

**County of Volusia  
Affordable Housing Advisory Committee  
Affordable Housing Incentive Strategies  
2019 Report - Final**

**Executive Summary**

**I. Executive Summary Overview:**

The Volusia County Affordable Housing Advisory Committee consists of eight members who were appointed by County Council in 2018 (“2018 AHAC”) in accordance with the requirements of local ordinance and the State Housing Initiatives Partnership program statute (“SHIP Act”). At a minimum, the AHAC is required to complete an evaluation every three years of eleven affordable housing incentive strategies detailed in the SHIP Act (“triennial review”). The triennial review is to include the status of implementation of adopted strategies, and recommendations of the AHAC regarding the incentive strategies to the Volusia County Council. The report commences with the Executive Summary, followed by the full report. The full report contains the detailed listing of all of the recommendations made by the 2018 AHAC for each strategy.

**II. Incentive strategies required for continued SHIP funding**

The SHIP Act requires that two of the eleven incentive strategies detailed in the statute (Strategy (A) and (I)) must be adopted and incorporated into the SHIP jurisdiction’s local housing assistance plan, and must be implemented in order to continue to receive SHIP funding. County Council most recently adopted Strategy (A) and (I) on April 7, 2016. In adopting these strategies, the County Council did not take action on the individual recommendations for each strategy made by the previous AHAC.

**Strategy A: The processing of approvals of development orders or permits for affordable housing project is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.**

- Three recommendations were made by the AHAC which focused on developing a comprehensive packet targeted to the process for developing affordable housing projects in Volusia County and promoting the information to the development community.

**Strategy I: The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.**

- Two recommendations were made by the AHAC which were to continue with the regulatory review process described in Appendix B and provide a report on the implementation of this process to the AHAC at least triennially.

**III. Additional Incentive Strategies**

In addition to the two required affordable housing incentive strategies, the SHIP Act includes nine incentive strategies that must be considered by the AHAC but are not required to be adopted by a SHIP jurisdiction. These strategies are grouped together as the “Additional Incentive Strategies” in the Executive Summary, and in the full report which follows the Executive Summary. County Council did not take any action on these strategies or the AHAC recommendations in April 7, 2016.

**Strategy B: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.**

- No recommendations were made

**Strategy C: The allowance of flexibility in densities for affordable housing.**

- Two recommendations were made by the AHAC concerning the enactment of modifications to the cluster subdivision rules, and establish a graduated scale to provide a greater density increase for projects that set aside more units for affordable housing.

**Strategy D: The reservation of infrastructure capacity for housing for very-low income persons, low-income persons, and moderate-income persons.**

- No recommendations were made

**Strategy E: The allowance of affordable accessory residential units in residential zoning districts.**

- One recommendation was made to create a new definition of accessory dwelling structures.

**Strategy F: The reduction of parking and setback requirements for affordable housing.**

- One recommendation was made to reduce front, rear and side yard setbacks as part of the affordable housing clustering.

**Strategy G: The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.**

- Three recommendations were made to increase flexible lot configurations by decreasing minimum lot sizes, discontinue practice of administratively combining non-conforming lots, and allowing a non-conforming principal residence to be replaced under a variance process.

**Strategy H: The modification of street requirements for affordable housing.**

- One recommendation was made to review the Land Development Code to allow on-street parking in very limited circumstances.

**Strategy J: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.**

- Two recommendations were made to consistently review county-owned surplus land to determine suitability, and to publicize the inventory on the County's website.

**Strategy K: The support of development near transportation hubs and major employment centers and mixed-use developments.**

- One recommendation was made to determine if infrastructure is available in planned transportation hubs (e.g., adjacent to planned commuter rail stations).

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**Overview of the role of the Affordable Housing Advisory Committee**

The Volusia County Affordable Housing Advisory Committee (“AHAC”) was created by ordinance adopted by the Volusia County Council on May 22, 2008. On June 19, 2008, the County Council appointed by resolution eleven (11) members to serve on the Committee (the “2008 AHAC”). The 2008 AHAC held public meetings and reviewed current and proposed policies, ordinances, comprehensive plan provisions and other materials concerning the development of affordable housing in the county. On November 14, 2008, the 2008 AHAC held a public hearing to receive public comment and adopt recommendations for each of the affordable housing incentive strategies. A report was issued that includes current policies and further recommendations for each of the statutorily mandated incentive strategies.

The 2008 AHAC report was presented to the Volusia County Council for action, and on February 19, 2009, the council adopted two of the recommended strategies, Strategy A and I. In compliance with statutory requirements, the AHAC was reconstituted in 2012 and 2016 in order to complete the triennial evaluation and report to Florida Housing Finance Corporation and County Council on the affordable housing incentive strategies.

On April 3, 2018, county council approved amendments to the Volusia County ordinance in order to conform to changes made to the SHIP Act regarding the AHAC’s required membership and composition. The County Council subsequently appointed eight members to serve on the AHAC. Each member represents one of the statutory membership categories as provided in Section 420.9076 (2), Florida Statutes. The 2018 AHAC is presently composed of the following members, as listed by their appointed category:

| <b>Committee Member</b> | <b>Representative Membership Category</b>                                                            |
|-------------------------|------------------------------------------------------------------------------------------------------|
| Anne Brown Evans        | Citizen actively engaged as a not-for-profit provider of affordable housing                          |
| Maxwell Hackman         | Citizen who represents essential service personnel                                                   |
| Allen E. Harrell        | Citizen who is an advocate for low-income persons in connection with affordable housing              |
| Margaret Hart           | Other appointee                                                                                      |
| Waylan Niece            | Citizen who resides within the unincorporated area of Volusia County                                 |
| Susanne I. Odena        | Citizen actively engaged as a real estate professional                                               |
| Rosemary Walker         | Citizen actively engaged in residential home building industry in connection with affordable housing |
| Vacant                  |                                                                                                      |

On September 6, 2018 an organizational meeting of the 2018 AHAC was held and Allen Harrell was elected to serve as the Chair, Maxwell Hackman was elected to serve as the Vice-Chair, and Anne Evans was elected to serve as the Secretary. All meetings were conducted as public meetings. The meetings included presentations and discussions by Volusia County staff from the Growth and Resource Management (GRM) and Community Assistance Division (CAD) to provide

information to the committee relative to incentives for affordable housing and the status of implementation.

The meetings focused on the statutory requirements of the AHAC to complete the triennial evaluation of the implementation by Volusia County of the previously adopted incentive strategies, as well as other actions taken by Volusia County that relate to the incentive strategies listed in s. 420.9076 (4) (a)-(k), F.S., and the report to the Volusia County Council. Of the 11 incentive strategies that are required to be considered by the AHAC, only two of the incentives are statutorily required to be included in Volusia County's local housing assistance plan ("LHAP") as a condition of receiving SHIP funding. These two incentive issues are Incentive Strategy A, expedited review for affordable housing projects, and Incentive Strategy I, the process for regulatory review of decisions that impact housing cost.

The required notice was published in the Daytona Beach News-Journal and a public hearing was held on March 13, 2019 to receive public comment to the proposed recommendations. The AHAC report and recommendations will be submitted to the Florida Housing Finance Corporation and presented to the Volusia County Council for review and action at their regularly scheduled meeting on May 7, 2019 in the County Council Chambers, Thomas C. Kelly Administration Building, 110 W. Indiana Avenue, DeLand, Florida.

#### **IV. Incentive strategies required for continued SHIP funding**

The SHIP Act requires that two of the eleven incentive strategies detailed in the statute must be adopted in the SHIP jurisdiction's local housing assistance plan and implemented in order to commence SHIP funding, and continue to receive SHIP funding (s. 4071 (16) F.S.). The two required strategies are known Strategy (A) and (I), which reflects their numbering within s. 4076, F.S.

