

Date: 05/06/2025		AGENDA ITEM		Item: 12	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
<input type="checkbox"/> Other					
County Goals					
<input type="checkbox"/>	More Efficient Regulatory Framework	<input type="checkbox"/>	Increase Efficiency and Effectiveness of Government Operations	<input type="checkbox"/>	Implement a Plan for Expanded Recreation
<input type="checkbox"/>	Enhance Fiscal Stewardship	<input checked="" type="checkbox"/>	Support a Solution-Oriented Culture	<input type="checkbox"/>	NA
Department: Growth And Resource Management Division: Planning and Development Services					
Subject: Ordinance 2025-01 - Affordable Housing Zoning Ordinance (Case O-24-002) to amend the Zoning Code to implement the Comprehensive Plan's affordable housing initiatives.					
Clay Ervin Director Growth and Resource Management Approved by: <i>Clay Ervin</i> Department Approval		Approved By:		Legal Paolo Soria Senior Assistant County Attorney Approved By: <i>Paolo Soria</i>	
Carol McFarlane Director Planning and Development Approved By: <i>Carol McFarlane</i> Division Approval		Approved By:		County Manager's Office Ryan Ossowski Chief Financial Officer Approved By: <i>Ryan Ossowski</i>	
Approved as to Form and Legality					
Council Action:					
Modification:					
Account Number(s): NA Total Item Budget: NA					
Staff Contact(s): Clay Ervin Carol McFarlane				Phone: 386 822 5013 386 736 5942	Ext. 12000 12736
Summary/Highlights: This is a legislative hearing. This is a proposed ordinance to expand affordable housing opportunities within Volusia County by amending zoning regulations and streamlining review processes. Affordable Housing strategies were incorporated into the Comprehensive Plan by the Volusia County Council on March 5, 2024 (Ord. Number 2023-23). Key provisions include deferring impact fees, waiving various permit and application fees, offering density bonuses, and granting expedited review					

for certified affordable housing projects. These measures aim to lower barriers, reduce costs, and encourage development of both rental and ownership housing targeted to very low-, low-, and moderate-income families.

The ordinance allows the use of restrictive covenants to keep the project affordable for twenty years, or another pre-negotiated time frame. A covenant must be signed and recorded for a developer to receive incentives. Incentives can include a deviation in lot size, lot width, dwelling unit size, setbacks, parking requirements, lot coverage, open space, landscaping, and other development standards that can be approved administratively by the Land Development Manager. The deviations may not exceed 10 percent without County Council approval. Impact fees may be deferred until the end of the affordability period by written request. Permit fees, inspection fees, and application fees can be waived upon written request and forgiven in their entirety upon the expiration of the initial affordability period. There are density bonuses for Urban Low Intensity (up from four dwelling units per acre to eight), Urban Medium Intensity (up from eight dwelling units per acre to 14), and Urban High Intensity (up to 20 dwelling units per acre). This bonus is not allowed in the Natural Resource Management Area (NRMA), wetlands, Resource Corridor (RC) zoning classification, or floodplain. The ordinance establishes an affordable housing review team, with an expedited review period of ninety days coordinated by the Land Development Office.

This ordinance also recognizes that accessory dwelling units (ADU) provide an option to provide affordable workforce housing. New ADUs can have impact fees deferred if all impact fees were paid on the primary dwelling unit. It also needs a declaration of restrictive covenant recorded with the Clerk of the Court stating the ADUs will remain affordable for twenty years. There is an option to continue the covenant or remove it and pay the impact fees at the end of the affordability period. It also allows affordable housing to be in commercial or industrial zoning if the project meets affordability requirements. Finally, the ordinance identifies an Affordable Housing Priority Overlay which will be used to guide the location of affordable housing projects based on access to public transportation, employment centers, shopping, schools, and social services.

This item was heard by the Planning and Land Development Regulation Commission (PLDRC) on February 20, 2025. There was no public comment. The PLDRC had concerns about allowing density bonuses for single-family dwelling units if the affordability period ends. That means that the density will still be there, without the benefit of affordability. The PLDRC also had concerns that property owners will not want to upgrade the affordable units if they cannot realize a financial benefit when they sell the property. This could lead to a run-down stock of affordable housing units. Finally, the PLDRC was supportive of longer affordability periods. They were not supportive of affordability periods of less than 20 years. The PLDRC voted unanimously (5-0) to forward the ordinance to the County Council with a recommendation of approval, with Commission comments. This item was advertised on April 25, 2025. A Business Impact Estimate was posted on the County website.

Attachments:

- 1) PLDRC Draft Meeting Minutes, February 20, 2025
- 2) PLDRC Staff Report, February 20, 2025
- 3) Ordinance 2025-01

Recommended Motion: Approve.

EXCERPT
PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
PUBLIC HEARING HELD
February 20, 2025

O-24-002 – Proposed Ordinance 2025-01 amending Chapter 72 regarding Affordable Housing.

Patricia Smith, Planning Manager, presented the staff report. In July 2022, the Volusia County Council approved “The Affordable Housing Initiative – The Path Forward - Strategies for Success.” It is a five-year plan for affordable housing. The effort required amendments to the Comprehensive Plan and Zoning Ordinance to implement the plan. The Comprehensive Plan changes were approved by the County Council in January 2024 with a PLDRC recommendation of approval. This is the Zoning Ordinance that will allow implementation of the Comprehensive Plan amendments. The purpose of this ordinance is to maximize the cost and time-savings for affordable housing projects by streamlining regulations and processes to increase the supply of affordable housing stock.

There are two county departments that work together to implement the affordable housing plan. Community Services coordinates the affordable housing funding and services, and Growth and Resource Management coordinates the permitting and entitlements. This ordinance provides a definition for a Certified Affordable Housing Project, meaning that the Volusia County Community Services Department has certified the project as affordable housing and is eligible for certain incentives. Developers are required to have a restrictive covenant to keep the project affordable for twenty years to receive incentives. The twenty-year timeframe can be negotiable. Some of the incentives are deviations in lot size, lot width, dwelling unit size, setbacks, parking requirements, lot coverage, open space, landscaping, and other development standards that can be approved administratively by the Land Development Manager. Impact fees may be deferred until the end of the affordability period by written request. Permit fees, inspection fees, and application fees can be waived upon written request and forgiven in their entirety upon the expiration of the initial affordability period. There are density bonuses for Low Impact Urban (up to five dwelling units per acre), Urban Low Intensity (up to eight dwelling units per acre), Urban Medium Intensity (up to 14 dwelling units per acre), and Urban High Intensity (up to 20 dwelling units per acre). This bonus is not allowed in the Natural Resource Management Area (NRMA), wetlands, Resource Corridor (RC) zoning classification, or the floodplain. The ordinance establishes an affordable housing review team, with an expedited review period of ninety days. The process is coordinated by the Land Development Office.

