

City of Gainesville Agenda Item Report

File Number: 2025-155

Agenda Date: May 1, 2025

Department: Sustainable Development

Title: 2025-155 Structured Parking Text Amendment LD24-000114 (B)

Department: Sustainable Development

Description: Request for City Commission to review a proposal to amend Land Development Code Sec. 30-7.5 Required Number of Parking Spaces. The proposed amendment would exempt new multifamily development outside of transect zones from structured parking requirements when the threshold of 200 parking spaces is exceeded.

Fiscal Note: N/A

Explanation: This petition is a privately-initiated text amendment to add an exemption to the structured parking requirements of Sec. 30-7.5. This section currently requires the construction of structured parking for all new development with more than 200 parking spaces. The proposal would exempt new multifamily development constructed outside of transect zones from this requirement, thereby permitting surface parking for multifamily development with more than 200 parking spaces.

Staff presented to the Plan Board on February 26, 2025 the recommendations. The Plan Board recommended denial of the petition.

Strategic Connection:

	Goal 1	: Equitable Community
\boxtimes	Goal 2	: More Sustainable Community
	Goal 3	s: A Great Place to Live and Experience
	Goal 4	: Resilient Local Economy
	Goal 5	: "Best in Class" Neighbor Services

Recommendation: The City Commission approve Petition LD24-0010114 with modifications.



City of Gainesville Department of Sustainable Development Planning Division

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CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: February 26th, 2025

PROJECT NAME AND NUMBER: LD24-000114 Structured Parking Text Amendment

APPLICATION TYPE: Text Change (Legislative)
RECOMMENDATION: Approval with Conditions
CITY PROJECT CONTACT: Ari Rabinovich

APPLICATION INFORMATION

Applicant: Nicole Neugebauer MacInnes

Property Owner(s): N/A Related Petition(s): N/A Legislative History: N/A

Neighborhood Workshop: N/A

PURPOSE AND DESCRIPTION

This is a privately-initiated text amendment to Land Development Code Sec. 30-7.5(A)(3)(b), to amend the parking structure requirement for multifamily development with greater than 200 parking spaces, occurring outside transect zones.



STAFF ANALYSIS AND RECOMMENDATION

BACKGROUND & SUMMARY

In 2022, the City of Gainesville initiated Petition PB-21-00140, with goals including the elimination of parking minimums, establishing parking maximums, and providing a threshold at which structured parking is required. Staff found that excessive parking resulted in unproductive urban spaces with high infrastructure costs, which pushed development away from pedestrians and streetscapes, impeded the walkability of neighborhoods, and placed an unnecessary cost burden on smaller-scale businesses and housing developments. At the same time, parking maximums were enacted to mitigate the potential for excessive development of parking, which could result in large parking lots, significant impervious areas, and hostile environments for pedestrians (see Appendix B.)

This petition instituted a parking threshold, wherein structured parking requirements are triggered when development parking is greater than or equal to 200 parking spaces. Presently, Land Development Code Section 30-7.5(A)(3)(b) states:

b. Structured parking is required for any development exceeding 200 parking spaces.

The applicant has requested to amend this section as follows:

b. Structured parking is required for any development exceeding 200 parking spaces, except for multifamily developments located outside of a transect zone, provided that the proposed number of parking spaces for the development is less than the maximum number of parking spaces permitted by this section.

Staff have determined that enacting this amendment as written exposes the City to several potential outcomes that conflict with Comprehensive Plan Goals, Policies and Objectives, including:

 Urban Sprawl: Economic & Ecological Impact – relieving developments from structured parking requirements outside of transect zones may lead to the unintended consequence of encouraging development further from the city center, where more land is available and fewer parcels fall within transect zoning designations. Some significant impacts of sprawl are potential disruptions to sensitive environmental features and ecosystems, reduced air and water quality



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resulting from increased reliance on personal vehicle trips, increased distances from areas of economic opportunity, increased costs to residents resulting from vehicle maintenance needs, and increased costs to the City resulting from increased impacts to roadways and infrastructure.

- Inefficient Land Use Patterns large areas of land dedicated to surface
 parking promotes an unproductive land use type that increases distances
 between destinations, increases city infrastructure costs, and consumes land that
 might otherwise support vital land uses, such as additional housing, commercial
 uses, or recreation.
- Discourage Public Transit accommodating developments that require large areas of surface parking reduces the use case and viability of public transit infrastructure. Households with fewer personal vehicles derive greater value from public transit; long-range comprehensive planning requires providing transit solutions that increase public transit ridership, broaden access to multimodal transit, and reduce single-occupant vehicle trips.

While the proposed text amendment, if enacted as written, may contribute to urban sprawl, inefficient land use, and negative impacts to public transit, staff recommends an alternative approach that balances development flexibility with the City's long-term land use and housing goals. The introduction of a structured parking exemption as an additional incentive toward the development of **affordable housing** provides a compelling justification, wherein the city can achieve various comprehensive plan goals while accommodating the needs of low-income residents.

Staff proposes a modification to the text amendment as follows:

b. Structured parking is required for any development exceeding 200 parking spaces.

The city may grant an owner/developer an exemption to this requirement if the development complies with the conditions of Section 30-4.31(A), and such exemption is instrumental in ensuring costs associated with the affordable housing contribution are fully offset.



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The referenced section, 30-4.31. - Affordable housing provision, would be amended as follows:

- 2. Other offsets. The city may grant an owner/developer additional offsets, including but not limited to the following, to ensure that all costs to the owner/developer for the affordable housing contribution are fully offset:
- i. Expedited application processing
- ii. Intermediate level of development review pursuant to section 30-3.45, which includes only administrative review and no board review.
- iii. Up to three additional stories above bonus height
- iv. Reduction of fees that are otherwise required by the city for development.
- v. Flexibility regarding form and design standards in sections 30-4.8, 30-4.13, 30-4.14, 30-4.15, 30-4.17, 30-4.20 and 30-4.21.
- vi. Exemption from the structured parking requirements of section 30-7.5(A)(3)(b).

IMPACTS OF SURFACE PARKING

Land Use and Urban Sprawl

Urban sprawl refers to the unchecked expansion of urban areas into peripheral regions, leading to low-density and car-dependent communities. Surface parking lots, while accommodating to private passenger vehicles, have the potential to negatively impact urban land use outcomes and contribute to urban sprawl. These impacts undermine city efforts toward achieving goals like compact development, multimodal transit, ecological conservation, environmental resource protection, infill housing, extreme weather and climate change mitigation, and net zero carbon emissions. The allocation of land areas for surface parking relates to sprawl by consuming land that could otherwise be used for more productive, attractive and useful purposes, by creating greater distances between destinations, and by encouraging ever-greater numbers of automobile drivers — cheap, widely available parking has the effect of inducing demand for driving, leading to more vehicles on the road, and an even greater demand for parking.¹

¹ McCahill et al, "Effects of Parking Provision on Automobile Use in Cities: Inferring Causality," 2016



Academic and Institutional Research

Ecological Impacts

Researchers from the Purdue and Furman universities highlight that surface parking consumes vast amounts of land that could otherwise support housing, businesses, or green spaces. This land consumption both reduces the availability of space for essential urban functions and also disperses destinations, making alternative transportation modes less viable and increasing reliance on personal vehicles. The research emphasizes that such development patterns exacerbate urban sprawl, leading to longer commutes, increased traffic congestion, and higher infrastructure costs for municipalities. ²

The same research documented the ecological impacts of surface parking, highlighting the extent to which surface parking displaces more productive land uses and diminishes ecological benefits. In Tippecanoe County, Parking lots occupied 6.57% of the county's urban land, surpassing the total land area dedicated to public parks by a factor of three. This allocation of land was contrasted against vital ecological functions that the land could otherwise provide. The study estimated that surface parking lots increased stormwater runoff by 900%, worsening flood risks and water pollution due to impervious surfaces that prevent natural water infiltration. Additionally, the loss of vegetated land led to a significant decline in the capacity for carbon sequestration, air filtration, and climate regulation, all of which contribute to urban resilience and public health.

These ecosystem functions are quantified using the **ecosystem service value (ESV)**. ESV calculates the economic benefits that natural environments provide, categorizing land into different ecosystem types and assigning values based on the capacity for a given land area unit to provide ecosystem services. If the land currently occupied by surface parking were repurposed for wetlands or green infrastructure, the study found ESV would increase by 38.4%, meaning the city would regain substantial benefits in stormwater retention, air quality improvement, and urban cooling. These findings illustrate the economic and environmental trade-offs inherent in land use decisions, where vast amounts of land dedicated to surface parking generate minimal economic activity and impose long-term costs on municipalities in the form of increased infrastructure maintenance, flood mitigation, and environmental degradation.

² Davis, A. et al (2009). The environmental and economic costs of sprawling parking lots in the United States. Land Use Policy 27(2), 255-261.



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Source: The Economics of Ecosystems and Biodiversity (teebweb.org)

Creating Distance & Infrastructure Costs

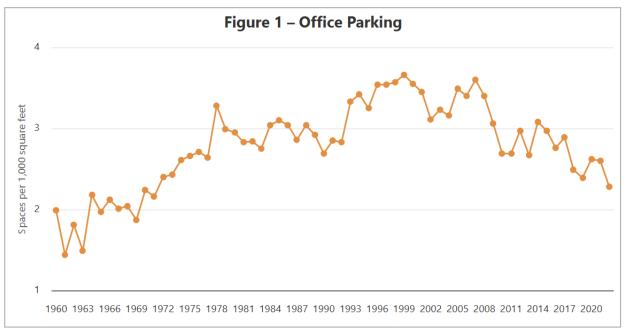
Other academic research makes apparent the impact of surface parking on urban density and sprawl. A University of Florida Warrington College of Business "Due Diligence" report references Donald Shoup's "The High Cost of Free Parking" to draw the connection between excess parking and sprawl. The report indicates that an oversupply of parking spaces pushes buildings apart, reducing density and promoting inefficient land use patterns. This separation of structures necessitates greater travel distances, discourages walking and cycling, and fosters environments where public transit is less effective. Consequently, cities become more spread apart, and the infrastructure required to support these areas (such as roads, utilities, and public services) becomes more extensive and costly. The report points to the elimination of parking minimums as a driving force behind a recent decrease in the average number of spaces per unit in residential development, or spaces per 1,000 square feet in commercial development, and argues that removing these minimums gives businesses the opportunity to right-size their own parking as the market demands.³

³ Boisseau, C. (2023). "Parking Puzzle." Due Diligence, University of Florida Warrington School of Business.

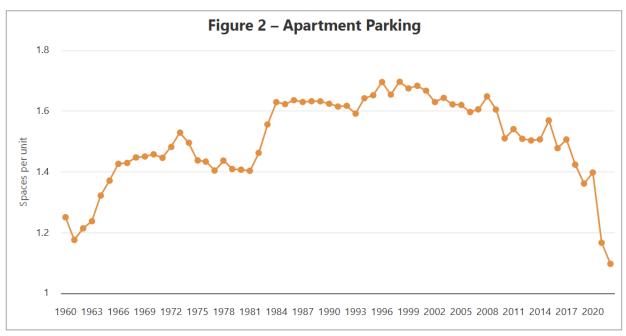


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Source: Commercial Edge



Source: Yardi Matrix



Heat Island Effects

An EPA study found that, beyond influencing "how and where people choose to travel", parking exacerbates heat island effects. These surfaces absorb and retain heat, leading to elevated temperatures in urban settings compared to surrounding rural areas. This temperature disparity can result in increased energy consumption for cooling, heightened air pollution levels, and adverse public health outcomes. Conversely, compact development can reduce the demand for surface parking while reducing the need to commute by car. ⁴

Economic Mobility

Urban sprawl is associated with lower economic mobility, particularly for lower-income residents who rely on proximity to jobs, public services, and social networks to improve their financial standing. A University of Utah study found that individuals raised in high-sprawl neighborhoods had lower lifetime earnings compared to those from denser, well-connected urban areas, with an observed income difference of \$2,864 annually. This disparity is partly attributed to reduced job accessibility, as sprawling development patterns increase travel distances and commute times, making it more difficult for individuals to reach employment opportunities. Additionally, sprawl is linked to greater municipal fragmentation, which can result in unequal distribution of public resources, reinforcing disparities in educational and economic opportunities. These findings suggest that land use patterns play a role in shaping long-term economic outcomes and that low-density, car-dependent environments may limit economic mobility relative to compact, transit-accessible urban areas.⁵

ECONOMIC IMPLICATIONS & AFFORDABLE HOUSING PROVISION

The costs associated with parking are high – increasingly so for structured parking. In its article "People Over Parking", the American Planning Association cites *Housing Policy Debate* (2016) to identify specific costs to developers associated with parking:

⁴ US Environmental Protection Agency (2006). "Parking spaces/community places: finding the balance through smart growth solutions." (EPA 231-K-06-001). Development, Community, and Environment Division.

⁵ Maffly, B. (2025). "US suffers from low social mobility. Is sprawl partly to blame?" University of Utah.



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Building Parking Raises Rent

Parking costs a lot to build, and that cost usually ends up raising tenant rents.

\$5,000: Cost per surface space

\$25,000: Cost per above-ground garage space

\$35,000: Cost per below-ground garage space

\$142: The typical cost renters pay per month for parking

+17%: Additional cost of a unit's rent attributed to parking

Source: Housing Policy Debate, 2016

The present requirement for structured parking in the City's Land Development Code can elevate development costs, potentially impacting the feasibility of multifamily housing projects. It is important to connect this requirement to the contents of the policy package to which it is appended – namely, the elimination of minimum parking requirements citywide. Developers are not required to provide parking in new multifamily development and are given the opportunity to discount their costs by reducing total parking provided (or by providing none.) If parking is provided, and the total number of spaces equals or is greater than 200, code currently requires that a structured parking garage be built. Garages partially mitigate the impacts of excess parking by reducing contribution toward sprawl – denser parking creates less distance between destinations, thus reducing external impacts upon both the City and adjacent properties.



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The structured parking requirement, while effective in promoting compact development and reducing urban sprawl, presents significant cost burdens that can impact the feasibility of multifamily housing projects, particularly those incorporating affordable housing. These costs can lead developers to either reduce the number of units constructed, avoid participating in affordable housing programs altogether, or abandon projects due to financial infeasibility. The City recently implemented the affordable housing provisions of section 30-4.31, with the goals of increasing access to housing for residents earning up to 80% of the Area Median Income (AMI). Under the provisions of this section, development that legally reserves 10% of units for residents earning up to 80% of the AMI are permitted to add an additional 30% density above what is permitted by the zoning district where the project is proposed. By exempting projects from structured parking requirements that reserve at least 10% of units for households earning up to 80% of the Area Median Income, the City ensures that the structured parking requirement does not unintentionally disincentivize the production of affordable housing.

The justification for structured parking requirements within transect zones is largely based on the urban form and transit infrastructure of those areas, which support walkability, multimodal transportation, and higher-density development. However, outside of transect zones, where transit and walkability infrastructure are less developed, requiring structured parking does not align with the same planning principles. In these areas, residents are more likely to depend on personal vehicles, making parking access a key component of development feasibility. Since lower-density areas also tend to have lower land values and rent revenues, the financial justification for structured parking is weaker, and requiring it can impose costs that make projects infeasible. If affordability incentives are underutilized due to these financial constraints, the City risks failing to meet its housing affordability goals and further exacerbating housing shortages.

The City's Inclusionary Zoning provisions require that affordability mandates be accompanied by meaningful cost offsets to ensure developers are not financially penalized for providing affordable units. While the existing 30% density bonus offers an incentive, it does not always sufficiently mitigate the costs associated with affordability requirements, particularly when paired with structured parking mandates. Section 30-4.31(C)(2) provides "other offsets" that the city may implement to meet Florida Statutory requirements relating to ensuring development costs for Inclusionary Zoning projects are fully offset by the provided incentives. This proposal would add an exemption to the



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structured parking requirement for those projects, ensuring the Land Development Code addresses the costs mentioned in this report and in the applicant's reports. See Appendix C for a list of comprehensive goals, policies and objectives that are promoted by this exemption.



The exemption is consistent with the City's broader land use and housing policies, which aim to balance the need for sustainable development with the promotion of housing affordability and economic mobility. While structured parking serves important urban planning goals, affordable housing is also a priority within the City's Comprehensive Plan. By exempting qualifying developments from structured parking requirements, the City removes a financial barrier to affordability while maintaining incentives that support efficient land use. The exemption helps to ensure that policies



intended to improve urban form do not inadvertently discourage the production of much-needed housing.

RECOMMENDATION

Staff recommends approval with modifications of item LD24-000114.

DRAFT MOTION FOR CONSIDERATION

I move to approve LD24-000114 with modifications.

APPENDICES

Appendix A. - Application Documents

Appendix B. - Petition PB-21-00140 Staff Report

Appendix C. - 2022-677A Staff Report Inclusionary Zoning

Appendix D. – Comprehensive Plan Goals, Objectives, and Policies



Appendix A

Application Documents



Text Amendment Application

Applicant/Agent			
Name: Nicole Neugebauer MacInnes Company: Stearns Weaver Miller			
Mailing Address: 401 E. Jackson	St., Suite 2100, PO Box 3299		
City, State, Zip: Tampa, FL 3360			
Phone: 813-222-5016	E-mail: nneugebaue	er@stearnsweaver.com	
Note : It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with staff prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.			
	Text Amendment		
Check applicable request below:			
✓ Land Development Code	Comprehensive Plan Text	Other	
Section/Appendix No:	Element & Goal, Objective or	Specify:	
30-7.5(A)(3)(b)	Policy No:		
Bronocod toyt language and/or	explanation of reason for reque	st (use additional sheets if necessary)	
	report and proposed text lar		
See attached expert planning	<u>j report and proposed text lar</u>	iguage.	
No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.			
Certification: The undersigned has read the above application and is familiar with the information submitted herewith.			

Rev. 2022-04-20

Text Amendment Application cogplanning@cityofgainesville.org

Applicant Signature: Micol Neugdrau

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Date: November 6, 2024



Appendix B

Petition PB-21-00140



TO: City Plan Board DATE: May 15th, 2022

FROM: Department of Sustainable Development

SUBJECT: Petition PB-21-00140 City Plan Board. Amend the City of Gainesville Land Development Code to eliminate parking minimums, establish parking maximums, provide threshold to require structure parking, allow mid-street parking for loading and unloading in urban zoning districts, and introduce language to allow for staff review of loading space requirements on a case-by-case basis in Urban Transect Zones.

Applicant: City of Gainesville

Discussion

This petition initiated by the City of Gainesville is a text amendment to the Land Development Code that proposes to eliminate parking minimums, establish parking maximums, provide a threshold for required structure parking, and introduce language that would allow mid-street parking for loading and unloading in transect urban zoning districts.

Elimination of Parking Minimum

Parking minimums are regulations that require new developments to provide a minimum number of off-street parking spaces. These regulations encourage an excess of off-street parking infrastructure that exceed the needs of new developments. Excess off-street parking results in urban spaces that have low productive value and relatively high infrastructure costs. Excess parking pushes development further away from pedestrians and streetscapes, impeding the walkability of neighborhoods, and places an unnecessary cost burden on smaller scale business and housing developments.

Many jurisdictions and municipalities have, in some form, eliminated parking minimums. Most municipalities have certain areas within their boundaries that employ no parking minimums while allowing other areas to maintain parking minimums. However, there are municipalities that have eliminated parking minimum requirements within the entirety of their jurisdiction. Buffalo, NY eliminated parking minimums in 2017 becoming the first city in the U.S. to do so. In May of 2021, the City of Minneapolis, MN voted 13-0 to eliminate all parking requirements. As of the writing of this report, no municipality in Florida has eliminated parking minimums within the



entirety of their jurisdiction, however some municipalities have eliminated parking within certain areas of their jurisdictions. Fort Lauderdale, FL eliminated parking within their Downtown district and Clearwater, FL eliminated parking for most uses within their Downtown district while allowing a reduced parking requirements for residential uses.

Currently, the City of Gainesville does not employ parking minimums in Transect Urban Zones for nonresidential uses. For residential uses, Transect Urban Zones DT-U8 do not require parking minimums. However, all other zoning districts employ minimum parking requirements depending on the use and type of development being proposed. This proposal would eliminate parking minimums for the remaining zoning districts, making them more consistent with Urban Transect Zones. This proposal also introduces parking maximum language which establishes an upper limit on parking supply. This language is necessary to mitigate the potential for excessive development of parking which can result in large parking lots, significant impervious areas, and hostile environments for pedestrians.

Structured Parking

With the introduction of parking maximums, this petition also adds a requirement for structured parking if a large-scale commercial development's parking proposal exceeds maximum parking allotment. Per Sec. 30-7.3.D, structured parking does not have maximum limit on the number of parking spaces within the structure. Therefore, if a large-scale commercial development identifies a need for parking exceeding the established parking maximums, the development has the option to incorporate structured parking. This will provide future developments within urban spaces the ability to exceed parking maximums if needed, while still maintaining a smaller pervious surface footprint and providing a more hospitable pedestrian-oriented environment.

Mid Street Parking for Loading/Unloading

Lastly, this petition also includes a proposal to amend the Land Development Code to allow for mid-street parking for loading and unloading purposes within all urban streets (as defined in LDC Sec. 30-4.11.C) while also providing language to allow flexibility in loading space requirements within Urban Transect Zones. Currently the City of Gainesville requires that new developments having over 5,000 square feet of gross floor area provide off-street loading and unloading spaces (see Sec. 30-7.6). For reference, 5,000 square feet is slightly more than the size of an NBA basketball court. The dimensions specified in the LDC for these spaces are 50 feet in depth, 12 feet wide and an overhead clearance of 14 feet. These dimensions create development



conflicts in Transect Urban Zones where properties are characteristically smaller, more compact, and may lack the necessary space to adequately install a loading and unloading space for the development. Currently, the City of Gainesville has an ordinance that allows for mid-street parking in the downtown area in Sec. 26-102, this proposal would establish this allowance within the Land Development Code and would also extend the ability for loading and unloading via mid-street parking to other urban sectors of the city while giving staff the ability to determine the appropriateness of loading space requirements within developments in Urban Transect Zones on a case-by-case basis.

Respectfully submitted,

Juan Castillo Planner III

List of Exhibits

Exhibit A: Proposed Amendment to Parking Language

Exhibit B: Transect zoning location map

APPENDIX A Proposed Amendment to Parking Language

• Sec. 30-7.5. - Required Maximum number of parking spaces.

A. *Generally*. The <u>maximum</u> number of parking spaces required for each use shall be as provided in this section. In computing the number of parking spaces required, a fractional space of one half space or more shall be counted as one space. The number of parking spaces listed in the tables in this section shall be the specific number of spaces required unless the provision specifically identifies the number as a minimum or maximum.

- 1. <u>In computing the maximum number of parking spaces a fractional space of one-half space or more shall be counted as one space.</u>
- <mark>2. Vehicular parking.</mark>
- a. At development plan review, the approving authority may allow bicycle parking facilities that are in addition to the minimum number of required bicycle parking facilities to substitute for up to 85 percent of vehicle parking spaces on a four for one basis. Such substitution shall be made upon presentation of evidence by the owner of the property that the proposed use will be better served through the provision of additional bicycle facilities.
- <u>2.</u> At development plan review, the approving authority may allow ten additional spaces or up to ten percent greater than the maximum allowed, whichever number is greater, upon presentation of evidence by the owner of the property that the proposed use has a justifiable need for the additional parking spaces.
- 3. In the event an applicant for a project proposes to include parking in an amount greater than the maximum plus the additional parking spaces above the additional ten parking spaces or ten percent, the applicant shall provide a parking study demonstrating that:
 - a. Excess parking may be appropriate if there is minimal impact to the surrounding area.
 - b. Excess parking may be appropriate in those areas that demonstrate a high parking demand combined with a scarce or fully utilized current parking inventory.
 - c. Excess parking does not disrupt street liveliness by creating excessive distances between buildings and sidewalks.
 - d. Excess parking is oriented away from street frontages and screened.
 - e. Excess parking is preserving existing high-quality trees and is meeting landscape regulations for vehicular uses per Sec. 30-8.4
 - 4. Structured parking
 - a. Parking provided within a building or parking structure shall meet Sec. 30-7.3. and is not counted when calculating the maximum parking allowed.
 - b. Structured parking is required for any development exceeding 200 parking spaces.
- <u>5.</u> <u>2.</u> *Bicycle parking.* Unless otherwise specified, the required number of bicycle parking spaces is stated as a percentage of the <u>required maximum allowed</u> vehicular spaces.
 - 6. 3. Motorcycle and scooter parking.

- a. For developments that are in the University of Florida Context Area, but that are outside of the transect zones, the minimum requirement shall be one space per ten bedrooms.
- b. Scooter and motorcycle parking maybe substituted for required vehicle parking space on a one-to-one basis for development requiring less than 40 spaces.
- b. Proposed developments requiring providing 40 vehicular parking spaces or more shall provide off-street motorcycle and scooter parking spaces at a ratio of one space per 40 vehicle spaces. Required by this section. At development plan review, the approving authority may allow motorcycle and scooter parking spaces that are in addition to the minimum number of required parking spaces to substitute for up to 15 percent of required vehicle parking spaces on a one-to-one basis.
- <u>6.</u> 4. Relocatable structures. Any development within an ED district shall comply with the parking requirements as set forth in this article, except that off-street parking facilities for relocatable structures are not required to be constructed for three years from the date of placement of the relocatable structure on a lot. However, the construction of off-street parking facilities in accordance with the provisions of this article shall be commenced within 90 calendar days whenever any relocatable structure has been on a lot for a period of more than three years. The movement of a relocatable structure from one portion of a school lot to another location, or the replacement of one relocatable structure with another relocatable structure, shall not extend the aforesaid time limits prescribed herein.

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Transect	Min. Vehicle Spaces		Min. Bicycle Spaces		Min. Scooter
	Nonresidentia	Residential	Nonresidentia	Residential	Spaces
	I Use	Use	I Use	Use	
DT	-	-	1 per 2,000 sq.	1 per 3	1 per 6
			ft. of GFA	bedrooms	bedrooms
U9	-	-	1 per 2,000 sq.	1 per 3	1 per 6
			ft. of GFA	bedrooms	bedrooms
U8	-	-	1 per 2,000 sq.	1 per 3	1 per 6
			ft. of GFA	bedrooms	bedrooms
U7	-	1 per 3	1 per 2,000 sq.	1 per 3	1 per 6
		bedrooms	ft. of GFA	bedrooms	bedrooms
U6	-	1 per 3	1 per 2,000 sq.	1 per 3	1 per 6
		bedrooms	ft. of GFA	bedrooms	bedrooms
U5	-	1 per 3	1 per 2,000 sq.	1 per 3	-
		bedrooms	ft. of GFA	bedrooms	
U4	Per requirements of this article.				
U3					
U2					
U1					

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lacktriangle

Use	Required Maximum Vehicle Spaces	Required Bicycle Spaces
Auditoriums and sports arenas or stadia, based on fixed seating capacity	1 for each 4 3 seats.	10%
Automotive service, limited	1 for each 200 square feet of floor area.	2 spaces
Auto wrecking, junkyards and salvage yards	5, plus 1 for each acre in excess of 5 acres.	None
Baseball fields	10 per baseball diamond plus 4 2 space for each 4 seats designated for spectators. Where benches are used, 2.5 feet of bench shall be equivalent to 1 seat.	10%
Basketball courts	5 per court.	10%
Beauty and barber schools	3, plus 1 for each operator station.	20%
Beauty salons/barbershops	2 per beauty or barber chair.	10%
Bowling alleys	2 10 for each alley.	15%
Car wash facilities	With employees, 3 spaces minimum. Queuing spaces shall be provided to accommodate a minimum of 3 vehicles. Addition or reduction in the number of queuing spaces may be determined by the city manager or designee. Queuing spaces shall be set back a minimum of 20 feet from the right-of-way.	2 spaces if there are employees.
Civic, social and fraternal organizations	12 for each 40 square feet of floor area in principal area(s) of assembly.	10 <u>20</u> %
Community residential homes:		
1 to 6 residents	1 per home resident.	0
7 to 14 residents: (1) Where residents are allowed to keep motorized vehicles on premises.	1 per bedroom.	As required for multiple-family dwellings in the district located.
(2) Where residents are not allowed to keep motorized vehicles on premises.	1 per each employee in the largest work shift, plus 1 per each 5 residents, or fraction thereof.	
More than 14 residents: (1) Where residents are allowed to keep motorized vehicles on premises.	1 per bedroom.	As required for multiple-family dwellings in the district located.

(2) Where residents are not allowed to keep motorized vehicles on premises. Dancehalls and exhibition halls,	1 per each employee in the largest work shift, plus 1 per each 5 residents, or fraction thereof. 1 for each 100 square feet of	5%
without fixed seats, based on floor area devoted to public assembly	floor area devoted to the principal activity.	
Dance schools other than ballrooms	5, plus 1 for each 150 square feet of dance floor area in excess of 500 square feet.	10%
Day care centers	1 designed for the safe and convenient loading and unloading of persons for every 10 5 persons based upon the center's regulated capacity, with a minimum of 4 spaces, plus 1 parking space per every employee at maximum staff level. Adequate space for queuing, loading and unloading shall be provided.	10%
Group housing, large except sorority and fraternity houses	1 per every 400 200 square feet of floor area.	50%
Drive-through food service establishments with seating	3, plus 1 for each 3 seats of seating capacity where service is provided.	10 <u>20</u> %
Drive-through food service establishments with no seating	1 for each employee plus 1 space for each 200 100 square feet of gross floor area.	10%
Dry cleaning, pickup	3, plus 1 for each 500 square feet floor area in excess of 1,000 square feet.	3 spaces
Funeral homes and crematories	1 for each 5 seats in the chapel(s).	4 spaces
Golf courses	6 per hole, plus required spaces for restaurants and cocktail lounges.	4 spaces
Grocery stores	1 for each 200 <u>100</u> square feet of floor area.	10% up to a maximum of 15 spaces
Gymnasia and fitness facilities	10, plus 1 per 150 100 square feet of floor area in excess of 1,000 square feet or 1 space for each 4 3 seats, whichever is greater.	25%
Hospitals	1.5 spaces per bed.	5%

Hotels and motels	5, plus 1 for each guestroom,	4 spaces
Troteis and motels	plus 75% of required spaces for	+ spaces
	restaurants, retail outlets and	
	other accessory uses.	
Housing for the elderly	1 for every 3 2 living units.	50%
Laboratories medical and	4, plus 1 for each 300 square	10%
dental, when a primary use	feet of floor area in excess of	
	1,000 square feet.	
Laundromat	1 for each 3 2 washing or drying	→ 4 spaces
	machine.	
Libraries	1 for each 200 square feet of	20%
	gross floor area.	
Manufacturing and industrial	1 per 500 square feet of floor	5%
uses with no retail trade	area.	
Mini-warehousing, self-storage	5, or 1 for manager's area(s),	5%
	plus 1 per 200 bays , whichever	
	is greater.	
Movie theaters	1 for each 3 2 seats.	10%
Multiple-family dwellings	1 parking space per bedroom,	1 per 3 bedrooms in all transect
	excluding transect zones; see	zones; 10% all other districts.
	section 30-4.15 for transect	
D.A	zone parking requirements.	250/
Museums	1 parking space per 500 250	25%
Nursen, and garden store	square feet of exhibit display.	2.4 cpages
Nursery and garden store	10, plus 1 for each 150 square feet inside sales area over 1,000	24 spaces
	square feet, and 1 per 2,000	
	square feet outside sales area	
	open to the public.	
Nursing homes	1 per 2 bed s .	5%
Offices and business and	1 parking space for each 300	10%
professional services	square feet of gross floor area	
•	or 1 space per employee,	
	whichever is greater.	
Offices, medical and dental	1 for each 150 square feet of	5%
	floor area.	
Park facilities not listed	Parking study required.	4 spaces for the first 10 acres
		plus 1 for every 5 acres or part
		thereof over 10 acres up to a
		maximum of 20 spaces.
Picnic tables	1 for every 3 picnic tables over 5	
	tables.	100
Places of religious assembly	1 for each 4 seats, or 1 for each	10%
	40 square feet of floor area in	
8 11 11	principal area(s) of assembly.	200/
Pool halls	2 for each table.	20%

Public swimming pools and private swim clubs	1 per 200 square feet of pool surface area (not including wading pools or whirlpool baths) plus 1 for each 200 square feet of building area in accessory structures in excess of 1,000 square feet.	25%
Public tennis courts and private tennis clubs, and racquetball courts	2 per court, plus 1 for each 200 square feet of clubhouse floor area in excess of 1,000 square feet.	20%
Recreation, indoor not elsewhere classified	4 per 1,000 square feet gross floor area accessible to the public.	25%
Rehabilitation centers, social service homes and halfway houses	1 per 500 square feet of floor area.	10%
Restaurants	3, plus 1 for each 3 2 seats of seating capacity where service is provided.	10%
Restaurants with no seating	1 for each 200 square feet of gross floor area.	10%
Retail sales, large scale	1 per 500 square feet of floor area.	5%
Retail sales and personal	1 per 250 square feet of floor	10%
services not listed elsewhere	area.	
Schools, Elementary	30, plus 2 per classroom.	100%
Schools, Middle	35, plus 2 spaces per classroom.	200%
Schools, High	1 per employee plus 1 per 10 students of design capacity.	100%
Single-family dwellings, mobile homes, family day care homes, foster family homes for children and for adults and group homes, small	12 per dwelling unit, mobile home, foster family home for children or for adults or group homes, small.	0; 10% if subsidized housing for low income residents.
Social service homes	1 per 2 paid employees and volunteer employees present during largest shift and 1 parking space for every 4-2 beds.	10%
Sorority and fraternity houses with living accommodations	1 per every 110 square feet of bedroom floor area devoted to members plus 1 per each resident advisor, plus 1 per every 50 square feet of floor area devoted to dining and	50%

	1	,
	meeting rooms over 2,500 square feet.	
Storage associated with the	1 for each 1,000 square feet of	
principal use where the floor	floor area designated for	
area of the storage space is	storage.	
greater than 50% of the floor		
area devoted to the principal		
use		
T-hangers (airport)	1 per 3 hanger s .	None
Trade, vocational and business	1 per employee, plus 1 per 3	20%
not otherwise classified, and	students of design capacity.	
professional schools		
Transportation services	1 for each 5-3 seats of seating	10%
(railroad, bus, air terminals)	capacity in waiting terminals.	
Two-family and attached	2 per dwelling unit.	0
dwellings		
Vehicle repair	1 per 200 square feet of floor	2 spaces
	area, including any outdoor	
	work space.	
Vehicle sales and rental	3, or 1 space per 500 square	5%
	feet of floor area (including	
	covered display areas, offices	
	and service areas), plus 1 space	
	per 5,000 square feet of	
	outdoor storage and display	
	area, whichever is greater.	
Veterinary services	1 for each 500 square feet of	5%
	floor area exclusive of boarding	
	areas.	
Wholesale products with retail	10, plus 1 for each 120 square	5%
trade	feet retail sales area in excess of	
	1,000 square feet and 1 per 750	
	square feet of warehouse area	
	open to the public.	
Wholesale trade and	3, plus 1 per 1,000 square feet	5%
warehousing with no retail	of floor area.	
trade		

The parking ratios for these uses shall serve as a guide in determining overflow grass parking requirements.

