



CITY OF MOUNT DORA

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

DATE: September 27, 2018
TO: Honorable Mayor and City Council Members
FROM: Robin R. Hayes, City Manager *Robin R. Hayes*
SUBJECT: Second-First Reading of Ordinance No. 2018-07, Entertainment District

Introduction:

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

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 the presentation of Ordinance No. 2018-07 are as follows:

The City Council at their regularly scheduled meeting held on August 28, 2018, continued the First Reading of Ordinance 2018-07 to September 13, 2018, in order to provide clarification on the proposed entertainment district. The City Attorney and staff have reviewed the proposed ordinance and based on input at these previous meetings additional provisions have been included. In order to ratify these substantive changes, a new First Reading of Ordinance No. 2018-07 is required (therefore the term used in the agenda "*Second-First*" Reading).

Ordinance No. 2018-07 has been revised with the following items:

- 1) Establishments must register with the City;
- 2) Beverage cups must contain a marking to identify the business;
- 3) Ordinance revised to include all days of the week (cannot purchase and consume between 2:00 am and 7:00 am of the same day);
- 4) One drink limit has been defined; and

5) Future changes to the boundary (map) can be accomplished by City Council with consideration of a Resolution.

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 prepared a presentation for the regularly scheduled meeting on June 5, 2018 addressing the red-lined ordinance and the potential impact of an Entertainment District on recreation, public safety, economic development and future planning, Attachment 2.

The City Council recommended continuance of the First Reading of Ordinance 2018-07 to the August 28, 2018 meeting and requested that staff request feedback from the Downtown Merchants.

On June 14, 2018 staff distributed an on-line survey to 112 Downtown Merchants. There were 52 responses to the survey. 60.8% were extremely interested in an Entertainment District, 11.8% were very interested, 9.8% were somewhat interested, 5.9% were not so interested, and 11.8% were not at all interested. Additional survey responses are included in Attachment 3.

On July 12, 2018 Staff facilitated a meeting with the Downtown merchants to discuss the results of the on-line survey. The comments of the merchants in attendance supported the results of the survey.

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 north 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 Monday 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:

If the Entertainment District Ordinance is approved then consideration of additional staff may be necessary to patrol the area and keep it free from trash and debris.

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

sweeping.

Funds have not been specifically appropriated for any additional support positions within the amended fiscal year 2017-18 budget.

Staff recommends a Pilot program in reference to positions and recognizes the CRA Officer was added to the FY 2017-18 and may be utilized in the Entertainment District Zone. If additional resources are needed in the Parks & Recreation Department for cleanup, then a Mid-Year FY 2018-19 Budget Amendment will be submitted for review.

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 approve the First Reading of Ordinance No. 2018-07.

Attachment(s):

1. Attach 1 Entertainment District Power Point
2. Attach 2 Entertainment District Survey

Prepared by:	Vince Sandersfeld, Planning and Development Director	
Reviewed by:	Amy Jewell, Leisure Services Director	Approved - 09/21/2018
	John OGrady, Public Safety Director	Approved - 09/21/2018
	Sherry Sutphen, City Attorney	Approved - 09/21/2018
	Gwen Johns, City Clerk	Approved - 09/24/2018
	Robin Hayes, City Manager	Final Approval - 09/24/2018



CITY OF
MOUNT
DORA

ATTACHMENT #1

City of Mount Dora's Proposed Downtown Entertainment District



CITY OF
MOUNT
D O R A

Purpose

- To encourage the location of entertainment, retail and restaurant uses within a limited defined area of the city later referred to as the Downtown Entertainment District.
- The district has the potential to create an opportunity to offer a variety of amenities to the public in a convenient physical location which would promote pedestrian uses with an associated decrease in vehicular traffic.
- Provide for more efficient and effective public safety enforcement in a defined area.
- Encourage private development of entertainment facilities which enhance and compliment the use of the public facilities.



CITY OF
MOUNT
D O R A

Benefits

- Foster community cooperation.
- Encouraging events, artistic performances and other such forms of organized entertainment within the designated downtown entertainment district.
- Build a reputation for being a livable, walkable City that cares about the quality of life.



