

1 **ORDINANCE NO. 2023-009**

2 **AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS,**
3 **FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE**
4 **LAND USE ELEMENT OF THE TOWN’S COMPREHENSIVE PLAN TO**
5 **CHANGE A FUTURE-LAND-USE DESIGNATION FROM “MEDIUM**
6 **DENSITY RESIDENTIAL” TO “NEIGHBORHOOD COMMERCIAL,”**
7 **AND AMENDING THE TOWN’S ZONING MAP TO CHANGE ZONING**
8 **FROM “MEDIUM DENSITY RESIDENTIAL-1” (MDR-1) TO**
9 **“NEIGHBORHOOD COMMERCIAL,” IN BOTH CASES FOR A 0.69-**
10 **ACRE(+/-) PARCEL LOCATED ON THE NORTHEAST CORNER OF THE**
11 **INTERSECTION OF STATE ROAD 19 (PALM AVENUE) AND CITRUS**
12 **AVENUE AND LEGALLY DESCRIBED IN ATTACHMENT A TO THE**
13 **ORDINANCE; PROVIDING FOR CONFLICTING ORDINANCES,**
14 **SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**
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17 **BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-**
18 **HILLS, FLORIDA:**

19 **Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Howey-in-
20 the-Hills, Florida makes the following findings and expresses the following purposes, and
21 intent:

22 (1) On behalf of property owner Lakeview Investments, LLC, Nick Asma submitted
23 an application to the Town to change both the future-land-use designation and the
24 zoning for a 0.69-acre (+/-) parcel located on the northeast corner of the
25 intersection State Road 19 and Citrus Avenue and legally described in Attachment
26 A to this ordinance (“**Subject Parcel**”). The application requests (i) a change to
27 the future-land-use designation of the Subject Parcel from “Medium Density
28 Residential” to “Neighborhood Commercial” and (ii) a change in zoning on the
29 Subject Parcel from Medium Density Residential-1 (**MDR-1**) to Neighborhood
30 Commercial (**NC**).

31 (2) The Town Council has determined that rezoning the Subject Parcel from MDR-1
32 to NC is consistent with both the Town’s Comprehensive Plan, as amended by
33 this ordinance, and the intent and purpose of the Town’s Land Development Code
34 (“**LDC**”) and promotes the public health, safety, and welfare.

35 **Section 2. Approvals.** The Town Council hereby approves the following:

36 (a) the Future Land Use Map of the Town’s Comprehensive Plan is amended to
37 change the future-land-use designation for the Subject Parcel from “Medium
38 Density Residential” to “Neighborhood Commercial”;

39 (b) the Town's Official Zoning Map is amended to rezone the Subject Parcel from
40 MDR-1 to NC; and

41 **Section 3. Severability.** If a provision of this ordinance is declared by a court of competent
42 jurisdiction to be void, unconstitutional, or unenforceable, the remaining provisions shall remain
43 in full effect. To that end, this ordinance is declared to be severable.

44 **Section 4. Conflicts.** In a conflict between this ordinance and other existing ordinances
45 regarding the Subject Parcel, this ordinance shall supersede and govern.

46 **Section 5. Codification.** The amendments enacted by this ordinance to the Town's
47 Comprehensive Plan and Official Zoning Map shall be codified and made part of the Town's
48 LDC, but not the Town's Code of Ordinances.

49 **Section 6. Effective Date.** This ordinance takes effect upon adoption.

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

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55 **Town of Howey-in-the-Hills, Florida**
56 By: its Town Council

57
58 By: _____
59 Martha MacFarlane, Mayor

60 **ATTEST:**

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62 _____
63 John Brock, Town Clerk

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

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68 _____
69 Thomas J. Wilkes, Town Attorney

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73 Planning and Zoning Board meeting held on April 27, 2023
74 Transmittal of proposed amendment approved on _____.
75 Public hearing and adoption of proposed amendment held on _____, 2023.
76 Advertising April 17, 2023, _____, 2023, and _____, 2023
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ATTACHMENT A

LEGAL DESCRIPTION OF THE "PROPERTY"

1. Parcel ID: 26-20-25-0001-000-02500

2. Alternate Key: 3837468

3. LEGAL DESCRIPTION:

FROM THE SOUTHWEST CORNER OF LOT 6, BLOCK A-15, HOWEY-IN-THE-HILLS, GRIFFIN VILLAGE, AS RECORDED IN PLAT BOOK 12, PAGE 27, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE SOUTH 19°09'27" WEST ALONG THE PROJECTION OF THE WESTERLY LINE OF LOTS 4, 5 AND 6, BLOCK B-2, OF SAID GRIFFIN VILLAGE, AND THE NORTHEASTERLY EXTENSION THEREOF A DISTANCE OF 246.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 19, AS IT EXISTED ON MARCH 18, 1994; THENCE NORTH 16°40'10" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 19 A DISTANCE OF 112.75 FEET FOR A POINT OF BEGINNING; CONTINUE THENCE NORTH 16°40'10" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 19 A DISTANCE OF 44.46 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 2341.83 FEET, A CHORD BEARING OF NORTH 19°47'56" WEST, A CHORD DISTANCE OF 256.47 FEET, RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 19, THROUGH A CENTRAL ANGLE OF 6°16'41", A DISTANCE OF 256.60 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 19 RUN NORTH 67° 03'44" EAST A DISTANCE OF 112.62 FEET; THENCE SOUTH 44°00'59" EAST, A DISTANCE OF 50.04 FEET; THENCE SOUTH 64°22'53" EAST A DISTANCE OF 59.43 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CITRUS AVENUE, AS SHOWN ON THE AFORESAID GRIFFIN VILLAGE SUBDIVISION PLAT; THENCE SOUTH 19°09'27" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 281.71 FEET TO A POINT OF BEGINNING.