



MEMORANDUM

Office of the City Attorney

Legistar No. 000517

Phone: 334-5011/Fax 334-2229
Box 46

January 8, 2001

TO: Mayor and City Commission

DATE: ~~December 11, 2000~~

FROM: City Attorney

~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-00-133; Petition No. 148TCH-00 PB
An ordinance of the City of Gainesville, Florida; amending the definition of "single-family dwelling" contained in section 30-23 of the Land Development Code of the City of Gainesville; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

At its November 13, 2000 meeting, the City Commission authorized the City Attorney to draft and the Clerk of Commission to advertise an ordinance amending the definition for "single-family dwelling" in Section 30-23 of the Land Development Code. The amended definition only applies to RSF-1, 2, 3, 4 and RC zoning districts and all residential planned developments with densities less than eight units per acre. Adoption of this ordinance will automatically repeal the temporary moratorium ordinance (000115) adopted on July 24, 2000.

Prepared by:

Patricia M. Carter
Sr. Assistant City Attorney

Approved and
Submitted by:

Marion J. Radson
City Attorney

MJR:PMC:sw

Passed on first reading by a vote of 5-0.

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11-20-00

ORDINANCE NO. _____

0-00-133

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3
4 **An ordinance of the City of Gainesville, Florida; amending the definition of**
5 **“single-family dwelling” contained in section 30-23 of the Land Development**
6 **Code of the City of Gainesville; providing directions to the codifier;**
7 **providing a severability clause; providing a repealing clause; and providing**
8 **an immediate effective date.**
9

10 **WHEREAS**, on July 24, 2000 the City Commission of the City of Gainesville adopted an
11 ordinance imposing a temporary moratorium on official actions of the City of Gainesville that
12 would have the effect of permitting the development of certain residential structures within any
13 single-family residential zoning district in the University of Florida Comprehensive Master Plan
14 1994-2004 Context Area within the city; and

15 **WHEREAS**, that ordinance will expire on January 22, 2001 or upon the adoption of an
16 amendment to the Land Development Code addressing the subject matter of the moratorium; and

17 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing
18 that the text of the Land Development Code of the City of Gainesville, Florida, be amended to
19 address the subject matter of the moratorium; and

20 **WHEREAS**, notice was given and publication made as required by law and a Public
21 Hearing was then held by the City Plan Board on October 19, 2000; and

22 **WHEREAS**, notice was given and publication made of a Public Hearing which was then
23 held by the City Commission on November 13, 2000; and

24 **WHEREAS**, at least 10 days notice has been given prior to first reading by publication in
25 a newspaper of general circulation notifying the public of this proposed ordinance and of a Public
26 Hearing in the Auditorium of City Hall in the City of Gainesville; and

27 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at

1 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
2 heard;

3 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
4 CITY OF GAINESVILLE, FLORIDA:

5 Section 1. The following definition contained in section 30-23 of the Land Development Code
6 of the City of Gainesville is amended to read as shown. All other definitions in 30-23 remain
7 unchanged.

8 Sec. 30-23. Definitions.

9 Single-family dwelling, in the RSF-1, RSF-2, RSF-3, RSF-4, and RC zoning districts and all
10 residential planned developments with a density of no more than eight dwelling units per acre,
11 means a single residential building consisting of one dwelling unit that is arranged, intended or
12 designed for one family. A residential building with more than one meter for any utility (unless
13 multiple meters are needed and billing is combined to one address); more than one address to the
14 property; or more than two of the same major appliance (refrigerator, range, oven, kitchen sink,
15 dishwasher, washer or dryer), even if consolidated in one kitchen or area, shall be considered a
16 multi-family dwelling. In all other zoning districts, single-family dwelling means a structure
17 containing only one dwelling unit.

18 Section 2. It is the intention of the City Commission that the provisions of Section 1 of this
19 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,
20 Florida, and that the Sections and Paragraphs of this ordinance may be renumbered or relettered
21 in order to accomplish such intentions.

22 Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid or

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11-20-00

1 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
2 the validity of the remaining portions of this ordinance.

3 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
4 conflict hereby repealed.

5 **Section 5.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this _____ day of _____, 2001.

7
8
9 _____
10 PAULA M. DeLANEY
11 MAYOR

12 ATTEST: _____ Approved as to form and legality
13
14

15 _____
16 KURT M. LANNON
17 CLERK OF THE COMMISSION

15 _____
16 MARION J. RADSON
17 CITY ATTORNEY

18 This Ordinance passed on first reading this _____ day of _____, 2000.

19 This Ordinance passed on second reading this _____ day of _____, 2001.

20
21 carter:ordinances:148TCH-00PB