



Planning & Zoning Board Meeting

April 28, 2022 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/86796571283?pwd=MkhvcHFzbnE4ZVZxSnlTTl1SdlJpQT09>
Meeting ID: 867 9657 1283 | **Passcode:** 032153

Due to COVID-19, the Town of Howey-in-the-Hills is limiting the number of public attendees at meetings to 10 individuals. The Town of Howey-in-the-Hills is also requesting all audience members to wear masks when attending the meeting. The Town encourages everyone who is interested in participating in the meeting to join virtually via ZOOM.

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish 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 March 24, 2022, Planning and Zoning Board Meeting minutes.

PUBLIC HEARING

2. Consideration and Recommendation: **Ordinance 2022-004**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 1.82-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- Chair will read the Ordinance title
- Town Planner will explain Ordinance 2022-004
- Chair will open Public Comment and Questions for this item only.
- Chair will close Public Comment.
- Motion to recommend Ordinance 2022-004
- Board Discussion
- Roll Call Vote

3. Consideration and Recommendation: **Ordinance 2022-007**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 4.96-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

- Chair will read the Ordinance title
- Town Planner will explain Ordinance 2022-007
- Chair will open Public Comment and Questions for this item only.
- Chair will close Public Comment.
- Motion to recommend Ordinance 2022-007
- Board Discussion
- Roll Call Vote

OLD BUSINESS

4. Item: **Richard Mulvany Form 8B to be read here.**

NEW BUSINESS

- 5.** Consideration and Recommendation: **Ordinances 2022-003 and 2022-005 pertaining to annexation of a 1.86 acre parcel and amendment of the official zoning map to designate the property as agriculture; and Consideration and Recommendation for vacation of unopened right-of-way adjacent to the property referenced.**
- 6.** Consideration and Recommendation: **Ordinances 2022-006 and 2022-008 pertaining to the annexation the Howey landfill property and assigning a zoning classification of Agricultural.**
- 7.** Consideration and Recommendation: **Ordinance 2022-009 Food Trucks**

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING SECTION 5.02.01 OF THE TOWN'S LAND DEVELOPMENT CODE TO ADDRESS MOBILE FOOD TRUCKS AS TEMPORARY USES; CREATING SECTION 5.02.09, FOOD TRUCKS, TO PROVIDE REGULATION FOR FOOD TRUCKS OPERATING AS TEMPORARY USES WITHIN THE TOWN; ESTABLISHING CERTAIN REQUIREMENTS, RESTRICTIONS, AND PROHIBITIONS FOR FOOD TRUCKS AS TEMPORARY USES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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.

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-STTS) 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: Apr 28, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/86796571283?pwd=MkhvcHFzbnE4ZVZxSnlTTlSdIJpQT09>

Meeting ID: 867 9657 1283

Passcode: 032153

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: 867 9657 1283

Passcode: 032153

Find your local number: <https://us06web.zoom.us/j/86796571283?pwd=MkhvcHFzbnE4ZVZxSnlTTlSdIJpQT09>

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

March 24, 2022 at 6:00 PM
Howey-in-the-Hills Town Hall
101 N Palm Ave
Howey-in-the-Hills, FL 34737

MINUTES

CALL TO ORDER ROLL CALL

MEMBERS PRESENT:

Tina St. Clair - Chairperson | Ron Francis III – Vice Chairperson | John Manning | Richard Mulvany |
Frances O'Keefe Wagler

STAFF PRESENT:

Sean O'Keefe - Town Administrator (via Zoom) | John Brock - Town Clerk | Victoria Elfers - Building
Services Clerk | Tom Harowski - Town Planner (via Zoom) | Azure Botts – Code Enforcement Officer

CONSENT AGENDA

Routine items are placed on the Consent Agenda to expedite the meeting. If Town Council/Staff wish 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 February 24th, 2022, Planning and Zoning Board Meeting minutes.

Motion made by Vice Chairperson Ron Francis III to approve the agenda; Board Member John Manning seconded the motion. Motion was approved unanimously by voice vote.

PUBLIC HEARING

None.

OLD BUSINESS

None.

NEW BUSINESS

2. Consideration and Recommendation: Shawn Johnson Planning & Zoning Board Applicant

Chairperson Tina St. Clair asked Mr. Shawn Johnson to come up to the podium to introduce himself to the Planning and Zoning Board.

Mr. Johnson provided background information; and stressed he wants to lend a voice to the Talichet residents and the Howey-In-The-Hills community.

Chairperson Tina St. Clair asked Mr. Johnson if he had participated in civic volunteerism in previous communities he has resided in.

Mr. Johnson explained he has not been involved previously but he is inspired to be a civil servant to the Howey-In-The-Hills community.

Motion made by Board Member Richard Mulvany for recommendation of approval to Town Council; seconded by Board Member John Manning. Motion was approved unanimously by voice vote.

3. Consideration and Recommendation: Sheldon Lucien Planning & Zoning Board Applicant Town

Chairperson Tina St. Clair asked Mr. Sheldon Lucien to come up to the podium to introduce himself to the Planning and Zoning Board.

Mr. Lucien provided background information; and informed the board he had not come across a community quite like the Town of Howey-In-The-Hills; and that he is interested in its constructional growth.

Board Member John Manning asked Mr. Lucien if he was an architect.

Mr. Lucien explained that he specializes in network architecture—wireless and internet infrastructure.

Motion made by Board Member Frances O'Keefe Wagler for recommendation of approval to Town Council; seconded by Vice Chairperson Ron Francis III. Motion was approved unanimously by voice vote.

4. Consideration and Approval: Annual Selection of Board Chair and Vice-Chair

Chairperson Tina St. Clair asked Town Clerk John Brock to review.

Town Clerk John Brock explained that annually, during the month of March, a Chair and Vice-Chair must be selected. He reviewed the duties of each position; and encouraged the board to make their selection.

Board Member Frances O'Keefe Wagler asked Mr. Brock if board members must be selected annually as well.

Mr. Brock clarified that board members are appointed to three-year positions.

Motion made by Vice Chairperson Ron Francis III for recommendation to elect Tina St. Clair as Chairperson; seconded by Richard Mulvany. Motion was approved unanimously by voice vote.

Motion made by John Manning for recommendation to elect Ron Francis III as Vice Chairperson; seconded by Richard Mulvany. Motion was approved unanimously by voice vote.

Town Clerk John Brock clarified that the final approval will be completed by Town Council during their next meeting.

5. Consideration and Approval: Biscayne single-family model A, B, and C with alternate floor plans for use in Talichet Phases 1 and 2

Chairperson Tina St. Clair asked Town Planner Tom Harowski to review.

Town Planner Tom Harowski reviewed the newly proposed model via Dream Finders, explained that it meets the Land Development Code requirements, and that he recommended for approval.

The board viewed the model plans on Town Hall smart board.

Vice Chairperson Ron Francis III asked Tyler Williams, Permit Technician of Dream Finders, the square footage difference between the Biscayne model compared to the models built in Talichet: Venezia North currently.

Town Planner Tom Harowski answered that it is over 2200 sq ft.

Motion made by Board Member John Manning for recommendation of approval; seconded by Board Member Richard Mulvany. Motion was approved unanimously by voice vote.

6. Consideration and Approval: Applicant is seeking approval for location of a residential storage shed per Section 5.01.09 F of the Town's Land Development Code

Chairperson Tina St. Clair asked Town Planner Tom Harowski to review.

Board Member, Richard Mulvany, explained that he had previously done work for this property owner, consulted with the property owner about this item, and recused himself from voting on this item.

Town Planner Tom Harowski informed the board that the property owner, David Grant at 135 West Magnolia Avenue, purchased and installed a 10 x 10 residential storage shed without first obtaining a building permit. The Town's Code Enforcement Officer, Azure Botts, notified the property owner that a permit is required, and the property owner agreed to purchase the permit. When the permit application was reviewed, it became clear that the site does not include a location that easily accommodates a shed in full conformance with Section 5.01.09 of the land development code.

The board members viewed an ariel image of the triangular property with the possible shed locations labeled as "A", "B", and "C". Location "A" is the front plane of West Magnolia Ave, location "B" is the front plane of West Cypress Ave, and location "C" is the corner plane of West Cypress Ave and West Magnolia Ave.

Code Enforcement Officer Azure Botts reasoned location "B" would be too close to the home's entrance. Officer Botts then referred to pictures she took of the property and the shed in question.

The administrative applicant, David Grant of 135 West Magnolia, claimed he has submitted various permit applications; and called Town Hall and was informed by Town Staff that a permit is not required if there isn't a concrete slab for the shed to be placed upon. He informed the board he asked surrounding

neighbors if they had any issues with the shed's installation location. Mr. Grant requested that the shed remain in the same location—location "A", due to safety, privacy, and aesthetic reasons.

Board member Frances O'Keefe Wagler exclaimed location "C" is preferable.

Board member John Manning rationalized location "A" is the best area.

Motion made by Board Member John Manning for recommendation of approval for Mr. Grant's residential storage shed in its current location; seconded by Vice Chairperson Ron Francis III. Motion was approved unanimously by voice vote.

CITIZEN 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.

No public comment.

ADJOURNMENT

There being no further business to discuss, a motion was made by Board Member Frances O'Keefe Wagler to adjourn the meeting; Ron Francis III seconded the motion. Motion was approved unanimously by voice vote.

