

ORDINANCE No. 2022-13

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING TEXT AMENDMENTS TO CHAPTER 35, "SPECIAL EVENTS," OF THE CITY OF DORAL CODE OF ORDINANCES; AMENDING SPECIAL EVENTS DEFINITION AND REGULATIONS; CREATING ARTICLE II, ENTITLED "POP-UP PROGRAM;" PROVIDING REQUIREMENTS FOR TEMPORARY INDOOR POP UP INSTALLATIONS; CREATING ARTICLE III, ENTITLED "GARAGE SALES;" REQUIRING A PERMIT FOR GARAGE SALES; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") regulates special events such as concerts, festivals, races, shows, and exhibitions, to ensure the safety and compatibility with surrounding neighborhoods, and to preserve the City's quality of life; and

WHEREAS, properly regulated temporary indoor "pop up" installations stimulate economic growth and prosperity within mixed-use centers, special districts, and regional shopping malls; and

WHEREAS, the Mayor and City Council recognize that establishing standards for conducting yard sales in residential zones protects the quality of life of city residents and communities; and

WHEREAS, the Mayor and City Council deem necessary to amend the City's special event regulations, enact temporary indoor pop up installation provisions, and create requirements for garage sales to further protect the public safety, health and welfare of the community; and

WHEREAS, on August 24, 2022, the City Council of the City of Doral at a properly advertised hearing (First Reading) received testimony and evidence related to the

proposed text amendment to the City’s Code of Ordinances as required by state law and local ordinances; and

WHEREAS, on October 26, 2022, the City Council of the City of Doral at a properly advertised hearing (Second Reading) received testimony and evidence related to the proposed text amendment to the City’s Code of Ordinances as required by state law and local ordinances; and

WHEREAS, the Mayor and City Council finds that the adoption of the text amendment to the City’s Code of Ordinances is in the best interest of the health, safety and welfare of the residents of the City of Doral.

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

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Code Amended. The City Council of the City of Doral hereby approve the text amendment to the City’s Code of Ordinances modifying Chapter 35, “Special Events,” amending special event regulations, and providing regulations for temporary indoor “pop up” installations and garage sales. The Code of Ordinances of the City of Doral, Florida, is hereby amended to read as follows:

* * *

Chapter 35 SPECIAL EVENTS

ARTICLE I. IN GENERAL

Secs. 35-1—35-18. Reserved.

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ARTICLE II. SPECIAL EVENTS

DIVISION 1. GENERALLY

Sec. 35-19. Title.

This article shall be known and cited as the "City of Doral Special Events Ordinance."

Sec. 35-20. Restrictions.

- (a) The following words, terms and phrases, when used in this section and section 35-21, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Corporate event is an event that's sponsored by a company for a social occasion or other activity and focuses on either its employees or clients. Corporate events are not open to members of the general public.

Special events are concerts, festivals, races, walks, ~~triathlons~~, circuses, carnivals, shows, exhibitions, grand opening promotions, concerts, and other similar activities or gatherings taking place in City venues or privately owned property of events that take place in an open air space or venues, whether operated partially or totally indoors, outdoors, on stage, under tents or with the use of temporary buildings or structures, to which members of the general public are invited as participants or spectators. Special events shall not be permitted to be located or operated in the City except as provided in this article.

- (b) This article shall not apply to events at City facilities where different regulations have been enacted.
- (c) A special event may be held in any zoning district of the City.
- (d) Events that expect 400 or more attendees shall require the approval of the City council.
- (e) Events longer than three consecutive days shall require City council approval.
- (f) Events where the application ~~fee~~ is filed less than 45 days prior to the event must pay applicable late fees and must be approved by the City council.

Sec. 35-21. Application ~~fee; agreement~~.

It shall be unlawful to engage in special events without a special event permit. A special event is defined as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district but would be permitted if controlled with special review in accordance with this section.

