

ORDINANCE NO. 19-149

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE (“LDC”) IN RELATION TO BREWPUBS, CRAFT DISTILLERIES, MICRO-BREWERIES AND MICRO-WINERIES; AMENDING SECTIONS 5.2.A. AND 5.3.B., CONTAINING THE LISTS OF PRINCIPAL AND ACCESSORY USES, RESPECTIVELY, TO REVISE THE LISTED PERMITTED AND SPECIAL PRINCIPAL USES AND PERMITTED ACCESSORY USES FOR ALL INDUSTRIAL AND TOURIST ZONING DISTRICTS AND THE BR-1, BR-2, BA, AG, RDB-1, RDB-2, RDB-3, RDB-4, RDB-5, RDB-8, RDB-9, RDD-1, RDD-2, RDD-3, RDD-4, RDD-6, RDD-7, RDM-1, RDM-2, RDM-3, RDM-4, RDM-5, PD-G, AND PD-RD ZONING DISTRICTS; AMENDING SECTION 5.2.B., PRINCIPAL USE STANDARDS; AMENDING SECTION 5.3.C., ACCESSORY USE STANDARDS; AMENDING SECTION 6.2., PARKING SPACE STANDARDS; AMENDING SECTION 11.5, DEFINITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, amendments have been proposed to the City’s Land Development Code (“LDC”) to allow craft distilleries, micro-breweries, and micro-wineries as authorized in all zoning districts in which restaurants are authorized uses, subject to certain conditions; and

WHEREAS, these amendments would also re-define “brewpub” as an ancillary use to a restaurant, and allow brewpubs as authorized ancillary uses in all zoning districts where restaurants are allowed subject to certain conditions; and

WHEREAS, these amendments require changes to LDC provisions listing permitted and special uses for various zoning districts, regulating off-street parking space, and providing definitions; and

WHEREAS, the Planning Board has reviewed the proposed amendments and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Land Development Code, Article 5 § 5.2 (Principal Uses), is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 5.2. - Principal Uses.

A. Principal Use Tables.

*** [existing text omitted and unchanged]

2. Principal Use Table for Residential, Business, Industrial, Tourist, and Specialty Districts.

*** [existing text omitted and unchanged]

Table 5.2.A.2: Principal Use Table for Residential, Business, Industrial, Tourist, and Specialty Districts																						
P = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Not Permitted By Right																						
Use Category	Use Type	Residential Districts					Business Districts					Industrial Districts				Tourist Districts			Specialty Districts			Use-Specific Standards
		SF R-5	MF R-12	MF R-20	MF R-40	R P	O P	B P	B R-1	B R-2	B A	M -1	M -3	M -4	M -5	T-1	T-2	T-4	T-5	A G	H M	
Commercial Uses																						
Eating and Drinking Establishments	Brewpub							S	S	S								S				5.2.B.1 8.a
	Craft Distillery								P	P	P	P	P	P	P	P	P	P	P	S		5.2 B.1 8.g
	Micro-brewery								P	P	P	P	P	P	P	P	P	P	P			5.2.B.1 8.g
	Micro-winery								P	P	P	P	P	P	P	P	P	P	P			5.2 B.1 8.g

*** [existing text omitted and unchanged]

Table 5.2.A.4: Principal Use Table for Planned Development and Overlay Districts																		
Districts : PD = Allowed Subject to a PD Plan/Agreement Blank Cell = Prohibited (Only for PD Districts)																		
Overlay Districts (Only Modifications of Underlying Base District Use Standards Are Shown):																		
P = Permitted by Right S = Allowed with a Special Use Permit X = Prohibited																		
Use Category	Use Type	Planned Development Districts		Historic	Overlay Districts													Use-Specific Standards
					Transitional				Airport			Other						
		PD-G	PD-RD	H O	T A	T B	T C	T D	AH O	AN O	ST O	W O	EP O	NR O	E-ZONE	A O	ISBG O	
Commercial Uses																		
Eating and Drinking Establishments	Brewpub	PD	PD															5.2.B.1 8.g
	Craft Distillery	PD	PD															5.2.B.1 8.g
	Micro-Brewery	PD	PD															5.2.B.1 8.g
	Micro-Winery	PD	PD															5.2.B.1 8.g
Manufacturing and Production Uses	Craft Distillery	PD	PD															5.2.B.2 6.a

*** [existing text omitted and unchanged]

B. Standards for Specific Principal Uses.

*** [existing text omitted and unchanged]

18. Commercial: Eating and Drinking Establishments.

- a. *Bar or Lounge; Boutique Bar, ~~brewpub~~, or nightclub.* A bar or lounge, boutique bar, brewpub, or nightclub shall comply with the following standards:
 - i. Irrespective of the districts in which a bar or lounge use is shown as allowed by the use tables in Section 5.2.A, Principal Use Tables, it shall be prohibited as a principal use on those lots in the South Atlantic Redevelopment Area that abut the west side of Atlantic Avenue or the south side of International Speedway Boulevard, except as part of a Planned Redevelopment District.

