



APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB-13-49 TCH</u>	Fee: \$ <u>N/A Gov't</u>
1 st Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 []	
Account No. 001-660-6680-1124 (Enterprise Zone) []	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) []	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name:	<u>City Plan Board / Ralph Hilliard</u>
Applicant/Agent Address:	<u>P.O. Box 490</u>
City:	<u>Gainesville</u>
State:	<u>FL</u> Zip: <u>32627</u>
Applicant/Agent Phone:	<u>334-5022</u> Applicant/Agent Fax: _____

Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT

Check applicable request below:

Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text []	Other []
Section/Appendix No.: <u>30-67</u>	Element & Goal, Objective or Policy No.:	Specify:

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):

<u>Amend section 30-67 of the Land Development Code to delete the Special Event Permit process as it relates to Alcoholic Beverage Sales outdoors.</u>
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Certified Cashiers Receipt:

Sec. 30-67. - General provisions for business and mixed use districts.

(g) *Outdoor storage and sales.* All principal uses in any business or mixed use district shall be contained within completely enclosed buildings, except as otherwise specifically provided as a permitted use. When not so specifically provided, outdoor storage or display of goods and commodities not contained within completely enclosed buildings is prohibited, except the following uses under the conditions prescribed herein. ~~Permits issued pursuant to this section for the sale of alcoholic beverages are conditional in that if an establishment becomes subject to a final underage prohibition order relating to underage drinking incidents, the permit shall be voided for any event occurring 14 or more days after the effective date of the prohibition order.~~

(1) *Outdoor promotional sales, special event sales and the sale of seasonal or temporary goods and commodities other than farmers markets.* The city manager may issue a permit for the sale of certain goods and commodities which are strictly of a temporary nature, other than for farmers markets, provided the following conditions and requirements are met:

- a. Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned CCD such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.
- b. The sales period for seasonal or temporary goods, such as Christmas trees, shall not exceed 30 days; promotional sales such as characterized by the so-called "midnight madness," "truck sale," "tent sale" or "sidewalk sale" shall not exceed 72 hours; and special event sales such as may be permitted in conjunction with a parade, festival or other such event shall not exceed the specified period approved for such event. No more than one permit per applicant per location shall be issued in any given six-month period for seasonal type sales, and no more than one special use permit per applicant per location shall be issued in any given 60-day period of time for promotional type sales.
- c. Application for a permit under the provisions herein shall be examined and approved by the appropriate departments of the city to ensure protection of the public health, safety and general welfare. In addition to normal concerns of each such department, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.
- d. When, in the opinion of the city manager, it is deemed necessary, the applicant may be required to post a bond or otherwise provide adequate

assurance that the site of the selling activity will be returned to its original or an improved state when the selling activity has ceased.

- (2) *Outside accessory display and storage.*
- a. The development review board or city plan board at development plan review may authorize accessory display and storage outside of enclosed buildings if specifically requested and designated on a development plan. The proposal must be in accordance with the overall design and conditions of the development plan. If such use is located within 20 feet of a public right-of-way, it shall be enclosed by a screening wall, fence or hedge that is not less in height than two-thirds the height of any equipment or fixtures used or any material stored or offered for sale, and such wall, fence or hedge shall be at least 50 percent opaque. The outdoor storage and display must be clearly incidental or accessory to the principal use of the property and shall be limited to not more than 25 percent of the total stock of the principal use.
 - b. An independent request (not in connection with an existing request for development plan review) to allow outside accessory display and storage may be permitted by the development review board through the same terms as stated in subsection (g)(2)a. of this section.
- (3) ~~*Temporary outdoor alcoholic beverage sales for University of Florida Home Football Game Day events, in the University Context Area.*~~ The city manager or designee may issue a permit for outdoor alcoholic beverage sales in the University Context Area provided the following conditions and requirements are met:
- a. ~~The business conducting the sale must be an existing business in a permanently fixed location operating with an alcoholic beverage license issued by the State of Florida.~~
 - b. ~~The temporary sale event must be conducted on the site where the business is located. The site of the temporary sale event must be owned or leased by the business as part of the normal daily operations of the business. Businesses located in a development consisting of several stores sharing the area to be used by the temporary sale event must have the permission of the owner of the development and the consent of the tenants that share the space.~~
 - c. ~~The area used for the temporary sales event can not be more than 1.5 times the square footage of the on-site business conducting the sale. Permits for the use of the area will be issued for the period of the day before the football game and the day of the football game.~~
 - d. ~~All permit applications must include a site plan sketch showing the location, access, barriers delineating the event site from other public areas~~

~~and all other details of the site. All permit applications must be submitted to the city manager or designee, along with the fee as set out in Appendix A of this Code at least ten days prior to the event.~~

- ~~e. All permit applications must include a report detailing how many people are expected to attend, the capacity of any proposed temporary structures, whether there will be outdoor entertainment, a plan for the storage and pickup of garbage during and after the sale event, and a public safety plan detailing how the permittee will maintain crowd control and public safety, and comply with the city's noise ordinance.~~
- ~~f. Permit applications shall be examined by the appropriate departments of the city to ensure protection of the public health, safety and general welfare. In addition to normal concerns of each such department, particular attention will be given to traffic flow and control, auto and pedestrian safety, and the effect that the use and activity will have on surrounding uses, particularly where the adjoining use is residential. The permit may be approved with conditions or denied by the city manager or designee based on these factors.~~

- ~~(4) *Prohibition.* Any business establishment or successor establishment subject to a final underage prohibition order, whether by default, consent, or adjudication by the parties, a hearing officer, or court, shall not be issued a permit pursuant to this section for sale of alcoholic beverages for the duration of the underage prohibition order. Any establishment that becomes subject to a final prohibition order subsequent to obtaining a permit pursuant to this section for the sale of alcoholic beverages, but prior to the scheduled permitted event or events, shall have the permit voided for any event occurring 14 or more days after the effective date of the prohibition order.~~