SALT LAKE COUNTY

GREATER SALT LAKE Municipal Services District
Planning & Development Services

File # OAM2021-000493

Ordinance Amendment

Related to a Definition for Restaurants with Liquor License

Public Body	Salt Lake County Council
Proposal	An Ordinance amending Section 19.04.462 of the Salt Lake County Code to Include Wedding and Reception Uses in the Definition of "Restaurant Liquor License;" and to Enact Related Regulations.
Date of Report	April 22, 2022
Planner	Melissa Anderson
Recommendation	Staff recommends approval of the ordinance

DESCRIPTION OF THE PROBLEM

There have recently been restaurants in the unincorporated county that also hold weddings, receptions, and other events at the restaurants. Weddings and receptions are allowed uses in some zones but not in other zones, including the FR zone. Under the reasoning in *Carrier v. Salt Lake County*, 513 Utah Adv. Rep. 23, 2004 UT 98, 35, weddings and receptions are not allowed uses in the FR zone because such uses are allowed in other zones but not provided for in the FR zone. To address this issue, On December 7, 2021, the Salt Lake County Council voted to initiate proceedings to clarify that restaurants with a liquor license can also hold weddings, receptions, and events.

DESCRIPTION OF THE PROPOSED ORDINANCE

Amendment to Section 19.04.462 "Restaurant Liquor License" Definition: As presented in Attachment #A, Salt Lake County Code Section 19.04.462 is proposed to be amended by adding "weddings, receptions, and similar events" to the definition of restaurants that are authorized by the state with a liquor license.

The proposed ordinance originally added "outdoor weddings" as a conditional use in the Forestry and Recreation (FR) zone. However, due to potential negative impacts and unintended consequences (intensive commercial uses that are out of character with this zone, health risks to the watershed and other environmentally sensitive areas, etc.), this provision of the original proposed ordinance was removed. It is staff's understanding that the sponsor of the proposed ordinance supports this change and staff agrees with the change.

ANALYSIS OF THE PROPOSED ORDINANCE

Restaurants are developed to accommodate groups of people in facilities that provide for food preparation, service and seating areas, restrooms, and parking areas. Because restaurants are already developed to accommodate weddings, receptions and other similar events in their facilities, the proposed ordinance amendment is not anticipated to have negative impacts. The proposal is primarily a clarification rather than a fundamental change to allowed uses.

PUBLIC NOTICE AND COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities. Notice was also posted in three public locations and on the Utah Public Notice Website at least 10 days prior to the first public hearing. In addition, Salt Lake County Community Councils were notified of the proposed ordinance on December 17, 2021. The notice explained how the Community Councils may submit comments on the matter and how they can provide comments at the Planning Commission meeting. No public comments have been received as of writing this report.

PLANNING COMMISSION RECOMMENDATIONS

The Salt Lake County Planning Commission held a public hearing on April 13, 2022, and the Mountainous Planning District Planning Commission held a public hearing on April 21, 2022, regarding the proposed ordinance. Both Planning Commissions recommended the Salt Lake County Council adopt the ordinance as proposed.

OPTION FOR THE COUNTY COUNCIL

The Council has three options with respect to the proposed ordinance amendment:

Option 1: Approve the ordinance as proposed; or

Option 2: Approve the ordinance with an amendment; or

Option 3: Deny the ordinance.

STAFF RECOMMENDATION

Staff recommends the Salt Lake County Council approve the ordinance as proposed.

ATTACHMENT

A. Proposed Ordinance

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____ _____, 2022

AN ORDINANCE OF THE SALT LAKE COUNTY COUNCIL AMENDING SECTION 19.04.462 OF THE SALT LAKE COUNTY CODE TO INCLUDE WEDDING AND RECEPTION USES IN THE DEFINITION OF RESTAURANT, LIQUOR LICENSE; AND TO ENACT RELATED REGULATIONS

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.04.462 of the Salt Lake County Code of Ordinances is amended as follows in order to include wedding and reception uses in the definition of Restaurant, Liquor License; and to enact related regulations.

19.04.462 Restaurant liquor license.

"Restaurant liquor license" means a public restaurant authorized by the state alcoholic beverage control commission as a liquor outlet allowing the storage, sale and consumption of liquor and alcohol on the premises. <u>Weddings, receptions, and similar events are included in such use.</u>

SECTION III. This ordinance shall become effective fifteen days after its passage and upon publication of the ordinance, or a summary thereof on the Utah state noticing website.

APPROVED AND ADOPTED this _____ day of _____, 2022.

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

_____
Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

_____

ORDINANCE HISTORY

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	_____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

Vetoed and dated this _____ day of _____, 2022.

By: _____
MAYOR JENNIFER WILSON
OR DESIGNEE

(Complete as Applicable)
Veto override: Yes____ No_____ Date_____
Ordinance Published in Newspaper: Date_____
Effective Date of Ordinance:_____

Attachment A

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2022, the County Council of Salt Lake County adopted Ordinance No. _____, an ordinance of general revision, amending section 19.04.462 of the Salt Lake County code to include wedding and reception uses in the definition of Restaurant, liquor license; and to enact related regulations

SALT LAKE COUNTY COUNCIL

By: _____
Chair

ATTEST:

_____
Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

_____

Councilmember Bradley voting	_____
Councilmember Bradshaw voting	_____
Councilmember Theodore voting	_____
Councilmember DeBry voting	_____
Councilmember Granato voting	_____
Councilmember Winder Newton voting	____ _____
Councilmember Alvord voting	_____
Councilmember Snelgrove voting	_____
Councilmember Stringham voting	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.

DRAFT