

PROPOSED ORDINANCE NO. 2018-09

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 155, OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING CODE" BY AMENDING SECTION 155.149, ENTITLED "GENERAL BUSINESS (B-3) DISTRICTS"; CREATING SECTION 155.149(18) AND ADDING "BREW PUBS" AS A PRINCIPAL USE AND ADDING "MICRO BREWERIES AND MICRO WINERIES" AS A PRINCIPAL USE PER SPECIAL EXCEPTION (155.283) SUBJECT TO THE PROVISIONS IN SECTION 155.291; AMENDING SECTION 155.286 TO PROVIDE FOR DEFINITIONS; CREATING SECTION 155.291 TO BE ENTITLED "MICRO BREWERIES, MICRO WINERIES AND BREW PUBS"; TO PROVIDE FOR STANDARDS AND GUIDELINES RELATED TO THE OWNERSHIP AND USE OF MICRO BREWERIES, MICRO WINERIES AND BREW PUBS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration of the City of Pembroke Pines ("City") has reviewed the City's existing Zoning Code and recommends that the City's Zoning Code be amended to address the new retail use of businesses that predominantly engage in the small-scale production, retail, distribution, and wholesale of beer, ale, or other malt beverages or wine; and,

WHEREAS, the City Administration has reviewed the City's existing Zoning Code and recommends that the City's Zoning Code be amended to address regulations relating to the small-scale production, retail, distribution, wholesale and consumption of beer, ale, or other malt beverages, or wine; and,

WHEREAS, Microbreweries, Microwineries and Brewpubs have become a recent trend in South Florida and;

WHEREAS, Microbreweries, Microwineries and Brewpubs have been sought after in recent years by local municipalities in an effort to revitalize underutilized areas; and

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WHEREAS, successful Microbreweries, Microwineries and Brewpubs attract other unique complementary uses to the immediate area; and

WHEREAS, the City Commission has considered the proposed recommendations to add Microbreweries and Microwineries as a special exception in the Business District (B-3) and finds that it is in the best interest of the City to adopt this ordinance; and

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Section 155.149(18), of the Code of Ordinances of the City of Pembroke Pines, entitled "Microbreweries, Microwineries and Brewpubs" is hereby created as follows:

Section 155.149(18). Microbreweries, Microwineries and Brewpubs

- (a) Microbreweries, Microwineries and Brewpubs, subject to the Definitions set forth in Section 155.286 and the limitations set forth in Section 155.291.

Section 3. Section 155.286, of the Code of Ordinances of the City of Pembroke Pines, entitled "Definitions" is amended as follows.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BREW PUB. An establishment where food, beer and malt beverages are dually licensed to be made on the premises where beer and malt beverages are produced on site and sold and/or consumed on site.

CASES. Package(s) of wine containing to 12 bottles of wine with each bottle containing 750 mL.

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CHURCH. An edifice designed or arranged for religious services, on land held in fee or on long-term lease by an organized group, which group utilizes the edifice for regular and continuing religious services.

HOTEL BAR. A bar operated in connection with a hotel, apartment hotel, motor court, or motel of more than 50 hotel rooms, motel rooms, or separate apartments, and operated by the same owner or management, the bar being equipped with adequate and sanitary equipment. The **HOTEL BAR** must be directly connected with the inside of the hotel. The sale of beer, wine, and liquor shall be prohibited except during the time that the hotel is actually engaged in and open to the public for operation of a hotel business. No sign of any kind shall be permitted to be exhibited or displayed, visible to the outside, denoting that alcoholic beverages are obtainable therein.

MICROBREWERY AND MICROWINERY. An establishment primarily engaged in the small scale production, distribution, and wholesale of beer, ale, or other malt beverages, or wine and shall be permitted only in conjunction with in-house food service.

RESTAURANT. Shall have a table seating capacity of not less than 50 persons.

RESTAURANT BAR. A bar operated in connection with a restaurant by the same owner or management, in a business-zoned area, which restaurant has all necessary equipment and supplies for and services full-course meals regularly, and where the principal business is the serving of meals. A **RESTAURANT BAR** must have accommodations at all times for service of 150 or more patrons, and occupying more than 2,500 square feet of space inside a permanent building. No package goods shall be sold from the bar, nor shall a package store be permitted at the location in connection with the dining room. The sale of beers, wines and liquors shall be prohibited, excepting during the time the restaurant is actually engaged in and open to the public for the serving of full course meals. However, nothing in this sections shall operate to change the hours of sale designated in § 110.02. No sign of any kind or character shall be displayed on the restaurant or bar visible from the outside denoting that alcoholic beverages are sold therein.

SMALL SCALE PRODUCTION. Shall mean beer that is produced in an amount no greater than 15,000 barrels per year and wine that is produced in an amount no greater than 3,000 cases per year.

SEATING or SEATING CAPACITY. Shall include all table seating, and stools/bar seating, when full meal service is available at the counter/bar. ('69 Code, App. A §45.3) (Ord. 218, passed 10-23-69; Am. Ord. 252, passed 4-5-71; Am. Ord. 429, passed 7-7-76; Am. Ord. 944, passed 1-2-91; Am. Ord. 1788, passed 9-3-14)

Section 4. Section 155.291, of the Code of Ordinances of the City of Pembroke Pines, entitled "Microbreweries, Microwineries and Brewpubs" is hereby created as follows:

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Section 155.291. Microbreweries, Microwineries and Brewpubs

(A) Purpose

- (1) The purpose of this chapter is to ensure the effective operation and regulation of Microbreweries, Microwineries and Brewpubs. Where any other provisions of the City of Pembroke Pines Code of Ordinances directly conflicts with this chapter, this chapter shall control.
- (2) All operations of Microbreweries, Microwineries and Brewpubs shall comply with applicable federal, state, local laws, rules and regulations.

(B) Microbreweries, Microwineries and Brewpubs must meet the requirements set forth in chapters 155.013, 155.081, 155.149, 155.285, 155.287

(C) Brewpub as Principal Use

- (1) Brewpub shall be a principal use which shall comply with the following:
- (2) Brewpub production of beer and malt beverages shall not exceed 5,000 barrels per year.
- (3) Brewpubs may not sell its product to other retailers or wholesalers.
 - (1) Brewpubs shall include a restaurant that provides full meal service for consumption by patrons.

(D) Microbrewery and Microwinery as Principal Use Subject to Special Exception (Section 155.283) and Alcoholic Beverage Establishment regulations (Sections 155.285-155.290)

- (1) Microbrewery and Microwinery shall be a principal use which shall include, but is not limited to: small scale production and distribution of beer, ale, or other malt beverages, or wine and on-site consumption and sales of beer, ale, or other malt beverages, or wine.
- (2) Permitted operations include those establishments engaging in the small scale production of beer, ale, other malt beverages, or wine.
- (3) This use shall be permitted only in conjunction with in-house food service and shall adhere to the following:
 - a. No more than seventy-five percent (75%) of the overall square footage associated with the establishment shall be used for production/distribution including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks, serving tanks, and/or the storage of materials and/or product.
 - b. The commercial use shall be oriented towards the street or public space, excluding alleys.

(E) General Standards

- (1) Hours of Operation. Permissible hours of operation shall be determined by the Planning and Zoning board based on impact upon adjacent, adjoining, and nearby properties and uses. The hours for distribution trucks to visit the Microbrewery/Microwinery to receive product(s) for distribution shall be between 8 a.m.

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and 8 p.m. Monday through Saturday, and 11 a.m. to 7 p.m. on Sundays. Local roads shall not be utilized by distributors.

- a. However nothing in this sub-section shall operate to change the hours of sale designated in § 110.02.

(2) Outdoor Storage of Spent Grains. The use of outdoor storage is strictly prohibited except for the temporary storage, limited to twenty-four (24) consecutive hours, of spent grains.

(3) Odors. Microbreweries/Microwineries/Brewpubs must ensure that the production process and associated odors are not detrimental to the public health, safety, comfort and welfare.

(4) Production Reporting. Microbreweries/Microwineries/Brewpubs must accurately report on their Local Business Tax Receipts the (1) amount(s) of product brewed, vinted, made or produced for the most recent fiscal year; and (2) the amount(s) of product the microbrewery/microwinery anticipates brewing, vinting, making or producing for the upcoming fiscal year.

(5) Parking for Microbreweries, Microwineries and Brewpubs shall be according to Section 155.251 – Commercial Uses – Restaurant.

Section 5. Section 155.292, of the Code of Ordinances of the City of Pembroke

Pines, entitled “Provisions Not Retroactive” is hereby created as follows:

Sec. 155.292 Provisions Not Retroactive.

The provisions of this subchapter shall not be construed to be retroactive, and any existing designated use which conformed to the regulations in effect when that designated use was established shall not be rendered illegal or in violation through the adoption of this subchapter or amendments to this subchapter, so long as a local business tax receipt previously issued for that use remains in full force and effect and is renewed in a timely manner.

Section 6. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other

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provisions of this Ordinance.

Section 8. Codification. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE FIRST READING, THIS ____ DAY OF _____, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING THIS ____ DAY OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

BY: _____
MAYOR FRANK C. ORTIS

ATTEST:

MARLENE GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

APPROVED AS TO FORM:

SCHWARTZ _____

GOOD _____

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OFFICE OF THE CITY ATTORNEY

SIPLE _____

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