

Application No.:PIA-2020-02168

Application Name:Dog Friendly Dining

Applicant:Lazy Dog Restaurants, LLC

Agent:Jared Taylor, Golden Property Development LLC

Telephone No.:(805) 440-7537

Project Manager:Jeff Gagnon, AICP, Principal Site Planner

TITLE: Unified Land Development Code (ULDC) Privately Initiated Amendment (PIA), Phase 2, “Dog Friendly Dining.”

REQUEST: Phase 2 PIA, to adopt an amendment to Article 4 of the ULDC in order to allow Dog Friendly Dining within designated outdoor dining areas for Type 1 and Type 2 Restaurants pursuant to F.S. § 509.233.

- BCC OPTIONS:**
- 1. To recommend denial of the proposed ULDC amendment.
 - 2. To approve the proposed ULDC amendment with modifications.
 - 3. To approve the proposed ULDC amendment as presented.

LDRAB RECOMMENDATION AND LDRC DETERMINATION:
On September 22, 2021, LDRAB recommended approval of the proposed ULDC amendment with a vote of 10-0, and the LDRC found the proposed ULDC amendment to be consistent with the Plan with a vote of 10-0.

BCC PUBLIC HEARING: On September 29, 2021, the BCC approved the Request for Permission to Advertise for Final Adoption on October 28, 2021, with a vote of 6-0.

STAFF RECOMMENDATION: Staff recommends option 3, “To approve the proposed ULDC amendment as presented.”

Staff supports Phase 2 of this PIA request, as this amendment would follow the guidance provided within F.S. § 509.233, and incorporate required ULDC provisions, in order to allow dog friendly dining within designated outdoor dining areas of Type 1 and Type 2 Restaurants.

APPLICATION SUMMARY: The Applicant is requesting that ULDC Article 4 be amended to incorporate regulations for dog friendly dining, per F.S. § 509.233, “Public food service establishment requirements; local exemption for dogs in designated outdoor portions.” The ULDC currently does not address dog friendly dining. This amendment would provide the opportunity for dog friendly dining within designated outdoor dining areas of a Type 1 or Type 2 Restaurant use.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 4	Use Regulations	4.B.2.C, Definitions and Supplementary Use Standards for Specific Uses: Restaurant, Type 1/Restaurant, Type 2 h. Outdoor Dining Shall comply with the principal structure setbacks. <u>1) Dog Friendly Dining</u> <u>Pursuant to F.S. § 509.233, as amended, a Type 1/2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons’ dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.</u> <u>a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.</u> <u>b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.</u> <u>c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.</u>

BACKGROUND AND SUMMARY:

Phase 1 of this PIA was reviewed by LDRAB on April 28, 2021, where the Board recommended initiation of this item to the BCC. Subsequently, the BCC Initiated Phase 2 on May 27, 2021.

The Applicant, Lazy Dog Restaurants, LLC, utilizes a unique business model where guests are encouraged to bring their dog to the restaurant for a shared dining experience; including a separate “Pup Menu” (which notes patio rules for dogs). The Applicant currently has restaurants located throughout the U.S., (California, Colorado, Georgia, Illinois, Nevada, Texas, Virginia), but primarily in California and Texas. They are looking to expand business operations to Palm Beach County, FL, with a site currently under construction within the Johns Glades West MXPd, (PCN: 00-42-47-18-24-001-0000), on the southwest corner of Glades Road and 95th Avenue South, (east of U.S. Route 441).

The United States Food and Drug Administration Food Code, as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, (F.A.C. Rule 61C-4.010, Sanitation and Safety Requirements), prohibits non-service dogs in restaurants, however, F.S. § 509.233 provides the ability for local jurisdictions to permit an exemption for designated outdoor patio areas, as long as certain conditions are met. Jurisdictions throughout Florida have successfully incorporated regulations per F.S. § 509.233 in order to provide restaurants with the option to offer Dog Friendly Dining to their patrons. This list includes, but is not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

According to F.S. § 509.233, dogs are only allowed within designated outdoor dining areas and additional rules and procedures must be adhered to in order to ensure a safe and sanitary dining experience for all. If this proposed ULDC amendment is approved, application for and issuance of a Dog Friendly Dining Permit from the Department of Health in Palm Beach County is required. The applicant must adhere to all rules and regulations provided by F.S. § 509.233 and specific information is required, as follows:

- a) *The name, location, and mailing address of the subject public food service establishment.*
- b) *The name, mailing location, and telephone contact information of the permit Applicant.*
- c) *A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public R-O-Ws, including sidewalks and common pathways; and, such other information reasonably required by the Zoning Director, of designee. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*
- d) *A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.*

The following operating procedures must be adhered to at all times by a Dog Friendly Dining permit holder according to F.S. § 509.233:

- a) *All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.*
- b) *Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.*
- c) *Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.*
- d) *Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.*
- e) *Dogs shall not be allowed on chairs, tables, or other furnishings.*
- f) *All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.*
- g) *Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.*
- h) *At least one sign reminding employees of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Director, or designee, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.*
- i) *At least one sign reminding patrons of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the*

Zoning Director, or designee, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.

