

ORDINANCE NO. C-26-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, AMENDING CHAPTER 15 – BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA TO ESTABLISH A CERTIFICATE OF USE PILOT PROGRAM, PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Sec. 15-40. – Conducting business in violation of zoning regulations, building code; general uses. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

**Sec. 15-40. - Conducting business in violation of zoning regulations, building code; general use.**

As a prerequisite to paying the business tax, each business entity shall definitely state and set out the exact location at which such business shall be operated. Before initially issuing a business tax receipt it shall be the duty of the business tax division to ascertain through the development services department that the use proposed is permitted at the location proposed and that a valid Certificate of Use has been issued for the specific location and for the type of business activity proposed in the business tax receipt application. Failure to maintain such compliance will be cause for withdrawal of the business tax receipt. Where a business tax receipt is issued for general use, and the business entity maintains no place of business, the business entity shall complete an affidavit stating that the business complies with all city ordinances and maintains no place of business. Business entities that maintain no place of business are exempt from the requirement to obtain a Certificate of Use prior to the issuance of a business tax receipt. Notwithstanding the issuance of a business tax receipt, no business shall operate in a premises where building code or ordinance violations exist.

SECTION 2. Article XI. Certificate of Use of Chapter 5 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby created to provide as follows:

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**Secs. 15-285-15-298. – Reserved.**

CHAPTER 15 – BUSINESS TAX RECEIPTS AND MISCELLANEOUS BUSINESS REGULATIONS

**ARTICLE XI. - CERTIFICATE OF USE PILOT PROGRAM**

**Sec. 15-299. - Intent and Purpose.**

The purpose of this ordinance is to protect the health, safety, and welfare of the residents and visitors of the City of Fort Lauderdale by requiring a Certificate of Use as a prerequisite for a business applying to receive a Local Business Tax Receipt to operate from a particular location within the city ensuring that business operations at that location are conducted in a manner consistent with applicable zoning and land development regulations, thereby minimizing potential conflicts and promoting a safe and harmonious environment.

**Sec. 15-300. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Certificate of Use* means a document issued by the Zoning Administrator, or designee, authorizing the use of a specific space or unit within a property for a designated business purpose or business activity. It verifies that the structure, building, unit, space, or all of the listed complies with the applicable land development regulations and that the proposed use complies with applicable zoning regulations prior to its occupancy.

*Definitions not listed may be found in Sec. 15-26 and Chapter 47 (Unified Land Development Regulations) of the Code of Ordinances. Those not listed in Sec. 15-26 or Chapter 47 may be construed using the ordinary dictionary definition.*

**Sec. 15-301. - Certificate of Use Required.**

- (a) No property or portion thereof in the City of Fort Lauderdale shall be used by any person, tenant, or business entity for the operation of or engagement in any business, trade, occupation, or profession prior to the issuance of a certificate of use, upon application of such person, tenant, or business entity, for the specific use at the specified property or portion thereof.

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- (b) An application for the issuance of a Certificate of Use shall be submitted to the Development Services Department by persons authorized to apply.
- (c) No Certificate of Use shall be issued until required parking for the new location has been confirmed and the business is found to comply with the provisions herein.
- (d) If any person operates any business at more than one location, each location shall be considered a separate business; and a separate Certificate of Use, therefore, is required.
- (e) Exemption from the requirement to obtain a business tax receipt does not exempt any person, tenant, or business entity from obtaining a Certificate of Use as required in this section.

**Sec. 15-302. - Term of Certificate of Use.**

- (a) A certificate of use shall be valid until the occurrence of one of the following:

  - (1) A change in business ownership; or
  - (2) A change in the physical location of the business; or
  - (3) A change in the use of the premise or a substantial change in the nature of the business activity from the use specifically identified on the Certificate of Use; or
  - (4) The business is found to be in violation of the Unified Land Development Regulation in a manner determined by the Development Services Department to be not in compliance with the terms of the Certificate of Use issued for the business operation.

**Sec. 15-303. - Fees for Registration.**

A non-refundable application fee, as established by resolution of the City Commission, shall be paid at the time of submission of an application for the issuance of a Certificate of Use. The application fee is intended to cover the administrative costs associated with the review and processing of the Certificate of Use application, including but not limited to zoning compliance review and any necessary inspections.

**Sec. 15-304. - Application for Certificate of Use.**

- (a) An application for the issuance of a Certificate of Use shall include the following information:

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- (1) The name and address of the business owner(s);
- (2) The physical address of the business location for which the Certificate of Use is being sought;
- (3) The legal description of the property;
- (4) The name and address of the property owner(s);
- (5) Proof of ownership or legal possession of the property;
- (6) A detailed description of the nature of the business activity to be conducted at the location for which the Certificate of Use is being sought;
- (7) A detailed drawing and site layout of the proposed business location, or other relevant documentation as required.