The Meeting adjourned at 6:38 p.m. | **Attendees: 15**

Tina St. Clair Chairperson

ATTEST:

John Brock, Town Clerk

ORDINANCE NO. 2022-004

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 1.82-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; 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:

- i. John Hixson, as the contract purchaser of the subject property and as agent for the property owners, Benjamin A. & Laura R. MacPhee, Trustees, has petitioned the Town to annex into its town limits the 1.82-acre parcel legally described in Attachment A. The parcel has been or is expected soon to be annexed into the Town through the enactment of Ordinance 2022-003; and
- ii. John Hixson has applied on behalf of the property owners, Benjamin A & Laura R MacPhee, Trustees, for a change of the land use designation on the Future Land Use Map of the Town's Comprehensive Plan for the subject parcel from Lake County designation of "Rural Transition" to Town designation of "Rural Lifestyle"; and
- iii. The Town Council has determined that the proposed amendment to the land-use designation for the parcel from Lake County "Rural Transition" to Town "Rural Lifestyle" is consistent with the Town's Comprehensive Plan and promotes the public health, safety, and welfare.

Section 2. Approvals. The Town's Future Land Use Map is amended hereby to change the land-use designation for the subject parcel from Lake County "Rural Transition" to Town "Rural Lifestyle."

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 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 Land Development Code, but not the Town's Code of Ordinances.

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

- i. The effective date of Ordinance 2022-003 annexing the subject parcel into the boundaries of the Town; or
- ii. The 31st day following the date of enactment of this Ordinance 2022-004, if no challenge is timely filed under applicable state law governing local comprehensive plans; or
- iii. 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 adopted amendment to the Future Land Use Map is in compliance with state law.

PASSED AND ORDAINED this 23rd day of May, 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:

John Brock
Town Clerk

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town of Howey-in-the-Hills, Florida, only).

Thomas J. Wilkes
Town Attorney

Planning and Zoning Board meeting held on 4/28/2022
First reading of the ordinance held on 5/9/2022
Second reading, public hearing and adoption held on 5/23/2022

ATTACHMENT A

LEGAL DESCRIPTION

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST SUBDIVISION OF
HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32,
PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

/40286/5#47116435 v1

ORDINANCE NO. 2022-007

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING THE FUTURE LAND USE MAP OF THE TOWN'S COMPREHENSIVE PLAN FOR A 4.96-ACRE PARCEL LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE, AS LEGALLY DESCRIBED IN THE ORDINANCE, FROM LAKE COUNTY DESIGNATION OF "RURAL TRANSITION" TO THE TOWN'S DESIGNATION OF "RURAL LIFESTYLE"; 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:

- i. Mayor Martha MacFarlane, as agent for the property owner, the Town of Howey-in-the-Hills, has petitioned the Town to annex into its town limits the 4.96-acre parcel legally described in Attachment A. The parcel has been or is expected soon to be annexed into the Town through the enactment of Ordinance 2022-006; and
- ii. Mayor Martha MacFarlane, has applied on behalf of the property owner, Town of Howey-in-the-Hills, for a change of the land use designation on the Future Land Use Map of the Town's Comprehensive Plan for the subject parcel from Lake County designation of "Rural Transition" to Town designation of "Rural Lifestyle"; and
- iii. The Town Council has determined that the proposed amendment to the land-use designation for the parcel from Lake County "Rural Transition" to Town "Rural Lifestyle" is consistent with the Town's Comprehensive Plan and promotes the public health, safety, and welfare.

Section 2. Approvals. The Town's Future Land Use Map is amended hereby to change the land-use designation for the subject parcel from Lake County "Rural Transition" to Town "Rural Lifestyle."

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 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 Land Development Code, but not the Town's Code of Ordinances.

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

- i. The effective date of Ordinance 2022-006 annexing the subject parcel into the boundaries of the Town; or
- ii. The 31st day following the date of enactment of this Ordinance 2022-007, if no challenge is timely filed under applicable state law governing local comprehensive plans; or
- iii. 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 adopted amendment to the Future Land Use Map is in compliance with state law.

PASSED AND ORDAINED this 23rd day of May, 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:

John Brock
Town Clerk

APPROVED AS TO FORM AND LEGALITY
(for use and reliance of the Town of Howey-in-the-Hills, Florida, only).

Thomas J. Wilkes
Town Attorney

Planning and Zoning Board meeting held on 4/28/2022
First reading of the ordinance held on 5/9/2022
Second reading, public hearing and adoption held on 5/23/2022

ATTACHMENT A**LEGAL DESCRIPTION**

First Sub Howey That Part of Lots 23, 24, 25, 27 Lying within Clay Pit, Lots 28, 29 PB 5 PG 32 and the unopened right-of-way bisecting the landfill parcel. The parcel is approximately 4.96 acres plus the right-of-way.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Mulvaney Richard Riley</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PNZ Howey on the Hills</i>	
MAILING ADDRESS <i>308 DuPont Circle</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Howey on the Hills</i>	COUNTY <i>Lake</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>March 24th 2022</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Mulvaney, hereby disclose that on ~~April 10th~~ March 24th, 2022:

(a) ☒ A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

He had previously been a client and inured to me to build a shed in that location.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 5th 2022
Date Filed

Richard P. Mulvaney
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



TMHConsulting@cfl.rr.com
 97 N. Saint Andrews Dr.
 Ormond Beach, FL 32174
 PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Hixon Annexation and Related Actions
DATE: April 5, 2022

Mr. John Hixon, as agent for the owners, has applied for annexation into the Town of a 1.82-acre parcel located adjacent to the Town's landfill. (Refer to the accompanying location map.) The annexation is also accompanied by an application to amend the Town's future land use map to include the property and assign a future land use. The third required action is the assignment of a zoning classification under the Town's land development code. Finally, after discussion with Town staff vacation of the unopened right-of-way adjacent to the subject parcel will be sought from Lake County. The specific actions requested are:

1. Annex into the Town's corporate limits the property identified as LOTS 23, 24 AND 25 LESS THAT PART INCLUDED IN THE CLAY PIT, AND LOT 30, 1ST SUBDIVISION OF HOWEY ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. The parcel is approximately 1.82 acres.
2. Amend the Future Land Use Map in the Town's comprehensive plan to change the future land use designation from Lake County Rural Transition to Town Rural Lifestyle land use.
3. Amend the Town official zoning map from Lake County Agriculture to Town Agriculture zoning.
4. Seek vacation of the adjacent unopened right-of-way for that portion abutting the northerly and easterly property line of the subject property.

Mr. Hixon proposes to construct a single-family dwelling on the property and use a portion of the parcel for a minor agricultural use.

The assignment of the rural Lifestyle land use and Agricultural zoning is the closest comparable land use and zoning to that currently applied by Lake County. The proposed

land use and zoning are both compatible with existing land use and zoning in the area. The accompanying maps show the Lake County land use and zoning pattern for the immediate area. The property to the west is the Howey landfill which is also proposed for annexation. The landfill assigned land use and zoning is proposed to be same as the subject parcel.

The Howey-in-the-Hills comprehensive plan describes the Rural Lifestyle land use category as:

Rural Lifestyle – The Rural Lifestyle category shall be primarily limited to single-family detached homes with agricultural uses. Limited commercial activities are permitted such as bed and breakfast establishments, horseback riding facilities, and farm stands for fruits and vegetables grown on that location.

Development parameters limit residential development to one unit per two acres with a minimum of 50% open space and an impervious surface ratio (ISR) of 0.20 (20%). The Lake County land use designation is Rural Transition set by Policy 1-1.4.5 of the County comprehensive plan (copy attached) which allows development of single-family on lots of one-acre up to a minimum of one unit per five acres, depending upon specific local conditions. Open space minimum ranges from 35% to 50% and the allowable ISR ranges from 0.20 to 0.30. The provisions of these two land uses are very similar.

Existing development in the immediate area is single-family homes on lots ranging in size from 0.58 acres up to 4.52 acres with most lots falling between 1.50 acres and 2.25 acres. Residential units range from 1,232 square feet to 3,476 square feet with all but two units exceeding 2,000 square feet. The following table compares the current County agricultural zoning classification with the Town's agricultural zoning.

AGRICULTURAL ZONING DISTRICT COMPARISON		
REQUIREMENT	LAKE COUNTY	HOWEY
Minimum Lot Size	5 acres	2 acres
Minimum Lot Width	NA	150 feet
Minimum Lot Depth	NA	200 feet
Setbacks		
Front	25 feet	50 feet
Side	25 feet	25 feet
Rear	25 feet	50 feet
Minimum Floor Area	850 square feet	1,500 square feet

The table shows that the minimum zoning requirements for the Town's proposed zoning are very consistent with the actual development pattern in the area.

Site Conditions

The site does not contain any wetlands and is not located within a flood hazard area. (Refer to attached maps.) the site is partially wooded as is the unopened right-of-

way proposed for vacation. The construction of one single-family home is exempt from the Town's concurrency requirements as the impact to town services is negligible. Mr. Hixon has stated an intent to connect to the Town's potable water system. The site will be developed with septic tank for sewage disposal. Since the proposed zoning and land use is consistent with the existing development pattern and the land use and zoning as applied by Lake County, there are no concerns regarding urban sprawl.

