



MEMORANDUM

Office of the City Attorney

Registrar No. 000903

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission
FROM: City Attorney

DATE: May 14, 2001
~~April 23, 2001~~
~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-01-22; Petition No. 14TCH-01 PB
An ordinance of the City of Gainesville, Florida, relating to temporary outdoor alcoholic beverage sales for University of Florida home football game day events; amending section 30-67 to provide regulations for such sales; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission (1) approve Petition 14TCH-01 PB and (2) adopt the proposed ordinance.

STAFF REPORT

During the fall of 1999, the City Commission heard testimony from the Gainesville Police Department that temporary outdoor alcohol sales were creating problems along University Avenue adjacent to the University of Florida Campus. Crowd control, open container violations and traffic problems associated with people spilling over into the street while trying to buy alcohol are examples of the stated problems. The City Commission concluded that the outdoor alcohol sales under the City's special events sales permit process was creating a public safety problem.

On June 12, 2000, the City Commission withdrew a proposed ordinance that would have prohibited temporary alcoholic beverage sales permits in the University Context area. The City Commission, after hearing from citizen and business owners in the area, referred this issue to the Public Safety Committee for review. After several meetings, the Public Safety Committee recommended that the Land Development Code be changed to allow alcohol sales with conditions and to charge a fee of \$300 per permit. It was determined that the \$300 fee is the amount needed to cover costs related to the permit.

Staff recommends that Sec. 30-67., General provision for business and mixed-use districts, be amended, to included additional requirements for getting a permit. The new requirements include a limitation on the size of the outdoor activity, add more site plan requirements, address crowd control and garbage pickup.

Public notice was published in the Gainesville Sun on January 30, 2001. The Plan Board held a public hearing February 15, 2001. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 14TCH-01 PB. Plan Board vote 6-0.

Fiscal note. None

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on May 14, 2001.

Prepared by: Patricia M. Carter
Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by: Marion J. Radson
Marion J. Radson,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.