

City of Gainesville



Kristen J. Bryant
Interim City Clerk

Office of the City Clerk

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I hereby certify that a true record of this Ordinance No. 2023-905 was made by me and filed in Ordinance Book No. 98 on this 14th day of December, 2023 and that the title of this ordinance was published in the Gainesville Sun.



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ORDINANCE NO. 2023-905

An ordinance of the City of Gainesville, Florida, amending Section 30-2.1 – *Definitions* and deleting Section 30-4.10 – *Occupancy Limitation* of the Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) to remove regulations relating to residential tenancies or the landlord-tenant relationship as preempted by Section 83.425, *Florida Statutes*; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City of Gainesville, Florida (“City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and the Municipal Home Rule Powers Act; and

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the Florida Constitution, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, during the 2023 session, the Florida Legislature adopted HB 1417 (Chapter 2023-314), which created Section 83.425, *Florida Statutes*, effective July 1, 2023, preempting local governments from regulating residential tenancies, the landlord-tenant relationship, and all other matters covered under Florida’s Landlord Tenant Act; and

WHEREAS, Sections 163.3167 and 163.3177(1), Florida Statutes, requires the City of Gainesville to maintain a Comprehensive Plan to guide the future development and growth of the city by providing the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental and fiscal development of the city; and

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,

FLORIDA:

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

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 ~~dwellings~~ 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.~~

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

The numbering of Section 30-4.10 will be reserved.

~~**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.~~

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

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

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

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

109 **PASSED AND ADOPTED** this 14th day of December, 2023.

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117 Attest:

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120 KRISTEN J. BRYANT

121 INTERIM CITY CLERK


HARVEY L. WARD, JR.
MAYOR

Approved as to form and legality:


DANIEL M. NEE
CITY ATTORNEY

122 This ordinance passed on first reading this 7th day of December, 2023.

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124 This ordinance passed on second reading this 14th day of December, 2023.