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Robert Pearce
203 NW 11th St
Gainesville, FL 32601

Commissioners,

The issue that you will be addressing tonight is what, if any, additional language in the definitions might make it easier to make the determination as to whether a building is a single-family dwelling or a multiple-family dwelling. Please note that these terms refer to buildings and how they function and do not specifically regulate occupancy. This is exactly as it should be because the occupancy issues are addressed separately under a different heading within the permitted uses of the single-family zoning districts.

The Single-Family Residential Zoning Districts are; RSF-1, RSF-2, RSF-3, and RSF-4.

The Permitted Uses by Right in the Single-Family Residential Zoning Districts include;

- a. single-family dwellings, [which are buildings] and
- b. occupancy of a single-family dwelling by one family [which addresses occupancy] [This is the origin of the occupancy regulations for single-family dwellings in the single-family zoning districts. The landlord permit and residential lease language pertaining to occupancy limitations is simply a reflection of this permitted use limitation in the Single-Family Residential Zoning Districts.]

The other (non single-family) Residential Zoning Districts are; MH, RC, RMF-5,6,7,8, RH-1,2, and RMU.

The Permitted Uses by Right in all of the other Residential Zoning Districts include;

- a. single-family dwellings, and
- b. multiple-family dwellings (buildings with two or more dwelling units)

As you can see, there are two major differences between these two groups of zoning districts;

1. Single-family dwellings are permitted uses in all of the residential zoning districts, but occupancy of single-family dwellings is limited to one family only in the single-family residential zoning districts.
2. Multiple-family dwellings are permitted uses only in the multiple-family zoning districts.

It is the Permitted Uses in the Single-Family Residential Zoning Districts together with the definition of “family” that controls all occupancy issues (above and beyond Building Code and Housing Code).

A single-family dwelling is presently defined as a structure containing one dwelling unit.

A multiple-family dwelling is defined as a building containing two or more dwelling units.

There’s nothing wrong with these two definitions. They are clear, unambiguous, and they do exactly what they are intended to do. They make the distinction between buildings containing one dwelling unit and buildings containing multiple dwelling units. Leave them alone. The only thing that needs to be changed here is the small housekeeping matter of replacing the word “structure” with the word “building” in the definition of single-family dwelling simply for the sake of consistency and accuracy of terminology.

Dwelling Unit is presently defined as a room or rooms, in a dwelling other than a roominghouse or dormitory, comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage, and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Each area with separate facilities for the preparation, storage and keeping of food for consumption within the premises shall be considered as a separate dwelling unit.

It is useful to note that any language included in the definition of dwelling unit is automatically incorporated into both the definition of single-family dwelling and the definition of multiple-family dwelling, which is exactly as it should be because a dwelling unit is a dwelling unit regardless of whether it is contained within a single-family dwelling or within a multiple-family dwelling.

The fundamental physical building block of residential development is the dwelling unit, and whatever additional language that might be deemed necessary pertaining to the structure of a building, or to limits on numbers of appliances, should be placed within the definition of dwelling unit. The determination can then be made as to whether a building contains either one dwelling unit or whether a building contains multiple dwelling units.

If one were to make the mistake of adding language regarding structure or appliances only to the definition of single-family dwelling, which is staff’s recommendation, the net effect would be to create two different definitions for dwelling unit. One set of language would define a dwelling unit in a single-family dwelling and a different set of language would define a dwelling unit in a multiple-family dwelling. This would be highly undesirable and would make matters even more confusing than they are now.

Furthermore, the stand-alone term “family” has a completely different meaning from when it is used within the hyphenated terms single-family dwelling and multiple-family dwelling. If one were to add the stand-alone term “family” into the definition of single-family dwelling, which is also part of staff’s recommendation, it would have the inadvertent and unintended consequence of attaching the occupancy regulations as defined by family, to all single-family dwellings in all of the zoning districts. In other words a 5-story multi-unit apartment building might be allowed on a property but occupancy of a 4-bedroom house on the same property would then be limited to 3 unrelated people. This doesn’t make any sense at all and I don’t think this is the direction you want to go. Additionally, this would be in conflict with the permitted uses by right in the non-single-family residential zoning districts.

So, if you will agree that any additional language regarding structure or appliances belongs within the definition of dwelling unit, and that all of the occupancy issues are appropriately covered under the permitted uses of the zoning districts, the task at present becomes deciding exactly what that additional language might be.

The Plan Board’s recommendation was to add some additional language into the definition of dwelling unit referring to the arrangement and design of a structure and also recommended some limits on the numbers of major appliances in a dwelling unit. All of these recommendations are, by intent, relatively liberal in order to avoid numerous unintended and unwanted consequences. It gives staff a little bit more language to work with in making determinations, while allowing an appropriate degree of architectural freedom and creativity. Lastly, it is important to understand that the Plan Boards recommended definition of dwelling unit will be working in conjunction with the other potentially modified definitions of roominghouse, boardinghouse, or a possible new definition of dormhouse.

Robert Pearce

LAND DEVELOPMENT CODE

DIVISION 2. RESIDENTIAL ZONING DISTRICTS

Sec. 30-51.

Single-Family Residential
Zoning Districts
(RSF-1, RSF-2, RSF-3, RSF-4)

(c) Permitted Uses.

(1) Uses by Right

- a. Single-family dwellings
- b. Occupancy of a single-family dwelling by one family

Sec. 30-52,53,54,55.

All Other Residential
Zoning Districts
(MH, RC, RMF-5,6,7,8
RH-1,2, RMU)

(c) Permitted Uses.

(1) Uses by Right

- a. Single-family dwellings
- b. Multiple-family dwellings
(buildings containing two or more dwelling units)

DEFINITIONS

SINGLE-FAMILY DWELLING means a structure containing only one (1) dwelling unit.

MULTIPLE-FAMILY DWELLING means a building containing two or more dwelling units.

DWELLING UNIT means a room or rooms, in a dwelling other than a roominghouse or dormitory, comprising the essential elements of a single housekeeping unit. Facilities for the preparation, storage and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Each area with separate facilities for the preparation, storage and keeping of food for consumption within the premises shall be considered as a separate dwelling unit.

IMPORTANT NOTES;

The word **FAMILY**, when standing alone, has an entirely different meaning from when it is used within the hyphenated terms **SINGLE-FAMILY DWELLING** and **MULTIPLE-FAMILY DWELLING**.

FAMILY has its own definition, and it is used solely to govern occupancy of **SINGLE-FAMILY DWELLINGS** exclusively in the Single Family Zoning Districts.

Proposed Definition for Dwelling Unit

Dwelling Unit means a room or rooms, in a dwelling other than a roominghouse or dormitory, comprising the essential elements of a single housekeeping unit, and which is arranged, intended, and designed to house a single functional housekeeping unit. Facilities for the preparation, storage, and keeping of food for consumption within the premises shall cause a unit to be construed as a single dwelling unit. Each area with separate facilities for the preparation, storage, and keeping of food for consumption within the premises shall be considered as a separate dwelling unit.

Dwellings consisting of more than one meter for any one utility (unless multiple meters are needed), more than one address to the property, more than three (3) refrigerators, more than two of the same major appliances (range, oven, major kitchen sink, dishwasher, washer or dryer) shall be considered to be a multiple-unit dwelling. Multiple meter billings for any one utility must be combined to one address.