

**TO:** City Plan Board  
**FROM:** Department of Sustainable Development

**DATE:** June 6<sup>th</sup>, 2022

**SUBJECT:** City of Gainesville. City initiated petition to amend the Comprehensive Plan's Future Land Use Element to revise the Single-Family (SF) land use category to include small-scale multi-family development up to four (4) units per building and rename the category as Neighborhood Residential (NR), amend the Land Development Code to consolidate single family zoning districts into Neighborhood Residential zoning district, introduce single-family detached and small-scale multi-family as uses in Neighborhood Residential zoning districts; amend setback, lot size dimensions, remove occupancy limits, amend bedroom limit within the UF Context Zone, amend compatibility requirements, and amend lot split and minor subdivisions regulations.

**Applicant:** City of Gainesville

## **Discussion**

The City of Gainesville is currently experiencing a period of housing instability that has resulted in unequal housing outcomes for its residents. Per the Exclusionary Zoning and Inclusionary Housing Study done by HR&A, there are three primary issues driving the current housing situation in Gainesville: Housing access and quality, housing cost burden and racial segregation.

Access to housing is severely limited in Gainesville. A total of 63% of residential parcels are zoned single family residential and only allow for the construction of one house. 42% of the single family residential zones are RSF-1 which has the lowest density within all residential zones of 3.5 units per acre along with some of the most generous setback and lot size requirements. This results in a significant amount of land devoted to the construction of single family homes thus restricting the opportunity of diversification of home types needed to meet the needs of all Gainesville residents. This is not consistent with the City's Comprehensive plan Objective 1.2 which is designed to "Provide a variety of housing types and densities for moderate-income, low-income, very low-income, and extremely low-income people." Aside from the zoning restriction of single-family homes, development requirements such as lot sizes and setbacks result in the creation of larger lots within single-family zoning thus further restricting the potential of housing development. Furthermore, large lots, large setback requirements, and the restriction to one single family occupancy attribute to a higher cost for home construction and land ownership. This further restricts who can afford to purchase a home in Gainesville.

With fewer homes available for purchase, Gainesville residents' alternative for housing is renting. 61% of households in the City are renters. Furthermore, the student housing market is the strongest rental market in the City which makes it more difficult for non-students to access rental housing. According to the HR&A Exclusionary Zoning/Inclusionary Housing Study, student renters make up 36% of the total Gainesville population but make up 50% of the population living in housing built after 2000. Consequently, student renters are the primary beneficiaries of new rental housing development in Gainesville.

Aside from the restriction of housing availability, the cost of housing in Gainesville adversely impacts most of Gainesville residents. It's estimated that a household income of \$40,000 is needed to afford the average rent per unit in Gainesville. However, Gainesville's median household income is only \$37,000 with Black households only making 73% of the median. This cost burden is exacerbated by the lack of a diverse housing stock coupled with a significant demand for housing.

The lack of housing access and quality along with the cost burden of housing disproportionately affects Gainesville's Black and minority citizens. Data shows that white households are more likely to live in single family homes while the Black population occupies "missing middle" housing, or buildings that have 2-4 units. Furthermore, only white and Asian households earn consistently above Gainesville's median household income making the average rental unit only affordable to the typical white household.

Furthermore, Gainesville's growth trend is outpacing new housing construction. According to the Bureau of Economics data, Gainesville's population growth has increased by roughly 4.5% within the past five (5) years and will continue to grow at around this rate within the next five (5) years. It's projected that by 2025, Gainesville's population will increase by 6,542. However, according to Census data only 6,036 housing units were added in ten (10) years between 2010 to 2020.

To address the concerns stated above, staff is proposing amending the Comprehensive Plan and the Land Development Code to provide the opportunity for more equitable development while promoting a diversification of Gainesville's housing stock and eliminating restrictive Land Use and zoning regulations. This petition is initiated by the City of Gainesville and proposes several amendments. The amendment discussed in this report pertains to amending lot split and minor subdivision standards.

### **Amending Lot Split and Minor Subdivision Regulations**

Complex regulations and costs associated with required development improvements have worked to limit the efficient and orderly division of property, particularly within single family districts. Predicating approvals of the subdivision of property on the construction of infrastructure improvements establishes expensive barriers that prevents property that prevents property owners from extracting wealth and value from their land. Burdensome requirements also stifle infill development and can prevent the densification of existing single-family districts.

