

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 22, 2005**

Present: Mayor Dana Williams; Council members, Kay Calvert, Marianne Cone Candace Erickson; Jim Hier; and Joe Kernan

**Tom Bakaly, City Manager; Mark Harrington, City Attorney; and
Alison Butz, Special Events and Facilities Manager**

**Sandra Morrison, Director of Park City Historical Society and
Museum**

1. Council questions and comments. Candace Erickson reported on Recycle Utah business, specifically the success of the green building program. Joe Kernan discussed the standard for snow plowing in the Prospector commercial parking areas, and added that Jerry Gibbs will be meeting with the Owner's Association about not storing snow on sidewalks and keeping them clear for pedestrians.

Mayor Williams welcomed reporter Jay Hamburger back, who was out with an illness. He felt that the free Main Street parking, provided after Thanksgiving through December, was successful. He understood that more seniors visited Main Street because of free parking and suggested exploring providing hang-tags for them. He recognized retiring Council member Kay Calvert.

2. Nightly rental amendment. Mark Harrington explained that the LMC was amended a couple of years ago to prohibit commercial uses in nightly rentals. However, the definition has been questioned by applicants and this amendment clarifies commercial uses, and specifically addresses corporate houses during special events for enforcement purposes. He relayed that it is typical for one or more companies to rent a residence as a hospitality center which has the potential to create traffic and parking problems. Commercial activities are not appropriate in nightly rentals and the terminology distinguishes between a primary use for a commercial hospitality house versus an occasional fund-raiser or evening special event that is limited in time frame. Mr. Harrington advised that the City could be as specific to limiting the number of occupants, cars, hours, etc., but staff recommends this tact which should make the City's regulations clearer. In response to a question from Jim Hier, Mr. Harrington indicated that the Lodging Association was not contacted because the amendment was not viewed as a *change* to the Code, but rather a clarification. Council member Hier suggested that if the ordinance is approved this evening that the Lodging Association be contacted; interested parties should always be contacted prior to meetings. The City Attorney stated that staff will follow-up.

3. Historical Society sub-lease. Alison Butz explained that the Historical Society is seeking the City's permission to sublease the Museum during the 2006 Sundance Film Festival. The Director approached the City a few months ago about renting the

space and the City arranged a meeting on her behalf with the Sundance Institute. Sundance and its sponsors declined the use the Museum because of space limitations since the exhibits need to stay in place. However, Fox Entertainment, Hollywood Life Magazine, and Cadillac subsequently reached an agreement with the Historical Society, contingent on City Council approval.

She stated that the Historical Society holds a 99 year lease and has the ability to lease the Museum for 24 hours or less for filming, etc. The rent, in the amount of \$40,000, is recommended to be allocated to capital improvements. In response to a question from Jim Hier about Cadillac, Ms. Butz explained that there will be no public parking component. She pointed out that next year, competing Festival sponsors will be prohibited from leasing City-owned facilities, but this year it is okay. In response to comments made by Joe Kernan, Ms. Morrison relayed that she is not aware of Cadillac wanting to hang an exterior sign and nothing can be attached to the historic facade. Next year, in order to be at that location, the sub-lessee would have to obtain a permanent business license and a sign permit. Ms. Butz emphasized that there are no temporary business exemptions and the City does not allow the use of public parking for advertising. According to the Sign Code, Festival sponsors can only replace existing signs. Ms. Morrison stated that Cadillac is a major corporate advertiser for Hollywood Life Magazine who is interested in using the Museum for photo shots. Again, signs will have to comply with the Code like any other business. The Historical Society will be hiring a security guard to protect the facility. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 22, 2005**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 22, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Brooks Robinson, Planner; Ray Milliner, Planner; Lieutenant Phil Kirk; and Phyllis Robinson, consultant.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan shared a concern expressed from a Main Street merchant about the availability of employee parking during Sundance because of the delay in the parking structure project. Alison Butz responded that staff also received the email and will report back to Council on Festival parking through the January 12 manager's report.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

1. Traffic – Prospector residential area - Joe Meslovski, Prospector resident, complained about the volume of traffic speeding through the neighborhood from SR248. He explained the problems with cars backing up on the street, making it difficult to back out of his driveway. There are no sidewalks and the congestion occurs when the children are walking to school. The no left turn signs were not a perfect solution in the past, but decreased the amount of traffic turning into the neighborhood from the highway. Mr. Meslovski urged Council to reinstall these signs, reiterating that it is not the solution, but probably a better option than stationing police in the area. Mr. Meslovski emphasized the number of small children in the area and indicated that he will continue to work with the traffic calming committee.

2. Holidays on Main - Mike Sweeney, HMBA, thanked Council for supporting Main Street's holiday program.

IV CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending Title 4, Chapter 2, Section 18(c) of the Municipal Code of Park City relating to commercial uses in nightly rentals – Brooks Robinson explained that this section of the Code regulates licensing of nightly rentals and the change involves defining *commercial uses*, which was explained by the City Attorney during work session. The Mayor opened the public hearing.

John Stafsholt asked if there is a limit of the number of occupants in nightly rentals. The City Attorney answered that there is not a specific number designated in the Code, which is determined by the Building Department. Mr. Stafsholt stated that single family homes can be remodeled to accommodate more units, without providing additional parking. Mark Harrington explained that there are regulations in place associated with creating separate units which are subject to building inspections. For instance, a single family dwelling can not be converted into nine lock-out units without going through the appropriate process and receiving approvals. The more typical application is for a duplex or triplex. With no further input, the public hearing was closed.

2. Ordinance approving the First Amended Arrow Leaf Condominium Record of Survey Plat, Park City, Utah – Planner Brooks Robinson explained that this application relates to the condominium conversion of Lodge B. Lodge A was previously platted and is under construction. The record of survey creates 28 condominium units, ranging in size from 1,472 to 1,899 square feet and includes two ADA units, platted as common space. Hearing no questions or comments from Council or the audience, the Mayor closed the public hearing.

3. Ordinance approving the Third Amended Marsac Mill Manor and Silver Mill House Condominium Record of Survey Plat, located at 1335 Lowell Avenue, Park City, Utah – Brooks Robinson stated that in 2002, the Marsac Mill Manor plat was approved but never recorded. There are notes on the plat enabling future modifications to the project without going through the platting process by obtaining approval from all property owners. The Mayor opened the public hearing and hearing no comments, closed the hearing.

4. Ordinance approving a street vacation and plat amendment for the property described as Lots 27-32, Block 75, a portion of Lot 17 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue, Park City, Utah – Ray Milliner indicated that this request is a plat amendment and street vacation. Through a computer presentation, Mr. Milliner displayed the location of the historic residence, the platted right-of-ways and the actual built roads. He explained that the applicant is requesting vacation of a portion of platted (unbuilt) Ridge Avenue which is under the house and front yard in exchange for the donation of two lots owned by the applicant. It is a square-foot exchange which is consistent with the resolution adopted by Council regarding vacations. Upon approval, the applicant will have two platted lots which can be developed. The yellow house sits on one lot and the other is property between Ridge Avenue and King Road. This lot is 2,250 square feet which is slightly less than the minimum allowable requirement in the HR-1 Zone but the applicant has received a variance for the lot, contingent on tonight's approval. Staff is recommending approval based on the findings of fact, conditions, and conclusions of law outlined in the staff

report. The Mayor opened the public hearing. With no comments or questions, the public hearing was closed.

V CONSENT AGENDA

The Mayor asked if there are questions on the annual insurance renewal and/or the lease with Harley Davidson. Jim Hier asked why the Police Department is going from two to four motorcycles. Lieutenant Phil Kirk introduced Joe Timmens of Harley Davidson of Salt Lake. He explained that a number of officers are certified riders and all four bikes could easily be used for special events. Even with four bikes, the lease and maintenance costs are much less than leasing two from BMW. Councilman Hier continued to question leasing four motorcycles. Ms. Erickson stated that she shared the same concern in consideration of the overall budget for the Department. Phil Kirk answered questions about service maintenance, warranties, and storing the bikes. Joe Timmens pointed out that the base cost for the motorcycles is almost a one-time cost and as the lease is renewed and equipment replaced, this cost is eliminated and the amortization schedule is very attractive.

Kay Calvert felt that the Department needs three motorcycles, and a fourth would be helpful in the event a bike is out of service. Lt. Kirk indicated that maintenance should be more efficient with Harley Davidson than BMW, but the turn around still takes some time. Ms. Calvert supported acquiring four motorcycles. Joe Kernan emphasized that four bikes will only cost the City \$2,000 a year and asked why the City is getting such a good deal. Mr. Timmens stated that he lives in Park City and will be opening a business on Main Street in the spring. He believes he can do a better job than BMW and relayed that Park City is the only Department in the state he doesn't service. Joe Kernan noted that the City is acquiring four bikes for the price of two and supports the staff recommendation of four. Kay Calvert, "I move to approve Consent Agenda Items 1 through 6". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance amending Title 4, Chapter 2, Section 18(c) of the Municipal Code of Park City relating to commercial uses in nightly rentals – See staff report and public hearing.

2. Ordinance approving the First Amended Arrow Leaf Condominium Record of Survey Plat, Park City, Utah – See staff report and public hearing.

3. Ordinance approving the Third Amended Marsac Mill Manor and Silver Mill House Condominium Record of Survey Plat, located at 1335 Lowell Avenue, Park City, Utah – See staff report and public hearing.

4. Ordinance approving a street vacation and plat amendment for the property described as Lots 27-32, Block 75, a portion of Lot 17 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue, Park City, Utah – See staff report and public hearing.

5. Insurance renewal for 2006 – See staff report.

6. Lease with Harley Davidson for Police Department motorcycles – See staff report and discussion above.

VI OLD BUSINESS

Ordinance amending the Municipal Code, Title 12, Sign Code – Planner Ray Milliner discussed the modifications directed by Council at its meeting on December 1. He pointed out his error in not changing the off-premise signs number to “5”, although the language reads “five”. The public hearing was closed and not continued at the last meeting, but the Mayor invited input.

Mike Sweeney, HMBA, thanked Planner Ray Milliner and the City Council and urged Council to approve the Sign Code as presented.

Candace Erickson, “I move we approve the Ordinance amending the Municipal Code, title 12, Sign Code as corrected by staff”. Kay Calvert seconded. Motion unanimously carried.

VII NEW BUSINESS

1. Consent to Park City Historical Society & Museum to sublease 528 Main Street for the period of January 17 – January 29, 2006 and 518 Main Street for the period of January 12 – January 30, 2006 – See staff report and work session discussion. Alison Butz explained that the request is for permission to sublease the Museum during the Sundance Film Festival to Fox Entertainment, Hollywood Life Magazine, and Cadillac. Joe Kernan asked if there is way to prohibit advertising in the windows or on the exterior of the building that may conflict with sponsors of Sundance, which is a condition in future years. Mark Harrington explained that the City does not regulate the content of signs. During the Olympics, for example, signs were allowed to be replaced with temporary signs, complying with the Sign Code. He acknowledged that leasing City property to corporations that are not sponsors of the Film Festival is not allowed beginning next year under the agreement between the City and Sundance Institute. Alison Butz clarified that this year staff tried but was unable to secure a Sundance sponsor for the Museum space. Mr. Kernan insisted that the City should honor the spirit of the agreement and control the exterior signage this year. Kay Calvert disagreed and

Jim Hier indicated that Sundance has no objections. There was no support from other Council members on controlling signs.

Kay Calvert, "I move to approve the Park city Historical Society to sublease 528 Main Street for the period of January 17 – January 29, 2006 and 518 Main Street for the period of January 12 – January 30, 2006". Candace Erickson seconded. Motion unanimously carried. Director Sandra Morrison thanked Council and recognized Alison Butz's helpful assistance.

2. Real estate purchase contract with Quaking Aspen Distillers for the sale of 703 Park Avenue – Alison Butz stated that the City Council directed staff last fall to advertise the intent to sell 703 Park Avenue, which includes the historic house and the National Garage. Staff reviewed the offers and presented them to Council who selected Quaking Aspen Distillers. The sale for the property is in the amount of \$1,135,000. The real estate purchase contract (REPC) does not address the use and the owner will have to apply for a conditional use permit (CUP) to allow this use within the zone. The City will submit a plat amendment for this property and for 664 Woodside Avenue. Quaking Aspens will also have to obtain master plan development (MPD) approval from the Planning Commission and meet the Historic District Design Guidelines. She added that the REPC includes a guarantee for rehabilitation in an effort to maintain the property as an historic landmark, which will be accomplished through escrow or letter of credit. She stated that the City received 32 inquiries and received a total of 13 bids which demonstrated more interest than the response in 2003. Both the Planning and Building Departments have reviewed this project. In response to a question from Jim Hier, Alison Butz noted that the REPC will not return to Council.

Joe Kernan asked if there will be conditions on the future use of the building in the event Quaking Aspen sells. Ms. Butz explained that the CUP must be approved before the property closes. The City has no other future restrictions. He pointed out that the distillery could move from that location, and Mark Harrington advised that any new commercial use would be required to go through a CUP process. Phyllis Robinson added that the historic residence can not be relocated and commented on the CUP process. The Mayor opened the public hearing.

Greg Schirf, owner of Wasatch Brew Pub, stated that in 1988 he bought RDA property on Main Street to relocate his brewery from Iron Horse Drive to Main Street. At the time, there were public concerns voiced about perceived offensive odors emitted during mashing. He commented on how surprised people are to find that the aroma is pleasing, similar to a bakery, because of the natural grains used and he encouraged people to visit his business on a brewing day.

Sandra Morrison, Director of Historical Society & Museum, stated that both the house and the garage are listed on the National Registrar of Historic Places and are prominent landmarks in Park City. She encouraged that the Council require a preservation façade easement before the sale; if it is donated by the owner, there may be a tax advantages. Ms. Butz relayed that a façade easement is required by the City upon completion of the project.

Michael Kaplan, resident, indicated that a couple of years ago, he bid on the property and the Council selected individuals who couldn't perform. This would never happen in the private sector and it was a frustrating experience for him. He alleged that the City's intent to sell was not very well publicized. Through an email to Council members, he invited questions on his proposal to use the property as a night club or performing arts venue and never heard from anyone. He asked why the property is not recommended to be sold to the highest bidder, like the other properties. Candace Erickson replied that she had no questions on his proposal. She was attracted to the Quaking Aspen Distillery's submittal because it is a day use, and something that doesn't exist anywhere else in town or in the Rocky Mountains. Members were looking for something unique and distinguishing for Park City. Kay Calvert also acknowledged that Aspen Distilleries was not the highest bidder, but a larger consideration is economic viability and other attributes, not just the dollars. Mayor Williams stated that members consciously looked *out of the box* for concepts and he disagreed with Mr. Kaplan's criticism on advertising. The City has an obligation to the public with regard to investments, but the highest bid is not necessarily the best return. Mr. Kaplan stated that the criteria should have been listed before inviting bids so that no one's time is wasted. The CUP process should also be conducted first.

Mike Sweeney, adjacent property owner, spoke to the letters of credit for improvements in the amounts of \$500,000 for 703 Park Avenue and \$188,000 for 664 Woodside Avenue, and asked for clarification on the performance requirement. What happens if the total specified amount is not expended on improvements? Alison Butz explained that Cooper Roberts Architects estimated \$320,000 to rehabilitate the garage and the Chief Building Official recommended the remainder to bring the residence into compliance with the UBC. The \$188,000 for Woodside Avenue was also supported by Ron Ivie, but no plans have been submitted. Mr. Sweeney asked what happens if the properties are not restored. The City Attorney explained that the City would exercise its rights under the agreement to draw from the bond and make the improvements ourselves. The Council considered the choice of making the improvements and selling the property or keeping more options open by having the improvements made by the new owner.

John Stafsholt appreciated that the Council didn't select the highest bidder over other criteria. The day use aspect is very important as is separating the Woodside Avenue property from this project area.

Chris Murray voiced his support for Quaking Aspen Distillery. This is a unique opportunity for Park City and he can't think of any downside. He shared his experience living next to an Anhauser Busch Brewery in Southern California and indicated that there were no negative impacts.

With no further input from the audience, the Mayor closed the public hearing. Joe Kernan stated his support for the Brewery and the importance of keeping it there for a long time. He asked that the City Attorney draft a deed restriction that would assure that any change in use would be acceptable to the City at that time. Candace Erickson stated that any change in use would have to be approved through the CUP process. Council member Kernan suggested language that would require City Council approval for any change in use. The City Attorney explained that staff would have to research methods to accomplish this while not negatively affecting Quaking Aspen's financing. However, when the property is subdivided there may be an opportunity to restrict uses as a part of the CC&Rs. Mr. Harrington continued to advise that it is hard to delineate conditions and yet maintain flexibility for future councils and reiterated that this approach requires further study. Jim Hier pointed out that limiting the uses for the property further than the zoning would severely diminish its value. He is extremely hesitant to place a restriction that would reduce the value of the property from its appraisal, which was conducted in a free market.

Kay Calvert believed that this issue should have been addressed during the negotiation process not now, and Mr. Kernan urged seeking a legal opinion. Mark Harrington reminded Council members that they discussed an option before the RFP was advertised that the City finance and/or lease the project in order to maintain long-term control. This was an option that Council declined to explore and there was a selection process based on the current proposal. He added that it is possible that Council may not review a new use if it is allowed in the underlying zoning.

There was discussion about spot zoning. Kay Calvert acknowledged Mr. Kernan's concerns, but did not feel that his request is reasonable or possible at this point in time. Mayor Williams cited his 17 years of experience as a realtor and commented that he has never seen any property encumbered by so many conditions. If the distillery goes away and the property reverts to single family, he stated that he *can live with that* and any new commercial use is subject to a CUP. Personally, he stated that he feels comfortable with the guidelines in place and invited a motion.

Joe Kernan, "I move we have the Attorney research it and delay this until our first meeting in January to make a final decision". Motion died for lack of a second. Jim Hier stated that prior to execution, he would like the opportunity to look at the final REPC for informational reasons. Jim Hier, "I move we direct staff to enter into a real estate purchase contract with David Perkins, Quaking Aspen Distillery, for the sale of 703 Park Avenue in the amount of \$1,035,000 as outlined in the staff report". Kay Calvert seconded. Motion carried.

Kay Calvert	Aye
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Nay

3. Real estate purchase contract with Peter Silvero for the sale of 664 Woodside Avenue – Alison Butz discussed Council's preference in separating bids for the Woodside and Park Avenue properties. Peter Silvero submitted the highest bid in the amount of \$575,000 and plans to use it as his full-time residence. A letter of credit will be issued in the amount of \$188,000 for rehabilitation and a façade easement will be donated to the City. The property is subject to all Planning Department processes. In response to a question from Marianne Cone, Ms. Butz explained that the property will be platted. The Mayor opened the public hearing.

David Bertinelli, resident, stated that he and his wife Rachel have resided at 664 Woodside for ten years. They have been trying to buy the house from the City for the last seven years and the last two and a half years have been very difficult. In April 2004, they were given less than three weeks to come up with a REPC. When they couldn't meet the deadline, they met with City officials who reluctantly agreed to draw up a contract. The signed contract had numerous errors, including one that the City would provide a construction loan in the amount of \$110,000 to the Bertinellis. They could have signed it, but had it re-written to do the right thing. The next draft went from \$110,000 to \$140,000 and suddenly they had to come up with funds that amounted to nearly 50% of the cost of the house. Mr. Bertinelli stated that through the whole process and many communications, they were never told that they would have to guarantee construction funds. After several addendums, Mr. Bertinelli stated that he was contacted by Tom Bakaly who told him that if the contract was not signed in its present form, it would be considered rejection of the contract and he would recommend to the City Council that the property be auctioned and that they would have to move out in a couple of weeks. According to the REPC, they had two weeks to secure a \$140,000 construction performance bond and ultimately the contract was voided. Mr. Bertinelli detailed his frustrations in meeting design deadlines and emphasized that they were not being difficult but were trying to buy their first home. He described their

emotional attachment to the house and the month-to-month rental arrangement with the City. The decision is to sell the house to someone out of state while he and wife have lived in Old Town for 15 years. They offered \$485,000 and the Council doesn't have to accept the highest offer. He stated that *it's all about money* which is sad.

With no further input from the audience, the Mayor closed the public hearing. Kay Calvert, "I move to approve the real estate purchase contract with Peter Silvero for the sale of 664 Woodside Avenue". Candace Erickson seconded. Motion unanimously carried.

These comments were made after item 4 was introduced, but appear here for reference purposes.

Heidi Gatch, realtor for Peter Silvero, asked why there is no performance bond attached with the sale of 222 Grant Avenue. Mayor Williams stated that the house needs to be upgraded but not to the extent of the other structures. These bond performance requirements are *new*. She didn't feel Mr. Silvero plans to renovate until he retires in a couple of years and she didn't have an opportunity to review the REPC. Mayor Williams noted that if Mr. Silvero declines to sign the contract, the bid process will begin again. Jim Hier explained that the Watts structures do not meet the UBC and Council felt this was a good mechanism to ensure the upgrades were made. Candace Erickson pointed out that neglect leads to demolition. Ms. Gatch suggested that the contract specify a time period to complete improvements. Mr. Bakaly stated that this may be a substantial change and staff will need to study this further. Phyllis Robinson suggested a condition that no building permits are pulled until the bond is posted and Mark Harrington suggested approving draft as written and if it is substantially different, he will bring it back to Council.

4. Real estate purchase contract with Kurt Peterson for the sale of 222 Grant Avenue – Phyllis Robinson explained that Council requested an appraisal of this property which was acquired as part of the Imperial Hotel purchase. A notice of intent to sell was advertised and staff received a total of four offers on this property. Staff is recommending the sale of 222 Grant Avenue to Kurt Peterson in the amount of \$401,000. The Mayor opened the public hearing and Heidi Gatch rendered comments on the 664 Woodside Avenue property (see above). Candace Erickson, "I move approval of a real estate purchase contract with Kurt Peterson for the sale of 222 Grant Avenue, as referenced in the staff report". Kay Calvert seconded. Motion unanimously approved.

5. Real estate purchase contract with Trent Handsaker and Ryan McCormick for the sale of 148 Main Street – Phyllis Robinson explained that the property includes Lots 8 and 9 and there is a requirement that the historic Tallon House be moved forward and

rehabilitated. The intent to sell was advertised, three offers were received for 148 Main Street and staff is recommending the sale for \$450,000 with the requirement that the house be moved in a timely manner. The property is subject to all Code requirements. The Mayor opened the public hearing.

Doug Stephens, resident and Main Street property owner, stated that he was involved in the HPB discussions that the historic home in the back be moved in order to create a public park. This sale is a little different than that envisioned by the HPB. A plat amendment will be required to combine the lots and a non-conforming lot may be created (less than 1,875 square feet). Additionally, the LMC requires ten foot rear and front yard setbacks on new construction which will make the house design a challenge. He felt that moving the Tallon House so it is part of the environment on Main Street is positive. The historic home, after removing the addition in the rear, is probably only 200 square feet and he feared a new house will conflict with Historic District Guidelines and dwarf the Tallon House. He acknowledged the City Council's fiduciary responsibility to the public. He felt that the public's use of the property is minimized by only having a 25 foot access to the public space in the rear. He urged the purchaser to proceed with a design review process ahead of time before he is obligated to purchase.

In response to questions from Marianne Cone, the City Attorney pointed out that the planning process is required prior to closing and is contemplated in the draft. She disagreed with Mr. Stephens and felt that 25 feet is sufficient space for access and suggested that the garage be situated to the north and the house to the south, taking advantage of solar energy.

Christopher Bush, member of the purchasing group, acknowledged that the property is difficult but they have hired an architect. With no further public input, the Mayor closed the public hearing.

Dana Williams expressed his confusion with Mr. Stephen's comments, because he is a historic preservation consultant to the City. Doug Stephens explained that he wasn't professionally involved in this project because of the conflict of being an adjacent property owner and his comments tonight are rendered as a citizen. Phyllis Robinson added that the Chief Building Inspector and Planning Director have looked at the lot configuration.

Marianne Cone, "I move that we direct staff to enter into a real estate purchase contract with Trent Hansaler and Ryan McCormick for 148 Main Street in the amount of \$450,000 in a form to be approved by the Legal Department". Jim Hier seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. Chief Lloyd Evans relayed the Department's appreciation of Kay Calvert's support over her years of service and presented her with a certificate of appreciation.

MEMORANDUM OF CLOSED SESSION

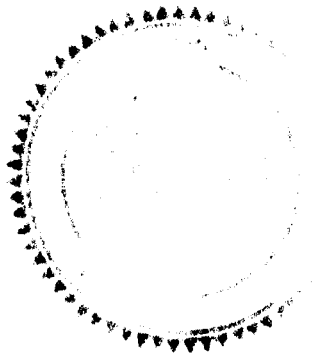
The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried unanimously.

The meeting opened at approximately 5 p.m.

The 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





City Council Staff Report



Author: David Maloney
Subject: Land Management Code Amendment
Date: December 22, 2005
Type of Item: Legislative

Planning

Summary Recommendations:

Review, discuss and approve the proposed revisions to the Municipal Code

Description:

Topic:

Project Name: Municipal Code Amendments – Commercial Uses in Nightly Rentals

Applicant: Planning Department

Project Planner: David Maloney

Background

Based on discussions with Planning, Building, Finance, Legal and Police Departments concerning public complaints, problems and possible solutions relating to nightly rentals Staff is proposing specific amendments to the Park City Municipal Code (PCMC) as it relates to commercial uses in nightly rentals located within non-commercial zones. The intent of the proposed amendment to the PCMC is to eliminate full time sponsor houses and similar marketing uses while still allowing the occasional house party or fundraising type event without the necessity of further permits.

Analysis

The specific amendment will apply to Park City Municipal Code – Title 4 Licensing, 2-18, (c) Nightly Rentals: (4) Management Standards, and (5) Noise and Occupancy Control. The Management Standards have been modified to include the explicit prohibition of corporate sponsor houses or business houses which are used primarily to “distribute retail products or personal services to invitees for marketing on similar purposes, regardless of whether such products or services are charged for”. Furthermore, an amendment to (5) Noise and Occupancy Control clarifies that the standards for noise and occupancy are based on the existing noise ordinances and the documented occupancy loads.

Department Review

These amendments are a result of input from the Planning, Building, Finance, Legal and Police Departments. A final draft of these amendments will be available at the Planning Department prior to the initial public hearing on December 22, 2005.

Recommendation

Staff recommends City Council review and approve these proposed amendments to the Park City Municipal Code.

Exhibits

Exhibit A- Proposed Ordinance

Ordinance No. 05-____

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 2, SECTION 18(C) OF THE
MUNICIPAL CODE OF PARK CITY RELATING
TO COMMERCIAL USES IN NIGHTLY RENTALS**

WHEREAS, during the summer and fall of 2005, the City's enforcement officers held discussions with staff representatives from the Planning, Building, Finance, Legal and Police Departments concerning public complaints, problems and possible solutions relating to nightly rentals;

WHEREAS, the staff meetings resulted in a recommendation to further define the prohibition on commercial uses in nightly rental to eliminate full time sponsor houses and similar marketing uses while still allowing the occasional house party or fundraising type event without the necessity of further permits;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL of Park City, Utah that:

SECTION 1. AMENDMENT. Title 4 of the Municipal Code of Park City, Utah, Chapter 2 Regulation of Specific Businesses, is hereby amended to include issues relating to Nightly Rentals as follows:

PARK CITY MUNICIPAL CODE - TITLE 4 LICENSING

4- 2-18. REGULATION OF SPECIFIC BUSINESSES.

(C) **NIGHTLY RENTAL.** All nightly rental units must be licensed before being offered for rent.

(1) **LICENSE ISSUANCE.** The business license for rental of units under this section will be issued by the City upon payment of necessary fees and upon a finding by the staff that the review criteria established below have been satisfied.

(2) **LICENSEE.** The licensee for rentals under this section shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(3) **APPLICATION PROCEDURE.** All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone twenty four (24) hours per day and all other information requested on the application forms.