Recommendation

The staff recommends the Planning Board support the annexation of the parcel and recommend the Town Council designate the property as Rural Lifestyle on the future land use map and assign Agricultural zoning to the parcel. The staff further recommends vacation of the unopened right-of-way for the length adjacent to the northerly and easterly side of the property.

Hickson Parcel Location Map

Item 5.



March 29, 2022

pointLayer

Override 1

polygonLayer

Override 1

Street Names

Local Streets

Subdivision Lot Numbers

Address Locations

Property Name

Tax Parcels Alternate Key

Tax Parcels

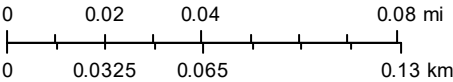


County Boundary



Surrounding Counties

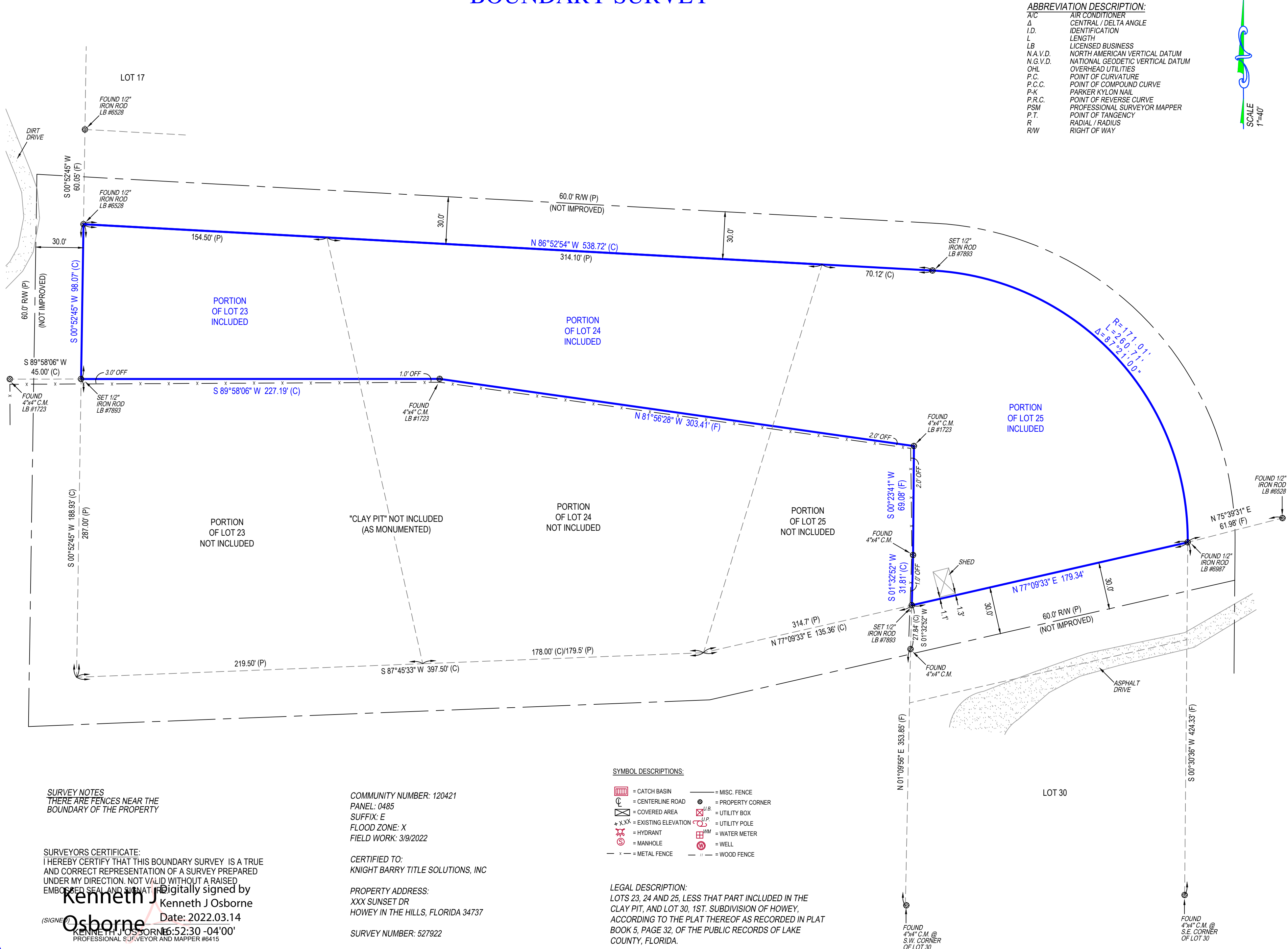
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Lake County Property Appraiser
Lake BCC

PAGE 1 OF 1

BOUNDARY SURVEY



ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
Δ	CENTRAL / DELTA ANGLE
I.D.	IDENTIFICATION
L	LENGTH
LB	LICENSED BUSINESS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.H.L.	OVERHEAD UTILITIES
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P-K	PARKER KYLON NAIL
P.R.C.	POINT OF REVERSE CURVE
PSM	PROFESSIONAL SURVEYOR MAPPER
P.T.	POINT OF TANGENCY
R	RADIAL / RADIUS
R/W	RIGHT OF WAY

SCALE
1"=40'

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) EASEMENTS ARE SHOWN AS DEDUCTED FROM THE PLAT
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF IMPROVEMENTS OVER SCALED POSITIONS.

SERVING FLORIDA
LB #7893
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>



SURVEY NOTES
THERE ARE FENCES NEAR THE
BOUNDARY OF THE PROPERTY

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE
AND CORRECT REPRESENTATION OF A SURVEY PREPARED
UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED
EMBOSSED SEAL AND SIGNATURE.
Kenneth J Osborne
Date: 2022.03.14
KENNETH J. OSBORNE 16:52:30 -04'00'
PROFESSIONAL SURVEYOR AND MAPPER #6415

COMMUNITY NUMBER: 120421
PANEL: 0485
SUFFIX: E
FLOOD ZONE: X
FIELD WORK: 3/9/2022

CERTIFIED TO:
KNIGHT BARRY TITLE SOLUTIONS, INC

PROPERTY ADDRESS:
XXX SUNSET DR
HOWEY IN THE HILLS, FLORIDA 34737

SURVEY NUMBER: 527922

SYMBOL DESCRIPTIONS:

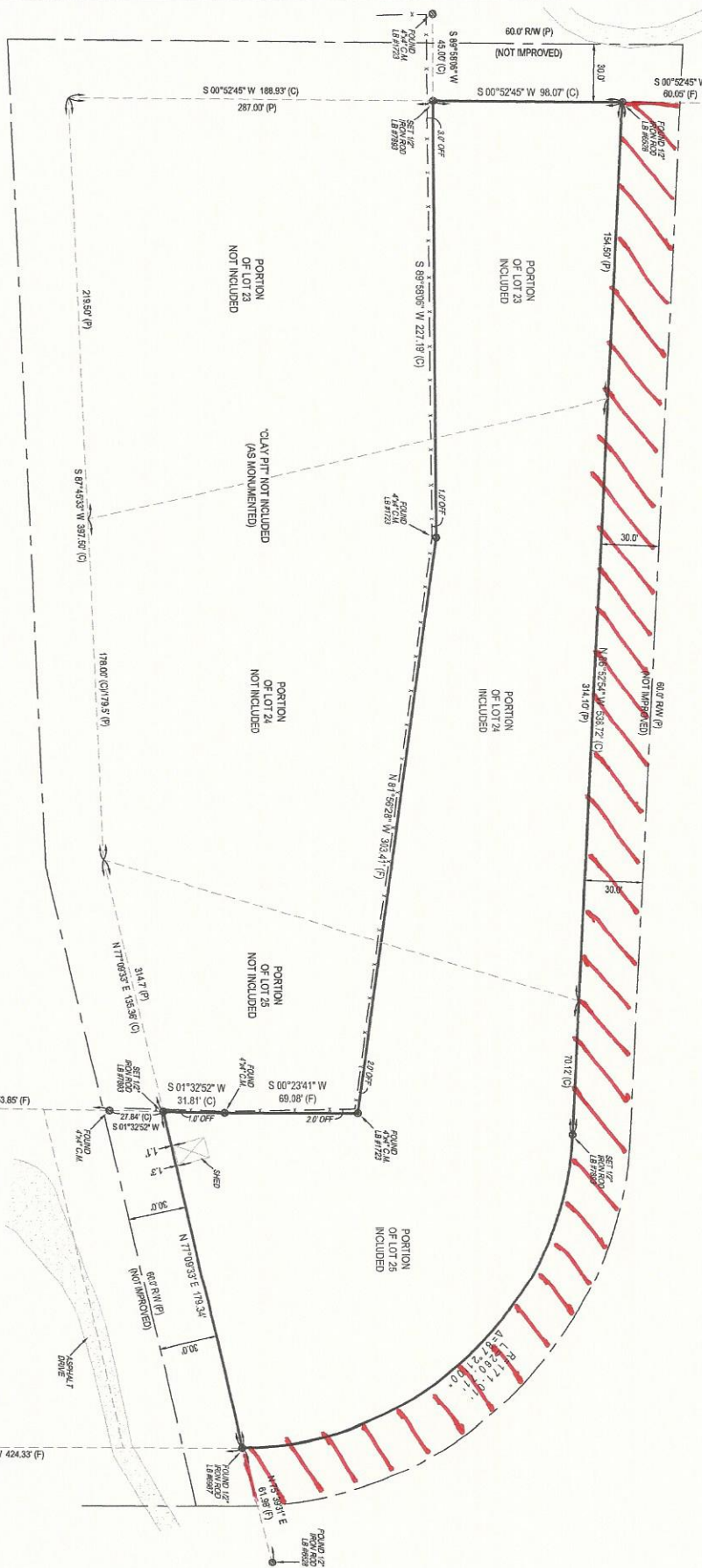
	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

LEGAL DESCRIPTION:
LOTS 23, 24 AND 25, LESS THAT PART INCLUDED IN THE
CLAY PIT, AND LOT 30, 1ST. SUBDIVISION OF HOWEY,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
BOOK 5, PAGE 32, OF THE PUBLIC RECORDS OF LAKE
COUNTY, FLORIDA.