The proposed amendments to the existing lot split and minor subdivision regulations below are intended to lower the costs and complexities currently built into the process. Existing language creates ambiguity regarding the timing of when development improvements are required to be provided in order to gain approval of lot split and minor subdivisions. The proposed language clarifies the language by limiting the requirements to securing any necessary title and land use rights required to provide future requirements. Development of lots created by lot splits or

minor subdivisions will be contingent upon required physical improvements being provided prior to the issuance of building permit.

**Sec. 30-3.33. Purpose.**

This division is intended to provide standards for the division of land in a manner that would facilitate the coordination of land development in accordance with orderly physical patterns; to encourage development of an economically stable and healthful community; to ensure proper identification, monumentation and recording of real estate boundaries; to ensure that adequate and necessary physical improvements of lasting quality will be installed in subdivisions by the subdividers and that taxpayers will not bear this cost; to provide for safe and convenient vehicle, bicycle, pedestrian and transit access; to provide an efficient, adequate, and economic supply of utilities and services to new land developments; to prevent periodic or seasonal flooding and to protect groundwater and surface water quality through provision of protective flood control and stormwater management facilities; to help conserve and protect physical and scenic resources; to sustain and replenish the urban forest; to promote the public health, safety, comfort, convenience, and general welfare; and to implement the Comprehensive Plan.

**Sec. 30-3.34. Lot splits and lot line adjustments.**

A. *Lot splits.* Lot splits shall be processed as follows:

1. *Lot split restrictions.*

- a. ~~Lot splits are not permitted in minor subdivisions approved in accordance with the provisions of this chapter.~~ Lots ~~that have been subject to~~ created by a previous lot split or minor subdivision may only be split or further divided through a minor subdivision or record plat approved in accordance with the provisions of this chapter.
- b. ~~No further division of an approved lot split is permitted, unless a minor subdivision or record plat is prepared and submitted in accordance with this chapter.~~
- c. ~~Only those lot splits that do not require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter may be processed under this section.~~ Lots created through a lot split must conform to the standards below. Where lots do not meet the standards outlined below, appropriate land rights that would allow for the development of required improvements must be granted and recorded by the property owner.

2. *Lot split standards.*

- a. Each proposed lot shall conform to the provisions of ~~this chapter.~~ of the Land Development Code and the associated zoning district.
- b. Each lot shall front a public street or approved private street for the required minimum lot width for the zoning district where the lots are located, except as provided in section 30-3.34(A)(1)(c) and 30-6.8.
- c. If any lot abuts a public right-of-way that does not conform to the design specifications provided in section 30-6.6 B., as further specified in the Design Manual, the owner may be required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design requirements.

- d. A lot split shall be allowed only where water, sewer, fire and solid waste services are available to service the proposed lots.
    - i. ~~Alternatively, if~~ in the event city water or sewer is not available at any lot line, the lot may be served by a well or septic tank; provided the lot is a minimum size of one acre and the well or septic tank is permitted and approved by the governmental agencies with jurisdiction. Based on the review by the governmental permitting agencies, a well or septic tank may ~~not be allowed~~ **be prohibited** within the wellfield districts, special environmental concern areas or areas with the presence of hazardous materials or known environmental contamination, due to health and safety concerns.
    - ii. **Lots created pursuant to this section and served by a well or septic tank must connect to city water or sewer, at the property owner's sole expense.** Further, at the time city water or sewer become available at the lot line, ~~the property owner shall, at its sole expense, connect to city water or sewer.~~ This connection requirement shall run with the land and shall be evidenced in a written document executed by the property owner and recorded in the public records of Alachua County, Florida, at the time of approval of the lot split. In the case of a vacant lot, the connection shall be required at the time of application for development. In the case of existing development (other than single-family or two-family), the connection shall be required at the time of application for development plan review at the rapid review level or higher. In the case of single-family or two-family development, the connection shall be required at the time of application for a permit for an additional bathroom or for any structure equal to or greater than 25 percent of the square footage of the existing principal structure.
3. *Review.*
- a. **A pre-application meeting with staff is required.**
  - b. ~~Application. After a mandatory pre-application conference with staff,~~ an application shall be completed on a form prescribed by the city and submitted together with the following:
    - i. A boundary survey and lot split for the proposed division prepared by a professional land surveyor registered in the state according to F.S. Ch. 472. The proposed lot split shall show the intended division, legal descriptions, and acreage for the parent parcel and proposed lots.
    - ii. A statement indicating the location where water or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-8.2.
  - b. Upon receipt of a completed application, the several departments of the city shall review and provide comment.
  - c. If the proposed lot split meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the city manager or designee shall approve the lot split ~~by affixing his or her signature to the application form.~~
  - d. Upon approval of the lot split, the city shall record the split on the appropriate maps and documents in the city. In addition, the applicant shall file lot splits with the Alachua County Property Appraiser's office and in the public records of Alachua County.
- B. *Lot line adjustments.* The lot lines of lots within an existing minor subdivision or existing lot split may be altered in accordance with the following requirements.
- 1. A lot line adjustment shall only be used to adjust the lot lines of existing lots that were created by minor subdivision or lot split and shall not be used to further subdivide existing lots or create new lots.