The application includes a cover form which contains information common to all units

managed, and unit forms which contain information on each unit managed. It is the licensee's duty to supplement both forms as information changes or as units change from one manager to another.

(4) **MANAGEMENT STANDARDS.** The lodging authorized under Section 4-2-17 must be properly managed. As a condition to holding a valid license, the licensee agrees to provide or arrange for adequate property management services. In the event an owner's association exists, it shall be responsible for property maintenance. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services required and management regulations include:

- (a) Snow removal during winter months to a level that allows safe access to the building over the normal pedestrian access to the unit.
- (b) Snow removal service to off-street parking facilities associated with the rental property so that off-street parking is at all times available for use of the occupants.
- (c) Summer yard maintenance, including landscaping, weed control, and irrigation to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.
- (d) Structural maintenance to preserve substantial code compliance as described above is required.
- (e) Routine upkeep, including painting and repair to a level that is consistent with the level of maintenance on adjoining or nearby properties.
- (f) Trash collection which insures that trash cans are not left at the curb for any period in excess of twenty-four (24) hours and the property must be kept free from accumulated garbage and refuse.
- (g) Housekeeping service as a part of hotel or property management company: included in property management license.
- (h) Parking. On-street parking for nightly rental uses shall not result in an obstruction to traffic and pedestrian circulation or public safety.
- (i) Outdoor displays of Goods and Merchandise. No outdoor display of goods and merchandise shall be permitted as part of any nightly rental use.
- (j) Signs. Unless expressly permitted under the Municipal Sign Code, Title 12, no signs will be permitted for nightly rental uses.

(k) Commercial Uses Prohibited. Nightly rentals may not be used for commercial uses not otherwise permitted in the Zone. Nightly rentals may not be converted to corporate sponsor or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.

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(5) **NOISE AND OCCUPANCY CONTROL.** The licensee and the owner of rentals under this section are responsible for regulating the occupancy of the unit and noise created by the occupants of the unit. Violation of the noise ordinance, violation of occupancy loads, failure to use designated off-street parking illegal conduct, or any other abuse, which violates any law regarding use or occupancy of the premises is grounds for revocation. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

(6) **REVIEW CRITERIA.** In determining whether or not a business license for rental authorized under this Section shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

(a) The unit is located within a zone and subzone designated as allowing rentals for the period which the license is applied for.

(b) The Park City Building Department has reviewed the business license application for compliance with the Code for Abatement of Dangerous Buildings. Inspection of the unit may be required under Section 4-2-8. The applicant shall bear the cost of any such inspection and any reinspection which may be required. The cost shall be determined by the prevailing hourly rate of the Park City Building Department.

(c) The access to the rental unit and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties. If the proposed rental units is a single family home or duplex and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

(d) The applicant must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within Summit County, or, in the case of a company, has offices in Summit County. The responsible party is personally liable for the failure to properly manage the rental. The responsible party must be available by telephone, or otherwise, 24 hours per day, and must be able to respond to telephone inquiries within twenty (20) minutes of receipt of such inquiries by that party's answering machine, paging device or answering service. The responsible party is also designated as the agent for receiving all official communications under this Title from Park City. If the licensee is a property management company or individual other than the owner, such

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company or individual must comply with applicable state law, including U.C.A.'61-2-2, as amended, which requires those who receive valuable consideration to lease property to have a state license.

(e) The application must bear a sales tax collection and accounting number for the rental operation. This number may be the sales tax accounting number used by the property management company responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and shall apply to all license holders for 2006.

PASSED AND ADOPTED this ___ day December, 2005.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
Arrow Leaf Lodge "B"
Condominium Conversion
Date: December 22, 2005
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

Staff recommends the City Council hold a public hearing for the First Amended Arrow Leaf Lodge condominium record of survey plat and approve the amended record of survey plat based on the findings of fact, conclusions of law and conditions of approval as found in the ordinance.

Topic:

Applicant	East West Partners
Location	Pod A, Village at Empire Pass
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort, other development parcels of the Village at Empire Pass Pod A.

Background:

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. Arrow Leaf "B" is identified as Building 9. A height exception was granted for Building 9 to 82 feet above existing grade.

On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. The Arrow Leaf Lodge "B" is located on Lodge Lot 8/9.

The Arrow Leaf Lodge condominium record of survey was approved by the City Council on August 4, 2005. Arrow Leaf "B" is shown as Convertible Land on the Record of Survey for Arrow Leaf Lodge "A" (Building 8).

On September 14, 2005, the Planning Commission approved a Conditional Use Permit for the Arrow Leaf Lodge "B". The CUP approval is for a single building with 28 condominium units with approximately 51,300 square feet for a total of approximately 25.7 Unit Equivalents (UEs). The precise size and UEs were to be determined at record of survey plat recordation. In addition, 2 ADA units are within the building. There are no Employee Housing Units in this building.

The City received an application to amend the Arrow Leaf Record of survey on October 24, 2005. The applicant seeks to amend the Arrow Leaf Record of Survey to include building "B" so the units can be sold. Building B has not been constructed yet.

The Planning Commission heard this application at its regular meeting of December 14, 2005, and forwards a positive recommendation. There was no public input.

Analysis:

The project is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet, a front facing garage 25 feet
- Rear: 15 feet
- Side: 12 feet

The Arrow Leaf Lodge "B" meets the minimum setback requirements. A height exception has been granted for this building for a total height of 82 feet above existing grade. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and the Conditional Use Permit approval for the Arrow Leaf Lodge "B".

The 28 units range in size from 1472 square feet to 1899 square feet. The two ADA Units are numbers 111 and 115 and are 381 and 386 square feet, respectively, and must be platted as Common Space as they are appurtenant to all units and can not be separately rented.

The Arrow Leaf Lodge "B" residential units consume 48,746 square feet and 24.4 Unit Equivalents.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

Alternatives

- The City Council may approve the First Amended Arrow Leaf Lodge condominium

- plat as conditioned or amended, or
- The City Council may deny the First Amended Arrow Leaf Lodge condominium plat and direct staff to make Findings for this decision, or
 - The City Council may continue the discussion on the First Amended Arrow Leaf Lodge condominium plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the City Council hold a public hearing for First Amended Arrow Leaf Lodge condominium record of survey plat and approve the amended record of survey plat based on the findings of fact, conclusions of law and conditions of approval as found in the ordinance.

Ordinance No. 05-

AN ORDINANCE APPROVING THE FIRST AMENDED ARROW LEAF LODGE CONDOMINIUM RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Arrow Leaf Lodge located on Lodge Lot 8/9 of the Empire Pass West Side subdivision plat have petitioned the City Council for approval of the First Amended Arrow Leaf Lodge condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2005, to receive input on the First Amended Arrow Leaf Lodge condominium record of survey;

WHEREAS, the Planning Commission, on December 14, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 22, 2005 the City Council approved the First Amended Arrow Leaf Lodge condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Arrow Leaf Lodge condominium record of survey.

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

SECTION 1. APPROVAL. The First Amended Arrow Leaf Lodge condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Arrow Leaf Lodge is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.

4. On May 26, 2005 the City Council approved a Final Subdivision Plat for the Village at Empire Pass, West Side. The Arrow Leaf Lodge is located on Lodge Lot 8/9.
5. The Arrow Leaf Lodge condominium record of survey was approved by the City Council on August 4, 2005. Arrow Leaf "B" is shown as Convertible Land on the Record of Survey for Arrow Leaf Lodge "A" (Building 8).
6. On September 14, 2005, the Planning Commission approved a Conditional Use Permit for the Arrow Leaf Lodge "B". The CUP approval is for a single building with 28 condominium units with approximately 51,300 square feet for a total of approximately 25.7 Unit Equivalents (UEs). Two ADA units are also within the building.
7. The proposed building is consistent with the approved Master Planned Development for the Village at Empire Pass and the Conditional Use Permit for the Arrow Leaf Lodge "B".
8. The 28 units range in size from 1472 square feet to 1899 square feet. The two ADA Units are numbers 111 and 115 and are 381 and 386 square feet, respectively, and must be platted as Common Space as they are appurtenant to all units and can not be separately rented.
9. The Arrow Leaf Lodge "B" residential units consume 48,746 square feet and 24.4 Unit Equivalents.
10. A height exception has been granted for this building for a total height of 82 feet above existing grade.
11. The Planning Commission heard this application at its regular meeting of December 14, 2005, and forwards a positive recommendation. There was no public input.

Conclusions of Law:

1. There is good cause for this amended Record of Survey.
2. The amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended Record of Survey.
4. Approval of the amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, Village at Empire Pass, West Side plat and the Arrow Leaf Lodge "B" Conditional Use Permit shall continue to apply.
4. Units 111 and 115, the ADA units, must be platted as Common Space as they are appurtenant to all units and can not be separately rented.

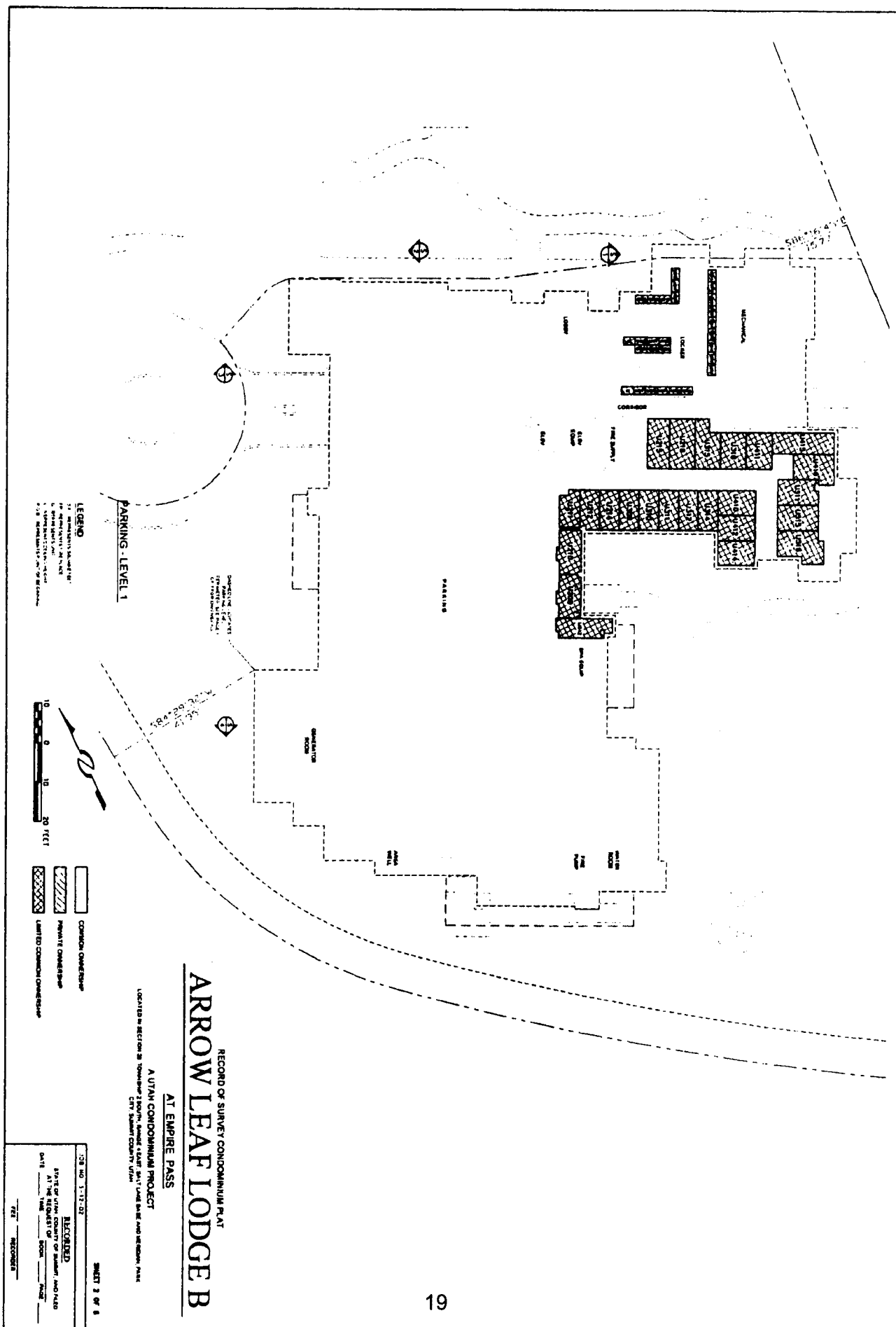
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

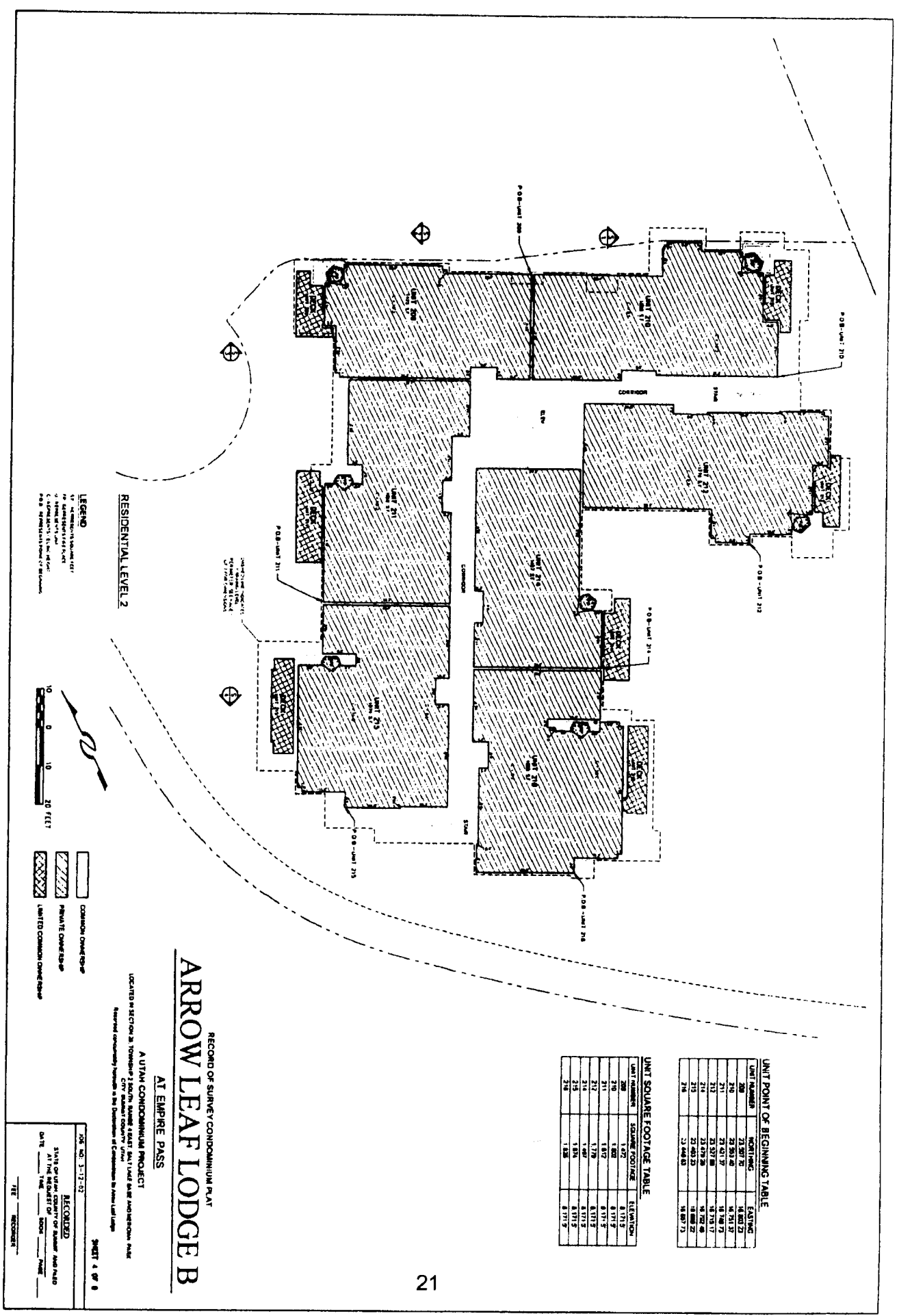
PASSED AND ADOPTED this 22nd day of December, 2005.

Exhibits

Exhibit A – Record of Survey plat

Exhibit B - Ordinance





LEGEND
 1. Common Drive Space
 2. Private Drive Space
 3. Limited Common Drive Space



LEGEND
 1. Common Drive Space
 2. Private Drive Space
 3. Limited Common Drive Space

RESIDENTIAL LEVEL 2

RECORD OF SURVEY CONDOMINIUM PLAN ARROW LEAF LODGE B

A UTM CONDOMINIUM PROJECT
 AT EMPIRE PASS
 LOCATED IN SECTION 28, TOWNSHIP 27N, RANGE 12E, S47, ALBERTA, CANADA
 Registered Community Number is the Division of Conventions to Arrow Leaf Lodge

DATE: 1988-12-02
 SHEET 4 OF 9

DATE: 1988-12-02
 SHEET 4 OF 9
 RECORDED
 AT THE REQUEST OF
 THE RECORD
 118

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTHING	EASTING
200	23,507.70	16,803.73
210	23,503.46	16,791.10
211	23,493.17	16,748.77
212	23,507.86	16,793.17
213	23,493.42	16,748.20
214	23,493.23	16,807.71

UNIT SQUARE FOOTAGE TABLE

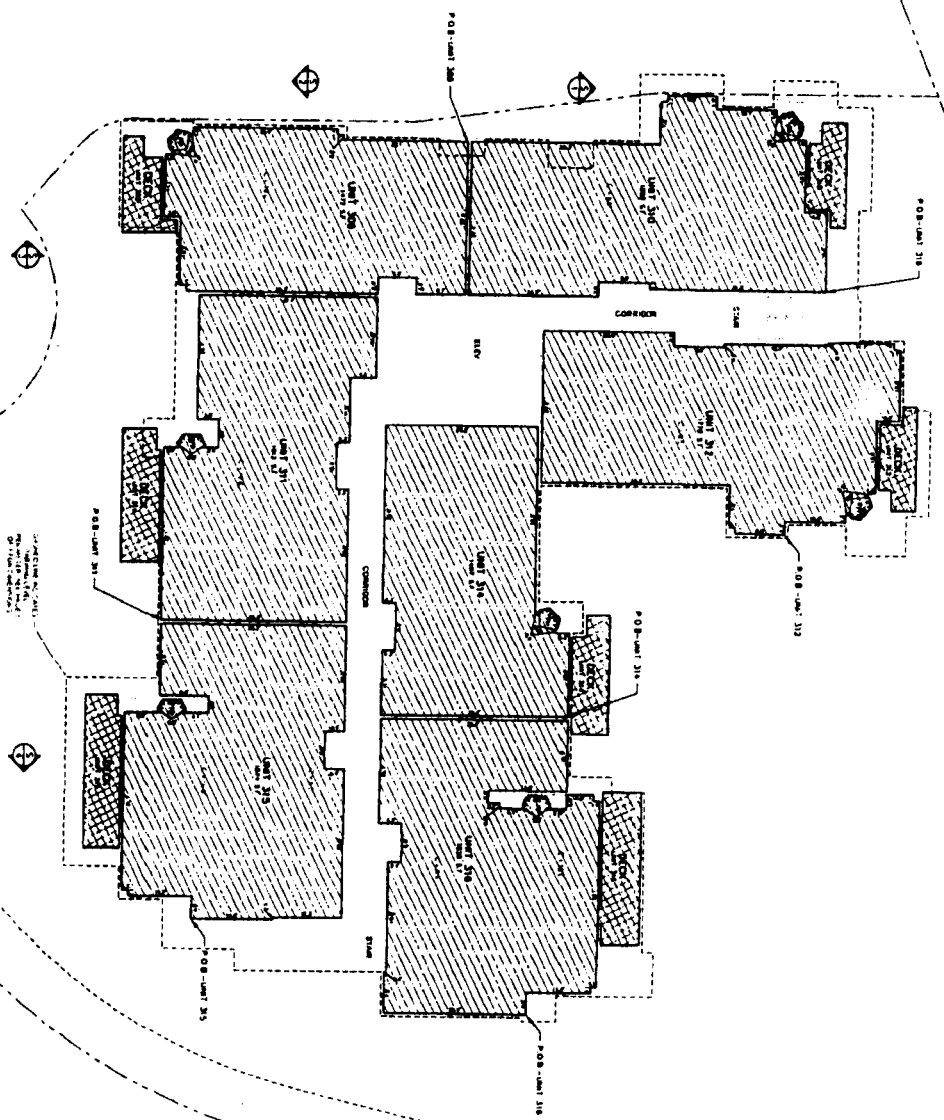
UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
200	1,472	8,171.3
210	1,402	8,171.3
211	1,837	8,171.3
212	1,719	8,171.3
213	1,834	8,171.3
214	1,834	8,171.3

UNIT POINT OF BEGINNING TABLE

UNIT NUMBER	NORTH POINT	EASTING
200	22,907.76	16,800.20
210	22,903.80	16,793.37
211	22,421.27	16,788.72
212	22,421.27	16,779.11
213	22,419.36	16,788.22
214	22,402.22	16,800.20
215	22,448.83	16,817.71

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
200	1,472	8,163.3
210	1,400	8,163.3
211	1,812	8,163.3
212	1,719	8,163.3
213	1,812	8,163.3
214	1,812	8,163.3
215	1,808	8,163.3



RESIDENTIAL LEVEL 3

LEGEND
 1. Common Ownership
 2. Private Ownership
 3. Limited Common Ownership

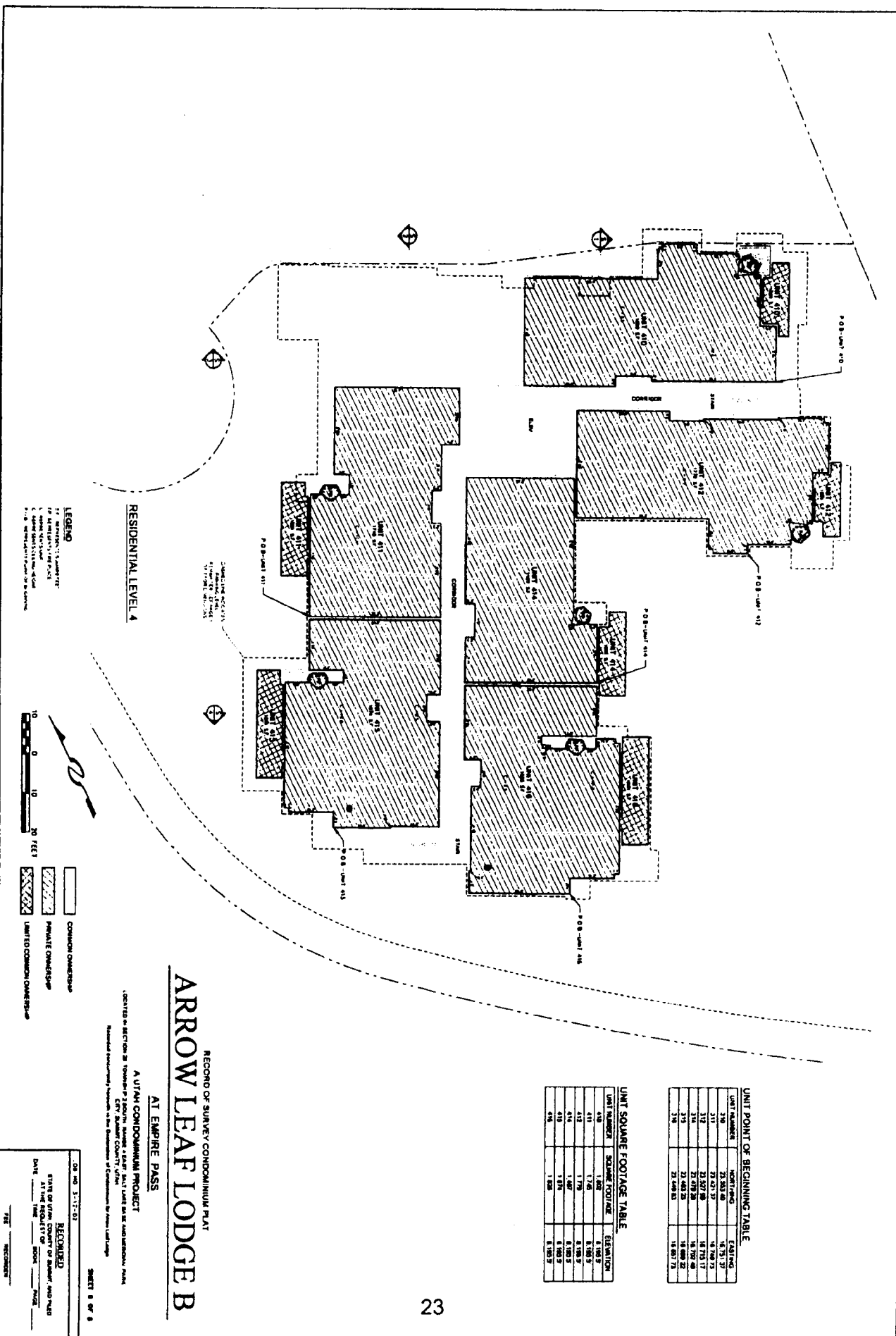


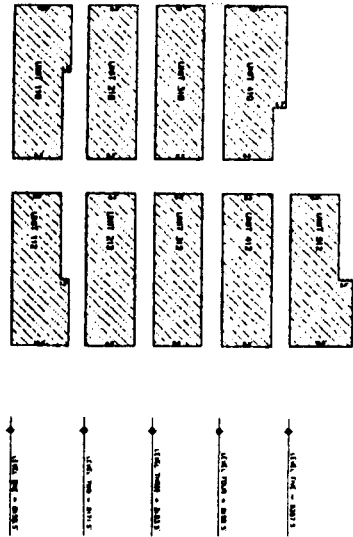
COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

RECORD OF SURVEY CONDOMINIUM PLAT **ARROW LEAF LODGE B**

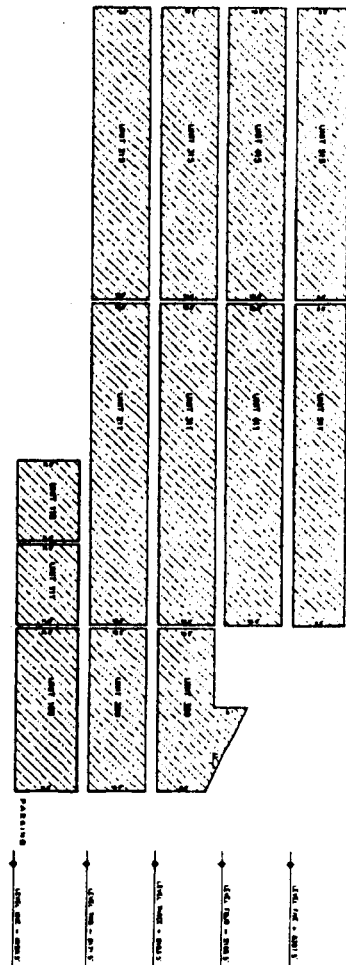
AT EMPIRE PASS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN SECTION 26, TOWNSHIP 36N, RANGE 12E, LAND DRAINAGE DISTRICT
 CITY OF SALT LAKE COUNTY, UTAH
 Registered Conveyance Number in the Office of the Registrar of Deeds is 2008-00000000

RECORDED
 DATE: 11-17-12
 BY: [Signature]
 COUNTY: SALT LAKE
 BOOK: 1000
 PAGE: 100

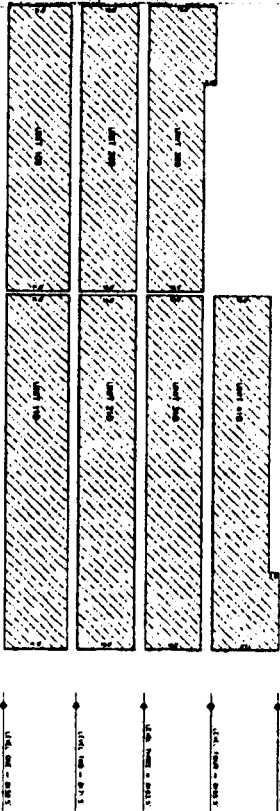




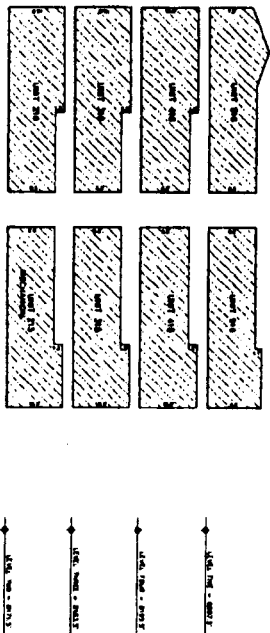
SECTION S-1



SECTION S-2



SECTION S-3



SECTION S-4



RECORDED
STATE OF NEW YORK COUNTY OF ALBANY
DATE 1900 MAY 10 AMOUNT \$100.00
118 RECORDS

City Council Staff Report



Author: Brooks T. Robinson
Subject: Marsac Mill Manor, 3rd Amended
Record of Survey
Date: December 22, 2005
Type of Item: Administrative

PLANNING DEPARTMENT

Summary Recommendations:

Staff recommends the City Council hold a public hearing on the Third Amended Marsac Mill Manor and Silver Mill House Record of Survey and approve the amended record of survey based on the findings of fact, conclusions of law and conditions of approval as found in the ordinance.

