



# CITY OF MOUNT DORA

510 N. Baker St.  
Mount Dora, FL 32757  
352-735-7126

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**DATE:** June 5, 2018  
**TO:** Honorable Mayor and City Council Members  
**FROM:** Robin R. Hayes, City Manager *Robin R. Hayes*  
**SUBJECT:** First Reading of Ordinance No. 2018-07, Entertainment District

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**Introduction:**

This is a request for City Council to approve the first reading of Ordinance No. 2018-07, Entertainment District.

Call Up Item  
Mayor Asks Attorney to Read Ordinance No. 2018-07 by Title Only  
City Manager Background  
Public Hearing  
Discussion  
Council Action

**Discussion:**

The sequence of events leading to City Council presentation are as follows:

City Council reviewed and discussed a sample ordinance related to a Downtown Entertainment District during the January 16, 2018 work session. Council members have since submitted red-line copies of the ordinance to the City Clerk as requested by the City Manager.

City Council further discussed the sample ordinance at the May 15, 2018 work session and requested staff to make recommended changes to the draft ordinance.

Staff has prepared a presentation addressing the red-lined ordinance and the potential impact of an Entertainment District on recreation, public safety, economic development and future planning.

As part of the continued efforts to promote a viable and active downtown, the attached Code of Ordinances amendment provides for a new defined Downtown Entertainment District. A designated Entertainment District would encourage downtown growth, foster community

cooperation, and encourage mutually sponsored events among the downtown merchants.

The boundary is generally described as: the northern boundary of those City blocks south side of Fifth Avenue, from McDonald Street to Baker Street; and those City blocks east of McDonald Street to CSX Rail Road right-of-way to Third Avenue following to Lake Dora, and those City blocks west of Baker Street to Charles Avenue.

This district is an overlay that will allow on-street alcoholic beverage consumption with certain restrictions on Thursday through Sunday between the hours of 10:00 am and 10:00 pm. Other provisions of the beverage ordinances are included (size of container, no glass, etc).

**Budget Impact:**

An increase in staffing will include the initial cost of one new police officer at \$112,000/annually for the first full year (approximately \$62,000 for salaries and benefits and \$50,000 for equipping the individual) and one part-time parks staff member at \$20,285/annually.

Other possible expenses could include additional trash receptacles and more frequent street sweeping.

Upon approval of this ordinance, it will be necessary to identify the source of funding used to support these two positions. At present time, these would appear to be general fund positions.

Codification by the Municipal Code Corporation cost estimated at \$2,000 is funded under Account No. 001-5121-534-00-00.

**Strategic Impact:**

The Mount Dora Code of Ordinances provide regulations, procedures, and requirements for various activities that address all of the five Goals outlined in the 2017 Strategic Plan: Economic Development, Infrastructure, Fiscal, Growth Management, and Public Safety.

This Ordinance is intended to enhance economic development in coordination with public safety.

**Recommendation** City Council to approve the first reading of Ordinance No. 2018-07 by title only, conduct a public hearing, and approve a second public hearing.

Prepared by:	Chris Carson, Special Events Coordinator	
Reviewed by:	Amy Jewell, Leisure Services Director	Approved - 05/18/2018
	Jennifer Cockcroft, City Attorney	Approved - 05/21/2018
	Tom Klinker, Finance Director	Approved - 05/30/2018
	Vince Sandersfeld, Planning and Development Director	Approved - 05/30/2018
	John OGrady, Public Safety Director	Approved - 05/30/2018
	Gwen Johns, City Clerk	Approved - 05/30/2018
	Misty Sommer, Deputy City Clerk	Approved - 05/30/2018
	Robin R. Hayes, City Manager	Final Approval - 5/31/2018

**ORDINANCE NO: 2018-07**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, AMENDING THE *MOUNT DORA CODE OF ORDINANCES* CHAPTER 10 TO AMEND SECTIONS 10.010, 10.40 AND 10.50 ALCOHOLIC BEVERAGES; TO ADD A NEW PART V, CHAPTER 74 ENTITLED DOWNTOWN ENTERTAINMENT DISTRICT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE**

