

TENTATIVE MASTER AGENDA

NO MEETING OCTOBER 24, 2002

PARK CITY WATER SERVICE DISTRICT MEETING

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

OCTOBER 17, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council and the Water Service District Board of Park City, Utah will hold their regularly scheduled meetings at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 17, 2002.

Closed Session

3:30 p.m. Property

Work Session

4:00 p.m. Council questions/comments

4:30 p.m. [Mawhinney parking lot](#)

4:45 p.m. [Taxi licensing](#)

5:00 p.m. Review of regular meeting

[Weber Basin contract](#)

[Pechnik house](#)

Code amendments

Other meeting questions/comments

WATER SERVICE DISTRICT MEETING

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III [MINUTES OF MEETING OF JUNE 20, 2002](#)

IV NEW BUSINESS

[Authorization to the Chairman to execute the Water Sales Agreement and Water Supply Agreement with Weber Basin Water Conservancy District](#)

V ADJOURNMENT

CITY COUNCIL MEETING

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV [WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 12, 2002](#)

V OLD BUSINESS

[Construction contract for the Pechnik House remodel](#)

VI PUBLIC HEARINGS

1. [Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah](#)
2. [Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah](#)
3. [Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street](#)

VII NEW BUSINESS

1. [Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah](#)

2. [Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah](#)
3. [Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street](#)

VIII ADJOURNMENT

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

OCTOBER 24, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, October 24, 2002.

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

October 2002

24 No meeting

Tom and Jan gone

School District breakfast - 8 a.m.

31 Jan gone

Fox 13 skateboard story video - KK

Main Street area trash update

Massage Express lease - KK

Business license special improvement district public hearing- HMBA

Business license amendments - taxi licensing - MC

April Mountain condo plat - KW

Olympic Legacy task force recommendations

November 2002

7 First addendum to the memorandum of understanding with the Sundance Institute for the closure of lower Main Street on January 17, 2003 - public hearing/action
345 Deer Valley plat amendment - KL

13 *St Henry's Day*

14 Canvass of special bond election

OTIS final report - CH

21 Chamber/Bureau quarterly update

28 *Thanksgiving Day*

26

Nightly rentals

Fee resolution review - June 2003

DATE: October 17, 2002
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Linda Cook, Capital Projects Manager
TITLE: Mawhinney Lot on Park Avenue
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Review current Mawhinney lot plan as approved by the Planning Commission and provide direction to staff as to the scope of the project in conjunction with Park Avenue traffic calming efforts, OTIS or the City Park Plan.

DESCRIPTION:

A. Topic: Mawhinney lot improvements

B. Background: In the Fall of 2001, the Planning Commission approved a plan for the Mawhinney parking lot in conjunction with the Skate Park Conditional Use Permit (attached). As can be seen from the plan, the approved CUP for the Mawhinney lot contemplates less parking than exists on a temporary basis today. In July, 2002 the Planning Commission approved an extension to that project for 1 year to look at other planning issues such as traffic calming on Park Avenue and related changes that were being contemplated at the time to the City Park Master Plan.

In August, 2002, The Parks Recreation and Beautification Board (PRBB) presented a revised City Park Plan (attached) to City Council that called for more parking at the Mawhinney lot than approved in the CUP, a connection to Park Avenue adjacent to the property owner to the North, less parking at the Library and more active use at the field to the north of the library.

City Council did not seem to support enhanced activity at the field adjacent to the Library. Council was supportive of traffic calming proposals along Park Avenue as shown in the Revised Park Plan. In the past, Council has not been supportive of removing the large tree adjacent to the private residence (owned by the Boyles) or encouraging pedestrian traffic on the north end of the Mawhinney property.

C. Analysis: Staff need clarification from Council on the following issues:

- 1) The plan for the Mawhinney lot in the revised City Park Plan is not consistent with the approved CUP. The approved CUP for Mawhinney reflects Council's desire for the design of the lot as of Fall, 2002. Staff is uncertain about what Council would like to do with the lot.
- 2) Does Council want us to treat the Mawhinney project as a stand-alone project as currently approved or seek to incorporate City Park improvement elements, traffic calming program elements or Old Town Improvement Study (OTIS) elements at the same time?
- 3) Does Council want to review the Mawhinney lot in light of the City Park Plan which also contemplated elements such as narrowing Park Ave. below 12th St., a stop sign at 12 St. x Park Ave. and other traffic calming features, and enhanced landscaping?
- 4) Having reviewed the current plan, does Council wish to proceed as is or consider additional or deleted elements to expand or contract the Mawhinney project scope?

Planning for the Mawhinney lot has been in the works longer than the Revised City Park Plan, the recently adopted traffic calming policy or Old Town Improvement Study. It can be aligned with either initiative or stand alone. If the project was constructed as approved by the Planning Commission, the necessary funds are available today.

If Council wishes to mix elements from City Park, OTIS or traffic calming projects, the capital funds will need to be requested consistent with the new scope of the project. If traffic calming changes are desired, they should be consistent with the approved traffic calming policy. Attached is a summary of traffic calming policies related to Park Avenue improvements in front of the Mawhinney parcel. The City Engineer and Capital Projects Manager are attempting to align funding requests with project definitions in preparation of the Capital Funds Analysis with the budget this year. Funding for the Mawhinney project (and hence any related projects) cannot be quantified until the project scope is clearly delineated.

Should Council wish to have the Planning Commission review a modified plan, that review process will need to be scheduled through the winter months to begin the project in the spring of 2003. Staff believes that the Planning Commission will welcome modifications that show a clear attempt to integrate the Mawhinney area with the greater City Park or the Park Ave. OTIS improvements. We may discover that the project area lends itself to input from both. Conversely, the Mawhinney lot can be reconstructed per the specifications of the current approved plan and the Conditional Use Permit requirements will be fulfilled.

D. Department Review: Office of Capital Management and Budget, City Manager, Community Development, City Engineer, Leisure Services and Parks Department

ALTERNATIVES:

A. Approve the Request: Approve the Mawhinney Project as currently planned and approved
- a stand-alone project

B. Modify the Request: Modify the project scope, adding or deleting elements proposed with City Park, OTIS or other.

C. Continue the Item: As necessary for discussion of options.

SIGNIFICANT IMPACTS: The current impacts have to do with fiscally scaling the CIP funds to the scope of the project. This one has potential to grow or contract whether seen as part of OTIS or City Park. Additionally, it is impossible to quantify funding requests for OTIS and City Park without knowing to include/exclude the Mawhinney lot. Non-fiscal impacts have to do with plan approval requirements for review with other boards and commissions.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Staff needs direction about what scale of project and within what time frame improvements should be made to the Mawhinney lot and Park Avenue traffic calming. The requirements must be

complete by October, 2003 or the current CUP expires and the lot cannot be used except through the Master Festival Permit Process.

RECOMMENDATION: Review current Mawhinney lot plan as approved by the Planning Commission and provide direction to staff as to the scope of the project in conjunction with Park Avenue traffic calming efforts, OTIS or the City Park Plan.

Attachments:

Traffic Calming Policy Issues Related to Park Avenue Improvements
Approved Mawhinney Plan as referenced in the CUP
Revised City Park Master Plan

Lower Park Avenue - Mawhinney Lot Traffic Calming Policy Considerations

The recently approved traffic calming policy outlines a process to review and act upon requests for installations of traffic calming devices or the initiation of any traffic calming program.

With any street modification that suggests adding a road narrowing or a proposed crosswalk, consideration to the consequences should be evaluated. PCMC now relies on this process to thoroughly evaluate and engage the local residents in understanding any change.

While considering how the Mawhinney project moves ahead, it is suggested that some form of the Traffic Calming Policy steps be incorporated into the discussion of adding a traffic calming feature on Lower Park Avenue.

Excerpts of the Traffic Calming Policy:

Fundamental Principles

1. Reasonable automobile access should be maintained. Traffic calming projects should encourage and enhance the appropriate behavior of drivers, pedestrian, cyclists, transit, and other users of the public right-of-way without unduly restricting appropriate access to neighborhood destinations.
2. Reasonable emergency vehicle access must be preserved.
3. The City shall employ the appropriate use of traffic calming measures and speed enforcement to achieve the Policy objectives.
4. To implement traffic calming programs, certain procedures shall be followed by the City in processing requests according to applicable codes and related policies within the limits of available resources. At a minimum, the procedures shall provide for:
 - ◆ a simple process to propose traffic calming measures;
 - ◆ a system for staff to evaluate proposals;
 - ◆ citizen participation in program development and evaluation;
 - ◆ communication of any test results and specific findings to area residents and affected neighborhood organizations; strong neighborhood support before installation of permanent traffic management devices; and
 - ◆ Using passive traffic controls as a first effort to solve most neighborhood speed problems.
5. Time frames - All neighborhood requests will be acknowledged within 72 hours from the initial notification of the area of traffic concern.

Under the “Procedures” section of the Policy, a detailed series of steps outlines a process by which City staff and residents discuss and review the addition of a traffic calming feature. In doing so, this allows for a better understanding of the area of traffic concern and provides a forum for discussion on how best to “design” the solution.

Again, some form of this process ought to be incorporated into the next project steps.

DATE: 6/30/2016
DEPARTMENT: OCMB
AUTHOR: Mark Christensen, Lori Collett
TITLE: Business License Ordinance Amendments (Taxi) and Fee Schedule
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Council should provide direction on the following issues relating to the business license code for taxi and shuttle businesses: Enforcement, Administrative Changes, Public Outreach, Fees and Fiscal Impact.

DESCRIPTION:

A. Topic: Review the proposed amendments to the Business License Code as it pertains to transit companies.

B. Background: In 1998, the Park City Council adopted an ordinance regulating the taxi and shuttle industry in Park City. At that time, the local taxi and shuttle industry requested that the City address the health and safety concerns associated with “for hire” transportation companies. This ordinance was developed through a cooperative process that included taxi and shuttle companies located both in Park City and the Salt Lake Valley. The ordinance largely mirrored the Salt Lake City ordinance with modifications for the unique atmosphere of Park City. It involved the creation of identification stickers and an inspection process that ensured that the minimum safety, licensing, and insurance qualifications were met before a “for hire” vehicle was operated in Park City. This approach was taken as an alternative to creating a transportation franchise ordinance or a city taxi license comparable to the Salt Lake ordinance.

Since its adoption Staff has had difficulty enforcing this ordinance while the local taxi companies have questioned the practicality of the ordinance. From an administrative standpoint, the time required to annually renew and issue this type of business license has vastly exceeded original assumptions. Police enforcement met opposition the first winter this ordinance was established. Stopping vehicles with passengers creates delays and portrays a negative image of Park City to its visitors. Enforcement by code officers is difficult because they can’t make traffic stops and language in the ordinance makes citing an individual difficult. Additionally, local transportation drivers have tried to detain vehicles from other companies (and passengers) that were improperly licensed creating potentially dangerous situations.

Staff has subsequently amended some of the practices associated with administering and enforcing this ordinance with marginal success. In May 2002 after receiving complaints from 649Taxi, Council agreed to work with the transportation industry to address the specific problems associated with this ordinance. Short and long term strategies were developed to address immediate changes for this program that include:

Short Term Solutions

1. Applying stickers to the vehicle in the presence of the business license clerk.
2. Having the business license clerk inspect all vehicles for proper permanent identification consistent with existing code.
3. All new taxi/shuttle business offices are inspected for compliance with the existing Land Management Code.

4. For all new applications, the business license clerk verifies that all drivers have the proper Class Z endorsement in accordance with State law.
5. Legal department will be asked to prepare a legal opinion concerning the enforcement of business license infractions and whether that is best preformed by the Police or Building Department.

Long Term Solutions

1. Create an enforcement policy and strategy based on the legal opinion prior to December 15, 2002.
2. Study business license fee for taxis and shuttles with a potential recommendation for a fee increase to cover the administrative costs associated with enhanced enforcement and administration.
3. All stickers as part of the renewal process will be applied in the presence of a Park City official.
4. All vehicle markings will be inspected as part of the renewal process to ensure signs are permanent.
5. All business offices will be inspected as part of the renewal process to ensure compliance with the Land Management Code.
6. A public outreach program with the Lodging Association, Sundance Institute, and Park City Chamber Bureau will be initiated to inform and educate visitors that if they get into an unlicensed taxi/shuttle, it is possible that their vehicle will be stopped and they could be inconvenienced.
7. All code adjustments will be cooperative process including taxi companies.
8. Propose alternatives in the fall of 2002 to make ordinance changes, such as a taxi franchise system.

This report outlines the issues and proposed changes for the business license ordinance. Staff has met with transit companies to discuss issues as they relate to the enforcement of “for hire” vehicles and has come to the following recommendations and possible alternatives. All transit companies with current business licenses were invited to attend two meetings that addressed the issues raised by the taxi companies. The following companies participated at the transportation meetings:

Park City Transportation, Powder for the People, Utah Shuttle Services, All Resort Express, 649 Taxi, Music Taxi, Express Shuttle, Superior Transportation, PC Limos, and CitiRide (These represent 48 percent of all “for hire” businesses licensed in Park City.)

A summary of the major issues raised in May and at the meetings will be discussed below. Council should provide direction to staff on the key policy issues so a final resolution can be prepared for a public hearing on October 31st.

C. Analysis: Several issues were addressed in this process. The main topics include the following: Enforcement, Administrative Changes, Public Outreach, Fees and Fiscal Impact. Perhaps the largest change to this ordinance is the philosophical issues around enforcement. The other issues are more technical in nature.

Enforcement:

The legal department has prepared an opinion for the enforcement of this ordinance and concluded that certain components of enforcement are best served in different areas of expertise. There are no legal enforcement restrictions with the way the ordinance is currently written. Rather, enforcement is more an issue of resource allocation and the current scope of staff work. With this information, Staff and the transit companies have addressed the following options as it pertains to enforcement.

Police will enhance enforcement within the scope of legal requirements. Police will issue citations and enforce when there is probable cause. This may create unintended consequences and potential issues identified by Chief Evans are:

- Stopping, citing or arresting taxi drivers, whether people are in the taxi or not, could and will cause fares to be delayed
- Citations for these violations are handled by the Justice Court, each not guilty plea will require an officer to appear in court to testify. Less officer time on street.
- Unwanted negative publicity for the City, the ski industry and the Police Department

The existing complaint process will remain in place when notices are sent to businesses that are out of compliance. Staff believes that over time as enforcement activities increase, the number of violations to the ordinance will decrease. Staff and the Taxi companies have also agreed to notice “for hire” transportation companies in the Salt Lake area of the changes to the ordinance and the requirements to obtain the proper licensing. Council should provide clear direction to Staff if they are interested in a more aggressive enforcement process. This is the desire of the transit companies.

Administrative Issues:

The existing ordinance distinguishes between three license categories: taxis, shuttles, (limo services are included in this group) and a combined taxi/shuttle license and impose a different fee for each category. The transit companies have requested that these be combined into one category with one fee, regardless of vehicle type. This will reduce the confusion between companies. The updated code will now define all of these companies as “For Hire Vehicles.”

Transportation companies requested an amendment to the existing sticker requirements. Currently, each vehicle is required to have two stickers, one on the driver’s door and the other on the rear of the vehicle. Staff and the transit companies have agreed to drop the sticker on the door and redesign the remaining sticker on the rear window of the vehicle.

On October 31, 2002 Staff will present to Council several changes to the existing ordinance that will formalize the changes presented in May as well as tighten issues that currently exist in the ordinance. Staff has implemented the short-term changes identified in May. These changes will be formalized in the updated ordinance that includes annual office inspections for businesses in Park City, enhanced ordinance compliance inspections, sticker placement on the vehicles, and licensing process improvements that will allow for greater compliance. This process will include the option of the Business License Clerk conducting vehicle inspections at the business where more than 10 vehicles are to be inspected. This is being offered as a customer service element to improve the time requirements for licensing vehicles.

Salt Lake City currently administers a licensing process that issues taxi driver licenses that display driver information such as a picture and name. This process may be cost prohibitive, as the City currently has not used this type of system. If Council is interested in this type of licensing they will need to direct staff to implement this type of program.

Public Outreach:

Public outreach will be critical to the process working. The transit companies have requested that notice of the ordinance changes be sent to all businesses in the Salt Lake area with a discussion of the new requirements. This will also include an information component that will be distributed to the Chamber of Commerce, the Lodging Association, and festival organizers.

Fiscal Impact and Fees:

The enhancements include the costs associated with the business inspection, the business license clerk and additional staff time needed during license renewals. Rosenthal and Associates have calculated the estimated annual cost for the enhanced services to be approximately \$8,500. Council can set the cost recovery level from 0 to 100 percent. Council should direct staff as to what level of cost recovery, if any, they would like to impose on the transit companies related to these changes. Regardless of the cost recovery, City departments may require a budget adjustment associated with the increased service costs of administering an enhanced transportation program. Council will need to provide direction on the level of cost recovery desired. Staff will return with an updated fee schedule based on direction provided on October 17th.