**Strategy A: The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.**

##### 2018 Status

- Strategy A was most recently adopted by County Council on April 7, 2016, and is included in the Volusia County local housing assistance plan (LHAP).
- County employees were previously tasked as the ombudsmen for Growth and Resource Management and continue to assist developers and citizens through the development process as requested on affordable housing matters.
  - Only one project has been submitted in the preceding three years requiring the ombudsman's assistance, that being Lisbon Parkway Townhomes.
    - The project is a 30 unit multi-family project located in the Spring Hill CRA area.
    - The project obtained zoning approval, including a density bonus, in 2015.
    - The final site plan development order was issued in January, 2018 and has not broken ground yet.
- The permitting process remains streamlined.
- There are links to the Community Assistance Division home page regarding the Housing and Grants Administration that may be found on the Growth and Resource Management's Planning and Development Services (PDS) home page.
  - PDS has also updated its applications and forms to call out affordable housing projects.
- The AHAC made three recommendations regarding this strategy.

##### Recommendation 1:

- A comprehensive packet regarding affordable housing development should be created. The packet should include, but not be limited to the following:
  - The process, procedures, and requirements for developing affordable housing
  - A development checklist
  - A timeline for approvals, permits, etc.
  - The standards for expediting approvals for each stage of the development process (zoning, platting and building permits, etc.)

A link to this packet should be placed on the appropriate section(s) on the County webpage.

**Recommendation 2:**

- Information regarding the affordable housing development process should be promoted and shared with the development community including non-profit agencies and other interested organizations.

***Staff Comment:***

- The staff from Community Services and Growth and Resource Management departments should develop a public information program that can be presented to various groups involved with development (e.g. Volusia Building Industry Association, Volusia County Association for Responsible Development) to encourage local developers to partner with the county in developing attainable housing.

**Recommendation 3:**

- A team of County employees will continue to assist developers of affordable housing by shepherding both the applicant and application through the review process.

***Staff Comment:***

- Staff will provide a team consisting of representatives from planning, zoning, building and engineering to ensure that applicants for affordable housing projects are aware of all the requirements before entering into the review process. The goal is to ensure that all of the plans developed for an affordable housing process comply with all the applicable codes from the start. This effort will minimize time for plan review and avoid potential increases in development costs.

**Strategy I: The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.**

**2018 Status**

- Strategy I was most recently adopted by County Council on April 7, 2016, and is included in the Volusia County local housing assistance plan (LHAP).
- The Growth and Resource Management/Development Review Committee submits a quarterly summary to the Community Assistance Division that summarizes if any actions anticipated to be taken during the next quarter could increase the cost of housing.
- The Development Review Committee also has discretionary waiver abilities that could be used to modify development requirements where appropriate.
- The AHAC made two recommendations regarding this strategy.

**Recommendation 1:**

- The regulatory review process (regarding governmental policies, procedures, ordinances, regulations, plan provisions, et al.), as described in Appendix B, should continue to be implemented to identify actions that could adversely affect the cost of housing.

### Recommendation 2:

- A report on the implementation of the revised regulatory review process, as described in Appendix B, should be reviewed triennially by the Affordable Housing Advisory Committee.

## **V. Additional incentive strategies**

In addition to the two required affordable housing incentive strategies, the SHIP Act includes nine affordable housing incentive strategies that must be considered by the AHAC but are not required to be adopted by a SHIP jurisdiction. These strategies are grouped together as the “Additional Incentive Strategies” in the Executive Summary, and in the full report which follows the Executive Summary. The County Council accepted by report of the 2016 AHAC, but did not take any action to officially adopt these additional strategies.