STREET AREA PROPOSED FOR VACATION

	ABBREVIATION DESCRIPTION:
A	ANGLE
LD	CENTRAL DELTA ANGLE IDENTIFICATION
L	LENGTH
LB	LENGTH BUSINESS
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
O.G.V.D.	ORIGINAL GEODETIC VERTICAL DATUM
P.L.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P-H	PAWNER HYDRAUL
R.C.	POINT OF REVERSE CURVE
P.S.M.	PROFESSIONAL SURVEYOR MAPPER
P.T.	PIERCE TOWN
R	RIGHT ANGLES
R/W	RIGHT OF WAY

SCALE
1"=40'



Date: 2022.03.15
 6:52:30 -04'00"
 KENNETH J. OSBORNE
 PROFESSIONAL SURVEYOR AND MAPPER #6415

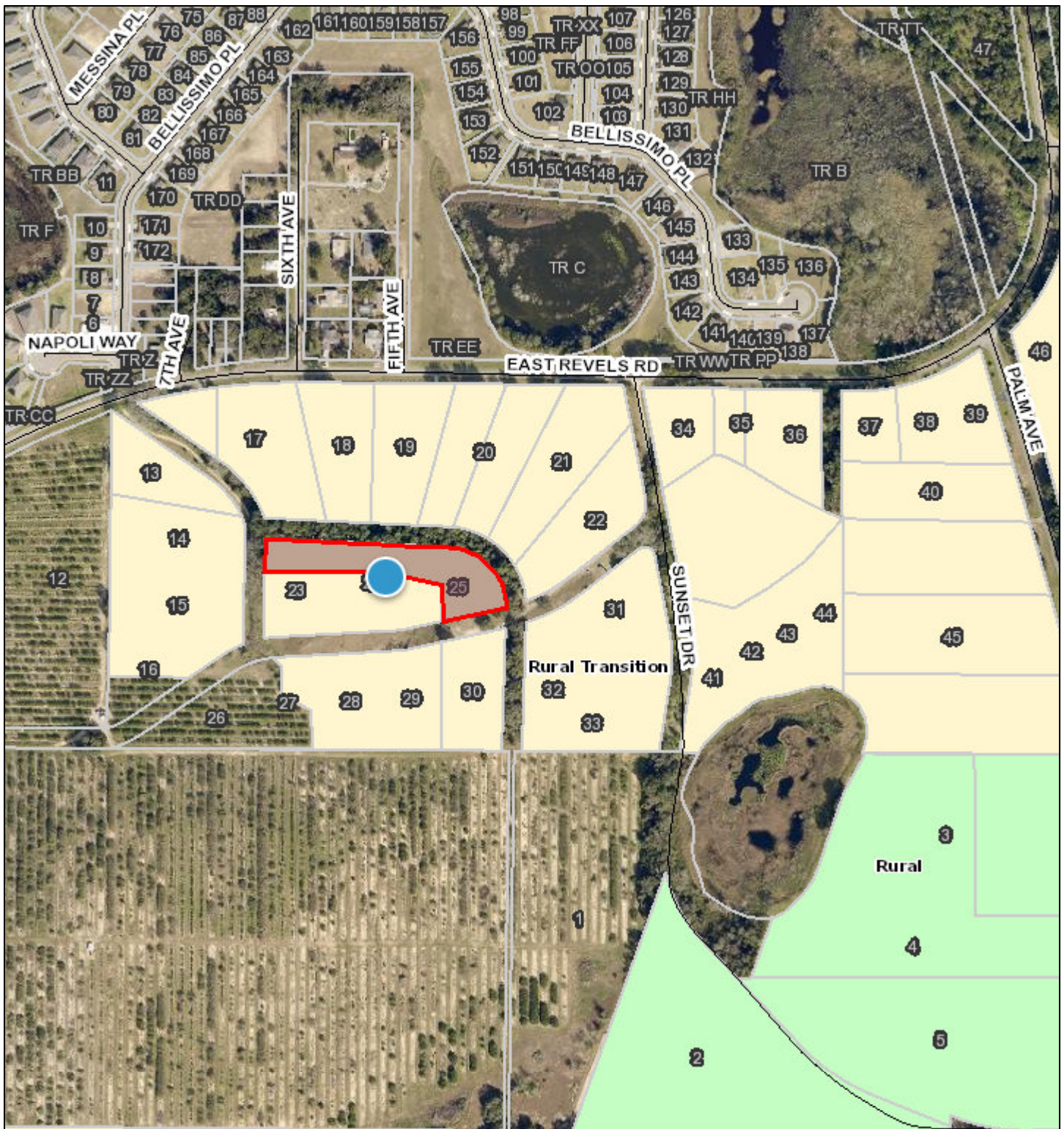
SURVEY NUMBER: 527922

LEGAL DESCRIPTION:
LOTS 23, 24 AND 25, LESS THAT PART INCLUDED IN THE
CLAY PIT, AND LOT 30, 1ST. SUBDIVISION OF HONEY,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT
BOOK 5, PAGE 32, OF THE PUBLIC RECORDS OF LAKE
COUNTY, FLORIDA.

6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
7) FENCE OWNERSHIP NOT DETERMINED.
8) ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED
TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL
IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL
CONTROL. THE LOCATION OF IMPROVEMENTS OVER SCALED POSITIONS.

Lake County Future Land Use

Item 5.



March 29, 2022

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pointLayer



Override 1



Local Streets

Subdivision Lot Numbers

Property Name

polygonLayer

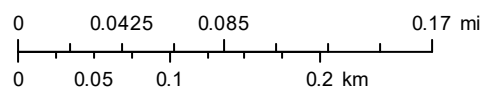


Override 1



Tax Parcels

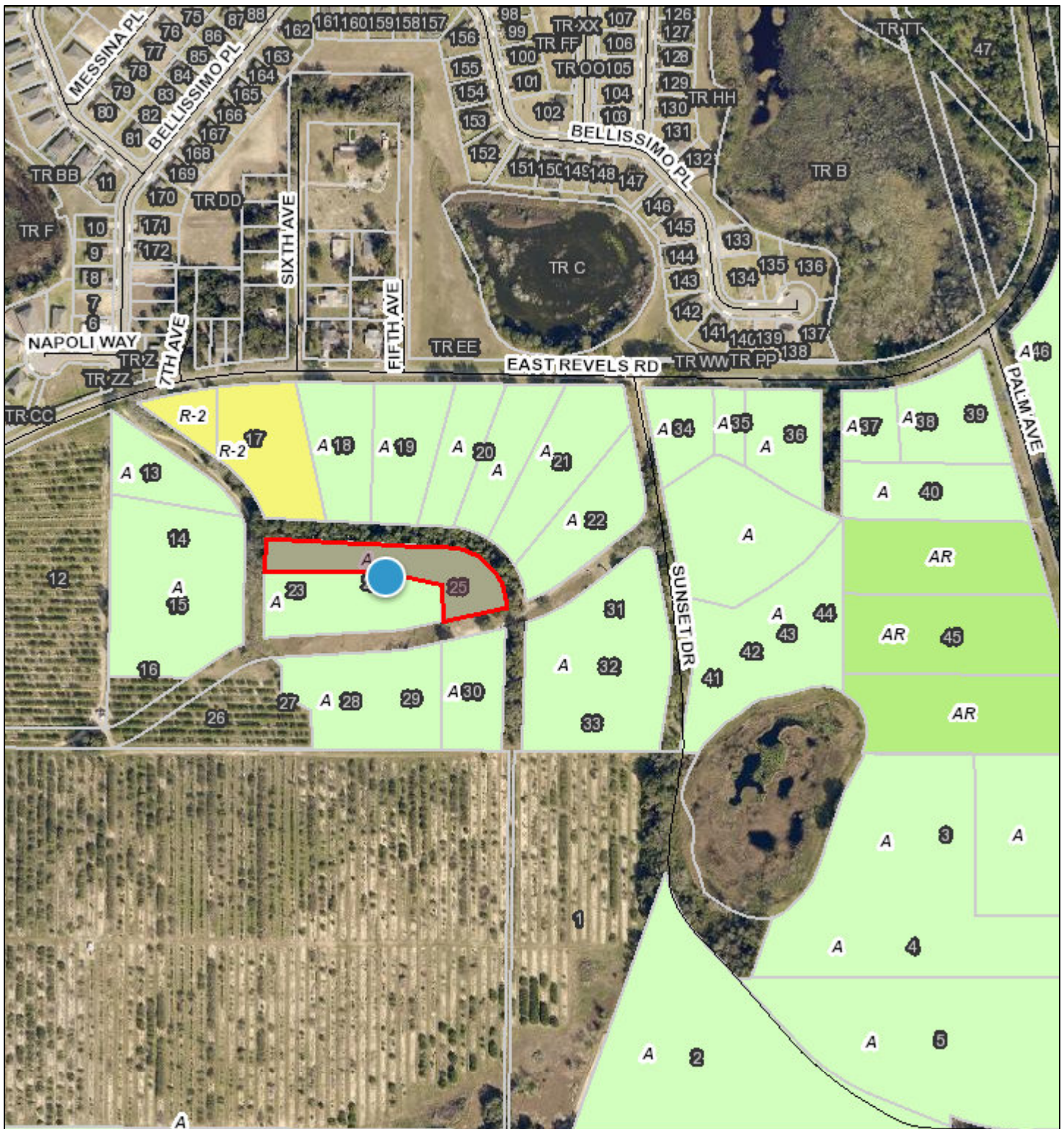
Street Names



Lake County Property Appraiser
Lake BCC

Lake County Zoning

Item 5.