This ordinance also recognizes that accessory dwelling units (ADU) are a good way to provide affordable workforce housing. New accessory dwelling units can have impact fees deferred by written request if all impact fees were paid on the primary dwelling unit. It also needs a declaration of restrictive covenant recorded with the Clerk of the Court’s office stating the ADU will remain affordable for twenty years. There is an option to continue the covenant or remove it and pay the impact fees at the end of the affordability

period. Finally, the ordinance identifies an Affordable Housing Priority Overlay which will be used to guide the location of affordable housing projects based on access to public transportation, employment centers, shopping, schools, and social services. Staff recommended the PLDRC find Ordinance 2025-01 consistent with the Comprehensive Plan and forward it to the County Council with a recommendation of approval.

Member Costa inquired as to who negotiates the affordability timeframe.

Ms. Smith replied that the negotiation is between the Community Services staff and the applicant dependent upon the nature of the affordable housing project. She noted that not all projects get all the incentives.

There was a discussion of different scenarios regarding the affordability period and density credits. Ms. Smith provided the example of the Habitat for Humanity project in Daytona Beach that the PLDRC recommended for approval. The affordability period for that project was fifteen years, and the incentive was a reduction in setbacks.

Chair Mills expressed a concern about the language in the ordinance on page seven regarding the density bonuses as it increases the housing density, but the density remains after the affordability period is over.

Chair Mills commented that his concern is there would be density bonuses provided that would not be monetarily worth it. He mentioned that ADUs are currently limited to fifty percent of the primary structure. If two properties are in the same zoning classification and have the same lot size but one has a smaller primary structure than the other, the fact that one can build a bigger ADU seems unbalanced. Ms. Smith commented that staff are reviewing the ADU ordinance for potential improvements. She asked for clarification on whether Chair Mills wants a 20-year affordability time period if density bonuses are given as an incentive.

Chair Mills confirmed this statement.

Member Costa commented that he understands the affordability period is negotiable and that things change. He was concerned about allowing density bonuses for a net gain and then realizing it did not last long enough for the benefit. There is an inherent tension in the intention to keep and enhance the inventory of affordable housing and allowing someone to realize the value of their property and reap the benefits of the improvements they have invested in the property. The ability to negotiate the affordability period and sometimes the cost of building individual units is not covered by the density bonus. The affordability period should be negotiable regardless of the incentive. He asked for confirmation on how it is written.

Ms. Smith confirmed that it was written that all incentives are negotiable.

Member Costa commented that he would be opposed to that.

Member Shelley commented that a twenty-year affordability period should be the minimum, especially because the incentive is a density bonus to grant more units.

Member Craig asked for confirmation that incentives are given for the entire project. If it is parceled out into individual parcels and sold and a new owner makes modifications to the individual property, it could no longer qualify for the incentives.

Paolo Soria, Senior Assistant County Attorney, commented that by modifying the property, they are increasing the value of the property. They cannot sell the property for more than the affordable rate. There is a two-prong approach, the sale price needs to be within the affordability threshold and income qualifications and the buyer needs to be within the threshold as well.

Member Costa mentioned that it is a quandary. We put together affordable housing, a family moves in, and they are disincentivized from improving their property because they can't recoup any of that cost down the road whatever the negotiated timeline is. If they buy the property and put in a kitchen, they still must sell it as if it were an entry-level affordable housing site. Therein, lies the inherent tension.

Mr. Soria commented that the goal is to preserve the affordable housing inventory.

Member Costa pointed out that if there is no incentive to invest as an owner, the property will not be improved, and at the end of the day the inventory is run down.

Chair Mills said he understood Member Costa's point of view and stated he was only speaking to not allowing negotiation of the density bonuses. Low-income housing in the middle of high-volume selling price is not going to stay affordable housing.

Member Costa agreed.

Chair Mills asked about diminished inventory versus incentives.

Member Costa commented there is the assumption that we will stop building affordable housing if the inventory exists. If these incentives stay in place the cycle should continue.

Public Participation. None.

Member Costa MOVED to FIND Ordinance 2025-01 CONSISTENT with the Comprehensive Plan and FORWARD case O-24-002 to the County Council with a recommendation of APPROVAL with Commission comments. Member Shelley SECONDED the motion. Motion CARRIED unanimously (5:0, with Member Sixma not present).



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION**
123 West Indiana Avenue, Room 202, DeLand, Florida 32720
(386) 736-5959

PUBLIC HEARING: February 20, 2025 – Planning and Land Development Regulation Commission (PLDRC)

CASE NUMBER: O-24-002

SUBJECT: Affordable Housing Zoning Ordinance

APPLICANT: Growth and Resource Management Department
Planning and Development Services Division

STAFF: Patricia Smith, AICP
Planning Manager

I. SUMMARY OF REQUEST

In January 2024, Volusia County Council approved changes to the Comprehensive Plan to set the framework for affordable housing incentives. The Zoning Ordinance changes presented, herein, will be used to implement the Comprehensive Plan. The county will provide incentives, waivers, and fee reductions for affordable housing projects. The amendment is limited to those changes previously approved by the County Council. It includes expedited permitting through an established affordable housing review team and a geographic template for identifying locations for county-approved affordable housing projects.

II. BACKGROUND

At its hearing on July 19, 2022, the Volusia County Council approved a five-year affordable housing plan entitled, *"Affordable Housing Initiative - The Path Forward – Strategies for Success, Five Year Plan, 2022-2027."* The plan was the culmination of a three-year effort to understand and educate about the need for affordable housing in Volusia County. The initiative included a series of webinars, workshops, a summit at the Ocean Center, and the appointment of three committees, called "Affinity Groups," to find funding solutions, craft guidelines for a community land trust, and draft revisions to the Comprehensive Plan and the Zoning Ordinance.

On March 29, 2023, Governor DeSantis signed SB 102, the Live Local Act. The Live Local Act pre-empts local government authority for affordable housing developments meeting certain criteria in commercial, industrial, and mixed-use zoned areas. The proposed

amendments in the County's Comprehensive Plan or Zoning Ordinance do not incorporate the preemption in the Live Local Act. They are independent incentives that are consistent with state law and that local governments may implement to further encourage affordable housing. In January 2024, the County Council approved amendments to the Comprehensive Plan through Ordinance 2023-23 to address regulatory impediments and incentives to assist in approving affordable housing projects. These amendments set the policy for Zoning Ordinance amendments to implement the affordable housing program.

