

This instrument prepared by  
and should be returned to:

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**SECOND AMENDMENT TO  
THE VENEZIA NORTH AND VENEZIA SOUTH AT HOWEY-IN-THE-HILLS  
DEVELOPER’S AGREEMENT**

This SECOND AMENDMENT TO THE VENEZIA NORTH / TALICHET AT HOWEY-IN-THE-HILLS DEVELOPER’S AGREEMENT (the “Second Amendment”) is made this ?? day of ??, 2018 (the “Effective Date”), between the **Town of Howey-in-the-Hills**, Florida, a Florida municipal corporation (the “Town”), and **Venezia Partners, LLC**, a Florida limited liability company (the “Owner”).

**RECITALS**

A. The Town and 7L Howey-in-the-Hills (the “Previous Owner”) entered into The Venezia North and Venezia South at Howey-in-the-Hills Developer’s Agreement on February 12, 2007 recorded on March 5, 2007, in the official records of Lake County, Florida, Book 03383, Pages 2020-2036. The Previous Owner sold the property to Flagship Harb, LLC, and Flagship Harb LLC transferred the title of the Property described in Exhibit “A” of the Developer’s Agreement to the Owner.

B. On July 23, 2014, the Town and the Owner entered into the First Amendment to the Venezia North and Venezia South at Howey-in-the-Hills Developer’s Agreement, which was recorded on May 19, 2015, in the official records of Lake County, Florida, Book 4626, Pages 832-838. The Venezia North and Venezia South at Howey-in-the-Hills Developer’s Agreement and the First Amendment to the Developer’s Agreement are collectively referred to herein as the “Developer’s Agreement”.

C. The Owner and the Town desire to amend the Venezia North/Talichet portion of the Developer’s Agreement as set forth below. All provisions of the Developer’s Agreement not expressly amended herein shall remain in full force and effect.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the mutual covenants and benefits herein contained and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Town and Owner agree as follows:

**ORDINANCE 2018-**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY IN THE HILLS, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING THE ZONING FROM PUD TOWN OF HOWEY IN THE HILLS TO PUD TOWN OF HOWEY IN THE HILLS FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE TOWN OF HOWEY IN THE HILLS, FLORIDA; OWNED BY VENEZIA PARTNERS, LLC, PROVIDING FOR DIRECTIONS TO THE TOWN MAYOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the town of Howey in the Hills, Florida, as follows:

**Section 1: Purpose and Intent.**

That the zoning classification of the following described property, being situated in the Town of Howey in the Hills, Florida, shall hereafter be designated as PUD as defined in the Town of Howey in the Hills Land Development Regulations.

**LEGAL DESCRIPTION:**

A PARCEL OF LAND BEING A PORTION OF "GROVE GARDENS" (PLAT BOOK 17, PAGE 2) AND "HOWIE-IN-THE-HILLS" (AN UNRECORDED PLAT) LYING IN SECTIONS 26 AND 35, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA; THENCE ALONG THE NORTH BOUNDARY OF SAID SECTION N89°49'22"E, A DISTANCE OF 97.92 FEET TO THE POINT OF BEGINNING; THENCE DEPART SAID SECTION BOUNDARY N00°00'07"E, A DISTANCE OF 29.70 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF GRANT STREET; THENCE ALONG SAID RIGHT OF WAY N56°00'00"E, A DISTANCE OF 921.20 FEET; THENCE N64°54'03"E, A DISTANCE OF 134.15 FEET; THENCE DEPART SAID RIGHT OF WAY LINE S22°46'58"E, A DISTANCE OF 134.90 FEET; THENCE N67°23'46"E, A DISTANCE OF 249.96 FEET; THENCE S06°03'40"E, A DISTANCE OF 12.16 FEET; THENCE N89°52'29"E, A DISTANCE OF 222.15 FEET; THENCE S17°01'37"E, A DISTANCE OF 79.32 FEET; THENCE N72°54'16"E, A DISTANCE OF 315.08 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF FLORIDA AVENUE; THENCE ALONG SAID RIGHT OF WAY S17°04'04"E, A DISTANCE OF 1132.61 FEET; THENCE DEPART SAID RIGHT OF WAY S72°57'38"W, A DISTANCE OF 149.84 FEET; THENCE S17°10'01"E, A DISTANCE OF 74.94 FEET; THENCE N72°58'13"E, A DISTANCE OF 149.82 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF FLORIDA AVENUE; THENCE ALONG SAID RIGHT OF WAY S17°02'44"E, A DISTANCE OF 300.03 FEET; THENCE DEPART SAID RIGHT OF WAY S72°56'00"W, A DISTANCE OF 149.83 FEET; THENCE S17°02'42"E, A DISTANCE OF 164.96 FEET; THENCE N90°00'00"W, A DISTANCE OF 835.94 FEET TO A POINT ON THE WEST BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION

35; THENCE ALONG SAID SECTION BOUNDARY N00°19'41"W, A DISTANCE OF 404.92 FEET; THENCE DEPARTING SAID SECTION BOUNDARY S89°51'12"W, A DISTANCE OF 659.75 FEET; THENCE N45°09'29"W, A DISTANCE OF 468.37 FEET; THENCE N00°06'38"W, A DISTANCE OF 331.44 FEET; THENCE S89°50'24"W, A DISTANCE OF 232.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TWENTY SOUTH OF RANGE TWENTY-FIVE EAST OF TALLAHASSEE MERIDIAN, LAKE COUNTY, FLORIDA.

Total Acreage: 61.02

**Section 2: Zoning Classification.**

That the property being so designated as PUD is subject to the following terms and conditions:

**General**

Development of this Project shall be governed by the contents of this document, the comprehensive plan, and applicable sections of the Town of Howey in the Hills Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City.

Where in conflict, the terms of this document shall take precedence over the Town of Howey in the Hills Land Development Regulations and Code of Ordinances, and all other applicable rules, regulations and ordinances of the Town.

Unless otherwise noted, the definition of all terms shall be the same as the definitions set forth in the Town of Howey in the Hills Land Development Regulations.

**Purpose**

The purpose of the Venezia North/Talichet PUD is to:

1. Create an attractive and high-quality environment which is compatible with the scale and character of the local environment; and
2. Develop a residential area that is safe, comfortable and attractive to pedestrians.
3. Create a community with direct visual and physical access to open land, with amenities in the form of community open space, and with a strong community identity;
4. Provide a network of open space provision;
5. Provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the Town's population diversity may be maintained;

**Land Uses**

The Concept Plan for the Project is attached hereto as Exhibit “A” and is an integral part of this PUD document. Elements in the Concept Plan include single-family detached homes, recreation, and wetlands. The approximate acreage devoted to each land use shall be as follows:

Wetlands:	10.48 acres
Uplands:	40.79 acres
Open Space @ 25%	12.82 acres
Recreation	1.72 acres

**Residential**

The residential development shall be comprised of up to 165 single family detached homes.

**Setbacks**

The following setbacks shall be applied:

Front:	20 feet
	15 feet (if the porch is open with a covered roof and meets a min of 6’x10’)
Rear:	10 feet
Side:	5.5 feet
Wetland:	25 feet
Corner:	10 feet
Pool / Accessory	10 feet

**Lot Size**

A range of lot sizes shall be provided in order to create variety and offer opportunity for different income households. Minimum lot size will be 51’ x 120’.

**Dwelling Size**

The minimum dwelling size for all single-family residences shall be 1,500 square feet of heated/air-conditioned space under roof and a 2-car garage min. 400 sf.

**Lot Width**

The minimum lot width at building line shall be 51 feet with a minimum street frontage of 30 feet.

**Lot Coverage**

Lots shall have a maximum lot coverage of 70% to include principal dwelling, all paved areas and swimming pools.

**Height of Structures**

No residential structure shall not exceed 35 feet in height.

**Building Design**

Building design will be in accordance with the Architectural Requirements of the Town’s Land Development Regulations. The following principles seek to promote a high quality development that will create a sense of place and community through the development of the site.