- ii. The bar or lounge, boutique bar, ~~brewpub~~, or nightclub, shall comply with the standards in Section 6.21, Alcoholic Beverages.
- iii. If the bar or lounge, boutique bar, ~~brewpub~~, or nightclub, shall involves the sale, preparation, or service of food or beverages outside of an enclosed building, it shall comply with the accessory use standards (including districts where permitted) in Section 5.3.C.17, Outdoor Seating (as accessory to an eating or drinking establishment).
- iv. The bar or lounge, boutique bar, ~~brewpub~~, or nightclub, shall include one game of skill per 15 seats, up to a maximum of ten games, as an accessory use—provided there is no outside advertising of the games.

*** [existing text omitted and unchanged]

- viii. Where a bar or lounge, boutique bar, ~~brewpub~~, or nightclub is permitted only as a special use it shall be subject to the following additional standards and considerations:

*** [existing text omitted and unchanged]

g. Micro-breweries, micro-wineries, and craft distilleries. Micro-breweries, micro-wineries, and craft distilleries shall comply with the following standards:

- i. Manufacturing operations that produce alcoholic beverages for on-site consumption and off-site sales may encompass up to 70% gross floor area with a maximum total square footage of 7,000 sq. ft.
- ii. Up to 70% of the gross floor area of micro-breweries, micro-wineries, and craft distilleries, may be allowed as a restaurant, tasting room, or retail operation (or any combination thereof).
- iii. Micro-breweries, micro-wineries, or craft distilleries shall comply with the standards in Section 6.21, Alcoholic Beverages.
- iv. If the micro-brewery, micro-winery, or craft distillery involve the sale, preparation, or service of food or beverages outside of an enclosed building, it shall comply with the accessory use standards (including districts where permitted) in Section 5.3.C.17, Outdoor Seating (as accessory to an eating or drinking establishment).
- v. The micro-brewery, micro-winery, or craft distillery may include one game of skill per 15 seats, up to a maximum of ten games, as an accessory use—provided there is no outside advertising of the games.

*** [existing text omitted and unchanged]

26. *Industrial: Manufacturing and Production Uses.*

- a. ~~Brewery, Winery, or Distillery, or Craft Distillery.~~ A brewery, winery, or distillery, ~~or craft distillery~~ shall comply with the following standards:
 - i. The use shall comply with all applicable State laws and licensing regulations.

- ii. Any outdoor storage of equipment or materials shall be located to the rear of the principal structure and comply with the outdoor storage standards in Section 5.3.C.18, Outdoor Storage (as an accessory use).
- iii. If the brewery, winery, or distillery, ~~or craft distillery~~ involves the sale of alcoholic beverages for on-premise consumption, it shall comply with the standards in Section 6.21, Alcoholic Beverages.

*** [existing text omitted and unchanged]

SECTION 2. The Land Development Code, Article 5 § 5.3 (Accessory Uses), is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 5.3 - Accessory Uses and Structures.

*** [existing text omitted and unchanged]

B. General

*** [existing text omitted and unchanged]

4. Accessory Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts.

*** [existing text omitted and unchanged]

Table 5.3.B.4: Accessory Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts																						
A = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Not Permitted By Right																						
Accessory Use/Structure Type	Residential Districts					Business Districts					Industrial Districts				Tourist Districts				Specialty Districts			Use-Specific Standards
	SFR-5	MF R-12	MFR-20	MF R-40	RP	O P	BP	BR-1	BR-2	BA	M-1	M-3	M-4	M-5	T-1	T-2	T-4	T-5	A G	H M	M S	
Brewpub								A	A	A	A	A	A	A	A	A	A	A				5.3.C.31

*** [existing text omitted and unchanged]

5. Accessory Use Table for Redevelopment Districts.

*** [existing text omitted and unchanged]

Table 5.3.B.5: Accessory Use/Structure Table for Redevelopment Districts
A = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Prohibited Use

Accessory Use/Structure Type	Beachside											Downtown							Midtown						Use-Specific Standards
	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10	B-11	D-1	D-2	D-3	D-4	D-5	D-6	D-7	M-1	M-2	M-3	M-4	M-5	M-6	
Brewpub	A	A	A	A	A			A	A			A	A	A	A			A	A	A	A	A	A	A	5.3.C.31

*** [existing text omitted and unchanged]

6. Accessory Use/Structure Table for Planned, Development and Overlay Districts.

*** [existing text omitted and unchanged]

Table 5.3.B.6: Accessory Use/Structure Table for Planned Development and Overlay Districts

