

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE SECTION 4-401., USES PROHIBITED AND ARTICLE 8., DEFINITIONS TO CLARIFY THE CITY'S CURRENT NIGHTCLUB PROVISIONS, PROVIDING SEVERABILITY, PROVIDING FOR CODIFICATION THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission requested that City Staff review the Zoning Code's existing provisions regarding nightclubs, and to provide recommendations that would clarify their use within the City; and,

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on September 16, 2009, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Planning and Zoning Board was presented with a text amendment to the Zoning Code to clarify the Code's existing provisions and regulate nightclubs within the City, and after due consideration, recommended approval of the amendment (vote: 6-0); and,

WHEREAS, this item was presented to the City Commission on October 27, 2009 as a discussion item and the City Commission requested the item return for 1st Reading consideration; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on October 13, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment with modifications on First Reading (vote: __-__).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing 'WHEREAS' clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Zoning Code of the City of Coral Gables, Section 4-401. Uses prohibited and Article 8, Definitions is hereby amended as follows (changes in ~~striketrough~~ / underline format):

Section 4-401. Uses prohibited.

The following uses shall not be permitted within the City:

- A. Nightclubs as a primary use.
- B. Nightclubs ~~or casino~~ ~~whenever~~ where alcoholic beverages exceed forty-nine (49%) percent of total ~~annual~~ bi-monthly gross sales receipts/revenues of a primary restaurant use pursuant to the State of Florida licensing requirements for restaurants. See Definition of "Nightclub" in Article 8.
- C. Crematory or furnace for cremation of human bodies.
- D. Electronic video entertainment centers and machines.
- E. Casinos.

Article 8 – Definitions.

Nightclubs ~~means a~~ is a commercial establishment that is an accessory use to a primary restaurant use that ~~may~~ includes entertainment such a music, dancing and other similar social activities. All permitted nightclubs within restaurants shall be subject to all of the following provisions:

1. The dispensing of alcoholic beverages shall only be for consumption on the premises.
2. All nightclub entertainment shall be contained entirely within the building(s) and shall satisfy all other applicable City Code and Zoning Code requirements including but not limited to noise, permitted hours of operation, nuisance provisions, etc.
3. The restaurant shall maintain total ~~annual~~ bi-monthly gross sales receipts/revenues for inspection upon request to demonstrate compliance with these requirements.

See Section 4-401., "Uses prohibited," for further provisions.

~~only as an accessory use to a primary restaurant use. dispensing alcoholic beverages for consumption on the premises, where alcoholic beverages and intoxicating liquors sales exceed forty (40%) percent of the total gross receipts of the establishment.~~

Casino is a commercial establishment which provides gambling and gaming as either a primary or accessory source of revenue, which may include food and beverage sales for consumption on premises as a part of its business activity.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2009.

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

N:\Ordinances\Amendments\11 17 09 CC Nightclubs ord 1st reading.doc