

TEMPORARILY EXPANDING BUSINESS FOOTPRINTS OUTDOORS

ORDINANCE SUMMARY



LEXINGTON

Approved at Special Meeting, May 19, 2020



State Reopening Requirements

- Governor Beshear has issued reopening requirements for retail and restaurant businesses in the Commonwealth
 - Retail to reopen May 20
 - Restaurants to reopen May 22

- Reopening requirements included, but not limited to:
 - Retail operating at a maximum of 33% capacity;
 - Restaurants operating at 33% capacity indoors and no limit on outdoor seating if following social distancing requirements;
 - Social distancing, 6 ft separation required;
 - Premises are to be cleaned and sanitized regularly; and
 - Employees required to wear personal protective equipment



City of Lexington Opportunity

Temporarily Allow Retail and Restaurant Businesses to Expand Outdoors

- Program to allow businesses to expand capacity and safely serve more customers.
- Temporarily suspend the enforcement of certain regulations and ordinances to accommodate businesses to expand:
 - Enable use of Sidewalks
 - Approval Process for use of Parking Spaces in public right-of-way and within private parking lots
 - Approval Process for Street Closures to serve districts
- Program to expire on June 24, 2020
 - Prior to expiration, council may choose to assess and extend program beyond this date as needed

Temporary Use of Sidewalks

To accommodate increased capacity for restaurant seating or retail space





Temporary Use of Sidewalks

To accommodate increased capacity for restaurant seating or retail space

- Temporarily waive permit and fees required for sidewalk café
- Business may use sidewalk immediately adjacent to business, and up to 50 feet of public sidewalk either direction with approval from adjacent businesses and property owners
- Subject to landlord or property management approval, if applicable
- Clearly mark boundary of expanded restaurant seating areas
- Define a clear walk zone for pedestrians on the sidewalk and provide clearance as required by ADA, Americans with Disabilities Act
- Social Distancing Requirements apply



Temporary Use of On-Street Parking

To accommodate increased capacity for restaurant seating or retail space adjacent to the sidewalk, also known as a parklet





Temporary Use of On-Street Parking

To accommodate increased capacity for restaurant seating or retail space adjacent to the sidewalk, also known as a parklet

- Application required and subject to the approval of LexPark, Division of Engineering and Traffic Engineering
- Allowed on streets of 25mph or less, business may use public right-of-way or on-street parking spaces immediately adjacent to business
- Spaces designated for disabled parking may not be used
- Traffic will be unchanged on street, as such the parklet must be separated from traffic by a positive physical barrier or barricade and lights installed for delineation at night
- Clearly mark boundary of expanded restaurant seating areas
- Define a clear walk zone for pedestrians on the sidewalk and provide clearance as required by ADA, Americans with Disabilities Act
- Social Distancing Requirements apply

Temporary Use of Private Parking Lots

To accommodate increased capacity for restaurant seating or retail space



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Temporary Use of Private Parking Lots

To accommodate increased capacity for restaurant seating or retail space

- No application or fees apply
- Business may use off-street private parking spaces immediately adjacent to a business for restaurant seating or retail
- Spaces designated for disabled parking may not be used
- When moving vehicles are immediately adjacent, separate seating areas and retail from traffic with a positive physical barrier or barricade
- Clearly mark boundary of expanded restaurant seating areas
- Define a clear walk zone for pedestrians on the sidewalk and provide clearance as required by ADA, Americans with Disabilities Act
- Social Distancing Requirements apply

Temporary Use of Public Parks

To accommodate increased capacity for restaurant seating or retail space





Temporary Use of Public Parks

To accommodate increased capacity for restaurant seating or retail space

- Application Required, subject to Parks and Recreation approval
- Clearly mark boundary of expanded restaurant seating areas
- Define a clear walk zone for pedestrians on the sidewalk and provide clearance as required by ADA, Americans with Disabilities Act
- Social Distancing Requirements apply

Temporary Closure of Public Streets

To accommodate increased capacity for restaurant seating or retail space





Temporary Closure of Public Streets

To accommodate increased capacity for restaurant seating or retail space

- Application required, subject to Division of Engineering, Traffic Engineering, Police, and other public safety reviews
- Various businesses within a commercial district may together seek a street closure through the Mayor's Office
- Each business to clearly mark boundary of expanded restaurant seating areas
- Define a clear walk zone for pedestrians on the sidewalk and provide clearance as required by ADA, Americans with Disabilities Act
- Social Distancing Requirements apply

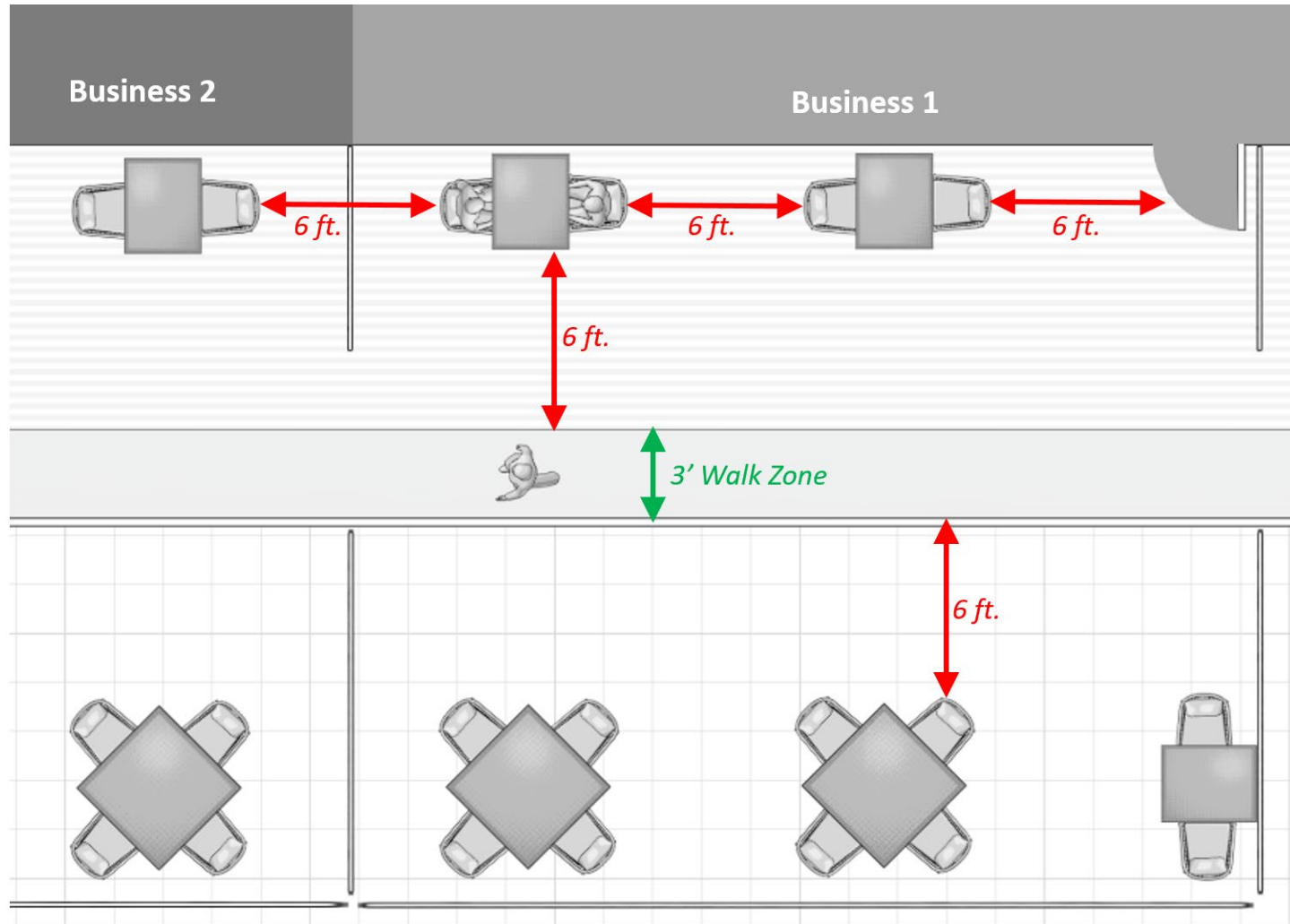


General Requirements

- Liability insurance must be obtained by a business to cover the expanded location and naming LFUCG as an additional insured
- Business to assume responsibility for any damage
- Business to regularly pickup, remove, and dispose of all trash or refuse left by business or patrons
- Smoking is prohibited in expanded outdoor space
- Other permits may apply, such as permitting for tent installation, and fees are temporarily suspended
- Comply with the requirements of local, state, and federal law, including, but not limited to, the Americans with Disabilities Act, state and local Alcohol Beverage Control regulations, health department regulations, local ordinances for which enforcement was not suspended under this ordinance, and Executive Orders and business opening requirements issued by Governor Beshear
- See executed ordinance for all requirements



General Requirements





Where to Learn More

Visit the City of Lexington's COVID-19 Response Webpage to find Reopening Guidelines

<https://www.lexingtonky.gov/COVID-19>

- Website will include:
 - Ordinance Language
 - Presentation Materials
 - Applications for expansion into parks, on-street parking spaces and ROW, and for street closures

Contact Brandi Peacher in the Office of the Mayor with questions and to submit applications: bpeacher@lexingtonky.gov