Recommended updates to the Zoning Ordinance are identified in proposed Ordinance 2025-01. Additions are represented with a double underline, and items to be removed are shown as a strike-through. A definition for a Certified Affordable Housing Project is provided. To be certified, projects must be reviewed and approved by the County's Community Services Department for a deferral of impact fees, waiver of building, inspection, and permitting fees, or application of density bonuses by the Growth Management Department. A new Section 72-299 entitled "Affordable Housing Incentives" is proposed to be added to the Zoning Ordinance. The intent is to maximize the cost and time savings for affordable housing projects by streamlining regulations and processes to increase and preserve the supply of affordable housing stock. It applies to projects that meet the county's definition of affordable housing. Applicants who request affordable housing project reviews will be required to sign a Declaration of Restrictive Covenant stating that the project will remain affordable [Section 420.0004(3) Fla. Stat.] for the affordability period. The covenant will be required to be recorded with the Clerk of the Court as a public record and shall run with the property for the duration of the affordability period. The affordability period is typically 20 years, unless a shorter time period is approved by the Growth and Resource Management Director and the Community Services Director. The Covenant shall list all affordable housing incentives provided for the project including impact fees, fee waivers, and density bonuses, or other incentives approved during the project review process.

The proposed ordinance also includes the potential to add affordable housing through accessory dwelling units. Impact fees may be deferred for newly constructed ADUs used for certified affordable housing upon request by the applicant if all impact fees have been paid on the principal dwelling unit. The applicant shall file a Declaration of Restrictive Covenant with the Volusia County Clerk of the Court stating that the ADU will remain affordable for 20 years. All proposed affordable housing projects will be assigned to a dedicated affordable housing review team for expedited review. The team will be comprised of a county-designated review staff, the County's Community Assistance Director or designee, and affected municipalities. The expedited review process will be facilitated by the Land Development Manager. The expedited review process was identified by developers and other participants in the five-year affordable housing plan as a key feature to make the program a success. As part of this process, the Land Development Manager will be authorized to approve up to a 10 percent deviation in lot size, lot width, dwelling unit size, setbacks, parking requirements, lot coverage, height, open space, landscaping, and other development standards in Chapter 72, Land Planning. Any deviations greater than 10 percent will require approval by the Planning

and Land Development Regulation Commission or the Development Review Committee, as applicable. The original recommendation by staff was to allow staff approval of up to a 40 percent deviation to reduce review time; however, the County Council voted to reduce the threshold to 10 percent.

One additional tool available to staff is a GIS-based priority area map that can be used to reflect funding priorities for certified affordable housing. The map will help prioritize areas in need of affordable housing projects where services such as public transportation, employment centers, shopping, schools, and social services are available for very low, low, and moderate-income families. While the map represents targeted areas for affordable housing projects and funding, any affordable housing location may be approved by the Community Services Department at their discretion.

The proposed Zoning Ordinance amendment was distributed to the county's Affordable Housing Advisory Committee (AHAC) and the Volusia County Association for Responsible Development (VCARD) for comments. VCARD provided comments, which are appended to this staff report. No additional public comments were received prior to the drafting of this staff report.

III. STAFF RECOMMENDATION

Forward Ordinance 2025-01 to the County Council with a recommendation of approval.

IV. ATTACHMENTS

- Proposed Zoning Ordinance 2025-01
- Affordable Housing Overlay
- Priority Overlay for Affordable Housing Projects
- VCARD Comments
- Executed Comprehensive Plan Ordinance 2023-23

ORDINANCE 2025-01

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 72 THE VOLUSIA COUNTY CODE OF ORDINANCES; PROVIDING POLICIES TO INCLUDE PROVISIONS FOR AFFORDABLE HOUSING PROJECT APPROVAL; WAIVING PROCEDURAL COSTS AND FEES ASSOCIATED WITH AFFORDABLE HOUSING PROJECTS; CREATING AN AFFORDABLE HOUSING REVIEW TEAM; AMENDING CHAPTER 72 DEFINITIONS FOR THE TERM “AFFORDABLE HOUSING” AND “CERTIFIED AFFORDABLE HOUSING PROJECT”; CREATING A NEW SECTION 72-299, AFFORDABLE HOUSING INCENTIVES; AUTHORIZING INCLUSION IN THE ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Council recognizes the need for Affordable Housing in Volusia County; and

WHEREAS, the Land Development Regulation Affinity Group was appointed to identify impediments to housing affordability caused by the existing Comprehensive Plan, Zoning, and Land Development Regulations; and

WHEREAS, the Volusia County Council adopted the “*Affordable Housing Initiative – The Path Forward – Strategies for Success*” on July 19, 2022; and

WHEREAS, the Volusia County Council approved Ordinance 2023-23 amending the Volusia County Comprehensive Plan to incorporate affordable housing strategies; and

WHEREAS, Ordinance 2025-01 will incorporate strategies into the Zoning Ordinance to help implement Comprehensive Plan policies approved by Council; and

WHEREAS, an Affordable Housing Overlay has been created to assist in locating and funding affordable housing projects; and

WHEREAS, Section 125.01055(1), Florida Statutes, provides authority to county governments to adopt and maintain any law, ordinance, rule, or other measure to increase the supply of affordable housing using land use various land use mechanisms; and

WHEREAS, Section 125.01055(6), Florida Statutes, provides authority to the Volusia County Council to approve affordable housing on any parcel zoned for commercial or industrial use; and

WHEREAS, these incentives are not implemented for projects seeking approval through the pre-emption authority in the Live Local Act, Fla. Stat. sub-section 125.01055(7).

WHEREAS, the County Council desires to take advantage of this statute and amend the Volusia County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ are deletions; words in double underscore type are additions,)

SECTION I: AMENDMENT - Chapter 72, Definitions of the Code of Ordinances, County of Volusia, is amended to read as follows:

Section 72-2 – Definitions.

Certificate of Capacity Exemption – A certificate approved by the LDM pursuant to the terms of this chapter evidencing a determination by the LDM that the development is exempted from division 14 of this article II.

Certified Affordable Housing Project – Housing projects that are reviewed and approved by the County’s Community Services Department for a deferral of impact fees, waiver of building, inspection, and permitting fees, or application of density bonuses.

Change of Occupancy – A discontinuance of an existing use and the substitution of a different kind or class of use. Change in occupancy is not intended to include a change in tenants or proprietors unless accompanied by a change of use.

SECTION II: AMENDMENT - Chapter 72, Article II, Sections 72-175, and 72-176 are revised and Section 72-299 of the Code of Ordinances, County of Volusia, is created to read as follows:

Section 72-175 – Reduction of lot area and width prohibited

No lot existing on the effective date of the ordinance from which this section derives, shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to subsection 72-206(1)), approved conservation subdivision lots (refer to section 72-547), ~~and~~ cluster subdivision lots (refer to definition of cluster subdivision), or certified affordable housing projects (section 72-299).

Section 72-176 – Reduction of yards below certain minimum dimensional requirements prohibited.

No yard existing on the effective date of the ordinance from which this section derives, shall be reduced below the minimum dimensional requirements of its classification except zero lot lines

(refer to section 72-304, ~~or~~ approved conservation subdivision lots (refer to section 72-547), or certified affordable housing projects (section 72-299.)

Section 72-299 – Affordable Housing Incentives

(a) Purpose and Intent – To maximize the cost and time savings for affordable housing projects by streamlining regulations and processes to increase and preserve the supply of affordable housing stock.

