



2023-905

City of  
**Gainesville**

**Land Development Code Text Change  
(Occupancy Limit and Amending Definitions)**

Petition No. LD23-000121 TCH

Department of Sustainable Development (Planning Division)

Bedez E. Massey, Planner

September 28, 2023, City Plan Board Meeting

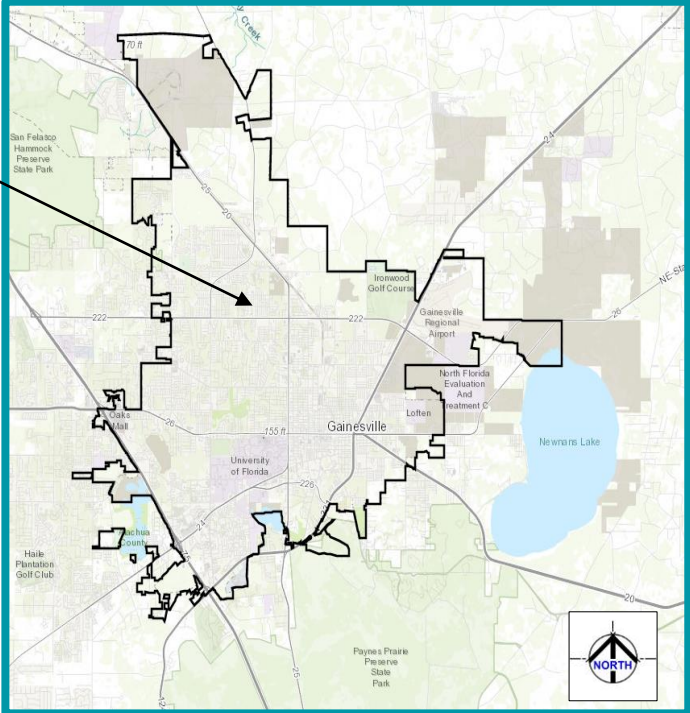


**Applicant/Area:** City of Gainesville, FL

**Application Type:** Land Development Code  
Text Change (Legislative)

**Subject:** Occupancy Limit and Amending  
Definitions

**Sponsor:** Department of Sustainable  
Development





## Suggested Land Development Code Revision:

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### Section 30-2.1. Definitions.

**Dwelling** means any building used primarily for human habitation. The term "dwelling" shall not include a hotel, motel, tourist court or other building for transients, but shall include group housing.

**Dwelling unit** means a room or rooms in a dwelling, other than a dormitory, comprising the essential elements of a single housekeeping unit. Each area with one address for billing, one electric meter, and/or one full kitchen shall be considered a separate dwelling unit.

**Family** means one or more natural persons who are living together as a single housekeeping unit and interrelated as spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced by written documentation of such relationship, plus no more than two additional unrelated natural persons occupying either the whole or part of a dwelling unit as a separate housekeeping unit. A family also includes a community residential home, as defined in this chapter, with six or fewer residents. The persons constituting a family may also include domestic servants and temporary gratuitous guests. "Temporary gratuitous guests" as used herein shall refer to natural persons occasionally visiting such housekeeping unit for a short period of time not to exceed 30 calendar days within a 90-day period.

**Multiple-family dwelling** means a building containing two or more ~~dwelling units~~ dwelling units.

**Single-family dwelling** means a single detached residential building consisting of one dwelling unit that is arranged, intended or designed for one family. A residential building with more than one kitchen, one meter for any utility (unless multiple meters are needed and billing is combined to one address); more than one address to the property; or more than two of the same major appliance (refrigerator, range, oven, kitchen sink, dishwasher, washer or dryer), even if consolidated in one kitchen or area, shall be considered a multifamily dwelling.



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### **Section 30-4.10. Occupancy limitation.**

In certain districts, an increase in the number of persons occupying a dwelling beyond one family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the citizens of this community, and is a public nuisance that causes deterioration of the surrounding property values.

- A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.
- B. *Unlawful acts.* No owner or landlord shall enter into any agreement, contract, lease, or sublease that allows the occupancy of any dwelling unit in a designated district by more than one family, as defined in this chapter. Any agreement, contract, lease, or sublease that allows such occupancy by more than one family is unlawful and is hereby declared to be contrary to public policy.
- C. *Enforcement.* In addition to any other remedy provided for herein, the city manager or designee, upon reasonable cause to believe that this section is being violated, may request the city attorney to take any appropriate action to correct the violation.
- D. *Public nuisance.* Any person who violates this section shall be deemed guilty of maintaining a nuisance, and may result in abatement or enjoinder as provided in F.S. §§ 60.05(1) and 60.06.



# Recommendation

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The City Plan Board recommend approval of Petition LD23-000121 TCH.

Thank You