The planning and zoning director or his or her designee, as applicable may, after a complete application has been filed and reviewed and approved may permit events coming under the provisions of this article to operate within the City for temporary periods of time. Such application shall be filed with the planning and zoning department not less than 90 days in advance of the beginning date of the event and shall contain a site plan

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detailing the proposed location, hours, and dates of operation, and a copy of any contract between the applicant and any person providing services, rides, mechanical entertainment, or amusement devices for the event. The applicant shall pay an application fee of \$350.00 when the application is filed. An additional charge in the amount of \$200.00 shall be imposed on applicants that file more than 60 days but less than 90 days prior to the event. An application filed between 45 and 60 days prior to the event shall incur an additional charge of \$400.00. The application filed less than 45 days prior to the event shall pay a \$1,000.00 nonrefundable fee and requires approval of the City council.

- (a) The City council or its designee may impose such fees as they determine appropriate considering the impact of the special event on City facilities and services, including without limitation, user fees for particular City properties, square footage rates for exclusive use of public property, and concession agreements, paid admissions, and anticipated revenues from sale of food, beverage and merchandise on public property.
- (b) The City council may, in its discretion, reduce or waive the submission periods, or fees for events by not-for-profit corporations, for a particular event when such waiver is found to be in the best interest of the City.
- (c) The manager or his or her designee will determine specific requirements, and City departments will determine minimum staffing levels, for the event consistent with the special events requirements and guidelines.
- (d) Special events requirements and guidelines. The City council may adopt special events requirements and guidelines as they pertain to special events being held in the City. The manager may authorize amendments to the requirements and guidelines proposed by the administration, consistent with the intent and purpose of this section, or may present such amendments to the City council for approval, by resolution.
- ~~(e) If the information submitted by the applicant is responsive and if the planning and zoning department has reviewed and approved the application, the City shall prepare and submit to the applicant an agreement incorporating the terms and conditions listed in this article and such other terms and conditions as the City may specify.~~
- (~~ef~~) No person or organization shall hold a special n-outdoor event prior to the delivering to the City the original and properly executed agreement and the certificate of insurance required by this article, as well as department fees within fourteen (14) ~~ten~~ days prior to the subject event.
- (~~fg~~) Conflict with noise provisions. The City manager or the manager's designee, may issue a permit that authorizes a special event in conflict with section chapter 26, article V29-45, of this Code, only where the applicant has met all of the City's requirements for obtaining a permit as prescribed in this section and the requirements and guidelines, and the special event cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what locations. Such permit authorization

may be modified or revoked at the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state or federal laws.

Sec. 35-22. City sponsorship of events.

In considering approval of a sponsorship for an event, the City council ~~commission~~ may consider:

- (1) The event organizer's history and performance in delivering quality events;
- (2) Any benefits being directly provided to the general public with respect to the event, such as free or discounted tickets to persons residing in the City of Doral, seniors, veterans, or members of disadvantaged groups;
- (3) The demonstrable economic impacts associated with the event;
- (4) The demonstrable media commitments secured by the event organizer for the event; or
- (5) The efforts undertaken by the event organizer to mitigate any quality of life impacts associated with the event, including noise, littering, traffic, or parking impacts associated with an event.

Sec. 35-23. Sponsorship terms and conditions.

The number of special events the City sponsors will depend on budget and operating impacts and will vary annually.

- (1) In no event shall any sponsorship contract provide for a waiver of City costs.
- (2) City sponsorships shall be limited to \$5,000.00 unless the City council in its sole discretion decides to increase the amount.
- (3) The event organizer shall provide the City with certified copies of its two most recent tax returns and an income statement, statement of comprehensive income, balance sheet or statement of cash flow.
- (4) Any sponsorship approved pursuant to this article shall be memorialized in a sponsorship contract, which shall, at a minimum, include the following provisions:
 - (a) That the event organizer shall provide a final report to the City, which report shall include third-party verification of event outcomes including, without limitation, event attendance figures, media impressions generated by the event.
 - (b) That no more than 15 percent of any City cash sponsorship contribution may be made in advance of any event organized by a for profit organizer, with all remaining cash contributions to be made on a reimbursement basis, following the conclusion of the event and submission of the final report referenced in subsection (4)(a) herein;

- (c) Where the event organizer is a "non-profit" entity 50 percent or the documented actual costs to be incurred, whichever amount is greater shall be advanced from the City cash sponsorship contribution and the remaining cash contribution shall be made on a reimbursement basis, following the conclusion of the event and submission of the final report referenced in subsection (4)(a) herein;
- (d) That the event organizer shall comply with all governmental requirements and laws applicable to the conduct of its business and the production of the event;
- (e) That the City shall have the right to audit the event organizer's compliance with the sponsorship contract and performance thereunder, in accordance with generally accepted accounting principles; and
- (f) That the City shall receive sponsorship recognition, on all media or promotional platforms related to the event, at the same sponsorship level as other sponsors providing financial or other support comparable to the City's sponsorship.

