



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

**PUBLIC HEARING:** September 12, 2017 – Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** CPA-17-008

**SUBJECT:** A Large Scale Comprehensive Plan Amendment to the Future Land Use Element to address single-family residential infill development in urban areas.

**APPLICANT:** Planning and Development Services Division

**STAFF:** Susan Jackson, AICP, Senior Planning Manager

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## **I. Summary of Request**

Single-family residential infill properties in urban areas are typically required to meet a minimum density upon development in accordance with their future land use designation. Occasionally, due to size, shape or other impediment, these properties are unable to meet the minimum density requirement and are, therefore, rendered inconsistent with the comprehensive plan and undevelopable within the assigned land use designation. This amendment seeks to provide relief to the minimum density requirement if specific criteria are met.

### **Staff Recommendation:**

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA-17-008, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for review and to the Volusia Growth Management Commission (VGMC) for certification.

## II. Overview

Urban residential future land use designations contained in the Future Land Use Element of the Volusia County Comprehensive Plan require a minimum and maximum density upon development. The urban designations that allow residential development and their associated densities are presented in the following table:

FLU Designation	Density = Dwelling Units per Acre	
	Minimum	Maximum
Urban Low Intensity (ULI)	0.2	4.0
Urban Medium Intensity (UMI)	4.1	8.0
Urban High Intensity (UHI)	8.1	20.0
Low Intensity Urban (LIU)	n.a.	1.0
Osteen Commercial Village	8.0	12.0
Osteen Mixed Use Village	4.0	8.0
Osteen Urban Residential	4.0	8.0

When subdivision of a property is proposed, it must provide a minimum number of lots to meet the minimum density, while not exceeding the maximum density. In addition, it must meet the minimum standards of the zoning classification assigned to the property. On rare occasions, an undeveloped or under-developed infill property may be unable to meet these requirements. The property may be shaped in such a way that the minimum density requirement and the zoning standards conflict.

A recent example that brought this issue to the forefront is a property that is designated UMI and zoned R-4. Both the land use and zoning are compatible with the surrounding development pattern. The property is 1.51 acres with 315 feet of road frontage. The future land use designation requires a minimum of 4.1 lots per acre, which equates to 6 dwelling units for this property. The R-4 zoning standards require that the lots be a minimum of 75 feet wide and 7,500 square feet in area. However, based on its width, the property can only accommodate 4 lots that meet these zoning standards. Thus, the lot is rendered inconsistent with the comprehensive plan if developed to the existing zoning standards.

A rezoning to a classification that allows a smaller lot size could be an option; however, it would be incompatible with the surrounding zoning and existing development pattern. It is further complicated by the lot already having an existing house on it. Any subdivision of the property must ensure that the existing house meets the setback standards of the applied zoning classification. The placement of the existing house exacerbates the issue because one lot would use up approximately one-third of the developable property, requiring the remainder to be split into 5 lots, none of which could meet the minimum zoning standard. As a result, the property is essentially unable to be further developed.

In this rare case, it makes sense to allow the property to develop at less than the minimum density dictated by the future land use designation. The intent of having minimum densities is to discourage urban sprawl by encouraging higher density development where urban infrastructure and services are already in place. However, when the minimum

standards preclude any development, the intent of this mechanism is thwarted. In this example, discouraging urban sprawl can better be met by allowing development at less than the minimum standard, than by not allowing development at all, due to the inability of the property to achieve the minimum density. Essentially, allowing development at less than the minimum density allows development to get closer to the goal, rather than not allowing it at all.

To address these rare cases, an amendment to section C.4 of the future land use element is proposed. This section addresses the criteria for determining residential densities. The proposed amendment provides specific conditions that must be met in order for a property to develop below the required minimum density. In addition, a new policy is proposed that supports this limited exemption for minimum density requirements: future land use policy 1.1.3.12. These amendments are provided in strike-through/underline format in the attached proposed ordinance 2017-21.

Also, as a housekeeping item, subsection C.4(3) is proposed for deletion. This policy is redundant in its intent and ambiguous in its implementation. As written, it implies that gross residential density may not include flood-prone areas, endangered natural habitats, and other environmentally sensitive areas, and further, that these areas will be determined on a case-by-case bases predicated on a landowner's request and based on site-specific information and related planning data. Unlike environmentally sensitive wetland areas, which are specifically assigned a density of 1 dwelling unit per 10 acres, this section sets up an arbitrary determination of what might be appropriate densities. Furthermore, the county's application of future land use designations already recognizes the environmental sensitivity of any particular property. Most such properties are designated as Environmental Systems Corridor and/or have an Overlay designation of Natural Resource Management Area or Environmental Core Overlay that provides further protection from inappropriately intense development. Because of this redundancy, this policy is proposed to be deleted.