Applicant:	Marsac Mill Manor & Silver Mill House Condominium Association
Applicant's Representative:	James R. Doilney, Pete Park, Rob Sletta
Project Address:	1335 Lowell Avenue
Zoning:	Resort Commercial
Adjacent Land Uses	Park City Mountain Resort Base Area
Reason for Review	Amendments to Records of Survey require Planning Commission review and City Council approval.

Background:

The Marsac Mill Manor and Silver Mill House Condominium Association ("Association") changed the interior configuration of the ground floor level of the Marsac Mill Manor Condominiums in 2002. Previously, the ground level was Units 1-6 and 12 with Common Area. The applicant combined unit area to create 2 units and reapportioned some of the Common Area (Exhibit A). The Association, in accordance with the Utah Condominium Act, received the necessary 2/3 vote of the membership to convert the Common Area. This application memorializes the new Unit configuration. In addition, Leased Space from the Greater Park City Company (GPCC) but appurtenant to the Marsac Mill Manor is included. These spaces are a ground level storage room and an upper level deck for Unit A. The storage space was constructed without an initial building permit. Previously, the storage area was an exterior stair well with a shed roof. The stairs were removed and the area enclosed with the existing door from inside the building providing access. The deck on the south side of the building did not exist prior to this remodeling. The Chief Building Official required that the plat be amended to recognize these improvements.

On December 12, 2002, the City Council approved the 3rd Amended Record of Survey with the condition of approval that the plat be recorded within one year's time. That

condition was not met and the approval expired. In spite of repeated attempts by Staff, the applicants did not submit a new application for two years.

The applicant required a building permit for additional exterior remodeling in the fall of 2005. Staff used this opportunity to get the previous changes memorialized and required a new submittal of the plat. Staff also requested that GPCC and the Condo Association record an agreement that any future changes to the leased area would not require a plat amendment but may be approved by Staff with written approval from the Association and GPCC (see Condition of Approval #3). Any improvements can not increase the floor area of the commercial or residential units. The applicant has submitted a letter to be added as plat notes to this effect (Exhibit B).

The Planning Commission heard this application at its regular meeting of December 14, 2005, and forwards a positive recommendation. There was no public input.

Analysis

No additional Floor Area is being created with this amended record of survey. The plat memorializes changes to the floor plan and leased space from 2002.

Department Review

This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with State law and the Land Management Code prior to recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

Alternatives

- The City Council may approve the Third Amended Marsac Mill Manor and Silver Mill House Record of Survey as conditioned or amended, or
- The City Council may deny the First Third Amended Marsac Mill Manor and Silver Mill House Record of Survey and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Third Amended Marsac Mill Manor and Silver Mill House Record of Survey.

Significant Impacts

There are no significant fiscal or environmental impacts from this amended Record of Survey.

Consequences of Not Taking the Recommended Action

Failure to amend the Record of Survey will force the Marsac Mill Manor Association to change the ground level space back to the original unit configuration.

Recommendation

Staff recommends the City Council hold a public hearing on the Third Amended Marsac Mill Manor and Silver Mill House Record of Survey and approve the amended record of survey based on the findings of fact, conclusions of law and conditions of approval as found in the ordinance.

Ordinance No. 05-

AN ORDINANCE APPROVING THE THIRD AMENDED MARSAC MILL MANOR AND SILVER MILL HOUSE CONDOMINIUM RECORD OF SURVEY PLAT, 1335 LOWELL AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Marsac Mill Manor and Silver Mill House Condominium located at 1335 Lowell Avenue have petitioned the City Council for approval of the third amended Marsac Mill Manor and Silver Mill House condominium record of survey; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2005, to receive input on the third amended Marsac Mill Manor and Silver Mill House condominium record of survey;

WHEREAS, the Planning Commission, on December 14, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 22, 2005 the City Council approved third amended Marsac Mill Manor and Silver Mill House condominium record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve third amended Marsac Mill Manor and Silver Mill House condominium record of survey.

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

SECTION 1. APPROVAL. The third amended Marsac Mill Manor and Silver Mill House condominium record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The condominium project known as the Marsac Mill Manor and Silver Mill House Condominiums is located at 1335 Lowell Avenue and is zoned Recreation Commercial (RC).
2. The proposed amended record of survey changes the unit configuration of the Ground Level and adds space leased from Greater Park City Company.
3. This application is to amend sheet 2 of the Marsac Mill Manor and Silver Mill House Condominiums Record of Survey. Other sheets shall remain intact.
4. No additional Floor Area is created by this amendment.
5. The Marsac Mill Manor and Silver Mill House Condominiums Association has

obtained the necessary two-thirds approval of the conversion of Common Area to Private Space and Private Space to Common Area.

6. On December 12, 2002, the City Council approved the 3rd amended Recorded of Survey with the condition of approval that the plat be recorded within one year's time. That condition was not met and the approval expired.
7. The Planning Commission heard this application at its regular meeting of December 14, 2005, and forwards a positive recommendation. There was no public input.

Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void.
3. Plat notes 1-3 as written in the October 14, 2005 letter of agreement must be added to the plat. This agreement between GPCC, James Doilney, and the Condo Association allows improvements in the leased area without having to submit a new plat. These improvements can not include additional floor area.
4. All other conditions of approval of the Marsac Mill Manor and Silver Mill House Condominiums project continue to apply.

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

PASSED AND ADOPTED this 22nd day of December, 2005.

EXHIBITS

Exhibit A - Amended Record of Survey

Exhibit B – October 14, 2005 Letter of Agreement

October 14, 2005

To: Ron Ivie and Richard Carlyle (Park City Building Department)
From: Jenni Smith representing Park City Mountain Resort, Pete Park representing the Marsac Mill Manor and Silver Mill House Condominium Association, Doilney and Rory Klungervik (Doilney).
Re: Building Permit #B05-10941 Issuance Performance Conditions.

We submit this letter to comply with your directions earlier today.

Greater Park City Company and The Marsac Mill Manor and Silver Mill House Homeowner's Association hereby agree to consent to adding the following notes on The Marsac Mill Manor and Silver Mill House Homeowner's Association pending plat amendment:

NOTE 1. See "Parking Access and Encroachment Agreement" (Entry 00693878, Book 1609, PG1351-013, recorded April 2, 2004). Utility services, including boiler and plumbing vents are approved uses within the described encroachment area subject to Greater Park City Company written approval.

NOTE 2. Non-Exclusive Easement Around Marsac Mill Manor Building delineated on original plat (entry #133093, recorded dated 8/20/76) is hereby amended to allow the placement of fireplace chimneys/chases and outdoor cooking equipment and associated vent (structures) stacks subject to Greater Park City Company and Marsac Mill Manor and Silver Mill House Condominium Homeowner Association's written approval.

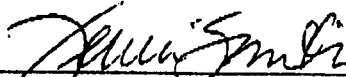
NOTE 3. Notice is hereby given of an Easement Agreement between Greater Park City Company and James A. Doilney (entry #747817, Book 1726, Pages 1171-1195, recorded 8/22/05) regarding use of easement on the parcel contiguous with the Non-Exclusive Easement Around Marsac Mill Manor Building as noted under Note 2 above.

Greater Park City Company's and The Marsac Mill Manor and Silver Mill House Homeowner's Association signatures on this letter provides evidence that their written consent has been given to permit #B05-10941 boiler vent, cooking system, and fireplace and equipment chases.

The Marsac Mill Manor and Silver Mill House Homeowner's Association and Doilney hereby acknowledge their commitment to complete the recordation of the The Marsac Mill Manor and Silver Mill House Homeowner Association's pending plat amendment on or before February 10, 2006.

Thank you for your assistance in this matter.

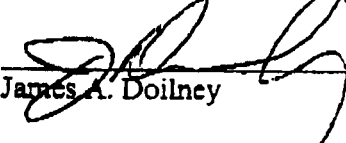
By:



Greater Park City Company



Marsac Mill Manor and Silver Mill House Association



James A. Doilney

City Council Staff Report



Subject: 147 RIDGE AVENUE REPLAT
Date: December 22, 2005
Type of Item: Legislative – Street Vacation
Administrative – Plat Amendment

RECOMMENDATION: Review the proposed plat amendment, conduct a public hearing and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name: 147 Ridge Avenue Replat
Project Planner: Ray Milliner
Applicant: Anne Wood
Location: 147 Ridge Avenue
Zone: Historic Residential Low Density (HRL)

BACKGROUND

147 Ridge Avenue is platted as portions of lots 27-32 Block 75, a portion of lot 17 and all of lots 18-19 Block 76 on the Park City Survey. There is an existing historic single family home and detached concrete garage on lots 27-32, that encroach onto platted Ridge Avenue. Lots 17 and 18 are vacant. Platted Ridge Avenue separates Blocks 75 and 76. Existing Ridge Avenue runs along the east property line, switches back and bisects the property between Blocks 75 and 76 (outside of the platted R-O-W). Existing King Road runs through the west side of lots 18 and 19 of Block 76. The applicant is requesting a plat amendment that would combine the lots on Block 75 into one lot of record, and the lots on Block 76 into another lot of record. Additionally the applicant is proposing that the City vacate the section of platted Ridge Avenue encroached upon by the existing home and garage in exchange for two right-of-way dedication parcels along portions of existing Ridge Avenue and King Road on the platted Block 76 lots.

If successful, the plat amendment would create two lots of record. The 147 Ridge Lot would be approximately 8,478 square feet and the other approximately 2,250 square feet. Once platted, the applicant proposes to renovate and build an addition on the existing historic home, and create a future development lot on the lower property.

On October 18, 2005 the Board of Adjustment granted a variance to the minimum allowed lot size for the lot in Block 76. The approval reduced the minimum lot size on the property from 3,750 square feet to 2,250 square feet. A condition of approval for the variance requires that this plat be approved and recorded within one year or it becomes null and void. The Planning Commission reviewed the application on December 14, 2005 and forwarded a positive recommendation to the City Council.

ANALYSIS

The property is located in the Historic Residential Low Density (HRL) zone. The proposed plat amendment will create 2 lots of record for the purpose of creating an individual lot for the historic home on the property and a vacant individual lot. Each lot as proposed would have frontage on Ridge Avenue, however the new development lot would most likely gain access from existing King Road.

Vacation

Central to the project is the issue of the proposed vacation of platted Ridge Avenue in exchange for property along existing Ridge Avenue and existing King Road. In order to execute the vacation, the City Council after receiving a recommendation from the Planning Commission must make findings of compliance with Resolution No. 8-98, "Resolution adopting a policy statement regarding the vacation of public right-of-ways within Park City, Utah." The resolution is divided into three sections; each with reviewable criteria necessary for a finding of compliance (attached as Exhibit E).

To ensure that there is no net increase in the amount of density, floor area or site disturbance (per Resolution 8-98), staff is recommending that the applicant and City enter into a quid pro quo exchange of property that would entail the applicant dedicating sections of property from the King Road lot as it faces both King Road and Ridge Avenue in exchange for a section of Platted Ridge Avenue of precisely the same size.

SECTION 1 Good Cause: The City May generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole (**SEE ANALYSIS BELOW**).

Criteria 1: No increase in density. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street right-of-ways will generally not be vacated to facilitate greater density, floor area or area disturbance. **COMPLIES**

The applicant is proposing no increase in the density currently allowed on the property by the HRL zone regulations. The property currently contains 8 full or partially platted lots. Currently, there are two parcels proposed for development. The first, 147 Ridge, is the property with the existing historic home and garage. The plat amendment would create a lot of approximately 8,478 square feet, and a possible building footprint of 2,631 square feet, a sufficient amount of land to build an addition to the historic home under the current HRL zone requirements. The applicant is proposing no further increase in density on this portion of the property.

The second area is lots 18 and 19 of Block 76 that are platted as two 25' x 95' (approximately) old town lots. The minimum lot size for a single family home in the HRL zone is 3,750 square feet. Existing Ridge Avenue and existing King Road run along the front yards of the lots, creating a prescriptive R-O-W on the lots and thereby reducing the potential lot size from 4,750 square feet to 3,250 square feet. The proposed dedication

would reduce the size of the lots by another 1,000 square feet, and it is proposed that a 10' wide snow storage area be deeded to the City, further reducing the potential density on the site. Due to these issues, the combined square footage of the lots falls short of the 3,750 required in the HRL zone by approximately 1,500 square feet. To accommodate this reduction, the applicant received a variance from the Board of Adjustment on October 18, 2005 to reduce the minimum lot size allowed on the property to 2,250 square feet.

Criteria 2: Neighborhood Compatibility: The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall consider the 15 criteria for a conditional use located in Chapter 15-1-10 of the LMC when considering compatibility. **COMPLIES**

Staff has reviewed the proposed property against the LMC lot and site requirements and made the following findings:

HRL Site Requirements

	147 Ridge	King Road Lot
Lot Size	3,750 square feet, minimum 8,478 Proposed	3,750 square feet, Minimum 2,250 Proposed (received a variance from the Board of Adjustment)
Building Footprint	2,631 square feet, Maximum Staff proposes reduction to 1,500 square feet, excluding existing shed buildings.	991 square feet, Maximum
Front and Rear Yard	10 feet, Minimum	10 feet, Minimum
Side Yard	10 feet for a total of 30 feet Minimum	5 feet Minimum
Height	27 feet above existing Maximum	27 feet above existing Maximum
Parking	Two 9' x 10' spaces, Minimum	Two 9' x 10' spaces, Minimum

In addition to meeting the minimum site requirements as stated in the LMC, the applicant would be required to submit an application for Historic District Design Guideline review, as well as a steep slope CUP for any development on a slope of greater than 30% (most likely the King Road property). A typical 8,478 square foot lot would yield a maximum building footprint of 2,631 square feet, and a home greater than 5,000 square feet in size. Typically a single family home in the HRL zone has a footprint of approximately 1,200 to 1,500 square feet. The existing historic building on the site is an extremely significant building with a footprint of approximately 400 square feet. Based on this information, the

Planning Commission and staff recommend that the Council consider reducing the maximum footprint to 1,500 square feet, excluding the existing shed buildings on the site, that total approximately 200 square feet in footprint. This is shown in the ordinance as Condition #4.

Criteria 3: Consideration: Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any public amenity deemed in the best interests of Park City's citizens.

COMPLIES

The applicant is proposing a quid-pro-quo exchange of property that would compensate the City for the loss of square footage by conveying a like amount of square footage back. As proposed, the applicant would receive approximately 2,978 square feet of platted Ridge Avenue in exchange for 1,269 square feet of the King Road lot facing King Road as well as 1,709 square feet of the King Road lot facing Ridge Avenue, for a total of 2,978 square feet.

Benefits to the City include:

- Acquisition of rights-of-way for Ridge Avenue and King Road beyond the area currently encumbered by the prescriptive r-o-w.
- Creation of 10-foot snow storage area along both Ridge Avenue and King Road.

Criteria 4: Utility of existing Right-of-Way. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan, the recommendation to the City Engineer, existing improvements and utilities within the right-of-way and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.

COMPLIES

The 1984 Streets Master Plan lists the platted Ridge Avenue R-O-W as "excess R-O-W" meaning it is not of significant value to the City. This determination was based on the presence of the existing historic home and concrete garage within the R-O-W. The Streets Master Plan further lists existing Ridge as a Standard Residential type street in fair condition. Standard Residential streets serve to collect and distribute traffic within residential neighborhoods. These streets are generally required to have 25 feet of pavement within a 50 foot R-O-W. However, if the City Engineer determines that the site has either a unique circumstance or an alternative circumstance would result in a more appropriate design, an alternative design may be permissible.

The proposed R-O-W would measure 27 feet in width with approximately 12 feet of pavement running through it, significantly less than the recommended 50 foot R-O-W with

25 feet of pavement described in the Streets Master Plan. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing R-O-W, the steep slope of the King Road lots, and the continued accessibility to adjacent properties the reduced R-O-W configuration is appropriate for the property. However, a ten-foot utility and snow storage easement shall be dedicated on each lot frontage to provide for future flexibility in utility design and road maintenance.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor. **COMPLIES**

Staff has reviewed the proposed vacation and determined that the vacation as it stands will continue to provide access to property owners farther to the south on Ridge Avenue. The property owner directly to the south of 147 Ridge will still gain access to her property from platted Ridge and the potential for creating access for lots farther south up the hill remains. Any further development on either new lot will conform to the requirements of the LMC regarding architectural design and site design.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council and Historic Preservation Board, as necessary are encouraged early in the process for large projects and master planned developments, which propose vacation and reconfiguration of public right-of-ways. **COMPLIES**

At its May 27, 2005 work session, the Planning Commission stated that no joint meeting would be necessary for this project.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on April 23, 2005, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Review the proposed plat amendment, conduct a public hearing and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Plat Amendment
Exhibit B – Site Survey

Exhibit C – Survey Indicating Areas to be Exchanged
Exhibit D – Survey Showing Proposed Lots
Exhibit E – City Street Vacation Resolution

Ordinance No. 05-

AN ORDINANCE APPROVING A STREET VACATION AND PLAT AMENDMENT, FOR THE PROPERTY DESCRIBED AS LOTS 27-32 BLOCK 75 A PORTION OF LOT 17 AND ALL OF LOTS 18 AND 19 OF BLOCK 76 OF THE PARK CITY SURVEY, ALSO KNOWN AS 147 RIDGE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 147 Ridge Avenue, has petitioned the City Council for approval of a street vacation and plat amendment; and

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

WHEREAS, on December 14, 2005 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

WHEREAS, the proposed street vacation and plat amendment combines 7 lots and a portion of 1 other into two lots of record; and

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

NOW, 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:

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The purpose of the HRL zone is to provide an area of lower density residential use within the old portion of Park City.
3. The applicant is the owner of lots 27-32 Block 75, a portion of lot 17 and all of lots 18-19 Block 76 on the Park City Survey.
4. There is an existing historic single family home and detached concrete garage on lots 27-32, that encroach onto Platted Ridge Avenue. Lots 17 and 18 are vacant.
5. Platted Ridge Avenue separates Blocks 75 and 76.
6. Existing Ridge Avenue runs along the east property line, switches back and bisects the property between Blocks 75 and 76 (outside of the platted r-o-w).
7. Existing King Road runs through the west side of lots 18 and 19 of Block 76.
8. The applicant is requesting a plat amendment that would combine the lots on Block 75 into one lot of record, and the lots on Block 76 into another lot of record.
9. The applicant is proposing that the City vacate the section of platted Ridge Avenue encroached upon by the existing home and garage in exchange for two right-of-

way dedication parcels along portions of existing Ridge Avenue and King Road on the platted Block 76 lots.

10. The applicant is proposing no increase in the density currently allowed on the property by the HRL zone regulations.
11. The plat amendment would create a lot of approximately 8,478 square feet, and a possible building footprint of 2,631 square feet at 147 Ridge Avenue.
12. The plat amendment would create a lot of approximately 2,250 square feet, and a possible building footprint of 991 square feet between existing King Road and Ridge Avenue.
13. The HRL zone requires a minimum lot size of 3,750 square feet.
14. On October 18, 2005 the applicant received a variance from the Board of Adjustment reducing the minimum lot size from 3,750 square feet to 2,250 square feet on lots 18 and 19 of Block 76.
15. This plat amendment enables an exchange of property between the City and the applicant that would compensate the City for the loss of square footage by conveying a like amount of square footage back.
16. As proposed, the applicant would receive approximately 2,978 square feet of platted Ridge Avenue in exchange for 1,269 square feet of the King Road lot facing King Road as well as 1,709 square feet of the King Road lot facing Ridge Avenue, for a total of 2,978 square feet.
17. The 1984 Streets Master Plan lists the platted Ridge Avenue R-O-W as "excess R-O-W" meaning it is not of significant value to the City.
18. The proposed Ridge Avenue R-O-W would measure 27 feet in width with approximately 12 feet of pavement running through it. The City Engineer has reviewed the proposed vacation, and found that the unique circumstance of the historic building encroachments into the existing R-O-W, the steep slope of the King Road lots, and the continued accessibility to adjacent properties the reduced R-O-W configuration is appropriate for the property. Utility and snow storage easements are necessary.
19. The vacation as it stands will continue to provide access to property owners farther to the south on Ridge Avenue.

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

1. There is good cause for the proposed plat amendment and street vacation.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. The application is consistent with the Park City Streets Master Plan.
4. Neither the public nor any person will be materially injured by the proposed amendment.
5. As conditioned the amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Prior to the issue of a building permit for either lot, the applicant shall submit for review and approval a historic district design guideline review application.
3. A note shall be added to the plat establishing the maximum footprint for 147 Ridge Avenue at 1,500 square feet.
4. A note shall be added to the plat indicating that the home shall have a modified 13-D sprinkler fire protection system installed prior to the issue of a certificate of occupancy by the Building Department.
5. This approval will expire one year from the date of approval if no building permit has been issued.
6. The applicant shall dedicate 10 foot-wide non-exclusive utility and snow storage easements along all lot frontages.

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

PASSED AND ADOPTED this 22nd day of December 2005.

TO CITY

147 RIDGE AVENUE REPLAT

LOCATED IN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALINE BASIN AND AREA, SALT CITY, SALT COUNTY, UTAH

OWNER'S NAME: [Name]

ADDRESS: [Address]

CITY: [City]

STATE: [State]

ZIP: [ZIP]

DATE OF SUBMITTAL: [Date]

DATE OF RECEIPT: [Date]

DATE OF REVIEW: [Date]

DATE OF APPROVAL: [Date]

APPROVED BY: [Signature]

DATE: [Date]

ENGINEER'S CERTIFICATE:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing is a true and correct copy of the original as submitted to me for my signature and seal.

DATE: [Date]

BY: [Signature]

APPROVAL AS TO FORM:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby approve the form of the foregoing as submitted to me for my signature and seal.

DATE: [Date]

BY: [Signature]

CERTIFICATE OF ATTEST:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby attest that the foregoing is a true and correct copy of the original as submitted to me for my signature and seal.

DATE: [Date]

BY: [Signature]

COUNCIL APPROVAL AND RECEIPT:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby approve the form of the foregoing as submitted to me for my signature and seal.

DATE: [Date]

BY: [Signature]

RECEIVED:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Utah, do hereby receive the foregoing as submitted to me for my signature and seal.

DATE: [Date]

BY: [Signature]

COMMENTS, REVISIONS AND COMMENTS TO RECORD:

[Comments]

REMARKS:

[Remarks]

APPROVED BY: [Signature]

DATE: [Date]

APPROVED BY: [Signature]

DATE: [Date]

Resolution No. 8-98

**RESOLUTION ADOPTING A POLICY STATEMENT REGARDING
THE VACATION OF PUBLIC RIGHT-OF-WAYS WITHIN PARK CITY, UTAH**

WHEREAS, the Municipal Land Use Development and Management Act of the Utah Code ("Act") provides that the City Council may vacate public right-of-ways upon findings of: (1) good cause for the proposed vacation; and (2) that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Act and relevant common law fail to further define "good cause" and allow the local jurisdiction discretion in disposing of public right-of-ways; and

WHEREAS, to help assure the consistent and reasonable application of the Act, the Planning Commission and City Council wish to provide their constituents with some general guidance as to the circumstances in which the City may favorably consider vacating public right-of-ways; and

WHEREAS, this policy statement is not an evaluation of any particular request for vacation, but a general position regarding the terms and conditions in which the City may typically grant a citizen's request to vacate a public right-of-way within the City; and

WHEREAS, nothing herein shall be construed as an abandonment of public right-of-way within Park City; and

WHEREAS, this policy shall not be construed as creating a vested right nor entitlement of any nature with regard to vacation of right-of-way, but shall only be advisory for the Planning Commission and City Council to utilize when exercising their legislative discretion in evaluating the merits of a vacation petition; and

WHEREAS, the Planning Commission and City Council shall continue to evaluate vacation petitions on a case-by-case basis; and

WHEREAS, although the City Council will give significant weight to the Planning Commission recommendation the ultimate decision to vacate or not rests squarely with the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Park City, Utah hereby adopt the following guidelines:

SECTION 1. GOOD CAUSE. The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner:

- (a) **No Increase in Density.** Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.
- (b) **Neighborhood Compatibility.** The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.
- (c) **Consideration.** Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

- (d) **Utility of existing Right-of-Way.** The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the right-of-way, and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer.

SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council, and Historic District Commission as necessary, are encouraged early in the process for large (greater than five lot) projects and master planned developments, which propose vacation and reconfiguration of public rights-of-way.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 9th day of July, 1998.

City Council Staff Report

Author: Cindy LoPiccolo, Legal Department
Subject: 2006 Annual Insurance Renewal
Date: December 22, 2005
Type of Item: Administrative

SUMMARY RECOMMENDATIONS:

Authorize the following Insurance premium payments for public entity liability, workers compensation, property, and crime insurance covering a one-year period from January 1, 2006 through January 1, 2007:

- \$115,234 to States Self-Insurers Risk Retention Group, Inc. for public entity broad form liability insurance;
- \$124,882.45 to Utah Local Governments Trust ("ULGT") for workers compensation insurance;
- \$ 43,768 to Affiliated FM for property insurance;
- Self insure physical damage collision coverage for City buses; and
- Decline optional Terrorism Risk Insurance.

DESCRIPTION

Topic:

2006 Insurance Renewal.

Background:

Through the year, the City's insurance broker Marsh USA Risk and Insurance Services (Salt Lake City office), and Berkley Risk Administrators, Inc., informed Legal Department staff of the current insurance market trends and status. Staff also reviews insurance and risk management publications for market indications. Reports were issued that property renewals following the devastation of the 2005 hurricanes could possibly increase as much as 20 percent, although there was hope that the affect would be short-term in what was originally proving to be a soft property market.

City staff continues to promote and implement safety procedures, processes and prevention methodologies so that risks are mitigated, the City's assets (people and property) are protected, and employees and the public are provided a safe and enjoyable place to work and play. Public Works has been especially effective in making improvements and providing appropriate and consistent staff safety training. The City's workers compensation Experience Modification Factor (MOD) improved from 0.81 to

0.76 due to a decrease in the City's workers compensation claims. Even so, workers compensation coverage has continued to become more expensive primarily due to rising medical costs. This year, Legal Department/Risk Management assisted with the following projects: the Racquet Club staff entrance improvements (slip and fall prevention); installation of Main Street curb wheel chair ramps; installation of Prospector Park and golf course pond open water warning signs (due to depth of water); installation of duress buttons in the Marsac Building. Legal Department staff also serves on the emergency planning committee.

Analysis:

Insurance quotes have been received as follows:

A. Public Broad Form Liability. Marsh sought pricing indications from carriers to see if they can compete with States Self-Insurance Risk Retention Group for liability coverage, however, advised although minimum premium increases were slowing down, premiums were still up over last year's premiums and other carriers are still not able to compete against the States program quote and coverage this year.

States Public Broad Form Liability 2006 coverage quote: \$115,234. A renewal application was submitted to States Self-Insurers Risk Retention Group, Inc. ("States") for public entity broad form liability policy covering 2006, which includes general liability, employment practices liability, automobile liability, law enforcement liability, and public officials error and omissions liability. The States public entity broad form liability coverage proposal provides limits of \$5 million, and requires a \$250,000 self-insured retention limit, which is the same as the prior two years. The States plan additionally includes claim defense and liability loss control services through its affiliate Berkley Risk Administrators Co. Although the City was given a small rate drop of 2% for 2006 coverage, this was offset by a 3% increase in our gross expenditures and 2% fleet increase. The combination of the exposure and rate resulted in a very small premium increase of .6%.

Pursuant to the Terrorism Risk Insurance Act, optional terrorism coverage information has been received from States. Staff discussed the appropriateness of the optional terrorism coverage for the City, and in view of Park City, and the state of Utah for that matter, categorized very low risk, staff recommends terrorism coverage be declined again this year.

B. Workers Compensation. Two workers compensation quotes have been received as follows:

1. ULGT Workers Compensation Insurance renewal quote: \$124,882.45. ULGT is a non-profit insurance cooperative, owned and operated by its members, and began offering workers compensation insurance January 1, 2004.

ULGT submitted a quote that is 9% higher than last year. ULGT advised that the increase was due to the following reasons:

- Utah has highest cost per day of hospitalization in U.S. (2912 per day vs. 2289 average).
- Medical costs in WC are going up faster than for Medical plans.
- Prescriptions are being more utilized, and costs are going up an average of 26% per year.
- Utah has the highest percentage of medical costs per claim in the U.S. (68.4 in Utah, vs. 56.1 nationally). This means medical increases impact Utah more severely.
- Recommended rate increase for Municipal code (9417) is 14.9%.
- Increase in reinsurance costs.

2. Workers Compensation Fund (WCF) Workers Compensation Insurance quote: \$144,386. WCF provided the City with workers compensation insurance from 2000 through 2004. Although the City has normal to above-average loss experience, WCF workers compensation premium in 2005 increased 10% over 2004, and at that time, the City changed carrier to ULGT. The WCF quote for 2006 has again increased another 12% due to higher medical costs, even though WCF confirms that Park City remains in their Preferred Rating tier and that they have applied the maximum 25% schedule credit allowed.

Staff has reviewed ULGT's most recent audited annual financial reports, annual reports, current reinsurer and claims data, and administrative information. Staff finds ULGT to have the necessary financial equity and reinsurance necessary to support the workers compensation program. Reinsurance for ULGT is backed by Clarendon which has an A- AM Best rating. With a \$19,504 difference between the ULGT quote and WCF quote, staff recommends reinsuring workers compensation for 2006 with ULGT.

C. Property.

Marsh obtained two quotes for the City's property insurance coverage. The two insurers submitted quotes with essentially the same policy limits, however, there were a few differences as summarized below.

1. Affiliated FM Property Insurance renewal quote: \$43,768. Affiliated offers a quote with a -2% difference over the expiring policy. Affiliated FM includes boiler and machinery coverage, which is a savings of \$5,187, and the company has 'admitted paper' with the State of Utah, meaning it has filed with and is backed/guaranteed/secured by the State, and no taxes and fees are charged.

2. Lloyds of London Property Insurance renewal quote: \$44,183. The cost of property reinsurance with Lloyds of London is 12% more this year, attributed to market affects from 2005 hurricanes and increase in the City facilities opening in

2006. Lloyds of London is a conglomerate of A+ carriers that developed a property program tailored to public entities. The Lloyds policy, however, does not include boiler and machinery insurance and in the event the Lloyds insurance coverage is deemed best for the City, boiler and machinery insurance would need to be purchased separately as outlined below to cover the City's equipment.

Zurich American Boiler and Machinery insurance quote: \$5,187. The cost of boiler and machinery coverage is the same as last year. This insurance covers city equipment such as water system equipment (pumps, motors), air conditioning and heating equipment, electrical wiring, breakers, transformers, switches, telephone switchboard, compressors, generators.

DEPARTMENT REVIEW:

Staff and Marsh representatives reviewed the City's exposures and options to insure the City in a responsible and appropriate manner. The Legal Department consulted with City departments to obtain the most current comprehensive city data (financial statement, payroll, fleet, transit, water, recreation, and safety programs), and worked with Human Resources to review workers compensation insurance administrative requirements and performance. Legal staff additionally reviewed property insurance quotes and proposed coverages with the City Manager.

ALTERNATIVES

- A. Approve the insurance recommendations as presented.
- B. Approve the recommendations, with the exception of approving the Lloyds of London property insurance proposal instead of Affiliated FM proposal.
- C. Deny the recommendations. This is not recommended in regard to workers compensation coverage, which the City is required to provide.
- D. Continue the item and provide direction to staff. This is also not recommended as there may be a lapse in coverage.

RECOMMENDATION

Staff recommends the City Council authorize the payment of premiums providing insurance coverage from January 1, 2006 through January 1, 2007 as follows:

- 1. \$115,660 to States for public entity broad form liability insurance;
- 2. \$124,882.45 to ULGT for the City's workers compensation insurance;
- 3. \$ 43,768 to Affiliated FM for property insurance;
- 4. \$ 5,187 to Zurich American for boiler & machinery insurance;
- 5. Self-insurance for physical damage/collision coverage for City buses; and
- 6. Decline optional terrorism insurance.

**City Council
Staff Report**



Author: Lt. Phil Kirk
Subject: POLICE MOTORCYCLE STAFF REPORT
Date: December 22, 2005
Type of Item: Purchase Approval

Summary Recommendation:

Authorize the City Manager to execute a two-year lease agreement with Harley Davidson of Salt Lake (HDSL) for four (4) police motorcycles in an amount not to exceed \$15,000.00, in a form approved by the City Attorney. HDSL has agreed to renew the lease every two years for a maximum of ten years with City Council approval.

Description: Traffic Enforcement

Topic: Police Motorcycles

Police motorcycles provide highly visible deterrence, rapid apprehension and assist with the growing number of special events held in the City.

Background:

In the spring of 2004, the Council approved the purchase of two (2) BMW police motorcycles based on a staff report including the following comparison:

	Harley Davidson (Purchase)	BMW (Purchase)
Braking system	Standard	ABS
Base unit price	\$18,000.00	\$17,481.00
Warranty protection	12 months	36 months
Service intervals	3,000 miles	6,000 miles

Currently Staff proposes the City enter into a two-year lease for four (4) Harley Davidson motorcycles based on the following comparison:

	Harley Davidson (Lease)	BMW (Purchase)
Braking system	ABS	ABS
Base unit cost	\$3,500.00	\$17,481.00
Total cost	\$14,000.00 (4 units)	\$34,962.00 (2 units)
Warranty protection	24 months (life of the lease)	36 months
Service intervals	5,000 miles	6,000 miles

Benefits

Cost

With an average life span of a police motorcycle of three (3) years, the comparative costs for the program over ten (10) years would be **\$51,431.00** less for the Harleys than the BMWs, based on the following calculations.

BMW Motorcycle Depreciation and Replacement Cost Calculations (2 Bikes)

	Purchase price	Current book value	Difference	Rate of depreciation	3 year est. value	Replacement cost-3 years
Bikes	\$34,962.	\$24,000.	\$10,962.	31.35%	\$16,443.	\$18,519.

BMW Motorcycle Purchase Costs Over a Ten-Year Period (2 Bikes)

	2003 to 06	2006 to 09	2009 to 12	2012 to 13	10 year period
Purchase price	\$34,962.	\$34,962.	\$34,962.	\$34,962.	
Resale value		\$16,443.	\$16,443.	\$29,481.	
Total cost	\$34,962	\$18,519.	\$18,519.	\$5,481.	\$77,481.

Harley Motorcycle Lease Costs Over a Ten-Year Period (4 Bikes)

	2005	2007	2009	2011	2013	10 year period
Lease Amount	\$10.	\$10.	\$10.	\$10.	\$10.	
Siren/Strobe Installation	\$14,000.	\$0	\$0	\$0	\$0	
Siren/Strobe Transfer	\$0	\$3,000.	\$3,000.	\$3,000.	\$3,000.	
Total cost	\$14,010.	\$3,010.	\$3,010.	\$3,010.	\$3,010.	\$26,050.

Additional Cost Factors

- BMW of North Salt Lake has undergone new ownership and has not expressed interest in negotiating a buy back agreement with us as they originally offered.
- Allows for the replacement of the motorcycle fleet every two years at minimal cost.
- Harley of Salt Lake will extend the warranty to cover the entire two-year lease period while the BMW's warranty would expire unless the motorcycles were replaced every three years.

- Because the motorcycles are worth more than \$5,000 each, if they are held by the PCPD for more than two years, they will be considered a fixed capital asset and will need to be placed on Park City's asset schedule and depreciated, etc. Since the Harleys would be replaced every two years this would only apply to BMWs.

Traffic Enforcement

- Additional units which allow for more traffic enforcement units, especially since the department now has five certified motorcycle officers.

Officer Safety

- Harley Davidson now also offers ABS brakes as standard safety equipment whereas they did not previously.

Service

- Harley of Salt Lake provides sales and service to the majority of the police departments in the state while the sole police motorcycle contract for BMW of North Salt Lake is Park City Police Department.
- According to other police department's that use it, Harley of Salt Lake provides quality service and lives up to its 24-hour turnaround commitment, while BMW has taken much longer for most repairs.
- Annual maintenance servicing costs are less for Harleys than for BMWs.

	Cost per motorcycle	Cost for total motorcycles
BMW's	\$400	2 X \$400 = \$800
Harleys	\$130	4 X \$130 = \$520

Community Ties

- The owner of Harley of Salt Lake, Joe Timmons, is a part-time resident of Park City and will be in the near future a Main Street business owner (he will be opening a Harley accessories store next door to the Egyptian Theater). Mr. Timmons is offering this agreement primarily because of his desire to support the community and city government.
- The new owners of BMW are from out of state and have not expressed much interest in our program and don't seem interested in negotiating a buy back agreement as the previous owners offered.

Significant Impact

The funding for the lease agreement would come from the proceeds of the sale of the current two BMW motorcycles at the estimated total amount of \$24,000.00 based upon

Blue Book value. Any surplus resulting from the sale (estimated at \$10,000) would be returned to the Traffic Calming Committee budget, the source of the original purchase funds.

The initial two-year lease would cost \$14,010, primarily due to the initial purchase of police emergency equipment (strobe and siren). Subsequent two-year leases, if approved by the City Council, would cost only \$3,010 and would be funded by the existing police operating budget, therefore not requiring additional budget increases.

Other associated costs, such as routine maintenance, would also be funded from the existing police operational budget, such as the BMW motorcycles are currently funded.

Department Review:

The City Manager, Legal Department, Finance Department and Traffic Calming members have reviewed this report.

Alternatives:

1. Approve the Request: Authorize staff to enter into a two-year lease with Harley Davidson of Salt Lake on four (4) model FLHP police motorcycles and approve the attached Agreement.
2. Authorize an Alternate Request: Authorize staff to lease from Harley Davidson of Salt Lake two (2) model FLHP police motorcycles and approved the attached Agreement, which would be amended to reflect two, and not four, motorcycles.
3. Deny the Request: Direct staff to continue to operate the current two (2) BMW police motorcycles.
4. Continue the Item.

Recommendations:

Authorize the City Manager to execute the attached Agreement and for the police department to lease four Harley Davidson motorcycles for the approximate cost of \$14,010.00. Staff will sell the department's current two BMW motorcycles at the estimated sales price of \$24,000.00 based on Blue Book estimates.

Staff recommends the \$9,980.00 difference be returned to the Traffic Calming Committee budget where the initial purchase funds were approved as part of the budget process in the spring of 2006.

Staff recommends that the cost to enter into future two-year leases, if approved by the City Council, be covered by the police department operating budget subject to existing City budget policies.

CITY COUNCIL Staff Report



Subject: SIGN CODE REVISIONS
Date: December 22, 2005
Type of Item: Legislative

PLANNING DEPARTMENT

Summary: Staff requests that the City Council review the proposed changes to Title 12 of the Municipal Code, conduct a public hearing and adopt the attached ordinance.

TOPIC

Amendments to Title 12 of the Municipal Code.

BACKGROUND

On August 10, 2005, the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council for a number of changes to the Sign Code. The item was reviewed by the City Council on November 3, 2005 and again on December 1, 2005 where a public hearing was held and the Council provided staff with further direction. At the meeting, the Council discussed changes proposed by the Main Street Historic Business Alliance and the Board of Realtors and directed staff to make a number of changes to the document. Staff has incorporated the changes into the document and is recommending that the Council adopt the attached ordinance.

ANALYSIS

An ordinance containing a redline copy of the proposed changes to the Code is attached. Most of the changes are outlined Chapter by chapter below, however there are grammatical and administrative changes in the redline that are not specifically discussed. For instance, sections that addressed the Historic District Commission have been changed to Historic Preservation Board, and Community Development Director has been changed to Planning Director.

Chapter 1 Purpose

- Rearrange purpose statement to letter form rather than paragraph.

Chapter 2 Definitions

- Grammatical/clarification changes
- Creation of Construction signs definition
- Elimination of Subdivision Sign definition

Chapter 3 Permits

- Clarification/Grammatical changes
- Modification of lighting requirements to be consistent with LMC
- Reduce minimum review time from 30 days to 15

Chapter 4 Sign Standards

- Grammatical/clarification changes
- Elimination of building identification sign above max allowable height provision
- Elimination of plywood as a prohibited sign material
- Increased language requiring creative lettering on signs
- Simplify color requirements

Chapter 5 Unsafe and Unlawful Signs

No changes

Chapter 6 Alteration of Non-Conforming Signs

No changes

Chapter 7 Prohibited Signs

- Grammatical/clarification changes
- Allowance for historic animated signs
- Elimination of off premise temporary open house signs for real estate sales

Chapter 8 Non Regulated Signs

- Grammatical/clarification changes
- Elimination of time of display requirements for Special Events Flyers.
- Elimination of time of display requirements for Special Sale Signs.
- Eliminate the prohibition of roof or antenna mounted signs on vehicles.
- Creation of temporary portable sign language

Chapter 9 Permitted Signs

- Grammatical/clarification changes
- Elimination of Directional sign requirements.
- Changes to Free Standing Sign language.
- Elimination of Subdivision sign requirements.
- Elimination of Way-Finding signs.
- Increase in the allowed square footage of an Electronic Display Terminal from 2 square feet to 3 square feet, (the approximate size of a computer display terminal).
- Minimum of 6 feet of separation between hanging signs on a building.
- Modification of Luminous tube language
- Allow corporate logos on umbrella signs

Chapter 10, Temporary Signs

- Streamlining of Construction and Construction Mitigation sign language. Eliminate requirement that price is not allowed.
- Reduction of minimum setback requirement for campaign signs.

- Elimination of setback and design requirements for Neighborhood Information signs and Yard signs (difficult to enforce, as the signs do not receive a permit, and rarely are built to a standard established in the Code).
- Elimination of design requirements for campaign signs.
- Modification of open house sign language for real estate signs

Chapter 11 Banners

No changes proposed

Chapter 12 Master Festivals

No changes proposed

Chapter 13 Historic Sign Review

- Grammatical/clarification changes

Chapter 14 Outdoor Vehicle Displays

No changes

DEPARTMENT REVIEW

The Executive Department, Planning Department and Legal Department have reviewed the proposed amendments.

RECOMMENDATION

Staff requests that the City Council review the proposed changes to Title 12 of the Municipal Code, conduct a public hearing and adopt the attached ordinance.

EXHIBITS

A – Sign Code Ordinance

AN ORDINANCE ADOPTING COMPREHENSIVE AMENDMENTS TO TITLE 12, SIGN CODE, OF THE MUNICIPAL CODE OF PARK CITY.

WHEREAS, the City Council recognizes the significant need for temporary signs to ensure the success of hard to locate retail plaza locations, special and master festival events, real estate sales, and to facilitate unusual pedestrian and vehicular traffic patterns; and

WHEREAS, such commercial activities and special events are critical to the economic and cultural goals of the City as defined in the General Plan, the City Council's annual Vision Statement to be a World Class, Multi-Seasonal Destination Resort Community, and Principles 1, 3, 6 and 7; and

WHEREAS, the City has successfully and aggressively balanced the need for commercial signs and marks with the aesthetic beauty and charm of its historic districts and the mountain community generally, both of which are vital to the economic development and quality of life of the City; and

WHEREAS, the clarifications herein are necessary to ensure clear and fair application of the regulations herein and simplify enforcement; and

WHEREAS, the City Council is re-adopting special, more-permissive regulations for Temporary Signs, but the City Council hereby finds that such signs must still be regulated to prevent visual clutter, ensure efficient pedestrian and vehicle traffic movements, and promote the resort character of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Findings. The recitals are incorporated herein as findings in support of this ordinance. The attached redlined exhibit is hereby adopted. Most of the changes are outlined chapter by chapter below, however there are grammatical and administrative changes in the exhibit that are not specifically discussed. For instance, sections that addressed the Historic District Commission have been changed to Historic Preservation Board, and Community Development Director has been changed to Planning Director.

Section II. Amendment. Title 12 Sign Code, of the Municipal Code of Park City is hereby amended as attached in Exhibit A.

Section III Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 22nd day of December, 2005.

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TITLE 12 - SIGN CODE

(Amended/Reorganized by Ord. 01-2)

CHAPTER 1 - PURPOSE AND SCOPE

12- 1- 1. PURPOSE AND SCOPE.

The purpose of the Sign Code is to:

- (A) Reduce potential hazards to motorists and pedestrians
- (B) Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy
- (C) Encourage sign legibility through the elimination of excessive and confusing sign displays
- (D) Prevent confusion of business signs with traffic regulations
- (E) Preserve and improve the appearance of the city as an historic, mountain and resort community in which to live and work
- (F) Create an unique environment to attract visitors
- (G) Allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner
- (H) Safeguard and enhance property values
- (I) Protect public and private investment in buildings and open space
- (J) Supplement and be a part of the zoning regulations imposed by Park City

- (K) Promote the public health, safety, and general welfare of the citizens of Park City.

~~The City Council of Park City, Utah finds and declares that by controlling and standardizing signs in the community, the regulations set forth in this Title will reduce potential hazards to motorists and pedestrians; encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays; prevent confusion of business signs with traffic regulations; preserve and improve the appearance of the city as an historic, mountain and resort community in which to live and work; create an unique environment to attract visitors; allow each individual business to clearly identify itself and the goods and services which it offers in a clear and distinctive manner; safeguard and enhance property values; protect public and private investment in buildings and open space; supplement and be a part of the zoning regulations imposed by Park City; and promote the public health, safety, and general welfare of the citizens of Park City.~~

12-1-2 INTERPRETATION.

The Planning Commission shall have the authority and duty to interpret the provisions of this Title at the request of the ~~Community~~

~~Development Planning~~ Director or when a written appeal from ~~of a Planning Department decision of the Community Development Department~~ is filed with the Planning Commission. In interpreting and applying the provisions of this Title, the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. The ~~Community Development Planning~~ Department and/or the Planning Commission may determine that a smaller sign is more appropriate based on the size and scale of the structure(s), pedestrian traffic, safety issues, orientation, and neighborhood compatibility. The types of signs allowed by this Title shall be plenary and sign types not specifically allowed as set forth within this Title, shall be prohibited.

CHAPTER 2 - DEFINITIONS

12- 2-1. DEFINITIONS. For purposes of this Title, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

- (A) **ALTERATIONS.** Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one (1) location or position to another.
- (B) **AREA OF SIGN.** The area of a sign ~~face shall be computed by measurement of is measured by~~ the smallest square, circle, rectangle, triangle, or combination thereof that ~~will~~ encompasses the extreme limits of the writing, representation, emblem, or other display. ~~This shall include any including materials or colors forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The Sign area calculation shall does not include structural supporting framework, bracing or~~

the wall to which the sign is attached. ~~when such wall meets zoning ordinance regulations and is clearly incidental to the display itself.~~

If individual letters are mounted directly on a wall or canopy, ~~each message shall be considered a sign.~~ the sign area shall be the area in square feet of the smallest rectangle, which encloses the sign, message or logo.

(C) **BALCONY.** A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

(D) **BANNER.** A strip of cloth, plastic, paper or other material on which letters or logos are painted or written, hung up or carried on a crossbar, staff, string or between two (2) poles.

(E) **BILLBOARD.** A permanent outdoor advertising sign that advertises goods, products, or services not necessarily sold on the Premises on which said Sign is located.

(F) **BUILDING FACE OR WALL.** The window and wall area of a building façade on one (1) plane or elevation.

(G) **CANOPY.** A roofed structure constructed of fabric or other material ~~placed so as to that~~ extends outward from a building, generally providing a protective shield for doors, windows, and other openings supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

(H) **COMMUNITY OR CIVIC EVENT.** A public event ~~not intended for that is of interest to the community as a whole rather than~~ the promotion of a product, political

candidate, religious leader or commercial goods or services.

(I) **DISPLAY BOX.** A freestanding or wall sign ~~enclosed in~~ faced with glass or another similar material ~~that is~~ designed for the express purpose of displaying menus, current entertainment or other like items.

(J) **ELECTRONIC DISPLAY TERMINAL.** An electronic ~~display~~, terminal, screen, or monitor used to receive or provide information, advertise a good or service or promote an event.

(K) **FLAG.** A piece of cloth, plastic or similar material, usually rectangular or triangular, attached by one (1) edge to a staff, pole as a distinctive symbol of a country, government, organization or other entity or cause.

(L) **GRADE.** The ground surface elevation of a site or parcel of land.

(1) **GRADE, EXISTING.** The grade of a property prior to any proposed development or construction activity.

(2) **GRADE, NATURAL.** The grade of land prior to any development activity or any other man-made disturbance or grading. The Community Development Department shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area appears to meet the undisturbed portions of the property. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the

land, or redirecting the flow of run-off water.

(3) **GRADE, FINAL.** The finished or resulting grade where earth meets the building or sign after completion of the proposed development activity.

(M) **HANDBILL.** A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service.

(N) **HEIGHT OF SIGN.** The height of a sign is the vertical distance measured from natural grade to the top of the sign, including the air space between the ground and the sign. Only when the topography is altered to adjust the ground height to the level of the public right of way, shall the sign be measured from final grade.

(O) **MASTER SIGN PLAN.** A plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops, which constitute a visual entity as a whole.

(P) **NAME PLATE.** A Sign that identifies the name, occupation, and/or professions of the occupants of a premises.

(Q) **PREMISE.** Land and the buildings, owned or rented, upon it.

(R) **PRIVATE PLAZA.** Private property in excess of 1,000 square feet that generally serves as common area to adjoining commercial development and is free of structures, is hard surfaces and/or landscaped. Private plazas generally provide an area for pedestrian circulation,

common amenities, and act as a gathering space for private or public purposes.

(S) **PUBLIC PROPERTY**. Any property owned by a governmental entity.

(T) **REPRODUCTION**. An object that has been designed and built to resemble a product or service.

(U) **SIGN**. Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

(V) **SIGN, ABANDONED**. Any sign applicable to, a use that has been discontinued for a period of three (3) months.

(W) **SIGN, AWNING**. Any sign painted on or attached to an awning or canopy.

(X) **SIGN, CABINET**. A frame covered by translucent material. The entire structure is one (1) unit and the copy is not intended to include the individual letters.

(Y) **SIGN, CAMPAIGN**. A temporary sign on or off-premises, announcing, promoting, or drawing attention to a ~~any~~ candidate(s) seeking public office ~~in a forthcoming election~~; or signs announcing political issues, ~~for or against~~.

(Z) **SIGN, CANOPY**. Any sign painted or attached to a canopy.

(AA) **SIGN, CHANGEABLE COPY**. A manually operated sign that displays graphics ~~at content~~ or a message that can be easily changed or altered.

(BB) **SIGN, CONSTRUCTION**. A temporary sign placed on a site identifying a new development.

- (1) **Project Marketing Sign**. A sign identifying the financial institution of a development, and may include a plat map, and real estate information.
- (2) **Construction Sign**. A sign identifying the contractor and or builder responsible for a project or development.
- (3) **Construction/Project Marketing Sign**. A combination of a construction sign and project marketing sign.

(CC) **SIGN, DIRECTIONAL (GUIDE SIGN)**. Signs, which serve as directional guides to recognized areas of regional importance and patronage, including: ~~To clarify and define such areas of regional importance and patronage, four (4) types of areas are intended to be included:~~

- (a) Recreational and entertainment centers of recognized regional significance.
- (b) Major sports stadiums, entertainment centers or convention centers having a seating capacity in excess of 1,000 persons.
- (b) Historic landmarks, churches, schools, community centers, hospitals and parks.

(c) Public safety, municipal directional, parking and essential services.

(DD) **SIGN, DIRECTORY.** A ~~identification~~ sign, located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.

(EE) **SIGN, ELECTRONIC.** A window, wall, or other sign that changes messages through a marquee, reader board, electronic message center, or other replaceable copy area.

(FF) **SIGN, FREE-STANDING (MONUMENT).** A sign that is supported by one (1) or more uprights or braces that are fastened to, or embedded in the ground or a foundation in the ground and not attached to any building or wall.

(GG) **SIGN, GHOST.** A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.

(HH) **SIGN, HANGING.** A sign attached underneath a canopy, awning or colonnade.

(II) **SIGN, HISTORIC.** A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a building's history.

(JJ) **SIGN, HISTORIC REPLICATION.** A sign that is an exact replication, including materials and size, of a historic sign that was once in the same location. ~~The~~

~~replication sign matches the materials and size of the original.~~

(KK) **SIGN, HOURS OF OPERATION.** A sign that displays the hours during which the building's tenant serves the public, this includes "open" and "closed" signs.

(LL) **SIGN, IDENTIFICATION.** A sign that identifies the name and/or logo, and/or address of a commercial, industrial, or condominium complex the owner and tenants thereof only.

(MM) **SIGN, INTERNALLY ILLUMINATED.** ~~Internally illuminated signs include any~~ A sign face, which is lit or outlined by a light source located within the Sign.

(NN) **SIGN, LUMINOUS TUBE (NEON).** A sign, that is outlined, or has characters, letters, figures, or designs, that are illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.

(OO) **SIGN, MUNICIPAL IDENTIFICATION.** A sign ~~that is~~ designed specifically for the purpose of notifying motorists of Park City's municipal boundary and to welcome them to Park City.

(PP) **SIGN, 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.

(QQ) **SIGN, NON-CONFORMING (LEGAL).** Any advertising structure or sign that was lawfully erected and maintained prior to such time as it came within the purview of the Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code.

(RR) **SIGN, OFF-PREMISE**. A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.

(SS) **SIGN, ON-PREMISE**. A sign that identifies the name, occupation, and/or profession of the occupants of the premises.

(TT) **SIGN, POLE**. ~~A An on-premise~~ freestanding sign that is supported by one (1) upright of not greater than twelve inches (12") in diameter and is not attached or braced by another structure.

(UU) **SIGN, PORTABLE**. A sign that can be moved from place to place, and is not permanently affixed to the ground or a building.

(VV) **SIGN, PROJECTING**. A sign attached to a building or other structure, perpendicular to the street and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

(WW) **SIGN, PROJECTION**. A sign that utilizes a beam of light to project a visual image or message onto a surface.

(XX) **SIGN, PUBLIC NECESSITY**. A sign that informs the public of danger or a hazard. ~~existing on or adjacent to the premises.~~

(YY) **SIGN, REAL ESTATE**. A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.

(ZZ) **SIGN, ROOF**. A sign erected or painted upon or above the roof or parapet of a building.

(AAA) **SIGN, SOLICITATION**. Sign used to communicate with ~~advised~~ solicitors ~~that they are not welcome on the property.~~

(BBB) **SIGN, SPECIAL PURPOSE**. A Sign ~~of a temporary nature other than those established by a business; for the purpose of~~ advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.