1. An application for a lot line adjustment, signed by the owners of all lots that will be adjusted, shall be completed on a form prescribed by the city and submitted together with a surveyor's affidavit prepared by a professional land surveyor registered in the state that describes and depicts the adjustment in the lot lines and references the filing or recording information for the associated minor subdivision or lot split.
2. The applicant shall pay the same fee as for a lot split as specified in appendix A.
3. The application shall be reviewed by city staff to verify that the requested adjustment, if approved, will not create any nonconformity or violations of this chapter. ~~if same are created, the application shall be denied.~~
4. The lot line adjustment, if approved by the city manager or designee, shall not be effective until the applicant records the surveyor's affidavit in the public records of Alachua County.

**Sec. 30-3.35. Single lot replatting.**

- A. *Purpose.* The purpose of this section is to establish an abbreviated process by which existing (improved) subdivision lots may be replatted without going through the standard process of platting or replatting subdivisions.
- B. *Applicability.* Individual lots shown on recorded plats that depict easements or front, side, or rear building setback lines may be replatted under this section. The lot shall be improved (building or structure) and there shall be an encroachment upon one or more of the building setback lines or easements indicated on the recorded plat.
- C. *Review.*
  1. *Application.* An application, on a form prescribed by the city, shall be completed and submitted together with the following:
    - a. The proposed (final) plat of the lot. The record plat should be signed by all lot owners of record and mortgagees, if any.
    - b. A survey of the lot and improvements certified by a professional land surveyor registered in the state according to F.S. Ch. 472. The survey should be drawn and submitted on a drawing no less than 11 inches by 17 inches in size.
    - c. Copies of the existing recorded subdivision.
    - d. Title evidence that conforms to the requirements of F.S. § 177.041.
    - e. Taxes paid receipt.
    - f. Formal consent of the requisite number of owners of properties within the subdivision or from the authorized representative of the homeowners association of the subdivision or other authorized entity or individual affixed to or attached to the linen or film that will be recorded in the public records.
    - g. In the event there is an encroachment over, under, upon or through an easement, the release or extinguishment of the easement from applicable utilities.
    - h. An opinion from an attorney addressed to the City of Gainesville that the homeowners association, entity, or owners of property have the authority to amend the restrictions, plat lines, easements, as applicable, and that the consent has been properly executed by the appropriate parties.

2. Upon receipt of a completed application, the several departments of the city shall review and provide comment.
3. Upon the adoption of a resolution approving the replat of the single lot, the original linen or stable base film drawing of the replat shall be recorded with the clerk of the circuit court. It shall be recorded by the property owner requesting replat with all fees paid by that owner. Upon recording the replat, copies shall be submitted to the city in the form prescribed by the city.

