

MEMORANDUM

Agenda Item No. 7(E)

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

DATE:

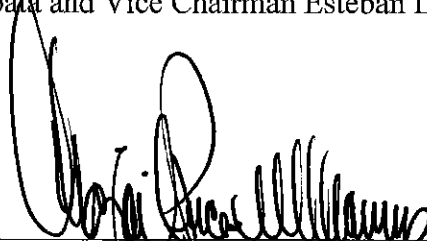
(Second Reading 12-6-16)
September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT:

Ordinance pertaining to zoning; amending sections 33-150, 33-151 and 33-253 of the Code; creating exceptions to spacing and distance requirements for breweries, brew pubs, distilleries, and wineries from churches, schools, and other breweries, brew pubs, distilleries, and wineries; creating hours and days of sale applicable to breweries, brew pubs, distilleries, and wineries that are not farm related; amending permitted uses in BU-2 zoning district to allow for the operation of micro-breweries; conforming definition of night clubs pertaining to hours and days of sale to another code provision

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Juan C. Zapata and Vice Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney


RAC/cp

Memorandum



Date: December 6, 2016

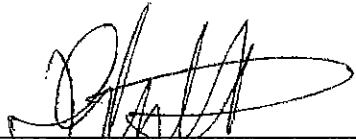
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Fiscal Impact Statement for Zoning Ordinance Related to Spacing Requirements, Hours of Operations, and Permitting Zoning Districts for Breweries, Brew Pubs, Distilleries and Wineries

The proposed ordinance pertaining to zoning amends Sections 33-150, 33-151 and 33-253 of the Code of Miami Dade County to update existing regulations pertaining to farm and non-farm related breweries, brewpubs, wineries and distilleries. More specifically, the proposed ordinance updates regulations pertaining to spacing and distance requirements and hours of operations for non-farm related entities. The proposed ordinance also introduces micro-breweries in the Code.

There is no anticipated fiscal impact to the County with the enactment of this proposed ordinance as additional staffing resources are not required.



Jack Osterholt
Deputy Mayor


fis09316 161906

Memorandum



Date: December 6, 2016

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

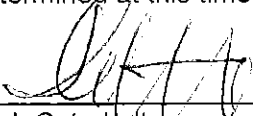
From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Impact Statement for Zoning Ordinance Related to Spacing Requirements, Hours of Operations, and Permitting Zoning Districts for Breweries, Brew Pubs, Distilleries and Wineries

The proposed ordinance amends the Code to update existing regulations pertaining to farm and non-farm related breweries, brewpubs, wineries and distilleries. More specifically, the primary changes of the proposed ordinance are as follows:

- Exempts all farm related breweries, distilleries, and wineries (those in the agricultural zoning district) from the spacing and distance requirements in Section 33-150 of the Code;
- Exempts all non-farm related breweries, brew pubs, distilleries, and wineries from the spacing and distance requirements in Section 33-150 of the Code, but specifies that such uses cannot be less than 500 feet from a school or church;
- Adds language to the Code setting the hours of operation for the sale of alcoholic beverages for non-farm related breweries, brew pubs, distilleries, and wineries to be from 8:00 a.m. to 1:00 a.m. the following day on weekdays and weekends.
- Amends the Code to permit non-farm related micro-breweries, which manufacture no more than 10,000 kegs per year, to operate in the BU-2 zoning district (Business – Special), given certain conditions.

The Code currently regulates farm and non-farm related breweries, distilleries and wineries; however, this proposed ordinance updates regulations pertaining to spacing and distance requirements and hours of operations for non-farm related entities. The proposed ordinance also introduces micro-breweries in the Code. A particular social equity benefit or burden cannot be determined at this time.



Jack Osterholt
Deputy Mayor

161906



MEMORANDUM
(Revised)

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

DATE: December 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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
- Statement of social equity 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(E)
12-6-16

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-150, 33-151 AND 33-253 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING EXCEPTIONS TO SPACING AND DISTANCE REQUIREMENTS FOR BREWERIES, BREW PUBS, DISTILLERIES, AND WINERIES FROM CHURCHES, SCHOOLS, AND OTHER BREWERIES, BREW PUBS, DISTILLERIES, AND WINERIES; CREATING HOURS AND DAYS OF SALE APPLICABLE TO BREWERIES, BREW PUBS, DISTILLERIES, AND WINERIES THAT ARE NOT FARM RELATED; AMENDING PERMITTED USES IN BU-2 ZONING DISTRICT TO ALLOW FOR THE OPERATION OF MICRO-BREWERIES; CONFORMING DEFINITION OF NIGHT CLUBS PERTAINING TO HOURS AND DAYS OF SALE TO ANOTHER CODE PROVISION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 15-107, this Board adopted definitions and regulations pertaining to non-farm related breweries, brew pubs, distilleries, and wineries; and

WHEREAS, that ordinance amended the permitted uses in certain business and office and industrial zoning districts to allow for the operation of such breweries, brew pubs, distilleries, wineries, and related accessory uses; and

WHEREAS, to provide greater flexibility for these uses, there is a need to create exceptions to the spacing and distance requirements from churches and schools and from other breweries, brew pubs, distilleries, and wineries set forth in article X of chapter 33 of the code; and

WHEREAS, for the same reason, there is also a need to create hours and days of sale that are expressly tailored to non-farm related breweries, brew pubs, distilleries, and wineries; and

WHEREAS, in addition, there is a desire to allow for the operation of micro-breweries in the BU-2 zoning district, where an array of other commercial uses are currently permitted, including liquor package stores, regional shopping centers, and pubs and bars; and

WHEREAS, lastly, there is a need to conform the definition of night clubs pertaining to hours and days of sale to the definition of that term contained elsewhere in the code; and

WHEREAS, this Board wishes to achieve these aims in the manner more particularly set forth herein,

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

Section 1. Section 33-150 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-150. – Location of establishments.

