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## MEMORANDUM

**TO:** Howey-in-the-Hills Planning Board  
**CC:** J. Brock, Town Clerk  
**FROM:** Thomas Harowski, AICP, Planning Consultant  
**SUBJECT:** Land Development Code Amendments  
**DATE:** August 5, 2024

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The review of the comprehensive plan and land development code components initiated by the Town Council has been conducted in two parts. The first part is an amendment to the comprehensive plan. This set of amendments has been adopted by Council and is nearing final action. The second component is the adoption of amendments to the land development code based on the comments received from Council members and advisory board members. The LDC amendments have been reviewed at a series of workshops, and the Town Attorney has drafted a proposed ordinance for consideration by the planning board and recommendation to the Town Council.

This report provides a summary of the changes as they have been recorded from the workshop sessions and then incorporated into the draft ordinance. There are some items where the planning staff will recommend a revision to the proposed action based on experience in applying revised rules. Areas of concern have been noted and underlined in the memo and will be discussed in more detail following the list of changes. In some cases there are changes that follow through all chapters, such as changing responsibility from the mayor to the town manager. These are noted once but not called out in every case. There are also some minor edits to non-regulatory language that are not individually cited.

### General Changes

1. Everywhere appropriate, Mayor has been changed to Town Manager.
2. In zoning districts, 2.5 stories has been deleted and replaced with 35 feet for building height.
3. Clear cutting has been defined and in several sections clear cutting has been noted as prohibited.
4. Minimum garage square footage has been increased from 400 to 440. Several council members have asked to review this change.

5. Sign regulations have been amended by a previous ordinance to conform to recent Supreme Court rulings. The overall code will be updated when this amendment package is adopted.
6. The minimum area for a PUD has been set at 100-acres in several sections.
7. Residential density, where cited, has been changed from four to three units per acre.
8. In several locations the percentage of wetlands counting as required open space is reduced from 50% to 25%.

### **Needed Additional Actions**

Two of the tables in the code need to be updated to conform to the revised code and comprehensive plan. Table 2.00.02 identifies which zoning categories are consistent with the individual comprehensive plan land use designations. The table of dimensional requirements at the end of chapter two also needs to be updated. Revised tables are included with this memorandum so the Planning Board may include them in a recommendation to the Town Council.

### **Other Revisions by Chapter**

#### Chapter 1

- Section 1.06.07 – Appeals process is clarified
- Definition of clear cutting is added.
- Mobile home is deleted from definitions of dwelling units.
- Flag lot is defined.

#### Chapter 2

- Section 2.02.18 High Density Residential 1 is added.
- Section 2.02.19 High Density Residential 2 is added.
- Mobile homes are deleted as permitted uses in AG.
- Minimum unit size of 1,500 square feet in AG is deleted, but clarification is required.
- RE minimum lot size is reduced from 2-acres to one-acre
- SFR minimum dwelling square footage is increased from 1,800 to 2,000 square feet.
- MDR-1 minimum dwelling square footage is increased from 1,700 to 1,800 square feet.
- MDR-1 side corner setback eliminates the 12.5 feet currently required, but does not replace the dimension with something else.
- MDR-2 has been extensively revised:
  - Minimum lot size has been increased from 9,000 sf. to 10,890 sf.
  - Minimum lot width has been increased from 75 to 85 feet
  - Front yard setback has been increased from 25 to 30 feet
  - Corner lot sideyard has been increased from 12.5 feet to 20 feet

- Minimum dwelling unit square footage has been increased from 1,200 to 1,600 sf.
- The proposed changes need to be reviewed as they have the potential to cause substantial problems for existing MDR-2 zoned properties.
- PUD has been substantially revised:
  - Minimum project size has been increased from 25 to 100 acres.
  - References to VMU have been deleted.
  - The prohibition on drive-through business access has been deleted.
  - A minimum lot size of 10,890 square feet has been added.
  - Building setbacks have been amended.
  - The minimum dwelling unit square footage has been set at 1,600 square feet.

#### Chapter 4

- Section 4.02.04 language on sewer commitments has been generalized from the prior reference to the CDD.
- Section 4.03.09 No clear cutting has been added.
- Section 4.06.02 Residential design rules have been revised to conform to recent state law changes.
- Section 4.12.02 has been revised to set a one-year time frame to activate a conditional use.
- Section 4.13.05 has been revised to clarify conditions for granting a variance noting the variance runs with the land, the variance needs to be activated within one year, allows consideration of the character of the property and impacts to neighbors.
- Section 4.15.00 on procedures to amend the LDC have been streamlined and clarified.

#### Chapter 5

- The draft ordinance notes that changes to sign regulations based on recent Supreme Court rulings have been previously amended and need to be codified with this set of code revisions.

