

**LEE COUNTY, FLORIDA  
EMERGENCY ORDER NO. 20-02  
PROVIDING FOR TEMPORARY REGULATIONS FOR OUTDOOR SEATING**

**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 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**, on March 17, 2020, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency for unincorporated and incorporated Lee County in response to the COVID-19 pandemic (Coronavirus Disease) and authorized the County Manager or designee to take whatever prudent action necessary to effectuate protection of the health, safety and welfare of the community pursuant to Lee County Ordinance 87-01; and

**NOW THEREFORE, BE IT RESOLVED:**

SECTION 1. To promote appropriate social distancing, Lee County is providing this temporary policy for outdoor seating. Restaurants in Lee County may utilize up to 2,000 square feet of available outdoor space to provide for socially distanced outdoor seating. All temporary additional outdoor seating must satisfy the following criteria:

- A. Must comply with provisions of Executive Order 20-112.
- B. Must comply with all applicable Fire District regulations.
- C. Must comply with all Florida Health Department regulations.
- D. Must not negatively impact ingress/egress to the building or property.
- E. 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.
- F. Additional outdoor dining space cannot occupy or impact undeveloped space, required vegetative buffers or designated open space on a property.
- G. All temporary outdoor dining areas must be maintained clean of litter.
- H. If a restaurant is not the property owner, then it must obtain written permission from the landlord prior to installation.
- I. Regulations pertaining to outdoor entertainment are not affected by this Order.

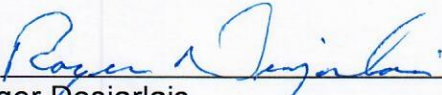
SECTION 2. Lee County may revoke a restaurant's temporary outdoor dining for failure to comply with County regulations or the criteria enumerated in Section 1.

SECTION 3. This Order shall be effective immediately upon execution.

SECTION 4. This Order shall remain in force and effect until five (5) days after the State of Florida permits restaurants and food establishments to operate at one-hundred percent (100%) of their approved building occupancy, unless modified sooner by the County Manager or the Board of County Commissioners.

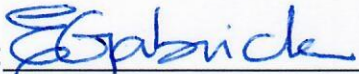
DULY EXECUTED this 1st day of May 2020.

LEE COUNTY FLORIDA

By:   
Roger Desjarlais  
County Manager

ATTEST:  
LINDA DOGGETT, CLERK

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

BY:   
Deputy Clerk

BY:   
Office of the County Attorney

