

Petition 148TCH-00 PB. Legislative Matter No. 000517
City Plan Board Recommendation
October 19, 2000

The Plan Board moved to approve Petition 148TCH-00 PB, changing the definition of single-family dwelling, replacing the term structure with building.

Single-family dwelling means a ~~structure~~building containing only one (1) dwelling unit.

The Plan Board recommended that the definition of "Dwelling Unit" be modified to state that:

Dwelling unit means a room or rooms, in a dwelling other than a rooming house 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.

City of
Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 12

Item No. 7

TO: City Plan Board

DATE: October 19, 2000

FROM: Planning Division Staff

SUBJECT: Petition 148TCH-00 PB. City of Gainesville. Amend the City of Gainesville Land Development Code definition of single-family to include factors for determining when a residential building shall be considered a multi-family dwelling.

Recommendation

Planning Division staff recommends approval of this petition.

Explanation

Through enhanced code enforcement, the City has been trying to address issues related to rental properties in single-family neighborhoods. One of the major problems has been the over occupancy of single-family homes in the University of Florida Context area. In May of this year, the City was presented with a set of construction plans for a structure that appeared to meet the definition of a rooming house instead of a single-family dwelling. During the review of the construction plans, it was determined that the City needs to revise its definition of a single-family dwelling. The City heard testimony from the City of Tallahassee about having problems with houses being built in single-family neighborhoods that are rented to four or more students that have been dubbed as "dormitory houses." After hearing the testimony from the City of Tallahassee and City staff, the City Commission imposed a temporary moratorium on building permits, zoning permits, site plan approvals or any other official action of the City of Gainesville permitting or having the effect of permitting the development of certain residential structures within any single-family residential zoning district in the University of Florida Context area.

The City Commission decided that further protection of single-family neighborhoods was needed to prevent certain residential structures from being erected in single-family neighborhoods and directed staff to revise the definition of single-family dwelling. Based on a review of this issue by the Community Development City Commission Committee, staff recommends the definition be revised as follows:

Existing definition:

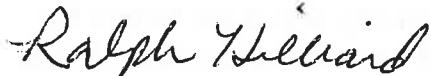
~~Single-family dwelling means a structure containing only one (1) dwelling unit.~~

City Plan Board
Petition 148TCH-00 PB
October 19 2000

Proposed definition:

Single-family dwelling means a residential building consisting of one (1) dwelling unit that is arranged, intended or designed for one (1) family. Residential buildings consisting of more than one meter for any utility (unless multiple meters are needed but meter billings will be combined to one address); more than one address to the property; more than two (2) of the same major appliances (refrigerator, range, oven, kitchen sink, dishwasher, washer or dryer), even if consolidated in one kitchen or area, shall be considered a multi-family dwelling.

Respectfully submitted,



Ralph Hilliard
Planning Manager

7. **Petition 148TCH-00 PB** City of Gainesville. Amend the City of Gainesville Land Development Code definition of Single-family to include factors for determining when a residential building shall be considered a multi-family dwelling.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that several months ago, the City Commission was dealing with a structure and there was confusion as to whether the structure actually met the definition of a single-family dwelling or whether it was a rooming house or dormitory. He noted that the Commission placed a moratorium on similar buildings in the University Context Area and requested that staff draft a new definition of single-family. Mr. Hilliard explained that the matter was forwarded to the Community Development Committee, which included two City Commissioners, for review and the redefinition. He indicated that the definition provided in the board's packets came from the Committee. He read the proposed definition. Mr. Hilliard noted that the information the board received on other city's regulations suggested that, if one definition were amended, all other related definitions would have to be revised. He explained that the definition of single-family was being reviewed first because of the moratorium and the timeframe for modification of the Code. Mr. Hilliard offered to answer any questions from the board.

Mr. Pearce indicated that, according to the Code definition of family, which was different from the definition of single-family dwelling and dwelling unit, three unrelated people living in a two-bedroom house with one kitchen, could constitute a family. He suggested that one person could be considered a family and that two unrelated persons could join that person and it would also be considered a family.

Mr. Hilliard agreed that the Code could be interpreted in that manner.

Mr. Pearce suggested that three related people and two unrelated people, a total of five, could also be considered a family.

Mr. Hilliard agreed.

Mr. Pearce pointed out that six unrelated persons could be called a family if they lived in a community residential home.

Mr. Hilliard agreed. He noted that Florida State Statute 490 required that the City community residential homes had to be permitted in single-family districts and six unrelated people could, as defined by the state, be considered a family. Mr. Hilliard pointed out that the definition of family was not the issue before the board. He explained that all of the issues were under discussion and would come back before the board.

Mr. Pearce pointed out that the item discussed by the Community Development Committee used the term "dwelling unit," the petition before the board used the term "single-family," and the text of the proposed definition used the term "single-family dwelling." He noted that, while the terms were related, they were different. He explained that he had spoken with Community Development Director Tom Saunders and Mr. Saunders indicated that it would be appropriate to address the issue.

Mr. Hilliard explained that there was a typographical error in the agenda and the definition under discussion was that of single-family dwelling.

Mr. Polshek noted that, while the board acted as advisory to the Commission on the petition, he was disappointed at the lack of public attendance at the present meeting. He pointed out that the issue was very important to the City.

Mr. Carter questioned limiting the number of major appliances. He asked if the definition of a kitchen sink was intended to limit the number of sinks in the house. He pointed out that there were other sinks in a house and asked how the ordinance would affect that issue.

Mr. Hilliard indicated that the intent was to deal with situations where there were rooms set up with major kitchen sinks, not secondary sinks. He agreed that that the definition might have an impact on a building with two major kitchen sinks.

Mr. Carter pointed out that many upscale homes had multiple appliances in the kitchen as well as an extra refrigerator in the garage, pool or recreation room. He asked how the situation would be affected by the ordinance.

Mr. Hilliard indicated that a home proposed to have more than two major appliances would be impacted by the definition. He explained that he, personally, would not consider a small wet bar refrigerator a major appliance.

Ms. Myers indicated that she agreed with Mr. Carter that there were many single-family homes that had multiple major appliances. She suggested that the board return the definition to the Committee with the request that it be clarified. She explained that she did not believe the proposed language would accomplish what the Committee intended.

Mr. Guy questioned the intent or goal of creating a single-family dwelling unit in Gainesville. He asked if the intent was to create housing for blood related families, or to prevent the nuisance of large numbers of unrelated people living in single-family homes.

Mr. Hilliard indicated the intent was to do both. He explained that the purpose of the definition was to limit the number of people living in what is typically a single-family house, and to prevent that single-family house from being converted to a rental dormitory or rooming house. He reiterated that there were many issues to be discussed with all the definitions. Mr. Hilliard explained that, if the board was not comfortable with the definition, they could send it back to the Community Development Committee and request that the Committee state their concerns.

Mr. Polshek explained that the house that brought about the building moratorium had a communal kitchen, living room and laundry, and multiple individual bedrooms, with bathrooms, along a common open hall.

Mr. Hilliard agreed that the house in question produced concerns, but the definition before the board was not proposed to address that one issue. He pointed out that staff had seen house plans from other communities that had features not covered by the proposed definition.

Mr. Polshek suggested that the proposed definition was to address concerns about the transformation of homes in single-family neighborhoods into rooming house type rental properties.

Mr. Hilliard agreed that certain single-family neighborhoods around the University were becoming rental areas with multiple persons living in single-family homes. He explained that it was difficult to define family in those situations.

Mr. Polshek noted that the house that was the catalyst, if not the sole reason for the proposed changes, was actually going to be occupied by blood relatives at the time.

