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MEMORANDUM

TO: Howey-in-the-Hills Planning Board
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: Future Land Use Element Policy Amendments
DATE: November 6, 2023

As a follow-up to the Town Council workshop session held on November 1st, a package of amendments to the future land use element has been referred to the planning board for consideration as required by the Town's land development code. These proposed amendments result from the ongoing review by the Town Council and the Planning Board of changes needed in both the Town's comprehensive plan and the Town's land development code regarding residential development.

The amendments for now address *only* the comprehensive plan, specifically the future land use element. Amendments to the land development code will be more numerous and are a work in progress. The land development code is subordinate, of course, to the comprehensive plan. We therefore should try to finalize amendments to the comp plan, then prepare LDC amendments that conform to the comp-plan amendments.

In addition, the Town is beginning its "evaluation and review" of the comp plan – the "EAR Report" – a periodic requirement under Florida law. That review and any resulting revisions of the plan's data, analysis, and policies will be provided to you in the coming months. It is correct to say, however, that the attached proposed amendments to the future land use element is the beginning of the EAR process. As the planning board and Town Council continue the review of the full comprehensive plan, whether in this current process or in the EAR process, other amendments are expected to be forthcoming.

This package of amendments addresses issues related to allowable density, minimum open space levels, maximum contribution of wetlands and waterbodies to open space requirements and related actions. The amendments also address a proposed minimum lot size for residential development on land designated for Village Mixed Use.

The town attorney has prepared a draft ordinance for consideration. This report draws on the draft ordinance by excerpting proposed revisions to help focus the

discussion on each proposed amendment. Commentary is shown in italics. The complete future land use element with the proposed amendments (added words underlined, deleted words struck through) is also included in the agenda packet so the board and others can understand the full context of the proposed amendments.

In this staff report the discussion of individual amendments will follow in the order that they appear in the ordinance.

Proposed Plan and Policy Amendments

The first revisions are to Table 4 which summarizes the analysis of density and intensity for each land use classification. This table is the predicate for Policy 1.1.1. The revisions will change the maximum density for medium density residential land use and Village Mixed Use land use from four to three units per acre. The reduction in project density has been a primary suggestion across the board for suggestions received from the Town Council and planning board members.

Table 4: Permitted Maximum Density/Intensity within Land Use Categories
(as of amendments approved _____, 202__)

Future Land Use	Maximum Density/Intensity	Description
Rural Lifestyle (RL)	Must have a minimum of 2 acres for this land use. 1 dwelling unit per 2 acres; all buildings not to exceed .15 FAR; 20% max. impervious surface coverage; 50% open space required.	Primarily single-family detached homes with agricultural uses.
Low Density Residential (LDR)	2 dwelling units per acre	Primarily single-family detached homes.
Medium Density Residential (MDR)	<p>4 <u>3</u> dwelling units per acre; 25% minimum open space required.</p> <p>Developments with 100 units or more shall be required to have a public recreation component.</p> <p>Developments with <u>either</u> more than 300 proposed <u>dwelling</u> units <u>or more than 100 acres</u> must use the Village Mixed Use designation.</p>	Single-family detached homes, townhomes, etc.; this category may also include support community facilities and elementary schools.

This excerpt from Table 4 reproduced above notes the date when the amendment is approved to help tracking projects that might be impacted by the date of the revision. Projects where applications are received prior to the effective date of the revision will follow the current rule. The density revision from four to three units per acre is identified for medium density residential, and the threshold for the required use of the Village Mixed Use land use classification is revised. This last revision results from the proposed increase in the minimum project area for village mixed use projects from the current level of 25 acres to the proposed threshold of 100 acres. Under the current rule, projects with 300 units are required to adhere to VMU standards. The revision in the minimum area threshold will also require a policy to direct the process for any village mixed use designated parcels that fall under 100 acres.

While not a current proposed policy revision, note that larger projects of 100 units or more are required to include a public recreation component. Discussion at Town Council meetings and public input have noted a desire to include more recreation opportunities in new developments. The Venesia South and Talichet subdivisions apparently pre-dated this requirement, but all the village mixed use development proposals have included recreation facilities as have the other subdivisions including Whispering Heights and Watermark.

<p>Village Mixed Use (VMU)</p>	<p>Must have a minimum of 25 100 acres for this land use. Maximum of three 4 dwelling units per acre; May be increased to 6 town council may allow up to four dwelling units per acre if the development includes <u>substantial recreation facilities for field sports, court games, and/or indoor recreation facilities.</u> 20% usable public open space (no wetlands).</p> <p>Residential areas shall comprise a minimum of 70% of the Net Land Area and a maximum of 85% of the Net Land Area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the Net Land Area and a maximum of 30% of the Net Land Area. This includes community facilities and schools.</p> <p>For developments with more than 100 acres, 5% Five percent (5%) of the non-res. land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p>A minimum of 25% open space is required.</p>	<p>A mix of uses is permitted and required in this category in order to promote sustainable development, including the provisions of reducing the dependability on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate in close proximity. Elementary, middle, and high schools are also permitted in this category.</p>
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This excerpt from Table 4 identifies the changes to Village Mixed Use which result from the revised density and revised minimum project size. Note again the change in the minimum project size and the density revision. For VMU projects the proposed amendment allows, but does not require, the Town Council to increase the density of a development from 3 to 4 DU/ac if active recreation using courts or indoor recreation opportunities are included in the project. Currently bonus units may be awarded for additional open space, but the revised proposal is more specific and more directly linked to desired recreation opportunities. The bonus provision also offers the opportunity to reach the current standard density. The other noted change is an editorial revision

since all projects will now be a minimum of 100 acres. The bonus provision is given at the discretion of the Town Council. The public/civic building requirement is retained as currently established.

Notes: Open Space: Open space is figured on the Gross Land Area. Up to ~~50%~~ 25% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. Most of the open space shall be permeable; however, up to 10% may be impervious (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.

Densities shall be determined by the Net Land Area. The Net Land Area is figured by taking the Gross Land Area (total property less any lakes or water bodies), then subtracting from that any open space requirements, then subtracting from that any remaining unbuildable acreage (remaining wetlands).

The final revision to Table 4 is in the note on open space calculation. The percentage of the open-space requirement that can be met with wetlands is reduced from 50% to 25%. The minimum total open space requirement will be retained at 25% of the gross project area. The full amount of wetland area will be protected, but wetlands will count towards only 25% of the minimum required open space. This revision will result in more upland open space area within individual projects while maintaining current wetland protections.

7. **2023 Analysis and Reevaluation of Residential Densities and Lot Sizes**

In 2023 the Town Council and the Town's Planning and Zoning Board analyzed and reevaluated post-2010 residential development in the Town. Residential development under the Village Mixed Use designation resulted after 2010 in substantially increased housing densities and substantially smaller residential lots than were prevalent in the Town's historical development.

The evaluation and analysis was accompanied by robust public participation. Public sentiment agreed overwhelmingly with Town Council: the increased densities and downsized lots after 2010 were inconsistent with the character, appearance, and ambiance of the Town's historical neighborhoods. Contrary to FLUE Policy 1.1.2, development in Village Mixed Use had failed to "maintain the unique charm of the Town."

Consequently, the Town Council determined that amendments to this Future Land Use Element to redirect future residential densities and lot sizes were warranted and desirable.

The preceding section is added to the analysis portion of the future land use element to provide support for the reduction in overall project density for lands designated medium density and village mixed use. It also provides the basis for actions to establish minimums for at least some of the proposed residential lot sizes. It is essential that goal, objective and policy statements in the comprehensive plan be based on specific data where appropriate and on community values where appropriate. This statement links to a key policy in the future land use element that provides the key values statement in the comprehensive plan. While the goal, objective and policy decisions in the plan are legislative in nature, giving the Town some latitude in their construction, the policies still need to be rooted in sound planning decisions and reflective of stated community values.

OBJECTIVE 1.1: *Identifying Land Use Patterns and Permitted Densities and Intensities.* To identify the appropriate land use patterns, residential densities, and non-residential intensities of land use permitted in Howey-in-the-Hills.

POLICY 1.1.1: *Land Use Designations.* The Town shall establish, adopt and implement density and intensity standards for all future land uses, as applicable, and as indicated on the *Future Land Use Map* and the adopted Town Zoning Map.

Density and intensity standards for land uses in Howey-in-the-Hills are featured below.

