

ORDINANCE #2007-28

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING, AN ARTICLE ENTITLED "OUTDOOR EVENTS," IN THE CITY LAND DEVELOPMENT CODE BY AMENDING SECTION FIVE (5) ENTITLED "EXCEPTIONS"; CREATING SECTION SEVEN (7) ENTITLED ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, outdoor events such as concerts, festivals, carnivals, races, triathlons, walks, shows, exhibitions, and the like are regularly held in the City of Doral; and

WHEREAS, the City of Doral created an Outdoor Events Ordinance in the interests and safety in preserving the quality of life enjoyed by the City's residents; and

WHEREAS, to more efficiently enforce this section and to provide clear guidelines the Ordinance is hereby amended; and

WHEREAS, the City Council of the City of Doral has determined that it is in the best interests of the citizens and visitors to the City of Doral to amend the Outdoor Events Ordinance, to include time limits for submitting applications and for when the frequency of the special events can occur; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, THAT:

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 Outdoor Events Article of the Land Development Code of the City of Doral, thereof, and the same is hereby amended as follows:

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Sec. 5. Exceptions.

The following are exceptions to these regulations:

(a) Schools, churches, governmental entities, and other charitable or nonprofit organizations may hold events regulated by this article at any location or zoning district in the city, provided City Council approval is obtained under this article, unless the event is defined as a minor outdoor activity.

(b) A minor outdoor activity is an activity which will be attended by less than two hundred 200 persons, have a limited impact on traffic, parking, and noise in surrounding neighborhoods, and which does not exceed the capacity of the facility to other property proposed to be used. A minor outdoor activity sponsored by a charitable or nonprofit organization or a civic, neighborhood, or homeowner association shall be exempted from the insurance requirements of this article. The sponsor of a proposed minor outdoor activity shall submit all details of such proposed activity to the planning and zoning department at least seven (7) days in advance of the event.

(c) A self-insured governmental entity may be exempted from the insurance requirements of this article.

(d) Corporate parties/gatherings located on premises. The sponsor of the proposed outdoor activity shall submit all details of such proposed activity to the planning and zoning department at least seven (7) days in advance of the event. Corporate events may occur twice in a calendar year.

(e) Outdoor retail events, in which the owner or lessee of

the property is selling their merchandise on site may be exempt. The sponsor of the proposed outdoor activity shall submit all details of such proposed activity to the planning and zoning department at least (7) days in advance of the event. Outdoor retail sales events may occur twice in a calendar-year. Outdoor Events occurring with an authorized permit from the City of Doral. Outdoor Event is defined as a temporary use of 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 City Manager or the Manager's Designee has the authority to issue, modify or revoke permits for Outdoor Events in accordance with this section. Applicants wishing to hold an Outdoor Event must submit a completed application to the Planning and Zoning Department, including but not limited to a site plan, fees, deposits, at least 7 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 section. In case of events that expect 200 or more attendees and the matter will be referred for review and recommendation to the City Council. Outdoor Events shall be limited to once every 6 months and for no longer than 4 consecutive days per event. Events longer than 4 consecutive days shall require City Council approval. Events for the sale of items directly related to federally recognized holidays may occur once per year for a maximum of 30 consecutive days.

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Sec. 7. 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 an Outdoor Event without a permit, shall be subject to enforcement by City of Doral Police or Code Compliance Officers, through the issuance of immediate cease and desist orders, the violations of which may be subject to fines imposed by the Special Magistrate. For repeat offenders, the City Manager or designee may decline to issue permits to such person or entity for one year, or such period as the City Manager deems appropriate.

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Section 3. All Ordinances or parts of Ordinances in conflict herewith is and the same are repealed to the extent of such conflict.

Section 4. It is the intention of the City Council of the City of Doral, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall become upon adoption on second reading.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Absent
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED AND APPROVED upon FIRST READING the 14TH day of November, 2007.

PASSED AND ADOPTED upon SECOND READING the 12th day of December, 2007.



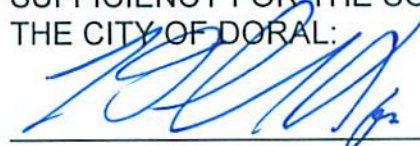
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY