

SECOND SUBSTITUTE ORDINANCE NO. BL2020-403

An ordinance amending Chapter 13.32 of the Metropolitan Code of Laws relative to sidewalk cafes and ~~Chapter 7.08 of the Metropolitan Code relative to retail sales and storage of beer~~ and providing that businesses may utilize parking outdoor areas for additional customer seating under certain conditions.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 13.32.165 of the Metropolitan Code is hereby amended by adding the following new Subsection E as follows:

E. Notwithstanding the provisions of this section to the contrary, a sidewalk café dining facility may be authorized within the public right-of-way throughout the jurisdiction of the Metropolitan Government. Such sidewalk café dining facilities must comply with all other provisions of this section, except that a sidewalk café facility may sell beer and other alcoholic beverages if the requirements of all applicable laws, rules and regulations for the sale of beer and/or alcoholic beverages have been satisfied. This subsection E shall be in effect until ~~January 31~~ February 15, 2021, unless extended by a resolution adopted by the metropolitan council. Any fees associated with a permit issued pursuant to this section shall be waived ~~while this subsection E is in effect.~~ until February 15, 2021.

~~Section 2. That Section 7.08.190 of the Metropolitan Code is hereby amended by deleting the first sentence and substituting with the following:~~

~~Retailers holding permits to sell beer are authorized to sell and store beer at only the location authorized by the metropolitan beer permit board and specifically designated on their respective permits as the place for which the permit is issued, provided that those permit holders operating a sidewalk café dining facility permitted under Section 13.32.165.E of the Metropolitan Code may sell beer on the sidewalk, parking area, or other rights of way adjacent to the property, or as otherwise authorized by the metropolitan beer permit board.~~

~~Section 3. That any business operating at a reduced capacity due to a public health order related to COVID-19 may utilize parking areas owned or operated by the business to seat additional customers to promote safe social distancing. However, all such businesses utilizing their parking areas shall maintain accessible parking spaces for persons with disabilities and shall not use these parking spaces for customer seating. This provision shall be in effect until January 1, 2021, unless extended by a resolution adopted by the metropolitan council. Any Restaurant or Bar seeking to utilize outdoor areas, including but not limited to parking areas owned or operated by the business on a temporary basis to seat or serve customers may apply for a temporary use permit for outdoor seating to be issued by the Metro Codes Department. Temporary outdoor seating shall be deemed an allowed use in any Specific Plan (SP), Planned Unit Development (PUD), or other overlay district establishing permitted uses, in which Restaurant or Bar is a permitted use. A temporary use permit for outdoor seating may be issued by the Codes Department in any such SP, PUD or other overlay establishing permitted uses without amendment or revision of the district and without separate final site plan review. A temporary use permit for outdoor seating shall be initially issued for a maximum of 150 days, subject to renewal upon application by the property or business owner.~~

Section 4. This Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Sean Parker
Member of Council