

ORDINANCE NO. _____, SERIES 2020

AN EMERGENCY ORDINANCE PERMITTING THE TEMPORARY USE OF PARKING LOTS, OPEN AREAS AND SIDEWALKS FOR OUTDOOR DINING AND ALCOHOL SALES IN RESPONSE TO LIMITATIONS ON RESTAURANTS ISSUED BY THE GOVERNOR PURSUANT TO THE COVID-19 CRISIS (AS AMENDED).

SPONSORED BY: PRESIDENT JAMES AND COUNCIL MEMBERS COAN, GREEN, SHANKLIN, DORSEY, SEXTON SMITH, HOLLANDER, MULVIHILL, KRAMER, BLACKWELL, FOX, FOWLER, TRIPLETT, REED, WINKLER, PARKER, PIAGENTINI, BENSON, GEORGE, ENGEL, PEDEN, FLOOD AND YATES

WHEREAS, The Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) recognizes the economic impact of the COVID-19 Crisis on restaurants throughout the city of Louisville; and

WHEREAS, The safe provision of food to Louisville residents is always critical, but especially so during the current State of Emergency; and

WHEREAS, Louisville restaurants have been profoundly impacted by the Covid-19 Crisis and will need assistance to prevent their permanent closure; and

WHEREAS, On May 7, Governor Beshear announced that Louisville restaurants are being permitted to open on May 22 at a reduced capacity for indoor seating; and

WHEREAS, Social distancing must still be maintained upon reopening, resulting in the need for greater dining space for both the benefit of the restaurants and the safety of their patrons; and

WHEREAS, Governor Beshear’s May 7 announcement further provides that outdoor restaurant seating is permissible with appropriate social distancing; and

WHEREAS, Outdoor activities, including outdoor restaurant seating, have been determined to be safer and less likely to lead to the spread of COVID-19 than indoor restaurant seating; and

WHEREAS, The evolving details of the current State of Emergency necessitate quick adaptation by the Council to address problems and opportunities as they arise; and

WHEREAS, The Planning Commission is operating at a limited capacity because of the need for social distancing, rendering it ill-suited to hold a public hearing on the temporary changes to the Land Development Code (LDC) below; and

WHEREAS, The proposed changes are temporary in nature and narrowly tailored to address the negative impacts created by the COVID-19 crisis; and

WHEREAS, The Council has the final say on changes to the LDC, rendering it the appropriate body to take emergency action on this issue; and

WHEREAS, This Ordinance requires emergency consideration as authorized by Council Rule 7.01 because it is essential that the government act expeditiously to make resources available to address this evolving public health crisis.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: From May 22, 2020 until 30 days after the date Governor Beshear declares the state of emergency in response to COVID-19, originally declared on March 6, 2020 by Executive Order 2020-215, has ceased~~November 22, 2020~~, all otherwise LDC-compliant restaurants within Jefferson County, regardless of zoning classification, are hereby permitted to:

1. Use a portion of their on-site open areas and/or; off-street parking used to fulfill the parking requirements of the LDC, other than those spaces designated as accessible parking spaces, as temporary outdoor dining space;

2. Use a portion of their off-site, off-street parking used to fulfill the parking requirements of the LDC, other than those spaces designated as accessible parking spaces, as temporary outdoor dining space;
3. Use portions of the sidewalk, other than that required for utilities or the Americans with Disabilities Act (“ADA”), as temporary outdoor dining space;
and
4. Serve alcohol to patrons seated in such temporary outdoor dining space, provided they have the requisite ABC License to serve alcohol on the restaurant premises. This permission applies regardless of whether or not the restaurant has a Conditional Use Permit for outdoor alcohol sales.

SECTION II: Louisville Forward is hereby directed to develop and publish on its website guidelines for restaurants wishing to take advantage of this temporary outdoor dining space opportunity substantially in the form of the draft guidelines attached hereto as Exhibit A. Guidelines shall be consistent with all applicable health and social distancing directives. Any restaurant which chooses to operate temporary outdoor dining space shall comply with all guidelines issued by Louisville Forward. Such temporary outdoor dining spaces must also comply with all applicable fire, life safety and ADA requirements. Louisville Forward may alter these guidelines as needed as the COVID-19 situation develops provided that the guidelines remain consistent with the general tenants of this Ordinance and that no formal application requiring agency review and approval prior to expanding temporary outdoor dining into the sidewalks, open areas and/or parking lots of participating restaurants is required.

SECTION III: To ensure the assistance enabled by this Ordinance reaches as many restaurants as possible, Louisville Forward is hereby directed to suspend enforcement of LMCO 153.21 with respect to any violations of binding elements resulting from temporary outdoor dining that complies with the requirements of this Ordinance for the duration of this Ordinance.

SECTION IV: In order to quickly and effectively address some of the difficulties caused by the COVID-19 Crisis, the enactment of this Ordinance is deemed an emergency pursuant to Rule 7.12 of the Rules of the Council.

SECTION V: Smoking is prohibited within 15 feet of any temporary outdoor dining spaces created pursuant to this Ordinance.

SECTION VI: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of The Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell,
Jefferson County Attorney

BY: _____