(CCC) **SIGN, SPECIAL SALE**. Temporary signs used to advertise a special sale ~~on the premises.~~

~~(DDD) **SIGN, SUBDIVISION**. An identification sign located at the entrance to a residential subdivision.~~

(EEE) **SIGN, TEMPORARY**. A sign that is intended for use during a specified limited time.

(FFF) **SIGN, UMBRELLA**. A sign painted on or attached to an umbrella, including name brands and symbols.

(GGG) **SIGN, VEHICLE**. Any sign, logo or advertisement placed, painted, attached, or displayed on a vehicle.

(HHH) **SIGN, WALL**. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

(III) **SIGN, WINDOW**. A sign installed upon or within three feet (3') from a window, visible from the street and exceeds two square feet (2 sq. ft.) in area, for the purpose of viewing from outside of the premises. This term does not include merchandise displays.

(JJJ) **SIGN, YARD**. A temporary sign that announces a garage sale, open house or similar event.

(KKK) **THEATER MARQUEE**. A permanent ~~structure~~ sign, with changeable copy, that is used to advertise theater events.

(LLL) **UMBRELLA**. A collapsible shade for protection against weather consisting of metal or fabric stretched over hinged ribs radiating from a central pole.

(MMM) **WALL MURAL**. A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content, and does not include advertising by picture or verbal message.

(NNN) **ZONE DISTRICT**. Refers to land use regulatory zones under the zoning ordinances of Park City.

(Amended by Ord. No. 01-25; 02-50; 04-01)

CHAPTER 3 - PERMITS

12-3-1. PERMITS REQUIRED.

No person shall erect, alter, or relocate any permanent or temporary sign within Park City without first submitting a sign application and receiving approval of the sign permit from the City, unless the sign is exempt pursuant to Section 12-8-1. Any person who hangs, posts, or installs a sign that requires a permit under this Code and who fails to obtain an approved permit before installing the sign, shall be guilty of a Class B C misdemeanor.

12-3-2. PRE-APPLICATION CONFERENCE

Prior to the submittal of a Sign permit application, a pre-application conference with the ~~Community Development~~ Planning Department is encouraged to acquaint the

~~applicant for the applicant to become acquainted with Sign Code application procedures, design standards, and related City ordinances. Staff may assist in the preparation of the application, and shall provide information to applicants on the regulations created by this Code.~~

12-3-3. MASTER SIGN PLANS.

Buildings or clusters of buildings within a project or premise, having more than one (1) tenant or use, shall ~~provide~~ submit a Master Sign Plan application for the entire structure or project prior to any sign permit approval by the Planning Department.

(A) **DESIGN**. The Master Sign Plan shall be designed to establish a common theme or design for the entire building, using similar construction methods, compatible colors, scale, and identical backgrounds. All regulations as stated in this Title shall apply.

(B) **MASTER SIGN PLANS FOR OFFICE BUILDINGS**. Master Sign Plans for office buildings must focus primarily on the identification of the building. Individual tenants may be identified ~~by using~~ with small lettering on exterior windows, doors, or a building directory.

(C) **SIGN AREA**. Total sign area within the Master Sign Plan is subject to the size limitations of Chapter 12-4-1 of this Title. Sign area cannot be transferred to a single building or facade from other buildings in the project.

(D) **HEIGHT**. ~~For all multi-tenant, retail and mixed-use buildings that contain any combination of uses including residential, office, service, or retail uses, All Master Sign Plans shall be designed so that signs are confined to the building surface placed below the finished floor elevation of the~~

second floor or ~~below~~ a maximum of twenty feet (20') above adjacent finished grade whichever is lower. Signs may be located on ~~walls the flat wall areas~~, within windows or on sign bands above windows. For buildings with ~~approved or existing conflicts with this requirement pre-existing sign bands or architectural features designed to complement or house signs, the Community Development~~ the Planning Director may grant exceptions to the second floor level sign restriction.

(E) **LIGHTING.** Master Sign Plans shall include the location and fixture type of all exterior lighting of the proposed signs. The lighting plan shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in Chapters 15-3-3(A)(1) and 15-5(I) of the Land Management Code. Lighting fixtures shall be similar in style and should direct all light onto the sign surface. Spot lights and flood lights are prohibited.

12-3-4 APPLICATION REQUIREMENTS.

All sign applications shall be submitted to the ~~Community Development~~ Planning Department to be reviewed for compliance with the requirements set forth in this title. A complete sign application must include the following:

(A) **BUILDING ELEVATIONS/SITE PLAN.** Signs proposed to be mounted on a ~~building require a building elevation drawn to scale that specifies the location of the sign structure, and or drawings or photographs that show the scale of the sign in context with the scale of the building. if the sign is to be mounted on the building.~~

Free Standing Signs ~~If the proposed sign is free standing, staff will require the applicant to submit a site-plan specifying indicating the proposed sign location on the parcel as~~

it relates ~~with relation~~ to property lines, adjacent streets and ~~adjacent~~ buildings.

(B) **SCALED DESIGN DRAWING.**

A Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, including color samples.

(C) **SCALED INSTALLATION**

DRAWING. A scaled drawing that includes the sign description, ~~and proposed materials, types of material to be used. All hardware needed to install the sign shall be listed and will include~~ size, weight, manner of construction, and method of attachment, (including all hardware necessary for proper sign installation). ~~and color samples.~~

(D) **LIGHTING.** A drawing indicating the location and fixture type of all exterior lighting for the proposed signs. The drawing shall specify wattage and bulb type to ensure compatibility with the lighting standards as stated in Chapters 15-3-3(A)(1) and 15-5(I) of the Land Management Code.

~~A detailed lighting plan, which clearly indicates the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details of the lighting. All lighting shall comply with the standards as specified in the Land Management Code Chapters 15-3 and 15-5. In addition to this requirement, An application for an electrical permit must be filed with the building department by a licensed electrician.~~

(E) **APPLICATION FORMS.** A completed ~~Planning Department~~ sign permit application and building permit application. ~~to the Community Development Department.~~ Both applications are available through the ~~Community Development Planning Department.~~

(F) **FEES.** Payment of the appropriate fees to the Park City Municipal Corporation.

12-3-5 PERMIT FEES.

Sign permit ~~applicants applications~~ shall be ~~reviewed according~~ pay fees as adopted in the fee schedule established by resolution. ~~See Fee Schedule at the Planning Department.~~

12-3-6 REVIEW PROCEDURES.

Complete sign permit applications will be reviewed by the ~~Community Development Planning and Building Departments~~ within ~~thirty (30) calendar~~ 15 working days upon receipt of a complete application. The application will be approved, denied or returned to the applicant with requested modifications. Both the Planning and Building Departments must review and approve the application prior to the issue of a permit. ~~before a permit can be issued.~~ Either department may return the application for modification or clarification.

The Building Department shall inspect, ~~as it deems necessary,~~ signs ~~applications~~ regulated by this Code to ~~determine if ascertain whether the signs~~ they have been ~~adequately~~ suitably installed and ~~adequately~~ maintained per the requirements of the International Sign Code ~~to minimize risks to the public.~~

If the sign uses electrical wiring and connections, a licensed electrician must submit an electrical permit application to the Building Department. This application is separate from the sign permit application, and shall be reviewed for compliance with the International Building Code. ~~The Building Department shall examine the plans and specifications with respect to all wiring and connections to determine if they comply with the Electrical Code of the City,~~

~~and shall be approved if the plans and specifications comply with the Code or denied if non-compliance with the Uniform Building Code is found.~~

CHAPTER 4 - SIGN STANDARDS

12-4-1 TOTAL SIGN AREA REQUIREMENTS.

The sign area, per building facade, may not exceed thirty-six square feet (36 sq. ft.). Historic signs are exempted from this requirement.

~~If additional sign area is appropriate, the Community Development~~ Subject to the criteria below, the Planning Director may grant additional sign area, provided the ~~but in no case may the~~ total area requested does not exceed five percent (5%) of the building face to which the signs are attached. ~~To grant additional sign area on applications, the Community Development~~ The Planning Director must make findings based on the following criteria:

(A) **LOCATION.** Signs ~~should~~ must be designed to fit within and not detract from or obscure architectural elements of the building's facade;

(B) **COMPATIBILITY.** Signs ~~should~~ must establish a visual continuity with adjacent building facades and ~~should~~ be oriented to emphasize pedestrian or vehicle visibility;

(C) **MULTIPLE TENANT BUILDINGS.** The building must have more than one (1) tenant in more than one (1) space; and

(D) **STREET FRONTAGE.** The building must have more than fifty feet (50') of street frontage.

12-4-2 AREA OF INDIVIDUAL SIGNS.

The area of a sign shall include the entire area within any type of perimeter or border that may enclose the outer limits of any writing, representation, emblem, figure, or character, exclusive of the supporting framework.

When the sign face of a backed sign, ~~i.e., projecting, hanging, or freestanding sign~~, is parallel or within thirty degrees (30°) of parallel, ~~only one (1) sign face is counted into the total sign area.~~ If the sign faces are not parallel or within thirty degrees (30°) of parallel, each sign face is counted into the total sign area.

12-4-3. INDIVIDUAL LETTER HEIGHT.

Signs shall be limited to a maximum letter height of one foot (1'). The applicant may request ~~in writing that the Community Development Planning Director grant an exception to the one foot (1') letter height,~~ provided the request is for an increase of no more than six inches (6") for a maximum height of eighteen inches (18"). ~~The~~ applicant must demonstrate that the requested exception would be compatible with the letter's font, the building's architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, the ~~Community Development Planning Director may grant a letter height exception for buildings farther when such building is greater than one hundred and fifty feet (150') from the right-of-way of which the building has vehicular access.~~ The maximum letter height in this case shall be no greater than thirty inches (30").

12-4-4 LOCATION ON BUILDING.

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance this architecture, the following criteria must be met:

(A) **HEIGHT.** Signs shall be ~~located~~ below the finished floor of the second level of a building, or twenty feet (20') above ~~finished~~ final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the ~~Community Development Planning~~ Director may grant an exception to the second floor level sign restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to ~~building identification signs and~~ window signs.

(B) **LOCATION.** Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should compliment the visual continuity of adjacent building facades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION.** Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way. ~~Signs designed to be viewed from a distance are not permitted.~~

(D) **COMPATIBILITY.** A sign, including its supporting structure and components, shall be designed as an integral design element of a building ~~architecture~~ and shall be architecturally compatible, including color, with the building to which it is attached. Signs must neither obscure architectural details of the building; nor

cover doors, windows, or other integral elements of the facade.

12- 4- 5. SETBACK REQUIREMENTS.

Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located, except ~~for signs.~~ ~~However, in the General Commercial (GC) zone. These signs~~ Signs in the GC zone may be set back ten feet (10') from the property line with the exception of those in the Frontage Protection Zone. The ~~Community Development Department Planning~~ Director may decrease the setback if it is determined that the public will benefit from a sign located otherwise, due to site specific conditions such as steep terrain, integration of signs on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.

12-4-6. PROJECTION AND CLEARANCE.

No portion of a sign may project more than 36 inches (36") from the face of a building or pole.

Awnings, projecting and hanging signs must maintain at least eight feet (8') of clearance from ground level.

Signs may not extend over the applicant's property line except those ~~that are proposed to be placed~~ over the Main Street sidewalk. Signs may extend over City property only after review and written approval by the City Engineer ~~and with the written approval of the Community Development Director~~ and an encroachment agreement acceptable to the City Attorney is recorded.

12-4-7 SIGN MATERIALS.

Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, high-density foam board, brick, solid wood,

or cloth. Other materials may be used in the following applications:

(A) **FACE.** The face or background of a Sign may be constructed of exterior grade manufactured composite board or plywood if the face of the sign is painted and the edges of the sign are framed and sealed with silicone. ~~Plywood is prohibited except on temporary signs where painted plywood may be used.~~

(B) **LETTERS.** Synthetic or manufactured materials may be used for Individual cutout or cast letters in particular applications where synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Letters shall be raised, routed into the sign face or designed to give the sign variety and depth. Flat letters are prohibited.

Ivory colored plastic ~~may~~ shall be used for internally illuminated letters.

Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

12-4-8 COLOR.

~~Bright, glossy, fluorescent colors are prohibited. and Reflective surfaces are prohibited. and reflective colored materials that give the appearance of changing color are prohibited. as well. Signs must be finished in subdued earth tone colors. Earth tones may be defined in this context: to include the full spectrum of soil, clay and metallic colors. Spectrums of off whites to deep browns, and light grays to black provide a wide range of acceptable colors. Brighter colors may be used provided they~~

~~are imbued with brown or black tones. For example: pink imbued with brown would tend toward mauve and would be acceptable. Bright reds imbued with brown or black tones give a deeper burgundy or maroon color and may also be acceptable. Colors should compliment the color scheme of the building. A matte or flat finish is required for all painted surfaces.~~

12-4-9 ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **EXTERNALLY ILLUMINATED SIGNS.** Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

(1) **FIXTURES.** Lighting fixtures shall be simple in form and should not clutter the building. The fixtures ~~should~~ must be directed only at the sign and comply with Chapter 15-5.

(2) **COMPONENT PAINTING.** All light fixtures, conduit, and

shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

(B) **INTERNALLY ILLUMINATED SIGNS.** Internally illuminated signs include any sign face, which is lit or outlined by a light source located within the sign.

LETTERS Individual pan-channel letters with a plastic face or individual cutout letters, ~~i.e.~~ (letters routed out of the face of an opaque cabinet sign), are permitted. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1½). Variations in stroke width may be reviewed and approved by the Planning Director. ~~Community Development Department~~. The plastic face or backing of the letters must be ivory colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. Internally illuminated pan-channel letters are ~~not permitted~~ prohibited on freestanding signs.

LIGHT SOURCE. The light source for internally illuminated signs must be white.

WATTAGE. Wattage for internally illuminated signs shall be specified on the sign application. ~~must conform with the specifications established in Chapter 15-5 of the Land Management Code. In the case of multi-tenant buildings, the Planning Department will regulate the voltage and type of light as part of the Master Sign Plan application to ensure consistency.~~

ZONING RESTRICTIONS. Individual pan-channel letters and individual reversed pan-channel letters are prohibited in the Historic District. ~~Signs which incorporate "halo" or "silhouette" lighting behind one (1) sign face~~

~~with the letters cut out of metal or wood sign material are allowed in the Historic District provided they are consistent with the other regulations established in this section.~~

(C) **SEASONAL.** Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(C) **PROHIBITED LIGHTING.** Lights that flash or move in any manner, are prohibited.

(Amended by Ord. No. 02-50)

CHAPTER 5 - UNSAFE AND UNLAWFUL SIGNS

12-5-1 ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS NON-MAINTAINED OR ABANDONED SIGNS.

If, upon inspection, the Building Official determines a sign or awning permitted by the Park City Sign Code to be unsafe, not maintained, or abandoned, the Building Official may issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) working days after receipt of notice from the City. In cases of emergency, the Building Official may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present an imminent hazard to the public safety.

CHAPTER 6 - NON-CONFORMING SIGNS

12-6-1 CONFORMANCE CRITERIA FOR NON-CONFORMING SIGNS.

All non-conforming signs (except billboards, see Section 12-6-4 below), that 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. Non-conforming 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 that 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 that 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-conformity.

(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.

(Amended by Ord. No. 02-50)

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.

12-6-4 NON-CONFORMING BILLBOARDS.

Acquiring a billboard and associated property rights through gift, purchase,

agreement, exchange, or eminent domain ~~may~~ will terminate the non-conforming status of said billboard.

A legislative body may also remove a billboard without providing compensation if, after providing the owner with reasonable notice or proceedings and an opportunity for a hearing, the legislative body finds that:

(A) The applicant for a permit intentionally made a false or misleading statement in his application;

(B) The billboard is unsafe;

(C) The billboard is in unreasonable state of repair; or

(D) The billboard has been abandoned for at least twelve (12) months.

12-6-5 REMOVAL OF SIGNS BY THE BUILDING OFFICIAL AND COST ASSESSED AGAINST OWNERS.

The Building Official may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair under the procedures and authority of the Municipal Code of Park City Section 6- 1- 5, as amended.

CHAPTER 7 - PROHIBITED SIGNS

12-7-1 PROHIBITED SIGNS.

No person shall erect, alter, maintain, or relocate any sign as specified in this Chapter in any district.

(A) **ANIMATED SIGNS.** A rotating or revolving sign, or signs where all or a portion of the sign moves in some manner. Except for Historic Signs and Historic Replication Signs where the applicant is able to prove through documentation or

other evidence that the original Historic Sign produced the same motion/movement and is proposed in the same location.

(B) **BANNERS**. Except as approved in conjunction with a Master Festival license issued pursuant to Title 4 of this Code or approved as a banner on a City light standard pursuant to Title 12-11 of this Code.

(C) **BENCH SIGNS**. An outdoor bench or piece of furniture with signs attached.

(D) **ELECTRONIC MESSAGE SIGNS**. A permanent freestanding roof, wall, or other sign that changes copy electronically using switches and electric lamps. Automatic changing signs, such as announcements, time, temperature and date signs are prohibited. Governmental public safety, municipal directional and information signs are exempt.

(E) **FLASHING SIGNS OR LIGHTS**. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited.

(F) **HOME OCCUPATION SIGNS**. Business identification sign for a home occupation.

(G) **INFLATABLE SIGNS OR DISPLAYS**. Any inflatable object used for signs or promotional purposes.

(H) **OFF-PREMISE SIGNS**. No person shall erect a sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.

(I) **PORTABLE SIGNS**. Any sign that can be moved from place to place, is not permanently affixed to the ground or building, and is for the purpose of display only, is prohibited. Temporary open house signs for real estate are permitted but must comply with the regulations as stated in Section 12-10-(F). Temporary portable signs for advertising or identifying a business or other type of entity must comply with the regulations as stated in Section 12-10-(I). Government public safety, municipal directional, and informational signs are exempt.

(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~~ so the light source is shielded from any view but the intended mark of the sign.

(K) **REPRODUCTION**. The use of an inanimate object that has been constructed to look like a ~~smaller~~ product or service for the purpose of advertisement or display is prohibited.

(L) **ROOF SIGNS**. Any signs erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof. Signs mounted anywhere on a mansard roof are not allowed.

(M) **SIGNS IN PUBLIC PLACES**. No person shall paint, mark, or write on, staple, tape, paste, post, or otherwise affix, any handbill, sticker, poster, or sign to any public building, structure, or other property, including but not limited to a work of art, sidewalk, crosswalk, curb, curbstone, parking meter, park-strip, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone wire or

pole, or wire appurtenance thereof, or any lighting system, public bridge, drinking fountain, life saving equipment, street sign, street furniture, trash can, or traffic sign.

Violators of this Title shall be held liable and subject to the penalties as stated in Section 12-16-1.

(N) **WIND SIGNS.** Any propeller, whirling, or similar device, that is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include "gasoline flags", or banners.

(O) **VIDEO SIGNS.** Animated visual messages that are projected on a screen.

(Amended by Ord. No. 02-50; 04-01)

CHAPTER 8 - NON-REGULATED SIGNS

12-8-1 SIGNS EXEMPT FROM PERMIT REQUIREMENT.

The following signs are exempt from the permit requirement as provided in Chapter 3 herein. They shall be regulated by the following size and placement standards and, except as otherwise provided herein, shall not be included when calculating permitted sign area for any parcel, use or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

(A) **ADDRESSING NUMBERS.** Addressing numbers may be no higher than twelve inches (12"). When placed on commercial buildings, they may be taken into account in the review of the sign plan, and counted as sign area if part of the overall sign area for the building.

(B) **CAMPAIGN SIGNS.** Campaign signs are exempt from obtaining permits as

long as the sign is in compliance with the regulations as stated in Section 12-10-2(B).

(C) **HISTORIC SIGNS AND PLAQUES.** Locations and size ~~may~~ shall be reviewed by the ~~Historic District Commission~~ Planning Department.

(D) **HOURS OF OPERATION SIGNS.** One (1) "hours of operation" sign is allowed per entrance. Each sign may not exceed one square foot (1 sq. ft.) in area. The sign may not be illuminated.

(E) **NAMEPLATES (RESIDENTIAL).** One (1) nameplate sign for each single family residence that shall not exceed one square foot (1 sq. ft.) in area. If lighted, a building permit is required.

(F) **PRIVATE PLAZAS.** Signs may be installed in private plazas without obtaining individual sign permits provided that such signs conform to an approved Master Sign Plan, however building permits shall be required for installation and any necessary electrical service and lighting. Existing signs in private plazas approved prior to March 19, 1998, do not need to come into conformance with the Sign Code and Master Sign Plan requirements, but all new signs must be either individually approved or approved as an amendment to the Master Sign Plan. Signs oriented internally to the plaza and not to the public street or right-of-way shall not be subject to the limitations in Section 12-3-3(C).

(G) **PUBLIC NECESSITY SIGNS.** Public necessity signs such as safety/instructional, for public facilities and parks, warnings, information kiosks at trail heads, bus stops, 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.

(H) **RECREATIONAL FACILITIES.**

Signs located inside open air recreational facilities that are not oriented to public streets, e.g. ~~directional~~ signs in ski resorts, public property, skate board parks, and golf courses are not regulated.

(I) **REAL ESTATE SIGNS.** Real estate signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(G).

(J) **SOLICITATION SIGNS.** One (1) solicitor's sign, not to exceed one square foot (1sq. ft.), is allowed per major entrance to any building or apartment complex.

(K) **SPECIAL EVENTS FLIERS.** Fliers or posters advertising special events may be displayed on the inside of windows of businesses, provided all window signs do not exceed thirty percent (30%) of window area and the owner of the business approves of the placement. ~~Such posters may be displayed for up to one (1) week prior to an event, and must be removed within forty eight (48) hours after the event.~~

Posters or fliers may not be tacked up to the exterior of any building nor upon any sidewalk, crosswalk, curb, curbstone, street light post, hydrant, tree, shrub, parking meter, garbage can or dumpster, automobile, electric light, power or telephone wire pole, or wire appurtenance thereof, fire alarm or hydrant, street furniture, park benches or landscaping, any lighting system, public bridge, drinking fountain, statue, life saving equipment, street sign or traffic sign or on door steps.

(L) **SPECIAL SALE SIGNS.** Merchants may advertise special sales with temporary paper Signs on the inside of windows

provided that all window signs do not cover more than thirty percent (30%) of the window area. ~~Special sale signs may be displayed two (2) weeks at a time, five (5) times a year.~~

(M) **TRESPASSING SIGNS.** No trespassing signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot (1 sq. ft.) in area, and may not be illuminated.

(N) **VACANCY SIGNS.** Vacancy signs are allowed only for those buildings that are permitted and licensed for nightly rentals. Vacancy Signs may be a maximum of two square feet (2 sq. ft.). If illuminated, approval from the ~~Community Development~~ Planning Department and a building permit are required. Luminous tube signs are prohibited.

(O) **VEHICLE SIGNS.** ~~Vehicle signs~~ Painted, vinyl or magnetic signs attached to the sides of vehicles or the vehicle's window are allowed, as long as the vehicle is in use or parked in a bona fide parking space. ~~Roof or antenna mounted signs on automobiles are prohibited, except for student driver signs.~~

(P) **YARD SIGNS.** Yard signs are exempt from obtaining permits as long as the sign is in compliance with the regulations as stated in Section 12-10-2(H) and (F).

(Amended by Ord. 00-60; 02-50; 04-01)

CHAPTER 9 - PERMITTED SIGN REGULATIONS

12-9-1 TYPES OF SIGNS ALLOWED.

In addition to the following regulations, all signs must be in compliance with all other provisions of this Title.

For the purposes of this Title, signs for commercial uses within an approved Master Planned Development (MPD), shall be permitted under sign criteria set forth in the Recreation Commercial (RC) Zoning District.

(A) **AWNING AND CANOPY SIGNS.**

(1) **SIZE.** A maximum of twenty percent (20%) of the canvas area on each face of an awning may be used for sign area. ~~regardless of the size of the building facade to which the sign applies, not to exceed that which would be allowed otherwise.~~ Awnings and canopy signs are calculated as part of the total sign area for the building.

(2) **HEIGHT LIMIT.** Awnings and canopy signs must have a minimum clearance of eight feet (8') to the frame and seven feet (7') to the bottom of the valance.

(3) **NUMBER OF SIGNS.** Not applicable.

(4) **SETBACK AND ORIENTATION.** Awnings and canopy signs must be located in a traditional manner above doors, windows or walkways, provided said walkways lead to a bona fide entrance, if they are compatible with the architecture of the building, and follow relevant design guideline criteria. All other locations are prohibited. Freestanding awning signs are prohibited.

Awnings and canopy signs may project a maximum of thirty-six inches (36") from the face of the building except when used as entrance canopies, in which case awnings may extend to the setback lines. ~~Awnings and canopy signs are calculated as part of~~

~~the total sign area for the building.~~ The design must blend with the architecture of the building and should not obscure details of the building. Awnings and canopy signs should serve as an accent to the building's design but should not be the dominant architectural feature. Awnings are counted as sign area if they have lettering or other graphics conveying a commercial message or name of a business or product sold in the building to which the awning/canopy is attached.

(5) **ZONING RESTRICTIONS.** Awning and canopy signs are permitted in all commercial zoning districts.

(6) **DESIGN.** Awnings and canopy signs in the Historic District are encouraged to resemble the typical awning found during the mining era. Only fire resistant nylon, canvas or other similar material will be permitted. Material should be high quality, colorfast and sun fade resistant. Vinyl or plastic materials are not permitted in Park City. Awning and canopy sign colors are ~~generally~~ limited to a single field color with a single contrasting color for lettering and logos. However, if the awning / canopy is striped in a traditional manner, either with vertical stripes along the entire awning or horizontal stripes along the valance, two field colors may be used. ~~Corporate colors may be used only if they are finished in subdued earth tone colors.~~

(7) **ILLUMINATION.** Illuminated (back-lit) translucent awnings or translucent letters on opaque backgrounds are prohibited. Canvas awnings illuminated in the traditional manner with high-pressure sodium or fluorescent lighting is permitted.

(B) **CHANGEABLE COPY SIGNS.**

Changeable copy signs are permitted, provided they comply with the following regulations.

(1) **SIZE.** Freestanding Changeable copy signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area, ~~unless there are other approved signs on the building, in which case this maximum shall be reduced to ten square feet (10 sq. ft.)~~

~~(2) **HEIGHT LIMIT.** Changeable copy signs shall be designed so that the sign area is confined to the building surface below the finished floor elevation of the second floor or twenty feet (20') above adjacent natural grade, whichever is lower.~~

(3) **NUMBER OF SIGNS.** The maximum number of changeable copy signs for a commercial or non-profit business is one (1).

(4) **SETBACK AND ORIENTATION.** Changeable copy signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) Zone, free standing changeable copy signs must be set back ten feet (10') from the property line.

Freestanding Changeable copy signs must be ~~may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are~~ finished on both sides. ~~and that Signs parallel to the road must~~ maintain a setback of at least twenty-five feet (25') from the curb or edge of pavement. With the exception of those in the Frontage Protection Zone, the ~~Community Development Planning~~ Director may decrease the setback if it is determined that a particular unique road alignment or traffic condition would ~~facilitate adequate~~ impair visibility of the sign for street or pedestrian traffic.

(5) **ZONING RESTRICTIONS.**

Changeable copy signs are allowed in all commercial zoning districts.

(6) **DESIGN.** The sign materials should be compatible with the face of the building and should be colorfast and resistant to erosion. The individual letters shall be uniform in size and color. Letters shall be enclosed within an opaque case with a transparent face. The individual letter shall not exceed eight inches (8") in height.