- j) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than twenty 20-point font size.*
- k) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.*

STAFF ANALYSIS OF STANDARDS (Art. 2.D.3):

- A. Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives;**

County staff met with the Agent for the Applicant on November 16, 2020, for the mandatory Pre-Application Appointment for a PIA request. Staff reviewed the ULDC and confirmed that it is silent on the proposed Dog Friendly Dining amendment. A Pre-Application Appointment Summary Letter was issued to the Agent on November 19, 2020, indicating no Staff concerns associated with submittal of a Phase I PIA Application for the subject Dog Friendly Dining ULDC Amendment.

- B. Does not violate State, Federal, or other local government laws;**

The proposed amendment would not violate any existing laws and would incorporate the requirements provided within F.S. § 509.233.

- C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;**

The proposed amendment would be consistent with the Plan. No Plan amendment is required.

- D. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;**

The proposed amendment would not be in conflict with any other ULDC provisions.

- E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC;**

Although F.S. § 509.233 was originally adopted in 2006, jurisdictions throughout Florida have established local exemption ordinances from time to time as desired by constitutes. The exemption process provided by F.S. § 509.233 is considered a new trend not originally anticipated by the Plan or ULDC.

- F. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations;**

As previously described, other jurisdictions that have implemented Dog Friendly Dining Regulations include, but are not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

CONCLUSION:

Staff has evaluated the standards listed under **Article 2.D.3 and determined that the Applicant has satisfied** the required standards.

Staff is recommending approval of the proposed ULDC amendment as presented with this Phase 2 PIA.

ATTACHMENT A

Attachment A – Proposed Amendment to the ULDC

Unified Land Development Code (ULDC) Amendment Explanation Statement:

This ULDC Amendment originated from a Privately Initiated Amendment (PIA) request to incorporate provisions provided within Florida Statutes (F.S.) § 509.233 to allow patrons to have their dogs within designated outdoor dining areas of Type 1 and Type 2 Restaurants. State Law currently prohibits dogs at restaurants unless a local exemption procedure is established and a Dog Friendly Dining Permit is issued to the restaurant. Certain conditions and management practices must be adhered to in order for a restaurant to receive a Dog Friendly Dining Permit, as further described within F.S. § 509.233.

Part 1. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 50 and 51, Supplement 30), is hereby amended as follows:

Reason for amendment: [Zoning]
1. Per F.S. § 509.233, add Dog Friendly Dining as an optional activity that may be permitted within outdoor dining areas of Type 1 and Type 2 Restaurants

CHAPTER B USE CLASSIFICATION

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Section 2 Commercial Uses

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C. Definitions and Standards for Specific Uses

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33. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for takeout who place orders through a window or remote transmission device; or sales to patrons for takeout or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and, self-service or prepackaged condiments.

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h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.

b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.

c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.

34. Restaurant, Type 2

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption.

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f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.

b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.

c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.

ATTACHMENT B

PALM BEACH COUNTY - ZONING DIVISION

FORM # 80



Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165

ULDC PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION

Pursuant to the Unified Land Development Code (ULDC) Article 2.D, ULDC Privately Initiated Amendment (PIA), a PIA application may be submitted upon completion of the mandatory Pre-Application Appointment (PAA) and favorable decision by the responsible PBC Official. Refer to Article 2.D for all applicable standards and requirements. Submit Form #80a, PIA Supplemental Table in addition to this form.

