

**ORDINANCE NO. 2022-019**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING ORDINANCE 2021-010 PERTAINING TO THE USE OF LAND WITHIN THE PROPERTY KNOWN AS THE RESERVE AT HOWEY-IN-THE-HILLS; PROVIDING FINDINGS OF THE TOWN COUNCIL; AMENDING THE AMENDED AND RESTATED DEVELOPER’S AGREEMENT FOR THE RESERVE AT HOWEY-IN-THE-HILLS TO ALLOW A CHANGE IN THE REQUIREMENTS FOR CONSTRUCTION OF A NORTH-SOUTH ROAD; RATIFYING AND CONFIRMING THE PROVISIONS OF ORDINANCE 2021-010, AS AMENDED; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

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

**Section 1. Findings.** The owners of the land zoned under Ordinance 2021-010 for The Reserve at Howey-in-the-Hills Planned Unit Development (“The Reserve”) have requested an amendment to the land-use approvals for The Reserve to allow the north-south spine road labeled “Road A” to be constructed as a two-lane road instead of a four-lane road. The request is reasonable and the Town Council is willing to approve it.

**Section 2. Amendments to Land-Use Approvals.**

a) The proposed “First Amendment to the Amended and Revised Developer’s Agreement for The Reserve at Howey-in-the-Hills” (“First Amendment”) is approved. The Town Manager and the Town Clerk are authorized and directed to execute and deliver to the Owners the First Amendment as presented to the Town Council, with such amendments (if any) approved by Town Council.

b) The list in section 2 of Ordinance 2021-010 of the land-use approvals and other documents containing the conditions, requirements, restrictions, and other terms pertaining to development of The Reserve is amended to add the following:

- i. The First Amendment to Amended and Restated Developer’s Agreement for The Reserve at Howey-in-the-Hills, dated as of \_\_\_\_\_, 202\_\_, including its Attachment 1; and
- ii. The Master Site Plan for The Reserve at Howey-in-the-Hills dated August 2022

- and contained in Attachment 1 to the First Amendment; and
- iii. The Typical Roadway Cross Section for 90' Right of Way contained in Attachment 1 to the First Amendment; and
  - iv. The Typical Roadway Cross Section for 90' Right of Way (4 lane section) contained in Attachment 1 to the First Amendment.

**Section 3. Ratification; Future Amendments to Developer's Agreement.**

a) The First Amendment shall prevail over and supersede Ordinance 2021-010 and the land-use approvals itemized in section 2 of Ordinance 2021-010, but only to the extent a conflict exists between or among them. Otherwise, Ordinance 2021-010 and the land-use approvals and other instruments and documents identified in section 2 of the ordinance are ratified, validated, and confirmed herewith and declared to remain in full force and effect.

b) The Town Council is authorized to approve future amendments (if any) to the Amended and Restated Developer's Agreement for The Reserve at Howey-in-the-Hills without the necessity of amending either Ordinance 2021-010 or this ordinance.

**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. Codification.** This ordinance shall be codified only if the Town Manager determines, upon consultation with the Town Attorney and Town Planner, that codification is necessary or useful to the Town and its citizens.

**Section 6. Effective Date.** This ordinance shall take effect upon the later of (i) its enactment by the Town Council or (ii) the date on which the First Amendment to the Amended and Restated Developer's Agreement for Howey-in-the-Hills takes effect.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2022, 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:**

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

\_\_\_\_\_  
John Brock  
Town Clerk

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Thomas J. Wilkes  
Town Attorney

Planning and Zoning hearing held **September 22, 2022**

First Reading held \_\_\_\_\_, **2022**

Second Reading and Adoption held \_\_\_\_\_, **2022**

Advertised \_\_\_\_\_, **2022**