### **Strategy B: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.**

#### 2018 Status

- The impact fee ordinance, which will include a 147% increase in single-family residential fees, was adopted on December 8, 2018 and will go into full effect March 4, 2019.
  - Between March 2019 and March 2020, up to 75% of the new fee will be collected.
  - After March of 2020, 100% of the new fee will be collected up-front.
  - From 2020 forward, rates will be indexed according to a state-prescribed formula.
- The county currently has an affordable housing allowance dedicated to paying the accessed impact fees for one qualified affordable dwelling unit per impact fee zone.

*The AHAC did not make any recommendations regarding this incentive strategy.*

### **Strategy C: The allowance of flexibility in densities for affordable housing.**

#### 2018 Status

- The Planned Unit Development (PUD) rezoning process currently available can be utilized to allow lot size reductions for eligible affordable housing projects.
- Density bonuses are allowed through Comprehensive Plan policies.
  - Policy 1.3.3.3 provides a density increase per future land use designation for such housing projects that are certified by the Community Assistance Division and processed as a planned unit development.
  - Policy 5.1.6.2 provides for a 10% density increase for projects that provide low income housing needs.
- The zoning code allows for:
  - Cluster subdivisions in certain residential zones
  - Smaller lot sizes with the balance of the subdivision being kept as open space

These mechanisms can be used in concert with each other to achieve a subdivision aimed at providing affordable housing opportunities.

- The PUD appears to be the principal mechanism to obtain density bonuses.
- Cluster and zero-lot-line subdivision are available options but they cannot exceed the density limits of the underlying Future Land Use.
- The AHAC made two recommendations regarding this strategy.

#### **Recommendation 1:**

- Volusia County should enact modifications to the cluster subdivision rules in the County's Zoning Ordinance to permit clustering in support of density increases for affordable housing.
  - This technique would permit a reduction in lot area from conventional subdivision zoning by concentrating building and thereby increase the residential density for projects that are certified as affordable housing developments.

#### **Recommendation 2:**

- A graduated scale be established that provides the greatest density increase for a single family, affordable housing development that provides a greater number of units set aside as affordable housing.

**Strategy D: The reservation of infrastructure capacity for housing for very-low income persons, low-income persons, and moderate-income persons.**

#### **2018 Status**

- County Council has not taken any action on Strategy D

***The AHAC did not make any recommendations regarding this incentive strategy.***

**Strategy E: The allowance of affordable accessory residential units in residential zoning districts.**

#### **2018 Status**

- The County is in the process of revising the zoning code to define and allow accessory dwellings through the conditional use process.
- Proposed language is currently under Legal Department review, and anticipated to be presented for public hearing in 2019.
- The AHAC made one recommendation regarding this strategy.

#### **Recommendation 1:**

- The County should create a new definition of accessory dwelling structure that is a detached unit requiring kitchen facilities but does not require a garage.

**Strategy F: The reduction of parking and setback requirements for affordable housing.**

#### **2018 Status**

- The PUD appears to be the principal mechanism for flexible residential or mixed use design.



- There are currently no ongoing initiatives to study parking reductions or benefits of on-street parking.
- The AHAC made one recommendation regarding this strategy.

#### **Recommendation 1:**

- Front, rear and side yard setbacks minimum requirements should be reduced as part of the affordable housing clustering.
  - The front and rear setbacks, as well as the side yard setbacks should permit combined minimums to increase flexibility.
- Garage setback standards should encourage flexibility to promote increased density.
- The Affordable Housing Advisory Committee's specific recommendations for reductions in setback requirements are set forth in Appendix A.

#### ***Staff Comment:***

- Planning staff is working on an amendment to the zoning code to allow for a deviation from the standards if an alternative parking study provides justification for a reduced amount of parking.
- Clustering and reduction in setbacks is encouraged within various urban areas and local plans. The rezoning to PUD provides the greatest opportunity for justifiable reductions in setbacks. There will be minimum building separation requirements from the Florida Building Code and the Florida Fire Prevention Code that are handled separately from the rezoning to PUD process.
- On-street parking can be integrated into new developments if there are provisions for ensuring accessibility of emergency vehicles, as well as transit, school bus and sanitation vehicles. Allowing for on-street parking within existing subdivisions has to be reviewed on a case-by-case basis since not all of the older subdivisions provide sufficient road width.

