

The City of Daytona Beach
AGENDA SUMMARY
June 3, 2026 - City Commission



TITLE: Growth Management & Planning Department - Affordable Housing – Land Development Code Text Amendment DEV2025-641
DEPARTMENT: Planning Department
STAFF CONTACT: Dennis Mrozek, Planning Director
ACTION: Ordinance - Introduction on first reading

Second Meeting Date: June 17, 2026

REQUEST:

Introduction of Ordinance on first reading amending Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to streamline the review of affordable housing development applications by requiring expedited processing and administrative approval, except where mandated by state law. Applicant: Growth Management and Planning Department, Planning Division.

Action: Commission comments and questions only.
Note: Public Hearing and final action on June 17, 2026.

CONSIDERATION/BACKGROUND:

A request by the Growth Management and Planning Department, Planning Division, to amend Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to streamline the review of affordable housing development applications by requiring expedited processing and administrative approval, except where mandated by state law.

The proposed amendments clarify the definition of affordable housing development applications, allow accessory dwelling units to qualify as affordable housing units under certain conditions, and establish that qualifying affordable housing development applications shall be reviewed and approved administratively without requiring public hearings, except where otherwise required by state law.

The amendments also expand eligibility for impact fee waivers to include accessory dwelling units and establish standards for the proration of such waivers.

RECOMMENDATION:

At the April 23, 2026 Planning Board meeting the Board recommended approval of the request 7-to-0. Staff supports the Planning Board's recommendation to the City Commission.

ATTACHMENTS:

[Summary of Board Action](#)
[Staff Report - Text Amendment \(Affordable Housing\) DEV2025-641](#)

[Excerpt Minutes](#)
[Amended BIS for compliance](#)

Dennis Mrozek, Planning Director
David Russell, Assistant City Attorney
Benjamin Gross, City Attorney
Jennifer Marquart, Deputy City Clerk
Dru Driscoll, Deputy City Manager/Fire Chief

Approved - May 18 2026
Approved - May 19 2026
Approved - May 22 2026
Approved - May 19 2026
Approved - May 27 2026

Development and Administrative Services Department Summary of Board Action

Project: Affordable Housing – Land Development Code Text Amendment DEV2025-641

Board

Date of Action

Recommendation

Planning Board

April 23, 2026

Recommended Approval 7-to-0

Agenda Item 4D (Legislative Hearing)

Land Development Code Text Amendment

DEV2025-641

Amendments to Section 6.22 (Affordable Housing) to Expand Eligibility, Incorporate Accessory Dwelling Units, and Streamline Development Review

STAFF REPORT

DATE: April 14, 2026

TO: Planning Board Members

FROM: Emilio A. O'Brien, Senior Planner

AMENDMENT REQUEST

A request by the Growth Management and Planning Department, Planning Division, to amend Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to expand eligibility for affordable housing incentives, incorporate accessory dwelling units (ADUs) into the City's affordable housing framework, and streamline the review and approval process for qualifying affordable housing developments.

The proposed amendments clarify the definition of affordable housing development applications, allow accessory dwelling units to qualify as affordable housing units under certain conditions, and establish that qualifying affordable housing development applications shall be reviewed and approved administratively without requiring public hearings, except where otherwise required by state law.

The amendments also expand eligibility for impact fee waivers to include accessory dwelling units and establish standards for the proration of such waivers.

BACKGROUND

The proposed amendments build upon the City's existing affordable housing regulations by addressing regulatory gaps and procedural barriers that may limit the production of affordable housing units.

The current Land Development Code provides incentives such as density bonuses, fee waivers, and administrative flexibility; however, it does not explicitly recognize accessory dwelling units (ADUs) as eligible affordable housing units, nor does it clearly define the scope of affordable housing development applications. Additionally, while the Code encourages expedited review, it does not expressly require administrative approval for qualifying affordable housing developments.

Recent changes in state law, including implementation of the Live Local Act, emphasize the need for local governments to streamline approval processes and reduce procedural barriers to affordable housing development. The proposed amendments are intended to align the City's

regulations with these objectives by providing greater clarity, flexibility, and administrative efficiency.

These updates are also intended to support incremental and small-scale housing solutions, such as ADUs, which can provide additional affordable housing opportunities within existing neighborhoods.

AMENDMENT DESCRIPTION

Staff is seeking approval for amendments to Section 6.22 (Affordable Housing) to enhance flexibility, improve clarity, and streamline the development review process. The proposed changes include:

1. Clarification of Affordable Housing Development Applications

- Expands the definition to explicitly include development permits and development orders such as site plans, subdivisions, and building permits.
- Clarifies that Comprehensive Plan amendments and rezonings are excluded unless required by state law.

2. Allowance of Accessory Dwelling Units (ADUs)

- Establishes that accessory dwelling units may qualify as affordable housing units, subject to compliance with all applicable requirements.
- Requires applicants to designate whether the principal dwelling unit, the ADU, or both will serve as the affordable housing unit.
- Ensures affordability is maintained through required deed restrictions and compliance mechanisms.

3. Administrative Approval Requirement

- Adds a provision requiring that qualifying affordable housing development applications be:
 - Reviewed and approved administratively; and
 - Not subject to public hearings or review by the Planning Board or other advisory bodies, except where required by state law.
- Applies to projects qualifying under Section 6.22, including those eligible under the Live Local Act.

4. Expansion and Development of Incentives to Include ADUs

- Extends eligibility for administrative development incentives to include accessory dwelling units.
- Integrates ADUs into existing application and compliance requirements for affordable housing.

5. Impact Fee Waivers for Accessory Dwelling Units

- Expands impact fee waiver eligibility to include ADUs where either the principal dwelling unit or the ADU is designated as an affordable housing unit.
- Establishes proration standards:
 - If only one unit is affordable, the waiver applies proportionally.
 - If both units are affordable, the waiver applies to 100 percent of applicable impact fees.
- Requires full compliance with affordability provisions, including deed restrictions and occupancy requirements.

These amendments are intended to broaden participation in the City’s affordable housing programs while maintaining accountability and long-term affordability.

PROPOSED AMENDMENT

Sec. 6.22. - Affordable housing.

- A. *Purpose.* In order to further the goal of providing affordable housing for all City residents, the City adopted a local housing assistance program and plan pursuant to the William E. Sadowski Affordable Housing Act, the State Housing Initiatives Partnership (SHIP) Act, and related state laws and regulations. The purpose of this section is to encourage and facilitate development of new affordable housing units and subdivisions within the City by providing for the modification of certain development standards and requirements as an incentive for private developers to include affordable housing units and subdivisions in their development projects. The City encourages development of affordable housing in all areas of the City, and discourages concentrations of low-income or affordable housing. Further, the City strongly supports development of housing units that lead to home ownership.
- B. *Definitions.* Certain terms used in this section are defined as follows:

[omitted text not affected by this amendment]

Affordable housing development application. An application for a development permit or development order for a project that includes one or more affordable housing units, **including, but not limited to, site plan approvals, subdivision approvals, and building permits. This term does not include applications for comprehensive plan amendments or rezonings unless otherwise required by state law.**

Affordable housing unit. A dwelling unit that is reserved for use as affordable housing for the affordability period, through execution and recordation of an affordable housing deed restriction. **An accessory dwelling unit (as defined in Section 11.5, Terms and Uses Defined) may qualify as an affordable housing unit, subject to the City’s determination that all requirements of this section have been satisfied.**

[omitted text not affected by this amendment]

- C. *Expediting of review for affordable housing development applications.*
1. All affordable housing development applications shall be reviewed in accordance with the applicable development standards of this Code, as modified by this section.
 2. All affordable housing development applications shall be reviewed in accordance with the applicable procedures of this Code; provided, however, that the city shall expedite and prioritize the review and permitting of such applications to a greater degree than other projects.
 - 3. Notwithstanding any other provision of this Code, affordable housing development applications that meet the requirements of this section, including those qualifying pursuant to subsection G (Implementation of the Live Local Act, SB 102), shall be reviewed and approved administratively by the City and shall not be subject to public hearing or review by the Planning Board or other advisory board, except where otherwise required by state law.**
- D. *Administratively-approved development incentives for affordable housing; conditions.* The development of any proposed single-family detached, duplex or multi-family housing, **or accessory dwelling** unit or units located within the City, ~~other than accessory dwelling units~~, eligible for the incentives established below, which shall be approved administratively; provided, that all applicable conditions set forth below are met.
1. *General conditions.* The following general conditions apply to all requests for administrative development incentives authorized by this subsection:
 - a. *Applications.* Application for administrative incentives shall be made on forms provided by the City.
 - i. Except as provided below, as part of the application process, the applicant shall be required to reasonably document that the applicant has the means to develop and convey the housing unit as an affordable housing unit, identify the end user, and provide documentation that the end user meets the definition of qualifying household.
 - ii. At the time of application, the applicant must identify whether the principal dwelling unit or the accessory dwelling unit, or both, will be designated as the affordable housing unit, and such designation shall be reflected in the required deed restriction.**
 - ~~iii.~~ **iii.** The requirements of the preceding paragraph a may be waived for applicants who are already under contract with the City for affordable housing assistance under another affordable housing program, such as lot donation, down payment assistance, etc., where the contract reasonably ensures that the project is feasible and that the end user will be a qualifying household.
 5. *Impact fee reimbursements/waivers.* Subject to the conditions below, new affordable housing units developed within the City shall be eligible for impact fee reimbursement or waivers at the time of building permit issuance, subject to the following conditions:
 - a. *Sunset Provision.* Impact fees shall only be reimbursed or waived for dwelling units that receive a building permit prior to September 30, 2027.

[omitted text not affected by this amendment]

This section authorizes impact fee waivers only. Reimbursement of impact fees previously paid is not authorized.

- b. *Types of eligible housing.* The types of housing eligible for impact fee reimbursements or waivers are:
 - i. A new single-family detached dwelling unit or a dwelling unit within a new duplex or triplex development, provided that the unit is reserved during the affordability period solely for owner occupancy as an affordable housing unit. This condition shall be reflected in the affordable housing deed restriction required by this section.
 - ii. A new multifamily development containing one or more affordable housing unit; provided, however, that the following multifamily housing developments are ineligible for impact fee waivers:
 - (a) A new multifamily development that receives a City grant pursuant to a City Commission-approved affordable housing incentive agreement.
 - (b) A new multifamily development located within 1.5 miles of an existing multifamily development that received a City grant as referenced above or affordable housing impact fee waivers, during the affordability period for the existing multifamily development.
 - iii. An accessory dwelling unit (as defined in Section 11.5, Terms and Uses Defined) that is located on the same lot as a principal dwelling unit and remains accessory thereto, provided that either the accessory dwelling unit or the principal dwelling unit is reserved for occupancy by a qualifying household as an affordable housing unit during the affordability period, and is subject to all applicable requirements of this section, including, but not limited to:**
 - (a) Recordation of an affordable housing deed restriction;**
 - (b) Compliance with the required affordability period;**
 - (c) Occupancy by a qualifying household; and**
 - (d) Compliance with the application requirements in Section 6.22.D.1 and the eligibility criteria for administrative approval under Section 6.22.C.**
- c. *Proration of impact fees for duplexes, triplexes, and multifamily apartment projects.* Where an affordable housing unit is located in a larger development, such as a duplex, triplex, or multifamily apartment development, and impact fees are to be paid on the entire development, the amount of the impact fee waiver will be prorated based on the number of affordable housing units in comparison to the total number of units developed.
- d. Proration of impact fees for accessory dwelling units. Where impact fees are assessed for both a principal dwelling unit and an accessory dwelling unit:**
 - (i) If only one unit is designated as an affordable housing unit, the waiver shall be limited to the portion of the impact fees attributable to that unit; and**

(ii) If both units are designated as affordable housing units, the waiver shall apply to 100 percent of the impact fees assessed for both units.

~~d. e.~~ The standards for determining whether development fees are to be waived or reimbursed are set forth in Section 6.22.D.6, below.

[omitted text not affected by this amendment]

AMENDMENT ANALYSIS

Text Amendment Review Standards

The purpose of Section 3.4.B.1 is to provide a uniform means for amending the text of this Code whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with the comprehensive plan;

The proposed amendments are consistent with the comprehensive plan. The changes support policies promoting the development and preservation of affordable housing, efficient land use, and housing diversity.

b. Is in conflict with any provision of this Code or the Code of Ordinances;

The proposed amendments are not in conflict with other provisions of the Land Development Code or the Code of Ordinances. Instead, they clarify and expand existing provisions related to affordable housing.

c. Is required by changed conditions;

The proposed amendments respond to evolving housing needs and regulatory requirements. The increasing demand for affordable housing, combined with recent state legislation encouraging streamlined approval processes, necessitates updates to the City's development regulations. The amendments address gaps in the current Code related to accessory dwelling units and administrative approval procedures.

d. Addresses a demonstrated community need;

There is a clear and ongoing need for additional affordable housing options within the City. The amendments expand opportunities for affordable housing by allowing smaller-scale and incremental development, such as ADUs, and by reducing procedural barriers that may delay project approval.

e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The amendments remain consistent with the purpose and intent of existing zoning districts. They do not alter permitted uses but provide additional flexibility in how affordable

housing may be developed within those districts. The inclusion of ADUs as affordable housing options supports compatible infill development within established neighborhoods.

f. Would result in a logical and orderly development pattern; and

The proposed amendments promote a logical and orderly development pattern by encouraging distributed, small-scale affordable housing development and streamlining approval processes. Administrative approval reduces uncertainty and delays while maintaining compliance with established development standards.

g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff does not anticipate any adverse environmental impacts resulting from the proposed amendments.

