

**CITY OF MOAB, UTAH
ORDINANCE NO. 2021-13**

An Ordinance Amending the Text of the Moab Municipal Code (MMC) to Add Regulation for Outdoor Dining by Amending Sections 17.21 C-2 Commercial Residential Zone, 17.24 C-3 Central Commercial Zone, 17.27 C-4 General Commercial Zone, 17.30 Neighborhood Commercial Zone, 17.31 RC Resort Commercial Zone and 17.36 Industrial Zone to allow consideration of parklets in the City Right-of-Way (ROW) by amending Section 17.24 C-3 Central Commercial Zone. Associated definitions will be added to MMC Section 17.06 Definitions.

WHEREAS, the City has enacted Title 17 Zoning, of the Moab Municipal Code (“MMC”) that governs land use and development within the City Limits.

WHEREAS, from time to time the City undertakes revisions of Title 17.00 to improve the quality of land development and align the Code with state law and contemporary planning concepts.

WHEREAS, the City finds that this Ordinance will serve the public health, safety, and welfare, and that adoption is in the best interests of the Moab community.

WHEREAS, Title 17.00 of the MMC does not address outdoor dining.

WHEREAS, outdoor dining adds activity and pedestrian scale to the City’s commercial areas.

WHEREAS, the City permitted “parklets” to be constructed in City Right of Way (ROW) to allow restaurants to be able to operate on-site during COVID-19 restrictions and the City would like to allow parklets, under specific conditions, as part of Title 17 Zoning.

WHEREAS, the Planning Commission has discussed and reviewed the proposed ordinance revisions on numerous occasions and has provided valuable input.

WHEREAS, the Planning Commission held a public hearing on May 27, 2021 after meeting the public hearing notice requirement of the MMC.

WHEREAS, after the public hearing, the Planning Commission considered the ordinance and public input and forwarded a positive recommendation to the City Council on May 27, 2021.

NOW, THEREFORE BE IT ORDAINED that the Moab City Council hereby approves Text Amendments to the MMC as follows:

Section 1: Add definitions to 17.06 to include:

Parklets - Parklets are on-street parking spaces that are temporarily converted to outdoor seating to allow temporary, seasonal outdoor dining.

Restaurant with Outdoor Dining, Permanent - Outdoor dining, permanent - Any restaurant with an outdoor eating and drinking area that is associated with and incidental and subordinate to a

primary use of that parcel or lot. The outdoor dining is constructed as a part of the primary building, as an addition to the building or a separate structure that is a permanent structure. The outdoor dining areas may include design features to allow year-round use

Restaurant, with Outdoor Dining, Seasonal - Any restaurant with an outdoor eating and drinking area that is associated with and incidental and subordinate to a primary use of that parcel or lot. This use may include removable tables, chairs, planters, or similar features and equipment.

Section 2: Modify the C-2 Commercial – Residential Zone to allow Outdoor Dining by adding Outdoor Dining and associated development standards to 17.21.020 Permitted Uses and Regulations and renumbering the balance of the section as necessary, as follows:

Restaurant with Outdoor Dining, Permanent

- a. All Outdoor Dining must comply with the applicable Building, Health and Fire Codes
- b. Outdoor Dining must not encroach into the zone required setbacks.
- c. Additional parking will be required to include the additional floor area
- d. All additional lighting will have to comply with the Outdoor lighting (Dark Sky) provisions of the code.
- e. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses.
- f. Outdoor dining shall not interfere with required Vehicular circulation and parking.
- g. Temporary structures such as umbrellas, planters, tents, or temporary barriers are allowed. Such items as space heaters are permitted as long as they are at least 2 feet away from any flammable materials. Tents may be allowed if approved by the Moab Building Official and by Fire Officials. Outdoor cooking is not permitted. Coolers or other displays may be allowed but have to be easily moved and follow health guidelines for distribution.
- h. No amplified music will be allowed All operations shall comply with the Noise Provisions of the MMC.
- i. Hours of operation will not exceed seven a.m. to ten p.m.
- j. All restaurants shall be responsible for following DABC rules and regulations.

Restaurants with Outdoor Dining, Seasonal

- a. All Outdoor Dining must comply with the applicable Building, Health and Fire Codes
- b. Outdoor Dining must not encroach into the zone required setbacks.
- c. All additional lighting will have to comply with the Moab City outdoor lighting (Dark Sky) provisions of the code.
- d. Landscaping, screening, and fencing shall be installed and maintained to mitigate impacts on surrounding residential uses.
- e. Outdoor dining shall not interfere with required Vehicular circulation and parking
- f. No amplified music will be allowed. All operations shall comply with the Noise Provisions of the MMC.

- g. Hours of operation will not exceed seven a.m. to 10 p.m.
- h. Temporary structures such as umbrellas, planters, tents, or temporary barriers are allowed. Such items as space heaters are permitted as long as they are at least 2 feet away from any flammable materials. Tents may be allowed if approved by the Moab Building Official and by Fire Officials. Outdoor cooking is not permitted. Coolers or other displays may be allowed but have to be easily moved and follow health guidelines for distribution.
- i. All restaurants shall be responsible for following DABC rules and regulations.

Section 3: Modify the C-3 Central Commercial Zone to allow Outdoor Dining:

Add Outdoor Dining and associated development standards to 17.24.020 Permitted Uses and Regulations with associated standards as shown for Section 2 above.

Section 4: Modify the C-4 General Commercial Zone to allow Outdoor Dining:

Add Outdoor Dining and associated development standards to 17.27.020 Permitted Uses and Regulations with associated standards as shown for Section 2 above.