March 29, 2022

1:5,000

pointLayer



Override 1



Local Streets

Subdivision Lot Numbers

Property Name



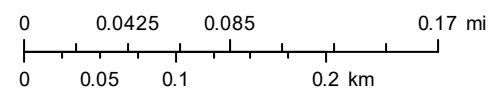
Tax Parcels

polygonLayer



Override 1

Street Names



Lake County Property Appraiser
Lake BCC

Item 5.

1:5,000

pointLayer

— Local Streets



Override 1

Subdivision Lot Numbers

Property Name

polygonLayer



Tax Parcels

Override 1

Street Names

Lake County Property Appraiser
Lake BCC

Lake County Wetlands

Item 5.



March 29, 2022

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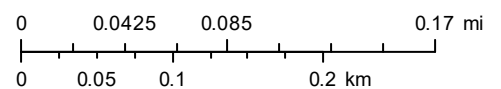
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polygonLayer

Override 1

Street Names

- Local Streets
- Subdivision Lot Numbers
- Property Name
- Tax Parcels
- County Boundary



Lake County Property Appraiser
Lake BCC

ORDINANCE 2022-003

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN BOUNDARIES; ANNEXING INTO THE TOWN PURSUANT TO SECTION 171.044, FLORIDA STATUTES, AN ENCLAVE PARCEL OF APPROXIMATELY 1.82 ACRES LOCATED GENERALLY SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE; PROVIDING FOR RECORDING AND FOR NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition has been received from John Hixson, as the contract purchaser of the subject property and as agent for owner Benjamin A & Laura R MacPhee Trustees, to annex approximately 1.82 acres of land located generally south of East Revels Road and west of Sunset Drive into the corporate limits of the Town of Howey-in-the-Hills pursuant to Florida Statutes, Section 171.044; and

WHEREAS, the petition bears the signatures of all required parties; and

WHEREAS, upon review of the petition the Town Council finds that the subject property is contiguous to the Town boundaries and is reasonably compact; and

WHEREAS, the required notice of annexation has been properly published.

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

Section 1. The following described property, consisting of approximately 1.82 acres and located generally south of East Revels Road and west of Sunset Drive, is hereby annexed into the corporate limits of the Town of Howey-in-the-Hills, to wit:

See Exhibit "A" attached hereto.

Section 2. The Town Clerk shall forward a certified copy of this Ordinance to the Clerk of Court of Lake County for recording in the Public Records of Lake County, Florida upon passage.

Section 3. The Town Clerk shall mail a certified copy of this ordinance both to the Lake County Board of County Commissioners and to the Secretary of State of the State of Florida within seven days after passage.

Section 4. This ordinance shall take effect upon passage.

PASSED and ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Martha MacFarlane, Mayor

ATTEST:

John Brock, Town Clerk

Planning and Zoning hearing held 4/28/2022

Approved First Reading 5/9/2022

Approved Second Reading 5/23/2022

Advertised 5/12/2022 & 5/19/2022

Approved as to form and legality:

Thomas J. Wilkes, Town Attorney

EXHIBIT "A"

Parcel ID No.: 35-20-25-0100-000-02300

Alternate Key No.: 3771630

LEGAL DESCRIPTION

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST
SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

ORDINANCE NO. 2022-005

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 1.82-ACRE PARCEL OF PROPERTY LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 35-20-25-0100-000-02300 AND ALTERNATE KEY NUMBER 3771630; AMENDING THE TOWN'S ZONING MAP TO ZONE THE PROPERTY FOR TOWN AGRICULTURE; PROVIDING FOR CONFLICTING ORDINANCES, 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. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida hereby makes and expresses the following findings, purposes, and intent:

(1) By enacting its Ordinance No. 2022-003 on May 23, 2022, the Town annexed 1.82 acres of land more specifically described in the legal description attached hereto as **Attachment A**, located south of East Revels Road, west Sunset Drive ("**Property**").

(2) On May 23, 2022, the Town Council enacted its Ordinance 2022-004 to amend the Town's Comprehensive Plan and designate the Property on the Town's Future Land Use Map for Town Rural Lifestyle future land use.

(3) The Town Council has determined that rezoning the Property from Lake County "Agriculture" to Town of Howey-in-the-Hills "Agriculture" is consistent with both the Town's Comprehensive Plan and the Town's Land Development Code ("LDC") and will not adversely affect the public health, safety, and welfare of the Town.

Section 2. Amendment to the Official Zoning Map. The Town Council hereby approves an amendment to the Town's Official Zoning Map to zone the Property for Town Agriculture. Development and use of the Property under its Town Agriculture zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

(1) Ordinance 2022-003 and this Ordinance 2022-004;

- (2) The Town's Land Development Code; and
- (3) All other Town ordinances governing the development of the Property.

Section 3. 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 4. Conflicts. In a conflict between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendment to the Official Zoning Map as described in Section 2 shall be codified and made part of the Town's LDC and Official Zoning Map.

Section 6. Effective Date. This ordinance shall take effect upon the later of (i) its enactment by the Town Council, (ii) the date on which Ordinance 2022-004, designating the future land use for the Property on the Town's Future Land Use Map, takes effect.

[Signatures on the next page]

PASSED AND ORDAINED this 23rd day of May, 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

Thomas J. Wilkes
Town Attorney

Planning and Zoning hearing held **April 28, 2022**

First Reading held **May 9, 2022**

Second Reading and Adoption held **May 23, 2022**

Advertised **May 13, 2022**

ATTACHMENT A
Legal Description of the Property

Parcel ID No.: 35-20-25-0100-000-02300

Alternate Key No.: 3771630

Legal Description: LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.



TMHConsulting@cfl.rr.com
97 N. Saint Andrews Dr.
Ormond Beach, FL 32174
PH: 386.316.8426

MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Howey Landfill Annexation, Comprehensive Plan Amendment, Zoning
DATE: April 1, 2022

The Town is submitting and administrative request to annex the former landfill property off Revels Road into the Town, designate a land use on the Town's future land use map, and assign zoning to the subject parcel. This action will move a Town land asset into the current corporate limits, and it may contribute to future annexations in the area. The proposed actions include the following:

1. Annex into the Town's corporate limits the property identified as First Sub Howey That Part of Lots 23, 24, 25, 27 Lying within Clay Pit, Lots 28, 29 PB 5 PG 32 and the unopened right-of-way bisecting the landfill parcel. The parcel is approximately 4.96 acres plus the right-of-way.
2. Amend the Future Land Use Map in the Town's comprehensive plan to change the future land use designation from Lake County Rural Transition to Town Rural Lifestyle land use.
3. Amend the Town official zoning map from Lake County Agriculture to Town Agriculture zoning.

The Town has not contemplated development of the parcel and has no plans to initiate development activity. The assignment of the rural Lifestyle land use and Agricultural zoning is the closest comparable land use and zoning to that currently applied by Lake County. The proposed land use and zoning are both compatible with existing land use and zoning in the area. The accompanying maps show the Lake County land use and zoning pattern for the immediate area. The property to the west is part of the Simpson Tract which has applied for approval for single-family homes. The Simpson tract will be considered in a separate request.

The Howey-in-the-Hills comprehensive plan describes the Rural Lifestyle land use category as:

Rural Lifestyle – The Rural Lifestyle category shall be primarily limited to single-family detached homes with agricultural uses. Limited commercial activities are permitted such as bed and breakfast establishments, horseback riding facilities, and farm stands for fruits and vegetables grown on that location.

Development parameters limit residential development to one unit per two acres with a minimum of 50% open space and an impervious surface ratio (ISR) of 0.20 (20%). The Lake County land use designation is Rural Transition set by Policy 1-1.4.5 of the County comprehensive plan which allows development of single-family on lots of one-acre up to a minimum of one unit per five acres, depending upon specific local conditions. Open space minimum ranges from 35% to 50% and the allowable ISR ranges from 0.20 to 0.30. The provisions of these two land uses are very similar.

