

ORDINANCE No. 2016-23

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 74, "MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS," BY UPDATING ALCOHOLIC BEVERAGE REGULATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2007, the City of Doral (the "City") adopted its own Land Development Code of Ordinances (the "Code"), after having depended on Miami-Dade County's land development regulations in the initial years following incorporation; and

WHEREAS, the Code included, in part, regulations that pertained to the sale of alcoholic beverages within the boundaries of the City; and

WHEREAS, portions of the alcoholic beverage regulations incorporated into the Code were directly taken from the Miami-Dade County Code, which at the time had not been updated in over ten years; and

WHEREAS, the City desires to update and improve the City's alcoholic beverages regulations; and

WHEREAS, the Mayor and City Council believe that adoption and implementation of this Ordinance will promote the general public health, safety, and welfare, and be in the best interest of, the community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

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Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 74 – MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS

* * *

ARTICLE IV. – ALCOHOLIC BEVERAGES

Sec. 74-182. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverages means any beverages containing alcohol of more than one-half of one percent or more by weight, ~~as provided in F.S. § 561.01.~~

Intoxicating liquors means as provided in F.S. § 561.01.

Consumption off premises means the selling of alcoholic beverages in the original unbroken containers, to be taken by the purchaser off the premises, where sold, before being consumed.

Consumption on premises means consumption of any alcoholic beverages, or the right to sell alcoholic beverages by the drink and/or bottle for consumption,

Retail means a sale of any alcoholic beverage(s) to the ultimate consumer and not for purposes of resale.

“Sale” and “sell” mean any transfer of any alcoholic beverage(s) for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a business licensed under Chapters 561–568, Florida Statutes.

Vendor shall include all persons or businesses selling or keeping with the intention of selling, or dealing in sale of, alcoholic beverages.

Wholesale means a sale of any alcoholic beverage(s) to a dealer, vendor or other person for the purpose of resale.

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Sec. 74-183. - Classification of vendors and distributors.

For the purposes of regulating the regulation of the businesses of the retail and wholesale sale and distribution of alcoholic beverages and intoxicating liquors within the city, as specified in this Article, Vendors such businesses are hereby classified as follows:

(1) ~~*Retail Package beverage Store.*~~ A ~~retail package beverage store~~ is a retail vendor of alcoholic beverages at retail sold in sealed containers for consumption off the premises only.

(2) ~~*Retail beverage Store.*~~ A ~~retail beverage store~~ is a retail vendor of alcoholic beverages at retail for consumption off the premises, which primarily offers for sale products others than alcoholic beverages. Retail stores include, without limitation, grocery stores, specialty stores, convenience stores, and gas stations/filling stations.

(3) ~~*Retail package liquor store.*~~ A ~~retail package liquor store~~ is a ~~vendor of alcoholic beverages and intoxicating liquors at retail in sealed containers for consumption off the premises only.~~ Consumption-on-Premise Vendors. A consumption-on-premise vendor is a retail vendor of alcoholic beverages, with the corresponding state licensure, for consumption on premises, such as, without limitation:

(a) *Restaurant.* Restaurant is a business with full kitchen facilities, which primarily serves full meals and alcoholic beverages (through a corresponding state license) for consumption on premises;

(b) *Alcoholic Beverage Establishment.* Alcoholic Beverage Establishment is a business primarily devoted to serving alcoholic beverages for consumption on premises, including, without limitation, bars, pubs, tasting rooms, and wine cafes;

(c) *Entertainment Establishment.* Entertainment Establishment is a business primarily devoted to serving alcoholic beverages and in which the service of food and/or entertainment is secondary to the consumption of alcoholic beverages. Entertainment Establishments include, without limitation, dance halls, nights clubs, adult entertainment venues, and any commercial establishment determined to meet the following factors:

(1) If the establishment regularly charges a cover charge, door charge, required contribution, or one (1) time membership fee which is paid at the door or has a minimum drink requirement;

