

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

On Monday, August 26, 2024, Town Councilors Mayor Martha MacFarlane, George Lehning and David Miles voted to enact and adopt Land Development Code (LDC) under Ordinance #2024-002 that, will stifle the development and growth to the Town of Howey in the Hills.

The rigorous edits of this LDC will place the Town of Howey further into financial concerns, due to the lack of revenue coming into the Town. As of this writing, the upcoming budget season 2024-2025 is already in shortfall. Continuing this posture will continually place the burden of ad valorem on the property owners of Howey and discourage commercial development from investing in the Town of Howey in the Hills.

The above Town Council meeting also contained an item on agenda seeking discussion and approval to procure a \$300,000 loan to pay for the project at Sara Maude. This loan became a requirement to pay for the project because the Town did not have fluid revenue to pay outright. This is another cause and effect of the Town spending funds in advance with anticipation of development(s) that eventually gets voted down or delayed. This lack of anticipated income has created a shortfall in the 2025 budget year.

Although the Town has approved projects to develop prior to Ordinance# 2024-002, three (3) need wastewater that the Town cannot provide independently. Between the rigorous LDC amendments and wastewater crisis, the sustainability and grow of the Town outlook is concerning...not only as a council member but as a taxpayer who resides in the Town. I also speak on behalf on many town residents that are concern with the future of Howey in the Hills.

Due to the Town's concerning financial conditions it was suggested by the Town Manager to raise the millage rate 1 point which would move from 7.50 to 8.50, placing the Town back into the highest milage rate in Lake County. Recent Lake County Assessor bills suggested a 6.96 milage rate that would save the taxpayers a considerable amount of money.

In conclusion, the rigors of Ordinance 2024-002 will impact the town in a negative and unsustainable way. It also gives the incoming Council and future Councils cycles of deficit budget issues, especially with four (4) Councilor and Town Manager in agreement to execute a \$300,000 loan that must be paid within five (5) years.

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

For the record, I am the only **dissenting vote against this loan**. It does not make good fiscal sense given the current unstable situation for Howey in the Hills Town government. There are many components in LDC Ordinance #2024-002 that discourage will development and does not consider nor speak to future generations, sustainability, or growth for young families. Statistics shows that the Town's median population age is **50 years**¹ This indicates an aging population that, receives fixed incomes or soon to retire, not active young families and/or working professionals.

Based on recommendations from Town Planner, Planning & Zoning Committee of which I agree with many of the suggested changes in Land Development Code Ordinance #2024-002 to be brought before the Council for discussion, edits and approval. The following suggested changes will benefit the town now and in the future:

1. The minimum square footage for a two-car garage in all zoning districts should remain at 400 square feet rather than the proposed 440 square feet.
 1. **The average garage size for a two-car garage is 18' wide by 20' feet long = 360 sq.**
 2. **The smallest one-car garage is typically no less than 180 SF.**
 3. **440 SF garage is not average build-out sizing for mass builders. The 440 SF garage will discourage development greatly, in that the average builder will most likely reject specialty garage size to conform to the now current LDC. A 400 square foot garage is sufficient. Anyone desiring a larger garage space could build a home with three-car garages with quality homebuilders.**
2. Minimum dwelling unit area in MDR-1 Medium Density Residential should remain at:
 1. **Minimum square footage of principal dwelling on SF detached homes 1,700 square feet. 1,700 square feet is an average size home for individuals who are downsizing or desire a smaller**

¹ Florida Demographics www.florida-demographics.com

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

home. The size is usually the starter homes and 55+ communities.

2. **Maximum of 4 dwelling units per acre instead of 3.**
3. Minimum dwelling unit area in MDR-2 Medium Density Residential should remain at 1,200 square feet.
 1. 1,400 square feet is recommended for MDR-2. This is an attractive sized home for individuals desiring to have a comfortable sized home on a larger lot.
4. Minimum dwelling unit area in SFR Single Family Residential should remain at 1,800 square feet.
 1. 1,800 minimum is excellent for families with children built on 10,890 SF (.25 acre) property.
5. Side setback for corner yards in MDR-1 should remain at 12.5 feet.
 1. Recommend side setbacks for corner yards to 13.5 feet. This gives sufficient space on .25 type lots and reduces the number of variances submitted to P&Z that eventually get forwarded to Council.
6. Side yard setback for corner yards in MDR-2 should remain at 12.5 feet.
 1. Recommend side setbacks for corner yards to 13.5 feet. This gives sufficient space on .25 type lots and reduces the number of variances submitted to P&Z that eventually get forwarded to Council.
7. Proposed lot size and lot width in MDR-2 should remain as proposed, provided a grandfather provision is included which allows all properties currently zoned MDR- 2 to retain the current dimensional requirements and setbacks. A list of all affected parcels needs to be compiled to clearly identify the eligible parcels.

