

ORDINANCE NO. 10-03-2010

AN ORDINANCE AMENDING THE CITY LAND USE CODE TO ALLOW ON-STREET PARKING FOR BUSINESSES LOCATED AROUND MAIN STREET AND 100 SOUTH, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council has been given specific authority in Utah Code Annotated, Title 10, Chapter 9a. to adopt land use ordinances to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land, which are reasonably and appropriately related to the objectives of providing for the public safety, health, morals, and welfare; and

WHEREAS, a request has been made to amend the City's land use code to allow businesses locating in the Main Street Business area and along 100 South to count on-street parking as a fraction of their minimum required parking; and

WHEREAS, One of the largest hurdles to new development in the Main Street Business area is available parking and the limited amount of land to provide off-street parking; and

WHEREAS, The platted City streets in the core area have more right-of-way than needed to handle future traffic, based on the City's Transportation Capital Facilities Plan adopted, June 16th 2010. This means City could utilize portions of the core area streets right-of-way, which are not needed for future growth, to provide additional parking for local businesses; and

WHEREAS, Utilizing the public right-of-way to support local business parking needs can increase the development potential of properties in the Main Street Business Districts area, provide improvements to major roads in the Core area which will help to beautify and clean up eyesore areas, and allow for infrastructure to be installed, without raising City fees or indebtedness, on a localized basis for those properties who would be most benefited by such improvements; and

WHEREAS, the Santaquin City Planning Commission held a public hearing to discuss the proposed amended ordinances on October 14, 2010, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, The Planning Commission has forwarded a positive recommendation for the amendment to the City Council based on several goals and policies of the General Plan being furthered including supporting local businesses, increasing in-fill opportunities around Main Street, and adopting laws which provide for adequate access, parking and circulation around new commercial developments; and

WHEREAS, procedures have been established by the Land Development Code and Utah Code Ann. where appeals can be heard and decided if it is alleged that there is legislative or administrative error or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I.

The Santaquin City Code, Title 10-14, Parking Regulations, Section 10-14-4.E. is amended as follows; (underlined text is added, stricken text is deleted)

E. On Street Parking: Businesses located ~~along Main Street~~ within the Main Street Business District Zones (i.e. CBD, MSC, MSR) or fronting on 100 South, may petition the land use authority for a reduction in required on premises parking and the use of on street parking as a fraction of their required parking. Approvals of such request must be based on the following:

- 1. There is no parking between the associated building and the public street.*
- 2. Due to site constraints, the total required parking cannot be provided on the associated property.*
- 3. On street parking ~~allowed~~ will only be counted where adjacent to the business property ~~and is within the building width of the associated use.~~*
- 4. The location of on street parking is constructed to city standards and the street cross section provides for parking adjacent to ~~each~~ the businesses property*
- 5. ~~On street parking will only be used by customers of the establishment.~~*

Section II. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do no affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section III. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section IV. Effective Date

The City Recorder shall deposit a copy of this ordinance in the official records of the City on October 21st, 2010, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective on October 21, 2010

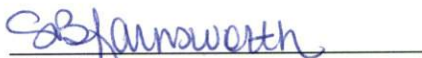
PASSED AND APPROVED this 20th day of October, 2010.




James E. DeGraffenried, Mayor

Councilmember Filip Askerlund	Voted <u>Absent</u>
Councilmember Martin P. Green	Voted <u>yes</u>
Councilmember James F. Linford	Voted <u>yes</u>
Councilmember Rick Steele	Voted <u>yes</u>
Councilmember Brent R. Vincent	Voted <u>yes</u>

ATTEST:


City Recorder