D. Department Review: OCMB, City Manager, Finance, Police

ALTERNATIVES:

- A. Council should provide direction on the following issues: Enforcement, Administrative Changes, Public Outreach, and Fee Recovery
- B. Continue the Item: Council could continue the item until the 31st.
- C. Do Nothing

SIGNIFICANT IMPACTS: Council has identified the taxi issue as a priority in the 2002 strategic plan. Policy direction is needed from Council to resolve this issue. Council should provide direction for staff on the outlined issues. Council questions and comments will be incorporated for public hearing on October 31, 2002,

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

This issue will remain unresolved if Council does not give policy direction by November 7th.

It may be impossible to implement changes to this industry in calendar year 2003 if action is not taken on the ordinance by November 7, 2002.

RECOMMENDATION: Council should provide direction on the following issues: Enforcement, Administrative Changes, Public Outreach, Fees and Fiscal Impact.

DATE: October 17, 2002
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.;
TITLE: Rockport Pipeline Project
TYPE OF ITEM: Contractual

SUMMARY RECOMMENDATIONS: Authorize the Chairman of the Park City Water Service District (PCWSD) Board and the Mayor to sign the water sales and water supply agreements with Weber Basin Water Conservancy District (WBWCD).

DESCRIPTION:

A. **Topic:** Rockport Pipeline Agreements

B. **Background:** Weber Basin, Park City and the County entered into a Memorandum of Understanding (MOU) in 1996 to reserve water until 2003. The October 3 staff report outlined the details of the MOU and Park City's efforts over the last six years.

The proposed project:

Divert surface water from the base of the Wanship Dam to the PCMC water system. The Project elements include approximately 46,000 lineal feet of 24-inch to 30-inch diameter raw water pipeline, a 6000 to 9000 g.p.m. pump station, a 400 to 600 ac-ft raw water storage reservoir, a nine to 12 million gallons per day treatment facility, finished water pump station, a three to five million gallon finished water reservoir, and approximately 30,000 lineal feet of finished water pipeline ranging in diameter from 16 to 30 inches.

C. **Analysis:** Water Sales Contract

This contract is between the PCWSD and Weber Basin for the sale of WBWCD water.

The elements of the contract are:

The final contract will require approval by the WBWCD Board and the United States Bureau of Reclamation.

Water Supply Agreement- The major elements of this agreement are:

Takedown Schedule

	beginning w. Agreement Execution & Ending with Project Completion				Following Project Completion		
				thereafter			
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The county (and Mountain Regional, the successor to Atkinson Special Service District) have acknowledged that this agreement terminates the 1996 MOU.

The budget impact of this project is approximately \$500,000 per year in water fees and \$650,000 in annual debt service. This project meet city council's goal of providing adequate water and will secure Park City's water future.

D. Department Review: The contracts have been reviewed by the city manager, deputy city attorney and the public works director.

ALTERNATIVES:

A. Authorize the Chairman of the PCWSD Board to sign the Weber Basin Water Conservancy District Water Supply Agreement and Water Sales Contract. (Staff recommended)

B. Table the agreements.

C. Renegotiate the terms and takedown schedule.

D. Table the agreements and continue to research other alternatives.

SIGNIFICANT IMPACTS: This project will provide sufficient water to meet Park City's long term water demands. It also achieves city councils' top priority goal of adequate water. The existing MOU expires in November 2003 and Park City will lose its ability to call on water from the Rockport and Smith-Morehouse Reservoirs.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The City will forego its best option to develop a perpetual water source. The cost to deliver

water from an alternative source will be much higher and less dependable. Park City will be dependent on others to deliver water.

PARK CITY WATER SERVICE DISTRICT
SUMMIT COUNTY, UTAH
JUNE 20, 2002

I ROLL CALL

Chairman Dana Williams called the meeting of the Water Service District to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 20, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was excused. Staff present were Toby Ross, Executive Director and Jerry Gibbs, Public Works Director.

II PUBLIC INPUT

Chairman invited the public to comment on any matter of WSD business not scheduled on the agenda. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF JANUARY 17, 2002

After reading the minutes of the January 17, 2002 meeting and finding no corrections or omissions, the Chairman requested a motion to approve. Peg Bodell, "I so move". Jim Hier seconded. Motion carried.

Bodell	Aye
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Calvert	Aye
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Candace Erickson	Aye
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Hier	Aye
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Jones	Absent
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IV CONSENT AGENDA

cation of water sales agreement with the Jordanelle Special Service District - See staff report and minutes from the City Council meeting of June 6, 2002. In response to a question from Board Member Peg Bodell regarding any changes to the agreement, Jerry Gibbs relayed that a cancellation clause was added as it was omitted in the original agreement so if JSSD has difficulty obtaining a permanent application approval from the State Engineer, it provides Park City with the ability to withdraw from the agreement. JSSD has accepted the language amendment. The Mayor requested a motion to approve. Peg Bodell, "I so move". Kay Calvert seconded. Motion carried.

Bodell	Aye
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Calvert	Aye
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dace Erickson	Aye
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Hier	Aye
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Jones	Absent
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V ADJOURNMENT

no further business, the meeting of the WSD was adjourned.

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meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY WORK SESSION NOTES

SUMMIT COUNTY, UTAH

SEPTEMBER 12, 2002

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones

Absent: Council member Jim Hier

Council questions/comments. There was discussion about the meeting notice on the feasibility study for the Heber airport. Ms. Bodell stated that she and Candace Erickson attended the annual ULCT convention and referred to comments made by speaker Lyle Sumek, particularly staff communicating anticipated issues to elected officials. She also obtained information about UDOT guidelines for bus shelters and using and retaining volunteers. Ms. Bodell asked for Council support on working with staff on a program to keep Olympic volunteers involved in the community. There was discussion about this being addressed as a part of Council's visioning effort, but not listed as an action item; there was no Council direction. Ms. Bodell added that another workshop dealt with better incorporating the Hispanic community. Fred Jones expressed that this is one of the recommendations rendered from the resort visioning group, including compliance with immigration laws and integration in the community. Ms. Bodell complimented Mark Harrington's and CARG's presentation on public hearings. It was very helpful and producing a video may be another way to share this information with the public.

Jones stated that 32 people volunteered to serve on the Olympic Legacy Task Force. The whole group will meet weekly to generate and prioritize ideas and will bring recommendations back to Council at the end of October.

regard to Council goals, he expressed concern about *communications* being ambiguous and not clearly defined. Kay Calvert felt that it is addressed as customer service, communications coming from the Marsac Building, and sharing Council's strategic plan. Council member Jones suggested that communication be included in the Mayor's responsibilities as he believes staff is receiving conflicting information from individual Council members. In reviewing the form of government ordinance, he expressed his surprise at its clarity and quoted *"Neither the Council, its members, the Mayor, nor any Council committee shall dictate the appointment by the City Manager of any person to office except as otherwise provided in this Code or in any way interfere with the City Manager or other city officer to prevent him from exercising his judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council, its members, the Mayor. . .shall deal with the administrative service solely through the City Manager, and neither the Council, its members, the Mayor, nor any Council committee thereof shall give orders to any of the subordinates of the City Manager."* Mr. Jones clarified that with regard to a communication plan, the Council needs to reach consensus so that the City Manager and staff receive clear direction. He also encouraged Council to thoroughly review the quarterly report to determine if there are differences on business approaches. It is imperative during this transition to be unified in proceeding with our approach.

Calvert continued that the role of liaisons to boards is somewhat unclear; is it appropriate actively participate or just report back to Council? Mr. Jones believed that Council should share information and if there are concerns, direction based on Council consensus, should be provided to staff or committees. The City Manager should be contacted rather than dealing directly with staff. This does not preclude talking to managers about issues which is different than telling them what to do. In response to comments made by Mr. Jones, Toby Ross agreed that staff has the obligation to present alternatives to Council and it is Council's obligation to arrive at some consensus or make it clear to staff that there is no consensus.

e was discussion about public support of the Ridgeview trail project which will be before Council next week. Candace Erickson commented on the installation of the tot lot fence and the overall great appearance of City Park. Kay Calvert commented on the quality and appropriateness of the 9-11 event. She added that the taxi group is making progress on monitoring unlicensed operators and will have recommendations sometime next month. The Mayor thanked the Fire District, Ecumenical Council, local performers, and City staff for their participation in the 9-11 activities. He reported that he received a couple of favorable comments on paid parking and several negative comments on the old sewer site being used for affordable housing. He explained to complainants that affordable housing at this location has not been formally considered. Newsweek is doing an article on businesses on Main Street, particularly the influx of real estate offices. The Mayor reported on an organ donation program.