1. APPLICANT INFORMATION

Agent: Jared Taylor Name of Firm: Lazy Dog Restaurants LLC C/O GPD LLC
Address: 5847 Brace Road City: Loomis State: CA Zip: 95650
Phone: 805 440 7537 Email: jared@goldenpropertydevelopment.com
* If Applicable

Applicant, if other than agent: Lazy Dog Restaurants LLC
Address: 3337 Susan St. Suite 100 City: Costa Mesa State: CA Zip: 92626
Phone: (714) 596-9960 Email: jhodge@lazydogrestaurants.com

2. REQUEST

Pre-Application Appointment Date: November 16, 2020

Description of PIA: (enter a brief description of the PIA request here and attach Form #80a - PIA Submental Table)

Creation of a Palm Beach County code/ordinance to allow "doggie dining" within Palm Beach County in response to State of Florida Department of Business and Professional Regulation (DBPR) code section F.S 509.233

3. GENERAL INFORMATION

The proposed amendment is:

☒ Countywide ☐ Area Specific (Tier, Overlay, Zoning District, FLU)

- A. Control No. (if applicable): Control Name (if applicable):
- B. Application Name: Lazy Dog Restaurant Doggie Dining
- C. Property Control Number (PCN): (Attach separate sheet if needed, for additional PCNs)
PCNs: 00424718240010000
- D. Is the PIA concurrent with a Comprehensive Plan FLUA or Text Amendment Application?
☐ YES ☒ NO If Yes, Zoning Application No.:
- E. Is the PIA concurrent with another Zoning Application? ☐ YES ☒ NO
If Yes, Zoning Application No.:
- F. Was the proposed PIA reviewed by the Palm Beach County Official that interprets the subject Article(s) in a Pre-Application Appointment? ☒ YES ☐ NO

This application is not complete without the submittal of the following documents:

1. **Justification Statement:** to address the purpose, project history, intent and objectives of this request, and responses to the Standards for a PIA, pursuant to the requirements of Art. 2.A and 2.D for the required information;
2. **Text changes to the Comprehensive Plan:** If the proposed ULDC is a concurrent with or as a result of changes to the Plan the Applicant shall provide all documentation associated with the proposed changes, submitted by the Applicant and any direction received from Staff;
3. **Letter of support or non-support of the PIA** from the Palm Beach County Official who interprets the Article(s) for the PIA;
4. **Payment of all applicable fees.**

The Florida Senate

2018 Florida Statutes

<u>Title XXXIII</u> REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	<u>Chapter 509</u> LODGING AND FOOD SERVICE ESTABLISHMENTS; MEMBERSHIP CAMPGROUNDS <u>Entire Chapter</u>	SECTION 233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions.
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509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions. —

(1) **LOCAL EXEMPTION AUTHORIZED.** — Notwithstanding s. [509.032\(7\)](#), the governing body of a local government may establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) **LOCAL DISCRETION; CODIFICATION.** —

(a) The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government. Nothing in this section shall be construed to require or compel a local governing body to adopt an ordinance pursuant to this section.

(b) Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating local government.

(3) **LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.** —

(a) Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons' dogs on their premises. The local government shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. The name, location, and mailing address of the public food service establishment.
2. The name, mailing address, and telephone contact information of the permit applicant.
3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(c) In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include, but not be limited to, the following requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while

ATTACHMENT C

serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

5. Dogs shall not be allowed on chairs, tables, or other furnishings.

6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

11. Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(d) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(4) **POWERS; ENFORCEMENT.**—Participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of this section.

(5) **STATE AND LOCAL COOPERATION.**—The division shall provide reasonable assistance to participating local governments in the development of enforcement procedures and regulations, and participating local governments shall monitor permitholders for compliance in cooperation with the division. At a minimum, participating local governments shall establish a procedure to accept, document, and respond to complaints and to timely report to the division all such complaints and the participating local governments' enforcement responses to such complaints. A participating local government shall provide the division with a copy of all approved applications and permits issued, and the participating local government shall require that all applications, permits, and other related materials contain the appropriate division-issued license number for each public food service establishment.

History.—s. 3, ch. 2006-72; s. 127, ch. 2007-5; s. 46, ch. 2009-195.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: **A PRIVATELY INITIATED AMENDMENT, TO ESTABLISH REGULATIONS FOR DOG FRIENDLY DINING AT RESTAURANTS, AMENDING ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendment furthers legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found this amendment to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider this amendment to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendment set forth in Exhibit A, attached hereto and made a part hereof, is hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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JOSEPH ABRUZZO, CLERK & PALM BEACH COUNTY, FLORIDA, BY ITS
COMPTROLLER BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Scott A. Stone, County Attorney

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EXHIBIT A

ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING

Part 1. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 50 and 51, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

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Section 2 Commercial Uses

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C. Definitions and Standards for Specific Uses

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33. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for takeout who place orders through a window or remote transmission device; or sales to patrons for takeout or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and, self-service or prepackaged condiments.

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h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.

b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.

c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.

34. Restaurant, Type 2

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption.

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f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.

b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.

c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.

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