(7) **ILLUMINATION.** Illumination of changeable copy signs shall be enclosed in the case, ~~down directed toward the letters.~~

~~(C) **DIRECTORY SIGNS.**~~

~~Directory signs shall be permitted to provide information for commercial and residential multi tenant projects.~~

~~(1) **SIZE.** Wall mounted and freestanding directory signs shall adhere to all other size requirements as set forth in this Code.~~

~~Freestanding directory signs may have a maximum of twenty square foot (20 sq. ft.) of sign area to serve as a directory for the project. Each phase of an expandable condominium or other phased project shall be considered a part of the initial phase for sign purposes if the project is joined by a common conditional use permit, zoning approval or management structure such as a condominium homeowner's association.~~

~~(2) **HEIGHT LIMIT.** The height of the directory sign shall not exceed seven feet (7'), and shall be directed towards pedestrians.~~

~~(3) **NUMBER OF SIGNS.** The combined area of all directory signs on a~~

project may not exceed twenty square feet (20 sq. ft.) in area.

~~(4) **SETBACK AND ORIENTATION.**~~

~~Directory signs shall be located in the common area of the project and oriented toward a central pedestrian path, entrance or common parking area. Freestanding directory signs must maintain the setback requirements for the zone in which they are located.~~

~~(5) **ZONING RESTRICTIONS.**~~

~~Directory signs are allowed in all zoning districts, provided they are identifying multi-tenant projects, either commercial or residential.~~

~~(6) **DESIGN.** Directory signs shall be simple in form and shall be compatible with the architectural elements and materials of the multi tenant project.~~

~~(7) **ILLUMINATION.** Lighting of the directory sign is permitted. Lighting shall be down directed towards the text.~~

(C) DISPLAY BOXES.

Display boxes will be included in the total sign area for a building facade. Display boxes may contain an establishment's current menu, current entertainment information and merchandise and must be compatible with the architectural features of the building.

(1) **SIZE.** The maximum size shall be six square feet (6 sq. ft.) ~~and shall be included in the calculation of the total building sign area.~~

~~(2) **HEIGHT LIMIT.** The height of a display box shall be oriented towards pedestrian viewers.~~

(3) **NUMBER OF SIGNS.** Not applicable.

(4) **SETBACK AND ORIENTATION.** Display boxes shall be oriented towards pedestrian viewers. Wall mounted display boxes shall not extend from the building over public property.

(5) **ZONING RESTRICTIONS.** Display boxes are allowed in all commercial zoning districts.

(6) **DESIGN.** ~~The size and scale of display boxes shall be appropriate to the surroundings and shall be designed and fabricated so as to be compatible with the surrounding architecture. Freestanding display boxes shall be designed and constructed to withstand wind and may be located only on private property.~~ Display boxes must be constructed to coordinate with the building design and must contain a clear face that would protect the menu/event display from the weather and must not extend over public property.

(7) **ILLUMINATION.** Lighting of the display box is permitted within the display case. Lighting shall be down directed towards the items displayed.

(D) ELECTRONIC DISPLAY TERMINALS.

Electronic display terminals are a prohibited unless within a completely enclosed building and setback at least three feet (3') from any window. Exterior electronic display terminals are a conditional use ~~in the zone that underlies the property in Title 15, the Land Management Code,~~ subject to the following criteria:

(1) **SIZE.** Electronic display terminals shall be limited to a maximum of three square feet (3 sq. ft.) ~~two square feet (2 sq.~~

~~ft.)~~ in area if ~~intended to be~~ viewed through a window and placed within three feet (3') of a window, or placed on the exterior of a building.

(2) **HEIGHT LIMIT.** No electronic display terminal may exceed a height of four feet (4') measured from finished grade.

(3) **NUMBER OF TERMINALS.** No more than one (1) electronic display terminal may be permitted within the premises of a business.

(4) **SETBACK AND ORIENTATION.** Electronic display terminals shall not be allowed within the public right-of-way. They must be accessed by pedestrians only and obscured from vehicles. If located near an entrance or exit of a building, terminals must meet all ingress and egress requirements established by the uniform International Building Code. ~~Terminals may be aligned perpendicular or horizontal to the road and must be finished on all visible sides.~~

(5) **LOCATION ZONING RESTRICTIONS.** Electronic display terminals are allowed ~~only~~ in the HCB, HRC, GC, LI, RC, RCO, and RD Districts.

(6) **DESIGN.** Electronic display terminals must complement the architecture of the structure to which it is associated, and finished on all visible sides. ~~If the terminal is within the Historic District it must meet the Park City Historic District Guidelines, and may be subject to review by the Historic District Commission.~~

(7) **ILLUMINATION.** Lighting of electronic display terminals is prohibited.

(E) **ENTRANCE/EXIT SIGNS.**

Entrance/exit signs are not included into the total sign area allowed for a structure.

Entrance/exit signs are for the facilitation of traffic onto and off a site.

(1) **SIZE.** Entrance/exit signs shall be limited to a maximum of three square feet (3 sq. ft.) per side.

(2) **HEIGHT LIMIT.** Entrance/exit signs shall be no higher than five feet (5') above the ground at the top of the sign.

(3) **NUMBER OF SIGNS.** Two (2) entrance/exit signs are allowed at each approved driveway opening for commercial uses and multi-tenant dwellings.

(4) **SETBACK AND ORIENTATION.** Entrance/exit signs shall not be placed in the City right-of-way.

(5) **ZONING RESTRICTIONS.** Entrance/exit signs are permitted in all commercial and multi-family residential zoning districts.

(6) **DESIGN.** Entrance/exit signs shall be simple in form and shall be compatible with the architectural elements of the commercial or multi-family project.

(7) **ILLUMINATION.** Illumination of entrance/exit signs is permitted, provided that the lighting complies with Chapter 15-5.

(F) **FLAGS.**

~~The regulations stated below regarding flags shall apply to all zones in the City except for single family zones.~~ Flags and flag poles are prohibited when they are the only man made structure on the premise where it is placed.

(1) **SIZE.** The maximum size of any one (1) flag shall be twenty-four square feet (24 sq. ft.) if visible from a public right-of-way.

(2) **HEIGHT LIMIT.** Flagpoles may not exceed ~~the maximum height of the nearest building, or~~ twenty-eight feet (28') measured from ~~natural or final grade, whichever yields the shorter pole.~~

(3) **NUMBER OF FLAGS.** No more than three (3) freestanding flagpoles per property may be shown at any time if these flags 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.

Flag poles and flags approved by City Council as Olympic Legacy displays for permanent installation on City property, public rights-of-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of flags and flag poles permitted in this section.

(4) **SETBACK AND ORIENTATION.** Freestanding flagpoles shall not be placed in the setback area as designed for the zone in which the flags are located.

(5) **ZONING RESTRICTIONS.** Flags are allowed in all zoning districts.

(6) **TYPES OF FLAGS.** All Flags, which contain the name or logo of an establishment or advertising copy, shall be considered signs for purposes of this Chapter. The flag of the United States, the state of Utah, other flags or insignias of governmental entities, or decorative flags

are not considered signs for purposes calculating total sign area, but are subject to the restrictions of this section.

(7) **DESIGN.** It is recommended that the flagpoles be black, brown, dark green or bronze. ~~The flagpoles shall utilize noise reduction methods.~~ Flags shall be kept in good repair. Design and lighting of the U.S. flag should be consistent with the Federal Flag Code, 36 U.S.C. Section 173-8 as amended.

(8) **ILLUMINATION.** Uplighting of all Flags except the Flag of the United States of America is prohibited. ~~Flags may be illuminated provided that the lighting complies with Section 12-4-10. Lighting proposed for the flags shall be included in the sign application.~~

(G) **FREE-STANDING SIGN.**

(1) **Size** Freestanding signs shall be limited to a maximum of twenty square feet (20 sq. ft.) in area, ~~unless there are other approved signs on the building, in which case this maximum shall be reduced to ten square feet (10 sq. ft.).~~

(2) **Height Limit.** Free-standing signs may not exceed a height of seven feet (7') measured from ~~existing~~ Final grade.

(3) **Number of Signs.** Buildings, projects, parcels or Master Planned Developments less than 100,000 square feet of building space are limited to one (1) free-standing sign. If the property has more than one (1) entrance and frontage on more than one (1) street, one (1) additional sign may be permitted for directional purposes only. The combined square footage of all free-standing signs shall not exceed the maximum square footage allowed.

Master Planned developments of greater than 100,000 square feet of building space are allowed one additional free standing sign per additional 100,000 square feet of building area to a maximum of five freestanding signs within the development provided they are used specifically to identify the development, provide way finding within the development and to identify an amenity within the development. All other requirements of this Code shall apply.

(4) **Setback and Orientation.** Free-standing signs shall not be placed in the setback area as defined for the zone in which the sign is located. However, in the General Commercial (GC) Zone, signs must be set back ten feet (10') from the property line.

Free-standing signs may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides, ~~and that signs parallel to the road maintain a setback of at least twenty five feet (25') from the curb or edge of pavement.~~ With the exception of those in the Frontage Protection Zone, the ~~Community Development~~ Planning Director may decrease this setback if it is determined that a particular road alignment or traffic conditions would facilitate adequate visibility of the sign for street or pedestrian traffic.

(5) **Zoning Restrictions.** Free-standing signs ~~may be~~ are allowed in the commercial districts GC, RM, RDM, RC, RCO LI HRC, HCB and RD. Free-standing signs located in the Frontage Protection Zone ~~or the HCB District~~ require a Conditional Use Permit.

(6) **Design.** Free-standing signs with a solid or enclosed base are permitted. Signs must be compatible with the architecture of the building or use to which they are

associated. Signs supported by at least two (2) poles without enclosed bases are also permitted provided that the exposed pole's height does not constitute more than fifty percent (50%) of the sign's overall height, i.e., the height of the open area beneath a sign cannot exceed fifty percent (50%) of the sign's total height.

(8) **Illumination.** Lighting of free-standing signs is permitted, provided that the lighting complies with Section 12-4-9. However, internally illuminated pan-channel letters are not permitted on free-standing signs. Any exterior lighting proposed for the signs shall be included in the sign application.

(H) **HANGING AND PROJECTING SIGNS.**

(1) **SIZE.** No single hanging or projecting sign may exceed twelve square feet (12 sq. ft.) in area. Sign brackets incorporating design elements that are descriptive or informative of the business use shall be included as part of the sign area.

(2) **HEIGHT LIMIT.** Hanging and projecting signs must have at least eight feet (8') of ground clearance. ~~unless reduced according to the projection and clearance provisions of Section 12-4-6.~~

(3) **NUMBER OF SIGNS.** There is no number of maximum hanging or projecting signs per building face. The total square footage of sign area shall not exceed the maximum square footage allowed per building face. Signs must have a minimum of six feet (6') of separation between each sign similar in nature.

(4) **SETBACK AND ORIENTATION.** Hanging and projecting signs may not project more than thirty-six inches (36")

from the face of the building to which it is attached. They may not extend beyond the applicant's property, except those ~~which are proposed to be placed~~ over the Main Street sidewalks. Hanging and projecting signs may extend over City property only after review and written approval by the City Engineer ~~and with the written approval of the Community Development Director~~ and an executed encroachment agreement with the City has been recorded at the County Recorder's office, acceptable to the City Attorney. ~~Hanging and projecting signs must have a minimum of six foot (6') of separation between each sign similar in nature.~~

(5) **ZONING RESTRICTIONS.** Hanging and projecting signs are permitted within all commercial zoning districts.

(6) **DESIGN.** Exposed surfaces of hanging signs may be constructed of metal, high-density foam board, or solid wood. ~~and/or solid wood.~~ The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

(7) **ILLUMINATION.** Lighting of hanging and projecting signs is permitted, provided that the lighting complies with Section 12-4-9. ~~Any exterior lighting proposed for the signs shall be included in the sign application.~~

(I) **LUMINOUS TUBE SIGNS (NEON).** Luminous tubes (LT) used to draw attention ~~to a business or building~~ in any manner, ~~including, but not limited to, neon text, or logos~~ are considered signs and shall be regulated according to the provisions of this Code as follows:

(1) **SIZE.** All LT signs are limited to six square feet (6 sq. ft.) or less.

(2) **HEIGHT LIMIT.** LT signs shall be limited to the ground floor elevation.

(3) **NUMBER OF SIGNS.** ~~Not applicable.~~ One LT sign is allowed for every twenty five (25) feet of building facade width. One (1) LT sign of less than two (2) square feet in size is allowed per building or tenant space without a permit.

(4) **SETBACK AND ORIENTATION.** LT signs must be located within a building and displayed through a window rather than being attached to the exterior of the building. If LT signs which are located within ten feet (10') of the front window are visible from the street ~~and exceeds two square foot (2 sq. ft.) in area~~, they are considered as sign area and must have a permit and will be included in the total sign area for the building. LT signs located ten feet (10') back from the window are considered interior lighting and are not regulated.

(5) **ZONING RESTRICTIONS.** LT signs are permitted ~~may be used only~~ in the HCB, HRC, LI, RC, RCO and GC districts. LT signs are prohibited in all other zoning districts.

(6) **DESIGN.** ~~The following historic colors are permitted in the Historic District in primary shades only: red, yellow, white, blue, green. All others are prohibited. Other colors are permitted in the GC districts, but are subject to the design standards of this title.~~ LT signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited. ~~In certain cases, open/closed or directional signs for a drive through, may be permitted to facilitate traffic circulation and control traffic congestion.~~

(7) **ILLUMINATION.** ~~LT signs within themselves are illuminated. No other additional illumination is permitted.~~

(J) MENU SIGNS.

(1) **SIZE.** The maximum size shall be two square feet (2 sq. ft.), unless enclosed in a display box, and shall be included in the calculation of the total building sign area unless enclosed within a display box which is included in the calculation of the building sign area.

(2) **HEIGHT LIMIT.** Height of a menu sign shall be oriented towards pedestrian viewers with a maximum height of six feet (6').

(3) **NUMBER OF SIGNS.** One (1) menu display sign is permitted per restaurant per building.

(4) **SETBACK AND ORIENTATION.** Displays for menus may be located on the inside of a window for a restaurant or inside a wall mounted or freestanding display box.

(5) **ZONING RESTRICTIONS.** Menu signs are allowed in all commercial zoning districts.

(6) **DESIGN.** All wall mounted or freestanding menu boxes located in the Historic District shall be reviewed within the context of the Historic District Design Guidelines. Menu boxes in other zones will be reviewed within the context of the building architecture.

(7) **ILLUMINATION.** Lighting of the menu or event display is permitted within the display. Lighting shall be down directed towards the text.

(K) MUNICIPAL IDENTIFICATION SIGNS.

Municipal identification signs are a conditional use subject to review pursuant

to Land Management Code Section 15-1-10, in addition to the following criteria:

(1) **SIZE.** Municipal identification signs shall be limited to a maximum of forty square feet (40 sq. ft.) in area.

(2) **HEIGHT LIMIT.** No municipal identification sign may exceed a height of eight feet (8') measured from finished grade.

(3) **NUMBER OF SIGNS.** No more than two (2) municipal identification signs are permitted in Park City.

(4) **SETBACK AND ORIENTATION.** Municipal identification signs shall be set back no less than fifteen feet (15') from the right-of-way line or edge of asphalt, whichever is greater. No municipal identification sign is permitted within twenty feet (20') of an ROS or POS designated zones.

(5) **LOCATION/ZONING.** No more than one (1) municipal identification sign shall be permitted along the entry corridor to Park City on Highway 224 and no more than one (1) municipal identification sign shall be permitted along the entry corridor on Highway 248. Any existing municipal identification signs on the approved site must be removed if municipal identification signs are approved by the Planning Commission.

(6) **DESIGN.** Municipal identification signs must comply with the design guidelines as established in Chapter 4 of this Title. Municipal identification signs shall not be changeable copy signs.

(7) **ILLUMINATION.** Lighting of municipal identification signs is permitted provided the lighting complies with the City lighting ordinance.

~~(L) PROJECTING SIGNS.~~~~See hanging and projecting signs, Section 12-9-1 (I).~~~~(M) SUBDIVISION SIGNS.~~~~See Freestanding signs, Section 12-9-1 (H).~~~~(1) SIZE. Subdivision signs are limited to a maximum of twenty square feet (20 sq. ft.) per sign.~~~~(2) HEIGHT LIMIT. Subdivision signs may not exceed a height of seven feet (7').~~~~(3) NUMBER OF SIGNS. Subdivisions are limited to one (1) subdivision sign.~~~~(4) SETBACK AND ORIENTATION. Subdivision signs shall not be placed in the setback area as defined for the zone in which the sign is located.~~~~Subdivision signs may be aligned either perpendicular or parallel to the road provided that the signs perpendicular to the road are finished on both sides and that signs parallel in the road maintain a setback of at least twenty five feet (25') from the curb or edge of pavement.~~~~(5) ZONING RESTRICTIONS. Subdivision signs are permitted in all other zones except in the HR-1, HR-2, HRL, HRC, and RD districts. Subdivision signs are only permitted as part of subdivisions of fifty (50) lots or more or master planned developments.~~~~(6) DESIGN. Subdivision signs shall be designed with natural materials, including rock and stone.~~~~(7) ILLUMINATION. Illumination of subdivision signs is prohibited.~~

(L) **UMBRELLA SIGNS.** Umbrella shall meet the following requirements:

(1) **SIZE.** ~~Signs on umbrellas are limited to a height of no more than five inch (5") letters and graphics.~~ Only the area of the umbrella containing the signs, as opposed to the entire area of the umbrella, shall be considered, for purposes of calculating total sign area.

(2) **HEIGHT LIMIT.** Not applicable.

(3) **NUMBER OF SIGNS.** Not applicable.

(4) **SETBACK AND ORIENTATION.** Not applicable.

(5) **ZONING RESTRICTIONS.** Umbrella signs are permitted in all commercial zoning districts.

(6) **DESIGN.** Materials should be high quality vinyl, nylon, canvas or other similar material in order to withstand the weather and climate changes. ~~Umbrella colors are generally limited to a single field color with a single contrasting color for lettering and logos. However, if the umbrella is striped, two colors may be used. Corporate colors may be used, only if they are finished in subdued earthtone colors.~~

(7) **ILLUMINATION.** Illumination of umbrella signs is prohibited.

(M) **WALL SIGNS.** Wall signs may be placed upon a building provided that they meet the following conditions of approval.

(1) **SIZE.** The size of ~~a~~ the wall sign shall not exceed the maximum square footage allowed per building facade.

(2) **HEIGHT LIMIT.** ~~Sign plans shall be designed so that wall signs shall be~~ sign plans shall be

confined to the building surface below the finished floor elevation of the second floor or twenty feet (20') above ~~adjacent~~ finished grade whichever is lower.

(3) **NUMBER OF SIGNS.** There is no maximum number of wall signs specified per building face. The total ~~square footage~~ of sign area shall not exceed the maximum square footage of sign area allowed per building face.

(4) **SETBACK AND ORIENTATION.** Wall signs shall be designed ~~placed so as to~~ utilize ~~complement~~ existing architectural features of a building without obscuring them. Wall sign shall be oriented toward pedestrians or vehicles within close proximity.

(5) **ZONING RESTRICTIONS.** Wall signs are permitted in all zones.

(6) **DESIGN.** The sign materials shall be consistent with Chapter 4 of this Code, compatible with the building face, colorfast and resistant to erosion.

(7) **ILLUMINATION.** Lighting of wall signs is permitted, provided that the lighting complies with Section 12-4-9. All exterior lighting proposed for the signs shall be included in the sign application.

~~(P) **WAY FINDING SIGNS.**~~

~~Way finding signs are conditional uses and must meet the following criteria.~~

~~(1) **SIZE.** Way finding signs shall be limited to a maximum of ten square feet (10 sq. ft.).~~

~~(2) **HEIGHT LIMIT.** Way finding signs shall be no higher than five feet (5') above existing grade at the top of the sign.~~

~~(3) **NUMBER OF SIGNS.** One (1) way finding sign is allowed for each 100,000 square foot of building space in the MPD.~~

~~(4) **SETBACK AND ORIENTATION.** Way finding signs shall be setback at least ten feet (10') from the platted property line, unless it is within the Frontage Protection Zone in which case it must meet the requirements of the Frontage Protection Zone.~~

~~(5) **ZONING RESTRICTIONS.** Way finding signs are permitted only in the RC, ROS, and RD Districts.~~

~~(6) **DESIGN.** Way finding signs shall be simple in form and compatible with the architectural details of the MPD project. Utilization of the project logo on the sign is permitted but shall not be the primary focus of the sign.~~

~~(7) **ILLUMINATION.** Illumination of way finding signs is prohibited.~~

(N) **WINDOW SIGNS.**

Window signs are permitted provided they meet the following criteria:

(1) **SIZE.** Permanent window signs shall occupy no more than thirty percent (30%) of the total transparent area of the window.

(2) **HEIGHT LIMIT.** Window signs are limited to the main floor level of the building. Window signs are permitted upon second story windows within the Historic District.

(3) **NUMBER OF SIGNS.** Not applicable.

(4) **SETBACK AND ORIENTATION.** Window signs may be placed in or upon any window below the elevation of the second

floor level provided that the total square footage of sign area does not exceed thirty percent (30%) of the total transparent area of the window. Window signs include any signs within three feet (3') of the front window, visible from the street and exceed two square feet (2 sq. ft.) in area.

(5) **ZONING RESTRICTIONS.** Window signs are permitted in all zoning districts.

(6) **DESIGN.** The window sign must be permanently attached to the window face by either using vinyl, etching or other similar attachment methods. The vinyl color should be compatible with the building face. Ivory or cream lettering is preferred.

(7) **ILLUMINATION.** Illumination of window signs is prohibited.

~~(R) **MUNICIPAL IDENTIFICATION SIGNS.** Municipal identification signs are a conditional use subject to review pursuant to Land Management Code Section 15-1-10, in addition to the following criteria:~~

~~(1) **SIZE.** Municipal identification signs shall be limited to a maximum of forty square feet (40 sq. ft.) in area.~~

~~(2) **HEIGHT LIMIT.** No municipal identification sign may exceed a height of eight feet (8') measured from finished grade.~~

~~(3) **NUMBER OF SIGNS.** No more than two (2) municipal identification signs are permitted in Park City.~~

~~(4) **SETBACK AND ORIENTATION.** Municipal identification signs shall be set back no less than fifteen feet (15') from the right of way line or edge of asphalt, whichever is greater. No municipal identification sign is permitted within twenty~~

~~feet (20') of an ROS or POS designated zones.~~

~~(5) **LOCATION/ZONING.** No more than one (1) municipal identification sign shall be permitted along the entry corridor to Park City on Highway 224 and no more than one (1) municipal identification sign shall be permitted along the entry corridor on Highway 248. Any existing municipal identification signs on the approved site must be removed if municipal identification signs are approved by the Planning Commission.~~

~~(6) **DESIGN.** Municipal identification signs must comply with the design guidelines as established in Chapter 4 of this Title. Municipal identification signs shall not be changeable copy signs.~~

~~(7) **LANDSCAPING.** A landscaping plan may be required as part of the conditional use approval. The nature of the plan will be determined by the Planning Commission based upon the location of the sign.~~

~~(8) **ILLUMINATION.** Lighting of municipal identification signs is permitted provided the lighting is shielded and directed on the sign.~~

(Amended by Ord. No. 01-25; 02-50)
CHAPTER 10 - TEMPORARY SIGNS

12-10- 1. POLICY.

It is the policy of the City as outlined in this section to restrict the use of temporary signs. Temporary signs are often poorly constructed, poorly maintained, and located in a manner that obscures traffic signs, views of intersections of public and private streets and driveways and tends to depreciate the scenic beauty and quality of life of the community by creating visual

clutter. Temporary signs have a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signs are permitted for those and similar purposes subject to the regulations of this Chapter.

12-10-2 TYPES OF TEMPORARY SIGNS.

Temporary signs ~~are those signs which~~ are installed on a property with the intent of displaying them continuously for more than twenty-four (24) hours. ~~They are not, but that are not~~ a part of a permanent land use ~~on the property~~, and shall ~~are not intended~~ to be displayed for more than six (6) months, one (1) year. ~~Real estate signs, construction signs, special purpose signs, yard signs, and campaign signs are permitted subject to the following regulations on placement and location.~~

(A) BUSINESS NAME OR TENANT CHANGE SIGNS.

Due to a change in business name or tenant, including temporary occupancy of an existing business by a convention sales license holder, pursuant to Section 4-3-9 of this Code, a temporary sign is permitted as per the following regulations.

(1) **SIZE.** Business name or tenant change signs may occupy the same amount of area previously approved on a building or façade provided said area is consistent with this Title and the master sign plan for the property. In no case shall business name or tenant change signs exceed the sign area per building face when included within the sign area calculation for all permanent signs.

(2) **HEIGHT LIMIT.** All requirements as stated in this Title shall apply.

(3) **NUMBER OF SIGNS.** Persons seeking approval for business name or temporary change signs are allowed the same number of signs previously approved on a building façade or through the Master Sign Plan. Additional window sign area may be used, but may not exceed the total sign area allowed per building face.

(4) **SETBACK AND ORIENTATION.** Temporary business name or tenant change signs are permitted in any district, provided that they comply with all size and setback requirements for the permanent signs of similar nature.

(5) **ZONING RESTRICTIONS.** Temporary business identification signs are allowed in all zoning districts.

(6) **DESIGN.** Temporary business identification sign materials shall be consistent with the requirements of Chapter 4-7 of this Title. Sign mounting shall comply with the Uniform Sign Code's standards for installation.

(7) **ILLUMINATION.** Illumination of temporary business signs is prohibited.

(B) CAMPAIGN SIGNS.

Campaign signs do not require a sign permit, as issued by the Planning Department, but shall comply with the following regulations:

(1) **SIZE.** Campaign signs shall not exceed three square feet (3 sq. ft.) of area on the exposed Sign face.

(2) **HEIGHT LIMIT.** ~~No portion of the campaign sign shall extend more than four feet (4') above~~ The maximum height of a

Campaign Sign, is 4 feet 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) **SETBACK AND ORIENTATION.**

Campaign signs are permitted in any zone, provided that they are located a minimum of ~~twenty feet (20')~~ ten feet (10') 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')~~ ten foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure.

~~Campaign 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.~~

(4) **ZONING RESTRICTIONS.**

Campaign signs are allowed in all zoning districts.

~~(5) **DESIGN.** Campaign signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4"x 4") in cross section. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.~~

(6) **ILLUMINATION.** Illumination of campaign signs is prohibited.

(C) **CONSTRUCTION SIGNS.**

For ~~each~~ projects requiring a building permit in Park City, a construction mitigation plan is required. Pursuant to this plan, the Chief Building Inspector may require a Construction Sign. These signs are permitted provided they meet the following criteria.

(1) **SIZE.** The Construction sign shall not exceed twelve square feet (12 sq. ft.) in size.

(2) **HEIGHT.** Construction signs shall not exceed six feet (6') in height above finished grade.

(3) **LOCATION.** The Construction sign shall be posted in a location on the premises where it is readable from the street or driveway. In no case shall the Construction sign be placed in the public right-of-way. ~~However,~~ The exact location of the sign shall be identified in the approved Construction Mitigation Plan. Construction signs shall not be located in the side or rear yard setbacks.

(4) **INFORMATION.** Information on the construction sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency. ~~The lettering shall not exceed four inches (4") in height.~~

(5) **NUMBER OF SIGNS.** One (1) construction sign is permitted per project.

(6) **ZONING RESTRICTIONS.** Construction signs are permitted in all zoning districts.

(7) **DURATION.** Construction signs shall be removed from the premises upon

issuance of a certificate of occupancy for the project from the Building Department.

(D) **PROJECT MARKETING SIGNS.**

To allow for initial marketing of projects containing four (4) dwelling units or more, and/or four thousand square feet (4000 sq. ft.) or more of commercial floor area a project marketing sign is allowed on the property during the construction phase of the building or project.

(1) **SIZE.** The total Sign area of the Project Marketing Sign shall not exceed twenty-four square feet (24 sq. ft.) in area. ~~To allow for initial marketing of projects containing four (4) dwelling units or more, and/or four thousand square feet (4000 sq. ft.) or more of commercial floor area a project marketing sign is allowed on the property during the construction phase of the building or project. The total Sign area of the Project Marketing Sign shall not exceed twenty four square foot (24 sq. ft.) in area.~~

(2) **HEIGHT.** Project marketing signs may not exceed seven feet (7') above finished grade in vertical height from the ground at the point where the sign is located. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.