Existing development in the immediate area is single-family homes on lots ranging in size from 0.58 acres up to 4.52 acres with most lots falling between 1.50 acres and 2.25 acres. Residential units range from 1,232 square feet to 3,476 square feet with all but two units exceeding 2,000 square feet. The following table compares the current County agricultural zoning classification with the Town's agricultural zoning.

AGRICULTURAL ZONING DISTRICT COMPARISON		
REQUIREMENT	LAKE COUNTY	HOWEY
Minimum Lot Size	5 acres	2 acres
Minimum Lot Width	NA	150 feet
Minimum Lot Depth	NA	200 feet
Setbacks		
Front	25 feet	50 feet
Side	25 feet	25 feet
Rear	25 feet	50 feet
Minimum Floor Area	850 square feet	1,500 square feet

The table shows that the minimum zoning requirements for the Town's proposed zoning are very consistent with the actual development pattern in the area.

Site Conditions

The site is no longer in use as an active landfill operation, but there is little information available on the past use of the site and ongoing environmental conditions. The site does not contain any wetlands and is not located within a flood hazard area. (Refer to attached maps.) The contour map shows a deep ravine measuring about 30 feet deep at the lowest point that runs from the southwest to the northeast across the lower portion of the site. There is also an unopened right-of-way that bisects the site which the Town may consider vacating in the future.

Other Considerations

With no development proposal for the site there are no impacts projected for the provision of Town's services. Even if development were to occur under the proposed comprehensive plan designation and zoning, the maximum development would be two dwelling units, so the impact to Town services would be negligible. Since the proposed zoning and land use is consistent with the existing development pattern and the land use and zoning as applied by Lake County, there are no concerns regarding urban sprawl.

Recommendation

The staff recommends the Planning Board support the annexation of the parcel and recommend the Town Council designate the property as Rural Lifestyle on the future land use map and assign Agricultural zoning to the parcel.

Landfill Site with City Limits

Item 6.



March 29, 2022

pointLayer

Override 1

polygonLayer

Override 1

Street Names

Local Streets

Subdivision Lot Numbers

Property Name

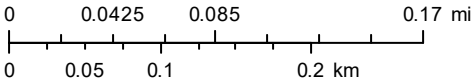
Tax Parcels

City Limits In

County Boundary

Surrounding Counties

1:5,000



Lake County Property Appraiser
Lake BCC

Howey Landfill Future Land Use

Item 6.



March 29, 2022

pointLayer



Override 1

polygonLayer



Override 1

Street Names



Local Streets

Subdivision Lot Numbers



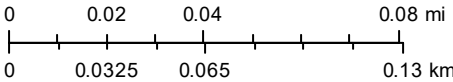
Address Locations

Property Name



Tax Parcels

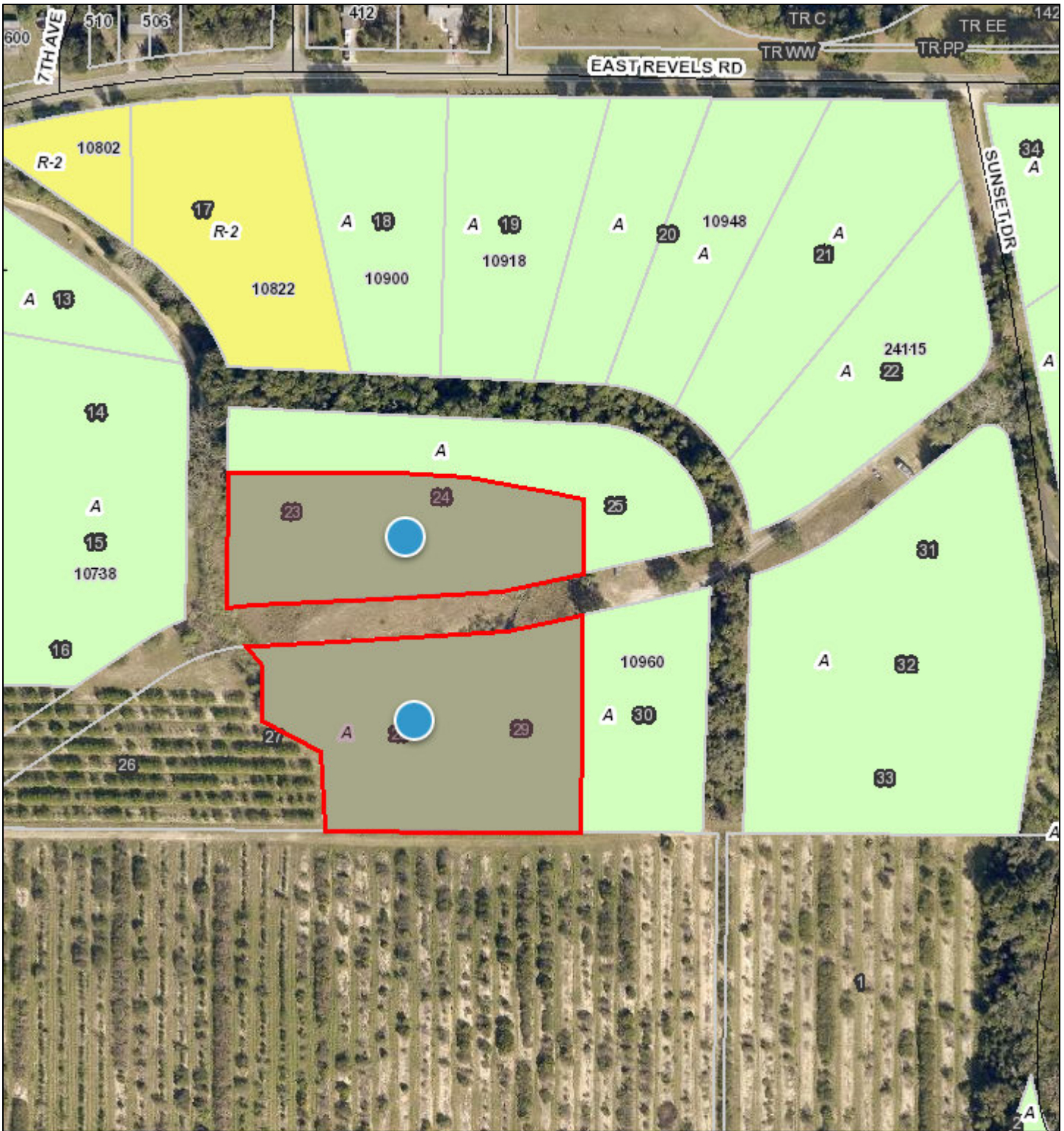
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Lake County Property Appraiser
Lake BCC


Howey Landfill Zoning

Item 6.




March 29, 2022

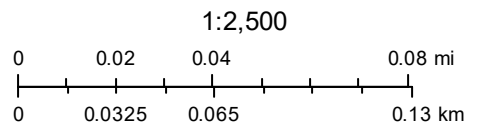
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Street Names

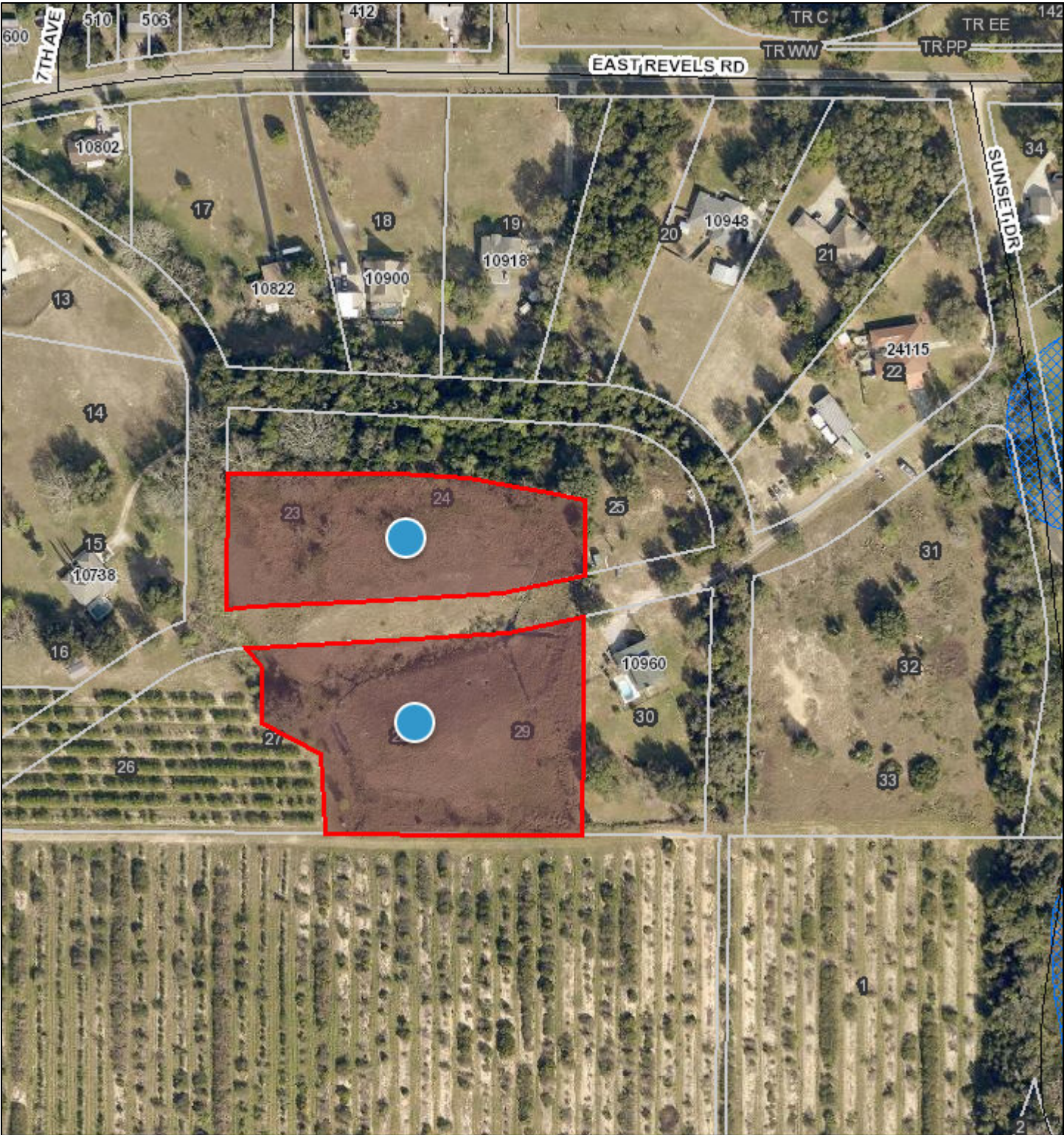
— Local Streets
Subdivision Lot Numbers
+ Address Locations
Property Name
 Tax Parcels



