

Example Local Land Development Regulations for Microbreweries and Related Uses

Definitions

Some local governments group a variety of types of smaller alcoholic beverage producers under a single, flexible definition. Others differentiate such uses by size (based on production capacity in barrels/gallons), by type of alcohol produced, and/or by percentage of on-site sales. Definitions and other local regulations often reflect state licensure classifications for these businesses.

Example #1 – City of Dunedin

Craft/micro brewery, winery or distillery: A small-scale, licensed manufacturing establishment which produces, processes, ferments, rectifies or blends craft brews, wines or distilled spirits; may or may not offer tastings, and may or may not provide on-site sale and consumption of the products.

Example #2 – Pinellas County

Microbrewery/cidery: No more than 30,000 barrels (930,000 gallons) of beer and/or cider per year. Only in conjunction with a restaurant, tasting room or retail sales.

Winery/meadery: No more than 100,000 gallons of wine and/or mead per year. Only in conjunction with a restaurant, tasting room or retail sales.

Distillery: No more than 15,000 U.S. gallons of spirits per year. Only in conjunction with a restaurant, tasting room or retail sales.

Example #3 – City of Safety Harbor

Brewpub: An establishment where food, beer, and malt beverages are duly-licensed to be made on the premises where 50% or more of the beer produced on site is sold and/or consumed on site.

Microbrewery: An establishment where beer and malt beverages are duly-licensed to be made on the premises and then sold or distributed, and which produces less than 15,000 barrels (465,000 U.S. gallons) of beer per year.

Micro-distillery: A duly-licensed establishment primarily engaged in on-site distillation of spirits in quantities not to exceed 75,000 gallons per year. The distillery operation processes the ingredients to make spirits by mashing, cooking, and fermenting. The micro-distillery operation does not include the production of any other alcoholic beverage.

Regional brewery: A duly-licensed brewery with an annual beer production of between 15,000 and 6,000,000 barrels. A regional brewery may include a taproom as an accessory use.

Taproom: A room that is ancillary to the production of beer at a brewery, microbrewery, 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.

Tasting Room: A room that is ancillary to the production of spirits where the public can purchase and/or consume the spirits produced by the micro-distillery on site as licensed and regulated by the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.

Brewpub Standards

Brewpubs are businesses where the majority of beer is produced for on-site consumption, and which may also serve food. These are primarily retail commercial uses with a secondary light manufacturing component. While these uses are generally appropriate in zones that allow commercial uses, the industrial aspects of the business are regulated to ensure compatibility with neighboring uses. Local governments may limit the percentage of floor area used for production; place limitations on offsite and carryout sales; regulate storage, loading and delivery; and/or require visual screening. Some local governments also require food sales to comprise a percentage of overall sales.

Example #1 – Safety Harbor

69.01 Brewpubs.

- (A) Revenue from food sales shall constitute more than 50 percent of the total business revenues.
- (B) No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function, including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- (C) No outdoor storage shall be allowed.

Example #2 – City of St. Petersburg

16.50.045.4.1. - Restaurant and bar, brewpub.

- A. In addition to the development standards of the zoning district, applicable general development standards and where applicable, Use Specific Development Standards for a "restaurant and bar, indoor," "restaurant and bar, indoor and outdoor" or "restaurant and bar, accessory outdoor area," an establishment that meets the definition of 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 for the brewery function including, but not limited to, the brewhouse, 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 shall be allowed in specialty containers holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces). These containers are commonly referred to as growlers;
 - 4. Brewpubs 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 and microbreweries, which include the participation of at least three such brewers;

- b. An unlimited number of kegs for City 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 the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features 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, other supplies and finished products into and out of the building;
- 8. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to 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 shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

Microbrewery Standards

Microbreweries are smaller breweries (typically producing no more than 15,000 barrels per year) that typically produce beer for off-site distribution, while also serving a percentage of the product for on-site consumption in a taproom or tasting room. They are primarily light manufacturing uses with a secondary retail commercial component. Some local governments require taprooms to be included, and may place limitations on storage, loading and delivery, and/or require visual screening.

As noted in the Definitions section above, some local governments do not distinguish between brewpubs and microbreweries, and/or may include production of other types of alcohol production under the same standards.

When located in industrial zones, commercial activities (such as demand for parking) need to be regulated to ensure compatibility with neighboring industrial uses. In particular, because industrial land is vulnerable to market forces that favor its conversion to retail uses, care must be taken that the retail aspects of microbreweries do not overwhelm industrial properties, and local governments are discouraged from locating these uses in purely industrial areas. They are most appropriate for mixed-use downtowns and transitional areas between commercial and industrial zones.