Project marketing Signs must be located in a manner that does not obstruct the view of normal passenger vehicles of adjoining streets from the driveway of the site to the adjoining street.

(3) **LOCATION.** The project marketing sign on construction sites may not be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb, ~~of the street on which the project fronts, which is the street providing access to the project.~~ If

that twenty-foot (20') setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but no more than ten feet (10') outside of the construction limits of disturbance. Project Marketing signs shall not be located in the side or rear yard setbacks.

In the HCB District, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way.

Where there are conditions such a heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the ~~Community Development~~ Planning Director may grant an exception to the sign setback standards, but not the size or street orientation standards. ~~In no event may project marketing signs be placed within the public right of way.~~

(4) **INFORMATION.** Information on the project marketing sign may include a plat map and real estate information for the project. ~~A project marketing sign may not include sale prices.~~

(5) **NUMBER OF SIGNS.** One (1) project marketing sign is permitted per project.

(6) **ZONING RESTRICTIONS.** Project marketing signs are permitted in all zoning districts.

(7) **DURATION.** ~~Upon project final approval by staff, Planning Commission, or City Council, the project marketing sign may be installed for a time period of six (6)~~

~~months. If a grading or building permit is not issued by the Building Department within six (6) months of the approval date, the project marketing sign shall be removed. If a grading or building permit is issued by the Building Department within six (6) months of the approval date, the project marketing sign is permitted until such time as the last temporary certificate of occupancy is issued for the project. If the sign was removed, it may be reinstalled upon the issuance of a grading permit and may remain until the last temporary certificate of occupancy is issued for the project.~~

Project Marketing signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

The ~~Community Development~~ Planning Director or his/her designee may issue a six (6) month extension for the display of the project marketing sign after the last temporary certificate of occupancy has been issued upon the applicant's payment of a forfeitable deposit of \$5,000. Such deposit shall be forfeited to the City if the project marketing sign remains six (6) months beyond the date of the last temporary certificate of occupancy.

(E) CONSTRUCTION/PROJECT MARKETING SIGNS.

~~Because of the unique need to identify construction projects clearly for material suppliers, deliveries, and construction workers, and to allow for initial marketing, it may be appropriate to combine the information contained on a construction sign and a project marketing sign and create a temporary construction/project marketing sign, provided it meets the following criteria: Residential projects containing four (4) or more dwelling units, and/or commercial~~

projects containing four thousand square feet (4,000 sq. ft.) or more of commercial floor area, are allowed one (1) construction/project marketing sign, provided it meets the following criteria.

(1) **SIZE.** ~~Residential projects containing four (4) or more dwelling units, and/or commercial projects containing four thousand square feet (4,000 sq. ft.) or more of commercial floor area, are allowed one (1) construction/project marketing sign on the property in conjunction with a project under development or construction. The sign will be separated into two sections: one (1) portion of the sign will be limited to the construction information and the other portion will be limited to the real estate information to allow for the initial marketing of the project during construction. The total Sign area of the construction/project marketing sign shall not exceed thirty-two square feet (32 sq. ft.) in area, and but shall be divided to allow sign area for construction and real estate information. The sign area identifying real estate information may not exceed twenty square feet (20 sq. ft.) in area. The construction information is limited to a total sign area of twelve square feet (12 sq. ft.).~~

(2) **HEIGHT LIMIT.** Construction/project marketing signs may not exceed seven feet (7') above finished grade. ~~in vertical height from the ground at the point where the sign is located.~~ Signs mounted on a construction barricade or fence may not extend above the height of the barricade of fence.

(3) **NUMBER OF SIGNS.** One (1) construction/project marketing sign is permitted per project. In no case will a construction/project marketing sign be allowed if a project marketing sign or construction sign already exists on the premises.

(4) SETBACK AND ORIENTATION.

The construction/project marketing sign on construction sites may not be closer than twenty feet (20') to the curb line, or edge of pavement if there is no curb.

Construction/Project Marketing signs shall not be located in the side or rear yard setbacks, of the street on which the project fronts, which is the street providing access to the project. If that twenty foot (20') setback places the sign within the construction limits of disturbance, the sign may be placed closer to the street, but no more than ten feet (10') outside of the construction limits of the disturbance.

In the HCB district, Prospector Commercial Subdivision, and other areas that have been approved or zoned with no setback or side yard requirements, the sign may be located on the construction barricade or fence surrounding the site, even if that places the sign within the public right-of-way. ~~No portion of the sign may extend above the barricade or fence.~~

Construction/project marketing signs must be located in a manner that does not obstruct the view, for normal passenger vehicles, of adjoining streets from the driveway of the site to the adjoining street.

Where there are conditions such as heavy vegetation on the property, or extremely steep terrain that make the sign placement standards of this Title impractical because the sign is not visible from the street, the ~~Community Development~~ Planning Director may grant an exception to the sign setback standards, but not the size or street orientation standards. In no event may construction/project marketing signs, subject to the setback requirements, be placed within the public right-of-way.

(5) ZONING RESTRICTIONS.

Construction/ project marketing signs are permitted in all zoning districts. ~~Upon project final approval by Staff, Planning Commission, or City Council, the construction/project marketing sign shall be installed for a time period of six (6) months. If a grading or building permit is not issued by the Building Department within six (6) months of the approval date, the construction/project marketing sign shall be removed. If a grading or building permit is issued by the Building Department within six (6) months beyond the date of the last temporary certificate of occupancy.~~

Construction/Project Marketing signs shall be removed from the premises upon issuance of the last temporary certificate of occupancy for the project from the Building Department.

(6) INFORMATION. ~~For consideration as a construction/project marketing sign, the construction area of the Sign shall not exceed twelve square foot (12 sq. ft.) in size. The lettering shall not exceed four inches (4") in height.~~ Information on the construction area of the sign shall include: the name, address, and phone number of the contractor; the name, address, and phone number of the person responsible for the project; and the name and phone number of the party to call in an emergency. The marketing section of the sign may include a plat map and real estate information. ~~A construction sign may not contain sale prices.~~

(7) DESIGN. ~~Construction/project marketing signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Construction/project marketing signs, because of their larger size and the increased risk of disruption nearby, shall be~~

~~mounted on at least two (2) four inch by four inch (4" x 4") posts with back bracing, or such other means that shall comply with the Uniform Sign Code's standards for installation. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.~~

(8) **ILLUMINATION.** Illumination of Construction/Project Marketing signs is prohibited.

(F) NEIGHBORHOOD INFORMATION SIGNS.

~~Neighborhood information signs are exempt from 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 yield 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 (1) 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 foot (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 foot (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.~~

(G) REAL ESTATE SIGNS.

Real estate signs do not require a sign permit, as issued by the Planning Department, but shall comply with the following restrictions:

(1) **SIZE.** Real estate 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) real estate sign is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.~~

(3) **NUMBER OF SIGNS.** Except as outlined below, only one (1) real estate sign is permitted on any one (1) parcel of property.

a. OPEN HOUSE EXCEPTION.

(i) On Premise. During the hours of an open house, one (1) additional sign that complies with the requirements of this

Code will be permitted. Thus, for the duration of an open house, two (2) compliant signs may be displayed on the premises of parcel of property for sale. The additional sign must be removed at the conclusion of the open house and may not remain posted overnight. All Real Estate Signs must comply with the size, color, and placement standards of this Code.

(ii) **Off Premise.** In addition to the one (1) additional sign outlined in Section 3(a)(i) above, three (5) additional signs that comply with the requirements of this code are permitted off-premise. These additional three (5) signs may be displayed 30 minute prior to the commencement of an open house and must be removed within 30 minutes after the conclusion of the open house. Off premise open house signs may be displayed within the City Right-of-Way, but in no case will off premise signs be placed on the paved street or on a sidewalk. Under no circumstances will off premise signs be displayed overnight.

(4) **SETBACK AND ORIENTATION.**

Real estate signs are permitted in any district, provided that they are parallel to the street and located a minimum of ten feet (10') 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 ten-foot (10') distance would be within a structure, the sign may be placed 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 the 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.~~

~~One (1) real estate sign is permitted in conjunction with an open house. The sign may be displayed off premise, but not within the public right of way, only immediately prior to and during the open house and shall be removed at sundown.~~

(5) **ZONING RESTRICTIONS.** Real estate signs are allowed in all zoning districts.

~~(6) **DESIGN.** Real estate signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.~~

(67) **ILLUMINATION.** Illumination of real estate signs is prohibited.

(H) **SPECIAL PURPOSE SIGNS.**

Signs promoting events ~~sponsored by~~ for the benefit of civic, charitable, educational, or other non-profit organizations may be erected on private property up to two (2) weeks in advance of the event being promoted. These signs shall be removed within three (3) days following the conclusion of the event.

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

(2) **HEIGHT LIMIT.** No portion of the special purpose 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.** A maximum of three (3) special purpose signs is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.

(4) **SETBACK AND ORIENTATION.** Special purpose 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. ~~Special purpose 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.~~

(5) **ZONING RESTRICTIONS.** Special purpose signs are allowed in all zoning districts.

~~(6) **DESIGN.** Special purpose signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.~~

(7) **ILLUMINATION.** Illumination of special purpose signs is prohibited.

(I) **TEMPORARY PORTABLE SIGNS.**

Businesses owners located in a private plaza may display Temporary Portable Signs to advertise or identify their business. Such Temporary Portable Signs must be placed within the boundaries of the private plaza and are subject to the following criteria:

(1) **SIZE.** No Temporary Portable Sign may exceed twelve square feet (12 sq. ft.).

(2) **NUMBER OF SIGNS.** Only one (1) Temporary Portable Sign is allowed per business.

(3) **ORIENTATION.** Temporary Portable Signs are allowed only on private property, and must not impede pedestrian circulation or ADA and fire access. No Temporary Portable Signs will be permitted on City owned property, including City owned Right-of-Ways.

(4) **ZONING RESTRICTIONS.** Temporary Portable Signs are allowed only within the HCB, HRC, GC, LI, RD and RC zoning districts.

(5) **DESIGN.** Fluorescent colors and reflective surfaces are prohibited on portable signs. Reflective colored materials that give the appearance of changing color are also prohibited.

(6) **ILLUMINATION.** Illumination of Temporary Portable Signs is prohibited.

(J) **YARD SIGNS.**

Yard signs shall be displayed only immediately prior to and during the yard sale or garage sale, ~~and shall be removed at sundown if located within public rights of ways to avoid creating a hazard to the public using the streets and sidewalks.~~

Yard signs may not be displayed for more than forty-eight (48) hours continuously. Signs not removed after forty-eight (48) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign removal charge in an amount set forth by resolution if the sign is removed by the City as refuse. In addition, the owner or erector shall be guilty of a Class ~~B~~ C misdemeanor of littering. Yard Signs do not require a sign permit as issued by the Planning Department, but shall comply with the following regulations.

- (1) **SIZE.** Yard signs shall not exceed three square feet (3 sq. ft.) of area on the exposed sign face.
- (2) **HEIGHT LIMIT.** No portion of the yard 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) yard sign is permitted on any one (1) parcel of property and must comply with the size, color, and placement standards of this Code.
- (4) **SETBACK AND ORIENTATION.** Yard signs are permitted in any zone, ~~provided that they are located a minimum of twenty foot (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. Yard 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.~~

- (5) **ZONING RESTRICTIONS.** Yard signs are allowed in all zoning districts.

~~(6) **DESIGN.** Yard signs shall be mounted on hardware of wood or painted metal, no part of which shall be greater than four inches by four inches (4" x 4") in cross section. Mounting hardware shall be painted or stained in earth tones. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.~~

- (7) **ILLUMINATION.** Illumination of yard signs is prohibited.

(Amended by Ord. No. 02-50; 04-01)

CHAPTER 11 - BANNERS ON CITY LIGHT STANDARDS

(Chapter Created by Ord. No. 02-60)

12-11-1. PURPOSE STATEMENT.

Park City makes available certain City light standards for the display of banners in order to promote the visual interest and economic vitality of Park City's historic resort-based community; to promote aesthetic enhancement through artistic expression; and to contribute to the festive nature of Park City's world class resort atmosphere.

12-11-2. ADMINISTRATION.

Banners on City light standards shall be reviewed and administered by the Special Events Department, Planning Department, and Parks Department pursuant to the criteria set forth in this Chapter.

12-11-3. ELIGIBILITY.

Persons eligible to apply for and display banners on City light standards shall be limited to Park City Municipal Corporation and duly licensed Master Festival license holders.

12-11-4. DISPLAY LOCATIONS, BANNER ALLOTMENT.

City light standards eligible to display banners are those along Main Street, Kearns Boulevard, Park Avenue, and Empire Avenue. The number of banners to be hung shall be sixty-three (63) along Main Street, eighteen- (18) along Kearns Boulevard, thirty- (30) along Park Avenue, and thirty- (30) along Empire Avenue.

12-11-5. APPLICATIONS.

Applications for banners on City light standards shall be submitted to the Special Events Department and shall be approved only if the interdepartmental review team finds compliance with all criteria set forth in this Chapter. Applications shall be submitted no later than ninety- (90) days prior to the first date of the proposed display period. Applications shall at a minimum contain the following information:

- (A) Proof of eligibility per Section 12-11-3;
- (B) Requested display locations and dates, not to exceed a period of three (3) weeks; and
- (C) A colored rendering or scaled drawing of the proposed banner, including facade dimensions and descriptions of materials and colors to be used.

If more than one (1) application for banners on City light standards is received for the

same time period, the Special Events Director will determine which applicant receives priority status. Priority shall be determined on a first-come, first-served basis, based on the date a completed application is received. Where Master Festival license holders submit competing applications, display periods shall be limited to the actual event dates.

12-11-6. DESIGN.

Banners for display on City light standards must satisfy the following design criteria:

(A) **SIZE.** Unless otherwise approved by the Parks Department, banners shall be twenty-nine inches by seventy-two inches (29" x 72") along Main Street, twenty-four inches by thirty-six inches (24" x 36") along Empire Avenue, twenty-six inches by ninety-six inches (26" x 96") along Kearns Boulevard, and twenty-six inches by ninety-six inches (26" x 96") along Park Avenue.

(B) **FABRICATION.** Fabric must be of a durable material able to withstand the elements including snow and heavy winds, with one and one half inch (1/2") brass grommets installed on both bottom corners. Additionally, banners must be sewn for mounting on existing brackets. A three and one half to four inch by twenty-nine inch (3 2" to 4" x 29") wide sleeve for Main Street, Kearns Boulevard and Park Avenue, or twenty-four inch (24") sleeve for Empire Avenue banners, at the top of the banner is required to hang the banners on brackets. Samples are available through the Parks Department. Applicants are encouraged to contact the Parks Department prior to submitting an application in order to ensure compliance with actual specifications.

(C) **SPONSORS.** Duly licensed Master Festival license holders may include the name, logo, or imagery of a sponsor, as

defined at Section 4-1-1.48 of the Municipal Code, on the banner, subject to the following criteria:

(1) The sponsor's name, logo, or imagery shall occupy no more than five percent (5%) of the total banner area and must be within the bottom ten percent (10%) of the banner area.

(2) The font and scale of the sponsor's name, logo, or imagery must be either white or black in color, secondary to the Master Festival's name, logo, and imagery, and must be smaller than the font and scale of the Master Festival's name, logo, and imagery.

(3) Multiple sponsors are allowed for a single Master Festival, but only one sponsor's name may be displayed on any banner.

(E) **TEXT.** Banner text shall be limited to the name of the permitted Master Festival, a festival sponsor and the dates of the event.

12-11-7. PERIOD OF DISPLAY.

Banners may be displayed for no more than three (3) weeks at a time. Applicants shall accept that the display period is contingent upon a workable arrangement within the overall schedule of other City banners as well as prior commitments to other outside sponsors. Prior commitments may preclude the desired display period of an otherwise acceptable applicant's banner. Where Master Festival license holders submit competing applications, display periods shall be limited to the actual event dates.

12-11-8. INSTALLATION AND REMOVAL.

(4) If a corporate sponsor, as defined in Section 4-1-1.13 of the Municipal Code, is part of the official Master Festival's name, and that corporate sponsor's name, logo, or imagery is featured on the banners, no additional sponsors shall be displayed on the banners.

(D) **ARTWORK.** Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. ~~A matte or flat finish is required for all surfaces.~~

Artwork should be approved at least two (2) months prior to the proposed hanging date. The design must be on both sides of the banners, unless otherwise approved by the Parks Department.

Banners must be received by the Parks Department no later than one (1) week prior to the first date of scheduled display. City personnel shall install all banners on City light standards. The applicant and the Parks staff will arrange installation and removal dates. If the applicant does not retrieve the banners from the Parks Department within ten (10) days after removal, the banners shall become the property of the City and will be disposed of.

12-11-9. LIABILITY.

The applicant shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of the banners by the City. The City is not responsible for any damage that may occur to the banners from any cause.

12-11-10. FEES.

(A) **APPLICATION FEE.** Banner applications shall be assessed a temporary sign fee ~~of twenty dollars and twenty cents~~

~~(\$20.20).~~ All application fees are due and payable upon submission of a completed application. ~~Applications shall be considered incomplete unless and until the application fee is paid in full.~~

(B) INSTALLATION AND REMOVAL FEES. Upon receipt of a completed application, the Parks Department will provide the applicant with an estimate of fees based services arising from the installation and removal of the on estimated costs for City banners, including but not limited to the use of City personnel and/or equipment. A final assessment of City costs will occur upon completion of the Special Event, and installation and removal fees will be adjudged to reflect actual cost.

Installation and removal fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival or Special Event.

(Amended by Ord. No. 02-60)

CHAPTER 12 - MASTER FESTIVAL AND SPECIAL EVENT SIGN PLAN

(Chapter created by Ord. No. 04-01)

12-12- 1. SIGN PLAN REQUIRED.

All Master Festival and Special Event licensees desiring permission to display temporary signs related to an approved Master Festival shall submit a Master Festival Sign Plan as part of the application for a Master Festival license. The Planning and Special Events and Facilities Departments shall review Master Festival Sign Plans for compliance with the standards below prior to permit issuance.

12-12- 2. MASTER FESTIVAL BANNERS.

The use of banners identifying an event and/or sponsor is allowed within the boundaries of the approved Master Festival venue, subject to the following criteria:

(A) **SIZE.** No individual Master Festival banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS.** One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Staff may approve additional banners within a venue upon finding that the banners contribute to the overall festival atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the event, and that any commercial advertising message is secondary to such look and feel design elements for the event. There is no limit on banners within a fully enclosed structure.

(C) **SETBACK AND ORIENTATION.** Master Festival banners are allowed only on or within approved venues.

(D) **ZONING RESTRICTIONS.** Master Festival banners are allowed within all zoning districts.

(E) **DESIGN.** Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY.** Master Festival banners may be displayed only during the approved time of the Master Festival.

(G) **ILLUMINATION.** Illumination of temporary business signs is prohibited.

12-12- 3. SPECIAL EVENT BANNERS.

The use of banners is allowed within the boundaries of the approved Special Event venue, subject to the following criteria:

(A) **SIZE.** No individual Special Event banner may exceed thirty-six square feet (36 sq. ft.) in size.

(B) **NUMBER OF SIGNS.** One (1) banner is allowed per venue. Additionally, one (1) banner is allowed on the external façade of any building or structure within a venue, including temporary structures. Each banner shall be consistent with Section 12-3-3(A) as applied to the event, and any commercial advertising message must be secondary to such look and feel design elements for the event.

(C) **SETBACK AND ORIENTATION.** Special Event banners are allowed to be oriented only within approved venues.

(D) **ZONING RESTRICTIONS.** Special Event banners are allowed within all zoning districts.

(E) **DESIGN.** Fluorescent colors and reflective surfaces are prohibited on banners. Reflective colored materials that give the appearance of changing color are also prohibited. A matte or flat finish is required for all surfaces.

(F) **PERIOD OF DISPLAY.** Special Event banners may be displayed only during the approved time of the Special Event.

(G) **ILLUMINATION.** Illumination of temporary business signs is prohibited.

12-12-4. MASTER FESTIVAL DIRECTIONAL SIGNS.

Municipal and/or event owned directional signs in the form of electronic message signs and portable signs, are allowed for the purpose of identifying and/or directing vehicular or pedestrian traffic to parking areas, transportation centers and venues.

12-12- 5. MASTER FESTIVAL PROJECTION SIGNS.

Temporary projection signs that are part of an approved Master Festival license may be allowed for the duration of the Master Festival permit, provided they are directed downward and the light source is shielded from any view but the intended mark of the sign.

12-12- 6. TEMPORARY SIGNS.

Staff may approve temporary signs within a Master Festival or Special Event venue upon finding that the signs contribute to the overall resort atmosphere or theme of the event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the event, and that any commercial advertising message is secondary to such look and feel design elements for the event. There is no limit on signs within a fully enclosed structure.

CHAPTER 13 - HISTORIC SIGNS

12-13-1. HISTORIC SIGNS EXEMPT.

Other than safety and structural requirements, the provisions of the Sign Code may be exempted by the Planning Director ~~Historic District Commission~~ for historic signs upon application for

designation by the sign owner, and consent from the building owner.

12-13-2. HISTORIC SIGN REVIEW PROCEDURE.

~~Upon filing an application, the Historic District Commission.~~ The Planning Director may determine that a Sign is historic based on the guidelines below. Notwithstanding safety, maintenance, or structural regulations, a sign so designated by the ~~Historic District Commission~~ Planning Director shall be deemed to conform to this Chapter.

12-13-3. HISTORIC SIGN CRITERIA.

To designate a sign as historic, the ~~Historic District Commission~~ Planning Director must make findings based on the following criteria:

- (A) The sign is at least fifty- (50) years old.
- (B) The sign possesses unique physical design characteristics, such as configuration, color, texture, or other unique characteristics.
- (C) The sign is of significance to the City and makes a contribution to the cultural, historic, aesthetic quality, or the City's streetscape.
- (D) The sign is integrated into the architecture of the building or the site.
- (E) The sign is exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials such as wood, metal, or paint directly applied to buildings, and means of illumination such as neon or incandescent fixtures; and is not significantly altered from its historic period. If the sign has been

altered, it must be restorable to its historic function and appearance.

- (F) The sign is structurally safe, or is capable of being made so without substantially altering its historical significance.

12-13-4. REMOVAL OF HISTORIC SIGNS.

Once designated a historic sign, and defined as an important characteristic of Park City's history, the building owner must receive ~~Historic District Commission~~ Historic Preservation Board approval to remove the sign.

CHAPTER 14 – OUTDOOR VEHICLE DISPLAYS

(Chapter created by Ord. No. 04-01)

12-14-1. PURPOSE AND SCOPE.

The City Council of Park City, Utah hereby finds that there is a substantial and compelling need to allow limited outdoor display of vehicles due to the unique relationship between vehicle sponsors of Master Festivals and the City's ski resorts. Such a need must be balanced with the City's aesthetic concerns as stated in Section 12-1-1. Accordingly, the City shall only permit outdoor vehicle displays pursuant to the regulations stated herein. Such displays are not signs and shall not count towards sign square footage limitations, nor receive the benefit of sign exemptions.

12-14-2. DISPLAY.

Sponsor vehicles may be displayed subject to the following criteria:

- (1) The display is within a

Master Festival venue or a ski base facility in the RC, RC-MPD or RD-MPD zones;

(2) The display is consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the orientation of the display which shall be generally to the interior of the venue or ski base facility, and that any commercial advertising message is secondary to such look and feel design elements for the event;

(3) The display is only for the display of the vehicle; no additional solicitation or advertising is allowed as a consequence of the vehicle other than a sign identifying the sponsor not to exceed three square feet (3 sq. ft.). The vehicle may be wrapped in additional design elements, ski team or athlete images so long as the wrap contributes to the overall resort atmosphere or theme of the ski area or event consistent with the purpose and scope of Section 12-1-1, the design is consistent with Section 12-3-3(A) as applied to the area or event, and that any commercial advertising message is secondary to such look and feel design elements;

(4) The proposed vehicle display does not impede vehicular or pedestrian circulation;

(5) The proposed vehicle display does not impede emergency access or services.

CHAPTER 15 - APPEALS

12-15-1. APPEALS.

Any applicant who believes a denial is not justified, has the right to appeal to the Planning Commission, and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the Commission shall be filed with the ~~Community Development~~ Planning Director in writing within ten (10) business days following the denial of the permit by the Planning Department.

Applicants may have any action of the Planning Commission reviewed by the City Council by petitioning in writing within ten (10) business days following Planning Commission action on the sign permit. Actions of the Commission are subject to appeal and review according to the procedures set forth in the Land Management Code, Section 15-1.

(Amended by Ord. No. 04-01)

CHAPTER 16 - VIOLATION OF TITLE

12-16-1. PENALTY.

Violation of this Title is a Class "C" misdemeanor.

12-16-2. PENALTY FOR PLACEMENT OF HANDBILLS OR SIGNS ON PUBLIC PROPERTY.

The Police Department, Public Works Department, Parks and Recreation Department, or the ~~Community Development~~ Planning Department may remove handbills or signs found posted upon any Public Property contrary to the provisions of this section. The person responsible for any such illegal posting shall be liable for triple the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost, in addition

to any criminal fine collected under Section
12-15-1.

(Amended by Ord. No. 04-01)

City Council Staff Report



Author: Alison Butz
Subject: Historical Society Lease Amendment
Date: December 22, 2005
Type of Item: Administrative

Special Events and Facilities
Department

Summary Recommendations:

Review and authorize the consent to the Park City Historical Society & Museum to sublease 528 Main Street for the period of January 17 – January 29, 2006 and 518 Main Street for the period of January 12 – January 30, 2006 only.

Description:

Topic:

Authorization to the Park City Historical Society & Museum to sublease the museum.

Background:

The Park City Historical Society & Museum (PCHSM) has a 99 year lease with the City for certain space located at 528 Main Street and 518 Main Street. The lease provides PCHSM with the ability to sublease, provided they receive permission from the City. In the past PCHSM has held private parties during the Sundance Film Festival. Their lease allows them to host activities such as filming, educational and fundraising so long as such rentals do not exceed twenty-four (24) hours, unless approved by the Landlord. If such rental occurs during a Master Festival, Tenant may only rent to the Master Festival License holder or its sponsors, unless approved by the Landlord in its sole discretion. Under the City's new contract with the Sundance Institute that begins with the 2007 Festival, the City can not rent City facilities to entities other than Sundance during the MFL.

PCHSM expressed an interest to rent during the 2006 Sundance Film Festival and contacted the City. Staff put the Sundance Institute in touch with Sandra Morrison, PCHSM Executive Director to see if the space could work for their affiliated sponsors and activities. As time passed, Sundance could find no need for the space for their or their sponsors needs.

The museum was contacted by event planner Vox Entertainment on behalf of their clients Hollywood Life Magazine and Cadillac proposing use of the space for entertaining select casts of films featured in the 2006 Sundance Film Festival. The activities proposed included hospitality suite with product giveaways and location for private interviews & photography of the actors for upcoming issue(s) of the magazine.

PCHMS Board of Trustees discussed the potential of keeping the museum galleries open to all the general public during regular hours, but both parties quickly came to the conclusion that allowing the public to follow major film stars into the museum would create a huge crowd control issue that the museum staff would not be able to control and such excessive activity would place the artifacts on exhibition in jeopardy. Hollywood Life Magazine expressed their desire to create a private atmosphere conducive to interviewing and photographing the film celebrities, while using the unique and rich backdrop of the museum's exhibitions.

Analysis:

PCHSM has the ability to sublease their space with authorization from the City. The lease states that if such rental occurs during a Master Festival, the museum may only rent to the Master Festival License holder or its sponsors, unless approved by the Landlord in its sole discretion. The Sundance Institute reviewed the space and found no need for their organization or their sponsors. PCHSM is requiring all exhibits remain in the museum, which restricts the use and space available.

Vox Entertainment, Hollywood Life Magazine and Cadillac wish to sublease the space from the museum. These entities have use of the space for hospitality, interviews & photography (for the magazine), product giveaways for casts of the Sundance films. The rental agreement is for 9am-6pm each day with PCHSM staff and a security guard in the museum every day. The museum will also host 5 evening events from 6:00am to 10:00pm.

PCHSM received a 99 year lease for the building on Main Street. The Council approved the lease based on the benefits the museum provides residents and guests of Park City by providing information on Park City's history; Exhibitions of Park City history; Preservation of Park City historic artifacts; and Educational programs. The Council also approved the lease as it provided the Historical Society with assistance in fundraising.

Though the main museum gallery will be closed to the general public during this period, these exhibitions will be experienced by a unique group of Park City guests that would otherwise never visit the museum. During Sundance, PCHSM will continue to provide all their services to the residents and guests of Park City, as outlined in the lease. Staff will be available daily in the History Library to provide information on Park City History to visitors, family history buffs, genealogists, old timers, historic home owners and city staff. Exhibitions located on the 2nd Floor of the museum and at various locations around Park City including the Transit Center, Park City Mountain Resort, and Deer Valley Resort will be accessible by all. Preservation of Park City's historic artifacts will continue and expand with the addition of a graduate student intern to the PCHSM staff. Education programs will continue with the Park City Schools in preparation of the students' spring fieldtrips to the museum. Adult/family education programs for residents and visitors will also continue with guided and self guided tours of Main Street, Park Avenue, and both Glenwood and Park City cemeteries. Ski tours to historic mining sites

at Deer Valley and Park City Mountain Resorts will also be offered.

In addition PCHSM would secure, through the sublease, a two-page spread in Hollywood Magazine promoting the museum. This feature article along with media coverage of film stars in the Park City Museum will provide invaluable PR and marketing to both PCHSM and Park City. Hollywood Life has also offered to enhance PCHSM regular fundraising and marketing activities by providing photographs of celebrities within the museum. Tom Cruise in the authentic Kimball Brother's stagecoach will prove a powerful marketing tool for the entire town.

PCHSM has been working on a long-term plan to increase their presence in the community and increase private funding support. The sublease during Sundance is a key component in the multi-million dollar museum expansion plan and all money received during this time period goes directly into the capital campaign.

This arrangement with Vox Entertainment, Hollywood Life Magazine and Cadillac holds the potential to develop into long-term corporate support for the Park City Museum, which would be beneficial to the entire community.

Department Review:

Legal, City Manager, Special Events and Facilities, and Budget, Debt and Grants have reviewed this staff report. Management Team members (City Attorney, Chief of Police and city Managers) expressed concern that the museum would not be open to the public during this time.

Alternatives:

A. Approve the Request:

Approve the sublease and allow Park City Historical Society & Museum to lease to Vox entertainment, Hollywood Life Magazine and Cadillac during the Sundance Film Festival.

B. Modify the Request:

Modify the terms and approve the sublease, allowing PCHSM to rent to Vox entertainment, Hollywood Life Magazine and Cadillac during the Sundance Film Festival as long as there was at least public access to the museum.

B. Deny the Request:

Deny the lease, thereby preventing PCHSM to sublease the museum.

C. Continue the Item:

The City Council may continue the item for more information and discussion.

Significant Impacts:

The Council approved the lease based on the benefits the museum provides residents and guests of Park City. While the main museum gallery will be closed during the period of sublease, a significant amount of their programs would still be available.

Park City has a memorandum of understanding with the Sundance Institute that states that Park City will not lease any of the City owned or managed facilities (including, without limitation, parking facilities) for any events or temporary licensees which take place during the annual periods of the Festival that may threaten the operations of the Festival or limit Sundance's ability to offer increased programming. The Sundance Institute was offered the space at the museum, to lease, for either themselves or their sponsors. Neither the Institute nor their sponsors had a use that could be accommodated within the space.

Consequences of not taking the recommended action:

PHCSM would lose \$40,000 funding toward the Park City Museum expansion and potential long-term corporate support from Hollywood Life Magazine and Cadillac.

Recommendation:

Review and authorize the consent to the Park City Historical Society & Museum to sublease 528 Main Street for the period of January 17 – January 29, 2006 and 518 Main Street for the period of January 12 – January 30, 2006.

Exhibits:

Exhibit A – Sublease Contract
Exhibit B – Museum's Contract

**EXHIBIT A
CONSENT TO SUBLEASE OF
518 and 528 MAIN STREET**

Pursuant to Section 12 of the 528 Main Street, 2003 Agreement by and between Park City Municipal Corporation ("Landlord") and assignee Park City Historical Society, Inc. ("Tenant"), Landlord hereby consents to sublease of the Building to VOX Entertainment and Hollywood Life Magazine, both California Corporations, with the following terms and conditions:

1. Tenant shall sublease 528 Main Street for only the period of January 12 – January 30, 2006 and 518 Main Street for only the period of January 19 – January 29, 2006. ("Sublease Period").
2. Tenant shall not make any alterations to the building or signage without prior approval from the Landlord.
3. The Park City Historical Society shall allocate all funds received through the sublease of the facility to the expansion of the museum.

DATED THIS _____ day of _____, 2006.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

ATTEST:

Janet M. Scott, City Recorder

APPROVED AS TO FORM:

City Attorney's Office

THE PARK CITY HISTORICAL SOCIETY, INC.

Cindy Matsumoto, Board President

ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

COUNTY OF SUMMIT)

On this _____ day of September, 2006 personally appeared before me Cindy Matsumoto, who being duly sworn, did say that she is the Board President for The Park City Historical Society, inc., and acknowledged to me that the preceding Agreement was signed on behalf of said corporation, and she acknowledged that the company did execute the same for its stated purpose.

Notary Public

EXHIBIT B

PARK CITY HISTORICAL SOCIETY & MUSEUM Rental Regulations and License Agreement

The Park City Historical Society & Museum is please to offer our facilities at 518 and 528 Main Street for your exclusive use during the 2006 Sundance Film Festival. Unlike a hotel, convention center or retail space, we can provide your guests with a unique site which is educational and entertaining.

We are confident your guests will thoroughly enjoy this facility but we remind you that we are unable to provide many of the services you may be accustomed to in a hotel or conference center. We ask that the decor you bring to our museum galleries and jail at 528 Main Street be kept to a minimum and that your guests take full advantage of our exhibits. For further information, please refer to the attached agreement or call the Director. We look forward to working with you.

Sandra
Executive
435/649-7457
435/649-7384
email: smorrison@parkcityhistory.org

Morrison
Director
(P)
(F)

LICENSE AGREEMENT	
FACILITY	518 Main Street 528 Main Street (Museum and Jail)
FACILITY CAPACITY	Based upon fire and safety requirements, the maximum capacity at: 518 Main Street is 75. 528 Main Street is 50
RENTAL PERIOD	518 Main Street rental period starts 8:00am Thursday January 12 (one week prior to Sundance) and ends 5:00pm Monday January 30. Events may occur daily with connecting door to 528 Main Street securely locked from 6:00pm to 9:00am. 528 Main Street rental period starts 8:00am Thursday January 19 (same day as Sundance) and ends 5:00pm Sunday January 29. Events are limited to daily use 9:00am to 6:00pm with attending security guard. Four evening

	events may be held in the Jail 6:00pm to 10:00pm with prior approval of PCHS&M (see Jail Evening Events).
RENTAL FEE	\$40,000 Two page spread in Hollywood Life Magazine Autographs and photos with celebrities for future fundraising
PRE-EVENT TIMETABLE	Two weeks prior to rental period the licensee will provide to Park City Historical Society & Museum (PCHS&M): 1. Floor plan of the set-up, decorations/signage. 2. Exterior signage. 3. Schedule for four evening Jail evening events. 4. List and contact number of the caterer and other vendors to be used during rental period. 5. List of all additional licensees or sub-leases for approval by PCHS&M. (Approval will not be unreasonably withheld). 6. Proof of \$5million comprehensive business and auto liability naming PCHS&M, Park City Municipal Corporation (PCMC), and other affiliates additionally insured. 7. Proof of insurance from all additional licensees/sub-lessees naming PCHS&M, PCMC, and other affiliates additionally insured. 8. Proof of workers compensation insurance. 9. Proof of all applicable permits. 10. Name of Licensee responsible party(s).
CATERERS	Facility has no food preparation area and menus should be adjusted to suit this limitation. Sterno is permitted on an event-by-event basis. Propane is prohibited.
SECURITY GUARD	Security guard will be provided by PCHS&M during all hours of occupancy of 528 Main Street. Fee will be deducted from security deposit.
JAIL EVENTS EVENING	With PCHS&M prior approval, up to four evening events are permissible in the Jail between the hours of 6:00pm and 10:00pm. Occupancy may not exceed 30 during this time. PCHS&M will schedule cleaning of 528 Main Street after

	each of these evening functions. Cleaning fees will be deducted from security deposit. Cleaning will occur between 10:00pm and 8:00am the next day. Licensee will provide schedule two weeks prior to rental period.
ALCOHOL	PCHS&M strictly adheres to the requirements of the Utah Department of Alcohol Beverage Control (UDBAC) and Park City Municipal Corporation (PCMC) ordinances. Alcohol may not be served to minors (anyone under 21 years of age) at any time. Two weeks prior to the rental period, the licensee must provide to PCHS&M written evidence that the licensee has obtained the applicable special event permits from PCMC and UDBAC. The licensee and caterer agree to strictly comply with all requirements of the UDBAC and PCMC for special events and serving alcohol. PCHS&M requires proof of Liability Insurance (\$5,000,000) from licensee and/or caterer. Both the Park City Historical Society & Museum and Park City Municipal Corporation shall be named as additional insured on the Certificate of Insurance.
HANDICAP ACCESSIBILITY	The facility is not handicap accessible.
SMOKING	Smoking is not permitted at anytime.
DECORATIONS	Live animals, fog machines and glitter are not permitted. Any exterior or window signage will comply with city code and be removed at end of rental period. Exterior signage must be attached in a way that does not damage walls, brick, siding, trim, windows or other surface. Licensee will also remove any additional stickers, posters etc from interior or exterior of building at end of rental period. 528 Main Street: Exhibit cases, objects, stanchions and other Museum property may not be moved. All decorations or signage in the Museum galleries or Jail must be free standing. No signage or decorations can be attach to any walls, ceilings, dioramas, exhibit cases, objects or any other Museum property.
MUSIC	Amplified music and loud instruments are not permitted.

	Amplification for speeches is permitted. All equipment must be provided by licensee Non-amplified music (i.e. nothing can be plugged in) is permitted.
ELECTRICAL	Electrical requirements for espresso machines, videos, monitors and any other electrical equipment may not be used without approval of PCHS&M prior to occupation. 518 and 528 Main Street are historic buildings with limited electrical resources.
EQUIPMENT	All equipment must be provided by the licensee and/or caterer. All items must be removed at end of rental period. The PCHS&M is not responsible for any damage to or loss of any items brought to the facility by the licensee and/or caterer. The licensee and/or caterer must provide their own dollies and carts.
DELIVERIES	PCHS&M will not accept deliveries prior to the rental period. PCHS&M staff will not assist in loading, unloading or carrying any items.
CLEAN UP	Licensee will notify of any scheduled food consumption occurring in 528 Main Street. At its discretion, PCHS&M will schedule cleaning to occur after 6:00pm with cleaning fee deducted from security deposit. Clean up and removal of trash, refuse, decorations, and all other items are the responsibility of the licensee and/or caterer. Facility must be left in the same condition as it was found. If assistance will be needed, prior arrangements must be made through the PCHS&M. A rate of \$500.00 per hour will be billed for: 1) Clean-up assistance 2) The premises; if not completely vacated by the licensee and catering crew by end of rental period. Clean-up fee will be deducted from security deposit.
RESPONSIBLE PARTY	The Licensee shall appoint an individual or individuals on Licensee's staff who shall remain on site, be responsible for supervision during rental period, and available at all times for coordination with PCHS&M. The name of that responsible party shall be submitted in writing to the

	PCHS&M two weeks prior to the rental period.
CONTRACTS/ PAYMENTS POLICIES	The following payment schedule is required: \$10,000 non-refundable deposit, upon signing this contract. This deposit will confirm your reservation. 50% of remaining fee is due two weeks prior to rental period. Final payment and \$10,000.00 refundable security deposit is due upon the first day of the rental period. The rental agreement will be cancelled if payments are not received on time. Contract and payments must be signed and issued by the licensee.
UTILITIES	Rental fee includes electrical, natural gas, water and sewer. All other bills are the responsibility of licensee.
DAMAGE DEPOSIT	A \$10,000.00 security deposit (separate check or credit card number) is due with this rental agreement. The Licensee is responsible for all damage to any portion of the facility caused by Licensee, the caterer and any individuals or guests. Any expenses, damages or cleaning charges incurred by PCHS&M will be deducted from this amount and the balance refunded 30 days after the end of rental period. Any expenses over \$10,000.00, if any, will be charged to the Licensees credit card.
CANCELLATIONS	If Licensee cancels the rental all payment will be forfeit and retained by PCHS&M. PCHS&M reserves the right to cancel this agreement if Licensee or its sub-licensees, caterers, vendors, agents, employees and assigns fail to comply with any regulations in this License Agreement. Upon termination, Licensee will vacate the premise leaving the facility in the same condition it was found and forfeit all deposits.
INSURANCE	The Licensee assumes full responsibility for loss, injury or damage to their property or persons. Damage to or loss of

Museum property is the full responsibility of the Licensee.

The Licensee hereby agrees to indemnify, save harmless, and defend PCHS&M from all liability from loss, damage, or injury to persons or property in any manner directly or indirectly arising out of or incident to the performance of this License Agreement, including without limitation all consequential damages, whether or not resulting from the negligence of the Licensee or its caterers, agents, employees and assigns. Licensee has reviewed this Rental Regulations and License Agreement and agrees to comply with them.

The undersigned Licensee has read, understands, and agrees to the terms of this Park City Historical Society & Museum Rental Regulations and License Agreement.

Name of Licensee: _____

Contact Name: _____

Address: _____

Phone number: _____ Fax number: _____

Email: _____

Name of Designated Responsible Party: _____

Payment by: ☐ check enclosed ☐ Visa ☐ Mastercard ☐ Amex

Card number: _____ Expiration date: _____

Please return this signed rental agreement with rental fee and damage deposit to:

Park City Museum

P.O. Box 555

Park City, UT 84060

The Park City Historical Society & Museum reserves the right to reject requests for reservations, and to approve all activities held on the premises.

Signatures:

Signature of Licensee

Date: _____

Park City Historical Society & Museum

Date: _____

City Council Staff Report

Author:

Alison Butz and Phyllis Robinson

Subject:

Watts Properties

Date:

December 22, 2005

Type of Item:

Administrative –

Authorization to enter into Contracts for purchase of significant property

PARK CITY

1881

Special Events and Facilities
Department

Summary Recommendations:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract with David Perkins, Quaking Aspen Distillers, for the sale of 703 Park Avenue, in the amount of \$1,435,000, and Peter Silvero for the sale of 664 Woodside Avenue, in the amount of \$575,000, in a form approved by the Legal Department.

Description:

Topic:

Disposition of Significant City Property.

Background:

A 2003 RFP process forled to result in the sale of the property.

On August 4th, Staff presented Council with a Manager's Report in response to received communications from several entities interested in the Watts property since Council's previous discussion on June 9th. Information from Peter Roberts, Rich Sonntag and David Perkins was attached to the report.

Council reviewed information submitted by Peter Roberts, Rich Sonntag, David Perkins, and other letters of interest the City received up until that time. Upon discussion of process, Council directed staff to proceed with noticing the City's intent to sell the Watts Properties including 703 Park Avenue and 664 Woodside Avenue. During that discussion, Council stated their preference of a bulk sale of all properties as well as their desire to see a cultural use in the buildings.

Council discussed the pros and cons of entering into a contract for the entire property (all three structures) or disposing portions of the property individually. Selling off the entire property allows for greater latitude for redevelopment options, which allows a broader use of options including residences. Selling off individual structures may have implications on the viability of the remaining structures.

To that end staff took the following steps:

- An updated appraisal was ordered. The total appraised value as of September 2005 is \$1,912,000. The appraisal for the Park Avenue property is \$1,435,000 and 664 Woodside is \$485,000.
- The Park Record published a Notice of Intent to Sell on September 7th and 10th with a closing date of September 21st.

- Staff notified all parties who had previously expressed an interest in the property of the opportunity to bid.
- Staff sent a copy of the legal notice to the Board of Realtors who distributed to its members.

Analysis:

Staff received 32 inquiries for additional information. A total of 13 bids were received for the property.

- Four offers were submitted as bulk sale offers at or above appraised value.
- Two offers were submitted for the Park Avenue properties with consideration, if necessary, for the purchase of the Woodside property.
- Two offers were submitted for the Park Avenue properties only, without consideration for the purchase of the Woodside property.
- Six offers were submitted for the Woodside property only.

The interest shown in the property was significantly greater than what was seen during the 2003 RFP process where only 5 bids were submitted. Many of the offers were from qualified and experienced entities. Due to the increased interest, Council directed Staff to further analyze the viability of the submitted proposals.

The Planning Department and Building Department provided a preliminary review of the top five proposals for compliance with applicable development codes and provided Council with information.

Each offer was evaluated on its own merits, using the information submitted. The Council selected the offer submitted by David Perkins, Quaking Aspen Distillers, for the Park Avenue property at full appraised value. David Perkins, the managing member of Quaking Aspen LLC, demonstrated the financial ability to complete the transaction including rehabilitation. David Perkins engaged Cooper Roberts Architects to develop preliminary plans for the rehabilitation of the property.

Council felt that the bid ultimately satisfied the City's goals and chose the bid that best serves the interest and needs of the City.

David Perkins proposed use is the operation of a boutique whiskey distillery. The house will serve as the reception area for visitors and where tours of the distilling operation begin. It would also house a museum dedicated to the history of whiskey and distilling in Park City as well as Utah and the American West. The house will contain a retail space and additional space for either small private banquets and educational whiskey dinners or a tasting room. The garage will house the operations for the distillery including: grain storage, milling, mashing, and fermentation.

The City will provide written consent to David Perkins to file an application for a Conditional Use Permit, Master Planned Development and architectural review of the

renovation plans for compliance with applicable Land Management Code and/or Historic Design Guidelines. The contract between David Perkins and the City shall not be construed as a limitation of the City's police power to approve or deny the Planning applications. In the event the necessary Planning approvals are not obtained, David Perkins has the ability to terminate the REPC.

David Perkins submitted a bid offering \$1,435,000 for the purchase of the Park Avenue property. The sale is not contingent upon qualifying for a loan. No later than the Settlement Deadline, David Perkins is required to post a Performance Bond or Letter of Credit in favor of the City in an amount not less than Five Hundred Thousand Dollars (\$500,000) guaranteeing performance of the renovations/improvements to the Property. David Perkins also agrees to execute a façade easement on both structures at the time a certificate of occupancy is issued for the improvements to the property.

The bid submitted by Quaking Aspen Distillers (QAD) does not include the purchase of the entire property. Staff confirmed with QAD that their proposal could be accommodated on the lot created through a proposed plat amendment and David Perkins confirmed that it could. Since the entire proposed use of a whiskey distillery could be accommodated on the Park Avenue property there were not implications on the viability of the remaining Woodside structure.

The top offer received for 664 Woodside Avenue was \$575,000 by Pete Silvero. The appraised value is \$485,000. Mr. Silvero submitted a bid offering \$15,000 earnest money and a cash close of \$560,000. Qualifying for a loan is not a condition of sale. The Right to Cancel this transaction is conditioned upon Buyer's acceptance of standard Seller Disclosures: property condition, commitment for title insurance, copy of any existing leases and written notice of conditions known to Seller related to environmental problems and building or zoning code violations. This would become Mr. Silvero's primary residence.

The City is requiring as a condition of the sale that no later than the Settlement Deadline, Pete Silvero post a performance Bond or Letter of Credit in favor of the City in an amount not less than One Hundred Eighty Eight Thousand Dollars (\$188,000) guaranteeing performance of the renovations/improvements to the Property.

Permitting – Further Code Review

Each of the proposals requires review and approval by the Planning Department, Building Department and/or Planning Commission for compliance with applicable development codes. While each of these departments have reviewed the bids, the selection process does not guarantee that the proposal, as submitted will be approved. Both Peter Silvero and David Perkins will be required to submit proper applications and be reviewed for compliance with codes. The City, once Council provides direction, will begin the plat amendment process to resolve any platting issues.

Significant Impacts

The properties were purchased in 1997 using Main Street RDA funds for a total of \$920,000. The total appraised value as of September 2005 is \$1,912,000. The City received two offers at appraised value for the purchase of all properties. The City has a fiduciary responsibility to sell the properties for market value. Sale of the properties at or below market value will be scrutinized by the public and by others who submitted offers. Staff has attached the City's investment policy as Exhibit C.

Funds from the sale of these properties have been allocated for Main Street plaza. Should the sale be deferred beyond the end of this fiscal year, alternative funding sources will need to be identified for this and other projects in the spring of 2006.

Department Review:

The bids have been reviewed by all applicable departments.

ALTERNATIVES

- Direct Staff to enter into a Real Estate Purchase Contract with David Perkins, Quaking Aspen Distillers for the sale of 703 Park Avenue and Pete Silvero for the sale of 664 Woodside Avenue.
- Direct Staff to terminate discussions with David Perkins, Quaking Aspen Distillers for the sale of 703 Park Avenue and/or Pete Silvero for the sale of 664 Woodside Avenue.
- The City Council may continue the action for more information and discussion.

RECOMMENDATION:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract with David Perkins, Quaking Aspen Distillers, for the sale of 703 Park Avenue, in the amount of \$1,435,000, and Peter Silvero for the sale of 664 Woodside Avenue, in the amount of \$575,000, in a form approved by the Legal Department.

**City Council
Staff Report**

Author: Alison Butz and Phyllis Robinson

Subject: 222 Grant Avenue

Date: December 22, 2005

Type of Item: Administrative –

Authorization to enter into Contracts for purchase of significant property



Special Events and Facilities
Department

Summary Recommendations:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract with Kurt Peterson for the sale of 222 Grant Avenue in the amount of \$401,000, in a form to be approved by the Legal Department.

Description:

Topic:

Disposition of Significant City Property.

Background:

In June 2005, Council directed staff to proceed with the sale of 222 Grant Avenue. An updated appraisal for Grant Avenue was completed previously with a value of \$380,000.

The Park Record published a Notice of Intent to Sell on September 14th and 17th with a closing date of September 28th. Staff sent a copy of the legal notice to the Board of Realtors who distributed to its members.

Analysis:

Staff received 32 inquires for additional information. A total of 4 offers were received for 222 Grant Avenue. One offer was submitted as part of a bulk sale to include the Watts property.

The City has a fiduciary responsibility to sell the properties for market value. The top offer received for 222 Grant Avenue was \$401,000 by Kurt Peterson. The appraised value is \$380,000. The Buyer submitted a Real Estate Purchase Contract offering \$10,000 earnest money and a cash close of \$391,000. The REPC has not expired. Qualifying for a loan is not a condition of sale. The Right to Cancel this transaction is conditioned upon Buyer's acceptance of standard Seller Disclosures: property condition, commitment for title insurance, copy of any existing leases and written notice of conditions known to Seller related to environmental problems and building or zoning code violations. Buyer has submitted an "As Is Condition Addendum."

Significant Impacts

The property was purchased with 5 Year CIP Funds. The Grant Avenue property was acquired as part of the Imperial Hotel transaction in 2003 with an estimated value at the time of \$220,000. The current appraised value is \$380,000. The FY2006 budget

includes \$220,000 of the proceeds of the sale of Grant Avenue for the Quinn's Recreation Complex. If the sale is deferred beyond the end of the fiscal year (June 30), alternative funding sources will need to be identified for the Quinn's Recreation Complex. The additional funds from the sale (anything over \$220,000) should be placed back in the 5 Year CIP and prioritized as part of the budget process in Spring 2006.

Department Review:

The bids have been reviewed by all applicable departments.

ALTERNATIVES

- Direct Staff to enter into discussions a Real Estate Purchase Contract with Kurt Petersen for the sale of 222 Grant Avenue.
- Direct Staff to terminate discussions with Kurt Petersen for the purchase of 222 Grant Avenue.
- The City Council may continue the action for more information and discussion.

RECOMMENDATION:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract with Kurt Peterson for the sale of 222 Grant Avenue in the amount of \$401,000, in a form to be approved by the Legal Department.

**City Council
Staff Report**

Author:

Alison Butz and Phyllis Robinson

Subject:

148 Main Street - Tallon Property

Date:

December 22, 2005

Type of Item:

Administrative –

Authorization to enter into Contracts for purchase of significant property

PARK CITY

1881

Special Events and Facilities
Department

Summary Recommendations:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract Trent Handsaker and Ryan McCormick for the sale of 148 Main Street in the amount of \$450,000, in a form to be approved by the Legal Department.

Description:

Topic:

Disposition of Significant City Property.

Background:

In June 2005, Council directed staff to proceed with the sale of 148 Main Street. An updated appraisal for 148 Main Street was ordered for the lots and historic home. The total appraised value as of September 2005 is \$400,000.

City Staff met and discussed which two lots should be sold with the Tallon House at 148 Main Street. Based on input from Planning Director Patrick Putt and Chief Building Official Ron Ivie the two northern lots (Lots 8 and 9) were selected as the lots that should be included within the sale. While all lots have essentially the same grade (slope), Staff looked at which lot configuration would result in the best placement for the Tallon House. Lots 8 and 9 are the largest of the three lots and allow the best placement of the Tallon House. Lot 10 would accommodate access to the park parcel.

The Park Record published a Notice of Intent to Sell on September 14th and 17th with a closing date of September 28th. Staff sent a copy of the legal notice to the Board of Realtors who distributed to its members.

Analysis:

Staff received 32 inquiries for additional information. A total of 3 offers for 148 Main Street were received. One offer was submitted as part of a bulk sale to include the Watts property and 222 Grant Avenue.

The City has a fiduciary responsibility to sell the properties for market value. The top offer received for 148 Main Street was \$450,000 by Trent Handsaker and Ryan McCormick. The appraised value is \$400,000. The Buyers submitted a Real Estate Purchase Contract offering \$5,000 in earnest money and the balance financed through a Conventional Loan. The Buyers submitted pre-approval for a construction loan of

\$750,000. The Right to Cancel is based upon Buyer's Acceptance of standard Seller Disclosures, a physical condition inspection, survey approval, appraisal and financing. A REPC addendum was submitted extending the terms of the sale through June 2006.

As a condition of sale, the house must be rehabilitated and moved forward onto Lots 8 and/or 9. There are no implied or actual approvals included with this sale. The Buyer is required to go through all Planning and Zoning issues as well as Historic District review.

Significant Impacts

The property at 148 Main Street was purchased with 5 Year CIP Funds. Proceeds from the sale of 148 Main Street are not programmed in the current budget. Although members of the Recreation Advisory Board (RAB) have recently suggested that revenue could be used for citywide recreation purposes, RAB members objected to the use of neighborhood park funds to purchase the 148 Main Street property. Staff suggests that proceeds from the 148 Main Street sale be placed back in the 5 Year CIP and prioritized in the Spring 2006 budget process consistent with Council approved budget policies. These funds may be needed for the Old Town Plaza or other projects.

Department Review:

The bids have been reviewed by all applicable departments.

ALTERNATIVES

- Direct Staff to enter into discussions a Real Estate Purchase Contract with Trent Handsaker and Ryan McCormick for the sale of 148 Main Street.
- Direct Staff to terminate discussions with Trent Handsaker and Ryan McCormick for the purchase of 148 Main Street.
- The City Council may continue the action for more information and discussion.

RECOMMENDATION:

Conduct a public hearing and direct Staff to enter into a real estate purchase contract Trent Handsaker and Ryan McCormick for the sale of 148 Main Street in the amount of \$450,000, in a form to be approved by the Legal Department.