B. *Overflow* parking. In situations where development proposals contain recreational facilities that are planned for regularly scheduled activities, the reviewing authority may require at site plan review, upon advice of the public works department, additional parking to be provided as overflow grass parking.

C. Reduction in number of required parking spaces. At site plan review, the reviewing authority may authorize a reduction in the number of required vehicular parking spaces if it is determined: 1) there will be adequate access to the development by acceptable alternative means, 2) that the reduction will not infringe upon the parking and access available to other properties in the area, and 3) that the reduction is not needed primarily for the erection, construction or placement of any building on any land. In addition, the reviewing authority shall consider the following criteria:

- 1. Evidence that patrons and/or employees of the establishment will arrive by a transportation mode other than private vehicles.
- 2. Evidence that there are an adequate number of parking spaces in the vicinity that are available to the general public who will use the development without reducing the spaces available to and used by other establishments.
- 3. Evidence that the proposed use and likely future uses of the development will generate less parking than the minimum requirement of this chapter.
- 4. Provision of convenient pedestrian and bicyclist access to the site based on its location and the development plan.
- 5. Evidence that a reduction in required parking will not result in unauthorized on street parking or use of parking provided by nearby businesses.
- 6. In the case of the reuse or redevelopment of a site, evidence that a reduction in the parking requirement will enhance the ability to reuse an existing developed site.
- 7. Whether the uses on site serve the recurring household needs and personal service requirements of the occupants of nearby residential areas, and are located in close proximity to a small service area.
 - 8. The number of existing pakring spaces within 300 feet of the proposed use.
 - Sec. 30-7.6. Off-street loading and unloading.

A. *Purpose*. In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, variety store, wholesale store, laundry, dry cleaning, dairy, mortuary and other uses similarly and customarily receiving or distributing goods by motor vehicles shall provide loading and unloading space on the premises for that number of vehicles normally at the premises at any one time on an average day of full use.

B. Loading and unloading space.

1. Every building housing a use mentioned in this section and having over 5,000 square feet of gross floor area but less than 20,000 square feet of gross floor area shall be provided with at least one off-street loading/unloading space, immediately adjacent to the principal building. In addition, one off-street loading/unloading space shall be provided for each additional 10,000 square feet of gross floor area or fraction thereof over 20,000 square feet up to 50,000 square feet, plus one for each 25,000 square feet over 50,000 square feet. Where the requirement exceeds five loading spaces, the traffic engineer shall determine whether additional spaces are needed and to what extent. Such space is defined as an area of at least 50 feet in depth, 12 feet in width

and with an overhead clearance of not less than 14 feet, exclusive of access, platform or maneuvering area, to be used exclusively for loading and unloading of merchandise. The exact dimensions of the loading/unloading space(s) shall be subject to the approval of the traffic engineer.

- 2. Access to all truck standing, loading and unloading facilities shall be provided directly from a public street or alley and shall be so designed that all maneuvering areas are located on the property.
- 3. Loading spaces required under this subsection shall be provided onsite as an area additional to <u>maximum</u> off-street parking spaces as required in this article and shall not be considered as supplying off-street parking spaces.

4. Loading areas within a transect zone shall be located in the rear of the site, incorporated into the building mass, or screened from public view by a wall (up to a maximum of eight feet) and landscaping.

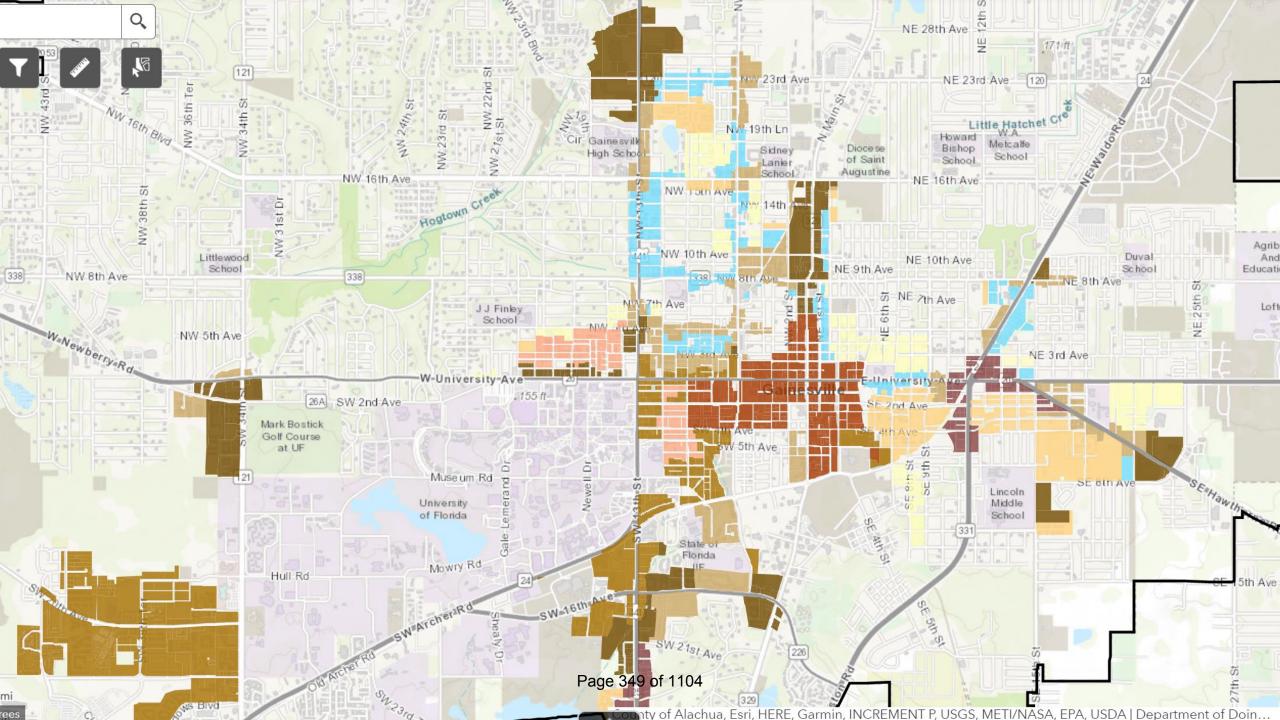
<u>C. Loading areas within transect zones</u>. In order to allow for in-fill development flexibility to better suit space restraints found within denser urban cores of the city, loading areas shall be reviewed and determined at development review.

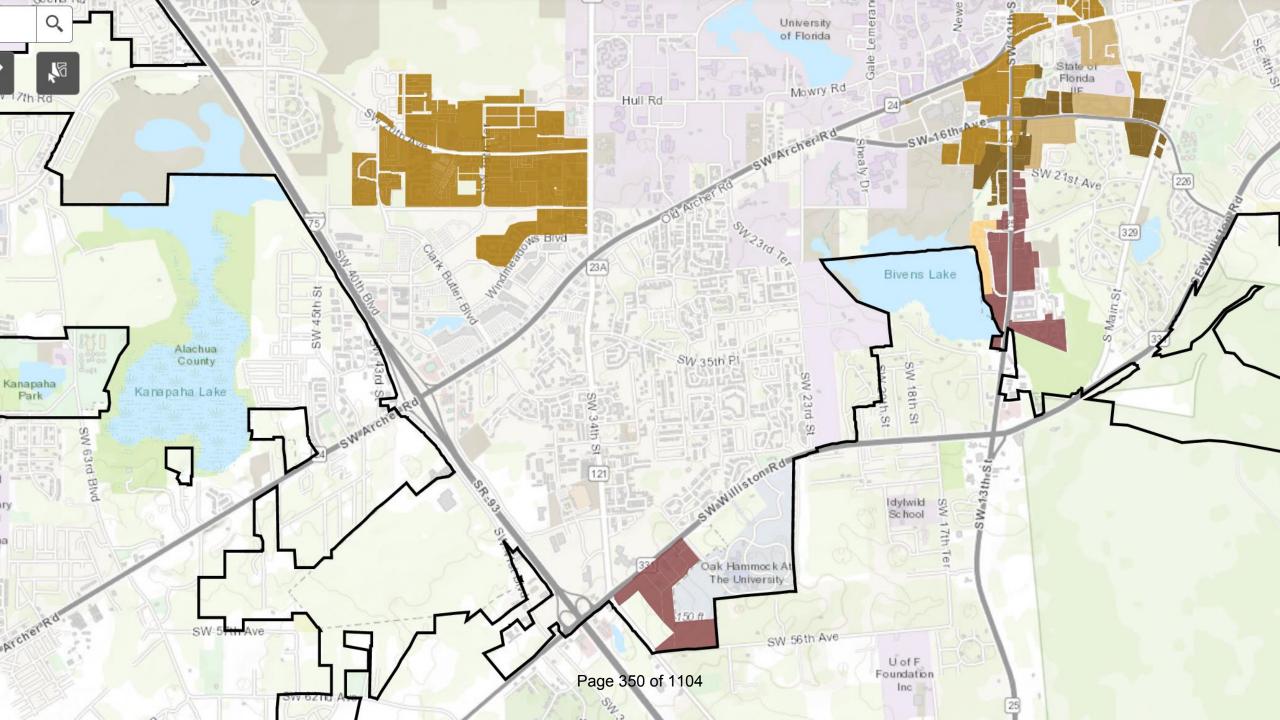
- 1. In determining the appropriateness of a loading area staff shall consider the following:
 - a. Width of streets adjacent to the development
 - b. Times of deliveries
 - c. Intensity of use
 - d. Traffic
 - e. Site constraints
- 2. <u>If a loading area is required, it shall be located in the rear of the site, incorporated into the building mass, or screened from public view by a wall (up to a maximum of eight feet) and landscaping.</u>
- D. Loading and unloading mid-street parking in Urban Streets.

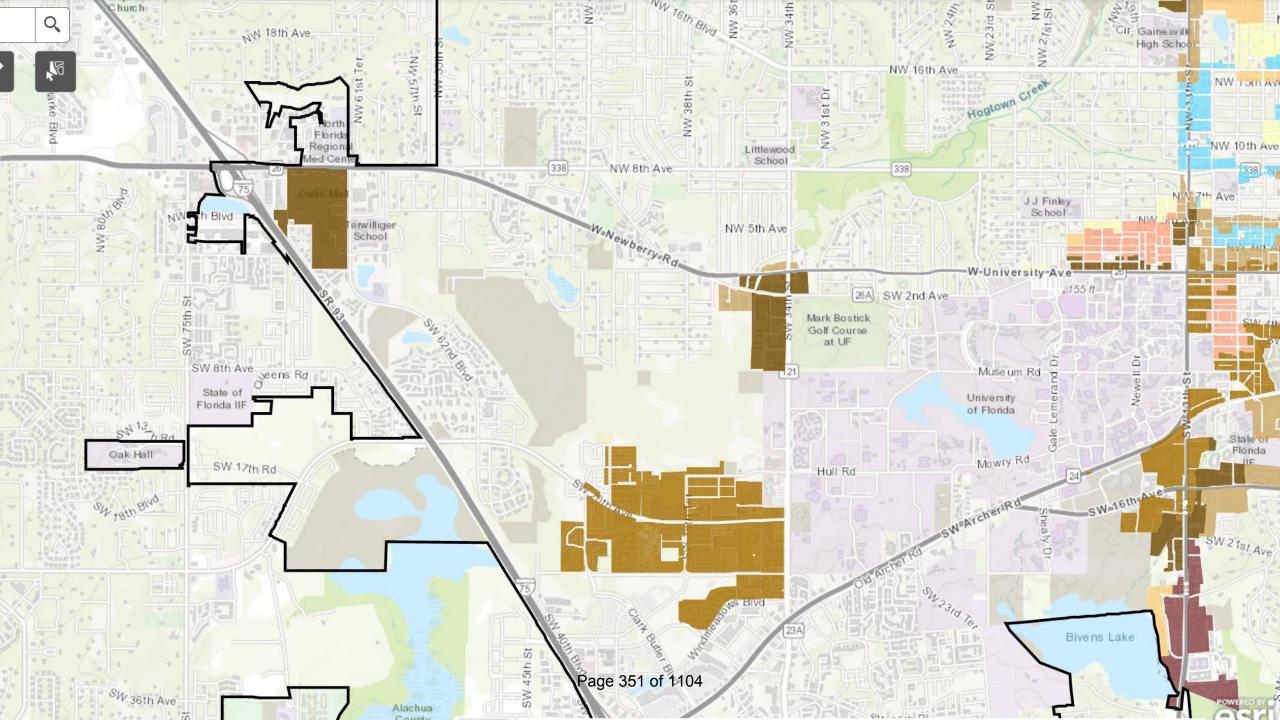
For the purpose of this section, Urban Streets are defined by Sec. 30-4.11.C of the Land Development Code and "mid-street" is defined as 5 feet from the centerline of a public right of way in each direction.

- 1. A business or entity making a delivery of goods, supplies or materials, desiring to use mid-street loading and unloading, shall have a vehicle that is clearly identified and marked for business purposes, by signs, painted lettering, or similar permanent markings.
- 2. A clearly marked business vehicle may utilize mid-street parking in urban streets for the temporary short-term loading and unloading of goods, supplies or materials as long as the parking of the vehicle does not obstruct traffic and conforms to the following requirements:
 - a. The vehicles shall straddle the center lines, leaving at least ten feet on each side for other vehicles to pass, and shall not be positioned so as to prevent or block access from or to any streets, driveways, parking lots, or parking spaces, or to interfere with pedestrian crosswalks or traffic.
 - b. Mid-street parking shall be limited to no more than 15 minutes, and shall be utilized solely for purposes of loading or unloading of goods, supplies or materials.
 - c. All vehicles parked in accordance with this procedure shall be parked at least 30 feet from the intersection and shall have the emergency hazard flashers activated at all times.
 - d. No mid-street parking or the loading and unloading of the vehicle is allowed between the hours of 1:30 a.m. and 2:30 a.m.
 - e. No mid-street parking or the loading and unloading of the vehicle is allowed during any special downtown events within the downtown area, or when traffic conditions otherwise render mid-street parking unsafe, as ordered by a law enforcement officer.

APPENDIX B Transect Zoning Location Map









Appendix C

2022-677A Staff Report Inclusionary Zoning

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TO: City Plan Board **DATE**: October 26th 2023

FROM: Department of Sustainable Development

SUBJECT: Proposed Amendments to the Comprehensive Plan and Land Development Code – Introducing Inclusionary Zoning and Offset Density Bonus, and Eliminating the Density Bonus Manual.

Applicant: City of Gainesville

Discussion

The City of Gainesville, like many urban areas across the nation, faces a complex challenge in providing housing. As outlined in the Exclusionary Zoning and Inclusionary Housing Study conducted by HR&A, the city grapples with three pivotal issues: disparities in housing access and quality, burdensome housing costs, and systemic racial segregation.

Available housing in Gainesville is dominated by rental units. This trend is underlined by HR&A's analysis of the American Community Survey from 2019, which shows that 61% of households in the city opt for rental units. Moreover, the student demographic, which makes up 36% of the city's overall population, is particularly influential in the local housing market. Half of residents in housing units constructed post-2000 are student renters. Newer rental housing developments primarily focus on student renters, leaving non-student residents with less housing options.

Housing affordability is another pressing concern for Gainesville's residents. The Zillow Rent Affordability Calculator puts the city's median rent at \$1,590 per month. To comfortably afford this, a household would need an annual income of roughly \$63,600, assuming 40% of the gross income is allocated for rent. This presents a significant challenge in light of the median household income of Gainesville of \$40,937.

Further complicating matters is the city's rate of growth. Housing construction has not kept pace with population growth. Data from the Bureau of Economic and Business Research show a 4.5% growth in population over the past five years. Projections suggest that by 2025, the city will gain an additional 6,542 residents. However, from 2010 to 2020 only 6,036 housing units were introduced to the market. This disparity in growth rates



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persists, with 2020 to 2021 data from DATA USA showing a 3.84% population increase, with a relatively stagnant growth in housing units.

Given the array of challenges presented, the City Commission has directed staff to research and propose Inclusionary Zoning regulations. Staff is proposing to integrate these regulations into the Comprehensive Plan and the Land Development Code to foster housing options in Gainesville that are both equitable and accessible.

Defining Inclusionary Zoning

Inclusionary Zoning refers to land use policy that mandates or encourages new development to include a certain percentage of housing units as "affordable" units, typically defined by a percentage of Area Median Income (AMI). Over 1,000 jurisdictions across 30 states have some form of Inclusionary Zoning as a policy.

Inclusionary zoning policies exhibit distinctive features. Primarily, these policies can either be mandatory, requiring developers to integrate affordable housing units, or they can be voluntary, where developers are incentivized but not mandated, to provide affordable units. In Gainesville, current policy is largely voluntary. Developers are offered bonuses, specifically in building height and density, contingent upon their provision of affordable housing, as detailed in Sec. 30-4.9 and the Density Bonus Manual (refer to Appendix). However, these incentives are not often utilized and have not had a significant impact on providing affordable housing.

A key feature of inclusionary zoning policies is the "set-aside" percentage. A set-aside percentage refers to the percentage of affordable units a developer must provide in a new development. This can vary widely, from 10% to 30% or more, depending on the jurisdiction and specific policy. In addition to set-aside provisions, "depth of affordability" refers to the percentage of Area Median Income that jurisdictions use to define *how* affordable new housing units are. AMI percentages—like units priced for those earning 50% versus 80% of the AMI—are used to "lock in" pricing points relative to local household incomes. Depth of affordability is critical as a percentage that is too high could result in units priced below the market rate, but that still remain inaccessible for many in the lower-income bracket. However, a percentage that is too low could depress new housing development projects by reducing feasibility or profitability for developers.



Offsets and Incentives

Density Bonuses are also an essential aspect of housing policies. On their own, they offer developers an incentive to provide affordable units by permitting them to construct a greater number of units than typical maximums allowed by zoning. In Florida, when an Inclusionary Zoning policy is mandatory and requires the inclusion of affordable housing, State Statute dictates that municipalities must offer incentives that compensate for the developer's costs for providing required units. Introduced under HB 7103 in the 2019 Legislative Session, this stipulation is frequently addressed by cities by providing Density Bonuses. In some jurisdictions these bonuses are complemented with other incentives such as, fee reductions, reduced lot setbacks, and property upzoning.

Fee-in-Lieu Option

Inclusionary Zoning policies may also incorporate in-lieu fees, allowing developers to opt providing a fee in place of on-site affordable housing units. The method for calculating the fee can vary, whether calculated per unit or based on square footage. Municipalities are then able to channel these funds to bolster affordable housing initiatives in other ways, be it in the form of constructing new housing, preserving current affordable homes, or assisting households with down payments or rents.

In-lieu fees enhance the adaptability of IZ policies, especially when on-site affordable housing construction faces site-specific obstacles or misaligns with a project's vision. For developers, these fees offer a choice, enabling them to either provide on-site affordable housing or to pay the fee, depending on which approach suits their financial strategy or project constraints best. Additionally, in-lieu fees ensure a consistent financial source for local authorities, empowering them to align their affordable housing strategies with broader community aspirations or address pressing housing concerns.

However, these fees aren't without challenges. Over-reliance can lead to the clustering of affordable housing in specific regions, undermining the goal of fostering mixed-income communities. The fee's effectiveness hinges on its calibration—if too low, it might not offset the absence of affordable units, but if too high, it might stifle development. Moreover, while on-site affordable units offer immediate benefits, the dividends from in-



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lieu fees, such as launching a new affordable housing initiative, might manifest over a more extended period.

Successful Inclusion of Units

Inclusionary zoning policies usually include several features that directly address how affordable units are integrated with market-rate units. For example, most policies address the length of time affordable units are maintained which can range from a few years to 'in perpetuity'. In addition, some policies focus on a seamless integration of affordable units within market-rate developments to increase economic diversity. Such economic integration can diminish income-based segregation, which often overlaps with racial or ethnic divides, encourage interactions between diverse socioeconomic groups, cultivate mutual understanding, and diminish prejudices.

Such policies also often point to studies that show that children from low-income backgrounds tend to excel academically in mixed-income areas. Such environments expose them to broader networks, enriching extracurricular, and valuable mentorship opportunities. Beyond educational benefits, economic integration catalyzes local economic momentum by enticing a diverse workforce, bolstering local businesses, and driving community progression. Strategically located affordable housing near employment hubs can curtail transportation costs for financially constrained households. Additionally, mixed-income communities usually offer superior healthcare access, recreational spaces, and healthier food choices, all contributing to enhanced public health. Housing affordability in such diverse settings ensures stability for indispensable professionals like educators, healthcare workers, and public servants. This proximity to workplaces translates to timely arrivals, minimized traffic bottlenecks, and a reduced carbon footprint—championing smart urban growth principles like walkability and minimized urban sprawl.

Arguments against the integration of affordable units with market-rate typically center on the idea that mixed-income properties devalue adjacent real estate. However, this argument is not supported by current research with studies showing that mixed-income properties do not depress surrounding values and may even elevate them.

Development Scale



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Inclusionary Zoning policies also often address the scale of proposed development. The size or magnitude of a project, and how IZ policies apply to it, is a crucial factor in IZ policies and can impact the overall success. Many IZ policies set a minimum development size or "threshold" at which the requirements take effect. For example, an IZ policy might only apply to residential developments of 10 units or more. This is to ensure that smaller developments, which might have less flexibility in the financial feasibility of a project, are not unduly burdened. Deciding on this threshold is critical, as setting it too low could discourage small-scale development, while setting it too high could mean missing out on potential affordable housing units. One option is to apply a "Graduating Scale" in which municipalities have tiered requirements based on the scale of development. For example, a development with 10-20 units might be required to have 10% of units affordable, while a development with 100+ units might be required to have 20% affordable. This graduated approach recognizes that larger developments might have economies of scale that make it more feasible to provide a higher proportion of affordable units.

Alternatively, some IZ policies may offer more flexible compliance options that vary based on development scale. For example, smaller projects might be given the option to pay a fee-in-lieu of providing on-site affordable units, recognizing that integrating a small number of affordable units might be challenging. Larger projects, on the other hand, might be encouraged or required to provide on-site units to promote mixed-income communities.

Advantages and Disadvantages of Inclusionary Zoning

Of course, the primary advantage of Inclusionary Zoning policies is the intentional increase to the affordable housing supply. In urban locales grappling with soaring housing costs, IZ serves as a viable mechanism to maintain a consistent stream of affordable residences. The policy allows for these units to either be incorporated directly within new developments or, through developmental fees, be situated off-site in strategic areas of a municipality.

Beyond the tangible increase in housing, IZ policies can have profound socio-economic implications. They can foster a more cohesive, economically integrated society and such economic integration not only enhances community diversity but also brings a host of benefits to the municipality.



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Financially, municipalities are finding IZ policies cost-effective. Often, the associated direct costs are borne by developers, meaning public funds remain unburdened since these policies don't tap into public funds directly for the creation of affordable units. Moreover, IZ introduces a layer of flexibility to housing strategies, evident in options like in-lieu fees and provisions for off-site construction.

However, the IZ landscape isn't without its challenges. Critics highlight potential deterrents for developers, especially when the financial implications become too onerous. Another point of contention is the policy's focus on new developments, seemingly overlooking the affordability concerns of existing housing stock. This perceived myopia can limit the policy's overall efficacy. Additionally, there is ongoing debate surrounding the potential for IZ to inadvertently inflate market-rate prices as developers might attempt to offset costs tied to affordable housing provisions.

Given the multifaceted advantages of adopting IZ policies for Gainesville, underscored by recommendations from the HR&A report and its alignment with the vision articulated in the City's Comprehensive Plan, Staff is proposing the changes to the Comprehensive Plan and Land Development Code included in this report.



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Staff Proposal

1. Comprehensive Plan Amendment

At the core of the current proposal is an amendment to the Comprehensive Plan. To provide some context, a Comprehensive Plan functions as a visionary blueprint, shaping the trajectory of long-term growth and development within a municipality. By encompassing vast geographical zones, it provides guidance on pivotal areas, ranging from land use and transportation to housing and community infrastructure.

In the specific case of Gainesville, the Comprehensive Plan operates as the cornerstone for the city's overarching vision, guiding and determining the nature of all future developments. It is not merely a suggestive document; it establishes a definitive framework that all developmental endeavors within the city must align with.

Gainesville's Comprehensive Plan places an emphasis on affordable housing, which dovetails with the principles underlying the Inclusionary Zoning proposal. However, to fully harness the potential of Inclusionary Zoning, especially regarding the density bonuses, certain modifications to the plan are necessary.

By adding language allowing the provision of density bonuses associated with affordable housing and the Inclusionary Zoning proposal, the Comprehensive Plan will allow the implementing language in the Land Development Code to offer density bonuses as offset provisions. This will ensure cohesive, sustainable growth, and provisions for affordable housing. This is consistent with policies and goals found in the following Goals, Objectives and Policies of the Comprehensive Plan:

Future Land Use Element

Goal 1 "Improve the quality of life and achieve a superior, sustainable development pattern in the city by creating and maintaining **choices in housing**, offices, retail, and workplaces, and ensuring that a percentage of land uses are mixed, and within walking distance of important destinations.

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."



Housing Element

Overall goal: encourage a sufficient supply of adequate, decent, safe, sanitary, healthy and <u>affordable rental</u> and owner-occupied <u>housing for all income groups</u>.

Goal 1 assist the private and non-profit housing sector in providing **housing for low-income**, very low-income, and extremely low income households.

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

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

Policy 1.2.5 <u>The City shall support the dispersal of low-income</u>, very low-income and extremely low-income housing units throughout the City by providing housing densities throughout the City that will allow low-income, very low income and extremely low-income housing to be provided by the private sector.

Policy 1.3.1 The Future Land Use Element shall designate land for residential use to meet housing needs through the year 2023, including workforce housing as defined in Section 380.0651(3)(h), F.S. as well as moderate-income, low-income, very low-income and extremely low-income housing, including mobile homes.

Objective 1.5 The City shall collaborate with architects, designers and other housing professionals (providers) to encourage the innovative design of affordable housing.

Policy 1.5.1 <u>The City shall seek innovative ways to encourage affordable housing</u>, 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.



Objective 3.3 Assist low-income, very low-income, extremely low-income, and moderate-income households each year in <u>locating and affording low-cost rental and owner-occupied housing.</u>

2. Land Development Code Amendment

Along with amending the Comprehensive Plan, a companion amendment is needed in the Land Development Code. The Land Development Code will not only provide more specific details as to the use of density bonuses, but will also include other provisions in similar fashion to other municipalities. The proposal detailed below is based on the recommendations from the HR&A report, Staff analysis on comparable municipalities, feedback from the Alachua County Housing Authority (ACHA), Gainesville Housing Authority (GHA), local developers, and overall industry standards associated with Inclusionary Zoning.

Provisions for Depth of Affordability

The concept of "depth of affordability" pertains to the degree of affordability of housing units, keeping in mind the income brackets of targeted households. In a comprehensive analysis, HR&A consultants scrutinized Inclusionary Zoning policies from various municipalities nationwide. They identified two prevalent scenarios: The first dictates that developers reserve 10% of market-rate units for those earning up to or below 80% of the Area Median Income (AMI)—to put this in perspective, Gainesville's median income stands at \$40,937. The second scenario proposes an 8% set aside for those earning at or below 60% AMI.

When applying these models to Gainesville's landscape, HR&A categorized five distinct types of developments. Large Gardens typically span vast lots and stand 3-4 stories tall, with notable examples being Novo Market's West, 23 West, and the Mayfair. Large Midrises, on the other hand, occupy significant lots and reach 4-5 stories in height, as seen in developments like City Place at Celebration Pointe and Liv+ Gainesville. Infill Midrises are constructed on smaller plots, standing 4-6 stories tall, with Cascades and Midtown Apartments serving as prime examples. Infill Highrises, confined to petite lots, tower at 7+ stories, as exemplified by The Standard and Evolve Gainesville. Lastly, Single

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Family developments, usually sprawling over large plots, are 1-2 stories high, with 88th street cottages and Dreams Gainesville being illustrative.

Upon categorizing these developments, HR&A crafted a model to evaluate the financial implications of integrating affordable units into each typology. The findings were revealing: mandating a 10% or 8% affordable unit inclusion could potentially undercut the profitability of new projects, pushing returns below a desirable threshold. This benchmark was deduced for every development type through a "Yield on Cost at 10 year" cash flow model. Further insights into this model can be found in the detailed HR&A report. To remedy this profitability conundrum, incentives are pivotal to bridge the return gap, ensuring developments remain lucrative while championing affordability.

Incentives to Bridge the Return Gap

To bridge the return gap in development, a study was conducted on two primary incentives: Density Bonuses coupled with Public Land Contributions and the acceleration of reviews paired with By-Right development. The findings illuminated that a 30% density bonus effectively addressed the return gap across all five development typologies, given the stipulation of a 10% set aside for individuals earning 80% or less of the Area Median Income. Essentially, by earmarking 10% of a project's units as affordable, the permitted development density could be augmented by 30%, enhancing the project's value to the extent that it compensates for the costs of integrating affordable units. However, it's crucial to recognize that there might be situations where this 30% density bonus doesn't fully counterbalance the costs of incorporating affordable housing. In such cases, supplementary incentives come into play. These can range from fee reductions or waivers, adjustments in building setbacks, reductions or waivers in buffer requirements, modifications in building placements, to any other relevant incentives deemed fit.

Development Scale

To establish an appropriate development scale for Gainesville, HR&A surveyed various jurisdictions, identifying a prevalent threshold of 10 and 20 units. This pattern was further validated by Staff's own research. Recognizing this consistency and with a commitment to maximize affordable housing opportunities, the report suggests integrating a 10-unit threshold in Gainesville's Inclusionary Zoning (IZ) proposal. Anticipating the varying demands of development, coupled with the proposed fee-in-lieu option, this threshold

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aims to offer smaller developments the adaptability in case providing affordable housing isn't viable. Nonetheless, decision-makers retain the discretion to mandate alternative thresholds. For projects comprising fewer than 10 units, the mandate to offer affordable housing would not apply. Still, these developers can choose to incorporate affordable housing, benefitting from associated offset provisions in return.

Unit Characteristics

To align with Gainesville's Inclusionary Zoning (IZ) proposal, every affordable unit must seamlessly blend with market-rate counterparts. This encompasses consistent construction materials, finishes, and features—from countertops and cabinets to flooring. Moreover, residents in these affordable units should receive all services and amenities standard for market-rate tenants. This encompasses access to recreational facilities, waste collection, and amenities such as cable and communal areas, ensuring an equitable living experience for all residents.

Unit Location

In accordance with Gainesville's Inclusionary Zoning (IZ) proposal, affordable units should be evenly distributed throughout a development, avoiding concentration in any particular section. This dispersion promotes economic integration, the benefits of which have been discussed in this report. Thus, besides being visually and functionally consistent with market-rate units, the placement of these affordable units should also foster an environment of economic integration.

Synchronized Development

Affordable housing units, under IZ, should progress hand in hand with market-rate units. This approach ensures that as a development is completed, affordable housing is immediately available to its residents.

Phased Development

For expansive projects built in stages, it's crucial to avoid relegating affordable units to the final phase. Doing so can delay affordable housing's availability and poses a risk if later stages of the project hit unexpected snags. Hence, each phase should incorporate a proportional number of affordable units corresponding to the total units in that phase.

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Voluntary Provision

In addition to the mandatory Inclusionary Zoning (IZ) regulations, there are proposed voluntary provisions as part of the complete IZ package. Developers can access these voluntary provisions by exceeding the prescribed affordability levels in the IZ policy. They can do this by either increasing the number of affordable units (e.g., providing 20% instead of the standard 10%), offering units at deeper affordability levels (e.g., at 70% AMI instead of 80% AMI), or a blend of both approaches. For every increment of enhanced affordability, the development earns an additional 5% density bonus, capped at a total of 50% density bonus.

To illustrate: If a developer opts to offer 20% of units at 70% AMI, they are amplifying affordability in two ways: by boosting the number of units and by targeting a reduced AMI. Consequently, this development would qualify for an additional 10% density bonus, resulting in a total density bonus of 40% (30% baseline plus 10% voluntary).

Monitoring and Compliance

The effective management and enforcement of the Inclusionary Zoning (IZ) policy in Gainesville are crucial for its success. This will involve a multi-departmental effort within the City. The implementation and management of the program would be managed by the Department of Sustainable Development and the Housing and Community Development Department (HCD). HCD, given its expertise in housing needs and established ties with organizations proficient in housing allocation, is recommended to oversee the compliance aspect of the IZ policy. This department might also collaborate with third-party organizations to ensure the appropriate allocation of affordable housing units to eligible tenants based on the Area Median Income (AMI) criteria and potentially secure funding for housing subsidies.

For policy enforcement, it is suggested that the Code Enforcement division within the Department of Sustainable Development take the lead. They could utilize tools such as compliance fees, liens, and other measures they deem fit to ensure adherence to the policy.

Biennial Review

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City of Gainesville

Department of Sustainable Development

It is also worth noting that the City's Inclusionary Zoning policy will be subject to review biennially. Such periodic evaluations are crucial given the fluid nature of housing markets. This two-year review cycle not only offers consistency and allows for the policy's effects to manifest but also facilitates timely adjustments to fees, thresholds, and percentage requirements in alignment with changing circumstances, consistent with practices in other municipalities.

Density Bonus Manual Deletion

In addition to providing language related to Inclusionary Zoning requirements, this proposal recommends the removal of the existing Residential Density Bonus Points provisions for two primary reasons. Firstly, since its adoption on March 14, 2005, the manual has rarely been utilized by developers to gain additional density, and it has not been updated since its inception. Many provisions within the manual are now outdated due to evolving code policies, such as those related to historically significant structures, parking, compact development, and block length, among others.

Secondly, by eliminating the manual, density bonuses can be more strategically aligned with the city's priorities, specifically: a) fostering affordable housing and b) preserving high-quality trees. These revised density bonus criteria better reflect Gainesville's mission of expanding affordable housing options while also safeguarding valuable environmental assets like noteworthy trees.



Department of Sustainable Development

Steps to IZ Compliance

Below is a detailed account of the actions that would be taken by an applicant looking to develop 10 or more multi-family units in order to meet the City's Inclusionary Zoning requirements.

- First step meeting the applicant will attend a "First Step" meeting where Staff from various City departments are present. At the meeting, Staff will provide the applicant with feedback on the proposal in relation to City requirements, including information on meeting requirements for the inclusion of affordable housing units within the development.
- 2. Following the First Step meeting, and the applicant holding a Neighborhood Workshop, if required, the applicant would submit an application designed to document the Inclusionary Zoning status. An agreement with the City will not be necessary at the time of application.
- 3. The project's density bonus and any other applicable benefits will be applied during the development review process.
- 4. A template of the required legal agreement will be provided by the City during application review and will be required to be executed prior to final development approval and issuance of a development order.
- 5. The Housing and Community Development Department will monitor adherence to Inclusionary Zoning requirements after the development is completed.
- 6. The Code Enforcement Department will have the ability to enforce and encourage non-conforming development to come into conformity.
- 7. In the event that a development is found to not comply in any of the provisions stated for Inclusionary Zoning, the development will be fined a certain amount daily until the nonconformity is remedied.
- Payments will be made to the City of Gainesville Housing Fund and will be used to help develop affordable housing or to help subsidize rental payments to residents.

Community Engagement

AHAC's Efforts in Community Engagement

On October 13, 2022, the City Commission tasked the Affordable Housing Advisory Committee (AHAC) with spearheading community engagement on Inclusionary Zoning. AHAC, with assistance from City Staff, conducted four public meetings at various venues like schools, churches, and community centers across the city's quadrants. At these meetings, AHAC primarily presented information about Inclusionary Zoning and solicited feedback from attendees, while City Staff provided support. Specific details about each meeting, including dates, venues, and objectives, can be found in Appendix B.

To further engage the community, AHAC hosted additional public meetings to discuss the proposal. Dates of these discussions are as follows:

Nov. 1, 2022

Dec. 13, 2022

Jan. 10, 2023

Feb. 13, 2023

Mar. 14, 2023

April 18, 2023

Department of Sustainable Development's Outreach

Beyond AHAC's efforts, the Department of Sustainable Development presented the Inclusionary Zoning proposal at two other public meetings in March 2023, in response to requests from the Gainesville Community Reinvestment Area Advisory Board (GCRAAB) and the Alachua County Labor Coalition (ACLC). Informational handouts were distributed, and attendees had the chance to provide feedback.

Total Engagement Overview

The City Commission initially reviewed this initiative on October 13, 2022, followed by two meetings with the City Plan Board on October 17 and December 8. Throughout this process, both Staff and AHAC have provided multiple opportunities for public input: five from Staff and ten from AHAC, culminating in 15 total opportunities for community involvement.

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Community Engagement Takeaways

In general, there was a consensus that the proposal exhibited commendable qualities and was supportable. The principal point of contention pertained to the longevity of the affordable housing mandate. Observations were made, suggesting that the time frame should be framed as "in perpetuity" rather than the currently stipulated "99 years." Additionally, neighbors advocated for utilizing funds generated from developers to underwrite rental subsidies. Lastly, there were questions surrounding the inclusion of a fee-in-lieu option for developers. Although no strong objections were raised, concerns were voiced regarding the potential for developers to opt for this route instead of providing the mandated affordable housing units.



Department of Sustainable Development

Summary of proposal

The proposed Inclusionary Zoning policy change would involve an amendment to the City's Comprehensive Plan which would add language that allows for density bonuses in all future land use categories in relation to affordable housing. It also involves amendments to the Land Development Code including the following:

- Set aside and affordability requirements for new multi-family developments 10% affordable units at 80% AMI.
- In-Lieu Fee Will be provided based on HUD guidelines.
- Development Scale Multi-family developments with 10 units or more.
- Applicability Mandatory for new developments and includes voluntary provisions.
 Not applicable to existing developments.
- Affordability Term 99 years.
- Unit Pricing Follow existing HUD guidelines.
- Unit Characteristics Affordable housing units identical to market-rate units.
- Synchronized Development Affordable housing services, infrastructure, and occupancy must be provided at the same time market rate units are provided with provisions for phased developments.
- Fractional Units Adopt normal rounding rules, rounding up for fractional units above 0.5.

Respectfully submitted,

Juan Castillo Planner III

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APPENDIX A: Proposed Text Changes

Residential Low-Density (RL): up to 15 units per acre

This land use category shall allow dwellings at densities up to 15 units per acre. The Residential Low-Density land use category identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multifamily development. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

Residential Medium-Density (RM): 8-30 units per acre

This land use category shall allow single-family and multi-family development at densities from 8 to 30 dwelling units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential Medium-Density on the Future Land Use Map identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family, and medium-intensity multi-family development. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Land development regulations shall determine gradations of density and specific uses. Land development regulations shall specify criteria for the siting of appropriate medium-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations within certain limitations.

Residential High-Density (RH): 8-100 units per acre

This land use category shall allow single-family and multi-family development at densities from 8 to 100 dwelling units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential High-

Density on the Future Land Use Map identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for high-intensity multifamily development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed 25 percent of the residential floor area. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Land development regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Land development regulations shall specify the criteria for the siting of high-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations within certain limitations.

Mixed-Use Residential (MUR): up to 75 units per acre

This land use category provides for a mixture of residential and office uses. Office uses that are complementary to and secondary to the residential character of the district are allowed as home occupations. Additional office uses may be allowed through a Special Use Permit process established in the Land Development Code. An essential component of the district is orientation of structures to the street and the pedestrian character of the area. Office uses located within this district should be scaled to surrounding neighborhoods and institutions. Land development regulations shall set the appropriate densities (up to 75 dwelling units per acre); the allowable uses; appropriate height (up to a maximum of 4 stories); design criteria; and landscaping requirements. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Land development regulations shall specify the criteria for the siting of public and private schools, places of religious assembly and community facilities within this category.

Mixed-Use Office/Residential (MOR): up to 20 units per acre

This land use category allows residential uses and, depending on the implementing zoning district, may allow office, professional, service, and ancillary uses either as stand-alone uses or combined in a mixed-use development format. Some non-office type uses, such as restaurants, may be allowed through a Special Use Permit process established in the Land Development Code. Structures in this category shall be oriented to the street and encourage multi-modal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 20 units per acre. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Maximum building height

shall be limited to 3 stories. Land development regulations shall establish the appropriate uses; design criteria; landscaping and pedestrian/vehicular access for this category. Public and private schools, places of religious assembly and community facilities are appropriate within this category.

Mixed-Use Low-Intensity (MUL): 8-30 units per acre

This land use category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Residential development shall be limited to 8 to 30 units per acres. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Unified developments that include a residential and nonresidential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less.

Mixed-Use Medium-Intensity (MUM): 12-30 units per acre

This land use category allows a mixture of residential, office, and business uses concentrated in mapped areas. Public and private schools, institutions of higher learning, places of religious assembly and community facilities shall be appropriate in this category. Residential development shall be limited to 12 to 30 units per acre. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Unified developments that include a residential and non-residential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Land development regulations shall ensure a compact, pedestrian environment for these areas and provide guidelines for the compatibility of permitted uses.

Urban Mixed-Use (UMU): up to 60 units per acre; and up to 20 additional units per acre by Special Use Permit

This land use category allows residential, office, retail and serve uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within

fully enclosed structures shall be allowed in specified zoning districts as specially regulated by the Land Development Code. Structures in this category shall be oriented to the street and encouraged multimodal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 60 units per acre. with provisions to add up to 20 additional units per acre by Special Use permit as specified in the land development regulations. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Maximum building height shall range between 4 to 5 stories, depending upon the implementing zoning district, with provisions to add up to an additional 1 to 2 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate densities, the types of uses; design criteria; landscaping, and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.

Urban Mixed-Use High-Intensity (UMUH): 10-100 units per acre; and up to 25 additional units per acre by Special Use Permit

This land use category allows residential, office/research, retail, and service uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed as specially regulated by the Land Development Code. The Urban Mixed-Use High-Intensity category is distinguished from other mixed-use categories in that it is specifically established to support research and development in close proximity to the University of Florida main campus. An essential component of the category is orientation of structures to the street and the multi-modal character of the area. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 10 to 100 units per acre-with provisions to add up to 25 additional units per acre by Special Use Permit as specified in the land development regulations. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and non-residential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Building height shall be limited to 6 stories and up to 8 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate zoning densities: the types of uses; design criteria; landscaping, and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.

Urban Core (UC): up to 150 units per acre; and up to 25 additional units per acre by Special Use Permit

This land use category allows residential, office, and business uses concentrated in the urban core area. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed as specially regulated by the Land Development Code. Development in this category shall function as a center serving the urban area. Development within the urban core shall ensure the compact, pedestrian character of this area. Residential densities up to 150 units per acre shall be permitted with provisions to add up to 25 additional units per acre by Special Use Permit as specified in the land development regulations. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Buildings in this category shall face the street and meet build-to lines established in the Land Development Code. Building height shall be limited to 12 stories, with up to 14 stories by a height bonus system as established in the Land Development Code. Public and private schools, government offices, institutions of higher learning, places of religious assembly, and community facilities are appropriate in this category.

Office (O)

The Office land use category identifies areas appropriate for office, residential, professional and service uses, hospital and medical uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the Office zoning district. Some non-office type uses such as restaurants may be allowed in this land use category by a Special Use Permit process established in the Land Development Code. Densities shall not exceed 20 units per acre. In addition to the standard density allowances, a density bonus of up to 30% above the base density units per acre is available for developments that meet affordable housing requirements. Developments that exceed the minimum required affordable housing provisions, or provide for tree preservation, are eligible for additional density bonuses, subject to specific criteria and guidelines established in the Land Development Code. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit. For hospitals and large-scale medical office facilities that are located in a Medical Services zoning district, the height may be increased to 14 stories by Special Use Permit.

Land Development Code Amendment

Sec. 30-4.18. - Density bonus points.

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

Table V-6: Permitted Density Using Density Bonus Points

RMF-6		RMF-7		RMF-8	RMF-8			
Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)	Points	Max. residential density (du/ac)			
θ	10	θ	14	θ	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			

EXPAND

Sec. 30-4.9. - Development bonus system.

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

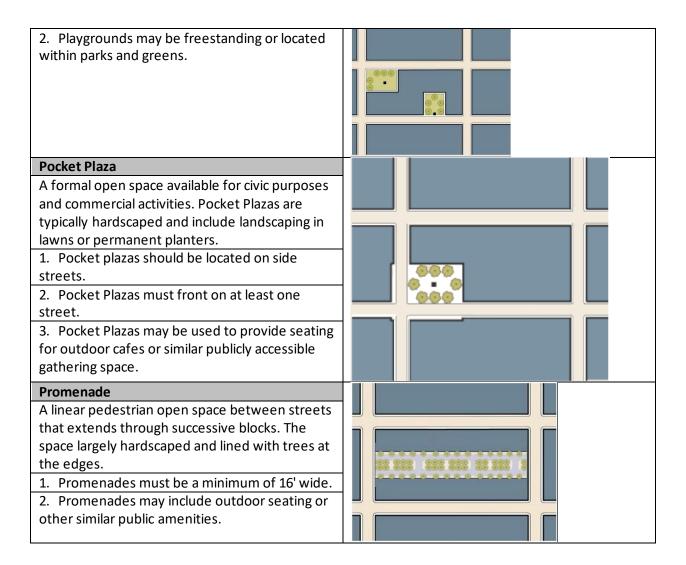
- B. Additional building stories/height.
- 1. Usable open space. If a development provides onsite usable open space that is accessible to the public (minimum size of $20' \times 20'$), additional building square footage above the number of stories allowed by right (and up to the maximum allowed by bonus) may be provided according to the following formula:

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

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

Green A green is an open space for unstructured recreation. Greens consist of lawns, trees, paths, benches, and open shelters, all informally arranged. 1. Greens may be spatially defined by landscaping rather than building frontages. 2. Greens must front on at least two streets. Square 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. 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. Plaza An open space for commercial and civic purposes consisting primarily of paved surfaces. A plaza is spatially defined by building frontages. 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. Playground A fenced open space designed and equipped for the recreation of children. 1. Playgrounds shall be located within ¼ mil surrounding neighborhoods.

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

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

- 3. Structured parking. If a development provides structured parking, the maximum number of bonus stories is available. Additionally, within U9 and DT, up to two levels of parking that are constructed within a habitable building are not counted as stories for the purposes of calculating the total number of stories, provided the footprint of the parking structure falls within 75 percent to 100 percent of the footprint of the habitable floors directly above the parking levels.
- 4. *Transit support facilities.* If a development provides onsite facilities, beyond what otherwise is required, to serve existing or planned public transit, including but not limited to bus bays, super bus stops, bus stations, bus lanes, and park and ride lots, one bonus story is available.

- 5. Undergrounding/relocating utility lines. If a development undergrounds overhead utility lines beyond what otherwise is required, or relocates existing underground lines in order to facilitate the appropriate placement of street trees or buildings along streets, up to two stories are available for every street segment completed (from intersection to intersection); one story is available for the undergrounding/relocation of utilities along the street frontage of the development.
- 6. Provision of affordable housing. One story is available for providing at least five percent of the total development units (total calculated including the additional units achieved with height bonus) as affordable housing units reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 80 percent of the Alachua County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues).

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

C. Increased residential density.

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 Clu	ster Preservation (fai	ir or better condition):							
Number of trees	3—5	6—8	9—11	12+						
in cluster										
Bonus DU/Acre	0.5	1	5	10						

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

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

2. Provision of Affordable Housing.

The provision of affordable housing units at a greater number or more affordable rate than is required by the minimum will result in the option for an increased density bonus. Additional bonuses will be provided up to and no more than 20% in addition to the base density bonus allowance of 30%. The bonus available will be proportionate to the additional number of units or increase in affordability rate as specified in the table below.

RESIDENTIAL DENS	RESIDENTIAL DENSITY BONUS											
Additional Units Provided												
Additional Affordable Units												
Bonus DU/Acre	<u>5%</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>								
Affordability rate												
AMI	80% (base requirement)	50%	30%	_								
Bonus DU/Acre	30% (base allowance)	10%	20%	-								

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

1. The improvement proposed by the applicant provides a significant public benefit in light of the bonus requested; and

2. The proposed design, intensity, and any mix of uses relating to the requested bonus will meet the intent of the transect and will be compatible with the surrounding neighborhood.

E. Maximum density bonuses permitted.

The maximum density bonuses available to a development project will be limited to a 50 percent increase based on the provision of affordable housing and an additional 10 dwelling units per acre for tree preservation.

DIVISION 6 – AFFORDABLE HOUSING PROVISION

The purpose of this section is to create mixed income, affordable housing through new construction to assist the City in promoting the creation of Affordable Housing as the City grows and attracts new market-rate residential development.

Sec. 30-4.29 – Definitions for the Affordable Housing Provision

The following terms, when used in this chapter, shall have the following definitions:

<u>Affordable Housing</u> means residential housing, which is restricted for occupancy by households whose combined annual income for all members does not exceed 80 percent of the Alachua County median household income, adjusted for household size, as determined by HUD

<u>Area Median Income</u> means the Median Income by household size for the City of Gainesville Metropolitan Statistical Area (MSA) as defined by the United States Department of Housing and Urban Development

(HUD). The area median income (AMI) shall be calculated based on all households in the geographic area. The median is the middle value when all are arranged from highest to lowest. The AMI shall be updated annually, as of the effective date of the revised AMI provided by HUD and shall be used until the next annual revision of AMI by HUD where AMI is applicable in the general requirements under this article.

Sec. 30-4.30 – Applicability

A. After the effective date of this chapter, compliance with this article applies to any Proposed Project or series of projects which result in ten (10) or more new residential dwelling units, whether such development occurs through one or more of the following: construction of a new structure or structures, construction of an addition to an existing structure that results in an increase in the total number of units, alterations within an existing structure that result in an increase in the total number of units, or a change of use that results in an increase in the total number of units.

B. Exemptions.

- 1. Developments receiving the following entitlements on or before the effective date of the Affordable Housing Provision and remaining valid on same said date:
- a. Preliminary development plan or final development plan approval; or
- b. Rezoning approval to Planned Development (PD).;
- c. Assisted Living Facilities (ALF)

Sec. 30-4.31 – Affordable housing set-aside.

A. Multi-family developments with 10 or more dwelling units shall provide a minimum of 10 percent of the dwelling units in the project as affordable housing units reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 80 percent of the Alachua County median household income, adjusted for household size, as determined by HUD. This shall be documented in a covenant or other legal mechanism that must be submitted to the City for review and approval prior to certificate of occupancy for any unit in the development.

- B. Affordable units shall be provided on-site and integrated with market rate residential units.
- C. Developments that do not meet the 10 unit threshold can voluntarily opt into the provisions for affordable housing requirements in exchange for receiving density bonus incentives. In exchange, developments incorporating provisions for affordable housing as required in this chapter will be provided with a density bonus of up to 30%.
- 2. Fractional units. Calculations of the number of affordable units required by this section shall be based on the total number of dwelling units in the residential development, including any density bonus units. Where the calculation of affordable housing requirements described in this section results in a fractional dwelling unit equal to 0.5 or greater, the developer shall provide one additional unit to satisfy the fractional obligation.
- <u>D Standards for affordable units.</u> Affordable units required to be provided pursuant to this section shall comply with the following standards:
 - 1. Affordable units shall be reasonably dispersed throughout the residential development, such that no single building or floor therein has a disproportionate percentage of affordable units.

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- 2. Affordable units shall be comparable to the market rate units in the residential development in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction.
- 3. Affordable units shall have access to all on-site amenities available to market rate units, including the same access to and enjoyment of common areas and facilities.
- 4. Affordable units shall have functionally equivalent parking to market rate units when parking is provided.

E. Offset Provisions

Developments including the required provision of affordable housing units will be granted a 30% density bonus to offset costs associated with the affordable units. If the provided density bonus does not fully offset costs, alternative incentive options may be considered, including expedited application processing, reduced fees related to development, and flexibility regarding site-specific requirements such as but not limited to building setbacks. This list is not exhaustive, and additional incentives may be explored to ensure that all costs associated with providing affordable housing units are adequately offset.

- F. The provision of affordable units as required or allowed for under this section will be formalized with an Affordable Housing Agreement in a form suitable to the City Manager or Designee.
- <u>G. A project has the option to increase the available density bonus based on the standards provided in the Development Bonus System Section of this Chapter.</u>
- Sec. 30-4.32 Payment in-lieu of creating Affordable Housing units.
 - A. At the discretion of the Approving Authority, a developer may provide a payment-in-lieu of constructing the Affordable Housing obligation into the City of Gainesville Affordable Housing Trust Fund. The opportunity to provide a payment-in-lieu of constructing on-site Affordable Housing Residential units is not intended to be and should not be constructed as a right available to developers at their sole option.
 - B. The fee will reflect the going market rate or one unit per HUD guidelines and shall be reviewed every two years.
 - C. Fees collected in accordance with this section shall be placed in the Affordable Housing Opportunity

 Fund or any fund trust designed for the exclusive use of aiding the creation of affordable housing,

 unless required to be deposited into another fund pursuant to federal or state law. All annual

 amounts collected shall be reserved and utilized to fund new affordable housing units, fund the

 administrative and monitoring costs and expenses of this section, and aid in any related effort

 exclusively associated with affordable housing
 - D. The applicant shall demonstrate to the Approving Authority that the development of on-site
 Affordable Housing Residential units is not feasible or not needed. The Approving Authority should
 consider the following metrics when determining if an application should be allowed to use the
 payment-in-lieu option. This list is not exhaustive; the Approving Authority can take into
 consideration any other relevant factors when making a determination to include:
 - a. The site is in a census tract which has a majority of units (50 percent or more) available where the median-income of a family with four individuals can afford to live without paying more than 30 percent of their monthly income on housing costs.

Sec. 30-4.33 Continued Affordability

- A. Affordability timeline All affordable units provided as part of this section shall remain affordable for a period of no-less than ninety nine (99) years commencing from the date of initial occupancy of the units.
- B. Restrictions Provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions satisfactory to the City Attorney's office, Rent Changes Provisions for continued affordability of inclusionary rental units shall limit annual rent changes to the percentage change in the AMI within the City of Gainesville MSA.
- C. <u>Sublet Restrictions Provisions for continued affordability of inclusionary units shall prohibit</u> <u>subletting rental units for a price exceeding that which is affordable for a household with an annual income that is eighty percent (80%) of AMI.</u>

Sec. 30-4.34 Enforcement

- A. For all developments subject to this Article, the City shall not issue any building permit or use permit for a Proposed Project that is subject to the provisions of this article unless: An Affordable Housing Agreement and/or Affordable Housing Contribution shall be executed between the City of Gainesville and the development.
- B. The City of Gainesville's Code Enforcement Department or any comparable department thereof shall have the authority to enforce the regulations found within this chapter in accordance with Code Enforcement's protocol.
- C. The enforcing official shall be charged with the duty of administering the applicable standards and securing compliance therewith. In furtherance of this responsibility, the enforcing official shall:
 - a. Make such inspections as may be necessary to effectuate the purposes and intent of this article and to initiate appropriate action to bring about compliance with this article, if such inspections disclose any instance of noncompliance.
 - b. Investigate thoroughly any complaints of alleged violations of this article and indicate clearly in writing as a public record in this office the disposition made of such complaints. Only matters or conditions pertinent to this article shall be considered or reported by the enforcing official in his/her inspection recommendations.
 - c. Order in writing as set out below the remedy of all conditions or all violations of the article found to exist in or on any premises; state in the violation order a time limit for compliance with this article as set out below. Request the city attorney to take appropriate legal action upon the failure of the responsible party to comply with the violation order at the time specified therein.

Sec. 30-4.35 Violation Procedures

Whenever the enforcing official determines that a violation of this article exists, he/she shall take action as follows:

- (1) Give written notice of the violation to the owner. Copies of the written notice shall be transmitted to the city manager and the city attorney.
- (2) The notice shall include:

- a. A description of the location of the buildings and/or land involved, either by street address or by legal description.
- b. A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued.
- c. A specification of the section or sections of this article upon which the notice of violation is based.
- d. a statement of the nature and extent of actions necessary to comply with this article.
- e. A specification of time for performing necessary remediation shall be stated in the notice which shall not be less than ten nor more than 90 days.
- f. The name of the person or entity upon whom the notice of violation is served.
- g. A statement advising that upon the owner's failure to comply with the notice, the city shall constitute a lien against the property involved.
- h. A statement advising of the procedures available for review of the action of the enforcing official as set out in section 16-27.

Sec. 30-4.13. Building form standards.

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

Table V-2: Building Form Standards within Transects.

TRANS	U1	U2	U3	U4	U5	U6	U7	U8	U9	DT				
ECT														
A. BLOC	OCK STANDARDS													
Block	2,600'								2,000'	1,600'				
perime														
ter														
(max.														
feet)														
	ONFIGURA								T					
Lot	34'	18'							18'	18'				
width														
(min.														
feet)														
		INTENSITY	<u> </u>						T					
Nonres	60%	80%							90%	100%				
identia														
buildin														
g														
covera														
ge														
(max)		4 = /0.0	22/22	22/22	75/440	=0/co=	=0/50=	60/000	100/10	450/45				
Reside	8	15 <u>/23</u>	20 <u>/30</u>	20 <u>/30</u>	75 <u>/113</u>	50/ 60 7	50/ 60 7	60/ <mark>80</mark> 9	100/ 12	150/ 17				
ntial						<u>5</u>	<u>5</u>	<u>0</u>	5 150	5 /225				
density														

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by					
right					
/with					
by right /with bonus ²					
(max.					
(max. units					
per					
per acre)					

Sec. 30-4.17. Dimensional standards.

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

Table V-5: Residential Districts Dimensional Standards.

	RSF-1	RSF-2	RSF-3	RSF-4	RC	МН	RMF- 5	RMF-	RMF-	RMF-					
DENSITY/INTEN	DENSITY/INTENSITY														
Residential den	Residential density (units/acre)														
Min.	None	None	None	None	None	None	None	8 ¹	8 ¹	8 ¹					
Max. by right /with bonus (max. units per acre)	3.5	4.6	5.8	8	12	12	12/18	10/15	14/21	20/30					
- With density bonus points	-	-	-	-	-	-	-	See Table V-6	See Table V-6	See Table V-6					
Nonresidential building coverage	35%	35%	40%	40%	50%	50%	50%	50%	50%	50%					
LOT STANDARD	S														
Min. lot area (sq. ft.)	8,500	7,500	6,000	4,300	3,000	3,000	3,500	None	None	None					
Min. lot width (ft.)															
Single- family	85	75	60	50	35	35	40	40	40	40					
Two-family ²	NA	NA	NA	NA	70	NA	75	40	40	40					

Other uses	85	75	60	50	35	35	85	85	85	85				
Min. lot depth (ft.)	90 ⁴	90 ⁴	904	804	None	None	90	90	90	90				
MIN. SETBACKS (ft.)														
Front	20 ⁴	20 ⁴	20 ⁴	204, 5	10 ⁵	15	10	10	10	10				
							min.	min.	min.	min.				
							100	100	100	100				
							max.	max.	max.	max				
Side (street)	10	10	7.5	5	NA	NA	15	10 ³	10 ³	10 ³				
								/15	/15	/15				
Side (interior) ^{6,} ⁷	7.5	7.5	7.5	5	5	5	10	5 ³ /10	53/10	5 ³ /10				
Rear ^{7,8}	20	20	15	10	20	15	10	10	10	10				
Rear,	7.5	7.5	5	5	5	5	5	5	5	5				
accessory														
MAXIMUM BUILDING HEIGHT (stories)														
By right	3	3	3	3	3	3	3	3	3	3				
With building height bonus	N/A	NA	NA	NA	NA	NA	NA	5	5	5				

LEGEND:

- 1 = Parcels 0.5 acres or smaller existing on November 13, 1991, are exempt from minimum density requirements.
- 2 = Assumes both units on one lot. Lot may not be split, unless each individual lot meets minimum lot width requirement for single-family. Lot may not be split when the two-family dwelling is configured vertically.
- 3 = Applicable only for two-family dwellings.
- 4 = Lots abutting a collector or arterial street shall have a minimum depth of 150 feet and a minimum building setback of 50 feet along that street.
- 5 = Attached stoops or porches meeting the standards in sections 30-4.13 and 30-4.14 are permitted to encroach up to five feet into the minimum front yard setback.
- 6 = Except where the units are separated by a common wall on the property line of two adjoining lots. In such instances, only the side yard setback for the end unit is required.
- 7 = Accessory pre-engineered or pre-manufactured structures of 100 square feet or less and one story in height may be erected in the rear or side yard as long as the structure has a minimum yard setback of three feet from the rear or side property line, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall that is at least 75 percent opaque.
- 8 = Accessory screened enclosure structures, whether or not attached to the principal structure, may be erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the principal structure shall be made of screening material.

Sec. 30-4.20. Dimensional standards.

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

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

	MU-1	MU-2	OR	OF	СР	BUS	BA	BT	W	BI	I-1	I-2		
DENSITY/INTEN	DENSITY/INTENSITY													
Residential density (units/acre)														
Min. ¹	8	12	None	None	10	None	None	None	8	None	None	None		
Max. /with bonus (max. units per acre)	30/45	30/45	20/30	20/30	30/45	None	None	None	30/45	None	None	None		
Nonresidential building coverage	60%	75%	40%	50%	50%	None	None	None	None	None	None	None		
Nonresidential GLA (max)	100,000²	None ²	None	None	None	None	None	None	None	None	None	None		
LOT STANDARD	S													
Min. lot area (sq. ft.)	None	None	6,000	6,000	None	None	None	6,000	None	None	None	None		
Min. lot width (ft.)	None	None	60	60	None	None	None	60	None	None	None	None		
Min. lot depth (ft.)	None	None	90	90	None	None	None	90	None	None	None	None		
SETBACKS (ft.)														
Front	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	10 min. 100 max.	15 min.	10 min. 100 max.	25 min.	25 min.	25 min.	25 min.		
Side-street (min)	15	15	10	10	10	10	15	10	25	20	25	25		
Side-interior (min)	10	10	10	10	10	10	10	10	10 ⁴	10	10 ⁴	20 ⁴		
Rear (min)	10	10	10	10	10	10	15	10	10 ⁴	20	10 ⁴	10 ⁴		
MAXIMUM BUI	ILDING HEI	GHT (sto	ries)											
By right	5	5	3	3	5	5	5	5	5	5	5	5		
With building height bonus	8	8	-	8	8	8	-	8	-	-	-	-		

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 $APPENDIX\ B-Flyers\ distributed\ at\ AHAC\ IZ\ Community\ Meetings$

What is Inclusionary Zoning?