Sec. 35-24. Fee reductions and waivers.

In no event shall the City waive or reduce the actual costs incurred by the City to provide services to support the event. However, not for profit organizations that have a documented federal tax-exempt status may request a reduction of the application permit fees. For any requests to council, not for profit organizations must comply with the City's lobbyist code. In no event shall the City waive the additional charges for applications filed less than 90 days prior to the event.

Secs. 35-25—35-45. Reserved.

DIVISION 2. PERMIT

Sec. 35-46. Required.

Except as provided in section 35-83 of this article, a person shall obtain a special event permit issued by the planning and zoning department before the person may conduct, manage, or operate a special event. It shall be unlawful and a violation of this division for any person to play, broadcast or transmit music in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space, lot, yard, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person without first having obtained a permit to do so from the planning and zoning department; except no permit shall be required of any person in order to engage in such activity within the residential property wherein such person resides. The use of any amplifier or loudspeaker to play, broadcast or transmit music shall constitute prima facie evidence that the music is being played, broadcasted or transmitted in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate.

Sec. 35-47. Time restrictions.

Permits issued under this division shall specify the date and time during which the activity authorized by the permit may be conducted. No permit shall be issued which encompasses more than three ~~two~~ consecutive calendar days, unless approved by the city council, nor shall the requested activity commence or continue beyond the hour of 11:00 p.m. in any case, unless approved by the City manager or his designee.

Sec. 35-48. Application—Information.

The application for a permit under this division shall contain the following information:

- (1) The name, address and telephone number of the person who will be in charge of the activity for which a permit is requested, or a designated representative thereof;
- (2) The name of the person, firm, partnership or corporation seeking the permit;
- (3) The exact date and times for which the permit is sought;
- (4) The exact location of the event for which a permit is requested;
- (5) The number of persons anticipated in attendance; and
- (6) Any special permissions, requests or conditions associated with the event.
- (7) A detailed plan for the event, including but not limited to, property boundaries, entry/exit points, road access, vehicle circulation, pedestrian circulation, parking facilities, sanitary facilities, location of trash receptacles, tents and other structures; details for all signage; and proposed setbacks of activities, tents, stages, booths, etc. from adjacent properties.
- (8) Parking plan identifying the location of vendor parking, volunteer parking, and guest parking.
- (9) Details regarding whether a road closure will be requested including, the proposed road area, proposed use of closure area, and proposed closure hours.
- (10) Details regarding whether alcohol will be sold or allowed, including location and times.
- (11) Details regarding whether the applicant is seeking a noise waiver permit.
- (12) Details regarding whether the applicant is seeking sponsorship from the City and/or permission to use City logo.

Sec. 35-49. Same—Filing requirements.

Applications for a permit required under this division must be submitted to the planning and zoning department at least 90 days prior to the date of the event for which the permit is requested.

Sec. 35-50. Director of planning and zoning to administer.

The director of the planning and zoning department is hereby authorized and directed to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.

Sec. 35-51.1. Special event application review.

(a) The planning and zoning department will issue, within 14 days of receiving a complete application, a preliminary recommendation provided the following conditions are met:

- (1) No other approved or pending special events conflict with the event organizer's proposed special event;
- (2) If city council action is required, special event application is submitted no later than sixty (60) days prior to the next available regular city council meeting;
- (3) The City has sufficient resources to address public health and safety concerns raised by the special event; and
- (4) The event will not cause conflicts in the public right-of-way or at a public facility.

(b) The planning and zoning department is not required to take action on an incomplete or untimely application.

Sec. 35-51.2. Approval or denial of a special event application.

