MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	October 6, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaining to zoning; providing regulations pertaining to breweries, brew pubs, distilleries, and wineries; amending permitted uses in BU-1, BU-1A and IU-1 zoning districts to allow for the operation of breweries, brew pubs, distilleries, wineries, and related accessory uses; amending Sections 33-1, 33-238, 33-247 and 33-259 of the Code

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 8-26-15 Metropolitan Services Committee. The substitute differs from the original to clarify that breweries, distilleries, and wineries located in the IU zoning district are not required to have at least 51% of a facility devoted to the manufacture, distillation, or processing of alcoholic beverages, so long as the principal use of said facility is for such manufacturing, distillation, or processing, consistent with the appropriate state licensing. The substitute also corrects a scriveners error by changing "farmed" to "farm."

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: October 6, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance pertaining to Zoning; providing regulations pertaining to breweries, brew pubs, distilleries, and wineries

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The proposed ordinance amends sections 33-1, 33-238, 33-247, and 33-259 of the code of Miami Dade County, providing regulations pertaining to breweries, brew pubs, distilleries, and wineries amending permitted uses in BU-1, BU-1A, and IU-1 zoning districts to allow for the operation of breweries, brew pubs, distilleries, wineries, and related accessory uses. Implementation of this ordinance will not have a fiscal impact on the County.

Jack Osterholt
Deputy Mayor

fis06715

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(D)

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(D)
10-6-15

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; PROVIDING REGULATIONS PERTAINING TO BREWERIES, BREW PUBS, DISTILLERIES, AND WINERIES; AMENDING PERMITTED USES IN BU-1, BU-1A, AND IU-1 ZONING DISTRICTS TO ALLOW FOR THE OPERATION OF BREWERIES, BREW PUBS, DISTILLERIES, WINERIES, AND RELATED ACCESSORY USES; AMENDING SECTIONS 33-1, 33-238, 33-247, AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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:[1]

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:

* * *

>>(15.2) *Brewery (not farm related).* An establishment for the manufacture of malt liquors, such as beer and ale. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

(15.3) *Brew Pub (Restaurant, Pub, or Bar with a Brewery, Distillery, or Winery as Accessory Use).* A small brewery, distillery, or winery accessory to a pub, bar, or restaurant, 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.

* * *

>>(39.2) *Distillery (not farm related).* A facility designed for the distillation of agricultural products including grains, fruits, or vegetables into liquor or spirits. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.<<

* * *

>>(115.02) *Winery (not farm related).* A processing facility used for fermenting or processing fruit into wine or derivative products. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.<<

* * *

Section 2. Section 33-238 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-238. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed or structurally altered or maintained in any BU-1 District, which is designed, arranged or intended to be used or occupied for any purpose, except for one (1) or more of the following uses:

* * *

>>(10.05) Brew Pubs (*Restaurant only*), subject to compliance with the following conditions:

(a) A brewery, distillery, or winery is only permitted as an accessory use to a restaurant. Alcoholic beverages may be served where such service is strictly incidental to the service of food and from a service bar only.

(b) Off-street parking for restaurant and other allowable uses shall be provided as otherwise required in this Code.

(c) The use complies with Article X (Alcoholic Beverages) of this chapter.<<

* * *

Section 3. Section 33-247 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-247. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, maintained or occupied for any purpose in any BU-1A District, except for one (1) or more of the following uses:

* * *

>>(14.1) Brew Pubs *(Restaurant, Pub, or Bar with a Brewery, Distillery, or Winery as Accessory Use)*, subject to the following conditions:

(a) Off-street parking for restaurant and other allowable uses shall be provided as otherwise required in this Code.

(b) The use complies with Article X (Alcoholic Beverages) of this chapter.

(c) In addition to a brewery, distillery, or winery as accessory use, a restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.<<

* * *

Section 4. Section 33-259 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 33-259. Uses permitted.

No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, excepting for one (1) or more of the following:

* * *

[[~~(17) Brewery.~~]]

>>(17) Brewery (*not farm*<<[[~~ed~~]][2] >> *related*), subject to the following conditions:

(a) The principal use of the facility shall be for the manufacture of malt liquors<< [[~~(no less than 51 percent of the facility)~~]] >>.

(b) The brewery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this code.

(17.1) Brew Pubs (*Restaurant, Pub, or Bar with a Brewery, Distillery, or Winery as Accessory Use*), subject to the following conditions:

(a) Off-street parking for restaurant and other allowable uses shall be provided as otherwise required in this Code.

(b) The use complies with Article X (Alcoholic Beverages) of this chapter.

(c) In addition to a brewery, distillery, or winery as

[2] The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

accessory use, a restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.<<

* * *

>>(27.05) Distillery (*not farm related*), subject to the following conditions:

(a) The principal use of the facility shall be for the distillation of agricultural products into liquor or spirits<< [[~~(no less than 51 percent of the facility)~~]] >>.

(b) The distillery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this code.<<

* * *

>>(89.2) Winery (*not farm related*), subject to the following conditions:

(a) The principal use of the facility shall be for fermenting and processing fruit into wine or derivative products<< [[~~(no less than 51 percent of the facility)~~]] >>.

(b) The winery may have a restaurant as an accessory use, and the restaurant may also have an accessory cocktail lounge-bar use subject to the requirements of Article X of this chapter.

(c) Off-street parking for industrial, retail, restaurant, and other allowable uses shall be provided as otherwise required in this code.<<

* * *

Section 5. 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 6. 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 7. 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: RAC

Prepared by:

James Eddie Kirtley

Prime Sponsor: Commissioner Jose "Pepe" Diaz