**Sec. 15-305. - Exemptions.**

- (a) Notwithstanding the requirements of Sec. 15-301., a business that meets all of the following criteria is exempt from the requirement to apply for and obtain a Certificate of Use under this section:
  - (1) Any business issued and maintaining a valid Local Business Tax Receipt from the City of Fort Lauderdale, prior to July 2, 2026, the effective date of Ordinance No. C-26-32,
- (b) A business exempt from obtaining a Certificate of Use pursuant to subsection (a) above, shall be required to obtain a Certificate of Use if:
  - (1) The business changes its physical location;
  - (2) The business entity changes the use of the premise or makes a substantial change in the nature of the business activity from the use specifically identified on its Business Tax Receipt;
  - (3) The business is found to be in violation of the Unified Land Development Regulation as a prohibited use.

**Sec. 15-306. - Certificate of Use Review and Issuance Process.**

- (a) The Zoning Administrator or his or her designee may issue a Certificate of Use to the applicant upon receipt of a complete application and the applicable fee, the Zoning Administrator or his or her designee shall review the application to determine if the proposed business use is permitted within the zoning district for the subject property and complies with all other applicable land development regulations.

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- (b) The City may conduct inspections of the premises to verify compliance with applicable regulations.
- (c) If the proposed business use is determined to be in compliance, a Certificate of Use may be issued. The Certificate of Use may include conditions or limitations necessary to ensure ongoing compliance.
- (d) Ground for denial: The Zoning Administrator or his or her designee shall have the authority to deny an application for a Certificate of Use on the following grounds:
- (1) Failure to comply with the City's Code of Ordinance.
  - (2) The applicant failed to disclose or has misrepresented any material fact or any information required by this article in the application.
  - (3) The applicant desiring to engage in the business, profession, or occupation, as described in the application, has selected a proposed site or type of business activity that does not comply with the City's Land Development Code.
- (e) Lost or Stolen Certificate of Use: A duplicate Certificate of Use may be issued by the Zoning Administrator or designee, as appropriate, to replace any valid and duly issued certificate that has been lost, stolen, defaced, or destroyed without any willful conduct on behalf of the certificate holder. A duplication fee shall be charged for each duplicate certificate.

**Sec. 15-307. - Certificate not transferable.**

A Certificate of Use is non-transferable. A business is required to obtain a new Certificate of Use whenever there is a change in business ownership, a change in the physical location of the business, or a substantial change in the nature of the business activity that may affect zoning compliance. An application for a new Certificate of Use and payment of the applicable fee shall be required in such instances prior to the issuance or continuation of a Local Business Tax Receipt reflecting the change.

**Sec. 15-308. - Enforcement.**

The provisions of this Article shall be enforced as provided in Chapter 11 – Code Enforcement, of the Code of Ordinance of the City of Fort Lauderdale, Florida. The city may also avail itself of additional enforcement actions, including, but not limited to, business closure and revocation of Certificate of Use.

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**Sec. 15-309 – Revocation.**

- (a) The following shall be nonexclusive grounds for suspension or revocation of a Certificate of Use permit:
- (1) The certificate holder has failed to disclose or has misrepresented a material fact or information required by this article in the application;
  - (2) The certificate holder does not engage in the use described in the application or has changed the use without authorization through approval of a new certificate for the changed use, as required herein;
  - (3) The certificate of occupancy for the location has been denied, suspended or revoked for any reason;
  - (4) In the event of a conviction of any owner, operator, manager, supervisor, or any employee acting at the direction or with the knowledge of the owner, operator, manager, or supervisor, by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the business operation;
  - (5) The certificate holder has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof;
  - (6) The holder of the Certificate of Use, or the holder's designated manager, operator, or supervisor, refuses to permit an authorized City building inspector, fire inspector or code officer to inspect the premises during normal business hours for the purpose of investigating a complaint which has been filed against the business operation.

**Sec. 15-310. - Repeal.**

This article shall be repealed on June 30, 2027, unless reviewed and saved from repeal through reenactment by the City Commission.

SECTION 3. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, clause numbers and letters, and capitalization, as set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance.

SECTION 4. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

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SECTION 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. That this Ordinance shall be effective immediately upon final passage.

PASSED FIRST READING this 16<sup>th</sup> day of June, 2026.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
DAVID R. SOLOMAN