



City of Muscatine



AGENDA ITEM SUMMARY

DATE April 8, 2021

STAFF

Jodi Royal-Goodwin, Community Development Director

SUBJECT

Resolution Reinstating a Moratorium on Portions of Title 3, Chapter 1, Section 6 of the Code of the City of Muscatine related to Outdoor Restaurant Seating Licensing.

EXECUTIVE SUMMARY

The purpose of this resolution is to reinstate a moratorium on portions of Muscatine City Code Title 3, Chapter 1, Section 6 related to Outdoor Restaurant Seating Licensing. The moratorium is intended to streamline the process of allowing outdoor dining in the City of Muscatine in response to the COVID-19 pandemic.

STAFF RECOMMENDATION

Staff recommends Council adopt the attached resolution.

BACKGROUND/DISCUSSION

Last year, in an attempt to support local restaurants managing the impacts of the COVID-19 under Governor Reynolds' Proclamation of Disaster Emergency, the City implemented a moratorium on certain regulations related to outdoor seating. That moratorium expired on October 15, 2020. As we enter the second year of the pandemic, City staff recommends that the City continue to be flexible and give businesses every opportunity to succeed.

Staff proposes to reinstate the moratorium to facilitate the use of outdoor seating by temporarily removing regulatory barriers currently embedded within City Code at Title 3, Chapter 1, Section 6: *Outdoor Restaurant Seating License*.

Three sections are being recommended to be waived at this time:

- a. 3-1-6(B)(1): *Easement Agreements shall be approved by a resolution of Council;*
- b. 3-1-6(B)(6): *Prior to City Council rendering a decision on an easement agreement, the City of Muscatine shall mail all property owners and first floor occupants*

located on the same block notice that an application for an easement agreement has been filed; and

- c. 3-1-6(C)(1): *Sidewalk or street cafes are only allowed in the area bounded by Pine Street, 6th Street, Mulberry Avenue, and Mississippi Drive.*

This also provides the opportunity for outdoor seating on public right-of-way to restaurants outside of the downtown. This is again a temporary waiver of these Codes to expedite the approval process by eliminating mailing, public notice, and limited approval dates by having requests approved by the City Administrator. This moratorium would expire no later than December 31, 2021. However, with Council concurrence staff would also recommend revising Code to make similar changes permanent to enable an activity common in vibrant communities.

CITY FINANCIAL IMPACT

None

ATTACHMENTS

- Council Memo establishing first moratorium on Outdoor Restaurant Seating Licensing (May 21, 2020)
- Proposed Resolution

RESOLUTION NO. _____

**ESTABLISHING A MORATORIUM ON PORTIONS OF TITLE 3, CHAPTER 1,
SECTION 6 OF THE CODE OF THE CITY OF MUSCATINE**

WHEREAS, the City Council of the City of Muscatine, Iowa, recognizes the significant impact the Covid-19 public health crisis has had on small businesses in the community; and

WHEREAS, it is recognized small businesses are vital to Muscatine's economy and may require regulatory relief to recover from the ongoing impact of the Covid-19 public health crisis; and

WHEREAS, outdoor restaurant seating provides restaurateurs an opportunity to increase seating maximize operations while maintaining recommended public health policies; and

WHEREAS, the Council has the authority and desire to suspend certain regulatory requirements without threat to the health and safety of the community and its residents; and

WHEREAS, on May 21, 2020 Council approved a moratorium on portions of Title 2, Chapter 1, Section 6 of the Code of Muscatine that expired on October 15, 2020;

NOW, THEREFORE, be it resolved by the Council that:

1. The following portions of Title 3, Chapter 1, Section 6 of the Code of the City of Muscatine are hereby waived:
 - a. 3-1-6(B)(1): *Easement Agreements shall be approved by a resolution of Council;*
 - b. 3-1-6(B)(6): *Prior to City Council rendering a decision on an easement agreement, the City of Muscatine shall mail all property owners and first floor occupants located on the same block notice that an application for an easement agreement has been filed.*
 - c. 3-1-6(C)(1): *Sidewalk or street cafes are only allowed in the area bounded by Pine Street, 6th Street, Mulberry Avenue, and Mississippi Drive.*
2. During this moratorium easement agreements shall be approved by the current City Administrator or his/her designee in accordance with 3-1-6 and applicable social distancing and disease prevention standards of the Iowa Department of Public Health and Centers for Disease Control.
3. This Resolution shall remain in effect until December 31, 2021 or revoked by City Council, whichever occurs first.

PASSED, APPROVED, AND ADOPTED THIS 8st DAY OF April, 2021

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

ATTEST

Diana Broderon, Mayor

Carol Webb, City Administrator



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COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Mayor and City Council Members
From: Jodi Royal-Goodwin, Community Development Director
Through: Greg Jenkins, Interim City Administrator
Date: May 21, 2020
Re: Resolution Establishing a Moratorium on Portions of Title 3, Chapter 1, Section 6 of the Code of the City of Muscatine

INTRODUCTION: At City Council's request staff has reviewed the Muscatine City Code for options to assist local restaurants maximize operations under the current Proclamation of Disaster Emergency by Governor Reynolds and maintain social distancing practices going forward. The proposed resolution provides a quicker process of receiving City approval to obtain an outdoor restaurant seating license and guidance for meeting social distancing.

