

**ORDINANCE NO. 2025-005**

**AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO DEVELOPMENT; PROVIDING FINDINGS; AMENDING SECTION 4.09.00 OF THE HOWEY-IN-THE-HILLS LAND DEVELOPMENT CODE; DELETING OBSOLETE AND INCORRECT LANGUAGE REQUIRING VACATION OF PRIOR PLATS BEFORE REPLATTING; CLARIFYING AND REVISING PROCEDURES AND REQUIREMENTS FOR REVIEW AND APPROVAL OF PROPOSED PLATS OF LAND TO CONFORM TO 2025 AMENDMENTS TO PART I OF CHAPTER 177 OF THE FLORIDA STATUTES; REQUIRING TOWN COUNCIL APPROVAL AS A CONDITION TO APPROVAL OF PLATS FOR PRIVATE, GATED SUBDIVISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:**

**Section 1. Findings.** In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida finds and declares the following:

- (1) Howey-in-the-Hills' current Land Development Code platting procedures require review and approval of all plats by the Howey-in-the-Hills Town Council.
- (2) The Florida Legislature amended Chapter 177, Florida Statutes, through session law Chapter 2025-164. The amendments require plat and replat submittals to be administratively approved.
- (3) The Town Council determines that the proposed amendments to the Land Development Code in **Attachment A** to this ordinance are consistent with the amendments to Chapter 177, Florida Statutes. It is in the interest of the citizens, residents, and property owners of the Town to enact the amendments to the Town's Land Development Code contained in Attachment A to this ordinance.

**Section 2. Adoption of Amendments to Section 4.09.00 of the Land Development Code of the Town of Howey-in-the-Hills.** The amendments to Section 4.09.00 of the Land Development Code as contained in **Attachment A** to this ordinance with the underscore and strike-through format, are hereby approved and adopted by the Town Council.

**Section 3. Codification.** The amendments to the Land Development Code in Attachment A are to be codified and posted on the Town's website accordingly.

**Section 4. Severability.** If any provision or portion of this ordinance or its Attachment A is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions of this ordinance and its Attachment A shall remain in full effect. To that end, this ordinance is declared to be severable.

**Section 5. Effective Date.** This ordinance takes effect immediately upon enactment.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2025, 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. Graham Wells, 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

First Reading held \_\_\_\_\_, 2025

Second Reading and Public Hearing held \_\_\_\_\_, 2025

Advertised \_\_\_\_\_, 2025, and \_\_\_\_\_, 2025

**Attachment A**

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**Amendments  
to  
Section 4.09.00  
of the  
Town of Howey-in-the-Hills  
Land Development Code**

## 4.09.00 FINAL PLAT REQUIREMENTS

### 4.09.01 Final Plat

The applicant ~~shall~~must provide the Town Clerk with six (6) paper copies of the Final Plat for review. These sheets shall be twenty-four (24) inches by thirty-six (36) inches. Plats ~~shall~~must meet all of the requirements of Chapter 177 Florida Statutes and shall be so certified by a land surveyor registered in the State of Florida.

If a government survey corner is used to conduct the surveys for the plats, a copy of the corner record ~~shall~~must be resubmitted along with the plats for approval. All plats to be recorded ~~shall~~must contain the required plat certificates. ~~When previously platted lands are proposed for replatting, it will be necessary that the existing plat, or portion thereof, be vacated pursuant to Chapter 177 Florida Statutes, subsequent to recordation of the new plat.~~

### 4.09.02 Required Information

A plat may be submitted for which all subdivision improvements have not been completed, installed and/or accepted by the Town; however, a performance bond or letter of credit in the amount of 120% of the cost of any improvements that have not been accepted by the Town, ~~must~~ accompany the plat submittal. The final plat application ~~shall~~must comply with the requirements of Chapter 177, Florida Statutes, as amended from time to time, and ~~shall~~must include the following:

- A. The Plat cover sheet ~~shall~~must include a vicinity map drawn to scale and including orientating features, a complete legal description including the section, township and range, the name, address, and telephone number of the owner or the name and address of the president and secretary if the owner is a corporation, and the area of the property in both square footage and acreage.
- B. The Plat ~~shall~~must include any and all Joinder and Consents.
- C. Title Opinion. The Plat application ~~shall~~must include a title opinion of an attorney licensed in Florida or a certification by a title company dated no earlier than thirty (30) days prior to the submittal.
- D. The Plat ~~shall~~must include the dedication of any improvements to the Town of Howey in the Hills.
- E. The Plat ~~shall~~must include a note on the cover sheet that "No amendments shall be made to the Declaration of Covenants, Conditions and Restrictions without prior approval of the Town of Howey in the Hills with regard to changes to or transfer of any portion or component of the subdivision infrastructure and any change in ownership or maintenance provisions of the common areas."
- F. The Final Plat ~~shall~~must contain sufficient data to determine readily and locate accurately on the ground, the location, bearing and length of every right of way line, lot line, easement boundary line and block line, including the radii, arcs and central angles of all curves.
- G. Each permanent reference monument ~~shall~~must be shown on the plat by appropriate designation.
- H. All permanent control points ~~shall~~must be shown on the plat by an appropriate designation. ~~It is the~~ The land surveyor's responsibility to ~~surveyor must~~ furnish

to the Town Clerk his certificate that the permanent control points have been set and the dates they were set.

