

ORDINANCE 2023-007

AN ORDINANCE OF THE TOWN OF HOWEY IN THE HILLS, FLORIDA, PERTAINING TO LAND USE; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE TOWN'S OFFICIAL ZONING MAP TO REZONE FOUR PARCELS OF LAND TOTALING APPROXIMATELY 160 ACRES AND LOCATED GENERALLY NORTH OF NUMBER TWO ROAD AND EAST OF BLOOMFIELD AVENUE, AS MORE PARTICULARLY DESCRIBED IN ATTACHMENT A TO THE ORDINANCE, FROM LAKE COUNTY "AGRICULTURE" ZONING TO TOWN "MEDIUM DENSITY RESIDENTIAL 2" ZONING; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Findings. In enacting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida makes the following findings and declarations:

(1) Under Ordinance 2022-013 the four parcels described in **Attachment A** to this ordinance ("**Property**") were annexed into the Town limits pursuant to the authority of Chapter 171 of Florida Statutes and that certain Interlocal Service Boundary Agreement ("**ISBA**") among Lake County, Florida, the Town, and certain other municipalities in central Lake County and dated February 15, 2013.

(2) The Town's Comprehensive Plan designates or will designate the Property on the Town's Future Land Use Map for a combination of future land uses consisting of "Medium Density Residential," "Public/Utility," and "Conservation."

(3) Current zoning of the Property is Lake County / Agriculture.

(4) The owner of the Property intends to develop and use the Property for single-family residential purposes and has requested rezoning of the Property to Town / Medium Density Residential 2 (MDR-2).

(5) The Town Council finds that rezoning the Property from Lake County / Agriculture to Town / MDR-2 will be consistent with both the Town's Comprehensive Plan and the Town's Land Development Code ("LDC") and will not adversely affect the public health, safety, and welfare of the Town and its residents and property owners.

Section 2. Amendment of the Official Zoning Map. The Town Council hereby amends the Town's Official Zoning Map to zone the Property for Medium Density Residential 2 (MDR-2).

Section 3. Development and Use of the Property. Development and use of the Property under its MDR-2 zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

- (1) This Ordinance 2023-007;
- (2) The Town's Comprehensive Plan and Land Development Code; and
- (3) The Town Code and all other Town ordinances governing the development of the Property.

Section 4. Severability. If any part of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining parts of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 5. Conflicts. If this ordinance conflicts with other ordinances in regulation of the development and use of the Property, this ordinance shall control and supersede to the extent of the conflict.

Section 6. Codification. The amendment to the Official Zoning Map in Section 2 shall be codified and made part of the Town's LDC and Official Zoning Map, but not the Town's Code of Ordinances.

Section 7. Effective Date; Potential "Sunset" Date.

a) **Effective Date.** This Section 7 of this ordinance shall take effect upon enactment. The remaining sections of this ordinance shall take effect on the later of

- i. The date of enactment of this ordinance by the Town Council,
- ii. The date on which the annexation of the Property takes effect pursuant to Chapter 171 of Florida Statutes and the IBSA, or
- iii. The date on which an amendment to the Town's comprehensive plan, designating the future land use for the Property to be a combination of Medium Density Residential, Public/Utility, and Conservation, takes effect.

b) **Potential "Sunset" Date.** If this entire ordinance has not taken effect as of _____ 1, 202__, it shall be deemed repealed and void without further action by the Town Council.

ORDAINED AND ENACTED this ____ day of _____, 2023, by the Town
Council of the Town of Howey-in-the-Hills, Florida.

**TOWN OF HOWEY-IN-THE-HILLS,
FLORIDA
By: its Town Council**

By: _____
Hon. Martha MacFarlane, Mayor

ATTEST:

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

John Brock
Town Clerk

Thomas J. Wilkes
Town Attorney

Planning and Zoning Meeting held _____, **2023**

First Reading held _____, **2023**

Second Reading held _____, **2023**

Advertised _____, **2023**, _____, **2023**
and _ _____, **2023**

Attachment A
to
Ordinance 2023-007

LEGAL DESCRIPTIONS OF THE "PROPERTY"

- 1. Parcel ID No.'s:** **27-20-25-0002-000-00200**
 28-20-25-0001-000-00100
 27-20-25-0003-000-03100
 27-20-25-0001-000-03300
- 2. Alternate Key No.'s:** **1101051**
 1036119
 3852069
 3887680

3. LEGAL DESCRIPTIONS:

PARCEL 1:

THAT PORTION OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2737, PAGES 1678 THROUGH 1680, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND LYING IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 SECTION CORNER OF SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE ON A BEARING RELATED TO FLORIDA STATE PLANE COORDINATES, EAST ZONE, AND ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27, RUN S00°27'46"W A DISTANCE OF 506.08 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 975, PAGE 1473, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AS FIELD MONUMENTED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHWESTERLY LINE RUN THE FOLLOWING THREE COURSES; S 41°36'25"E A DISTANCE OF 89.22 FEET. S41°38'46"E A DISTANCE OF 180.32 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1406.26 FEET TO WHICH A RADIAL LINE BEARS S48°23'43"W; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°21'46" AN ARC DISTANCE OF 107.08 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF THE LANDS DESCRIBED AS ENVIRONMENTAL EASEMENT NO. 22, AS FOUND ON PAGE 1463 OF OFFICIAL RECORDS BOOK 1121, PAGES 1441 THROUGH 1478, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE ALONG SAID NORTHWESTERLY LINE RUN THE FOLLOWING THREE (3)

COURSES; S68'35'23"W A DISTANCE OF 16.30 FEET, S44'30'53"W A DISTANCE OF 80.19 FEET, S33'10'29"W A DISTANCE OF 65.77 FEET; THENCE DEPARTING SAID NORTHWESTERLY LINE RUN N89'29'24"W A DISTANCE OF 148.97 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 27; THENCE ALONG SAID WEST LINE RUN N00'27'46"E A DISTANCE OF 395.61 FEET TO THE POINT OF BEGINNING.

Plus:

PARCEL 2:

A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, BEING THAT PART OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 27 LYING NORTHERLY OF NUMBER TWO ROAD (PUBLIC ROAD), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID WEST 1/4; THENCE SOUTH 89'40'19" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 332.52 FEET; THENCE SOUTH 00'05'49" WEST ALONG THE EAST LINE OF SAID WEST 1/4 243.34 FEET; THENCE NORTHWESTERLY ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF NUMBER TWO ROAD (PUBLIC ROADWAY) 410 FEET MORE OR LESS; THENCE NORTH 00'05'49" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 10.09 FEET TO THE POINT OF BEGINNING.

Plus:

PARCEL 3:

THE NORTH 1/2 OF THE NORTHWEST 1/4; LESS AND EXCEPT ANY PORTION THEREOF LYING NORTHEASTERLY OF THE SOUTHWESTERLY BOUNDARY OF THOSE LANDS DESCRIBED AS TRACT 3, AS RECORDED IN OFFICIAL RECORDS BOOK 1076, PAGE 0802, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; SAID SOUTHWESTERLY BOUNDARY ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD; TOGETHER WITH THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

Plus:

PARCEL 4:

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

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