

Chapter 27. Zoning.

Sec. 27-77. Official Schedule of District Regulations.

Table 4-1

- Strike “Bottle Club” as a permitted use in the City by eliminating ‘X’s’ in CG, CI, IG. [should we eliminate or simply put current chapter 3 conditions in chapter 27, which limits hours of operation – policy decision –]
- Change “Retail sales, distilled beverages” to “Sales, alcoholic beverages” and mark as S1/2 in OP, OP-1, CN, CG, CI, IG, IH, and mark with superscript 16 to put footnote to reader refer to Articles XI and XXIV Alcoholic Beverages.

Sec. 27-143. Accessory uses.

Accessory uses, other than alcoholic beverage sales, shall not require a public hearing or administrative review beyond the review required to secure a commercial site plan permit or as required by other regulations of the City of Tampa. However, all accessory uses shall meet the following requirements:

- (1) Any such use shall be located wholly within a structure of a permitted use, except day care and nursery facility as indicated in (4) below.
- (2) Not more than one (1) exterior entrance shall be permitted.
- (3) An identification sign not exceeding three (3) feet square shall be permitted on or adjacent to the entrance of the accessory use. Signs shall have the following limitations:
 - ~~a.~~(a) Sign text shall be limited to the name of the business.
 - ~~b.~~(b) Flashing, occulting and moving signs shall not be permitted.
 - ~~c.~~(c) Formed plastic or injected molded signs shall not be permitted.
 - ~~d.~~(d) Exposed raceways, transformers, and similar items are not permitted.
 - ~~e.~~(e) A "logo" shall be limited to twenty-five (25) percent of the total permitted sign area.
- (4) Such uses shall not individually occupy more than twenty (20) percent of the floor space of the total primary use and all accessory uses shall not collectively account for more than thirty (30) percent of the total floor space with the exception of a child care center which may occupy a freestanding building if said building is located on property occupied by a principal use and is designed to serve said principal uses.

ARTICLE XI. Special Use Permits.

Sec. 27-267. Classes of special use permits; agent or body responsible for each general procedure.

- (b) Classes of special permits, the agent or body responsible for each and general provisions regarding the procedure are as follows:
- (1) S-1 special use permits; administered by zoning administrator; no formal public notice or hearing (unless otherwise stated in this section). It is intended that S-1 permits be required in relation to certain temporary uses and occupancies or where specified uses or characteristics of use could have adverse effects on adjacent properties unless special requirements are met.
- a. Administration by zoning administrator. The zoning administrator shall be responsible for the administration, processing, review and determination on applications for S-1 special use permits. Recommendations from other departments or agencies may be requested by the zoning administrator where necessary to establish conditions or to establish compliance with the conditions.
- b. The zoning administrator, or any ~~other~~ department or agency requested to review the S-1 special use application, shall review and issue a determination within thirty (30) working days of receipt ~~thereof~~. The review and determination period may be extended at the request of the ~~individual or agent thereof applicant requesting the original zoning administrator determination request for up to forty five (45) an additional fifteen (15) working days.~~ **Temporary alcohol sales permits adhere to review timeframes in Article XXIV, section 27-6??.** If the application is in conformity with the terms and requirements of this chapter or if specified conditions and safeguards as provided for under section 27-270, if attached, would result in such conformity, the zoning administrator shall grant the special use permit with the necessary safeguards and conditions. If the application is not in conformity with the terms and requirements of this chapter, or if the applicant will not comply with any specified conditions as provided for under section 27-270, the application shall be denied.
- c. ~~No formal public notice or hearing.~~ Formal public notice and public hearing are not required and shall not be held in connection with the zoning administrator's review or determination of an application for an S-1 special use permit as provided for in this section. However, if an application is denied by the zoning administrator, the applicant may

request a city council public hearing, subject to the following conditions and procedure:

d.

