

LFUCG TEMPORARY EXPANSION INTO PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

LFUCG may allow the expansion of selected portions of an outdoor eating area or retail into an adjacent public right-of-way or street for restaurants or retail businesses to provide additional space for seating or retail. This application shall be used by a restaurant or retail business to request temporary closure of an adjacent on-street parking space or street. In the interest of public safety, these expansions must be reviewed and approved by the LFUCG before use of the park is permitted.

LFUCG will work with applicants to determine a maintenance of traffic plan to close the roadway for vehicles. It is the responsibility of the applicant to provide traffic control measures deemed necessary. It is also the responsibility of the businesses along the street to activate these space with temporary materials. Maintenance and daily upkeep associated with business operations will be the responsibility of the businesses.

NAME OF STREET OR ADDRESS OF TEMPORARY CLOSURE

Closed from (name of cross street at start of closure): _____

Closed to (name of cross street at end of closure): _____

*Provide a map indicating street closure boundaries

REQUESTED CLOSURE DATE(S):

TYPE OF REQUEST:

Street Closure

Lane Closure

Parking Space Closure

PRIMARY CONTACT: (name of individual or group responsible for closure activities)

Name: _____

Business or Organization Name _____

Address: _____ City: _____ Zip: _____

Day Phone: _____ Night Phone: _____

Alternate Phone: _____ Email: _____

SECONDARY CONTACT: (additional individual or group responsible for closure activities)

Name: _____

Business or Organization Name _____

Address: _____ City: _____ Zip: _____

Day Phone: _____ Night Phone: _____

Alternate Phone: _____ Email: _____

OPERATIONS & MAINTENANCE PLAN:

Describe the business or district's plans for restaurants and retail businesses use of the adjacent closed street:

A. Submit a plan illustrating the business' intended layout within the temporary expansion. *Include dimensions and indicate required social distancing spacing, ADA compliant walk zones, defined boundaries of each business, desired lighting, and any physical barriers planned for public safety. Ensure layouts refrain from blocking fire hydrants.*

B. Describe the business' plan for garbage collection within the special recovery district:

C. Describe the business' methods to enforce social distancing requirements:

D: Submit a traffic control plan meeting Manual of Uniform Traffic Control Devices (MUTCD) standards. Provide details about the chosen physical barriers or barricades that are required. Barricades would need to be set-up and maintained by a professional entity. Acceptable barriers include water-filled barrier, standard concrete jersey barrier, or equivalent.

E: Has your expanded business footprint been approved by the Health Department, if applicable?

F: Has your expanded business footprint been approved by the Alcoholic Beverage Control (ABC), if applicable?

G: Does your expanded business footprint use on-street metered spaces?

*Use/Rental of spaces must be reviewed and approved by LexPark

H: Do you plan to use tents within the expanded area? If so, have you obtained a permit?

* Tent stakes are not allowed within public right-of-way.

I: Please describe any equipment/furniture that will be used in the space and how this will be stored nightly.

APPLICATION AGREEMENT:

- 1) **INSURANCE:** The applicant must possess liability insurance in the minimum amount of \$1,000,000.00 per occurrence, covering the expanded location and naming the Lexington-Fayette Urban County Government as an additional insured, which cannot be terminated or cancelled without thirty (30) days notice to the Government for use of public sidewalks, on-street parking; or public streets closed to motor vehicle traffic; and
- 2) **DAMAGES:** The applicant must assume responsibility for any and all damage to public property that occurs within the retail business' or restaurant's use of additional outdoor space; and
- 3) **MAINTENANCE:** The applicant must regularly pick up, remove, and dispose of all trash or refuse left by the business or its patrons in its additional outdoor space; and
- 4) **SMOKING:** The applicant must prohibit smoking in the retail business' or restaurant's additional outdoor space; and
- 5) **COMPLIANCE:** The applicant must agree that the Lexington-Fayette Urban County Government reserves the right to require removal of facilities not in compliance with Ordinance 42-2020, other existing ordinances for which enforcement has not been suspended under this Ordinance, or state or federal law. Applicant must otherwise 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.
- 6) **TIMEFRAME:** Applicant must agree that all facilities placed for use by retail businesses and restaurants in accordance with this Ordinance must be temporary in nature and shall be removed upon expiration or termination of this Ordinance.

Signature and title of applicant: _____

Date: _____

Submit completed application, plans, and any other supporting materials to the Division of Parks and Recreation

Return to:
Office of the Mayor
Attn: Brandi Peacher
200 E. Main St
Lexington, KY 40507

or email to: bpeacher@lexingtonky.gov

Please check boxes to ensure you have completed and enclosed all required materials:

Completed application
Certificates of Insurance
Location Map to identify expanded business footprint
Diagram/Plan for Closure and Business Layout