(a) The planning and zoning department shall deny a special event application and not recommend approval if the applicant fails to:

- (1) Provide a complete application;
- (2) Provide documentation required in section 35-48;
- (3) Meet the requirement for submitting an application for a special event permit;
- (4) Meet the conditions set forth in section 35-51.1;
- (5) Provide sufficient crowd control and safety measures;
- (6) Provide sufficient waste management services;
- (7) Provide sufficient safety, health, or portable sanitation equipment services or facilities;

- (8) Provide sufficient off-site parking and/or shuttle services, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event;
 - (9) Obtain approval of all applicable agencies;
 - (10) Obtain all required city permits and approvals; or
 - (11) Provide an adequate public safety plan based on event risk factors.
- (b) The planning and zoning department shall deny a special event application if it determines that:
- (1) The event causes a threat to public safety;
 - (2) The event causes adverse impact to parking facilities;
 - (3) The event is a danger or impediment to the normal flow of traffic; or
 - (4) The event is a potential disturbance of the peace and quiet of persons outside the premises where the event is located.

Sec. 35-524. ~~Criteria for permit issuance; b~~Bond, security deposit, payment of City fee for the event and payment for City services.

- ~~(a) Issuance of the permit required under this division shall be based on a determination by the planning and zoning department that the event for which a permit is requested does not constitute:~~
- ~~(1) A threat to public safety; (2) A danger or impediment to the normal flow of traffic; or~~
 - ~~(3) A potential disturbance of the peace and quiet of persons outside the premises where the event is located.~~
- ~~(a)~~ Subsequent permits under this division may be denied to, or a bond required of, any person known to have been convicted for violations of a previous permit under this division.
- ~~(b)~~ Deposit. The deposit shall be in an amount sufficient to secure the costs of cleanup and repair or replacement of damage or destruction of property and shall be subject to forfeiture for purposes of paying any fees assessed by the City and/or judgment against the permit holder which may be entered by a court of competent jurisdiction on account of such property damage or destruction or cleanup cost.
- ~~(c)~~ Security Deposit. A refundable security deposit identified below will be required no later than 14 days in advance of any event on public property. City personnel may require a larger security deposit than the Minimum Security Deposit identified in subsection 35-51. (e) below when in the city's sole discretion, the potential risk of damage to the venue associated with the event is greater than the Minimum Security Deposit. Based on the scope and location of the event, a pre and post-event site inspection may be conducted by the applicant and appropriate City personnel to

determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded approximately in three to four weeks after event if all conditions are followed; public property is left in as good condition or better and without damage and all City invoices paid. Failure to comply with conditions imposed may result in forfeiture of the entire or part of deposit.

(de) The payment for all required fees and costs shall be required no later than 14 days in advance of the event.

Maximum Attendance	<u>Minimum Security Deposit</u>
150 or less	\$2,500
151—1500	\$5,000
1501—3000	\$10,000
3001+	\$20,000

Sec. 35-53.12. Review of permit denial or revocation.

Any person dissatisfied or aggrieved with the decision of the director of the planning and zoning department, with reference to his/her denial of the application for such permit or the revocation of such permit, may, within ten days after such denial or revocation, appeal to the City manager, who shall review the decision and make a final determination. The decision of the City manager shall be final.

Sec. 35-53.2 Display of permit upon demand.

It shall be unlawful and a violation of this division for the person designated in the permit application as being in charge of the event for which a permit is sought, or designated representative thereof, to fail or refuse to display or exhibit the permit, on demand, to any state, county, or City police officer or code compliance officer.

Sec. 35-54. Person designated as being in charge to be present.

The person designated in the permit application required in this division as being the person in charge of the event for which the permit is sought, or a designated representative thereof, must remain at the location of said event during the entire time stated in the permit for which the event is authorized. It shall be unlawful and a violation of this division for said designated person in charge to fail to remain in attendance at the location of the event authorized by the permit for the entire time specified in the permit.

Secs. 35-55—35-81. Reserved.

DIVISION 3. MISCELLANEOUS REGULATIONS

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Sec. 35-82. Outdoor Special event requirements.

- (a) The applicant shall secure all necessary and required building, electrical, plumbing, or other permits, separate from the special event permit, and may be charged a work without permit fee and fine if work commences prior to proper approvals. Applicant and shall immediately furnish proof of such permits upon request from the City.
- (b) Applicant shall provide sufficient details to indicate the quantity, type, layout, and configuration of Ssanitary facilities shall be provided by the applicant and shall be of the type and in a sufficient number as to meet the requirements established by the governing codes and to issue permit; facilities will be inspected by the building department following the issuance of the appropriate trade permit.
- (c) Applicant shall provide sufficient details, diagrams, connections and calculations for electrical power (including generator(s), etc.) to be provided for the event and shall meet the governing codes to issue a permit; equipment, connections, etc. will be inspected by the building department following the issuance of the appropriate trade permit. The building department shall conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems.
- (d) Current flameproof flame spread certificates must be provided for all canvas tents, awnings, or canopies and shall be submitted to the building department for approval as part of the building permitting process where tents exceed 120 square feet and/or are closer than 5'-0" separation. Separate review may be required by outside agencies (e.g., Miami-Dade Fire Rescue) and are to be submitted by the applicant to these agencies, taking into account permitting times.
- (e) The applicant is responsible for providing adequate security at the ~~outdoor~~ special event. The police department may require the applicant to provide and pay for security personnel for crowd control and traffic direction purposes. The county fire rescue department may require the applicant to provide and pay for fire watch personnel.
- (f) The applicant is responsible for securing and maintaining, at the applicant's cost and expense, insurance as provided in this subsection. The applicant shall provide a certificate of insurance satisfactory to the City manager or designee, such insurance to be comprehensive general liability insurance in a minimum amount as may be determined by the City's risk management division, naming the City as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the ~~outdoorspecial~~ event. The dispensing, serving, sales and/or distribution of alcoholic beverages at an ~~outdoorspecial~~ event shall be factored into the amount of insurance coverage that may be required. The certificate of insurance must be provided four weeks prior to the event date.
- (g) The applicant shall agree to indemnify and hold harmless the City for any damage to persons or property, which might occur during or as a result of the operation of the ~~outdoorspecial~~ event.

(h) The applicant shall secure a maintenance of traffic (MOT) permit from the City of Doral Public Works Department and/or Miami-Dade County Department of Transportation and Public Works (if applicable). Additionally, the event organizer shall notify the businesses and/or homeowner associations directly impacted by the road closure.

(l) No outdoor amplified sound shall be permitted between the hours of 11:00 p.m. and 7:00 a.m., the following day, unless approved by the city council.

Sec. 35-82.1. Supplemental event requirements.

(a) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the county fire rescue department.

(b) All providers offering food and/or beverages at an ~~outdoor~~special event shall meet all applicable state, county, and City health codes.

(c) Special events where alcohol will be sold or included with the price of admission, shall comply with section 74-194 of this code and the following:

1. A copy of the permit issued by the Division of Alcoholic Beverages and Tobacco must be submitted to the City no later than 10 days in advance of the event date. If the applicant is planning to use a licensed caterer or other entity licensed to serve alcohol on multiple premises, a copy of the appropriate license must be submitted with the application.

2. Mandatory police personnel are required for events where alcohol is served or sold by the event organizer, event vendor or other businesses within the event foot print.

(d) All food trucks, as defined in section 44-352 of the City's Code, that operate in the City shall provide a copy of the current license issued by the Florida Department of Business and Professional Regulation (DBPR).

Sec. 35-83. Exceptions.

The following are exceptions to these regulations:

(1) A minor ~~outdoor~~special activity, on private property which is defined as an ~~outdoor~~special event and is self-contained that has a total attendance of less than 100 persons, has a limited impact on traffic, parking and noise in surrounding neighborhoods, and does not alter the use, occupancy, occupant load, or facility count ~~exceed the capacity of the facility to other property~~ proposed to be used.

(2) Events by a self-insured governmental entity.

