

Midway City Council
21 January 2020
Regular Meeting

Ordinance 2020-02 /
Festival Market Business Licenses
and Parking



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 21, 2020

NAME OF APPLICANT: Midway City

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

ITEM: 8

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 areas from 100 East to 200 West, 150' north and south of the edge of UDOT's right-of-way (150' north of the north sidewalk and 150' south of the south sidewalk) and three properties fronting Main Street west of 200 West which includes two properties on the north and one on the south (please see attached map). 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 a specific area along Main Street
- 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