RECOMMENDATION

Staff recommends approval of the request to amend Section 6.22 (Affordable Housing) of the Land Development Code to expand eligibility for affordable housing incentives, incorporate accessory dwelling units, and streamline the development review process.

A majority vote by the Planning Board members present and voting is required to recommend approval to the City Commission. The item is anticipated to be scheduled for City Commission first reading on June 3, 2026, and for second reading on June 17, 2026.

Planning Board
The City of Daytona Beach
MINUTES

(Excerpts from the April 23, 2026 Planning Board Meeting)

4D. Affordable Housing – Land Development Code Text Amendment DEV2025-641 (Legislative Hearing)

A request by the Growth Management and Planning Department, Planning Division, to amend Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to streamline the review of affordable housing development applications by requiring expedited processing and administrative approval, except where mandated by state law.

Staff Presentation:

Emilio O’Brien, Senior Planner, presented the staff report that was included in the packet. A request by the Growth Management and Planning Department, Planning Division, to amend Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to streamline the review of affordable housing development applications by requiring expedited processing and administrative approval, except where mandated by state law.

Board Action:

A motion was made by Mr. Lee, seconded by Ms. Washington to approve Affordable Housing – Land Development Code Text Amendment DEV2025-641 The motion carried (7-0) with the breakdown as follows:

Tony Barhoo	Yes
Jazmin Felix	Yes
Scott Lee	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

Business Impact Estimate

Directions: Pursuant to F.S. s. 166.041(4), as most recently amended by Ch. 2023-145, Laws of Florida, the City is required to prepare a Business Impact Statement for a range of ordinances. A list of ordinance exemptions is provided below. Please check all exemption boxes that apply to the proposed ordinance, and provide the name/title date where indicated below.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Fla. Stat. s. 163.3164;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application submitted by a private party other than the municipality;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Prepared by: Vanessa Trimble / Planning Technician / Planning Dept. Date: 05-18-2026
Printed Name/Title/Department

Regardless of whether any of the boxes are checked, Include this completed page in the agenda packet.

*If none of the boxes above are checked, complete the attached Business Impact Statement and include the completed Business Impact Statement as part of the agenda package. **The completed Statement must be posted on the City of Daytona Beach web site not later than the time notice of the proposed ordinance is published.***

BUSINESS IMPACT STATEMENT

This Business Impact Estimate is provided in accordance with s. 166.041(4), Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

ORDINANCE TITLE

A request by the Growth Management and Planning Department, Planning Division, to amend Section 6.22 (Affordable Housing) of the Land Development Code (LDC) to expand eligibility for affordable housing incentives, incorporate accessory dwelling units (ADUs) into the City's affordable housing framework and streamline the review and approval process for qualifying affordable housing developments.

ORDINANCE SUMMARY *(must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):* The proposed amendments clarify the definition of affordable housing development applications, allow accessory dwelling units to qualify as affordable housing units under certain conditions, and establish that qualifying affordable housing development applications shall be reviewed and approved administratively without requiring public hearings, except where otherwise required by state law. The amendments also expand eligibility for impact fee waivers to include accessory dwelling units and establish standards for the proration of such waivers. The proposed amendment is intended to increase the supply of affordable housing opportunities within the City.

ESTIMATE OF THE DIRECT ECONOMIC IMPACT OF THE PROPOSED ORDINANCE ON PRIVATE, FOR-PROFIT BUSINESSES IN THE CITY OF DAYTONA BEACH, IF ANY: **Potential to reduce costs for affordable housing projects.**

ESTIMATE OF DIRECT COMPLIANCE COSTS THAT BUSINESSES MAY REASONABLY INCUR: **NA**

DESCRIPTION OF NEW CHARGES/FEEES IMPOSED BY THE PROPOSED ORDINANCE OR FOR WHICH BUSINESSES WILL BE FINANCIALLY RESPONSIBLE: **No new charges/fees imposed.**

ESTIMATE OF THE CITY'S REGULATORY COSTS, INCLUDING ESTIMATED REVENUES FROM ANY NEW CHARGES OR FEES TO COVER SUCH COSTS: **No new charges/fees imposed.**

GOOD FAITH ESTIMATE OF THE NUMBER OF BUSINESSES LIKELY TO BE IMPACTED BY THE PROPOSED ORDINANCE:

ADDITIONAL INFORMATION THE GOVERNING BODY DEEMS USEFUL (IF ANY): Signature

Vanessa Trimble

Date: 05-18-2026