Dissemination of strategic plan. Myles Rademan discussed the power point shows which have been presented to a couple of groups by the Mayor and available to all members of Council. He distributed a draft of the *Citizen Guide to Park City* containing visions, goals and action agendas as an approach to disseminate the strategic plan as well as a users guide including phone numbers and other information. The draft was produced in-house, but could be contracted to a graphic designer, if so desired. He added that Council members may have different ideas on the scope of the piece and level of funding. There has been a significant effort to enhance our website to attract and direct the public to information. Mr. Rademan asked for direction on the guide. Kay Calvert liked the content and suggested that it be translated in Spanish. The Mayor noted that he participated in its preparation and discussed the evolution of the project. He pointed out the budget summary; if a citizen wants more detailed information, there in information on those documents and how to obtain them. On-going projects are also described as well as contact information. There was discussion on hiring a marketing consultant versus in-house production. Candace Erickson felt that she

needs more time to review the content, but the layout looks good. Peg Bodell noted that it would be helpful to her to see the power point show presented by Mr. Rademan and the Mayor before she presents it to groups. Fred Jones and Kay Calvert agreed that the format of the piece is adequate and should be produced in-house. Mr. Jones is reluctant to suggest adding much more information because the piece would get *tossed*. Mr. Rademan discussed mailing the guide and there was discussion about box holders discarding mailers. Discussion ensued regarding including this in the *Park Record* and having a supply available at key locations.

Review of regular meeting.

n space bond. Linda Cook suggested a change to the ballot language to read, *“and to make improvements to land so preserved to protect the natural amenities and to provide for public access and use”*. It is hoped that this amendment will distinguish the parks bond last year and this year’s open space issuance. November 14 has been identified as the best date for the Council to canvass the votes. There is a second resolution which sets forth the appointment of a citizens advisory committee and to provide for an annual audit of the open space fund. If approved, the ballot language will be delivered to the Summit County Clerk tomorrow.

amendments. Pat Putt explained that these amendments relate to accommodating Olympic legacy structures and/or displays. Council has expressed an interest in maintaining Olympic flag poles, banners, banner standards and way-finding towers which were allowed under the master festival license. The amendments forwarded by the Planning Commission address existing Olympic displays in their present location provided for in the MFL, by identifying them as allowed uses in certain zones. Relocating displays from their existing locations require a conditional use process. There was considerable public input before the Commission. The resorts, lodging and restaurant associations, and Chamber/Bureau expressed support these

amendments. Two Board of Adjustment members expressed concern about relocating towers in the entry corridor or in recreation open space without the opportunity for public input. The Planning Commission forwarded a positive recommendation with a change in the definition section which narrowly defines official SLOC way-finding towers, flag poles, banner poles, and banners located in Park City. This would preclude towers from Ogden or Salt Lake to be permitted, for example. Fred Jones pointed out that if the definition remains as drafted, without the Planning Commission recommendation, a conditional use permit process would still have to occur, including a public process. The City Attorney interjected his concerns of this level of degree of separation as the origin of components of a tower may become questionable, and he recommended maintaining flexibility subject to the appropriate public process. Pat Putt reiterated the distinctions with the draft in the meeting packet and the Planning Commission recommendation and added that in the case of the relocation of a tower, the conditional use process would notify adjacent property owners, create an opportunity for comment, and provide the Planning Commission with the necessary tools to evaluate compatibility. The Council reserves the right to call-up a decision of the Planning Commission, and Toby Ross noted that because these projects involve the use of the City's right-of-way or property, the Council maintains ultimate discretion.

Jones stated that he feels there is adequate protection with the CUP process and is reluctant to preclude an opportunity in the future. Peg Bodell agreed but felt that the Olympic Legacy group should review the ordinance before Council adopts it; the 65 foot tower proposed at the Olympic Welcome Plaza is controversial. There was discussion on the need to amend the ordinance to legally accommodate the 65 foot towers in Deer Valley and PCMR. Ms. Bodell brought up the possibility of Olympic exhibits other than towers or banners, and Mr. Putt explained that there is a provision in the LMC for the display of public art.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 12, 2002

I ROLL CALL

or Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 12, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Kent Cashel, Transportation Director; Brooks Robinson, Planner; Derek Satchel, Preservation Planner; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

dable housing - Joe Kearnin, Silver Meadows resident, referred to Wednesday's edition of the *Park Record* where editorials from citizens expressed concern about the potential of affordable housing on the City's old sewer site. Like the misinformation on the Chatham Crossing affordable housing project, there are fears of dense rental property with large parking lots, nuisance problems, a drop in property values and undesirable people. However, the Mountainlands proposal was for attractive townhouses in character with the existing neighborhood to be purchased by moderate income people. He referred to the General Plan where this type of housing is exactly what the town needs to attract good employees and invited any concerned residents to visit his affordable housing neighborhood's block party this Sunday at 3 p.m. on Cooke Drive. His neighborhood looks nice and believes that Prospector values have increased since Silver Meadows was built. Park City needs more for-sale affordable housing, and if Council agrees that it is beneficial, please calm the opposition's fears and take proactive steps to support

affordable housing or it won't be built. For-sale stock has not been constructed since 1995 before the General Plan element was adopted which supports this effort.

y seal - Resident John Haney referred to the unsuccessful slurry seal project a few years ago and asked why the City still uses this material. It's bumpy and slippery.

Council member Erickson responded that she understands that slurry seal maintains the integrity of the street for an additional two to three years. Mr. Haney disagreed and believed that applications actually tear up roads, like chip seal. He alleged that the state uses it to obtain and perpetuate federal funding for projects. Eric DeHaan indicated that Mr. Haney has previously expressed his concerns to him and agreed that both chip and slurry seals have been improperly applied due and as a result City specifications have been strengthened with regard to ambient temperatures. This is a less expensive process than grinding and overlays and road closures are briefer. The rejuvenation agents in the slurry seal are beneficial to maintain the pavement in a satisfactory condition. The seal also provides an improved traction surface. He believed Mr. Haney may be referring to related to sub-grade failures. Staff believes that both chip and slurry seals are cost effective means of maintaining pavements when properly applied. However, Mr. DeHaan concurred that Type II and III slurries are not ideal for biking and roller-blading.

no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

ol buses - Kent Cashel relayed that he has received some calls regarding school buses in the Historic District. The School District is legislatively required to limit the number of stops in a given area and began to consolidate them. The District requested use of the transit center for service on Main Street and Marsac Avenue, however, the City there are both operational and legal issues with the use of the

transit center. The FTA must issue a letter of approval because it provided 80% of the funding for the project and has indicated that these regulations would apply to this case. In consideration of this hurdle, he has provided the right to travel the transit center access through the round-about and the stop and ride is located at the Olympic walkway. Mr. Cashel explained bus routing on Heber Avenue and how parents can pick up and drop off their kids who can use the transit center. This keeps 40 foot long school buses off of narrow and steep Hillside Avenue and Main Street when it is congested at 3 p.m., which has always been a concern. Mr. Cashel added that the City is working to facilitate the School District and mitigate safety concerns.

gnation of City Manager - Mayor Williams announced that Toby Ross has resigned to serve as City Manager in West Sacramento. It is expected that he will leave no later than October 11 and the City Council intends to conduct a nation-wide search for a replacement. Assistant City Manager Tom Bakaly will serve as Interim City Manager during the transition. Toby Ross has been City Manager since 1989, and was very instrumental in the success of the 2002 Winter Olympic Games. Prior to coming to Park City, he was the Assistant City Administrator for San Luis Obispo and in 1995 was named *Manager of the Year* by the Utah League of Cities and Towns. On behalf of the Council, Mayor Williams wished Toby Ross and his wife the very best in their new endeavor.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 8, 2002

Bodell commented that on several occasions, the consensus of Council is not clearly defined in the minutes and specifically referred to assigning Tom Bakaly to work with the Arts Council on August 8. Fred Jones suggested that after discussion, that the Mayor summarize direction so it is evident to the City Recorder and reflected in the minutes. Dana Williams agreed that this process would be

helpful. Peg Bodell, "I move to approve the minutes". Candace Erickson seconded. Motion carried.

g Bodell	Aye
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y Calvert	Aye
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ndace Erickson	Aye
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Hier	Absent
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d Jones	Aye
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V CONSENT AGENDA PUBLIC HEARINGS

Ordinance approving a plat amendment for 15 Eagle Pointe Court, Eagle Pointe III Subdivision, Park City, Utah - Planner Brooks Robinson explained that the request is to shift the platted buildings. The Planning Commission held a public hearing on August 28 and forwarded a positive recommendation in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Ms. Erickson disclosed that she walked the site with a representative of the applicant. Hearing no questions or comments from the Council or the audience, the public hearing was closed.

