

Midway City Council
7 January 2020
Regular Meeting

Ordinance 2020-02 /
Festival Market Business Licenses
and Parking



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 7, 2020

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Chapter 7.08: Festival Event Parking

ITEM: 11

Midway City is proposing to add a new section of code to Title 7: Business Licenses and Regulations. The proposed code would allow booths on private property on the Friday and Saturday before Labor Day if public parking is allowed on the property year-round. The parking facilities would need to comply with established standards and approved by the City.

BACKGROUND:

Midway City is proposing to add a new section of code to Title 7: Business Licenses and Regulations. The proposed code would allow booths on private property on the Friday and Saturday before Labor Day if public parking were allowed on the property year-round. The parking facilities would need to comply with established standards, as described in the code, and approved by the City.

Midway City was recently approached by a resident that owns property near the Town Square that offered to create year-round public parking in exchange for the ability to have third party booths on her property on the Friday and Saturday before Labor Day (Swiss Days). The City has been continually and diligently working on ways to increase parking in the commercial zones. In the past year, the City amended the parking ordinance and

increased required parking stalls for several uses. The City has also been exploring other options to create more parking and to better guide people to existing parking. The proposal from the resident is another option for the City to consider.

Staff has created a draft code for the City Council to consider (please see attached). This proposed option would only be available in the Festival Market Overlay Zone (please see attached). The code establishes infrastructure requirements for the parking area and other regulations for creating year-round public parking. In return, the property owner is allowed to have third party booths during Swiss Days. There would be an aisle spacing requirement of 16' to allow for emergency access, as is required for booths on the Town Square. The code also regulates the types of products that may be sold from the booths. Items sold must be substantially related to what has been historically sold during Swiss Days. No food or drink may be sold. Also, tobacco and e-cigarettes are regulated along with any sexually oriented business items.

This proposal has the ability to create public parking in the commercial area at no cost to the City. What must be determined is if the proposal will have a negative effect on Swiss Days activities. If there is a negative effect, then it must be determined by the City, is the proposal worth creating the negative impacts. There are members of the community that feel that no booths should be located off the Town Square during Swiss Days. It has been expressed that the volunteers of Swiss Days and the funds paid by the Swiss Days Committee for services such as shuttles, portable toilets, etc. is what carries Swiss Days and all others are benefitting from their hard work and service. They feel that booths located off the Town Square detract from the community event and shouldn't be allowed. As this has been debated over the years, the City has developed a code that strikes a balance that allows businesses to also benefit during Swiss Days. This proposed code would increase the number booths on private property which may create some concern from members of our community. The public benefit is increased public parking throughout the year.

POSSIBLE FINDINGS:

- The proposed code may create more public parking in a section of the commercial zones around Town Square
- Creating more public parking is a goal in the General Plan and the City Council has actively been pursuing this goal
- The impacted area is limited to the Festival Market Overlay Zone
- The proposed code will, most likely, increase the number of booths on private property
- The proposed code would require a commitment of free public parking and maintenance of the property by the owner for a full year

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable addition to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

CHAPTER 7.08 FESTIVAL EVENT PARKING

- A. As the downtown area of Midway develops into a more commercial district, the City needs to address the issue of additional parking. To encourage additional parking within the Festival Market Overlay Zone, the City is willing to allow property owners the opportunity to install additional public parking in exchange for hosting booths on their property during Swiss Days.
- B. Any property owner within the Festival Market Overlay Zone willing to make “Additional Public Parking” (as this term is defined below) available year-round, will be allowed to host booths on their property during Labor Day Weekend (Swiss Days) subject to the following:
1. The landowner must make application to the City for approval of “Additional Public Parking”.
 2. “Additional Public Parking” shall be defined as parking stalls that exceed the amount required under Midway City Code for the type of business already located on the property. For example, if an existing business requires five stalls to conduct business, “Additional Public Parking” would only count the number of stalls above five as meeting the definition.
 3. The Additional Public Parking must be located entirely within the Festival Market Overlay Zone.
 4. To receive approval for “Additional Public Parking” the following standards must be met:
 - i. The parking must be installed as a hard surface (paved or concrete).
 - ii. If the existing parking lot is not a hard surface, or if it is a hard surface but is not in compliance with current City standards, the landowner shall submit engineered plans to install the parking lot in a hard surface (paved or concrete), including a drainage plan (collectively a “Parking Plan”).
 - iii. The Parking Plan must be reviewed and approved by the City Planner and City Engineer.
 - iv. All public parking must meet all design standards, drainage standards and stall dimension standards as described in the City Code and Midway City construction standards.
 - v. Landowners shall be responsible for maintaining the parking lot in good working condition, removing snow from the same, and overseeing that the parking lot is safe for public use at all times
 - vi. Depending on the location of the Additional Public Parking, it shall be under the discretion of the City Planner and the City Engineer to require the landowner to install lighting for the Additional Public Parking. For example, if the Additional Public Parking is located along Main Street where lights are already installed, there may be no need for additional lighting. However, if the Additional Public Parking is located where little or no City lighting exists, the City Planner and City Engineer may require the installation of lighting sufficient to address safety concerns.