Land Use	Maximum Residential Density
Residential:	
Low Density Residential (LDR)	Up to 2.0 dwelling units per acre. Maximum building height is 2-1/2 stories and no higher than 30 feet.
Medium Density Residential (MDR)	Up to 4.0 <u>3.0</u> dwelling units per acre. A 25% minimum open space is required. Developments with 100 units or more shall be required to have a public recreation component. Developments with <u>either</u> more than 300 proposed <u>dwelling</u> units <u>or more than 100 acres</u> must use the Village Mixed Use designation. May include support community facilities and elementary schools. Maximum building height is 2-1/2 stories and no higher than 30 feet.

The goals, objectives and policies comprise the portion of the comprehensive plan that are the action items intended to structure the land development regulations and guide development within the community. In many communities, the formally adopted comprehensive plan elements include only the goal, objective and policy statements and the required maps. These next few amendments take the findings and guidance from Table 4 and formally include the changes in the goal, objective and policy structure of the future land use element. The only change in Policy 1.1.1 in comparison to Table 4 is the elimination of language limiting development to 2 ½ stories. The policy will operate only with the maximum building height which is not revised from the current policy.

<p>Village Mixed Use (VMU)</p>	<p>Minimum of 25 100 acres to apply for this land use. Maximum density of 4-3.0 dwelling units per acre, which may be increased to 6 <u>Town Council may allow an increase up to 4.0 dwelling units per acre if the development includes substantial recreation facilities for field sports, court games, and/or indoor recreation facilities. 20% usable public open space (no wetlands).</u></p> <p>Residential areas shall comprise a minimum of 70% of the net land area and a maximum of 85% of the net land area.</p> <p>Commercial/non-residential areas shall comprise a minimum of 15% of the net land area and a maximum of 30% of the net land area. This includes community facilities and schools.</p> <p><u>A minimum of fifty percent (50%) of single-family lots must have a minimum lot area of 10,800 square feet.</u></p> <p>For developments with more than 100 acres, <u>Five percent</u> (5%) of the non-residential land shall be dedicated for public/civic buildings.</p> <p>Commercial/non-residential may be 2 stories with 50% coverage as long as parking and other support facilities (stormwater) are met. The maximum building height is 35 feet.</p> <p>Public recreational uses must occupy a minimum of 10% of the useable open space (no wetlands).</p> <p>A minimum of 25% open space is required.</p> <p>The maximum building size is 30,000 sq. ft.; unless a special exception is granted to the developer by the Town Council.</p>
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The proposed amendments to the Village Mixed Use land use classification again track the specific language introduced in Table 4. The one addition is inclusion of a minimum lot area that is applied to 50% of the proposed single-family lots. The general consensus at the workshop is that minimum lot area rather than a strict minimum lot dimension would be a better approach in getting larger lots. It was recognized that residential subdivision design often results in lots that do not adhere to rigid lot widths. At the Town Council's workshop on November 1 Mayor MacFarlane said expressly that Town Council would leave it to the Planning Board to recommend a specific minimum lot size in VMU developments. The lot size of 10,800 sq. ft., which is just under one-fourth of an acre, was not voted on by the Council. It is an example given by staff, using lot dimensions of 90'x120'. The Board has the prerogative to recommend a different minimum.

This policy revision comes with a few cautions.

- *The development agreements that form the basis of any village mixed unit development will need to include carefully considered dimensional requirements so that side yard setbacks adequately space units along the street front, that front yard setbacks or at least garage setbacks allow for adequate off-street parking, and that rear setbacks provide adequate area to accommodate accessory structures such as swimming pools.*
- *Development projects may propose deeper and narrower lots in some cases. Thus lots may not have minimum widths of 80, 90 or 100 feet of frontage. For example, a lot depth of 120 feet will yield a lot width of 90 feet at the building line. A lot depth of 150 feet will yield a lot width of 72 feet at the building line. A lot depth of 135 feet will yield a lot width of 80 feet. We can expect developments to consider somewhat narrower and deeper lots to meet the policy criterion because the primary development costs (streets, sidewalks, utilities) are essentially front-foot sensitive. The more lots along a given street, the less the cost generated by each lot.*
- *Again as an example, if the Town wants single-family units spaced at 20 feet between units (ten foot sideyard setbacks) the buildable portion of the lot width on a 72 x 150 lot is 52 feet. This buildable width should be sufficient for a wide range of house designs.*
- *We can expect that the larger developments anticipated by the village mixed use land use will propose the balance of the single family lots at smaller lot sizes that developers consider more in tune with current market demand. Having at least half of the single-family units at larger sizes will allow the applicants and the town to arrange these larger lots on the site to provide maximum compatibility with adjacent development and to visually link newer neighborhoods with older neighborhoods within the town.*
- *This type of consideration is not an issue with standard zoning districts as these districts already have specified lot dimensions and setbacks.*

