

Alcoholic Beverage Permitting Options and Background Information

June 21, 2007

- **Process for review and approval of alcoholic beverage special use permits**

- **“OPTION 1” (p.2):**

- All applications for approval of alcoholic beverage special use permits will be heard by City Council (processed as an “S-2” special use permit). All classifications, except public golf courses, will require a **1000 foot distance** separation from residential uses, community uses, and other alcoholic beverage establishments. City Council can waive this distance requirement only if the application, with the waiver, meets the “General Standards” for special uses.
- This option proposes to distinguish between “large venues” and “small venues.” Large venues must meet additional requirements.
- Temporary alcoholic beverage special use permits will be handled administratively.
- Sidewalk café permits will be heard by City Council.

- **“OPTION 2” (p.7):**

- All applications for approval of alcoholic beverage special use permits will be heard by City Council (processed as an “S-2” special use permit). All classifications, except public golf courses, will require a **500 foot distance** separation from residential uses, community uses, and other alcoholic beverage establishments. City Council can waive this distance requirement only if the application, with the waiver, meets the “General Standards” for special uses.
- This option proposes to distinguish between “large venues” and “small venues.” Large venues must meet additional requirements.
- Temporary alcoholic beverage special use permits will be handled administratively.
- Sidewalk café permits will be heard by City Council.

- **The “General Standards” for approval of special use permits (p.12)**

- **Relevant definitions (p.14)**

“OPTION 1”

Alcoholic beverage sales – small venue: The following specific standards shall be used in deciding an application for approval of this use:

- a. Approval of an alcoholic beverage sales special use shall be deemed an intensification of the use of the property. Therefore, applications shall comply with parking requirements, in effect at the time of the application, and contained in the applicable section of this chapter.

- b. Minimum distance separation shall be measured in a straight line from the nearest point of the structure/area subject to the special use application to the specified surrounding uses.

- c. Minimum Distance Separation:
 1. All classifications with the exception of 4-PGC: 1,000 feet from other alcoholic beverage sales establishments, residential uses, and institutional uses;
 2. 4-PGC: 0 feet from other alcoholic sales establishments, residential uses, and institutional uses

- d. City Council may consider waivers to the minimum distance separation if the application, after granting the waiver, is consistent with the general standards set forth in section 27-269.

- e. Any violation(s) to the above criteria subjects the permit to revocation or suspension pursuant to Article XXIV, section 27-6??.

Alcoholic beverage sales – large venue: The following specific standards shall be used in deciding an application for approval of this use:

- a. Approval of an alcoholic beverage sales special use shall be deemed an intensification of the use of the property. Therefore, applications shall comply with parking requirements, in effect at the time of the application, and contained in the applicable section of this chapter.

- b. Distance requirements shall be measured in a straight line from the nearest point of the structure/area subject to the special use application to the specified surrounding uses.

- c. Minimum Distance Separation:
 1. All classifications with the exception of 4-PGC: 1,000 feet from other alcoholic beverage sales establishments, residential uses, and institutional uses.
 2. 4-PGC: 0 feet from other alcoholic sales establishments, residential uses, and institutional uses.

- d. In addition to the above, large venues, which do not have a “full kitchen,” must demonstrate the following (items to be included as part of the initial application submittal):
 1. An operational/business plan which addresses hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application.
 2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.
 3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.

4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
7. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
8. Proximity of proposed establishment to residential uses.
9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

For purposes of this section, “full kitchen” shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchens must contain grease trap interceptors, and meet all applicable city, county and state codes.

- e. City Council may consider waivers to the minimum distance separation if the application, after granting the waiver, is consistent with the general standards set forth in section 27-269.
- f. Any violation(s) to the above criteria subjects the permit to revocation or suspension pursuant to Article XXIV, section 27-6??.

Temporary alcoholic beverage sales: Applications that meet the following minimum criteria shall be processed as an S-1; no waivers shall be granted for temporary permits.

- a. Applicant shall be a bona fide non-profit or governmental organization;
- b. Permits shall be limited to on premises consumption only;

- c. Permits shall not be granted for a period longer than three (3) consecutive days;
- d. Permits shall not be granted more than three (3) times in any one (1) calendar year to any one (1) organization;
- e. Sales shall cease at 12:00 a.m.;
- f. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit or governmental organization;
- g. If any portion of the event is on property owned by the City of Tampa or within any right(s)-of-way owned and/or maintained by the city, an original certificate of insurance naming the City of Tampa as an additional insured (or a copy of the insurance certificate if the original is on the file with the Department of Public Works for a special event) showing a Commercial General Liability Insurance Policy with a limit of no less than \$1,000,000, a Liquor Liability Insurance policy with a limit of no less than \$1,000,000, and an aggregate limit of \$2,000,000 must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the City. All insurance policies must be signed by the Authorized Representative of the insurance company. Cancellation or modification of the insurance policy requires a 30-day written notification to the city. During the term of the permit, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the Commercial General Liability or Liquor Liability Insurance policies.

Sidewalk café sales: Applications that meet the following minimum criteria shall be processed as an S-2; no waivers shall be granted for sidewalk café sales permits.

- a. Permits shall not be granted for a period longer than one (1) calendar year;
- b. Subsequent to approval by City Council, permits may be renewed administratively, subject to the criteria herein, on an annual basis;
- c. Permits shall only be granted for an alcoholic beverage classification which is less than or equal to the alcoholic beverage zoning classification assigned to the establishment adjoining the sidewalk café, and shall be limited to on premises consumption only (either “-X” or “-R”);
- d. For sidewalk café sales, an original certificate of insurance naming the City of Tampa as an additional insured showing a Commercial General Liability Insurance Policy with a limit of no less than \$1,000,000, a Liquor Liability Insurance policy with a limit of no less than \$1,000,000, and an aggregate limit of \$2,000,000 must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the City. All insurance policies must be signed by the Authorized Representative of the insurance company. Cancellation or modification of the insurance policy requires a 30-day written notification to the city. During the term of the permit, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the Commercial General Liability or Liquor Liability Insurance policies.
- e. Any violation(s) to the above criteria subjects the permit to revocation or suspension pursuant to Article XXIV, section 27-6??.

“OPTION 2”

Alcoholic beverage sales – small venue: The following specific standards shall be used in deciding an application for approval of this use:

- a. Approval of an alcoholic beverage sales special use shall be deemed an intensification of the use of the property. Therefore, applications shall comply with parking requirements, in effect at the time of the application, and contained in the applicable section of this chapter.

- b. Minimum distance separation shall be measured in a straight line from the nearest point of the structure/area subject to the special use application to the specified surrounding uses.

- c. Minimum Distance Separation:
 1. All classifications with the exception of 4-PGC: 500 feet from other alcoholic beverage sales establishments, residential uses, and institutional uses;
 2. 4-PGC: 0 feet from other alcoholic sales establishments, residential uses, and institutional uses

- d. City Council may consider waivers to the minimum distance separation if the application, after granting the waiver, is consistent with the general standards set forth in section 27-269.

- e. Any violation(s) to the above criteria subjects the permit to revocation or suspension pursuant to Article XXIV, section 27-6??.

Alcoholic beverage sales – large venue: The following specific standards shall be used in deciding an application for approval of this use:

- a. Approval of an alcoholic beverage sales special use shall be deemed an intensification of the use of the property. Therefore, applications shall comply with parking requirements, in effect at the time of the application, and contained in the applicable section of this chapter.

- b. Distance requirements shall be measured in a straight line from the nearest point of the structure/area subject to the special use application to the specified surrounding uses.

- c. Minimum Distance Separation:
 1. All classifications with the exception of 4-PGC: 500 feet from other alcoholic beverage sales establishments, residential uses, and institutional uses.
 2. 4-PGC: 0 feet from other alcoholic sales establishments, residential uses, and institutional uses.

