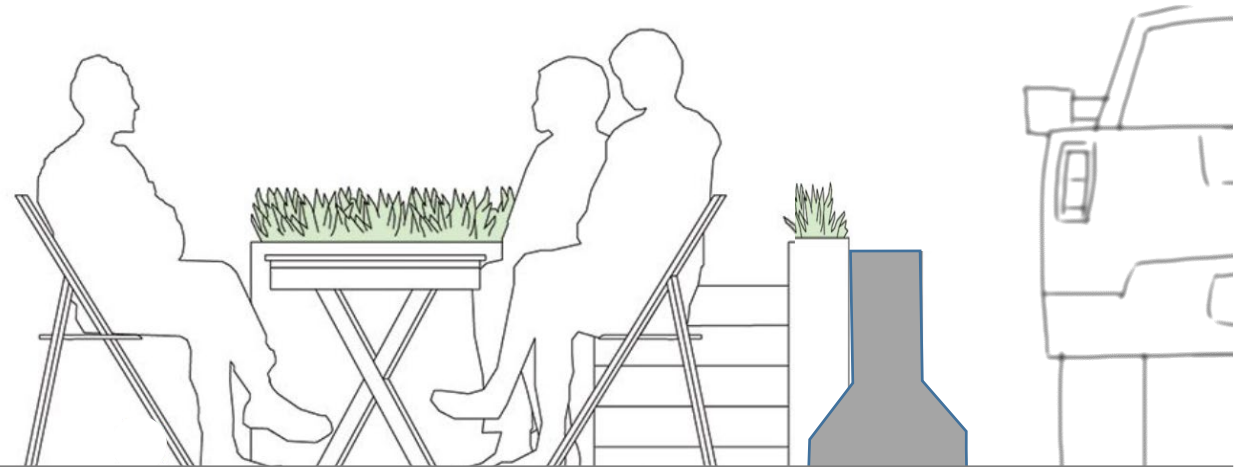


Pandemic Relief Program

Use of parking spaces for patio expansion



Patio Parklet Guidance

This document provides baseline guidance for retail businesses, bars, and restaurants interested in utilizing adjacent parking spaces for a patio parklet as permitted during the pandemic relief program allowing businesses to expand outdoors. Applications must be submitted to the Mayor's Office, and reviews by various LFUCG divisions, public safety, and LEXPARK will occur before a permit is issued. Reviews may address more elements than what is outlined within this reference document. This document should be used as a starting point to help inform your parklet application.

In conjunction with the Governor’s guidance for openings, the City of Lexington will temporarily allow retail businesses, bars, and restaurants to expand their footprint onto portions of adjacent sidewalks, public rights-of-way, parks or privately owned facilities without meeting certain city code and permit requirements, if the business otherwise complies with the executed Ordinance 018-2021. This program allows businesses to temporarily expand capacity and safely serve more patrons.

General requirements

The [executed ordinance](#) outlines specific requirements to utilize adjacent public sidewalks, private parking lots, on-street parking, or parks. The business must, for the entire period of temporary use:

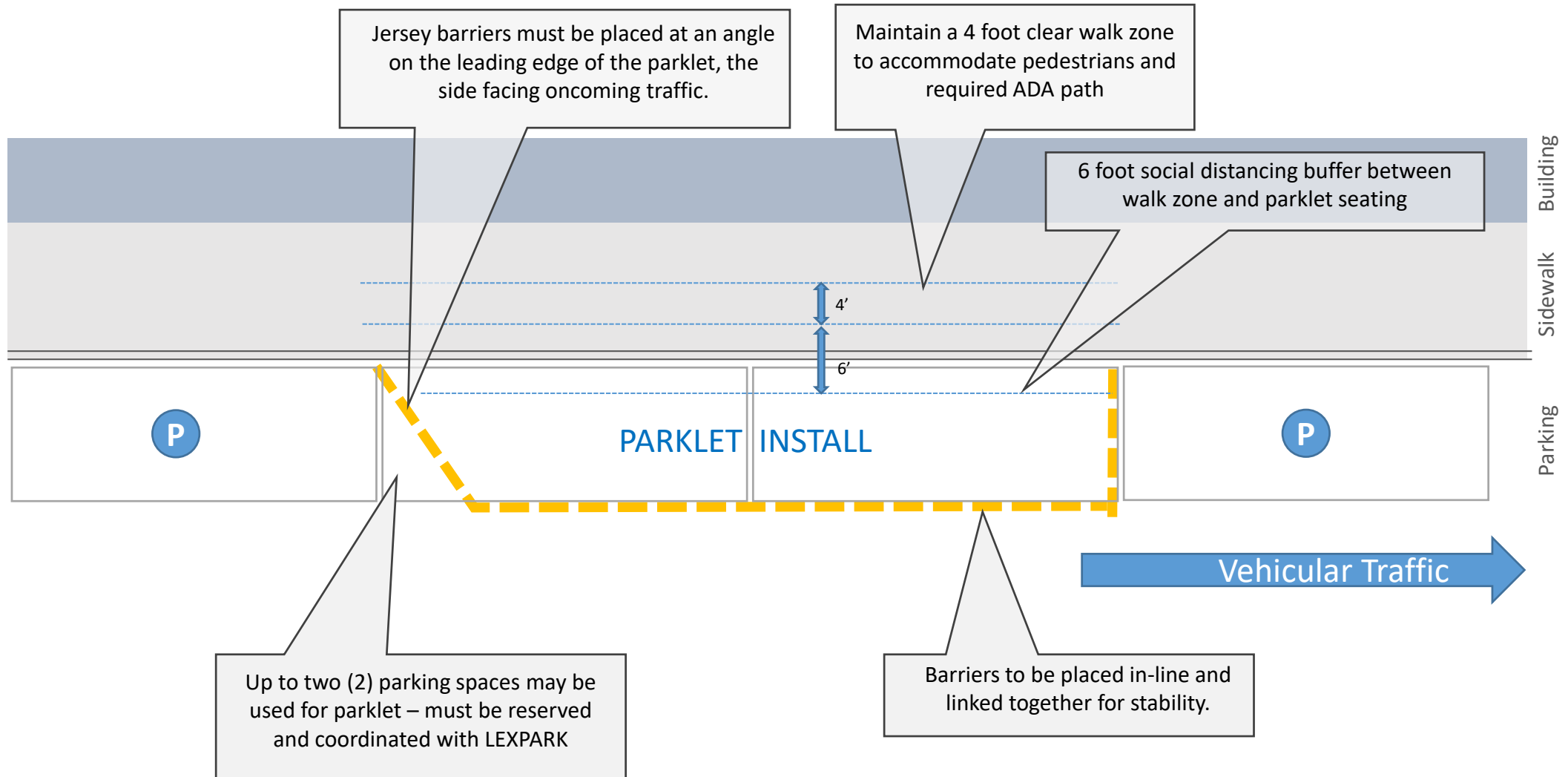
- Possess general liability insurance in the minimum amount of \$1,000,000.00 per occurrence, \$2,000,000 aggregate, and liquor liability insurance in the additional minimum amount of \$1,000,000.00 per occurrence for those businesses serving alcohol, covering the expanded location and naming the Lexington-Fayette Urban County Government as an additional insured with such language as required by the Lexington-Fayette Urban County Division of Risk Management, which cannot be terminated or cancelled without thirty (30) days' notice to the Government, for use of public sidewalks; on-street parking; or parks; and
- Obtain the private owner’s permission to use the space
- Assume responsibility for any and all damage to public property that occurs within the retail business’ or restaurant’s use of additional outdoor space
- Regularly pick up, remove and dispose of all trash or refuse left by the business or its patrons in its additional outdoor space
- Refrain from blocking fire hydrants
- Avoid use of designated spaces for disabled parking
- Prohibit smoking in the retail business’ or restaurant’s additional outdoor space
- Erect boundaries to physically identify the retail business’ or restaurant’s use of additional outdoor space
- Install physical barriers or barricade to protect patrons from motor vehicles if seating or retail use is immediately adjacent to an active roadway or within a private parking lot
- Install temporary lighting to illuminate and delineate the boundary of the retail business’ or restaurant’s additional outdoor space when used at night
- Clearly define the walk zone for pedestrians on sidewalks to provide the clearance required by the Americans with Disabilities Act
- Comply with social distancing requirements as implemented by the governor. The walk zone must begin six feet away from outdoor seating or the restaurant’s or retail business’ physical boundary identifying its additional space
- 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, including the Smoking Ordinance; Executive Orders and business opening directives issued by Governor Beshear; and the recommendations of the Centers for Disease Control and Prevention (should Governor Beshear's executive power be abrogated, reduced, or superseded by state law at any time during this Ordinance's operation).

