

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER 1094

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE REGARDING MICROBREWERIES AND CRAFT DISTILLERIES; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners ("the Board") recognizes that a growing trend throughout the United States is the establishment of microbreweries and craft distilleries; and

WHEREAS, these businesses manufacture small batches of malt beverages and spirits in conjunction with tasting rooms, retail shops and/or restaurants; and

WHEREAS, there are examples throughout Florida of successful microbreweries and craft distilleries that have assisted in redeveloping areas by attracting other complementary users such as local specialty restaurants, farmer markets, retail stores, etc., to the surrounding areas adding to the local flavor; and

WHEREAS, the Board desires to encourage microbreweries and craft distilleries to act as a catalyst to revitalize underutilized areas; and

WHEREAS, the Growth Management Department, the Tourism and Marketing Department, and the Community Redevelopment Agency support the adoption of this Ordinance; and

WHEREAS, the Local Planning Agency has found and recommended that the Board find the proposed revisions to the Land Development Regulations consistent with the Comprehensive Growth Management Plan; and

WHEREAS, the Board finds the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive Growth Management Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART1. AMENDMENT OF SECTION 3.3, GLOSSARY OF TERMS, DIVISION 1, ARTICLE 3, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Section 3.3 is amended to add the following:

Sec. 3.3. Glossary of terms.

Craft Distillery. A distillery licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Division") that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the Division in writing of its decision to qualify as a craft distillery. A craft distillery cannot sell its spirits for consumption on premises.

~~Strikethrough~~ passages are deleted; underline passages are added.

Distillery. A manufacturer of distilled spirits.

Microbrewery. An establishment licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco primarily engaged in the production of beer and other fermented malt beverages for sale and includes an accessory use such as a tasting room, restaurant, retail, demonstration area, education and training facilities and other uses incidental to the brewing business that may be open and accessible to the public. The products manufactured may be consumed on premises or sold in packages for consumption off premises via retail carryout or through distribution in compliance with the applicable licenses required by Florida Statutes.

Restaurant, general. An establishment where the principal business is the sale of food and/or beverages to the public in a ready-to-consume state, including microbreweries and craft distilleries.

PART 2. AMENDMENT OF DIVISION 3, STANDARDS FOR SPECIFIC USES, ARTICLE 3, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Division 3 is amended as follows:

Section 3.64.1. – Craft Distillery

3.64.1.A.

A craft distillery shall not produce more than 75,000 gallons of distilled spirits per year.

3.64.1.B.

A craft distillery shall be permitted only in the LC, CC, GC, WRC, WGC and LI zoning districts or as otherwise permitted in Division 5, Division 6 and Division 7, Land Development Regulations, Martin County Code.

3.64.1.C.

No more than 75 percent of the total gross floor space of the craft distillery shall be used for the distilling function, with the remaining floor area used for a restaurant, a tasting room or retail operations.

3.64.1.D.

Craft distilleries shall also comply with all applicable federal and state laws.

Section 3.83.1. – Microbrewery.

3.83.1.A.

A microbrewery shall not produce more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer and/or malt beverages per year.

3.83.1.B

A microbrewery shall be permitted only in the LC, CC, GC, WRC, WGC and LI zoning districts or as otherwise permitted in Division 5, Division 6 and Division 7, Land Development Regulations, Martin County Code.

3.83.1.C.

No more than 75 percent of the total gross floor space of the microbrewery shall be used for the brewery function, including, but not limited to, 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, with the remaining floor area used for a restaurant, a tasting room or retail operations.

~~Strikethrough~~ passages are deleted; underline passages are added.

3.83.1.D.

Microbreweries shall also comply with all applicable federal and state laws.

3.83.42. - Multifamily dwellings.

PART 3. AMENDMENT OF SECTION 3.403, TERMS DEFINED, DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS, ARTICLE 3, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Division 7. - Category "C" Zoning District Standards is amended as follows:

Sec. 3.403. - Terms defined.

Craft Distillery. A distillery licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco ("Division") that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the Division in writing of its decision to qualify as a craft distillery. A craft distillery cannot sell its spirits for consumption on premises.

Distillery. A manufacturer of distilled spirits.