### **Sec. 30-3.36. Minor subdivisions.**

#### **A. *Minor subdivision standards.***

1. Each proposed lot shall conform to the provisions of this chapter.
2. All existing principal and accessory structures on each lot shall conform to the use and development standards of this chapter.
3. All lots have city water and sewer services available and constructed to the lot line of at least one lot, with appropriate easements granted to allow future water and sewer connections to each of the lots at the time each lot is developed.
4. If the proposed minor subdivision abuts a public right-of-way that does not conform to the provisions of section 30-6.6 B., as further specified in the Design Manual, the owner may be required to dedicate, at no cost to the city, one-half of the right-of-way width necessary to meet the minimum design requirements. If the proposed minor subdivision abuts both sides of a substandard street, one-half of the right-of-way width necessary to meet those minimum design requirements may be required from each side. The dedication of this right-of-way or any easements necessary shall be accomplished by a separate document. The applicant shall provide the city with legal descriptions of all easements or rights-of-way to be dedicated, and the city shall prepare and record the necessary documents as part of the approval process.
5. Each lot in the minor subdivision shall front for the entire required minimum lot width on a public street or an approved private street. Where there is no minimum lot width requirement, each lot shall abut a public street or approved private street for a width equivalent to the maximum driveway width required in section 30-6.20, plus any required turning radii area. Notwithstanding the above, the length of street frontage may be modified during minor subdivision review by the city manager or designee, based on the need to achieve the most efficient lot layout, access to and from the minor subdivision, operational needs of service vehicles, vehicular circulation and the health, welfare, and safety of the public.
6. The minor subdivision shall create vehicular and pedestrian access to serve the minor subdivision and improve gridded connectivity by connecting to surrounding existing streets and by including new streets within the minor subdivision so that the resulting blocks will not exceed a maximum block perimeter of 2,000 feet or the maximum perimeter set by the zoning district, whichever is lesser. Modifications to this requirement may be granted by the city manager or designee where the construction of a street is limited by existing conditions such as, but not limited to:
  - a. Access management standards;
  - b. Regulated environmental features; or
  - c. Public facilities, such as, but not limited to, stormwater facilities, parks, or schools.

Alternatively, where ~~the technical review committee~~ city staff determines that it is not possible to construct the streets that would be required to meet the block perimeter standard, the block perimeter shall be completed with the provision of pedestrian and bicycle paths or multi-use paths.

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The required streets or paths shall be constructed at the expense of the applicant according to the appropriate city standards as determined through the minor subdivision review process, but may be sited and configured in a manner so that the streets provide the most appropriate access to the minor subdivision and connectivity to the surrounding street network. Where a street or path is planned to provide a future connection to a street or path beyond the extent of the minor subdivision, the applicant shall provide for the connection of the street by stubbing out the road improvements as close as practicable to the boundary of the ~~providing a stub out to the boundary of the~~ minor subdivision.

7. Each approved private street shall meet the following requirements in addition to the requirements in section 30-6.8:
    - a. An approved private street shall be ~~paved~~ to a minimum width of 12 feet wide for one-directional traffic flow and 18 feet wide for two-directional traffic flow. Alternatively, a determination shall be made by the city public works department, the city fire rescue department, and city solid waste department that the approved private street is adequate to support service vehicles as necessary to provide municipal services.
    - b. The structure and sub-base of the approved private street shall meet the standards set forth in the Design Manual.
    - c. Each approved private street shall be connected directly to a public street or to another approved private street. The method and type of connection shall be subject to approval by the city public works department in accordance with the standards set forth in the Design Manual. The private street serving the minor subdivision shall have a maximum length of 1,000 feet (measured by traversing the length of the approved private street from its farthest extent to the nearest public street). At the point the private street reaches 1,000 feet in length, the applicant shall provide one of the following, as determined by the city fire rescue department:
      - i.        appropriate emergency connection to the nearest public road, if such a connection can be made on property within the minor subdivision;
      - ii.        or a turnaround sized to accommodate fire and rescue vehicles.
    - d. The owners of each approved private street shall provide necessary easements to the city for the purpose of providing municipal services. Alternatively, if the city finds the street serves a valid public purpose, the owners may gratuitously dedicate an approved private street for purposes of public right-of-way.
    - e. Lots created on an approved private street shall be designed to minimize the number of curb cuts onto the street. Shared driveway access shall be required of adjoining lots, except where an odd number of lots are created, in which case, one lot, as determined by the city public works department, may be allowed to have a separate driveway.
  8. All proposed minor subdivisions shall meet the level of service standards in the Comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary concurrency or certificate of conditional concurrency reservation. The approval of a nonresidential minor subdivision in no way reserves capacity for the purposes of concurrency.
- B. *Review.*
1. ~~A pre-application meeting with city staff is required for all minor subdivisions—~~
  2. Application. ~~After a mandatory pre-application conference with staff,~~ an application shall be completed ~~on~~ in a form prescribed by the city and submitted together with the following:

- a. A map of boundary survey and minor subdivision certified by a professional land surveyor registered in the state according to F.S. Ch. 472. The survey shall be drawn on a 24-inch by 36-inch linen or stable base film with a three-inch margin on the left for binding, and a one-half-inch margin on the other three sides. Additional information to be shown on the survey shall include but not be limited to:
    - i. The lot lines, dimensions, legal descriptions and acreages for each lot being created.
    - ii. The acreage of the total tract.
    - iii. A vicinity map showing the location of the survey in relationship to major thoroughfares.
    - iv. A note stating, "THIS IS NOT A RECORD PLAT."
    - v. A municipal approval statement, to be signed by the director of ~~planning and development services~~the Department of Sustainable Development, director of public works and general manager for Gainesville Regional Utilities or their designee, certifying that the minor subdivision conforms to all applicable ordinances and regulations of the city.
    - vi. A statement to be signed by the clerk of the court, stating, "Received and filed as an unrecorded map in accordance with F.S. § 177.132."
    - vii. The minor subdivision book and page where the survey is to be filed.
    - viii. The exact location of all existing principal and accessory structures on each lot. If the existing structures obscure the alignment of the proposed lots they may be left off the map of minor subdivision and be submitted separately on a boundary survey of the parent parcel. Any shared use of said structures shall be clearly stated and shown as easements on the minor subdivision.
  - b. A statement indicating the location where water or sanitary sewer service is available to the property, and a statement indicating that all utility service shall be installed beneath the surface of the ground in accordance with section 30-8.2, and a statement indicating where stormwater management facilities are available to accommodate stormwater runoff of the proposed development.
  - c. If located on an approved private street, a signed consent (on the form provided by the city) from the owners of each approved private street that serves the minor subdivision.
  - d. Payment of fees as required by appendix A.
2. Upon receipt of a completed application, the several departments of the city shall review and provide comment.
  3. Minor subdivisions that require any street, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement required under this chapter may receive conditional approval but ~~will not receive final approval or be filed with the clerk of the circuit court until~~ all required improvements ~~are~~ must be fully constructed and approved by the city. ~~No prior to~~ building permits ~~may be~~ being issued for any of the lots ~~until final approval is granted and the minor subdivision is filed.~~
  4. If the proposed minor subdivision meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the ~~technical review committee~~ director of the Department of Sustainable Development, director of public works and general manager for Gainesville Regional Utilities or their designee shall approve the minor subdivision by affixing their signatures to the original document.
  5. Upon approval of the minor subdivision, the original linen or stable base film drawing of the survey and any covenants, deed restrictions or other required documents shall be filed with the clerk of the circuit

court as an unrecorded map, in accordance with F.S. § 177.132. It shall be filed by the subdivider with all fees paid by the subdivider. Upon filing of the approved minor subdivision, copies of the filed minor subdivision and any required documents shall be submitted to the city, in the form prescribed by the city.

(Ord. No. 170831, § 1, 4-5-18)

**Definitions:** Lot split means the division of a single tract of land into two lots or parcels, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this chapter.

## Consistency with the Comprehensive Plan

The proposed amendments to the LDC are consistent with Gainesville's Comprehensive Plan as demonstrated below:

### Consistency with the Future Land Use Elements

Policy 1.1.3 *Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.*

### Consistency with the Housing Element

Policy 1.1.4 *The City shall review and evaluate zoning and other regulations that pertain to housing to insure that requirements continue to be reasonable and do not unduly limit opportunities for lower income groups to secure housing in desirable locations.*

Objective 1.2 *Provide a variety of housing types and densities for moderate-income, low-income, very low-income, and extremely low-income people.*

Objective 1.3 *The City shall allocate sufficient acreage in appropriate locations to meet the housing needs of the City's residents.*

Policy 1.5.1 *The City shall seek innovative ways to encourage affordable housing, which could include use of alternative building materials, reduced lot size requirements, design competitions for affordable housing, and a design advisory committee to advise housing providers on the development of affordable housing designs.*

Policy 3.5.1 *The City shall develop recommendations on increasing the desirability of owner-occupancy in the University Context Area.*

Respectfully submitted,

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