CITY OF
MOUNT
D O R A

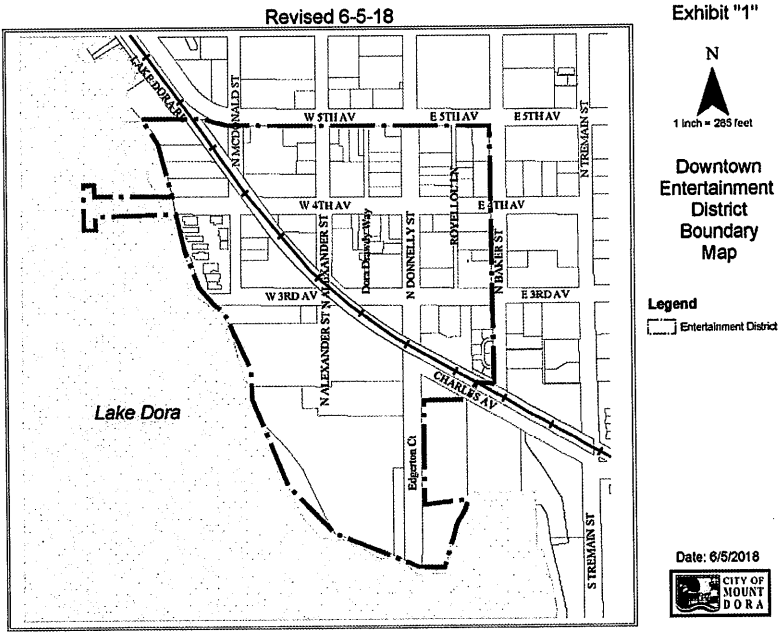
Ordinance Regulations

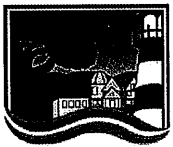
- **On-street possession/consumption hours.** On-street possession/consumption of any alcoholic beverage dispensed by an establishment licensed to dispense alcoholic beverages is authorized for the set days and times approved by the City of Mount Dora.
- **One drink on-street limit.** Any establishment 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.
- **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.
- **Drinking from can, bottle or glass is prohibited.**



CITY OF
MOUNT
DORA

Entertainment District Boundaries





CITY OF
MOUNT
D O R A

Tavares

Entertainment District

- 7 days per week
- Sunday – Wednesday, 10 am to 10 pm
- Thursday-Saturday, including legal holidays & St. Patrick's Day, 10 am to 12 pm
- Exempt from noise ordinance
- No permit fees are required for special events that occur within the district
- Addressed banner usage
- No pilot program
- No additional officers or parks staff were added
- No statistics available



CITY OF
MOUNT
DORA

Eustis

Entertainment District

- 3 days per week
- Thursday-Saturday, 10 am to 10 pm
- Thursday-Saturday, entertainment noise exemption 7 am to 12 pm & legal holidays
- Permits are required
- Addressed temporary street closures
- No pilot program
- No additional officers or park staff were added
- No statistics available



CITY OF
MOUNT
DORA

Mount Dora

Entertainment District

- 4 days per week
- Thursday-Sunday, 10 am to 10 pm
- Current noise ordinance (Chapter 46) applies
- Permits are required



CITY OF
MOUNT
D O R A

Potential Costs

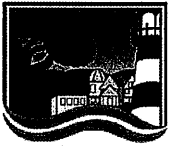
Leisure Services

- Parks & Facility Care Staff - \$13,520-\$27,040 (4 days or 7 days)
Duties: Trash pick-up and disposal, maintenance of public restrooms

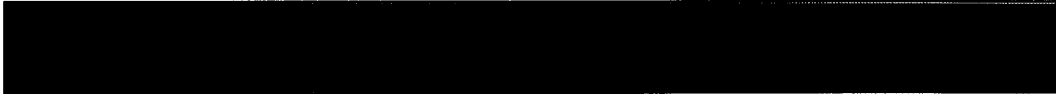
Public Safety Options

- 1 Additional Police Officer - \$112,000 1st year, \$70,000 on-going
- OR
- 6 month pilot program with officers earning overtime - \$31,480

Duties: Monitor consumption and ensure public safety in the defined area, escort merchants and employees to vehicles in peripheral parking lots, document data to determine future needs, ensure possession of proper permits



CITY OF
MOUNT
D O R A



Questions?

