

EXECUTIVE ORDER 2020-5

EXECUTIVE ORDER TEMPORARILY SUSPENDING CERTAIN ZONING RESTRICTIONS RELATED TO OUTDOOR DINING AND ESTABLISHING REGULATIONS FOR EXPANDED OUTDOOR DINING

WHEREAS, on March 6, 2020, Governor Andy Beshear declared a State of Emergency in Kentucky in response to Covid-19, the disease caused by the novel coronavirus; and

WHEREAS, Governor Beshear has announced a tentative reopening date of May 22, 2020, for restaurants, with capacity limit to 33 percent (33%) of regular indoor seating and outdoor seating without specific capacity limits; and

WHEREAS, the Crescent Springs Zoning Ordinance currently classifies outdoor dining as a conditional use in many Zones, thus requiring approval by the Board of Adjustment; and

WHEREAS, the Crescent Springs Zoning Ordinance further limits outdoor dining; and

WHEREAS, the City of Crescent Springs, through its Mayor, Lou Hartfiel, has declared a State of Emergency, permitting the Mayor to temporarily amend Ordinances through Executive Order in order to provide relief from the adverse economic impact caused by the Covid-19 pandemic.

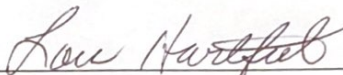
NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

- 1) Any provision in the Crescent Springs Zoning Ordinance to the contrary, notwithstanding, but subject to the limitations set forth in this Executive Order, restaurants in the City of Crescent Springs shall be permitted to offer outdoor dining.
- 2) Limits on outdoor dining capacity in the Crescent Springs Zoning Ordinance are temporarily suspended; however, a restaurant's combined indoor and outdoor seating shall not exceed the restaurant's normal maximum overall capacity.
- 3) Outdoor dining areas shall be operated no later than 10:00 p.m. on Sunday through Thursday, inclusive, and no later than 11:00 p.m. on Friday and Saturday, or during the times permitted under the Crescent Springs Zoning Ordinance for a particular zone, whichever is less restrictive.
- 4) No outdoor dining area shall encroach on the Crescent Springs City Right-of-Way, except with the approval of the City Administrator. The City Administrator shall not grant such approval unless the right-of-way maintains clearance as required by the Americans with Disabilities Act (ADA) and any other applicable laws and regulations.

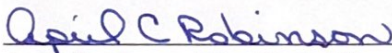
- 5) Restaurants shall comply with all social distancing and other requirements for reopening as may be promulgated by the Governor, the Kentucky Department of Public Health, the Northern Kentucky Independent District Health Department, or any other agency having authority.
- 6) Restaurants not owning their premises shall obtain permission from the property owner for any expansion of outdoor dining.
- 7) Parking lots may be used to expand outdoor dining, subject to the following restrictions:
 - a) The restaurant shall obtain permission from the parking lot owner.
 - b) The restaurant shall retain sufficient parking to accommodate guests.
 - c) The restaurant shall erect a physical barrier between parking areas and its outdoor dining area.
 - d) Fire lanes shall not be blocked.
 - e) Accessible parking spaces required by the ADA shall not be used, unless an equivalent number of replacement spaces are marked and identified. Replacement spaces shall comply with the ADA in all respects.
- 8) The City's Alcoholic Beverage Control Administrator is authorized to grant any permits or authorizations that may be necessary to allow a restaurant to temporarily expand its licensed premises.
- 9) Any restaurant that desires to establish or expand outdoor dining pursuant to this Executive Order shall submit a plan to the City Administrator consisting of the following:
 - a) The planned seating capacity for all outdoor dining.
 - b) A map or diagram indicating where all outdoor dining areas will be located.
 - c) A written explanation of how the restaurant intends to comply with this Executive Order, including the requirement that the restaurant maintain sufficient parking.
 - d) A signed statement indicating that the restaurant agrees to abide by this Executive Order and all state and local requirements and restrictions, including requirements related to social distancing, personal protective equipment, sanitation, and parking.
- 10) The City Administrator shall approve outdoor dining plans that comply with the Executive Order and all other applicable ordinances, including the requirements that the restaurant maintain sufficient parking. Approval shall be valid for a period of 120 days, subject to renewal if this Executive Order remains in effect.
- 11) Outdoor dining plans may be submitted immediately, but no outdoor dining shall be permitted prior to May 22, 2020.

- 12) All outdoor dining plans are subject to modification based on subsequent federal, state, or local orders during the Covid-19 State of Emergency.
- 13) For any construction or temporary structure that would ordinarily require a permit, a permit must still be obtained.
- 14) This Executive Order shall remain in effect until September 19, 2020, or until the expiration of the current State of Emergency, whichever is longer. This Executive Order is in effect as of the date set herein below.

APPROVED, this the 22nd day of May, 2020.



Mayor Lou Hartfiel, Mayor



April Robinson, City Clerk / Treasurer