Example #1 – City of St. Petersburg

16.50.045.4.2. - Microbrewery.

- A. In addition to the development standards of the zoning district, applicable general development standards, and where applicable, use specific development standards for restaurant or retail uses, an establishment that meets the definition of 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 a "restaurant and bar, indoor," "restaurant and bar, indoor and outdoor" or "restaurant and bar, accessory outdoor area," tasting room or retail sales and service:

- a. No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 - b. The façade of any accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
 - c. Pedestrian connections shall be provided between the public sidewalks and the primary entrance(s) to any accessory use(s).
3. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
 4. Access and loading bays are discouraged from facing toward any street, excluding alleys;
 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, other supplies and finished products into and out of the building;
 6. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to 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 shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except as follows: spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
 - a. Designated on the approved site plan;
 - b. Permitted within the interior side or rear yard or within the minimum building setbacks;
 - c. Prohibited within any yard abutting a residential use or 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.

Example #2 – Pinellas County

Sec. 138-1008. - Permitted uses.

- (7) Alcoholic beverage production facilities include microbreweries, brewpubs, wineries, distilleries, cideries, meaderies, and other producers of alcoholic beverages for sale and distribution. Alcoholic beverage production facilities in the OPH-D district shall be subject to the following requirements:
 - a. The facility shall produce no more than 30,000 barrels (930,000 U.S. gallons) of beer and/or cider per year (microbrewery/cidery), 100,000 U.S. gallons of wine and/or mead per year (winery/meadery), or 15,000 U.S. gallons of spirits per year (distillery).
 - b. This use shall be permitted only in conjunction with a restaurant, tasting room or retail sales.
 - c. No more than 75 percent of the total gross floor space of the establishment shall be used for the alcohol production function, including, but not limited to, the brewhouse or equivalent, boiling and water treatment areas, laboratories, bottling, canning and kegging lines, milling and storage, fermentation tanks, conditioning tanks, and serving tanks.

- d. All outdoor mechanical equipment shall be concealed from public streets (excluding alleys) and adjacent residential uses.
- e. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers.

Larger Breweries

Some local governments permit larger breweries (exceeding 15,000 barrels per year), which may have a minor taproom component or operate purely as a manufacturing use. These uses are appropriately located in industrial areas, where commercial activities are limited to accessory uses.

Example – City of St. Petersburg

16.50.045.4.3. - Regional (small) and large brewery.

Regional (small) and large breweries shall comply with the development standards of the zoning district and applicable general development standards.

Other Types of Alcohol Production

While production limits may differ, small producers of other types of alcohol are often subject to the same standards as microbreweries. As shown in the Definitions section above, production capacity of micro-distilleries in particular may be limited due to the flammability of the product. They may also be restricted to fewer zoning categories, as shown in the Zoning section below.

Example #1 – City of Safety Harbor

69.02 Microbrewery/micro-distillery.

- (A) A taproom, for a microbrewery, or a tasteroom for a micro-distillery, each respectively occupying a gross floor area of no less than 500 sq. ft., shall be incorporated and operated as part of said facility when located in one of the following zoning districts:
 - a. C-1A, Restricted Commercial
 - b. CRD, Community Redevelopment District/MSM, Main Street Marketplace
 - c. CRD, Community Redevelopment District/SC-1, Service Corridor-1

Example #2 – City of Clearwater

Section 8-102. - Definitions.

Micro-distilleries means establishments that are primarily a distillery, which produce no more than 75,000 U.S. gallons of distilled spirits per year, and includes either a restaurant, bar or tasting room as an accessory use. For the purposes of this Code, micro-distilleries shall constitute a microbrewery.

Micro-wineries means a facility that uses grapes from outside sources instead of its own vineyard to produce wine in quantities not to exceed 2,000 barrels per year, and includes either a restaurant, bar or tasting room as an accessory use. For the purposes of this Code, micro-wineries shall constitute a microbrewery.

Zoning

Examples of zoning categories where local governments permit various uses related to alcohol production are shown below, together with the applicable type of approval process.