1. City Council public hearing for zoning administrator's denial of S-1 application for special use permit ~~Appeal of zoning administrator's determination of permit for S-1 special use~~ not relating to constitutionally protected first amendment activity. An applicant for an S-1 special use permit that does not relate to constitutionally protected first amendment activity shall have thirty (30) calendar days to file a written appeal of a decision application, with payment of associated fee, of to the zoning administrator. ~~The appeal shall be directed to the city council. The fee for such appeal petitions shall be as set forth by city council resolution.~~
2. The public notice for such an S-1 appeal shall be provided in the same manner as set forth in section 27-394(c); in addition to the public notice required in 27-394(c), an applicant for an S-1 appeal for a blood donor center or temporary help agency shall send a notice to the owner, according to the latest ad valorem tax records, of every parcel of land within ~~a distance of five hundred (500) feet, excluding~~ including roads or streets, in all directions from the subject property line of the land upon which the applicant requests such special use and shall provide said notice and further prepare an affidavit evidencing such notice in the manner set out in section 27-394(c).
3. City council shall hear ~~said appeal~~ the application and rule thereon within forty-five (45) working days of its filing with the zoning administrator receipt of a written appeal; ~~provided however, if the person filing said appeal requests a continuance, fails to provide proper notice as required by this Article XI or commits any other act or inaction which delays the city council's hearing of the appeal, city council shall not be subject to said review timeframe unless otherwise delayed by the applicant due to unperfected notice or a continuance request. All appeals to city council of the zoning administrator's decisions regarding such S-1 special use permits~~
4. City Council shall apply follow a de novo standard of review and shall not be limited to that information, documentation or evidence upon which the zoning administrator based the determination.
5. City Council shall either approve or deny the application and may consider and grant waivers only to those specific regulations, related to the requested special use, as defined in section 27-272.

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~~After completion of the S-1 appeal hearing, the city council shall either uphold or reverse the zoning administrator's decision on the S-1 application.~~

6. ~~The zoning administrator city clerk shall cause send notice of the disposition of the city council's decision ~~to be sent to the S-1 appeal applicant and a copy of the decision shall be filed in the office of~~ to the zoning administrator. ~~In the event city council reverses the decision of the zoning administrator on the S-1 application, the zoning administrator shall issue the S-1 permit in accordance with the decision of city council.~~~~

7. Any decision of the city council shall be immediately reviewable as a matter of right by the circuit court upon the filing of an appropriate pleading.

e.

8. ~~If the zoning administrator's decision is upheld by city council denies the application through the appeal public hearing process for an S-1 special use permit, thereby denying the request, any applicant shall be prohibited from filing an S-1 application for consideration of other S-1 special use applications for the same use classification sought by the denied application, which involves the same lands or any portion thereof for a period of twelve (12) months from the date of city council's ruling on the appeal request.~~

f.d. Appeal of zoning administrator's determination of permits for S-1 special use relating to constitutionally protected first amendment activity. A party with standing to appeal the final determination of the zoning administrator with respect to a S-1 special use permit application relating to constitutionally protected first amendment activity shall be entitled, as a matter of right, to seek immediate review of such final determination by filing an appropriate pleading with the circuit court.

(2) S-2 special use permits; procedure for submission and consideration of decision by city council. It is intended that S-2 special use permits be required where specified uses or occupancies involve matters deemed to be of citywide or area-wide importance. The city council shall be solely responsible for decisions on all applications for S-2 special use permits.

a. Application submitted to zoning administrator. An application for approval of S-2 special uses shall be filed with the zoning administrator, who shall, before accepting any application, ensure that it contains all required information, as specified elsewhere in this chapter.

b. Zoning administrator prepares analysis and recommendation. The zoning administrator shall cause an analysis to be made of the application and,

based on that analysis, prepare a recommendation for consideration by the city council.

