

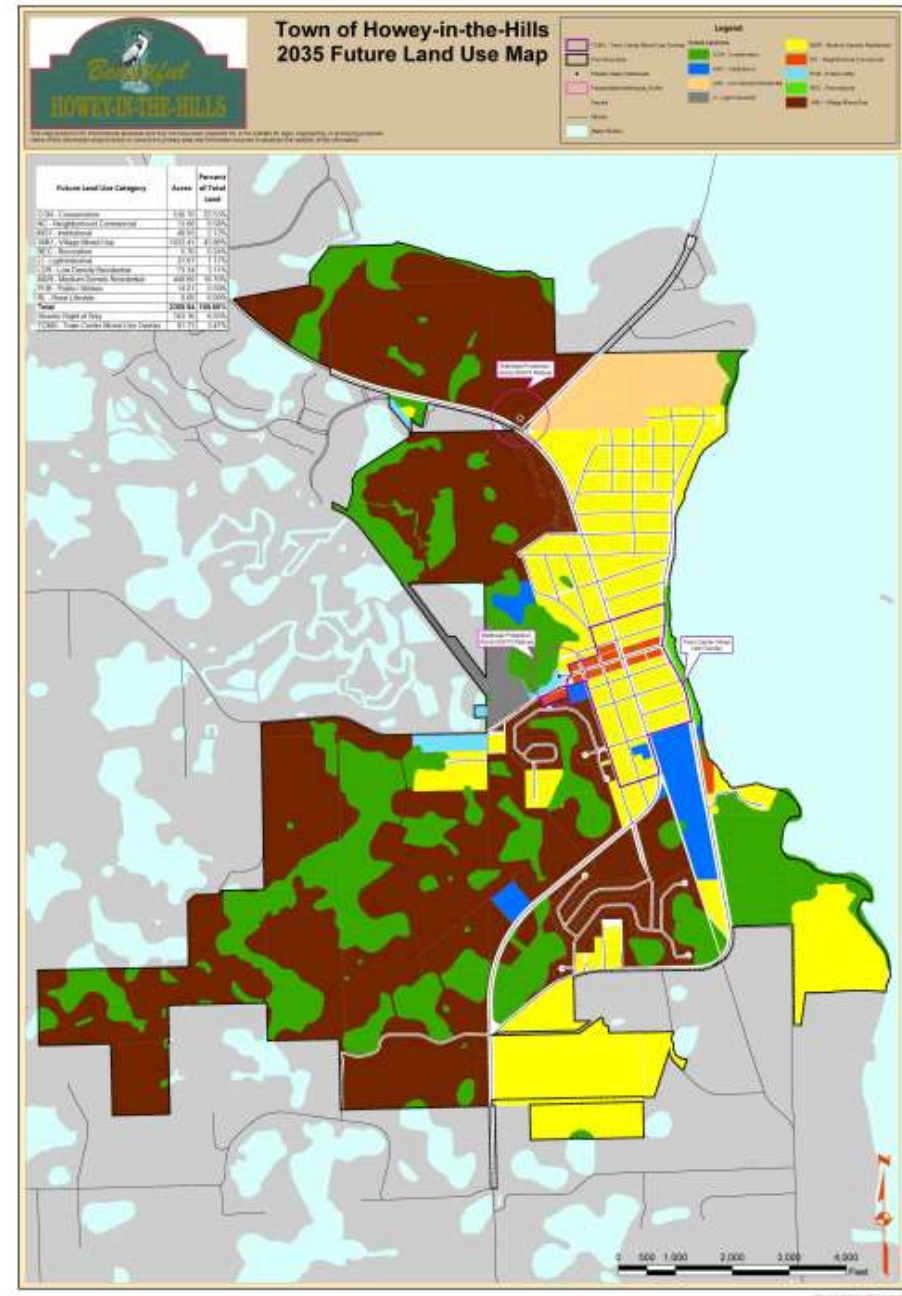


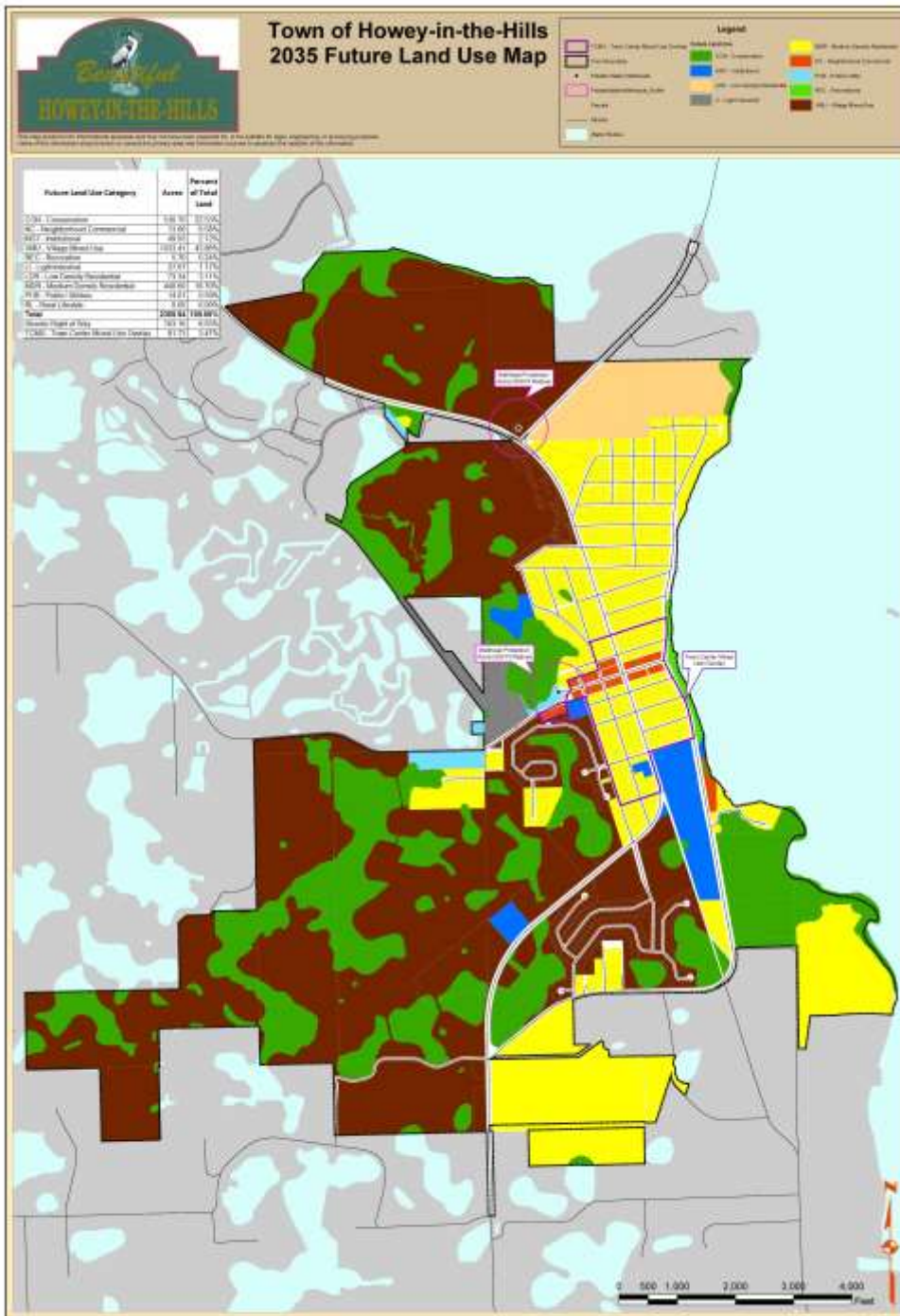
Procedures for Zoning and Future Land Use Amendments