#### Chapter 6

- Section 6.02.10 conditions for allowing gasoline sales have been modified to allow gasoline sales on property fronting major collectors as well as arterial roads. This change allows potential sites fronting on CR 48.

#### Chapter 7

- Closest spacing of trees adjacent to sidewalks has been increased from 5 feet to 7.5 feet.
- Use of root barriers has been added.
- Section 7.02.02 has been modified to increase the depth of non-residential buffers from 15 to 20 feet.

- Section 7.09.02 has been amended to allow more rock and gravel in planned mulch areas increasing the percentage from 25% to 35%.
- The footnote to the table of plant materials has been deleted.
- Section 7.10.03 details tree requirements for residential developments.

## Chapter 8

- Table 8.03.02 listing roadway classifications and standards has been modified to delete the existing standard for local streets and increase the width requirements for streets where parking is allowed. This amendment needs to be reviewed for potential modification.
- Section 8.03.09 has been modified to allow the Town Council to waive sidewalk requirements in large lot subdivisions.
- Section 8.05.01.1 Update reclaimed water system rules.
- Section 8.05.01.3 has been added to clarify rules for wastewater and reuse systems installation and ownership.
- Section 8.06.01 has been amended to limit exterior lighting impacting off-site property to a maximum of 0.2 footcandles.
- Section 8.08.02 has been added specifying when active recreation facilities are required in new developments.
- Section 8.10.00 on appeals has been deleted and moved to Chapter 1.

## Updated Tables

Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map Categories.

Future Land Use Zoning Category	Rural Life Style	Low Density Residential	Medium Density Residential	High Density Residential	Village Mixed Use	Town Center Mixed Use
AG	X					
RE	X					
SFR		X				
MDR-1			X			
MDR-2			X			
HDR-1				X		
HDR-2				X		
PUD		X	X	X	X	
TC-R						X
TC-F						X

Table 2.00.02 (C) Relationship Between Zoning Districts and Future Land Use Map Categories.

Future Land Use Zoning Category	Neighborhood Commercial	Light Industrial	Institutional	Recreation	Conservation	Public/Utility	Village Mixed Use	Town Center Mixed Use
NC	X							
IND		X						
INS-1			X					
INS-2			X					
REC-1				X				
REC-2				X				
CON					X			
PUB						X		
PUD							X	
TC-C								X

## Discussion and Further Consideration

### Minimum Garage Square Footage:

Several council members have asked about reconsideration of the increase in the minimum area for a two-car garage. The increased area is intended to provide additional room to accommodate two cars in the garage, but the increased floor area has a substantial impact on the cost of a residential unit as it affects not only the garage area but also the general house structure including roof trusses and other structural elements. If someone is going to use the garage area primarily for storage, the added area will not encourage more garage parking, and most users are able to accommodate two-cars in the 400 square foot space. This issue is expected to be raised when the Council considers the proposed amendments, but the Planning Board may wish to make a recommendation.

### Minimum Unit Size in AG

The proposed revision is as follows:

Minimum square footage of principal dwelling **is 1,500 square feet** (air conditioned, not including garage or accessory dwelling) **is the same as the minimum square footage for dwellings in single family residential zones**

The problem with referring the minimum unit size to other single-family residential zones is that these zones have differing minimums, so it is unclear which minimum is to be applied. The better choice is to select a new number or retain the 1,500 square foot minimum that is in the current code.

### MDR-1 Side Setback.

The draft ordinance removes the current 12.5 feet for a corner side yard but does not replace it. A side yard needs to be specified. Twenty feet was suggested for MDR-2.

### MDR-2 Revisions

The proposed revisions to the MDR-2 zone have the potential to create problems for existing homeowners who have developed their properties under the current rules as any property not fully meeting the new dimensional requirements will be non-conforming. The revised rules have the potential to affect actions such as room additions, rebuilds from fire or storm damage and any action that is impacted by lot sizes or setbacks.

The MDR-2 zoning district was created to support neighborhoods where platted lots were smaller than those in MDR-1, and the zone was mapped in accordance with this objective. The proposed MDR-2 rules make the lots essentially the same as MDR-1 which obviates the original intent of the MDR-2 zone. The likelihood of impacts such as those noted above is real.

The better solution is to leave the MDR-2 rules unchanged to support the currently zoned MDR-2 parcels and then pay close attention to future requests to rezone property to MDR-2. Other than Whispering Heights, the currently zoned MD-2 areas are largely platted and developed with existing homesites. There are four small areas zoned MDR-2 including South Florida and South Dixie below West Oleander Avenue; 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Avenue off of Revels Road; Marilyn Avenue; and four lots on the east side of Mare Avenue south of Number Two Road. In these areas keeping the current dimensional regulations are unlikely to result in any significant number of new residential lots, while changing the rules could have a large impact on existing properties.

