

ORDINANCE NUMBER 18-10966

AN ORDINANCE AMENDING SALINA CODE SECTION 35-40.2 TO ADDRESS PLACEMENT OF CERTAIN ITEMS ON PUBLIC SIDEWALKS AND ALLEYS IN THE C-4 CENTRAL BUSINESS DISTRICT AND REPEALING THE EXISTING SECTION.

BE IT ORDAINED by the Governing Body of Salina, Kansas:

Section 1. Amendment. Section 35-40.2 of the Salina Code is amended to read as follows:

Sec. 35-40.2. Use of public sidewalk in C-4 central business district for placement of movable flower pots, planters, bicycle racks and business-hours-only placement of movable signs and outdoor furniture.

(1) If any owner of a building constructed without setback from an abutting public sidewalk, plaza, arcade or alley in the C-4 central business district requests a permit for use by the owner or the owner's tenant of the abutting sidewalk, plaza, arcade or alley for the placement of movable flower pots, movable planters, movable bicycle racks, and/or business-hours-only placement of movable signs, and/or movable outdoor furniture, the city manager may grant such a permit following review of the permit request for conformance with the administrative regulations pertaining to downtown sidewalk signs, flower pots, planters and bicycle racks. A movable sign for which a permit is obtained pursuant to this section shall be exempt from any other sign permit requirements.

(2) If a permit request is denied by the city manager, a written notice of denial shall be provided to the applicant, including a written explanation of the basis for the denial. The applicant may appeal the denial to the Salina Business Improvement District No. 1 design review board. Appeals shall be submitted in writing to the community and development services department within fourteen (14) calendar days following the date of the written notice of denial. Scheduling, notice and evaluation of the permit request by the board shall be conducted in the manner outlined in Section 2-211 of the Salina Code.

(3) The city manager is authorized to promulgate any further regulations necessary to implement the provisions of this article and is authorized to amend or repeal any existing regulations that implement the provisions of this article. All permit applicants shall comply with all regulations adopted pursuant to this article. Failure to comply with such regulations shall be grounds for the issuance of a notice and order from the zoning administrator to remove the object from the public right-of-way.

Section 2. Repealer. Existing Salina Code Section 35-40.2 is repealed.

Section 3. Effective. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 18-10966 Summary

On September 10, 2018, the City Commission passed Ordinance No. 18-10966. The Ordinance amends Salina Code Sec. 35-40.2 allowing for moveable items to be placed in rear alleys in addition to the public sidewalks in the C-4 district, allows the placement of moveable items to be approved administratively by staff and authorizes the city manager to promulgate and amend administrative regulations governing the number, size and location of movable items on public sidewalks and alleys in the C-4 district and repeals the existing section. A complete copy of the

Ordinance can be found at www.salina-ks.gov or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Introduced: August 27, 2018
Passed: September 10, 2018

Karl F. Ryan, Mayor

[SEAL]
ATTEST:

Allison Strait, Deputy City Clerk

The publication summary set forth above is certified this ____ day of September, 2018.

Greg A. Bengtson, City Attorney