



OUTDOOR DINING PERMIT APPLICATION

City of Dunedin, Florida ♦ Community Development Department
 737 Loudon Avenue ♦ Dunedin, FL 34698 ♦ 727-298-3210 ♦ www.dunedingov.com

Applicant/Contact Info: [Name / Phone / Fax / Email]			Date Received	
Business Name	DBPR License Number(s)	Phone		
Street Address	City	State	Zip	
Property Owner's Name			Phone	
Property Owner's Address	City	State	Zip	

Please list the square footages and seating for both the existing indoor dining area and proposed outdoor dining area below.

IMPORTANT: The seating capacity of the outdoor dining area shall not exceed the lesser of twenty-four (24) seats or twenty-five percent (25%) of the licensed indoor seating, and shall not exceed five hundred (500) square feet. To allow additional seating and/or dining area, a conditional use permit must be granted by the Board of Adjustment and Appeal.

DINING AREA	SQUARE FEET (SF)	NO. OF SEATS
Licensed Indoor Dining Area		
Proposed Outdoor Dining Area		
Total Dining Area (Indoor & Outdoor)		

SUBMITTAL REQUIREMENTS (107-32.4, LDC)

1. Survey.
2. Site plan depicting the proposed outdoor dining area, certified by a design professional and drawn to scale. The plan shall include the following information:
 - a. Total square footage of the proposed outdoor dining area.
 - b. Number and placement of all seating/table arrangements and other elements within the outdoor dining area.
 - c. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code.
 - d. Location, size, type and fuel source of any portable BBQ grill or smoker, which is not included in the total allowed square footage of the outdoor dining area as regulated by Section 107-32.3(E), and which covering of shall meet NFPA 701 code.
 - e. Building egress.
 - f. If a perimeter barrier is delineated according to Section 107-32.5(E), no less than two remote means of egress from the outdoor dining area shall be shown, as required by the LSC 101.
 - g. For tenants as applicants, a letter of authorization from the owner.
3. Occupant load of all existing business area.
4. Number of all existing men's and women's bathrooms and fixtures.

OUTDOOR DINING DESIGN STANDARDS (107-32.5, LDC)

- (A) Outdoor dining elements including tables, chairs, umbrellas, heaters and any other object associated with outdoor dining shall be placed only in the permitted outdoor dining area.
- (B) All outdoor dining elements, with the exception of perimeter barriers that are authorized in Section 107-32.5(E), shall be non-permanent and readily removable, and where applicable, cause no damage to the surface of the right-of-way. No element, other than perimeter barriers, may be anchored, attached, chained, or in any manner affixed to any tree, post, sign or other fixture.
- (C) All outdoor dining elements shall be uniform in design and manufactured for commercial outdoor use.
- (D) Tables within the outdoor dining area shall seat no more than four people, unless otherwise approved by the city.
- (E) The perimeter around the outdoor dining area may be delineated using nonpermanent fixtures such as fencing, railings, planters, decorative chains or other approved fixtures. The zoning administrator will determine the need and allowable amount, type, and style of perimeter barriers based on the following standards.
 - 1. Barriers shall be no less than 30 inches and no greater than 42 inches in height.
 - 2. No portion of the delineated perimeter, such as railings, pottery, free-standing bases or plant material, may encroach beyond the permitted outdoor dining area.
 - 3. Fencing or railing shall be limited to material made of PVC, wrought-iron or its equivalent, and shall be no more than fifty percent (50%) opaque in order to maintain sight visibility for traveling pedestrians.
 - 4. Posts with pointed ends facing upward are prohibited.
 - 5. Plant material must be maintained in accordance with Section 105-42, Landscaping.

APPLICANT'S ACKNOWLEDGEMENT

The undersigned applicant hereby agrees to operate the outdoor dining area described in this application in accordance with the requirements of Section 107-32 of the City of Dunedin Code Land Development Code (copy attached).

The undersigned further affirms and acknowledges that the information contained in this application is true and correct, and that this application and/or an outdoor dining permit is not transferrable.

Signature of Applicant

The instrument was acknowledged before me on this ____ day of _____, 20____, by _____

___ Personally Known
___ Produced Identification: _____

NOTARY PUBLIC
My commission expires: _____

(FOR OFFICE USE ONLY)

STAFF REVIEWS	APPROVALS		COMMENTS / REMARKS:	FEES	
	INITIALS	DATE			
Zoning			_____	Outdoor Dining Permit	No Charge
Engineering			_____	Miscellaneous	\$
Fire			_____	Other _____	\$
Building			_____	Other _____	\$
Other _____			_____	Other _____	\$

107-32 - OUTDOOR DINING REGULATIONS

107-32.1 - Generally

The City Commission finds that outdoor dining is important for the success and vitality for commercial-corridor areas of the city, encourages a pedestrian-oriented environment, and helps create a visually attractive atmosphere and streetscape.

(Ord. No. 11-38, § 1, 12-15-2011)

107-32.2 - Applicability

Regulated by the provisions of Section 107-32, outdoor dining is permissible for any restaurant, bar, cafe, or related business whose primary operation is to provide food or drink service to its patrons for on-site consumption. For the purpose of this section, outdoor dining shall be considered incidental and supplementary to the primary use of a business. Outdoor dining areas located wholly or partially within the public right-of-way and shall require a right-of-way use agreement pursuant to *Section 107-23.3(A)*. Any outdoor dining establishment that was in existence prior to the enactment of this section shall be considered a grandfathered nonconforming use, and therefore regulated by Chapter 108 - Nonconformities / Vested Rights.