(b) Applicability – Projects, including ADUs that meet the county’s definition of affordable housing, as certified by the Community Services Division.

This section does not apply to projects seeking approval under the pre-emption authority of the Live Local Act, Fla. Stat. sub-section 125.01055(7). Sub-section 125.01055(7), f.s., does not apply to projects approved under this section.

(c) Declaration of Restrictive Covenant - A Declaration of Restrictive Covenant (Covenant) stating that the project will remain affordable [Section 420.0004(3) Fla. Stat.] for the affordability period shall be filed with the Volusia County Clerk of the Court and shall run with the property for the duration of the affordability period. The deferral period shall be for a period of 20 years, unless a shorter time period is approved by the Growth and Resource Management Director and the Community Services Director. The Covenant shall list all affordable housing incentives provided for the project including impact fees, fee waivers, and density bonuses, or other incentives approved during the project review process.

(d) Deferral of Impact Fees – Volusia County imposed impact fees for affordable housing projects may be deferred upon written request by the applicant for affordable housing projects certified by the Community Services Department. The Growth and Resource Management Director, or designee, will generate an itemized list of impact fees being deferred. This list shall be attached to the Declaration of Restrictive Covenant as an exhibit. Failure to maintain affordable housing as defined in the Volusia County Comprehensive Plan and the Zoning Ordinance shall require payment of impact fees in full upon written notice from Volusia County. All impact fees shall be due and payable to Volusia County at the end of the affordability period, unless the affordability agreement is extended by the Community Services and Growth and Resource Management Directors.

(e) Fee Waivers - Permit fees, inspection fees, and application fees for certified affordable housing projects shall be waived upon written request of the applicant. These fees shall be forgiven in their entirety upon expiration of the initial affordability period. A list of fees shall be generated during the project review and attached to the Declaration of Restrictive

Covenant as an exhibit. Failure to comply with the affordability agreement shall require repayment of all fees in full upon written notice by Volusia County.

- (f) Density Bonuses – Density bonuses are allowed for affordable housing projects that are certified by the county’s Department of Community Services. To ensure that the projects are located near available resources and services, bonuses are limited to the following urban land use designations and will be calculated by the Growth and Resource Management Department as follows:

Low Impact Urban - increase maximum density to five dwelling units per acre.

Urban Low Intensity – increase maximum density to eight dwelling units per acre.

Urban Medium Intensity – increase maximum density to 14 dwelling units per acre.

Urban High Intensity – maximum density cannot exceed 20 dwelling units per acre.

Lands designated as wetlands, wetland buffers, water bodies, the Natural Resource Management Area, the Resource Corridor zoning classification, or in the floodplain are not eligible for density bonuses. A written request shall be submitted by the applicant during the project review notifying the county of the intent to utilize the density bonuses outlined above. The final project design is subject to review and approval by the affordable housing review team.

- (g) New Accessory Dwelling Units – Impact fees may be deferred for newly constructed accessory dwelling units (ADU) used for certified affordable housing upon request by the applicant if all impact fees have been paid on the principal dwelling unit. The applicant shall file a Declaration of Restrictive Covenant with the Volusia County Clerk of the Court stating that the ADU will remain affordable for 20 years, unless the affordability agreement is extended by the Community Services and Growth and Resource Management Directors.

- (h) Affordable Housing Review Team – Certified Affordable Housing projects will be assigned to a dedicated affordable housing review team for expedited review. The team will be comprised of a county-designated review staff, the County’s Community Assistance Director or designee, and affected municipalities. The expedited review process will be facilitated by the Land Development Manager. Upon request by the applicant, the team will be assembled for an initial team meeting within two weeks of the request to discuss the scope, certification requirements, waivers and deferrals, funding sources, and other relevant facts relating to the applicant’s proposal. Upon receipt of a completed application, the team will have 90 days to review the application and schedule the project for the Development Review Committee. Final approval of certified affordable housing projects shall be by the Development Review Committee. The applicant may request a waiver to the expedited 90-day review from the Land Development Manager.

- (i) Modification of Development Standards – Notwithstanding any other provision of the Code of Ordinances, the Land Development Manager is authorized to approve up to a 10 percent deviation in lot size, lot width, dwelling unit size, setbacks, parking requirements,

lot coverage, height, open space, landscaping, and other development standards in Chapter 72, Land Planning, unless governed by federal or state law. Any deviations greater than 10 percent will require approval by the Planning and Land Development Regulation Commission or the Development Review Committee, as applicable.

(j) Commercial or industrial zoning – Volusia County Council may approve the development of affordable housing on any parcel designated or zoned for commercial or industrial uses if any one of the following apply:

- a. The development receives funding from the Florida Housing Finance Corporation, the State Housing Initiatives Partnership program, or other verified federal, state, or local affordable housing sources; or
- b. The Volusia County Council approves a resolution of support; or
- c. The applicant agrees to a land use restriction that reserves 30 percent or more of the dwelling units for affordable housing, as defined by the County's Comprehensive Plan and Zoning Ordinance, for a period of 50 years; or
- d. The new development consists of one principal residential structure and one accessory dwelling unit (ADU) built on a conforming or nonconforming infill lot where the ADU is subject to a 20-year affordability agreement.

(k) Affordable Housing Priority Overlay – A priority overlay will be used to reflect funding priorities for certified affordable housing. The overlay will help prioritize areas in need of affordable housing projects where services such as public transportation, employment centers, shopping, schools, and social services are available for very low, low, and moderate-income families. While the overlay represents targeted areas for affordable housing projects and funding, projects outside of the overlay may be approved by the Community Services Department at their discretion.

SECTION III: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION IV: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION V: AUTHORIZING INCLUSION IN CODE. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION VI: EFFECTIVE DATE – This ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