- (2) If none of the factors listed in subsection (1) above are present, then if four (4) of the following conditions exist, then the establishment is an *Entertainment Establishment*.
- a. The establishment has a dance floor or other open area used by patrons for dancing or for viewing of entertainment (such dance floor or open space may be established by the removal or rearrangement of furniture or tables);
 - b. The hours of operations during which the use is open to the public include time between 1:00 a.m. and 4:00 a.m.;
 - c. The maximum capacity for the establishment as set by the building and fire officials through fire, building, structure, and other relevant regulatory considerations is one hundred fifty (150) or more persons. [The fact that the facility may restrict its capacity to some number shall not prevent the building official from applying Code provisions that determine a different and increased capacity. The building and fire officials may use various Codes for this purpose (i.e., fire code provisions)];
 - d. Alcohol is sold and consumed on the premises of the establishment at any time;
 - e. Advertisements for the establishment describe specific entertainment events or engagements (e.g. "House Party Saturday Night"; "DJ Saturday night"; "Live Music tonight"); or
 - f. The establishment features a platform or musical staging area used in connection with performances or entertainment. The presence of karaoke machines shall not be deemed entertainment for the purpose of this subsection. The presence of live entertainment provided by one (1) person, not utilizing pre-recorded music, incidental to a restaurant or bar shall not be deemed entertainment for the purpose of this subsection.

(3) Business identified as Entertainment Venues, though they might meet factors in subsection 2 herein, shall not be deemed Entertainment Establishments.

(d) Entertainment Venues. Entertainment Venues are business or other locations primarily devoted to an entertainment purpose or use in which the serving of food and alcoholic beverages is secondary to the entertainment purpose or use. Entertainment Venues including, without limitation, art galleries, theaters, state-chartered not-for-profit theaters with live performances, movie theaters, museums, banquet halls, bowling allies, billiard halls and other amusement facilities as determined by the Planning and Zoning Director or his/her designee.

~~(4) — Retail liquor store. A retail liquor store is a vendor of alcoholic beverages and intoxicating liquors at retail for consumption on the premises. Manufacturer of Alcoholic Beverages. A Manufacturer of Alcoholic Beverages is a business engaged in the production of alcoholic beverages, including, without limitation, the fermentation of cider, beer, or other malted beverages, and/or wine, the distilling of spirits and/or liquors, or the blending of alcoholic beverages to make a derivative product, for the purpose of sale through an Alcoholic Beverage Distributor or at retail, as regulated by state statute. A Manufacturer of Alcoholic Beverages may sell alcoholic beverages in open containers for consumption on premises and in sealed containers for consumption off premises. Manufacturers of Alcoholic Beverages include, without limitation, breweries, distilleries, brewpubs, and/or similar uses as determined by the Planning and Zoning Director or his/her designee.~~

(5) Private Club vendor. A Private Club vendor is a charter or incorporated clubs or lodges, organized for lawful purposes and not for the purpose of evading beverage laws, vending alcoholic beverages and intoxicating liquors at retail to members and their guests only for consumption on the premises.

(6) Alcoholic Beverage Distributor. An Alcoholic Beverage Distributor is a distributor and vendor, at wholesale only, of alcoholic beverages in sealed containers.

~~(7) Liquor distributor. A liquor distributor is a distributor and vendor, at wholesale only, of alcoholic beverages and intoxicating liquors in sealed containers. Hotel and motels. Hotel and motel are businesses that provide temporary lodging on daily or short term basis and may sell alcoholic beverages to guests as part of food and beverage offerings. This food and beverage offerings, including alcoholic beverages, may be offered independent of any Restaurant, Alcoholic Beverage Establishment, and/or Entertainment Establishment that may be located within the hotel/motel or on the same premises as the hotel/motel.~~

Sec. 74-184. - Administrative review; Special exception by council approval.

(a) Administrative review by the planning and zoning director, or his/her designee, city manager with approval by city council is required for the issuance of all alcoholic retail beverage and retail liquor store licenses to all vendors issued to nonrestaurant facilities. The planning and zoning director is authorized to mandate the provision of documentation to substantiate the satisfaction of conditions associated with each category of use.

(b) Uses that are not specifically authorized in this article or requests for licensing which deviate from the requirements of the section Retail beverage and retail liquor store licenses issued by the state as permitted by state law limiting the number of permitted licenses for the sale of alcoholic beverages and intoxicating liquors, may be approved issued by the city council by special exception, upon application by a potential vendor and after administrative review by the planning and zoning director or his/her designee city manager, for the following:

- (1) ~~Art galleries, including private art galleries, for the retail sale of art.~~
- (2) ~~Theaters.~~
- (3) ~~Museums.~~
- (4) ~~Other nonrestaurant facilities as determined on an individual basis by the city council.~~

In approving such facilities, the city council may impose appropriate conditions and safeguards to protect the public health, safety and welfare.

