 Appeals

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

1.07.00 DOCUMENTS ADOPTED BY REFERENCE

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

1.08.00 SEVERABILITY

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

1.09.00 REPEAL

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

1.10.00 STATUS OF CODE, PRIOR OFFENSES

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

1.11.00 VIOLATIONS AND PENALTIES

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

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

1.12.00 ACRONYMS AND DEFINITIONS

A. Acronyms

| | |
|---------------|--|
| AASHTO | American Association of State Highway and Transportation Officials |
| ACOE | U.S. Army Corps of Engineers |
| ADA | Americans with Disabilities Act |
| ADT | Average Daily Traffic |
| AG | Agricultural |
| ASTM | American Society of Testing and Materials |
| CIE | Capital Improvements Element |
| CMS | Concurrency Management Systems |

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|--------------|--|
| COC | Certificate of Concurrence |
| CON | Conservation |
| CSA | Concurrency Service Area |
| DBH | Diameter at Breast Height |
| DCFS | Department of Children and Family Services |
| DRC | Development Review Committee |
| ERU | Equivalent Residential Unit |
| FAA | Florida Aviation Administration |
| FAC | Florida Administrative Code |
| FAR | Floor Area Ratio |
| FCC | Federal Communications Commission |
| FDEP | Florida Department of Environmental Protection |
| FDNR | Florida Department of Natural Resources |
| FDOT | Florida Department of Transportation |
| FEMA | Federal Emergency Management Agency |
| FIRM | Flood Insurance Rate Map |
| FISH | Florida Inventory of School Houses |
| FLUE | Future Land Use Element |
| FLUM | Future Land Use Map |
| HOA | Homeowners Association |
| HCM | High Capacity Manual |
| HCS | High Capacity Software |
| HDPE | High Density Polyethylene |
| HGL | Hydraulic Gradient Line |
| IFAS | Institute of Food and Agricultural Sciences |
| IND | Light Industrial |
| INS-1 | Institutional 1 |
| INS-2 | Institutional 2 |
| ITE | Institute of Transportation Engineers |
| LDC | Land Development Code |
| LOMR | Letter of Map Revision |
| LOS | Level of Service |
| LRTP | Long Range Transportation Plan |
| MDR-1 | <u>Medium Density Residential 1</u> |
| MDR-2 | <u>Medium Density Residential 2</u> |
| MPO | Metropolitan Planning Organization |
| NAA | National Arborist Association |
| NC | Neighborhood Commercial |
| POA | Property Owners' Association |
| PUB | Public |
| PUD | Planned Unit Development |
| RE | Rural Estates |
| REC-1 | Recreation 1 |
| REC-2 | Recreation 2 |
| ROW | Right of Way |

| | |
|---------------|--|
| SFR | Single Family Residential |
| SJRWMD | St. Johns River Water Management District |
| TAZ | Traffic Analysis Zone |
| TIA | Traffic Impact Analysis |
| TIP | Transportation Improvement Plan |
| TIS | Traffic Impact Study |
| TC-R | Town Center Residential |
| TC-F | Town Center Flex |
| TC-C | Town Center Commercial |
| TCMS | Transportation Concurrency Management System |
| TMC | Turning Movement Counts |
| TRIP | Transportation Regional Incentive Program |
| USACOE | U.S. Army Corps of Engineers |
| USGS | U.S. Geological Survey |

B. Glossary of terms

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

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

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

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

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

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

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

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

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

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

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

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

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

1. **Accessory Equipment Building** is any building, cabinet, or equipment enclosure constructed for the primary purpose of housing the electronics, backup power, power generators and other freestanding equipment associated with the operation of antennas.
2. **Antenna Support Structure.** A facility that is constructed and designed primarily for the support of antennas, which include the following types:

- a. Lattice tower. A tower that consists of vertical and horizontal supports and crossed metal braces, which is usually triangular or square in a cross section.
 - b. Monopole. A tower of a single pole design.
 - c. Self-supporting tower. A tower that has no structurally supportive attachments other than at its foundation; and
 - d. Camouflaged structure. A structure designed to support antenna and designed to blend into the existing surroundings.
3. **Collocation** is when more than one (1) provider uses an antenna support structure to attach antennas or use of a structure whose primary purpose is other than to support antennas, such as a light or power pole.
4. **Ham/CB/TV Antenna** is a noncommercial amateur radio or citizens band antenna or antennas that are designed to receive broadcast signals.

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

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

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

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

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

Automotive Wrecking or Junkyard means any place where motor vehicles not in running condition or not bearing current inspection sticker or current license plate, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clearing means the removal of vegetation from the land but shall not include mowing of grass.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Day Care Facility means a facility or center which provides, for any portion of the day, child care services to more than four (4) children unrelated to the owner or operator and which receives payment for any of the children receiving care, whether or not operated for profit. This term includes daycare centers, nursery schools, and kindergartens, when not accessory to an elementary school. This term does not include group homes.

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

Density means the number of dwelling units per net acre of land. The net land area is figured by taking the gross land area (total property less any lakes or water bodies),

then subtracting from that any open space acreage, then subtracting any remaining unbuildable acreage (remaining wetlands).

