

MEMORANDUM

GOE

Agenda Item No. 3(E)

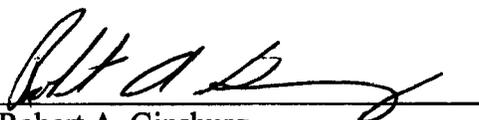
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 12, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
zoning; defining winery

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.


Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", is written over the printed name of George M. Burgess.

SUBJECT: Ordinance relating to
zoning; defining winery

This ordinance related to zoning amends section 33-1, 33-279, and 33-150 of the Code of Miami-Dade County, defining winery uses, will not have a fiscal impact on Miami-Dade County.

fiscal/03904



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: June 22, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(L)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
9-9-04

ORDINANCE NO. _____

ORDINANCE RELATED TO ZONING; AMENDING SECTIONS 33-1, 33-279, AND 33-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING WINERY; PERMITTING WINERY AND ANCILLARY USES IN AU DISTRICT SUBJECT TO CONDITIONS; MODIFYING ALCOHOLIC BEVERAGE SPACING REQUIREMENTS FOR WINERIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, agriculture in Miami-Dade County has a significant positive impact on the economic health of the County; and

WHEREAS, agriculture is an integral part of the historical, cultural and aesthetic values of Miami-Dade County; and

WHEREAS, it is important for public policy to allow for alternative income opportunities that encourage and enhance innovative agricultural uses; and

WHEREAS, agriculture-based tourism in Miami-Dade County is an unexplored resource, that combines two of the County's most successful industries; and

WHEREAS, agriculture-based tourism may take many forms including roadside stands, self-harvest fields, farmer's markets, farm tours; and

WHEREAS, wineries may create, tourism and economic opportunities in Miami-Dade County,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

* * *

>>(115.01) Winery (farm related). An agricultural processing facility used for fermenting and processing of fruit juices into wine made from products grown or processed on the owner's property and where such wine products may be tasted and sold.<<

* * *

Section 2. Section 33-279 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-279. Uses Permitted.

No land, body of water and/or structure shall be maintained, used, or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed, or structurally altered or be permitted to be erected, constructed, moved, reconstructed, or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following:

* * *

>>(21) Wineries (farm related) as defined in Section 33-1, subject to the following conditions:

(a) That the principal use of the property shall be a working grove or vineyard; and

(b) That the farm winery shall be ancillary to the principal use of said grove or vineyard; and

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amended proposal. Remaining provisions are now in effect and remain unchanged.

- (c) That the property upon which the grove/vineyard and ancillary farm winery is located shall not be less than ten (10) acres gross; and
- (d) That no more than 250,000 gallons of wine shall be produced in any one calendar year; and
- (e) That notwithstanding the maximum lot coverage of 15% permitted by the district, the maximum lot coverage permitted for all structures related to the wine processing, wine storage, wine tasting and sales areas shall not exceed ten (10) percent of the net lot area; and
- (f) That such a farm winery may be open to the public for tours, wine tasting and for the sale of the wine products produced on the property; and
- (g) That off-street parking requirements for the wine tasting and sales areas shall be calculated at one parking space for every 250 square feet of gross floor area or fractional part thereof. Office and other use areas shall have off-street parking spaces provided for such areas as otherwise provided in this code. In addition to the aforementioned parking requirements, parking for indoor or outdoor farm related winery festivals shall be determined by the Director and such requirements shall be based on the number of people that can reasonably be assumed to be on such premises at one (1) time. Said determination shall be calculated on a basis of one (1) parking space for each four (4) persons.
- (h) Food service must be accessory to the production of wine and limited to hors d'oeuvres and other snacks. All such food shall be prepared off-site. No commercial kitchen shall be allowed.
- (i) That the hours of operation for the farm related winery shall not extend beyond 10:00 p.m.
- (j) Outdoor farm related winery festivals shall be allowable on properties having a current Certificate of Use for a farm related winery provided the organization and nature of those festivals is related to the winery operation on the site for the purpose of promoting the farm winery concept and further provided:
 - a. Written waivers of objection for outdoor farm related festival use shall be obtained from all property owners within five hundred (500) feet or eighty (80) percent of the

owners of property within one thousand feet prior to the occurrence of the first festival. Festivals occurring subsequent to the initial festival shall not be subject to this requirement.

b. That no such outdoor farm related festival shall be more than three (3) days long.

(k) That farm related wineries shall be subject to all required permits and inspections.

(l) A Zoning Improvement Permit (ZIP) for outdoor farm related winery festivals shall be obtained from the Department for each festival. No more than a total of six (6) outdoor farm related winery festivals shall be held per calendar year. Such outdoor farm related winery festivals shall be restricted to daylight hours only.

(m) That the use shall conform to the requirements of the Miami-Dade County Department of Environmental Resources Management, and the special events requirements of the Miami-Dade County Police Department, if applicable.

(n) That the use of loudspeakers and live entertainment shall be prohibited. <<

* * *

Section 3. Section 33-150 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-150. Location of establishments.

(E) Exceptions to spacing and distance requirements. The restrictions and spacing requirements set forth in subsections (A) and (B) above shall not apply:

* * *

>>(14) Winery (farm related) as defined in Section 33-1 (115.01).<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

JM

John McInnis

Sponsored by Commissioner Dennis C. Moss