

ORDINANCE 1031

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, AMENDING THE ARCADIA UNIFIED LAND DEVELOPMENT CODE; AMENDING ARTICLE 2, SECTION 2.02.00, SPECIFICALLY AMENDING THE DEFINITION OF "LIVING AREA" AND ADDING A NEW DEFINITION FOR "HABITABLE SPACE" AND AMENDING ARTICLE 3, ADDING A NEW SECTION 3.15.00 PROVIDING FOR MINIMUM SPACE AND USE REQUIREMENTS TO PREVENT OVERCROWDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(c), Florida Statutes, empowers the City of Arcadia to adopt land development regulations to guide the growth and development of the City; and

WHEREAS, pursuant to Section 166.041(3)(c)2, Florida Statutes, the City Council of the City of Arcadia has held meetings and hearings to amend the Unified Land Development Code as presented in the attached exhibit, such exhibit being Exhibit "A" made a part hereof; and the meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City; and

WHEREAS, in exercise of its authority, the City Council of the City of Arcadia has determined it necessary to adopt these amendments, which are shown in Exhibit "A" attached hereto and made a part hereof, to encourage the most appropriate use of land consistent with public interest.

NOW, THEREFORE BE IT ENACTED by the City Council of the City of Arcadia, Florida,

Section 1. **Amendment.** Article 2 and Article 3 are hereby amended, by amending Section 2.02.00, specifically amending the definition of "living area" and adding a new definition for "habitable space" and adding a new Section 3.15.00 providing for minimum space and use requirements to prevent overcrowding, as shown in Exhibit "A".

Section 2. **Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. **Codification.** It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the City of Arcadia; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Administrator or his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section 4. **Effective Date.** The effective date of this Ordinance shall be the date of its adoption.

Section 5. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of the City of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

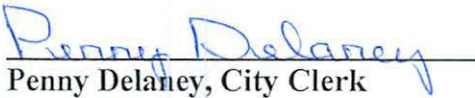
INTRODUCED AND PASSED on First Reading the 10th day of February, 2018.

PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Council of Arcadia, Florida, this 20th day of February, 2018.

CITY OF ARCADIA, FLORIDA


Judy Wertz-Strickland, Mayor

ATTEST:


Penny Delaney, City Clerk

Approved as to form:



Thomas J. Wohl, City Attorney



EXHIBIT "A"

Proposed Text Amendments to the City's Unified Land Development Code

Section 2.02.00. Definitions.

HABITABLE SPACE: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility spaces, garages, carports and similar areas are not considered habitable spaces.

LIVING AREA SPACE: ~~That enclosed~~ The area of ~~within~~ a dwelling unit ~~which is protected from the elements and heated~~ utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes, ~~also~~ including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, and unenclosed and unheated areas.

Section 3.15.00. Minimum Space and Use Requirements to Prevent Overcrowding.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- A. Every dwelling unit shall contain a minimum living space of at least one hundred fifty (150) square feet for the first occupant, one hundred (100) square feet for each of the next two (2) occupants, and seventy-five (75) square feet for each occupant thereafter.
- B. In every dwelling unit with two (2) or more habitable spaces, every room occupied for sleeping purposes by one (1) occupant shall have a minimum living space of at least eighty (80) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall have a minimum living space of fifty (50) square feet per occupant. All habitable spaces shall not be less than seven (7) feet in any horizontal dimension. Kitchens and areas not considered habitable space shall not be used for sleeping purposes.
- C. At least one-half of the living space of every habitable room shall have a ceiling height of at least seven (7) feet. Any portion of a room having a ceiling height of less than five (5) feet shall not be considered in computing the total living space of such room.
- D. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall be so arranged that access to a bathroom, shower room, or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, shower room, or water closet compartment.