- vii. Landowner shall be required to carry a general liability policy in an amount of no less than \$1,000,000.00 per occurrence, with Midway City named as an additional named insured. Proof of insurance shall be provided annually with the administrative request to renew, as well as within 30 days of receiving written request from Midway City.
 5. Once the Parking Plan is approved and the parking lot installed in accordance with the approval, the Applicant must agree to allow public parking on the property for one full year from the date Additional Public Parking is made available.
- C. In exchange for making “Additional Public Parking” available within the Festival Market Overlay Zone, the landowner will be allowed to locate booths on their property during Labor Day weekend (Friday and Saturday before Labor Day) subject to the following:
1. Landowner shall be required to obtain a Festival Market Business License as set forth in Midway City Code §7.05 and include in the application a site plan that illustrates the location of the booths on the Property.
 2. Booths may only be located within the stalls that are deemed “Additional Public Parking”. No booths shall be allowed in parking stalls required to operate the existing business.
 3. The Site Plan must meet all safety/building code requirements applicable to booths on the Main Square. All aisles shall be a minimum of sixteen feet wide.
 4. No food or drink may be sold from the booths.
 5. Products sold must be substantially related to what has been historically sold during Swiss Days. Consideration must be given for products that are appropriate for families and children.
 6. Tobacco and e-cigarette sales must comply with Section 16.5.2 of City Code
 7. Sexually oriented businesses are restricted as per Section 7.04 of the municipal code and will be required to comply therewith.
- D. To continue to participate in the program, Applicant shall annually file an administrative request to renew the “Additional Public Parking” approval for a minimum of an additional year. If no changes are being proposed to the “Additional Public Parking” the City Planner shall have the power to approve the administrative request.
- E. Property owners participating in the program do not have a vested interest in the approval beyond one year. Property owners install “Additional Public Parking” based on the opportunity to host booths in a particular year. There is no guarantee that the program will be continued from one year to the next.

**Festival Market
Business License
Overlay Zone**

Midway, UT

113

N 200 W

W 100 N

N Center St

E 100

N 100 E

E Main

S 100 E

S Center St

S 200 W

S 100 W



ORDINANCE 2020-02

AN ORDINANCE ADDING FESTIVAL EVENT PARKING TO TITLE 7 OF THE MIDWAY CITY MUNICIPAL CODE

WHEREAS, the City Council of Midway City desires to increase public parking in its commercial zones; and

WHEREAS, the City Council has studied various alternatives and proposals to create such parking; and

WHEREAS, the City Council feels that such parking will assist existing businesses, encourage new businesses and promote tourism; and

WHEREAS, the City Council now desires to expand Title 7 of the Midway City Municipal Code to accomplish these purposes.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Section 1: The following new chapter of the Midway City Municipal Code, Chapter 7.08, Festival Event Parking, is created within Title 7, Business Licenses and Regulations:

CHAPTER 7.08 FESTIVAL EVENT PARKING

- A. As the downtown area of Midway develops into a more commercial district, the City needs to address the issue of additional parking. To encourage additional parking within the Festival Market Overlay Zone, the City is willing to allow property owners the opportunity to install additional public parking in exchange for hosting booths on their property during Swiss Days.
- B. Any property owner within the Festival Market Overlay Zone willing to make “Additional Public Parking” (as this term is defined below) available year-round, will be allowed to host booths on their property during Labor Day Weekend (Swiss Days) subject to the following:
 - 1. The landowner must make application to the City for approval of “Additional Public Parking”.

2. “Additional Public Parking” shall be defined as parking stalls that exceed the amount required under Midway City Code for the type of business already located on the property. For example, if an existing business requires five stalls to conduct business, “Additional Public Parking” would only count the number of stalls above five as meeting the definition.
 3. The Additional Public Parking must be located entirely within the Festival Market Overlay Zone.
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 - ii. If the existing parking lot is not a hard surface, or if it is a hard surface but is not in compliance with current City standards, the landowner shall submit engineered plans to install the parking lot in a hard surface (paved or concrete), including a drainage plan (collectively a “Parking Plan”).
 - iii. The Parking Plan must be reviewed and approved by the City Planner and City Engineer.
 - iv. All public parking must meet all design standards, drainage standards and stall dimension standards as described in the City Code and Midway City construction standards.
 - v. Landowners shall be responsible for maintaining the parking lot in good working condition, removing snow from the same, and overseeing that the parking lot is safe for public use at all times
 - vi. Depending on the location of the Additional Public Parking, it shall be under the discretion of the City Planner and the City Engineer to require the landowner to install lighting for the Additional Public Parking. For example, if the Additional Public Parking is located along Main Street where lights are already installed, there may be no need for additional lighting. However, if the Additional Public Parking is located where little or no City lighting exists, the City Planner and City Engineer may require the installation of lighting sufficient to address safety concerns.
 - vii. Landowner shall be required to carry a general liability policy in an amount of no less than \$1,000,000.00 per occurrence, with Midway City named as an additional named insured. Proof of insurance shall be provided annually with the administrative request to renew, as well as within 30 days of receiving written request from Midway City.
 5. Once the Parking Plan is approved and the parking lot installed in accordance with the approval, the Applicant must agree to allow public parking on the property for one full year from the date Additional Public Parking is made available.
- C. In exchange for making “Additional Public Parking” available within the Festival Market Overlay Zone, the landowner will be allowed to locate booths on their property during Labor Day weekend (Friday and Saturday before Labor Day) subject to the following:

1. Landowner shall be required to obtain a Festival Market Business License as set forth in Midway City Code §7.05 and include in the application a site plan that illustrates the location of the booths on the Property.
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 6. Tobacco and e-cigarette sales must comply with Section 16.5.2 of City Code
 7. Sexually oriented businesses are restricted as per Section 7.04 of the municipal code and will be required to comply therewith.
- D. To continue to participate in the program, Applicant shall annually file an administrative request to renew the “Additional Public Parking” approval for a minimum of an additional year. If no changes are being proposed to the “Additional Public Parking” the City Planner shall have the power to approve the administrative request.
- E. Property owners participating in the program do not have a vested interest in the approval beyond one year. Property owners install “Additional Public Parking” based on the opportunity to host booths in a particular year. There is no guarantee that the program will be continued from one year to the next.

Section 2: This ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
 this day of , 20 .

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)