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**TO:** City Plan Board **Item Number:** 1  
**FROM:** Planning and Development Services Staff **DATE:** May 23, 2013  
**SUBJECT:** Petition PB-13-49 TCH. City Plan Board. Amend the Land Development Code Section 30-67 General provisions for business and mixed use districts to delete the Special Event Permit process as it relates to Alcoholic Beverage sales outdoors.

**Recommendation:**

Staff recommends approval of the petition.

**Discussion/Background:**

The City Attorney's Office asked Planning Staff to delete the code provisions related to special event permits and outdoor alcoholic beverage sales from the land development code. This request was made so that the City could provide a more comprehensive approach to alcohol sales and address the issues in one part of the City Code of Ordinances. Given that the City has an entire chapter in the Code of Ordinances devoted to Alcoholic Beverages (Chapter 4), it was felt that all related issues in other parts of the code should be moved to Chapter 4. The text below shows the language that will be stricken from Chapter 30 (Land Development Code), revised and placed in Chapter 4. The land development code will continue to regulate the permanent location of alcoholic beverage establishment through zoning.

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

- (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.~~

Respectfully submitted



Ralph Hilliard,  
Planning Manager