

# Equitable Development



City of Gainesville  
Department of Sustainable Development



August 13<sup>th</sup>, 2020

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Neighborhood Bill of Rights, Historical Overlays, and more



# OVERVIEW

What is Equitable Development?

Defining Exclusionary Zoning



# What is Equitable Development?

"Quality of Life outcomes, such as affordable housing, quality education, living wage employment, healthy environments, and transportation are equitably experienced by the people currently living and working in a neighborhood, as well as for new people moving in.

Public and private investments, programs, and policies in neighborhoods that meet the needs of residents, including communities of color, and reduce racial disparities, taking into account past history and current conditions."

– Government Alliance on Race and Equity (GARE)

*Equitable Development as a Tool to Advance Racial Equity*

# Reversing Systemic Racism with Equitable Development

Examples of past policies and tools used to further racial disparities:

Federally issued mortgage insurance and infrastructure grants to increase white homeownership leading to appreciating values in those areas

Legal segregation through municipal regulations and privately initiated racially restrictive covenants

Denying access to financing for homeownership therefore driving investment away from black communities

These policies increased racial disparities in ownership, opportunity (access to jobs and quality education), and housing security.

Equitable development seeks to reverse this legacy by revitalizing historically disinvested communities in a way that closes racial disparities in ownership, opportunity, and housing security.

# What is Exclusionary Zoning?

Exclusionary zoning - "Zoning practices originally created for the purpose of tacitly excluding racial minorities segregating neighborhoods along economic, social and racial lines."



"These practices are no longer explicit in their intent to maintain racial segregation, but they continue to serve as the greatest hurdle to racial integration, access to integrated schools, and access to the wealth that accrues from home-ownership in neighborhoods with steadily increasing property value."

# History of the Politics of Exclusion

01

## Reconstruction – 20<sup>th</sup> Century

- Explicit laws prohibiting ownership of property by black Floridians
- Threats of violence
- Disenfranchisement
- Refusal of whites to sell

02

## Jim Crow – Fair Housing Act 1968

- Plessy v. Ferguson
- Widespread use of racial covenants
- FHA & HOLC
- G.I. Bill
- 1948 – Shelley v. Kraemer
- Development of exclusionary zoning

03

## Post-Fair Housing – Present

- Federal shift from public housing to rental vouchers
- Zoning for economic exclusion
- New Urbanism and zoning reform