POLICY 1.1.2: *Land Use Categories.* The land use categories, as depicted on the Town's 2035 Future Land Use Map (FLUM) shall permit the following uses and activities.

Village Mixed Use – Primarily intended to create sustainability and maintain the unique charm of the Town, including the provisions of reducing the dependability dependence on the automobile, protecting more open land, and providing quality of life by allowing people to live, work, socialize, and recreate

in close proximity. Elementary, middle, and high schools are also permitted in this category. Village Mixed Use parcels less than 100 acres shall use a planned unit development format and are not required to meet the non-residential and civic use requirements. The housing standards, public recreation and open space requirements shall still apply.

Policy 1.1.2 describes the categories applied to the future land use map. This excerpt presents the description of the Village Mixed Use category with the proposed amendments. The change in line three is simply an edit. The last two sentences are added to identify how to apply the village mixed use criteria to parcels that are under 100 acres in size. While the undeveloped and non-committed parcels now designated as village mixed use (Mission Rise and J-5 Equities) exceed 100 acres, these parcels could be subdivided and presented in smaller units.

The proposed policy will exempt these tracts from compliance with the non-residential development criteria and the minor criteria for civic land uses while retaining the commitment to public recreation and open space. The planned unit development process will continue as the primary zoning tool. The minimum requirement for at least 50% of the lots to meet or exceed 10,800 square feet also remains a component of the rules applied to these tracts.

POLICY 1.1.4: ***Interpretation of Open Space and Density Designations.*** Open space is figured on the Gross Land Area. Up to ~~50%~~ 25% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. The majority of the open space shall be permeable; however, up to 10% may be impervious (plazas, recreational facilities, etc.). Wet ponds are not counted as part of that 10%.

POLICY 1.2.2: ***Open Space Requirements.*** The Town shall continue to ensure that residential development is consistent with the open space requirements established below:

Open Space: Open space is figured on the Gross Land Area. No greater than ~~50%~~ 25% of the open space requirement may be met with wetlands. Open space may include landscaped buffers and stormwater facilities if they are designed to be a park-like setting with pedestrian amenities and free form ponds. Open space may be passive or active. Open space may include public recreational components of developments. The majority of the open space shall be permeable; however, up to

10% may be impervious (plazas, recreational facilities, etc.).
Wet ponds are not counted as part of that 10%.

The amendments to Policy 1.1.4 and 1.2.2 simply adjust these policies to conform to the lesser wetland contribution to required open space in all projects.

POLICY 1.2.6: *Transition of Residential Densities.* The Town shall continue to orient the transition of residential densities on the *Future Land Use Map* toward higher densities along major transportation corridors and areas adjacent to commercial or other intensive land uses, while lower residential densities shall be directed towards areas **further farther** from the Town center (i.e., the central commercial district) and in areas adjacent to agricultural lands.

The revision to Policy 1.2.6 is an editorial revision.

OBJECTIVE 1.14: *Consistency and Compatibility with the Adopted Comprehensive Plan.* To ensure the Town's Land Development Regulations, Zoning Districts, and Performance Standards are consistent with and compatible to the adopted *Comprehensive Plan*.

POLICY 1.14.1: *Land Development Regulations Consistency.*

The Land Development Regulations for the Town of Howey-in-the-Hills shall be consistent with, and serve to implement the goals, objectives and policies established within the *adopted Comprehensive Plan*. To implement the goals, objectives and policies of the *adopted Comprehensive Plan*, provisions shall be incorporated into the Land Development Regulations, and shall contain specific and detailed provisions which as a minimum:

- k. Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by **Chaptersection 163.3177 of Florida Statutes, F.S.** and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development.

The town attorney recommends correction of the state statute identification.