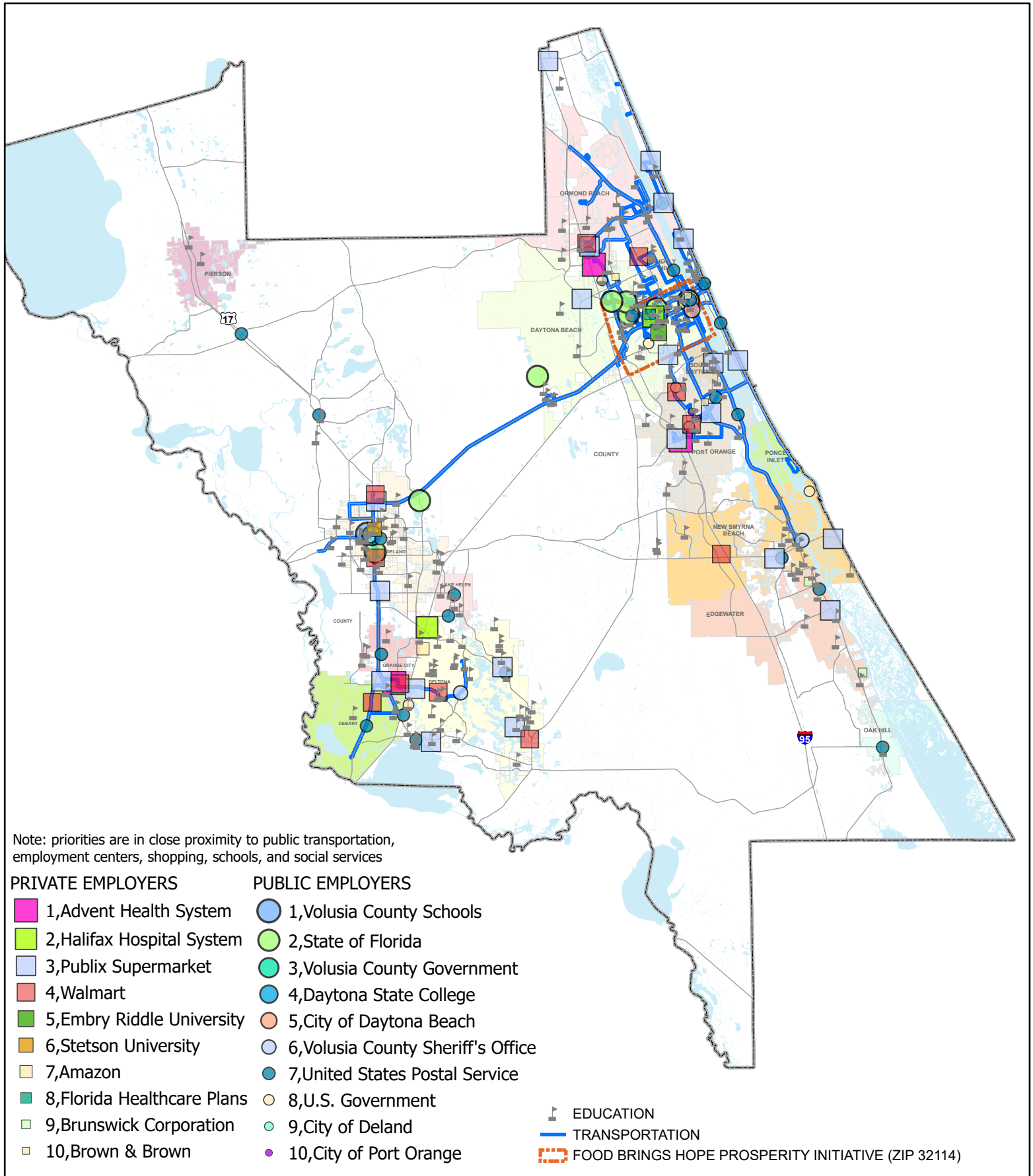
ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
DELAND, FLORIDA, THIS ____ DAY OF ____, 2025.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair



Disclaimer:
This map is intended only to be a visual representation and should not be used for the making of accurate measurements, or for engineering purposes. The County of Volusia is not responsible for outcomes of decisions made on the basis of this map.



Customized map prepared by:
Volusia County Growth & Resource Management - Mapping and Addressing



1/17/2025

0 4 8 12 Miles

Note: Due to variations in printer settings, this scale may not provide accurate measurements.

12-15

November 20, 2024

Topic: VCARD Comments for ORD 2025-01

Page 2/ Line 32

Comment:

Should these be capitalized-since it's a defined term?

Page 3/ Line 2

Comment:

period outside of parenthesis.

Page 3/ Line 32-36

Comment:

Can this be the possible fee waiver? Essentially, a deferral for 20 years and if 20 years goes by and it's remained affordable the full length of 20 years, it's waived.

Page 4/ Line 1-2

Comment:

But, by who? The builder could comply but then the future owner could breach. More clarification, please.

Page 4/ Line 9-12

Comment:

Affordable ADUs

– impact fess shouldn't have to be paid on the principal unit if it's also affordable. May just need to clarify that ADUs can be part of an overall affordable project and treated like any other affordable unit in that context. They may be assuming that affordable projects are rental apartments and wouldn't have ADUs.

It says newly constructed. Does it count if it's created out of existing space in a large SF house? It should if it has separate access and lock out. Even if it's not new square footage it's created a new affordable unit. Unless these units would be exempt anyway.

50-year affordability period is probably too long. My understanding is rentals deteriorate without reinvestment after about 20 years.



Continued...

On the rental period, I would just say that we recommend a rental term of 20 years, as following that time period review and reinvestment may be required.

Page 5/ Line 36

Comment:

instead of a period put a dash...CODE-The

Page 5/ Line 41

Comment:

"EFFECTIVE DATE" should be in bold.

ORDINANCE 2023-23

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED; AMENDING THE FUTURE LAND USE ELEMENT, CHAPTER 1 OF THE COMPREHENSIVE PLAN; PROVIDING FOR AFFORDABLE HOUSING WAIVERS; AMENDING THE HOUSING ELEMENT, CHAPTER 5 OF THE COMPREHENSIVE PLAN; PROVIDING POLICIES TO INCLUDE PROVISIONS FOR AFFORDABLE HOUSING PROJECT APPROVAL; WAIVING PROCEDURAL COSTS ASSOCIATED WITH AFFORDABLE HOUSING PROJECTS; CREATING AN AFFORDABLE HOUSING REVIEW TEAM; AMENDING DEFINITIONS, CHAPTER 20 OF THE COMPREHENSIVE PLAN FOR THE TERM "AFFORDABLE HOUSING"; AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Council recognizes the need for Affordable Housing in Volusia County; and

WHEREAS, there are impediments to effectively implementing Affordable Housing solutions in the County's Comprehensive Plan; and

WHEREAS, the Volusia County Council adopted the "*Affordable Housing Initiative – The Path Forward – Strategies for Success*" on July 19, 2022; and

WHEREAS, the Land Development Regulation Affinity Group was appointed to identify impediments to housing affordability caused by the existing Comprehensive Plan, Zoning, and Land Development Regulations; and

WHEREAS, Section 125.01055(1), Florida Statutes, provides authority to county governments to adopt and maintain any law, ordinance, rule, or other measure to increase the supply of affordable housing using land use mechanisms such as inclusionary zoning or linkage fee ordinances; and

WHEREAS, Section 125.01055(6), Florida Statutes, provides authority to the Volusia County Council to approve affordable housing on any parcel zoned for residential, commercial, or industrial use; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

1 WHEREAS, the council desires to take advantage of this statute and amend the
2 Volusia County Comprehensive Plan.

3
4 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA
5 COUNTY, FLORIDA, AS FOLLOWS:

6
7 (Words in ~~strike-through~~ are deletions; words in double underscore type are additions)

8
9 **SECTION I: AMENDMENT – Chapter 1, Future Land Use Element of the Volusia**
10 **County Comprehensive Plan is amended as follows:**

11 *****

12
13
14 Policy 1.1.3.10 - In order to protect Volusia County's valuable natural resources, new
15 development shall be encouraged toward infilling existing urbanized areas.