# OUR HISTORY

Evolution of Land Use & Planning



1931

## THE BEGINNING

Florida Legislature creates  
zoning authority for cities



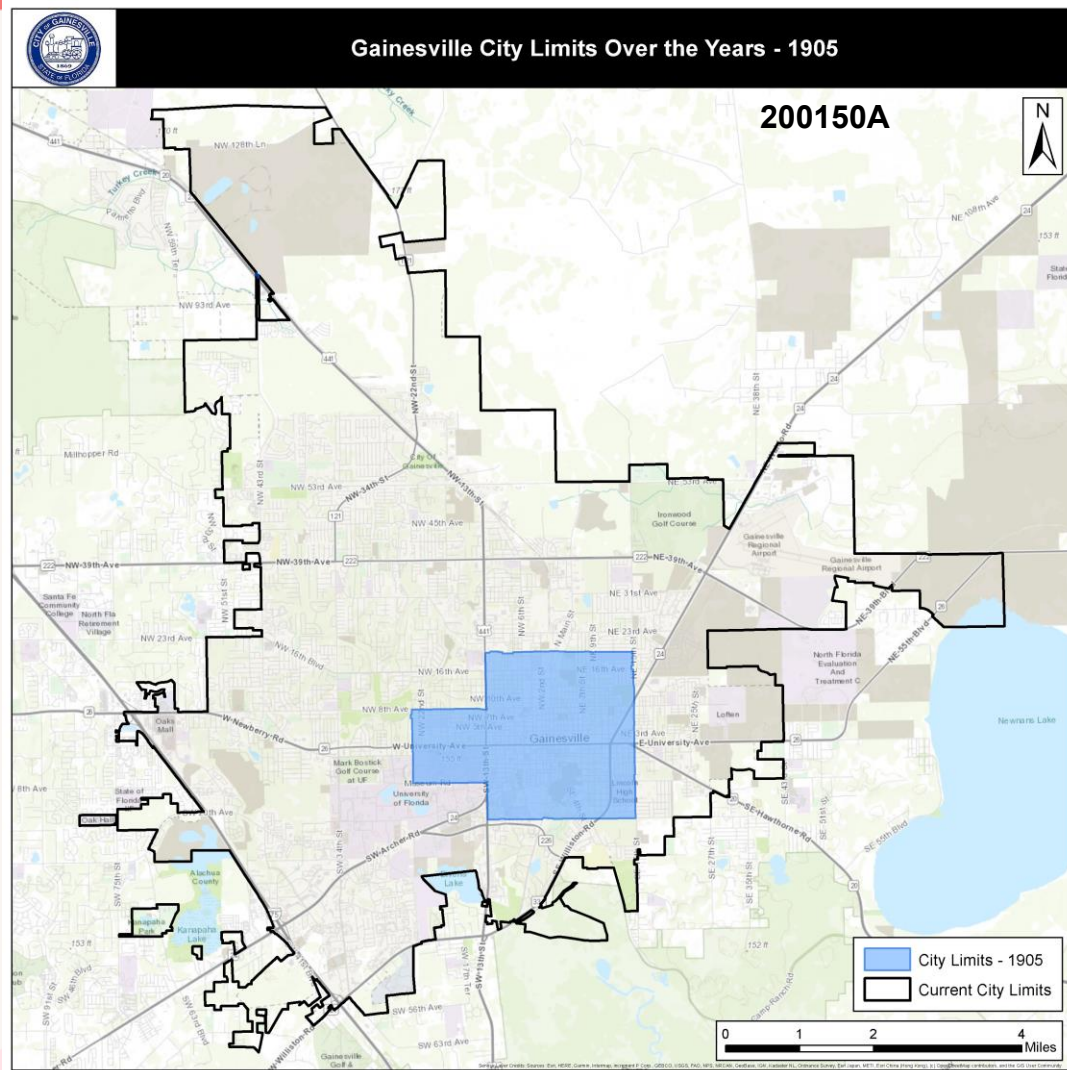
1932

## GNV 1<sup>st</sup> ZONING CODE

- Residential zoning divided into A, B, C
- 4-Family dwellings = OK
- No lot size requirements
- Family defined as living unit w/ cooking, no familial requirements



# Evolution of Land Use and Zoning in the City of Gainesville



# What are Covenants? Racial Covenants?

1

Covenants are a binding promise to do or not to do a particular act that, if violated, allows the holder of the covenant to sue to enforce the promise in court

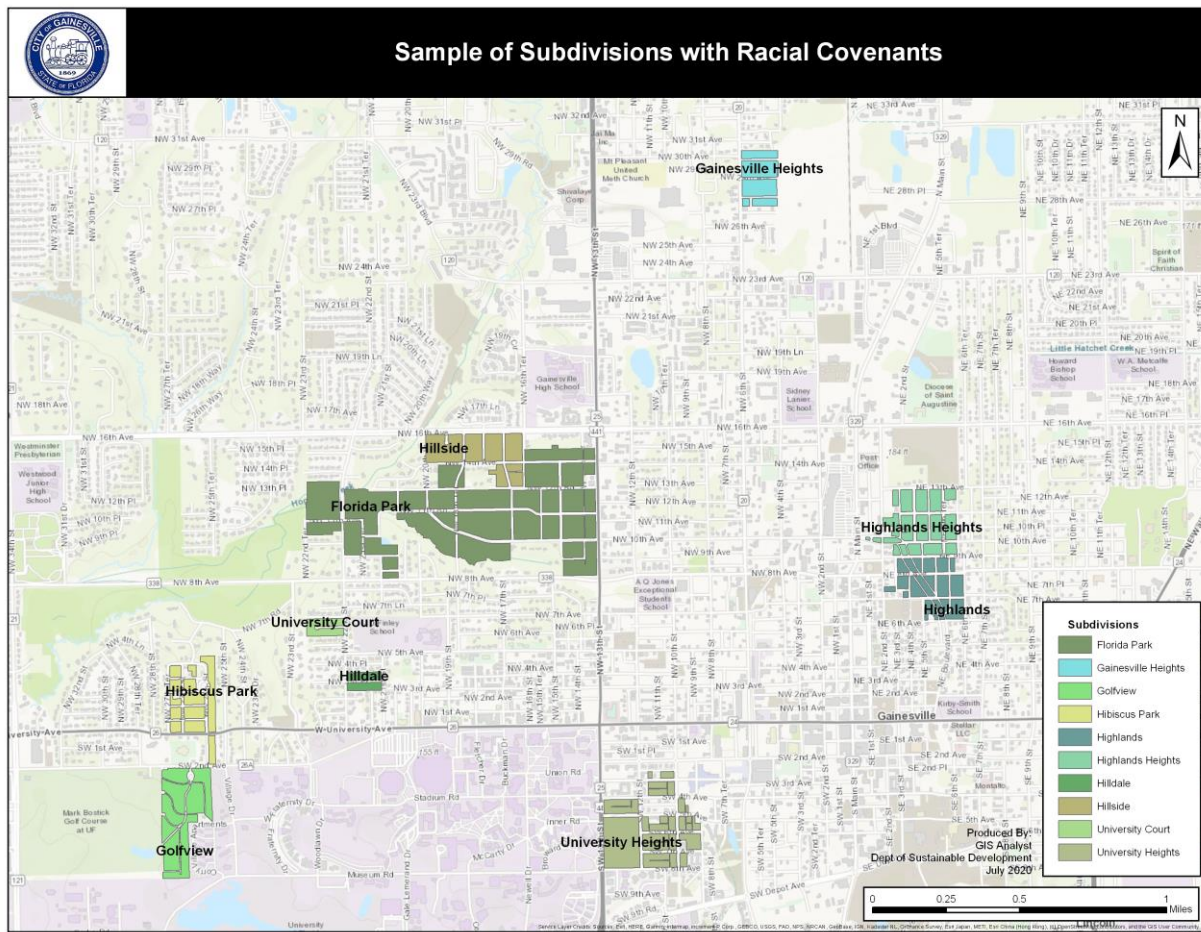
2

In real estate transactions, covenants are used to restrict the use of property by including the restrictions in the deed to run with the land

3

Racially restrictive covenants limit the sale, rent, lease or occupancy of a property to minority groups by recording such restrictions with the deed or in some cases as part of the recorded subdivision plat.







1949

## ZONING AMENDED

- Code amended & Charter establishes power of city for segregation
- Same residential ABC
- Same uses 4 family
- Min. lot size and width introduced



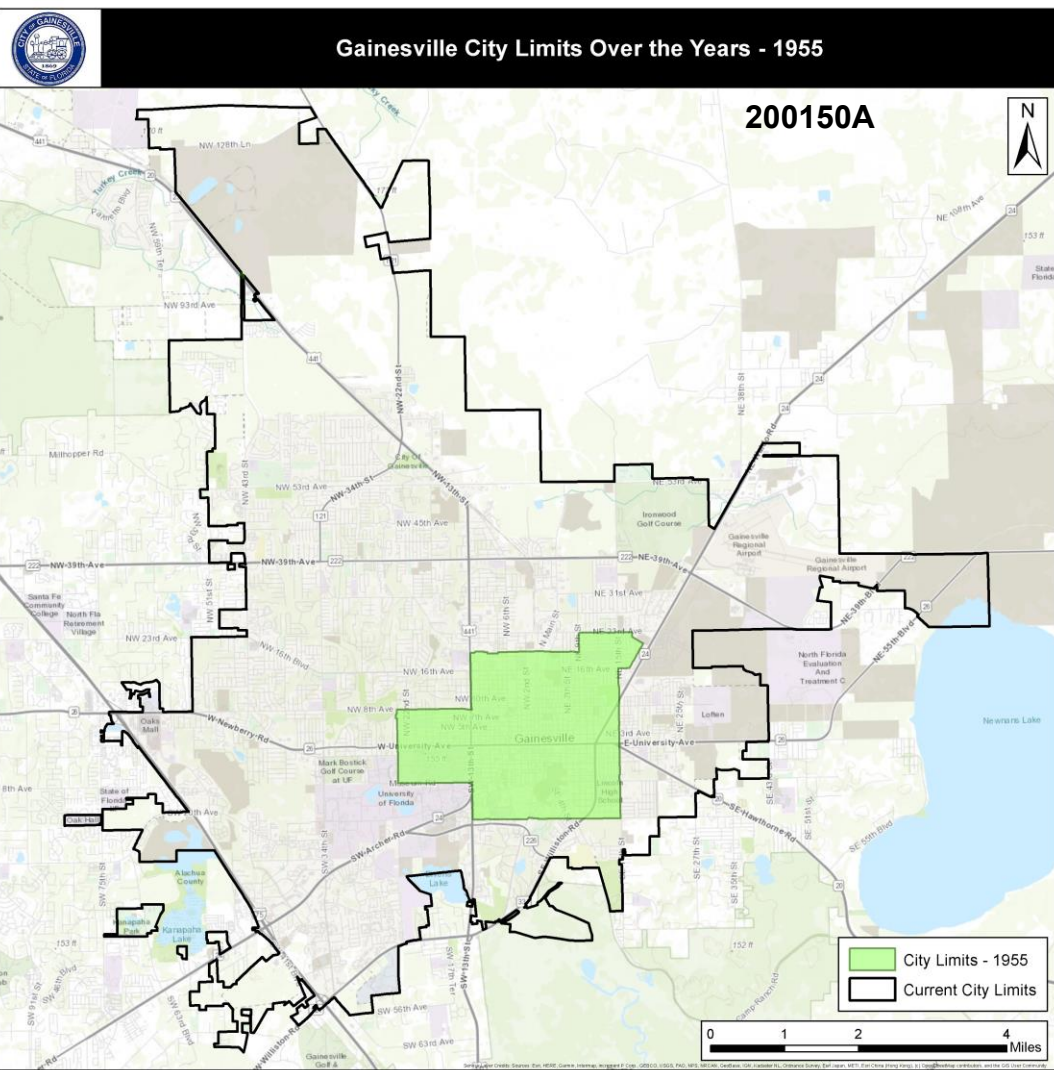
1958

## MAJOR ZONING CODE CHANGES

- Introduction of SF zoning district
- 4 family dwellings = NO
  - Only dwelling for 1 family
- Family now defined by familial ties
- Lot sizes expanded
- Min room sizes, max lot coverage, & min parking spaces introduced



# Evolution of Land Use and Zoning in the City of Gainesville



1966

## CODE FURTHER REFINED

- More exclusive single-family zoning districts
- Max Residential Density
- Compatibility requirements between SF and all other districts
- Min lot depth introduced
- Min Parking increased
- Occupancy limits