- A diversity of housing styles, shapes and materials shall meet the Towns Land Development Regulations.
- The different housing types shall be integrated architecturally in order to give the development a harmonious appearance.
- The creation of visual richness shall be considered when choosing materials and details. Local characteristics are encouraged.
- Side entrances for garages are encouraged.
- A variety of roof heights, pitches and materials will be encouraged.
- Landscaping shall be incorporated into the overall design as a means of linking the development areas with the open spaces.
- An exterior wall for a single-family home must be a minimum of two materials and a minimum of two colors. Primary facades shall have one base color and a complementary wall material may be used to meet the second color requirement.
- Block face restrictions may be reduced to 300 linear feet. The same house model may not be used more than three times within a single block face. For purposes of this requirement, a different house model is a different floor plan, not the same floor plan flipped in a different direction and not the same floor plan with a different exterior treatment.

### **Recreation and Open Space**

A minimum of 12.82 acres shall be provided for open space and 1.72 acres for active recreation facilities in the approximate location is indicated on the Concept Plan. The recreation area shall provide a variety of facilities ranging from active play areas to informal park areas. Recreational equipment shall be provided in agreement with the Town Council. The recreation area may be substituted with a 10' wide trail along Florida Avenue from SR 19 to Central Avenue with Council approval. Any recreation areas created will be by the applicant and not the town.

In addition to the recreation area, open space will be provided within the development site. This open space shall include, but not be limited to, preserved wetlands, project buffer areas, drainage areas, retention areas and landscaped areas.

### **Wetlands Buffer Requirement**

No development shall be allowed within jurisdictional wetlands on the property. An average upland buffer of 25 feet shall be in a tract and shall be maintained by the HOA. No development except passive recreation shall be permitted in wetland areas.

### **Phasing**

The Project may be constructed in phases. Each phase shall be developed in conformance with this ordinance and no individual phase may exceed the densities or intensities projected in the approved Concept Plan. A phase shall function as a fully planned unit with utilities, drainage, access and other elements that will allow the phase to function as a fully developed community unit should subsequent phases not be constructed.

## **Public Facilities**

### **Potable Water and Wastewater**

The Project shall be connected to the Town's Potable Water and Sanitary Sewer system, prior to any Certificate of Occupancy being issued for any structure (except temporary construction uses) on the Project. Should the Town require extensions of the City Potable Water and Sanitary Sewer systems for future development a developer's agreement shall be negotiated between the Town and the Owner/Developer. Such Utility Agreement may include prepayment of impact fees to aid expansion of facilities, reimbursement of offsite costs paid by the Owner/Developer by impact fee credits and/or cash reimbursement at the time of interconnections, if any and the installation of reuse lines for irrigation.

### **Solid Waste**

Solid Waste collection shall be pursuant to Town regulations, as amended.

### **Drainage**

The maintenance of the drainage system shall be the responsibility of the Homeowners Association(s).

### **Transportation**

There shall be a minimum of one (1) ingress and egress point for the Project. These shall be in the approximate locations shown on the Concept Plan. All streets shall have a fifty foot (50') right-of-way with a minimum 24 foot pavement and curb width. Provision shall be made for underground utilities. If a second access point is required, the second access point will be "Emergency Only".

All portions of the development should be accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development should provide appropriate pedestrian amenities.

If a traffic signal is ever warranted at the Venezia Blvd. main entrance/Florida Ave and that if any of our improvements cause this improvement to be warranted the owner/developer would pay the pro-rata fair share of the cost of a signal to be installed.

### **Street and Sidewalks**

The development shall have a connected street system that serves vehicles, pedestrians and bicycles which connects to recreation facilities and adjacent residential/community areas. A minimum of a five-foot (5') sidewalk shall be constructed along both sides of all interior streets and a 5' sidewalk along W. Central Ave where property abuts public right of way. A 10' trail along Florida Avenue from SR 19 to W. Central Avenue (aka Number 2 Road) if recreation component is approved by Town Council. If Town does not approve the active recreation component a 5' sidewalk shall be constructed along Florida Avenue where property abuts public right of way. All streets shall be constructed to the Town of Howey in the Hills standards.

Cul-de-Sacs shall not exceed 1,320 feet and shall have a minimum pavement width of 24' and a minimum cul-de-sac right of way radius 50'.

This development **shall not** have islands in the cul-de-sacs or and medians per land development code 8.02.07.

The developer/owner will construct 5' sidewalks along all common areas along the internal right of way.