Ordinance approving 186 Main Street Subdivision to combine two metes and bounds parcels of the Park City Survey into one lot of record located at 186 Main Street, Park City, Utah - Preservation Planner Derek Satchel explained that the application is to combine two metes and bounds parcels in the Park City Survey to assume one lot of record. The purpose of the amendment is to accommodate

future development for the existing historic structure on the property. Approval is recommended in accordance with the findings of fact, conclusions of law, and conditions of approval after conducting a public hearing tonight. Peg Bodell stated that she discussed the easement on the back of the property with Mr. Satchel with regard to parking. Mr. Satchel clarified for the remainder of Council members that parking is allowed on the easement; the property beyond the 20 foot wide easement incorporates City land on which the miner's house memorial is intended to be located. Ms. Bodell pointed out that the property beyond the easement is privately owned by the applicant and the City Engineer explained that the easement does not bifurcate the actual property ownership but simply accommodates the sewer and storm drain lines. Parking is encouraged on the surface above the pipes to avoid regrading east of the property. It is likely that the trail encroaches on the parcel, but Mr. DeHaan continued that there is protection of the trail as a part of this action. In response to a question from Council member Bodell, he stated that Poison Creek could be day-lighted in the easement, but unlikely because of impacts both up and down stream and historically there has been parking on the surface above the culvert. With no further comments or questions from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Jones, "I move to approve Items 1 and 2 on the Consent Agenda". Kay Calvert seconded. Motion carried.

g Bodell	Aye
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y Calvert	Aye
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ndace Erickson	Aye
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Hier

Absent

d Jones

Aye

Ordinance approving a plat amendment for 15 Eagle Pointe Court, Eagle Pointe III Subdivision, Park City, Utah - See staff report and public hearing.

Ordinance approving 186 Main Street Subdivision to combine two metes and bounds parcels of the Park City Survey into one lot of record located at 186 Main Street, Park City, Utah - See staff report and public hearing comments.

VII PUBLIC HEARING - Olympic Legacy Projects

nance amending Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 15 Definitions; Chapter 2.6 Historic Commercial Business (HCB) District; Chapter 2.13 Residential Development (RD) District; Chapter 2.14 Residential Development-Medium Density (RDM) District; Chapter 2.16 Recreation Commercial (RC) District; and Chapter 2.17 Regional Commercial Overlay (RCO) District - See work session comments and staff report. Patrick Putt explained that these amendments relate to Olympic legacy displays installed within the City limits as part of the Master Festival License for the Games. They would allow the way-finding towers, the flag poles, and banner standards to remain in their existing locations at Park City Mountain Resort and Deer Valley Resort and some or all to be relocated on City's rights-of-way and/or property under a conditional use permit process. The Planning Commission forwarded a positive recommendation with a further amendment to Section 15-15-1 in Definitions, with the effect of prohibiting importing displays from other jurisdictions. He relayed that during work session, the direction of Council was not to include that language and

he went on to suggest additional clarifying language to support Council's intent. An ordinance is prepared in the event Council decides to take action. The Mayor invited Council input.

Erickson asked for clarification about the parameters of the GC zone and Mr. Putt indicated that it exists at approximately the sidewalk area. She pointed out that the GC zone is not included as an allowed zone in the drafted ordinance. City Attorney Mark Harrington recommended that this action be readvertised to address the omission as zoning is considered a substantive matter. However, Council can take action on this ordinance and staff can return with a separate ordinance addressing the GC zone as a part of other pending LMC amendments.

ing no further comments or questions from the Council or the audience, Mayor Williams closed the public hearing.

VIII NEW BUSINESS

Ordinance amending Title 15 of the Municipal Code of Park City, Utah, Land Management Code, Chapter 15 Definitions; Chapter 2.6 Historic Commercial Business (HCB) District; Chapter 2.13 Residential Development (RD) District; Chapter 2.14 Residential Development-Medium Density (RDM) District; Chapter 2.16 Recreation Commercial (RC) District; and Chapter 2.17 Regional Commercial Overlay (RCO) District

- Peg Bodell, "I move to approve the Ordinance with the exception of the deleting February 7, 2002 date as part of the amendment (Definition section)". Fred Jones seconded with the understanding that Council will address the GC zone at a later date. Motion carried.

g Bodell

Aye

y Calvert	Aye
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ndace Erickson	Aye
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Hier	Absent
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d Jones	Aye
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Resolution providing for the holding of a special bond election in Park City, Summit County, Utah, at the same time as the statewide regular general election, for the purpose of submitting to the qualified electors thereof the question of the issuance of General Obligation Bonds of the City in an amount not to exceed \$10,000,000 and providing for related matters - See staff report and work session discussion. Fred Jones, “I move adoption of the Resolution”. Candace Erickson seconded. Motion carried.

g Bodell	Aye
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y Calvert	Aye
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ndace Erickson	Aye
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Hier	Absent
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d Jones	Aye
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Resolution to appoint a citizen’s committee to advise the Council on community priorities for open space acquisition, methods to permanently preserve open space,

and to account for expenditure of open space bond proceeds should voters approve a General Obligation Bond to preserve open space - See work session and staff report. The Mayor requested a motion to approve. Fred Jones, "I so move". Kay Calvert seconded. Motion carried.

IX ADJOURNMENT

no further business, the regular meeting of the City Council was adjourned.

* * * * *

MEMORANDUM OF CLOSED SESSION

City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Toby Ross, City Manager; and Mark Harrington, City Attorney, and Tom Bakaly, Assistant City Manager. Fred Jones, "I move to close the meeting to discuss property and personnel matters". Peg Bodell seconded. Motion carried.

g Bodell	Aye
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y Calvert	Aye
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ndace Erickson	Aye
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Hier	Absent
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d Jones	Aye
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meeting opened at approximately 4:30 p.m.

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meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

DATE: 10/17/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: Pechnik House Remodel
TYPE OF ITEM: Rejection of all bids

SUMMARY RECOMMENDATION:

Staff recommends that City Council reject all bids for the Pechnik House Remodel Project.

DESCRIPTION

A. Topic Reject all bids for the Pechnik House Remodel Project.

B. Background

During the Work Session review of the Award of Construction Contract on September 26, 2002, Council members raised the question whether the Pechnik property could be sold without remodeling the house. Council also raised the question of the development potential for the property. Prior to the Council meeting, staff was led to believe that the house was historic and needed to be renovated and therefore recommended the bid be awarded. Due to the questions raised during the Work Session, Council gave direction to continue the item: Award of the Construction Contract for the Pechnik House Remodel; and to further investigate the disposition of the property and house.

Based on the direction of Council, there was a meeting between staff members to investigate the options for the property and house. Upon evaluating the house, staff has made the initial determination that although the house is over fifty (50) years old, it does not possess any historical significance. A formal Determination of Historical Significance application has been filed, and is scheduled for action on 10/21/02 as a Consent Agenda item before the Historic District Commission with a finding of historical insignificance.

C. Analysis

On September 26, 2002, the item before Council was the Award of Construction Contract for the Pechnik House Remodel. Council continued the item, and therefore the item must return to Council for action as a Contract Award or Rejection of Bids.

The bids for the project were opened and read aloud on September 18, 2002, and remain good for 30 days. There was only one bidder for the Project and the bid by Jeff Riehl Construction, Inc., remains valid until October 18, 2002. Council may still award the contract to Jeff Riehl Construction, Inc., before the expiration of the bid.

As of this date, the first completion date for the Sewer lateral work has been missed, and the next completion date of December 1, 2002, would most likely be missed as well. Due to the delay in the award, staff and the Contractor would need to renegotiate the completion dates for the project if Council were to award the contract. If Council wishes to proceed with the Pechnik House Remodel, it may be more appropriate to rebid the project at a later date due to the constraints of Winter working conditions.

Based on the questions raised by Council, the delay on the award of the contract, and the pending determination of Historical insignificance by the Historic District Commission, staff is recommending that Council reject all bids. If Council rejects all bids, staff could pursue the following options for the disposition of the house and property (see plat attached):

1. Market and sell property with house, in it's current condition.
2. Demolish house and shed, then sell as vacant parcels.
3. Clean up property lines including possible vacation of platted Marsac Avenue (staff would work with the Community Development Department on suitable configuration).
4. Demolish house and shed, clean up property lines and sell.
5. Demolish structures, clean up property lines and develop property.

The proceeds from the sale of the property would need to reimburse the affordable housing funds used for the purchase of the property. Based on direction, staff

would proceed with bidding the demolition of the house and return to Council for award of the contract.

ALTERNATIVES

- A. **Approve the Request** Reject all bids for the Pechnik House Remodel Project and direct staff on the disposition of the house and property.

- B. **Modify the Request.** The City Council could award the construction contract to Jeff Riehl Construction, Inc., in the amount of One Hundred Thirty-nine-Thousand One dollars and Seven cents (\$139,001.07), and renegotiate completion dates for the project.

- C. **Deny the Request.** The bids would expire and the item would need to return to Council for action.

- D. **Continue the Item.** Continuance would result in the bid expiring, and the item would still need to return to Council for action.

- E. **Do Nothing.**

SIGNIFICANT IMPACTS There are no significant impacts with the rejection of all bids. If Council elects to award the bid to Jeff Riehl Construction Inc., in the

amount of One Hundred Thirty-nine-Thousand One dollars and seven cents (\$139,001.07) and proceed with the Pechnik House Remodel Project, there is approximately a total of \$405,000 in the Affordable Housing Capital Improvement Account.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION Awarding the contract would limit the possible options for the sale or disposition of the property.

RECOMMENDATION Staff recommends that the City Council reject all bids for the Pechnik House Remodel Project and direct staff for the disposition of the property and house.

DATE: October 17, 2002
DEPARTMENT: Planning Department
PLANNER: Ray Milliner
TITLE: Revisions to Title 12, Signs, of the Park City Municipal Code
TYPE OF ITEM: Work Session

SUMMARY RECOMMENDATION: Staff requests that the City Council discuss the recommendations on the proposed amendments to Title 12, Signs, of the Municipal Code, conduct a public hearing and adopt the proposed changes as stated in the staff report, or with changes deemed necessary by the Council.

TOPIC

Proposed amendments to Chapter 12 of the Municipal Sign Code.

BACKGROUND

On September 25, 2002, the Planning Commission, after providing staff with direction, forwarded a positive recommendation to the City Council the following revisions to the Park City Sign Code.

ANALYSIS

Due to the needs of the business and resort community and, technological advancements in signs, staff initiated an annual review of the Code. This review allows the Planning Commission and City Council an opportunity to provide direction regarding these issues and clarify their intent at the time of Code approval.

(1) 12-4-10 Illumination

It is proposed this section be amended to eliminate the requirement that seasonal lighting be only white in color.

Proposed Language Chapter 4-9(D). Illumination

Prohibited Lighting. Lights which flash or move in any manner are prohibited. ~~Colored lights are prohibited.~~

(2) 12-6 Non-Conforming Signs

Upon review by the Community Development and Legal Departments, staff has determined that certain parts of the non-conforming signs chapter should be modified. This proposal allows for changes in the sign face for new lettering and colors, additional maintenance for the signs, and the relocation of signs in a manner that will not increase the degree of non-conformance (existing language is first, followed by proposed language):

Existing Language Chapter 6 - Non-conforming signs:

12- 6- 1. Conformance Criteria for Non-conforming Signs

All signs, except billboards (see below), shall conform or be removed as follows upon the happening of any of the events described below or where any of the following conditions apply.

- (A) When a non-conforming sign is destroyed or damaged to an extent in excess of fifty percent (50%) of the sign value.
- (B) The sign is relocated in any manner.
- (C) If the sign is altered structurally, or if more than fifty percent (50%) of the copy as measured by the sign area is altered, except for changeable copy signs and maintenance.

12- 6- 2. Alteration of Non-conforming Signs.

Non-conforming signs may be maintained and repaired in accordance with Section 12-6 - 3. of this Title, provided that the alterations and repairs are for the purpose of maintaining the sign in its original condition. Alterations to a non-conforming sign that change the size, use, content, color, lighting, or appearance of a non-conforming sign are considered structural alterations and shall be brought into full compliance with the standards of this Code.

12- 6- 3. Repair of Damaged Non-conforming Signs.

No sign that is not in conformance with this Code shall be repaired or restored after having been damaged to the extent of more than fifty percent (50%) of its value immediately prior to the event causing the damage or destruction. The owner of the sign or owner of the property shall have the obligation to properly remove the sign.

Proposed Language Chapter 6 - Non-Conforming Signs:

12-6-1. Conformance Criteria for Non-Conforming Signs

All non-conforming signs, except billboards (see below), which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this chapter.

(A) When a non-conforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair it must be removed within sixty (60) days after receiving notice from the Chief Building Official. Nonconforming signs which are damaged, other than by vandalism, to the extent of over fifty percent (50%) of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this Ordinance. Non-conforming signs which are damaged by vandalism to the extent of over fifty percent (50%) of their physical value must be restored within sixty (60) days or be removed or brought into compliance with the provisions of this Ordinance.

(B) A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Ordinance or does not increase the degree of the non-compliance of the sign. The City Engineer may approve the alteration of a non-conforming sign from its original location provided such alteration does not increase the degree of non-conformity. Once a non-Conforming sign is removed from the premises or otherwise taken down or moved (without City Engineer

approval), said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

(C) The face of a non-conforming sign may be altered if the sign face is not thereby enlarged. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities.

(D) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign for a particular use in sound condition are permitted so long as the non-conformity is not in any means increased.

(3) 12-7 Prohibited Signs

Staff is requesting that the Planning Commission review and approve the insertion of “Projection Signs” into the prohibited sign section. These are signs which project an image onto a sidewalk or building or other smooth surface. This style of sign was used with great success during the Olympics on Main Street, as images of event logos were projected onto the street from the roofs tops of adjacent buildings.

However, staff is concerned that the proliferation of said signs could visually clutter our commercial areas and detract from their overall design and feel (especially Historic Old Town). Furthermore, because the size of a projected image can be easily modified by the projection machine, the square footage, and how it relates to the allowed sign area on a building will be difficult to calculate and enforce.

Proposed Language Chapter 7 - Prohibited Signs

Projection Signs. A sign which projects a visual image or message onto a surface is prohibited. Temporary projection signs that are part of an approved master festival license may be allowed for the duration of the festival permit, provided they are directed downward and the light source is shielded from any view but the intended mark of the sign.

Proposed Language Chapter 2 - Definitions

Projection Sign. A sign which utilizes a beam of light to project a visual image or message onto a surface.

(4) 12-8 Signs Exempt From Permit Requirement

This request is designed to provide persons living in residential sections of Park City with an opportunity to place “Neighborhood Information Signs” on their property. These signs would distribute information important only to neighboring residents (generally), such as home owner’s association meetings, neighborhood events, or general notifications. Signs would be subject to the criteria for temporary signs already established in the Code, I.E. a max of six (6) square feet, must be entirely on private property etc.. Staff is requesting that the Planning Commission provide input regarding whether or not these signs are suitable for residential neighborhoods.

Proposed Language Chapter 8 - Signs Exempt From Permit Requirement

Neighborhood Information Signs: Neighborhood Information Signs are exempt from obtaining a permit as long as the sign is in compliance with the regulations as stated in Section 12-10-2(H).

Proposed Language Chapter 2, Definitions:

Neighborhood Information Sign: A sign located entirely on private property which is designed to provide information or notifications to local residents regarding neighborhood events, meetings, or issues.

In addition to neighborhood information signs, staff is requesting that the Planning Commission address the issue of public necessity signs. Currently the Code allows the Public Works Director to approve signs of public importance such as bus stops, no parking and street name signs. Proposed changes would enhance the authority of the Public Works Director to include signs in parks and on public facilities, such as safety/rules signs at the skateboard park, information kiosks at various trail

heads in the City, and warning signs for public facilities such as water tanks and well pump houses.

Proposed Language Chapter 8 - Signs Exempt From Permit Requirement

Public Necessity Signs. Public necessity signs such as safety/instructional (for public facilities, and parks), warning, information kiosks at trail heads, bus stop, no parking, and street name signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

(5) 12-9 Permitted Signs

Recently, staff has received direction from the City Council to pursue modifications of the Sign Code to allow for Olympic legacy projects. Therefore, staff is proposing that the permitted signs section, Types of Signs Allowed—Flags – Number of Flags be modified to include the following paragraph:

Proposed Language Chapter 9 - Permitted Signs

(3) Number of Flags. No more than three (3) free-standing flag poles per property may be shown at any time if these poles are visible from a public right-of-way. Properties with right-of-way frontage greater than one hundred yards (100 yds.) may be allowed an additional three (3) Flags per additional one hundred yards (100 yds.) of street frontage. Flag poles are restricted to only flying one (1) Flag per pole.