ATTACHMENT #2

Create better surveys faster. Upgrade to add users and get team collaboration tools. [View pricing.»](#)

Mount Dora Entertainment District



SUMMARY → DESIGN SURVEY → PREVIEW & SCORE → COLLECT RESPONSES → ANALYZE RESULTS

CURRENT VIEW



RESPONDENTS: 50 of 50

SAVE AS ▾

+ FILTER + COMPARE + SHOW

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

No rules applied



Rules allow you to FILTER, COMPARE and SHOW results to see trends and patterns.

Learn more »

SAVED VIEWS (1)



EXPORTS



SHARED DATA



Page 1: We want your feedback

Q1

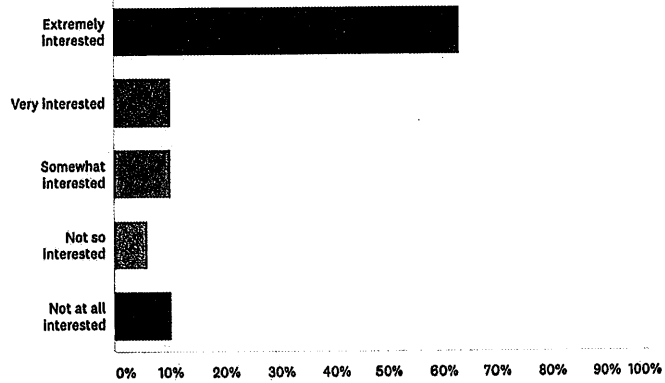
Customize

Export ▾

An Entertainment District would allow customers to walk throughout a defined area of Downtown Mount Dora while shopping or appreciating entertainment, on scheduled days and times, with an alcoholic beverage as long as it is in a clear, plastic container, not to exceed 16 oz. Do you support an ordinance creating an Entertainment District in Downtown Mount Dora?

Answered: 49 Skipped: 1





ANSWER CHOICES	RESPONSES	
Extremely Interested	63.27%	31
Very Interested	10.20%	5
Somewhat Interested	10.20%	5
Not so Interested	6.12%	3
Not at all interested	10.20%	5
TOTAL		49
Comments (6)		





RESPONSES (6) TEXT ANALYSIS TAGS (0)

PAID FEATURE

Text Analysis lets you search and tag comments and see word clouds of frequent words and phrases. To get this feature, upgrade to a paid plan.

UPGRADE [Learn more »](#)

Add Tags ▼ Filter by Tag ▼

Search responses  

Showing 6 responses

This survey isn't specific enough. I do believe it will increase food sales, but not other sales. I do think it's a good idea to have a public safety officer and parks staff, but the food places should pay additional fees, not "the merchants."

6/19/2018 9:41 AM

[View respondent's answers](#)

Surely you jest

6/18/2018 5:13 PM

[View respondent's answers](#)

The wine walk already creates loud and nonsober people. We really do not need to have more people walking around with alcoholic beverages on the streets of Downtown Mount Dora.

6/17/2018 4:51 PM

[View respondent's answers](#)

The addition of the entertainment district will give mount dora more of a "fun city" vibe which is sorely needed. Right now its just retiree heaven

6/16/2018 7:13 PM

[View respondent's answers](#)

This would be Beneficial to the town.

6/14/2018 5:45 PM

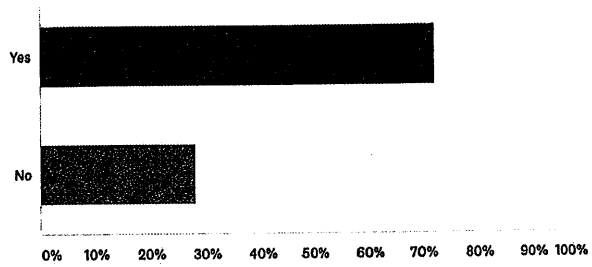
[View respondent's answers](#)

Q2

[Customize](#) [Export ▼](#)

If you are a restaurant owner would you participate by serving alcoholic beverages in 16 oz or smaller, clear, plastic containers to go?

Answered: 32 Skipped: 18



ANSWER CHOICES	RESPONSES	
▼ Yes	71.88%	23
▼ No	28.13%	9
TOTAL		32

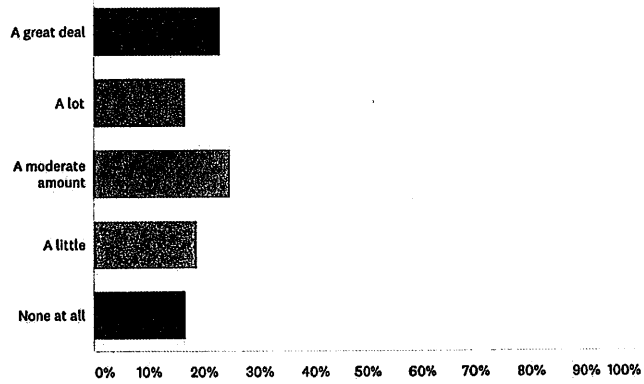
Q3

Customize Export ▼

Do you think an Entertainment District would increase sales during non-event weeks?

Answered: 48 Skipped: 2





ANSWER CHOICES	RESPONSES	
▼ A great deal	22.92%	11
▼ A lot	16.67%	8
▼ A moderate amount	25.00%	12
▼ A little	18.75%	9
▼ None at all	16.67%	8
TOTAL		48

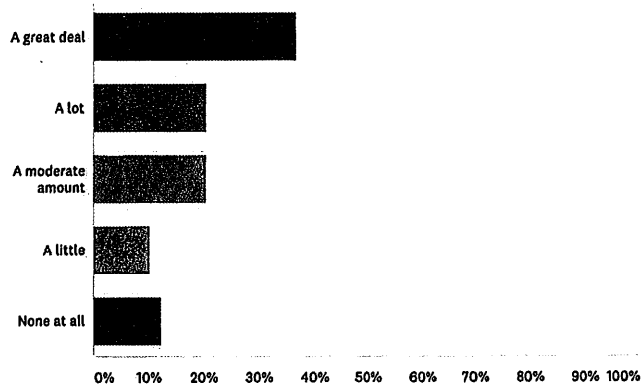
Q4

Customize Export ▼

Do you think sales would increase during Special Events and Festivals?

Answered: 49 Skipped: 1





ANSWER CHOICES	RESPONSES	
▼ A great deal	36.73%	18
▼ A lot	20.41%	10
▼ A moderate amount	20.41%	10
▼ A little	10.20%	5
▼ None at all	12.24%	6
TOTAL		49

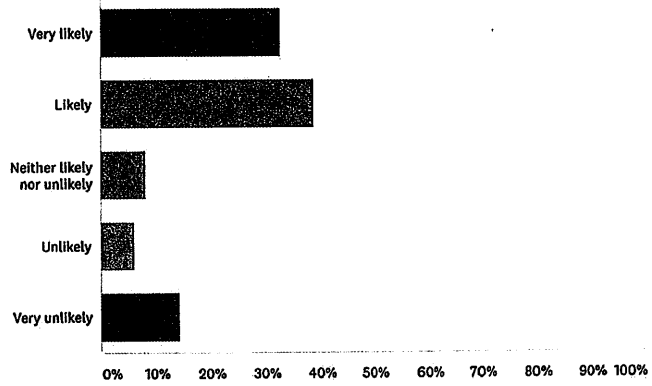
Q5

Customize Export

Do you think an Entertainment District would add to the charming and/or romantic atmosphere of Mount Dora?

Answered: 49 Skipped: 1





ANSWER CHOICES	RESPONSES	
▼ Very likely	32.65%	16
▼ Likely	38.78%	19
▼ Neither likely nor unlikely	8.16%	4
▼ Unlikely	6.12%	3
▼ Very unlikely	14.29%	7
TOTAL		49

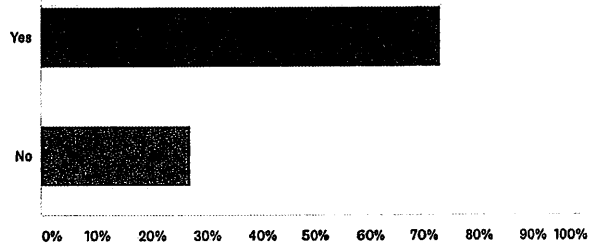
Q6

Customize Export

Do you support the addition of a public safety officer to monitor the Entertainment District?

