

Ordinance No. 22-O-__

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA
CONCERNING AFFORDABLE HOUSING; AMENDING CHAPTER 9 OF
THE LAND DEVELOPMENT CODE; AMENDING SECTION 21-152 OF THE
CODE OF GENERAL ORDINANCES; PROVIDING INCENTIVES FOR
CERTIFIED AFFORDABLE HOUSING PROJECTS; AND PROVIDING
CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA,
AS FOLLOWS:

Section 1. Chapter 9, Article VII, Section 9-251 through 9-256 of the Tallahassee Land Development Code is hereby created as follows:

ARTICLE VII – AFFORDABLE HOUSING

Sec. 9-251. Purpose; Applicability.

(a) This Article provides for incentives which are available to housing units or a housing development which provides affordable housing to income-qualified households.

(b) Affordable housing incentives may be provided for any residential unit, whether new construction or redevelopment, including infill development on a lot of record, a new residential subdivision, or new multi-family residential development. For multi-family residential projects, at least 30% of the units must be affordable to income-qualified households in order for the project to be eligible for affordable housing incentives.

(c) For purposes of this Article, "affordable housing" shall mean as follows:

1. Rental housing where the income-qualified tenants do not pay more than thirty percent (30%) of their gross monthly income on rent and utilities, and

2. Owner housing where the income-qualified owners do not pay more than thirty percent (30%) of their gross monthly income on mortgage loan payment(s), private mortgage insurance premium (if applicable), homeowners' association dues, hazard insurance premium and property taxes.

(d) For purposes of this Article, income-qualified households shall be households earning 100% or less of Area Median Income of the Tallahassee Metropolitan Statistical Area, as published annually by the United States Department of Housing and Urban Development and adjusted for household size.

Sec. 9-252. Certification of Affordability. Prior to receipt of any affordable housing incentives under Sec. 9-253, the Housing Division must certify the affordability of residential units or a residential development.

Sec. 9-253. Incentives. The following incentives are available for units or a development which has been certified as affordable:

(a) Density Bonus – A 25% density bonus, consistent with Future Land Use Policy 2.1.14 of the City’s Comprehensive Plan.

(b) Expedited Permitting:

1. Building Permits for Single Family Detached and Duplex Units – Permits for single family detached units and duplex units shall be reviewed within 7 workdays and resubmittals shall be reviewed within 5 work days.
2. Residential Subdivisions, Triplex Units, and Site Plans for Buildings with 4 or More Units – All residential subdivisions, triplex units, and affordable projects with 4 or more units will be assigned to a Rapid Response Team coordinated by the Land Use Administrator and comprised of all reviewing departments.

(c) Growth Management Fee Waivers – Application fees shall be waived for the following applications: (1) Subdivision; (2) Site plan; (3) Natural features inventory; (4) Environmental impact analysis; (5) Environmental management permit; and (6) Parking standards review. For projects with a mix of uses or that include market rate residential units, the site plan or subdivision fee waiver shall be for the portion of the fee attributed to the affordable units within the project.

(d) Transportation Concurrency – Affordable units shall be exempt from transportation concurrency requirements. For projects consisting of both affordable and market-rate units, only those units certified as affordable shall be exempt from transportation concurrency requirements.

(e) Setbacks – The front, side, side corner, and rear yard setbacks for an affordable detached single-family unit, duplex unit, or triplex unit may be 75% of the setback (i.e., reduced by 25%) otherwise required by the applicable zoning district.

(f) Lot Dimensions and Size – The lot width, lot depth, or lot size of an affordable detached single-family unit, duplex unit, or triplex unit may be 75% of the lot width, depth, or size (i.e., reduced by 25%) required by the applicable zoning district. For detached single family units, duplex units, or triplex units, this provision shall govern the lot dimensions or lot size and such lot shall not be subject to the lots size standards set out in Sec. 9-62(d).

(g) Buffer – Affordable housing developments with four or fewer units may buffer adjacent uses of a lesser intensity with a 10-foot landscape buffer with 3 canopy trees, 3 understory trees, and 10 shrubs per 100 linear feet, along with a 6-foot masonry wall or opaque fence. Exposed concrete block walls are prohibited.

(h) Water and Sewer Connection Fee Waivers - Sewer and water systems charges, tap location fees, and water and sewer tap fees shall be waived although the fee waivers for any single development may not exceed \$150,000.

Sec. 9-255. Land Use Controls. Prior to issuance of a certificate of occupancy for any affordable housing unit or development which receives any incentive provided under Sec. 9-254, a restrictive covenant or other land use control, as approved by the City Attorney's Office, shall be recorded in the Official Records of Leon County, Florida, ensuring the affordability of the unit for a period of no less than seven (7) years.

Sec. 9-256. Affordable Housing Projects Requiring City Commission Approval.

A request for a density bonus of greater than 25%, or a project where the use is not allowed under the zoning district or the Comprehensive Plan Future Land Use Map designation, must be approved by the City Commission. Prior to review by the City Commission, the application shall be reviewed by the Development Review Committee. Public notice shall be provided consistent with the provisions for a Type B site plan in Sec. 9-155.

The staff analysis and the Development Review Committee shall address the following:

(a) Suitability and Compatibility - Considerations shall include whether the site is appropriate for residential use (including surrounding land uses, traffic patterns, availability of public transportation, and the existence of hazards including environmental hazards); whether the proposed development is compatible with surrounding land uses; and whether the proposed development would result in adverse impacts to surrounding properties or land uses.

(b) Aesthetics and Design Standards – The proposed project shall be evaluated for consistency with the surrounding land uses and residential context. Design standards may be recommended to maintain consistency or context including standards for façade materials, architectural cladding, façade articulation, and location and configuration of doors, windows, garages, decks, and patios.

(c) Environmental Sustainability - Considerations shall include whether the project should include drought-resistant landscaping, use of native canopy trees and landscaping, and environmentally friendly building materials and practices.

(d) Resilience - Considerations shall include whether the project should include weather resistant construction methods and materials, mitigation of flood risks, and energy efficiency measures, appliances, construction methods and materials.

Section 2. Section 21-152 of the Code of General Ordinances is deleted.

Section 3. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall become effective _____,
2021.

INTRODUCED in the City Commission on the _____ day of _____, 2021.

PASSED by the City Commission on the _____ day of _____, 2021.

CITY OF TALLAHASSEE

By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Cassandra K. Jackson
City Attorney