



Planning & Zoning Board Meeting

July 24, 2025 at 6:00 PM

Howey-in the-Hills Town Hall

101 N. Palm Ave.,

Howey-in-the-Hills, FL 34737

Join Zoom Meeting: <https://us06web.zoom.us/j/89708331995?pwd=qGyn6A4Hy1FX7WbLqJsaGpzl25Bixl.1>
Meeting ID: 897 0833 1995 | **Passcode:** 473983

AGENDA

BOARD CHAIR CALLS THE MEETING TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

- 1.** Consideration and Approval of the June 26, 2025, Planning and Zoning Board Meeting minutes.

PUBLIC HEARING

- 2.** Consideration and Recommendation: **Ordinance 2025-004 - Amending Pool Setbacks in LDC**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE USE OF LAND; PROVIDING FINDINGS; AMENDING PARAGRAPHS 2.02.04.D.10, 2.02.14.D.8, 2.02.15.D.8, 2.03.03.B.10, 5.01.08.B.1, 5.01.08.B.2, 5.01.08.B.3, 5.01.08.F.2, AND 5.01.08.F.1, AND SUBSECTION 5.01.08.D OF THE TOWN'S LAND DEVELOPMENT CODE, AND ADDING NEW SUBSECTION 5.01.08.G TO LAND DEVELOPMENT CODE, ALL OF WHICH RELATE TO ALLOWABLE SETBACKS FOR RESIDENTIAL POOLS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

- Board Chair will read the Ordinance title.
- Town Planner will explain Ordinance 2025-004.
- Board Chair will open Public Comment and Questions for this item only.
- Board Chair will close Public Comment.
- Motion to recommend Ordinance 2025-004 .
- Board Discussion.
- Roll Call Vote.

- 3.** Consideration and Recommendation: **Ordinance 2025-005 - Platting Process Changes**

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.

- Board Chair will read the Ordinance title.
- Town Planner will explain Ordinance 2025-005.
- Board Chair will open Public Comment and Questions for this item only.
- Board Chair will close Public Comment.
- Motion to recommend Ordinance 2025-005.
- Board Discussion.
- Roll Call Vote.

OLD BUSINESS

NEW BUSINESS

PUBLIC COMMENTS

Any person wishing to address the Planning and Zoning Board and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker. The general Public Question & Comment period will be limited to a maximum of thirty (30) minutes unless extended by the Presiding Officer.

BOARD COMMENTS

ADJOURNMENT

To Comply with Title II of the Americans with Disabilities Act (ADA):

Qualified individuals may get assistance through the Florida Relay Service by dialing 7-1-1. Florida Relay is a service provided to residents in the State of Florida who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled that connects them to standard (voice) telephone users. They utilize a wide array of technologies, such as Text Telephone (TTYs) and ASCII, Voice Carry-Over (VCO), Speech to Speech (STS), Relay Conference Captioning (RCC), CapTel, Voice, Hearing Carry-Over (HCO), Video Assisted Speech to Speech (VA-STs) and Enhanced Speech to Speech.

NOTICE: ONE OR MORE COUNCILORS MAY BE PRESENT TO HEAR OR PARTICIPATE IN DISCUSSION REGARDING MATTERS WHICH MAY COME BEFORE TOWN COUNCIL FOR ACTION.

Howey Town Hall is inviting you to a scheduled Zoom meeting.

Topic: Planning & Zoning Board Meeting

Time: Jul 24, 2025 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/89708331995?pwd=qGyn6A4Hy1FX7WbLqJsaGpZl25Bixl.1>

Meeting ID: 897 0833 1995

Passcode: 473983

Dial by your location

+1 646 558 8656 US (New York)

+1 720 707 2699 US (Denver)

+1 346 248 7799 US (Houston)

Meeting ID: 897 0833 1995

Passcode: 473983

Find your local number: <https://us06web.zoom.us/j/89708331995>

Please Note: In accordance with F.S. 286.0105: Any person who desires to appeal any decision or recommendation at this meeting will need a record of the proceedings, and that for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The Town of Howey-in-the-Hills does not prepare or provide this verbatim record. Note: In accordance with the F.S. 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact Town Hall, 101 N. Palm Avenue, Howey-in-the-Hills, FL 34737, (352) 324-2290 at least 48 business hours in advance of the meeting.