Answered: 48 Skipped: 2





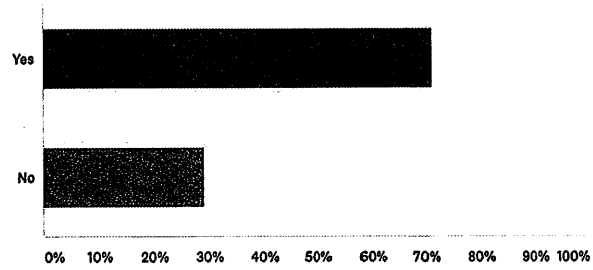
ANSWER CHOICES	RESPONSES	
▼ Yes	72.92%	35
▼ No	27.08%	13
TOTAL		48

Q7

Customize Export ▼

Do you support the addition of parks staff to maintain the area during Entertainment District hours?

Answered: 48 Skipped: 2



ANSWER CHOICES	RESPONSES
----------------	-----------

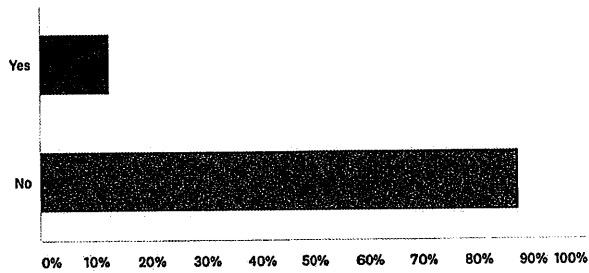
▼ Yes	70.83%	34
▼ No	29.17%	14
TOTAL		48

Q8

Customize Export ▼

Do you support additional fees being charged to the merchants to offset additional expenses to the City?

Answered: 48 Skipped: 2



ANSWER CHOICES	RESPONSES	
▼ Yes	12.50%	6
▼ No	87.50%	42
TOTAL		48

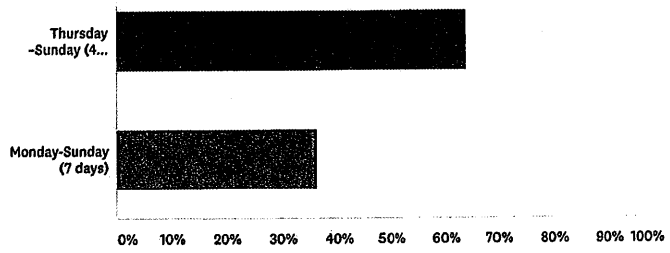
Q9

Customize Export ▼

If an Entertainment District ordinance is approved what days do you prefer?

Answered: 47 Skipped: 3





ANSWER CHOICES	RESPONSES	
▼ Thursday-Sunday (4 days)	63.83%	30
▼ Monday-Sunday (7 days)	36.17%	17
TOTAL		47

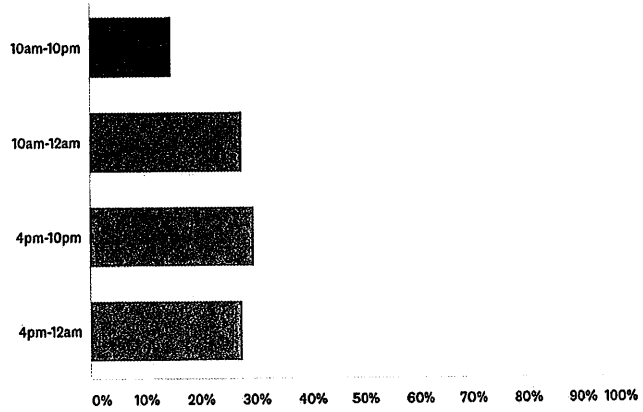
Q10

Customize Export ▼

What hours do you prefer?

