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

(Words in ~~strike through~~ are deletions; words in <u>double underscore</u> 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.

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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.

<u>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.</u>

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.

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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:

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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), <u>or certified affordable housing projects (section 72-299).</u>

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.)

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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 – Not withstanding 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 16th DAY OF May, 2025.

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

ATTEST:

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair

COUNTY COUNCIL SEAL VOLUSIA COUNTY, FLORIDA