16
17 Policy 1.1.3.11 - New developments inside designated urban areas on the Future Land
18 Use Map will be considered urban infill under the following circumstances: within existing
19 platted subdivisions, amongst existing development, and where utilities are currently
20 available. ~~Projects that meet the above criteria may be eligible for a 20% reduction in road~~
21 ~~and recreation impact fees. Nonresidential projects may be eligible for a 25% reduction in~~
22 ~~required parking. Affordable housing projects may be eligible for a deferral of impact fees~~
23 ~~based on the -furtherance of the Path Forward Plan.~~

24
25 Policy 1.1.3.12 - Exemptions to minimum densities may be granted to in-fill residential
26 developments in order to facilitate the development of vacant lands within urban future land
27 use designations. The exemption shall be based on criteria that ensures compatibility with
28 the surrounding area, accessibility to existing public right of ways, provision of utilities and
29 site-specific conditions that limit the ability to develop the property at the minimum density.

30 *****

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32
33 **SECTION II: AMENDMENT – Chapter 5, Housing Element of the Volusia County**
34 **Comprehensive Plan is amended follows:**

35 *****

36
37
38
39 Policy 5.1.1.12 - Continue to implement an expedited building permit process, which is
40 offered to all building contractors for new construction and rehabilitation of county-verified
41 affordable housing units in Volusia County.

42
43 Policy 5.1.1.13 - The following principles and criteria shall be used to provide guidance in
44 the location of housing:

- 45
46
 - The County shall seek to minimize the effect of gentrification and economic

displacement of existing residents for any redevelopment or neighborhood revitalization project in which it directly participates.

- The County shall continue to maintain specific zoning categories in the Volusia County Zoning Ordinance that allow for the construction of mobile home parks and subdivisions.
- The County shall continue to allow the construction of state-certified manufactured homes in residential zoning categories, as long as building code requirements, minimum zoning standards, and state requirements are met.
- In an effort to maintain affordable housing opportunities, the County shall: a) continue to allow, ~~as a special exception,~~ the construction of accessory dwelling units in residential zoning categories outlined in Section 72-277 of the Zoning Code b) continue to allow a minimum floor area of 750 square feet in a majority of residential zoning categories.
- The County shall continue to allow, as a special exception, the construction of farmworker living facilities on agricultural properties that are five acres and larger in size.

Policy 5.1.1.14 – The County, through its five-year capital improvements planning process, shall continue to identify the public facility needs of unincorporated Volusia County, including all areas with concentrations of very low, low and moderate income households.

Policy 5.1.1.17 - Volusia County will continue to maintain an Affordable Housing Advisory Committee whose state-mandated mission is to review affordable housing incentives. In an effort to further address and evaluate the availability and the provision of affordable options, the role will be expanded beyond the state statute, as approved by the county council.

Policy 5.1.1.18 – The Volusia County Council may approve the development of affordable housing on any parcel designated or zoned for commercial or industrial if any of the following apply:

- The development receives funding from the Florida Housing Finance Corporation, the State Housing Initiatives Partnership program or other federal, state, or local affordable housing funding source; or
- With a resolution of support from the Volusia County Council; or
- If the development agrees to a land use restriction agreement that reserves thirty (30) percent or more of the dwelling units for affordable housing for households with a gross income at or below 120 percent of the median income adjusted for family size for a period of 50 years or more.
- New development consisting of one principal structure with an accessory dwelling unit would be subject to a 20-year affordability agreement on the accessory dwelling unit.

1 Policy 5.1.1.19 – To assist in providing affordable units for students, multi-generational
 2 families, retirees, special needs individuals, and others in need of affordable housing
 3 options, impact fees may be waived for accessory dwelling units if all impact fees have
 4 been paid for the principal dwelling unit and if the applicant records a restrictive covenant
 5 on the accessory dwelling unit that limits the rental cost to households with a gross income
 6 at or below 120 percent of the median income adjusted for family size for a period of 20
 7 years or more. The accessory unit remains accessory to the principal unit and may not be
 8 sold separately. Impact fees are due and payable to the county upon the expiration of the
 9 covenant, unless both parties agree to extend the land use restriction. This provision does
 10 not apply to public lodging establishments, as defined in s. 509.013(4)(a)(1), such as short
 11 term or vacation rentals.

12 *****

15 Policy 5.1.2.1 - Volusia County shall ensure that housing assistance is available to all
 16 qualified residents regardless of age, race, disability, gender, or family size, in accordance
 17 with Title VIII of the Civil Rights Act of 1968, as amended and the Florida Fair Housing Act
 18 Chapter 760 Florida Statutes. The implementation of this policy shall include adoption and
 19 enforcement of a Fair Housing Ordinance by the County of Volusia.

21 Policy 5.1.2.2 - Volusia County shall continue to develop and implement incentive
 22 programs including waivers to permit fees, inspection fees, and application fees, density
 23 bonuses, as well as donations of county-owned land to encourage the private sector to
 24 participate in the provision of affordable and workforce housing.

26 Policy 5.1.2.3 - Pending funding availability, the County shall make available housing
 27 programs that provide financial assistance specifically for those families earning less than
 28 the median income for Volusia County.

30 Policy 5.1.2.4 - Volusia County shall actively promote and distribute information regarding
 31 the availability of housing assistance programs and proposed affordable housing projects
 32 to the public through various media platforms.

34 Policy 5.1.2.5 - Volusia County shall continue to expend federal and other state/local
 35 housing program funds to provide financial assistance to very low, low, and moderate
 36 income residents.

37 *****

39 Policy 5.1.2.8 - The Consolidated Plan and Local Housing Assistance Plan shall function
 40 as the guides for housing programs to benefit families of very low, low and moderate
 41 income. This document shall be prepared and submitted by the Community Assistance
 42 Division of Volusia County consistent with established deadlines.

44 Policy 5.1.2.9 – The county shall create a countywide affordable housing zoning overlay to
 45 assist in the prioritization of available county, state, and federal funding for new affordable
 46 housing projects.

1
2 Policy 5.1.2.10 – Volusia County is committed to providing the professional staffing,
3 infrastructure and technology required to support affordable housing initiatives.

