



## MEMORANDUM

Agenda Item No. 7(C)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

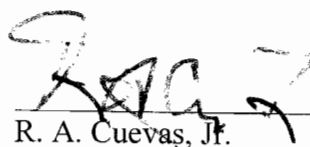
**DATE:** March 2, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Section  
33-1 of the Code, to provide  
definitions of farm-related  
breweries and distilleries;  
amending Section 33-279  
of the Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Department of Planning and Zoning, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Katy Sorenson and Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** March 2, 2010

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is written in a cursive style and is positioned to the right of the printed name.

**Subject:** Proposed Zoning Ordinance Amending Sections 33-1 and 33-279 of the Code to Expand the Section Providing for Wineries in the AU (Agricultural) Zoning District

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## **Recommendation**

It is recommended that the Board of County Commissioners adopt the attached ordinance amending Sections 33-1 and 33-279 of the Code in order to permit farm-related breweries and distilleries in the AU (Agricultural) zoning district, and to modify certain requirements for wineries, breweries and distilleries and their ancillary uses. The ordinance amends Sec. 33-1 of the Code in order to provide definitions for farm related breweries and distilleries.

## **Scope**

The proposed ordinance applies to the unincorporated areas of Miami-Dade County.

## **Fiscal Impact/Funding Source**

The proposed ordinance creates no fiscal impact on Miami-Dade County.

## **Track Record/Monitor**

The Department of Planning and Zoning will administer the implementation of this ordinance.

## **Background**

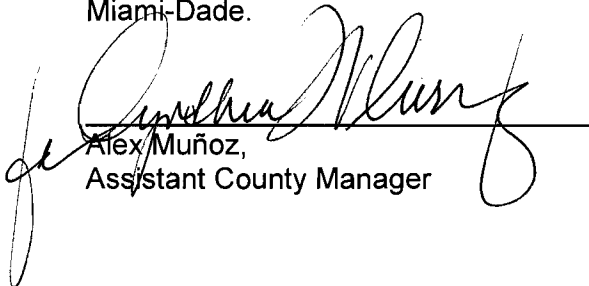
To assist the agricultural industry to be economically viable in the face of changing characteristics and increased pressure to convert agricultural lands to urban use, the Board of County Commissioners (BCC) adopted on April 24, 2007 Resolution No. R-436-07. This resolution directed County staff to conduct a fact finding mission, to develop a set of strategies to promote agri-tourism, and to find possible ways to diversify agriculture. On December 12, 2007, County Staff presented a report to the BCC outlining the findings of the fact finding mission and laying out a plan of action to address some of the challenges being faced by the County's agricultural community.

It is estimated that an average of two million visitors pass through the south Miami-Dade area every year on their way to destinations such as the Florida Keys, Everglades and Biscayne National Parks. The attached ordinance and the two other accompanying ordinances are designed to provide the local farmers with the tools necessary to attract a segment of those visitors passing through the area. These ordinances are designed to

Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
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remove impediments from the zoning code to allow for additional agricultural-related uses and to encourage agri-tourism.

The zoning code currently provides for wineries to operate in the County's agricultural area under certain conditions. However, the code imposes a number of restrictions on uses that are considered complementary to making a winery operation viable and attractive. This deficiency in our code was highlighted during the fact finding mission to upstate New York where thriving wineries created a tourist destination of an area that was once economically depressed. The proposed changes expand the winery section to provide for breweries and distilleries and to allow additional flexibility for their operators to utilize the facilities to promote tourism and expose people to the potential of the agricultural industry in south Miami-Dade.



Alex Muñoz,  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** March 2, 2010

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(c)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(C)

Veto \_\_\_\_\_

3-2-10

Override \_\_\_\_\_

ORDINANCE NO \_\_\_\_\_

ORDINANCE AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"), TO PROVIDE DEFINITIONS OF FARM-RELATED BREWERIES AND DISTILLERIES; AMENDING SECTION 33-279 OF THE CODE TO PERMIT BREWERIES AND DISTILLERIES IN THE AU (AGRICULTURAL) ZONING DISTRICT; MODIFYING CERTAIN REQUIREMENTS FOR WINERY, BREWERY, DISTILLERIES AND ANCILLARY USES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**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<sup>1</sup>:

**Sec. 33-1. Definitions.**

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

\* \* \*

- (14) *Block.* A block shall be deemed to be all that property frontage along one (1) highway lying between the two nearest intersecting or intercepting streets and

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

railroad right-of-way or waterway, golf course, campus, park or similar open space.