Brewpubs

Local Government	Zoning Categories			
	Permitted Use	Conditional Use	Special Exception	Accessory Use
Clearwater	<ul style="list-style-type: none"> • C: Commercial District • T : Tourist District • D : Downtown District 			
Dunedin	<ul style="list-style-type: none"> • TF: Tourist Facility • FX-M: Form-Based Medium • FX-H: Form-Based High • GB: General Business • DC: Downtown Core • LI: Light Industrial • GI: General Industrial 			
Safety Harbor	<ul style="list-style-type: none"> • C-1A: Restricted Commercial District • CRD/MSM: Community Redevelopment District/Main Street Marketplace • CRD/SC-1: Community Redevelopment District/Service Corridor-1 	<ul style="list-style-type: none"> • M-1: Light Industrial District • CRD/SC-2: Community Redevelopment District/Service Corridor-2 		
St. Petersburg	<ul style="list-style-type: none"> • CCT-1 & 2: Corridor Commercial Traditional • CCS-1, 2 & 3: Corridor Commercial Suburban • DC-C: Downtown Core • DC-1 & 3: Downtown Center • RC-1, 2 & 3: Retail Center • IC: Institutional Center (I) 		<ul style="list-style-type: none"> • CRT-2: Corridor Residential Traditional 	<ul style="list-style-type: none"> • DC-2: Downtown Center • IC: Institutional Center (CRD) • IT: Industrial Traditional • EC: Employment Center • IS: Industrial Suburban
Pinellas County	<ul style="list-style-type: none"> • OPH-D: Old Palm Harbor-Downtown District 			

Microbreweries

Local Government	Zoning Categories			
	Permitted Use	Conditional Use	Special Exception	Accessory Use
Clearwater	<ul style="list-style-type: none"> • C: Commercial District • D : Downtown District • IRT: Industrial, Research and Technology District 			
Dunedin	<ul style="list-style-type: none"> • TF: Tourist Facility • FX-M: Form-Based Medium • FX-H: Form-Based High • GB: General Business • DC: Downtown Core • LI: Light Industrial • GI: General Industrial 			
Safety Harbor	<ul style="list-style-type: none"> • M-1: Light Industrial District • CRD/SC-2: Community Redevelopment District/Service Corridor-2 	<ul style="list-style-type: none"> • C-1A: Restricted Commercial District • CRD/MSM: Community Redevelopment District/Main Street Marketplace • CRD/SC-1: Community Redevelopment District/Service Corridor-1 		
St. Petersburg	<ul style="list-style-type: none"> • CCS-1, 2 & 3: Corridor Commercial Suburban • RC-1, 2 & 3: Retail Center • IC: Institutional Center (I) • IT: Industrial Traditional • IS: Industrial Suburban 		<ul style="list-style-type: none"> • CCT-1 & 2: Corridor Commercial Traditional • DC-C: Downtown Core • DC-1 & 2: Downtown Center 	
Pinellas County	<ul style="list-style-type: none"> • OPH-D: Old Palm Harbor-Downtown District 			

Larger Breweries

Local Government	Zoning Categories			
	Permitted Use	Conditional Use	Special Exception	Accessory Use
Safety Harbor	<ul style="list-style-type: none"> • M-1: Light Industrial District 	<ul style="list-style-type: none"> • CRD/SC-2: Community Redevelopment District/Service Corridor-2 		
St. Petersburg	<ul style="list-style-type: none"> • IT: Industrial Traditional 		IC: Institutional Center (CRD)	

Micro-wineries or Wineries

Local Government	Zoning Categories			
	Permitted Use	Conditional Use	Special Exception	Accessory Use
Clearwater	<ul style="list-style-type: none"> • C: Commercial District • D : Downtown District • IRT: Industrial, Research and Technology District 			
Dunedin	<ul style="list-style-type: none"> • TF: Tourist Facility • FX-M: Form-Based Medium • FX-H: Form-Based High • GB: General Business • DC: Downtown Core • LI: Light Industrial • GI: General Industrial 			
Pinellas County	<ul style="list-style-type: none"> • OPH-D: Old Palm Harbor-Downtown District 			

Micro-distilleries or Distilleries

Local Government	Zoning Categories			
	Permitted Use	Conditional Use	Special Exception	Accessory Use
Clearwater	<ul style="list-style-type: none"> • C: Commercial District • D : Downtown District • IRT: Industrial, Research and Technology District 			
Dunedin	<ul style="list-style-type: none"> • TF: Tourist Facility • FX-M: Form-Based Medium • FX-H: Form-Based High • GB: General Business • DC: Downtown Core • LI: Light Industrial • GI: General Industrial 			
Safety Harbor	<ul style="list-style-type: none"> • M-1: Light Industrial District • CRD/SC-2: Community Redevelopment District/Service Corridor-2 	<ul style="list-style-type: none"> • C-1A: Restricted Commercial District • CRD/MSM: Community Redevelopment District/Main Street Marketplace • CRD/SC-1: Community Redevelopment District/Service Corridor-1 		
Pinellas County	<ul style="list-style-type: none"> • OPH-D: Old Palm Harbor-Downtown District 			