4
5 *****
6

7 ~~Policy 5.1.6.1 – Volusia County shall establish a regular review process~~ has conducted a
8 review of the land development code and the zoning ordinance to evaluate potential
9 impacts on affordable housing goals and has determined that administrative approval by
10 the Development Review Committee (DRC) for affordable housing projects would greatly
11 reduce and revise or remove deterrents to affordability in the housing stock, if necessary.
12

13 Policy 5.1.6.2 – Volusia County shall continue to use a density bonus program that
14 encourages the private sector to provide affordable and workforce housing for very low,
15 low, and moderate income persons. Said density bonus shall amount to at least a 10%
16 increase for projects that provide very low and low income housing needs, provided that
17 increased density is consistent with environmental and concurrency goals set forth in this
18 plan.
19

20 *****
21

22 Policy 5.1.6.5 - Volusia County shall seek partnerships with other local governments and
23 private non-profit organizations to provide affordable and workforce housing.
24

25 Policy 5.1.6.6 - Volusia County shall ~~create~~ maintain an internal task force affordable
26 housing review team for affordable and workforce housing. ~~This internal task force~~ The
27 team will consist of, but not be limited to Planning, Zoning, and Land Development, county
28 staff from development engineering, community assistance, traffic engineering, utilities,
29 planning, zoning, land development, environmental, fire department, and the building
30 department and other affected organizations. It will be charged with examine ways the
31 County can assisting affordable housing developers to increase the available housing stock
32 in Volusia County through density bonuses, fee waivers, deed restrictions, and other
33 incentives established by the county council. in realizing the density bonus incentives
34 offered in its Comprehensive Plan while maintaining acceptable design standards.
35

36 Policy 5.1.6.7 – The DRC may approve modifications to lot sizes, lot widths, house sizes,
37 setbacks, parking requirements, lot coverage, height requirements, open space,
38 landscaping, and any other development standards in Chapter 72 Land Planning by up to
39 10 percent for certified affordable housing projects, unless governed by state or federal
40 law.
41
42

SECTION III: AMENDMENT – Chapter 20, Definitions of the Volusia County Comprehensive Plan is amended to update the definitions of “AFFORDABLE HOUSING” as follows:

1. **“AD VALOREM (PROPERTY) TAX”** - The primary source and only major source under the control of the County to fund its general operations. This tax includes real property, including land and buildings, as well as improvements erected or affixed to the land. The County Property Appraiser determines the value of all taxable land.
2. **“AFFORDABLE HOUSING”** – ~~Housing which costs 30% or less of a family's monthly gross income. Monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for extremely low, low, very low, and moderate income persons.~~
3. **“AQUIFER”** - A formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs (see also “FLORIDAN”, “SURFICIAL”, AND “SOLE SOURCE AQUIFER”).

* * * *

SECTION IV: INCLUSION IN COMPREHENSIVE PLAN – The provisions of this ordinance shall be included and incorporated into the Volusia County Comprehensive Plan as additions or amendments thereto, and shall be appropriately renumbered to conform to the Volusia County Comprehensive Plan.

SECTION V: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION VI: EFFECTIVE DATE – Within ten (10) days after enactment, a certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County Council and transmitted to the state land planning agency and any other agency or local government that provided timely comments pursuant to the expedited state review process in Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the following dates: (a) thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete and the issuance of a certificate of consistency or conditional certificate of consistency by the Volusia County Growth Management Commission, or (b) issuance of a final order by the state land planning agency or the State of Florida Administration Commission determining the amendment adopted by this Ordinance to be in compliance.

1 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN
2 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
3 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
4 DELAND, FLORIDA, THIS 5th DAY OF march, 2024.

5
6
7 ATTEST:

8
9
10 George Recktenwald
11 County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

12 Jeffrey S. Brower
13 County Chair
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AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 72 THE VOLUSIA COUNTY CODE OF ORDINANCES; PROVIDING POLICIES TO INCLUDE PROVISIONS FOR AFFORDABLE HOUSING PROJECT APPROVAL; WAIVING PROCEDURAL COSTS AND FEES ASSOCIATED WITH AFFORDABLE HOUSING PROJECTS; CREATING AN AFFORDABLE HOUSING REVIEW TEAM; AMENDING CHAPTER 72 DEFINITIONS FOR THE TERM “AFFORDABLE HOUSING” AND “CERTIFIED AFFORDABLE HOUSING PROJECT”; CREATING A NEW SECTION 72-299, AFFORDABLE HOUSING INCENTIVES; AUTHORIZING INCLUSION IN THE ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Council recognizes the need for Affordable Housing in Volusia County; and

WHEREAS, the Land Development Regulation Affinity Group was appointed to identify impediments to housing affordability caused by the existing Comprehensive Plan, Zoning, and Land Development Regulations; and

WHEREAS, the Volusia County Council adopted the “*Affordable Housing Initiative – The Path Forward – Strategies for Success*” on July 19, 2022; and

WHEREAS, the Volusia County Council approved Ordinance 2023-23 amending the Volusia County Comprehensive Plan to incorporate affordable housing strategies; and

WHEREAS, Ordinance 2025-01 will incorporate strategies into the Zoning Ordinance to help implement Comprehensive Plan policies approved by Council; and

WHEREAS, an Affordable Housing Overlay has been created to assist in locating and funding affordable housing projects; and

WHEREAS, Section 125.01055(1), Florida Statutes, provides authority to county governments to adopt and maintain any law, ordinance, rule, or other measure to increase the supply of affordable housing using land use various land use mechanisms; and

WHEREAS, Section 125.01055(6), Florida Statutes, provides authority to the Volusia County Council to approve affordable housing on any parcel zoned for commercial or industrial use; and

WHEREAS, these incentives are not implemented for projects seeking approval through the pre-emption authority in the Live Local Act, Fla. Stat. sub-section 125.01055(7).

WHEREAS, the County Council desires to take advantage of this statute and amend the Volusia County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ are deletions; words in double underscore type are additions,)

SECTION I: AMENDMENT - Chapter 72, Definitions of the Code of Ordinances, County of Volusia, is amended to read as follows:

Section 72-2 – Definitions.

Certificate of Capacity Exemption – A certificate approved by the LDM pursuant to the terms of this chapter evidencing a determination by the LDM that the development is exempted from division 14 of this article II.

Certified Affordable Housing Project – Housing projects that are reviewed and approved by the County’s Community Services Department for a deferral of impact fees, waiver of building, inspection, and permitting fees, or application of density bonuses.

Change of Occupancy – A discontinuance of an existing use and the substitution of a different kind or class of use. Change in occupancy is not intended to include a change in tenants or proprietors unless accompanied by a change of use.

SECTION II: AMENDMENT - Chapter 72, Article II, Sections 72-175, and 72-176 are revised and Section 72-299 of the Code of Ordinances, County of Volusia, is created to read as follows:

Section 72-175 – Reduction of lot area and width prohibited

No lot existing on the effective date of the ordinance from which this section derives, shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of nonconforming lots (refer to subsection 72-206(1)), approved conservation subdivision lots (refer to section 72-547), ~~and~~ cluster subdivision lots (refer to definition of cluster subdivision), or certified affordable housing projects (section 72-299).

Section 72-176 – Reduction of yards below certain minimum dimensional requirements prohibited.

No yard existing on the effective date of the ordinance from which this section derives, shall be reduced below the minimum dimensional requirements of its classification except zero lot lines

(refer to section 72-304, ~~or~~ approved conservation subdivision lots (refer to section 72-547), or certified affordable housing projects (section 72-299.)