Planning & Zoning Board Meeting

June 26, 2025 at 6:00 PM
Howey-in the-Hills Town Hall
101 N. Palm Ave.,
Howey-in-the-Hills, FL 34737

MINUTES

Board Chair Tina St. Clair called the meeting to Order at 6:02 PM.
Board Chair Tina St. Clair led the attendees in the Pledge of Allegiance to the Flag

ROLL CALL

MEMBERS PRESENT:

Board Member Joshua Husemann | Board Member Alan Hayes | Board Member Richard Mulvany | Vice Chair Frances Wagler | Board Member Erick Bright | Board Member Paul Johns | Chair Tina St. Clair

STAFF PRESENT:

April Fisher, Town Planner (via Zoom) | Sean O'Keefe, Town Manager | John Brock, Deputy Town Manager / Town Clerk

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If a Planning & Zoning Board Member wishes to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on the remaining item(s); and (3) Discuss each pulled item and vote.

1. Consideration and Approval of the May 29, 2025, Planning and Zoning Board Meeting minutes.

Motion made by Board Member Husemann to approve the Consent Agenda; seconded by Board Member Johns. Motion approved unanimously by voice vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Vice Chair Wagler, Board Member Bright, Board Member Johns

Nay: None

PUBLIC HEARING

2. Consideration and Recommendation: **Mission Rise Preliminary Subdivision Plan Submittal**

The Planning and Zoning Board considered the preliminary subdivision plan submittal for the Mission Rise development. Town Planner, April Fisher, presented the item, explaining that the proposed plan was consistent with the previously approved Planned Unit Development (PUD), including lot sizes,

phasing (three phases total), open space requirements, and buffer standards. The applicant addressed all concerns identified during staff review, and the amenity tracts were properly detailed in the submittal. While information on tree mitigation and preservation will be required at the final subdivision plan stage, the applicant indicated compliance with those requirements. Mrs. Fisher noted that the applicant had submitted the necessary school concurrency application and was actively working through that process.

Applicant representative Katlyn Crowell confirmed that the approved school concurrency documentation had been submitted to Town staff earlier that day. Staff acknowledged its inclusion in the official record. Staff recommended approval of the preliminary subdivision plan, and the Board prepared to make its recommendation accordingly.

Board Chair Tina St. Clair opened Public Comment for this item only.

Elizabeth Abney, 24545 Silverwood Ln., Howey-in-the-Hills (*unincorporated Lake County*) – County resident, Elizabeth Abney, expressed concerns regarding the presence of gopher tortoises on the Mission Rise property. Mrs. Abney explained that she and her husband have lived in the area for approximately 25 years and previously had cattle on the subject property with the landowner's permission. While she acknowledged that development was likely to proceed, she urged the Board to consider the impact on the local wildlife, particularly the gopher tortoises, which she noted are protected in Florida.

Mrs. Abney stated that she had recently walked the property and documented numerous gopher tortoise burrows, none of which appeared to be flagged or marked for relocation. She questioned the validity and duration of any previous gopher tortoise surveys, noting that if the last survey occurred several years ago, a new one should be conducted. She further questioned the timing and process for relocation and emphasized the importance of protecting the tortoises' habitat before site disturbance begins. Mrs. Abney expressed a broader concern about the pace of development in Howey-in-the-Hills, urging decision-makers to preserve the rural character and ecological integrity of the Town. She concluded by offering photographs of the burrows for the Board's review and thanked them for allowing her to voice her concerns.

Jeff Pharis, 10147 Revels Rd., Howey-in-the-Hills (*unincorporated Lake County*) – County resident, Jeff Pharis, spoke in opposition to the Mission Rise development, expressing concern over the impact on gopher tortoises and the Town's rural character. He described his lifelong connection to the area and recounted personal experiences with the tortoises, questioning the effectiveness of relocation efforts and warning that many would be harmed during excavation. Mr. Pharis also criticized the pace of development without corresponding road improvements, warning of future traffic congestion and loss of the small-town feel.

