

THE CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2008-05

**AN ORDINANCE ADOPTING PROVISIONS TO LIMIT
RECURRENT TRAFFIC CONGESTION AND PARKING CONGESTION**

Whereas, the City has become aware that traffic congestion and/or parking congestion need to be a considered basis for denial of development approval for specific land-uses regardless of the underlying zoning within any designated zoning district; and

Whereas, public safety and convenience are impacted and even jeopardized by traffic congestion and parking congestion upon the public streets adjacent to land-uses; and

Whereas, the City Council finds that an objective standard of a "wait" of any motor vehicle upon the public street for a three-minute period within any 60 minute period while waiting for ingress into or egress from any business, industrial activity, public facility or other land-use, is a reasonable and objective standard in which to define and/or deny a land-use application;

Whereas, this proposed amendment was presented to the Planning and Zoning Commission on 20 November 2007 at a noticed public hearing, after which the Planning and Zoning Commission recommended adoption thereof; and

Whereas, this proposed amendment was presented to the City Council at a noticed public hearing on 11 December 2007,

Now, therefore, the Bluffdale City Council ordains:

Section 1. Section 12.9.19 of the Bluffdale Municipal Code is hereby enacted, by the adoption of new provisions to be designated as Section 12.9.19 and which shall read as follows:

12.9.19 Recurrent Traffic and Parking Congestion

(a) As used in this Section, the following terms and phrases have the following meaning and application:

*"City" means Bluffdale City and/or its subordinate agencies, boards and commissions, including but not limited to the City Council, Planning and Zoning Commission, Board of Adjustment, and the specific agents and employees of the City acting within the course and scope of their official duties.

*"Recurrent" when used as an adjective modifying the phrases "traffic congestion" or "parking congestion" means and refers to that situation wherein the "congestion" is reasonably and/or realistically expected to occur more frequently than three times within a 14-day consecutive period.

*The phrase "parking congestion" is that condition in which there is inadequate on-site parking such that patrons or customers of the proposed land-use are forced to park on the public street, in areas not "fronting" across the public street side of the proposed development.

*The phrase "traffic congestion" refers to that situation wherein an identifiable motor vehicle upon the public street leading to the proposed development is required to "wait" for a period of time longer than three minutes in order to traverse a linear distance of one-half mile or less, while waiting for other motor vehicle traffic simultaneously traveling to that same destination

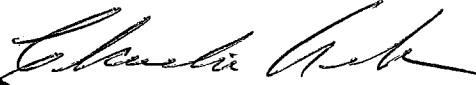
(b) The City may deny, temporarily deny, suspend, defer pending receipt of additional information or refuse to grant development approval for any proposed development, for which development approval is sought, which reasonably and/or realistically presents a situation in which conditions of "recurrent traffic congestion" or "recurrent parking congestion" are probable or likely to be present, at full operation of the proposed development. As a condition of development approval, the City may require the proponent of the development to provide sufficient data, reports or studies evidencing that there will not be the recurrent "congestion" situations as herein proscribed.

(c) For all uses and applications for uses the City and its administrative staff may consider all relevant, objective site-specific factors, including but not limited to, whether or not there is more than single-roadway access, presently or in the reasonably anticipated future, to the proposed development, as such site-specific condition bears upon or constitutes an unreasonable risk to health or safety, as a basis

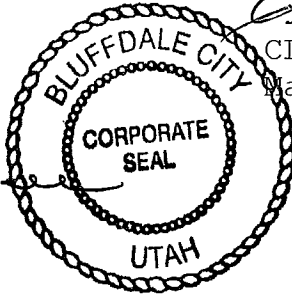
for considered approval or denial of the application for development or land-use approval.

Section 2. This Ordinance is effective immediately upon publication or posting, whichever is earlier.

Passed by the City Council of Bluffdale, Utah, this 12th day of February, 2008.



CLAUDIA ANDERSON
Mayor



ATTEST:



TEDDIE K BELL
City Recorder

Voting by the City Council:

Councilmember Chisholm

Aye

Nay

 x

Councilmember Flanigan

 x

Councilmember Kartchner

 x

Councilmember Lord

 x

Councilmember Maxwell

 x
