

**CITY OF ST. MATTHEWS
ORDINANCE NO. 11-01**

**AN ORDINANCE RELATING TO THE AMENDMENT OF ARTICLE 6
AND ARTICLE 15 OF THE DEVELOPMENT CODE FOR ST.
MATTHEWS RELATING TO CONDITIONAL USE PERMITS FOR
RESTAURANTS WITH OUTDOOR ALCOHOL SALES AND
CONSUMPTION AND INDOOR ENTERTAINMENT**

WHEREAS, the Louisville Metro Planning Commission held public hearings in Case Nos. 10414 and 11941 to consider amendments to the zoning regulations to authorize restaurants with outdoor alcohol sales and consumption and indoor entertainment in the C-1 Commercial zoning district upon the granting of a conditional use permit; and

WHEREAS, the City Council has reviewed the record of Case Nos. 10414 and 11941 and the proposed amendments to the Development Code, and concurs in the findings and recommendations of the Planning Commission, and further finds that authorizing such conditional use permits in the C-N Neighborhood Commercial zoning district as well would promote public health, safety, welfare, and preserve and enhance the character of the City; **NOW, THEREFORE**,

THE CITY OF ST. MATTHEWS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That Article 6.1B of the Development Code is hereby amended to include the following use under Conditional Uses in the C-N Neighborhood Commercial zoning district:

Outdoor Alcohol Sales and Consumption and Indoor Entertainment for Restaurants

Section 2. That Article 6.2B of the Development Code is hereby amended to include the following use under Conditional Uses in the C-1 Commercial zoning district:

Outdoor Alcohol Sales and Consumption and Indoor Entertainment for Restaurants

Section 3. That Article 15 of the Development Code is hereby amended to add a new Section 42 to read as follows:

42. Outdoor Alcohol Sales and Consumption/Indoor Entertainment Activity for a Restaurant in the C-1 and CN Zoning Districts

Outdoor alcohol sales and consumption and/or indoor live entertainment for a restaurant may be permitted in the C-N and C-1 zoning districts with prior approval of a development plan by the City of St. Matthews City

Council, 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 *which must be shown on the site plan and on the property itself. Dining and consumption activities shall occur only within the designated boundaries.*

B. Outdoor dining areas adjacent to 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.

C. 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 Article 12 . (Implementation Standards). Any lighting associated with the outdoor dining area shall be directed down and away from adjacent properties.

D. This conditional use permit shall be limited to restaurant uses in the C-N and C-1 that hold the following types of ABC licenses:

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

E. The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 12:00 A.M. *There shall be no outdoor electronic or other sound provided in outdoor areas, including but not limited to public address, radio, television, or other media.*

F. The indoor entertainment activity shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99) *and shall be in compliance with all applicable St. Matthews Noise Ordinances.*

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.

H. *The Plan for any outdoor dining area not subject to*

detailed district development plan approval shall receive the approval of the City of St. Matthews City Council prior to approval of a conditional use permit by the Board of Zoning Adjustment.

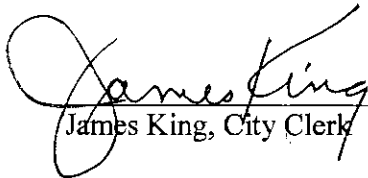
Section 4. If any Paragraph or Section of this ordinance is declared unenforceable by a court of competent jurisdiction, such finding shall not invalidate any other provisions hereof.

Section 5. This ordinance shall become effective and be in full force and effect upon its adoption by the City Council and publication as required by law, which publication may be by summary.

First reading held on March 22, 2011; Second reading, passage and adoption this 12th day of April, 2011.


Bernard F. Bowling, Mayor

Attest:


James King, City Clerk

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