Section 5: Modify the C-5 Neighborhood Commercial Zone to allow Outdoor Dining:

Add Outdoor Dining and associated development standards to 17.30.020 Permitted Uses and Regulations with associated standards as shown for Section 2 above.

Section 6: Modify the I Industrial Zone to Outdoor Dining:

Add Outdoor Dining and associated development standards to 17.36.020 Permitted Uses and Regulations with associated standards as shown for Section 2 above.

Section 5: Modify the RC Resort Commercial Zone to allow Outdoor Dining:

Add Outdoor Dining and associated development standards to 17.31.020 Permitted Uses and Regulations as shown for Section 2 above.

Section 6: Modify the C-3 Central Commercial Zone to allow consideration of Parklets: Add Parklets and associated standards to 17.24.020 as follows:

Parklets

- a. Parklets on City Property will only be considered if there is not adequate area on the property to accommodate outdoor dining. If outdoor dining already exists, the property is not eligible for a Parklet.
- b. Sidewalks and Public Rights of Way must maintain an adequate pedestrian flow. The recommended width of the sidewalk is 72 inches. The placement of the outdoor dining shall maintain access to fire hydrants, crosswalks, public utility access and building entrances. A 15' Fire lane must be maintained at all times.
- c. Maximum encroachment into street: 12 feet from edge of gutter
- d. Entrance to the Parklet must be from the sidewalk and not from the street.
- e. Width shall not exceed the frontage of the business property without written permission from the adjacent property owner. Adjacent properties are strongly encouraged to coordinate.. Each business is responsible for ensuring compliance with fire/emergency access and ADA requirements.

- f. Temporary structure such as umbrellas, planters or temporary barriers are allowed, but shall not be permanently affixed to public property. Such items shall be properly weighted and cannot be more than 80 inches above the sidewalk. Space heaters are permitted if they are at least 2 feet away from any flammable materials. Tents may be allowed if approved by the Moab Building Official and by Fire Officials. Outdoor cooking is not permitted. Coolers or other displays may be allowed but must be easily moved and follow health guidelines for distribution.
- g. The City has the right to ask that the parklet be removed if necessary, for public health, safety, or welfare purposes.
- h. The applicant will work with the City Engineer, the Public Works Director and Building Official if they desire to build a more substantial parklet. Any parklet improvements will be allowed seasonally, requiring removal during the off season.
- i. All street furniture shall be secured to withstand high winds, during and after business hours.
- j. All businesses are responsible for their own trash, waste, and recycling. The site must be kept clean. In the event of a strong storm causing minor flooding, the business owner is responsible for cleaning up any debris, as necessary.
- k. Individual businesses are responsible for following DABC rules and regulations.
- l. Main Street (Hwy 191) is a state highway, and the City does not have the authority to allow parklets in the State Right of Way.
- m. All business activities shall be governed by the City's noise and nuisance provisions. No amplified music will be allowed.
- n. Parklets may be used during normal dining hours. Use of the outdoor dining area must end at 10:00pm.
- o. Parklets are allowed seasonally, from March 1st through November 30th
- p. If a property is located on a corner, only one parklet is allowed per restaurant. The parklet will be located on the street with lower volumes of traffic and where the parklet will least disrupt the entrances to other businesses.
- q. Parklets must follow Southeast Utah Health Department (SEUHD) requirements
- r. Safety lighting is required, signage and reflective materials are allowed and encouraged. All lighting shall meet the City of Moab outdoor lighting standards.
- s. A License Agreement shall be required as specified in Parklet information application and packet
- t. Submittal requirements are stated in the Parklet Information and packet and shall include:
 - 1. Completed Application Form
 - 2. Notification of adjacent property owners: This process requires that the applicant communicate with all adjoining property owners. The application shall include evidence of how this outreach was done and resulting concerns raised by the neighbors
 - 3. Site Plan (8.5" by 11" minimum size) showing
 - i. Parcel boundary lines
 - ii. Drives, Streets, Rights-of-Way, Existing Buildings, Parking including widths of pavement, curb and gutter and dimension of the Right of Way.
 - iii. Location of proposed outdoor dining area (with dimensions)
 - 4. Plans that indicate the following:

- i. Location of tables, general table dimensions, spacing between tables (feet), spacing between tables and public walkways (feet), and number of seats per table.
- ii. ADA accessible routes between the outdoor dining space and indoor space, noting location of restrooms.
- iii. Occupancy of outdoor dining space meeting applicable public health guidelines.
- iv. Location of any additional outdoor structures such, kiosks, tents or shade structures.
- v. All parklets are required to install barriers on all sides. The only access to the parklet will be from the sidewalk.
Description of what type of barriers you will use to define the parklet space. Materials can include Jersey Barriers or similar barriers, planters, and fences (that can be removed withing 24 hours, if necessary) Steel tubing or similar materials.
- vi. Signage and Lighting: Lighting Plan Consistent with Moab's Outdoor Lighting requirements and sign requirements. For safety purposes, it is important that the parklet be lighted and visible.
- vii. Notification of adjacent property owners: This process requires that the applicant communicate with all adjoining property owners. The application shall include evidence of how this outreach was done and resulting concerns raised by the neighbors.

PASSED by the City Council in a public meeting on June 30, 2021, by the following vote:

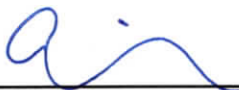
MOAB CITY COUNCIL:

Those voting aye: Councilmembers Derasary, Duncan, Guzman-Newton, Jones

Those voting nay: N/A

Those abstaining: Councilmember Knuteson-Boyd

Those absent: None



Emily Niehaus, Mayor

ATTEST:



Sommar Johnson, Clerk/Recorder