- c. Public hearing required; notice specified. Prior to consideration of the application for approval of a special use, a public hearing thereon shall be held by the city council. Applicants for approval of special uses, the city clerk and the zoning administrator shall, for special use public hearings, meet the same requirements as are established for public notice and final site plan deadlines for parcel rezonings (see Article XIII and XVI).
 - d. Action on the application. After completion of the public hearing, the city council shall take action on the application. This action shall be one (1) of the following:
 1. Approval;
 2. Approval with conditions attached;
 3. Denial.
 - e. Action subsequent to city council action. The zoning administrator shall cause notice of the disposition of the application to be sent to the applicant and a copy of the decision to be filed in the office of the zoning administrator. The zoning administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the council's actions. A denial of an S-2 special use permit shall preclude consideration of an application which has a substantially similar request as described in the application involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. The city council may determine that this time period does not apply if the new S-2 application has addressed the grounds for denial identified during the public hearing.
- (3) *Contents of application for ~~approval of~~ special use.* The application for approval of a special use shall be submitted on forms provided by the zoning administrator. ~~Such forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance and operational characteristics, shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name and address of the owner of the property involved, the name and address of the applicant, if different from the owner, and all relevant information needed to show compliance with the general and specific standards governing the special use which is the subject of the application. The application for a special use shall include at a minimum:~~
- a. A full and accurate description of the proposed use;
 - b. Property survey including boundary, topographic contours, and tree locations, general property address, and legal description; for alcoholic

beverage sales, the survey must also include a legal description of the location from where the sales activity will occur and those measurements required to demonstrate compliance with distance separation criteria;

- c. The appearance and operational characteristics of the proposed use;
- d. The name and address of the property owner;
- e. The name and address of the applicant, if different from the owner;
- f. All relevant information needed to show compliance with the general and specific standards governing the special use;
- g. A site development plan that represents the graphical depiction of a., b, c, and f., at a minimum.

(4) Time requirements.

- a. S-1 special use permit. S-1 special use permit shall be subject to a build-out deadline of two (2) years from the effective date of the S-1 special use permit. The build-out deadline shall be deemed to be met if the holder of the special use permit has completed fifty (50) percent of the permitted construction and is proceeding with the remainder of the construction under an active building permit. Failure to meet the deadline shall result in the cancellation of the permit; however, the applicant may apply for a new special use permit.
- b. S-2 special use permit. S-2 special use permit shall be subject to a build-out deadline of two (2) years from the effective date of the S-2 special use permit. The build-out deadline shall be deemed to be met if the holder of the special use permit has completed fifty (50) percent of the permitted construction and is proceeding with the remainder of the construction under an active building permit. Failure to meet the deadline shall result in the cancellation of the permit; however, the applicant may apply for a new special use permit.
- c. All adult use special use permit applications shall be submitted and processed under the procedures specified for S-1 special use permits relating to constitutionally protected first amendment activity.
- d. Failure by the zoning administrator, or any other department or agency requested to review an S-1 special use application relating to constitutionally protected first amendment activity, to review and issue a final determination within thirty (30) days of receipt thereof shall authorize the applicant to operate or conduct the activity for which the S-1 special use permit otherwise would be required. Provided however, if the

applicant requests a continuance, or commits any other action or inaction which delays the zoning administrator's or any other department or agency's ability to issue a final determination or ruling within the time frame prescribed by City Code, then the zoning administrator's failure to issue a final determination or ruling within the time frames prescribed by the City Code then the zoning administrator, or any other department or agency so delayed shall have additional time equivalent to the length of the delay within which to issue a final determination.

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.

Sec. 27-270. Conditions and safeguards.

- (a) The agent, agency or body of the city designated by this Code as having responsibility for issuance or denial of each of the classes of special use permits set out in this article shall have authority to attach to the grant of any such special use permit such conditions and safeguards as may be necessary for the purposes of this Code in the particular case.
- (b) Such conditions and safeguards, if attached to the grant of the special use permit, shall be based upon and consistent with considerations and standards applicable to the class or kind of special use permit involved as set out in this chapter. The requirement for any such conditions or safeguards shall be supported in the record by stated reasons therefore based upon such considerations and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached.
- (c) Failure to comply with conditions and safeguards, when attached to a grant of special use permit, shall be deemed a violation of this Code.
- (d) The conditions and safeguards shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
- (e) Notwithstanding anything to the contrary in the City of Tampa Code, the zoning administrator shall not impose any conditions or safeguards under this section with respect to, or otherwise apply this section to, any S-1 special use permit relating in anyway to constitutionally protected first amendment activity.
- (f) Specific to alcoholic beverage sales, city council and the zoning administrator shall not place any additional safeguards and conditions on a special use permit that are preempted by state law.

Sec. 27-271. Lapse of special uses.

If the special use ceases operation for one hundred eighty (180) consecutive days, the special use permit shall expire, with the exception of the provisions for alcoholic beverage sales special use permits, as set forth in Article XXIV.

Sec. 27-272. Regulations governing individual special uses.

The following specific standards for individual special uses shall be applied by the city council or the zoning administrator, as appropriate, in deciding applications for approval, in addition to the general standards listed above in this article:

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Sec. 27-294. Special uses not to be considered nonconforming.

Any existing use which would require a special use approval under the terms of this chapter shall be deemed a conforming use. However, any of the following changes to the use shall require a special use approval as though it were a new use:

- a. Enlargement of the existing structure by five (5) percent of the floor area or one hundred fifty (150) square feet, whichever is less; or
- b. If the use has ceased operation for one hundred eighty (180) consecutive days, except for alcoholic beverage sales, which are subject to the provisions in e. and f. below; or
- c. When there is a decrease or lessening of the existing buffering to adjacent uses; or
- d. When there is a change in use or new use added to the existing use or uses; or
- e. When a location for the sale of alcoholic beverages was in operation prior to June 20, 1945, and conducting a business permitted by the license in effect on or before June 19, 1945, although the use does not conform to the provisions of this chapter. If the use is discontinued for a period of thirty (30) days, any future use of the premises for the sale of alcoholic beverages shall be in conformity with the provisions of this chapter; or
- f. When a location for the sale of alcoholic beverages was legally operating after June 19, 1945, but is discontinued for a period of thirty (30) days, any future use of the premises for the sale of alcoholic beverages shall be in conformity with the provisions of this chapter; or
- g. When a location has been legally licensed as a clubhouse or bottle club prior to the effective date of this ordinance, said use may continue as a conforming use; however, if the use is discontinued for a period of thirty (30) days, any future use of the premises for the sale of alcoholic beverages shall be in conformity with the provisions of this chapter.

Sec. 27-523. Definitions.

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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.

Reserve Article XXIII, Sections 27-543 through -600.

Article XXIV. Alcoholic Beverages.

Sec. 27-601. Alcoholic beverage permit required.

It shall be unlawful for any person or entity to sell any type of alcoholic beverage from any parcel of land within the city, unless the parcel of land has been granted a permit for the sale of alcoholic beverages, pursuant to the provisions of this chapter.

Sec. 27-6... Entertainment Districts established.

(a) CBD, Channel District, and Ybor City: enter legal descriptions.

(b) Conditions for approval in the Entertainment Districts.

(1) *Applicability and conditions.* Whenever the subject property of an application is located within an Entertainment District, and it is approved for an alcoholic beverage special use permit for 1-COP, 2-COP, 4-COP, 1-COP-R, 2-COP-R, 4-COP-R, 1-COP-X, 2-COP-X, or 4-COP-X, the following conditions shall automatically be imposed:

Security. If, at any time, the property is operated as a bar/lounge or club, as these terms are defined in this chapter, the following security shall be provided:

a. Exterior security officers consisting of off-duty (extra-duty) sworn law enforcement officers, of a number as determined appropriate in an application to the law enforcement agency requesting the same, which number shall not be less than two (2); provided however, one (1) exterior security officer may be permitted in the event two (2) immediately adjacent establishments mutually utilize the same two (2) officers, and said arrangement is approved by the law enforcement agency assigning said officers. Exterior security officers shall only be required if the number of occupants exceeds two hundred fifty (250).

b. Interior security personnel of a number equaling one (1) security officer per one hundred fifty (150) occupants.

c. When required, interior and exterior security personnel shall be provided seven (7) days a week.