Section 72-299 – Affordable Housing Incentives

(a) Purpose and Intent – To maximize the cost and time savings for affordable housing projects by streamlining regulations and processes to increase and preserve the supply of affordable housing stock.

(b) Applicability – Projects, including ADUs that meet the county’s definition of affordable housing, as certified by the Community Services Division.

This section does not apply to projects seeking approval under the pre-emption authority of the Live Local Act, Fla. Stat. sub-section 125.01055(7). Sub-section 125.01055(7), f.s., does not apply to projects approved under this section.

(c) Declaration of Restrictive Covenant - A Declaration of Restrictive Covenant (Covenant) stating that the project will remain affordable [Section 420.0004(3) Fla. Stat.] for the affordability period shall be filed with the Volusia County Clerk of the Court and shall run with the property for the duration of the affordability period. The deferral period shall be for a period of 20 years, unless a shorter time period is approved by the Growth and Resource Management Director and the Community Services Director. The Covenant shall list all affordable housing incentives provided for the project including impact fees, fee waivers, and density bonuses, or other incentives approved during the project review process.

(d) Deferral of Impact Fees – Volusia County imposed impact fees for affordable housing projects may be deferred upon written request by the applicant for affordable housing projects certified by the Community Services Department. The Growth and Resource Management Director, or designee, will generate an itemized list of impact fees being deferred. This list shall be attached to the Declaration of Restrictive Covenant as an exhibit. Failure to maintain affordable housing as defined in the Volusia County Comprehensive Plan and the Zoning Ordinance shall require payment of impact fees in full upon written notice from Volusia County. All impact fees shall be due and payable to Volusia County at the end of the affordability period, unless the affordability agreement is extended by the Community Services and Growth and Resource Management Directors.

(e) Fee Waivers - Permit fees, inspection fees, and application fees for certified affordable housing projects shall be waived upon written request of the applicant. These fees shall be forgiven in their entirety upon expiration of the initial affordability period. A list of fees shall be generated during the project review and attached to the Declaration of Restrictive

1 Covenant as an exhibit. Failure to comply with the affordability agreement shall require
2 repayment of all fees in full upon written notice by Volusia County.

- 3
4 (f) Density Bonuses – Density bonuses are allowed for affordable housing projects that are
5 certified by the county’s Department of Community Services. To ensure that the projects
6 are located near available resources and services, bonuses are limited to the following
7 urban land use designations and will be calculated by the Growth and Resource
8 Management Department as follows:

9 Low Impact Urban - increase maximum density to five dwelling units per acre.

10 Urban Low Intensity – increase maximum density to eight dwelling units per acre.

11 Urban Medium Intensity – increase maximum density to 14 dwelling units per acre.

12 Urban High Intensity – maximum density cannot exceed 20 dwelling units per acre.

13
14 Lands designated as wetlands, wetland buffers, water bodies, the Natural Resource
15 Management Area, the Resource Corridor zoning classification, or in the floodplain are not
16 eligible for density bonuses. A written request shall be submitted by the applicant during
17 the project review notifying the county of the intent to utilize the density bonuses outlined
18 above. The final project design is subject to review and approval by the affordable housing
19 review team.

- 20
21 (g) New Accessory Dwelling Units – Impact fees may be deferred for newly constructed
22 accessory dwelling units (ADU) used for certified affordable housing upon request by the
23 applicant if all impact fees have been paid on the principal dwelling unit. The applicant
24 shall file a Declaration of Restrictive Covenant with the Volusia County Clerk of the Court
25 stating that the ADU will remain affordable for 20 years, unless the affordability agreement
26 is extended by the Community Services and Growth and Resource Management Directors.

- 27
28 (h) Affordable Housing Review Team – Certified Affordable Housing projects will be assigned
29 to a dedicated affordable housing review team for expedited review. The team will be
30 comprised of a county-designated review staff, the County’s Community Assistance
31 Director or designee, and affected municipalities. The expedited review process will be
32 facilitated by the Land Development Manager. Upon request by the applicant, the team will
33 be assembled for an initial team meeting within two weeks of the request to discuss the
34 scope, certification requirements, waivers and deferrals, funding sources, and other
35 relevant facts relating to the applicant’s proposal. Upon receipt of a completed application,
36 the team will have 90 days to review the application and schedule the project for the
37 Development Review Committee. Final approval of certified affordable housing projects
38 shall be by the Development Review Committee. The applicant may request a waiver to
39 the expedited 90-day review from the Land Development Manager.

- 40
41 (i) Modification of Development Standards – Notwithstanding any other provision of the
42 Code of Ordinances, the Land Development Manager is authorized to approve up to a 10
43 percent deviation in lot size, lot width, dwelling unit size, setbacks, parking requirements,

1 lot coverage, height, open space, landscaping, and other development standards in Chapter
2 72, Land Planning, unless governed by federal or state law. Any deviations greater than 10
3 percent will require approval by the Planning and Land Development Regulation
4 Commission or the Development Review Committee, as applicable.
5

6 (j) Commercial or industrial zoning – Volusia County Council may approve the development
7 of affordable housing on any parcel designated or zoned for commercial or industrial uses
8 if any one of the following apply:

- 9 a. The development receives funding from the Florida Housing Finance Corporation,
10 the State Housing Initiatives Partnership program, or other verified federal, state,
11 or local affordable housing sources; or
12 b. The Volusia County Council approves a resolution of support; or
13 c. The applicant agrees to a land use restriction that reserves 30 percent or more of
14 the dwelling units for affordable housing, as defined by the County's
15 Comprehensive Plan and Zoning Ordinance, for a period of 50 years; or
16 d. The new development consists of one principal residential structure and one
17 accessory dwelling unit (ADU) built on a conforming or nonconforming infill lot
18 where the ADU is subject to a 20-year affordability agreement.
19

20 (k) Affordable Housing Priority Overlay – A priority overlay will be used to reflect funding
21 priorities for certified affordable housing. The overlay will help prioritize areas in need of
22 affordable housing projects where services such as public transportation, employment
23 centers, shopping, schools, and social services are available for very low, low, and
24 moderate-income families. While the overlay represents targeted areas for affordable
25 housing projects and funding, projects outside of the overlay may be approved by the
26 Community Services Department at their discretion.

27 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence, subsection or
28 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or
29 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed
30 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain
31 in full force and effect.
32

33 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in
34 conflict herewith are, to the extent of such conflict, repealed.
35

36 **SECTION V: AUTHORIZING INCLUSION IN CODE.** The provisions of this
37 ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia,
38 as additions or amendments thereto, and shall be appropriately renumbered to conform to the
39 uniform numbering system of the Code.
40

41 **SECTION VI: EFFECTIVE DATE** – This ordinance shall take effect upon electronic
42 filing of a certified copy with the Department of State.
43

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN
MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE
THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,
DELAND, FLORIDA, THIS _____ DAY OF _____, 2025.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair