Smart Growth Audit

Selected Volusia Cities and Volusia County

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I. Introduction

At the initial meeting of the Redevelopment/Development Workgroup, Volusia Smart Growth Implementation Committee, on December 14, 2004, it was decided that the UCF Team would present the following at the January 2005 meeting:

- A Smart Growth (SG) audit of the Land Development Regulations/Code for
  - Orange City
  - Deland
  - Volusia County
  - Lake Helen
  - Oak Hill
  - Ormond Beach
  - Daytona Beach (added later at the suggestion of Marilyn Crotty)

- The criteria used to determine the SG audit
- A list of Tools that could be adopted by Volusia Cities/County to further SG Principles

Building upon the initial analysis presented in January, the current draft is based upon a review of

- LDR's found at Municode.com,
- Comprehensive Plans for
  - Volusia County
  - Port Orange
  - Lake Helen (partial).

The LDR's for Lake Helen and Oak Hill were not reviewed, as there codes are not present at the municode website. Amendments to the Future Land Use element of Lake Helen's comprehensive plan, however, does provide some description of zoning districts. In addition, a description of the zoning districts supported by Volusia County were not found at the municode website.

There is extensive quoting directly from LDR's throughout this analysis to provide a clearer sense of the language that may support smart growth. There may be information supporting smart growth that exists in municipal Comprehensive Plans and other documents that does not appear in the LDR's

II. SG Audit Principles

The basis for the SG audit will be the extent to which Volusia land development regulations (LDR's):

- adhere to SG principles
- encourage or discourage developers to follow SG principles
- are rigid or inflexible

The SG principles can be encouraged through statements of purpose for each section; through mentioning and supporting various aspects of SG. Developers can be encouraged through the adoption of a variety of tools and language that provides incentives to adhere to SG, both throughout a given city or in designated areas such as downtown redevelopment districts. Developers can be discouraged by:

- lack of any mention of SG principles, e.g. range of housing options
- lack of incentives to support SG principles
- requiring lengthy approval process to seek variances to existing LDR's

There should be a determination of to what extent LDR language which permits mixed use has actually resulted in significant mixed use development proposals. Planned Unit Developments and Planned Development Districts offer the most supportive language, but the usual practice may be to apply these to new development in greenspace areas rather than redevelopment efforts in infill areas.

III. SG Audit Criteria

The following criteria are suggested as the basis for this SG audit:

        A. Mixed Use
        B. Increased Range of Housing Options
        C. Support from Existing Infrastructure
        D. Protection of open space, farmland and natural areas
        E. Increases Range of Transportation or Getting Around Choices
        F. Enhances and Creates Communities

III. A. Mixed Use

SG greatly supports mixed use to the extent that it "creates or enhances a vibrant mix of uses" including residential, retail and office. This principle can be seen in terms of a variety of development types, especially for infill development or redevelopment

Closely related to the mixed use principle is the commitment to higher densities of residential usage, as well as to compact design. Ideally, in a relatively small area, e.g., in one building, SG suggests that a mix of compatible uses is desirable. There may be small retail shops on the ground floor of a building; professional offices on a second floor; and residential apartments on a third floor. Nearby, in another building, grocery stores or restaurants may be placed.

County/Municipality LDR's

For the most part, standard zoning districts and LDR's are found within Volusia County municipalities. The description of the Deland districts below is representative of districts found in the other municipalities reviewed. Similar discussions of other cities is not provided. Instead, the districts that seem to support SG principles are highlighted.

 To some extent transitional areas and infill development is supported in the language within the ordinances and in the comprehensive plans. In some cases, a great deal of mixed use is permitted. In other cases, language to support SG does not seem to be as specific or detailed as it needs to be.

Deland

In Deland there are four single family home and four multi family home classifications. No retail is allowed in these areas. In the professional residential zoned areas, the LDR recognizes the existing of transitional areas, as this classification permits the conversion of older residential areas into professional offices, government buildings. No retail is permitted.

In the multiple family districts, there is limited mixed use, as parks, churches,and nursing homes are permitted by special exception. No single family homes are permitted, nor is any professional or retail.

In the Limited Commercial district (C-1), residential is a conditional use, but units must abide by the single or multi family district regulations (R1, R2, and R12). In the General Commercial District (C-2), residential is permitted only above the first floor of commercial uses, or on the first floor adjacent to office uses. No other residential is permitted. Similarly, in the C-2A Downtown Business District, no multi-family residential units are permitted. In the C-2AC Commercial Activity Core District, there are 44 primary uses and 36 conditional uses, but no residential units permitted.

The exception in Deland is the Educational District. The full range of single and mult-family units are allowed along with schools, day care, private clubs and other uses.

The Planned Development District, also mentioned in the Daytona Beach LDR, provides support for SG principles, but its impact is limited by the minimum lot size requirement. It allows for any developer to propose any development for any part of the city, as long as it is at least four acres in size for residential and two acres in size for non-residential. Its

purpose includes promoting flexibility of design and "to permit planned diversification and integration of uses and structures". In doing so, land uses are encouraged that "reduce transportation needs"and provide for "more usable and suitably located recreational facilities, open spaces and scenic areas…than would otherwise be provided under conventional land-development procedures". These PDD's would be proposed by a developer, and not initiated by the City.

Daytona Beach

There are several overlay districts found in the LDR. These include a variety of transition classifications:

> The transition classifications are to allow for the gradual
> redevelopment of selected single family districts to multi-
> family, business or professional uses by establishment as
> special uses; and to establish strict controls for areas which
> have been subject to such redevelopment, while maintaining
> a primarily single family character

With the TA district, multi family units are permitted; with the TB and TC districts, business and commercial units are permitted, and with the TD district, duplexes are permitted.

There are two redevelopment areas: Beachside and Downtown. The Beachside area contains eight zoning districts, including those dealing with hotel, retail, gateway mixed use, boardwalk, riverfront, entertainment, Atlantic Avenue, and Surfside Village. The degree of mixed use varies as only the gateway mixed use area (and maybe Surfside Village) permits residential units.

In the downtown area, the four districts include Beach street retail, commercial business district, commercial, and business motor vehicle. None of the four districts permit residential usage.

Volusia County

The Volusia County Comprehensive Plan provides land location guidelines for residential areas that support SG principles:

> 7. [residential units are] encouraged as infill in areas with adequate existing infrastructure or as an expansion into areas capable of meeting the concurrency program with regard to these types of facilities;

> 9. multi-family and duplex residential development may be suitable to serve as a transitional use between higher density development, such as commercial, and lower density development, such as single family residential.

In addition, there is a Business Planned Unit Development district which would support development of less than 2 acres for non-residential and 4 acres for residential.

Port Orange

In addition to the standard residential districts, Port Orange's LDR contains two residential districts that serve as transitional areas. The Two family (R-2D) district is a transitional area between multi-family and single family districts, and the R20 SF serves as a transitional zone between rural low and medium density areas. No other uses are permitted.

The Neighborhood Commercial District " is intended to provide for limited commercial uses within easy walking and biking distance of residential neighborhoods. Development standards and allowed uses are designed to insure compatibility with adjacent residential uses. Individual NC districts should generally be limited to a maximum area of two acres." Within this designated district as well as for the other three commercial districts, no residential use is permitted

This district complements the Neighborhood Preservation District that "is designed to preserve the character, housing mix and density of existing older mixed use neighborhoods by providing for compatible infill development and redevelopment, where enforcement of the dimensional requirements of other conventional and contemporary residential zoning districts would not be possible" This district permits a variety of single and multi-family residences, including garage apartments, but no retail or commercial uses are permitted.

The Planned Unit Development (PUD) Districts is similar to the PDD found in Deland's LDR's. The PUD is "intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this code". Of the land occupied by the PUD, at least 60% must be considered open space, while 20% must be common open space. There is no minimum acreage threshold.

The Ridgewood Development District "is designed to encourage the development and redevelopment, modernization, and beautification of the Ridgewood Avenue corridor, while maintaining its traffic capacity, and protecting the integrity of adjoining residential areas". It permits a variety of uses, including 41 commercial and retail uses, with mult-family housing identified as a special exception use.

The Planned Community District "is intended to provide a convenient, flexible way to create integrated mixed-use communities in vacant areas slated for development, as well as in officially designated redevelopment districts where the wholesale redevelopment of large tracts is envisioned." This district requires a minimum of 750 acres in vacant land tracts and 25 acres in Redevelopment areas.

Deltona

The zoning codes for Deltona contain residential districts that entail one unit per five acre and per one acre classifications, termed Residential Estate Five and Residential Estate One districts. "to provide for future low density subdivisions that may include trails, open space, golf courses, equestrian amenities and accessory uses."

There is support for clustering of homes and higher densities, as permitted uses include:

"Patio homes on individual lots, Single-family attached villas, and townhomes when adjacent to golf courses, open spaces, or protected conservation areas of 50 acres or more, or adjacent to collector or arterial roads. Such units are permitted only for the purpose of establishing density credits for open space and recreational areas (such as golf courses and parks) and to use density credits for the establishment of conservation When patio homes are part of a development: easements. They must be buffered from large lot single family development by a combination of open space and vegetative screening of at least 100 feet depth. "

"Minimum lot size may be reduced to 10,000 square feet in clustered development when community or public water and wastewater systems are provided, excluding community septic tanks"

If single family patio homes are part of a development, then minimum lot sizes are 7500 square feet. If there are single family townhomes, then the minimum lot size can be 1600 square feet.

There is clearly a commitment to encouraging usage of existing water and sewer facilities, as growth can be much denser if such facilities are used. With septic tank hookup, there are no exceptions to the maximum density of one home per one or five acres.

Lake Helen

The City of Lake Helen does not permit multifamily residents. All residential districts are single family, with five districts permitting residents that range from 1 units per acre

to one unit per five acres. All districts do allow for one accessory dwelling unit to accompany each single family district.

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High Density Commitment

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The commitment to higher than usual residential densities is unclear in area LDR's. In Deland, there is a maximum of 16 units per acre; in Port Orange, a maximum of 12 unit per acre in highest density district; while Volusia County allows max of 20 units per acre. These are found primarily in multifamily zoning districts. The mixed use districts identified above do not seem to support higher densities than these mentioned.

III.B. Housing Options—Increased Range

Smart Growth should expand the range of housing choices for citizens, including those choices designed for different age groups, incomes and household sizes. A goal of this expansion should be to allow people to remain in the same neighbourhood through different life stages. A variety of mechanisms or tools are possible, including accessory dwelling units ("granny flats"); inclusionary zoning ordinances, density bonuses, and community land trusts. In addition, there are a variety of government supported programs to encourage low and moderate income residents to purchase homes, as well as programs such as Community Development Block Grant Programs that support rehabilitation of existing homes.

LDR commitment to expanding housing choice seems limited. There is no mention of affordable housing in any LDR reviewed. Such support does appear in Comprehensive Plans, an example of which is what is found in Volusia County and the City of Port Orange.

The Volusia County Housing element encourages a variety of housing options. It also mentions a density bonus given to developments that include affordable housing:

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

> 5.1.1.13 Volusia County shall streamline the permitting process and minimize costs for any new residential construction that is deemed an affordable housing project by the Volusia County Housing Activity. This shall include at least a 20% reduction in the usual time it takes to process local permits and consideration of waiver or full or partial reimbursement of applicable impact fees.

There is some indication that the affordable housing support is found within the context of the PUD efforts within the County.

The Housing Element in the Comprehensive Plan for Port Orange (1998 Update) contains language that may reflect analysis appropriate for six years ago. Perhaps growing trends would suggest the need to readdress the affordable housing issue in Volusia County. Port Orange recognized that:

"Supplying affordable housing will continue to be the greatest challenge for the City. By maintaining the existing stock of older homes and mobile homes and continuing to provide sites for a variety of housing types and densities, the City should be able to meet this need (p. 150)".

