

**ORDINANCE NO. 2018-002**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA AMENDING THE LAND DEVELOPMENT CODE BY AMENDING CHAPTER 5 TITLED “ACCESSORY AND TEMPORARY USES AND STRUCTURES” TO ADD REQUIREMENTS PERTAINING TO FENCES AND WALLS, ADD TYPES OF FENCING ALLOWED AND PROHIBITED FOR SINGLE-FAMILY RESIDENCES AND TO MODIFY THE RULES FOR THE PLACEMENT AND DESIGN OF STORAGE SHEDS ON RESIDENTIAL PROPERTY; AMENDING SECTION 5.01.03 TITLED “ALL ACCESSORY USES”, SECTION 5.01.07 TITLED “FENCES AND WALLS”, AND ADDING A NEW SECTION 5.01.09 TO BE TITLED “STORAGE SHEDS”; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Howey-in-the-Hills, Lake County, Florida, has adopted a comprehensive plan pursuant to, and in compliance with 163.3161 et. Seq., Florida Statutes.

**WHEREAS**, the Town Council, as authorized by 163.3202, Florida Statutes, has enacted and does enforce the Land Development Code, based on, related to, and as a means to implement its adopted comprehensive plan.

**WHEREAS**, the Town Council has determined that it is necessary to amend its Land Development Code as herein provided in order to more effectively implement its adopted comprehensive plan.

**WHEREAS**, The Town Council has determined the proposed amendments are consistent with its adopted comprehensive plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:**

**Section 1.** The Town Council hereby approves the revisions to the Land Development Code for the Town of Howey-in-the-Hills as indicated by the underlined and strikethrough language in the amended Land Development Code attached hereto as **Attachment A**.

**Section 2.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 3.** All ordinances made in conflict with this Ordinance are hereby repealed.

**Section 4.** All other provisions of the Land Development Code shall remain unchanged, ratified, and confirmed by this ordinance.

**Section 5.** The revisions reflected in the Attachments shall be codified and incorporated into the Land Development Code of the Town of Howey-in-the-Hills, Lake County, Florida.

**Section 6.** This Ordinance takes effect immediately upon its enactment.

**PASSED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2018, by the Town Council of the Town of Howey-in-the-Hills, Florida.

\_\_\_\_\_  
Chris Sears, Mayor

**ATTEST:**

**APPROVED AS TO FORM AND LEGALITY**  
for use and reliance by the Town of Howey-in-the-Hills,  
Florida, only.

\_\_\_\_\_  
Darian Burke  
Town Clerk

\_\_\_\_\_  
Heather M. Blom-Ramos  
Town Attorney

Planning and Zoning Meeting held \_\_\_\_\_  
First Reading held \_\_\_\_\_  
Second Reading and Adoption held \_\_\_\_\_  
Advertised June 18, 2018 and \_\_\_\_\_