Sec. 74-185. - ~~Nonrestaurant facilities~~ Entertainment Venues.

In order for an nonrestaurant facility Entertainment Venue to qualify for an retail beverage or retail liquor store alcoholic beverage license under this section, the following minimum requirements shall be met, in addition to other requirements set out elsewhere in this chapter and applicable state law:

- (1) That the ~~nonrestaurant facility~~ Entertainment Venue shall have a valid certificate of use and business tax receipt.
- (2) The sale of alcoholic beverages ~~and intoxicating liquors~~ shall be only incidental to the primary function of the ~~facility~~ Entertainment Venue.
- (3) ~~Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted.~~

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(4) — Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed 25 percent of the total annual gross receipts of any ~~nonrestaurant facility~~ Entertainment Venue. It shall be the responsibility of the ~~nonrestaurant facility~~ Entertainment Venue operator to maintain records open for inspection by the city to demonstrate compliance with this requirement.

(5) ~~Nonrestaurant facilities~~ Entertainment Venues holding a state ~~retail beverage or retail liquor store~~ alcoholic beverages license shall always be subject to inspection by the city manager or his/her designee for the purpose of determining that such ~~nonrestaurant facilities~~ Entertainment Venues are in compliance with the existing requirements.

~~Sec. 74-186. - Retail stores~~ Alcoholic Beverages Establishments in hotels; ~~exterior entrance and advertising prohibited.~~

~~Retail beverage and retail liquor stores in hotels, licensed by the state pursuant to state law, shall have no entrances or exits thereto except from within the hotel itself and not from the exterior of any such hotel or from any street. No signs advertising such retail beverage and/or retail liquor store, or the sale of alcoholic beverages or intoxicating liquors therein, shall be permitted upon the exterior, or to be visible from the exterior, of any such hotel. No such retail beverage and/or retail liquor store license~~ Alcoholic Beverage Establishments that have been authorized to operate in a hotel or motel shall be issued a license that shall not ever be separable from the hotel license in conjunction with which it is issued. To be clear, the Alcoholic Beverage Establishments license differs from that license which the hotel/motel may have issued to it in order to directly sell alcohol to patrons as part of the hotels/motels food and beverage offerings (i.e. room service, in-room offerings, and concierge services).

~~Sec. 74-187. - Package stores in wine cafes~~ Alcoholic Beverage Establishments; exterior advertising prohibited.

~~Retail beverage and retail liquor stores in~~ Alcoholic Beverage Establishments wine cafes that contain package stores, licensed by the state pursuant to state law, shall have no signs advertising such package ~~retail beverage and/or retail liquor store,~~ or the sale of alcoholic beverages or intoxicating liquors therein, upon the exterior, or to be visible from the exterior of any such alcoholic beverage establishment ~~wine cafe~~. No such package ~~retail liquor store~~ license shall ever be severable from the alcohol beverage establishment ~~wine cafe~~ license in conjunction with which it is issued.

Sec. 74-188. - Possession of untaxed beverages.

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It is unlawful for any person to own, possess, purchase, sell, serve, distribute or store any alcoholic beverages unless such person has fully complied with the pertinent provisions of the beverage law relating to the payment of excise taxes.

Sec. 74-189. - Possession of beverages not permitted to be sold under license.

It is unlawful for a licensee under the beverage law or his agent to have in his possession, or permit anyone else to have in his possession at or in the place of business of such licensee, alcoholic beverages not authorized by law to be sold by such licensee.

Sec. 74-190. - Storage on licensed premises.

It is unlawful for any vendor to store or keep any alcoholic beverages except for the personal consumption of the vendor, his family and guest in any building or room other than the building or room shown in the diagram accompanying his license application.

Sec. 74-191. - Sale only on licensed premises.

Each application for the sale of alcoholic beverages shall describe the location of the place of business where such beverage may be sold. It is unlawful to sell, or permit the sale of or distribute such beverage except on the premises covered by the license as described in the application therefore.

Sec. 74-192. - Compliance with state law.

All vendors and distributors classified in section 74-183 shall comply with all provisions and regulations of the beverage laws of the state applicable to their particular businesses.

Sec. 74-193. - Location restrictions.

