Village of Key Biscayne
88 West McIntyre Street • Key Biscayne, FL 33149
Tel: (305) 365-5504
Email: mdominguez@keybiscayne.fl.gov

Village of Key Biscayne Outdoor Guidelines pursuant to County's Emergency Order 23-20

Outdoor Dining Areas Allowed Without Additional Permits: To provide greater flexibility and opportunity to serve patrons while Emergency Order 20-10 remains in effect, restaurants, snack shops, and other food service establishments shall be allowed to have outdoor dining as an ancillary use without obtaining additional permits, so long as they comply with all of the following conditions and maintain social distancing measures:

(1) The food service establishment has all current state and local licenses required to operate.

(2) The primary use of the establishment under non-emergency conditions is the preparation of food for consumption on premises, except that the establishment may continue to provide takeout service in accordance with Emergency Order 03-20.

(3) Outdoor dining areas shall be managed, operated, and maintained as an integral part of the food service establishment.

(4) Outdoor dining areas may only be located in one or more of the following:

a) Walkways and pedestrian areas that front the food service establishment.

b) The first row of parking spaces, only in accordance with the following requirements:

i) The parking is adjacent to the walkway fronting the unit or building (see Diagram 1).

ii) Where the outdoor dining area is adjacent to a drive aisle, driveway, or other vehicular use area, the exterior of the outdoor dining area shall be clearly delineated with concrete barriers or other barrier authorized by the Village Fire Marshall.

iii) All handicapped-accessible ramps, parking spaces, and walkways shall remain fully accessible and shall not be used for outdoor dining. Additionally, manholes and other utility structures shall remain fully accessible at all times.

iv) Structures shall not be placed in or encroach into driveways or drive aisles.

v) Shade structures such as umbrellas and pop up tents are permitted, subject to the following:

a. Tents shall be spaced a minimum of 10 feet from each other.

b. Tents greater than 10’ by 12’ shall require a building permit in accordance with the Florida Building Code.

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vi) Handicapped-accessible tables and safe, handicapped-accessible routes to and from washrooms shall be provided.

(5) Outdoor dining areas are not located on any private or public road, drive aisle, or public sidewalk.

(6) Outdoor cooking or food preparation is prohibited.

(7) Tables and chairs in outdoor dining areas shall not be arranged in such a manner as to impede pedestrian access to the food service establishment or create an environment in which social distancing is difficult or impossible due to pedestrian traffic entering and exiting the establishment through the outdoor dining area.

(8) Outdoor dining areas shall comply with handicapped accessibility requirements, and shall provide for a minimum clear and open pathway of 36 inches.

(9) Outdoor dining areas shall provide a minimum clearance of 3 feet from all fire department access and devices, such as Fire Department Connections (FDCs) and hydrants.

(10) Outside public address systems are prohibited, except in connection with outdoor entertainment as permitted by section 33-150(H) of the Miami-Dade County Code or equivalent municipal regulation.

(11) Alcoholic beverages may be served in accordance with the establishment's current state beverage license, provided that such service is strictly incidental to the service of food and is from a service bar only.

(12) Blinking and flashing lights are prohibited.

(13) The total occupancy of the interior and outdoor dining areas combined shall not exceed the establishment's current approved occupancy maximums under non-emergency conditions.

(14) All spacing and social distancing mandates shall be adhered to within both the primary establishment and the outdoor dining areas (see Diagrams 2 and 3).

(15) The sanitation standards and mandates set shall be observed in all outdoor dining areas.

(16) This allowance under emergency powers shall not be construed to absolve a tenant from seeking any required consent from the property owner to provide for outdoor dining.

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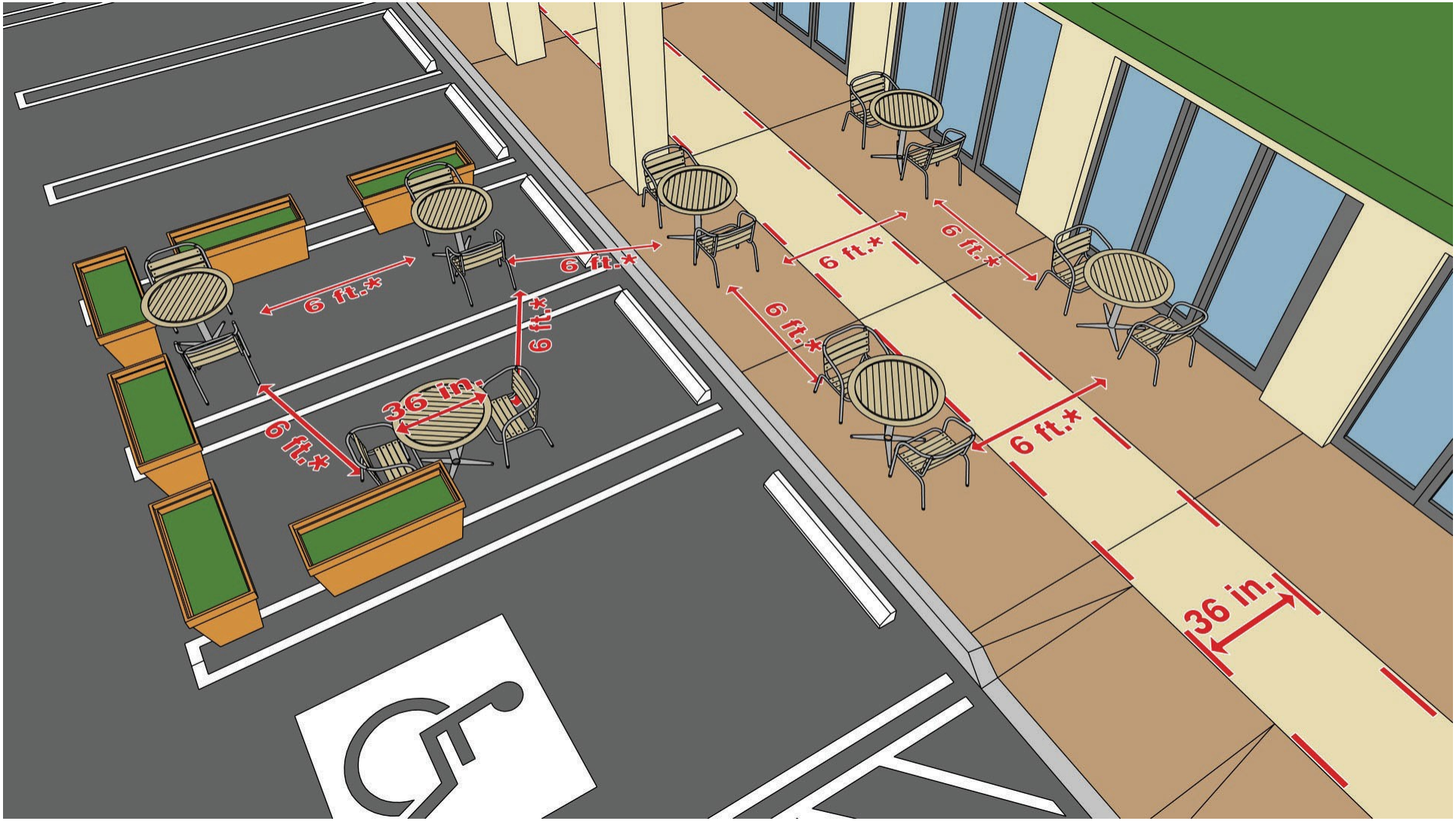