>>(14.1) Brewery (farm related). An establishment, located wholly on a farm, for the manufacture of malt liquors, such as beer and ale, using grains produced in other regions and other ingredients produced primarily on the farm or in the State of Florida.<<

\* \* \*

(39) *Director.* The word "Director" shall mean the Director of the Department of Planning and Zoning or designee, unless the context clearly indicates otherwise.

>>(39.1) Distillery (farm related). A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm or in the State of Florida.<<

\* \* \*

**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 >>, breweries and distilleries<< (farm related) as defined in Section 33-1, subject to the following conditions:

(a) ~~[[That the]]~~>>The<< principal use of the property shall be a working ~~[[grove or vineyard]]~~ >>farm producing products utilized in the winery, brewery, or distillation process.<<[[; and]]

(b) ~~[[That the]]>>~~The<< farm winery>>, brewery, or distillery<< shall be ancillary to the principal use of said ~~[[grove or vineyard]]>>~~farm.<<[[; and]]

(c) ~~[[That the]]>>~~The<< property upon which the ~~[[grove/vineyard]]>>~~farm<< and ancillary farm winery>>, brewery, or distillery<< is located shall not be less than ten (10) acres gross>>.<<[[; and]]

(d) ~~[[That no]]>>~~No<< more than 250,000 gallons of wine >>, and 250,000 gallons of malted beverage/beer and 125,000 gallons of distilled spirits<< 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)]>>~~(e)<< ~~[[That such]]>>~~Such<< a farm winery>>, brewery, or distillery<< may be open to the public for >>events and activities related to the preserving, processing, packaging or selling of agricultural products from Florida including tours, product tasting, festivals, parties and other similar events.<< ~~[[tours, wine tasting and for the sale of the wine products produced on the property; and]]~~

~~[[g)]>>~~(f)<< ~~[[That off]]>>~~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, at the time of application for ZIP ~~[[pursuant to paragraph (i) herein]]~~, 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)]>>~~(g)<< Food service >>, preparation and consumption<< ~~[[must]]~~ >>shall<< be accessory to the production of wine >>, beer or

~~distilled spirits. <<[[and limited to hors d'oeuvres and other snacks. All such food shall be prepared off site. No commercial kitchen shall be allowed.]]~~

~~[[i]]>>(h)<< [[That the]]>>The<< hours of >>retail sales<< operation for the farm related winery>>, brewery, or distillery<< shall not extend beyond 11:00 p.m.~~

~~[[j]]>>(i)<< Outdoor farm related [[winery]] festivals shall be allowable on properties having a current Certificate of Use for a farm related winery>>, brewery, or distillery<< provided [[the organization and nature of these 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 residences within five hundred (500) feet or eighty (80) percent of the residences 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.]]>>a.<< [[That no]]>>No<< such outdoor farm related festival shall be more than three (3) days long.~~

~~>>b.<< 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 festivals shall be held per calendar year per farm. Such outdoor farm related [[winery]] festivals shall be restricted to daylight hours only.~~

~~[[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 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)~~]]>>(j)<< ~~[[That the]]>>The<< use of mechanically amplified outdoor~~  
~~[[live]] entertainment shall be prohibited >>from 11 PM to 9~~  
~~AM<<.~~

[[~~(o)~~]]>>(k)<< ~~[[That the]]>>The<< winery>>, brewery, or distillery shall<<~~  
~~not be located in the East Everglades Area of Environmental~~  
~~Concern as that area is described in Chapter 33B, Code of~~  
~~Miami-Dade County.~~

**Section 3.** 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 4.** 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 5.** 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:

Handwritten signature of APW, consisting of the letters 'APW' in a cursive style above a horizontal line, with another horizontal line below it.

Prepared by:

Joni Armstrong Coffey

- Co-Sponsor: Commissioner Audrey M. Edmonson
- Co-Sponsor: Commissioner Carlos A. Gimenez
- Co-Sponsor: Commissioner Sally A. Heyman
- Co-Sponsor: Commissioner Barbara J. Jordan
- Co-Sponsor: Commissioner Katy Sorenson
- Co-Sponsor: Senator Javier D. Souto