



BOARD OF COUNTY COMMISSIONERS


Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Inter-Office Memo

TO: Local Planning Agency Members

THRU: Tad Calkins, Director, Planning and Development Department

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager, Planning and Development Department 

DATE: August 24, 2020

SUBJECT: Code Revisions to Allow Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants\Snack Bars

Requested Action:

Staff is requesting the Local Planning Agency review and provide recommendations for the adoption of the proposed revisions to Chapter 62, Article VI, Division I, Section 62-1102, "Definitions and rules of construction"; to specifically add definitions for "eating and drinking establishments" and "restaurants\snack bars"; Chapter 62, Article VI, Zoning Regulations, Division 1, Section 62-1906, Alcoholic beverages for on-premises consumption, regarding granting staff the ability to Administratively Approve on-premises consumption of alcoholic beverages without the need for a Conditional Use Permit (CUP) in conjunction of a restaurant or snack bar.

Background:

The Board of County Commissioners, in regular session on April 21, 2020, approved legislative intent to grant permission to advertise revisions to Chapter 62, Article VI, Zoning Regulations, and directed staff to revise the Code to allow for on-premises consumption of alcoholic beverages in conjunction with a restaurant\snack bar for administrative approval.

Staff is proposing the following conditions:

This paragraph is for informational purposes only to provide background for changes (not part of the ordinance). Ordinance changes start with bolded heading. This section will be removed prior to ordinance adoption.

- **Creating a definition for Eating and Drinking Establishments.** Means a commercial establishment selling food and/or alcoholic beverages for immediate consumption, on the premises, whether or not the food is cooked on the premises and the serving of alcoholic beverages extends beyond the hours that food is prepared, served, and sold for immediate consumption; and

- Creating a definition for Restaurants/snack bars. A commercial establishment where food and alcoholic beverages are prepared or served for on-premises consumption. Take out or meal delivery may occur, but on-site consumption must also be offered and able to occur. Restaurants must be licensed through the State of Florida and must derive at least 51% of gross revenue from sales of food and non-alcoholic beverages. Food shall be continuously ready to be prepared, served, and sold during all operational hours of the business; and
- Amending subsection (4) to create the administrative approval process by which restaurants and snack bars must follow in order to obtain administrative approval of on-premises sale of or serving of alcoholic beverages; and
- Amending subsection (6) to address which process should be followed in the event of expansion of alcohol use and whether such use is reviewed under administrative approval or the filing of a new application for a conditional use.

I will attend the August 12, 2020, meeting to present the code changes.

Please do not hesitate to contact me if you would like additional information, or if you have questions prior to the meeting. (633-2070, extension 58273)

Attachments:

- Board of County Commissioners Item and Report for Legislative Intent
- Board Action Memo
- Strike through and underlined ordinance