#### **Strategy G: The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.**

##### **2018 Status**

- Staff has identified certain areas that are commonly found to be nonconforming in size, thus requiring combining if under common ownership.
  - These areas are being evaluated for administrative rezoning to more appropriate classifications, thereby alleviating the non-conformity.
- County staff has completed the administrative rezoning of at least two areas of substantial non-conformity, affecting over 100 single-family lots.
- Two more areas, comprising of over 2,000 lots, are under study and are expected to be addressed in 2019.
- Nonconforming regulations are currently being reviewed by County Planning and Legal staff to revise in accordance with those recommendations offered by the 2015/2016 Smart Growth Committee.
- Revisions to the Zoning Ordinance are anticipated by 2019.

- The AHAC made three recommendations regarding this strategy.

**Recommendation 1:**

- The minimum lot size for a single-family unit as part of the affordable housing clustering should be decreased from 5,000 square feet to 3,500 square feet.
- The committee's specific recommendations for reductions of lot size requirements are set forth in Appendix A.

**Recommendation 2:**

- Volusia County should discontinue the practice of administratively combining non-conforming lots that have common ownership if the owner self-certifies that the lots will be developed for affordable housing.

***Staff Comment:***

- There is a variance process that may allow for the exemption from the combination of lots. This would be a preferred method of allowing for the use of non-conforming lots. The self-certification may not be effective with fee-simple ownership of the affordable housing stock. For fee-simple ownership there must be provisions to ensure that the price remains "affordable" as it is sold in the future.

**Recommendation 3:**

- Volusia County should consider allowing a non-conforming principal residence located on non-conforming lots to be replaced with a variance process for affordable housing.

***Staff Comment:***

- This issue can be difficult where the underlying land use and zoning does not allow for residential uses. The only remedy would be an amendment to the zoning classification. In many situations, this may result in spot zoning, which is prohibited.

**Strategy H: The modification of street requirements for affordable housing.**

**2018 Status**

- On-street parking remains prohibited per section 72-612 of the Land Development Code.
- Although a waiver provision exists that allows consideration of such a proposal, public safety concerns associated with allowing on-street parking would likely discourage it.
- The AHAC made one recommendation regarding this strategy.

**Recommendation 1:**

- Volusia County should consider reviewing the Land Development Code to consider permitting on-street parking within designated spaces providing the street is sufficient for public safety and other concerns.

**Strategy J: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.**

2018 Status

- The County's inventory of publically owned lands primarily contains conservation tracts, recreational parcels and the like.
- On January 10, 2019, the County Council adopted an updated inventory of county-owned lands suitable for affordable housing.
  - This inventory is updated at least every three years in conformance with statutory requirements.
- The AHAC made two recommendations regarding this strategy.

Recommendation 1:

- County staff should consistently review county-owned surplus land to determine if it is suitable for affordable housing to be added to the inventory pursuant to statutory requirements.

Recommendation 2:

- The inventory of county-owned surplus land that is suitable for affordable housing should include maps of the lands, and the inventory should be publicized on the County's website.

**Strategy K: The support of development near transportation hubs and major employment centers and mixed-use developments.**

2018 Status

- Most transportation hubs are located within municipalities where the county does not have policy influence.
  - However, the county adopted the SunRail DeLand Area Activity Center, located in proximity to the future DeLand SunRail station.
- The activity center offers higher density development within the transit oriented core district; maximum density 30 dwelling units per acre.
- Accessory dwelling units are permitted within the district.
- Shared parking or alternate parking reduction methods are preferred within the district.
- The AHAC made one recommendation regarding this strategy.

