

**City of Coral Gables City Commission Meeting**  
**Agenda Item H-3**  
**October 27, 2009**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Donald D. Slesnick, II**  
**Vice Mayor William H. Kerdyk, Jr.**  
**Commissioner Maria Anderson**  
**Commissioner Rafael “Ralph” Cabrera, Jr.**  
**Commissioner Wayne “Chip” Withers**

**City Staff**

**City Manager, Patrick Salerno**  
**City Attorney, Elizabeth Hernandez**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Planning Director, Eric Riel**

**Public Speaker(s)**

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H-3 [Start: 10:25:52 a.m.]

Discussion concerning an amendment to the Zoning Code text to clarify the City's current nightclub provisions.

Mayor Slesnick: Mr. Manager H-3.

City Manager Salerno. Thank you Mayor. H-3 is a discussion item concerning an amendment to the Zoning Code text to clarify the City's current nightclub provisions. There was some discussion a couple of months ago by the Commission asking that staff go back and look at the nightclub definition which they have, and Eric is here to discuss that with you this morning.

Mr. Riel: Good morning Commissioners and Mayor. As the Manager indicated this is a discussion item to secure your input on policy direction. This was requested by the City Commission that we come back and look at the nightclub provisions, we've done that; we actually met with the Building and Zoning Department, and obviously Code Enforcement, and other departments; basically nightclubs are allowed as an accessory use to a restaurant, although that's not clear in the Code, that's the way the department interprets it, the Building and Zoning Department. What we've done is we've updated the Code and made it more restrictive clarifying the discrepancy between the definition and the provisions; we referenced the City Code in terms of a noise nuisance requirements; required that obviously all beverages be dispensed and consumed on site, and we've also clarified casino provisions, it wasn't really clear in terms of that being a prohibited use. We went to the Planning and Zoning Board, they did discuss it; they did make one modification, they wanted to call out that a nightclub could not be a principal use, they just wanted to make sure that that was abundantly clear, and they did recommend approval

of 6-0 of the provision presented, but we wanted to come before you as a discussion item before we prepare the ordinance and come back through the process. So, I'll be happy to answer any questions or any input you may have.

Mayor Slesnick: You are prepared to bring that to the next meeting?

Mr. Riel: Absolutely.

Commissioner Withers: John Martin's – nightclub or bar or restaurant?

Mr. Riel: It's considered a restaurant and it is issued a business license also for entertainment.

Commissioner Withers: So what does that mean?- is it a bar?- is it a restaurant?- is it a...what is it?- not what it's licensed.

Mr. Riel: I would say it's all of those.

Commissioner Withers: So that might be in jeopardy of being restrictive.

Commissioner Anderson: Or would that be grandfathered in?

Commissioner Withers: I'm just trying to be clear, because I know I'm going to get calls; Titanic, Franz and Franz, The Globe; that you know, we really got to be careful because a lot of these, you know; I know where the Mayor stands on this; my position is that we are trying to be a City that is encouraging people to move downtown, especially younger, young professionals to move downtown. My kids go out at 11:00 o'clock at night, you know, and they...

Mr. Riel: The threshold hasn't changed its still forty-nine percent (49%), so that hasn't change, although obviously it should be operating under the provisions as well that will not impact, this is just clarifying the regulations saying you are allowed a nightclub atmosphere associated with a restaurant, however if you go over forty-nine percent (49%) of alcohol sales you are prohibited.

Commissioner Withers: Forty-nine percent of what?

Mr. Riel: Total sales – gross receipts.

Commissioner Withers: Gross receipts, which include memberships, which would include door cover charges, which would include food, which would include all those items, or just include alcohol sales?

Mr. Riel: I'm not sure how gross receipts are defined; I'm not that familiar with it...

Mayor Slesnick: It's by State law.

Mr. Riel: By State law, I know that it's required by State law to monitor and have those receipts available, so we are basically taking back the State definition.

Commissioner Withers: Can we get that definition maybe, so we all understand where we are coming from?

Mr. Riel: Absolutely. I'll bring that back for first reading.

Commissioner Withers: So, just so that I understand. If someone is a restaurant during the day and they decide to be primarily alcohol and entertainment after 8:00 o'clock at night, you take the total sales for the week, or the month, or the day, are the sales calculated on a monthly basis?

Mr. Riel: I'm not sure what the calculation period, but it is total of all whatever it is, the day or whatever it is, it's not a specific time period, but when we come back on first reading we'll look at that definition and clarify that.

Commissioner Withers: OK – perfect.

Mayor Slesnick: Thank you Eric.

Mr. Riel: We with that will bring back at the next meeting of November 17 on first reading.

Commissioner Withers: Perfect – thanks.

[End: 10:30:37 a.m.]