



EMERGENCY ORDER NO. 2020-21

**ORDER RELATING TO TEMPORARY OUTDOOR DINING REGULATIONS AND
SUSPENSION OF CERTAIN FEES FOR RESTAURANTS**

WHEREAS, the Novel Coronavirus Disease 2019 (COVID-19) epidemic may cause life threatening conditions for the residents of the City of North Port; and

WHEREAS, on March 9, 2020, pursuant to Florida Statutes Chapter 252, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a state of emergency in the State of Florida; directing the Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan; and authorizing each political subdivision within the State of Florida, pursuant to Florida Statutes Section 252.38(3)(a), to waive certain procedures and formalities otherwise required by law that are in the interest of the public health, safety, and welfare; and

WHEREAS, on September 4, 2020, Governor Ron DeSantis issued Executive Order Number 20-213, extending for 60 days the state of emergency declared in Executive Order Number 20-52, as extended by Executive Order Numbers 20-114 and 20-166, and as amended by Executive Order Number 20-192; and

WHEREAS, on March 17, 2020, the City Commission adopted Ordinance No. 2020-18, declaring a state of local emergency caused by the threat posed by COVID-19, and granted the City Manager or designee the authority to take actions in accordance with Florida Statutes Section 252.38(3)(a) including extending the state of local emergency in seven-day increments; and

WHEREAS, pursuant to Ordinance No. 2020-18, the City Manager issued twenty-four administrative declarations, each extending the state of local emergency for an additional seven days; and

WHEREAS, on September 1, 2020, the Acting City Manager issued his Administrative Declaration of Twenty-Fourth Extension of the Local State of Emergency Pursuant to Ordinance No. 2020-18, and the actions therein expired by operation of law on September 8, 2020; and

WHEREAS, on September 9, 2020, the City Commission of the City of North Port, Florida adopted Ordinance No. 2020-38, declaring a state of local emergency due to the COVID-19; and

WHEREAS, Ordinance No. 2020-38 conferred on the City Manager or designee the power and authority set forth in Florida Statutes Section 252.38(3)(a); and

WHEREAS, pursuant to Florida Statutes Section 252.46, the City Manager has the power to issue emergency orders with the force of the law; and

WHEREAS, this Order is necessary for emergency management purposes and to ensure the health, safety, and welfare of the community; and

WHEREAS, consistent with the social distancing requirements of the Governor's Executive Order Number 20-139, where it supersedes Executive Order Number 20-112, restaurants are allowed to operate at fifty percent (50%) of their indoor capacity, excluding employees, with full outdoor seating allowed with appropriate social distancing; and

WHEREAS, the City Fee Structure in the Code of the City of North Port, Florida, Appendix A, Section B assesses a \$120.00 fee for a temporary use permit; and

WHEREAS, the City Fee Structure in the Code of the City of North Port, Florida, Appendix A, Section E assesses a Fire Rescue inspection fee for temporary use permits of \$75.00; and

WHEREAS, to assist in the reopening and economic recovery of local businesses, the City is implementing streamlined administrative procedures and inspections for temporary use permits for restaurant outdoor dining and, because of the minimal review required, is temporarily suspending the associated fees; and

WHEREAS, Section 53-265 of the City of North Port Unified Land Development Code provides that an application for a temporary use permit must be submitted sixty (60) days in advance of the event requiring the permit; and

WHEREAS, as businesses reopen, limited improvements may be needed for the health and safety of employees and customers directly in response to COVID-19 and, specifically for these purposes, the City is temporarily suspending the associated building permit fees found in the City Fee Structure, Appendix A, Section D of the Code of the City of North Port, Florida; and

WHEREAS, allowing for temporary regulations and the temporary suspension of fees will promote social distancing and encourage restaurants to implement health and safety measures, thereby benefitting the public.

IN HIS EMERGENCY AUTHORITY, THE CITY MANAGER OF THE CITY OF NORTH PORT, FLORIDA ORDERS:

1. A restaurant desiring to add or expand its outdoor dining must obtain a temporary use permit. A temporary use permit application that includes the use of a tent for outdoor dining also requires a Fire Rescue inspection.
2. The requirement to submit a temporary use permit application sixty (60) days prior to the intended use is temporarily suspended with respect to restaurant outdoor dining. A temporary use permit application for restaurant outdoor dining must be submitted for review at least five (5) business days before the intended use.
3. In order to obtain and retain a temporary use permit for outdoor dining, the restaurant must abide by the following regulations. Failure to do so may result in the denial or revocation of a temporary use permit.

- a. The maximum capacity for restaurant outdoor dining through a temporary use permit must not exceed seventy-five percent (75%) of the total capacity for indoor seating at the restaurant;
 - b. All tents approved for use with a temporary use permit must be removed in the event of winds greater than twenty-five (25) miles per hour and/or within twenty-four (24) hours of a hurricane warning being issued; and
 - c. Restroom service must be available to patrons of the restaurant's outdoor dining and be compliant with the Americans with Disabilities Act (ADA). If the interior of the restaurant is not open to the public, appropriate temporary restroom and handwashing stations must be provided outdoors.
4. The following fees are temporarily suspended:
- a. Application fees for temporary use permits for restaurant outdoor dining; and
 - b. Building permit fees for improvements made by restaurants as a direct result of COVID-19 to promote health, safety, and welfare for employees and patrons. The Director of the Neighborhood Development Services Department or designee has the sole authority to determine whether the work is directly related to COVID-19.
5. This order does not suspend or waive any other regulations related to temporary use permits or building permits found in the Code of the City of North Port, Florida or the City of North Port Unified Land Development Code.
6. To the extent this order conflicts with any provision of the Code of the City of North Port, Florida, or the City of North Port Unified Land Development Code, this order controls.

This order is effective immediately. Unless otherwise terminated, this order expires simultaneously with the expiration of the state of local emergency.

ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF NORTH PORT, FLORIDA ON SEPTEMBER 11, 2020 AT 8:15 P.M. BY



Jason Yarborough, ICMA-CM
Acting City Manager

