

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 22-63 (ZTEXT) AND ORDINANCE NO. 1036 ON SECOND READING, AN APPLICATION BY ROYAL PALM BREWING COMPANY, AMENDING THE VILLAGE CODE TO AMEND SECTIONS 26-75.2 AND 26-89 TO ELIMINATE THE CURRENT PROHIBITION ON OUTDOOR SEATING AND PATRON CONGREGATION DIRECTLY ABUTTING RESIDENTIAL ZONING DISTRICTS WHICH WOULD ALLOW FOR SUCH USE SUBJECT TO VARIANCE APPROVAL AND INCREASE THE SQUARE FOOTAGE LIMITATION FOR BREWPUBS AND MICROBREWERIES FROM 5,000 TO 6,000, SPECIFICALLY REQUESTED FOR A PROPERTY LOCATED AT 543 N. STATE ROAD 7, SUITE 103.

Issue:

The applicant, Royal Palm Brewing Company, is requesting a Text Amendment to the Village's Zoning Code to amend Secs. 26-75.2 and 26-89 to eliminate the current prohibition on outdoor seating and patron congregation directly abutting residential zoning districts which would allow for such use subject to variance approval by Village Council and to increase the square footage limitation for brewpubs and microbreweries from 5,000 to 6,000 square feet, specifically requested for a property located at 543 N. State Road 7, Suite 103.

Below is a summary of the proposed text amendments (the additions are underlined, deletions stricken):

- Section 26-75.2 (b)(6): Outdoor seating areas or areas of patron congregation directly abutting a residential zoning district shall only be permitted ~~prohibited~~ ~~when the outdoor seating area or area of patron congregation directly abuts a residential zoning district subject to variance approval by Village Council;~~
- Section 26-89(3):
 - Brewpub not to exceed ~~five thousand (5,000)~~ six thousand (6,000) square feet of gross floor area, subject to section 26-75.2
 - Microbrewery not to exceed ~~five thousand (5,000)~~ six thousand (6,000) square feet of gross floor area, subject to section 26-75.2

Please refer to **Attachment A** below for an illustration of the proposed strike-through and underlined Zoning Text Amendment.

Initiator:	Village Manager	Agenda Date	Village Council
<u>Director of P&Z</u>	<u>Approval</u>	<u>9/21/2023</u>	<u>Action</u>

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This application is being reviewed concurrently with other applications submitted by the Applicant for Variance and Special Exception Use Approval.

The original application was heard and postponed by the Village Council on July 13, 2023. Village Council wanted a Variance Approval through Village Council to be the approval mechanism for permitting outdoor seating adjacent to residential zoned property in lieu of a Special Exception Approval.

The Local Planning Agency considered this application on August 14, 2023 and recommended Approval by a vote of 5-0.

The Village Council considered Ordinance No. 1036 on first reading on August 17, 2023 and recommended Approval by a vote of 4-1, with Councilwoman Samios dissenting.

Recommended Action:

Staff is recommending Approval of Application No. 22-63 (ZTEXT) and Ordinance No. 1036 on Second Reading.

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Attachment A
Zoning Text amendment Strike Through and Underlined
Application No. 22-63 (ZTEXT)

PROPOSED CODE MODIFICATIONS

Sec. 26-75.2. – Brewpubs, breweries and microbreweries.

