



BOARD OF COUNTY COMMISSIONERS

DATE: December 10, 2013

AGENDA ITEM NO. 50

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Proposed Amendment to Section 138-1332 (b) and (c) (1), the Alcoholic Beverages, Provisions of the Pinellas County Land Development Code.

Department:

Department of Planning and Development Services

Staff Member Responsible:

Larry Arrington, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONDUCT THE FIRST OF TWO PUBLIC HEARINGS TO RECEIVE PUBLIC COMMENT FOR AMENDMENT OF SECTION 138-1322 (b) and (c) (1), OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE TO ALLOW THE DISPENSING OF ALCOHOLIC BEVERAGES WITHIN THE M-1 ZONING DISTRICT.

Summary Explanation/Background:

Pinellas County is experiencing many inquiries into the manufacturing and dispensing of alcoholic beverages as they relate to the craft beer industry. However, Pinellas County's current code does not permit the dispensing of alcoholic beverages in the M-1 district. This amendment will permit alcoholic beverages to be dispensed in the M-1 district (retail sales are already permitted, as long as those sales do not exceed 25% of the floor area of the business). Dispensing of alcoholic beverage is already allowed within the C-1, C-2, C-3 & IPD zoning districts. Approval of this amendment will be consistent with adjacent communities in the county, which also allow for the dispensing and consumption on-site of craft beers in industrial areas.

Because this changes the permitted uses/allowances in the M-1 zoning district, two public hearings by the Board of County Commissioners are required. At this December 10 public hearing, public comments will be received. A second public hearing will then be scheduled for January 14, 2014, at which time the Board will take final action.

Fiscal Impact/Cost/Revenue Summary:

N/A

Exhibits/Attachments Attached:

Staff Report with LPA Recommendation, Ordinance & Strike-thru Ordinance

**LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the
Board of County Commissioners**



Regarding: Amendments to Chapter 138 of the Pinellas County Land Development Code allowing alcoholic beverages to be dispensed for on-premises and off-premises consumption in the M-1 zoning district.

LPA Recommendation: The LPA finds that the proposed amendments to Chapter 138 of the Pinellas County Code allowing Alcoholic Beverages to be dispensed for on-premises and off-premises consumption within the M-1 zoning district are consistent with the Pinellas County Comprehensive Plan and recommends that the amendments be approved. (The vote was in favor, 4-0)

LPA Report No. LDR- 29-11-13

LPA Public Hearing Date: November 14, 2013

PLANNING STAFF RECOMMENDATION: That the LPA recommend to the Board of County Commissioners that the proposed amendments to the Pinellas County Land Development Code are consistent with the Pinellas County Comprehensive Plan, and that the Board of County Commissioners approve the proposed amendments.

Background and Discussion:

The manufacturing of craft beer is becoming more prevalent in Pinellas County (as well as across the Country), but it has become apparent that the County's Zoning Code does not adequately address the range of activities that can be associated with local breweries/manufacturers. For example, in addition to manufacturing and wholesale distributing, many craft breweries provide tasting rooms as part of their brewery operation, and some wish to sell/dispense their product for both onsite and offsite consumption as permitted by state law (typically in limited quantities, often packaged as a bottled "growler"). These activities can be important marketing elements for a manufacturing/distribution operation.

Section 138-1332 of the Pinellas County Zoning Code, however, allows alcoholic beverages to be dispensed only in the C-1, C-2, C-3, CP and IPD zoning districts, not in the M-1 district. Section 138-972(4) of the Code, however, allows manufacturers in the M-1 district to sell their products on a retail basis as long as the retail use is accessory to the principal use and does not exceed 25 percent of the building area. Therefore, Section 138-1332 of the Code is proposed for amendment to permit the retail sale and dispensing of alcoholic beverages in the M-1 Zoning District (just as it is allowed in the C-1, C-2, C-3 and IPD districts).

Staff believes that this type of brewery operation, complemented by activities that enhance market potential and offer community vitality, can contribute to the local economy. Staff also finds that the restrictions contained in Section 138-972 of the Code should ensure that the manufacturing/distributing purpose remains primary in the M-1 district, and the performance

standards in the Zoning Code will address any concerns over things like noise, traffic, etc. With these considerations, staff does not anticipate compatibility concerns with surrounding development, and recommends approval of the amendments.

IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

Staff finds that the proposed Ordinance to amend Chapter 138 of the Land Development Code is consistent with the following Comprehensive Plan Principle, Goal and Policy:

Planning to Stay Element

Sustain a Quality Urban Community and Promote Strong Neighborhoods and Diverse Housing Opportunities

Principle 3: To improve Pinellas County's appeal as a place to live and work, it will be necessary for the public and private sectors to focus more resources on improving the quality of the urban experience and the natural environment. Therefore, public policy should emphasize the importance of protecting and promoting community character, supporting economic development, and enhancing the lives of all segments of the County's population.

Future Land Use and Quality Communities Element

Goal Two: Improve the quality of life in Pinellas County by creating diverse and well-designed walkable destinations that provide choices in housing, services, workplaces, and travel modes.

Policy 1.9.1: The Board shall continue to utilize its innovative development regulations and staff shall continue to examine innovative techniques used elsewhere for incorporation into the Board's planning and regulatory program.

Economic Element

Objective 1.4: To achieve a business climate that promotes and supports local business retention, expansion and diversity.

CLEAN VERSION of the Ordinance

ORDINANCE 13- _____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE SECTION 138-1332. ALCOHOLIC BEVERAGES BE AMENDED BY ADDING M-1 TO SECTION 138-1332 (b) AND (c) (1) TO PERMIT THE DISPENSING FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION IN SAID ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 138-1332 (b) and (c) (1) of the Pinellas County Code is hereby amended to read as follows:

Sec. 138-1332. Alcoholic beverages.

* * * * *

(b) *Dispensing for off-premises consumption.* The dispensing of alcoholic beverages for off-premises consumption only by any business establishment shall be permitted only in zoning districts classified by this chapter as C-1, C-2, C-3, CP, M-1 or IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district. The wholesale storage and distribution only of alcoholic beverages shall be permitted in zoning districts C-3, M-1, M-2, and IPD.

(c) *Dispensing for on-premises consumption; distance required from residential zoning districts.*

(1) The dispensing of alcoholic beverages by any business establishment for on-premises consumption shall be permitted only within the following zoning districts: C-1, C-2, C-3, CP, M-1 and IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district.

SECTION 2. SEVERABILITY.

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

SECTION 3. EFFECTIVE DATE.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

SECTION 4. INCLUSION IN THE PINELLAS COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Land Development Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By [Signature]
Attorney

STRIKE-THROUGH/UNDERLINE
Version of the Ordinance

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE SECTION 138-1332. ALCOHOLIC BEVERAGES BE AMENDED BY ADDING M-1 TO SECTION 138-1332 (b) AND (c) (1) TO PERMIT THE DISPENSING FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION IN SAID ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

SECTION 1. Section 138-1332 (b) and (c) (1) of the Pinellas County Code is hereby amended to read as follows:

Sec. 138-1332. Alcoholic beverages.

* * * * *

(b) *Dispensing for off-premises consumption.* The dispensing of alcoholic beverages for off-premises consumption only by any business establishment shall be permitted only in zoning districts classified by this chapter as C-1, C-2, C-3, CP, M-1 or IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district. The wholesale storage and distribution only of alcoholic beverages shall be permitted in zoning districts C-3, M-1, M-2, and IPD.

(c) *Dispensing for on-premises consumption; distance required from residential zoning districts.*

(1) The dispensing of alcoholic beverages by any business establishment for on-premises consumption shall be permitted only within the following zoning districts: C-1, C-2, C-3, CP, M-1 and IPD. Such sales shall also be permitted within any authorized commercial building located in an RPD district.

SECTION 2. SEVERABILITY.

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

SECTION 3. EFFECTIVE DATE.

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall become effective when the acknowledgment is received from the Secretary of State that the Ordinance has been duly filed.

SECTION 4. INCLUSION IN THE PINELLAS COUNTY CODE.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Land Development Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code.