



**Department of Planning,
Zoning & Building**

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**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING & BUILDING**

TO: The Honorable Dave Kerner, Mayor
and Members of the Board of County Commissioners

FROM: Ramsay Bulkeley, PZ&B Executive Director

DATE: June 3, 2020

RE: Temporary Outdoor Seating/Dining Areas for
Restaurants

Inquiry to Staff:

PZ&B staff have received several inquiries from owners of restaurants on whether or not they can have temporary outdoor seating/dining area and if so what is the approval process. The inquiry is based on [Governor's Executive Order 20-112](#) related to COVID-19, addressing social distancing established in order to reopen these establishments effective on May 4, 2020.

Staff Recommendation:

The Unified Land Development Code (ULDC) currently addresses permanent outdoor seating/dining associated with a restaurant. The seating/dining area is required to be shown on the approved Site Plan, and if no Site Plan is required, then it is shown on the building permit plan. The outdoor seating/dining area is counted as usable square footage and must comply with all applicable regulations. There are currently many approved restaurants in unincorporated PBC that have approved permanent outdoor seating/dining. The ULDC does not specifically address temporary seating/ dining, but it can be addressed provisionally under temporary use.

Based on the Executive Order, a 3,000 SF restaurant with currently no outdoor seating approved - Apply the allowable occupancy to the approved square footage and the remaining square footage may be used as temporary outdoor seating/dining area provided the criteria noted below is met.

Review Process & Criteria for Temporary Seating/Dinning

In order to expedite these requests for temporary outdoor seating/dining areas, staff is recommending the following:

Approval Process

Temporary Use (TU) reviewed and issued within 3 days of receiving a complete application and recommend it be valid until the Governor's Emergency Order is lifted.

Criteria for review and approval:

Staff shall issue a TU permit provided the applicant complies with the following criteria:



General:

- The outdoor dining areas is located on an existing improved surface and does not impact existing approved drainage. All Fire emergency ingress and egress to the restaurant are not in any way obstructed by the temporary seating/dining area. For any questions related to fire regulations, please contact the PBC Fire Department at 561- 233-0050;
- The total number of seats approved for the restaurant are not increased;
- Four foot wide pedestrian pathway free of any encumbrances shall be maintained adjacent to the seating/dining area;
- Comply with all ADA requirements;
- May utilize parking spaces not required to meet minimum number of parking spaces established by the Code for the entire development and that are immediately adjacent to the restaurant area. All ADA Handicapped spaces, walkways, and fire lanes shall not be used.

Submittal:

The applicant shall provide to the Zoning Division the following documents:

- A copy of the approved plan (Site or building permit whichever is applicable) depicting proposed location and area of the outdoor dining area;
- General Application, Form #93;
- Affidavit of Completeness and Accuracy, Form #2; and,
- Consent, Form # 3.

Building:

A Building permit will be required if the seating/dining area is to be covered by a tent larger than 120 SF or occupancy is greater than 10 patrons. For information regarding building permits or approval process, please contact 561-233-5101 or email PZB-bldg@pbcgov.org.

Fees:

The applicable fee for Temporary Outdoor Seating/Dining Areas for Restaurants is \$110.00 dollars.

If you have any questions regarding this recommendation, contact me at 561-233-5008 or Jon MacGillis, Zoning Director at 561-233-5223.

RB/JM/jm

C: Digital Copy Patrick Rutter, Assistant County Administrator
Robert P. Banks, Chief Land Use County Attorney
Jon MacGillis, ASLA, Zoning Director
Doug Wise, Building Official
Joanne Keller, Land Development Director
Dave Collado, Fire Safety Specialist, Fire Department
Monica Cantor, Principal Site Planner, Adm. Review