## ATTACHMENT A

### Amendments to the Land Development Code

#### 5.01.03 All Accessory Structures

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

#### 5.01.07 Fences and Walls

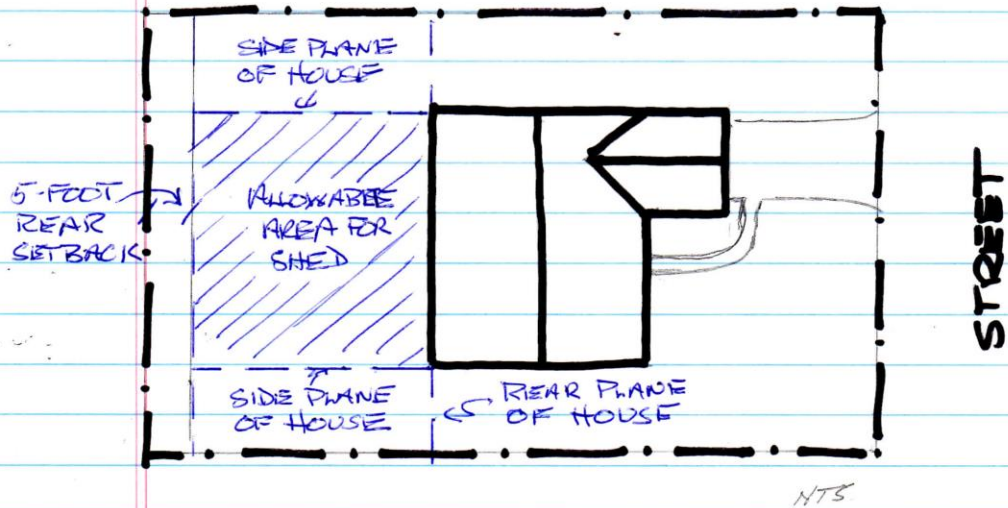
- A. A permit must first be obtained from the Town before any person erects, constructs, enlarges, alters, replaces or repairs any fence or wall regulated by this Chapter. The Town's building official may determine that a permit is not required for minor repairs.
- B. The maximum height of fences and walls shall be as follows, except where otherwise provided in this LDC:
  - 1. ~~Fences in front~~ Front yards shall be a maximum of 4 feet tall and shall not be opaque. Picket fencing is acceptable.
  - 2. ~~Fences in side~~ Side yards shall be a maximum of 6 feet tall.
  - 3. ~~Fences in rear~~ Rear yards shall be a maximum of 6 feet tall.
  - 4. Fences and walls required for security purposes in Industrial or Public zoning districts shall be a maximum of 8 feet tall.
  - 5. Fencing or walls used for decorative, privacy, or security purposes around residential or mixed-use subdivisions shall be a maximum of 6 feet tall.
- C. ~~Decorative~~ fences and walls, for individual residential properties or for other applications, shall be designed with offsets, banding, columns or posts with lintels or caps, landscape pockets, and other elements to avoid an expansive monolithic or monotonous appearance. Such elements shall be included every 30 feet or less.
- D. Fences in residential areas shall be made of ~~decorative~~ wood, ~~or~~ PVC/vinyl, decorative aluminum, or wrought iron fences, except as noted in (H) below and black or dark green coated vinyl chain link fencing. New fence material must be used when a new fence is installed. Non-traditional materials, including but not limited to, tires, mufflers, hubcaps, etc., are prohibited.

- Other prohibited materials include, but are not limited to, sheet metal, plywood, corrugated metal or fiberglass, scrap wood, scrap metal, and cast-off secondhand materials. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be used as part of or attached to a fence or wall.
- E. To help ensure proper placement of fences or walls along property lines, property lines shall be established by a survey prepared by a surveyor licensed in Florida. Surveys must be dated within the last two years unless the Building Official determines that an older survey adequately represents the property lines.
  - F. Fences and walls shall be erected with the finished side facing out. Posts shall be placed along the inside of the fence. All fencing must be uniform in material, design and color, except for chain link fencing as allowed in Subsection H. Additions or repairs to existing fences or walls must maintain a uniformity of materials, design, and color with that of the existing fence or wall.
  - G. Except for the Agricultural and Rural Estates zoning districts, electrified fences are prohibited.
  - H. Chain link fencing is allowed in Agricultural, Rural Estates, Industrial, Institutional, Recreation 1, and Public zoning districts. Chain link fencing may also be used along the rear lot lines on residential lots where the rear lot line abuts a wetland, lake, or conservation area.
  - I. The use of barbed wire, razor wire, or the like for fencing is permitted only in the Agricultural, Industrial and Public zoning districts.
  - J. Permitted barbed wire or razor wire shall be six (6) feet or more above the ground level. The barbed or razor wire shall be turned, pointed, or directed inward toward the property enclosed by the fence.
  - K. Columns for walls may be a maximum of 8 feet in height, or as approved through the architectural review process.
  - L. Walls shall be designed with either a stucco or brick finish.

#### **5.01.09 Storage Sheds**

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

STORAGE SHED PLACEMENT - INTERIOR LOT



STORAGE SHED PLACEMENT - CORNER LOT