Mr. Pearce read the current definitions for single-family and multiple-family dwelling units and noted that they were clear, unambiguous and accurate in making the distinction between each designation in terms of the numbers of dwelling units. He suggested that the two definitions not be modified except to change the word "structure" in the definition of single-family to "building" in order to be consistent and accurate since dwellings were always defined in terms of buildings and not structures. Mr. Pearce proposed that there be a more uniform, consistent and complete definition of the term "dwelling unit" from which the determination of single-family dwelling or multiple-family dwelling could more easily be established, regardless of zoning. He suggested that, if modifications to language regarding structure and function were added only to the single-family definition, it would result in two separate sets of definitions. Mr. Pearce explained that the existing definition of a dwelling unit referred vaguely to a "room or rooms...comprising the essential elements of a single housekeeping unit" which at present was based upon having a kitchen area. He pointed out that the definition lacked language relating to the structure as it pertained to the function of a single housekeeping unit. He agreed that, while additional language regarding function and structure as it pertained to function was needed, it did not belong within the definition of single-family dwelling as proposed by staff. He reiterated that, modifications to the definition of single-family dwelling would result in two different sets of language for dwelling unit, depending on the housing type. Mr. Pearce indicated that, in order to have a unified and consistent definition of dwelling unit, any modifications in language should take place within the definition of "dwelling unit", rather than within the definition of "single-family dwelling unit." He explained that, as a discussion starting point, he drafted a revised definition of dwelling unit for the board's consideration. He noted that the draft included the essential elements of staff's proposed language pertaining to function and structure.

Mr. Polshek pointed out that the petition before the board did not propose to redefine the term "dwelling unit." He suggested that there could be a procedural problem. He requested comment from other board members and staff on the issue. He noted that, while he was interested in Mr. Pearce's proposal, he did not believe the board could vote on it and send it to the City Commission.

Mr. Hilliard indicated that the board could vote on Mr. Pearce's proposal and send it to the City Commission with a recommendation. He explained that the City Attorney would make a determination on how to deal with the issue. He noted, however, the proposed language did not deal with other issues raised by board members. He indicated text should be added to the single-family definition to direct readers to refer to the definition of dwelling unit.

Mr. Guy pointed out that, in Mr. Pearce's proposed language, the word "family" had been eliminated except in reference to multi-family. He suggested that the proposal eliminated family from the equation in terms of defining a single dwelling unit.

Mr. Hilliard disagreed. He explained that Mr. Pearce's language only dealt with the definition of dwelling unit. He pointed out that the word "family" was reintroduced in the in definition of "single-family dwelling."

Mr. Guy suggested that, if dwelling unit was based upon the preparation of food, Mr. Carter's point about the numbers of major appliances was important. He noted that, after reading the definition of dwelling unit, a person had to go to another level to define single-family, which could cause confusion on the issue. He pointed out that the proposed language tried to enforce the terms "family" and "dwelling unit" through the appliances, as opposed to the people living in the buildings.

Mr. Polshak pointed out that the definition of family was not a fixed definition in the community. He suggested that appliances didn't seem to be the issue. He noted that housing configurations would change over time and enforcement of the number of appliances in a building would be difficult.

Mr. Pearce reiterated that the current definition of single-family and multiple-family were clear. He pointed out that the need was for a new definition of "dwelling unit." He explained that the present definition of dwelling unit was based upon food preparation and storage areas and did not address the function or the structure as it pertained to function. He noted that the introduction of the wording on appliances and the phrase, "which is arranged, intended and designed to house a single functional housekeeping unit," addressed function. He suggested that the issue of appliances needed further discussion. He read the text of the proposed language with the addition of his proposals.

Dwelling unit means a room or rooms, in a dwelling other than a rooming house 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 two (2) of the same major appliances (refrigerator, range, oven, kitchen sink, dishwasher, washer or dryer) shall be considered to be a multiple-family dwelling. Multiple meter billings for any one utility must be combined to one address.

Mr. Guy suggested that, if a single-family dwelling unit was defined by a separate place to prepare food, twenty unrelated people in a house with one kitchen would be considered a single-family dwelling unit.

Mr. Pearce pointed that the permitted uses in the single-family zoning district were limited to single-family and the permitted uses included wording on the occupancy of a property by one family.

Mr. Polshak noted that staff had provided definitions from other cities around the country.

Mr. Hilliard pointed out that, in spite of regulations, other cities were faced with the same problems as Gainesville. He noted that one difference in Gainesville's Code was the definition of family. He explained that other cities were experiencing some of the same problems, even with different definitions and codes. He noted that Gainesville was unique in the Landlord Licensing regulations.

Mr. Polshak agreed that there would be problems with rentals and new construction in what are considered single-family neighborhoods regardless of the definition of family. He noted that the issue of parking restrictions was relevant. He called attention to the definition of dwelling unit from Boulder, Colorado Regarding Mr. Pearce's wording "arranged, intended, and designed to house a single functional

housekeeping unit," Mr. Polshak suggested that there was no single design to address the needs of a single functional housekeeping unit.

Mr. Pearce pointed out that the Boulder definition indicated that a separate entrance to a bedroom or a lock on an internal door qualified a structure as a multi-family dwelling. He suggested that the Boulder definition was flawed and too specific. He indicated that the same specificity on appliances might cause problems with over regulation.

Ms. Myers indicated that she did not see how the proposed ordinance would solve the problem with the construction of dormitory type houses in single-family neighborhoods.

Mr. Polshak suggested that the limitations on appliances would restrict that type of construction.

Ms. Myers pointed out that, after a builder received a Certificate of Occupancy, additional appliances could be added. She suggested that the problem was to prevent construction of such buildings. She noted that the regulation from Boulder did not allow rooms that had no internal connection, which would have prohibited construction of the house that brought about the moratorium.

Mr. Pearce agreed that the language was limited. He suggested that staff could examine the issues of open hallways and number of names on the lease in determining how a building functioned

Mr. Polshak pointed out that the open hallway was a design and not a function issue. He suggested that the board was attempting to solve a problem that might have no solution. He asked if the current Landlord Licensing regulations and three unrelated persons cap would be superceded by the new regulations, if adopted by the City Commission.

Mr. Hilliard indicated that it would not supercede the existing regulation in the single-family zoning districts.

Mr. Polshak suggested that the issue was the unusual situation of construction or transformation of buildings into residences for a larger number of people calling themselves a family, or functioning as a family. He noted that, while the regulations could be tightened, it would still be difficult to prevent an unusually designed habitation unless it was to be a total rental property. He suggested that, if the catalyst house were to change ownership, as rental property, only three of the bedrooms could be occupied by unrelated people.

Ms. Myers cited the difficulty in enforcement of the regulations on unrelated persons.

Mr. Polshak agreed that the problem was complex and perhaps unsolvable. He indicated that the board could present a clear-cut definition of a dwelling unit to the City Commission and, in the future, work on strategies to deal with the problem in single-family districts.

Ms. Myers asked if there was the option of sending the petition back to the Community Development Committee.

Mr. Hilliard indicated that the board could recommend that the petition be returned to the Committee. He requested that, if the board chose to return the petition, they state their reasons for that return. He pointed out that there was no one regulation that would solve the entire problem. He indicated that he believed Mr.

Pearce's suggested wording was acceptable. He asked if the board believed City would be putting homeowners at a disadvantage with a definition restricting the number of appliances, and if it would be a major issue. He noted that Ms. Myers and Mr. Carter dealt with the issue on a day to day basis.

Mr. Pearce indicated that both he and Mr. Carter attended the Community Development Committee meeting and were familiar with the issues. He suggested that the board should make a determination on the restriction on the number of appliances in the definition of dwelling he proposed.

Mr. Polshek opened the floor to public comment.

Mr. Peter Rebman was recognized. Mr. Rebman indicated that he agreed with the concern about the small number of people in attendance for such an important discussion.

Mr. Dan Murphey was recognized. Mr. Murphey indicated that he was a student at the University. He agreed that many homeowners rented houses to more than three unrelated people. He suggested that the limit of two appliances was a fair one.

Mr. Polshek closed the floor to public comment.

Ms. Myers suggested that the petition be tabled to allow time for more advertising.

Mr. Polshek noted that the City Commission would receive the petition and it would be noticed at that time.

Mr. Ed Peebles, architect, was recognized. Mr. Peebles indicated he was watching the meeting on television and came to address the board. He pointed out that there were religious dietary restrictions in some households that might require separate food preparation areas. He suggested constitutional issues might arise with a limitation on appliances.

Mr. Polshek agreed that, while there could be such situations, it would probably not involve more than two appliances.

Mr. Pearce agreed that religious dietary restrictions could be a problem. He noted, however, that the existing definition of dwelling unit was based upon kitchen areas. He explained that, by the existing definition, one kitchen area was one dwelling unit and multiple kitchen areas was considered a multiple dwelling unit. He pointed out that the proposed language did not change or address the problem of dietary restrictions.

