

ARTICLE XIV. PATIO AND OUTDOOR SALES; WHERE PERMITTED; APPROVAL REQUIRED; SCREENING REQUIREMENTS; EXCEPTIONS

Sec. 14.1. Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink.

Sec. 14.2. No licensee shall offer alcoholic beverages for sale in a patio or outdoor area of the licensee's premises except in a clearly defined patio or outdoor area that is enclosed by a fence or other screening, not less than three (3) feet in height. All outdoor areas and screening shall be subject to the approval of the Administrator. An exception to this restriction may be granted for seasonal sidewalk cafes, upon application to and authorization from the Administrator. The permission to operate a sidewalk café shall be governed by the provisions of this Article and shall be subject to the regulation of local zoning authorities as well as codes enforcement and public safety officers.

Sec. 14.3. No licensee shall offer patio or outdoor sales of alcoholic beverages unless the patio or outdoor area and fencing or screening area shall have been approved in advance by the Administrator.

Sec. 14.4. Unless exempted by the following provisions of this ordinance and by permission of the Administrator, patio areas must comply with the screening requirements of this ordinance. Sidewalk café seating areas must comply with this ordinance and with local zoning ordinance and other public safety requirements noted in this ordinance or in other provisions of local ordinance, statute or regulation.

Sec. 14.4.1. *EXCEPTION TO SCREENING REQUIREMENT FOR OUTDOOR SALES AND SERVICE OF ALCOHOLIC BEVERAGES IN THE CASE OF PERMITTED SIDEWALK CAFES IN THE ~~DOWNTOWN~~ CENTRAL BUSINESS DISTRICT*

Licensees in the ~~Downtown~~-Central Business District may request an exception from this [outdoor screening of patio] provision to permit seasonal sidewalk cafes that serve food and alcoholic beverages as an adjunct to the primary and adjacent licensed premises. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises.

Any food establishment which operates a restaurant and is licensed under this ordinance and the provisions of the state ABC code, may, upon application to the Administrator, ask permission to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café"). Licensees who do not serve food shall not be eligible to apply for a sidewalk café permit.

The Administrator may issue the permit if he/she finds that (a) the Applicant is licensed under this ordinance and the ABC Code for the Commonwealth of Kentucky, (b) the Applicant is in