Regulations that require new multi-family housing constructions to provide housing units that are affordable to people of low or moderate income.

How does Inclusionary Zoning work?

Inclusionary Zoning works by requiring developers to set aside a portion of their development to lower cost residential units. The City then gives the new development a density bonus in order to offset the costs of the affordable housing units being provided. With the new density, the developer provides the additional affordable units at market rate quality and distributed throughout their development to people of low or moderate income.

Currently, the City is proposing to require that new development provide 10% of their units as affordable units. To offset these units, the City will give the development a 30% density bonus.



Who will qualify for the affordable units?

The City of Gainesville will use the guidelines provided by the United States Department of Housing and Urban Development (HUD). The pricing of each unit will be based on a household's income and size. The proposal will focus on people who fall within a target income limit of 80% Median Family Income (MFI) or Average Median Income (AMI) for the City of Gainesville Metropolitan Statistical Area (MSA). This means that to qualify, a family of one (1) must have an annual income of less than 5,850, a family of two of less than \$52,400 annually, and a family of three of more than \$58,950 as of the writing of this information sheet. These numbers are subject to change.

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Who else is using Inclusionary Zoning regulations?

Inclusionary Zoning is currently being used by more than 1000 jurisdictions across 30+ states. Some jurisdictions resemble Gainesville in size and make up such as: Burlington Vermont, Newtown Massachusetts, and Tallahassee Florida.

What are the benefits of Inclusionary Zoning?

Increased access to affordable rental units
Quality housing
Help provide socio-economic diversity
Affordable units provided with little to no cost to the City
Housing closer to more resources such as retail and jobs

To deal with the rising cost of housing, the City of Gainesville is working on new regulations that would require new developments to provide housing that is more affordable. Here is how the City would like to propose Inclusionary Zoning:

- 1. The City will require any new residential development that is providing **ten (10) or more apartments**, make some of those apartments **cost less** than the other apartments in the same building.
- 2. Even though the more affordable apartments will cost less to rent, the apartments will be **the same as the ones that cost more** and offer the same services that the more expensive apartments offer.
- 3. The more affordable apartments will also be reasonably <u>disbursed</u> throughout the new development so that the affordable apartments are not all located in one area
- 4. The new more affordable apartments will be available to **people whose** income fall within a certain income percentage.

Following are the slides used at the AHAC IZ community engagement meetings. These were also handed out as hard copies to attendees.



Department of Sustainable Development
Juan Castillo

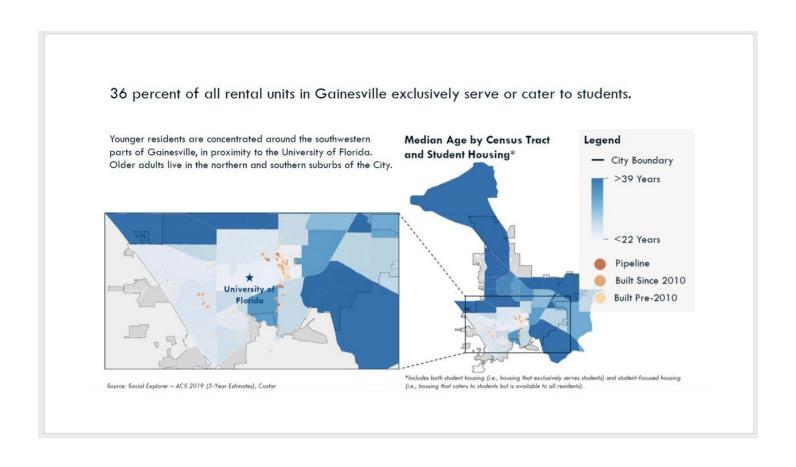
Inclusionary Zoning

Low household incomes, especially for renters, are a key driver of housing cost burden and instability in Gainesville.

- Housing cost burden is defined by the cost of housing relative to incomes. The
 more a household spends on housing costs, the less residual income it has
 available for other basic needs, such as food and childcare. The median
 household income is about \$37,000 in Gainesville, well below what it costs to
 maintain a stable living standard.
- A household is considered cost burdened when it spends more than 30% of its gross income on housing costs. This measure can be more impactful for lower income households, as they struggle to live with low residual incomes.
- When affordable rental housing is unavailable, low-income households face housing instability and are more vulnerable to unsafe living conditions, overcrowding, and costly and harmful evictions.



*EPI's Family Budget Calculator measures the community-specific income a family needs in order to attain a modest yet adequate standard of living. Source: Economic Policy Institute, 2018



The goal of an inclusionary zoning policy is to support Gainesville's housing needs through the creation of affordable housing that the market would not otherwise build.

Inclusionary zoning is a land use tool that requires or encourages developers to create affordable units in new market-rate residential and commercial developments. Incentives such as reduced parking requirements, additional density allowances, or tax abatements are sometimes provided to encourage participation.

More than 1000 jurisdictions across 30+ states have inclusionary zoning programs. These programs vary along many design considerations, including whether the program is voluntary or mandatory, what amount and depth of affordability is required, if it applies to rental or for-sale development, whether there are alternative compliance pathways such as the payment of a fee in-lieu, and what incentives are available. These policy elements are adjusted based on local policy priorities, housing market strength, and affordability needs.



- Require new multi-family developments to provide a portion of units that cost less.
- Units that cost less will be the same as the units that cost more
- Units that cost less will be distributed evenly throughout the development
- Units that cost less will be available to people who fall under a lower income bracket.

Inclusionary zoning is one of many tools that can support housing affordability, and it presents a variety of benefits and limitations.

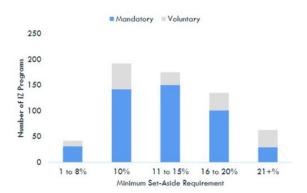
Benefits of IZ	Limitations of IZ
Captures value of land in areas with strong housing markets. The Gainesville market has seen steady market-rate development in recent years in some neighborhoods, suggesting the potential to support development of some affordable housing.	Does not work in weaker housing markets and submarkets, where an overly restrictive IZ policy risks decreasing housing development, which ultimately harms affordability by both failing to deliver the mandated IZ units and limiting overall housing supply. An IZ policy that is overly restrictive relative to nearby jurisdictions also risks driving new development outside of political boundaries.
Serves households earning up to 80% of Area Median Income (AMI), which is an area of need for Gainesville.	Do not serve very deep levels of affordability need, such as for households earning up to 30% AMI. For these residents, other alternatives such as housing vouchers should be layered with increased supply of rent-restricted affordable housing.
Does not require public subsidy, though public subsidy may be provided as an incentive to achieve more or deeper affordability.	Need to triangulate and optimize between maximizing depth of affordability, ensuring continued housing development, and limiting the cost of incentives.

Key Program Design Element	Recommendation	
Set Aside & Affordability Requirements: calibrating depth and amount of affordable units, vs. feasibility of requiring units	10% affordable units at 80% AMI	
In-Lieu Fee / Flexibility for Compliance	Establish in-lieu fee option, set at \$120-160K per affordable unit that would have been built under IZ; adjust fee level every two years	
Development Scale (Size of Developments Subject to IZ)	Apply IZ requirements to multifamily residential developments with ter or more units	
Applicability (Voluntary vs. Mandatory, Applicability to Existing Developments)	Voluntary opt-in for geographies outside of IZ policy Incentives applicable to non-market rate units Not applicable to existing development	
Affordability Term / Duration	• 99 years	
Unit Pricing (based on household income and size)	Follow existing HUD guidelines	
Unit Characteristics	Ensure affordable units are identical with market-rate units	
Concurrency of Delivery of Affordable Units	Include a concurrency requirement	
Fractional Units	Adopt normal rounding rules, rounding up for fractional units above 0.	

IZ policies around the country typically serve households earning up to 80% or 120% AMI, and require 10, 15, or 20% minimum set-asides.

For programs with greater than 20% affordability set-aside requirements, over half of the IZ programs are voluntary. The depth and amount of affordability required in each program depends on the strength of the local housing market. The programs also vary in the incentives that are offered to support housing development.

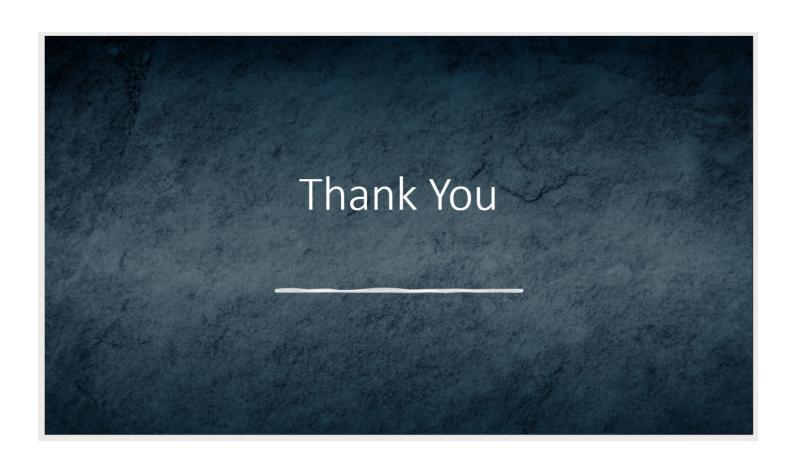




Precedent IZ Requirements

Existing IZ policies vary in their design, depending on local market conditions, public goals, and available tools.

City	Affordability Level	Length of Affordability	Portion of Development	In-Lieu Fee Amount Per Rental Unit
Atlanta, GA	60-80% AMI	20 years	10% of units for incomes \leq 60% AMI, or 15% of units for incomes \leq 80% AMI	\$124,830 - \$167,364 (varies by geography)
Boston, MA	70% AMI	30 years, with the right to renew for 20 years	13% of total number of units on-site (citywide; percentage varies by zone)	\$68,400 (market-rate); \$380,000 (affordable)
Burlington, VT	65% AMI	99 years	15-25% of units, depending on the avg. price of the market-rate homes	No in-lieu fee
New Orleans, LA	60% AMI	99 years	10% of units (Tier 1); 5% of units (Tier 2); voluntary (Tier 3)	HR&A proposal: \$29,100 (market-rate); \$291,000 (affordable)
Newtown, MA	80-120% AMI	40 years	10% of total habitable space	
Norwalk, CT	60% AMI (based on state income)	In perpetuity	10% of total units	Fee based on a percentage of State of CT median income; percentage varies by affordability level of unit
Seattle, WA	60% AMI	75 years	5-7% of total units	\$5.00 - \$32.75 per square foot
Stamford, CT	50% AMI	Life of building	10% of units	Fee based on a percentage of SMSA median household income; percentage varies by affordability level of unit
Washington, D.C.	60% MFI; tenant must not spend >41% of Income on housing	Life of building	8-10% of residential square footage	No in-lieu fee



 $\ \, \textbf{APPENDIX C.} - \textbf{Examples and Memorandums of Understanding} \\$

Return to: Patrice Boyes, Esq. 5700 SW 34th St. Ste. 1120 Gainesville, Florida 32608

[SPACE ABOVE RESERVED FOR RECORDING INFORMATION]

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT ("Declaration") is made this 21st day of November, 2022, by WEST UNIVERSITY GAINESVILLE OWNER, LLC, a Delaware limited liability company registered to conduct business in Florida, and its successors and assigns (collectively, "OWNER" or "GRANTOR") having an address of c/o Lincoln Ventures, LLC, 704 West 9th Street, Austin, Texas 78701, and the CITY OF GAINESVILLE, a municipal corporation of the State of Florida ("CITY").

RECITALS

- A. GRANTOR is the fee simple owner of that certain real property situated in the City of Gainesville, in the County of Alachua, Florida, more particularly described in **Exhibit A** attached hereto and made a part hereof (hereinafter the "Restricted Property");
- B. The Restricted Property is located at 1209-1227 West University Avenue, in Gainesville. The CITY adopted Ordinance 210032 on September 2, 2021 and Ordinance 210033 on October 21, 2021 (together, "Ordinances"), which amended the land use and zoning, respectively, for the Restricted Property to permit construction of a residential development as further described in the Ordinances (hereinafter the "Project");
- C. The Ordinances expressly required that GRANTOR record a restrictive covenant to maintain the affordability of 10% of the total number of residential units in the Project as Affordable Housing Units, as defined in this Declaration and as further described in the Ordinances;
- D. GRANTOR's affiliate, Lincoln Ventures, LLC, executed a Memorandum of Understanding dated May 26, 2021 ("MOU") with the Gainesville Housing Authority ("GHA"), which documents the terms and conditions for establishing occupancy of the Affordable Housing Units; a copy of the Ordinances and MOU is attached as composite **Exhibit B**, adopted and made a part hereof;
- E. The Gainesville Housing Authority ("GHA"), and its successors and assigns, is for all material purposes under this Declaration a designee of the CITY as it regards the administration of this Declaration, but the CITY also reserves for itself the right and obligation to administer and enforce this Declaration;

- F. The terms and conditions in the Ordinances and MOU set forth the nature and extent of the Affordable Housing Units to be reserved on the Restricted Property;
- G. It is the intent of the restrictions in this Declaration to maintain the affordability of certain units as described herein and to further the public policy of the CITY of increasing the affordable housing stock in the CITY and, in particular, on the Restricted Property;
- H. The CITY has agreed to issue a Certificate of Occupancy upon recordation of this Declaration and upon fulfillment of all other conditions of the MOU, the Ordinances, the CITY's requirements in its Land Development Code and administration of the Florida Building Code, and construction permits issued or to be issued for development of the Restricted Property;
- I. GRANTOR deems it desirable and in the best interest of all present and future owners of the Restricted Property that the Restricted Property be held to certain restrictions, all of which are more particularly hereinafter set forth.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

- 1. The foregoing recitals are true and correct and are incorporated herein by reference.
- 2. GRANTOR hereby imposes on the Restricted Property the following restrictions:
 - a. GRANTOR shall reserve and maintain ten percent (10%) of the total number of Project units as Affordable Housing Units, as defined in this Declaration. The Affordable Housing Units shall consist of two-bedroom units maintained at a discount rate established using the Florida Housing Finance Corporation's "Two Person" income limits for Alachua County (2020), as adjusted for the current year; and
 - b. GRANTOR and GHA shall undertake negotiations to determine the terms and conditions of the lease for Affordable Housing Units, including those terms and conditions required by the U.S. Department of Housing and Urban Development (HUD) in its standard tenant-based Housing Assistance Payments Contracts (HAP), if applicable, as determined by the GHA and not to exceed ten percent (10%) of the total units in the Project on the Restricted Property. The HAP also shall contain provisions by which GHA shall: (1) make rent payments for the term of the HAP contract; (2) allow the GRANTOR to fill an Affordable Housing Unit with market-rate tenants if GHA is unable to identify an eligible tenant for the Affordable Housing Unit from its waiting list no later than 60 days after GRANTOR notifies GHA of a vacancy, but which every vacancy in the Project thereafter must be made available as an Affordable Housing Unit until again 10% of Project units are used as Affordable Housing Units; and
 - c. The GHA shall be responsible for initially screening and determining eligibility to lease an Affordable Housing Unit in the GRANTOR's Project. The Project's on-

¹ See: http://flhousingdata.shimberg.ufl.edu/ for illustration of Developer's rent discount determination, in this instance not to exceed rent limits set for 80% AMI for a two-person, two-bedroom unit.

site management will income-qualify candidates vetted and proposed by the GHA by verifying that monthly income limits meet the requirements for Affordable Housing Units as defined in this Declaration, and are no less than three times that of the proposed monthly housing cost. Where the proposed monthly housing cost can be reduced further by GHA provision of an approved housing voucher, that resulting reduced monthly housing cost will be used to qualify a proposed tenant's monthly income limits (i.e. no less than three times the difference between the original affordable housing cost and the voucher) to allow access to affordable housing cost for candidates earning from Fifty percent (50%) up to Eighty percent (80%) of Area Median Income (AMI) as determined by the GHA. A tenant shall not be permitted to assign their lease or sublease their unit without both GHA's and GRANTOR's prior written consent, in the GHA's and GRANTOR's sole and absolute discretion; and

- d. "Affordable Housing Units" means units that are affordably priced for households earning between 50% and 80% of the Gainesville Metropolitan Statistical Area (MSA) Area Median Income (AMI), as established by the United States Department of Housing and Urban Development (HUD). "Affordably priced" means that no more than 30% of household income is spent on housing cost. "Housing cost" means the total monthly payments for the Affordable Housing Unit for rent and all utilities or essential housing services, not including telephone. "Households" means all related or unrelated persons who will occupy the Affordable Housing Unit and share living arrangements.
- e. The Affordable Housing Units reserved by GRANTOR shall be constructed such that all unit finishes are identical to market-rate units and locations within the structure are equally dispersed relative to market-rate units. Occupants of Affordable Housing Units shall have equal access to all amenities constructed on the property, relative to market-rate units.
- 3. GRANTOR's obligation to provide Affordable Housing Units on the Restricted Property is expressly conditioned and contingent on GRANTOR obtaining all necessary permits and approvals from state, local, and federal government or quasi-governmental agencies (with jurisdiction over the Restricted Property) in unappealable final form to construct the Project in substantially the same configuration and dimension as depicted in the MOU and the Ordinances.
- 4. In the remaining paragraphs, all references to "GRANTOR," "CITY," and "GHA" shall also mean and refer to their respective successors and assigns.
- 5. For the purpose of monitoring the restrictions contained herein, GHA and the CITY are hereby granted a right of entry upon and access to the Restricted Property at reasonable times and with reasonable notice to the GRANTOR.
- 6. It is the intention of GRANTOR that this Declaration shall touch and concern the Restricted Property, run with the land and with the title to the Restricted Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and CITY and to any and all parties hereafter having any right, title, or interest in the Restricted Property or any part thereof. The CITY may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. This Declaration shall continue in

perpetuity, other than is provided in Section 8, unless otherwise modified in writing by GRANTOR and CITY. Other than in connection with a foreclosure, GRANTOR shall notify CITY in writing thirty (30) days prior to any conveyance or sale granting or transferring the Restricted Property or portion thereof to any heirs, successors, assigns, or grantees, including without limitation, the conveyance of any security interest in said Restricted Property.

- 7. To ensure the perpetual nature of these restrictions, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration.
- 8. This Declaration is binding until the earlier of the following two occurrences: (1) a release of this Declaration is executed by the CITY and is recorded in the public records of the county in which the Restricted Property is located; or (2) the Project on the Restricted Property is demolished or converted to a non-residential use in which case this Declaration shall terminate without notice or further action by any party hereto.
- 9. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.
- 10. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Restricted Property in fee simple and has good right to create, establish, and impose this Declaration on the use of the Restricted Property. GRANTOR also covenants and warrants that the Restricted Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR's rights to impose the restrictive covenant described in this Declaration except for the lien of that certain Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated December 3, 2021 recorded on December 6, 2022 at Official Records Book 4957, Page 126, in the public records of Alachua County, Florida.
- 11. If a default occurs under this Declaration, the CITY shall provide the GRANTOR with written notice setting forth with particularity the alleged violation and shall provide at least thirty (30) days to cure the alleged violation, prior to exercising its remedies. The CITY may extend the cure period in its sole discretion. Failure to send such timely notice shall not be a waiver of any of the CITY's rights.
- 12. The prevailing party in any action to interpret or enforce this Declaration shall be entitled to an award of reasonable attorneys' fees, all costs whether taxable or not, and the costs of collection plus interest for all actions from trial through the appellate level.
- 13. All mortgages placed against the Restricted Property after execution of this instrument, or any portion thereof, shall be subject to and subordinate to this Declaration. All mortgagees and lienholders securing or recording their interest in the Restricted Property after this Declaration acknowledge the terms and conditions of this Declaration and that any mortgage or deed of trust placed against the Restrictive Property is subordinate to this Declaration. In the event of foreclosure, this Declaration shall not be released, and the Mortgagee or any person who takes title to the Restricted Property through a foreclosure sale shall become a transferee in accordance with this Declaration.

- 14. Neither this Declaration, nor any part hereof, may be amended, modified, or released other than as provided herein by an instrument in writing executed by a duly authorized official of the CITY, and by a duly authorized representative of the GRANTOR. Any amendment to this Declaration that alters the terms and conditions set forth herein shall be deemed effective only when recorded in the Official Records of Alachua County, Florida.
- 15. Any notices given under this Declaration shall be in writing and delivered by certified mail (return receipt requested, postage pre-paid), by hand, or by reputable private overnight commercial courier service as follows:

If to the CITY:

If to the GRANTOR:

West University Gainesville Owner, LLC c/o Lincoln Ventures LLC dba LV Collective 704 West 9th Street Austin, Texas 78701 Attn: Scott Burns

Notices shall be deemed delivered as follows: (i) if hand delivered, then on the date of delivery or refusal thereof; (ii) if by overnight courier service, then on the next business day after deposit with the overnight courier service; and (iii) if by certified mail (return receipt requested, postage prepaid), then on the date of actual delivery or refusal thereof. The parties will provide updated addresses to each other.

- 16. This Declaration shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Florida, without reference to the conflicts of laws provisions thereof. The GRANTOR and the CITY irrevocably submit to the jurisdiction of the state courts of competent jurisdiction in Alachua County, Florida, for the purposes of any suit, action, or other proceeding arising out of this Declaration or any transaction contemplated hereby. The GRANTOR and CITY irrevocably and unconditionally waive any objection to the laying of venue of any action, suit, or proceeding arising out of this Declaration in the courts of Alachua County, Florida, and hereby further waive and agree not to plead or claim in any such court that any such action, suit, or proceeding brought in any such court has been brought in an inconvenient forum.
- 17. This Declaration may be executed in any number of counterparts with the same effect as if the signatures on each counterpart were upon a single instrument. All counterparts, taken together, shall constitute the Declaration.

- 18. TO THE EXTENT PERMITTED BY LAW, ALL PARTIES HERETO WAIVE THE RIGHT TO TRIAL BY JURY IN CONNECTION WITH ANY LITIGATION ARISING IN RESPECT OF THIS DECLARATION.
- 19. Each party agrees to execute and deliver to the other party such additional documents and instruments as the other party reasonably may request in order to fully carry out the purposes and intent of this Declaration; provided that such additional documents and instruments do not materially increase the obligations or burdens upon the second party.
- 20. Provided that the GRANTOR has exercised reasonable due diligence in the performance of its obligations and duties herein, the GRANTOR shall not be liable in the event a household of a tenant submits falsified documentation, commits fraud, or breaches any representation or warranty contained in this Declaration.
- 21. Any review or approval by the CITY in the administration or enforcement of this Declaration shall not be deemed to be an approval, warranty, or other certification by the CITY as to compliance of the Project or Restricted Property with any building codes, regulations, standards, laws, or any other requirements contained in this Declaration or any other covenant granted in favor of the CITY that is filed among the Official Records of Alachua County; or otherwise contractually required. The CITY shall incur no liability in connection with the CITY's review of any submissions required under this Declaration as its review is solely for the purpose of protecting the CITY's interest under this Declaration.

IN WITNESS WHEREOF, David Kanne, as Authorized Representative of WEST UNIVERSITY GAINESVILLE OWNER, LLC, a Delaware limited liability company, has executed this instrument this 21st day of November 2022.

THIS SPACE LEFT BLANK INTENTIONALLY SIGNATURES BEGIN ON NEXT PAGE

2025155A

WITNESSES: Print Name: Scott Burns Print Name: KEELY DOERING	GRANTOR: WEST UNIVERSITY GAINESVILLE OWNER, LLC, a Delaware limited liability company By: Name: David Kanne Title: Authorized Representative
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STATE OF TEXAS
COUNTY OF ______

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21 day of Nounty, 202, by DAVID KANNE, who is personally known to me or has produced Texas Private Lieuxe as identification.

Notary Public, State of Texas

Print Name: Jason Servel (cor

JASON S CARR
Notary ID #131763689
My Commission Expires
October 17, 2026

SIGNATURES CONTINUE ON NEXT PAGE

2025-155A

WITNESSES:		GRANTEE:
Print Name:		Print Name:
Print Name:	_	
N WITNESS WHEREOF, the Cof, 2		ville has executed this instrument this day
		, Mayor
Approved as to form and legality	7:	Attest:

2025-155A

EXHIBIT A TO DECLARATION

Legal Description of Property

EXHIBIT A

Legal Description of Project Property

Property 1

LOTS 1, 2, AND 3, BLOCK 3, OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 77, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

Property 2

PARCEL I:

LOT 4, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL II:

LOT 5, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL III:

THE EAST 39.28 FEET OF LOT 6, BLOCK 3, UNIVERSITY PLACE, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL IV:

THE WEST 13.09 FEET OF LOT 6 AND THE EAST 26.91 FEET OF LOT 7, BLOCK 3, UNIVERSITY PLACE, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

2025-155A

COMPOSITE EXHIBIT B

Ordinances 210032, 210033 Memorandum of Understanding dated May 26, 2021

ORDINANCE NO. 210032

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An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 0.945 acres of property generally located at the SW corner of the intersection of W University Avenue and SW 12th Street, as more specifically described in this ordinance; providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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12 WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a

- 13 Comprehensive Plan to guide the future development and growth of the city; and
- 14 WHEREAS, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
- 15 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the
- orderly and balanced future economic, social, physical, environmental, and fiscal development
- of the city as reflected by the community's commitments to implement such plan; and
- 18 WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville
- 19 Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that
- 20 designates the future general distribution, location, and extent of the uses of land for
- 21 residential, commercial, industry, agriculture, recreation, conservation, education, public
- 22 facilities, and other categories of the public and private uses of land, with the goals of
- 23 protecting natural and historic resources, providing for the compatibility of adjacent land uses,
- 24 and discouraging the proliferation of urban sprawl; and
- 25 WHEREAS, this ordinance, which was noticed as required by law, will amend the Future Land
- 26 Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use
- 27 category on the property that is the subject of this ordinance; and

- 28 WHEREAS, the PUD land use category is an overlay land use district that may be applied to any
- 29 specific property in the City, and which allows the consideration of unique, innovative, or
- 30 narrowly-construed land use proposals that might otherwise not be allowed in the underlying
- 31 land use category; and

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- 32 WHEREAS, the PUD land use category, including all of its unique and specific land development
- 33 regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the
- 34 subject property, thereby precluding any claims or actions under Florida law regarding
- 35 regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development
- 36 exactions under common law or Section 70.45, Florida Statutes, or the affordable housing
- 37 provisions in Section 125.01055, Florida Statutes; and
- 38 WHEREAS, this amendment to the Future Land Use Map of the City of Gainesville
- 39 Comprehensive Plan proposed herein qualifies as a small-scale development amendment as
- 40 provided in Section 163.3187, Florida Statutes; and
- 41 WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
- 42 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
- 43 pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 27, 2021, to
- 44 consider this application and provide a recommendation to the City Commission; and
- 45 WHEREAS, at least five days' notice has been given once by publication in a newspaper of
- 46 general circulation notifying the public of this proposed ordinance and a public hearing held by
- 47 the City Commission; and
- 48 WHEREAS, the public hearing was held pursuant to the notice described above at which
- 49 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

- 50 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 51 FLORIDA:

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- 52 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
- 53 amended by overlaying the Planned Use District (PUD) land use category on the following
- 54 property that has an underlying land use category of Urban Mixed-Use High-Intensity (UMUH):
- See legal descriptions attached as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

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- 60 **SECTION 2**. The property described in Section 1 of this ordinance is governed by the following
- 61 regulations:
- 1. The development may have no more than 151 dwelling units, and may have no more than 506 bedrooms.
 - A maximum building height of 10 stories is allowed for that portion of the building abutting the west, West University Avenue, the rear alley, and that portion of the eastern façade that lies outside of the University Heights-South Historic District 100foot buffer. Within the 100-foot buffer, the maximum building height is four (4) stories.
- 3. Total project non-residential square footage may not exceed 6,500 square feet.
 Accessory uses to the multi-family residential, such as leasing office and amenities
 exclusive to residents, will not count against the maximum non-residential square footage allowed.
 - 4. A minimum of 10% of the residential dwelling units developed must be Affordable Housing Units. Affordable Housing Units means units that are affordably priced for households earning between 50% and 80% of the Gainesville Metropolitan Statistical Area (MSA) Area Median Income (AMI), as established by the United States Department of Housing and Urban Development (HUD). Affordably priced means that no more than 30% of household income is spent on housing. These units must remain permanent Affordable Housing Units through a binding legal document as approved to form and legality by the City Attorney's Office and recorded in the Public Records of Alachua County, Florida, which ensures that the units will permanently (for the life of the development) remain Affordable Housing Units.
 - Affordable Housing Units must be constructed such that all unit finishes are identical to market-rate units and locations within the structure are equally dispersed relative to

market-rate units. In addition, occupants of Affordable Housing Units must have equal access to all amenities constructed on the property, relative to market-rate units.

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SECTION 3. The property described in Section 1 of this ordinance has an underlying land use category of Urban Mixed-Use High-Intensity (UMUH). This underlying land use category is 88 neither abandoned nor repealed, but is inapplicable as long as a Planned Development District 89 (PD) zoning ordinance implanting this PUD land use overlay is adopted by the City Commission 90 within 18 months of the effective date of this plan amendment as provided in this ordinance. 92 If the aforesaid time period expires without the adoption of an implementing PD zoning 93 ordinance, this ordinance will be void and have no further force and effect and the City may amend the Future Land Use Map accordingly. **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order to 97 comply with this ordinance. 98 **SECTION 5.** 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 100 finding will not affect the other provisions or applications of this ordinance that can be given 101 effect without the invalid or unconstitutional provision or application, and to this end the 102 provisions of this ordinance are declared severable. 103 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such 104 conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan. 105 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the 106 effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely

challenged, will be 31 days after adoption. If challenged within 30 days after adoption, this
amendment will become effective on the date the state land planning agency or the
Administration Commission issues a final order determining the amendment to be in
compliance with Chapter 163, Florida Statutes. No development orders, development permits,
or land uses dependent on this Comprehensive Plan amendment may be issued or commenced
before this amendment has become effective.

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114 **PASSED AND ADOPTED** this 2nd day of September, 2021.

115 116 117		Ju 12
118		LAUREN POE
119		MAYOR
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121	Attest:	Approved as to form and legality:
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125	OMICHELE D. GAINEY	NICOLLE M. SHALLEY

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126 CITY CLERK

128 129 **CITY ATTORNEY**

PARCEL I:

LOT 4, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL II:

LOT 5, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL III:

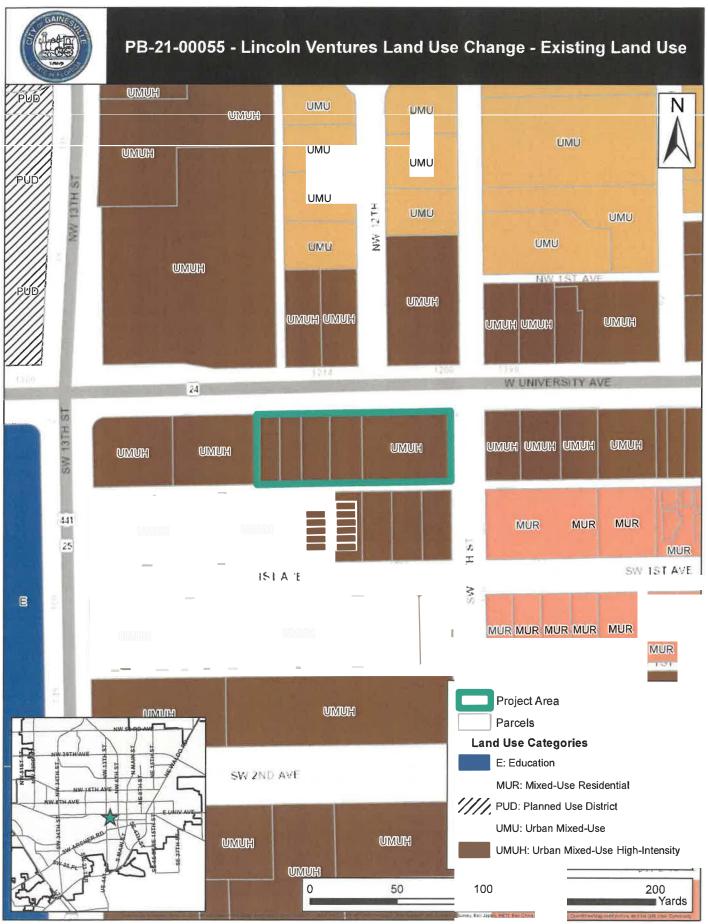
THE EAST 39.28 FEET OF LOT 6, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL IV:

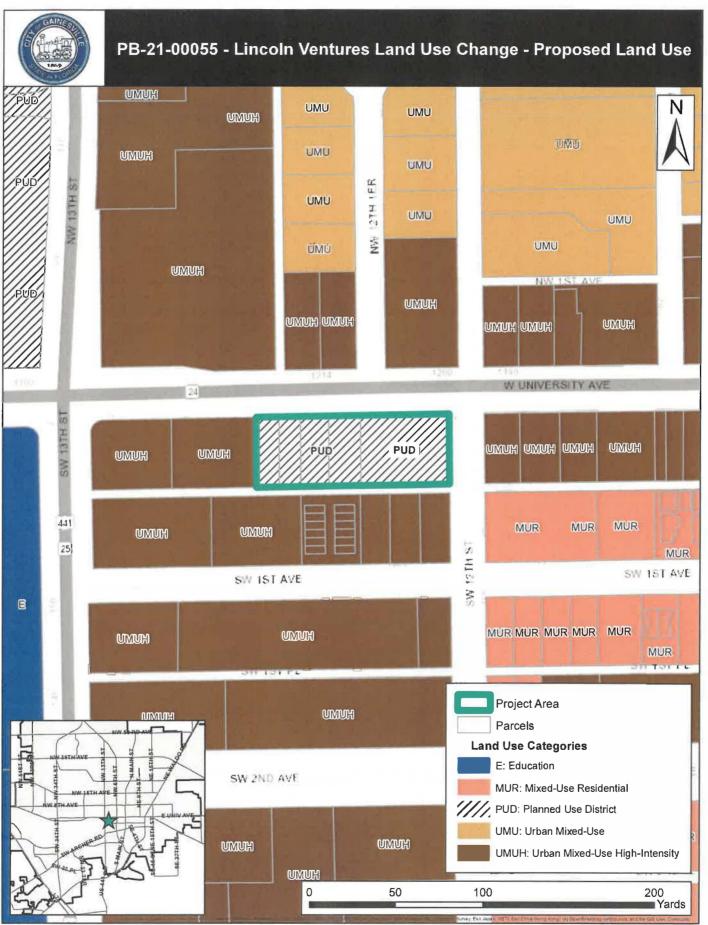
THE WEST 13.09 FEET OF LOT 6 AND THE EAST 26.91 FEET OF LOT 7, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL V:

LOTS 1, 2 AND 3, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.



Page 1 of 2 Page 420 of 1104



Page 2 of 2 Page 421 of 1104

ORDINANCE NO. 210033

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.945 acres of property generally located at the SW corner of the intersection of W University Avenue and SW 12th Street, as more specifically described in this ordinance, from Urban 9 (U9) to Planned Development (PD); providing land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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WHEREAS, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city; and WHEREAS, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive Plan to include a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of the uses of land for residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land, with the goals of protecting natural and historic resources, providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban sprawl; and WHEREAS, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or amend and enforce land development regulations that are consistent with and implement the Comprehensive Plan and that are combined and compiled into a single land development code for the city; and WHEREAS, the City of Gainesville Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) establishes zoning districts to implement the Comprehensive Plan and

land development regulations on specific classifications of land within the city; and

- 27 WHEREAS, this ordinance, which was noticed as required by law, will amend the Zoning Map
- 28 Atlas by rezoning the property that is the subject of this ordinance to Planned Development
- 29 (PD) district; and
- 30 WHEREAS, PD district zoning is a zoning category that allows landowners or developers to
- 31 submit unique proposals that are not addressed or otherwise provided for in the zoning
- 32 districts and land development regulations established by the City of Gainesville Land
- 33 Development Code; and
- 34 WHEREAS, the PD zoning district, including all of its unique and specific land development
- regulations, is freely negotiated and voluntarily agreed to by the owner/developer of the
- 36 subject property, thereby precluding any claims or actions under Florida law regarding
- 37 regulatory takings, the Bert J. Harris, Jr., Private Property Rights Protection Act, development
- exactions under common law or Section 70.45, Florida Statutes, or the affordable housing
- provisions in Section 125.01055, Florida Statutes; and
- 40 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
- the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
- pursuant to Section 163.3174, Florida Statutes, held a public hearing on May 27, 2021, to
- consider this application and provide a recommendation to the City Commission; and
- 44 WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a
- 45 newspaper of general circulation and provided the public with at least seven days' advance
- 46 notice of this ordinance's first public hearing to be held by the City Commission; and
- 47 WHEREAS, a second advertisement no less than two columns wide by ten inches long was
- 48 placed in the aforesaid newspaper and provided the public with at least five days' advance

- 49 notice of this ordinance's second public hearing to be held by the City Commission; and
- 50 WHEREAS, the public hearings were held pursuant to the notice described above at which
- hearings the parties in interest and all others had an opportunity to be and were, in fact,
- 52 heard; and
- 53 WHEREAS, the City Commission finds that the rezoning of the subject property will be
- consistent with the City of Gainesville Comprehensive Plan when the amendment to the
- 55 Comprehensive Plan adopted by Ordinance No. 210032 becomes effective as provided therein.
- NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 57 **FLORIDA:**

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- 58 **SECTION 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
- following property from Urban 9 (U9) to Planned Development (PD):
 - See legal description attached as **Exhibit A** and made a part hereof as if set forth
- in full. The location of the property is shown on **Exhibit B** for visual reference.
- In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.
 - **SECTION 2**. The use and development of the property described in Section 1 of this ordinance
- must be consistent with the PD layout plan and building elevations attached as Exhibit C and
- 66 made a part hereof as if set forth in full, as well as the regulations listed below. Except as
- 67 expressly provided in Exhibit C and the conditions below, the use, regulation, and development
- of the property will be governed as if it were zoned Urban 9 (U9) and all development must be
- 69 in conformance with and regulated by the Land Development Code in effect at the time of
- 70 development approvals.
 - 1. Allowable uses, as defined in the City's Land Development Code, by right are as follows:
- 72 a. Multi-family dwelling
 - b. Single room occupancy residence

74		c. Alcoholic beverage establishment	
75		d. Business services	
76		e. Civic, social, or fraternal organization	
77		f. Day care center	
78		g. Drive-through facility	
79		h. Emergency shelter	
80		i. Exercise studio	
81		j. Farmers market	
82		k. Health services	
83		l. Hotel or motel	
84		m. Laboratory, medical or dental	
85		n. Library	
86		o. Light assembly, fabrication and processing	
87		p. Medical marijuana dispensing facility	
88		q. Microbrewery, microwinery, or microdistillery	
89		r. Office	
90		s. Office (medical, dental, or other health-related service)	
91		t. Personal services	
92		u. Place of religious assembly	
93		v. Professional school	
94		w. Public administration building	
95		x. Recreation, indoor	
96		y. Research development or testing facility	
97		z. Restaurant	
98		aa. Retail sales	
99		bb. Social service facility	
100		cc. Veterinary services	
101		dd. Vocational or trade school	
102 103	2.	The development may have no more than 151 dwelling units, and may have no more than 506 bedrooms.	·e
104 105	3.	A maximum building height of 10 stories is allowed for that portion of the building abutting the west, West University Avenue, the rear alley, and that portion of the	_

- eastern façade that lies outside of the University Heights-South Historic District 100foot buffer. Within the 100-foot buffer, the maximum building height is four (4) stories.
 - 4. Total project non-residential square footage may not exceed 6,500 square feet. Accessory uses to the multi-family residential, such as leasing office and amenities exclusive to residents, will not count against the maximum non-residential square footage allowed.
 - 5. A minimum of 10% of the residential dwelling units developed must be Affordable Housing Units. Affordable Housing Units means units that are affordably priced for households earning between 50% and 80% of the Gainesville Metropolitan Statistical Area (MSA) Area Median Income (AMI), as established by the United States Department of Housing and Urban Development (HUD). Affordably priced means that no more than 30% of household income is spent on housing. These units must remain permanent Affordable Housing Units through a binding legal document as approved to form and legality by the City Attorney's Office and recorded in the Public Records of Alachua County, Florida, which ensures that the units will permanently (for the life of the development) remain Affordable Housing Units.
 - 6. Affordable Housing Units must be constructed such that all unit finishes are identical to market-rate units and locations within the structure are equally dispersed relative to market-rate units. In addition, occupants of Affordable Housing Units must have equal access to all amenities constructed on the property, relative to market-rate units.
 - 7. During development plan review, the owner/developer shall submit a list of building materials and architectural standards for review, subject to approval by the City Manager or designee, to ensure that all development within the PD is consistent with the elevations and this ordinance.
 - 8. Building facades oriented toward University Avenue must have non-reflective, transparent windows or glazing area covering at least 65 percent of their surface area at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor. Operable entrance doors must be included in the calculation of total surface area for purposes of glazing.
 - 9. The PD is located in Zone A of the Transportation Mobility Program Area (TMPA). Prior to the second reading of this ordinance, the owner/developer shall sign a TMPA Zone A Agreement or agreement for transportation mitigation based on the program in effect at the time.
 - 10. The development shall incorporate the following building placement standards:
 - a. University Avenue: a 20-25-foot (min-max) setback from the back of curb;
 - b. SW 12th Street: a 16-21-foot (min-max) setback from the back of curb;
 - c. Rear: a 3-foot setback to the south along the alley, measured from the shared property line; and
 - d. Side interior: a 0-foot setback to the west, adjacent to tax parcel 13230-001-000, measured from the shared property line.

- 11. Landscaping shall include a minimum 5-foot wide landscape zone along University Avenue and SW 12th Street. The location of the landscape zone may be modified by the City Manager or designee at development plan review in order to accommodate any Florida Department of Transportation (FDOT) right-of-way and public utility conflicts.
- 12. Sidewalks shall be a minimum of 10-foot wide on University Avenue and 6-foot wide on SW 12th Street. Sidewalk area may include street furniture, trash cans, light poles, and similar infrastructure.
- 13. All parking shall be internal to the development structure or on-street; no surface parking shall be allowed on the site. There must be a minimum of one bicycle space per 2,000 square feet of Gross Floor Area (GFA), one bicycle space per 3 bedrooms, and one scooter/moped space per 6 bedrooms. On-street parking spaces may be converted to a pick-up/drop-off lane, subject to FDOT and City of Gainesville approval.
- 14. The University Avenue sidewalk will serve as pedestrian/bicycle access to developments west of the property.
- 15. The owner/developer shall fund at its full cost and expense any operational and safety modification(s) to the surrounding public rights-of-way which are deemed necessary by the City or County in conjunction with the final development plan.
- 16. A maximum of one (1) primary access point is allowed for the PD, off of the alley to the rear of the site, as preliminarily depicted on the PD Layout Plan attached as **Exhibit C**.
- 17. Each building must include a primary public entrance oriented toward the public right-of-way, and may be located at the building corner facing the intersection of two streets. Additional entrances may be provided on other sides of the building. Primary public entrances must be operable, clearly-defined, and highly-visible. In order to emphasize entrances, they must be accented by a change in materials around the door, recessed into the façade (alcove), or accented by an overhang, awning, canopy, or marquee. Building frontages along the street must have functional entrances at least every 150 feet.

SECTION 3. The conditions and requirements in this ordinance will remain effective until such

time as, upon either the City or the property owner(s) filling an application for rezoning, the

City adopts an ordinance rezoning the subject property to another zoning district consistent

- with the Comprehensive Plan and Land Development Code.
- **SECTION 4.** The City Manager or designee is authorized and directed to make the necessary
- 179 changes to the Zoning Map Atlas to comply with this ordinance.
- SECTION 5. 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 181 finding will not affect the other provisions or applications of this ordinance that can be given 182 effect without the invalid or unconstitutional provision or application, and to this end the 183 provisions of this ordinance are declared severable. 184 **SECTION 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of such 185 conflict hereby repealed. 186 **SECTION 7.** This ordinance will become effective immediately upon adoption; however, the 187 rezoning will not become effective until the amendment to the City of Gainesville 188 Comprehensive Plan adopted by Ordinance No. 210032 becomes effective as provided therein. 189 190 191 PASSED AND ADOPTED this 21st day of October, 2021. 192 193 **LAUREN POE** 194 **MAYOR** 195 196 Approved as to form and legality: 197 Attest: 198 199

203204205

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This ordinance passed on first reading the 2nd day of September, 2021

This ordinance passed on adoption reading the 21st day of October, 2021.

CITY ATTORNEY

Murie P. Kessler

Denvis Cleric

PARCEL I:

LOT 4, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL II:

LOT 5, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL III:

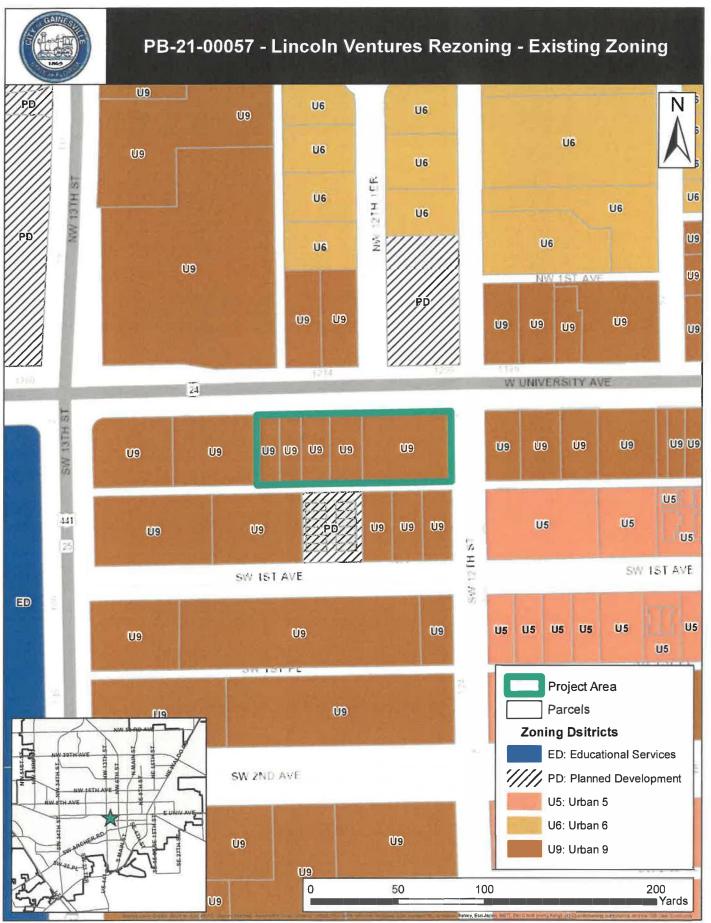
THE EAST 39.28 FEET OF LOT 6, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL IV:

THE WEST 13.09 FEET OF LOT 6 AND THE EAST 26.91 FEET OF LOT 7, BLOCK 3, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL V:

LOTS 1, 2 AND 3, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.



Page 1 of 2 Page 430 of 1104



Page 2 of 2 Page 431 of 1104

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between the Gainesville Housing Authority ("GHA") and Lincoln Ventures, LLC, its successor and assigns ("Developer"), together referred to herein as the ("Parties"), regarding proposed redevelopment of that certain property ("Property") located at 1209-1227 West University Avenue, Gainesville, Florida ("Project").

WHEREAS, GHA is a duly authorized Public Housing Agency ("PHA"), as defined in the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) and pursuant to chapter 421, Florida Statutes; and

WHEREAS, Developer proposes to develop dedicated Affordable Housing Units defined as housing for Residents up to Eighty percent (80%) of Area Median Income (AMI) as determined by the GHA, within a combination multi-family and student-oriented housing development to be located at the Property described in Exhibit "A"; and

WHEREAS, Developer proposes to reserve ten percent (10%) of its units consisting of two-bedroom units at lower than market rate for occupancy by eligible Residents who qualify to occupy Affordable Housing Units; and

WHEREAS, GHA and Developer desire to work together to facilitate development of Affordable Housing Units in the Project to help address a need for housing that is affordable to qualified residents in the Gainesville community near the urban core.

NOW, THEREFORE, GHA and the Developer agree as follows:

1. Purpose: The purpose of this MOU is to create a legal agreement to be carried out by GHA, as a PHA, and the Developer that will result in the coordinated development, operation and maintenance of Affordable Housing Units in Developer's Project. It is the intent of the Parties that the Project will transform the approach to providing Affordable Housing Units in redevelopment projects in the City of Gainesville. Developer proposes to reserve ten percent (10%) of its units, consisting of two-bedroom units, at a discount rate established using the Florida Housing Finance Corporation's "Two Person" income limits¹, for Alachua County (2020), as adjusted for the current year and, regardless of the renter's AMI qualification for occupancy by eligible Residents whose eligibility is determined by GHA and the property management's tenant qualifications; and

¹ See: http://flhousingdata.shimberg.ufl.edu/ for illustration of Developer's rent discount determination, in this instance not to exceed rent limits set for 80% AMI for a two-person, two-bedroom unit.

- 2. Zoning, Land Use, and Preliminary and Post-Development Approvals: The Developer is seeking a land use amendment and re-zoning to PUD-PD of the Property depicted in Exhibit "A." The Parties recognize that the City of Gainesville, in its regulatory capacity, is the governmental entity that is vested with authority to grant or deny land use, zoning, and site development approvals. The parties agree that nothing contained in this MOU shall be interpreted or construed as an approval, waiver or contract to approve or waive any governmental requirement that the City has jurisdiction over in its regulatory capacity. This MOU shall be governed by the PUD-PD conditions adopted by the City of Gainesville as it relates to the obligations of the Developer under this MOU; the PUD-PD shall be incorporated into this MOU by reference.
- 3. Negotiations: The Parties shall undertake negotiations to determine the terms and conditions of the lease for Affordable Housing Units, including those terms and conditions required by the U.S. Department of Housing and Urban Development (HUD) in its standard tenant-based Housing Assistance Payments Contracts (HAP), if applicable, as determined by the GHA and not to exceed ten percent (10%) of the total units in the project. The HAP also shall contain provisions by which GHA shall: (1) make rent payments for the term of the HAP contract; and, (2) allow Developer to fill units with market-rate tenants if GHA is unable to identify an eligible tenant from its waiting list no later than 60 days after Developer notifies GHA of a vacancy.
- **4. Conditions:** Developer's obligations to provide Affordable Housing Units in its Project is expressly conditioned and contingent on Developer obtaining all necessary permits and approvals from local, state and federal governmental or quasi-governmental agencies (with jurisdiction over the Project) in unappealable final form to construct its Project in substantially the same configuration and dimension as depicted in **Exhibit "B"**.
- **5. Termination of MOU:** This MOU may be terminated by written notice by GHA or the Developer for the following causes:
- i. Non-performance of any provision of this MOU by any party after notice and opportunity to cure
- ii. Failure by Developer to obtain final permits and approvals in unappealable form to construct its Project in substantially the same configuration and dimension as depicted in Exhibit "B."
- 6. **Determining Eligible Tenants:** The GHA shall be responsible for initially screening and determining eligibility to lease an Affordable Housing Unit in the Developer's Project. The project's on-site management will income-qualify candidates vetted and proposed by the GHA by verifying that monthly income limits are no less than three times that of the proposed monthly affordable rent. Where the proposed monthly rent can be reduced further by

GHA provision of an approved housing voucher, that resulting reduced monthly rent will be used to qualify a proposed tenant's monthly income limits (i.e. no less than three times the difference between the original affordable rental and the voucher) to allow access to affordable rents for candidates earning from Fifty percent (50%) up to Eighty percent (80%) of Area Median Income (AMI) as determined by the GHA.

7. Notices: All official notices required by this MOU shall be made in writing and given to the parties at their respective addresses, facsimile numbers or e-mail addresses as specified below. Notice shall be deemed to have been duly given upon receipt by an agent of the party to whom the notice is addressed. Proper means for delivering notice shall be by (i) personal delivery, (ii) facsimile, (iii) electronic mail, (iv) registered or certified mail, postage prepaid, or (v) nationally recognized express courier (e.g. FedEx, UPS), charges prepaid. Delivery of notice after 5:00 pm Eastern Standard Time shall be deemed made on the next following business day. Notices shall be addressed as follows:

If to GHA: Pam Davis, CEO

1900 SE 4th Avenue Gainesville, FL 32641 Pamelad@gnvha.org

If to Developer: Chris Johnson, EVP

Lincoln Ventures, LLC 2324 Guadalupe Street

Suite 200

Austin, Texas 78705

Chris@lincoln-ventures.com

- **8. Representations and Warranties.** The Parties are fully authorized to execute this MOU: GHA is a PHA; Developer is a limited liability company in good standing under the laws of the State of Delaware and is the contract purchaser of the Property depicted in Exhibit "B." The Parties may rely on the signators appearing below as having full authority to bind their respective entities.
- 9. Governing Law: This MOU shall be construed and enforced in accordance with the laws of the State of Florida. Should any part or provision of this MOU be held unenforceable or in conflict with the law of the applicable jurisdiction, the validity of the remaining parts or provisions shall not be affected by such holding. The prevailing party in any dispute arising under, out of, or in relation to this MOU shall be entitled to reimbursement of its reasonable attorneys' fees and all costs, plus the cost of collection and interest.

- **10. Headings:** Headings used in this MOU are provided for convenience only and shall not be used to construe meaning or intent of the parties.
- 11. Force Majeure: The parties shall be excused from performing their obligations under this MOU if performance is delayed or prevented by any event beyond the reasonable control and without the fault or negligence of the party seeking to excuse performance, including, but not limited to, acts of God, fire, terrorism, explosion, third party criminal acts, weather, plague, war, insurrection, civil strife or riots, provided, however, such performance shall be excused only to the extent of and during such disability and affected party makes commercially reasonable efforts to remove the disability. Any party seeking to excuse or delay performance under this section shall provide detailed written notice to the other parties of the nature and anticipated duration of the delay.
- 12. No Third-Party Beneficiaries: The parties do not intend that this MOU shall confer on any third party any right, remedy or benefit or that any third party shall have any right to enforce any provision of this MOU.
- 13. Indemnification: Subject to applicable laws, each party shall indemnify and hold the other parties, their directors, officers, agents and employees harmless from and against any and all losses, damages, liabilities, costs and expenses, including reasonable attorney and court costs, that may result from (a) any demand, claim or litigation brought by a third party and relating to, resulting from or arising out of the indemnifying party's breach of any of its duties, obligations, representations, warranties or covenants herein, or (b) the negligence, willful misconduct or fraud of the indemnifying party or its personnel in connection with the performance of this MOU. Notwithstanding anything contained herein to the contrary, nothing in this MOU shall be construed or interpreted to limit alter or modify any protections that GHA would be entitled to pursuant to Section 768.28, Florida Statutes, as may be amended.

To receive the foregoing indemnities, a party seeking indemnification must promptly and officially provide notice to the party or parties from which indemnification is being sought and tender to them the full authority to defend and settle the claim or suit; provided, however, that an indemnifying party will not enter into any settlement agreement or compromise of a claim that admits liability of an indemnified party without first receiving written authorization from the indemnified party. Following acceptance of the tender, an indemnified party may elect to hire legal counsel of its own choosing to monitor and participate in the defense, but such expense shall be borne solely by the indemnified party.

14. Miscellaneous: This MOU is intended to create a legal agreement between the GHA and Developer to set for the intent, understandings, and independent obligations of the Parties in their joint effort to bring about the construction of Affordable Housing Units in the Developer's Project on the terms outlined herein. This MOU may be revised from time to time

or terminated by written document approved by both the governing boards of the GHA and the Developer.

AGREED TO AND ACCEPTEDCGAINESVILLE HOUSING AUTHO	RITY 20 th	, 2021, by the
By: Jamela I Da	, its CGO	
Pamela 6. Davis	, its	
AGREED TO AND ACCEPTED VENTURES, LLC	May 26	, 2021, by LINCOLN
By:	its Portner	

EXHIBIT A

Legal Description of Project Property

Property 1

LOTS 1, 2, AND 3, BLOCK 3, OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 77, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

Property 2

PARCEL I:

LOT 4, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL II:

LOT 5, BLOCK 3 OF UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL III:

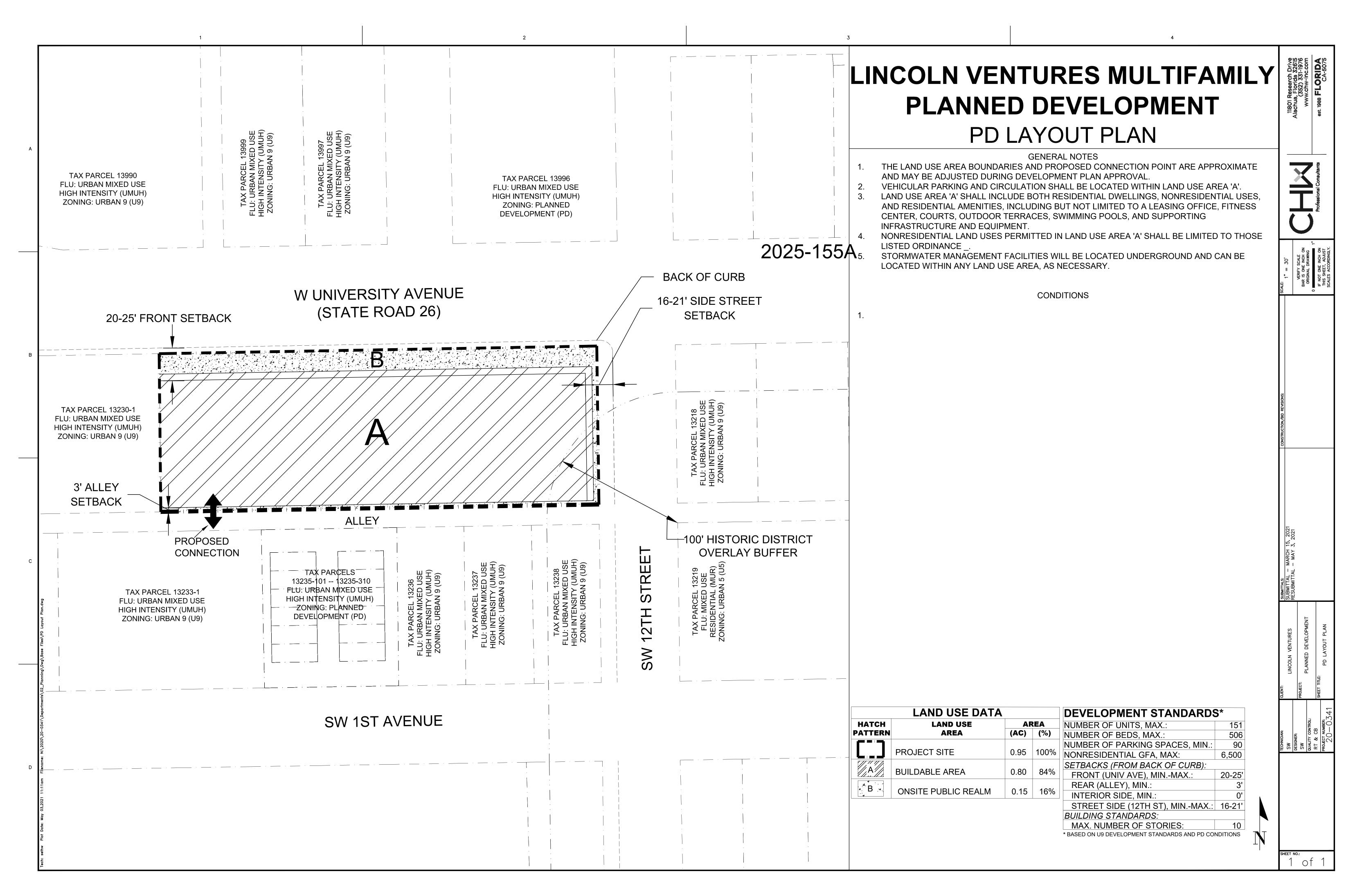
THE EAST 39.28 FEET OF LOT 6, BLOCK 3, UNIVERSITY PLACE, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE(S) 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL IV:

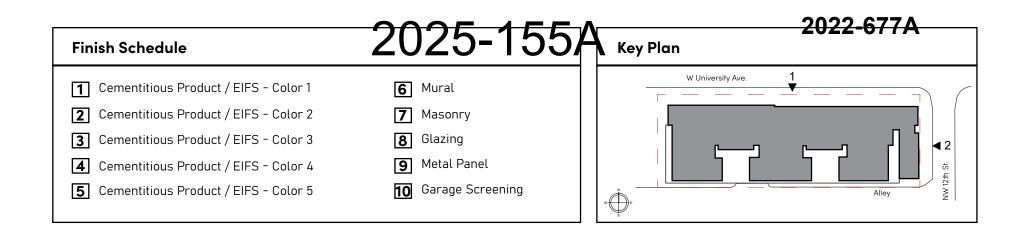
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EXHIBIT B

Project Site Plan and Renderings/Description



2022-677A desig? 125-155A dwell **Elevations** 1225 University Ave. Gainesville, Florida studio Page 440 of 1104





Elevation: W. University Ave. (facing North)

Scale: 1" = 40'-0"

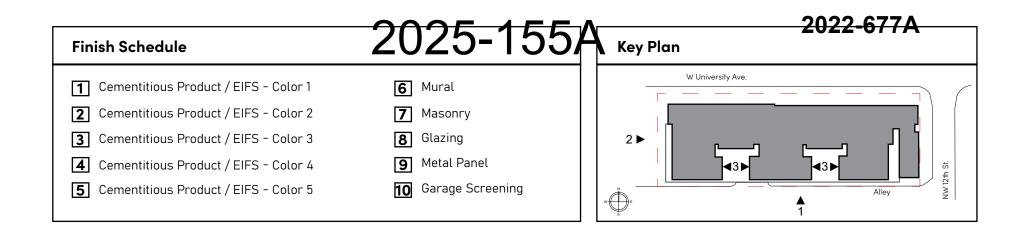


Elevation: SW 12th St. (facing East)

Scale: 1" = 40'-0"











Elevation: Alley (facing South)

Scale: 1" = 40'-0"

Elevation: Side (facing West)

Scale: 1" = 40'-0"

Elevation: Courtyard (Typical x4)

Scale: 1" = 40'-0"











View 1 - Corner of W University Ave. & NW 12th St. (Leasing Lobby)







View 6 - Lobby/ Amenity along University Ave. with Residential Language Above

1225 University Ave. | Gainesville, Fl.

April 26, 2021

PAGE 5







Lobby/ Amenity along University Ave.

1225 University Ave. | Gainesville, Fl.

April 26, 2021

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between the Gainesville Housing Authority ("GHA") and CASL Holdings, LLC, its successor and assigns ("Developer"), together referred to herein as the ("Parties"), regarding proposed redevelopment of that certain property ("Property") located at 1026 2nd Avenue, Gainesville, Florida ("Project").

WHEREAS, GHA is a duly authorized Public Housing Agency ("PHA"), as defined in the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) and pursuant to chapter 421, Florida Statutes; and

WHEREAS, Developer proposes to develop dedicated Affordable Housing Units defined as housing for Residents up to Eighty percent (80%) of Area Median Income (AMI) as determined by the GHA, within a combination multi-family and student- oriented housing development to be located at the Property described herein; and

WHEREAS, Developer proposes to reserve ten percent (10%) of its units consisting of one- and two-bedroom units at lower than market rate for occupancy by eligible residents who qualify to occupy Affordable Housing Units as detailed herein; and

WHEREAS, GHA and Developer desire to work together to facilitate development of Affordable Housing Units in the Project to help address a need for housing that is affordable to qualified residents in the Gainesville community near the urban core.

NOW, THEREFORE, GHA and the Developer agree as follows:

1. Purpose: The purpose of this MOU is to create a legal agreement to be carried out by GHA, as a PHA, and the Developer that will result in the coordinated development, operation and maintenance of Affordable Housing Units in Developer's Project. It is the intent of the Parties that the Project will transform the approach to providing Affordable Housing Units in redevelopment projects in the City of Gainesville. Developer proposes to reserve ten percent (10%) of its units, consisting of one- and two-bedroom units, at a discount rate established using the Florida Housing Finance Corporation's "Two Person" income limits¹, for Alachua County (2020), as adjusted for the current year regardless of the renter's AMI qualification for occupancy. Resident eligibility is determined by GHA and the property management's tenant qualifications;

¹ See: http://flhousingdata.shimberg.ufl.edu/ for illustration of Developer's rent discount determination, in this instance not to exceed rent limits set for 80% AMI for a two-person, two-bedroom unit.