~~Restaurants serving liquor, beer and wine, bar or cocktail lounge, stores selling liquor, beer and wine and stores selling liquor, beer, wine and carry out wine testing or any other establishments that sell or serve liquor, beer and wine to customers~~ Vendors of Alcoholic Beverages shall comply with the following distance restrictions, as applicable:

~~(1) *Distance from other establishments.* Unless approved as a special exception, no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than 1,500 feet from a place of business having an existing, unabandoned, legally established and not one of the uses excepted from the spacing requirements hereinafter provided alcoholic~~

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~~beverage use license which permits consumption on or off the premises. The 1,500 foot distance requirements shall be measured by following the shortest roadway path from the nearest portion of the structure of the place of business.~~

(12) *Distance from church or school. from education facilities.* Unless otherwise specified herein, or approved as a special exception, no alcoholic beverages premises shall be offered or sold at retail used for the sale of alcoholic to be consumed, for consumption on or off the premises, where a proposed structure or place of business intended for such use is located less than 2,500 feet from an education facility church or public school. For purposes of this section, an education facility is defined as any building or structure used by a public, private or charter school in which the education of children in grades kindergarten through 12th grade takes place. Post-secondary education facilities, are exempt such as colleges, universities and trade schools, are exempt from this spacing requirement. Vendors classified as Restaurants, as defined herein, are exempt from this section. The 2,500-foot distance requirement shall be measured and computed as follows:

- a. ~~From a church, the distance shall be measured by following shortest roadway path from the front door of the proposed place of business to the nearest point of the church structure; and~~
- b. ~~From a public school, the distance shall be measured by following shortest roadway path from the front door of the proposed place of business to the nearest point of the school grounds.~~

(2) *Distance from places of worship.* Unless otherwise specified herein, or approved as a special exception, no alcoholic beverages shall be offered or sold at retail, for consumption on or off the premises, where the proposed place of business intended for such use is located less than 2,500 feet from a place of worship. Vendors classified as Restaurants, as defined herein, are exempt from this section.

(3) *Distance in DMU, CMU, & TND Districts.* In Downtown mixed use (DMU), community mixed use (CMU), traditional neighborhood (TND) districts—mixed uses districts in which the density and intensity of uses is higher than in single use districts, the spacing between two similar alcoholic uses is zero feet and the distance between an alcoholic use and an education facility or place of worship is 500 feet.

(4) *Measurement methodology – education facilities & places of worship.* For purposes of measuring the spacing requirements from education facilities and places of worship, the distance shall be measured by following the shortest roadway path from the front door of the proposed place of business where alcoholic beverages will be sold to the nearest point on the property boundary line on which the education facility or place of worship is located.

(5) Measurement methodology – similar uses. For purposes of measuring the spacing restrictions between similar uses, below, the distance shall be measured by following the shortest roadway path from the front door of the proposed place of business in which alcoholic beverages will be sold and the front door of the existing place of business in which alcoholic beverages are sold.

(6) Distance between similar uses. Unless otherwise specified herein, or approved as a special exception, no alcoholic beverages shall be offered or sold at retail, for consumption on or off the premises, where the proposed place of business is located closer to a similar use than the minimum distance specified for each category of use as follows:

	Use	Distance from similar use	
(a)	Package Stores		
	Stand-alone	1500 feet	
	Associated with and adjacent to Retail Stores	500 feet	
(b)	Retail Stores	0 feet	
(c)	Private clubs	0 feet	
(d)	Hotel and motels (does not include a restaurant or alcoholic beverage establishment located within the hotel/motel)	0 feet	
(e)	Restaurants		
	1–50 seats	Beer & wine; on premise only:	0 feet
		When bar or cocktail lounge serving intoxicating liquors present:	500 feet
		When bar or cocktail lounge serving intoxicating liquors present; in the Downtown Mixed Use (DMU), Community Mixed Use (CMU), and Traditional Neighborhood (TND) Districts	0 feet
	51–120 seats	Beer & wine; on premise only:	0 feet
		When bar or cocktail lounge serving intoxicating liquors present:	1000 feet
When bar or cocktail lounge serving intoxicating liquors		0 feet	