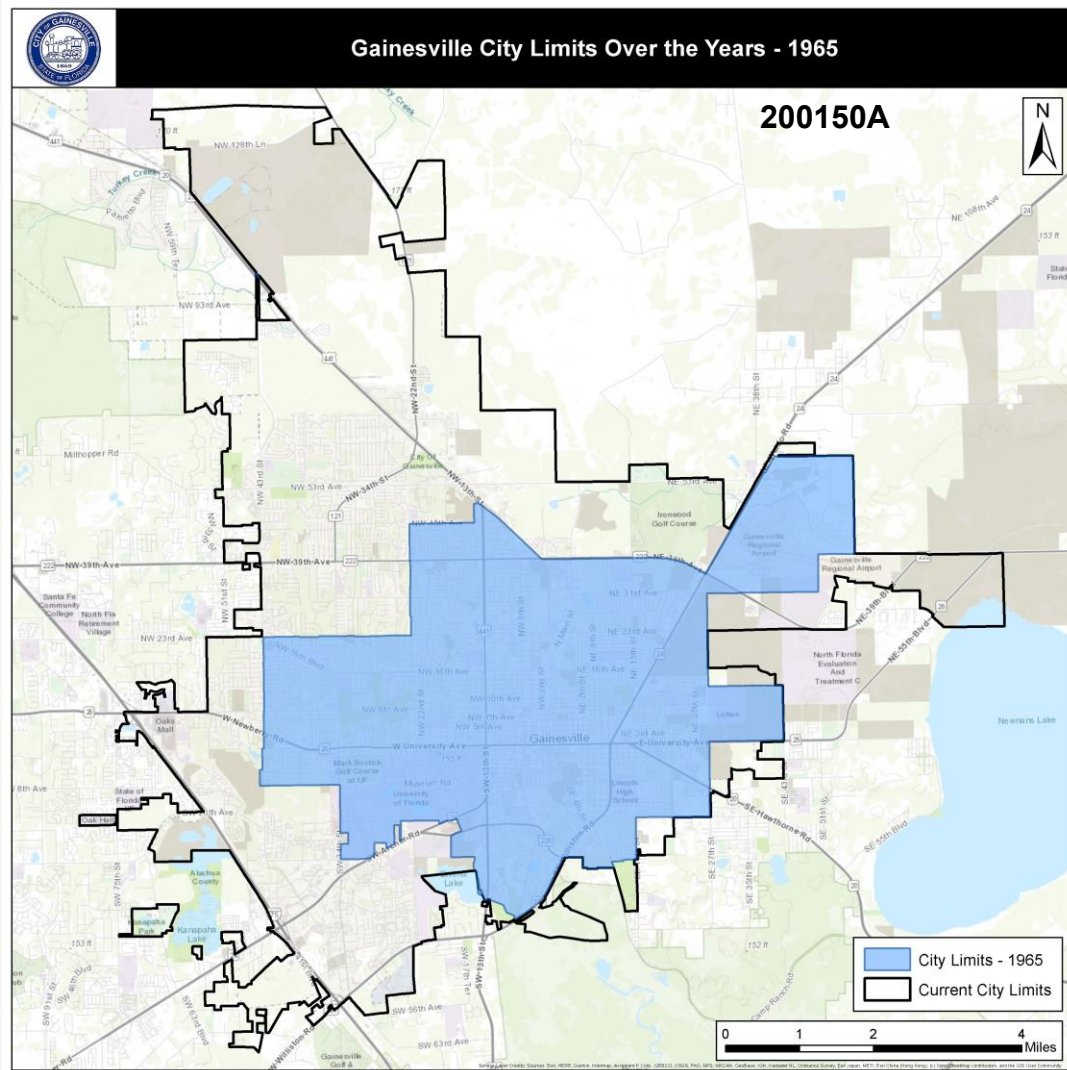
1976

## LANDLORD PERMIT

- “Plague of rental violations” in single family districts
- Introduction of new higher density “University Oriented Housing” zoning district near UF catering to the needs of students



