ORDINANCE No. 06-11

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN *Mayor (votes only in case of tie)*		
ROD DART *Council member*	X	
RICHARD M. DAVIS *Council member*	X	
STEVE LEIFSON *Council member*	X	
JENS P. NIELSON *Council member*	X	
KEIR A. SCOUBES *Council member*	X	

I MOVE this ordinance be adopted: Council member Dart
I SECOND the foregoing motion: Council member Leifson

ORDINANCE No. 06-11

AN ORDINANCE ADDRESSING THE OUTDOOR DISPLAY OF MERCHANDISE FOR SALE

WHEREAS, Spanish Fork City has adopted a comprehensive zoning ordinance which includes several commercial zones; and

WHEREAS, the commercial zones permit the outdoor display of merchandise for sale, except the C-D Downtown Commercial Zone, which prohibits any outdoor display of merchandise except during Fiesta Days; and

WHEREAS, the C-D Downtown Commercial Zone contemplates a walking friendly zone with easy pedestrian access to stores, which are situated close together; and

WHEREAS, several businesses have requested the ability to display merchandise for sale outdoors, which goal is consistent with the intent of the C-D Downtown Commercial Zone; and

WHEREAS, the outdoor display of merchandise needs to be prohibited in all zones on the public rights-of-way, except for limited outdoor dining, for safety purposes; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday, the 6th day of April, 2011 where public comment was received; and

WHEREAS, following the public hearing, the Public Commission recommends adoption of an ordinance which allows the outdoor display of merchandise for sale in the C-D Downtown Zone; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 19th day of April, 2011, where additional public comment was received; and

WHEREAS, it is in the best interests of the City and of its businesses and residents to allow the outdoor display of merchandise for sale in the C-D Downtown Zone as long as it is not on the public rights-of-way;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork Municipal Code §15.3.060(A) is hereby amended as follows:

15.3.16.060 C-D Downtown Commercial

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building, with no outdoor storage. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. and 9:00 p.m. if the merchandise remains off from the public right-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:

1~12 No Change

II.

Spanish Fork Municipal Code §15.3.24.090(J), Public Rights-of-Way is hereby created as follows:

15.3.24.090 Supplementary Regulations

J. Public Rights-of-Way

It is not permitted to store or display merchandise or any other material, excepting those signs permitted in §5.36.050(9), within any public right-of-way. In certain locations designated by Spanish Fork City, outdoor seating may be permitted in accordance with restrictions provided in the City's Development Standards.

III.

This ordinance shall be effective 20 days after passage and publication.

DATED this 19th day of April, 2011

G. Wayne Andersen

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark

Kent R. Clark, City Recorder

CORPORATE SEAL OF SPANISH FORK CITY UTAH