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		present; in the Downtown Mixed Use (DMU), Community Mixed Use (CMU), and Traditional Neighborhood (TND) Districts	
	121+ seats	Beer & wine; on premise only	0 feet
		When bars or cocktail lounges serving intoxicating liquors present, bar or lounge area may not exceed 15% of total restaurant area	1500 feet
		When bar or cocktail lounge serving intoxicating liquors present; in the Downtown Mixed Use (DMU), Community Mixed Use (CMU), and Traditional Neighborhood (TND) Districts	0 feet
(f)	Alcoholic beverage establishments (generally; includes bars, pubs, lounges, and nightclubs)		1500 feet
	Wine Café 1-50 seats	Beer & wine; on premise only	0 feet
	Wine Café 51+ seats	Beer & wine; on premise only	500 feet
	Wine Café	Beer & wine; on & off premises	1500 feet
(g)	Entertainment Establishments		1500 feet
(h)	Golf Course Clubhouse		1500 feet
(i)	Entertainment Venue		1500 feet
	Entertainment venues located in Downtown Mixed Use District (DMU)		0 feet
(j)	Entertainment Establishment – Adult Entertainment Venue		2500 feet

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Use	Spacing from similar use*	Spacing from church or school*
Pubs and bars	1,500 feet	2,500 feet
Nightclubs	1,500 feet	2,500 feet
Wine café	Beer and wine only, must have a minimum of 25 seats and maximum of 50 seats	Zero feet
Wine cafe with retail	1,500 feet	2,500 feet
Restaurants		
30 to 50 seats	Beer and wine only, on-premises, at tables only; zero feet (If a bar or cocktail lounge is present, then spacing shall be like a pub or bar use)	Zero feet
51—120 seats	Beer, wine and liquor, at tables only; zero feet (If a bar or cocktail lounge is present, then spacing shall be like a pub or bar use)	Zero feet
120 seats or more	A cocktail lounge (maximum of 15 percent of area); zero feet	Zero feet
Bowling alley	1,500 feet	2,500 feet
Art galleries, stadiums	Maximum of 45 square feet of bar area	
Billiards	Zero feet if no more than 45 square feet of bar area and minimum of ten pool tables	Zero feet
Beer/wine in grocery stores	Zero feet	Zero feet

*In downtown mixed use (DMU) and traditional neighborhood (TND) districts, the spacing between two alcoholic uses is zero feet from similar uses and 500 feet from schools and churches.

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Sec. 74-194. - Hours of operation.

(a) ~~*Establishments for package sales only*~~ *Package & Retail Stores*. Vendors designated by the City and holding a corresponding license from the state division of alcoholic beverages and tobacco as package or retail store ~~for the sale of alcoholic beverages for consumption off the premises only~~, shall make no sale of alcoholic beverages on Sundays, and shall make no sale of alcoholic beverages during any day of the week except between the hours of 8:00 a.m. and 11:00 p.m.; provided, however, that vendors operating stores primarily for the sale of products other than alcoholic beverages ~~excepting such stores as are nonconforming under the zoning regulations~~ Retail Stores may make sales of beer and wine in sealed containers for consumption off the premises during such hours as their stores legally remain open for the sale of other goods. ~~;~~ provided further, ~~however, that~~ Nothing in the foregoing provision shall be deemed to modify any of the provisions of the zoning regulations as heretofore or hereafter adopted. Vendors in bait and tackle installations and camp grounds holding a state license from the division of alcoholic beverages and tobacco for the sale of beer in sealed containers, for consumption off the premises, shall make no sale of beverages except between the hours of 5:00 a.m. and 7:00 p.m. Package and retail store vendors may sell alcoholic beverages and keep their places of business open until 12:00 midnight on National holidays and on the eve of National holidays.

(b) *Private clubs*. Vendors holding a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises as private clubs shall make no sale of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. of the following day, ~~and shall make no sale of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday.~~

(c) *Hotels and motels*. Vendors holding a license from the state division of alcoholic beverages and tobacco or the sale of alcoholic beverages for consumption on the premises in hotels and motels which are restricted by the zoning regulations to making such sales to guests only, shall make no sales of such alcoholic beverages except between the hours of 8:00 a.m. and 1:00 a.m. on the following day on any day of the week, ~~and shall make no sale of beer on Sundays, except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday and shall make no sale of any other alcoholic beverages on Sundays except between the hours of 5:00 p.m. and 1:00 a.m. on the following Monday.~~ In hotels and motels where package sales are restricted to guests only under the zoning regulations, no such sales shall be made except between the hours of 8:00 a.m. and 11:00 p.m. on any day of the week, ~~and between the hours of 5:00 p.m. on Sunday and 1:00 a.m. on the following Monday.~~ In hotels and motels located in a proper business zone and conforming to the zoning regulations permitting

unrestricted sales of alcoholic beverages, no sales shall be made except during the times permitted under subsection f. below hereof. Premises, as used in this section, shall be confined to the bar or cocktail lounge located in the particular hotel or motel.

(d) *Restaurants.* Vendors holding a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises in restaurants, which are restricted by the zoning regulations to making such sales with the service of food only, shall make no sales of such alcoholic beverages any day of the week except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, ~~and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday and shall make no sales of other alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 1:00 a.m. on the following Monday.~~ Sales of alcoholic beverages for consumption off the premises shall not be permitted. Vendors in restaurants located in a proper business zone and conforming to the zoning regulations permitting unrestricted sales only during the times permitted under subsection (h) hereof.

(e) ~~*Bars and cocktail lounges*~~ *Alcoholic Beverage Establishments.* Vendors having a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises in those ~~bars and cocktail lounges~~ *Alcoholic Beverage Establishments* that are not restricted by the zoning regulations to guests only, or to service with food, or the like, shall make no sales of such alcoholic beverages any day of the week except between the hours of 8:00 a.m. and 1:00 a.m. of the following day; ~~and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday; and shall make no sales of any other alcoholic beverages on Sunday except between the hours of 5:00 p.m. and 1:00 a.m. of the following Monday.~~ Sales of beer for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 1:00 a.m. of the following day and shall not be made on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. of the following Monday. Sale of other alcoholic beverages for consumption off the premises shall not be made on weekdays except between the hours of 8:00 a.m. and 10:00 p.m. and shall not be made on Sundays.

(f) ~~*Nightclubs*~~ *Entertainment Establishments, except Adult Entertainment Venues.* Upon written application to the planning and zoning department and upon paying the sum of \$500.00, any person holding a license under the state division of alcoholic beverages and tobacco for sale of alcoholic beverages on the premises, and which place of business so conducted by such vendor classified as an ~~nightclub~~ *Entertainment Establishment*, shall be issued a special permit to operate as an ~~nightclub~~ *Entertainment Establishment*. Such special permit shall be paid for on or before October 1 and shall expire the succeeding October 1; provided that any person beginning business after October 1 may obtain a special

permit upon the payment of the annual fee of \$500.00, and such permit shall expire on October 1; provided further that any person beginning such business on or after April 1 of any year may procure a special permit expiring October 1 of the same year on the payment of one-half the fee herein required for the annual special permit. Such special permit shall be posted at a conspicuous place in the place where such nightclub operates. Any ~~nightclub~~ Entertainment Establishment, which holds a ~~nightclub~~ city-issued special permit and which holds a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages on the premises, shall be permitted to remain open from 8:00 a.m. to 4:00 a.m., and sell alcoholic beverages for consumption on the premises from 8:00 a.m. to 3:50 a.m. of the following day during any day of the week, ~~and on Sundays to remain open and sell beer for consumption on the premises from 10:00 a.m. to 3:50 a.m. of the following Monday.~~

(g) ~~—~~ *Additional interpretations.* ~~Wherever in this section it is provided that weekday sales of alcoholic beverages are permitted between any certain hour and a stated time on the following day, the term "following day" shall be deemed to include Sunday~~ Manufacturers of Alcoholic Beverages. ~~All vendors holding valid, current licenses from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises and/or off premise the premises as a Manufacturer of Alcoholic Beverages shall make no sales of such alcoholic beverages any day of the week except between the hours of 8:00 a.m. and 1:00 a.m. on the following day.~~

(h) ~~Package sales on Christmas Eve and New Year's Eve and on Sundays during the month of December.~~ All vendors holding valid, current licenses from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption off the premises establishments for package sales only may make sales and keep their places of business open until 12:00 midnight on Christmas Eve, December 24 and New Year's Eve, December 31, and between the hours of 8:00 a.m. and 10:00 p.m. on Sundays during the month of December, the provisions of subsection (a) of this section to the contrary notwithstanding.