Clarification of policy 1.1.3.11 is proposed as another housekeeping item. This policy supports urban infill by offering incentives of reduced parking and impact fees. The policy inadvertently reads as though residential uses would be eligible for a parking reduction. The minimum parking standards are 2 spaces per residential unit, whether it be single or multifamily. Reducing these standards has the effect of forcing unsafe parking within rights-of-way or on yards not intended for use as parking areas. Should a multifamily infill project propose a parking reduction, it can still be approved subject to a parking study documenting its practicality.

### **III. Staff Recommendation**

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA 17-008, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for review and to the Volusia Growth Management Commission (VGMC) for certification.

#### **IV. Attachments**

- Draft Ordinance 2017-21

ORDINANCE 2017 - 21

1  
2  
3 AN ORDINANCE OF THE COUNTY COUNCIL OF  
4 VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA  
5 COUNTY COMPREHENSIVE PLAN ADOPTED BY  
6 ORDINANCE NO. 90-10, AS PREVIOUSLY AMENDED, BY  
7 AMENDING CHAPTER 1, FUTURE LAND USE ELEMENT,  
8 SECTION C-4 AND SECTION D; PROVIDING A POLICY  
9 FOR RELIEF TO THE MINIMUM DENSITY  
10 REQUIREMENT; BY AUTHORIZING INCLUSION IN THE  
11 VOLUSIA COUNTY COMPREHENSIVE PLAN; BY  
12 PROVIDING FOR SEVERABILITY; AND BY PROVIDING  
13 AN EFFECTIVE DATE.  
14

15 WHEREAS, Section 163.3161, et seq., Florida Statutes, creates the Community  
16 Planning Act (Act); and

17 WHEREAS, Section 163.3167, Florida Statutes, requires each county in the  
18 State of Florida to prepare and adopt a Comprehensive Plan; and

19 WHEREAS, the council adopted the Volusia County Comprehensive Plan by  
20 Ordinance No. 90-10 pursuant to the Act; and

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

23 WHEREAS, the council desires to take advantage of this statute and amend the  
24 Volusia County Comprehensive Plan; and

25 WHEREAS, the council has provided for broad dissemination of the proposed  
26 amendment to the Comprehensive Plan in compliance with Sections 163.3181 and  
27 163.3184(3) and (11), Florida Statutes; and

28 WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County  
29 Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated

1 the Volusia County Planning and Land Development Regulation Commission as a local  
2 planning agency for the unincorporated area of the County of Volusia, Florida.

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

5 **(Words in ~~strike through~~ type are deletions; words in underscore type are**  
6 **additions; annotations are reflected in text blocks with shaded backgrounds and**  
7 **are for reference purposes only and not a part of the formal amendment.)**  
8

9 The Volusia County Comprehensive Plan adopted by Ordinance No. 90-10, as  
10 previously amended, is further amended as follows:

11 **SECTION I:** Chapter 1, Future Land Use Element, is amended as more  
12 particularly described in Exhibit A, attached hereto, and by reference made a part  
13 hereof. Objective and policy reference citations shall be administratively renumbered as  
14 appropriate, but are not reflected in the underline/strikethrough of Exhibit A.

15 **SECTION II:** SEVERABILITY. Should any section or provision of this  
16 Ordinance, or application of any provision of this Ordinance, be declared to be  
17 unconstitutional, invalid, or inconsistent with the Volusia County Comprehensive Plan,  
18 such declaration shall not affect the validity of the remainder of this Ordinance.

19 **SECTION III:** EFFECTIVE DATE. Within ten (10) days after enactment, a  
20 certified copy of this Ordinance shall be filed in the Office of the Secretary of State by  
21 the Clerk of the County Council and transmitted to the state land planning agency and  
22 any other agency or local government that provided timely comments pursuant to the  
23 expedited state review process in Section 163.3184(3), Florida Statutes. This  
24 Ordinance shall take effect upon the later of the following dates: a) 31 days after the  
25 state land planning agency notifies the County that the plan amendment package is

1 complete and the issuance of a certificate of consistency or conditional certificate of  
2 consistency by the Volusia Growth Management Commission, or b) issuance of a final  
3 order by the state land planning agency or the State of Florida Administration  
4 Commission determining the amendment adopted by this Ordinance to be in  
5 compliance.