**WHEREAS**, pursuant to adopted policies of the Future Land Use Element of the Mount Dora Comprehensive Plan 2032, the City Council of the City of Mount Dora has identified various activity centers, including the downtown district area, as intended areas for targeted development and redevelopment; and

**WHEREAS**, on July 9, 2016 and January 21, 2017, the City Council held Strategic Planning workshops with the goal of promoting economic development as a high priority; and

**WHEREAS**, the downtown area is located within the City's Mount Dora Community Redevelopment Plan of 2012, which outlines implementation of mastered planning and economic development policies to sustain a viable business district; and

**WHEREAS**, the City of Mount Dora is known as a "Festival City" that hosts numerous annual special events, primarily in the downtown area; and

**WHEREAS**, a designated Downtown Entertainment District would encourage development and growth, foster community cooperation, and encourage mutually sponsored events among the downtown merchants; and

**WHEREAS**, the City of Mount Dora desires to adopt codes and regulation that will encourage the development of businesses and commerce within the City; and

**WHEREAS**, the City Council of the City of Mount Dora desires to amend the Mount Dora Code of Ordinances to enhance and further the goals outlined above; and

**WHEREAS**, the City Council of the City of Mount Dora hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS**

**SECTION 1. Legislative Findings and Intent.** The City of Mount Dora City Council has complied with all requirements and procedures of the Florida Law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. Implementing Administrative Actions.** The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

**SECTION 3: Amendments to the Mount Dora Code of Ordinances.** Chapter 10 *Code of Ordinances, City of Mount Dora, Florida* is hereby revised and amended to read as follows:

**Note:** Underlined words constitute additions while ~~strikethrough~~ constitutes deletions, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

Section 10.010 – Hours of sale.

No alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Florida Division of Alcoholic Beverages and Tobacco between the hours of 2:00 a.m. and 7:00 a.m. the same day, except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code.

Section 10.040 – Consumption on City Property.

(a) Generally. Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it shall be unlawful for any person to consume any alcoholic beverage, including beer and wine, upon any city owned parks and beaches, city property or street, alley or sidewalk of the city. This section shall not apply to any city owned property which is subject to a management contract, or sidewalk cafes. For those properties, alcohol consumption shall be governed by rules established jointly by the managing entity and the City Manager. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to consume alcoholic beverages is given in conjunction with the permission for the event. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit, except as otherwise regulated or preempted by law.

(b) Carrying open containers. Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it shall be unlawful for any person to carry an opened bottle, can or other container containing an alcoholic beverage, including beer and wine, upon any city parks, city beaches, city property or street, alley or sidewalk of the city, provided that this subsection shall not be construed to allow or apply to the interior of any vehicle driven upon the ways or property of the city. Further, this section shall not apply to those portions of the above named properties included within the boundaries established by the City Council for a special event for which permission to carry open containers of alcoholic beverages is given in conjunction with the permission for the event, or sidewalk cafes. In addition, the City Council shall have the right to limit the type of alcoholic beverage to be consumed when granting any such permit, except as otherwise regulated or preempted by law. In no event will consumption occur directly from glass containers.

Section 10.50. Consumption near businesses selling alcoholic beverages.

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(b) Public nuisance, unlawful acts, posting.

(1) Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to consume any alcoholic beverage while within 100 feet of any club, restaurant, bar, package store or food store selling alcoholic beverages.

(2) Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is a public nuisance and shall be unlawful and in violation of this section for any person to possess an open container of alcoholic beverage while stopping, standing, or remaining within 100 feet of any club, restaurant, bar, package store, or food store selling alcoholic beverages.

(3) The owner or operator of any club, restaurant, bar, package store, or food store selling alcoholic beverages for consumption off the premises shall prominently post, on the outside of each entrance and on the inside of the main customer exit of each club, restaurant, bar, package store, or food store selling alcoholic beverages for consumption off the premises, a sign with contrasting letters at least two inches tall, stating the following:

Except as permitted within the Downtown Entertainment District as defined in Chapter 75 of this code, it is unlawful for any person to consume, or possess, in any open container, any alcoholic beverage within 100 feet of any part of this business. Violators are subject to arrest and prosecution.

(c) Area of applicability and exceptions. For the purpose of this section, the area within 100 feet of a club, restaurant, bar, package store, or a food store selling alcoholic beverages shall be the area within a 100-foot radius of any part of such business, but shall not include any property lawfully used for a private residence or any area where possession or consumption of alcoholic beverages is specifically prohibited or permitted by state law or by any license or permit issued pursuant thereto. Further, this section shall not apply to those portions of the above described area included within the boundaries established by the City Council or the City Manager for a special event for which permission to consume or possess alcoholic beverages is given in conjunction with the permission for the event. This section shall not apply as permitted with the Downtown Entertainment District as defined in Chapter 75 of this code.

(d) Penalties. A violation of this section shall constitute a second degree misdemeanor and shall be punishable in accordance with the state statutes prescribing punishment for a second degree misdemeanor as of the date of the infraction.

**SECTION 4: Amendments to the Mount Dora Code of Ordinances.** A new Part V, Downtown Entertainment District, *Code of Ordinances, City of Mount Dora, Florida* is hereby added to read as follows:

**Chapter 74**  
**STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

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**Part V. Downtown Entertainment District**

Section 75.500 Purpose.

The purpose of this section is to encourage the location of entertainment, retail and restaurant uses within a limited defined area of the City hereafter referred to as the Downtown Entertainment District. The regulations within this section are enacted to create an opportunity to offer a variety of amenities to the public in a convenient physical location which will promote pedestrian use with an attendant decrease in vehicular traffic; provide for more efficient and effective public safety enforcement in a defined area; foster a mutual relationship among downtown merchants; and encourage private development of entertainment facilities which enhance and complement the use of the public facilities.

Section 75.510 District Boundaries.

The Downtown Entertainment District shall mean an area depicted in the Exhibit "1" below and generally described as: beginning at the northern boundary, those City blocks south side of Fifth Avenue, from McDonald Street to Baker Street; and those City blocks east of McDonald Street to CSX Rail Road right-of-way to Third Avenue following to Lake Dora, and those City blocks west of Baker Street to Charles Avenue. It shall also include the Mount Dora Lawn Bowling Club property and Elizabeth Evans Park.

Section 75.520 Outside Consumption in the Entertainment District.

Within the Downtown Entertainment District, the following shall apply:

(a) On-street possession / consumption hours. On-street possession / consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized Thursday through Sunday between the hours of 10 a.m. to 10 p.m. Extended hours for City or City-sponsored events may be granted with prior approval by the City Council, not to exceed the ordinance hours of sale.

(b) One drink on-street limit. Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a clear plastic container for removal from the premises, provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(c) Size limited to 16 ounces. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places

within the defined Downtown Entertainment District, any open alcoholic beverage container which exceeds 16 fluid ounces in size.

(d) Drinking from can, bottle or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, except as authorized and approved as outdoor dining or sidewalk café.

**SECTION 5. SAVINGS PROVISION.** All prior actions of the City of Mount Dora pertaining to Land Development Code, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 6. SCRIVENER'S ERRORS.**

(a). This Ordinance shall be codified in the Mount Dora Code of Ordinances and Land Development Code and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 7. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 8. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment.

