

TO: City Plan Board
FROM: Department of Sustainable Development

DATE: June 6th, 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 the proposal of removing occupancy limits within the city limits of Gainesville.

Remove Occupancy Limit language in the LDC

With the allowance of neighborhood scale multi-family developments and the consolidation of Single-Family Residential zones, the language that currently exists within the Land Development Code limiting occupancy in single family homes becomes obsolete. The current language targets single family development within single-family zones RSF-1 through RSF-4, as well as RC and PD's designed for single family. As has been demonstrated in the Exclusionary Zoning and Inclusionary Housing Study (EZIZ), occupancy limits serve to further restrict housing options for Gainesville residents by promoting strict single family uses within single family zoning. By removing the occupancy limit language, the City of Gainesville will further encourage housing options for our neighbors. Therefore, staff is recommending the removal of occupancy limit language within the LDC as shown below:

Code referenced: **Sec. 30-4.10 - Occupancy Limitation.**

Proposal: Strike Occupancy limit language from the Land Development Code.

In certain districts, an increase in the number of persons occupying a dwelling beyond one family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the citizens of this community, and is a public nuisance that causes deterioration of the surrounding property values.

- A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.
- B. *Unlawful acts.* No owner or landlord shall enter into any agreement, contract, lease, or sublease that allows the occupancy of any dwelling unit in a designated district by more than one family, as defined in this chapter. Any agreement, contract, lease, or sublease that allows such occupancy by more than one family is unlawful and is hereby declared to be contrary to public policy.
- C. *Enforcement.* In addition to any other remedy provided for herein, the city manager or designee, upon reasonable cause to believe that this section is being violated, may request the city attorney to take any appropriate action to correct the violation.
- D. *Public nuisance.* Any person who violates this section shall be deemed guilty of maintaining a nuisance, and may result in abatement or enjoinder as provided in F.S. §§ 60.05(1) and 60.06

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,

Juan Castillo
Planner III