



Code Enforcement Division
306 NE 6th Avenue
Gainesville, FL 32602
Phone: 352-334-5030
Fax: 352-334-2239

DATE: April 20, 2009
TO: Community Development Committee
FROM: James L. Garrett Sr., Code Enforcement Manager
RE: Landlord permit waiver for non-conforming multiple-family housing.

Within some neighborhoods multifamily housing exists on single family zoned property. In most cases these properties were built when a multifamily category applied and were rezoned allowing them to become legal nonconforming uses.

A property owner filed petition 193LUC-06PB appealing the Plan Board for rezoning of the following properties:

- 400 NE 11 Street
- 401 NE 11 Street
- 410 NE 10 Street

The request was denied. However, the Board recommended the City Commission consider waiving the requirements of landlord license for non-conforming multiple-family in areas with single-family zoning.

As the agency responsible for enforcing the provisions of landlord permit, the Code Enforcement Division has knowledge of other properties that exist within the defined categories and the owner has similar problems. These multifamily buildings are treated as single family rentals for the purpose of the landlord permit program yet they are assessed occupational taxes because they have more than four units on the same property.

On the other side of the coin, there are single family neighborhoods with adjoining properties that are zoned multi-family, but for all practical purposes, the adjoining properties are single family rentals. Many of these units exhibit qualities that were deemed undesirable by adjacent single family zoned dwellings such as undefined parking or over occupancy. These units do not suffer the same consequences as single family zoned dwellings and are repeatedly the subject of code enforcement complaints.

From an enforcement perspective it would be more productive to apply any provisions related to the current use of the property until the non-conforming use is abandoned. Taking such an approach would allow resources to be utilized in cases where single family rentals are operating in single family neighborhoods without regulation while enhancing efforts to provide uniform enforcement to all neighborhoods.

I would recommend the CDC consider directing Planning and Code Enforcement staff to study the potential for current use enforcement and report back to the CDC with appropriate recommendations.