Answered: 47 Skipped: 3





ANSWER CHOICES	RESPONSES	
▼ 10am-10pm	14.89%	7
▼ 10am-12am	27.66%	13
▼ 4pm-10pm	29.78%	14
▼ 4pm-12am	27.66%	13
TOTAL		47

ENGLISH

[About SurveyMonkey](#) •
 [Careers](#) •
 [Developers](#) •
 [Privacy Policy](#) •
 [Email Opt-In](#) •
 [Help](#) •
 [Cookies Policy](#)
 Copyright © 1999-2018 SurveyMonkey



ORDINANCE NO: 2018-07

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, AMENDING THE CITY OF MOUNT DORA CODE OF ORDINANCES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENT TO CHAPTER 74; PROVIDING FOR AMENDMENT TO CHAPTER 10; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to adopted policies of the Future Land Use Element of the Mount Dora Comprehensive Plan 2032, 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 strives to adopt codes and regulations that will encourage the development of businesses and commerce within the City; and

WHEREAS, the City of Mount Dora desires to amend the City of Mount Dora Code of Ordinances to enhance and further its goals as outlined herein and has determined that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED 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: Amending Section 74 of the City of Mount Dora Code of Ordinances.

Chapter 74 is hereby amended to include the following:

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

Chapter 74 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

PART V. DOWNTOWN ENTERTAINMENT DISTRICT

Section 74.500 Purpose.

The purpose of this Part is to encourage a location of safe 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 enable a variety of amenities to be offered to the public, in a convenient physical location, which will promote pedestrian use with an attendant decrease in vehicular traffic; to foster a mutual relationship among downtown merchants; and to encourage private development of entertainment facilities which enhance and complement the use of the public facilities in a defined area of the City.

Section 74.510 District Boundaries.

The Downtown Entertainment District shall mean that area 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 and Evans Park. It shall not include the property south of 4th Avenue and west of CSX railway to 3rd Avenue, the Mount Dora Lawn Bowling Club property or Lakeside Inn property. A depiction of which shall be maintained by the City Planning and Zoning Department. Hereafter, the City may amend the boundaries of the Downtown Entertainment District by Resolution.

Section 74.520 Registration of Participants.

Any establishment, licensed to dispense alcoholic beverages, which is located within the Downtown Entertainment District and desires to participate in the privileges granted by this Part V of Chapter 74, must first register with the City. The registration process shall be as determined by the City Manager. Such establishments shall be referred to herein as a "Registered Participant".

Section 74.530 Alcohol Consumption in the Downtown Entertainment District. Possession of any open alcoholic beverage container shall be permitted in the public areas of the Downtown Entertainment District under the following conditions:

(a) The open alcoholic beverage was purchased from an establishment that is a Registered Participant.

(b) The open alcoholic beverage is being held in and consumed from a plastic container not to exceed sixteen (16) ounces in size which also contains some form of marking to identify the Registered Participant from which it was purchased.

(c) No Registered Participant may dispense more than one open alcoholic beverage to any one person at a time.

(d) No person may possess more than one open alcoholic beverage at any one time.

(e) It shall be unlawful for any person to possess any open alcoholic beverage contained in a can, bottle or glass, except as authorized and approved for outdoor dining or a sidewalk café.

(f) Open alcoholic beverages may be purchased and consumed in the Downtown Entertainment District at any time except for between the hours of 2:00a.m. and 7:00a.m., of the same day.

SECTION 3 Amending Chapter 10 of the City of Mount Dora Code of Ordinances.

Chapter 10 is hereby amended as follows:

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

Section 10.015. – Exceptions. To the extent of any conflict between the requirements of this Chapter 10 and the privileges set forth in the Downtown Entertainment District established by Chapter 74, Part V of this Code, the provisions of Chapter 74, Part V shall prevail.

Sec. 10.050. - Consumption near businesses selling alcoholic beverages.

(b) *Public nuisance, unlawful acts, posting.*

(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 by the City of Mount Dora Code of Ordinances, Chapter 74, 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;~~ and the Downtown Entertainment District, as set forth in Chapter 74 of this Code. 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.

SECTION 4 Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as may be deemed 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 5. Savings Clause. All prior actions of the City of Mount Dora pertaining to the creation of the Downtown Entertainment District, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

SECTION 6. Codification and Scrivener's Errors.

(a) This Ordinance shall be codified in the Mount Dora Code of Ordinances and the sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(b) 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

NICK GIRONE
MAYOR of the City of Mount Dora, Florida

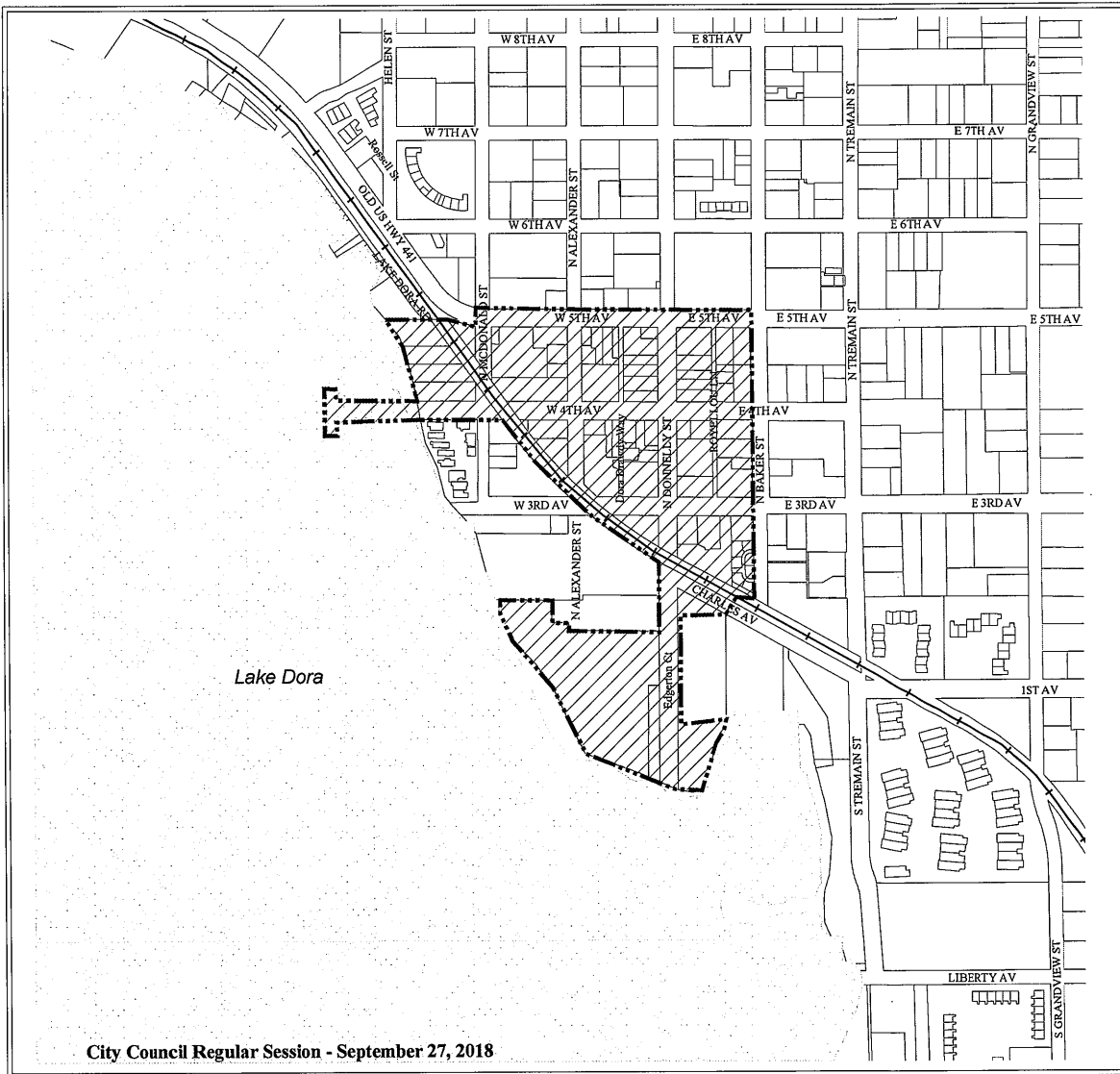
ATTEST:

GWEN KEOUGH-JOHNS, MMC
CITY CLERK

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

Sherry G. Sutphen
Interim City Attorney

EXHIBIT # 1



City Council Regular Session - September 27, 2018


N



1 inch = 485 feet

Downtown Entertainment District Boundary (Parcels) Map

Legend

 Entertainment District

Revised 7-25-18

Date: 7/25/2018



Page 65 of 817