

CITY OF PENSACOLA
AFFORDABLE HOUSING ORDINANCE REVIEW
AS IT PERTAINS TO THE LAND DEVELOPMENT CODE

This report outlines existing City of Pensacola Ordinances that reference or impact the ability to build affordable / attainable housing (A/AH). With exception to the inclusion of tiny homes and green building incentives, the references below have been taken from the City's Land Development Code (LDC). For this report, the following is outlined:

1. Existing Ordinances which directly reference A/AH
 - a. *Accessory residential units* ([Sec. 12-3-81](#))
 - b. *Residential density bonuses* ([Sec. 12-3-109](#))
2. Existing Ordinances which can benefit and/or incentivize A/AH developments
 - a. *Parking reductions and exemptions* ([Sec. 12-4-1](#) and [Sec. 12-11-2\(e\)](#))
 - b. *Parcel history* ([Sec. 12-7-2](#))
 - c. *Setback reductions and variances* ([Sec. 12-11-2](#) and [Sec. 12-11-2\(e\)](#))
3. Existing alternative opportunities within the City's Code of Ordinances
 - a. *Appendix Q – tiny homes* ([Sec. 14-2-132](#))
 - b. *Voluntary green building incentives* ([Sec. 14-2-296](#))

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1. *Existing Ordinances which directly reference A/AH.* "Affordable housing" is mentioned in two sections of the LDC: accessory residential units ([Sec. 12-3-81](#)) and residential density bonuses ([Sec. 12-3-109](#)).
 - a. *Accessory residential units* ([Sec. 12-3-81](#)). An accessory dwelling unit (ADU) is an ancillary dwelling which may be located within a single-family residence as independent living area with a separate bathroom and kitchen, or as a detached accessory structure. All *detached* single-family dwellings may be permitted one ADU "by right", meaning no other Board or Council action is required. An ADU can provide a supplemental source of income to homeowners "while allowing for attractive and affordable housing opportunities" which preserve the character of the City's residential neighborhoods. The Ordinance provides performance standards for the development of ADU's, including the permitted locations, maximum size, exterior modifications, and off-street parking requirements for these units.

- b. *Residential density bonuses* ([Sec. 12-3-109](#)). A density bonus is an incentive which provides an increase in allowed dwelling units per acre, allowing more housing units to be constructed on a given site. The Code outlines several available means to obtain these bonuses which include the construction of affordable housing, superior building and site design, preservation of environmentally sensitive lands and open space, and/or the provision of public benefits. Requests for residential density bonuses are reviewed by the Planning Board and are only available to residential developments within the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.

Regarding affordable housing, a residential bonus of not more than 25% or a density transfer of up to 50% of a donor site may be available for new construction projects. Standards of approval are based upon the proposed ratio of affordable housing units to market rate units, and the requirement that mechanisms be in place to assure that affordable housing units remain affordable for a reasonable timeframe. Such mechanisms may include, but not be limited to, resale and rental restrictions and/or rights of first refusal.

Developers may combine density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing; however, the total provided to any single development shall not exceed 35% of the limit otherwise established by land use category.

2. *Existing Ordinances which can benefit and/or incentivize A/AH developments.*

There are several LDC Ordinances which may not specifically reference affordable / attainable housing but offer opportunities or remove barriers to create more affordable housing options. These include parking reductions and exemptions, the use of parcel history when subdividing land, and setback reductions and variances.

- a. *Parking reductions and exemptions* ([Sec. 12-4-1](#) and [Sec. 12-11-2\(e\)](#)). Every single-family, duplex, multifamily, and townhouse development requires a minimum of 1 parking space per unit. However, developments in the dense business area / urban core CRA are provided parking reductions, or even exemptions, in effort to discourage excessive off-street parking. Off-street parking is not required for commercial districts within the Pensacola Historic District, or for residential land uses within the dense business area. New construction, renovations, or a change in land use of existing buildings not exceeding 40 feet in height and located in the South Palafox business district or in C-2A (under 5,000 in total floor area) are also exempt from off-street parking requirements. Additionally, Development Services staff may administratively grant a variance to reduce up to 10% of required parking for developments impacted by a hardship or that demonstrate unique circumstances.
- b. *Use of Parcel History* ([Sec. 12-7-2](#)). The use of “parcel history” when dividing or creating lots can reduce the financial expense and timeline. This method allows for a parcel to be re-divided using credit for the original platted lots contained within the parcel boundary without the need to re-plat. This process does not require approval by the Planning Board or City Council.
- c. *Setback reductions and variances* ([Sec. 12-11-2](#) and [Sec. 12-11-2\(e\)](#)). The LDC also provides relief to setbacks or required yards when special conditions which create the need for a variance are demonstrated. Per Chapter 12-13 *Definitions*, a “Variance means the granted relaxation of a specific land use requirement. These can be requested for height, area, and size of a structure, or the size of required yards (i.e., setbacks) and open spaces (i.e., lot coverage) if the normal development of a lot is somehow restricted due to an undue hardship and not as the result of a developer.” Although the Zoning Board of Adjustments is the primary Board authorized to grant Variance requests, applications for properties located within special review districts are considered by their respective Boards (Architectural Review Board and Planning Board).

Additionally, Development Services staff have the authority to grant one (1) administrative variance per property if hardship criteria can be demonstrated. Administrative variances are applicable to setback reductions up to ten (10) percent or two (2) feet, whichever is less, and reductions to parking requirements up to ten (10) percent.

For new construction, there may also be the opportunity within medium density zoning district to reduce the front yard setback up to the average of all front and street side yards located on either side of the block. This reduction requires a front yard averaging permit with Inspection Services and is issued administratively. It does not require Board approval.

3. *Existing alternative opportunities within the City's Code of Ordinances.* While the LDC is the body within which development standards are outlined, the City's Code of Ordinances also provides alternative methods to promote opportunities for affordable housing and density bonuses: *Appendix Q – tiny homes* ([Sec. 14-2-132](#)) and *Voluntary Green Building Incentives* ([Sec. 14-2-296](#)).

- a. *Appendix Q – tiny homes.* In 2021, the City of Pensacola adopted Appendix Q of the Florida Building Code allowing “tiny homes” (dwellings under 400 square feet or less) to be considered as single-family detached dwellings. Tiny homes are often seen as an affordable housing strategy and present opportunities for increased density in a condensed space. However, as single-family detached dwellings, the regulations and permitted uses of zoning districts still apply. The construction of two (2) “tiny homes” on a single lot constitutes two (2) single-family detached dwellings, and the construction of more than two (2) tiny homes constitutes a multi-family development requiring compliance with commercial site plan development, design standards, and guidelines established in [Sec. 12-3-120](#).

Please note, the City's Code of Ordinances did not previously place a size distinction upon the definition of a single-family residence. The distinction was entirely in the Florida Building Code. With the adoption of Appendix Q, the Florida Building Code is now consistent with the City's Code of Ordinances.

- b. *Voluntary Green Building Incentives*. The city recognizes the value of sustainable "green building" practices as outlined within Article XII. Per [Sec. 14-2-296](#), the city encourages private builders and developers to voluntarily construct buildings as described in [Sec. 4-2-295](#) by providing fast track building permit reviews, a 25 percent density bonus, and a 25 percent reduced parking requirement.