



Dear Applicant,

The purpose of this application, pursuant to Draper City Ordinance #1466 enacting a Temporary Land Use Regulation, is to review and permit, where appropriate, temporary tents or canopies as additional dining space for restaurants to alleviate detrimental health and economic effects created by the global Covid-19 pandemic. The Ordinance is effective starting November 18, 2020 and will terminate May 18, 2021 or earlier if rescinded by the City Council.

This application packet has been developed as a means to assist you, the applicant, in understanding the application procedure and requirements when applying for a permit under this temporary regulation. This packet includes the minimum information that you will need to prepare to file a complete submittal so that your application can be processed in a timely manner. **Please note there is NO FEE for this application.**

The following materials have been included in this application packet:

- Combined Land Use Permit and Fire Marshal Permit Application Form
- Fire Marshal Permit Requirements
- Combined Land Use Permit and Fire Marshal Permit Application Checklist
- Property Owner Affidavit Form (if you do not own the property)
- Copy of the adopted Ordinance #1466

Incomplete applications will NOT be accepted nor processed. In order to adequately process your permit request, all of the items listed on the Combined Application Checklist will be required at the time of submission of your application. Please note that additional information may be requested at the City's discretion.

**All application materials are to be submitted in electronic PDF format. Please email application and application materials (or a link to where the application materials can be downloaded from) to [planning@draper.ut.us](mailto:planning@draper.ut.us).**

Please note that pursuant to Utah Code § 10-9a-509 (1)(c) land use applications are not deemed complete until the application is submitted in a form that complies with the requirements of applicable ordinances.

Should you have any further questions regarding the application materials, process, or laws and ordinances governing temporary regulations, please feel free to contact the Planning Division at (801) 576-6399 or [planning@draper.ut.us](mailto:planning@draper.ut.us). The Draper City Municipal Code can be accessed at <http://www.draper.ut.us>. Thank you for your interest in Draper City, and we look forward to working with you.

Sincerely,

Draper City

**TEMPORARY RESTAURANT DINING SPACE - TENT OR CANOPY  
COMBINED LAND USE AND FIRE MARSHAL PERMIT  
APPLICATION FORM**



**Project Information**

Business License Number:

Parcel Number(s):

Name of Restaurant:

Restaurant Address:

Suite #:

Address of property where the tent or canopy will be located (if different from the Restaurant address):

Restaurant Phone Number:

**Tent or Canopy Information**

Date of Tent Installation:

Date of Planned Tent Removal:

(Must be removed by May 18, 2021 or at any time this ordinance is rescinded by the Draper City Council)

Date of first planned operation as restaurant dining space:

Type of Permit(s) applying for:

\_\_\_ To Erect, Move or Operate in a Tent

\_\_\_ To Erect, Move or Operate in a Canopy.

Square Footage of existing indoor dining space:

Square footage of each proposed tent 1)

2)

**Applicant/Principal Contact – (Person responsible for obtaining permits and answering application questions)**

Applicant(s) Name and Title:

Mailing Address:

City:

State:

Zip:

Cell Phone:

Email:

**Venue Emergency Contact Information**

Name and Title:

Business Phone:

Cell Phone:

Email:

**TEMPORARY RESTAURANT DINING SPACE - TENT OR CANOPY  
 COMBINED LAND USE AND FIRE MARSHAL PERMIT  
 APPLICATION FORM**



**Property Owner(s)**

Property Owner(s) Name:

Mailing Address:

City:

State:

Zip:

Cell Phone:

Email:

**Other/ Engineer**

Name and Title:

Mailing Address:

City:

State:

Zip:

Cell Phone:

Email:

**Revocation of Permits**

The Draper City Fire Department is authorized to suspend or revoke a permit when:

- The permit has been used by a person other than the person to whom the permit was issued.
- The permit has been used for a location other than that for which it was issued.
- Any of the conditions or limitations set forth in the permit have been violated.
- The applicant failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
- There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.
- The permit was issued in error or in violation of an ordinance, regulation or the code.

