

## GAINESVILLE NEIGHBORHOODS UNITED

### **Land use and zoning laws: A changing picture**

“Land use” and “zoning” are legal terms that determine what can be built in which locations. The City of Gainesville and Alachua County both have Comprehensive Plans, typically updated every 10 years, that include a “Future Land Use Element” outlining goals, objectives, and policies the city will follow. These comprehensive plans are supported by more specific Land Development codes that include zoning definitions and maps of approved land uses such as residential, office, industrial, and educational uses.

While cities have defined appropriate locations for specific uses throughout history, modern zoning codes came into widespread use in the United States in the early 20<sup>th</sup> century. These codes typically arose in response to public health concerns or disasters such as widespread urban fires. Physical building separations, to prevent the spread of fire, and separation of uses to prevent noxious uses from harming residences or, in some cases, school children, are two examples of the intent of zoning regulations. While residential districts have been common in all cities across history, they are among the types of uses singled out in the early 20<sup>th</sup> century as largely single-use districts.

In recent years, some advocates for compact urbanism have focused on increasing mixed uses not just in urban centers and along transportation corridors, but anywhere in a community. Some affordable housing advocates, in an effort to increase supply in expensive cities, have promoted increased building in residential neighborhoods. Some racial justice advocates believe neighborhoods would become more racially integrated if smaller, less expensive new homes were available, believing that this would attract people of color to more affluent suburbs. In the past several years, these hypotheses, individually and collectively have led to the proposed elimination of single-family zoning. Advocates call for an end to “exclusionary zoning” to be replaced by its inverse, “inclusionary zoning.”

#### **The city’s embrace of unproven hypotheses**

The majority of the Gainesville City Commission has adopted this collection of arguments, and is working to, in effect, end single family residential zoning in Gainesville. In 2018 several city

commissioners promoted such a strategy with their ill-fated GNV Rise proposal. Residents from across the City banded together to fight against that radical proposal. At that time, the City Commission acceded to the will of the community.

More recently, in September 2020, four of seven commissioners voted to allow two accessory dwelling units (ADUs) on a single-family lot anywhere in Gainesville, without requirements for owner occupancy or onsite parking. This effectively turned every single-family home, including rental homes, into potential triplexes. Their vote was taken online, close to midnight, over the objections of the vast majority who spoke. Those without cable or internet access were excluded from participation. Neither the electronic format, nor the mayor's control of a strict three-minute speaking limit, allowed for reasonable debate before this irrevocable and potentially far-reaching change to Gainesville's residential neighborhoods was approved.

Complicated and specialized language makes it difficult for residents and policy makers to have meaningful conversations about land use and zoning decisions. This problem is compounded when untested hypotheses govern discussions of policies to eliminate "exclusionary" zoning, because the results of those proposed policies, as they apply to Gainesville, are unknowable. Similarly, a variety of prejudicial social positions tend to make honest dialogue—among our community's diverse residents, or between residents and policy-makers—especially challenging.

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