

ORDINANCE NO. 2023-006

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF THE TOWN'S COMPREHENSIVE PLAN FOR FOUR PARCELS OF LAND TOTALING APPROXIMATELY 160 ACRES AND LOCATED GENERALLY NORTH OF NUMBER TWO ROAD AND EAST OF BLOOMFIELD AVENUE, ALL AS LEGALLY DESCRIBED IN ATTACHMENT A TO THE ORDINANCE, FROM LAKE COUNTY DESIGNATIONS OF "RURAL" AND "RURAL TRANSITION" TO TOWN DESIGNATIONS OF "MEDIUM DENSITY RESIDENTIAL," "PUBLIC/UTILITY," AND "CONSERVATION;" PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

Section 1. Findings. The Town Council of the Town of Howey-in-the-Hills, Florida hereby finds and declares the following:

a) The four land parcels described in **Attachment A** to this ordinance (collectively, the "**Property**") are all in common ownership.

b) Under Ordinance 2022-013 the Property was 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.

c) Current zoning of the Property is Lake County / Agriculture. The current future-land-use designation is Lake County "Rural" and "Rural Transition."

d) The owner of the Property has applied for a change in the Future Land Use Map designation for the Property from Lake County "Rural" and "Rural Transition" to Town designations of "Medium Density Residential," "Public/Utility," and "Conservation"; and

e) The Town Council has determined that the proposed amendment from the existing Lake County future-land-use designations to designations of Town "Medium Density Residential," "Public/Utility," and "Conservation" is consistent with the Town's Comprehensive Plan, is compatible with nearby existing land uses, and promotes the public health, safety, and welfare of the Town's residents and property owners.

Section 2. Approval of Amendment to Future Land Use Map. The Future Land Use

Map in the Town's Comprehensive Plan is amended hereby to change the land-use designation for the Property from Lake County "Rural" and "Rural Transition" to Town designations of "Medium Density Residential," "Public/Utility," and "Conservation" as shown in **Attachment B** to this ordinance.

Section 3. Severability. If any portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, the remaining portions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 4. Conflicts. In the event of a conflict between this ordinance and one or more existing ordinances, this ordinance shall supersede the existing ordinances to the extent of the conflict and shall govern.

Section 5. Codification. The amendments enacted by this ordinance to the Future Land Use Map of the Town's Comprehensive Plan shall be codified and made part of the Town's Comprehensive Plan and Land Development Code, but not the Town's Code of Ordinances.

Section 6. Effective Date. This ordinance takes effect upon the later of:

- a) The effective date of Ordinance 2022-013, annexing the Property into the boundaries of the Town; or
- b) The 31st day following the date of enactment of this Ordinance 2023-006, if no challenge is timely filed under state law governing local comprehensive plans; or
- c) If this amendment is timely challenged, then upon the Department of Economic Opportunity or the Administration Commission entering a final order declaring effectively that the amendment to the Future Land Use Map approved under this ordinance is in compliance with state law.

[Signatures on the following page]

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: _____
Martha MacFarlane, Mayor

ATTEST:

John Brock
Town Clerk

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

Thomas J. Wilkes
Town Attorney

Transmittal of proposed amendment approved on _____, 2023.
Planning and Zoning Board meeting held on _____, 2023.
Public hearing and adoption of proposed amendment held on _____, 2023.

ATTACHMENT A

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.

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156 **Plus:**
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158 **PARCEL 2:**

159 A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 25 EAST, IN
160 LAKE COUNTY, FLORIDA, BEING THAT PART OF THE WEST 1/4 OF THE NORTHEAST 1/4 OF
161 THE SOUTHWEST 1/4 OF SAID SECTION 27 LYING NORTHERLY OF NUMBER TWO ROAD
162 (PUBLIC ROAD), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
163 BEGINNING AT THE NORTHWEST CORNER OF SAID WEST 1/4; THENCE SOUTH 89°40'19"
164 EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 332.52 FEET; THENCE SOUTH
165 00°05'49" WEST ALONG THE EAST LINE OF SAID WEST 1/4 243.34 FEET; THENCE
166 NORTHWESTERLY ALONG THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF
167 NUMBER TWO ROAD (PUBLIC ROADWAY) 410 FEET MORE OR LESS; THENCE NORTH
168 00°05'49" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 10.09 FEET TO THE POINT
169 OF BEGINNING.
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171 **Plus:**
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173 **PARCEL 3:**

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

186 THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 20 SOUTH,
187 RANGE 25 EAST, LAKE COUNTY, FLORIDA.
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ATTACHMENT B
FUTURE LAND USE DESIGNATION
for the
“PROPERTY”

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