Joseph Stasa, 24827 Silverwood Ln., Howey-in-the-Hills (*unincorporated Lake County*) – County resident, Joseph Stasa, raised several questions regarding the Mission Rise development, specifically related to future access points, construction phasing, and the impact on Silverwood Lane. He noted that the site plans indicate a potential future connection to Silverwood Lane but lacked details about how and when that might occur. Mr. Stasa requested clarification from the developer on the overall construction timeline, including the order of phases, the anticipated duration of the project, and the planned routes for construction traffic. He also asked how Silverwood Lane would be maintained and managed if it were used for future access, particularly given that it currently serves as a right-of-way for several properties.

Applicant representative, Katlyn Crowell, provided clarification on the phasing and construction access for the Mission Rise development. She stated that construction plans for Phase 1 are currently underway and anticipated for submittal late next month. Construction access for Phase 1 will come from State Road 19 via Revels Road. Access for Phases 2 and 3 will progress internally, with Phase 2 accessed

through an extension of Revels Road and Phase 3 accessed from Phase 2. The final connection, as requested by the Town, will be to Number 2 Road during Phase 3.

In response to earlier concerns, it was clarified that Silverwood Lane is privately owned and not intended for construction access. Town staff and board members reviewed the site plan and confirmed that Silverwood Lane lies south of the development boundary and is buffered from the proposed construction area.

Stephen Kane, 24705 Silverwood Ln., Howey-in-the-Hills (unincorporated Lake County) – County resident, Stephen Kane, stated that, based on legal advice received when he purchased his property, he holds a recorded 20-foot easement that runs along the Silverwood Ln. boundary of the Mission Rise development, specifically below Phases 2 and 3. He emphasized that the easement is documented in Lake County records and questioned whether the developer acknowledges its existence.

Following an extensive presentation and public comment period, the Planning and Zoning Board discussed numerous concerns and details related to the Mission Rise Preliminary Subdivision Plan. These included the development's phasing, construction access points, infrastructure improvements, environmental protections, and interactions with adjacent properties.

Applicant representative, Katlyn Crowell, clarified that construction will begin with Phase 1, with access from State Road 19 via Revels Road. Phases 2 and 3 will use internal connections, with Phase 3 ultimately linking to Number 2 Road as requested by the Town. Concerns about a potential access point onto Silverwood Lane were addressed, with both the applicant and Town staff confirming that no direct connection is currently planned. Silverwood Lane is privately owned and buffered from the development.

County resident Stephen Kane asserted that a 20-foot easement along the development's boundary is deeded to his property. He requested formal acknowledgment of this easement. The applicant agreed to investigate the easement and work with Mr. Kane to resolve the matter. Mrs. Fisher recommended that the issue be clarified by the final subdivision stage.

Additional discussion addressed the status and regulation of gopher tortoise relocation, which the applicant confirmed would follow all required state permitting procedures once construction permits are issued. Concerns were also raised about future trail and road connectivity. The applicant stated that stub-out roads shown on plans are for possible future connections and will be dedicated to the Town once completed.

County residents requested that the stub-out road leading toward Silverwood Lane be reconsidered or removed to prevent misuse and protect private property. Town staff indicated that this stub may have been required in the original PUD approval but agreed it could be evaluated further.

Motion made by Board Member Husemann to recommend approval of the Mission Rise Preliminary Subdivision Plan with two conditions: (1) that the applicant speak with an abutting property owner, Mr. Stephen Kane, to determine if a 20-foot easement is recorded in his favor on the applicant's property and determine how that will be addressed, (2) determine whether the stub-out designed in the Mission Rise development that abuts Silverwood Lane can be closed so that the residents on Silverwood Lane do not have to be concerned about possible future traffic on their private road (The applicant is to provide a report to Town Council at their July 10, 2025 meeting as to their progress on these two conditions); seconded by Board Member Bright. Motion approved unanimously by roll call vote.

Voting

Yea: Board Member Husemann, Board Member Hayes, Board Member Mulvany, Vice Chair Wagler,

Board Member Bright, Board Member Johns, Chair St. Clair
Nay: None

Town Clerk, John Brock, stated to the public in attendance, that this item would have a final public hearing before the Town Council on Thursday, July 10, 2025, at 6:00 p.m.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENTS

Any person wishing to address the Planning and Zoning Board and who is not on the agenda is asked to speak their name and address. Three (3) minutes is allocated per speaker. The general Public Question & Comment period will be limited to a maximum of thirty (30) minutes unless extended by the Presiding Officer.

Elizabeth Abney, 24545 Silverwood Ln., Howey-in-the-Hills (unincorporated Lake County) – County resident, Elizabeth Abney, had questions about future, potential development with the Town.

BOARD COMMENTS

Board Member Wagler suggested that a podium be provided for public speakers, allowing the applicant's representatives to remain seated with their materials during meetings. Mr. O'Keefe noted that public comment is not intended to be a Q&A session with the applicant. Mr. Brock added that implementing a podium setup would require additional sound equipment, as the current system is at capacity for microphones.

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Husemann to adjourn the meeting; Board Member Johns seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 6:59 p.m. | **Attendees: 18**

 Tina St. Clair, Chairperson

ATTEST:

 John Brock, Town Clerk



July 18, 2025

Prepared for
Town of Howey-in-the-Hills
Attn: Sean O'Keefe, Town Manager



Land Development Code Amendment- Pool Setbacks

Applicant: Town initiated

At their April 24, 2025 meeting, the Planning and Zoning Board directed the Town Planner to draft language to amend the Land Development Code (LDC) to provide alternative regulations regarding pool setbacks based on Board discussion.

Currently, pool setbacks, including decking and screen enclosures, are required to meet a 10-foot setback from the rear and side property lines. The Planning and Zoning Board has received frequent variance applications seeking relief from these setback standards.

Ordinance 2025-004 proposes to amend the LDC so that in situations where lots are 9600 square feet or less in size, the rear setback for pools, decks, and screen enclosures and pool equipment may meet a five-foot rear setback instead of ten feet.

Additionally, the Ordinance proposes the side setback on any size of lot shall be equal to that of the principal home or a minimum of ten feet, whichever is less. This respects that some smaller lots have a side setback for the principal building less than ten feet currently.

Pool equipment would also be allowed to be located in the side yard setback area of any size of lot and there is the added stipulation that none of the structures may be located in an easement.

Staff Recommendation: recommend Town Council adopt Ordinance 2025-004.

Motion Examples:

1. Recommend adoption of Ordinance 2025-004.
2. Recommend denial of Ordinance 2025-004 based on [specify reasons for recommendation of denial], or
3. Continue consideration of Ordinance 2025-004 pending additional information [specify information needed] from the applicant that shows the request meets the standards for a preliminary site plan approval.

ORDINANCE NO. 2025-004

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE USE OF LAND; PROVIDING FINDINGS; AMENDING PARAGRAPHS 2.02.04.D.10, 2.02.14.D.8, 2.02.15.D.8, 2.03.03.B.10, 5.01.08.B.1, 5.01.08.B.2, 5.01.08.B.3, 5.01.08.F.2, AND 5.01.08.F.1, AND SUBSECTION 5.01.08.D OF THE TOWN'S LAND DEVELOPMENT CODE, AND ADDING NEW SUBSECTION 5.01.08.G TO LAND DEVELOPMENT CODE, ALL OF WHICH RELATE TO ALLOWABLE SETBACKS FOR RESIDENTIAL POOLS; 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 requires certain minimum side and rear setbacks for pools and pool enclosures.
- (2) The proposed amendments to the Land Development Code will reduce, rather than increase, the minimum side and rear setbacks for pools and pool enclosures, and therefore are not more restrictive or burdensome on landowners.
- (3) The proposed amendments to the Land Development Code set forth in Sections 2-9 of this ordinance are consistent with 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 Section 2 of this ordinance.

Section 2. Amendments to paragraph 2.02.04.D.10 of the Land Development Code of the Town of Howey-in-the-Hills. Paragraph 2.02.04.D.10 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

2.02.04 Medium Density Residential 1 (MDR-1)

* * *

D. Dimensional Criteria

* * *

10. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

* * *

2.02.04 Medium Density Residential 2 (MDR-2)

* * *

D. Dimensional Criteria

* * *

10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

Section 3. Amendments to 2.02.14.D.8 of the Land Development Code of the Town of Howey-in-the-Hills. Paragraph 2.02.14.D.8 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

2.02.14 Town Center Residential (TC-R)

* * *

D. Dimensional Criteria

* * *

8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

Section 4. Amendments to 2.02.15.D.8 of the Land Development Code of the Town of Howey-in-the-Hills. Paragraph 2.02.15.D.8 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

2.02.15 Town Center Flex (TC-F)

* * *

D. Dimensional Criteria

* * *

8. Minimum rear yard setback is 30 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

Section 5. Amendments to 2.03.03.B.10 of the Land Development Code of the Town of

Howey-in-the-Hills. Paragraph 2.03.03.B.10 of the Land Development Code is hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

2.03.03 Townhomes

* * *

B. Dimensional Criteria

* * *

10. Minimum rear yard setback is 25 feet for principal dwelling, detached garage, or accessory dwelling. Rear yard setback for sheds, workshops, ~~pools~~, play structures, and other similar accessory structures is 10 feet.

Section 6. Amendments to paragraphs 5.01.08.B.1, 5.01.08.B.2, and 5.01.08.B.3 of the Land Development Code of the Town of Howey-in-the-Hills. Paragraphs 5.01.08.B.1, 5.01.08.B.2, 5.01.08.B.3 of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

5.01.08 Swimming Pools and Pool Enclosures

* * *

B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:

1. A pool screen enclosure shall be set back from the side lot line equal to the side setback required for the principal structure on the property or a minimum of ten (10)-feet, whichever is less;
2. A pool screen enclosure shall not be closer than ten ~~(10)~~ feet to the rear lot line, unless the property is 9,600 square feet in area or smaller. Pool screen enclosures located on lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback from the rear property line; and
3. A pool screen enclosure shall not exceed twenty-five ~~(25)~~-feet or the height of the principal structure, whichever is lower.

Section 7. Amendments to subsection 5.01.08.D of the Land Development Code of the Town of Howey-in-the-Hills. Subsection 5.01.08.D of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

5.01.08 Swimming Pools and Pool Enclosures

* * *

D. Pool equipment may be located within the side yard setback, but not closer than ~~five (5) feet to side yard and ten (10) feet to the rear yard lot property line~~lines, unless the property is 9,600 square feet in area or smaller. Pool equipment on lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback from the rear property line.

Section 8. Amendments to paragraphs 5.01.08.F.2 and 5.01.08.F.3 of the Land Development Code of the Town of Howey-in-the-Hills. Paragraphs 5.01.08.F.2 and 5.01.08.F.3 of the Land Development Code are hereby amended as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

5.01.08 Swimming Pools and Pool Enclosures

* * *

F. Pools and pool decks shall meet the following setbacks:

* * *

2. The minimum side setback shall be equal to the side setback required for the principal structure on the property or ten (10) feet from the side lot line, whichever is less; and

3. The minimum rear setback shall be not less than ten feet from the rear lot line, unless the property is 9,600 square feet in area of smaller. Swimming pools, associated decks, and patios, with or without screen enclosures, to be located on lots with an area of 9,600 square feet or smaller shall maintain a five-foot setback from the rear property line.

Section 9. Addition of new subsection 5.01.08.G to the Land Development Code of the Town of Howey-in-the-Hills. Subsection 5.01.08.G is hereby added to the Land Development Code as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

5.01.08 Swimming Pools and Pool Enclosures

* * *

G. Pools, pool decks, pool equipment, and screen enclosures shall not be located within an easement.

Section 10. Codification. The amendments to the Land Development Code in this ordinance are to be codified in the Land Development Code and posted on the Town's website accordingly.

Section 11. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions of this ordinance shall remain in full effect. To that end, this ordinance is declared to be severable.

Section 10. 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



July 21, 2025

Prepared for
Town of Howey-in-the-Hills
Attn: Sean O'Keefe, Town Manager



Land Development Code Amendment- Platting Procedures

Applicant: Town initiated

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. Howey-in-the-Hills' current Land Development Code (LDC) platting procedures require review and approval of all plats by the Howey-in-the-Hills Town Council.

Ordinance 2025-005 proposes to amend the LDC so that the platting procedures are consistent with the amendments to Chapter 177, Florida Statutes for administrative review and define an administrative review process.

Staff Recommendation: recommend Town Council adopt Ordinance 2025-005.

Motion Examples:

1. Recommend adoption of Ordinance 2025-005.
2. Recommend denial of Ordinance 2025-005 based on [specify reasons for recommendation of denial], or
3. Continue consideration of Ordinance 2025-005 pending additional information [specify information needed] from the applicant that shows the request meets the standards for a preliminary site plan approval.

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

**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.~~