**\* The application you are submitting may become a public record as defined by the Utah State Government Records Access and Management Act (GRAMA). Draper City will comply with all applicable provisions of this law, which may include the disclosure of the information you have provided in this application.**

**FOR OFFICE USE ONLY**

Received By:

Date Received:

Application Number:

Business License Number:

Fire Permit Number:



## DRAPER CITY FIRE FIRE PREVENTION BUREAU

# *Temporary Restaurant Dining Space: Tent or Canopy Permit Requirements*

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This document shall provide Draper City Fire Prevention Bureau requirements for the protection of property, operators, and patrons where tents or canopies are used outdoors as allowed under Draper City Ordinance #1466. Temporary tents and canopies utilized for temporary restaurant dining space in Draper City require both a Land Use Permit from Planning and Zoning and a Permit from the Fire Marshal.

Tent: A temporary structure as described in International Fire Code Chapter 31: A structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

Canopy: A temporary structure as described in International Fire code Chapter 31: A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

### **Permitting Process:**

All tents and canopies shall comply with Chapter 31 of the currently adopted International Fire Code. Application for the permit should be fifteen, (15) days prior to tent or canopy set up.

A temporary permit will be issued upon the physical inspection of the location and structure. A permit issued by the Fire Marshal will be required for all tent(s) or canopy(ies), as per the requirements stated above.

### **Permit Submittal Requirements:**

**(These are the same plans and documents submitted for the Land Use Permit)**

A site plan sketch, drawn to a scale not smaller than 1 inch = 100 feet, that shows the size and shape of the property including property lines, the location and dimensions of buildings on the site, the location and dimensions of the proposed tent(s) or canopy(ies), the location of nearby streets, the location of sidewalks and pedestrian walkways, the location and layout of parking stalls, the location of fire access roads and drive aisles, and the location of fire hydrants.



## TEMPORARY RESTAURANT DINING SPACE DRAPER CITY FIRE DEPARTMENT TEMPORARY TENT OR CANOPY PERMIT REQUIREMENTS

A sketched and dimensioned plan for the interior of the tent or canopy including seating arrangements and the location and type of any heating equipment.

A full set of construction documents including structural calculations and detailed drawings of tent or canopy framing connections are required and will be, reviewed at the discretion of the Fire Marshal. These can often be obtained from the tent manufacturer or tent Rental Company.

The time, period for which the tent or structure is, intended to be in place if sooner than the expiration of the temporary land use regulation on May 18, 2021. The City Council may rescind the ordinance at any time prior to this expiration and tents or canopies authorized under this permit must be removed within 5 days of the regulation being rescinded.

### **General Requirements for all Tents and Canopies:**

The California State Fire Marshal's flame retardant certification seal must be, visibly displayed on the tent or canopy.

All tents and canopies must be, properly secured in case of wind (40 mph basic wind speed and 90 mph 3-second gust). Securing of the structures is the responsibility of the owner/operator (refer to IBC 1609).

A portable fire extinguisher with a minimum 2A10BC rating must be accessible within 75 feet walking distance of all tents and canopies, at a minimum, as required by section 906 of the IFC. All extinguishers require a current State Fire Marshal's inspection tag. Inspection tags are required annually.

No smoking signs must be, provided in each permitted tent and canopy.

Exits shall be clearly marked and lit.

All compressed gas bottles must be, secured at all times to prevent them from tipping over.

Generators must be, maintained at least 20 feet from any tent or canopy

No combustible waste can be stored within 30 feet of a tent or canopy.

Each tent or canopy where heating is used must be, supervised by an adult staff member at all times. This adult will serve as a fire watch and standby personnel to take prompt measures for extinguishment of fires that occur and assist in the evacuation of the public from the structure. (Refer to IFC 3104.20.2)



**TEMPORARY RESTAURANT DINING SPACE - TENT OR CANOPY PERMIT  
COMBINED LAND USE AND FIRE MARSHAL PERMIT APPLICATION CHECKLIST**



***Incomplete applications will not be accepted or held.  
All required items shall be submitted.***

*Notice:* All submitted temporary regulation applications shall be reviewed in accordance with Ordinance #1466 and any other applicable codes. Application submission in no way guarantees approval. It is strongly advised that all checklist items be submitted well in advance of any anticipated deadlines.

Staff Review	Applicant Review	ITEM	NOTES
<input type="checkbox"/>	<input type="checkbox"/>	Combined Land Use and Fire Permit Application Form	
<input type="checkbox"/>	<input type="checkbox"/>	One (1) PDF Copy	A sketched site plan, drawn to a scale not smaller than 1 inch = 100 feet, illustrating the location of property lines, location of fire access roads, location of fire hydrants, location of existing buildings, location of existing parking, location of landscaping, location of existing restaurant(s) on site and the location of the proposed tent(s) or canopy(ies).*
<input type="checkbox"/>	<input type="checkbox"/>	One (1) PDF Copy	A floor plan showing the interior set up and seating arrangements of each proposed temporary tent or canopy.*
<input type="checkbox"/>	<input type="checkbox"/>	One (1) PDF Copy	An emergency evacuation plan for each tent or canopy indicating location of exits, fire extinguishers, and no smoking signs.*
<input type="checkbox"/>	<input type="checkbox"/>	One (1) PDF Copy	Full set of construction documents including structural calculations, method of anchoring, and detailed drawings of tent or canopy framing connections.**
<input type="checkbox"/>	<input type="checkbox"/>	Property owner affidavit	If the applicant is not the property owner, a signed affidavit from the property owner of the location where the tent(s) or canopy(ies) will be erected, providing permission for erection of the tent(s) or canopy(ies) is required.
<input type="checkbox"/>	<input type="checkbox"/>	Other Information	As deemed necessary by the Zoning Administrator, Fire Marshal, or Chief Building Official for a full and proper consideration of an application.

\* The submitted site plan, floor plan, and emergency evacuation plans can be drawn by hand as long as they are drawn and dimensioned using a scale so that features on the plans are drawn proportionally to one another.

\*\* These can often be obtained from the tent manufacturer or tent Rental Company.

**TEMPORARY RESTAURANT DINING SPACE - TENT OR CANOPY PERMIT  
PROPERTY OWNER AFFIDAVIT FORM**



PROPERTY OWNER

STATE OF UTAH                    }  
   } ss  
COUNTY OF SALT LAKE        }

I (we), \_\_\_\_\_, hereby swear that I (we) am (are) the owner(s) of the property identified in the attached application. The information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. The applicant has my (our) permission to erect and utilize the tent(s) or canopy(ies) detailed in the attached application.

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary)

Residing in Salt Lake County, Utah

My commission expires: \_\_\_\_\_

**ORDINANCE NO. 1466**

**AN ORDINANCE OF THE DRAPER CITY COUNCIL ESTABLISHING A TEMPORARY LAND USE REGULATION PERMITTING THE USE OF TENTS AND CANOPIES FOR RESTAURANT DINING SPACE.**

**WHEREAS**, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general land uses within the City Boundaries; and

**WHEREAS**, Draper City recognizes a global pandemic caused by the spread of the COVID-19 virus; and

**WHEREAS**, Draper City finds that COVID-19 poses a continuing and immediate threat to the health, safety, and welfare of Draper City residents; and

**WHEREAS**, Draper City recognizes the science behind the practice of social distancing during the global pandemic; and

**WHEREAS**, following social distancing guidelines mitigates the spread of the COVID-19 virus; and

**WHEREAS**, social distancing guidelines and public health orders reduce the typical seating capacity for restaurants; and

