

1 Introduced by Council Member Becton and amended by the Land Use
2 and Zoning Committee and Co-Sponsored by Council Members
3 Diamond, Carrico, Ferraro, Boylan, and Freeman:

4
5
6 **ORDINANCE 2022-766-E**

7 AN ORDINANCE PERTAINING TO CERTIFICATES OF
8 USE; AMENDING SUBPART E (CERTIFICATES OF
9 USE), PART 1 (GENERAL PROVISIONS), CHAPTER
10 656 (ZONING CODE), *ORDINANCE CODE*, TO REVISE
11 PROVISIONS PERTAINING TO CERTIFICATES OF
12 USE; PROVIDING AN EFFECTIVE DATE.

13
14 **WHEREAS**, the City desires to reduce the burden on owners,
15 occupants, and managers of commercial property that is required
16 to comply with the City's current procedures for certificates of
17 use; now therefore

18 **BE IT ORDAINED** by the Council of the City of Jacksonville:

19 **Section 1. Amending Chapter 656 (Zoning Code),**
20 **Ordinance Code.** Chapter 656 (Zoning Code), *Ordinance Code*, is
21 hereby amended to read as follows:

22 **CHAPTER 656. ZONING CODE**

23 **PART 1. GENERAL PROVISIONS**

24 * * *

25 **SUBPART E. CERTIFICATES OF USE**

26 * * *

27 **Sec. 656.151. - Certificates of Use.**

28 (a) No structure or demised premises, as defined in Section
29 656.1601, other than a single family residence or duplex,
30 shall be used or any existing use enlarged, or any new use
31 made of any land, ~~body of water,~~ or structure, without the

1 owner, or tenant if applicable, first obtaining a certificate
2 of use from the Department. Said certificate of use shall be
3 required for each individual business and each multi-family
4 building located within the City.

5 Notwithstanding any ordinance to the contrary, and
6 notwithstanding any prior legal status of any multi-family
7 residence and business, any new multi-family residence or new
8 business, or any changes in use, ~~name, ownership,~~ expansion
9 of square footage occupied, or the inclusion of additional
10 uses after May 29, 2006, will require a certificate of use. A
11 certificate of use review, pursuant to Section 656.153 below,
12 shall not be required in connection with changes in name or
13 ownership, provided that the use is the same before and after
14 such change in name or ownership. This provision does not
15 apply when the change in name or ownership occurs with
16 alterations or changes to the use of the property. In
17 addition, this provision does not apply to businesses that are
18 regulated by state law and are required to obtain licenses in
19 the name of the license-holder. In the case of a business name
20 change or a change in ownership, the certificate of use shall
21 be filed to reflect the new name of the business or change in
22 ownership. For businesses that require a change in business
23 name or ownership and are currently exempt from the
24 certificate of use requirement, so long as there have been no
25 alterations or changes to the use of the property, the
26 business shall only be required to obtain a certificate of use
27 that will be placed on file, without the necessity for a
28 review pursuant to Section 656.153 below.

- 29 (b) The issuance of a certificate of use shall not require a
30 structure or demised premises to be retrofitted or brought
31 into compliance with the current building code unless

1 required by state law or Subpart C, Part 12, Chapter 656,
2 Ordinance Code, or there is substantial alteration within
3 the demised premises or substantial alteration, including
4 new construction of the existing structure. The City shall
5 have the right to periodically inspect a structure or
6 demised premises at any reasonable time to ensure the
7 existence of a current and valid certificate of use, and to
8 ensure compliance with applicable zoning regulations,
9 Florida Building Code, Florida Fire Prevention Code, solid
10 waste regulations, and all applicable local and state
11 regulations and other terms under which a certificate of
12 use was issued.

13 (c) A certificate of use shall cover all uses contained within
14 a structure or a demised premises permitted on the land.
15 All uses ~~within the structure or on the land~~ that are
16 consistent with those permitted in the certificate of use
17 shall not require separate certificates of use. A new
18 certificate of use will be required for all uses
19 inconsistent with the uses permitted under a certificate of
20 use.

21 (d) No certificate of use shall be utilized in a manner
22 contrary to the regulations contained within the Ordinance
23 Code.

24 (e) It shall be the duty of all officers and inspectors of the
25 Building Inspection Division, the Municipal Code Compliance
26 Division, Fire Prevention Division, Planning and
27 Development Department, Solid Waste Division, and law
28 enforcement officers, to report to the Director any
29 apparent violation of this Subpart.

30 **Sec. 656.152. Certificates of use application and fee.**

31 (a) An application for a certificate of use shall be filed with

1 the Department. The Director is authorized and directed to
 2 establish a certificate of use application, which shall
 3 contain the following information:

4 * * *

- 5 (3) The previous use of the structure or demised premises,
 6 if known;
- 7 (4) The proposed use of the structure or demised premises;
- 8 (5) Occupant Seating capacity of the structure or demised
 9 premises; and
- 10 (6) Square footage of the ~~use or~~ structure or demised
 11 premises.
- 12 (7) ~~Any Additional information deemed necessary by the~~
 13 ~~Director.~~

- 14 (b) ~~Except for those certificates of use issued solely for a~~
 15 ~~change in name and/or ownership, The fee for a certificate~~
 16 of use is as found in www.coj.net/fees. An applicant for a
 17 certificate of use shall pay the fee to the Department upon
 18 receipt of the certificate of use, ~~The fee for certificates~~
 19 ~~of use issued for a change in name and/or ownership is as~~
 20 ~~found in www.coj.net/fees,~~ and subject to the Annual Review
 21 of Fees provision found in Section 106.112, Ordinance Code.

22 **Sec. 656.153. - Certificate of use review.**

23 The Building Inspection Division shall review each
 24 certificate of use application for any new uses, changes in use,
 25 expansion of square footage or inclusion of new uses, for
 26 compliance with the Florida Building Code, and Part 12 and Part
 27 13 of Chapter 656, Ordinance Code. The Fire Prevention Division
 28 shall review each certificate of use application for any new
 29 uses, changes in use, expansion of square footage or inclusion
 30 of new uses, for compliance with Chapter 633 of the Florida
 31 Statutes and ~~Section~~ Chapter 420, Ordinance Code. The Planning

1 and Development Department shall review each certificate of use
2 application for any new uses, changes in use, expansion of
3 square footage or inclusion of new uses, for compliance with
4 Chapter 656, Ordinance Code. The Zoning Administrator shall
5 issue a certificate of use for any new uses, changes in use,
6 expansion of square footage or inclusion of new uses, upon a
7 positive recommendation from each department, however in the
8 event there is a question as to the legality of a use, the
9 Zoning Administrator may require inspections, affidavits and
10 such other information the Zoning Administrator may deem
11 appropriate or necessary to establish the legality of the use,
12 before a certificate of use will be issued. Promptly after
13 determining that additional inspections, affidavits and other
14 information is necessary, the Zoning Administrator shall provide
15 written notice to the applicant itemizing same. Such notice
16 shall include all requirements known by the Zoning Administrator
17 at the time of providing notice. If inspections of the structure
18 or demised premises are needed, such inspections or reviews
19 shall occur within ten business days and the City shall aspire
20 to complete any subsequent inspection required for additional
21 information to obtain a certificate of use approval within ten
22 additional business days, or as soon thereafter as practical.
23 Contemporaneous with the filing of an application for
24 certificate of use, the applicant shall provide a current fire
25 inspection report to the Zoning Administrator, if available. The
26 Zoning Administrator shall not issue a certificate of use for
27 any new use, change in use, expansion of square footage or
28 inclusion of new uses prior to final written approval (including
29 by electronic means) of the Building Inspection Division, Fire
30 Prevention Division, and Planning and Development Department as
31 to their relevant portion of review. ~~In addition, no conditional~~

1 ~~approval of a certificate of use shall be granted by the Zoning~~
 2 ~~Administrator. In addition, a conditional approval of a~~
 3 ~~certificate of use may be granted by the Zoning Administrator,~~
 4 ~~where state and local law allows, pending receipt of any~~
 5 ~~additional inspections, affidavits, and other necessary~~
 6 ~~information, if the Zoning Administrator has provided written~~
 7 ~~notice to the applicant itemizing same. Such conditional~~
 8 ~~approval shall be valid for a period not to exceed 90 days plus~~
 9 ~~any extension(s) granted by the Zoning Administrator, which~~
 10 ~~shall not be unreasonably withheld.~~ Failure to permit inspection
 11 of the premises shall be grounds for denial of an application
 12 for a certificate of use or revocation of an existing
 13 certificate of use.