Mr. Polshek suggested that there might be some Federal law that superceded local regulation and was an accepted practice. He noted that staff might wish to discuss the issue with the City Attorney. He discussed Mr. Carter and Ms. Myers' concerns about the restrictions and asked if there was a way to address the concerns.

Mr. Carter indicated that he did not see a way without restricting citizen's rights to a lifestyle they might enjoy. He suggested that the catalyst house was an isolated incident and considering the availability of lots in the University Context Area, it would be difficult to have another such building proposed.

Ms. Myers cited a concern about the other areas of the City where lots were available.

Mr. Carter indicated that he did attend the Community Development Committee meetings and every solution seemed to create new problems. He discussed the issues of design and how the regulation on appliances would affect those designs.

Mr. Polshek suggested that the board consider Mr. Pearce's version of the definition of "dwelling unit" and strike the language about major appliances from the text unless such action negated staff's recommended language. He suggested that, while there might be more than two refrigerators, it would be unlikely that there would be more than two ranges, ovens or dishwashers, therefore, the word refrigerators could be stricken.

Mr. Carter indicated that two dishwashers was common in many upscale homes. He agreed that more than two washers would be unusual, but two was also common.

Mr. Polshek suggested that the words "refrigerator" and "kitchen sink" be removed from the language which would narrow the definition enough to cover most situations. He noted that certain rare occasions might be provided through a variance.

Ms. Myers pointed out that the only thing that would have prevented the catalyst house from being single-family would have been the five refrigerators, if the words were removed from the text.

Mr. Polshek suggested that the board focus on the broader issues rather than the catalyst house.

Mr. Guy suggested that a definition stating that a single-family dwelling unit was a structure containing only one dwelling unit, and then defining that dwelling unit as a place to prepare food and a functional housekeeping unit, actually defined "family" as a kitchen and a functional housekeeping unit rather than people. He asked if the purpose of the change was to cut down on energy use by limiting appliances, or to provide functional family units. He indicated that he did not believe it was logical to try to define "family" by the number of kitchens.

Mr. Polshek indicated that he did understand Mr. Guy's concern that the proposed changes were removing people from consideration.

Mr. Pearce pointed out that the definition of family was only applied in the residential single-family districts. He noted that the definition of family was not applied in districts that permitted multiple-family development, therefore, the term "family" did not belong in the definition of "dwelling unit." He explained that a dwelling unit was a dwelling unit whether it was in a single-family district or a multiple-family district. He indicated that the reason he proposed to add language in the dwelling unit definition was that adding language pertaining to structure in the single-family dwelling definition would result in two different compilations of definitions for a dwelling unit, dependant upon the zoning district. He reiterated that the existing definitions of single and multiple-family were clear and should not be modified. He pointed out that the family issue was addressed in the definition of family and the zoning districts were it was applied.

Mr. Polshek pointed out that, to address Mr. Guy's concerns, the language could state "which is arranged, intended, and designed to house a single-family or functional housekeeping unit" under the definition of dwelling unit. He suggested that to add the word "family" to the definition of dwelling unit would not change the definition of single and multiple-family dwelling.

Mr. Pearce pointed out that the word "family" had a different meaning dependant upon the zoning districts. He noted that family meant one thing in one set of zoning districts and was completely different in another set of zoning districts.

Mr. Polshek requested comment from staff.

Mr. Hilliard indicated that he agreed with Mr. Pearce's interpretation. He explained that the term "dwelling unit" dealt with a unit/structure and did not deal with determining what constituted a family. He indicated that he did not believe Mr. Guy's concern was lost in Mr. Pearce's proposed language.

Mr. Polshek suggested that the wording "shall be considered to be a multiple-family dwelling" to shall be considered a "multiple-unit dwelling."

Mr. Pearce agreed. He indicated that he believed the word "unit" should be substituted for the word "family" in many places in the Code but the language in question was the definition proposed by staff.

Mr. Hilliard explained that staff's proposed language attempted to stay within existing definitions within the Code in order not to further confuse the issue.

Mr. Pearce suggested that, instead of eliminating the word "refrigerator" completely, three refrigerators be allowed. He explained that it would cover most situations. He proposed that the word "major" be added before the words "kitchen sink" which would allow no more than two "major" kitchen sinks.

