

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2018-310 AS SUBSTITUTED

AN ORDINANCE AMENDING SECTION 656.152 (CERTIFICATE OF USE APPLICATION AND FEE), SUBPART E. CERTIFICATES OF USE, PART I (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE), TO REQUIRE THAT A TENANT AFFIRMATION AND ACKNOWLEDGEMENT AND A LANDLORD AFFIRMATION AND ACKNOWLEDGEMENT BE INCLUDED WITHIN A CERTIFICATE OF USE APPLICATION FOR LEASED PROPERTIES; PROVIDING FOR APPROVAL OF AFFIRMATION AND ACKNOWLEDGMENT FORMS; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Section 656.152 (Certificate of Use Application and Fee) to require that a tenant affirmation and acknowledgement and a property owner affirmation and acknowledgement be included within a Certificate of Use application for leased properties. It also provides a copy of the forms to be used.

II. EVALUATION

A. The need and justification for the change

The City desires to better inform business owners and property owners of any required improvements, updates or changes to a commercial property when it is converted from one use to another in advance of persons having to expend additional costs to comply with state and local Building and Fire Code requirements, and the City believes that advance notification best protects those investors and the public.

B. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this issue.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2018-310 be approved.**

1 Council Member Morgan offers the following Substitute to File No.
2 2018-310:

3
4 Introduced by Council Member Morgan:
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7 **ORDINANCE 2018-310**

8 AN ORDINANCE AMENDING SECTION 656.152
9 (CERTIFICATE OF USE APPLICATION AND FEE),
10 SUBPART E. CERTIFICATES OF USE, PART 1
11 (GENERAL PROVISIONS), CHAPTER 656 (ZONING
12 CODE), TO REQUIRE THAT A TENANT AFFIRMATION
13 AND ACKNOWLEDGEMENT AND A LANDLORD AFFIRMATION
14 AND ACKNOWLEDGEMENT BE INCLUDED WITHIN A
15 CERTIFICATE OF USE APPLICATION FOR LEASED
16 PROPERTIES; PROVIDING FOR APPROVAL OF
17 AFFIRMATION AND ACKNOWLEDGMENT FORMS;
18 PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, the City desires to better inform business owners and
21 property owners of any required improvements, updates or changes to
22 a commercial property when it is converted from one use to another
23 in advance of persons having to expend additional costs to comply
24 with state and local Building and Fire Code requirements, and the
25 City believes that advance notification best protects those
26 investors and the public; now therefore

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

28 **Section 1.** Amending Section 656.152 (Certificates of use
29 application and fee), Subpart E (Certificates of Use), Chapter 656
30 (Zoning Code), *Ordinance Code*. Section 656.152 (Certificates of
31 use application and fee), Chapter 656 (Zoning Code), Part 1

1 (General Provisions), Subpart E (Certificate of Use), Ordinance
2 Code, is hereby amended to read as follows:

3 CHAPTER 656. ZONING CODE

4 PART 1. GENERAL PROVISIONS

5 * * *

6 SUBPART E. CERTIFICATES OF USE

7 * * *

8 Sec. 656.152. Certificates of use application and fee.

9 (a) An application for a certificate of use shall be filed
10 with the Department. The Director is authorized and directed to
11 establish a certificate of use application, which shall contain the
12 following information:

13 (1) Applicant's name, address, phone number and email
14 address;

15 (2) Applicant's business name, address, phone number and
16 email address;

17 (3) The previous use of the structure;

18 (4) The proposed use of the structure;

19 (5) Seating capacity of the structure; ~~and~~

20 (6) Square footage of the use or structure;

21 ~~(7) Any Additional information deemed necessary by the~~
22 ~~Director. A Tenant Affirmation and Acknowledgment and a Landlord~~
23 ~~Affirmation and Acknowledgement (applicable for leased property);~~
24 ~~and~~

25 (8) Any Additional information deemed necessary by the
26 Director.

27 (b) Except for those certificates of use issued solely for a
28 change in name and/or ownership, the fee for a certificate of use
29 is as found in www.coj.net/fees. An applicant for a certificate of
30 use shall pay the fee to the Department upon ~~receipt of the~~
31 ~~certificate of use~~ submission of the application. The fee for

1 certificates of use issued for a change in name and/or ownership is
2 as found in www.coj.net/fees, and subject to the Annual Review of
3 Fees provision found in Section 106.112, Ordinance Code.