The stated Housing Element Goal to "provide safe, affordable and sanitary housing and a pleasant living environment for all city residents". To help achieve this goal, Objective 3 states:

> Increase the supply of safe, affordable and sanitary housing for
> very low, low and moderate-income households. By the year 2005,
> approximately 3,000 units should be provided for these households,
> with an additional 2900 units by the year 2015. Dwelling types
> should consistof mobile homes, apartments , townhomes, duplexes,
> and detached single-family homes. (p. 155)

The ten policies that follow all support increasing affordable housing units. For the purposes of SG, three policies seem especially relevant:

> 3.7 Establish a density bonus mechanism b the year 2002 that will allow
> increased density in private-sector housing developments that make
> provisions for a certain amount of low-to-moderate-income housing
>
> 3.8 The City shall consider the donation of excel City-owned, residentially
> zoned properties and in-fill lots to non-profit organizations that renovate
> or construct very low and low-income housing, such as Habitat for Humanity
>
> 3.9 The City shall foster public-private partnerships to maximize the creation
> of affordable housing (p. 156)

As will be discussed in other parts of the final report, these three policies lend themselves to various more specific solutions:

- adoption of inclusionary housing ordinances and density bonuses.
- Creation of and support for mechanisms such as community land trusts that will be able to maintain affordable housing units.

There is commitment to affordable housing throughout Volusia County through the Community Block Grant Programs, the Florida Housing Initiative Partnership Programs (SHIP) and similar programs such as Daytona Beach's Affordable Home Ownership

Assistance Program. There is little indication in the LDR, however, that supports the creation of additional affordable housing units.

III.C. Support from Existing Infrastructure

Smart Growth suggests that development should make more efficient use of public funds: Making better use of existing infrastructure and reduce demands for new roads and services. As much as possible, new development should be located near existing development and infrastructure.

The concurrency management regulations, found in every LDR, would seem to support this smart growth principle, since a community must demonstrate that appropriate infrastructure capacity will be available for a given development at the time of its completion. A strict adherence to smart growth may mean a stricter interpretation of current concurrency management, as it may be preferable to approve development only when water, sewer, transportation and other infrastructure is in place at the time of approval rather than at the time the development is completed. This issue warrants further discussion.

III.D. Protection of open space, farmland and natural areas

The support for this smart growth principle seems more appropriate for new development, and is found in those LDR's that focus on wetland preservation, regulations dealing with removal and replacement of trees, shoreline regulations, and the identification and preservation of natural species of animals, birds and plants.

In addition, some codes such as the Port Orange PUD identified above specifically mentions minimum open space requirements. Comprehensive plan elements such as that found in Volusia County also support this principle:

> [development can]be allowed to locate in association with environmentally sensitive or unique natural sites, where it can be demonstrated that the built environment can be designed to minimize the impact on the natural qualities of the site through significant buffering, preservation, and restoration.

III.E. Increases Range of Transportation or Getting Around Choices

If compact mixed development is supported, increased transportation choices such as walking, cycling and public transportation should be increased. These "walkable communities" should also allow for travel to work, shopping and recreation that does not require the use of personally driven vehicles. Shorter commutes to work should be possible.

A review of LDR's found little to support expanding the range of transportation choices, with the exception of the recognition of this goal within the language supporting the most flexible mixed use districts. Also, as is suggested by the Volusia County Comprehensive Plan, there is a recognition of the need for alternatives in other ways. In the Transportation Element, there is a discussion of a commitment to building sidewalks and providing bicycle trails. In addition, support for Votran is mentioned.

III.F. Enhances and Creates Communities

Smart growth:

- Respects community character, design and historic features; and
- Provides "lively and attractive urban live/work/play environments"

There are many indications in the examples of mixed use provided above that support the redevelopment of historically based neighborhoods and communities. These include Historic Districts, e.g., those found in Deland and Daytona Beach, as well as specific neighborhood preservation districts mentioned in Port Orange, Daytona Beach, and elsewhere.

IV. Tools

The following are additional tools that could be further investigated and proposed for adoption by Volusia County municipalities as part of the Smart Growth Implementation Initiative:

a. smart growth codes;
b. cluster development zoning;
c. inclusionary zoning ordinances (affordable housing);
d. granny flats;
e. Business financial assistance programs;
f. Step impact fees;
g. Innovative parking regulations;
h. Density bonuses;
i. Assessing the true cost of greenfield development, e.g., what water and sewer actually costs, not what might be presently charged a developer
j. Rural development
k. Educational Facilities Benefit Districts