



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1008-22 **Version:** 1 **Name:** Sidewalk Cafe Ordinance Amendment
Type: Ordinance **Status:** Approved
File created: 9/30/2022 **In control:** Urban County Council
On agenda: 10/27/2022 **Final action:** 10/27/2022
Enactment date: 10/27/2022 **Enactment #:** O-118-2022

Title: An Ordinance amending Section 17-29(5) of the Lexington-Fayette Urban County Government Code of Ordinances to expand the definition of "Outdoor Cafe" by removing reference to specific zones; amending Sections 17-29.2 and 17-29.5 of the Code to require approval by the Lexington and Fayette County Parking Authority for on-street parking controlled by the Authority; and amending Section 17-29.5 of the Code to clarify that the Administrator may deny, revoke, suspend, modify, or condition an outdoor cafe permit for legitimate health, safety, or general welfare purposes, effective upon passage of Council. [Mayor's Office, Scott]

Sponsors:

Indexes:

Code sections:

Attachments: 1. BS_Memo Cafe Ordinance 9.pdf, 2. Draft Ordinance (Sidewalk Cafe) 2022 (00764637xAFB4D), 3. 00767230.pdf, 4. O-118-2022

Date	Ver.	Action By	Action	Result
10/27/2022	1	Urban County Council		
10/13/2022	1	Urban County Council		
10/11/2022	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance amending Section 17-29(5) of the Lexington-Fayette Urban County Government Code of Ordinances to expand the definition of "Outdoor Cafe" by removing reference to specific zones; amending Sections 17-29.2 and 17-29.5 of the Code to require approval by the Lexington and Fayette County Parking Authority for on-street parking controlled by the Authority; and amending Section 17-29.5 of the Code to clarify that the Administrator may deny, revoke, suspend, modify, or condition an outdoor cafe permit for legitimate health, safety, or general welfare purposes, effective upon passage of Council. [Mayor's Office, Scott]

Authorization to amend Sec. 17-29 in the Code of Ordinances related to Sidewalk Cafes to expand the definitions of outdoor cafe by removing reference to specific zones, amend language specific to LexPark approvals, and amend language to clarify reasons for permit denial. No Budgetary impact. (L1008-22)(Scott)

Budgetary Implications: No

Advance Document Review:

Law: {Yes, Completed by David Barberie, 9/30/22}

Risk Management: {Select Yes/No, Completed by [Official, Date]}

Fully Budgeted: N/A

Account Number: N/A

This Fiscal Year Impact: \$N/A

Annual Impact: \$N/A

Project:

Activity:

Budget Reference:

Current Balance:

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 17-29(5) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (5) *Outdoor cafe*: The placing, locating, or permitting of the placing or locating of encroachments or other furnishings on adjacent right-of-way, such as sidewalks and on-street parking, or public property, by a business appropriately licensed to operate as an establishment where food and/or other refreshments are served and that possess a valid permit under Sections 17-29 to 17-29.5 of the Code. Appropriately licensed restaurants and bars are generally qualified to apply for an outdoor cafe permit.

Section 2 - That Section 17-29.2(a)(7) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (7) Proof of approval by the Lexington and Fayette County Parking Authority, if requesting to use on-street parking controlled by the Authority.

Section 3 - That Section 17-29.5(a) of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

- (a) The administrator or designee May deny, revoke, suspend, modify, or condition a permit at any time for any business authorized in the urban county if it is found that:
 - (1) Any necessary business or health permit has been suspended, revoked, or cancelled.

- (2) The permittee does not have insurance in force which is correct and effective in the minimum amount described in section 17-29.2(a)(4).
- (3) The permittee has failed to pay any fees required by Lexington and Fayette County Parking Authority for the use of on-street parking locations controlled by the Authority.
- (4) A legitimate health, safety, or general welfare purpose exists, including, but not limited to, pedestrian or vehicle traffic congestion.
- (5) The permittee has failed to erect barriers to the satisfaction of the administrator in order to protect patrons from motor vehicles, if utilizing on-street parking as part of its outdoor cafe.
- (6) The permittee has failed to abide by the regulations promulgated by the Div. of Building Inspection.
- (7) The permittee has failed to correct violations of this article or conditions of their permit upon receipt of the administrator's notice of same delivered in writing to the permittee.
- (8) The permittee has failed to take positive actions to prohibit violations from reoccurring.
- (9) The permittee has failed to make modifications upon receipt of the administrator's notice of same delivered in writing to the permittee.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:

1008-22:EPT:X:\CASES\MAYOR\22-LE0003\LEG\00767230.DOCX