

# Ordinance No. 839-2020

**By Council Members Brancatelli, Kelley, McCormack, B. Jones, Griffin, and Zone**

## AN EMERGENCY ORDINANCE

To amend Section 1 of Ordinance No. 832-2020, passed October 21, 2020, in order to extend the expiration date of the Temporary Expansion Area Program from June 1, 2021 until November 1, 2021, for the continued use of private parking lots, streets and other public rights-of-way, including on-street parking areas and parklets as outdoor restaurants.

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WHEREAS, Ordinance No. 461-2020, passed June 3, 2020, authorized the Director of Capital Projects and the Director of City Planning to establish a temporary program, until no later than November 1, 2020, for the use of private parking lots, streets and other public rights-of-way, including on-street parking areas and parklets as outdoor restaurants, in order to support local restaurants with needed additional dining space to maintain social distancing for public health during the COVID-19 pandemic; and

WHEREAS, Council passed Ordinance No. 832-2020 on October 21, 2020, extending the expiration date of the Temporary Expansion Area Program until June 1, 2021, to continue the program and allow more time and flexibility to develop a plan to support local restaurants through the winter and spring months; and

WHEREAS, as agreed upon during Council's last Committee of the Whole, by amending Section 1 of Ordinance No. 832-2020, this Council further extends the expiration date of the Temporary Expansion Area Program until November 1, 2021, to ensure that this necessary program to support local restaurants continues through next summer and fall and does not expire prematurely; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that the expansion of outdoor dining space is necessary to maintain social distancing, to protect the public health and safety, and to mitigate the impacts of the COVID-19 pandemic on local restaurants; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 1 of Ordinance No. 832-2020, passed October 21, 2020, is amended to read as follows:

# Ordinance No. 839-2020

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Section 1. That, notwithstanding any codified ordinance to the contrary, the Director of Capital Projects and the Director of City Planning may establish a temporary program for the use of private parking lots, streets and other public rights-of-way, including on-street parking areas and parklets (Temporary Expansion Areas), as outdoor restaurants. The duration of the Temporary Expansion Area program shall be from the effective date of this ordinance until no later than ~~June 1, 2021~~ November 1, 2021.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

/jho  
FOR: Councilmembers Brancatelli, Kelley, McCormack, B. Jones, Griffin, Zone  
November 4, 2020

