
M E M O R A N D U M

DATE: August 4, 2003
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinance Amending *City Code* Section 5.50.170 Regarding Outdoor Barrier Requirements for Private Clubs
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Alison Weyher, David Dobbins, Gary Mumford

This memorandum addresses a proposed ordinance to amend *City Code* Section 5.50.170 regarding outdoor barrier requirements for private clubs. The proposed ordinance is a revision of an earlier proposed ordinance that the City Council first discussed in September 2002. The proposed ordinance would lower outdoor barriers on sidewalks around private clubs in an expanded Central Business District from five feet high to a minimum of three feet high or a maximum of four feet high.

POTENTIAL OPTIONS

- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance.

POTENTIAL MOTIONS

- I move that the City Council adopt the ordinance to amend City Code Section 5.50.170 regarding outdoor barrier requirement for private clubs.
- I move that the City Council not adopt the ordinance to amend City Code Section 5.50.170 regarding outdoor barrier requirement for private clubs.

DISCUSSION/BACKGROUND

The proposed ordinance would modify City Code Section 5.50.170 titled *Private Club – Membership Restrictions*. Paragraph B of the section reads: **Barriers Outdoors**: “In outdoor areas, ingress and egress into any private club shall be controlled by barriers which are a minimum of five feet (5') high and which are capable of preventing contact between persons inside the licensed premises and persons who are outside the licensed premises. The barriers shall be in conformity with the City's planning and zoning ordinances, the building code, and all other applicable City ordinances.”

The Administration first proposed amending the ordinance a year ago to address the potential for private clubs to have outside seating on sidewalks as part of an effort to enliven

sidewalk life, particularly in the downtown. The proposal stemmed in part from an apparent oversight in which barriers in the public way at two private clubs downtown were approved even though the barriers did not meet the requirement of building barriers five-feet-high.

The Administration briefed the City Council on July 8. After the briefing the City Council indicated that it would move the proposed ordinance forward for formal action with the addition of two amendments:

The first would modify the term “Central Business District” in an earlier version of the proposed ordinance to “Expanded Central Business District.” The expanded district would be bordered by North Temple, 200 East, 600 South and 600 West streets.

The second would add a requirement that the City’s Planning Director or Building Services Director review the design of any proposed barrier for aesthetics and compliance with City ordinances with the City’s Property Management Director before a barrier can be approved.

The final version of the proposed ordinance contains both amendments.