(hi) *Golf course clubhouse and ancillary refreshments stands.* Vendors holding a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises in lounges in golf course clubhouses shall make no sales of such alcoholic beverages any day of the week except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, ~~and shall make no sales of beer on Sundays in such lounges except between the hours of 8:00 a.m. and 1:00 a.m. on the following Monday and shall make no other sales of alcoholic beverages on Sundays except between the hours of 1:00 p.m. and 4:00 a.m. on the following Monday.~~ Sale of beer and wine from ancillary golf course refreshment stands shall be made only between the hours of 8:00 a.m. and 1:00 a.m. the following day, ~~including Sundays.~~

(ij) Entertainment Venues. ~~Not-for-profit theaters with live performances.~~ Vendors holding a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages for consumption on the premises in Entertainment Venues, ~~state-chartered, not-for-profit theaters with live performances~~ shall make no sale of alcoholic beverages any day of the week except between the hours of 8:00 a.m. and 1:00 a.m. on the following day, ~~and shall make no sales of beer on Sundays except between the hours of 10:00 a.m. and 1:00 a.m. on the following Monday, and shall make no sale of any other alcoholic beverages on Sundays, except between the hours of 6:00 p.m. and 1:00 a.m. on the following Monday.~~

(jk) Entertainment Establishment – Adult Entertainment Venue. Upon written application to the planning and zoning department and upon paying the sum of \$500.00, any person holding a license under the state division of alcoholic beverages and tobacco for sale of alcoholic beverages on the premises, and which place of business so conducted by such vendor classified as an Adult Entertainment Venue shall be issued a special permit to operate as an Adult Entertainment Venue. Such special permit shall be paid for on or before October 1 and shall expire the succeeding October 1; provided that any person beginning business after October 1 may obtain a special permit upon the payment of the annual fee of \$500.00, and such permit shall expire on October 1; provided further that any person beginning such business on or after April 1 of any year may procure a special permit expiring October 1 of the same year on the payment of one-half the fee herein required for the annual special permit. Such special permit shall be posted at a conspicuous place in the place where such Adult Entertainment Venue operates. Any Adult Entertainment Venue club, which holds a city-issued special permit, a certificate of use and ~~which holds~~ a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages on the premises, shall be permitted to remain open, and sell alcoholic beverages for consumption on the premises any day of the week from 8:00 a.m. to 3:50 a.m. of the following day during weekdays, ~~and on Sundays to remain open and sell beer for consumption on the premises from 10:00 a.m. to 3:50 a.m. of the following Monday and to remain open and sell other alcoholic beverages on Sunday for the consumption on the premises from 5:00 p.m. to 3:50 a.m. of the following Monday.~~ It is specifically provided, however, that each and every adult entertainment club that may operate in the city in accordance with this section shall close its doors and have all its patrons off its premises by not later than 4:00 a.m. of each day.

(k) Alcoholic Beverage Distributor. Vendors holding a license from the state division of alcoholic beverages and tobacco for the sale of alcoholic beverages at whole sale shall have no time limitations on the sale of alcohol.

Sec. 74-195. - Consumption in public places and certain private places not permitted.

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underscored type are additions.

(a) ~~Definitions . The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

Public place, when used in this section, means streets, sidewalks except the approved outdoor dining areas, parkways, parks, playgrounds, ball fields, school buildings, school yards, city hall, libraries, stadiums and any other property owned or in the possession of the city or any other state, county or other governmental agency in which property is used or intended for use by city or government employees or by members of the general public.

(b) It shall be unlawful for any person, without the consent of the city manager or his/her designee, to drink alcoholic beverages in any public place in the city. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any public place without the consent of the city manager or his designee. Such consent shall be given by the city manager or his designee upon a showing that there is compliance with chapter 35, pertaining to special events.

(c) It shall be unlawful for any person to consume any alcoholic beverage on private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises. It shall further be unlawful for any person to drink alcoholic beverages in or upon any automobile, truck, motorcycle or other vehicle, when such vehicle is parked upon any private premises without the consent of the owner, tenant, or other person lawfully in possession of such private premises.

(d) Nothing in this section prevents the possession or consumption of alcoholic beverages in compliance with F.S. § 316.1936.

Sec. 74-196. - Extended hours license.

(a) *Applicability and eligibility.* A vendor of alcoholic beverages, defined in section 74-183, duly-licensed by the State of Florida, and lawfully operating an establishment in the city, may apply for a license to extend the hours during which alcohol may be sold for on premise consumption (the "extended hours license") provided that such person or vendor has been operating at the location that is the subject of the application for not less than six months prior to the date of application. Such license application shall be processed using the procedures and the criteria listed in this section. The fee for the issuance of said license shall be set by resolution of the city council. An extended hours license shall permit a licensee to remain open until 3:00 a.m. on any day during the permitted period. ~~An extended hours license shall be valid only for that period of time specified by the city council and shall expire midnight on the last day of the period established by~~

~~the city council.~~ A vendor that seeks to sell alcohol during any extended period must maintain and display a valid extended hours license during all hours of operation.