Sec. 27-6...Lapse, suspension, and revocation of alcoholic beverage special use permits; posting of notice for discontinuance of sales; evidence of resumption of sales.

(a) Lapse/posting/resumption of sales

(1) Define lapse/cessation of sales

(2) Posting of notice. The property shall be posted with notice, as defined below, immediately upon a determination by the business tax division or the zoning administrator that the sale of alcoholic beverages has been discontinued. The posted notice shall contain at a minimum:

NOTICE

Pursuant to Chapter 27, City of Tampa Code of Ordinances, if no alcoholic beverages are sold for thirty (30) consecutive days beginning (date), the wet-zoning or special use permit for this location will automatically be revoked on (date).

To apply for a one hundred fifty day, administrative extension of time for the revocation, contact the Land Development Coordination Division, (phone number), prior to the revocation date on this NOTICE. Application for the administrative extension of time must be made prior to (date).

a. The land development coordination division, no later than two (2) business days after the notice is posted, shall send a copy of the notice to the property owner, per the most recent tax roll, via certified mail.

b. Within thirty (30) consecutive days of the date that the property was posted (the "posting period"), the property owner shall either produce evidence of sales of resumption or request and administrative extension.

1. Evidence of resumption of sales of alcoholic beverages. If the sale of alcoholic beverages has resumed within the posting period, the written notification and associated documentation as described below must be filed with the zoning administrator, prior to the expiration of the posting period. The following documentation, if applicable to the subject property, shall be submitted as evidence that the sale of alcoholic beverages has resumed:

i. A notarized "Resumption of Sales" form identifying the date alcoholic beverages sales resumed (blank forms are provided by the land development coordination division); and,

ii. The most current invoices, delivery receipts, and payments to a distributor of alcoholic beverages; and,

- iii. The most current records of state sales tax payments; and,
- iv. The most current records of electric usage, consumption, and payment of same for the property or establishment; and
- v. The most current records of water usage, consumption, and payment of same for the property or establishment; and
- vi. Photographs of the property or establishment that demonstrate compliance with property maintenance and structural standards in Chapter 19; and
- vii. Copy of a valid and current alcoholic beverage sales license from the State of Florida; and
- viii. Copy of valid and current city business tax receipt; and,
- ix. Copy of valid and current occupational license.

The documentation, collectively, must at a minimum demonstrate on going sales activity, the possession of a valid state and local license, and continual operation and maintenance of the property. The zoning administrator shall review and evaluate the documentation provided and determine whether the sales of alcoholic beverages have resumed in accordance with this chapter. The zoning administrator shall advise the property owner in writing of his/her determination. While the documentation is under review, the 'thirty (30) consecutive day' time period shall be tolled.

2. Administrative extension. The property owner may apply to extend the posting period of one hundred-fifty (150) days without affecting the status of the wet-zoning or special use permit. Applications shall be legible and notarized, on a form provided by the land development coordination division and shall, at a minimum, include the following:

- i. Name and address of property owner; and,
- ii. Copy of the original ordinance granting the sales of alcoholic beverages from the subject property.

Only one (1) administrative extension may be granted by the land development coordination division in any twelve-month period.

Failure to timely file a complete application shall result in an automatic revocation of the wet zoning and/or special use permit.

- c. Exemptions. Public cultural facilities and public golf courses shall be exempt from the posting period.

Wet zonings or special use permits, which have been suspended pursuant to section 27-???, shall be exempt from the drying provisions of this section during the period of the suspension.

(b) Revocation and suspension of sales for cause.

