

- c. Community improvement department.
- d. Police department.
- e. Fire/rescue department.
- f. Parks and recreation department.
- g. Traffic engineering department.
- h. Gainesville Regional Utilities department.
- i. Representatives of other city, county, state, regional or federal departments and/or agencies as deemed appropriate.
- j. The executive director of the downtown redevelopment agency as appropriate.

(3) *Functions, powers and duties.*

- a. *Meetings.* The committee shall meet at least monthly to review development proposals as prescribed in this article. The development review coordinator may call additional meetings and may refer matters to the committee for review and comment.
- b. *Recommendations.* The committee shall make recommendations to the development review board, the city plan board or the department of community development, depending upon which is the decision-making entity.

(Ord. No. 3777, § 1, 6-10-92)

### DIVISION 3. ZONING COMPLIANCE PERMITS; BUILDING PERMITS; CERTIFICATES OF OCCUPANCY

#### Sec. 30-357. Zoning compliance permits.

(a) *Required.* Except as otherwise specifically provided in this chapter, it shall be unlawful to begin a new development, or an addition to an existing development, until the city manager or his/her designee has issued for such action a zoning compliance permit, certifying that such development complies with the applicable provisions of this chapter.

It shall also be unlawful to make a change of use, as the term is defined in section 30-23 of this chapter, of any land or structure, or to extend any use or any lot on which exists a nonconforming use, until the city manager or his/her designee has issued a zoning compliance permit certifying

that such intended uses comply with the applicable provisions of this chapter.

It shall also be unlawful to establish any business, profession or occupation, or to change the location of a business, profession or occupation which is subject to occupational license tax as provided for in sections 25-41 through 25-43 of the Code of Ordinances, until the city manager or his/her designee has issued a zoning compliance permit certifying that such intended business, profession or occupation complies with the applicable provisions of this chapter.

(b) *Procedures.*

- (1) *Application submittal requirements.* Applications for a zoning compliance permit shall be submitted to the city manager or designee on a form supplied by the city. Applications shall be accompanied by the appropriate fee so also prescribed.

In the case of an application involving development plan review, the applicant shall also submit additional information as required by Article VII of this chapter. The city manager or designee shall also prescribe any other material that may reasonably be required to determine compliance with this chapter, with sufficient copies for necessary referrals and records. No application shall be accepted by the city manager or designee unless it complies with such submittal requirements. Applications which are not complete shall be returned to the applicant with a notation of the deficiencies in the application.

Where a building permit, tree removal permit, sign permit or other permit is required, applications for such permits may be made coincidentally with the application for a zoning compliance permit.

- (2) *Action on application.* Upon receipt of a completed application, the city manager or designee shall cause an analysis to be made as expeditiously as possible by qualified representatives of the city and such other agencies or officials as appear appropriate in the circumstances of the case, to determine compliance with the applicable provisions of this

chapter. In the case of developments which do not meet the thresholds for minor development plan review, the city manager or designee shall take final action on the application. Final action shall be based on findings as to compliance with all applicable provisions of this chapter and shall be one of the following;

- a. Approval;
- b. Approval subject to conditions; or
- c. Denial.

The city manager or designee may impose such reasonable conditions on an approval as will ensure compliance with applicable provisions of this chapter.

In the case of developments requiring development plan review, the development review board, city plan board, technical review committee or city commission, as applicable, shall give preliminary or final approval as prescribed in Article VII of this chapter.

- (3) *Actions subsequent to decision.* In the case of approval or approval with conditions, the city manager or designee shall issue the zoning compliance permit. In the case of denial of an application, the applicant shall be notified as soon as possible, in writing, of the reasons for such denial.

Where a building permit or sign permit is required, such permits shall not be issued prior to issuance of the zoning compliance permit. Such permits shall comply with the approved zoning compliance permits, including all conditions attached thereto.

A certificate of occupancy shall not be issued by the city manager or designee until, after final inspection, full compliance with the provisions of this chapter and all other state and local laws, including conditions of the zoning compliance permit and all other permits, has been determined.

- (c) *Expiration and revocation.*

- (1) *Expiration.* If the use, construction or activity authorized by approval of an application for a zoning compliance permit is not

commenced within six (6) months of the date of issuance of the zoning compliance permit, or within such further time stipulated in such permit, the zoning compliance permit shall automatically expire. Any other approval, grant, certificate, building permit or special permit issued or granted by the city plan board, board of adjustment, city commission, city manager, building official or other official pursuant to or in conjunction with the zoning compliance permit shall become null and void unless any required work thereon is substantially underway or lawful use has begun within six (6) months after the effective date of the issuance of such approval, certificate, grant, building permit or special permit, unless otherwise provided in this chapter. The city manager or designee shall determine whether the use, construction or activity is substantially underway or has begun upon review of substantial competent evidence.

- (2) *Revocation.* If any conditions of a zoning compliance permit or other requirements of this chapter applicable to the permit are violated, the city manager or designee may revoke the zoning compliance permit after reasonable notice has been given to the permit holder.

The city manager or designee may reinstate a revoked zoning compliance permit if he/she determines that:

- a. The holder of a revoked zoning compliance permit submitted a request for reinstatement within ninety (90) days of the revocation;
- b. The violations that were the cause of the revocation have been corrected; and
- c. The development fully complies with all conditions of the zoning compliance permit and all applicable requirements of this chapter.

- (d) *Determination of zoning compliance for new industries.* Any use or combination of uses which cannot be classified by using a strict interpretation of the Standard Industrial Classification (SIC) Code may be so classified by the city manager or designee by using the SIC code to determine the

most similar SIC classification or combination of classifications. The city manager or designee may issue a zoning compliance permit when all of the following criteria are met:

- (1) The new use is suitable to the distinctions that have been made between the nature of the various land use categories, i.e., office, neighborhood serving, community serving, highway-oriented commercial, or industrial in character.
- (2) The nature of the new use would not create a more intense usage of a property than that would be caused by the majority of uses permitted in the district.
- (3) A reasonable estimate of trip generation, using the Institute of Transportation Engineers, Trip Generation, An Information Report, would be normal when compared to the number of trips generated by the majority of uses within the district.
- (4) The nature and amount of truck traffic would be normal when compared to the nature and amount of truck traffic generated by other uses in the district.
- (5) Special or atypical demands of the new use on public utilities and/or stormwater management facilities would not lower the level of service of such facilities.
- (6) Noise, glare, vibration, smoke or odor expected to result from the proposed use would be similar to that resulting from the majority of uses permitted in the district.

(Ord. No. 3777, § 1, 6-10-92)

#### **Sec. 30-358. Building permits.**

After October 26, 1981, no building shall be constructed, reconstructed, altered or extended until a building permit has been issued indicating that the proposed use is in compliance with the provisions and regulations of this chapter; and there shall be no excavation, cut or fill of earth or debris, no curb shall be cut or access opened onto a public street, no land shall be used for purposes other than agricultural, no street graphics shall be erected, and no building shall be moved until any required permit therefor has been obtained in

accordance with the provisions of this Code of Ordinances.

(Ord. No. 3777, § 1, 6-10-92)

#### **Sec. 30-359. Certificate of occupancy.**

No land, water, building or any part thereof shall be used and no existing use of land, water or building shall be changed unless there is outstanding for such land, water, building or part thereof a valid, unrevoked certificate of occupancy. (Ord. No. 3777, § 1, 6-10-92)

### **DIVISION 4. ENFORCEMENT**

#### **Sec. 30-360. Generally.**

(a) *Enforcing officials.* The city manager shall designate such person or persons as may be necessary to administer and enforce the provisions of this chapter.

(b) *Authority to enter on private property.* Those persons designated to administer and enforce the provisions of this chapter may, in the performance of such functions and duties, enter upon any land and make such inspections, examinations and surveys as are required for the proper administration and enforcement hereof and may obtain any necessary search warrants therefor.

(c) *Violations deemed public nuisance.* The provisions of this chapter are deemed to be necessary for the protection of the public health, safety and welfare and for the protection of the peaceful use and enjoyment of any lands by the owners thereof, and any violation of the terms of this chapter is declared by the city commission to constitute a public nuisance.

(d) *Means of enforcement.* The enforcing officials may enforce the terms of this chapter by any or all of the following methods:

- (1) By initiating criminal prosecution of any violation through the office of the state attorney;
- (2) By seeking the assistance of the city attorney in initiating an action to enjoin a public nuisance or obtain other civil relief;
- (3) By revoking a certificate of occupancy as provided by ordinance; or