- 2. Zoning, Land Use, and Preliminary and Post-Development Approvals: The Developer is seeking a land use amendment and re-zoning to PUD-PD of the Property depicted in Exhibit "A." The Parties recognize that the City of Gainesville, in its regulatory capacity, is the governmental entity that is vested with authority to grant or deny land use, zoning, and site development approvals. The parties agree that nothing contained in this MOU shall be interpreted or construed as an approval, waiver or contract to approve or waive any governmental requirement that the City has jurisdiction over in its regulatory capacity.
- 3. Negotiations: The Parties shall undertake negotiations to determine the terms and conditions of the lease for Affordable Housing Units, not to exceed ten percent (10%) of the total units in the project, including those terms and conditions required by the U.S. Department of Housing and Urban Development (HUD) in either of its standard tenant-based Housing Assistance Payments Contracts (HAP), if applicable, as determined by the GHA. Each HAP also shall contain provisions by which GHA shall make rent payments for the term of the HAP contract. Notwithstanding the format of the final Affordable Housing Unit lease, Developer has the right to fill units with market-rate tenants if GHA is unable to identify an eligible tenant from its waiting list no later than 60 days after Developer notifies GHA of a vacancy.
- 4. Conditions: Developer's obligations to provide Affordable Housing Units in its Project is expressly conditioned and contingent on Developer obtaining all necessary permits and approvals from local, state and federal governmental or quasi-governmental agencies (with jurisdiction over the Project) in unappealable final form to construct its Project in substantially the same configuration and dimension as depicted in **Exhibit "B"**.
- **5. Termination of MOU:** This MOU may be terminated by written notice by GHA or the Developer for the following causes:
- i. Non-performance of any provision of this MOU by any party after written notice and an opportunity to cure. A party shall have a thirty-day (30-day) period in which to cure any non-performance.
- ii. Failure by Developer to obtain final permits and approvals in unappealable form to construct its Project in substantially the same configuration and dimension as depicted in Exhibit "B."
- 6. Determining Eligible Tenants: The GHA shall be responsible for initially screening and determining eligibility to lease an Affordable Housing Unit in the Developer's Project. The project's on-site management will income-qualify candidates vetted and proposed by the GHA by verifying that monthly income limits are no less than three times that of the proposed monthly affordable rent. Where the proposed monthly rent can be reduced further by GHA provision of an approved housing voucher, that resulting reduced monthly rent will be used to qualify a proposed tenant's monthly income limits (i.e. no less than three times the difference between the original affordable rental and the voucher) to allow access to affordable rents for candidates earning from Fifty percent (50%) up to Eighty percent (80%) of Area Median Income (AMI) as determined by the GHA.

7. **Notices:** All official notices required by this MOU shall be made in writing and given to the parties at their respective addresses, facsimile numbers or e-mail addresses as specified below. Notice shall be deemed to have been duly given upon receipt by an agent of theparty to whom the notice is addressed. Proper means for delivering notice shall be by (i) personal delivery, (ii) facsimile, (iii) electronic mail, so long as a read receipt is included, (iv) registered or certified mail, postage prepaid, or (v) nationally recognized express courier (e.g. FedEx, UPS), charges prepaid. Delivery of notice after 5:00 pm Eastern Standard Time shall be deemed made on the nextfollowing business day. Notices shall be addressed as follows:

If to GHA:

Pam Davis, CEO 1900 SE 4th Avenue Gainesville, FL 32641 Pamelad@gnvha.org

If to Developer:

Tommy Sinnott, Director, Investments,

Student Living

CASL Holdings, LLC 130 E. Randolph Street

Suite 2100

Chicago, Illinois 60601 TSinnott@ca-ventures.com

With a copy to:

Madeleine Schnittker, Vice President and

Corporate Counsel, Student Living

130 E. Randolph Street

Suite 2100

Chicago, Illinois 60601

MSchnittker@ca-ventures.com

- 8. Representations and Warranties. The Parties are fully authorized to execute this MOU: GHA is a PHA; Developer is a limited liability company in good standing under the laws of the State of Delaware and is the contract purchaser of the Property depicted in Exhibit "B." The Parties may rely on the signators appearing below as having full authority to bind their respective entities.
- 9. Governing Law: This MOU shall be construed and enforced in accordance with the laws of the State of Florida. Should any part or provision of this MOU be held unenforceable or in conflict with the law of the applicable jurisdiction, the validity of the remaining parts or provisions shall not be affected by such holding. The prevailing party in any dispute arising under, out of, or in relation to this MOU shall be entitled to reimbursement of its reasonable attorneys' fees and all costs, plus the cost of collection and interest.
 - 10. Headings: Headings used in this MOU are provided for convenience only and

shall not be used to construe meaning or intent of the parties.

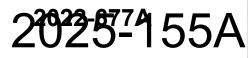
- 11. Force Majeure: The parties shall be excused from performing their obligations under this MOU if performance is delayed or prevented by any event beyond the reasonable control and without the fault or negligence of the party seeking to excuse performance, including, but not limited to, acts of God, fire, terrorism, explosion, third party criminal acts, weather, plague, war, insurrection, civil strife or riots, provided, however, such performance shall be excused only to the extent of and during such disability and affected party makes commercially reasonable efforts to remove the disability. Any party seeking to excuse or delay performance under this section shall provide detailed written notice to the other parties of the nature and anticipated duration of the delay.
- 12. No Third-Party Beneficiaries: The parties do not intend that this MOU shall confer on any third party any right, remedy or benefit or that any third party shall have any right to enforce any provision of this MOU.
- 13. Indemnification: Subject to applicable laws, each party shall indemnify and hold the other parties, their directors, officers, agents and employees harmless from and against any and all losses, damages, liabilities, costs and expenses, including reasonable attorney and court costs, that may result from (a) any demand, claim or litigation brought by a third party and relating to, resulting from or arising out of the indemnifying party's breach of any of its duties, obligations, representations, warranties or covenants herein, or (b) the gross negligence as defined under Florida law, willful misconduct or fraud of the indemnifying party or its personnel in connection with the performance of this MOU. Notwithstanding anything contained herein to the contrary, nothing in this MOU shall be construed or interpreted to limit alter or modify any protections that GHA would be entitled to pursuant to Section 768.28, Florida Statutes, as may be amended.

To receive the foregoing indemnities, a party seeking indemnification must promptly and officially provide notice to the party or parties from which indemnification is beingsought and tender to them the full authority to defend and settle the claim or suit; provided, however, that an indemnifying party will not enter into any settlement agreement or compromiseof a claim that admits liability of an indemnified party without first receiving written authorization from the indemnified party. Following acceptance of the tender, an indemnified party may elect to hire legal counsel of its own choosing to monitor and participate in the defense, but such expense shall be borne solely by the indemnified party.

14. Miscellaneous: This MOU is intended to create a legal agreement between the GHA and Developer to set for the intent, understandings, and independent obligations of the Parties in their joint effort to bring about the construction of Affordable Housing Units in the Developer's Project on the terms outlined herein. This MOU may be revised from time to time by written document fully executed by both parties.

AGREED TO AND ACCEPTED	icreh 1	, 2022, by the
GAINESVILLE HOUSING AUTHOR	RITY	
By. 7 100000000	ins	
Pemela E. Dans	, its <u>CGO</u>	
AGREED TO AND ACCEPTED	February 28	, 2022, by
CASL HOLDINGS, LLC		, ,, ,
By: (3/2)		
Rvan McBride	its Authorized	Signatory

EXHIBIT A





LEGAL DESCRIPTION

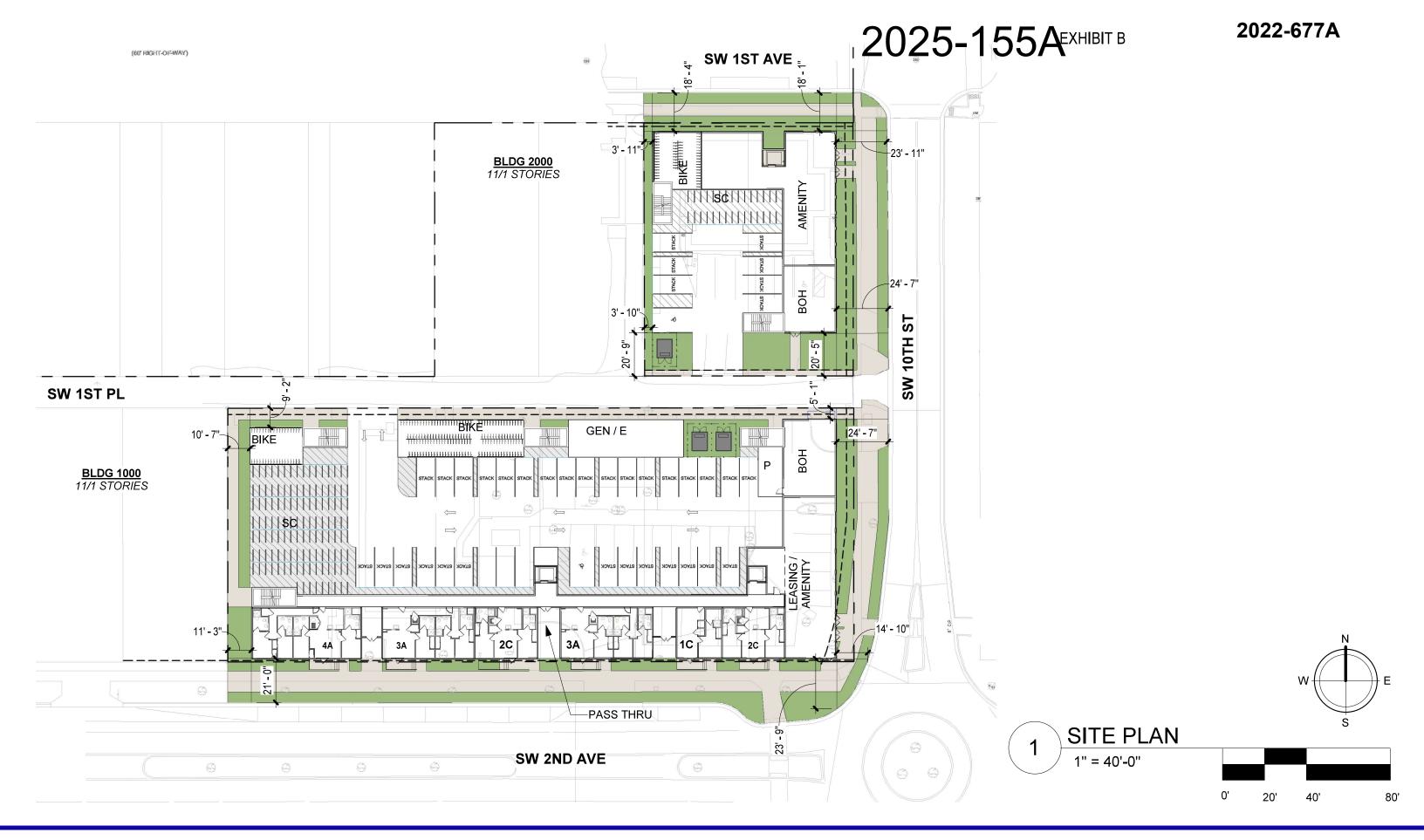
DATE: February 22, 2022 **CLIENT:** CA Ventures **PROJECT NO: 21-0362**

PARCEL 1

LOT 1 AND 2, BLOCK 5, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL 2

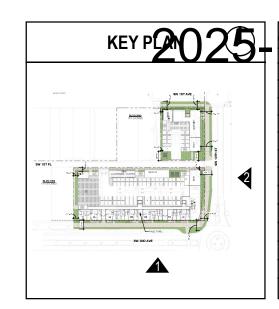
LOTS 19, 20, 21, 22, 23 AND 24, BLOCK 5, UNIVERSITY PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "A", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.











155	↑ MATERIAL FINISH K 2922-677A
	\wedge
MRY 01	ALTERNATIVE MASONRY PRODUCT
MRY 02	MODULAR BRICK - COLOR 1
ST 01	STUCCO - COLOR 1
ST 02	STUCCO - COLOR 2
CPL 01	CEM. PANEL W/ REVEAL SYSTEM - COLOR 1
CPL 02	CEM. PANEL W/ REVEAL SYSTEM - COLOR 2
CLS 01	CEM. LAP SIDING W/ REVEAL SYSTEM - COLOR 1
MTL 01	PRE-FABRICATED METAL CANOPY
MTL 02	ALUM. BALCONY RAILING
MTL 03	ARCHITECTURAL PATIO DOOR
MTL 04	METAL SIGNAGE
SF 01	ALUM. STOREFRONT SYSTEM
VW 01	VINYL WINDOW

East Elevation

Scale: 1" = 40'

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VWOTI STOZ

WOTI STOT

CLSOTI

MITOTIMICOZ

RECESS- 107 X10

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PASS THRU

19 MAN MOTI MRY 02

RECESS- 107 X10

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South Elevation Scale: 1" = 40'

 $\label{eq:APPENDIXD} \textbf{APPENDIX} \ \textbf{D} - \textbf{AHAC} \ \textbf{Findings} \ \textbf{and} \ \textbf{Recommendations}$

Program Element	City	АНАС	Additional Comments
Set Aside and Affordability Requirements	10% affordable unit at 80% AMI	At least 10% affordable units at up to 80% AMI	Community would prefer a deeper level of affordability and a larger number of affordable units; AHAC recommendation is to match the City's recommendation at this time due to the limited profit margins for developers presented in the Consultant's report.
In-Lieu Fee	Establish in-lieu fee option, set at \$120-160k per affordable unit that would have been built under IZ; adjust fee level every 2 years	Establish in lieu option with documentation provided that there are no other options ("set a high bar"); make calculation for fee level is clear and transparent; adjust fee level every 2 years; add geographic constraint a la sidewalk onion.	The community expressed an interest in excluding any additional affordable housing development in East Gainesville and only allowing it in West Gainesville; however, the Committee would like to ensure affordable development is geographically close to new development, but not limited to one specific side of town. There was general concern over how the fees should be spent.
Development Scale	Apply IZ requirements to multifamily developments with ten or more units.	Apply IZ requirements to multifamily developments with ten or more units.	No additional comments.
Applicability	-Voluntary opt-in for geographics outside of IZ policyIncentives applicable to nonmarket rate unitsNot applicable to existing development.	-Mandatory CitywideIncentives applicable to all new development that meets IZ policyNot applicable to existing development.	No additional comments.
Affordability Term/Duration	99 years.	Life of the building.	The two most popular options were 99 years and the life of the building. Most participants were in favor of the life of the building as long as it is well defined in the code.
Unit Pricing	Follow existing HUD guidelines.	Follow existing HUD guidelines.	No additional comments.

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Unit Characteristics Ensure affordable units are identical with market-rate units.

Ensure affordable units are identical with marketrate units.

Ensure units are dispersed throughout the development; avoid "concentration of poverty".

Concurrency of Delivery

Include concurrency requirement. Adopt normal rounding Functional Units rules; rounding up for

fraction units above 0.5.

Include concurrency requirement. Adopt normal rounding rules; rounding up for fraction units above 0.5.

No additional comments.

No additional comments.

Additional Recommendatio ns?

Potential tiered incentive structure to trade extra set aside or deeper affordability for more incentives The City and County should coordinate to ensure consistency between IZ policies in order to minimize development migration from one to the other.

City staff should evaluate a separate ownershipfocused IZ policy to address additional areas of affordable housing needs.

City staff should evaluate "special needs population"-focused IZ policy to address additional areas of affordable housing needs. City staff should evaluate additional public-private partnership opportunities, beyond IZ policies, to augment the City's limited affordable housing budget.

APPENDIX E – Submitted Feedback



"The Mission of the NCFAA is to serve and support professional owners, managers and providers of multifamily housing through professional networking, volunteer leadership development timely information and participation in our state and national associations to advance quality housing."

October 26, 2022

Gainesville City Plan Board City Hall, 200 East University Avenue Gainesville, FL 23601

City of Gainesville Plan Board:

Please accept this letter on behalf of the North Central Florida Apartment Association (NCFAA) regarding agenda items E.3 and E.4, Inclusionary Zoning Comprehensive Plan Amendments. Many of the provisions in the draft amendment have proven to be vague, and, in the case of the thirty percent density bonus, possibly in violation of HB 7103, which requires the City of Gainesville to "fully offset all costs to the developer..." when inclusionary zoning is mandated. NCFAA hopes this letter serves to provide insight into how this measure would negatively impact multifamily housing construction and the unintended consequences posed to the apartment industry as a whole.

Requirement Of Third Party Management

Under the current draft of the inclusionary zoning proposal, the city is mandating developers to "enter into a management agreement with the City, a community land trust, or other third party... to administer the affordable set-aside units." This provision would force the property owner/management company to forfeit all control over the project's set-aside inclusionary zoning units and also impose additional financial burdens on housing providers. Additionally, it is important to note that this provision does not take into account that developers do not always manage the properties they construct. In some cases, developments are sold after the lease-up process is complete or managed by a third-party property management company on behalf of the property owner or inventors.

It is also noteworthy that NCFAA is not aware of a similar management agreement requirement in other jurisdictions in Florida with existing inclusionary zoning policies.

What is the public policy objective of this requirement? In addition, does the City intend to cover the costs of a management agreement required under this section? Additional regulatory costs of this nature will undoubtedly drive up the costs to own and manage property in the city, which will in turn negatively impact renters.

Apartment communities, with five units or more, are classified as public lodging establishments under <u>Chapter 509</u>, <u>Section 509.242 (1)</u>, and are subject to licensing, inspection, and regulation by the Florida Department of Business and Professional Regulation (DBPR). Chapter 509, Section 509.032(7)(a) also states, "The regulation

of public lodging establishments... <u>is preempted to the state</u>". Forcing developers to contract with a third party for the management of the set-aside units can likely be interpreted as a violation of Chapter 509.242, which preempts all regulations of apartment communities to the state.

Development Incentives

In today's economy, developments face the rising costs of construction materials, wages, and financing. Every project is unique when it comes to costs for supplies, labor, design, etc. It is not uncommon for developers to experience significant cost overruns throughout the course of the construction process. That is because many of these costs are moving targets while developers navigate an economy with high inflation and the uncertainty of the development process.

A density bonus of 30 percent may be a sufficient incentive for some projects, such as an infill highrise, that is near the current density limit. However, a 30 percent density bonus may not be enough to "fully offset all costs to the developer..." (HB 7103) for all construction projects, depending on a variety of factors that may be unique to the project.

The City has the opportunity, and the legal requirement under state law enacted by HB 7103, to provide sufficient incentives that will offset all costs that are associated with the mandated construction of inclusionary zoning units. We respectfully request that Gainesville adopt similar incentives that are found in Palm Bay's recently adopted voluntary inclusionary zoning ordinance and remove the requirement to sign an agreement with an outside entity.

Palm Bay provides a density bonus, impact fees waivers, building & development fee waivers, and utility fee waivers as incentives for opting into their voluntary inclusionary zoning ordinance. These types of incentives have a very high likelihood of offsetting all the costs that a developer will incur due to an inclusionary zoning mandate. Adopting those types of incentives will also give the City an opportunity to prevent a potential violation of state statute. It is important to note that the City of Palm Bay does not require a management agreement with an outside entity.

While this policy is well intentioned, it may have negative effects on the City of Gainesville by discouraging the development of housing. We encourage the City Plan Board to delay a final vote on the proposed inclusionary zoning changes so that the industry will have more time to discuss the impacts on developers and the supply of housing within the City.

Thank you for your thoughtful consideration of the apartment industry's concerns. If NCFAA can be of service to you or if you have any questions regarding our concerns, please contact Johnmichael Fernandez, NCFAA Local Government Affairs Manager, by email at johnmichael@faahq.org or by phone at 407-960-2910.

Sincerely,

Johnmichael Fernandez North Central Florida Apartment Association Local Government Affairs Manager

ALACHUA COUNTY LABOR COALITION

ACLC Position on City of Gainesville Inclusionary Zoning Ordinance Proposal

The Alachua County Labor Coalition endorses the City of Gainesville's proposed inclusionary zoning ordinance, with amendments. The country is in an affordable housing crisis and Alachua County has not been spared from the effects. Many families are unable to maintain a decent living standard. An Inclusionary Zoning proposal will allow cost-burdened individuals and families are opportunity to secure affordable housing in high-opportunity areas without concentrating poverty. While Inclusionary Zoning will not solve our housing crisis, it will provide relief and an improved quality of life for many Gainesville residents struggling with housing, at very little cost to the City.

In order to maximize the number of affordable units, the ACLC recommends an amendment that would allow for additional marginal density bonuses in addition to the 30% allowed bonus in the current proposal. Specifically, the ACLC recommends including a requirement that 20% of all additional units built above the 30% bonus be set aside for individuals and families making up to 60% of Area Median Income (AMI). Note, our proposal to require 20% of units be set aside for individuals and families making up 60% AMI would NOT change the 10% affordable set-aside requirement for units at or under 130% allowable density. For example:

A developer requests an extra 10% density (could be added bedrooms, more lot coverage, etc.) in addition to their allowed 30% bonus. The city would have to deem the request physically feasible, and if it were approved, 20% of the number of additional units built as a result of that allowance would have to be affordable.

Additionally, we recommend the Inclusionary Zoning require units be affordable for the "life of the building", rather than the currently proposed 99 years.

We urge the City Commission to adopt the proposal and our amendments. This policy will not only bring affordable housing to those in need, it will allow families to live in safe, high-opportunity environments, it will allow members of the workforce to live closer to their job, and it will allow the people to take a piece of the pie as developers continue to build in Gainesville.



Appendix D

Comprehensive Plan Goals, Objectives and Policies



Future Land Use Element

- GOAL 1 IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.
- Objective 1.1 Adopt urban design principles that adhere to timeless (proven successful), traditional principles.
- Policy 1.1.1 To the extent possible, all planning shall be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the residents.
- Policy 1.1.2 To the extent possible, neighborhoods should be sized so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- 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.
- Policy 1.1.4 The City and its neighborhoods, to the extent possible, shall have a center focus that combines commercial, civic, cultural, and recreational uses.
- Policy 1.1.5 The City, to the extent possible, should contain an ample supply of squares, greens, and parks with frequent use encouraged through placement, definition and design.





Policy 1.1.6

The City shall encourage community-serving facilities, such as government offices, farmers markets, and convention centers to be centrally located, instead of in dispersed, remote, peripheral locations. Public, community-serving facilities should be developed primarily in the City's central core and, as appropriate, in neighborhood centers. Private, community-serving facilities should be discouraged from locating in peripheral locations.

Objective 1.2 Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).

- Policy 1.2.1 The City may vacate street right-of-way only if it does not prevent reasonable connection for existing and future public transit, pedestrian, and non-motorized and motorized vehicle trips.
- Policy 1.2.2 The City should use design standards in the Land Development Code to ensure that higher densities are livable.
- Policy 1.2.3 The City should encourage mixed-use development, where appropriate.
- Policy 1.2.4 The City should reduce or eliminate minimum parking requirements, where appropriate.
- Policy 1.2.5 The City should encourage creation of short-cuts for pedestrians and bicyclists with additional connections and cross access in order to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.
- Policy 1.2.6 The City should encourage or require buildings to put "eyes on the street" with front facade windows and doors.
- Policy 1.2.7 The City should strive, incrementally, and when the opportunity arises street by street to form an interconnected network of neighborhood streets and sidewalks supportive of car, bicycle, pedestrian, and transit routes within a neighborhood and between neighborhoods knitting neighborhoods together and not forming barriers between them. Dead ends and cul-de-sacs should be avoided or minimized. Multiple streets and sidewalks should connect into and out of a neighborhood.
- Policy 1.2.8 Gated residential developments shall be prohibited to keep all parts of the community accessible by all citizens, and to promote transportation choice.
- Policy 1.2.9 The City shall require, on long block faces (480 or more feet), the provision of intermediate connections in the pedestrian network. For example, direct walkway and bicycle routes to schools should be provided.





- Policy 1.4.4
- In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drivethroughs, warehouses, plasma centers, and street-level parking lots.
- Policy 1.4.5

When considering the acquisition and establishment of public facilities such as parks, libraries, and neighborhood centers, the City should, to the extent appropriate, select a location and/or design the facility in such a way that collocation of the facility with a public school is either achieved with an existing school, or can be retrofitted for such a collocation.

Objective 1.5 Discourage the proliferation of urban sprawl.

- Policy 1.5.1 The City shall continue robust code enforcement and law enforcement to discourage flight from the city due to excessive noise, excessive lighting, blight, illegal parking of cars, ill-kept properties, and illegal signage.
- Policy 1.5.2 The City should collaborate with the School Board of Alachua County to enhance schools within city limits, particularly to make the schools more accessible to students without a car.
- Policy 1.5.3 The City should create more well-defined squares and parks within walking distance of residences, offices and shops.
- Policy 1.5.4 The City should prioritize core areas to receive the first enhancements when the City has planned citywide public improvements such as sidewalks, street re-paving, undergrounding utilities, street lights, and public parks.
- Policy 1.5.5 The City recognizes Alachua County's use of the Urban Cluster, as adopted on their Future Land Use Map, as an urban growth boundary.
- Policy 1.5.6 The City certifies that the entire area within current city limits meets the definition in Chapter 163, F.S., of an urban service area, as supported by the Data and Analysis Report.
- Policy 1.5.7 The Future Land Use Map should designate appropriate areas for multi-family residential development in close proximity to neighborhood centers and important transit routes. When appropriate and in a way not detrimental to single-family neighborhoods, the City should encourage the establishment of residential, retail, office, and civic uses within 1/4 mile of the center of neighborhood centers as an effective way to reduce car trips and promote transit, walking, and bicycling.
- GOAL 2 REDEVELOP AREAS WITHIN THE CITY, AS NEEDED, IN A MANNER THAT PROMOTES QUALITY OF LIFE,



TRANSPORTATION CHOICE, A HEALTHY ECONOMY, AND DISCOURAGES SPRAWL.

- Objective 2.1 Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.
- Policy 2.1.1 The City shall develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.
 - a. The City should consider the unique function and image of the area through design standards and design review procedures as appropriate for each redevelopment area;
 - b. The City should include in its redevelopment plans recommendations regarding economic development strategies, urban design schemes, land use changes, traffic calming, and infrastructure improvements;
 - c. The City should identify potential infill and redevelopment sites; provide an inventory of these sites; identify characteristics of each parcel, including land development regulations, infrastructure availability, major site limitations, and available public assistance; and develop a strategy for reuse of these sites;
 - d. The City should encourage retail and office development to be placed close to the streetside sidewalk.
- Policy 2.1.2 The City's Future Land Use Map should strive to accommodate increases in student enrollment at the University of Florida and the location of students, faculty, and staff in areas designated for multi-family residential development and/or appropriate mixed-use development within 1/2 mile of the University of Florida campus and the Innovation Square area (rather than at the urban fringe), but outside of single-family neighborhoods.
- Policy 2.1.3 The City should concentrate CDBG, HOME, and SHIP funding efforts primarily in a limited number of neighborhoods annually.
- Policy 2.1.4 The City shall strive to implement certain land use-related elements of Plan East Gainesville, including but not limited to:
 - a. Establishing a three-tiered land use transect for east Gainesville to transition land development regulations from urban to suburban to rural; and



- Policy 2.3.1 The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Downtown Community Redevelopment Area.
- Policy 2.3.2 The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Eastside Community Redevelopment Area.
- Policy 2.3.3 The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the Fifth Avenue/Pleasant Street Community Redevelopment Area.
- Policy 2.3.4 The City shall assist with the implementation, as appropriate, of the Community Redevelopment Plan for the College Park/University Heights Community Redevelopment Area.
- GOAL 3

 ACHIEVE THE HIGHEST LONG-TERM QUALITY OF LIFE FOR ALL GAINESVILLE RESIDENTS CONSISTENT WITH SOUND SOCIAL, ECONOMIC, AND ENVIRONMENTAL PRINCIPLES THROUGH LAND DEVELOPMENT PRACTICES THAT MINIMIZE DETRIMENTAL IMPACTS TO THE LAND, NATURAL RESOURCES, AND URBAN INFRASTRUCTURE.
- Objective 3.1 The City shall protect environmentally sensitive land, conserve natural resources, and maintain open spaces identified in the Future Land Use Map Series through the Development Review Process and land acquisition programs.
- Policy 3.1.1 Standards and guidelines established in Conservation, Open Space, and Groundwater Recharge Element Objective 1.1 and its Policies shall be used to protect identified environmentally sensitive resources.
- Policy 3.1.2 The City shall regulate development in Floridan aquifer high recharge areas with requirements that, at a minimum, meet the standards and guidelines of the St. Johns River or Suwannee River Water Management Districts, as applicable, and Policies 2.3.6 and 2.3.7 of the Conservation, Open Space and Groundwater Recharge Element.
- Policy 3.1.3 The City shall coordinate with the Florida Department of Environmental Protection and other agencies with regulatory authority over hazardous materials management in the review of any development proposal involving the use or generation of hazardous materials.





Policy 3.6.2

Wherever possible, the natural terrain, drainage, and vegetation of the city should be preserved with superior examples contained within parks or greenbelts.

Policy 3.6.3

To the extent feasible, all development shall minimize alteration of the existing natural topography.

GOAL 4

THE FUTURE LAND USE ELEMENT SHALL FOSTER THE UNIOUE CHARACTER OF THE CITY BY DIRECTING GROWTH **AND** REDEVELOPMENT IN A **MANNER** THAT: USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND SERVICES **CITY RESIDENTS: PROTECTS NEIGHBORHOODS**; **DISTRIBUTES GROWTH** AND **ECONOMIC ACTIVITY** THROUGHOUT THE CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE; AND PRESERVES THE TREE CANOPY OF THE CITY. THE FUTURE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS FOR **COMPACT DEVELOPMENT AND EFFICIENT** USE OF INFRASTRUCTURE.

Objective 4.1

The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban from by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Single-Family (SF): up to 8 units per acre

This land use category shall allow single-family detached dwellings at densities up to 8 dwelling units per acre. The Single-Family land use category identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development. Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single-family dwellings under certain limitations.



- Policy 2.3.5
- The City shall assist the MTPO in annually issuing a Level of Service Report on all GUATS system roadways and shall coordinate with the MTPO to designate backlogged and constrained facilities; these designations shall be amended as appropriate to reflect updated traffic count information and system improvements.
- Policy 2.3.6 The City shall strive to implement transportation-related aspects of Plan East Gainesville, including, but not limited to:
 - a. Coordinating with the MTPO to establish a Bus Rapid Transit system connecting east Gainesville with centers of employment and commerce;
 - b. Coordinating with the MTPO and FDOT on the implementation of the Waldo Road Multi-Way Boulevard (with limits from University Avenue to NE 39th Avenue) listed in the MTPO 2035 Cost-feasible Plan; and
 - c. As road reconstruction occurs, including in the transportation network provisions for bicyclists, transit users, and pedestrians on NE 15th Street, East University Avenue, Main Street, and NE 8th Avenue, where applicable.
- Objective 12.4 Protect existing and future rights-of-way from building encroachment to the extent that doing so promotes transportation choice.
- Policy 2.4.1 The City shall collaborate with FDOT, MTPO, and Alachua County to identify future transportation rights-of-way and to provide for development regulations and acquisition programs that will protect such corridors for their intended future use. Such protection and long-range planning shall include pedestrian, bicycle, car, and transit facilities.

GOAL 3

THE CITY SHALL BECOME A NATIONAL MODEL FOR AN ENHANCED COMMUNITY TRANSIT SYSTEM WITH A VARIETY OF TRANSPORTATION **SERVICES THAT PROVIDE** SAFE, CONVENIENT, ACCESSIBLE, COMFORTABLE, CONTINUOUS, **AESTHETICALLY** AND PLEASING TRANSPORTATION ENVIRONMENT THAT PROMOTES WALKING AND TRANSIT USE. SERVICE SHALL BE PROVIDED WITH THE CLEANEST, QUIETEST, AND MOST ENERGY EFFICIENT EQUIPMENT FEASIBLE.

Objective 3.1 Establish land use designations and encourage development plans that reduce vehicle miles traveled and are transit supportive.