### **Landscaping Requirements**

All landscaping and buffer requirements shall be in accordance with the Town's Land Development Regulations. With the exception of the following:

All buffer, street, and canopy trees planted at the Project will be a minimum of a 2" caliper. The Owner shall require homebuilders to plant at least one canopy tree for each single-family lot of at least 3" DBH. Developer will replace 30 percent of total inches removed. All trees planted at the Project shall adhere to the current guidelines established by the Florida Grades and Standards for nursery-grown trees and must be Florida grade #1 or better.

Developer shall be responsible for the installation of street trees along the roadway where common areas abuts the road per Town of Howey in the Hills LDR'S.

Developer shall construct a 6' visual barrier (wall, Vinyl fence, or approved equal) along W. Central Ave (aka Number 2 Road) and Florida Avenue within a 5' landscape buffer.

### **Tree Protection**

Under no circumstances shall any tree, regardless of size or species, be removed from any designated wetland or Conversation Easement.

Trees proposed to be maintained on site shall meet the Town of Howey in the Hills LDR'S. No construction activity, equipment or material shall be permitted inside the tree protection barrier.

### **Lighting**

Decorative street lighting shall be installed at every intersection, at the end of each cul-de-sac and at intervals of 300 feet, or as approved by the Town Staff. Street lighting shall be installed by the Owner/Developer. All lighting shall be directional, shielded lighting designed to minimize light pollution. All lighting shall be maintained by the HOA.

### **Utilities**

All utilities shall be underground.

### **Signage**

Entrance signs and informational signage may be located in buffers, setbacks/and or signage easements as approved by the Planning and Zoning Board. Before any marketing signs are erected on the property, the Owner and/or builder(s) shall present a sign plan for review and approval by the Planning and Zoning Board. It is noted that The Town Council has previously approved the Owner's and/or builder(s) use of banner signs. Specifically Builders will be

allowed the standard vertical Marketing Flags and the signage as previously approved in the Venezia South community by the Town. All additional signage not previously approved must be in compliance with the requirements in the Town's Land Development Code.

**Maintenance of Common Areas**

Maintenance of all common areas within the residential component of the Project shall be the responsibility of the Homeowner's Association(s) formed to govern such subdivision.

**Amendments**

Any substantial deviation from the PUD Concept Plan, or deviation from the terms of this Ordinance, shall be approved by the Town Council in accordance with the legal procedures to amend zoning ordinances.

Any minor amendments that may be needed once final engineering is completed shall be reviewed and approved by staff without referring to the Planning and Zoning Board or Town Council.

**Residential Uses**

No manufactured or modular homes are allowed.

**Section 3: Consistent with Comprehensive Plan**

The zoning classification is consistent with the Comprehensive Plan of the Town of Howey in the Hills, Florida.

**Section 4: Official Zoning Map**

That the Town Mayor, or designee, is hereby authorized to amend, alter, and implement the official zoning maps of the Town of Howey in the Hills, Florida, to include said designation.

**Section 5: Severability.**

That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 6: Conflict.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7: Effective Date.**

This Ordinance shall become effective immediately upon its approval and adoption by the Town Council.

**Section 8: Recording.**

This Second Amendment shall be recorded by the Town, at the Owner's expense, in the Public Records of Lake County, Florida, and shall constitute a covenant running with the land.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]



IN WITNESS WHEREOF, the parties are signing this Second Amendment on the Effective Date.

TOWN OF HOWEY-IN-THE HILLS,  
FLORIDA

By: \_\_\_\_\_  
The Honorable Christian Sears, Mayor

Attest:

By: \_\_\_\_\_  
Dairian Burke, CMC Town Clerk

Approved as to form and correctness:

By: \_\_\_\_\_  
Heather M. Blom-Ramos, Town Attorney

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was executed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Christian Sears, as Mayor of the Town of Howey-in-the-Hills.

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public  
(Typed, Printed or stamped)

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Witnesses:

“OWNER-VENEZIA NORTH AND SOUTH”

Venezia Partners, LLC, a Florida limited liability company

Printed Name: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: Ronald Roberts

As its: Manager

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was executed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Ronald Roberts, as Manager of VENEZIA PARTNERS, LLC, a Florida limited liability company, on their behalf.

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Name of Notary Public  
(Typed, Printed or stamped)

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_

Type of Identification Produced: \_\_\_\_\_