

MEMORANDUM

Agenda Item No. 7(N)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 10-6-15)
June 30, 2015

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

SUBJECT: Ordinance relating to zoning and other land development regulations; updating definitions pertaining to breweries, distilleries, and wineries; updating permitted uses in the agricultural zoning district by amending regulations pertaining to bed and breakfast establishments and farm-related wineries, breweries, and distilleries; amending Sections 33-1 and 33-279 of the Code

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



R. A. Cuevas, Jr.
County Attorney

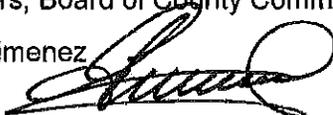
RAC/cp

Memorandum



Date: October 6, 2015

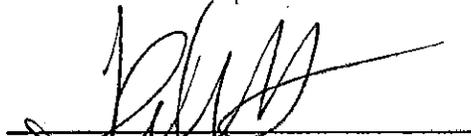
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to Zoning and other Land Development Regulations

The proposed ordinance relating to zoning and other land development regulations amends Sections 33-1 and 33-279 of the Code updating definitions pertaining to breweries, distilleries, and wineries as well as updating permitted uses in the agricultural zoning district by amending regulations pertaining to bed and breakfast establishments and farm-related wineries, breweries, and distilleries.

Implementation of this ordinance, which amends the County's Zoning Code, may have a positive fiscal impact on the County's permitting activities in the unincorporated municipal service areas. However, estimated annual fiscal impacts cannot be determined because revenues are application driven and the demand for these permits is unknown at this time.



Jack Osterholt
Deputy Mayor

fis08315



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 7(N)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 7(N)
10-6-15

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; UPDATING DEFINITIONS PERTAINING TO BREWERIES, DISTILLERIES, AND WINERIES; UPDATING PERMITTED USES IN THE AGRICULTURAL ZONING DISTRICT BY AMENDING REGULATIONS PERTAINING TO BED AND BREAKFAST ESTABLISHMENTS AND FARM-RELATED WINERIES, BREWERIES, AND DISTILLERIES; AMENDING SECTIONS 33-1 AND 33-279 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has adopted approximately ten agricultural-related ordinances since 2009 with the purpose of expanding the activities allowed in the Agricultural (AU) District, as well as addressing changing conditions in the areas designated Agriculture and other areas on the Comprehensive Development Master Plan (CDMP) Land Use Plan Map; and

WHEREAS, in October of 2014, this Board adopted a CDMP amendment revising the policies pertaining to Agriculture in the CDMP's Land Use Element in order to, among other things, promote ecotourism and agritourism, as well as to allow wineries to utilize imported products for winemaking; and

WHEREAS, the County's Zoning Code should be amended to reflect the October 2014 CDMP amendment and to promote and allow greater flexibility for ecotourism and agritourism in the AU District; and

WHEREAS, to that end, this Board wishes to eliminate and liberalize some of the requirements in the County's Zoning Code that currently apply to bed and breakfast establishments in the AU District, as well as to farm-related wineries, breweries, and distilleries, so that such establishments will have greater flexibility in how they operate; and

WHEREAS, this Board also wishes to eliminate and liberalize some of the requirements that currently apply to bed and breakfast establishments, so as to allow them greater flexibility in design and appearance,

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 is hereby amended to read as follows:¹

Sec. 33-1. Definitions.

(12.2) *Bed and breakfast establishment.* A bed and breakfast establishment is an owner-occupied single family dwelling offering transient accommodations and meals for paying guests. >>In the AU district, where bed and breakfast establishment is located on a working farm, the transient accommodations may be provided in a farm residence or a detached structure that need not be owner-occupied.<<

* * *

>>(15.1)<< ~~[(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]].~~ >>The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.<<

* * *

¹ 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.

(39.1) *Distillery (farm related)*. A facility located wholly on a farm designed for the distillation of >>agricultural products including<< grains>>, << [[and]] fruits>>, or vegetables into liquor or spirits<< ~~[[produced primarily on the farm or in the State of Florida]]~~. >>The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.<<

* * *

(115.01) *Winery (farm related)*. An agricultural processing facility used for fermenting and processing fruit into wine>>or derivative products<< ~~[[made from locally grown produce and where such wine products may be tasted and sold. As used in this section "locally grown produce" shall mean produce grown in Miami-Dade County.]]~~ >>The facility may have accessory uses as permitted under Section 33-279 of this chapter, including uses that permit the sale and consumption of products manufactured on site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.<<

* * *

Section 2. Section 33-279 of the Code of Miami-Dade County 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:

- (1) All uses, except golf courses, permitted in the RU-1, EU-M or EU-1 Districts and subject to the restrictions thereof not inconsistent with this article.