- d. In addition to the above, large venues, which do not have a “full kitchen,” must demonstrate the following (items to be included as part of the initial application submittal):
 1. An operational/business plan which addresses hours of operation, number of employees, goals of business, and other operational characteristics pertinent to the application.
 2. A parking plan which fully describes where and how the parking is to be provided and utilized, e.g., valet, self-park, shared parking, after-hour metered spaces and the manner in which it is to be managed.
 3. An indoor/outdoor crowd control plan which addresses how large groups of people waiting to gain entry into the establishment, or already on the premises will be controlled.

4. A security plan for the establishment and any parking facility, including enforcement of patron age restrictions.
5. A traffic circulation analysis and plan which details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.
6. A sanitation plan which addresses on-site facilities as well as off-premises issues resulting from the operation of the establishment.
7. A noise attenuation plan which addresses how noise will be controlled to meet the requirements of the noise ordinance.
8. Proximity of proposed establishment to residential uses.
9. Cumulative effect of proposed establishment and adjacent pre-existing uses.

For purposes of this section, “full kitchen” shall mean having commercial grade burners, ovens and refrigeration units of sufficient size and quantity to accommodate the occupancy content of the establishment. Full kitchens must contain grease trap interceptors, and meet all applicable city, county and state codes.

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Temporary alcoholic beverage sales: Applications that meet the following minimum criteria shall be processed as an S-1; no waivers shall be granted for temporary permits.

- a. Applicant shall be a bona fide non-profit or governmental organization;
- b. Permits shall be limited to on premises consumption only;

- c. Permits shall not be granted for a period longer than three (3) consecutive days;
- d. Permits shall not be granted more than three (3) times in any one (1) calendar year to any one (1) organization;
- e. Sales shall cease at 12:00 a.m.;
- f. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit or governmental organization;
- g. If any portion of the event is on property owned by the City of Tampa or within any right(s)-of-way owned and/or maintained by the city, an original certificate of insurance naming the City of Tampa as an additional insured (or a copy of the insurance certificate if the original is on the file with the Department of Public Works for a special event) showing a Commercial General Liability Insurance Policy with a limit of no less than \$1,000,000, a Liquor Liability Insurance policy with a limit of no less than \$1,000,000, and an aggregate limit of \$2,000,000 must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the City. All insurance policies must be signed by the Authorized Representative of the insurance company. Cancellation or modification of the insurance policy requires a 30-day written notification to the city. During the term of the permit, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the Commercial General Liability or Liquor Liability Insurance policies.

Sidewalk café sales: Applications that meet the following minimum criteria shall be processed as an S-2; no waivers shall be granted for sidewalk café sales permits.

- a. Permits shall not be granted for a period longer than one (1) calendar year;
- b. Subsequent to approval by City Council, permits may be renewed administratively, subject to the criteria herein, on an annual basis;
- c. Permits shall only be granted for an alcoholic beverage classification which is less than or equal to the alcoholic beverage zoning classification assigned to the establishment adjoining the sidewalk café, and shall be limited to on premises consumption only (either “-X” or “-R”);
- d. For sidewalk café sales, an original certificate of insurance naming the City of Tampa as an additional insured showing a Commercial General Liability Insurance Policy with a limit of no less than \$1,000,000, a Liquor Liability Insurance policy with a limit of no less than \$1,000,000, and an aggregate limit of \$2,000,000 must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the City. All insurance policies must be signed by the Authorized Representative of the insurance company. Cancellation or modification of the insurance policy requires a 30-day written notification to the city. During the term of the permit, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the Commercial General Liability or Liquor Liability Insurance policies.
- e. Any violation(s) to the above criteria subjects the permit to revocation or suspension pursuant to Article XXIV, section 27-6??.

THE “GENERAL STANDARDS” FOR APPROVAL OF SPECIAL USE PERMITS

Sec. 27-269. General standards.

- (a) Except as otherwise provided herein, the following general standards shall be met by all applicants for special use permits:
- (1) The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
 - (2) The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of Articles VI, ~~and VII,~~ and XXIV of this chapter, unless greater or different regulations are contained in the individual standards for that special use.
 - (3) The use is compatible with contiguous and surrounding property or the use is a public necessity.
 - (4) The use is in conformity with the Tampa Comprehensive Plan.
 - (5) The use will not establish a precedent of or encourage more intensive or incompatible uses in the surrounding area.