***Minimum spacing per current spacing mandate**

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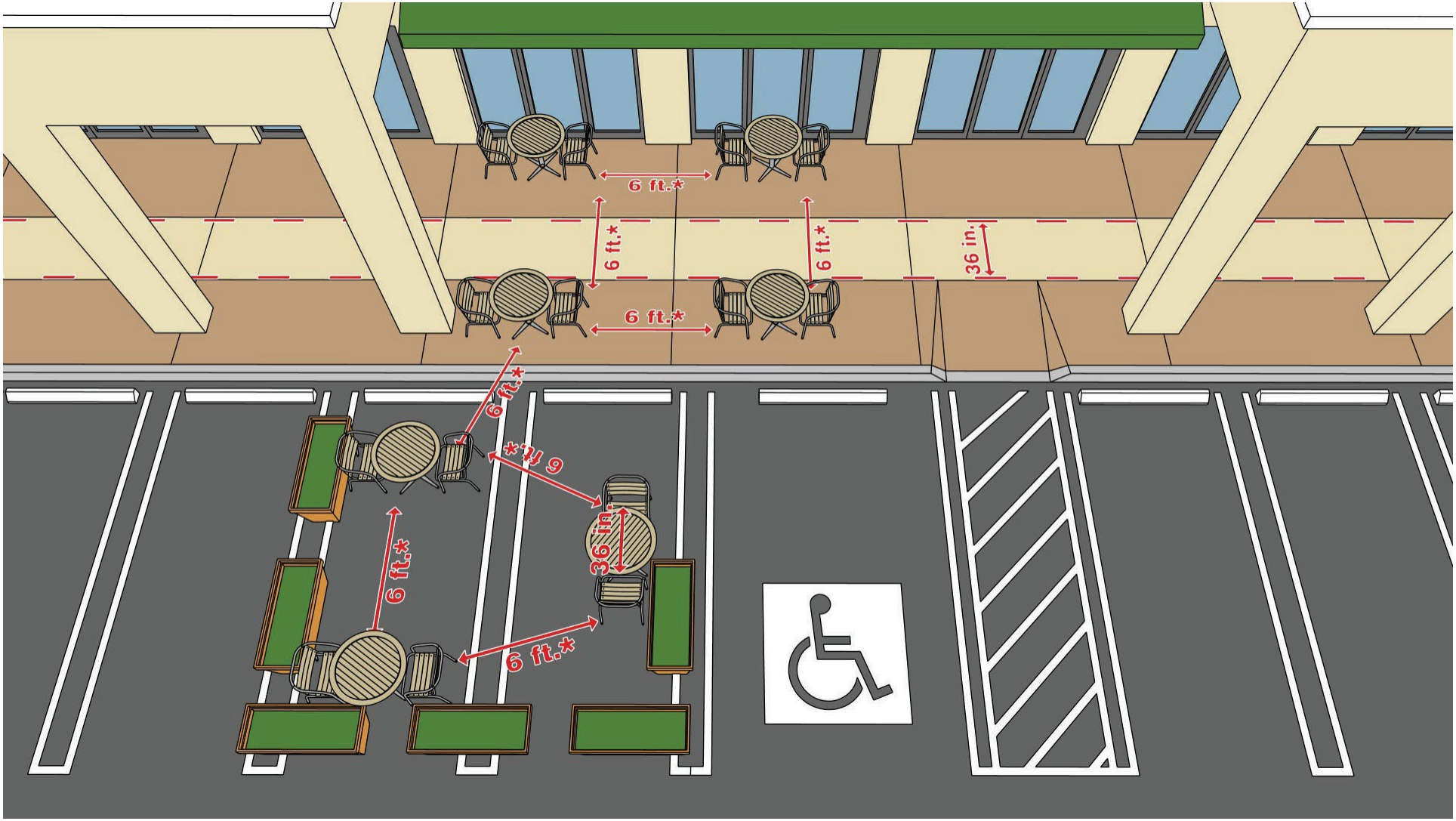

