



**Code Enforcement Division**  
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DATE: October 20, 2009  
TO: Community Development Committee  
FROM: Christopher Cooper, Interim Code Enforcement Manager  
RE: Mr. Silber's request to review LLP for nonconforming uses (Item #061025)

I have discussed this item with code enforcement (CE) staff and members of the City Attorneys staff. I now feel comfortable providing the following information:

The provisions of the landlord permit (LLP) ordinance were implemented years ago as a tool to control negative impacts of rentals in single family neighborhoods. At that time the legal department advised the City Commission that any defensible regulation would need to be consistently applied. In keeping with that advice the City Commission implemented a landlord permit process which included all buildings in zoning districts RSF-1, RSF-2, RSF-3, RSF-4, RC and some PDs. This act allowed the City to monitor and track properties used as rentals. Mr. Silber has several rental properties in the city. With the exception of the properties located at 410 NW 11 Street, 401 NW 10 Street and 400 NW11 Street, he has consistently complied with the provisions of the LLP requirements. Mr. Silber has contested the fairness of this action by appealing to the City Commission on more than one occasion. In addition Mr. Silber has appealed to the Board of Adjustment, the Alachua County Court, and the Code Enforcement Board for relief. To date, Mr. Silber has not been successful in finding a favorable ruling for his appeal.

The Code Enforcement Division (CED) frequently hears complaints from owners of legal non-conforming multifamily units that their units should be excluded from the LLP process. Owners contend that surrounding neighbors have knowledge of the neighborhood character prior to moving in. They contend such properties have more direct supervision than single family housing and site maintenance is most often a routine matter. Many owners consider these issues as proof that their properties do not have a negative impact on single family neighborhoods. Owners often point out that being required to obtain permits that multifamily property owners in other zoning districts are not required to obtain result in competitive market inequities.

The CED is often asked to explain what is perceived as a lack of enforcement in single family neighborhoods. Investigation of these inquiries normally result in finding the neighborhood in question is a multifamily zoned district that happens to be predominately single family houses. These rentals operate without the regulations imposed on rentals in single family zoned districts. To the casual observer, they appear to be poorly kept single family neighborhoods. Many times code enforcement officers are enforcing points against landlord permits directly across the street from these properties but are unable to cite owners of these properties for identical problems.

**Summary:**

After careful review with representatives of the City Attorney's office there appears to be good cause to approach any revisions of the LLP process with caution. The primary purpose of the landlord license permit ordinance is to protect the integrity of single family neighborhoods. To make an exception for multi-family dwellings located in single family neighborhoods would seem counterproductive to the regulatory objective of this ordinance. Additionally, the current ordinance has withstood the test of court challenges. Any changes could negatively impact this tried and proven document.