

**University Park Neighborhood Association, Incorporated**  
**PO Box 12103**  
**Gainesville FL 32604**

August 14, 2020

Subject: Legislative #190988A, amending the Land Development Code, especially Section 30-5.35, Accessory Dwellings (to be heard on 1<sup>st</sup> Reading August 20, 2020)

Dear Mayor Poe and Members of the City Commission,

On February 27, 2020, the City Plan Board heard a presentation from the Planning Division of the Department of Sustainable Development regarding Accessory Dwelling Units (ADUs) in single family neighborhoods zoned RSF 1-4 (Petition No. 190988, ADU Text Change). Various requirements proposed by the Staff for Section 30-5.33. Accessory Dwelling Units, Land Development Code, which our Association strongly supported, included the following:

*"E. Owner Occupancy Required. Property owner residency, as shown by a homestead exemption is required, in either the primary or accessory dwelling unit is required (noting some redundancy in original drafting -- "is required")."*

However, after discussion, during which two residents of Forest Ridge appeared in opposition, Plan Board Chair Bob Ackerman, successfully moved to eliminate the above residency requirement, claiming it was "unenforceable", especially if the owner moves and leases the property. Ackerman also successfully moved to remove the 1.5 story height limit (Paragraph D.1.2.) and substituted the height of the principal dwelling, which we feel is needed to ensure privacy for adjacent neighbors. He further moved to count on-street parking as meeting the parking requirement (Paragraph D.2.b.), despite the reality that on-street parking is extremely limited in some areas, such as College Park. Although one member acknowledged that residents in her neighborhood would object to removing the residency requirement, the motion never-the-less passed unanimously.

As we had been assured by the City Staff that this issue would first be presented to the City Commission for a policy vote prior to drafting an ordinance, we did not expect to see a final ordinance tabled next week. Our Board has been preparing to ask that Mr. Ackerman's amendments be rejected and that the Staff's original recommendation be approved. Now, however, we find ourselves a bit surprised by news that a "fully baked" draft ordinance (#190988A) will be heard next week on 1<sup>st</sup> reading which expressly omits the "owner-occupancy" requirement and increases the height limit to two stories.

Due to our close proximity to the University of Florida, our Board feels strongly that the owner residency requirement is absolutely necessary in order to ensure the ADU is properly managed, especially if rented to students. Our "nightmare scenario" is a situation where both structures are rented to students, with each structure legally able to

house “three unrelated persons”, thus converting the property to two unsupervised dormitories, or worse, to an Airbnb and obvious over-occupancy.

Discussion in the February 27, 2020 Plan Board revealed that Mr. Ackerman and Mr. Hawkins questioned the enforceability of the owner-occupancy requirement in the event the property was sold to a non-resident owner or vacated by the principal owner and made available for rent. One way to alleviate concerns when the owner moves and continues to rent the property, would be to allow the primary tenant leasing the entire property to sublet the ADU if desired, under a separate contractual arrangement. This would keep a legally responsible party on-site to manage the ADU. We further note that the draft Single Room Occupancy ordinance (#191128) requires on-site management.

We further observe that elimination of this requirement is at odds with the stated purpose of the ordinance in Section 6, Paragraph A. Purpose, on page 6 of the draft, to:

1. Provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for purposes such as caring for seniors, providing housing for their children, or obtaining rental income.
2. Increase the range of housing choices and the supply of accessible and affordable housing units within the community.
3. Ensure that the development of ADUs does not cause negative impacts on the character or stability of single-family neighborhoods. (Emphasis added.)

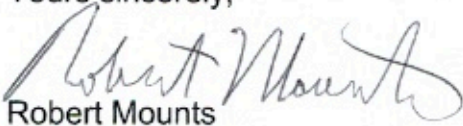
If the drafters truly mean what they say in subparagraphs 1 and 3 above, you won't eliminate the owner-occupancy requirement. The stated purpose says nothing about the desires of non-homesteaded, non-resident property owners to increase profits by renting out these structures to as many students as possible.

In short, on behalf of the Board of Directors of the University Park Neighborhood Association, Inc., and as a minimum, we unanimously implore the Commission to immediately restore the “owner-occupancy” requirement, currently lined out in Section 6.E. (page 6) of the draft ordinance, to Section 30-5.35 of the Land Development Code, prior to final passage. That portion provides:

E. Owner occupancy required. Property owner residency, as shown by an existing homestead exemption, in either the primary or accessory dwelling unit shall be a requirement for permitting of accessory dwelling units.

While such otherwise well-intentioned efforts to increase the supply of affordable housing is reasonable, the City Commission cannot ignore the reality that over 70,000 students compete for such off-campus housing in Gainesville.

Yours sincerely,

  
Robert Mounts  
President