HOWEY-IN-THE-HILLS TOWN COUNCIL

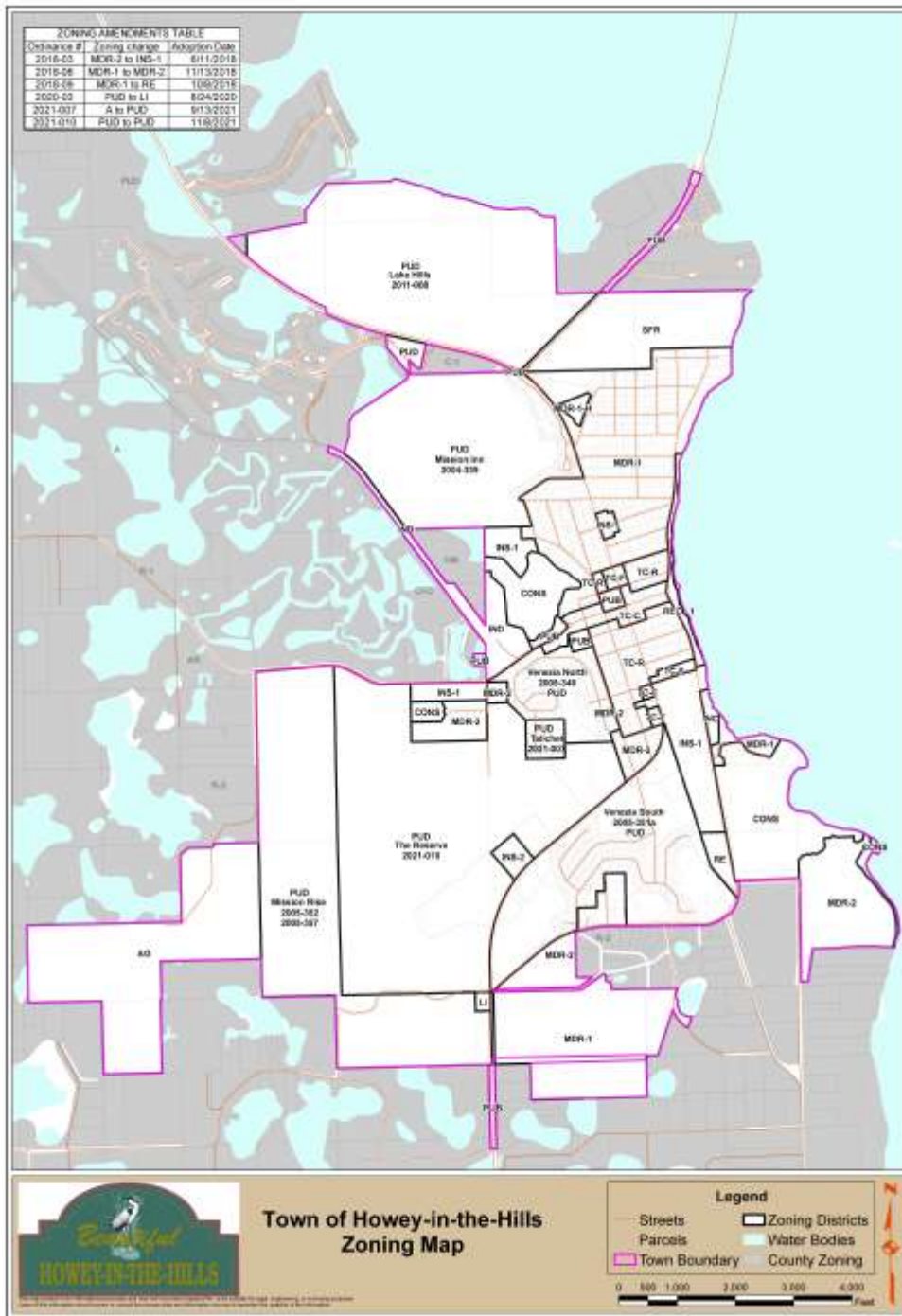
DECEMBER 10, 2024

Land use decisions are controlled by the Town's Comprehensive Plan and Land Development Code





- The Future Land Use Map in the Comprehensive Plan establishes a Future Land Use designation for each property in the Town.



- ▶ The Official Zoning Map establishes a Zoning designation for each property in the Town which are defined in the Land Development Code.

Comprehensive Plan in Relationship to Zoning- Comprehensive Plan Governs

- ▶ Comprehensive Plan establishes land use and development policies that are enforced through the zoning ordinance (land development code)
- ▶ Comprehensive Plan establishes minimum/maximum densities or Floor Area Ratios (FAR) for land uses identified on the Future Land Use Map for which zoning districts must be developed consistently
- ▶ Comprehensive Plan establishes policies for conservation, open space, transportation, and infrastructure which may be implemented in a zoning ordinance
- ▶ Both are to be about meeting “public health, safety, and welfare”

The Evaluation and Appraisal Report Process (EAR)

Legislation has changed the process by reducing the State oversight of the EAR process. An EAR is no longer required to be sent to the State for review and acceptance. The Town can conduct the EAR internally and transmit the amendments to the State.

Every 7 years review comprehensive plan for needed updates



Send letter to the State as to whether updates will be made



Have one year to make updates and send to the State for review



Following State review process, adopt and incorporate updates

Comprehensive Plan Fact Sheet

- ▶ Largely pertains to the pattern of land use, guiding the development of the community.
- ▶ Physical, covering the entire community
- ▶ Long-term- typical time horizon of 10-20 years
- ▶ Required by the state of Florida- Florida Statutes Chapter 163
- ▶ To change a Future Land Use designation, must be done through the amendment process established by Florida Statutes Chapter 163 and as defined in the Land Development Code- Chapter 4

Land Development Code Fact Sheet

- ▶ Establishes regulations for uses of land within zoning districts and development standards such as setbacks, lot size, and subdivision requirements.
- ▶ Physical, covering the entire community
- ▶ Living document- modified by ordinance when Town decides
- ▶ Must be consistent with Comprehensive Plan
- ▶ Town has authority under Florida Statutes Chapter 166 to control the Land Development Code through the police powers
- ▶ To change a zoning designation, must be done through the rezoning process established by the Town in the Land Development Code- Chapter 4

Future Land Use Amendment

Uses

- when a requested use is inconsistent with the Future Land Use Map designation applicant must file for a map amendment
- an example-if applicant wants to develop commercial on a property with a residential Future Land Use designation

Density

- if an applicant seeks to develop residential at a density higher than what the Future Land Use designation allows
- an example- if applicant wants to develop residential at 3 dwelling units per acre but only 2 dwelling units per acre are allowed

Comprehensive Plan Consistency

- Town must evaluate and determine whether requested amendment is consistent with the Comprehensive Plan
- an example- if an applicant requests a commercial Future Land Use designation that would be surrounded by residential designation, it should not be approved unless there are clear policies in the Comprehensive Plan consistent with the request

Zoning Map Amendment (Rezoning)

Uses

- when a requested use is inconsistent with the list of permitted uses in the Land Development Code, applicant must file for a Zoning Map amendment
- an example-if applicant wants to develop a retail shop on a property where only single family residential use is allowed

Comprehensive Plan Consistency


- Town must evaluate and determine whether requested rezoning is consistent with the Comprehensive Plan, if not then a Future Land Use Map amendment must be considered first.
- An example- if an applicant requests a commercial Future Land Use designation that only allows residential


Future Land Use Map Amendment and Rezoning Process

A rezoning request must be consistent with the property's Future Land Use designation. If it is not then a consistent Future Land Use Map designation application is required and must be considered the Town before the rezoning application may be.

Applicant submits Rezoning or Future Land Use Map amendment with Rezoning applications to Town 

Applications reviewed by the staff Development Review Committee (DRC) and recommendation report prepared for Planning and Zoning Board public hearing 

Applications scheduled for Planning and Zoning Board public hearing with public notice provided as required by Florida Statutes and the Town Land Development Code 


Applications heard by the Planning and Zoning Board in one required public hearing and their formal recommendation made to Town Council 

Applications heard by Town Council in two public hearings and adopted following required public notice requirements*

****If a Future Land Use Map amendment is required and is 50 acres or greater, it requires two Public hearings and must be reviewed by the State Florida Commerce agency before it can be adopted by Town Council. All Future Land Use Map amendments do not become effective until 31 days after the adoption date to allow for appeal.***

Very Important Law Change- Florida Statutes Ch. 166.033 Action Time Limits

166.033 Development permits and orders.—(1) Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order.



Source: Sun Sentinel Article November 2, 2024, Sage Intracoastal, a 28-story condo planned along the Intracoastal in Fort Lauderdale, will stand nearly 300 feet tall, making it the tallest tower in the neighborhood. (FSMY Architects/Courtesy)

Link to Article:

<https://www.sun-sentinel.com/2024/11/02/something-doesnt-smell-right-fort-lauderdale-goof-means-commission-gets-no-say-in-tower-project/?share=4eeomewisnofwresmucr>