- (a) *Legislative intent.* It is the intent of the village council to provide for the public health, safety and welfare by establishing minimum standards for the use, site development, construction and placement of brewpubs, breweries and microbreweries within the village.
- (b) *Minimum standards.*
1. Brewpubs and microbreweries shall be permitted only in conjunction with an accessory use of restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility, and shall be open and accessible to the public. A maximum of seventy-five (75) percent of the square footage of the facility (inclusive of outdoor seating facilities) shall be dedicated to the brewery function including, but not limited to, brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, condition tanks and serving tanks. The seventy-five (75) percent standard shall not apply to properties located within the IG Industrial General District.
 2. The maximum production per calendar year for microbreweries and brewpubs is as follows:
 - a. *Microbreweries*—Not to exceed fifteen thousand (15,000) barrels; and
 - b. *Brewpubs*—As allowed by applicable licenses from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, not to exceed fifteen thousand (15,000) barrels;
 3. Except for loading and unloading, all activities shall occur within a building. Delivery access shall be located at the rear or side of the building. If no dedicated loading zone, loading and unloading shall occur at the rear or side of the building, and at hours not generally utilized by the surrounding establishments. Areas designated for loading and unloading, shall be screened from public areas as defined in section 26-22; however, notwithstanding this definition, the maximum height of such screening may exceed six (6) feet. Delivery 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, other supplies and finished products into and out of the building.
 4. All mechanical equipment visible from public areas and adjacent residential areas shall be screened using architectural features consistent with the principal structure.
 5. No outdoor storage shall be allowed. This prohibition includes use of portable storage units, cargo containers and tractor trailers. Spent or unused grain shall be stored in sealed containers.
 6. Outdoor seating areas or areas of patron congregation directly abutting a

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residential zoning district shall only be permitted prohibited when the outdoor seating area or area of patron congregation directly abuts a residential zoning district subject to variance approval by Village Council.

7. Drive-through facilities are prohibited.
8. Brewpubs and microbreweries may have live entertainment only by special exception use approval. Any live or recorded entertainment/music shall occur solely within an enclosed building.
9. For facilities that do not contain a restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility component, a minimum number of parking spaces shall be provided as follows:
 - a. Customer parking. One (1) space for every three hundred (300) square feet of gross floor area of office use; and
 - b. Plus warehouse use parking as follows:
 - (1) One (1) space per two thousand (2,000) square feet of gross area of warehouse use for establishments over forty thousand (40,000) square feet and where no bay is less than ten thousand (10,000) square feet;
 - (2) One (1) space per one thousand (1,000) square feet of gross floor area of warehouse use for establishments over twenty thousand (20,000) square feet and where no bay is less than two thousand (2,000) square feet; or
 - (3) One (1) space per five hundred (500) square feet of gross floor area of warehouse use for establishments under twenty thousand (20,000) square feet.
10. For facilities that contain a restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility component, a minimum number of parking spaces shall be provided as follows:
 - a. For restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility (not located in a shopping center): One (1) space per seventy-five (75) square feet of gross floor area, plus one (1) space per employee on maximum work shift; or
 - b. For restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility (located in a shopping center): One (1) parking space per two hundred (200) square feet gross leasable area; and
 - c. Plus warehouse use parking as follows:
 - (1) One (1) space per two thousand (2,000) square feet of gross area of warehouse use for establishments over forty thousand (40,000) square feet and where no bay is less than ten thousand (10,000) square feet;
 - (2) One (1) space per one thousand (1,000) square feet of gross floor area of warehouse use for establishments over twenty thousand (20,000) square feet and where no bay is less than two thousand (2,000) square feet; or
 - (3) One (1) space per five hundred (500) square feet of gross floor area of warehouse use for establishments under twenty thousand (20,000) square feet.
11. Brewpubs, breweries and microbreweries shall comply with all applicable federal,

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state and local laws relating to the manufacturing, sale and distribution of alcoholic beverages including, but not limited to, any licensing requirements.

Sec. 26-89. - CG General Commercial District.

Subsections (1) and (2) to remain in full force as adopted.

(3) Special exception uses.

Amusement arcade (see additional regulations under definition at section 26-22).

Automobile and/or water craft repair and/or service.

Automobile and/or water craft brokerage.

Automobile rental agencies.

Automobile window tinting sales and/or installation.

Automotive service stations.

Bar, lounge or restaurant, with live entertainment.

Bowling alley.

Brewpub not to exceed six thousand (6,000) ~~five thousand (5,000)~~ square feet of gross floor area, subject to section 26-75.2.

Business, trade or vocational school.

Car wash, self-service or other.

Church or place of worship.

Drugstore or pharmacy, with drive-through

Dry cleaning facility, with drive-through.

Financial institution with drive-through.

Green market (see additional requirements at section 26-70).

Hotel and/or motel.

Kennels with or without runs.

Living quarters for a residential employee or caretaker in conjunction with permitted principal use.

Microbrewery not to exceed six thousand (6,000) ~~five thousand (5,000)~~ square feet of gross floor area, subject to section 26-75.2.

New and used vehicle sales (outdoor).

Parking garage.

Public and private academic institution.

Planned commercial development (see additional requirements, section 26-61).

Recreational facilities, commercial (outdoor or indoor).

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Resort and convention center.

Restaurant with drive-through.

State licensed massage therapist establishment.

Tire sales and installation.

Vehicle auction sales (see additional requirements at section 26-57).

Veterinarian's clinic with outside run.

Subsections (4) and (5) to remain in full force as adopted.

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ORDINANCE NO. 1036

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING SECTIONS 26-75.2 AND 26-89 TO ELIMINATE THE CURRENT PROHIBITION ON OUTDOOR SEATING AND PATRON CONGREGATION DIRECTLY ABUTTING RESIDENTIAL ZONING DISTRICTS WHICH WOULD ALLOW FOR SUCH USE SUBJECT TO VARIANCE APPROVAL BY THE VILLAGE COUNCIL AND TO INCREASE THE SQUARE FOOTAGE LIMITATION FOR BREWPUBS AND MICROBREWRIES FROM 5,000 TO 6,000 IN THE GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village of Royal Palm Beach, Florida, has received privately initiated application #22-63 (Text Amendment) requesting certain text amendments to the Village's Zoning Code in order eliminate the current prohibition on outdoor seating and patron congregation directly abutting residential zoning districts to allow for such use subject to variance approval by the Village Council and to increase the square footage limitation for brewpubs and microbreweries from 5,000 to 6,000 in the General Commercial (CG) Zoning District; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to update its Zoning Code as more specifically detailed in privately initiated application #22-63 (Text Amendment); and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26. are in the best interests of the health, safety and welfare of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 26-75.2. Brewpubs, breweries and microbreweries. in order to eliminate the current prohibition on outdoor seating and patron congregation directly abutting

residential zoning districts to allow for such use subject to variance approval by the Village Council; providing that Sec. 26-75.2 shall hereafter read as follows:

Sec. 26-75.2. – Brewpubs, breweries and microbreweries.

(a) *Legislative intent.* It is the intent of the village council to provide for the public health, safety and welfare by establishing minimum standards for the use, site development, construction and placement of brewpubs, breweries and microbreweries within the village.

(b) *Minimum standards.*

1. Brewpubs and microbreweries shall be permitted only in conjunction with an accessory use of restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility, and shall be open and accessible to the public. A maximum of seventy-five (75) percent of the square footage of the facility (inclusive of outdoor seating facilities) shall be dedicated to the brewery function including, but not limited to, brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, condition tanks and serving tanks. The seventy-five (75) percent standard shall not apply to properties located within the IG Industrial General District.
2. The maximum production per calendar year for microbreweries and brewpubs is as follows:
 - a. *Microbreweries*—Not to exceed fifteen thousand (15,000) barrels; and
 - b. *Brewpubs*—As allowed by applicable licenses from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, not to exceed fifteen thousand (15,000) barrels;
3. Except for loading and unloading, all activities shall occur within a building. Delivery access shall be located at the rear or side of the building. If no dedicated loading zone, loading and unloading shall occur at the rear or side of the building, and at hours not generally utilized by the surrounding establishments. Areas designated for loading and unloading, shall be screened from public areas as defined in section 26-22; however, notwithstanding this definition, the maximum height of such screening may exceed six (6) feet. Delivery 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, other supplies and finished products into and out of the building.

4. All mechanical equipment visible from public areas and adjacent residential areas shall be screened using architectural features consistent with the principal structure.
5. No outdoor storage shall be allowed. This prohibition includes use of portable storage units, cargo containers and tractor trailers. Spent or unused grain shall be stored in sealed containers.
6. Outdoor seating areas or areas of patron congregation directly abutting a residential zoning district shall only be permitted ~~prohibited when the outdoor seating area or area of patron congregation directly abuts a residential zoning district subject to variance approval by the Village Council.~~
7. Drive-through facilities are prohibited.
8. Brewpubs and microbreweries may have live entertainment only by special exception use approval. Any live or recorded entertainment/music shall occur solely within an enclosed building.
9. For facilities that do not contain a restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility component, a minimum number of parking spaces shall be provided as follows:
 - a. Customer parking. One (1) space for every three hundred (300) square feet of gross floor area of office use; and
 - b. Plus warehouse use parking as follows:
 - (1) One (1) space per two thousand (2,000) square feet of gross area of warehouse use for establishments over forty thousand (40,000) square feet and where no bay is less than ten thousand (10,000) square feet;
 - (2) One (1) space per one thousand (1,000) square feet of gross floor area of warehouse use for establishments over twenty thousand (20,000) square feet and where no bay is less than two thousand (2,000) square feet; or
 - (3) One (1) space per five hundred (500) square feet of gross floor area of warehouse use for establishments under twenty thousand (20,000) square feet.
10. For facilities that contain a restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility component, a minimum number of parking

spaces shall be provided as follows:

- a. For restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility (not located in a shopping center): One (1) space per seventy-five (75) square feet of gross floor area, plus one (1) space per employee on maximum work shift; or
- b. For restaurant, bar, taproom, tasting room, retail service, demonstration area, or education facility (located in a shopping center): One (1) parking space per two hundred (200) square feet gross leasable area; and
- c. Plus warehouse use parking as follows:
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 - (2) One (1) space per one thousand (1,000) square feet of gross floor area of warehouse use for establishments over twenty thousand (20,000) square feet and where no bay is less than two thousand (2,000) square feet; or
 - (3) One (1) space per five hundred (500) square feet of gross floor area of warehouse use for establishments under twenty thousand (20,000) square feet.

11. Brewpubs, breweries and microbreweries shall comply with all applicable federal, state and local laws relating to the manufacturing, sale and distribution of alcoholic beverages including, but not limited to, any licensing requirements.

Section 2: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 26-89. CG General Commercial District. in order to increase the square footage limitation for brewpubs and microbreweries from 5,000 to 6,000; providing that Sec. 26-89 shall hereafter read as follows:

[Subsections (1) and (2) to remain in full force as adopted.]

(3) Special exception uses.

Amusement arcade (see additional regulations under definition at section 26-22).

Automobile and/or water craft repair and/or service.

Automobile and/or water craft brokerage.

Automobile rental agencies.

Automobile window tinting sales and/or installation.

Automotive service stations.

Bar, lounge or restaurant, with live entertainment.

Bowling alley.

Brewpub not to exceed six thousand (6,000) ~~five thousand (5,000)~~ square feet of gross floor area, subject to section 26-75.2.

Business, trade or vocational school.

Car wash, self-service or other.

Church or place of worship.

Drugstore or pharmacy, with drive-through

Dry cleaning facility, with drive-through.

Financial institution with drive-through.

Green market (see additional requirements at section 26-70).

Hotel and/or motel.

Kennels with or without runs.

Living quarters for a residential employee or caretaker in conjunction with permitted principal use.

Microbrewery not to exceed six thousand (6,000) ~~five thousand (5,000)~~ square feet of gross floor area, subject to section 26-75.2.

New and used vehicle sales (outdoor).

Parking garage.

Public and private academic institution.

Planned commercial development (see additional requirements, section 26-61).

Recreational facilities, commercial (outdoor or indoor).

Resort and convention center.

Restaurant with drive-through.

State licensed massage therapist establishment.

Tire sales and installation.

Vehicle auction sales (see additional requirements at section 26-57).

Veterinarian's clinic with outside run.

[Subsections (4) and (5) to remain in full force as adopted.]

Section 3: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this ____ day of August, 2023.

SECOND AND FINAL READING this ____ day of September, 2023.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK