

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING ORDINANCE NO. 085, SERIES 2021 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, as amended by Ordinance No. 85, Series 2021 on June 24, 2021 (collectively, 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, COVID-19 cases and the delta variant continue to result in a high positivity rate equivalent to the red zone in Metro Louisville, which in turn affects businesses, particularly the restaurant industry; and

WHEREAS, the state of emergency has been extended through at least January 15, 2022 by House Joint Resolution No. 1, which was signed by the Governor on September 7, 2021; 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 sometime during 2022; and

WHEREAS, Council desires to provide some certainty to the restaurant industry regarding the duration of the Temporary Outdoor Dining Ordinance.

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

SECTION I: Section I of Ordinance 85, Series 2021 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, 2022~~4~~, unless Council takes further action on or before December 31, 2022~~4~~ 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.

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: _____

O-509-21 – Amending Ordinance 85 Series 2021 Regarding the Period for Temporary Outdoor Dining Use (lf)