- I. The Plat application ~~shall~~must include Proposed Homeowners' or Property Owners' Association (HOA or POA) Documents. Prior to recordation of the final plat, a homeowners' or property owners' association ~~shall~~must be established. The applicant ~~shall~~must provide six ~~(6)~~ copies of all proposed HOA or POA documents related to the subdivision. The HOA or POA documents ~~shall~~must include language regarding ownership and/or maintenance responsibilities for improvements including, but not limited to, upgraded streetlights and all common areas, including stormwater management facilities, parks, entranceways, and buffers. These documents ~~shall~~must be ~~submitted to and~~ reviewed by the DRC, the Town Engineer, the Town Surveyor, and the Town Attorney prior to review by the ~~Town Manager's office~~Council.
- J. Proposed Deed Restrictions and Covenants. The applicant ~~shall~~must provide six ~~(6)~~ copies of all proposed deed restrictions effecting the subdivision. These deed restrictions ~~shall~~must be recorded in the official records of Lake County along with the plat. These documents ~~shall~~must be ~~submitted to and~~ reviewed by the DRC, the Town Engineer, the Town Surveyor, and the Town Attorney prior to review by the ~~Town Manager's office~~Council.
- K. Private Subdivisions. Private, gated subdivisions may be created only if approved by Town Council, and such approval may be granted or denied at the Town Council's discretion. A subdivision; requesting to have private streets; must have enforceable legal documents establishing the owner's association; and creating binding restrictive covenants. ~~These~~The documents must provide ~~for~~ a means of enforcing any and all assessments levied by the association, in order to financially provide for the continuing care and maintenance of the streets. ~~These~~The documents ~~shall~~must be ~~submitted to and~~ reviewed by the DRC, the Town Engineer, the Town Surveyor, and Town Attorney prior to review by the ~~Town Manager's office~~Council. Appropriate provisions must be made for the uncontested use of the private streets by ~~these~~ governmental agencies; such as the Howey in the Hills Police Department and Public Works Department and other governmental agencies, which may; from time-to-time need to travel over or across ~~said~~the private streets. In addition, the HOA or POA ~~shall~~must enter into an agreement with the Town for enforcement of traffic laws on the private streets if the HOA or POA seeks those services.
- L. Surety for Improvements. This is ~~only~~required only if platting is requested prior to installation of all improvements and acceptance of ~~same~~all improvements by the Town. Prior to the recordation of ~~any~~a Final Plat, the applicant ~~shall~~must file with the ~~Town Manager's office~~Council an adequate performance guarantee such as a performance bond or escrow agreement funded by cash, cashier's check or a certified check upon a local bank, conditioned to secure the construction of the required improvements in a satisfactory manner to the Town and within a time period specified by the ~~Town Council~~Town Manager. No such performance guarantee ~~shall~~will be accepted unless it is enforceable by or payable to the Town in a sum at least equal to 120%~~one hundred twenty percent (120%)~~ of the cost of all improvements required to be installed by the applicant. The amount of the

performance guarantee ~~shall~~must be based on the project engineer's certified estimate of the cost of improvements or upon actual contract costs for installing the improvements as referenced by a signed contract between the developer and the site contractor. This performance guarantee should be reviewed and approved by both the Town Engineer and the Town Attorney.

M. Warranty Deed. For public site dedications (i.e. school site or park site).

#### **4.09.03    *Review Process***

Within 7 business days of receiving the Final Plat, the Town Manager's office will provide written notice to the Applicant. This notice will include the following information: (1) acknowledgment of receipt, (2) identification of any missing documents or information necessary to process the plat, (3) an explanation of the review and approval process, and (4) an expected timeframe for reviewing, approving, and processing the plat.

The Town Manager's office shall approve, approve subject to conditions, or deny the Final Plat within the timeframe stated in the notice unless the Applicant requests an extension of time. In denying a Final Plat, the Town Manager's office must state reasons for the denial, including specific citations to unmet requirements.

The Town Manager's office may not request or require the Applicant to file a written extension of time.

~~After the DRC~~Once the Town Manager's office, on advice from the DRC, the Town surveyor, the Town engineer, and the Town Attorney, are is satisfied with the Final Plat and all applicable documents, a report from the Town Attorney shall be submitted to the Town Council. the Town Manager will approve the Final Plat by affixing his signature to it. The Town Manager will provide the approved Final Plat to the Town Clerk to record the plat in the records of Lake County, Florida.

A copy of the recorded plat shall be provided by the Town to the applicant. The Town Clerk shall also forward a copy of the recorded Final Plat to the appropriate Lake County office for verification of street addresses for the new lots.

#### **4.09.04    *Review and Action by the Town Council***

~~The Final Plat shall be scheduled for a regular Town Council meeting. A Final Plat does not require a public hearing. The Town Manager shall submit a report to the Town Council outlining the recommendations of the DRC, the Town surveyor, and the Town Attorney. The Town Council shall approve, approve subject to conditions, or deny the Final Plat. In denying any Final Plat, the Town Council shall provide reasons for such action.~~

~~Once the Town Council approves the Final Plat and the applicant provides a copy of the recorded HOA and/or POA documents and the recorded deed restrictions to the~~

~~Town, the Town Clerk shall record the plat in the records of Lake County, Florida. A copy of the plat shall be provided by the Town to the applicant.~~

~~The Town Clerk shall also forward a copy of the recorded Final Plat to the appropriate Lake County office for verification of street addresses for the new lots.~~