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ATTORNEYS AT LAW

## Land Use Bulletin

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### CITY OF TAMPA APPROVES LESS RESTRICTIVE REGULATIONS ON SALES OF ALCOHOL

On March 29, 2011, the Tampa City Council enacted significant changes to its zoning code to streamline the approval process by reducing the time and costs for a business to obtain the ability to sell alcoholic beverages. The City's expressed policy for taking this action was to encourage new development of small business in these challenging economic times.

Attorney Mark Bentley, representing the FPMA, was instrumental in effecting these changes.

#### I. Background

In 2008, the City of Tampa totally revamped its "wet zoning" process by converting it to a special use permit process. The primary motivation for this overhaul was to provide the City Council with the ability to impose conditions on the sale of alcoholic beverages, such as regulating the hours of operation, providing on site security, limiting outdoor music and other similar limitations that presumably would ensure compatibility with the areas surrounding the business seeking the permit.



Along with changing the alcoholic beverage sales process, the City imposed a significantly higher application filing fee by increasing it from \$1,115.00 to \$2,015.00, and also required that an application include site plans, surveys, tree surveys, elevations, and often times a traffic study. These documents and studies are not only quite costly, but required a significant amount of time to prepare, which caused the review and approval process to take several months longer than the previous wet zoning process. These laws created a tremendous burden on small businessmen.

## II. Changes to Encourage New Small Business Development

The City's tedious, archaic and expensive process has now been modified to allow businesses to sell alcohol through an expedited administrative process. The City has eliminated the requirement that certain uses could only be approved if they were not located within 1,000 feet of residentially zoned properties or institutional uses, such as schools, parks, day cares and the like. The uses that will be allowed to utilize the new streamlined process include those uses where the sale of alcohol is considered "incidental" to the primary use of the property, such as convenience stores, gas stations, hotels, shoppers goods and certain restaurants.

The major changes to the City's regulations are as follows:

1. Providing for administrative review and approval.
2. Reducing the application filing fee from \$2,015.00 to \$865.00.
3. Requiring only that an "as built" survey of the property or for new development, a site plan for proposed development be included in the application, instead of surveys, tree surveys, elevations and other costly items that were required under the prior process.
4. Reducing the review process from 3 to 4 months to 30 days.

This is the first step the City has taken to become a business friendly community, and demonstrates the City's understanding of the negative consequences the costs and delays the prior process imposed on the business community.

For more information on these changes, we have attached articles from both the *Tampa Tribune* and *St. Petersburg Times*.

If you would like information concerning these changes or any other land use matter, please contact our firm at (813) 223-5050 or [mbentley@bentleylawfirm.net](mailto:mbentley@bentleylawfirm.net).