**WHEREAS**, temporarily permitting outdoor, tented seating for restaurants will allow restaurants to serve the citizens of Draper while following recommended social distancing guidelines in compliance with state and local public health orders; and

**WHEREAS**, permitting temporary, tented outdoor seating for restaurants serves a compelling countervailing public interest that protects the health, safety, and welfare of the citizens of Draper as well as the economic viability of important Draper businesses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Findings.** The City Council of Draper City hereby finds a compelling, countervailing public interest in enacting the temporary land use regulations contained in Exhibit A. The city council finds the proposed ordinance is in the best interest of the health, safety, and welfare of the citizens of Draper. The city council finds that the promulgated temporary land use regulations ensure compliance with local and state orders while simultaneously protecting the citizens of Draper and easing economic pressures on restaurants.

**Section 2. Duration.** Pursuant to Utah Code Ann. § 10-9a-504, this Ordinance shall last for the earlier of a period of six (6) months or until otherwise rescinded by the legislative body.

**Section 3. Correction of Editing Errors.** The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or *de minimis* errors prior to submitting the Ordinance for publication.

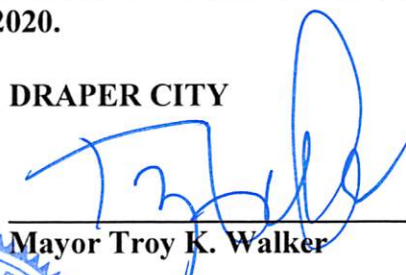


**Section 4. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17TH DAY OF NOVEMBER 2020.**

**DRAPER CITY**



\_\_\_\_\_  
**Mayor Troy K. Walker**

**ATTEST:**



\_\_\_\_\_  
**Laura Oscarson, CMC, City Recorder**



VOTE TAKEN:

YES

NO

Councilmember Green

✓

\_\_\_\_\_

Councilmember T. Lowery

✓

\_\_\_\_\_

Councilmember F. Lowry

✓

\_\_\_\_\_

Councilmember Roberts

✓

\_\_\_\_\_

Councilmember Vawdrey

✓

\_\_\_\_\_

Mayor Walker

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

**TITLE:** Temporary Land Use Regulation permitting the use of Tents or Canopies for Restaurant Dining Space.

**PURPOSE:** To set temporary ordinance standards to allow for the use of temporary tents or canopies as additional dining space for restaurants to alleviate detrimental health and economic effects created by the global Covid-19 pandemic.

**SCOPE:** Applicable to all legally operating restaurants within Draper City that have both an active Draper City business license and a permanent, approved indoor dining space.

### DEFINITIONS:

**Tent:** A temporary structure as described in International Fire Code Chapter 31: A structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

**Canopy:** A temporary structure as described in International Fire code Chapter 31: A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

**Adult staff member:** A person 18 years of age or older who is an employee of the restaurant and capable of providing for the supervision and direction of others.

**Construction Documents:** Shall have the same meaning and definition as contained in Section 3103.6 of the International Fire Code.

### LAND USE AND DEVELOPMENT REGULATIONS:

Provisions of Title 9 of the Draper City Municipal Code shall continue to apply except as specifically modified below with respects to the stated purpose and intent of this temporary ordinance:

#### A. Application:

1. Restaurant owners may apply to use a temporary tent or canopy as an extension of indoor dining space.
2. Each application must include:
  - a. A scaled site plan illustrating:
    1. The property lines, existing building(s) on the property(ies), existing paved parking locations, location of landscaping, location of the existing restaurant(s) on the site, location of the proposed tent(s) or canopy(ies);
    2. Distances between the permanent structures on site and the proposed temporary tent(s) or canopy(ies);