Microbrewery. An establishment licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco primarily engaged in the production of beer and other fermented malt beverages for sale and includes an accessory use such as a tasting room, restaurant, retail, demonstration area, education and training facilities and other uses incidental to the brewing business that may be open and accessible to the public. The products manufactured may be consumed on premises or sold in packages for consumption off premises via retail carryout or through distribution in compliance with the applicable licenses required by Florida Statutes.

Restaurant: An establishment where the principal business is the sale of food and/or beverages to the public in a ready-to-consume state, including microbreweries and craft distilleries, provided any microbrewery or craft distillery complies with the applicable Standards of Specific Uses contained in Section 3.83.1. and Section 3.64.1., Division 3, Article 3, Land Development Regulations, Martin County Code. Every building or other structure and all outbuildings in connection therewith and any room or rooms within any building or structure or any place or location kept, used, maintained and advertised as or held out to the public to be a place where meals, lunches or sandwiches are prepared or served, either gratuitously or for pay.

PART 4. AMENDMENT OF SECTIONS 3.406, 3.407 AND 3.409, DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS, ARTICLE 3, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 3.406. – R-3 Multiple-Family Residential District.

3.406.A. *Uses permitted.* In this district, a building, structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any use permitted in the HR-1, R-1, R-1A, R-1B, R-2, R-2B, R-2A and HR-2 Districts.
2. Multiple-family dwellings.

Strikethrough passages are deleted; underline passages are added.

3. Apartments, hotels, motels, cottage courts.
4. Rooming houses and boardinghouses.
5. Clinics, except animal hospitals.
6. Hospitals and sanitariums, except mental hospitals.
7. Tourist homes.
8. Colleges, clubs, lodges, social and community center buildings and/or structures.
9. Restaurants, ~~not the drive-in type~~, with an enclosed seating capacity of 40 persons or more, excluding drive-ins, microbreweries or craft distilleries.

Sec. 3.407. – R-3A Liberal Multiple-Family District.

3.407.A. *Uses permitted.* In this district, a building or structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the R-3 Multiple-Family Residential District.
2. Restaurants and/or lunchrooms, ~~not the drive-in type~~, with an enclosed seating capacity of ten persons or more, excluding drive-ins, microbreweries or craft distilleries.

Sec. 3.409. – R-4 Multiple-Family Residential District.

3.409.A. *Uses permitted.* In this district, buildings or structures or land or water shall be used only for the following purposes subject to any additional limitations pursuant to section 3.402:

1. Single-family dwelling structures.
2. Multiple-family dwelling structures.
3. Accessory uses customarily incident to the respective dwelling structure uses.
4. Clubs and marinas with restaurants, excluding microbreweries or craft distilleries, and overnight accommodations for the sole use of members and their guests, after site and structure plans have been approved by the zoning board.

PART 5. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART 6. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning the adoption or amendment of the Comprehensive Plan.

PART 7. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 8. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART 9. CODIFICATION.

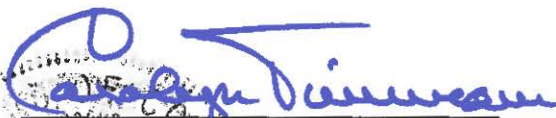
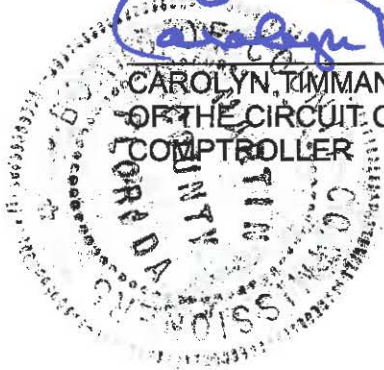
Provisions of this ordinance shall be incorporated in the County Code, except parts 5 through 10 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

PART 10. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Secretary of State.

DULY PASSED AND ADOPTED THIS 29TH DAY OF JANUARY, 2019.

ATTEST:


CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER


BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


EDWARD V. CIAMPI, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Elysse A. Elder, Senior Assistant County Attorney

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 5, 2019

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1094, which was filed in this office on February 5, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb