

MEMORANDUM

TO: Sean O’Keefe, Town Administrator
CC: J. Brock, Town Clerk
FROM: Thomas Harowski, AICP, Planning Consultant
SUBJECT: LDR and comprehensive Plan Updates
DATE: September 11, 2023

This report is an update to the one I provided on August 9, 2023 regarding the process for reviewing and evaluating the items received from the Town Council and the Planning Board. As noted in my previous communication, amendments to both the land development regulations and the comprehensive plan have specific procedures that need to be followed. Proposed revisions to the code and comprehensive plan are required to go to the Planning Board for review and recommendation, and the items can then be presented to the Town Council for consideration for adoption. With the comprehensive plan, amendments require additional review by the state and review according to the Intergovernmental Coordination Element. Our review and action on the comments received needs to adhere to these processes.

With regard to the comprehensive plan, the majority of the comments received related to items in the data and analysis rather than goals, objectives and policies. These types of revisions that update the data and analysis are typically done when the Town undertakes one of its regular evaluation and appraisal reviews. These are required by state law at least every seven years. Amendments to goals, objectives and policies and any map amendments are done as required following the procedure specified in Florida statute and the Town’s land development codes.

Revisions to the land development regulations fell generally into two groups. One group of comments were essentially editorial in nature. These recommendations include items such as revisions to account for the change to the town manager government form. These are needed revisions, but do not go directly to the regulatory effect of the code. The other group of recommendations range across several current zoning classifications and several other chapters of the code. These recommendations will require careful consideration of the effects proposed revisions will have on current development as well as future development proposals. Code changes that result in creating a lot of non-conforming situations for existing homes and businesses may not be the best overall outcome for the Town. Also changes to the code need to be consistent with the comprehensive plan.

Recommended Steps Going Forward

The following steps comprise my recommendation on how to proceed with review and action on the proposals received. These steps are essentially the same as proposed in my August 9th memorandum because there is little change in my view of the best way to approach the process.

Step 1: Adopt Code Edits and Consider P&Z recommendations on omnibus amendment package.

A strike-through and underline version of chapters one through five and chapter ten of the land development code has been drafted to include the editorial amendments suggested by the commentary. This action is a short-term step that can address a clear administrative need. The Planning Board has also recommended a package of amendments to the land development code that could be paired with the editorial revisions as the omnibus package has gone through all of the required review steps up to Town Council consideration. The omnibus package amendments were generated primarily by code enforcement and do include a number of items, such as landscaping and tree issues that were included in the council code comments.

Step 2: Initiate Planning Board review of suggestions for code amendments.

Summaries have been prepared for seven current zoning districts and one proposed zoning classification. Summaries have also been prepared for proposed revisions to Chapter 4 Development Review Procedures, Chapter 7 Landscaping, Irrigation and Hardscape and for Chapter 8 Development Standards. The comparison charts list the current code requirements with revisions proposed by each contributor. Most of the comparison charts have supplemental notes that offer some discussion topics in response to the suggested modifications.

For the most part, implementation of revisions to the zoning classifications and administrative chapters can be done without modification of the comprehensive plan. Therefore, the recommendation is to present the proposals in groups to the planning board along with some appropriate analysis and discussion. The objective is to initiate the process for code amendment using some bite-sized chunks that will allow for reasonable discussion by the Planning Board. Once the Planning Board finishes its review, the proposed recommendations can be consolidated into one ordinance for Town Council consideration.

Step 3: Town Council Workshop.

Once the Planning Board finishes its review and provides a set of recommended changes to the code, it might be worthwhile to hold a workshop with Town Council to review the recommendations and the rationale supporting them. The council would have an opportunity to suggest other revisions that could be included in the ordinance for public hearing.

Step 4: Adopt LDR amendment package

Once the amendment package is completed, the Council can move to adopt the amendments and incorporate the changes into the development review process.

Step 5: Comprehensive Plan Review

The state law requires local governments to review their comprehensive plans at least every seven years. The process involves preparation of an Evaluation and Appraisal Report (EAR) followed by adoption of any amendments to the plan recommended by the EAR process. Included in the EAR is an update of the data and analysis section of each element. This is the step where the comments about adding and correcting data items would be addressed.

On the normal review cycle, Howey's last EAR review was in 2017, so the Town is due for the next review no later than the end of 2024. It makes sense to move up the EAR review process to start now, leading to an updated comprehensive plan document and amended goals, objectives and policies as warranted by the review. As with the land development code updates, this process will require presentation on an element-by-element basis or in smaller groups of elements if the anticipated changes are minor. This review would take place over several months to allow for drafting updates and allowing the Planning Board adequate time to review the material and to gather public comment.

Step 6: Adopt revised comprehensive plan.

Once the updates and recommendations for policy revisions have been completed, the Town can initiate the formal adoption process.