Recommendation 1:

- The County should determine if infrastructure is available in planned transportation hubs (e.g., adjacent to planned commuter rail stations) that would be necessary to support and encourage the development of affordable housing.

## APPENDIX A

### **Affordable housing clustering of dwelling units and zero lot line residential subdivisions.**

*Purpose and Intent:* A development design technique that permits a reduction in lot area by concentrating building to increase the residential density to achieve affordable housing. This technique allows for a reduction in lot area to increase in the number of lots that are permitted under conventional subdivision zoning for projects that qualify as affordable housing projects. The density shall not exceed allowable affordable housing density identified in the Comprehensive Plan.

The following regulations shall apply to cluster and zero lot line subdivisions:

(1) The subdivision must be platted for this type of development, in accordance with the land development code.

(2) The minimum lot dimensions shall be:

Single Family:

Minimum lot size: 3,500 square feet.

Minimum lot width: 35 feet.

Zero Lot Line:

Minimum lot size: 1,120 square feet

Minimum lot width: 14 feet

(3) The minimum floor area for the principal structure shall be:

Single Family: 600 square feet

Zero Lot Line:

480 square feet efficiency unit

575 square feet 1 bedroom

150 square feet each additional bedroom

Maximum dwellings per building: 6

(4) The minimum setbacks for the principal structure shall be:

Single Family:

- Front yard: 10 feet.
- Garage front setback: 25 feet.
- Garage rear alley setback: 5 feet.
- Rear yard: 20 feet.
- Read yard with alley: 15 feet.
- Waterfront yard: 25 feet.
- Side yard: 10 feet combined, 0" minimum allowed

Where a dwelling unit is located on a lot line, a legal provision acceptable to the county council shall be made for permanent access to maintain the exterior portion of the dwelling unit wall along the zero lot line. Doors or other access openings are prohibited on the zero lot line side of the dwelling units. Driveways may be located within the side yard setback on the lot line as well per the illustration.

Zero Lot Line:

- Front yard: 10 feet
- Garage front setback: 25 feet
- Garage rear alley setback: 5 feet
- Rear yard: 10 feet
- Waterfront yard: 20 percent of lot depth but not less than 20 feet.
- Side yard: 0 feet (interior structure)
- 50 feet between fronts or rears of buildings and 25 feet between any other combination of building arrangements.

(5) The maximum lot coverage shall not exceed:

Single Family: 55 percent.

Zero Lot Line: 75 percent.

(6) Accessory structures shall have the following side and rear setbacks:

Rear yard: 5 feet.

Waterfront yard: 25 feet.

Street side yard: 15 feet.

Side yard: 5 feet.

(7) The maximum permissible density of the cluster subdivision shall be consistent with that permitted by the corresponding future land use designation accorded the property by the future land use element of the comprehensive plan.

(8) All other requirements of the applicable zoning classification shall be met.

(9) All cluster and/or zero lot line subdivisions shall adhere to all applicable requirements of the land development code.

## Appendix B

### Regulatory Review Process for Volusia County

1. County staff shall include a statement in their report to the Development Review Committee (DRC) whether the proposed actions being considered by the DRC could increase the cost of housing.
2. The items qualifying as requiring review of potential impact to increase the cost of housing include, but are not limited to:
  - Changes to the definition or classifications of future land use
  - Changes to the definition or classifications of zoning
  - Changes to the definition or classifications of allowable density
  - Changes to the definition or classifications of minimum dimensional requirements
  - Changes to the definition or classifications of land development procedures
  - Changes to the impact fee schedule
3. The DRC will formalize an opinion, including an estimate of the cost impact, which the chair will document.
4. The chair may request additional or clarifying information if needed to address the issue of the cost estimate.
5. The DRC will include the information on the action's potential to impact the cost of housing to the County Council.
6. The Volusia County Affordable Housing Advisory Committee will review the regulatory review process triennially.