To use on-street parking or any right-of-way beyond the curb:

- A permit for use of on-street parking spaces for a patio parklet must be obtained from the Mayor’s Office.
- Coordination with LEXPARK to reserve spaces is required for length of install.
- Compliance with the requirements of local, state, and federal laws not listed here are required.
- Executive Orders and business opening requirements issued by the CDC and Governor Andy Beshear must be followed.

Patio Parklet- Barrier Setup

Required barriers must be placed continuously around the perimeter of the parklet and locked together for stability and security.



Patio Parklet- Barrier Types

The perimeter of a parklet must be lined with a crashworthy barrier as to protect the pedestrians from adjacent vehicular traffic



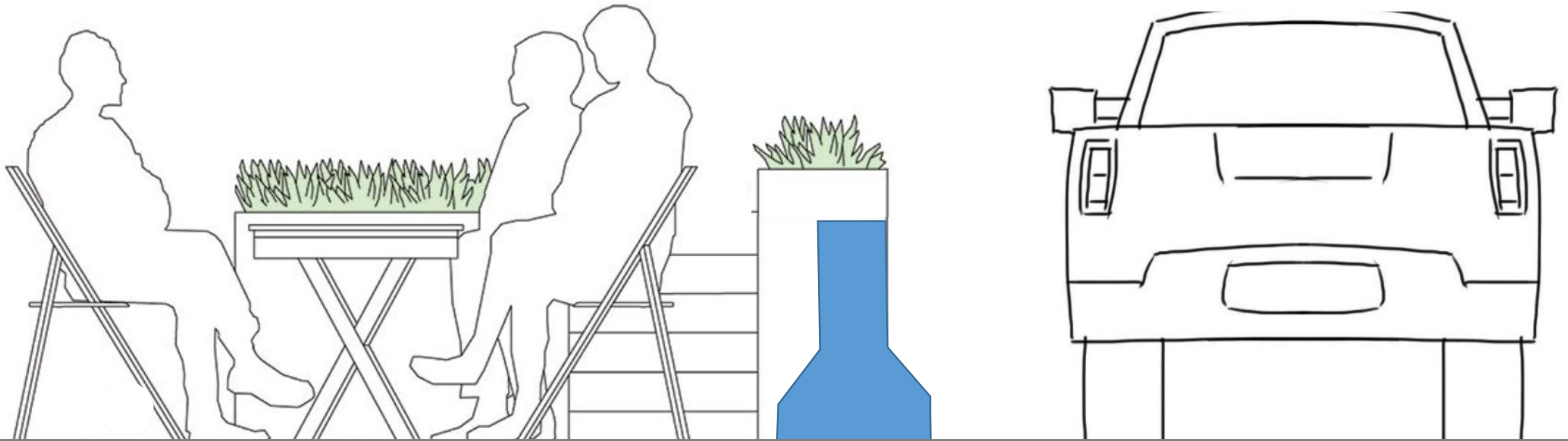
Concrete Jersey Barrier



Water Filled Plastic Jersey Barrier

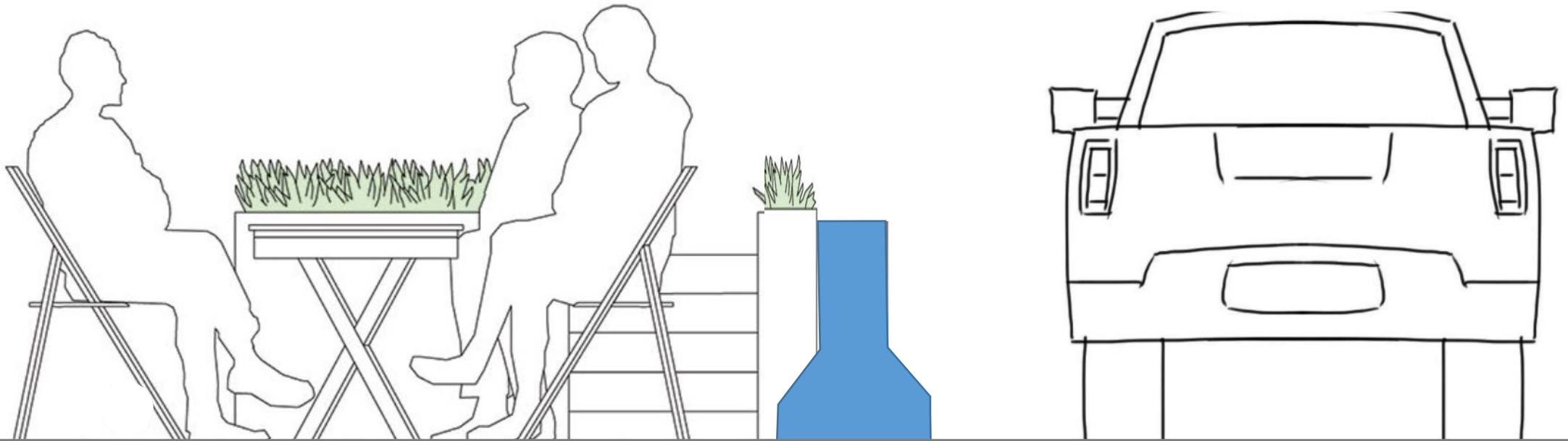
Patio Parklet- Aesthetic Façade

The perimeter of a parklet may be screened by installing more aesthetically pleasing materials as a screen – this is not a requirement. If desired, note the following installation guidance.



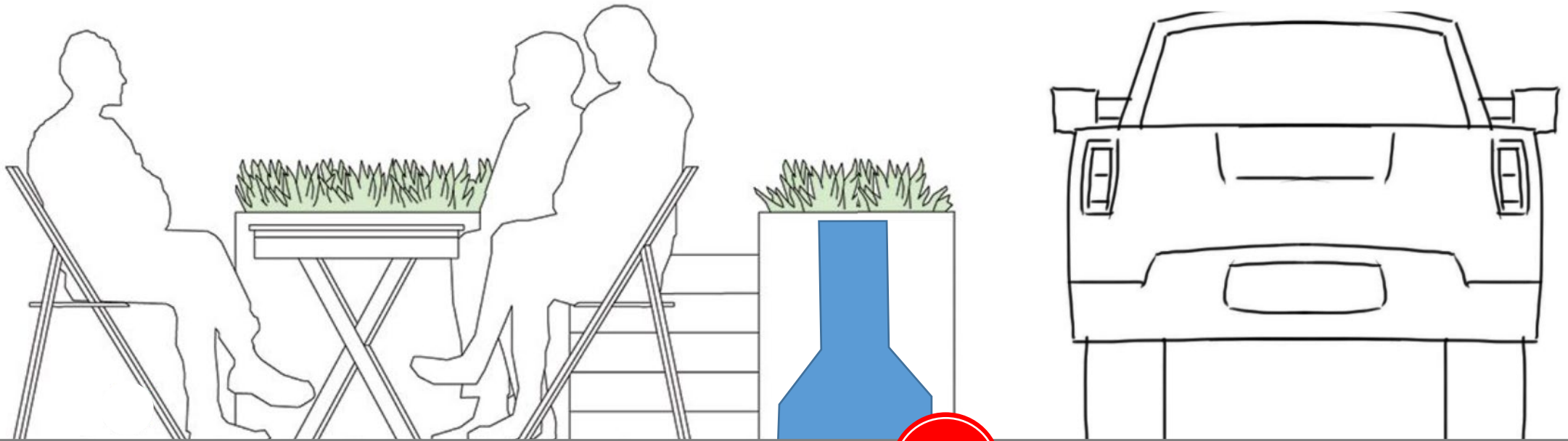
Permitted – parklets may install aesthetic wrap on the sidewalk facing side, and may install on top of the approved barrier if adequately secured

Patio Parklet- Aesthetic Façade



Permitted – parklets may install aesthetic wrap on the sidewalk facing side, and it must be adequately secured

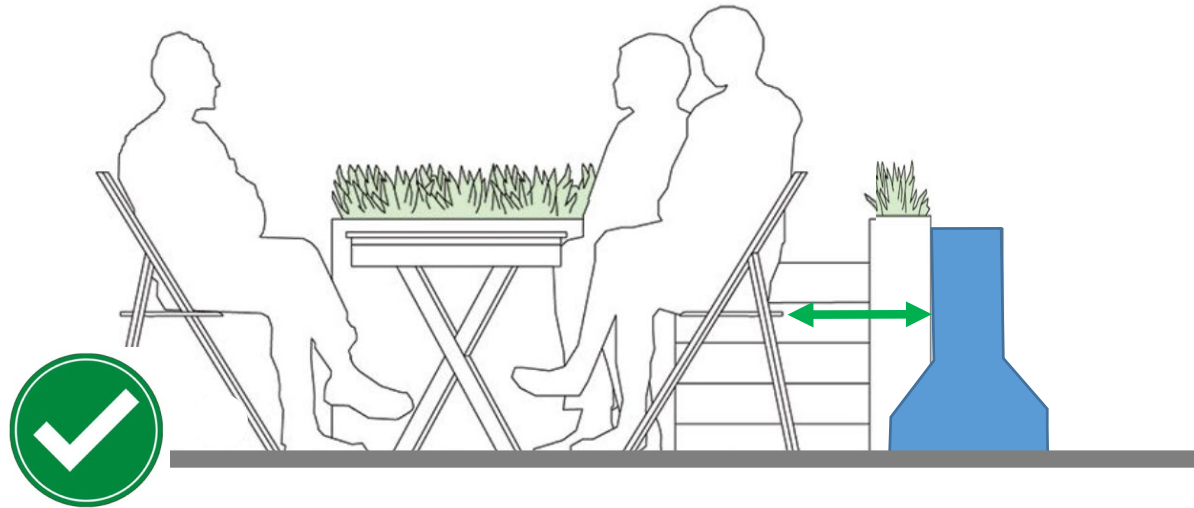
Patio Parklet- Aesthetic Façade



Not permitted – nothing may adhere to the side of the jersey barrier on the traffic facing side.

Patio Parklet Seating

Seating may occur within the parklet, but it may not line the perimeter of the parklet as a deflection zone must be maintained.



Permitted- Seating may occur within the parklet when spaced away from the jersey barrier as to provide a buffer.

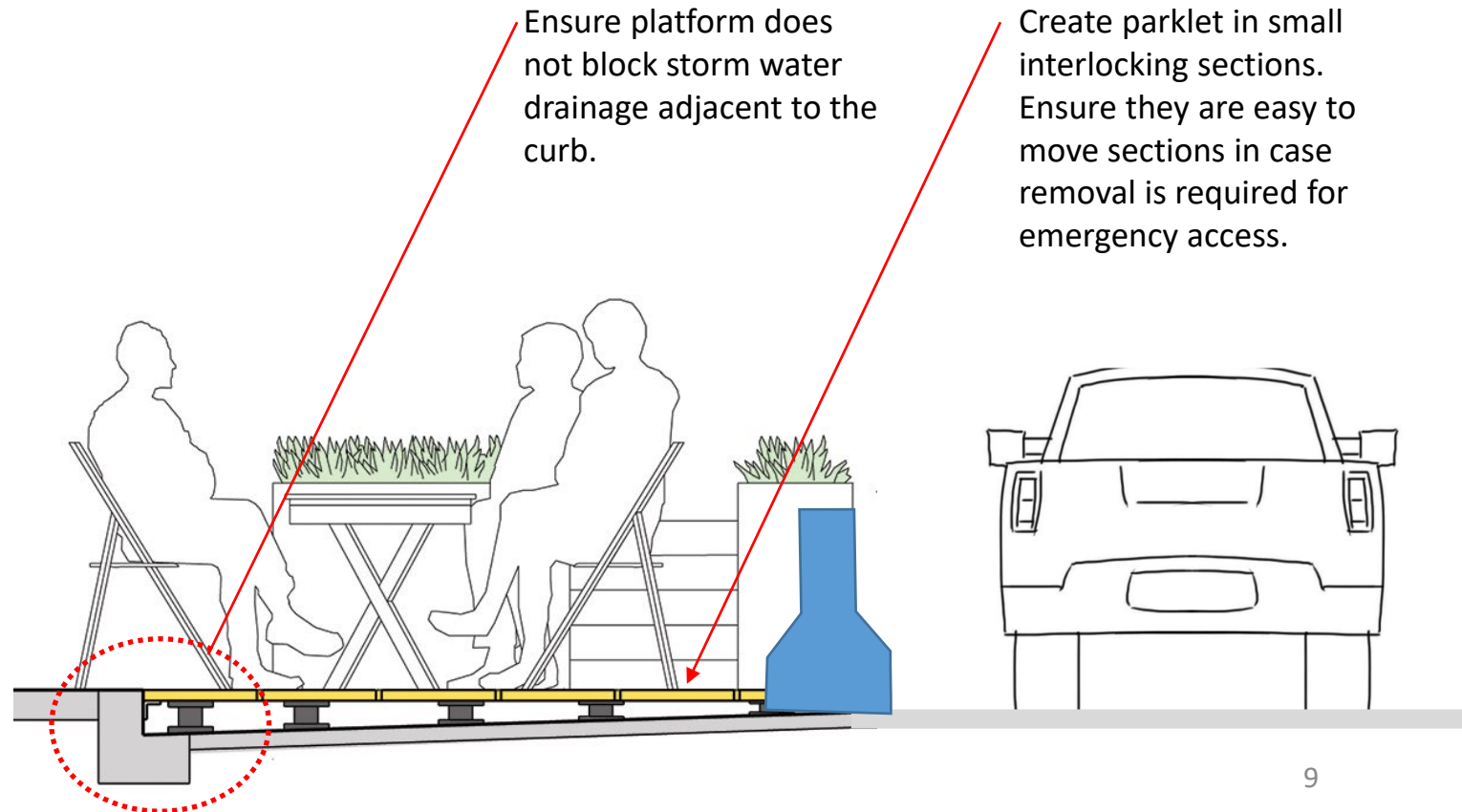


Not permitted – seating may not be constructed or installed along the barrier wall. A buffer between the wall and seating must be provided.

Patio Parklet- Platform or Substantial Structure

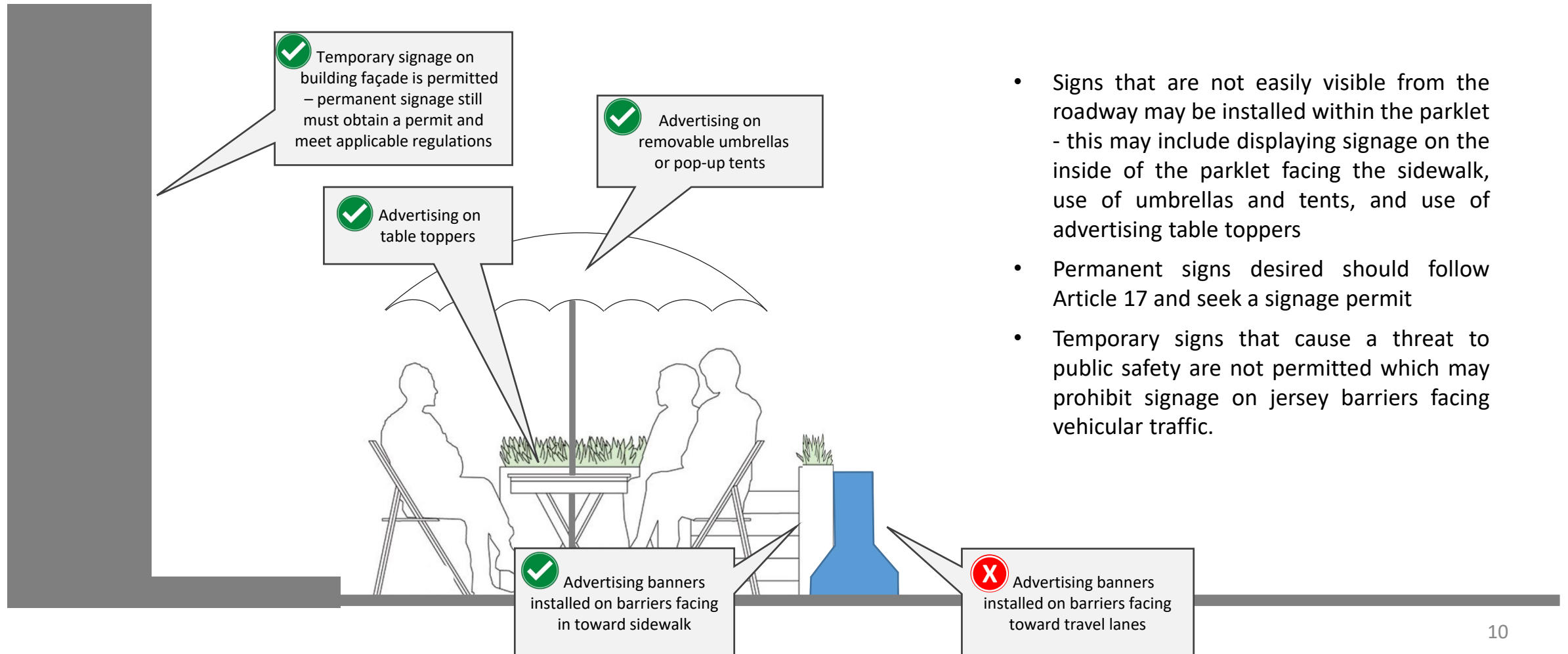
A platform or substantial structure is not required for a parklet setup, but if desired the following should be considered:

- Parklet structures should be built in easily removable sections.
- In the event of an emergency, the temporary installation must be removed quickly and/or is subject to removal by means determined necessary by emergency response teams.
- If building a patio platform that is flush with the curb, designs must accommodate appropriate drainage as deemed necessary by Water Quality.
- Additional reviewers may be necessary to ensure structure is safe and all adjacent public services are being maintained.



Patio Parklet Signage

The pandemic relief program waives ordinance requirements for temporary signs (excluding those related to electronic signs) for compliant businesses. If businesses wish to display temporary signs to advertise their business, products being sold, or sponsors of the parklet setup then the following guidance should be followed:



- Signs that are not easily visible from the roadway may be installed within the parklet - this may include displaying signage on the inside of the parklet facing the sidewalk, use of umbrellas and tents, and use of advertising table toppers
- Permanent signs desired should follow Article 17 and seek a signage permit
- Temporary signs that cause a threat to public safety are not permitted which may prohibit signage on jersey barriers facing vehicular traffic.

Patio Parklet Application

Before installation, submit an application for use of on-street parking spaces or any use of the public right-of-way beyond the sidewalk.

Applications and additional information may be found at www.lexingtonky.gov/COVID-19/reopening-guidelines

Applications should include:

- Contact Information
- Map to identify location of business and proposed patio parklet
- Diagram/Plan to illustrate plan for parklet setup – including barrier setup, location of tables and chairs, pop-up tents, temporary signage, etc.
- An operations and maintenance plan for the expanded patio
- Traffic control plan- description of barriers to be utilized
- Certificates of Liability Insurance, in the minimum amount of \$2 million 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 30 days notice to the government for use of public sidewalks, on-street parking, or public streets closed to motor vehicle traffic

Additional coordination may be required by LEXPARK, Health Department, and Alcoholic Beverage Control (ABC)

Questions and application submittals, contact Brandi Peacher – bpeacher@lexingtonky.gov