# Evolution of Land Use and Zoning in the City of Gainesville



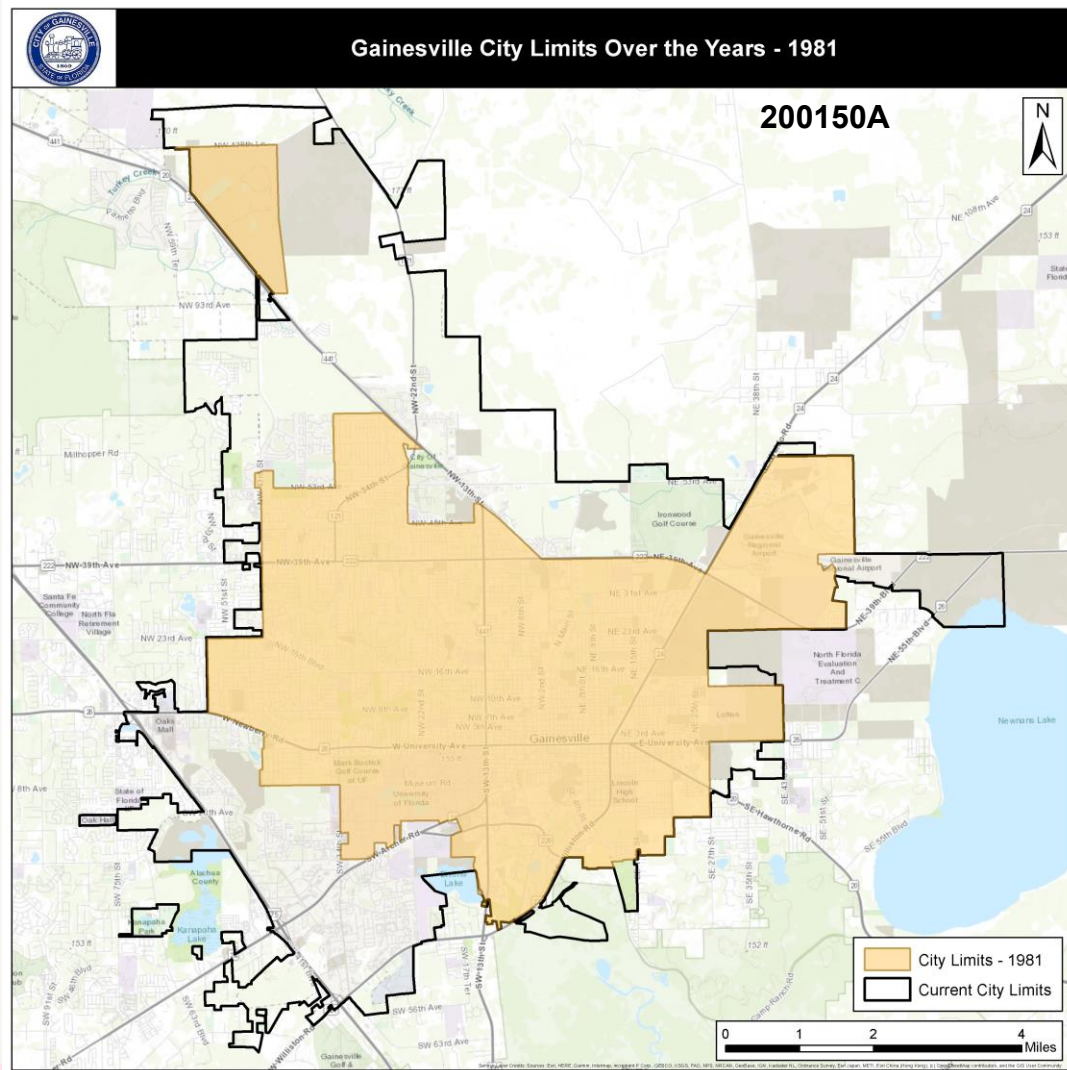
1981

## EXPANSION OF UNIVERSITY ADJACENT HOUSING

- Additional university-oriented housing zoning districts created
- Shift to using SIC code



# Evolution of Land Use and Zoning in the City of Gainesville



1990's – 2017

## STUDENTS

- Student apartment boom in the southwest
- New restrictions introduced on multifamily uses near SF zoning
- Densities near the University increase
- Growth of various special area plans