PD Districts: PD = Allowed Subject to a PD Plan/Agreement

Blank Cell = Prohibited Overlay Districts (Only Modifications of Underlying Base District Use Standards Are Shown):

A = Permitted by Right S = Allowed with a Special Use Permit PS = Allowed with a Public or Semipublic Use Permit X = Prohibited

Accessory Use/Struc ture Type	Planned Developm ent Districts		Histo ric HO	Overlay Districts													Use- Specifi c Standards	
	PD- G	PD- RD		Transitional				Airport		Other								
				T A	T B	T C	T D	AH O	AN O	ST O	W O	EP O	NR O	E- Zone	A O	ISB GO		
<u>Brewpub</u>	<u>PD</u>	<u>PD</u>																<u>5.3.C.31</u>

*** [existing text omitted and unchanged]

C. Standards for Specific Accessory Uses and Structures.

*** [existing text omitted and unchanged]

31. Brewpubs. A brewpub is allowed as accessory to a restaurant, subject to the following standards:

a. Manufacturing operations that produce alcoholic beverages for on-site consumption may encompass no more than 25% gross floor area.

b. The use shall comply with Section 6.21, Alcoholic Beverages.

*** [existing text omitted and unchanged]

SECTION 3. The Land Development Code, Article 6 § 6.2 (Office-Street Parking and Loading) is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 6.2. - Off-Street Parking and Loading.

*** [existing text omitted and unchanged]

C. Off-Street Parking Space Standards.

*** [existing text omitted and unchanged]

Table 6.2.C.1: Minimum Number of Off-Street Parking Spaces ¹		
Use Category	Use Type	Minimum Number of Parking Spaces
Commercial Uses		
Manufacturing and Production Uses	Craft Distillery	1.5 per 1,000 sf + 3.5 per 1,000 sf of office or retail area

*** [existing text omitted and unchanged]

SECTION 4. The Land Development Code, Article 11 § 11.5 (Terms and Uses Defined) is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 11.5. - Terms and Uses Defined.

*** [existing text omitted and unchanged]

Brewery, Winery, Distillery. A brewery, winery, or distillery use is an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery). Accessory uses may include retail

sales of beer produced on-site for take-away or on-premise consumption as allowed by state licensing laws. This use does not include ~~brewpubs~~ micro-breweries, micro-wineries, or craft distilleries.

~~Brewpub. A drinking establishment that produces up to 10,000 kegs (or 155,000 gallons) of fermented malt beverages annually in a single location, primarily for consumption on the premises. An accessory use to a restaurant that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to produce malt beverages for onsite consumption.~~ Such establishments are licensed by the State as both manufacturers and vendors of malt beverages.

*** [existing text omitted and unchanged]

~~Craft Distillery. A distillery (see "Brewery, Winery, Distillery) that produces 75,000 or fewer gallons of distilled spirits per calendar year. An establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to produce distilled spirits. Accessory uses include retail sale of distilled spirits produced on-site for take-away or on-premise consumption, as allowed by State licensing laws.~~

*** [existing text omitted and unchanged]

Micro-Brewery. An establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to manufacture malt beverages. The establishment may also include a tasting room and retail space to sell malt beverages on the premises along with retail items and food.

*** [existing text omitted and unchanged]

Micro-Winery. An establishment that is licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco to produce wine. The establishment may also include a tasting room and retail spacer to sell wine on the premises along with retail items and food.

*** [existing text omitted and unchanged]

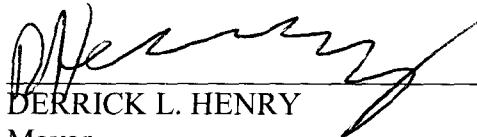
Tasting Room: A room that is ancillary to the production of beer, wine, or a distillery at a brewery, winery, craft distillery, micro-brewery, micro-winery, and brewpub where the public can purchase and/or consume alcoholic beverages as licensed and regulated by the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.

SECTION 5. The City Commission has received the report of the Planning Board and hereby finds that the amendment is consistent with the City's Comprehensive Plan.

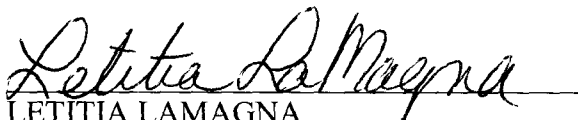
SECTION 6. Public Hearings at 6:00 p.m., May 15, 2019, and July 3, 2019 in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, are deemed to comply with the requirements of the LDC and state law.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. This Ordinance shall take effect as provided by law.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Passed: May 15, 2019
Adopted: July 3, 2019