It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use permit.

- (b) As appropriate to the nature of the special use permit involved and the particular circumstances of the case, the following considerations and standards shall apply generally, in addition to any other standards and requirements set forth concerning the class or kind of permit being considered.
- (1) *Ingress and egress.* Due consideration shall be given to adequacy of ingress and egress to the property and structure and uses thereon, with particular reference to automotive and

- pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
- (2) *Off-street parking and loading.* Due consideration shall be given to off-street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping.
 - (3) *Refuse and service areas.* Due consideration shall be given to the location, scale, design and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways.
 - (4) *Lighting.* Due consideration shall be given to the number, size, character, location and orientation of proposed lighting for premises, with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area.
 - (5) *Utilities.* Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance on other adjoining and nearby property and the character of the area.
 - (6) *Drainage.* Due consideration shall be given to provision for drainage, with particular reference to effect on adjoining and nearby properties and on general drainage systems in the area.
 - (7) *Control of potentially adverse effects generally.* In addition to consideration of detailed elements indicated above, as appropriate to the particular class or kind of special use permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood or the city, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially

adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area.

- (c) The general standards set forth in Section 27-269(a) and (b) and referenced in the preamble to Section 27-272 shall not be considered or applied in connection with the review or determination of an application for a S-1 special use permit for constitutionally protected first amendment activity. The specific standards set forth in Section 27-272 shall be the only standards considered or applied in connection with the review or determination of an application for a S-1 special use permit relating to constitutionally protected first amendment activity.

RELEVANT DEFINITIONS

Sec. 27-523. Definitions.

Alcoholic beverage classification: Classification issued to an establishment related to the type of alcoholic beverage sold:

- (1) 1-APS (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight in sealed containers for consumption off the premises only;
- (2) 2-APS (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content in sealed containers for consumption off the premises only;
- (3) 1-COP (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises and in sealed containers for consumption off the premises;
- (4) 2-COP (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content for consumption on the premises and in sealed containers for consumption off the premises;

- (5) 3-PS (Beer, wine and liquor). Sale of beverages regardless of alcoholic content in sealed containers for consumption off the premises only;
- (6) 4-COP (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises and in sealed containers for consumption off the premises;
- (7) 1-COP-R (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises only in connection with a restaurant having a minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk.
- (8) 2-COP-R (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content for consumption on the premises only in connection with a restaurant having a minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk.
- (9) 4-COP-R (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises only in connection with a restaurant having a combined minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly

delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk.

(10) 1-COP-X (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises only;

(11) 2-COP-X (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content for consumption on the premises only;

(12) 4-COP-X (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises only;

(13) 11-C (Beer, wine and liquor; Non-profit private clubs). Sale of beverages regardless of alcoholic content for consumption on the premises only to members and guests of members of nonprofit private clubs. For the purpose of this subparagraph, a "non-profit private club" is defined as any establishment which restricts admissions to individuals who are members of a fraternal order, private organization or other private association, which individuals may be identified by reference to a list kept by the owner or operator of such establishment and which establishment does not in any way operate or solicit a public calling or invite general members of the public to the premises to utilize the establishment and which establishment does not operate for profit.

Alcoholic beverages: Distilled spirits and all beverages containing one-half of one percent or more of alcohol by volume. Volume measurements are determined by F.S. Chapter 561.

Clubhouse (alcoholic beverage): Establishment where alcoholic beverages of any type may be brought and served, but not sold, stored, kept, or maintained on the premises overnight.

Entertainment District (alcoholic beverage): Ybor City, Central Business District, Channel District, South Howard Area; [term to be further defined]

Sales, alcoholic beverages - large venue: Any commercial establishment with 300 person or more occupancy, which sells alcoholic beverages.

Sales, alcoholic beverages - small venue: Any commercial establishment with less than 300 person occupancy, which sells alcoholic beverages.

Semi-annual report(ing): period from January 1 to June 30 and from July 1 to December 31.