3. That the location will not impede emergency vehicle access to and from the property and that vehicular circulation on, off and through the property, including adjacent properties, is not unduly compromised or restricted;
  4. Adequate pedestrian mobility through all sidewalks and pedestrian walkways;
  5. That the location does not cause limited visibility for the public right of way or in parking lots; and
  6. Ingress and egress from any adjacent building.
  - b. A floor plan showing interior set up of the temporary tent or canopy including seating locations, electrical locations, and the location and type of heating.
  - c. An affidavit from the property owner for the location of the tent or canopy dated after the enactment of this ordinance providing permission for erection of the tent or canopy, if the applicant is not the property owner.
  - d. The address of the restaurant and the address of the property that the tent or canopy is erected on (if different).
3. The city has 15 days from submission to review the application.

**B. Location:**

1. Temporary tents or canopies shall be located on the same property or on property within 250 feet of the restaurant location.
2. Temporary tents or canopies allowed under this ordinance may only be installed on asphalt or concrete surfaced areas, including existing required parking for the site and existing approved outdoor dining spaces.
3. Temporary tents or canopies may not be located on or within a public right of way.
4. Temporary tents or canopies may not encroach into landscaped areas of the property.
5. All ADA parking stalls and other ADA facilities must remain accessible at all times.

**C. Size:**

1. No more than 2 tents or canopies may be erected per restaurant.
2. The total size and maximum occupancy of allowable dining space under tents and canopies shall not exceed the square footage of the existing approved restaurant dining space and maximum occupancy.
3. Tents or canopies may not cover more than 15% of the total required parking stalls for the restaurant(s). Where multiple restaurants share a site, each restaurant shall have a prorated amount of parking lot space calculated by proportionate share of the cumulative square footage of dining space of all restaurants on site.

**D. Operational Requirements:**

1. Interior seating space within the restaurant must continue to be used for seating in a manner consistent with state and county declarations and regulations.
2. Restaurants may not share the same tent or canopy with other restaurants.
3. Use of tents or canopies may be subject to other agreements and regulations, including, but not limited to, a lease agreement with a landlord and compliance with regulations of

the State Division of Alcoholic Beverage Control (DABC). Approval from the city under this ordinance does not absolve the owner or operator from any obligations under such agreements or regulations.

**E. Anchoring and Setbacks:**

1. All tents or canopies shall be property secured in case of wind (40 mph basic wind speed and 90 mph 3-second gust). Securing of the structures is the responsibility of the owner/operator.
2. Tents or canopies must be anchored by water, cement, or sand barrels and may not be anchored by staking.
3. Tents or canopies shall be set back from buildings and other tents or canopies as required by International Building Code and the International Fire Code.

**F. Fire Safety:**

1. Owners and operators of tents or canopies shall comply with International Fire Code. A permit from the Fire Marshal is required.
2. A full set of construction documents including structural calculations and detailed drawings of tent or canopy framing connections are required and must be approved by the Fire Marshal.
3. All tents or canopies must include portable fire extinguishers with a 4A40 BC rating in compliance with International Fire Code.
4. Exits must be marked and lighted.
5. Compressed gas bottles used for heating must be secured from tipping.
6. An emergency evacuation plan shall be posted in a conspicuous place near the entrance, and an adult staff member who is trained in the extinguishment of fires and evacuation of patrons must be present when the dining space is in use.
7. No combustible waste can be stored within 30 feet of the tent or canopy.
8. The California State Fire Marshal's flame retardant certification seal must be visibly displayed on the tent or canopy.
9. No smoking shall be permitted inside the tent and no smoking signs shall be posted.

**G. Duration:**

Use of tents or canopies permitted under this temporary ordinance must be removed from the property no later than six months from the date this ordinance is enacted or within five (5) days of the repeal of this temporary ordinance, whichever is sooner.

**H. Inspections:**

Authorized law enforcement officers, zoning enforcement officers, fire control officers, and other governmental personnel shall be permitted free access to the temporary tent or canopy to make inspections to ensure compliance with the provisions of this section and all other applicable laws.