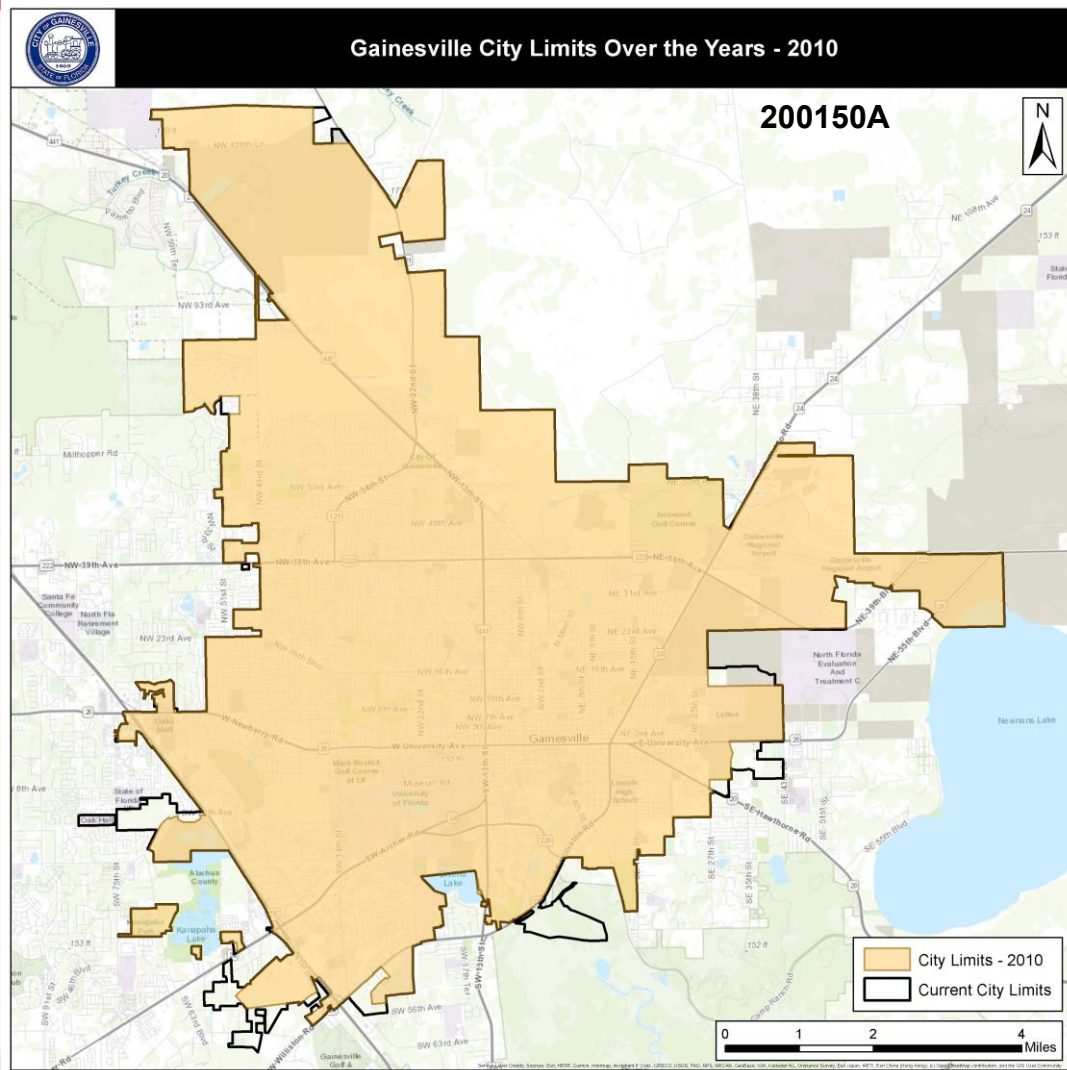
2020

## FORM-BASED CODE

- Code update 2012-2017
- Transect zoning introduced
- Replaced Special Area Plans
- Zoning changes affect <5% of total City



# Evolution of Land Use and Zoning in the City of Gainesville



## The Opportunity Atlas

Which neighborhoods in America offer children the best chance to rise out of poverty?

The Opportunity Atlas answers this question using anonymous data following 20 million Americans from childhood to their mid-30s.

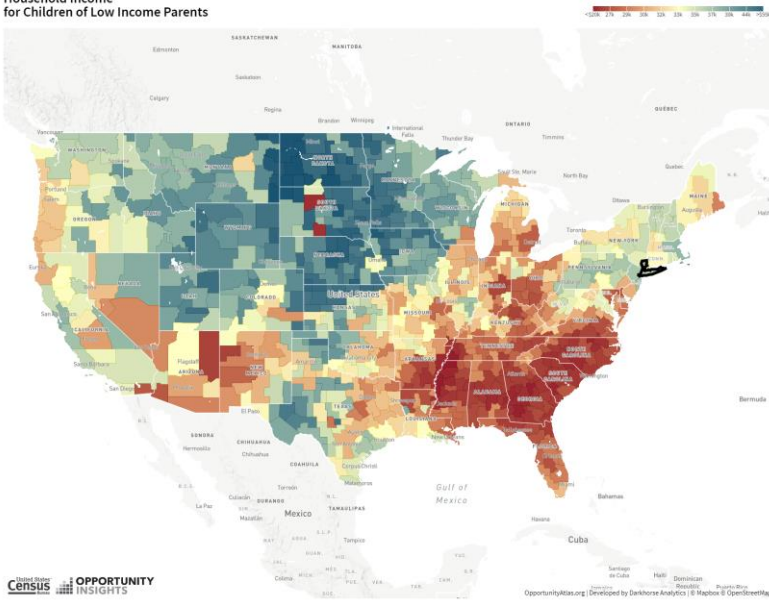
Now you can trace the roots of today's affluence and poverty back to the neighborhoods where people grew up.

See where and for whom opportunity has been missing, and develop local solutions to help more children rise out of poverty.

