

**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE AMENDING ORDINANCE NO. 057, SERIES 2020 REGARDING THE PERIOD FOR TEMPORARY USE OF PARKING LOTS, OPEN AREAS AND SIDEWALKS FOR OUTDOOR DINING AND ALCOHOL SALES IN RESPONSE TO THE COVID-19 CRISIS.**

**SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD**

**WHEREAS**, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) in Ordinance No. 57, Series 2020, enacted on May 15, 2020 (the “Temporary Outdoor Dining Ordinance”), authorized temporary changes to allow the restaurant industry to expand outdoor dining and alcohol sales in response to the COVID-19 crisis; and

**WHEREAS**, the Temporary Outdoor Dining Ordinance currently is set to expire 30 days after the date Governor Beshear declares the state of emergency, originally declared on March 6, 2020 by Executive Order 2020-215, has ceased; and

**WHEREAS**, COVID-19 related restrictions are increasingly being lifted, and

**WHEREAS**, it is unclear when Governor Beshear will declare that the state of emergency has ceased; and

**WHEREAS**, the restaurant industry, which is still recovering from the impacts of the COVID-19 restrictions, needs continued flexibility, even if the state of emergency is lifted prior to the end of 2021; and

**WHEREAS**, Council desires to provide some certainty to the restaurant industry regarding the duration of the Temporary Outdoor Dining Ordinance; as well as to clarify that the flexibility applies to private property that is not necessarily.

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

**SECTION I:** Section I of Ordinance 57, Series 2020 is amended as follows:

SECTION I: From May 22, 2020 until the later of (i) 30 days after the date Governor Beshear declares the state of emergency response to COVID-19, originally declared on March 6, 2020 by Executive Order 2020-215, has ceased or (ii) 30 days after December 31, 2021, unless Council takes further action on or before December 2, 2021 to extend this date, all otherwise LDC-compliant restaurants within Jefferson County, regardless of zoning classification, are hereby permitted to:

1. Use up to 50% 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 handicapped parking spaces, as temporary outdoor dining space;
2. Use up to 50% of their off-site, off-street parking used to fulfill the parking requirements of the LDC, other than those spaces designated as handicapped 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.

**SECTION II:** That all provisions of the Temporary Outdoor Dining Ordinance not amended hereby shall remain in full force and effect.

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

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

O-256-21 – Amending Ordinance 57 Series 2020 Regarding the Period for Temporary Outdoor Dining Use (lf)