Lake County Property Appraiser
Lake BCC

Howey Landfill 2012 Flood Zones

Item 6.



March 29, 2022

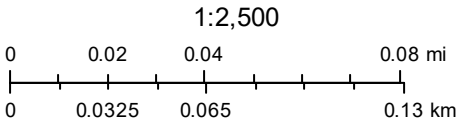
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Override 1
Street Names

- Local Streets
- Subdivision Lot Numbers
- Address Locations
- Property Name
- Tax Parcels



Lake County Property Appraiser
Lake BCC

Howey Landfill Wetlands

Item 6.



March 29, 2022

pointLayer

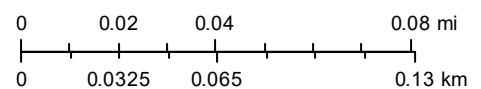
Override 1

polygonLayer

Override 1
Street Names

- Local Streets
- Subdivision Lot Numbers
- Address Locations
- Property Name
- Tax Parcels
- County Boundary

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Lake County Property Appraiser
Lake BCC

Landfill Site with Contours

Item 6.



March 29, 2022

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pointLayer

Override 1

Subdivision Lot Numbers

+ Address Locations

Property Name

polygonLayer

Override 1

Street Names

Local Streets



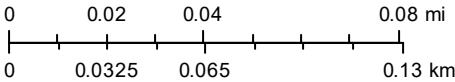
Tax Parcels



County Boundary



Surrounding Counties



Lake County Property Appraiser
Lake BCC

- Unpaved airstrips; ~~and~~
- Public order and safety; ~~and~~
- Ports and Marinas.

Policy I-1.4.5 Rural Transition Future Land Use Category

The Rural Transition Future Land Use Category is intended to address “edge” conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These “edges” represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate.

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 35% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

As a third alternative, residential development not to exceed a maximum density of one (1) dwelling unit per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 50% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law.

A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

The maximum Impervious Surface Ratio within this category shall be 0.30, except for agricultural, ~~civic~~institutional and recreational uses which shall be 0.50.

TYPICAL USES INCLUDE:

- Agriculture and forestry;
- Residential;
- Passive parks;
- Equestrian related uses;
- K-12 schools;
- Religious organizations; and
- Rural Support uses as provided for in this Comprehensive Plan.

TYPICAL USES REQUIRING A CONDITIONAL USE PERMIT:

- Mining and Resource Extraction;
- Active parks and recreation facilities;
- Nursing and personal care facilities;
- Daycare services;
- Outdoor Sports and recreation clubs;

- Civic uses;
- Animal specialty services;
- Unpaved airstrips;
- Public order and safety; ~~and~~
- Utilities; ~~and~~
- Ports and Marinas

Policy I-1.4.6 Open Space within Rural Conservation Subdivisions

Open space within Rural Conservation Subdivisions shall be applied and protected as follows:

1. Open space shall be designated to remain undeveloped and protected in perpetuity through the use of conservation easements, plat restrictions, or similar legally recorded and binding instruments that run with the land and establish the conditions and restrictions on the use of the open space area, as allowed by law. Open space conservation easements shall be dedicated to one or a combination of the following, which shall be designated prior to development:

- Conservation agency such as Florida Department of Environmental Protection or St. Johns River Water Management District;
- Non-profit conservation organization or land trust; or
- Lake County, subject to County approval.

2. Open space shall be shown on all plats as a common area, which shall be deeded to the homeowners association, the County, a conservation agency, or non-profit conservation organization for ownership and maintenance. Any deeded open space shall be credited to the dedicating subdivision in calculating open space requirements. The cost and responsibility of maintaining open space shall be borne by the owner of the open space. An open space management plan shall be required to accompany the development, subject to County approval. The management plan shall establish conservation objectives, outline procedures, and define the roles and responsibilities for managing open space, including establishment of a Qualified Management Entity as appropriate. The management plan will also address wildfire mitigation requirements to include vegetation management practices to prevent hazardous fuel buildup and possible wildfire threat within the community. If not properly maintained, the County may enforce maintenance. Designated open space shall be clearly delineated on project site plans, including recorded plats, and marked in the field.

3. Clustering shall mean that the built area of the development site is well defined and compact, thereby enabling the creation of contiguous expanses of open space and the protection of environmentally sensitive areas. At least 50% of required open space shall be configured in a single contiguous tract. Open space shall be contiguous with protected open space on adjacent parcels and public conservation lands to the maximum extent feasible and configured to ensure compatibility with adjacent rural properties.

Policy I-1.4.7 Rural Support

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, or similar uses as defined in the Land Development Regulations. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas.

Elements of compatibility shall be addressed in the Land Development Regulations, including but not limited to signage, hours of operation, lighting, building orientation, height, facade, architectural design, parking, landscaping and buffering. New Rural Support uses shall not be located adjacent to public conservation land.

ORDINANCE 2022-006

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO TOWN BOUNDARIES; ANNEXING INTO THE TOWN PURSUANT TO SECTION 171.044, FLORIDA STATUTES, AN ENCLAVE PARCEL OF APPROXIMATELY 4.96 ACRES LOCATED GENERALLY SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE; PROVIDING FOR RECORDING AND FOR NOTICE TO THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Mayor Martha MacFarlane, agent for owner the Town of Howey-in-the-Hills, to annex approximately 4.96 acres of land located generally south of East Revels Road and west of Sunset Drive into the corporate limits of the Town of Howey-in-the-Hills pursuant to Florida Statutes, Section 171.044; and

WHEREAS, the petition bears the signatures of all required parties; and

WHEREAS, upon review of the petition the Town Council finds that the subject property is contiguous to the Town boundaries and is reasonably compact; and

WHEREAS, the required notice of annexation has been properly published.

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

Section 1. The following described property, consisting of approximately 4.96 acres and located generally south of East Revels Road and west of Sunset Drive, is hereby annexed into the corporate limits of the Town of Howey-in-the-Hills, to wit:

See Exhibit "A" attached hereto.

Section 2. The Town Clerk shall forward a certified copy of this Ordinance to the Clerk of Court of Lake County for recording in the Public Records of Lake County, Florida upon passage.

Section 3. The Town Clerk shall mail a certified copy of this ordinance both to the Lake County Board of County Commissioners and to the Secretary of State of the State of Florida within seven days after passage.

Section 4. This ordinance shall take effect upon passage.

PASSED and ORDAINED this 23rd day of May, 2022, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Martha MacFarlane, Mayor

ATTEST:

John Brock, Town Clerk

Approved First Reading 5/9/2022

Approved Second Reading 5/23/2022

Advertised 5/12/2022 & 5/19/2022

Approved as to form and legality:

Thomas J. Wilkes, Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel ID No.: 35-20-25-0100-000-02301

Alternate Key No.: 1257727

LOTS 23,24 AND 25, LESS THAT PART INCLUDED IN THE CLAY PIT. 1ST
SUBDIVISION OF HOWEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 5, PAGE 32, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

ORDINANCE NO. 2022-008

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; REZONING A 4.96-ACRE PARCEL OF PROPERTY LOCATED SOUTH OF EAST REVELS ROAD AND WEST OF SUNSET DRIVE AND IDENTIFIED WITH LAKE COUNTY PROPERTY APPRAISER PARCEL NUMBER 35-20-25-0100-000-02301 AND ALTERNATE KEY NUMBER 1257727; AMENDING THE TOWN'S ZONING MAP TO ZONE THE PROPERTY FOR TOWN AGRICULTURE; PROVIDING FOR CONFLICTING ORDINANCES, 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. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida hereby makes and expresses the following findings, purposes, and intent:

(1) By enacting its Ordinance No. 2022-006 on May 23, 2022, the Town annexed 4.96-acres of land more specifically described in the legal description attached hereto as **Attachment A**, located south of East Revels Road, west Sunset Drive ("**Property**").

