



# ZONING MEMORANDUM

**November 05, 2024**

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



## **North Hamlin- Pre-application**

**Parcel ID: 23-20-25-0004-000-00800, 24-20-25-0003-000-00600, 24-20-25-0003-000-00601**

**Applicant: Evans Engineering, Inc.**

### **Project Description**

This application includes three properties identified by parcel ID above. Together, they comprise approximately 89.93 acres. Two of the parcels are in the jurisdiction of Howey-in-the-Hills and one (24-20-25-0003-000-00601) is proposed to be annexed into the City and be assigned a Future Land Use of Low Density Residential (LDR) and companion Zoning District designation of Medium Density Residential 2 (MDR-2). The zoning district designation proposed is different than the two parcels already in the jurisdiction of Howey-in-the-Hills, which are zoned Single Family Residential (SFR), therefore the applicant is seeking to rezone all parcels to MDR-2 zoning.

### **Proposed Development**

A single-family dwelling unit subdivision is proposed, consisting of 135 homes with 2-5 acres of commercial outparcels. The proposed density is 1.83 dwelling units per acre.

### **Review Comments**

1. Medium Density Residential 2 (MDR-2) is not permitted on property with a Future Land Use designation of LDR. The only zoning district categories allowed in LDR Future Land Use are SFR and PUD.
2. The proposed development does not meet the threshold requirements for rezoning to Planned Unit Development (PUD) as this would require a minimum of 100 acres pursuant to LDC Sec. 2.02.13.
3. Commercial is not permitted in SFR or MDR-2 Zoning Districts.
4. The Land Use and Site Data Table on the proposed concept plan have incorrect FLU and Zoning data for the parcels.
5. The application seeks multiple variances from the Town's Land Development Code (LDC). These include the following items which conflict with the requirements of the SFR Zoning District:
  - a. The requested minimum lot size (80 feet by 140 feet) is 11,200 square feet. LDC Sec. 2.02.03 (D) requires a minimum lot size of 21,780 square feet (a half-acre). This Section also stipulates that the minimum lot width is 100 feet, and a minimum lot depth is 150 feet.
  - b. The requested setbacks include a 30-foot front setback (35 feet is required); a 10-foot side setback (20 feet is required).



- c. The proposed impervious surface ration is 50%. The maximum allowed in SFR is 35%.
- 6. Variance approvals are based on a hardship which is peculiar to the land and not self-created by the property owner/ applicant. Since this is vacant undeveloped land, it is difficult to see how the development cannot be designed to meet the requirements of the SFR Zoning District with respect to lot size, area requirements, and setbacks. As a condition to authorizing a variance from the terms of the LDC in Sec. 4.13.04, the Town Council as the Board of Adjustment must find:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district,
  - b. That the special conditions and circumstances do not result from the actions of the applicant,
  - c. That literal interpretation of the provisions of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant,
  - d. That the variance created is the minimum variance that will make possible the reasonable use of the land, building or structure, and
  - e. That the granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  - f. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this LDC. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this LDC.
- 7. The Comprehensive Plan and LDC prohibit certain development aspects to be included in meeting the open space calculation. These would need to be revised on the plans accordingly:
  - a. Comprehensive Plan Policy 1.1.4 does not allow wet ponds to be included in the 10% of impervious that may count as open space. The LDC defines wet ponds as impervious surface.
  - b. Open space may only include landscaped buffers and stormwater facilities if they are designed to be park-like with pedestrian amenities.

**Staff Recommendation**

Revise the application to conform to the SFR Zoning District requirements including uses, lot size, area requirements, and setbacks, and Comprehensive Plan policies regarding open space.