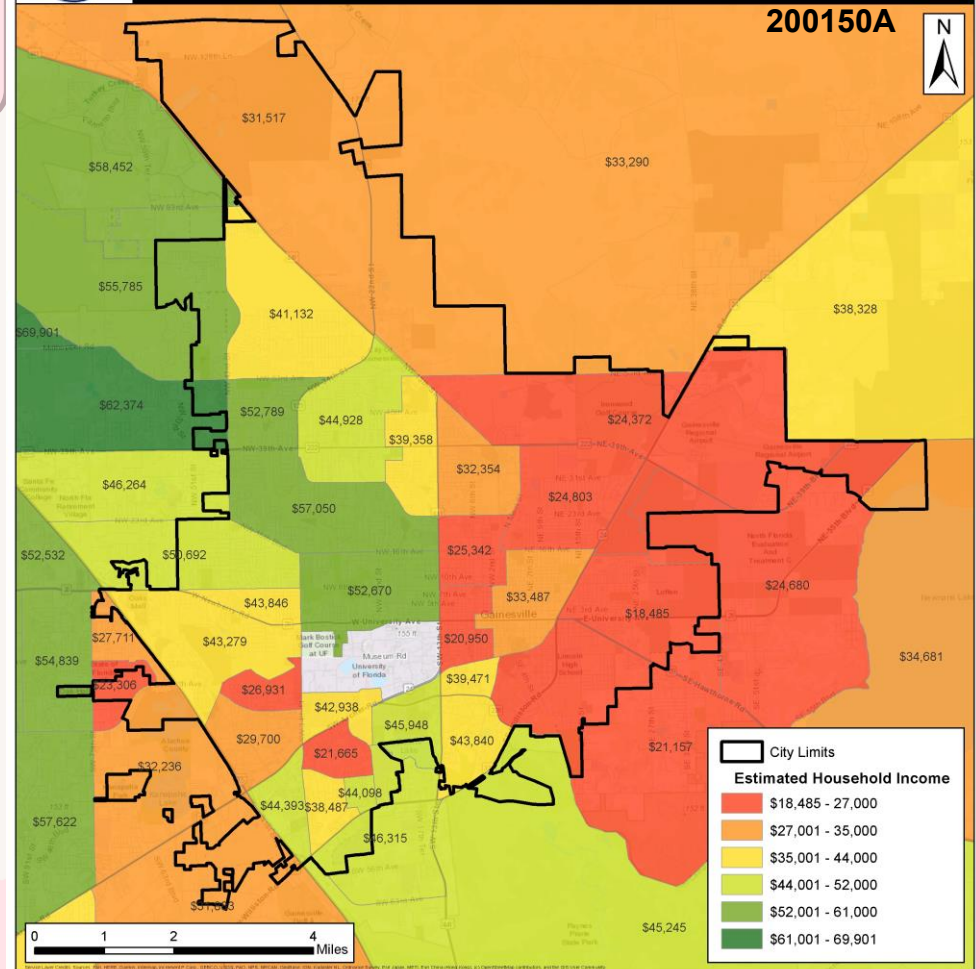
BEGIN EXPLORING

Isn't this all past history? Why does this matter?

Household Income for Children of Low Income Parents



## Gainesville Area Opportunity Atlas - Estimated Household Income Data





# SOLUTIONS

Discussion of Moratoriums  
Remediation of Exclusionary Zoning Practices  
Inclusionary Zoning & Community Land Trusts to promote  
Affordable Housing

# Discussion of Moratoriums

A *moratorium* is an extraordinary measure that temporarily halts certain land use or development approvals so that a local government can formulate a regulatory solution to a real and particularized problem, which generally has resulted upon a sudden change in circumstances. The City of Gainesville has successfully used moratoria, but must weigh potential time, cost, and legal liability (deprivation of property rights) in any moratorium decision.



Four essential elements in a defensible moratorium:

- 1) Findings of Fact - Must establish in as much factual detail as possible why a moratorium is needed (the problem) and why standard/less-extraordinary land use measures are insufficient.
- 2) Scope - Identify the specific land use or development approvals that are being halted and in what geographic area. Do not base on any protected classes and do not target any specific project(s).
- 3) Duration - Outline a time-limited plan (shortest duration as possible) to achieve a regulatory solution.
- 4) Relief Valves - Exclude pending (already submitted) applications and provide a process for hardship exceptions.

# Remediation of Exclusionary Zoning Practices

## Issues

- Diverse housing types not allowed in large areas of the City
- Regulations such as minimum lot sizes and minimum lot dimensions further restrict housing
- Areas of the City with the greatest restrictions are also the areas with the best access to opportunity, schools, shopping, etc.



## Solutions

- Change regulations to allow more diverse housing types (ADUs, duplexes, etc.)
- Reduce minimum lot requirements to accommodate opportunities for new housing
- Support regulatory changes with programs aimed at building attainable housing in high opportunity areas.

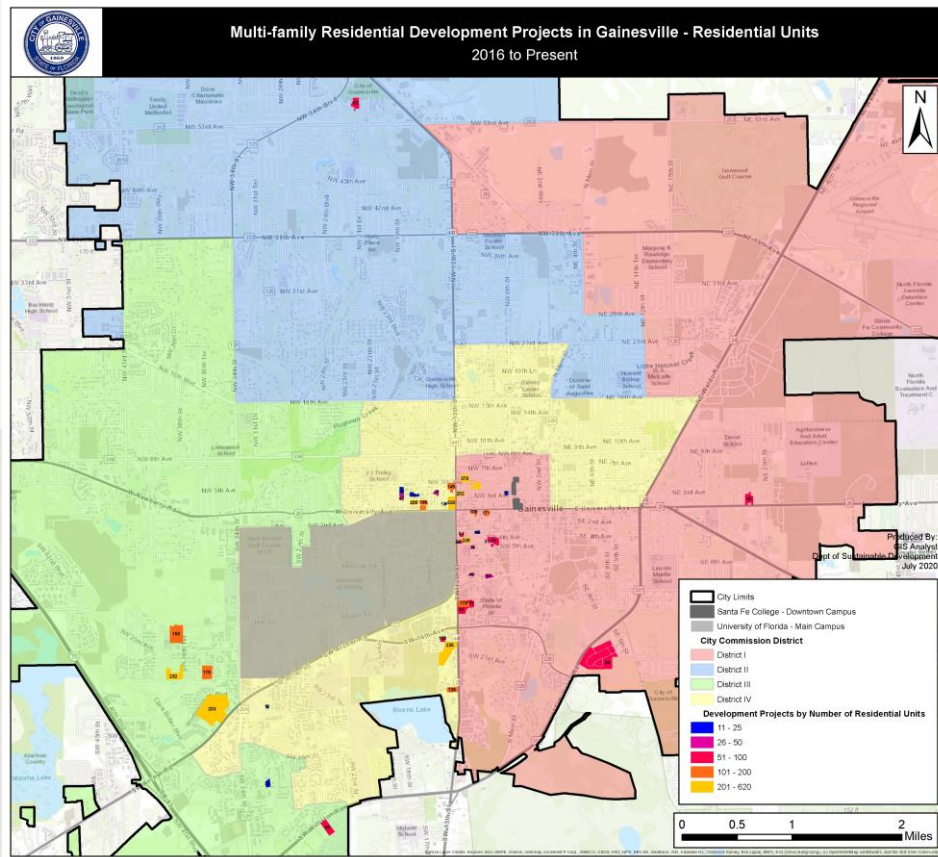


# Inclusionary Zoning to Promote Affordable Housing



## Program Design





## Statistics:

Development projects: 42

Units: 4,693 (111 avg)

Beds: 11,945 (284 avg – 2.54 beds/unit)

Building floors: 201

Past 5 years of Multi-family Residential Projects  
in Gainesville

# Community Land Trusts to promote Affordable Housing

## Discussion:

### TRADITIONAL PURCHASE



In traditional Real Estate transactions, the homeowner owns the house and the land that it sits on.

### COMMUNITY LAND TRUST



The CLT separates ownership of the land from the buildings that sit upon it. The CLT retains ownership of the land and leases it to the homeowner.





# CLOSER LOOK

Neighborhood Bill of Rights  
Historical Overlays in Neighborhoods  
Impact of Unimproved Lots in Neighborhoods

# Neighborhood Bill of Rights

## 3/12/2020 General Policy Meeting direction:

- Create a system to formally register neighborhood associations
- Establish which rights to consistent neighbor service will be implemented
- Determine which City actions/proposals warrant notification to neighborhoods
- Determine the parameters for a grant program, where in City Government it will function, and sources of funding.

### Recommended Next Steps



We are here!

If the General Policy Committee wants to proceed, move this project to Phase 3 of the Policy Process.

# Overlays in Neighborhoods

## The Heritage Overlay district:

- Emphasizes conserving residential areas with a distinct visual identity through regulations focused on form of buildings
- Historic district vs heritage district
- Neighborhood informed and neighborhood driven
- Requires additional permitting review
- Generally increase property values over time

JULY 2018

## NEIGHBORHOODS AS COMMUNITY ASSETS

THE PORTERS COMMUNITY, GAINESVILLE, FLORIDA



# Investor-owned Vacant Lots in Neighborhoods

## Statistics:

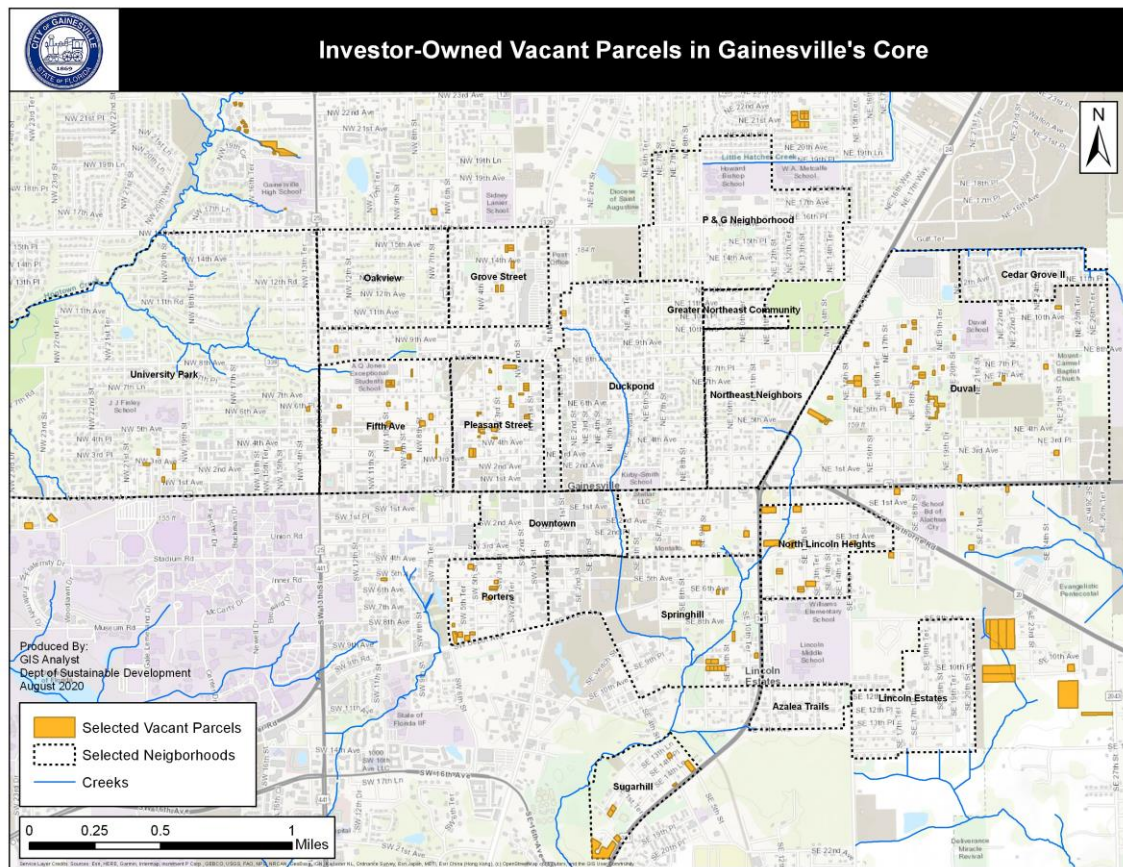
Number of properties: 181

Number of owners: 91

Average size of property: 0.3-acre

Total land: 52-acres

Total valuation: \$2.5M



# Thanks!

Do you have any questions?

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