### Street Classifications and Dimensional Changes

The proposed revision is presented in amendments to Table 8.03.02.

Street Type	Min. R-O-W Width	Lane Width excl. of curbs	# of Lanes	Median Width incl. curb	Grassed Utility Strip and Curb (each side)	Drainage Structures	Sidewalk and Bike Lane (each side)
Arterials	100 feet	12 feet	4	20 feet	6 feet	Curb and Gutter	6-foot sidewalk; 4-foot bike lane
Collectors	90 feet	12 feet	4	14 feet	5 feet	Curb and Gutter	5-foot sidewalk; 4-foot bike lane
Local Roads (typical residential street)	50 feet	24 feet of pavement	2	None Required	8 feet	Curb and Gutter (Swales possible for larger lot subdivisions)	5-foot sidewalk; no bike lane required (GL)
Local Roads (with on-street parking)	50-60 feet	22 feet of pavement with 8-foot wide on-street parking on one side both sides	2	None Required	5 feet	Curb and Gutter	5-foot sidewalk; no bike lane required

The intent of the revision is to require a wider local street when on-street parking is to be allowed. The potential issue arises when a development intends to restrict on-street parking as a local property owners' association rule. Then the street is wider but the added space to accommodate on-street parking is not needed or used. There is a cost to the additional street width for initial construction, but also for routine resurfacing. The added paving area is 16 feet beyond the 22-foot driving area. This requirement increases paving and resurfacing cost by nearly 75%. When the Town has to include these roads in its resurfacing program, the impact of resurfacing dollars is reduced by 75%.

The better solution is to retain the typical residential road design with a 50-foot right-of-way, and edit the local road with on-street parking to allow parking on either one or both sides with the requirement for added paved area. New neighborhoods can then choose the preferred design, and where the 50-foot right-of-way design is selected, it will have to be paired with a prohibition for on-street parking.

## Reclaimed Water System

The following revisions are proposed to adjust the LDC language to conform to the current policy on the source for reclaimed water. This change is essential to conform to the Town's consumptive use permit.

### *8.05.01.1 Reclaimed Water Systems*

- A. New development may be required to install and donate to the Town a reclaimed water system, including distribution mains and services for irrigation in accordance with the Town's specifications.
- B. If a reclaimed water system is required, new development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.
- C. If an existing reclaimed water system is within 1,000 feet of a new development, the development will be required to connect to the existing reclaimed water system.
- D. System looping is required wherever practicable to increase overall capacity and service.
- E. New development shall use non-potable water sources for irrigation, **if possible,** until reclaimed service is available. **~~The use of potable water for irrigation is permitted if no other source is available.~~**
- F. It is the responsibility of all reclaimed water customers to maintain a three-foot area clear of any fences, structures or landscaping other than sod or mulch around meter boxes to allow for access by Town employees for reading, maintenance, and disconnection of service. The meter box may not be buried or obstructed from view. The Town shall not be responsible for any damage to plants, fences or other impediments that are removed in the course of Town work.



**TOWN OF HOWEY-IN-THE-HILLS  
ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

District	Lot Size	Lot Width	Lot Depth	Building Setbacks				Building Height	Floor Area	Max. FAR	Lot Coverage (%)
				Front	Street Side	Side	Rear				
Agriculture	2 ac.	150	200	50	50	25	50	35	TBD	.15	20
Rural Estate	1 ac.	150	200	50	50	25	50	35	1500	.15	
Single Family Residential	.5 ac.	100	150	35	35	20	30	35	2000	.20	
Medium Density Residential 1	15,000 sf	100	120	35	12.5	12.5	25	35	1800		50
Medium Density Residential 2	10,800 sf	80	120	30	20	12.5	25	35	1600		50
High Density Residential 1	1 ac.	b.						35			60
High Density Residential 2	3 ac.	b.						35			60
Neighborhood Commercial	.5 ac	100	150	30	30	20	30	35	a.	.50	70
Industrial	.5 ac	100	150	30	30	20	30	35		.60	70
Institutional 1	.5 ac	100	150	30	30	20	30	35		.25	40
Institutional 2	.5 ac	100	150	30	30	20	30	35		.25	40
Recreation 1	.5 ac	100	150	30	30	20	30	35		.20	30
Recreation 2	.5 ac	100	150	30	30	20	30	35		.20	30
Public	.5 ac	100	150	30	30	20	30	35		.25	50
Town Center Residential	9000 sf	100		25	25	12.5	30	35	1700		50
Town Center Flex	9000 sf	100		25	25	12.5	30	35	1700		40
Town Center Commercial								35		2.0	

- a. Maximum building size is 5,000 square feet
- b. Refer to code for details on HDR-1 and HDR-2
- c. Conservation District has no dimensional requirements
- d. Public District allows two stories and 35 feet for facilities other than buildings.