- (3) Corporate ~~events parties/gatherings~~ located on business premises that does not require any City services. The sponsor of the proposed ~~outdoor~~ activity shall submit all details of such proposed activity to the planning and zoning department at least 30 days in advance of the event.
- (4) Outdoor retail events in which the owner or lessee of the property used for a retail use is selling his/her/its merchandise on site may be exempt from the provisions of this article, provided that: such an outdoor retail event is contained wholly on the retail property (shall not occupy public sidewalks, rights-of-way, or property or other private property); event areas may not occupy any required parking spaces; four feet of clear passage is maintained in any occupied private sidewalks; adequate sanitary facilities are available in the subject retail business to accommodate patrons. The sponsor of the proposed outdoor activity may submit all details of such proposed outdoor retail event, including a site plan, to the planning and zoning department at least seven days in advance of the event in order to obtain an opinion as whether the event is exempt as per this section. If a proposed outdoor retail event fails to meet this criteria, the owner or lessee of the retail property shall be required to submit an application for, and obtain, an outdoor event permit as provided in this article.
- (5) ~~Outdoor~~Special events occurring with an authorization or permit from the City. ~~An outdoor event is defined as a temporary use of public or private property that may not be permitted generally or without restriction throughout a particular zoning district but would be permitted if controlled with special review in accordance with this division.~~
- (a) ~~Outdoor~~Special events that occur entirely on private property within areas designated downtown mixed use on the City's comprehensive development master plan future land use map and on the City's official zoning map, and which contain retail/dining/entertainment space in excess of 150,000 square feet, are allowed without restriction or limitation as to participants and without the need for a permit, provided that the owner or developer provides the City manager with a site plan that shows the location of the special events and that such locations are:
- (i) Entirely within private property;
 - (ii) Will not substantially limit access to parking or for life safety/fire rescue vehicles; or
 - (iii) Reduce parking facilities within the property by more than five percent.
- (b) For all other ~~outdoorspecial~~special events, the City manager or his/her designee has the authority to issue, modify or revoke permits for ~~outdoorspecial~~special events in accordance with this division. Applicants wishing to hold an ~~outdoorspecial~~special event must submit a completed application to the planning and zoning department, including, but not limited to, a site plan,

fees, deposits, at least seven days prior to the event. The City manager or the manager's designee will determine specific requirements; City departments will determine minimum staffing levels for the event consistent with this division. In case of events that expect 400 or more attendees, the matter will be referred for review and recommendation to the City council. ~~Outdoor~~special events shall be limited to once every six months and for no longer than three consecutive calendar days, unless approved by the city council ~~four consecutive days per event~~. If the planning and zoning department determines that an outdoor retail event meets the conditions of subsection (5) herein and is exempt from the frequency restriction of once every six months, then the sponsor will be permitted to have regular events without City council approval. ~~Events longer than four consecutive days shall require City council approval.~~ Events for the sale of items or in celebration of and directly related to federally recognized holidays may occur once per year for a maximum of 30 consecutive days.

- (6) Events that do not exceed the maximum occupancy within permanent structures designed and licensed to hold similar activities (i.e. indoor places of assembly, indoor/outdoor halls for hire, music venues, theaters, museums, and similar uses as determined by the planning and zoning director.)
- (7) These exceptions do not apply to events that comprise of concerts, outdoor musical performances and similar activities with amplified sound.

Sec. 35-84. Exception for City-sponsored events.

A sponsored event is one that is wholly or partially planned, organized and/or funded by the City, as approved by the City council. Events sponsored or co-sponsored by the City and held at municipal facilities or on other property owned or controlled by a governmental entity are exempt from the provisions of this article; provided, however, that the co-sponsor of a co-sponsored event shall provide the required insurance certificates.

Sec. 35-85. Enforcement.

- (a) Permits shall be posted in a conspicuous location at the site on which the special event occurs. Upon request of any police officer or code compliance officer of the City, the owner, lessee of the property or other representative of the special events shall produce such permit for inspection.
- (b) Those engaged in a special event ~~n-outdoor event~~ without a permit shall be subject to enforcement by City police officers, building official, or code compliance officers, through the issuance of immediate cease and desist orders, the violations of which

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may be subject to fines imposed by the special magistrate. For repeat offenders, the City manager or his designee may decline to issue permits to such person or entity for one year, or such period as the City manager deems appropriate.

