

ORDINANCE NO. 02-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING SECTION 78-72(2) CONTAINED IN THE COMMERCIAL-2 (C-2) BUSINESS DISTRICT TO ADD BREWPUB, MICROBREWERY AND BREWERY AS SPECIAL EXCEPTION USES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted a Land Development Code in Subpart B of Chapter 78 of the Town Code; and

WHEREAS, the Land Development Code consists of several Chapters which include the Town's various zoning districts and the land development regulations to be applied to properties within these districts; and

WHEREAS, the Community Development Director has recommended that the Town Commission amend Town Code, Chapter 78, Article III, Section 78-72 (2), to add the uses of Brewpub, Microbrewery, and Brewery as special exception uses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 78, Article III, Sections 78-72 (2) of the Town Code is hereby amended to read as follows:

(o)

Brewpub. Is an establishment that manufactures and sells beer products in conjunction with a restaurant that acts as the primary use. A Brewpub may only be located within the boundaries of the Town's Community Redevelopment Area. In addition to meeting the land development regulations established for the use of restaurant in the appropriate Zoning District, a Brewpub shall comply with the following:

- 1. Revenue from food sales shall constitute more than 50 percent of the total business revenues;**
- 2. No more than 50 percent of the total gross floor area of the establishment shall be used to brew beer including, but not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;**

3. Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises is permitted provided the product is sealed in a growler or crowler holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces);
4. Brewpubs shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year and may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes and in the following amounts:
 - (a) An unlimited number of kegs for special events, the primary purpose of which is the exposition of beers brewed by brewpubs, which may include the participation several brewers;
 - (b) An unlimited number of kegs for town co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.
5. All mechanical equipment visible from public streets, or rights-of-way, an adjacent residential use or residential zoning district shall be screened such that they are not visible using architectural features which are consistent with the principal structure;
6. Access and loading bays shall not face toward any street, excluding alleys;
7. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials used for brewing, and finished products into and out of the building;
8. Service trucks for the purpose of loading and unloading materials and equipment are prohibited between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
9. No outdoor storage of materials, supplies, portable storage units, cargo containers and/or permanent parking of tractor trailers is permitted.

(p)

Microbrewery. Is an establishment that manufactures and sells beer products in conjunction with an accessory use such as a restaurant, tasting room, or other retail sales. A microbrewery may only be located within the boundaries of the Town's Community Redevelopment Area. In addition to meeting the land development regulations for the use of restaurant, tasting room, or retail use types in the appropriate zoning District, a microbrewery shall comply with the following:

1. The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year;
2. This use shall be permitted only in conjunction with the use of restaurant, tasting room or other retail sales and service:
 - (a) No more than 75 percent of the total gross floor space of the establishment shall be used to brew beer including, but not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 - (b) The façade of an interior accessory use(s) (examples listed hereinabove) shall be oriented toward the street, and, if located in a shopping center, to spaces of public access;
 - (c) Pedestrian connections shall be provided between public sidewalks and the primary entrance(s) to any accessory use(s).
3. All mechanical equipment visible from the street, or public right-of-way, an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
4. Access and loading bays shall not be located along primary facades.

5. Access and loading bays facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials used for brewing, and finished products into and out of the building;
6. Service trucks for the purpose of loading and unloading materials and equipment are prohibited between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
7. No outdoor storage of portable storage units, cargo containers, or permanent parking of tractor trailers, is permitted except spent or used grain may be stored outdoors for more than 24 hours consecutively. The temporary storage area of spent or used grain shall be:
 - (a) Designated on the approved plan that identifies the outdoor areas;
 - (b) Permitted within the interior side or rear yard or within the minimum building setbacks;
 - (c) Prohibited within any yard directly abutting a residential use or a residential zoning district;
 - (d) Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.

(g)

Brewery - Regional (small) and large brewery. Is an establishment that manufactures beer products. The use is limited to those properties which are not within the boundaries of the Town's Community Redevelopment Area. Regional (small) and large breweries shall comply with the microbrewery standards herein, but shall be permitted to occupy 100 percent of the total gross floor space of the establishment. A public viewing area shall be made available and opened during certain hours

Section 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Codification.

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 7. Repeal of Laws in Conflict.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date.

This Ordinance shall take effect upon execution.

Legal Notice of PROPOSED ORDINANCE FOR THE C-2 Business District, Town Code Section 78-72 (1) and (2)

TOWN OF LAKE PARK, FL

The Town of Lake Park proposes to adopt the following ordinance:

An Ordinance to amend the permitted and special exception uses in the C-2 Business District, Town Code Section 78-72 (1) and (2), to allow for Brewpubs, Microbreweries and Breweries. *(final Ordinance Title will be advertised prior to 2nd reading for adoption).*

The Town's **Planning and Zoning Board**, as the recommending body to the Town Commission, will consider these amendments at their Special Call Meeting of **Tuesday, March 5, 2019** immediately following a joint meeting at 6:00pm in the Town Hall Commission Chambers.

The **Town Commission** will consider the zoning amendments at two public hearings. The first public hearing will be held on **Wednesday, April 3, 2019** at 6:30pm, or as soon thereafter as can be heard, in the Town Hall Commission Chambers. The second public hearing for adoption will be held on **Wednesday, April 17, 2019** at 6:30pm, or as soon thereafter as can

be heard, in the Town Hall Commission Chambers.

The Town Hall Commission Chambers is located in the Town Hall at 535 Park Avenue, Lake Park, Florida.

If a person decides to appeal any decision made by the Planning & Zoning Board, or Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: Palm Beach Post – 02/23/19

Upon First Reading this 3 day of April, 2019, the foregoing Ordinance was offered by Commissioner Michaud, who moved its approval. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 7 DAY OF April, 2019

Upon Second Reading this 17 day of April, 2019, the foregoing Ordinance, was offered by Commissioner Linden, who moved its adoption. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	_____	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 02-2019 duly passed and adopted this 17 day of April, 2019.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:

[Signature]
Town Clerk, Vivian Mendez

[Signature]
Town Attorney, Thomas J. Baird