- Policy 3.1.8 The City shall collaborate with FDOT to implement the Long Range Transportation Plan that designates University Avenue from Waldo Road to NW 34th Street as a Multimodal Emphasis Corridor.
- Policy 3.1.9 The City's Land Development Code shall require new development and redevelopment to provide safe and convenient on-site pedestrian circulation with features such as, but not limited to, sidewalks and crosswalks that connect buildings, transit stops, and parking areas at the development site.
- Policy 3.1.10 At least 5 feet of unobstructed width shall be maintained on all sidewalks, except as necessitated by specific physical and/or natural feature constraints that require a more narrow dimension for a short length within a standard width sidewalk. Under no circumstances shall the sidewalk be less than 36 inches in width. Sidewalks shall be free of signs, furniture, and other pedestrian obstacles that reduce the useable width of the sidewalk.
- Objective 3.2 Design the City Regional Transit System (RTS) to strike a balance between the needs of those who are transit-dependent and those who have a choice about using the transit system and make up a substantially larger market. The transit system shall serve major trip generators and attractors such as the UF campus, existing transit hubs, and transit supportive areas with safe, pleasant and convenient transit stops, while also providing for the transportation-disadvantaged. Increase transit ridership consistent with the goals in the Transit Development Plan.
- Policy 3.2.1 The City shall strive to increase the amount of land designated for multi-family development, when appropriate, on the Future Land Use Map near existing transit hubs or transit-supportive areas.
- Policy 3.2.2 The City shall strive to link its land use and transportation planning by using the Transportation Mobility Program.
- Policy 3.2.3 The City shall evaluate transit stops in city limits to identify needs for improvements such as well-designed shelters, bicycle parking, route information, benches, waste receptacles, or the need for new transit stop locations.
- Policy 3.2.4 The City shall acquire additional buses to accommodate expanded services and increased ridership.
- Policy 3.2.5 The City shall support expansion of the Employee Bus Pass Program.
- Policy 3.2.6 Upon completion of the Go Enhance RTS study, if a Bus Rapid Transit (BRT) route is found to be feasible, the City shall implement the BRT route by FY 2015 if sufficient funding for capital and operating costs from developers and other sources is available to support the route. In the interim period, the City



shall explore express bus service on that route as a precursor to eventual BRT service, if funding is available.

- Policy 3.2.7 The City shall equip new RTS transit shelters with easy-to-understand timetable and route information and an easily recognizable RTS logo.
- Policy 3.2.8 The City transit service shall be enhanced to improve reliability, availability, comfort, and convenience.

GOAL 4

PROVIDE A SAFE, CONVENIENT, EFFICIENT, CONTINUOUS, AND AESTHETICALLY PLEASING TRANSPORTATION ENVIRONMENT THAT IS CONDUCIVE TO BICYCLING.

Objective 4.1 Strive to increase the number of bicycle trips within city limits.

- Policy 4.1.1 The City shall strive to provide an interconnected bicycle system with a route to every major destination in the City.
- Policy 4.1.2 The City, in cooperation with the County and FDOT, shall strive to ensure that the installation of a turn lane will retain or include a continuous bike lane on the curb lane through the intersection, consistent with FDOT design standards for road facilities.
- Policy 4.1.3 The City, in cooperation with the County and FDOT, shall install or encourage the installation of bicycle detection devices at traffic-activated signals on arterial and collector streets, consistent with FDOT standards.
- Policy 4.1.4 Traffic signalization should be context sensitive in areas of high pedestrian and bicycle use.
- Policy 4.1.5 The City shall identify all arterials and collector segments that are not currently designed for in-street bicycle transportation and determine the most appropriate design to accommodate such transportation, where appropriate. The City's Bicycle/Pedestrian Advisory Board shall be consulted to prioritize such modifications.
- Policy 4.1.6 The following criteria shall be used in prioritizing bicycle facility improvements: (1) proximity to major public parks or cultural facilities, public schools, high-density residential and commercial areas, or any area exhibiting (or potentially exhibiting) a relatively high volume of bicycle traffic; (2) arterial and collector streets; (3) promotion of bicycle route continuity; (4) lack of alternative parallel routes; (5) streets serving important transit stops such as Park and Ride; (6) areas exhibiting a high incidence of car crashes with bicycles; and (7) proximity to the Traditional City.





- Policy 4.1.7 New construction, reconstruction, and resurfacing of arterials and collectors shall be designed using "Complete Streets" and "Context Sensitive Street Design" principles.
- Policy 4.1.8 The City shall equip each transit system bus to carry bicycles.
- Policy 4.1.9 All new Park and Ride lots shall be designed to accommodate bicycle parking.
- Policy 4.1.10 The City shall strive to have bicycle parking facilities designed in conformance with City bicycle parking standards at all appropriate transit stops and transfer points within city limits.
- Policy 4.1.11 The City shall support bicycle and pedestrian safety programs in Alachua County schools.
- Policy 4.1.12 The City shall support implementation of the Alachua Countywide Bicycle Master Plan adopted by the Metropolitan Planning Organization in 2001 to the extent that it does not conflict with policies in this Comprehensive Plan.

Objective 4.2 Improve bicycle-related security.

Policy 4.2.1 The City's bicycle parking design guidelines shall allow only bicycle racks that provide durability, security, ease of use, attractiveness, adaptability to different styles of bicycles and lock types, and minimal hazard to pedestrians. Examples include bicycle lockers and the "inverted U" bicycle rack.

GOAL 5

DEVELOP AN INTERCONNECTED TRAILS NETWORK THROUGHOUT THE URBAN AREA.

- Objective 5.1 Develop and expand a trail network that provides multi-modal transportation opportunities for bicyclists and pedestrians.
- Policy 5.1.1 The City shall fill gaps in the Trail Network, as identified as Future Off-Road Trails on the map labeled Off-Street Paved Trail Network in the Transportation Mobility Map Series.
- Policy 5.1.2 The City shall extend the Trail Network by cooperating with Alachua County's efforts to expand the Network—both for corridor acquisition and trail construction—particularly for extensions of the Archer Braid Trail within city limits.



- Policy 6.1.5 The City shall collaborate with the State and the County to design roadways that promote safety, provide pedestrian refuge, promote traffic calming, and provide space for landscaping.
- Policy 6.1.6 The street layout of new developments shall be coordinated with the streets and parking of surrounding areas. This shall be done by establishing street connections to adjacent or potentially adjacent streets and parking lots, when feasible, unless natural features prevent such a connection. When not feasible, the end of the street shall establish a right-of-way connection to adjacent, off-site property so that a future motorized or non-motorized connection to an adjacent street or property is not foreclosed.
- Policy 6.1.7 The City shall set aside at least one day each year as a designated and publicized sustainable transportation day to encourage citizens to switch from single-occupant car use to another commuting form of travel.

GOAL 7

STRIVE TO REDUCE SINGLE-OCCUPANT VEHICLE TRIPS WITHIN THE GAINESVILLE METROPOLITAN AREA.

- Objective 7.1 Provide multi-modal opportunities and mixed-use development areas to reduce single-occupant automobile trips and reduce vehicle miles traveled.
- Policy 7.1.1 The maximum number of travel lanes for a new or widened street within city limits shall not exceed 4 travel lanes, except for I-75.
- Policy 7.1.2 The City shall review turn lanes on a case-by-case basis to ensure that intersections are safe for all modes of travel.
- Policy 7.1.3 The City shall periodically review the Land Development Code to ensure that parking standards are adequate to meet the needs of the community.
- Policy 7.1.4 The City shall encourage new public and private schools to provide bicycle and pedestrian connections to nearby residentially designated lands.
- Policy 7.1.5 The City shall use the Transportation Mobility Program Area as mapped in the Transportation Mobility Element Data and Analysis Report to encourage redevelopment within the City, and to promote transportation choices.
- Policy 7.1.6 Whenever redevelopment or reuse of a site would result in the combination of one or more parcels of land that had previously operated as separate uses with separate driveways and parking, but are now proposed to operate jointly or to share parking facilities, the total number and location and width of driveways shall be reviewed. In order to reduce access points on the street system,





organizations.

- Policy 9.4.1 The City shall collaborate with the Gainesville-Alachua County Regional Airport Authority on all of its aviation projects.
- Policy 9.4.2 The Gainesville-Alachua County Regional Airport Authority shall coordinate with the City, the Federal Aviation Administration, the Florida Department of Transportation, North Central Florida Regional Planning Council, the Continuing Florida Aviation System Planning Process, and other appropriate agencies on all of its aviation projects.

GOAL 10

IMPLEMENT A TRANSPORTATION MOBILITY PROGRAM THAT PROMOTES AND ENHANCES:

- A. URBAN REDEVELOPMENT;
- B. INFILL DEVELOPMENT;
- C. A VARIETY OF TRANSPORTATION CHOICES AND OPPORTUNITIES INCLUDING AUTOMOTIVE, PEDESTRIAN, BICYCLE AND TRANSIT;
- D. THE CITY'S ECONOMIC VIABILITY;
- E. DESIRABLE URBAN DESIGN AND FORM;
- F. A MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES;
- G. STREETSCAPING/LANDSCAPING OF ROADWAYS WITHIN THE CITY; AND
- H. PEDESTRIAN AND BICYCLIST COMFORT, SAFETY AND CONVENIENCE.
- Objective 10.1 The Gainesville Transportation Mobility Program Area (TMPA) shall include all property within city limits (although the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category) and shall be subdivided into designated Zones A, B, C, D, E and M as mapped in the Transportation Mobility Element Data and Analysis Report and in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website.
- Policy 10.1.1 All property within city limits is included in the Gainesville Transportation Mobility Program Area (TMPA); however, the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category. When annexed properties are designated with a City land use category, they shall be assigned to the most physically proximate TMPA zone as mapped in the Transportation Mobility Element Data and Analysis Report and in the GIS

Goals, Objectives & Policies

Conservation, Open Space & Groundwater Recharge Element

GOAL 1

ESTABLISH AND MAINTAIN AN INTEGRATED AND URBAN-DEFINING OPEN SPACE NETWORK THAT PROTECTS AND CONSERVES KEY ENVIRONMENTAL FEATURES.

- Objective 1.1 The City shall protect significant environmental lands and resources identified in the Environmentally Significant Land and Resources Series within the Future Land Use Map Series. The City shall identify environmentally significant open space and recreation sites for acquisition.
- Policy 1.1.1 The following minimum standards shall be used to protect environmentally sensitive resources identified in the Geographic Information Systems (GIS) Map Library located on the City's Planning and Development Services Department website. The Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series shall be updated as annexations occur and when additional resources are identified; however, the GIS Map Library shall be the reference source for land use decisions and in applying land development regulations because it contains the most up-to-date, best available information. The City shall develop and adopt land development regulations that, at a minimum, meet the standards addressed below.
 - a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations that prohibit





- Policy 1.1.2 Minimum buffer and/or setback distances for creeks, lakes, and wetlands designated as Outstanding Florida Waters, as listed in Rule 62-302.700, F.A.C., shall be established. The buffer and/or setback distances shall at a minimum meet the respective minimum buffer and/or setback distances established by Policy 1.1.1.
- Policy 1.1.3 The City shall keep in force land development regulations that require new developments to dedicate land and easements, within federal constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways and other open space.
- Policy 1.1.4 The City shall allocate a minimum of \$300,000 per year for the purchase and/or management of environmentally significant open space and of active and passive recreation sites.
- Policy 1.1.5 The City shall collaborate with local, regional and state environmental agencies (including Alachua County and the St. Johns and Suwannee River Water Management Districts) to develop basin management plans, which shall identify wetlands of special concern, disturbed wetlands, and appropriate sites for mitigation. The plans shall also consider those factors affecting the structure and functions of wetlands.
- Policy 1.1.6 The City shall incorporate by reference the General Soil Map Alachua County Florida, that is in the Soil Survey of Alachua County (1985, United States Department of Agriculture, Soil Conservation Service).
- Objective 1.2 The City shall coordinate with Alachua County on the Alachua County Forever program, and with other potential funding sources for land acquisition for environmental and open space protection.
- Policy 1.2.1 The City shall seek to maximize the protection of environmentally sensitive lands through the nomination of properties for acquisition with Alachua County Forever and other relevant funds.
- Policy 1.2.2 The City shall maintain a registry of real properties owned by the City of Gainesville that are acquired or used for conservation, recreation or cultural purposes, and that are deemed by the City Commission to be worthy of the highest level of protection.

GOAL 2

MITIGATE THE EFFECTS OF GROWTH AND DEVELOPMENT ON ENVIRONMENTAL RESOURCES.





water basins), and areas where the Floridan aquifer is otherwise vulnerable or highly vulnerable to degradation through recharge from land surfaces.

Policy 2.3.7

Until such time as prime groundwater recharge areas for the Floridan aquifer are mapped, the City shall use the map entitled "Floridan Aquifer High Recharge Area" of the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series, which is compiled from the Alachua County Floridan Aquifer High Recharge Area Map (Alachua County Environmental Protection Department, March 27, 2009) and modified for coverage of the Gainesville Urban Reserve Area. This map may be updated in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website for reference in land use decisions and in applying land development regulations for areas of relative vulnerability and high aquifer recharge.

Policy 2.3.8

The City shall require effective groundwater recharge in accordance with the Gainesville Comprehensive Plan's Stormwater Management Element, Objective 1.8 and Policy 1.8.1.

Policy 2.3.9

Final development orders shall require compliance with State, County and City septic tank rules.

Policy 2.3.10

The City shall inform the public of the requirements of Section 373.62, F.S., regarding automatic lawn sprinkler systems.

Policy 2.3.11

The City shall conserve potable water supplies by using the methods shown in the Gainesville Comprehensive Plan's Potable Water & Wastewater Element, Objective 1.5 and Policies 1.5.1 through 1.5.9.

Objective 2.4

The City shall amend its land development regulations as necessary to conserve natural systems of surface waters and wetlands; areas subject to high rates of Floridan aquifer recharge; listed species of plants and animals; significant natural communities, and other significant natural and archaeological resource areas, including strategic ecosystems and significant geological resource features; and minimize the spread of invasive vegetation. The adopted regulations shall be designed to maintain these characteristics and resources, and the functions and values which they provide, and allow development activities which are compatible with the conservation of these resource areas as identified in the Comprehensive Plan or by provisions of the Land Development Code.

Policy 2.4.1

The City shall maintain an updated inventory of identified environmentally significant resources in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website. If additional resources are identified or as annexations occur, these properties shall be subject to regulations keyed to the resource present at the



Policy 2.4.11

Conservation strategies for significant natural communities, listed species habitats, and strategic ecosystem resources shall include, at a minimum:

- a. Conservation of natural resource of uplands, including areas of significant natural communities, listed species habitats, significant geological resources features and strategic ecosystem resource areas, through set-aside, management, and buffering requirements;
- b. Installation of native vegetation landscaping and removal of invasive trees and shrubs; and
- c. Setbacks.

Objective 2.5

The City shall develop and maintain programs as necessary to ensure air quality levels comply with state and national ambient air quality standards through the planning period.

- Policy 2.5.1
- The City shall develop new programs and strategies as may be needed, and continue existing policies that encourage public transit use, bicycling, walking, and higher urban development densities.
- Policy 2.5.2

Except for designated incinerators and landfills, the City shall continue to prohibit the burning of refuse, trash or garbage, in accord with applicable provisions of Chapters 10 and 27, Gainesville Code of Ordinances.

Objective 2.6

The City shall promote and practice natural resource conservation and pollution prevention in order to reduce negative impacts on the environment. To accomplish this, the City shall implement policies that encourage the conservation and protection of natural resources, energy conservation, and pollution prevention in this Element and other elements of the Comprehensive Plan (such as Solid Waste, Potable Water & Wastewater, Future Land Use, and Transportation Mobility).

- Policy 2.6.1
- The City and GRU shall provide customers with education and incentive programs to encourage natural resource conservation, energy conservation, and pollution prevention.
- Policy 2.6.2
- The City shall maintain a Green Building Program that encourages environmentally friendly and energy-efficient construction.

GOAL 3

IMPROVE URBAN SPACES THROUGH PRESERVATION AND ENHANCEMENT OF THE URBAN FOREST. MAINTAIN THE CITY'S COMMITMENT TO PRESERVATION OF THE URBAN FOREST AND STREET TREES AS A DEFINING FEATURE OF OUR COMMUNITY.

Goals, Objectives & Policies



Housing Element

OVERALL GOAL: ENCOURAGE A SUFFICIENT SUPPLY OF ADEQUATE, DECENT, SAFE, SANITARY, HEALTHY AND AFFORDABLE RENTAL AND OWNER-OCCUPIED HOUSING FOR ALL INCOME GROUPS.

GOAL 1

ASSIST THE PRIVATE AND NON-PROFIT HOUSING SECTOR IN PROVIDING HOUSING FOR LOW-INCOME, VERY LOW-INCOME, AND EXTREMELY LOW-INCOME HOUSEHOLDS.

- Objective 1.1 Provide technical assistance and information on available City-owned parcels for low-income, very low-income and extremely low-income housing developments to private or non-profit housing providers who request housing assistance.
- Policy 1.1.1 The City shall maintain a working relationship or partnership with the private sector by disseminating information in the form of brochures annually on new housing techniques involving innovative ways to save energy and water, utilize alternative building materials, better protect indoor air quality and encourage cost-effective construction techniques. Brochures on codes and grants available to facilitate the production of affordable housing for low-income, very low-income, and extremely low-income residents will also be made available.
- Policy 1.1.2 The City shall provide available City-owned parcels to private and non-profit housing developers for the development of affordable housing for low-income, very low-income, and extremely low-income households.
- Policy 1.1.3 The City shall develop City-owned scattered site lots with affordable single-family residential units.





- 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.
- Policy 1.1.5 The University of Florida (UF) and the private sector shall be responsible for providing housing for college students.
- Policy 1.1.6 Housing programs and projects, where feasible, shall be coordinated with Alachua County, the Housing Authorities and any other groups involved in providing affordable housing.
- Policy 1.1.7 Lobby the State Legislature for broad based sources of recurring revenue to provide funds to pay for the construction of new housing units for low-income, very low-income, and extremely low-income households.
- Policy 1.1.8 The City shall provide Fast Track permitting to streamline the review process for new residential, residential additions and residential interior remodeling applications.
- Objective 1.2 Provide a variety of housing types and densities for moderate-income, low-income, very low-income, and extremely low-income people.
- Policy 1.2.1 The Housing and Community Development Division and Planning and Development Services Department, through the First Step Program, shall assist private and non-profit housing developers in identifying sites for moderate-income, low-income, very low-income and extremely low-income housing.
- Policy 1.2.2 The City shall allow mobile home parks in areas designated Residential-Low on the Future Land Use Map.
- Policy 1.2.3 The City shall allow manufactured housing built to the Standard Building Code in residential areas as designated on the Future Land Use Map.
- Policy 1.2.4 The City shall provide the opportunity for zero lot line and cluster subdivisions as incentives for low-income, very low-income, and extremely low-income housing.
- Policy 1.2.5 The City shall support the dispersal of low-income, very low-income and extremely low-income housing units throughout the City by providing housing densities throughout the City that will allow low-income, very low-income and extremely low-income housing to be provided by the private sector. The City shall use Community Development Block Grant Funds and Section 8 Programs, the Home Investment Partnerships Grant (HOME) and

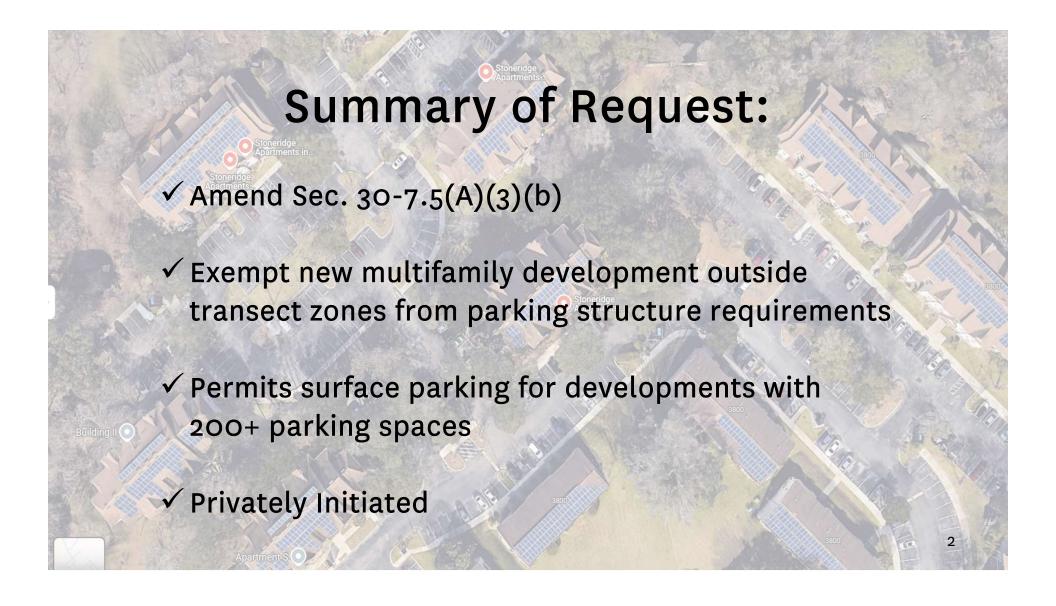


GOAL 4

ENSURE HOUSING DEVELOPMENT DOES NOT NEGATIVELY AFFECT THE GAINESVILLE ENVIRONMENT.

- Objective 4.1 The City's Land Development Code shall ensure that new housing developments preserve on-site environmental features and conserve environmental resources.
- Policy 4.1.1 The City shall encourage infill housing and cluster subdivisions in order to protect environmentally sensitive lands and to promote energy conservation.
- Policy 4.1.2 The City's Land Development Code shall guide the siting, building orientation and landscaping of new housing developments to promote energy and water conservation, ensure compatibility with the surrounding area, minimize impacts on the environment, and enhance visual appeal.





Summary of Staff Modification:

- ✓ Amend Sec. 30-7.5(A)(3)(b) AND Sec. 30-4.31
- ✓ Exemption option for developments that comply with affordable housing (IZ) provision
- ✓ Permits surface parking for developments with 200+ parking spaces that set aside ≥10% units as affordable @ 80% AMI

3

Sec. 30-7.5 (A)(3)(b)

Existing Text

b. Structured parking is required for any development exceeding 200 parking spaces.

Applicant Proposed Text

b. Structured parking is required for any development exceeding 200 parking spaces, except for multifamily developments located outside of a transect zone, provided that the proposed number of parking spaces for the development is less than the maximum number of parking spaces permitted by this section.

Sec. 30-7.5 (A)(3)(b)

Existing Text

b. Structured parking is required for any development exceeding 200 parking spaces.

Staff Proposed Text

b. Structured parking is required for any development exceeding 200 parking spaces. The city may grant an exemption to this requirement if the development complies with the conditions of Section 30-4.31(A), and such exception is instrumental in ensuring costs associated with the affordable housing contribution are fully offset.

Sec. 30-4.31
Existing and Proposed Text (Staff amendments underlined in blue)

- 2. Other offsets. The city may grant an owner/developer additional offsets, including but not limited to the following, to ensure that all costs to the owner/developer for the affordable housing contribution are fully offset:
 - i. Expedited application processing
 - ii. Intermediate level of development review pursuant to section 30-3.45, which includes only administrative review and no board review.
 - iii. Up to three additional stories above bonus height
 - iv. Reduction of fees that are otherwise required by the city for development.
 - v. Flexibility regarding form and design standards in sections 30-4.8, 30-4.13, 30-4.14, 30-4.15, 30-4.17, 30-4.20 and 30-4.21.
 - vi. Exemption from the structured parking requirements of section 30-7.5(A)(3)(b).

Rationale

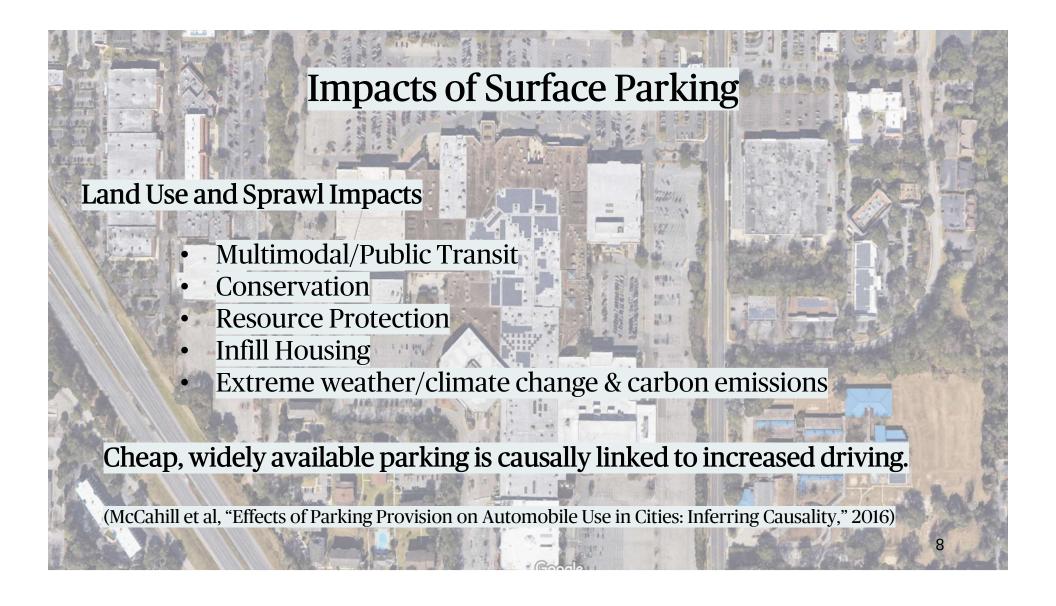
Applicant proposal potential impact:

- 1. Urban Sprawl: Economic & Ecological Impact
- 2. Inefficient Land Use Patterns
- 3. Discourage Public Transit

Staff modifications - improved outcomes:

- 1. Affordable/Low-Income Housing Provisions
- 2. Housing Type Diversity

7



Ecological Impacts

Ecosystem Service Value (ESV)

- Calculates economic benefits of natural environments
- Purdue & Furman University: Excess Parking, Reduced ESV
- Impacts to total carbon emissions, air quality, temperature regulation, urban resilience



Source: The Economics of Ecosystems and Biodiversity (teebweb.org)

Economic and ecological tradeoffs when surface parking is prioritized.

Davis, A. et al (2009). *The environmental and economic costs of sprawling parking lots in the United States.* Land Use Policy 27(2), 255-261

Creating Distance & Infrastructure Costs

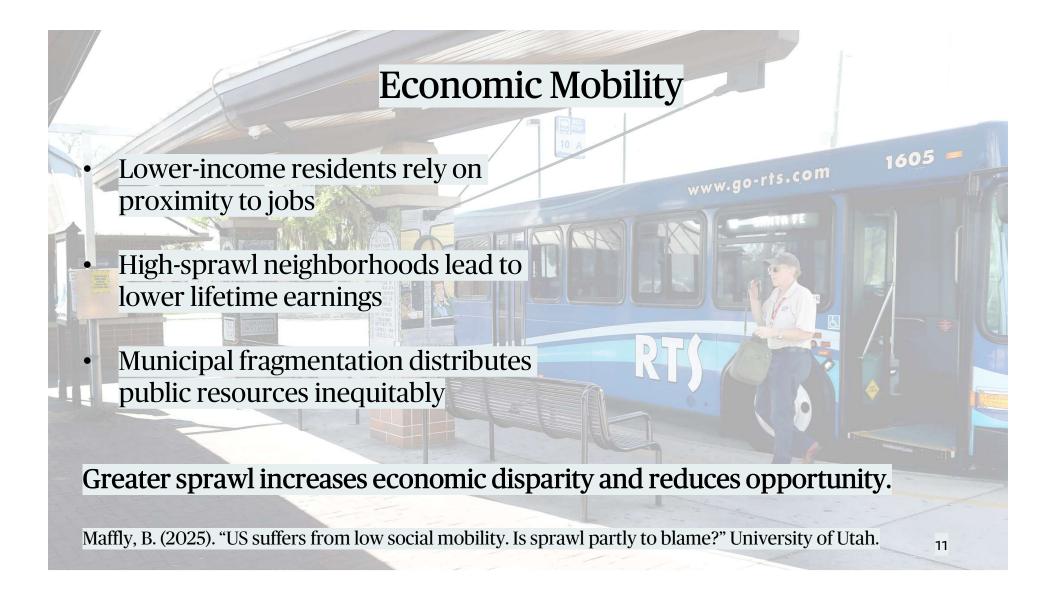
- Surface parking consumes land area, spreading destinations apart
- Walking, cycling, public transit less effective
- As cities spread, infrastructure maintenance becomes costly
- Cities eliminating parking minimums allow businesses to right-size parking





Surface parking is costly to both cities and businesses.

Boisseau, C. (2023). "Parking Puzzle." Due Diligence, University of Florida Warrington College of Business



Economic Implications & Affordable Housing Provision

- High costs associated with parking are increased with structured parking
- Balancing urban form against affordable housing goals
- Structured parking exemption can offset affordable housing costs to developers



An affordable housing provision balances comprehensive plan goals.

Thank You!

Staff Recommendation:

<u>Approve LD24-000114 with Modifications</u>

City Plan Board Recommendation:
Deny LD24-000114

13

Sec. 30-7.5 (A)(3)(b)

Existing Text

b. Structured parking is required for any development exceeding 200 parking spaces.

Staff Proposed Text

b. Structured parking is required for any development exceeding 200 parking spaces. The city may grant an exemption to this requirement if the development complies with the conditions of Section 30-4.31(A), and such exception is instrumental in ensuring costs associated with the affordable housing contribution are fully offset.

2025-155C

STEARNS Weaver Miller

> Expert Planning Report in Support of Text Amendment to Code Section 30-7.5(A)(3)(b) City of Gainesville, Florida

Prepared For: Hillpointe, LLC

Prepared By: Kenneth Metcalf, AICP

Date: October 17, 2024

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STEARNS WEAVER MILLER

Expert Planning Report in Support of Proposed Text Amendment

City of Gainesville Land Development Code ("LDC") Section 30-3.12.B.1 allows any citizen or owner of land in the City to propose text amendments to the LDC. Hillpointe, LLC proposes the following text amendment to LDC Section 30-7.5(A)(3)(b):

Structured parking is required for any development exceeding 200 parking spaces, except for multifamily developments located outside of a transect zone, provided that the proposed number of parking spaces for the development is less than the maximum number of parking spaces permitted by this section.

The proposed text amendment provides a limited allowance for surface parking in areas not subject to the City's transect zone regulations as a practical strategy to meet the needs of individuals and families living in more suburban settings and to avoid impacting rental rates due to the additional significant costs of structured parking. From a policy perspective, the requirement for structured parking as applied to apartment complexes has several important implications:

- Parking structures are a significant development cost at over \$23,000/parking space, which translates to an estimated 19% increase in rental rates, as presented in the attached summary (Attachment "1");
- Due to the impact on rental rates, the requirement for structured parking operates as a disincentive to develop larger apartment complexes that are commonly located outside of the transect zones;
- By comparison, smaller infill/redevelopment sites within the transect zones typically would not exceed the 200 parking space threshold;
- Due to the higher rental rates, the requirement for structured parking operates as a disincentive for constructing apartment complexes that cater to individuals and families looking to reside in a suburban area outside of the transect zone;
- By comparison, lower parking allocations are more feasible for certain types of apartment complexes that typically have lower parking demands per bedroom, such as student housing, non-family oriented apartment complexes and retirement-age complexes;
- Lower parking ratios promote the use of other mobility options, such as walking, bicycling
 and/or using transit, which is particularly appropriate in highly urbanized, mixed use areas
 where schools, employment, recreation and other destinations are in relative close
 proximity to apartments;
- The transect urban zoning districts are generally located in proximity to downtown and the
 University of Florida and are served more effectively by multimodal options as compared
 to suburban locations due to the mixed use land use pattern, frequent transit service,
 availability of multiple routes to multiple destinations and characteristics supporting
 walking and biking options, all of which reduces parking demand in that setting;
- Structured parking typically achieves a more urban character with greater building coverage and is particularly appropriate in highly urbanized areas typically served by urban stormwater systems; and;

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 By comparison, larger apartment sites located outside of the transect zone in a more suburban setting would typically exceed 200 parking spaces, particularly those oriented toward working individuals and families that inherently depend on the flexibility of automobiles for their daily routines.

