

1 **ORDINANCE NO. 2022-679**

2 **An ordinance of the City of Gainesville, Florida, amending the Land Development**
3 **Code (Chapter 30 of the City of Gainesville Code of Ordinances) relating to**
4 **residential density bonuses and the provision of affordable housing, as more**
5 **specifically described in this ordinance; providing directions to the codifier;**
6 **providing a severability clause; providing a repealing clause; and providing an**
7 **immediate effective date.**

8
9 **WHEREAS**, the City of Gainesville, Florida, is a duly constituted municipality having such power
10 and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers
11 Act; and

12 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for
13 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the
14 Florida Constitution, including the exercise of any power for municipal purposes not expressly
15 prohibited by law; and

16 **WHEREAS**, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville
17 to maintain a Comprehensive Plan to guide the future development and growth of the city by
18 providing the principles, guidelines, standards, and strategies for the orderly and balanced future
19 economic, social, physical, environmental, and fiscal development of the city; and

20 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
21 amend and enforce land development regulations that are consistent with and implement the
22 Comprehensive Plan, and that are combined and compiled into a single land development code
23 for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of
24 Ordinances); and

25 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
26 Development Code as described herein; and

27 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
28 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
29 to Section 163.3174, Florida Statutes, held a public hearing on October 26, 2023, and voted to
30 make a recommendation to the City Commission regarding the subject of this ordinance; and

31 **WHEREAS**, at least ten days' notice has been given once by publication in a newspaper of general
32 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
33 Auditorium located on the first floor of City Hall in the City of Gainesville; and

34 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
35 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

36 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
37 described herein is consistent with the City of Gainesville Comprehensive Plan.

38 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

39 **FLORIDA:**

40 **SECTION 1.** Section 30-2.1 of the Land Development Code is amended to add the following
41 definitions. Except as amended herein, the remainder of Section 30-2.1 remains in full force and
42 effect

43 **Sec. 30-2.1. – Definitions.**

44 **Affordable housing** means residential housing that is restricted to and affordably priced,
45 meaning no more than 30 percent of household income is spent on housing, for occupancy by
46 households whose combined annual income for all members does not exceed 80 percent of the
47 most current Area Median Income published by the United States Department of Housing and
48 Urban Development (HUD) for the City of Gainesville Metropolitan Statistical Area (MSA).

49
50 **Area Median Income or AMI** means the most current median income by household size for the
51 City of Gainesville Metropolitan Statistical Area (MSA) as published by the United States
52 Department of Housing and Urban Development (HUD).

53

54 **SECTION 2.** Section 30-4.18 of the Land Development Code is deleted in its entirety as follows.

55 The numbering of Section 30-4.18 will be reserved.

56 ~~**Sec. 30-4.18. Density bonus points.**~~

57 ~~Development criteria described in the density bonus points manual, when met, shall allow~~
58 ~~increases in development intensity based upon the limits in this section. These increases in~~
59 ~~intensity shall be allowed should a developer propose to undertake a project that will result in a~~
60 ~~development sensitive to the unique environmental and developmental needs of the area. For~~
61 ~~each criterion met by the developer, certain points shall be credited to the project. Those points,~~
62 ~~calculated in accordance with the Density Bonus Points Manual, shall determine the maximum~~
63 ~~allowable density.~~

64 **Table V-6: Permitted Density Using Density Bonus Points**

RMF-6		RMF-7		RMF-8	
Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)
0	10	0	14	0	20
26	11	20	15	16	21
52	12	39	16	30	22
79	13	59	17	46	23
108	14	79	18	59	24
138+	15	98	19	75	25

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68 **SECTION 3.** Section 30-4.9 of the Land Development Code is amended as follows.

69 **Sec. 30-4.9. – Development bonus system.**


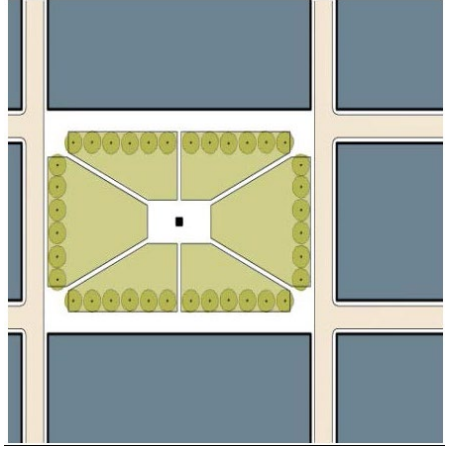
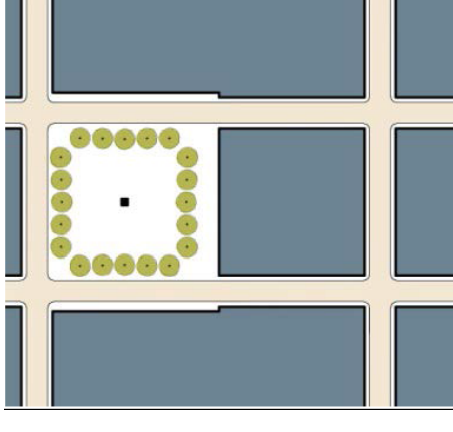

70 A. *Available bonuses.* In accordance with this section ~~and up to the limit allowed with bonuses~~
71 ~~as specified for the applicable zoning district~~, development projects may be eligible for: 1)
72 additional building stories and the corresponding increase in overall building height; and 2)
73 increased residential density. The bonus may be approved based on the provision of certain
74 development improvements that exceed the minimum standards of this article, as follows:

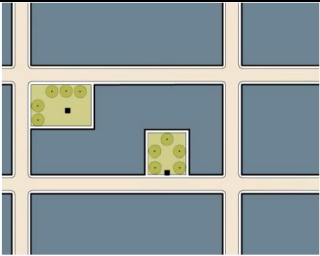
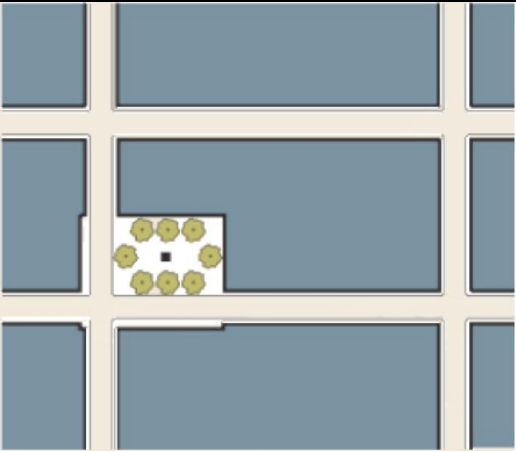
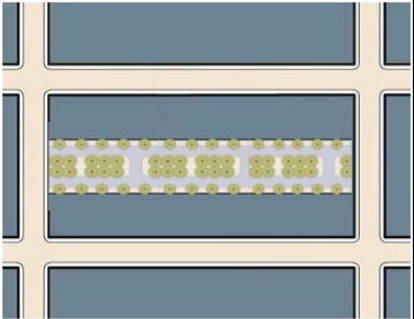
75 B. *Additional building stories/height.*

76 1. *Usable open space.* If a development provides onsite usable open space that is accessible
77 to the public (minimum size of 20' x 20'), additional building square footage above the
78 number of stories allowed by right (and up to the maximum allowed by bonus) may be
79 provided according to the following formula:

80 Square feet of public open space X number of stories allowed by right = additional square
 81 feet. If the total additional square footage meets or exceeds 20% of the total development
 82 site, one additional story is available. If the total additional square footage meets or
 83 exceeds 30% of the total development site, two stories are available.

84 Developments receiving a height bonus must provide at least one form of open space
 85 from the figures and associated standards below:

<p>Green</p> <p>A green is an open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged.</p> <ol style="list-style-type: none"> 1. Greens may be spatially defined by landscaping rather than building frontages. 2. Greens must front on at least two streets. 	
<p>Square</p> <p>A square is an open space for recreation and civic purposes consisting of paths, lawns, and trees, all formally arranged. A square is spatially defined by abutting streets and building frontages.</p> <ol style="list-style-type: none"> 1. Squares shall be located at the intersections of important thoroughfares. 2. Squares must front on at least 3 streets. 3. Façades facing the square should have at least 40% of their first floor's primary façade in transparent windows. 	
<p>Plaza</p> <p>An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages.</p> <ol style="list-style-type: none"> 1. Plazas should be located at the intersection of important streets. 2. Plazas must front on at least one street. 3. Façades facing the plaza should have at least 40% of their first floor's primary façade in transparent windows. 	
<p>Playground</p> <p>A fenced open space designed and equipped for the recreation of children.</p>	

1. Playgrounds shall be located within ¼ mil surrounding neighborhoods.	
2. Playgrounds may be freestanding or located within parks and greens.	
Pocket Plaza	
A formal open space available for civic purposes and commercial activities. Pocket Plazas are typically hardscaped and include landscaping in lawns or permanent planters.	
1. Pocket plazas should be located on side streets.	
2. Pocket Plazas must front on at least one street.	
3. Pocket Plazas may be used to provide seating for outdoor cafes or similar publicly accessible gathering space.	
Promenade	
A linear pedestrian open space between streets that extends through successive blocks. The space largely hardscaped and lined with trees at the edges.	
1. Promenades must be a minimum of 16' wide.	
2. Promenades may include outdoor seating or other similar public amenities.	

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87 2. *Tree preservation.* If a development dedicates an area onsite to preserve one or more
88 heritage trees, the additional building square footage above the number of stories
89 allowed by right (and up to the maximum allowed by bonus) may be provided according
90 to the following formula:

91 Square feet of tree preservation area X number of stories allowed by right = additional
92 square feet. If the total additional square feet meets or exceeds 20 percent of the total
93 development site, one additional story is available. If the total additional square footage
94 meets or exceeds 30 percent of the total development site, two stories are available.

95 3. *Structured parking.* If a development provides structured parking, the maximum number
96 of bonus stories is available. Additionally, within U9 and DT, up to two levels of parking
97 that are constructed within a habitable building are not counted as stories for the
98 purposes of calculating the total number of stories, provided the footprint of the parking

99 structure falls within 75 percent to 100 percent of the footprint of the habitable floors
100 directly above the parking levels.

101 4. *Transit support facilities.* If a development provides onsite facilities, beyond what
102 otherwise is required, to serve existing or planned public transit, including but not limited
103 to bus bays, super bus stops, bus stations, bus lanes, and park and ride lots, one bonus
104 story is available.

105 5. *Undergrounding/relocating utility lines.* If a development undergrounds overhead utility
106 lines beyond what otherwise is required, or relocates existing underground lines in order
107 to facilitate the appropriate placement of street trees or buildings along streets, up to
108 two stories are available for every street segment completed (from intersection to
109 intersection); one story is available for the undergrounding/relocation of utilities along
110 the street frontage of the development.

111 ~~6. *Provision of affordable housing.* One story is available for providing at least five percent
112 of the total development units (total calculated including the additional units achieved
113 with height bonus) as affordable housing units reserved for occupancy by eligible
114 households and affordable to households whose household annual income does not
115 exceed 80 percent of the Alachua County median household income, adjusted for
116 household size, as determined by the United States Department of Housing and Urban
117 Development (HUD), and no more than 30 percent of the monthly household income is
118 paid for monthly housing expenses (mortgage and mortgage insurance, property taxes,
119 property insurance and homeowners dues).~~

120 ~~Two stories are available for either providing: 1) ten percent of the total development
121 units as affordable housing units reserved for occupancy by eligible households and
122 affordable to households whose household annual income does not exceed 80 percent of
123 the Alachua County median household income, adjusted for household size, as
124 determined by HUD, and no more than 30 percent of the monthly household income is
125 paid for monthly housing expenses (mortgage and mortgage insurance, property taxes,
126 property insurance and homeowners dues); or 2) five percent of the total development
127 units as affordable housing units reserved for occupancy by eligible households and
128 affordable to households whose household annual income does not exceed 50 percent of
129 the Alachua County median household income, adjusted for household size, as
130 determined by HUD, and no more than 30 percent of the monthly household income is
131 paid for monthly housing expenses (mortgage and mortgage insurance, property taxes,
132 property insurance and homeowners dues).~~

133 C. *Increased residential density.*

134 1. *Tree preservation.*

RESIDENTIAL DENSITY BONUS				
High Quality Heritage Tree Preservation (fair or better condition):				
Tree DBH	20"—30"	31"—50"	51"—70"	71"+
Bonus DU/Acre	0.5	1	5	10

Regulated Tree Cluster Preservation (fair or better condition):				
Number of trees in cluster	3—5	6—8	9—11	12+
Bonus DU/Acre	0.5	1	5	10

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136 The city manager or designee may grant a density bonus for preserving tree clusters that,
 137 in his or her discretion, reasonably meet the following standards:

- 138 a. Species within the cluster must be on the Gainesville Tree List.
- 139 b. Trees within a cluster must have a minimum average DBH of 8 inches.
- 140 c. Trees within a cluster must be sufficiently spaced as to not have overlapping root
 141 plates.
- 142 d. Laurel oaks, water oaks, slash pines, and loblolly pines may not be included as part of
 143 a cluster.

144 2. Affordable housing. The city manager or designee may grant a density bonus for the
 145 provision of affordable housing units or payment-in-lieu in accordance with division 6 of
 146 article IV of this chapter.

147 D. Review and approval. Each request for a bonus is subject to the approval of the city manager
 148 or designee, based on the criteria outlined above in this section, ~~the criteria used to review~~
 149 ~~special use permits, and the following criteria:~~

- 150 ~~1. The improvement proposed by the applicant provides a significant public benefit in light~~
 151 ~~of the bonus requested; and~~
- 152 ~~2. The proposed design, intensity, and any mix of uses relating to the requested bonus will~~
 153 ~~meet the intent of the transect and will be compatible with the surrounding~~
 154 ~~neighborhood.~~

155 E. Maximum allowable density bonuses. The total density bonuses available to a development
 156 may not exceed a 50 percent increase over applicable available density by right.
 157

158 **SECTION 4.** Section 30-4.13 of the Land Development Code is amended as follows. Except as
 159 amended herein, the remainder of Section 30-4.13 remains in full force and effect.

160 **Sec. 30-4.13. Building form standards.**

161 This section contains the building form standards that determine the location, scale and massing
 162 of all buildings within the transects.

163 **Table V-2: Building Form Standards within Transects.**

TRANSECT	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT
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C. DEVELOPMENT INTENSITY										
Residential density by right/ with bonus ² (max. units per acre) (<u>density bonuses above max may be available</u> ²)	8	15	20	20	75	50/60	50/60	60/80	100/125	150/175

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165 2 = See development bonus system requirements in section 30-4.9 and affordable housing
 166 provision in section 30-4.31.

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168

169 **SECTION 5.** Section 30-4.17 of the Land Development Code is amended as follows. Except as
 170 amended herein, the remainder of Section 30-4.17 remains in full force and effect.

171 **Sec. 30-4.17. Dimensional standards.**

172 The following tables contain the dimensional standards for the various uses allowed in each
 173 district:

174 **Table V-5: Residential Districts Dimensional Standards.**

	RSF-1	RSF-2	RSF-3	RSF-4	RC	MH	RMF-5	RMF-6	RMF-7	RMF-8
DENSITY/INTENSITY										
Residential density (units/acre)										
Min.	None	None	None	None	None	None	None	8 ¹	8 ¹	8 ¹
Max. by right (<u>density bonuses above max may be available</u> ⁹)	3.5	4.6	5.8	8	12	12	12	10	14	20
With density bonus points	-	-	-	-	-	-	-	See Table V-6	See Table V-6	See Table V-6

175

176 9 = See development bonus system in section 30-4.9 and affordable housing provision in
 177 section 30-4.31.

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180 **SECTION 6.** Section 30-4.20 of the Land Development Code is amended as follows. Except as
181 amended herein, the remainder of Section 30-4.20 remains in full force and effect.

182 **Sec. 30-4.20. Dimensional standards.**

183 The following tables contain the dimensional standards for the various uses allowed in each
184 district:

185 **Table V-8: Mixed-Use and Nonresidential Districts Dimensional Standards.**

	MU-1	MU-2	OR	OF	CP	BUS	BA	BT	W	BI	I-1	I-2
DENSITY/INTENSITY												
Residential density (units/acre)												
Min. ¹	8	12	None	None	10	None	None	None	8	None	None	None
Max. <u>by right</u> (density bonuses above max may be available ⁵)	30	30	20	20	30	None	None	None	30	None	None	None

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187 5 = See development bonus system in section 30-4.9 and affordable housing provision in
188 section 30-4.31.

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192 **SECTION 7.** A new Division 6 under *Article IV. -Zoning* of the Land Development Code is added
193 as follows:

194 **ARTICLE IV. – ZONING**

195

196 **DIVISION 6. – AFFORDABLE HOUSING**

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198 **Sec. 30-4.29. – Purpose.**

199 The purpose of this division is to create mixed-income affordable housing through new
200 residential development.

201

202 **Sec. 30-4.30 – Applicability.**

203 A. *Applicable developments.* This division applies to all multiple-family dwelling residential
204 developments, including but not limited to the following situations: an individual
205 developments or a series of developments; construction of a new structure or structures;
206 construction of any additions to an existing structure that results in an increase in the total

207 number of units; alterations to an existing structure that result in an increase in the total
208 number of units; or a change of use that results in an increase in the total number of units.

209 B. Exemptions. The following residential developments are exempt from this division.

210 1. Assisted living facilities (ALFs).

211 2. Residential developments whereby the owner/developer and the city have entered into
212 an approved development agreement.

213 3. Residential developments whereby the owner/developer has submitted a development
214 application to the city prior to the effective date of this article.

215

216 **Sec. 30-4.31 – Affordable housing provision.**

217 A. Affordable housing requirement. When multiple-family dwelling residential developments:
218 1) result in 50 or more newly created residential dwelling units; and 2) are located in the U5,
219 U6, U7, U8, U9, and DT zoning districts, a minimum of 10% of the total number of dwelling
220 units must be reserved for and legally restricted to affordable housing, as defined in this
221 chapter.

222 B. Affordable housing option. Residential developments that are not subject to the affordable
223 housing requirement of subsection A in this section may voluntarily comply with subsection
224 A and this division to receive the available offsets.

225 C. Offsets. Developments that provide affordable housing units or payment-in-lieu, if
226 applicable, will be granted offsets as follows.

227 1. Density bonus. Developments that provide affordable housing units in accordance with
228 subsection A (10% of total units at 80% AMI) will be granted a 30% density bonus above
229 the applicable max density available by right to offset costs associated with the units.
230 Developments that voluntarily restrict all affordable housing units provided to 50% AMI
231 (10% of total units at 50% AMI) will be granted a 40% density bonus above the applicable
232 max density available by right. Developments that voluntarily restrict all affordable
233 housing units provided to 30% AMI (10% of total units at 30% AMI) will be granted a 50%
234 density bonus above the applicable max density available by right.

235 For each additional 10 units of affordable housing that a development chooses to provide
236 above the number of units that equals 10% of the total units, the development will be
237 granted an additional 10% density bonus above the applicable max density available by
238 right.

239 The total density bonuses available to a development may not exceed a 50 percent
240 increase over applicable available density by right.

241 2. Other offsets. In the city's discretion in consideration of fully offsetting the
242 owner/developer's costs associated with providing the affordable housing units,
243 additional offset options may include but are not limited to the following:

244 i. Expedited application processing.

- 245 ii. Intermediate level of development review pursuant to Section 30-3.45, which
246 includes only administrative review and no board review.
- 247 iii. Up to three additional stories above bonus height.
- 248 iv. Reduced fees related to development.
- 249 v. Flexibility regarding form and design standards in Sections 30-4.13, 30-4.14, 30-4.15,
250 30-4.17, 30-4.20, and 30-4.21.
- 251 D. *Calculation.* Calculations of the number of affordable housing units required by this division
252 will be based on the total number of dwelling units in the residential development, including
253 any density bonus units.
- 254 E. *Affordable housing unit standards.* Affordable housing units developed pursuant to this
255 division must comply with the following standards:
- 256 A. Affordable housing units must be provided on-site and integrated with market rate
257 residential units.
- 258 B. Affordable housing units must be reasonably dispersed throughout the residential
259 development, such that no single building or floor therein has a disproportionate
260 percentage of affordable housing units.
- 261 C. Affordable housing units must be comparable to the residential development’s market
262 rate units in terms of unit type, number of bedrooms per unit, quality of exterior
263 appearance, energy efficiency, and overall quality of construction.
- 264 D. Affordable housing units must have access to all on-site amenities available to market
265 rate units, including the same access to and enjoyment of common areas and facilities.
- 266 E. Affordable housing units must have functionally equivalent parking to market rate units
267 when parking is provided.
- 268 F. Affordability period. All affordable housing units provided pursuant to this division must
269 remain as affordable housing units until the applicable development is demolished or
270 converted to non-residential use.
- 271 G. Legal restriction. Applicable developments providing affordable housing units pursuant to
272 this division must include a legal restriction that ensures continued affordability throughout
273 the affordability period. The legal restriction may include a restrictive covenant or other city-
274 approved legal mechanism, which must be submitted to the city for review and approval prior
275 to the issuance of a certificate of occupancy for any unit in the development.
- 276 H. Affordable housing agreement. Owners/developers providing either affordable housing units
277 or a payment-in-lieu pursuant to this division must enter into an affordable housing
278 agreement with the city, prior to the city’s issuance of any building or development permits,
279 to memorialize the affordable housing provided and offsets received.
- 280 I. Other available density bonuses or offsets. Developments receiving density bonuses pursuant
281 to this division may also, in addition, receive other and additional density bonuses or offsets
282 as may be available pursuant to this chapter.

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Sec. 30-4.32 – Payment-in-lieu.

A. *Applicability.* Owners/developers of residential developments that are subject to the affordable housing requirement of Subsection A in Section 30-4.31, and which demonstrate to the city’s discretion that providing affordable housing units in accordance with this division is either not needed or not reasonably practicable, may provide a payment-in-lieu of providing such units. Relevant factors that the city may consider in determining if an owner/developer may submit a payment-in-lieu include, but are not limited to, whether the applicable development site is in a census tract where a majority of dwelling units available are affordable housing as defined in this chapter.

B. *Fee.* The City may establish a payment-in-lieu of fee. Fees collected in accordance with this section must be reserved in a city fund designated for the exclusive use of aiding the creation of affordable housing units in the city, unless required to be deposited into another fund pursuant to federal or state law.

SECTION 8. It is the intent of the City Commission that the provisions of Sections 1 through 7 of this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or relettered in order to accomplish such intent.

SECTION 9. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 10. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 11. This ordinance will become effective on the date the Comprehensive Plan amendment in Ordinance No. 2022-677 becomes effective as provided therein.

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313 **PASSED AND ADOPTED** this _____ day of _____, 2024.

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HARVEY L. WARD, JR.
MAYOR

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316

317

318 Attest:

Approved as to form and legality:

319

320

KRISTEN J. BRYANT

DANIEL M. NEE

CITY CLERK

CITY ATTORNEY

323 This ordinance passed on first reading this _____ day of _____, 2024.

324

325 This ordinance passed on second reading this _____ day of _____, 2024.

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