- (c) The following civil fines must be imposed for a violation of this section and cannot be mitigated by the special master:
- (1) First offense within a 12-month period must be a fine of ~~\$1,000.00~~\$2,000.00;
 - (2) Second offense within a 12-month period must be a fine of ~~\$23,500.00~~;
 - (3) Third offense and subsequent offenses within a 12-month period must be a fine of \$5,000.00.

ARTICLE II. POP-UP PROGRAM.

Sec. 35-100. Pop-Up Installations.

The purpose of the Pop-Up Installation special event permit is to allow retail entrepreneurs, cultural events providers and restaurateurs to operate temporarily in indoor commercial locations in specified districts in the city. These provisions apply exclusively in the Downtown Mixed Use District (DMU), Community Mixed Use District (CMU), Doral Décor Overlay District (DDOD), Downtown Doral Art District (DDAD), and Miami international Mall. Pop-Up activities will enable organizers to establish a short-term retail, cultural or culinary installation within specific guidelines based on the nature of the operation.

Sec. 35-101. - Definitions

As used in this chapter, unless the context clearly indicates otherwise:

“Pop-up food establishment” means an establishment that: (1) operates on a short-term, temporary basis, 90 days or less in a specific building or portion thereof; and (2) where food is made available, sold, prepared or served, in exchange for money or other valuable consideration, for consumption by the public or by invitees of any person holding or required to hold a pop-up food establishment user license under this chapter.

“Pop-Up installation” is an establishment that operates on a short-term, temporary basis in a specific building or portion thereof, for the sale of merchandise, provision of services to the public, display or cultural exhibitions, or to achieve a particular goal.

“Pop-up retail user” means any merchant who (1) occupies or leases for 90 days or less a fixed indoor retail space for the sale of merchandise or provision of services, including, but not limited to, seasonal stores, trade shows or exhibitions; or (2) is the organizer or sponsor of a trade show or exhibition.

“Trade show or exhibition” means any indoor event of 90 days or less for the sale of merchandise or provision of services that is arranged by a sponsor who is primarily responsible for obtaining the space and subsidiary services that participant vendors or exhibitors may require for the event. The term “trade show or exhibition” includes, but is

not limited to, art fairs, cultural exhibitions, trade fairs, expositions or shows where merchandise or services are sold.

Sec. 35-102. – Permit Required

Temporary indoor corporate, retail or cultural installations held within licensed facilities leased for 90 days or less must receive approval for a temporary business use in the form of a Pop-Up Special Event Permit. This approval will be given for a maximum of 90 days for facilities allowing 100 persons or less at a time. The operation of such business at the desired fixed indoor location must be permitted under the city's land development code. Pop-Up Special Event Applicants shall provide the following:

- (1) Zoning, Building and Licensing approval from the City of Doral. No changes of use will be permitted (e.g. vacant retail shall remain retail/mercantile; restaurant use will be permitted only for locations already in use as a restaurant, etc.) Additionally, no construction or alteration to the space may occur without triggering a building permit requirement and its associated plans review.
- (2) A Fire Inspection Report from Miami-Dade County.
- (3) DERM approval is not required for Pop-Up Installations under 90 days. The location chosen for a Pop-Up Installation must have been built and designed for the same occupancy classification as specified in the Pop-Up Installation application.
- (4) Corporate documents from Tallahassee (Articles of Incorporation)
- (4) Document showing the Federal Employer Id from the Internal Revenue Service (IRS).
- (5) Fictitious Name (DBA) Registration from Tallahassee, if applicable.
- (6) Executed Agreement for proposed location.
- (7) State license, if applicable.
- (8) The applicant shall pay an application fee of \$350.00 when the application is filed.
- (9) Eating establishments shall:
 - a. Provide the number of tables and chairs and provide a life safety plan;
 - b. Adhere to all applicable health and safety regulations;
 - c. Obtain the approval of any applicable public agency including but not limited to: City of Doral Building Department, Fire Department, and the Department of Business and Professional Regulations. Miami-Dade County DERM review is not required for Pop-Up Installations taking place for less than ninety (90) days, but will be required for any events seeking to exceed the 90-day special event permit limit to operate as a regular business.
 - d. Comply with all applicable state and local laws.

- (10) Prior to the issuance of a permit, the applicant shall provide the city with certified copies of all insurance policies providing coverage as required in the application.
- (11) Penalties established. A property owner and any permit holder who exceeds the time restriction specified in the permit shall be in violation of this code and shall be subject to a penalty as provided by in Sec. 35-85 of this code.

Sec. 35-103. Time Restrictions

Pop-Up Installation permits shall specify the date and time during which the activity authorized by the permit may be conducted. Pop-Up Installations shall be limited to a maximum of 90 consecutive calendar days, beyond which a user shall be required to follow standard new business processes. Pop-Up permits encompassing up to two (2) months may be issued administratively. Pop-Up permits which encompass more than two (2) consecutive months must be approved by the city council. Pop-up permits shall be limited to once every six (6) months per applicant.

ARTICLE III. GARAGE SALES

Sec. 35-130. Garage sales.

- (a) Definition. A garage sale means the sale of personal property at the property on which the sale is occurring. The term shall include, but not be limited to, "lawn sale," "yard sale," "estate sale" or "rummage sale."
- (b) Number of sales. Each single family homeowner, multi-family residence building or charitable, civic, educational, or religious organization is permitted, two garage sales per calendar year.
- (c) Time. Garage sales may only take place during daylight hours.
- (d) Duration. It shall be a violation of this section for garage sales to extend more than forty-eight (48) hours on any single lot, parcel, or tract of land. If a sale is held on a holiday weekend, a third day is allowed.
- (e) Filing requirements. Application shall be submitted to the planning and zoning department two (2) weeks prior to garage sale.
- (f) Permit required.
- (1) Prior to holding a garage sale, the property owner or tenant shall obtain a permit from the planning and zoning department. There shall be no fee for the permit.
 - (2) Applicants for garage sale permits must provide the following information to the city at time of application:
 - a. Name of the person or entity conducting the sale or owner of the property at which the sale will be located.
 - b. Location where the garage sale is to be conducted.
 - c. Date(s) the sale is to be held.

- d. Dates of any past garage sales at the subject location within the past 12 months.
 - e. Nature of the property to be sold.
 - f. Proof of residence.
 - g. Homeowner's Association (HOA) approval (if applicable).
- (3) Applications for garage sales must be accompanied by the written permission of the property owner.
- (4) The garage sale permit must be prominently displayed on the premises while the sale is in progress.
- (g) Merchandise. Merchandise to be sold at a garage sale shall have been previously used or crafted and not belong to a business or commercial entity. Placement of sale items is restricted to garage, carport, and driveway areas.
- (h) Merchandise display. Merchandise to be sold at a garage sale shall be displayed in a garage, carport, private driveway, or yard. Merchandise shall not be displayed on public rights-of-way or swale areas. All items shall be removed from visual display by the end of each day of the sale.
- (i) Signage. Signage shall comply with temporary sign regulations set forth in chapter 80 of the city's land development code. No signs shall be placed within the public rights-of-way.
- (j) Parking. Through traffic on public or private roadways shall not be obstructed. No vehicles shall obstruct the driveways of other homes in the neighborhood/subdivision.
- (k) Penalties established. A property owner and any person who conducts or aids in conducting a garage sale not in accordance with this section shall be in violation of this code and shall be subject to a penalty as provided by in chapter 11 of this code.

* * *

Section 3. Codification. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

CODING

Words in underscored type are additions
Words in ~~strikethrough~~ type are deletions

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this Ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 5. Conflicts. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective immediately upon passage by the City Council on second reading.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

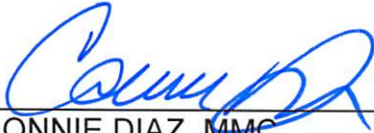
PASSED AND ADOPTED on FIRST READING this 24 day of August, 2022.

PASSED AND ADOPTED on SECOND READING this 26 day of October, 2022.



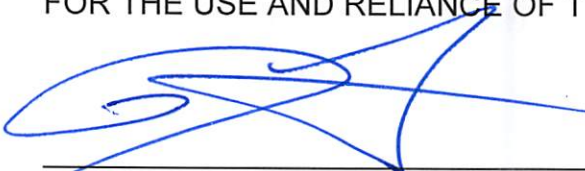
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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