

CITY OF JEFFERSONTOWN
JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 1325, SERIES 2015

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE NO. 1238, SERIES 2008, AND ADOPTING AN AMENDMENT TO CHAPTER 4 PART 2 OF THE LAND DEVELOPMENT CODE TO AMEND THE OUTDOOR ALCOHOL SALES AND CONSUMPTION CONDITIONAL USE PERMIT TO ALSO ALLOW INDOOR ENTERTAINMENT IN RESTAURANTS IN THE C-1 COMMERCIAL ZONING DISTRICT.

WHEREAS, the city of Jeffersontown's Technical Review Committee has reviewed the record as transmitted from the Louisville Metro Planning Commission: Case No. 11941; and,

WHEREAS, the City Council of the City of Jeffersontown recognizes a need to promote economic development opportunities for business attraction and expansion; and,

WHEREAS, the City Council of the City of Jeffersontown finds that the proposed amendment to Chapter 4, Part 2 of the LDC is in conformance with the comprehensive plan because this amendment is in compliance with the following comprehensive plan guidelines, and,

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 3** regarding **Compatibility**, because the proposal ensures that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community; and,

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposed amendment allows for the addition of compatible uses with an appropriate public review process to ensure that new development does not create adverse conditions for the adjacent uses; and,

WHEREAS, the City Council of the City of Jeffersontown further finds that the proposal meets **Guideline 6** regarding **Economic Growth and Sustainability**, because the proposal provides a positive culture for attracting and sustaining business within the City of Jeffersontown and Jefferson County, and provides for economic development opportunities in a manner that is compatible to surrounding less intense development activity; and,

WHEREAS, the City Council of the City of Jeffersontown finds that based upon

testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case that the proposal is in conformance with all other applicable guidelines of the Comprehensive Plan; and,

WHEREAS, the City Council of the City of Jeffersontown has reviewed the record made by the Planning Commission in Case No. 11941 and concurs in and adopts the findings and recommendations of the Planning Commission and desires to adopt the proposed amendments to Chapter 4, Part 2 of the Land Development Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jeffersontown, Kentucky that the City Council does hereby AMEND Chapter 4, Part 2 of the Land Development Code as adopted by Ordinance No. 1238, Series 2008, to state in its entirety by adding thereto the following:

4.2.41 Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C-1 Zoning District

Outdoor alcohol sales and consumption for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements.

- A. All outdoor areas for the sale and consumption of alcohol must have designated boundaries.
- B. Outdoor dining areas within the public right-of-way must receive approval from the City of Jeffersontown, Kentucky, and shall be designed in accordance with City's standards.
- C. Outdoor dining areas within the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards). Temporary outdoor sale and consumption areas during the Gaslight Festival that are in compliance with the Jeffersontown Gaslight Festival District regulations and hold a Special Festival Permit are exempt from this requirement.
- E. This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of a Nonquota type 2 or NQ2 retail drink ABC license;

which requires a minimum of 50 seats and minimum of 50% gross receipts from food sales.

- ~~1. Restaurant liquor and wine license by the drink for 100 plus seats~~
- ~~2. Restaurant wine license by the drink for restaurants with seating for 50 and receives at least 70 percent gross receipts from food sales~~

- F. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.
- G. The board may require additional and more restrictive requirements than those listed above based on the conditions of the specific location and the characteristics of the specific restaurant.

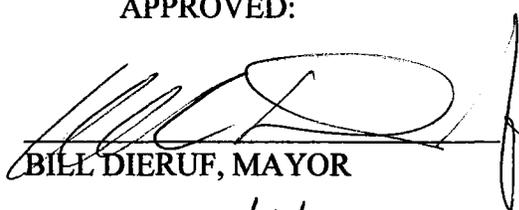
INTRODUCED AND READ AT A MEETING OF THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD THE 3rd DAY OF FEBRUARY, 2015

READ, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JEFFERSONTOWN, KENTUCKY AT A MEETING HELD ON THE 17th DAY OF FEBRUARY, 2015.

VETOED:

APPROVED:

BILL DIERUF, MAYOR

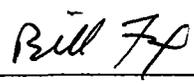


BILL DIERUF, MAYOR

DATE: _____

DATE: 2/18/15

ATTEST:



BILL FOX, CITY CLERK