

# Board of Adjustment and Appeal *OUTDOOR DINING Application Guidelines*

**Conditional Use Criteria** (refer to 107-32.3(F), LDC)

1. The establishment's economic viability cannot be reasonably achieved without the proposed increase in seats and/or area.
2. The need for increased outdoor dining will not negatively impact any noise-sensitive adjoining commercial or residential use.
3. The applicant has not operated an establishment which has been found in violation more than once with regard to alcohol, public safety or nuisance codes or regulations.

THE APPLICANT SHALL ATTEND A **DRC (DEVELOPMENT REVIEW COMMITTEE)** MEETING PRIOR TO SUBMITTING AN APPLICATION FOR OUTDOOR DINING ADDITIONAL SEATING/DINING AREA CONDITIONAL USE PERMIT. PLEASE CONTACT THE PROJECT COORDINATOR AT (727) 298-2755 TO SCHEDULE THIS MEETING.

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- Application must be submitted at least thirty (30) days in advance of initial board hearing, on date specified by Planning & Development Department. The Board of Adjustment and Appeal meets on the fourth Wednesday of each month.
- Quasi-Judicial procedures apply (sufficient notice must be made; interested parties have the right for fair opportunity to be heard; interested parties have the right to an impartial decision-maker; initial burden is placed upon interested parties to ensure that proper record of the proceeding is preserved.)
- Failure of the owner/applicant/representative to appear and present substantial evidence under oath at the Board of Adjustment and Appeal meeting shall be cause to deny the request due to lack of evidence.
- Filing fees are nonrefundable. Checks should be made payable to the City of Dunedin.
- The owner/applicant/representative may not have any ex-parte contact (outside of the public hearing) with any board member or City Commissioner regarding this application.
- An informational sign will be posted on the property referencing the petition and public hearing date. Signage should be maintained as posted and shall not be removed until after the hearing.
- If any person decides to appeal the decision made by the board, he or she may need to ensure that a verbatim record of the proceedings is made, per Florida Statute 286.0105.

**Outdoor Dining Permit Application-** Provide the completed permit application, including all attachments:

- Letter of authorization from the property owner
- Site Survey
- Site Plan, drawn to scale by a certified design professional and containing all required information

**Proof of ownership-** Submit a letter showing present title holder of record and initial date of acquisition, no more than 60 days old and prepared by a title company or licensed attorney in the state of Florida. (*Deeds, Title Insurance documents, Tax Bills, etc. are not acceptable.*)

**List of adjacent property owners, 250'-**

- A) Perform a "Radius Search" on the Pinellas County Property Appraiser's website, [www.pcpao.org](http://www.pcpao.org). Search the database for the parcel property record, and click the link at the top of the property record page for "Radius Search". Enter a distance of 250 feet and submit query for labels *and* the list of parcel numbers, owners and legal descriptions. The list is what you will need to submit to the department as proof of fulfilling this requirement.
- B) The "Letter of Notice" shall be filled out by the Department of Planning & Development, and sent by the applicant to the adjacent property owners via the U.S. Post Office certificate of mailing process. To acquire a certificate of mailing, take the letters in addressed and stamped envelopes, along with the adjacent property owner list, to any U.S. Postal clerk. **If the certificate of mailing is not received by the Department of Planning & Development at least 14 days prior to scheduled hearing date, the case will be postponed. Failure to provide a complete list of property owners will render any approval void.**