

City of
Gainesville

200722

Public Participation Text Change
PB-20-159 TCH
Legistar #200722

Department of Sustainable Development
February 3, 2022



Background

City Initiated Text Change
Land Development Code Sections:

30-3.1 Development Review Coordinator

30-3.2 Technical Review Committee

30-3.7 Neighborhood Workshop

30-3.18 Review Procedures

30-3.36 Minor Subdivisions

30-3.45 Levels of Development Review

30-3.47 Review Procedures

30-3.56 Land Use Hearing Officer

30-6.4 Level of Service Review

30-6.6 Design Standards

30-6.12 Outdoor Lighting

30-7.2 Off-Street Vehicle Parking

Key Issues:

- Neighborhood Workshop Requirements
- Levels of Development Review (rapid, intermediate, major)
- Review procedures for development plans
- Approval procedures for development plans



Sec. 30-3.47

Neighborhood Workshops

Proposed Changes

- Rename Section to “Public Participation”
- Require posted notice at property for which workshop is to be held
- Require a Public Participation Report
- Require neighborhood workshops and posted notice for right-of-way vacations
- Allow for virtual neighborhood workshops
- New workshop required if:
 - Application not submitted within 3 months
 - 20% or greater increase in proposed building area, an increased number of proposed floors, or the addition of or increase of intensity of a drive-through use

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What's going on?

Meeting Date/Time

Location

NEIGHBORHOOD WORKSHOP

Want to learn more?







Public Hearings for Development Plans

Proposed Changes

- Public hearings required for major development plans:
 - Land Use Hearing Officer or
 - Development Review Board
- Remove references to Technical Review Committee (TRC); clarify process of administrative approval
- No changes proposed to levels of development review (intermediate and major)
- Would result in increased review time
- Fiscal impact to City resources – new positions (salary + benefits) & public notice costs:
 - Staff Specialist position
 - Planner III position

Table III - 2. Levels of development review.

	RAPID	INTERMEDIATE	MAJOR
Residential	Developments of 3 to 10 multiple-family dwelling units.	Developments of 11 to 99 multiple-family dwelling units.	Developments of 100 or more multiple-family dwelling units.
Non-Residential	New construction or expansions of 1,001 and up to 10,000 square feet of building area.	New construction or expansions of 10,001 to 50,000 square feet of building area.	New construction or expansions over 50,001 square feet of building area.
Parking; other Impervious Areas; Construction Activity	<p>Parking areas that include 8-40 new parking spaces.</p> <p>Impervious areas: 1,000-20,000 square feet.</p> <p>Excavation, filling, or removal of more than 200 cubic yards of material for the purpose of development.</p>	<p>Parking areas that include 41-100 new parking spaces.</p> <p>Impervious areas: 20,001-50,000 square feet.</p>	<p>Parking areas that include more than 100 new parking spaces.</p> <p>Impervious areas: more than 50,000 square feet.</p>

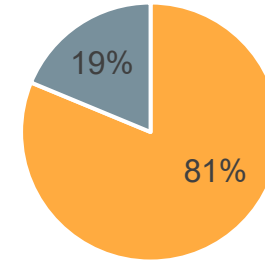
Development Review Process Comparisons

SITE PLAN REVIEW																
City	Melbourne	West Palm Beach	Clearwater	Gainesville	Coral Springs	Miramar	Pembroke Pines	Ft. Lauderdale	Cape Coral	Port St. Lucie	Tallahassee	Hialeah	St. Petersburg	Orlando	Tampa	Miami
Population	81,468	109,767	115,159	132,127	132,568	139,468	170,072	180,124	183,942	189,396	191,279	234,539	261,338	280,832	387,916	454,279
By-Right Administrative Review	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
	If under thresholds (< 3 acres; 20 multi-family units, etc.).	If under thresholds (NOT a planned community, park, special use/zone).	If under thresholds (level 1 type).	If no variance requested.				If under thresholds (e.g., 5000 sqft).					If under thresholds (e.g., 80 acres).	If under thresholds (e.g., 250,000 sqft GFA).	If under thresholds (e.g., 65000 GFA, 5 acres, etc.).	
QJ Board Review (not including appeals)	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
	If over thresholds.	If over thresholds.	If over thresholds.	If variance requested.		City Commission reviews all.		If over thresholds.			If requested. Parties with standing may request QJ hearing before Planning Commission or ALJ, as applicable.	If over thresholds.	If over thresholds.	If over thresholds.		
Citations	Art. IX, Sec. 6.	Sec. 94-35.	CDC Art 4, Div 1; Sec. 4-302.	Sec. 30-3.45.	Sec 201.	Sec. 310.	Sec 155.301.	Sec. 47-24.2.	Sec. 3.3.7.	Sec. 158.237.	Sec. 9-152-157.	Sec. 98-319.	Sec. 16.70.040.1.4.	Sec. 65.344; Sec. 65.331.	Sec. 27-67.	Sec. 33-193.10; 33-284.88.

Development Review Process Comparisons

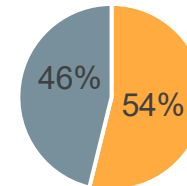
- 16 municipalities in Florida
- Populations ranging from 81,000 to 454,000
- A majority (13 of 16) provide for administrative review processes to varying degrees.
- Some require quasi-judicial board review based on development thresholds (7 of 13).
 - Building square footage
 - Property acreage
 - Number of units
- Gainesville - Board review required if variances requested.
- Cape Coral, Coral Springs, Miami, Tampa – All administrative reviews, regardless of threshold.

Administrative Review



■ Yes ■ No

Board Review with Thresholds



■ Yes ■ No

Impacts to Affordable Housing

71 · HOUSING AFFORDABILITY TOOLKIT

Tool: By-Right Development

Recommendations Summary

To design an effective by-right policy, a city should take a four-tiered approach.

1. EFFECTIVE BY-RIGHT POLICIES RELY ON RULE-BASED APPROVAL PROCESSES

- The development approval process should be predictable.
- Discretionary approval processes used by most cities create a series of obstacles – often in the form of multiple layers of discretionary reviews – to develop new multifamily housing.
- An effective by-right development process should include only a limited number of discretionary reviews.
- Although a rule-based system is an important step in expanding by-right development, it can still be misused to restrict the supply of housing. A city's rule-based zoning policy must facilitate multifamily housing development to be an effective tool in stabilizing and reducing rents.

2. EFFECTIVE BY-RIGHT POLICIES ENCOMPASS A SIGNIFICANT PORTION OF THE MARKET

- The larger the scale of a by-right policy in terms of where it applies within a jurisdiction, the greater the potential impact on affordability.
- Local governments need to understand the magnitude of projected population growth and scale their by-right policies accordingly.

3. EFFECTIVE BY-RIGHT POLICIES APPLY TO MORE DESIRABLE NEIGHBORHOODS

- By-right development policies have the greatest impact on housing affordability in high-demand neighborhoods by reducing the competition between existing residents and new residents for a limited supply of housing.
- Moving to a by-right approach stops abuse of discretionary processes and leads to increasing housing development in desirable areas.
- When desirable neighborhoods reject by-right policies, new housing development concentrates in lower-income and minority communities, driving displacement.

4. EFFECTIVE BY-RIGHT POLICIES REQUIRE STRONG POLITICAL SUPPORT

- Strong political will and leadership is required to establish and sustain an effective by-right development policy.
- Encourage Yes In My BackYard (YIMBY) groups that advocate for increased development and multifamily housing.
- In strong markets, tie by-right policies directly to the production of units with below-market rents.
- Consider regional or statewide policies mandating by-right development when necessary to overcome local opposition to new housing.

Typical Development Process Map



Thank You