

CHAPTER 115: CERTIFICATE OF USE

Editor's Note:

Ordinances 1293, O-64-26, O-75-57, O-75-113, O-79-9, O-82-36, O-87-83, O-87-48, O-92-56, and O-95-20, formerly codified in this chapter (then titled AMUSEMENTS), were repealed by Ord. O-98-07, passed 5-6-98.

Section

115.01 Definitions

115.02 Certificate of use permit

§ 115.01 DEFINITIONS.

For the purpose of this chapter, the following definition(s) shall apply unless the context clearly indicates or requires a different meaning.

CERTIFICATE OF USE PERMIT. A document issued by the Director of the Office of Planning or his or her designee confirming that the proposed use(s) are consistent with the terms of the official Comprehensive Plan, Future Land Use Designation, Zoning and Land Development Regulations and any other applicable codes and state laws.

(Ord. O-2002-23, passed 7-3-02)

§ 115.02 CERTIFICATE OF USE PERMIT.

(A) Notwithstanding the prior issuance of a local business tax receipt, no person, firm, landlord, tenant or corporation shall commence any use of any property, other than single-family residential, until an application for a Certificate of Use Permit has been filed and such permit is issued by the Department of Planning and Development Services, as provided herein. No building permit shall be issued until a Certificate of Use Permit has been issued. However, building permits may be issued for single family residences and renovations of such premises.

(B) Application. When submitting an application for a Certificate of Use Permit, the applicant shall submit a completed application provided by the Department of Planning and Development Services.

(C) Any use of a property pursuant to a Certificate of Use Permit shall conform to that permit and any and all conditions or restrictions as approved under the Certificate of Use Permit.

(D) Any use for which a Certificate of Use Permit has been issued must commence within 180 days of the issuance of the permit. If such use does not commence within the 180 day period, then the Certificate of Use Permit will be deemed expired and null and void.

(E) A new Certificate of Use Permit must also be obtained prior to any change of use.

(F) A Certificate of Use Permit may be transferred to a new owner when the use(s) of the property remain unchanged and there has been a bona-fide sale of the property upon payment of a transfer fee to be established by resolution of the City Commission and presentation of the original Certificate of Use and evidence of sale is submitted to the Office of Planning.

(G) Enforcement.

(1) If a Certificate of Use is issued subject to any conditions or restrictions, then any deviation from the conditions or restrictions shall constitute a violation of this chapter.

(2) Further, the commencement and/or maintenance of any use of property without first having complied with the requirements set forth herein shall constitute a violation of this chapter for each day that it is so maintained.

(3) In the event that a violation occurs, the City Manager or his or her designee may revoke a Certificate of Use Permit if the permittee fails to correct the violation of this chapter or conditions or restrictions of the permit within three days of receipt of the City Manager's or his or her designee's notice of same delivered in writing to the permittee.

(4) Upon revocation of a Certificate of Use Permit, the City Manager or his or her designee shall give notice of such action to the permittee in writing stating the action which has taken place and the reason thereof. The notice shall become effective within ten days unless appealed to the City Commission.

(5) If the City Manager or his or her designee determines that a Certificate of Use has been issued in error, the City Manager or his or her designee shall revoke the permit and shall give notice to the permittee in writing stating that such action has taken place and the reason thereof. The notice shall become effective within ten days, unless appealed to the City Commission.

(H) Appeal. Appeals shall be initiated within ten days of the revocation of a Certificate of Use Permit by filing a notice of appeal with the City Manager or his or her designee. The City Manager shall place the appeal on the next available City Commission agenda. At the hearing upon appeal, the City Commission shall hear and determine the appeal. The decision of the City Commission shall be final and effective immediately.

(I) Exemption. Any business lawfully operating prior to the October 1, 2002, shall be exempt from the provisions of this

chapter.

(J) Fees. All fees relating to the issuance of a Certificate of Use Permit shall be established by resolution of the City Commission.

(Ord. O-2002-23, passed 7-3-02; Am. Ord. O-2007-07, passed 4-18-07; Am. Ord. O-2011-15, passed 5-4-11)