(A) *Distance from other establishments.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of any alcoholic beverages, as defined herein, to be consumed on or off the premises where the structure or place of business intended for such use is located less than fifteen hundred (1,500) feet from a place of business having an existing, unabandoned, legally established (and not one (1) of the uses excepted from the spacing requirements hereinafter provided) alcoholic beverage use which permits consumption on or off the premises. The fifteen hundred (1,500) feet distance requirements shall be measured by following a straight line from the nearest portion of the structure of the place of business.

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.

(B) *Distance from church or school.* Unless approved as a special exception (Section 33-311(A)(3)), no premises shall be used for the sale of alcoholic beverages to be consumed on or off the premises where the structure or place of business intended for such use is located less than twenty-five hundred (2,500) feet from a church or public school. The twenty-five-hundred-foot distance requirement shall be measured and computed as follows:

- (1) From a church, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the church structure, and
- (2) From a public school, the distance shall be measured by following a straight line from the front door of the proposed place of business to the nearest point of the school grounds.

* * *

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

* * *

(14) >>BREWERIES (FARM RELATED), DISTILLERIES (FARM RELATED), AND WINERIES (FARM RELATED). To a brewery (farm related), distillery (farm related), or << [[W]]>>w<<inery (farm related)[[, as defined in Section 33-1 (115.01)].

* * *

>>(15) BREWERIES (NOT FARM RELATED), BREW PUBS, DISTILLERIES (NOT FARM RELATED), AND WINERIES (NOT FARM RELATED). To a brewery (not farm related), brew pub, distillery (not farm related), or winery (not farm related), provided that such use is not less than 500 feet from a school or church, measured as provided herein.<<

* * *

Section 2. Section 33-151 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-151. – Hours and days of sale.

No alcoholic beverages shall be sold or served within the unincorporated areas of Miami-Dade County except at such hours and on such days and by such vendors as set forth below:

* * *

- (i) *Night clubs.* ~~[[For the purpose of this section, the term "night club" is defined as any place of business located within any building or establishment under one (1) roof and on one (1) floor, wherein entertainment or music or both are regularly supplied, and providing meals and refreshments prepared on the premises, and having a seating capacity of not less than forty (40) people at tables; having an aggregate floor space of not less than two thousand two hundred (2,200) square feet; and providing a dance floor containing not less than three hundred eight (308) square feet, such floor space provided for dancing to be free from chairs, tables or other obstructions at all times.]]~~ Upon written application to the Board of County Commissioners and upon paying of the Board of County Commissioners the sum of five hundred dollars (\$500.00), any person holding a license under the State beverage department for sale of alcoholic beverages on the premises, and which place of business so conducted by such vendor classified as a night club, as ~~[[above]]~~ >>in section 33-1<<, shall be issued a special permit to operate as a night club. Such special permit shall be paid for on or before the first of October and shall expire the first of the succeeding October; provided that any person beginning business after the first of October may obtain a special permit upon the payment of the annual fee of five hundred dollars (\$500.00), and such permit shall expire on the first of the succeeding October; provided further that any person beginning such business on or after the first of April, of any year may procure a special permit expiring the first of October of the same year on the payment of one-half (1/2) the fee herein required for the annual special permit. Such special permit shall be posted at a conspicuous place in the place where such night club operates.

Any night club, as ~~[[above]]~~ defined >>in section 33-1<<, which holds a night club license from this Board and which holds a license from the State beverage department for the sale of alcoholic beverages on the premises, shall be permitted to remain open, and sell alcoholic beverages for consumption on the premises from 8:00 a.m. to 4:50 a.m. of the following day during week days, and on Sundays to remain open and sell beer for consumption on the premises from 10:00 a.m. to 4:50 a.m. of the following Monday; and to remain open and sell other alcoholic beverages on Sunday for the consumption on the premises from 5:00 p.m. to 4:50 a.m. of the following Monday; and except that where the alcoholic beverages are served with meals at tables, the same may be served from 1:00 p.m. on Sunday to 4:50 a.m. on the following Monday. It is specifically provided, however, that each and every night club that may operate in the unincorporated areas of Miami-Dade County in accordance with this section shall close its doors and have all its patrons off its premises by not later than 5:00 a.m. of each day.

* * *

>>(r) Brewery (not farm related), brew pub, distillery (not farm related), or winery (not farm related). Notwithstanding any other provisions of this chapter to the contrary, a brewery (not farm related), brew pub, distillery (not farm related), or winery (not farm related), along with any accessory uses, shall make no sales of alcoholic beverages on weekdays or weekends except between the hours of 8:00 a.m. and 1:00 a.m. on the following day.<<

* * *

Section 3. Section 33-253 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-253. Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in any BU-2 District except for one (1) or more of the following uses:

* * *

>>(2.04) Brewery (not farm related), subject to the following conditions:

- (a) The manufacture of malt liquors, such as beer and ale, shall be limited to 10,000 kegs per year as a micro-brewery.
- (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.<<

* * *

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:

Prepared by:

James Eddie Kirtley

A handwritten signature in black ink, appearing to read 'AJW', with a large, stylized flourish underneath.

Co-Prime Sponsors: Commissioner Juan C. Zapata
Vice Chairman Esteban L. Bovo, Jr.