6 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**  
7 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT**  
8 **THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**  
9 **AVENUE, DELAND, FLORIDA, THIS 19th DAY OF OCTOBER A.D. 2017.**  
10

11	ATTEST:	COUNTY COUNCIL
12		COUNTY OF VOLUSIA, FLORIDA
13		
14	_____	_____
15	James T. Dinneen, County Manager	Ed Kelley, County Chair

EXHIBIT "A"

**CHAPTER 1**

**FUTURE LAND USE ELEMENT**

\* \* \* \*

**C. INTERPRETATION OF FUTURE LAND USE DESIGNATIONS**

\* \* \* \*

4. Determining Density/Intensity.

a. Residential Density - The basic unit of measurement of residential density is "dwelling unit per gross residential acre."

(1) Certain nonresidential uses may be included in the gross residential acreage if: 1) all the acreage is under the same ownership; or 2) the acreage is under multiple ownerships but is developing within a legally unified development plan such as a Development of Regional Impact or Planned Unit Development. Under these specific conditions, among the land uses that may be included in the "gross residential acreage" are the following:

- housing sites;
- internal streets;
- parking;
- landscape buffers;
- public schools sites donated at the time of development;
- local public parks donated at the time of development;
- retention areas;
- fire stations and police stations;
- private recreational open spaces that are protected in perpetuity by covenant;
- public or semi-public utility sites and facilities;
- easements or right-of-way donated at the time of development approval;
- conservation easements donated at the time of development approval; and,
- nature preserves and water bodies created as open-space amenities during project development.

(2) Among the uses not considered to be part of the "gross residential" area when computing the number of units permitted are the following:

- existing natural and artificial water bodies;
- industrial, commercial and office sites;

## EXHIBIT "A"

- communication facility sites;
  - private utility sites;
  - existing rights-of-way that extend through the border of the project boundary, i.e., county roads, etc.;
  - non-local parks and nature preserves;
  - universities and colleges and other institutional uses;
  - any land that has been credited for other development;
  - previously dedicated road rights-of-way; and,
  - any already-developed parcels whether underdeveloped or not.
- (3) ~~To meet minimum density requirements areas that may not be considered as part of gross residential density include flood prone areas, endangered natural habitats, and other environmentally sensitive areas. Determination of density for these areas will be done on a case-by-case basis predicated on a landowner's request based on site-specific information and related planning data.~~
- (4) ~~Wetlands density allowance. Generally the allowable gross density for wetlands is one (1) dwelling unit per ten (10) acres. If the property is designated as Environmental Systems Corridor, then the density is calculated at one (1) dwelling unit per twenty-five (25) acres, as provided in Chapter 12, Conservation Element. If the property is designated as Forestry Resource, then the density is calculated at one (1) dwelling unit per twenty (20) acres.~~
- (4) Exception to minimum density requirement. Residential development may be exempt from meeting density requirements of a particular future land use designation subject to meeting each of the following criteria:
- The property is considered an infill parcel within an urban future land use designation;
  - The proposed development is compatible with the existing surrounding development pattern;
  - The property is no greater than five (5) acres in area;
  - The property complies with or is exempt from the county's subdivision regulations;
  - The size, shape and/or presence of natural or man-made features limits the ability to develop the property at the minimum density of the future land use designation;
  - Amending the future land use designation of the property to a designation that permits a lesser density would be incompatible

EXHIBIT "A"

with surrounding land uses and with surrounding development patters; and

- Subdivision of the property shall meet or exceed the minimum standards of the applicable zoning classification and land development regulations.

The implementation of this policy does not mandate maximum development of the subject property.

\* \* \* \*

**D. GOALS, OBJECTIVES & POLICIES:**

GOAL:

- 1.1 Ensure that future growth is timed and located to maximize efficient use of public infrastructure.

\* \* \* \*

POLICIES:

\* \* \* \*

- 1.1.3.11 New developments inside designated urban areas on the Future Land Use Map will be considered urban infill under the following circumstances: within existing platted subdivisions, amongst existing development, and utilities are currently available. Projects that meet the above criteria may be eligible for a ~~25% reduction in required parking and~~ 20% reduction in road and recreation impact fees. Nonresidential projects may be eligible for a 25% reduction in required parking.

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