

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA SUSPENDING PORTIONS OF  
IT'S LAND DEVELOPMENT REGULATIONS AND ADOPTING INTERIM  
REGULATIONS TO PROVIDE FOR TEMPORARY OUTDOOR SEATING  
IN RESPONSE TO COVID-19; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, on March 9, Governor DeSantis issued Executive Order 20-52 declaring a State of Emergency for the entire State of Florida pursuant to Chapter 252 of Florida Statutes based upon substantial harm related to COVID-19; and

**WHEREAS**, on March 17, 2020, the Board of County Commissioners of Charlotte County, Florida declared a State of Local Emergency in response to the COVID-19 pandemic (Coronavirus Disease);

**WHEREAS**, based on the current data collected by the Florida Department of Health, the Governor has, beginning with Executive Order 20-112, and will continue to issue Executive Orders, lifting restrictions as Florida achieves positive health benchmarks; and

**WHEREAS**, on April 29, 2020, Governor DeSantis issued Executive Order 20-112 adopting the recommendations in Phase 1 of the plan published by the Task Force to Re-Open Florida ;and

**WHEREAS**, Section 3(B) of Emergency Order 20-112 provides for outdoor seating at restaurants and food establishments for consumption of food and beverages on the premises; and

**WHEREAS**, pursuant to Section 252.38 et seq., Florida Statutes and Chapter 2-1 of the County Code of Ordinances, the County is empowered to both waive formalities otherwise required by law and to adopt rules necessary for emergency management purposes; and

**NOW THEREFORE, BE IT RESOLVED:**

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The County hereby adopts the following interim development regulations to provide standards and procedures for the temporary outdoor seating at restaurants within unincorporated Charlotte County in furtherance of Executive Order 20-112, Section 3B:

Facilities authorized pursuant to Executive Order 20-112, as may be amended, may utilize available outdoor space for additional outdoor seating, notwithstanding any land development code provisions to the contrary, without the need for separate permit provided the following criteria are met:

- A. Must comply with provisions of Executive Order 20-112 including specifically all social distancing, party size, and occupancy requirements as set forth therein.
- B. Must comply with all applicable Fire District regulations.

- C. Must comply with all Florida Health Department regulations.
- D. Must comply with the Florida Building Code.
- E. Outdoor seating must not impede or otherwise impact ingress or egress to any buildings or the property. Seating areas and pathways must also comply with the Americans with Disabilities Act.
- F. If additional outdoor dining space is located within a parking area, a temporary physical barrier must be placed separating the dining from the remaining parking in a manner that keeps patrons safe from traffic and that adequate parking remains for staff and patrons. In all cases, 50% of existing required parking capacity must be maintained along with all parking requirements under the Americans with Disabilities Act.
- G. Additional outdoor dining space cannot occupy or impact undeveloped space, required vegetative buffers or designated open space on a property.
- H. All temporary outdoor dining areas must be maintained clean of litter.
- I. If a restaurant is not the property owner, then it must obtain written permission from the landlord prior to installation. Proposed additional outdoor seating associated with strip malls or other multi-tenant buildings, must demonstrate adequate parking exists for other tenants and businesses.
- J. Regulations pertaining to outdoor entertainment are not affected by this Order.
- K. No outdoor seating may occupy any portion of any County right-of-way.
- L. Any restaurant and food establishment business that intends to serve alcoholic beverages in the temporary outdoor dining areas shall have the appropriate license from the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco and authorization therefrom to serve in such temporary areas.
- M. Before beginning operations under this order, businesses must register with County by emailing the name, location, contact information and a description of the outdoor seating arrangements to [Zoning@charlottecountyfl.gov](mailto:Zoning@charlottecountyfl.gov). Future updates to this or subsequent orders will be emailed to registered businesses and periodic inspections may occur during the term of this order.
- N. This order does not create any additional property rights or entitlements but is expressly intended as a temporary measure to address the current state of emergency. In the event this order expires, registered businesses will have 5 days to cease temporary outdoor seating.

SECTION 3. Charlotte County may revoke a restaurant's temporary outdoor dining for failure to comply with County regulations or the criteria enumerated in Section 2.

SECTION 4. This Order shall be effective immediately upon adoption and shall expire in thirty (30) days (on June 4, 2020) unless otherwise modified or extended by the County Administrator or the Board of County Commissioners.

PASSED AND DULY ADOPTED this 5th day of May, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney