

**ADMINISTRATIVE DEVELOPMENT ORDER
NO. 2020-CM-01**

AN ADMINISTRATIVE DEVELOPMENT ORDER BY THE CITY MANAGER OF THE CITY OF NEW PORT RICHEY, FLORIDA, PERTAINING TO RESTAURANT RECOVERY – PHASE 1; ALLOWING WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW PORT RICHEY, FLORIDA, FOR RESTAURANTS TO TEMPORARILY EXPAND OUTDOOR SEATING AREAS WITHOUT THE NEED FOR FILING ANY DEVELOPMENT ORDER OR PERMIT APPLICATION SUBJECT TO CONDITIONS; AND ALLOWING RESTAURANTS TO OCCUPY CERTAIN PUBLIC RIGHT-OF-WAYS SUBJECT TO FILING A REGISTRATION FORM, PROOF OF INSURANCE, AND A HOLD HARMLESS AGREEMENT.

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on April 3, 2020, Florida Governor Ron DeSantis issued Executive Order 20-91 and Executive Order 20-92 directing all persons in Florida to limit their movements and personal interactions outside of their home only to those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, during the week of April 20, 2020, Florida Governor Ron DeSantis convened the Task Force to Re-Open Florida to evaluate how to safely and strategically re-open the State; and

WHEREAS, on May 4, 2020, Florida Governor Ron DeSantis issued Executive Order 20-112 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery), which provided that restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may allow on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy. In addition, outdoor seating is permissible with appropriate social distancing. Appropriate social distancing requires maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating; and

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WHEREAS, Pasco County has implemented a Restaurant Recovery – Phase 1 Plan that allows restaurants to temporarily expand outdoor seating areas by using parking spaces or other areas of their property; and

WHEREAS, the New Port Richey City Council desires to provide similar relief provided to Pasco County restaurants but desires to expand the relief by allowing the expansion into certain identified right-of-ways subject to additional requirements; and

WHEREAS, Section 3.04 of the City Charter provides the City Manager shall be the City's chief administrative officer and it empowers the City Manager to perform such other duties as are specified in this charter or may be required by the City Council; and

WHEREAS, at the duly noticed May 5, 2020 City Council public meeting, the City Council directed the City Manager to implement the Governor's Restaurant Recovery Phase I Plan.

NOW THEREFORE, BY THE AUTHORITY GRANTED IN THE CITY'S CHARTER AS CITY MANAGER, I HEARBY ENACT THIS ADMINISTRATIVE DEVELOPMENT ORDER AS FOLLOWS:

Restaurants seeking to temporarily expand their outdoor seating area by using parking spaces or other areas of their property or City rights-of-way do not need to file or submit any development order or permit application to do so subject to the following conditions:

- A. Private parking spaces or other areas of their property
 1. Social distancing rules of 6 feet or more shall remain in effect.
 2. No streets, driveways, drive aisles, drive-through lanes or other means for traffic circulation are impeded or blocked.
 3. ADA Parking Spaces and required access to/from those spaces shall not be impeded.
 4. Seating areas cannot encroach or enter any landscape buffers.
 5. Tables shall be spaced a minimum 12' from one another.

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6. A permit shall be required for the use of canopies or tents exceeding a size of 100 square feet.
7. Any alcohol sales or consumption must comply with state guidelines. This may include some form of barrier or designated entryway. Temporary barriers on the restaurant property to comply with these requirements do not require additional permitting.
8. Temporary barriers on the restaurant property to safely delineate the seating area do not require additional permitting if they do not pose a safety hazard to occupants. No permanent barriers may be installed without proper permits.
9. Permanent plumbing, electrical, and lighting fixtures shall not be installed.
10. All temporary extension of plumbing and electrical cords shall be masked by an appropriately cover designed to facilitate pedestrian movement.
11. Any temporary lighting will be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences.
12. For restaurants within a strip mall, plaza, shopping center or other multi-tenant space, the restaurant must receive permission from the property manager/owner prior to expanding outdoor seating into common parking, pedestrian or greenspace areas.
13. Any directions by the Fire Marshal or Police Department to modify or discontinue the use due to safety concerns shall be heeded immediately.
14. The use must cease, or be modified for compliance, if there is a State or Local order further restricting such use.
15. Upon expiration of the existing State/Local orders restricting capacity, or upon a State or Local order allowing 100% restaurant capacity indoors, the use of outdoor common and/or parking areas for seating shall cease, any barriers placed therein shall be removed, and all areas formerly used for parking shall be returned for parking use.
16. Outdoor seating areas shall be kept free of garbage and other debris.
17. All temporary objects installed within the outdoor seating area shall be removed nightly and re-installed the following day.

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18. The outdoor seating area may be used only when the indoor portion of the restaurant is open for business.
- B. Public rights-of-way
1. Conditions A.1 through A.18 shall apply within the public rights-of-way.
 2. The public rights-of-way available for registration include:
 - a. Nebraska Avenue from Adams Street to Grand Boulevard and;
 - b. Nebraska Avenue from Grand Boulevard to the Allgood Misemer Law Offices located at 5645 Nebraska Avenue;
 - c. Sidewalks along Main Street;
 - d. Sidewalks along Grand Boulevard; and
 - e. Any other public right-of-way.
 3. Prior to the use of the public right-of-way, the restaurant owner shall register with the Development Department. A sketch showing that portion of the right-of-way proposed to be temporarily occupied, the types and number of tables, chairs, umbrellas, and/or canopies/tents to be installed, and an executed Hold Harmless Agreement or similar document as prepared and provided by the City shall be filed.
 4. A single sandwich board sign displaying menu offerings is allowed.
 5. A minimum 4' wide pathway must be provided on sidewalks consistent with the ADA.
 6. The days and hours of operation are:
 - a. Monday through Thursday from 11:00 a.m. to 9:00 p.m.;
 - b. Friday from 11:00 a.m. through 10:00 p.m.;
 - c. Saturday from 11:00 a.m. to 10:00 p.m.; and
 - d. Sunday from 11:00 a.m. to 9:00 p.m.
 7. Within the two Nebraska Avenue rights-of-way districts, food and alcoholic beverages sold for consumption on the premises by a restaurant may be consumed, held, carried and transported in the original or substitute container, at any location within the two districts.

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8. Proof of liability and property damage insurance naming as additional insured the City Council and Community Redevelopment Agency for the City of New Port Richey shall be provided to the Development Department prior to occupancy of any public right-of-way.

DONE AND ORDERED this 12th day of May, 2020.



Debbie L. Manns, City Manager