14 **Sec. 656.154. - Annual renewal of certificate of use.**

15 Except for certificates of use required to be renewed
 16 annually by the Ordinance Code, or by any zoning exception,
 17 variance, waiver, or administrative deviation, certificates of
 18 use shall remain valid for an unlimited time unless revoked for
 19 cause. ~~The certificate of use is only valid for the specific~~
 20 ~~address, business name, corporate name, and type of business for~~
 21 ~~which it was issued. A new certificate of use shall be required~~
 22 ~~for any changes in; use, name, ownership, expansion of square~~
 23 ~~footage occupied, or the inclusion of additional uses.~~

24 **Sec. 656.155. - Exemptions.**

25 In addition~~l~~ to those uses identified in Section 656.151,
 26 the following uses do not require certificates of use:

27 * * *

28 **Sec. 656.156. - Appellate procedure for denial of a certificate**
 29 **of use.**

30 In the event the Zoning Administrator determines to deny
 31 any application for a certificate of use, the Zoning

1 Administrator shall provide the applicant written notice of said
 2 denial, along with the reasons for said denial and any written
 3 documents pertaining to the denial. Said notice of denial shall
 4 afford the applicant an opportunity to appear before the
 5 ~~Certificate of Use Board~~ Building Codes Adjustment Board and is
 6 subject to the procedures set forth in Chapter 56, Ordinance
 7 Code. ~~by written appeal filed within 30 days of the denial so as~~
 8 ~~to allow the applicant to present additional information or~~
 9 ~~otherwise explain factors the applicant deems relevant. At said~~
 10 ~~appeal the Certificate of Use Board shall notify the applicant~~
 11 ~~of the Certificate of Use Board's final decision and shall~~
 12 ~~confirm said decision in a final order prepared in writing~~
 13 ~~within 30 days of the appeal. The final order of the Certificate~~
 14 ~~of Use Board shall be a final action of the City and shall be~~
 15 ~~effective as of date of issuance and an applicant shall~~
 16 ~~thereafter have any remedies available at law.~~

17 **Sec. 656.157. - Revocation or suspension of a certificate of**
 18 **use.**

19 * * *

20 (k) The certificate holder's premises have been found to
 21 constitute a public nuisance pursuant to Sections 823.01,
 22 823.05, 823.10, or 823.13, Florida Statutes; or Chapter 672
 23 (Public Nuisance Abatement Board), Ordinance Code;

24 * * *

25 **Sec. 656.158. - Procedure for suspension or revocation; appeal**
 26 **of suspension or revocation of a certificate of use.**

27 In the event the Director determines there are sufficient
 28 grounds to suspend or revoke a certificate of use, the Director
 29 shall provide the applicant written notice of said suspension or
 30 revocation, along with the reasons for said suspension or
 31 revocation and any written documents pertaining to the

1 suspension or revocation. Said notice of denial shall afford the
 2 applicant an opportunity to appear before the ~~Certificate of Use~~
 3 ~~Board~~ Building Codes Adjustment Board and is subject to the
 4 procedures set forth in Chapter 56, Ordinance Code. ~~by written~~
 5 ~~appeal filed within 30 days of the suspension or revocation so~~
 6 ~~as to allow the applicant to present additional information or~~
 7 ~~to otherwise refute the findings of the Director. At said~~
 8 ~~appeal, the Certificate of Use Board shall notify the applicant~~
 9 ~~of the Certificate of Use Board's final decision and shall~~
 10 ~~confirm said decision in a final order prepared in writing~~
 11 ~~within 30 days of the appeal. The final order of the Certificate~~
 12 ~~of Use Board shall be a final action of the City and shall be~~
 13 ~~effective as of date of issuance and an applicant shall~~
 14 ~~thereafter have any remedies available at law.~~

15 * * *

16 **PART 16. DEFINITIONS**

17 **Sec. 656.1601. - Definitions.**

18 * * *

19 *Decibel (db)* is a unit for measuring the relative loudness
 20 of sound or sound pressure equal approximately to the smallest
 21 degree of difference of loudness or sound pressure ordinarily
 22 detectable by the human ear, the range of which includes about
 23 130 decibels on a scale beginning with one for the faintest
 24 audible sound.

25 *Demised Premises* means the property or tenant space under
 26 which a tenant holds a leasehold interest pursuant to a lease
 27 agreement.

28 * * *

29 **Section 2. Effective Date.** This ordinance shall become
 30 effective upon signature by the Mayor or upon becoming effective
 31 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Paige H. Johnston

6 GC-#1537326-v2-2022-766-E.doc