

THE CITY OF
BARDSTOWN
OFFICE OF THE MAYOR


**DECLARATION FOR INCREASED OUTDOOR
DINING/SEATING CAPACITY FOR RESTAURANTS**

EXECUTIVE ORDER E2020-04

**City of Bardstown
220 N. Fifth Street
Bardstown, KY 40004**

May 18, 2020

WHEREAS: the Mayor declared that a State of Emergency exists in the City of Bardstown for the period beginning March 16, 2020 and continuing, due to the COVID-19 Pandemic; and

WHEREAS: Governor Beshear has issued guidelines for Kentucky restaurants to begin to reopen on May 22, 2020; and

WHEREAS: the Healthy at Work Requirements for Restaurants issued by Governor Beshear have ordered that indoor seating capacity will be limited to 33% of normal occupancy; and

WHEREAS: the requirements recommend that restaurants should maximize their outdoor seating wherever possible so long as outdoor tables can be arranged so no person is within six (6) feet of a person seated at another table; and

WHEREAS: the City of Bardstown wants to help restaurant owners recover financially by offering a solution to increase their outdoor dining/seating capacity, not to exceed 100% of their overall occupancy, inclusive of both indoor and outdoor seating; and

WHEREAS: the City of Bardstown's current ordinances require that all restaurants within the city limits must apply for an Outdoor Café License, and restaurants within the Historic District must also seek approval for their outdoor furniture before implementing outdoor dining.

NOW, THEREFORE, I, J. Richard Heaton, Mayor of Bardstown, Kentucky, by the authority vested in me by K.R.S. Chapter 39A do hereby declare that fees and certain requirements of the Outdoor Dining Guidelines are waived in the City of Bardstown for the period beginning May 18, 2020, and continuing, and direct that restaurants must:

1. Have or obtain the required permits, certificates and inspections
2. Comply with Alcoholic Beverage Control (ABC) regulations
3. Adhere to the requirements for outdoor dining/seating listed in the City of Bardstown's Temporary Regulatory Relief For Restaurants guidelines that can be accessed on the City of Bardstown website, www.cityofbardstown.org

WHEREFORE, this Declaration waiving certain requirements relating to outdoor dining/seating in the City of Bardstown shall remain in effect until terminated by issuance of another Executive Order, when it is determined that a state of emergency no longer exists, or when the waiver of said requirements is no longer necessary to support and assist local businesses during this pandemic.

Signed this, 18th day of May, 2020


Richard Heaton, Mayor

ATTEST:


Gary Little, City Clerk

TEMPORARY REGULATORY RELIEF FOR RESTAURANTS

As Kentucky restaurants begin to reopen on May 22, 2020, and because of limited allowable indoor seating capacity per the Orders of the Kentucky Governor, The City of Bardstown wants to help restaurant owners that have a City of Bardstown Business License find solutions to increase their outdoor dining/seating capacity. Restaurants must comply with the Governor's [Healthy at Work Requirements for Restaurants](#)

Permits, Certificates and Inspections Required

The City of Bardstown will still require an encroachment permit but is temporarily suspending application fees for restaurants seeking a permit to add or expand their outdoor seating on public property, including sidewalks. The City of Bardstown will also allow outdoor seating upon private property or on adjoining private property with the owner's consent. The additional space will be for seating only, and no bar or restroom facilities will be allowed in this space. Outdoor seating capacity shall not exceed 67% of the approved existing occupancy for the restaurant.

The Owner and or their representative must obtain the following permits and approvals for outdoor seating facilities:

- **Certificate of Appropriateness** If located in the Historic District, a Certificate of Appropriateness from the Bardstown Historical Review Board (the application fee will be waived). The approval process will be expedited by the Historic Preservation Coordinator on behalf of the Historical Review Board. For more information, please contact RaShae Jennings at rjennings@bardstowncable.net or (502) 348-5947. HRB Outdoor Dining Design Guidelines still apply and can be found at www.cityofbardstown.org
- **Zoning Compliance Permit** from the Planning Commission. Please call (502) 348-1805
- **Building Permit/Inspection** from Nelson County Code Enforcement for any tent over 400 square feet, or other temporary structure. Please call (502) 348-1862
- **Fire Marshall Inspection.** Please call (502) 349-6562

To obtain a permit, the business will need to provide proof of insurance.

Alcohol Beverage Control (ABC) Information for Outdoor Dining

Restaurants wishing to sell alcohol outdoors on property that they do not currently own or lease will need to submit a material change letter to local and state ABC authorities, along with documentation, such as a copy of a lease or a letter of approval giving the restaurant permission to use the space. Each restaurant must submit a seating plan outlining how they plan to add the additional space and provide any documentation necessary to the City of Bardstown. Please click [here](#) to apply for a [Temporary Outdoor Seating Permit](#).

Applicant Terms and Conditions for Outdoor Seating

1. **Obligations of Applicant:** To submit a drawing to scale of existing building, points of ingress and egress, proposed location of tables, chairs, umbrellas and barriers:

- Provide copy of current commercial general liability insurance certificate listing City of Bardstown as additional insured
- No less than four feet in width for sidewalk pedestrian traffic in a continuous path, must be ADA accessible (more footage may be required for high traffic pedestrian areas)
- No umbrellas will be permitted unless they are a minimum of seven feet above the ground and umbrellas in the Historic District cannot contain advertising
- The restaurant must remove any and all debris and maintain their frontage
- Restaurants must be in compliance with Nelson County Code Enforcement and must have or obtain the proper liquor license to serve alcohol outdoors from their existing indoor bar
- Unless already existing, no outdoor bar facilities shall be installed, and all alcohol must be served from indoor facilities
- No restroom facilities may be added to the space

2. **Outdoor Furniture Criteria:** The placement and design of the outdoor furniture will be subject to the review and approval of the Permit governed by The City of Bardstown.

- Applicant shall be responsible for all costs associated with the removal and disposal of existing outdoor furniture elements. All costs of restoring the site following removal of the outdoor furniture elements shall be borne by the Applicant
- In locating in front of an adjacent building, written approval must be given by the building/business owner to allow seating in front of their establishment
- Applicant shall maintain the outdoor furniture to the satisfaction of the City of Bardstown
- The design, material and colors used for tables and chairs should complement the architectural styles and colors of the building façade. Any outdoor furniture shall be of sturdy construction and made of good quality materials

3. **Off-Street Parking:** With the exception of properties zoned B-2 (Central Business District), all other restaurants must meet minimum off-street parking standards as determined by the Planning Commission, or provide an alternative plan for approved off-site parking for Planning Commission consideration.

4. **Causes and Termination:** The City of Bardstown may terminate this permit without cause after seven days written notice, or for cause immediately at any time. If complaints are received for your outdoor seating, your permit may be revoked. This is a temporary permit and will expire upon notice by the City of Bardstown.

City of Bardstown Temporary Outdoor Seating Permit Application

Return Application and Required Documentation to: City Clerk, Bardstown City Hall, 220 N 5th St, Bardstown KY 40004

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|--|---|------|--|-------------|
| Business Information | Business | | Telephone | |
| | Address | | Cell Phone | |
| Applicant Information (must be licensee) | Name | | Telephone | |
| | Address | City | State | Zip |
| | Mailing Address (if different than above) | | | |
| | Are you the property owner? Yes No (If no, applicant must complete Property Owner information and attach written authorization from the property owner to this application.) | | | |
| Property Owner Information | <i>Complete this section if applicant is not the property owner</i> | | | |
| | Name | | | |
| | Address | City | State | Zip |
| Fees | Annual Application Fee — \$75.00 — (May 1 — April 30) | | Pro-rated Fee — \$37.50 (for three months or less) | |
| | City Named Additional Insured Yes No | | | |
| | Liquor License Yes No | | City Business License Yes No | |
| Additional Documents | I have attached the following: Application Fee- WAIVED FOR TEMPORARY PERMIT Completed Application Property Owner Authorization (if applicant is not property owner) Certificate of Insurance Approved Certificate of Appropriateness from the Bardstown Historical Review Board Detailed Plan showing outdoor seating layout. City of Bardstown Business License State and City Liquor License (if applicable) Zoning Compliance Permit from Bardstown/Nelson County Planning and Zoning | | | |
| | Applicant Signature | | | Date |
| I, the undersigned, acknowledge that I have read and understand the rules and regulations of the Temporary Outdoor Seating Permit. | | | | |
| Applicant Signature | | | | Date |