

CM-EO 2020-11

EXECUTIVE ORDER OF THE CITY MANAGER

PROVIDING FOR TEMPORARY MEASURES TO WAIVE OR DEFER CERTAIN CITY FEES; AND PROVIDING FOR TEMPORARY MODIFICATIONS TO CITY DEVELOPMENT REGULATIONS FOR OUTDOOR SEATING

RELATED TO GOVERNOR'S DECLARATION OF EMERGENCY 20-52

The following Executive Order was adopted by the City Manager of the City of Melbourne, Florida on the date written below.

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 ("Governor EO 20-52"); and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued guidance to address COVID-19 advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, indoor and outdoor venues where groups of people congregate should be closed; and

WHEREAS, on March 20, 2020, Governor DeSantis issued Executive Order 20-71, suspending on-premises food consumption for restaurants ("Governor EO 20-71"); and

WHEREAS, pursuant to Section 18-23 of Melbourne City Code, upon the Governor's said declaration of emergency, the City Manager is authorized to order appropriate emergency measures as set forth in Section 18-26 of Melbourne City Code; and

NOW THEREFORE, IT IS ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA AS OF THE 22nd DAY OF APRIL, 2020:

SECTION 1: That based upon the authority given to me by Section 18-26(3) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby order the following temporary measures regarding City fees:

- A. Application fees for special activities or special events meeting the definition of a "business promotion" under Section 2-673 City Code are waived through September 30, 2020.
- B. Building and fire prevention permit review fees for repairs or improvements under twenty-five thousand dollars (\$25,000) in value for small businesses (500 or fewer employees) are waived through September 30, 2020. City Code Compliance inspections are still required, and inspection fees are not waived by this Executive Order.
- C. Application and review fees for the Historic and Architectural Review Board are waived through September 30, 2020.
- D. Application review fees for outdoor seating applications are waived

through September 30, 2020.

E. Fire Inspection fees are deferred through September 30, 2020.

SECTION 2. That based upon the authority given to me by Section 18-26 of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby order the following temporary measures regarding outdoor seating:

Through September 30, 2020, if Governor EO 20-71 is modified or superseded to permit on-premises food consumption at restaurants with limited indoor occupancy, the City's land development regulations are temporarily modified to allow restaurants to create or expand outdoor seating areas to supplement indoor seating. The number of seats in an outdoor seating area may supplement indoor seating up to each restaurant's respective occupancy levels permitted by City Code and the Florida Building Code. This temporary allowance includes the ability to place outdoor seating within parking or landscape areas, subject to City approval.

SECTION 3. This Executive Order shall take effect immediately upon adoption, and shall remain in effect for the duration of the Governor's Executive Order 20-52 unless this Executive Order of the City Manager is earlier revoked by the City of Melbourne.

BY: _____
Shannon M. Lewis
City Manager of the City of Melbourne