"Mr. Polshek indicated that he preferred to completely eliminate the word "refrigerator." He pointed out that there could be only two cooking locations or two dishwashers.

Mr. Pearce disagreed. He reiterated that allowing three refrigerators would accommodate most situations.

Mr. Polshek pointed out that there were enormous refrigerators and he did not believe the restriction of three accomplished a change.

Mr. Pearce indicated he wished to make a motion to recommend to the City Commission that the definition of "dwelling unit."

Mr. Polshek pointed out that a motion needed to be made to the petition before the board.

Mr. Hilliard explained that it was possible that the board could approve the petition with the condition that the change is made.

Mr. Pearce made the motion to approve Petition 148TCH-00 PB, amending the definition of dwelling unit.

Mr. Polshek pointed out that there were many new, much smaller appliances available on the market.

Mr. Hilliard indicated that he believed the language addressed major ovens and appliances.

Mr. Carter cited a concern that the proposed changes almost forced the public to violate the Code. He pointed out that it was very easy to add appliances at a later date. He indicated that he supported Ms. Myers

suggestion that the petition be sent back to the Community Development Committee for more discussion on the appliance issue. He agreed that code enforcement would be difficult.

Mr. Hilliard explained that the definition was intended to address construction plans when they first entered the process at the building permit stage. He agreed that it would be difficult to deal with the addition of appliances. He pointed out that the wording on appliances came from the Community Development Committee and, if returned, might return to the board unchanged. He suggested that the board send the petition to the Commission indicating that the board had major concerns about the wording on appliances.

Mr. Polshek suggested that the language "each area with separate facilities for the preparation, storage...within the premises shall be considered a separate dwelling unit" could, in theory, allow a separate dwelling unit with no bathroom. He pointed out that there could be a dual kitchen set up in a house with bathroom facilities for a single functional housekeeping unit.

Mr. Hilliard explained that "each area with separate facilities for preparation, storage and keeping of food for consumption within the premises shall be considered as a separate dwelling unit" meant a kitchen for each unit. He indicated that he did not understand the issue of the number of bathrooms. He noted that any dwelling unit was supposed to function as a single housekeeping unit.

Mr. Polshek asked if it was correct that a functional house with two kitchens, but only one bathroom, could not be anything other than a single-family residence. He pointed out that the issue should be clear before proposed construction reached the permitting level.

Mr. Hilliard indicated that the current definition of dwelling unit had been in the Code for a number of years and he did not believe there had been major problems.

Ms. Myers asked if the board's comments would be passed on to the Commission.

Mr. Polshek noted that board members could request that the maker of the motion add a cautionary statement to the City Commission in the motion.

Mr. Pearce suggested that the Clerk address the board's concerns in the minutes of the meeting.

Ms. Myers agreed.

Mr. Polshek suggested that there be a statement that the board had significant concerns about the number of appliances as an indicator for single or multiple units.

Mr. Pearce suggested that a statement be added stating that, "the board continues to have concerns regarding the appliances issue."

Ms. Myers pointed out that the concerns were on both sides of the issue.

Mr. Hilliard asked if it was the board's wish to express to the Commission that some of the members had a concern about the major appliance issues. He requested that Ms. Myers state her specific concerns.

Ms. Myers cited a concern about the complexity of the issue and the use of cooking facilities as the major factor in determining whether a unit was single or multiple-family.

Mr. Hilliard pointed that the proposed definition was intended to deal with the issue when plans first entered the building process. He noted that there was an existing definition of family that was a further limitation on the definition of dwelling unit. He asked if the board wished to send a message to the Commission that they did not feel that having wording on the number of appliances truly addressed the issue.

Ms. Myers agreed.

Mr. Hilliard indicated that staff could make those points through the minutes and the agenda item presented to the Commission.

Mr. Carter asked how a full outside kitchen, possibly at a cabana or close to a guest suite, with refrigerator, range and sink would fall into the definition.

Mr. Hilliard indicated that staff would have to consult with the Building Official on how he dealt with that issue.

Mr. Carter indicated that, while he realized the intent of the changes, he had a concern about interpretation of the definition by others. He suggested that, unless the language was very clear, it could change the methods of constructing upscale houses.

Mr. Hilliard pointed out that Mr. Carter's point was an issue, even with the existing Code. He reiterated that the Building Official would determine the status of an outside kitchen.

Mr. Pearce pointed out that the language "any area for the preparation, storage and keeping of food is considered a separate dwelling unit" was existing language and already in the Code. He indicated that the motion did not address that issue.

Mr. Polshek suggested that there might be a procedure to apply for a variance.

Mr. Carter indicated that he believed the board was close to a definition that was workable, but he had concerns about how few people were involved in discussion. He noted that he did not know if the realtors and Builder's Association had reviewed the definition and discussed the impact of limiting the number of appliances.

Mr. Polshek noted that the petition would go before the City Commission.

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Ms. Myers
<p><u>Moved to:</u> Approve Petition 148TCH-00 PB, changing the definition of single-family dwelling, replacing the term structure with building and recommending that the definition of "Dwelling Unit" be modified to state that: Dwelling unit means a room or rooms, in a dwelling other than a rooming house or dormitory, comprising the essential elements of a single housekeeping unit, <u>and which is arranged, intended, and designed to house a single functional housekeeping unit.</u> 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. <u>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.</u></p>	<p><u>Upon Vote:</u> Motion Carried 3-2 Yeas: Myers, Pearce, Polshek. Nays: Carter, Guy</p>

Mr. Pearce indicated that he wished to discuss the issue of the definition of family and the associated occupation limits.

Mr. Polshek noted that City staff would be reassessing all of the definitions and any changes would come before the board.

Mr. Hilliard asked if the board wished to refer the issue to the Community Development Committee since they were involved with the topic.

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Mr. Carter
<p><u>I Moved to:</u> Request that staff refer the issues regarding the definition of single-family and the associated occupancy limits to the Community Development Committee.</p>	<p><u>Upon Vote:</u> Motion Carried 5-0 Yeas: Carter, Pearce, Myers, Guy, Polshek.</p>

**HEARING BEFORE
THE CITY COMMISSION**

The City Commission of the City of Gainesville, FL, will consider the following items at the regular Public Hearing scheduled on Monday, November 13, 2000, after 6:00 P.M. in the City Hall, First Floor Auditorium, 200 E. University Avenue, Gainesville, Florida.

Petition 1115VA-00 PB. Brown & Cullen, Inc., agent for University of Florida Foundation, Inc. and State of Florida IITF. Pursuant to Sec. 30-192(b), Land Development Code, to vacant, abandon and close that portion of the right-of-way of Northwest 20th Street lying between West University Avenue and Northwest 1st Avenue. Legislative Matter No. 00231

Petition 103LUC-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Amend the City of Gainesville Future Land Use Map from AGR (Agriculture) and IND (Industrial) on property located east of lots 8, 10 and 11 in the 6800 block of Northwest 18th Drive of the Northwest Industrial Park. Related to Petition 104ZON-00 PB. Tax Parcel No. Portion of 07879-006-000. Legislative Matter No. 000151

Petition 104ZON-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Rezone property from AGR (Agriculture) to I-1 (Industrial) on property located east of lots 8, 10 and 11 in the 6800 block of Northwest 18th Drive of the Northwest Industrial Park. Related to Petition 103LUC-00 PB. Tax Parcel No. Portion of 07879-006-000. Legislative Matter No. 00152

Petition 148TCH-00 PB. City of Gainesville. Amend the City of Gainesville Land Development Code definition of Single-family to include factors for determining when a residential building shall be considered a multi-family dwelling.

In order to participate in the quasi-judicial portion of the proceeding before the City Commission, all parties who are entitled to actual notice must file the registration form with the Board's secretary or Clerk of the City Commission. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected party status by filing an application with the Clerk of the City Commission in writing during regular business hours no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The application must be filed and received by the Clerk of the City Commission, First Floor, City Hall, 200 East University Avenue, during business hours. If you do not choose to participate in the quasi-judicial portion of the proceeding, you will be allowed to provide testimony and evidence during the public hearing portion of the meeting, up to 5 minutes per person.

If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceedings, and for such purposes it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

10/27/00
for 11/13
cc meeting

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Equal Opportunity who require assistance to participate in the meeting are requested to notify the Equal Opportunity Development at 445-5051 at least 48 hours prior to the meeting date.
If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

(#19235) 10-27

