

1. For the purposes of Ordinance No. \_\_\_\_, Series 2020, a Restaurant is defined as an existing commercial establishment wherein the *main business* of which is serving food, which may include the sale of alcoholic beverages, i.e. the total receipts from the sale of food shall be greater than the total receipts from the sale of alcoholic beverages.
2. To ensure that there are not any avoidable adverse impacts associated with outdoor activities as expanded under Ordinance No. \_\_\_\_, Series 2020 (“Temporary Outdoor Dining Ordinance”), the conditions and requirements in this guidance (“Conditions”) shall apply.
3. The Restaurant shall be compliant with all other applicable codes and regulations, executive orders, ordinances, and statutes, including, but not limited to, any guidance relating to health and social distancing directives.
4. To confirm compliance with these Conditions, application shall be made to the Office of Planning & Design Services in Develop Louisville/Louisville Forward in the form of a Temporary Outdoor Dining Application (“Application”), which will be available at <https://louisvilleky.gov/government/planning-design/planning-and-design-applications> . No fee will be charged for this Application. Applications are approved upon submittal on the condition that the applicant comply with the Temporary Outdoor Dining Ordinance and these Conditions. By applying, the applicant agrees to fully comply with the Temporary Outdoor Dining Ordinance and these Conditions. The applications are subject to further review and inspection, and complaints or reports of non-compliance shall be investigated by the Zoning Enforcement staff of the Office of Planning & Design Services. Should further review and inspection, or an investigation of a complaint, reveal non-compliance with the Temporary Outdoor Dining Ordinance and/or these Conditions, the applicant is responsible to make corrections immediately, or the approval may be revoked.
5. For outdoor dining and alcohol sales and for the consumption of alcoholic beverages outdoors by customers pursuant to these Conditions and Temporary Outdoor Dining Ordinance, restaurants must comply with the following:
  - a. The restaurant must currently have a license to sell alcoholic beverages indoors in order to sell alcohol outdoors.
  - b. The outdoor dining area must be located on the same property as the restaurant and/or within its parking area.
  - c. Outdoor dining areas shall be delineated in order to define the boundaries of the area and signage shall be displayed that prohibits alcoholic beverage consumption outside that area.
  - d. The restaurant must comply with any licensing requirements to expand alcoholic beverage consumption in the new outdoor dining area.
6. Expansion or creation of outdoor dining areas within existing on-site open areas and parking lots pursuant to these Conditions and Temporary Outdoor Dining Ordinance must comply with the following:
  - a. Up to 100% of the parking area may be used for the purposes of the outdoor dining area, excluding any parts of the parking area that are used as fire lanes or for ADA accessible parking as noted below.
  - b. Any new outdoor lighting shall be directed down and away from neighboring residential property.

- c. Outdoor dining areas shall be designed to allow for proper egress and circulation and shall not impede access into, and egress out of, the building.
  - d. Any new structures or tents larger than 400 square feet will require review and approval by the Department of Codes & Regulations.
  - e. Existing ADA (Accessible) parking spaces shall not be eliminated or reduced to create or expand outdoor dining areas. These spaces may be temporarily relocated to a location that maintains ready accessibility to the Restaurant and shall be identified by an above grade sign as reserved for accessible parking.
  - f. Existing drive aisles needed to access active parking or to access the property in general shall be retained. Existing drive aisles to areas where parking is replaced with new outdoor dining and can be eliminated without impact to site access or safety may be used for outdoor dining areas.
  - g. Existing fire lanes and fire department access shall be retained as allowed by the local fire department.
  - h. When adjacent to residential property, the operating hours of these temporary outdoor dining areas shall be limited to between 7 A.M. and 10 P.M.
  - i. Areas for queuing of customers shall be established with guidance provided to meet established social distancing guidelines.
  - j. Existing required landscaping, trees, or screening shall not be removed or damaged.
  - k. Within local preservation districts or design overlay areas these installations shall be considered “temporary” and exempt from review provided that no permanent changes are made to the exterior of the properties or historic buildings.
7. Expansion or creation of outdoor dining areas within any public sidewalks must comply with all Public Works and ADA requirements with respect to the placement of street furniture.
  8. All physical improvements made during this time period pursuant to the Application are considered temporary and shall be removed after the expiration date specified in Temporary Outdoor Dining Ordinance.