No more than eight (8) building mounted flags per property may be shown at any time if these Flags are visible from a public right-of-way.

Flagpoles and Flags approved by City Council as Olympic Legacy Displays for permanent installation on City property, public rights-way and/or within Olympic venue areas

at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of Flags and Flagpoles permitted in this Section.

(6) 12-10 Temporary Signs

Issues regarding this chapter primarily revolve around the allowed size of temporary campaign and real estate signs. Prior to the last amendment to the Code, both real estate and campaign signs were allocated three (3) square feet of total area. Staff recommended that the size of said signs be increased to six (6) square feet in order to make them compatible with other temporary signs such as yard sale signs and construction signs. The reason for this change was to treat like kinds of signs similarly, as City limitations of campaign and real estate signs to a smaller size than other temporary signs may violate an individual's Constitutional right to freedom of speech. That said, there has been some concern expressed by the City Council stating that six square feet of sign area is excessive for real estate and campaign signs (for example a 28.8" x 30" sign = 6 square feet).

To resolve this issue, the Planning Commission instructed staff to insert language into Section 12-10-2(B)(1) stipulating that if a campaign sign has two sides, then both sides will be calculated as sign area. The following language was inserted into the Code:

Proposed Language Chapter 10 - Temporary Signs / Campaign Signs

SIZE. Campaign signs shall not exceed six square feet (6 sq. ft.) of area on the exposed sign face. If the sign is two sided, both sides of the sign are counted as sign area.

Proposed Language Chapter 10 - Temporary Signs / Real Estate Signs

SIZE. Real Estate signs shall not exceed six square feet (6 sq. ft.) of area on the exposed sign face. If the sign is two sided, both sides of the sign are counted as sign area

DEPARTMENT REVIEW

The Community Development Department and Legal Department have reviewed the proposed amendments. This item was reviewed by staff at its June 25, 2002 staff review meeting, wherein a number of concerns were raised. These concerns have been incorporated into this report.

RECOMMENDATION

Staff requests that the City Council discuss the recommendations on the proposed amendments to Title 12, Signs, of the Municipal Code, conduct a public hearing and adopt the proposed changes as stated in the staff report, or with changes deemed necessary by the Council.

EXHIBITS

Exhibit A - Proposed Ordinance

AN ORDINANCE AMENDING THE SIGN CODE, TITLE 12 OF THE MUNICIPAL CODE
OF PARK CITY

HEREAS, a uniform sign code and land management code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

HEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of sign applications and the community has clear notice of the Sign Code standards; and

HEREAS, the City Council finds that the proposed changes to the Sign Code are necessary to prevent visual clutter, to aid tourists in easily identifying municipal boundaries, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

HEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Sign Code;

OW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 4-9(D) of the Municipal Code of Park City is hereby amended to read as follows:

Lights which flash or move in any manner are prohibited. ~~Colored lights are prohibited.~~

SECTION 2. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 6-1 of the Municipal Code of Park City is hereby amended to read as follows:

12-6-1. Conformance Criteria for Non-Conforming Signs

All non-conforming signs, except billboards (see below), which have been lawfully erected shall be deemed to be legal and lawful signs and may be maintained subject to the provisions of this chapter.

(A) When a non-conforming sign becomes deteriorated or dilapidated to the extent of over fifty percent (50%) of the physical value it would have if it had been maintained in good repair it must be removed within sixty (60) days after receiving notice from the Chief Building Official. Nonconforming signs which are damaged, other than by vandalism, to the extent of over fifty percent (50%) of their physical value must be removed within sixty (60) days of receiving such damage or brought into compliance with the provisions of this Ordinance. Non-conforming signs which are damaged by vandalism to the extent of over fifty percent (50%) of their physical value must be restored within sixty (60) days or be removed or brought into compliance with the provisions of this Ordinance.

(B) A non-conforming sign may not be relocated except when such relocation brings the sign into compliance with this Ordinance or does not increase the degree of the non-compliance of the sign. The City Engineer may approve the alteration of a non-conforming sign from its original location provided such alteration does not increase the degree of non-conformity. Once a non-Conforming sign is removed from the premises or otherwise taken down or moved (without City Engineer approval), said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

(C) The face of a non-conforming sign may be altered if the sign face is not thereby enlarged. The message of a non-conforming sign may be changed so long as this does not create any new non-conformities.

(D) Minor repairs and maintenance of non-conforming signs necessary to keep a non-conforming sign for a particular use in sound condition are permitted so long as the non-conformity is not in any means increased.

SECTION 3. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 7-1(J) and (U) of the Municipal Code of Park City is hereby amended to read as follows:

(J) Projection Signs. A sign which projects a visual image or message onto a surface is prohibited. Temporary projection signs that are part of an approved master festival license may be allowed for the duration of the festival permit, provided they are directed downward and the light source is shielded from any view but the intended mark of the sign.

(U) Neighborhood Information Sign: A sign located entirely on private property which is designed to provide information or notifications to local residents regarding neighborhood events, meetings, or issues.

SECTION 4. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 2-1(VV) of the Municipal Code of Park City is hereby amended to read as follows:

(VV) Projection Sign. A sign which utilizes a beam of light to project a visual image or message onto a surface.

SECTION 5. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 8-1(N) of the Municipal Code of Park City is hereby amended to read as follows:

(N) Neighborhood Information Signs: Neighborhood Information Signs are exempt from obtaining a permit as long as the sign is in compliance with the regulations as stated below:

(1) SIZE. Neighborhood information signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.

(2) HEIGHT LIMIT. No portion of the sign shall extend more than six feet (6') above natural grade or finished grade, whichever yields the lower sign. Mounting devices may extend above the sign by not more than six inches (6").

(3) NUMBER OF SIGNS. Only one (1) neighborhood information sign is permitted on any one parcel of property and must comply with the size, color, and placement standards of this Code.

(4) SETBACK AND ORIENTATION. Neighborhood information signs are permitted in any zone, provided that they are located a minimum of twenty feet (20') back from the edge of the curb, or edge of pavement where there is no curb, of the street on which the sign fronts. If this twenty foot (20') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Signs must be parallel to the street on which the building fronts, and placed in front of the front facade with the building as a backdrop. Signs may not be positioned in the side yard. Signs may be displayed through windows or other glass areas subject to the restrictions of Section 12-8-1(K) and 12-8-1(L) . On vacant lots, where there is no structure, the sign shall maintain the twenty foot (20') setback from the street.

SECTION 6. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 8-1(G) of the Municipal Code of Park City is hereby amended to read as follows:

Public Necessity Signs. Public necessity signs such as safety/instructional (for public facilities, and parks), warning, information kiosks at trail heads, bus stop, no parking, and street name signs installed by or with permission of Park City Municipal Corporation are exempt from permit requirements. Approval of the Public Works Director is required in order to insure safe placement and prevent unsightly or distracting sign placement.

SECTION 7. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 9-1(G)(3) of the Municipal Code of Park City is hereby amended to read as follows:

(3) Number of Flags. No more than three (3) free-standing flag poles per property may be shown at any time if these poles are visible from a public right-of-way. Properties with right-of-way frontage greater than one hundred yards (100 yds.) may be allowed an additional three (3) Flags per additional one hundred yards (100 yds.) of street frontage. Flag poles are restricted to only flying one (1) Flag per pole.

No more than eight (8) building mounted flags per property may be shown at any time if these Flags are visible from a public right-of-way.

Flagpoles and Flags approved by City Council as Olympic Legacy Displays for permanent installation on City property, public rights-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of Flags and Flagpoles permitted in this Section.

SECTION 8. AMENDMENT TO TITLE 12 OF THE PARK CITY MUNICIPAL CODE

Title 12 Chapter 10-1(B)(1) and Chapter 10-1(F)(1) of the Municipal Code of Park City is hereby amended to read as follows:

(1) SIZE. Campaign signs shall not exceed six square feet (6 sq. ft.) of area on the exposed sign face. If the sign is two sided, both sides of the sign are counted as sign area.

(1) SIZE. Real Estate signs shall not exceed six square feet (6 sq. ft.) of area on the exposed sign face. If the sign is two sided, both sides of the sign are counted as sign area

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

ASSESSED AND ADOPTED this 17th day of October, 2001.

DATE: September 25, 2002

DEPARTMENT: Planning Department

PLANNER: Ray Milliner

TITLE: Revisions to LMC Chapter 15-4-14 (Telecommunications Ordinance)

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Staff requests that the City Council conduct a public hearing, and approve the proposed amendments to the Telecommunications Ordinance.

TOPIC

Proposed amendments to Chapter 15-4-14 of the Land Management Code.

BACKGROUND

On August 28, 2002, the Planning Commission directed staff to eliminate the temporary antenna regulations for the Olympic games section of the Telecommunications Ordinance. The attached copy of the proposed ordinance reflects the changes discussed.

ANALYSIS

The attached document eliminates all Olympic related language in the Code. No other changes are proposed at this time.

DEPARTMENT REVIEW

The Community Development Department and Legal Department have reviewed the proposed amendments. This item was reviewed by staff at its June 25, 2002 staff review meeting, where in no concerns were raised.

RECOMMENDATION

Staff requests that the City Council conduct a public hearing, and approve the proposed amendments to the Telecommunications Ordinance.

EXHIBITS

Exhibit A - Proposed Ordinance

**AN ORDINANCE AMENDING SECTION 15-4-14 OF THE LAND MANAGEMENT CODE,
THE TELECOMMUNICATIONS ORDINANCE**

HEREAS, a land management code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

HEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of telecommunications applications and the community has clear notice of the Telecommunications Ordinance standards; and

HEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

HEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Telecommunications Ordinance;

OW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENT TO SECTION 15-4-14 OF THE PARK CITY MUNICIPAL

CODE The language in Section 15-4-14(Q) of the Land Management Code is hereby eliminated:

~~(Q) Olympic Telecommunications Facilities. The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by Subsection 8.30(e).~~

~~. Purpose. Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(e). The purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.~~

~~. Definitions. As used in this section, the following terms shall be defined as follows:~~

~~. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.~~

~~.———“City Park” means the City Park located at 1354 Park Avenue.~~

~~.———“Olympic Telecommunications Facility” means a temporary Telecommunications Facilities associated with the 2002 Winter Olympic Games.~~

~~.———Submittal Requirements. A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:~~

~~.———Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant’s existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and~~

~~.———A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.~~

~~.———Administrative Review. All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Staff, subject to the criteria provided below. At the applicant’s option, any application that is denied for noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code Section 8.30.~~

~~.——— Administrative Review Criteria. The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent possible, provide screening from adjacent property owners.~~

~~.——— Rights of Way. No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.~~

~~.——— Setbacks. Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.~~

~~.——— Height. Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.~~

. Design.

. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from the right-of-ways or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.

i. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the surrounding area.

- . Site Circulation. The location of the Temporary Facility shall not impede the traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

- . Site Disturbance. The Olympic Telecommunications Facility shall leave no lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of vegetation or soil. Upon removal of the Olympic Telecommunications Facility, the applicant shall return the site to its natural and/or original condition on the date of infrastructure permit approval.

- . Zoning Restrictions.

- . Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, Frontage Protection Zone, and POS zones are required to be reviewed pursuant to Section 8.30(F) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Section 8.30(F) of the Land Management Code in the ROS zone, except for the south end of City Park.

- i. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Section 8.30(Q) within the RDM, GC, LI, RD and RC zones.

- . Signs. No signs may be attached to or associated with Olympic Telecommunications Facility except those relating to the health and safety of the general public.

- . **Exemptions.** Those Olympic Telecommunications Facilities located within the Olympic Venue areas at Deer Valley Resort and Park City Mountain Resort, which have received approval from the Salt Lake Organizing Committee (SLOC) regarding location within the venue fence, are permitted.

- . **Permits.** Approved Olympic Telecommunications Facility will receive three permits from the Community Development Department

- . Conditional Use Permit.

- . Infrastructure Permit. The infrastructure plan for the site shall be

reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than _____ upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility

. Antenna Installation Permit. No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first receiving approval of a Building Permit. No antenna installation permit for Olympic Telecommunications Facilities shall be granted prior to October 1, 2001.

. **Olympic Telecommunications Facility Removal.** All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility by the date specified in the CUP. If such facility is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

ASSESSED AND ADOPTED this 17th day of October, 2002.

DATE: October 17, 2002
DEPARTMENT: Planning Department
TITLE: 447 Main Plat Amendment
TYPE OF ITEM: Legislative

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving this application according to the findings of fact, conclusions of law and conditions of approval outlined in the staff report.

PROJECT

Applicant: Jessie Shelter
Representative: Jonathan DeGray
Location: 447 Main Street
Zoning: Historic Commercial Business (HCB) Historic Residential (HR-2)
Adjacent Land Uses: Commercial / Residential
Date of Application: August 28, 2002
Project Planner: Ray Milliner

BACKGROUND

The applicant has applied for an amendment to lots 13, and 20 of Block 10 in the Park City Survey. The proposal will combine all of lot 13 and the easterly 10 feet of lot 20 into one lot, the remainder of lot 20 is occupied by a single family home with a different owner. The property is occupied by the existing historic structure at 447 Main (the No-Name Saloon), and is located within the HCB (lot 13) as well as the HR-2 (lot 20) zones. The applicant has stated that he intends (to date, no application has been received) to submit an HDC design review application for a second floor addition to an existing storage room in the rear of the structure. Therefore, as per the requirements of the Land Management Code, he is seeking approval from the City Council for a plat amendment which will combine existing properties into one lot of record. This application was reviewed by the Planning Commission at its October 9, 2002 meeting, wherein a positive recommendation was forwarded to the City Council.

ANALYSIS

As stated, the property is located in both the HCB and HR-2 zones. Renovations of existing historic structures are permitted in both zones provided that all plat issues are in accordance with Section 15-7-10(C) of the Land Management Code, which mandates that a building be in compliance with the subdivision requirements of the LMC prior to the issue of a building permit by the Community Development Department. Furthermore, any addition to the structure must comply with the requirements established in Section 15-2.3 (HR-2) and Section 15-2.6 (HCB). The existing structure occupies all of lot 13 and all of the 10' x 25' section of lot 20, thereby making it a non-complying structure in the HR-2 zone, as it does not meet the minimum rear yard setback of ten (10) feet. Land Management Code in Section 15-9-6(B) states:

Therefore, staff finds that any proposal to increase the amount of non-compliance of any part of the structure or the commercial use of the saloon within the HR-2 zone would be inappropriate unless the applicant received either a special exception or variance to the rear yard setback requirements of the HR-2 zone from the Board of Adjustment. A condition has been added to the proposed conditions of approval which reflects that finding. Upon receipt of an application for review for Historic District Design compliance, staff will ensure that all plans support this finding prior to the issue of a building permit. The applicant has agreed to limit all new construction to the HCB portion of the property.

Parking for the proposed use will be calculated according to the regulations stated in LMC Section 15-2.6-9(D), which states,

Staff records indicate that the applicant has established payment in full to the Main Street Parking Special Improvement District as required, and is therefore in compliance with LMC parking regulations. However, if upon review, staff finds that the proposed addition to the structure exceeds the 1.5 FAR, the applicant will be required to meet any additional parking requirements as stated in the LMC.

NOTICE

Notice of this hearing was sent to property owners within 300' on September 24, 2002. Staff has received written comments from representatives of the UPAPA organization, which are attached to this report as Exhibit C.

DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recording. The request was discussed at a Staff Review Meeting on October 1, 2002, where representatives from local utilities and City Staff were in attendance. Concerns outlined in the analysis section of this report were raised and discussed.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving this application according to the findings of fact, conclusions of law and conditions of approval outlined in the staff report.

Findings of Fact:

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Conclusions of Law:

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Conditions of Approval:

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EXHIBITS

Exhibit A - Proposed Ordinance

Exhibit B - Proposed Plat Amendment

Exhibit C - Park City Survey Plat

Exhibit D - Public Correspondence

**AN ORDINANCE APPROVING A PLAT AMENDMENT FOR THE PROPERTY
LOCATED ON LOTS 13 AND 20 OF BLOCK 10 OF THE PARK CITY
SURVEY, 447 MAIN STREET.**

HEREAS, the owner, Jessie Shelter, of the property known as 447 Main Street, has petitioned the City Council for approval of a plat amendment; and

HEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

HEREAS, on October 9, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

HEREAS, the proposed plat amendment allows the property owner to combine one old town lot and a portion of another into one lot of record; and

HEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

OW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

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SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

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N.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

ASSESSED AND ADOPTED this 17th day of October, 2002.