



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 21-0827

**DEPT-4**

**Meeting Date:** 6/22/2021

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**PLACEMENT:** Departmental

**TITLE:**

**DISCUSSION ON OUTDOOR EXPANSION OF RESTAURANTS**

**EXECUTIVE SUMMARY:**

The Board of County Commissioners requested that staff evaluate potential effects of allowing the expansion of restaurants into outdoor areas.

**DEPARTMENT:** Growth Management

**PREPARED BY: Name:** Clyde Dulin

**Title:** Comprehensive Planning Administrator

**REQUESTED BY:** Board of County Commissioners

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

From time to time restaurants propose outdoor expansions to create waiting areas, dining areas, bars and/or space for live music. All such expansions, whether inside or outside, covered or uncovered are currently evaluated for compliance with the Land Development Regulations (LDR). Currently, Section 10.1.D., Article 10, LDR permits certain limited changes to approved site plans, including restaurants, through the building permit process. In addition, within Community Redevelopment Areas, Section 10.1.D. also permits the construction or expansion of a principal building through the building permit process on a lot that is less than one-half acre.

The requirement for site plan review for the outdoor expansion of restaurants (beyond the building permit threshold) appears warranted in order to evaluate the potential increases in automobile traffic generated, the parking necessary to support the expanded use, fire prevention and emergency access, minimum open space, setbacks, commercial design requirements and landscape buffer requirements. These and other impacts on adjacent businesses or residential areas may result from increasing the number of seats (customers served), adding additional uses such as live music and changing the size of the restaurant space.

**ISSUES:**

Presently there is at least one restaurant owner who wishes to expand an existing chickee without

pursuing revised site plan approval. Chickees can be constructed without building permits pursuant to Section 553.73 (10), Florida Statute which also defines “chickees” as follows:

- (i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

However, installing electric for lighting and plumbing for restaurant equipment requires permitting and compliance with the applicable codes. Chickees are not exempt from zoning code requirements.

Using chickees, awnings or other open-air structures adds to the square footage where a restaurant can serve customers. It potentially adds to the number of cars driving to the restaurant, cars parked in the parking lot and other impacts, such as the need for fire prevention. Accordingly, staff recommends restaurants seeking to use chickees, awnings or other open-air structures to expand capacity comply with the existing regulations applicable to enclosed restaurants.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Take no action.

**ALTERNATIVE RECOMMENDATIONS**

Provide direction to staff.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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