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

1. The proposed size and lot width in MDR-2 should be 75x 120 (10,890 sq.ft. or .25 acre). This minimum lot size will not only fit well with most of the Town's aesthetics but will give appropriate space for pools installs, sheds, and other yard structures on lot. Thus, minimizing or eliminating a high number of variance request.
8. Front yard setback has been increased from 25 to 30 feet
Corner lot side yard has been increased from 12.5 feet to 20 feet.
 1. This is not a good plan for new PUD development. The average front yard setback is 25'
 2. Corner side yard increase by 7.5 ft from 12.5 feet to 20 feet needs more discussion as to the why is this necessary.
 9. Amendments to Section 8.05.04 E regarding the requirements that potable water not be used for irrigation are clarified and should be included in the ordinance.
 1. This is not only confusing, but conflicts with the Town of Howey's current issue of installing 2-meter water system in both Venezia and Talichet subdivision knowing the Town did not have reclaim water to offer. The north and south ends of town uses potable water for irrigation. The only development that has and utilize reclaimed water Mission Inn.
 2. New development should use non-potable water sources for irrigation, if possible. The use of potable water shall be permitted if no other source is available.
 3. This provision should apply to the historic (older section) of Howey as well. Their use of water affects the CUP set forth for the Town by St Johns Water Authority. Meter box for reclaim water should be installed on all homes by 2030

2.02.14 Planned Unit Development (PUD)

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

Opinion:

Purpose of PUDs are intended to provide a method by which proposals for a unique zoning district which are not provided for or allowed in certain zones of a township. There are good reasons that a planned unit development is good for any township for revenue growth, stability, and a need to expand infrastructure which can be costly to the Town and its residence if paid through residential ad valorem alone. This community type attracts commercial development, which brings value and larger tax revenue. Through the multi-tier collection revenue, a township can offer quality services, while have appropriate funds to repair, replace and/or renew its infrastructure. Without viable, sustainable income, a town the size of Howey becomes vulnerable to an uncertain and untenable future. Therefore, it is proposed that:

1. The maximum density of four (4) dwelling units per acre. This proposed density would reset to the Ordinance #2011-009 and compliment the language for MDR-2 of minimum lot size of 10,890 SF or .25 acre per lot.
2. The maximum building size in a PUD should remain at 30,000 square feet. The average clubhouse/amenity center is 18,000 SF that can accommodate a gymnasium, a small, medium and large room for classes and rentals. Anything larger than 30,000 SF should be granted an exception by the Town Council after a review.
3. Rear yard setback should be **15 feet instead of 25 ft**. This is sufficient for utilities and minimizing the need for variance.

Opinion:

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

The proposed adjustments in this table to widen local roads and eliminate local roads (typical residential street) data in its entirety is not in the best interest of the town fiscally. Eliminating “swales” for instance is not conducive for stormwater management. Swales are open channels that collect and transport stormwater runoff streets and sidewalks.

They help to reduce flooding by controlling the velocity of stormwater runoff and allowing it to infiltrate into the ground. Eliminating the “8 feet” grassed utility strip and curb seem to take aim at subdivisions specific with an intended purpose to discriminate against this population of residents.

The grid that speaks to “local roads (with on-street parking)” is specific to in Town of Howey where on-street parking is allowed. Both current subdivisions, namely Venezia and Talichet has “no overnight parking allowed” in its Articles and Declarations. The Town’s LDC ideology does not speak to Homeowner Association (HOA) Declaration and Articles, which usually are a component of Planned Unit Developments (PUDs).

Before this decision and vote on this section took place, the Town’s Public Works Director and/or staff should have been a part of this conversation.

In addition to the above, expanding the local roads needs further review, discussion and possible adjustment(s), due to the cost to the Town in future for repaving and maintenance of the roads.

The following tabled areas needs re-evaluation, discussion and re-vote:

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

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)
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

8.04.05 Stacking Area for Various Drive-Through Facilities – Page 208

This section conflicts with **Plan Unit Development, pg. 61, line 7**

8.05.01.3 Sanitary Sewer System

Each new residential subdivision and each new dwelling unit must connect both to the Town’s wastewater collection and transmission facilities and to the Town’s reclaimed-water system for irrigation where the new subdivision or dwelling unit lies within 300 linear feet of a wastewater force or gravity main and/or a reclaimed-water transmission line.

This section should be applicable to all areas of the Town who are currently on septic systems. The Town must move forward with moving as many residents as possible off septic, especially homes directly off the lake.

Over the years and decades, septic systems leak raw sewage causing pollution and other toxic waste into this natural conservation that will eventually alert Department of Environmental Protection (DEP) that will demand the Town to inspect and remedy the continual use of septic tanks on residential property. The disadvantages

Town of Howey in the Hills - Rebuttal to Land Development Code 2024

of septic tanks require regular maintenance, groundwater contamination, and can only handle a limited amount of wastewater each day. For this reason, a conscious plan to get as many homes as possible off septic tanks is important.

In conclusion, this document come to be known as Land Development Code Ordinance 2024-002, still required review and work that reflects the best interest for the Town in its entirety. Many of the changes, edits, that has now become a rule book for development is not as objective as it should be.

Many components of the LDC were set forth from a subjective perspective, incorporating ideas from both the Planning & Zoning Committee; as well as members of the Council to discourage development and sustainability for the Town of Howey-in-the-Hills.

Respectfully Submitted for review and placed back on the agenda for discussion.

Dr. René D. Lannaman

Town of Howey in the Hills
Councilor, Seat 1