

26 **WHEREAS**, the City of Gainesville is required by Section 163.3202, Florida Statutes, to adopt or
27 amend and enforce land development regulations that are consistent with and implement the
28 Comprehensive Plan, and that are combined and compiled into a single land development code
29 for the city (the City of Gainesville’s Land Development Code is Chapter 30 of the Code of
30 Ordinances); and

31 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the text of the Land
32 Development Code as described herein in response to the newly-adopted Section 83.425, *Florida*
33 *Statutes*; and

34 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
35 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
36 to Section 163.3174, Florida Statutes, held a public hearing on September 28, 2023, and voted to
37 make a recommendation to the City Commission regarding the subject of this ordinance; and

38 **WHEREAS**, at least ten days’ notice has been given once by publication in a newspaper of general
39 circulation notifying the public of this proposed ordinance and of public hearings in the City Hall
40 Auditorium located on the first floor of City Hall in the City of Gainesville; and

41 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
42 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

43 **WHEREAS**, the City Commission finds that the Land Development Code text amendment
44 described herein is consistent with the City of Gainesville Comprehensive Plan.

45 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
46 **FLORIDA:**

47 **SECTION 1.** Section 30-2.1 of the Land Development Code is amended as follows. Except as
48 amended herein, the remainder of Section 30-2.1 remains in full force and effect.

49 **Section 30-2.1. Definitions.**

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

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

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

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

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

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75 **SECTION 2.** Section 30-4.10 of the Land Development Code is deleted in its entirety as follows.

76 The numbering of Section 30-4.10 will be reserved.

77 **~~Section 30-4.10. Occupancy limitation.~~**

78 ~~In certain districts, an increase in the number of persons occupying a dwelling beyond one~~
79 ~~family, as defined in this chapter, is detrimental to the health, welfare, safety, and morals of the~~

80 citizens of this community, and is a public nuisance that causes deterioration of the surrounding
81 property values.

82 ~~A. *Applicable districts.* The following zoning districts shall be subject to this section: RSF-1; RSF-~~
83 ~~2; RSF-3; RSF-4; RC; all PDs designed for residential use at a density of no more than eight~~
84 ~~dwelling units per acre; and all other PDs as may be specified in the rezoning ordinance.~~

85 ~~B. *Unlawful acts.* No owner or landlord shall enter into any agreement, contract, lease, or~~
86 ~~sublease that allows the occupancy of any dwelling unit in a designated district by more~~
87 ~~than one family, as defined in this chapter. Any agreement, contract, lease, or sublease that~~
88 ~~allows such occupancy by more than one family is unlawful and is hereby declared to be~~
89 ~~contrary to public policy.~~

90 ~~C. *Enforcement.* In addition to any other remedy provided for herein, the city manager or~~
91 ~~designee, upon reasonable cause to believe that this section is being violated, may request~~
92 ~~the city attorney to take any appropriate action to correct the violation.~~

93 ~~D. *Public nuisance.* Any person who violates this section shall be deemed guilty of maintaining~~
94 ~~a nuisance, and may result in abatement or enjoinder as provided in F.S. §§ 60.05(1) and~~
95 ~~60.06.~~

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97 **SECTION 3.** It is the intent of the City Commission that the provisions of Sections 1 and 2 of
98 this ordinance become and be made a part of the Code of Ordinances of the City of Gainesville,
99 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
100 relettered in order to accomplish such intent.

101 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
102 the application hereof to any person or circumstance is held invalid or unconstitutional, such
103 finding will not affect the other provisions or applications of this ordinance that can be given
104 effect without the invalid or unconstitutional provision or application, and to this end the
105 provisions of this ordinance are declared severable.

106 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
107 conflict hereby repealed.

108 **SECTION 6.** This ordinance will become effective immediately upon adoption.

109 **PASSED AND ADOPTED** this ____ day of _____, 2023.

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Attest:

HARVEY L. WARD, JR.
MAYOR

Approved as to form and legality:

KRISTEN J. BRYANT
INTERIM CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2023.

This ordinance passed on second reading this ____ day of _____, 2023.