(2) On May 23, 2022, the Town Council enacted its Ordinance 2022-007 to amend the Town's Comprehensive Plan and designate the Property on the Town's Future Land Use Map for Town Rural Lifestyle future land use.

(3) The Town Council has determined that rezoning the Property from Lake County "Agriculture" to Town of Howey-in-the-Hills "Agriculture" is consistent with both the Town's Comprehensive Plan and the Town's Land Development Code ("LDC") and will not adversely affect the public health, safety, and welfare of the Town.

Section 2. Amendment to the Official Zoning Map. The Town Council hereby approves an amendment to the Town's Official Zoning Map to zone the Property for Town Agriculture. Development and use of the Property under its Town Agriculture zoning is subject to the conditions, requirements, restrictions, and other terms of the following:

(1) Ordinance 2022-006 and this Ordinance 2022-007;

- (2) The Town's Land Development Code; and
- (3) All other Town ordinances governing the development of the Property.

Section 3. 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 4. Conflicts. In a conflict between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 5. Codification. The amendment to the Official Zoning Map as described in Section 2 shall be codified and made part of the Town's LDC and Official Zoning Map.

Section 6. Effective Date. This ordinance shall take effect upon the later of (i) its enactment by the Town Council, (ii) the date on which Ordinance 2022-007, designating the future land use for the Property on the Town's Future Land Use Map, takes effect.

[Signatures on the next page]

PASSED AND ORDAINED this 23rd day of May, 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

Thomas J. Wilkes
Town Attorney

Planning and Zoning hearing held **April 28, 2022**

First Reading held **May 9, 2022**

Second Reading and Adoption held **May 23, 2022**

Advertised **May 13, 2022**

ATTACHMENT A
Legal Description of the Property

Parcel ID No.: 35-20-25-0100-000-02301

Alternate Key No.: 1257727

Legal Description: FIRST SUB HOWEY THAT PART OF LOTS 23, 24, 25, 27 LYING WITHIN CLAY PIT, LOTS 28, 29 PB 5 PG 32 AND THE UNOPENED RIGHT-OF-WAY BISECTING THE LANDFILL PARCEL. THE PARCEL IS APPROXIMATELY 4.96-ACRES PLUS THE RIGHT-OF-WAY.



Date: March 25, 2022
To: Mayor and Town Council
From: Code Enforcement, Azure Botts
Re: Consideration and recommendation to adopt a Mobile Food Truck Ordinance

Objective:

To allow mobile food trucks to operate on private property within the Town Center Commercial TC-C zoning.

Summary:

The town currently does not have an allowance for these types of businesses to operate within the town except at special events. This ordinance will regulate the use of mobile food trucks on private property, while supporting local entrepreneurs that will bring new energy and interest into the town.

Possible Motions:

The Town Council has the following options:

1. The Town Council motions to approve
OR
2. The Town Council motions to approve with the following conditions
OR
3. Motion to Deny

Fiscal Impact:

There is no fiscal impact.

Staff Recommendation:

Staff recommends the adoption of the ordinance.

ORDINANCE NO. 2022-009
“FOOD TRUCKS”

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO LAND USE; AMENDING SECTION 5.02.01 OF THE TOWN’S LAND DEVELOPMENT CODE TO ADDRESS MOBILE FOOD TRUCKS AS TEMPORARY USES; CREATING SECTION 5.02.09, FOOD TRUCKS, TO PROVIDE REGULATION FOR FOOD TRUCKS OPERATING AS TEMPORARY USES WITHIN THE TOWN; ESTABLISHING CERTAIN REQUIREMENTS, RESTRICTIONS, AND PROHIBITIONS FOR FOOD TRUCKS AS TEMPORARY USES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Whereas, the mobile food truck industry has expanded and provides the service of convenient and diverse food choices; and

Whereas, the people have a right to be assured and should be assured that food purchased from mobile food trucks is safe for consumption; and

Whereas, the Town Council recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food truck businesses while protecting public health, safety, and welfare, and minimizing adverse visual and audio impacts to the public realm; and

Whereas, the Town Council has determined that it is in the best interest of the residents of Howey-in-the-Hills that minimum standards of conduct be enacted to permit Mobile Food Trucks to operate within the Town of Howey-in-the-Hills.

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

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Amendments to the Town of Howey-in-the-Hills Land Development Code. Section 5.02.01 of the Town of Howey-in-the-Hills’ Land Development Code is amended, and new section 5.02.09 is added to the Land Development Code, as follows:

5.02.01 Generally

This section sets forth the regulations regarding temporary uses and structures. Permitted temporary uses and the structures associated with the temporary uses include seasonal sales, special events, temporary structures during construction activities, and model homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited,

except as provided in other sections of the Land Development Code or as part of an approved special event.

5.02.09 Food Trucks

- A. The intent of this section is to allow and provide regulations for mobile food trucks/trailers (being two subcategories of street vendors/food peddlers) as a use on private property.
- B. General regulations. Food trucks/trailers are restricted to Town Center Commercial (TC-C) zoning. The use and operation of food trucks/trailers must comply with the following regulations:
1. The number of food trucks/trailers allowed per lot or combination of contiguous lots under common ownership is limited to two food trucks/trailers per .25 acre of land area. For example, a maximum of eight food trucks/trailers are allowed on 1 acre of land.
 2. Food trucks/trailers must be parked on a finished surface, such as concrete, pavers, asphaltic surface, gravel or other approved material.
 3. Food trucks/trailers must be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits and must be setback at least 15 feet from fire hydrants.
 4. Food trucks/trailers and associated seating areas may not occupy parking spaces reserved for persons with disabilities.
 5. Appropriate trash and recycling containers must be provided, and all sidewalks, parking areas, and other pedestrian spaces must be kept clean and free from refuse and obstruction.
 6. Each food truck/trailer must be equipped with at least one approved portable fire extinguisher with a minimum rating of 2A: 10 BC.
 7. Food trucks/trailers must comply with all current fire prevention codes.
 8. Wheels on food trucks/trailers must be chocked to prevent food truck/trailer from moving.
 9. Food trucks/trailers must be licensed to operate by the State of Florida and must receive all necessary approvals from the Florida Department of Business and Professional Regulations, the Florida Department of Health, the Florida Department of Agriculture and Consumer Services, and the Town of Howey-in-the-Hills. Food trucks/trailers must comply with state and county health department licensing requirements for preparing and selling food items. All food truck/trailer operations must comply with Florida Administrative Code 61C-4.0161, Mobile Food Dispensing Vehicles.
 10. A food truck/trailer generator(s) may operate only at a sound decibel level of 60 dB or less, measured at a distance of ten feet from the generator.
 11. Amplified sound is prohibited.
 12. Food trucks/trailers may operate only between the hours of 7:00 A.M. and 7:00 P.M.
 13. All signage pertaining to or advertising a food truck/trailer shall be within the property boundaries. There shall be a limit of two signs for advertising per food

truck/trailer while food truck/trailer is parked. Signage containing profanity or lewd or obscene images is prohibited.

- C. Food truck/trailer approval. An owner of property or a business in the Town Center Commercial district must obtain approval under this section to allow food trucks/trailers to operate on the property. Approval is not required under this section where food trucks/trailer will be operating as part of a special event that is permitted under another section of the Land Development Code. A property owner or business owner may obtain approval by submitting an application, no later than three days prior to setup, to the Town on a form furnished by the Town. The application must include all licenses/certificates required by the organizations mentioned in section B(9), a site layout plan drawn to scale that includes dimensions and the proposed location of the food truck/trailer area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the Town Clerk or designee to determine whether the food truck/trailer area is in compliance with all requirements of the Code of Ordinances and Land Development Code. Upon determination that the application meets all requirements of this section and the Code of Ordinances and/or Land Development Code, the town clerk or designee shall grant approval.

Section 3. Severability. The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. Only the provisions in Section 2 shall be codified in the Land Development Code.

Section 5. Effective Date. This ordinance takes effect upon its enactment.

Signatures on the following page.

ORDAINED AND ENACTED this 23rd day of May, 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: _____
Hon. Martha MacFarlane, 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

Planning & Zoning Board Reading held April 28, 2022
First Reading held May 9, 2022
Second Reading, Public Hearing and Adoption held May 23, 2022
Advertised May 13, 2022

#47206214 v3

Food Truck Application

Business Name: _____

Agent/Lessee: _____ BTR License #: _____

Address: _____

Email: _____ Phone: _____

Hours of Operation: _____

Property Owner:

Name: _____

Email: _____ Phone: _____

Address where food truck(s) will be located _____

Parcel Number: _____

Short Term (less than 90 days) please provide dates _____

Long Term (over 90 days), check here _____

I CERTIFY THAT, to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that

I am:

☐ Owner of the property described herein.

Signature: _____ Date: _____

Printed Name _____

☐ Business owner described herein.

Signature: _____ Date: _____

Printed Name _____

Disclosure: All licenses and certificates required by other State Agencies must be submitted to the town on an annual basis.

Registration checklist

- Property owner authorization shall be a notarized letter from the property owner of record or authorizing agent.
- Proof of ownership
- Florida Department of Business and Professional Regulations
- Florida Department of Health
- Florida Department of Agriculture and Consumer Services
- Site plan