

AN ORDINANCE

AMENDING, the Municipal Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Chapter 8-39, Outdoor Cafes, is hereby amended to add paragraph 8-39-065 **Temporary usage permit for outdoor restaurants within the entire jurisdictional limits of the City of Marietta – Covid-19**

8-39-065 *Temporary usage permit for outdoor restaurants within the entire jurisdictional limits of the City of Marietta – Covid-19.*

In an effort to ensure that social distancing requirements are met while encouraging restaurant establishments throughout the entire jurisdictional limits of the City of Marietta to resume operations, the City will hereby allow the temporary usage of tents with tables for outdoor dining, provided that a Temporary Usage Permit is obtained. Under the following conditions, the City is attempting to allow flexible outdoor operations where they may not be otherwise permitted by code:

- 1. Permit. Businesses with a current license for a restaurant may submit a Temporary Usage Permit application for review and approval by the Department of Public Works, Fire Department and Department of Development Services. All applicable codes must be met, including Building Codes, Life Safety Codes, and Health Department regulations regarding sanitation and social distancing.*
- 2. Permission. A site plan identifying the location of the tent(s) on the site must be submitted along with written permission of the property owner. The permit shall be specifically limited to the area shown on the site plan attached to and made part of the permit.*
- 3. Occupancy. New outdoor occupancy may not result in a total occupancy greater than the originally approved occupancy limit for the restaurant.*
- 4. Traffic & Parking. Adequate parking, ingress and egress must be provided and maintained on site. New outdoor operations cannot interfere with normal vehicle traffic movement to include fire department access to the building and access to fire hydrants and other firefighting equipment.*
- 5. Shopping centers. Shopping centers and/or multi-tenant centers with two or more restaurants may, with the property owner's permission, designate a single central location on the property for outdoor restaurant tent area. Multiple locations may be allowed by the Director of Development Services in situations where one central location is not easily accessible to multiple restaurants.*
- 6. Glover Park: A permit may be granted to the Downtown Marietta Development Authority (DMDA) or a contractor of their choice to utilize the hardscape area in front of the stage not to exceed 40 ft x 45 ft. for the purpose of providing additional dining areas serving customers of restaurants in the Central Business District (CDB). The DMDA or chosen contractor shall comply with all other regulations of this section related to the Temporary Usage Permit for Outdoor Restaurants because of COVID-19.*

- a. Beer and wine shall be permitted within the confines of Glover Park if purchased from a restaurant within the CBD as part of a to-go meal package in accordance with current Department of Revenue regulations.
 - b. Glass containers are permitted in accordance with and subject to regulations in Section 8-39-060(10).
7. Property maintenance. The area covered by the permit shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris on a periodic basis during the day and again at the close of each business day.
 8. ADA requirements. Any person or entity receiving a permit hereunder agrees to fully comply with all requirements of the Americans With Disabilities Act as currently existing or as may be hereafter amended. No temporary outdoor operations shall be placed within areas for required ADA accessible parking spaces or on any sidewalk unless an accessible path is available.
 9. Licensing requirements. All business licenses shall be current prior to approval of the temporary usage permit.
 10. Effective date. The permit(s) will be effective upon passage through September 30, 2020.

Section 2: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.


Section 3: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

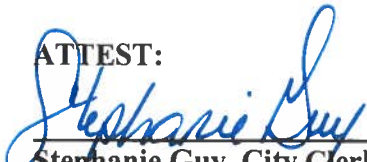
Final Ordinance submitted by: 
 Rusty Roth, Director
 Department of Development Services

Approved as to form: 
 Douglas R. Haynie, City Attorney

Approved by City Council:

APPROVED:

 Steve R. Tumlin, Mayor

DATE: June 10, 2020

ATTEST:

 Stephanie Guy, City Clerk