**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

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**NICK GIRONE**  
**MAYOR of the City of Mount Dora, Florida**

**ATTEST:**

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**GWEN KEOUGH-JOHNS, MMC**  
**CITY CLERK**

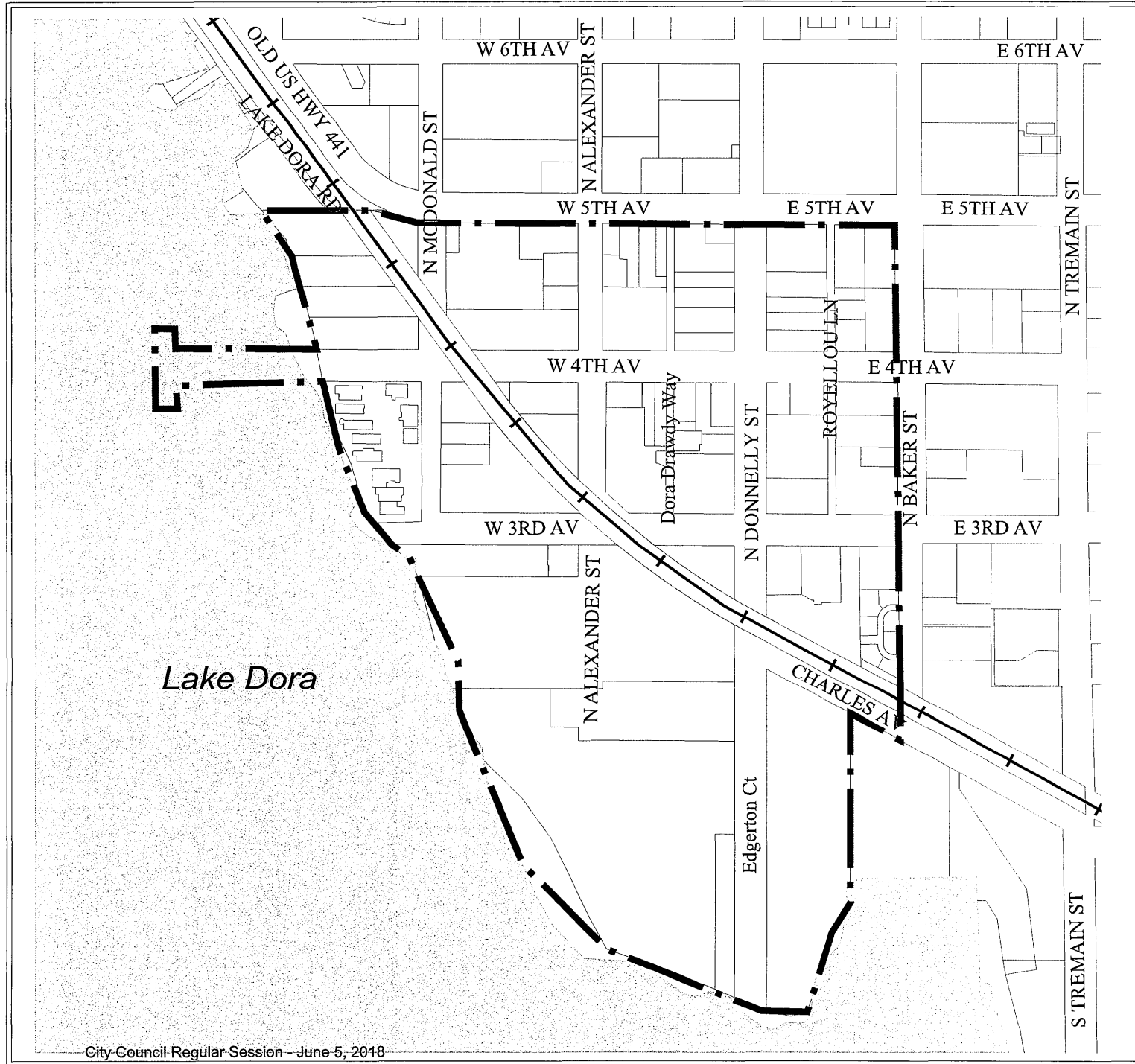
For the use and reliance of City of Mount Dora only.  
Approved as to form and legality.

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William Colbert or Jennifer Cockcroft  
City Attorney



EXHIBIT #1



1 inch = 283 feet

Downtown  
Entertainment  
District  
Boundary  
Map

Legend

 Entertainment District