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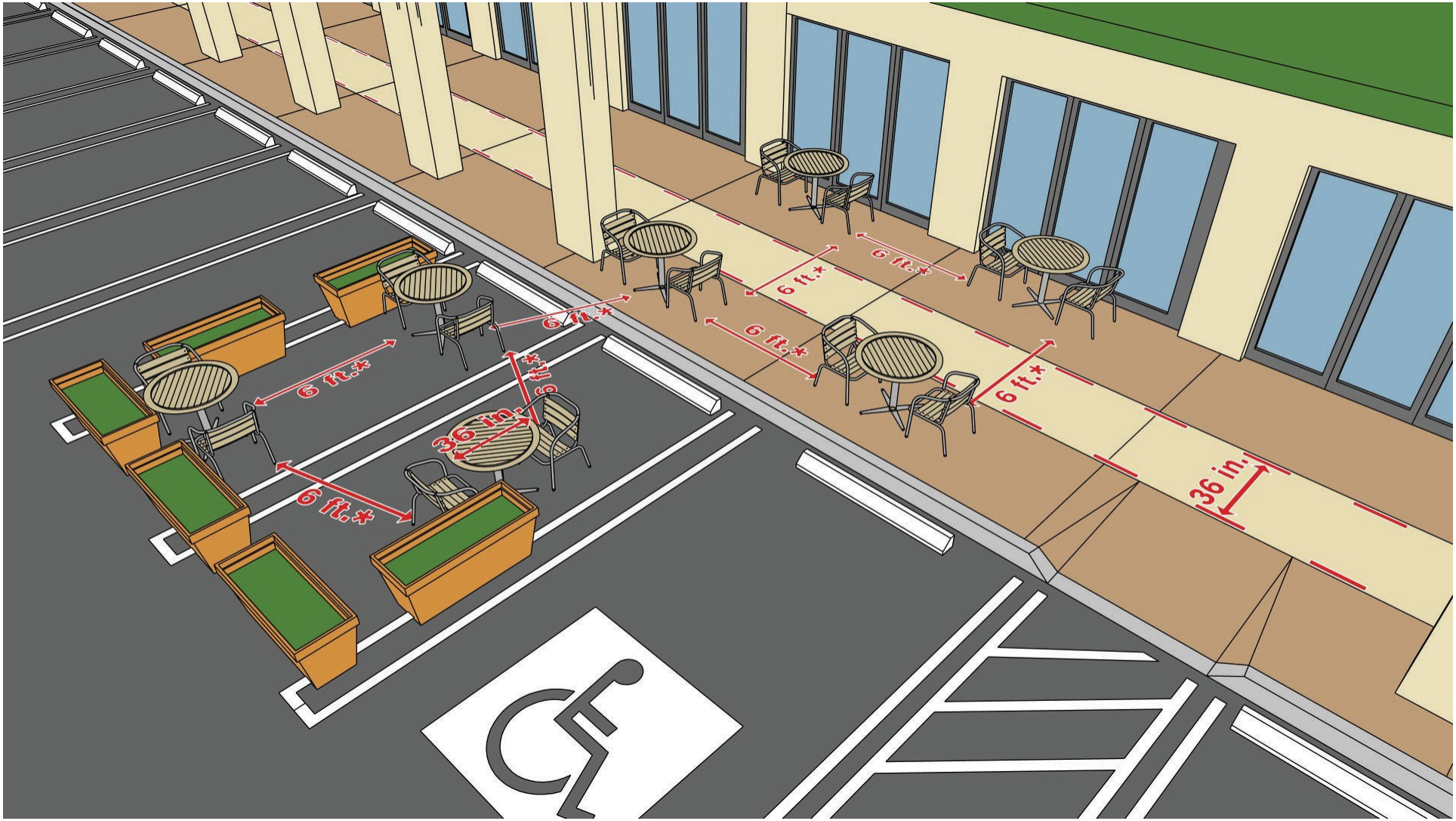

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