4 * * *

5 **Section 2. Approval of Affirmation and Acknowledgment**
6 **Forms.** The Council hereby approves the Tenant Affirmation and
7 Acknowledgement and the Landlord Affirmation and Acknowledgement
8 forms referenced in Section 1 above in substantially the same form
9 as attached hereto as **Exhibit 1** and incorporated herein by
10 reference.

11 **Section 3. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 _____
18 Office of General Counsel

19 Legislation Prepared by: Paige H. Johnston

20 GC-#1205674-v6-2018-310_Morgan_Sub.doc

IMPORTANT INFORMATION FOR NEW BUSINESSES- TENANT AFFIRMATION AND ACKNOWLEDGEMENT

A copy of this completed form and attachments must be included with a COU application

Every business owner in the City of Jacksonville must obtain a Certificate of Use (COU). In addition, if a business is expanded or the use changes on the premises, a new COU is required. Failure to apply for and obtain a Certificate of Use (COU) may result in your business being cited by the City of Jacksonville Municipal Code Compliance Division, the Jacksonville Fire and Rescue Department or the Building Inspection Division. Additionally, no work is to occur in any premises without obtaining all required building permits or fire permits from the City of Jacksonville.

Lessee: You are leasing a tenant space from a landlord for the purpose of operating a business. You are responsible to ensure that your intended business is legal to operate in the applicable zoning district and that your leased space is properly constructed according to the Building and Fire Codes for your use. You are not permitted to perform work in a leased space unless you are a licensed contractor.

Your landlord must provide documentation on the form below as to the use of the premises for the last five (5) years of the subject property. Please note that there are Zoning Uses, and there are Building and Fire Code Uses. The Building and Fire Codes classify a building or portion of a building with respect to Occupancy (Use). These Uses can be very different in definition from a Zoning Use. Just because a Use may be allowed by Zoning does not mean that it is allowed, **or the structure or space has been approved**, per the Building and Fire Codes.

In order to determine whether a business is permitted in certain locations or whether additional alterations to the premises are necessary to allow for a certain use, you should contact a Florida licensed architect. For specific questions as to your particular use or tenant space, the following contacts may also be useful:

Zoning- (904) 255-7800
Occupancy Type- (904) 630-1100/630-0434
Building Permits Required for any renovation- (904) 630-1100
Life Safety Review for Fire Rescue- (904)-630-0434
Electrical Service-(904) 665-6000
A/C Heat or Ventilation- (904) 630-1100
Water/Sewer/Grease Traps – (904) 665-6000

Please be advised that your lease is between you and the landlord only. The City of Jacksonville bears no responsibility in relation to a leased premises complying with the applicable code standards for which a lessee intends to use the premises. Therefore, it is you, the Business Owner, who is responsible to assure that your occupancy of the space meets all standards of the City of Jacksonville.

Failure to comply with COU requirements could result in fines up to \$250.00 per day.

I hereby acknowledge that I have read and understand the preceding information.

Business Name

Business Address/ Tenant Suite #

Business Owner's Full Name (Print)

Business Owner Signature

Date of Signature

STATE OF FLORIDA COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this _____ day of _____
201__, by _____, who is personally known to me or who
has produced _____ as identification and who took an oath.

(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large. My commission expires: _____

LANDLORD AFFIRMATION AND ACKNOWLEDGEMENT

A copy of this completed form and attachments must be included with a COU application if property is leased or rented by permittee

I, _____ (name), the _____ (title) of _____ (owner of property), the owner of the subject property located at _____ (the "Property") hereby provide information regarding the prior uses of the Property for the past five (5) years:

Tenant Name	Contact	Type of Business	Time Period
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I also hereby affirm and acknowledge that the lessee, _____, has been provided with this information as of _____ (date).

STATE OF FLORIDA COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this _____ day of _____ 201____, by _____, who is personally known to me or who has produced _____ as identification and who took an oath.

(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large. My commission expires: _____