

ADMINISTRATIVE DEVELOPMENT ORDER NO. 2020-CM-02

AN ADMINISTRATIVE DEVELOPMENT ORDER BY THE CITY MANAGER OF THE CITY OF NEW PORT RICHEY, FLORIDA, PERTAINING TO RETAIL SALES ESTABLISHMENTS; ALLOWING WITHIN THE CORPORATE LIMITS OF THE CITY OF NEW PORT RICHEY, FLORIDA FOR RETAIL SALES ESTABLISHMENTS TO TEMPORARILY PROVIDE FOR OUTDOOR DISPLAY AREA WITHOUT THE NEED FOR FILING ANY DEVELOPMENT ORDER OR PERMIT APPLICATION SUBJECT TO CONDITIONS; AND ALLOWING RETAIL SALES ESTABLISHMENTS 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 in-store retail sales establishments may open storefronts if they operate at no more than 25 percent of their building occupancy; 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

ADMINISTRATIVE DEVELOPMENT ORDER NO. 2020-CM-02

WHEREAS, at the duly noticed May 5, 2020 City Council public meeting, the City Council directed the City Manager to consider providing businesses with a path to improving their operations while maintaining focus on core safety principals.

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

Non-restrictive retail sales establishments seeking to temporarily expand the display of their products outside an enclosed 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 of 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. Display areas cannot encroach or enter any landscape buffers.
 5. A permit shall be required for the use of canopies or tents exceeding a size of 100 square feet.
 6. Temporary barriers on the retail sales establishment property to safely delineate the display 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.
 7. Permanent plumbing, electrical, and lighting fixtures shall not be installed.
 8. All temporary extension of plumbing and electrical cords shall be masked by an appropriately cover designed to facilitate pedestrian movement.
 9. Any temporary lighting will be directed in a manner to not impair visibility on nearby streets and not shine into nearby residences.

**ADMINISTRATIVE DEVELOPMENT ORDER
NO. 2020-CM-02**

10. For retail sales establishments within a strip mall, plaza, shopping center or other multi-tenant space, the retail sales establishment must receive permission from the property manager/owner prior to expanding the outdoor display area into common parking, pedestrian or greenspace areas.
 11. Any directions by the Fire Marshal or Police Department to modify or discontinue the use due to safety concerns shall be heeded immediately.
 12. The use must cease, or be modified for compliance, if there is a State or Local order further restricting such use.
 13. Upon expiration of the existing State/Local orders restricting capacity, or upon a State or Local order allowing 100% retail sales establishment capacity indoors, the use of outdoor common and/or parking areas for display shall cease, any barriers placed therein shall be removed, and all areas formerly used for parking shall be returned for parking use.
 14. No merchandise within an outdoor display area shall be stacked or placed in a manner that any portion of the display exceeds four (4) feet in height above the surface upon which the items are located; provided however, items that exceed four (4) feet in height may be displayed without being stacked if the same are properly secured so as not to topple over or be displaced by wind.
 15. Outdoor display areas shall be kept free of garbage and other debris.
 16. No outdoor display area shall be located upon a rooftop or balcony.
 17. No appliances including, but not limited to, ice boxes, refrigerators, deep freeze lockers, clothes washers, clothes dryers, microwaves and televisions shall be located within an outdoor display area.
 18. All outdoor display areas shall be located upon a hard and durable surface.
 19. All merchandise within an outdoor display area shall only be allowed to remain in said area during the hours the retail sales establishment is open for business.
- B. Public rights-of-way
1. Conditions A.1 through A.19 shall apply within the public rights-of-way.

**ADMINISTRATIVE DEVELOPMENT ORDER
NO. 2020-CM-02**

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 retail sales establishment owner shall register with the Development Department. A sketch showing that portion of the right-of-way proposed to be temporarily occupied, the types of merchandise to be displayed, 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 sales 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 8:00 a.m. to 8:00 p.m.
7. All merchandise within an outdoor display area shall be merchandise sold or rented by the business which is the principal use of the parcel or building.
8. No outdoor display area shall be rented or allowed to be utilized by a business, person or entity other than the business which is the principal use of the parcel or building where the display is located.
9. No outdoor display area merchandise shall be placed in designated fire lanes, emergency exits, and loading/unloading zones.
10. 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.

**ADMINISTRATIVE DEVELOPMENT ORDER
NO. 2020-CM-02**



Debbie L. Manns, City Manager