(b) *Application.* An application for an extended hours license shall be submitted, on a form furnished by the department of planning and zoning, along with a nonrefundable application fee in an amount established by resolution of the city commission. The application shall include the following:

- (1) A copy of the vendor's local business tax receipt and certificate of use; and
- (2) A copy of the vendor's State of Florida alcoholic beverage license;

(c) *Review criteria.* An application for an extended hours license shall be submitted for review and comment of the planning and zoning department. Review of the application shall be based upon the following criteria:

- (1) Compliance with applicable zoning and use requirements; and
- (2) Mitigation of adverse effects, if any, that the extended hours of operation or other applicable issues will have on neighboring properties, especially with respect to patron activities, including, but not limited, light and noise from music and/or patrons that may disturb surrounding properties.

(d) *Approval; denial; issuance.* A fully completed application, accompanied by the requisite documentation and fee, which conforms to the review criteria may be approved for an extended hours license, subject to final approval by the city manager. The city manager may impose reasonable conditions on the issuance of the extended hour license with the goal of mitigation adverse effects, if any, associated with the extended sale times. An application which does not conform to the review criteria set forth herein shall be denied. Upon approval of an application for an extended hours license, the planning and zoning department shall issue the application to the vendor.

(e) *Appeal of decision.* A vendor for which an application for an extended hours license is denied may appeal to the city council. Any such appeal shall be scheduled for a hearing upon payment of the applicable fee as established by resolution of the city commission and required submittal documents. Said appeal must be made in writing to the department of planning and zoning within 21 days of the date of the notice of denial.

(f) *Suspension and/or revocation of an extended hours license.*

- (1) If the city manager, the police chief and/or their designee determines that any licensee has either violated a condition of the extended hour license or the provisions herein or that such vendor is operating in a manner harmful to the public health, safety or welfare, he/she may issue a notice of suspension and/or revocation upon the licensee. Said notice shall be served upon the licensee by: (1) personal service; (2) certified mail; or (3) posting of the notice in a conspicuous place on the property subject to the extended hours license. The notice shall afford the licensee with reasonable notice of the facts or conduct which warrants the revocation, and shall advise the licensee of his/her rights to an appellate hearing as provided herein.
 - (2) The licensee may, within five business days of being served with the notice of revocation, make a written request for administrative hearing before the special magistrate, pursuant to the procedures found in chapter 11 of the City Code. Failure to timely request a hearing shall result in the imposition of the suspension or the revocation without further action of the city. The suspension and/or revocation may be enforced during the pendency of any administrative hearing before the special magistrate. A hearing shall be scheduled for the next most proximate hearing session before the special magistrate, unless mutually agreed upon otherwise by the licensee and the city manager in writing. At the hearing, the licensee and all other individuals wishing to speak will be afforded a reasonable opportunity to do so. The special magistrate may consider the matter de novo, and will determine whether the licensee violated a condition of the license or whether the licensee is operating in a manner harmful to the public health, safety or welfare based upon the criteria specified above as appropriate. If the special magistrate so finds, it may suspend, revoke, or otherwise impose additional conditions and/or restrictions upon the license or licensee. All decisions by the special magistrate in this regard are final.
 - (3) No suspended extended hours license shall be reinstated until any applicable condition of the license or condition of the suspension is met and the payment of a reinstatement fee in an amount established by resolution of the city council is made.
 - (4) Any person, vendor or establishment whose application for an extended hours license was denied or whose extended hours license was revoked shall not be eligible to apply for said license for 6 months from the effective date of the revocation or denial.
- (g) *Transferability.* An extended hours license shall not be transferable.

* * *

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Words in underscoring type are additions.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

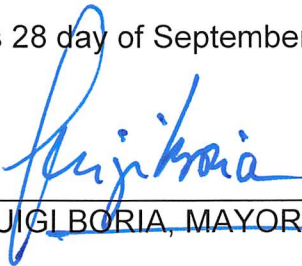
Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Yes
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on first reading this 23 day of August, 2016.

PASSED AND ADOPTED on second reading this 28 day of September, 2016.



LUIGI BORIA, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL



WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL
CITY ATTORNEY