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

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

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

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

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

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

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

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

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

Dredging, Filling, and Other Related Activities means any activities which may affect the quality of the waters of the Town such as the following: draining, digging, pumping, pushing, removing, or displacing, by any means, of material, or the dumping, moving,

relocating, or depositing of material, either directly or otherwise, and the erecting of structures, driving of pilings, or placing of obstructions below the mean-high-water mark of any body of water within the Town.

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

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

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

Dwelling:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hotel or Motel means a building or a group of buildings containing sleeping accommodations or efficiency units in which transient guests are lodged on a short-

term basis. Hotels typically may also include dining (restaurants) and business services (meeting facilities, etc.)

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

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

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

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

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

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

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

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

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

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

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

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

Local governing body means the Town of Howey in the Hills.

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

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

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

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

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

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

Manufactured Home means a structure that is fabricated in a protected environment then transported in one (1) or more sections, to the homesite. These homes are built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The structures are built to Federal standards.

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

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

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

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

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

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

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

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

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

Nursing or Convalescent Home means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreation:

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

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

Restaurant means an establishment where food is ordered from a menu, prepared, and served for pay primarily for consumption on the premises. The sale of beer, wine, and

liquor for consumption on premises is incidental to the sale of food. At least fifty percent (50%) of the establishment's gross revenue is derived from the sale of food and non-alcoholic beverages.

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

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

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

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

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

1. Effluent disposal facilities.
2. Treatment plants.
3. Pump stations.
4. Force mains; and
5. Interceptors.

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

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

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

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

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

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

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

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

1. *Banner sign* means any sign having characters, letters, or illustrations applied to cloth, paper, or fabric of any kind, with only such material as backing, which is mounted to a pole or building by one (1) or more edges. National, state, or municipal flags or the official flag of a business or institution shall not be considered a banner.
2. *Barber Pole sign* means any traditional cylindrical, striped revolving sign identifying barbers.
3. *Detached sign*. See “Freestanding/ground sign” and “Pole sign.”
4. *Exempt sign* means any sign for which a permit is not required.
5. *Freestanding or Ground sign* means any detached sign, including any signs supported by structures in or on the ground and independent of support from any building. Includes the term “monument sign.”
6. *Identification sign* means any sign which indicates the name, owner or address of a residence, office, or business, but bearing no advertising.
7. *Illuminated sign* means any sign having characters, letters, figures, design, or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not the lights or tubes are physically attached to the sign.
8. *Incidental sign* means any general informational sign which has a purpose secondary to the use of the site on which it is located, such as "Open", "Closed", "Welcome", "No Parking", "Entrance", "Loading Only", and similar information and directives.
9. *Off-site sign* means any sign which advertises the services or products of a business not on the premises where the sign is erected.
10. *Pole sign* means any sign erected on a pole which is wholly independent of any building for support.
11. *Portable sign* means any sign, whether on its own trailer, wheels, chassis, or otherwise movable support, which is manifestly designed to be transported from one place to another.
12. *Projecting sign* means any sign which is affixed to any building, wall, or structure and which extends beyond the building, wall, and structure (see "bracket sign").
13. *Sandwich or Sidewalk sign* means any sign, double- or single-faced, which is portable, able to be moved easily by an individual, and which fits within a sidewalk while still allowing for pedestrian travel.

14. **Snipe sign** means any sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
15. **Street Number sign** means any sign displaying a street number on a structure, wherever located.
16. **Temporary sign.** A sign addressing (i) a discrete, upcoming, and nonrepeating event such as an election or referendum, a “grand opening,” a garage sale, a going-out-of-business sale, a festival, celebration, parade, or other community event, etc., or (ii) a temporary condition such as a construction project, a property for sale, a temporary closure of a facility or area, etc.
17. **Wall sign.** Any sign that shall be affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, in such a way that the wall becomes the supporting structure for, or forms the background surface of the sign; provided, however, said wall sign shall not project more than 12 inches from the face of the building; shall not project above the top of the wall or beyond the end of the building.

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

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

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

Spillover means the casting, reflecting or transmission of light or glare beyond the boundaries of the property.

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

1. **Alleys** mean minor travel ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
2. **Arterial** means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility. They often have multiple lanes and access control.
3. **Collector** means a low to moderate-capacity road which serves to move traffic from local streets to arterial streets. Access is managed to minimize the number of driveways.
4. **Cul-de-sac** means minor streets having only one (1) open end providing access to another street; the closed end provides a turnaround circle for vehicles, and property fronts on both sides of the street.
5. **Dead-end** means minor streets similar to cul-de-sacs except that they provide no turnaround circle at their closed end. Stub streets, planned for future continuation, are not considered to be dead-end streets.

6. **Local** means a street with lower traffic volumes, with land access as its primary function. In general, on-street parking is allowed and access is unlimited, subject to driveway spacing restrictions.
7. **Public** means any public thoroughfare, street, avenue, boulevard, or similar roadway which has been dedicated or deeded for vehicular use by the public.

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

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

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

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

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

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

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

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

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

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

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

Town Manager means the Town Manager or his or her designee.

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

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

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

Variance means a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

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

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

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

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

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

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

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

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

Irrigation System Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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