(1.1) A bed and breakfast establishment shall be permitted subject to the following limitations:

- (a) The facility shall be ~~[[owner-occupied-and]]~~ located in property that is subject to a lawful agricultural property tax classification and designated in the Comprehensive Development Master Plan for Agriculture, except as provided in (k) below.
- (b) No more than six (6) bedrooms shall be allocated for rental and no more than six (6) bedrooms shall be rented out per 24-hour period.
- (c) The bed and breakfast establishment use may be conducted from both a principal residence and a legally established accessory guest house detached from the principal residence.
- (d) The maximum length of total stay for any bed and breakfast guest shall be thirty (30) days per consecutive twelve-month period.
- (e) No cooking facilities shall be permitted in any of the bedrooms available for rent.
- ~~[[f) Meals will be served only for overnight guests.]]~~
- >>(f)<<[[g)] The property owner shall obtain a certificate of use from the Department and promptly renew the same annually.
- >>(g)<<[[h)] Regarding compliance with the applicable provisions of Chapter 24 of this Code only, bed and breakfast establishments shall be considered residential establishments.
- >>(h)<<[[i)] The property owner shall obtain and maintain the appropriate licenses ~~[[for operating a bed and breakfast establishment]]~~ from the State of Florida, including the Department of Business and Professional Regulation, Division of Hotels and Restaurants, or successor agency, if applicable.
- >>(i)<<[[j)] The ~~[[property owner will maintain the single-family residential]]~~ appearance of the bed and breakfast establishment >>shall not be that of a multi-family, hotel, or commercial use<<.
- >>(j)<<[[k)] If designated historic by the Miami-Dade County Historic Preservation Board, structures located on a property designated Agriculture and situated outside the Urban Development Boundary of the Comprehensive Development Master Plan Land Use Plan Map shall be exempt from the requirement of (a) above >>or any requirement that

there be a working farm on the property<< ~~[[; except that the establishment shall be owner-occupied]].~~

* * *

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

~~[[a) The principal use of the property shall be a working farm producing products utilized in the winery, brewery, or distillation process.]]~~

>>(a)<<[[~~(b) The~~]] >>A<< farm winery, brewery, or distillery ~~[[shall be ancillary to the principal use of said]]~~ >>may use local or imported farm products and shall be located on a site with a<< farm>>, which may include direct sales to the public on a U-Pick Farm.

(b) A farm brewery or distillery not on a site with a winery shall not exceed production of 250,000 gallons of malted beverage/beer or 125,000 gallons of distilled spirits respectively<<.

(c) The property upon which the farm and ~~[[ancillary]]~~ farm winery, brewery, or distillery is located shall not be less than ~~[[ten (10)]]~~ >>five (5)<< acres gross.

~~[[d) 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.]]~~

~~[[e)]]~~>>(d)<< 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.

~~[(f)]~~>>(e)<< Off-street parking requirements for the 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, parking for indoor or outdoor farm-related 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.

~~[(g)]~~>>(f)<< Food service, preparation and consumption shall be accessory to the production of wine, beer or distilled spirits.

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

~~[(i)]~~>>(h)<< Outdoor farm-related festivals shall be allowable on properties having a current Certificate of Use for a farm-related winery, brewery, or distillery provided:

>>(1)<<~~[(a-)]~~ No such outdoor farm-related festival shall be more than three (3) days long.

>>(2)<<~~[(b-)]~~ A Zoning Improvement Permit (ZIP) for outdoor farm-related festivals shall be obtained 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 festivals shall be restricted to daylight hours only.

~~[(f)]~~>>(i)<< The use of mechanically amplified outdoor entertainment shall be prohibited from 11:00 p.m. to 9:00 a.m.

~~[(k)]~~>>(j)<< 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.

(22) Uses ancillary to and directly supportive of agriculture.

(a) The following uses shall be permitted on property meeting the requirements of this section when ancillary to an ongoing agricultural use:

(1) The packing, processing and sale of agricultural goods or products from the State of Florida.

(2) Farm tours, farm meals, cooking classes, agricultural workshops, agricultural education and ~~[[agri-tourism]]~~>>. and agritourism, including U-Pick, pony rides, and horseback riding<<.

(3) Farmers' markets, restricted to the sale of fruits, vegetables, live farm animals, and plants, as well as products derived directly therefrom.

(4) Uses determined by the Director to be similar to those enumerated above. In determining similarity between a proposed use and the uses enumerated above, the Director shall be guided by whether the proposed use is ancillary to and directly supportive of agriculture.

* * *

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:



Prepared by:

James Eddie Kirtley
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Dennis C. Moss