

Ordinance No. 2023-10 Exhibit A

Formatting: ~~Strikethrough~~ text is to be deleted and Underline text is to be added

LDR Sec. 6.2.2.B.17 Restaurant:

- ~~a. All outdoor seating shall be subject to site plan review. All outdoor seating that exceeds 10% of the indoor seating capacity shall require a traffic statement as part of the site plan review.~~
- b. a. This use (restaurant/food service establishment) may include the on-premise sale, service, and consumption of alcoholic beverages as an accessory and secondary use.
- b. Restaurants (food service establishments) may include accessory outdoor dining/seating area(s) and shall meet all following standards:
 - i. All outdoor seating areas shall be illustrated on an approved site plan. Change of use/occupancy of a building/space to a restaurant use may require a site plan amendment as determined during the building permit zoning review. All outdoor seating that exceeds 10% of the indoor seating capacity shall require a traffic statement as part of the site plan review.
 - ii. The site plan and layout detail shall provide the number of seats/tables, dimensions, square footage, shade/weather covering (as proposed/required), walkway/accessible route, perimeter/separation barrier, ingress/egress etc.
 - iii. Outdoor dining areas within 25 feet of vehicular use areas shall provide a continuous perimeter/separation barrier (may include wall, fence, raised landscape planters, etc.) with a minimum height of 36 inches. All restaurants with outdoor area(s) designated for dog-friendly dining shall provide perimeter/separation barrier.
 - iv. Point of service outdoor dining area(s) 200 square feet or more, and/or seating for 20 or more, shall provide permanently installed shade/weather covering structure(s), not including umbrellas. The design and materials of the structure(s) shall be consistent with the associated building and overall development project.
 - v. Dog-friendly dining within designated restaurant outdoor area(s) may be allowed with approval of a Special Use Permit (SPU). Pursuant to Section 509.233, Florida Statutes (as amended), this section is intended to protect the health, safety, and general welfare of the public, with a local exemption to the United States Food and Drug Administration Food Code (as amended), by allowing restaurant patrons to have their dogs within designated outdoor area(s) of the restaurant. In addition to the general standards above and the SPU requirements, restaurants with designated outdoor area(s) for patrons to have their dogs shall comply with the following regulations:
 - a. Submittal for a SPU shall comply with Section 509.233, Florida Statutes (as amended) requirements and include at minimum a diagram with dimensions, tables/seating, any equipment/other improvement, area(s) within the outdoor dining area(s) not available to patrons' dogs, and description of the designated outdoor area(s) and days/times that patrons' dogs are allowed within designated outdoor area(s).

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- b. Pursuant to Section 509.233(3)(c), Florida Statutes (as amended), all SPU issued for dog-friendly outdoor dining shall be subject 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 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 non-designated 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.

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- c. The applicant shall provide (with SPU submittal) the maximum number of patrons' dogs allowed within designated outdoor area(s), and shall post sign(s) at the designated outdoor area(s) ingress point(s) showing the maximum number of dogs allowed.
- d. All signs, as required above, shall be posted within the designated outdoor area(s) at the ingress point(s) and/or at tables as approved, or at alternative location(s) that is/are specifically requested and approved with the SPU.
- e. Dog waste station(s) shall be provided within 25 feet of the designated outdoor area(s). A minimum of one (1) waste station shall be provided for dog-friendly outdoor dining area(s), with one (1) additional waste station required for each 40 seats within the designated outdoor dining area(s) over 20 seats. The restaurant operator shall ensure waste station(s) are emptied, at a minimum, once daily or more frequently as necessary to eliminate odors, and waste is disposed per all health and environmental requirements. The handling of dog waste shall follow all health and environmental requirements and the restaurant's best management practices, as it relates to clean and sanitary condition and food safety, to protect the public health.
- f. A restaurant may include food/drink menu for the patrons' dogs. The restaurant shall only serve patrons' dogs food/drink in single-use disposable recyclable containers, and shall be handled separately from all dishes, utensils and any other items used for food service operations.
- g. SPU issued for dog-friendly dining within designated area(s) shall not be transferred to a subsequent owner(s) upon the sale of the restaurant, but shall expire automatically upon the sale. A new SPU shall be required for the new restaurant owner(s) if they wish to continue to accommodate patrons' dogs within designated outdoor area(s).
- h. Failure of a restaurant owner/operator to comply with the requirements of this section, an approved "Dog-friendly Outdoor Dining" SPU, or Section 509.233, Florida Statutes (as amended), shall be a violation of the LDR.
- c. Restaurant owner/operator shall obtain all appropriate federal, state, and local permits/licenses prior to obtaining a Wellington Local Business Tax Receipt (BTR). The BTR shall be renewed annually by September 30. The owner/operator of restaurant with dog-friendly dining within designated area(s) shall provide the license number, as issued by the Division of Hotels and Restaurants of the State of Florida's Department of Business and Professional Regulations, for the subject restaurant on the SPU and BTR applications, and the license number will be on the SPU when issued by Wellington.