

Motion Sheet for PLNPCM2020-00578

Motion to approve with conditions (Staff Recommendation)

Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve PLNPCM2020-00578 with the conditions listed in the staff report, with the following modifications:

1. Seating customers in the outdoor dining are must be managed in a manner that the patio can be closed and shut down at the designated closing time. The hours of operation for the patio shall be limited to 11 am to 9 pm.
2. No amplified music shall be permitted.
3. That a fence be located along the southern property line to shield the abutting property from the outdoor dining use.
4. Wood fence to be located along the southern property line to shield the abutting property from the outdoor dining use.
5. Wood fence to be located in front of the dumpster and trash location to the west.
6. Plantings or planters must be located along the southern property line to help buffer noise.
7. Obtain a Certificate of Appropriateness for fencing and other site improvements.

Motion to deny:

Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission deny PLNPCM2020-00578 because evidence has not been presented that demonstrates the proposal complies with the following standards:

1. (the commission should make findings related to which standards are not complied with)

21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS:

- A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 10-16, 2016)

SPECIFIC OUTDOOR DINING REGULATIONS SECTION 21A.40.065

Outdoor dining is allowed within the required landscaped yard or buffer area, in commercial and manufacturing zoning districts where such uses are allowed. Outdoor dining is allowed in the RB, CN, MU, R-MU, RMU-35 and the RMU-45 Zones and for nonconforming restaurants and similar uses that serve food or drinks through the provisions of the special exception process (see [chapter 21A.52](#) of this title). All outdoor dining shall be subject to the following conditions:

- A. All requirements of [chapter 21A.48](#) and section [21A.36.020](#) of this title are met.
- B. All required business, health and other regulatory licenses for the outdoor dining have been secured.
- C. A detailed site plan demonstrating the following:
 1. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned rights-of-way unless separate approval for the use of any such public rights-of-way has been obtained from the City;
 2. The location of any paving, landscaping, planters, fencing, canopies, umbrellas or other table covers or barriers surrounding the area;
 3. The proposed outdoor dining will not impede pedestrian or vehicular traffic; and
 4. The main entry has a control point as required by State liquor laws.
- D. The proposed outdoor dining complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for property.
- E. Live music will not be performed nor loudspeakers played in the outdoor dining area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, [chapter 9.28](#) of this Code.
- F. No additional parking is required unless the total outdoor dining area ever exceeds five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of two (2) spaces per one thousand (1,000) square feet of outdoor dining area. No additional parking is required in the D-1, D-2, D-3, D-4, TSA, or G-MU Zone.
- G. Smoking shall be prohibited within the outdoor dining area and within twenty five feet (25') of the outdoor dining area.
- H. The proposed outdoor dining complies with the environmental performance standards as stated in section [21A.36.180](#) of this title.
- I. Outdoor dining shall be located in areas where such use is likely to have the least adverse impacts on adjacent properties. (Ord. 58-41, 2014)