



## Legislation Text

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**File #:** 2018-09, **Version:** 3

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MOTION TO ADOPT PROPOSED ORDINANCE NO. 2018-09 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE NO. 2018-09 IS 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 "MICROBREWERIES AND MICROWINERIES" 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 "MICROBREWERIES, MICROWINERIES AND BREW PUBS"; TO PROVIDE FOR STANDARDS AND GUIDELINES RELATED TO THE OWNERSHIP AND USE OF MICROBREWERIES, MICROWINERIES AND BREW PUBS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

### **SUMMARY EXPLANATION AND BACKGROUND:**

1. On June 20, 2018, Planning and Economic Development staff provided a presentation on microwineries/microbreweries to the City Commission. Commission supported the proposed code amendments provided staff would include food services within the requirements. In response to this request, City staff made adjustments to the original proposed ordinance by updating requirements and by adding brewpubs as a use.
2. Micro-producers, including; microbreweries and microwineries are appearing throughout the South Florida region.
3. Cities have been capitalizing on the demand for the use and included them as part of redevelopment projects.
4. City Staff has been approached by business owners looking to establish these types of businesses within City boundaries.
5. Currently, breweries are permitted in industrial zone (M-2). Nonetheless, the brewing use, contemplates large scale brewing and distribution facilities, not the smaller microbrewery / microwinery model.
6. Planning and Economic Development Staff has researched the use and is proposing an

amendment to the City's code to allow this type of business in General Business District (B-3).

7. The attached proposed ordinance permits microbreweries, microwineries, and brewpubs with the following general definitions/restrictions:

**Definition:**

- ☐ *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.
- ☐ *Brewpub* - 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. (No off-site sales or distribution).

**Zoning:**

- ☐ *Microbrewery and Microwinery* - The proposed amendment will allow microbreweries and microwineries as commercial uses in the General Business District (B-3) through the special exception process (Section 155.283).
- ☐ *Brewpub* - Brewpubs to be permitted by right within the General Business District (B-3).

**Production limits:**

- ☐ *Microbrewery* - A limitation of 15,000 barrels of beer per year was chosen because it is the market segment in which a microbrewery operates according to the Brewer's Association.
- ☐ *Microwinery* - A limitation of 3,000 cases (one standard case is equivalent to 12 bottles with each bottle containing 750 ml.) according to national trends. Production reporting will be coordinated with the Local Business Tax Receipt.
- ☐ *Brewpub* - Beer and malt beverages shall not exceed 5,000 barrels per year.

**General Standards:**

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

- ☐ Parking for Microbreweries, Microwineries and Brewpubs shall comply with Section 155.251 - Commercial Uses - Restaurant.
- 8. Distribution is the key factor in microbreweries and microwineries. Previously, the City had facilities that produced beer, however, all of the product was for onsite consumption.
- 9. The Planning and Zoning Board at its April 26, 2018 meeting voted to direct the City Attorney to draft an Ordinance in support of microbrewery / microwinery uses for City Commission consideration.
- 10. The City Commission at its June 6, 2018 reviewed an Ordinance relating to microbrewery/microwinery use, however the ordinance did not advance because the item was not motioned for discussion. Staff brought the item back to the Commission on June 20 via presentation and recieved direction to modify the ordinance to include food servivces.
- 11. The City Commission at its August 1, 2018 voted to pass proposed Ordinance No. 2018-09 on first reading.
- 12. Administration recommends adopting proposed Ordinance No. 2018-09 on second and final reading.

#### **FINANCIAL IMPACT DETAIL:**

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable