



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1987, **Version:** 1

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### **Subject:**

Public Hearing Re: Amendment to Chapter 62, Article VI, Zoning Regulations to allow Administrative Approval of on-premises consumption of alcoholic beverages for restaurants\snack bars. (Second Reading)

### **Fiscal Impact:**

Reduction of \$5,148 in revenue.

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of County Commissioners conduct a public hearing to consider code revisions to Chapter 62, Article VI, Zoning Regulations to allow Administrative Approval of on-premises consumption of alcoholic beverages for restaurants\snack bars.

### **Summary Explanation and 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 requesting the Board's consideration 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".

*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.

*Restaurants/snack bars* means a commercial establishment where food and alcoholic beverages are prepared or served for on-premises consumption. Takeout 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.

In addition, staff is seeking the Board's consideration of the proposed changes to 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 (AA) on-premises consumption of alcoholic beverages without the need for a Conditional Use Permit (CUP) in conjunction of a restaurant or snack bar. The AA requires a restaurant to satisfy the same criteria as previously required for the CUP.

On August 12, 2020, the Building and Construction Advisory Committee heard the request and unanimously recommended approval.

On August 24, 2020, the Local Planning Agency heard the request and unanimously recommended approval.

On August 25, 2020, the Board of County Commissioners unanimously approved the first reading of the ordinance.

**Clerk to the Board Instructions:**

Upon execution, please return a certified copy of the ordinance to Planning and Development.