

The Conditional Use application will be reviewed by the City of Dunedin's Board of Adjustment & Appeal. The following criteria must be followed to be considered for approval. LDC 104-21.9

1. The requested use is compatible with the existing natural environment of the site, with properties in the neighborhood, and projected future development of the area.
2. There is adequate provision for water supply and for sanitary sewers and sewerage treatment.
3. There is adequate provision for public facilities, such as schools, parks and utilities within the service areas involved, and the proposed use can be accommodated by existing and/or proposed facilities.
4. There is adequate provision for traffic circulation, both vehicular and pedestrian, both internal to the use and in the area that will serve the use, and not be detrimental to the traffic circulation of the area.
5. There are adequate provisions for drainage systems to service the use, with particular attention to the necessity for on-site retention systems to alleviate drainage and pollution problems.
6. There are adequate setbacks, buffering, or other appropriate control measures to mitigate adverse effects of noise, light, dust, fumes, and other nuisances.
7. The land area for the proposed use is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
8. The use is compatible with the desired growth and land use patterns reflected in the City land use plan or other planning documents.
9. The proposed use will comply with all appropriate regulations for the zoning district/land use category in which it is located and the policies of the comprehensive plan that apply to that district/category.
10. The proposed use will not adversely affect the health, safety, and welfare of the public in the area, and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
11. The proposed use will comply with other policies and special standards which are designated elsewhere in the City comprehensive plan and this chapter, which standards and policies will be supplemental to those set forth in this section.

**SPECIAL CONDITIONS FOR OUTDOOR DINING (Including above criteria)**

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.
4. Applicant must comply with the requirements of the Land Development Code Chapter 107-32.3(F).

**SPECIAL CONDITIONS FOR BED & BREAKFAST OPERATION (Including above criteria)**

1. Must be Owner-Occupied in the Multi-Family Zoning District. (Refer to Ordinance 17-11, approved 8/24/17)
2. Applicant must apply for and obtain a license from Florida Department of Hotels and Restaurants to operate a Bed & Breakfast.
3. Applicant must file annual Business Tax Receipt with City of Dunedin.
4. Applicant must comply with Rules and Regulations found in Florida Statute Chapter 509, Part 1.
5. Applicant must comply with requirements of City of Dunedin Ordinance 19-13, Section 103-14.8.
6. Applicant must include package with details of proposed bed & breakfast operation, floor plans, photographs, parking plan, rules and amenities offered (in accordance with Ordinance 19-13, Section 103-14.8).

**DOCKS CRITERIA**

An environmental review may be required to be conducted by the Pinellas County Water and Navigation Control Authority. A submerged land study shall be submitted by the applicant. It shall include the following. Evidence that the proposed docking structure or alteration of elevation will not substantially:

- A. Limit the rights of public air, water and recreation access for surrounding properties.
- B. Affect the breeding and spawning grounds of aquatic animals and fish, or alter the natural flow of water so as to create pockets for debris accumulation or incubation of injurious plant or other marine life.
- C. Alter the shoreline or seriously injured existing or proposed navigable channels or basins.
- D. Materially reduce the former use or value of surrounding properties.

**VARIANCE CRITERIA**

The Variance application will be reviewed by the City of Dunedin's Board of Adjustment & Appeal. The following criteria must be followed to be considered for approval. LDC 104-22.7.1 thru 104-22.7.7

1. The need for the variance arises out of the physical surroundings, shape, topographical conditions, or other physical environmental conditions that are unique to the property, and which do not apply generally to property located in the same zoning district.
2. Preservation of a protected tree(s) or native tree(s) may be considered as a relevant environmental condition.
3. The property meets all of the criteria in order to be listed in the National Register of Historic Places (but is not necessarily listed).
4. Conditions or special circumstances peculiar to the property have not been self-created or resulted from an action by the applicant, or with prior knowledge of the applicant. No variance may be granted arising from the illegal construction of a structure or an illegal use of the premises which would have otherwise required a building permit or other specific approval to be issued.
5. The requested variance is the minimum variance that will make possible reasonable use of the property.
6. No variance will be granted that extends a use of property that is not commonly enjoyed by other persons in similar circumstances.
7. The variance will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.