BACKGROUND: At the May 14 in-depth meeting, a brief discussion regarding ways to facilitate outdoor seating for area restaurants was conducted, and it was requested that staff bring back a recommendation. Following a review of City Code, staff is recommending a moratorium of some provisions within Title 3, Chapter 1, Section 6: *Outdoor Restaurant Seating License*. As discussed at the Council meeting, these regulations apply to restaurants seeking to use the public right-of-way for outdoor seating.

Three sections are being recommended to be waived at this time:

- a. 3-1-6(B)(1): *Easement Agreements shall be approved by a resolution of Council;*
- b. 3-1-6(B)(6): *Prior to City Council rendering a decision on an easement agreement, the City of Muscatine shall mail all property owners and first floor occupants located on the same block notice that an application for an easement agreement has been filed; and*
- c. 3-1-6(C)(1): *Sidewalk or street cafes are only allowed in the area bounded by Pine Street, 6th Street, Mulberry Avenue, and Mississippi Drive.*

A temporary waiver of these issues should speed up the approval process by eliminating mailing, public notice, and limited approval dates. This would also open up the opportunity for outdoor seating on public right-of-way to restaurants outside of the downtown. During this moratorium applications for an easement agreement would be reviewed and approved by the City Administrator.

During the previous Council meeting there was direction to insure public safety and the ability to comply with applicable social distancing and prevention requirements of the Iowa Department of

Public Health and Centers for Disease Control. After reviewing state and federal guidelines and speaking with Christy Roby-Williams with Muscatine Public Health, the following modifications would also be implemented in the process of approving outdoor seating easement agreement applications this year.

1. The site plan must show placement of tables that complies with public health requirements for maintaining social distancing through placement of no less than six foot (6') between dining areas, areas of ingress/egress to the business, and allowing for passing of the general public. If the 6' requirement is unable to be met the applicant must provide a solid, transparent separation of diners from such areas.
2. A sidewalk or street café must be arranged in a manner that places the tables adjacent to the building, with a minimum 6' distance between the entrance of the building and other outdoor seating. If it is not possible to provide a minimum 6' distance between dining groups and/or the passing public a solid, transparent barrier must be installed.
3. If the outdoor café is located on the public street a minimum six foot (6') walkway shall be provided between the building and tables, if the first section of tables is not adjacent to the building to allow for a compliant walkway, and each outdoor seating table.

Staff will provide additional guidance to applicants in implementing state and federal guidance when appropriate or requested. This resolution will expire October 15, 2020, unless extended by Council.

RECOMMENDATION/PROPOSED MOTION: I move to adopt the resolution as submitted.

RESOLUTION NO. 2020-0174

**ESTABLISHING A MORATORIUM ON PORTIONS OF TITLE 3, CHAPTER 1,
SECTION 6 OF THE CODE OF THE CITY OF MUSCATINE**

WHEREAS, the City Council of the City of Muscatine, Iowa recognizes the significant impact the Covid-19 public health crisis has had on small businesses in the community; and

WHEREAS, it is recognized small businesses are vital to Muscatine's economy and may require regulatory relief to recover and operate due to complete or partial closures under the Governor's Proclamation of Disaster Emergency in response to Covid-19; and

WHEREAS, outdoor restaurant seating provides restaurateurs an opportunity to increase seating maximize operations while maintaining recommended public health policies; and

WHEREAS, the Council has the authority and desire to suspend certain regulatory requirements without threat to the health and safety of the community and its residents;

NOW, THEREFORE, be it resolved by the Council that:

1. The following portions of Title 3, Chapter 1, Section 6 of the Code of the City of Muscatine are hereby waived:
 - a. 3-1-6(B)(1): *Easement Agreements shall be approved by a resolution of Council;*
 - b. 3-1-6(B)(6): *Prior to City Council rendering a decision on an easement agreement, the City of Muscatine shall mail all property owners and first floor occupants located on the same block notice that an application for an easement agreement has been filed.*
 - c. 3-1-6(C)(1): *Sidewalk or street cafes are only allowed in the area bounded by Pine Street, 6th Street, Mulberry Avenue, and Mississippi Drive.*
2. During this moratorium easement agreements shall be approved by the current City Administrator or his/her designee in accordance with 3-1-6 and applicable social distancing and disease prevention standards of the Iowa Department of Public Health and Centers for Disease Control.
3. This Resolution shall expire October 15, 2020, unless otherwise extended by Council.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF May, 2020

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

ATTEST

Diana Broderson, Mayor

Greg Jenkins, Interim City Administrator