(Ord. No. 11-38, § 1, 12-15-2011)

107-32.3 - General Requirements

- (A) Prior to business operation within an outdoor dining area, a permit shall be issued by the city and such issuance may be contingent upon the execution of a right-of-way use agreement made between the owner or owner's representative and the city.
- (B) The permit holder of any outdoor dining area, whether located on private property or within the public right of way, shall cause all patrons to vacate the permitted area by 11:00 pm on Sunday through Thursday nights, inclusive; and by midnight on Friday and Saturday nights and evenings prior to a federal holiday. The Board of Adjustment and Appeal may require more restrictive operating hours as a condition of approval to any area exceeding the limits of Section 107-32.3(D).
- (C) The outdoor dining permit shall be issued to the applicant restaurant, and shall not be transferrable in any manner. If a right-of-way use agreement is required, it shall be entered into between the owner or owner's representative and the city, and shall not be transferrable in any manner.
- (D) Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment used for outdoor dining shall be securely stored inside.
- (E) The seating capacity of the outdoor dining area shall not exceed the lesser of twenty-four (24) seats or twenty-five percent (25%) of the licensed indoor seating area, and shall not exceed five hundred (500) square feet, with the exception that a conditional use permit may be granted by the Board of Adjustment and Appeal to allow additional seating and/or dining area.
- (F) In granting a conditional use permit for additional outdoor dining seating capacity and/or area, the Board

of Adjustment and Appeal may impose reasonable standards, conditions or requirements, in addition to or that supersede any standard specified in the LDC, as deemed necessary to protect the public interest and welfare; and shall approve the conditional use permit application upon all of the following findings:

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.

(Ord. No. 11-38, § 1, 12-15-2011)

107-32.4 - Permit Required

Permit application shall be made to the city and reviewed by the zoning division, fire division, engineering division and building division. The appropriate fee as determined by *Appendix C - Fees* shall be paid. The permit application shall include the following information:

- (A) Survey.
- (B) Site plan depicting the proposed outdoor dining area, certified by a design professional and drawn to scale. The plan shall include the following information:
 1. Total square footage of the proposed outdoor dining area.
 2. Number and placement of all seating/table arrangements and other elements within the outdoor dining area.
 3. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code.
 4. Location, size, type and fuel source of any portable BBQ grill or smoker, which is not included in the total allowed square footage of the outdoor dining area as regulated by Section 107- 32.3(E), and which covering of shall meet NFPA 701 code.
 5. Building egress.
 6. If a perimeter barrier is delineated according to Section 107- 32.5(E), no less than two remote means of egress from the outdoor dining area shall be shown, as required by the LSC 101.
 7. For tenants as applicants, a letter of authorization from the owner.
- (C) Occupant load of all existing business area.
- (D) Number of all existing men's and women's bathrooms and fixtures.

(Ord. No. 11-38, § 1, 12-15-2011)

107-32.5 - Design Standards

- (A) Outdoor dining elements including tables, chairs, umbrellas, heaters and any other object associated with

outdoor dining shall be placed only in the permitted outdoor dining area.

- (B) All outdoor dining elements, with the exception of perimeter barriers that are authorized in Section 107-32.5(E), shall be non-permanent and readily removable, and where applicable, cause no damage to the surface of the right-of way. No element, other than perimeter barriers, may be anchored, attached, chained, or in any manner affixed to any tree, post, sign or other fixture.
- (C) All outdoor dining elements shall be uniform in design and manufactured for commercial outdoor use.
- (D) Tables within the outdoor dining area shall seat no more than four people, unless otherwise approved by the city.
- (E) The perimeter around the outdoor dining area may be delineated using nonpermanent fixtures such as fencing, railings, planters, decorative chains or other approved fixtures. The zoning administrator will determine the need and allowable amount, type, and style of perimeter barriers based on the following standards.
 1. Barriers shall be no less than 30 inches and no greater than 42 inches in height.
 2. No portion of the delineated perimeter, such as railings, pottery, free-standing bases or plant material, may encroach beyond the permitted outdoor dining area.
 3. Fencing or railing shall be limited to material made of PVC, wrought-iron or its equivalent, and shall be no more than fifty percent (50%) opaque in order to maintain sight visibility for traveling pedestrians.
 4. Posts with pointed ends facing upward are prohibited.
 5. Plant material must be maintained in accordance with Section 105-42 Landscaping.

(Ord. No. 11-38, § 1, 12-15-2011; Ord. No. 12-22, §§ 1—3, 6-7-2012)

107-32.6 - Prohibited Elements and Use

- (A) No vending machines, carts or other food storage or service equipment are allowed within the outdoor dining area.
- (B) No additional signage is allowed within the outdoor dining area, except those signs which are made valid by approved sign permit. Advertising on an umbrella is prohibited, unless a temporary exemption has been enacted by resolution of the city commission pursuant to *Section 105-24.1.5 Temporary Exemptions*.
- (C) No food or drink preparation, storage, cooling or refrigeration is allowed within the outdoor dining area.
- (D) No cooking is allowed within the outdoor dining area unless approved through the permit review process.

(Ord. No. 11-38, § 1, 12-15-2011)

107-32.7 - Parking

- (A) No additional parking is required when the seating capacity and area of the outdoor dining do not exceed the limit set forth in Section 107-32.3(E).
- (B) When either the outdoor dining area or seating capacity exceeds the limits of Section 107-32.3(E) through a conditional use permit granted by the Board of Adjustment and Appeal, additional parking requirements subject to *Section 105-61 Motor Vehicle Parking* shall be provided. For sites which are

unable to meet the minimum requirements of *Section 105-61 Motor Vehicle Parking*, a per-space contribution of up to twenty-five percent (25%) of the required parking may be made to the parking bank. See *Appendix C - Fees* for the current per space contribution rate.

(Ord. No. 11-38, § 1, 12-15-2011)