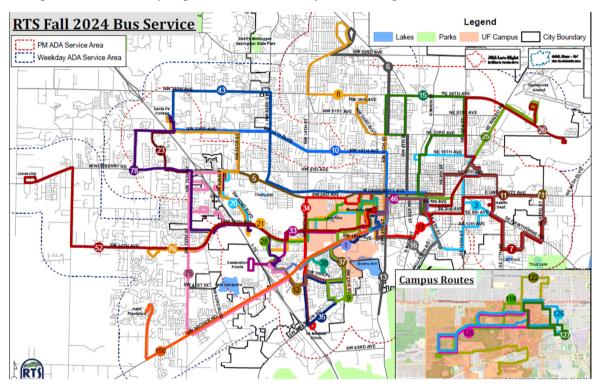
As further analyzed below, the proposed text amendment would allow for additional surface parking outside of the transect zones to serve the needs of such individuals and families with the additional benefit of avoiding the substantially higher costs of parking structures and corresponding impact on rental rates. Based on the above, mandatory structured parking is more suitable for transect zoning districts, particularly those on the higher end of the density range. In contrast, apartments located outside of the transect zones are typically located in less urbanized areas where surface parking is common. Apartment complexes in these areas often cater to a demographic that is more dependent on the automobile for mobility compared to students that rely on public transit and retirement apartment complexes that are often served by dedicated shuttles or ride services.

In more urbanized areas, more options are available for apartment residents. Smaller multifamily developments can be sited as infill sites and are able to develop surface parking lots without incurring the additional costs associated with structured parking. Some complexes in more urbanized transects may offer the choice where a surcharge is paid only by those choosing to utilize structured parking. In addition, urban households have the option to rely on more efficient urban mobility choices in lieu of using structured parking. In effect, those households have greater disposable income for housing or other household priorities due to reduced transportation costs. In contrast, for example, working families typically invest a higher percentage of their household budget on transportation costs due to the desired convenience of the automobile to meet their daily needs/routines (i.e., child care/student drop-off/pick-up and work, shopping and recreation trips), particularly where mobility options are limited. Such families cannot afford higher transportation costs exacerbated by higher rents or surcharges for assigned parking within parking garages.

In more suburban settings where land use patterns are more segregated and destinations are often more distant, a more effective strategy may be to create incentives for families to utilize one vehicle rather than two vehicles and make fewer single-occupant vehicle trips by providing destinations in closer proximity to apartments and improving public transit connectivity. Incentives that result in shorter and less time-consuming trips may reduce automobile reliance by families to some degree, particularly in multi-worker households where one of the workers may be able to utilize transit. Families understandably place a premium on their family time, and minimizing travel time is an important consideration for them. It is simply not practical for many families in suburban settings to rely on transit to reach multiple destinations required based on their daily routine, even where headways are efficient. Mandating structured parking for larger-scale apartment complexes as a disincentive for automobile use is not an effective or preferred strategy as it will result in substantially higher rents, but is unlikely to affect household behavior.

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Transit investments to reduce travel time should be prioritized in lieu of disincentives that impact affordability in less urbanized areas, particularly in locations that are not served by efficient transit routes to multiple destinations. In such settings, even where fixed routes provide efficient headways, the fixed route is typically to a primary destination and requires transfers to reach multiple destinations as indicated by the RTS route map below. For individuals and families in more suburban settings where several destinations may be required on a single trip, transit options are inherently less efficient and not practical. For example, a 30-minute route in the car to reach multiple destinations may require an hour or two by bus/walking.



The City has adopted appropriate policies to support multifamily development where it may be feasible to improve transit service. These include policies promoting mobility improvements, mixed use neighborhoods, conversion of shopping centers, and supporting mixed use development at locations identified on the Existing Hubs and Transit-Supportive Areas Map. These types of transit incentives are more appropriate than mandating structured parking outside of the transect that will result in substantially higher rents. Parking strategies should be context-sensitive in recognition that transit options are less efficient and for many suburban households are simply not a viable or practical choice. While Transportation Mobility Policy 1.1.2 seeks to reduce headways and provide minimum hours of operation for fixed routes, providing multiple transit routes to multiple destinations is not set forth as a strategy in Policy 1.1.2 or other policies in the Transportation Mobility Element due to the difficulty and cost in providing a grid-based transit network:

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Policy 1.1.2 Transit LOS:

- a. The City shall strive to provide fixed-route transit service within ¼ mile of 80% of all medium and high density residential areas identified on the Future Land Use Map, and within the RTS service area.
- b. The City shall strive to provide peak hour frequencies of 20 minutes or less within ¼ mile of all high density residential and UMU-1 and UMU2 land use areas in city limits.
- c. The City shall strive to provide and maintain fixed-route transit service to all Existing Transit Hubs & Transit-Supportive Areas (as mapped in the Transportation Mobility Map Series) with peak hour frequencies of 30 minutes or less.
- d. The City shall strive to operate 80% of fixed-route transit routes for at least 14 hours per day.

The proposed text amendment will avoid impacting rental rates outside of the transect zone, while also accounting for the land use patterns, development characteristics and mobility choices in more suburban settings. It is appropriate to allow surface parking for apartment complexes in less urbanized settings where multimodal levels-of-service are lower as compared to the more urbanized transect zones.

The proposed text amendment achieves a reasonable outcome that promotes workforce housing, provides a context-sensitive approach for suburban areas, addresses the mobility preferences for multifamily communities outside the transect zones and limits the potential size of surface parking lots. The proposed text amendment is consistent with the following Comprehensive Plan policies:

<u>Future Land Use Policy 1.4.4</u>: In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots.

Finding: This policy recognizes that parking structures are appropriate in more urbanized settings where surface parking impacts walkability.

<u>Transportation Mobility Policy 2.1.9</u>: The City shall encourage the installation of parking garages and shared parking lots within neighborhood (activity) centers, employment centers, and the area between downtown and the UF campus. The land development code shall be amended to ensure that such parking meets performance objectives.

Finding: This policy recognizes that parking structures are appropriate and should be encouraged in more urbanized areas.

2025-155C

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<u>Transportation Mobility Policy 2.3.1</u>: The City shall coordinate with the MTPO in the Gainesville urbanized area, the FDOT, UF, and other related state and regional and local agencies to implement land use, transportation, and parking policies that promote transportation choice.

Finding: This policy recognizes that parking strategies should be context-sensitive based on land use patterns, mobility options and household choices.

<u>Transportation Mobility Policy 7.1.3</u>: The City shall periodically review the Land Development Code to ensure that parking standards are adequate to meet the needs of the community.

Finding: This policy recognizes that parking strategies should be context-sensitive based on the needs of the community, including individuals and working families in suburban settings.

<u>Housing Policy 1.1.4</u>: 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.

Finding: This policy recognizes that land development regulations can impact the relative affordability of housing. The proposed text amendment proposes a reasonable approach to maintain housing affordability in more suburban settings. The additional cost for structured parking will significantly impact the affordability of each unit and has the potential to remove units from qualifying as affordable housing, as defined in section 420.0004, Florida Statutes.

The Applicant respectfully requests the City Commission adopt the proposed text amendment.

ATTACHMENT "1"

The following table summarizes the estimated additional cost of structured parking for Hillpointe's planning apartment complex.

Parking Spaces			Costs
Total	551		
Structured Parking	551	\$23,125	\$12,741,875
			\$12,741,875
Sitework Savings - Reduction in Surface Parking	551	(\$2,500)	(\$1,377,500)
Total Increased Cost			\$11,364,375
Per Unit Hard Cost Increase			\$37,881

The current code states projects that include greater than 200 surface parking spaces are required to construct structured parking. This would result in \$12,741,785 of increased hard costs. Kimley Horn provided the proposed and project for a comparable structured parking deck (below). The per space cost is calculated to be \$23,125. Hillpointe would then save approximately \$1,377,500 across the disturbed area of the project, for a net hard cost increase of \$11,364,375 or \$37,881 per unit. Due to the increase in construction costs from structured parking, rents would have to increase approximately \$350 per unit today, or 19% to make the project feasible, significantly impacting the community's affordability within the market.

SECTION 1 INTRODUCTION AND REQUEST FOR PROPOSALS

The City of Ocala seeks competitive Proposals from qualified and interested design-build teams for the design and construction of a parking garage to be located at the City block encompassed by W Broadway Street to the North, SW 3rd Avenue to the West, SW 2nd Avenue to the East and W Fort King Street to the South, located within the city limits of Ocala, Florida (the "Project"). The Scope of Work for the Project includes all requirement for a complete, fully operational multi-story parking garage in downtown Ocala with a capacity of 800 parking spaces.

It is anticipated that one (1) design-build firm or team (the "Design Build Team" or "D-B Team") will be awarded the resulting professional services contract to provide all necessary design and construction services within a period of thirteen (13) months.

PROJECT BUDGET. The budgeted cost for this Project shall not exceed EIGHTEEN MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$18,500,000), inclusive of design, construction, and furniture, fixtures, and equipment (the "Project Budget"). The budgeted cost is an all-in cost that may not be exceeded without permission from City Council. The Project budget should not be construed as the Guaranteed Maximum Price (GMP)

2025-155C

STEARNS WEAVER MILLER

> Supplemental Expert Planning Report in Support of Text Amendment to Code Section 30-7.5(A)(3)(b)

Prepared For: Hillpointe, LLC Prepared By: Kenneth Metcalf, AICP Date: January 214, 2025

Supplemental Analysis Supporting Parking Code Amendment

This supplemental analysis, prepared by Kenneth Metcalf, AICP, is provided as an addendum to the Expert Planning Report submitted in conjunction with the application filed on November 6, 2024, which proposed the following text amendment to LDC Section 30-7.5(A)(3)(b):

Structured parking is required for any development exceeding 200 parking spaces, except for multifamily developments located outside of a transect zone, provided that the proposed number of parking spaces for the development is less than the maximum number of parking spaces permitted by this section.

1. The Current Code Language Will Adversely Affect Rental Housing for Working Professionals and Families in the City.

The proposed amendment is intended as a limited refinement to the City of Gainesville LDC to maintain the structured parking requirement for the transect zones, while avoiding the following unintended consequences that will result if the structured parking mandate were applied to multifamily development in non-transect zones. Due to the substantial costs required for structured parking, it is simply not cost-feasible to develop three-story garden apartments with structured parking. As a result, the current structured parking mandate would result in the following unintended consequences that would adversely affect the City of Gainesville:

- **Higher Rental Rates**. The market for garden apartments in a suburban setting is markedly different than mid- to high-story apartments in more urban environments, such as downtown and in the U6 and higher transect zones. Garden apartments in suburban settings are marketed toward renters with a different lifestyle than students. Two-bedroom apartments in suburban areas are in demand by couples, younger families and empty nest families with a grandparent, preferring apartments as a start-up option or preferring to rent rather than own due to high mortgage rates and competing household costs. As previously analyzed, such families are inherently more dependent on automobiles due to their daily routines that typically require multiple destinations that are not effectively served by transit. If such apartments were required to include structured parking, rental rates can be expected to increase by 20-25%. Please refer to the attached, supplemental information (Attachment "1") regarding parking costs.
- Limited Housing Choices. The 20-25% rental increase presents a significant and untenable risk for developers of three-story garden apartments. Such apartment complexes typically include more than 200 units, particularly for the major or national apartment developers who generally build in the range of 250-300 units. As such, these apartment complexes will exceed the 200-parking space threshold. Such developers will instead opt for sites in a different county or leapfrog into unincorporated Alachua County, where the project would not be required to construct structured parking. This outcome will lead to a number of foreseeable problems:
 - o The most significant concern is that the private sector will be unable to satisfy housing needs of young professionals and working families desiring an affordable,

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- club-apartment lifestyle with quality amenities, which would fail to achieve the City's goals of providing a diversity of housing choices and encouraging young professionals and families to stay in Gainesville.
- O Locating such housing primarily in the unincorporated area would undermine the City's objectives to discourage urban sprawl, resulting in leapfrog development patterns, longer trip lengths, greater separation between residential and non-residential uses, higher costs in providing public facilities and services and other indicators of urban sprawl.
- The City's growth management strategies have been found in compliance in regard to statutory requirements for discouraging urban sprawl. Allowing for larger, three story apartment complexes at moderate densities has already been determined as an appropriate strategy and represents infill within the urban service area, which is highly preferable to pushing apartments into the unincorporated area.
- Only smaller apartment complexes below 200 bedrooms will be feasible within the City. Such smaller complexes are typically unable to achieve the same economies of scale as larger complexes and typically lack recreational amenities desired by families, such as a clubhouse, pool, gym, sport courts, etc. Larger complexes are able to provide functional open space for both passive and active recreation.
- 2. Structured Parking Requires Building Height, Supporting Densities/Intensities, Appropriate Location, Complementary Design Regulations, Complementary Multimodal Investment and Supportive Demographics.

In reviewing the background analysis leading to the adoption of the transect zones, density and height bonuses were provided as an incentive for structured parking in the U-6 through U9 transects and in the Downtown zone. The City appropriately recognized at that time that structured parking depended greatly on the ability to develop with higher density/intensity and building heights. However, the mandatory structured parking requirement applies in the primary zoning districts for apartments (RMF-5, RMF-6, RMF-7, RMF-8, OR and OF) that limit building height to just three stories along with limited density. Parking structures are not only unworkable in these zoning districts based on those regulatory limitations, but are also not feasible due to location, suburban design standards, lack of form-based code standards, suburban frontages, limited multimodal options and less transit-dependent demographic characteristics.

Structured parking can work with sufficient building height and corresponding densities and intensities. The U9 and Downtown transect zones are particularly appropriate, given their proximity to UF and the complementary transect design requirements. The U6, U7 and U8 transect zones also allow for density and height bonuses along with a mix of uses to support the structured parking option, albeit with options for auto-oriented uses in U7 and U8. The comprehensive regulatory framework applicable to U6 through U9 and Downtown transects are designed to

¹ MU-1, MU-2, CP and W zoning districts allow apartments with five floors with bonus heights allowed for MU-1 and MU-2. MU-1 and MU-2 may be feasible for parking structures, provided the other supporting factors are present. U2, U3 and U4 allow only three stories, making parking structures impractical. U5 is more feasible with four stories permitted at 75 units per acre, again provided that the other supporting variables are present.

enhance the public realm and work in conjunction with the City's investments in mobility/multimodal strategies to achieve an enhanced experience for pedestrians, bicyclists and transit users. The demographic characteristics, including predominantly students, are transit dependent and support multimodal options. In other words, the *complete package* makes structured parking work in these settings.

It is not feasible to apply only one element (i.e., mandatory structured parking) from the "complete package" and expect comparable results in more suburban areas with differing characteristics and demographics. Moreover, attempting to do so will dilute the City's efforts to prioritize its investments in the urban core. Rather than trying to force a square peg into a round hole, it would be more appropriate to recognize that young professionals and working families desiring an apartment lifestyle in a more suburban setting require different strategies just as the City recognizes for suburban, single family neighborhoods. Consider the many family household arrangements that occur within these areas:

- Single-parent with child/children
- Young couple starting out
- Young couple with a child/children
- Single parent with child/children and grandparent(s)
- Single parent with grandparent(s)
- Empty nester couple
- Couple with grandparent(s)
- Couple with grandparent(s)

These various family arrangements have different lifestyles, daily routines and mobility needs and are typically more auto-dependent than students, particularly those families with children, siblings or grandparents. Families typically exhibit *trip-chaining* behavior whereby a parent might drop off children at school, go to work, pick up children from school or after-school programs, go shopping or go to a recreational event and finally return home. Similarly, those with grandparents often have similar patterns substituting medical visits rather than schools in the trip chain. In many respects, families maximize the use of vehicles with multiple occupants in the vehicle. An alternative strategy to mandating structured parking for families in apartments would be to implement land use strategies to provide as many destinations in proximity to their apartments to encourage walking and biking for certain types of trips. Similarly, transit improvements to major destinations, such as Downtown, would provide an option in lieu of single-occupant vehicle trips by other family members. These strategies would minimize automobile trip generation and lengths, while allowing families the flexibility required in a suburban setting.

3. Spatial and Demographic Differences Between Urban Transect and Non-Transect Zones Based on Concentration of Students and Family Households

2020 Decennial Census data were analyzed to identify the location and pattern of multifamily housing utilized by families versus students. In order to highlight these patterns, we analyzed data by census tract and then by census blocks. Attachment "2" identifies the percentage of renter household with children for each census tract within the City. The map confirms that the

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percentage generally increases with distance from UF and downtown where students are clustered. Attachment "3" identifies the distribution of renter households with children throughout the City by census tract to confirm the relative weight of each census tract. The map confirms that rentals with families are concentrated to the west and southwest of UF as well as in various tracts to the north and east toward the periphery of the urban area.

Census blocks were analyzed in relation to transects zones U6 through U9/Downtown (henceforth, "Urban Transect Zones") and non-transect zones that permit multifamily and are limited to three stories (RMF-5, RMF-6, RMF-7, RMF-8, OR and OF) (henceforth, "Non-Transect Zones"). Census blocks were identified where Urban Transect zoning districts occupied more than 50% of the block acreage and blocks where Non-Transect zoning district occupied more than 50% of the block acreage. For each of the selected block sets, the analysis identified blocks with concentrations of college age students (18-24) and blocks with concentrations of family The Appendix summarizes the methodology and provides summary tables households. documenting the demographic differences between the selected block sets as well as accompanying maps showing the distribution of the selected blocks. The block pattern is generally consistent with the census tract maps in showing that family households are less concentrated compared to student housing. The analysis confirms that the Urban Transect blocks have a collegeage student population of 86% compared to 16% for the Non-Transect blocks, while families account for 92% of the households in the Non-Transect blocks. The analysis supports that alternative land use and transportation strategies are necessary to support multifamily housing options for families, given the distribution pattern and differences in lifestyle as compared to students.

The City's comprehensive, multifaceted strategy for supporting an urban experience in proximity to UF and in other areas with student concentrations is highly appropriate. In those areas, the City has implemented a "complete package" to ultimately achieve a highly desirable experience for pedestrians, bicyclists and transit users. It works because the building heights, densities, urban design requirements, demographics and City investments in multi-modal strategies are complementary.

However, mandating structured parking for three-story garden apartments in a suburban setting is not a comprehensive strategy and will result in unintended consequences as summarized above. The strategies that have proven effective for students in the core area are not appropriate for suburban areas that should be planned differently to retain and support families that desire an alternative to more expensive single family neighborhoods. Like the comprehensive approach implemented by the City for the transect zones and student population, non-transect zones require their own comprehensive strategy to support families in recognition of their lifestyle and needs that are markedly different than students. Land use and transportation strategies that provide destinations in close proximity to garden apartments with multi-modal connections will reduce single occupant trips and minimize trip lengths. Alternatively, mandating structured parking for non-transect zones will only reduce housing choices and increase housing costs for families without providing an effective alternative.

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STEARNS WEAVER MILIZ Q 25-155C

The applicant respectfully requests favorable consideration of the proposed text amendment.

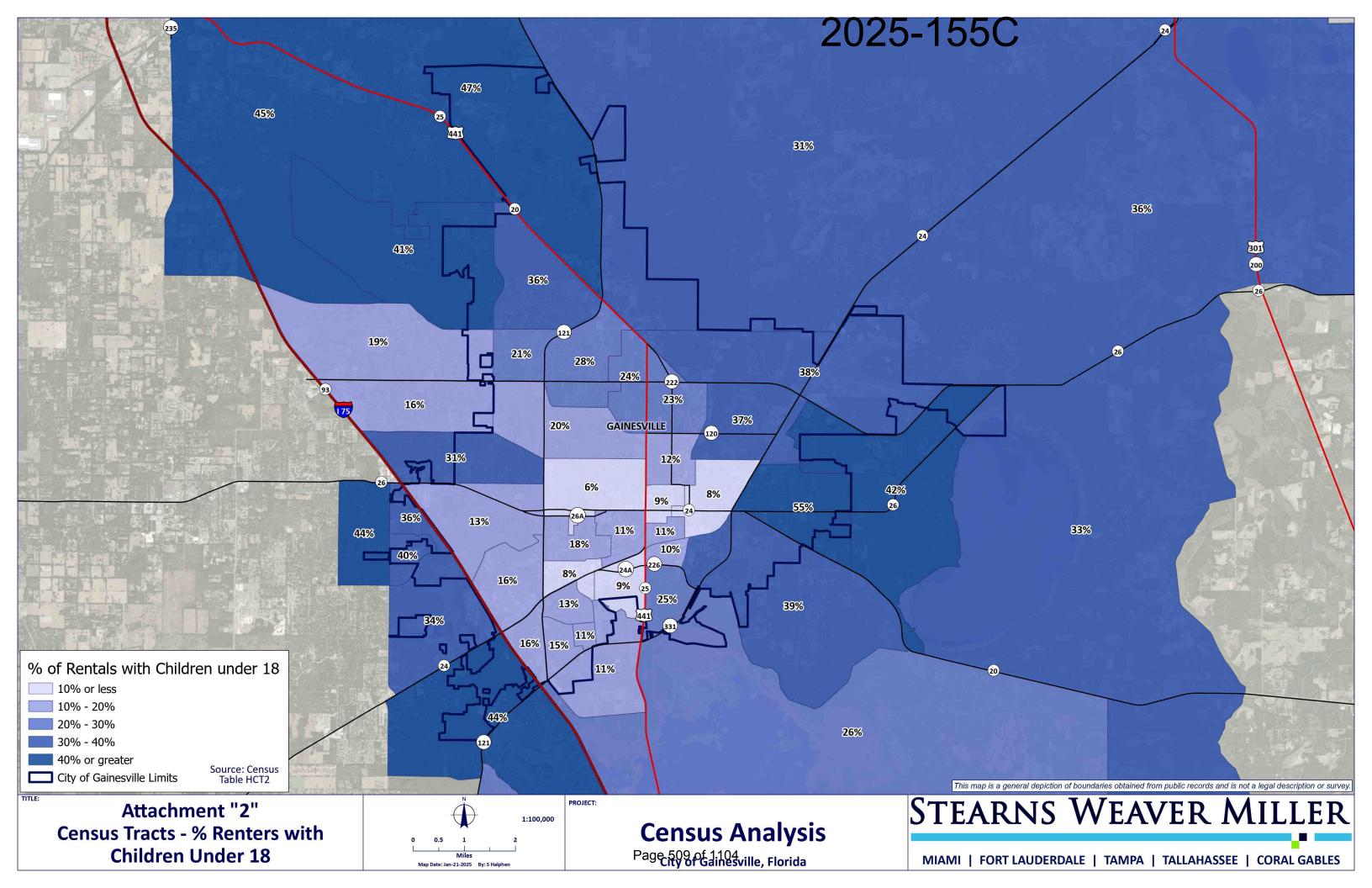
ATTACHMENT "1"

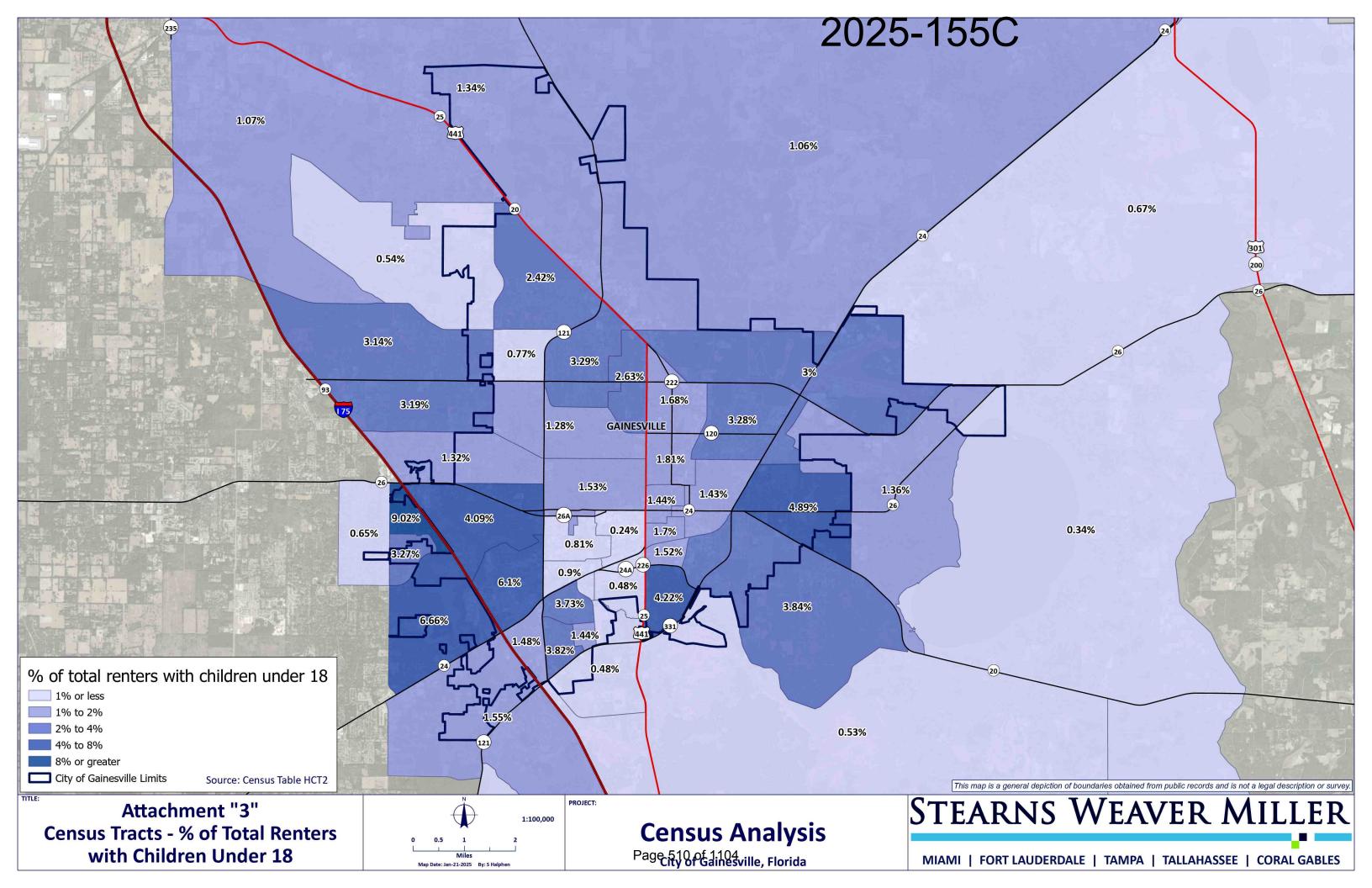
As previously documented, parking structures are a significant development cost at over \$23,000/parking space, which translates to an estimated 19% increase in rental rates (Attachment "A" to the Expert Planning Report). This initial estimate was based on the successful bid for a parking garage in Ocala, Fl. Kimley Horn & Associates subsequently provided the summary below of the line items required for a parking garage and has advised that current construction costs in 2025 are closer to \$30,000/parking space. As such, rents are anticipated to increase by even more than the 19%/\$350 increase presented in the initial analysis for a 300-unit (2-BR) apartment complex proposing 551 parking spaces as an example.

- 1. 8'-6" to 8'-9" wide parking spaces
- 2. Precast concrete superstructure
- 3. Precast concrete façade with a single integral color and basic reveal pattern
- 4. One or two elevators and stairs open to the interior, and clad with exterior glass curtain wall
- 5. Standard wayfinding and signage
- 6. Deep foundations (note this depends on geotechnical conditions)
- 7. All above-grade construction
- 8. Open parking structure with natural ventilation; without mechanical ventilation or fire sprinklers
- 9. Occupied spaces cost for envelop structure only, no interior design/construction cost considered
- 10. Minimal or no grade-level commercial space
- 11. Standard parking access and revenue-control system
- 12. Standard energy efficient LED lighting

Other features that would impact construction cost:

- 1. 9'-0" wide parking spaces or larger for improved user comfort
- 2. Cast-in-place post-tensioned concrete superstructure for lower maintenance costs
- 3. Architectural façade with adorned precast, brick, metal panels, and other materials
- 4. Stormwater management including on-site retention/detention
- 5. Deep foundations such as caissons or piles
- 6. Below-grade construction
- 7. Enclosed stair towers due to local code requirements
- 8. Enclosed parking structure without natural ventilation where mechanical ventilation, fire sprinklers, and fire-rated stair shafts are required
- 9. Flexibility for future parking/building expansion, or incorporation of roof-level photovoltaic ("solar") panels
- 10. Custom wayfinding and signage system
- 11. Electric vehicle charging stations
- 12. Enhanced parking technology





APPENDIX

This Appendix summarizes the methodology utilized to identify blocks with concentrations of students in Transect Zones with concentrations of families in Non-Transect Zones. As a first, step, GIS analysis identified blocks where Urban Transect Zones exceed 50% of the block acreage and blocks where Non-Transect Zones exceed 50% of the block acreage.

For the selected blocks, the GIS analysis identified Urban Transect blocks where 75% or more of the population falls in the 18-24 age cohort and Urban Transect blocks where 25% of fewer of the households are occupied by families. The GIS analysis then identified the inverse for Non-Transect blocks where 25% or less of the population is in the 18-24 age cohort and Non-Transect blocks where 75% or more of the households are occupied by families. Summary tables and corresponding maps were prepared to highlight significant differences in spatial patterns and characteristics of Urban Transect concentrations and Non-Transect concentrations for multifamily.

Attachment "4" presents the results from the analysis. Tables 1 and 2 summarize the statistics for the selected Urban Transect blocks, while Tables 1a, and 2a summarize the statistics for the selected Non-Transect blocks. The following analysis compares the statistics.

Comparing Table 1 and Table 1a, Urban Transect blocks have a college-age student population of 86% compared to 16% for the Non-Transect blocks, confirming the student percentage is roughly 5 times higher in the Urban Transect blocks than the Non-Transect blocks. In those Urban Transect blocks, families accounted for just 13% of the households compared to 38% in the Non-Transect blocks, confirming the family household percentage is roughly three times higher in the Non-Transect blocks versus the Urban Transect blocks.

Comparing Table 2 and Table 2a, Urban Transect blocks have a college-age student population of 66% compared to 5% for the Non-Transect blocks, confirming the student percentage is roughly 13 times higher in the Urban Transect blocks than the Non-Transect blocks. In those Urban Transect blocks, families accounted for just 14% of the households compared to 92% in the Non-Transect blocks, confirming the family household percentage is roughly 6.6 times higher in the Non-Transect blocks versus the Transect blocks.

Attachment "5" maps the selected blocks analyzed in Tables 1 and Table 1a with Urban Transect Zones shown in blue and Non-Transect zones shown in orange. Attachment "6" maps the selected blocks analyzed in Table 2 and 2a with Urban Transect Zones shown in blue and Non-Transect zones shown in orange. As expected, the analysis and maps confirm that Urban Transect blocks are highly concentrated near UF, while the Non-Transect blocks are more dispersed. The GIS analysis underscores that strategies appropriate for the Urban Transects where students are highly concentrated are not appropriate strategies for the Non-Transect zones where only three-story garden apartments are permitted. Families are more dispersed and require parking and other transportation strategies based on their unique lifestyle demands.

ATTACHMENT "4"

Table 1: Urban Transect Census Blocks (75% or more age 18-24)

Total Population	4475
Population 18-24 (%)	3863 (86.32%)
Population 18-29 (%)	4074 (91.04%)
Families	259
Households	1954
Average Household Size	2.02
Percent of Households Occupied by Families	13.25%
Weighted Median Age	21.6

Table 2: Urban Transect Census Blocks (25% or less of households are families)

Total Population	13565
Population 18-24 (%)	8925 (65.79%)
Population 18-29 (%)	9427 (69.50%)
Families	1014
Households	7246
Average Household Size	1.83
Percent of Households Occupied by Families	13.99%
Weighted Median Age	22.5

NOTE: Urban Transect Census Blocks include blocks where U6-U9/Downtown collectively comprise more than 50% of the acreage within the block.

Table 1a: Non-Transect Census Blocks (25% or less age 18-24)

Total Population	9424
Population 18-24 (%)	1479 (15.69%)
Population 18-29 (%)	3135 (33.27%)
Families	1776
Households	4690
Average Household Size	1.97
Percent of Households Occupied by Families	37.87%
Weighted Median Age	28.6

Table 2a: Non-Transect Census Blocks (75% or more of households are families)

Total Population	977
Population 18-24 (%)	49 (5.02%)
Population 18-29 (%)	142 (14.53%)
Families	238
Households	258
Average Household Size	3.79
Percent of Households Occupied by Families	92.25%
Weighted Median Age	26.2

NOTE: Non-Transect Census Blocks include blocks where RMF-5, RMF-6, RMF-7, RMF-8, OR and OF zoning districts collectively comprise more than 50% of the acreage within the block.