1. Revocation of sales for cause. The city council, after conducting a public hearing as provided for in section 27-6??, is authorized to revoke the ability to sell alcoholic beverages from property which has previously been granted an approved 'wet zoning' subject to section 27-294, or an alcoholic beverage special use permit. In order for city council to revoke, it must determine that the owner or operator, or his/her agents or employees, of the property or the establishment, have been found to have violated or have been convicted of any one (1) or more of the following:

- a. Commission of an act, on or about the property, amounting to a felony under the laws of the state or the United States. For purposes of this section, the term 'on or about' shall include, but not be limited to, activities directly attributable to the approved 'wet zoning' or special use permit for the property, which occur on or about all adjacent sidewalks, rights-of-way and parking areas, both public and private, which patrons or employees may utilize to provide transportation to or from the property;
- b. The maintaining of a nuisance on the property (as said term is defined by this code or common law);
- c. Engaging in or permitting disorderly conduct on or about the property;
- d. Operation of the establishment in a manner that repeatedly, or on an ongoing basis, has negative secondary effects on surrounding property, including but not limited to violations of city code, ordinance or state law related to noise, parking, or trash and debris, after having received reasonable notice to terminate or correct any condition that is in violation of such code, ordinance or law;
- e. Failing to comply with any of the provisions of the fire prevention ordinance after having received reasonable notice to eliminate or correct any condition existing on the property that is in violation of such ordinance;

- f. Failing to comply with any of the provisions of the health and sanitation ordinances of the city, the county or laws of the state after having received reasonable notice to eliminate or correct any condition existing on the property that is in violation of such ordinances or laws;
 - g. Conviction for selling, giving, serving or permitting to be served alcoholic beverages to persons under twenty-one (21) years of age or permitting a person under twenty-one (21) years of age to consume alcoholic beverages on such property, in accordance with state law;
 - h. Revocation of a license for the sale of alcoholic beverages by the state department of business and professional regulation, division of alcoholic beverages and tobacco;
 - i. The inclusion of false information in applying for a 'wet zoning' or special use permit;
 - j. Conviction or withholding of adjudication or finding of delinquency of any patron of the property for underage possession of any alcoholic beverage;
 - k. Allowing the sale of alcoholic beverages at or from an establishment, while the license for the sale of alcoholic beverages is suspended by the state department of business and professional regulation, division of alcoholic beverages and tobacco.
2. Suspension or revocation for cause for conviction(s) of Section 14-151, Excessive Noise, exterior maximum sound levels; or violation(s) of specified code provisions.

The city council, after conducting a public hearing as provided for in section 27-6??, is authorized to suspend the ability to sell alcoholic beverages from property which has previously been granted an approved 'wet zoning' subject to section 27-294, or an alcoholic beverage special use permit. In order for city council to revoke, it must determine that the owner or operator, or his/her agents or employees, have:

- a. Been convicted of the exterior maximum sound levels as provided for in section 14-151, excessive noise.
- b. Violated any part of section 27-???; Records; semi-annual reports; revocation of "R" classification zoning.
- c. Violated any section of Chapter 3 or Chapter 27 - Articles XI or XXIV, any condition, limitation or restriction imposed by City Council or the

zoning administrator at time of approval, or any other section of the City of Tampa Code relating to alcoholic beverages

City council may suspend the ability to sell alcoholic beverages for up to 30 days for the first conviction, 60 days for the second conviction, and 90 days for the third conviction. Upon the fourth or subsequent conviction, city council may consider revocation of the approved 'wet zoning' or alcoholic beverage special use permit.

For purposes of section (b), the terms "convicted" or "conviction" shall mean being found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a violation of a municipal or county ordinance or state or federal law, as provided herein. The terms "violation" or "violated" shall mean being found in non-compliance with any part of this chapter, as determined by the reviewing city department. In determining whether to suspend or revoke a 'wet zoning' or alcoholic beverage special use permit, city council shall consider:

1. The gravity of the violation; and,
2. Any actions taken by the violator to correct the violation; and,
3. Any previous violations committed by the violator.

Unless a public record is exempt from disclosure pursuant to F.S. Ch. 119, the owner of property shall be provided written notice of a violation by the city.

(c) Notice to owner or licensee of intention to revoke or suspend; public hearing.

Prior to revoking or suspending, city council shall hold a noticed public hearing. it shall notify the owner of the property and the holder of the alcoholic beverage license pertaining to the property of its intention to revert the property to a dry status or suspend the wet zoning and shall grant the affected party a public hearing at a time and place to be specified in the notice and at a time not less than thirty (30) days from the date of the notice.